CITY OF MONROE
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MAR 29 2012
ENGINEERING DEPARTMENT

March 29, 2012

Joan Cook
806 W Main St,
Monroe, WA 98272

RE: East Monroe Comprehensive Plan Amendment and Concomitant Rezone and Draft Phase Environmental Impact Statement (DPEIS).

Thank you for the opportunity to comment on the proposed East Monroe Comprehensive Plan Amendment and Concomitant Rezone and associated SEPA Determination. As concerned citizens and neighboring property owners we appreciate the ability to have an active and participatory role in this process. This rezone could effectively eliminate the need for any discretionary land use decisions, thereby removing any additional public process from future development of these parcels. As this may be our only opportunity to comment, we would hope that these comments are given considerable consideration. Furthermore, we would expect that any formal appealable decisions associated with this action shall include a response which comprehensively addresses each one of the following substantial issues:

- The DPEIS states in multiple locations that the action of rezoning *in and of itself does not have any environmental impacts*. If this was in fact true rezones would not require a non-action SEPA determination, but they do because simply changing the intensity, density and type of land use can adversely affect the environment and have unintended impacts on the existing infrastructure and traffic. The 67+ acres are currently in a mix of pasture, crop production and minimum 5-acre lot Single Family Dwelling uses. This use is generally considered low intensity, so the act of changing that use to General Commercial allows/requires high intensity uses of these properties. Agricultural uses are prohibited in General Commercial Districts according to the *Monroe Municipal Code (MMC)*.
- The DPEIS is not the appropriate way to process this SEPA, City of Monroe staff should refer to the Washington State Department of Ecology SEPA Handbook for proper procedures and processes for SEPA Determinations. For example, SEPA Addendums are to incorporate minor new information and/or minor proposal modifications that have no significant adverse impacts. Please also note that distribution is required for an addendum to a draft EIS, but they do not require a comment period. It is not designed to allow a SEPA to be completed prior to site design, with subsequent phases added as addendums or modifications as the proposal develops. The intent of SEPA is to address potential environmental issues at the early point of project development as possible. In this case, that should be now before the site is rezoned. The current information cannot produce a full analysis of the potential adverse impacts of this project. SEPA's substantive authority allows a decision-maker to deny a proposal when "significant" environmental impacts cannot be mitigated. This is an important role of SEPA to address any adverse impacts that the jurisdictions own codes do not address.
- Based on the likelihood of this project resulting in adverse impacts, we believe a full EIS is needed to adequately address the impacts to the wetlands, streams, priority species/

habitats, steep slopes and traffic.

- The site rezone would by nature increase the intensity of the use thereby increasing the traffic that is required to access the site off of a 55 mile per hour (MPH) State Route (SR) highway. This section of SR2 is already prone to accidents; therefore this action could result in adverse impacts to public health, safety and welfare by increasing traffic and congestion on an already dangerous stretch of highway. This needs to be further addressed via a formal EIS including input from the Washington State Department of Transportation (WSDOT) and potentially affected citizens who utilize SR2.
- According to RCW 47.50.010 (3), *It is the policy of the legislature that: The access rights of an owner of property abutting the state highway system are subordinate to the public's right and interest in a safe and efficient highway system.* The public interest to be safe and efficiently moved through this area needs to be addressed at this stage of the process. Once it has been rezoned it will be too late to look at alternative land use zones as possibly more appropriate than jumping from the lowest intensity to the highest intensity.
- This proposal is in conflict with the Growth Management Act (GMA), which requires that all cities and counties in the state to designate and protect wetlands, frequently flooded areas, farm lands, forest lands and other critical areas. Furthermore, development must have appropriate provisions for public services and facilities. The subject parcels are nearly 50% covered with wetlands, streams, frequently flooded areas or steep slopes. In addition much of this property is currently used as agricultural crop and grazing land. These lands are among very few within the city limits that are designated for limited open space and utilized as farm land. Also this area is outside the designated urban growth area of Monroe. GMA goals include the desire to reduce urban sprawl, provide efficient transportation, retain open space and habitat areas, protect the environment and wisely manage shorelines. If this rezone from limited open space to general commercial use is approved it will be in contradiction to all the above listed GMA goals.
- The subject sites do not have adequate infrastructure to facilitate commercial development. No sanitary or storm sewer assets are available in the area, there are no possible alternate routes for ingress or egress aside from a 55 MPH section of SR2. It also appears that WSDOT already owns the access rights to these properties and additional lights, lower speed limits, multiple accesses points are not in their plans for this stretch of the highway.
- Without adequate City Services to the site, storm water and sanitary sewer will need to be contained and treated on-site and will likely eventually be discharged to the surrounding critical areas via groundwater or direct piping. A commercial scale development will create a large amount of impervious surface, pollution generating surface and waste water. This will result in changes to the existing hydrology to the wetlands and streams on-site and eventually the water quality and quantity entering the Skykomish River.
- If this rezone is completed, but commercial development is not viable on these sites due to the existing critical areas, traffic, and lack of public services issues we will have simply lost productive agricultural lands and gained nothing. Once the rezone is complete agricultural and residential uses will be prohibited on these parcels. Agricultural Uses are only allowed in Limited Open Space and SR 15,000 Zoning Districts (very limited in number and total area with city limits), while Commercial/Retail uses are allowed in over 11 zoning districts. –See *MMC* 18.10.50
- This 20 year comprehensive plan was just adopted in 2005 and it strategically included

