

**CITY OF MONROE
ORDINANCE NO. 015/2017**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON AMENDING THE ZONING DESIGNATION OF THE PARCELS COMPRISING THE PROPOSED WORTHINGTON HEIGHTS PLAT FROM URBAN RESIDENTIAL 9600 (UR 9600) TO RESIDENTIAL 4 DWELLINGS PER ACRE (R4); SETTING FORTH SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the proponent submitted an application on March 7, 2017, for a citizen-initiated amendment to the City of Monroe's Official Zoning Map to a rezone certain property with an area of 19.3 acres, located at 18515, 18613, 18717, and 18811 134th Street SE, on Snohomish County tax parcel numbers 28063600200100, 28063600200700, 28063600101800, and 28063600101500, commonly known as the Worthington Heights property; and

WHEREAS, the City of Monroe SEPA Responsible Official issued a Determination of Non Significance (DNS) for this proposal on April 3, 2017; and

WHEREAS, the Monroe Planning Commission held a duly advertised public hearing to consider the proposed rezone on June 12, 2017; and

WHEREAS, the Monroe Planning Commission forwarded a recommendation to approve the rezone to the Monroe City Council; and

WHEREAS the above referenced recommendation in support of the rezone was based on Findings of Fact and Conclusions of Law dated June 12, 2017, as put forth by City Staff and adopted by the Monroe Planning Commission; and

WHEREAS, the City Council reviewed the Planning Commission's recommendation at the June 20, and June 27, 2017 regular City Council meetings; and

WHEREAS, the Monroe City Council finds that the proposed rezone bears a substantial relationship to the public health, safety, morals and general welfare, and is consistent with and will implement the City's Comprehensive Plan; and

WHEREAS, the City Council further finds that the proposed rezone has been processed in material compliance with all applicable state and local procedures, including without limitation, the provisions of Titles 18 and 21 MMC; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the amendment, as provided in this ordinance, and approve the rezone.

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

Section 1. Worthington Heights Rezone (RZ2017-01). The Monroe City Council hereby approves the zoning reclassification of certain property located at 18515, 18613, 18717, and 18811 134th Street SE, Monroe, Washington, in Township 28 North, Range 06 East, Section 36, Willamette Meridian (W.M.) on Snohomish County tax parcel numbers 28063600200100, 28063600200700, 28063600101800, and 28063600101500, from Urban Residential 9600 (UR 9600) to Residential 4 Dwellings per Acre (R4), as shown on the attached Exhibit A, and incorporated by this reference as if set forth in full. The City Council hereby authorizes and directs that the official zoning map of the City be amended to reflect said rezone in accordance with MMC 18.04.020.

Section 2. Findings. The Monroe City Council hereby adopts the above recitals as findings in support of the zoning map amendment effectuated by this ordinance. The City Council also adopts the Planning Commission's Findings of Fact and Conclusions of Law dated June 12, 2017, for the Worthington Heights property rezone, in support of said amendment, attached as Exhibit B, and incorporated by this reference as if set forth in full.

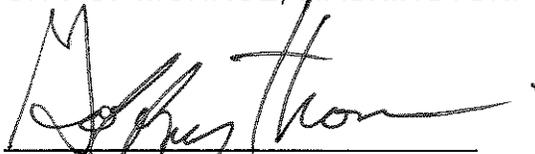
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 27th day of June, 2017.

First Reading: June 20, 2017
Final Reading: June 27, 2017
Published: June 30, 2017
Effective: July 5, 2017

