



MONROE CITY COUNCIL

Regular Business Meeting
Tuesday, January 19, 2021, 7:00 PM
Zoom Online Meeting Platform

Mayor
Geoffrey Thomas

Councilmembers
Heather Rousey, Mayor Pro Tem;
Patsy Cudaback; Kevin Hanford;
Jason Gamble; Jeff Rasmussen;
Ed Davis; & Kirk Scarboro

Page

1. CALL TO ORDER

1.1. Virtual Participation Information:

The City Council meeting will be held virtually via Zoom Meeting. Due to the COVID-19 pandemic, and [Proclamation 20-28.14](#) issued by Governor Jay Inslee, in-person attendance is not permitted at this time.

Join Zoom Meeting:

- Click link: <https://us02web.zoom.us/j/89536855135>
- Dial in: (253) 215-8782
- Meeting ID: 895 3685 5135

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

3.1. Councilmember Gamble

4. PUBLIC COMMENTS

(This time is set aside for members of the public to speak to the City Council on any issue related to the City of Monroe; except any quasi-judicial matter subject to a public hearing. Three minutes will be allowed per speaker.)

If you are attending the meeting virtually (using the link or number provided above) please indicate that you would like to speak by clicking “raise hand” and the Mayor will call on attendees to speak at the appropriate time. If you are joining by phone, dial *9 to “raise hand.”

5. STAFF/DEPARTMENT REPORTS

5.1. Emergency Management Director - Brad Feilberg

6. COUNCILMEMBER REPORTS

7. MAYOR/ADMINISTRATIVE REPORTS

- 7.1. City Administrator Update - Deborah Knight 3
[Extended Agenda](#)
- 7.2. Mayor's Update 4 - 10
[Monroe This Week Volume 7 Edition 2](#)
[Martin Luther King, Jr. Day Proclamation](#)

8. EXECUTIVE SESSION

- 8.1. To Discuss with Legal Counsel Potential Litigation Pursuant to [RCW 42.30.110\(1\)\(i\)](#)

9. DISCUSSION ITEMS

- 9.1. Legal nonconforming uses in the Tourist Commercial Zone - Ben Swanson 11 - 30
[Agenda Bill - Legal nonconforming uses in Tourist Commercial Zone - Pdf](#)

10. ADJOURNMENT

- 10.1. Majority vote to extend past 10:00 p.m.



MONROE CITY COUNCIL EXTENDED AGENDA

Current as of 01/15/2021
TENTATIVE LISTING, SUBJECT TO CHANGE

Mayor
Geoffrey Thomas

Councilmembers
Heather Rousey, Mayor Pro Tem;
Patsy Cudaback; Kevin Hanford;
Jason Gamble; Jeff Rasmussen;
Ed Davis; & Kirk Scarborough

TUESDAY 1/19/2021

5:30 p.m. City Council Finance/HR Committee Meeting

- Select Chair; Confirm Meeting Dates/Times;

7 p.m. City Council Regular Study Session

- **Executive Session – potential litigation**
- Tourist Commercial Zoning discussion (B. Swanson)

TUESDAY 1/26/21

6 p.m. City Council P3 Committee Meeting

- Select Chair; Confirm Meeting Dates/Times; 2021 Work Plan; 6 yr TIP

7 p.m. City Council Regular Business Meeting

- Consent Agenda: TBD
- Proclamation: Black History Month 2/1 thru 3/1
- NB: Salary scale for City Clerk; Snohomish Jail ILA
- Reports: Finance, Police, Comm Dev, Econ Dev, HR/IT
- Executive Session – sale of property
- **Executive Session – Property Aquisition**

TUESDAY 02/02/21

6 p.m. Public Safety Committee Meeting

- Select Chair; Confirm Meeting Dates/Times; 2021 Work Plan

7 p.m. City Council Regular Study Session

- Council meetings – hybrid zoom/in person format
- CHSAB annual report (R. Adams)

TUESDAY 02/09/21

6 p.m. Legislative Affairs Committee Meeting

- Select Chair; Confirm Meeting Dates/Times; 2021 Work Plan

7 p.m. City Council Regular Business Meeting

- Consent Agenda: TBD
- Proclamation: President’s Day 2/15
- Reports: Parks; Public Works, Emerg Mgt; Court

TUESDAY 02/16/2021

5:30 p.m. City Council Finance/HR Committee Meeting

- 2021 Work Plan

7 p.m. City Council Regular Study Session

- Economic Development Update
- CHSAB Annual Report

TUESDAY 02/23/21

6 p.m. City Council P3 Committee Meeting

- TBD

7 p.m. City Council Regular Business Meeting

- Consent Agenda: TBD
- NB: Committee work plans
- Reports: Finance, Police, Comm Dev, Econ Dev, HR/IT
- Executive Session

CITY COUNCIL MEETING LOCATION (unless otherwise noted):

City Hall, Council Chambers: 806 W Main Street, Monroe

COUNCIL COMMITTEE MEETING LOCATION (unless otherwise noted):