these East Monroe parcels as limited open space and excluded these parcels from the urban growth area. What has changed since 2005?

- There are no adjacent commercial properties. This will essentially be spot zoning of a high intensity use amidst a low intensity open space and single family residential area.
- Monroe has an abundance of underutilized and/or vacant land already zoned commercial. Where is the demand?
- Based on the site plans provided by the applicant, building out this site with at least two commercial/retail (a church and a large scale retail facility as currently proposed) structures and associated infrastructure (parking, ingress/egress, stormwater, wells, septic) will necessitate impacts to the on-site wetlands, streams and frequently flooded areas.
- Portions of these parcels contain shorelines of the state and are regulated under the City of Monroe Shoreline Master Program (SMP) August 2008. According to the SMP the Skykomish River and Woods Creek are both identified as fish bearing streams meeting the criteria for shorelines of the state. The Shoreline jurisdiction extends 200 feet from the ordinary high water mark (OHWM). It appears that the maps associated with the SMP may need to be updated to include certain portions of these parcels which are now within the city limits and obviously within 200 ft of the OHWM of the on-site stream. The SMP clearly states that ***ALL*** *new development and uses must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program*. Based on this information and the fact that adverse environmental impacts are likely from the rezone action alone we would hope that the Washington State Department of Ecology will step in to halt this project under the authority of the Shoreline Management Act or SEPA.
- It appears that an amendment to the SMP is also needed to accommodate this rezone request. This area is currently designated as "Urban Conservancy" Environment and this rezone would require a "High Intensity" Environment, but both cases require that the proposed development be at least water related in order to take place within the Shoreline District. This rezone cannot be properly reviewed until all portions of the site are reviewed and identified as being within the Shoreline District or not based on the SMP requirements and the biologically identified OHWM.
- According to *MMC* 20.05.050, the provisions of the critical areas ordinance are applicable to all lands; all land uses and development activity, whether or not a permit of authorization is required.
- The reports submitted for this proposal are too out of date to utilize. They are not utilizing the best available science or the required manuals for ratings, determinations and delineations. Without an updated report determining the OHWM of the streams the actual location of the edge of the Shoreline District cannot be determined for this rezone application. In order to fully review the potential adverse impacts of this rezone proposal and the subsequent commercial development the applicant needs to submit updated information addressing the following:
- Stream typing and OHWM determination provided by a qualified biologist to be confirmed by other local, state and federal regulators or experts.
- Wetland delineation and report including category, rating and size of all wetlands on-site and within 300 feet.
- A biological report identifying the Endangered Species Act (ESA) and Washington State Department of Fish and Wildlife (WDFW) listed species and habitats on-site or within the general vicinity and any applicable WDFW habitat management recommendations.

