



City of Monroe Planning Commission Findings of Fact and Conclusions of Law

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2019-01
Proposal Description:	The City of Monroe is updating its Shoreline Master Program (SMP), in accordance with the State of Washington Shoreline Act, and amending Title 19 Shoreline Management Regulations and Chapter 20.05 Critical Areas of the Monroe Municipal Code.
Applicant:	City of Monroe
Location:	City-wide properties located in the Shoreline Jurisdiction
Public Hearing Date:	Monday, April 22, 2019 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Anita Marrero, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4513 amarrero@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Monroe is mandated to conduct a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires all SMP's to be reviewed and revised, if needed, on an eight (8) year schedule established by the Legislature. This review ensures that local SMP's stay current with changes in state laws and rules, remains consistent with other Monroe plans and regulations, and is responsive to changing circumstances, new information and improved data. Monroe is required to update its SMP on or before June 30, 2019. The State is not requiring any major updates to the city's inventory, restoration efforts, or cumulative impacts analysis; however the update must include all state mandated updates between 2007 and 2017 as well as local changes in circumstances which for Monroe includes updating maps, updating Comprehensive Plan references to the current Comprehensive Plan, zoning changes, and incorporating the critical areas ordinance update.

The City is also amending Title 19 Shoreline Management Regulations and Chapter 20.05 Critical Areas of the Monroe Municipal Code.

C. REVIEW PROCESS

1. Overview

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 20).

The City of Monroe's provisions regarding shoreline management regulations and critical areas are included in MMC Title 19 and 20.

A Planning Commission public hearing and recommendation to the City Council is required.

The required public hearing in front of the Planning Commission was held on April 22, 2019. Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. No earlier than May 13, 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 draft SMP and amendments were transmitted to the Washington State Department of Commerce for state agency review in accordance with RCW 36.70A.106 on February 28, 2019 and April 1, 2019 respectively.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided pursuant to MMC 21.40.020 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Daily Herald on April 8, 2019.

3. State Environmental Policy Act (SEPA) Review

A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed zoning code amendment on April 4, 2019. The public comment and appeal deadline was on April 18, 2019. No appeals were received.

4. Public Hearing

A public hearing on this matter was held in front of the Planning Commission on April 22, 2019.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a development 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. The current Monroe Comprehensive Plan contains applicable policies, as shown below.

Policy Number	Policy Text
P.035:	Recognize, plan for and actively promote the Skykomish River and Woods Creek and associated shorelines as an important part Monroe's economic development strategy.
P.037:	Protect the functions and values of all critical areas using best available science.
P.054 P.211:	Maintain and enhance access to shorelines, particularly the Skykomish River, Woods Creek, and Lake Tye.
P.055 P.212:	Improve physical access to the Skykomish River and Woods Creek from the downtown area.
P.056:	Maintain natural hydrological functions within ecosystems and watersheds and seek restoration opportunities identified in the Shoreline Master Program.

Conclusions of Law:

The proposed code amendments are consistent with applicable elements, policies, and goals of the Comprehensive Plan.

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

- a. Monroe Municipal Code (MMC) Title 19 contains the City's provisions for Shoreline Management Regulations and Chapter 20.05 contains the City's provisions for critical areas.

Conclusions of Law:

The proposed code amendments do not modify the intent of the existing regulations; are consistent with the purpose of the City's development review process; 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. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on the proposed code amendment on April 4, 2019. One (1) public comment was received. There were no appeals were filed.

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 the consistency with the Shoreline Management Act of 1971 (SMA), codified at Revised Code of Washington (RCW) Chapter 90.58, requires all cities and counties with “shorelines of the state” to prepare and adopt a Shoreline Master Program (SMP) that is based on state laws and rules, but tailored to the specific jurisdiction:**
- In 2008, the City’s current Shoreline Master Program was adopted by the City Council and the Department of Ecology.
 - The City of Monroe is in the process of updating the current Shoreline Master Program to include all state mandated updates between 2007 and 2017.

Conclusions of Law:

The 2019 SMP and proposed code amendments are consistent with the requirements of the Shoreline Management Act (SMA) in accordance with RCW 90.58.

5. **Findings of Fact regarding consistency with the Washington State Growth Management Act (RCW Chapter 36.70A):**
- The proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review in accordance with RCW 36.70A.106.

Conclusions of Law:

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

6. **Findings of Fact regarding consistency with Public Notice Requirements (Chapter 21.40 MMC):**
- Notice of the April 22, 2019 public hearing was provided in accordance with MMC 21.40.020. On April 8, 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.

Conclusions of Law:

The proposal has met noticing requirements detailed within MMC 21.40.

7. **Findings of Fact regarding consistency with the Review and Approval Process (Chapter 21.50 MMC):**
- 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 20).

- As the proposed amendments are contained in MMC Chapter 18, a Planning Commission public hearing and recommendation to the City Council is required.
- A public hearing in front of the Planning Commission to consider the amendments and draft a recommendation to the City Council was held on May 22, 2017.
 - 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.
 - 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. RECOMMENDATION OF THE PLANNING COMMISSION

The Planning Commission **RECOMMENDS** that the City Council **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 4 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 City of Monroe Shoreline Master Program and proposed amendments to Monroe Municipal Code Title 19 and Chapter 20.05.

Bridgette Tuttle, Planning Commission Chair

Date