



ATTACHMENT 2
CITY OF MONROE
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Staff Report and Recommendation

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2018-06 (associated with SEPA2019-02)
Project Summary:	The City is in the process of drafting new Unified Development Regulations (UDR) to take the place of the existing development regulations in the Monroe Municipal Code, which are located in Titles 17 through 21. The current development regulations are proposed to be repealed and replaced with one all-inclusive title known as the Unified Development Regulations (UDR). In addition to reflecting the goals and policies adopted in the City's 2015 – 2035 Comprehensive Plan, the proposed unified development code intends to simplify and streamline Monroe's development process.
Applicant:	City of Monroe
Location:	Because this is a non-project action, the code amendments do not apply to a specific property or properties but rather to the entire City of Monroe. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.
Public Hearing Date:	Monday, February 25, 2019 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Ben Swanson, Community Development Director City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4544 bswanson@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Monroe is proposed a new development code. The proposed code replaces the existing development code, which is currently located in Titles 17, 18, 19, 20, and 21 of the Monroe Municipal Code (MMC), with one unified, user-friendly set of rules known as the Unified Development Regulations (UDR). In addition to reflecting the goals and policies adopted in the City's 2015-2035 Comprehensive Plan, the proposed unified development regulations intend to simplify and streamline Monroe's development process.

The Washington State Growth Management Act (GMA) mandates in RCW 36.70A.130(4)(a) that a periodic comprehensive plan review and update be conducted every eight years. The City adopted the 2015 – 2035 City of Monroe Comprehensive Plan on December 8, 2015. Pursuant to RCW 36.70A.040(3), a jurisdiction that is required to plan, “shall adopt...development regulations that are consistent with and implement the comprehensive plan.” The adopted comprehensive plan created new future land use designations (institutional, shoreline industrial, tourist commercial, and transportation), and eliminated previously adopted land use designations (professional office and service commercial). Additionally, policies regarding maximum residential density in the comprehensive plan were revised to generally increase density. Existing development regulations found in Monroe Municipal Code (MMC) Titles 17 – 21 are not presently consistent with and do not currently implement the comprehensive plan. Revisions to the City’s development regulations are necessary to bring the MMC into compliance with the GMA, and the proposed UDR will make the development regulations consistent with the adopted comprehensive plan. As discussed above, the UDR will simplify the regulations and streamline the City’s development process, resulting in a more “user-friendly” code.

The proposed UDR includes an updated zoning map and 39 chapters of development regulations and standards. The chapters can be divided into two main categories: 1) chapters that have been formatted and renumbered, but generally remain unchanged from the existing development regulations; and 2) chapters that are new or substantially new, as they significantly revise the corresponding content of the existing MMC. The content of the proposed chapters along with any anticipated revisions are detailed below:

1. **Chapter 22.10. Administration and Enforcement:** The proposed chapter outlines the roles, responsibilities, and general administration of the UDR.
2. **Chapter 22.12. Definitions:**
This chapter contains the definitions applicable to the UDR. Some existing terms have been updated for consistency with state and/or federal law.
3. **Chapter 22.14. Zoning Districts:**
The chapter outlines the proposed zoning districts established by the UDR, which are depicted on the zoning map.
4. **Chapter 22.16. Single Family Residential (SFR) Zoning Districts (R4, R7, and R15):**
Chapter 22.16 establishes the bulk, dimensional, and land use requirements for the Single Family Residential zoning districts. Three SFR zoning districts are proposed, as follows, to correspond to and be consistent with desired levels of residential density specified in the Comprehensive Plan.
 - a. Single-Family Residential 4 Units per Acre (R4). This the lowest density residential zone proposed in the City. Residential development is generally limited to single-family detached units.
 - b. Single-Family Residential 7 Units per Acre (R7). The R7 zone allows for medium residential density, and like the R4 zone, residential development is generally limited to single-family detached units.
 - c. Single-Family Residential 15 Units per Acre (R15). The R15 zone also allows single-family attached housing, such as townhomes, that share a common wall in addition to single-family detached units.

The residential density allowances identified in this chapter are based on gross lot area, which reduces the complexities associated with using net area. Residential density allowances based on net lot area typically involve excluding portions of a site, such as those covered by infrastructure and critical areas, prior to calculating allowed density.

5. **Chapter 22.18. Multifamily Residential (MFR) Zoning District (R25):**

Chapter 22.18 establishes the bulk, dimensional, and land use requirements for the Multi-Family Residential zoning district. The goal of this zoning district is to maximize the density allowed under the Comprehensive Plan in order to encourage high density development and increase affordable housing within the City. This zone allows a minimum of 12 dwelling units per acre and a maximum of 25 dwelling units per acre. It is envisioned this zone will contain attached dwelling units, including apartment and condominium developments.

6. **Chapter 22.20. Mixed Use Zoning Districts (MG, MN, and MM):**

Chapter 22.20 establishes the bulk, dimensional, and land use requirements for the Mixed Use zoning districts. The portions of this zone along Main Street will largely remain the same as the current code. The proposed Mixed Use - Medical zoning district in the vicinity of the EvergreenHealth Monroe hospital will differ, as it will not allow residential uses, such as market rate multifamily housing. The purpose of this restriction is to encourage medical related uses within close proximity to the hospital.

7. **Chapter 22.22. Downtown Commercial Zoning District (DC):**

The Downtown Commercial chapter of the MMC was updated recently. Therefore, the UDR chapter does not propose many changes. The City's 2015 - 2035 Comprehensive Plan eliminates the area known as the Rails and Roads Neighborhood from the Downtown Commercial zoning district. To ensure consistency with the Comprehensive Plan the new zoning now identifies the zoning of this area north of the railroad as General Commercial. To reflect the future land use map and ensure consistency with the Comprehensive Plan, the area in Rails and Roads neighborhood has been removed from the Downtown Commercial zone and reclassified as General Commercial.

8. **Chapter 22.24. Tourist Commercial Zoning District (TC):**

This is a new zoning district that mirrors the Tourist Commercial designation identified in the Comprehensive Plan. The purpose of the zone is to encourage tourism by encouraging temporary lodging and entertainment uses. Chapter 22.24 also establishes the bulk, dimensional, and land use requirements for the Tourist Commercial zoning district.

9. **Chapter 22.26. General Commercial Zoning Districts (GC, IT, and NK/TP-O):**

Chapter 22.26 establishes the bulk, dimensional, and land use requirements for the General Commercial (GC) and Industrial Transition (IT) zoning districts, as well as the North Kelsey/Tjerne Place overlay district. The allowed uses in the General Commercial zone largely remain the same. The North Kelsey/Tjerne Place overlay district was recently modified to allow for multifamily housing, and the proposed chapter reflects those amendments. The proposed Industrial Transition zoning district is a hybrid zone that allows both commercial and industrial uses. The purpose of this zone is to mitigate the restrictions imposed by the Airport Overlay - specifically density limitations. The geographical area of the proposed Industrial Transition are located in the "crash zones" of the airport. In accordance with Washington State Department of Transportation (WSDOT) guidelines, jurisdictions must restrict the population densities in these "crash zones" to minimize potential loss of life. Under the existing and proposed Airport Overlay, the density limitations and allowed uses would prohibit the majority of commercial uses. To allow for continued and new uses in this area the Planning Commission proposed this hybrid zone to allow for low density industrial uses. The proposed zones are consistent with the City's Comprehensive Plan.

10. Chapter 22.28. Industrial Zoning Districts (GI, LI, SI, and FC-O):

Chapter 22.28 establishes the bulk, dimensional, and land use requirements for the General Industrial (GI), Light Industrial (LI), and Shoreline Industrial (SI) zoning districts, as well as the Fryelands Commercial Overlay (FC-O). The proposed industrial zoning districts and associated overlay are a partial departure from the City's current zoning designations, and are consistent with the adopted Comprehensive Plan.

- a. The area in the Shoreline Industrial zoning district is currently zoned Limited Open Space under the City's existing code. During the 2015 periodic update to the City's Comprehensive Plan, the Shoreline Industrial designation was created to accommodate the ongoing Cadman operations adjacent to the Skykomish River.
- b. During the review of the City's existing and proposed Light Industrial zone, it was determined the City should develop a market analysis to determine its highest and best use. Community Attributes Inc. (CAI) was hired to review the Light Industrial area and provide recommendations on proposed uses. In the July 10, 2018, CAI report, they determined that the City's current zoning regulations allowed too many nonindustrial uses. CAI's recommendation was to limit or outright prohibit nonindustrial uses in the Light Industrial zoning district. Based on this analysis, the proposed zoning emphasizes industrial/manufacturing uses in this zone.
- c. To accommodate the needs of existing retail and service establishments in the Light Industrial zone abutting Fryelands Boulevard, the Planning Commission is proposing the Fryelands Commercial Overlay district. The purpose of the overlay is to provide goods and services to the workers in the Light Industrial zoning district and visitors to Lake Tye.
- d. The proposed General Industrial zone will remain unchanged from the existing zoning and encompasses the Lakeside Industries operations.