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

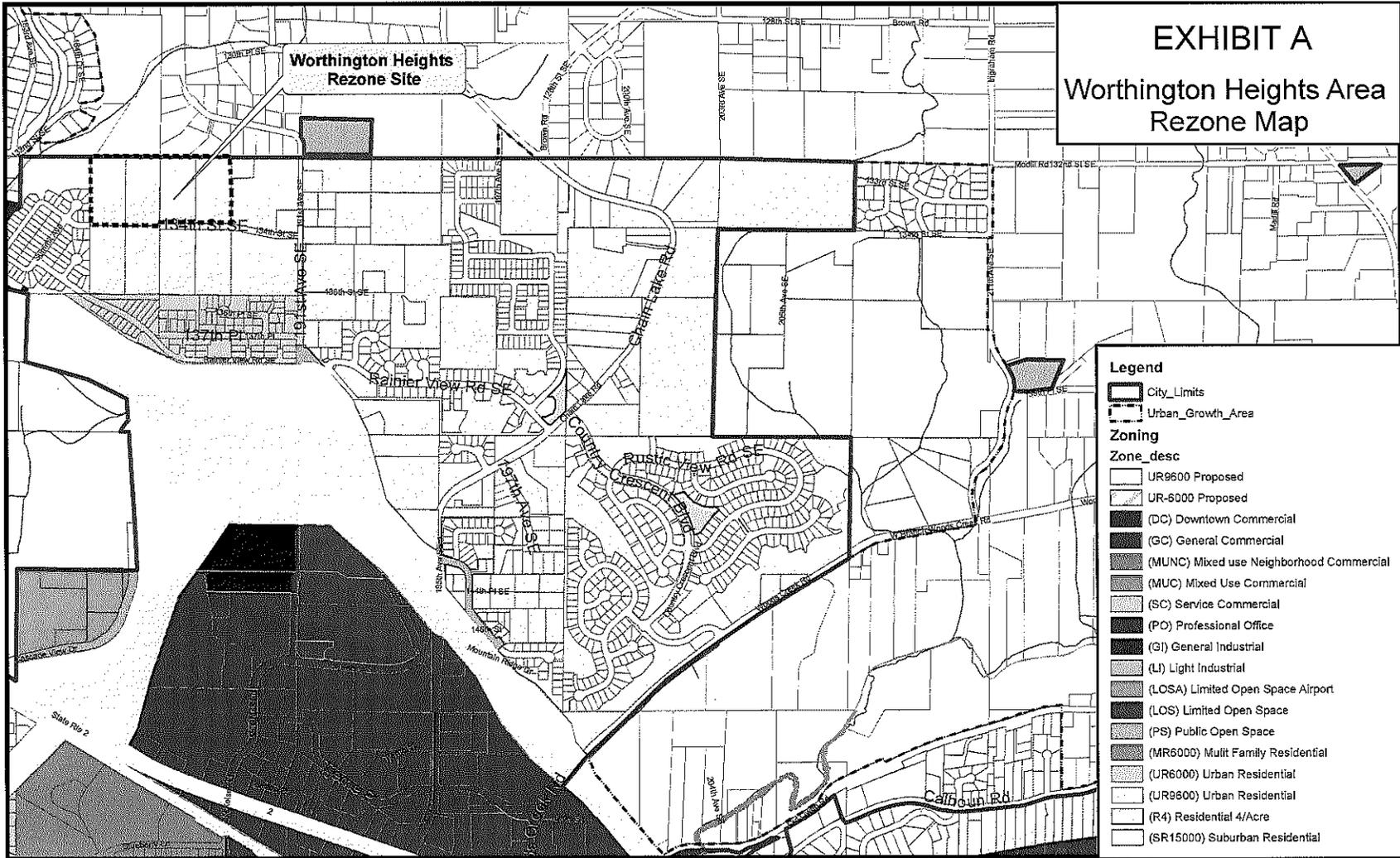
APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney





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

A. GENERAL APPLICATION INFORMATION

File Number(s):	RZ2017-01
Proposal Description:	The applicant, Carroll Harder, has submitted a request for a rezone to amend the current City of Monroe zoning map for the subject site to change its current designation from Urban Residential 9600 (UR9600) to Residential 4 Dwellings per Acre (R4). The property's existing Comprehensive Plan Designation of Low Density Single Family Residence (Low Density SFR) will remain the same. This application is associated with an application for a preliminary plat and planned residential development (PRD) to subdivide a 19.3-acre site into 100 single-family residential lots (File # PLPRD2017-01).
Applicant:	Carroll Harder, 11431 18811 134th Street SE, Monroe, WA 98272
Location:	The site is located at 18515, 18613, 18717 and 18811 134th Street SE, Monroe, WA 98272, Snohomish County tax parcel No(s), 28063600200100, 28063600200700, 28063600101800, and 28063600101500, Township 28, Range 06, Section 36, Willamette Meridian (WM).
Public Hearing Date:	Monday, June 12, 2017 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Shana Restall, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4808 srestall@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The applicant, Carroll Harder, submitted an application to the City on March 7, 2017 requesting preliminary approval of a 100-lot subdivision and Planned Residential Development (PRD) on a 19.3-acre site. Concurrent with the Worthington Heights Preliminary Plat and Planned Residential Development application, the City received a privately initiated rezone application for the subject site. The property is currently zoned Urban Residential 9600 (UR9600). The applicant has requested the subject property be rezoned to Residential 4 Dwellings per Acre (R4).

C. REVIEW PROCESS

1. Overview

MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and environmental code

(MMC Titles 17 through 20).

As the applicant is proposing a change to the City's Official Zoning Map, which is adopted as part of the development regulations per MMC 18.04.010, a public hearing in front of the Planning Commission and subsequent recommendation to the City Council is required. Furthermore, MMC sections 18.99.050 and 21.50.120 stipulate that rezone applications shall be heard by the Planning Commission, which, in turn, makes a recommendation to the City Council.

The required public hearing in front of the Planning Commission was held on June 12, 2017. Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. No earlier than June 20, 2017, the City Council will hold a first reading to consider the Commission's recommendation. In accordance with MMC 21.50.050(B)(1), the Council shall take one of the following actions on the Planning Commission's recommendation:

- a. Approve as recommended;
- b. Approve with conditions;
- c. Modify, with or without the applicant concurrence;
- d. Deny (reapplication or resubmittal is permitted);
- e. Deny with prejudice (reapplication or resubmittal not allowed for one year); or
- f. Remand back to the Planning Commission for clarification.

Per MMC 21.50.090(H), the Council's decision is the City's final action on the proposed code amendments. The decision may be appealed to Snohomish County Superior Court.

2. Public Notification and Comments

- a. **Notice Completeness and Application:** The rezone application was received by the City on March 7, 2017 and was determined to be complete on March 9, 2017. Notice of the application was made per MMC 21.40.010 on March 14, 2017 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Monroe Monitor.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided pursuant to MMC 21.40.020 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Monroe Monitor on April 6, 2017. Notice of the June 12, 2017 public hearing was provided substantially in accordance with MMC 21.40.020. The notice was published in the Everett Daily Herald on June 3, 2017, and posted and mailed on June 5, 2017. MMC 21.40.020(A) requires that a Notice of Public Hearing be issued a minimum of 10 calendar days prior to the date of the hearing. However, MMC 21.40.020(A)(4) allows for discretion on the part of the hearing body to determine "whether notice was reasonable and adequate." Although the publishing this notice of this public hearing and its mailing and posting only allowed for nine and seven calendar days, respectively, hearing procedures have changed recently creating special circumstances.

Previously, preliminary plats and PRDs would be subject to a public hearing in front of the Hearing Examiner, who would make a recommendation to the City Council. Reviews of associated rezone applications could be consolidated with preliminary plat/PRD, as the final decision was the purview of the Council. On May 16, 2017, the City Council adopted Ordinance No. 011/2017, which changed the Hearing Examiner from the recommending body to the final decision body for preliminary subdivisions and PRDs. The proposed Worthington Heights plat and PRD will be decided upon by the Hearing Examiner while the proposed rezone is a legislative action subject to review by the Planning Commission and subsequent recommendation to the City Council.

Since approval of the Worthington Heights Preliminary Plat and Planned Residential Development is expressly dependent and contingent upon the Council's decision on the rezone, a decision must be made by Council on the rezone prior to consideration of the

P.114:

Promote housing design and construction that enhances community image and fosters compatibility with surrounding development.

Conclusions of Law:

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

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

- a. Monroe Municipal Code (MMC) Chapter 18.99 contains the City's provisions pertaining to rezones and amendments to the City's official zoning map.
- b. Pursuant to MMC 18.10.010, "The purpose of the single-family zoning districts in the city of Monroe is to promote the existing small town character by providing that new development will be compatible with the density and setbacks of the present housing stock. The purpose is also to provide for a broad range of housing types and densities." The proposed rezone is intended to meet the purpose for single-family zoning districts, as specified above/

Conclusions of Law:

The proposed code amendments do not modify the intent of the existing regulations; are consistent with the purpose of the City's development review process; and therefore, meet the requirements and intent of the MMC.