- An analysis of the potential project impacts on the identified critical areas. This should include an analysis of just the change of use associated with the rezone, but could include a more extensive review of the further development if that is included in the SEPA.

If it is the intent of the City of Monroe to process this as a non-project SEPA determination, it would require that additional SEPA determinations (not addendums) be processed for each development project as it is proposed. Site and project specific components need to be reviewed for potential adverse environmental and traffic impacts.

Additionally, we have attached relevant City of Monroe Municipal Code, Washington Administrative Code (WAC), and Revised Code of Washington (RCW) references for your convenience and to ensure that this information becomes part of the official record for further use in appeals. We would like to be included in the mailing list for future correspondence associated with this project and on any future mailing lists for projects associated with these parcels.

Thank you for your time and consideration of our comments.

Sincerely,

Concerned citizens and property owners residing at 15403 Calhoun Rd, Monroe WA 98272

Brandi Blair 3/29/2012
3/29/2012

Matthew Blair 3/29/2012

James Blair

Brett Blair 3/29/2012

Chapter 47.50 RCW Highway access management

Chapter Listing **RCW Sections**

47.50.010 Findings -- Access.
47.50.020 Definitions -- Access.
47.50.030 Regulating connections.
47.50.040 Access permits.
47.50.050 Permit fee.
47.50.060 Permit review process.
47.50.070 Permit conditions.
47.50.080 Permit removal.
47.50.090 Access management standards.

47.50.010 Findings — Access.

(1) The legislature finds that:

(a) Regulation of access to the state highway system is necessary in order to protect the public health, safety, and welfare, to preserve the functional integrity of the state highway system, and to promote the safe and efficient movement of people and goods within the state;

(b) The development of an access management program, in accordance with this chapter, which coordinates land use planning decisions by local governments and investments in the state highway system, will serve to control the proliferation of connections and other access approaches to and from the state highway system. Without such a program, the health, safety, and welfare of the residents of this state are at risk, due to the fact that uncontrolled access to the state highway system is a significant contributing factor to the congestion and functional deterioration of the system; and

(c) The development of an access management program in accordance with this chapter will enhance the development of an effective transportation system and increase the traffic-carrying capacity of the state highway system and thereby reduce the incidences of traffic accidents, personal injury, and property damage or loss; mitigate environmental degradation; promote sound economic growth and the growth management goals of the state; reduce highway maintenance costs and the necessity for costly traffic operations measures; lengthen the effective life of transportation facilities in the state, thus preserving the public investment in such facilities; and shorten response time for emergency vehicles.

(2) In furtherance of these findings, all state highways are hereby declared to be controlled access facilities as defined in RCW 47.50.020, except those highways that are defined as limited access facilities in chapter 47.52 RCW.

(3) It is the policy of the legislature that:

(a) The access rights of an owner of property abutting the state highway system are subordinate to the public's right and interest in a safe and efficient highway system; and

(b) Every owner of property which abuts a state highway has a right to reasonable access to that highway, unless such access has been acquired pursuant to chapter 47.52 RCW, but may not have the right of a particular means of access. The right of access to the state highway may be restricted if, pursuant to local regulation, reasonable access can be provided to another public road which abuts the property.

(4) The legislature declares that it is the purpose of this chapter to provide a coordinated planning process for the permitting of access points on the state highway system to effectuate the findings and policies under this section.

(5) Nothing in this chapter shall affect the right to full compensation under section 16, Article I of the state Constitution.

[1991 c 202 § 1.]

Notes:

Captions not law -- 1991 c 202: "Section captions and part headings as used in this act do not constitute any part of the law." [1991 c 202 § 22.]

Effective date -- 1991 c 202: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 202 § 24.]

Severability -- 1991 c 202: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 c 202 § 25.]

