CITY OF MONROE
ORDINANCE NO. 005/2019(SUB)

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, REPEALING IN FULL MONROE MUNICIPAL CODE (MMC) TITLE 17: SUBDIVISIONS, TITLE 18: PLANNING AND ZONING, TITLE 19: SHORELINE MANAGEMENT, TITLE 20: ENVIRONMENT, AND TITLE 21: DEVELOPMENT REVIEW PROCEDURES, CONTAINING EXISTING DEVELOPMENT REGULATIONS; AMENDING MMC TITLE 3, REVENUE AND FINANCE, TO RELOCATE AND RECODIFY THE CITY'S EXISTING IMPACT FEE REGULATIONS; ADDING NEW MMC TITLE 22, UNIFIED DEVELOPMENT REGULATIONS; ESTABLISHING SUBSTANTIVE AND PROCEDURAL STANDARDS REGULATING LAND USE, ZONING, SUBDIVISION, DESIGN STANDARDS, ANNEXATIONS AND LAND USE DEVELOPMENT WITHIN THE CITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Growth Management Act (GMA) mandates in RCW 36.70A.130(4)(a) that a periodic comprehensive plan review and update be conducted every eight years, which led to the adoption of the 2015-2035 City of Monroe Comprehensive Plan on December 8, 2015; and

WHEREAS, pursuant to RCW 36.70A.040(3), a jurisdiction that is required to plan, "shall adopt…development regulations that are consistent with and implement the comprehensive plan;" and

WHEREAS, to develop a consolidated land use code that is consistent with and more effectively implements the adopted 2015-2035 Comprehensive Plan, the City drafted new Unified Development Regulations to replace the existing development regulations in Titles 17 through 21; and

WHEREAS, the City Council intends for Titles 17 through 21, which comprise the City's existing development regulations, to be repealed and replaced with one comprehensive title known as the Unified Development Regulations (UDR), to ensure the Monroe Municipal Code's compliance with the City's Comprehensive Plan and the Growth Management Act, and to simplify and streamline the City's development process, resulting in a more "user-friendly" code; and

WHEREAS, current MMC subsection 21.20.040(B) requires that amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 21) require Planning Commission review and recommendation; and

WHEREAS, prior to commencing the UDR process, the City provided notice of the proposed code amendments to all Monroe property owners on file with the Snohomish County Assessor's Office: and

WHEREAS, to introduce the proposed amendments and promote public participation, the City held an open house on October 23, 2017; and

WHEREAS, the Planning Commission held forty-five study sessions during regular and special meetings between October 9, 2017, and January 28, 2019, to discuss the proposed development regulations and provide direction; and

WHEREAS, an analysis of the environmental impacts of the amendments was conducted under the State Environmental Policy Act (SEPA), resulting in the issuance of a SEPA Determination of Non-Significance (DNS) on January 26, 2019, with no comments or appeals received; and

WHEREAS, on January 31, 2019, pursuant to RCW 36.70A.106, the proposed amendments were transmitted to the Washington State Department of Commerce for state agency review with the City requesting expedited review, which was granted on March 19, 2019; and

WHEREAS, the Monroe Planning Commission held a duly noticed public hearing on February 25, 2019, which was continued to March 11, 2019, and March 25, 2019, to accept public testimony on the proposed Unified Development Regulations; and

WHEREAS, at the conclusion of the public hearing on March 25, 2019, the Planning Commission voted unanimously to recommend approval of the proposed Title 22, Unified Development Regulations; and

WHEREAS, the Monroe City Council conducted a first reading of the proposed ordinance on April 9, 2019, and a second reading on April 23, 2019, to discuss the proposed Unified Development Regulations at duly noticed public meetings; and

WHEREAS, the City Council has considered the entire public record and the Planning Commission's recommendation; and

WHEREAS, the City Council has determined that the adoption of Title 22, Unified Development Regulations, as set forth herein, is consistent with the City's other applicable development regulations, and will ensure the City's continued compliance with the goals and requirements of the Growth Management Act (RCW 36.70A); and

WHEREAS, the City Council has determined that the proposed amendments are consistent with and will implement the adopted Comprehensive Plan.

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

Section 1. Findings. The above recitals, together with the content of Agenda Bill Nos. 19-075 and 19-094 and Exhibit A, the Planning Commission Findings of Fact and Conclusions of Law dated March 25, 2019, are hereby adopted as legislative findings in support of this ordinance. The Monroe City Council further finds as follows:

A. The Planning Commission held a public hearing on the substance of this ordinance on February 25, 2019, which was continued to March 11, 2019, and March 25, 2019, and recommended adoption to the City Council.

B. The City is authorized by State law, including but not limited to Chapter 35A.63 RCW, Chapter 36.70A RCW, Chapter 36.70B RCW and Chapter 58.17 RCW, to adopt local regulations governing the use, development and of land, as well as local procedures therefore.

C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.

D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review requirements and criteria set forth in Title 18 and Title 21 MMC. In adopting this ordinance, the City considered and was guided by the applicable GMA planning goals enumerated at RCW 36.70A.020.

F. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan, and will meet the requirements and intent of the MMC.

G. The regulations set forth in this ordinance are beneficial to the public health, safety, and welfare, and are in the public interest.

Section 2. Repeal of MMC Title 17. Monroe Municipal Code (MMC) Title 17, Subdivisions, is hereby repealed in its entirety:

((~~Title 17~~
~~SUBDIVISIONS~~

~~Chapters:~~
~~17.04 General Provisions~~
~~17.08 Definitions~~
~~17.12 Procedure~~
~~17.16 Development Standards~~
~~17.20 Proposed Plats~~
~~17.24 Improvements~~
~~17.26 Modifications~~
~~17.27 Model Homes~~
~~17.28 Final Plats~~
~~17.30 Boundary Line Adjustment~~

~~17.32 Short Subdivisions~~
~~17.34 Binding Site Plans~~
~~17.36 Administration, Enforcement, Penalty, Conflict and Validity~~

~~Chapter 17.04~~
~~GENERAL PROVISIONS~~

~~Sections:~~
~~17.04.010 Title.~~
~~17.04.020 Purpose.~~
~~17.04.030 Scope.~~
~~17.04.040 Interpretation.~~

~~17.04.010 Title.~~
~~This code shall be known as the "subdivision code of the city of Monroe."~~

~~17.04.020 Purpose.~~
~~The purpose of the code is to provide for the orderly subdivision of land within the city in the public interest, to assure that:~~
~~A. Public facilities, such as streets, alleys, parks, playgrounds, etc., can be provided in an amount and size commensurate with the size of the subdivision and the land uses proposed;~~
~~B. Site planning and storm water management are integrated at the initial design phases of a project to maintain a more hydrologically functional landscape even in denser settings;~~
~~C. Lot sizes, land uses, streets and street extensions will be in conformance with the provisions of the zoning code and official plans;~~
~~D. Officials are given a precise and simple procedure for the conveyance of titles on small tracts and parcels of land.~~

~~17.04.030 Scope.~~
~~The subdivision of all land in the city into individual and condominium lots or tracts for sale shall be subject to the provisions of this code.~~

~~17.04.040 Interpretation.~~
~~In interpreting the provisions of this code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. It is not intended that this code shall interfere with, or abrogate, or annul easements, covenants, or other agreements between parties; provided, however, that where this code imposes a greater restriction or higher standard on the development and uses of land or improvements thereon than is required by other codes, rules or private agreements, the provisions of this code shall prevail and shall be followed.~~

~~Chapter 17.08~~
~~DEFINITIONS~~

~~Sections:~~
~~17.08.010 Generally.~~

~~**17.08.010 Generally.**~~

~~Certain words and terms used in this code are defined below to simplify wording, give the meaning of a technical term, or to eliminate ambiguity. Some definitions differ from definitions of the same words in standard dictionaries. Where this occurs, the definition in this code shall prevail. Words not defined shall be presumed to have common and universally accepted dictionary meanings. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense; and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "city" means the city of Monroe.~~

~~Administrator. See "subdivision administrator."~~

~~"Approval, final" means official action taken by the city with respect to a final plat.~~

~~"Approval, preliminary" means official action taken by the hearing authority with respect to a proposed plat.~~

~~"Authority, hearing" means the hearing examiner for the city of Monroe.~~

~~"Binding site plan" means a scaled drawing, drawn by a professional surveyor, which: (1) identifies and depicts the locations of all streets, improvements, utilities, open spaces, and any other matters specified by local regulations; (2) contains inscriptions or attachments setting forth appropriate limitations and conditions for the use of the land; and (3) contains provisions making any development be in conformity with the site plan.~~

~~"Boundary line adjustment" means the adjustment of a boundary line between existing lots which results in no more lots, tracts, parcels, sites, or divisions than existed before the adjustment and which meets the criteria set forth in Chapter 17.30 MMC.~~

~~"City engineer" means the person appointed to be city engineer generally, or any engineer.~~

~~"Comprehensive plan" means policies and proposals prepared by the planning commission and adopted by the council to guide the orderly development of the city and to promote the general welfare.~~

~~"Consolidated hearing" means a public hearing at which all agencies required to hold public hearings shall consolidate hearing processes into one concurrent hearing.~~

~~"Council" means the city council of the city of Monroe.~~

~~"Dedication" means the appropriation of land by its owner for general or public use, who reserves no special rights to himself.~~

~~"Infrastructure" means but is not limited to the roads, sanitary sewer, municipal water, curb, gutter, sidewalk and streetscape required in the development of a subdivision, including off-site mitigation for roads, schools, and parks.~~

~~"Lot" means a parcel of land described by:~~

1. ~~Reference to a recorded plat;~~
2. ~~Metes and bounds;~~
3. ~~Section, range, and township; usually a part of a subdivision.~~

~~"Lot, fully developed" means parcels with improvements assessed by the Snohomish County assessor's office at a value greater than ten thousand dollars (containing an existing structure) – for single-family lots – the existing structure is valued at greater than seventy percent of the land value and for multifamily and commercial lots – the existing structure is valued at greater than seventy-five percent of the land value.~~

~~"Lot, panhandle" or "flag lot" means a lot where the front and rear lot lines conform to zoning code requirements for lot dimensions except for the panhandle. The panhandle is a narrow strip of land to be utilized for access purposes from an improved public right-of-way. The panhandle or access portion of the lot is not to be used to determine building~~

~~setbacks, but is counted toward minimum lot area requirements or maximum allowed residential density, as applicable.~~
~~"Official plans" mean the comprehensive plan, the zoning code, and the subdivision code of the city.~~
~~"Plat, final" and "final short plat" means the final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the county auditor and contains all elements and requirements set forth in this chapter.~~
~~"Plat, preliminary" and "preliminary short plat" means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision or short subdivision consistent with the requirements of this chapter. The preliminary plat or preliminary short plat shall be the basis for the approval or disapproval of the layout of a final subdivision or final short subdivision.~~
~~"Plat, proposed" means the preliminary plan for subdivision submitted by the subdivider to obtain approval.~~
~~"Plat, short" means the map or representation of a short subdivision.~~
~~"Preapplication meeting" means a meeting between the applicant and city development staff to discuss process, code requirements and development alternatives.~~
~~"Public roads" means all lanes, roads, streets, and alleys which are open as a matter of right to public vehicular traffic.~~
~~"Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.~~
~~"Subdivider" means one who undertakes the subdivision or short subdivision of land. The term includes agents of the subdivider, such as engineers, surveyors, etc.~~
~~"Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.~~
~~"Subdivision administrator" means the person designated to be responsible for the administration of this title and the interpretation of the subdivision regulations and shall be referred to herein as the administrator.~~
~~"Surveyor, professional land" means a person by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration in the state of Washington as a professional land surveyor.~~

~~Chapter 17.12~~
~~PROCEDURE~~

~~**Sections:**~~
~~17.12.010 Approval required.~~
~~17.12.020 General requirements.~~
~~17.12.030 Specific requirements.~~

~~17.12.010 Approval required.~~
~~Persons proposing to make a subdivision of land shall not proceed with any construction work on said subdivision until they have obtained preliminary plat approval of the subdivision, or in the case of a short plat, approval by the administrator in accordance with the provisions of this code.~~

~~**17.12.020 General requirements.**~~

~~A. Preliminary approval of a proposed plat shall be effective for a period not to exceed five years. The subdivision administrator may extend such tentative approval for not more than two additional years; provided, the subdivider shows evidence of satisfactory progress toward completion of the final plat. A final plat may be presented for final approval of any portion of a subdivision for which the proposed plat has received preliminary approval.~~

~~B. Upon review and approval by the city engineer of the installation of the required infrastructure and upon finding by the subdivision administrator that the final plat is in substantial conformance with the preliminary plat and the conditions of approval of said plat shall be as approved by the hearing authority, the final plat shall be submitted to the city council for approval. If the city council finds that the final plat is in conformance with the preliminary plat and the conditions of approval, the city council shall approve the final plat. In lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city council may accept a bond or other surety providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city council and expressed in the bonds or other surety.~~

~~C. Upon obtaining all required signatures, the final plat shall be presented to the auditor of Snohomish County for filing for record. After the plat has been filed for record it shall be known as an authorized plat and the subdivision or dedication shall be known as an authorized subdivision or dedication.~~

~~D. If the proposed final plat is not in substantial conformance with the preliminary plat, the subdivision administrator shall notify the subdivider within twenty-eight days of the date of submittal, and shall schedule a review of the proposed final plat before the hearing authority within thirty days of the date of said notification of subdivider. The administrator shall prepare a report to the hearing authority which describes the differences between the preliminary plat and the proposed final plat, describes the circumstances that have created the change, and the impact of the change on the local area and on the subdivision. The administrator shall also make a determination of any additional mitigation necessary resulting from any additional impacts. The hearing authority and the city council shall follow the same review and action procedure as described for a preliminary plat in MMC 17.12.030~~.

~~**17.12.030 Specific requirements.**~~

~~A. Any person desiring to subdivide land in the city shall submit a complete application for preliminary plat approval to the administrator, on forms authorized by the city. Unless the applicant requests otherwise, all permits required in conjunction with a subdivision application such as rezones, variances, planned residential developments, SEPA, and similar quasi-judicial or administrative actions shall be processed concurrently with the preliminary plat application to the extent that the procedural requirements applicable to these actions permit simultaneous processing.~~

~~B. The administrator shall determine if an application is complete within twenty-eight days of the date the application is filed with the city. If an application is incomplete, the administrator shall notify the applicant as to the information needed by the city to be considered a complete application.~~

~~C. Upon acceptance of the subdivision application as complete, the administrator shall affix a file number and the date of acceptance of the application and promptly forward~~

~~copies of the preliminary plat to the city engineer and other departments and agencies having jurisdiction for their review and recommendations.~~

~~D. Each of the departments, districts, public officials, utility companies, or public agencies to which the application has been submitted shall have twenty days from the date the preliminary plat was mailed, emailed, or hand delivered within which to forward to the administrator written reports of its findings and recommendations thereon.~~

~~E. The administrator shall make a report and recommendations to the hearing authority and obtain and transmit recommendations to the hearing authority from other departments and agencies to which the application was referred.~~

~~1. City Planner. The city planner shall submit a report to the administrator which shall include, but not be limited to:~~

~~a. Whether the proposed subdivision follows all zoning regulations, development standards, and ordinances;~~

~~b. If the proposed subdivision is in compliance with the comprehensive plan; and~~

~~c. Complete documents have been submitted pursuant to the State Environmental Policy Act (SEPA).~~

~~2. City Engineer. The city engineer shall submit a preliminary report to the administrator as to any required initial engineering for the proposed subdivision including, but not limited to:~~

~~a. The proposed street system, sewage disposal system, storm sewer system, and water supply system;~~

~~b. Requirements needed to minimize flood hazard and damage including utilities located and constructed to minimize or eliminate flood damage and to ensure that an adequate drainage system is provided to reduce exposure to flood damage shall be attached to and made a part of the hearing authority's report and for transmittal to the city council;~~

~~c. Improvements required pursuant to this title;~~

~~d. Any easements required to be replaced, to be relocated or to be abandoned;~~

~~e. Effects of the proposed subdivision on other public works under the engineer's jurisdiction.~~

~~3. Public Safety Officials. The city's chief public safety officials shall submit a report on:~~

~~a. The adequacy of access for emergency vehicles;~~

~~b. Recommendations on improving public safety and protection;~~

~~c. Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the development of the subdivision.~~

~~F. To assist in determining the public interest to be served by the proposed subdivision or dedication, the city shall hold one consolidated public hearing. Public notice procedures shall be in conformance with Chapter 21.40 MMC.~~

~~Such notice shall clearly indicate the purpose, time, and place of the proposed hearing and if the subdivider seeks any modification of the provisions of this code.~~

~~G. Subsequent to such public hearing, but no more than ninety days from the date the application was determined to be complete, the hearing authority shall inform the subdivider, in written findings of fact, of its decision.~~

~~H. If the hearing authority finds the criteria set forth herein are not met, it may approve with conditions or it may deny the proposed preliminary plat. The hearing authority shall inquire into how the public interest of future residents of the preliminary plat is to be served by the subdivision and its dedications. It shall determine if provisions are made to protect the public health, safety and general welfare by the provision of open spaces, drainage~~

~~ways, streets, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds and shall consider all other relevant facts and determine whether the public interest of the future residents of the subdivision will be served by the dedications therein:~~

~~1. The hearing authority shall consider if the proposed subdivision conforms to the comprehensive plan and the Shoreline Master Program;~~

~~2. The hearing authority shall consider the physical characteristics of a proposed subdivision site and may disapprove a proposed plat because of improper protection from floods, inundation or wetland conditions;~~

~~3. All identified direct impacts must be mitigated or meet concurrency as set forth in MMC Title 20.~~

~~I. If the hearing authority finds the items set forth in this section are met, it may approve the preliminary plat.~~

~~J. Conditions of approval shall be precisely recited in the hearing authority's final decision. Every final decision made under this section shall be in writing and shall include findings of fact and conclusions to support the decision, including findings that the proposed subdivision is in conformity with MMC Title 18 and all other existing land use controls. A record of all public meetings and the public hearing shall be kept by the city and shall be open to public inspection.~~

~~K. Preliminary plats for any proposed subdivision including any dedications shall be approved, approved with conditions, disapproved, or returned to the applicant by the city for modification or correction within ninety days from date the application was deemed complete unless the applicant consents to an extension of such time period; provided, that if an Environmental Impact Statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent in preparing and circulating the Environmental Impact Statement. If preliminary approval is withheld, the city shall clearly indicate what changes or additional material is necessary to obtain preliminary approval.~~

~~L. Dedication of land and/or the construction of improvements may be required as a condition of subdivision approval. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any waiver is effective. Such waiver may be required by the city as a condition of approval. The city shall not, as a condition of the approval of any plat, require a release from damages to be procured from other property owners.~~

~~M. If preliminary approval is given, the subdivider shall provide assurance that, before they request final approval, installation of improvements will be carried out under the supervision of the city engineer in accordance with the following provisions:~~

~~1. Furnishing a subdivision improvement financial security, in an amount approved by the city engineer;~~

~~2. Actual installation of the improvements in accordance with provisions of Chapter 17.24 MMC;~~

~~3. A combination of the above, satisfactory to the city engineer.~~

~~N. On completion of installation of improvement as set forth above, the city engineer shall make an inspection, and, if satisfied the work is in accordance with the approved specification, shall notify the subdivider that they may prepare a final plat for approval. Prior to submitting a final plat, the subdivider shall furnish the city with a maintenance financial security for a period not to exceed two years in an amount set by the city engineer.~~

~~O. The subdivider shall submit a final plat to the administrator, in accordance with the provisions of Chapter 17.28 MMC, Final Plats. The administrator shall submit copies of~~

~~the final plat to the city engineer for final review and recommendation. The application shall be accompanied by a filing fee in an amount established by the city council by periodic resolution. The administrator shall determine if the application is sufficiently complete and contains sufficient information to support review by the appropriate departments. If an application is determined to be incomplete or unclear as to its intent or design, the final plat shall be returned to the applicant for completion and clarification. Notification of the completeness of the final plat application shall be made within twenty-eight days of submission of the final plat.~~

~~P. Interested public agencies shall return their comments to the administrator within twenty days of the date the application was determined to be complete.~~

~~Q. The administrator shall review these comments and make a determination of completeness within sixty days of the date the application was determined to be complete.~~

~~R. The administrator's decision shall clearly indicate to the subdivider what changes will be necessary to obtain approval.~~

~~S. After the administrator has given final approval, and before recording, the subdivider shall pay the balance of any fees owed the city.~~

~~T. When the administrator has given approval to the final plat, the subdivider shall have the final plat recorded, at his expense, by the auditor of Snohomish County and it shall then be known as an authorized plat, subdivision or dedication of the land as provided in RCW 58.16.060.~~

~~Chapter 17.16~~
~~DEVELOPMENT STANDARDS~~

~~Sections:~~

~~17.16.010 Generally.~~
~~17.16.020 Provisions of the comprehensive plan.~~
~~17.16.030 Street and block design.~~
~~17.16.040 Names for public streets.~~
~~17.16.050 Tree and shrub replacement.~~

~~17.16.010 Generally.~~

~~The subdivider shall prepare his proposed plat in accordance with the design requirements as set out herein.~~

~~17.16.020 Provisions of the comprehensive plan.~~

~~A. The following land features are considered to be critical features which require extraordinary precautionary measures be taken in the design of a subdivision, and shall be subject to restrictions of other city regulations:~~

1. ~~Bad drainage;~~
2. ~~Wetlands;~~
3. ~~Floodplain;~~
4. ~~Excessive slope, i.e., more than fifteen percent;~~
5. ~~Rock formation;~~
6. ~~Other physical or design features inimical to health, safety or welfare which create the need for extraordinary precautionary measures determined by the subdivision administrator through department review.~~

~~B. Requirements for extraordinary precautionary measures shall be made known to the subdivider by the administrator with the determination of completeness of the application.~~

~~C. Land within the proposed subdivision which is designated on official plans for parks, playgrounds, schools, or other such public uses shall be made available by the subdivider for public acquisition.~~

~~17.16.030 Street and block design.~~

~~A. Streets shall conform to the city's street standards and:~~

~~1. Have continuity for through streets and arterials;~~

~~2. Continue to boundaries of the subdivision.~~

~~B. Alleys shall be not less than twenty feet wide.~~

~~C. Blocks should have a minimum width of two tiers of lots and a maximum length of one thousand three hundred twenty feet.~~

~~D. In blocks with a length in excess of six hundred feet, the city may require dedication of a paved sidewalk not less than ten feet wide through the block to provide a pedestrian walkway.~~

~~E. All lots shall have access to a public street and provide adequate lot frontage, as set forth in MMC 18.10.140.~~

~~F. Maximum residential density shall be as set forth in MMC 18.10.140.~~

~~G. Lots shall have frontage on two parallel streets (double frontage lots) only where the administrator approves the lot arrangement as unavoidable.~~

~~H. Lot lines shall be straight, or composed of straight line elements, except where a lot is bounded by a curved street right-of-way.~~

~~I. Side lot lines shall be perpendicular to the center line of the abutting street wherever possible but shall not, in any case, exceed twenty degrees from the perpendicular.~~

~~J. No lot shall be bisected by a city boundary line.~~

~~K. A subdivision containing thirty or more dwelling units shall have two vehicular access points in accordance with the city of Monroe public works design and construction standards, located at least one hundred feet apart; provided, this requirement shall not apply where approved automatic sprinkler systems will be installed in each dwelling unit.~~

~~17.16.040 Names for public streets.~~

~~Names for public streets shall be determined by the city engineer and shall conform to the Snohomish County numbering system except where the city engineer finds this to be impractical.~~

~~17.16.050 Tree and shrub replacement.~~

~~The subdivider shall, to the greatest extent possible, preserve existing trees and shrubs, particularly native species. If the city considers that the property, either before or after the installation of improvements, presents problems of erosion, safety, or conspicuous blight resulting from or contributed to by the removal of trees, shrubs or ground cover, it may require the subdivider to undertake a landscaping program which will resolve the above problems. The park department shall determine the type, location and planting schedule for landscape strips adjacent to city subdivision streets.~~

~~Chapter 17.20~~
~~PROPOSED PLATS~~

~~Sections:~~

~~17.20.010 Scale.~~
~~17.20.020 General requirements.~~

~~17.20.030 Plat requirements.~~
~~17.20.040 Utility requirements.~~

~~17.20.010 Scale.~~
~~A preliminary plat shall be prepared by a professional land surveyor, at a scale of one inch equals one hundred feet (unless property size makes this impractical), with copies as required by the administrator, and containing the information as set out in this chapter.~~

~~17.20.020 General requirements.~~
~~A preliminary plat submittal shall contain the following:~~
~~A. A vicinity sketch showing adjacent subdivisions streets, bordering lines of adjacent properties, and how streets in the proposed subdivision may connect with existing and proposed streets in neighboring subdivisions or unplatted property to produce a harmonious and compatible development.~~
~~B. A certificate of title, not more than thirty days old, from a recognized title company naming all persons with legal interest in the subdivision property shall accompany the final plat. Such certificate shall also note any assessment or lien, encumbrances, contract interest, easements or other rights affecting the property.~~

~~17.20.030 Plat requirements.~~
~~The proposed plat shall also contain:~~
~~A. Name of the proposed subdivision (or dedication);~~
~~B. The date, scale of plat, size (in acres) of the property, designation of north, vertical control datum, and certification of the professional land surveyor;~~
~~C. The name and address of the subdivider;~~
~~D. Legal description of the proposed subdivision (or dedication);~~
~~E. Boundary lines, approximate and to scale, of the property to be subdivided or dedicated;~~
~~F. Within the proposed subdivision or dedication and within a distance of fifty feet from its boundaries, the location, width, and designation of existing or platted public highways, and the location and designation of existing buildings, utilities, watercourses, power lines, culverts, section lines, and similar features;~~
~~G. The zoning of the property and contiguous parcels;~~
~~H. Topographic contours at intervals of two feet subject to prior approval by the city engineer;~~
~~I. Approximate dimensions of lots and blocks with lot numbers and block designations;~~
~~J. Parcels and tracts to be reserved or dedicated for parks, playgrounds, streets, alleys, schools or other public uses;~~
~~K. Location and direction of flow of watercourses and approximate location of areas subject to inundation or storm water overflow within or adjacent to the proposed subdivision or dedication.~~

~~17.20.040 Utility requirements.~~
~~A preliminary plat submittal shall contain the following:~~
~~A. A storm water site assessment in substantial conformance with the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound dated December 2012;~~
~~B. A plan showing the location, grade, and sizes of sewer lines, manholes, and other sewerage structures;~~

~~C. A plan showing the location and size of water mains, hydrants, reservoirs, pump stations, and other elements of the proposed water system;~~
~~D. A plan showing the location and size of storm water management facilities;~~
~~E. A plan showing the location and grade of roads, pedestrian facilities, parking areas, and ADA provisions;~~
~~F. Other information as may be required by the city engineer.~~

~~Chapter 17.24~~
~~IMPROVEMENTS~~

~~Sections:~~
~~17.24.010 Generally.~~
~~17.24.020 Approval required.~~
~~17.24.030 Inspection required.~~
~~17.24.040 Fees.~~
~~17.24.050 Agreement to assure successful operation of improvements.~~
~~17.24.060 Discovery of defective materials or installation.~~

~~17.24.010 Generally.~~
~~All improvements and their installation shall conform to standards established by the city's Public Works Design and Construction Manual, unless special exemption is granted by the city engineer, and installation shall be under his supervision.~~

~~17.24.020 Approval required.~~
~~All engineering drawings and utility plans for storm and sanitary sewer, municipal water, and internal and external road construction shall be approved by the city engineer prior to beginning construction.~~

~~17.24.030 Inspection required.~~
~~All construction for storm and sanitary sewer, municipal water, and internal and external road construction shall be inspected by the city engineer or designee.~~

~~17.24.040 Fees.~~
~~Fees for plan review and inspection of storm and sanitary sewer, municipal water, and internal and external road construction shall be set by periodic resolution of the city council.~~

~~17.24.050 Agreement to assure successful operation of improvements.~~
~~Regardless of whether all required improvements are completed prior to final approval of any subdivision of land, as a condition of such final approval, the subdivider by executing the recording of the final plat agrees to assure successful operation of said improvements. This agreement requires:~~
~~A. The subdivider to post a maintenance financial security permitted by this chapter to secure successful operation of all required improvements and full performance of the developer's maintenance obligation. Such financial security shall be effective for up to a two-year period following approval of installation of all required improvements;~~
~~B. The subdivider to perform maintenance functions on drainage improvements for a period of time not to exceed two years from approval of their completion or final plat approval, whichever is later. Such maintenance functions shall be specified by the city~~

~~engineer and shall be reasonably related to the burdens which the subdivision will impose on drainage facilities during the time maintenance is required. The city may agree to accept and perform maintenance of the improvements, in which case the subdivider's obligation to perform maintenance functions shall terminate.~~

~~17.24.060 Discovery of defective materials or installation.~~

~~A. The subdivider liability for replacing defective materials for any required improvement, discovered following the effective term of the two-year maintenance financial security, shall be amortized over the following five years.~~

~~B. If the subdivision is subject to a dedication of streets or other areas to the public, the certificate or instrument of dedication must contain a waiver by the subdivider of all claims for damages against any governmental authority which may occur to the adjacent land as a result of construction, drainage and maintenance of the streets and other improvements.~~

~~Chapter 17.26~~
~~MODIFICATIONS~~

~~Sections:~~

~~17.26.010 Procedure.~~

~~17.26.010 Procedure.~~

~~A subdivider may request modification of any provision of this code, as it affects his proposed subdivision, where application of such provision would cause undue hardship by reason of any preexisting adverse characteristic of the property, such as topography, soil conditions, and other natural features. Such request shall include details deemed by the subdivider essential to support his case and shall be filed concurrently with the proposed plat.~~

~~A. The hearing authority, in its hearing on the proposed plat, shall include discussion of the requested modification and notice of the hearing shall include information on the requested modification.~~

~~B. The hearing authority shall obtain, from the administrator, a report and recommendations on the requested modifications. In order to give due consideration to the request for modification, the hearing authority may postpone its decision on the proposed plat by not more than thirty days. The hearing authority shall make its findings of fact and shall make its decision with respect to the request for modification based on the criteria set forth in this section.~~

~~C. No modification shall be approved unless the subdivider can demonstrate satisfactorily that:~~

~~1. There are extraordinary circumstances or conditions applying to the subdivision property which do not apply generally to other properties in the vicinity. These include, but are not limited to, size, shape, topography, soil conditions, location and surroundings;~~

~~2. Approval of the request for modification is necessary to the preservation and enjoyment of substantial property rights of the applicant;~~

~~3. Approval of the request for modification will not affect adversely the health, safety, or general welfare of persons residing or working in the neighborhood of the subdivision property and will not be detrimental to property in the neighborhood nor adversely affect the comprehensive plan;~~

4. If the hearing authority denies the request for modification, the subdivider may appeal to the courts in accordance with MMC 21.60.030 and the Land Use Petition Act, Chapter 36.70C RCW. Until the courts have rendered a decision in such a case, further consideration of the proposed plat shall be held in abeyance.

Chapter 17.27
MODEL HOMES

Sections:

17.27.010 Purpose.
17.27.020 Approval authority.
17.27.030 Eligibility.
17.27.040 Number permitted.
17.27.050 Application requirements.
17.27.060 Occupancy requirements.
17.27.070 Duration permitted.
17.27.080 Removal.
17.27.090 Appeals.

17.27.010 Purpose.

The purpose of this chapter is to permit the construction of a limited number of model homes as defined in MMC 18.02.130, on an approved preliminary plat, prior to final plat approval. Allowing model homes provides the opportunity for builders and developers to showcase their product prior to final plat approval. Nothing in this chapter shall be construed as permitting model homes in short subdivisions as defined in MMC 17.08.010. This chapter shall not be construed to supersede or amend the purpose and intent of this title.

17.27.020 Approval authority.

The director of community development is authorized to approve, approve conditionally, or deny model home applications, under the criteria set forth in MMC 17.27.030 through 17.27.050.

17.27.030 Eligibility.

A subdivision having received preliminary plat approval is eligible for model homes, provided the following criteria are met:

A. The applicant has submitted and received all required permits and approvals required of the preliminary plat approval.

B. All required retention and detention facilities necessary for the areas of the subdivision serving the model homes are in place and functional, to the satisfaction of the city engineer.

C. All critical areas upon or immediately adjacent to the areas of the subdivision serving the model home(s) have been protected or mitigated, in accordance with adopted critical areas regulations and preliminary plat approval.

D. The model home(s) and sales facility meet the access and fire protection requirements of the fire department.

E. All areas of the subdivision serving the model home(s) are served by an all-weather surface as approved by the city engineer and fire department.

~~F. All areas of the subdivision serving the model home(s) have installed frontage improvements including curb, gutter and sidewalk, as required by the preliminary plat approval or this code.~~
~~G. Water and sewer are installed to each lot proposed for model homes, as directed by the city engineer.~~
~~H. All proposed streets serving the model homes are adequately marked with street signs, to the satisfaction of the city engineer and fire department.~~
~~I. Lot property corners of all lots proposed to be used for the model home complex have been set by a licensed, professional land surveyor in accordance with the preliminary plat lot configuration.~~
~~J. Setbacks for the model home(s) shall be measured from the proposed lot lines and setbacks per the preliminary plat approval.~~
~~K. The number of model homes shall not exceed that allowed by MMC 17.27.040.~~
~~L. No two model homes in a subdivision shall have identical or nearly identical floor plans. Two model homes shall be considered to have nearly identical floor plans if they are only reversed.~~
~~M. An instrument has been recorded against the parcels containing the model home(s) stating, "Model home(s) are subject to removal should the preliminary plat not receive final plat approval or the approval period has expired, consistent with MMC 17.27.070." This instrument shall remain in effect until the plat is recorded or the home(s) are removed.~~

~~17.27.040 Number permitted.~~
~~The number of model homes permitted for each subdivision shall be no greater than twenty percent of the approved lots within the preliminary plat, not to exceed a total of seven homes. Two lots, in addition to those permitted for the model home(s), may be used to support one temporary sales office and one off-street parking area as referenced in MMC 17.27.060(C) and (D). In the event that calculation of the number of lots equal to twenty percent of the total number of preliminary lots creates a fractional lot, the number of permitted lots for model homes shall be rounded up, not to exceed the maximum allowed.~~

~~17.27.050 Application requirements.~~
~~The following information shall be required in addition to the standard submittal requirements for a single-family residential building permit:~~
~~A. The applicant shall have written authorization from the property owner permitting the model home(s) if the applicant is other than the owner of the approved preliminary plat.~~
~~B. Title report current within the last thirty days.~~
~~C. Name of approved preliminary plat as well as the proposed name of the final plat (if different).~~
~~D. Parent tax parcel number(s) involved in the complete development.~~
~~E. Date of preliminary plat approval.~~
~~F. Date of preliminary plat approval expiration.~~
~~G. Copy of adopting resolution or motion approving the preliminary plat approval.~~
~~H. Overall site plan showing the preliminary plat, including phases (if applicable) and the location of all proposed model homes.~~
~~I. Overall site plan shall include the location of proposed temporary improvements specific to the model home(s) use such as the location of sign-age, flags, banners,~~

~~fencing, landscaping, sales trailer and impervious surfaces such as parking areas and sidewalks.~~

~~J. Parking shall be subject to the regulations of Chapter 18.86 MMC.~~

~~K. Individual site plans showing the location of the model home(s) in relation to the property lines and setbacks consistent with the preliminary plat approval.~~

~~L. Submittal of financial securities at one hundred fifty percent of a contractor's cost estimate, approved by the city, necessary to restore the site to conditions existing prior to the construction of the model home(s) and all associated structures and improvements.~~

~~M. Payment of model home review fee as set forth in the adopted fees resolution. The model home review fee shall be applicable only to the review of the overall model home complex site plan. All other applicable fees shall be paid for the proposed plat improvements and building permit fees prior to individual model home building permit issuance.~~

~~17.27.060 Occupancy requirements.~~

~~A. Written approval from the city of Monroe shall be posted at the main entry to each model home, allowing public access to the model home.~~

~~B. No model home shall be occupied for residential use prior to recording of the final plat. No model home shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole.~~

~~C. One preliminarily approved lot may be used to locate a temporary sales trailer for the purpose of marketing the model home(s). This provision is not intended to increase the number of model homes permitted under MMC 17.27.040.~~

~~D. One preliminarily approved lot may be used to furnish off-street parking.This provision is not intended to increase the number of model homes permitted under MMC 17.27.040.~~

~~E. The hours of operation of the model home complex shall be limited to daylight hours only, unless street lighting is installed to the satisfaction of the city engineer and fire department.~~

~~F. If street lighting is installed to the satisfaction of the city engineer and fire department, the hours of operation shall be limited to eight a.m. to nine p.m.~~

~~G. The model home(s) and sales trailer shall be used for the exclusive purpose of marketing the homes within the plat, not as a branch real estate office.~~

~~17.27.070 Duration permitted.~~

~~The model home(s) and/or sales trailer may be used for no more than twenty-four months from the date of the model home permit approval, or no longer than the expiration of the preliminary plat approval, whichever is greater.~~

~~17.27.080 Removal.~~

~~The model home(s) and all associated improvements, including but not limited to a sales trailer and parking lot, shall be removed within six months of the following occurrences:~~

~~A. Preliminary plat approval has expired and no extension has been granted.~~

~~B. The subdivision was denied final plat approval and/or requires substantial improvements not consistent with the design of the preliminary approved plat in the opinion of the director of community development.~~

~~C. The approval period has expired, consistent with MMC 17.27.070.~~

~~17.27.090 Appeals.~~

~~Administrative interpretations and approvals may be appealed in accordance with the requirements set forth in Chapter 21.60 MMC.~~

~~Chapter 17.28~~
~~FINAL PLATS~~

~~Sections:~~

~~17.28.010 Generally.~~
~~17.28.020 Specific requirements.~~

~~17.28.010 Generally.~~

~~A. The final plat shall be prepared in ink on mylar eighteen inches by twenty-four inches in size, with borders of one-half inch. All documents shall contain the name and address of the subdivider, his surveyor, and the name of the subdivision.~~

~~B. The final plat shall contain a legal description of the subdivision property.~~

~~C. The final plat shall provide space for the approving signatures of the administrator, city engineer and the mayor, and the city clerk shall attest the signatures.~~

~~D. The final plat shall contain the following certificate of the professional land surveyor:~~

> ~~I_____, professional land surveyor, do hereby certify that the plat of (name of subdivision) is based on an actual survey and that the distances, courses, and angles are shown thereon correctly and that monuments have been set and lot corners staked on the ground as shown on the plat.~~
>
> ~~(Signature of land surveyor)~~

~~E. If the final plat contains dedication of land for public purposes, it shall contain the following statement:~~

> ~~Know all men by these presents that (name of subdivider) do hereby declare this plat and dedicate to the public forever all roads and ways and other public property shown hereon, and the use thereof for any and all public purposes, with the right to make all necessary slopes for cuts and fills, and the right to continue to drain the roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.~~
>
> ~~Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of such lot shall be done by and at the expense of such owner, but only after approval by the city engineer.~~

~~F. Homeowners Association. A homeowners association established for purposes of tract ownership and maintenance pursuant to this title shall be incorporated as a profit or nonprofit corporation and shall remain the owner unless tract ownership by all lots within the subdivision is authorized pursuant to the plat alteration process. In the event that a homeowners association established pursuant to this title should be dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts. A covenant that requires maintenance of the tracts consistent with city code, that restricts use of the tracts to that specified in the approved preliminary plat, and that requires compliance with the~~

~~city regulations and conditions of subdivision approval specified on the plat must be approved by the city and recorded with the county auditor. Said covenant shall be binding upon and inure, to the benefit of the homeowners association, the owners of all lots within the short subdivision and all others having any interest in the tracts or lots. Prior to the recording of the final plat, the community development department shall receive evidence that the articles of incorporation for the homeowners association have been prepared and are ready for filing with the subdivision, and a copy of the recorded articles of incorporation shall be provided to the department.~~

~~G. The final plat shall be submitted to the city engineer for final field and office checking. A filing fee in an amount set by the city council by periodic resolution shall be made with this submittal.~~

~~H. Upon final approval by the administrator and city signatories, it shall be filed for record with the Snohomish County auditor and a mylar copy, a blueline copy and a copy reduced to eight and one-half by eleven inches containing an auditor's recording number shall be filed with the administrator.~~

~~17.28.020 Specific requirements.~~

~~All final plats shall contain:~~

~~A. The date, scale, designation of north, and the date on which the survey was made;~~

~~B. Boundary lines with accurate distances and bearings, location and width of all previously recorded public highways approaching and intersecting boundaries of the subdivision referred to U.S. Coast and Geodetic Survey Datum, or the plain coordinate system of the state of Washington, or other data acceptable to the city engineer;~~

~~C. Boundary lines of parks and playgrounds and rights-of-way of public highways contained in the subdivision with a statement of dedication of such public lands;~~

~~D. Lines and names of streets, parks, playgrounds and easements for public dedication;~~

~~E. Lines and names of existing platted streets, parks, playgrounds and easements adjacent to the subdivisions, including municipal boundaries, township, and section lines;~~

~~F. Lengths and bearings of all straight lines, curve radii, arcs, and central angle of all curves;~~

~~G. All dimensions along lines of each lot, with true bearings and any other data necessary to locate lot lines in the field;~~

~~H. Suitable primary control points, acceptable to the city engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred;~~

~~I. Monuments at all street intersections, boundary angle points, points of curves in streets, and at such intermediate points as may be required by the city engineer;~~

~~J. Names of all contiguous subdivisions;~~

~~K. Boundaries of the subdivision property with courses and distances marked thereon, as determined by a field survey made by a professional land surveyor registered in the state of Washington, in accordance with WAC 332-130-090;~~

~~L. Street names which shall be approved by the city engineer;~~

~~M. Complete field and computation notes shall be available upon request of the city engineer;~~

~~N. Where partial or complete section subdivision is required to determine boundaries of the property, a drawing showing the section subdivision shall be submitted with the final plat to be placed on file with the county auditor.~~

~~Chapter 17.30~~
~~BOUNDARY LINE ADJUSTMENT~~

~~Sections:~~

~~17.30.010 When authorized.~~
~~17.30.020 Authority to act.~~
~~17.30.030 Application.~~
~~17.30.040 Fee.~~
~~17.30.050 Criteria for approval.~~
~~17.30.060 Repealed.~~
~~17.30.070 Decision – Effective date.~~
~~17.30.080 Appeal of the boundary line adjustment.~~
~~17.30.100 Final action.~~

~~17.30.010 When authorized.~~

~~Boundary lines of platted lots, tracts or parcels of land may be altered in accordance with the procedures of this chapter when no new lots, tracts, parcels, sites, or divisions are created.~~

~~17.30.020 Authority to act.~~

~~The designated official is authorized to grant or deny a proposed boundary line adjustment under criteria set forth in MMC 17.30.050.~~

~~17.30.030 Application.~~

~~A boundary line adjustment application shall be made on forms supplied by the city and shall be accompanied by:~~

~~A. An ownership certificate disclosing all parties of interest directly affected by the proposed boundary line adjustment; and~~

~~B. An eight-and-one-half-inch by fourteen-inch scaled drawing by a professional land surveyor, or as otherwise acceptable to the city, depicting both existing boundary lines (bearing and distance) and proposed boundary line changes. Said drawing shall reflect all easements and other encumbrances occurring within the affected lots.~~

~~C. *Repealed by Ord. 003/2006.*~~

~~17.30.040 Fee.~~

~~A fee in an amount set by the city council by periodic resolution shall be paid to the city at the time of application.~~

~~17.30.050 Criteria for approval.~~

~~In reviewing the proposed boundary line adjustment, the designated official shall make the following determinations:~~

~~A. The proposed boundary line adjustment will not detrimentally affect access, design or other public safety and welfare concerns relevant to the plat's original approval. The evaluation of detrimental effect may include review by the health district if the lots are on septic systems, the city utilities department and any other agency or department with expertise or interest.~~

~~B. The proposed boundary line adjustment will not violate either restrictive covenants contained on the face of the final plat or conditions of preliminary plat approval.~~

~~C. The proposed boundary line adjustment will not violate applicable zoning code requirements. In the case of nonconforming lots, the proposed boundary line adjustment shall not increase the nonconforming aspects of any lot relative to the zoning and land use regulations.~~

~~D. The proposed boundary line adjustment will not invalidate any property line easements unless said adjustment establishes such replacement easements. In such case where new easements are to be established, a separate document shall be provided, to be filed with said boundary line adjustment, which will describe the intent, purpose and legal description of said revised easement.~~

~~17.30.060 Notice.~~

~~*Repealed by Ord. 003/2006.*~~

~~17.30.070 Decision – Effective date.~~

~~The designated official shall make findings of fact and conclusions and issue a decision, to be effective at the conclusion of the appeal period referenced in MMC 17.30.080; provided, that the effective date of the decision shall be tolled until the final disposition of any timely-filed appeal(s) of the decision.~~

~~17.30.080 Appeal of the boundary line adjustment.~~

~~The written decision of the designated official shall be final and conclusive subject to the city appeal process. Persons objecting to the boundary line adjustment decision must file an appeal in accordance with Chapter 21.60 MMC. Appeals may only be made by parties of interest and any agency with jurisdiction. With the filing of such appeal, the designated official shall schedule a hearing before the city hearing examiner at the next available hearing date.~~

~~17.30.100 Final action.~~

~~Upon approval by either the designated official, the hearing examiner or the city council, the applicant shall submit to the city a revised drawing reflecting the approved boundary line adjustment. Such map shall be in a form specified by the city. Such revised drawing shall contain:~~

~~A. The acknowledged signatures of all parties having an interest in lots whose lines have been adjusted, as disclosed by the ownership certificate;~~

~~B. A signature of a professional land surveyor which attests to the accuracy of the legal description or survey describing the adjusted lot lines;~~

~~C. Designated official approval block;~~

~~D. Subsequent to the receipt of all required signatures, the applicant shall record the revised drawing with the Snohomish County auditor and shall return a mylar copy, a blueline copy and a copy reduced to eight and one-half by eleven inches of the recorded drawing, containing a county registration number, to the city-designated official.~~

~~Chapter 17.32~~
~~SHORT SUBDIVISIONS~~

~~Sections:~~

~~17.32.010 Authority to act.~~
~~17.32.020 Administration and enforcement.~~
~~17.32.030 Application.~~

~~17.32.040 Notice of application.~~
~~17.32.050 Short subdivision standards and requirements.~~
~~17.32.060 Disposition of a complete application.~~
~~17.32.070 Fee.~~
~~17.32.080 Decision – Effective date – Expiration of approval.~~
~~17.32.090 Appeal of the short subdivision decision.~~
~~17.32.100 Final action.~~

~~17.32.010 Authority to act.~~
~~The director of community development is authorized to administratively approve, approve with conditions or deny a proposed short subdivision of land into nine or fewer lots, tracts, or parcels under the criteria set forth in this chapter and as consistent with Chapter 17.04 MMC, and pursuant to RCW 58.17.060.~~

~~17.32.020 Administration and enforcement.~~
~~A. The subdivision of all land in the city into individual lots or tracts shall be subject to the provisions of this title, as applicable.~~
~~B. All contiguous parcels under unified control or ownership shall be included within a single short subdivision application, except adjacent platted or short platted lots that are less than twice the minimum lot size of the applicable zoning district or lots that are fully developed. Unified control or ownership shall include but not be limited to business entities that have one or more common members or any ownership arrangement where one individual or business entity stands to profit from the subdivision of each of the contiguous parcels. Multiple applications shall not be utilized as a substitute for a single comprehensive subdivision in accordance with city standards.~~
~~C. Land in short subdivisions may not be further divided in any manner within a five-year period without the filing of a final plat, except that when the short subdivision contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries, or as allowed by the underlying zoning district.~~
~~D. Each short plat and short subdivision granted pursuant to this code shall be filed with the county auditor and shall not be deemed approved until so filed.~~
~~E. The director of community development shall review the proposed short subdivision against city standards and the provisions of this chapter. The director of community development shall issue written findings to ensure that the proposed subdivision conforms to the following elements:~~
~~1. The city's comprehensive plan;~~
~~2. The city's zoning code in effect at the time of application, when the submittal is deemed complete;~~
~~3. The city's critical areas code in effect at the time of application, when the submittal is deemed complete;~~
~~4. The proposed short subdivision makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks, bike lanes and other planning features that assure safe pedestrian conditions, including walking conditions for students who only walk to and from school;~~
~~5. The public use and interest will be served by the short subdivision; and~~

6. Description by accurate legal description.

17.32.030 Application.

The short subdivision application, including instructions and standards for completing the application, shall be on a form provided by the city. The applicant shall also provide the following additional information on the face of the short plat or as supplemental documentation, as applicable:

A. The name, address, telephone number, and signature of the subdivider. If the subdivider is not the property owner, the property owner must also sign the application;

B. A certification by the subdivider showing the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations;

C. The zoning of the property and contiguous parcels;

D. Square footage computation of each lot or parcel sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum zoning requirements;

E. The source of water supply, method of sewage disposal or source of sanitary sewers, and method to serve property by storm drainage, electricity, gas, telephone and similar utilities;

F. A vicinity sketch set to scale identifying the location of the property being subdivided;

G. A professional land surveyor shall prepare a plat map at the minimum scale of one inch equals twenty feet unless otherwise approved by the director of community development and city engineer that shows:

1. The property to be subdivided;
2. A north arrow;
3. Boundary lines of the tract to be subdivided and each lot contained therein with a number assigned to each lot; city-assigned addresses shall be shown on the final short plat;
4. The location and width of any easements and rights-of-way for public services or utilities in the area to be subdivided and the map shall show the full width of all adjacent easements and rights-of-way;
5. The location, dimensions, type, and category of any existing critical areas and/or critical area buffers located on or adjacent to the site as delineated by a qualified professional following the city's critical areas code in effect at the time of application that an application is deemed complete by the city; and
6. Topographic contours at intervals of two feet or as approved by the city engineer;

H. A professional land surveyor shall prepare closing calculations for all newly proposed lots, tracts, parcels, and dedications as shown on the face of the short plat for review and approval by the city prior to final short subdivision approval;

I. A certificate of title or current title report from a title company not more than thirty days old showing ownership, all assessments, and any easements or encumbrances on the property;

J. A letter from the city financial officer stating there are no municipal encumbrances or latecomer fees due on the property, or stating the amount of such fees;

K. Proper endorsements for dedication of right-of-way, road limitations, and improvements;

~~L. A proper endorsement for approval by the director of community development. The director of community development shall determine if the application is sufficiently complete. Notification of the completeness of the application shall be made within twenty-eight days of submission of the application.~~

~~17.32.040 Notice of application.~~

~~A notice of the application shall be posted on site and at City Hall, and shall be mailed to area residents, as follows:~~

~~A. The legal notice shall note the action to be taken, the description of the short subdivision, the number of lots to be created and the dates of the public comment period.~~

~~B. Public notice procedures shall be in conformance with Chapter 21.40 MMC.~~

~~17.32.050 Short subdivision standards and requirements.~~

~~Short subdivisions and short plat design shall be subject to the general provisions of this title, the comprehensive plan, zoning code, critical areas code, and other sections of municipal code and standards as applicable with special consideration of the following elements:~~

~~A. Lot Design.~~

~~1. Each lot or parcel shall contain sufficient area to meet minimum zoning requirements. Individual lot area calculations shall be determined prior to any city-required dedication of right-of-way.~~

~~2. All lots shall have access to a public street and provide adequate lot frontage as set forth in MMC 18.10.140.~~

~~3. Access easements or panhandles shall be a minimum of twenty feet wide along its entire length; the remainder of the lot shall provide adequate area to comply with setback standards found in MMC 18.10.140.~~

~~4. Lots shall have frontage on two parallel streets (double frontage lots) only where the director of public works approves the lot arrangement as unavoidable.~~

~~5. Irregular-shaped lots shall be prohibited, specifically the creation of peninsulas, appendages or other irregularities to gain required lot area.~~

~~6. Lot lines shall be straight, except where a lot is bounded by a curved street right-of-way or along the boundary of a critical area and/or critical area buffer.~~

~~7. Critical areas and their buffers shall be set aside in separate tracts in accordance with adopted critical area standards in effect at the time of application.~~

~~8. A city boundary line shall not bisect lots.~~

~~B. Dedication of Right-of-Way. Dedication of right-of-way for public streets to mitigate impacts to the city's street system created by the proposed short subdivision shall be required within or along the boundaries of short subdivisions as determined necessary by the city engineer to:~~

~~1. Extend or complete the existing or future neighborhood street pattern;~~

~~2. Provide additions of right-of-way to existing city right-of-way;~~

~~3. Comply with road standards;~~

~~4. Provide for vehicular and pedestrian circulation within and between neighborhoods; and~~

~~5. Reduce potential traffic impacts to existing residential access streets.~~

~~C. Street Design and Utility Requirements.~~

~~1. The short subdivision, including but not limited to streets, block design, utilities, and public improvements, must comply with all provisions of the city's current public works design and construction standards.~~

~~2. Streets shall meet standards for public and private street design including minimum requirements for right-of-way width including alleys, pavement width, sidewalks, and off-street parking as determined necessary by the city engineer. Proposed streets shall have continuity for through streets and arterials and continue to boundaries of the short subdivision, as applicable. Areas used to convey public utility services shall be contained in separate tracts, rights-of-way, or easements.~~

~~3. Names for public streets shall be determined by the city engineer and shall conform to the Snohomish County numbering system except where the city engineer finds this to be impractical.~~

~~4. Following preliminary short subdivision approval and before site work begins, applicants must submit complete civil plans that comply with the city's current public works design and construction standards and receive approval by the city engineer.~~

~~D. Required Minimum Improvements. All improvements and their installation shall conform to city's current public works design and construction standards and the city's landscape standards, unless the director of community development and/or city engineer grants a special exemption. Prior to final approval, the following minimum improvements shall be constructed per the approved short subdivision and civil plans and shall be inspected by the city engineer or designee.~~

~~1. Drainage facilities and erosion control measures consistent with current city standards. If individual drainage systems are proposed, the applicant may defer the installation to the time of building permit with prior approval from the director of community development and city engineer and a note to this effect must be added to the face of the short plat;~~

~~2. Water mains and fire hydrants installed consistent with current city standards;~~

~~3. Roadways are graded to all lots within the short subdivision and are capable of providing access by passenger vehicles;~~

~~4. A professional land surveyor shall set control monuments at all street intersections, boundary angle points, points of curves in streets, and at such intermediate points as required by the city engineer;~~

~~5. Specific site improvements without which the director of community development and/or city engineer determines a safety hazard would exist.~~

~~E. Financial Securities.~~

~~1. The director of community development and city engineer may allow a financial security or general improvements other than those required for public health, safety, and general welfare as required by the short subdivision decision. The performance financial security shall be in a form acceptable to the city, and represent one hundred fifty percent of the fair cost estimate of the uncompleted portion of the proposed development or improvements.~~

~~2. In extraordinary circumstances such as severe inclement weather, or other events beyond the applicant's control, the director of community development and city engineer may allow financial securities for minimum site improvements before final approval as described in subsection (D) of this section.~~

~~3. As a condition of final short plat approval, the proponent and/or successor shall assure successful operation of required improvements, as applicable, including the submission of required financial securities for maintenance of said improvements as specified by the city engineer. Such financial security shall be effective for up to two years from approval of their completion of all required improvements or final short plat approval, whichever is later.~~

~~F. Modifications. The proponent may request modification of any provision of this code, as it affects the proposed subdivision, where application of such provision would cause undue hardship due to any pre-existing adverse characteristic of the property, such as topography, soil conditions, and other natural features in conformance with MMC 17.26.010(C)(1) through (3), the zoning code and the critical areas code to the community development director. Such request shall include details deemed by the proponent as essential to support his case and shall be filed concurrently with the proposed short plat.~~

~~17.32.060 Disposition of a complete application.~~

~~Short subdivisions shall be approved, disapproved, or returned to the subdivider for modification or correction within one hundred twenty days from the date the application was deemed complete, unless the applicant gives a written consent to the extension of such time.~~

~~17.32.070 Fee.~~

~~A fee established by resolution by the city council shall be paid to the city as a base fee for applications for short subdivisions.~~

~~17.32.080 Decision – Effective date – Expiration of approval.~~

~~The director of community development shall issue findings of fact and conclusions in accordance with the provisions of this chapter.~~

~~A. Short plat approval shall become effective at the end of the appeal period.~~

~~B. After the short plat approval becomes effective, the applicant shall complete all of the requirements in MMC 17.32.100:~~

~~1. Within seven years for short plats approved prior to January 1, 2008.~~

~~2. Within six years for short plats approved between January 1, 2008, and December 31, 2008.~~

~~3. Within five years for short plats approved between January 1, 2009, and December 31, 2009.~~

~~4. Within four years for short plats approved between January 1, 2010, and December 31, 2010.~~

~~5. Within three years for short plats approved after December 31, 2010.~~

~~C. The short plat approval shall automatically expire, unless the applicant completes all of the requirements in MMC 17.32.100during the period provided in subsection (B) of this section.~~

~~17.32.090 Appeal of the short subdivision decision.~~

~~The written decision of the director of community development shall be final and conclusive subject to the city appeal process. Applicants, parties of record, or agencies with jurisdiction may appeal the decision and must file their objections in accordance with MMC Title 21. With the filing of such objection, the director of community development shall schedule a hearing before the city hearing examiner at the next available hearing date.~~

~~17.32.100 Final action.~~

~~Upon approval by either the director of community development or hearing body, and following completion of required site improvements and/or submittal of necessary financial securities, the applicant shall submit to the city a final short plat that conforms to the approved short plat. Such plat shall be in a form specified by the city and shall contain:~~

~~A. The acknowledged signatures of all parties having an interest in the lot that has been divided, as disclosed by the ownership certificate;~~
~~B. A signature of a professional land surveyor that attests to the accuracy of the legal description or survey describing the short plat;~~
~~C. Director of community development approval block, and when a dedication is involved, a signature block for the mayor and city clerk; and~~
~~D. Subsequent to the receipt of all required signatures, the applicant shall record the short plat with the Snohomish County auditor and shall return a full-sized conforming copy of the recorded short plat and a reduced copy at eight and one-half inches by eleven inches of the short plat, containing a county registration number, to the city director of community development. In addition, the applicant must submit an electronic copy of the short plat in a format approved by the city upon final approval.~~

~~Chapter 17.34~~
~~BINDING SITE PLANS~~

~~Sections:~~
~~17.34.010 Authority.~~
~~17.34.020 Purpose.~~
~~17.34.030 Approval.~~
~~17.34.040 Requirements.~~
~~17.34.050 Recording.~~
~~17.34.060 Revisions to binding site plan.~~
~~17.34.070 Violation.~~

~~17.34.010 Authority.~~
~~This chapter establishes a binding site plan process, pursuant to RCW 58.17.035, as an alternative method to divide commercially or industrially zoned property and manufactured/mobile home or travel trailer parks, and creates a mechanism to administratively review and approve related site improvements for concurrent or phased development. Binding site plan applications are subject to public notice requirements defined in Chapter 21.40 MMC. Lots or tracts created through a binding site plan are legal.~~

~~17.34.020 Purpose.~~
~~A. Land Division.~~
~~1. Division of land, for sale or lease, into lots or tracts zoned for commercial or industrial use; and~~
~~2. Division of land, for lease, when no residential structures other than manufactured/mobile homes or travel trailers are to be placed upon the land.~~
~~B. Concurrent or Phased Development.~~
~~1. Binding site plans for the subdivision of developed sites may be reviewed independently of a site development permit application or a building permit application;~~
~~2. Site development permit applications or building permit applications may be reviewed concurrently with a binding site plan for the subdivision of undeveloped land; and~~
~~3. Binding site plans for phased development may be reviewed independently from a proposed binding site plan subdivision, to approve the locations of future site improvements, subject to the requirements described in MMC 17.34.040(G).~~

~~**17.34.030 Approval.**~~

~~A. Binding site plans require public notice per MMC 21.50.020 and require a notice of development application and notice of decision as defined in Chapter 21.40 MMC.~~

~~B. The community development director will issue written findings that approve, approve with conditions, or deny binding site plans and concurrent development permits.~~

~~1. The director will grant preliminary approval when the proposed binding site plan meets all requirements and standards. The preliminary approval becomes effective at the end of the appeal period for two years.~~

~~2. If an applicant proposes a binding site plan to subdivide ten or more lots, a public hearing is required pursuant to MMC 21.50.060. In such cases, the hearing examiner will issue the preliminary decision.~~

~~3. Following preliminary approval, the proponent must submit construction drawings for review and approval by the city of Monroe. The proponent must complete all of the requirements in MMC 17.32.100 within two years, unless the applicant submits a written request for an extension to the director at least thirty days prior to the expiration of the original two-year period, and the director approves the same. The director may grant an extension(s) for up to one additional year.~~

~~4. After review of the final binding site plan application and survey, the director will grant final approval of the binding site plan after the proponent completes or financially secures required improvements as approved in the preliminary binding site plan.~~

~~C. When an applicant seeks a concurrent land use approval for a quasi-judicial or legislative action per MMC 21.50.130, the highest decision-maker will issue written findings that approve, approve with conditions, or deny the preliminary binding site plans and concurrent development permits. For example, if a binding site plan is combined with a conditional use permit, the hearing examiner will issue a decision on the preliminary binding site plan.~~

~~**17.34.040 Requirements.**~~

~~A. Binding site plan applications, submittal, review, and processing requirements must conform to the standards set forth in Chapter 17.32 MMC.~~

~~B. Binding site plans and concurrent building permits or other land use/development permits must comply with applicable municipal code provisions, public works standards, building codes, and performance standards in effect at the time of application, including but not limited to building setbacks, critical areas, easements, landscaping, lighting, lot coverage, parking, stormwater drainage, streets, and utilities. Proposed binding site plans must clearly depict all planned improvements.~~

~~C. Binding site plans are subject to environmental review in accordance with Chapter 20.04 MMC, when the proposed development meets or exceeds flexible thresholds.~~

~~D. The aggregate lots within a binding site plan constitute a common development site subject to all density, use, and dimensional standards of the zone in which it is located; as such, the common development must function internally as a whole and may share common required features such as access points, open spaces, parking, signage subject to an approved master sign site plan, stormwater systems, and other proposed improvements allowed under the city's municipal code and public works standards. An applicant can propose to modify the bulk and dimensional standards for individual lots created by the binding site plan in relation to other lots within the area of common development when:~~

~~1. The common development site meets cumulative lot coverage and open space standards of the zone for all combined lots as shown on the site plan;~~

2. The common development meets cumulative parking requirements for all proposed uses for all combined lots; provided, that through a shared parking agreement or other mechanisms every proposed use in the proposed development meets applicable parking standards; and

3. The proposed structure locations are consistent with all applicable building and fire codes; interior setback requirements may be modified on individual lots.

E. The binding site plan shall clearly identify the conditions of use, maintenance, and restrictions on redevelopment for all shared features by covenant, easement, or other similar mechanism. An owner's association or other legal entity, with equal and undivided ownership interest in the common features, shall be responsible for the enforcement of conditions and maintenance of common features. The owner's association or other legal entity will remain the owner, unless the association revises the binding site plan, in accordance with this chapter.

F. All binding site plans shall include the following note:

Subsequent development of the site shall be in conformance with the recorded binding site plan. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot or tract created and/or developed pursuant to the binding site plan.

G. A binding site plan defines the location and size of future buildings, setbacks, parking areas, roads, stormwater detention, and other proposed site improvements. Properties subject to a binding site plan may propose phased development, for portions of the project, when the proposed phasing will not adversely affect the public health, safety, or welfare. The phased development proposal must comply with applicable bulk standards including, but not limited to, setbacks, lot coverage, building height, access, parking, and landscaping in effect at the time of initial application, unless modified under subsection (D) of this section.

1. The approval of a binding site plan for phased development does not vest future building permit applications or engineering permits (not approved as part of the initial application). These future applications must comply with the standards in effect at the time of application.

2. The approval of a binding site plan for phased development does not vest the use of the property.

17.34.050 Recording.

Following final approval, the applicant shall record the approved binding site plan with the Snohomish County auditor within ninety days and shall return a full-sized conforming copy of the recorded binding site plan and a reduced copy at eight and one-half inches by eleven inches of the binding site plan, containing a county registration number, to the community development department. In addition, the applicant must submit an electronic copy of the binding site plan in a format approved by the city upon final approval.

17.34.060 Revisions to binding site plan.

A. A revision to the binding site plan is required whenever the owner proposes changes to the design, terms, or conditions of the approved binding site plan. The proponent must submit detailed plans describing the proposed changes to the community development department for review, to determine if the revision is substantive or not. Changes are substantive when the changes materially alter the binding site plan's conformance with

~~the terms and conditions of approval. If the revision is substantial, the proposal shall follow the same procedures required for acquiring a binding site plan, as set forth in this chapter.~~
~~B. Vacation of a recorded binding site plan will follow the same procedures required for acquiring a binding site plan, as set forth in this chapter. If the applicant or successor proposes to vacate a portion of a binding site plan, the property subject to the vacation shall constitute one lot, and the balance of the approved binding site plan shall remain as approved.~~

~~17.34.070 Violation.~~
~~Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for such violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies of Chapter 1.04 MMC.~~

~~Chapter 17.36~~
~~ADMINISTRATION, ENFORCEMENT, PENALTY, CONFLICT AND VALIDITY~~

~~Sections:~~
~~17.36.010 Administration and enforcement – Subdivisions containing ten or more lots.~~
~~17.36.020 Unlawful subdivision of land.~~
~~17.36.030 Penalty for violation.~~
~~17.36.040 Repeal of conflicting ordinances.~~
~~17.36.050 Validity.~~

~~17.36.010 Administration and enforcement – Subdivisions containing ten or more lots.~~
~~A. Proposed subdivisions containing ten or more lots shall be submitted to the hearing authority for a final decision. The hearing authority shall have final authority to approve or disapprove such subdivision.~~
~~B. The director of community development shall act as the agent of the hearing authority and the council to administer the provisions of this code.~~

~~17.36.020 Unlawful subdivision of land.~~
~~The platting or subdividing of land into lots or tracts for sale contrary to the provisions of this code is unlawful and a public nuisance. The city attorney shall take action to enjoin any such unlawful platting or subdividing in the manner provided by law.~~

~~17.36.030 Penalty for violation.~~
~~Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for such violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies of Chapter 1.04 MMC.~~

~~17.36.040 Repeal of conflicting ordinances.~~
~~Ordinance No. 505 and all other ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter are hereby repealed. Should any of the provisions of this chapter conflict with or be inconsistent with the specific provisions of the ordinance, the provisions hereof shall prevail.~~))

~~**17.36.050 Validity.**~~
~~Should any section, paragraph, or sentence of the code hereby adopted be declared for any reason to be invalid, it is the intent of the city council of the city of Monroe that it would have passed all other portions of this chapter independent of the elimination herefrom of any such portion as may be declared invalid.~~

Section 3. Repeal of MMC Title 18. Monroe Municipal Code (MMC) Title 18, Planning and Zoning, is hereby repealed in its entirety:

((~~Title 18~~
~~PLANNING AND ZONING~~

~~Chapters:~~
~~18.01 Comprehensive Land Use Plan~~
~~18.02 Definitions~~
~~18.04 Districts and Maps~~
~~18.05 Repealed~~
~~18.08 Administration and Enforcement~~
~~18.10 Land Use Zoning District and District Requirements~~
~~18.12 Downtown Commercial (DC) Zone~~
~~18.15 Essential Public Facilities~~
~~18.20 Repealed~~
~~18.30 Home Occupations~~
~~18.40 Accessory Dwelling Units~~
~~18.50 Wireless Communications Facilities~~
~~18.60 Airport Compatibility~~
~~18.70 Marijuana Related Uses~~
~~18.71 Repealed~~
~~18.72 Nonconforming Lots, Structures and Uses~~
~~18.74 Affordable Housing Development Incentives~~
~~18.75 Temporary Tent Encampment~~
~~18.78 Landscape and Recreation Space Requirements~~
~~18.80 Signs~~
~~18.82 Repealed~~
~~18.84 Planned Residential Development (PRD)~~
~~18.86 Off-Street Parking Regulations~~
~~18.88 Commute Trip Reduction (CTR)~~
~~18.90 Repealed~~
~~18.93 Satellite Television Antennas~~
~~18.94 Outline of Yards Requirements~~
~~18.96 Outline of Procedures for Conditional Use Permits~~
~~18.97 Special Use Permits~~
~~18.98 Variance Permits~~
~~18.99 Rezoning Procedures~~
~~18.100 Amendment Procedures~~

~~Title 18~~
~~PLANNING AND ZONING~~

~~**Chapters:**~~

~~18.01 Comprehensive Land Use Plan~~
~~18.02 Definitions~~
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~~18.97 Special Use Permits~~
~~18.98 Variance Permits~~
~~18.99 Rezoning Procedures~~
~~18.100 Amendment Procedures~~

~~Chapter 18.01~~
~~COMPREHENSIVE LAND USE PLAN~~

~~**Sections:**~~

~~18.01.010 Adoption.~~
~~18.01.020 Filing.~~
~~18.01.030 State copy.~~
~~18.01.040 Necessity.~~

~~18.01.010 Adoption.~~

~~The comprehensive land use plan for the city of Monroe is hereby adopted in total and a copy of said plan is attached hereto by reference as though fully set forth.~~

~~18.01.020 Filing.~~

~~The city clerk is directed to file with the Snohomish County auditor a copy of the comprehensive plan along with a copy of the map comprising the plan, both and all duly certified as true copies by the city clerk, and the clerk is to file three copies of the comprehensive plan in the office of the city clerk.~~

~~18.01.030 State copy.~~
~~The city clerk is directed to send a certified copy of said map and plans to the Office of Community Trade and Economic Development in Olympia, Washington.~~

~~18.01.040 Necessity.~~
~~The land use plan is hereby adopted as necessary for the physical and other generally advantageous development of the city and is designated to encourage the most appropriate use of land development throughout the city by promoting the coordinated development of undeveloped and redeveloped areas.~~

~~Chapter 18.02~~
~~DEFINITIONS~~

~~Sections:~~
~~18.02.005 Applicability – Construction.~~
~~18.02.010 A definitions.~~
~~18.02.020 B definitions.~~
~~18.02.030 C definitions.~~
~~18.02.040 D definitions.~~
~~18.02.050 E definitions.~~
~~18.02.060 F definitions.~~
~~18.02.070 G definitions.~~
~~18.02.080 H definitions.~~
~~18.02.090 I definitions.~~
~~18.02.100 J definitions.~~
~~18.02.110 K definitions.~~
~~18.02.120 L definitions.~~
~~18.02.130 M definitions.~~
~~18.02.140 N definitions.~~
~~18.02.150 O definitions.~~
~~18.02.160 P definitions.~~
~~18.02.170 Q definitions.~~
~~18.02.180 R definitions.~~
~~18.02.190 S definitions.~~
~~18.02.200 T definitions.~~
~~18.02.210 U definitions.~~
~~18.02.220 V definitions.~~
~~18.02.230 W definitions.~~
~~18.02.240 X definitions.~~
~~18.02.250 Y definitions.~~
~~18.02.260 Z definitions.~~

~~**18.02.005 Applicability – Construction.**~~
~~Definitions, words and terms in this chapter are included because of special or particular meanings as they are used in these regulations.~~
~~In the construction of these zoning regulations, the definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural shall include the singular. The word "shall" is mandatory and not discretionary. The word "may" is permissive.~~

~~**18.02.010 A definitions.**~~
~~"Abandonment" means to cease operation for a period of sixty or more consecutive days.~~
~~"Access road" means a driveway that may provide access to more than one parking lot or area, may provide access to more than one property or lot, and may provide internal access from one street to another.~~
~~"Accessory use or structure" means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use. If an accessory building is attached to the main building by a common wall, breezeway or roof, the accessory building shall be considered a part of the main building.~~
~~"Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last ten thousand years.~~
~~"Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. "Adjacent" shall mean any activity or development located:~~
~~A. On a site immediately adjoining a critical area; or~~
~~B. A distance equal to or less than the required critical area buffer width and building setback.~~
~~Administrator. Unless otherwise specified, the administrator shall be the director of community development or his/her designated representative.~~
~~"Adult family home" means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.~~
~~"Advertising vehicle" means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto, or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same property or nearby property or any other premises. The vehicle must be used primarily for the purpose of advertising, as opposed to serving some other function such as delivery of goods or services or transport.~~
~~"Affected employee" means a full-time employee who begins his or her regular workday at a major employer work site between six a.m. and nine a.m. (inclusive) on two or more weekdays for at least twelve continuous months, who is not an independent contractor, and who is scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.~~
~~"Affected urban growth area" means:~~

~~A. An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred persons per hours of delay threshold calculated by the Washington State Department of Transportation, and any contiguous urban growth areas; and~~

~~B. An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or~~

~~C. An urban growth area identified by the Washington Department of Transportation as listed in WAC 468-63-020(2)(b).~~

~~"Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.~~

~~"Agricultural use" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.~~

~~"Airport" means First Air Field, city of Monroe, Washington.~~

~~"Airspace obstruction" means any structure, tree, land mass, smoke or steam, or use of land that penetrates the primary, approach, transitional, horizontal, or conical surface of the airport as defined by Federal Aviation Regulations (FAR), Part 77.~~

~~"Air-supported structure" means an air-supported or inflated object with or without cable supports and braces intended to attract attention to the location, event or promotion.~~

~~"Alley" means a public thoroughfare which affords only a secondary means of access to abutting property, and is not intended for general traffic circulation.~~

~~"Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for storm water management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife or wildlife habitat value of critical areas.~~

~~"Alternative mode" means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed workweeks if they result in reducing commute trips.~~

~~"Alternative work schedules" means work schedules that allow employees to work their required hours outside of the traditional Monday to Friday, eight a.m. to five p.m. schedule. Programs such as compressed workweeks eliminate work trips for affected employees.~~

~~"Amendment," unless otherwise specified, means a change to this title. There are two types of zoning amendments: those which change the text of this title, and those which change the use classifications and/or boundaries upon the official zoning map (a rezone). Of these, small area rezones are treated with a more intensified substantive review.~~

~~"Amusement facilities" means those establishments such as theaters, dance halls, bowling alleys, skating rinks, miniature golf courses, arcades, waterslides and other similar uses which provide recreation either indoors or in a confined intensively utilized outdoor area.~~

~~"Anadromous fish" means fish that spawn in fresh water and mature in the marine environment.~~
~~"Animal shelter" means a public or private facility which houses four or more stray or unwanted small animals (that number not including one unweaned litter) for periods longer than twenty-four hours.~~
~~"Animal slaughtering, processing and/or incidental rendering" means an establishment engaged in operations which include the handling and slaughtering of livestock, including manufacturing of products from animal substances such as glue, lard and tallow.~~
~~"Antenna" means any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular," "enhanced specialized mobile radio" and "personal communications services," telecommunications services, and its attendant base station.~~
~~"Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.~~
~~"Antenna support structure" means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.~~
~~"Antique" means any article that because of its age, rarity or historical significance has a monetary value greater than the original value; provided, that for the purpose of this code, the term "antique" shall not include automobiles.~~
~~"Antique shop" means a place that sells predominantly those articles which are antiques and antique-related objects.~~
~~"Apartment" means a room, or suite of two or more rooms, in a multifamily dwelling, occupied or suitable for occupancy as a dwelling unit for one family.~~
~~"Apartment house" means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of five or more families living independently of each other and doing their own cooking in the said building.~~
~~"Applicant" means a person or entity who files an application for a permit with the city and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.~~
~~"Approval, final" means official action taken by the city with respect to a final plat.~~
~~"Approval, preliminary" means official action taken by the hearing authority with respect to a proposed plat.~~
~~"Apron" means the portion of the driveway approach that extends from the gutter flow line to the sidewalk area and underlying between the end slopes of the driveway approach.~~
~~"Aquifer recharge area" means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge groundwater by percolation.~~

~~"Architecturally consistent" means conforming in overall design, form or structure by incorporating two or more of the following common elements: design, color, and/or material.~~

~~"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. The term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."~~

~~"Area or surface area of sign" means the greatest area of a sign, visible from any one viewpoint, excluding the sign support structures, which do not form part of the sign proper or of the display. Surface area shall be measured as follows:~~

~~A. The "surface area" of the sign is determined by the height times the width of a typical rectangular sign, or other appropriate mathematical computation of surface area, for nonrectangular signs.~~

~~"Art galleries" means an enclosed area or building dedicated to the exhibition and/or sale of works of art.~~

~~"Asphalt batch plants (mix asphalt)" means an establishment engaged in the manufacture of asphalt mixtures used for road paving operations from raw materials purchased from others.~~

~~"Athletic field" means an outdoor open area dedicated to recreational sports; these fields may be under the ownership of public or private entities.~~

~~"Authority, hearing" means the hearing examiner for the city of Monroe.~~

~~"Auto repair, major" means any area of land, including the structures thereon, that is used for general motor repair and replacement of parts to vehicles and machinery that are primarily over eight thousand pounds, including body and fender works and painting.~~

~~"Auto repair, minor" means any area of land, including the structures thereon, that is used for auto repairs including, but not limited to, engine or transmission overhaul and replacement, collision services such as auto body and frame repair and painting, and the general servicing and replacement of parts. "Auto repair, minor" primarily includes vehicles up to eight thousand pounds (curb weight).~~

~~"Auto wrecking yards" means a premises devoted to dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.~~

~~"Average assessed value" means the average assessed value by dwelling unit type of all residential units constructed within the district.~~

~~"Average grade level" means a reference plane representing the finished ground level measured by delineating the smallest rectangle which can enclose the proposed building, and then averaging the four corner elevations of the rectangle. In the event the corner point of the rectangle drawn is not located on the subject property, the measurement point shall be determined by establishing the corner point from the property line where it intersects the rectangle.~~

~~"Avigation easement" means an easement granted for the free and unobstructed use and passage of aircraft over, across, and through the airspace above, or in the vicinity or property.~~

~~"Awning" means a roof-like cover which projects from the wall of a building for the purpose of shielding the door, window or pedestrians from the elements.~~

~~18.02.020 B definitions.~~

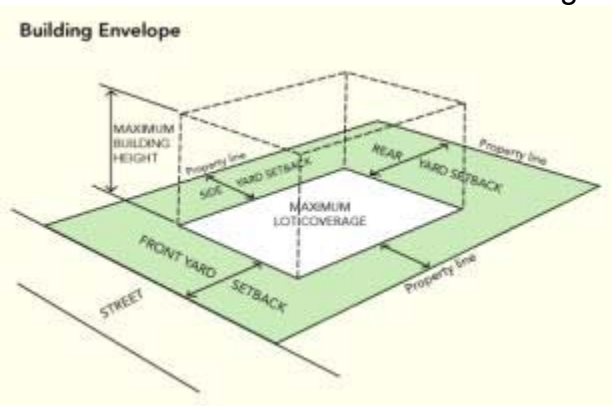
~~"Bakery" means a building or structure whose primary use is to prepare baked goods for consumption or sale on or off the site.~~
~~"Balloon test" means a test for a reasonable period of time, not less than three consecutive workdays, whereby a balloon of sufficient size to replicate the size of the top of a proposed tower and antenna array is tethered to the ground at the location of the proposed base for a pending new tower application and the balloon is suspended at the height that replicates the height of the proposed tower and antenna array. No trees shall be removed to conduct the balloon test.~~
~~"Bank with drive-up facility" means a business offering financial services that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.~~
~~"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood."~~
~~"Base flood elevation" means the water surface elevation of the base flood. It shall be referenced to the National Geodetic Vertical Datum of 1929 (NGVD).~~
~~"Base year" means the twelve-month period that commences when the city of Monroe determines an employer is required to comply with the CTR law.~~
~~"Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer work site to determine the drive-alone rate and vehicle miles traveled per employee at the work site. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurements must be implemented in a manner that meets the requirements specified by the city.~~
~~Basement. See the International Building Code.~~
~~"Bed and breakfast" means a detached single-family dwelling where transient lodging and meals are provided for compensation, when the facility is operator-occupied. The number of guests is limited to no more than six at any time.~~
~~"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.~~
~~"Best management practices" means conservation practices or systems of practice and management measures that:~~

~~A. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxins, and sediment;~~
~~B. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;~~
~~C. Protect trees and vegetation designated to be retained during and following site construction; and~~
~~D. Provide standards for proper use of chemical herbicides within critical areas.~~

~~"Billboard" generally means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.~~
~~"Binding site plan" means a scaled drawing, drawn by a professional surveyor, which:~~

~~A. Identifies and depicts the locations of all streets, improvements, utilities, open spaces, and any other matters specified by local regulations;~~
~~B. Contains inscriptions or attachments setting forth appropriate limitations and conditions for the use of the land; and~~
~~C. Contains provisions making any development be in conformity with the site plan.~~

~~"Boeckh Index" means the current construction trade index of construction costs for each school type.~~
~~"Boundary line adjustment" means the adjustment of a boundary line between existing lots which results in no more lots, tracts, parcels, sites, or divisions than existed before the adjustment and which meets the criteria set forth in Chapter 17.30 MMC.~~
~~"Brewery" means the majority of the square footage of the brewery building and related structures is devoted to the process of brewing, storing and/or distributing beer.~~
~~"Brewery, micro" means an operation where specialty beer is produced and distributed to a lesser extent than a brewery according to the brewery industry standards. The majority of the square footage of the microbrewery building and related structures is devoted to such uses as a tasting room, restaurant and/or gift shops.~~
~~"Buffer" means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.~~
~~"Buffer zone" means a strip of land, identified in this title, established to protect one type of land use from another with which it is incompatible. Buffer zones are described in this title with reference to neighboring districts. Normally, the buffer zone is landscaped and kept in open space uses.~~
~~"Building" means a structure as defined in this chapter. When a total structure is separated by division walls without openings, each portion so separated, it shall be considered a separate building. "Building" includes all other structures of every kind regardless of similarity to buildings.~~
~~"Building area" means the total ground coverage of a building or structure which provides shelter, measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof, whichever is greatest.~~
~~"Building envelope" means the elements of a building that separate the interior and exterior environment and include a combination of building height, setbacks from front, side and rear yards, lot coverage, building footprint and floor area ratio or FAR; together these dimensions can define the building's envelope.~~



~~"Building line" means the line, face or corner of the part of a building nearest the property line.~~
~~"Building permit" means an official document or certificate issued by the building official authorizing performance of construction or alteration of a building or structure. As the term relates to park impact fees, "building permit" includes a permit issued for the siting or location of a mobile home.~~
~~"Building setback line (BSBL)" means a line beyond which the foundation of a building shall not extend.~~

~~**18.02.030 C definitions.**~~
~~"Cable acts" means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as amended by portions of the Telecommunications Act of 1996, and as hereafter amended.~~
~~"Cable operator" means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the cable acts.~~
~~"Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.~~
~~"Cable television service provider" means a service provider that provides cable television services within the city under a franchise.~~
~~"Caliper" means the diameter of a tree or shrub trunk measured six inches above grade.~~
~~"Camouflaged" means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly screened from view.~~
~~"Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.~~
~~"Capacity" means the number of students the district's facilities can accommodate district-wide, as determined by the district.~~
~~"Capital facilities" means those park, open space and recreation facilities or improvements addressed in the park and recreation and capital facilities elements of the Monroe comprehensive plan, as the same now exists or may be hereafter amended. Capital facilities costs include the cost of park planning, land acquisition, site improvements, buildings, and equipment, but exclude the cost of maintenance and operation.~~
~~"Capital facilities plan" means the district's facilities plan adopted by the school board consisting of those elements meeting the requirements of the GMA.~~
~~"Car wash" means a permanent structure used for washing vehicles.~~
~~"Carpool" means a motor vehicle occupied by at least two people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.~~
~~"Cell site" means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.~~
~~"Cement manufacturing" means the manufacturing or processing of cement.~~
~~"Cemetery" means land used or intended to be used for the burial of dead humans and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, and related uses, when operated in conjunction with and within boundaries of such cemetery.~~
~~"Certificate of occupancy" means official certification that a premises conforms to provisions of the zoning code and building code, and may be used or occupied. Such a certificate is granted for new construction or for the change of use of an existing structure or for alterations or additions to existing structures. Unless such a certificate is issued, a structure cannot be occupied.~~
~~"Channel migration zone (CMZ)" means the lateral extent of likely movement along a stream or river during the next one hundred years as determined by evidence of active stream channel migration movement over the past one hundred years.~~

~~"Child care" means a licensed agency that provides for the care of thirteen or more children.~~
~~"City" means the city of Monroe, Washington.~~
~~"City administrator" means the city administrator of the city of Monroe, or his or her designee.~~
~~"City engineer" means the Monroe city engineer or his/her designee. Any authority expressly or impliedly granted to the city engineer by Chapter 20.12 MMC shall supersede conflicting authority granted to the community development director in MMC 21.20.020.~~
~~"City property" means all real property owned by the city, whether in fee ownership or other interest.~~
~~"Classrooms" means educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms.~~
~~"Cleaning establishment" means a commercial laundry and/or dry cleaning business, including coin-operated laundry facilities.~~
~~"Clinic, health services" means a building or office used by physicians, dentists, and/or other medical professionals to examine, diagnose, and treat patients, and to administer day-to-day accessory and office functions relating to the medical or dental practice, but does not include extended overnight stays as associated with hospitals and nursing homes.~~
~~"Closed record appeal" means an appeal to the city council or hearing examiner, following an open record hearing on a project permit application, when the appeal is based on the existing record with no or limited new evidence or information allowed to be submitted and only appeal arguments are allowed.~~
~~"Club" means an incorporated or unincorporated association of persons organized for a social, educational, literary or charitable purpose.~~
~~"Club, fitness" means a use featuring exercise, sports and other active physical fitness conditioning typically requiring a membership.~~
~~"Coffee shop" means an establishment that primarily serves prepared coffee.~~
~~"Co-location" means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.~~
~~"Community-oriented open-air market" means a site or location where two or more individual vendors, with each vendor operating independently from the other vendors and subleasing booths or stalls, sell foods and merchandise on a temporary basis. This definition is inclusive of farmers' markets, art fairs, and the like, but does not include flea markets.~~
~~"Commute trip reduction (CTR) plan" means the city of Monroe's plan and ordinance to regulate and administer the CTR programs of a major employer within its jurisdiction.~~
~~"Commute trip vehicle miles traveled per employee (VMT)" means the sum of the individual commute trip lengths in miles over a set period divided by the number of full-time employees.~~
~~"Commute trips" means trips made from a worker's home to a work site during the peak period of six a.m. to nine a.m. on weekdays.~~
~~"Commuter" means a resident or employee in an affected urban growth area who is participating in the city's commute trip reduction program, including any growth and~~

~~transportation and efficiency center programs implemented to meet Monroe's established targets.~~

~~"Commuter matching service" means a system that assists in matching commuters for the purpose of commuting together.~~

~~"Compensation project" means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.~~

~~"Compensatory mitigation" means types of mitigation used to replace project-induced critical area and buffer losses or impacts. Compensatory mitigation includes, but is not limited to, the following:~~

~~A. Restoration. Actions performed to reestablish functional characteristics that are lost or degraded due to unauthorized alteration, past management activities, or catastrophic events within an area that no longer meets the definition of a critical area.~~

~~B. Creation. Actions performed to intentionally establish a critical area at a site where it did not formerly exist.~~

~~C. Enhancement. Actions performed to improve the condition of an existing critical area so that the functions it provides are of a higher quality.~~

~~"Comprehensive plan" means policies and proposals prepared by the planning commission and adopted by the council to guide the orderly development of the city and to promote the general welfare.~~

~~"Comprehensive plan amendment" means an amendment or change to the text or maps of the comprehensive plan.~~

~~"Compressed workweek" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one workday every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four ten-hour days or eighty hours in nine days, but may also include other arrangements.~~

~~"Concession stand" means a commercial stand operated or maintained for the sale of food or merchandise associated with a community-oriented open-air market.~~

~~"Concurrency" means when adequate public facilities meeting the level of service standard are in place at the time a development permit is issued, or a development permit is issued subject to the determination that the necessary facilities will be in place when the impacts of the development occur, or that improvements or strategy are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development, as set forth in the comprehensive plan.~~

~~"Concurrency determination" means a nonbinding determination of what public facilities and services are available at the date of inquiry.~~

~~"Concurrency management system" means the procedures and processes utilized by the city to determine that development approvals, when issued, will not result in the reduction of the level of service standards set forth in the comprehensive plan.~~

~~"Conditional use" means a use allowed in one or more zones as defined by the zoning code, but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such~~

~~uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.~~
~~"Conforming lot" means a lot that contains the required width, depth and square footage as specified in the zoning district in which the lot is situated.~~
~~"Conforming use" means a use that is listed as a permitted use in the zoning district in which the use is situated.~~
~~"Consolidated hearing" means a public hearing at which all agencies required to hold public hearings shall consolidate hearing processes into one concurrent hearing.~~
~~"Construction cost per student" means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's design standard per grade span.~~
~~"Convenience store" means a use which combines retail food sales with fast foods or take-out food service and other retail goods.~~
~~"Conversion" means a forest practice involving the removal of trees to convert forestland to permanent nonforestry urban uses that results in residential, commercial, or industrial activities.~~
~~"Cooperative parking facility" means an off-street parking facility shared by two or more buildings or uses.~~
~~"Corner lot" means a lot located on the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five degrees.~~
~~"Council" means the city council of the city of Monroe.~~
~~"County" means Snohomish County.~~
~~"COW" means "cell on wheels." A cell on wheels or other temporary personal wireless communications facility shall be permitted for a maximum of ninety days in any three-hundred-sixty-five-day period or during an emergency declared by the city.~~
~~"Critical aquifer recharge area" means areas designated by WAC 365-190-080(2) that are determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).~~
~~"Critical areas" means any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands as defined by the Growth Management Act (Chapter 36.70A RCW) and Chapter 20.05 MMC.~~
~~"CTR exemption" means a waiver from any or all CTR program requirements granted to an employer by a city/county based on unique conditions that apply to the employer or employment site.~~
~~"CTR implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.551 and this chapter as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its approved CTR program and schedule.~~
~~"CTR law" means the Commute Trip Reduction Law passed by the Washington State Legislature in 1991 (Chapter 202, Laws of 1991) and codified in RCW 70.94.521 through 70.94.551, and amended in 1997 and 2006, requiring counties of over one hundred fifty thousand residents, with one or more major employers, to implement a CTR ordinance and plan. All cities in such counties with one or more major employers are also required to adopt CTR ordinances and plans.~~

~~"CTR program" means an employer's strategies to reduce affected employees' SOV use and VMT per employee.~~
~~"Cultural facilities" means, but is not limited to, libraries, museums, art galleries, and dancing, music and art centers.~~
~~"Curb cut" means a depression in the roadside curb for driveway purposes which provides access to park on private premises from a public street.~~
~~"Custom bus/bus pool" means a commuter bus service arranged specifically to transport employees to work.~~

~~**18.02.040 D definitions.**~~
~~"Date of issuance of decision" means, in the case of decisions that may be appealed administratively, the date on which the decision is mailed to all parties of record and from which the appeal period is calculated. In the case of decisions that may be appealed only to the superior court, the date prescribed by the Land Use Petition Act, Chapter 36.70B RCW.~~
~~"Day care" means any type of group day care program licensed by the state of Washington for the care of children during part of a twenty-four-hour day, including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, and programs covering after-school care for school children.~~
~~"Day care center" means any type of group child care facility other than an occupied dwelling unit which receives children for day care or an occupied dwelling unit which receives thirteen or more children for day care.~~
~~"Day nursery" means a public center for the care and training of young children.~~
~~"De minimis development" means a proposed development relating to land use of such a low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in the comprehensive plan; such development shall be exempt from concurrency review. Development approvals for single-family dwellings shall be deemed de minimis. Any development generating less than thirty-eight average daily trips shall be deemed de minimis for purposes of assessing transportation levels of service.~~
~~"Decision" means the written report of findings and conclusions issued by the hearing body and forwarded to all parties of record.~~
~~"Dedication" means the appropriation of land by its owner for general or public use, who reserves no special rights to himself.~~
~~"Department store" means a large-scale retail store typically one hundred thousand square feet in size.~~
~~"Design guidelines" means a regulatory document used in implementing the community's design-related goals and objectives.~~
~~"Detached building" means a building surrounded on all sides by open space.~~
~~"Developable area" means areas outside of any critical areas and their required setbacks or buffers.~~
~~"Developer" means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed within the city.~~
~~"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~
~~"Development" also means subdivision of a parcel or parcels into one or more lots.~~

~~"Development action" means an action of the city, such as a land use amendment to the comprehensive plan or a rezoning.~~
~~"Development approval" means any written authorization from the city which authorizes the commencement of a development activity, including but not limited to building permits and subdivision approval.~~
~~"Development moratorium" means the denial by the city of Monroe of all applications for permits or approvals for a period of six years as established in Chapter 76.09 RCW, including but not limited to building permits, right-of-way permits, subdivisions, rezones, and variances on the subject property.~~
~~"Development permit" means any permit issued by the city of Monroe, or other authorized agency, for construction, land use, or the alteration of land.~~
~~"Development regulations" means MMC Titles 15, 17, 18, 19, and 20.~~
~~Director. Unless otherwise specified, "director" refers to the community development director or his/her designee.~~
~~"Display" means the visual information shown on a sign, including the text, graphics, logo, pictures, lights and background.~~
~~"Display area" means the greatest area of display meant to contain the text, graphics, pictures, lights and other background details to be viewed as signage. Display area shall be measured as the smallest rectangle placed around all that composes the display area. On no sign shall the display area be less than fifty percent of the surface area of the sign.~~

~~A. "Display area" includes only one face of a double-faced sign where the faces of the sign are parallel. If any face is offset from parallel or separated by more than two feet, such face shall be counted as a separate surface area.~~

~~B. "Display area" of a spherical, cubical or polyhedral sign equals the sum of the surface area of all faces, divided by two.~~

~~"District" means the Monroe School District No. 103.~~
~~"District" or "zone" means an area accurately defined as to boundaries and locations on the official zoning map and within which certain land use regulations are prescribed by the text of MMC Title 18.~~
~~"District property tax levy rate" means the district's current capital property tax rate per thousand dollars of assessed value.~~
~~"Dominant mode" means the mode of travel used for the greatest distance of a commute trip.~~
~~"Drip line boundary" means the circle that can be drawn on the ground below a tree directly under its outermost branch tips.~~
~~"Drive-alone" means a single-occupant vehicle.~~
~~"Drive-in business establishment" means a business establishment where customers are permitted or encouraged, either by the design of physical facilities or by service and/or parking area accessory to the building, to remain seated in their motor vehicles while conducting business.~~
~~"Driveway" means a private road giving access from a public way to a building or abutting grounds.~~
~~"Drug store/pharmacy" means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, and miscellaneous health, beauty, household and similar articles.~~
~~"Dwelling, duplex" means a building, on a single lot, containing two kitchens and designed to be occupied by two families living independently of each other, sharing a~~

~~common wall; a “common wall” includes floors or ceilings. This definition does not include single-family dwellings within an approved accessory dwelling unit.~~
~~“Dwelling, farm worker” means a dwelling unit occupied by a full- or part-time farmer on a lot or lots used exclusively for agriculture.~~
~~“Dwelling, multifamily” means any residential building containing three or more attached dwelling units that may include triplexes, fourplexes, apartments, townhouses, condominiums, and the like.~~
~~“Dwelling, single-family” means a detached building containing only one dwelling unit.~~
~~“Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.~~
~~“Dwelling unit type” means:~~

~~A. Single-family residences;~~
~~B. Multifamily, one-bedroom apartment or condominium units; and~~
~~C. Multifamily multiple-bedroom apartment or condominium units.~~

~~“Dwelling unit, accessory” or “accessory dwelling unit” means a separate living unit attached to or contained within the structure of the primary dwelling unit or detached from the primary dwelling unit, but located on the same lot. The accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation and conforms to the requirements of Chapter 18.40 MMC.~~

~~18.02.050 E definitions.~~
~~“Educational institution” means an elementary, junior high, high school, junior college, college or university or other school giving general academic instruction in the several branches of learning and study required by the educational code of the state of Washington.~~
~~“Effective date” means the date a final decision becomes effective.~~
~~“Employee transportation coordinator (ETC)” means a person who is designated as responsible for the development, implementation, and monitoring of an employer’s CTR program.~~
~~“Employer” means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, nonprofit, or private, that employs workers.~~
~~“Engineering geologist” means a practicing professional engineering geologist licensed with the state of Washington.~~
~~“Environments and facilities, local” are those park, recreation, and open space facilities that are described in the park and recreation element of the Monroe comprehensive plan and that meet the criteria for designation as local facilities set forth in the said plan.~~
~~“Environments and facilities, regional/citywide” are those park, recreation, and open space facilities that are described in the park and recreation element of the Monroe comprehensive plan and that meet the criteria for designation as regional/citywide facilities set forth in the said plan.~~
~~“Equipment enclosure” means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment. Associated equipment may include air conditioning, backup power supplies and emergency generators.~~
~~“Erosion” means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.~~

~~"Erosion hazard area" means those areas of Monroe containing soils which, according to the USDA Soil Conservation Service, Snohomish County Soil Survey dated 1983, may experience severe to very severe erosion hazard.~~
~~"Essential public facility (EPF)" means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that provides public services as its primary mission, and that is difficult to site. EPF shall include those facilities listed in RCW 36.70A.200, and any facility that appears on the list maintained by the Washington State Office of Financial Management under RCW 36.70A.200(4).~~
~~"Estimated facility construction cost" means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the district, including on-site and off-site improvement costs. If the district does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.~~
~~"Excavation" means the mining or carrying or other mechanical removal of natural deposits including underground shaft operations, but excluding:~~

~~A. Excavations and grading for building construction where such construction is authorized by a valid building permit;~~
~~B. Tilling of soil for agricultural purposes;~~
~~C. Any excavation:~~
~~1. Which does not alter a drainage course; and~~
~~2. Which has less than two feet of mean average depth, or which does not create an out slope greater than five feet in height and is not steeper than one and one-half feet horizontal to one foot vertical; and~~
~~3. If located in a residential zone, cubic yards excavated from contiguous land under common ownership do not exceed five hundred cubic yards; and~~
~~4. If located in any nonresidential zone, cubic yardage excavated from contiguous land under common ownership is less than two thousand cubic yards.~~

~~"Existing (preexisting)" means a use, lot or building that existed at the time of the passage of the ordinance codified in this title.~~

~~18.02.060 F definitions.~~
~~"Fabrication shops" means the production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components.~~
~~"Facade" means the exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building (i.e., each architectural elevation) is considered one facade. For buildings with more than one occupant/tenant, the facade for each occupant shall be that portion of the exterior wall face between the points where the interior wall between tenants intersects with the exterior wall, thus delineating the individual occupant/tenant space.~~
~~"Facade buffer" means a space around a storefront intended to create a softening effect by reducing the amount of visual, straight-line architecture.~~
~~"Facility design capacity" means the number of students each school type is designed to accommodate, based on the district's standard of service as determined by the district.~~
~~"Factory-built housing" or "factory-built commercial structure" means any structure designed primarily for human occupancy, other than a mobile (manufactured) home, the structure or room of which is either entirely or substantially prefabricated or assembled at a place other than a building site. No factory-built housing or factory-built commercial~~

~~structure shall be installed on a building site unless it bears the insignia of approval of the Washington State Department of Labor and Industries and is inspected by the city, pursuant to its authority and the development requirements set forth in this title.~~

~~"Family" means two or more persons related by blood, marriage, or adoption, or not more than six unrelated persons, living together within a single dwelling unit. For the purposes of this definition, children with familial status within the meaning of Title 42 USC, Section 3602(k), and individuals with disabilities within the meaning of Title 42 USC, Section 3602(h), will not be counted as unrelated persons. Adult family homes, as defined by RCW 70.128.175, are included within the definition of "family."~~

~~"Family day care" means an occupied dwelling unit in which the full-time occupant provides daily care for children other than his/her own family. Such care in a family day care home is limited to twelve or fewer children including children living in the home.~~

~~Farmers' Market. See "Community-oriented open-air market."~~

~~"Farming" means the raising and harvesting of crops; feeding, breeding and management of livestock; dairying or any other agricultural or horticultural use or any combination thereof and includes the disposal by marketing or otherwise of products produced on the premises. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with farming, but does not include a commercial feed lot.~~

~~"Fast food restaurant" means an establishment whose principal business is the sale of foods, frozen desserts, or beverages served in or on disposable containers for consumption while seated within the building or in a vehicle or incidentally within a designated outdoor area, or for take-out consumption off the premises.~~

~~"FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.~~

~~"Fence" means that which is built, constructed, or composed of parts joined together of material in some definite manner in which the prime purpose is to separate and divide, partition, enclose or screen a parcel or parcels of land.~~

~~"Festoon(s)" means a strip or string of balloons, flags or lights, which includes clusters of balloons, flags or lights, connected on at least one end to a fixed or movable object such as a vehicle.~~

~~"Final decision" means the final action by the director of community development, planning commission, hearing examiner, or city council.~~

~~"Fire lane" means an aisle, lane, or roadway on an improved site which is designated, constructed, and required for emergency access of fire and aid-unit vehicles.~~

~~"Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:~~

~~A. Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;~~

~~B. Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife;~~

~~C. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;~~

~~D. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the state of Washington;~~

~~E. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;~~

~~F. State natural area preserves and natural resources conservation areas; and~~

~~G. Land essential for preserving connections between habitat blocks and open spaces.~~

~~"Fix-it shop" means a service establishment dedicated to the repair of small engines and electronics.~~

~~"Flex-time" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.~~

~~"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.~~

~~"Flood fringe" means that portion of the floodplain outside of the floodway which is covered by floodwaters during the base flood; it is generally associated with standing water rather than rapidly flowing water.~~

~~"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones.~~

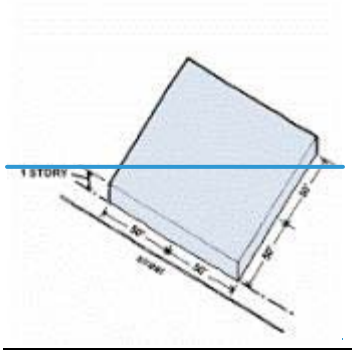
~~"Floodplain" means the total area subject to inundation by the base flood including the flood fringe and floodway.~~

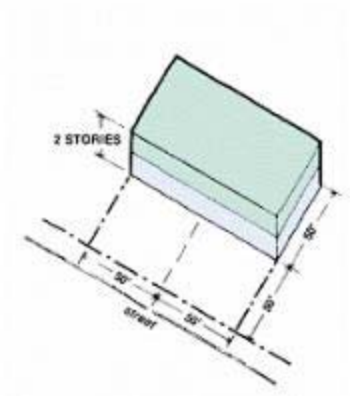
~~"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot.~~

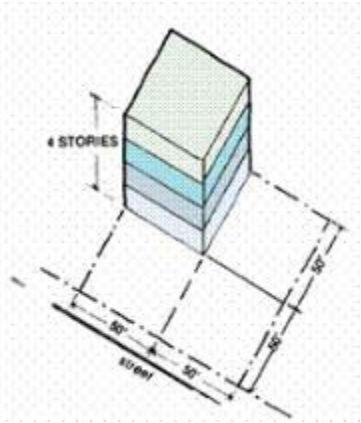
~~"Floodway-dependent structure" means structures that are floodway-dependent including, but not limited to, dams, levees and pump stations, stream bank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.~~

~~"Floor area" means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior walls and from the centerline of divisions, shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet, six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches, and malls. "Floor area" shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet, six inches, exterior steps or stairs, terraces, breezeways and open spaces.~~

~~"Floor area ratio (FAR)" means the ratio of the floor area of a building to the area of the lot on which the building is located. The diagram below illustrates three simple ways that a 1:1 FAR might be reached: one story covering the entire lot, two stories covering half of the lot, or four stories covering a quarter of the lot all result in the same FAR.~~







~~"Floor finish" means the exposed floor surface, including coverings applied over a finished floor, and includes, but is not limited to, wood, vinyl flooring, wall-to-wall carpet, and concrete.~~

~~"Food" shall have its usual and ordinary meaning, and shall include all items designed for human consumption, including, but not by way of limitation, candy, gum, popcorn, hot dogs, sandwiches, peanuts, soft drinks, and dairy products.~~

~~"Forest practices" means activities conducted on or directly pertaining to forestlands, regulated in Chapter 222-16 WAC or Chapter 76.09 RCW, relating to growing, harvesting, or processing timber. This includes but is not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.~~

~~"Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.~~

~~"Formation, confining" means the relatively impermeable formation immediately overlaying a confined aquifer.~~

~~"Franchise" means the general authority granted by the city council to a telecommunications service provider or to a cable television service provider to use city rights-of-way to provide services to locations within the city. A franchise issued by the city is a master permit within the meaning of RCW 35.99.010(3).~~

~~"Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the director, in accordance with WAC 365-190-080(3).~~

~~"Front lot line" means that boundary of a lot which abuts a street or private road. The owner of a corner lot may select, on corner lots, either street lot line as the front lot line.~~

~~"Frontage" means the linear distance of property along a street or highway.~~

~~"Frontage, building" means that part of a building or structure considered to be the side of the building with a principal access to a business or businesses.~~
~~"Full-time employee" means a person, other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.~~
~~"Functions and values" means the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, and recreation.~~

~~**18.02.070 G definitions.**~~
~~"Geologically hazardous areas" means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include erosion, landslide, seismic, mine, and volcanic hazards.~~
~~"Geologist" means a practicing professional geologist licensed with the state of Washington.~~
~~"Geotechnical engineer" means a practicing professional geotechnical/civil engineer licensed with the state of Washington.~~
~~"Goal" means a purpose toward which efforts are directed.~~
~~"Good faith effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city/county to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.~~
~~"Governing authority" means the city council of the city of Monroe.~~
~~"Governmental entity" means the state of Washington, Snohomish County, the city, municipally owned utilities, and special purpose districts including the school, fire and library districts.~~
~~"Governmental or quasi-governmental facilities" means those facilities which include but are not limited to schools (public or private), parks, utility substations, public buildings, vocational education centers or other similar uses satisfying a public need and under governmental control.~~
~~"Grade (ground level)" means the finished level of the street (or parking lot) closest to the sign to which reference is made. In cases where the property on which the sign is located is lower than the immediately adjacent street level, the ground level shall be considered the street level as measured from the street centerline, so as to facilitate visibility of signage.~~
~~"Grade span" means a category into which a district groups its grades of students (e.g., elementary, middle or junior high, and high school).~~
~~"Grading" means any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means.~~
~~"Grantee (wireless facilities)" means both licensees and franchisees granted certain rights and obligations as more fully described herein.~~
~~"Greenhouse, retail" means a structure designed and used to create an artificial climate for the growing of plants for retail sale.~~
~~"Grocery store" means an establishment dealing in staple food such as produce, meats, dairy and cereals.~~

~~"Gross leasable floor area" means the total square footage of floor space in a building, including selling areas, offices and stock rooms of a commercial building, but excluding courts, stairways and the pedestrian mall, provided it is not used for the sale, storage or display of merchandise.~~
~~"Ground cover" means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground and includes trees and shrubs less than six inches in diameter.~~
~~"Ground cover management" means the mowing or cutting of ground cover when such activities do not disturb the root structures of plants.~~
~~"Group home, Type 1" means a place for persons with mental and physical handicaps, or dependent or predelinquent children, providing special care in a homelike environment and consistent with the United States Fair Housing Act and RCW 35A.63.240, Washington Housing Policy.~~
~~"Group home, Type 2" means a nonprofit or for-profit place for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.~~
~~"Growth and transportation efficiency center (GTEC)" means a defined, compact, mixed-use urban center that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a GTEC must meet minimum criteria established by the CTR Board under RCW 70.04.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.~~
~~"Growth Management Act" or "Act" means the sections of the Washington State Growth Management Act codified at Chapters 36.70A and 82.02 RCW, as may be hereinafter amended.~~
~~"Guesthouse" means an accessory structure to a principal residential use. A guesthouse shall have not more than two bedrooms and no kitchen. It shall be used or designed for use primarily by guests or servants for sleeping quarters only.~~

~~18.02.080 H definitions.~~
~~"Halfway house" means a center for formerly institutionalized individuals (such as mental patients or drug addicts) that are designed to facilitate their readjustment to private life.~~
~~"Hammerhead" means a street temporarily closed at one end, the ultimate purpose of which is to provide an extension of the street to adjacent property. The end of this temporary dead-end street must be further characterized by an extension of the street width to be used for turning of motor vehicles.~~
~~"Hardware store 1" means a retail store with a gross floor area of twenty thousand square feet or less predominantly used for the sale of tools, paints and other small building equipment and supplies. Accessory uses may include the storage of lumber, drywall, roofing, or other similar building materials.~~
~~"Hardware store 2" means a retail store with a gross floor area between twenty thousand and one square feet and one hundred thousand square feet predominantly used for the sale of tools, paints, and other small building equipment and supplies. Accessory uses may include the storage of lumber, drywall, roofing, or other similar building materials.~~
~~"Hazard areas" means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions.~~

~~"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15) and Chapter 173-303WAC, except for moderate risk waste as set forth in RCW 70.105.010(17).~~
~~"Hazardous waste facility" means any facility that treats or stores hazardous wastes.~~
~~"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.~~
~~"Hazardous waste treatment" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.~~
~~Hearings Examiner. Reference Chapter 2.34 MMC. "Heavy equipment" means such construction machinery as backhoes, treaded tractors, dump trucks, and front-end loaders.~~
~~"Height of building" means the vertical distance from the finished average grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the midpoint between the eaves and ridge for a gable, hip or gambrel roof.~~
~~"Height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative grade in the immediate vicinity.~~
~~"Height of trees" means the distance from growth stem to top of root ball.~~
~~"Holographic display" means any display that creates a three-dimensional image through projection.~~
~~"Home association" means an incorporated nonprofit organization operating under recorded land agreements through which:~~

~~A. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and~~

~~B. The charge, if unpaid, becomes a lien against the property.~~

~~"Home day care center" means a day care center for six or fewer children including the children of the occupant. The home day care center shall be operated by an occupant of the home.~~
~~"Home improvement center" means a warehouse-type retail facility with a gross floor area greater than one hundred thousand square feet specializing in the sale of home improvement products.~~
~~"Home occupation" means any business or commercial activity conducted in a dwelling unit that results in a product or service, and is clearly incidental and subordinate to the residential use of such dwelling unit.~~

~~A. Home Occupation, Minor. "Minor home occupations" are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single-family residence.~~

~~B. Home Occupation, Major. "Major home occupations" have the potential for causing some effects greater than that generally associated with a single-family residence and may require conditions to reduce those impacts.~~

~~"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by Washington State law.~~

~~"Hotel" means a facility providing six or more guest rooms or suites for transient lodging accommodations to the general public, and providing additional services such as restaurants, meeting rooms, gift shops, and/or entertainment and recreation facilities. Access to individual units is predominantly by means of common interior hallway. Not included in this definition are institutions housing persons under legal restraint or requiring medical attention.~~
~~"Hydraulic project approval (HPA)" means a permit issued by the state Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 75.20 RCW.~~
~~"Hydrologist" means a practicing professional hydrologist licensed with the state of Washington.~~

~~18.02.090 I definitions.~~
~~"Imaginary surface" means the airspace (primary, approach, transitional, horizontal, and conical surfaces) designated by the floor area ratio.~~
~~"Impact fee schedule" means the table of impact fees to be charged per unit of development, computed by the formula adopted under Chapter 20.07 MMC, indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the city.~~
~~"Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water.~~
~~"Inflatable object" means any inflatable object larger than three feet in diameter, such as a blimp, large balloon, or inflatable sport equipment, used to attract attention to a business, special event or activity.~~
~~"Infrastructure" means but is not limited to the roads, sanitary sewer, municipal water, curb, gutter, sidewalk and streetscape required in the development of a subdivision, including off-site mitigation for roads, schools, and parks.~~
~~"In-patient facilities," including "substance abuse and mental health facilities," means facilities of a local nature intended to meet the service needs of the local community. These facilities are typically characterized by providing some type of in-patient care, assistance, or monitoring and include substance abuse and mental health facilities.~~
~~"Intensity" means the number of dwelling units per acre for residential development and floor area ratio and/or occupancy load for nonresidential development, such as commercial, office, and industrial uses.~~
~~"Interest rate" means the current interest rate as stated in the Bond Buyer Twenty-Bond General Obligation Bond Index.~~
~~"Isolated wetland" means those wetlands that are outside of and not contiguous to any one-hundred-year floodplain, lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.~~

~~18.02.100 J definitions.~~

~~"Jail" means a public facility for the incarceration of people under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence of one year or less.~~
~~"Joint aquatic resources permit application (JARPA)" means a single application form that may be used to apply for hydraulic project approvals, shoreline management projects, approval of exceedance of water quality standards, water quality certifications, Coast Guard bridge permits, Department of Natural Resources use authorization, and Army Corps of Engineer permits.~~
~~"Junkyard" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an auto wrecking yard but does not include uses established within enclosed buildings or pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation.~~
~~"Jurisdiction's base year measurement" means the proportion of single-occupant vehicle commute trips by CTR commuters and commute trip vehicle miles traveled per CTR commuter on which commute trip reduction targets for the local jurisdiction shall be based. The jurisdiction's base year measurement, for those jurisdictions with an affected urban growth area as of March 1, 2007, shall be determined based on employee surveys administered in the 2006-2007 survey cycle. If complete employee survey data from the 2006-2007 survey cycle is not available, then the base year measurement shall be calculated from the most recent and available set of complete employee survey data.~~

~~18.02.110 K definitions.~~
~~"Kennel" means a place, other than the residence of the owner of the animal(s), where three or more dogs or cats, four months old or older, or any combination of dogs and cats, are kept, whether care is for compensation or not.~~

~~18.02.120 L definitions.~~
~~"Lake" means an area permanently inundated by water in excess of two meters deep and greater than twenty acres in size measured at the ordinary high water mark.~~
~~"Land clearing" means the act of removing or destroying trees, ground cover, and other vegetation by manual, mechanical, or chemical methods.~~
~~"Land cost per acre" means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.~~
~~"Landscape architect" means a Washington State registered professional landscape architect, having current certification with the state Department of Licensing.~~
~~"Landscape barrier/buffer" means a space, either landscaped or in a protected state, intended to reduce the impact of development, traffic, undesirable sights, sounds, and odors.~~
~~"Landscape maintenance" means the continual maintenance of planting areas and landscape plants in a healthy, living condition, the replacement of dead, diseased, or damaged plant material, and the repair of irrigation systems.~~
~~"Landscaping" or "landscaping areas" means natural vegetation such as trees, shrubs, ground cover and other landscape materials arranged in a manner to produce an~~

~~aesthetic effect appropriate for the use to which the land is put. Ponds, streams, natural areas, or areas for the detention of storm water runoff are not considered part of the landscaped area of a site unless they are integrated with required landscaping as a water feature.~~

~~"Landslide" means episodic down-slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earthflows.~~

~~"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a combination of geologic landslides resulting from a combination of geologic, topographic, and hydrologic factors.~~

~~"Legal building," "legal structure" and "legal land use" mean any building, structure or use of the land that complies with all applicable zoning code requirements.~~

~~"Level of service, existing/proposed (ELOS/PLOS)" means the ratio of park, recreation, and open space lands and facility units (acres, fields, square feet, etc.) to the number of persons in the city's population (expressed as unit per one thousand persons).~~

~~"Library" means a facility housing a collection of literary documents and/or research material available for borrowing.~~

~~"License (wireless facilities)" means the general authority granted by the city to a service provider to use city rights-of-way to provide telecommunications services to locations outside of the city. A license issued by the city is a master permit within the meaning of RCW 35.99.010(3).~~

~~"Licensed practitioners" means those persons possessing a license earned as a result of passing an examination administered by a state or national board of examiners, commission or professional association.~~

~~"Loading space" means a space on the same site with the principal use served which provides for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.~~

~~"Locksmith" means an establishment that makes and repairs locks and keys.~~

~~"Lot" means a parcel of land described by:~~

~~A. Reference to a recorded plat;~~

~~B. Metes and bounds;~~

~~C. Section, range, and township; usually a part of a subdivision.~~

~~"Lot depth" means the mean dimension of the lot from the front street line to the rear line.~~

~~"Lot frontage" means that portion nearest the street or easement except on a corner lot, in which case the front yard shall be considered the narrowest part of the lot that abuts a street.~~

~~"Lot, fully developed" means parcels with improvements assessed by the Snohomish County assessor's office at a value greater than ten thousand dollars (containing an existing structure); for single-family lots the existing structure is valued at greater than seventy percent of the land value and for multifamily and commercial lots the existing structure is valued at greater than seventy-five percent of the land value.~~

~~"Lot, panhandle" or "flag lot" means a lot where the front and rear lot lines conform to zoning code requirements for lot dimensions except for the panhandle. The panhandle is a narrow strip of land to be utilized for access purposes from an improved public right-of-way. The panhandle or access portion of the lot is not be used to determine building setbacks, but is counted toward minimum lot area requirements or maximum allowed residential density, as applicable.~~

~~"Lot width" means the horizontal distance between lot sidelines.~~

~~"Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than fifty percent of current median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.~~
~~"Lumber yard" means an establishment devoted to the sale of lumber, drywall, roofing and similar building materials.~~

~~18.02.130 M definitions.~~
~~"Major employer" (formerly "affected employer") means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on weekdays for at least twelve months.~~
~~"Major work site," as it pertains to CTR, means a building or group of buildings that are on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-way, and at which there are one hundred or more full-time employees, who begin their regular workday between six a.m. and nine a.m. on weekdays, for at least twelve continuous months.~~
~~"Manufactured home" means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974.~~
~~"Marquee" means a permanent roof-like structure projecting horizontally from and attached to a building, affording protection from the elements to persons and property thereunder.~~
~~"Medical and dental laboratory" means premises devoted to product development in any branch of medicine or dentistry, including the application of scientific principles in testing, analysis, or preparation of drugs, chemicals or other products or substances but specifically excluding the commercial manufacturing or storage and distribution operations in excess of twenty thousand square feet of floor area.~~
~~"Mental hospital" (including treatment of alcoholics) means an institution licensed by Washington State agencies under provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders and alcoholism.~~
~~"Merchandise" means clothing, toys, electronics, pictures, games, or other nonfood products for sale or rent.~~
~~"Message" means a set of sequential displays that conveys related information about a product, service or company in an electronic sign.~~
~~"Mineral extraction" means the removal of naturally occurring metallic and nonmetallic minerals and other geologic materials from, on and/or beneath the earth's surface.~~
~~"Mini day care center" means a day care center for seven to twelve children, including the children of the occupant. The mini day care center shall be operated by an occupant of the home.~~
~~"Mini self storage" means a storage facility providing garages, rooms, closets and lockers for rent on an individual basis, usually by month.~~
~~"Minimum height of ground floor" means the vertical distance from top to top of the successive finished floor surfaces; and, if the ground floor is the only floor above street grade, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.~~
~~Mining. See "Mineral extraction."~~

~~"Minor adjustment," as determined by the zoning code administrator, means a change in the final development plan which may affect the precise dimensions or siting of buildings but does not affect the basic character or arrangement of buildings or the density of the development or open space provided.~~

~~"Minor utility project" means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than seventy-five square feet.~~

~~"Mitigation" means avoiding, minimizing, or compensating for adverse impacts on critical areas. Mitigation shall use any of the actions that are listed below in descending order of preference:~~

~~A. Avoiding the impact altogether by not taking a certain action or parts of an action; or~~

~~B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; or~~

~~C. Rectifying the impact by repairing, rehabilitating, or restoring the affected critical areas; or~~

~~D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal; or~~

~~E. Compensating for the impact by replacing, enhancing, or providing substitute critical areas; and~~

~~F. Monitoring the impacts and compensation project, and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above.~~

~~"Mixed occupancy" means a building or site that contains a combination of two or more different land uses, which may include residential, office, commercial/retail, restaurant, institutional, and/or industrial uses as permitted within the underlying zoning district.~~

~~"Mixed use" means a group of structures housing more than one type of retail business, office, commercial or manufacturing venture and generally under one ownership and control.~~

~~"Mixed use building" means a building that contains a combination of residential and two or more different land uses, which may include office, commercial/retail, restaurant and/or public uses.~~

~~"MMC" means the Monroe Municipal Code.~~

~~"Mobile home" means a factory-built dwelling built before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), and acceptable under applicable state codes in effect at the time of construction or introduction of the home into this state.~~

~~"Mobile home park" means a tract of land under single ownership or control, including ownership by a condominium association, upon which three or more mobile homes occupied as dwellings may be located.~~

~~"Mobile vendor" means any person, firm or corporation who engages temporarily in the business of selling food and nonalcoholic beverages and/or other goods or services and delivering goods, wares or merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure or vacant lot, motor vehicle or trailer.~~

~~"Mode" means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and telecommuting.~~

~~"Model home" means a single-family residence open to the public for sales promotion to demonstrate the types and finishes of homes available in the subdivision. A model home is constructed in an approved preliminary plat which has not yet received final plat approval.~~

~~"Modification (wireless facilities)" means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.~~

~~"Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and assessing the performance of mitigation measures imposed as conditions of development.~~

~~"Mortuary" means a place of business licensed in accordance with RCW 18.39.145 that provides for any aspect of the care, shelter, transportation, embalming, preparation, and arrangements for the disposition of human remains and includes all areas of such entity and all equipment, instruments, and supplies used in the care, shelter, transportation, preparation and embalming of human remains.~~

~~"Motel" means a facility providing four or more guest rooms for transient lodging accommodation to the general public but does not provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. Facility may include meeting rooms and recreation areas such as swimming pools or exercise rooms.~~

~~"Motor vehicle sales facility" means any area of land, including the structures thereon, that is used for the display, sale, rental, or leasing of operable motorized vehicles, including but not limited to automobiles, RVs and boats, motorsports, and related nonmotorized vehicles such as trailers and which may or may not include on-site service and repair facilities.~~

~~"Mount" means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:~~

~~A. Building-Mounted. A personal wireless service facility mount fixed to the roof or side of a building.~~

~~B. Ground-Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.~~

~~C. Structure-Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.~~

~~"Multiple occupancy building" means a single structure housing more than one type of retail business, office, commercial, or manufacturing venture.~~

~~"Mural" means a large painting or decoration, either painted directly on the wall or prepared separately and attached to the wall.~~

~~18.02.140 N definitions.~~

~~"Native growth protection easement (NGPE)" means an easement granted to the city of Monroe for the protection of native vegetation within a critical area or its associated buffer. The NGPE shall be recorded on the appropriate documents of title and filed with the Snohomish County recordings division.~~

~~"Native tree" is any perennial woody plant with one main stem or multiple stems that support secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and that has a caliper of six inches or greater measured four and one-half feet above the ground level.~~

~~"Native vegetation" means plant species that are indigenous to the area in question.~~

~~"Natural or existing topography" means the topography of the lot, parcel or tract of real property immediately prior to any site preparation or grading, including excavation or filling.~~
~~"New development" means any and all development for which a permit is issued after the effective date of the first ordinance establishing Chapter 20.10 MMC.~~
~~"Noncommercial public service sign" means noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages.~~
~~"Nonconforming building or structure" means any building or structure which was legally constructed prior to the effective date of the ordinance codified in this title or subsequent amendments under which it would not be permitted as a new structure because it does not conform with the lot area, yard, height or lot coverage restrictions in these regulations, or is designed or intended for a use that does not conform to the use regulations for the district in which it is located, whether at the effective date of the ordinance codified in this title or as the result of subsequent amendments to these regulations.~~
~~"Nonconforming use" means any use of land, building or structure legally established prior to the effective date of the ordinance codified in this title which does not comply with all of these zoning regulations or of any amendment hereto governing use of the zoning district in which such use is situated.~~
~~"Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision approach procedure has been approved, or planned, and for which no precision approach facilities are planned.~~
~~"Notice" means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the postal service unless the third day falls on a weekend or legal holiday, in which case the notice is deemed accepted the day after the weekend or legal holiday.~~
~~"Noxious matter" means material capable of causing injury to living organisms by chemical reactions, or capable of causing detrimental effects upon the physical or economic well-being of individuals.~~
~~"Nursery school" means an establishment for preschool children whose parents send them for educational experience, but not for supplemental parental care.~~
~~"Nursing home" and/or "convalescent home" means an establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill, or surgical or obstetrical services, shall be provided in such a home. A hospital or sanitarium shall not be considered to be included in this definition.~~

~~18.02.150 O definitions.~~
~~"Official plans" means the comprehensive plan, the zoning code, and the subdivision code of the city.~~
~~"Off-premises" means being off a lot with or without buildings.~~
~~"Off-street parking" means the parking area within the boundaries of a lot.~~
~~"On-premises" means being on a lot with or without buildings.~~
~~"Open record hearing" means a hearing, conducted by a single hearing body, that creates the record through testimony and submission of evidence and information,~~

~~under procedures prescribed by the hearing body. An open record hearing may be held prior to a decision being issued on a project permit, to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit.~~

~~"Open space" means land area which includes but is not limited to woodlands, fields, sidewalks, walkways, landscape areas, gardens, courtyards, or lawns, but not occupied by buildings, traffic circulation roads or parking areas.~~

~~"Ordinary high water mark" means the mark that will be found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, that the soil has a character distinct from that of the abutting upland, in respect to vegetation. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In braided channels and alluvial fans, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.~~

~~"Outdoor storage" means the keeping of any goods, materials, merchandise, vehicles, construction equipment, cargo containers, and the like for more than twenty-four consecutive hours in an area that is not enclosed, is open to the sky and is visible by adjacent properties or rights-of-way. This definition does not include areas for the retail sale of new and used automobiles.~~

~~"Overhead facilities" means utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.~~

~~"Overlay zones" means a set of zoning requirements that is described in the ordinance and/or in this title, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two. It usually is employed to deal with special physical characteristics such as floodplains or steeply sloping areas.~~

~~"Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered to be the owner of the real property if the contract is recorded.~~

~~18.02.160 P definitions.~~

~~"Parapet" means that portion of a building wall and/or facade which extends above the roof of the building.~~

~~"Parcel" means a tract or plat of land of any size, which may or may not be subdivided or improved.~~

~~"Park – capital facilities program (CFP)" means a six-year plan that is approved by the city council in order to finance the development of capital facilities necessary to support the projected population of Monroe over the six-year period. The city's CFP is found in the capital facilities element of the Monroe comprehensive plan, as the same now exists or may be hereafter amended.~~

~~"Park – development activity," as the term relates to park impact fees, means any construction or expansion of a building, structure, or use, any changes in the use of a building or structure, or any changes in the use of land that created additional demand and need for public park, open space or recreation facilities.~~

~~"Park – encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for~~

~~park, open space or recreation capital facilities. Impact fees shall be considered encumbered on a first-in, first-out basis.~~
~~"Park – existing development" means that development which physically exists or for which the developer holds a valid building permit as of the effective date of the first ordinance establishing Chapter 20.10 MMC.~~
~~"Park – impact fee" means a payment of money imposed upon new growth or development as a condition of development approval in order to pay for park, open space or recreation facilities needed to serve such new growth or development. "Impact fee" does not include any permit or application fee.~~
~~"Park – project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. No park, open space or recreation improvement or facility included in the capital facilities plan shall be considered a project improvement.~~
~~"Park – proportionate share" means that portion of the cost of park, open space and recreation improvements that are reasonably related to the service demands and needs of new development.~~
~~"Park – system improvements" means park, open space and recreation facilities that are included in the capital facilities plan and are designed to provide service-to-service areas within the community at large, in contrast to project improvements.~~
~~"Park, RV" means land under single ownership or control, designed and improved to accommodate the temporary parking of two or more recreational vehicles with associated common facilities such as showers and waste disposal areas. The term shall include campgrounds when designed to accommodate recreational vehicles, but does not include land zoned and used for the storage, display or sale of recreational vehicles.~~
~~"Parking space" means an off-street parking space which is maintained and used for the sole purpose of accommodating a temporarily parked motor vehicle and which has access to a street or alley.~~
~~"Parks and recreation facilities" means any park and/or recreational facility owned or dedicated to the public or a government agency.~~
~~"Parks and recreation facility" means a facility or area for recreation purposes including but not limited to swimming pools, parks, tennis courts, playgrounds, picnic areas, athletic fields, trails and/or other similar uses.~~
~~"Party of record" means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.~~
~~"Party to an appeal" means the appellant(s), applicant, and city of Monroe.~~
~~"Pawn shop" means an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.~~
~~"Peak period" means the hours from six a.m. to nine a.m., Monday through Friday, except legal holidays.~~
~~"Peak period trip" means any employee trip that delivers the employee to begin his or her regular workday between six a.m. and nine a.m. (inclusive), Monday through Friday, except legal holidays.~~
~~Performance Standards. See MMC 18.10.270.~~
~~"Permanent facilities" means facilities of the district with a fixed foundation, which are not relocatable facilities.~~

~~"Permitted lot coverage" means the percentage of total lot area, based on square footage, covered by impervious surfaces, divided by the total lot area.~~
~~"Permitted use" means any use authorized or permitted alone or in conjunction with any other use in a specified district and subject to the limitation of the regulations of such use district.~~
~~"Person" means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.~~
~~"Person hours of delay" means the daily person hours of delay per mile in the peak period of six a.m. to nine a.m., as calculated using the best available methodology by the Washington State Department of Transportation.~~
~~"Personal wireless service," "personal wireless service facilities" and "facilities" as used in this title shall be defined in the same manner as in 47 USC 332(c)(7)(C), as it may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.~~
~~"Planned action" means a significant development proposal as defined in RCW 43.21C.031 as amended.~~
~~"Planned residential development" means a flexible method of land development, which accomplishes the purposes of Chapter 18.84 MMC, in which the principal use is residential.~~
~~"Plat, final" and "final short plat" mean the final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the county auditor and contains all elements and requirements set forth in Chapter 17.28 MMC.~~
~~"Plat, preliminary" and "preliminary short plat" means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision or short subdivision consistent with the requirements of this chapter. The preliminary plat or preliminary short plat shall be the basis for the approval or disapproval of the layout of a final subdivision or final short subdivision.~~
~~"Plat, proposed" means the preliminary plan for subdivision submitted by the subdivider to obtain approval.~~
~~"Plat, short" means the map or representation of a short subdivision.~~
~~"Porte cochere" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements, typically used for loading and unloading of vehicles.~~
~~"Potable water" means water that is safe and palatable for human use.~~
~~"Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas.~~
~~"Pre-development meeting" means a meeting between the applicant and city development staff to discuss process, code requirements and development alternatives.~~
~~"Preexisting lot of record" means a lot of record legally existing prior to December 31, 1968. Such a lot shall be deemed to have complied with the minimum required lot area and width of the underlying zoning district. A structure may be permitted on the lot of record providing it meets all front, side and rear yard requirements.~~
~~"Preschool" means a facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.~~

~~"Previously incurred system improvements" means system improvements that were accomplished in order to serve new growth and development.~~
~~"Primary facade" means those portions of a facade which are adjacent to or front on a public street, park or plaza.~~
~~"Primary surface" means a surface that is longitudinally centered on a runway, extends two hundred feet beyond each end of a runway, and is two hundred fifty feet wide.~~
~~"Principal use" or "principal building" means the primary or predominant use or building or lot to which the property or usage is or may be devoted, and to which all other uses or buildings on the premises are accessory.~~
~~"Print shop" means a service/retail establishment offering print services for individual consumers or small businesses.~~
~~"Printing plant" means a printing operation involving printing presses and/or other industrial machinery.~~
~~"Prior system improvement deficiencies" means deficiencies in public facilities serving existing development and that do not meet the proposed level of service.~~
~~"Priority habitat" means habitat types or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife.~~
~~"Private" means solely or primarily for the use of the resident(s) or occupant(s) of the premises; e.g., a noncommercial garage used solely by the residents or their guests is a private garage.~~
~~"Private detached garage" means an accessory building or structure other than a portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles, primarily only those vehicles belonging to the occupants of the main building.~~
~~"Private recreational facility" means any recreational facility not owned or dedicated to the public or a government agency.~~
~~"Private road" means any right-of-way or road surface not open to general public use which is retained permanently as a privately owned and maintained road and is created to provide access from a street to a lot or lots.~~
~~"Processing of sand, gravel, rock, black soil and other natural deposits" means the mining and quarrying of sand, gravel, rock, black soil, and other natural deposits.~~
~~"Professional offices" means a use that provides professional, administrative, or business-related services such as engineers, attorneys, architects, accountants, and other persons providing services utilizing training in and knowledge of mental disciplines such as real estate and insurance as distinguished from training in occupations requiring skills or manual dexterity or the handling of commodities.~~
~~"Project area" means all areas within fifty feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.~~
~~"Project permit" or "project permit application" means any land use or environmental permit or license required by the city of Monroe for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required for critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.~~
~~"Property line" means the line denoting the limits of legal ownership of the property.~~
~~"Proportion of single-occupant vehicle trips" or "SOV rate" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.~~

~~"Public facilities and services" means the following public facilities and services for which level of service standards have been established in the comprehensive plan:~~

~~A. Potable water;~~
~~B. Wastewater;~~
~~C. Storm water drainage;~~
~~D. Police and fire protection;~~
~~E. Parks and recreation;~~
~~F. Arterial roadways;~~
~~G. Public schools.~~

~~"Public hearing" means an open record hearing at which evidence is presented and testimony is taken.~~

~~"Public roads" means all lanes, roads, streets, and alleys which are open as a matter of right to public vehicular traffic.~~

~~"Public stable" means any commercial or semi-public establishment where horses are kept for riding, driving or stabling. It may include structures and/or open roaming areas.~~

~~"Public use" means a structure or use intended or used for a public purpose by a city, a school district, the county, the state, or by any other public agency or by a public utility.~~

~~18.02.170 Q definitions.~~

~~"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4).~~

~~A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or a related field, and two years of related work experience.~~

~~A. A qualified professional for habitats or wetlands must have a degree in biology or a related environmental science and professional experience related to the subject.~~

~~B. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.~~

~~C. A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments.~~

~~"Qualified professional forester" means an individual with academic and field experience in forestry or urban forestry, with a minimum of two years' experience in tree evaluation. This may include a Society of American Foresters (SAF) certified forester, a Registered American Society of Consulting Arborists (ASCA) consulting arborist, a Washington State licensed landscape architect, or an International Society of Arborists (ISA) certified arborist.~~

~~"Quarrying" means mineral extraction with the use of drilling and blasting to remove rock, ore, stone, and other similar materials.~~

~~18.02.180 R definitions.~~

~~"Reader board" means a sign or part of a sign on which the letters are replaceable by manual means such as changing magnetic letters on a signboard.~~

~~"Rear lot line" means that boundary of a lot which is most distant from and is most nearly parallel to the front lot line. When a lot borders a body of water or stream beyond the ordinary high water mark, the rear lot line shall be considered to be the ordinary high water mark.~~

~~"Reasonable use" means the minimum to which a property owner is entitled under applicable state and federal constitutional provisions, including takings and substantive due process.~~
~~"Reclassification" means a change in zoning boundaries upon the zoning map, which is an official part of these zoning regulations.~~
~~"Recreational vehicle" means a vehicle with or without motor power designed for temporary occupancy as a residence. This definition includes motor homes, travel trailers, campers, and the like. Recreational vehicles are prohibited from use as permanent dwelling units in all zoning districts established by this title. "Permanent," for the purposes of this definition, is defined as occupancy by persons or individuals for more than four consecutive days and in no case more than sixteen days in any one consecutive twelve-month period.~~
~~"Recycling center" means a collection and processing point for nontoxic, recoverable substances that can be reprocessed for the manufacture of new products.~~
~~"Religious institution" means a facility operated for worship, prayer, meditation or similar activity by an organization granted tax exempt status by the federal Internal Revenue Service.~~
~~"Relocatable facilities cost" means the total cost based on actual facilities costs incurred by the district for purchasing and installing portable classrooms.~~
~~"Relocatable facilities student capacity" means the rated capacity of a typical portable classroom used for a specified grade span.~~
~~"Relocatable facility" means any factory-built structure, transportable in one or more sections, that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within the district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.~~
~~"Removal" means the actual removal or causing the effective removal through damaging, poisoning, root destruction or other direct or indirect actions resulting in the death of vegetation.~~
~~"Repair" means to paint, clean or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape or location.~~
~~"Research facility" means an activity whose primary focus involves investigation and experimentation in the natural, physical, or social sciences. It typically involves a small amount of product development or assembly space and products testing, and supporting office space. Related administrative and corporate functions are incidental and subordinate to the primary research and development activities.~~
~~"Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings. "Residence" includes the term "residential" as to the type or intended use of a building.~~
~~"Restaurant" means a business establishment where meals or refreshments may be purchased and consumed, not associated with drive-through windows or take-out typical of fast food restaurants.~~
~~"Retail store" means a permanent establishment engaged in selling goods or merchandise to the public for personal or household consumption, irrespective of the nature of the business, unless specifically excluded or differentiated as a different use. This definition may include department stores and retail shops, whether as an independent establishment or as part of a larger development, but excludes vehicle~~

~~sales, outdoor retail sales, eating and drinking establishments, and taverns, among others.~~
~~"Retirement housing" and/or "assisted living facility" means any form of congregate housing designed to provide for the particular needs of the elderly, seniors, or the physically disabled, who may have functional limitations due to age or physical impairment, but are otherwise in good health. Residents of such housing can maintain an independent or semi-independent lifestyle and do not require more intensive care as provided in a nursing or convalescent home. For the purposes of this definition, "elderly" or "senior" typically means persons fifty-five years of age or older. Design features may include but are not limited to wide doors and hallways and low counters to accommodate wheelchairs, support bars, specialized bathrooms and common dining, recreation or lounge areas. This definition shall not be construed to include facilities to house persons under the jurisdiction of the superior court or the Board of Prison Terms and Paroles.~~
~~"Rezone" means an amendment or change of zoning district on the official zoning map. See also "amendment."~~
~~"Right-of-way use permit" means the authorization by which the city grants permission to a service provider to enter and use the right-of-way at a specific location for the purpose of installing, maintaining, repairing, or removing identified facilities.~~
~~"Rights-of-way" means land acquired or dedicated for public roads and streets but does not include (A) land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public; (B) structures, including poles and conduits, located within the right-of-way; or (C) federally granted railroad rights-of-way acquired under 43 USC 912, and related provisions of federal law, that are not open for motor vehicle use.~~
~~"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other.~~
~~"Roof" means a structure covering any portion of a building or structure, including the projection beyond the walls or supports.~~
~~"Routine vegetation management" means tree trimming or pruning and ground cover management undertaken by a person in connection with the normal maintenance and repair of property.~~
~~"Runway" refers to Runway 07-25 at First Air Field.~~

~~18.02.190 S definitions.~~
~~"Sales area" means any stall, booth, stand, space, section, unit or specified floor area within a licensed community-oriented open-air market location where goods or services are offered or displayed by a vendor for the purpose of sale, trade, barter, exchange or advertisement.~~
~~"Salmonid" means a member of the fish family Salmonidae. In Snohomish County: chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).~~
~~"Satellite television antenna" means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.~~
~~"School" means an institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high~~

~~school or any special institution of education. This definition also includes vocational or professional institutions of higher education, community or junior colleges, or universities under ten acres in size.~~
~~"School – capital facilities" means school facilities identified in the district's capital facilities plan and are "system improvements" as defined by the GMA as opposed to localized "project improvements."~~
~~"School – design standards" means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the district as identified in the district's capital facilities plan.~~
~~"School – development activity" means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is "housing for older persons" as defined by 46 USC 3607, when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to May 1, 1991.~~
~~"School – encumbered" means impact fees identified by the district as being committed as part of the funding for a school facility for which the publicly funded share has been assured, development approvals have been sought, or construction contracts have been let.~~
~~"School impact fee" means a payment of money imposed upon development, as a condition of development approval, to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.~~
~~"School – land development permit" means any land use or environmental permit or license including but not limited to a preliminary or final plat for a single-family residential project, building permit, or preliminary or final planned residential development plan.~~
~~"School – multifamily unit," for purposes of school mitigation, means any residential dwelling unit that is not a single-family unit as defined by Chapter 20.07 MMC.~~
~~"Screening" means a continuous fence and/or evergreen landscaped planting that effectively obscures the property it encloses.~~
~~"Scrolling" means the vertical movement of a static message or display on an electronic sign.~~
~~"Searchlight" means any device emitting a strong beam of light not normally associated with the daily operation or outdoor lighting of the business or location, used to attract attention to the site.~~
~~"Secondary facade" means those portions of a facade that are adjacent to or front on alleys, private roads, trails or sidewalks.~~
~~"Secondary use" means a use subordinate to the principal use of the property, such as commercial, residential, utilities, etc.~~
~~"Secondhand store" means a retail establishment dealing in the selling and buying of used merchandise which is not antique, as defined in MMC 18.02.010, and not including the sale of used automobiles.~~
~~"Section 404 permit" means a permit issued by the Army Corps of Engineers for the placement of dredge or fill material waterward of the ordinary high water mark or~~

~~clearing in waters of the United States, including wetlands, in accordance with 33 USC 1344.~~
~~"Security barrier" means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.~~
~~"Seismic hazard areas" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.~~
~~"Service area" means a geographic area defined by the city or, in the case of facilities providing service to areas outside the city, by interlocal agreement, as being that area in which a defined set of park, open space and recreation facilities provide service to development within the area.~~
~~"Service establishment" means any business, professional or government office providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples would include, but not be limited to, residential real estate sales, banks and loan offices, medical offices and employment agencies. Also included are personal service shops which administer personal services, including beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar uses.~~
~~"Service station" means an establishment which provides for the servicing of motor vehicles and operations incidental thereto, limited to the retail sale of petroleum products and automobile accessories; automobile washing (not including auto laundry); waxing and polishing of automobiles; tire changing and repair (not including recapping); battery service, charging and replacement (not including repair and rebuilding); installation of accessories; and the following operations if conducted wholly within a building: lubrication of motor vehicles, brake servicing, wheel balancing, the testing and replacing of carburetors, coils, condensers, fan belts, wiring, water hoses and similar parts.~~
~~"Setback" means the minimum required distance between a structure and a lot line, access easement boundary, critical areas buffer, or other boundary line that is required to remain free of structures. A setback is measured perpendicularly from the property line, access easement, or other boundary to the outer wall of the structure. In the case where a structure does not have an outer wall, such as a carport, the measurement shall be to the posts of such structure.~~
~~"Shake and shingle mill" means an establishment operating an automated shake and shingle mill which manufactures shakes, shingles and/or ridge caps using automated processes.~~
~~"Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.~~
~~"Side lot line" means any boundary of a lot which is not a front nor a rear lot line.~~
~~"Sidewalk area" means the space on the right-of-way set aside as the walking area for pedestrian traffic as shown and established on the records of the city as a sidewalk and where the city records do not specify such walking area, the sidewalk area shall be that space within the public right-of-way which is actually used as the walking area for pedestrian as distinguished from vehicular traffic.~~
~~"Sight visibility triangle" means a method of providing adequate visual clearance for vehicular and pedestrian traffic approaching a street intersection which is established by measuring a certain distance back from the point where street corner lines meet and connecting the two points established by such measurement.~~

~~"Sign" means all surfaces/structures (permitted, exempt or prohibited) regulated by this chapter that have letters, figures, design, symbols, trademark or devices intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever.~~
~~"Sign, address" means any sign of a noncommercial nature stating the address of the structure upon which said sign is located.~~
~~"Sign, banner" means a sign of nonpermanent nature constructed of nonrigid materials.~~
~~"Sign, building-mounted/wall" means a single- or multiple-faced sign of a permanent nature, made of rigid material, attached to or painted upon the wall/facade of a building or the face of a marquee in such a manner that the wall/facade becomes the supporting structure or forms the background surface of the sign and does not project more than eighteen inches from such wall/facade.~~
~~"Sign, cabinet" generally means an internally illuminated sign in which a removable sign face (typically with translucent graphics) is enclosed on all edges by a metal cabinet. A cabinet sign may be multi-sided.~~
~~"Sign, changeable message" means any sign capable of changing the message by means of manual methods.~~
~~"Sign, construction" means an informational sign, which identifies the architects, engineers, contractors and other individuals or firms involved with the construction of a building, which is erected during the construction period.~~
~~"Sign, directory" means a sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.~~
~~"Sign, electronic" means a sign containing a display that can be changed by electrical, electronic or computerized process, not including video signs.~~
~~"Sign, flashing" means a sign or a portion thereof which changes light intensity or switches on and off in a constant, random or irregular pattern or contains motion or the optical illusion of motion by use of electrical energy.~~
~~"Sign, freestanding" means a sign permanently mounted into the ground, supported by poles, pylons, braces or a solid base and not attached to any building. Freestanding signs include those signs otherwise known as "pedestal signs," "pole signs," "pylon signs," and "monument signs."~~
~~"Sign, illegal" means any sign which does not comply with the requirements of this code within the city limits, as they now or hereafter exist.~~
~~"Sign, informational" means small signs, not exceeding six square feet in surface area, of a noncommercial nature, and not announcing the name of the business or use, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, parking directions and the like.~~
~~"Sign, legal nonconforming" means any sign erected prior to the effective date of the ordinance codified in this chapter, pursuant to a city sign permit, not meeting the parameters of this chapter.~~
~~"Sign maintenance" means the work of keeping something in a suitable condition such as repair would accomplish.~~
~~"Sign, monument" means a ground-mounted, freestanding sign where the base is attached to the ground as a wide base of solid construction and no part of the sign is wider than the base.~~
~~"Sign, off-premises" means a sign which displays a message relating to a use of property or sale of goods or services at a location other than that on which the sign is located.~~

~~"Sign, on-premises" means a sign which displays a message that is directly related to the use of the property on which it is located. Including those freestanding signs approved under a master sign site plan as referenced in MMC 18.80.100.~~
~~"Sign, political" means a sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot.~~
~~"Sign, portable" means a sign which has no permanent attachment to a building or the ground, including A-frame signs, sandwich board signs, pole attachments, and signs mounted on a mobile base, but not including real estate open house and political signs or portable reader board signs as prohibited under MMC 18.80.220.~~
~~"Sign, primary" means all permitted monument/freestanding and building-mounted signs.~~
~~"Sign, projecting" means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.~~
~~"Sign, real estate" means a sign that pertains to the sale or lease of the premises, or a portion of the premises on which the sign is located.~~
~~"Sign, roof" means any sign erected above a roof, parapet, canopy, or porte cochere of a building or structure, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.~~
~~"Sign, snipe" means an off-premises sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, utility poles or to other objects, not applicable to the present use of the premises or structure upon which the sign is located.~~
~~"Sign, subdivision" means a sign used to identify a land development of a residential nature.~~
~~"Sign, suspended" means a sign hanging down from a marquee, awning, canopy or porte cochere that would exist without the sign.~~
~~"Sign, temporary" means a nonpermanent sign intended for use for a limited period of time. Types of temporary signs are: construction, banner, inflatable, real estate and political signs.~~
~~"Sign, trailer" means a sign which is attached to a trailer or has been constructed as a trailer for the purpose of being towed by a motor vehicle, whether operable or not.~~
~~"Sign, video" means video devices such as televisions, computer monitors, flat panel displays, plasma screens, and similar video electronics used as signage.~~
~~"Sign, window" means all signs located inside and affixed to or within three feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of a window.~~
~~"Single occupancy building" means a commercial or industrial building or structure with one major enterprise. A building is classified as "single occupancy" only if:~~

~~A. It has only one occupant;~~
~~B. It has no wall in common with another building; and~~
~~C. It has no part of its roof in common with another building.~~

~~"Single-occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes, including a motorcycle. If there are other passengers occupying the motor vehicle, but the ages of these passengers are sixteen or under, the motor vehicle is still considered a "single-occupant vehicle" for measurement purposes.~~
~~"Single-occupant vehicle (SOV) trips" means commute trips made by affected employees in SOVs.~~

~~"Site area" means the total horizontal dimensional area within the property lines excluding external rights-of-way.~~
~~"Site plan" means a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, and, depending on requirements, the locations of proposed utility lines.~~
~~"Special event" means any event for which a special event permit has been issued pursuant to Chapter 5.28 MMC.~~
~~"Special use" means a use possessing characteristics of such unusual, large-scale, unique or special form as to require additional scrutiny, above and beyond the requirements of a conditional use. The purpose of a review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purpose of this title shall be served.~~
~~"Species, endangered" means a fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.~~
~~"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.~~
~~"Stand" means a homogenous grouping of tree species or a group of trees that contains a large proportion of the same species.~~
~~"Standard of service" means the standard adopted by the district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the district. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or any other specialized facilities housed in relocatable facilities.~~
~~"State" means the state of Washington.~~
~~"State match percentage" means the proportion of funds that are provided to the district for specific capital projects from the state's Common School Construction Fund. These funds are disbursed based on a formula which calculates district-assessed valuation per pupil relative to the whole state-assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.~~
~~"Steep slopes" means those slopes forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief. For the purpose of this definition:~~

~~A. The toe of slope is a distinct topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the toe of slope of a steep slope is the lowermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet; and~~

~~B. The top of slope is a distinct, topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the top of slope is the uppermost limit of the area where the~~

~~ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.~~

~~"Story" means the space in a building from top to top of the successive finished floor surfaces or between a finished floor and the roof.~~

~~"Stream" means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or 222-16-031 and as listed under "water typing system." Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.~~

~~"Street" means a right-of-way which affords a primary means of public access to abutting property.~~

~~"Structure" means any permanent or temporary edifice or building, or any piece or work artificially built or composed of parts joined together in some definite manner.~~

~~"Structure alteration" means any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams or girders.~~

~~"Student factor (student generation rate)" means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines are typically generated by different dwelling unit types within the district. The district will use a survey or statistically valid methodology to derive the specific student generation rate.~~

~~"Subdivider" means one who undertakes the subdivision or short subdivision of land. The term includes agents of the subdivider, such as engineers, surveyors, etc.~~

~~"Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.~~

~~"Subdivision code" means MMC Title 17.~~

~~"Surplus space" means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Washington Utilities and Transportation Commission, to allow its use by a telecommunications carrier for a pole attachment.~~

~~"Surveyor, professional land" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration in the state of Washington as a professional land surveyor.~~

~~18.02.200 T definitions.~~

~~"Target" means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress.~~

~~"Tavern" means a commercial establishment licensed to sell alcoholic beverages for consumption on premises. Such establishments also usually offer food for on-site consumption, which may be prepackaged or prepared on premises.~~

~~"Telecommunications carrier" includes every person that directly or indirectly owns, controls, operates or manages a plant, equipment or property within the city used or to be used for the purpose of providing telecommunications services to locations outside the city.~~

~~"Telecommunications service" means transmission of information, except cable television service, by wire, radio, optical cable, electromagnetic, or other similar means,~~

~~for hire, sale, or resale to the general public. For the purposes of this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. "Telecommunications service" excludes the over-the-air transmission of broadcast television or broadcast radio signals, facilities necessary for governmental purposes, the city shall act within a reasonable of time, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The city shall approve, approve with condition, or deny the application in accordance with the time frames set forth in MMC Title 21, administration of development regulations, and in accordance with other applicable ordinances.~~

~~"Telecommunications service provider" includes every person that directly or indirectly owns, controls, operates or manages a plant, equipment or property within the city used or to be used for the purpose of offering telecommunications services, except cable television service, to residents, businesses or other locations within the city.~~

~~"Telecommuting" means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.~~

~~"Temporary dwelling" means a dwelling unit which has not been permanently attached to the ground by placement on a permanent foundation, has no permanent utility connections, and for which a permit has been obtained pursuant to this title.~~

~~"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.~~

~~"Through lot" means a lot other than a corner lot with frontage on two parallel or approximately parallel streets or private roads that do not intersect at the lot line. Both lot lines abutting streets or private roads shall be deemed front lot lines.~~

~~"Topping" means the severing of main trunks or stems of vegetation at any place above twenty-five percent of the vegetation height.~~

~~"Tow truck operations" means vehicle operations involving the towing of wrecked or disabled vehicles.~~

~~"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.~~

~~"Townhouse" or "townhome" means a building containing a group of three or more attached dwelling units in which each unit extends from foundation to roof and with open space on at least two sides.~~

~~"Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.~~

~~"Transportation demand management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.~~

~~"Transportation – development activity" means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land, that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.~~

~~"Transportation facilities" means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control devices, curbs, gutters, sidewalks, facilities, and improvements directly associated therewith.~~
~~"Transportation impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, that is reasonably related to the new development, that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.~~
~~"Transportation management organization (TMO)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.~~
~~"Transportation – project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, that are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.~~
~~"Transportation – proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts, and needs of new development.~~
~~"Transportation – public facilities" means transportation facilities that are owned or operated by the city.~~
~~"Transportation system improvements" means transportation facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.~~
~~"Traveling" means the horizontal, side-to-side movement of a static or dynamic message or display on an electronic sign.~~
~~"Tree" means any perennial woody plant with one main stem or multiple stems that support secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and where the main stem or one stem of a multi-stemmed tree has a DBH (diameter at breast height) measurement of six inches or greater four and one-half feet above the ground.~~
~~"Tree cutting" means the actual removal of the above-ground plant material of a tree through manual or mechanical methods.~~
~~"Tree topping" means the severing of the main stem of the tree in order to reduce the overall height of the tree; provided, that no more than forty percent of the live crown is removed during any topping. If more than forty percent of the top is removed, it is considered removal.~~
~~"Tree trimming" means the pruning or removal of limbs; provided, that the main stem is not severed and no more than forty percent of the live crown is removed. If more than forty percent of the limbs or crown is removed, it is considered removal.~~

~~18.02.210 U definitions.~~
~~"Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.~~
~~"Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes trees.~~

~~"Unlicensed wireless services" means commercial mobile services that operate on public frequencies and do not need an FCC license.~~
~~"Unlisted use" means uses which are not specifically named as permitted in any use classification contained within this title.~~
~~"Usable satellite signal" means a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.~~
~~"Use" means an activity or purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.~~
~~"Used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."~~
~~"Utility" means any service, facility and/or agency that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, storm water, communications (including, but not limited to, telephone and cable), sewage, oil and the like.~~
~~"Utility facility" means the plant, equipment and property including, but not limited to, the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within rights-of-way and used or to be used for the purpose of providing utility or telecommunications services.~~
~~"Utility services" means the generation, transmission, and/or distribution of utilities.~~

~~18.02.220 V definitions.~~
~~"Vanpool" means a vehicle occupied by seven to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.~~
~~"Variance" means an adjustment in the application of the specific regulations to a particular parcel of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. A variance runs with the land and compliance with the conditions of any such variance is the responsibility of the current owner of the property, whether that be the applicant or a successor.~~
~~"Vegetation" means any and all organic plant life growing below, at, and above the soil surface.~~
~~"Vegetation alteration" means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.~~
~~"Veterinary clinic" or "animal hospital" means the offices of one or more licensed veterinarians designed for the medical or surgical treatment of animals or pets, including the boarding of hospitalized animals in addition to accessory care such as clipping, bathing and similar services, but excluding overnight kenneling.~~
~~"Visual relief" means a transparent buffer that softens and breaks up sites within compatible use areas and parking lots.~~
~~"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved approach airport layout plan.~~
~~"Voluntary employer work site" means the physical location occupied by an employer who is voluntarily implementing a CTR program.~~

~~18.02.230 W definitions.~~
~~"Warehouse" means a building primarily for long-term storage of goods and materials.~~

~~"Washington Utilities and Transportation Commission" or "WUTC" means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the state of Washington to the extent prescribed by law.~~

~~"Water resources inventory area (WRIA)" means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997. The city of Monroe is within WRIA 7 (Snohomish Basin).~~

~~"Water typing system" means how waters are classified according to WAC 222-16-031:~~

~~A. Type 1 Water. All waters, within their ordinary high water mark, inventoried as shorelines of the state under Chapter 90.58 RCW and the rules adopted by Chapter 90.58 RCW, but not including those waters' associated wetlands.~~

~~B. Type 2 Water. Segments of natural waters that are not classified as Type 1 waters and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands that:~~

~~1. Are diverted for domestic use by more than one hundred residential or camping units or by a public accommodation facility licensed to serve more than ten persons, when such diversion is determined by the state Department of Natural Resources to be a valid appropriation of water and only considered Type 2 water upstream from the point of such diversion for one thousand five hundred feet or until the drainage area is reduced by fifty percent, or whichever is less;~~

~~2. Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 water upstream from the point of diversion for one thousand five hundred feet, including tributaries if highly significant for protection of downstream water quality;~~

~~3. Are within a federal, state, local, or private campground having more than thirty camping units; provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within one hundred feet of a camping unit;~~

~~4. Are used for fish spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:~~

~~a. Stream segments having a defined channel twenty feet or greater within the bankfull width and having a gradient of less than four percent;~~

~~b. Lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or~~

~~5. Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:~~

~~a. The site must be connected to a fish-bearing stream and accessible during some period of the year; and~~

~~b. The off-channel water must be accessible to fish through a drainage with less than a five percent gradient.~~

~~C. Type 3 Water. Segments of natural waters that are not classified as Type 1 or 2 waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands that:~~

~~1. Are diverted for domestic use by more than ten residential or camping units or by a public accommodation facility licensed to serve more than ten persons, where such diversion is determined by the state Department of Natural~~

~~Resources to be a valid appropriation of water and the only practical water source for such use. Such waters shall be considered to be Type 3 water upstream from the point of such diversion for one thousand five hundred feet or until the drainage area is reduced by fifty percent, whichever is less;~~

~~2. Are used by fish for spawning, rearing, or migration. The requirements for determining fish use are described in the State Forest Practices Board Manual, Section 13. If fish use has not been determined:~~

~~a. Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington and having a gradient of sixteen percent or less;~~

~~b. Stream segments having a defined channel of two feet or greater within the bankfull width, and having a gradient greater than sixteen percent and less than or equal to twenty percent and having an area greater than fifty acres in contributing basin size based on hydrographic boundaries;~~

~~c. Ponds or impoundments having a surface area greater than one-half acre at seasonal low water and having an outlet to a fish stream;~~

~~d. Ponds or impoundments having a surface area greater than one-half acre at seasonal low water.~~

~~D. Type 4 Water. All segments of natural waters within the bankfull width of defined channels that are perennial non-fish-habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices Board Manual, Section 23), the Type 4 waters begin at a point along the channel where the contributing basin area is at least thirteen acres.~~

~~E. Type 5 Water. All segments of natural waters within the bankfull width of defined channels that are not Type 1, 2, 3, or 4 waters. These are seasonal, non-fish-habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 water. Type 5 waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 waters.~~

~~"Week" means a seven-day calendar period starting on Monday and continuing through Sunday.~~

~~"Weekday" means any day of the week except Saturday or Sunday.~~

~~"Wetland" means those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, swamps, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.~~

~~Wetland Classifications. There are three general types of wetlands as classified by the U.S. Fish and Wildlife Service (Cowardin et al., 1979):~~

~~A. Emergent. A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetation strata;~~

~~B. Forested. A wetland with at least twenty percent of the surface area covered by woody vegetation greater than twenty feet in height; and~~

~~C. Scrub-Shrub. A wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet as the uppermost strata.~~

~~Wetland Edge. Delineation of the wetland edge shall be based on the Washington State Wetland Identification and Delineation Manual, Department of Ecology, 1997, and Publication 98-94 or as revised.~~

~~Wetlands Rating System. Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Department of Ecology, 1997, Publication 3-74 or as revised.~~

~~A. Category I. Category I wetlands are those that meet the following criteria:~~

~~1. Documented habitat for federal- or state-listed endangered or threatened fish, animal or plant species; or~~

~~2. High quality native wetland communities, including documented Category I or II quality natural heritage wetland sites and sites which qualify as Category I or II quality natural heritage wetlands; or~~

~~3. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or~~

~~4. Wetlands of exceptional local significance.~~

~~B. Category II. Category II wetlands are those not defined as Category I wetlands and that meet the following criteria:~~

~~1. Documented habitats for state-listed sensitive plant, fish, or animal species; or~~

~~2. Wetlands that contain plant, fish, or animal species listed as a priority species by the state Department of Fish and Wildlife; or~~

~~3. Wetland types with significant functions that may not be adequately replicated through creation or restoration; or~~

~~4. Wetlands possessing significant habitat value based on a score of twenty-two or more points in the habitat rating system; or~~

~~5. Documented wetlands of local significance.~~

~~C. Category III. Category III wetlands are those that do not satisfy Category I, II, or IV criteria, and with a habitat rating of twenty-one points or less.~~

~~D. Category IV. Category IV wetlands are those that meet the following criteria:~~

~~1. Hydrologically isolated wetlands that are less than or equal to one acre in size, have only one wetland class, and are dominated (greater than eighty percent areal cover) by a single nonnative plant species (monotypic vegetation); or~~

~~2. Hydrologically isolated wetlands that are less than two acres in size, and have only one wetland class and greater than ninety percent areal cover of nonnative plant species.~~

~~"Wholesale establishment" means a warehouse-type facility where shoppers are typically required to obtain membership status and must show proof of membership prior to entry and purchase of all items. Products consist of discounted or wholesale goods such as a wide variety of food, clothing, tires and appliances. Many items are sold in large quantities or bulk. This use occupies no less than seventy-five thousand~~

~~square feet of gross floor area and has somewhat higher parking ratios than typical of standard warehouse uses.~~
~~"Wireless facility – design" means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.~~
~~"Wireless provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual that provides personal wireless service over personal wireless service facilities.~~
~~"Wireless service facilities" means all of the plants, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communications and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.~~
~~"Working day" means any day on which the city of Monroe is open for business.~~
~~"Writing," "written," or "in writing" means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.~~

~~18.02.240 X definitions.~~
~~Reserved.~~

~~18.02.250 Y definitions.~~
~~Yard, Front, Rear and Side.~~

~~A. "Yard" means an unoccupied open space which lies between the property and the building setback line, the inside boundary of which shall be considered parallel to the nearest property line.~~

~~B. "Front yard" means a yard extending between side lot lines across the front of a lot adjacent to a street; provided, that in the case of through lots a front yard shall be provided on both frontages; in case of both normal corner and reversed frontage lots, a full depth front yard shall be provided in accordance with the prevailing lot pattern and the second front yard shall be as established by the code unless the units of duplex or multifamily structure face both streets, in which case two full front yards shall be required. In case of corner lots with more than two frontages, the city shall determine the front yard requirements in accordance with this title.~~

~~C. "Rear yard" means a yard extending across the rear of the lot between inner side yard lines and opposite the required front yard; provided, that corner lots with normal frontage shall have a rear yard extending from the inner side line of the side yard adjacent to the interior lot to the inner line of the second front yard; and provided further, that no rear yard is provided for a reverse frontage corner lot and moreover in lots of this description the yards remaining after the front yards have been established shall be considered side yards.~~

~~D. "Side yard" means a yard extending from the rear line of the required front to the rear lot line; provided, that on corner lots with normal frontage there will be only one side yard adjacent to the interior lot; and further, that in through lots the side yard shall extend from the rear lines of the front yards required.~~

~~18.02.260 Z definitions.~~

~~"Zone" means an area defined as to boundaries and location, and classified by the zoning regulations as available for certain types of uses, and within which other types of uses are permitted.~~
~~"Zoning code" means MMC Title 18.~~
~~"Zoning lot" means a single tract of land located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.~~

~~Chapter 18.04~~
~~DISTRICTS AND MAPS~~

~~Sections:~~
~~18.04.010 Zoning districts.~~
~~18.04.020 Official zoning map.~~
~~18.04.030 Zoning district boundaries.~~

~~18.04.010 Zoning districts.~~
~~The subdivisions of zones as they may be established through the city shall be called zoning districts. The zoning districts shall be identified and delineated with specific boundaries on a map of the city and this shall be known as the official zoning map and shall be a part of this code.~~

~~18.04.020 Official zoning map.~~
~~The official zoning map shall be identified by signatures of the mayor and city council and shall carry the following words:~~

> ~~This is to certify that this is the official zoning map referred to in the zoning ordinance of the city of Monroe, Washington. Adopted (on the day it was adopted).~~

~~If in accordance with the provisions of this code changes are made in zoning district boundaries or other matters portrayed on the official zoning map, the changes shall be made on the official zoning map promptly after the amendment has been adopted, together with any entry on, or attached to, the official zoning map, as follows: "On (date) by official action of the city council, the following change was (changes were) made in the official zoning map (brief description of nature of change)" which entry shall be signed by the city council.~~

~~Regardless of the existence of purported copies of the official zoning map which may be made or published, the official zoning map, which shall be located in the office of the zoning administrator, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.~~

~~18.04.030 Zoning district boundaries.~~
~~Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:~~

~~A. Boundaries indicated as approximately following the centerlines of streets, highways, freeways, alleys, streams, or railroads shall be construed to follow such centerlines.~~
~~B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.~~
~~C. Boundaries indicated as approximately following city limits shall be construed as following city limits.~~
~~D. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (C) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.~~
~~E. Where physical or other features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (A) through (D) of this section, the zoning administrator shall interpret the zoning district boundaries.~~

~~Chapter 18.05~~
~~HEARING EXAMINER~~
~~(Repealed by Ord. 003/2008)~~

~~Chapter 18.08~~
~~ADMINISTRATION AND ENFORCEMENT~~

~~Sections:~~
~~18.08.010 Administrative responsibility.~~
~~18.08.020 Interpretations.~~
~~18.08.030 Review of zoning compliance.~~
~~18.08.040 Performance financial security.~~
~~18.08.050 Amount of financial security.~~
~~18.08.060 Change in use.~~
~~18.08.070 Record of certificates – Issued.~~
~~18.08.080 Enforcement, complaints, and penalties.~~
~~18.08.090 Repealed.~~
~~18.08.100 Repealed.~~
~~18.08.110 Repealed.~~

~~18.08.010 Administrative responsibility.~~
~~The zoning code administrator or authorized representative, as the duly authorized representative of the mayor, is charged with the responsibility of carrying out the provisions of this title. He may be provided with the assistance of such other persons as the mayor may direct.~~

~~18.08.020 Interpretations.~~
~~All interpretations of this title shall be made by the zoning code administrator. Interpretations shall be reduced to writing and an orderly, retrievable record shall be kept.~~

~~**18.08.030 Review of zoning compliance.**~~
~~No department, official, or employee of the city shall issue an occupancy permit until the proposal is determined to be in compliance with the applicable regulations of this title by the zoning code administrator or his delegate.~~

~~**18.08.040 Performance financial security.**~~
~~The city may authorize the issuance of a temporary certificate of occupancy conditioned upon the subsequent completion or satisfaction of unfulfilled requirements or regulations, or uncompleted development proposals. A condition for issuance of such temporary permit may be the posting with the city of a performance financial security to ensure fulfillment of all conditions to which such permit is subject. The conditions to which such temporary certificate of occupancy is subject shall be listed upon the permit or attached thereto. No certificate of occupancy shall be issued until all such conditions are satisfied. If the conditions are not satisfied within the date of the deadline specified in the temporary certificate of occupancy, demand may be made by the city against the financial security for completion and performance. Prior to such demand being given, the zoning code administrator shall give ample notice to the person or persons involved.~~

~~**18.08.050 Amount of financial security.**~~
~~The performance financial security shall be in a form acceptable to the city, and represent one hundred fifty percent of the fair cost estimate of the uncompleted portion of the proposed development or improvements as determined by the zoning code administrator.~~

~~**18.08.060 Change in use.**~~
~~Whenever a change in use of land or structures takes place, the owner of such land or structures shall be required to submit an application for a certificate of occupancy for the new use within fifteen days of the date of such change in use. Failure to do so shall be a violation of this title.~~

~~**18.08.070 Record of certificates – Issued.**~~
~~The zoning code administrator or his/her delegate shall circulate a request for a certificate of occupancy for a change in use to all city departments and shall maintain a record of all certificates of occupancy issued.~~

~~**18.08.080 Enforcement, complaints, and penalties.**~~

~~A. Compliance with the requirements of this code shall be mandatory. It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this title or any condition placed upon a permit issued pursuant to this title.~~

~~B. Complaints. Whenever a violation of this title occurs, any person may file a complaint in regard thereto. All such complaints must be in writing, and shall be filed with the zoning code administrator who shall properly record such complaint, conduct a preliminary investigation, and take other action as deemed necessary.~~

~~C. Penalty and Remedies. The general penalties and remedies established in Chapter 1.04 MMC for such violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies of Chapter 1.04 MMC. Nothing herein contained~~

~~shall prevent the city from seeking such other legal or equitable remedies as may be available to prevent or remedy any violation.~~

~~18.08.090 Filing of complaints.~~
~~Repealed by Ord. 033/2008.~~

~~18.08.100 Penalty.~~
~~Repealed by Ord. 033/2008.~~

~~18.08.110 Other legal action.~~
~~Repealed by Ord. 033/2008.~~

~~Chapter 18.10~~
~~LAND USE ZONING DISTRICT AND DISTRICT REQUIREMENTS~~

~~Sections:~~

~~18.10.010 Purpose and density of single-family zoning districts.~~
~~18.10.020 Purpose of the multifamily zoning district.~~
~~18.10.025 Purpose of the professional office zoning district.~~
~~18.10.030 Purpose of the commercial zoning districts.~~
~~18.10.035 Purpose of the mixed use zoning districts.~~
~~18.10.040 Purpose of the industrial zoning districts.~~
~~18.10.043 Purpose of the limited open space airport zoning district.~~
~~18.10.045 Purpose of the limited open space zoning district.~~
~~18.10.047 Purpose of the public open space zoning district.~~
~~18.10.050 Zoning land use matrix.~~
~~18.10.055 District requirements.~~
~~18.10.060 Repealed.~~
~~18.10.065 Infill development incentives.~~
~~18.10.070 Public open space lot area requirements.~~
~~18.10.080 Limited open space lot area requirements.~~
~~18.10.085 Temporary dwellings, security guard.~~
~~18.10.090 Repealed.~~
~~18.10.100 Repealed.~~
~~18.10.110 Repealed.~~
~~18.10.115 Repealed.~~
~~18.10.120 Downtown, service and general commercial lot area requirements.~~
~~18.10.130 Light and general industrial lot area requirements.~~
~~18.10.132 Design standards.~~
~~18.10.135 Tjerne Place/North Kelsey planned development area.~~
~~18.10.140 Bulk requirements.~~
~~18.10.150 Minimum public open space zone setbacks.~~
~~18.10.160 Minimum limited open space zone setbacks.~~
~~18.10.170 Minimum single-family zone setbacks.~~
~~18.10.180 Minimum multifamily zone setbacks.~~
~~18.10.185 Minimum professional office zone setbacks.~~
~~18.10.190 Minimum garage setbacks.~~
~~18.10.200 Minimum commercial and industrial setbacks.~~

~~18.10.210 Minimum zoning district setbacks.~~
~~18.10.220 Lot coverage.~~
~~18.10.230 Maximum building height.~~
~~18.10.240 Parking.~~
~~18.10.250 Signs.~~
~~18.10.260 Street surface.~~
~~18.10.270 Performance standards.~~
~~18.10.280 Repealed.~~

~~18.10.010 Purpose and density of single-family zoning districts.~~
~~A. Purpose. 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. Areas designated urban residential are envisioned to be served by the city water and city sanitary sewer systems when developed to their zoned densities. Single-family lots shall be limited to one residence except as otherwise prescribed.~~
~~B. Standard Density Calculation. To calculate the number of possible dwelling units/lots for single-family zoning districts, multiply the gross site area, in acres, by the units allowed per acre from the table below:~~

~~Zoning District~~	~~Units Allowed per Acre~~
~~MR 6,000~~	~~7.26~~
~~UR 6,000~~	~~5.80~~
~~R-4~~	~~4.00~~
~~UR 9,600~~	~~3.63~~
~~SR 15,000~~	~~2.32~~

~~1. When calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number and any fraction 0.49 or under shall be rounded down to the preceding whole number. For example, in the UR 6,000 zone, a one-acre site could yield six units (one acre x 5.8 units per acre = 5.8 units or six total units).~~
~~2. Nothing contained within this chapter guarantees the maximum defined density. The identified maximum residential density may not always be achievable due to unique site considerations including but not limited to critical areas, topography, right-of-way dedication, storm water requirements, etc.~~

~~18.10.020 Purpose of the multifamily zoning district.~~
~~A. Purpose. The purpose of the multifamily zoning district is threefold: to promote the small town character of Monroe by providing that new multifamily housing be developed on small lots mixed with other housing stock, that development be compatible with the present housing stock, and that multifamily development provide for a broad range of housing types and densities. When single-family dwelling units are constructed on multifamily lots, they shall be limited to one detached single-family residence per lot except as otherwise prescribed.~~

~~B. Standard Density Calculation. To calculate the number of possible dwelling units/lots, for multifamily zoning districts, multiply the gross site area, in acres, by the units allowed per acre from the table in MMC 18.10.010(B). In cases when multifamily parcels are subdivided into individual parcels, pursuant to MMC Title 17, the standards of MMC 18.10.010(B) apply.~~

~~1. When calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number and any fraction 0.49 or under shall be rounded down to the preceding whole number. For example, in the MR 6,000 zone, a one-acre site could yield seven units (one acre x 7.26 units per acre = 7.26 units or seven total units).~~

~~2. Nothing contained within this chapter guarantees the maximum defined density. The identified maximum residential density may not always be achievable due to unique site considerations including but not limited to critical areas, topography, right-of-way dedication, storm water requirements, etc.~~

~~18.10.025 Purpose of the professional office zoning district.~~

~~A. Purpose. The purpose of the professional office (PO) zoning district is to provide an area for personal and professional service businesses that commonly locate in office buildings, such as banks, medical and dental clinics, accounting, law, real estate, insurance, travel agencies and similar businesses, as well as allowing residential use at varying densities, while providing a transitional zone between commercial and residential zoning districts. When single-family dwelling units are constructed on professional office lots, they shall be limited to one detached single-family residence per lot except as otherwise prescribed.~~

~~B. Standard Density Calculation. The density calculation for single-family units/lots will follow the requirements found in MMC 18.10.010(B). The density calculation for multifamily units/lots will follow the requirements found in MMC 18.10.020(B).~~

~~18.10.030 Purpose of the commercial zoning districts.~~

~~The purposes of the commercial districts are to provide opportunities for the enhancement of existing commercial uses and for the location of new commercial development.~~

~~A. General commercial uses (GC) should be located on traffic corridors that have adequate capacities for traffic flow. Such location assures that uses do not generate traffic through residential areas. Uses located in this (GC) class should be designed into planned centers with safe and convenient access to minimize curb cuts and facilitate better parking and traffic flows.~~

~~B. Service commercial uses (SC) should be located at intersections of major and minor arterials or their intersections with collector roads. Service commercial areas should be designed so as not to disrupt traffic movement on the arterial and collector roadways. Access and egress should be kept at a minimum and should be so located that they do not conflict with traffic movement and queuing at intersections.~~

~~C. Downtown commercial uses (DC) should follow the vision outlined in the downtown master plan.~~

~~18.10.035 Purpose of the mixed use zoning districts.~~

~~The purposes of the mixed use zoning districts are to integrate a mix of office, retail, light industrial, institutional, public facilities, and attached residential units throughout the district, within the same property, or inside a single building.~~

~~A. Mixed use commercial (MUC) should be located on corridors with available public services and adequate traffic capacities. The mixed use commercial district allows high-intensity development and requires that new developments provide safe and convenient access, minimize curb cuts, and facilitate better parking and traffic flow. This district permits residential, commercial, office, and light industrial land uses.~~

~~1. Residential Density. New residential development is limited to attached structures with a density between twelve and twenty dwelling units per acre. The density calculation for multifamily units will follow the requirements found in MMC 18.10.020(B).~~

~~2. Commercial Uses. Commercial uses should serve primarily the employment, housing, shopping, service, and recreational needs of those residing within the district and surrounding area. Individual commercial uses should be limited to thirty thousand square feet or less. The city may allow buildings up to sixty thousand square feet with a conditional use permit, per Chapter 18.96 MMC.~~

~~3. Design Standards. All development within the mixed use commercial zone shall comply with the Infill, Multifamily, and Mixed Use Design Standards, subject to the requirements of MMC 18.10.132.B. Mixed use neighborhood center (MUNC) should be located on corridors with available public services and adequate capacities. Access points should prevent conflict with traffic movement and back-ups at intersections. This district permits residential, commercial, and office land uses.~~

~~1. Residential Density. New residential development is limited to attached structures with a density between eight and eleven dwelling units per acre. The density calculation for multifamily units will follow the requirements found in MMC 18.10.020(B).~~

~~2. Commercial Uses. Small-scale office, retail, and service businesses should meet primarily the convenience shopping and services needs of the immediate mixed use area. Individual commercial uses should be limited to ten thousand square feet or less. The city may allow buildings up to thirty thousand square feet with a conditional use permit per Chapter 18.96 MMC.~~

~~3. Design Standards. All development within the mixed use neighborhood center zone shall comply with the Infill, Multifamily, and Mixed Use Design Standards, subject to the requirements of MMC 18.10.132.~~

~~18.10.040 Purpose of the industrial zoning districts.~~

~~The purpose of the industrial zones is to provide opportunities for enhancement of existing industrial and compatible commercial use and intensities in areas of the city which are suitable for such development. Suitability is based on characteristics such as existing land use, natural features, transportation, and utility service and associated environmental impacts.~~

~~Industrial areas should take advantage of rail and highway access points. Development should be separated or well buffered from nearby residential areas. The location of industrial zones should be dependent on and compatible with the size and scale of the surrounding adjacent uses. In addition, design standards are incorporated into the code to ensure compatibility with adjacent uses.~~

~~18.10.043 Purpose of the limited open space airport zoning district.~~

~~The purpose of the limited open space airport zoning district is to protect the viability of First Air Field, a general aviation facility, encourage compatible land uses and densities,~~

~~and reduce hazards that may endanger the lives and property of the public and aviation users in proximity to First Air Field.~~

~~18.10.045 Purpose of the limited open space zoning district.~~

~~The purpose of the limited open space zoning district is to provide for low-density residential uses on lands that lack the full range of public services and facilities necessary to support urban development and that are severely impacted by critical areas. This zone also provides a buffer between urban areas and transitional land uses on the urban growth boundaries of the city, and/or may also provide for enhanced recreational facilities and linkages to existing trails or open space systems.~~

~~18.10.047 Purpose of the public open space zoning district.~~

~~The purpose of the public open space zoning district is to provide areas to include public neighborhood, community and regional parks, recreational facilities, and undisturbed natural open space; public school facilities; public city facilities; and other special regional use facilities operated by the county, state, or federal government, within the city's urban growth area.~~

~~18.10.050 Zoning land use matrix.~~

~~The zoning administrator, under MMC 18.08.020, Interpretations, is charged with the responsibility of determining in which zone similar or like uses, not shown in the matrix, would be located and whether or not such uses are permitted outright, require a conditional use permit or special use permit, are an accessory use, or are prohibited. A zoning matrix is used to summarize all land uses and districts to show at a glance both the uses permitted in a specific zoning district as well as the zones in which specific uses are permitted.~~

~~Zoning Matrix~~

~~Conforming Use~~	~~Public Open Space~~	~~Limited Open Space~~	~~Limited Open Space – Airport~~	~~SR 15,000~~	~~UR 9,600~~	~~Residential 4 Units~~	~~UR 6,000~~	~~MR 6,000~~	~~Mixed Use Commercial[P6]~~	~~Mixed Use Neighborhood Center[P7]~~	~~General Commercial~~	~~Service Commercial~~	~~Downtown Commercial~~	~~Professional Office~~	~~Light Industrial~~	~~General Industrial~~
~~Aviation~~																
~~Aircraft and flight schools~~	-	-	~~P[5]~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Aircraft hangars and parking areas~~	-	-	~~P[5]~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Aircraft sales, rentals, repair (major and minor), rebuilds, and maintenance services~~	-	-	~~P[5]~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Airports, landing fields, and heliports~~	~~EPF~~	~~EPF~~	~~EPF~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Aviation fuel sales~~	-	-	~~P[5]~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Storage and sale of aviation fuel, oil, and other fluids commonly used in aircraft~~	-	-	~~P[5]~~	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Government and Education~~																
~~Fire stations~~	~~P~~	~~C~~	~~A[1]~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	~~C~~	~~P~~	~~P~~
~~Government facilities~~	~~P~~	-	-	-	-	-	-	-	~~P~~	~~P~~	~~C~~	~~C~~	~~See Chapter 18.12 MMC~~	~~C~~	~~C~~	~~C~~
~~Jails~~	~~C~~	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
~~Libraries~~	~~P~~	-	-	-	-	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	-	~~C~~	~~P~~	~~P~~
~~Preschools~~	~~C~~	~~C~~	-	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~See Chapter 18.12 MMC~~	~~C~~	~~C~~	~~C~~

Zoning Matrix

Conforming Use	Public Open Space	Limited Open Space	Limited Open Space – Airport	SR 15,000	UR 9,600	Residential 4 Units	UR 6,000	MR 6,000	Mixed Use Commercial[P6]	Mixed Use Neighborhood Center[P7]	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial
Schools	P	C	-	C	C	-	C	C	C	C	C	C	-	C	C	-
State and local correctional facilities	EPF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
State educational facilities including colleges, community colleges, and universities, ten acres in size or larger	EPF	-	-	-	-	-	-	-	EPF	-	EPF	-	-	-	EPF	EPF
Work release facilities	EPF	-	-	-	-	-	-	-	EPF	-	-	-	-	-	-	-
Health Services																
Clinics, health services	P	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	P	P	-
Hospitals	EPF	-	-	-	-	-	-	-	EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF	-	-
In-patient facilities, including substance abuse and mental health facilities	P	-	-	-	-	-	-	-	C	C	C	C	See Chapter 18.12 MMC	P	P	-
Industrial Uses																
Animal shelters	-	-	-	-	-	-	-	-	C	-	C	-	See Chapter 18.12 MMC	-	C	C
Animal slaughtering, processing, and/or incidental rendering	-	S	-	-	-	-	-	-	-	-	S	-	-	-	S	S
Asphalt batch plants (mix asphalt)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P
Auto wrecking yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Cement manufacturing	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Fabrication shops	-	-	A[1]	-	-	-	-	-	C	-	C	-	-	-	P	P
Mineral extraction	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Outdoor storage	-	-	A[1]	-	-	-	-	-	A	-	-	-	-	-	P[4]	P[4]
Printing plants	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	P
Processing of sand, gravel, rock, black soil, and other natural deposits	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Recycling centers	-	-	-	-	-	-	-	-	C	-	-	-	-	-	C	C
Shake and shingle mills	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tow truck operations	-	-	-	-	-	-	-	-	C	-	C	C	See Chapter 18.12 MMC	-	C	C
Warehouses	-	-	A[1]	-	-	-	-	-	A	-	P	-	-	-	P	P
Infrastructure/Utilities																
Electrical transmission lines of higher voltage than 115 kV, in existing corridors	P	P	-	P	P	P	P	P	P	P	P	P	See Chapter 18.12 MMC	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors	C	C	-	C	C	C	C	C	C	C	C	C	See Chapter 18.12 MMC	C	C	C
Regional transit stations, including bus, train, and other high-capacity vehicle bases	EPF	EPF	EPF	-	-	-	-	-	EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF	EPF	EPF
Sewer treatment plants/facilities	EPF	EPF	-	-	-	-	-	-	EPF	EPF	-	-	-	-	EPF	EPF
State and regional transportation facilities including highways of statewide significance	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	EPF	See Chapter 18.12 MMC	EPF	EPF	EPF
Utility power-generating facilities, public or private, including hydroelectric	S	-	-	-	-	-	-	-	S	S	-	-	-	-	S	S

Conforming Use	Public Open Space	Limited Open Space	Limited Open Space – Airport	SR 15,000	UR 9,600	Residential 4 Units	UR 6,000	MR 6,000	Mixed Use Commercial[P6]	Mixed Use Neighborhood Center[P7]	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial
Utility services	P	P	P[7]	P	P	P	P	P	P	P	P	P	See Chapter 18.12 MMC	P	P	P
Parks/Recreation																
Parks and recreation facilities	P	C[4]	-	C[4]	C[4]	C[4]	C[4]	C[4]	P	P	-	-	-	-	-	-
Parks, RV	-	C	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Public stables	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential and Associated Uses																
Accessory dwelling units	-	-	-	P[4]	P[4]	P[4]	P[4]	P[4]	P	P	-	-	See Chapter 18.12 MMC	-	-	-
Dwellings, farm worker	-	A	-	A	-	-	-	-	-	-	A	A	-	-	-	-
Dwellings, mobile home/manufactured home	-	P	-	P	P	P	P	P	-	-	-	-	-	-	-	-
Dwellings, multifamily	-	-	-	-	-	-	-	P	P	P	P[10]	-	See Chapter 18.12 MMC	P	-	-
Dwellings, single-family	-	P	P[5]	P	P	P	P	P	P[1]	P[1], P[2]	-	-	See Chapter 18.12 MMC	P	-	-
Dwellings, townhouse	-	-	-	-	-	-	-	P	P	P	-	-	See Chapter 18.12 MMC	P	-	-
Family day care	-	-	-	A	A	A	A	A	A	A	-	-	-	-	-	-
Group homes, Type 1	-	P	-	P	P	P	P	P	-	P	-	-	See Chapter 18.12 MMC	P	-	-
Group homes, Type 2	-	C[3]	-	C[3]	C[3]	C[3]	C[3]	C[3]	-	C	-	-	See Chapter 18.12 MMC	C[3]	-	-
Halfway houses	-	EPF	-	EPF	EPF	EPF	EPF	EPF	-	EPF	-	-	See Chapter 18.12 MMC	EPF	-	-
Home occupations	-	-	-	P	P	P	P	P	P	P	-	-	See Chapter 18.12 MMC	P	-	-
Mobile/manufactured home parks	-	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-
Model home(s) and sales offices	-	-	-	P	P	P	P	P	P	P	-	-	-	P	-	-
Nursing and/or convalescent homes	P	-	-	-	-	-	-	C	P	P	C	C	-	P	-	-
Retirement housing/ assisted living facilities	-	-	-	-	-	-	-	P[3]	P	P	-	C[3]	See Chapter 18.12 MMC	P[3]	-	-
Temporary dwelling unit	-	-	A[1]	C	C	-	C	C	A	A	-	-	-	C	-	-
Temporary dwellings, security guard	A[2]	A[2]	A[1]	A[2]	A[2]	A[2]	A[2]	A[2]	A	A[2]	A[2]	A[2]	A[2]	A[2]	A[2]	A[2]
Retail and Commercial																
Art galleries	-	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	P	P	-
Bakeries	-	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	-	P	P
Breweries	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	P
Breweries, micro	-	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	-	P	P
Coffee shops	-	-	A[1]	-	-	-	-	-	P	P[8]	P	P	See Chapter 18.12 MMC	A	P	P
Convenience stores	-	-	-	-	-	-	-	-	P	P[8]	P	P	See Chapter 18.12 MMC	-	-	-
Department stores	-	-	-	-	-	-	-	-	-	-	P	-	See Chapter 18.12 MMC	-	-	-

~~Zoning Matrix~~

~~Conforming Use~~	~~Public Open Space~~	~~Limited Open Space~~	~~Limited Open Space – Airport~~	~~SR 15,000~~	~~UR 9,600~~	~~Residential 4 Units~~	~~UR 6,000~~	~~MR 6,000~~	~~Mixed Use Commercial[P6]~~	~~Mixed Use Neighborhood Center[P7]~~	~~General Commercial~~	~~Service Commercial~~	~~Downtown Commercial~~	~~Professional Office~~	~~Light Industrial~~	~~General Industrial~~
~~Drug store/pharmacy~~	-	-	~~A[1]~~	-	-	-	-	-	~~P~~	~~P[8]~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	~~A~~	-	-
~~Garden produce~~	-	~~P~~	-	~~C~~	~~C~~	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Greenhouses, retail~~	-	~~P~~	-	-	-	-	-	-	~~P~~	-	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Grocery stores~~	-	-	-	-	-	-	-	-	~~P~~	~~P~~	~~P~~	-	~~See Chapter 18.12 MMC~~	~~P~~	~~P~~	~~P~~
~~Hardware store 1~~	-	-	-	-	-	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	-
~~Hardware store 2~~	-	-	-	-	-	-	-	-	~~C~~	-	~~P~~	~~P~~	-	-	~~P~~	-
~~Home improvement centers~~	-	-	-	-	-		-	-	-	-	~~P~~	-	-	-	~~P~~	-
~~Lumber yards~~	-	-	-	-	-	-	-	-	~~A~~	-	~~P~~	-	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Motor vehicle sales facility~~	-	-	-	-	-	-	-	-	~~P~~	-	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Restaurants~~	-	-	~~A[1]~~	-	-	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	~~C~~	~~P~~	~~P~~
~~Retail stores~~	-	-	~~A[1]~~	-	-	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Secondhand stores~~	-	-	-	-	-	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	-	-
~~Taverns~~	-	-	-	-	-	-	-	-	~~P~~	~~C~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	-	-
~~Tool sales and rental~~	-	-	-	-	-	-	-	-	~~P~~	-	~~P~~	~~A~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Wholesale establishments~~	-	-	-	-	-	-	-	-	~~P~~	-	-	-	-	-	~~P~~	~~P~~
~~Service~~																
~~Amusement facilities~~	-	-	-	-	-	-	-	-	~~P~~	-	~~P~~	~~C~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Auto repair, minor~~	-	-	~~P[5]~~	-	-	-	-	-	~~P~~	-	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Auto repair, major~~	-	-	-	-	-	-	-	-	~~C~~	-	~~P~~	~~P~~	-	-	~~P~~	-
~~Banks~~	-	-	-	-	-	-	-	-	~~P~~	~~P[8]~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	-	-
~~Bed and breakfasts~~	-	~~C~~	~~A[1]~~	-	~~C~~	~~C~~	~~C~~	~~C~~	-	~~P~~	-	-	-	~~P~~	-	-
~~Car washes~~	-	-	-	-	-	-	-	-	~~P~~	-	~~P~~	~~P~~	-	-	~~P~~	~~P~~
~~Cleaning establishments~~	-	-	-	-	-	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Clubs~~	-	-	~~A[1]~~	-	-	-	-	-	~~P~~	~~C~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	~~C~~	-	-
~~Clubs, fitness~~	-	~~P~~	-	-	-	-	-	-	~~P~~	~~P~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	~~A~~	~~P~~	~~P~~
~~Day care centers~~	-	~~C[1]~~	-	~~C[1]~~	~~C[1]~~	~~C[1]~~	~~C[1]~~	~~C[1]~~	~~P~~	~~C~~	~~C[1]~~	~~C[1]~~	~~See Chapter 18.12 MMC~~	~~C[1]~~	~~A~~	~~A~~
~~Fix-it shops~~	-	-	~~A[1]~~	-	-	-	-	-	~~A~~	~~A~~	~~P~~	~~P~~	~~See Chapter 18.12 MMC~~	-	~~P~~	~~P~~
~~Hotels~~	-	-	-	-	-	-	-	-	~~C~~	-	-	-	~~See Chapter 18.12 MMC~~	-	-	-

Zoning Matrix

Conforming Use	Public Open Space	Limited Open Space	Limited Open Space – Airport	SR 15,000	UR 9,600	Residential 4 Units	UR 6,000	MR 6,000	Mixed Use Commercial[P6]	Mixed Use Neighborhood Center[P7]	General Commercial	Service Commercial	Downtown Commercial	Professional Office	Light Industrial	General Industrial
Kennels	-	-	-	C	-	-	-	-	C	-	C	C	See Chapter 18.12 MMC	-	C	C
Locksmiths	-	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	-	-	-
Mini self-storage	-	-	A[1]	-	-	-	-	-	-	-	-	-	See Chapter 18.12 MMC	-	P	P
Motels	-	-	A[1]	-	-	-	-	-	C	-	P	P	See Chapter 18.12 MMC	-	-	-
Print shops	-	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	C	P	P
Professional offices	-	-	P[7]	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	P	P	P
Religious institution	P	C	-	C	C	C	C	C	P	P	P	P	See Chapter 18.12 MMC	P	P	C
Research facilities	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P
Service establishments	-	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	C	P	P
Service stations	-	-	-	-	-	-	-	-	P	-	P	P	See Chapter 18.12 MMC	-	P	-
Veterinary clinics/animal hospitals	-	-	-	-	-	-	-	-	P[11]	P[11]	C	C	See Chapter 18.12 MMC	P	P	P
Other																
Adult entertainment (business use)	-	-	-	-	-	-	-	-	-	-	P[1]	P[1]	See Chapter 18.12 MMC	-	P[1]	P[1]
Agricultural uses	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Cemeteries	P	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hazardous/dangerous waste facilities	EPF	-	-	-	-	-	-	-	EPF	-	EPF	-	-	-	EPF	EPF
Mortuaries	-	-	-	-	-	-	-	-	P	P	P	P	See Chapter 18.12 MMC	P	-	-
Parking lots	P	-	A[1]	-	-	-	-	-	P	P	A	A	See Chapter 18.12 MMC	A	A	A
Shooting ranges (indoor)	-	-	-	-	-	-	-	-	P	-	P	P	See Chapter 18.12 MMC	-	P	P
Solid waste handling and/or transfer facilities	EPF	-	-	-	-	-	-	-	-	-	EPF	-	-	-	EPF	EPF
Solid waste landfills	EPF	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

P = Permitted use; A = Accessory use; C = Requires a conditional use permit; S = Requires a special use permit; EPF = Essential public facility (see Chapter 18.15 MMC)

Notations to Zoning Matrix

1. Existing single-family dwellings in MUC are considered allowed, legally conforming uses. Existing single-family dwellings that are destroyed may be rebuilt within the building footprint as it existed immediately prior to the destruction. No other new single-family residences are permitted.
2. Existing single-family dwellings in MUC that are converted to a nonresidential use for no longer than twelve months may be converted back to residential use.
3. Existing single-family dwellings in MUNC are considered allowed, legally conforming uses. Existing detached single-family dwellings that are destroyed may be rebuilt in accordance with current code setback requirements. No other new detached single-family residences are permitted.
4. Existing single-family dwellings in MUNC that are converted to a nonresidential use may be converted back to residential use.

P[1] Must be located within the city's defined adult entertainment boundary.

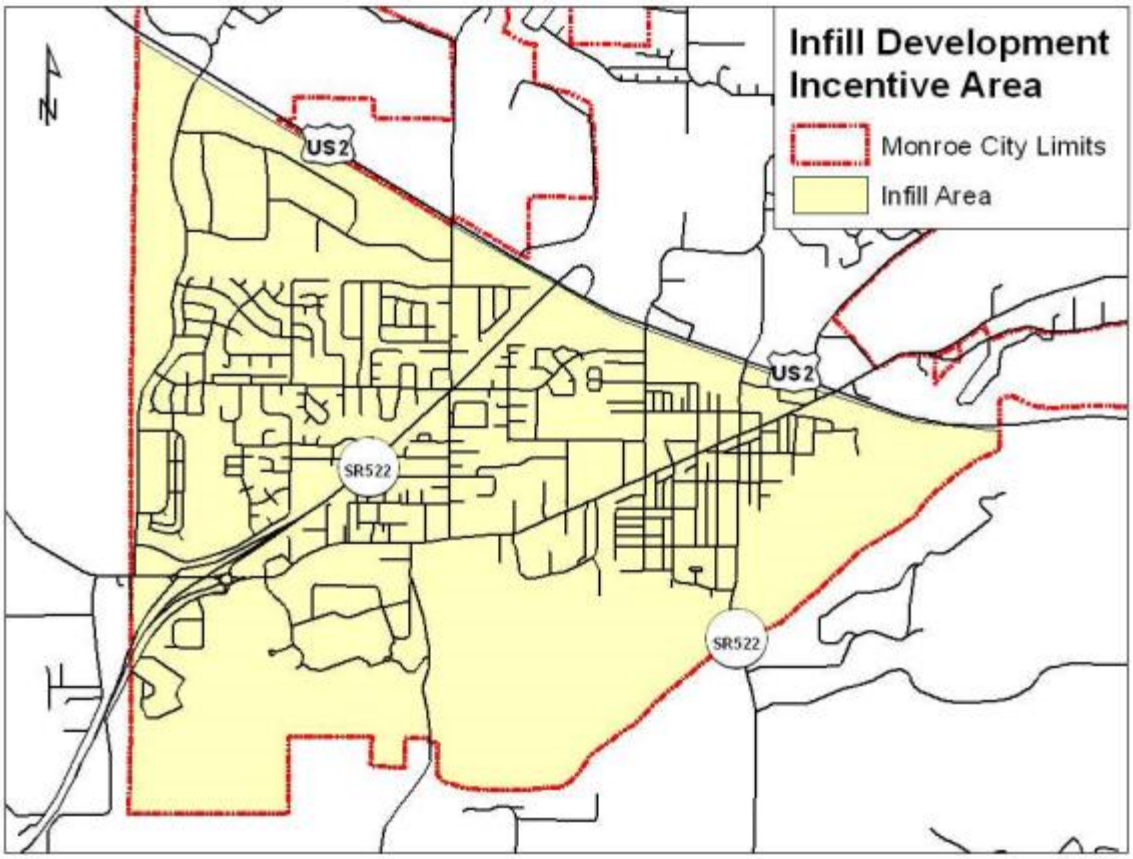
~~P[2] — Based upon bedrooms as opposed to dwelling units in any combination of one-, two- and/or three-bedroom units, not to exceed the maximum density allowed in the underlying zoning district. The standard formula would be to use the maximum allowed density per acre (forty-three thousand five hundred sixty square feet divided by minimum zone lot size) multiplied by three (standard bedroom equivalent unit) to achieve bedroom density. For example, in the MR-6,000 zone, a one-acre site could achieve thirty-three bedrooms per acre (43,560/4,000 = 10.89 or 11 dwelling units per acre x 3 = 33).~~
~~P[3] — All outdoor storage shall be enclosed by a six-foot tall site-obscuring fence or wall, and shall include a Type III landscaping buffer along the exterior perimeter of the property or site (see MMC 18.78.030).~~
~~P[4] — Must meet criteria outlined in Chapter 18.40 MMC, Accessory Dwelling Units.~~
~~P[5] — Subject to Chapter 18.60 MMC, Airport Compatibility.~~
~~P[6] — Individual commercial uses should be limited to thirty thousand square feet or less. The city may allow buildings up to sixty thousand square feet with a conditional use permit per Chapter 18.96 MMC.~~
~~P[7] — Individual commercial uses should be limited to ten thousand square feet or less. The city may allow buildings up to thirty thousand square feet with a conditional use permit per Chapter 18.96 MMC.~~
~~P[8] — Drive-up facilities not permitted.~~
~~P[9] — If any outdoor caging of animals is proposed, a conditional use permit is required per Chapter 18.96 MMC.~~
~~P[10] — Multifamily is only permitted in the Tjerne Place/North Kelsey planned development area and when in conjunction with a mixed-use development identified in MMC 18.10.135(A)(2).~~
~~C[1] — Limitation on number of children permitted per establishment.~~
~~C[2] — Group homes that qualify as essential public facilities shall follow the regulations in Chapter 18.15 MMC, Essential Public Facilities.~~
~~C[3] — Based upon bedrooms as opposed to dwelling units; see P2.~~
~~C[4] — If a parks and recreation facility is the primary use a conditional use permit will be required; if the facility is secondary to a larger project, the use is considered accessory.~~
~~A[1] — Subject to Chapter 18.60 MMC, Airport Compatibility.~~
~~A[2] — See MMC 18.10.085 for additional requirements.~~

~~18.10.055 District requirements.~~
~~In addition to all other requirements of this chapter, no property shall be rezoned if the rezone would create any total contiguous area containing less than one acre with the same zoning classification; provided, that the foregoing shall not apply to the public open space zoning district.~~

~~18.10.060 Zoning lot area, lot coverage and setback requirements matrix.~~
~~*Repealed by Ord. 031/2017.*~~

~~18.10.065 Infill development incentives.~~
~~A. The city will grant a thirty percent density bonus and permit modifications to the bulk requirements for infill development projects, within zoning districts that allow single-family and multifamily uses, south of US 2 and less than three acres in size, as shown in the figure below.~~

~~1. To be eligible for infill development incentives, projects must meet the Infill, Multifamily, and Mixed Use Design Standards, unless otherwise restricted or subject to other design standards subject to the requirements of MMC 18.10.132.~~
~~2. Table A to MMC 18.10.140, Bulk requirements, defines the specific infill incentives, by zoning district, under the PRD columns.~~



~~18.10.070 Public open space lot area requirements.~~
~~The lot area in the PS zone shall not be less than in the most restrictive abutting zone. The abutting zone shall be the one the public use is most nearly oriented towards.~~

~~18.10.080 Limited open space lot area requirements.~~
~~Minimum lot area in the LOS zone shall be five acres.~~

~~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 on-site 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 of 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.~~

~~18.10.090 Single-family lot area requirements.~~
~~*Repealed by Ord. 022/2016.*~~

~~18.10.100 Duplex lot area requirements.~~
~~*Repealed by Ord. 022/2016.*~~

~~18.10.110 Multifamily lot area requirements.~~
~~*Repealed by Ord. 022/2016.*~~

~~18.10.115 Professional office lot area requirements.~~
~~*Repealed by Ord. 022/2016.*~~

~~18.10.120 Downtown, service and general commercial lot area requirements.~~
~~There shall be no minimum lot size in commercial zones with the exception of the downtown commercial zone; lot area requirement for individual downtown commercial neighborhoods are defined in Chapter 18.12 MMC. The district boundaries of a commercial zone shall not be less than one acre in size.~~

~~18.10.130 Light and general industrial lot area requirements~~
~~There shall be a minimum lot area in the industrial zones of six thousand square feet.~~

~~18.10.132 Design standards.~~
~~A. Design guideline review will be administrative by the director or designee as part of the overall permit review.~~
~~1. Approval shall be based on the extent to which the proposed project meets applicable design standards;~~
~~2. Projects subject to administrative design review must meet all codes and regulatory requirements applicable to the subject site; and~~
~~3. Administrative decisions may be appealed to the hearing examiner subject to MMC 21.60.010.~~
~~B. The city reserves the right to hire an independent qualified professional, at the applicant's expense, per MMC 3.34.040, to review and comment on the subsequent report and/or plans for consistency with the current district design standards.~~

~~18.10.135 Tjerne Place/North Kelsey planned development area.~~
~~A. The Tjerne Place/North Kelsey planning area is located north of SR 2, south of the proposed SR 2 bypass, east of the SR 522 overpass and west of Chain Lake Road. The Tjerne Place/North Kelsey planning area is graphically depicted on the map attached to the ordinance codified in this section and incorporated herein as if set forth in full.~~
~~1. Design Guidelines.~~
~~a. The North Kelsey Design Guidelines prepared by Makers Architecture and Urban Design and attached to the ordinance codified in this section are hereby adopted and incorporated into this section by this section by this reference as if set forth in full. All development within the Tjerne Place/North Kelsey planning area shall comply with the design guidelines.~~
~~b. All development within the Tjerne Place/North Kelsey planning area shall comply with the North Kelsey Design Guidelines, subject to the requirements of MMC 18.10.130.~~
~~2. Mixed Use. The purpose of allowing mixed use is to place attached, high-density housing in close proximity to goods and services. Vertical and horizontal mixed use developments are allowed in the Tjerne Place/North Kelsey planned development area and shall comply with the following:~~
~~a. Vertical mixed use incorporates a commercial and a multifamily residential use in one structure.~~

~~i. A minimum of fifty percent of the ground floor must be dedicated to a commercial use.~~

~~ii. The minimum density shall be twenty-four units per gross acre.~~

~~b. Horizontal mixed use incorporates a mix of structures independently containing multifamily residential and commercial uses.~~

~~i. The mixed use development shall be contained within one parcel or contiguous parcels under one ownership.~~

~~ii. A minimum of fifty percent of the gross usable lot(s) area shall be for commercial development. The commercial area of a lot shall be developed at a minimum of twenty percent ground floor commercial. A document, in a form acceptable to the city attorney, shall be recorded against the property restricting residential development on the portion of the property designated commercial consistent with this section.~~

~~iii. The minimum density shall be twenty-four units per gross acre.~~

~~18.10.140 Bulk requirements.~~

~~A. The bulk requirement tables establish the maximum lot coverage, height, and setback requirements for lots within the city by zoning district. The bulk regulation tables identify the standards for broad use categories including residential, mixed use, commercial/industrial, and open space and public use. Within each table, specific categories cluster individual zones together by function. For example, the residential use bulk requirements table divides the main category into subcategories of single-family and multifamily development; these are further refined to include subgroups such as mid-density multifamily/small lot single-family, urban residential, suburban residential, and rural residential. A final categorical refinement represents standard requirements and planned residential requirements for zoning districts and functional classifications.~~

~~B. All setbacks are measured from the outside lot line unless otherwise noted.~~

~~Table A – Residential Zoning District Bulk Development Requirements~~

-	~~Residential[1,2]~~											
	~~Single-Family~~											
	~~Multifamily~~		~~*Urban Residential*~~						~~*Suburban Residential*~~		~~*Rural Residential*~~	
	~~*Mid-density Multifamily Small Lot Single-Family*~~											
	~~MR 6,000/PO[3]~~		~~UR 6,000~~		~~R-4~~		~~UR 9,600~~		~~SR 15,000~~		~~LOS[4]~~	~~LOSA[4]~~
	~~Standard~~	~~PRD~~	~~Standard~~	~~PRD~~	~~Standard~~	~~PRD~~	~~Standard~~	~~PRD~~	~~Standard~~	~~PRD~~	~~Standard~~	~~Standard~~
~~Maximum Residential Density~~	~~7.26~~	-	~~5.80~~	-	~~4.00~~	-	~~3.63~~	-	~~2.32~~	-	~~1 unit per 5 acres~~	~~1 unit per 2 acres~~
~~Minimum Lot Width[5,6,7]~~	~~30~~	~~30~~	~~30~~	~~30~~	~~30~~	~~30~~	~~30~~	~~30~~	~~30~~	~~30~~	~~70~~	~~70~~
~~Maximum Lot Coverage~~	~~80%~~	~~80%~~	~~60%~~	~~60%~~	~~60%~~	~~60%~~	~~60%~~	~~60%~~	~~50%~~	~~60%~~	~~30%~~	~~100%~~

~~**Table A – Residential Zoning District Bulk Development Requirements**~~

-	~~**Residential**[1,2]~~											
	~~**Single-Family**~~											
	~~**Multifamily**~~		~~***Urban Residential***~~						~~***Suburban Residential***~~		~~***Rural Residential***~~	
	~~***Mid-density Multifamily Small Lot Single-Family***~~											
	~~**MR 6,000/PO**[3]~~		~~**UR 6,000**~~		~~**R-4**~~		~~**UR 9,600**~~		~~**SR 15,000**~~		~~**LOS**[4]~~	~~**LOSA**[4]~~
	~~**Standard**~~	~~**PRD**~~	~~**Standard**~~	~~**PRD**~~	~~**Standard**~~	~~**PRD**~~	~~**Standard**~~	~~**PRD**~~	~~**Standard**~~	~~**PRD**~~	~~**Standard**~~	~~**Standard**~~
~~**Maximum Building Height**~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~	~~35~~
~~**Front Yard Setback**[8]~~	~~10~~	~~10~~	~~10/20~~	~~10/20~~	~~10/20~~	~~10/20~~	~~10/20~~	~~10/20~~	~~20~~	~~15~~	~~50' from arterials, 25' other streets~~	~~20~~
~~**Side Yard Setback**[9]~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~10~~	~~5~~	~~25~~	~~20~~
~~**Rear Yard Setback**[10]~~	~~20~~	~~20~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~10~~	~~15~~	~~10~~	~~25~~	~~20~~
~~**Landscape Buffer**[11,1]~~	~~5~~	~~10~~	-	~~10~~	-	~~10~~	-	~~10~~	-	~~10~~	-	~~5~~

~~Notes:~~

~~1. MMC 18.12.200 defines residential lot requirements for the DC zone and MMC 18.10.140(B) defines residential lot requirements for mixed-use zones.~~

~~2. The city will provide development incentives, by zoning district, as defined under the PRD columns for single-family and multifamily infill projects, south of US 2 and less than three acres in size, when the proponent designs projects that meet the Infill, Multifamily, and Mixed Use Design Standards, unless otherwise restricted. The density bonus and development modifications will not require an additional open space dedication as required in MMC 18.84.080 for planned residential developments.~~

~~3. The mid-density multifamily category includes the MR 6,000 and PO zones; however, the PRD standards only apply to MR 6,000 zone per Chapter 18.84 MMC unless otherwise restricted in this title.~~

~~4. Refer to the open space and public use matrix for nonresidential standards (Table D).~~

~~5. To maintain proportionate lots, the minimum lot width-to-depth ratio for single-family lots will be approximately 1:2; that is, the lot depth should be approximately two times greater than the lot width. When townhomes or other attached housing units are built on separate lots, the lot width-to-depth ratio will be approximately 1:4 and the lot width can be reduced to twenty-five feet. There will be no minimum lot width or width-to-depth ratio for low-rise multifamily apartments/condominiums to maintain flexibility for lot configuration.~~

~~6. All lots shall have access to a public street and meet the minimum lot width requirement along the frontage. Lots fronting a cul-de-sac shall meet the minimum lot width at the building setback line.~~

~~7. Lots with access to a public street via private access easement or panhandle shall have a minimum frontage of not less than twenty feet in width at the public street and shall meet the minimum lot width at the setback line measured from the end of the panhandle or easement where it joins the wide portion of the lot. An access easement or panhandle shall be a minimum of twenty feet wide along its entire length; the remainder of the lot shall provide adequate area to comply with the bulk development requirements.~~

~~8. The standard front setback for zones that allow single-family uses is ten feet to the living area and twenty feet to the garage, unless otherwise specified. Front setbacks in zones that allow single-family uses along arterials will be twenty feet for both living area and garage.~~

~~9. When townhomes or other attached housing units are built on separate lots, a zero setback between units is permitted in allowed zones. The outside setback for attached housing units abutting a ROW, separate detached unit(s), or different zone will be ten feet.~~

~~10. The rear setback can be reduced to ten feet if parking is underground or in a structure underneath the unit for multifamily developments or parking is accessed off an alley/private drive to the rear and provides a maximum backup area of twenty feet including the alley or private lane.~~
~~11. The landscape buffer is along the perimeter of the lot.~~
~~12. The PRD landscape buffer is required along the outside of the development where it abuts a standard subdivision or different zoning district. This landscaped buffer may coincide with required open space.~~

~~Table B – Mixed Use Zoning District Bulk Development Requirements~~

-	~~Mixed Use~~	
	~~MUNC~~	~~MUC~~
~~Minimum Lot Size, in sq. ft.~~	~~NA~~	~~NA~~
~~Minimum Lot Width[1]~~	~~NA~~	~~NA~~
~~Maximum Lot Coverage~~	~~75%~~	~~NA[2]~~
~~Maximum Building Height[3]~~	~~35 – 45~~	~~35 – 55~~
~~Minimum First Story Height (mixed use buildings)~~	~~15~~	~~15~~
~~Front Yard Setback[4,5]~~	~~5/20~~	~~5/20~~
~~Side Yard Setback[6,7,8]~~	~~5 – 10~~	~~10~~
~~Rear Yard Setback[9]~~	~~10 – 20~~	~~10 – 20~~
~~Landscape Buffer[10]~~	~~5~~	~~5~~

~~Notes:~~
~~1. When townhomes or other attached housing units are built on separate lots, the lot width-to-depth ratio will be approximately 1:4.~~
~~2. Except as required by the landscape and parking district requirements.~~
~~3. The maximum height along street frontages is limited to thirty-five feet (three stories); in the MUNC zone height can be increased to forty-five feet when the fourth floor is stepped back and in the MUC zone height can be increased to fifty-five feet when the fourth and fifth floors are stepped back.~~
~~4. The minimum required setback is five feet; the maximum allowed setback is twenty feet.~~
~~5. Porches, covered entries, or pedestrian-oriented spaces may project up to five feet into front yard setbacks.~~
~~6. When townhomes or other attached housing units are built on separate lots, a zero setback between units is permitted in allowed zones. The outside setback for attached housing units abutting a ROW, separate detached unit(s), or different zone will be ten feet.~~
~~7. Side yard setbacks for single-family residences will be five feet minimum; all other mixed use, commercial and multifamily structures will be ten feet minimum.~~
~~8. Side yard setbacks for fourth and fifth floors require an additional five feet per floor. That is, the fourth floor must be set back at least five feet from the building's edge and the fifth floor must be set back at least ten feet from the building's edge.~~
~~9. The rear setback can be reduced to ten feet if parking is underground or underneath the unit for multifamily developments or parking is accessed off an alley/private drive to the rear and provides a minimum backup area of twenty feet including the alley or private lane.~~
~~10. Landscape buffers will be five feet along property lines; however, the city may waive the five-foot perimeter landscape buffer for internal property lines when the adjacent properties share parking, access, or other common features that will make intensive landscaping impractical.~~

~~**Table C – Commercial/Industrial Zoning District Bulk Development Requirements**~~

-	~~**Commercial/Industrial**~~						
	~~**Commercial/Office**~~					~~**Industrial**~~	
	~~**GC**~~	~~**GC – NKPDA**~~[4]	~~**SC**~~	~~**DC**~~	~~**PO**~~	~~**GI**~~	~~**LI**~~
~~**Minimum Lot Size, in sq. ft.**~~	~~NA~~	~~NA~~	~~NA~~	~~per MMC 18.12.200~~	~~4,000~~	~~NA~~	~~NA~~
~~**Minimum Lot Width**~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~per Table A~~	~~NA~~	~~NA~~
~~**Maximum Lot Coverage**~~[1]	~~100%~~	~~100%~~	~~85%~~	~~per MMC 18.12.200~~	~~75%~~	~~85%~~	~~85%~~
~~**Maximum Building Height in feet**~~	~~35 – 45~~	~~Commercial – 45 Residential – 65~~	~~35~~	~~per MMC 18.12.200~~	~~35~~	~~35 – 45~~	~~35~~
~~**Front Yard Setback**~~	~~20~~	~~NA~~	~~20~~	~~per MMC 18.12.200~~	~~10~~	~~20~~	~~20~~
~~**Side Yard Setback**~~[2,3]	~~IBC/IFC~~	~~IBC/IFC~~	~~IBC/IFC~~	~~per MMC 18.12.200~~	~~5 w/ total 10~~	~~IBC/IFC~~	~~IBC/IFC~~
~~**Rear Yard Setback**~~[2]	~~IBC/IFC~~	~~IBC/IFC~~	~~IBC/IFC~~	~~per MMC 18.12.200~~	~~10~~	~~IBC/IFC~~	~~IBC/IFC~~
~~**Landscape Buffer**~~	~~5 ft. perimeter / 20 ft. residential~~	~~5 ft. perimeter~~[5]	~~5 ft. perimeter / 20 ft. residential~~	~~5 ft.~~	~~5 ft.~~	~~5 ft. perimeter / 20 ft. residential~~	~~5 ft. perimeter / 20 ft. residential~~

~~Notes:~~

~~1. Except as required by the landscape and parking district requirements.~~

~~2. Landscape buffers will be five feet along property lines; however, the city may waive the five-foot perimeter landscape buffer for internal property lines when the adjacent properties share parking, access, or other common features that will make intensive landscaping impractical.~~

~~3. Commercial and industrial zoned properties shall maintain a twenty-foot landscaped setback buffer from any properties that allow residential uses, including properties across rights-of-way.~~

~~4. NKPDA means the Tjerne Place/North Kelsey planned development area.~~

~~5. If a conflict exists between code requirements, the North Kelsey Design Guidelines shall supersede the landscape requirements of this chapter.~~

~~Table D – Open Space and Public Use Zoning District Bulk Development Requirements~~

-	~~Open Space and Public Use~~		
	~~Open Space~~		~~Public~~
	~~LOS~~	~~LOSA~~	~~PS[1]~~
~~Minimum Lot Size, in sq. ft.~~	~~5 acres~~	~~Commercial and airport uses – None~~	~~NA~~
~~Minimum Lot Width~~	~~70~~	~~70~~	~~NA~~
~~Maximum Lot Coverage~~	~~30%~~	~~100% with Type I landscaping along exterior perimeter of LOS-Airport zone~~	~~75%~~
~~Maximum Building Height~~	~~35~~	~~35~~	~~45~~
~~Front Yard Setback~~	~~50' from arterials 25' other streets~~	~~Interior LOSA – per IBC and IFC Adjacent to non-LOSA zones: 20'~~	~~20~~
~~Side Yard Setback[2,3]~~	~~25~~	~~Interior LOSA – per IBC and IFC Adjacent to non-LOSA zones: 20'~~	~~10/20~~
~~Rear Yard Setback~~	~~25~~	~~Interior LOSA – per IBC and IFC Adjacent to non-LOSA zones: 20'~~	~~10/20~~
~~Landscape Buffer~~	~~5~~	~~5~~	~~5[3]~~

~~Notes:~~

~~1. Small structures, one thousand square feet or less in size and twenty-five feet in height or less, shall provide a ten-foot front setback and five-foot rear and side yard setback inclusive of a five-foot landscape buffer.~~

~~2. Side and rear setbacks to interior lot lines are ten feet, except in the case of common ownership of multiple adjacent lots. Where a parcel directly abuts a residential zone, the side and rear setbacks to exterior property lines are twenty feet.~~

~~3. The city may waive the five-foot perimeter landscape buffer for internal property lines when the adjacent properties share parking, access, or other common features that will make intensive landscaping impractical.~~

~~18.10.150 Minimum public open space zone setbacks.~~

~~Setbacks shall be no less than the most restrictive setbacks permitted in an abutting zone. Such abutting zone shall be determined by the orientation of the public use.~~

~~18.10.160 Minimum limited open space zone setbacks.~~

~~All structures shall observe the following setbacks:~~

~~A. From an arterial highway, fifty feet;~~

~~B. From all other public streets, twenty-five feet;~~

~~C. From a side or rear yard, twenty-five feet;~~

~~D. From a wetland or slope, see Chapter 20.05 MMC, Critical Areas.~~

~~18.10.170 Minimum single-family zone setbacks.~~

~~There shall be a front yard setback of not less than ten feet for the living side of a residential building and twenty feet for a garage, except that residences fronting on a~~

~~collector or arterial roadway shall have a twenty-foot setback. Side and rear yard setbacks shall be five feet.~~

~~18.10.180 Minimum multifamily zone setbacks.~~
~~There shall be twenty-foot front yard setbacks. Rear yard and side yard setbacks in the multifamily zone shall not be less than five feet. For single-family residential uses in the multifamily zone, the rear yard and side yard setbacks shall be five feet.~~

~~18.10.185 Minimum professional office zone setbacks.~~
~~There shall be twenty-foot front yard setbacks. For office uses, the side and rear yard setbacks in the professional office zone shall not be less than ten feet. For multifamily residential uses in the professional office zone, the rear yard and side yard setbacks shall be five feet. For single-family residential uses in the professional office zone, the rear yard and side yard setbacks shall be five feet.~~

~~18.10.190 Minimum garage setbacks.~~
~~A. Garages shall have the same front, side and rear yard setbacks as principal structures as noted in the bulk requirement tables (MMC 18.10.140), except that setbacks from public alleys shall be such that a motor vehicle parked on a garage apron (see MMC 18.86.115) either parallel to or perpendicular to the alley will not protrude into the alley right-of-way. Apron (parking space) dimensions are described in Table I of MMC 18.86.115.~~
~~B. Side and rear garage setbacks can be reduced to five feet in zones when a one-story detached garage is built toward the rear of the lot and when access is from a public street at the front of the lot.~~

~~18.10.200 Minimum commercial and industrial setbacks~~
~~Commercial and industrial zoned right-of-way setbacks shall be twenty-five feet from arterial roadways, and twenty feet for all other roadways. Side yard and rear yard setbacks shall be determined by the city building code.~~

~~18.10.210 Minimum zoning district setbacks.~~
~~Commercial and industrial zoned property shall maintain a twenty-five-foot landscaped setback buffer from any residentially zoned property lines, including residentially zoned properties across rights-of-way.~~

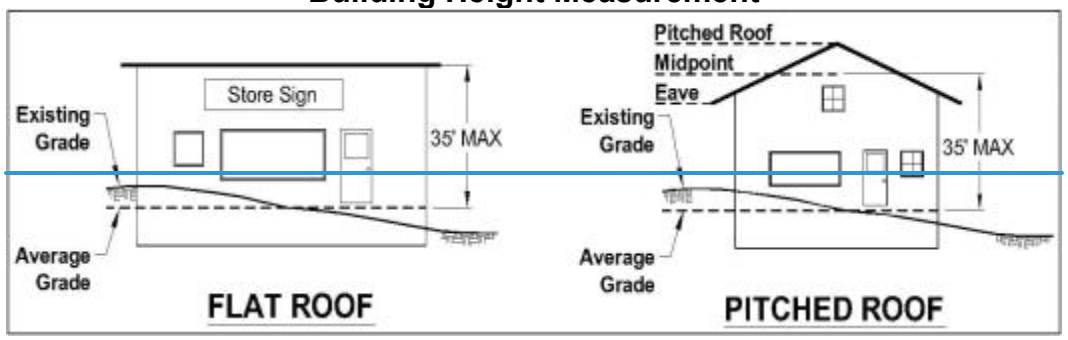
~~18.10.220 Lot coverage.~~
~~The total impervious area to be covered by buildings, driveways, parking areas, sidewalks, pools, and similar impervious surface areas shall not exceed the percentage of a building lot area defined in the bulk requirement tables (MMC 18.10.140). When a proposal incorporates porous paving into the project design, complies with the standards of the Department of Ecology Stormwater Management Manual for Western Washington (current edition), and is allowed by the director and city engineer, the city will provide a fifty percent credit toward determining total lot coverage for the portion of the project using this material.~~

~~18.10.230 Maximum building height.~~

~~A. The maximum height of structures within the city of Monroe is defined in the bulk requirement tables (MMC 18.10.140). Heights greater than the maximum height in a zoning district shall require a variance (VAR).~~

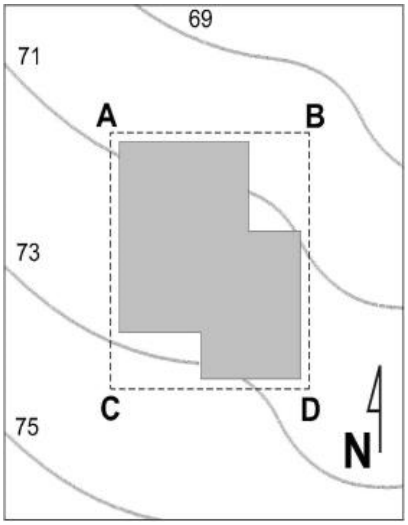
~~B. Building height shall be measured vertically from the finished average grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof (not illustrated), and to the midpoint between the eaves and ridge of pitched roofs (e.g., gable, hip, gambrel roof, etc.), illustrated below in Figure 18.10.230B.~~

Figure 18.10.230B
Building Height Measurement



~~C. The average grade level shall be measured by delineating the smallest rectangle which can enclose the proposed building, and then averaging the four corner elevations of the rectangle, as illustrated in Figure 18.10.230C. The standard formula for calculating average grade level is (A+B+C+D)/4 = average grade level. In the event the corner point of the rectangle drawn is not located on the subject property, the measurement point shall be determined by establishing the corner point from the property line where it intersects the rectangle.~~

~~Figure 18.10.230C~~



~~Average Grade Level Calculation Diagram~~

~~D. Submittal Requirements.~~

~~1. All applicants shall submit a site plan to scale that includes contour lines, elevation points, and benchmark location or source to determine the average grade level and building footprint;~~
~~2. All applicants are required to submit a building height calculation worksheet, with the building permit application, to determine the average ground level and the actual building height; and~~
~~3. A professional land surveyor must complete a certificate of average ground level with the building permit application, when the structure is within three feet of the maximum allowed height.~~

~~18.10.240 Parking.~~
~~Parking shall be provided as required in Chapter 18.86 MMC.~~

~~18.10.250 Signs.~~
~~All signage shall be in accordance with Chapter 18.80 MMC.~~

~~18.10.260 Street surface.~~
~~Low impact development best management practices shall be used for all access drive, access easement, parking space, and garage apron design and construction, unless site and soil conditions make low impact development infeasible as determined by the stormwater management administrator pursuant to Chapter 15.01 MMC and shall meet the requirements for access and circulation as per MMC Title 17 and the public works standards. Low impact development best management practices shall be designed and constructed in accordance with the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound (December 2012) and approved by the stormwater management administrator.~~

~~18.10.270 Performance standards.~~
~~Performance standards and regulations are used to control dangerous or objectionable environmental effects in the city. Any use of a building or property within the city shall comply with these standards. Prior to issuance of any permit, license or certificate of occupancy, an applicant shall furnish the city with information regarding the environmental effects of any proposed activity as regulated by this section. The applicant may submit a report by expert consultants to supplement the required information. This information may be submitted with any environmental assessment required by this code. A certificate of occupancy, license or permit shall not be issued until such time that the zoning code administrator has determined the use as proposed will not violate any of the applicable performance standards.~~
~~A. Odor. No emissions of noxious gases or particles shall be permitted in any district so as to exceed the odor threshold as measured beyond the lot lines. The odor threshold is defined as the concentration in the air of gases or vapors which will just evoke a response in the average human olfactory system.~~
~~B. Liquid and Solid Wastes. The discharge of any materials into any natural water or drainage system shall be regulated by the State of Washington Department of Ecology and city sewer code.~~
~~C. Fire and Explosion Hazards. All activities involving flammable and explosive materials shall provide adequate safety devices against the hazard of fire and explosion and shall provide adequate fire fighting and fire suppression equipment as determined by the city.~~

~~D. Electromagnetic Radiation. No use of a process established in the city shall involve any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, hearing, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical measurement, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission (FCC) regarding such sources of electromagnetic radiation, which commission enforces these regulations within the city.~~

~~E. Noise. The following table sets forth the maximum acceptable sound pressure level or noise:~~

~~Frequency Band in Cycles/Second~~	~~Sound Pressure Level DE RE 0.0002 Microbar~~
~~Below 75~~	~~72~~
~~75 – 150~~	~~59~~
~~150 – 300~~	~~52~~
~~300 – 600~~	~~46~~
~~600 – 1200~~	~~42~~
~~1,200 – 2,400~~	~~39~~
~~2,400 – 4,800~~	~~34~~
~~Above 4,800~~	~~32~~

~~It is expected that sound pressure level of noise radiated from any enterprise located in a zone will never exceed the above described values in any residential district between the hours of eight p.m. and seven a.m. and not more than ten percent of the time between seven a.m. and eight p.m., except construction between six a.m. and ten p.m.~~

~~F. Smoke. It is expected that smoke will not be emitted from any source in a light industrial zone in greater density or shade of gray than that described as No. 1 on the Ringlemann chart, except that visible gray smoke, of a shade not darker than that described as No. 2 on the Ringlemann chart, may be emitted for not more than four minutes in any thirty minutes. These provisions applicable to visible gray smoke also apply to visible smoke of a different color with an equivalent apparent opacity.~~

~~G. Dust, Dirt. It is expected that dust, dirt, fly ash or other airborne solids will not be emitted from any source in any zone in greater density than that described as No. 1 on the Ringlemann chart.~~

~~H. Vibration. It is expected that vibrations from any machine, operation or process will not exceed three thousandths of one inch displacement applied to the frequency range of zero to five thousand cycles per second, as measured at any point off the lot on which the machine, operation, or process is located.~~

~~I. Glare and Heat. It is expected that customary operation or process which causes offensive glare or heat will be conducted in a completely enclosed building, and that any such operation or process of any unusual or sporadic nature will be so conducted as to be invisible beyond the lot on which it is located.~~

~~J. Toxic Gases. It is expected that toxic gases or matter will not be emitted in quantities damaging to health, animals, vegetation, or which can cause any excessive soiling beyond the lot on which they are generated.~~

~~18.10.280 Compliance required before permit issuance.~~
~~Repealed by Ord. 004/2017.~~

~~Chapter 18.12~~
~~DOWNTOWN COMMERCIAL (DC) ZONE~~

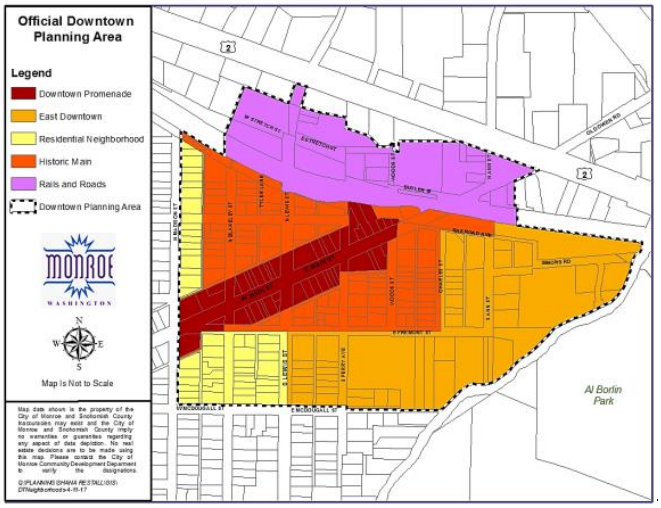
~~Sections:~~
~~18.12.110 Purpose of the downtown commercial zone.~~
~~18.12.115 Definitions.~~
~~18.12.120 Neighborhoods and maps.~~
~~18.12.130 Residential neighborhood (RN).~~
~~18.12.140 Rails and Roads neighborhood (RR).~~
~~18.12.150 Historic Main area (HM).~~
~~18.12.155 Downtown Promenade (DTP).~~
~~18.12.160 East Downtown neighborhood (ED).~~
~~18.12.170 Downtown neighborhood land use matrix.~~
~~18.12.180 Mixed-use requirements.~~
~~18.12.190 Special uses.~~
~~18.12.200 Downtown planning area bulk requirements.~~
~~18.12.210 Exceptions and clarifications.~~
~~18.12.220 Downtown commercial parking.~~

~~18.12.110 Purpose of the downtown commercial zone.~~
~~The purpose of the downtown commercial zone is to integrate civic, commercial, entertainment, cultural and residential uses and increase economic and urban activity levels within the zone. Development standards or guidelines applicable to the downtown commercial zone enhance opportunities for significant growth of office, commercial, and residential projects in the city's core, where public transit and civic amenities are more concentrated and available.~~

~~18.12.115 Definitions.~~
~~For the purposes of this chapter only, the following definitions shall apply:~~
~~"Club, fitness" means a use featuring exercise, sports and other active physical fitness conditioning. This also includes businesses engaged in providing specific athletic related training and services for a participation fee.~~
~~"Day care services 1" use is the use of a site for the provision of daytime care for more than twenty-four persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.~~
~~"Day care services 2" use is the use of a site for the provision of daytime care for more than twelve but not more than twenty-four persons. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.~~
~~"Day care services 3" use is the use of a site for the provision of daytime care for twelve persons or less. This use includes nursery schools, preschools, day care centers for~~

~~children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.~~
~~"Distillery, craft" means an operation where specialty alcohol is produced and distributed in an amount equal to or less than one hundred fifty thousand proof gallons per year. The majority of the square footage of the micro-distillery building and related structures is devoted to such uses as a tasting room, restaurant and/or gift shops.~~
~~"Mixed use (commercial and residential)" means a building that contains a combination of residential and nonresidential land uses.~~
~~"Personal service shops" means businesses which administer personal services including beauty and barber shops, nail salons, tanning salons, day spas, pet grooming, tailoring, shoe repair, and other similar personal service uses that are pedestrian-attracting or pedestrian-generating in nature.~~
~~"Residential care facility" provides custodial care to persons who, because of physical, mental, or emotional disorders, are not able to live independently.~~
~~"Service establishment" means any business, professional or government office providing a substantial function of the business as on-site services, which involve personal contact with people who do not work in the office. Examples would include, but not be limited to, residential real estate sales, loan offices, medical offices and employment agencies.~~

~~18.12.120 Neighborhoods and maps.~~
~~A. Neighborhoods. The downtown commercial zone is subdivided into five distinct neighborhoods; each neighborhood is intended to implement specific aspects of the comprehensive plan that pertain to the downtown planning area. Each neighborhood contains a unique mix of uses and zoning regulations, as described in this chapter. The five neighborhoods are RN Residential neighborhood, RR Rails and Roads neighborhood, HM Historic Main area, ED East Downtown neighborhood, and the Downtown Promenade (DTP).~~
~~B. Official Downtown Planning Area Zoning Map. The official downtown planning area zoning map shows the boundaries of the planning area and represents the five distinct neighborhoods in the downtown commercial zone. This map shall be supplemental to the current, official city of Monroe zoning map.~~
~~C. Planning Area and Neighborhood Boundaries. Where uncertainty exists as to the boundaries of the downtown planning area and downtown commercial neighborhoods, as shown on the official downtown planning area zoning map, the rules defined in MMC 18.04.030 shall apply.~~



~~18.12.130 Residential neighborhood (RN).~~

~~A. Purpose. The Residential neighborhood frames the western edge of the Historic Main area and contains existing single-family houses, multifamily buildings, and some commercial uses. This mix of uses is appropriate for this neighborhood, as a transitional edge between single-family neighborhoods and the Historic Main area, to provide a setting for small businesses and close-in housing options. Future redevelopment in this area will provide a mix of uses. Residential uses in this neighborhood are limited to single-family residences and multifamily dwellings.~~

~~B. Residential Density. Residential density will allow up to eleven dwelling units per acre. The number of units on a specific site is calculated by multiplying the gross area by eleven units per acre.~~

~~18.12.140 Rails and Roads neighborhood (RR).~~

~~The Rails and Roads neighborhood includes the lands north of the Historic Main area, between the railroad and U.S. Highway 2. Many of the properties in this area have roads along the front and rear of the property, looking both to downtown and to the commercial strip. Various commercial activities are appropriate in this neighborhood. The long-term vision for the area should make use of the rail lines by encouraging a rail stop for potential passenger service. Residential uses in the RR neighborhood are not allowed, due to the commercial nature of the area.~~

~~18.12.150 Historic Main area (HM).~~

~~A. Purpose. The Historic Main area encompasses the blocks along Main Street between Madison Street and the railroad tracks and along Lewis Street between Fremont Street and the railroad tracks (except those areas within the Downtown Promenade (MMC 18.12.155)). The Historic Main area will be the core area for specialty commercial uses that serve the entire community and even the region. The goal for this area is to continue to have a high concentration of retail, dining, and entertainment functions, while accommodating professional services and some residential housing. Cultural and recreational facilities should also be a part of the area's mix of uses.~~

~~B. Residential Density. The Historic Main area allows up to twenty residential units per gross acre. To calculate the number of possible dwelling units/lots, refer to MMC~~

~~18.10.010(B) for the single-family density calculation and MMC 18.10.020(B) for the multifamily or mixed use density calculation.~~
~~C. Design Guidelines. All development within the Historic Main area shall comply with the Downtown Design Guidelines Draft #1a dated December 18, 2008. Design guideline review will be administrative and is subject to the requirements of MMC 18.10.132.~~

~~18.12.155 Downtown Promenade (DTP).~~
~~A. Purpose. The Downtown Promenade area encompasses the ground or street level portion of all buildings facing Main Street between Madison Street and Woods Street shall be considered a "promenade" within the downtown commercial district. The goal for this area is to have those land uses that promote pedestrian activity and interaction.~~
~~B. Design Guidelines. All development within the Downtown Promenade area shall comply with the Downtown Design Guidelines Draft #1a dated December 18, 2008. Design guideline review will be administrative and is subject to the requirements of MMC 18.10.132.~~

~~18.12.160 East Downtown neighborhood (ED).~~
~~A. Purpose. The goal for this neighborhood is to promote an "urban village" character that contains pedestrian scale amenities and high-quality mixed-use and high-density residential development. Land uses will provide for a concentration of commercial, residential, and civic functions. Civic functions may include recreational and arts uses as well as education-related activities. The East Downtown neighborhood should contain significant, well-designed parks and open space. There are opportunities to make use of natural amenities along the eastern edge of the area that would make this a distinctive and appealing location for in-town housing. There are also opportunities to provide additional urban, civic green spaces within convenient walking distance of the Historic Main area. This combination of uses is necessary to promote the greater downtown Monroe area as a regional destination for specialty retail, dining, and entertainment.~~
~~Areas along Woods Creek and the East Downtown neighborhood are encouraged to provide enhanced pedestrian and bicycle connectivity. Also proposed along Woods Creek is an area for an overlook and water access at the creek itself, which would be linked into the enhanced bike and pedestrian ways. Areas of the East Downtown neighborhood, which are within the Woods Creek shoreline area, will have some development constraints due to the natural sensitivities of the creek side areas.~~
~~B. Residential Density. The East Downtown neighborhood allows a base density of up to twenty residential units per gross acre. Increased density of up to twenty-four units per acre is allowed for four story buildings. Increased density of up to twenty-eight units per acre is allowed for five story buildings. Upper fourth and fifth stories shall be subject to design guideline requirements in Draft #1a dated December 18, 2008, for stepping back. Lower stories may also be subject to requirements for stepping back. To calculate the number of possible dwelling units/lots, refer to MMC 18.10.020(B) for the multifamily or mixed-use density calculation.~~
~~C. Design Guidelines. The East Downtown Neighborhood Design Guidelines, dated February 2009, or as amended in the future, and attached to the ordinance codified in this section, are hereby adopted and incorporated into this code by this section by this reference as if set forth in full. All development within the East Downtown neighborhood shall comply with the design guidelines as adopted and is subject to the requirements of MMC 18.10.132.~~

~~**18.12.170 Downtown neighborhood land use matrix.**~~

~~This matrix shall be considered supplemental to the zoning land use matrix, MMC 18.10.050. Uses identified in the matrix below, but not in MMC 18.10.050, shall be considered prohibited in the zoning districts identified in MMC 18.10.050.~~

~~**Downtown Neighborhood Land Use Matrix**~~	~~**Downtown Commercial Zone**~~				
~~**Conforming Use**~~	~~**Residential Neighborhood**~~	~~**Rails and Roads Neighborhood**~~	~~**Historic Main Area**~~	~~**East Downtown Neighborhood**~~	~~**Downtown Promenade**~~
~~Accessory dwelling units (1)~~	~~P~~	-	~~P~~	~~P~~	-
~~Adult entertainment (business use) (2)~~	-	-	-	-	-
~~Amusement facility~~	-	~~P~~	~~C~~	~~P~~	-
~~Antique shop~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Art gallery~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Auto repair, minor~~	-	~~P~~	-	-	-
~~Auto repair, major~~	-	~~P~~	-	-	-
~~Bakery~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Bank without drive-up facility~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Bank with drive-up facility~~	-	~~P~~	~~C~~	~~P~~	~~C~~
~~Bed and breakfast (3)~~	~~C~~	-	~~C~~	~~P~~	-
~~Brewery, micro~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Church~~	~~C~~	~~P~~	~~C~~	~~P~~	-
~~Cleaning establishment~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Clinic, health services~~	~~C~~	~~C~~	~~C~~	~~C~~	-
~~Club~~	-	~~P~~	~~C~~	~~P~~	-
~~Club, fitness~~	-	~~P~~	~~C~~	~~P~~	-
~~Coffee shop~~	~~A~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Community-oriented open-air market~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Convenience stores~~	-	~~P~~	~~P~~	~~P~~	~~P~~

~~Downtown Neighborhood Land Use Matrix~~	~~Downtown Commercial Zone~~				
~~Conforming Use~~	~~Residential Neighborhood~~	~~Rails and Roads Neighborhood~~	~~Historic Main Area~~	~~East Downtown Neighborhood~~	~~Downtown Promenade~~
~~Day care services 1 (>24)~~	-	~~P~~	~~P~~	-	-
~~Day care services 2 (13 – 24)~~	-	~~P~~	~~P~~	~~P~~	-
~~Day care services 3 (<13)~~	~~A~~	~~P~~	~~P~~	~~P~~	-
~~Distillery, craft~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Drive-up/through~~	-	~~P~~	-	~~P~~	-
~~Drug store~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Dwelling, mobile home~~	-	-	~~C~~	-	-
~~Dwelling, multifamily~~	~~P~~	-	~~P~~	~~P~~	~~C(4)~~
~~Dwelling, single-family~~	~~P~~	-	~~C~~	-	-
~~Dwelling, townhouse~~	~~P~~	-	~~C~~	~~P~~	-
~~Electrical transmission lines of higher voltage than 115 kV, in existing corridors (above or below ground)~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Electrical transmission lines of higher voltage than 115 kV, in new corridors (below ground)~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~
~~Electrical transmission lines of higher voltage than 115 kV, in new corridors (above ground)~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~
~~Government facilities~~	~~C~~	~~C~~	~~C~~	~~C~~	-

~~Downtown Neighborhood Land Use Matrix~~	~~Downtown Commercial Zone~~				
~~Conforming Use~~	~~Residential Neighborhood~~	~~Rails and Roads Neighborhood~~	~~Historic Main Area~~	~~East Downtown Neighborhood~~	~~Downtown Promenade~~
~~Greenhouse, retail~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Grocery store~~	-	~~P~~	~~P(5)~~	~~P(5)~~	~~P(5)~~
~~Halfway house~~	~~EPF~~	-	~~EPF~~	~~EPF~~	-
~~Hardware store 1 (6)~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Home occupations, minor only~~	~~P~~	-	~~P~~	-	-
~~Hotel~~	-	~~P~~	~~P~~	~~P~~	-
~~Library~~	-	~~P~~	~~P~~	~~P~~	-
~~Mixed-use (commercial and residential)~~	~~P~~	-	~~P~~	~~P~~	~~P~~
~~Mobile vendors (7)~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Motor vehicle sales facility – Motorsports only~~	-	~~P~~	-	~~P~~	-
~~Nursing and convalescent home (8)~~	-	-	~~P~~	~~P~~	-
~~Office, professional~~	~~P~~	~~P~~	~~P~~	~~P~~	-
~~Parking lots (stand-alone)~~	-	~~C~~	~~C~~	~~C~~	-
~~Personal service shops~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Preschool~~	-	~~P~~	-	~~P~~	-
~~Print shop~~	-	~~P~~	~~C~~	~~P~~	-
~~Regional transit station, including bus, train, and other high-capacity vehicle bases~~	~~EPF~~	~~EPF~~	~~EPF~~	~~EPF~~	-
~~Restaurant~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Retail stores~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Residential care facilities (8)~~	~~P~~	~~P~~	~~P~~	-	-

~~Downtown Neighborhood Land Use Matrix~~	~~Downtown Commercial Zone~~				
~~Conforming Use~~	~~Residential Neighborhood~~	~~Rails and Roads Neighborhood~~	~~Historic Main Area~~	~~East Downtown Neighborhood~~	~~Downtown Promenade~~
~~Retirement housing/assisted living facility (8)~~	~~P~~	~~P~~	~~P~~	~~P~~	-
~~Service establishment~~	~~C~~	~~P~~	~~P~~	~~P~~	-
~~State and regional transportation facilities including highways of statewide significance~~	~~EPF~~	~~EPF~~	~~EPF~~	~~EPF~~	-
~~Tavern/pub~~	-	~~P~~	~~P~~	~~P~~	~~P~~
~~Tool sales and rental~~	-	~~P~~	-	~~A~~	-
~~Utility services~~	~~C~~	~~C~~	~~C~~	~~C~~	-
~~Veterinary clinic/animal hospital~~	~~C~~	~~P~~	~~C~~	~~P~~	-

~~P = Permitted use; A = Accessory use; C = Requires a conditional use permit; and EPF = Essential public facility (see Chapter 18.15 MMC)~~
~~(1) Accessory dwelling units must meet criteria outlined in Chapter 18.40 MMC.~~
~~(2) Adult entertainment facilities are subject to Chapter 5.48 MMC and are not allowed in the downtown commercial zone.~~
~~(3) Caretaker must be on site.~~
~~(4) In the Downtown Promenade, multifamily dwellings are only allowed in conjunction with mixed-use structures.~~
~~(5) Grocery stores may not exceed thirteen thousand square feet in gross floor area.~~
~~(6) Hardware stores may not exceed twenty thousand square feet in gross floor area.~~
~~(7) Mobile vendors must meet the criteria outlined in MMC 18.12.190(A).~~
~~(8) Limited to parcels four acres in size or less.~~

~~18.12.180 Mixed-use requirements.~~

~~A. Residential Mixed-Use Requirements. The purpose and intent of requiring specific standards for residential mixed-use developments is to determine:~~

~~1. Compatibility of land uses by establishing specific standards and incentives for residential mixed-use developments to ensure and promote consistency in design, construction, and scale;~~

~~2. Proximity of housing to services by providing opportunities for residents to live close to areas of shops, offices and other urban amenities, in order to facilitate access to such services and places of employment, and also to promote pedestrian orientation while decreasing the need for automobile trips;~~

3. Consistent application of downtown design standards for all new or renovated buildings, as applicable; and

4. Ensure that the residents of mixed-use developments are provided with the same amenities afforded other multifamily developments throughout the city.

B. Applicability. Residential mixed-use development is permitted as established in the Downtown Neighborhood Land Use Matrix of this chapter.

1. A minimum of one floor must be dedicated to residential use to qualify as a mixed-use development.

2. Downtown Promenade ground floor must be commercial.

18.12.190 Special uses.

A. Mobile Vendors. The purpose of this section is to regulate the activities of mobile vendors, where permitted, and promote the safety and welfare of the general public.

1. Requirements.

a. Submit a site plan, to scale, that shall include and depict the following:

i. The boundaries of the property;

ii. The location of all existing structures and proposed structures and their distances to property lines including, but not limited to, the proposed mobile vendor location and proposed seating, if any;

iii. All existing easements;

iv. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;

v. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;

vi. Location and area, in square feet, of all proposed signs; and

vii. Additional information not specified in this section when such information is deemed necessary in the director's discretion to assure compliance with this code.

b. Submit property owner's written approval to locate on property.

c. Provide a signed agreement with a neighboring property owner within two hundred feet of the business for use of restrooms.

d. All mobile vendors engaged in the sale of food shall comply with all laws, rules, and regulations regarding food handling and provide a statement of approval from the Snohomish Health District. All vehicles or conveyances used by mobile vendors shall comply with all applicable laws, rules, and regulations as established by the Washington State Motor Vehicle Code and the Monroe Municipal Code.

e. If inside seating is provided within the vehicle or unit, compliance with the accessibility code is required including, but not limited to:

i. Accessible ramp;

ii. Aisle width of thirty-six inches;

iii. Door width of thirty-six inches;

iv. Seating to accommodate a wheelchair;

v. An accessible restroom within the vehicle/unit.

f. Vehicles must bear a seal that indicates they have been inspected and approved by L & I.

~~2. Business License. A business license is required for all mobile vendors prior to conducting business, in conformance with licensing requirements established in Chapter 5.02 MMC, Business Licenses.~~

~~3. Site Restrictions.~~

~~a. Mobile vendors shall be limited to two, per linear block on each side of the street, if the vendors are separated by a minimum distance of one hundred feet.~~

~~b. No mobile vendor shall sell or convey goods in the public right-of-way.~~

~~c. Mobile vendors cannot obstruct the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale.~~

~~d. No merchandise will be offered, displayed, or sold, and no customers served, in any vehicle travel lane.~~

~~e. Mobile vendors cannot conduct business unless the vehicle or conveyance is parked and operated in full compliance with the traffic and sidewalk ordinances of the city, in effect at the time of application or as hereafter amended.~~

~~f. This section shall not apply to vendors operating in conjunction with, and at the location of, events known as the farmers' market or as part of permitted special event, per Chapter 5.28 MMC.~~

~~g. No temporary/portable restrooms are allowed on site.~~

~~h. All mobile vendors shall clean up all litter originating from their business, each day, within a one hundred fifty-foot radius of the location where sales occur.~~

~~B. Community-Oriented Open-Air Markets.~~

~~1. The purpose of this chapter is to regulate community-oriented open-air markets within the downtown commercial zone, including farmers' markets, art fairs, and the like. Community-oriented open-air markets are intended to be operated by a public or private organization, which is open to the public and operates from individual booths or stands.~~

~~2. Permitted Uses.~~

~~a. All fruits, vegetables, berries, butter, eggs, milk, or any farm produce sold by the grower or a representative.~~

~~b. Edibles raised or caught by the seller, including fish and meats.~~

~~c. The sale of goods and products produced by artisans, crafts persons, or their representative.~~

~~d. Sale of food and beverages prepared on site such as concession stands.~~

~~3. Prohibited Uses.~~

~~a. The secondhand sale of goods and products;~~

~~b. The sale of any raw meat, fish or poultry product unless approved by the Snohomish Health District;~~

~~c. The sale of any beverage or food unless appropriately licensed from the Snohomish Health District; and~~

~~d. No sound amplification system shall be used in conjunction with the market, which produces noise and which is audible beyond the boundaries of the area designated in the application per MMC 18.10.270, Performance standards.~~

~~4. Required License and Permits.~~

~~a. A business license from the city must be obtained by the sponsoring organization in conformance with licensing requirements established in Chapter 5.02 MMC, Business Licenses.~~

~~b. Any permits required by the Snohomish County Health District.~~

~~c. Exemptions. Required license and permits shall not be applied to any farmer, gardener or other person who sells any fruits, vegetables or other farm produce or edibles produced by such person within Snohomish County, Washington, and exempt pursuant to RCW 36.71.090 from paying any fee or application. Such persons are exempt from the licensing and fee requirements of Chapter 5.02 MMC.~~

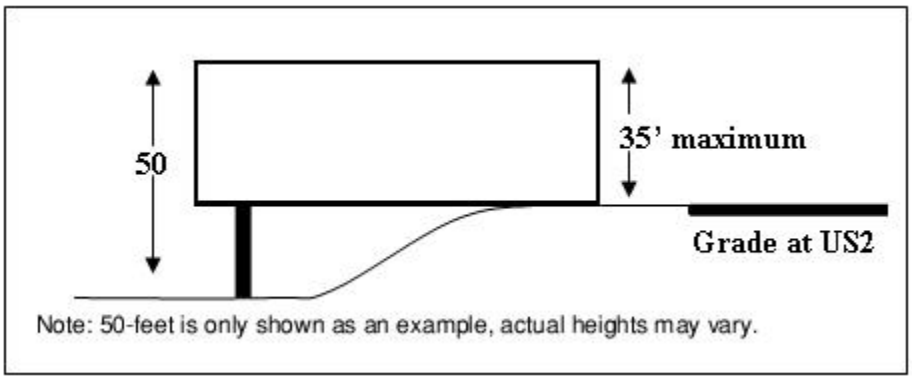
~~d. A special event permit will be required per Chapter 5.28 MMC, for events on public property.~~

~~18.12.200 Downtown planning area bulk requirements.~~

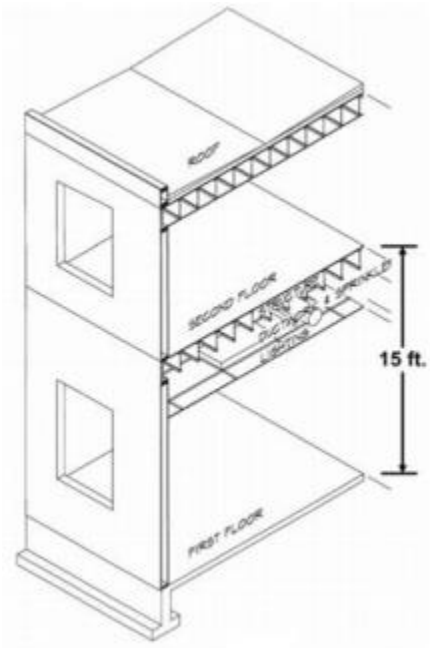
~~Site Requirement~~	**~~Downtown Commercial Zone Neighborhoods~~**				
	~~Residential Neighborhood~~	**~~Rails and Roads Neighborhood~~**	**~~Historic Main Area[1]~~**	**~~East Downtown Neighborhood~~**	**~~Downtown Promenade~~**
~~District Symbol~~	**~~RN~~**	**~~RR~~**	**~~HM~~**	**~~ED~~**	**~~DTP~~**
~~Minimum Building Front/Street Setbacks (In Feet)~~	~~10 ft. – Living 20 ft. – Garage 20 ft. – Office~~	~~25 ft. from arterial 20 ft. from all other streets~~	~~None~~	~~None; except that portions of the building higher than 35 feet shall be set back from the street if the density is greater than 20 units per acre~~	~~None~~
~~Minimum Building Rear Setbacks (In Feet)~~	~~Single story – 5 ft. add 2 ft. for each additional story~~	~~As per IBC and IFC~~	~~As per IBC and IFC~~	~~As per IBC and IFC~~	~~As per IBC and IFC~~
~~Minimum Building Side Setbacks (In Feet)~~	~~Single story – 5 ft. add 2 ft. for each additional story~~	~~As per IBC and IFC~~	~~As per IBC and IFC~~	~~As per IBC and IFC~~	~~As per IBC and IFC~~
~~Maximum Lot Coverage of Structures and Other Impervious Surfaces~~	~~75%~~	~~None~~	~~None~~	~~85%~~	~~None~~
~~Minimum Landscaped Area/Landscaping Requirements~~	~~Per Chapter 18.78 MMC~~	~~Per Chapter 18.78 MMC~~	~~Per Chapter 18.78 MMC~~	~~Per Chapter 18.78 MMC~~	~~Per Chapter 18.78 MMC~~

~~Site Requirement~~	~~Downtown Commercial Zone Neighborhoods~~				
	~~Residential Neighborhood~~	~~Rails and Roads Neighborhood~~	~~Historic Main Area[1]~~	~~East Downtown Neighborhood~~	~~Downtown Promenade~~
~~District Symbol~~	~~RN~~	~~RR~~	~~HM~~	~~ED~~	~~DTP~~
~~Maximum Height (In Feet)~~	~~35 ft.~~	~~35 ft.[6]~~	~~35 ft.[3]~~	~~35 ft.[3]~~	~~35 ft.[3]~~
~~Maximum Height (In Feet) for Mixed-Use Buildings[7]~~	~~None~~	~~None~~	~~55 ft.~~	~~55 ft.~~	~~55 ft.~~
~~Ground Floor Use Requirement for Mixed-Use Buildings~~	~~None~~	~~None~~	~~None~~	~~None~~	~~Commercial~~
~~Design Criteria~~	~~None~~	~~None~~	~~Yes – MMC 18.12.150~~	~~Yes – MMC 18.12.160~~	~~Yes – MMC 18.12.155~~
~~Minimum First Story Height (Mixed-Use)[8]~~	~~None~~	~~None~~	~~15 ft.~~	~~15 ft.~~	~~15 ft.~~
~~Minimum Lot Area~~	~~Office – 4,000 sq. ft.~~	~~None~~	~~None~~	~~None~~	~~None~~
~~Floor Area Ratio (FAR)[2]~~	~~N/A~~	~~N/A~~	~~1.7:1~~	~~1.7:1~~	~~1.7:1~~
~~Bonus FAR for Residential~~	~~N/A~~	~~N/A~~	~~0.5[4]~~	~~0.5[4]~~	~~0.5[4]~~
~~Bonus FAR for Underground Parking~~	~~N/A~~	~~N/A~~	~~0.5[5]~~	~~0.5[5]~~	~~0.5[5]~~

~~1. New single-family development in the Historic Main neighborhood will follow the bulk requirements for the Residential neighborhood.~~
~~2. Critical areas located on the lot count toward the FAR.~~
~~3. Mixed-use facilities may achieve twenty-foot height bonus.~~
~~4. If the structure is mixed-use, a minimum of one story must be dedicated to residential use.~~
~~5. Bonus FAR of 0.5 for buildings which provide one full level of parking below grade.~~
~~6. Maximum height of thirty-five feet is measured from the grade level at U.S. Highway 2 to the roofline for buildings fronting U.S. Highway 2 (see diagram below).~~



~~7. Portions of the building greater than thirty-five feet in height must be stepped back a minimum of five feet from the front facade.~~
~~8. Minimum height of ground floor shall be fifteen feet in height, from top to top of the successive finished floor surfaces on applicable buildings, as illustrated in Figure 18.12-1.~~



~~Figure 18.12-1. Measurement of ground floor height.~~

~~18.12.210 Exceptions and clarifications.~~
~~A. Parking is not considered to be a commercial use for the purposes of satisfying the ground floor commercial use requirement. Ground floor parking is allowed under the following circumstances:~~
~~1. The parking lot is behind commercial suites on the ground level.~~
~~2. Commercial use requirement will be satisfied on the second story.~~
~~3. Additional landscape screening is provided.~~
~~B. Commercial space located on the ground floor shall be directly accessible, by an entry, from the sidewalk.~~

~~**18.12.220 Downtown commercial parking.**~~

~~A. Off-street parking shall be provided per Chapter 18.86 MMC, throughout the downtown commercial zone, with the following exceptions:~~

~~1. The Historic Downtown neighborhood is exempt from off-street commercial parking requirements; however, for new construction on-site parking is encouraged when feasible.~~

~~B. The director or designee may approve a reduction of up to twenty percent of the required off-street parking spaces, per MMC 18.86.050, when the applicant provides one or more of the following:~~

~~1. The applicant submits a parking study, by a qualified professional, substantiating that the parking need can be met by the proposed reduction.~~

~~2. The applicant sets aside land equal to the reduction area, which can be converted to parking, if a change in use or tenant occurs that increases the minimum required off-street parking, per MMC 18.86.050; in such case, the land set aside must be converted to parking.~~

~~3. For every five bicycle spaces provided, per subsection (C) of this section, or for each bicycle locker (two-bicycle capacity), the minimum motor vehicle parking space requirements may be reduced by one space up to five percent of the total required off-street parking spaces.~~

~~4. On sites where at least twenty parking spaces are required and where at least one frontage abuts a designated roadway, transit supportive plazas may be substituted for up to ten percent of required vehicle parking when:~~

~~a. The plaza is adjacent to the arterial street (if there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop);~~

~~b. The plaza must be at least two hundred square feet in area and be shaped so that a ten-foot by ten-foot square will fit entirely within the plaza; and~~

~~c. The plaza must be open to the public, contain a bench or other sitting area and shall have at least ten percent and no more than twenty-five percent landscaping.~~

~~5. The applicant enters into joint parking agreement, for use of a cooperative parking facility, in accordance with MMC 18.86.070 and 18.86.080. Through a joint parking agreement, the twenty percent reduction may be increased if all cooperative parking facility criteria are met.~~

~~C. Standards for Bicycle Parking. Any bicycle parking implemented under this section must meet the following standards:~~

~~1. Bicycle parking must be provided at the ground level, and may be provided in floor or wall racks that hold bicycles securely. Bicycles may be tipped vertically for storage, but not hung above the ground. If the bicycle parking is placed in the public right-of-way, it shall not obstruct pedestrian walkways or damage required landscaping.~~

~~2. Where required bicycle parking is provided with racks, the racks must meet the following standards:~~

~~a. The rack must hold the bicycle securely by means of the frame. The frame must be able to be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels;~~

~~b. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;~~

c. The rack must be securely anchored to the ground or adjacent structure with theft-resistant hardware.

3. Where bicycle parking is provided with lockers, such lockers must meet the following standards:

a. An area of at least six feet of horizontal distance shall be provided around the entrance of each locker that is free from obstructions; and

b. The lockers must be securely anchored to the ground or adjacent structure with theft-resistant hardware.

D. Underground parking is encouraged throughout the downtown commercial zone.

Chapter 18.15
ESSENTIAL PUBLIC FACILITIES

Sections:

18.15.010 Purpose and applicability.
18.15.020 Exemptions.
18.15.030 Identification of essential public facilities and determination of local, regional, state, or federal facility.
18.15.040 Special use permit required for essential public facilities.
18.15.050 Decision criteria for local essential public facilities.
18.15.060 Development agreement for regional, state, or federal essential public facilities.
18.15.070 Modifications for development agreements.
18.15.080 Independent consultant review.
18.15.090 Building permit application.

18.15.010 Purpose and applicability.

The purpose of this chapter is to establish a formal process for identifying and siting essential public facilities and minimizing their adverse impacts. Essential public facilities are defined in MMC 18.02.050 and include, but are not limited to, airports, state education facilities, state or regional transportation facilities, jails and other correctional facilities.

Nothing in this chapter shall be construed as precluding the siting of essential public facilities within the city of Monroe, when consistent with the Washington State Growth Management Act and other state statutes and regulations. For the purposes of this chapter, “preclude” is defined as to render impossible or impracticable, and “impracticable” is defined as not practicable, incapable of being accomplished by the means employed or at command.

18.15.020 Exemptions.

The following are exempted from the provisions of this chapter:

A. Additions to existing essential public facilities, within the existing property boundaries, which are exempt from review under the Washington State Environmental Policy Act, Chapter 20.04 MMC and Chapter 43.21 RCW.

B. Essential public facilities for which the city’s regulatory authority is preempted by state or federal law, or is otherwise inconsistent with state or federal law.

18.15.030 Identification of essential public facilities and determination of local, regional, state, or federal facility.

~~During the preapplication meeting, the director shall determine if an application is an essential public facility.~~

~~18.15.040 Special use permit required for essential public facilities.~~

~~A. Essential public facilities shall qualify as special uses, subject to the requirements of Chapter 18.96 MMC, Outline of Procedures for Conditional and Special Use Permits, Variances and Administrative Appeals, and Chapter 18.97 MMC, Special Use Permits.~~

~~B. Essential public facilities shall be limited to the zoning districts identified in MMC 18.10.050, Zoning land use matrix. Facilities sited by a regional decision-making body, such as the state or federal government, shall not be subject to MMC 18.15.050.~~

~~C. The application shall be made according to the submittal requirements checklist provided by the community development department pursuant to MMC 18.97.040, Application requirements, and include the fee as established by the current fees resolution.~~

~~D. The special use permit application shall also include a public participation plan designed to encourage early public involvement in the permitting decision and in determining possible mitigation measures.~~

~~E. An essential public facility must satisfy the conditions of this chapter and Chapter 18.97 MMC, Special Use Permits.~~

~~F. Special use permits for essential public facilities may not be conditioned or denied to the extent that the condition or denial would preclude the siting of the essential public facility.~~

~~18.15.050 Decision criteria for local essential public facilities.~~

~~The hearing examiner may approve, or approve with conditions, a special use permit application for a local essential public facility only when the proposal meets all of the following criteria in addition to the criteria imposed by Chapter 18.96 MMC; provided, that this section shall not apply to facilities sited by a regional decision-making body:~~

~~A. The proposal is consistent with the comprehensive plan;~~

~~B. The project sponsor has demonstrated the need for the project, supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;~~

~~C. If applicable, the project will serve a significant share of the city's population, and the proposed site will reasonably serve the project's overall service population;~~

~~D. The sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology;~~

~~E. The project is consistent with the sponsor's own long-range plans for facilities and operations;~~

~~F. The project will not result in a disproportionate burden on a particular geographic area;~~

~~G. The sponsor has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state or federal law;~~

~~H. The proposal complies with applicable city requirements of Chapter 18.10 MMC, Land Use Zoning District and District Requirements, and all other applicable provisions of the city code;~~

~~I. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size~~

~~of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs;~~
~~J. The proposal, as conditioned, adequately mitigates adverse impacts to life, limb, property, the environment, public health and safety, transportation system, economic development, and other identified impacts;~~
~~K. The proposal incorporates specific features to ensure that it is compatible to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding properties; and~~
~~L. The project sponsor has proposed mitigation measures that provide substantial assistance to displaced or impacted businesses in relocating within the city of Monroe and greater Snohomish County.~~

~~18.15.060 Development agreement for regional, state, or federal essential public facilities.~~
~~A development agreement is encouraged for all regional, state, and federal essential public facilities. The council shall strive to reach accord on an agreement that satisfies the following criteria to the extent the criteria do not preclude the siting of an essential public facility:~~
~~A. The proposed agreement is compatible with the goals and policies of the comprehensive plan;~~
~~B. The proposed agreement is consistent with applicable development regulations, unless modified by MMC 18.15.070;~~
~~C. The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided, that if the development is not defined at a project level, the agreement shall provide a process for evaluating and mitigating such impacts in the future; and~~
~~D. The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety.~~

~~18.15.070 Modifications for development agreements~~.
~~The city council may approve a development agreement that creates exemptions or modifications to the requirements of this title to the extent necessary to avoid preclusion of an essential public facility sited by a regional decision-making authority.~~

~~18.15.080 Independent consultant review~~.
~~A. The department may require independent consultant review of the proposal and to assess its compliance with the criteria contained in this chapter.~~
~~B. If independent consultation is required, the sponsor shall follow the provisions of MMC 3.34.040, Reimbursement for consultant costs.~~

~~18.15.090 Building permit application.~~
~~A. Any building permit for an essential public facility approved under this chapter shall comply with all conditions of approval in the special use permit. In the event a building permit for an EPF is denied, the department shall submit, in writing, the reasons for denial to the project sponsor.~~
~~B. No construction permits may be applied for prior to approval of a special use permit for an essential public facility unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the department's acceptance of the construction permit applications. The applicant shall expressly hold the city~~

~~harmless and accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter.~~

~~Chapter 18.20~~
~~CONTRACT AND BINDING SITE PLAN ZONE (CBS)~~
~~(Repealed by Ord. 008/2009)~~

~~Chapter 18.30~~
~~HOME OCCUPATIONS~~

~~**Sections:**~~

~~18.30.010 Purpose.~~
~~18.30.020 Permit procedures.~~
~~18.30.030 General requirements.~~
~~18.30.040 Criteria for minor home occupations.~~
~~18.30.050 Criteria for major home occupations.~~
~~18.30.060 Exemptions.~~
~~18.30.070 Prohibited activities.~~
~~18.30.080 Preexisting home occupations.~~
~~18.30.090 Violations.~~

~~18.30.010 Purpose.~~

~~The purpose of this chapter is to establish criteria and development standards to allow home occupations in dwelling units within residential zoning districts and other zoning districts that allow residential uses. The criteria and development standards allow residents to carry on a business within their residence while protecting neighboring residents from excessive noise, traffic, nuisances, fire hazards and other possible potential negative impacts from the maintenance of a commercial use within a residential neighborhood.~~

~~The provisions contained herein shall supersede all provisions to the contrary found elsewhere in this title.~~

~~18.30.020 Permit procedures.~~

~~A. Minor Home Occupations. A home occupation that complies with the criteria established in MMC 18.30.030 and 18.30.040 shall be considered minor and permitted in all zoning districts in which home occupations are a permitted use. Administrative review by the community development department will commence upon the city's receipt of a business license application to determine compliance with this chapter.~~

~~A dwelling unit being used for the purposes of phone service and as a mail stop for a business that is conducted away from such dwelling unit shall be considered a minor home occupation. The applicant is required to submit a letter with the home occupation business license, describing the business and its consistency with the above description.~~

~~B. Major Home Occupations. A home occupation that complies with the criteria established in MMC 18.30.030 and 18.30.050 shall be considered major and shall commence only after the issuance of a conditional use (CU) permit as outlined in Chapter 18.96 MMC and meeting the conditions of~~

~~MMC 18.30.050. The community development department will determine if the proposed business is a major home occupation at the time of business license application.~~

~~18.30.030 General requirements.~~

~~All home occupations shall meet the following criteria:~~

~~A. The business shall be incidental to the use of such dwelling unit for residential purposes.~~

~~B. The business owner shall reside in and own, lease or rent the dwelling unit the business is operated from.~~

~~C. Limited on-premises sale of products or stock-in-trade is permitted, provided the applicant can clearly demonstrate such sales will not be inconsistent with other general requirements of this section. Examples of allowable on-premises sales include cosmetics or similar products associated with a business where most products are delivered to a customer's address, hair care products associated with a barber/beauty shop, and instructional materials pertinent to the home occupations, e.g., music books.~~

~~D. No outdoor storage or other exterior indication of the business shall be visible beyond the subject property with the exception of one two-square-foot, nonilluminated sign.~~

~~E. Commercial vehicles shall not be used unless in conformance with the provisions of MMC 18.86.040(L), general requirements regarding commercial vehicles, which states no commercial vehicles over eight thousand pounds gross vehicle weight, machinery, bulldozers or similar construction equipment shall be allowed to be stored or parked in any residential zones without a permit as required by other city ordinances.~~

~~F. A business license from the city shall be obtained as required by MMC Title 5, Business Regulations and Licensing.~~

~~G. No noise vibration, emissions, dust, odor, heat or glare that would exceed what is normally associated with a dwelling shall be produced by the business beyond the subject property.~~

~~H. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.~~

~~I. No structural or decorative alteration to the dwelling unit is permitted related to the home occupation.~~

~~J. Delivery service shall neither restrict traffic or circulation nor overload public or private roads.~~

~~K. All permits for home occupations are issued to an individual applicant and shall not be transferred or otherwise assigned to any other person. The permit will automatically expire when the applicant named on the permit application moves from the site. The home application shall also automatically expire if the permittee fails to maintain a valid city of Monroe business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described in the application form.~~

~~18.30.040 Criteria for minor home occupations.~~

~~Minor home occupations shall meet all the criteria established in MMC 18.30.030 and the following criteria:~~

~~A. No more than one person who is not a resident of the dwelling unit shall be employed in the home occupation at any one time.~~

~~B. The business shall be conducted wholly in the dwelling unit and/or attached structures, including garages.~~
~~C. The home occupation shall be limited to twenty-five percent of the gross floor area of the dwelling unit and attached garage, including the storage of associated materials.~~
~~D. No expansion of the parking area is allowed beyond that required for a residence. No parking in the setbacks or buffers is allowed, except driveways.~~
~~E. The use shall not generate additional vehicle traffic beyond that typical for the residence and one employee. No more than twenty total vehicle trips per day are permitted for the residence.~~

~~18.30.050 Criteria for major home occupations.~~
~~A. A major home occupation is any business that employs more than one nonresident employee or impacts the neighborhood beyond the conditions of a minor home occupation as determined by the community development department.~~
~~B. Major home occupations will be encouraged to locate within transitional areas and commercial zoning districts that allow residential uses.~~
~~C. Major home occupations shall be allowed subject to a conditional use permit, and shall meet all the requirements set forth in MMC 18.30.030 and the following requirements:~~

~~1. The business may be conducted within the dwelling unit or any other accessory building on the premises.~~
~~2. The business, including operations and storage, shall occupy no more than thirty percent of the residential gross floor area.~~
~~3. The building official shall determine the maximum occupancy load of the residence in which the home occupation is proposed; the hearing examiner shall consider this number along with all other pertinent facts and comments in determining the maximum number of employees allowed on the premises to work in the home occupation at any one time.~~
~~4. The subject property shall not be altered except to install screening or buffers or to provide additional off-street parking stalls, as required by the condition of the approved permit. No parking in yards and buffers shall be allowed, except driveways.~~
~~5. Access ways shall be accessible to emergency vehicles.~~
~~6. An approved conditional use permit for a major home occupation shall be nontransferable to any other property and shall be nontransferable to any future tenant or property owner of the subject dwelling unit the conditional use permit was applied for.~~
~~7. Additional requirements may be necessary to protect the public health, safety and welfare of the neighborhood depending upon the home occupation applied for.~~

~~18.30.060 Exemptions.~~
~~A. Garage sales that meet the requirements of Chapter 5.04 MMC, Garage Sales; yard sales; bake sales; temporary home boutiques or bazaars for handcrafted items; parties for the display of domestic products; and other like uses that do not need to comply with the requirements of this chapter as long as the use does not operate for more than four days semiannually or in violation of other provisions of this code.~~
~~B. Home day care centers and family day care centers as defined by this code. The Washington State Department of Social and Health Services preempts the city's ability~~

~~to regulate these facilities. Applicants wishing to attain a business license from the city shall submit a copy of their state license with a completed business license application.~~

~~18.30.070 Prohibited activities.~~
~~Because the following activities have a pronounced tendency to expand beyond the limits permitted for home occupations, negatively impact residential neighborhoods, and create a nuisance, the following activities are prohibited:~~
~~A. The retail sale of goods and products not produced or fabricated on the premises of the dwelling unit.~~
~~B. The outdoor storage of building or construction materials, tractor-trailers, semi-trucks, heavy equipment, vehicles, recreational vehicles (RVs), or boats associated with a home occupation.~~
~~C. Any manufacturing business or activity that produces noxious matter or perceptible noise beyond the lot line.~~

~~18.30.080 Preexisting home occupations.~~
~~Any home occupation that lawfully existed prior to the effective date of the ordinance codified in this chapter shall be allowed to continue in accordance with Chapter 18.72 MMC, Nonconforming Lots, Structures and Uses. MMC 18.72.040, Nonconforming uses, does not permit the expansion of preexisting nonconforming uses.~~

~~18.30.090 Violations.~~
~~Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for such violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies of Chapter 1.04 MMC. The business license for the home occupation may be revoked as one of the remedies in the code enforcement process of Chapter 1.04 MMC.~~

~~Chapter 18.40~~
~~ACCESSORY DWELLING UNITS~~

~~Sections:~~
~~18.40.000 Purpose.~~
~~18.40.010 Density limit – Limitation on total occupancy.~~
~~18.40.020 Application and filing.~~
~~18.40.030 Criteria.~~
~~18.40.040 Nontransferability.~~
~~18.40.050 Permit conditions.~~
~~18.40.060 Severability.~~

~~18.40.000 Purpose.~~
~~The purpose of this chapter is to regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods. The primary purpose of this chapter is to permit the establishment of additional living quarters within single-family residential neighborhoods in order to (A) make it possible for adult children to provide care and support to a parent or other relative in need of assistance, (B) provide increase security and companionship~~

~~for homeowners, (C) provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership, or (D) provide for the care of disabled persons within their own homes.~~

~~18.40.010 Density limit – Limitation on total occupancy.~~

~~No accessory dwelling unit shall be occupied by more than one family as defined in MMC 18.02.060. This limitation shall be interpreted to accomplish its purpose, which is to ensure that the approval of an accessory dwelling unit shall not increase the overall density of a single-family residential neighborhood.~~

~~18.40.020 Application and filing.~~

~~A. Application. Any person desiring the approval of an accessory dwelling unit as defined by this code shall submit an application containing all the information required by this title as well as the following:~~

~~1. An affidavit, signed by the property owner before a notary public, affirming that the owner occupies either the primary residence or the accessory dwelling unit for more than six months of the year.~~

~~2. A covenant, in a form acceptable by the city attorney and suitable for recording with the county auditor, providing notice to future owners or long-term lessors of the subject site that the existence of the accessory dwelling unit or the primary unit is predicated upon the occupancy of either the accessory dwelling unit or the primary dwelling unit by the current owner of the property, and that the current owner must have a signed affidavit on file with the city, meeting the requirements of subsection (A)(1) of this section. The covenant shall also require any owner of the property to notify prospective buyers of the limitation of this chapter and to provide for the removal of improvements added to convert the premises to an accessory dwelling in the event that any condition of approval is violated.~~

~~B. Filing Fee. All applications for an accessory dwelling unit shall be accompanied by the fee for the permit as specified by the fee resolution in place at the time the application is submitted.~~

~~18.40.030 Criteria.~~

~~A. Permit Required. Any person who occupies or permits another person to occupy an accessory dwelling unit as a place of residence shall first obtain a permit. The permit shall be reviewed and processed in accordance with the requirements of MMC 21.20.020 (administrative approval) and MMC 21.50.020 (notice), Administrative Decision Notice required.~~

~~B. Number of Units. A single-family dwelling may have no more than one accessory dwelling unit per lot.~~

~~C. Size. In no case shall the floor area of an accessory dwelling unit, whether attached or detached, be larger than forty percent of the floor area of the principal dwelling, or exceed a total of eight hundred square feet in size, whichever is less. An accessory dwelling unit shall contain no more than two bedrooms. If the accessory dwelling unit is completely located on a single floor of the principal dwelling, the community development director may allow an increase in size to fifty percent of the floor area of the principal dwelling in order to efficiently use all floor area, so long as all other standards set forth in this chapter and MMC 18.10.140, Bulk requirements, are met.~~

~~D. Location and Appearance. The single-family appearance and character of the residence shall be maintained when viewed from the surrounding neighborhood. The design of the accessory dwelling unit shall be designed to maintain the architectural design, style, appearance and character of the main building as a single-family residence using matching materials, colors, window style, and roof design. The primary entrance to the accessory dwelling unit should be placed at the side or rear of the building. Only one electric and one water meter shall be allowed for the entire lot, serving both the primary and accessory dwelling unit.~~

~~E. Parking. One additional parking stall is required for the accessory dwelling unit, requiring a total of three off-street parking stalls for the site. In the event that the proposed accessory dwelling unit is within a preexisting nonconforming residential lot, this requirement may be waived or reduced by the community development director when documentation is provided, and information is provided that there is not enough room on the site to accommodate the required parking stalls.~~

~~F. Occupancy. Either the primary or accessory dwelling unit shall be owner-occupied. "Owner-occupied" shall mean a property owner who makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the owner-occupied unit. The owner(s) shall not rent the designated owner-occupied unit at any time during the possession of the accessory dwelling unit (ADU) permit and such rental shall void the permit. The owner(s) shall not rent any portion of the owner-occupied unit for any period. In no event shall the total number of occupants of either the ADU or owner-occupied residence exceed one family as defined in MMC 18.02.060.~~

~~G. Safety, Light, Ventilation, Floor Area, and Similar Factors. Accessory dwelling units shall comply with all applicable requirements of the International Residential Code adopted by MMC Title 15, Buildings and Construction.~~

~~18.40.040 Nontransferability.~~

~~A permit for an accessory dwelling unit shall not be transferable to any site other than the subject site described in the application.~~

~~18.40.050 Permit conditions.~~

~~In addition to the conditions imposed during the permit approval process, permits for accessory dwelling units shall state and are expressly subject to the conditions that such a permit shall expire automatically whenever:~~

~~A. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the permitting authority and building official.~~

~~B. The subject site ceases to maintain the required number of parking spaces.~~

~~C. The property owner ceases to reside in either the primary residence or accessory dwelling unit, the owner-occupied unit is rented, or the current owner fails to file the affidavit required under MMC 18.40.020.~~

18.40.060 Severability.

~~If any section, sentence, clause or phrase of this chapter 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 chapter.~~

~~Chapter 18.50~~
~~WIRELESS COMMUNICATIONS FACILITIES~~

~~**Sections:**~~

~~18.50.010 Purpose.~~
~~18.50.020 Definitions.~~
~~18.50.030 Exemptions.~~
~~18.50.040 Site selection criteria.~~
~~18.50.050 Priority of locations.~~
~~18.50.060 Siting priority on public property.~~
~~18.50.070 Required submittals and testing.~~
~~18.50.080 Co-location.~~
~~18.50.090 Design criteria.~~
~~18.50.100 Permits required.~~
~~18.50.110 Inspection requirements.~~
~~18.50.120 Non-use/abandonment.~~
~~18.50.130 Third party review.~~
~~18.50.140 Violation – Penalty.~~

18.50.010 Purpose.

~~A. The purpose of this chapter is to establish general guidelines for the siting of towers and antennas. The goals of this chapter are to:~~

~~1. Enhance the ability of personal wireless service providers to provide such services throughout the city quickly, effectively, and efficiently;~~

~~2. Encourage personal wireless service providers to locate towers and antenna in nonresidential areas;~~

~~3. Encourage personal wireless service providers to co-locate on new and existing tower sites;~~

~~4. Encourage personal wireless service providers to locate towers and antennas, to the extent possible, in areas where the adverse impact on city residents is minimal;~~

~~5. Encourage personal wireless service providers to configure towers and antennas in a way that minimizes any significant adverse visual impact; and~~

~~6. Provide for the wireless communications needs of governmental entities.~~

~~Accordingly, the city council finds that the promulgation of this chapter is warranted and necessary:~~

~~1. To manage the location of towers and antennas in the city;~~

~~2. To protect residential areas and land uses from potential adverse impacts of towers;~~

~~3. To minimize adverse visual impacts of towers through careful design, siting, landscape screening, and innovative camouflaging techniques;~~

~~4. To accommodate an increased need for towers to serve the wireless communications needs of city residents;~~

~~5. To promote and encourage co-location on existing and new towers as an option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future;~~

6. To consider the public health and safety of towers to the extent permitted by the Telecommunications Act of 1996; and

7. To avoid potential damage to adjacent properties through sound engineering practices and the proper siting of antenna support structures.

B. New Uses. All new antennas shall comply with this chapter after the date of passage of the ordinance codified in this chapter.

C. Existing Uses. All towers and antennas existing on the date of passage of the ordinance codified in this chapter shall be allowed to continue as they presently exist, but will be considered nonconforming uses. Routine maintenance shall be permitted on existing towers and antennas. However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the requirements of this chapter.

1. These standards were developed to protect the public health, safety, and welfare, to protect property values and minimize visual impact while furthering the development of enhanced telecommunication services in the city and providing for wireless communications necessary for governmental purposes. These standards were designed to comply with the Telecommunications Act of 1996. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

2. To the extent that any provision of this chapter is inconsistent or conflicts with any other city ordinance this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the city.

3. The city shall approve, approve with conditions, or deny the application in accordance with the time frames set forth in MMC Title 21, Development Review Procedures, and in accordance with other applicable ordinances.

18.50.020 Definitions.

For the purpose of this chapter, the following terms shall have the meaning ascribed to them below:

"Abandonment" means to cease operation for a period of sixty or more consecutive days.

"Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with another person.

"Antenna" means any exterior apparatus designed for telephonic, radio, data, internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular," "enhanced specialized mobile radio" and "personal communications services," telecommunications services, and its attendant base station.

"Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the

~~support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.~~
~~"Antenna support structure" means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.~~
~~"Applicant" means any provider or any person, partnership, company, or government agency that files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the city.~~
~~"Balloon test" means a test for a reasonable period of time, not less than three consecutive workdays, whereby a balloon of sufficient size to replicate the size of the top of a proposed tower and antenna array is tethered to the ground at the location of the proposed base for a pending new tower application and the balloon is suspended at the height that replicates the height of the proposed tower and antenna array. No trees shall be removed to conduct the balloon test.~~
~~"Cable acts" means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, as amended by portions of the Telecommunications Act of 1996, and as hereafter amended.~~
~~"Cable operator" means a telecommunications carrier providing or offering to provide "cable service" within the city as that term is defined in the cable acts.~~
~~"Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.~~
~~"Cable television service provider" means a service provider that provides cable television services within the city under a franchise.~~
~~"Camouflaged" means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly screened from view.~~
~~"Cell site" or "site" means a tract or parcel of land that contains personal wireless service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.~~
~~"City" means the city of Monroe.~~
~~"City property" means all real property owned by the city whether in fee ownership or other interest.~~
~~"Co-location" means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.~~
~~"Conditional use permit" or "CUP" means a process and approval as described in MMC Title 21, Administration of Development Regulations, and in the MMC Title 18, Zoning.~~
~~"COW" means "cell on wheels." A cell on wheels or other temporary personal wireless communications facility shall be permitted for a maximum of ninety days in any three hundred sixty-five day period or during an emergency declared by the city.~~
~~"Design" means the appearance of personal wireless service facilities, including such features as their materials, colors, and shape.~~
~~"EIA" means the Electronics Industry Association.~~
~~"Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication~~

~~signals. Associated equipment may include air conditioning, backup power supplies and emergency generators.~~
~~"Excess capacity" means the volume or capacity in any existing or future duct, conduit, manhole, handhold or other utility facility within the right-of-way that is or will be available for use for additional telecommunications facilities.~~
~~"Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communications and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.~~
~~"FCC" or "Federal Communications Commission" means the federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.~~
~~"Franchise" means the general authority granted by the city council to a telecommunications service provider or to a cable television service provider to use city rights-of-way to provide services to locations within the city. A franchise issued by the city is a master permit within the meaning of RCW 35.99.010(3).~~
~~"Governing authority" means the city council of the city of Monroe.~~
~~"Governmental entity" means the state of Washington, Snohomish County, the city, municipally owned utilities, and special purpose districts including the school, fire and library districts.~~
~~"Grantee" means both licensees and franchisees granted certain rights and obligations as more fully described herein.~~
~~"Hearings examiner" means the duly appointed hearings examiner of the city.~~
~~"License" means the general authority granted by the city to a service provider to use city rights-of-way to provide telecommunications services to locations outside of the city. A license issued by the city is a master permit within the meaning of RCW 35.99.010(3).~~
~~"Modification" means the changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design.~~
~~"Mount" means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts:~~
~~A. Building Mounted. A personal wireless service facility mount fixed to the roof or side of a building.~~
~~B. Ground Mounted. A personal wireless service facility mount fixed to the ground, such as a tower.~~
~~C. Structure Mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.~~
~~"Occupy" means to construct, install, maintain, own, or operate telecommunications facilities located within city rights-of-way. The mere passage of electronic signals over, under, or through rights-of-way via telecommunications facilities owned by another telecommunications provider does not constitute occupying the rights-of-way.~~
~~"Overhead facilities" means utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.~~
~~"Person" means corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, other entities and individuals.~~

~~"Personal wireless service," "personal wireless service facilities," and "facilities" used in this title shall be defined in the same manner as in Title 47, USC, Section 332(c)(7)(C), as they may be amended now or in the future, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.~~
~~"Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual that provides personal wireless service over personal wireless service facilities.~~
~~"Rights-of-way" means land acquired or dedicated for public roads and streets but does not include (a) land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public; (b) structures, including poles and conduits, located within the right-of-way; or (c) federally granted railroad rights-of-way acquired under 43 USC, Section 912, and related provisions of federal law, that are not open for motor vehicle use.~~
~~"Right-of-way use permit" means the authorization by which the city grants permission to a service provider to enter and use the right-of-way at a specific location for the purpose of installing, maintaining, repairing, or removing identified facilities.~~
~~"Screening" means a continuous fence and/or evergreen landscaped planting that effectively obscures the property it encloses.~~
~~"Service provider" means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating or managing any facilities used to provide and providing telecommunications or cable television services for hire, sale, or resale to the general public. Service provider includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city or town.~~
~~"State" means the state of Washington.~~
~~"Surplus space" means that portion of the usable space on a utility pole which has the necessary clearance from other pole users, as required by the orders and regulations of the Washington Utilities and Transportation Commission, to allow its use by a telecommunications carrier for a pole attachment.~~
~~"Secondary use" means a use subordinate to the principle use of the property, such as commercial, residential, utilities, etc.~~
~~"Security barrier" means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.~~
~~"Telecommunications carrier" includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of providing telecommunications services to locations outside the city.~~
~~"Telecommunications service" means transmission of information, except cable television service, by wire, radio, optical cable, electromagnetic, or other similar means, for hire, sale, or resale to the general public. For the purposes of definition "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service excludes the over-the air transmission of broadcast television or broadcast radio signals, facilities necessary for governmental purposes, the city shall act within a reasonable period of time, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The city shall approve, approve with condition, or deny the application in~~

~~accordance with the time frames set forth in MMC Title 21, Administration of Development Regulations, and in accordance with other applicable ordinances.~~
~~"Telecommunications service provider" includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the city, used or to be used for the purpose of offering telecommunications services, except cable television service, to residents, businesses or other locations within the city.~~
~~"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.~~
~~"Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for overhead facilities.~~
~~"Usable space" means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified in the orders and regulations of the Washington Utilities and Transportation Commission.~~
~~"Utility facilities" means the plant, equipment and property including, but not limited to, the poles, pipes, mains, conduits, ducts, cables, wires, plant and equipment located under, on or above the surface of the ground within rights-of-way and used or to be used for the purpose of providing utility or telecommunications services.~~
~~"Unlicensed wireless services" means commercial mobile services that operate on public frequencies and do not need an FCC license.~~
~~"Washington Utilities and Transportation Commission" or "WUTC" means the state administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers in the state of Washington to the extent prescribed by law.~~

~~18.50.030 Exemptions.~~
~~The following are exempt from the provisions of this chapter and shall be permitted in all zones:~~
~~A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.~~
~~B. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.~~
~~C. Radar systems for military and civilian communication and navigation.~~
~~D. Wireless radio utilized for temporary emergency communications in the event of a disaster.~~
~~E. Licensed amateur (ham) radio stations.~~
~~F. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when used as a secondary use of the property.~~
~~G. Routine maintenance or repair of a personal wireless service facility and related equipment (excluding structural work or changes in height, type or dimensions of antennas, towers, or buildings); provided, that compliance with the standards of this chapter are maintained.~~

~~H. Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until thirty days after the completion of such emergency activity.~~
~~I. A COW or other temporary personal wireless telecommunications facility shall be permitted for a maximum of ninety days in any three hundred sixty-five day period or during an emergency declared by the city.~~

~~18.50.040 Site selection criteria.~~
~~A. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall evaluate different sites to determine which site will provide the best screening and camouflaging while providing adequate service to satisfy its function in the applicant's local grid system. If the applicant proposes a site that does not provide the best opportunities for screening and camouflaging then the applicant must demonstrate by engineering evidence why the facility cannot be located at the site where it can be best screened and camouflaged and why the antenna must be located at the proposed site. Further, the applicant must demonstrate by engineering evidence that the height requested is the minimum height necessary to fulfill the site's function within the grid system.~~
~~B. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.~~
~~C. Low power mobile radio service facilities shall be located and designed to minimize any significant adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.~~
~~D. In all zones, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zone district. In all zones, towers shall be significantly screened by placing them in trees to the extent that it does not result in significant signal degradation.~~

~~18.50.050 Priority of locations.~~
~~The order of priorities for locating new personal wireless service facilities shall be as follows:~~
~~A. Place antennas and towers on appropriate rights-of-way and existing structures, such as buildings, towers, and water towers in the industrial and commercial zoning districts.~~
~~B. Place antennas and towers in districts zoned Professional Office, Public Open Space and Limited Open Space.~~
~~C. Place antennas and towers in Residential zoning districts.~~
~~1. An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a nonresidential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.~~
~~2. Applicants are required to demonstrate: (i) that they have contacted the owners of structures in excess of thirty feet within a one-quarter mile radius of the site proposed and which from a location standpoint could provide part of a network for~~

~~transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than the ability or refusal of the applicant to pay a market rate for use of the alternative structures.~~

~~3. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.~~

~~18.50.060 Siting priority on public property.~~

~~A. Where public property is sought to be utilized by an applicant, priority for the use of city-owned land for wireless antennas and towers will be given to the following entities in descending order:~~

~~1. City of Monroe;~~

~~2. Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the city of Monroe and private entities with a public safety agreement with the city of Monroe;~~

~~3. Other governmental entities, for uses that are not related to public safety; and~~

~~4. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, internet, paging, and similar services that are marketed to the general public.~~

~~B. Minimum Requirements. The placement of personal wireless service facilities on city-owned property must comply with the following requirements:~~

~~1. The facilities will not interfere with the purpose for which the city-owned property is intended;~~

~~2. The facilities will have no significant adverse impact on surrounding private property;~~

~~3. The applicant shall obtain adequate liability insurance naming the city as loss payee and commit to a lease agreement that includes equitable compensation for the use of public land and other necessary provisions and safeguards. The city shall establish fees after considering comparable rates in other cities, potential expenses, risks to the city, and other appropriate factors;~~

~~4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the city to cover the costs of removing the facilities;~~

~~5. The lease shall provide that the applicant must agree that in the case of a declared emergency or documented threat to public health, safety or welfare and following reasonable notice the city may require the applicant to remove the facilities at the applicant's expense. Telecommunication facilities serving essential government services and other government agencies shall have priority over other users.~~

~~6. The applicant must reimburse the city for any related costs that the city incurs because of the presence of the applicant's facilities;~~

~~7. The applicant must obtain all necessary land use approvals; and~~

~~8. The applicant must cooperate with the city's objective to encourage co-locations and thus limit the number of cell sites requested.~~

~~C. Special Requirements for Parks. The use of city-owned parks for personal wireless service facilities brings with it special concerns due to the unique nature of these sites.~~

~~The placement of personal wireless service facilities in a park will be allowed only when the following additional requirements are met:~~

~~1. The park board has reviewed and made a recommendation regarding proposed personal wireless service facilities to be located in the park and this recommendation must be forwarded to the city council for consideration;~~

~~2. In no case shall personal wireless service facilities be allowed in designated critical areas (except aquifer recharge areas) unless they are co-located on existing facilities;~~

~~3. Before personal wireless service facilities may be located in public parks, visual impacts and disruption of normal public use shall be mitigated;~~

~~4. Personal wireless service facilities may be located in public parks that are adjacent to an existing commercial or industrial zone;~~

~~5. Personal wireless service facilities may be located in park maintenance facilities.~~

~~18.50.070 Required submittals and testing.~~

~~Required submittals include:~~

~~A. Complete application for conditional use permit, including State Environmental Policy Act (SEPA) checklist.~~

~~B. A balloon test is required for any proposed antenna tower. The balloon test shall be conducted prior to the hearing on the permit application. The purpose of the balloon test is to enable the applicant, abutting and neighboring property owners, and the city to better understand the height and visual impact of the proposed tower and antenna array and to provide useful evidence for consideration before the hearing examiner on the permit application. A balloon test is also required when an application proposes to add twenty feet or more to the height of an existing wireless facility.~~

~~C. Other related requests may include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information in addition to the requirements of MMC Title 21, Administration of Development Regulations, and other applicable ordinances:~~

~~D. If a balloon test is not required then a photo-simulation of the proposed facility from affected residential properties and public rights-of-way at varying distances must be provided. If a balloon test is required, then photos of the balloon test from six locations located approximately three hundred feet from the base of the proposed tower and spaced evenly around the proposed tower shall be submitted within two weeks after the commencement of the balloon test;~~

~~E. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility;~~

~~F. A signed statement indicating that (1) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location and (2) the applicant and/or landlord agree to remove the facility within 60 days after abandonment;~~

~~G. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Paragraph 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that~~

~~describes the specific factors that obviate the requirement for an environmental assessment;~~
~~H. A site plan clearly indicating the location, type and height of the proposed tower or antenna support structure and antenna, accessory buildings, fencing, landscaping, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower; and all other items required in this chapter;~~
~~I. A current map and aerial showing the location of the proposed tower, a map showing the locations and service areas of other personal wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city;~~
~~J. Legal description of the parcel, if applicable;~~
~~K. The approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;~~
~~L. A landscape plan showing specific landscape materials;~~
~~M. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;~~
~~N. A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA Standards and all other applicable federal, state and local laws and regulations;~~
~~O. A statement by the applicant that the design of the tower will accommodate co-location of additional antennas for future users;~~
~~P. The telecommunications company must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations;~~
~~Q. The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC; and~~
~~R. At the time of site selection, the applicant should demonstrate how the proposed site fits into its overall network within the city.~~

~~**18.50.080 Co-location.**~~
~~To minimize adverse visual impacts associated with the proliferation of towers, co-location of personal wireless service facilities on existing or new towers is encouraged as follows:~~
~~A. Proposed facilities may, and are encouraged to, co-locate onto existing towers. Such co-location is permitted by right and a new or additional conditional use permit approval is not required, unless additional height or dimensions are proposed, except that co-location shall be accomplished in a manner consistent with the policy, site criteria, and landscape/screening provisions contained in this chapter.~~
~~The applicant must submit detailed plans to the planning department to determine if the conditional use can be waived. No building permit will be issued until approval is granted.~~
~~C. The city may deny an application to construct new facilities if the applicant has not shown by substantial evidence that it has made a diligent effort to mount the facilities on an existing structure or tower.~~
~~D. To reduce the number of antenna support structures needed in the city in the future, new proposed support structures shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for technical or physical reasons.~~

~~E. Unless co-location is not feasible: (i) an applicant's site plan shall reserve an area for other providers' equipment near the base of the applicant's tower. A first right-of-refusal (which is either executed or maintained while the providers personal wireless facilities and services are in use) to lease the area at the base of the tower or mount for other providers will meet the reservation requirement; and (ii) the site plan for towers must propose space for at least one comparable provider.~~

~~F. All personal wireless service providers or lessees or agents thereof shall cooperate in good faith to accommodate co-location with competitors. If a dispute arises about the feasibility of co-locating, the city may require a third party technical study, at the expense of the applicant to resolve the dispute.~~

~~G. While co-location and the requirements herein are encouraged, co-location shall not take precedence over the construction of shorter towers with appropriate screening.~~

~~18.50.090 Design criteria.~~

~~A. As provided above, new facilities shall be designed to accommodate co-location, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons.~~

~~B. All facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district and screened or otherwise integrated, through location and design, to blend in with the existing characteristics of the site.~~

~~1. Setback. A tower's setback shall be measured from the base of the tower to the property line of the parcel on which it is located. In residential zones or where a proposed tower is on property abutting a residential use, towers shall be set back from all property lines a distance equal to one hundred percent of tower height as measured from ground level. In all other zones, or where a proposed tower site does not adjoin an existing residential use, towers shall be set back a minimum of thirty feet. When making a decision on a variance application to reduce setbacks, the hearing examiner shall consider the following:~~

~~a. Impact on adjacent properties;~~

~~b. Alternative sites for personal wireless facilities; and~~

~~c. The extent to which screening and camouflaging will mitigate the effects of the personal wireless facilities.~~

~~2. Right-of-Way Setback Exception. The setback requirement is waived if the antenna and antenna support structure are located in the city right-of-way. provided the antenna is attached to an existing utility pole and does not increase the height of the utility pole and/or extend above the utility pole by more than ten feet. Wireless facilities attached to utility poles are permitted in all zones subject to license or franchise agreements with the city.~~

~~3. Tower and Antenna Height. The applicant shall have the burden of demonstrating that the tower and antenna is the minimum height required to meet the proven communications need. No tower or antenna that is taller than this minimum height shall be approved. No tower or mount together with antenna shall exceed sixty feet in all single-family, multifamily residential, Downtown Commercial, and Professional Office zones or one hundred ten feet in other zones.~~

~~4. Tower Separation. In no case shall towers be located closer than five hundred feet from another tower whether it is owned or utilized by applicant or another provider, unless the city designates areas where multiple towers can be located in closer proximity.~~

~~5. Color. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.~~

~~6. Lights, Signals and Signs. No signals, lights, or signs shall be permitted on towers unless required or allowed by the FCC or the FAA. Should lighting be required, in cases where there are residents located within a distance that is three hundred percent of the height of the tower, then dual mode lighting shall be requested from the FAA.~~

~~7. Fencing. A well-constructed wall or wooden fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. The use of chain link, plastic, vinyl, or wire fencing is prohibited unless it is fully screened from public view by a minimum eight-foot-wide landscaping strip.~~

~~8. Landscaping.~~

~~a. Landscaping. Landscaping, as described herein, shall be required to buffer personal wireless service facilities to soften the appearance of the cell site. The city may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. Wire fencing may be allowed if it is fully screened. If the antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.~~

~~b. Buffers. The visual impacts of a personal wireless service facility shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering shall be required around the perimeter of the tower and accessory structures, except that the city may waive the standards for those sides of the facility that are not in public view. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping requirements.~~

~~i. A row of evergreen trees a minimum of six feet tall at planting a maximum of six feet apart shall be planted around the perimeter of the fence.~~

~~ii. A continuous hedge at least thirty-six inches high at planting capable of growing to at least forty-eight inches in height within eighteen months shall be planted in front of the tree line referenced above.~~

~~iii. To guarantee required landscaping the applicant shall provide the city with a two-year landscape maintenance guarantee in accordance with MMC 18.78.060.~~

~~iv. In the event that landscaping is not maintained at the required level after the two-year landscape guarantee period, the city after giving thirty days' advance written notice may maintain or establish the landscaping and bill both the owner and lessee for such costs until such costs are paid in full.~~

~~9. Screening. Screening, camouflaging or otherwise integrating a telecommunications facility into existing structures on the site in order to make the facility as visually unobtrusive as possible, shall take priority over increased height to accommodate co-location. A personal wireless telecommunications facility shall be integrated through location and design to blend in with the existing "character" of the site so as to be visually unobtrusive or screened. To be considered screened the tower or mount shall be placed amongst and adjacent to (within twenty feet) of the~~

~~drip line of three or more trees at least seventy-five percent of the height of the facility. To ensure the screening trees are preserved the following note shall be recorded on the property title:~~

~~All trees within 50 feet of the telecommunications facility located on this property, which serve to screen the telecommunications facility shall be retained for the life of the telecommunications facility. Screening trees may only be removed if deemed diseased or dangerous by a certified arborist. Before any trees can be removed a report from the certified arborist shall be submitted to the City for review and approval. Unless approved by the City, only that portion of the tree required to remove the hazard can be removed.~~

~~10. Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, arrangements for adequate off-street parking shall be made and documentation thereof provided to the city. Security fencing should be colored or should be of a design which blends into the existing environment.~~

~~11. Antenna Criteria. Antenna on or above a structure shall be subject to the following:~~

~~a. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be designed and located so as to minimize any adverse aesthetic impact.~~

~~b. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must be for technical reasons. In no event shall an antenna project more than sixteen feet above the roofline, including parapets.~~

~~c. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.~~

~~d. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure.~~

~~e. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.~~

~~f. The antenna and any accessory buildings must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.~~

~~g. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the city, in the city's sole discretion.~~

~~h. On buildings thirty feet or less in height, the antenna may be mounted on the roof if the following additional criteria are satisfied:~~

~~i. The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.~~

ii. Roof-mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

iii. No portion of the antenna may exceed sixteen feet above the height of the existing building.

i. For antenna attached to the roof or sides of a building at least thirty feet in height, an existing tower, a water tank, or a similar structure the antenna must be either: An omnidirectional or whip antenna no more than seven inches in diameter and extending no more than sixteen feet above the structure to which they are attached; or

A panel antenna no more than two feet wide and six feet long, extending above the structure to which they are attached by no more than ten feet.

If the antenna is placed on the roof or above the top of a building, it shall provide a minimum setback equal to the height of the panel antenna from the rooftop edge.

Antenna, antenna arrays, and support structures not on publicly owned property shall not extend more than sixteen feet above the highest point of the structure on which they are mounted. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of one hundred miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.

j. Guy Wires Restricted. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.

k. If a proposed antenna is located on a building or a lot subject to a land use permit, approval is required prior to the issuance of a building permit.

12. Equipment Structures.

a. Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

b. The maximum floor area is three hundred square feet and the maximum height is twelve feet. Except in unusual circumstances or for other public policy considerations the equipment building may be located no more than two hundred fifty feet from the tower or antenna. Depending upon the aesthetics and other issues, the city, in its sole discretion, may approve multiple equipment structures or one or more larger structures.

c. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in other city ordinances.

d. In instances where equipment buildings are located in residential zones, equipment buildings shall comply with setback requirements and shall be designed so as to conform in appearance with nearby residential structures.

e. Roof-mounted. Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antenna may also be located within the building on which the antenna is mounted.

~~Equipment buildings, antenna, and related equipment shall occupy no more than twenty-five percent of the total roof area of the building the facility is mounted on, which may vary in the city's sole discretion if co-location and an adequate screening structure is used.~~

~~13. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If those standards and regulations are changed, then personal wireless service providers governed by this chapter shall bring their towers and antennas into compliance with the revised standards and regulations within three months of their effective date or the timelines provided by the revised standards and regulations, whichever time period is longer. The revised standards and regulations are not retroactively applicable to existing providers, unless otherwise provided or permitted by federal law. Failure to bring towers and antennas into compliance with the revised standards and regulations shall constitute grounds for the city to remove a provider's facilities at the provider's expense.~~

~~14. Building Codes – Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes and the applicable standards for towers that are published by the Electronic Industries Association ("EIA"), as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within thirty days, the city may remove the tower at the owner's expense.~~

~~15. Structural Design. Towers shall be constructed to the EIA Standards, which may be amended from time to time, and to all applicable construction/building codes. Further, any improvements or additions to existing towers shall require submission of site plans stamped by a professional engineer that demonstrates compliance with the EIA Standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.~~

~~No personal wireless service provider or lessee shall fail to assure that its antenna complies at all times with the current applicable FCC RF Emission standards. After installation, but prior to putting the antenna in service, each provider shall submit a certification by an independent professional engineer to that effect. In the event that an antenna is co-located with another antenna, the certification must provide assurances that FCC approved levels of electromagnetic radiation will not be exceeded by the co-location.~~

~~16. Antenna Support Structure Safety. The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.~~

~~18.50.100 Permits required.~~

~~In addition to the other provisions of this chapter the following permits are required unless otherwise stated:~~

~~A. A conditional use permit is required for all proposed antenna towers.~~

~~B. A variance from the height limit may be granted if the applicant can show by evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative is available. When granting a variance the examiner shall require that a significant portion of the of the tower and related facilities be screened by existing trees or existing structures.~~

~~1. The purpose of this subsection is to provide a means of increasing the maximum height of tower and antenna in specific instances where the strict application of those limits would deprive a tower or antenna operator from achieving the minimum height required to meet the proven communications need.~~

~~2. The examiner shall have the authority to grant a variance from the maximum height allowed for tower or antenna when, in his/her opinion, the conditions as set forth in subsection (C) herein have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this chapter.~~

~~3. Before a height variance can be granted, it shall be shown that the applicant demonstrates all of the following:~~

~~a. That there is evidence that additional height is required to provide adequate service to the residents of the city and that no other alternative is available;~~

~~b. That there are special circumstances applicable to the subject property such as shape, topography, location, or surroundings that prevent the operator from achieving the minimum height required to meet the proven communications need;~~

~~c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity;~~

~~d. That any visual impacts will be mitigated to the greatest extent possible using camouflage or screening, including but not limited to strategic placement next to existing buildings or vegetation or incorporation with architectural features of existing buildings or structures;~~

~~e. That the location of the tower and antenna has been chosen so as to minimize the visibility of the facility from residentially zoned land and to minimize the obstruction of scenic views from public properties; and~~

~~f. That the variance is the minimum necessary to grant relief to the applicant.~~

~~4. The applicant has the burden of proving that the proposed variance meets all of the criteria in subsection (B)(3) of this section, Decision Criteria.~~

~~5. The examiner may approve an application for a variance with additional requirements above those specified in this title or require modification of the proposal to comply with specified requirements or local conditions.~~

~~6. The examiner shall deny a variance if the proposal does not meet or cannot be conditioned or modified to meet subsection (B)(3) of this section,~~

~~a. Project permit review procedures are specified in MMC Title 21, Administration of Development Regulations. The following table specifies the permits required for the various types of personal wireless service facilities that meet the standards of this chapter:~~

~~Permit Table 1~~

~~Type of Use~~	~~Conditional Use[2]~~	~~Over Counter~~	~~Variance~~
~~Towers < 60 Feet[4]~~			

~~Towers > 60 Feet~~	~~X~~		~~X[3]~~
~~Towers > 110 Feet[4]~~	~~X~~		~~X~~
~~Existing Structure Mounted~~			
~~Building Mounted~~		~~X~~	
~~Co-Location~~		~~X~~	
~~Tower Modification~~			~~X[5]~~

~~Notes:~~

~~1. Right-of-way and site development permits may also be required depending on type and location of facilities.~~

~~2. Towers must be located in other than in Downtown Commercial, and Professional Office zones.~~

~~3. In residential, Downtown Commercial, and Professional Office zones.~~

~~4. Towers must be located on nonresidential property.~~

~~5. For towers in excess of one hundred ten feet outside of residential, Downtown Commercial and Professional Office zones.~~

~~18.50.110 Inspection requirements.~~

~~Within 60 days of any required safety inspection performed in accordance with EIA and FCC standards, the facility operator shall file a copy of the report with the city. Each year after the facility becomes operational the facility operator shall file with the city a copy of maintenance reports for the prior twelve months. The applicant shall provide a financial guarantee in the form of a bond or other financial instrument acceptable to the city in an amount sufficient to reimburse all costs associated with facility removal should it be necessary.~~

~~18.50.120 Non-use/abandonment.~~

~~A. Abandonment. No less than thirty days prior to the date that a personal wireless service provider plans to abandon or discontinue operation of a facility, the provider must notify the city of Monroe by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuation of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the city within which to:~~

~~1. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or~~

~~2. In the event that abandonment as defined in this chapter occurs due to relocation of an antenna at a lower point on the antenna support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the tower shall have six months from the date of effective abandonment to co-locate another service on the tower. If another service provider is not added to the tower, then the operator shall promptly dismantle and remove the portion of the tower that exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to personal wireless facilities which do not diminish their essential role in providing a total system shall not constitute abandonment. However, in the event~~

~~that there is a physical reduction in height of substantially all of the providers towers in the city or surrounding area then all of the towers within the city shall similarly be reduced in height.~~

~~3. Dismantle and remove facility. If the tower, antenna, foundation, and facility are not removed within the sixty-day time period or additional period of time allowed by the city, the city may remove such tower, antenna, foundation, and related facility at the provider's expense. If there are two or more providers co-locating on a facility, except as provided for in the paragraph above, this provision shall not become effective until all providers cease using the facility.~~

~~At the earlier of sixty days from the date of abandonment without reactivating or upon completion of dismantling and removal, city approval for the facility shall automatically expire.~~

~~18.50.130 Third party review.~~

~~Personal wireless service providers use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a provider. The city may require a technical review as part of a permitting process. The costs of the technical review shall be borne by the provider.~~

~~The selection of the third party expert may be by mutual agreement between the provider and the city, or, at the discretion of the city, with a provision for the provider and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to address interference and public safety issues and be a site-specific review of technical aspects of the facilities or a review of the providers' methodology and equipment used and not a subjective review of the site that was selected by a provider. Based on the results of the expert review, the city may require changes to the provider's application. The expert review shall address the following:~~

~~A. The accuracy and completeness of submissions;~~

~~B. The applicability of analysis techniques and methodologies;~~

~~C. The validity of conclusions reached; and~~

~~D. Any specific technical issues designated by the city.~~

~~18.50.140 Violation – Penalty.~~

~~Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for such violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies of Chapter 1.04 MMC.~~

~~Chapter 18.60~~
~~AIRPORT COMPATIBILITY~~

~~Sections:~~

~~18.60.010 Intent.~~
~~18.60.020 Applicability.~~

~~18.60.030 Exemptions.~~
~~18.60.040 Description of airport runways.~~
~~18.60.050 Description of the airport overlay area zones.~~
~~18.60.060 Prohibited uses within the airport overlay compatible use zones.~~
~~18.60.070 Development standards.~~
~~18.60.080 Height restrictions.~~
~~18.60.090 Supplemental permit review requirements.~~

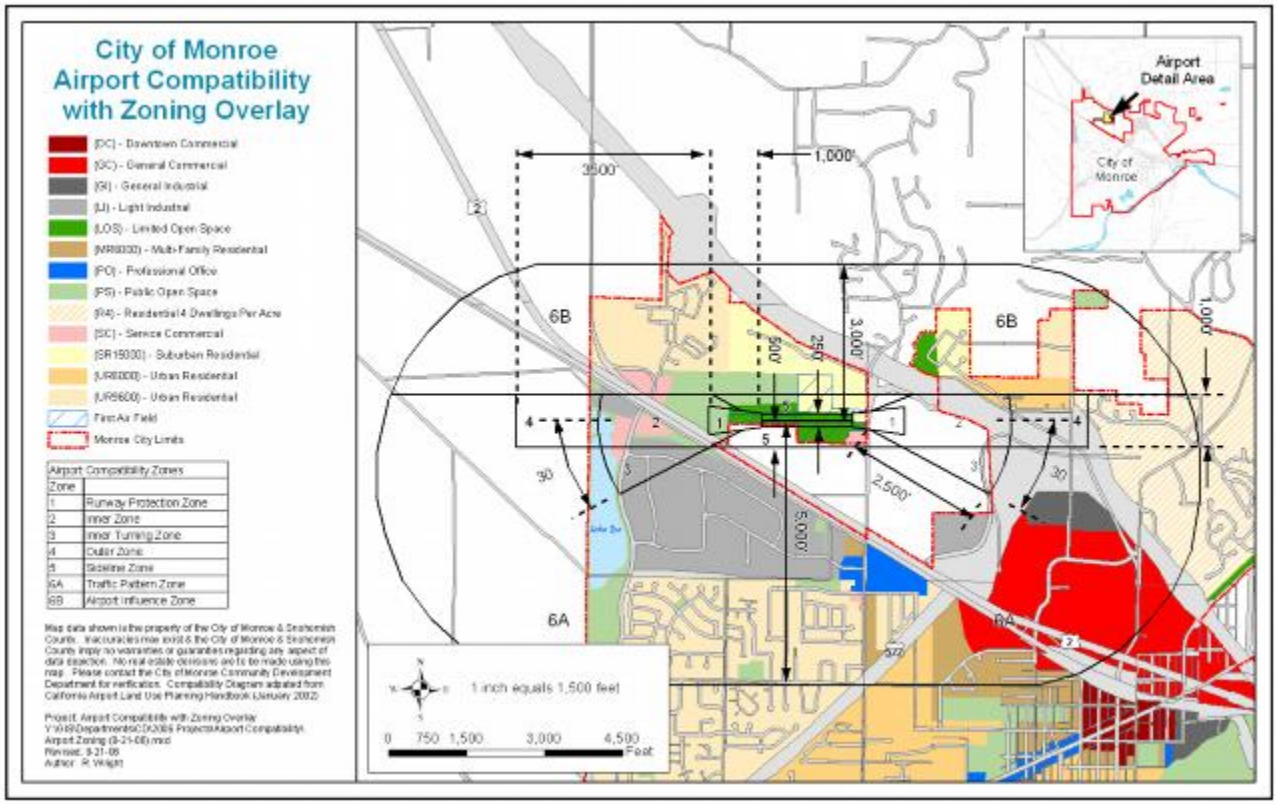
~~18.60.010 Intent.~~
~~A. The intent of the airport overlay zoning district is to protect the viability of First Air Field, a general aviation facility, by encouraging compatible land uses and densities, and reducing hazards that may endanger the lives and property of the public and aviation users.~~
~~B. The airport overlay zone identifies six compatible use zones designed to minimize incompatible uses and hazards, which are based on the guidelines within the WSDOT Aviation Division's "Airports and Compatible Land Uses, Volume 1," and the California "Airport Land Use and Planning Handbook," January 2002.~~
~~C. As the name implies, this is laid over the existing zoning districts. It is shown outside of the current city limits as advisory to adjacent jurisdictions.~~

~~18.60.020 Applicability.~~
~~Provisions of this chapter shall apply to all development including, but not limited to: land use development permits, building permits, subdivisions and short subdivisions, binding site plans, planned residential developments, and uses located wholly or partially within an airport compatibility overlay. The overlay includes six zones, as depicted on the city of Monroe airport compatibility map, as incorporated by reference into this chapter.~~
~~18.60.030 Exemptions.~~
~~The following structures, uses or other activities are exempt from the provisions of the airport compatibility overlay when permitted by the underlying zoning district; provided, that the use will not penetrate the FAR Part 77 surfaces, attract bird populations, impact airport operations, or create a safety impact as determined by the airport manager or owner:~~
~~A. Necessary Aviation Facilities. Any air navigation facility, airport visual approach or aircraft arresting device, meteorological device, or a type of device approach by the FAA, the location and height of which is fixed by its functional purpose.~~
~~B. Any aeronautical business or event.~~
~~C. Preexisting (Nonconforming) Uses.~~
~~1. Nothing contained herein shall require any change or alteration of a legally constructed or established structure, or use in existence at the time of adoption or amendment of these regulations. These regulations are intended to regulate the erection or establishment of any new structure or use; the moving or relocation of any structure or use to a new location; the operation or continuance, at any time following the effective date of these regulations.~~
~~2. Nonconforming uses and structures shall not be increased in size or intensity.~~
~~3. In the event that a preexisting use or structure is destroyed by natural disaster, the reconstruction of such use or structure shall comply with the criteria set forth in Chapter 18.72 MMC (Nonconforming Lots, Structures and Uses).~~

~~D. Other Uses. Other uses may be exempted when determined by the Monroe community development department director, in consultation with the airport owner and/or airport manager, to be minor or incidental in nature and consistent with this chapter.~~

~~18.60.040 Description of airport runways.~~
~~First Air Field has one runway.~~

~~Runway Identification~~	~~Runway Type~~	~~Approach/Departure Direction~~	~~Runway Length~~	~~Runway Width~~
~~07-25~~	~~Visual~~	~~East/West~~	~~2,095 feet~~	~~34 feet~~



~~18.60.060 Prohibited uses within the airport overlay compatible use zones.~~
~~A. Airport Compatibility Overlay Prohibited Land Use Matrix. The following land use table illustrates the prohibited uses within the airport overlay zone. All uses permitted in this table must also be permitted, conditionally permitted, or an accessory use in the underlying zoning designation as stated in MMC 18.10.050, Zoning land use matrix, and shall be compliant with the development standards of this chapter.~~

~~Uses~~	~~Zone 1~~	~~Zone 2~~	~~Zone 3~~	~~Zone 4~~	~~Zone 5~~	~~Zone 6A~~	~~Zone 6B~~
~~Active recreational facilities~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~

~~Assisted living facilities~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Churches~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Day care centers~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Hospitals~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~EPF~~	~~EPF~~
~~Home day care facilities~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Nursing homes~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Overhead utility lines~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Senior center~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Senior housing facilities~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Schools (public or private: high, junior high, middle, elementary, kindergarten, or preschool)~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~P~~	~~P~~
~~Residential dwelling, multifamily~~	~~X~~	~~X~~	~~X~~	~~P~~	~~X~~	~~P~~	~~P~~
~~Residential dwelling, single-family~~	~~X~~	~~X~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~

~~X = Prohibited use; P = Permitted use; EPF = Essential public facility, requires a special use permit.~~

~~B. Prohibited Uses. Additionally, uses that create the following are prohibited in the airport compatibility overlay:~~

~~1. Lighting that diminishes a pilot's ability to visually locate the landing strip and/or land an aircraft.~~

~~2. Electrical interference with navigational signals or radio communication between the airport and aircraft.~~

~~3. Dust, smoke, or other emissions that result in impairment of visibility for pilots.~~

~~4. Hazardous conditions such as the manufacturing or warehousing of materials that are explosive, flammable, toxic, or corrosive, with the exception of aircraft fuel, oil, and other fuels intended for aerial application and as outlined in the above matrix.~~

~~5. Uses that would foster an increase in bird population and thereby increase the likelihood of a bird impact problem.~~

~~18.60.070 Development standards.~~

~~Development standards are necessary to protect health, safety, welfare, and quality of life of the general public, property owners, airport operators, and aviation community, and to ensure compatible land uses in the vicinity of the airport. Development standards imposed within the airport compatibility overlay are in addition to the development standards of the underlying zoning district. Where standards imposed by the airport compatibility overlay conflict with standards of the underlying zoning district, the more restrictive standards shall be applied. Mixed-use developments that propose both residential and nonresidential uses must meet applicable standards below.~~

~~A. General Standards.~~

~~1. Predevelopment Meeting. All applicants proposing a land use development or activity within airport compatibility overlay zones 1 through 5 are strongly encouraged to attend a predevelopment meeting with the city of Monroe. As soon as~~

~~the city is notified of such development or activity, a written notification shall be forwarded to the airport operator, and possibly the Washington State Department of Transportation, Aviation Division, with a request for comments.~~

~~a. Within ninety days of the effective date of the adopting ordinance for this chapter, and every five years after, the city of Monroe shall mail a disclosure notice to the property owners within the overlay area, which will include explanatory information regarding the designation and the associated land use restrictions. The notice shall include disclosure text stating:~~

~~Your property is within the Airport Compatibility Overlay, and you may be impacted by noise relating to activities at FirstAir Field, you may be required to provide FirstAir Field with an avigation easement, and are subject to the land use requirements of Chapter 18.60 (Airport Compatibility Overlay) MMC. For more information check the City website at [current website address], contact City Hall at [contact number for current staff person] or copies are available for review at City Hall Monday through Friday from 8:00 a.m. to 5:00 p.m.~~

~~2. Density Limits.~~

~~**Land Use**~~	~~**Zone 1**~~	~~**Zone 2**~~	~~**Zone 3**~~	~~**Zone 4**~~	~~**Zone 5**~~	~~**Zone 6A & 6B**~~
~~Maximum Residential Density[1, 2, 3]~~	~~0~~	~~0~~	~~1 du per 2 – 5 acres~~	~~1 du per 2 – 5 acres~~	~~1 du per 1 – 2 acres~~	~~No limit~~
~~Maximum Nonresidential Intensity (average number of people per acre)[3]~~	~~20~~	~~60~~	~~100~~	~~100~~	~~100~~	~~No limit~~

~~[1] Residential developments are only permitted in those underlying zoning districts that allow residential development.~~

~~[2] Clustering of developments is encouraged to preserve open space adjacent to and/or near First Air Field.~~

~~[3] Infill development is permitted when it complies with the requirements of subsection (D) of this section.~~

~~3. Noise. Noise originating from aircraft in flight and that is directly related to flight operations shall be expected to impact people in surrounding zones and is generally exempt from noise standards.~~

~~B. Residential Development. When permitted by an underlying zoning district, residential subdivisions, on one acre or more, located within the airport compatibility overlay zones 1 through 5 shall meet the following standards:~~

~~1. When developing residential projects in the airport overlay zone, residential lots shall be located as far away from the runway centerline as possible and there shall be a minimum of five hundred feet from the end of any runway and the residential use.~~

~~2. Subdivisions and short subdivisions should be developed as cluster developments in airport overlay zones 1 through 5 and shall provide for open space areas to provide sites that are suitable for emergency aircraft landings. (Note: this is~~

~~a holding spot of the adoption of cluster subdivision regulations, which are outside the scope of the current project.)~~

~~C. Nonresidential Development.~~

~~1. The people per acre shall be calculated as follows:~~

~~a. Building size (gross square feet) divided by occupant load factor (square feet per occupant as set forth in the building code, as adopted by the city of Monroe) equals maximum building occupancy.~~

~~b. Maximum building occupancy divided by gross site acreage equals people per acre~~

~~D. Infill Development. Where substantial incompatible development already exists adjacent to the site of the proposal, additional infill development of similar or less intensive land uses may be allowed to occur even if such land uses are not allowed elsewhere in the airport compatibility overlay zones, MMC 18.60.060(A). This exception does not apply within zone 1 or 2. A parcel can be considered for infill development if it meets all of the following criteria:~~

~~1. The parcel is no larger than two acres.~~

~~2. The site is at least sixty-five percent bounded (excluding roads) by existing uses similar to, or more intensive than, those proposed.~~

~~3. The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.~~

~~4. The proposed project would not, in the case of a residential subdivision, have a density greater than the average of that on other parcels within three hundred feet of the perimeter of the parcel to be subdivided; or in the case of a nonresidential use, have a usage intensity more than fifty percent above the intensity permitted in accordance with subsection (A)(2) of this section.~~

~~The proposed project will not otherwise increase the intensity and/or incompatibility of the use through special use permits, density transfers, or subdivisions.~~

~~18.60.080 Height restrictions.~~

~~A. In order to carry out the purpose and intent of the airport compatibility overlay as set forth in this chapter, and to restrict those uses that may be hazardous to the operational safety of aircraft operating within the airport influence area, the city hereby creates and establishes the following airspace surfaces for Runway 07-25:~~

~~1. Primary Surface. A surface longitudinally centered on the runway and extending two hundred feet beyond each runway end. The primary surface is at the same elevation as the elevation of the nearest point on the runway centerline. The primary surface width is two hundred fifty feet.~~

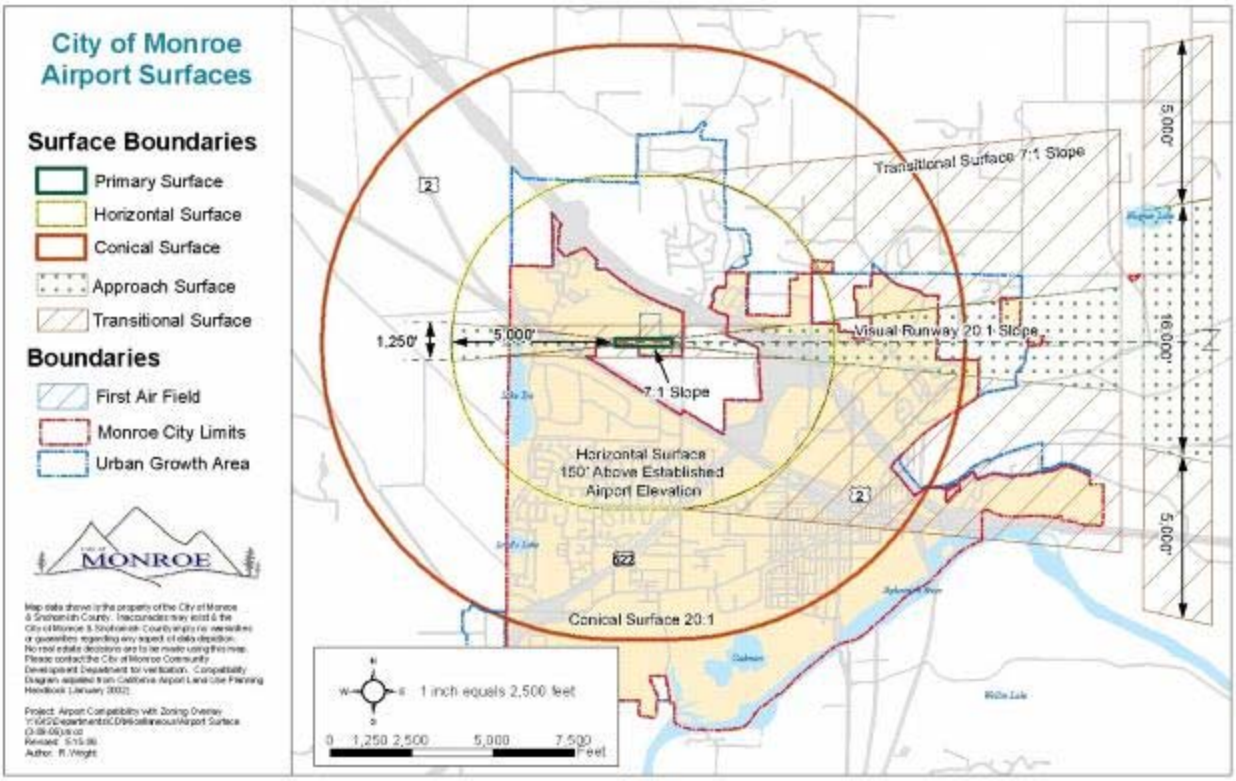
~~2. Approach Surface. Inclined planes extending upward and outward from the ends of the primary surface. The approach surface is two hundred fifty feet wide at the intersection with the primary surface. It extends outward for a distance of five thousand feet at a twenty-to-one slope and is one thousand feet at its widest point.~~

~~3. Transitional Surface. A surface extending outward and upward, at right angles to the runway centerline and runway centerline extended, from the sides of the primary surface and the approach surfaces. The slope is seven to one and the surface extends until it intersects with the horizontal surface.~~

~~4. Horizontal Surface. A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway.~~

~~Tangents then connect the adjacent arcs. The radius of each arc is five thousand feet.~~

~~5. Conical Surface. A surface which extends upward and outward from the outer limits of the horizontal surface for a horizontal distance of four thousand feet. The slope of the conical surface is twenty to one measured in a vertical plane.~~



~~B. Notification to Federal Aviation Administration. Nothing in this chapter shall diminish the responsibility of project proponents to submit a notice of construction or alteration to the Federal Aviation Administration if required in accordance with Subpart B of the Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace."~~

~~18.60.090 Supplemental permit review requirements.~~

~~A. No use, building, structure, or development activity within the airport compatibility overlay shall be established, altered, or relocated by any person, firm, or corporation except as otherwise authorized by this chapter. Permits for such activities shall be processed in accordance with the underlying zone, subject to the additional standards adopted by this chapter. The permit issuing authority may require the applicant to submit any or all of the following information in addition to that required of a standard permit: (1) a project fact sheet that includes the acreage of the project/proposed use, (2) geographical relationship to the airport compatibility overlay, (3) description of the proposed land use including the number of dwelling units and/or number of people expected to occupy the site, and (4) analysis of the proposal with respect to the density and intensity limitations contained in MMC 18.60.070(A)(2).~~

~~B. The maximum elevation of proposed buildings or structures is based on the established airport elevations, and shall be confirmed by a licensed engineer or professional land surveyor on the site plan.~~

~~C. A site plan shall clearly show:~~

~~1. The location of the project in relation to First Air Field.~~
~~2. The location and height of all proposed buildings, structures, and natural vegetation as measured from the airport surface.~~

~~Chapter 18.70~~
~~MARIJUANA RELATED USES~~

~~**Sections:**~~
~~18.70.010 Marijuana cooperatives – Definitions.~~
~~18.70.020 Marijuana cooperatives.~~
~~18.70.030 State-licensed facilities – Definitions.~~
~~18.70.040 Marijuana related uses.~~

~~18.70.010 Marijuana cooperatives – Definitions.~~
~~A. Unless the context clearly indicates otherwise, all terms used in this section et seq. shall have the meanings established pursuant to Chapter 69.51A RCW.~~
~~B. "Marijuana cooperative" means a cooperative for acquiring and supplying the resources needed to produce and process marijuana for qualifying patients or designated providers pursuant to RCW 69.51A.250.~~

~~18.70.020 Marijuana cooperatives.~~
~~Marijuana cooperatives as established in RCW 69.51A.250 are prohibited in the following zoning districts:~~
~~A. All residential zones, including without limitation the R, SR, UR, and MR zoning districts;~~
~~B. All commercial office zones, including without limitation the GC, SC, DC, PO, MUC, MUNC and mixed use zoning districts;~~
~~C. All industrial zones, including light and general industrial;~~
~~D. All public zones, service, and limited open space airport zones;~~
~~E. Any new zoning district established after June 4, 2013.~~
~~In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under applicable provisions of this code and/or state law, including without limitation the provisions of Chapter 1.04 MMC.~~

~~18.70.030 State-licensed facilities – Definitions.~~
~~A. Unless the context clearly indicates otherwise, all terms used in this section et seq. shall have the meanings established pursuant to RCW 69.50.101.~~
~~B. "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than zero point three percent on a dry weight basis, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plants, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which are incapable of germination.~~

~~C. "Marijuana processor" means a person licensed by the State Liquor and Cannabis Board to process marijuana into usable marijuana and marijuana infused products, package and label usable marijuana and marijuana infused products for sale in retail outlets, and sell usable marijuana and marijuana infused products at wholesale to marijuana retailers.~~
~~D. "Marijuana producer" means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.~~
~~E. "Marijuana infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana infused products" does not include usable marijuana.~~
~~F. "Marijuana retailer" means a person licensed by the State Liquor and Cannabis Board to sell usable marijuana and marijuana infused products in a retail outlet.~~
~~G. "Usable marijuana" means dried marijuana flowers. The term "usable marijuana" does not include marijuana infused products.~~

~~**18.70.040 Marijuana related uses.**~~
~~Marijuana processors, marijuana producers, and marijuana retailers, as defined in MMC 18.70.030, are prohibited in the following zoning districts:~~
~~A. All residential zones, including without limitation the R, SR, UR, and MR zoning districts;~~
~~B. All commercial office zones, including without limitation the GC, SC, DC, PO, MUC, MUNC and mixed use zoning districts;~~
~~C. All industrial zones, including light and general industrial;~~
~~D. All public zones, service, and limited open space zones including the limited open space – airport zone; and~~
~~E. Any new zoning district established after May 3, 2015.~~
~~In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, including but not limited to the provisions of Chapter 1.04 MMC.~~

~~Chapter 18.71~~
~~FACILITY ZONE DESIGNATIONS~~
~~(Repealed by Ord. 033/2008)~~

~~Chapter 18.72~~
~~NONCONFORMING LOTS, STRUCTURES AND USES~~

~~**Sections:**~~
~~18.72.010 Purpose.~~
~~18.72.020 Construction approved prior to adoption of title.~~
~~18.72.030 Preexisting legal lots of record.~~
~~18.72.040 Nonconforming uses.~~
~~18.72.050 Nonconforming structures.~~

~~18.72.060 Repairs and maintenance.~~
~~18.72.070 Building safety.~~
~~18.72.080 Nonconforming parking lots.~~
~~18.72.090 Nonconforming landscape areas.~~
~~18.72.100 Conditional uses.~~

~~18.72.010 Purpose.~~

~~It is the purpose of this chapter to establish limitations on the expansion and extension of nonconforming uses and structures which adversely affect the development and perpetuation of desirable residential, commercial and industrial areas with appropriate groupings of compatible and related uses.~~

~~18.72.020 Construction approved prior to adoption of title.~~

~~To avoid undue hardship, nothing in this title shall be deemed to require a change in plans, construction or designated use of any building for which actual construction was lawfully begun prior to adoption of the ordinance codified in this title and upon which building construction has begun.~~

~~18.72.030 Preexisting legal lots of record.~~

~~An authorized use or structure may be erected on a preexisting legal lot containing less area than required by the zoning district in which it is located; provided, the front, side, and rear yard requirements as well as other applicable dimensional standards of this code are met and the lot was preexisting to December 31, 1968.~~

~~18.72.040 Nonconforming uses.~~

~~Any preexisting lawful use of land exists that is made nonconforming under the terms of this code as enacted may be continued so long as that use remains lawful, subject to the following provisions:~~

~~A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area than was occupied immediately prior to nonconformity, unless specifically permitted.~~

~~B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.~~

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

~~D. No existing structure devoted to a use not permitted by this title in the zone in which it is located shall be structurally altered, except in changing the use of the structure to a use permitted in the zone in which it is located, unless specifically permitted.~~

~~E. If no structural alterations are made, any 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 zone than the existing nonconforming use. In permitting such change, the hearing body may require appropriate conditions and safeguards in accord with the provisions of this title.~~

~~F. Any structure, or structure and land in combination, in or on which a 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.~~

~~G. 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:~~

~~1. Does not change the existing use, as established, from the effective date of the nonconformance;~~

~~2. Does not increase the land area devoted to the nonconforming use by more than twenty-five percent from the effective date of the nonconformity;~~

~~3. Does not create additional dwelling units;~~

~~4. Conforms to required occupancy, setback, lot coverage, landscaping, parking, and all other development standards within the respective zone;~~

~~5. Meets performance standards defined in MMC 18.10.270; and~~

~~6. 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 established under Chapter 20.06 MMC.~~

~~18.72.050 Nonconforming structures.~~

~~Where a lawful structure exists at the effective date of adoption of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure, it may be continued so long as the structure remains otherwise lawful, subject to the following provisions:~~

~~A. No such structure may be enlarged or altered in a way which increases its degree of nonconformity. Alterations, additions or enlargements may be allowed as long as the work done does not extend further into any required yard or violate any other portion of this code. Complete plans shall be required of all work contemplated under this section.~~

~~B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, in the judgment of the city, it shall not be reconstructed except in conformity with provision of this title, except that, in the residential zoning district, structures that are nonconforming in regard to yard setbacks but were in conformance at the time of construction may be reconstructed to their original dimensions and location on the lot.~~

~~C. Should such structure be moved for any reason or any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.~~

~~D. When a nonconforming structure, or structure and premises in combination, is vacated or abandoned for twenty-four consecutive months, the structure, or structure and premises in combination shall thereafter be required to be in conformance with the regulations of the zone in which it is located. Upon request of the owner, the city council may grant an extension of time beyond the twenty-four consecutive months.~~

~~E. Residential structures and uses located in any single-family or multifamily residential zoning district may be rebuilt after a fire or other natural disaster to their original dimensions and bulk but may not be changed except as provided in MMC 18.72.040(E).~~

~~18.72.060 Repairs and maintenance.~~

~~If any building is devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty-five percent of the current replacement value of the building.~~

~~18.72.070 Building safety.~~

~~Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of the city to protect the public safety.~~

~~Alterations or expansion of a nonconforming use which 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.~~

~~18.72.080 Nonconforming parking lots.~~

~~Nothing contained in this chapter shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space requirements and curb cuts for any structure or facility which existed on the date of adoption of the ordinance codified in this title.~~

~~If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment of more than one hundred percent, the requirements of Chapter 18.86 MMC shall be complied with for the entire parking area.~~

~~18.72.090 Nonconforming landscape areas.~~

~~Adoption of the landscaping regulations contained in this title shall not be construed to require a change in the landscape improvements for any required landscape areas which existed on the date of adoption of the ordinance codified in this title, unless and until a change of use or alteration of the structure is proposed.~~

~~At such time as a change is proposed for a use, or structure, and associated premises which does not comply with the landscape requirements of this title, a landscape plan which substantially conforms to the requirements of this title shall be submitted to the city for approval prior to issuance of a building permit. The hearing body may modify the standards imposed by this title when, in their judgment, the existing and proposed additional landscaping and screening materials together will adequately screen or buffer possible use incompatibilities, soften the barren appearance of parking or storage areas, and/or adequately enhance the premises appropriate to the use district and location of the site.~~

~~18.72.100 Conditional uses.~~

~~Existing legal use does not become a conditional use because the zone in which it is located is changed to a zone which requires a conditional use permit for the use; provided, however, such an existing use may be enlarged without obtaining a conditional use permit pursuant to requirements of Chapter 18.96 MMC.~~

~~Chapter 18.74~~
~~AFFORDABLE HOUSING DEVELOPMENT INCENTIVES~~

~~Sections:~~

~~18.74.010 Purpose and intent.~~

~~18.74.020 Affordable housing – Standards.~~
~~18.74.030 Development incentives.~~
~~18.74.040 Affordable housing – Tax exemptions.~~
~~18.74.050 Affordable housing agreements and covenant.~~

~~18.74.010 Purpose and intent.~~
~~The purpose of this chapter is to implement the Growth Management Act (Chapter 36.70A RCW) and the housing and land use goals and policies of the Monroe Comprehensive Plan for all economic segments of the community. This chapter provides incentives for developers to create housing, throughout the city, that will be affordable to lower income families.~~

~~18.74.020 Affordable housing – Standards.~~
~~A. The provisions of this chapter are available to new developments or new or renovated units in an existing development meeting the definitions of affordable or low-income housing in Chapter 18.02 MMC, and the requirements of this chapter.~~
~~1. The maximum housing costs for rented units including basic utilities shall not exceed thirty percent of the income limit for the affordable housing unit.~~
~~2. The maximum sales price for any affordable housing unit shall not exceed eighty percent of the average median sales price for a comparable home, in a market rate housing development, within southeast Snohomish County, as documented in the most current Northwest Multiple Listing Services Report.~~
~~B. Affordable housing units must be owned and/or managed by a public or private nonprofit 501(c)(3) organization, county, state, or federal agency with an established history of developing and managing quality affordable housing.~~
~~C. Affordable units within market rate developments should be constructed concurrently with nonrestricted units and shall be provided in a range of sizes with consistent interior and exterior appearance and with a similar number of bedrooms, comparable to those units available to other residents.~~
~~D. In market rate developments, developers shall build affordable units on site; the affordable units should be dispersed within the housing development.~~
~~E. In the case of developments constructed solely to provide affordable housing, whether owner-occupied or rental, the development shall provide housing units consistent with market rate units available to other residents.~~

~~18.74.030 Development incentives.~~
~~A. The city shall provide a density bonus and additional incentive(s), for qualified housing developments, upon the written request of a developer and as consistent with this chapter.~~
~~B. The development incentives shall contribute significantly to the economic feasibility of providing the affordable units. Proponents seeking a modification of development standards shall show that such modifications are necessary to make the housing development economically feasible.~~
~~C. Density Bonuses. The maximum residential density shall be determined at the following levels, in conjunction with the minimum lot sizes shown in subsection (D)(1) of this section, as applicable:~~
~~1. To calculate the number of possible dwelling units/lots, refer to MMC 18.10.010(B) for the single-family density calculation and MMC 18.10.020(B)~~

~~for multifamily density calculation. Then for all zones multiply the base density by the density bonus to determine the residential density. This calculation identifies the maximum residential density possible; in some cases, this density may not be achievable due to unique site considerations including critical areas, topography, right-of-way dedication, stormwater requirements, etc.~~

~~2. The bonus units will be divided between additional market rate units and affordable units according to the matrix below.~~

~~3. When calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number and any fraction 0.49 or under shall be rounded down to the preceding whole number. For example, in the UR 6,000 zone, a one-acre site could achieve nine units including six base units, one affordable unit, and two bonus units (43,560 square feet x 0.80 = 34,848 square feet / 6,000 square feet = 5.8 units x 1.50 = 8.7 or nine total units) in a development targeting very low-income households.~~

~~Affordable Housing Density Bonus Matrix~~

~~**Target Household**~~	~~**Market Rate Density Bonus[1]**~~	~~**Affordable Housing Density Bonus[2]**~~
~~Rental or owned units affordable to households with incomes at or below very low income~~	~~2 additional market rate units, per affordable unit, up to 50% density bonus~~	~~Up to a 50% density bonus~~
~~Rental or owned units affordable to households with incomes at or below low income~~	~~1.5 additional market rate units, per affordable unit, up to 40% density bonus~~	~~Up to a 40% density bonus~~
~~Rental or owned units affordable to households with incomes at or below moderate income~~	~~1 additional market rate unit, per affordable unit, up to 20% density bonus~~	~~Up to a 20% density bonus~~

~~1. Within a planned residential development (PRD), the PRD shall receive a bonus of two additional market rate units or lots for each affordable housing unit provided within a proposed PRD, up to fifteen percent above the maximum residential density otherwise permitted on the PRD development site.~~

~~2. Affordable Housing Density Bonuses. In the case of developments constructed solely to provide affordable housing, whether owner-occupied or rental, the developer shall receive additional affordable housing units or lots (equal to the bonus provided for market rate developments) within a proposed development and/or subdivision above the maximum density otherwise permitted.~~

~~D. Additional Incentives. Additional incentives include a reduction or a modification of site development standards, provided in this title, in developments that provide affordable units, as outlined in this subsection.~~

~~1. New residential lots created in single-family and multifamily subdivisions that contain affordable units may be reduced in conformance with the Affordable Housing Lot Size Matrix below.~~

~~2. In the case of a PRD, the minimum lot size for bonus units and affordable units will be the lesser of the lot sizes shown in the Affordable Housing Lot Size Matrix (below) or those defined in MMC 18.84.080(A) – Table 1.~~

~~Affordable Housing Lot Size Matrix~~

~~Zone~~	~~Standard Lot Sizes~~	~~Minimum Affordable Housing Lot Sizes in Square Feet[1]~~
~~**MR 6,000/PO/DN**~~ ~~Very low-income~~ ~~Low-income~~ ~~Moderate-income~~	~~4,000~~	~~2,600~~ ~~2,800~~ ~~3,200~~
~~**UR 6,000**~~ ~~Very low-income~~ ~~Low-income~~ ~~Moderate-income~~	~~6,000~~	~~3,900~~ ~~4,200~~ ~~4,800~~
~~**UR 9,600**~~ ~~Very low-income~~ ~~Low-income~~ ~~Moderate-income~~	~~9,600~~	~~6,240~~ ~~6,720~~ ~~7,680~~
~~**R-4**~~ ~~Very low-income~~ ~~Low-income~~ ~~Moderate-income~~	~~7,500~~	~~4,875~~ ~~5,250~~ ~~6,000~~
~~**SR 15,000**~~ ~~Very low-income~~ ~~Low-income~~ ~~Moderate-income~~	~~15,000~~	~~9,750~~ ~~10,500~~ ~~12,000~~

~~1. Duplexes are permitted on lots at least one and one-half times the minimum lot area.~~

~~3. The proponent may increase the maximum lot coverage up to an additional ten percent above the maximum standard. For example, if the existing lot coverage for the zone were fifty percent, the revised lot coverage would become sixty percent.~~

~~4. The proponent may reduce on-site parking to 1.2 stalls per affordable unit in a multifamily development or three-quarters of a parking space per affordable unit in an affordable senior development.~~

~~a. An proponent may request a greater administrative modification of the minimum required number of parking spaces by providing a parking study, prepared by a qualified professional, substantiating that parking demand can be met with a reduced parking requirement.~~

~~b. The proponent may also request administrative modifications to parking design standards when they can demonstrate that modifications still meet on-site parking needs.~~

~~5. In the Downtown neighborhood, the proponent may construct attached affordable housing units up to a fourplex, on a single lot, in conformance with the Affordable Housing Lot Size Matrix. This incentive is only for use by a housing development exclusively providing affordable units. The development shall provide housing units consistent with market rate units available to other residents.~~

~~E. Criteria for Additional Incentives. The director may approve one or more additional incentives, defined in subsection (D) of this section, if the proponent meets all three of the following criteria:~~

~~1. The additional incentive is necessary to provide sufficient economic incentive to offset the cost of providing the affordable housing units;~~

~~2. The additional incentive is necessary to achieve the permitted density, including the bonus units and affordable units; and~~

~~3. The additional incentive is consistent with public health, safety, and welfare and specifically does not create any safety hazard.~~

~~18.74.040 Affordable housing – Tax exemptions.~~

~~A. The value of new housing construction, conversion, and rehabilitation improvements for affordable housing multifamily projects may be exempt from ad valorem property taxation for the maximum time specified in RCW 84.14.020 to the extent the project complies with Chapter 84.14 RCW as now or hereafter amended. The project must comply with the design and site utilization standards of this chapter and Chapter 18.12 MMC. Demolition must comply with city building codes and all other applicable development standards.~~

~~B. The community development department shall issue a certificate of affordability following the recording of covenants as required in MMC 18.74.050 and a finding by the director or designee that the project meets the criterion of RCW 84.14.060, as now or hereafter amended.~~

~~C. An applicant for a certificate of affordability may appeal a denial to the Monroe city council if the appeal is in writing and filed with the director within thirty days of denial. The appeal before the city council shall be based upon the record made before the director with the burden of proof on the applicant to show that there was no substantial evidence to support the denial. The decision of the city council shall be final.~~

~~Applications for certificates of affordability and appeals thereto shall not be subject to MMC Title 21 and shall be governed by the procedures imposed by Chapter 84.14 RCW.~~

~~18.74.050 Affordable housing agreements and covenant.~~

~~A. All affordable units developed under this chapter shall remain affordable, as defined in this chapter, for a period of not less than fifty years, or the minimum period required under applicable state law.~~

~~B. Prior to the issuance of any certificate of occupancy, the proponent shall record an agreement specifying the affordable nature of the units, in a form approved by the city, with the Snohomish County auditor's office.~~

~~C. The agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the proponent and owners of the property. The agreement shall specify the terms and conditions of the affordable units to assure that the units remain affordable as required under this section and the agreement shall include at a minimum the following:~~

~~1. The total number of units approved for the housing development, including the number of target units.~~

~~2. A description of the household income group to be accommodated by the housing development and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.~~

~~3. The location, unit sizes (square feet), and number of bedrooms of target units.~~

~~4. Tenure of use restrictions for affordable units.~~

~~5. A schedule for completion and occupancy of affordable units.~~

~~6. A description of any additional incentive(s).~~

~~7. A description of remedies for breach of the agreement by either party (the city may identify tenants or qualified purchasers as third party beneficiaries under the agreement).~~

~~8. Other provisions to ensure implementation and compliance with this chapter.~~

~~D. In the case of for-sale housing developments, the agreement shall provide conditions governing the initial sale and use of affordable units during the applicable restriction period:~~

~~1. Affordable units shall, upon initial sale, be sold to eligible lower income households at an affordable sales price and housing cost;~~

~~2. Affordable units shall be owner-occupied by eligible lower-income households, or by qualified residents in the case of senior citizen housing; and~~

~~3. The initial purchaser of each affordable unit shall execute an instrument or agreement approved by the city restricting the sale of the target unit in accordance with this chapter during the applicable use restriction period.~~

~~E. In the case of rental housing developments, the agreement shall provide conditions governing the use of affordable rental units during the use restriction period:~~

~~1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants;~~

~~2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter; and~~

~~3. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.~~

~~F. Any developer of a project under this chapter shall demonstrate that a public or private nonprofit 501(c)(3) organization, county, state, or federal agency is responsible for tracking and enforcing the affordability requirements. Said entity shall report on compliance with the affordability requirements to the city annually, or as requested.~~

~~Chapter 18.75~~
~~TEMPORARY TENT ENCAMPMENT~~

~~Sections:~~

~~18.75.010 Regulations established.~~
~~18.75.020 Standards for homeless encampments.~~
~~18.75.030 Frequency and duration of temporary use.~~
~~18.75.040 Notice requirements, review process and appeal procedure for temporary tent encampment applications.~~
~~18.75.050 No intent to create protected/benefited class.~~

~~18.75.010 Regulations established.~~

~~Regulations concerning the establishment and processing of applications for homeless encampments in the city are hereby established. Establishing such facilities contrary to the provisions of this chapter is prohibited. Temporary tent encampment permits shall be required for homeless encampments in the city. With the exception of temporary tent encampment permits for homeless encampment facilities that are in full compliance with this chapter, applications for temporary tent encampment permits, land use approvals, or any other permit or approval, in any way associated with such facilities shall not be accepted, processed, issued, granted, or approved. If a homeless encampment is established in violation of this chapter or if after temporary tent encampment permit is issued for the same, the director of community development determines that the permit holder has violated this chapter or any condition of the permit, the temporary tent encampment, its sponsor and managing agency shall be subject to code enforcement under Chapter 1.04 MMC. All activities associated with the homeless encampment shall cease, and the site shall be vacated and restored to its pre-encampment conditions.~~

~~18.75.020 Standards for homeless encampments.~~

~~The following definitions and standards apply to temporary tent encampments for the purposes of application for and approval of a temporary use permit:~~

~~A. Definitions.~~

~~1. "Temporary tent encampment" means a group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.~~

~~2. "Managing agency" means an organization that has the capacity to organize and manage a temporary tent encampment. A "managing agency" may be the same entity as the sponsor.~~

~~3. "Sponsor" means a local church or other local, community-based organization that has an agreement with the managing agency, residents of a temporary tent encampment, or their agents to host and to provide basic services and support for the residents of a temporary tent encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A "sponsor" may be the same entity as the managing agency.~~

~~B. Standards.~~

~~1. The encampment shall be located a minimum of twenty feet from the property line of abutting properties containing commercial, industrial, professional office, and multifamily residential uses. The encampment shall be located a minimum of forty feet from the property line of abutting properties containing single-family residential uses, unless the host facility has Type 1 or Type 2 perimeter landscaping in accordance with Chapter 18.78 MMC, in which case the minimum setback is twenty feet.~~

~~2. No encampment shall be located within a critical area or its buffer as defined by Chapter 20.05 MMC.~~

~~3. A six-foot tall sight-obscuring fencing is required around the perimeter of the encampment, provided they do not create a sight obstruction at the street or street intersections or curbs as determined by the city engineer, unless the hearing examiner determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.~~

~~4. Exterior lighting must be directed downward and contained within the temporary tent encampment.~~

~~5. The maximum number of residents at a temporary tent encampment site shall be determined by the hearing examiner taking into consideration site conditions, but in no case shall the number be greater than one hundred people.~~

~~6. On-site parking of the sponsor shall not be displaced unless sufficient parking remains available for the host's use to compensate for the loss of on-site parking or a shared parking agreement is executed with adjacent properties pursuant to the criteria of MMC 18.86.080, Criteria for cooperative parking facility.~~

~~7. A transportation plan is required which shall include provision for transit services.~~

~~8. No children under eighteen are allowed to stay overnight in the temporary tent encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen attempts to stay at the encampment, the sponsor and the managing agency shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child and any accompanying parent or guardian.~~

~~9. The sponsor or managing agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary tent encampment resident, but also mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval.~~

~~10. The sponsor and the managing agency shall ensure compliance with Washington State laws and regulations, the Monroe Municipal Code, Fire District 3, and Snohomish Health District concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials. The sponsor and the managing agency shall permit inspections by state and/or local agencies and/or departments to ensure the same, and implement all directives resulting therefrom within the specified time period.~~

~~11. The sponsor and managing agency shall assure all applicable public health regulations, including but not limited to the following, will be met:~~

~~a. Sanitary portable toilets, which shall be set back at least forty feet from all property lines;~~

~~b. Hand washing stations by the toilets and food preparation areas;~~

~~c. Food preparation or service tents; and~~

~~d. Refuse receptacles.~~

~~12. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residences involved in food donations and storages shall be made aware of these guidelines consistent with the Snohomish Health District requirements.~~

~~13. The sponsor and the managing agency shall appoint a member to serve as a point of contact for the Monroe police department. At least one appointed resident shall be on duty at all times. The names of the on-duty members shall be posted daily.~~

~~14. Facilities for dealing with trash shall be provided on-site throughout the encampment. A regular trash patrol in the immediate vicinity of the temporary tent encampment site shall be provided.~~

~~15. The sponsor and the managing agency shall take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and use the identification to obtain sex offender and warrant checks from appropriate agencies. The sponsor and the managing agency shall keep a log of names and dates of all people who stay overnight in the temporary tent encampment.~~

~~16. The sponsor and the managing agency shall immediately contact the Monroe police department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.~~

~~17. Temporary structures that cover an area in excess of one hundred twenty square feet (11.16 square meters), including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of ten or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official pursuant to Section 3103 of the International Building Code as adopted by the city of Monroe.~~

~~18. The sponsor, the managing agency and temporary tent encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.~~

~~19. Where deemed necessary by the hearing examiner, the sponsor and/or the managing agency shall procure and maintain in full force, through the duration of the temporary tent encampment, comprehensive general liability insurance with a minimum coverage of one million dollars per occurrence/aggregate for personal injury and property damage.~~

~~20. Where deemed necessary, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for a temporary tent encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.~~

~~21. The sponsor and/or managing agency shall provide before-encampment photos of the host site with the application. Upon vacation of the temporary tent encampment, all temporary structures and debris shall be removed from the host site within one calendar week.~~

~~18.75.030 Frequency and duration of temporary use.~~

~~The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three-hundred-sixty-five-day period. Temporary tent encampments may be approved for a period not to exceed ninety days for every three-hundred-sixty-five-day period. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.~~

~~18.75.040 Notice requirements, review process and appeal procedure for temporary tent encampment applications.~~

~~A. Notice Requirements for Temporary Tent Encampments. The completed application, which shall be signed by both the sponsor and the managing agency ("applicant"), shall contain at a minimum contact information for the applicant, and detailed information regarding the following: (1) how the applicant will meet the requirements of the permit for a temporary tent encampment as set forth in this chapter; (2) potential adverse effects that the proposed encampment will likely have on neighboring properties and community; (3) measures to mitigate these adverse effects; (4) the written code of conduct adopted by the applicant for the temporary tent encampment; (5) provisions by applicant to meet requirements of the International Fire Code; and (6) certification that the applicant has taken all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and used the identification to obtain sex offender and warrant checks from appropriate agencies. The form of the notice and the application shall be provided by the community development department upon request by the sponsor and/or the managing agency.~~

~~A notice of application and copy of the application for a temporary tent encampment shall be provided at least fifteen days prior to the decision regarding the issuance of the permit. The purpose of the notice is to inform the surrounding community of the application. The notice shall contain, at a minimum, the date of application, project location, proposed duration and operation of the homeless encampment, number of residents for the encampment, conditions that will likely be placed on the operation of the homeless encampment, and requirements of the written code of conduct. The applicant shall distribute said notice as follows:~~

~~1. A copy of the notice and application, or summary thereof, will be published in the official newspaper of the city.~~

~~2. A copy of the notice and application, or summary thereof, shall be (a) posted at two publicly visible locations on the site upon which the proposed homeless encampment will be located, and (b) mailed to owners of all property within five hundred feet of any boundary of the subject property, and any neighborhood organization in the vicinity of the homeless encampment site whose contact information is known to or made known to the managing agency.~~

~~B. Review Process, Notice of Decision Regarding Issuance of Permit, and Appeal Procedure. After review of the application for a temporary tent encampment and an open record hearing pursuant to MMC 21.50.030(B), the hearing examiner shall make a decision regarding the issuance of a temporary tent encampment permit. Before any temporary tent encampment permit may be granted, it shall be shown that:~~

~~1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed encampment;~~

~~2. The proposed use shall meet the performance standards that are required in the zoning district the encampment will occupy and the requirements of this chapter;~~

~~3. The proposed use shall be in keeping with the goals and policies of the comprehensive plan;~~

~~4. All measures have been taken to minimize the possible adverse impacts, which the proposed encampment may have on the area in which it is located.~~

~~Because each temporary tent encampment has unique characteristics, including, but not limited to, size, duration, uses, number of occupants and composition, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for homeless encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Conditions, if imposed, must relate to findings by the hearing examiner, and must be calculated to minimize nuisance-generating features in matters of noise, waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the temporary tent encampment may have on the area in which it is located. In cases where the application for temporary tent encampment does not meet the requirements or standards of this chapter or adequate mitigation may not be feasible or possible, the hearing examiner shall deny issuance of a temporary tent encampment permit.~~

~~If issued, the permit for the temporary tent encampment shall be issued jointly to the sponsor and managing agency. A notice of such decision stating whether the permit is granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision.~~

~~The hearing examiner's decision will be the city's final decision. Any appeal of the city's final decision may only be made to Snohomish County Superior Court in accordance with MMC 21.60.030 and Chapter 36.70C RCW. The burden of proof on appeal shall be on appellant.~~

~~C. Additional Requirements for Applications Requesting Modification of Standards for Temporary Tent Encampments. The applicant may apply for a temporary tent encampment permit that applies standards that differ from those in MMC 18.75.020 only where, in addition to satisfying the requirements in subsection (A) of this section, the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe encampment with minimal negative impacts to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the hearing examiner shall first consider the effects on the health and safety of encampment residents and the neighboring communities. Modifications should not be granted if their adverse impact on encampment residents and/or neighboring communities will be greater than those without modification. The burden of proof shall be on applicant.~~

~~18.75.050 No intent to create protected/benefited class.~~

~~Provisions in this chapter are intended to promote the health, safety and welfare of the general public. Nothing contained herein is intended to be nor shall be construed to create or otherwise establish any particular class or group of persons who will or should be especially protected or benefited by the provisions in this chapter. The provisions in this chapter are not intended to be, nor shall be, construed to create any basis for liability on the part of the city, its officers, employees or agents for any injury or damage that an individual, class or group may claim arises from any action or inaction on the~~

~~part of the city. Likewise, they are not intended to, nor shall be construed to, impose upon the city any duty that can become the basis of a legal action for injury or damage.~~

~~Chapter 18.78~~
~~LANDSCAPE AND RECREATION SPACE REQUIREMENTS~~

~~Sections:~~

~~18.78.010 Purpose.~~
~~18.78.020 Definitions.~~
~~18.78.030 Types and description.~~
~~18.78.040 Application of chapter.~~
~~18.78.050 Objectives.~~
~~18.78.055 Parking lot standards.~~
~~18.78.060 Landscaping plan and submittal.~~
~~18.78.070 Maintenance requirements.~~
~~18.78.080 Recreation space requirements.~~

~~18.78.010 Purpose.~~

~~This chapter is intended to establish consistent and comprehensive landscaping provisions by adoption of a new city ordinance. This chapter provides minimum landscape requirements, which will:~~

~~A. Enhance the community's aesthetic character and appeal.~~
~~B. Establish a healthier environment by using plants to mitigate the ill effects of pollution.~~
~~C. Ensure quality development standards.~~
~~D. Encourage citizens to participate in rejuvenating the city's appearance.~~
~~E. Buffer impacts of industrial, commercial and multifamily residential uses to adjacent single-family residential uses.~~

~~18.78.020 Definitions.~~

~~Unless noted otherwise in this chapter, the words or phrases defined in this section shall have the indicated meanings.~~

~~A. "Barrier buffer" means a space, either landscaped or in a protected state, intended to reduce the impact of development, traffic, undesirable sights, sounds, and odors.~~
~~B. "Caliper" means the diameter of a tree or shrub trunk measured six inches above grade.~~
~~C. "Drip line boundary" means the circle that can be drawn on the ground below a tree directly under its outermost branch tips.~~
~~D. "Facade buffers" means a space around storefront intended to create a softening effect by reducing the amount of visual, straight-line architecture.~~
~~E. "Height of trees" means the distance from growth stem to top of root ball.~~
~~F. "Landscape architect" means a Washington State registered professional landscape architect, having current certification with the State Department of Licensing.~~
~~G. "Landscaping" means the placement, preservation, and/or replacement of trees, shrubs, plants, and other living vegetative materials installed to meet the provisions of this chapter. Bark, mulch and ornamental rock are not considered to be substitutes for living landscape plants or ground cover.~~

~~H. "Landscaping area" means any portion of a site not used for building, parking, driveway or accessory storage area. A landscape area may include patios, plazas, walkways, walls and fences, fountains or pools, and planting areas. Ponds, streams, natural areas, or areas for the detention of storm water runoff are not considered part of the landscaped area of a site unless they are integrated with required landscaping as a water feature.~~

~~I. "Maintenance" means the continual maintenance of planting areas and landscape plants in a healthy, living condition, the replacement of dead, diseased, or damaged plant material, and the repair of irrigation systems.~~

~~J. "Plan" means a sketch, survey or drawing which may be a part of the set of permit drawings or construction documents, and which contains information related to vegetation clearing and planting.~~

~~K. "Stand" means a homogenous grouping of tree species or a group of trees that contain a large proportion of the same species.~~

~~L. "Visual relief" means a transparent buffer that softens and breaks up sites within compatible use areas and parking lots.~~

~~18.78.030 Types and description.~~

~~The four types of landscaping are described and applied as follows:~~

~~A. Type I Landscaping.~~

~~1. Type I landscaping is a "full screen" that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and nonresidential areas.~~

~~2. Type I landscaping shall consist of:~~

~~a. A mix of primarily evergreen trees and shrubs placed to form a continuous screen;~~

~~b. At least seventy percent evergreen trees;~~

~~c. Evergreen trees spaced no more than fifteen feet on center;~~

~~d. Broadleaf trees spaced no more than twenty feet on center;~~

~~e. Evergreen shrubs spaced no more than four feet apart; and~~

~~f. Ground cover in accordance with the city of Monroe landscape standards.~~

~~B. Type II Landscaping.~~

~~1. Type II landscaping is a "filtered screen" that functions as a visual separator. This landscaping is typically found between commercial and industrial uses, between differing types of residential development, and to screen industrial uses from the street;~~

~~2. Type II landscaping shall consist of:~~

~~a. A mix of evergreen and broadleaf trees and shrubs spaced to create a filtered screen;~~

~~b. At least fifty percent broadleaf trees and at least thirty percent evergreen trees;~~

~~c. Evergreen trees spaced no more than fifteen feet on center;~~

~~d. Broadleaf trees spaced no more than twenty feet on center;~~

~~e. Shrubs spaced no more than five feet apart; and~~

~~f. Ground cover in accordance with the city of Monroe landscape standards.~~

~~C. Type III Landscaping.~~

~~1. Type III landscaping is a "see-through buffer" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This~~

~~landscaping is typically found along street frontage or between apartment developments;~~

~~2. Type III landscaping shall consists of:~~

~~a. A mix of evergreen and/or broadleaf trees spaced to create a continuous canopy;~~

~~b. At least seventy percent broadleaf trees;~~

~~c. Trees spaced no more than twenty-five feet on center;~~

~~d. Shrubs that do not exceed a height of four feet, spaced no more than four feet apart; and~~

~~e. Ground cover in accordance with the city of Monroe landscape standards.~~

~~D. Type IV Landscaping.~~

~~1. Type IV landscaping is "parking area landscaping" that provides shade and visual relief while maintaining clear sight lines within parking areas;~~

~~2. Type IV landscaping shall consist of:~~

~~a. Canopy-type broadleaf or evergreen trees, evergreen shrubs and ground covers planted in islands or strips;~~

~~b. Shrubs that do not exceed a height of four feet;~~

~~c. Plantings contained in planting islands or strips having an area of at least one hundred square feet and with a narrow dimension of no less than five feet;~~

~~d. Ground cover in accordance with the city of Monroe landscape standards; and~~

~~e. At least sixty percent of the trees shall be broadleaf.~~

~~18.78.040 Application of chapter.~~

~~This chapter will apply to the following uses or permits:~~

~~A. Any permit to construct a multifamily dwelling containing more than two units.~~

~~B. PRD's binding site plans.~~

~~C. All shoreline permits.~~

~~D. Mobile home parks and subdivisions, and recreational vehicle parks.~~

~~E. All commercial parking lots, storage yards or containment facilities.~~

~~F. All new commercial construction.~~

~~G. All new industrial construction.~~

~~H. A change of occupancy of commercial use property as defined by the International Building Code, and/or improvement which exceeds sixty percent of the assessed valuation of the existing structure within any twelve-month period.~~

~~I. Contract zone.~~

~~J. Plat or subdivision.~~

~~18.78.050 Objectives.~~

~~A. Provide building facade buffers in the commercial and industrial zoning districts to produce a softening effect to the new building as well as encourage landscaping by current merchants.~~

~~B. Provide sight and noise barrier buffers between incompatible land uses, e.g., between residential and commercial uses.~~

~~C. Provide visual relief buffers between similar land use areas and within parking lots.~~

~~D. Provide and maintain natural riparian corridors along streams, wetlands and drainage areas.~~

~~E. Provide visual screening around dumpster areas and utility boxes.~~

~~F. Artificial lawn or shrubbery will not be permitted in any landscaped areas.~~

~~G. Storm water drainage systems, including biofiltration swales, will not be credited toward meeting minimum landscaping requirements.~~

~~18.78.055 Parking lot standards.~~

~~A. Provide a five-foot perimeter landscape buffer around nonresidential lots with a minimum of five percent of the parking lot (exclusive of street and building frontages) landscaped with no individual landscape area less than one hundred square feet.~~

~~B. Provide landscaped areas at the ends of each row of parking spaces and one landscaped area for every ten spaces within rows of parking spaces.~~

~~C. Provide six-inch protective curbs or wheel stops to protect landscaped areas from vehicular damage.~~

~~18.78.060 Landscaping plan and submittal.~~

~~A. Compliance. This chapter does not intend to stifle creative problem solving, but is rather a guideline for landscape requirements. Where strict interpretation of requirements is impractical, variances may be approved by the hearing examiner. The following criteria will be considered in granting variances:~~

~~1. Because of special circumstances, not the result of the owner's action, applicable to the subject property (including size, shape, and topography), the strict application of the provisions of this chapter is found to deprive the property of rights and privileges enjoyed by other property subject to this chapter.~~

~~2. That the granting of the variance will not be unduly detrimental to the public interest nor injurious to the property or improvements in the vicinity and zone in which the subject property is located.~~

~~3. That the subject property together with all adjacent property under the same ownership cannot be reasonably used under the regulations as written.~~

~~B. Submittal Requirements.~~

~~1. Preliminary Plans. Where applicable, a conceptual landscaping plan shall be submitted with the development application for all projects specified in MMC 18.78.040. The preliminary plan shall indicate existing and proposed plant material, including species name, size, plant count and location.~~

~~2. Final Plans. In instances where a preliminary plan is required, three copies of the final landscape plan shall be submitted with the building permit application for any project referenced under MMC 18.78.040. No clearing, grading or building permit shall be issued before the submittal and approval of this final plan. The final plan submission must include:~~

~~a. Location. Provide legal description of site or parcel as well as name and address of owner or developer.~~

~~b. Planting Schedule. The planting schedule shall indicate common names, quantities, sizes at planting, and spacing for all plants. The final site plan will show individual trees and shrubs. Ground cover may be expressed as on-center (o.c.) placement.~~

~~c. Cost Estimate. If a performance assurance is proposed as an alternative, the applicant must submit a current estimate of the cost to install the required landscaping. The community development director may approve the submitted cost estimate or require that written bids be obtained.~~

~~d. Elevation Drawing. An elevation and/or cross section drawing is required for steep slopes that exceed five feet in height and are steeper than one unit vertical~~

~~in one and one-half units horizontal. The scale should be appropriate to show structures and plantings at time of installation.~~

~~e. Grading Details. If land contours are to be altered, existing and proposed grading contours with spot elevations shall be drawn to scale on the preliminary and final site or landscape plan. All landscaped mounds and gullies are to be shown.~~

~~f. Existing Tree Survey. Applicants shall submit a tree survey indicating the name, caliper, and location of any existing tree greater than four inches in caliper. The boundaries and species of any strands of trees shall be detailed. The plan shall note which trees shall be retained, using the drip line boundary delineation to locate retained trees on the grading plan.~~

~~g. Utility Easements. Utility easements and other similar areas between property lines and curbing shall be landscaped and/or treated with dust and erosion control planting or surfacing such as evergreens, ground cover, shrubs, trees, sod or a combination of similar materials. In the areas of overhead wire no shrubs or trees over fifteen feet at maturity will be allowed.~~

~~h. Right-of-Way. Landscaping and irrigation must be provided in adjacent right-of-way between property line and curb or street edge and shown on plan.~~

~~i. Standards. Shall be in accordance with the city of Monroe landscaping design and installation standards.~~

~~3. Revisions. A revised landscaping plan may be approved by the community development director in the event there are significant physical elements which are discovered during or after plan review which may prevent installation of the required landscaping. Revisions to the approved landscaping plan may be required if the installed landscaping has failed to perform as intended.~~

~~4. Performance Assurance. Before the issuance of a certificate of occupancy for any project, the approved landscaping must be installed, unless the developer provides a performance security to guarantee the installation of the landscaping. The amount of the security will be based on one hundred fifty percent of the projected cost of material and installation of the approved landscaping, prior to issuance of a certificate of occupancy or, if no certificate is required, prior to final inspection approval. Once the landscaping and irrigation has been installed, a fifteen percent maintenance financial security is required before the release of the performance financial security. Any plants that die within two years of installation must be replaced before the maintenance financial security can be released. Upon inspection and approval, the maintenance financial security may be released after two years.~~

~~C. Irrigation System. Landscape areas shall be irrigated by a permanent underground sprinkler or drip water system, complete with automatic controls.~~

~~1. Automatic irrigation systems shall be installed and operation shall occur between the hours of midnight and five a.m., so that the final irrigation zone has concluded its sequence prior to five a.m.~~

~~2. An as-built irrigation drawing to scale shall be submitted prior to the issuance of the certificate of occupancy or release of the performance security. The method of irrigation for all landscaped areas shall be shown on the plans. In addition, the location of sprinkler heads, water source, controls and approved backflow prevention assembly shall be shown on final plans.~~

~~D. Drought-tolerant plants used exclusively throughout a project will be exempt from automatic irrigation requirements upon approval of the landscape plan by the planning and permitting division and the city's landscape specialist.~~

~~18.78.070 Maintenance requirements.~~

~~All landscaping required by this chapter shall be maintained in a healthy growing condition by all property owners. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be kept clear of weeds. All irrigation systems required by this chapter shall be maintained in good working order by the property owner.~~

~~18.78.080 Recreation space requirements.~~

~~Any proposed multifamily, complex or development of five or more units, except in downtown commercial zone, shall provide a minimum amount of recreation space according to the following provisions:~~

~~A. Required Area.~~

~~1. For each proposed dwelling unit in a multifamily structure, complex or development, recreational space shall be provided per the following table:~~

~~Type of dwelling unit~~	~~Open space~~
~~Studio and one bedroom~~	~~90 square feet per unit~~
~~Two bedrooms~~	~~130 square feet per unit~~
~~Three or more bedrooms~~	~~170 square feet per unit~~

~~2. The front, side, and rear yard setback areas required by the applicable zoning district shall not qualify as recreation space.~~

~~3. In the event the total area required under subsection (A)(1) of this section is less than three thousand square feet, that portion required to be outdoors and uncovered shall be continuous.~~

~~B. Covered Space.~~

~~1. No more than fifty percent of the required recreation space may be indoor or covered space.~~

~~2. No more than fifty percent of the total required space may be used for single-purpose permanent facilities such as swimming pools, tennis courts, and similar facilities.~~

~~3. Up to fifty percent of the required open space may be provided by private balconies, yards, or decks (up to one hundred percent of required open space for townhouses).~~

~~C. Uncovered Space.~~

~~1. A minimum of fifty percent of the total required recreation space shall be open or uncovered; up to one hundred percent of the total requirement may be in open or uncovered recreation space.~~

~~2. No more than fifty percent of the uncovered recreation space requirement may be located on slopes greater than four horizontal slopes to one vertical slope.~~

~~3. Up to fifty percent of the required open space may be provided by shared roof decks located on the top of buildings that are available to all residents and meet the following requirements:~~

~~a. Space shall be ADA accessible to all dwelling units;~~

~~b. Space shall provide amenities such as seating areas, landscaping, and/or other features that encourage use by residents;~~

~~c. Space shall feature hard surfacing, included but not limited to common deck and patio materials, to encourage use by residents; and~~

~~d. Space shall incorporate features that provide for the safety of residents, such as enclosures and outdoor lighting in conformance with Chapter 15.15 MMC.~~

~~D. General Requirements.~~

~~1. Multifamily complexes that provide dwelling units with two or more bedrooms shall provide adequate recreation space for children. Such space shall be at least twenty-five percent but no more than fifty percent of the total recreation space required under subsection (A) of this section and shall be designated, located and maintained in a safe condition.~~

~~2. Adequate fencing, plant screening or other buffer shall separate the recreation space from parking areas, driveways or public streets.~~

~~Chapter 18.80~~
~~SIGNS~~

~~**Sections:**~~

~~18.80.010 Purpose.~~
~~18.80.020 Definitions.~~
~~18.80.030 Sign allowance table – Interpretation.~~
~~18.80.040 Limited duration signs.~~
~~18.80.050 Temporary and special event signs.~~
~~18.80.060 Murals.~~
~~18.80.070 Exempt signs.~~
~~18.80.080 Prohibited signs.~~
~~18.80.090 Scenic Vistas Act.~~
~~18.80.100 Portable (sandwich board) signs.~~
~~18.80.110 Projecting and suspended (under awning) signs.~~
~~18.80.120 Changeable message and video display signs.~~
~~18.80.130 General provisions.~~
~~18.80.140 Maintenance and removal.~~
~~18.80.150 Nonconforming signs.~~
~~18.80.160 Permits and fees.~~
~~18.80.170 Administration and enforcement.~~
~~18.80.180 Interpretations.~~
~~18.80.190 Variances and appeals.~~
~~18.80.200 Sign design guidelines/sign illustrations.~~

~~18.80.010 Purpose.~~

~~The overall purpose of this chapter is to promote the public health, safety and general welfare; to increase the effectiveness of visual communication in the city; and to enhance and maintain the aesthetic character of the city. More specifically, this chapter is intended to:~~

~~A. Promote and protect property values.~~

~~B. Improve business in the city of Monroe.~~

~~C. Promote a business person's right to identify their business through reasonable and effective methods.~~

~~D. Minimize dangerous conflicts between signage and traffic control devices.~~
~~E. Minimize visual distractions between signage and motorists, bicyclists, and pedestrians.~~
~~F. Increase the city's attractiveness.~~
~~G. Promote the city's scenic views, historical assets, architecture, streetscapes, and landscaping.~~
~~The purpose of this title is implemented by controlling the number, type, design, lighting, construction, materials, location, use, and maintenance of all signs and sign structures.~~

~~18.80.020 Definitions.~~
~~For the purpose of this title, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this chapter and are to be used only for the implementation of this title. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.~~

~~1. "Abandoned sign" means a sign that no longer correctly directs or exhorts any person nor advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises whereon such sign is located.~~
~~2. "Address sign" means any sign of a noncommercial nature stating the address of the structure upon which said sign is located.~~
~~3. "Advertising sign" means a sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or to which it is affixed.~~
~~4. "Advertising vehicle" means any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement or products or directing people to a business activity located on the same property or nearby property or any other premises. The vehicle must be used primarily for the purpose of advertising, as opposed to serving some other function such as delivery of goods or services or transport.~~
~~5. "Air-supported structure" means an air-supported or inflated object with or without cable supports and braces intended to attract attention to the location, event or promotion.~~
~~6. "Animated sign" means a sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.~~
~~7. "Auxiliary sign" means a sign that provides information such as direction, time and temperature displays, hours of operation, or warning; auxiliary signs are intended for the convenience of the public. An auxiliary sign may include the business name and/or logo, but may not include its product or services.~~
~~8. "Awning" means a covering structure that projects horizontally from, and is attached to a building. An awning provides protection from the weather for persons or properties underneath it.~~
~~9. "Awning sign, fascia" means a nonilluminated or illuminated sign which is usually painted or screen printed onto the surface of an awning and which does not extend vertically or horizontally beyond the limits of the awning edge or fascia.~~

~~10. "Awning sign, under" means a sign that is hung from and below a building awning or canopy that may extend outwards under the awning or canopy and over the walkway or parking area.~~

~~11. "Area or surface area of sign" means the greatest area of a sign, visible from any one viewpoint, excluding the sign support structures, which do not form part of the sign proper or of the display. Surface area shall be measured as follows:~~

~~a. The "surface area" of the sign is determined by the height times the width of a typical rectangular sign, or other appropriate mathematical computation of surface area for nonrectangular signs.~~

~~12. "Banner sign" means a sign made of lightweight material such as cloth, paper, or flexible plastic with or without a rigid frame on which a sign is painted or printed that is attached to a building or displayed on the grounds.~~

~~13. "Billboard" generally means a sign on a flat surface or board, usually outdoors, on which large advertisements or notices are posted.~~

~~14. "Blade sign" means a rigid projecting or suspended sign that is perpendicular to the building facade, that is mounted below the awning, canopy, or other first floor overhangs and/or over the building or store entryway and for which the primary audience is pedestrians.~~

~~15. "Building face" means the general outer surface of any exterior wall of a building or other structure.~~

~~16. "Building-mounted sign" means a single- or multiple-faced sign of a permanent nature, made of rigid material, attached to or painted upon the wall/facade of a building or the face of a marquee in such a manner that the wall/facade becomes the supporting structure or forms the background surface of the sign and does not project more than eighteen inches from such wall/facade.~~

~~17. "Building unit" means the equivalent tenant space. Building frontage measured from the centerline of the party walls defining the tenant space shall be the basis for determining the permissible sign area for wall signs.~~

~~18. "Business" means any person, partnership, association, corporation, joint venture, or similar group whether operating for profit or not, and any governmental agency.~~

~~19. "Cabinet sign" means a sign which may be multi-sided incorporating a rigid frame, which supports and retains the removable sign face panel(s) and/or background constructed of plastic or similar translucent materials and which has an internal light source. Cabinet signs do not include signs composed of individually mounted and individually illuminated letters or logos no larger than the lettering to which they relate.~~

~~20. "Canopy" means an ornamental or protective roof-like structure that may be attached or detached from the main building and usually providing protection from the elements to objects or people underneath. Structures over gas pump islands and over entrances of theaters or hotels are both examples of canopies.~~

~~21. "Canopy sign" means a sign that is painted onto the horizontal face or fascia edge of an awning or canopy that is mounted to the building facade.~~

~~22. "Changeable message sign" means a sign or portion thereof on which changing copy or symbols are electronically controlled (for example, time and temperature units), or manually through placement of copy or symbols on the same sign surface.~~

~~23. "Channel letter" means a fabricated or formed three-dimensional letter that may accommodate a light source.~~

~~24. "City, state, federal, and community sponsored events" means nonprofit events or activities open to the public and associated with common interests or characteristics of the community. Examples of such events are elections, Evergreen Fair, Little League baseball, 4th of July parades or celebrations, and the like.~~
~~25. "Coated tubing" means the clear glass tubing, coated on the interior surface with phosphorus powder. Coated tubing produces a variety of different light colors, dependent upon the specific mixture of phosphorus powders utilized.~~
~~26. "Cold cathode" means:~~
~~a. Electric discharge lighting, which uses an electrode with a large metal mass to emit electrons. Neon tubing is a cold cathode type.~~
~~b. Generic term employed to specify custom interior lighting produced through the use of larger diameter cold cathode tubing.~~
~~27. "Colored tubing" means transparent glass tubing manufactured with color pigments, typically color examples include ruby red, canary yellow, green, and midnight blue.~~
~~28. "Common ownership" means groups of two or more businesses when such businesses are located on one or more parcels of land or share public parking or maintenance facilities or when they conduct advertising on a regular basis; or when they function as a single entity in practical or business matters.~~
~~29. "Cone of vision" means the area that is clearly visible to a driver, generally described as a "fan-shaped envelope" preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver.~~
~~30. "Conspicuity" means the capacity of a sign to stand out or be distinguishable from its surroundings and thus be readily discovered by the eye. It is the noticeable contrast between a sign and its background with the display having features that attract attention to the sign.~~
~~31. "Contrast" means the difference or degree of difference in the appearance of adjacent surfaces, such as light and dark areas, different colors, or typefaces, and graphics appearing on various backgrounds.~~
~~32. "Construction sign" means a sign installed in conjunction with construction or remodeling of a building; and/or designating the contractor(s), architect(s), and engineer(s) participating in a construction project underway on the same premises. A construction sign may also include the name of the project.~~
~~33. "Copy" means the medium by which the message or idea of a sign is communicated.~~
~~34. "Deck cabinet" means a sign that is similar in detail and use as a raceway except larger in cross section to provide a background area.~~
~~35. "Digital signage" means a form of electronic display that shows television programming, menus, information, advertising and other messages. Digital signs (frequently utilizing technologies such as LCD, LED, plasma displays, or projected images to display content) can be found in both public and private environments, including retail stores, hotels, restaurants, and corporate buildings, amongst other locations. Digital signage displays are most commonly controlled by personal computers or servers, through the use of either proprietary or public-domain software programs allowing the operator to avoid large capital outlays for the controller equipment.~~
~~36. "Digital out of home (DOOH)" means advertising using digital signage as a form of out-of-home advertising in which video content, advertisements, and/or~~

~~messages may be displayed on digital signs with a common goal of delivering targeted messages, to specific locations and/or consumers, at specific times.~~

~~37. "Dimensional letter" means a specification description of a letter or logo, either cut out or fabricated of metal or plastic materials to create a raised condition.~~

~~38. "Director" refers to the community development director, planning director, planning and permitting manager or his/her designee.~~

~~39. "Directional sign" means an off-premises sign that directs attention by name and/or logo to a business, group of businesses, or a business area; and is designated and used solely for the purpose of indicating the location or direction of a place or business and which is located on private property or the public right-of-way separate from the place or business.~~

~~40. "Directional traffic sign" means a sign that is located to guide or direct pedestrian or vehicular traffic to parking entrances, exits and service areas.~~

~~41. "Directory of tenants" means a sign that identifies the building or project name and the tenants which share a single structure or development.~~

~~42. "Display" means the visual information shown on a sign, including the text, graphics, logo, pictures, lights and background.~~

~~43. "Display area" means the greatest area of display meant to contain the text, graphics, pictures, lights and other background details to be viewed as signage. Display area shall be measured as the smallest rectangle placed around all that composes the display area. On no sign shall the display area be less than fifty percent of the surface area of the sign.~~

~~a. "Display area" includes only one face of a double-faced sign or v-shaped sign where the faces of the sign are parallel or diagonal. If any face is offset from parallel or separated by more than two feet, such face shall be counted as a separate surface area.~~

~~b. "Display area" of a spherical, cubical or polyhedral sign equals the sum of the surface area of all faces, divided by two.~~

~~44. "Dissolve/appear" means a mode of message transition on an electronic message center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.~~

~~45. "Double-faced sign" means a sign with two faces.~~

~~46. "Electrical sign" means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.~~

~~47. "Electronic message centers (EMC)" means a sign that includes messages that are static, appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.~~

~~48. "Electronic message display (EMD)" means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.~~

~~49. "Electronic signage" (also called "electronic signs" or "electronic displays") means illuminant advertising media in the signage industry. Major electronic signage includes fluorescent signs, HID (high intensity displays), incandescent signs, LED signs, and neon signs. LED signs and HID are so-called digital signage.~~

~~50. "Entry monument sign" means a sign used to identify the primary entrance or entrances to a complex of business and/or buildings located within a coordinated~~

~~business, office, or industrial park setting. The entry monument consists of the sign face and supporting structure.~~

~~51. "Facade" means the exterior wall face of a building, extending from the ground to the top of the parapet or eaves, but not including any portion of the roof. Each side of a building (i.e., each architectural elevation) is considered one facade. For buildings with more than one occupant/tenant, the facade for each occupant shall be that portion of the exterior wall face between the points where the interior wall between tenants intersects with the exterior wall, thus delineating the individual occupant/tenant space.~~

~~52. "Fade/appear" means a mode of message transition on an electronic message center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.~~

~~53. "Festoon(s)" means a strip or string of balloons, flags or lights, which includes clusters of balloons, flags or lights, connected on at least one end to a fixed or movable object such as a vehicle.~~

~~54. "Flashing (or strobing) sign" means an electrical or electronic sign or portion thereof that changes light intensity in a sudden transitory burst or that switches on and off in a constant, random, or irregular pattern that contains motion or the optical illusion of motion with more than one-third of the light source that is not constant being off at any one time. Generally, the sign's message is constantly repeated, and the sign is most often used as a primary attention-getting device.~~

~~55. "Fluorescent lamp or tube" means electric-discharge lighting utilizing glass tubing manufactured to standard lengths.~~

~~56. "Font" means a set of letters, numerals, and shapes, which conform to a specific set of design criteria.~~

~~57. "Foot candle (fc)" means a measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.~~

~~58. "Freestanding sign" is a single- or multiple-face sign attached to or supported by columns, uprights, braces, poles, standards, or other type of base in or on the ground and not attached to the building. Double and single pole, monument, pedestal, and pylon signs are freestanding signs. The sign face may be of permanent construction or include reader board elements as defined herein.~~

~~a. Temporary freestanding signs are signs which can be moved from structure to structure, or site to site, and which are not anchored to the ground in accord with the International Building Code. Examples of such signs are sandwich board/A-frame signs, small price signs, and similar portable signs.~~

~~b. Permanent freestanding signs are anchored to the ground in accord with the International Building Code.~~

~~59. "Freestanding pedestal sign" means a self-supported sign permanently attached directly to the ground upon a pedestal base or monument or pylon foundation and not attached to any building, wall or fence.~~

~~60. "Freestanding pole sign" means a self-supported sign permanently attached directly to the ground supported by upright poles or posts or braces placed on or in the ground. (Also called "ground or pole sign.")~~

~~61. "Frontage" means the linear distance of property along a street or highway.~~

~~62. "Frontage, building" means the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.~~

~~63. "Frontage, primary" means the portion of any frontage containing the primary public entrance(s) to the building or building units.~~
~~64. "Frontage, secondary" means those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by the definition above.~~
~~65. "Gateway sign (or structure)" means a public or private sign or structure with sign elements identifying entry into and/or the boundaries of a development, neighborhood, or district.~~
~~66. "Garage sign or yard sale" means a sign advertising a private sale of personal household possessions; not for the use of any commercial venture.~~
~~67. "Grade (ground level)" means the finished level of the street (or parking lot) closest to the sign to which reference is made. In cases where the property on which the sign is located is lower than the immediately adjacent street level, the ground level shall be considered the street level as measured from the street centerline, so as to facilitate visibility of signage.~~
~~68. "Graphic sign" means a window sign or a sign which is an integral part of a building's facade. The sign may be painted, carved, or permanently imbedded.~~
~~69. "H channel letter" means a dimensional letter with baffles at the center of the cross-sectional shape for support of neon tubing and mounting of transformers.~~
~~70. "Height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative grade in the immediate vicinity.~~
~~71. "Historic sign" means a wall or projecting sign where the sign is proposed to be restored or authentically recreated as evidenced by historic photographs even though nonconforming.~~
~~72. "Holographic display" means any display that creates a three-dimensional image through projection.~~
~~73. "Identification sign" means a sign of an informational nature that directs attention to certain uses other than businesses, such as individual private residences or home occupations or the name of a residential structure or project.~~
~~74. "Illegal sign" means any sign which does not comply with the requirements of this code within the city limits, as they now or hereafter exist except for those signs which are legal nonconforming signs.~~
~~75. "Illumination" means any sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.~~
~~76. "Incombustible material" means any material which will not ignite at, or below, a temperature of twelve hundred degrees Fahrenheit during an exposure of five minutes, and which will not continue to burn or glow at that temperature.~~
~~77. "Inflatable object or sign" means any inflatable object larger than three feet in diameter, such as a blimp, large balloon, or inflatable sport equipment, that uses blown air or gas to remain inflated to attract attention to a business, special event or activity.~~
~~78. "Informational sign, private" means a sign placed for the convenience of the property owner used for the sole purpose of designating property control and warning signs such as "no trespassing," "no dumping," "patrolled by dogs," etc.~~
~~79. "Informational sign, public" means a sign placed for the convenience of the public used for the sole purpose of designating restrooms, hours of operations, entrances and exits to buildings and parking lots, help wanted, public telephones,~~

~~public notary, etc. Also included are plaques, tablets or inscriptions that are an integral part of a building.~~

~~80. "Interior sign" means any sign attached to the interior surface of any building or structure, or maintained within the building or structure.~~

~~81. "Internally illuminated sign" means a sign that has the light source enclosed within it so the source is not visible to the eye.~~

~~82. "Illuminated sign" means any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.~~

~~83. "Incandescent bulb" means a lamp that produces light through the application of electrical energy to a wire filament, which glows as it is heated.~~

~~84. "Landmark sign" means a sign or plaque that is attached to the surface of the building or on a site that identifies or describes the historical, cultural, social, or other significance of a building or site.~~

~~85. "Legal nonconforming sign" means any sign lawfully constructed prior to the effective date of the ordinance codified in this chapter which fails to conform to the provisions of this chapter.~~

~~86. "Legibility" means the physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which directly relate to an observer's visual acuity.~~

~~87. "Liquid crystal display (LCD)" means a flat panel display, electronic visual display, or video display that uses the light modulating properties of liquid crystals. Liquid crystals do not emit light directly. It is an electronically modulated optical device made up of any number of segments filled with liquid crystals and arrayed in front of a light source (backlight) or reflector to produce images in color or monochrome.~~

~~88. "Light-emitting diode (LED)" means a semiconductor light source. Early LEDs emitted low-intensity red light, but modern versions are available across the visible, ultraviolet, and infrared wavelengths, with very high brightness. An LED sign is illuminated solely by tiny light bulbs fit into an electrical circuit that is lit by the movement of electrons in a semiconductor material. The more dense or closer the bulbs are placed, the higher the resolution of the image, which can vary from a dot matrix image to very high resolution equal to a television screen.~~

~~89. "Limited duration sign" means a nonpermanent sign intended for use for a limited period of time. Examples include signs that provide information concerning the development and sale of residential and commercial properties.~~

~~90. "Luminance" means an objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft2).~~

~~91. "Logo, logogram, or logotype" means an emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.~~

~~92. "Lot sign" means signs used for the sale of residential lots in a platted subdivision.~~

~~93. "Maintenance" means the work of keeping something in a suitable condition such as repair would accomplish.~~

~~94. "Manual on Uniform Traffic Control Devices (MUTCD)" means the Federal Highway Administration's (FHWA) manual that sets minimum standards of placement that a sign must be in to achieve readability and conspicuity. The manual~~

~~covers a range of traffic control devices, specifically signs, which it breaks into three categories: guide signs, warning signs, and directional signs.~~

~~95. "Marquee" means a permanent roof-like structure projecting horizontally from and attached to a building, affording protection from the elements to persons and property thereunder.~~

~~96. "Marquee sign" means a sign that forms part of or is integrated into a marquee or canopy and which does not extend vertically or horizontally beyond the limits of such marquee or canopy.~~

~~97. "Message" means a set of sequential displays that conveys related information about a product, service or company in an electronic sign.~~

~~98. "Mobile sign" means any sign mounted on a vehicle, trailer, or boat; or fixed or attached to a device for the purpose of transporting from site to site. This definition includes all vehicles placed or parked for the purpose of drawing attention to a service, product, object, person, organization, institution, business, event, location or message, but not signs or lettering installed on vehicles, trailers or boats operating during the normal course of business.~~

~~99. "Monument sign" means a ground-mounted sign which is attached to the ground by means of a wide base with a solid appearance; see also "pedestal sign."~~

~~100. "Multiple-building complex" means a group of structures housing more than one type of retail business, office, commercial or manufacturing venture and generally under one ownership and control.~~

~~101. "Multiple-occupancy building" means a single structure housing more than one type of retail business, office, commercial, or manufacturing venture.~~

~~102. "Mural" means a mural or artwork either painted directly on a building wall, or prepared separately and attached to the building wall, that may or may not have a commercial message, name, or other advertisement incorporated.~~

~~103. "Nameplate identification sign" means a sign which indicates no more than the name and address of the resident of the premises.~~

~~104. "NEC" means the National Electric Code.~~

~~105. "Neon sign" means a sign manufactured utilizing neon tubing which is visible to the viewer.~~

~~106. "Neon tubing" means the electric discharge, cold cathode tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, and other decorative elements or art forms, in various colors and diameters and filled with inert gases.~~

~~107. "Noncommercial public service sign" means noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages.~~

~~108. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways that are attached to the sign structure.~~

~~109. "Off-premises sign" means a sign that advertises a service, product, object, person, organization, institution, business, event, location or message that is not available on the property upon which the sign is located. This includes mobile signs and billboards if their placement constitutes an off-premises sign.~~

~~110. "Off-premises sign, directional" means a sign designated and used solely for the purpose of indicating the location or direction of a place or business and which is located on private property or the public right-of-way separate from the place or business.~~

~~111. "Off-premises sign, public informational" means a sign providing information about events conducted at a public or other community facility in a location different than the property on which the sign is posted.~~
~~112. "On-premises sign" means a sign which displays a message that is directly related to the use of the property on which it is located.~~
~~113. "Open channel letter" means a dimensional letter that has no face and in which the neon tubing is visible.~~
~~114. "Open house sign" means a sign welcoming viewers to a piece of residential real estate that is being offered for sale.~~
~~115. "Pan channel letter" means a dimensional letter that is constructed with side walls, back and a face making the letter a solid integral unit with the side walls and back having a pan-shaped cross section.~~
~~116. "Pan face" means a plastic sign face molded into three-dimensional shapes.~~
~~117. "Parapet" means that portion of a building wall and/or facade which extends above the roof of the building.~~
~~118. "Parapet sign" means any sign erected upon the parapet of a building, not to exceed the height of said parapet.~~
~~119. "Pedestal sign" means a ground-mounted sign which is attached to the ground by means of a wide base with a solid appearance; see also "monument sign."~~
~~120. "Pedestrian-oriented sign" means a sign the primary purpose of which is to provide information for pedestrians and bicyclists.~~
~~121. "Perimeter" means a square or rectangle required to enclose the sign area.~~
~~122. "Pictorial sign" means a sign that conveys the service, product, or activity of a site without words, company or product emblem, or numbers or letters. Pictorial signs display a message through color, shape, and spatial relations, and are appropriate in context and taste with recognized standards of the community. Colored neon tubing and murals are examples of appropriate medium for display of a pictorial sign.~~
~~123. "Political sign" means a sign that identifies a candidate(s) for public elective office; urges a particular vote on a ballot measure in a pending public election, whether local, state or national; or expresses an opinion on a public issue.~~
~~124. "Portable sign" means an unlighted advertising sign including paper, cardboard, wood or metal, that is capable of being moved easily and that is not permanently affixed to the ground, structure, or building. This includes sidewalk or sandwich board or A-frame signs and signs mounted on a mobile base, except those worn by a person.~~
~~125. "Porte cochere" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements; typically used for loading and unloading of vehicles.~~
~~126. "Poster sign" means a decorative placard or advertisement intended to advertise a movie, theater production, video or DVD, or other product or special event that is being conducted or offered for sale.~~
~~127. "Premises" means the real estate as a unit, upon which is displayed the sign or signs mentioned in this chapter.~~
~~128. "Primary sign(s)" means all permitted monument/freestanding and building-mounted signs.~~

~~129. "Product-sponsored sign" means a sign which identifies, displays or attracts attention to a product sold or available, but may or may not identify the on-site organization, institution, person, object, business service or event.~~
~~130. "Projecting sign" means a rigid sign, other than a flush wall mounted or marquee sign, which is attached to and projects perpendicular from a building facade at a height above awnings, canopies, or other first floor overhangs, and for which the primary audiences are pedestrians and vehicles.~~
~~131. "Projection" means the distance by which a sign extends over public property or beyond the property line.~~
~~132. "Property line" means the line denoting the limits of legal ownership of the property.~~
~~133. "Push through" means a letter or logo cut out of a backing material that is thicker than the sign face material, and mounted on the inside of the sign face so that the backing material's thickness extends through and beyond the front plane of the sign face.~~
~~134. "Raceway" means an electrical enclosure which may also serve as a mounting structure for the sign.~~
~~135. "Radio frequency identification device (RFID)" means an imbedded device in a vehicle's key or on-board computer system that triggers a personalized message on a digital sign or billboard.~~
~~136. "Readability" means that which enables the observer to correctly perceive that information content of letters, numbers or symbols grouped together in words, sentences, or other meaningful relationships on the sign. Readability is the character of a sign which leads to the observer's comprehension of its intended message, and depends on legibility and other considerations of contents and time restraints.~~
~~137. "Reader board" means a sign or part of a sign specifically designed to allow for the display of temporary messages without alteration of the sign field, and on or within which the letters are readily replaceable such that copy can be changed from time to time at will, either by hand or through electronic programming.~~
~~138. "Reader board sign" means a lighted or unlighted sign or part of a sign that displays a changing message using manually mounted lettering or electronic printout that may be mounted on a building or freestanding pedestal or pole such that the copy can be changed from time to time at will.~~
~~139. "Reader board sign, portable" means a lighted or unlighted sign or part of a sign that displays a changing message using manually mounted lettering or electronic printout that may be mounted on an easel, trailer, or other movable equipment that is not permanently affixed to the ground, structure, or building.~~
~~140. "Real estate sign" means a temporary sign erected by the owner or their agent that advertises the real estate upon which the sign is located for rent, lease or sale, or directing people to the property.~~
~~141. "Real estate directional sign" means a temporary and/or portable sign that is intended to assist people finding the location of difficult to locate property that is for sale, rent, or lease.~~
~~142. "Repair" means to paint, clean or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape or location.~~
~~143. "Retainer" means a framing member mounted around the perimeter of a sign face, and attached to the sign cabinet structure. It is designed to attach the face to the cabinet and/or intended to provide a decorating trim piece.~~

~~144. "Return" means the sides of a channel letter.~~
~~145. "Reveal" means an indented detail on a sign.~~
~~146. "Reverse channel letter" means a dimensional letter with opaque face and side walls and open or translucent back so light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter.~~
~~147. "Revolving sign" means any sign that rotates or turns in a circular motion by electrical or mechanical means.~~
~~148. "Roof sign" means an advertising sign erected upon or above a roof, parapet, canopy, or porte cochere of a building or structure including a sign affixed to any structure erected upon a roof, including a structure housing building equipment. Mansard roof signs shall be considered wall signs.~~
~~149. "Sandwich or A-frame sign" means a temporary portable two-faced board style sign that is readily movable and has no permanent attachment to a building, structure, or the ground.~~
~~150. "Scoreboard" means an indoor or outdoor specialized reader board sign or part of a sign specifically designed to allow for the display of temporary messages such as scores of athletic events without alteration of the sign field, and on or within which the letters are readily replaceable such that copy can be changed from time to time at will, either by hand or through electronic programming.~~
~~151. "Scroll" means a mode of message transition on an electronic message center where the message appears to move vertically across the display surface.~~
~~152. "Scrolling" means the vertical movement of a static message or display on an electronic sign.~~
~~153. "Searchlight" means any device emitting a strong beam of light not normally associated with the daily operation or outdoor lighting of the business or location, used to attract attention to the site.~~
~~154. "Setback" means the distance measured on a horizontal plane between a public right-of-way line or a property line and the closest portion of a sign thereto.~~
~~155. "Sign" means a name, identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure, or piece of land and that directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include any display of official court or public office notice, nor shall it include the flag, emblem or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the public is intended to view the sign, or the context of this chapter shall so indicate. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the tenant user, are not considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.~~
~~156. "Sign area" means the exposed face area, including any background or backing constructed, painted or installed as an integral part of such sign. Where separate or cut-out figures or letters are used without backing which is an integral part of such sign, the area shall be measured as the area of the smallest polygon, and not to exceed six straight sides, which will completely enclose all figures, letters, designs, and tubing which are a part of the sign. The area of double-faced signs shall be the area of the larger single face.~~
~~157. "Sign display surface" means the area made available by the sign structure for the purpose of displaying the advertising message.~~

~~158. "Sign height" means the distance from the grade, or the top of the curb of the nearest street to the top of the sign or any projection thereon, whichever is higher.~~
~~159. "Signcentric design" means a building architectural design which makes the signage the prominent visual feature.~~
~~160. "Single-occupancy building" means a commercial or industrial building or structure with one major enterprise. A building is classified as "single-occupancy" only if:~~

~~a. It has only one occupant;~~
~~b. It has no wall in common with another building; and~~
~~c. It has no part of its roof in common with another building.~~

~~161. "Snipe sign" means an off-premises sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, utility poles or to other objects, not applicable to the present use of the premises or structure upon which the sign is located.~~
~~162. "Special event sign" means a temporary sign advertising activities concerning an event of a political, civic, seasonal, cultural, philanthropic, educational or religious event or organization that will occur intermittently.~~
~~163. "Street frontage" means streets, alleys, or public rights-of-way parallel to the property line used to compute the area of the sign(s) intended to be located in such a manner to have primary exposure on that street or right-of-way.~~
~~164. "Street furniture" means advertising displays, many which provide a public amenity, positioned at close proximity to pedestrians for eye-level viewing or at a curbside to reach vehicular traffic.~~
~~165. "Structure" means any structure supporting or that is capable of supporting any sign defined in this chapter. A sign structure may be a single pole or may or may not be an integral part of the building or structure.~~
~~166. "Subdivision sign" means a sign used to identify a land development of a residential nature.~~
~~167. "Subdivision directional sign" means a sign advertising the direction to a subdivision by naming the subdivision and furnishing a directional arrow.~~
~~168. "Subdivision or tract sign" means a sign advertising the sale or lease of lots or buildings within new or platted subdivisions or land tracts.~~
~~169. "Suspended sign" means a sign hanging down from a marquee, awning, canopy or porte cochere that would exist without the sign.~~
~~170. "Super graphic" means a painted design which covers all or a major portion of a wall, building or structure. A super graphic is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.~~
~~171. "Temporary sign" means a nonpermanent sign intended for use for a limited period of time. Examples of such signs include: grand opening signs, open house signs, special sale signs, sandwich board/A-frame signs, small price signs, pennants, and other similar signs. Banner signs are specifically excluded from this definition.~~
~~172. "Time and temperature display" means a variable message sign which displays current time and temperature in a stationary or alternating manner. Some also display simple messages.~~
~~173. "Transition" means a visual effect used on an electronic message center to allow one message to disappear while it is simultaneously being replaced by another.~~

~~174. "Trailer sign" means a sign which is attached to a trailer or has been constructed as a trailer for the purpose of being towed by a motor vehicle whether operable or not.~~
~~175. "Traveling" means the horizontal, side-to-side movement of a static or dynamic message or display on an electronic sign.~~
~~176. "UL" means Underwriters Laboratories, Inc., a nationally recognized testing laboratory.~~
~~177. "Variable message sign" means a sign that includes provisions for message changes. Also called a "changeable copy panel," "changeable copy sign," "time and temperature sign," "electronic message center," and "menu board."~~
~~178. "Video display signs" means a flat panel display, which uses light-emitting diodes as a video display. An LED panel is a small display, or a component of a larger display. They are typically used outdoors in store signs and billboards, and in recent years have also become commonly used in destination signs on public transport vehicles or even as part of transparent glass area. There are two types of LED panels: conventional (using discrete LEDs) and surface-mounted device (SMD) panels. Most outdoor screens and some indoor screens are built around discrete LEDs, also known as individually mounted LEDs. A cluster of red, green, and blue diodes is driven together to form a full-color pixel, usually square in shape. These pixels are spaced evenly apart and are measured from center to center for absolute pixel resolution.~~
~~179. "Video sign" means video devices such as televisions, computer monitors, flat panel displays, plasma screens, and similar video electronics used as signage.~~
~~180. "Visibility" means the physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain.~~
~~181. "Wall sign" means any sign, mural or graphic design which is attached parallel to and flat against, or is painted on, the wall or exterior of a building or structure having a commercial message or identification.~~
~~182. "Wall-mounted sign" means a sign attached or erected to and extending from the facade or wall of any building to which it is attached. A wall sign is supported through its entire length with the exposed face of the sign parallel to the plane of said wall or facade. A sign painted on the wall of a building or a sign painted or attached to a marquee shall be considered a wall-mounted sign.~~
~~183. "Wayfinding sign" means a system of public signs identifying directions to major public and private facilities or destinations of interest to the general public and typically including graphic elements mounted on separate freestanding poles or incorporated with other sign, light, or traffic standards.~~
~~184. "Window sign" means any sign which is painted or mounted onto an exterior of a window pane including the name of the business, hours of operation, address, and credit card logos; or which is hung directly inside the window including advertisements for services or products in the form of decals, emblems, paint, exposed neon, banners, posters, etc., within three feet of the window pane which may be viewed from the exterior of the building. "Window sign" does not include posters, handbills, or other temporary signs; or merchandise located within three feet of the window.~~
~~185. "Window sign, temporary" means any sign (or poster) of a temporary nature displayed on the inside or outside of the glass or in close proximity to the windows of a commercial building and intended to be viewed by persons outside of the building.~~

~~**18.80.030 Sign allowance table – Interpretation.**~~

~~A. The sign allowance table determines whether a specific sign is allowed in a zone district or by land use activity. The zone district or land use activity is identified in the left column, the type of sign in the second column, and the specific sign allowances are located in the rows of the table.~~

~~B. If no symbol or number appears in the table box at the intersection of the column and row, the sign is not allowed in that category or is not subject to an allowance.~~

~~C. If a letter appears in the table box at the intersection of the column and row or in the column or row heading, the sign may be allowed subject to the appropriate requirement and specific conditions indicated in the table footnotes.~~

~~D. All applicable requirements shall govern a sign whether or not the requirements are cross-referenced in the sign allowance table.~~

~~**18.80.030: Sign Allowance Table**~~

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~~**Purpose**~~	~~**Type of sign**~~	~~**Permit required**~~	~~**Number of signs (c)**~~	~~**Area maximum per sign in sq ft (d)(e)**~~	~~**Height in ft (f)**~~	~~**Setback in ft (g)**~~	~~**Comments**~~
~~**Access, landmark, and informational signs – All zones**~~							
~~entry/exit~~	~~freestanding~~	~~yes~~	~~1~~	~~6~~	~~4~~	~~2~~	~~Per vehicle exit/entry~~
~~landmark~~	~~wall (o)~~	~~no~~	~~1~~	~~2~~	~~8~~	~~2~~	~~Per building frontage~~
~~info – private~~	~~wall (o)~~	~~no~~	~~1~~	~~4~~	~~8~~	~~2~~	~~Per building frontage – must be for an original purpose and may not simply repeat the same message over and over~~
~~info – private~~	~~freestanding~~	~~no~~	~~1~~	~~4~~	~~8~~	~~2~~	~~Per property frontage – must be for an original purpose and may not simply repeat the same message over and over~~
~~info – public~~	~~wall (o)~~	~~no~~	~~1~~	~~2~~	~~8~~	~~2~~	~~Per building frontage~~
	~~freestanding~~	~~no~~	~~1~~	~~2~~	~~8~~	~~2~~	~~Per organization~~
~~info – wayfinding~~	~~freestanding~~	~~yes~~	~~na~~	~~32~~	~~8~~	~~2~~	~~Citywide system of directory signs~~
~~info – gateway~~	~~freestanding~~	~~yes~~	~~na~~	~~75~~	~~24~~	~~2~~	~~Citywide system of gateway elements~~
~~**Permanent signs – Residential zones SR15000, R-4, UR9600, UR6000, MR6000 (residential uses in LOS, PO, LI, GI, DC, MUNC, MUC, GC, SC)**~~							
~~ID – home occupation~~	~~wall or window~~	~~yes~~	~~1~~	~~4~~	~~8~~	~~2~~	~~Per building~~
	~~freestanding~~	~~yes~~	~~1~~	~~4~~	~~5~~	~~2~~	~~Per vehicle complex entry~~
~~ID – multifamily building~~	~~wall (o)~~	~~yes~~	~~1~~	~~32~~	~~24~~	~~2~~	~~4 or more dwelling units only, does not include address identification~~
	~~monument – gateway~~	~~yes~~	~~1~~	~~40~~	~~5~~	~~2~~	~~Per vehicle complex entry~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
~~ID – residential complex~~	~~freestanding – entry~~	~~yes~~	~~1~~	~~32~~	~~10~~		~~2~~	~~4 or more dwelling units only, 2 signs permitted per public entrance if located opposite one another and not exceeding 16 sf/sign face~~
~~Other uses (s)~~	~~wall~~	~~yes~~	~~1~~	~~16~~	~~5~~		~~2~~	~~Illumination prohibited~~
	~~monument~~	~~yes~~	~~1~~	~~16~~	~~5~~		~~2~~	~~May be illuminated but must adhere to MMC 18.80.130(E)~~
	~~freestanding~~	~~yes~~	~~1~~	~~16~~	~~5~~		~~2~~	~~May be illuminated but must adhere to MMC 18.80.130(E)~~
~~Permanent signs – Public zones PS, LOS~~								
~~informational~~	~~portable – sandwich sign~~	~~yes~~	~~1~~	~~12~~	~~4~~		~~-~~	~~Per institution, 3 ft x 4 ft outside of pedestrian walkway; prohibited in ROW~~
	~~window – opaque~~	~~no~~	~~1~~	~~20%~~	~~-~~		~~-~~	~~Percent of window area per window~~
	~~window – transparent~~	~~no~~	~~1~~	~~20%~~	~~-~~		~~-~~	~~Percent of window area per first floor window~~
	~~info – wall (o)~~	~~yes~~	~~1~~	~~6~~	~~8~~		~~-~~	~~Per frontage visible from ROW – no limit within the site if not ROW visible~~
	~~info – freestanding~~	~~yes~~	~~1~~	~~6~~	~~6~~		~~2~~	~~Per property~~
	~~wall (o)~~	~~yes~~	~~1 (t)~~	~~40~~	~~24~~		~~-~~	~~Per building frontage~~
	~~projecting~~	~~yes~~	~~1~~	~~20~~	~~(a)~~		~~-~~	~~Under 4 ft wide, mounted 6 inches from attaching wall~~
	~~changeable message~~	~~yes~~	~~1~~	~~50%~~	~~10~~		~~-~~	~~Percent changeable of allowable sign area~~
	~~freestanding <300 lf frontage~~	~~yes~~	~~1~~	~~40~~	~~10~~		~~2~~	~~Per property~~
	~~freestanding >300 lf frontage~~	~~yes~~	~~2~~	~~40~~	~~10~~		~~2~~	~~Signs must be located more than 200 lf apart~~
	~~monument – off-premises~~	~~yes~~	~~1~~	~~24~~	~~10~~		~~2~~	~~Per closest arterial/collector road for businesses not~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
	~~multitenant directions (k)~~							~~located on the arterial or collector road; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~
~~Permanent signs – Office zone PO (h)~~								
~~advertising~~	~~window – opaque~~	~~no~~	~~na~~	~~20%~~	-		-	~~Percent of window area per window~~
	~~window – transparent~~	~~no~~	~~na~~	~~20%~~	-		-	~~Percent of window area per first floor window~~
	~~under awning – lieu blade~~	~~yes~~	~~1~~	~~10~~	~~(a)~~		~~2~~	~~Per business on street frontage~~
	~~info – wall (o)~~	~~yes~~	~~1~~	~~6~~	~~8~~		-	~~Per frontage visible from ROW – no limit within the site if not ROW visible~~
	~~info – freestanding~~	~~yes~~	~~1~~	~~6~~	~~6~~		~~2~~	~~Per property~~
-	~~wall – directory (o)~~	~~yes~~	~~1~~	~~24~~	~~8~~		-	~~Per building~~
	~~wall – single tenant (o)~~	~~yes~~	~~1 (t)~~	~~80~~	~~24~~		-	~~1.0 sf/1.0 lf of building frontage per primary or secondary frontage up to maximum per frontage; secondary maximum 75% of primary maximum~~
	~~wall – multiple tenant (o)~~	~~yes~~	~~1 (t)~~	~~120~~	~~24~~		-	~~1.5 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum; secondary maximum 75% of primary maximum (i)~~
	~~projecting~~	~~yes~~	~~1~~	~~20~~	~~(a)~~		-	~~Under 4 ft wide, mounted 6 inches from attaching wall~~
	~~changeable message~~	~~yes~~	~~1~~	~~50%~~	~~10~~		-	~~Percent changeable of allowable sign area~~
	~~freestanding – single~~	~~yes~~	~~1~~	~~32~~	~~10~~		~~2~~	~~Per street frontage~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
	~~tenant <200 lf frontage~~							
	~~freestanding – single tenant >200 lf frontage~~	~~yes~~	~~2~~	~~32~~	~~10~~		~~2~~	~~Per street frontage over 200 lf located more than 100 lf apart up to 4 total signs per site~~
	~~freestanding – multitenant <200 lf frontage~~	~~yes~~	~~1~~	~~48~~	~~10~~		~~2~~	~~Per street frontage~~
	~~freestanding – multitenant >200 lf frontage~~	~~yes~~	~~2~~	~~48~~	~~10~~		~~2~~	~~Per street frontage over 200 lf located more than 100 lf apart up to 4 total signs per site~~
	~~monument – off-premises multitenant directions (k)~~	~~yes~~	~~1~~	~~24~~	~~10~~		~~2~~	~~Per closest arterial/collector road for businesses not located on an arterial or collector road; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~
	~~TOTAL single-tenant site~~	-	-	**~~120~~**	-		-	**~~Total allowed for combination of wall and freestanding signs~~**
	~~TOTAL multitenant site~~	-	-	**~~160~~**	-		-	**~~Total allowed for combination of wall and freestanding signs~~**
~~Permanent signs – Downtown zone DC (except Rails and Roads Neighborhood)~~								
~~advertising~~	~~portable – sandwich sign~~	~~yes~~	~~1~~	~~8~~	~~4~~		-	~~Per business, 2 ft x 4 ft maximum dimensions; outside of pedestrian walkway~~
-	~~window – opaque~~	~~no~~	~~na~~	~~20%~~	-		-	~~Percent of window area per window~~
	~~window – transparent~~	~~no~~	~~na~~	~~20%~~	-		-	~~Percent of window area per first floor window~~
	~~under awning – lieu blade~~	~~yes~~	~~1~~	~~10~~	~~(a)~~		-	~~Per business on street frontage~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
	~~awning/canopy fascia (n)~~	~~yes~~	~~1~~	~~40%~~	~~(a)~~		-	~~Percent of vertical edge of awning/canopy~~
	~~suspended – under awning~~	~~yes~~	~~1~~	~~6~~	~~(a)~~		-	~~Per tenant space~~
	~~blade in lieu of under awning~~	~~yes~~	~~1~~	~~16~~	~~(a)~~		-	~~Per tenant space – may have blade or under awning but not both~~
	~~info – wall (o)~~	~~yes~~	~~1~~	~~6~~	~~8~~		-	~~Per frontage visible from ROW – no limit within the site if not ROW visible~~
	~~directory – per tenant~~	~~yes~~	~~1~~	~~6~~	~~8~~		-	~~Per primary or secondary building frontage~~
	~~wall – single tenant (o)~~	~~yes~~	~~1 (t)~~	~~100~~	-		-	~~2.0 sf/1.0 lf of building frontage per primary or secondary frontage up to maximum per frontage; secondary maximum 75% of primary maximum; no digital contents within "Historic Main" per MMC~~
	~~wall – multitenant (o)~~	~~yes~~	~~1 (t)~~	~~150~~	-		-	~~2.0 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum per frontage; secondary maximum 75% of primary maximum; no digital contents within "Historic Main" per MMC (i)~~
	~~projecting~~	~~yes~~	~~1~~	~~20~~	~~(a)~~		-	~~Under 4 ft wide, mounted 6 inches from attaching wall – no digital contents within "Historical Main Area" per MMC~~
	~~changeable message~~	~~yes~~	~~1~~	~~50%~~	~~10~~		-	~~Percent changeable of public service message of allowable sign area~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
	~~monument – single tenant~~	~~yes~~	~~1~~	~~32~~	~~10~~		~~2 (j)~~	~~Per street frontage, Lewis Street allowed 50 sf and height up to 20 ft~~
	~~monument – multitenant~~	~~yes~~	~~1~~	~~48~~	~~10~~		~~2 (j)~~	~~Per street frontage, Lewis Street allowed 80 sf and height up to 20 ft~~
	~~monument – off-premises multitenant directions (k)~~	~~yes~~	~~1~~	~~24~~	~~10~~		~~2~~	~~Per closest arterial/collector road for businesses not located on Main or Lewis Streets; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~
-	~~freestanding – off-premises multitenant advertising (k)~~	~~yes~~	~~1~~	~~32~~	~~10~~		~~2~~	~~Per closest arterial/collector road for businesses not located on Main or Lewis Streets, prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~
~~Permanent signs – MUNC, MUC (Mixed Use Neighborhood Center and Commercial)~~								
~~advertising~~	~~portable – sandwich sign~~	~~yes~~	~~1~~	~~8~~	~~4~~		~~-~~	~~Per business, 2 ft x 4 ft outside of pedestrian walkway; prohibited in ROW~~
	~~window – opaque~~	~~no~~	~~na~~	~~15%~~	~~-~~		~~-~~	~~Percent of window area per window~~
	~~window – transparent~~	~~no~~	~~na~~	~~20%~~	~~-~~		~~-~~	~~Percent of window area per first floor window~~
	~~awning/canopy fascia (n)~~	~~yes~~	~~1~~	~~40%~~	~~(a)~~		~~2~~	~~Percent of vertical edge of awning/canopy~~
	~~under awning in lieu of blade~~	~~yes~~	~~1~~	~~10~~	~~(a)~~		~~2~~	~~Per tenant space~~
	~~blade in lieu of under awning~~	~~yes~~	~~1~~	~~16~~	~~(a)~~		~~2~~	~~Per tenant space – may have blade or under awning but not both~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
	~~info – wall (o)~~	~~yes~~	~~1~~	~~6~~	~~8~~		-	~~Per frontage visible from ROW – no limit within the site if not ROW visible~~
	~~wall – single tenant (o)~~	~~yes~~	~~1 (t)~~	~~80/100~~	-		-	~~1.5 sf/1.0 lf of primary or secondary frontage up to maximum per frontage; maximum 80 MUNC, 100 MUC; secondary maximum 75% of primary maximum~~
	~~wall – multitenant (o)~~	~~yes~~	~~1 (t)~~	~~120/150~~	-		-	~~1.5 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum per frontage; maximum 120 MUNC, 150 MUC; secondary maximum 75% of primary maximum (i)~~
	~~projecting~~	~~yes~~	~~1~~	~~20~~	~~(a)~~		-	~~Under 4 ft wide, mounted 6 inches from attaching wall~~
	~~changeable message~~	~~yes~~	~~1~~	~~50%~~	~~10~~		-	~~Percent changeable of allowable sign area; allowed in MUC only~~
	~~monument – single tenant~~	~~yes~~	~~1~~	~~32~~	~~8~~		~~2~~	~~Per street frontage~~
	~~monument – multitenant single street~~	~~yes~~	~~1~~	~~48~~	~~8~~		~~2~~	~~Per street frontage~~
-	~~freestanding – single tenant <200 lf frontage~~	~~yes~~	~~1~~	~~80~~	~~20~~		~~2~~	~~Per street frontage; allowed in MUC only~~
	~~freestanding – single tenant >200 lf frontage~~	~~yes~~	~~2~~	~~80~~	~~20~~		~~2~~	~~Per street frontage over 200 lf located more than 100 lf apart up to 4 total signs per site; allowed in MUC only~~
	~~freestanding – multitenant <200 lf frontage~~	~~yes~~	~~1~~	~~120~~	~~20~~		~~2~~	~~Per street frontage; allowed in MUC only~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
	~~freestanding – multitenant >200 lf frontage~~	~~yes~~	~~2~~	~~120~~	~~20~~		~~2~~	~~Per street frontage over 200 lf located more than 100 lf apart up to 4 total signs per site; allowed in MUC only~~
	~~freestanding – limited highway intersection~~	~~yes~~	~~1~~	~~140~~	~~45~~		~~2~~	~~Per 522 frontage at 522/Main Street intersection; sign must be perpendicular to and abutting 522 ROW – digital allowed~~
	~~TOTAL single-tenant site – MUNC only~~	-	-	**~~140~~**	-		**~~2~~**	**~~Total allowed for combination of wall and freestanding signs~~**
	~~TOTAL multitenant site – MUNC only~~	-	-	**~~180~~**	-		**~~2~~**	**~~Total allowed for combination of wall and freestanding signs~~**
~~Permanent signs – General and service commercial zones GC, SC (includes Downtown Rails and Roads Neighborhood), Limited Open Space Airport zone LOSA~~								
~~advertising~~	~~window – opaque~~	~~no~~	~~na~~	~~20%~~	-		-	~~Percent of window area per window~~
	~~window – transparent~~	~~no~~	~~na~~	~~20%~~	-		-	~~Percent of window area per first floor window~~
	~~under awning in lieu of blade~~	~~yes~~	~~1~~	~~10~~	~~(a)~~		~~2~~	~~Per business on street frontage~~
	~~blade in lieu of under awning~~	~~yes~~	~~1~~	~~16~~	~~(a)~~		~~2~~	~~Per tenant space – may have blade or under awning but not both~~
	~~awning/canopy fascia (n)~~	~~yes~~	~~1~~	~~40%~~	~~(a)~~		~~2~~	~~Percent of vertical edge of awning/canopy~~
	~~info – wall (o)~~	~~yes~~	~~1~~	~~6~~	~~8~~		-	~~Per frontage visible from ROW – no limit within the site if not ROW visible~~
	~~info – freestanding~~	~~yes~~	~~1~~	~~6~~	~~6~~		~~2~~	~~Per property~~
-	~~wall – single tenant (o)~~	~~yes~~	~~1 (t)~~	~~200~~	~~24~~		-	~~1.5 sf/1.0 lf of frontage per primary or secondary frontage up~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
								~~to maximum per frontage; secondary maximum 75% of primary maximum~~
	~~wall – multitenant (o)~~	~~yes~~	~~1 (t)~~	~~300~~	~~24~~		~~-~~	~~1.5 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum per frontage; secondary maximum 75% of primary maximum (i)~~
	~~projecting~~	~~yes~~	~~1~~	~~20~~	~~(a)~~		~~-~~	~~Under 4 ft wide, mounted 6 inches from attaching wall – digital allowed~~
	~~freestanding – single tenant <400 lf frontage~~	~~yes~~	~~1~~	~~100~~	~~35~~		~~2~~	~~Per street frontage – digital allowed except where visible from Lake Tye Park~~
	~~freestanding – single tenant >400 lf frontage~~	~~yes~~	~~2~~	~~100~~	~~35~~		~~2~~	~~Per street frontage over 400 lf located more than 100 lf apart for a total of no more than 4 signs per site – digital allowed except where visible from Lake Tye Park~~
	~~freestanding – multitenant <400 lf frontage~~	~~yes~~	~~1~~	~~150~~	~~35~~		~~2~~	~~Per street frontage – digital allowed except where visible from Lake Tye Park~~
	~~freestanding – multitenant >400 lf frontage~~	~~yes~~	~~2~~	~~150~~	~~35~~		~~2~~	~~Per street frontage over 400 lf located more than 100 lf apart up for a total of no more than 4 signs per site – digital allowed except where visible from Lake Tye Park~~
	~~freestanding – off-premises multitenant advertising~~	~~yes~~	~~1~~	~~150~~	~~35~~		~~2~~	~~Per intersection of arterials and collectors on US 2 for businesses not located on US 2; located more than 100 lf from another freestanding sign~~

~~18.80.030: Sign Allowance Table~~

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~~Purpose~~	~~Type of sign~~	~~Permit required~~	~~Number of signs (c)~~	~~Area maximum per sign in sq ft (d)(e)~~	~~Height in ft (f)~~	~~Setback in ft (g)~~	~~Comments~~	
								~~subject to the total maximum allowable on- and off-premises sign area of each tenant; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~
	~~freestanding – limited highway intersection~~	~~yes~~	~~1~~	~~140~~	~~45~~		~~2~~	~~Per 522 frontage at 522/Main Street intersection; sign must be perpendicular to and abutting 522 ROW – digital allowed~~
	~~changeable message – gas~~	~~yes~~	~~1~~	~~20~~	~~8~~		~~2~~	~~100% changeable of allowable sign area – digital allowed~~
-	~~changeable message – food~~	~~yes~~	~~2~~	~~24~~	~~8~~		~~2~~	~~100% changeable of allowable sign area – digital allowed~~
	~~changeable message – movie~~	~~yes~~	~~1~~	~~80~~	~~24~~		~~2~~	~~80% changeable of allowable sign area – digital allowed~~
	~~monument – off-premises multitenant directions (k)~~	~~yes~~	~~1~~	~~24~~	~~10~~		~~2~~	~~Per closest arterial/collector road for businesses not located on US 2; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~
	~~TOTAL single-tenant site~~	-	-	**~~360~~**	-		-	**~~Total allowed for combination of on- and off-premises wall and freestanding signs~~**
	~~TOTAL multitenant site~~	-	-	**~~480~~**	-		-	**~~Total allowed for combination of on- and off-premises wall and freestanding signs~~**
~~Permanent signs – Industrial districts LI, GI~~								
~~advertising~~	~~window – opaque~~	~~no~~	~~na~~	~~20%~~	-		-	~~Percent of window area per window~~

~~**18.80.030: Sign Allowance Table**~~

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~~**Purpose**~~	~~**Type of sign**~~	~~**Permit required**~~	~~**Number of signs (c)**~~	~~**Area maximum per sign in sq ft (d)(e)**~~	~~**Height in ft (f)**~~	~~**Setback in ft (g)**~~	~~**Comments**~~	
	~~window – transparent~~	~~no~~	~~na~~	~~20%~~	~~-~~		~~-~~	~~Percent of window area per first floor window~~
	~~under awning in lieu of blade~~	~~yes~~	~~1~~	~~10~~	~~(a)~~		~~2~~	~~Per business on street frontage~~
	~~awning/canopy fascia (n)~~	~~yes~~	~~1~~	~~20%~~	~~(a)~~		~~-~~	~~Percent of vertical edge of awning/canopy~~
	~~blade in lieu of under awning~~	~~yes~~	~~1~~	~~16~~	~~(a)~~		~~2~~	~~Per tenant space – may have blade or under awning but not both~~
	~~info – wall (o)~~	~~yes~~	~~1~~	~~6~~	~~8~~		~~-~~	~~Per frontage visible from ROW – no limit within the site if not ROW visible~~
	~~info – freestanding~~	~~yes~~	~~1~~	~~6~~	~~6~~		~~2~~	~~Per property~~
	~~wall – single tenant (o)~~	~~yes~~	~~1 (t)~~	~~300~~	~~24~~		~~-~~	~~1.0 sf/1.0 lf of frontage per primary or secondary frontage up to maximum per frontage; secondary maximum 75% of primary maximum~~
	~~wall – multiple tenant (o)~~	~~yes~~	~~1 (t)~~	~~300~~	~~24~~		~~-~~	~~1.0 sf/1.0 lf of tenant space building frontage per primary or secondary frontage plus 32 sf/tenant for each additional tenant after the first 2 tenants; secondary maximum 75% of primary maximum (i)~~
~~-~~	~~projecting~~	~~yes~~	~~1~~	~~20~~	~~(a)~~		~~-~~	~~Under 4 ft wide, mounted 6 inches from attaching wall~~
	~~changeable message~~	~~yes~~	~~1~~	~~50%~~	~~10~~		~~-~~	~~Percent changeable of allowable sign area~~
	~~monument~~	~~yes~~	~~1~~	~~50~~	~~6~~		~~2~~	~~Per vehicle complex entry~~
	~~freestanding – single~~	~~yes~~	~~1~~	~~100~~	~~35~~		~~2~~	~~Per street frontage – digital allowed except~~

~~**18.80.030: Sign Allowance Table**~~

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~~**Purpose**~~	~~**Type of sign**~~	~~**Permit required**~~	~~**Number of signs (c)**~~	~~**Area maximum per sign in sq ft (d)(e)**~~	~~**Height in ft (f)**~~	~~**Setback in ft (g)**~~	~~**Comments**~~	
	~~tenant <400 lf frontage~~							~~where visible from Lake Tye Park~~
	~~freestanding – single tenant >400 lf frontage~~	~~yes~~	~~2~~	~~100~~	~~35~~		~~2~~	~~Per street frontage over 400 lf located more than 200 lf apart for a total of no more than 4 per site – digital allowed except where visible from Lake Tye Park~~
	~~freestanding – multitenant <400 lf frontage~~	~~yes~~	~~1~~	~~150~~	~~35~~		~~2~~	~~Per street frontage – digital allowed except where visible from Lake Tye Park~~
	~~freestanding – multitenant >400 lf frontage~~	~~yes~~	~~2~~	~~150~~	~~35~~		~~2~~	~~Per street frontage over 400 lf located more than 200 lf apart for a total of no more than 4 per site – digital allowed except where visible from Lake Tye Park~~
	~~freestanding – off-premises multitenant advertising (k)~~	~~yes~~	~~1~~	~~150~~	~~35~~		~~2~~	~~Per intersection of arterials and collectors for businesses not located on Fryelands Blvd; sign located more than 100 lf from another freestanding sign subject to the total maximum allowable on- and off-premises sign area of each tenant; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~
	~~monument – off-premises multitenant directions (k)~~	~~yes~~	~~1~~	~~24~~	~~10~~		~~2~~	~~Per closest arterial/collector road for businesses not located on Fryelands Blvd; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property~~

~~**18.80.030: Sign Allowance Table**~~

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~~**Purpose**~~	~~**Type of sign**~~	~~**Permit required**~~	~~**Number of signs (c)**~~	~~**Area maximum per sign in sq ft (d)(e)**~~	~~**Height in ft (f)**~~	~~**Setback in ft (g)**~~	~~**Comments**~~	
	~~**TOTAL single-tenant site**~~	-	-	~~**360**~~	-		-	~~**Total allowed for combination of on- and off-premises wall and freestanding signs**~~
	~~**TOTAL multitenant site**~~	-	-	~~**488**~~	-		-	~~**Total allowed for combination of on- and off-premises wall and freestanding signs**~~
~~**Limited duration – All zones**~~								
~~residential – lot residential – subdivision~~	~~freestanding~~	~~no~~	~~1~~	~~9~~	~~6~~		~~2~~	~~3 ft x 3 ft, 3 ft x 5 ft and 15 ft height in MR6000~~
	~~freestanding~~	~~no~~	~~1~~	~~32~~	~~10~~		~~2~~	~~Per street frontage~~
	~~freestanding directional~~	~~no~~	~~3~~	~~16~~	~~8~~		~~2~~	~~Located no more than 25 ft in any direction from the intersection~~
~~commercial – lot commercial – tract~~	~~freestanding~~	~~no~~	~~1~~	~~32~~	~~6~~		~~2~~	~~Per street frontage~~
	~~freestanding~~	~~no~~	~~1~~	~~32~~	~~10~~		~~2~~	~~Per street frontage~~
~~construction~~	~~banner~~	~~yes~~	~~1~~	~~20~~	~~8~~		~~2~~	~~Per construction site~~
	~~freestanding – residential and open space zone~~	~~no~~	~~1~~	~~32~~	~~6~~		~~2~~	~~Per street frontage~~
	~~freestanding – commercial zone~~	~~no~~	~~1~~	~~32~~	~~6~~		~~2~~	~~Per street frontage~~
~~residential sale/rental~~	~~window/poster~~	~~no~~	~~1~~	~~2~~	~~na~~		-	~~Per window per building~~
	~~freestanding~~	~~no~~	~~1~~	~~9~~	~~6~~		~~2~~	~~3 ft x 3 ft, 3 ft x 5 ft and 15 ft height in MR6000~~
	~~freestanding directional~~	~~no~~	~~1~~	~~4~~	~~3~~		~~2~~	~~1 sign on site, 5 off-site premises signs allowed~~
~~commercial sale/rental~~	~~window/poster~~	~~no~~	~~1~~	~~2~~	~~na~~		-	~~Per window per building~~
	~~wall/banner (o)~~	~~yes~~	~~1~~	~~40~~	~~24~~		~~2~~	~~Per building frontage on public street~~
	~~freestanding~~	~~no~~	~~1~~	~~32~~	~~10~~		~~2~~	~~Per property~~

~~**18.80.030: Sign Allowance Table**~~

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~~**Purpose**~~	~~**Type of sign**~~	~~**Permit required**~~	~~**Number of signs (c)**~~	~~**Area maximum per sign in sq ft (d)(e)**~~	~~**Height in ft (f)**~~	~~**Setback in ft (g)**~~	~~**Comments**~~
~~**Temporary and special event signs – All zones**~~							
~~open house – real estate sale~~	~~sandwich – site~~	~~no~~	~~1~~	~~6~~	~~6~~	-	~~2 ft x 3 ft located outside of pedestrian walkway, only during daylight hours and during which the broker/agent or seller or an agent is in attendance at the property; prohibited in ROW~~
	~~sandwich – directional~~	~~no~~	~~4~~	~~4~~	~~3~~	-	~~1 sign on site, 5 off-site premises signs allowed located not more than 25 ft in any direction from the intersection~~
~~special event – garage sale~~	~~sandwich – site~~	~~no~~	~~1~~	~~6~~	~~6~~	-	~~2 ft x 3 ft located outside of pedestrian walkway~~
	~~sandwich – directional~~	~~no~~	~~4~~	~~4~~	~~3~~	-	~~1 sign on site, 5 off-site premises signs allowed located not more than 25 ft in any direction from the intersection~~
~~special event – retail sale~~	~~sandwich – site (m)~~	~~no~~	~~1~~	~~6~~	~~4~~	-	~~2 ft x 3 ft located outside of pedestrian walkway~~
	~~sandwich – directional~~	~~no~~	~~4~~	~~6~~	~~4~~	-	~~2 ft x 3 ft, 1 sign on site, 3 off-site premises signs allowed located not more than 25 ft in any direction from the intersection~~
	~~window/poster (m)~~	~~no~~	~~1~~	~~6~~	~~na~~	-	~~Per window per building~~
	~~wall/banner (l)(r)~~	~~yes~~	~~1~~	~~150~~	~~24~~	-	~~Per building frontage or 2/business not to exceed 20% of the area of the business facade to which it is attached or 150 sf~~
	~~inflatable, kite,~~	~~yes~~	~~1~~	~~na~~	~~24~~	~~2~~	~~Per site~~

~~**18.80.030: Sign Allowance Table**~~

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~~**Purpose**~~	~~**Type of sign**~~	~~**Permit required**~~	~~**Number of signs (c)**~~	~~**Area maximum per sign in sq ft (d)(e)**~~	~~**Height in ft (f)**~~	~~**Setback in ft (g)**~~	~~**Comments**~~	
	~~searchlight (r)~~							
~~special event – government, school, church, park, sidewalk sale, sports event, farmers' market, etc. (m)~~	~~sandwich – site~~	~~no~~	~~1~~	~~6~~	~~4~~		~~-~~	~~2 ft x 3 ft located outside of pedestrian walkway~~
	~~sandwich – directional~~	~~no~~	~~4~~	~~6~~	~~4~~		~~-~~	~~2 ft x 3 ft, 1 sign on site, 3 off-site premises signs allowed located not more than 25 ft in any direction from the intersection~~
	~~window/poster~~	~~no~~	~~1~~	~~6~~	~~na~~		~~-~~	~~Per window per building~~
	~~wall/banner (o)(r)~~	~~yes~~	~~1~~	~~150~~	~~24~~		~~-~~	~~Per building frontage per street~~
	~~banner – over ROW (p)~~	~~yes~~	~~1~~	~~100~~	~~(a)~~		~~-~~	~~Locations may be limited due to traffic, vehicle height, light standards, trees, and other hazard considerations~~
	~~freestanding~~	~~yes~~	~~1~~	~~32~~	~~10~~		~~2~~	~~25% of sign message may include sponsor advertisement~~
~~political – private~~	~~freestanding – single pole~~	~~no~~	~~-~~	~~12~~	~~4~~		~~2~~	~~-~~
	~~freestanding – double pole~~	~~no~~	~~-~~	~~32~~	~~10~~		~~2~~	~~-~~
~~political – public ROW (m)~~	~~freestanding – single pole~~	~~no~~	~~-~~	~~12~~	~~4~~		~~-~~	~~-~~
	~~freestanding – double pole~~	~~no~~	~~-~~	~~32~~	~~10~~		~~-~~	~~-~~
~~special event~~	~~yard sign~~	~~no~~	~~1~~	~~5~~	~~3~~		~~2~~	~~1 sign on site, 4 off-premises signs allowed located not more than 25 ft in any direction from the closest intersection.~~

~~General:~~

~~(a) The area under the sign free of obstructions to allow passage of pedestrians and vehicles shall be eight feet under awning/canopy fascia, blade, and under-awning signs,~~

~~twelve feet under projecting signs, and sixteen feet or more if necessary under banners extended over the public ROW.~~
~~(b) All signs may be located at the edge of the public ROW. Under-awning signs may extend six feet while blade and projecting signs may extend four feet into the public ROW or over the sidewalk where the sidewalk is at least ten to twelve feet wide.~~
~~Column headings:~~
~~(c) Exceptions for the number of signs permitted shall be determined by the director.~~
~~(d) The area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements, which are not a part of the display. The area of a spherical, cubical, or polyhedral sign equals one-half the total surface area. Area requirements are for a single side and may be applied to each side independently.~~
~~(e) For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.~~
~~(f) Height is measured from the average finished grade at the sign foundation.~~
~~(g) Setback is from all property lines or tenant demising walls.~~
~~ROW footnotes:~~
~~(h) Parcels zoned PO with frontage on or access from 179th Avenue SE, 149th Avenue SE or 147th Avenue SE located north of SR-522 shall use the sign area calculations in general and service commercial.~~
~~(i) If the site has reached the maximum, newly created tenant spaces shall be allowed one tenant identifying wall sign located above the tenant's entry not to exceed sixteen square feet in surface area – not to be used as a bonus by tenants with existing signs. For multitenant building with a shared entry, the signage per tenant shall be determined by dividing the tenant's gross floor area by the gross floor area of the building to determine the percentage of the building occupied by the tenant. The tenant is then allotted that percent of the total square footage allowed for the site.~~
~~(j) No setback required in the Historic Main area subject to city engineer approval of visibility.~~
~~(k) Minimum three businesses per sign; must not have arterial street frontage available for freestanding signage and special circumstances are necessary because of the location, size, shape, or topography of the property or business, group of businesses, or business area to provide it with signage privileges typical of other properties in the vicinity or zoning district.~~
~~(l) All outdoor product-sponsored signs must devote seventy-five percent of the sign area to the on-site business.~~
~~(m) Political signs are not allowed on city-owned property (including but not limited to buildings, utility poles, or public facilities). Political signs shall not be posted within travel lanes and in or on curb, gutter, or sidewalks but may be posted within the larger public right-of-way (as part of the traditional public forum). Political signs will be allowed in the space between the curb and sidewalk provided they do not impact the sight visibility triangle as defined per Chapter 18.02 MMC.~~
~~(n) Awning or canopy fascia lettering should be composed of a single line of type with letters under twelve inches and not occupy more than two-thirds of the fascia linear surface front or side.~~
~~(o) No wall sign shall project more than eighteen inches from the wall of a building, nor extend above the eave or deck line of the building upon which it is located; except those located upon parapet walls, wherein they may be located above the deck line but not above the height of the parapet wall. No wall sign shall have an image area larger than twenty-five percent of the area of the message.~~

~~(p) Allowable only in the downtown on Main or Lewis Street. A city-approved application must be submitted no more than ninety days prior to the event date. The following signs are permitted for display:~~
~~(1) Advertisements or promotions of nonprofit organizations, community activities, and/or festivals.~~
~~(2) Activities sponsored by the city of Monroe.~~
~~(3) Athletic and special community events that are commercially sponsored, when proceeds are used for community service.~~
~~(4) Welcome messages, such as those for class reunions, conventions, and conferences, athletic tournament participation, local winner of a major event, etc.~~
~~(5) Promotion of sales and money raising for youth organizations for their program support, nonprofit and community service organizations when a major portion of the profit will be for community and youth projects.~~
~~(6) Nonpartisan and noncandidate voting information.~~
~~(q) Inflatable, air-supported, kites, and searchlights shall be located on the premises for which they are advertising, in the location specified under the approved permit. Inflatable, air-supported, kites, and searchlights cannot be located in the public right-of-way or in required landscaping or parking areas. Shall not interfere with pedestrian movement, nor impede the vision or block the movement of motorists on private or public rights-of-way. Size, height, and illumination shall adhere to all applicable city, state and federal requirements relating to public safety, air and vehicular traffic control and the like. Kites and inflatable objects such as balloons shall not be operated more than one hundred fifty feet from the grade of the earth beneath the point of attachment, without written waivers from the Federal Aviation Administration. The beam of the searchlight shall not flash against any building or sweep an arc greater than forty-five degrees from vertical.~~
~~(r) Banners shall be located completely on the wall of the building or leased space of the sponsoring business. Banners cannot be located in required parking areas, upon poles, other constructed frame, affixed to or covering required landscaping, utility poles or vehicles and shall be affixed so as to survive high winds or storm events.~~
~~(s) Signage only allowed for public institution, charitable institution, houses of worship, daycare centers, cemeteries, private parks, country clubs, golf courses or as determined by the director.~~
~~(t) Maximum one wall sign allowed per each primary frontage and secondary frontage.~~

~~18.80.040 Limited duration signs.~~
~~A. General. Limited duration signs provide information concerning the development and sale of residential and commercial properties subject to the provisions listed in the sign allowance table.~~
~~B. Duration. As provided in the following table. For the purpose of this regulation, any sign of similar content erected subsequent to the original limited duration sign shall be considered as the original sign for the time limitation contained herein.~~
~~C. Location. Up to two off-premises signs allowed located not more than twenty-five feet in any direction from the closest intersection(s).~~
~~D. Illumination. Not permitted.~~

~~Sign type~~	**~~Annual~~**	**~~Duration~~**
~~Real estate~~	~~na~~	~~Removed 10 days following the sale, rental, or lease~~

~~Sign type~~	~~Annual~~	~~Duration~~
~~Construction~~	~~na~~	~~Issued on permit, removed on occupancy~~
~~Undeveloped parcel~~	~~na~~	~~Erected no more than 12 months before construction or the intended use the announcement is describing. Removed upon (1) the issuance of a certificate of occupancy or the completion of a permanent sign, or (2) or for residential uses, when 75% of the units or homes have been sold, leased or rented.~~

~~18.80.050 Temporary and special event signs.~~

~~Temporary and special event signs provide information concerning special events including school, church, farmers' markets, sidewalk and garage sales, elections in residential and commercial zones subject to the provisions listed in the sign allowance table and the following supplemental requirements:~~

~~A. Illumination. Not permitted.~~

~~B. Construction. Temporary and special event signs, other than inflatable and banners, shall be constructed of a durable, rigid, all-weather material (i.e., plywood, plastic, etc.) so as not to lose structural integrity in inclement weather. Signs must be of a sufficient weight and stature to ensure that they will remain in place during high winds.~~

~~C. Location. Temporary and special event signs cannot be permanently affixed or located on utility poles, street sign, tree, stop sign, fence, etc. Small freestanding yard signs meeting the definition of "special event" may be erected off-premises as set forth in the sign allowance table.~~

~~D. Duration. Except as provided in the following table, no temporary or special event sign shall be erected, re-erected, or maintained for more than thirty days. For the purpose of this regulation, any sign of similar content erected subsequent to the original temporary sign shall be considered as the original sign for the time limitation contained herein.~~

~~Sign type~~	~~Annual~~	~~Duration~~
~~Banners~~	~~120 days~~	~~Increments of 60, 30, 15, or 10 days; upon removal, a banner may not be re-erected for a duration equal to the time it was displayed~~
~~Business opening or closing~~	~~60 days~~	~~From issuance of a business license, or until permanent signs are permitted for the site, whichever is less, without being counted against the standard annual duration permitted~~
~~Inflatable~~	~~30 days~~	~~Increments of 30, 15, or 5 days~~
~~Off-premises directional~~	~~na~~	~~Daylight hours only when sales person is on site~~
~~Banners over ROW~~	~~na~~	~~Erected no more than 14 days prior to the event date and remain no longer than 7 days after the event~~
~~Seasonal signs and decorations~~	~~na~~	~~Removed within 10 days after the holiday~~
~~Political signs~~	~~na~~	~~Removed within 10 days after the election~~

~~18.80.060 Murals.~~

~~A. Permit Required. Murals containing a commercial sign message shall require a sign permit and shall only be allowed on premises in the DC, GC, SC, MUNC, MUC, PO, LI, GI, LOS and LOSA zoning districts. The commercial "display area" of the mural shall be calculated against the allowed signage for the site and/or tenant.~~

~~18.80.070 Exempt signs.~~

~~A. General. Subject to the requirements of this section, the following signs shall be exempt from all sign permit provisions and are not subject to the size and other allowances specified in the sign allowance table of this chapter, except for construction, safety regulations and permitting requirements for permanent signs or where otherwise referenced in this chapter. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this code or any other law or ordinance regulating the same.~~

~~B. Traffic or pedestrian control signs, signs required by law, or signs indicating scenic or historic points of interest that are erected by or on the order of a public officer in the performance of their public duty.~~

~~C. Signs erected or installed by or at the direction of the city, such as traffic signs, legal notices, railroad warning signs, signs showing the location of underground public utility facilities, and other signs of a nonadvertising nature erected for warning or emergency purposes.~~

~~D. Public safety signs including temporary private ground or wall signs exclusively relating to the safety of the public (e.g., "no parking today," "use covered walkway," "do not enter," "danger," "loading zone") may be located as needed for public safety without limitations as to number, size, or location so far as the requirements of this chapter are concerned.~~

~~E. Signs directly related to a municipal building, structure or installed by the city or required by a governmental entity.~~

~~F. The flag of governmental and public institutions.~~

~~G. The flag of a commercial institution not advertising a product to be left loose to fly in the breeze. Not to exceed one per business and twenty square feet in surface area.~~

~~H. Decorative flags and bunting for a celebration, convention or commemoration of significance to the community located on public right-of-way, when authorized by the city council for a prescribed period of time.~~

~~I. Temporary signs and decorations that are customary for special holidays and that are erected on private property.~~

~~J. Emblems of local nonprofit organizations and community service clubs, including signs less than two square feet that identify the meeting place and time, provided such signs are located on the building that hosts the service club meetings. Emblems mounted on freestanding, monument, or other signs must comply with the sign allowance table provisions governing informational – public or public wayfinding signs.~~

~~K. Bona fide religious symbols located on a property occupied by a private religious institution or building.~~

~~L. Official public notices of federal, state or local governments; official court notices.~~

~~M. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths or gasoline pumps.~~

~~N. Lettering or symbols painted directly onto or flush-mounted magnetically onto an operable vehicle.~~
~~O. Advertising signs located on licensed taxicabs and buses or commercial vehicles operating during the normal course of business. Signs on public transit benches and shelters and on and within public transit vehicles.~~
~~P. The changing of the advertising copy or message on a sign or theater marquee, reader boards, and similar signs specifically designed for the use of replaceable copy.~~
~~Q. Painting, repainting, cleaning, repairing or normal maintenance of an advertising structure or the changing of the advertisement copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural or electrical change is made.~~
~~R. Interior signs that are not visible from the street ROW.~~
~~S. Historic signs, typically wall or projecting signs, where the sign is proposed to be restored or authentically recreated as evidenced by historic photographs.~~
~~T. Sculptures, fountains, mosaics, and design features that do not incorporate advertising or identification.~~
~~U. Identification signs upon recycling collection containers for public, charitable or nonprofit organizations.~~

~~18.80.080 Prohibited signs.~~
~~A. General. From and after the effective date of this chapter, it is unlawful for any person to maintain, erect or place the following signs that are prohibited in the city of Monroe.~~
~~B. Signs that contain statements, words or pictures of an obscene, indecent or immoral character such as will offend public morals or decency under the prevailing statutes or U.S. Supreme Court rulings.~~
~~C. Any sign that constitutes a traffic hazard or is detrimental to traffic safety because of size, location, movement, content, or method of illumination. Any sign that obstructs the vision of drivers or detracts from the visibility of any official traffic control device because it diverts or tends to divert the attention of drivers of moving vehicles away from traffic movement on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians, or which by its glare or by its method of illumination constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse the steady and safe flow of traffic.~~
~~D. Signs that are of such an intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering the public right-of-way, or that are a nuisance or hazard to occupants of any property because of glare or other characteristics.~~
~~E. Laser signage consisting of light based displays, with a combination of beams and wide spectrum lights that result in a three-dimensional image.~~
~~F. Signs attached to public vegetation and structures within the right-of-way, including utility poles, traffic control devices, and lampposts, or other city-owned property, except the right-of-way itself, unless otherwise allowed pursuant to state or federal laws, are prohibited.~~
~~G. Signs that are in violation of the building, electrical or fire codes adopted by the city.~~
~~H. Signs attached to or placed upon a vehicle or trailer parked on private or public property designed to operate as a de facto permanent advertising sign. This provision is~~

~~not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business. This does not include automobile for sale signs or signs attached to franchised buses or taxis.~~

~~I. Portable reader board signs including trailer signs.~~

~~J. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by optical illusion, motion, electrical, electronic or mechanical means, except for traditional barber poles.~~

~~K. Signs that emit odor or visible matter such as smoke or steam, or involve the use of live animals.~~

~~L. Off-premises signs including, but not limited to, billboards, snipe signs and those signs upon vehicles and trailers, except for those otherwise authorized by this chapter. This prohibition shall not apply to noncommercial signs, including but not limited to political signs or other categories of signage specifically exempted under this chapter.~~

~~M. Billboards and all product advertising sponsored flags, posters and placards except those allowed as interior signs that are not visible from the street ROW.~~

~~N. Signs that are painted, pasted, or printed on any curb, pavement or any portion of any sidewalk or street, except house numbers and traffic control signs.~~

~~O. Signs painted directly on a sloped or gabled roof surface.~~

~~P. Signs for which a permit has been granted under conditions with which the permittee does not comply.~~

~~Q. Any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed.~~

~~R. Abandoned signs or signs in poor repair.~~

~~S. Any other signs that are not specifically permitted or exempted by this chapter.~~

~~18.80.090 Scenic Vistas Act.~~

~~All signs within the city of Monroe visible from SR 2 or SR 203 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation ("WSDOT") rules, regulations, and noncompliance penalties; provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter.~~

~~In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply~~

~~18.80.100 Portable (sandwich board) signs.~~

~~A. Location. Shall meet the following requirements:~~

~~1. Sandwich board signs shall conform to the size, number, location, and other specifications listed in the sign allowance table and illustrated in the sign design guidelines.~~

~~2. Shall be located on the premises for which it is advertising, in the location specified under the approved permit. Not to be located in the public right-of-way. Not to be located in required parking areas, affixed to or covering required landscaping such as bushes or shrubs. Portable or sandwich board signs shall not be affixed to, mounted upon or placed upon vehicles parking within the public right-of-way.~~

~~3. Shall not interfere with pedestrian movement, nor impede the vision or block the movement of motorists on private or public rights-of-way; provided, however, that due to unique location or other particulars no portable or sandwich board sign shall~~

~~be of such a size that it intrudes into any area required to be free of impediments pursuant to the Washington State Barrier Free or Americans with Disabilities Act (ADA) regulations as they now exist or may hereafter be amended.~~

~~4. Portable signs in the downtown commercial zoning district may be located on the public sidewalk directly in front of the sponsoring business; provided, that a minimum distance of four feet is maintained between the wall of the sponsoring business and the portable sign. Additionally, the location requirements codified at subsection (A)(2) of this section and the permit requirements found in subsection (A)(8) of this section must be satisfied. Where the public streetscape has been improved and the walkway is a minimum ten feet in width, sandwich signs may be placed within the two-foot zone extending from the private property line or building frontage; provided, that the sign does not extend further into or otherwise obstruct or detract from the portion of the walkway reserved for public access.~~

~~5. Duration. To be displayed during business hours only.~~

~~6. Illumination. Not permitted.~~

~~7. Construction. Portable signs shall be constructed of durable, rigid, all-weather materials (i.e., plywood, plastic, etc.) so as not to lose their structural integrity in inclement weather. Sign must be of a sufficient weight and stature to ensure that it will remain in place during high winds. Owners of portable signs shall be required to keep their signs legible and well maintained.~~

~~8. Additional Permit Requirements. For those signs located on the public sidewalk, the applicant shall provide the city with a letter of indemnification appropriate to the city attorney, holding the city harmless for loss or injury resulting from the sign.~~

~~18.80.110 Projecting and suspended (under awning) signs.~~

~~A. Projection over Right-of-Way. Only those projecting and suspended and under awning signs located in the downtown commercial zoning district may be permitted to project into the public right-of-way, provided they meet all requirements relating to traffic, construction, safety and size; and are attached to an approved awning, canopy, marquee or porte cochere.~~

~~B. Additional Permit Requirements. When deemed necessary due to safety concerns, those projecting and suspended (under awning) signs located in the downtown commercial zoning district, over the public right-of-way, shall require the applicant to provide the city with a letter of indemnification appropriate to the city attorney, holding the city harmless for loss or injury resulting from the sign.~~

~~18.80.120 Changeable message and video display signs.~~

~~A. Changeable copy by electronic or video means may be utilized on any permitted freestanding pole, pylon, or monument sign; provided, that the sign is at least thirty-five feet in any direction from any other sign that uses electronic display and is ninety degrees perpendicular to the flow of traffic.~~

~~B. Only one EMC, EMD, or video sign is permitted per site for each street frontage on which the development fronts and the sign is visible from the public ROW.~~

~~C. Electronic message centers and displays (EMC and EMDs) are subject to the following restrictions:~~

~~1. The copy cannot change more than once every four seconds.~~

~~2. The interval between successive displays is zero such that an approaching driver cannot perceive any blanking of the display screen.~~

~~3. No special visual effects of any kind such as moving toward or away from the viewer, expanding or contracting, bouncing, rotating, spinning, twisting, or otherwise portraying movement or animation as the message is displayed on the screen or to accompany the transition between any successive messages.~~

~~4. Message sequencing is prohibited.~~

~~D. Video display signs are subject to the following restrictions:~~

~~1. Any portion of the message that uses a video display method shall have a minimum duration of two seconds. Calculation of the duration shall not include the number of frames per second used in a video display method.~~

~~2. There shall be zero seconds of still image or blank screen following every message using a video display method so that an approaching driver cannot perceive any blanking of the display screen.~~

~~3. Audio speakers shall be prohibited in association with a sign using a video method of display.~~

~~E. Digital signs, including message centers and displays, videos, etc., must have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night such that changeable message signs cannot exceed the following foot candles (fc) by zone:~~

~~Zoning district~~	~~Foot candles~~
~~PS, LOS~~	~~0.3~~
~~PO, DC, MUNC, MUC, LI, GI~~	~~0.5~~
~~GC, SC~~	~~0.8~~

~~Source: Illuminating Engineering Society (IES)~~

~~F. Permit applications for electronic message centers and displays (EMCs and EMDs) and video display permits must include a copy of the manufacturer's operating manual which includes the manufacturer's recommended standards for light levels, scrolling or traveling speed and other display operations. EMCs and EMDs are subject to periodic assessment of the sign's performance and impact on traffic safety, driver and pedestrian distractions, and the other criteria of this code.~~

~~18.80.130 General provisions.~~

~~A. General. No person shall erect, reconstruct, alter, relocate or place any sign within the city except such signs as are permitted, exempt, or not specifically regulated by this title. All signs, including the frames, braces or supports thereof, shall be constructed and maintained in compliance with this title, all applicable requirements of the Uniform Sign Code, Uniform Building Code, and all other applicable ordinances of the city.~~

~~B. Conflict of Provisions. If any provision of this chapter conflicts with the Uniform Sign Code or the Uniform Building Code, the provision of this chapter will govern.~~

~~C. Structure. Structural components of signs are regulated by the currently adopted edition of the Uniform Sign Code.~~

~~D. Electrical. Electrical components of signs are regulated by the currently adopted edition of the National Electric Code. All electrical signs must bear the U.L. label and shall receive a permit from the Washington State Department of Labor and Industries prior to issuance of the sign permit. All utilities, including electrical service, shall be located underground.~~

~~E. Illumination. The light directed upon, or internal to, any sign shall be shaded, shielded or directed so that the light intensity or glare shall not adversely affect the surrounding or facing premises, or adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas, or adversely affect safe vision of pedestrians on a public right-of-way. Glare and intense lighting of signs shall not shine on or directly reflect into residential structures. Strobe or strobe-like devices are prohibited from use where they are visible from the exterior of a building or location.~~

~~F. Sight Obstructions. All signs are subject to review by the city engineer for conformance with view obstruction and clearance triangle requirements.~~

~~G. Design and Materials.~~

~~1. Signs shall be designed for the purpose of identifying the facility or establishment in an attractive and functional manner and to help customers find the specific establishment and location; signs in residential zones should not serve as general advertising.~~

~~2. Signs shall be integrated into storefront, building and site design, where applicable, and shall be compatible with their residential, office, business or public park or open space surroundings, and clearly inform viewers of the building tenant or use.~~

~~3. Signs shall contain graphic elements that are readable for the intended purpose and of professional design quality.~~

~~4. Materials of construction for signs shall be of the quality and grade as specified for buildings in the building code.~~

~~5. Electrical raceways, if used, shall be painted to match the background color of the surface the sign is affixed to.~~

~~6. Backs of Signs. Exposed areas of backs of signs should be finished with appropriate color, material or texture to present an attractive appearance relative to the building materials, color and texture.~~

~~7. Design. Signs must be professionally made; handwritten signs of any type (both permanent and temporary) are prohibited except for temporary signage or window treatments for nonprofit organizations, community activities and/or festivals.~~

~~H. Inspections. All signs for which a permit is required shall be subject to inspection by the city. The permit holder shall notify the city when the following work is ready for inspection and shall not proceed further until such work has been approved:~~

~~1. Footings: before any concrete is poured for freestanding signs or any other sign partially supported on or attached to the ground.~~

~~2. Electrical. Signs containing electrical wiring shall be inspected before erection.~~

~~3. Final. Signs shall have a final inspection, which is to be made immediately after erection.~~

~~4. Relocation Required. The city of Monroe may, on ten days' written notice, by reason of changed traffic conditions or the construction or relocation of public improvements or otherwise, find that a private sign that extends over or maintained on a public property must be relocated. The person maintaining such sign must remove, relocate or alter the sign in accordance with the city's finding at their sole expense.~~

~~I. Fire Exits. No sign or any portion thereof shall be anchored to, or attached to, or supported by any fire escape or any standpipe, or erected so as to obstruct or prevent the free ingress and egress from any window, door or fire escape.~~

~~J. Obscene Matter. It is unlawful for any person to display signs determined to have or connote obscene, discriminatory, or vulgar messages, images, or other content adverse to community defined standards as defined by the U.S. Supreme Court.~~

~~K. Property Owner's Consent. It is unlawful for any person to place, attach or maintain any sign, banner, card, sticker, handbill or other advertising device, with exception to political signs within the right-of-way, upon or within any property, whether public or private, without securing the consent of the owner or their tenant, except as otherwise authorized by this chapter or by other applicable law.~~

~~L. Projection over Public Property. Signs supported entirely on private property may extend into the public right-of-way as set forth in the sign allowance table; provided, that in no event shall any sign be permitted to extend beyond the curb line. In the absence of a curb, the curb line shall be established by the city engineer.~~

~~M. Clearance from Power Lines. No sign shall be constructed or maintained which would have less horizontal or vertical clearance from communications lines or electric power lines than the clearance prescribed by the Electrical Construction Code of the Washington State Department of Labor and Industries. In case of conflict, the most restrictive shall apply. Whenever it becomes necessary for workmen to be less than ten feet from any electrical conductor carrying more than six hundred volts, the sign contractor shall notify the proper utility company to provide a standby service crew.~~

~~N. Power Source. No sign of any type shall be serviced by an overhead electric or power line from a source other than that which is internal to the sign.~~

~~O. Public Address Systems.~~

~~1. Stationary. No person shall use or operate any public address system, loudspeaker system, or sound amplifying system, whether the source thereof is a human voice, electrical recording, transcription, or musical tone, in connection with or attached to any stationary sign, in such manner as to allow the sounds emitted therefrom to be audible on any streets or sidewalks within the city without obtaining a permit. In granting such permit, the city may establish reasonable conditions thereon and shall prescribe the hours during which any stationary sound equipment may be used.~~

~~2. Mobile. No person shall use or operate any mobile public address system, loudspeaker system, or sound amplifying system over or upon the public streets within the city without first obtaining permission to do so from the police department. In granting such permission, the police department may establish reasonable conditions thereon and shall prescribe the hours and areas where the vehicle may be used.~~

~~P. Display Vehicles. The provisions of this chapter shall be applicable to signs that are maintained on vehicles, including trailers and container units, if the primary purpose or use of the vehicle is the display of advertising matter as a de facto sign. The provisions of this section shall not be applicable to signs maintained on vehicles when such advertising is incidental to the primary purpose for which the vehicle is being used.~~

~~Q. Parking lot signs: within parking lots, should be limited to those necessary for safety and identification. Any required signs for individual stalls should be marked on the pavement. Freestanding or wall-mounted signs should not be permitted, with the exception of ADA handicapped accessible parking signs. Entry/exit signs to parking areas are allowed as shown in the sign allowance table.~~

~~R. Off-Premises Special Event Signs. Off-premises special event signage is allowed for public uses, not-for-profit community groups, political or other events and similar uses as defined by a "special event sign" in MMC 18.80.020 and as set forth in the sign~~

~~allowance table or as set forth otherwise in this chapter. If off-premises signage occurs, the signs shall be located not more than twenty-five feet in any direction from the closest intersection(s) unless otherwise determined by the director.~~

~~18.80.140 Maintenance and removal.~~

~~A. Responsibilities. It shall be the responsibility of every owner of real property and their tenant or other person in possession of such property with the consent of the owner to maintain every sign on such property in strict compliance with this code.~~

~~B. Maintenance. Every sign shall be constantly maintained in good structural condition and in a state of security, safety, and good repair at all times including all supports, braces, guys, and anchors. The display surfaces of all signs shall be kept neatly posted at all times. If a sign is not so maintained, it must be removed or repaired within thirty days of notification by the city of Monroe. The owner, his agents, or assigns are responsible for such maintenance and compliance with this section.~~

~~C. Maintenance Repair or Removal. The city of Monroe shall inspect and have the authority to order the owner to paint, repair, alter or remove signs which have become dilapidated. The city may order the removal of any sign on private property that is not maintained in an orderly condition. In such a case, the city may issue a notice and order of code violation in accordance with Chapter 1.04 MMC. The city may abate conditions which were caused by or continue to be a code violation using lawful means, and recover the costs of abatement as further provided in Chapter 1.04 MMC. The order for maintenance or removal of any sign shall be sent by the city to the owner of the sign or property owner. The notice shall be sent by certified mail, return receipt requested. If the action requested in the order is not taken within the specified time period, the city may direct the sign to be removed from the premises. The owner of the sign or the property shall be charged an amount equal to the city's cost for removal of the sign.~~

~~D. Abandoned and Obsolete Signs. Signs for which the use no longer exists, such as the vacation of a business or business site or a property that no longer remains commercially viable, shall be removed or the sign face covered within thirty days following termination of the use or site.~~

~~18.80.150 Nonconforming signs.~~

~~A. General. Every permanent sign except historic and landmark signs which, by reason of any amendment to the provisions of this chapter which occurred after the date the sign was installed, or by change of zoning district or by annexation of territory to the city, becomes in violation of or does not conform to the provisions hereof, shall be removed or altered so as to conform with the provisions of this chapter within five years from the effective date of such amendment or change unless the owner submits a written request for an extension to the city at least thirty days prior to the expiration of the original five-year period, and the city approves the same. The city may grant up to two separate extensions for a total of two additional years.~~

~~B. Every limited duration and temporary sign must conform to the provisions of this chapter within six months from the effective date of such amendment or change in all zones of the city.~~

~~C. Maintenance. Nonconforming signs may be maintained, repaired and repainted without permit or fee during the periods specified in subsection (A) of this section or any extensions granted under subsection (E) of this section, but no structural change shall be made nor shall any increase in area be permitted.~~

~~D. Moving or Alterations. In such cases where a nonconforming sign is moved or changed, the sign shall be treated as a new sign and subject to the requirements of this chapter.~~
~~E. Appeal. The period specified in subsection (A) of this section may be extended by the hearing examiner upon application of the person maintaining such sign if the examiner finds that such an extension is necessary for the preservation of substantial property rights of the applicant. The application for the extension shall be made in writing within ten days after notice to remove the sign has been issued by the city.~~
~~F. Removal of Nonconforming Signs. If the provisions of subsection (A) of this section are not complied with regarding removal or alteration of nonconforming signs, and no appeal is made in accordance with subsection (E) of this section, the nonconforming sign is to be removed, and the cost thereof shall be charged to the owner or tenant.~~
~~G. Any Change in Building Use or Classification. Any change requiring change of use or any new sign structure installation will require applicable signage to conform to the provisions of this section.~~

~~18.80.160 Permits and fees.~~
~~A. Permits Required. It shall be unlawful for any person to erect, re-erect, construct, enlarge, display, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the city of Monroe as required by this chapter. This section shall not be construed to require an additional permit to clean, repaint, or otherwise perform normal maintenance or repair of a permitted sign or sign structure. If, however, a sign is modified in any way, a permit is required. No permit shall be required to change the message on a changeable message and electronic sign.~~
~~B. Permit Application Procedure – Single-Occupancy Buildings, Complexes, or Properties. A sign permit shall be filed providing completed forms and supplemental information deemed necessary by the city of Monroe to show full compliance with this and all other laws and ordinances concerning single-occupancy buildings, complexes, or properties. A separate permit shall be required for a sign or signs for each business entity or location and a separate permit shall be required for each group of signs on a single supporting structure. Additional signs applied for separately shall require a separate permit.~~
~~C. Permit Application Procedure – Multi-Occupancy Buildings, Complexes, or Properties. A sign permit shall be filed providing completed forms and supplemental information deemed necessary by the city of Monroe to show full compliance with this and all other laws and ordinances concerning multi-occupancy buildings, complexes, or properties.~~

~~1. The purpose of this section is to establish binding master sign site plans for multi-occupancy buildings, multi-building complexes or properties under common ownership and/or control, in order to establish consistent sign design, location and materials and to allow for certain signage bonuses as set forth below. All development permits for multi-occupancy buildings, multi-building complexes and commonly developed properties sharing common access points and adjacent to one another, approved after the effective date of the ordinance codified in this chapter, shall submit a master sign site plan to the city for approval.~~
~~2. Transfer for Master Sign Site Plan. The maximum determined signage for the development may be transferred from one tenant and/or parcel to another within the site.~~

~~3. Approval and Modification of Master Sign Site Plan. The city shall approve a master sign site plan and subsequent modifications. Any deviation from the approved master sign site plan such as additional signage, relocating signs, replacement signs and other modifications not including tenant name changes shall require modifying and updating the approved master sign site plan on file at the city.~~

~~D. Electrical Permits. An electrical permit shall be obtained for electric signs. Portable sign shall not be located on any property until such time as a building permit has been issued. No building permit will be issued until there is compliance with other codes and ordinances of the city of Monroe and the Washington State Department of Labor and Industries has approved the method of electrical power for said portable sign.~~

~~E. Insurance and Hold Harmless Provisions. The owners of temporary sandwich signs and projecting signs, including blade signs, that are located in, project into or overhang a public right-of-way shall prior to approval of a sign permit execute and deliver to the city a hold harmless agreement in a form approved by the city attorney, holding the city harmless against any and all claims of any nature whatsoever arising out of the presence of such sign in or over the public right-of-way.~~

~~F. Permit Processing. All proposed signs other than those requesting a variance from the requirements of this chapter shall be processed by the city of Monroe following review and comment as specified above, and provided the proposed sign(s) is within the intent and purposes of this chapter, complies with this chapter's provisions, and will not be contrary to the public interest, detrimental to the public welfare or safety, or injurious to property in the vicinity. Signs must be inspected by the city and must conform to the currently adopted International Building Code.~~

~~G. Sign Permit Fees. A nonrefundable fee shall be paid upon the filing of an application for a sign permit in accordance with the sign fee which shall be established by city council.~~

~~H. Permit – Time Limitation. If, after the issuance of a sign permit, the operations authorized thereunder are not completed or substantially completed within one hundred eighty days after the date of the permit, such sign permit shall be automatically null and void.~~

~~I. Revocation of Permit. The city of Monroe may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information or whenever the sign is in violation of any ordinance, regulation or provision of this chapter.~~

~~J. Change of Copy. The holder of a permit, for the duration thereof, shall have the right to change the advertising copy words only on the structure or sign for which the permit was issued, without being required to pay any additional fees.~~

~~K. Wall Sign and Mural Maintenance. Failure to properly maintain the mediums used within a painted wall sign or mural or artwork as defined herein shall be sufficient grounds to revoke the sign permit.~~

~~L. Interpretation. In all applications for permits where a matter of interpretation arises, the most restrictive definition shall prevail.~~

~~18.80.170 Administration and enforcement.~~

~~A. Enforcing Authority. The city of Monroe is hereby authorized and directed to enforce all the provisions of this title in accordance with Chapter 1.04 MMC and to make necessary interpretations subject to appeal under Chapter 21.60 MMC.~~

~~B. Removal of Dangerous Signs. If the city of Monroe finds that any sign is unsafe or insecure, or is a menace to the public safety, the sign may be summarily removed in accordance with MMC 1.04.060.~~

~~C. Removal of Illegal Signs. If the city of Monroe finds that any sign has been constructed, erected, relocated or altered in violation of the provisions of this title, the city of Monroe is hereby authorized and directed to enforce all the provisions of this title in accordance with Chapter 1.04 MMC.~~

~~D. Any sign removed pursuant to this section may be returned to the owner if retrieved within ten days of removal or earlier upon the owner securing a permit. Any sign which is not retrieved by the owner within ten days may be destroyed.~~

~~E. Right of Entry. When it is necessary to make an inspection of a sign or business to enforce any of the provisions of this chapter, or when the city has reasonable cause to believe that an illegally located sign exists or a condition exists which makes a sign unsafe, the city may enter the premises or building where the sign is located at all reasonable times to perform any duty imposed by this chapter, to the extent permissible by law. If the building or premises where the sign is located is occupied, the city shall first present proper credentials and request entry, and if such building or premises be unoccupied, the city shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.~~

~~If such entry is refused, the city shall have recourse to every remedy provided by law to secure entry, including procurement of a search warrant. No owner or occupant or any other person having charge or control of any building or premises shall fail or neglect, after proper request is made and a warrant is provided, to properly permit entry therein by the city for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be subject to a penalty or fine established by city council.~~

~~F. Confiscation of Signs in Right-of-Way. Unauthorized signs or other advertising devices either in, or fully or partially supported on, or projecting over the public right-of-way are hereby declared to be a public nuisance and in violation of this sign code. The city may remove such signs at any time as a means of abating the nuisance. All signs confiscated by the city shall be held for ten working days, after which such signs may be destroyed or otherwise disposed of. The owner of a confiscated sign may recover the sign when it is still in the possession of the city of Monroe upon payment of the recovering fee found in the city of Monroe fees resolution to cover the cost of confiscation and storage.~~

~~G. Violation and Penalties. It shall be unlawful for any person, firm or corporation to erect, hang, construct, enlarge, alter, repair, move, improve, convert, equip, use or maintain any sign or sign structure in the city, or cause or permit the same to be done, contrary to or in violation of the provisions of this title. Any person, firm or corporation violating any of the provisions of this title shall be subject to a penalty or fine established by city council, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a penalty or fine established by city council.~~

~~H. Nonliability. This title shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, constructing, installing, altering, removing, moving, or controlling any sign in the city. For damages to person or property injured or damaged either in person or property caused by any defect therein, the city or~~

~~any agent thereof shall not be held as assuming any liability by reason of permit or of the inspection authorized hereunder or certificate of inspection issued by the city or any of its agents.~~

~~I. Conflicting Provisions. If any provision of this title is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision that establishes the higher standard shall prevail.~~

~~J. Severability. If any provision of this title or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.~~

~~18.80.180 Interpretations.~~

~~Where there is any dispute concerning the interpretation of the chapter, the decision of the director shall prevail, subject to the variance and appeal provisions set forth in MMC 18.80.190. Notwithstanding any other provision of this chapter, the provisions of this chapter shall be construed and enforced in a manner consistent with applicable state and federal constitutional requirements. After consultation with the city attorney, the director may disregard, and/or deviate from, the provisions of this chapter to the extent deemed necessary in the director's determination in order to avoid a violation of any party's constitutional rights. Any such determination of the director shall be made in writing and shall be appealable in accordance with MMC 18.80.190.~~

~~18.80.190 Variances and appeals.~~

~~A. Powers. Recognizing that there are certain cases that may, or may not, be detrimental to aesthetic character, public health, safety and general welfare, and the effectiveness of visual communication in the city, depending upon the facts of each particular case, a limited power to issue variance permits and to interpret any section of the title is vested with the hearing examiner.~~

~~B. Appeals and Variances. Application for special permits and variances from the ruling of the city concerning the provisions herein contained may be made to the hearing examiner. The hearing examiner shall receive all applications requesting review of sign permit decisions, conditions, or determinations relating thereto, for a variance and special permit; and shall maintain and be custodian of all records of the minutes of the meetings and findings. All records shall be open to the public. Copies of the appellant's notice for all special exceptions shall be filed with the city of Monroe, hearing examiner, and planning commission, containing the decision of the city of Monroe and the reasons why the appellant is aggrieved, specifying the grounds therefore. Each application or request for a special exception filed shall be accompanied by a fee to cover the city's cost of handling the request for a special exception. Upon the filing of such fee and application, the city of Monroe shall forthwith transmit to the hearing examiner all papers constituting the record and decision of the city of Monroe relating to the request for a special exception. The hearing examiner shall fix a reasonable time for the public hearing and give due notice thereof to the parties and general public. The hearing examiner shall make a decision within a reasonable time after the hearing.~~

~~C. Stay. A request for any special exception to the hearing examiner stays all proceedings, in furtherance of the action from which the request for a special exception was taken, unless the city of Monroe, from whom the request for a special exception is taken, certifies to the hearing examiner, after the notice of a request for a special exception shall have been filed with the city of Monroe, that by reason of facts stated in~~

~~the certification, a stay would in the city of Monroe's opinion cause imminent peril to life or property, in which case such action shall not be stayed otherwise than by a restraining order, which may be issued by the superior court. The decision of the hearing examiner on the request for a stay shall be transmitted to the city of Monroe.~~
~~D. Collection of Expenses Incurred. Whenever there incurs any expense in connection with the removal or alteration of any sign, the cost thereof shall be paid by the owner of the real property upon which the sign is erected or maintained. In the event any other person is in possession of such property with the consent of the owner, the owner and such other person shall be jointly responsible for the payment of such cost.~~

~~1. The city shall submit to the owner and/or other person in possession of the premises a statement of costs incurred by the city for removing or altering the sign.~~
~~2. Upon the failure to receive full payment within thirty days from the date the statement is submitted, or within thirty days after conclusion of any appeal proceedings, whichever is later, the city is authorized to provide for the collection of the amounts due in any lawful manner.~~

~~18.80.200 Sign design guidelines/sign illustrations.~~
~~The city shall maintain sign design guidelines/sign illustrations that illustrate the purpose, design principles, and contents to emulate in the different signs allowed in this chapter. Generally, the examples will indicate design principles to be followed though some aspects, as noted in the text descriptions, may not be exemplary in all cases. Applicants shall, subject to the provisions of this chapter, design and install signs that are equal to or better than the examples and illustrations that will be maintained in the sign design guidelines/sign illustrations.~~

~~Chapter 18.82~~
~~SITE PLAN REVIEW~~
~~(Repealed by Ord. 004/2017)~~

~~Chapter 18.84~~
~~PLANNED RESIDENTIAL DEVELOPMENT (PRD)~~

~~Sections:~~
~~18.84.010 Purpose.~~
~~18.84.020 Application.~~
~~18.84.030 Acreage requirements.~~
~~18.84.040 Permitted uses.~~
~~18.84.050 Initiation of application for PRD.~~
~~18.84.055 Repealed.~~
~~18.84.060 Submittal requirements for a PRD.~~
~~18.84.070 Review stages of a PRD.~~
~~18.84.080 General requirements for PRD.~~
~~18.84.090 Procedures for preliminary development plan review.~~
~~18.84.100 Time limitations of preliminary development plan approval.~~
~~18.84.110 Hearing of development plans concurrent with other applications.~~
~~18.84.120 Decision criteria for preliminary development plan approval.~~

~~18.84.130 Final development plan review and approval.~~
~~18.84.140 Developable acreage for calculation of dwelling unit base density.~~
~~18.84.150 Bonus provision.~~
~~18.84.155 Repealed.~~
~~18.84.160 Establishing the total number of permitted units.~~
~~18.84.170 Flexibility provisions of PRD.~~
~~18.84.180 Phased development.~~
~~18.84.190 Requirements for filing a final PRD.~~
~~18.84.200 Encumbrances by assignment of funds.~~
~~18.84.210 Minor adjustments.~~

~~18.84.010 Purpose.~~

~~The purpose of this chapter is to implement the goals and policies of the Monroe comprehensive plan by promoting creativity in site layout and design, allowing flexibility in the application of the standards for residential development to protect and enhance environmental features, and provide other public benefits. This chapter provides performance criteria to encourage flexibility in the choice of the types of living units available to the public through a discretionary planned residential development (PRD) process. The PRD is an alternative to the traditional approach to subdividing property, allowing for variety in plat design and building type, while incorporating additional open space requirements and provision of recreational facilities in exchange for density bonuses. The PRD process provides mechanisms that allow the city to achieve:~~

~~A. The preservation of open space, natural vegetation, watercourses, historic buildings and places, and other features of value to the community.~~

~~B. Efficient street and utility systems by clustering of structures.~~

~~C. Integrated design of landscape with sensitive areas.~~

~~D. Integration of new development into the existing community while protecting and preserving existing neighborhoods and sensitive areas.~~

~~E. Repealed by Ord. 024/2009.~~

~~F. Repealed by Ord. 024/2009.~~

~~18.84.020 Application.~~

~~A PRD is permitted within the MR 6,000, UR 6,000, UR 9,600, R-4 and SR 15,000 residential zoning districts.~~

~~18.84.030 Acreage requirements.~~

~~The minimum site area of a PRD shall be three acres.~~

~~18.84.040 Permitted uses.~~

~~Permitted uses are those permitted, accessory and conditional uses as set forth in the underlying zoning district.~~

~~18.84.050 Initiation of application for PRD.~~

~~The property owner(s) may file for a PRD. The city may require the filing of a PRD as a condition of a rezone of property or properties.~~

~~18.84.055 Predevelopment/preapplication conference.~~

~~Repealed by Ord. 033/2008.~~

~~18.84.060 Submittal requirements for a PRD.~~

~~The application must be filed on forms furnished by the city. An application for a preliminary PRD and development plan shall contain the following (verify the number of copies/sets of each of the following items for submittal with the permit department prior to submittal):~~

~~A. Completed and signed application form;~~

~~B. Site plans, which must be drawn and signed by a licensed surveyor in accordance with the Survey Recording Act and must include (if applicable) both existing boundary lines (bearing and distance) and proposed boundary line changes, all easements and other encumbrances occurring within the affected lots, drain field, building footprints, building setbacks, and all other pertinent setbacks. The preliminary development plan shall include:~~

~~1. Conceptual utility plan showing proposed location of water, sewer and other utilities;~~

~~2. Conceptual site plan showing location of all proposed lot boundaries, common area tracts, open space tracts, public and private streets, park/recreation facilities, and including topographic contour lines at maximum five-foot intervals;~~

~~3. Natural features plan showing the location of all environmentally sensitive areas and their buffers;~~

~~C. SEPA (environmental) checklist;~~

~~D. Current title report (current is dated within thirty days of submittal);~~

~~E. Repealed by Ord. 033/2008;~~

~~F. Vicinity map eight and one-half inches by eleven inches or eleven inches by seventeen inches;~~

~~G. Set of plans reduced to eight-and-one-half-inch by eleven-inch or eleven-inch by seventeen-inch sized paper;~~

~~H. Soils report;~~

~~I. A storm water site assessment in substantial conformance to the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound (December 2012);~~

~~J. Wetland delineation/mitigation plan (if applicable);~~

~~K. Preliminary landscape and irrigation plans;~~

~~L. Traffic analysis, as directed by the city engineer;~~

~~M. Other requested information specific to the application as required by the community development department.~~

~~N. Required filing fees shall be paid and the application shall be completed before processing of the application may begin. Filing fees are established by the city council through the most recent fee resolution.~~

~~O. Upon submittal of a complete application, the city may require a consultant for professional services in accordance with MMC 3.34.040. The consultant shall review the PRD design and prepare a written report to the director, or his designee, summarizing the proposal's compliance and/or noncompliance with all applicable standards.~~

~~18.84.070 Review stages of a PRD.~~

~~Review and approval of a PRD shall include the following steps:~~

~~A. Preliminary PRD and Development Plan. Following submittal and certification as a complete application, a preliminary PRD shall be scheduled for a public hearing before~~

~~the hearing examiner. Following the public hearing, the hearing examiner shall issue a final decision taking one of the following actions:~~

~~1. Approve;~~

~~2. Approve with conditions. All conditions imposed by the hearing examiner must be based on the record developed at the public hearing;~~

~~3. Modify, with or without the applicant's concurrence; provided, that the modifications do not:~~

~~a. Enlarge the area or scope of the project;~~

~~b. Increase the density or proposed building size;~~

~~c. Significantly increase adverse environmental impacts as determined by the responsible official;~~

~~4. Deny (reapplication or resubmittal is permitted); or~~

~~5. Deny with prejudice (reapplication or resubmittal is not allowed for one year).~~

~~B. Final Development Plan. Following preliminary approval of the PRD, the applicant shall submit a final development plan which includes all required construction and utility plans. The final development plan shall be reviewed by city departments. If the final development plan is approved or modified, the applicant may initiate construction. If the plan is denied, the applicant may submit a new final development plan for review.~~

~~C. Final PRD Application and Map. Upon completion of required improvements or upon submittal of financial guarantees as required by the city engineer, and completion of all necessary inspections, a final PRD application and map shall be submitted for review and a decision by the city council. The city council shall schedule a date at which it shall take action on the final PRD. The city council shall approve or deny the PRD. In the event the final PRD is denied, the applicant may resubmit a final PRD for review by the city council.~~

~~18.84.080 General requirements for a PRD.~~

~~The requirements of a planned residential development area are as follows:~~

~~A. Each PRD shall provide a minimum dedication of park and recreational usable open space within the PRD as shown in Table 1.~~

~~Table 1~~

~~Zoning District~~	**~~Dedication of Park and Recreational Usable Open Space per Base Dwelling Unit Within a PRD~~**
~~SR 15,000~~	~~1,125~~
~~UR 9,600~~	~~975~~
~~R-4~~	~~900~~
~~UR 6,000~~	~~675~~
~~MR 6,000~~	~~600~~

~~B. A bonus shall be granted for such park and recreational open space retention and development as provided under MMC 18.84.150. All of the park and recreational open space land for which a bonus is obtained shall be exclusive of critical areas and their buffers required to be preserved under Chapter 20.05 MMC. Where critical areas and their buffers are included in the open space areas dedicated within a PRD, a separate calculation shall be provided for the park and recreational open space area, exclusive of~~

~~critical areas and their buffers, for determination of compliance with the minimum park and recreational open space requirement.~~

~~C. In addition to the park and recreational open space dedicated under subsection (A) of this section, within each PRD, additional open space for recreational opportunities may be provided. The value of such open space land may be applied towards the total park mitigation fee as a credit. The dedication of such park and recreational open space land shall be subject to prior city approval. Land value used as a credit towards park mitigation shall not be applied towards the park and recreational open space bonus provided under MMC 18.84.150.~~

~~D. A PRD shall provide mitigation for impacts to the city's park and recreation system in accordance with Chapter 20.10 MMC.~~

~~E. As part of the review of a final PRD, the city shall review the proposed homeowners' association bylaws to ensure they provide for sufficient assessments to assure the retention and continued maintenance of all open space and recreation areas. In addition, the city may require a reasonable performance or maintenance assurance device.~~

~~F. The city may permit an increase of building heights for buildings or structures in the interior of a PRD in exchange for a reduction of building heights for buildings or structures near the perimeter of a proposed site; provided, that such an increase does not unreasonably impair the scenic views in the surrounding area.~~

~~G. Housing Standards. Housing standards shall require the mixing of housing styles to eliminate repetition in block/street frontage and housing design, as follows:~~

~~1. Buildings shall include modulation along the building facades visibly facing public rights-of-way, private access driveways and roads, and private yards.~~

~~2. All residences shall be provided with a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space. Covered porches shall be usable both in design and dimension. All residential covered main entry porches shall have a minimum floor area measuring sixty square feet in size, having a minimum dimension of not less than five feet in any direction (length or width).~~

~~3. Housing development structures shall be provided with substantial uniform exterior trim elements. Roofs shall have eaves to efficiently shed rain and provide rain protection for exterior walls.~~

~~4. Horizontal facades longer than thirty feet shall be articulated into smaller units of the residential scale. At least two of the following methods shall be included:~~

~~a. Distinctive roof forms and wall forms or elements.~~

~~b. Changes in materials or patterns.~~

~~c. Windows shape, trim, pattern and/or details.~~

~~d. Color differentiation.~~

~~e. Recesses/offsets/cantilevers.~~

~~f. Architectural features (bays, Bombay windows and awnings or lower roofs).~~

~~5. A minimum of fifteen percent of the total window area permitted by the Washington State Energy Code shall be provided in building facades facing streets.~~

~~6. Window and door trim with a minimum width of three and one-half inches shall be provided on all housing development structures.~~

~~7. Structures shall incorporate pitched roof forms having slopes between 2:12 and 15:12 or greater (not applicable to porches and dormers). Flat roofs with parapets shall also be allowed. Gables or other roofline variations (i.e., parapets, second roof, dormers, etc.) facing the street are encouraged. Dormers, chimneys, bay windows~~

~~and other architectural features may be incorporated to break up long lengths of roof.~~

~~8. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets.~~

~~9. Variations in adjacent building height, side, rear and front yard setbacks are encouraged.~~

~~10. Building design and layout shall minimize the impacts on natural features of the site where possible.~~

~~11. When garage doors are facing the street or private driveways, they shall be set back at least twenty feet from the property line or sidewalk or edge of pavement of private street. The garage shall be set back a minimum of four feet from the face of the main structure. Where alley access is available or is provided within the development, vehicle access shall be from the alley with no curb cuts on the fronting street.~~

~~H. Street and Site Design Standards. All PRDs should fulfill the standards set forth in the city of Monroe public works and construction standards.~~

~~1. Mailboxes shall be clustered in convenient locations and shall be designed using architectural features such as peaked roofs over mailboxes. Locations shall be approved by the local U.S. Postmaster and the city engineer.~~

~~2. Housing developments shall be designed to minimize lighting and to meet the following lighting standards:~~

~~a. To reduce overall energy consumption and eliminate unneeded lighting, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when the lighting is not needed.~~

~~b. Exterior lighting installations shall be designed to avoid harsh contrasts in lighting levels.~~

~~c. Light heads for parking lots and display area light fixtures shall not have bulbs or reflectors that project below the bottom rim of the fixture unless shielded by a softening diffuser.~~

~~d. Lighting levels shall not exceed two-tenths foot candles measured five feet from an exterior property line. An exception may be approved by the director for areas adjacent to rights-of-way.~~

~~e. Parking lot light fixtures should be nonglare and mounted no more than twenty-five feet above the ground to minimize the impact onto adjacent properties. All fixtures over fifteen feet in height shall be fitted with a full cutoff shield.~~

~~f. Fixtures and lighting systems used for safety and security shall be maintained in good working order.~~

~~g. Vegetation and landscaping shall be maintained in a manner that does not obstruct security lighting.~~

~~h. Open-air parking lot lighting shall be designed to provide sufficient illumination for comfort and safety and shall be adequate to facilitate the activities taking place in a given location.~~

~~i. Lighting of outside areas shall not be used to attract attention to a business. Signs installed in accordance with this code may be used for that purpose.~~

~~j. Lighting fixtures shall be of a type or adequately shielded so as to prevent glare from normal viewing angles.~~

~~k. Streetlights located on private properties/roads shall have a maximum height of fourteen feet to the base of the luminaire and shall be maintained by the homeowners' association.~~

~~3. Housing developments shall be designed to minimize noise to meet standards referenced in MMC 18.10.270.~~

~~4. Heating (and cooling, if applicable) equipment for housing developments shall be designed to cause little or no noise impacts within the development and to adjacent properties.~~

~~5. No dimension of the private open space/yard shall be less than five feet.~~

~~6. Trash receptacles having a capacity in excess of one cubic yard shall be screened from view from adjacent properties and public rights-of-way in accordance with city solid waste disposal policy.~~

~~7. Landscaping shall screen undesirable elements such as views to adjacent commercial or industrial development, utility equipment/boxes, outdoor storage areas, and dumpsters.~~

~~8. Plat/development signs shall be located on private property within private easement(s) adjacent to the entrances of PRD developments and shall be limited to monument type signs in compliance with the provisions of Chapter 18.80 MMC, or shall be as approved on the PRD plan. Plat signage shall be maintained by the homeowners' association and defined within the CC&Rs.~~

~~9. Required parking shall be located on the private property.~~

~~10. Off-street parking lots/pods shall be located within the PRD development. Parking lots/pods shall not be located between the residential development and the primary street frontage.~~

~~11. Parking Lot/Pod Landscaping. Where landscaping is required for off-street parking areas (parking lots/pods within the PRD), such landscaping shall be in addition to the minimum percent of open space required, as shown in Table 1. Parking lot landscaping shall comply with the requirements of Chapter 18.78 MMC (landscaping/fencing shall have a minimum opacity of seventy-five percent at the time of planting/construction).~~

~~12. Parking on the side (nonprimary street) shall be screened from the side street by a structure, garage, landscaping, and/or screened fencing.~~

~~13. Preferred locations for parking, in descending order of preference, are as follows:~~

~~a. To the rear of housing units accessed by an alley.~~

~~b. To the side of housing units accessed by a private driveway.~~

~~14. All individual lot widths, lengths, sizes and similar lot configurations shall be subject to those established on the approved PRD plan.~~

~~15. Housing developments shall limit their impervious surface area in recognition of the storm water and soil conditions present in the residential development area and to prevent adverse storm water impacts. Low-impact development techniques for storm water management shall be used in accordance with the MMC 15.01.025, and as directed by the city engineer. Housing developments shall be designed to take advantage of open space and landscape features to utilize storm water low-impact development techniques including natural filtration and on-site infiltration of storm water.~~

~~I. Park and Recreational Usable Open Space. A PRD shall provide a detailed description of the requirements for parks and open space including the incorporation, dedication, specifications and placement.~~

~~1. Each PRD shall provide a minimum dedication of park and recreational usable open space within the PRD as shown in Table 1 (prior to calculation of the bonus). Park and recreational usable open space areas shall complement and be consistent with the provisions of the current city of Monroe park plan.~~

~~2. All park and recreational usable open space shall be three-fourths acre or larger unless the overall size of the PRD precludes this requirement. If there is less than three-fourths acre of park and recreational usable open space, then all of that amount shall be used for a single park and recreational usable open space.~~

~~3. All housing units shall be within walking distance of one-third mile to some form of developed park and recreational usable open space.~~

~~4. The developer shall design park and recreational usable open space to take advantage of existing contiguous open space.~~

~~5. Multiple parks may be allowed within PRDs so long as:~~

~~a. They conform to subsections (I)(2), (3) and (4) of this section.~~

~~b. No park and recreational usable open space area shall be less than three-fourths acre in size.~~

~~6. Design of park and recreational usable open space shall:~~

~~a. Be approved by the city of Monroe parks department prior to development in accordance with MMC 18.84.090.~~

~~b. Conform to the minimum requirements of the city of Monroe landscape ordinance and landscape guidelines contained in Chapter 18.78 MMC.~~

~~c. Meet the standards set forth by the city of Monroe parks department and the National Park and Recreation Standards.~~

~~7. Park and recreational equipment/utility, landscaping, irrigation and construction improvements shall be installed or bonded prior to final plat approval.~~

~~8. Park and recreational usable open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director of community development. The recorded covenant must restrict uses of the park and recreational usable open space to those specified in the approved PRD site plan and must provide for the maintenance of the park and recreational usable open space in a manner that assures its continuing use for the intended purpose.~~

~~9. When pedestrian corridors are proposed within the PRD, a portion of the park and recreational usable open space may be devoted to the pedestrian corridor, as directed by the parks department.~~

~~10. The park and recreational usable open space shall be of a size and configuration so as to accommodate a variety of recreational functions for residents. Common recreational facilities such as play fields, play equipment, slides, swings, seating/picnic areas, swimming pools, tennis/basketball courts, trails, tot lots, exercise rooms, etc., should be included within the project site design in keeping with the scope, scale and needs of the project, as approved by the city of Monroe parks department.~~

~~11. In specified areas, park and recreational usable open space that will serve as public parks will be dedicated to the city for maintenance at the time of final plat approval.~~

~~12. Park and recreational usable open space areas shall be fronted by secondary roadways for convenient access to residence.~~

~~13. All park and recreational usable open space shall be designed, landscaped and recreational amenities be provided consistent with city of Monroe and National Recreation and Park Association Standards.~~

~~J. Landscaping Design Standards.~~

~~1. Front yards for individual lots shall be landscaped from the back of curb within the public right-of-way to the edge of the front property line, and along private roads/tracts. All such required landscaping shall be maintained in a healthy growing condition by the property owner and/or homeowners' association.~~

~~2. Housing developments shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in the common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of housing units.~~

~~3. Preservation of existing trees shall be provided. Trees are defined as any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and that has a caliper of six inches or greater measured four and one-half feet above the ground level. At the direction of the parks department, up to twenty-five percent of the native trees and other vegetation shall be preserved to the fullest extent possible and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearings on forested sites.~~

~~K. Density Determination for a PRD. The intent of the PRD is to provide an exchange of density for the proper integration, placement, and dedication of open space, parks, and trails within the city of Monroe. The city of Monroe provides an increase in the density of a development for the amenities described within these standards.~~

~~1. The maximum density of a PRD is based on the underlying density calculation found in MMC 18.10.010(B) for single-family units/lots and MMC 18.10.020(B) for multifamily units/lots.~~

~~2. A thirty percent density bonus will be granted in the SR 15,000, UR 9,600 and R-4 residential zoning districts and a twenty-five percent density bonus will be granted in the UR 6,000 and MR 6,000 zoning districts when the developer provides the following:~~

~~a. The inclusion of housing site standards as described in subsection (G) of this section.~~

~~b. The inclusion of street design standards as described in subsection (H) of this section.~~

~~c. The inclusion of park, recreation, open space and landscaping as described in subsection (I) of this section.~~

~~d. The inclusion of landscape design standards as described in subsection (J) of this section.~~

~~3. For example, in the UR 9,600 zone, a one-acre site could yield five units (1 acre x 3.63 units per acre = 3.63 units. 3.63 units x 0.30 = 1.09 bonus units. 3.63 units + 1.09 bonus units = 4.72 units or five total units).~~

~~4. The final density is a maximum density. The density will be subject to all the requirements set forth in the PRD standards.~~

~~L. Repealed by Ord. 022/2016.~~

~~M. The city may allow other modifications of the zoning code, except as prohibited elsewhere in this chapter or the specific design standards.~~

~~N. A PRD located within the R-4 zoning district containing six acres or more must contain a minimum of three lot sizes separated by at least a one thousand square feet~~

~~threshold. No single lot size may make up more than fifty percent or less than fifteen percent of the total lots.~~
~~O. A PRD located within the R-4 zoning district containing less than six gross acres must contain a minimum of two lot sizes separated by at least a one thousand square feet threshold. No single lot size may make up less than twenty-five percent of the total lots.~~

~~18.84.090 Procedures for preliminary development plan review.~~
~~The applicant shall submit to the city a preliminary development plan for review by all affected city departments. Following review of the preliminary development plan, a public hearing shall be scheduled at which the hearing examiner shall review and determine whether the proposed preliminary development plan, as conditioned, complies with the following:~~
~~A. The requirements of this chapter; and~~
~~B. Provisions of the city's comprehensive plan; and~~
~~C. Provisions of the city's shoreline management plan; and~~
~~D. The requirements of other applicable city codes, ordinances, regulations and standards. If the preliminary development plan is approved, the applicant shall submit to the city, within the permitted time frame, a final development plan for review and approval by the city.~~

~~18.84.100 Time limitations of preliminary development plan approval.~~
~~Preliminary development plan approval of the PRD shall expire five years from the date of approval by the hearing examiner, or concurrently with the expiration of the preliminary plat, whichever occurs earlier.~~

~~18.84.110 Hearing of development plans concurrent with other applications.~~
~~The preliminary development plan may be considered with the following applications:~~
~~A. Conditional use;~~
~~B. Extraordinary use;~~
~~C. Preliminary plat;~~
~~D. Rezone;~~
~~E. Street vacation.~~
~~The public hearing in this case shall serve the public hearing requirements for the individual applications.~~

~~18.84.120 Decision criteria for preliminary development plan approval.~~
~~The city shall approve a preliminary development plan if the plan meets the following criteria:~~
~~A. The PRD is in accordance with the comprehensive plan; and~~
~~B. The PRD accomplishes a development that is better than that resulting from traditional development and provides a net benefit to the city. A net benefit to the city may be demonstrated by the following:~~
~~1. Conservation of natural features and sensitive area,~~
~~2. Placement, style or design of structures,~~
~~3. Recreational facilities,~~
~~4. Interconnected usable open space,~~
~~5. Provision of other public facilities,~~
~~6. Aesthetic features and harmonious design, and~~

7. Energy-efficient site design and/or building features; and

C. The PRD will be served by adequate public facilities including streets, fire protection, water, storm water management, and sanitary sewer for acceptable waste controls, as demonstrated by the submittal and review of plans for such facilities as described under MMC 18.84.060; and

D. The proposed landscaping within the PRD's perimeter is superior to that normally required by the city; and

E. At least one major circulation point is functionally connected to a public right-of-way; and

F. The open space within the PRD is integrated into the design of the project rather than an isolated element; and

G. The PRD is compatible with the adjacent development; and

H. Undeveloped land adjoining the PRD may be developed in coordination with the PRD; and

I. The PRD is harmonious and appropriate in design, character and appearance to the existing or intended character of development in the immediate vicinity; and

J. Roads, streets and sidewalks, existing and proposed, comply with the standards and requirements of this chapter and the Monroe Municipal Code; and

K. Each phase of the PRD, as it is completed, shall contain the required parking spaces, open space, recreation facilities, landscaping, and utility area planned for that phase.

18.84.130 Final development plan review and approval.

The city shall specify the submittal requirements, including type, detail, and number of copies for a final development plan review of a PRD.

The community development director or his/her designee shall determine if the final development plan conforms to the approved preliminary development plan. If the community development director or his/her designee grants approval of the final development plan, the city is authorized to issue necessary development permits to construct the proposed development.

18.84.140 Developable acreage for calculation of dwelling unit base density.

The gross acreage of the site is determined to be the developable acreage for the purpose of calculating allowed dwelling units.

18.84.150 Bonus provision.

The applicant shall be allowed an increased number of dwelling units based upon the bonus provision established in this chapter or corresponding subarea plan. Dedication of open space shall be provided in accordance with Table 1 in this chapter. Open space dedicated under this section may not include space set aside for private yards and individual unit(s) play areas.

18.84.155 Affordable housing bonus.

Repealed by Ord. 024/2009.

18.84.160 Establishing the total number of permitted units.

Calculation of the total number of permitted units includes the following:

~~A. The result of the multiplication of the developable acreage by the maximum dwelling units per acre permitted under the zoning district for planned residential developments;~~
~~B. MMC 20.05.070(I), Limited Density Transfer, shall apply;~~
~~C. The additional units as determined by the bonus provisions of this chapter.~~

~~18.84.170 Flexibility provisions of PRD.~~
~~The dimensional and other standards found in the underlying zoning district may only be varied with city approval using the PRD process. However, the following zoning code requirements may not be varied under the PRD process:~~
~~A. Off-street parking;~~
~~B. Perimeter setbacks; for the purpose of this section, perimeter setback(s) shall be defined as the setback(s) from the exterior property boundary line of the site;~~
~~C. Uses permitted in the underlying zone.~~

~~18.84.180 Phased development.~~
~~A phasing schedule may be provided as a part of the application.~~

~~18.84.190 Requirements for filing a final PRD.~~
~~All improvements required by the approval of the preliminary PRD and development plan shall be installed, with the exception of improvements exempted under MMC 18.84.200, prior to recording of the final plat map. The final plat map shall be submitted for review concurrently with the final PRD. The city council shall take action on the final PRD in accordance with the procedures for final plats in Chapter 17.28 MMC.~~

~~18.84.200 Encumbrances by assignment of funds.~~
~~The following requirements of a PRD may be postponed by the placement of an assignment of funds to the city:~~
~~A. Street landscaping improvements;~~
~~B. Final street paving lift.~~

~~18.84.210 Minor adjustments.~~
~~In issuing permits connected with the construction of a PRD the city community development director or his/her designee may allow minor adjustments; provided, that:~~
~~A. There is no increase in the number of lots or dwelling units; and~~
~~B. There is no decrease in the parking facilities; and~~
~~C. No structures are being moved closer to the perimeter of the site, to water bodies, or to sensitive areas; and~~
~~D. No points of ingress or egress are being moved; and~~
~~E. The amount of landscaping, buffering, and open space is not reduced; and~~
~~F. The adjustments shall not relocate a building, street or other uses more than twenty feet in any direction and shall not reduce the required yard and/or setback; and~~
~~G. The height of the building and other structures does not increase beyond the approved height of the PRD; and~~
~~H. Traffic volumes shall not increase and traffic patterns shall not change; and~~
~~I. Changes in color, plant material and parking configuration are minor; and~~
~~J. The adjustments do not add significant new environmental impacts or significantly increase any adverse impacts disclosed in the original SEPA documents; and~~

~~K. The community development director determines that changes will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.~~

~~Chapter 18.86~~
~~OFF-STREET PARKING REGULATIONS~~

~~Sections:~~

~~18.86.010 Purpose.~~
~~18.86.020 Chapter application.~~
~~18.86.030 Reduction of existing parking spaces.~~
~~18.86.040 General requirements.~~
~~18.86.050 Required number of parking spaces.~~
~~18.86.060 Loading space requirements.~~
~~18.86.065 Dumpster/recycling enclosure requirements.~~
~~18.86.070 Mixed occupancies and cooperative parking facility.~~
~~18.86.080 Criteria for cooperative parking facility.~~
~~18.86.085 Exemption for downtown commercial district – Historic Main neighborhood.~~
~~18.86.090 Compact car allowance.~~
~~18.86.100 Uses not specified.~~
~~18.86.110 Landscaping and screening of parking lots.~~
~~18.86.115 Minimum standards for off-street parking.~~
~~18.86.120 Filing of plans.~~

~~18.86.010 Purpose.~~

~~It is the purpose of this chapter to provide for adequate, convenient, and safe off-street parking and loading areas for the different land uses described in this title. Off-street parking areas refer to those areas on private property; public rights-of-way not used for street purposes cannot be used for required parking.~~

~~18.86.020 Chapter application.~~

~~Off-street parking and loading spaces shall be provided as an accessory use in all zones in accordance with the requirements of this chapter at the time any building or structure is erected, enlarged or at the time there is a change in its use. Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for expansion or enlargement in accordance with the requirements of the schedule provided. The zoning code administrator may allow an enlargement or expansion of a use without providing additional parking if the city determines that (A) the required additional parking is less than ten percent of the existing parking available, and (B) there is no history of inadequate parking for the proposed site. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing prior to the date the ordinance codified in this title was adopted.~~

~~18.86.030 Reduction of existing parking spaces.~~

~~Any off-street parking area, already in use or established after the effective date of the ordinance codified in this title, shall not be reduced below the limits required by this chapter by the construction of any addition to a building or structure nor by the erection of any additional building or structure on the property.~~

~~**18.86.040 General requirements.**~~

~~Low impact development best management practices shall be used for parking lot design and construction, unless site and soil conditions make low impact development infeasible as determined by the stormwater management administrator. Low impact development best management practices shall be designed and constructed in accordance with the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound (December 2012) and approved by the stormwater management administrator.~~

~~Additionally, any required off-street parking and loading facilities shall be developed in accordance with the following standards:~~

~~A. Any on-premises parking area which contains parking spaces located more than three hundred feet from the perimeter of the site shall require the hearing body approval for the entire parking lot.~~

~~B. All required parking must be under the same ownership as the development site served, except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.~~

~~C. In any residential district, public or private parking areas and parking spaces are not permitted in any required yard except as provided herein:~~

~~1. Vacation trailers, boat trailers, camperettes and other vehicles not in daily use are restricted to parking in front yard setback for not more than forty-eight hours, and mobile homes, vacation trailers, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required rear yards. Variances from this requirement, if no feasible alternative exists, may be granted by the hearing body.~~

~~2. Public or private parking areas, parking spaces of any building intended for parking which is developed or maintained in conjunction with any building or use permitted in any rear or side yard that abuts an alley, provided the parking areas, structures or spaces comply with the parking dimensions available from the city engineer.~~

~~D. Parking will be to the rear or side for all apartments and condominiums unless otherwise specified in the municipal code or in the City of Monroe Infill, Multifamily, and Mixed Use Design Standards.~~

~~E. Parking Area and Parking Area Entrance and Exit Slopes. The slope of off-street parking spaces shall not exceed eight percent. The slope of entrance and exit driveways providing access for off-street parking areas and internal driveway aisles without parking spaces shall not exceed fifteen percent.~~

~~F. Driveways and Maneuverability.~~

~~1. Adequate ingress to and egress from each parking space shall be provided without moving another vehicle and without backing more than fifty feet.~~

~~2. Turning and maneuvering space shall be located entirely on private property unless specifically approved by the city engineer.~~

~~3. All parking spaces shall be internally accessible to one another without re-entering adjoining public streets except where no other alternative exists.~~

~~4. When off-street parking is provided in the rear of a building and a driveway or lane alongside the building provides access to rear parking area, such driveway shall require a minimum width of twelve feet and a sidewalk of at least a three-foot section, adjoining the building, curbed or raised six inches above the driveway surface.~~

~~5. Ingress and egress to any off-street parking lot should not be located closer than twenty feet from point of tangent to an intersection unless allowed by the city engineer.~~

~~6. The city engineer may require ingress separate from an egress for smoother and safer flow of traffic.~~

~~G. Surface.~~

~~1. All traffic-control devices such as parking stripes designating parking spaces, directional arrows or signs, bull rails, curbs and other developments shall be installed and completed as shown on the approved plans.~~

~~2. Paved parking areas shall use paint or similar devices to delineate parking spaces and direction of traffic.~~

~~3. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed or raised six inches above the lot surface where possible.~~

~~4. Wheel stops shall be required on the periphery of parking lots so cars will not protrude into the right-of-way, or off the parking lot or strike buildings. Wheel stops shall be two feet from the end of the parking of head-in parking.~~

~~H. Parallel parking spaces shall be designed so that doors of vehicles do not open onto the right-of-way.~~

~~I. Obstructions. No obstruction, which would restrict car door opening, shall be permitted within five feet of the centerline of a parking space.~~

~~J. Lighting. Any required lighting shall be installed as required in Chapter 15.15 MMC.~~

~~K. Curb Cuts. All parking areas shall have specific entrance and/or exit areas to the adjacent rights-of-way. The width of access roads and curb cuts shall be determined by the city engineer. The edge of the curb cut or access road shall be finished as required by the city engineer for safe movement of vehicles or pedestrians. Curb cuts in single-family districts shall be limited to a maximum of twenty feet in width and the location shall be approved by the city engineer.~~

~~L. No commercial trucks over eight thousand pounds gross vehicle weight, machinery, bulldozers or similar construction equipment shall be allowed to be stored or parked in any residential zones without a permit as required by other city ordinances.~~

~~M. Parking spaces shall not be used for permanent or semipermanent parking or storage of trucks or materials.~~

~~18.86.050 Required number of parking spaces.~~

~~The minimum number of off-street parking spaces shall be as follows for the listed uses:~~

~~Required Off-Street Parking~~

~~Type of Use~~	~~Required Parking Spaces~~
~~Single-family and multifamily dwellings~~	~~2 for each unit~~
~~Mixed use multiple-dwelling units[1]~~	~~1.5 per dwelling unit~~
~~Churches, mortuaries and funeral homes~~	~~1 for each 4 fixed seats~~
~~Convalescent homes, nursing and rest homes~~	~~1 for every 4 beds with a minimum of 10 stalls~~
~~Fast-food restaurants~~	~~1 for each 100 square feet of gross floor area~~
~~Food stores and retail establishments~~	~~1 for each 200 square feet of gross floor area~~
~~Hospitals~~	~~2 for each employee and 1 for each bed~~

~~Required Off-Street Parking~~

~~Type of Use~~	~~Required Parking Spaces~~
~~Motels, hotels, rooming houses, boardinghouses~~	~~1 for each room plus additional parking in accordance with the schedule for restaurants and/or conference facilities~~
~~Bowling alleys~~	~~5 spaces per alley plus additional parking in accordance with the schedule for restaurants if appropriate~~
~~Mortuaries~~	~~1 for each 4 seats~~
~~Banks, office uses and professional buildings~~	~~1 for each 400 square feet~~
~~Dental and medical clinics~~	~~1 for each 200 square feet of floor area plus one space per employee~~
~~Outdoor sports areas or parks~~	~~Shall be determined by the hearing body when granting a special use permit~~
~~Places of public assembly, auditoriums, stadiums, clubs, exhibition halls, community centers and theaters~~	~~1 for every 4 persons based on occupancy load or seats (if fixed)~~
~~Post offices~~	~~1 for each 400 square feet of gross floor area~~
~~Private clubs~~	~~1 for every 4 persons based on occupancy load~~
~~Public facilities, including libraries, City Hall, police and fire stations~~	~~Shall be determined by the hearing body when granting a special use permit~~
~~Schools, including preschool, elementary, junior high, private and parochial schools~~	~~1.5 for each staff member plus parking required for any public assembly areas as outlined above~~
~~High school~~	~~1 for each staff member, 1 for every 10 students, plus parking required for any public assembly areas as outlined above~~
~~Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes~~	~~1 per employee plus 1 per 800 square feet of gross floor area~~
~~Warehouses, storage buildings or structures used exclusively for storage purposes, except mini self storage~~	~~1 per 1,000 square feet (less office space). 1 per 300 square feet of office space~~
~~Mini self storage~~	~~1 space per each 10 storage cubicles equally distributed in close proximity to storage buildings plus 1 space for each 50 storage cubicles to be located at the project office~~
~~Service or repair shop, including retail store handling exclusively bulky merchandise such as automobiles and furniture~~	~~1 for every 400 square feet of gross floor area~~

~~Required Off-Street Parking~~

~~Type of Use~~	~~Required Parking Spaces~~
~~Auto wrecking yards~~	~~15 spaces for yards less than 10 acres in size and 25 spaces for yards 10 acres and larger in size~~
~~Utility and communication establishments without regular on-site employment~~	~~1 space~~
~~Taverns/restaurnts~~	~~1 for every 4 persons based on occupancy load~~

~~1. In mixed use zones, off-street parking shall include adequate parking stalls to meet the sum of the requirements for the various uses as listed in the required parking table. For example, if a site has office and residential uses, the parking area would need to include the required number of parking spaces for both uses; provided, the director or designee may approve a reduction of up to twenty percent of the required off-street parking spaces, per this section, when the applicant enters into a joint parking agreement, for use of a cooperative parking facility, in accordance with MMC 18.86.070 and 18.86.080.~~

~~18.86.060 Loading space requirements.~~

~~A. Off-street space for standing, loading, and unloading services shall not obstruct traffic movement in parking lots or on streets or alleys. For all office, commercial, and industrial uses, each loading space shall consist of at least a ten-foot by thirty-foot loading space with fourteen-foot height clearance for large trucks, including tractor-trailer large spaces.~~

~~B. Number of Loading Spaces Required.~~

~~Total Gross Floor Area of Building(s)~~	~~Space Required~~
~~Less than 5,000 sq. ft.~~	~~1~~
~~5,000 sq. ft. to 25,000 sq. ft.~~	~~2~~
~~25,000 sq. ft. to 50,000 sq. ft.~~	~~3~~
~~Each additional 50,000 sq. ft. or fraction thereof in excess of 25,000 sq. ft.~~	~~1 additional~~

~~C. Exceptions. The director of community development may waive or modify the requirements for loading spaces in the PO and DC zones when lots with existing structures require a change in use and the property owner demonstrates that the development has and will have no substantial loading needs or is physically constrained by existing conditions.~~

~~18.86.065 Dumpster/recycling enclosure requirements.~~

~~MMC 6.08.110 provides the general garbage container requirements for single-family, multifamily, and commercial customers, whereas, this section deals specifically with enclosure requirements.~~

~~A. All multifamily, office, commercial, and industrial uses that require a one cubic yard or greater dumpster and/or recycling container shall provide a site-obscuring enclosure to house the dumpster/recycling container(s).~~
~~B. Enclosures shall be architecturally consistent with the primary building, provide landscaping that is consistent with the surrounding landscape requirements, and provide seventy-five percent opacity around the perimeter excluding the gate area.~~
~~C. Dumpster/recycling enclosures shall not obstruct traffic movement in parking lots or on streets or alleys.~~
~~D. The city's solid waste provider must approve the enclosure location.~~

~~18.86.070 Mixed occupancies and cooperative parking facility.~~
~~In the case of mixed occupancies in the building or on a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.~~
~~The building official may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses of activities under the conditions specified herein:~~
~~A. Up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa; provided, that the reciprocal parking area shall be subject to the conditions set forth in MMC 18.72.080.~~
~~B. Up to one hundred percent of the Sunday and/or nighttime parking facilities required by this chapter for a church or auditorium incidental to a public or parochial school may be supplied by the parking facilities required for the school use; provided, that the reciprocal parking area shall be subject to the conditions set forth in MMC 18.72.080.~~
~~C. For purposes of this section, the following uses are typical daytime uses: business offices, barber shops and beauty shops, manufacturing or wholesale buildings. The following uses are typical nighttime and/or Sunday uses: auditorium incidental to a public or parochial school, churches, dancehalls, theaters and taverns.~~

~~18.86.080 Criteria for cooperative parking facility.~~
~~A. The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within one hundred fifty feet of the parking facilities.~~
~~B. The applicant shall show that there is not substantial conflict in the principal operating hours of the buildings or uses for which the joint use of the parking facility is proposed.~~
~~C. Parties concerned in the joint use of off-street facilities shall show evidence for joint use by a proper legal instrument approved by the city attorney and filed with the city clerk for recording.~~

~~18.86.085 Exemption for downtown commercial district – Historic Main neighborhood.~~
~~All residential uses shall meet the minimum parking requirements and nonresidential uses need only provide loading area per this chapter, except for the hotel/motel use,~~

~~which shall provide one stall per rental unit/room; however, for new construction on-site parking is encouraged when feasible.~~

~~18.86.090 Compact car allowance.~~

~~A. A maximum of thirty percent of the total required off-street parking stalls may be permitted and designated for compact cars.~~

~~B. Each compact stall shall be designated as such.~~

~~C. Dimensions of compact parking stalls shall conform to the standards as indicated by the city engineer.~~

~~18.86.100 Uses not specified.~~

~~In the case of a use not specifically mentioned in MMC 18.86.050, the requirements for off-street parking facilities shall be determined by the director or designee. Such determination shall be based upon the requirements for the most comparable use specified in MMC 18.86.050.~~

~~18.86.110 Landscaping and screening of parking lots.~~

~~Landscaping and screening requirements shall be as provided in Chapter 18.78 MMC.~~

~~18.86.115 Minimum standards for off-street parking.~~

~~Table I~~

~~Conventional Car Stall and Aisle Specifications~~

~~Parking Layout~~	~~Angle~~	~~Dimensions~~			~~One-Way~~		~~Two-Way~~	
~~See Diagram 1~~	~~Parking Angle A~~	~~Stall Width B~~	~~Curb Length C~~	~~Stall Depth D~~	~~Aisle Width E~~	~~Parking Section Width F~~	~~Aisle Width E~~	~~Parking Section Width F~~
~~Parallel: one side~~	~~0°~~	~~8'~~	~~21'~~	~~8'~~	~~12'~~	~~20'~~	~~22'~~	~~30'~~
~~two sides~~	~~0~~	~~8~~	~~21~~	~~8~~	~~22~~	~~38~~	~~24~~	~~40~~

~~Table I~~

~~Conventional Car Stall and Aisle Specifications~~

~~Angular:~~	~~20~~	~~8.5~~	~~24.9~~	~~14.5~~	~~11~~	~~40~~	~~20~~	~~49~~
	~~30~~	~~8.5~~	~~17~~	~~16.9~~	~~11~~	~~44.8~~	~~20~~	~~53.8~~
	~~40~~	~~8.5~~	~~13.2~~	~~18.7~~	~~12~~	~~49.4~~	~~20~~	~~57.4~~
	~~45~~	~~8.5~~	~~12~~	~~19.4~~	~~13.5~~	~~52.3~~	~~20~~	~~58.8~~
	~~50~~	~~8.5~~	~~11.1~~	~~20~~	~~15.5~~	~~55.5~~	~~20~~	~~60~~
	~~60~~	~~8.5~~	~~9.8~~	~~20.7~~	~~18.5~~	~~59.9~~	~~22~~	~~63.4~~
	~~70~~	~~8.5~~	~~9~~	~~20.8~~	~~19.5~~	~~61.1~~	~~22~~	~~63.6~~
	~~80~~	~~8.5~~	~~8.6~~	~~20.2~~	~~24~~	~~64.4~~	~~24~~	~~64.4~~

~~Perpendicular:~~	~~90~~	~~8.5~~	~~8.5~~	~~19~~	~~25~~	~~63~~	~~25~~	~~63~~

~~Table II~~
~~Compact Car Stall and Aisle Specifications~~

~~Parking Layout~~	~~Angle~~	~~Dimensions~~			~~One-Way~~		~~Two-Way~~	
~~See Diagram 1~~	~~Parking Angle A~~	~~Stall Width B~~	~~Curb Length C~~	~~Stall Depth D~~	~~Aisle Width E~~	~~Parking Section Width F~~	~~Aisle Width E~~	~~Parking Section Width F~~
~~Parallel:~~	~~0°~~	~~8'~~	~~20'~~	~~8'~~	~~12'~~	~~28'~~	~~20'~~	~~36'~~
~~Angular:~~	~~45~~	~~8~~	~~11.3~~	~~15~~	~~12.5~~	~~42.5~~	~~20~~	~~50~~
	~~60~~	~~8~~	~~9.2~~	~~16.5~~	~~17~~	~~50~~	~~22~~	~~55~~
~~Perpendicular:~~	~~90~~	~~8~~	~~8~~	~~16~~	~~22~~	~~54~~	~~25~~	~~57~~

~~Table III~~
~~Interlocking – Conventional Cars~~

~~Parking Layout~~	~~Angle~~	~~Dimensions~~			~~One-Way~~		~~Two-Way~~	
~~See Diagram 1~~	~~Parking Angle A~~	~~Stall Width B~~	~~Curb Length C~~	~~Stall Depth D~~	~~Aisle Width E~~	~~Parking Section Width F~~	~~Aisle Width E~~	~~Parking Section Width F~~
~~Parallel:~~	~~0°~~	~~8'~~	~~21'~~	~~'8~~	~~12/22'~~	~~28/38'~~	~~22/24'~~	~~38/40'~~
~~Angular:~~	~~20~~	~~8.5~~	~~24.9~~	~~10.5~~	~~11~~	~~32~~	~~20~~	~~41~~
	~~30~~	~~8.5~~	~~17~~	~~13.2~~	~~11~~	~~37.4~~	~~20~~	~~46.4~~
	~~40~~	~~8.5~~	~~13.2~~	~~15.5~~	~~12~~	~~43~~	~~20~~	~~51~~
	~~45~~	~~8.5~~	~~12~~	~~16.4~~	~~13.5~~	~~46.3~~	~~20~~	~~52.8~~
	~~50~~	~~8.5~~	~~11.1~~	~~17.3~~	~~15.5~~	~~50.1~~	~~20~~	~~54.6~~
	~~60~~	~~8.5~~	~~9.8~~	~~18.6~~	~~18.5~~	~~55.7~~	~~22~~	~~59.2~~
	~~70~~	~~8.5~~	~~9~~	~~19.3~~	~~19.5~~	~~58.1~~	~~22~~	~~60.6~~
	~~80~~	~~8.5~~	~~8.6~~	~~19.5~~	~~24~~	~~63~~	~~24~~	~~63~~
~~Perpendicular:~~	~~90~~	~~8.5~~	~~8.5~~	~~19~~	~~25~~	~~63~~	~~25~~	~~63~~

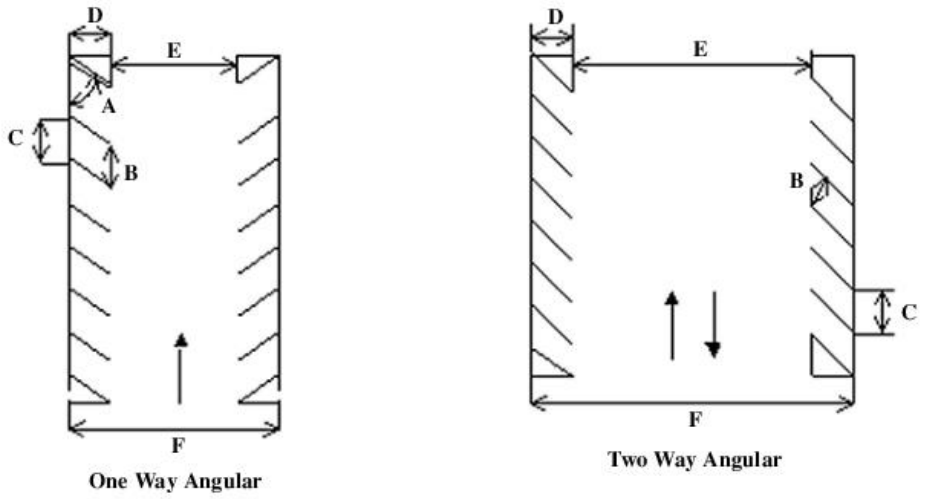
~~Table IV~~
~~Interlocking – Compact Cars~~

~~Parking Layout~~	~~Angle~~	~~Dimensions~~			~~One-Way~~		~~Two-Way~~	
~~See Diagram 1~~	~~Parking Angle~~	~~Stall Width~~	~~Curb Length~~	~~Stall Depth~~	~~Aisle Width~~	~~Parking Section~~	~~Aisle Width~~	~~Parking Section~~

~~Table IV~~
~~Interlocking – Compact Cars~~

~~Parking Layout~~	~~Angle~~	~~Dimensions~~			~~One-Way~~		~~Two-Way~~	
	~~A~~	~~B~~	~~C~~	~~D~~	~~E~~	~~Width F~~	~~E~~	~~Width F~~
~~Parallel:~~	~~0°~~	~~8'~~	~~20'~~	~~8'~~	~~12'~~	~~28'~~	~~20'~~	~~36'~~
~~Angular:~~	~~45~~	~~8~~	~~11.3~~	~~14.1~~	~~12.5~~	~~40.7~~	~~20~~	~~48.2~~
	~~60~~	~~8~~	~~9.2~~	~~15.9~~	~~17~~	~~48.8~~	~~22~~	~~53.8~~
~~Perpendicular:~~	~~90~~	~~8~~	~~8~~	~~16~~	~~22~~	~~54~~	~~25~~	~~57~~

Diagram 1



~~18.86.120 Filing of plans.~~
~~Detailed plans of off-street parking areas including the location, size, shape, design, curb cuts, adjacent street, circulation of traffic, ingress and egress to parking lots and other features and appurtenances of the proposed parking facility shall be filed with and reviewed by the city. The parking area shall be developed and completed to the required standards before a certificate of occupancy permit for the building may be issued.~~

~~Chapter 18.88~~
~~COMMUTE TRIP REDUCTION (CTR)~~

~~Sections:~~
~~18.88.010 Purpose.~~
~~18.88.020 Administration.~~
~~18.88.030 Definitions.~~

~~18.88.040 CTR plan adoption by reference.~~
~~18.88.050 CTR goals.~~
~~18.88.060 Responsible city department.~~
~~18.88.070 Applicability.~~
~~18.88.080 Requirements for employers.~~
~~18.88.090 Record keeping.~~
~~18.88.100 Schedule and process for CTR reports.~~
~~18.88.110 Enforcement.~~
~~18.88.120 Exemptions and goal modifications.~~
~~18.88.130 Appeals.~~

~~18.88.010 Purpose.~~

~~The purpose of this chapter is to provide a method for compliance with the Washington State Commute Trip Reduction Law of 1991 (RCW 70.94.521 through 70.94.555), and as amended in 2006 by the Commute Trip Reduction Efficiency Act. The Commute Trip Reduction Law was passed to reduce traffic congestion, air pollution, and dependency on fossil fuels through employer-based programs encouraging alternative commute methods to the single-occupancy vehicle. The Commute Trip Reduction Law shall not be used as a substitute for reviews of projects under other city requirements for compliance with the State Environmental Policy Act (SEPA).~~

~~18.88.020 Administration.~~

~~The director of community development or his/her designee shall have the duty and responsibility to administer the provisions of this chapter with the authority to promulgate rules and regulations to implement and administer this chapter.~~

~~18.88.030 Definitions.~~

~~For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:~~

~~"Affected employee" means a full-time employee who begins his or her regular workday at a major employer work site between six a.m. and nine a.m. (inclusive) on two or more weekdays for at least twelve continuous months. For the purpose of defining affected employees the following apply:~~

~~A. A full-time employee is a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.~~

~~B. The employee will only be counted at his or her primary worksite.~~

~~C. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.~~

~~"Affected urban growth area" means:~~

~~A. An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person per hours of delay threshold calculated by the Washington State Department of Transportation, and any contiguous urban growth areas; and~~

~~B. An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or~~

~~C. An urban growth area identified by the Washington Department of Transportation as listed in WAC 468-63-020(2)(b).~~

~~"Alternative mode" means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including teleworking and compressed work weeks if they result in reducing commute trips.~~
~~"Alternative work schedules" mean work schedules that allow employees to work their required hours outside of the traditional Monday to Friday, eight a.m. to five p.m. schedule. Programs such as compressed workweeks that eliminate work trips for affected employees are an example.~~
~~"Base year" means the twelve-month period that commences when the city of Monroe determines an employer is required to comply with the CTR law.~~
~~"Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer work site to determine the drive-alone rate and vehicle miles traveled per employee at the work site. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurements must be implemented in a manner that meets the requirements specified by the city.~~
~~"Baseline data collection" means the collection of employee trip data at a major worksite to determine the non-drive alone trips and greenhouse gas emissions per employee at the worksite. The jurisdiction uses these measurements to develop commute trip reduction targets for the major employer. The baseline measurements must be implemented in a manner that meets the requirements and time frame specified by the city.~~
~~"Carpool" means a motor vehicle occupied by at least two people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.~~
~~"City" means the city of Monroe.~~
~~"Commute trip reduction (CTR) plan" means the city of Monroe's plan and ordinance to regulate and administer the CTR programs of major employers within its jurisdiction.~~
~~"Commute trip vehicle miles traveled per employee (VMT)" means the sum of the individual commute trip lengths in miles over a set period divided by the number of full-time employees.~~
~~"Commute trips" means trips made from a worker's home to a work site during the peak period of six a.m. to nine a.m. (inclusive) on weekdays.~~
~~"Commuter" means a resident or employee in an affected urban growth area who is participating in the city's commute trip reduction program, including any growth and transportation and efficiency center programs, implemented to meet Monroe's established targets.~~
~~"Commuter matching service" means a system that assists in matching commuters for the purpose of commuting together.~~
~~"Compressed work week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one workday every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four ten-hour days or eighty hours in nine days, but may also include other arrangements.~~
~~"CTR law" means the Commute Trip Reduction Law passed by the Washington State legislature in 1991 (Chapter 202, Laws of 1991) and codified in RCW 70.94.521 through 70.94.555, and amended in 1997 and 2006, requiring each county containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one~~

~~hundred person hours of delay threshold calculated by the Department of Transportation, as well as those counties and cities located in any contiguous urban growth areas to adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area.~~

~~"CTR program" means an employer's strategies to reduce affected employees' SOV use, VMT per employee, and greenhouse gas emissions.~~

~~"Custom bus/bus pool" means a commuter bus service arranged specifically to transport employees to work.~~

~~"Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, nonprofit, or private, that employs workers.~~

~~"ETC" means employer transportation coordinator as required pursuant to RCW 70.94.531(3).~~

~~"Flex-time" is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.~~

~~"Full-time employee" means a person, other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week on two or more weekdays per week.~~

~~"Goals" means the established criteria for measuring effectiveness of employer programs as outlined in the city of Monroe's CTR plan.~~

~~"Good faith effort" means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city/county to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.~~

~~"Growth and transportation efficiency center (GTEC)" means a defined, compact, mixed-use urban center that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a GTEC must meet minimum criteria established by the CTR Board under RCW 70.94.524, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.~~

~~"Implementation" means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.555 and this chapter, as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its approved CTR program and schedule.~~

~~"Jurisdiction's base year measurement" means the proportion of single-occupant vehicle commute trips by CTR commuters and commute trip vehicle miles traveled per CTR commuter on which commute trip reduction targets for the local jurisdiction shall be based. The jurisdiction's base year measurement, for those jurisdictions with an affected urban growth area as of March 1, 2017, shall be determined based on employee surveys administered in the 2016-2017 survey cycle. If complete employee survey data from the 2016-2017 survey cycle is not available, then the base year measurement shall be calculated from the most recent and available set of complete employee survey data.~~

~~"Major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months.~~

~~"Major work site" (or "worksite") means a building or group of buildings that is/are on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-way, and at which there are one hundred or more full-time employees.~~
~~"Mode" means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and teleworking.~~
~~"Notice" means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the postal service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday. Emails and facsimile (fax) transmissions are temporary notices of action that must be followed by the original document via mail or delivery.~~
~~"Peak period" means the hours from six a.m. to nine a.m. (inclusive), Monday through Friday, except legal holidays.~~
~~"Peak period trip" means any employee trip that delivers the employee to begin his or her regular workday between six a.m. and nine a.m. (inclusive), Monday through Friday, except legal holidays.~~
~~"Person hours of delay" means the daily person hours of delay per mile in the peak period of six a.m. to nine a.m. (inclusive), as calculated using the best available methodology by the Washington State Department of Transportation.~~
~~"Proportion of single-occupant vehicle trips" or "SOV rate" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.~~
~~"Single-occupant vehicle (SOV)" means a motor vehicle occupied by one employee for commute purposes, including a motorcycle. If there are other passengers occupying the motor vehicle, but the ages of these passengers are sixteen or under, the motor vehicle is still considered a "single-occupant vehicle" for measurement purposes.~~
~~"Single-occupant vehicle (SOV) trips" means commute trips made by affected employees in SOVs.~~
~~"Target" means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress, such as increase in non-drive alone trips and reduction of greenhouse gas emissions.~~
~~"Teleworking" means the use of telephones, computers, or other similar technology to permit an employee to work anywhere at any time, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.~~
~~"Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.~~
~~"Transportation demand management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.~~
~~"Transportation management organization (TMO)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.~~

~~"Vanpool" means a vehicle occupied by five to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.~~
~~"Voluntary employer worksite" means the physical location occupied by an employer that is voluntarily implementing a CTR program.~~
~~"Week" means a seven-day calendar period starting on Monday and continuing through Sunday.~~
~~"Weekday" means any day of the week except Saturday or Sunday.~~
~~"Writing," "written," or "in writing" means original signed and dated documents. Emails and facsimile (fax) transmissions are temporary notices of action that must be followed by the original signed and dated document via mail or delivery.~~

~~18.88.040 CTR plan adoption by reference.~~
~~The Monroe CTR plan, as approved and adopted in 2000, and updated in 2008 and 2017, is adopted wholly and incorporated herein by reference.~~

~~18.88.050 CTR goals.~~
~~The goals for reducing Monroe's proportion of drive-alone vehicle trips and commute trip vehicle miles traveled per employee are established in the Monroe CTR plan. The city will set the individual work site goals for major employers based on how the work site can contribute to city's overall goal established in the CTR plan.~~

~~18.88.060 Responsible city department.~~
~~The city of Monroe community development department is responsible for implementing this chapter, the CTR plan, and the Monroe CTR program, and should be identified together with any authority necessary to carry out such responsibilities such as rule-making or certain administrative decisions.~~

~~18.88.070 Applicability.~~
~~The provisions of this chapter shall apply to any major employers or voluntary work sites within the corporate limits of the city of Monroe.~~
~~A. Notification of Applicability.~~
~~1. In addition to Monroe's established public notification for adoption of an ordinance, a notice of availability of a summary of this chapter, a notice of the requirements and criteria for major employers and voluntary work sites to comply with this chapter, and subsequent revisions shall be published at least once in Monroe's official newspaper not more than thirty days after passage of the ordinance codified in this chapter, or revisions.~~
~~2. Major employers and voluntary work sites located in Monroe are to receive written notification that they are subject to this chapter. Such notice shall be addressed to the company's chief executive officer, senior official, or CTR manager at the work site. Such notification shall provide ninety days for the major employer to perform a baseline survey. After the results of the baseline survey are provided to the major employer, they have ninety days to submit a CTR program to the city.~~
~~3. Major employers and voluntary work sites that, for whatever reason, do not receive notice within thirty days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the city within ninety days of the passage of the ordinance will be granted an extension to assure up to ninety days within which to perform a baseline survey. After the results of the baseline survey~~

~~are provided to the major employer, they have ninety days to submit a CTR program to the city.~~

~~4. Major employers that have not been identified or do not identify themselves within ninety days of the passage of the ordinance, do not complete a baseline survey within ninety days, or do not submit a CTR program within one hundred eighty days are in violation of this chapter.~~

~~5. If a major employer or voluntary work site has already performed a baseline survey, the major employer or voluntary work site is not required to perform another survey and is required to submit a CTR plan to the city within ninety days.~~

~~B. New Major Employers and Voluntary Work Sites.~~

~~1. Employers that meet the definition of "a major employer" in this chapter must identify themselves to the city within ninety days of either moving into the boundaries of Monroe or growing in employment at a work site to one hundred or more affected employees. Such employers shall be given ninety days to complete a baseline survey, and an additional ninety days to submit a CTR program once the baseline survey results are given to the employer. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.~~

~~2. Employers that do not identify themselves within ninety days are in violation of this chapter.~~

~~3. New major employers shall have four years from the city's acceptance of the program to meet the CTR reduction goals as stated in the city's CTR plan.~~

~~C. Change in Status as a Major Employer. Any of the following changes in an employer's status will change the employer's CTR program requirements:~~

~~1. If an employer initially designated as major employer no longer employs one hundred or more affected employees and expects not to employ one hundred or more affected employees for the next twelve months, that employer is no longer a major employer. It is the responsibility of the employer to notify the city that it is no longer an employer.~~

~~2. If the same employer returns to the level of one hundred or more affected employees within the same twelve months, that employer will be considered a major employer for the entire twelve months and will be subject to the same program requirements as other major employers.~~

~~3. If the same employer returns to the level of one hundred or more affected employees twelve or more months after its change in status to an unaffected employer, that employer shall be treated as a new major employer and will be subject to the same program requirements as other new major employers.~~

~~18.88.080 Requirements for employers.~~

~~Major employers and voluntary work sites are required to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, to develop and implement a CTR program that will encourage their employees to reduce drive-alone commute trips and commute trip vehicle miles traveled per employee. The employer shall submit a description of its program to city and provide an annual progress report to city on employee commuting and progress toward meeting the SOV goals and targets. The CTR program must include the mandatory elements as described below.~~

~~A. CTR Program Description Requirements. The CTR program description presents the strategies to be undertaken by an employer to achieve the program goals and~~

~~targets stated in the city's CTR plan. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other and to form or use transportation management organizations in developing and implementing CTR programs.~~

~~At a minimum, the employer's description must include:~~

1. ~~General description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees;~~
2. ~~Number of employees affected by the CTR program;~~
3. ~~Documentation of compliance with the mandatory CTR program elements (as described in subsection (B) of this section);~~
4. ~~Description of the additional elements included in the CTR program (as described in subsection (B) of this section); and~~
5. ~~Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.~~

~~B. Mandatory Program Elements. Each employer's CTR program shall include the following mandatory elements:~~

1. ~~Employee Transportation Coordinator (ETC). The employer shall designate an on-site transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and contact information must be displayed prominently at each affected work site. ETCs shall be trained in CTR program development and administration through a program approved by the city. The ETC shall attend annual ETC training and a minimum of six hours of other training or network meetings annually, or as organized by the city. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the city. The objective is to have an effective transportation coordinator presence at each work site; a major employer with multiple sites may have one on-site transportation coordinator for all sites.~~
2. ~~Information Distribution. Information about alternatives to drive-alone commuting shall be provided to employees at least twice a year. Each employer's program description and annual or biannual report must identify the information to be distributed and the method of distribution.~~
3. ~~Annual or Biannual Progress Report. The CTR program must include an annual or biannual review of employee commuting and progress and good faith efforts toward meeting the goals and targets as outlined in the CTR plan. Determination of annual or biannual reporting requirement is dependent on work site commute trip reduction performance and the city will advise the major employer of required report frequency. Major employers shall file an annual or biannual progress report with the city in accordance with the format established by this chapter and consistent with the CTR Task Force Guidelines. The report shall describe each of the CTR measures that were in effect for the previous year(s), the results of any commuter surveys undertaken during the year(s), and the number of employees participating in CTR programs. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals and targets. Survey information or approved alternative information must be provided every two years after implementation begins. The employer should contact the city for the format of the report.~~

~~4. Biannual Survey or Measurement. In addition to the specific program baseline measurement, employers shall conduct a program data evaluation as a means of determining work site progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect commute trip reduction program employee questionnaires (surveys) at least once every two years, and achieve a seventy percent response rate from employees at the work site.~~

~~5. Annual Worksite Promotion of Employer CTR Program. Major employers will hold at least one annual transportation fair or equivalent promotion, which is available to all employees at each major worksite.~~

~~6. ETC Training. ETCs will be required to attend an ETC basic training session within six months of appointment.~~

~~7. Employer Notification. Employers will be required to notify the city or designee when there are proposed changes to their CTR program, changes in ETC or contact information, and/or changes in number of employees at the worksite.~~

~~8. ETC Networking/Advanced Training. ETCs will be required to attend at least six hours of networking or advanced training per year. Training and networking sessions may include marketing CTR programs to employees, trip planning, ridesharing, joint promotions and networking meetings.~~

~~9. Additional Program Elements. In addition to the specific program elements described above, the employer's CTR program shall include additional elements as needed to meet CTR goals and targets. Elements may include, but are not limited to, one or more of the following:~~

~~a. Provision of preferential parking or reduced parking charges, or both, for high-occupancy vehicles;~~

~~b. Instituting or increasing parking charges for SOVs;~~

~~c. Provision of commuter ride matching services to facilitate employee ride-sharing for commute trips;~~

~~d. Provision of subsidies for transit fares;~~

~~e. Provision of vans for vanpools;~~

~~f. Provision of subsidies for carpools or vanpools;~~

~~g. Permitting the use of the employer's vehicles for carpooling or vanpooling;~~

~~h. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;~~

~~i. Cooperation with transportation providers to provide additional regular or express service to the work site;~~

~~j. Construction of special loading and unloading facilities for transit, carpool, and vanpool users;~~

~~k. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;~~

~~l. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;~~

~~m. Establishment of a program to permit employees to work part- or full-time at home or at an alternative work site closer to their homes;~~

~~n. Establishment of a program of alternative work schedules, such as a compressed workweek, which reduces commuting;~~

~~o. Promotional activities for ridesharing and transit, as well as fixed commuter information centers;~~

~~p. Guaranteed rides in emergency situations for rideshare participants;~~

~~q. Reduction of parking provided in accordance with the Monroe zoning code;~~

~~r. Charging employees for parking, and/or the elimination of free parking; and~~
~~s. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi services.~~

~~18.88.090 Record keeping.~~
~~Major employers shall include a list of the records they will keep as part of the CTR program they submit to the city for approval. Records shall reflect the measures selected by the employer. For example, an employer providing transit and vanpool pass subsidies shall keep monthly records of pass sales; employers with parking charges and reduced rates for carpools and vanpools shall record parking pass sales by type. Employers will maintain all records listed in their CTR program for a minimum of forty-eight months. The city of Monroe and the employer shall agree on the record keeping requirements as part of the accepted CTR program.~~

~~18.88.100 Schedule and process for CTR reports.~~
~~A. CTR Program. Not more than ninety days after the adoption of the ordinance codified in this chapter, or within ninety days after an employer qualifies under the provisions of this chapter, the employer will be given ninety days to complete baseline data collection, and an additional ninety days to submit a CTR program once the baseline data results are given to the employer. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval by the city. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.~~
~~B. Document Review. Monroe shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. The employer shall have thirty days to resubmit a modified program. If the employer receives no written notification of extension of the review period of its CTR program or comments on the CTR program or annual report within ninety days of submission, the employer's program or annual report is deemed accepted. The city may extend the review period up to ninety days. The implementation date for the employer's CTR program will be extended an equivalent number of days.~~
~~C. Schedule. Upon review of an employer's initial CTR program, Monroe shall establish the employer's annual reporting date, which shall not be less than twelve months from the day the program is submitted. Each year, on the employer's reporting date, the employer shall submit to Monroe its annual CTR report.~~
~~D. Modification of CTR Program Elements. Any major employer may submit a request to the city to allow for the modification of CTR program elements, other than the mandatory elements specified in this chapter, including record keeping requirements. Such request may be granted if one of the following conditions exists:~~
~~1. The employer can demonstrate that it would be unable to comply with the CTR program elements for reasons beyond the control of the employer, or~~
~~2. The employer can demonstrate that compliance with the program elements would constitute an undue hardship.~~
~~The city of Monroe may ask the employer to substitute a program element of similar trip reduction potential rather than grant the employer's request.~~
~~E. Extensions. An employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing at least thirty days before the due date for which the extension is~~

~~being requested. Extensions not to exceed ninety days shall be considered for reasonable causes. The city shall grant or deny the employer's extension request in writing within ten working days of receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for thirty days. Extensions shall not exempt an employer from any responsibility in meeting program goals and targets. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements.~~

~~An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of the director of community development.~~

~~F. Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program not more than ninety days after receiving written notice from the city that the program has been approved or with the expiration of the program review period without receiving notice from the city.~~

~~18.88.110 Enforcement.~~

~~A. Compliance. For purposes of this section, compliance shall mean fully implementing in good faith all provisions in an approved CTR program.~~

~~B. Program Modification Criteria. The following criteria for achieving goals and targets for non-drive alone trips and greenhouse gas emissions per employee shall be applied in determining requirements for employer CTR program modifications:~~

~~1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR program;~~

~~2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, but has not met or is not likely to meet the applicable targets, the city shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the city for approval within thirty days of reaching agreement;~~

~~3. If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this chapter, and fails to meet the applicable targets, the city shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within thirty days to incorporate the modifications. If a revised program is not accepted, the city will send written notice to that effect to the employer within thirty days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the city within ten working days of the conference.~~

~~C. Violations. The following constitute violations if the deadlines established in this chapter are not met:~~

~~1. Failure to perform a baseline measurement within ninety days of written notification from the city that an employer qualifies as a major employer, including:~~

~~a. Employers notified or that have identified themselves to the city within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data collection consistent with the requirements specified by the city within ninety days from the notification or self-identification;~~

~~b. Employers not identified or self-identified within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data~~

~~collection consistent with the requirements specified by the city within ninety days from the adoption of the ordinance codified by this chapter;~~

~~c. A new major employer that does not perform baseline data collection consistent with the requirements specified by the city within ninety days of identification as a major employer;~~

~~2. Failure to develop and/or submit on time a complete CTR program;~~

~~3. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed the goals and targets as specified in this chapter;~~

~~4. Submission of false or fraudulent data in response to survey and data collection requirements;~~

~~5. Failure to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter; or~~

~~6. Failure to revise a CTR program as defined in RCW 70.94.534(4) and this chapter.~~

~~D. Penalties.~~

~~1. No major employer or voluntary worksite with an approved CTR program that has made a good faith effort may be held liable for failure to reach the applicable goals and targets;~~

~~2. A major employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:~~

~~a. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and~~

~~b. Advise the union of the existence of the statute and the mandates of the CTR program approved by the city and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531);~~

~~3. Compliance with the requirements of this code is mandatory. The penalties and remedies for civil infractions established in MMC 1.04.050 and Chapter 7.80 RCW shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to such penalties and remedies.~~

~~18.88.120 Exemptions and goal modifications.~~

~~A. Work Site Exemptions. A major employer may request the city to grant an exemption from all CTR program requirements or penalties for a particular work site. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the major employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures of the approved CTR plan. Exemptions may be granted by the city at any time based on written notice provided by the major employer. The notice should clearly explain the conditions for which the major employer is seeking an exemption from the requirements of the CTR program. The city shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.~~

~~B. Employee Exemptions. Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a~~

~~work site's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The city will use the criteria identified in the CTR Board Guidelines to assess the validity of employee exemption requests. The city shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.~~

~~C. Modification of CTR Program Goals and Targets.~~

~~1. A major employer may request that the city modify its CTR program goals and/or targets. Such requests shall be filed in writing at least sixty days prior to the date the work site is required to submit its program description or annual report. The modification request must clearly explain why the work site is unable to achieve each applicable goal and/or target. The work site must also demonstrate that it has implemented all of the elements contained in its approved CTR program.~~

~~2. The city will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Guidelines.~~

~~3. An employer may not request a modification of the applicable goals and/or targets until one year after city approval of its initial program description or annual report.~~

~~18.88.130 Appeals.~~

~~Administrative interpretations and administrative approvals may be appealed, by a major employer, to the hearing examiner in accordance with MMC 21.60.010. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision. The decision on the appeal shall constitute a final decision appealable to the city council.~~

~~Chapter 18.90~~
~~CONSTRUCTION PERMIT REQUIREMENTS~~
~~(Repealed by Ord. 004/2017)~~

~~Chapter 18.93~~
~~SATELLITE TELEVISION ANTENNAS~~

~~Sections:~~

~~18.93.010 Purpose.~~
~~18.93.020 Definitions.~~
~~18.93.030 Satellite antenna location.~~
~~18.93.040 Antenna size.~~

~~18.93.010 Purpose.~~

~~No satellite television antenna shall be erected, constructed, maintained or operated except in conformance with the following regulations set out in this chapter.~~

~~18.93.020 Definitions.~~

~~As used in this chapter:~~

~~A. "Satellite television antenna" means an apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.~~
~~B. "Usable satellite signal" means a satellite signal which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.~~

~~18.93.030 Satellite antenna location.~~
~~A. In any commercial, industrial or multifamily zoning district, a satellite television antenna may be located anywhere on the lot or buildings thereon except in the front yard area.~~
~~B. In a noncommercial or single-family zone, subject to the provisions contained in this chapter, such antenna shall be located only in the rear yard of any lot. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the side or front yard of the property subject to the requirements contained in this code.~~
~~C. In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side or front yard of the property, such antenna may be placed on the roof of the dwelling structure.~~
~~1. A building permit must be obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that a usable satellite signal is not obtainable from any other location on the property; and provided further, that the construction and erection otherwise is in compliance with the city building code and electrical code.~~

~~18.93.040 Antenna size.~~
~~A. In a noncommercial or single-family zoning district, a satellite dish antenna shall not exceed fifteen feet in height, including any platform or structure upon which the antenna is mounted or affixed. Such antenna may not exceed fifteen feet in diameter in a noncommercial or single-family zoning district.~~
~~B. Except in a commercial, industrial or multifamily residential zone, satellite television antennas shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.~~
~~C. Not more than one satellite television antenna shall be allowed in any noncommercial or single-family zone on any lot less than one-half acre in size.~~
~~D. All antennas and the construction and installation thereof shall conform to applicable city codes, regulations and requirements.~~
~~E. Antenna shall meet all manufacturers' specifications, be of noncombustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.~~
~~F. Every antenna must be adequately grounded for protection against a direct strike of lightning.~~

~~Chapter 18.94~~
~~OUTLINE OF YARDS REQUIREMENTS~~

~~Sections:~~
~~18.94.010 General exceptions to yard standards.~~
~~18.94.020 Building permits for structures exceeding the basic height limits.~~
~~18.94.030 Yard regulations.~~
~~18.94.040 Exemption of rooftop appurtenances.~~

~~18.94.010 General exceptions to yard standards.~~

~~The general exceptions to yard standards are:~~

~~A. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornament features, and other similar architectural features, in addition to common mechanical equipment such as air conditioners, heat pumps, and the like, as well as rainwater harvesting systems, may project not more than two feet into a required setback or into required open space as established by coverage standards.~~

~~B. Except for that portion of the setback which is listed in subsection (C) of this section, the following are exceptions to the front yard requirement for a dwelling:~~

~~1. If there are dwelling units on both abutting lots with front yards of less than the depth otherwise required, the front yard for a lot need not exceed the average front yard of the abutting dwelling units.~~

~~2. If there is a dwelling unit on one abutting lot with a front yard of less than the depth otherwise required, the front yard for a lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.~~

~~C. To permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width, to protect arterial streets, and to have the location of structures compatible with the need for the eventual widening of streets, additional yard setbacks may be required. Where a street is not standard width, the required yard width shall be increased by half the amount of the additional right-of-way needed to create a standard width street.~~

~~18.94.020 Building permits for structures exceeding the basic height limits.~~

~~No building permits for structures, which exceed the basic height limits, may be issued until such time as the hearing body has reviewed and approved an application for height exception. All applications for building permits for structures authorized under this section shall conform strictly to the plans approved by the hearing body in its variance.~~

~~18.94.030 Yard regulations.~~

~~A. Fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility to the detriment of public safety.~~

~~B. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.~~

~~C. Where the front yard that would normally be required on a lot is not in keeping with the prevailing yard pattern, the zoning code administrator may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the yards provided on adjacent lots.~~

~~D. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of one-half the depth required generally for front yards in the district shall be provided on the other frontage.~~

~~E. In the case of corner lots with more than two frontages, the city shall determine the front yard requirements, subject to the following conditions:~~

~~1. At least one front yard shall be provided having the full depth required generally in the district.~~

2. No other front yard on such lot shall have less than one-half the full depth required generally.
3. In the case of through lots and corner lots, there will be no rear yards but only front and side yards.
4. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and one-half depth front yards have been established shall be considered side yards.

18.94.040 Exemption of rooftop appurtenances.
The height limitations specified in this chapter shall not apply to church spires, monuments, chimneys, water towers, elevator towers, mechanical equipment, flag poles, television and radio antennas and other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy of the provision of additional floor area; provided, that mechanical equipment rooms or attic spaces are set back at least ten feet from the edge of the roof and do not exceed twenty feet in height.

Chapter 18.96
OUTLINE OF PROCEDURES FOR CONDITIONAL USE PERMITS

Sections:
18.96.010 *Repealed.*
18.96.020 *Repealed.*
18.96.030 *Repealed.*
18.96.060 Conditional use permits – Conditions for granting.
18.96.070 Conditional use permits – Effect of hearing examiner decision.
18.96.072 *Repealed.*
18.96.080 *Repealed.*
18.96.120 *Repealed.*
18.96.130 Application form.
18.96.140 Filing fees.
18.96.150 Notice of hearing – Conditional use permits.
18.96.160 *Repealed.*
18.96.165 Hearing body – Hearing examiner.
18.96.170 Reapplication.
18.96.180 Transfer of ownership.
18.96.190 Vacation of permits.

18.96.010 Granting variances.
Repealed by Ord. 003/2008.

18.96.020 Variances – Conditions for granting.
Repealed by Ord. 003/2008.

18.96.030 Variances – Effect of hearing examiner decision.
Repealed by Ord. 003/2008.

~~**18.96.060 Conditional use permits – Conditions for granting.**~~

~~When considering an application for a conditional use permit, the hearing examiner shall consider the applicable standards, criteria and policies established by this title as they pertain to the proposed use and may impose specific conditions precedent to establishing this use.~~

~~A. Before any conditional use may be granted, it shall be shown that:~~

~~1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is located;~~

~~2. The proposed use shall meet or exceed the performance standards that are required in the zoning district the proposed use will occupy;~~

~~3. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;~~

~~4. The proposed use shall be in keeping with the goals and policies of the comprehensive land use policy plan;~~

~~5. All measures have been taken to minimize the possible adverse impacts, which the proposed use may have on the area in which it is located.~~

~~B. The conditions may:~~

~~1. Increase requirements in the standards, criteria or policies established by this title;~~

~~2. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;~~

~~3. Require structural features or equipment essential to serve the same purpose set forth above;~~

~~4. Impose conditions similar to those set forth in subsections (B)(2) and (B)(3) of this section as deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters; provided, the hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use or otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;~~

~~5. Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;~~

~~6. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need; and~~

~~7. Require the posting of construction and maintenance financial security sufficient to secure to the city one hundred fifty percent of the estimated cost of construction and/or installation and fifteen percent maintenance of required improvements.~~

~~**18.96.070 Conditional use permits – Effect of hearing examiner decision.**~~

~~The decision of the hearing examiner on a conditional use permit shall be final and conclusive with the right of appeal to the Snohomish County superior court in accordance with Chapter 36.70C RCW.~~

~~**18.96.072 Special use permits – Effect of hearing examiner's decisions.**~~

~~Repealed by Ord. 003/2008.~~

~~18.96.080 Administrative appeals.~~
~~Repealed by Ord. 003/2008.~~

~~18.96.120 Judicial review.~~
~~Repealed by Ord. 003/2008.~~

~~18.96.130 Application form.~~
~~The zoning code administrator may prescribe the form in which applications are made for a conditional use permit. The administrator may prepare and provide printed forms for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements.~~

~~18.96.140 Filing fees.~~
~~The application for a conditional use permit shall be accompanied by a filing fee in the amount specified in the city's current fee resolution schedule adopted by city council.~~

~~18.96.150 Notice of hearing – Conditional use use permits.~~
~~Notice of all public hearings shall be given and prepared as required by Chapter 21.40 MMC.~~

~~18.96.160 Notice of hearing – Administrative appeals.~~
~~Repealed by Ord. 003/2008.~~

~~18.96.165 Hearing body – Hearing examiner.~~
~~The hearing body for conditional use permit hearings under this chapter shall be the hearing examiner.~~

~~18.96.170 Reapplication.~~
~~Upon final action as set forth in this chapter in denying an application for a conditional use permit, the city shall not accept further filing of an application for substantially the same matter within one year from the date of any final denial of an application.~~

~~18.96.180 Transfer of ownership.~~
~~A conditional use permit runs with the land; compliance with the conditions of any such permit is the responsibility of the current owner of the property, whether that is the applicant or a successor. No permit for which a financial security is required shall be considered valid during any time in which the required financial security is not posted.~~

~~18.96.190 Vacation of permits.~~
~~A. Any conditional use permit issued pursuant to this chapter may be vacated upon approval by the current landowner; provided, that:~~

~~1. The use authorized by the permit does not exist and is not actively being pursued; or~~

~~2. The use has been terminated and no violation of terms and conditions of the permit exist.~~

~~B. Requests to vacate a permit shall be made in writing to the zoning code administrator who shall determine if the above conditions are present prior to authorizing the vacation. Vacation of any permit shall be documented by the filing of a notice of land use permit vacation on a form provided by the zoning code administrator with the city.~~

~~Chapter 18.97~~
~~SPECIAL USE PERMITS~~

~~Sections:~~

~~18.97.010 Purpose.~~
~~18.97.020 Uses requiring a special use permit.~~
~~18.97.030 Area and dimensional requirements.~~
~~18.97.040 Application requirements.~~
~~18.97.045 Hearing examiner decision.~~
~~18.97.050 Notice and hearing requirements.~~
~~18.97.060 Criteria.~~
~~18.97.070 Expiration and renewal.~~
~~18.97.080 Revocation of permit.~~
~~18.97.090 Performance financial security.~~
~~18.97.100 Resubmittal of application.~~

~~18.97.010 Purpose.~~

~~It is the purpose of this chapter to establish procedures for the regulation of uses possessing characteristics of such unusual, large-scale, unique or special form as to require additional scrutiny, above and beyond the requirements of a conditional use.~~

~~18.97.020 Uses requiring a special use permit.~~

~~Special uses are identified in MMC 18.10.050, Zoning land use matrix, with an "S."~~

~~18.97.030 Area and dimensional requirements.~~

~~A. The requirements for front, rear and side yards and open spaces and landscaping applicable to the underlying zone classification in which any such use is proposed to be located shall prevail unless specific modifications are required in granting the special use permit.~~

~~B. The provisions applying to height and minimum lot area and width applicable to the underlying zone classification in which any such use is proposed to be located shall prevail unless specific modifications are required in granting the special use permit.~~

~~18.97.040 Application requirements.~~

~~Applications for special use permit shall be filed with the city on forms prescribed by the zoning administrator. All applications shall be accompanied by filing fees in the amount specified in a separate fee permit schedule adopted by city council resolution. The zoning code administrator shall specify the submittal requirements, including type, detail and number of copies, for a special use permit application and determine if the application is complete. The city may require additional information not specified in the~~

~~submittal requirements when such information is necessary to assure compliance with this code.~~

~~18.97.045 Hearing examiner decision.~~

~~A. The hearing examiner shall make findings and conclusions of law and conditions of approval as part of the examiner's final decision on an application for a special use permit.~~

~~B. The hearing examiner shall have ten working days to render a decision. If a greater period of time is necessary, the length of the extension shall be stated at the public hearing and must be agreed to by the applicant and the zoning administrator.~~

~~C. The final decision on a special use permit (SUP) by the hearing examiner in accordance with Chapter 36.70C RCW.~~

~~18.97.050 Notice and hearing requirements.~~

~~Upon completion of review of the proposed project by the city staff, the hearing examiner shall schedule a public hearing to consider the application for the special use permit. Public notice for such hearing shall be made in accordance with Chapter 18.96 MMC.~~

~~18.97.060 Criteria.~~

~~The hearing examiner shall be guided by the following criteria:~~

~~A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.~~

~~B. The proposed use shall meet or exceed the same standards for parking, landscaping, yards, and other development regulations that are required in the district it will occupy.~~

~~C. The proposed development shall be compatible generally with the surrounding land uses.~~

~~D. The proposed use shall be in keeping with the goals, objectives and policies of the comprehensive land use policy plan.~~

~~E. All measures shall be taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.~~

~~18.97.070 Expiration and renewal.~~

~~A special use permit shall automatically expire one year after the date it was granted by the hearing examiner unless a building permit conforming to plans upon which the permit was granted is obtained. A special use permit shall automatically expire unless substantial construction is completed within two years from the date the special use permit is granted by the hearing examiner, unless a renewal is granted or unless the SUP specifically provides for a period greater than two years. The hearing examiner, upon recommendation of the zoning administrator, may renew a special use permit for a maximum period of one additional year. No more than one renewal shall be issued for any SUP. A renewal may be granted only if there have been no pertinent changes in conditions surrounding the property since the time of original approval. No hearing is required for renewal of any special use permit.~~

~~18.97.080 Revocation of permit.~~

~~A. The hearing examiner, after a recommendation from the zoning administrator or a petition from an aggrieved party, may revoke or modify a special use permit. Such revocation or modification shall be made on any one or more of the following grounds:~~

~~1. That the approval was obtained by deception, fraud, or other intentional and misleading representation;~~

~~2. That the use for which such approval was granted has at any time ceased for a period of one year or more;~~

~~3. That the use for which such approval was granted has been abandoned;~~

~~4. That the permit granted is exercised contrary to the terms or conditions of such approval or in violation of any statute, resolutions, code, law or regulation;~~

~~5. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety.~~

~~B. Any aggrieved party may petition the hearing examiner in writing to initiate revocation or modification proceedings.~~

~~C. Before a special use permit may be revoked or modified, an open record hearing shall be held. Procedures concerning notice, reporting, filing fees and appeals shall be the same as required by this chapter for the initial consideration of a special use permit application.~~

~~18.97.090 Performance financial security.~~

~~A performance financial security may be required by the city for any elements of the proposed project which the city determines are crucial to the protection of the public welfare. Such financial security shall be in an amount equal to one hundred fifty percent of the cost of the installation or construction of the applicable improvements.~~

~~18.97.100 Resubmittal of application.~~

~~An application for a special use permit, which has been disapproved by the hearing examiner, cannot be resubmitted to the hearing body within six months of the date of hearing examiner disapproval.~~

~~Chapter 18.98~~
~~VARIANCE PERMITS~~

~~Sections:~~

~~18.98.010 Purpose.~~
~~18.98.020 Application requirements.~~
~~18.98.030 Applications – Hearing and notice.~~
~~18.98.040 Criteria for granting variance permit.~~
~~18.98.050 Conditions for granting – Extension.~~
~~18.98.060 Application – Decision.~~
~~18.98.070 Prohibited variance.~~
~~18.98.075 Reapplication.~~
~~18.98.077 Transfer of ownership.~~
~~18.98.080 Appeal.~~
~~18.98.085 Hearing body – Hearing examiner.~~

~~18.98.010 Purpose.~~

~~It is the purpose of this chapter to authorize upon appeal in specific cases such variances from the provisions of the zoning ordinances as the city may adopt which will not be contrary to public interest and only where, owing to special conditions, a literal enforcement of the provisions of such ordinances would result in unnecessary hardship.~~

~~18.98.020 Application requirements.~~

~~An application to the hearing examiner for the issuance of a variance shall be made on forms prescribed by the city. All applications shall be accompanied by a filing fee as may be set from time to time by resolution by the city council and shall include but may not be limited to the following documents:~~

~~A. Completed application form;~~

~~B. Site plan or other related map material which clearly indicates the dimensional characteristics of the site and structures involved;~~

~~C. Affidavit of the ownership or of substantial beneficial interest in the subject property.~~

~~18.98.030 Applications – Hearing and notice.~~

~~When a proper and complete variance application has been filed, and reviewed by the city, the hearing examiner shall set a date for public hearing, pursuant to notice requirements.~~

~~18.98.040 Criteria for granting variance permit.~~

~~The hearing examiner shall consider all requests for variance; variance from the provision of such ordinances shall not be granted by the hearing examiner unless the hearing examiner finds that all of the following facts and conditions exist:~~

~~A. The variance shall not constitute a grant of special privilege inconsistent with the uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located; and~~

~~B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and~~

~~C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in which the subject property is situated; and~~

~~D. The authorization of such variance will not adversely affect the implementation of the comprehensive land use policy plan; and~~

~~E. The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.~~

~~18.98.050 Conditions for granting – Extension.~~

~~In authorizing the variance, the hearing examiner may attach thereto such conditions that it deems to be necessary or desirable in order to carry out the intent and purposes of this chapter and in the public interest. A variance so authorized shall become void after the expiration of one year or a longer period as specified at the time of the hearing examiner action if no building permit has been issued in accordance with the plans for which such variance was authorized, except that the hearing examiner may extend the period of variance authorization without a public hearing for a period not to exceed~~

~~twelve months upon a finding that there has been no basic change in pertinent conditions surrounding the property since the time of the original approval.~~

~~18.98.060 Application – Decision.~~
~~The hearing examiner shall decide all applications no later than ten working days after the public hearing.~~

~~18.98.070 Prohibited variance.~~
~~Under no circumstances shall the hearing examiner grant a variance to permit a use not generally or conditionally permitted in the zone involved, or any use expressly or by implication prohibited by the terms of this title in that zone.~~

~~18.98.075 Reapplication.~~
~~Upon final action, as set forth in this chapter, in denying an application for a variance, the city shall not accept further filing of an application for substantially the same matter within one year from the date of any final denial of an application.~~

~~18.98.077 Transfer of ownership.~~
~~A variance runs with the land; compliance with the conditions of any such variance is the responsibility of the current owner of the property, whether the applicant or a successor.~~

~~18.98.080 Appeal.~~
~~The action of the hearing examiner in granting or denying the application for a variance is a final decision appealable to the Snohomish County superior court in accordance with Chapter 36.70C RCW.~~

~~18.98.085 Hearing body – Hearing examiner.~~
~~The hearing body for variances under this chapter shall be the hearing examiner.~~

~~Chapter 18.99~~
~~REZONING PROCEDURES~~

~~Sections:~~
~~18.99.010 General regulations.~~
~~18.99.020 Initiation.~~
~~18.99.030 Withdrawing of petition.~~
~~18.99.040 Continuance of classification.~~
~~18.99.050 Hearing application.~~
~~18.99.060 Recommendation to city council.~~
~~18.99.070 Actions by city council.~~
~~18.99.080 Further action on rezone.~~

~~18.99.010 General regulations.~~
~~The zoning code is a legal instrument for implementation of the comprehensive plan. It is recognized that population growth, changes in economic and social customs and patterns and other factors will from time to time justify changes in the comprehensive plan and, consequently, in the zoning map and text which constitute the zoning code. It~~

~~is also recognized that changes in the zoning map may sometimes be made without breach of the comprehensive plan. This zoning code may be amended by following the procedures of this chapter.~~

~~18.99.020 Initiation.~~

~~An application for amendment may be initiated by:~~

~~A. Petition of one or more owners of property which might be affected by the proposed amendment, which petition shall be filed with the city. The requirements for such petitions shall be established by the zoning code administrator and made available to applicants. The application fee for such a petition shall be set by resolution from time to time by the city council.~~

~~B. Resolution of Intention by the Hearing Body. A copy of any proposed amendment shall be submitted to the council not later than fourteen days following the action by the hearing body and shall be accompanied by the motion of the hearing body recommending approval or denial of the same together with a statement setting forth the findings considered at the public hearing and an analysis of the findings considered by the hearing body to be controlling. After consideration of the matter the council shall adopt findings of fact and a statement setting forth the factors considered to be controlling.~~

~~18.99.030 Withdrawing of petition.~~

~~Upon the consent of the city any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed the petition. The council may by resolution abandon any proceedings for rezoning amendment initiated by its own resolution or intention; provided, the proceedings are before the council for consideration.~~

~~18.99.040 Continuance of classification.~~

~~The continuance of rezoning classifications shall be dependent on the fulfillment of all of the established standards and such conditions added by the council or planning commission at the time of rezoning as are necessary to protect the enjoyment of the use of surrounding property.~~

~~18.99.050 Hearing application.~~

~~If an application for rezone is accepted for consideration as complying with the comprehensive plan, there shall be scheduled a public hearing by the planning commission.~~

~~If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application and/or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the planning commission or the city council.~~

~~18.99.060 Recommendation to city council.~~

~~Following a hearing before the planning commission, the commission shall make a recommendation to the city council. The recommendation shall incorporate the findings of fact of the planning commission and the planning commission's recommendation. The recommendation shall refer expressly to the maps, descriptive and other matters~~

~~intended by the planning commission to constitute the exhibits and information used as a basis for the recommendation.~~

~~18.99.070 Actions by city council.~~
~~Upon receipt of any recommendation of the planning commission, the city council shall, at its next regular public meeting, set the date where in accordance with MMC 21.50.050 it may, by ordinance, adopt or reject the amendment.~~

~~18.99.080 Further action on rezone.~~
~~After planning commission action regarding a rezone of property, no further action involving substantially the same rezoning of the property shall be requested to be considered prior to six months after the action has been taken; provided, that where the planning commission believes an emergency exists it may on its own initiative waive the six-month provision.~~

~~Chapter 18.100~~
~~AMENDMENT PROCEDURES~~

~~Sections:~~
~~18.100.010 General regulations.~~
~~18.100.020 Initiation.~~
~~18.100.030 Withdrawing of petition.~~
~~18.100.040 Continuance of classification.~~
~~18.100.050 Hearing application.~~
~~18.100.060 Recommendation to city council.~~
~~18.100.070 Actions by city council.~~
~~18.100.080 Further action on an amendment.~~
~~18.100.090 Title construction.~~
~~18.100.100 Hearing body – Planning commission.~~

~~18.100.010 General regulations.~~
~~The zoning code is a legal instrument for implementation of the comprehensive plan. It is recognized that population growth, changes in economic and social customs and patterns and other factors will from time to time justify changes in the comprehensive plan and, consequently, in the zoning map and text which constitute the zoning code. It is also recognized that changes in the zoning code may sometimes be made without breach of the comprehensive plan. Thus, this zoning code may be amended by following the procedures of this chapter.~~

~~18.100.020 Initiation.~~
~~An application for amendment may be initiated by:~~
~~A. Intention of the city council;~~
~~B. Intention of the planning commission. A copy of any proposed amendment shall be submitted to the council not later than fourteen days following the action by the planning commission and shall be accompanied by the motion of the planning commission recommending approval or denial of the same together with a statement setting forth the findings considered at the commission's hearing and an analysis of the findings considered by the hearing body to be controlling.~~

~~18.100.030 Withdrawing of petition.~~
~~Upon the consent of the commission any petition for an amendment may be withdrawn. The council or the commission, as the case may be, may abandon any proceedings for an amendment initiated by its own intention; provided, the abandonment may be made only when the proceedings are before such body for consideration; and provided further, that any hearing of which public notice has been given shall be held.~~

~~18.100.040 Continuance of classification.~~
~~The continuance of amendments to the zoning code shall be dependent on the fulfillment of all of the established standards and/or conditions added by the commission at the time of public hearing as are necessary to protect the enjoyment of the use of surrounding property.~~

~~18.100.050 Hearing application.~~
~~If an application for amendment is accepted for consideration as complying with the comprehensive plan, there shall be scheduled a public hearing before the commission. At any such public hearing, the commission may consider additional applications related to the zoning amendment request.~~
~~If signatures of residents of the city of Monroe are offered in support of, or in opposition to, an amendment, they may be received as evidence of notice having been served upon them of the pending amendment and/or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the commission or the council.~~
~~After consideration of the matter at a public hearing, the commission shall adopt its own findings of fact and conclusions of law setting forth the factors considered at the hearing and their own analysis of findings considered by it to be controlling.~~

~~18.100.060 Recommendation to city council.~~
~~Following a hearing before the commission, the recommendations to the council shall be by the affirmative vote of not less than a majority of the members of the commission present at that time. The approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action. The motion shall refer expressly to the exhibits, descriptive and other matters intended by the commission to constitute the amendment. The indication of approval by the commission shall be recorded, signed by the chairman and the secretary of the commission.~~

~~18.100.070 Actions by city council.~~
~~Upon receipt of any recommendation of the planning commission, the city council shall, at its next available public meeting, set the date where in accordance with MMC 21.50.050 it may, by ordinance, adopt or reject the amendment.~~

~~18.100.080 Further action on an amendment.~~
~~After commission action regarding an amendment to the zoning code, no further action involving substantially the same amendment shall be considered prior to six months after the action has been taken; provided, that where the commission believes an emergency exists it may on its own initiative waive the six-month provision.~~

~~18.100.090 Title construction.~~

~~Nothing in this title shall be construed as validating or legalizing any land use or building or structure conducted, constructed, erected or maintained in violation of any city ordinance, and nothing in this title shall prevent or bar the filing of a complaint or punishment of any act in violation of the title or any of the zoning ordinances or bar the bringing of any action to compel the discontinuance of any use or the removal of any building or structure constructed, erected or maintained in violation of this title or any of the zoning ordinances.~~

~~18.100.100 Hearing body – Planning commission.~~
~~The hearing body for hearings under this chapter shall be the planning commission.~~))

Section 4. Repeal of MMC Title 19. Monroe Municipal Code (MMC) Title 19, Shoreline Management, is hereby repealed in its entirety:

((~~Title 19~~
~~SHORELINE MANAGEMENT~~

~~Chapters:~~
~~19.01 Shoreline Master Program~~

~~Chapter 19.01~~
~~SHORELINE MASTER PROGRAM~~

~~Sections:~~
~~19.01.010 Shoreline Master Program adopted.~~
~~19.01.020 Shoreline environment designations.~~
~~19.01.030 Compliance required.~~
~~19.01.040 Permitted uses.~~
~~19.01.050 Nonconforming uses.~~
~~19.01.060 Exemptions.~~
~~19.01.070 Permit – Fees.~~
~~19.01.080 Application – Form.~~
~~19.01.090 Review process.~~
~~19.01.100 Notice and hearing requirements.~~
~~19.01.110 Review process and criteria for substantial development permits.~~
~~19.01.120 Conditional uses and variances.~~
~~19.01.130 Appeals.~~
~~19.01.140 Commencement of construction – Time lapse.~~
~~19.01.150 Time requirements of permit.~~
~~19.01.160 Revisions to permit.~~
~~19.01.170 Community development director's authority.~~
~~19.01.180 Revocation of permit.~~
~~19.01.190 Violation – Penalties.~~

~~19.01.010 Shoreline Master Program adopted.~~
~~The City of Monroe Shoreline Master Program, dated August 2008, or as amended, and attached to the ordinance codified in this chapter as Exhibit A and incorporated by this reference as if set forth in full, is hereby adopted as the Shoreline Master Program for the city of Monroe as required by Chapter 90.58 RCW.~~

~~**19.01.020 Shoreline environment designations.**~~
~~The city's shorelines shall be divided into seven environment designations as shown on the shoreline environment map (Figure 1, Monroe Shoreline Master Program), or as amended. These environment designations include Aquatic (A), High Intensity (HI), Natural (N), Shoreline Residential (SR), Tye Stormwater Facility (TSF), Urban Conservancy (UC), and Urban Conservancy-Mining (UCM). The purpose and criteria for the individual shoreline environment designations are described in Chapter 2 of the Master Program.~~

~~**19.01.030 Compliance required.**~~
~~No developments or uses shall be undertaken on the shorelines of the city of Monroe except those that are consistent with the policies of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations, or the Monroe Shoreline Master Program, hereafter known as Master Program. No substantial development or use shall be undertaken on the shorelines of the city of Monroe without first obtaining a permit from the city. No exempt development activities or use as defined in MMC 19.01.060 shall be undertaken without first acquiring a letter of exemption from the director of community development or his/her designee. Nothing in this chapter shall authorize the issuance of a permit contrary to the laws of Washington State.~~

~~**19.01.040 Permitted uses.**~~
~~Permitted uses shall be those uses set forth in the Master Program. A complete list of permitted uses is contained in the Shoreline Use and Modification Matrix, in Chapter 2 of the Master Program. The city shall not permit any use that is not a permitted use in the Shoreline Use and Modification Matrix.~~

~~**19.01.050 Nonconforming uses.**~~
~~Nonconforming shoreline uses or developments are uses or developments lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Master Program, but which do not conform to present regulations or standards of the Master Program. A complete description of nonconforming uses is contained in Chapter 6(D) of the Master Program.~~

~~**19.01.060 Exemptions.**~~
~~A. Application and Interpretation of Exemptions.~~
~~1. The city shall narrowly construe exemptions. Only those developments that meet the precise terms of one or more of the listed exemptions, in the definition for substantial development, found in Chapter 8 of the Master Program, or those exemptions or exceptions listed in WAC 173-27-040, and/or Chapter 90.58 RCW may be granted exemption from the substantial development permit process.~~
~~2. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the Master Program, or from any other regulatory or municipal requirements. All uses and developments must be consistent with the policies and provisions of the Master Program and the Shoreline Management Act. A development or use either listed as a conditional use in the Master Program or an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a proposed development or use does not comply with~~

~~the bulk, dimensional and performance standards of the Master Program, such development or use shall require a variance.~~

~~3. The burden of proof that a development or use is exempt from the shoreline permit process is on the applicant; as such, a written request for exemption shall be submitted to the community development department, with the proposed development application, in conformance with this section.~~

~~4. If any part of a proposed development is not eligible for an exemption, then a substantial development permit is required for the entire proposed development project.~~

~~5. The city of Monroe may attach conditions to the approval of exempted developments and/or uses, as necessary, to assure consistency of the project with the Shoreline Management Act and the Master Program.~~

~~19.01.070 Permit – Fees.~~

~~All persons desiring a shoreline permit or any other approval required by the Master Program shall make application by paying a fee as set out in the city's fees resolution and filing an application with the community development department.~~

~~19.01.080 Application – Form.~~

~~Applications for permits and approvals shall be made on forms prescribed by the community development department, and shall contain the name and address of the applicant, a description of the development, the location of the development, and any other information deemed necessary.~~

~~19.01.090 Review process.~~

~~Requests for a shoreline substantial development permit, variance, or a conditional use permit require review by the city of Monroe hearing examiner. The hearing examiner's decision on substantial development permits is final. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations on shoreline conditional use permits and variances. The city council shall have the authority to grant shoreline conditional use permits and variances. The city shall submit all issued conditional use permits and variances to the Department of Ecology for its approval or disapproval. All applicants shall prove that a proposed development or use is consistent with the Master Program as well as the requirements of this chapter.~~

~~19.01.100 Notice and hearing requirements.~~

~~A. Upon receipt of an application for a shoreline substantial development permit, shoreline variance or shoreline conditional use permit, the city shall cause notice of the application to be published, at least once a week for two consecutive weeks, in a newspaper of general circulation within the city. The second notice shall be published not less than thirty days prior to action by the community development department. The city shall also cause notice of the application to be mailed to each property owner of record within five hundred feet of the proposed development. The date of the mailing shall not be less than seven days in advance of the department action.~~

~~B. Upon completion of review of the proposed shoreline permit by the community development department, staff shall schedule a public hearing at the next available hearing date, in front of the hearing examiner, to consider the shoreline substantial development permit, shoreline variance or shoreline conditional use permit application.~~

~~The hearing examiner shall issue a written decision or recommendation no later than ten working days following the public hearing.~~

~~19.01.110 Review process and criteria for substantial development permits.~~

~~A. The hearing examiner shall hold a public hearing on the proposed substantial development permit and approve, approve with conditions, or deny the application.~~

~~B. A substantial development permit shall be granted only when the development proposed is consistent with:~~

~~1. The policies and procedures of the Shoreline Management Act;~~

~~2. The provisions of this regulation; and~~

~~3. The approved Master Program.~~

~~C. The city of Monroe may attach conditions to the approval of permits as necessary to assure consistency of the project with the Shoreline Management Act and the Master Program.~~

~~D. The hearing examiner's decision shall become final and the permit shall be issued upon the terms and conditions prescribed by the hearing examiner, if no appeal is filed. The hearing examiner's decision shall be filed with the Department of Ecology. In the event the hearing examiner determines the use or development is inconsistent with the above criteria, the application shall be denied.~~

~~19.01.120 Conditional uses and variances.~~

~~The city shall adopt provisions for conditional use and variance permits, consistent with Chapter 6 of the Master Program, to ensure that the strict interpretation of the Master Program will not create unnecessary hardships or thwart the policies of this title or the Shoreline Management Act.~~

~~A. Shoreline Conditional Use Permits. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations on shoreline conditional use permits. The city council shall have the authority to grant, in appropriate cases and subject to appropriate conditions and safeguards, shoreline conditional use permits. The city shall submit all issued conditional use permits to the Department of Ecology for its approval or disapproval. The criteria for granting conditional use permits are the following:~~

~~1. Uses classified in the Master Program as conditional uses may be authorized, provided the applicant can demonstrate all of the following:~~

~~a. That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the Master Program.~~

~~b. That the proposed use will not interfere with the normal public use of public shorelines.~~

~~c. That the proposed use of this site and design of the project will be compatible with other permitted uses within the area.~~

~~d. That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.~~

~~e. That the public interest suffers no substantial detrimental effect.~~

~~2. Other uses which are not classified or set forth in the Master Program may be authorized as conditional uses; provided, that the applicant can demonstrate, in addition to the criteria set forth in subsections (A)(1) and (3) of this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program.~~

~~3. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.~~

~~4. Uses specifically prohibited by the Master Program may not be authorized pursuant to either subsection (A)(1) or (3) of this section.~~

~~B. Shoreline Variances. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations on shoreline variances. The city council shall have authority to grant variances from the substantive requirements of this Shoreline Master Program. The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in this Master Program, where there are extraordinary or unique circumstances relating to the properties, such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in the Shoreline Management Act. The city shall submit all issued variances to the Department of Ecology for final approval or disapproval. The criteria for granting variances shall be consistent with the Shoreline Management Act and include the following:~~

~~1. Variances should be granted in a circumstance where denial of the permit will not thwart the policy enumerated in the Shoreline Management Act or the Master Program. In all instances, extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.~~

~~2. Variances for development that will be located landward of the ordinary high-water mark may be authorized, provided the applicant can demonstrate all of the following:~~

~~a. That the strict application of the bulk, dimensional, or performance standards as set forth in the Master Program precludes or significantly interferes with a reasonable permitted use of the property.~~

~~b. That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the Master Program and not, for example, from deed restrictions or the applicant's own actions.~~

~~c. That the design of the project will be compatible with other permitted activities in the area and not cause adverse effects to adjacent properties or the shoreline environment designation.~~

~~d. That the variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.~~

~~e. That the public interest will suffer no substantial detrimental effect.~~

~~3. Variances for development that will be located waterward of the ordinary high-water mark may be authorized, provided the applicant can demonstrate all of the criteria specified above; and provided, that the applicant can demonstrate that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.~~

~~4. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.~~

~~5. Variances from the use regulations of this Master Program are prohibited.~~

~~19.01.130 Appeals.~~

~~Appeals of shoreline permit decisions and decisions on shoreline permit revisions, letters of exemption and other approvals required by the Master Program shall be heard in accordance with Chapter 21.60 MMC and RCW 90.58.180.~~

~~19.01.140 Commencement of construction – Time lapse.~~

~~No one who is issued a permit hereunder shall be authorized to commence construction until twenty-one days have elapsed from the date that the permit is filed with the Washington State Department of Ecology for substantial development permits. For shoreline conditional use and variance permits, construction shall not commence until twenty-one days after the Department of Ecology has made its decision regarding the permit or until all review proceedings are terminated, if such proceedings were initiated within said twenty-one-day period.~~

~~19.01.150 Time requirements of permit.~~

~~A. The time requirements of this section shall apply to all substantial development, variance or conditional use permits authorized by this chapter.~~

~~B. Construction activities shall commence, or, where no construction activities are involved, the use or activity shall commence, within two years of the effective date of a shoreline permit. The hearing examiner may authorize a single extension for a period not to exceed one year, based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record.~~

~~C. Authorization to conduct construction activities, pursuant to the approved shoreline permit, shall terminate five years after the effective date of a shoreline permit. The hearing examiner may authorize a single extension for a period not to exceed one year, based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.~~

~~D. The effective date of a shoreline permit shall be the date of filing with the Department of Ecology or the date of decision by the Department of Ecology for conditional use permits and variances. This excludes time for which a use or activity was not actually pursued due to appeals, legal actions or the need to obtain other permits and approvals for the development.~~

~~E. Revisions to permits lawfully extended under subsections (B) and (C) of this section and in accordance with the provisions of MMC 19.01.160 (WAC 173-27-100) may be authorized after original permit authorization has expired; provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.~~

~~F. The city of Monroe shall notify the Department of Ecology of any change to the effective date of a permit, and explain the basis for approving the change in writing. Any change to the time limits of a permit, except an extension under subsections (B) and (C) of this section, and except as authorized by RCW 90.58.143, shall require a new permit application.~~

~~19.01.160 Revisions to permit.~~

~~A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of an approved permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, or compliance with the Master Program. Changes which are not substantive in effect may not require approval of a revision; however, the community development department must be notified and review the proposed revision to determine if the revision is substantive or not.~~

~~A. When an applicant seeks to revise a substantial development, conditional use, or variance permit, the community development department shall request from the applicant detailed plans and text describing the proposed changes in the permit.~~

~~1. If the community development department determines that the proposed changes are within the scope and intent of the original permit, the department may approve the revision, provided it is consistent with the Shoreline Management Act and the Master Program.~~

~~2. "Within the scope and intent of the original permit" means the following:~~

~~a. No additional over- or in-water construction will be involved.~~

~~b. Lot coverage and height may be increased a maximum of ten percent from provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit.~~

~~c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this Master Program, except as authorized under a variance granted by the original permit or a part thereof.~~

~~d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable Master Program.~~

~~e. The use authorized pursuant to the original permit is not changed.~~

~~f. The project revision will cause no adverse environmental impact.~~

~~3. The community development director may authorize revisions to shoreline permits after the original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes, which are consistent with this section and which would not require a permit for the development or change proposed under the terms of Chapter 90.58 RCW and the Master Program. If the proposed change constitutes substantial development, then a new permit is required; provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.~~

~~4. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the city shall require the applicant to apply for a new substantial development, conditional use, or variance permit, in the manner provided for herein.~~

~~5. The department of community development shall file with the Department of Ecology the revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section. In addition, the city shall notify parties of record of their action.~~

~~6. If the revision to the original permit involves a conditional use or variance, the city shall submit the revision to the Department of Ecology for final approval, approval with conditions, or denial. The Department of Ecology shall render and transmit to the city and the applicant its final decision within fifteen days of receipt of the submittal from the city. The city shall notify parties of record of the Department of Ecology's final decision.~~

~~7. The revised permit is effective immediately upon final decision by the city or, when appropriate under subsection (A)(6) of this section, upon final action by the Department of Ecology.~~

~~8. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the city's action by the Department of Ecology or, when appropriate under subsection (A)(6) of this section, the date the~~

~~Department of Ecology's final decision is transmitted to the city and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (A)(2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.~~

~~19.01.170 Community development director's authority.~~
~~The community development director shall have the authority to immediately stop any work under a permit, which the director believes, in good faith, is not in compliance with the permit or any other actions in violation of the Master Program. Upon issuance of such a stop order, the permittee shall immediately cease and desist such portion of the development which is ordered stopped, but may continue working on the other portions of the development. As soon as it is practical thereafter, a hearing will be held before the city's hearing examiner to determine whether the conditions of the permit were violated, and if so, whether to cancel the permit or determine what other action should be taken. Notice of hearing shall be in the form and manner prescribed in Chapter 21.40 MMC.~~

~~19.01.180 Revocation of permit.~~
~~A. Any permit issued hereunder may be revoked by the hearing examiner upon a finding that a permittee has not complied with the conditions of a permit, subject, however, to a hearing as hereinafter provided.~~
~~B. Before such permit is revoked by the hearing examiner, the city shall set a date for a public hearing following the public notice requirements of MMC 21.40.020 to determine whether the permittee has violated the conditions of the permit.~~

~~19.01.190 Violation – Penalties.~~
~~Violations of the Shoreline Management Act or the Monroe Shoreline Master Program are subject to Chapter 1.04 MMC and also constitute a misdemeanor as specified in MMC 1.01.110.~~))

Section 5. Repeal of MMC Title 20. Monroe Municipal Code (MMC) Title 20, Environment, is hereby repealed in its entirety:

((~~Title 20~~
~~ENVIRONMENT~~

~~Chapters:~~
~~20.04 State Environmental Policy Act~~
~~20.05 Critical Areas~~
~~20.06 Concurrency Management System~~
~~20.07 School Impact Mitigation Fee Program~~
~~20.08 Land Clearing and Forest Practices~~
~~20.10 Park Impact Fees~~
~~20.12 Transportation Impact Fees~~

~~Chapter 20.04~~
~~STATE ENVIRONMENTAL POLICY ACT~~

~~Sections:~~

~~20.04.010 Authority.~~
~~20.04.020 Purpose of this section and adoption by reference.~~
~~20.04.030 Additional definitions.~~
~~20.04.040 Designation of responsible official.~~
~~20.04.050 Lead agency determination and responsibilities.~~
~~20.04.060 Additional timing considerations.~~
~~20.04.070 Purpose of this section and adoption by reference.~~
~~20.04.080 Flexible thresholds for categorical exemptions.~~
~~20.04.090 Use of exemptions.~~
~~20.04.100 Environmental checklist.~~
~~20.04.110 Mitigated DNS.~~
~~20.04.120 Purpose of this section and adoption by reference.~~
~~20.04.130 Preparation of EIS – Additional considerations.~~
~~20.04.140 Adoption by reference.~~
~~20.04.150 Public notice.~~
~~20.04.160 Designation of official to perform consulted agency responsibilities for the city.~~
~~20.04.170 Purpose of this section and adoption by reference.~~
~~20.04.180 Purpose of this section and adoption by reference.~~
~~20.04.190 Substantive authority.~~
~~20.04.200 SEPA administrative appeals.~~
~~20.04.210 Purpose of this section and adoption by reference.~~
~~20.04.220 Adoption by reference.~~
~~20.04.230 Purpose of this section and adoption by reference.~~
~~20.04.240 Critical areas.~~
~~20.04.250 Fees.~~
~~20.04.260 Effective date.~~
~~20.04.270 Severability.~~
~~20.04.280 Adoption by reference.~~

~~20.04.010 Authority.~~

~~The city adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This chapter contains this city's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter.~~

~~20.04.020 Purpose of this section and adoption by reference.~~

~~This chapter contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter 197-11 WAC by reference:~~

~~WAC~~

~~197-11-040 Definitions.~~
~~197-11-050 Lead agency.~~
~~197-11-060 Content of environmental review.~~
~~197-11-070 Limitations on actions during SEPA process.~~
~~197-11-080 Incomplete or unavailable information.~~
~~197-11-090 Supporting documents.~~

~~197-11-100 Information required of applicants.~~
~~197-11-158 GMA project review – Reliance on existing plans, laws, and regulations.~~
~~197-11-210 SEPA/GMA integration.~~
~~197-11-220 SEPA/GMA definitions.~~
~~197-11-228 Overall SEPA/GMA integration procedures.~~
~~197-11-230 Timing of an integrated GMA/SEPA process.~~
~~197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.~~
~~197-11-235 Documents.~~
~~197-11-238 Monitoring. (optional)~~
~~197-11-250 SEPA/Model Toxics Control Act integration.~~
~~197-11-253 SEPA lead agency for MTCA actions.~~
~~197-11-256 Preliminary evaluation.~~
~~197-11-259 Determination of nonsignificance for MTCA remedial actions.~~
~~197-11-262 Determination of significance and EIS for MTCA remedial actions.~~

~~20.04.030 Additional definitions.~~
~~In addition to those definitions contained within WAC 197-11-220 and 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:~~
~~A. "Department" means any division, subdivision or organizational unit of the city established by ordinance, rule, or order.~~
~~B. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).~~
~~C. "Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.~~
~~D. "SEPA rules" means Chapter 197-11 WAC, adopted by the Department of Ecology.~~

~~20.04.040 Designation of responsible official.~~
~~A. For those proposals for which the city is the lead agency, the responsible official shall be the city administrator or designee.~~
~~B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other task assigned to the lead agency or responsible official by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.~~
~~C. The city shall retain all documents required by SEPA rules, Chapter 197-11 WAC, and make them available in accordance with Chapter 42.17 RCW.~~

~~20.04.050 Lead agency determination and responsibilities.~~
~~A. When the city receives an application initiating a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the responsible official is aware that another department or agency is in the process of determining the lead agency.~~
~~B. When the city is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements and, if an EIS is necessary, shall supervise preparation of the EIS.~~

~~C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.~~
~~D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period.~~
~~E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.~~
~~F. The responsible official when making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.~~
~~G. When the city is lead agency for an MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.~~

~~20.04.060 Additional timing considerations.~~
~~A. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.~~
~~B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.~~

~~20.04.070 Purpose of this section and adoption by reference.~~
~~This section contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This section also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections by reference, as supplemented in this chapter:~~
~~WAC~~
~~197-11-300 Purpose of this part.~~
~~197-11-305 Categorical exemptions.~~
~~197-11-310 Threshold determination required.~~
~~197-11-315 Environmental checklist.~~
~~197-11-330 Threshold determination process.~~
~~197-11-335 Additional information.~~
~~197-11-340 Determination of nonsignificance (DNS).~~

~~197-11-350 Mitigated DNS.~~
~~197-11-355 Optional DNS process.~~
~~197-11-360 Determination of significance (DS)/initiation of scoping.~~
~~197-11-390 Effect of threshold determination.~~

~~20.04.080 Flexible thresholds for categorical exemptions.~~

~~A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based upon local conditions:~~

~~1. For residential dwelling units in WAC 197-11-800(1)(b)(i): Up to nine dwelling units;~~

~~2. For agricultural structures in WAC 197-11-800(1)(b)(ii): Up to ten thousand square feet;~~

~~3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): Up to twelve thousand square feet and forty parking spaces;~~

~~4. For parking lots in WAC 197-11-800(1)(b)(iv): Up to forty parking spaces;~~

~~5. For landfills and excavations in WAC 197-11-800(1)(b)(v): Up to five hundred cubic yards.~~

~~B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800(1)(c).~~

~~20.04.090 Use of exemptions.~~

~~A. When the city receives an application for a license, permit, or governmental proposal, the responsible official shall determine whether the license, permit, and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.~~

~~B. In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency even if the license application that triggers the department's consideration is exempt.~~

~~C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:~~

~~1. The city shall not give authorization for:~~

~~a. Any nonexempt action;~~

~~b. Any action that would have an adverse environmental impact; or~~

~~c. Any action that would limit the choice of alternatives;~~

~~2. The city may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and~~

~~3. The city may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.~~

~~20.04.100 Environmental checklist.~~

~~A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter, except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making threshold determination.~~
~~B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.~~
~~C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:~~

~~1. The city has technical information of a question or questions that is unavailable to the private applicant; or~~

~~2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.~~

~~D. For projects submitted as planned actions under WAC 197-11-164, the city shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance, or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a thirty-day review prior to use.~~

~~20.04.110 Mitigated DNS.~~

~~A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.~~
~~B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:~~

~~1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and~~

~~2. Precede the city's actual threshold determination for the proposal.~~

~~C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:~~

~~1. Be written;~~

~~2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and~~

~~3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.~~

~~D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.~~
~~E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:~~

~~1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS, under WAC 197-11-340(2);~~

~~2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate;~~

~~3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct two-hundred-foot storm water retention pond at Y location" are adequate;~~

~~4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.~~

~~F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day comment period and public notice.~~

~~G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the city.~~

~~H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).~~

~~I. The city's written response under subsection (B) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.~~

~~20.04.120 Purpose of this section and adoption by reference.~~

~~This section contains the rules for preparing environmental impact statements. The city adopts the following sections by reference, as supplemented by this chapter:~~

~~WAC~~

~~197-11-400 Purpose of EIS.~~
~~197-11-402 General requirements.~~
~~197-11-405 EIS types.~~
~~197-11-406 EIS timing.~~
~~197-11-408 Scoping.~~
~~197-11-410 Expanded scoping.~~
~~197-11-420 EIS preparation.~~
~~197-11-425 Style and size.~~
~~197-11-430 Format.~~
~~197-11-435 Cover letter or memo.~~
~~197-11-440 EIS contents.~~
~~197-11-442 Contents of EIS on nonproject proposals.~~
~~197-11-443 EIS contents when prior nonproject EIS.~~

~~197-11-444 Elements of the environment.~~
~~197-11-448 Relationship of EIS to other considerations.~~
~~197-11-450 Cost-benefit analysis.~~
~~197-11-455 Issuance of DEIS.~~
~~197-11-460 Issuance of FEIS.~~

~~20.04.130 Preparation of EIS – Additional considerations.~~
~~A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) are the responsibility of the planning department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.~~
~~B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by mutual agreement by the city and the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.~~
~~C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)~~

~~20.04.140 Adoption by reference.~~
~~This section contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections by reference, as supplemented in this chapter:~~
~~WAC~~
~~197-11-500 Purpose of this part.~~
~~197-11-502 Inviting comment.~~
~~197-11-504 Availability and cost of environmental documents.~~
~~197-11-508 SEPA register.~~
~~197-11-510 Public notice.~~
~~197-11-535 Public hearings and meetings.~~
~~197-11-545 Effect of no comment.~~
~~197-11-550 Specificity of comments.~~
~~197-11-560 FEIS response to comments.~~
~~197-11-570 Consulted agency costs to assist lead agency.~~

~~20.04.150 Public notice.~~
~~A. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the nonexempt permit(s) or approval(s) required for the proposal pursuant to Chapter 21.40 MMC.~~
~~B. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:~~
~~1. If public notice is required for a nonexempt license, the notice shall state whether the city has issued a DS or DNS and when comments are due.~~

~~2. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).~~

~~3. If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by posting the property, for site-specific proposals:~~

~~a. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;~~

~~b. Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered; and~~

~~c. Posting on the City Hall bulletin board.~~

~~4. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.~~

~~C. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1)(b).~~

~~D. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 187-11-620, notice of the availability of those documents shall be given by:~~

~~1. Indicating the availability of the DEIS in any public notice required for a nonexempt license;~~

~~2. Posting the property, for site-specific proposals;~~

~~3. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;~~

~~4. Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered; and~~

~~5. Posting on the City Hall bulletin board.~~

~~E. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).~~

~~F. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.~~

~~20.04.160 Designation of official to perform consulted agency responsibilities for the city.~~

~~A. The responsible official shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.~~

~~B. The responsible official shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.~~

~~20.04.170 Purpose of this section and adoption by reference.~~

~~This section contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections by reference:~~

~~**WAC**~~
~~197-11-164 Planned actions – Definition and criteria.~~
~~197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.~~
~~197-11-172 Planned actions – Project review.~~
~~197-11-600 When to use existing environmental documents.~~
~~197-11-610 Use of NEPA documents.~~
~~197-11-620 Supplemental environmental impact statement – Procedures.~~
~~197-11-625 Addenda – Procedures.~~
~~197-11-630 Adoption – Procedures.~~
~~197-11-635 Incorporation by reference – Procedures.~~
~~197-11-640 Combining documents.~~

~~**20.04.180 Purpose of this section and adoption by reference.**~~
~~This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections by reference:~~
~~**WAC**~~
~~197-11-650 Purpose of this part.~~
~~197-11-655 Implementation.~~
~~197-11-660 Substantive authority and mitigation.~~
~~197-11-680 Appeals.~~

~~Administrative appeals under RCW 43.21C.075 and WAC 197-11-680 shall be governed by Chapter 21.60 MMC.~~

~~**20.04.190 Substantive authority.**~~
~~A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.~~
~~B. The city may attach conditions to a permit or approval for a proposal so long as:~~
~~1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and~~
~~2. Such conditions are in writing; and~~
~~3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and~~
~~4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and~~
~~5. Such conditions are based on one or more policies in subsection (A) of this section and cited in the license or other decision document.~~
~~C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:~~
~~1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or SEIS prepared pursuant to this chapter; and~~
~~2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and~~

~~3. The denial is based on one or more policies identified in subsection (D) of this section and identified in writing in the decision document.~~

~~D. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:~~

~~1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:~~

~~a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;~~

~~b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;~~

~~c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;~~

~~d. Preserve important historic, cultural, and natural aspects of our national heritage;~~

~~e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;~~

~~f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and~~

~~g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.~~

~~2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.~~

~~3. The city adopts by reference the policies in the following city documents as now or hereafter amended:~~

~~a. The current city of Monroe comprehensive plan, including without limitation all individual elements, sub-area plans, capital plans, supporting documents, and any standards, plans, policies, and other materials incorporated by reference into the comprehensive plan.~~

~~b. The current Monroe Municipal Code and supporting documents including without limitation all supporting documents, standards, plans, policies, and other materials incorporated by reference into the municipal code.~~

~~c. The current public works design and construction standards.~~

~~20.04.200 SEPA administrative appeals.~~

~~The city establishes the following SEPA administrative appeal procedure under RCW 43.21C.075 and WAC 197-11-680:~~

~~A. Threshold Determinations.~~

~~1. Any agency or person may appeal a determination of significance (DS), a mitigated determination of nonsignificance (MDNS), or a determination of nonsignificance (DNS) by filing an appeal, in conformance with Chapter 21.60 MMC, prior to the lapse of any comment period of a threshold determination under WAC 197-11-340(2).~~

~~a. The appeal shall be filed on forms provided by the SEPA administrator and must be filed in original form.~~

~~b. The appeal shall set forth the specific reason, rationale, and/or basis for the appeal.~~

~~c. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed.2. If the appeal has been timely filed and complies with the requirements of subsection (A)(1) of this section, the hearing examiner shall conduct a public hearing into the merits of the appeal. The hearing examiner shall hear and receive testimony, documentary evidence, and arguments from the appellant(s) solely on the issues raised or identified by the appeal. Appeals of threshold determination shall be consolidated in all cases with any public hearing on the merits of the proposal held by the hearing examiner, except for appeals of a DS, which shall be heard separately from the underlying project proposal.~~

~~a. The person(s) filing the appeal shall have the burden of going forward with the evidence and the ultimate burden of persuasion.~~

~~b. Notice of any public hearing held pursuant to this section shall be provided as specified in this code, or the rules of the hearing examiner.~~

~~c. The hearing examiner may continue the hearing from time to time without further mailed or delivered notice.~~

~~d. The city shall maintain an electronic record of the testimony and arguments presented and a record of any physical evidence/documents presented.~~

~~e. The hearing examiner's decision shall be rendered within ten working days of the conclusion of an appeal hearing unless a longer period is agreed to in writing, or orally on the record, by the appellant.~~

~~f. The hearing examiner's decision shall include findings of fact and conclusions in support of the decision.~~

~~g. The hearing examiner's decision under this section may be to grant or deny the appeal in whole or in part, or remand the threshold determination to the responsible official for reconsideration.~~

~~h. The hearing examiner's decision shall become final at the expiration of the appeal period, from the date of issuance.~~

~~i. The decision of the hearing examiner shall be final and may not be appealed to the city council, as required by WAC 197-11-680(3)(iv), as now or hereafter amended.~~

~~B. Adequacy of Environmental Impact Statements.~~

~~1. Any agency or person may appeal the adequacy of a final environmental impact statement (FEIS) by filing an appeal in conformance with Chapter 21.60 MMC.~~

~~a. The appeal shall be filed on forms provided by the SEPA responsible official and must be filed in original form.~~

~~b. The appeal shall set forth the specific reason, rationale, and/or basis for the appeal.~~

~~c. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed.~~

~~2. If the appeal has been timely filed and complies with requirements of subsection (B)(1) of this section, the hearing examiner shall conduct a public hearing into the merits of the appeal. The hearing examiner shall hear and receive testimony, documentary evidence, and arguments from the appellant(s) solely on the issues raised or identified by the appeal. Appeals relating to the adequacy of an FEIS shall be consolidated in all cases with any public hearing on the merits of the proposal held by the hearing examiner.~~

~~3. The decision of the hearing examiner shall be final and may not be appealed to the city council, as required by WAC 197-11-680(3)(iv), as now or hereafter amended.~~

~~C. Substantial Weight Accorded Responsible Official. The procedural determinations by the city's responsible official shall carry substantial weight in any appeal proceeding under this code.~~

~~D. Record. For any appeal under this subsection, the city shall provide for a record that shall consist of the following:~~

~~1. Findings and conclusions;~~

~~2. Testimony under oath; and~~

~~3. A taped or written transcript, the cost of which shall be borne by the appellant.~~

~~E. Exhaustion of Remedies. SEPA appeal procedures, as provided herein, must be utilized prior to judicial review of that SEPA decision.~~

~~F. The city shall give notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.~~

~~20.04.210 Purpose of this section and adoption by reference.~~

~~This section contains uniform usage and definitions of terms under SEPA. The city adopts the following sections by reference, as supplemented by WAC 173-806-040:~~

~~WAC~~

~~197-11-700 Definitions.~~
~~197-11-702 Act.~~
~~197-11-704 Action.~~
~~197-11-706 Addendum.~~
~~197-11-708 Adoption.~~
~~197-11-710 Affected tribe.~~
~~197-11-712 Affecting.~~
~~197-11-714 Agency.~~
~~197-11-716 Applicant.~~
~~197-11-718 Built environment.~~
~~197-11-720 Categorical exemptions.~~
~~197-11-721 Closed record appeal.~~
~~197-11-722 Consolidated appeal.~~
~~197-11-724 Consulted agency.~~
~~197-11-726 Cost-benefit analysis.~~
~~197-11-728 County/city.~~
~~197-11-730 Decision maker.~~
~~197-11-732 Department.~~
~~197-11-734 Determination of nonsignificance (DNS).~~
~~197-11-736 Determination of significance (DS).~~
~~197-11-738 EIS.~~
~~197-11-740 Environment.~~
~~197-11-742 Environmental checklist.~~
~~197-11-744 Environmental document.~~
~~197-11-746 Environmental review.~~
~~197-11-750 Expanded scoping.~~
~~197-11-752 Impacts.~~
~~197-11-754 Incorporation by reference.~~

~~197-11-756 Lands covered by water.~~
~~197-11-758 Lead agency.~~
~~197-11-760 License.~~
~~197-11-762 Local agency.~~
~~197-11-764 Major action.~~
~~197-11-766 Mitigated DNS.~~
~~197-11-768 Mitigation.~~
~~197-11-770 Natural environment.~~
~~197-11-772 NEPA.~~
~~197-11-774 Nonproject.~~
~~197-11-775 Open record hearing.~~
~~197-11-776 Phased review.~~
~~197-11-778 Preparation.~~
~~197-11-780 Private project.~~
~~197-11-782 Probable.~~
~~197-11-784 Proposal.~~
~~197-11-786 Reasonable alternative.~~
~~197-11-788 Responsible official.~~
~~197-11-790 SEPA.~~
~~197-11-792 Scope.~~
~~197-11-793 Scoping.~~
~~197-11-794 Significant.~~
~~197-11-796 State agency.~~
~~197-11-797 Threshold determination.~~
~~197-11-799 Underlying governmental action.~~

~~20.04.220 Adoption by reference.~~
~~The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-070 (Flexible thresholds), WAC 173-806-080 (Use of exemptions), and WAC 173-806-190 (Critical areas):~~
~~WAC~~
~~197-11-800 Categorical exemptions.~~
~~197-11-880 Emergencies.~~
~~197-11-890 Petitioning DOE to change exemptions.~~

~~20.04.230 Purpose of this section and adoption by reference.~~
~~This section contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections by reference:~~
~~WAC~~
~~197-11-900 Purpose of this part.~~
~~197-11-902 Agency SEPA policies.~~
~~197-11-916 Application to ongoing actions.~~
~~197-11-920 Agencies with environmental expertise.~~
~~197-11-922 Lead agency rules.~~
~~197-11-924 Determining the lead agency.~~
~~197-11-926 Lead agency for governmental proposals.~~

~~197-11-928 Lead agency for public and private proposals.~~
~~197-11-930 Lead agency for private projects with one agency with jurisdiction.~~
~~197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.~~
~~197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.~~
~~197-11-936 Lead agency for private projects requiring licenses from more than one state agency.~~
~~197-11-938 Lead agencies for specific proposals.~~
~~197-11-940 Transfer of lead agency status to a state agency.~~
~~197-11-942 Agreements on lead agency status.~~
~~197-11-944 Agreements on division of lead agency status.~~
~~197-11-946 DOE resolution of lead agency disputes.~~
~~197-11-948 Assumption of lead agency status.~~

~~20.04.240 Critical areas.~~
~~All categorical exemptions listed in WAC 197-11-800 apply checklist at the applicant's request, or under WAC 173-806-090(3), a sum based upon city costs shall be collected.not a proposal is located wholly or partially within a critical area. The city shall treat proposals located wholly or partially within critical areas no differently than other proposals under this chapter. The city shall not automatically require a threshold determination or EIS for a proposal merely because it is located wholly or partially within a critical area.~~

~~20.04.250 Fees.~~
~~The city shall require the following fees for its activities in accordance with the provisions of this chapter:~~
~~A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee, as set by the city council by periodic resolution, from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. When the city completes the environmental checklist at the applicant's request, or under WAC 173-806-090(3), a sum based upon city costs shall be collected.~~
~~B. Environmental Impact Statement.~~
~~1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that employees of the city shall prepare the EIS, the city may charge and collect a reasonable fee from any applicant to cover the costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.~~
~~2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant.~~

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (B)(1) or (2) of this section which remain after incurred costs are paid.

C. Professional Service Costs. Whenever it is determined that the services of an engineer, biologist, attorney, land use planner or other professional consultant are reasonably necessary to assist city staff in performing activities required by this chapter, the applicant shall be charged a fee in an amount sufficient to reimburse the city for cost of such professional services. This fee shall be in addition to all other fees and charges provided for in this section. No permit for the proposed section shall be issued until professional services fees have been paid in full or a written agreement for payment in a form approved by the city attorney has been signed by the applicant and the city.

D. Public Notice Costs. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

E. Consulted Agency Duties. The city shall not collect a fee for performing its duties as a consulted agency.

F. Copy Costs. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW.

20.04.260 Effective date.

The effective date of the ordinance codified in this chapter is September 26, 1984.

20.04.270 Severability.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

20.04.280 Adoption by reference.

The city adopts the following forms and sections by reference:

WAC

197-11-960 Environmental checklist.
197-11-965 Adoption notice.
197-11-970 Determination of nonsignificance (DNS).
197-11-980 Determination of significance and scoping notice (DS).
197-11-985 Notice of assumption of lead agency status.
197-11-990 Notice of action.

Chapter 20.05
CRITICAL AREAS

Sections:

20.05.010 Authority.
20.05.020 Purpose.
20.05.025 Applicability of other regulations.
20.05.030 Definitions.
20.05.040 Maps and inventories.
20.05.050 Applicability, exemptions, exceptions, and allowed uses.

~~20.05.055 Nonconforming uses.~~
~~20.05.060 Critical areas studies.~~
~~20.05.070 Protection and mitigation measures.~~
~~20.05.080 Wetland development standards.~~
~~20.05.090 Stream development standards.~~
~~20.05.100 Fish and wildlife habitat conservation areas standards.~~
~~20.05.110 Flood hazard area development standards.~~
~~20.05.120 Geologically hazardous areas.~~
~~20.05.130 Bonds.~~
~~20.05.140 Appeal.~~
~~20.05.150 Enforcement.~~

~~20.05.010 Authority.~~

~~This chapter is adopted under the authority of Chapter 36.70A RCW (the Growth Management Act), other federal and state environmental regulations, including but not limited to the State Environmental Policy Act, and the State and Federal Endangered Species Acts.~~

~~20.05.020 Purpose.~~

~~The purpose of this chapter is to:~~

~~A. Protect the public health, safety and welfare by preventing adverse impacts of development;~~

~~B. Preserve and protect critical areas as identified by the Washington State Growth Management Act by regulating development within and adjacent to them;~~

~~C. Mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;~~

~~D. Prevent adverse cumulative impacts to wetlands, streams, shoreline environments, and fish and wildlife habitat;~~

~~E. Protect the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, soils subsidence or steep slope failure;~~

~~F. Implement the goals, policies, guidelines and requirements of the city of Monroe comprehensive plan and the Washington State Growth Management Act; and~~

~~G. Establish review procedures for development proposals in and adjacent to wetlands.~~

~~20.05.025 Applicability of other regulations.~~

~~Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter.~~

~~20.05.030 Definitions.~~

~~"Active fault" means a fault that is considered likely to undergo renewed movement within a period of concern to humans. Faults are commonly considered to be active if the fault has moved one or more times in the last ten thousand years.~~

~~"Adjacent" means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas~~

~~to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:~~

1. ~~On site immediately adjoining a critical area; or~~
2. ~~A distance equal to or less than the required critical area buffer width and building setback.~~

~~"Alteration" means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, dredging, channelizing, clearing (vegetation), applying pesticides, discharging waste, construction, compaction, excavation, modifying for storm water management, relocating, or other activities that change the existing landform, vegetation, hydrology, wildlife or wildlife habitat value of critical areas.~~

~~"Anadromous fish" means fish that spawn in fresh water and mature in the marine environment.~~

~~"Applicant" means a person who files an application for a permit under this chapter and who is either the owner of the land on which that proposed activity would be located, a contract purchaser, or the authorized agent of such a person.~~

~~"Aquifer recharge area" means an area that, due to the presence of certain soils, geology, and surface water, acts to recharge groundwater by percolation.~~

~~"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. The term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."~~

~~"Base flood" means a flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one-hundred-year flood."~~

~~"Base flood elevation" means the water surface elevation of the base flood. It shall be referenced to the National Geodetic Vertical Datum of 1929 (NGVD).~~

~~"Best available science" means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.~~

~~"Best management practices" means conservation practices or systems of practice and management measures that:~~

1. ~~Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxins, and sediment;~~
2. ~~Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and the chemical, physical, and biological characteristics of wetlands;~~
3. ~~Protect trees and vegetation designated to be retained during and following site construction; and~~
4. ~~Provide standards for proper use of chemical herbicides within critical areas.~~

~~"Buffer" means the zone contiguous with a critical area that is required for the continued maintenance, function, and structural stability of the critical area.~~

~~"Building setback line (BSBL)" means a line beyond which the foundation of a building shall not extend.~~

~~"Channel migration zone (CMZ)" means the lateral extent of likely movement along a stream or river during the next one hundred years as determined by evidence of active stream channel migration movement over the past one hundred years.~~

~~"City" means the city of Monroe.~~

~~"Clearing" means the destruction and removal of vegetation by any means and includes grubbing vegetation.~~

~~"Compensation project" means actions specifically designed to replace project-induced critical area and buffer losses. Compensation project design elements may include, but are not limited to, land acquisition, planning, construction plans, monitoring, and contingency actions.~~

~~"Compensatory mitigation" means types of mitigation used to replace project-induced critical area and buffer losses or impacts. Compensatory mitigation includes, but is not limited to, the following:~~

1. ~~Restoration. Actions performed to reestablish functional characteristics that are lost or degraded due to unauthorized alteration, past management activities, or catastrophic events within an area that no longer meets the definition of a critical area.~~
2. ~~Creation. Actions performed to intentionally establish a critical area at a site where it did not formerly exist.~~
3. ~~Enhancement. Actions performed to improve the condition of an existing critical area so that the functions it provides are of a higher quality.~~

~~"Critical aquifer recharge area" means areas designated by WAC 365-190-080(2) that are determined to have critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).~~

~~"Critical areas" means any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands as defined by the Growth Management Act (Chapter 36.70A RCW) and this chapter. "Developable area" means areas outside of any critical areas and their required setbacks or buffers.~~

~~"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. "Development" also means subdivision of a parcel or parcels into one or more lots.~~

~~"Development permit" means any permit issued by the city of Monroe, or other authorized agency, for construction, land use, or the alteration of land.~~

~~"Director" refers to the community development director for the city of Monroe.~~

~~"Engineering geologist" means a practicing professional engineering geologist licensed with the state of Washington.~~

~~"Erosion" means the process by which soil particles are mobilized and transported by natural agents such as wind, rain, frost action, or stream flow.~~

~~"Erosion hazard area" means those areas of Monroe containing soils which, according to the USDA Soil Conservation Service, Snohomish County Soil Survey dated 1983, may experience severe to very severe erosion hazard.~~

~~"Fish and wildlife habitat conservation areas" means areas necessary for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created as designated by WAC 365-190-080(5). These areas include:~~

1. ~~Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association;~~
2. ~~Habitats of local importance, including, but not limited to, areas designated as priority habitat by the Department of Fish and Wildlife;~~
3. ~~Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish and wildlife habitat;~~

~~4. Waters of the state, including lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface water and watercourses within the jurisdiction of the state of Washington;~~

~~5. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;~~

~~6. State natural area preserves and natural resources conservation areas; and~~

~~7. Land essential for preserving connections between habitat blocks and open spaces.~~

~~"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.~~

~~"Flood fringe" means that portion of the floodplain outside of the floodway which is covered by floodwaters during the base flood; it is generally associated with standing water rather than rapidly flowing water.~~

~~"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated many areas of flood hazard, floodways, and the risk premium zones.~~

~~"Floodplain" means the total area subject to inundation by the base flood including the flood fringe and floodway.~~

~~"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the surface water elevation more than one foot.~~

~~"Floodway-dependent structure" means structures that are floodway-dependent including, but not limited to, dams, levees and pump stations, stream bank stabilization, boat launches and related recreational structures, bridge piers and abutments, and fisheries enhancement or stream restoration projects.~~

~~"Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.~~

~~"Formation, confining" means the relatively impermeable formation immediately overlaying a confined aquifer.~~

~~"Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the director, in accordance with WAC 365-190-080(3).~~

~~"Functions and values" means the beneficial roles served by critical areas, including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, and recreation.~~

~~"Geologically hazardous areas" means areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include erosion, landslide, seismic, mine, and volcanic hazards.~~

~~"Geologist" means a practicing professional geologist licensed with the state of Washington.~~

~~"Geotechnical engineer" means a practicing professional geotechnical/civil engineer licensed with the state of Washington.~~

~~"Grading" means any excavation, clearing, filling, leveling, or contouring of the ground surface by human or mechanical means.~~

~~"Hazard areas" means areas designated as frequently flooded or geologically hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse, or other geologically hazardous conditions.~~
~~"Heavy equipment" means such construction machinery as backhoes, treaded tractor, dump trucks, and front-end loaders.~~
~~"Hydraulic project approval (HPA)" means a permit issued by the state Department of Fish and Wildlife for modification to waters of the state in accordance with Chapter 75.20 RCW. "Hydrologist" means a practicing professional hydrologist licensed with the state of Washington.~~
~~"Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water.~~
~~"Isolated wetland" means those wetlands that are outside of and not contiguous to any one-hundred-year floodplain, lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.~~
~~"Joint aquatic resources permit application (JARPA)" means a single application form that may be used to apply for hydraulic project approvals, shoreline management projects, approval of exceedance of water quality standards, water quality certifications, Coast Guard bridge permits, Department of Natural Resources use authorization, and Army Corps of Engineer permits.~~
~~"Lake" means an area permanently inundated by water in excess of two meters deep and greater than twenty acres in size measured at the ordinary high water mark.~~
~~"Landslide" means episodic down-slope movement of a mass of soil or rock that includes, but is not limited to, rock falls, slumps, mudflows, and earthflows.~~
~~"Landslide hazard areas" means areas that are potentially subject to risk of mass movement due to a combination of geologic landslides resulting from a combination of geologic, topographic, and hydrologic factors.~~
~~"Minor utility project" means the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility, where the disturbance of an area is less than seventy-five square feet.~~
~~"Mitigation" means avoiding, minimizing, or compensating for adverse impacts on critical areas. Mitigation shall use any of the actions that are listed below in descending order of preference:~~

~~1. Avoiding the impact altogether by not taking a certain action or parts of an action; or~~
~~2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; or~~
~~3. Rectifying the impact by repairing, rehabilitating, or restoring the affected critical areas; or~~
~~4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal; or~~
~~5. Compensating for the impact by replacing, enhancing, or providing substitute critical areas; and~~

6. Monitoring the impacts and compensation project, and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above.

"Monitoring" means the collection of data by various methods for the purpose of understanding natural systems and features, evaluating the impact of development proposals on such systems, and assessing the performance of mitigation measures imposed as conditions of development.

"Native vegetation" means plant species that are indigenous to the area in question.

"Native growth protection easement (NGPE)" means an easement granted to the city of Monroe for the protection of native vegetation within a critical area or its associated buffer. The NGPE shall be recorded on the appropriate documents of title and filed with the Snohomish County recordings division.

"Ordinary high water mark" means the mark that will be found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, that the soil has a character distinct from that of the abutting upland, in respect to vegetation. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In braided channels and alluvial fans, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

"Potable water" means water that is safe and palatable for human use.

"Practical alternative" means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas.

"Project area" means all areas within fifty feet of the area proposed to be disturbed, altered, or used by the proposed activity or the construction of any proposed structures.

"Priority habitat" means habitat types or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife.

"Qualified professional" means a person with experience and training in the pertinent scientific discipline, and who is a qualified expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental sciences, fisheries, geomorphology or related field, and two years of related work experience.

1. A qualified professional for habitats or wetlands must have a degree in biology or a related environmental science and professional experience related to the subject.
2. A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
3. A qualified professional for critical aquifer recharge areas must be a hydrologist, geologist, engineer, or other scientist with experience in preparing hydrological assessments.

"Reasonable use" means the minimum to which a property owner is entitled under applicable state and federal constitutional provisions, including takings and substantive due process.

"Riparian habitat" means areas adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

~~"Salmonid" means a member of the fish family Salmonidae. In Snohomish County, chinook, coho, chum, sockeye, and pink salmon; cutthroat, brook, brown, rainbow, and steelhead trout; kokanee; and native char (bull trout and Dolly Varden).~~

~~"Section 404 permit" means a permit issued by the Army Corp of Engineers for the placement of dredge or fill material waterward of the ordinary high water mark or clearing in waters of the United States, including wetlands, in accordance with 33 United State Code (USC) Section 1344.~~

~~"Seismic hazard areas" means areas that are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.~~

~~"Species, endangered" means a fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.~~

~~"Species, threatened" means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.~~

~~"Steep slopes" means those slopes forty percent or steeper within a vertical elevation change of at least ten feet. A slope is defined by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief. For the purpose of this definition:~~

~~1. The toe of slope is a distinct topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the toe of slope of a steep slope is the lowermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet; and~~

~~2. The top of slope is a distinct, topographical break in slope that separates slopes inclined at less than forty percent from slopes forty percent or steeper. When no distinct break exists, the top of slope is the uppermost limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.~~

~~"Stream" means water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or 222-16-031 and as listed under "water typing system." Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities, or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.~~

~~"Topping" means the severing of main trunks or stems of vegetation at any place above twenty-five percent of the vegetation height.~~

~~"Unavoidable" means adverse impacts that remain after all appropriate and practicable avoidance and minimization have been achieved.~~

~~"Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes trees.~~

~~"Utility" means a service and/or facility that produces, transmits, carries, stores, processes, or disposes of electrical power, gas, potable water, storm water, communications (including, but not limited to, telephone and cable), sewage, oil and the like.~~

~~"Vegetation" means any and all organic plant life growing below, at, and above the soil surface.~~

~~"Vegetation alteration" means any clearing, grading, cutting, topping, limbing, or pruning of vegetation.~~

~~"Water resources inventory area (WRIA)" means one of sixty-two watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-500 WAC as it existed on January 1, 1997. The city of Monroe is within WRIA 7 (Snohomish Basin).~~

~~"Water typing system" means waters are classified according to WAC 222-16-031:~~

~~1. Type 1 Water. All waters, within their ordinary high water mark, as inventoried as "shorelines of the state" under Chapter 90.58 RCW and the rules adopted by Chapter 90.58 RCW, but not including those waters' associated wetlands.~~

~~2. Type 2 Water. Segments of natural waters that are not classified as Type 1 waters and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands that:~~

~~a. Are diverted for domestic use by more than one hundred residential or camping units or by a public accommodation facility licensed to serve more than ten persons, when such diversion is determined by the state Department of Natural Resources to be a valid appropriation of water and only considered Type 2 water upstream from the point of such diversion for one thousand five hundred feet or until the drainage area is reduced by fifty percent, or whichever is less;~~

~~b. Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 water upstream from the point of diversion for one thousand five hundred feet, including tributaries if highly significant for protection of downstream water quality;~~

~~c. Are within a federal, state, local, or private campground having more than thirty camping units; provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within one hundred feet of a camping unit;~~

~~d. Are used for fish spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:~~

~~i. Stream segments having a defined channel twenty feet or greater within the bankfull width and having a gradient of less than four percent;~~

~~ii. Lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or~~

~~e. Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:~~

~~i. The site must be connected to a fish-bearing stream and accessible during some period of the year; and~~

~~ii. The off-channel water must be accessible to fish through a drainage with less than a five percent gradient.~~

~~3. Type 3 Water. Segments of natural waters that are not classified as Type 1 or 2 waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands that:~~

~~a. Are diverted for domestic use by more than ten residential or camping units or by a public accommodation facility licensed to serve more than ten persons, where such diversion is determined by the state Department of Natural Resources to be a valid appropriation of water and the only practical water source for such use. Such waters shall be considered to be Type 3 water~~

~~upstream from the point of such diversion for one thousand five hundred feet or until the drainage area is reduced by fifty percent, whichever is less;~~

~~b. Are used by fish for spawning, rearing, or migration. The requirements for determining fish use are described in the State Forest Practices Board Manual, Section 13. If fish use has not been determined:~~

~~i. Stream segments having a defined channel of two feet or greater within the bankfull width in Western Washington and having a gradient of sixteen percent or less;~~

~~ii. Stream segments having a defined channel of two feet or greater within the bankfull width, and having a gradient greater than sixteen percent and less than or equal to twenty percent and having an area greater than fifty acres in contributing basin size based on hydrographic boundaries;~~

~~iii. Ponds or impoundments having a surface area greater than one-half acre at seasonal low water and having an outlet to a fish stream;~~

~~iv. Ponds or impoundments having a surface area greater than one-half acre at seasonal low water.~~

~~4. Type 4 Water. All segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see State Forest Practices Board Manual, Section 23), the Type 4 waters begin at a point along the channel where the contributing basin area is at least thirteen acres.~~

~~5. Type 5 Water. All segments of natural waters within the bankfull width of defined channels that are not Type 1, 2, 3, or 4 waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 water. Type 5 waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 waters.~~

~~"Wetland" means those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.~~

~~Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.~~

~~Wetland Classifications. There are three general types of wetlands as classified by the U.S. Fish and Wildlife Service (Cowardin, et al., 1979):~~

~~1. Emergent. A wetland with at least thirty percent of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetation strata;~~

~~2. Forested. A wetland with at least twenty percent of the surface area covered by woody vegetation greater than twenty feet in height; and~~

3. Scrub-shrub. A wetland with at least thirty percent of its surface area covered by woody vegetation less than twenty feet as the uppermost strata.

Wetland Edge. Delineation of the wetland edge shall be based on the approved federal wetland delineation manual and applicable regional supplements or as revised.

Wetlands Rating System. Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Department of Ecology, 2014 Update, Publication No. 14-06-029 or as revised. The following wetlands categories are borrowed from the above-referenced wetlands rating system; provided, that in the event of an irreconcilable conflict between the following definitions of wetland categories and the definitions set forth in the wetlands rating system, the definition set forth in the wetlands rating system shall control to the extent of such conflict:

1. Category I. Category I wetlands are:
   a. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
   b. Bogs;
   c. Mature and old-growth forested wetlands larger than one acre; or
   d. Wetlands that perform many functions well (scoring twenty-three points or more).

   These wetlands represent unique or rare wetland types, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime, and provide a high level of functions.

2. Category II. Category II wetlands have a moderately high level of functions (scoring between twenty and twenty-two points).

3. Category III. Category III wetlands have a moderate level of functions (scoring between sixteen and nineteen points) and can often be adequately replaced with a well-planned mitigation project. Wetlands scoring between sixteen and nineteen points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

4. Category IV. Category IV wetlands have the lowest levels of functions (scoring fewer than sixteen points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

20.05.040 Maps and inventories.

The city has prepared a series of maps which approximate boundaries for the following critical areas within the city limits: geologically hazardous areas, wetlands, floodplains and floodways, shorelines, creeks, streams, and natural drainage courses. These maps provide only approximate boundaries of known features and are not adequate substitutes for more detailed maps and/or studies that could identify alternative locations of known features or additional critical area features not illustrated on the map. Copies of the maps are available for viewing at the Monroe City Hall. The Flood Insurance Rate Maps (FIRM) are available for review at Monroe City Hall; please contact the city engineer.

20.05.050 Applicability, exemptions, exceptions, and allowed uses.

~~A. Applicability.~~

~~1. The provisions of this chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in the city, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns or leases land within the city of Monroe. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purpose and requirements of this chapter.~~

~~2. The city of Monroe shall not approve any development proposal or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first assuring compliance with the requirements of this chapter.~~

~~a. Development proposals include proposals that require any of the following:~~

~~i. Building permit;~~

~~ii. Grading permit;~~

~~iii. Shoreline substantial development permit;~~

~~iv. Shoreline conditional use permit;~~

~~v. Shoreline variance;~~

~~vi. Right-of-way disturbance permit;~~

~~vii. Conditional use permit;~~

~~viii. Variance permit;~~

~~ix. Special use permit;~~

~~x. Planned residential development;~~

~~xi. Subdivision;~~

~~xii. Short subdivision;~~

~~xiii. Binding site plan;~~

~~xiv. Accessory dwelling unit;~~

~~or any subsequently adopted permits or required approvals not expressly exempted from these regulations.~~

~~3. Approval of a permit or development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.~~

~~B. Exemptions. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter, provided they are consistent with the provisions of other local, state, and federal laws and requirements:~~

~~1. Development and activities occurring in all isolated Category IV wetlands less than four thousand square feet that:~~

~~a. Are not associated with riparian areas or their buffers;~~

~~b. Are not associated with shorelines of the state or their associated buffers;~~

~~c. Are not part of a wetland mosaic;~~

~~d. Do not score five or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology); and~~

~~e. Do not contain a priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat.~~

~~Development and activities occurring in wetlands less than one thousand square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this chapter~~.

~~2. Emergency activities that threaten public health, safety, welfare, or risk of damage to private property and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter. Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area and/or its buffer. After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and buffers resulting from the emergency action in accordance with the approved critical area report and mitigation plan.~~

~~3. Single-family residential building permits are exempt from the requirements of this chapter when the development proposal involves:~~

~~a. Structural modification of, addition to or replacement of an existing residential structure or construction of a new residential structure where construction and associated disturbance are clearly equal to or greater than two hundred ten feet from the nearest critical area; or~~

~~b. Structural modification of, addition to, or replacement of an existing residential structure lawfully established prior to the effective date of the ordinance codified in this title that does not meet the building setback or critical area buffer requirements may be approved only if the modification, addition, replacement or related activity is located away from the critical area and does not increase the existing footprint within the critical area buffer or building setback by more than one thousand square feet.~~

~~4. Utilities.~~

~~a. Operation, maintenance or repair of existing structures, infrastructure improvements, existing utilities, public or private roads, dikes, levees, or drainage systems, including routine vegetation management activities when performed in accordance with approved best management practices, if the activity does not increase risk to life or property as a result of the proposed operation, maintenance or repair.~~

~~b. Activities within the Improved Right-of-Way. Replacement, modification, installation or construction of utility facilities, lines, pipes, mains, equipment or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased storm water, subject to the following:~~

~~i. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the right-of-way improvement, including disturbed areas; and~~

~~ii. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance.~~

~~c. Minor Utility Projects. Utility projects which have minor or short-term impacts to critical areas, as determined by the director in accordance with the criteria below, and which do not significantly impact the functions and values of a critical area(s); provided, that such projects are constructed with best management~~

~~practices and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased storm water runoff. Such allowed minor utility projects shall meet the following criteria:~~

~~i. There is no practical alternative to the proposed activity with less impacts on critical areas and all attempts have been made to first avoid impacts, minimize impacts, and lastly mitigate unavoidable impacts;~~

~~ii. The activity involves the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility;~~

~~iii. The activity involves disturbance of an area less than seventy-five square feet;~~

~~iv. The activity will not reduce the existing functions and values of the affected critical areas; and~~

~~v. Unavoidable impacts will be mitigated pursuant to an approved mitigation plan.~~

~~5. Activities and uses that do not require construction permits, in continuous existence since at least November 27, 1990, with no expansion of these activities within the critical area or associated buffer. For the purpose of this subsection, "continuous existence" includes cyclical operations normally associated with horticulture and agricultural activities.~~

~~C. Exceptions. The proponent of the activity shall submit a written request for exception from the director that describes the proposed activity and exception that applies. Depending on the exemption requested, the director (for administrative decisions) or hearing examiner (for reasonable use exceptions) shall review the exception requested to verify that it complies with this chapter and approve or deny the exception.~~

~~1. Public Agency or Utility Exception. If the application if this chapter would prohibit a development proposal by a public agency or public utility that is essential to its ability to provide service, the agency or utility may apply for an exception pursuant to this section. After holding a public hearing pursuant to MMC 21.50.030, the hearing examiner may approve the exception if the hearing examiner finds that:~~

~~a. There is no other feasible alternative to the proposed development with less impact on the critical areas, based on the demonstration by the applicant of the following factors:~~

~~i. The applicant has considered all possible construction techniques based on available technology that are feasible for the proposed project and eliminated any that would result in unreasonable risk of impact to the critical area; and~~

~~ii. The applicant has considered all available alignments within the range of potential alignments that meet the project purpose and for which operating rights are available.~~

~~b. The proposal minimizes and mitigates unavoidable impacts to critical areas and/or critical areas buffers. Any decision by the hearing examiner is final unless appealed.~~

~~2. Reasonable Use Exception. If the application of this chapter would deny all reasonable use of the property, development may be allowed which is consistent with the general purpose of this chapter and the public interest; provided, that the hearing examiner, after a public hearing, finds to the extent consistent with the constitutional rights of the applicant:~~

~~a. This chapter would otherwise deny all reasonable use of the property;~~

~~b. There is no other reasonable use consistent with the underlying zoning of the property that has less impact on the critical area and/or associated buffer;~~

~~c. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the property;~~

~~d. Any alteration is the minimal necessary to allow for reasonable use of the property;~~

~~e. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter or its predecessor; and~~

~~f. The applicant may only apply for a reasonable use exception under this subsection if the applicant has also applied for a variance pursuant to Chapter 18.98 MMC.~~

~~3. Innovative Development Design. An applicant may request approval of an innovative design that addresses buffer treatment in a manner that deviates from the standards for wetland, stream, fish and wildlife habitat conservation area buffers contained in this chapter under the following circumstances:~~

~~a. Where the applicant is proposing to redevelop a previously developed site on which existing lawfully established structures or impervious surface encroach into the buffers otherwise required by this chapter for wetlands, streams, or fish and wildlife habitat conservation areas, the director may reduce the required buffer to the boundary or boundaries of the lawfully established existing structures or impervious surface on the project property; provided, that the director finds that:~~

~~i. Within the reduced buffer area, the applicant will use innovative design to improve the condition of the buffer consistent with the standards for the applicable critical area(s) set forth in this chapter;~~

~~ii. In addition, the applicant will provide compensatory mitigation (on site, off site, or through mitigation banks) that provides functions and values equivalent to those that would have been provided had the project conformed to the standard buffer set forth in this chapter; and~~

~~iii. The innovative design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property.~~

~~b. The applicant shall prepare a critical areas study consistent with MMC 20.05.060 demonstrating the innovative development design complies with the standards in this subsection. All applicants for innovative designs are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact storm water management strategies that address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this section.~~

~~c. Where an applicant proposes to reduce the standard wetland, stream, fish and wildlife habitat conservation area buffers set forth in this chapter using innovative development design under this section, the other provisions of this chapter, including provisions regarding buffer reductions or modifications, shall not apply.~~

~~D. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:~~

~~1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – general forest practice permits (conversions) as defined in Chapter 76.09 RCW and Chapter 222-12 WAC.~~
~~2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.~~
~~3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.~~
~~4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed.~~
~~5. Enhancement of a wetland through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.~~
~~6. Educational and scientific research activities.~~
~~7. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not expand the footprint of the facility or right-of-way.~~
~~8. Storm water management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, runoff treatment or flow control BMP if all of the following criteria are met:~~

~~a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of three to four points; and~~
~~b. There will be "no net loss" of functions and values of the wetland; and~~
~~c. The wetland does not contain a breeding population of any native amphibian species; and~~
~~d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach," or the wetland is part of a priority restoration plan that achieves restoration goals identified in a shoreline master program or other local or regional watershed plan; and~~
~~e. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and~~
~~f. All regulations regarding storm water and wetland management are followed, including but not limited to local and state wetland and storm water codes, manuals, and permits; and~~

~~g. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.~~

~~9. Sites Subject to Development Agreement. Any proposed fill or alteration of a wetland on a site subject to a development agreement may be approved through a conditional use permit. In addition to the conditional use criteria in Chapter 18.96 MMC, the hearing examiner shall consider the following criteria:~~

~~a. Mitigation is provided that locates and/or restores a compensatory wetland area on the same site, and the compensatory wetland area provides a higher level of wetland function than existed prior to the fill or alteration; and~~

~~b. Mitigation establishes buffers with dense, native vegetation to protect the wetland functions and values; and~~

~~c. Assessment is provided demonstrating hydrology will support the created or reestablished wetland; and~~

~~d. Alterations adhere to applicable city, state, and federal requirements and permitting including, but not limited to, U.S. Army Corps of Engineers and the Department of Ecology.~~

~~e. A ten-year monitoring period is established in accordance with MMC 20.05.070, to ensure mitigation meets the design performance standards established in the approved mitigation plan.~~

20.05.055 Nonconforming uses.

~~A. Purpose. The purpose of this section establishes the terms and conditions for continuing nonconforming uses, structures and lots which are lawfully established prior to the effective date of the ordinance codified in this title.~~

~~B. Standards.~~

~~1. A legally established nonconforming lot, use or structure shall be deemed a legal nonconforming lot, use or structure and may be continued, transferred or conveyed and/or used as if conforming.~~

~~2. The burden of establishing that any nonconforming lot, use or structure lawfully existed as of the effective date of the ordinance codified in this chapter shall, in all cases, rest with the owner and not with the city.~~

~~C. Maintenance and Repair of Nonconforming Structures. Normal maintenance and incidental repair of legal nonconforming structures shall be permitted; provided, that it complies with all the sections of this chapter and other pertinent chapters of this code.~~

~~D. Reconstruction. Reconstruction, restoration or repair of a legal nonconforming structure damaged by fire, flood, earthquake or other disasters shall be permitted; provided, that such reconstruction shall not result in the expansion of the nonconforming structure.~~

~~E. Expansion of Nonconforming Use or Structure. No legal nonconforming use or structure may be expanded, enlarged, or extended in any way (including extension of hours of operation) unless such modification is in full compliance with this chapter or the terms and conditions of approved permits pursuant to this chapter.~~

~~F. Discontinuance of Nonconforming Use. All legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible. Conformance shall be required when:~~

~~1. The use has changed;~~

~~2. The structure(s) in which the use is conducted has moved; or~~

3. The use is terminated or discontinued for more than two years, or the structure(s) which houses the use is vacated for more than two years.

20.05.060 Critical areas studies.

A. Studies Required. When sufficient information to evaluate a proposal is not available, the director or his designee shall notify the applicant that a critical areas report is required. The city may hire an independent qualified professional to verify that a critical areas report is necessary and may be used to review the subsequent report. Critical areas reports shall be written by a qualified professional, as defined in the definitions section of this chapter. A critical areas report shall include a site analysis, a discussion of potential impacts, and specific mitigation measures designed to mitigate potential unavoidable impacts. A monitoring program may be required to evaluate the effectiveness of mitigating measures. These studies may be part of an expanded environmental checklist or included in an environmental impact statement.

B. Timing and Use of Studies. When an applicant submits an application for any development proposal, it shall indicate whether any critical areas or buffers are located on or adjacent to the site. If a critical area report is required, the city may retain consultants, at the applicant's expense, to assist in review of studies that are outside the range of staff expertise. The presence of critical areas may require additional time for review.

C. General Critical Areas Report Requirements. A critical areas report shall have three components: (a) a site analysis, (b) an impact analysis, and (c) proposed mitigation measures. More or less detail may be required for each component depending on the size of the project, severity, and potential impacts. The director may waive the requirement of any component when adequate information is otherwise available.

All studies shall contain the following information unless it is already available in the permit application:

1. Map of the project area at a one-to-twenty or larger scale including:
   a. Reference streets and property lines.
   b. Existing and proposed easements, rights-of-way, and structures.
   c. Contour intervals, as determined by the director.
   d. Hydrology. Show surface water features both on and adjacent to the site; show any water movement into, through, and off the project area; show stream and wetlands classifications; show seeps, springs, and saturated soil zones; and label wetlands not found on the city inventory maps as uninventoried.
   e. Location of buffer and building setback lines (if required or proposed).
2. Written report detailing:
   a. How, when, and by whom the report was performed (including methodology and techniques);
   b. Weather conditions during and prior to any field studies if relevant to conclusions and recommendations;
   c. Description of the project site and its existing condition;
   d. The total acreage of the site in critical area(s) and associated buffers;
   e. The proposed action and potential environmental impact of the proposed project to the critical area(s);
   f. The mitigation measures proposed to avoid or lessen the project impacts (during construction and permanently). When alteration to the critical area or its buffer is proposed, include a mitigation plan as specified by this chapter.

~~D. Additional Wetland Report Requirements. In addition, for wetlands, reports shall include the following:~~

~~1. On the map:~~

~~a. The edge of the wetland as flagged and surveyed in the field using the approved federal wetland delineation manual and applicable regional supplements, as required by RCW 36.70A.175;~~

~~b. The edge of the one-hundred-year floodplain, if appropriate;~~

~~c. The location of any existing or proposed utility easements, rights-of-way, and trail corridors;d. The location of any proposed wetland area(s) to be created through mitigation measures; and~~

~~e. The location of any proposed wetland alteration or fill.~~

~~2. In the report:~~

~~a. Description of the wetland by classification and general condition of wetland;~~

~~b. Description of vegetation species and community types present in the wetland and surrounding buffer;~~

~~c. Description of soil types within the wetland and the surrounding buffer using the USDA Soil Conservation Service soil classification system;~~

~~d. Description of hydrologic regime and findings;~~

~~e. Description of habitat features present and determination of actual use of the wetland by any endangered, threatened, rare, sensitive, or unique species of plants or wildlife as listed by the federal government or state of Washington;~~

~~f. Description of existing wetland and buffer functions and values;~~

~~g. Description of any proposed alteration to the wetland or its buffer including, but not limited to, filling, dredging, modification for storm water detention, clearing, grading, restoring, enhancing, grazing or other physical activities that change the existing vegetation, hydrology, soils or habitat;~~

~~h. If applicable, description of potential impacts to wetland functions and values and description of any proposed mitigation measures; and~~

~~i. Description of local, state, and federal regulations and permit requirements.~~

~~E. Additional Stream Report Requirements. In addition, for streams (including drainage ditches), reports shall include the following information:~~

~~1. On the map:~~

~~a. The location of the ordinary high water mark;~~

~~b. The toe of any slope twenty-five percent or greater within twenty-five feet of the ordinary high water mark;~~

~~c. The location of any proposed or existing stream crossing, utility easements, rights-of-way and trails; and~~

~~d. The edge of the existing one-hundred-year floodplain and, if applicable, the edge of the floodway.~~

~~2. In the report:~~

~~a. Characterization of riparian (streamside) vegetation species, composition, and habitat function;~~

~~b. Description of the soil types adjacent to and underlying the stream, using the Soil Conservation Service soil classification system;~~

~~c. Determination of the presence or absence of fish, and reference sources; and~~

~~d. When stream alteration is proposed, include stream width and flow, stability of the channel, type of substratum, discussions of infiltration capacity and biofiltration as compared to the stream prior to alteration, presence of~~

~~hydrologically linked wetlands, analysis of fish and wildlife habitat, and proposed floodplain limits.~~

~~F. Additional Flood Hazard Report Requirements. In addition, for areas in flood hazards, reports shall include the following information:~~

~~1. On the map:~~

~~a. The location of all floodplains in the development;~~

~~b. The location of the floodway where it has been delineated on the most recent Flood Insurance Rate Map (FIRM);~~

~~c. Where basin plans have been completed and adopted, the location of the floodplain and floodways shall be based upon the hydrologic and hydraulic analysis;~~

~~d. Identification of all proposed structures and grading within the floodplain.~~

~~2. In the report:~~

~~a. Identify how the boundaries of the floodways and floodplain were determined;~~

~~b. Record the elevation of National Geodetic Vertical Datum (NGVD) of the lowest floor of all new or substantially improved structures proposed in the existing floodplain.~~

~~G. Additional Geologically Hazardous Area Report Requirements. For geologically hazardous areas, reports shall include the following information:~~

~~1. On the map:~~

~~a. All geologically hazardous areas within or adjacent to the project area or that have potential to be affected by the proposal;~~

~~b. The top and toe of slope (Note: These should be located and flagged in the field subject to city staff review);~~

~~c. The location of any existing or proposed trails or utility corridors; and~~

~~d. All drainage plans for discharge of storm water runoff from developed areas.~~

~~2. In the report:~~

~~a. A geological description of the site;~~

~~b. A discussion of any evidence of existing instability, significant erosion or seepage on the slope;~~

~~c. A discussion of the depth of weathered or loosened soil on the site and the nature of the weathered and underlying basement soils;~~

~~d. An estimate of load capacity, including surface water and groundwater conditions, public and private sewage disposal system, fill and excavations, and all structural development;~~

~~e. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement;~~

~~f. A complete discussion of the potential impacts of seismic activity on the site;~~

~~g. Recommendations for management of storm water for any development above the top of slope;~~

~~h. A description of the nature and extent of any colluvium or slope debris near the toe of slope in the vicinity of any proposed development; and~~

~~i. Recommendations for appropriate building setbacks, grading restrictions, and vegetation management and erosion control for any proposed development in the vicinity of the geologically hazardous areas.~~

~~H. Additional Fish and Wildlife Habitat Conservation Habitat Report Requirements.~~

~~1. In the Report. An assessment of habitats including the following site and proposal related information:~~

~~a. A detailed description of vegetation on and adjacent to the project area;~~
~~b. Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;~~
~~c. A discussion of any federal, state, or local species management recommendations, including the state Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitat located on or adjacent to the project area;~~
~~d. A detailed discussion of the potential impacts on habitat by the project, including potential impacts to water quality;~~
~~e. A discussion of measures, including avoidance, minimization, and lastly mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with the mitigation sequencing; and~~
~~f. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.~~

~~20.05.070 Protection and mitigation measures.~~
~~The city of Monroe will use the following methods and mechanisms to accomplish the purposes of the critical areas regulations. This section shall be applied to all approved development applications and alterations when action is taken to implement the proposed action.~~
~~A. Native Growth Protection Easements. A native growth protection easement (NGPE) is an easement granted to the city for the protection of a critical area and/or its associated buffer. NGPEs shall be required as specified in these rules and shall be recorded on plats, short plats and final development permits and all documents of title and with the county recorder at the applicant's expense. The required language is as follows:~~

> ~~Dedication of a Native Growth Protection Easement (NGPE) conveys to the public a beneficial interest in the land within the easement. This interest includes the preservation of existing vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE imposes upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public of the city of Monroe, to leave undisturbed all trees and other vegetation within the easement. The vegetation in the easement may not be cut, pruned, covered by fill, removed, or damaged without express permission from the city of Monroe, which permission must be obtained in writing.~~
>
> ~~Before beginning and during the course of any grading, building construction or other development activity on a lot or development site subject to the NGPE, the common boundary~~

~~between the easement and the area of development activity must be fenced or otherwise marked to the satisfaction of the city of Monroe.~~

~~B. Critical Area Tracts. Critical area tracts are legally created nonbuilding lots containing critical areas and their buffers that shall remain undeveloped pursuant to the critical areas regulations. Separate critical area tracts are an integral part of the lot in which they are created; are not intended for sale, lease or transfer; and shall be incorporated in the area of the parent lot for purposes of subdivision and method of allocation and minimum lot size. The following development proposals shall identify such areas as separate tracts:~~

1. ~~Subdivisions;~~
2. ~~Short subdivisions;~~
3. ~~Planned residential developments;~~
4. ~~Contract rezones.~~

~~Responsibility for maintaining tracts shall be held by a homeowners association, adjacent lot owners, the permit applicant or designee, or other appropriate entity as approved by the city of Monroe.~~

~~The following note shall appear on the face of all plats, PRDs, or contract rezones and shall be recorded on the title for all affected lots:~~

> ~~NOTE: All lots adjoining separate tracts identified as Native Growth Protection Easements are jointly and severally responsible for the maintenance and protection of the tracts. Maintenance includes ensuring that no alteration occurs within the separate tracts and that vegetation remains undisturbed unless the express written permission of the city of Monroe has been received.~~

~~C. Building Setback Line (BSBL). Unless otherwise specified, a minimum BSBL of ten feet is required from the edge of any separate tract, buffer or NGPE, whichever is greatest.~~

~~D. Marking and/or Fencing.~~

1. ~~Temporary Markers. The outer perimeter of the wetland or buffer and the limits of these areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field so no unauthorized intrusion will occur and is subject to inspection by the director or his designee prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until directed by the director, or until permanent signs and/or fencing, if required, are in place.~~
2. ~~Permanent Marking and/or Fencing. Following the implementation of an approved development plan or alteration, the outer perimeter of the critical area or buffer that is not disturbed shall be permanently identified. This identification shall include permanent wood or metal signs on treated wood or metal posts. Signs shall be worded as follows:~~

   ~~Protection of this natural area is in your care.~~

   ~~Alteration or disturbance is prohibited. Please call the city of Monroe for more information.~~

~~The city shall approve sign locations during review of the development proposal. Along residential boundaries, the signs shall be at least four by six inches in size and spaced one per lot or every one hundred fifty feet for lots whose boundaries exceed one hundred fifty feet. At road endings, crossings, and other areas where public access to the critical area is allowed, the sign shall be a minimum of eighteen by twenty-four inches in size and spaced one every one hundred fifty feet.~~

~~Domestic grazing animals shall be excluded from stream, wetlands, and associated buffers by permanent fencing when necessary unless otherwise approved by the city. The fencing may provide limited access to the stream or wetland for stock watering purposes, but shall minimize bank disturbance.~~

~~The city may require permanent fencing where there is a substantial likelihood of the presence of domestic grazing animals with the development proposal. The city shall also require such fencing when, subsequent to approval of the development proposal, domestic grazing animals are in fact introduced. The city may use any appropriate enforcement actions including, but not limited to, fines, abatement, or permit denial to ensure compliance.~~

~~E. Monitoring. The city will require monitoring in development proposals where alteration of critical areas or their buffers are approved. Such monitoring shall be an element of the required mitigation plan and shall document and track impacts of development on the functions and values of critical areas, and the success and failure of mitigation requirements. Monitoring may include, but is not limited to:~~

~~1. Establishing vegetation transects or plots to track changes in plant species composition over time;~~
~~2. Using aerial or other photography to evaluate vegetation community response;~~
~~3. Sampling surface waters and groundwaters to determine pollutant loading;~~
~~4. Measuring base flow rates and storm water runoff to model and evaluate water quantity predictions;~~
~~5. Measuring sedimentation rates; and~~
~~6. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.~~

~~The property owner will be required to submit monitoring data and reports to the city on an annual basis or other schedule as required by the director. Monitoring shall continue for a period of five years or for a period necessary to establish that the mitigation performance standards have been met.~~

~~When monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action. Contingency plans developed as part of the original mitigation plan shall apply, but may be modified to address a specific deviation or failure. Contingency plan measures shall be subject to the monitoring requirement to the same extent as the original mitigation measures.~~

~~As a condition of approval for any project for which monitoring is required pursuant to this section, the applicant shall be required to record the monitoring requirements on a~~

~~form approved by the city of Monroe so that subsequent purchasers of the property subject to the monitoring requirements are bound by and aware of the requirements.~~

~~F. Notice on Title.~~

~~1. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any real property containing a critical area or buffer on which a development proposal is submitted shall file a notice with the recordings division of Snohomish County. The notice shall state the presence of the critical area or buffer on the property, of the application of this title to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the property.~~

~~2. This notice on title shall not be required for a development proposal by a public agency or public or private utility:~~

~~a. Within a recorded easement or right-of-way;~~

~~b. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or~~

~~c. On the site of a permanent public facility.~~

~~3. The applicant shall submit proof that the notice has been filed for public record before the city of Monroe approves any development proposal for the property or, in the case of subdivisions, short plats, and planned residential developments, at or before recording.~~

~~G. Fees. The applicant is responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review by qualified consultants, and other work prepared in support of, or necessary for, the city of Monroe critical areas review processing.~~

~~H. Performance Standards. Subdivisions, short subdivisions, and planned residential developments of land in critical areas and associated buffers are subject to the following:~~

~~1. Land that is wholly within a critical area or associated buffer may not be subdivided.~~

~~2. Land that is partially within a critical area or associated buffer area may be subdivided; provided, that an accessible and contiguous portion of each new lot is:~~

~~a. Located outside the critical area and buffer; and~~

~~b. Large enough to accommodate the intended use.~~

~~3. Accessory roads and utilities serving the proposed subdivision may be permitted within the critical area and associated buffer only if the director determines that no other feasible alternative exists and when consistent with this chapter.~~

~~I. Limited Density Transfer – Density Credit of Critical Areas.~~

~~1. An owner of property containing a critical area may be permitted to transfer the density attributed to the critical area to another, not containing a critical area(s) or its buffer, portion of the same site or property, subject to the limitations of this section.~~

~~2. Up to one hundred percent of the density that could be achieved on the critical area and buffer portion of the site can be transferred to a portion of the site not containing a critical area, subject to:~~

~~a. The density limitation of the underlying zoning classification;~~

~~b. The minimum lot size of the underlying zoning classification may be reduced by thirty percent (or as revised by the planned residential development standards, but not both) in order to accommodate the transfer in densities;~~

c. All other applicable standards established in Chapter 18.10 MMC including but not limited to zoning lot area, lot coverage, and setback requirements shall be met; and

d. The area to which density is transferred shall not be constrained by other critical areas regulation.

20.05.080 Wetland development standards.

A. General Standards. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided by this chapter. The following activities may only be permitted in a wetland or wetland buffer if the applicant can demonstrate that the activity will result in no net loss of the functions and values of the wetland and other critical areas:

1. Category I Wetlands. Activities and uses shall be prohibited from Category I wetlands, except as provided in the public agency and utility exception, reasonable use exception, and variance sections of this chapter.

2. Category II and III Wetlands. The following standards shall apply to Category II and III wetlands:

a. Water-dependent activities as provided for under the city's shoreline master program may be allowed where there are no practicable alternatives that would have a less adverse impact on the wetland and other critical areas.

b. Where non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

i. The basic project purpose cannot reasonably be accommodated on another site in the general region and successfully avoid, or result in less adverse impacts on, a wetland or its buffer;

ii. There are no feasible alternative designs of the project as proposed that would avoid, or result in less of an adverse impact on, a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project.

3. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical areas report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objective.

4. Property Access. Any wetland may be altered with the least possible impact and to the minimum extent necessary to gain access to developable property when no other alternative access exists. Alteration proposals shall be subject to city review and shall require compensation pursuant to a mitigation plan (see MMC 20.05.050).

5. Storm Water Management. Storm water management facilities are not allowed in wetlands. Storm water management facilities, limited to storm water dispersion outfall and bioswales, may be allowed within the outer twenty-five percent of the buffer of Category III and IV wetlands only; provided, that:

a. No other location is feasible; and

b. The location of such facilities will not degrade the functions and values of the wetland.

6. Trails. Public and private trails may be allowed within all buffers where it can be demonstrated in a critical areas report that the wetland and wetland buffer functions and values will not be degraded by trail construction or use. Trail planning, construction, and maintenance shall adhere to the following criteria:

~~a. Trail alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five percent of the buffer width except as needed to access viewing platforms. Trails may be placed on existing levees or railroad grades within these limits;~~

~~b. Trails shall be constructed of pervious materials. The trail surface shall meet all other requirements, including water quality standards set forth in the storm water manual adopted in MMC 15.01.025;~~

~~c. Trail alignment shall avoid trees in excess of six inches in diameter of any tree trunk at a height of four and one-half feet above the ground on the upslope side of the tree. Unavoidable impacts to trees shall be mitigated at a three to one replacement ratio;~~

~~d. Trail construction and maintenance shall follow the U.S. Forest Service Trails Management Handbook (FSH 2309.18, June 1987) and Standard Specifications for Construction of Trails (EM-7720-102, June 1984 or as revised);~~

~~e. Access trails to viewing platforms within the wetland may be provided. Trail access and platforms shall be aligned and constructed to minimize disturbance to valuable functions of the wetland or its buffer and still provide enjoyment of the resource;~~

~~f. Buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and~~

~~g. Equestrian trails shall provide measures to assure that runoff from the trail does not directly discharge to the wetland.~~

~~7. Utilities. Public and private utility corridors may be allowed within wetland buffers for Category II, III, and IV wetlands when no lesser impacting alternative alignment is feasible, and wetland and wetland buffer functions and values will not be degraded. Utilities, whenever possible, shall be constructed in existing, improved roads, drivable surface or shoulder, subject to compliance with road and maintenance BMPs, or within an existing utility corridor. Otherwise, corridor alignment, construction, restoration and maintenance shall adhere to the following criteria:~~

~~a. Corridor alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five percent of the buffer width, except when crossing a Category IV wetland and its buffer;~~

~~b. Corridor construction and maintenance shall maintain and protect the hydrologic and hydraulic functions of the wetland and the buffer;~~

~~c. Corridors shall be fully revegetated with appropriate native vegetation upon completion of construction; and~~

~~d. Utilities requiring maintenance roads shall be prohibited in wetland buffers unless the following criteria are met:~~

~~i. There are no lesser impacting alternatives;~~

~~ii. Any required maintenance roads shall be no greater than fifteen feet wide. Roads shall closely approximate the location of the utility to minimize disturbances; and~~

~~iii. The maintenance road shall be constructed of pervious materials and designed to maintain and protect the hydrologic functions of the wetland and its buffer.~~

~~B. Best Available Science. Any approval of alterations of impacts to a wetland or its buffer shall be supported by the best available science.~~

~~C. Native Growth Protection Easement/Critical Area Tract. As part of the implementation of approved development applications and alterations, wetlands and their buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 20.05.070, Protection and mitigation measures, shall be designated as native growth protection easements (NGPE). Any wetland and its associated buffer created as compensation for approved alterations shall also be designated as an NGPE.~~

~~When the subject development is a formal subdivision, short subdivision (short plat), or planned residential development (PRD), wetlands and their buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 20.05.070, Protection and mitigation measures.~~

~~D. Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.~~

~~Wetland buffers shall not include areas that are functionally and effectively disconnected from the wetland by a paved road or other substantially developed surface. This includes parking lots, walkways, and lawns that are of sufficient width and characteristic use such that buffer functions are not provided.~~

~~1. For wetlands that score five points or more for habitat function, the buffers in Table 20.05.080.1 can be used if both of the following criteria are met:~~

~~a. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW website at: http://wdfw.wa.gov/hab/phshabs.htm.~~

~~The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.~~

~~Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table 20.05.080.1 may be used with the required measures in Table 20.05.080.2 alone.~~

~~b. The measures in Table 20.05.080.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.~~

~~2. For wetlands that score three to four habitat points, only the measures in Table 20.05.080.2 are required for the use of Table 20.05.080.1.~~

~~3. If an applicant chooses not to apply the mitigation measures in Table 20.05.080.2, or is unable to provide a protected corridor where available, then Table 20.05.080.3 must be used.~~

~~4. The buffer widths in Tables 20.05.080.1 and 20.05.080.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.~~

~~Table 20.05.080.1~~
~~Wetland Buffer Requirements for Western Washington if Table 20.05.080.2 Is Implemented and Corridor Provided~~

-	~~Buffer width (in feet) based on habitat score~~			
~~Wetland Category~~	~~3 – 4~~	~~5~~	~~6 – 7~~	~~8 – 9~~
~~Category I: Based on total score~~	~~75~~	~~105~~	~~165~~	~~225~~
~~Category I: Bogs and wetlands of high conservation value~~	~~190~~			~~225~~
~~Category I: Forested~~	~~75~~	~~105~~	~~165~~	~~225~~
~~Category II: Based on score~~	~~75~~	~~105~~	~~165~~	~~225~~
~~Category III (all)~~	~~60~~	~~105~~	~~165~~	~~225~~
~~Category IV (all)~~	~~40~~			

~~Table 20.05.080.2~~
~~Required Measures to Minimize Impacts to Wetlands (measures are required if applicable to a specific proposal)~~

~~Disturbance~~	~~Required Measures to Minimize Impacts~~
~~Lights~~	• ~~Direct lights away from wetland~~
~~Noise~~	• ~~Locate activity that generates noise away from wetland~~
	• ~~If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source~~
	• ~~For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-ft. heavily vegetated buffer strip immediately adjacent to the outer wetland buffer~~
~~Toxic runoff~~	• ~~Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered~~
	• ~~Establish covenants limiting use of pesticides within 150 ft. of wetland~~
	• ~~Apply integrated pest management~~
~~Storm water runoff~~	• ~~Retrofit storm water detention and treatment for roads and existing adjacent development~~
	• ~~Prevent channelized flow from lawns that directly enters the buffer~~
	• ~~Use low impact development techniques (for more information refer to Chapter 15.01 MMC)~~
~~Change in water regime~~	• ~~Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns~~

~~Table 20.05.080.2~~
~~Required Measures to Minimize Impacts to Wetlands (measures are required if applicable to a specific proposal)~~

~~Disturbance~~	~~Required Measures to Minimize Impacts~~
~~Pets and human disturbance~~	• ~~Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion~~
	• ~~Place wetland and its buffer in a separate tract or protect with a conservation easement~~
~~Dust~~	• ~~Use best management practices to control dust~~

~~Table 20.05.080.3 Wetland Buffer Requirements for Western Washington if Table 20.05.080.2 Is Not Implemented or Corridor Not Provided~~

-	~~Buffer width (in feet) based on habitat score~~			
~~Wetland Category~~	~~3 – 4~~	~~5~~	~~6 – 7~~	~~8 – 9~~
~~Category I: Based on total score~~	~~100~~	~~140~~	~~220~~	~~300~~
~~Category I: Bogs and wetlands of high conservation value~~	~~250~~			~~300~~
~~Category I: Forested~~	~~100~~	~~140~~	~~220~~	~~300~~
~~Category II: Based on score~~	~~100~~	~~140~~	~~220~~	~~300~~
~~Category III (all)~~	~~80~~	~~140~~	~~220~~	~~300~~
~~Category IV (all)~~	~~50~~			

~~E. Additional Buffers. The city may require increased buffer sizes as necessary to protect wetlands when either the wetland is particularly sensitive to disturbance or the development poses unusual impacts. Examples of circumstances that may require buffers beyond minimum requirements include, but are not limited to:~~

~~1. Unclassified uses;~~
~~2. The wetland is in a critical drainage basin;~~
~~3. The wetland is a critical fish habitat for spawning or rearing as determined by the Washington Department of Fish and Wildlife;~~
~~4. The wetland serves an important groundwater recharge area as determined by a groundwater management plan;~~
~~5. The wetland acts as habitat for endangered, threatened, rare, sensitive, or monitor species;~~
~~6. The land adjacent to the wetland and its associated buffer and included in the development proposal is classified as an erosion hazard area; or~~
~~7. A trail or utility corridor in excess of ten percent of the buffer width is proposed for inclusion in the buffer.~~

~~F. Buffer Averaging. The city will consider the allowance of wetland buffer averaging only when the buffer area width after averaging will not adversely impact the critical~~

~~area and/or buffer functions and values. At a minimum, any proposed buffer averaging must also meet the following criteria:~~

~~1. The buffer area after averaging is no less than that which would be contained within the standard buffer; and~~

~~2. The buffer width shall not be reduced by more than twenty-five percent at any one point as a result of the buffer averaging.~~

~~G. Additional Wetland Mitigation Requirements. No net loss of wetland functions and values shall occur as a result of the overall project. If a wetland alteration is allowed, then the associated impacts will be considered unavoidable and the following mitigation measures to minimize and reduce wetland impacts shall be required, in addition to the requirements in MMC 20.05.070, Protection and mitigation measures.~~

~~1. Restoration/rehabilitation is required when a wetland (or stream) or its buffers has been altered on the site in violation of city regulations prior to development approval and as a consequence its functions and values have been degraded. Restoration is also required when the alteration occurs in violation of city regulations during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.~~

~~2. Restoration/rehabilitation is required when a wetland (or stream) or its buffers will be temporarily altered during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.~~

~~3. Compensation. The overall aim of compensation is no net loss of wetland and/or buffer functions on a development site. Compensation includes replacement or enhancement of wetlands and/or buffer (stream) depending on the scope of the approved alteration and what is needed to maintain or improve wetland and/or buffer functions. Compensation for approved wetland and/or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan.~~

~~4. a. Mitigation shall achieve equivalent or greater biological functions. Mitigation plans shall be consistent with the State Department of Ecology Wetland Mitigation in Washington State, Parts 1 and 2 (Publications No. 06-06-011a and b, 2006), as revised.~~

~~b. Preference of Mitigation Actions. Mitigation actions that require compensation shall occur in the following order of preference:~~

~~i. Restoring wetlands on upland sites that were formerly wetlands.~~

~~ii. Creating wetlands on disturbed upland sites such as those with vegetation cover consisting primarily of exotic introduced species.~~

~~iii. Enhancing significantly degraded wetlands only after a minimum one-to-one replacement ratio has been met.~~

~~c. On Site and In-Kind. Unless otherwise approved, all wetland impacts shall be compensated for through restoration or creation of replacement wetlands that are in-kind, on site, and of similar or better wetland category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success. The following ratios shall apply to wetland restoration and creation for mitigation:~~

~~Wetland Mitigation Replacement Ratios~~

~~Category and Type of Wetland~~	~~Creation or Reestablishment~~	~~Rehabilitation~~	~~Enhancement~~
~~I (Bog and wetlands of high conservation value)~~	~~Not considered possible~~	~~Case by case~~	~~Case by case~~
~~I (Mature forested)~~	~~6:1~~	~~12:1~~	~~24:1~~
~~I (Based on functions)~~	~~4:1~~	~~8:1~~	~~16:1~~
~~II~~	~~3:1~~	~~6:1~~	~~12:1~~
~~III~~	~~2:1~~	~~4:1~~	~~8:1~~
~~IV~~	~~1.5:1~~	~~3:1~~	~~6:1~~

~~d. Off Site and In-Kind. The city may consider and approve off-site compensation where the applicant can demonstrate that equivalent or greater biological and hydrological functions and values will be achieved. The compensation may include restoration, creation, or enhancement of wetland or streams so long as the project is within the same subdrainage basin. The compensation formulas required in subsection (G)(4)(c) of this section shall apply for off-site compensation as well.~~

~~e. Increased Replacement Ratios. The director may increase the ratios under the following circumstances:~~

~~i. Uncertainty exists as to the probable success of the proposed restoration or creation due to an unproven methodology or proponent; or~~

~~ii. A significant period will elapse between impact and replication of wetland functions; or~~

~~iii. The impact was unauthorized.~~

~~f. Decreased Replacement Ratios. The city may decrease the ratios required in subsection (G)(4)(c) of this section when all the following criteria are met:~~

~~i. A minimum replacement ratio of one to one will be maintained;~~

~~ii. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high rate of success;~~

~~iii. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; and~~

~~iv. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.~~

~~g. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication No. 06-06-011a and b, Olympia, WA, March, 2006), the director may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report" (Ecology Publication No. 10-06-011, Olympia, WA, March 2012), or as revised.~~

~~h. Wetland Enhancement as Mitigation.~~

~~i. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands only after a one-to-one minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance~~

~~wetlands must produce a critical areas report that identifies how enhancement will increase the functions and values of the degraded wetland and how this increase will adequately mitigate for the loss of wetland function at the impact site.~~

~~ii. At a minimum, enhancement acreage shall be four times the acreage required for creation acreage under subsection (G)(4)(c) of this section. The ratios shall be greater than four times the required acreage when the enhancement proposal would result in minimal gain in the performance of wetland functions currently provided in the wetland.~~

~~iii. Mitigation Plans for Alterations to Wetlands and Wetland Buffers. Mitigation plans shall be consistent with the State Department of Ecology Wetland Mitigation in Washington State, Parts 1 and 2 (Publications No. 06-06-011a and b, 2006), or as revised. At a minimum, the following components shall be included in a complete mitigation plan:~~

~~(A) Baseline Information. Provide existing conditions information for both the impacted critical area and the proposed mitigation site as described in MMC 20.05.060(C), General Critical Areas Report Requirements, and (D), Additional Wetland Report Requirements.~~

~~(B) Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and include:~~

~~(1) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and~~

~~(2) A review of the best available science supporting the proposed mitigation.~~

~~(C) Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.~~

~~(D) Detailed Construction Plan. These are the written specifications and descriptions of mitigation techniques. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.~~

~~(E) Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones,~~

~~successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a minimum of five years, ten years when establishing woody vegetation, or a period necessary to establish that performance standards have been met.~~

~~(F) Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.~~

~~i. Wetland Mitigation Banks. An alternative to on-site permittee-responsible mitigation involves use of wetland mitigation banks.~~

~~i. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:~~

~~(A) The bank is certified under state rules (Chapter 173-700 WAC);~~

~~(B) The city determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and~~

~~(C) The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.~~

~~ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.~~

~~iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument.~~

~~20.05.090 Stream development standards.~~

~~A. General Standards. Activities may only be permitted in a stream or stream buffer if the applicant can show that the proposed activity will not degrade the functions and values of the stream, stream buffer, or other critical area.~~

~~1. Type 1, 2, and 3 Streams. Activities and uses shall be prohibited in Type 1, 2, and 3 streams except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this chapter (see MMC 20.05.050, Applicability, exemptions, and exceptions).~~

~~2. Type 4 and 5 Streams. Activities and uses that result in unavoidable and necessary impacts may be permitted in Type 4 and 5 streams and buffers in accordance with an approved critical areas report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives.~~

~~3. Stream Crossings. Stream crossings shall be minimized, but when necessary they shall conform to the following standards as well as other applicable laws (see the state Department of Fish and Wildlife, or Ecology).~~

~~a. The stream crossing is the only reasonable alternative that has the least impact;~~

~~b. It has been shown in the critical areas report that the proposed crossing will not decrease the stream and associated buffer functions and values;~~

~~c. All stream crossings using culverts shall use super span or oversized culverts with appropriate fish enhancement measures. Culverts shall not obstruct fish passage;~~

~~d. All stream crossings shall be constructed during the summer low flow period between June 15th and September 15th or as specified by the state Department of Fish and Wildlife in the hydraulic project approval;~~

~~e. Stream crossings shall not occur through salmonid spawning areas unless no other feasible crossing site exists;~~

~~f. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;~~

~~g. Stream crossings shall not diminish the flood-carrying capacity of the stream;~~

~~h. Stream crossings shall provide for maintenance of culverts and bridges; and~~

~~i. Stream crossings shall be minimized by serving multiple properties whenever possible.~~

~~4. Relocations. Type 4 streams beyond one-quarter mile of a stream with salmonids and Type 5 streams may be relocated with appropriate floodplain protection measures under the following conditions:~~

~~a. Stream and buffer functions in the relocated stream section must be equal to or greater than the functions and values provided by the stream and buffer prior to relocation;~~

~~b. The equivalent base flood storage volume shall be maintained;~~

~~c. There shall be no impact to local groundwater;~~

~~d. There shall be no increase in water velocity;~~

~~e. There is no interbasin transfer of water;~~

~~f. The relocation shall occur on-site and shall not result in additional encumbrances on neighboring properties unless necessary easements and waivers are obtained from affected property owners;~~

~~g. The alteration conforms to other applicable laws or rules, including erosion control in accordance with the city of Monroe public works design and construction standards;~~

~~h. The required mitigation plan has been reviewed and approved by the city of Monroe; and~~

~~i. The studies required in the critical areas regulations section of these regulations shall be submitted and approved.~~

~~5. Trails. The criteria for alignment, construction, and maintenance of trails within wetlands and their buffers shall apply to trails within stream buffers. The criteria for stream crossings shall also apply.~~

~~6. Utilities. The criteria for alignment, construction, and maintenance within the wetland buffers shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer, and crossings shall be minimized. Crossings shall be contained within the existing footprint of an existing road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than sixty degrees to the centerline of the channel. The criteria for stream crossing shall also apply.~~

~~7. Floodway-Dependent Structures. Floodway-dependent structures or installations may be permitted within streams if allowed or approved by other ordinances or other agencies with jurisdiction.~~

~~8. Stream Channel Stabilization. Stream bank stabilization shall only be allowed when it is shown, through a stream bank stability assessment conducted by a qualified fluvial geomorphologist or hydraulic engineer, that such stabilization is required for public safety reasons, that no other less intrusive actions are possible, and that the stabilization will not degrade in-stream or downstream channel stability. Stream bank stabilization shall conform to the Integrated Streambank Protection~~

~~Guidelines developed by the Washington State Department of Fish and Wildlife, 2002 or as revised.~~

~~B. Best Available Science. Any approval of alterations of impacts to a stream or its buffers shall be supported by the best available science.~~

~~C. Native Growth Protection Easement/Critical Areas Tract. As part of the implementation of approved development applications and alterations, streams and their buffers shall remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 20.05.070, Protection and mitigation measures, and shall be designated as native growth protection easements (NGPE). These include Type 1, 2, 3, and 4 streams when located within one-quarter mile of a stream with salmonids, unless the city has waived the NGPE requirements (see below), or where the alteration section expressly exempts Type 5 streams and Type 4 streams, when beyond one-quarter mile of a stream with salmonids, from an NGPE. Where a stream or its buffer has been altered on the site prior to approval of the development proposal, the area altered shall be restored using native plants and materials. The restoration work shall be done pursuant to an approved mitigation plan.~~

~~The city may waive the NGPE requirements on Type 4 streams, when located beyond one-quarter mile of a stream with salmonids, and Type 5 streams and their buffers if all the following criteria are met:~~

~~1. The stream does not flow directly into a stream used by salmonids;~~

~~2. The stream is not in a critical drainage basin;~~

~~3. All buffer, building setback line, and floodplain distances are identified on the appropriate documents of title;~~

~~4. The stream channel and buffer are maintained as a vegetated open swale without altering the channel dimensions or alignment and are recorded in a drainage easement to the city of Monroe that requires that the channel remain open and vegetated for water quality and hydrologic purposes;~~

~~5. All clearing proposed within the stream and its buffer shall occur between April 1 and September 1, or as further restricted by timing limits established by the state Department of Fish and Wildlife, and shall meet all erosion and sedimentation requirements of the city;~~

~~6. There are no downstream flooding or erosion problems within one-half mile of the site;~~

~~7. The stream is not within an erosion hazard area; and~~

~~8. No existing water wells are within or adjacent to the stream.~~

~~When the subject development is a formal subdivision, short subdivision (short plat), or planned residential development (PRD), the streams and their buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 20.05.070, Protection and mitigation measures.~~

~~D. Minimum Buffers. The following buffers are the minimum requirements. All buffers shall be measured from the ordinary high water mark (OHWM).~~

~~1. Type 1 streams shall have a two-hundred-foot buffer on each side of the channel.~~

~~2. Type 2 streams shall have a two-hundred-foot buffer on each side of the channel.~~

~~3. Type 3 streams shall have a two-hundred-foot buffer on each side of the channel.~~

~~4. Type 4 streams, within a quarter mile of a stream with salmonids, shall have a buffer of one hundred fifty feet on each side of the channel.~~

~~5. Type 4 streams, beyond a quarter mile of a stream with salmonids, shall have a buffer of seventy-five feet on each side of the channel.~~

~~6. Type 5 streams shall have a fifty-foot buffer on each side of the channel.~~

~~7. Unclassified streams shall be assigned a rating based on the critical areas report and field verification, and the appropriate buffer shall apply.~~

~~E. Additional Buffers. The city may require increased buffer sizes as necessary to protect streams when either the stream is particularly sensitive to disturbances or the development poses unusual impacts. Examples of circumstances that may require buffers beyond minimum requirements include, but are not limited to:~~

~~1. Unclassified uses;~~

~~2. The stream is in a critical drainage basin as designated by the city of Monroe;~~

~~3. The stream reach adjacent to the development proposal serves as critical fish habitat for spawning and rearing;~~

~~4. The stream serves as habitat for endangered, threatened, rare, sensitive, or monitor species listed by the federal government or the state of Washington;~~

~~5. The land adjacent to the stream and its associated buffer and included within the development proposal is classified as an erosion hazard area; or~~

~~6. A trail in excess of ten percent of the buffer width is proposed for inclusion in the buffer.~~

~~F. Buffer Reductions. The city may reduce up to twenty-five percent of the buffer requirement only if sufficient information is available showing:~~

~~1. The applicant has demonstrated that mitigation sequencing efforts have been appropriately utilized: avoid, minimize, and lastly mitigate;~~

~~2. The proposed buffer reduction shall be accompanied by a mitigation plan that includes enhancement of the reduced buffer area;~~

~~3. The reduction will not adversely affect directly or indirectly the critical area and/or buffer in the short or long term;~~

~~4. The reduction will not adversely affect water quality;~~

~~5. The reduction will not destroy, damage or disrupt a significant habitat area; and~~

~~6. The reduction is necessary for reasonable development of the subject property.~~

~~G. Buffer Averaging. The city will consider the allowance of buffer averaging only when the buffer area after the averaging is no less than that which would be contained within the standard buffer.~~

~~Additionally, the buffer width shall not be reduced by more than twenty-five percent at any one point as a result of the buffer averaging. The buffer width reduction will not adversely impact the critical area and/or its buffer functions and values.~~

~~H. Additional Stream Mitigation Requirements. No net loss of stream functions and values shall occur as a result of the overall project. The mitigation requirements for stream alterations, in addition to the requirements in MMC 20.05.070, Protection and mitigation measures, shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan:~~

~~1. Maintain or improve stream channel dimensions, including depth, length, and gradient;~~

~~2. Restore disturbed stream buffer areas with native vegetation;~~

~~3. Create an equivalent or improved channel bed;~~

~~4. Create equivalent or improved biofiltration; and~~

~~5. Replace disturbed stream and stream buffer habitat features and areas.~~

~~I. Mitigation Plans for Alteration to Streams and Stream Buffers. The scope and content of a mitigation plan shall be decided on a case-by-case basis; as the impacts to the critical area increase, the mitigation measures to offset these impacts will increase in number and complexity. At a minimum, the following components shall be included in a complete mitigation plan:~~

~~1. Baseline Information. Provide existing conditions information for both the impacted critical areas and the proposed mitigation site as described in MMC 20.05.060(C), General Critical Area Report Requirements, and MMC 20.05.060(E), Additional Stream Report Requirements.~~

~~2. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:~~

~~a. Description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and~~

~~b. A review of the best available science supporting the proposed mitigation.~~

~~3. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.~~

~~4. Detailed Construction Plan. These are the written specifications and descriptions of mitigation technique.~~

~~This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.~~

~~5. Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for five years or a period necessary to establish that performance standards have been met.~~

~~6. Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.~~

~~The city of Monroe shall determine during the review of the requested studies which of the above components shall be required as part of the mitigation plan. Key factors in this determination shall be the size and nature of the development proposal, the nature of the impacted critical areas, and the degree of cumulative impacts on the critical area from other development proposals.~~

~~**20.05.100 Fish and wildlife habitat conservation areas standards.**~~

~~A. General Standards. Fish and wildlife habitat conservation areas may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the qualitative functions and values of the habitat. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this chapter.~~

~~No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval. Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical areas report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.~~

~~B. Conditions. The director shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffer, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include:~~

~~1. Establishment of buffer zones;~~

~~2. Preservation of critically important vegetation;~~

~~3. Limitation of access to the habitat area, including fencing to deter unauthorized access;~~

~~4. Seasonal restrictions of construction activities;~~

~~5. Establishment of a duration and timetable for periodic review of mitigation activities; and~~

~~6. Requirement of a performance bond, when necessary, to ensure completion.~~

~~C. Mitigation. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biological functions and shall include mitigation for adverse impacts upstream and downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.~~

~~D. Best Available Science. Any approval of alterations or impacts to habitat conservation area shall be supported by the best available science.~~

~~E. Native Growth Protection Easement/Critical Area Tract. As part of the implementation of approved development applications and alterations, fish and wildlife habitat conservation areas and any associated buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 20.05.070, Protection and mitigation measures, shall be designated as native growth protection easements (NGPE).~~

~~When the subject development is a formal subdivision, short subdivision (short plat), or planned residential development (PRD), the fish and wildlife habitat conservation area(s) and any associated buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 20.05.070, Protection and mitigation measures.~~

~~F. Buffers.~~

~~1. Buffer areas shall be established for areas of activity in, or adjacent to, habitat conservation areas when needed to protect such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, function and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the state Department of Fish and Wildlife.~~

~~2. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the seasonal period.~~

~~G. Endangered, Threatened, and Sensitive Species.~~

~~1. No development shall be allowed within a habitat conservation area or any associated buffer with which state or federally endangered, threatened, or sensitive species have a primary association.~~

~~2. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such areas shall be protected through the application of protection measures in accordance with a critical areas report prepared by a qualified professional and approved by the city. Approval of alteration of land adjacent to the habitat conservation area or any associated buffer shall not occur prior to consultation with the state Department of Fish and Wildlife and the appropriate federal agency, if applicable.~~

~~3. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).~~

~~H. Anadromous Fish.~~

~~1. Activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, the following:~~

~~a. Activities shall be timed to occur only during the allowable work window as designated by the state Department of Fish and Wildlife;~~

~~b. An alternative alignment or location for the activity is not feasible;~~

~~c. The activity is designed so that it will minimize the degradation of the functions or values of the fish habitat or other critical areas; and~~

~~d. Any impact to the functions and values of the habitat conservation area are mitigated in accordance with an approved critical areas report.~~

~~2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish and shall prevent juveniles migrating downstream from being trapped or harmed.~~

~~3. Fills, when authorized, shall minimize the adverse impacts to anadromous fish and their habitat, shall mitigate any unavoidable impacts, and shall only be allowed for water-dependent uses.~~

~~20.05.110 Flood hazard area development standards.~~

~~All development proposals in an area of special flood hazard as defined in MMC 20.05.030 are subject to the regulations in Chapter 14.01 MMC.~~

~~20.05.120 Geologically hazardous areas.~~

~~A. Designation. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but may also increase the hazard to surrounding development and uses. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:~~

~~1. Erosion hazard;~~

~~2. Landslide hazard;~~
~~3. Seismic hazard; and~~
~~4. Other geological events including tsunami, mass wasting, debris flows, rock falls, and differential settlement.~~

~~B. Designation of Specific Geologic Hazard Areas.~~

~~1. Erosion Hazard Areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having "severe" or "very severe" rill and inter-rill erosion hazard.~~

~~2. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:~~

~~a. Areas of historic failure, such as:~~

~~i. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development; or~~

~~ii. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;~~

~~b. Areas with all three of the following characteristics:~~

~~i. Slopes steeper than fifteen percent; and~~

~~ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlaying a relatively impermeable sediment or bedrock; and~~

~~iii. Springs or groundwater seepage;~~

~~c. Areas that have shown movement during the Holocene epoch (from ten thousand years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;~~

~~d. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and faults) in subsurface materials;~~

~~e. Slopes having a gradient steeper than eighty percent subject to rock fall during seismic shaking;~~

~~f. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;~~

~~g. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and~~

~~h. Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.~~

~~3. Seismic Hazard Areas. Seismic hazard areas are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface failure. The strength of ground shaking is primarily affected by:~~

~~a. The magnitude of an earthquake;~~

~~b. The distance from the source of an earthquake;~~

~~c. The type and thickness of geologic materials at the surface; and~~

~~d. The type of subsurface geological structure.~~

~~C. Mapping of Geologically Hazardous Areas.~~

~~1. The approximate location and extent of geologically hazardous areas are shown on the adopted critical areas maps. The adopted critical areas maps include:~~

~~a. U.S. Geological Survey landslide hazard, seismic hazard, and volcanic hazard maps;~~

~~b. Department of Natural Resources seismic hazard maps of Western Washington, as they become available;~~

~~c. Department of Natural Resources slope stability maps, as they become available;~~

~~d. Federal Emergency Management Administration flood insurance maps; and~~

~~e. Locally adopted maps.~~

~~2. These maps are to be used as a guide for the city of Monroe, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.~~

~~D. Best Available Science. Any approval of alterations of impacts to a geologically hazardous area or any associated buffers shall be supported by the best available science.~~

~~E. Native Growth Protection Easement/Critical Area Tract. As part of the implementation of approved development applications and alterations, geologically hazardous areas and any associated buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 20.05.070, Protection and mitigation measures, shall be designated as native growth protection easements (NGPE). When the subject development is a formal subdivision, short subdivision (short plat), or planned residential development (PRD), the geologically hazardous area(s) and any buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 20.05.070, Protection and mitigation measures.~~

~~F. Allowed Activities. The following activities are allowed in geologically hazardous areas and do not require submission of a critical areas report:~~

~~1. Erosion and Landslide Hazard Areas. Except as otherwise provided for in this chapter, only those activities approved and permitted consistent with an approved critical areas report in accordance with this chapter shall be allowed.~~

~~2. Seismic Hazard Areas. The following activities are allowed within seismic hazard areas:~~

~~a. Construction of new buildings and/or additions will be reviewed on a case-by-case basis.~~

~~b. Installation of fences.~~

~~3. Other Hazard Areas. The following activities areas are allowed within other geological hazard areas:~~

~~a. Construction of new buildings and/or additions will be reviewed on a case-by-case basis.~~

~~b. Installation of fences.~~

~~G. Performance Standards – General Requirements.~~

~~1. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:~~

~~a. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;~~

~~b. Will not adversely impact other critical areas;~~

~~c. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and~~

~~d. Are certified as safe as designed and under anticipated conditions by a qualified geotechnical engineer or geologist, licensed in the state of Washington.~~

~~H. Performance Standards – Specific Hazards.~~

~~1. Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:~~

~~a. Buffers Required. A buffer shall be established for all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the city to eliminate or minimize the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical areas report prepared by a qualified professional.~~

~~b. Minimum Buffers. The minimum buffer shall be equal to the height of the slope or fifty feet, whichever is greater.~~

~~c. Buffer Reduction. The buffer may be reduced to a minimum of ten feet when a qualified professional demonstrates to the director's satisfaction that the reduction will adequately protect the proposed development, adjacent developments and uses, and the subject critical area.~~

~~d. Increased Buffer. The buffer may be increased when the director determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.~~

~~e. Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and certifies that:~~

~~i. The development will not increase surface water discharge or sedimentation to adjacent properties beyond the predevelopment condition;~~

~~ii. The development will not decrease slope stability on adjacent properties; and~~

~~iii. Such alteration will not adversely impact other critical areas.~~

~~I. Design Standards. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:~~

~~1. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of one and one-half for static condition and one and two-tenths for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;~~

~~2. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;~~

~~3. Structures and improvements shall minimize alterations to the natural contours of the slope and foundations shall be tiered where possible to conform to existing topography;~~

~~4. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;~~

~~5. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;~~

~~6. The use of retaining walls that allow the maintenance of existing natural slopes is preferred over graded artificial slopes; and~~

~~7. Development shall be designed to minimize impervious lot coverage.~~

~~J. Vegetation. Vegetation shall be retained unless it can be shown that the removal will not increase the geologic hazards, and a vegetation management plan is submitted with the request.~~

~~K. Seasonal Restriction. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the city may extend or shorten the dry season on a case-by-case basis depending on the actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practices permit issued by the state Department of Natural Resources.~~

~~L. Utility Lines and Pipes. Utility lines and pipes shall be permitted in the erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and be properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Storm water conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.~~

~~M. Point Discharge. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:~~

~~1. Conveyance via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge; and~~

~~2. Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the city determines that no other feasible alternative exists.~~

~~N. Subdivisions. The division of land in erosion or landslide hazard areas and associated buffers is subject to provisions established for all critical areas in MMC 20.05.070, Protection and mitigation measures.~~

~~O. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and associated buffers.~~

~~20.05.130 Bonds.~~

~~An applicant for development within a critical area as identified herein may be required to furnish the city with a performance bond and/or maintenance bond for any required mitigating measures. The city attorney or director shall determine the amount and time limitation of the bond or other security.~~

~~20.05.140 Appeal.~~

~~Appeals of administrative decisions shall be governed by MMC Title 21, Development Review Procedures.~~

~~20.05.150 Enforcement.~~

~~The provisions of Chapter 21.70 MMC, Enforcement, shall regulate the enforcement of these critical areas regulations. Adherence to the provisions of this chapter and/or to the project conditions shall be required throughout the construction of the development. Should the director determine that a development is not in compliance with the approved plans, a stop work order may be issued for the violation. In the event of a violation of this chapter, the director shall have the power to order complete or partial~~

~~restoration of the critical area by the person or agent responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the city shall have the authority to restore the affected critical area to the prior condition wherever possible and the person or agent responsible for the original violation shall be indebted to the city for the cost of restoration. When a stop work order has been issued, construction shall not continue until such time as the violation has been corrected and that the same or similar violation is not likely to reoccur.~~

~~Chapter 20.06~~
~~CONCURRENCY MANAGEMENT SYSTEM~~

~~Sections:~~

~~20.06.010 Title.~~
~~20.06.020 Purpose.~~
~~20.06.030 Definitions.~~
~~20.06.040 Applications for development approval.~~
~~20.06.050 Repealed.~~
~~20.06.060 Fees.~~
~~20.06.070 Conflict with other ordinances and codes.~~
~~20.06.080 Savings provision.~~

~~20.06.010 Title.~~

~~This chapter shall be hereinafter known as the "concurrency management system ordinance," may be cited as such, and will be hereinafter referred to as "this chapter."~~

~~20.06.020 Purpose.~~

~~This chapter provides the necessary regulatory mechanism for determining that a property owner meets the concurrency provisions of the comprehensive plan for development purposes and which ensures that adequate public facilities at acceptable levels of service are available to support the development's impact.~~

~~20.06.030 Definitions.~~

~~As used in this chapter, the following definitions shall apply:~~

~~A. "Building permit" means an official document or certificate issued by the building official authorizing performance of construction or alteration of a building or structure.~~

~~B. Repealed by Ord. 033/2008.~~

~~C. "Comprehensive plan" means the city of Monroe comprehensive plan.~~

~~D. "Concurrency" means when adequate public facilities meeting the level of service standard are in place at the time a development permit is issued, or a development permit is issued subject to the determination that the necessary facilities will be in place when the impacts of the development occur, or that improvements or strategy are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years of the time of the development, as set forth in the comprehensive plan.~~

~~E. "Concurrency determination" means a nonbinding determination of what public facilities and services are available at the date of inquiry.~~

~~F. "Concurrency management system" means the procedures and processes utilized by the city to determine that development approvals, when issued, will not result in the reduction of the level of service standards set forth in the comprehensive plan.~~
~~G. "De minimis development" means a proposed development relating to land use of such a low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in the comprehensive plan; such development shall be exempt from concurrency review. Development approvals for single-family dwellings shall be deemed de minimis. Any development generating less than thirty-eight average daily trips shall be deemed de minimis for purposes of assessing transportation levels of service.~~
~~H. "Development" means the particular development activity authorized by the unexpired development approval issued for a specific project.~~
~~I. Development Approvals. The following unexpired development approvals shall be considered to be final development approvals:~~

~~1. Final subdivision plat approval; and~~
~~2. Building permit.~~

~~J. "Development action" means an action of the city, such as a land use amendment to the comprehensive plan or a rezoning.~~
~~K. Public Facilities and Services. The following public facilities and services for which level of service standards have been established in the comprehensive plan:~~

~~1. Potable water;~~
~~2. Wastewater;~~
~~3. Storm water drainage;~~
~~4. Police and fire protection;~~
~~5. Parks and recreation;~~
~~6. Arterial roadways;~~
~~7. Public schools.~~

~~20.06.040 Applications for development approval.~~
~~A. Development Approvals.~~

~~1. Each applicant for a development action/approval, except those exempted from concurrency, shall be required to meet concurrency provisions described within this chapter.~~
~~2. An applicant requesting development action/approval shall provide all information required by the city, as part of a complete application packet, in order for the city to evaluate if a proposal meets concurrency standards. Such information shall include any information required by the director of community development.~~
~~3. No development approvals will be granted unless the applicant meets concurrency provisions.~~

~~B. Nonbinding Determinations.~~

~~1. An applicant requesting a development action/approval shall provide all information required by the city in order for a nonbinding concurrency determination to be made on the proposed project. Such required information shall include any information required by the director of community development in order to make a concurrency determination. The concurrency determination shall become a part of the staff recommendation regarding the requested development action.~~
~~2. An individual may request a nonbinding concurrency determination, prior to applying for a development action/approval, by submitting a request and applicable fees to the community development department. Information required to make this determination is the same as that cited in subsection (A)(2) of this section.~~

~~20.06.050 Certificate of concurrency.~~
~~*Repealed by Ord. 033/2008.*~~

~~20.06.060 Fees.~~
~~A. The city shall charge a processing fee to any individual that requests a nonbinding concurrency determination not associated with an application for development approval or development action. The processing fee shall be nonrefundable and nonassignable to any other fees. Such fee shall be determined by resolution of the city council at a date subsequent to the effective date of the ordinance codified in this chapter.~~
~~B. The following types of development shall be exempt from paying the concurrency determination fee:~~
~~1. Nonprofit agencies whose primary chartered purpose is to provide affordable housing, and~~
~~2. Other governmental agencies.~~

~~20.06.070 Conflict with other ordinances and codes.~~
~~In cases of conflict between this chapter or any part thereof, and any part of any other existing or future ordinance or code, the most restrictive in each case shall apply.~~

~~20.06.080 Savings provision.~~
~~If any part of this chapter is held to be unconstitutional, it shall be construed to have the legislative intent to pass the ordinance codified in this chapter without such unconstitutional part and the remainder of this chapter as to exclusion of such part shall be deemed and held to be valid as if part had not been included herein.~~

~~Chapter 20.07~~
~~SCHOOL IMPACT MITIGATION FEE PROGRAM~~

~~Sections:~~
~~20.07.010 Title.~~
~~20.07.020 Purpose.~~
~~20.07.030 Words defined by RCW 82.02.090.~~
~~20.07.040 School mitigation definitions.~~
~~20.07.045 School impact fee eligibility.~~
~~20.07.050 School capital facilities plan.~~
~~20.07.060 Updating of school district plans.~~
~~20.07.061 Minimum requirements for school capital facilities plans.~~
~~20.07.070 City adoption of school capital facilities plans.~~
~~20.07.075 City adoption of school impact fees.~~
~~20.07.080 Delays.~~
~~20.07.090 Fee required – Intent.~~
~~20.07.100 Impact fee schedule.~~
~~20.07.105 Impact fee exemptions.~~
~~20.07.110 Impact fee limitations.~~
~~20.07.120 Fee determination.~~
~~20.07.130 Credit for in-kind contributions.~~

~~20.07.140 SEPA mitigation and other review.~~
~~20.07.150 Collection and transfer of fees.~~
~~20.07.160 Use of funds.~~
~~20.07.170 Refunds.~~
~~20.07.180 Administrative adjustment of fee amount.~~
~~20.07.190 Appeals of decisions – Procedure.~~
~~20.07.200 Vesting of school mitigation.~~
~~20.07.210 Conflict with other ordinances and codes.~~
~~20.07.220 Savings provision.~~

~~20.07.010 Title.~~
~~This chapter shall be hereinafter known as the "school impact mitigation fee program," may be cited as such, and will be hereinafter referred to as "this chapter."~~

~~20.07.020 Purpose.~~
~~This chapter provides the necessary regulatory mechanism for determining school impact mitigation fees and that a property owner meets the concurrency provisions of the comprehensive plan for development purposes and which ensures that adequate public facilities at acceptable levels of service are available to support the development's impact.~~

~~20.07.030 Words defined by RCW 82.02.090.~~
~~Words used in this chapter and defined in RCW 82.02.090 shall have the same meaning assigned in RCW 82.02.090 unless a more specific definition is contained in MMC 20.07.040.~~

~~20.07.040 School mitigation definitions.~~
~~"Average assessed value" means the average assessed value by dwelling unit type of all residential units constructed within the district.~~
~~"Boeckh Index" means the current construction trade index of construction costs for each school type.~~
~~"Capacity" means the number of students the district's facilities can accommodate district-wide, as determined by the district.~~
~~"Capital facilities" means school facilities identified in the district's capital facilities plan and are "system improvements" as defined by the GMA as opposed to localized "project improvements."~~
~~"Capital facilities plan" means the district's facilities plan adopted by the school board consisting of those elements meeting the requirements of the GMA.~~
~~"City" means the city of Monroe.~~
~~"City council" means the Monroe city council.~~
~~"Classrooms" mean educational facilities of the district required to house students for its basic educational program. The classrooms are those facilities the district determines are necessary to best serve its student population. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, shall not be counted as classrooms.~~
~~"Construction cost per student" means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district's design standard per grade span.~~
~~"County" means Snohomish County.~~

~~"Design standards" means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the district as identified in the district's capital facilities plan.~~
~~"Developer" means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.~~
~~"Development" means all subdivisions, short subdivisions, conditional use permits, binding site plan approvals, rezones accompanied by another project permit, or building permits (including building permits for multifamily and duplex residential structures, and similar uses) and other applications requiring land use permits or approvals by the city of Monroe.~~
~~"Development activity" means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is "housing for older persons" as defined by 46 USC 3607, when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to May 1, 1991.~~
~~"Development approval" means any written authorization from the city which authorizes the commencement of a development activity.~~
~~"District property tax levy rate" means the district's current capital property tax rate per thousand dollars of assessed value.~~
~~"Dwelling unit type" means (1) single-family residences, (2) multifamily, one-bedroom apartment or condominium units, and (3) multifamily multiple-bedroom apartment or condominium units.~~
~~"Encumbered" means impact fees identified by the district as being committed as part of the funding for a school facility for which the publicly funded share has been assured, development approvals have been sought, or construction contracts have been let.~~
~~"Estimated facility construction cost" means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the district, including on-site and off-site improvement costs. If the district does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.~~
~~"Facility design capacity" means the number of students each school type is designed to accommodate, based on the district's standard of service as determined by the district.~~
~~"Grade span" means a category into which a district groups its grades of students (e.g., elementary, middle or junior high, and high school).~~
~~"Growth Management Act (GMA)" means the Growth Management Act, Chapter 17, Laws of the State of Washington of 1990, 1st Ex. Session, as now in existence or as hereafter amended.~~
~~"Impact fee schedule" means the table of impact fees to be charged per unit of development, computed by the formula adopted under this chapter, indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the city.~~
~~"Interest rate" means the current interest rate as stated in the Bond Buyer Twenty-Bond General Obligation Bond Index.~~
~~"Land cost per acre" means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site~~

~~acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.~~
~~"Multifamily unit" means any residential dwelling unit that is not a single-family unit as defined by this chapter.~~
~~"Nursing home" and/or "convalescent home" means an establishment which provides full-time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such a home. A hospital or sanitarium shall not be considered to be included in this definition.~~
~~"Permanent facilities" means facilities of the district with a fixed foundation, which are not relocatable facilities.~~
~~"Relocatable facilities" means any factory-built structure, transportable in one or more sections, that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within the district or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.~~
~~"Relocatable facilities cost" means the total cost, based on actual facilities costs incurred by the district, for purchasing and installing portable classrooms.~~
~~"Relocatable facilities student capacity" means the rated capacity of a typical portable classroom used for a specified grade span.~~
~~"Retirement housing" and/or "assisted living facility" means any form of congregate housing designed to provide for the particular needs of the elderly, seniors, or the physically disabled, who may have functional limitations due to age or physical impairment, but are otherwise in good health. Residents of such housing can maintain an independent or semi-independent lifestyle and do not require more intensive care as provided in a nursing or convalescent home. For the purposes of this definition, "elderly" or "senior" typically means persons fifty-five years of age or older. Design features may include but are not limited to wide doors and hallways and low counters to accommodate wheelchairs, support bars, specialized bathrooms and common dining, recreation or lounge areas. This definition shall not be construed to include facilities to house persons under the jurisdiction of the Superior Court or the Board of Prison Terms and Paroles.~~
~~"School impact fee" means a payment of money imposed upon development, as a condition of development approval, to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.~~
~~"Single-family unit" means any detached residential dwelling unit designed for occupancy by a single-family or household.~~
~~"Standard of service" means the standard adopted by the district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the district. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or any other specialized facilities housed in relocatable facilities.~~

~~"State match percentage" means the proportion of funds that are provided to the district for specific capital projects from the state's Common School Construction Fund. These funds are disbursed based on a formula which calculates district-assessed valuation per pupil relative to the whole state-assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.~~
~~"Student factor (student generation rate)" means the number of students of each grade span (elementary, middle/junior high, high school) that a district determines is typically generated by different dwelling unit types within the district. The district will use a survey or statistically valid methodology to derive the specific student generation rate.~~

~~20.07.045 School impact fee eligibility.~~
~~Any school district serving the city of Monroe shall be eligible to receive school impact fees upon adoption by the city council of a capital facilities plan for the district by reference as part of the capital facilities element of the comprehensive plan and execution of an interlocal agreement establishing the parameters of the school impact fee program.~~

~~20.07.050 School capital facilities plan.~~
~~The school capital facilities plans shall be included in and shall be considered as a part of the capital facilities plan element of the city of Monroe comprehensive plan as adopted by the city council.~~

~~20.07.060 Updating of school district plans.~~
~~A. School district plans shall be transmitted to the city at least ninety days prior to the relevant hearing date for the capital facilities element of the city's comprehensive plan. The plan must be submitted to the state by the city as a part of the city comprehensive plan review required under the GMA; consequently, the district plan must meet any submittal deadline imposed by the state. The city shall notify the affected school district of the schedule for review of the capital facilities element of the comprehensive plan at such time as the schedule is established.~~
~~B. The timing of amendments to school impact fees shall be commensurate with the current amendment schedule adopted by Snohomish County. Conformance with the county schedule is designed to ensure a uniform procedural change throughout both the incorporated and unincorporated areas of the school district.~~
~~C. The city may consider such an amendment to the capital facilities plan for the purpose of adjusting the impact fee amount more than once per year only to the extent allowed by state law (Chapter 82.02 RCW). The plan shall require approval by the city council as an amendment to the city's comprehensive plan.~~

~~20.07.061 Minimum requirements for school capital facilities plans.~~
~~To be eligible for school impact fee collection under this chapter:~~
~~A. Districts must submit capital facilities plans to the city pursuant to the procedure established by this chapter;~~
~~B. District capital facilities plans shall contain data and analysis necessary and sufficient to meet the requirements of the Growth Management Act; and~~
~~C. The plans must provide sufficient detail to allow computation of school impact fees in accordance with Snohomish County Code Section 30.66C.045, Impact fee calculation formula.~~

~~20.07.070 City adoption of school capital facilities plans.~~
~~Upon receiving a recommendation from the hearing authority on the affected school district's amendments to its capital facilities plan, the city council shall consider adoption of said plan or amendment by reference as part of the capital facilities element of the city's comprehensive plan.~~

~~20.07.075 City adoption of school impact fees.~~
~~The Monroe city council will establish the school impact fees for residential development based on the formula in accordance with Snohomish County Code Section 30.66C.045, Impact fee calculation formula, inclusive of any future amendments thereto. Following adoption of school impact fees, the Monroe city council shall, at the next scheduled revision of the city of Monroe fee schedule, amend the fee schedule in accordance with the adopted school impact fees.~~

~~20.07.080 Delays.~~
~~If a school district fails to submit an updated capital facilities plan in a timely manner, the city shall not be obligated to complete review prior to the city's comprehensive plan amendment date. If an updated capital facilities plan has not been adopted by the city council prior to the existing plan's expiration date, due to the affected school district's failure to submit an updated plan, that school district shall be ineligible to receive school impact fees until the updated plan has been adopted by the city council.~~

~~20.07.090 Fee required – Intent.~~
~~A. Each development activity, as a condition of approval, shall be subject to the impact fee established pursuant to this chapter.~~
~~B. School impact fees shall be fifty percent of the amount calculated by each school district in its respective capital facilities plan in accordance with SCC 30.66C.045.~~
~~C. Amendments of the school impact fees thereafter shall be generally concomitant with adoption of school district capital facilities plans.~~

~~20.07.100 Impact fee schedule.~~
~~School impact fees, through December 31, 2021:~~

~~School District~~	~~Single-Family~~	~~Multifamily, 1 Bedroom Per Dwelling Unit~~	~~Multifamily, 2+ Bedrooms Per Dwelling Unit~~
~~Monroe No. 103~~	~~$2,749~~	~~$0~~	~~$3,032~~
~~Snohomish No. 201~~	~~$0~~	~~$0~~	~~$0~~

~~20.07.105 Impact fee exemptions.~~
~~A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the school impact fees under this chapter in accordance with RCW 82.02.060(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the school impact fees under this chapter to the extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:~~

~~1. Low-income housing. "Low-income housing" is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private~~

~~nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.~~

~~The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, the affected school district, and compliant with RCW 82.02.060(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the school impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.~~

~~B. The following shall be exempt from the payment of school impact fees under this chapter:~~

~~1. Rebuilding or replacement of the following activities:~~

~~a. An existing legally established dwelling unit(s) where no additional dwelling unit(s) is created.~~

~~b. An existing legally established dwelling unit(s) where such replacement occurs within five years of the demolition or destruction of the existing structure.~~

~~c. An existing legally established dwelling unit(s) where a school impact fee for such unit has been previously paid pursuant to this chapter.~~

~~2. Alteration or expansion:~~

~~a. Of an existing building where no additional residential units are created and where the use is not changed; and/or~~

~~b. The construction of any accessory building or structures.~~

~~3. The construction or installation of any nonresidential manufactured building or structure. Any claim or exemption must be made no later than the time of application for a building permit or permit for manufactured home installation. Any claim not so made shall be deemed waived.~~

~~4. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created.~~

~~5. Previous mitigation, where:~~

~~a. The development activity is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).~~

~~b. The impacts of the development activity have been mitigated pursuant to a condition of plat or PRD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PRD approval provides otherwise; provided, that the condition of the plat or PRD approval predates the effective date of fee imposition as provided herein.~~

~~c. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the affected school district and the city to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of fee imposition as provided herein.~~

~~20.07.110 Impact fee limitations.~~

~~A. School impact fees shall be imposed for the affected school district capital facilities that are reasonably related to the development under consideration, shall not exceed a proportionate share of the costs of system improvements that are reasonably related to~~

~~the development, and shall be used for system improvements that will reasonably benefit the new development.~~
~~B. School impact fees must be expended or encumbered for a permissible use within ten years of receipt by the affected school district.~~
~~C. To the extent permitted by law, school impact fees may be collected for capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital facilities; provided, that school impact fees shall not be imposed to make up for any existing system deficiencies.~~
~~D. A developer required to pay a fee pursuant to RCW 43.21C.060 for district capital facilities shall not be required to pay a school impact fee pursuant to RCW 82.02.050 through 82.02.090 and this title for the same capital facilities.~~
~~E. A condition of eligibility shall be that the affected school district must provide documentation that it has petitioned every other county or city served by the district to establish a school impact fee or mitigation program.~~

~~20.07.120 Fee determination.~~
~~A. At the time of development approval, the city shall determine whether school impact fees will be due at the time of building permit issuance. Where such fees are due, the development approval shall state that the payment of school impact fees will be required prior to issuance of building permits. The amount of the fee due shall be based on the fee schedule in effect at the time of building permit issuance. Credit amounts and allocation of credits to be applied against the fees shall be determined at the time of development approval to the extent that information is reasonably available to make this determination. If information is not reasonably available, credit amounts may be deferred to a later date prior to building permit issuance by written decision of the community development director or his/her designee. If a subdivision is involved, any deferred final credit decision shall be issued by the community development director or his/her designee prior to final plan approval. The city may not approve a final plat until all adjustment requests and administrative appeals regarding credit amounts are resolved.~~
~~B. The final determination of a development activity's fee obligation under this section shall be made prior to the application for building permit. Said final determination shall include any credits for in-kind contributions. Final determinations may be appealed pursuant to the procedures established in MMC 20.07.190.~~

~~20.07.130 Credit for in-kind contributions.~~
~~A. A developer may request and the director may grant a credit against school impact fees otherwise due under this title, for the value of any dedication of land for, improvement to, or new construction of any capital facilities identified in the affected school district's capital facilities plan provided by the developer. Such requests must be accompanied by supporting documentation of the estimated value of such in-kind contributions. All requests must be submitted to the department in writing prior to its determination of the impact fee obligation for the development activity. Each request for credit will be immediately forwarded to the affected school district for evaluation.~~
~~B. Where the affected school district determines that a development activity is eligible for a credit for a proposed in-kind contribution, it shall provide the department and the developer with a letter setting forth the justification for and dollar amount of the credit, the legal description of any dedicated property, and a description of the development~~

~~activity to which the credit may be applied. The value of any such credit may not exceed the impact fee obligation of the development activity in question.~~

~~C. Where there is agreement between the developer and the affected school district concerning the value of proposed in-kind contributions, their eligibility for a credit, and the amount of any credit, the director may: (1) approve the request for credit and adjust the impact fee obligation accordingly; and (2) require that such contributions be made as a condition of development approval. Where there is disagreement between the developer and the affected school district regarding the value of in-kind contributions, however, the director may render a decision that can be appealed by either party pursuant to city administrative appeal procedures.~~

~~D. For subdivisions, PRDs and other large-scale developments where credits for in-kind contributions are proposed or required, it may be appropriate or necessary to establish the value of the credit on a per-unit basis as a part of the development approval. Such credit values will then be recorded as part of the plat or other instrument of approval and will be used in determining the fee obligation, if any, at the time of building permit issuance for development activity. In the event that such credit value is greater than the impact fee in effect at the time of permit issuance, the fee obligation shall be considered satisfied, and the balance of the credit may be transferable to future developments by the applicant with agreement by the affected school district.~~

~~20.07.140 SEPA mitigation and other review.~~

~~A. The city shall review development proposals and development activity permits pursuant to all applicable state and city laws and regulations, including the State Environmental Policy Act (Chapter 43.21C RCW), the state subdivision law (Chapter 58.17 RCW) and the applicable sections of this code. Following such review, the city may condition or deny development approval as necessary or appropriate to mitigate or avoid significant adverse impacts to school services and facilities, to assure that appropriate provisions are made for school, school grounds, and safe student walking conditions, and to ensure that development is compatible and consistent with the district's services, facilities and capital facilities plan.~~

~~B. Impact fees required by this title for development activity, together with compliance with development regulations and other mitigation measures offered or imposed at the time of development review and development activity review, shall constitute adequate mitigation for all of a development's specific adverse environmental impacts on the school system for the purposes of this section. Nothing in this title prevents a determination of significance from being issued, the application of new or different development regulations and/or requirements for additional environmental analysis, protection and mitigation measures to the extent required by applicable law.~~

~~20.07.150 Collection and transfer of fees.~~

~~A. Except as provided for in subsection (B) of this section, school impact fees shall be due and payable to the city by the developer at the time of issuance of residential building permits for all development activities.~~

~~B. Deferral of Impact Fee Payment.~~

~~1. For single-family detached or attached single-family residential dwelling units only, impact fee payments may be deferred to final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:~~

~~a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment; and~~

~~b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.~~

~~Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.~~

~~2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.~~

~~3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for occupancy on the job card.~~

~~C. The affected school district, to receive school impact fees collected by the city, shall establish an interest-bearing account separate from all other school district accounts. The city shall deposit school impact fees in the appropriate district account within ten days after receipt, and shall contemporaneously provide the receiving district with a notice of deposit.~~

~~D. The affected school district shall institute a procedure for the disposition of impact fees and provide for an annual reporting to the city that demonstrates compliance with the requirements of MMC 20.07.160 and RCW 82.02.070, and other applicable laws.~~

~~20.07.160 Use of funds.~~

~~A. School impact fees may be used by the affected school district only for capital facilities that are reasonably related to the development for which they were assessed and may be expended only in conformance with the affected school district's adopted capital facilities plan.~~

~~B. In the event that bonds or similar debt instruments are issued for the advance provision of capital facilities for which school impact fees may be expended, and where consistent with the provisions of the bond covenants and state law, school impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital facilities provided are consistent with the requirements of this section.~~

~~C. The responsibility for assuring that school impact fees are used for authorized purposes rests with the affected school district. All interest earned on a school impact fee account must be retained in the account and expended for the purpose or purposes for which the school impact fees were imposed, subject to the provisions of MMC 20.07.170.~~

~~D. The affected school district shall provide the city an annual report showing the source and the amount of school impact fees received by the district and the capital facilities financed in whole or in part with those school impact fees. The annual report shall be submitted to the city collectively with the affected school district's capital facilities plan. If the affected school district has previously submitted a biannual plan, the annual report shall be due on the anniversary date of the previously submitted plan. If an annual report is not submitted as required, the city may withhold deposit of future impact fees until the annual report has been submitted to the city.~~

~~20.07.170 Refunds.~~

~~A. School impact fees not spent or encumbered within ten years after receipt by the affected school district shall, upon receipt of a proper and accurate claim, be refunded, together with interest, to the then-current owner of the property. In determining whether school impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. At least annually the city, pursuant to MMC 20.07.150, shall give notice to the last known address of potential claimants of any funds, if any, that it has collected that have not been spent or encumbered. The notice will state that any persons entitled to such refunds may make claims.~~

~~B. Refunds provided for under this section shall be paid only upon submission of a proper claim pursuant to city claim procedures. Such claims must be submitted to the director within one year of the date the right to claim the refund arises, or the date of notification provided for above, where applicable, whichever is later.~~

~~20.07.180 Administrative adjustment of fee amount.~~

~~A. Within fourteen days of issuance of a building permit by the city, a developer or the affected school district may appeal to the director for an adjustment to the fees imposed by this title. The director may adjust the amount of the fee, in consideration of studies and data submitted by the developer and the affected school district, if one of the following circumstances exists:~~

~~1. It can be demonstrated that the school impact fee assessment was incorrectly calculated;~~

~~2. Unusual circumstances of the development activity demonstrate that application of the school impact fee to the development would be unfair or unjust;~~

~~3. A credit for in-kind contributions by the developer, as provided for under this section, is warranted; or~~

~~4. Any other credit specified in RCW 82.02.060(1)(b) may be warranted.~~

~~B. To avoid delay pending resolution of the appeal, school impact fees may be paid under protest in order to obtain a development approval. Such written protest must be submitted at or prior to the time fees are paid, and will relate only to the specific fees identified in the protest. Failure to provide such written protest at the time of fee payment shall be deemed a withdrawal of any appeal to the director of community development.~~

~~C. Failure to exhaust this administrative remedy shall preclude appeals of the school impact fee pursuant to MMC 20.07.190.~~

~~20.07.190 Appeals of decisions – Procedure.~~

~~A. Any person aggrieved by a decision applying an impact fee under this title to a development activity may appeal such decision to the hearing examiner pursuant to provisions of MMC 21.60.010. Appeals of this title must be combined with the administrative appeal for the underlying development approval. The impact fee amount specified in a building permit issuance shall be construed as subject to appeal under this section and a separate appeal must be filed for each and every permit issuance after each permit has been issued. The community development director or his/her designee may consolidate appeal hearings; provided, that no appeal hearing shall be scheduled more than ninety days after its impact fee decision unless agreed to by the person/entity that owes the fee. Only one appeal fee shall be required for consolidated appeals. All appeals filed under this section must be filed within the specified appeal~~

~~period of the final decision applying an impact fee to a development activity, or a decision on an adjustment request to that decision, whichever comes later.~~
~~B. At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence. The impact fee may be modified upon a determination that it is proper to do so based on the application of the criteria contained in MMC 20.07.180. Appeals shall be limited to the application of the impact fee provisions to the specific development activity and the provisions of this title shall be presumed valid.~~
~~C. The decision of the hearing examiner pursuant to this subsection shall be final and conclusive with an optional right of reconsideration as provided in MMC 21.50.080 unless appealed to the city council in accordance with Chapter 21.60 MMC.~~

~~20.07.200 Vesting of school mitigation.~~
~~School mitigation for a proposed land use development shall not be vested at the time a development proposal is deemed complete, but rather at the time of issuance of a building permit. The applicant for a development proposal shall have the option of claiming vesting for school mitigation at the time an application is deemed complete, however school mitigation must then be paid on all lots of a final plat along with other vested mitigation prior to filing with the county.~~

~~20.07.210 Conflict with other ordinances and codes.~~
~~In cases of conflict between this chapter or any part thereof, and any part of any other existing or future ordinance or code, the most restrictive in each case shall apply.~~

~~20.07.220 Savings provision.~~
~~If any part of this chapter is held to be unconstitutional, it shall be construed to have been the legislative intent to pass the ordinance codified in this chapter without such unconstitutional part and the remainder of this chapter as to exclusion of such part shall be deemed and held to be valid as if the part had not been included herein.~~

~~Chapter 20.08~~
~~LAND CLEARING AND FOREST PRACTICES~~

~~Sections:~~
~~20.08.010 Applicability.~~
~~20.08.020 Purpose.~~
~~20.08.030 Definitions.~~
~~20.08.040 Administration.~~
~~20.08.050 Exemptions.~~
~~20.08.060 Application requirements.~~
~~20.08.070 Performance standards.~~
~~20.08.080 Fee reporting.~~
~~20.08.090 Violation – Penalties.~~
~~20.08.100 Request for removal of development moratoria.~~
~~20.08.110 Request for single-family dwelling exception on lots subject to development moratoria.~~

~~20.08.010 Applicability.~~

~~This chapter regulates land clearing activities and forest practices within the city of Monroe. All forest practices and land clearing activities shall be subject to this chapter and require a forest practices or land clearing permit, unless exempted under MMC 20.08.050 or by state law.~~

~~A. Land clearing permits relate to the removal of vegetation including maintenance, trimming and clearing from nonforested lands.~~

~~B. Forest practices are regulated by this chapter in order to satisfy the city's responsibility to regulate forest practices as mandated by RCW 76.09.240.~~

~~20.08.020 Purpose.~~

~~This chapter regulates land clearing/forest practices activities to:~~

~~A. Promote the public health, safety and general welfare of the citizens of Monroe;~~

~~B. Implement the policies of the State Environment Policy Act;~~

~~C. Implement the policies of the state Forest Practices Act pursuant to Chapter 76.09 RCW and Chapter 222-20 WAC;~~

~~D. Implement the goals and policies of the city's comprehensive plan; and~~

~~E. Comply with all municipal code requirements and public works standards including, but not limited to, erosion control, stormwater, and critical areas protection.~~

~~20.08.030 Definitions.~~

~~"Commercial agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.~~

~~"Conversion" means a forest practice involving the removal of trees to convert forestland to permanent nonforestry urban uses that results in residential, commercial, or industrial activities.~~

~~"Development moratorium" means the denial by the city of Monroe of all applications for permits or approvals for a period of six years as established in Chapter 76.09 RCW, including but not limited to building permits, right-of-way permits, subdivisions, rezones, and variances on the subject property.~~

~~"Forest practices" means activities conducted on or directly pertaining to forestlands, regulated in Chapter 222-16 WAC or Chapter 76.09 RCW, relating to growing, harvesting, or processing timber. This includes but is not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.~~

~~"Ground cover" means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground and includes trees and shrubs less than six inches in diameter.~~

~~"Ground cover management" means the mowing or cutting of ground cover when such activities do not disturb the root structures of plants.~~

~~"Land clearing" means the act of removing or destroying trees, ground cover, and other vegetation by manual, mechanical, or chemical methods.~~

~~"Land development permit" means any land use or environmental permit or license including but not limited to preliminary or final plat for a single-family residential project, a building permit, or preliminary or final planned residential development plan.~~
~~"Person" means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.~~
~~"Qualified professional forester" means an individual with academic and field experience in forestry or urban forestry, with a minimum of two years experience in tree evaluation. This may include Society of American Foresters (SAF) Certified Forester, Registered American Society of Consulting Arborists (ASCA) Consulting Arborist, Washington State Licensed Landscape Architect, or an International Society of Arborists (ISA) Certified Arborist.~~
~~"Removal" means the actual removal or causing the effective removal through damaging, poisoning, root destruction or other direct or indirect actions resulting in the death of vegetation.~~
~~"Routine vegetation management" means tree trimming or pruning and ground cover management undertaken by a person in connection with the normal maintenance and repair of property.~~
~~"Tree" means any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and where the main stem or one stem of a multi-stemmed tree has a DBH (diameter at breast height) measurement of six inches or greater four and one-half feet above the ground.~~
~~"Tree cutting" means the actual removal of the above-ground plant material of a tree through manual or mechanical methods.~~
~~"Tree topping" means the severing of the main stem of the tree in order to reduce the overall height of the tree; provided, that no more than forty percent of the live crown is removed during any topping. If more than forty percent of the top is removed, it is considered removal.~~
~~"Tree trimming" means the pruning or removal of limbs; provided, that the main stem is not severed and no more than forty percent of the live crown is removed. If more than forty percent of the limbs or crown is removed, it is considered removal.~~

~~20.08.040 Administration.~~
~~The community development director or designee is authorized and directed to enforce all of the provisions of this chapter, except as otherwise noted.~~
~~A. The requirements of this chapter shall be met either concurrently or before the city of Monroe approves any land development permit.~~
~~B. Notice and Approval.~~
~~1. Forest practices and land clearing permits require administrative review, without public notice, in accordance with MMC 21.50.010, prior to the start of any work.~~
~~2. Forest practices and land clearing permits are subject to environmental review in accordance with MMC 20.04.090 and WAC 197-11-800 when the proposed development meets or exceeds specified thresholds.~~
~~C. Time Limits. Land clearing/forest practices permits shall be valid for two consecutive years, following the date of issuance, unless a different time limit has been established through an associated development permit, in which case the expiration shall be the same as that of the approved development permit. The applicant may submit a written request for an extension to the director of community development, at~~

~~least thirty days prior to the expiration of the original application. The director may grant a one-time extension for up to one hundred eighty days.~~
~~D. Appeals. Parties of record may appeal decisions in accordance with Chapter 21.60 MMC.~~

~~20.08.050 Exemptions.~~
~~This section exempts the following activities from the provisions of this chapter when located outside of critical areas as defined in Chapter 20.05 MMC:~~
~~A. Emergency removal of ground cover or hazardous trees by any person, the public works department, parks department, fire department and/or public or private utility necessary to protect public safety or private or public property from imminent danger;~~
~~B. Maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights-of-way, easements, and parks;~~
~~C. Forest practices on forestlands where a landowner has previously submitted a ten-year statement of nonconversion to the Department of Natural Resources, together with an acceptable ten-year forest management plan or proof that the land is currently enrolled in current use assessment-timber lands or a conversion option harvest plan (COHP), under Chapter 84.33 RCW, prior to the effective date of the ordinance codified in this chapter;~~
~~D. Contiguous forested lands twenty acres or greater in size, where the forest landowner provides a written and signed statement of intent not to convert to a use other than growing commercial timber for ten years. Nonconversion applications will continue to be processed by the Washington State Department of Natural Resources;~~
~~E. Existing agricultural activities in conformance with soil conservation district guidelines;~~
~~F. Permit Thresholds.~~
~~1. Land clearing of less than a half an acre, over a six-year period, unless an associated land development permit has been issued; and~~
~~2. Any forest practice resulting in the cutting and/or removal of less than five thousand board feet of timber or less than a half an acre, whichever is greater, over a six-year period; and~~
~~G. Repair, structural modification of, addition to, or replacement of an existing nonconforming residential structure lawfully established prior to the effective date of the ordinance codified in this chapter may be approved if the modification is consistent with Chapter 18.72 MMC.~~

~~20.08.060 Application requirements.~~
~~A. A completed land clearing/forest practices application, as provided by the community development department, that includes the name, address and telephone numbers of the applicant; and name and telephone number of the contact person, if any.~~
~~B. A completed environmental checklist, as necessary.~~
~~C. A written narrative that identifies and describes:~~
~~1. Specific work to be accomplished;~~
~~2. A time schedule for land clearing activities;~~
~~3. Type of equipment to be used; and~~
~~4. Measures proposed to protect the site and adjacent properties from potential adverse impacts.~~

~~D. A title report as proof that the parcel is not currently subject to a six-year development moratorium. If the property is subject to a six-year development moratorium, the application will not be accepted, until the end of the moratorium or until the moratorium has been lifted.~~

~~E. A site map, with topographic contours, drawn to a standard engineering scale that delineates:~~

1. ~~Property boundaries;~~
2. ~~Critical areas and buffers;~~
3. ~~Clearing limits with area(s) of land conversion and future development identified;~~
4. ~~Existing and proposed roads on and adjacent to the property; and~~
5. ~~Existing and proposed utility lines and easements.~~

~~F. A written critical areas report, prepared by a qualified professional in accordance with MMC 20.05.060 that identifies and delineates critical areas, including but not limited to wetlands, streams, cultural resources, geologically hazardous areas, flood hazard areas, and fish and wildlife habitat conservation areas.~~

~~G. An application fee in an amount set by resolution by the city council.~~

~~20.08.070 Performance standards.~~

~~A. All land-modification activities shall conform to applicable regulations and standards as adopted by the city of Monroe.~~

~~B. No land clearing, ground cover management, or tree cutting shall be conducted in a critical area or critical area buffer, except as allowed in Chapter 20.05 MMC.~~

~~C. The applicant shall ensure that all land clearing/conversion activities:~~

1. ~~Will not create or contribute to landslides, accelerated soil creep, settlement and subsidence or hazards associated with strong ground motion and soil liquefaction;~~
2. ~~Will not create or significantly contribute to flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse; and~~
3. ~~Will retain existing vegetation on the property to the maximum extent feasible.~~

~~20.08.080 Fee reporting.~~

~~To improve the administration of the forest excise tax created in Chapter 84.33 RCW, the city will report permit information to the Department of Revenue for all approved forest practices permits no later than sixty days after the date the permit was approved.~~

~~20.08.090 Violation – Penalties.~~

~~Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to the general penalties and remedies of Chapter 1.04 MMC.~~

~~20.08.100 Request for removal of development moratoria.~~

~~The hearing examiner may consider the removal of a six-year development moratorium established pursuant to Chapter 76.09 RCW when the applicant strictly meets the following requirements:~~

~~A. Any property owner subject to a moratorium may request a release from the six-year moratorium by filing such request with the community development department.~~

~~B. Following such request, the community development department shall set a date for an open record public hearing, per the noticing requirements of MMC 21.40.020, before the hearing examiner.~~

~~C. The hearing examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are strictly met:~~

~~1. The proponent makes application for a land clearing/forest practices permit;~~

~~2. The proponent proposes corrective actions to bring the violation into compliance with this chapter and mitigate any existing damage through the submittal of a reforestation plan or mitigation plan, prepared by a qualified professional consistent with Chapter 20.05 MMC;~~

~~3. The person requesting the release did not attempt to avoid the review or restrictions of a land clearing/forest practices application.~~

~~D. Hearing Examiner Authority.~~

~~1. The hearing examiner shall review requests for removal of a development moratorium, any comments received, and applicable city regulations or policies, and may inspect the property before rendering a decision.~~

~~2. The hearing examiner may approve the request to remove a development moratorium, approve the request with conditions, require modification of the proposal to strictly comply with specified requirements or local conditions, or deny the request if it fails to comply with requirements of this chapter.~~

~~E. Required Written Findings and Determinations. The hearing examiner will address the following items as written findings and determinations before issuing a decision:~~

~~1. The removal of the six-year development moratorium will not be detrimental to public health, safety, and general welfare.~~

~~2. The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to the proposal.~~

~~3. The removal of the six-year development moratorium will not result in significant adverse environmental impacts.~~

~~4. The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter and other applicable municipal codes.~~

~~20.08.110 Request for single-family dwelling exception on lots subject to development moratoria.~~

~~The community development director may administratively grant an exception to the mandatory six-year development moratorium with public notice, per the noticing requirements of MMC 21.40.010, to allow the construction of one single-family dwelling unit and associated accessory structures, when the following requirements are met.~~

~~A. General Requirements.~~

~~1. The area that is permitted to be developed shall not exceed the minimum lot size for the underlying zoning district, in addition to the minimum area necessary to provide safe vehicular access;~~

~~2. The construction of the single-family dwelling, permitted accessory structures, landscaped area, and access road are in compliance with all applicable city regulations;~~

~~3. Corrective actions are proposed to mitigate damage caused by the nonpermitted action, through the submittal of a reforestation or mitigation plan prepared by a qualified professional;~~

~~4. Upon approval of a single-family dwelling unit exception, the landowner will record the approved site plan with Snohomish County auditor depicting the area of the parcel to be dedicated for the single-family dwelling, yard area, permitted accessory structures, and access road; and~~

5. The development moratorium shall remain in effect for all other nonforestry uses of the site.

B. Required Written Findings and Determinations. The community development director will address the items listed in subsection (A) of this section as written findings and determinations before issuing a decision.

Chapter 20.10
PARK IMPACT FEES

Sections:

20.10.010 Findings and authority.
20.10.020 Purpose.
20.10.030 Definitions.
20.10.040 Service areas.
20.10.050 Level of service.
20.10.060 Imposition of park impact fees.
20.10.070 Computation of the park impact fee amount.
20.10.080 Alternative method of computation.
20.10.090 Credits.
20.10.100 Adjustments.
20.10.110 Payment of fee.
20.10.120 Appeals – Payment under protest.
20.10.130 Impact fee accounts.
20.10.140 Use of impact fees.
20.10.150 Impact fee refunds.
20.10.160 Exemptions.
20.10.170 Annual report.
20.10.180 Severability.

20.10.010 Findings and authority

The demand for parks and recreation facilities is proportionate to the size of a user population. The larger a population grows, the greater the demand for city parks and recreation facilities. In order to offset the impacts of new residential development on the city's park system, the city has determined to levy park impact fees consistent with city standards as new development occurs. Impact fees are authorized under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) to help offset the cost of capital facilities brought about by new growth and development. Impact fees imposed under this chapter will be used to acquire and/or develop parks, open space and recreation facilities that are consistent with the capital facilities and park and recreation elements of the Monroe comprehensive plan.

20.10.020 Purpose.

A. The purpose of this chapter is to implement the capital facilities and park and recreation elements of the Monroe comprehensive plan, SEPA and the GMA by:

1. Ensuring that adequate park, open space and recreation facilities are available to serve new development;

~~2. Maintaining the high quality of life in Monroe by ensuring that growth pays for growth and that existing service levels for existing residents and businesses are not adversely impacted by growth and new development activity; and~~

~~3. Establishing standards and procedures whereby new development pays its proportionate share of the cost of park, open space and recreation facilities that are reasonably related to the new development, and whereby park, open space and recreation facilities are jointly financed by public and private interests.~~

~~B. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.~~

~~20.10.030 Definitions.~~

~~As used in this chapter, the following terms have the meanings set forth below:~~

~~A. "Building permit" means a permit issued by the Monroe building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. As the term relates to park impact fees, "building permit" includes a permit issued for the siting or location of a mobile home.~~

~~B. "Capital facilities" means those park, open space and recreation facilities or improvements addressed in the park and recreation and capital facilities elements of the Monroe comprehensive plan, as the same now exists or may be hereafter amended. Capital facilities costs include the cost of park planning, land acquisition, site improvements, buildings, and equipment, but exclude the cost of maintenance and operation.~~

~~C. "Capital facilities program (CFP)" means a six-year plan that is approved by the city council in order to finance the development of capital facilities necessary to support the projected population of Monroe over the six-year period. The city's CFP is found in the capital facilities element of the Monroe comprehensive plan, as the same now exists or may be hereafter amended.~~

~~D. "City" means the city of Monroe, Washington.~~

~~E. "Developer" means an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person proposing or undertaking development activity within the city.~~

~~F. "Development activity," as the term relates to park impact fees, means any construction or expansion of a building, structure, or use, any changes in the use of a building or structure, or any changes in the use of land that created additional demand and need for public park, open space or recreation facilities.~~

~~G. "Development approval" means any written authorization from the city that authorizes commencement of a development activity.~~

~~H. "Director" means the community development director of the city of Monroe.~~

~~I. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for park, open space or recreation capital facilities. Impact fees shall be considered encumbered on a first in, first out basis.~~

~~J. "Environments and facilities, local" are those park, recreation, and open space facilities that are described in the park and recreation element of the Monroe comprehensive plan and that meet the criteria for designation as local facilities set forth in the said plan.~~

~~K. "Environments and facilities, regional/citywide" are those park, recreation, and open space facilities that are described in the park and recreation element of the Monroe~~

~~comprehensive plan and that meet the criteria for designation as regional/citywide facilities set forth in the said plan.~~

~~L. "Existing development" means that development which physically exists or for which the developer holds a valid building permit as of the effective date of the first ordinance establishing this chapter.~~

~~M. "Impact fee" means a payment of money imposed upon new growth or development as a condition of development approval in order to pay for park, open space or recreation facilities needed to serve such new growth or development. "Impact fee" does not include any permit or application fee.~~

~~N. "Level-of-service, existing/proposed (ELOS/PLOS)" means the ratio of park, recreation, and open space lands and facility units (acres, fields, square feet, etc.) to the number of persons in the city's population (expressed as unit per one thousand persons).~~

~~O. "New development" means any and all development for which a permit is issued after the effective date of the first ordinance establishing this chapter.~~

~~P. "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered to be the owner of the real property if the contract is recorded.~~

~~Q. "Previously incurred system improvements" means system improvements that were accomplished in order to serve new growth and development.~~

~~R. "Prior system improvement deficiencies" means deficiencies in public facilities serving existing development and that do not meet the proposed level of service.~~

~~S. "Private recreational facility" means any recreational facility not owned or dedicated to the public or a government agency.~~

~~T. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. No park, open space or recreation improvement or facility included in the capital facilities plan shall be considered a project improvement.~~

~~U. "Proportionate share" means that portion of the cost of park, open space and recreation improvements that are reasonably related to the service demands and needs of new development.~~

~~V. "Service area" means a geographic area defined by the city or, in the case of facilities providing service to areas outside the city, by interlocal agreement, as being that area in which a defined set of park, open space and recreation facilities provide service to development within the area.~~

~~W. "System improvements" means park, open space and recreation facilities that are included in the capital facilities plan and are designed to provide service-to-service areas within the community at large, in contrast to project improvements.~~

~~20.10.040 Service areas.~~

~~The park service area for the existing and proposed park, open space and recreation facilities of the city of Monroe is hereby defined as that area which is coextensive with the corporate boundaries of the city, as they now exist or as they may be amended through annexation or other means from time to time. Within the citywide park service area, park, recreation, and open space lands, facilities and services will be provided using a two-tiered approach that includes:~~

~~A. A regional or citywide system organized and providing service throughout the entire city; and~~

~~B. A local system organized and providing service in neighborhood service areas and which may be oriented around neighborhood parks, elementary and middle schools, and similar sites. The city may have multiple local service areas depending on residential neighborhood boundaries and the location of proximate or nearby sites and facilities.~~

~~20.10.050 Level of service.~~

~~The level of service for each type of park facility for which an impact fee is imposed under the provisions of this chapter is established by the park and recreation element of the Monroe comprehensive plan.~~

~~20.10.060 Imposition of park impact fees.~~

~~A. Any person or entity who, after the effective date of the ordinance codified in this chapter, seeks to develop land within Monroe by applying for a residential subdivision, a residential planned unit development, a building permit for a residential building, or a permit for residential mobile home installation, is hereby required to pay a park impact fee in the manner and the amount set forth in this chapter.~~

~~B. No new residential subdivision, residential planned unit development, residential building permit or permit for residential mobile home installation shall be approved or issued unless and until the park impact fee has been paid as provided in this chapter.~~

~~20.10.070 Computation of the park impact fee amount.~~

~~A. The park impact fee for each development activity on which an impact fee is imposed as provided in this chapter shall be determined according to the following schedule:~~

~~**Housing Type**~~	~~**Single-Family Detached**~~	~~**Single-Family Attached (duplex)**~~	~~**Single-Family Attached 3 – 4 units/structure**~~	~~**Single-Family Attached 5+ units/structure**~~	~~**Mobile Home**~~
~~**Calculation of park impact fee/unit***~~	-	-	-	-	-
~~Per-capita cost~~	~~$918.00~~	~~$918.00~~	~~$918.00~~	~~$918.00~~	~~$918.00~~
~~Average number of persons/type of housing unit~~	~~2.7~~	~~2.3~~	~~2.3~~	~~2.1~~	~~2.2~~
~~Total impact fee/unit~~	~~$2,479.00~~	~~$2,111.00~~	~~$2,111.00~~	~~$1,928.00~~	~~$1,020.00~~
~~* The methodology for determining the park impact fees is set forth in the Park Impact Fee Calculation Technical Memorandum (2015), which is incorporated herein by reference and shall be maintained in the office of the director and made available for inspection upon request.~~					

~~B. If development approval is requested for mixed uses, then the fee shall be determined using the above schedule by apportioning the space committed to uses specified on the schedule.~~

~~C. If the type of development activity that is applied for is not specified on the above fee schedule, the director shall use the fee applicable to the most comparable type of development activity or land use on the above fee schedule. The director shall be guided in the selection of a comparable type by the Monroe comprehensive plan and its technical appendices, and by MMC Title 18. If the director determines that there is not a comparable development activity or land use on the above fee schedule, then the director shall determine the appropriate fee by considering demographic or other documentation that is available from state, local, and regional authorities.~~

~~D. In the case of a change of use, redevelopment, or expansion or modification of an existing use for which a park impact fee is required by this chapter, the impact fee shall be based upon the net positive increase in the impact fee for the new as opposed to the previous use. The director shall be guided in this determination by the sources and agencies listed above.~~

~~20.10.080 Alternative method of computation.~~

~~A. As an alternative to calculation of the park impact fee according to the schedule set forth in MMC 20.10.070, a developer may opt to prepare and submit an independent fee calculation study for the requested development activity to the city council. Any such study shall be prepared at the developer's sole cost and expense.~~

~~B. The independent fee calculation study shall comply with the following standards:~~

~~1. The study shall follow accepted impact fee assessment practices and methodologies.~~

~~2. The study shall use acceptable data sources and the data shall be comparable with the uses and intensities proposed for the proposed development activity.~~

~~3. The study shall comply with the applicable state laws governing park impact fees.~~

~~4. The study, including any data collection and analysis, shall be prepared and documented by professionals qualified in their respective fields.~~

~~5. The study shall show the basis upon which the independent fee calculation was made.~~

~~C. The city council shall consider the independent fee calculation study submitted by the developer but is not required to accept such study if the city council decides that the study is not accurate or reliable. The city council may, in the alternative, require the person submitting the study to submit additional or different documentation for consideration. If the city council decides that outside experts are needed to review the study, the developer shall be responsible for paying the cost of review by outside experts.~~

~~D. If an acceptable independent fee calculation study is not presented, the developer shall pay the impact fees based upon the process and schedule set forth in MMC 20.10.070. If an acceptable independent fee calculation study is presented, the city council may adjust the fee to that appropriate to the particular development activity.~~

~~20.10.090 Credits.~~

~~A. Pursuant to RCW 82.02.060(3), a reasonable credit shall be allowed for the conveyance of land for, improvements to, or new construction of any park system improvements provided by a developer to park, open space or recreation facilities identified in the capital facilities element of the comprehensive plan and that are the subject of impact fees to be paid by the developer under this chapter. Any request for a~~

~~credit against impact fees shall be made and decided no later than the approval of the permit triggering the imposition of impact fees.~~

~~B. All land proposed to be conveyed to the city in exchange for a credit against impact fees shall meet all of the following requirements:~~

~~1. The land must be conveyed free and clear of all liens and encumbrances;~~

~~2. The land must be readily accessible to the general public;~~

~~3. The land must have a site, size, and location consistent with a park system improvement described in the comprehensive plan; and~~

~~4. The land must be suitable for the proposed park uses and for inclusion in the city's park system, as determined by the community development director.~~

~~The city may decide to accept land which does not meet all of these standards in unusual circumstances where the land to be conveyed provides a unique benefit, such as where the land has waterfront access, or provides significant open space or trail corridor.~~

~~C. The amount of the credit shall be the value of the land and improvements conveyed to the city; provided, that in no case shall the amount of the credit exceed the amount of the impact fee imposed on the development activity. If the value of the land and improvements exceeds the total park impact fees to be paid by the development, no impact fees shall be due. If the value of the land and improvements is less than the impact fees due, the developer will be required to pay the difference.~~

~~D. Credits shall not be transferable from one property, project, or development activity to another.~~

~~20.10.100 Adjustments.~~

~~The city council is authorized to adjust the impact fees to be calculated under this chapter where the developer demonstrates that unusual circumstances make the standard impact fee applied to such development unfair or unjust. The circumstances that form the basis for the adjustment shall not be circumstances that are generally applicable to similar land uses or to all development activity in the vicinity. Unusual circumstances may include that the development activity will have substantially less impact on the system improvements than other development activities in the same land use category. Any request for an adjustment shall be made no later than the time of the application triggering imposition of impact fees. Adjustments granted under this section shall not be transferable from one property, project or development activity to another.~~

~~20.10.110 Payment of fee.~~

~~A. Impact fees shall be imposed upon development activity in the city, based upon the schedule set forth in this chapter, and shall be collected by the city from any applicant where such development activity requires final plat, PRD approval, issuance of a residential building permit or a mobile home permit and the fee for the lot or unit has not been previously paid.~~

~~B. For a plat or PRD applied for on or after the effective date of the ordinance codified in this chapter, the impact fees due on the plat or the PRD shall be assessed and collected from the applicant at the time of final approval, using the impact fee schedule in effect when the plat or PRD was approved; provided, that the applicants may opt to:~~

~~1. Have impact fees allocated to the lots or dwelling units in the project and collected when the building permits are issued; or~~

~~2. For single-family attached and detached units only, the impact fee payment may be deferred and collected in accordance with subsection (C) of this section.~~

~~Where the applicant exercises the option for collection of impact fees at the time of building permit or deferral, the fees to be collected shall be those in effect at the time building permits are issued. Residential development proposed for short plats shall not be governed by this section, but shall be governed by subsection (E) of this section.~~

~~C. Deferral of Impact Fee Payment.~~

~~1. For single-family detached or attached single-family residential dwelling units only, impact fee payments may be deferred to final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:~~

~~a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment; and~~

~~b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.~~

~~Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.~~

~~2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.~~

~~3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for occupancy on the job card.~~

~~D. If, on the effective date of the ordinance codified in this chapter, a plat or PRD has already received preliminary approval and is not otherwise exempt from the payment of impact fees under MMC 20.10.160, such plat or PRD shall not be required to pay the impact fees at the time of final approval, but the impact fees shall be allocated to the lots or dwelling units and assessed and collected from the lot or unit owner at the time the building permits are issued or deferred in accordance with subsection (C) of this section, using the impact fee schedule then in effect. If, on the effective date of the ordinance codified in this chapter, an applicant has applied for preliminary plat or PRD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection (B) of this section.~~

~~E. For existing lots or lots not covered by subsection (B) of this section, application for single-family and multifamily residential building permits, mobile home permits, and binding site plan approval for mobile home parks proposed, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued or deferred in accordance with subsection (C) of this section, using the impact fee schedules then in effect.~~

~~F. Any application for preliminary plat or PRD approval which has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter shall be required to pay the fee in accordance with the conditions of approval.~~

~~20.10.120 Appeals – Payment under protest.~~

~~A. Determinations made by the director pursuant to this chapter may be appealed to the city council by filing a written appeal as provided in MMC 21.60.020.~~
~~B. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.~~

~~20.10.130 Impact fee accounts.~~
~~A. Park impact fee accounts are hereby established for the purpose of depositing and maintaining the funds received under this chapter and any previously collected park impact fees paid pursuant to SEPA or other authority. Separate park impact fee accounts shall be maintained for park and recreation facilities and for local park and recreation facilities.~~
~~B. The city finance department shall earmark all funds collected under this chapter and under such previous collections as to the person paying, the date paid, and the development or property for which paid. The account shall be separate from all other accounts of the city and shall be interest-bearing. All interest shall be retained in the account and expended for the purposes for which the impact fee was imposed.~~

~~20.10.140 Use of impact fees.~~
~~A. Impact fees shall be expended solely for regional/citywide and local park, open space and recreation facilities under the jurisdiction of Monroe described in and in conformance with the capital facilities program. Impact fees may be expended for facility planning, land acquisition, site improvements, application fees, necessary off-site improvements, required mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment, repayment of system improvement costs previously incurred to the extent that new growth and development will be served by such system improvements, and any other expenses which could be capitalized and which are consistent with the capital facilities program. Impact fees shall not be used for maintenance or operations.~~
~~B. In the event that bonds or similar debt instruments are issued for the advanced provision of system improvements for which impact fees may be expended and where consistent with provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities are consistent with the requirements of this section.~~
~~C. Impact fees collected under this chapter shall be expended or encumbered for a permissible use within six years of the date they are received by the city, unless the city council finds that there exists an extraordinary and compelling reason for the fees to be held longer than six years. Such a finding shall be made in writing.~~
~~D. Impact fees collected under the authority of SEPA and the voluntary agreement provisions of RCW 82.02.020 shall be expended or encumbered for a permissible use within five years of the date they are received by the city.~~
~~E. Funds may be used to provide refunds as described in MMC 20.10.150.~~
~~F. Monroe shall be entitled to retain not more than six percent of the funds collected as compensation for the expense of collecting the fee and administering this chapter.~~

~~20.10.150 Impact fee refunds.~~
~~A. If a development approval for which a impact fee has been paid under this chapter expires without commencement of construction, then the developer shall be entitled to a refund, with interest, of the impact fee paid, except that Monroe shall retain a percentage of the fee to offset a portion of the costs of collection and refund.~~

~~B. The current owner of property on which impact fees have been paid may receive a refund of such fees or any portion thereof if the city has failed to expend or encumber the impact fees, or any applicable portion, within the time periods specified in MMC 20.10.140.~~

~~C. The city shall notify potential claimants for impact fee refunds by first class mail deposited with the United States Postal Service at the last known address of the said claimants.~~

~~D. A request for a refund must be submitted to the city council in writing within one year of the date that the right to claim the refund arises or the date that the notice is given, whichever is later. Any impact fees that are not expended or encumbered and for which no application for refund has been made within the one-year period shall be retained and expended on the indicated capital facilities. Refunds under this subsection shall include interest earned on the impact fees; provided, that if the city's failure to expend or encumber the fee within the time periods set forth in MMC 20.10.140 is due to delay attributable to the developer of the project for which the fee was collected, the refund shall be without interest.~~

~~E. If the city should terminate the impact fee requirements of this chapter, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon a determination to terminate such impact fee requirements, the city shall publish a notice of such termination and the availability of refunds in the city's official newspaper at least two times and shall notify all potential claimants by first class mail at the last known address of claimants. A request for a refund must be submitted to the city council in writing within one year of the date that the notice is given. Any impact fees for which no application for refund has been made within the one-year period shall be retained and expended on the indicated capital facilities. No notice shall be required if there are no unexpended or unencumbered balances within the account at the time of termination.~~

~~20.10.160 Exemptions.~~

~~A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the school impact fees under this chapter in accordance with RCW 82.02.060(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the school impact fees under this chapter to the extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:~~

~~1. Low-income housing. "Low-income housing" is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.~~

~~The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, and compliant with RCW 82.02.060(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the park impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.~~

~~B. The following shall be exempt from the payment of park impact fees under this chapter:~~

~~1. Rebuilding or replacement of the following activities:~~

~~a. An existing legally established dwelling unit(s) where no additional dwelling unit(s) is created.~~

~~b. An existing legally established dwelling unit(s) where such replacement occurs within five years of the demolition or destruction of the existing structure.~~

~~c. An existing legally established dwelling unit(s) where a school impact fee for such unit has been previously paid pursuant to this chapter.~~

~~2. Alteration or expansion:~~

~~a. Of an existing building where no additional residential units are created and where the use is not changed; and/or~~

~~b. The construction of any accessory building or structures.~~

~~3. The construction or installation of any nonresidential manufactured building or structure. Any claim or exemption must be made no later than the time of application for a building permit or permit for manufactured home installation. Any claim not so made shall be deemed waived.~~

~~4. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created.~~

~~5. Previous mitigation, where:~~

~~a. The development activity is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).~~

~~b. The impacts of the development activity have been mitigated pursuant to a condition of plat or PRD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PRD approval provides otherwise; provided, that the condition of the plat or PRD approval predates the effective date of fee imposition as provided herein.~~

~~c. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the affected school district and the city to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of fee imposition as provided herein.~~

~~20.10.170 Annual report.~~

~~The city finance department, in conjunction with the director, shall prepare an annual report to the city council showing the source and amount of all monies collected, earned, or received and the park, open space and recreation system improvements that were financed in whole or in part by impact fees imposed under this chapter. The report may be part of an existing annual report or may be a separate report.~~

~~20.10.180 Severability.~~

~~If any section, sentence, clause or phrase of this chapter 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 chapter.~~

~~Chapter 20.12~~
~~TRANSPORTATION IMPACT FEES~~

~~Sections:~~

~~20.12.010 Purpose.~~
~~20.12.020 Authority.~~
~~20.12.030 Definitions.~~
~~20.12.040 Applicability.~~
~~20.12.050 Exemptions.~~
~~20.12.060 Credits.~~
~~20.12.070 Transportation service area.~~
~~20.12.080 Appeals.~~
~~20.12.090 Transportation impact fee fund – Expenditure and encumbrance.~~
~~20.12.100 Use of funds.~~
~~20.12.110 Time of payment.~~
~~20.12.120 Refunds.~~
~~20.12.130 Calculation of impact fees.~~
~~20.12.135 Independent fee calculations.~~
~~20.12.140 Review.~~
~~20.12.150 Impact mitigation authority preserved.~~
~~20.12.160 Transportation impact fee fund.~~

~~20.12.010 Purpose.~~

~~The purpose of this chapter is to establish and implement a transportation impact fee program to ensure that new land use development within the city funds a proportionate share of the costs for transportation facilities needed to serve such new growth and development.~~

~~20.12.020 Authority.~~

~~This chapter is adopted pursuant to Chapters 36.70A and 82.02 RCW.~~

~~20.12.030 Definitions.~~

~~A. The following definitions shall apply for purposes of this chapter:~~

~~1. "Act" means the sections of the Washington State Growth Management Act codified at Chapters 36.70A and 82.02 RCW, as may be hereinafter amended.~~

~~2. "Applicant" means a person or entity that has submitted a written application to the city for a building permit.~~

~~3. "Building permit" means the city's written authorization to commence development activity, as further defined by Chapter 18.02 MMC.~~

~~4. "City" means the city of Monroe, Washington.~~

~~5. "City engineer" means the Monroe city engineer or his/her designee. Any authority expressly or impliedly granted to the city engineer by this chapter shall supersede conflicting authority granted to the community development director in MMC 21.20.020.~~

~~6. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.~~

~~7. "Development activity" means any construction of a new building or structure or expansion of an existing building, structure, or use, or any substantial change in use~~

~~of a building or structure, that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.~~

~~8. "Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.~~

~~9. "Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than fifty percent of current median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.~~

~~10. "MMC" means the Monroe Municipal Code.~~

~~11. "Owner" means the owner of record of real property; provided, that when real property is purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.~~

~~12. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, that are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.~~

~~13. "Proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts, and needs of new development.~~

~~14. "Public facilities" means transportation facilities that are owned or operated by the city.~~

~~15. "Substantial change in use" means a change in the use of a building or structure necessitating or otherwise involving issuance of a building permit for improvements, the value of which exceeds fifty percent of the assessed value of the existing building or structure.~~

~~16. "System improvements" means transportation facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.~~

~~17. "Transportation facilities" means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control devices, curbs, gutters, sidewalks, facilities, and improvements directly associated therewith.~~

~~18. "Transportation Impact Fee Rate Study Update" means the study prepared by Fehr & Peers in October 2015.~~

~~B. The city engineer is authorized to interpret and resolve questions regarding the definitions set forth in this section.~~

~~* Code reviser's note: Ord. 009/2016 § 5 provides: "The duration of this ordinance shall be for five years, and shall automatically sunset five years from the effective date, unless repealed earlier or extended by future Council action." The effective date for this ordinance is July 3, 2016.~~

~~20.12.040 Applicability.~~

~~Unless otherwise exempt from the provisions of this chapter, all applicants seeking approval of development activity within the city on or after the effective date of the ordinance codified in this chapter shall pay transportation impact fees at the time of building permit issuance in the amount and manner set forth in this chapter.~~

~~20.12.050 Exemptions.~~

~~A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the transportation impact fees under this chapter in accordance with RCW 82.02.060(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the school impact fees under this chapter to the extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:~~

~~1. Low-income housing. "Low-income housing" is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.~~

~~The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, and compliant with RCW 82.02.060(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the park impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.~~

~~B. Except as provided below, the following shall be exempt from the payment of impact fees under this chapter:~~

~~1. Replacement of an existing single-family residential structure with a new single-family residential structure upon the same site or lot when such replacement occurs within five years of the demolition or destruction of the existing structure;~~

~~2. Replacement of an existing non-single-family residential structure with a new non-single-family residential structure of the same size or less and use at the same site or lot when (a) such replacement occurs within five years of the demolition or destruction of the existing structure and (b) the new non-single-family residential structure creates no obligation to pay impact fees as calculated under the change in use provision of MMC 20.12.130(I) as now or hereafter amended;~~

~~3. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created; and~~

~~4. Previous mitigation, where:~~

~~a. The development activity is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).~~

~~The city engineer is authorized to determine the applicability of any exemption to a particular development activity. All such determinations by the city engineer shall be in writing and shall be subject to appeal pursuant to MMC 20.12.080.~~

~~20.12.060 Credits.~~

~~A. An applicant may request a credit against the amount of impact fees otherwise applicable to a development activity for the total value of dedicated land, improvements, or construction provided by the applicant as a condition of development approval.~~

~~Credits will apply only if and to the extent that the land dedicated, improvements provided, and/or facilities constructed are:~~

~~1. For transportation facilities constituting system improvements that are funded in whole or in part by impact fees; and~~

~~2. Located at suitable sites and constructed at an acceptable quality level as determined by the city.~~

~~B. The city engineer shall determine if a request for credits satisfies the criteria contained in subsection (A) of this section.~~

~~C. The value of credits for structures, facilities or other improvements shall be established by documentation provided to the city engineer by the applicant.~~

~~D. The value of a credit for land, including but not limited to right-of-way and easements, shall be determined on a case-by-case basis by an appraiser selected by, or acceptable to, the city engineer.~~

~~E. The cost of any appraisal under this section shall in the city's discretion either be (1) borne exclusively by the applicant, or (2) deducted from the otherwise-applicable impact fee credit.~~

~~F. After receiving the appraisal and/or improvement cost documentation from the applicant, the city engineer shall provide the applicant with a written statement setting forth the dollar amount of the credit, the basis for the credit, the legal description of any dedicated real property, and a description of the development activity to which the credit shall be applied. The applicant shall sign and date a duplicate copy of said statement indicating his/her consent to the terms thereof, and shall return the signed document to the city engineer prior to application of the impact fee credit. The applicant's failure to sign, date, and return said statement within sixty calendar days may nullify the credit.~~

~~G. No credit shall be given for dedications for, contributions toward or construction of project improvements.~~

~~H. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the applicant shall forfeit such excess credit.~~

~~I. In the event that the city adopts impact fees that are less than the amount determined in the rate study, and provided that the amount of the reduction is achieved by a discount or similar policy determination to reduce the fee without revising the underlying studies, data, or assumptions, then credits shall be given only in an amount by which the value of the credit exceeds the value of the discount used to adopt the impact fees.~~

~~J. Any request for a credit must be submitted in writing to the city engineer within sixty calendar days of the city's receipt of the building permit application for the underlying development activity. An applicant's failure to timely file a request by said deadline shall conclusively waive the applicant's entitlement to any such credit.~~

~~K. Determinations made by the city engineer pursuant to this section shall be subject to appeal pursuant to MMC 20.12.080.~~

~~20.12.070 Transportation service area.~~

~~The boundaries within which transportation impact fees shall be imposed, collected and expended pursuant to this chapter are co-extensive with the city's corporate limits and shall include all areas annexed to the city on and after the effective date of the ordinance codified in this chapter. For purposes of this chapter, the entire city shall be considered a single transportation service area.~~

~~**20.12.080 Appeals.**~~

~~A. Payment Under Protest. An applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted unless and until the impact fees at issue have been fully remitted to the city.~~

~~B. Standing. Only the applicant for the proposed development activity shall have standing to file an appeal under this section.~~

~~C. Request for Review. An applicant seeking to appeal the imposition, allowed credit against, or amount of impact fees pursuant to this chapter shall first file a request for review with the city engineer.~~

~~1. The request for review shall be submitted to the city engineer using a form provided by the city. The request for review shall be filed within twenty-one calendar days of payment of the impact fees at issue. Failure to timely file such a request shall conclusively waive the applicant's appeal.~~

~~2. No administrative fee will be imposed for the request for review by the city engineer.~~

~~3. The city engineer shall issue his/her determination in writing regarding a request for review within thirty calendar days after receiving the request for review.~~

~~D. Determinations of the city engineer pursuant to subsection (C) of this section may be appealed by the applicant to the hearing examiner. All appeals of a city engineer determination shall proceed as follows:~~

~~1. Within fourteen calendar days of the city engineer's determination, the applicant shall file a written notice of appeal with the city clerk. Failure to timely file such notice of appeal shall conclusively waive the applicant's appeal. The notice of appeal shall be signed by the applicant, shall include a copy of the city engineer determination challenged by the applicant, and shall contain the following information:~~

~~a. The applicant's name and address;~~

~~b. A description of the development activity at issue;~~

~~c. The amount of impact fees imposed by the city upon the development activity; and~~

~~d. A brief explanation as to why the applicant believes the city engineer's determination was erroneous.~~

~~2. The city clerk shall transmit the notice of appeal to the hearing examiner, together with all documents constituting the record for the city engineer's determination.~~

~~3. The hearing examiner shall schedule a hearing to be conducted within sixty calendar days of the city clerk's receipt of the notice of appeal. Prior to the hearing date, the applicant and the city may submit evidence and/or briefing pursuant to a schedule issued by the hearing examiner.~~

~~4. Within ten working days after the close of the hearing, the hearing examiner shall enter written findings, conclusions, and a final decision with respect to the appeal. The hearing examiner may affirm, reverse, modify or remand, in whole or in part, the city engineer's determination; provided, that the hearing examiner shall affirm the city engineer's determination unless the applicant demonstrates that said determination is clearly erroneous; and provided further, that, pursuant to RCW 82.02.070, the hearing examiner may modify the impact fee amount based upon principles of fairness.~~

~~5. The decision of the hearing examiner shall be final unless appealed to the city council in accordance with Chapter 21.60 MMC.~~

~~20.12.090 Transportation impact fee fund – Expenditure and encumbrance.~~

~~A. Impact fees collected pursuant to this chapter shall be deposited in a transportation impact fee fund and shall be earmarked and utilized exclusively for system improvements.~~

~~B. Impact fees shall be expended or encumbered within ten years of receipt, unless the city council identifies in written findings extraordinary and compelling reasons for the city to hold the fees beyond the ten-year period. Under such circumstances, the city council shall establish the period of time within which the impact fees shall be expended or encumbered.~~

~~20.12.100 Use of funds.~~

~~A. Impact fees collected pursuant to this chapter:~~

~~1. Shall be used for existing and new system improvements that will reasonably benefit new development;~~

~~2. Shall not be used to make up for pre-existing system improvement deficiencies that do not benefit new development; and~~

~~3. Shall not be used for maintenance or operation of system improvements.~~

~~B. Impact fees shall be used for system improvements in conformance with the capital facilities element of the comprehensive plan, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary and related off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and other associated expenses capable of capitalization.~~

~~C. Impact fees may be used to recoup system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.~~

~~D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent permissible under state law and to the extent that the system improvements provided are consistent with the requirements of this section and serve new growth or development.~~

~~20.12.110 Time of payment.~~

~~A. Except as provided for in subsection (B) of this section, impact fees shall be calculated and assessed for each development activity at the time of building permit issuance for each unit within the development, pursuant to the impact fee rates then in effect; provided, that if no building permit is required for the development activity in question, impact fees shall be calculated and assessed for each development activity at the time an occupancy permit or other permit authorizing the underlying use is issued.~~

~~B. Deferral of Impact Fee Payment.~~

~~1. For single-family detached or attached single-family residential dwelling units only, impact fee payments may be deferred to final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:~~

~~a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment.~~

~~b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.~~

~~Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.~~

~~2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.~~

~~3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for occupancy on the job card.~~

~~C. Applicants who have been awarded credits pursuant to MMC 20.12.060 shall prior to building permit issuance submit a copy of the statement prepared by the city engineer setting forth the monetary value of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the applicant at the time the building permit is issued for each unit in the proposed development.~~

~~D. Except as provided for in subsection (B) of this section, the city shall not issue a building, occupancy or other use permit unless and until the impact fees required pursuant to this chapter have been paid.~~

~~20.12.120 Refunds.~~

~~A. If the city fails to expend or encumber the impact fees within the time period established pursuant to MMC 20.12.090(B), the current owner of the property for which impact fees have been paid may obtain a refund of such fees. In determining whether impact fees have been expended or encumbered, fees shall be considered expended or encumbered on a first in, first out basis.~~

~~B. The city shall notify potential claimants by first class mail, deposited with the United States Postal Service, at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fees in question have been paid.~~

~~C. Owners seeking a refund of impact fees must submit a written refund request to the city engineer within one year of the date the right to claim the refund arises or the date that notice by the city is provided, whichever is later.~~

~~D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended upon appropriate system improvements.~~

~~E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.~~

~~F. When and if the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained~~

~~for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.~~

~~G. The city shall also refund to the current owner of property for which impact fees have been paid, including interest earned on the impact fees, if the development for which the transportation impact fees were imposed did not occur; however, any associated administrative fee shall not be refunded.~~

~~20.12.130 Calculation of impact fees.~~

~~A. The transportation impact fee assessed against a development activity shall be based upon the calculation methodology set forth in the Transportation Impact Fee Rate Study Update, Fehr & Peers (October 2015). This study includes the list of eligible impact fee projects enumerated in the transportation element of the city's comprehensive plan, a calculation of the share of cost related to new growth and development, the determination of an impact fee rate, and the development of an impact fee schedule.~~

~~B. Each applicant for development shall pay its share in accordance with the following:~~

~~Land Use~~	~~Unit of Measure~~	~~Impact Fee Rate~~
~~Single Family (1 or 2 dwelling units)~~	~~Dwelling Unit~~	~~$3,475~~
~~Multifamily (3 or more dwelling units)~~	~~Dwelling Unit~~	~~$1,981~~
~~Senior Housing~~	~~Dwelling Unit~~	~~$938~~
~~Commercial Services~~	~~SF GFA~~	~~$13.83~~
~~School~~	~~Student~~	~~$451.37~~
~~Institutional~~	~~SF GFA~~	~~$2.57~~
~~Light Industry/Industrial Park~~	~~SF GFA~~	~~$3.16~~
~~Warehousing/Storage~~	~~SF GFA~~	~~$1.56~~
~~Restaurant~~	~~SF GFA~~	~~$17.55~~
~~General Retail~~	~~SF GFA~~	~~$8.51~~
~~Supermarket~~	~~SF GFA~~	~~$21.09~~
~~Administrative Office~~	~~SF GFA~~	~~$5.17~~
~~Medical Office/Dental Clinic~~	~~SF GFA~~	~~$12.41~~

~~Exception: Permitted accessory dwelling units (as defined in MMC Title 18) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from transportation impact fees.~~

~~C. For uses that are not identified in the fees established by subsection (B) of this section, the city engineer shall calculate the impact fee amount using the methodology employed in the Transportation Impact Fee Rate Study Update.~~

~~D. For a substantial change in use of an existing building or dwelling unit, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee under the current rate schedule of the prior use.~~

~~E. The city engineer may in his/her sole discretion adjust the standard impact fee at the time the fee is imposed in consideration of unusual circumstances, in specific cases, to ensure that impact fees are imposed fairly.~~
~~F. Determinations made by the city engineer pursuant to this section may be appealed to the office of the hearing examiner as set forth in MMC 20.12.080.~~
~~G. The transportation impact fees computed in this section will be adjusted annually in accordance with a five-year rolling average of the Washington State Department of Transportation Construction Cost Index ("CCI"), coinciding with the city's annual adoption of its six-year street plan.~~
~~H. Pursuant to and consistent with the requirements of RCW 82.02.060, impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development.~~
~~* Code reviser's note: Ord. 009/2016 § 5 provides: "The duration of this ordinance shall be for five years, and shall automatically sunset five years from the effective date, unless repealed earlier or extended by future Council action." The effective date for this ordinance is July 3, 2016.~~

~~20.12.135 Independent fee calculations.~~
~~A. City-Initiated Independent Fee Calculations. If, in the judgment of the city engineer, the fee calculation methodology set forth in MMC 20.12.130 does not accurately or fairly describe or capture the impacts of a development activity upon the city's transportation system, the city engineer may conduct an independent fee calculation and may impose an alternative fee amount based upon that calculation. The alternative fee and calculation shall be set forth in writing and shall be mailed to the permit applicant.~~
~~B. Applicant-Initiated Independent Fee Calculations. If an applicant believes that the trip impact fee amounts set forth in MMC 20.12.130 do not accurately or fairly describe or capture the impacts of a development activity upon the city's transportation system, the applicant may prepare and submit to the city engineer an independent fee calculation for the development activity at issue. The independent fee calculation submitted shall demonstrate the basis upon which it is made; provided, independent fee calculations shall use the same methodology used to establish impact fees set forth in MMC 20.12.130, shall be limited to adjustments in trip generation rates and trip lengths used in the rate study, and shall not include travel demand forecasts, trip distribution, transportation service areas, costs of road projects, or cost allocation procedures.~~

~~1. The city engineer shall consider the independent fee calculation submitted by the applicant, but is not required to accept such documentation or analysis which the city engineer reasonably deems to be inaccurate or unreliable, and may, alternatively, require the applicant to submit additional or different documentation for consideration. The city engineer is authorized, but in no manner obligated, to adjust the impact fee on a case-by-case basis based upon an independent fee calculation, specific characteristics of the development, and/or the demonstrated impact of the development upon the city's transportation system. Any alternative fee calculation approved by the city engineer shall be set forth in writing and mailed to the applicant.~~

~~C. Determinations made by the city engineer pursuant to this section may be appealed to the hearing examiner as set forth in MMC 20.12.080.~~

~~20.12.140 Review.~~

~~A. The fee calculations set forth in MMC 20.12.130 and fee rates established under this chapter may periodically be reviewed and adjusted by the city council.~~
~~B. The cost of administering the impact fee program for traffic impact fees shall be reimbursed through the imposition of administrative fees as set by council resolution. The resolution may set separate charges for different review processes specified in this chapter, including but not limited to the imposition of an impact fee, a request for modification of an impact fee, a request for a credit and an appeal of a determination made pursuant to this chapter. The administrative fee shall be deposited into an administrative fee account within the transportation impact fee fund.~~
~~C. The administrative fee, in addition to the actual impact fees, shall be paid by the applicant to the city at the same time as the impact fee is paid or at the time a request for an impact fee review or appeal is filed, if a request thereof occurs after payment of the impact fee. No request for review pursuant to this chapter shall be processed until the applicable administrative fee has been paid.~~

~~20.12.150 Impact mitigation authority preserved.~~
~~Nothing in this chapter shall preclude the city from requiring the mitigation of adverse impacts with respect to a particular development activity pursuant to applicable state and local regulations.~~

~~20.12.160 Transportation impact fee fund.~~
~~A. There is hereby established the transportation impact fee fund as a repository for the transportation impact fees collected pursuant to this chapter. Interest earned on the fees shall be allocated to the transportation impact fee fund and expended in furtherance of the purposes for which the impact fees were collected.~~
~~B. The city engineer shall annually provide a report to the city council regarding the transportation impact fee fund indicating the source and amount of all monies collected, earned or received, the fund balance, and the system improvements which were financed in whole or in part by impact fees.~~))

Section 6. Repeal of MMC Title 21. Monroe Municipal Code (MMC) Title 21, Development Review Procedures, is hereby repealed in its entirety:

((~~Title 21~~
~~DEVELOPMENT REVIEW PROCEDURES~~

~~Chapters:~~
~~21.10 Introduction~~
~~21.20 Administration~~
~~21.30 Consolidated Application Process~~
~~21.40 Public Notice Requirements~~
~~21.50 Review and Approval Process~~
~~21.60 Appeals~~
~~21.70 Enforcement~~

~~Chapter 21.10~~
~~INTRODUCTION~~

~~Sections:~~
~~21.10.010 Intent.~~

~~21.10.020 Rules of interpretation.~~
~~21.10.030 Definitions.~~

~~21.10.010 Intent.~~
~~The purpose of this title is to combine and consolidate the application, review, and approval processes for land development in the city of Monroe in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. Final decision on development proposals shall be made in a reasonable and timely manner from the date of the letter of completeness except as provided in MMC 21.50.100.~~

~~21.10.020 Rules of interpretation.~~
~~For the purposes of the development regulations, all words used shall have their normal and customary meanings, unless specifically defined otherwise in this title.~~
~~A. Words used in the present tense include the future.~~
~~B. The plural includes the singular and vice versa.~~
~~C. The words "will" and "shall" are mandatory.~~
~~D. The word "may" indicates that discretion is allowed.~~
~~E. The masculine gender includes the feminine and vice versa.~~
~~F. Distances shall be measured horizontally unless otherwise specified.~~
~~G. The word "building" includes a portion of a building and a portion of the lot on which it stands.~~
~~H. Except where otherwise expressly noted, the term "days" as used in this title means calendar days, not working days.~~

~~21.10.030 Definitions.~~
~~The following definitions shall apply to this title; other definitions may be found in individual chapters:~~
~~"Applicant" means a person seeking development or permit approval from the city.~~
~~"Boundary line adjustment" means the adjustment of a boundary line between existing lots which results in no more lots, tracts, parcels, sites, or divisions than existed before the adjustment and which meets the criteria set forth in Chapter 17.30 MMC.~~
~~"City" means the city of Monroe.~~
~~"City administrator" means the city administrator of the city of Monroe, or his or her designee.~~
~~"City council" means the city council of the city of Monroe.~~
~~"Closed record appeal" means an appeal to the city council or hearing examiner, following an open record hearing on a project permit application, when the appeal is based on the existing record with no or limited new evidence or information allowed to be submitted and only appeal arguments are allowed.~~
~~"Comprehensive plan" means the Monroe comprehensive plan adopted in 1994 as amended.~~
~~"Comprehensive plan amendment" means an amendment or change to the text or maps of the comprehensive plan.~~
~~"Conditional use" means a use allowed in one or more zones as defined by the zoning code, but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities,~~

~~requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.~~

~~"Date of issuance of decision" means, in the case of decisions that may be appealed administratively, the date on which the decision is mailed to all parties of record and from which the appeal period is calculated. In the case of decisions that may be appealed only to the superior court, the date prescribed by the Land Use Petition Act, Chapter 36.70B RCW.~~

~~"Decision" means the written report of findings and conclusions issued by the hearing body and forwarded to all parties of record.~~

~~"Developer" means any person who proposes an action or seeks a permit regulated by MMC Titles 15, 17, 18, 19, and 20, inclusive.~~

~~"Development" means any land use permit or action regulated by MMC Titles 15, 17, 18, 19, and 20, including but not limited to subdivision, binding site plans, rezones, conditional use permits, or variances.~~

~~"Development regulations" means MMC Titles 15, 17, 18, 19, and 20.~~

~~"Director" means the director of community development or his designee.~~

~~"Effective date" means the date a final decision becomes effective.~~

~~"Essential public facilities" means facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.~~

~~"Final decision" means the final action by the director of community development, planning commission, hearing examiner, or city council.~~

~~"Open record hearing" means a hearing, conducted by a single hearing body that creates the record through testimony and submission of evidence and information, under procedures prescribed by the hearing body. An open record hearing may be held prior to a decision being issued on a project permit to be known as an "open record pre-decision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record pre-decision hearing has been held on the project permit.~~

~~"Party of record" means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.~~

~~"Party to an appeal" means the appellant(s), applicant, and city of Monroe.~~

~~"Planned action" means a significant development proposal as defined in RCW 43.21C.031 as amended.~~

~~"Planned residential development" means a flexible method of land development, which accomplishes the purposes of Chapter 18.84 MMC, in which the principal use is residential.~~

~~"Plat" means a scale drawing of a subdivision showing lots, blocks, streets, or tracts, or other division or dedications of land to be subdivided.~~

~~"Plat, final" means a precise drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of approval, and meets the requirements of the Snohomish County auditor for recording.~~

~~"Plat, final short" means a precise drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all conditions of approval, and meets the requirements of the Snohomish County auditor for recording.~~
~~"Plat, preliminary" means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.~~
~~"Plat, preliminary short" means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, encumbrances, encroachments, and other information needed to properly review the proposal.~~
~~"Plat, short" means the plat of a short subdivision.~~
~~"Project" means a proposal for development.~~
~~"Project permit" or "project permit application" means any land use or environmental permit or license required by the city of Monroe for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required for critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations.~~
~~"Public hearing" means an open record hearing at which evidence is presented and testimony is taken.~~
~~"Rezone" means an amendment which changes the use classifications and/or boundaries upon the official zoning map.~~
~~"Site plan" means a scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces, and other principal development features for a specific parcel of property.~~
~~"Site plan, binding" means a site plan reviewed and approved pursuant to MMC Title 18, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Snohomish County auditor for recording.~~
~~"Special use" means a use that because of its unusual, large-scale, and/or unique impacts requires additional scrutiny and mitigation, above and beyond the requirements of a conditional use, and for which the Monroe hearing examiner is the final decision-making body.~~
~~"Subdivision, short" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.~~
~~"Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.~~
~~"Subdivision code" means MMC Title 17.~~
~~"Variance" means a permissible modification of the application of MMC Title 18 to a particular property, subject to the approval of the hearing examiner.~~
~~"Working day" means any day which the city of Monroe is open for business.~~
~~"Zoning code" means MMC Title 18.~~

~~Chapter 21.20~~
~~ADMINISTRATION~~

~~Sections:~~

~~21.20.010 Roles and responsibilities.~~
~~21.20.020 Director of community development.~~
~~21.20.030 City council.~~
~~21.20.040 Planning commission.~~
~~21.20.050 Hearing examiner.~~

~~21.20.010 Roles and responsibilities.~~
~~The regulation of land development is a cooperative activity including many different elected and appointed boards and city staff. The specific responsibilities of these bodies are set forth below.~~
~~A developer is expected to read and understand the city development regulations and be prepared to fulfill the obligations placed on the developer by MMC Titles 17 through 21.~~

~~21.20.020 Director of community development.~~
~~A. Authority. The director of community development is responsible for the administration of MMC Titles 17, 18, 19, 20, and 21.~~
~~B. Administrative Interpretation. Upon request or as determined necessary, the director of community development shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within thirty days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.~~
~~C. Administrative Approvals. The director of community development is responsible for administrative approvals set forth in MMC 21.50.010 and 21.50.020.~~

~~21.20.030 City council.~~
~~In addition to its legislative responsibility, the city council shall review and act on the following subjects:~~
~~A. Recommendations of the planning commission.~~
~~B. Hearing examiner recommendations to city council.~~
~~C. Appeal of hearing examiner decisions on administrative interpretations, administrative approvals, and other actions and responsibilities as specified in this code.~~
~~D. Appeal of hearing examiner decisions on the adequacy of environmental impact statements, threshold determinations, and decisions based on SEPA substantive authority, in conformance with Chapter 20.04 MMC.~~

~~21.20.040 Planning commission.~~
~~The planning commission shall review and make recommendations on the following applications and subjects:~~
~~A. Amendments to the comprehensive plan.~~
~~B. Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).~~
~~C. Other actions requested or remanded by the city council.~~
~~D. Rezone applications.~~

~~21.20.050 Hearing examiner.~~
~~The hearing examiner shall have the authority and responsibility to review and act on the following subjects:~~

~~A. To hear and decide all variance applications per Chapter 18.98 MMC, including land clearing variances, per Chapter 20.08 MMC.~~
~~B. To hear and decide all variance applications from the flood hazard area regulations, per Chapter 14.01 MMC.~~
~~C. To hear and decide all applications for "reasonable use" exceptions from critical areas regulations, per Chapter 20.05 MMC.~~
~~D. To hear all appeals of administrative interpretations and approvals, as defined by the following MMC Titles 15 and 17 through 20:~~

~~1. Zoning code interpretations.~~
~~2. Construction permit decisions.~~
~~3. Boundary line adjustment decisions.~~
~~4. Short subdivision applications.~~
~~5. Exceptions from critical areas regulations.~~
~~6. Exceptions from storm water management regulations.~~
~~7. Flood hazard area development permits issued by the city engineer.~~

~~E. To hear and decide all normally administrative approvals for project applications by the following MMC Titles 15 and 17 through 20 when a conflict of interest may exist when the applicant is a city employee, a city elected official, city appointed board member or other member of the public that has financial ties or other relationship with the above groups for private development project review.~~
~~F. To hear and decide all applications for preliminary subdivision plats, per Chapter 17.12 MMC, and planned residential/commercial developments, per Chapter 18.84 MMC.~~
~~G. To hear and decide all applications for conditional use permits, per Chapter 18.96 MMC.~~
~~H. To hear and review all shoreline permit applications, per Chapter 19.01 MMC, as defined by the following:~~

~~1. The hearing examiner shall approve, approve with conditions, or deny the application for shoreline substantial development permits;~~
~~2. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations to the city council on shoreline conditional use permits; and~~
~~3. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations to the city council on shoreline variances.~~

~~I. To hear all appeals of State Environmental Policy Act threshold determinations/EIS adequacy, per Chapter 20.04 MMC.~~
~~J. To hear and decide all applications for temporary tent encampments, per Chapter 18.75 MMC.~~
~~K. To hear and decide all special use permit applications, per Chapter 18.97 MMC, including special use permits for essential public facilities, per Chapter 18.15 MMC.~~
~~L. To hear and decide all requests for the removal of a six-year development moratorium, per MMC 20.08.100.~~
~~M. Other actions and responsibilities, including but not limited to local improvement districts and assessments therein requested or remanded by the city council by resolution, or as designated in the Monroe Municipal Code.~~
~~The review criteria and procedures for the hearing examiner are contained in MMC 21.50.030.~~

~~Chapter 21.30~~
~~CONSOLIDATED APPLICATION PROCESS~~

~~Sections:~~

~~21.30.010 Application.~~
~~21.30.020 Predevelopment conference.~~
~~21.30.030 Content of applications.~~
~~21.30.040 Letter of completeness.~~
~~21.30.050 Development review committee.~~
~~21.30.060 Environmental review.~~

~~21.30.010 Application.~~

~~A. The city shall consolidate development application and review in order to integrate the development permit and environmental review processes, while avoiding duplication of the review processes.~~

~~B. All applications for development permits, variances, and other city approvals under the development regulations shall be submitted on forms provided by the department of community development. All applications shall be acknowledged by the property owner(s) and any interested parties, if applicable.~~

~~21.30.020 Predevelopment conference.~~

~~The city of Monroe offers predevelopment conferences that include affected department members from the development review committee, as defined in MMC 21.30.050. The purpose of the conference is to discuss the proposal, permit requirements, fees, review process, applicable plans, policies and regulations. Upon receipt of required materials, the committee will review the proposal and provide feedback at the conference. Preapplication conferences are nonbinding, and shall not prevent the city from enforcing all applicable codes, ordinances and regulations in effect at the time of application.~~

~~21.30.030 Content of applications.~~

~~A. All applications for approval under MMC Titles 15 through 20 shall include the information specified in the applicable title. The director of community development may require such additional information as reasonably necessary to fully and properly evaluate the proposal, including but not limited to:~~

~~1. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and wives, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;~~

~~2. The proposed use or uses of the land and buildings;~~

~~3. A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:~~

~~a. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property;~~

~~b. The boundaries of the property proposed to be developed;~~

~~c. All proposed and existing buildings and setback lines;~~

~~d. All areas, if any, to be preserved as buffers or to be dedicated to a public, private, or community use or for open space under the provisions of this or any~~

~~other city ordinance, information regarding percentage of area covered, locations, and general types of landscaping;~~

~~e. All existing and proposed easements;~~

~~f. The locations and size of all existing and proposed utility structures and lines;~~

~~g. The storm water drainage systems for existing and proposed structures, including the location and extent of curbs and gutters;~~

~~h. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;~~

~~i. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;~~

~~j. Traffic volumes and flows estimated to be generated by the proposed development on adjacent roads;~~

~~k. Location and extent of street dedication, widening or other road improvements;~~

~~l. Location and extent of acceleration and deceleration lanes, if needed;~~

~~m. Location of traffic-control devices on and off the site;~~

~~n. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload; and~~

~~o. Location and area, in square feet, of all signs;~~

~~4. Topographic map or maps which delineate contours, both existing and proposed, at intervals of two feet and which locate existing lakes, streams and forested areas;~~

~~5. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;~~

~~6. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure covering land, and the total amount of square feet in the entire proposed development site;~~

~~7. The proposed number of dwelling units and number of bedrooms in the development;~~

~~8. The proposed number of square feet in gross floor area for each commercial and industrial use;~~

~~9. A description of each commercial and industrial use; and~~

~~10. The written approvals of the Snohomish Health District, if required.~~

~~B. The applicant shall apply for all permits identified in the preapplication meeting.~~

~~21.30.040 Letter of completeness.~~

~~A. Upon receiving a date-stamped application, and payment of required fees, the city shall route the application to the development review committee (DRC), described below, for review; within twenty-eight days, the city shall provide the applicant with a written determination that the application is complete or incomplete.~~

~~B. A project application shall be declared complete only when it contains all of the following materials:~~

~~1. A fully completed, signed, and acknowledged development application and all applicable review fees.~~

~~2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act.~~

~~3. The information specified for the desired project in the appropriate chapters of this code and as identified in MMC 21.30.030.~~

~~C. For applications determined to be incomplete, the city shall identify, in writing, the specific requirements or information necessary to constitute a complete application. If the requested additional information is not submitted within thirty days of determining the application is incomplete, the application file shall be closed. Upon submittal of the additional information, the city shall, within fourteen days, issue a letter of completeness or identify what additional information is required.~~
~~D. If the city does not provide the determination required by this section within twenty-eight days, the application shall be deemed complete for purposes of further processing, but that shall not preclude the city from requesting any additional information required for the application to be actually complete under the city's codes, nor shall it preclude the city from requesting additional information or studies as authorized by RCW 36.70B.070.~~
~~E. Following a determination of completeness, the city shall provide the applicant written comments that identify specific issues not in compliance with city regulations and standards. If the applicant does not respond to the requested corrections within thirty days of notice, the city may close the application due to inactivity.~~

~~21.30.050 Development review committee.~~
~~A. The development review committee (DRC) is composed of city department heads or designees and may include representatives from affected utility districts, the fire district, and any other entities or agencies as deemed appropriate by the community development director.~~
~~B. The DRC shall review the development application for compliance with city plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.~~

~~21.30.060 Environmental review.~~
~~A. Developments and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedures contained in Chapter 20.04 MMC.~~
~~B. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:~~
~~1. Projects categorically exempt from SEPA.~~
~~2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned actions.~~

~~Chapter 21.40~~
~~PUBLIC NOTICE REQUIREMENTS~~

~~Sections:~~
~~21.40.010 Notice of development application.~~
~~21.40.020 Notice of public hearing.~~
~~21.40.030 Notice of appeal hearings.~~
~~21.40.040 Notice of decision.~~

~~21.40.010 Notice of development application.~~

~~A. Within fourteen days of issuing a letter of completeness under MMC 21.30.040, the city shall issue a notice of development application. The notice shall include, but not be limited to, the following:~~

~~1. The name of the applicant.~~

~~2. Date of application.~~

~~3. The date of the letter of completeness.~~

~~4. The location of the project.~~

~~5. A project description.~~

~~6. A list of the permits included in the application, a list of any required studies, and to the extent known by the city, a list of other permits needed for the project but not included in the application.~~

~~7. A public comment period neither less than fourteen nor more than thirty days.~~

~~8. Identification of existing environmental documents and the location at which the application and any studies done in connection with the application may be reviewed.~~

~~9. A city staff contact and phone number.~~

~~10. The date, time, and place of a public hearing (if one has been scheduled).~~

~~11. A statement that the decision on the application will be made within one hundred twenty days of the date of the letter of completeness.~~

~~B. The notice of development application shall be posted on the subject property and published once in a newspaper of general circulation.~~

~~C. The notice of development application shall be issued prior to and is not a substitute for required notice of a public hearing.~~

~~D. A notice of application is not required for the following actions when they are categorically exempt from SEPA or environmental review has been completed:~~

~~1. Application for building permits.~~

~~2. Application for lot line adjustments.~~

~~3. Application for administrative approvals, other than short plats.~~

~~21.40.020 Notice of public hearing.~~

~~Notice of a public hearing for all development applications and all open record appeals shall be given as follows:~~

~~A. Time of Notices. Except as otherwise expressly required by state law or this code, public notification of meetings, hearings, and pending actions under MMC Titles 17 through 20 shall be made by:~~

~~1. Publication at least ten calendar days before the date of a public meeting, hearing, or pending action in the official newspaper, if one has been designated, or a newspaper of general circulation in the city; and~~

~~2. The city shall mail a notice of the proposed application to owners identified by Snohomish County assessor records as owning property within five hundred feet of the property. The mailing shall take place at least ten calendar days before any pending action by the city, to allow for public comment; and~~

~~3. Posting at least ten calendar days before the meeting, hearing, or pending action at least one notice on the subject property; and~~

~~4. Failure to provide all three types of notice will not necessarily prevent the hearing. It shall be at the discretion of the hearing examiner as to whether notice was reasonable and adequate.~~

~~B. Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a nonlegal description of the property or a vicinity~~

~~map or sketch, the time, date and place of the public hearing, and the place where further information may be obtained.~~
~~C. Continuations. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required.~~

~~21.40.030 Notice of appeal hearings.~~
~~In addition to the posting and publication requirements of MMC 21.40.020, notice of appeal hearings shall be as follows:~~
~~A. For administrative approvals of lot boundary adjustments and short plats, notice shall be mailed to parties of record.~~
~~B. For planning commission recommendations on quasi-judicial actions, notice shall be mailed to parties of record from the planning commission public hearing.~~
~~C. For all recommendations and decisions of the hearing examiner, notice shall be mailed to parties of record from the hearing examiner public hearing.~~

~~21.40.040 Notice of decision.~~
~~A written notice for all final decisions and hearing examiner recommendations shall be sent to the applicant and all parties of record within five working days of city receipt, via United States mail, of the decision by the hearing examiner or other hearing body.~~

~~Chapter 21.50~~
~~REVIEW AND APPROVAL PROCESS~~

~~Sections:~~
~~21.50.010 Administrative approvals without notice.~~
~~21.50.020 Administrative approvals subject to notice.~~
~~21.50.030 Hearing examiner review and recommendation.~~
~~21.50.040 Planning commission review and recommendation.~~
~~21.50.050 City council actions.~~
~~21.50.060 Procedures for public hearing.~~
~~21.50.070 Procedures for closed record appeals.~~
~~21.50.080 Reconsideration.~~
~~21.50.090 Procedures.~~
~~21.50.100 Remand.~~
~~21.50.110 Final decision.~~
~~21.50.120 Development review and appeal matrix.~~
~~21.50.130 Consolidation.~~

~~21.50.010 Administrative approvals without notice.~~
~~A. The director of community development may approve, approve with conditions, or deny the following without notice:~~
1. ~~Adjustment to yard requirements per MMC 18.94.030;~~
2. ~~Boundary line adjustments.~~
3. ~~Extension of time for approval;~~
4. ~~Land clearing/forest practices permits, per MMC 20.08.040.~~

~~5. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect:~~

~~a. Overall project character,~~

~~b. Increase the number of lots, dwelling units, or density, or~~

~~c. Decrease the quality or amount of open space;~~

~~B. Decisions of the director of community development under this section shall be final on the date issued.~~

~~21.50.020 Administrative approvals subject to notice.~~

~~A. The director of community development may grant preliminary approval or approval with conditions, or may deny the following actions subject to the notice and appeal requirements of this section:~~

~~1. Accessory dwelling units.~~

~~2. Binding site plans.~~

~~3. Short plats.~~

~~4. Single-family dwelling exception to development moratoria, per MMC 20.08.110.~~

~~B. Preliminary approvals under this section shall become final subject to the following:~~

~~1. If no appeal is submitted, the preliminary approval becomes final at the expiration of the appeal period.~~

~~2. If a written notice of appeal is received, within the specified time period, the matter will be referred to the hearing examiner.~~

~~21.50.030 Hearing examiner review and recommendation.~~

~~A. Staff Report. The community development department or other city department, including the fire district, shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies, and special districts, and evaluating the development's consistency with the city's development regulations, adopted plans and regulations. The staff report shall include findings, conclusions, and proposed recommendations for disposition of the development application. The staff report should be forwarded to the hearing examiner and made available for public review at least one week prior to the public hearing by the hearing examiner.~~

~~B. Hearing. The hearing examiner shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development regulations, adopted plans and regulations. Notice of the hearing examiner hearing shall be in accordance with MMC 21.40.030.~~

~~C. Required Findings. In drafting a final decision or recommendation, the hearing examiner shall address the following, as required in the findings of fact:~~

~~1. The development is consistent with the comprehensive plan and meets the requirements and intent of this code.~~

~~2. The development makes adequate provisions, if appropriate, for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.~~

~~3. The development adequately mitigates impacts identified under Chapters 17.12, 18.84, and 20.04 MMC, and the sensitive area guidelines adopted by resolution.~~

~~4. The development is beneficial to the public health, safety and welfare and is in the public interest.~~

~~5. The development does not lower the level of service on the following public facilities and services below the minimum standards established within the comprehensive plan:~~

~~a. Potable water;~~

~~b. Wastewater;~~

~~c. Storm water drainage;~~

~~d. Police and fire protection;~~

~~e. Parks and recreation;~~

~~f. Arterial roadways; and~~

~~g. Public schools.~~

~~If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development, subject to the requirements of Chapter 20.06 MMC.~~

~~6. The area, location, and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of development, and are proportional to the impacts created by the development.~~

~~D. Recommendation. For matters which require a recommendation to the city council by the hearing examiner, the hearing examiner shall provide the original of the recommendation to the community development department. The department shall be responsible for distribution of the document and for scheduling city council action. The hearing examiner's recommendation shall be forwarded to the city council. The responsibilities of the hearing examiner are contained in MMC 21.20.050.~~

~~E. Final Decision. For matters which require a final decision by the hearing examiner, the hearing examiner shall provide the original of the decision to the community development department. The department shall be responsible for distribution of the document.~~

~~21.50.040 Planning commission review and recommendation.~~

~~A. Staff Report. The director of community development shall prepare a staff report on the proposed action summarizing the comments and recommendations of city departments, affected agencies, and special districts, and evaluating the development's consistency with the city's development regulations, adopted plans and regulations. The staff report shall include proposed findings, conclusions, and proposed recommendations for disposition of the proposed action.~~

~~B. Hearing. The planning commission shall conduct a public hearing on proposed amendments to the comprehensive plan and/or development regulations for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development regulations, adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with MMC 21.40.030.~~

~~C. Required Findings. 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.~~

~~D. Recommendation. The planning commission shall provide the original of the recommendation to the community development department. The department shall be responsible for distribution of the document and the scheduling of city council action. The responsibilities of the planning commission are contained in MMC 21.20.040.~~

~~21.50.050 City council actions.~~

~~A. Actions. Upon receiving a recommendation from the planning commission or hearing examiner, the council shall:~~

~~1. Hold a closed record proceeding only in the case of a hearing examiner recommendation. The council shall set the date for consideration of the hearing examiner's recommendation at the council's next available public meeting following receipt of the recommendation.~~

~~2. At the council's discretion, hold an open record hearing in the case of a planning commission recommendation.~~

~~3. Take final action on the hearing examiner or planning commission's recommendation.~~

~~B. Decisions. The city council shall make its decision by motion, resolution, or ordinance as appropriate.~~

~~1. A council decision on a planning commission or a hearing examiner recommendation shall include one of the following actions:~~

~~a. Approve as recommended.~~

~~b. Approve with conditions. All new or modified conditions imposed by the council on a recommendation by the hearing examiner must be based on the record developed at the public hearing.~~

~~c. Modify, with or without the applicant concurrence; provided, that the modifications do not:~~

~~i. Enlarge the area or scope of the project.~~

~~ii. Increase the density or proposed building size.~~

~~iii. Significantly increase adverse environmental impacts as determined by the responsible official.~~

~~d. Deny (reapplication or resubmittal is permitted).~~

~~e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).~~

~~f. Remand for clarification of the evidence or findings; provided, that in any matter that is before the council on a closed record, no new evidence shall be admitted in any remanded proceeding.~~

~~2. A council decision following a closed record appeal hearing shall include one of the following actions:~~

~~a. Grant the appeal in whole or in part.~~

~~b. Deny the appeal in whole or in part.~~

~~21.50.060 Procedures for public hearing.~~

~~Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair/hearing examiner shall open the public hearing and, in general, observe the following sequence of events:~~

~~A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.~~

~~B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.~~
~~C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. The chair/hearing examiner shall have discretion as to what constitutes germane testimony.~~
~~D. Rebuttal, response, or clarifying statements by the staff and the applicant.~~
~~E. The evidentiary portion of the public hearing shall be closed thereafter and the hearing body shall deliberate on the matter before it.~~

~~21.50.070 Procedures for closed record appeals.~~
~~Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Except as provided in MMC 21.50.080, no new evidence or testimony shall be given or received.~~

~~21.50.080 Reconsideration.~~
~~A party to a public hearing or closed record appeal may seek reconsideration only of a recommendation or a decision by the hearing examiner or hearing body by filing a written request for reconsideration with the community development department within ten calendar days following issuance of the written final decision. All motions for reconsideration shall state specific errors of facts or law. Failure to do so will be grounds for nonconsideration. The hearing examiner or hearing body shall consider the request, without any public comment or argument. Reconsideration will be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. If a request for reconsideration is accepted, a decision or recommendation is not final until after a decision on the reconsideration request has been issued.~~

~~21.50.090 Procedures.~~
~~A. Time for Appeal. Any interested party who participated in the public hearing by testifying or submitting written evidence, other than a petition, aggrieved by the hearing examiner's final decision on any permit or matter for which the hearing examiner takes final action, and the city council is designated by this code as the appellate body, may submit a notice of appeal to the community development department, upon a form furnished by the department in accordance with MMC 21.60.020. No appeal shall be allowed from a hearing examiner's recommendation and only final decisions of the hearing examiner may be appealed. For purposes of this section, the date of issuance of the hearing examiner's decision shall be the date on which the hearing examiner's decision is mailed to all parties of record.~~
~~B. Notice to Parties of Record. Within five working days of receipt of an appeal, the city shall mail notice to all parties of record.~~
~~C. Opportunity to Provide Comments. Parties of record may submit written statements in support of their positions regarding the appeal within ten working days of the date of mailing of the appeal notice. The written statements will not be a part of the closed record, but will only identify the error being appealed.~~
~~D. Council Review Procedures. The city council shall hold a closed record hearing. The hearing shall consider the record and appeal. No additional evidence or testimony shall be accepted by the city council. If the council determines that further review and consideration of existing evidence is required, it may remand the matter to the~~

~~examiner. The cost of transcription of the hearing record shall be borne by the appellant.~~

~~E. Council Evaluation Criteria. The consideration by the city council shall be based solely on the record, the hearing examiner's decision and the appeal.~~

~~F. Findings and Conclusions Required. If, upon appeal of a decision of the hearing examiner, and after examination of the record, the council determines that a substantial error in fact or law exists in the record, it may remand the proceeding to the examiner for reconsideration, or request the city attorney to prepare findings and conclusions in support of its decision on the appeal.~~

~~G. Decision Documentation. In any event, the decision of the city council shall be in writing and shall specify any modified or amended findings and conclusions other than those set forth in the report by the hearing examiner.~~

~~H. Council Action Final. The action of the council approving, modifying or rejecting a decision of the examiner shall be final and conclusive, unless appealed as provided by law.~~

~~21.50.100 Remand.~~

~~In the event the city council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the council may remand the matter back to the hearing body to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work. The council may hold a public hearing on a closed record appeal only for the limited purposes identified in RCW 34.05.562(1).~~

~~21.50.110 Final decision.~~

~~A. Time. The final decision on a development proposal should be made within one hundred twenty days from the date of the letter of completeness; provided, that the following time periods should be excluded from the one hundred twenty days:~~

~~1. Any time required to process necessary amendments to the comprehensive plan (including the initial adoption of subarea plans), or development regulations.~~

~~2. Any time required to correct plans, perform studies, or provide additional information; provided, that within fourteen calendar days of receiving the requested additional information, the director of community development shall determine whether the information is adequate to resume the project review.~~

~~3. Any time during which substantial project revisions are made or requested by an applicant, in which case the one hundred twenty days will be calculated from the time that the city determines the revised application to be complete.~~

~~4. Any time required for the preparation and review of an environmental impact statement.~~

~~5. Any time required to complete the process for the siting of an essential public facility.~~

~~6. Any extension of time mutually agreed upon by the city and the applicant.~~

~~7. Any time required to obtain any necessary variance.~~

~~8. Any time required for any remand to the hearing body.~~

~~9. Any time required for any administrative appeal of SEPA threshold determination.~~

~~10. Any specific amount of additional time that the city determines is necessary for the processing of a specific complete project permit application.~~

~~B. Findings. Whenever the director of community development determines that one of the circumstances set forth in subsection (A) of this section exists, the director shall~~

~~make written findings that additional time is necessary for the processing of the project permit application and shall specify the amount of additional time that is needed.~~
~~C. Effective Date. The final decision of the council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance. The date from which appeal periods shall be calculated is the date of issuance of the decision, as defined in MMC 21.10.030.~~

~~21.50.120 Development review and appeal matrix.~~

~~Application Type~~	~~Notice of Application~~	~~Public Hearing~~	~~Recommending Body~~	~~Preliminary Approval~~	~~Final Decision Body[3]~~	~~Notice of Decision~~	~~Appeal Body~~	~~Subsequent Appeal Body~~
~~Adjustments to Yard Requirements only if categorically exempt from SEPA~~	~~No~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Administrative Interpretations only if categorically exempt from SEPA~~	~~No~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Boundary Line Adjustments only if categorically exempt from SEPA~~	~~No~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Land Clearing/Forest Practices only if categorically exempt from SEPA~~	~~No~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Construction Permits only if categorically exempt from SEPA~~	~~No~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Adjustments to Yard if not categorically exempt from SEPA~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~

~~Administrative Interpretations if not categorically exempt from SEPA~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Boundary Line Adjustments if not categorically exempt from SEPA~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Land Clearing/ Forest Practices if not categorically exempt from SEPA~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Construction Permits if not categorically exempt from SEPA~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Accessory Dwelling Units~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Preliminary Binding Site Plans for Less Than Ten Lots~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Final Binding Site Plans for Less Than Ten Lots~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Preliminary Short Subdivisions~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Final Short Subdivisions~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Single-Family Dwelling Exception to Development Moratoria~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~

~~Threshold Determination /EIS Adequacy (SEPA)~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Administrative Approvals When a Conflict of Interest Exists~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~City Council~~	~~Superior Court~~
~~Preliminary Binding Site Plan for Ten or More Lots/Contract Rezone~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~City Council~~	~~Superior Court~~
~~Final Binding Site Plan for Ten or More Lots/Contract Rezone~~	~~Yes~~	~~No~~	-	-	~~Director of Community Development~~	~~No~~	~~Hearing Examiner~~	~~Superior Court~~
~~Conditional Use~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~City Council~~	~~Superior Court~~
~~Preliminary Planned Residential Development~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-
~~Final Planned Residential Development~~	~~Yes~~	~~No~~	-	-	~~City Council~~	~~Yes~~	~~Superior Court~~	-
~~Reasonable Use Exception~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-
~~Removal of a Six-Year Development Moratorium~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-
~~Shoreline Conditional Use[2]~~	~~Yes~~	~~Yes~~	~~Hearing Examiner~~	-	~~City Council~~	~~Yes~~	~~Shoreline Hearings Board~~	~~Superior Court~~
~~Shoreline Substantial Development~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~City Council~~	~~Shoreline Hearings Board~~
~~Shoreline Variance[2]~~	~~Yes~~	~~Yes~~	~~Hearing Examiner~~	-	~~City Council~~	~~Yes~~	~~Shoreline Hearings Board~~	~~Superior Court~~
~~Special Use~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-

~~Preliminary Subdivision~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-
~~Final Subdivision~~	~~No~~	~~No~~	~~Director of Community Development~~	-	~~City Council~~	~~Yes~~	~~Superior Court~~	-
~~Temporary Tent Encampments~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-
~~Variance~~	~~Yes~~	~~Yes~~	~~Director of Community Development~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-
~~Variance from Flood Hazard Regulations~~	~~Yes~~	~~Yes~~	~~City Engineer~~	-	~~Hearing Examiner~~	~~Yes~~	~~Superior Court~~	-
~~Comprehensive Plan Amendments~~	~~Yes~~	~~Yes~~	~~Planning Commission~~	-	~~City Council~~	~~Yes~~	~~Growth Hearing Board~~	-
~~Development Code Amendments~~	~~Yes~~	~~Yes~~	~~Planning Commission~~	-	~~City Council~~	~~Yes~~	~~Growth Hearing Board~~	-
~~Rezone Applications~~	~~Yes~~	~~Yes~~	~~Planning Commission~~	-	~~City Council~~	~~Yes~~	~~Superior Court~~	-

~~1. Appeals based on the substantive authority of SEPA for conditions imposed outside the threshold determination process are appealable to the city council, as required by RCW 43.21C.060. Otherwise, appeals of SEPA threshold determinations and EIS adequacy are considered procedural determinations and therefore appealable to the hearing examiner per WAC 197-11-680(3)(iv).~~
~~2. Shoreline conditional use permits and variances require final approval by the Department of Ecology per Chapter 19.01 MMC.~~
~~3. When an applicant seeks a concurrent land use approval for a quasi-judicial or legislative action, the city may consolidate all project permit applications for the development proposal, in accordance with MMC 21.50.130.~~

~~21.50.130 Consolidation.~~
~~Upon the request of an applicant, the city shall consolidate all project permit applications for a development proposal so that the review process does not involve more than one open record hearing and one closed record appeal. The appeal of a determination of significance shall not be subject to this section. If consolidation leads to conflicts as to which decision maker must hold a hearing or appeal, priority shall be given to the decision maker with the greatest authority.~~

~~Chapter 21.60~~
~~APPEALS~~

~~Sections:~~
~~21.60.010 Appeal of administrative interpretations and appeals.~~
~~21.60.020 Appeal to the city council.~~
~~21.60.030 Judicial appeal.~~

~~21.60.010 Appeal of administrative interpretations and appeals.~~
~~A. Applicants or parties of record may appeal administrative interpretations and administrative approvals to the hearing examiner, within fourteen calendar days of the decision, at an open record hearing. The hearing examiner shall have the authority to~~

~~hear and decide appeals from any order, requirement, permit, decision or determination made by the zoning code administrator or his designee in the administration and enforcement of provisions of this code.~~

~~1. The appeal shall be filed on forms provided by the community development department and must be filed in original form.~~

~~2. The appeal shall set forth the specific reason, rationale, and/or basis for the appeal.~~

~~3. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed.~~

~~B. Except when superior court or any other body is the designated appeal body, or the Monroe Municipal Code or state law requires otherwise, appeals of the hearing examiner's appellate decisions for administrative interpretations and administrative approvals, by a party of record, are made to the city council at a closed record hearing, in accordance with MMC 21.50.070. All appeals shall be filed in writing and shall be based on the review of the record established at the hearing before the hearing examiner in accordance with MMC 21.50.090 and 21.60.020.~~

~~21.60.020 Appeal to the city council.~~

~~A. Filing. Every appeal to the city council shall be filed with the director of community development within fourteen calendar days after the date of the decision of the matter being appealed.~~

~~B. Contents. The notice of appeal shall contain a concise statement identifying:~~

~~1. The decision being appealed.~~

~~2. The name and address of the appellants and their interest(s) in the matter.~~

~~3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.~~

~~4. The desired outcome or changes to the decision.~~

~~5. The appeals fee.~~

~~21.60.030 Judicial appeal.~~

~~A. Appeals from the final decision of the city council, planning commission, or hearing examiner, or other city board or body involving MMC Titles 15 through 20, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court within twenty-one days of the date the decision or action became final in accordance with Chapter 36.70C RCW, unless another time period and/or another venue is established by state law or local ordinance.~~

~~B. Notice of the appeal and any other pleadings to be filed with the court shall be served on the city as required by law.~~

~~C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.~~

~~Chapter 21.70~~
~~ENFORCEMENT~~

~~Sections:~~

~~21.70.010 Enforcing official/authority.~~
~~21.70.020 General penalty.~~
~~21.70.030 Violation.~~
~~21.70.040 Repealed.~~
~~21.70.050 Repealed.~~
~~21.70.060 Review of approved permits.~~
~~21.70.070 Revocation or modification of permits and approvals.~~

~~21.70.010 Enforcing official/authority.~~
~~The director of community development shall be responsible for enforcing MMC Titles 17 through 20, and may adopt administrative rules to meet that responsibility. The director of community development may delegate enforcement responsibility to other city officials or staff as appropriate.~~

~~21.70.020 General penalty.~~
~~Compliance with the requirements of MMC Titles 17 through 20 shall be mandatory. The general penalties and remedies established in this code for such violations shall apply to any violation of those titles. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.~~

~~21.70.030 Violation.~~
~~It is unlawful for any person or entity to own, use, construct, erect, enlarge, alter, repair, move, improve, convert, equip, occupy, maintain, locate, demolish or cause to be constructed, located or demolished any structure, land or property within the city of Monroe in any manner that is contrary to the provisions of MMC Titles 17 through 20 or any permit, condition, order, rule or regulation imposed or adopted pursuant thereto. Each and every day that a structure, land or property is owned, leased, controlled, used or maintained in violation of MMC Titles 17 through 20 shall constitute a separate violation and shall be subject to the enforcement procedures of Chapter 1.04 MMC in addition to any other remedies available in the MMC or other applicable law.~~

~~21.70.040 Civil regulatory order.~~
~~*Repealed by Ord. 035/2005.*~~

~~21.70.050 Civil fines.~~
~~*Repealed by Ord. 035/2005.*~~

~~21.70.060 Review of approved permits.~~
~~A. Review. Any approval or permit issued under the authority of the development regulations may be reviewed for compliance with the requirements of the development regulations, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.~~
~~B. Initiation of Review. The review of an approval or permit may be initiated by the director of community development, city administrator, city council or by petition to the director of community development by three property owners or three residents of separate dwelling units in the city, stating their belief as to the noncompliance, nuisance or hazard of the permitted activity.~~

~~C. Director's Investigation. Upon receipt of information indicating the need for, or upon receiving a request for review of permit or approval, the director of community development shall investigate the matter and take one or more of the following actions:~~

~~1. Notify the property owner or permit holder of the investigation; and/or~~
~~2. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or~~
~~3. Refer the matter to the city attorney; and/or~~
~~4. Refer the matter to the city council with a recommendation for action.~~

~~**21.70.070 Revocation or modification of permits and approvals.**~~
~~A. Upon receiving a recommendation from the director of community development for revocation or modification of a permit or approval, the city council shall review the matter at a public hearing. Upon a finding that the activity does not comply with the conditions of approval or the provisions of the development regulations, or creates a nuisance or hazard, the city council may delete, modify, or impose such conditions on the permit or approval it deems sufficient to remedy the deficiencies. If the council finds no reasonable conditions that would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.~~
~~B. Reapplication. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the development regulations.~~))

Section 7. Amendment of MMC Title 3 - Adoption of New Chapter 3.50. Monroe Municipal Code Title 3, Revenue and Finance, is hereby amended to include a new Chapter 3.50, School Impact Mitigation Fee Program, to provide as follows:

Chapter 3.50
SCHOOL IMPACT MITIGATION FEE PROGRAM

Sections:
3.50.010 Title.
3.50.020 Purpose.
3.50.030 Words defined by RCW 82.02.090.
3.50.040 School mitigation definitions.
3.50.045 School impact fee eligibility.
3.50.050 School capital facilities plan.
3.50.060 Updating of school district plans.
3.50.061 Minimum requirements for school capital facilities plans.
3.50.070 City adoption of school capital facilities plans.
3.50.075 City adoption of school impact fees.
3.50.080 Delays.
3.50.090 Fee required – Intent.
3.50.100 Impact fee schedule.
3.50.105 Impact fee exemptions.
3.50.110 Impact fee limitations.
3.50.120 Fee determination.
3.50.130 Credit for in-kind contributions.

3.50.140 SEPA mitigation and other review.
3.50.150 Collection and transfer of fees.
3.50.160 Use of funds.
3.50.170 Refunds.
3.50.180 Administrative adjustment of fee amount.
3.50.190 Appeals of decisions – Procedure.
3.50.200 Vesting of school mitigation.
3.50.210 Conflict with other ordinances and codes.
3.50.220 Savings provision.

3.50.010 Title.

This chapter shall be hereinafter known as the "school impact mitigation fee program," may be cited as such, and will be hereinafter referred to as "this chapter."

3.50.020 Purpose.

This chapter provides the necessary regulatory mechanism for determining school impact mitigation fees and that a property owner meets the concurrency provisions of the comprehensive plan for development purposes and which ensures that adequate public facilities at acceptable levels of service are available to support the development's impact.

3.50.030 Words defined by RCW 82.02.090.

Words used in this chapter and defined in RCW 82.02.090 shall have the same meaning assigned in RCW 82.02.090 unless a more specific definition is contained in MMC 3.50.040.

3.50.040 School mitigation definitions.

"Capital facilities" means school facilities identified in the district's capital facilities plan and are "system improvements" as defined by the GMA as opposed to localized "project improvements."

"Capital facilities plan" means the district's facilities plan adopted by the school board consisting of those elements meeting the requirements of the GMA.

"City" means the city of Monroe.

"City council" means the Monroe city council.

"County" means Snohomish County.

"Developer" means the proponent of a development activity, such as any person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

"Development" means all subdivisions, short subdivisions, conditional use permits, binding site plan approvals, rezones accompanied by another project permit, or building permits (including building permits for multifamily and duplex residential structures, and similar uses) and other applications requiring land use permits or approvals by the city of Monroe.

"Development activity" means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional demand and need for school facilities, but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is "housing for older persons" as defined by 46 USC 3607, when guaranteed by a restrictive

covenant, and new single-family detached units constructed on legal lots created prior to May 1, 1991.
"Development approval" means any written authorization from the city which authorizes the commencement of a development activity.
"Encumbered" means impact fees identified by the district as being committed as part of the funding for a school facility for which the publicly funded share has been assured, development approvals have been sought, or construction contracts have been let.
"Growth Management Act (GMA)" means the Growth Management Act, Chapter 17, Laws of the State of Washington of 1990, 1st Ex. Session, as now in existence or as hereafter amended.
"Impact fee schedule" means the table of impact fees to be charged per unit of development, computed by the formula adopted under this chapter, indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the city.
"Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than sixty percent of current average median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.
"Multifamily unit" means any residential dwelling unit that is not a single-family unit as defined by this chapter.
"School impact fee" means a payment of money imposed upon development, as a condition of development approval, to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.
"Single-family unit" means any detached residential dwelling unit designed for occupancy by a single-family or household.

3.50.045 School impact fee eligibility.
Any school district serving the city of Monroe shall be eligible to receive school impact fees upon adoption by the city council of a capital facilities plan for the district by reference as part of the capital facilities element of the comprehensive plan and execution of an interlocal agreement establishing the parameters of the school impact fee program.

3.50.050 School capital facilities plan.
The school capital facilities plans shall be included in and shall be considered as a part of the capital facilities plan element of the city of Monroe comprehensive plan as adopted by the city council.

3.50.060 Updating of school district plans.
A. School district plans shall be transmitted to the city at least ninety days prior to the relevant hearing date for the capital facilities element of the city's comprehensive plan. The plan must be submitted to the state by the city as a part of the city comprehensive plan review required under the GMA; consequently, the district plan must meet any submittal deadline imposed by the state. The city shall notify the affected school district of the schedule for review of the capital facilities element of the comprehensive plan at such time as the schedule is established.

B. The timing of amendments to school impact fees shall be commensurate with the current amendment schedule adopted by Snohomish County. Conformance with the county schedule is designed to ensure a uniform procedural change throughout both the incorporated and unincorporated areas of the school district.
C. The city may consider such an amendment to the capital facilities plan for the purpose of adjusting the impact fee amount more than once per year only to the extent allowed by state law (Chapter 82.02 RCW). The plan shall require approval by the city council as an amendment to the city's comprehensive plan.

3.50.061 Minimum requirements for school capital facilities plans.
To be eligible for school impact fee collection under this chapter:
A. Districts must submit capital facilities plans to the city pursuant to the procedure established by this chapter;
B. District capital facilities plans shall contain data and analysis necessary and sufficient to meet the requirements of the Growth Management Act; and
C. The plans must provide sufficient detail to allow computation of school impact fees in accordance with Snohomish County Code Section 30.66C.045, Impact fee calculation formula.

3.50.070 City adoption of school capital facilities plans.
Upon receiving a recommendation from the hearing authority on the affected school district's amendments to its capital facilities plan, the city council shall consider adoption of said plan or amendment by reference as part of the capital facilities element of the city's comprehensive plan.

3.50.075 City adoption of school impact fees.
The Monroe city council will establish the school impact fees for residential development based on the formula in accordance with Snohomish County Code Section 30.66C.045, Impact fee calculation formula, inclusive of any future amendments thereto. Following adoption of school impact fees, the Monroe city council shall, at the next scheduled revision of the city of Monroe fee schedule, amend the fee schedule in accordance with the adopted school impact fees.

3.50.080 Delays.
If a school district fails to submit an updated capital facilities plan in a timely manner, the city shall not be obligated to complete review prior to the city's comprehensive plan amendment date. If an updated capital facilities plan has not been adopted by the city council prior to the existing plan's expiration date, due to the affected school district's failure to submit an updated plan, that school district shall be ineligible to receive school impact fees until the updated plan has been adopted by the city council.

3.50.090 Fee required – Intent.
A. Each development activity, as a condition of approval, shall be subject to the impact fee established pursuant to this chapter.
B. School impact fees shall be fifty percent of the amount calculated by each school district in its respective capital facilities plan in accordance with SCC 30.66C.045.
C. Amendments of the school impact fees thereafter shall be generally concomitant with adoption of school district capital facilities plans.

3.50.100 Impact fee schedule.

School impact fees, through December 31, 2021:

School District	Single-Family	Multifamily, 1 Bedroom Per Dwelling Unit	Multifamily, 2+ Bedrooms Per Dwelling Unit
Monroe No. 103	$2,749	$0	$3,032
Snohomish No. 201	$0	$0	$0

3.50.105 Impact fee exemptions.

A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the school impact fees under this chapter in accordance with RCW 82.02.060(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the school impact fees under this chapter to the extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:

1. Low-income housing. "Low-income housing" is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.

The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, the affected school district, and compliant with RCW 82.02.060(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the school impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.

B. The following shall be exempt from the payment of school impact fees under this chapter:

1. Rebuilding or replacement of the following activities:
   a. An existing legally established dwelling unit(s) where no additional dwelling unit(s) is created.
   b. An existing legally established dwelling unit(s) where such replacement occurs within five years of the demolition or destruction of the existing structure.
   c. An existing legally established dwelling unit(s) where a school impact fee for such unit has been previously paid pursuant to this chapter.
2. Alteration or expansion:
   a. Of an existing building where no additional residential units are created and where the use is not changed; and/or
   b. The construction of any accessory building or structures.
3. The construction or installation of any nonresidential manufactured building or structure. Any claim or exemption must be made no later than the time of application for a building permit or permit for manufactured home installation. Any claim not so made shall be deemed waived.
4. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created.
5. Previous mitigation, where:

a. The development activity is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).
b. The impacts of the development activity have been mitigated pursuant to a condition of plat or PRD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PRD approval provides otherwise; provided, that the condition of the plat or PRD approval predates the effective date of fee imposition as provided herein.
c. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the affected school district and the city to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of fee imposition as provided herein.

3.50.110 Impact fee limitations.

A. School impact fees shall be imposed for the affected school district capital facilities that are reasonably related to the development under consideration, shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the development, and shall be used for system improvements that will reasonably benefit the new development.
B. School impact fees must be expended or encumbered for a permissible use within ten years of receipt by the affected school district.
C. To the extent permitted by law, school impact fees may be collected for capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital facilities; provided, that school impact fees shall not be imposed to make up for any existing system deficiencies.
D. A developer required to pay a fee pursuant to RCW 43.21C.060 for district capital facilities shall not be required to pay a school impact fee pursuant to RCW 82.02.050 through 82.02.090 and this title for the same capital facilities.
E. A condition of eligibility shall be that the affected school district must provide documentation that it has petitioned every other county or city served by the district to establish a school impact fee or mitigation program.

3.50.120 Fee determination.

A. At the time of development approval, the city shall determine whether school impact fees will be due at the time of building permit issuance. Where such fees are due, the development approval shall state that the payment of school impact fees will be required prior to issuance of building permits. The amount of the fee due shall be based on the fee schedule in effect at the time of building permit issuance. Credit amounts and allocation of credits to be applied against the fees shall be determined at the time of development approval to the extent that information is reasonably available to make this determination. If information is not reasonably available, credit amounts may be deferred to a later date prior to building permit issuance by written decision of the community development director or his/her designee. If a subdivision is involved, any deferred final credit decision shall be issued by the community development director or his/her designee prior to final plan approval. The city may not approve a final plat until all adjustment requests and administrative appeals regarding credit amounts are resolved.
B. The final determination of a development activity's fee obligation under this section shall be made prior to the application for building permit. Said final determination shall

include any credits for in-kind contributions. Final determinations may be appealed pursuant to the procedures established in MMC 3.50.190.

3.50.130 Credit for in-kind contributions.

A. A developer may request and the community development director may grant a credit against school impact fees otherwise due under this title, for the value of any dedication of land for, improvement to, or new construction of any capital facilities identified in the affected school district's capital facilities plan provided by the developer. Such requests must be accompanied by supporting documentation of the estimated value of such in-kind contributions. All requests must be submitted to the department in writing prior to its determination of the impact fee obligation for the development activity. Each request for credit will be immediately forwarded to the affected school district for evaluation.

B. Where the affected school district determines that a development activity is eligible for a credit for a proposed in-kind contribution, it shall provide the department and the developer with a letter setting forth the justification for and dollar amount of the credit, the legal description of any dedicated property, and a description of the development activity to which the credit may be applied. The value of any such credit may not exceed the impact fee obligation of the development activity in question.

C. Where there is agreement between the developer and the affected school district concerning the value of proposed in-kind contributions, their eligibility for a credit, and the amount of any credit, the community development director may: (1) approve the request for credit and adjust the impact fee obligation accordingly; and (2) require that such contributions be made as a condition of development approval. Where there is disagreement between the developer and the affected school district regarding the value of in-kind contributions, however, the community development director may render a decision that can be appealed by either party pursuant to city administrative appeal procedures.

D. For subdivisions, PRDs and other large-scale developments where credits for in-kind contributions are proposed or required, it may be appropriate or necessary to establish the value of the credit on a per-unit basis as a part of the development approval. Such credit values will then be recorded as part of the plat or other instrument of approval and will be used in determining the fee obligation, if any, at the time of building permit issuance for development activity. In the event that such credit value is greater than the impact fee in effect at the time of permit issuance, the fee obligation shall be considered satisfied, and the balance of the credit may be transferable to future developments by the applicant with agreement by the affected school district.

3.50.140 SEPA mitigation and other review.

A. The city shall review development proposals and development activity permits pursuant to all applicable state and city laws and regulations, including the State Environmental Policy Act (Chapter 43.21C RCW), the state subdivision law (Chapter 58.17 RCW) and the applicable sections of this code. Following such review, the city may condition or deny development approval as necessary or appropriate to mitigate or avoid significant adverse impacts to school services and facilities, to assure that appropriate provisions are made for school, school grounds, and safe student walking conditions, and to ensure that development is compatible and consistent with the district's services, facilities and capital facilities plan.

B. Impact fees required by this title for development activity, together with compliance with development regulations and other mitigation measures offered or imposed at the

time of development review and development activity review, shall constitute adequate mitigation for all of a development's specific adverse environmental impacts on the school system for the purposes of this section. Nothing in this title prevents a determination of significance from being issued, the application of new or different development regulations and/or requirements for additional environmental analysis, protection and mitigation measures to the extent required by applicable law.

3.50.150 Collection and transfer of fees.

A. Except as provided for in subsection (B) of this section, school impact fees shall be due and payable to the city by the developer at the time of issuance of residential building permits for all development activities.

B. Deferral of Impact Fee Payment.

1. For single-family detached or attached single-family residential dwelling units only, impact fee payments may be deferred to final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:

   a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment; and

   b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant. Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.

2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for occupancy on the job card.

C. The affected school district, to receive school impact fees collected by the city, shall establish an interest-bearing account separate from all other school district accounts. The city shall deposit school impact fees in the appropriate district account within ten days after receipt, and shall contemporaneously provide the receiving district with a notice of deposit.

D. The affected school district shall institute a procedure for the disposition of impact fees and provide for an annual reporting to the city that demonstrates compliance with the requirements of MMC 3.50.160 and RCW 82.02.070, and other applicable laws.

3.50.160 Use of funds.

A. School impact fees may be used by the affected school district only for capital facilities that are reasonably related to the development for which they were assessed and may be expended only in conformance with the affected school district's adopted capital facilities plan.

B. In the event that bonds or similar debt instruments are issued for the advance provision of capital facilities for which school impact fees may be expended, and where consistent with the provisions of the bond covenants and state law, school impact fees

may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital facilities provided are consistent with the requirements of this section.

C. The responsibility for assuring that school impact fees are used for authorized purposes rests with the affected school district. All interest earned on a school impact fee account must be retained in the account and expended for the purpose or purposes for which the school impact fees were imposed, subject to the provisions of MMC 3.50.170.

D. The affected school district shall provide the city an annual report showing the source and the amount of school impact fees received by the district and the capital facilities financed in whole or in part with those school impact fees. The annual report shall be submitted to the city collectively with the affected school district's capital facilities plan. If the affected school district has previously submitted a biannual plan, the annual report shall be due on the anniversary date of the previously submitted plan. If an annual report is not submitted as required, the city may withhold deposit of future impact fees until the annual report has been submitted to the city.

3.50.170 Refunds.

A. School impact fees not spent or encumbered within ten years after receipt by the affected school district shall, upon receipt of a proper and accurate claim, be refunded, together with interest, to the then-current owner of the property. In determining whether school impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. At least annually the city, pursuant to MMC 3.50.150, shall give notice to the last known address of potential claimants of any funds, if any, that it has collected that have not been spent or encumbered. The notice will state that any persons entitled to such refunds may make claims.

B. Refunds provided for under this section shall be paid only upon submission of a proper claim pursuant to city claim procedures. Such claims must be submitted to the finance director within one year of the date the right to claim the refund arises, or the date of notification provided for above, where applicable, whichever is later.

3.50.180 Administrative adjustment of fee amount.

A. Within fourteen days of issuance of a building permit by the city, a developer or the affected school district may appeal to the community development director for an adjustment to the fees imposed by this title. The community development director may adjust the amount of the fee, in consideration of studies and data submitted by the developer and the affected school district, if one of the following circumstances exists:

1. It can be demonstrated that the school impact fee assessment was incorrectly calculated;
2. Unusual circumstances of the development activity demonstrate that application of the school impact fee to the development would be unfair or unjust;
3. A credit for in-kind contributions by the developer, as provided for under this section, is warranted; or
4. Any other credit specified in RCW 82.02.060(1)(b) may be warranted.

B. To avoid delay pending resolution of the appeal, school impact fees may be paid under protest in order to obtain a development approval. Such written protest must be submitted at or prior to the time fees are paid, and will relate only to the specific fees identified in the protest. Failure to provide such written protest at the time of fee payment shall be deemed a withdrawal of any appeal to the community development director.

C. Failure to exhaust this administrative remedy shall preclude appeals of the school impact fee pursuant to MMC 3.50.190.

3.50.190 Appeals of decisions – Procedure.

A. Any person aggrieved by a decision applying an impact fee under this title to a development activity may appeal such decision to the hearing examiner pursuant to provisions of Chapter MMC 22.84.080. Appeals of this chapter must be combined with the administrative appeal for the underlying development approval. The impact fee amount specified in a building permit issuance shall be construed as subject to appeal under this section and a separate appeal must be filed for each and every permit issuance after each permit has been issued. The community development director or his/her designee may consolidate appeal hearings; provided, that no appeal hearing shall be scheduled more than ninety days after its impact fee decision unless agreed to by the person/entity that owes the fee. Only one appeal fee shall be required for consolidated appeals. All appeals filed under this section must be filed within the specified appeal period of the final decision applying an impact fee to a development activity, or a decision on an adjustment request to that decision, whichever comes later.

B. At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence. The impact fee may be modified upon a determination that it is proper to do so based on the application of the criteria contained in MMC 3.50.180. Appeals shall be limited to the application of the impact fee provisions to the specific development activity and the provisions of this chapter shall be presumed valid.

C. The decision of the hearing examiner pursuant to this subsection shall be final and conclusive with an optional right of reconsideration as provided in MMC 22.84.080.

3.50.200 Vesting of school mitigation.

School mitigation for a proposed land use development shall not be vested at the time a development proposal is deemed complete, but rather at the time of issuance of a building permit. The applicant for a development proposal shall have the option of claiming vesting for school mitigation at the time an application is deemed complete, however school mitigation must then be paid on all lots of a final plat along with other vested mitigation prior to filing with the county.

3.50.210 Conflict with other ordinances and codes.

In cases of conflict between this chapter or any part thereof, and any part of any other existing or future ordinance or code, the most restrictive in each case shall apply.

3.50.220 Severability.

If any section, sentence, clause or phrase of this chapter 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 chapter.

Section 8. Amendment of MMC Title 3 - Adoption of New Chapter 3.52. Monroe Municipal Code Title 3, Revenue and Finance, is hereby amended to include a new Chapter 3.52, Park Impact Fees, to provide as follows:

Chapter 3.52
PARK IMPACT FEES

Sections:

3.52.010 Findings and authority.
3.52.020 Purpose.
3.52.030 Definitions.
3.52.040 Service areas.
3.52.050 Level of service.
3.52.060 Imposition of park impact fees.
3.52.070 Computation of the park impact fee amount.
3.52.080 Alternative method of computation.
3.52.090 Credits.
3.52.100 Adjustments.
3.52.110 Payment of fee.
3.52.120 Appeals – Payment under protest.
3.52.130 Impact fee accounts.
3.52.140 Use of impact fees.
3.52.150 Impact fee refunds.
3.52.160 Exemptions.
3.52.170 Annual report.
3.52.180 Severability.

3.52.010 Findings and authority.

The demand for parks and recreation facilities is proportionate to the size of a user population. The larger a population grows, the greater the demand for city parks and recreation facilities. In order to offset the impacts of new residential development on the city's park system, the city has determined to levy park impact fees consistent with city standards as new development occurs. Impact fees are authorized under the State Environmental Policy Act (SEPA) and the Growth Management Act (GMA) to help offset the cost of capital facilities brought about by new growth and development. Impact fees imposed under this chapter will be used to acquire and/or develop parks, open space and recreation facilities that are consistent with the capital facilities and park and recreation elements of the Monroe comprehensive plan.

3.52.020 Purpose.

A. The purpose of this chapter is to implement the capital facilities and park and recreation elements of the Monroe comprehensive plan, SEPA and the GMA by:

1. Ensuring that adequate park, open space and recreation facilities are available to serve new development;
2. Maintaining the high quality of life in Monroe by ensuring that growth pays for growth and that existing service levels for existing residents and businesses are not adversely impacted by growth and new development activity; and
3. Establishing standards and procedures whereby new development pays its proportionate share of the cost of park, open space and recreation facilities that are reasonably related to the new development, and whereby park, open space and recreation facilities are jointly financed by public and private interests.

B. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

3.52.030 Definitions.

As used in this chapter, the following terms have the meanings set forth below:

A. “Building permit” means a permit issued by the Monroe building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. As the term relates to park impact fees, “building permit” includes a permit issued for the siting or location of a mobile home.

B. “Capital facilities” means those park, open space and recreation facilities or improvements addressed in the park and recreation and capital facilities elements of the Monroe comprehensive plan, as the same now exists or may be hereafter amended. Capital facilities costs include the cost of park planning, land acquisition, site improvements, buildings, and equipment, but exclude the cost of maintenance and operation.

C. “Capital facilities program (CFP)” means a six-year plan that is approved by the city council in order to finance the development of capital facilities necessary to support the projected population of Monroe over the six-year period. The city’s CFP is found in the capital facilities element of the Monroe comprehensive plan, as the same now exists or may be hereafter amended.

D. “City” means the city of Monroe, Washington.

E. “Developer” means an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person proposing or undertaking development activity within the city.

F. “Development activity,” as the term relates to park impact fees, means any construction or expansion of a building, structure, or use, any changes in the use of a building or structure, or any changes in the use of land that created additional demand and need for public park, open space or recreation facilities.

G. “Development approval” means any written authorization from the city that authorizes commencement of a development activity.

H. “Director” means the community development director of the city of Monroe.

I. “Encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for park, open space or recreation capital facilities. Impact fees shall be considered encumbered on a first in, first out basis.

J. “Impact fee” means a payment of money imposed upon new growth or development as a condition of development approval in order to pay for park, open space or recreation facilities needed to serve such new growth or development. “Impact fee” does not include any permit or application fee.

K. “Low-income housing” means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than sixty percent of current average median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.

L. “New development” means any and all development for which a permit is issued after the effective date of the first ordinance establishing this chapter.

M. “Owner” means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered to be the owner of the real property if the contract is recorded.

N. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system

improvements. No park, open space or recreation improvement or facility included in the capital facilities plan shall be considered a project improvement.

O. "Proportionate share" means that portion of the cost of park, open space and recreation improvements that are reasonably related to the service demands and needs of new development.

P. "Service area" means a geographic area defined by the city or, in the case of facilities providing service to areas outside the city, by interlocal agreement, as being that area in which a defined set of park, open space and recreation facilities provide service to development within the area.

Q. "System improvements" means park, open space and recreation facilities that are included in the capital facilities plan and are designed to provide service-to-service areas within the community at large, in contrast to project improvements.

3.52.040 Service areas.

The park service area for the existing and proposed park, open space and recreation facilities of the city of Monroe is hereby defined as that area which is coextensive with the corporate boundaries of the city, as they now exist or as they may be amended through annexation or other means from time to time. Within the citywide park service area, park, recreation, and open space lands, facilities and services will be provided using a two-tiered approach that includes:

A. A regional or citywide system organized and providing service throughout the entire city; and

B. A local system organized and providing service in neighborhood service areas and which may be oriented around neighborhood parks, elementary and middle schools, and similar sites. The city may have multiple local service areas depending on residential neighborhood boundaries and the location of proximate or nearby sites and facilities.

3.52.050 Level of service.

The level of service for each type of park facility for which an impact fee is imposed under the provisions of this chapter is established by the park and recreation element of the Monroe comprehensive plan.

3.52.060 Imposition of park impact fees.

A. Any person or entity who, after the effective date of the ordinance codified in this chapter, seeks to develop land within Monroe by applying for a residential subdivision, a residential planned unit development, a building permit for a residential building, or a permit for residential mobile home installation, is hereby required to pay a park impact fee in the manner and the amount set forth in this chapter.

B. No new residential subdivision, residential planned unit development, residential building permit or permit for residential mobile home installation shall be approved or issued unless and until the park impact fee has been paid as provided in this chapter.

3.52.070 Computation of the park impact fee amount.

A. The park impact fee for each development activity on which an impact fee is imposed as provided in this chapter shall be determined according to the following schedule:

Housing Type	Single-Family Detached	Single-Family Attached (duplex)	Single-Family Attached 3 – 4 units/structure	Single-Family Attached 5+ units/structure	Mobile Home
Calculation of park impact fee/unit*	-	-	-	-	-
Per-capita cost	$918.00	$918.00	$918.00	$918.00	$918.00
Average number of persons/type of housing unit	2.7	2.3	2.3	2.1	2.2
Total impact fee/unit	$2,479.00	$2,111.00	$2,111.00	$1,928.00	$1,020.00
* The methodology for determining the park impact fees is set forth in the Park Impact Fee Calculation Technical Memorandum (2015), which is incorporated herein by reference and shall be maintained in the office of the director and made available for inspection upon request.					

B. If development approval is requested for mixed uses, then the fee shall be determined using the above schedule by apportioning the space committed to uses specified on the schedule.

C. If the type of development activity that is applied for is not specified on the above fee schedule, the director shall use the fee applicable to the most comparable type of development activity or land use on the above fee schedule. The director shall be guided in the selection of a comparable type by the Monroe comprehensive plan and its technical appendices, and by Title 22 MMC, Unified Development Regulations. If the director determines that there is not a comparable development activity or land use on the above fee schedule, then the director shall determine the appropriate fee by considering demographic or other documentation that is available from state, local, and regional authorities.

D. In the case of a change of use, redevelopment, or expansion or modification of an existing use for which a park impact fee is required by this chapter, the impact fee shall be based upon the net positive increase in the impact fee for the new as opposed to the previous use. The director shall be guided in this determination by the sources and agencies listed above.

3.52.080 Alternative method of computation.

A. As an alternative to calculation of the park impact fee according to the schedule set forth in MMC 3.52.070, a developer may opt to prepare and submit an independent fee calculation study for the requested development activity to the city council. Any such study shall be prepared at the developer's sole cost and expense.

B. The independent fee calculation study shall comply with the following standards:

1. The study shall follow accepted impact fee assessment practices and methodologies.
2. The study shall use acceptable data sources and the data shall be comparable with the uses and intensities proposed for the proposed development activity.
3. The study shall comply with the applicable state laws governing park impact fees.
4. The study, including any data collection and analysis, shall be prepared and documented by professionals qualified in their respective fields.

5. The study shall show the basis upon which the independent fee calculation was made.

C. The city council shall consider the independent fee calculation study submitted by the developer but is not required to accept such study if the city council decides that the study is not accurate or reliable. The city council may, in the alternative, require the person submitting the study to submit additional or different documentation for consideration. If the city council decides that outside experts are needed to review the study, the developer shall be responsible for paying the cost of review by outside experts.

D. If an acceptable independent fee calculation study is not presented, the developer shall pay the impact fees based upon the process and schedule set forth in MMC 3.52.070. If an acceptable independent fee calculation study is presented, the city council may adjust the fee to that appropriate to the particular development activity.

3.52.090 Credits.

A. Pursuant to RCW 82.02.060(3), a reasonable credit shall be allowed for the conveyance of land for, improvements to, or new construction of any park system improvements provided by a developer to park, open space or recreation facilities identified in the capital facilities element of the comprehensive plan and that are the subject of impact fees to be paid by the developer under this chapter. Any request for a credit against impact fees shall be made and decided no later than the approval of the permit triggering the imposition of impact fees.

B. All land proposed to be conveyed to the city in exchange for a credit against impact fees shall meet all of the following requirements:

1. The land must be conveyed free and clear of all liens and encumbrances;
2. The land must be readily accessible to the general public;
3. The land must have a site, size, and location consistent with a park system improvement described in the comprehensive plan; and
4. The land must be suitable for the proposed park uses and for inclusion in the city's park system, as determined by the community development director.

The city may decide to accept land which does not meet all of these standards in unusual circumstances where the land to be conveyed provides a unique benefit, such as where the land has waterfront access, or provides significant open space or trail corridor.

C. The amount of the credit shall be the value of the land and improvements conveyed to the city; provided, that in no case shall the amount of the credit exceed the amount of the impact fee imposed on the development activity. If the value of the land and improvements exceeds the total park impact fees to be paid by the development, no impact fees shall be due. If the value of the land and improvements is less than the impact fees due, the developer will be required to pay the difference.

D. Credits shall not be transferable from one property, project, or development activity to another.

3.52.100 Adjustments.

The city council is authorized to adjust the impact fees to be calculated under this chapter where the developer demonstrates that unusual circumstances make the standard impact fee applied to such development unfair or unjust. The circumstances that form the basis for the adjustment shall not be circumstances that are generally applicable to similar land uses or to all development activity in the vicinity. Unusual circumstances may include that the development activity will have substantially less impact on the system improvements than other development activities in the same land use category. Any request for an

adjustment shall be made no later than the time of the application triggering imposition of impact fees. Adjustments granted under this section shall not be transferable from one property, project or development activity to another.

3.52.110 Payment of fee.

A. Impact fees shall be imposed upon development activity in the city, based upon the schedule set forth in this chapter, and shall be collected by the city from any applicant where such development activity requires final plat, PRD approval, issuance of a residential building permit or a mobile home permit and the fee for the lot or unit has not been previously paid.

B. For a plat or PRD applied for on or after the effective date of the ordinance codified in this chapter, the impact fees due on the plat or the PRD shall be assessed and collected from the applicant at the time of final approval, using the impact fee schedule in effect when the plat or PRD was approved; provided, that the applicants may opt to:

1. Have impact fees allocated to the lots or dwelling units in the project and collected when the building permits are issued; or
2. For single-family attached and detached units only, the impact fee payment may be deferred and collected in accordance with subsection (C) of this section.

Where the applicant exercises the option for collection of impact fees at the time of building permit or deferral, the fees to be collected shall be those in effect at the time building permits are issued. Residential development proposed for short plats shall not be governed by this section, but shall be governed by subsection (E) of this section.

C. Deferral of Impact Fee Payment.

1. For single-family detached or attached single-family residential dwelling units only, impact fee payments may be deferred to final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first. Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:
   a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment; and
   b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.

   Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.
2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.
3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for occupancy on the job card.

D. If, on the effective date of the ordinance codified in this chapter, a plat or PRD has already received preliminary approval and is not otherwise exempt from the payment of impact fees under MMC 3.52.160, such plat or PRD shall not be required to pay the impact fees at the time of final approval, but the impact fees shall be allocated to the lots or dwelling units and assessed and collected from the lot or unit owner at the time the

building permits are issued or deferred in accordance with subsection (C) of this section, using the impact fee schedule then in effect. If, on the effective date of the ordinance codified in this chapter, an applicant has applied for preliminary plat or PRD approval, but has not yet received such approval, the applicant shall follow the procedures set forth in subsection (B) of this section.

E. For existing lots or lots not covered by subsection (B) of this section, application for single-family and multifamily residential building permits, mobile home permits, and binding site plan approval for mobile home parks proposed, the total amount of the impact fees shall be assessed and collected from the applicant when the building permit is issued or deferred in accordance with subsection (C) of this section, using the impact fee schedules then in effect.

F. Any application for preliminary plat or PRD approval which has been approved subject to conditions requiring the payment of impact fees established pursuant to this chapter shall be required to pay the fee in accordance with the conditions of approval.

3.52.120 Appeals – Payment under protest.

A. Determinations made by the director pursuant to this chapter may be appealed to the city council by filing a written appeal as provided in MMC 22.84.080, Appeals.

B. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

3.52.130 Impact fee accounts.

A. Park impact fee accounts are hereby established for the purpose of depositing and maintaining the funds received under this chapter and any previously collected park impact fees paid pursuant to SEPA or other authority. Separate park impact fee accounts shall be maintained for park and recreation facilities and for local park and recreation facilities.

B. The city finance department shall earmark all funds collected under this chapter and under such previous collections as to the person paying, the date paid, and the development or property for which paid. The account shall be separate from all other accounts of the city and shall be interest-bearing. All interest shall be retained in the account and expended for the purposes for which the impact fee was imposed.

3.52.140 Use of impact fees.

A. Impact fees shall be expended solely for regional/citywide and local park, open space and recreation facilities under the jurisdiction of Monroe described in and in conformance with the capital facilities program. Impact fees may be expended for facility planning, land acquisition, site improvements, application fees, necessary off-site improvements, required mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment, repayment of system improvement costs previously incurred to the extent that new growth and development will be served by such system improvements, and any other expenses which could be capitalized and which are consistent with the capital facilities program. Impact fees shall not be used for maintenance or operations.

B. In the event that bonds or similar debt instruments are issued for the advanced provision of system improvements for which impact fees may be expended and where consistent with provisions of the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities are consistent with the requirements of this section.

C. Impact fees collected under this chapter shall be expended or encumbered for a permissible use within six years of the date they are received by the city, unless the city council finds that there exists an extraordinary and compelling reason for the fees to be held longer than six years. Such a finding shall be made in writing.
D. Impact fees collected under the authority of SEPA and the voluntary agreement provisions of RCW 82.02.020 shall be expended or encumbered for a permissible use within five years of the date they are received by the city.
E. Funds may be used to provide refunds as described in MMC 3.52.150.
F. Monroe shall be entitled to retain not more than six percent of the funds collected as compensation for the expense of collecting the fee and administering this chapter.

3.52.150 Impact fee refunds.
A. If a development approval for which a impact fee has been paid under this chapter expires without commencement of construction, then the developer shall be entitled to a refund, with interest, of the impact fee paid, except that Monroe shall retain a percentage of the fee to offset a portion of the costs of collection and refund.
B. The current owner of property on which impact fees have been paid may receive a refund of such fees or any portion thereof if the city has failed to expend or encumber the impact fees, or any applicable portion, within the time periods specified in MMC 3.52.140.
C. The city shall notify potential claimants for impact fee refunds by first class mail deposited with the United States Postal Service at the last known address of the said claimants.
D. A request for a refund must be submitted to the city council in writing within one year of the date that the right to claim the refund arises or the date that the notice is given, whichever is later. Any impact fees that are not expended or encumbered and for which no application for refund has been made within the one-year period shall be retained and expended on the indicated capital facilities. Refunds under this subsection shall include interest earned on the impact fees; provided, that if the city's failure to expend or encumber the fee within the time periods set forth in MMC 3.52.140 is due to delay attributable to the developer of the project for which the fee was collected, the refund shall be without interest.
E. If the city should terminate the impact fee requirements of this chapter, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon a determination to terminate such impact fee requirements, the city shall publish a notice of such termination and the availability of refunds in the city's official newspaper at least two times and shall notify all potential claimants by first class mail at the last known address of claimants. A request for a refund must be submitted to the city council in writing within one year of the date that the notice is given. Any impact fees for which no application for refund has been made within the one-year period shall be retained and expended on the indicated capital facilities. No notice shall be required if there are no unexpended or unencumbered balances within the account at the time of termination.

3.52.160 Exemptions.
A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the park impact fees under this chapter in accordance with RCW 82.02.060(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the park impact fees under this chapter to the

extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:

1. Low-income housing. “Low-income housing” is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.

The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, and compliant with RCW 82.02.060(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the park impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.

B. The following shall be exempt from the payment of park impact fees under this chapter:

1. Rebuilding or replacement of the following activities:
   a. An existing legally established dwelling unit(s) where no additional dwelling unit(s) is created.
   b. An existing legally established dwelling unit(s) where such replacement occurs within five years of the demolition or destruction of the existing structure.
   c. An existing legally established dwelling unit(s) where a school impact fee for such unit has been previously paid pursuant to this chapter.
2. Alteration or expansion:
   a. Of an existing building where no additional residential units are created and where the use is not changed; and/or
   b. The construction of any accessory building or structures.
3. The construction or installation of any nonresidential manufactured building or structure. Any claim or exemption must be made no later than the time of application for a building permit or permit for manufactured home installation. Any claim not so made shall be deemed waived.
4. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created.
5. Previous mitigation, where:
   a. The development activity is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).
   b. The impacts of the development activity have been mitigated pursuant to a condition of plat or PRD approval to pay fees, dedicate land or construct or improve school facilities, unless the condition of the plat or PRD approval provides otherwise; provided, that the condition of the plat or PRD approval predates the effective date of fee imposition as provided herein.
   c. Any development activity for which school impacts have been mitigated pursuant to a voluntary agreement entered into with the affected school district and the city to pay fees, dedicate land or construct or improve school facilities, unless the terms of the voluntary agreement provide otherwise; provided, that the agreement predates the effective date of fee imposition as provided herein.

3.52.170 Annual report.
The city finance department, in conjunction with the director, shall prepare an annual report to the city council showing the source and amount of all monies collected, earned, or received and the park, open space and recreation system improvements that were financed in whole or in part by impact fees imposed under this chapter. The report may be part of an existing annual report or may be a separate report.

3.52.180 Severability.
If any section, sentence, clause or phrase of this chapter 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 chapter.

Section 9. Amendment of MMC Title 3 - Adoption of New Chapter 3.54. Monroe Municipal Code Title 3, Revenue and Finance, is hereby amended to include a new Chapter 3.54, Transportation Impact Fees, to provide as follows:

Chapter 3.54
TRANSPORTATION IMPACT FEES

Sections:
3.54.010 Purpose.
3.54.020 Authority.
3.54.030 Definitions.
3.54.040 Applicability.
3.54.050 Exemptions.
3.54.060 Credits.
3.54.070 Transportation service area.
3.54.080 Appeals.
3.54.090 Transportation impact fee fund – Expenditure and encumbrance.
3.54.100 Use of funds.
3.54.110 Time of payment.
3.54.120 Refunds.
3.54.130 Calculation of impact fees.
3.54.135 Independent fee calculations.
3.54.140 Review.
3.54.150 Impact mitigation authority preserved.
3.54.160 Transportation impact fee fund.

3.54.010 Purpose.
The purpose of this chapter is to establish and implement a transportation impact fee program to ensure that new land use development within the city funds a proportionate share of the costs for transportation facilities needed to serve such new growth and development.

3.54.020 Authority.
This chapter is adopted pursuant to Chapters 36.70A and 82.02 RCW.

3.54.030 Definitions.

A. The following definitions shall apply for purposes of this chapter:

1. "Applicant" means a person or entity that has submitted a written application to the city for a building permit.
2. "Building permit" means the city's written authorization to commence development activity, as further defined by Chapter 18.02 MMC.
3. "City" means the city of Monroe, Washington.
4. "City engineer" means the Monroe city engineer or his/her designee.
5. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
6. "Development activity" means any construction of a new building or structure or expansion of an existing building, structure, or use, or any substantial change in use of a building or structure, that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities.
7. "Impact fee" means a payment of money imposed by the city upon a building permit or other approval in order to fund system improvements needed to serve new growth and development, that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the transportation facilities, and that is used for facilities that reasonably benefit the new development.
8. "Low-income housing" means a housing unit developed and maintained specifically for rental or ownership occupancy by households with incomes no greater than sixty percent of current average median income as determined by reference to the most recently published income data for the Seattle-Bellevue PMSA published by the U.S. Department of Housing and Urban Development.
9. "MMC" means the Monroe Municipal Code.
10. "Owner" means the owner of record of real property; provided, that when real property is purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.
11. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project, that are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements. No improvement or facility included in the city's adopted capital facilities plan shall be considered a project improvement.
12. "Proportionate share" means that portion of the cost of transportation facility improvements that is reasonably related to the service demands, impacts, and needs of new development.
13. "Public facilities" means transportation facilities that are owned or operated by the city.
14. "Substantial change in use" means a change in the use of a building or structure necessitating or otherwise involving issuance of a building permit for improvements, the value of which exceeds fifty percent of the assessed value of the existing building or structure.
15. "System improvements" means transportation facilities that are included in the city's capital facilities plan and that are designed to provide service to the community at large, in contrast to project improvements.
16. "Transportation facilities" means public streets and roads, including all publicly owned streets, roads, alleys, and rights-of-way within the city, and all traffic control

devices, curbs, gutters, sidewalks, facilities, and improvements directly associated therewith.

17. "Transportation Impact Fee Rate Study Update" means the study prepared by Fehr & Peers in October 2015.

B. The city engineer is authorized to interpret and resolve questions regarding the definitions set forth in this section.

3.54.040 Applicability.

Unless otherwise exempt from the provisions of this chapter, all applicants seeking approval of development activity within the city shall pay transportation impact fees at the time of building permit issuance in the amount and manner set forth in this chapter.

3.54.050 Exemptions.

A. Construction, reconstruction, or remodeling of the following facilities shall be exempt from the payment of eighty percent of the transportation impact fees under this chapter in accordance with RCW 82.02.060(3) and shall be exempt, on a first-come, first-serve basis, from the additional twenty percent of the school impact fees under this chapter to the extent provided for in the annual budget of the city of Monroe in effect at the time of building permit application:

1. Low-income housing. "Low-income housing" is defined as follows: (a) low-income housing projects that are constructed by public housing agencies or private nonprofit housing developments; or (b) low-income residential units, rented or purchased, that are dedicated and constructed by private developers.

The granting of an exemption is subject to the recording of a covenant or recorded declaration of restrictions, acceptable to the city of Monroe, and compliant with RCW 82.02.060(3), precluding the use of the property for other than the exempt purpose; provided, that if the property is used for a nonexempt purpose, then the transportation impact fees then in effect shall be paid. The covenant or recorded declaration shall be an obligation that runs with the land, and shall be recorded against the title of the real property upon which such housing is located in the real property records of Snohomish County.

B. Except as provided below, the following shall be exempt from the payment of impact fees under this chapter:

1. Replacement of an existing single-family residential structure with a new single-family residential structure upon the same site or lot when such replacement occurs within five years of the demolition or destruction of the existing structure;

2. Replacement of an existing non-single-family residential structure with a new non-single-family residential structure of the same size or less and use at the same site or lot when (a) such replacement occurs within five years of the demolition or destruction of the existing structure and (b) the new non-single-family residential structure creates no obligation to pay impact fees as calculated under the change in use provision of MMC 3.54.130(I) as now or hereafter amended;

3. Condominium projects in which existing dwelling units are converted into condominium ownership where no new dwelling units are created; and

4. Previous mitigation, where:

a. The development activity is exempt from the payment of an impact fee pursuant to RCW 82.02.100, due to mitigation of the same system improvement under the State Environmental Policy Act (SEPA).

The city engineer is authorized to determine the applicability of any exemption to a particular development activity. All such determinations by the city engineer shall be in writing and shall be subject to appeal pursuant to MMC 3.54.080.

3.54.060 Credits.

A. An applicant may request a credit against the amount of impact fees otherwise applicable to a development activity for the total value of dedicated land, improvements, or construction provided by the applicant as a condition of development approval. Credits will apply only if and to the extent that the land dedicated, improvements provided, and/or facilities constructed are:

1. For transportation facilities constituting system improvements that are funded in whole or in part by impact fees; and
2. Located at suitable sites and constructed at an acceptable quality level as determined by the city.

B. The city engineer shall determine if a request for credits satisfies the criteria contained in subsection (A) of this section.

C. The value of credits for structures, facilities or other improvements shall be established by documentation provided to the city engineer by the applicant.

D. The value of a credit for land, including but not limited to right-of-way and easements, shall be determined on a case-by-case basis by an appraiser selected by, or acceptable to, the city engineer.

E. The cost of any appraisal under this section shall in the city's discretion either be (1) borne exclusively by the applicant, or (2) deducted from the otherwise-applicable impact fee credit.

F. After receiving the appraisal and/or improvement cost documentation from the applicant, the city engineer shall provide the applicant with a written statement setting forth the dollar amount of the credit, the basis for the credit, the legal description of any dedicated real property, and a description of the development activity to which the credit shall be applied. The applicant shall sign and date a duplicate copy of said statement indicating his/her consent to the terms thereof, and shall return the signed document to the city engineer prior to application of the impact fee credit. The applicant's failure to sign, date, and return said statement within sixty calendar days may nullify the credit.

G. No credit shall be given for dedications for, contributions toward or construction of project improvements.

H. If the amount of the credit is less than the calculated fee amount, the difference remaining shall be chargeable as an impact fee and paid at the time of application for the building permit. In the event the amount of the credit is calculated to be greater than the amount of the impact fee due, the applicant shall forfeit such excess credit.

I. In the event that the city adopts impact fees that are less than the amount determined in the rate study, and provided that the amount of the reduction is achieved by a discount or similar policy determination to reduce the fee without revising the underlying studies, data, or assumptions, then credits shall be given only in an amount by which the value of the credit exceeds the value of the discount used to adopt the impact fees.

J. Any request for a credit must be submitted in writing to the city engineer within sixty calendar days of the city's receipt of the building permit application for the underlying development activity. An applicant's failure to timely file a request by said deadline shall conclusively waive the applicant's entitlement to any such credit.

K. Determinations made by the city engineer pursuant to this section shall be subject to appeal pursuant to MMC 3.54.080.

3.54.070 Transportation service area.

The boundaries within which transportation impact fees shall be imposed, collected and expended pursuant to this chapter are co-extensive with the city's corporate limits and shall include all areas annexed to the city on and after the effective date of the ordinance codified in this chapter. For purposes of this chapter, the entire city shall be considered a single transportation service area.

3.54.080 Appeals.

A. Payment Under Protest. An applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. No appeal shall be permitted unless and until the impact fees at issue have been fully remitted to the city.

B. Standing. Only the applicant for the proposed development activity shall have standing to file an appeal under this section.

C. Request for Review. An applicant seeking to appeal the imposition, allowed credit against, or amount of impact fees pursuant to this chapter shall first file a request for review with the city engineer.

1. The request for review shall be submitted to the city engineer using a form provided by the city. The request for review shall be filed within twenty-one calendar days of payment of the impact fees at issue. Failure to timely file such a request shall conclusively waive the applicant's appeal.

2. No administrative fee will be imposed for the request for review by the city engineer.

3. The city engineer shall issue his/her determination in writing regarding a request for review within thirty calendar days after receiving the request for review.

D. Determinations of the city engineer pursuant to subsection (C) of this section may be appealed by the applicant to the hearing examiner. All appeals of a city engineer determination shall proceed as follows:

1. Within fourteen calendar days of the city engineer's determination, the applicant shall file a written notice of appeal with the city clerk. Failure to timely file such notice of appeal shall conclusively waive the applicant's appeal. The notice of appeal shall be signed by the applicant, shall include a copy of the city engineer determination challenged by the applicant, and shall contain the following information:

a. The applicant's name and address;

b. A description of the development activity at issue;

c. The amount of impact fees imposed by the city upon the development activity; and

d. A brief explanation as to why the applicant believes the city engineer's determination was erroneous.

2. The city clerk shall transmit the notice of appeal to the hearing examiner, together with all documents constituting the record for the city engineer's determination.

3. The hearing examiner shall schedule a hearing to be conducted within sixty calendar days of the city clerk's receipt of the notice of appeal. Prior to the hearing date, the applicant and the city may submit evidence and/or briefing pursuant to a schedule issued by the hearing examiner.

4. Within ten working days after the close of the hearing, the hearing examiner shall enter written findings, conclusions, and a final decision with respect to the appeal. The hearing examiner may affirm, reverse, modify or remand, in whole or in part, the city engineer's determination; provided, that the hearing examiner shall affirm the city engineer's determination unless the applicant demonstrates that said determination is

clearly erroneous; and provided further, that, pursuant to RCW 82.02.070, the hearing examiner may modify the impact fee amount based upon principles of fairness.

5. The decision of the hearing examiner shall be final unless appealed in accordance with MMC 22.84.080, Appeals.

3.54.090 Transportation impact fee fund – Expenditure and encumbrance.

A. Impact fees collected pursuant to this chapter shall be deposited in a transportation impact fee fund and shall be earmarked and utilized exclusively for system improvements.

B. Impact fees shall be expended or encumbered within ten years of receipt, unless the city council identifies in written findings extraordinary and compelling reasons for the city to hold the fees beyond the ten-year period. Under such circumstances, the city council shall establish the period of time within which the impact fees shall be expended or encumbered.

3.54.100 Use of funds.

A. Impact fees collected pursuant to this chapter:

1. Shall be used for existing and new system improvements that will reasonably benefit new development;
2. Shall not be used to make up for pre-existing system improvement deficiencies that do not benefit new development; and
3. Shall not be used for maintenance or operation of system improvements.

B. Impact fees shall be used for system improvements in conformance with the capital facilities element of the comprehensive plan, including, but not limited to, planning, land acquisition, right-of-way acquisition, site improvements, necessary and related off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and other associated expenses capable of capitalization.

C. Impact fees may be used to recoup system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent permissible under state law and to the extent that the system improvements provided are consistent with the requirements of this section and serve new growth or development.

3.54.110 Time of payment.

A. Except as provided for in subsection (B) of this section, impact fees shall be calculated and assessed for each development activity at the time of building permit issuance for each unit within the development, pursuant to the impact fee rates then in effect; provided, that if no building permit is required for the development activity in question, impact fees shall be calculated and assessed for each development activity at the time an occupancy permit or other permit authorizing the underlying use is issued.

B. Deferral of Impact Fee Payment.

1. For single-family detached or attached single-family residential dwelling units only, impact fee payments may be deferred to final inspection or up to eighteen months from the date of issuance of the building permit, whichever occurs first.

Deferral shall only be allowed when, prior to issuance of the building permit, the applicant:

a. Submits a deferred impact fee application form for the property which the applicant is requesting deferral of the impact fee payment.

b. Grants and records a deferred impact fee lien against the property in favor of the city of Monroe in a form as approved by the city. The content, form and procedure for the lien shall also be in accordance with RCW 82.02.050. Recording and release of the deferred impact fee lien shall be at the expense of the applicant.

Applications for an impact fee deferral shall be accompanied by payment of an administrative fee as provided for in the city's adopted fee resolution.

2. Each applicant for a single-family residential construction permit is entitled to annually receive (per calendar year) deferral for only the first twenty single-family residential construction building permits. For the purposes of this subsection, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

3. The city shall withhold approval of final inspection until the deferred impact fees are paid and collected. For the purposes of this section, "final inspection" shall mean the city's signed approval of the final inspection for occupancy on the job card.

C. Applicants who have been awarded credits pursuant to MMC 3.54.060 shall prior to building permit issuance submit a copy of the statement prepared by the city engineer setting forth the monetary value of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the applicant at the time the building permit is issued for each unit in the proposed development.

D. Except as provided for in subsection (B) of this section, the city shall not issue a building, occupancy or other use permit unless and until the impact fees required pursuant to this chapter have been paid.

3.54.120 Refunds.

A. If the city fails to expend or encumber the impact fees within the time period established pursuant to MMC 3.54.090(B), the current owner of the property for which impact fees have been paid may obtain a refund of such fees. In determining whether impact fees have been expended or encumbered, fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify potential claimants by first class mail, deposited with the United States Postal Service, at the last known address of such claimants. A potential claimant or claimant must be the owner of the property for which the impact fees in question have been paid.

C. Owners seeking a refund of impact fees must submit a written refund request to the city engineer within one year of the date the right to claim the refund arises or the date that notice by the city is provided, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended upon appropriate system improvements.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. When and if the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice

of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The city shall also refund to the current owner of property for which impact fees have been paid, including interest earned on the impact fees, if the development for which the transportation impact fees were imposed did not occur; however, any associated administrative fee shall not be refunded.

3.54.130 Calculation of impact fees.

A. The transportation impact fee assessed against a development activity shall be based upon the calculation methodology set forth in the Transportation Impact Fee Rate Study Update, Fehr & Peers (October 2015). This study includes the list of eligible impact fee projects enumerated in the transportation element of the city's comprehensive plan, a calculation of the share of cost related to new growth and development, the determination of an impact fee rate, and the development of an impact fee schedule.

B. Each applicant for development shall pay its share in accordance with the following:

Land Use	Unit of Measure	Impact Fee Rate
Single Family (1 or 2 dwelling units)	Dwelling Unit	$3,475
Multifamily (3 or more dwelling units)	Dwelling Unit	$1,981
Senior Housing	Dwelling Unit	$938
Commercial Services	SF GFA	$13.83
School	Student	$451.37
Institutional	SF GFA	$2.57
Light Industry/Industrial Park	SF GFA	$3.16
Warehousing/Storage	SF GFA	$1.56
Restaurant	SF GFA	$17.55
General Retail	SF GFA	$8.51
Supermarket	SF GFA	$21.09
Administrative Office	SF GFA	$5.17
Medical Office/Dental Clinic	SF GFA	$12.41

Exception: Permitted accessory dwelling units (as defined in Chapter 20.12 MMC, Definitions) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from transportation impact fees.

C. For uses that are not identified in the fees established by subsection (B) of this section, the city engineer shall calculate the impact fee amount using the methodology employed in the Transportation Impact Fee Rate Study Update.

D. For a substantial change in use of an existing building or dwelling unit, the impact fee shall be the applicable impact fee for the land use category of the new use, less the impact fee under the current rate schedule of the prior use.

E. The city engineer may in his/her sole discretion adjust the standard impact fee at the time the fee is imposed in consideration of unusual circumstances, in specific cases, to ensure that impact fees are imposed fairly.
F. Determinations made by the city engineer pursuant to this section may be appealed to the office of the hearing examiner as set forth in MMC 3.54.080.
G. The transportation impact fees computed in this section will be adjusted annually in accordance with a five-year rolling average of the Washington State Department of Transportation Construction Cost Index ("CCI"), coinciding with the city's annual adoption of its six-year street plan.
H. Pursuant to and consistent with the requirements of RCW 82.02.060, impact fee schedules have been adjusted for future taxes and other revenue sources to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development.

3.54.135 Independent fee calculations.
A. City-Initiated Independent Fee Calculations. If, in the judgment of the city engineer, the fee calculation methodology set forth in MMC 3.54.130 does not accurately or fairly describe or capture the impacts of a development activity upon the city's transportation system, the city engineer may conduct an independent fee calculation and may impose an alternative fee amount based upon that calculation. The alternative fee and calculation shall be set forth in writing and shall be mailed to the permit applicant.
B. Applicant-Initiated Independent Fee Calculations. If an applicant believes that the trip impact fee amounts set forth in MMC 3.54.130 do not accurately or fairly describe or capture the impacts of a development activity upon the city's transportation system, the applicant may prepare and submit to the city engineer an independent fee calculation for the development activity at issue. The independent fee calculation submitted shall demonstrate the basis upon which it is made; provided, independent fee calculations shall use the same methodology used to establish impact fees set forth in MMC 3.54.130, shall be limited to adjustments in trip generation rates and trip lengths used in the rate study, and shall not include travel demand forecasts, trip distribution, transportation service areas, costs of road projects, or cost allocation procedures.
1. The city engineer shall consider the independent fee calculation submitted by the applicant, but is not required to accept such documentation or analysis which the city engineer reasonably deems to be inaccurate or unreliable, and may, alternatively, require the applicant to submit additional or different documentation for consideration. The city engineer is authorized, but in no manner obligated, to adjust the impact fee on a case-by-case basis based upon an independent fee calculation, specific characteristics of the development, and/or the demonstrated impact of the development upon the city's transportation system. Any alternative fee calculation approved by the city engineer shall be set forth in writing and mailed to the applicant.
C. Determinations made by the city engineer pursuant to this section may be appealed to the hearing examiner as set forth in MMC 3.54.080.

3.54.140 Review.
A. The fee calculations set forth in MMC 3.54.130 and fee rates established under this chapter may periodically be reviewed and adjusted by the city council.
B. The cost of administering the impact fee program for traffic impact fees shall be reimbursed through the imposition of administrative fees as set by council resolution. The resolution may set separate charges for different review processes specified in this

chapter, including but not limited to the imposition of an impact fee, a request for modification of an impact fee, a request for a credit and an appeal of a determination made pursuant to this chapter. The administrative fee shall be deposited into an administrative fee account within the transportation impact fee fund.

C. The administrative fee, in addition to the actual impact fees, shall be paid by the applicant to the city at the same time as the impact fee is paid or at the time a request for an impact fee review or appeal is filed, if a request thereof occurs after payment of the impact fee. No request for review pursuant to this chapter shall be processed until the applicable administrative fee has been paid.

3.54.150 Impact mitigation authority preserved.

Nothing in this chapter shall preclude the city from requiring the mitigation of adverse impacts with respect to a particular development activity pursuant to applicable state and local regulations.

3.54.160 Transportation impact fee fund.

A. There is hereby established the transportation impact fee fund as a repository for the transportation impact fees collected pursuant to this chapter. Interest earned on the fees shall be allocated to the transportation impact fee fund and expended in furtherance of the purposes for which the impact fees were collected.

B. The city finance department, in conjunction with the director, shall prepare an annual report to the city council showing the source and amount of all monies collected, earned, or received and the fund balance, and the system improvements which were financed in whole or in part by impact fees. The report may be part of an existing annual report or may be a separate report.

3.54.180 Severability.

If any section, sentence, clause or phrase of this chapter 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 chapter.

Section 10. Adoption of New Title 22. Monroe Municipal Code (MMC) Title 22, Unified Development Regulations, is hereby adopted, as set forth in Exhibit B which is incorporated herein by this reference, and shall be the official development regulations for the City of Monroe.

Section 11. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 12. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 13. 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 14. 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.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 23rd day of April, 2019.

First Reading:	April 9, 2019
Final Reading:	April 23, 2019
Published:	April 26, 2019
Effective:	May 1, 2019

CITY OF MONROE, WASHINGTON:

Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

Elizabeth M. Adkisson, MMC, City Clerk

APPROVED AS TO FORM:

J. Zachary Lell, City Attorney

ATTACHMENT 2

CITY OF MONROE
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Staff Report and Recommendation

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2018-06 (associated with SEPA2019-02)
Project Summary:	The City is in the process of drafting new Unified Development Regulations (UDR) to take the place of the existing development regulations in the Monroe Municipal Code, which are located in Titles 17 through 21. The current development regulations are proposed to be repealed and replaced with one all-inclusive title known as the Unified Development Regulations (UDR). In addition to reflecting the goals and policies adopted in the City's 2015 – 2035 Comprehensive Plan, the proposed unified development code intends to simplify and streamline Monroe's development process.
Applicant:	City of Monroe
Location:	Because this is a non-project action, the code amendments do not apply to a specific property or properties but rather to the entire City of Monroe. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.
Public Hearing Date:	**Monday, February 25, 2019 at 7:00 PM** Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Ben Swanson, Community Development Director City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4544 bswanson@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Monroe is proposing a new development code. The proposed code replaces the existing development code, which is currently located in Titles 17, 18, 19, 20, and 21 of the Monroe Municipal Code (MMC), with one unified, user-friendly set of rules known as the Unified Development Regulations (UDR). In addition to reflecting the goals and policies adopted in the City's 2015-2035 Comprehensive Plan, the proposed unified development regulations intend to simplify and streamline Monroe's development process.

The Washington State Growth Management Act (GMA) mandates in RCW 36.70A.130(4)(a) that a periodic comprehensive plan review and update be conducted every eight years. The City adopted the 2015 – 2035 City of Monroe Comprehensive Plan on December 8, 2015. Pursuant to RCW 36.70A.040(3), a jurisdiction that is required to plan, "shall adopt…development regulations that are consistent with and implement the comprehensive plan." The adopted comprehensive plan created new future land use designations (institutional, shoreline industrial, tourist commercial, and transportation), and eliminated previously adopted land use designations (professional office and service commercial). Additionally, policies regarding maximum residential density in the comprehensive plan were revised to generally increase density. Existing development regulations found in Monroe Municipal Code (MMC) Titles 17 – 21 are not presently consistent with and do not currently implement the comprehensive plan. Revisions to the City's development regulations are necessary to bring the MMC into compliance with the GMA, and the proposed UDR will make the development regulations consistent with the adopted comprehensive plan. As discussed above, the UDR will simplify the regulations and streamline the City's development process, resulting in a more "user-friendly" code.

The proposed UDR includes an updated zoning map and 39 chapters of development regulations and standards. The chapters can be divided into two main categories: 1) chapters that have been formatted and renumbered, but generally remain unchanged from the existing development regulations; and 2) chapters that are new or substantially new, as they significant revise the corresponding content of the existing MMC. The content of the proposed chapters along with any anticipated revisions are detailed below:

1. **Chapter 22.10. Administration and Enforcement:** The proposed chapter outlines the roles, responsibilities, and general administration of the UDR.

2. **Chapter 22.12. Definitions:**

   This chapter contains the definitions applicable to the UDR. Some existing terms have been updated for consistency with state and/or federal law.

3. **Chapter 22.14. Zoning Districts:**

   The chapter outlines the proposed zoning districts established by the UDR, which are depicted on the zoning map.

4. **Chapter 22.16. Single Family Residential (SFR) Zoning Districts (R4, R7, and R15):**

   Chapter 22.16 establishes the bulk, dimensional, and land use requirements for the Single Family Residential zoning districts. Three SFR zoning districts are proposed, as follows, to correspond to and be consistent with desired levels of residential density specified in the Comprehensive Plan.

   a. Single-Family Residential 4 Units per Acre (R4). This the lowest density residential zone proposed in the City. Residential development is generally limited to single-family detached units.
   b. Single-Family Residential 7 Units per Acre (R7). The R7 zone allows for medium residential density, and like the R4 zone, residential development is generally limited to single-family detached units.
   c. Single-Family Residential 15 Units per Acre (R15). The R15 zone also allows single-family attached housing, such as townhomes, that share a common wall in addition to single-family detached units.

   The residential density allowances identified in this chapter are based on gross lot area, which reduces the complexities associated with using net area. Residential density allowances based on net lot area typically involve excluding portions of a site, such as those covered by infrastructure and critical areas, prior to calculating allowed density.

5. **Chapter 22.18. Multifamily Residential (MFR) Zoning District (R25):**

Chapter 22.18 establishes the bulk, dimensional, and land use requirements for the Multi-Family Residential zoning district. The goal of this zoning district is to maximize the density allowed under the Comprehensive Plan in order to encourage high density development and increase affordable housing within the City. This zone allows a minimum of 12 dwelling units per acre and a maximum of 25 dwelling units per acre. It is envisioned this zone will contain attached dwelling units, including apartment and condominium developments.

6. **Chapter 22.20. Mixed Use Zoning Districts (MG, MN, and MM):**

Chapter 22.20 establishes the bulk, dimensional, and land use requirements for the Mixed Use zoning districts. The portions of this zone along Main Street will largely remain the same as the current code. The proposed Mixed Use - Medical zoning district in the vicinity of the EvergreenHealth Monroe hospital will differ, as it will not allow residential uses, such as market rate multifamily housing. The purpose of this restriction is to encourage medical related uses within close proximity to the hospital.

7. **Chapter 22.22. Downtown Commercial Zoning District (DC):**

The Downtown Commercial chapter of the MMC was updated recently. Therefore, the UDR chapter does not propose many changes. The City's 2015 - 2035 Comprehensive Plan eliminates the area known as the Rails and Roads Neighborhood from the Downtown Commercial zoning district. To ensure consistency with the Comprehensive Plan the new zoning now identifies the zoning of this area north of the railroad as General Commercial. To reflect the future land use map and ensure consistency with the Comprehensive Plan, the area in Rails and Roads neighborhood has been removed from the Downtown Commercial zone and reclassified as General Commercial.

8. **Chapter 22.24. Tourist Commercial Zoning District (TC):**

This is a new zoning district that mirrors the Tourist Commercial designation identified in the Comprehensive Plan. The purpose of the zone is to encourage tourism by encouraging temporary lodging and entertainment uses. Chapter 22.24 also establishes the bulk, dimensional, and land use requirements for the Tourist Commercial zoning district.

9. **Chapter 22.26. General Commercial Zoning Districts (GC, IT, and NK/TP-O):**

Chapter 22.26 establishes the bulk, dimensional, and land use requirements for the General Commercial (GC) and Industrial Transition (IT) zoning districts, as well as the North Kelsey/Tjerne Place overlay district. The allowed uses in the General Commercial zone largely remain the same. The North Kelsey/Tjerne Place overlay district was recently modified to allow for multifamily housing, and the proposed chapter reflects those amendments. The proposed Industrial Transition zoning district is a hybrid zone that allows both commercial and industrial uses. The purpose of this zone is to mitigate the restrictions imposed by the Airport Overlay - specifically density limitations. The geographical area of the proposed Industrial Transition are located in the "crash zones" of the airport. In accordance with Washington State Department of Transportation (WSDOT) guidelines, jurisdictions must restrict the population densities in these "crash zones" to minimize potential loss of life. Under the existing and proposed Airport Overlay, the density limitations and allowed uses would prohibit the majority of commercial uses. To allow for continued and new uses in this area the Planning Commission proposed this hybrid zone to allow for low density industrial uses. The proposed zones are consistent with the City's Comprehensive Plan.

10. **Chapter 22.28. Industrial Zoning Districts (GI, LI, SI, and FC-O):**

Chapter 22.28 establishes the bulk, dimensional, and land use requirements for the General Industrial (GI), Light Industrial (LI), and Shoreline Industrial (SI) zoning districts, as well as the Fryelands Commercial Overlay (FC-O). The proposed industrial zoning districts and associated overlay are a partial departure from the City's current zoning designations, and are consistent with the adopted Comprehensive Plan.

a. The area in the Shoreline Industrial zoning district is currently zoned Limited Open Space under the City's existing code. During the 2015 periodic update to the City's Comprehensive Plan, the Shoreline Industrial designation was created to accommodate the ongoing Cadman operations adjacent to the Skykomish River.
b. During the review of the City's existing and proposed Light Industrial zone, it was determined the City should develop a market analysis to determine its highest and best use. Community Attributes Inc. (CAI) was hired to review the Light Industrial area and provide recommendations on proposed uses. In the July 10, 2018, CAI report, they determined that the City's current zoning regulations allowed too many nonindustrial uses. CAI's recommendation was to limit or outright prohibit nonindustrial uses in the Light Industrial zoning district. Based on this analysis, the proposed zoning emphasizes industrial/manufacturing uses in this zone.
c. To accommodate the needs of existing retail and service establishments in the Light Industrial zone abutting Fryelands Boulevard, the Planning Commission is proposing the Fryelands Commercial Overlay district. The purpose of the overlay is to provide goods and services to the workers in the Light Industrial zoning district and visitors to Lake Tye.
d. The proposed General Industrial zone will remain unchanged from the existing zoning and encompasses the Lakeside Industries operations.

11. **Chapter 22.30. Transportation Zoning District (TR):**

The vast majority of the Transportation zoning district consists of WSDOT owned land that is intended to accommodate a proposed State Route 2 bypass. This zone also includes the US 2, SR 522, SR 203 rights-of-way in addition to the aforementioned proposed bypass. The proposed uses in this zone are largely transportation and government related. However, several parcels situated in the Transportation zoning district, including land set aside for the proposed bypass, remain privately owned. To accommodate the privately owned properties, provisions were made for single-family residential and parks land uses.

12. **Chapter 22.32. Institutional Zoning District (IN):**

The Institutional designation was developed under the 2015 Comprehensive Plan, and is new to the City of Monroe. The purpose of this zoning district is to accommodate government facilities and to provide for their unique needs. The zoning district generally includes properties owned by the State (penitentiary), City, or School District.

13. **Chapter 22.34. Limited Open Space Zoning District (LS):**

The Limited Open Space zoning district is the continuation of an existing zoning district within the City. This zoning district includes the area traditionally known as East Monroe along with the properties to the east of this site. Chapter 22.34 establishes the bulk, dimensional, and land use requirements for the Limited Open Space zoning district.

14. **Chapter 22.36. Parks Zoning District (P):**

The proposed Parks zone generally includes the land currently zoned Public Open Space. These areas contain the City's parks and open space. Chapter 22.36 establishes the bulk, dimensional, and land use requirements for the Parks zone.

15. **Chapter 22.38. Essential Public Facilities (EPFs):**

The Essential Public Facilities chapter is rooted in RCW 36.70A.200, which requires special consideration for those public facilities (e.g. state education facilities and state or regional transportation facilities) that are difficult to site. In addition, the proposed chapter includes new regulations governing local essential public facilities. These are facilities owned, operated, or sponsored by the city of Monroe, a special purpose district, or another unit of local government, which is intended to serve the city-wide population.

16. **Chapter 22.40. Nonconformance and Reuse Standards:**

The Nonconformance and Reuse Standards are a continuation of the existing municipal code provisions. Revisions for clarity and consistency with surrounding jurisdictions are proposed.

17. **Chapter 22.42. Design Standards:**

The purpose of the design standards provided in this chapter is to implement the City of Monroe Comprehensive Plan and to provide an overall framework for the design of new and existing development with the City. The design standards included herein are intended to accomplish the following:

a. Provide clear objectives for those embarking on the planning and design of development projects in Monroe;
b. To provide a unique visual identity for the city and its neighborhoods;
c. Protect and enhance the city's environments for living, working, and shopping activities;
d. Encourage flexibility and innovation in site design and development that promotes a neighborhood context in keeping with and enhancing Monroe's character;
e. Ensure that site layout and building design is properly related to their sites and surrounding sites and structures, taking into consideration the natural terrain; and
f. Ensure that streetscapes are adequately and attractively designed and landscaped.

18. **Chapter 22.44. Parking Standards and Design:**

The purposes of this chapter are to implement the policy provisions of the City of Monroe comprehensive plan by requiring the provision of adequate off-street parking for all uses allowed in this code; to reduce demand for parking by encouraging alternative means of transportation, including public transit, rideshare, and bicycles; and to increase pedestrian mobility and safety in urban areas by: setting minimum off-street parking standards for different land uses that assure safe, convenient, and adequately sized parking facilities; providing for parking and storage of bicycles; providing safe and direct pedestrian access from public rights-of-way to structures and between developments; and to minimize the visual impact of parking areas on the streetscape and pedestrian environment.

19. **Chapter 22.46. Landscaping Standards:**

The proposed Landscaping Standards constitute a complete overhaul of the existing landscape code. The existing code is disjointed, vague, and difficult to apply. City staff reviewed several landscaping codes from surrounding jurisdictions before developing

the proposed chapter. In addition, staff had two landscape architects review the code and provide comments prior to developing the final draft.

20. **Chapter 22.50. Signs:**

In order to comply with the US Supreme Court ruling issued in the case of Reed v. Town of Gilbert, City staff made several changes to the existing sign code, including removing all content-based restrictions on speech and prohibiting the use of cabinet signs in the Downtown Promenade. The existing code established a sunset date for all nonconforming signs. This deadline is extended by one year in the UDR to account for the proposed code changes.

21. **Chapter 22.52. Affordable Housing:**

Proposed edits to this chapter are predominantly format changes. Additionally, the "Affordable Housing Lot Size Matrix" was adjusted to reflect the code's recent shift from regulating residential density with minimum lot sizes to a maximum allowed residential density.

22. **Chapter 22.54. Airport Compatibility:**

City staff revised the Airport Compatibility Chapter for consistency with current WSDOT standards. This included updating the use matrix, density allowances, and overlay zones. The goal of the update was to allow a greater chance of redevelopment for those properties impacted by the airport overlay.

23. **Chapter 22.56. Marijuana Related Uses:**

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

24. **Chapter 22.58. Site Plan Review:**

In 2017, the City repealed the Site Plan Review chapter due to administrative and regulatory complexities associated with the code. The proposed chapter simplifies the site plan review process and clarifies the criteria for approval. The chapter is intended to facilitate a comprehensive review of an applicant's proposal and identify any problematic areas early in the process. In the case of multifamily or commercial development, the applicant would submit a site plan to the City to ensure compliance with bulk requirements, critical areas, and other applicable regulations and standards. If approved, the site plan provides specific assurances to the developer prior to submitting for building permit review. Currently, the site plan review is conducted at time of building permit review, which can lead to costly architectural revisions.

25. **Chapter 22.60. Temporary Uses:**

This is a new code chapter intended to provide provisions for regulating certain temporary uses such as mobile vendors, seasonal sales (e.g. Christmas tree lots), and farmers markets. The chapter also consolidates existing code related to temporary uses such as security guard dwelling units and tent encampments.

26. **Chapter 22.62. Wireless Communication Facilities:**

The proposed Wireless Communications Facilities (WCFs) chapter is the City's first step in complying with federal law associated with siting and modifying wireless communications facilities. The proposed chapter is based on existing code developed by a consortium of Washington cities and this chapter specifically addresses macro facilities. The City is presently drafting a chapter to address small wireless facilities (small cell sites), which will be processed after completion of the UDR.

27. **Chapter 22.64. Conditional Use Permits:**

Minimal modifications are proposed to this chapter. The review and approval criteria are generally unchanged from the existing code.

28. **Chapter 22.66. Variances:**

Minimal modifications are proposed to this chapter. The review and approval criteria are generally unchanged from the existing code.

29. **Chapter 22.68. Subdivisions:**

Substantial changes are proposed to the subdivision regulations. The UDR chapter removes the provisions associated with Planned Residential Developments. Criteria to require additional parking in subdivisions was added. The chapter also includes more detail regarding the review process in order to minimize confusion from applicants and staff. The proposed chapter also provides allowances for minor modifications to simplify and streamline the procedural requirements. Finally, the proposed code uses RCW 58.17.100 to allow for the administrative approval of final plats.

30. **Chapter 22.70. Development Agreements:**

Currently, the City of Monroe uses the regulatory provisions in RCW 36.70B.170 to process Development Agreements. Nonetheless, RCW 36.70B.170 is generalized in its construction and does not account for jurisdiction-specific considerations, such as application, review, and processing requirements. The proposed chapter in intended to clarify the review and approval process and decision criteria applicable to development agreements while maintaining consistency with state law.

31. **Chapter 22.72. Amendments to the Unified Development Regulations:**

As with the existing code, the purpose of this chapter is to establish procedures and requirements for amending Title 22, Unified Development Regulations. Applications to amend the Unified Development Regulations may include revisions to text, charts, and figures in the code, as well as amendments to the City's official zoning map, also known as rezones.

32. **Chapter 22.74. Comprehensive Plan Amendments:**

The purpose of this chapter is to establish procedures and requirements for amending the City's Comprehensive Plan and associated Future Land Use Map.

33. **Chapter 22.76. Annexations:**

The purpose of this chapter is to provide procedures and requirements for the annexing of territory into the City of Monroe. The annexation process is governed by Chapter 35A.14 RCW.

34. **Chapter 22.78. State Environmental Policy Act (SEPA):**

The proposed Chapter was reformatted and updated for consistency with State law.

35. **Chapter 22.80. Critical Areas:**

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

36. **Chapter 22.82. Shoreline Management:**

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

37. **Chapter 22.84. Permit Processing:**

This chapter was significantly revised to establish a new permit review process for the City. The proposed process is similar to those used in surrounding jurisdictions and is proven to be easier to understand and use than the current process. The chapter simplifies the process by categorizing project permits into Types I – IV. Corresponding tables carry the applicant through the application procedure and review and decision process.

38. **Chapter 22.86. Land Clearing and Forest Practices:**

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

39. **Chapter 22.88. Commute Trip Reduction:**

Revisions to this chapter were limited to formatting. No changes are proposed to the content.

40. **Draft Zoning Map:**

The proposed zoning map establishes the above-described zoning districts. The zoning districts are based on the designations identified by the Future Land Use Map (FLUM) adopted as part of the Comprehensive Plan.

C. REVIEW PROCESS

1. Overview

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

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

The code update proposes new development regulations to take the place of the existing development code in Monroe Municipal Code (MMC) Titles 17, 18, 19, 20 and 21. Therefore, a Planning Commission public hearing and recommendation to the City Council is required. Forty-five (45) briefings on the proposed code amendments were held in front of the Planning Commission during regular and/or special meetings on the dates listed below:

October 9, 2017	March 19, 2018	September 17, 2018
October 23, 2017	April 9, 2018	October 8, 2018
November 13, 2017	April 16, 2018	October 15, 2018
November 20, 2017	April 23, 2018	October 22, 2018
November 27, 2017	April 30, 2018	October 29, 2018
December 11, 2017	May 14, 2018	November 5, 2018
December 18, 2017	May 21, 2018	November 19, 2018
January 8, 2018	June 4, 2018	November 26, 2018
January 13, 2018	June 11, 2018	December 3, 2018
January 29, 2018	June 18, 2018	December 10, 2018
February 5, 2018	July 9, 2018	December 17, 2018
February 12, 2018	July 23, 2018	January 7, 2019
February 26, 2018	August 6, 2018	January 10, 2019
March 5, 2018	August 13, 2018	January 14, 2019
March 12, 2018	September 10, 2018	January 28, 2019

The required public hearing in front of the Planning Commission was initially held on February 25, 2019 and continued to March 11, 2019 and March 25, 2019. Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. No earlier than March 12, 2019, 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 the Growth Management Hearings Board.

2. Public Notification and Comments

a. **Department of Commerce:** The proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on January 31, 2019. Expedited review, which reduces the length of the review period from 60 days to 14 days, was requested. The City received an letter from the Department of Commerce on February 6, 2019 that acknowledged receipt of the request. The Department of Commerce sent notice approving the request for expedited review on March 19, 2019.
b. **Notice of Application:** Prior to commencing the UDR process, the City provided notice of the proposed code amendments to all property owners on file with the Snohomish County Assessor's Office. Additionally, to introduce the project and promote public participation, the City held an open house on October 23, 2017. Furthermore, interested parties were added to an email list and notified throughout the code development process of all Planning Commission meetings involving the development of the UDR.
c. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 21.40.020 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Daily Herald on February 15, 2019.
d. **Public Comments:** The City received public comments throughout the UDR process. Each public comment was submitted to the Planning Commission for review at the next available meeting date following its receipt. These comments are identified in the exhibit list contained herein.

3. State Environmental Policy Act (SEPA) Review

Pursuant to WAC 197-11-704, the proposal is classified as a nonproject action under the State Environmental Policy Act. Nonproject actions involve "decisions on policies, plans, or programs," which includes the adoption of zoning ordinances [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the proposed code amendments on January 26, 2019. The public comment period for the DNS ended at 5:00 PM on February 8, 2019, with a subsequent appeal deadline of 5:00 PM on February 8, 2019. No comments or appeals were received on the SEPA Threshold Determination.

4. Public Hearing

The public hearing on this matter was initially held in front of the Planning Commission on February 25, 2019 at 7:00 PM in the City of Monroe Council Chambers, and was continued to March 11, 2019 and March 25, 2019. The public hearing shall be conducted according to MMC 21.50.060 and shall generally observe the following sequence of events:

a. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
b. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
c. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. The chair/hearing examiner shall have discretion as to what constitutes germane testimony.
d. Rebuttal, response, or clarifying statements by the staff and the applicant.
e. The evidentiary portion of the public hearing shall be closed thereafter and the hearing body shall deliberate on the matter before it.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a zoning code 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 Planning Commission has identified several applicable policies from the current Monroe Comprehensive Plan, as shown below.

Policy Number(s)	Policy Text
P.028:	Promote new commercial landscaping consisting of native, evergreen species requiring minimal water and maintenance.
P.034:	Stimulate economic development and tourism through natural resource preservation and enhancement.
P.063:	Identify and promote the development of neighborhood commercial centers which serve and are compatible with surrounding residential areas, using location criteria and regulations.
P.076, P.099, and P.115:	Promote redevelopment and infill along the west Main Street corridor, including higher-density residential and mixed-use development.

P.077, P.100:	Stimulate continued development of a health services district and commercial node along 179th Avenue, supporting health-related uses and serving nearby neighborhoods and industrial areas.
P.090:	Consider alternative approaches to development, such as clustering or lot size policies that support overall density targets without undermining desired land uses.
P.096 and P.111:	Encourage the provision of higher density housing in close proximity to retail, health-care services, parks, and transportation routes.
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. The proposed densities are consistent with Snohomish County population allocation. The propose zones and allowed density per zone are consistent with the designations described in the Comprehensive plan. Densities per zone were calculated under a buildable lands analysis conducted by the City of Monroe using the Snohomish County methodology.

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

   a. Titles 17 through 21 of the Monroe Municipal Code (MMC) contain the City's zoning and development regulations. The proposed code replaces the existing text of Titles 17 through 21 with Title 22, Unified Development Regulations (UDR). The proposal does not include changes to the existing critical areas chapter or to the Shoreline Master Program.
   b. The primary purposes of the Monroe Unified Development Regulations are to:
      i. Encourage land use decision making in accordance with the public interest and applicable laws of Washington State;
      ii. Protect the general health, safety, and welfare;
      iii. Implement the Monroe comprehensive plan goals and policies through land use regulations;
      iv. Provide for the economic, social, and aesthetic advantages of orderly development through harmonious groups of compatible and complementary land uses and the application of appropriate development standards; and
      v. Mitigate or eliminate physical hazards and adverse environmental impacts caused by development.

Conclusions of Law:
The proposed code amendments do not modify the intent of the existing development regulations; are consistent with the purpose of the UDR; 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 and supplemental non-project review sheet were submitted for environmental review on January 15, 2019.
   b. The SEPA Responsible Official issued a Determination of Non-significance on January 26, 2019.
   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 January 26, 2019. 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 Daily Herald and posted at City Hall and the Monroe Library on January 26, 2019.
e. The SEPA comment period expired at 5:00 PM on February 8, 2019. No comments were received.
f. The SEPA appeal period ended at 5:00 PM on February 8, 2019. 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 following Planning Goals listed in RCW 36.70A.020: Urban Growth, Reduce Sprawl, Housing, Economic Development, and Public Facilities and Services.
b. On January 31, 2019, the proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review, in accordance with RCW 36.70A.106. Expedited review was requested. The Department of Commerce sent a letter acknowledging receipt of the request on February 6, 2019. Expedited review was granted by the Department of Commerce on March 19, 2019.

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 MMC):

a. Notice of the initial February 25, 2019 public hearing date was provided in accordance with MMC 21.40.020. On February 15, 2019, the Notice of Public Hearing was: 1) published in the Daily Herald; 2) emailed to parties of record and required agencies; and 3) posted at City Hall and the Monroe Library.
b. The public hearing was continued to March 11, 2019 and March 25, 2019, but additional notice was not required under MMC 21.40.020(C). Pursuant to MMC 21.40.020(C), "If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required."

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 21).

As Monroe Municipal Code (MMC) Titles 17, 18, 19, 20 and 21 include the subdivision code, zoning code, and environmental code, a Planning Commission public hearing and recommendation to the City Council is required.

b. Planning Commission briefings to discuss the proposed code amendments were held at forty-five (45) Planning Commission Meetings from 2017-2019.
c. A public hearing in front of the Planning Commission to consider the amendments and draft a recommendation to the City Council was held on February 25, 2019 and continued to March 11, 2019 and March 25, 2019.
d. 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.
e. 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 21.40 MMC.

E. PLANNING COMMISSION RECOMMENDATION

Based on the analysis and findings included herein, the Planning Commission recommends the following:

Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 2 to the Planning Commission agenda bill, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Titles 17 through 21.

Bridgette Tuttle, Planning Commission Chair

Date 3/25/2019

CHAPTER 22.10
ADMINISTRATION AND ENFORCEMENT

Sections:

22.10.010 Title.
22.10.020 Authority.
22.10.030 Purpose.
22.10.040 General Provisions.
22.10.050 Interpretation.
22.10.060 Roles and Responsibilities.
22.10.070 Performance Guarantees and Liability Protection.
22.10.080 Reasonable Accommodation.
22.10.090 Violation and Enforcement.
22.10.100 Review, Revocation, and Modification of Permits and Approvals.

22.10.010 Title.

Title 22 of the Monroe Municipal Code shall be known as the Monroe Unified Development Regulations, also referred to as the "UDR" or "Title."

22.10.020 Authority.

The Monroe UDR is enacted under the authority granted to the city by the Constitution of Washington State, and the Revised Code of Washington (RCW).

22.10.030 Purpose.

The general purposes of the Monroe Unified Development Regulations are to:

A. Encourage land use decision making in accordance with the public interest and applicable laws of Washington State;

B. Protect the general health, safety and welfare;

C. Implement the Monroe comprehensive plan goals and policies through land use regulations;

D. Provide for the economic, social, and aesthetic advantages of orderly development through harmonious groups of compatible and complementary land uses and the application of appropriate development standards; and

E. Mitigate or eliminate physical hazards and adverse environmental impacts caused by development.

22.10.040 General Provisions.

A. The Monroe UDR shall provide for the implementation of goals, policies and plans through the adoption, administration and enforcement of plans, regulations, procedures, capital improvements, and municipal services and programs.

B. The UDR shall be considered during review and revision of Monroe's comprehensive plan goals and policies and city regulations and procedures.

C. The Monroe comprehensive plan shall be the basis for designating land use zones, applying development and shoreline requirements, and guiding development in areas presently outside the city but which may be annexed subsequent to the adoption of the UDR. The Monroe UDR is to be used as a guide by other governmental agencies when taking action within the Monroe urban growth area (UGA).

D. Conformity required.

1. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with the UDR and all other provisions of the Monroe Municipal Code (MMC).

2. Creation of or changes to lot lines shall conform with the use provisions, bulk requirements, and other standards and procedures of the UDR.

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3. All land uses and development authorized by the UDR shall comply with other regulations and or requirements of this title, the Monroe Municipal Code, and the laws or regulations of any other local, state or federal agency that has jurisdiction over land uses and development. Where a difference exists between this title and other regulations, the more restrictive requirements shall apply.

4. Where more than one part of this title or other portions of the Monroe Municipal Code apply to the same aspect of a proposed use or development, the more restrictive requirement shall apply.

5. An applicant is expected to read and understand the city development regulations and be prepared to fulfill the obligations placed on the applicant by MMC Title 22.

E. The provisions and standards contained in this title are held to be minimum standards with which compliance is essential to the permitted uses, and shall not be construed as limiting the legislative discretion of the city council to further restrict the permissive uses, or for the city to withhold or revoke permits for uses where, notwithstanding the existence of the minimum standards set forth in this title, the promotion and protection of the public health, safety and welfare bears a substantial relation to the withholding, denial or revocation of permits or uses.

22.10.050 Interpretation.

In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purposes of the UDR. Any act or activity regulated in this title shall also comply with all other applicable requirements of city code, laws, and regulations.

A. The more specific regulation applies to a land use application. Regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirement of general application.

B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

C. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of any section. In case of any ambiguity, difference of meaning or implication between the text and heading, caption or illustration, the text and the permitted use tables shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.

D. The words “will,” "shall," and “must” are mandatory, and the word "may" is discretionary. The word "should" is mandatory unless waived by the Zoning Administrator due to special circumstances.

E. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings.

F. Words in the masculine gender include the feminine and vice versa.

G. Distances shall be measured horizontally unless otherwise specified.

H. The word “building” includes a portion of a building and a portion of the lot on which it stands.

I. Except where otherwise expressly noted, the term “days” as used in this title means calendar days, not working days.

22.10.060 Roles and Responsibilities.

The roles and responsibilities for carrying out the provisions of the development code are shared by appointed boards and commissions, elected officials and city staff. The authorities of each of these bodies are set forth below.

A. Zoning Administrator. The zoning administrator or authorized representative, as the duly appointed representative of the mayor, as established by MMC 2.28.010, is charged with the responsibility of the administration of the provisions of the Comprehensive Plan and the Unified

Development Regulations (UDR) for Monroe. Responsibilities of the Zoning Administrator shall include:

1. Serving in an advisory capacity to the Hearing Examiner, Planning Commission, and City Council in comprehensive planning and land use matters;
2. Making land use decisions, as set out in MMC 22.84, Permit Processing;
3. Delegating specific tasks to other staff members while retaining overall responsibility; and
4. Making administrative interpretations of the Unified Development Regulations, as provided in this subsection.
    a. Upon request or as determined necessary, the Zoning Administrator shall interpret the meaning or application of the provisions of the UDR and issue a written administrative interpretation within thirty days. Requests for interpretation shall be submitted in writing and shall concisely identify the issue and desired interpretation. The interpretations shall be based on:
        i. The defined or common meaning of the words of the provisions;
        ii. The general purpose of the provision as expressed in this title;
        iii. The logical or likely meaning of the provision viewed in relation to the comprehensive plan;
        iv. Input and recommendations from other members of the development review committee; and
        v. Input and recommendations from the city attorney.
    b. An interpretation of the UDR will be enforced as if it is part of the UDR. Code interpretations shall be considered superseded if amendments are made by the city council to the code section which was previously interpreted. If the interpretation of the Zoning Administrator is modified on appeal, the Zoning Administrator shall amend the interpretation to include the modification and change any reference in the codification of this title.
    c. All interpretations of the UDR, filed sequentially, shall be available for public inspection and copying at City Hall during regular business hours. The Zoning Administrator and city attorney, when codifying revisions to this title, shall also make appropriate references in the MMC revisions to code interpretations affecting particular code sections.
    d. The Zoning Administrator may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this title. The Zoning Administrator may at any time clarify a statement in a written administrative decision as long as the clarification does not alter the intent or effect of the decision.
    e. Administrative interpretations, subject to Title 22, shall be appealable, as outlined under appeal procedures in Chapter 22.84, Permit Processing.

B. Development Review Committee. The development review committee (DRC) is a staff committee composed of city department heads or designees and may include representatives from affected utility districts, the fire district, and any other entities or agencies, as deemed appropriate by the Zoning Administrator. The purpose of the DRC is to bring multidisciplinary knowledge and judgment to situations that emerge through the application of these unified development regulations and other matters related to planning, design, and development. Responsibilities of the Development Review Committee shall include:

1. Reviewing development and land use applications for compliance with city plans and regulations;
2. Coordinating necessary permit reviews; and
3. Identifying the proposal's potential environmental impacts.

C. Planning Commission. The planning commission is the designated planning agency for the city per Chapter 35A.63 RCW. Responsibilities of the Planning Commission shall include reviewing and making recommendations on the following actions:

1. Amendments to the comprehensive plan;

2. Amendments to the Unified Development Regulations (MMC Title 22);
3. Rezone applications; and
4. Pursuant to Chapter 35A.63 RCW, all other actions requested or remanded by the city council.

D. Hearing Examiner. The office of the land use hearing examiner, "Examiner," is created pursuant to Chapter 35A.63.170 of the Revised Code of Washington (RCW) to hear applications for projects subject to the regulations designated in this Title and the Monroe Municipal Code. MMC Chapter 22.84, Permit Processing, sets out the authority of the Hearing Examiner regarding specific land use actions.

E. City Council. The city council is responsible for establishing policy and legislation affecting land use within the city. The city council also acts on the recommendations of the planning commission and the hearing examiner in legislative and quasi-judicial matters.

22.10.070 Performance Guarantees and Liability Protection.

A. Performance Financial Security for Building Permits. Pursuant to section 111.3 of the International Building Code, the Building Official may authorize the issuance of a temporary certificate of occupancy conditioned upon the subsequent completion or satisfaction of unfulfilled requirements or regulations, or uncompleted development proposals. A condition for issuance of such temporary permit may be the posting with the city of a performance financial security to ensure fulfillment of all conditions to which such permit is subject. The conditions to which such temporary certificate of occupancy is subject shall be listed upon the permit or attached thereto. No certificate of occupancy shall be issued until all such conditions are satisfied. If the conditions are not satisfied within the date of the deadline specified in the temporary certificate of occupancy, demand may be made by the city against the financial security for completion and performance. Prior to such demand being given, the zoning administrator shall give ample notice to the person or persons involved.

B. Amount of Financial Security. The performance financial security shall be in a form acceptable to the city, and represent one hundred fifty percent of the fair cost estimate of the uncompleted portion of the proposed development or improvements as determined by the zoning administrator.

C. Performance Financial Security for Plats. Financial securities required for plats within the City are governed by MMC 22.68.040.

D. Insurance. Prior to issuing a permit or approving an application, the city may require the applicant to provide a certificate of general liability insurance, with limits of liability in an amount acceptable to the city attorney, from an insurance company authorized to do business in Washington, insuring against injury to persons and damage to property, and may require that the city be named as an additional insured.

E. Record of Certificates – Issued. The zoning code administrator or his/her delegate shall circulate a request for a certificate of occupancy for a change in use to all city departments and shall maintain a record of all certificates of occupancy issued.

22.10.080 Reasonable Accommodation.

A. Eligibility. Any person claiming to have a handicap or disability, within the meaning of the Fair Housing Amendments Act (FHAA), 42 U.S.C. 3602(h) or the Washington Law Against Discrimination (WLAD), Chapter 49.60 RCW, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of these unified development regulations pursuant to the requirement of the FHAA, or the WLAD, that reasonable accommodations be made in rules, policies, practices, or services when such accommodations may be necessary to afford persons with handicaps or disabilities equal opportunity to use and enjoy a dwelling, shall make such request for reasonable accommodation to the zoning administrator.

B. Procedure.

1. An applicant for reasonable accommodation must provide verifiable documentation of handicap or disability eligibility to the zoning administrator and describe the need for and proposed accommodation.

2. The zoning administrator shall determine what adverse land use impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. This determination shall take into account the size, shape and location of the dwelling unit and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be expected from the residents, staff and visitors; and any other circumstances determined to be relevant.

3. The applicant's need for accommodation shall be considered in light of the anticipated land use impacts, and conditions may be imposed in order to make the accommodation reasonable in light of those impacts.

4. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the zoning administrator's decision. If it is determined that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the zoning administrator shall rescind or modify the decision to grant reasonable accommodation.

5. The zoning administrator shall act promptly on the request for accommodation and shall not charge any fee for responding to a request for accommodation.

6. Nothing herein shall prevent the zoning administrator from granting reasonable accommodation to the full extent required by federal or state law.

7. The zoning administrator's decision shall constitute final action by the city on a request for accommodation, and review of the decision will be available only in superior court. Any appeal must be filed not more than 21 days after the issuance of the zoning administrator's decision.

22.10.090 Violation and Enforcement.

A. Compliance. Compliance with the requirements of MMC Title 22 shall be mandatory. It is unlawful for any person or entity to own, use, construct, erect, enlarge, alter, repair, move, improve, convert, equip, occupy, maintain, locate, demolish or cause to be constructed, located or demolished any structure, land, or property within the city of Monroe in any manner that is contrary to the provisions of MMC Title 22, or any permit, condition, order, rule, or regulation imposed or adopted pursuant thereto. The general penalties and remedies established in this code for such violations shall apply to any violation of the Title. The enforcement actions authorized under this chapter shall be supplemental to general penalties and remedies in this code.

B. Enforcing Authority. The Zoning Administrator, or their authorized designee, shall be responsible for enforcing MMC Title 22, and may adopt administrative rules to meet that responsibility.

C. Violation and Penalties.

1. Separate Violations. Each and every day that a structure, land or property is owned, leased, controlled, used or maintained in violation of MMC Title 22 shall constitute a separate violation and shall be subject to the enforcement procedures of MMC Chapter 1.04, Code Enforcement, in addition to any other remedies available in the MMC or other applicable law.

2. Penalties. Any firm, business, property owner, corporation, entity, or person who violates the standards or provisions of this title or the more stringent standards imposed by the city through the planning commission, hearing examiner, city council, or other authorized official or body, shall be guilty of a civil infraction. Civil infractions under this section shall be processed as set forth in MMC Chapter 1.04. The city shall also have the right to abate any violations of this code by seeking injunctive relief in the Snohomish County Superior Court. Any firm, business, property owner, corporation, entity, or person found in violation shall be

responsible for paying the city's court costs and reasonable attorney's fees in any abatement action.

22.10.100 Review, Revocation, and Modification of Permits and Approvals.

A. Review of approved permits. Any approval or permit issued under the authority of the unified development regulations may be reviewed for compliance with the requirements of the development regulations, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.

1. The review of an approval of a permit may be initiated by the Zoning Administrator, city administrator, city council, or by petition to the Zoning Administrator by three property owners or three residents of separate dwelling units in the city, stating their belief as to the noncompliance, nuisance, or hazard of the permitted activity.
2. Upon receipt of information indicating the need for, or upon receiving a request for review of permit or approval, the Zoning Administrator shall investigate the matter and take one or more of the following actions:
    a. Notify the property owner or permit holder of the investigation; and/or
    b. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
    c. Refer the matter to the city attorney; and/or
    d. Refer the matter to the hearing examiner with a recommendation for action.

B. Revocation or modification of permits and approvals.

1. Upon receiving a recommendation from the Zoning Administrator for revocation or modification of a permit or approval, the hearing examiner shall review the matter at a public hearing. Upon a finding that the activity does not comply with the conditions of approval or the provisions of the development regulations, or creates a nuisance or hazard, the hearing examiner may delete, modify, or impose such conditions on the permit or approval they deem sufficient to remedy the deficiencies. If the hearing examiner finds no reasonable conditions that would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.
2. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the development regulations.

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CHAPTER 22.14
ZONING MAPS AND DISTRICTS

22.14.010 Purpose.
22.14.020 Zoning Districts.
22.14.030 Official Zoning Map.
22.14.040 Zoning District Boundary Determination.

22.14.010 Purpose.

The purpose of this chapter is to designate the zoning districts into which the city is classified, and to establish maps that depict the geographic allocation of those zoning districts throughout the city. The classification of the city into land use zoning districts, as established in this code, is intended to provide for the geographic distribution of land uses as contemplated in the comprehensive plan; to maintain stability in land use commitments through the provision of harmonious groupings of uses possessing compatible characteristics and levels of activity; to maintain commitments in public service facilities such as transportation systems, utilities, and parks; and to provide an efficient and compatible relationship of land uses and land use districts. The description of each zoning district set forth in Table 22.14.020(A): Establishment of Land Use Zoning Districts shall be used to guide the interpretation and application of land use regulations within that zoning district and shall be used to evaluate proposed changes to the range of permitted and uses within each zoning designation through amendments to this title.

22.14.020 Zoning Districts.

A. Zoning Districts Established. In order to implement the comprehensive plan, to provide for protection of property, and to preserve the health, safety, and welfare of the community, the city is divided into zoning districts. Zoning districts and zoning map symbols are established by Table 22.14.020(A): Establishment of Land Use Zoning Districts.

Table 22.14.020(A): Establishment of Land Use Zoning Districts

Zoning District	Map Symbol	General Description
Downtown Commercial	DC	Pedestrian-oriented commercial district that focuses on retail and service uses with some mixed and residential uses allowed
General Commercial	GC	Commercial district that emphasizes indoor retail and service uses and is located on major traffic corridors; Mixed use development is also allowed in certain areas
General Industrial	GI	Industrial district that provides for intensive manufacturing and processing operations and may include small-scale ancillary commercial uses
Industrial Transition	IT	Commercial district that allows for certain light industrial uses
Institutional	IN	Zoning district that provides areas for county, state, or federally-owned and operated facilities located within city limits that serve the entire region
Light Industrial	LI	Industrial district that provides for non-polluting manufacturing and processing operations, wholesaling, warehousing and distribution, and other similar activities; May include small-scale ancillary commercial uses
Limited Open Space	LS	Very low density single-family residential zoning district with a maximum residential density of 1 dwelling unit per 5

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		acres; Also provides for recreational facilities and linkages to existing or proposed trails and open space systems
Mixed Use - General	MG	Mixed use district that integrates a combination of commercial, office, light industrial, and institutional land uses as well as attached residential units; The uses may be located either inside a single building or in separate buildings on the same property; The minimum residential density allowed is 12 dwelling units per acre and the maximum residential density allowed is 25 dwelling units per acre
Mixed Use - Medical	MM	Mixed use district that integrates a combination of medical and/or healthcare-related land uses; The uses may be located either inside a single building or in separate buildings on the same property
Mixed Use - Neighborhood	MN	Mixed use district that integrates a combination of residential, commercial, and office land uses; The uses may be located either inside a single building or in separate buildings on the same property; The minimum residential density allowed is 8 dwelling units per acre and the maximum residential density allowed is 16 dwelling units per acre
Multifamily Residential – 25 Units per Acre	R25	Multifamily residential zoning district with a minimum residential density of 12 dwelling units per acre and a maximum residential density of 25 dwelling units per acre
Parks	P	Provides areas for public parks, recreational facilities, and open space
Shoreline Industrial	SI	Industrial district that applies only to the property hosting the existing and continuing Cadman gravel operation; Permits gravel mining and processing
Single-Family Residential – 4 Units per Acre	R4	Low density single-family residential zoning district with a maximum residential density of 4 dwelling units per acre
Single-Family Residential – 7 Units per Acre	R7	Medium density single-family residential zoning district with a maximum residential density of 7 dwelling units per acre
Single-Family Residential – 15 Units per Acre	R15	High density single-family residential zoning district with a maximum residential density 15 dwelling units per acre; Some attached housing is permitted
Tourist Commercial	TC	Commercial district in the vicinity of the airport and fairgrounds providing amenities to serve visitors to the city
Transportation	TR	Zoning district that is dedicated to regional transportation purposes and includes the US Highway 2 corridor and the State Route 522 corridor, the Burlington Northern Santa Fe railroad corridor, and land owned by WSDOT dedicated to a future US Highway 2 bypass; It does not include City owned right-of-way

B. Zoning Overlay Districts. The purpose of a zoning overlay district designation is to carry out comprehensive plan and subarea plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Zoning overlay districts are generally applied to a group of individual properties or entire planning subareas or neighborhoods. Zoning overlay districts and overlay district map symbols are established by Table 22.14.020(B): Establishment of Zoning Overlay Districts.

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Table 22.14.020(B): Establishment of Zoning Overlay Districts

Zoning Overlay District	Map Symbol	General Description
Fryelands Commercial Overlay District	FC-O	Overlay in the light industrial zoning district that regulates existing commercial uses and provides for the siting of new commercial development along the eastern side of Fryelands Boulevard
North Kelsey/Tjerne Place Overlay District	NK/TP-O	Overlay in the general commercial zoning district that provides for the development of the North Kelsey/Tjerne Place Planning Area subject to the 2003 North Kelsey Development Plan, which was amended in 2007

22.14.030 Official Zoning Map.

A. Establishment. The exact locations and boundaries of the City's zoning districts shall be identified and delineated with specific boundaries on a map of the city, which shall be known as the official zoning map. The official zoning map, a copy of which is on file in the office of the city clerk, is incorporated herein by reference and made a part of this title.

B. Adoption. The official zoning map of the city shall be adopted by ordinance and identified by signatures of the mayor and city council. The face of the official zoning map shall carry the following statement:

> *This is to certify that this is the official zoning map referred to in the zoning ordinance of the city of Monroe, Washington. Adopted (on the day it was adopted).*

C. Authority. Regardless of the existence of purported copies of the official zoning map, which may be made or published, the official zoning map shall be the final authority as to the current zoning status, zoning district locations, and zoning district boundaries in the city.

D. Amendments. The official zoning map may from time to time be amended by the council for the purpose of implementing the comprehensive plan.

1. An amendment to the official zoning map shall be processed as a rezone, subject to requirements of MMC Chapter 22.72, Amendments to Unified Development Regulations.
2. Changes to the zoning district boundaries shall be made by ordinance amending the official zoning map.
3. Changes shall be made on the official zoning map promptly after the ordinance amending the official zoning map has been adopted.
4. The official zoning map, as amended, shall include a declaration signed by the city council either on the face of or attached to the official zoning map stating the following and describing the amendments made:

> *On (date) by official action of the city council, the following change was (changes were) made in the official zoning map (brief description of nature of change)*

22.14.040 Zoning District Boundary Determination.

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules shall apply:

A. Streets. Boundaries indicated as paralleling the approximate centerlines of streets, highways, freeways, alleys, or railroads shall be construed to follow such centerlines unless other established points, lines or features are referenced.

B. Vacated Streets, Abandoned Streets, or Unimproved Rights-of Way. Vacated streets, abandoned streets, or unimproved rights-of-way shall assume the zoning district classification applicable to the contiguous property fronting onto such vacated or abandoned street or unimproved right-of-way. When zoning district classifications differ from one side of a vacated or abandoned street or unimproved right-of-way to the other, the centerline of the vacated or abandoned street or unimproved right-of-way is the boundary line between the two districts.

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C. Platted Lot Lines. Boundaries indicated as approximately following platted lot lines shall be construed as following the actual platted lot lines.

D. City Limits. Zoning district boundaries indicated as approximately following city limits shall be construed as following city limits.

E. Shorelines. The zoning district classification of the upland portion of a shoreline property shall extend waterward to the center of the shoreline.

F. Extension of Features. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Split-Zoned Lots. Where a boundary between zoning districts divides a lot into two or more sections, the entire lot shall be deemed to be located in the zone in which the largest portion of the lot is located. The largest portion of the lot is determined by calculating the total area, in square feet, of the lot in each zoning district. The zoning district containing the greatest portion of the lot's area shall be the lot's designated zoning district and all applicable provisions of the specified zoning district shall apply to the lot. The location of the zoning district boundary shall be determined by use of the scale appearing on the official zoning map unless the location of the boundary is indicated by dimensions.

H. Other Boundary Determinations. If the rules of zoning district boundary interpretation described in subsections (A) through (G) of this section are applied and uncertainty remains, the zoning district boundary shall be determined by the zoning administrator. The zoning administrator may bring any issue of zoning district boundary interpretation before the planning commission for a determination.

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CHAPTER 22.16
SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

Sections:

22.16.010 Purpose.
22.16.020 Applicability.
22.16.030 Land Use.
22.16.040 Bulk Requirements.
22.16.050 Accessory Dwelling Units.
22.16.060 Home Occupations.
22.16.070 Variances.

22.16.010 Purpose.

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 for all Monroe residents. Single-family zoning districts are envisioned to be served by the city water and city sanitary sewer systems when developed to their zoned densities. Single-family lots shall be limited to one residence each except as otherwise prescribed.

22.16.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.16 apply to all properties zoned Single-Family Residential – 4 Units per Acre (R4), Single-Family Residential – 7 Units per Acre (R7), and Single-Family Residential – 15 Units per Acre (R15). All properties zoned Single-Family Residential – 4 Units per Acre (R4), Single-Family Residential – 7 Units per Acre (R7), or Single-Family Residential – 15 Units per Acre (R15) shall comply with all applicable provisions of this Title and the Monroe Municipal Code unless otherwise specified.

22.16.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.16.030: Land Use in the Single-Family Residential Zoning Districts summarizes land uses permitted in the Single-Family Residential – 4 Units per Acre (R4), Single-Family Residential – 7 Units per Acre (R7), and Single-Family Residential – 15 Units per Acre (R15) zoning districts. A land use not explicitly permitted by Table 22.16.030 is prohibited within the Single-Family Residential – 4 Units per Acre (R4), Single-Family Residential – 7 Units per Acre (R7), and Single-Family Residential – 15 Units per Acre (R15) zoning districts.

Table 22.16.030: Land Use in the Single-Family Residential Zoning Districts

Conforming Use	Single-Family Residential – 4 Units per Acre (R4)	Single-Family Residential – 7 Units per Acre (R7)	Single-Family Residential – 15 Units per Acre (R15)
1. RESIDENTIAL LAND USES			
Dwelling Units, Accessory	A	A	A
Dwelling Units, Attached			P
Dwelling Units, Detached	P	P	P
Dwelling Units, Duplex	P	P	
Dwelling Units, Temporary Security Guard	A	A	A
Group Homes	P	P	P
Halfway Houses	EPF	EPF	EPF
Home Occupations	A	A	A
Model Homes and Associated Sales Office	P	P	P
Retirement Housing and Assisted Living Facilities			P

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2. SERVICE LAND USES			
Day Care Services			
• Adult Day Services	A	A	A
• Family Child Care Services	A	A	A
Social Services			
• Community Food Services			C
• Community Housing Services			C
• Emergency and Relief Services			C
Temporary Lodging Services			
• Bed and Breakfast Inns	P	P	
3. INSTITUTIONAL LAND USES			
Community Facilities			
• Religious Institutions	C	C	C
Educational Facilities			
• Schools, Colleges, Universities, and Professional	EPF	EPF	EPF
• Schools, Elementary and Secondary (K-12)	EPF	EPF	EPF
Government Facilities			
• Courts	C	C	C
• Fire Stations	C	C	C
• Government Administration Buildings	C	C	C
• Police Stations	C	C	C
• Public Works Maintenance and Storage Facilities	C	C	C
• U.S. Post Offices	C	C	C
4. PARKS, RECREATION, AND ENTERTAINMENT LAND USES			
Parks			
• Concessions	A	A	A
• Nonmotorized Trails	P	P	P
• Parks and Open Spaces	P	P	P
Recreational Facilities, Indoor	P	P	P
Recreational Facilities, Outdoor	A	A	A
5. INDUSTRIAL LAND USES			
Storage Facilities			
• Indoor (on-site only)	A	A	A
6. UTILITY AND TRANSPORTATION LAND USES			
Electric Vehicle Charging Stations (all levels)	A	A	A
Major and Regional Utility Facilities			
• Regional Utility Corridors	C	C	C
Major and Regional Transportation Facilities			
• State and Regional Transportation Facilities	EPF	EPF	EPF
Minor Utility Facilities	P	P	P
Wireless Communications Facilities	P	P	P
7. UNCLASSIFIED LAND USES			
Accessory Structures	A	A	A

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.16.030 is prohibited within all single-family residential zoning districts.

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22.16.040 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. General bulk requirements, specified in MMC subsections 22.16.040(A-G), apply to all lots within the City of Monroe. Bulk requirements applicable to lots in a specific zoning districts are found within MMC Chapters 22.16, 22.18, 22.20, 22.22, 22.24, 22.26, 22.28, 22.30, 22.32, 22.34, and 22.36.

A. General Bulk Requirements - Number of Dwelling Units per Lot. Detached dwelling units shall be limited to one dwelling unit per lot. The maximum number of attached dwelling units per lot is the number of dwelling units permitted on the lot by the maximum allowed residential density for the zoning district, as calculated pursuant to MMC 22.16.040(B)(1). Accessory Dwelling Units, where permitted, do not count toward the maximum number of dwelling units per lot.

B. General Bulk Requirements - Maximum Residential Density. The maximum allowed residential density for a specific zoning district is established by the specific zoning district chapter. Please note that accessory dwelling units, where permitted, do not count toward the maximum allowed residential density.

1. Maximum Residential Density Calculation.

   a. Maximum Dwelling Units or Lots. To calculate the maximum number of dwelling units or lots for a site, multiply the gross area of the site (in acres) by the maximum number of units allowed per acre, as specified in each chapter for specific zoning districts. The resulting number indicates the maximum number of dwelling units or lots allowed for the site prior to the addition of any applicable density bonuses. For example, a site in the R4 zone with a gross area of one acre could yield a maximum residential density of 4 dwelling units (1 acre x 4 dwelling units per acre = 4 units).

   b. Maximum Density for Retirement Housing and Assisted Living Facilities. The maximum residential density for retirement housing and assisted living facilities is based upon bedrooms as opposed to dwelling units, in any combination of one-, two- and/or three-bedroom units, not to exceed the maximum density allowed in the underlying zoning district. To calculate the maximum number of bedrooms for a site, multiply the gross area of the site (in acres) by the maximum number of dwelling units allowed per acre, as specified in each chapter for specific zoning districts. Multiply the resulting number by three (standard bedroom equivalent unit) to calculate the maximum number of bedrooms allowed on the site. For example, a site in the R15 zone with a gross area of one acre could yield a maximum residential density of 45 bedrooms [(1 acre x 15 dwelling units per acre) x 3 = 45 bedrooms).

2. When calculating the maximum residential density for a site, any resulting fractional units shall be rounded to the next or preceding whole number as follows:

   a. When the fraction has a value of 0.50 or greater, the number of allowed dwelling units shall be rounded up to the next whole number.

   b. When the fraction has a value of 0.49 or less, the number of allowed dwelling units shall be rounded down to the preceding whole number.

3. Limitations. Nothing contained within this chapter guarantees the maximum allowed residential density. The identified maximum residential density may not always be achievable due to unique site considerations including, but not limited to, critical areas, topography, right-of-way dedications, open space requirements, and storm water requirements.

C. General Bulk Requirements - Street Frontage.

1. Street Access. No new lot shall be created nor shall any building be permitted on a lot that does not front onto a public street, private access tract, or private access easement, as deemed acceptable to the city as substantially complying with the standards established for streets.

2. Minimum Lot Width at Frontage. All lots shall meet the minimum lot width requirement along the frontage.

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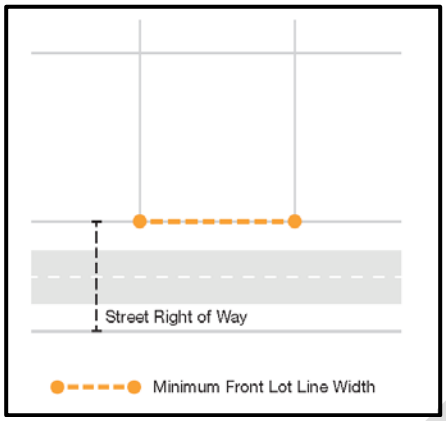
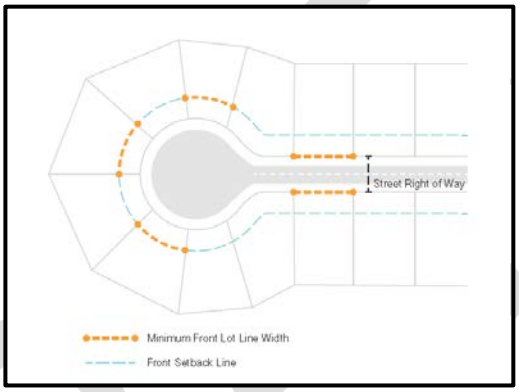
Figure 22.16.040(C)(2): Minimum Street Frontage



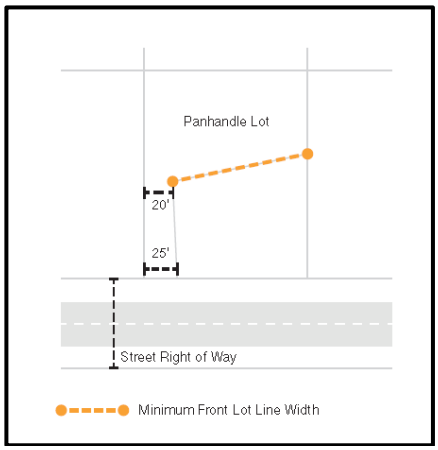
3. Cul-de-sac Lots. Lots fronting onto a cul-de-sac shall meet the minimum lot width at the building setback line, as illustrated by Figure 22.16.040(C)(3): Minimum Street Frontage for Cul-de-Sac Lots.

Figure 22.16.040(C)(3): Minimum Street Frontage for Cul-de-Sac Lots



4. Lots with Private Access or Panhandle Lots.
   a. Lots with access to a public street via private access easement, private access tract, or panhandle shall have a minimum frontage of not less than twenty feet in width at the public street.
   b. Lots with access to a public street via private access easement, private access tract, or panhandle shall meet the minimum lot width at the setback line, as measured from the end of the panhandle, tract, or easement where it joins the wide portion of the lot.
   c. An access easement, tract, or panhandle shall be a minimum of twenty feet wide along its entire length.
   d. The remainder of the lot shall provide adequate area to comply with the bulk development requirements.

Figure 22.16.040(C)(4): Minimum Street Frontage for Panhandle Lots



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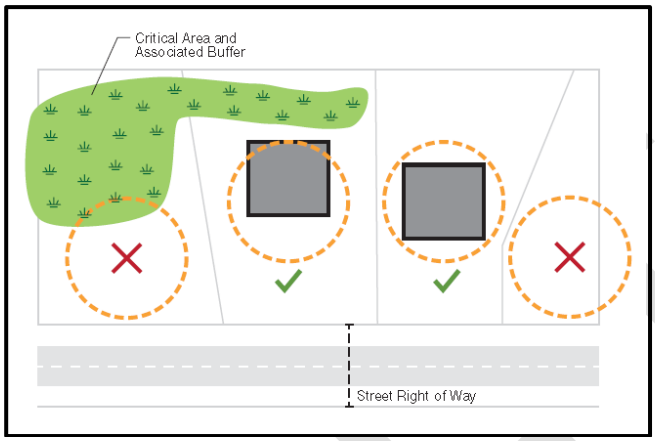
D. General Bulk Requirements – Lot Width Circle. The minimum lot width circle, as shown in Figure 22.16.040(D): Minimum Lot Width Circle, identifies the minimum circle diameter that must fit within each newly created lot when applicable. This circle ensures that a portion of a lot must be at least as wide as the minimum lot width. The lot width circle shall not include critical areas, required critical area buffers, and/or vehicular access easements.

Figure 22.16.040(D): Minimum Lot Width Circle



E. General Bulk Requirements - Yard Setbacks.

1. General Provisions.
   a. In this chapter, all setbacks are measured from the outside lot line.
   b. In the case where a structure does not have an outer wall, such as a carport, the measurement shall be to the posts of such structure.
   c. If the provisions of this chapter do not establish required yard setbacks, the zoning administrator shall establish the yard setbacks based upon orientation of the lot to adjoining lots and the means of access to the lot.
2. Setback Determination. The following shall be used to determine the yard setbacks for a lot:
   a. Front Setbacks. The front setback is the required yard extending the full width of the lot and abutting a street, private vehicular access tract, or private vehicular access easement from which the lot gains primary access.
      i. The standard front yard setback for residential uses is ten feet to the living area and twenty feet to the garage.
      ii. The minimum required setback of 20 feet from the front lot line for garages ensures sufficient space for cars to park in driveways without blocking sidewalks.
      iii. See residential design standards for garage setback/differentiation from house.
   b. Side Setbacks. Side setbacks are the required yards extending the full width of the lot from the inner front setback line to the inner rear setback line.
   c. Rear Setbacks. The rear setback is the required yard opposite the front yard that extends across the full width of the rear of the lot.

Figure 22.16.040(E)(2): Yard Setback Determination

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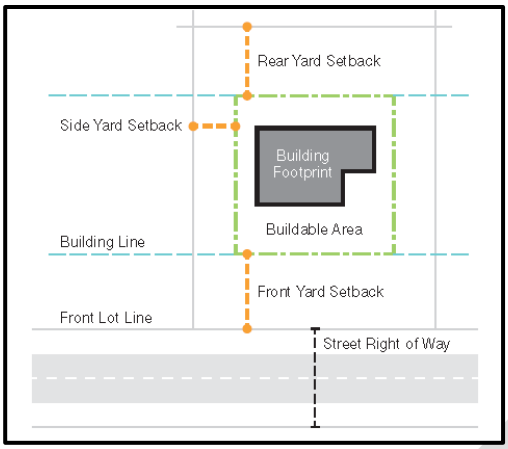


d. Corner Lots. In the case of corner lots with more than two frontages, the city shall determine the yard setback requirements, subject to the following conditions:

i. On corner lots the front yard shall be measured from the narrowest dimension of the lot abutting a street.

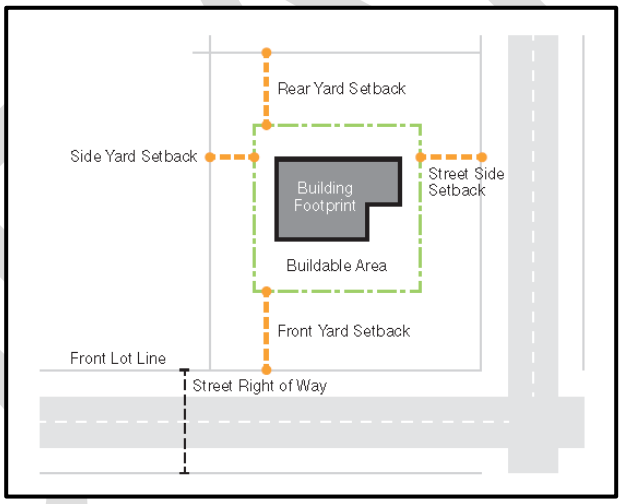
ii. The yard adjacent to the widest dimension of the lot abutting a street shall be a side yard with a setback width of no less than 10 feet.

iii. The yard opposite the front yard shall be designated a rear yard.

iv. The yard opposite the side yard abutting a street shall also be deemed a side yard.

v. In case of corner lots with more than two frontages, the city shall determine the front yard requirements in accordance with this title.

Figure 22.16.040(E)(2)(d): Yard Setback Determination for Corner Lots

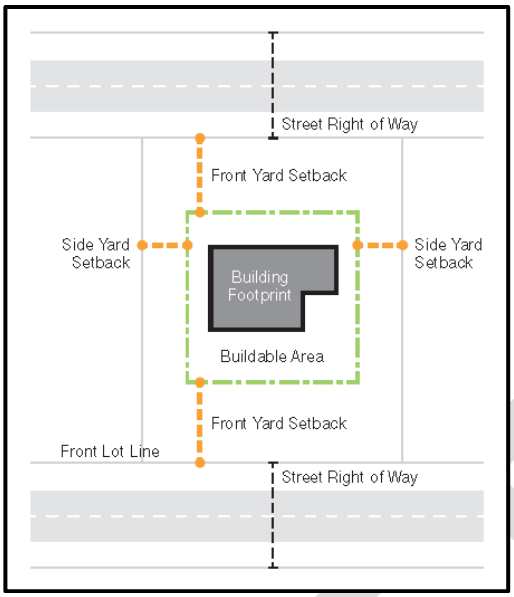


e. Through Lots. When a lot other than a corner lot has frontage on two parallel or approximately parallel streets or private roads that do not intersect at the lot line, the city shall determine the yard setback requirements, subject to the following conditions:

i. Both lot lines abutting streets or private roads shall be deemed front lot lines and a front yard shall be provided on both frontages.

ii. The yards remaining after the front yards have been established shall be considered side yards. The side yards shall extend from the rear lines of required front setbacks.

Figure 22.16.040(E)(2)(e): Yard Setback Determination for Through Lots



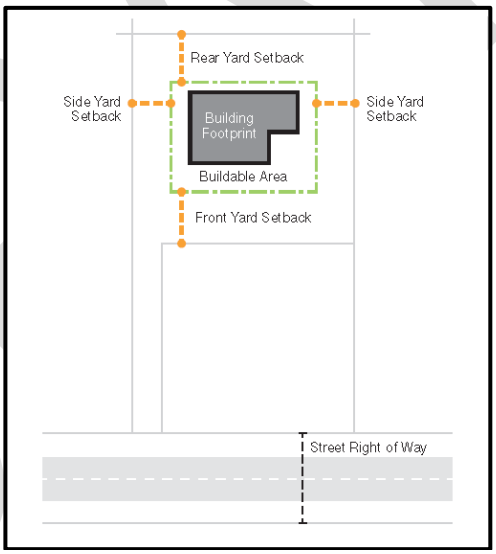
f. Panhandle Lots.

i. Lots with access to a public street via panhandle shall meet the minimum lot width at the setback line measured from the end of the panhandle where it joins the wide portion of the lot.

ii. A panhandle shall be a minimum of twenty feet wide along its entire length.

iii. A panhandle lot shall conform to all applicable yard setback requirements with the exception of the panhandle.

Figure 22.16.040(E)(2)(f): Yard Setback Determination for Panhandle Lots



g. Attached Dwelling Units and Duplex Dwelling Units.

i. When attached housing units, townhomes, or duplexes are built on separate lots, the minimum setback between units is zero feet in allowed zones.

ii. The outside setback for attached housing units and duplexes abutting a ROW, separate detached unit(s), or different zone shall be ten feet.

iii. Attached dwelling units shall be comprised a group of at least three dwelling units. Duplexes shall be comprised of a group not to exceed two dwelling units.

Figure 22.16.040(E)(2)(g): Yard Setback Determination Attached Dwelling Units

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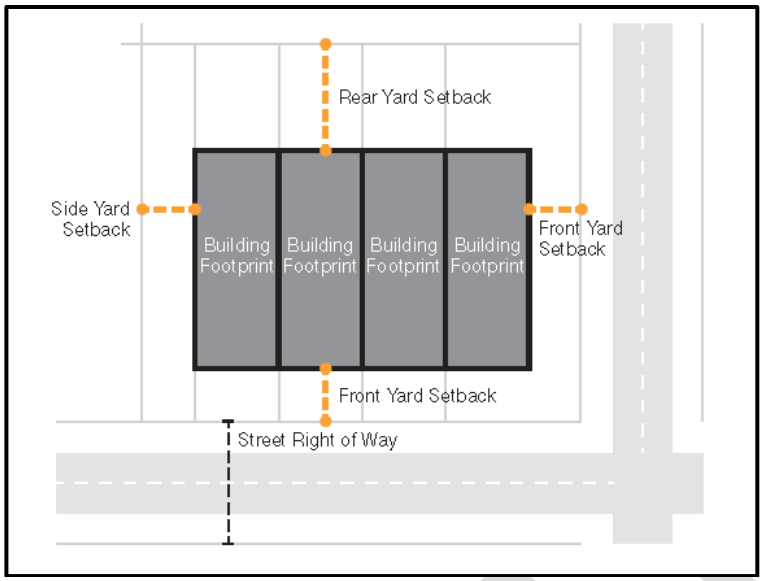


3. Vehicular Access, Easements, and Tracts.
   a. All structures in residential zoning districts with the exception of a gate, fence, or wall shall be set back a minimum of 10 feet from any private vehicular tract or private vehicular access easement. The setback shall be measured from the legal boundaries of the private vehicular tract or private vehicular access easement. Gates, fences, and/or walls shall not block or limit access in such a way that prohibits emergency vehicles from accessing any property.
   b. Setbacks from public alleys shall be such that a motor vehicle parked on a garage apron either parallel to or perpendicular to the alley will not protrude into the alley right-of-way.

Figure 22.16.040(E)(3)(a): Yard Setback Determination from Access Easement

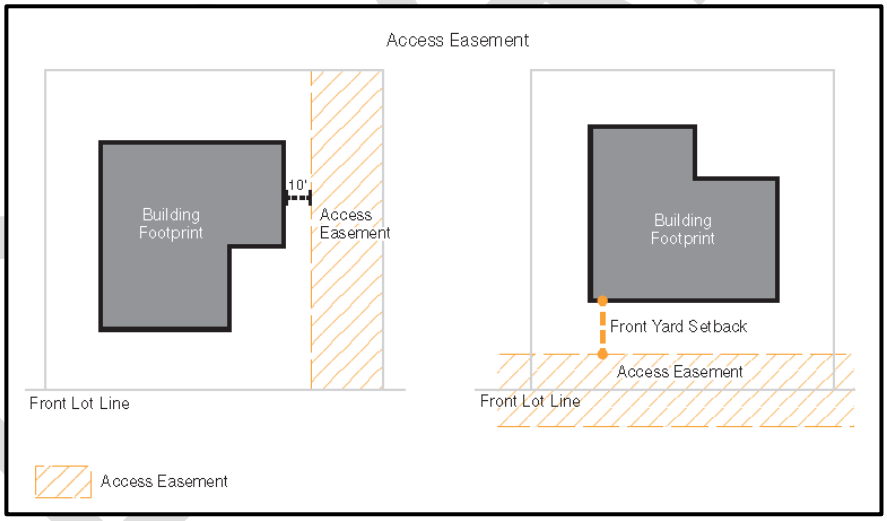
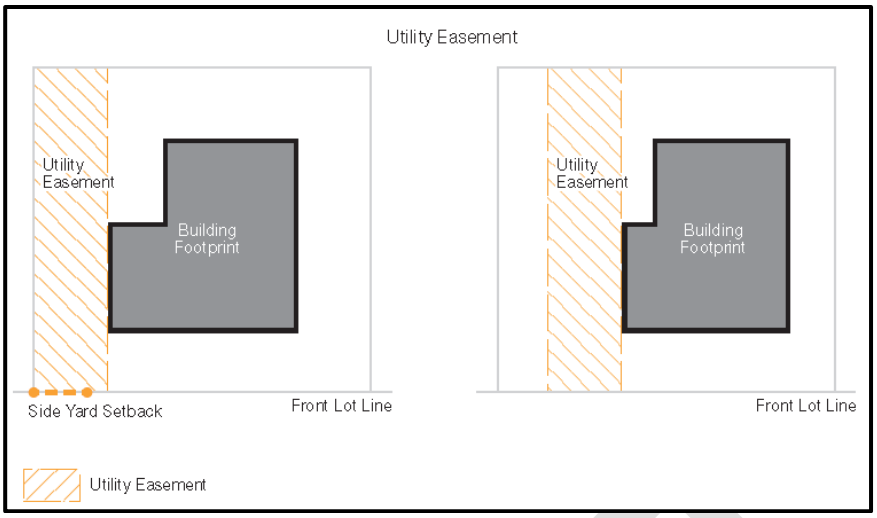
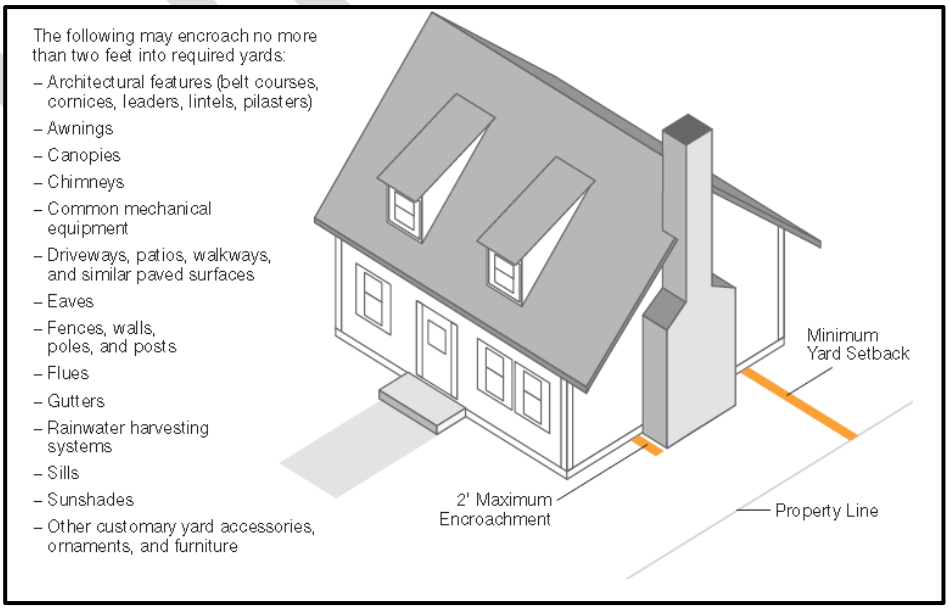


Figure 22.16.040(E)(3)(b): Yard Setback Determination from Utility Easement



4. Exceptions to Minimum Setbacks. The following may encroach no more than two feet into required yard setbacks or required open space:
   a. Architectural features such as belt courses, cornices, leaders, lintels, pilasters
   b. Awnings
   c. Canopies
   d. Chimneys
   e. Common mechanical equipment such as air compressors, air conditioning units, and heat pumps
   f. Driveways, patios, walkways, and similar paved surfaces
   g. Eaves
   h. Fences, walls, poles, and posts
   i. Flues
   j. Gutters
   k. Rainwater harvesting systems
   l. Sills
   m. Sunshades
   n. Other customary yard accessories, ornaments, and furniture subject to height limitations and requirements limiting obstruction of visibility to the detriment of public safety
   o. Unenclosed porches and balconies, including covered unenclosed porches and balconies, may encroach no more than five feet into required front and rear yard setbacks or required open space. These features shall not encroach into required side yards.

Figure 22.16.040(E)(4): Yard Setback Exceptions



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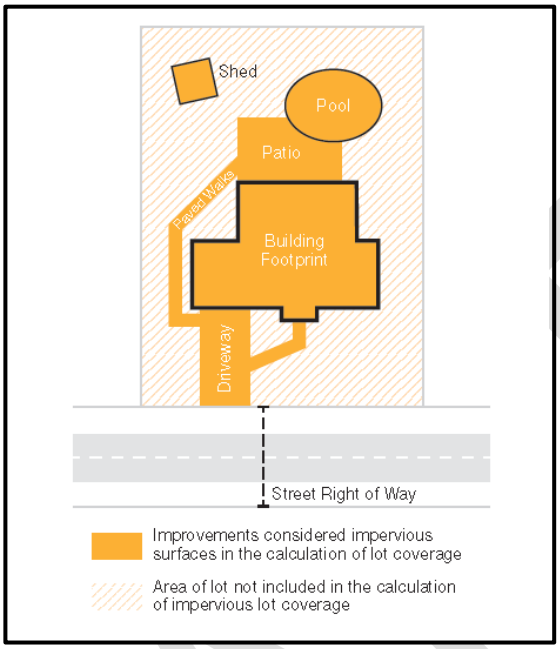
F. General Bulk Requirements - Lot Coverage.

1. The total percentage of the gross lot area to be covered by impervious surfaces shall not exceed the maximum allowed lot coverage percentage given in each zoning district chapter for their respective specific zoning districts.

Figure 22.16.040(F): Maximum Lot Coverage

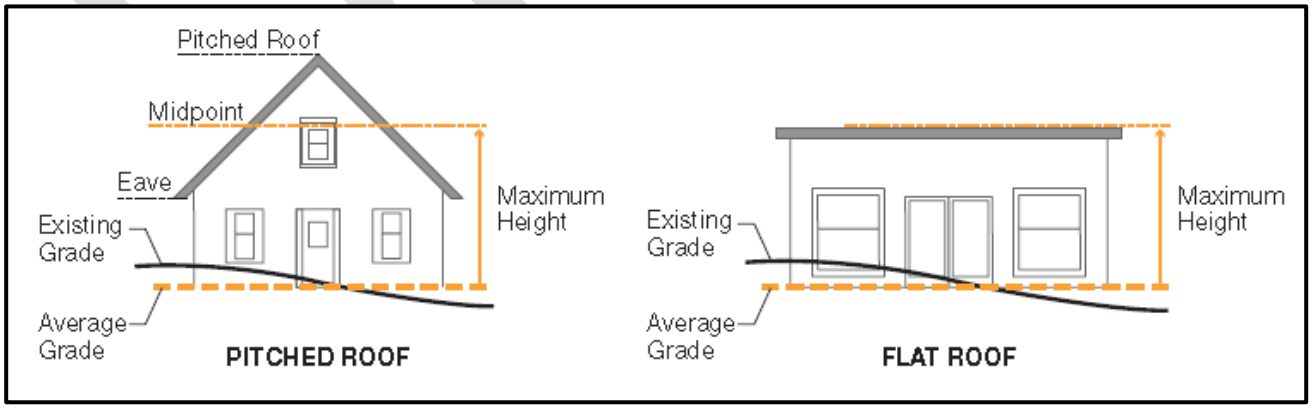


2. Lot Coverage Credit. When a proposal incorporates porous paving into the project design, complies with the standards of the Department of Ecology Stormwater Management Manual for Western Washington (current edition), and is allowed by the zoning administrator and city engineer, the city will provide a fifty percent credit toward determining total lot coverage for the portion of the project using this material.

G. General Bulk Requirements - Building Height.

1. Height Measurement. Building height shall be measured vertically from the finished average grade level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof (not illustrated), and to the midpoint between the eaves and ridge of pitched roofs (e.g., gable, hip, gambrel roof, etc.), illustrated below in Figure 22.16.040(G)(1): Building Height Measurement.

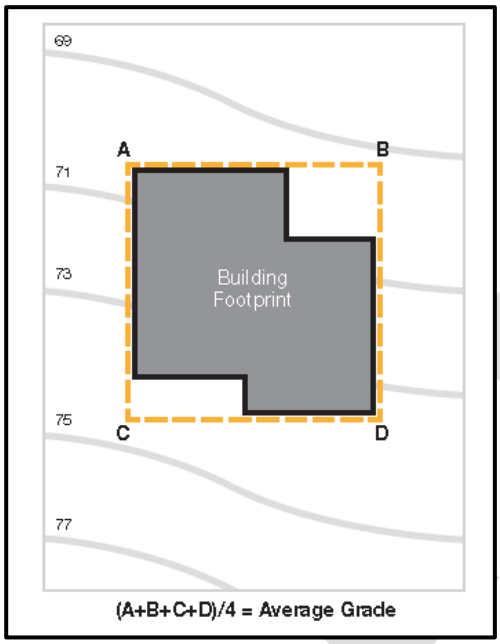
Figure 22.16.040(G)(1): Building Height Measurement



2. Average Grade Level. The average grade level shall be measured by delineating the smallest rectangle which can enclose the proposed building, and then averaging the four corner elevations of the rectangle, as illustrated in Figure 22.16.040(G)(2): Average Grade Level Calculation. The standard formula for calculating average grade level is (A+B+C+D)/4 = average grade level. In the event the

corner point of the rectangle drawn is not located on the subject property, the measurement point shall be determined by establishing the corner point from the property line where it intersects the rectangle.

Figure 22.16.040(G)(2): Average Grade Level Calculation



3. Application Requirements.
   a. All applicants shall submit a site plan to scale that includes contour lines, elevation points, and benchmark location or source to determine the average grade level and building footprint;
   b. All applicants are required to submit a building height calculation worksheet, with the building permit application, to determine the average ground level and the actual building height; and
   c. A professional land surveyor must complete a certificate of average ground level with the building permit application, when the structure is within three feet of the maximum allowed height.
4. Exceptions. The height limitations specified in this chapter shall not apply to church spires, monuments, chimneys, water towers, elevator towers, mechanical equipment, flag poles, television and radio antennas, and other similar rooftop appurtenances. Rooftop appurtenances are usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area; provided that mechanical equipment rooms or attic spaces are set back at least ten feet from the edge of the roof and do not exceed twenty feet in height.

H. Number of Dwelling Units per Lot. The maximum number of dwelling units per lot in single-family residential zoning districts is provided in Table 22.16.040(H): Number of Dwelling Units per Lot, as follows:

Table 22.16.040(H): Number of Dwelling Units per Lot

Type of Dwelling Units	Maximum Dwelling Units per Lot
Attached Dwelling Units	N/A (1)
Duplex Dwelling Units	2 dwelling units per lot
Detached Dwelling Units	1 dwelling unit per lot

Table Notes:

1. The maximum number of attached dwelling units per lot is the maximum number of dwelling units permitted by the maximum allowed density for the specific zoning district in which the dwelling units are located.

I. Maximum Residential Density. Table 22.16.040(I): Allowed Residential Density establishes the maximum density for single-family residential zoning districts. Maximum density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.16.040(I): Allowed Residential Density

Zoning District	Maximum Density
4 Units per Acre Zoning District (R4)	4 dwelling units per acre
7 Units per Acre Zoning District (R7)	7 dwelling units per acre
15 Units per Acre Zoning District (R15)	15 dwelling units per acre

J. 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**.**

K. 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**.**

L. 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**.**

M. 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 section MMC 22.16.040, Bulk Requirements**.**

N. 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 section MMC 22.16.040, Bulk Requirements**.**

O. Single-Family Residential – 4 Units per Acre Zoning District (R4). The following bulk requirements in Table 22.16.040(O): 4 Units per Acre Zoning District (R4) Bulk Requirements specifically apply to the R4 zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.16.040(O): 4 Units per Acre Zoning District (R4) Bulk Requirements

Residential Density (1)	
Maximum Allowed Residential Density	4 units per acre
Street Frontage (1)	
Minimum Street Frontage	40 feet
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Cul-de-Sac Lots (2)	40 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Lot Dimensions (1)	
Minimum Lot Width	40 feet
Yard Setbacks (1)	
Minimum Front Yard Setback Width to Living Space	10 feet
Minimum Front Yard Setback Width to Garage	20 feet
Minimum Side Yard Setback Width	Minimum 5 feet per side; Minimum 15 feet combined total side yard setback width
Minimum Rear Yard Setback Width	10 feet
Minimum Setback Width for Corner Lot Side Yards Abutting a Street (3)	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street (3)	5 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1)	
Maximum Lot Coverage	50%
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. Lots fronting onto a cul-de-sac shall meet the minimum lot width at the building setback line.
3. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

P. Single-Family Residential – 7 Units per Acre Zoning District (R7). The following bulk requirements in Table 22.16.040(P): 7 Units per Acre Zoning District (R7) Bulk Requirements specifically apply to the R7 zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.16.040(P): 7 Units per Acre Zoning District (R7) Bulk Requirements

Residential Density (1)	
Maximum Allowed Residential Density	7 units per acre
Street Frontage (1)	
Minimum Street Frontage	40 feet
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Cul-de-Sac Lots (2)	40 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Lot Dimensions (1)	
Minimum Lot Width	40 feet
Yard Setbacks (1)	
Minimum Front Yard Setback Width to Living Space	10 feet
Minimum Front Yard Setback Width to Garage	20 feet
Minimum Side Yard Setback Width	5 feet per side
Minimum Rear Yard Setback Width	10 feet
Minimum Setback Width for Corner Lot Side Yards Abutting a Street (3)	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street (3)	5 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1)	
Maximum Lot Coverage	60%
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. Lots fronting onto a cul-de-sac shall meet the minimum lot width at the building setback line.
3. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

Q. Single-Family Residential – 15 Units per Acre Zoning District (R15). The following bulk requirements in Table 22.16.040(Q): 15 Units per Acre Zoning District (R7) Bulk Requirements specifically apply to the R15 zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.16.040(Q): 15 Units per Acre Zoning District (R15) Bulk Requirements

Residential Density (1)	**Detached Dwelling Units**	**Attached Dwelling Units**
Maximum Allowed Residential Density	15 units per acre	15 units per acre

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Street Frontage [1]	Detached Dwelling Units	Attached Dwelling Units
Minimum Street Frontage	40 feet	40 feet
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet
Minimum Street Frontage for Cul-de-Sac Lots [2]	40 feet	40 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet
Lot Dimensions [1]	**Detached Dwelling Units**	**Attached Dwelling Units**
Minimum Lot Width	30 feet	30 feet
Yard Setbacks [1]	**Detached Dwelling Units**	**Attached Dwelling Units**
Minimum Front Yard Setback Width to Living Space	10 feet	10 feet
Minimum Front Yard Setback Width to Garage	20 feet	N/A
Minimum Side Yard Setback Width	5 feet per side	N/A
Minimum Side Yard Setback Width for Attached Dwelling Units on the Attached Side	N/A	0 feet
Minimum Side Yard Setback Width Attached Dwelling Units on a Side Abutting a ROW, Separate Detached Unit(s), or Different Zone	N/A	10 feet
Minimum Rear Yard Setback Width	10 feet	10 feet
Minimum Setback Width for Corner Lot Side Yards Abutting a Street [3]	10 feet	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street [3]	10 feet	10 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet
Minimum Setback from Private Access Easements	10 feet	10 feet
Lot Coverage [1]	**Detached Dwelling Units**	**Attached Dwelling Units**
Maximum Lot Coverage	60%	60%
Building Height [1]	**Detached Dwelling Units**	**Attached Dwelling Units**
Maximum Building Height	35 feet	35 feet

Table Notes:

1. See MMC 22.16.040, Bulk Requirements for more information regarding the bulk requirements in the above table.
2. Lots fronting onto a cul-de-sac shall meet the minimum lot width at the building setback line.
3. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

22.16.050 Accessory Dwelling Units.

A. Purpose. The purpose of this chapter is to regulate the establishment of accessory dwelling units within or in conjunction with residential dwelling units while preserving the character of single-family residential neighborhoods. This section is intended to permit the establishment of additional living quarters within residential neighborhoods in order to (A) make it possible for adult children to provide care and support to a parent or other relative in need of assistance, (B) provide increased security and companionship for homeowners, (C) provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership, and/or (D) provide for the care of disabled persons within their own homes.

B. General Provisions.

1. Permit Required. Any person who occupies or permits another person to occupy an accessory dwelling unit as a place of residence shall first obtain a permit. The permit shall be reviewed and processed in accordance with the requirements of MMC 22.84, Permit Processing.

2. Owner Occupancy. Either the primary dwelling unit or the accessory dwelling unit shall be occupied by an owner of the subject property. Owner occupancy is defined as a property owner, as reflected in title records, who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the site more than six months out of any given year, and at no time receives rent for the designated owner-occupied unit.

3. Rental of Owner-Occupied Unit. The owner(s) shall not rent the designated owner-occupied unit, or any portion thereof, at any time for any period during the possession of the accessory dwelling unit (ADU) permit. Such rental shall void the permit.

4. Number of Occupants. The total number of occupants in both the primary dwelling unit and accessory dwelling unit combined shall not exceed the maximum number established for a family as defined in MMC Chapter 22.12, Definitions. The purpose of this limitation is to ensure that the approval of an accessory dwelling unit shall not increase the overall density of the single-family residential neighborhood in which the accessory dwelling unit is located.

5. Location. The accessory dwelling unit may be attached to or included within the primary dwelling unit, or located in a detached structure. Detached accessory dwelling units shall be subordinate in location relative to the primary unit and shall only be located at the side or the rear of the primary dwelling unit. An accessory dwelling unit will be considered to be "detached" from the primary dwelling unit if it is surrounded on all sides by open space and does not share a common roof structure with the primary unit.

6. Minimum Lot Area. Accessory dwelling units shall only be allowed on lots in single-family residential zoning districts that have a minimum gross lot area of at least three thousand square feet.

7. Size and Scale.

a. Maximum Floor Area. In no case shall the total floor area of an accessory dwelling unit, whether attached or detached, exceed eight hundred square feet or forty percent of the floor area of the primary dwelling unit, whichever is less.

b. Bedrooms. An accessory dwelling unit shall contain no more than two bedrooms.

8. Bulk Requirements. The accessory dwelling unit shall comply with all applicable bulk requirements in MMC 22.16.040 for single-family zoning districts, as applicable.

9. Entrance. The primary entrance to an attached accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the primary dwelling unit. The primary entrance to the accessory dwelling unit should be located on the side or rear of the unit when possible.

10. Utilities. Only one electric and one water meter shall be allowed for the entire lot, serving both the primary and accessory dwelling unit.

11. Parking. In addition to the number of off-street parking spaces required for the primary dwelling unit, which is specified in MMC Chapter 22.44, Parking Standards and Design, one off-street parking space shall be provided for an accessory dwelling unit.

12. Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit.

13. Compliance with Other Applicable Regulations. Accessory dwelling units and, if applicable, the portion of the primary dwelling unit in which an accessory dwelling unit is proposed shall comply with all applicable provisions of relevant codes, statutes, and regulations, as now or hereafter amended. These codes include, but are not limited to: International Building Code; International Energy Conservation Code, Commercial and Residential; International Existing Building Code; International Residential Code; International Mechanical Code; International Fuel Gas Code; International Fire Code; Uniform Plumbing Code; Revised Code of Washington Chapter 19.27, State Building Code; and Monroe Municipal Code Title 15, Buildings and Construction.

14. Exceptions to Ceiling Height. All existing accessory dwelling units that are located within a dwelling unit, which was legally constructed but does not now comply with current ceiling height requirements of the construction codes set forth in MICC Title 17, shall be allowed to continue in their present form.

15. Nontransferability. A permit for an accessory dwelling unit shall not be transferable to any site other than the subject site described in the application.

16. Inspection. After receipt of a complete application and prior to approval of an accessory dwelling unit, the City shall inspect the property to confirm that all applicable requirements of this code and other codes are met. Upon compliance with the provisions of this section, a permit for an accessory dwelling unit will be issued.

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C. Application and Contents. An application for an accessory dwelling unit shall be made according to the submittal requirements in MMC Chapter 22.84, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. No application shall be deemed complete or accepted by the city until all applicable information in MMC Chapter 22.84, Permit Processing, and set forth below has been submitted:

1. Affidavit. An affidavit, signed by the property owner before a notary public, affirming that the owner occupies either the primary dwelling unit or the accessory dwelling unit for more than six months per year.

2. Covenant. A covenant, in a form acceptable by the city attorney and suitable for recording with the county auditor, providing notice to future owners or long-term lessors of the subject site that the existence of the accessory dwelling unit or the primary unit is predicated upon the occupancy of either the accessory dwelling unit or the primary dwelling unit by the current owner of the property, and that the current owner must have a signed affidavit on file with the city, meeting the requirements of MMC 22.16.050(C)(1). The covenant shall also require any owner of the property to notify prospective buyers of the limitation of this chapter and to provide for the removal of improvements added to convert the premises to an accessory dwelling in the event that any condition of approval is violated.

3. Completeness. An application for an accessory dwelling unit permit shall not be issued until a recorded affidavit and covenant, as described above, are submitted to the Monroe Community Development Department.

D. Review Process

1. Permit Type. Applications for an accessory dwelling unit permit shall follow the procedures for a Type II permit review, pursuant to MMC Chapter 22.84.030, Types of Project Permits.

2. Public Notice. Accessory dwelling unit permits shall be subject to all applicable noticing requirements in MMC 22.84.050, Public Notice Requirements.

3. Public Hearing. Pursuant to MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, a public hearing is not required for an accessory dwelling unit permit application.

4. Decision. The final decision authority, as determined by MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, shall approve, approve with conditions, or deny an accessory dwelling unit permit.

5. Decision Criteria. An accessory dwelling unit permit shall not be granted by the decision authority unless the applicant demonstrates that the proposal meets all of the following criteria:

a. Accessory dwelling units shall only be allowed within single-family residential zoning districts, pursuant to MMC section 22.16.050.

b. An accessory dwelling unit shall be subordinate to and situated on the same lot as an existing primary dwelling unit.

c. No more than one accessory dwelling unit shall be permitted per lot.

d. Accessory dwelling units shall only be permitted as subordinate and incidental to detached single-family dwelling units. Accessory dwelling units shall not be permitted within attached dwelling units.

6. Conditions of Approval. In approving an accessory dwelling unit permit, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title.

7. Appeals. The action of the decision-making body in granting or denying an accessory dwelling unit permit is a final decision appealable to the appeal authority specified in MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities.

8. Elimination. Elimination of a registered accessory dwelling unit may be accomplished by the owner recording a certificate with the Recording Division of the Snohomish County Auditor, which states that the accessory dwelling unit no longer exists on the property.

9. Expiration. The length of time during which an accessory dwelling unit permit is valid shall be determined by Table 22.84.060(E): Project Permit Approval Expiration. An accessory dwelling unit permit shall not be approved for a period of time greater than that which is specified in Table 22.84.060(E), exclusive of any extensions allowed. The date that the permit expires shall be specified in the conditions of approval. Once an accessory dwelling unit permit has been approved and issued by the City, the approved accessory dwelling unit may continue as long as all conditions of permit issuance are met.

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10. Extensions. The zoning administrator may grant an extension of the period of accessory dwelling unit permit authorization when requested by the applicant at least 60 days prior the expiration of the accessory dwelling unit permit. Extension requests are subject to the requirements of MMC 22.84.060(F), Extensions. Only one extension may be granted for the accessory dwelling unit permit for a period not to exceed the extension period specified in Table 22.84.060(E): Project Permit Approval Expiration. Such an extension shall only be granted by the decision authority upon issuance of findings that the criteria for extensions in MMC 22.84.060(F), Extensions, have been met.

11. Modifications. Requested modifications to an accessory dwelling unit permit shall be reviewed pursuant to the requirements of MMC 22.84.060(G), Substantial Revisions or Modifications to Proposal.

E. Enforcement. A permit determined to be in violation of MMC Title 22, and/or any other applicable permit provisions, permit conditions, rules, or regulations may be revoked, suspended, or modified by the City subject to MMC 22.10.070, Enforcement. Revocation of an accessory dwelling unit permit may result from an enforcement action by the city. The accessory dwelling unit may either be converted to another permitted use or be permanently removed from the property. Permits for accessory dwelling units may be revoked under the following circumstances:

1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the permitting authority and building official.
2. The subject site ceases to maintain the required number of parking spaces.
3. The property owner ceases to reside in either the primary dwelling unit or the accessory dwelling unit for at least six months per year.
4. The owner-occupied unit is rented at any time for any period of time.
5. The property owner fails to file the affidavit and/or covenant required under MMC 22.16.050(C).

<u>22.16.060 Home Occupations.</u>

A. Purpose. The purpose of this section is to establish criteria and development standards to allow home occupations in dwelling units within residential zoning districts and other zoning districts that allow residential uses. The criteria and development standards allow residents to carry on a business within their residence while protecting neighboring residents from excessive noise, traffic, nuisances, fire hazards and other possible potential negative impacts from the maintenance of a commercial use within a residential neighborhood.

B. General Provisions.

1. Criteria for Approval. All home occupations shall meet the following criteria:
   a. The business shall be incidental to the use of such dwelling unit for residential purposes.
   b. The business owner shall reside in and own, lease or rent the dwelling unit from which the business is operated
   c. Limited on-premises sale of products or stock-in-trade is permitted, provided the applicant can clearly demonstrate such sales will not be inconsistent with other general requirements of this section. Examples of allowable on-premises sales include cosmetics or similar products associated with a business where most products are delivered to a customer's address, hair care products associated with a barber/beauty shop, and instructional materials pertinent to the home occupations, e.g., music books.
   d. No outdoor storage or other exterior indication of the business shall be visible beyond the subject property.
   e. Commercial vehicles shall not be used.
   f. A business license from the city shall be obtained, as required by MMC Title 5, Business Regulations and Licensing.
   g. No noise, vibration, emissions, dust, odor, heat, or glare that would exceed what is normally associated with a dwelling shall be produced by the business beyond the subject property.
   h. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises.
   i. No structural or decorative alteration to the dwelling unit is permitted related to the home occupation.
   j. Delivery service shall neither restrict traffic or circulation nor overload public or private roads.
2. Exemptions.
   a. Garage sales that meet the requirements of Chapter 5.04 MMC, Garage Sales; yard sales; bake sales; temporary home boutiques or bazaars for handcrafted items; parties for the display of

domestic products; and other like uses that do not need to comply with the requirements of this chapter as long as the use does not operate for more than four days semiannually or in violation of other provisions of this code.

b. Day care services, as defined by this code. The Washington State Department of Social and Health Services preempts the city's ability to regulate these facilities. Applicants wishing to attain a business license from the city shall submit a copy of their state license with a completed business license application.

3. Prohibited Activities. Because the following activities have a pronounced tendency to expand beyond the limits permitted for home occupations, negatively impact residential neighborhoods, and create a nuisance, the following activities are prohibited:

a. The retail sale of goods and products not produced or fabricated on the premises of the dwelling unit.

b. The outdoor storage of building or construction materials, tractor-trailers, semi-trucks, heavy equipment, vehicles, recreational vehicles (RVs), or boats associated with a home occupation.

c. Any manufacturing business or activity that produces noxious matter or perceptible noise beyond the lot line.

4. Preexisting home occupations. Any home occupation that lawfully existed prior to the effective date of the ordinance codified in this chapter shall be allowed to continue in accordance with Chapter 22.40 MMC, Nonconformance and Reuse Standards. The expansion of preexisting nonconforming uses is not permitted.

5. Violations. Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for such violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to those general penalties and remedies of Chapter 1.04 MMC. The business license for the home occupation may be revoked as one of the remedies in the code enforcement process of Chapter 1.04 MMC.

6. Expiration. All permits for home occupations are issued to an individual applicant and shall not be transferred or otherwise assigned to any other person. The permit will automatically expire when the applicant named on the permit application moves from the site. The home application shall also automatically expire if the permittee fails to maintain a valid city of Monroe business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described in the application form.

C. Minor Home Occupations. A home occupation that complies with the criteria established in this subsection shall be considered minor and permitted in all zoning districts in which home occupations are a permitted use. Administrative review by the community development department will commence upon the city's receipt of a business license application to determine compliance with this chapter. Minor home occupations shall meet all of the following criteria as well as those established in MMC 22.16.060(B)(1):

1. No more than one person who is not a resident of the dwelling unit shall be employed in the home occupation at any one time.

2. The business shall be conducted wholly in the dwelling unit and/or attached structures, including garages.

3. The home occupation shall be limited to twenty-five percent of the gross floor area of the dwelling unit and attached garage, including the storage of associated materials.

4. No expansion of the parking area is allowed beyond that required for a residence. No parking in the setbacks or buffers is allowed, except driveways.

5. The use shall not generate additional vehicle traffic beyond that typical for the residence and one employee. No more than twenty total vehicle trips per day are permitted for the residence.

6. A dwelling unit being used for the purposes of phone service and as a mail stop for a business that is conducted away from such dwelling unit shall be considered a minor home occupation. The applicant is required to submit a letter with the home occupation business license, describing the business and its consistency with the above description.

D. Major Home Occupations. A major home occupation is any business that employs more than one nonresident employee or impacts the neighborhood beyond the conditions of a minor home occupation as determined by the community development department. Major home occupations will be encouraged to locate within transitional areas and commercial zoning districts that allow residential uses. The community development department will determine if the proposed business is a major home occupation at the time of

business license application. Major home occupations shall meet all of the following criteria as well as those established in MMC 22.16.060(B)(1):

1. The business may be conducted within the dwelling unit or any other accessory building on the premises.
2. The business, including operations and storage, shall occupy no more than thirty percent of the residential gross floor area.
3. The building official shall determine the maximum occupancy load of the residence in which the home occupation is proposed; the hearing examiner shall consider this number along with all other pertinent facts and comments in determining the maximum number of employees allowed on the premises to work in the home occupation at any one time.
4. The subject property shall not be altered except to install screening or buffers or to provide additional off-street parking stalls, as required by the condition of the approved permit. No parking in yards and buffers shall be allowed, except driveways.
5. Access ways shall be accessible to emergency vehicles.
6. A major home occupation shall commence only after the issuance of a conditional use permit (CUP), as detailed in Chapter 22.64 MMC.
7. An approved conditional use permit for a major home occupation shall be nontransferable to any other property and shall be nontransferable to any future tenant or property owner of the subject dwelling unit the conditional use permit was applied for.
8. Additional requirements may be necessary to protect the public health, safety and welfare of the neighborhood depending upon the home occupation applied for.

22.16.070 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.18
MULTIFAMILY RESIDENTIAL ZONING DISTRICT

Sections:

22.18.010 Purpose.
22.18.020 Applicability.
22.18.030 Land Use.
22.18.040 Bulk Requirements.
22.18.050 Variances.

22.18.010 Purpose.

The purpose of the multifamily zoning district is threefold: 1) to promote the small town character of Monroe by providing that new multifamily housing be developed on small lots mixed with other housing stock; 2) that development be compatible with the present housing stock; and 3) that multifamily development provides for a broad range of housing types and densities. Multifamily residential zoning districts are generally appropriate for land that is located convenient to principal arterials and business and commercial activity centers where a full range of public facilities and services to support urban development exists. Multifamily residential zoning districts are intended for areas of infill housing and housing developments for seniors and other special housing groups.

22.18.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.18 apply to all properties zoned Multifamily Residential – 25 Dwelling Units per Acre (R25). All properties zoned Multifamily Residential – 25 Dwelling Units per Acre (R25) shall comply with all applicable provisions of this Title and the Monroe Municipal Code unless otherwise specified.

22.18.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.18.030: Land Use in the Multifamily Residential Zoning District summarizes land uses permitted in the Multifamily Residential – 25 Dwelling Units per Acre (R25) zoning district. A land use not explicitly permitted by Table 22.18.030 is prohibited within the Multifamily Residential – 25 Dwelling Units per Acre (R25) zoning district.

Table 22.18.030: Land Use in the Multifamily Residential Zoning District

Conforming Use	Multifamily Residential – 25 Units per Acre (R25)
1. RESIDENTIAL LAND USES	
Dwelling Units, Attached	P
Dwelling Units, Temporary Security Guard	A
Group Homes	P
Halfway Houses	EPF
Home Occupations	A
Retirement Housing and Assisted Living Facilities	P
2. SERVICE LAND USES	
Health Care Services	
• Nursing and Residential Care Facilities	P
Parking Facilities	A
Social Services	
• Community Food Services	C
• Community Housing Services	C
• Emergency and Relief Services	C

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3. INSTITUTIONAL LAND USES	
Community Facilities	
• Religious Institutions	C
Educational Facilities	
• Schools, Colleges, Universities, and Professional	EPF
• Schools, Elementary and Secondary (K-12)	EPF
Government Facilities	
• Courts	C
• Fire Stations	C
• Government Administration Buildings	C
• Police Stations	C
• Public Works Maintenance and Storage Facilities	C
• U.S. Post Offices	C
4. PARKS, RECREATION, AND ENTERTAINMENT LAND USES	
Parks	
• Concessions	A
• Nonmotorized Trails	P
• Parks and Open Spaces	P
Recreational Facilities, Indoor	P
Recreational Facilities, Outdoor	A
5. INDUSTRIAL LAND USES	
Storage Facilities	
• Indoor (on-site only)	A
6. 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	
• State and Regional Transportation Facilities	EPF
Minor Utility Facilities	P
Wireless Communications Facilities	P
7. UNCLASSIFIED LAND USES	
Accessory Structures	A

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.18.030 is prohibited within the multifamily residential zoning district.

22.18.040 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the multifamily residential zoning district (R25) in the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. Bulk requirements, specified in Table 22.18.040(H): R25 Residential Zoning District Bulk Requirements, apply to all lots within the Residential 25 Units per Acre (R25) multifamily residential zoning district.

A. Maximum Residential Density. Table 22.18.040(B) - Allowed Residential Density establishes the minimum and maximum residential densities for the multifamily residential zoning district. Minimum and maximum densities shall be calculated pursuant to MMC 22.16.040(B).

Table 22.18.040(B): Allowed Residential Density

Zoning District	Minimum Density	Maximum Density
Residential 25 Units per Acre (R25)	12 dwelling units per acre	25 dwelling units per acre

B. Street Frontage. Street frontage shall be in compliance with the provisions of MMC 22.16.050(C) and subject to the applicable bulk requirements found in MMC 22.16.050, Bulk Requirements.

C. Lot Dimensions. Lot dimensions shall be in compliance with the provisions of MMC 22.16.050(D) and subject to the applicable bulk requirements found in MMC 22.16.050, Bulk Requirements.

D. Yard Setbacks. Required yard setbacks shall be in compliance with the provisions of MMC 22.16.050(E) and subject to the applicable bulk requirements found in MMC 22.16.050, Bulk Requirements.

E. Lot Coverage. Lot coverage shall be in compliance with the provisions of MMC 22.16.050(F) and subject to the applicable bulk requirements found in MMC section MMC 22.16.050, Bulk Requirements.

F. Building Height. Building height and its measurement shall be in compliance with the provisions of MMC 22.16.050(G) and subject to the applicable bulk requirements found in MMC section MMC 22.16.050, Bulk Requirements.

G. Multifamily Residential - 25 Units per Acre (R25) Zoning District. The following bulk requirements in Table 22.18.040(H): R25 Residential Zoning District Bulk Requirements specifically apply to the R25 multifamily residential zoning district. General information regarding bulk requirements is found in MMC 22.18.040.

Table 22.18.040(H): R25 Residential Zoning District Bulk Requirements

Minimum Lot Area (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Lot Area	N/A	1,500 square feet	N/A
Residential Density (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Dwelling Units per Lot	N/A (2)	1 dwelling unit	N/A
Minimum Number of Attached Units	3 dwelling units	N/A	N/A
Minimum Allowed Density	12 units per acre	12 units per acre	N/A
Maximum Allowed Density	25 units per acre	25 units per acre	N/A
Street Frontage (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Street Frontage	30 feet	25 feet	30 feet
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	30 feet	25 feet	30 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet	20 feet
Lot Dimensions (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Lot Width	30 feet	30 feet	30 feet
Yard Setbacks (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Front Yard Setback Width	10 feet	10 feet	10 feet
Minimum Side Yard Setback Width	10 feet	5 feet	10 feet
Minimum Side Yard Setback Width for Attached Dwelling Units on the Attached Side(s)	0 feet	N/A	N/A

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Minimum Side Yard Setback Width Attached Dwelling Units on a Side Abutting a ROW, Separate Detached Unit(s), or Different Zone	10 feet	N/A	N/A
Minimum Setback Width for Corner Lot Side Yards Abutting a Street (3)	10 feet	10 feet	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street (3)	10 feet	5 feet	10 feet
Minimum Rear Yard Setback Width	10 feet	10 feet	10 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet	10 feet
Minimum Setback from Private Access Easements	10 feet	10 feet	10 feet
Lot Coverage (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Lot Coverage	80%	70%	80%
Building Height (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Building Height	45 feet	35 feet	45 feet

Table Notes:

1. See MMC 22.16.050, Bulk Requirements for more information regarding the bulk requirements in the above table.
2. The maximum number of attached dwelling units per lot is the maximum number of dwelling units permitted by the maximum allowed density for the specific zoning district in which the dwelling units are located.
3. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

22.18.050 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.20
MIXED USE ZONING DISTRICTS

Sections:

22.20.010 Purpose.
22.20.020 Applicability.
22.20.030 Land Use.
22.20.040 Bulk Requirements.
22.20.050 Variances.

22.20.010 Purpose.

The purpose of the mixed use zoning districts are to integrate a mix of office, retail, entertainment and cultural uses, and attached residential units throughout the district, within the same property, or inside a single building. Mixed zoning districts are concentrated in areas of the city that are characterized by a diverse mix of land uses and where infrastructure, transit, and other public services are available.

22.20.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.20 apply to all properties zoned Mixed Use – General (MG), Mixed Use – Neighborhood (MN), and Mixed Use – Medical (MM). All properties zoned Mixed Use - General (MG), Mixed Use – Neighborhood (MN), or Mixed Use – Medical (MM) shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

22.20.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.20.030: Land Use in Mixed Use Zoning Districts summarizes land uses permitted in the Mixed Use – General (MG), Mixed Use – Neighborhood (MN), and Mixed Use – Medical (MM) zoning districts. A land use not explicitly permitted by Table 22.20.030 is prohibited.