City Hall, Permit Assistance Center: 806 W. Main Street, Monroe

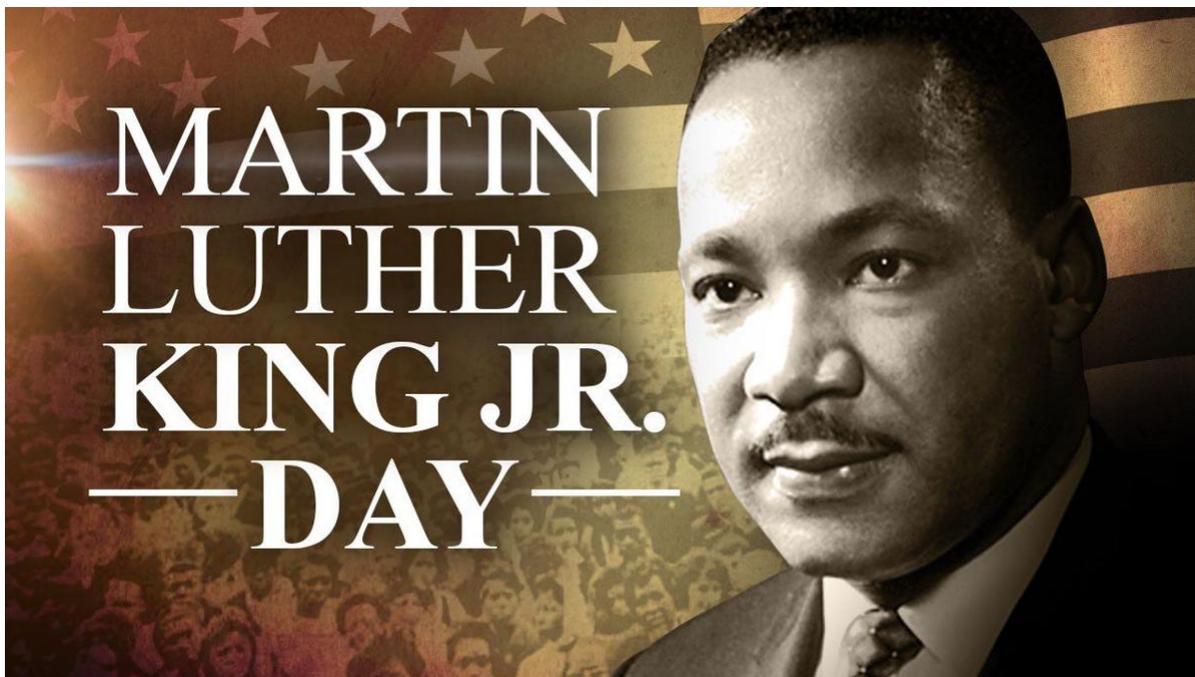
UPCOMING ITEMS:

- Fireworks discussion (January/February?)
- Financial Reserves Policy
- Retirement Recognition
- Wireless Regulations
- Criminal Justice System Priorities
- Solid Waste Contract Renewal
- TAC Recommendations
- Econ dev – demographics demonstration by consultants



MONROE THIS WEEK

January 15, 2021 • Volume 7/Edition 2



Thank you for reading Monroe This Week.

This week's edition includes details on our local recognition of Martin Luther King, Jr. Day, the City Council's election of the Mayor Pro Tem and confirmation of committee memberships for 2021, the launch of the "Imagine Monroe" visioning project, the Parks Department's receipt of two donated live Christmas trees, the Monroe Library's Laptops to Go and Wi-Fi Hotspots to Go programs, a Monroe Community Coalition complimentary virtual movie screening, and the 4th Annual Youth Art Contest.



Please contact me with any and all feedback regarding the articles below. I can be reached at GThomas@MonroeWA.gov.

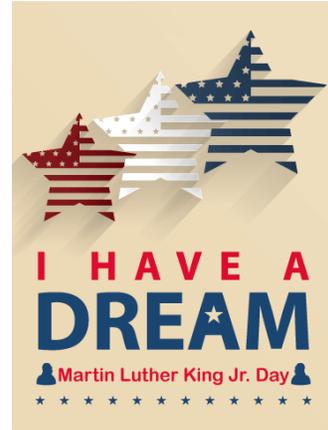
Yours in Service,



Mayor Geoffrey Thomas

MONROE RECOGNIZES MARTIN LUTHER KING, JR. DAY

Today I issued a [Proclamation](#) recognizing Monday, January 18 as Martin Luther King, Jr. Day. Reverend Dr. Martin Luther King, Jr. challenged Americans to make freedom a reality for all, and to believe each of us is created equally. Martin Luther King, Jr. Day was proposed in the federal congress on August 2, 1983, signed into law on November 2, 1983, and first celebrated on January 20, 1986. Celebrated annually on the third Monday of January, Martin Luther King, Jr. Day pays tribute to the life and legacy of Dr. King and his contributions to our nation. I encourage Monroe residents to read the full text of the Proclamation, and to remember and reflect on the profound contributions of Reverend Dr. Martin Luther King, Jr.



CITY COUNCIL ELECTS MAYOR PRO TEM, CONFIRMS COUNCIL COMMITTEE MEMBERS

At its [January 12, 2021 Regular Business Meeting](#), the Monroe City Council unanimously elected Councilmember Heather Rousey as Mayor Pro-Tem for 2021. Pro Tem, short for Pro Tempore, is a Latin phrase that translates to "for the time being". Each year, the City Council elects one of its members to the position of Mayor Pro Tem, who will serve as Presiding Officer during any time in which I may be absent from a Council meeting. The Mayor Pro Tem may also sign official documentation on behalf of the City that I may request and that the City Council approves. I congratulate Councilmember Rousey on her election, and thank her for her willingness to serve.



Councilmembers also confirmed members to [Council Committees](#). The Council maintains four committees, each of which is made up of three members. The committees and their members are:

- Finance and Human Resources Committee
 - Councilmembers Cudaback, Gamble, and Scarboro
- Legislative Affairs Committee

- Councilmembers Davis, Hanford, and Scarboro
- Public Safety Committee
 - Councilmembers Cudaback, Davis, and Rousey
- Transportation/Planning, Parks & Recreation, and Public Works (P3) Committee
 - Councilmembers Davis, Rasmussen, and Rousey

The purpose of these legislative committees is to formulate policy recommendations and gather policy information for the City Council in order to provide for more efficient and effective use of City Council meeting time. I thank these Councilmembers for their continued service to the Monroe community, and their willingness to serve on these committees.

CITY EMBARKS ON "IMAGINE MONROE" VISIONING PROJECT

The City of Monroe has embarked on a citywide, collaborative, community-driven vision project to update the City's vision, mission, and core values statements. These updated statements will guide the City's long-range strategic plans. To ensure this process equitably reflects all voices in Monroe, the City has convened a Sounding Board of representatives with a variety of lived experiences to work together to identify community priorities and needs. During the first Sounding Board meeting on December 15, 2020, the City and consultant firm Envirolssues presented name options and discussed which would resonate best with the Monroe community. In evaluating potential project names, the goal was to select one that would inspire all people in Monroe to participate. After hearing strong support from the Sounding Board, the City has chosen "Imagine Monroe" as the project name. Please visit the city's [Imagine Monroe webpage](#) for further details.



PARKS DEPARTMENT RECEIVES TWO LIVE CHRISTMAS TREE DONATIONS

As I shared in a recent edition of [Monroe This Week](#), the Monroe Parks Department accepts donations of live Christmas trees. Donated living trees are planted in Monroe parks so that all residents may enjoy them. The City would like to thank residents Patricia Gonzales and Kristy Murphy who donated their fir and pine living Christmas Tree. Both will be planted at Lake Tye Park. We look forward to watching both trees grow for years to come! Thank you for helping improve our parks and making our community more green.



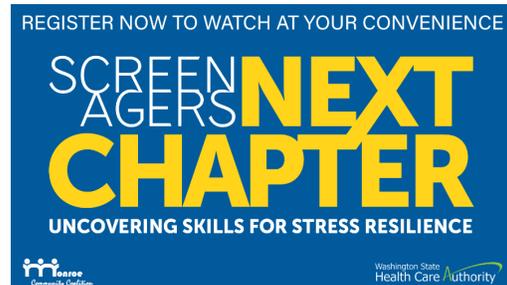
LIBRARY OFFERING LAPTOPS, WIFI HOTSPOTS TO GO

Is your family in need of a laptop or Wi-Fi? The Monroe Library Branch can help. Sno-Isle Libraries has expanded its laptop loan program with Laptops to Go and Wi-Fi Hotspots to Go. Library customers can place a hold in the catalog under the new program to borrow one of 124 laptops or one of 50 Wi-Fi hotspots for use at home. Laptops and Wi-Fi hotspots are available for checkout for one week, with a one week renewal if no other customers have placed a hold on the equipment. Visit the Sno-Isle Libraries [webpage](#) for more information.



COMMUNITY COALITION PRESENTS *ScreenAgers*

The Monroe Community Coalition is offering a complimentary viewing of *ScreenAgers: Next Chapter*. A timely film for our current circumstances, filmmaker and physician Delaney Ruston helps us all flip the script on stress, anxiety and depression. Online registration is now open; registering now reserves your space to watch the film at your convenience between January 14 and February 4, 2021. Space is limited, and available on a first-come, first-served basis. For additional information on *ScreenAgers* and to register, visit the Community Coalition's [event webpage](#).



4TH ANNUAL YOUTH ART CONTEST NOW OPEN

The [Snohomish Conservation District](#) is hosting the 4th Annual Youth Art Contest, in conjunction with the Annual Plant Sale. This year's special theme is Nature Journaling. Students and residents of Snohomish County and Camano Island, from pre-K to Grade 12, are eligible to enter. Seeing the description, image, and characteristics of nature through journaling, and capturing your own observations, is a wonderful way to learn and educate others! For more information and to submit your entries, visit the [contest webpage](#). Entries are due by February 10. Winners will be chosen for the following grade categories: pre-K - K | 1-2 | 3-5 | 6-8 | 9-12. Questions may be directed to education@snohomishcd.org or (425) 335-5634.



UPCOMING CITY COUNCIL MEETING SCHEDULE

The City Council will meet in a Regular Study Session Meeting on Tuesday, January 19, 2021. The meeting will be held via the Zoom remote meeting platform and participation information will be posted with the January 19 agenda, which can be accessed by clicking the button below.

Council Agendas/Minutes

CITY COUNCIL MEMBERS



Councilmember
Patsy Cudaback



Councilmember
Kevin Hanford



Councilmember
Ed Davis



Councilmember
Jason Gamble



Councilmember
Jeff Rasmussen



Councilmember
Kirk Scarboro



Councilmember
Heather Rousey

Have a question for your Councilmembers?
Contact them at councilmembers@monroewa.gov



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Proclamation

WHEREAS, Reverend Dr. Martin Luther King, Jr. raised his voice to challenge Americans to make freedom a reality for all, and to believe each of us is created equally; and

WHEREAS, on Martin Luther King, Jr. Day, we pause to pay tribute to the life and legacy of Dr. King, and reflect on the mission he inspired: to show empathy to those in poverty, to advocate non-violence in the face of brutality, to care for children in the community, and to show compassion to everyone regardless of our differences; and

WHEREAS, remembering the efforts and determination of Dr. King, we must draw strength in the face of adversity, continue to overcome obstacles, and remain vigilant to keep the dream within reach of every person; and

WHEREAS, Dr. King transformed the concepts of justice, liberty, and equality, and bridged the gap between our founding ideals and the realities of our time; and

WHEREAS, we must stand together for good jobs, fair wages, safe neighborhoods, quality education, and ensure the scales of justice work equally for all.

NOW THEREFORE, I, Geoffrey Thomas, do hereby recognize January 18, 2021, as

Martin Luther King Jr. Day

and encourage Monroe's residents to remember the profound contributions Reverend Dr. Martin Luther King, Jr. made; and challenge everyone to strive for peace, justice, and opportunity for all.

Geoffrey Thomas, Mayor



AGENDA BILL

Meeting Date: January 19, 2021

Staff Contact: Ben Swanson, Community Development Director

Department: Community Development

SUBJECT: Discussion; and direction regarding next steps (e.g. request additional information, policy direction).

POLICY CONSIDERATIONS:

To what extent should the City accommodate legal nonconforming businesses in the Tourist Commercial zone?

DESCRIPTION/BACKGROUND:

At the December 1st City Council meeting Wade Edelbrock of Waeco Construction provided public comment regarding the nonconforming status of his property located at 18543 Cascade View Drive. During the public comment Mr. Edelbrock stated he was unable to construct a new office/shop on his property because the City changed the zoning from Light Industrial to Tourist Commercial. Mr. Edelbrock uses the property for his construction business that includes office area, shop, and storage of construction equipment. Also located on the property, Mr. Edelbrock runs a topsoil and recycle yard that allows customers to pick up topsoil and drop off yard debris (see <https://www.waecoconstruction.com/> for full details).

Mr. Edelbrock's statement is correct. His current use is considered legal-nonconforming (i.e. grandfathered) in the Tourist Commercial zone (Attachment 2). The Tourism Commercial Zone comprises approximately 21 parcels located on the east and west sides of the Evergreen State Fairgrounds including First Airfield.

Chapter 22.40 Nonconformance and Reuse Standards (Attachment 3) of the Unified Development Regulations (zoning code) governs all nonconforming uses in the City of Monroe. Excluding residential uses, Chapter 22.40 has not allowed the expansion of legal nonconforming uses.