47.50.020 Definitions — Access.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Controlled access facility" means a transportation facility to which access is regulated by the

governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.
(2) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.
(3) "Permitting authority" means the department for connections in unincorporated areas or a city or town within incorporated areas which are authorized to regulate access to state highways pursuant to chapter 47.24 RCW. [1991 c 202 § 2.]

Notes: **Captions not law -- Effective date -- Severability -- 1991 c 202:** See notes following RCW 47.50.010.

47.50.030 Regulating connections.

(1) Vehicular access and connections to or from the state highway system shall be regulated by the permitting authority in accordance with the provisions of this chapter in order to protect the public health, safety, and welfare.
(2) The department shall by July 1, 1992, adopt administrative procedures pursuant to chapter 34.05 RCW which establish state highway access standards and rules for its issuance and modification of access permits, closing of unpermitted connections, revocation of permits, and waiver provisions in accordance with this chapter. The department shall consult with the association of Washington cities and obtain concurrence of the city design standards committee as established by RCW 35.78.030 in the development and adoption of rules for access standards for city streets designated as state highways under chapter 47.24 RCW.
(3) Cities and towns shall, no later than July 1, 1993, adopt standards for access permitting on streets designated as state highways which meet or exceed the department's standards, provided that such standards may not be inconsistent with standards adopted by the department.
[1991 c 202 § 3.]

Notes: **Captions not law -- Effective date -- Severability -- 1991 c 202:** See notes following RCW 47.50.010.

47.50.040 Access permits.

(1) No connection to a state highway shall be constructed or altered without obtaining an access permit in accordance with this chapter in advance of such action. A permitting authority has the authority to deny access to the state highway system at the location specified in the permit until the permittee constructs or alters the connection in accordance with the permit requirements.
(2) The cost of construction or alteration of a connection shall be borne by the permittee, except for alterations which are not required by law or administrative rule, but are made at the request of and for the convenience of the permitting authority. The permittee, however, shall bear the cost of alteration of any connection which is required by the permitting authority due to increased or altered traffic flows generated by changes in the permittee's facilities or nature of business conducted at the location specified in the permit.
(3) Except as otherwise provided in this chapter, an unpermitted connection is subject to closure by the appropriate permitting authority which shall have the right to install barriers across or remove the connection. When the permitting authority determines that a connection is unpermitted and subject to closure, it shall provide reasonable notice of its impending action to the owner of property served by the connection. The permitting authority's procedures for providing notice and preventing the operation of unpermitted connections shall be adopted by rule. [1991 c 202 § 4.]

Notes: **Captions not law -- Effective date -- Severability -- 1991 c 202:** See notes following RCW 47.50.010.

47.50.050 Permit fee.

The department shall establish by rule a schedule of fees for permit applications made to the department. The fee shall be nonrefundable and shall be used only to offset the costs of administering the access permit review process and the costs associated with administering the provisions of this chapter. [1991 c 202 § 5.]

Notes: **Captions not law -- Effective date -- Severability -- 1991 c 202:** See notes following RCW 47.50.010.

47.50.060 Permit review process.

The review process for access permit applications made by the department shall be as follows: Any person seeking an access permit shall file an application with the department. The department by rule shall establish application form and content requirements. The fee required by RCW 47.50.050 must accompany the applications. [1991 c 202 § 6.]

Notes: **Captions not law -- Effective date -- Severability -- 1991 c 202:** See notes following RCW [illegible].

47.50.070 Permit conditions.

The permitting authority may issue a permit subject to any conditions necessary to carry out the provisions of this chapter, including, but not limited to, requiring the use of a joint-use connection. The permitting authority may revoke a permit if the applicant fails to comply with the conditions upon which the issuance of the permit was predicated. [1991 c 202 § 7.]

Notes: **Captions not law -- Effective date -- Severability -- 1991 c 202:** See notes following RCW [illegible].

47.50.080 Permit removal.

(1) Unpermitted connections to the state highway system in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide access to the state highway system, unless the permitting authority determines that such a connection does not meet minimum acceptable standards of highway safety. However, a permitting authority may require that a permit be obtained for such a connection if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it provides access. If a permit is not obtained, the connection may be closed pursuant to RCW 47.50.040.