3. Findings of Fact regarding consistency with the State Environmental Policy Act [MMC Chapter 20.04, Washington Administrative Code (WAC) Chapter 197-11, and Revised Code of Washington (RCW) Chapter 43.21C]:

- a. An environmental checklist was submitted for environmental review on March 7, 2017.
- b. The SEPA Responsible Official issued a Determination of Nonsignificance on April 3, 2017.
- c. The Determination of Non-significance and SEPA checklist were placed on the City's website and emailed to the City's SEPA distribution list on April 3, 2017. The SEPA distribution list is comprised of interested parties and tribes, including the Department of Ecology.
- d. Notice of the SEPA Threshold Determination was published in the Everett Daily Herald and posted at City Hall and the Monroe Library on April 3, 2017.
- e. The SEPA comment period expired at 5:00 PM on April 17, 2017. No comments were received.
- f. The SEPA appeal period ended at 5:00 PM on April 24, 2017. No appeals were received.

Conclusions of Law:

The proposal is consistent with the requirements of the State Environmental Policy Act, pursuant to Chapter 20.04 MMC, Chapter 197-11 WAC, and Chapter 43.21C RCW.

4. Findings of Fact regarding consistency with the Washington State Growth Management Act (RCW Chapter 36.70A):

- a. The proposal addresses the Planning Goals listed in RCW 36.70A.020. The goals in RCW 36.70A.020 (1) and (2) specifically – Urban Growth and Reduce Sprawl, respectively - apply to the proposed rezone. These goals state the following:
 - (1) **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - (2) **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Conclusions of Law:

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

5. Findings of Fact regarding consistency with Public Notice Requirements (Chapter 21.40

preliminary plat and PRD by the Hearing Examiner. It was determined that the most efficient route for processing the project was to hold the required public hearing on the rezone in front of the Planning Commission prior to the public hearing on the Worthington Heights Preliminary Plat and PRD, which is tentatively scheduled for July 6, 2017. Furthermore, at the time this agenda bill was drafted, no public comments on the proposed rezone had been received by the City. Because notice for the previously scheduled hearings included the rezone, thus alerting nearby residents to the proposal, and at least a week's notice was provided for this hearing, it is determined that notice was reasonable and adequate.

3. State Environmental Policy Act (SEPA) Review

A SEPA Determination of Non-Significance (DNS) was issued on the proposed preliminary plat, PRD, and rezone on April 3, 2017. The public comment period for the DNS ended at 5:00 PM on April 17, 2017, with a subsequent appeal deadline of 5:00 PM on April 24, 2017. No comments or appeals were received on the SEPA Threshold Determination.

4. Public Hearing

A public hearing on this matter was held in front of the Planning Commission on June 12, 2017. The following public testimony was received

Justin Niemela, 13523 Muir Dr. SE, Monroe WA. 98272

Mr. Niemela's concerns were the traffic impacts that will be added from this proposal. He would like to see traffic addressed prior to the approval of the plat and the overall growth in this area.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a rezone or site-specific zoning map amendment. However, MMC 21.50.040 stipulates:

...the Planning Commission shall not recommend approval of a proposed comprehensive plan or development regulation amendment unless the following findings and conclusions are made:

1. *The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.*
2. *The proposal is beneficial to the public health, safety, and welfare and is in the public interest.*

The following **Findings of Fact** have been made about the proposed code amendments and the resultant **Conclusions of Law** were established from the Findings of Fact:

1. Findings of Fact regarding consistency with the City of Monroe 2015-2035 Comprehensive Plan:

- a. The current Monroe Comprehensive Plan contains several applicable policies, as shown below.

Goal or Policy Number	Policy Text
Goal 4:	Consider alternative approaches to development, such as clustering or lot size policies that support overall density targets without undermining desired land use character.
P.090:	Consider alternative approaches to development, such as clustering or lot size policies that support overall density targets without undermining desired land use character.

MMC):

- a. Notice of the June 12, 2017 public hearing was provided substantially in accordance with MMC 21.40.020. On June 3, 2017, the Notice of Public Hearing was published in the Everett Daily Herald. Notice of the June 12, 2017 public hearing was posted and mailed on June 5, 2017.
- b. The rezone had been noticed for two cancelled public hearings that were previously scheduled for April 27, 2017 and May 11, 2017. The preceding notices alerted nearby residents to the rezone proposal. No comments were received on the rezone.
- c. Public notice of the hearing was reasonable and adequate.

Conclusions of Law:

The proposal has met noticing requirements detailed within MMC 21.40.

6. Findings of Fact regarding consistency with the Review and Approval Process (Chapter 21.50 MMC):

- a. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).

As the applicant is proposing a change to the City's Official Zoning Map, which is adopted as part of the development regulations per MMC 18.04.010, a public hearing in front of the Planning Commission and subsequent recommendation to the City Council is required. Furthermore, MMC sections 18.99.050 and 21.50.120 stipulate that rezone applications shall be heard by the Planning Commission, which, in turn, makes a recommendation to the City Council.

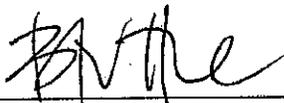
- b. In accordance with MMC 21.50.040(C)(1), a finding is made that the proposal is consistent with the City of Monroe Comprehensive Plan and meets the intent of this code.
- c. Pursuant to MMC 21.50.040(C)(2), a finding is made that the proposal is beneficial to the public health, safety, and welfare and is in the public interest.

Conclusions of Law:

The proposal complies with the Review and Approval Process requirements in Chapter 21.50 MMC.

E. RECOMMENDATION OF THE PLANNING COMMISSION

Move that the Planning Commission ADOPT the Findings of Fact and Conclusions of Law contained in Attachment 5 to the Planning Commission agenda bill; recommend that the City Council APPROVE Ordinance No. 015/2017 amending the City of Monroe Zoning Map to change the designation in the Worthington Heights Rezone Area from Urban Residential 9600 (UR 9600) to Residential 4 Dwellings per Acre (R4); and authorize the Planning Commission Chair to sign the adopted Findings of Fact and Conclusions of Law.



Bridgette Tuttle, Planning Commission Chair

Date 6/16/2017

City of Monroe



ZONING

ZONING DISTRICTS

- (DC) - Downtown Commercial
- (GC) - General Commercial
- (MUNC) - Mixed Use Neighborhood Commercial
- (MUC) - Mixed Use Commercial
- (SC) - Service Commercial
- (PO) - Professional Office
- (GI) - General Industrial
- (LI) - Light Industrial
- (LOSA) - Limited Open Space-Airport
- (LOS) - Limited Open Space
- (PS) - Public Open Space
- (MR6000) - Multi-Family Residential
- (UR6000) - Urban Residential
- (UR9600) - Urban Residential
- (R4) - Residential 4 Dwellings Per Acre
- (SR15000) - Suburban Residential

OVERLAY ZONES

- North Kelsey Planning Area (ORD 009/2010)
- North Kelsey Planned Dev Area (ORD 009/2010)
- Downtown Planning Area (ORD 036/2008)
- Airport Overlay Zone (ORD. 026-2006)
- AEO-SOB Boundary (ORD 029/2003)