How did Mr. Edelbrock's use go from a permitted use to legal nonconforming?

It started when the City adopted the 2015-2025 Comprehensive Plan. When the City adopted this document, it changed the comprehensive plan designation for Mr. Edelbrock's from Light Industrial to Tourist Commercial. The subsequent adoption of the Unified Development Regulations (UDR) implemented the 2015 Comprehensive Plan and changed the zoning of the property from Light Industrial to Tourist Commercial. Under the Growth Management Act, a

local agency's development regulations (such as zoning) must be made in conformity with its comprehensive plan.

Potential City Council Actions

Using the premise of allowing nonconforming business like Waeco Construction to expand in the Tourist Commercial zone, staff reviewed the following alternatives:

1. Amend the allowed use table for the Tourism Commercial Zone in Chapter 22.24 of the UDR to allow the existing nonconforming uses.
Staff recommends against this approach. Amending the zoning table to allow business similar to Waeco Construction would not conform to the existing 2015 Comprehensive Plan or State law (RCW 36.70A.040) requiring a jurisdictions zoning code to conform with comprehensive plans.
2. Amend the comprehensive plan designation and zoning maps to allow light industrial uses, like Waeco Construction, to build and expand in the Tourism Commercial Zone.
This approach would fundamentally change the Tourist Commercial comprehensive plan designation and zone. Currently the purpose of the designation and zone is to attract businesses that would complement the Snohomish County Fairgrounds (hotel, entertainment, etc.) and/or accommodate the possibility of a business park. Staff would need to review an alternative comp plan and zoning designation; however, this will be difficult due to the dissimilarities between industrial uses and hospitality. Ultimately this would be a policy level decision by City Council.
3. Amend the nonconforming chapter (Chapter 22.40) of the Unified Development Regulations to allow nonconforming uses in Tourist Commercial zone to expand.
This approach requires the least amount of policy work and would not require an amendment to the 2015 Comprehensive Plan. The probable impact from this approach is the property would not likely redevelop and would not meet the City's vision for Tourist Commercial designation over the next 20 years. This would be a policy decision by City Council.
4. Do nothing or no action alternative.
This would not allow existing nonconforming business to expand in the Tourist Commercial zone and result in the potential loss of the business. If the nonconforming business does leave, it opens of the opportunity for business that meet the vision of the 2015 Comprehensive Plan and a greater likelihood of meeting the 20-year vision.

FISCAL IMPACTS:

N/A

TIME CONSTRAINTS:

ALTERNATIVES TO REQUESTED ACTION:

Discussion only

ATTACHMENTS:

[Att1 PPT TC Zone Discussion](#)

[Att2 TC Zone Chapter 22.24 MMC](#)

[Att3 Noncon Chapter 22.40 MMC](#)

Chapter 22.24 TOURIST COMMERCIAL ZONING DISTRICT

Sections:

- 22.24.010 Purpose.**
- 22.24.020 Applicability.**
- 22.24.030 Land use.**
- 22.24.040 Bulk requirements.**
- 22.24.050 Variances.**

22.24.010 Purpose.

The purpose of the tourist commercial zoning district is to provide areas for amenities in the vicinity of the Evergreen State Fairgrounds and First Air Field, such as lodging facilities, entertainment and event facilities, and ancillary commercial development, that serve the traveling public and afford direct access to major transportation corridors and regional facilities. Business parks and related land uses compatible with existing development are also encouraged within the tourist commercial zoning designation. (Ord. 005/2019 § 10 (Exh. B))

22.24.020 Applicability.

The regulations, requirements, and standards contained in this chapter apply to all properties zoned tourist commercial (TC). All properties zoned tourist commercial (TC) shall comply with all applicable provisions of this title and the Monroe Municipal Code unless otherwise specified. (Ord. 005/2019 § 10 (Exh. B))

22.24.030 Land use.

A. *Land Use Matrix.* The following zoning matrix found in Table 22.24.030: Land Use in the Tourist Commercial Zoning District summarizes land uses permitted in the tourist commercial zoning district. A land use not explicitly permitted by Table 22.24.030 is prohibited within the tourist commercial zoning district.

Table 22.24.030. Land Use in the Tourist Commercial Zoning District

Conforming Use	Tourist Commercial (TC)
1. RESIDENTIAL LAND USES	
Dwelling Units, Temporary Security Guard	A

Table 22.24.030. Land Use in the Tourist Commercial Zoning District

Conforming Use	Tourist Commercial (TC)
Retirement Housing and Assisted Living Facilities	P
2. COMMERCIAL LAND USES	
Food and Beverage Establishments	
• Bakeries	A
• Coffee Shops	P
• Convenience Stores	A
• Restaurants	P
• Taverns	P
Gas Stations	P
General Retail	A
Mobile Vendors	P
Pharmacies and Drug Stores	P
3. SERVICE LAND USES	
Parking Facilities	A
Temporary Lodging Services	
• Bed and Breakfast Inns	P
• Hotels and Motels	P
4. INSTITUTIONAL LAND USES	
Community Facilities	
• Community Centers	C
• Religious Institutions	C
Educational Facilities	
• Schools, Colleges, Universities, and Professional	EPF
• Schools, Elementary and Secondary (K-12)	EPF
• Schools, Technical and Trade	P
• Vocational Rehabilitation Centers	P
Government Facilities	
• Courts	P

Table 22.24.030. Land Use in the Tourist Commercial Zoning District

Conforming Use	Tourist Commercial (TC)
• Fire Stations	P
• Government Administration Buildings	P
• Police Stations	P
• Public Works Maintenance and Storage Facilities	P
• U.S. Post Offices	P
5. PARKS, RECREATION, AND ENTERTAINMENT LAND USES	
Parks	
• Concessions	A
• Nonmotorized Trails	P
• Parks and Open Spaces	P
• Public Stables	P
Fitness and Health Clubs, Indoor	P
Recreational Facilities, Indoor	P
Recreational Facilities, Outdoor	P
Sports and Recreation Instruction, Indoor	P
6. INDUSTRIAL LAND USES	
Craft Manufacturing	P
Storage Facilities	
• Indoor (On-Site Only)	A
7. UTILITY AND TRANSPORTATION LAND USES	
Electric Vehicle Charging Stations (All Levels)	A
Major and Regional Utility Facilities	
• Regional Utility Corridors	C
Major and Regional Transportation Facilities	
• Airports	EPF
• Regional Transit Station	EPF
• School Bus Bases	P
• State and Regional Transportation Facilities	EPF

Table 22.24.030. Land Use in the Tourist Commercial Zoning District

Conforming Use	Tourist Commercial (TC)
Minor Utility Facilities	P
Wireless Communications Facilities	P
8. UNCLASSIFIED LAND USES	
Accessory Structures	A
P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See Chapter 22.38 MMC for Requirements for Essential Public Facilities (EPF)	

Table Notes:

- 1 A land use not explicitly permitted by Table 22.24.030 is prohibited within the tourist commercial zoning district.
- 2 Development in the tourist commercial zoning district is subject to the applicable provisions of Chapter [22.54](#) MMC, Airport Compatibility.