(2) Access permits granted prior to adoption of the permitting authorities' standards shall remain valid until modified or revoked. Access connections to state highways identified on plats and subdivisions approved prior to July 1, 1991, shall be deemed to be permitted pursuant to chapter 202, Laws of 1991. The permitting authority may, after written notification, under rules adopted in accordance with RCW 47.50.030, modify or revoke an access permit granted prior to adoption of the standards by requiring relocation, alteration, or closure of the connection if a significant change occurs in the use, design, or traffic flow of the connection.

(3) The permitting authority may issue a nonconforming access permit after finding that to deny an access permit would leave the property without a reasonable means of access to the public roads of this state. Every nonconforming access permit shall specify limits on the maximum vehicular use of the connection and shall be conditioned on the availability of future alternative means of access for which access permits can be obtained. [1991 c 202 § 8.]

Notes: **Captions not law -- Effective date -- Severability -- 1991 c 202:** See notes following RCW [illegible].

47.50.090 Access management standards.

(1) The department shall develop, adopt, and maintain an access control classification system for all routes on the state highway system, the purpose of which shall be to provide for the implementation and continuing applications of the provision of this chapter.

(2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific minimum standards to be adhered to in the planning for and approval of access to state highways.

(3) The control classification system shall be developed consistent with the following:

(a) The department shall, no later than January 1, 1993, adopt rules setting forth procedures governing the implementation of the access control classification system required by this chapter. The rule shall provide for input from the entities described in (b) of this subsection as well as for public meetings to discuss the access control classification system. Nothing in this chapter shall affect the validity of the department's existing or subsequently adopted rules concerning access to the state highway system. Such rules shall remain in effect until repealed or replaced by the rules required by this chapter.

(b) The access control classification system shall be developed in cooperation with counties, cities and towns, the *department of community, trade, and economic development, regional transportation planning organizations, and other local governmental entities, and for city streets designated as state highways pursuant to chapter 47.24 RCW, adopted with the concurrence of the city design standards committee.

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

(i) Local land use plans and zoning, as set forth in comprehensive plans;

(ii) The current functional classification as well as potential future functional classification of each road on the state highway system;

(iii) Existing and projected traffic volumes;

(iv) Existing and projected state, local, and metropolitan planning organization transportation plans and needs;

(v) Drainage requirements;

(vi) The character of lands adjoining the highway;

(vii) The type and volume of traffic requiring access;

(viii) Other operational aspects of access;

(ix) The availability of reasonable access by way of county roads and city streets to a state highway; and

(x) The cumulative effect of existing and projected connections on the state highway system's ability to provide for the safe and efficient movement of people and goods within the state.

(d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, desired levels of service, traffic control devices, and effective maintenance of the roads. The standards shall also contain minimum requirements for the spacing of connections, intersecting streets, roads, and highways.

(e) An access control category shall be assigned to each segment of the state highway system by July 1, 1993. [1995 c 399 § 124; 1991 c 202 § 9.]

Notes: *Reviser's note: The "department of community, trade, and economic development" was renamed the "department of commerce" by 2009 c 565.

Captions not law -- Effective date -- Severability -- 1991 c 202: See notes following RCW 47.50.010.

Chapter 10.26
HIGHWAY ACCESS MANAGEMENT

10.26.010 Adopted.

Chapter 47.50 RCW and Chapters 468-51 and 468-52 WAC are hereby adopted by reference, as now enacted or hereinafter amended, to provide for the regulation and control of vehicular access and connection points of ingress to, and egress from, state highway systems within the city of Monroe. (Ord. 031/2008 § 1)

Chapter 14.01
FLOOD HAZARD AREA REGULATIONS

14.01.030 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers that help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development that may increase flood damage; and

E. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas. (Ord. 004/2006 § 2; Ord. 021/2005 § 1)

14.01.130 General standards.

B. In all areas of special flood hazards where base flood elevation data has been provided as set forth in MMC 14.01.050 or 14.01.120(B), the following provisions are required:

Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Have a certification by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the city engineer;

d. Nonresidential structures that are elevated, but not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1) of this section;

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to one foot above the base level will be rated as at the base flood level);

f. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for

every square foot of enclosed area subject to flooding, and
ii. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

18.10.030 Purpose of the commercial zoning districts.
The purposes of the commercial districts are to provide opportunities for the enhancement of existing commercial uses and for the location of new commercial development.
A. General commercial uses (GC) should be located on traffic corridors that have adequate capacities for traffic flow. Such location assures that uses do not generate traffic through residential areas. Uses located in this (GC) class should be designed into planned centers with safe and convenient access to minimize curb cuts and facilitate better parking and traffic flows.
B. Service commercial uses (SC) should be located at intersections of major and minor arterials or their intersections with collector roads. Service commercial areas should be designed so as not to disrupt traffic movement on the arterial and collector roadways. Access and egress should be kept at a minimum and should be so located that they do not conflict with traffic movement and queuing at intersections.
C. Downtown commercial uses (DC) should follow the vision outlined in the downtown master plan. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 4; Ord. 1177, 1999)

18.10.080 Limited open space lot area requirements.
Minimum lot area in the LOS zone shall be five acres. (Ord. 1177, 1999)

18.10.200 Minimum commercial and industrial setbacks.
Commercial and industrial zoned right-of-way setbacks shall be twenty-five feet from arterial roadways, and twenty feet for all other roadways. Side yard and rear yard setbacks shall be determined by the city building code. (Ord. 1177, 1999)

18.10.210 Minimum zoning district setbacks.
Commercial and industrial zoned property shall maintain a twenty-five-foot landscaped setback buffer from any residentially zoned property lines, including residentially zoned properties across rights-of-way. (Ord. 033/2008 § 6; Ord. 1177, 1999)

Chapter 18.99
REZONING PROCEDURES
18.99.010 General regulations.
The zoning code is a legal instrument for implementation of the comprehensive plan. It is recognized that population growth, changes in economic and social customs and patterns and other factors will from time to time justify changes in the comprehensive plan and, consequently, in the zoning map and text which constitute the zoning code. It is also recognized that changes in the zoning map may sometimes be made without breach of the comprehensive plan. This zoning code may be amended by following the procedures of this chapter. (Ord. 1203, 2000)

18.99.020 Initiation.
An application for amendment may be initiated by:
A. Petition of one or more owners of property which might be affected by the proposed amendment, which petition shall be filed with the city. The requirements for such petitions shall be established by the zoning code administrator and made available to applicants. The application fee for such a petition shall be set by resolution from time to time by the city council.

B. Resolution of Intention by the Hearing Body. A copy of any proposed amendment shall be submitted to the council not later than fourteen days following the action by the hearing body and shall be accompanied by the motion of the hearing body recommending approval or denial of the same together with a statement setting forth the findings considered at the public hearing and an analysis of the findings considered by the hearing body to be controlling. After consideration of the matter the council shall adopt findings of fact and a statement setting forth the factors considered to be controlling. (Ord. 1242, 2001; Ord. 1203, 2000)

18.99.030 Withdrawing of petition.
Upon the consent of the city any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed the petition. The council may by resolution abandon any proceedings for rezoning amendment initiated by its own resolution or intention; provided, the proceedings are before the council for consideration. (Ord. 1203, 2000)

18.99.040 Continuance of classification.
The continuance of rezoning classifications shall be dependent on the fulfillment of all of the established standards and such conditions added by the council or planning commission at the time of rezoning as are necessary to protect the enjoyment of the use of surrounding property. (Ord. 1203, 2000)

18.99.050 Hearing application.
If an application for rezone is accepted for consideration as complying with the comprehensive plan, there shall be scheduled a public hearing by the planning commission.
If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application and/or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the planning commission or the city council. (Ord. 1242, 2001; Ord. 1203, 2000)

