

**CITY OF MONROE
ORDINANCE NO. 016/2016**

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, EXTENDING FOR AN ADDITIONAL SIX MONTH PERIOD, INTERIM ZONING ADOPTED MAY 3, 2016 UNDER ORDINANCE NO. 003/2016; 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; ADOPTING FINDINGS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on May 3, 2016, the Monroe City Council passed Ordinance No. 003/2016, which adopted interim zoning pursuant to RCW 36.70A.390, RCW 36.70A.302, and RCW 35A.63.220; and

WHEREAS, Ordinance No. 003/2016 adopted and reaffirmed the continued zoning designation of the East Monroe area (consisting of Snohomish County tax assessor parcel numbers 270706-001-025-00, 270705-002-061-00, 270705-002-062-00, 270705-002-063-00, and 270705-002-064-00) as Limited Open Space (LOS) during the compliance remand period in CPSGMHB Case No. 14-3-0006c; adopted supportive findings; provided for severability; declared an emergency; and provided for an immediate effective date; and

WHEREAS, the May 3, 2016, adoption of Ordinance No. 003/2016 as an interim measure was necessary to prevent any uncertainty regarding the zoning designation of the East Monroe property and prevent any future disputes regarding the accrual of vested rights during the pendency of the remand period; and

WHEREAS, on June 21, 2016, the Monroe City Council held a public hearing on Ordinance No. 003/2016 as required by RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, immediately following the June 21, 2016, public hearing, the Monroe City Council approved Resolution No. 008/2016, adopting legislative findings in support of Ordinance No. 003/2016 pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, the interim zoning approved by Ordinance No. 003/2016 on May 3, 2016, was to automatically sunset six (6) months from its effective date unless terminated earlier or extended by subsequent Council action; and

WHEREAS, by Notation Ruling dated September 16, 2016, the Washington State Court of Appeals granted an extension to the compliance schedule deadline for CPSGMHB Case No. 14-3-0006c while judicial review of the underlying CPSGMHB Order is pending; and

WHEREAS, the Monroe City Council continues to desire to formally designate and reaffirm that the East Monroe Area is, and will remain, in its original Limited Open Space (LOS) designation during the on-going remand period in CPSGMHB Case No. 14-3-0006c; and

WHEREAS, a City Council public hearing on the extension of Ordinance No. 003/2016 was held on October 4, 2016; and

WHEREAS, an extension of the interim zoning formally expressing the City Council's acknowledgement and intent regarding the continued designation of the East Monroe area as Limited Open Space is expressly authorized by Washington law, is necessary to protect the public health, safety or welfare and is a legitimate exercise of the City's police power; and

WHEREAS, nothing herein shall be construed as limiting or otherwise abridging the City Council's discretion in selecting a method by which to achieve compliance with CPSGMHB Case No. 14-3-0006c; regarding which the City Council has not yet acted.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Findings. The recitals set forth in Ordinance No. 003/2016, Resolution No. 008/2016, and as also set forth in the recitals above, as well as information contained in Agenda Bill 16-128, the October 4, 2016, staff report associated with this ordinance, are hereby adopted as the City Council's findings in support of the interim zoning extension provided by this Ordinance.

Section 2. Interim Zoning Extended. The interim zoning formally expressing the City Council's acknowledgement and intent regarding the continued designation of the East Monroe area as Limited Open Space, passed by Ordinance No. 003/2016 on May 3, 2016, is hereby extended for an additional six month period to commence concurrently with the scheduled expiration of the original term of Ordinance No. 003/2016. The six month effective period of said extension shall begin November 3, 2016.

Section 3. Reaffirmation of LOS Zoning Designation. The zoning designation of the East Monroe area (consisting of Snohomish County tax assessor parcel numbers 270706-001-025-00, 270705-002-061-00, 270705-002-062-00, 270705-002-063-00, and 270705-002-064-00) shall continue to be as Limited Open Space (LOS) during the compliance remand period in CPSGMHB Case No. 14-3-0006c.

Section 4. Copy to Department of Commerce. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

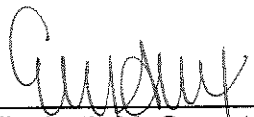
Section 6. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law; provided, that the six-month extension of the interim zoning established by Ordinance No. 003/2016 shall commence on November 3, 2016, concurrently with the scheduled expiration of the original term of said ordinance, and shall sunset automatically six (6) months from November 3, 2016, unless terminated earlier or extended by subsequent council action.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 11th day of October, 2016.

First Reading: October 4, 2016
Adoption: October 11, 2016
Published: October 18, 2016
Effective: October 23, 2016

(SEAL)

ATTEST:


Elizabeth M. Smoot, MMC, City Clerk

CITY OF MONROE, WASHINGTON:


Geoffrey Thomas, Mayor

APPROVED AS TO FORM:


J. Zachary Lell, City Attorney