(Ord. 005/2019 § 10 (Exh. B))

22.24.040 Bulk requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within tourist commercial zoning district in the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. Bulk requirements, specified in MMC [22.16.040](#), apply to all lots within the tourist commercial zoning district.

- A. *Minimum Lot Area.* The minimum area for lots in the tourist commercial zoning district is five thousand square feet.
- B. *Street Frontage.* Street frontage shall be in compliance with the provisions of MMC [22.16.040\(C\)](#) and subject to the applicable bulk requirements found in MMC [22.16.040](#), Bulk requirements.
- C. *Lot Dimensions.* Lot dimensions shall be in compliance with the provisions of MMC [22.16.040\(D\)](#) and subject to the applicable bulk requirements found in MMC [22.16.040](#), Bulk requirements.
- D. *Yard Setbacks.* Required yard setbacks shall be in compliance with the provisions of MMC [22.16.040\(E\)](#) and subject to the applicable bulk requirements found in MMC [22.16.040](#), Bulk requirements.
- E. *Lot Coverage.* Lot coverage shall be in compliance with the provisions of MMC [22.16.040\(F\)](#) and subject to the applicable bulk requirements found in MMC [22.16.040](#), Bulk requirements.

F. *Building Height.* Building height and its measurement shall be in compliance with the provisions of MMC [22.16.040\(G\)](#) and subject to the applicable bulk requirements found in MMC [22.16.040](#), Bulk requirements.

G. *Tourist Commercial Zoning District (TC).* The following bulk requirements in Table 22.24.040(G): Tourist Commercial Zoning District (TC) Bulk Requirements specifically apply to the TC zoning district. General information regarding bulk requirements is found in MMC [22.16.040](#), Bulk requirements.

Table 22.24.040(G). Tourist Commercial Zoning District (TC) Bulk Requirements

Minimum Lot Area ⁽¹⁾	
Minimum Lot Area	5,000 square feet
Street Frontage ⁽¹⁾	
Minimum Street Frontage	70 feet
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	70 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Minimum Lot Width ⁽¹⁾	
Minimum Lot Width	70 feet
Yard Setbacks ⁽¹⁾	
Minimum Front Yard Setback Width – Adjacent to TC Zone	20 feet
Minimum Side Yard Setback Width – Adjacent to TC Zone	5 feet
Minimum Rear Yard Setback Width – Adjacent to TC Zone	10 feet
Minimum Front Yard Setback Width – Adjacent to Non-TC Zone	20 feet
Minimum Side Yard Setback Width – Adjacent to Non-TC Zone	20 feet
Minimum Rear Yard Setback Width – Adjacent to Non-TC Zone	20 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage ⁽¹⁾	
Maximum Lot Coverage	100%
Building Height ⁽¹⁾	
Maximum Building Height	35 feet

Table Notes:

1 See MMC [22.16.040](#), Bulk requirements, for more information regarding the bulk requirements in the above table.

2 Development in the tourist commercial zoning district is subject to the applicable provisions of Chapter [22.54](#) MMC, Airport Compatibility.

(Ord. 005/2019 § 10 (Exh. B))

22.24.050 Variances.

No administrative deviations from the provisions of this chapter shall be made unless otherwise specified in this chapter. Variances to this chapter to adjust the application of specific regulations to a particular parcel of property shall require variance approval, as regulated by Chapter [22.66](#) MMC. An application for a variance may be made to the Monroe community development department on forms prescribed by the city. (Ord. 005/2019 § 10 (Exh. B))

The Monroe Municipal Code is current through Ordinance 022/2020, passed November 10, 2020.

Disclaimer: The city clerk's office has the official version of the Monroe Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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[City Website: www.monroewa.gov](http://www.monroewa.gov)

[Code Publishing Company](#)

Chapter 22.40

NONCONFORMANCE AND REUSE STANDARDS

Sections:

- 22.40.010 Purpose.**
- 22.40.020 Applicability.**
- 22.40.030 General provisions.**
- 22.40.040 Preexisting legal lots of record.**
- 22.40.050 Nonconforming lots.**
- 22.40.060 Nonconforming structures.**
- 22.40.070 Nonconforming uses.**
- 22.40.080 Nonconforming sites.**
- 22.40.090 Enforcement.**

22.40.010 Purpose.

The purposes of this chapter are established as follows:

- A. To establish the legal status of a nonconforming use, site, or structure by creating provisions through which a nonconforming use, site, or structure may be maintained, altered, reconstructed, expanded, or terminated.
- B. To establish the legal status of nonconforming lots and create provisions through which a nonconforming lot may be maintained or developed.
- C. To encourage the adaptive reuse of existing structures.
- D. To identify standards for determining which nonconforming structures, sites, lots, and uses must be brought into conformance with the provisions of all applicable code requirements. (Ord. 005/2019 § 10 (Exh. B))

22.40.020 Applicability.

All nonconformances shall be subject to the provisions of this chapter. The provisions of this chapter do not supersede or relieve a property owner from compliance with the following:

- A. The requirements of the International Building and Fire Codes; and
- B. The provisions of this code beyond the specific nonconformance(s) addressed by this chapter. (Ord. 005/2019 § 10 (Exh. B))