18.99.060 Recommendation to city council.
Following a hearing before the planning commission, the commission shall make a recommendation to the city council. The recommendation shall incorporate the findings of fact of the planning commission and the planning commission's recommendation. The recommendation shall refer expressly to the maps, descriptive and other matters intended by the planning commission to constitute the exhibits and information used as a basis for the recommendation. (Ord. 1242, 2001; Ord. 1203, 2000)

18.99.070 Actions by city council.
Upon receipt of any recommendation of the planning commission, the city council shall, at its next regular public meeting, set the date where in accordance with MMC 21.50.050 it may, by ordinance, adopt or reject the amendment. (Ord. 022/2004; Ord. 1242, 2001; Ord. 1203, 2000)

18.99.080 Further action on rezone.
After planning commission action regarding a rezone of property, no further action involving substantially the same rezoning of the property shall be requested to be considered prior to six months after the action has been taken; provided, that where the planning commission believes an emergency exists it may on its own initiative waive the six-month provision. (Ord. 1242, 2001; Ord. 1203, 2000)

SHORELINE MASTER PROGRAM

"Urban Conservancy" Environment

Purpose

The purpose of the "Urban Conservancy" environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

Designation Criteria

An "Urban Conservancy" environment designation will be assigned to shoreline areas appropriate and planned for development that is compatible with maintaining or restoring the ecological functions of the area, that are not generally suitable for water-dependent uses and that lie in incorporated municipalities or urban growth areas if any of the following characteristics apply:

- They are suitable for water-related or water-enjoyment uses;
- They are open space, floodplain or other sensitive areas that should not be more intensively developed;
- They have potential for ecological restoration;
- They retain important ecological functions, even though partially developed; or
- They have the potential for development that incorporates ecological restoration.

In the City of Monroe, the following areas are designated as "Urban Conservancy:"

1. Lands within shoreline jurisdiction along Woods Creek, upstream of US 2, with the exception of lands designated Shoreline Residential and High Intensity;
2. South of US 2, the entire shoreline of Woods Creek extending to the bottom of the bluff on the west side, and to the Skykomish River on the east side, with the exception of lands designated Natural upstream of the old railroad trestle, lands designated Shoreline Residential and High Intensity upland of the top of the bluff on the west side of Woods Creek, railroad and roadway lands designated High Intensity, and areas within shoreline jurisdiction designated Aquatic waterward of the Skykomish River OHWM; Chapter 2 – Environment Designation Provisions 20
3. West of the Skykomish River bridge, lands within shoreline jurisdiction lying generally south of the City's wastewater treatment plant and encompassing the City's Skykomish River Park (Sky River Park), east of the Cadman mining operations area;
4. Associated wetlands north of SR 2 and south and east of the Rivmont neighborhood, extending up an old side-channel of the Skykomish River; and
5. Lands between the western boundary of shoreline jurisdiction on the Reformatory property and 177th Avenue SE.

Rationale: Monroe's shoreline parks (Al Borlin Park, Skykomish River Centennial Park, and Lewis Street Park) each meet at least three of the five designation criteria, and Al Borlin Park meets all five. They are zoned as Parks/Open Space, retain varying levels of ecological function, have high potential for restoration, and are not suitable for more intensive water-dependent uses. The remaining areas selected for Urban Conservancy either have a moderate level of function as relatively undisturbed floodplain that has some development, but still retains ecological function (e.g., west side of Woods Creek upstream of SR 2), and/or are zoned for commercial or residential development and have other biological characteristics and a landscape position that make the more protective designation of Natural inappropriate.

Management Policies

1. Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
2. During development and redevelopment, all reasonable efforts should be taken to restore ecological functions. Where feasible, restoration and public access should be required of all nonwater-dependent development.
3. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy" designation.
These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
4. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
5. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.

Chapter 20.05
CRITICAL AREAS

20.05.050 Applicability, exemptions, and exceptions.

A. Applicability.

1. The provisions of this chapter shall apply to all lands, all land uses and development

activity, and all structures and facilities in the city, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns or leases land within the city of Monroe. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purpose and requirements of this chapter.