BOUNDARIES

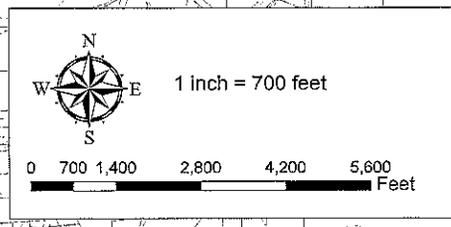
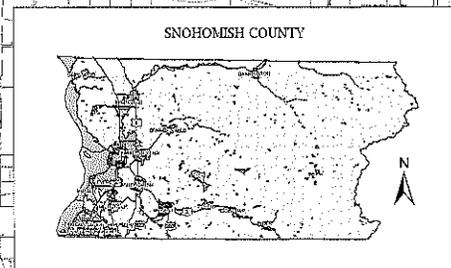
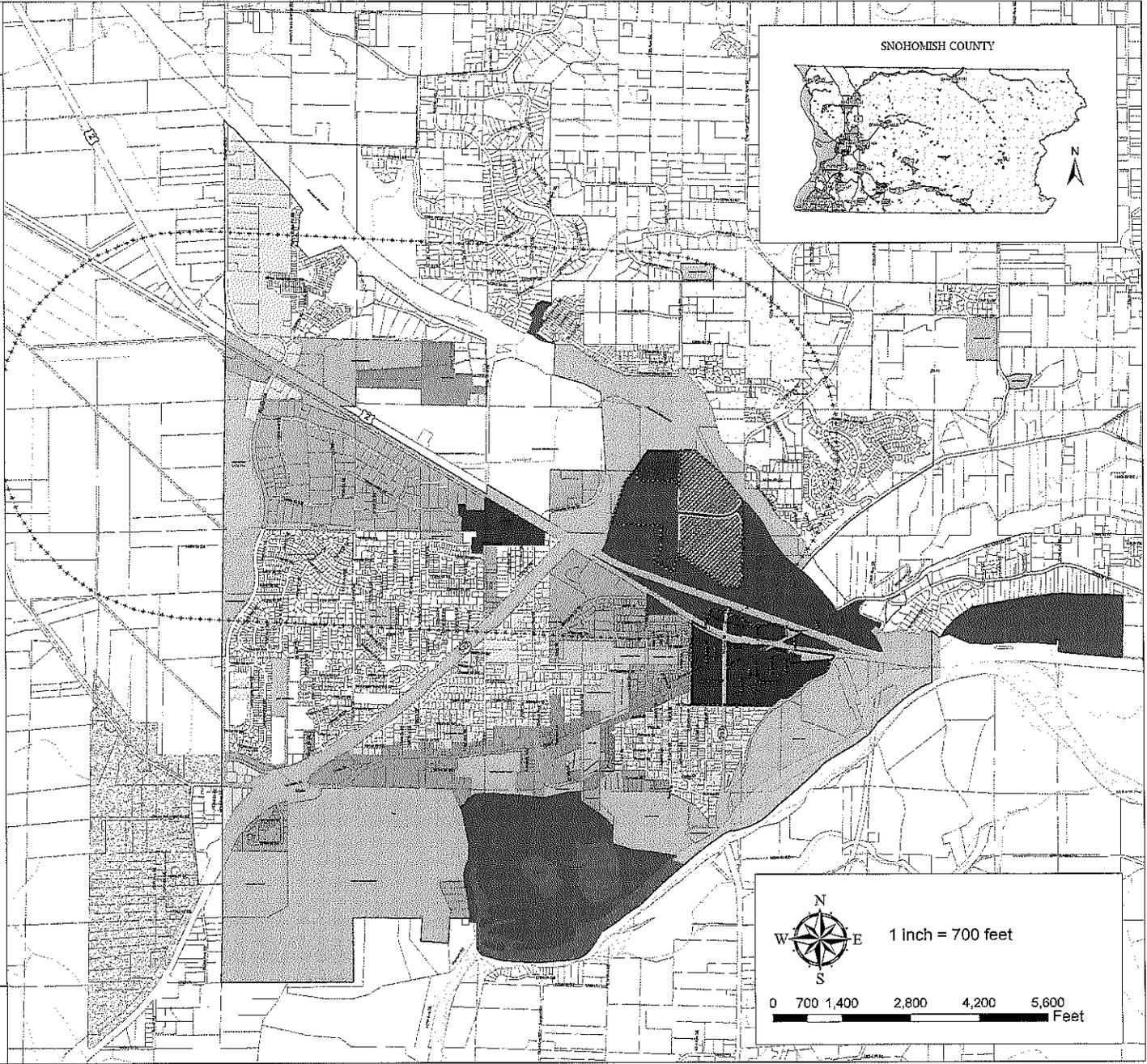
- Southwest Study Area
- Urban Growth Area
- Monroe City Limits

Official City of Monroe 2015 Zoning Map

This is to certify that this is the official zoning map referred to in the zoning ordinance of the city of Monroe, Washington.

Adopted
(Signed Copy in City Records)

Map data shown is the property of the City of Monroe & Snohomish County. Inaccuracies may exist and the City of Monroe & Snohomish County imply no warranties or guarantees regarding any aspect of data depiction. No real estate decisions are to be made using this map. Please contact the City of Monroe Planning and Permitting Department to verify the designation(s).





COMPREHENSIVE PLAN MAP

COMP. PLAN DESIGNATIONS

-  Downtown Commercial
-  Tourist Commercial
-  General Commercial
-  Mixed Use
-  Industrial
-  Institutional
-  Low Density SFR
-  Medium Density SFR
-  High Density SFR
-  Multifamily
-  Parks
-  Limited Open Space
-  Shoreline Industrial
-  Transportation

BOUNDARIES

-  Urban Growth Area
-  Monroe City Limits

Official City of Monroe 2016 Comprehensive Plan Map
 This is to certify that this is the official comprehensive plan map of the City of Monroe, Washington.

Adopted December 5, 2016
 (Signed Copy in City Records)

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