22.40.030 General provisions.

- A. Any legally established nonconformance may be maintained in legal nonconforming status as long as no new nonconformances are created, there is no expansion of any existing nonconformity, and legal nonconforming status is not lost under any of the circumstances set forth in this section. If legal nonconforming status is lost, the structure, site, lot, or use must be brought into conformance with all applicable code requirements.
- B. Development or modification of a legal nonconforming structure, site, lot, or use shall not increase or expand the degree of nonconformity.
- C. A tract created to protect critical areas, provide open space, or as a public or private access tract shall not be considered legally buildable.
- D. No nonconforming structure, site, lot, or use shall be created as a result of the division of land or any modification of a lot line through any subdivision or lot line revision.
- E. Change of tenancy, ownership, or management shall not affect legal nonconforming status.
- F. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any legal nonconforming building or part thereof declared to be unsafe by order of the city to protect the public safety.
- G. This chapter shall govern nonconforming structures, sites, lots, and uses within any critical area, unless Chapter [22.80](#) MMC, Critical Areas, establishes more specific standards.
- H. Legal nonconforming signs are regulated pursuant to Chapter [22.50](#) MMC, Signs. (Ord. 005/2019 § 10 (Exh. B))

22.40.040 Preexisting legal lots of record.

A lot, tract, or parcel is considered a legal lot of record if it was subdivided in compliance with applicable laws regarding platting at the time of its creation.

- A. A lot, tract, or parcel shall be deemed a legal lot of record if it meets one of the following criteria:
 - 1. Any lot platted or legally created under a Monroe subdivision ordinance on or after December 31, 1968; or
 - 2. Any lot that was a legal lot of record under the regulations and standards of Snohomish County prior to annexation into the city of Monroe; or
 - 3. Any parcel divided by metes and bounds, or fractional section description, or platted and recorded with the Snohomish County auditor prior to December 31, 1968; or
 - 4. Any parcel defined by metes and bounds, or fractional section description, and conveyed by notarized deed prior to December 31, 1968.

B. Pursuant to RCW [58.17.210](#), the city shall not issue any building or development permits for lots, tracts, or parcels divided in violation of state or local land use regulations. The applicant shall bear the burden of proving that a lot, tract, or parcel is legal. (Ord. 005/2019 § 10 (Exh. B))

22.40.050 Nonconforming lots.

A. *Legal Nonconforming Lots.* Legal lots of record that do not meet the requirements set forth in this title are considered legal nonconforming lots.

1. *Alterations.* Legal nonconforming lots may be altered or changed, provided such change does not increase the degree of nonconformity.

2. *Consolidation.* Where two or more contiguous legal nonconforming lots of record are under common ownership and will result in legal lots in conformance with bulk requirements and critical area regulations, the owner shall consolidate the subject lots into one lot. An approved and recorded boundary line adjustment shall be required prior to issuance of any development permits.

3. *Development.* To be deemed buildable, a legal nonconforming lot shall meet all of the following requirements:

- a. The lot must exceed a minimum gross area of three thousand square feet;
- b. The lot must have a minimum width of thirty feet;
- c. The property owner shall provide evidence to the city that establishes that the lot was:
 - i. Legally created, pursuant to MMC [22.40.040](#);
 - ii. Intended to be a building site at the time of its creation; and
 - iii. Is not is not subject to consolidation pursuant to subsection [\(A\)\(2\)](#) of this section.

4. *Exemptions.* A lot, tract, or parcel established in conformance with the requirements of RCW [58.17.040](#) shall be exempt from the provisions of this chapter.

B. *Illegal Nonconforming Lots.* A lot that was not legally created in accordance with the laws of the local governmental entity in which it was located at the date of its creation is an illegal nonconforming lot and will not be recognized for development. (Ord. 005/2019 § 10 (Exh. B))

22.40.060 Nonconforming structures.

A. *Legal Nonconforming Structures.* A legal nonconforming structure is a structure that conformed to the applicable code requirements that were in effect at the time of its construction, but does not conform to the current regulations of the zoning district in which it is situated due to subsequent changes in code requirements.

Legal nonconforming structures may be altered, repaired, enlarged, added to or moved only as regulated by this section.

1. *Enlargement.* A structure that is legal nonconforming solely by reason of substandard yard, height, area or other bulk requirements, and is not occupied by a nonconforming use, may be enlarged. The enlargement shall conform to the regulations for the zoning district in which the building is located.
2. *Interior Remodel.* An interior remodel of a legal nonconforming structure is permitted and will not result in loss of legal nonconforming status regardless of the cost or extent of the interior remodel, provided no exterior alteration or enlargement is involved.
3. *Repairs and Maintenance.* Repairs and/or maintenance necessary and incidental to meeting requirements of law regarding building safety, including but not limited to the International Building Code, International Residential Code, or International Fire Code, may be performed on a building or structure. In no event shall the repair of a building or structure result in the expansion of any existing nonconformity or the creation of any new nonconformity.
4. *Relocation.* Legal nonconforming structures that are moved to another location, either within the same zoning district or to another zoning district, must conform to all the rules and regulations of the zoning district to which it is moved.
5. *Reconstruction.* Legal nonconforming structures, when destroyed by accidental causes, may be rebuilt to the original building footprint and bulk requirements, and may be occupied by the same use after reconstruction subject to the following conditions:
 - a. The extent of the previously existing nonconformance is not increased;
 - b. No new nonconformities are created;
 - c. A complete building permit application for repair or reconstruction is submitted to the city by the owner of the property within twelve months of the date of the occurrence of damage or destruction;
 - d. The structure has not been damaged or destroyed beyond seventy-five percent of its assessed value;
 - e. Legal nonconforming residential structures located in any single-family or multifamily residential zoning district may be rebuilt to their original dimensions and bulk after destruction by accidental causes. However, legal nonconforming residential structures may not be altered except as provided in this section;
 - f. If a change in ownership of a structure subject to restoration under this section occurs after the date of the occurrence of damage or destruction, but prior to completion of such restoration, the legal nonconforming status of the structure shall be lost and it shall not be reconstructed except in conformity with the provisions of this chapter;
 - g. For the purposes of this chapter, accidental causes include accidental fire, storm, earthquake, or any other natural disaster, or an act of vandalism, terrorism, or war. Reconstruction shall not be permitted for

a structure subject to the National Flood Insurance Program (NFIP) unless it complies with all applicable NFIP requirements.

