

**CITY OF MONROE
ORDINANCE NO. 018/2018**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 18.10 MMC LAND USE ZONING DISTRICT AND DISTRICT REQUIREMENTS AND CHAPTER 18.02 MMC DEFINITIONS; AUTHORIZING AND ESTABLISHING STANDARDS AND DEFINITIONS FOR THE INSTALLATION, USE AND OCCUPANCY OF TEMPORARY DWELLINGS FOR SECURITY GUARDS ON ACTIVE DEVELOPMENT PROJECT SITES; SETTING FORTH SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City has recently experienced a dramatic increase in both residential and commercial development activity; and

WHEREAS, concurrent with this increased level of development, there has been a sharp increase in property-related crimes that have occurred on active development sites; and

WHEREAS, local developers have expressed to the City their desire to maintain a full-time security presence at active development sites in order to deter and protect against theft, vandalism and trespass, particularly criminal activity of this type that occurs afterhours; and

WHEREAS, the City Council desires to accommodate this preference by authorizing the installation, use and occupancy of temporary dwelling units for security guards on active development sites; and

WHEREAS, adopting zoning regulations as set forth herein is necessary for the preservation of the public peace, health or safety; and

WHEREAS, the environmental impacts of the amendments to MMC Chapter 18.02 and 18.10, were evaluated by the City's SEPA Responsible Official and resulted in the issuance of a Determination of Non-Significance (DNS) on April 20, 2018, with no appeals filed; and

WHEREAS, on May 14, 2018, the Monroe Planning Commission held study sessions to discuss the proposed amendments to MMC Chapter 18.02 and 18.10; and

WHEREAS, the City issued a Notice of Public Hearing on April 28, 2018, which was at least fifteen days prior to the date of the public hearing pursuant to MMC 21.40.020(A)(1); and

WHEREAS, MMC subsection 21.20.040(B) requires that amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20) require Planning Commission review and recommendation; and

WHEREAS, the Monroe Planning Commission held a duly noticed public hearing on May 21, 2018, and continued to June 4, 2018, to accept public testimony on the proposed code amendments; and

WHEREAS, at the conclusion of the June 4, 2018, public hearing, the Planning Commission voted unanimously to recommend approval of the proposed amendment; and

WHEREAS, the Monroe City Council conducted a first reading of the proposed ordinance on July 10, 2018, and second reading on July 24, 2018, to discuss the proposed critical areas regulations amendments at duly noticed public meetings; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of intent to adopt the amendments to its development regulations; and

WHEREAS, the adoption of this ordinance shall replace interim Ordinance No. 007/2018, adopted by City Council on March 20, 2018.

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

Section 1. Findings. The above recitals and the content of Agenda Bill Nos. AB18-152 and AB18-160 are hereby adopted as legislative findings in support of the amendments set forth in this ordinance. The City Council further adopts by reference the findings contained in the Planning Commission's June 4, 2018, recommendation and finding of facts.

Section 2. Amendment of MMC 18.02.200. Monroe Municipal Code Section 18.02.200, Planning and Zoning – Definitions – T definitions, is hereby amended by the addition of a new definition for "Temporary dwelling - security guard" to provide in its entirety as follows:

"Temporary dwelling, security guard" means a recreational vehicle, park model or trailer located upon an active development site, that is exclusively used for and occupied as a temporary residence for an on-site security guard.

Section 3. Amendment of Chapter 18.10 MMC - Adoption of New Section 18.10.085. Monroe Municipal Code Chapter 18.10, Planning and Zoning – Land Use District and District Requirements, is hereby amended by the addition of a new section 18.10.085, Temporary dwellings - Security guard, as follows:

18.10.085 Temporary dwellings – Security guard.

A. Purpose. The purpose of this section is to facilitate and promote site safety and security during the active construction phase of development projects by permitting the onsite installation, occupancy and use of temporary dwellings for security guards.

B. Temporary dwellings for security guards authorized pursuant to this section shall comply with the following standards:

1. Temporary dwellings are allowed only for the following categories of development projects:
 - a. Residential subdivisions; and
 - b. The construction of new commercial, industrial or multifamily structures.
2. Temporary dwellings are allowed only during the active construction phase of the underlying development project.
3. The maximum number of temporary dwelling units allowed per development project site shall be as follows:

Project Site in Acres	Maximum Number of Temporary Dwelling Units
< 5	2 units
5 -10	4 units
>10	5 units

4. Temporary dwellings shall not be permanently affixed to the ground.
5. Temporary dwellings shall be located entirely within the property boundaries of the underlying project site and shall be visually screened from the public right-of-way.
6. Installation of a temporary dwelling may occur only after issuance of the underlying development permit as follows:
 - a. For subdivisions, installation is allowed after issuance of a clearing permit; and
 - b. For construction of new commercial, industrial or multifamily structures, installation is allowed after approval of a binding site improvement plan or issuance of a building permit.
7. A temporary dwelling shall be removed no later than one week after:
 - a. The final certificate of occupancy for the underlying development project is issued; or
 - b. When construction activity ceases for a period of thirty days or more.
8. Occupancy and use of a temporary dwelling shall be strictly limited to on-duty security guard.
9. A temporary dwelling shall be maintained, operated, occupied and used in full compliance with all applicable state and local regulations, licenses and approvals.
10. A temporary dwelling shall be totally self-contained and shall not discharge wastewater, including sanitary sewage or gray water, onto the ground.

C. No temporary dwelling for security guard under this section may be installed, used or occupied without a permit issued by the director. The director may in his/her discretion impose reasonable conditions of approval for any such permit.

The original duration of the permit shall be for a period of one month, but may be renewed for successive one month periods upon verification by the director of full compliance with the provisions of this section and any applicable conditions of permit approval. The permit fee shall be established by resolution of the city council.

D. If an approved temporary dwelling for security guards violates any of the requirements of this section and/or any applicable conditions of permit approval, the temporary dwelling shall, without prejudice to any other applicable remedy or penalty, be immediately removed from the property at the applicant's sole expense, and no subsequent temporary dwelling permits will be issued for the site.

Section 4. Amendment of MMC 18.10.050. Monroe Municipal Code Section 18.10.050, Planning and Zoning – Land Use District and District Requirements – Zoning Land use matrix, is hereby amended to provide as follows:

18.10.050 Zoning land use matrix.

Zoning Matrix

	Public Open Space	Limited Open Space	Limited Open Space - Airport	SR 15,000	UR 9,600	Residential 4 Units	UR 6,000	MIR 6,000	Mixed Use Commercial ¹	Mixed Use Neighborhood Center ²	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial
Conforming Use	A ²	A ²	A1	A ²	A ²	A ²	A ²	A ²	AC	AG ³	A ²	A ²	A ²	A ²	A ²	A ²
Temporary Dwellings, caretaker																
Security guard																

A² See MMC 18.10.085 for additional requirements

Section 5. Repealer. Ordinance No. 007/2018 is hereby repealed in its entirety.

Section 6. Copy to Commerce. Pursuant to RCW 36.70A.106, a true and correct copy of this ordinance shall be transmitted to the Department of Commerce, Growth Management Services Division, within ten days after adoption.

Section 7. 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 8. Effective Date. This ordinance shall be in full force and effect five days from and after its passage and approval and publication as required by law.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 24th day of July, 2018.

First Reading: July 10, 2018
Adoption: July 24, 2018
Published: July 27, 2018
Effective: August 1, 2018

CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney