

**CITY OF MONROE
RESOLUTION NO. 008/2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, ADOPTING FINDINGS IN SUPPORT OF INTERIM ORDINANCE NO. 003/2016 PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; FORMALLY EXPRESSING THE CITY COUNCIL'S ACKNOWLEDGEMENT AND INTENT REGARDING THE CONTINUED DESIGNATION OF THE EAST MONROE AREA AS LIMITED OPEN SPACE FOLLOWING THE GROWTH MANAGEMENT HEARINGS BOARD'S DECISION IN CPSGMHB CASE NO. 14-3-0006c; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Monroe's previous actions redesignating the East Monroe area from Limited Open Space to General Commercial under Ordinance Nos. 022/2013, 024/2013, 015/2015, and 016/2015 have been rejected and invalidated by the Growth Management Hearings Board in CPSGMHB Case No. 14-3-0006c; and

WHEREAS, the Monroe City Council has not yet taken formal, permanent legislative action to achieve compliance in CPSGMHB Case No. 14-3-0006c; and

WHEREAS, the City Council adopted interim Ordinance No. 003/2016 on May 3, 2016, in order to publicly clarify and reaffirm the continued designation of the East Monroe area as Limited Open Space during the compliance remand period in CPSGMHB Case No. 14-3-0006; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the Council may adopt supportive findings following the public hearing on a previously enacted interim ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONROE AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted by reference as findings in support of this resolution. The City Council further adopts by reference the additional findings contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Legislative Intent; Continued Acknowledgement of Limited Open Space Designation. Based upon the determinations of invalidity entered in CPSGMHB Case No. 14-3-0006c with respect to Ordinance Nos. 022/2013 (in relevant part), 024/2013, 015/2015, and 016/2015, the City Council formally acknowledges that the reclassification and rezoning of the East Monroe property to General Commercial under said ordinances is presently null and void. The City Council further formally

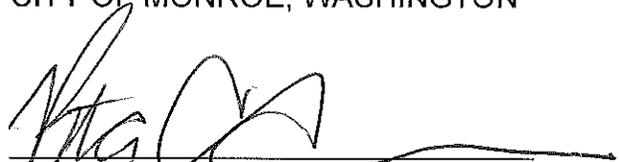
acknowledges and expresses its legislative intent that under both the *status quo ante* and Ordinance No. 003/2016, the current designation of the East Monroe area is and continues to be Limited Open Space.

Section 3. Reservation. The foregoing is without prejudice to the City Council's ultimate policy discretion in selecting a permanent compliance approach in CPSGMHB Case No. 14-3-0006c.

Section 4. Effective Date. This resolution shall take effect immediately upon passage.

ADOPTED by the City Council of the City of Monroe, at its regular meeting thereof, and APPROVED by the Mayor this 21st day of June, 2016.

CITY OF MONROE, WASHINGTON

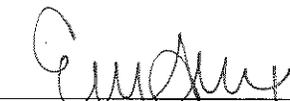


Geoffrey Thomas, Mayor

Palma Cadeback, Mayor Pro Tem


(SEAL)

ATTEST:



Elizabeth M. Smoot, MMC, City Clerk

EXHIBIT A

MONROE CITY COUNCIL

LEGISLATIVE FINDINGS OF FACT FOR ORDINANCE NO. 003/2016

In addition to the recitals contained in Ordinance No. 003/2016, the City Council further enters the following findings pursuant to RCW 36.70A.390 and RCW 35A.63.220.

1. On May 3, 2016, the Monroe City Council passed Ordinance No. 003/2016. Ordinance No. 003/2016 adopted interim zoning regulations pursuant to RCW 36.70A.390, RCW 36.70A.302, and RCW 35A.63.220; adopting and reaffirming the continued zoning designation of the East Monroe area as Limited Open Space (LOS) during the compliance remand period in Central Puget Sound Growth Management Hearings Board (CPSGMHB) Case No. 14-3-0006c; adopting supportive findings; providing for severability; declaring an emergency; and providing for an immediate effective date.
2. More specifically, Ordinance No.003/2016 reaffirms and designates the continued Limited Open Space (LOS) Zoning designation of certain property(ies) located north of US-2 near the eastern City limits, commonly known as the "East Monroe Area" and consisting of tax parcel numbers 270706-001-025-00, 270705-002-061-00, 270705-002-062-00, 270705-002-063-00, and 270705-002-064-00. The LOS Zoning designation was shown on Exhibit A to Ordinance No. 003/2016. Exhibit A was incorporated into Ordinance No. 003/2016 as if set forth in full.
3. Ordinance No. 003/2016 became effective immediately upon passage.
4. Ordinance No. 003/2016, Section 2 provides that the City Clerk schedule a public hearing on Ordinance No. 003/2016 within 60 days of its adoption pursuant to RCW 36.70A.390 and RCW 35A.63.220. Ordinance No. 003/2016, Section 2, also provides that at the conclusion of said public hearing, the City Council shall adopt legislative findings of fact justifying its action in support of the ordinance (Ordinance No. 003/2016).
5. Pursuant to Ordinance No. 003/2016, Section 2, a City Council public hearing for Ordinance No. 003/2016 was scheduled for and held on June 21, 2016.

6. On December 26, 2013, the Monroe City Council adopted Ordinance Nos. 022/2013 and 024/2013, which, *inter alia*, amended the City's Comprehensive Plan Land Use Map and Zoning Map to reclassify and rezone a forty-three (43) acre area of vacant land commonly known as the "East Monroe Area" from Limited Open Space (LOS) to General Commercial (GC).
7. The East Monroe Area reclassification and rezone collectively was subsequently challenged before the Growth Management Hearings Board (GMHB) by multiple parties.
8. After briefing and a hearing on the merits, the GMHB issued its Final Decision and Order (FDO) in CPSGMHB Case No. 14-3-0006c on August 26, 2014.
9. Although the FDO rejected the vast majority of the legal challenges that had been asserted against the East Monroe proposal, the GMHB ultimately determined that the Final Environmental Impact Statement (FEIS) dated September 27, 2013, that had been prepared in conjunction with the East Monroe Area was inadequate due to a few alleged deficiencies.
10. As a result of this conclusion, the GMHB issued a Finding of Noncompliance and a Determination of Invalidity dated August 26, 2014, with respect to the East Monroe Area Comprehensive Plan amendment and zoning map amendment. In summary, the GMHB Order found that:
 - The City failed to comply with RCW 43.21C.030(c), and the Final Environmental Impact Statement for Ordinance No. 022/2013 and Ordinance No. 024/2013 was inadequate because it failed to consider a reasonable range of alternatives and failed to adequately analyze environmental impacts on the entire 43-acre rezone.
 - The City's adoption of Ordinance No. 022/2013 and Ordinance No. 024/2013 was not guided by and substantially interferes with the fulfillment of Growth Management Act (GMA) Planning Goal 10.

A determination of invalidity was entered for Ordinance No. 022/2013, Section 3, and related attachments including Exhibit G, and Ordinance No. 024/2013.

11. In response to the August 26, 2014, GMHB FDO, the City of Monroe coordinated with consultants hired by landowner/applicant, Heritage Baptist Church, to prepare a Supplemental Environmental Impact Statement (SEIS) to address the deficiencies identified in the FDO.

12. The SEIS was issued on November 2, 2015.
13. On November 24, 2015, the Monroe City Council passed Ordinance No. 015/2015 and Ordinance No. 016/2015, which readopted the substance of the East Monroe Area reclassification and the rezone proposal with the support of the November 2, 2015, SEIS.
14. On January 20, 2016, a GMHB compliance hearing was held.
15. On or about April 1, 2016, the GMHB issued an Order Finding Continuing Noncompliance deeming the SEIS inadequate under State Environmental Policy Act (RCW Chapter 43.21C). The GMHB Order Finding Continuing Non-Compliance found that the City of Monroe's November 2, 2015, Supplemental Environmental Impact Statement (SEIS) was inadequate and failed to comply with the requirements of the State Environmental Policy Act, RCW Chapter 43.21C.

The GMHB Order Finding Continuing Noncompliance further:

- Remanded Ordinance No. 015/2015 and Ordinance No. 016/2015 to the City to be brought into compliance with the GMA and Chapter 43.21C; and
 - Entered an order of invalidity with regard to Ordinance No. 015/2015 and Ordinance No. 016/2015.
16. The GMHB Order Finding Continued Non-Compliance provides for a compliance due date of September 28, 2016.
 17. In summary, the City of Monroe's previous actions reclassifying and rezoning the East Monroe area from Limited Open Space to General Commercial under Ordinance No. 022/2013 (in relevant part), Ordinance No. 024/2013, Ordinance No. 015/2015, and Ordinance No. 016/2015, have been rejected and invalidated by the GMHB in CPSGMHB Case No. 14-3-0006c.
 18. The effect of the GMHB's invalidation of the City's various ordinances that attempted to redesignate the East Monroe area as General Commercial is to restore the original Limited Open Space designation of the property.

19. Applicable state law, including without limitation RCW 36.70A.390, RCW 35A.63.220, and RCW 36.70A.302(5), authorizes cities to adopt interim zoning amendments.
20. Based on the GMHB's Order Finding Continuing Non-Compliance issued on or about April 1, 2016, with regards to Ordinance No. 015/2015 and Ordinance No. 016/2015, and the GMHB's determinations of invalidity with respect to Ordinance No. 022/2013 (in relevant part) and Ordinance No. 024/2013, and in order to conclusively eliminate any public uncertainty regarding the current land use designation of the East Monroe area, the City Council's acknowledgement of the Limited Open Space Zoning designation for the East Monroe Area during the remand period for CPSGMHB Case No. 14-3-0006c is appropriate while the City determines a permanent compliance method.
21. The City Council's adoption of Ordinance No. 003/2016 is intended to remove any public uncertainty regarding the existing Zoning designation of the East Monroe Area as its original Limited Open Space (LOS) designation, and shall serve to prevent any future disputes regarding the accrual of vested rights during the pendency of the remand period.
22. It is and has been the City Council's express understanding and legislative intent that the East Monroe property is, and shall remain until further provided by the Council, designated as Limited Open Space and not General Commercial.