B. *Illegal Nonconforming Structures.* A structure that was not legally constructed in accordance with the laws of the local governmental entity in which it was located at the date of its creation is an illegal nonconforming structure and will not be allowed by the city to remain pursuant to MMC [22.40.090\(C\)](#), Illegal Nonconformances. (Ord. 005/2019 § 10 (Exh. B))

22.40.070 Nonconforming uses.

A. *Legal Nonconforming Uses.* A legal nonconforming use of land and/or structures is a use that conformed to the applicable code requirements that were in effect at the time of the establishment of the use, but does not conform to the current regulations of the zoning district in which it is situated due to subsequent changes in code requirements. Nonconforming uses are regulated subject to the requirements of this section.

1. *Expansion of Use.* A legal nonconforming use shall not be enlarged, expanded, or extended to occupy a greater area of building or land than was occupied at the effective date of adoption or amendment of that portion of this code which rendered the use nonconforming. Expansion includes increasing the size of the structure in which the use occurs or significantly enlarging the scope, volume, area, or intensity of the use.
 - a. Alterations to or expansion of a legal nonconforming use that are required by law or a public agency in order to comply with public health or safety regulations are the only alterations or expansions allowed to legal nonconforming uses.
 - b. Improvements, expansions, or additions to existing single-family dwellings including accessory buildings, considered nonconforming due to the zone in which they are located, are permissible when the improvement, expansion, or addition:
 - i. Does not change the existing use, as established, from the effective date of the nonconformance;
 - ii. Does not increase the land area devoted to the nonconforming use by more than twenty-five percent from the effective date of the nonconformity;
 - iii. Does not create additional dwelling units;
 - iv. Conforms to required occupancy, setback, lot coverage, landscaping, parking, and all other development standards within the respective zone;
 - v. Meets the applicable design standards prescribed in Chapter [22.42](#) MMC; and
 - vi. Provides public improvements, as deemed necessary for the project, such as sewer, water, drainage, pedestrian circulation, and vehicle circulation, in addition to other concurrency provisions.

2. *Change of Use.* Unless specifically permitted by this chapter, an existing structure devoted to a legal nonconforming use shall not be structurally altered, except for those alterations necessary to change the nonconforming use of the structure to a use permitted in the zoning district in which it is located.

a. If no structural alterations are made, any legal nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use; provided, that the hearing body findings in the specific case shall find that the proposed use is more appropriate to the zoning district than the existing legal nonconforming use. In permitting such change, the hearing body may require appropriate conditions and safeguards in accord with the provisions of this title.

b. Any structure, or structure and land in combination, in or on which a legal nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

c. *Relocation.* No legal nonconforming use shall be moved, in whole or in part, to any other portion of the structure or lot other than that portion occupied by such use at the effective date of adoption or amendment of the ordinance codified in this chapter.

d. *Restoration.* In the event that a structure containing an existing legal nonconforming use is destroyed by accidental causes, the legal nonconforming status of any use contained in the structure shall not be lost, provided a complete building application to rebuild the structure and reestablish the legal nonconforming use is submitted within twelve months of the date of the loss.

e. *Conditional Uses.* An existing legal use does not become a conditional use because the zoning district in which it is located is changed to a zoning district that requires a conditional use permit for the specified use. The existing use may be enlarged without obtaining a conditional use permit.

f. *Exemption – Residential/Group Care Facilities.* The conversion of an existing residential structure to housing for people with functional disabilities, as defined by RCW [74.39A.009\(23\)](#), shall not be deemed a change of use or an abandonment or discontinuity of the prior use of the structure, if such structure constituted a prior legal nonconforming use.

B. *Illegal Nonconforming Uses.* A use that was not legally established in accordance with the laws of the local governmental entity in which it was located at the date of its creation is an illegal nonconforming use and will not be allowed by the city to remain pursuant to MMC [22.40.090\(C\)](#), Illegal Nonconformances. (Ord. 005/2019 § 10 (Exh. B))

22.40.080 Nonconforming sites.

A. *Legal Nonconforming Sites.* A legal nonconforming site is a developed building site that conformed to the applicable code requirements that were in effect regarding site development at the time of development, but does not conform to the current regulations of the zoning district in which it is situated due to subsequent changes in code requirements. Alterations to legal nonconforming sites shall be regulated by this section.

1. *Impervious Surface Coverage.* A structure on a site that is legally nonconforming because the maximum allowable impervious surface coverage has been exceeded may be increased in height and gross floor area up to the maximum allowed in the zoning district in which the site is located. No new impervious surfaces are permitted outside the footprint of an existing structure on a nonconforming site.
2. *Parking.* For any site deemed legal nonconforming due to insufficient off-street parking, as set forth in Chapter [22.44](#) MMC, Parking Standards and Design, such legal nonconforming conditions may continue as permitted by the provisions set forth in this section. However, in no case shall a site legal nonconforming to parking requirements have its existing number of off-street parking spaces reduced.
 - a. *Legal Nonconforming Residential Parking.* No additional parking spaces shall be required for modifications to residential structures on sites legal nonconforming to parking, provided:
 - i. The primary land use located on the site is residential;
 - ii. The number of dwelling units on the site is not increased; and
 - iii. The number of off-street parking spaces on the site is not decreased.
 - b. *Legal Nonconforming Nonresidential Parking.* For a nonresidential site deemed legal nonconforming to insufficient off-street parking, it shall be exempt from providing additional off-street parking, provided:
 - i. A structure is not enlarged, extended, or structurally altered outside the existing building footprint in a manner that would require additional parking pursuant to Chapter [22.44](#) MMC.
 - ii. The use of the structure is changed to one that does not require more parking than the previous use.
 - iii. The number of off-street parking spaces on the site is not decreased.
 - c. *Movement of Structure.* If a structure that is nonconforming to parking requirements is moved to a new lot, off-street parking spaces shall be provided in accordance with the requirements of Chapter [22.44](#) MMC.
 - d. *Reduction of Required Off-Street Parking for Nonconforming Sites.* The zoning administrator may approve a reduction of up to twenty percent of the required off-street parking spaces, per Chapter [22.44](#) MMC, when the applicant provides one or more of the following:
 - i. A parking study, written by a qualified professional, demonstrating that the parking need can be met by the proposed reduction.
 - ii. The applicant enters into joint parking agreement, for use of a cooperative parking facility, in accordance with Chapter [22.44](#) MMC.
3. *Landscaping.* For any site deemed legal nonconforming due to insufficient landscaping, as set forth in Chapter [22.46](#) MMC, Landscaping Standards, such legal nonconforming conditions may continue as permitted

by the provisions set forth in this section. However, in no case shall a site legal nonconforming to landscaping requirements have the total existing area of existing landscaping on site reduced.

- a. *Legal Nonconforming Residential Landscaping.* No additional landscaping shall be required for modifications to residential structures on sites legal nonconforming to landscaping, provided:
 - i. The primary land use located on the site is residential;
 - ii. The number of dwelling units on the site is not increased; and
 - iii. The total area of the landscaping on the site is not decreased.
- b. *Legal Nonconforming Nonresidential Landscaping.* A nonresidential site deemed legal nonconforming to landscaping shall be exempt from providing additional landscaping, provided the following are met:
 - i. A structure is not enlarged, extended, or structurally altered outside the existing building footprint in a manner that would require additional landscaping pursuant to Chapter [22.46](#) MMC.
 - ii. The use of the structure is changed to one that does not require more landscaping than the previous use.
 - iii. The total area of the landscaping on the site is not decreased.
- c. *Landscape Plan.* When the city determines that landscaping on a nonconforming site shall be brought into compliance with code requirements, a landscape plan, which substantially conforms to the requirements of Chapter [22.46](#) MMC, Landscaping Standards, shall be submitted to the city for approval prior to issuance of a building or development permit.

B. *Illegal Nonconforming Sites.* A site that was not legally developed in accordance with the laws of the local governmental entity in which it was located at the date of its creation is an illegal nonconforming site and will not be allowed by the city to remain pursuant to MMC [22.40.090\(C\)](#), Illegal Nonconformances. (Ord. 005/2019 § 10 (Exh. B))

22.40.090 Enforcement.

- A. *Compliance with Current Regulations.* Pursuant to the provisions of this chapter, the following shall come into compliance with current code requirements:
1. Any illegal nonconforming structure, site, lot, or use;
 2. Any legally nonconforming structure, site, lot, or use that loses its nonconforming status; and
 3. Any structure or use that is deemed vacated or abandoned shall be enforced pursuant to the provisions of Chapter [1.04](#) MMC.

B. *Loss of Nonconforming Status.* A legally established nonconformance shall lose its legal nonconforming status when any of the following conditions are met. When legal nonconforming status is lost, the structure, site, lot, or use must be brought into conformance with all applicable code requirements.

1. *Nonconforming Structures.*

a. Should any legal nonconforming structure be destroyed by any means other than accidental causes to an extent of more than seventy-five percent of its replacement cost at time of destruction, in the judgment of the city, it shall not be reconstructed except in conformity with the provisions of this chapter. Structures destroyed by accidental causes are subject to the requirements of MMC [22.40.060\(A\)\(5\)](#), Reconstruction.

b. When a legal nonconforming structure, or structure and premises in combination, is vacated or abandoned for six consecutive months, the structure, or structure and premises in combination, shall thereafter be required to be in conformance with the regulations of the zoning district in which it is located.

2. *Nonconforming Uses.*

a. If any such legal nonconforming use is vacated or abandoned for any reason for a period of more than six consecutive months, any subsequent use shall conform to the regulations specified by this title for the zoning district in which such use is located.

b. Any structure, or structure and land in combination, in or on which a legal nonconforming use is superseded by a permitted use shall conform to the regulations specified by this title for the zoning district in which such use is located.

3. *Nonconforming Sites.*

a. *Maximum Lot Coverage.* Sites legally nonconforming to lot coverage standards shall conform to current regulations regarding impervious surface coverage when new impervious surfaces are placed outside of the footprint of an existing structure on a legal nonconforming site.

b. *Parking Requirements.* Sites legally nonconforming to off-street parking standards shall conform to current parking regulations subject to the following:

i. *Legal Nonconforming Residential Parking.* Residential sites that are legal nonconforming due to insufficient off-street parking shall be brought into conformance with the requirements set forth in Chapter [22.44](#) MMC, Parking Standards and Design, under the following conditions:

(A) The primary land use located on the site is changed to a nonresidential land use; or

(B) The number of dwelling units on the site is increased.

ii. *Legal Nonconforming Nonresidential Parking.* Nonresidential sites that are legal nonconforming due to insufficient off-street parking shall be brought into conformance with the requirements set forth in Chapter [22.44](#) MMC when one of the following conditions is met:

- (A) A structure is enlarged or extended outside the existing structure footprint in a manner that would require additional parking pursuant to Chapter [22.44](#) MMC; or
 - (B) The use of the site changes to a use that requires more parking than the previous use.
- c. *Landscaping.* Sites legally nonconforming to landscaping standards shall conform to current landscaping regulations in Chapter [22.46](#) MMC, subject to the following:
- i. *Legal Nonconforming Residential Landscaping.* Residential sites that are legal nonconforming to landscaping requirements shall be brought into conformance with the requirements set forth in Chapter [22.46](#) MMC, Landscaping Standards, under the following conditions:
 - (A) The primary land use located on the site is changed to a nonresidential land use; or
 - (B) The number of dwelling units on the site is increased.
 - ii. *Legal Nonconforming Nonresidential Landscaping.* Nonresidential sites that are legal nonconforming due to insufficient landscaping shall be brought into conformance with the requirements set forth in Chapter [22.46](#) MMC, Landscaping Standards, when one of the following conditions is met:
 - (A) A structure is enlarged or extended outside the existing structure footprint in a manner that would require additional landscaping pursuant to Chapter [22.46](#) MMC; or
 - (B) The use of the site changes to a use that requires more landscaping than the previous use.
- C. *Illegal Nonconformances.* Any use, structure, lot, or site not established in compliance with applicable development regulations in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal pursuant to the applicable provisions of Chapter [1.04](#) MMC, Code Enforcement. (Ord. 005/2019 § 10 (Exh. B))

The Monroe Municipal Code is current through Ordinance 022/2020, passed November 10, 2020.

Disclaimer: The city clerk's office has the official version of the Monroe Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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