11. Chapter 22.30. Transportation Zoning District (TR):

The vast majority of the Transportation zoning district consists of WSDOT owned land that is intended to accommodate a proposed State Route 2 bypass. This zone also includes the US 2, SR 522, SR 203 rights-of-way in addition to the aforementioned proposed bypass. The proposed uses in this zone are largely transportation and government related. However, several parcels situated in the Transportation zoning district, including land set aside for the proposed bypass, remain privately owned. To accommodate the privately owned properties, provisions were made for single-family residential and parks land uses.

12. Chapter 22.32. Institutional Zoning District (IN):

The Institutional designation was developed under the 2015 Comprehensive Plan, and is new to the City of Monroe. The purpose of this zoning district is to accommodate government facilities and to provide for their unique needs. The zoning district generally includes properties owned by the State (penitentiary), City, or School District.

13. Chapter 22.34. Limited Open Space Zoning District (LS):

The Limited Open Space zoning district is the continuation of an existing zoning district within the City. This zoning district includes the area traditionally known as East Monroe along with the properties to the east of this site. Chapter 22.34 establishes the bulk, dimensional, and land use requirements for the Limited Open Space zoning district.

14. Chapter 22.36. Parks Zoning District (P):

The proposed Parks zone generally includes the land currently zoned Public Open Space. These areas contain the City's parks and open space. Chapter 22.36 establishes the bulk, dimensional, and land use requirements for the Parks zone.

15. Chapter 22.38. Essential Public Facilities (EPFs):

The Essential Public Facilities chapter is rooted in RCW 36.70A.200, which requires special consideration for those public facilities (e.g. state education facilities and state or regional transportation facilities) that are difficult to site. In addition, the proposed chapter includes new regulations governing local essential public facilities. These are facilities owned, operated, or sponsored by the city of Monroe, a special purpose district, or another unit of local government, which is intended to serve the city-wide population.

16. Chapter 22.40. Nonconformance and Reuse Standards:

The Nonconformance and Reuse Standards are a continuation of the existing municipal code provisions. Revisions for clarity and consistency with surrounding jurisdictions are proposed.

17. Chapter 22.42. Design Standards:

The purpose of the design standards provided in this chapter is to implement the City of Monroe Comprehensive Plan and to provide an overall framework for the design of new and existing development with the City. The design standards included herein are intended to accomplish the following:

- a. Provide clear objectives for those embarking on the planning and design of development projects in Monroe;
- b. To provide a unique visual identity for the city and its neighborhoods;
- c. Protect and enhance the city's environments for living, working, and shopping activities;
- d. Encourage flexibility and innovation in site design and development that promotes a neighborhood context in keeping with and enhancing Monroe's character;
- e. Ensure that site layout and building design is properly related to their sites and surrounding sites and structures, taking into consideration the natural terrain; and
- f. Ensure that streetscapes are adequately and attractively designed and landscaped.

18. Chapter 22.44. Parking Standards and Design:

The purposes of this chapter are to implement the policy provisions of the City of Monroe comprehensive plan by requiring the provision of adequate off-street parking for all uses allowed in this code; to reduce demand for parking by encouraging alternative means of transportation, including public transit, rideshare, and bicycles; and to increase pedestrian mobility and safety in urban areas by: setting minimum off-street parking standards for different land uses that assure safe, convenient, and adequately sized parking facilities; providing for parking and storage of bicycles; providing safe and direct pedestrian access from public rights-of-way to structures and between developments; and to minimize the visual impact of parking areas on the streetscape and pedestrian environment.

19. Chapter 22.46. Landscaping Standards:

The proposed Landscaping Standards constitute a complete overhaul of the existing landscape code. The existing code is disjointed, vague, and difficult to apply. City staff reviewed several landscaping codes from surrounding jurisdictions before developing

the proposed chapter. In addition, staff had two landscape architects review the code and provide comments prior to developing the final draft.

20. Chapter 22.50. Signs:

In order to comply with the US Supreme Court ruling issued in the case of Reed v. Town of Gilbert, City staff made several changes to the existing sign code, including removing all content-based restrictions on speech and prohibiting the use of cabinet signs in the Downtown Promenade. The existing code established a sunset date for all nonconforming signs. This deadline is extended by one year in the UDR to account for the proposed code changes.

21. Chapter 22.52. Affordable Housing:

Proposed edits to this chapter are predominantly format changes. Additionally, the “Affordable Housing Lot Size Matrix” was adjusted to reflect the code’s recent shift from regulating residential density with minimum lot sizes to a maximum allowed residential density.

22. Chapter 22.54. Airport Compatibility:

City staff revised the Airport Compatibility Chapter for consistency with current WSDOT standards. This included updating the use matrix, density allowances, and overlay zones. The goal of the update was to allow a greater chance of redevelopment for those properties impacted by the airport overlay.

23. Chapter 22.56. Marijuana Related Uses:

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

24. Chapter 22.58. Site Plan Review:

In 2017, the City repealed the Site Plan Review chapter due to administrative and regulatory complexities associated with the code. The proposed chapter simplifies the site plan review process and clarifies the criteria for approval. The chapter is intended to facilitate a comprehensive review of an applicant’s proposal and identify any problematic areas early in the process. In the case of multifamily or commercial development, the applicant would submit a site plan to the City to ensure compliance with bulk requirements, critical areas, and other applicable regulations and standards. If approved, the site plan provides specific assurances to the developer prior to submitting for building permit review. Currently, the site plan review is conducted at time of building permit review, which can lead to costly architectural revisions.

25. Chapter 22.60. Temporary Uses:

This is a new code chapter intended to provide provisions for regulating certain temporary uses such as mobile vendors, seasonal sales (e.g. Christmas tree lots), and farmers markets. The chapter also consolidates existing code related to temporary uses such as security guard dwelling units and tent encampments.

26. Chapter 22.62. Wireless Communication Facilities:

The proposed Wireless Communications Facilities (WCFs) chapter is the City’s first step in complying with federal law associated with siting and modifying wireless communications facilities. The proposed chapter is based on existing code developed by a consortium of Washington cities and this chapter specifically addresses macro facilities. The City is presently drafting a chapter to address small wireless facilities (small cell sites), which will be processed after completion of the UDR.

- 27. Chapter 22.64. Conditional Use Permits:**
Minimal modifications are proposed to this chapter. The review and approval criteria are generally unchanged from the existing code.
- 28. Chapter 22.66. Variances:**
Minimal modifications are proposed to this chapter. The review and approval criteria are generally unchanged from the existing code.
- 29. Chapter 22.68. Subdivisions:**
Substantial changes are proposed to the subdivision regulations. The UDR chapter removes the provisions associated with Planned Residential Developments. Criteria to require additional parking in subdivisions was added. The chapter also includes more detail regarding the review process in order to minimize confusion from applicants and staff. The proposed chapter also provides allowances for minor modifications to simplify and streamline the procedural requirements. Finally, the proposed code uses RCW 58.17.100 to allow for the administrative approval of final plats.
- 30. Chapter 22.70. Development Agreements:**
Currently, the City of Monroe uses the regulatory provisions in RCW 36.70B.170 to process Development Agreements. Nonetheless, RCW 36.70B.170 is generalized in its construction and does not account for jurisdiction-specific considerations, such as application, review, and processing requirements. The proposed chapter is intended to clarify the review and approval process and decision criteria applicable to development agreements while maintaining consistency with state law.
- 31. Chapter 22.72. Amendments to the Unified Development Regulations:**
As with the existing code, the purpose of this chapter is to establish procedures and requirements for amending Title 22, Unified Development Regulations. Applications to amend the Unified Development Regulations may include revisions to text, charts, and figures in the code, as well as amendments to the City's official zoning map, also known as rezones.
- 32. Chapter 22.74. Comprehensive Plan Amendments:**
The purpose of this chapter is to establish procedures and requirements for amending the City's Comprehensive Plan and associated Future Land Use Map.
- 33. Chapter 22.76. Annexations:**
The purpose of this chapter is to provide procedures and requirements for the annexing of territory into the City of Monroe. The annexation process is governed by Chapter 35A.14 RCW.
- 34. Chapter 22.78. State Environmental Policy Act (SEPA):**
The proposed Chapter was reformatted and updated for consistency with State law.
- 35. Chapter 22.80. Critical Areas:**
Revisions to this chapter were limited to formatting. No changes are proposed to the content.
- 36. Chapter 22.82. Shoreline Management:**
Revisions to this chapter were limited to formatting. No changes are proposed to the content.

37. Chapter 22.84. Permit Processing:

This chapter was significantly revised to establish a new permit review process for the City. The proposed process is similar to those used in surrounding jurisdictions and is proven to be easier to understand and use than the current process. The chapter simplifies the process by categorizing project permits into Types I – IV. Corresponding tables carry the applicant through the application procedure and review and decision process.

38. Chapter 22.86. Land Clearing and Forest Practices:

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

39. Chapter 22.88. Commute Trip Reduction:

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

40. Draft Zoning Map:

The proposed zoning map establishes the above-described zoning districts. The zoning districts are based on the designations identified by the Future Land Use Map (FLUM) adopted as part of the Comprehensive Plan.

C. REVIEW PROCESS

1. Overview

MMC section 21.20.040(B) requires that the Planning Commission review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).

The code update proposes new development regulations to take the place of the existing development code in Monroe Municipal Code (MMC) Titles 17, 18, 19, 20 and 21. Therefore, a Planning Commission public hearing and recommendation to the City Council is required. Forty-five (45) briefings on the proposed code amendments were held in front of the Planning Commission during regular and/or special meetings on the dates listed below:

October 9, 2017	March 19, 2018	September 17, 2018
October 23, 2017	April 9, 2018	October 8, 2018
November 13, 2017	April 16, 2018	October 15, 2018
November 20, 2017	April 23, 2018	October 22, 2018
November 27, 2017	April 30, 2018	October 29, 2018
December 11, 2017	May 14, 2018	November 5, 2018
December 18, 2017	May 21, 2018	November 19, 2018
January 8, 2018	June 4, 2018	November 26, 2018
January 13, 2018	June 11, 2018	December 3, 2018
January 29, 2018	June 18, 2018	December 10, 2018
February 5, 2018	July 9, 2018	December 17, 2018
February 12, 2018	July 23, 2018	January 7, 2019
February 26, 2018	August 6, 2018	January 10, 2019
March 5, 2018	August 13, 2018	January 14, 2019
March 12, 2018	September 10, 2018	January 28, 2019

The required public hearing in front of the Planning Commission was initially held on February 25, 2019 and continued to March 11, 2019 and March 25, 2019. Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. No earlier than March 12, 2019, the City Council will hold a first reading to consider the Commission's recommendation. In accordance with MMC 21.50.050(B)(1), the Council shall take one of the following actions on the Planning Commission's recommendation:

- a. Approve as recommended;
- b. Approve with conditions;
- c. Modify, with or without the applicant concurrence;
- d. Deny (reapplication or resubmittal is permitted);
- e. Deny with prejudice (reapplication or resubmittal not allowed for one year); or
- f. Remand back to the Planning Commission for clarification.

Per MMC 21.50.090(H), the Council's decision is the City's final action on the proposed code amendments. The decision may be appealed to the Growth Management Hearings Board.

2. Public Notification and Comments

- a. **Department of Commerce:** The proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on January 31, 2019. Expedited review, which reduces the length of the review period from 60 days to 14 days, was requested. The City received an letter from the Department of Commerce on February 6, 2019 that acknowledged receipt of the request. The Department of Commerce sent notice approving the request for expedited review on March 19, 2019.
- b. **Notice of Application:** Prior to commencing the UDR process, the City provided notice of the proposed code amendments to all property owners on file with the Snohomish County Assessor's Office. Additionally, to introduce the project and promote public participation, the City held an open house on October 23, 2017. Furthermore, interested parties were added to an email list and notified throughout the code development process of all Planning Commission meetings involving the development of the UDR.
- c. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 21.40.020 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Daily Herald on February 15, 2019.
- d. **Public Comments:** The City received public comments throughout the UDR process. Each public comment was submitted to the Planning Commission for review at the next available meeting date following its receipt. These comments are identified in the exhibit list contained herein.

3. State Environmental Policy Act (SEPA) Review

Pursuant to WAC 197-11-704, the proposal is classified as a nonproject action under the State Environmental Policy Act. Nonproject actions involve "decisions on policies, plans, or programs," which includes the adoption of zoning ordinances [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the proposed code amendments on January 26, 2019. The public comment period for the DNS ended at 5:00 PM on February 8, 2019, with a subsequent appeal deadline of 5:00 PM on February 8, 2019. No comments or appeals were received on the SEPA Threshold Determination.

4. Public Hearing

The public hearing on this matter was initially held in front of the Planning Commission on February 25, 2019 at 7:00 PM in the City of Monroe Council Chambers, and was continued to March 11, 2019 and March 25, 2019. The public hearing shall be conducted according to MMC 21.50.060 and shall generally observe the following sequence of events:

- a. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- b. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- c. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. The chair/hearing examiner shall have discretion as to what constitutes germane testimony.
- d. Rebuttal, response, or clarifying statements by the staff and the applicant.
- e. The evidentiary portion of the public hearing shall be closed thereafter and the hearing body shall deliberate on the matter before it.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a zoning code amendment. However, MMC 21.50.040 stipulates:

...the Planning Commission shall not recommend approval of a proposed comprehensive plan or development regulation amendment unless the following findings and conclusions are made:

1. *The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.*
2. *The proposal is beneficial to the public health, safety and welfare and is in the public interest.*

The following **Findings of Fact** have been made about the proposed code amendments, and the resultant **Conclusions of Law** were established from the Findings of Fact:

1. Findings of Fact regarding consistency with the City of Monroe 2015-2035 Comprehensive Plan:

- a. Staff has identified several applicable policies from the current Monroe Comprehensive Plan, as shown below.

Policy Number(s)	Policy Text
P.028:	Promote new commercial landscaping consisting of native, evergreen species requiring minimal water and maintenance.
P.034:	Stimulate economic development and tourism through natural resource preservation and enhancement.
P.063:	Identify and promote the development of neighborhood commercial centers which serve and are compatible with surrounding residential areas, using location criteria and regulations.
P.076, P.099, and P.115:	Promote redevelopment and infill along the west Main Street corridor, including higher-density residential and mixed-use development.

P.077, P.100:	Stimulate continued development of a health services district and commercial node along 179 th Avenue, supporting health-related uses and serving nearby neighborhoods and industrial areas.
P.090:	Consider alternative approaches to development, such as clustering or lot size policies that support overall density targets without undermining desired land uses.
P.096 and P.111:	Encourage the provision of higher density housing in close proximity to retail, health-care services, parks, and transportation routes.
P.114:	Promote housing design and construction that enhances community image and fosters compatibility with surrounding development.

Conclusions of Law:

The proposed code amendment is consistent with applicable elements, policies, and goals of the Comprehensive Plan. The proposed densities are consistent with Snohomish County population allocation. The proposed zones and allowed density per zone are consistent with the designations described in the Comprehensive plan. Densities per zone were calculated under a buildable lands analysis conducted by the City of Monroe using the Snohomish County methodology.

2. Findings of Fact regarding consistency with the requirements and intent of the Monroe Municipal Code:

- a. Titles 17 through 21 of the Monroe Municipal Code (MMC) contain the City's zoning and development regulations. The proposed code replaces the existing text of Titles 17 through 21 with Title 22, Unified Development Regulations (UDR). The proposal does not include changes to the existing critical areas chapter or to the Shoreline Master Program.
- b. The primary purposes of the Monroe Unified Development Regulations are to:
 - i. Encourage land use decision making in accordance with the public interest and applicable laws of Washington State;
 - ii. Protect the general health, safety, and welfare;
 - iii. Implement the Monroe comprehensive plan goals and policies through land use regulations;
 - iv. Provide for the economic, social, and aesthetic advantages of orderly development through harmonious groups of compatible and complementary land uses and the application of appropriate development standards; and
 - v. Mitigate or eliminate physical hazards and adverse environmental impacts caused by development.

Conclusions of Law:

The proposed code amendments do not modify the intent of the existing development regulations; are consistent with the purpose of the UDR; and therefore, meet the requirements and intent of the MMC.

3. Findings of Fact regarding consistency with the State Environmental Policy Act [MMC Chapter 20.04, Washington Administrative Code (WAC) Chapter 197-11, and Revised Code of Washington (RCW) Chapter 43.21C]:

- a. An environmental checklist and supplemental non-project review sheet were submitted for environmental review on January 15, 2019.
- b. The SEPA Responsible Official issued a Determination of Non-significance on January 26, 2019.
- c. The Determination of Non-significance and SEPA checklist were placed on the

City's website and emailed to the City's SEPA distribution list on January 26, 2019. The SEPA distribution list is comprised of interested parties and tribes, including the Department of Ecology.

- d. Notice of the SEPA Threshold Determination was published in the Daily Herald and posted at City Hall and the Monroe Library on January 26, 2019.
- e. The SEPA comment period expired at 5:00 PM on February 8, 2019. No comments were received.
- f. The SEPA appeal period ended at 5:00 PM on February 8, 2019. No appeals were received.

Conclusions of Law:

The proposal is consistent with the requirements of the State Environmental Policy Act, pursuant to Chapter 20.04 MMC, Chapter 197-11 WAC, and Chapter 43.21C RCW.

4. Findings of Fact regarding consistency with the Washington State Growth Management Act (RCW Chapter 36.70A):

- a. The proposal addresses the following Planning Goals listed in RCW 36.70A.020: Urban Growth, Reduce Sprawl, Housing, Economic Development, and Public Facilities and Services.
- b. On January 31, 2019, the proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review, in accordance with RCW 36.70A.106. Expedited review was requested. The Department of Commerce sent a letter acknowledging receipt of the request on February 6, 2019. Expedited review was granted by the Department of Commerce on March 19, 2019.

Conclusions of Law:

The proposal is consistent with the requirements of the Growth Management Act in accordance with RCW 36.70A.

5. Findings of Fact regarding consistency with Public Notice Requirements (Chapter 21.40 MMC):

- a. Notice of the initial February 25, 2019 public hearing date was provided in accordance with MMC 21.40.020. On February 15, 2019, the Notice of Public Hearing was: 1) published in the Daily Herald; 2) emailed to parties of record and required agencies; and 3) posted at City Hall and the Monroe Library.
- b. The public hearing was continued to March 11, 2019 and March 25, 2019, but additional notice was not required under MMC 21.40.020(C). Pursuant to MMC 21.40.020(C), "If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required."

Conclusions of Law:

The proposal has met noticing requirements detailed within MMC 21.40.

6. Findings of Fact regarding consistency with the Review and Approval Process (Chapter 21.50 MMC):

- a. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and

environmental code (MMC Titles 17 through 21).

As Monroe Municipal Code (MMC) Titles 17, 18, 19, 20 and 21 include the subdivision code, zoning code, and environmental code, a Planning Commission public hearing and recommendation to the City Council is required.

- b. Planning Commission briefings to discuss the proposed code amendments were held at forty-five (45) Planning Commission Meetings from 2017-2019.
- c. A public hearing in front of the Planning Commission to consider the amendments and draft a recommendation to the City Council was held on February 25, 2019 and continued to March 11, 2019 and March 25, 2019.
- d. In accordance with MMC 21.50.040(C)(1), a finding is made that the proposal is consistent with the City of Monroe Comprehensive Plan and meets the intent of this code.
- e. Pursuant to MMC 21.50.040(C)(2), a finding is made that the proposal is beneficial to the public health, safety and welfare and is in the public interest.

Conclusions of Law:

The proposal complies with the Review and Approval Process requirements in Chapter 21.40 MMC.

E. STAFF RECOMMENDATION

Based on the analysis and findings included herein, staff recommends to the Planning Commission the following:

1. **Recommended Motion:** Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 2 to the Planning Commission agenda bill, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Titles 17 through 21.
2. **First Alternative Motion:** Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 2 to the Planning Commission agenda bill, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Titles 17 through 21, provided that the proposal shall be modified as follows: *[describe modifications]*.
3. **Second Alternative Motion:** Move that the Planning Commission **TAKE NO ACTION** on the Findings of Fact and Conclusions of Law contained in Attachment 2 to the Planning Commission agenda bill and **CONTINUE** the public hearing to the March 25, 2019 regular meeting.
4. **Third Alternative Motion:** Move that the Planning Commission **REJECT** the Findings of Fact and Conclusions of Law contained in Attachment 2 to the Planning Commission agenda bill and recommend that the Monroe City Council **DENY** the proposed amendments to Monroe Municipal Code Titles 17 through 21.