Table 22.20.030: Land Use in the Mixed Use Zoning Districts

Conforming Use [(1)]	Mixed Use – Neighborhood (MN)	Mixed Use – Medical (MM)	Mixed Use – General (MG)
1. RESIDENTIAL LAND USES			
Dwelling Units, Attached	P		P
Dwelling Units, Temporary Security Guard	A	A	A
Group Homes			P
Halfway Houses			EPF
Home Occupations	A		A
Retirement Housing and Assisted Living Facilities	P		P
Work Release Facilities			EPF
2. COMMERCIAL LAND USES			
Building Material and Garden Supply Establishments			
• Hardware Stores	P		P
Food and Beverage Establishments			
• Bakeries	P		P
• Coffee Shops	P	A	P
• Convenience Stores	P	A	P
• Grocery Stores	P		P

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• Liquor Stores	P		P
• Restaurants	P	A	P
• Tasting Rooms	P		P
• Taverns	P		P
Gas Stations			P
General Retail	P	A	P
Mobile Vendors	P	P	P
Motor Vehicle Sales Facilities			
• Automobiles and Trucks			P
• Motorsports Vehicles and Boats			P
• Recreational Vehicles (RV)			P
Pharmacies and Drug Stores	P	P	P
Warehouse Clubs and Supercenters			P
3. SERVICE LAND USES			
Business and Professional Services			
• Professional Offices	P		P
• Research and Development			P
• Technical Consulting Services	P		P
Day Care Services			
• Adult Day Services	A		A
• Child Care Centers		A	P
• Family Child Care Services	A		A
• Preschools			
Financial and Insurance Services	P		P
General Services	P	C	P
Health Care Services			
• Diagnostic Imaging Centers	P	P	C
• Health Care Provider Offices	P	P	C
• Hospitals	EPF	EPF	EPF
• Inpatient Mental Health Treatment Facilities	P	P	C
• Inpatient Substance Abuse Treatment Facilities	P	P	C
• Medical Laboratories	P	P	C
• Nursing and Residential Care Facilities	P	P	P
• Outpatient Health Care Clinics	P	P	C
• Outpatient Mental Health Treatment Facilities	P	P	C
• Outpatient Substance Abuse Treatment Facilities	P	P	C
Membership Organizations	P		P
Parking Facilities	A	A	P
Rental and Leasing Services			
• Consumer Goods	P	P	P
• Motor Vehicles			P

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• Tools, Machinery, and Equipment		P	P
Repair and Maintenance Services			
• All Other Repair and Maintenance	P		P
• Motor Vehicle Repair and Maintenance			C
Social Services			
• Community Food Services	C		C
• Community Housing Services	C		C
• Emergency and Relief Services	C		C
Temporary Lodging Services			
• Bed and Breakfast Inns	P		P
• Hotels and Motels			C
Veterinary Clinics			P
4. INSTITUTIONAL LAND USES			
Community Facilities			
• Community-Oriented Open Air Market	P		P
• Religious Institutions	P	A	P
Educational Facilities			
• Schools, Colleges, Universities, and Professional	EPF	EPF	EPF
• Schools, Elementary and Secondary (K-12)	EPF	EPF	EPF
• Schools, Technical and Trade	P		P
• Vocational Rehabilitation Centers	P		P
Government Facilities			
• Courts	C	C	C
• Fire Stations	C	C	C
• Government Administration Buildings	C	C	C
• Police Stations	C	C	C
• Public Works Maintenance and Storage Facilities	C	C	C
• U.S. Post Offices	C	C	C
5. PARKS, RECREATION, AND ENTERTAINMENT LAND USES			
Entertainment Facilities			
• Arcades and Gaming Establishments			P
• Art Galleries	P		P
• Movie Theaters			P
Parks			
• Concessions	A		A
• Parks and Open Spaces	P	P	P
Fitness and Health Clubs, Indoor	P	A	P
Recreational Facilities, Indoor	P		P

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Sports and Recreation Instruction, Indoor	P		P
6. INDUSTRIAL LAND USES			
Craft Manufacturing	P		P
Manufacturing and Processing			
• General Manufacturing			C
Storage Facilities			
• Indoor (on-site only)	A	A	A
• Outdoor (on-site only)			A
• Warehouses		A	A
7. UTILITY AND TRANSPORTATION LAND USES			
Electric Vehicle Charging Stations (all levels)	A	A	A
Major and Regional Utility Facilities			
• Regional Utility Corridors	C	C	C
Major and Regional Transportation Facilities			
• Regional Transit Station	EPF	EPF	EPF
• School Bus Bases	C		C
• State and Regional Transportation Facilities	EPF	EPF	EPF
Minor Utility Facilities	P	P	P
Wireless Communications Facilities	P	P	P
8. UNCLASSIFIED LAND USES			
Accessory Structures	A	A	A
Mixed Use Developments	P	P	P

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.20.030 is prohibited within all mixed use zoning districts.

22.20.040 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within mixed use zoning districts in the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. Bulk requirements, specified in MMC section 22.16.040, apply to all lots within the Mixed Use – General (MG), Mixed Use – Neighborhood (MN), and Mixed Use – Medical (MM) zoning districts.

A. Maximum Residential Density. Table 22.20.040(B) - Allowed Residential Density establishes the minimum and maximum residential densities for mixed use zoning districts. Residential density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.20.040(B): Allowed Residential Density

Zoning District	Minimum Density	Maximum Density
Mixed Use - General (MG)	12 dwelling units per acre	25 dwelling units per acre
Mixed Use - Neighborhood (MN)	8 dwelling units per acre	16 dwelling units per acre
Mixed Use – Medical (MM)	N/A	N/A

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 section 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 section MMC 22.16.040, Bulk Requirements.

G. Mixed Use – General Zoning District (MG). The following bulk requirements in Table 22.20.040(H): Mixed Use –General Zoning District (MG) Bulk Requirements specifically apply to the MG zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.20.040(H): Mixed Use - General Zoning District (MG) Bulk Requirements

Residential Density (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Dwelling Units per Lot	N/A (2)	1 dwelling unit	N/A
Minimum Number of Attached Units	3 dwelling units	N/A	N/A
Minimum Allowed Density	12 units per acre	12 units per acre	N/A
Maximum Allowed Density	25 units per acre	25 units per acre	N/A
Street Frontage (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Street Frontage	N/A	30 feet	N/A
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	N/A	30 feet	N/A
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet	20 feet
Lot Dimensions (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Lot Width	N/A	30 feet	N/A
Yard Setbacks (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Front Yard Setback Width	10 feet	10 feet	10 feet
Minimum Side Yard Setback Width	5 feet	5 feet	5 feet
Minimum Side Yard Setback Width for Attached Dwelling Units on the Attached Side(s)	0 feet	N/A	N/A
Minimum Side Yard Setback Width Attached Dwelling Units on a Side Abutting a ROW, Separate Detached Unit(s), or Different Zone	10 feet	N/A	N/A
Minimum Setback Width for Corner Lot Side Yards Abutting a Street (3)	10 feet	10 feet	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street (3)	5 feet	5 feet	5 feet

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Minimum Rear Yard Setback Width	10 feet	10 feet	10 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet	10 feet
Minimum Setback from Private Access Easements	10 feet	10 feet	10 feet
Lot Coverage (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Lot Coverage	100%	70%	100%
Building Height (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Building Height	45 feet	35 feet	45 feet

Table Notes:

1. See MMC 22.16.040, Bulk Requirements for more information regarding the bulk requirements in the above table.
2. The maximum number of attached dwelling units per lot is the maximum number of dwelling units permitted by the maximum allowed density for the specific zoning district in which the dwelling units are located.
3. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

H. Mixed Use – Neighborhood Zoning District (MN). The following bulk requirements in Table 22.20.040(I): Mixed Use – Neighborhood Zoning District (MN) Bulk Requirements specifically apply to the MN zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.20.040(I): Mixed Use - Neighborhood Zoning District (MN) Bulk Requirements

Residential Density (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Dwelling Units per Lot	N/A (2)	1 dwelling unit	N/A
Minimum Number of Attached Units	3 dwelling units	N/A	N/A
Minimum Allowed Density	8 units per acre	8 lots per acre	N/A
Maximum Allowed Density	16 units per acre	16 lots per acre	N/A
Street Frontage (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Street Frontage	N/A	30 feet	N/A
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	N/A	30 feet	N/A
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet	20 feet
Lot Dimensions (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Lot Width	N/A	30 feet	N/A
Yard Setbacks (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Minimum Front Yard Setback Width	10 feet	10 feet	10 feet
Minimum Side Yard Setback Width	5 feet	5 feet	5 feet
Minimum Side Yard Setback Width for Attached Dwelling Units on the Attached Side(s)	0 feet	N/A	N/A
Minimum Side Yard Setback Width Attached Dwelling Units on Side Abutting ROW, Separate Detached Unit(s), or Different Zone	10 feet	N/A	N/A

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Minimum Setback Width for Corner Lot Side Yards Abutting a Street (3)	10 feet	10 feet	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street (3)	10 feet	5 feet	10 feet
Minimum Rear Yard Setback Width	10 feet	10 feet	10 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet	10 feet
Minimum Setback from Private Access Easements	10 feet	10 feet	10 feet
Lot Coverage (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Lot Coverage	80%	70%	80%
Building Height (1)	**Attached Dwelling Units**	**Detached Dwelling Units**	**Nonresidential Uses**
Maximum Building Height	45 feet	35 feet	45 feet

Table Notes:

1. See MMC 22.16.040, Bulk Requirements for more information regarding the bulk requirements in the above table.
2. The maximum number of attached dwelling units per lot is the maximum number of dwelling units permitted by the maximum allowed density for the specific zoning district in which the dwelling units are located.
3. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

I. Mixed Use – Medical Zoning District (MM). The following bulk requirements in Table 22.20.040(J): Mixed Use – Medical Zoning District (MM) Bulk Requirements specifically apply to the MM zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.20.040(J): Mixed Use - Medical Zoning District (MM) Bulk Requirements

Street Frontage (1)	
Minimum Street Frontage	N/A
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	N/A
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	N/A
Yard Setbacks (1)	
Minimum Front Yard Setback Width	10 feet
Minimum Side Yard Setback Width	10 feet
Minimum Setback Width for Corner Lot Side Yards Abutting a Street (2)	10 feet
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street (2)	10 feet
Minimum Rear Yard Setback Width	10 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1)	
Maximum Lot Coverage	80%
Building Height (1)	
Maximum Building Height	45 feet

Table Notes:

1. See MMC Section 22.16.040, Bulk Requirements, for more information regarding the bulk requirements in the above table.
2. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

22.20.050 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.22
DOWNTOWN COMMERCIAL ZONING DISTRICT

Sections:

22.22.010 Purpose.
22.22.020 Applicability.
22.22.030 Development Standards.
22.22.040 Downtown Commercial Neighborhoods.
22.22.050 Land Use.
22.22.060 Bulk Requirements.
22.22.070 Variances.

22.22.010 Purpose.

The purpose of the downtown commercial zone is to integrate civic, commercial, entertainment, cultural, and residential uses and increase economic and urban activity levels within the zone. Development standards or guidelines applicable to the downtown commercial zone enhance opportunities for significant growth of office, commercial, and residential projects in the city's core, where public transit and civic amenities are more concentrated and available.

22.22.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.22 apply to all properties zoned Downtown Commercial (DC). All properties zoned Downtown Commercial (DC) shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

22.22.030 Development Standards.

Development within the downtown commercial zoning district shall comply with all applicable design standards and open space requirements in MMC Chapter 22.42, Design Standards, as well as those described below, as applicable:

A. Historic Main Area (HM). All development within the Historic Main area shall comply with the Downtown Design Guidelines Draft #1a dated December 18, 2008. Design standard review will be administrative and is subject to the requirements of MMC Chapter 22.42, Design Standards.

B. East Downtown Neighborhood. The East Downtown Neighborhood Design Guidelines, dated February 2009, or as amended in the future, and attached to the ordinance codified in this section, are hereby adopted and incorporated into this code by this section by this reference as if set forth in full. All development within the East Downtown neighborhood shall comply with the design standards, as adopted, and is subject to the requirements of MMC Chapter 22.42, Design Standards. When applicable, upper fourth and fifth stories shall be subject to design requirements in Draft #1a dated December 18, 2008, for stepping back upper stories.

C. Downtown Promenade (DTP). All development within the Downtown Promenade area shall comply with the Downtown Design Guidelines Draft #1a dated December 18, 2008. Design standard review will be administrative and is subject to the requirements of MMC Chapter 22.42, Design Standards.

22.22.040 Downtown Commercial Neighborhoods.

A. Establishment of Neighborhoods. The downtown commercial zoning district is subdivided into four distinct neighborhoods. Each neighborhood is intended to implement specific aspects of the comprehensive plan that pertain to the downtown planning area and contains a unique mix of uses and zoning regulations, as described in this chapter. The four neighborhoods in the downtown commercial zoning district are Residential Neighborhood (RN), Historic Main Area (HM), East Downtown Neighborhood (ED), and the Downtown Promenade (DTP). The neighborhoods within the downtown commercial zoning districts are established as follows:

1. Residential Neighborhood (RN). The Residential neighborhood frames the western edge of the Historic Main area and contains existing single-family houses, multifamily buildings, and some commercial uses. This mix of uses is appropriate for this neighborhood, as a transitional edge between single-family neighborhoods and the Historic Main area, to provide a setting for small businesses and

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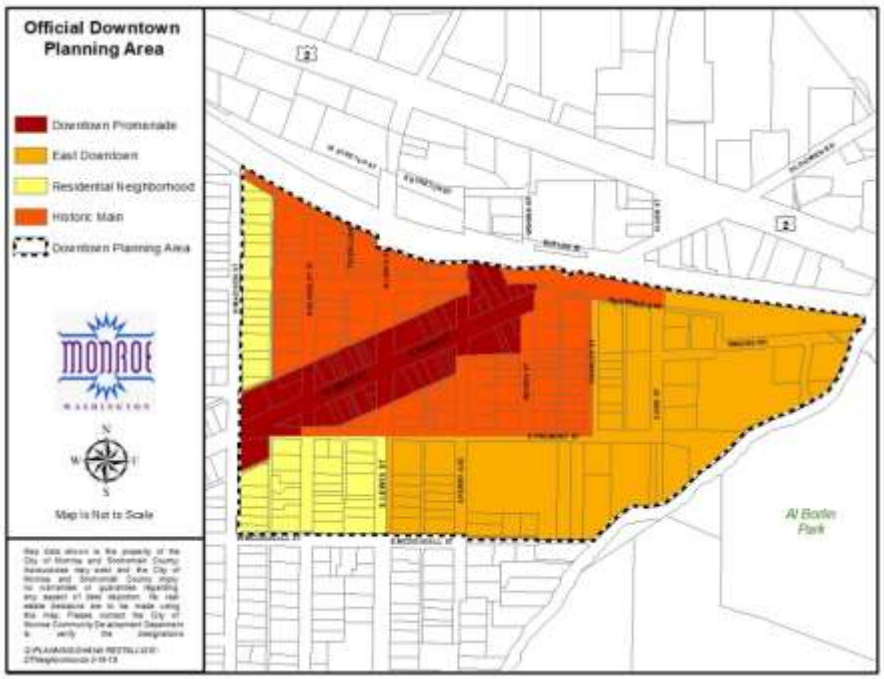
close-in housing options. Future redevelopment in this area will provide a mix of uses. Residential uses in this neighborhood are limited to single-family residences and multifamily dwellings.

2. Historic Main Area (HM). The Historic Main area encompasses the blocks along Main Street between Madison Street and the railroad tracks and along Lewis Street between Fremont Street and the railroad tracks [except those areas within the Downtown Promenade per MMC 22.22.040(A)(3)]. The Historic Main Area will be the core area for specialty commercial uses that serve the entire community and even the region. The goal for this area is to continue to have a high concentration of retail, dining, and entertainment functions, while accommodating professional services and some residential housing. Cultural and recreational facilities should also be a part of the area's mix of uses.

3. Downtown Promenade (DTP). The Downtown Promenade area encompasses the ground or street level portion of all buildings facing Main Street between Madison Street and Woods Street shall be considered a "promenade" within the downtown commercial district. The goal for this area is to have those land uses that promote pedestrian activity and interaction. Only a commercial land use shall occupy the ground floor in the Downtown Promenade.

4. East Downtown Neighborhood (ED). The goal for this neighborhood is to promote an "urban village" character that contains pedestrian scale amenities and high-quality mixed-use and high-density residential development. Land uses will provide for a concentration of commercial, residential, and civic functions. Civic functions may include recreational and arts uses as well as education-related activities. The East Downtown neighborhood should contain significant, well-designed parks and open space. There are opportunities to make use of natural amenities along the eastern edge of the area that would make this a distinctive and appealing location for in-town housing. There are also opportunities to provide additional urban, civic green spaces within convenient walking distance of the Historic Main area. This combination of uses is necessary to promote the greater downtown Monroe area as a regional destination for specialty retail, dining, and entertainment. Areas along Woods Creek and the East Downtown neighborhood are encouraged to provide enhanced pedestrian and bicycle connectivity. Also proposed along Woods Creek is an area for an overlook and water access at the creek itself, which would be linked into the enhanced bike and pedestrian ways. Areas of the East Downtown neighborhood, which are within the Woods Creek shoreline area, will have some development constraints due to the natural sensitivities of the creek side areas.

B. Official Downtown Planning Area Zoning Map. The official downtown planning area zoning map shows the boundaries of the downtown planning area and delineates the four distinct neighborhoods in the downtown commercial zoning district. This map shall be supplemental to the current, official city of Monroe zoning map. Where uncertainty exists as to the boundaries of the downtown planning area and downtown commercial neighborhoods, as shown on the official downtown planning area zoning map, the rules defined in MMC 22.14.040, Zoning District Boundary Determination, shall apply.



22.22.050 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.22.050: Land Use in the Downtown Commercial Zoning District summarizes land uses permitted in the downtown commercial zoning district (DC). A land use not explicitly permitted by Table 22.22.050 is prohibited.

Table 22.22.050: Land Use in the Downtown Commercial Zoning District

Conforming Use [1]	DC – Residential (DC-RN)	DC – Historic Main (DC-HM)	DC – East Downtown (DC-ED)	DC – Downtown Promenade [7] (DC-DTP)
1. RESIDENTIAL LAND USES				
Dwelling Units, Accessory	A [2]	A [2]		
Dwelling Units, Attached	P [3]	P [3]	P [3]	C [3]
Dwelling Units, Detached	P	C		
Dwelling Units, Temporary Security Guard	A	A	A	A
Group Homes	P	P		
Halfway Houses	EPF	EPF	EPF	
Home Occupations	P	P		
Retirement Housing and Assisted Living Facilities	P	P		
2. COMMERCIAL LAND USES				
Building Material and Garden Supply Establishments				
• Hardware Stores		P [5]	P [5]	P [5]
• Plant Nurseries		P	P	P
Food and Beverage Establishments				
• Bakeries		P	P	P
• Coffee Shops	A	P	P	P
• Convenience Stores		P	P	P
• Grocery Stores		P [4]	P [4]	P [4]
• Liquor Stores		P	P	
• Restaurants		P	P	P
• Tasting Rooms		P	P	P
• Taverns		P	P	P
General Retail		P	P	P
Mobile Vendors		P [6]	P [6]	P [6]
Motor Vehicle Sales Facilities				
• Motorsports Vehicles and Boats			P	
Pharmacies and Drug Stores		P	P	P
3. SERVICE LAND USES				
Business and Professional Services				
• Professional Offices	P	P	P	
• Technical Consulting Services	P	P	P	
Day Care Services				
• Adult Day Services	A	P	P	
• Child Care Centers		P	P	
• Family Child Care Services	A	P	P	
• Preschools			P	
General Services	C	P	P	
Health Care Services				
• Diagnostic Imaging Centers	C	C	C	

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• Health Care Provider Offices	C	C	C	
• Medical Laboratories	C	C	C	
• Nursing and Residential Care Facilities		P	P	
• Outpatient Health Care Clinics	C	C	C	
• Outpatient Mental Health Treatment Facilities	C	C	C	
• Outpatient Substance Abuse Treatment Facilities	C	C	C	
Membership Organizations		C	P	A
Parking Facilities		A	A	
Parking Facilities, Stand-Alone		C	C	
Personal Services		P	P	P
Rental and Leasing Services				
• Tools, Machinery, and Equipment			A	
Social Services				
• Community Food Services	P	P	P	
• Community Housing Services	P	P	P	
• Emergency and Relief Services	P	P	P	
Temporary Lodging Services				
• Bed and Breakfast Inns	C	C	P	
• Hotels and Motels		P	P	
Veterinary Clinics	C	C	P	
4. INSTITUTIONAL LAND USES				
Community Facilities				
• Community-Oriented Open Air Market	P	P	P	P
• Religious Institutions	C	C	P	
Educational Facilities				
• Schools, Colleges, Universities, and Professional	EPF	EPF	EPF	EPF
• Schools, Elementary & Secondary (K-12)	EPF	EPF	EPF	EPF
Government Facilities				
• Courts	C	C	C	
• Fire Stations	C	C	C	
• Government Administration Buildings	C	C	C	
• Police Stations	C	C	C	
• Public Works Maintenance and Storage Facilities	C	C	C	
• U.S. Post Offices	C	C	C	
5. PARKS, RECREATION, AND ENTERTAINMENT LAND USES				
Entertainment Facilities				
• Arcades and Gaming Establishments	P		P	
• Art Galleries	P		P	
• Libraries	P		P	
• Movie Theaters	P		P	
• Museums	P		P	
• Theaters	P		P	
Parks				
• Concessions	A	A	A	A

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• Parks and Open Spaces	P	P	P	P
Fitness and Health Clubs, Indoor		C	P	
6. INDUSTRIAL LAND USES				
Craft Manufacturing		P	P	P
Storage Facilities				
• Indoor (on-site only)	A	A	A	A
7 UTILITY AND TRANSPORTATION LAND USES				
Electric Vehicle Charging Stations (all levels)	A	A	A	A
Major and Regional Utility Facilities				
• Regional Utility Corridors	C	C	C	C
• Wastewater Treatment Plants	EPF			
Major and Regional Transportation Facilities				
• Regional Transit Station	EPF	EPF	EPF	
• State and Regional Transportation Facilities	EPF	EPF	EPF	
Minor Utility Facilities	P	P	P	P
Wireless Communications Facilities	P	P	P	P
8. UNCLASSIFIED LAND USES				
Accessory Structures	A	A	A	A
Mixed Use Developments	P	P	P	P

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 31.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.22.050 is prohibited within the downtown commercial zone.
2. Accessory dwelling units are subject to the requirements of MMC section 22.16.050.
3. In the Downtown Promenade, attached dwellings are only allowed in conjunction with mixed-use structures.
4. Grocery stores shall not exceed thirteen thousand square feet in gross floor area.
5. Hardware stores shall not exceed twenty thousand square feet in gross floor area.
6. Mobile vendors must meet the criteria outlined in MMC 22.60.040(B), Mobile Vendors.
7. Downtown Promenade ground floor uses shall be commercial.

22.22.060 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the downtown 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 section 22.16.040, apply to all lots within the downtown commercial zoning district.

A. Maximum Residential Density. Table 22.22.060(A) - Allowed Residential Density establishes the maximum residential density for neighborhoods within the downtown commercial zoning district. Maximum density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.22.060(A): Allowed Residential Density

Downtown Commercial Zoning District Neighborhoods	Base Maximum Residential Density	Maximum Residential Density – Four Stories	Maximum Residential Density – Five Stories
Residential Neighborhood	11 dwelling units per acre	N/A	N/A
Historic Main Area	20 dwelling units per acre	N/A	N/A
East Downtown Neighborhood	20 dwelling units per acre	24 dwelling units per acre	28 dwelling units per acre
Downtown Promenade	N/A	N/A	N/A

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.

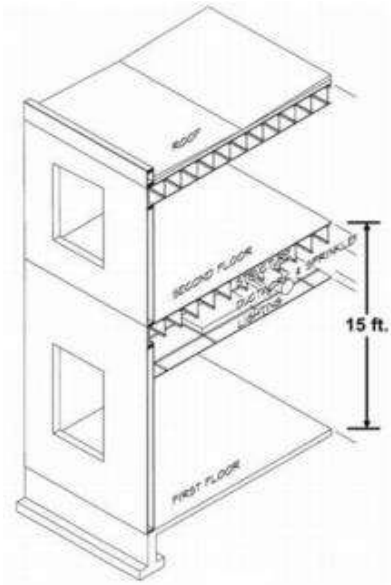
D. Yard Setbacks. Required yard setbacks shall be in compliance with the provisions of MMC 22.16.040(E) and subject to the applicable bulk requirements found in MMC 22.16.040, Bulk Requirements.

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 section 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 section MMC 22.16.040, Bulk Requirements.

G. Ground Floor Height. The minimum height of ground floor shall be measured from the top of floor to the top of the successive finished floor surface on applicable buildings, as illustrated in Figure MMC 22.22.060(G): Minimum Ground Floor Height Diagram.

Figure MMC 22.22.060(G): Minimum Ground Floor Height Diagram



H. Downtown Commercial Neighborhood Bulk Requirements. The following bulk requirements in Table 22.22.060(H): Downtown Commercial Bulk Requirements by Neighborhood apply specifically to the downtown commercial zoning district neighborhood identified. The downtown commercial neighborhoods are delineated in MMC 22.22.040. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.22.060(H): Downtown Commercial Bulk Requirements by Neighborhood

Bulk Requirements (1-2)	**Residential Neighborhood**	**Historic Main Area (5)**	**East Downtown Neighborhood**	**Downtown Promenade**
Minimum Lot Area	4,000 sq. ft. for office uses	N/A	N/A	N/A
Minimum Street Frontage	20 feet	20 feet	20 feet	20 feet
Minimum Lot Width	20 feet	20 feet	20 feet	20 feet
Maximum Lot Coverage	75%	N/A	85%	N/A
Landscaping Requirements	Per MMC 22.46	Per MMC 22.46	Per MMC 22.46	Per MMC 22.46
Parking Requirements	Per MMC 22.44	Per MMC 22.44	Per MMC 22.44	Per MMC 22.44
Yard Setbacks	**Residential Neighborhood**	**Historic Main Area (5)**	**East Downtown Neighborhood**	**Downtown Promenade**
Minimum Front Yard Setback Width to Living Space	10 feet	N/A	N/A	N/A
Minimum Front Yard Setback Width to Garage	20 feet	N/A	N/A	N/A

Minimum Front Yard Setback Width to Office Buildings	20 feet	N/A	N/A	N/A
Minimum Side Yard Setback Width	First story: 5 ft. Each story above the first: an additional 2 ft. per story	Per IBC and IFC	Per IBC and IFC	Per IBC and IFC
Minimum Rear Yard Setback Width	First story: 5 ft. Each story above the first: an additional 2 ft. per story	Per IBC and IFC	Per IBC and IFC	Per IBC and IFC
Minimum Setback Width from a ROW	10 feet	N/A	N/A	N/A
Minimum Setback from Private Access Tracts	10 feet	N/A	N/A	N/A
Minimum Setback from Private Access Easements	10 feet	N/A	N/A	N/A
Floor Area Ratio (FAR)	**Residential Neighborhood**	**Historic Main Area (5)**	**East Downtown Neighborhood**	**Downtown Promenade**
Maximum Floor Area Ratio (FAR)	N/A	1.7:1	1.7:1	1.7:1
Bonus FAR for Residential Uses	N/A	0.5 (2)	0.5 (2)	0.5 (2)
Bonus FAR for Underground Parking	N/A	0.5 (7)	0.5 (7)	0.5 (7)
Building Height	**Residential Neighborhood**	**Historic Main Area (5)**	**East Downtown Neighborhood**	**Downtown Promenade**
Maximum Building Height	35 feet	35 feet (4)	35 feet (4)	35 feet (4)
Maximum Height for Mixed-Use Buildings	N/A	55 feet (6)	55 feet (6)	55 feet (6)
Minimum First Story Height for Mixed-Use Buildings	N/A	15 feet (3)	15 feet (3)	15 feet (3)

Table Notes:

1. See MMC 22.16.040, Bulk Requirements for more information regarding the bulk requirements in the above table.
2. If a structure is mixed-use, a minimum of one story must be dedicated to residential use.
3. Minimum height of ground floor shall be as illustrated in Figure MMC 22.22.060(G): Minimum Ground Floor Height Diagram.
4. Mixed-use structures may achieve a maximum height bonus of twenty-feet.
5. New single-family development in the Historic Main Area will follow the bulk requirements for the Residential Neighborhood.
6. Portions of the building greater than thirty-five feet in height must be stepped back a minimum of five feet from the front facade.
7. The bonus FAR of 0.5 is only available for buildings which provide one full level of parking below grade.

22.22.070 Variances.

No administrative deviations from the provisions of this chapter shall be made unless otherwise specified in herein. Variances to this chapter to adjust the application of specific regulations to a particular parcel of property shall require variance approval, as regulated by MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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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.

22.24.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.24 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.

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
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	

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• 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
• 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
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 MMC Chapter 22.38 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 MMC Chapter 22.54, Airport Compatibility.

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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 section 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 5,000 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 section 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 section 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 Section 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 MMC Chapter 22.54, Airport Compatibility.

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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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.26
GENERAL COMMERCIAL ZONING DISTRICTS

Sections:

22.26.010 Purpose.
22.26.020 Applicability.
22.26.030 Development Standards.
22.26.040 Land Use.
22.26.050 Bulk Requirements.
22.26.060 Variances.

22.26.010 Purpose.

The purpose of the general commercial zoning districts is to provide opportunities for the enhancement of existing commercial uses and for the location of new commercial development by providing areas for retail, dining, entertainment, and similar businesses that are conducted primarily indoors. The general commercial zoning districts are located on traffic corridors that have adequate capacities for traffic flow. Such location assures that general commercial uses do not generate traffic through residential areas.

22.26.020 Applicability.

The regulations, requirements, and standards contained in MMC Chapter 22.26 apply to all properties zoned General Commercial (GC) or Industrial Transition (IT), as well those properties located within the General Commercial North Kelsey/Tjerne Place Overlay District (NK/TP-O). All properties zoned General Commercial (GC) or Industrial Transition (IT), or located within the General Commercial North Kelsey/Tjerne Place Overlay District (NK/TP-O) shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

22.26.030 North Kelsey/Tjerne Place Overlay District.

All properties located within the North Kelsey/Tjerne Place Overlay District (NK/TP-O) shall have a base zoning designation of General Commercial. The North Kelsey/Tjerne Place Overlay District consists of approximately one hundred acres of land located north of SR 2, south of the proposed SR 2 bypass, east of the SR 522 overpass, and west of Chain Lake Road.

A. Design Guidelines. All development within the North Kelsey/Tjerne Place Overlay District shall comply with the North Kelsey Design Guidelines in addition to the applicable requirements of MMC Chapter 22.42, Design Standards.

B. Mixed Use Development. The purpose of allowing mixed use is to place attached, high density housing in close proximity to goods and services. Vertical and horizontal mixed use developments are allowed in the North Kelsey/Tjerne Place Overlay District and shall comply with the following:

1. Vertical mixed use incorporates commercial and multifamily residential uses in one structure.
    a. A minimum of fifty (50) percent of the ground floor must be dedicated to a commercial use.
    b. The minimum density shall be 26 units per gross acre.
2. Horizontal mixed use incorporates a mix of structures independently containing multifamily residential and commercial uses.
    a. The mixed use development shall be contained within one parcel or contiguous parcels under one ownership.
    b. A minimum of fifty (50) percent of the gross usable lot(s) area shall be for commercial development. The area of a lot shall be developed at a minimum of twenty (20) percent ground floor commercial. A document, in a form acceptable to the City Attorney, shall be recorded against the property restricting residential development on the portion of the property designated commercial.
    c. The minimum density shall be 26 units per gross acre.

22.26.040 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.26.040: Land Use in General Commercial Zoning Districts summarizes land uses permitted in the General Commercial (GC) Zoning District, Industrial Transition (IT) Zoning District, and the North Kelsey/Tjerne Place Overlay District (NK/TP-O). A land use not explicitly permitted by Table 22.26.040 is prohibited.

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Table 22.26.040: Land Use in General Commercial Zoning Districts

Conforming Use	General Commercial (GC)	North Kelsey/Tjerne Place Overlay (NK/TP-O)	Industrial Transition (IT)
1. RESIDENTIAL LAND USES			
Dwelling Units, Attached		P	
Dwelling Units, Temporary Security Guard	A	A	A
Home Occupations		P	
2. COMMERCIAL LAND USES			
Building Material and Garden Supply Establishments			
• Hardware Stores	P	P	P
• Home Improvement Centers	P		P
• Plant Nurseries	A	A	P
Department Stores	P	P	P
Food and Beverage Establishments			
• Bakeries	P	P	P
• Coffee Shops	P	P	P
• Convenience Stores	P	P	P
• Grocery Stores	P	P	P
• Liquor Stores	P	P	P
• Restaurants	P	P	P
• Tasting Rooms	P	P	A
• Taverns	P	P	P
Gas Stations	P		P
General Retail	P	P	P
Mobile Vendors	P	P	P
Motor Vehicle Sales Facilities			
• Automobiles and Trucks	P		P
• Motorsports Vehicles and Boats	P		
• Recreational Vehicles (RV)	P		
Pharmacies and Drug Stores	P	P	P
Warehouse Clubs and Supercenters	P		P
3. SERVICE LAND USES			
Business and Professional Services			
• Professional Offices	P	P	P
• Research and Development			P
• Technical Consulting Services	P	P	P
Day Care Services			
• Child Care Centers	C		C
• Preschools	P	P	
Financial and Insurance Services	P	P	P
General Services	P	P	
Health Care Services			
• Diagnostic Imaging Centers	P	P	P
• Health Care Provider Offices	P	P	P
• Hospitals	EPF		
• Inpatient Mental Health Treatment Facilities	C	C	C

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• Inpatient Substance Abuse Treatment Facilities	C	C	C
• Medical Laboratories	P	P	P
• Nursing and Residential Care Facilities	P	P	
• Outpatient Health Care Clinics	P	P	P
• Outpatient Mental Health Treatment Facilities	P	P	P
• Outpatient Substance Abuse Treatment Facilities	P	P	P
Membership Organizations	P		P
Parking Facilities	A	A	A
Personal Services	P	P	P
Rental and Leasing Services			
• Consumer Goods	P		P
• Motor Vehicles	P		P
• Tools, Machinery, and Equipment	P	A	P
Repair and Maintenance Services			
• All Other Repair and Maintenance	P	P	P
• Motor Vehicle Repair and Maintenance			P
Social Services			
• Community Food Services	C		C
• Community Housing Services	C		C
• Emergency and Relief Services	C		C
Temporary Lodging Services			
• Hotels and Motels	P	P	P
• Recreational Vehicle (RV) Parks			C
Veterinary Clinics	C		P
4. INSTITUTIONAL LAND USES			
Community Facilities			
• Animal Shelter			P
• Community Centers	C	C	C
• Community-Oriented Open Air Market	P	P	
• Religious Institutions	P	C	P
Educational Facilities			
• Schools, Colleges, Universities, and Professional	EPF	EPF	EPF
• Schools, Elementary and Secondary (K-12)	EPF	EPF	EPF
• Schools, Technical and Trade	P		P
• Vocational Rehabilitation Centers	P		P
Government Facilities			
• Courts	P		P
• Fire Stations	P		P
• Government Administration Buildings	P		P
• Police Stations	P		P
• Public Works Maintenance and Storage Facilities	P		P
• U.S. Post Offices	P		P
5. PARKS, RECREATION, AND ENTERTAINMENT LAND USES			
Entertainment Facilities			
• Arcades and Gaming Establishments	P	P	

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• Art Galleries	P	P	
• Libraries	P	P	
• Movie Theaters	P	P	
• Museums	P	P	
• Theaters	P	P	
• Zoos, Botanical Gardens, and Arboretums	P	P	
Parks			
• Concessions	A	A	A
• Nonmotorized Trails	P	P	P
• Parks and Open Spaces	P	P	P
Fitness and Health Clubs, Indoor	P		P
Recreational Facilities, Indoor	P		P
Recreational Facilities, Outdoor	P		P
Sports and Recreation Instruction, Indoor	P		P
6. INDUSTRIAL LAND USES			
Craft Manufacturing			P
Manufacturing and Processing			
• General Manufacturing			P
Storage Facilities			
• Indoor (on-site only)	A	A	A
• Mini Self-Storage			P
• Outdoor (on-site only)	A (2)	A (2)	A (2)
• Warehouses			P
7. UTILITY AND TRANSPORTATION LAND USES			
Electric Vehicle Charging Stations (all levels)	A	A	A
Major and Regional Utility Facilities			
• Regional Utility Corridors	C	C	C
Major and Regional Transportation Facilities			
• Regional Transit Station	EPF	EPF	EPF
• School Bus Bases	P		P
• State and Regional Transportation Facilities	EPF	EPF	EPF
Minor Utility Facilities	P	P	P
Wireless Communications Facilities	P	P	P
8. UNCLASSIFIED LAND USES			
Accessory Structures	A	A	A
Mixed Use Developments		P	P

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.26.040 is prohibited within all general commercial zoning districts.
2. Outdoor storage is only permitted as an accessory use to the principal use on a specific site and shall not occupy more than 50 percent of the gross site area in the Industrial Transition zone and 25 percent in all other General Commercial zones. Outdoor storage shall not be allowed as a primary use in the general commercial zoning district.
3. Development in the general commercial zoning districts is subject to the applicable provisions of MMC Chapter 22.54 MMC, Airport Compatibility.

22.26.050 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within general commercial zoning districts in the city. Bulk requirements include maximum lot coverage, maximum

building height, minimum setbacks, and other similar standards. Bulk requirements, specified in MMC section 22.16.040, apply to all lots within the general commercial zoning districts.

A. Maximum Residential Density. Table 22.26.050(A) - Allowed Residential Density establishes the maximum density for general commercial zoning districts. Maximum density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.26.050(A): Allowed Residential Density

Zoning District	Maximum Density
North Kelsey/Tjerne Place Overlay District	26 dwelling units per acre

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, and the following:

1. Lots within the general commercial zoning districts are not required to front onto a street. However, adequate access, as determined by the city, shall be provided via a panhandle, vehicular access easement, or vehicular access easement.
2. Buildings located on lots without street frontage in the general commercial zoning districts shall be oriented consistent with the prevailing front yard pattern on adjoining lots.

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 section 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 section MMC 22.16.040, Bulk Requirements.

G. General Commercial Zoning District and Overlay. The following bulk requirements in Table 22.26.050(G): General Commercial Zoning District Bulk Requirements specifically apply to the General Commercial Zoning District (GC) and North Kelsey/Tjerne Place Overlay District (NK/TP-O). General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.26.050(G): General Commercial Zoning District Bulk Requirements

Minimum Residential Density (1-2)	**General Commercial (GC)**	**North Kelsey/ Tjerne Place Overlay (NK/TP-O)**
Maximum Residential Density	N/A	26 dwelling units per acre
Street Frontage (1-2)	**General Commercial (GC)**	**North Kelsey/ Tjerne Place Overlay (NK/TP-O)**
Minimum Street Frontage	N/A	N/A
Minimum Street Frontage for Panhandle Lots	20 feet	20 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet	20 feet
Lot Dimensions (1-2)	**General Commercial (GC)**	**North Kelsey/ Tjerne Place Overlay (NK/TP-O)**
Minimum Lot Width	N/A	N/A
Yard Setbacks (1-2)	**General Commercial (GC)**	**North Kelsey/ Tjerne Place Overlay (NK/TP-O)**
Minimum Front Yard Setback Width	0 feet	0 feet
Minimum Side Yard Setback Width	0 feet	0 feet
Minimum Separation between Structures	10 feet	10 feet
Minimum Rear Yard Setback Width	10 feet	10 feet

Minimum Front Yard Setback – Abutting Residential Zones	20 feet	20 feet
Minimum Side Yard Setback – Abutting Residential Zones	10 feet	10 feet
Minimum Rear Yard Setback – Abutting Residential Zones	20 feet	20 feet
Minimum Setback from Private Access Tracts	10 feet	10 feet
Minimum Setback from Private Access Easements	10 feet	10 feet
Lot Coverage (1-2)	**General Commercial (GC)**	**North Kelsey/ Tjerne Place Overlay (NK/TP-O)**
Maximum Lot Coverage	100%	100%
Building Height (1-2)	**General Commercial (GC)**	**North Kelsey/ Tjerne Place Overlay (NK/TP-O)**
Maximum Building Height	45 feet	• 65 feet for residential uses • 45 feet for all other uses

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 General Commercial Zoning District and overlay and North Kelsey/Tjerne Place Overlay District is subject to the applicable provisions of MMC Chapter 22.54, Airport Compatibility.

H. Industrial Transition Zoning District (IT). The following bulk requirements in Table 22.26.050(H): Industrial Transition Zoning District Bulk Requirements specifically apply to the IT zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.26.050(H): Industrial Transition Zoning District Bulk Requirements

Street Frontage (1-2)	
Minimum Street Frontage	N/A
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Lot Dimensions (1-2)	
Minimum Lot Width	N/A
Yard Setbacks (1-2)	
Minimum Front Yard Setback Width	20 feet
Minimum Side Yard Setback Width	10 feet
Minimum Separation between Structures	10 feet
Minimum Rear Yard Setback Width	10 feet
Minimum Front Yard Setback – Abutting Residential Zoning Districts	20 feet
Minimum Side Yard Setback – Abutting Residential Zoning Districts	10 feet
Minimum Rear Yard Setback – Abutting Residential Zoning Districts	20 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1-2)	
Maximum Lot Coverage	100%
Building Height (1-2)	
Maximum Building Height (2)	65 feet

Table Notes:

1. See MMC Section 22.16.040, Bulk Requirements, for more information regarding the bulk requirements in the above table.
2. Development in the industrial transition zoning district is subject to the applicable provisions of MMC Chapter 22.54, Airport Compatibility.

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22.26.060 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.28
INDUSTRIAL ZONING DISTRICTS

Sections:

22.28.010 Purpose.
22.28.020 Applicability.
22.28.030 Land Use.
22.28.040 Bulk Requirements.
22.28.050 Variances

22.28.010 Purpose.

The purpose of the industrial zones is to provide opportunities for enhancement of existing industrial and compatible commercial use and intensities in areas of the city which are suitable for such development. Industrial areas should take advantage of rail and highway access points. Development should be separated or well buffered from nearby residential areas. The location of industrial zones should be dependent on and compatible with the size and scale of the surrounding adjacent uses. The purpose statement for each industrial zoning district is set forth in the following sections.

A. General Industrial Zoning District. The purpose of the general industrial zoning district is to provide an area for more intensive manufacturing and processing operations than those allowed in the other industrial zoning districts.

B. Light Industrial Zoning District. The purpose of the light industrial zoning district is to provide an area for manufacturing, processing, wholesaling, warehousing, distribution, and other similar activities that either do not result in any environmental impacts or produce minimal environmental impacts that can be easily mitigated.

C. Fryelands Commercial Overlay District. The purpose of the Fryelands commercial overlay district is to provide standards for the enhancement of existing commercial uses, as well as for the location of new commercial development along Fryelands Boulevard.

D. Shoreline Industrial Zoning District. The purpose of the shoreline industrial zoning district is to provide an area to allow for gravel mining and the processing of rock. This designation applies only to the property hosting the existing and continuing Cadman gravel operation.

22.28.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.28 apply to all properties zoned Light Industrial (LI), General Industrial (GI), or Shoreline Industrial (SI), as well as the Fryelands Commercial overlay district (FC-O). All properties Light Industrial (LI), General Industrial (GI), or Shoreline Industrial (SI), as well as the Fryelands Commercial overlay district (FC-O) shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

22.28.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.28.030: Land Use in Industrial Zoning Districts summarizes land uses permitted in the Light Industrial (LI), General Industrial (GI), Shoreline Industrial (SI), and Fryelands Commercial overlay district (FC-O). A land use not explicitly permitted by Table 22.28.030 is prohibited within the Light Industrial (LI), General Industrial (GI), and Shoreline Industrial (SI) zoning districts, as well as the Fryelands Commercial overlay district (FC-O).

Table 22.28.030: Land Use in Industrial Zoning Districts

Conforming Use [1]	Light Industrial (LI)	Fryelands Commercial Overlay (FC-O)	Shoreline Industrial [2] (SI)	General Industrial (GI)
1. RESIDENTIAL LAND USES				
Dwelling Units, Temporary Security Guard	A	A	A	A
2. COMMERCIAL LAND USES				
Building Material and Garden Supply Establishments				

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• Hardware Stores	A	P		
• Plant Nurseries	A(4)	A(4)		A(4)
Food and Beverage Establishments				
• Bakeries	A	P		P
• Coffee Shops	A			A
• Convenience Stores	A			
• Grocery Stores	A	P		
• Restaurants	A	P		A
• Tasting Rooms	A(3)	A(3)		
• Taverns				
Gas Stations	P			P
General Retail	A	P		A
Mobile Vendors	P	P	P	P
Pharmacies and Drug Stores	A			
3. SERVICE LAND USES				
Business and Professional Services				
• Professional Offices	A		A	A
• Research and Development	P	P		P
• Technical Consulting Services	A			
Day Care Services				
• Child Care Centers	A			
General Services	P	P		
Parking Facilities	A	A	A	A
Rental and Leasing Services				
• Consumer Goods				P
• Motor Vehicles				P
• Tools, Machinery, and Equipment	P			P
Repair and Maintenance Services				
• All Other Repair and Maintenance	P	P		P
• Motor Vehicle Repair and Maintenance	P			P
Social Services				
• Community Food Services	P			P
• Community Housing Services	P			P
• Emergency and Relief Services	P			P
Veterinary Clinics	C	C		
4. INSTITUTIONAL LAND USES				
Community Facilities				
• Religious Institutions	C			P
Educational Facilities				
• Schools, Colleges, Universities, and Professional	EPF	EPF	EPF	EPF
• Schools, Elementary and Secondary (K-12)	EPF	EPF	EPF	EPF
• Schools, Technical and Trade	P			
• Vocational Rehabilitation Centers	P			
Government Facilities				
• Courts	P	P	C	P
• Fire Stations	P	P	C	P
• Government Administration Buildings	P	P	C	P

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• Police Stations	P	P	C	P
• Public Works Maintenance and Storage Facilities	P	P	C	P
• U.S. Post Offices	P	P	C	P
5. PARKS, RECREATION, AND ENTERTAINMENT LAND USES				
Entertainment Facilities				
• Adult Entertainment and Sexually-Oriented Businesses	P			
• Arcades and Gaming Establishments	P	P		P
• Art Galleries	A	P		P
• Libraries	P			P
• Movie Theaters	P			P
• Museums	P			P
• Theaters	P			P
• Zoos, Botanical Gardens, and Arboretums				P
Parks				
• Concessions	A	A	A	A
• Nonmotorized Trails	P	P	P	P
• Parks and Open Spaces	P	P	P	P
Recreational Facilities, Outdoor	P	P		P
6. INDUSTRIAL LAND USES				
Craft Manufacturing	A(3)	A(3)		A(3)
Manufacturing and Processing				
• Auto Wrecking Yards				C
• Batch Plants, Asphalt and Concrete	C			P
• Concrete Manufacturing			C	C
• General Manufacturing	P			P
• Hazardous Waste Facilities	EPF		EPF	EPF
• Mineral Excavation			C	
• Processing of Natural Deposits	C		C	C
• Recycling Centers	C	C		C
• Shake and Shingle Mills	P			P
• Solid Waste Landfills	EPF		EPF	EPF
• Solid Waste Transfer Facilities	EPF		EPF	EPF
• Tow Truck Operations	C			C
Storage Facilities				
• Indoor (on-site only)	P	A	A	A
• Mini Self-Storage	P			P
• Outdoor (on-site only)	A	A		A
• Warehouses	P	A	A	P
7. UTILITY AND TRANSPORTATION LAND USES				
Electric Vehicle Charging Stations (all levels)	A	A	A	A
Major and Regional Utility Facilities				
• Regional Utility Corridors	C	C	C	C
• Wastewater Treatment Plants	EPF		EPF	EPF
Major and Regional Transportation Facilities				
• Regional Transit Station	EPF	EPF	EPF	EPF
• School Bus Bases	P			P

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• State and Regional Transportation Facilities	EPF	EPF	EPF	EPF
Minor Utility Facilities	P	P	P	P
Wireless Communications Facilities	P	P	P	P
8. UNCLASSIFIED LAND USES				
Accessory Structures	A	A	A	A

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.28.030 is prohibited within all industrial zoning districts.
2. All development within the shoreline industrial zoning district shall meet all applicable requirements in MMC Chapter 22.82 for shoreline jurisdictions and all applicable provisions of the adopted Shoreline Master Program.
3. This use is permitted as accessory to the primary land use of the site. It may not occupy an area greater than 25% of the gross floor area occupied by the primary use.
4. The retail portion of a plant nursery is permitted as accessory to the primary land use of the site. It may not occupy an area greater than 25% of the gross floor area occupied by the primary use.

22.28.040 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within industrial zoning districts in the city. Bulk requirements include maximum lot coverage, maximum building height, minimum setbacks, and other similar standards. Bulk requirements, specified in MMC section 22.16.040, apply to all lots within the Light Industrial (LI), General Industrial (GI), and Shoreline Industrial (SI) zoning districts, as well as the Fryelands Commercial overlay district (FC-O).

A. Minimum Lot Area. The minimum area for lots in industrial zoning districts is 5,000 square feet each.

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 section 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 section MMC 22.16.040, Bulk Requirements**.**

G. Fryelands Commercial Overlay District (FC-O). The following bulk requirements in Table 22.28.040(G): Fryelands Commercial Overlay District (FC-O) Bulk Requirements specifically apply to the FC-O overlay district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.28.040(G): Fryelands Commercial Overlay District (FC-O) Bulk Requirements

Minimum Lot Area (1)	
Minimum Lot Area	5,000 square feet
Street Frontage (1)	
Minimum Street Frontage	N/A
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Lot Dimensions (1)	
Minimum Lot Width	N/A
Yard Setbacks (1)	
Minimum Front Yard Setback Width	20 feet
Minimum Side Yard Setback Width	10 feet
Minimum Rear Yard Setback Width	10 feet
Minimum Front Yard Setback Width from Residential Zones and Residential Uses	25 feet

Minimum Side Yard Setback Width from Residential Zones and Residential Uses	25 feet
Minimum Rear Yard Setback Width from Residential Zones and Residential Uses	25 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.

H. Light Industrial Zoning District (LI). The following bulk requirements in Table 22.28.040(H): Light Industrial Zoning District (LI) Bulk Requirements specifically apply to the LI zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.28.040(H): Light Industrial Zoning District (LI) Bulk Requirements

Minimum Lot Area (1)	
Minimum Lot Area	5,000 square feet
Street Frontage (1)	
Minimum Street Frontage	N/A
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Lot Dimensions (1)	
Minimum Lot Width	N/A
Yard Setbacks (1)	
Minimum Front Yard Setback Width	20 feet
Minimum Side Yard Setback Width	10 feet
Minimum Rear Yard Setback Width	10 feet
Minimum Front Yard Setback Width from Residential Zones and Residential Uses	25 feet
Minimum Side Yard Setback Width from Residential Zones and Residential Uses	25 feet
Minimum Rear Yard Setback Width from Residential Zones and Residential Uses	25 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.

I. General Industrial Zoning District (GI). The following bulk requirements in Table 22.28.040(I): General Industrial Zoning District (GI) Bulk Requirements specifically apply to the GI zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.28.040(I): General Industrial Zoning District (GI) Bulk Requirements

Minimum Lot Area (1)	
Minimum Lot Area	5,000 square feet
Street Frontage (1)	

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Minimum Street Frontage	N/A
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Lot Dimensions (1)	
Minimum Lot Width	N/A
Yard Setbacks (1)	
Minimum Front Yard Setback Width	20 feet
Minimum Side Yard Setback Width	10 feet
Minimum Rear Yard Setback Width	10 feet
Minimum Front Yard Setback Width from Residential Zones and Residential Uses	25 feet
Minimum Side Yard Setback Width from Residential Zones and Residential Uses	25 feet
Minimum Rear Yard Setback Width from Residential Zones and Residential Uses	25 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	45 feet

Table Notes:

1. See MMC 22.16.040, Bulk Requirements for more information regarding the bulk requirements in the above table.

J. Shoreline Industrial Zoning District (SI). The following bulk requirements in Table 22.28.040(J): Shoreline Industrial Zoning District (SI) Bulk Requirements specifically apply to the SI zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.28.040(J): Shoreline Industrial Zoning District (SI) Bulk Requirements

Minimum Lot Area (1-2)	
Minimum Lot Area	5,000 square feet
Street Frontage (1)	
Minimum Street Frontage	N/A
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Lots with Public Street Access from a Private Access Tract or Easement	20 feet
Lot Dimensions (1-2)	
Minimum Lot Width	N/A
Yard Setbacks (1-2)	
Minimum Front Yard Setback Width	20 feet
Minimum Side Yard Setback Width	10 feet
Minimum Rear Yard Setback Width	20 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1-2)	
Maximum Lot Coverage	100%
Building Height (1-2)	
Maximum Building Height	45 feet

Table Notes:

1. See MMC 22.16.040, Bulk Requirements for more information regarding the bulk requirements in the above table.

2. All development within the shoreline industrial zoning district shall meet all applicable requirements in MMC Chapter 22.82 for shoreline jurisdictions and all applicable provisions of the adopted Shoreline Master Program.

22.28.050 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.30
TRANSPORTATION ZONING DISTRICT

Sections:

22.30.010 Purpose.
22.30.020 Applicability.
22.30.030 Land Use.
22.30.040 Bulk Requirements.
22.30.050 Variances.

22.30.010 Purpose.

The purpose of the transportation zoning district is to provide areas dedicated to regional transportation facilities. City owned rights-of-way are excluded from the transportation zoning district. Regional transportation facilities include highways of statewide significance, such as the US Highway 2 corridor and the State Route 522 corridor, the Burlington Northern Santa Fe railroad corridor, and land owned by WSDOT dedicated to a future US Highway 2 bypass.

22.30.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.30 apply to all properties zoned Transportation. All properties zoned transportation shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

22.30.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.30.040: Land Use in the Transportation Zoning District summarizes land uses permitted in the transportation zoning district. A land use not explicitly permitted by Table 22.30.040 is prohibited within the transportation zoning district.

Table 22.30.040: Land Use in the Transportation Zoning District

Conforming Use [(1)]	Transportation (TR)
1. RESIDENTIAL LAND USES	
Dwelling Units, Accessory	A
Dwelling Units, Detached	P[(2)]
Dwelling Units, Temporary Security Guard	A
Group Homes	P
Home Occupations	A
2. COMMERCIAL LAND USES	
Mobile Vendors	P
3. SERVICE LAND USES	
Parking Facilities	A
Temporary Lodging Services	
• Recreational Vehicle (RV) Parks	P
4. INSTITUTIONAL LAND USES	
Community Facilities	
• Religious Institutions	C
Educational Facilities	
• Schools, Colleges, Universities, and Professional	EPF
• Schools, Elementary and Secondary (K-12)	EPF
Government Facilities	
• Courts	P
• Fire Stations	P

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• 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
Recreational Facilities, Indoor	P
6. 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	
• Regional Transit Station	EPF
• School Bus Bases	P
• State and Regional Transportation Facilities	EPF
Minor Utility Facilities	P
Wireless Communications Facilities	P
7. UNCLASSIFIED LAND USES	
Accessory Stuctures	A

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.30.030 is prohibited within the transportation zoning district.
2. Single-family detached dwelling units located within the transportation zoning district are subject to the requirements for development within the limited open space zoning district, which are found in MMC 22.34.

B. Use of Public Rights-of-Way. Within public rights-of-way in the transportation zoning district, permitted improvements and structures shall be limited to:

1. Streets
2. Structures and features commonly associated with and accessory to streets including, but not limited to, utility services, curbs, gutters and sidewalk street trees, landscaping and vegetation, bus shelters, fountains, clocks, flag poles, awnings, marquees, benches, permanent sales structures, permanent signs, and fixed street furniture.
3. Structures commonly associated with public parks and open spaces
4. Government facilities
5. Wireless communications facilities (WCFs)
6. A land use not explicitly permitted by this subsection [MMC 22.30.030(B)] is prohibited within rights-of-way in the transportation zoning district.

<u>22.30.040 Bulk Requirements.</u>

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the transportation 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 section 22.16.040, apply to all lots within the transportation zoning district.

A. Residential Development. All permitted residential development within the transportation zoning district shall be subject to the residential development requirements in MMC 22.34, Limited Open Space.

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**.**

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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 section 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 section MMC 22.16.040, Bulk Requirements**.**

G. Transportation Zoning District (TR). The following bulk requirements in Table 22.30.040(G): Transportation Zoning District (TR) Bulk Requirements specifically apply to the TR zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.30.040(G): Transportation Zoning District (TR) Bulk Requirements

Street Frontage (1-2)	
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
Lot Dimensions (1-2)	
Minimum Lot Width	70 feet
Yard Setbacks (1-2)	
Minimum Front Yard Setback Width	10 feet
Minimum Side Yard Setback Width	10 feet
Minimum Rear Yard Setback Width	10 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1-2)	
Maximum Lot Coverage	100%
Building Height (1-2)	
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. All residential development permitted by Table 22.30.040: Land Use in the Transportation Zoning District shall comply with the requirements of the limited open space zoning district, as specified in MMC 22.34.

22.30.050 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.32
INSTITUTIONAL ZONING DISTRICT

Sections:

22.32.010 Purpose.
22.32.020 Applicability.
22.32.030 Land Use.
22.32.040 Bulk Requirements.
22.32.050 Variances.

22.32.010 Purpose.

The purpose of the institutional zoning district is to provide areas for county, state, or federally-owned and operated facilities located within city limits that serve the entire region. The institutional zoning district also contains large sites dedicated to school or municipal use.

22.32.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.32 apply to all properties zoned Institutional. All properties zoned Institutional shall comply with all applicable provisions of this Title and the Monroe Municipal Code unless otherwise specified.

22.32.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.32.030: Land Use in the Institutional Zoning District summarizes land uses permitted in the Institutional zoning district (IN). A land use not explicitly permitted by Table 22.32.030 is prohibited within the Institutional zoning district.

Table 22.32.030: Land Use in the Institutional Zoning District

Conforming Use [(1)]	Institutional (IN)
1. RESIDENTIAL LAND USES	
Dwelling Units, Temporary Security Guard	A
Halfway Houses	EPF
2. COMMERCIAL LAND USES	
Food and Beverage Establishments	
• Coffee Shops	A
• Restaurants	A
Mobile Vendors	P
Pharmacies and Drug Stores	A
3. SERVICE LAND USES	
Health Care Services	
• Diagnostic Imaging Centers	C
• Health Care Provider Offices	C
• Hospitals	EPF
• Inpatient Mental Health Treatment Facilities	C
• Inpatient Substance Abuse Treatment Facilities	C
• Medical Laboratories	C
• Outpatient Health Care Clinics	C
• Outpatient Mental Health Treatment Facilities	C
• Outpatient Substance Abuse Treatment Facilities	C
Parking Facilities	P
Social Services	
• Community Food Services	P

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• Community Housing Services	P
• Emergency and Relief Services	P
4. INSTITUTIONAL LAND USES	
Community Facilities	
• Cemeteries	A
• 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	
• Correctional Facilities, Local	EPF
• Correctional Facilities, State	EPF
• Courts	P
• 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	C
Recreational Facilities, Indoor	P
Sports and Recreation Instruction, Indoor	P
6. UTILITY AND TRANSPORTATION LAND USES	
Electric Vehicle Charging Stations (All Levels)	A
Major and Regional Utility Facilities	
• Regional Utility Corridors	C
• Wastewater Treatment Plants	EPF
Major and Regional Transportation Facilities	
• Regional Transit Station	EPF
• School Bus Bases	P
• State and Regional Transportation Facilities	EPF
Minor Utility Facilities	P
Wireless Communications Facilities	P
7. UNCLASSIFIED LAND USES	
Accessory Structures	A

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.32.030 is prohibited within the institutional zoning district.

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22.32.040 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the institutional 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 section 22.16.040, apply to all lots within the institutional zoning district.

A. Minimum Lot Area. The minimum area for lots in the institutional zoning district is 5,000 square feet each.

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 section 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 section MMC 22.16.040, Bulk Requirements**.**

G. Institutional Zoning District (IN). The following bulk requirements in Table 22.32.040(G): Institutional Zoning District (IN) Bulk Requirements specifically apply to the IN zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.32.040(G): Institutional Zoning District (IN) Bulk Requirements

Street Frontage (1)	
Minimum Lot Area	5,000 square feet
Street Frontage (1)	
Minimum Street Frontage	30 feet
Minimum Street Frontage for Panhandle Lots	20 feet
Minimum Street Frontage for Cul-de-Sac Lots	30 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	30 feet
Yard Setbacks (1)	
Minimum Front Yard Setback Width	10 feet
Minimum Side Yard Setback Width	10 feet per side
Minimum Rear Yard Setback Width	10 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1)	
Maximum Lot Coverage	80%
Building Height (1)	
Maximum Building Height	45 feet
Maximum Building Height with a Conditional Use Permit	55 feet

Table Notes:

1. See MMC Section 22.16.040, Bulk Requirements, for more information regarding the bulk requirements in the above table.

22.32.050 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

CHAPTER 22.34
LIMITED OPEN SPACE ZONING DISTRICT

Sections:

22.34.010 Purpose.
22.34.020 Applicability.
22.34.030 Land Use.
22.34.040 Bulk Requirements.
22.34.050 Variances.

22.34.010 Purpose.

The purpose of the limited open space zoning district is to provide for low-density residential uses on lands that lack the full range of public services and facilities necessary to support urban development and that are severely impacted by critical areas. This zone also provides a buffer between urban areas and transitional land uses on the urban growth boundaries of the city, and/or may also provide for enhanced recreational facilities and linkages to existing or proposed trails and open space systems.

22.34.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.34 apply to all properties zoned limited open space (LS). All properties zoned limited open space shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

22.34.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.34.030: Land Use in the Limited Open Space Zoning District summarizes land uses permitted in the limited open space zoning district. A land use not explicitly permitted by Table 22.34.030 is prohibited within the limited open space zoning district.

Table 22.34.030: Land Use in the Limited Open Space Zoning District

Conforming Use [(1)]	Limited Open Space (LS)
1. RESIDENTIAL LAND USES	
Dwelling Units, Accessory	A
Dwelling Units, Detached	P
Dwelling Units, Temporary Security Guard	A
Group Homes	P
Halfway Houses	EPF
Home Occupations	A
Model Homes and Associated Sales Office	P
2. COMMERCIAL LAND USES	
Building Material and Garden Supply Establishments	
• Plant Nurseries	C
3. SERVICE LAND USES	
Day Care Services	
• Adult Day Services	A
• Family Child Care Services	A
Temporary Lodging Services	
• Bed and Breakfast Inns	P
4. INSTITUTIONAL LAND USES	
Community Facilities	
• Cemeteries	C

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• Religious Institutions	C
Educational Facilities	
• Schools, Colleges, Universities, and Professional	EPF
• Schools, Elementary and Secondary (K-12)	EPF
5. PARKS, RECREATION, AND ENTERTAINMENT LAND USES	
Parks	
• Concessions	A
• Nonmotorized Trails	P
• Parks and Open Spaces	P
• Public Stables	P
Recreational Facilities, Indoor	P
Recreational Facilities, Outdoor	P
6. INDUSTRIAL LAND USES	
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	
• State and Regional Transportation Facilities	EPF
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 MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.34.030 is prohibited in the limited open space zoning district.

22.34.040 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the limited open space 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 section 22.16.040, apply to all lots within the limited open space zoning district.

A. Maximum Residential Density. Table 22.34.040(A) - Allowed Residential Density establishes the maximum density for the limited oen space zoning district. Maximum density shall be calculated pursuant to MMC 22.16.040(B).

Table 22.34.040(A): Allowed Residential Density

Zoning District	Maximum Density
Limited Open Space (LS)	0.20 dwelling units per acre (1 dwelling unit per each 5 acres)

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**.**

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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 section 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 section MMC 22.16.040, Bulk Requirements**.**

G. Limited Open Space Zoning District (LS). The following bulk requirements in Table 22.34.040(H): Limited Open Space Zoning District (LS) Bulk Requirements specifically apply to the LS zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.34.040(H): Limited Open Space Zoning District (LS) Bulk Requirements

Residential Density (1)	
Maximum Dwelling Units per Lot	1 dwelling unit
Maximum Allowed Density	0.2 units per acre (1 dwelling unit per each 5 acres)
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
Lot Dimensions (1)	
Minimum Lot Width	70 feet
Yard Setbacks (1-2)	
Minimum Front Yard Setback Width	20 feet
Minimum Side Yard Setback Width	20 feet
Minimum Setback Width for Corner Lot Side Yards Abutting a Street	20 feet(2)
Minimum Setback Width for Corner Lot Side Yards Not Abutting a Street	20 feet(2)
Minimum Rear Yard Setback Width	20 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1)	
Maximum Lot Coverage	30%
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. On a corner lot, the yard adjacent to the widest dimension of the lot abutting a street is a side yard. The opposite yard is also a side yard.

22.34.050 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.36
PARKS ZONING DISTRICT

Sections:

22.36.010 Purpose.
22.36.020 Applicability.
22.36.030 Land Use.
22.36.040 Bulk Requirements.
22.36.050 Variances.

22.36.010 Purpose.

The purpose of the parks zoning district is to provide areas for public neighborhood, community, and regional parks; recreational facilities; undisturbed natural open space; public facilities; transfer of development rights, dedication, or other mechanisms; and other special regional use facilities operated by the county, state, or federal government.

22.36.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.36 apply to all properties zoned parks (P). All properties zoned parks shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

22.36.030 Land Use.

A. Land Use Matrix. The following zoning matrix found in Table 22.36.030: Land Use in the Parks Zoning District summarizes land uses permitted in the parks zoning district (P). A land use not explicitly permitted by Table 22.36.030 is prohibited within the parks zoning district.

Table 22.36.030: Land Use in the Parks Zoning District

Conforming Use [(1)]	Parks (P)
1. RESIDENTIAL LAND USES	
Dwelling Units, Temporary Security Guard	A
Work Release Facilities	EPF
2. COMMERCIAL LAND USES	
Mobile Vendors	P
3. SERVICE LAND USES	
Parking Facilities	A
Social Services	
• Community Food Services	P
• Community Housing Services	P
• Emergency and Relief Services	P
Temporary Lodging Services	
• Campgrounds	A
4. INSTITUTIONAL LAND USES	
Community Facilities	
• Cemeteries	C
• Community-Oriented Open Air Market	A
Educational Facilities	
• Schools, Colleges, Universities, and Professional	EPF
• Schools, Elementary and Secondary (K-12)	EPF
Government Facilities	
• Correctional Facilities, Local	EPF

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• Correctional Facilities, State	EPF
• Courts	P
• 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	
Entertainment Facilities	
• Zoos, Botanical Gardens, and Arboretums	A
Parks	
• Concessions	A
• Nonmotorized Trails	P
• Parks and Open Spaces	P
• Public Stables	C
Recreational Facilities, Indoor	P
Recreational Facilities, Outdoor	P
6. 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	
• Regional Transit Station	EPF
• State and Regional Transportation Facilities	EPF
Minor Utility Facilities	P
Wireless Communications Facilities	P
7. UNCLASSIFIED LAND USES	
Accessory Structures	A

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

Table Notes:

1. A land use not explicitly permitted by Table 22.36.030 is prohibited within the parks zoning district.

22.36.040 Bulk Requirements.

Bulk requirements, as provided in this chapter, establish density and dimensional standards for lots within the parks 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 section 22.16.040, apply to all lots within the parks zoning district.

A. Minimum Lot Area. The minimum area for lots in the parks zoning district is 0.50 acres each (21,780 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 section MMC 22.16.040, Bulk Requirements**.**

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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 section MMC 22.16.040, Bulk Requirements**.**

G. Parks Zoning District (P). The following bulk requirements in Table 22.36.040(G): Parks Zoning District (P) Bulk Requirements specifically apply to the P zoning district. General information regarding bulk requirements is found in MMC 22.16.040, Bulk Requirements.

Table 22.36.040(G): Parks Zoning District (P) Bulk Requirements

Minimum Lot Area (1)	
Minimum Lot Area	0.50 acres (21,780 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	5 feet
Minimum Side Yard Setback Width	5 feet
Minimum Rear Yard Setback Width	5 feet
Minimum Setback from Lots in Single-Family or Multifamily Residential Zoning Districts	10 feet
Minimum Setback from Private Access Tracts	10 feet
Minimum Setback from Private Access Easements	10 feet
Lot Coverage (1)	
Maximum Lot Coverage	75%
Building Height (1)	
Maximum Building Height	45 feet

Table Notes:

1. See MMC Section 22.16.040, Bulk Requirements, for more information regarding the bulk requirements in the above table.

22.36.050 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 MMC Chapter 22.66. An application for a variance may be made to the Monroe Community Development Department on forms prescribed by the City.

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CHAPTER 22.38
ESSENTIAL PUBLIC FACILITIES

Sections:

22.38.010 Purpose.
22.38.020 Applicability.
22.38.030 General Provisions.
22.38.040 Siting of Local Essential Public Facilities.
22.38.050 Siting of State and Regional Essential Public Facilities.
22.38.060 Preclusion of Siting of Essential Public Facilities.
22.38.070 Independent Consultant Review.

22.38.010 Purpose.

The Washington State Growth Management Act (RCW 36.70A) requires the city to establish a process for siting essential public facilities. Essential public facilities are those public facilities that are inherently difficult to site. The purpose of this chapter is to implement the Growth Management Act and the Monroe comprehensive plan by establishing a formal process for identifying, siting, and regulating essential public facilities in the city of Monroe and minimizing their adverse impacts as necessary to support orderly growth and delivery of public services. The city's goal in promulgating the regulations under this chapter is to ensure the timely, efficient, and appropriate siting of essential public facilities while simultaneously acknowledging and mitigating the significant community impacts often created by such facilities. Comprehensive plans and development regulations cannot preclude the siting of essential public facilities within jurisdictional boundaries. Nothing in this chapter should be construed as an attempt by the city of Monroe to preclude the siting of such facilities within the city when the essential public facility is consistent with the Washington State Growth Management Act and other state statutes and regulations.

22.38.020 Applicability.

The regulations, requirements, and standards contained in Monroe Municipal Code Chapter 22.38 apply to all existing and new essential public facilities, which shall comply with all applicable provisions within this Title and the Monroe Municipal Code.

A. Exemptions. The following are exempted from the requirements of this chapter:
   1. Additions. Additions to existing essential public facilities within the existing property boundaries, which are exempt from review under the Washington State Environmental Policy Act, Monroe Municipal Code Chapter 22.78, and Chapter 43.21 RCW.
   2. Secure Community Transition Facilities. Secure community transition facilities are exempt from this chapter pursuant to RCW 71.09.342.
   3. Preempted Facilities. Any essential public facilities for which the city's regulatory authority is preempted by or is inconsistent with state or federal law are exempt from the requirements of this chapter.

22.38.030 General Provisions.

Essential public facilities shall comply with all applicable provisions of the following.

A. Development Standards.
   1. Terminology. Unless the context otherwise requires, the definitions provided in MMC Chapter 22.12, Definitions, shall apply to this Title.
   2. Other Applicable Regulations. All essential public facilities shall comply with all applicable provisions of this Title, including the following:
      a. Design Standards and Open Space Requirements. Development shall comply with all applicable design standards and open space requirements in MMC Chapter 22.42, Design Standards.
      b. Landscaping. Development shall comply with all applicable landscaping standards in MMC Chapter 22.46, Landscaping Standards.
      c. Off-Street Parking. Off-street parking shall meet the applicable requirements in MMC Chapter 22.44, Parking Standards and Design.

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d. Temporary Uses. Temporary uses shall meet the applicable requirements in MMC Chapter 22.60, Temporary Uses.

e. Essential Public Facilities. Land uses that are designated as essential public facilities shall meet the applicable requirements in MMC Chapter 22.38, Essential Public Facilities.

f. Signage. Signage shall meet the applicable requirements in MMC Chapter 22.50, Signs.

g. Critical Areas Regulations. Development shall comply with all applicable critical areas regulations in MMC Chapter 22.80, Critical Areas.

B. Types of Essential Public Facilities. Essential public facilities are those public facilities that are typically difficult to site, but are necessary and important in the provision of public systems and services. Land uses classified as essential public facilities are identified in RCW 36.70A.200 and WAC 365-196-550, as amended, and include the following:

1. Airports;
2. State education facilities;
3. State or regional transportation facilities;
4. Transportation facilities of statewide significance as defined in RCW 47.06.140;
5. Regional transit authority facilities as defined under RCW 81.112.020;
6. State and local correctional facilities;
7. Solid waste handling facilities;
8. In-patient facilities, including substance abuse facilities;
9. Mental health facilities; and
10. Any facility on the state ten-year capital plan maintained by the Office of Financial Management.

C. Essential Public Facility Classifications.

1. Local Essential Public Facility. A local essential public facility is owned, operated, or sponsored by the city of Monroe, a special purpose district, or another unit of local government, and which serves the city-wide population.

2. State Essential Public Facility. A state essential public facility is owned, operated, or sponsored by the state of Washington.

3. Regional Essential Public Facility. A regional essential public facility is owned, operated, or sponsored by a regional or federal agency whose boundaries encompass the city, and which serves the countywide population or an area that is greater than the city limits.

D. Inventory of Existing Monroe Essential Public Facilities. Several essential public facilities are currently located within the boundaries of the city of Monroe. These essential public facilities specifically include, but are not limited to, the following:

1. City of Monroe Ingraham Hill Reservoir
2. City of Monroe Municipal Campus, including City Hall, Police Building, and Public Works Facilities
3. City of Monroe Trombley Hill Reservoir
4. City of Monroe Wastewater Treatment Plant
5. Everett Community College East County Campus
6. Evergreen Health Monroe Hospital
7. Fire District No. 7 Facilities
8. First Air Field Airport

22.38.040 Siting of Local Essential Public Facilities.

The purpose of the local essential public facility siting process is to allow the city to impose reasonable conditions on an essential public facility necessary to mitigate the impacts of the project while ensuring that its development regulations do not preclude the siting of an essential public facility. This section shall only apply to all local essential public facilities. The provisions in this section do not apply to state and regional essential public facilities, which are regulated by MMC 22.38.050.

A. Land Use Matrix. Local essential public facilities shall be limited to the zoning districts identified in Table 22.38.040: Local Essential Public Facilities Land Use Matrix. An essential public facility not explicitly permitted by Table 22.38.040 in a specific zoning district is prohibited. Facilities sited by a state or regional decision-making body shall not be subject to Table 22.38.040.

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Table 22.38.040: Local Essential Public Facilities Land Use Matrix

Zoning Districts and Overlays		Essential Public Facilities													
		Airports	Correctional Facilities, Local	Correctional Facilities, State	Halfway Houses	Hazardous Waste Facilities	Hospitals	Regional Transit Stations	Schools - Colleges, Universities, Technical	Schools – Elementary and Secondary (K-12)	Sewer Treatment Facilities	Solid Waste Landfills	Solid Waste Transfer Stations	State and Regional Transportation Facilities	Work Release Facilities
Downtown Commercial (DC)	Downtown Promenade (DTP)														
	East Downtown (ED)				X			X	X	X				X	X
	Historic Main (HM)				X			X	X	X				X	X
	Residential Neighborhood (RN)				X			X	X	X				X	
Fryelands Commercial Overlay (FC-O)								X	X	X				X	
General Commercial (GC)							X	X	X	X				X	
General Mixed Use (MG)					X		X	X	X	X				X	X
General Industrial (GI)						X		X	X	X	X	X	X	X	
Industrial Transition (IT)								X	X	X				X	
Institutional (IN)			X	X	X		X	X	X	X				X	
Light Industrial (LI)						X		X	X	X	X			X	
Limited Open Space (LS)					X				X	X				X	
Medical Mixed Use (MM)							X	X	X	X				X	
Multifamily Residential (R25)					X				X	X	X			X	
Neighborhood Mixed Use (MN)					X		X	X	X	X				X	
North Kelsey/Tjerne Pl. Overlay (NK/TP-O)							X	X	X	X				X	
Parks (P)			X	X				X	X	X	X			X	X
Shoreline Industrial (SI)								X	X	X				X	
Single-Family Residential (R4, R7, and R15)					X				X	X				X	
Tourist Commercial (TC)		X						X	X	X				X	
Transportation (TR)								X	X	X				X	

X = Essential Public Facility is permitted subject to a Conditional Use Permit (see MMC Chapter 22.64, Conditional Use Permits)

Table Notes:

1. Local essential public facilities are permitted subject to the approval of a conditional use permit. Provisions applicable to conditional use permits are found in MMC Chapter 22.64.
2. An essential public facility not explicitly permitted in a specific zoning district or overlay district by Table 22.38.040 is prohibited.

B. Compliance with Development Regulations. Unless otherwise specified in this Title, local essential public facilities shall conform to all applicable provisions of this code for development within the zoning district in which they are proposed to be located.

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C. Application and Review Process.

1. Conditional Use Permit Required. A conditional use permit shall be required before any local essential public facility may be located within the city of Monroe, regardless of the zoning district in which such facility is or is proposed to be located. A local essential public facility must satisfy the conditions of this chapter and MMC Chapter 22.64, Conditional Use Permits.

2. Permit Processing. A conditional use permit and other associated land use permits for a local essential public facility shall be processed according to the requirements in MMC Chapter 22.84, Permit Processing.

3. Determination of Essential Public Facilities. During the preapplication meeting, zoning administrator shall determine if an application is an essential public facility. The proposal shall be considered an essential public facility if one or more of the following criteria is met:

a. The public facility needs a specific type of site of such as size, location, available public services, which there are few choices.

b. The public facility needs to be located near another public facility or is an expansion of an essential public facility at an existing location.

c. The public facility has, or is generally perceived by the public to have, significant adverse impacts that make it difficult to site.

d. Use of the normal development review process would effectively preclude the siting of an essential public facility.

e. Development regulations require the proposed facility to use an essential public facility siting process.

4. Application Submittal Requirements. A complete application for a conditional use permit for an essential public facility shall include all of the following items:

a. Application Materials. The application shall be made according to the submittal requirements in MMC 22.84.040(D), Project Permit Applications, on forms prescribed by the city, and shall include the fee as established by the current fee resolution.

b. Conditional Use Permit Application Materials. In addition to the requirements of MMC 22.84.040(D), the conditional use permit application shall include all submittal requirements identified in MMC 22.64, Conditional Use Permits, and the application shall be made on forms prescribed by the city.

c. Local Outreach. The applicant shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage residents in the development of the proposal, site planning, and mitigation design prior to submittal of a conditional use permit application.

d. Documentation of Need. The applicant must demonstrate the need for the proposed essential public facility. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities, and projected demand for this type of essential public facility.

e. Alternative Site Selection. The applicant shall search for and investigate alternative sites. The proposal shall include a written analysis indicating whether any alternative sites have been identified that meet the minimum site requirements of the facility.

f. Public Participation Plan. The conditional use permit application shall include a public participation plan for city review and comment that is designed to encourage early public involvement in the permitting decision and in determining possible mitigation measures.

g. Consistency with Applicant's Plans. The applicant shall provide a written analysis demonstrating that the proposal is consistent with the applicant's own long-range plans for facilities and operations.

h. Consistency with Comprehensive Plan. The applicant shall provide a written analysis demonstrating that the proposal is consistent with the Monroe Comprehensive Plan.

i. Consistency with Unified Development Regulations. The applicant shall provide a written analysis demonstrating that the proposal is consistent with the Monroe Unified Development Regulations.

j. Minimum Site Requirements. The applicant shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following

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factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The applicant shall also identify future expansion needs of the facility.

k. Proposed Impact Mitigation. The proposal must include adequate, appropriate, and reasonable mitigation measures for the impacted area(s) and community. Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the site plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts created by the proposed facility.

5. Decision Criteria. This section shall apply to all local essential public facilities. These decision criteria do not apply to regional and state essential public facilities addressed in MMC 22.38.050. The hearing examiner may approve, or approve with conditions, a conditional use permit for a local essential public facility, provided the proposal meets all of the following criteria, in addition to the criteria imposed by MMC Chapter 22.64, Conditional Use Permits:

a. The proposal is consistent with the comprehensive plan;

b. The project is consistent with the applicant's own long-range plans for facilities and operations;

c. The project applicant has demonstrated the need for the proposed essential public facility, supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed;

d. The applicant has provided a meaningful opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the city code, and state and federal law;

e. The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation needs;

f. The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies;

g. City services, businesses, job opportunities, and public transportation are sufficient to accommodate the proposed use;

h. The proposal incorporates specific features to ensure that it is compatible with the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding properties;

i. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

j. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including, but not limited to insurance costs, public awareness, and public education costs. The facility will not adversely affect public safety;

k. The applicant has the ability to and shall pay for all capital costs associated with on-site and off-site improvements;

l. The facility will not unreasonably increase noise levels in residential and commercial areas, and school zones, especially at night;

m. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties. Visual screening must be of such quality and design as to complement the neighborhood in which the local essential public facility is located. Screening complements the neighborhood when it meets or exceeds the quality and design of other screening in the neighborhood;

n. The local essential public facility meets all provisions of this code for development within the zoning district in which it is proposed to be located, including but not limited to bulk requirements;

o. Any and all probable significant adverse environmental impacts are mitigated; and

p. The essential public facility shall comply with any applicable siting and permitting requirements.

6. Conditions of Permit Approval. If the hearing examiner determines that any one or more of the decision criteria set forth in MMC 22.38.040(C)(5) is not met by the proposal, the hearing examiner shall impose such reasonable conditions on approval of the conditional use permit as may be necessary in order to enable the facility to meet the decision criteria. The decision criteria set forth in MMC

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22.38.040(C)(5) shall not be applied in such a manner as to preclude the siting of any local essential public facility in the city of Monroe. In the event that a local essential public facility cannot, by the imposition of reasonable conditions of approval, be made to meet the decision criteria set forth in MMC 22.38.040(C)(5) on the preferred site described in the proposal, the hearing examiner shall either:

a. Require the local essential public facility to be located on one of the alternative sites, if the proposal can be reasonably conditioned to meet the decision criteria at the alternative site; or

b. Approve the siting or expansion of the local essential public facility at the preferred site with such reasonable conditions of approval as may be imposed to mitigate the impacts of the proposal to the maximum extent practicable, if there is no available alternative site on which the decision criteria can be met.

D. Compliance with Conditional Use Permit. Any development and building permits for a local essential public facility approved under this chapter shall comply with all conditions of permit approval.

E. Denial of Permit. In the event a development and/or building permit for an essential public facility is denied, the department shall submit, in writing, the reasons for denial to the project applicant.

F. Hold Harmless. No development or building permits may be applied for prior to approval of a conditional use permit for a local essential public facility unless the applicant signs a written release acknowledging that such approval is neither guaranteed nor implied by the department's acceptance of the development and/or building permit applications. The applicant shall expressly hold the city harmless and accept all financial risk associated with preparing and submitting construction plans before the final decision is made under this chapter.

22.38.050 Siting of State and Regional Essential Public Facilities.

This section shall apply to all state and regional essential public facilities that have been reviewed through a state or regional siting process. These requirements do not apply to either local essential public facilities or state and regional essential public facilities that have not been reviewed through a state or regional siting process, which are addressed in MMC 22.38.040.

A. Compliance with Development Regulations. Unless otherwise specified in this Title, state and regional essential public facilities shall conform to all applicable provisions of this code for development within the zoning district in which they are proposed to be located.

B. Proposals Not Reviewed through a State or Regional Siting Process. When a proposed state or regional essential public facility has not been reviewed and evaluated through a state or regional siting process, it will be processed as a conditional use permit with the same procedure and requirements provided in MMC 22.38.040 for local essential public facilities.

C. Proposals Reviewed through a State or Regional Siting Process.

1. Development Agreements. A development agreement, as provided for in MMC Chapter 22.70, may be required before any state or regional essential public facility can be located within the city of Monroe.

2. Development Agreement Criteria. When a development agreement is required, the city council shall strive to reach accord on a development agreement that satisfies the following criteria to the extent the criteria do not preclude the siting of an essential public facility:

a. The proposed agreement is consistent with applicable development regulations, unless modified by MMC Chapter 22.66, Variances;

b. The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided, that if the development is not defined at a project level, the agreement shall provide a process for evaluating and mitigating such impacts in the future; and

c. The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

3. Underlying Land Use Permits. Any proposal for the siting of a state or regional essential public facility shall follow the procedures established by MMC Chapter 22.84, Permit Processing, for the underlying land use permit(s), such as a short subdivision, a binding site plan, or site plan review, prior to the public hearing for a development agreement, as applicable.

4. Conditions of Approval. The city council may approve, or approve with modifications, and impose reasonable conditions upon the state or regional essential public facility in order to ensure that:

a. Necessary infrastructure is or will be made available to ensure safe transportation access and transportation concurrency;

b. Necessary infrastructure is or will be made available to ensure that public safety responders have the capacity to handle increased calls and expenses that will occur as the result of the facility, including but not limited to insurance costs, public awareness and public education costs. The facility will not adversely affect public safety;

c. Any and all probable significant adverse environmental impacts are mitigated;

d. The applicant has the ability to and shall pay for all capital costs associated with on-site and off-site improvements;

e. The facility will not unreasonably increase noise levels in residential and commercial areas, and school zones, especially at night; and

f. Visual screening will be provided that will mitigate the visual impacts from streets and adjoining properties. Visual screening must be of such quality and design as to complement the neighborhood in which the state or regional essential public facility is located. Screening complements the neighborhood when it meets or exceeds the quality and design of other screening in the neighborhood.

g. The city council shall not impose conditions in such a manner as to preclude the siting of any state or regional essential public facility in the city of Monroe. In the event that a state or regional essential public facility cannot, by the imposition of reasonable conditions of approval, be made to mitigate the impacts identified, the city council shall approve the siting or expansion of the state or regional essential public facility with such reasonable conditions of approval as may mitigate such impacts to the maximum extent practicable.

22.38.060 Preclusion of Siting of Essential Public Facilities.

A. Local Essential Public Facilities. According to WAC 365-196-550, a city shall not use its comprehensive plan or development regulations to preclude the siting of essential public facilities. This Title shall not be administered or interpreted in a manner inconsistent with state law.

1. Siting Impracticability. Development regulations preclude the siting of an essential public facility if their combined effects would make the siting of an essential public facility impossible or impracticable. The siting of an essential public facility is deemed impractible if it is incapable of being performed or accomplished by the means employed or at command.

2. Applicant Resources. An essential public facility shall not be determined to have been precluded because the applicant determines that compliance with applicable development regulations would be too costly or time consuming.

3. Permitting Requirements. Reasonable permitting requirements may be imposed and mitigation of the essential public facility's adverse effects is allowed, provided:

a. When the city is siting its own essential public facility, public or private, the siting process shall be nonpreclusive with reasonable criteria.

b. The city may not include criteria in its land use approval process which would allow the essential public facility to be denied.

B. State and Regional Essential Public Facilities. If the essential public facility and its location have been evaluated through a state or regional siting process, the city shall not require the facility to go through the city's siting process.

22.38.070 Independent Consultant Review.

A. Review for Compliance. The zoning administrator shall have the discretion to require independent consultant review of a proposal for an essential public facility to assess its compliance with the criteria contained in this chapter, as well as the conditional use permit criteria, if applicable.

B. Fees. If independent consultation is required, the applicant shall follow the provisions of MMC 3.34.040, Reimbursement for Consultant Costs.

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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.

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.

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 MMC 22.50, Signs.

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.

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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 subsection 58.17.210 RCW, 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.

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 must shall meet all of the following requirements:
    a. The lot must exceed a minimum gross area of 3,000 square feet
    b. The lot must have a minimum width of 30 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 MMC 22.40.050(A)(2).
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.

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 may any repair or maintenance result in the expansion of any existing nonconformity or the creation of any new nonconformity.

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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 12 months of the date of the occurrence of damage or destruction;

d. The structure has not been damaged or destroyed beyond 75 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.

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 MMC Chapter 22.42; 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 the 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 12 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.

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 MMC Chapter 22.44, Parking 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 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 MMC 22.44.

ii. The use of the structure is changed to one that does not requires 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 MMC chapter 22.44.

d. Reduction of Required Off-Street Parking for Nonconforming Sites. The Zoning Administrator may approve a reduction of up to 20 percent of the required off-street parking spaces, per MMC Chapter 22.44, 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 MMC Chapter 22.44.

3. Landscaping. For any site deemed legal nonconforming due to insufficient landscaping, as set forth in MMC Chapter 22.46, 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 MMC Chapter 22.46.

ii. The use of the structure is changed to one that does not requires 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 MMC 22.46, 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.

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 MMC Chapter 1.04.

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 75 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

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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 MMC Chapter 22.44, 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 MMC Chapter 22.44 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 MMC Chapter 22.44; 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 MMC Chapter 22.46, 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 MMC Chapter 22.46, 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 MMC Chapter 22.46, 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 MMC Chapter 22.46; 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 MMC Chapter 1.04, Code Enforcement.

CHAPTER 22.42
DESIGN STANDARDS

Sections:

22.42.010 Purpose.
22.42.020 Applicability.
22.42.030 General Provisions.
22.42.040 Land Disturbing Activity.
22.42.050 New Street Design.
22.42.060 Single-Family Residential Design Standards.
22.42.070 Multifamily Residential Design Standards.
22.42.080 Commercial and Nonresidential Design Standards.
22.42.090 Design Standards for Service Areas.
22.42.100 Variances and Administrative Departures.

22.42.010 Purpose.

The purpose of the design standards provided in this chapter is to implement the City of Monroe Comprehensive Plan and to provide an overall framework for the design of new and existing development with the City. These design standards shall supplement other provisions of this title and other existing city regulations and policies applicable to development. Where there is a conflict between the provisions of this chapter and other city development regulations, the provisions herein shall apply. The design standards included herein are intended to accomplish the following:

A. Provide clear objectives for those embarking on the planning and design of development projects in Monroe;

B. To provide a unique visual identity for the city and its neighborhoods;

C. Protect and enhance the city's environments for living, working, and shopping activities;

D. Encourage flexibility and innovation in site design and development that promotes a neighborhood context in keeping with and enhancing Monroe's character;

E. Ensure that site layout and building design is properly related to their sites and surrounding sites and structures, taking into consideration the natural terrain; and

F. Ensure that streetscapes are adequately and attractively designed and landscaped.

22.42.020 Applicability.

A. Applicable Development. Unless exempted below by MMC 22.42.020(B), the design standards in this chapter shall apply as provided in this section:

1. All new developments and/or construction, including but not limited to projects that require the following land use permits: master development plan, site plan, long or short subdivision, conditional use permit, variance, development agreement, building permit, or a grading permit unless otherwise allowed by this chapter.

2. All remodels whose value exceeds fifty (50) percent of the value of the existing structure, as determined by the Snohomish County Assessor Records, shall be designated as "major exterior remodels." All standards that do not involve repositioning the building or reconfiguring site development apply to major exterior remodels.

3. For remodels with value less than fifty (50) percent of the building valuation ("minor exterior remodels"), the requirement is only that the proposed improvements meet the standards and do not lead to further nonconformance with these standards.

4. These standards do not apply to remodels that do not change the exterior appearance of the building.

5. Existing non-conforming structures shall not be made further non-conforming regardless of scope of work. Existing conforming structures may not be made non-conforming by way of exterior alterations.

B. Exemptions. The following development activities shall be exempt from the provisions of this chapter:

1. Development activities on properties owned or controlled by the city or other public agencies.
2. Construction of or alterations to wireless communications structures, including associated support structures and equipment cabinets.
3. Any remodel or restoration of a structure that is subject to the catastrophic loss provisions in MMC Chapter 22.40, Nonconformance and Reuse Standards.

C. Development Subject to Other Design Review Standards. Development on properties located in the below-specified areas shall be exempt from the provisions of MMC 22.42.060, Single-Family Residential Design Standards, 22.42.070, Multifamily Residential Design Standards, and 22.42.080 Commercial and Nonresidential Design Standards. All other applicable design standards in this chapter shall apply.

1. Properties located in the Downtown Planning Area; this area shall be governed by the 2008 Downtown Design Guidelines. The Downtown Design Guidelines, or as amended in the future, are hereby adopted and incorporated into Title 22 by this reference, as if set forth in full.
2. Properties located in the East Downtown Neighborhood of the Downtown Commercial zoning district; this area shall be governed by the 2009 Borlin Park (East Downtown) Neighborhood Design Guidelines. The Borlin Park (East Downtown) Neighborhood Design Guidelines, or as amended in the future, are hereby adopted and incorporated into Title 22 by this reference, as if set forth in full.
3. Properties located in the North Kelsey/Tjerne Place Overlay District; this area shall be governed by the 2003 North Kelsey Design Guidelines (revised in 2012). The North Kelsey Design Guidelines, or as amended in the future, are hereby adopted and incorporated into Title 22 by this reference, as if set forth in full.
4. Properties subject to the 2011 Infill, Multifamily, and Mixed Use Design Standards, which include those sites in zoning districts that allow single-family and/or multifamily residential uses, are located south of US 2, and have a gross area less than three acres. The Infill, Multifamily, and Mixed Use Design Standards, or as amended in the future, are hereby adopted and incorporated into Title 22 by this reference, as if set forth in full.

22.42.030 General Provisions.

A. These standards should be reviewed at the beginning of the planning or design process and are intended to make applicants aware of the design issues that warrant early consideration. Early informal presentations of preliminary design concepts and dialogue with city staff is encouraged.

B. This chapter is part of the Unified Development Regulations in the Monroe Municipal Code (MMC). Where there is a conflict between this chapter and other provisions of the MMC, the most specific standard or regulation shall apply, as determined by the zoning administrator.

C. Intent and Standard Application. Each section of the Design Standards contains a list of purpose statements followed by standards. Purpose statements are overarching objectives, whereas the standards act as development regulations. They use words such as "shall," "must," "is/are required," or "is/are prohibited," and signify required actions. If a standard uses words such as "should" or "is/are recommended," it signifies that it is meant to be applied with some flexibility. Development projects must comply with all standards unless departures are granted by the zoning administrator.

D. Development Standards.

1. Terminology. Unless the context otherwise requires, the definitions provided in MMC Chapter 22.12 shall apply to this chapter.
2. Other Applicable Regulations. Development within the general commercial zoning district shall comply with all applicable provisions of the following:
    a. Open Space. Development subject to the design standards in this chapter, as provided by MMC 22.42.020, shall comply with all applicable open space standards in MMC 22.42.070(G).

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b. Landscaping. Development subject to the design standards in this chapter, as provided by MMC 22.42.020, shall comply with all applicable landscaping standards in MMC Chapter 22.46.

c. Off-Street Parking. Off-street parking subject to the design standards in this chapter, as provided by MMC 22.42.020, shall comply with all applicable requirements in MMC Chapter 22.44.

d. Critical Areas Regulations. Development subject to the design standards in this chapter, as provided by MMC 22.42.020, shall comply with all applicable critical areas regulations in MMC Chapter 22.80.

E. Permit Application and Processing. Design review does not require a separate project permit and shall be conducted as part of the site review permit process per MMC 22.58, Site Plan Review.

F. Vested Rights. Approval of design review shall not provide the applicant with vested rights. Subsequent permits shall be subject to the applicable codes and regulations in effect at the time of determination of completeness of the associated permit application.

G. Expiration. A design review approved under this chapter shall automatically expire with the permit initiating the design review, and therefore be declared null and void, subject to the requirements of Table 22.84.060(E): Project Permit Approval Expiration.

22.42.040 Land Disturbing Activity.

A. Purpose. The purpose of this section is to minimize soil disturbance, integrate new developments into the natural terrain, contain and manage stormwater runoff on-site, and minimize impermeable site area.

B. Applicability. This section applies to all land disturbing activity, as defined in MMC Chapter 22.12, Definitions.

C. Standards for Land Disturbing Activity. Minimal grading is essential to developing sites that are integrated into the natural environment. Developments shall work with the site topography in determining the final grade for the site.

1. Whenever possible, roads should follow existing contours and grading should be minimized by the design of the structures.

2. Filling and grading plans shall be prepared based on topographic data and comply with the City's critical areas ordinance, 22.80 MMC.

3. Filling and grading shall control stormwater runoff impacts to adjacent properties, and shall preserve existing significant trees wherever possible.

4. Mass grading and land clearing for the purpose of establishing flat building lots is not permitted. The following techniques shall be used instead:

a. Sites shall be designed to blend into the existing topographic contours and shall minimize cuts and fills;

b. A series of benches and landscaped terraces (see Figure 22.42.040(C)(4): Terracing) shall be used on large grade changes to create a gradual slope. Terracing shall be subject to the following requirements:

i. Terraces at least five feet in width shall be established at not more than 30-foot vertical interval with a planted stable slope not exceeding a grade steeper than one unit vertical to three units horizontal (33 percent slope);

ii. Where only one terrace is required, it shall be at mid-height of the slope.

iii. The exposed portion of retaining walls shall be limited to no more than two 8-foot terraced walls within one hundred (100) horizontal feet of one another. In addition to the administrative departure criteria in MMC 22.42.100, a departure may be granted for this subsection if the developer can show that they meet the departure requirements and demonstrate that grading is minimized through the use of tuck-under garages and daylight basements.

iv. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer.

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v. When applicable, suitable access, as determined by the public works director or designee, shall be provided to permit proper cleaning and maintenance of drainage facilities.

5. On steeper sites, tuck-under garages and daylight basements are encouraged and may be required to integrate homes into existing topography and minimize mass grading (see Figure 22.42.040(C)(6): Tuck-under Garage); or

6. Other alternative methods that meet the purpose of this chapter may be approved by the zoning administrator.

Figure 22.42.040(C)(4): Terracing

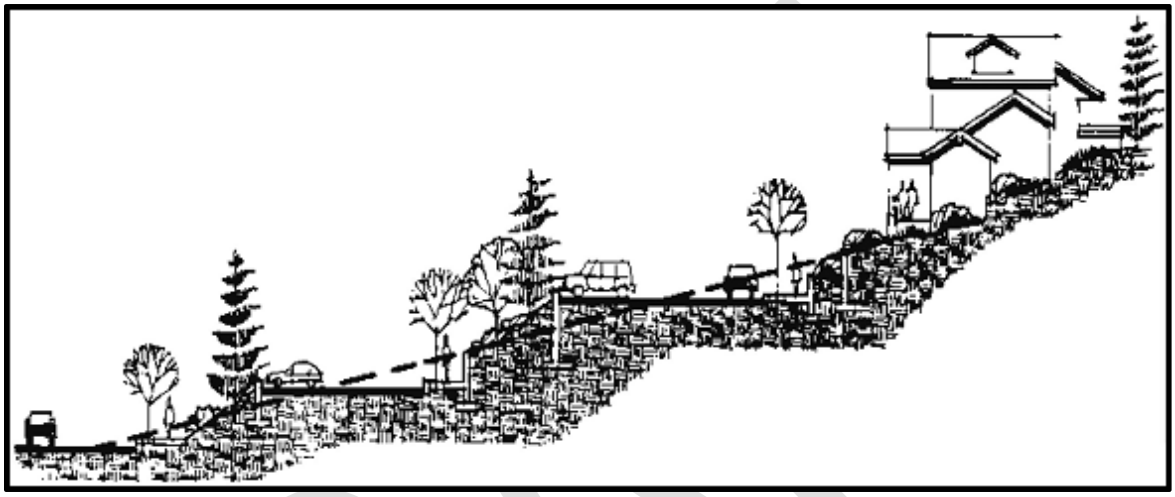
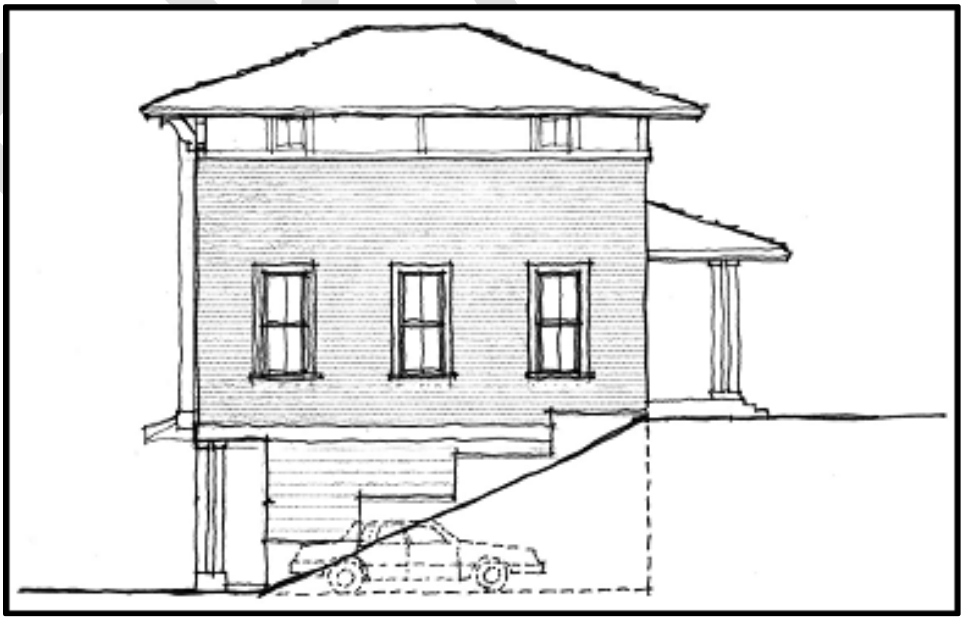


Figure 22.42.040(C)(5): Tuck Under Garage



D. Required Grading Setbacks.

1. Cuts and fills shall be set back a minimum of two feet from the property line unless both of the following are provided:

a. A construction easement, written agreement or letter of authorization from all of the affected property owners allowing a setback of less than two feet; and

b. A survey by a land surveyor licensed in Washington State that ensures compliance with construction and land disturbing activity site plans prior to construction of cut, fill, rockery, or a retaining wall proposed within six inches of a property line.

2. In no case may the top or toe of a slope, including terraced slopes as described in subsection 22.42.040(C)(4)(b), with a cumulative vertical height in excess of six feet be placed within a required yard setback area for any single or multi-family dwelling or within 10 feet of the nearest residential building façade, whichever is greater.

3. Before performing any land disturbing activity, the applicant shall mark on the site and show on the land disturbing activity site plan the limits of all proposed land disturbing activities, trees and native vegetation to be retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

E. Retaining Walls. The following standards apply to all retaining walls greater than four feet in height:

1. Retaining walls shall be set back a minimum of five feet from adjacent public rights-of-way, vehicular access easements, utility easements, and other retaining walls.

2. Retaining walls shall maintain a minimum five foot separation between walls or will be considered one wall, as it applies to this chapter.

3. The area between a public right-of-way and a retaining wall shall be landscaped and maintained per MMC Chapter 22.46, Landscaping Standards. If private agreements are reached with utility companies, and written documentation is provided to the city, retaining walls may be located to the back of the right-of-way if approved through an administrative departure.

4. Retaining walls visible from a public right-of-way or adjacent property shall be rock, keystone-style, or cast in place concrete with textured/patterned wall styles, as approved by the City.

5. Large block walls (ecology block style) are not permitted where the retaining wall is visible from a public right-of-way.

6. Retaining walls shall be designed to fit their surroundings and complement existing conditions.

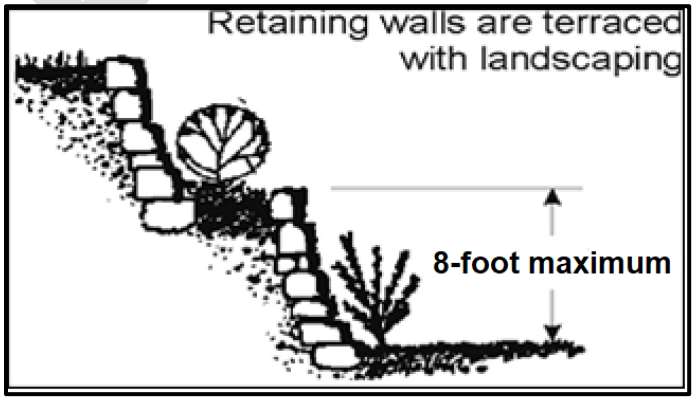
7. For residential lots, retaining walls:

a. Shall be composed of brick, rockery, CMU, or landscape block or a combination of masonry products. Concrete may be used for retaining walls with a height less than four feet.

b. Shall be located a minimum of 10 feet from the rear of any residential building.

c. May abut, but shall not be located on property lines.

Figure 22.42.040(E): Retaining Wall Height and Separation



F. Stormwater Management.

1. Stormwater Ponds. Open stormwater facilities, such as ponds, shall be screened through layout, design, and landscape treatment.

a. Stormwater ponds shall be designed, constructed, and maintained per the storm water management manual, as designated by MMC 15.01, Storm Water Management, and the City of Monroe Public Works Design and Construction Manual.

b. When a fence is needed (where slopes are greater than 3:1) around the perimeter of a stormwater pond, solid board or chain link fence with slats are prohibited. A dark green, brown or black vinyl coated chain link fence or similar fence is acceptable. These fence types will allow vegetation to grow through and shall be used in conjunction with landscape requirements in MMC Chapter 22.46, Landscaping Standards. Rectangular fence layouts are discouraged.

2. Low Impact Development. Bioswales, bio-retention, and other low impact development techniques shall be used in accordance with the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound (December 2012), throughout developments to treat runoff, improve water quality, and minimize or eliminate the size of detention ponds or vaults. If used, low impact techniques shall be integrated into the overall site and landscape design, meet the City's design criteria for water quality treatment, and shall either be grassed lined or landscaped with appropriate species.

Figure 22.42.040(F): Bioswale with Native Vegetation

G. Impervious Surface Coverage. The layout of new developments shall minimize impervious surface area in order to maximize stormwater infiltration and reduce the amount of stormwater that is transferred off-site.

1. The maximum percentage of total impervious surface for developments shall be consistent with the requirements of the individual zoning districts.

2. On-site native vegetation shall be preserved to the greatest extent possible to protect the aesthetic qualities of the region, to protect aquifers, provide wildlife habitat, and prevent runoff detrimental to adjoining properties, streams, and other sensitive areas.

3. The use of pervious surfaces is encouraged. Porous concrete, porous paving stones, reinforced turf, crushed gravel with soil stabilizers, and paving blocks with planted joints are examples of acceptable materials that can be used for driveways, pathways, sidewalks, and patios. Use of these materials within the public right-of-way shall be subject to approval of the public works director.

<u>22.42.050 New Street Design.</u>

A. Purpose. The purpose of this section is to establish appropriate design principles for the layout and configuration of new streets. These guidelines are applicable to all new developments that include the development of new streets, public or private, and are constructed to serve new development.

B. General Goals. New Streets shall be designed in accordance with the City of Monroe Public Works Design and Construction Manual, the DOE Stormwater Manual for Western Washington, the Low Impact Development Technical Guidance Manual for Puget Sound, and the WSDOT/APWA Standard Specifications. If inconsistencies occur the City of Monroe Public Works Design and Construction Manual shall have precedence.

C. In addition to technical engineering requirements, the design of new streets should strive to preserve public safety by encouraging a safe, attractive walking environment and incorporating traffic calming techniques into their design.

1. Developments shall provide a safe and convenient network of vehicular and pedestrian/bicycle circulation that connects to the surrounding road/access network, pedestrian/bicycle facilities and adjacent parcels.
2. New development is encouraged to provide pedestrian connections to facilitate access to existing and planned trail systems.

D. The following are required of all new development:

1. Gated Community. Gated communities are prohibited to maintain an integrated street network.
2. Fire Apparatus Access Roads. A public street or fire apparatus access road is required within 150 feet of all portions of first floor exterior walls of new buildings.
   a. Minimum Width. The minimum width of fire apparatus access roads shall be 20 feet.
   b. Structural Number. The pavement section shall be designed to provide a Structural Number of 2.67.
   c. Exception. Where a required fire apparatus access road cannot be installed due to topography, waterways, nonnegotiable grades, or other similar conditions the building official, after consultation with the fire department, may increase the dimension if an approved alternative means of fire protection is provided.
3. Street Ends. All dead end roads, driveways, and access ways more than 150 feet in length shall be provided with a turnaround in accordance with the City of Monroe Public Works Design and Construction Manual.
4. Underground Utilities. All new utilities are to be installed underground in new developments.
5. Roadway Geometrics. All new streets shall meet all applicable requirements below in Table 22.42.050(D)(5): Roadway Geometrics, and in this section.

Table 22.42.050(D)(5): Roadway Geometrics

	STREET CLASSIFICATIONS				
	PRIVATE ROAD	PRIVATE ROAD FOR INFILL	LOCAL ACCESS	COLLECTOR	ARTERIAL
Maximum number of dwelling units	4	30	N/A	N/A	N/A
Minimum R-O-W width	30’ private easement or tract	25’ private easement or tract	52’	64’	80’
Minimum pavement width	20’	See infill standards	20’	32’	34’
Minimum curb to curb width	20’	See infill standards	22’	34’	36’
Curb and gutter	Optional	See infill standards	Required	Required unless pedestrian protection provided	Required unless pedestrian protection provided

Sidewalk	Optional	See infill standards	Required	Required	Required
Maximum allowable grade	15%	See infill standards	12%	12%	9%
Parking per side	Add 8’	See infill standards	Add 8’	Add 10’	Add 12’

22.42.060 Single-Family Residential Design Standards.

A. Purpose. This section provides supplemental direction for the design of new residential developments consistent with the goals and policies of the comprehensive plan. Development should, to the extent possible, incorporate substantive building elements and varied materials that maintain Monroe’s existing “small town” character. This includes:

1. Creating well-designed, detailed buildings that highlight subtle and refined design elements including decorative building materials such as tile, timbers and metalwork.
2. Stylistically distinguishing new buildings from existing buildings.
3. Creating a varied, non-homogenous set of buildings within the neighborhood that provide a sense of evolution rather than the appearance of a one-step development.
4. Providing a variety of finish materials, colors or textures on building elements to provide further articulation, add variety and define building details.
5. Using high quality building materials that enhance the character of the area.

B. General Provisions.

1. Elevations and Models. Elevations and Models are required to ensure that new developments provide a diverse streetscape with a variety of floor plans and frontage character.
   a. Residential buildings shall avoid a uniform appearance by providing variation in building architecture and elevations using methods such as building modulation, primary and secondary building forms (e.g., covered porches, dormers, windows bays), and changes in exterior materials, colors, windows, doors, and trim.
   b. The same elevation shall not be built next to each other or across the street from each other.
   c. To differentiate the same elevations, different colors and materials shall be used. The following major elements must be substantially different [see Figure 22.42.060(B)(1)]:
      i. Building configuration/massing
      ii. Roof type (gable, hip, shed, etc.)

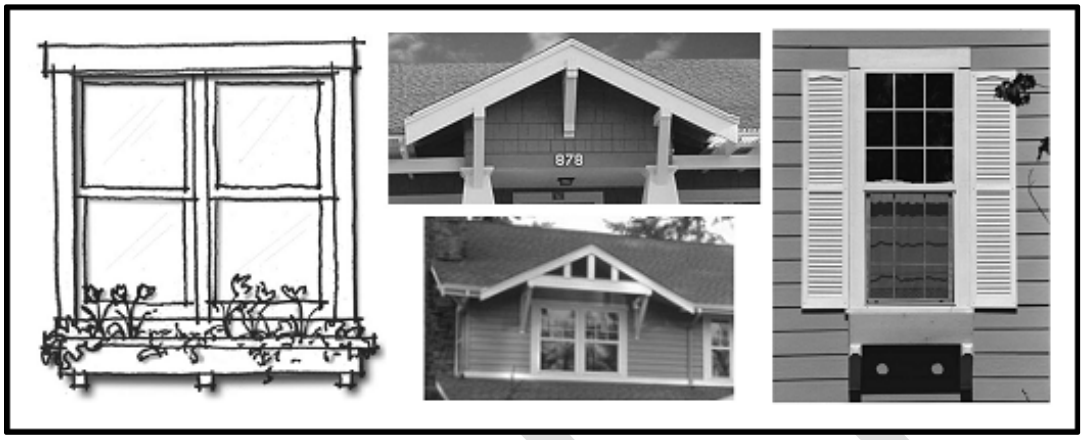
Figure 22.42.060(B)(1): Variation in Elevations and Models

   d. The following minor features must be substantially different:
      i. Finish color (siding, roofing, or trim)
      ii. Siding style
      iii. Window configuration, architectural detailing or elements

2. Architecture Detail and Features. To ensure the appropriate scale and to provide elements of human interest, at least one architecture feature shall be used in residential buildings. These elements shall follow the home's architectural style. Architectural features include, but are not limited to:

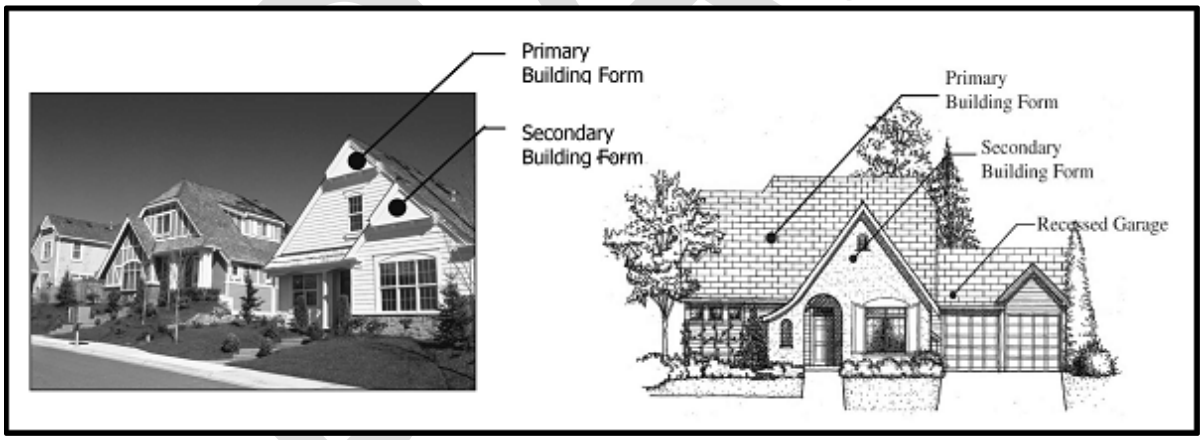
a. Shutters (proportional to window)
b. Flower boxes
c. Knee braces
d. Columns
e. Trellises

Figure 22.42.060(B)(2): Examples of Architectural Details



3. Massing and Composition. A clear pattern of massing changes and modulation of building forms and composition is required to create architectural variety and interest.
   a. Primary building forms shall be the dominating form while secondary formal elements shall include porches, dormers, or other significant features.
   b. Secondary roof forms, such as dormers, shall be proportional to the primary roof form.

Figure 22.42.060(B)(3): Building Form Examples

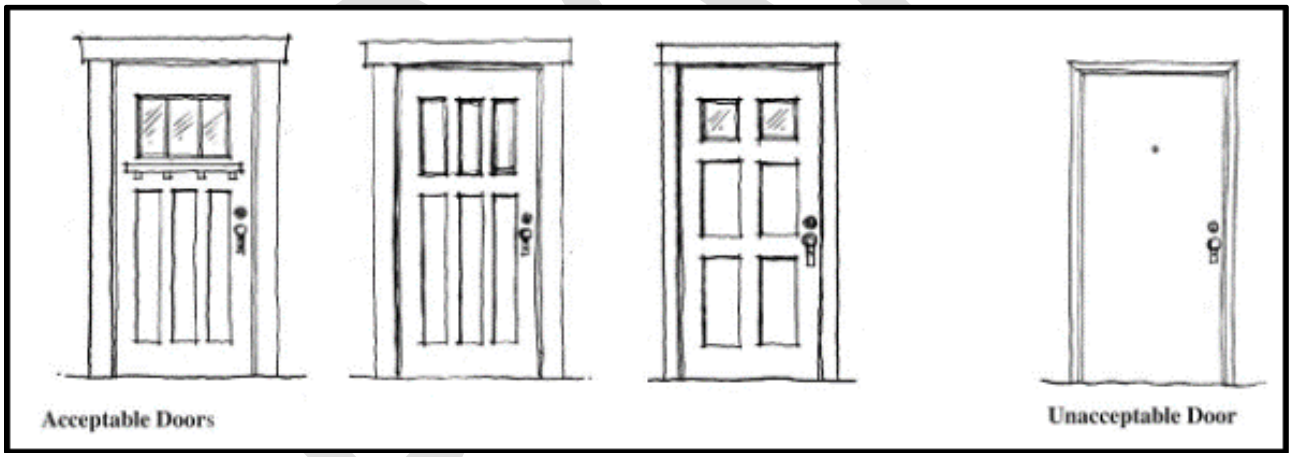


4. Building Modulation. Building modulation is required to avoid monotonous repetition of elevations, reduce bulk and mass, and provide pedestrian scale elements adjacent to the streetscape. Buildings shall have a consistent visual identity on elevations visible to the public realm (e.g., public/private streets, sidewalks, and common areas). This should be achieved by providing similar levels of materials, detailing and window placement.
5. Roof Overhangs. Roof overhangs shall be a minimum of twelve (12) inches (excluding gutter). Overhangs and eaves should be detailed and proportioned to complement the architectural style of the home.

Figure 22.42.060(B)(5): Roof Overhangs

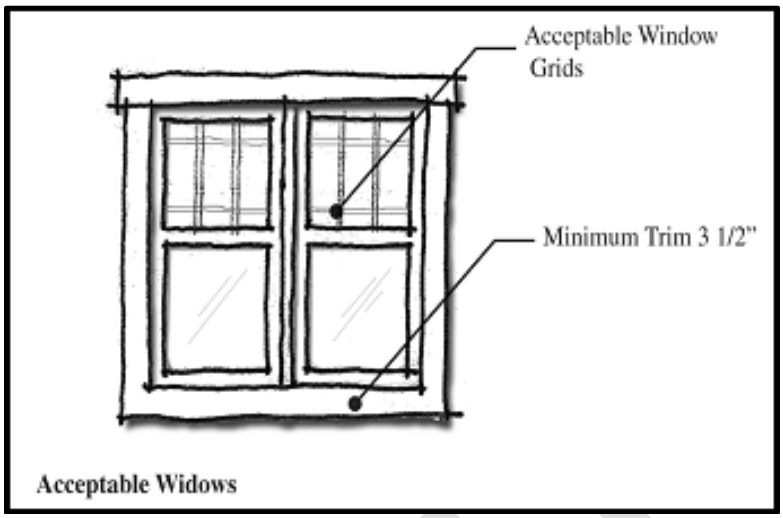
6. Building Transparency.
   a. Doors
      i. Front doors shall be in keeping with the architectural style of the structure.
      ii. Front doors shall be paneled or have inset windows [see Figure 22.42.060(B)(6)(a)].
      iii. A three and one-half-inch minimum head and jamb trim is required around all doors.

Figure 22.42.060(B)(6)(a): Acceptable Doors



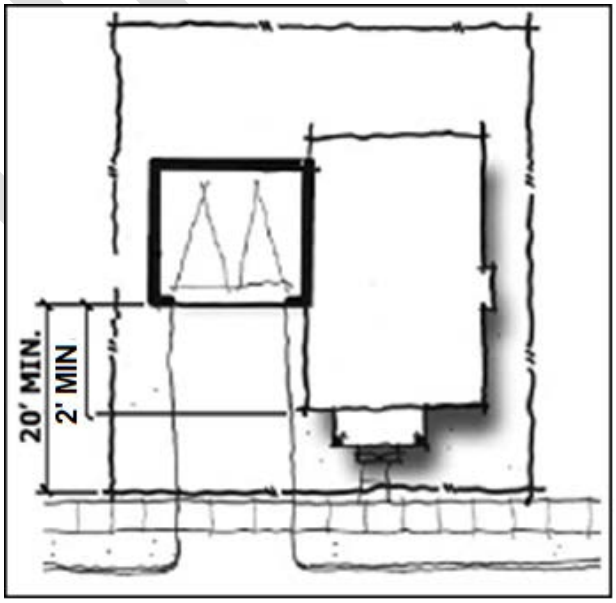
   b. Primary Windows.
      i. Windows are required to have a trim on all building facades fronting the public right-of-way or access easement.
      ii. Trim must be appropriate to the architectural character of the home and be a minimum of three and one-half inches wide.
      iii. Vertical windows may be combined together to create a larger window area.
      iv. Divided light windows are encouraged. They must either be true divided light or have properly proportioned mullions applied to the window. Individual panes must be vertically proportioned or square [see Figure 22.42.060(B)(6)(b)].

Figure 22.42.060(B)(6)(b): Acceptable Windows



7. Parking, Garages, and Vehicular Access. Design standards for parking, garages and vehicular access are necessary to mitigate parking and traffic impacts and preserve the aesthetic quality of homes, and to minimize the negative impacts of vehicular access and parking areas on the streetscape and pedestrian environment.
   a. Garages - General.
      i. A single car garage shall be a minimum of 19 feet in depth and 10 feet in width (unobstructed).
      ii. A two-car garage shall be a minimum of 19 feet in depth and 20 feet in width (unobstructed).
      Iii. A tandem two-car garage shall be a minimum of 38 feet in depth and 10 feet in width.
   b. Front-loaded Garages. Front-loaded garages shall be set back a minimum of two (2) feet from the front building façade [see Figure 22.42.060(B)(8)(b)]. Front-loaded tuck under garages may be permitted subject to zoning administrator's approval on sites that slope downward from the street only if they reduce the negative visual impact of the garage and where each garage entry is individually articulated.

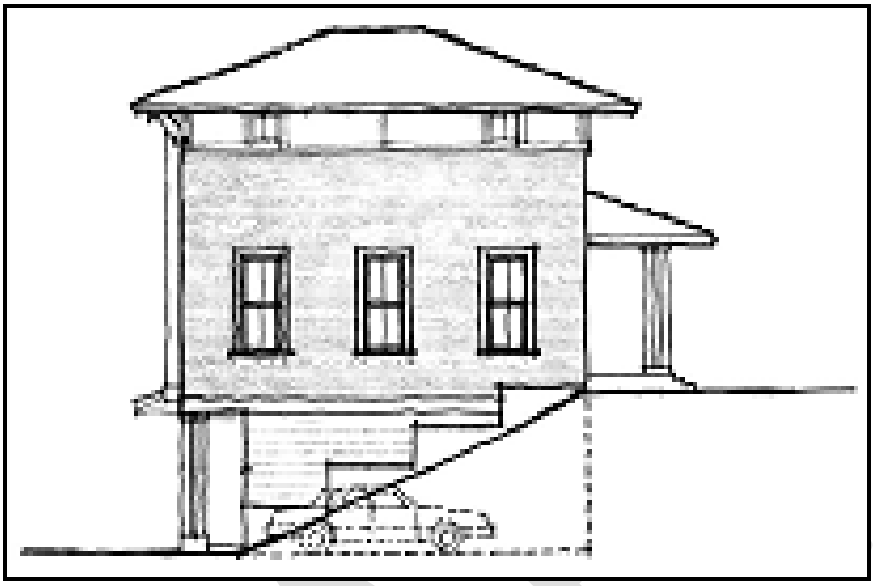
Figure 22.42.060(B)(7)(b): Front Loaded Garage



c. Tuck Under Garages.

i. Tuck under garages must be setback from the primary façade a minimum of two feet. Where used, tuck under garages and associated driveways shall provide sufficient width for a driver to comfortably maneuver a vehicle into and out of the garage.

Figure 22.42.060(B)(7)(c): Tuck Under Garage



ii. The cumulative garage door in the R-4 zone shall occupy no more than fifty (50) percent of the lineal, ground level façade facing the street, except as follows:

(A) Cul-de sac lots. Additional design elements shall be included to reduce the mass of the garage.

(B) Tuck-under Garages

(C) Detached garages are exempt from meeting the fifty (50) percent of the ground level façade requirement.

d. Rear Loaded Garages.

i. Driveway lengths shall either be five feet (reduced driveway) or a minimum of 20 feet (standard driveway) in length.

ii. Rear loaded garages are not subject to the fifty percent (50%) façade requirement.

e. Side Loaded Garages.

i. Side-loaded garages must be setback a minimum of 15 feet from the designated front property.

ii. The side of the garage facing the street must provide windows and architectural design elements that mimic the overall design of the home, as well as landscaping in front of or along the garage wall for a depth of at least three feet.

iii. Driveways shall be separated from the sidewalk and front entry (stoop or porch) with lawn or landscape beds. Pedestrian entries shall be from the street and may not be accessed from the driveway.

iv. Where side loaded garages are located behind a house [see Figure 22.42.060(B)(6)(e)], there is no limitation on their quantity in a plat.

v. Where side entry garages are located on adjoining lots, there shall be a minimum ten (10) foot landscape area between driveways with a maximum driveway width of fifteen (15) feet. In lieu of two fifteen (15) foot driveways and the associated landscape requirements, the adjoining lots may be served by a single joint use driveway not exceeding fifteen (15) feet in width.

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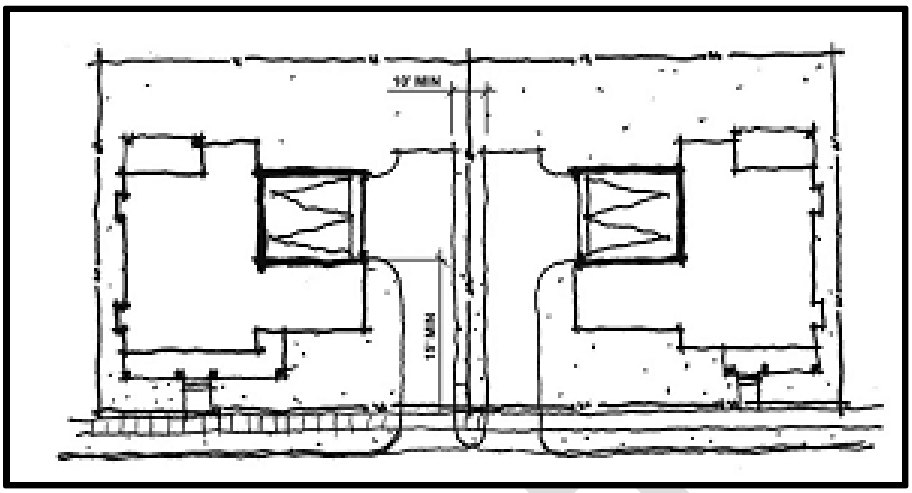
Figure 22.42.060(B)(7)(e): Side-Loaded Garage



f. Additional Driveway Standards.

i. Tandem parking in garages is permitted for all housing types as long as spaces are identified for the exclusive use of occupants of a designated dwelling.

ii. Where lots abut an alley, the garage or off-street parking area must take access from the alley, unless precluded by steep topography. No curb cuts to the adjacent street shall be permitted unless access from the alley is precluded by steep topography.

22.42.070 Multifamily Residential Design Standards.

A. Purpose. The purpose of these standards is to address site-specific design elements for multi-family developments to ensure that multifamily units have an appropriate relationship to the street, open spaces, and other amenities intended to serve residents.

B. Multi-family residential buildings, where allowed, must be oriented toward a public street rather than parking areas or adjacent properties. The siting and frontage design of multi-family buildings shall address the following standards:

1. When fronting an improved right-of-way, the primary building entry and/or individual building entries shall face the improved right-of-way.
2. Buildings shall provide windows that face the street to provide "eyes on the street" for safety.
3. Where the orientation of the lot make the requirement in MMC 22.42.070(B) infeasible, the structure shall:
   a. Front the access tract to the site;
   b. Provide architecture details to the portion of the building fronting the improved right-of-way, such as porches, landscape screening, and common areas.

Figure 22.42.070: Appropriate Street-Front Treatments for Multifamily Uses

4. Buildings containing street level residential uses shall be set back from the sidewalk a minimum of ten (10) feet and feature substantial landscaping between the sidewalk and the building. Maintaining views, however, between the dwelling units and the sidewalk is important for safety.

C. Building design must modulate at least every 30 feet along public streets. Building modulations must step back the building wall back or forward at least four feet. The minimum depth of modulation shall be eighteen inches and width is four feet if tied to a change in color, building material and/or roofline modulation; otherwise, the minimum depth is ten feet and minimum width is fifteen feet.

D. Modulation can be achieved by an offset in the building foundation, projecting window bays, connecting an open porch to the building, a dormer facing the street, a variety of roof forms, a well-defined entry element, or other features that provide architectural variation and reduce the bulk and mass of a multi-family building.

E. Dormers or intersecting rooflines shall be used to break up continuous sloped roofs.

F. Shared Garages and Driveways.

1. Shared garages are permitted in the R15, R25, MN, and MG zoning districts.

2. Each housing unit shall be assigned a garage space and may share the structure with other homes.

3. Shared detached garages shall not exceed 44 feet in width and shall maintain a minimum eight foot separation from adjacent dwellings. Where occupiable space is permitted above a shared garage, a maximum width of fifty (50) feet shall be permitted to allow for stair access.

G. On-Site Recreation.

1. On-site recreation space shall be required for multifamily residential development that is subject to the provisions of this chapter and containing seven or more dwelling units.

2. On-site recreation space shall be provided in accordance with the following table.

Table 22.42.070: On-Site Recreation Open Space

Type of Dwelling Unit	On-Site Recreation Open Space Required per Each Dwelling
Studio and one bedroom	90 square feet per unit
Two bedrooms	130 square feet per unit
Three or more bedrooms	170 square feet per unit

3. Open space should be oriented to receive sunlight by facing east, west, or south when possible.

4. On-site recreation open space shall be designed as follows:

a. On-site recreation open space shall be located in a separate tract for subdivisions and short subdivisions from the residential dwellings and shall have an undivided ownership interest by owners of the development;

b. Balconies may count toward 50 percent of the open space requirement;

c. At least 40 percent of the total required on-site recreation open space shall be consolidated in one location within the development with no dimension less than 15 feet and may not include fenced yards or balconies serving a single dwelling unit;

d. At least 75 percent of the total required on-site recreation open space shall be located outside of critical areas other than buffers identified in MMC Chapter 22.80, Critical Areas;

e. No on-site recreation open space tract shall contain less than 700 square feet in area;

f. On-site recreation open space shall be developed for active and passive uses. At least 50 percent of the on-site recreation open space shall be designed and improved for one or more active uses. When an area of on-site recreation open space is designed and improved for active uses other than improved pedestrian or bicycle paths with hard surfaces, the average width of the area shall be at least equal to half of the average length of the area. Active uses include, but are not limited to:

i. Playgrounds developed with children's play equipment;
ii. Improved pedestrian or bicycle paths with hard surfaces;
iii. Sports fields (such as soccer or softball fields), with associated improvements;
iv. Indoor or outdoor sports courts (such as volleyball, basketball or tennis courts), swimming pools, and similar facilities;
v. Picnic areas with permanent tables, benches or gazebos;
vi. Community clubhouse and meeting facilities;
vii. Community gardens for use by the residents; and
viii. Plazas with lighting, artwork, and sitting space for pedestrians at four or more spaces for every required 100 square feet of area.

g. Passive uses include critical areas that cannot be developed, nature interpretive areas, bird watching facilities, unimproved trails, and similar uses approved by the zoning administrator;

h. The following drainage facilities may be counted as on-site passive recreation space:
i. Unfenced detention, retention and wet ponds;
ii. Stormwater treatment wetlands;
iii. Stormwater infiltration trenches and bioswales that serve more than one dwelling; and
iv. Vegetated areas located above underground detention facilities.

i. Access for pedestrians shall be provided from all dwellings within the development to the on-site recreation space through trails, sidewalks, pathways and other similar means of access.

22.42.080 Commercial and Nonresidential Design Standards.

A. Purpose. The overall purpose of these commercial and nonresidential design standards is to enhance and protect the community and its high quality of life, consistent with the City's Comprehensive Plan goals and policies.

B. Massing and Composition. A strong overall building composition, along with a clear pattern of massing changes and modulation of building forms is required to create interest and to support the buildings integration into the overall context.

1. Building massing shall be focused on the primary street front, with primary uses oriented to this frontage.
2. Where a building has a double frontage (e.g., street on side, parking on the other), primary and secondary facades shall be established.
3. Service uses, parking, and utilities should be accessed from non-primary facades and fully screened.
4. Weather protection is required over the primary building entry/façade and shall cover at least 50% of overall façade.
5. Upper level balconies on buildings over two stories are encouraged, but subject to design review.

C. Building Modulation. Building facades of large-scale buildings such as commercial, office, or institutional buildings, where the building is multi-story or wider than sixty (60) feet, as measured along the primary façade, shall substantially include the following modulation and other features:

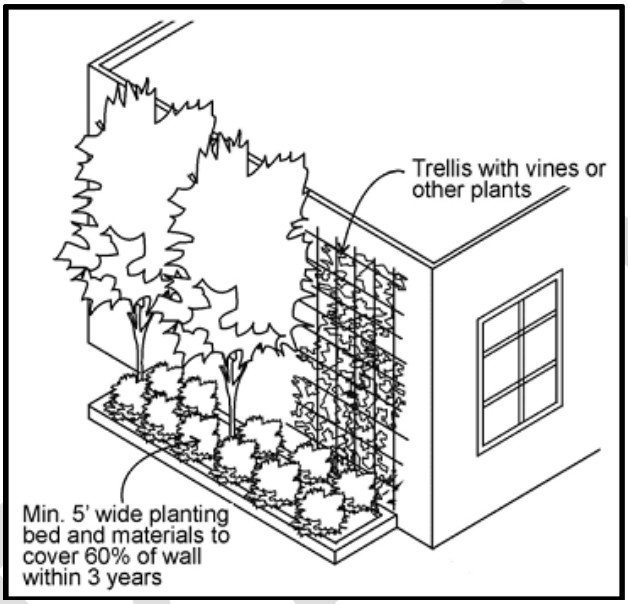
1. Divide larger buildings into "modules" that are similar in scale – Buildings with facades over 100 feet in length parallel to a roadway or parking. Express modules three-dimensionally along the building's exterior, limited to 30 feet in length. The minimum depth of modulation shall be eighteen inches and width is four feet if tied to a change in color, building material and/or roofline modulation; otherwise, the minimum depth is ten feet and minimum width is fifteen feet.
2. Significant building elements such as a focal point at a corner or mid-building;
3. Vertical building modulation in the form of window bays, pilasters, or other treatments;
4. Roof modulation through changes in height, pitch (i.e. flat to sloped), material, overhangs or roof cap detail (banding, cornice treatment etc.)

5. Change in building material or siding style (perhaps coordinated with a change in building color);
6. Provision of lighting fixtures, trellis, trees, or other landscape feature within each interval;
7. Repeating distinctive window patterns at intervals less than the modulation interval.

D. Blank Wall Treatments. Blank walls, as defined in MMC 22.12, visible from a public street, common open space, plazas, courtyards, sidewalks, trails, or interior pathways, are prohibited. Design treatments to eliminate blank walls shall include:

1. Landscape planting beds at least five feet wide or a raised planter bed at least three feet wide in front of the wall. Such planting areas must include planting materials that are sufficient to obscure or screen at least sixty (60) percent of the wall's surface within three years.

Figure 22.42.080(D): Blank Wall Treatments

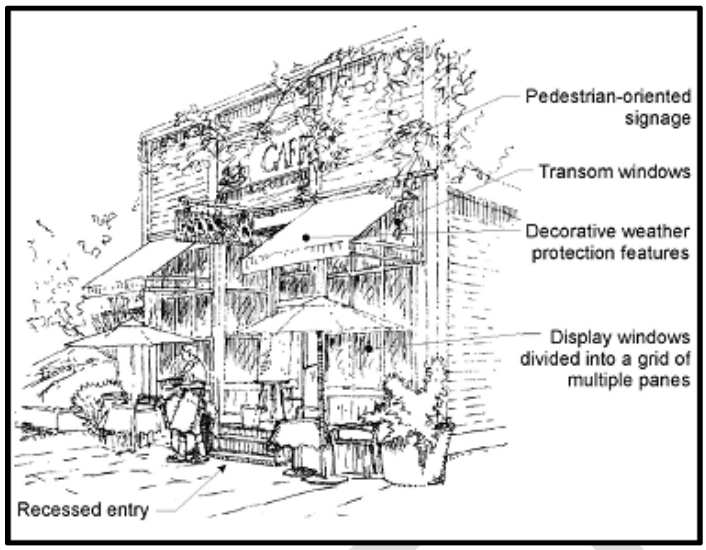


2. Installation of a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least sixty (60) percent of the wall's surface within three years. For large areas, trellises should be used in conjunction with other blank wall treatments.
3. Other methods such as murals or special building material treatments that cover at least sixty (60) percent of the wall's surface.

E. Architectural Details. All new buildings shall substantially include the following elements on their primary facades subject to zoning administrator approval:

1. Display windows divided into a grid of multiple panes. Display windows can vary between storefronts to avoid uniform appearance on multi-tenant buildings.
2. Transom windows;
3. Recessed windows;
4. Decorative weather protection feature(s);
5. Material distinctions between ground and upper level;
6. Window bays;
7. Recessed entry;
8. Sills;
9. Pilasters;
10. Landscaped trellises or other decorative element that incorporates landscaping near the building entry (element must be integrated into the building and not a simple potted plant);
11. Decorative light fixtures;
12. Decorative building materials and/or trim work. This could include decorative stone, tile, or woodwork, decorative kick plates, or other methods as approved by the zoning administrator;
13. Artwork incorporated into the building façade or entry area;

Figure 22.42.080(E): Examples of Acceptable Façade Architectural Details



F. Exterior Materials.

1. Concrete blocks (cinder blocks) used for walls that are visible from public street or park, shall be a textured surface and use colored mortar or other masonry types, i.e., brick glass block, or tile with the concrete blocks.
2. All vent, gutter, downspout, flashing, electrical conduits shall match the color of adjacent surfaces unless they are used a trim or accent element.

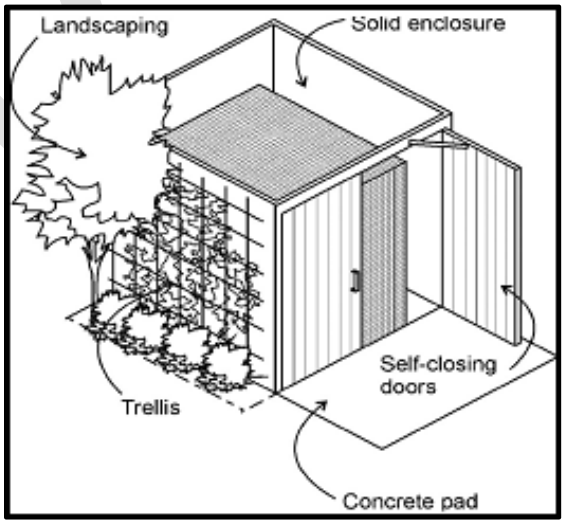
22.42.090 Design Standards for Service Areas.

Service areas associated with multifamily, commercial, and nonresidential development shall comply with the requirements of this section.

A. Trash and Recycling Containers.

1. Containers shall be screened enclosure.
2. Trash and recycle enclosures shall be located to minimize odor to habitable areas, as well as be screened to the public realm.
3. Trash and recycle locations should be easily accessible to each resident when applicable.
4. Trash and recycle containers should be made of wood or masonry materials. Chain link fencing is prohibited.

Figure 22.42.090(A): Trash and Recycling Enclosures



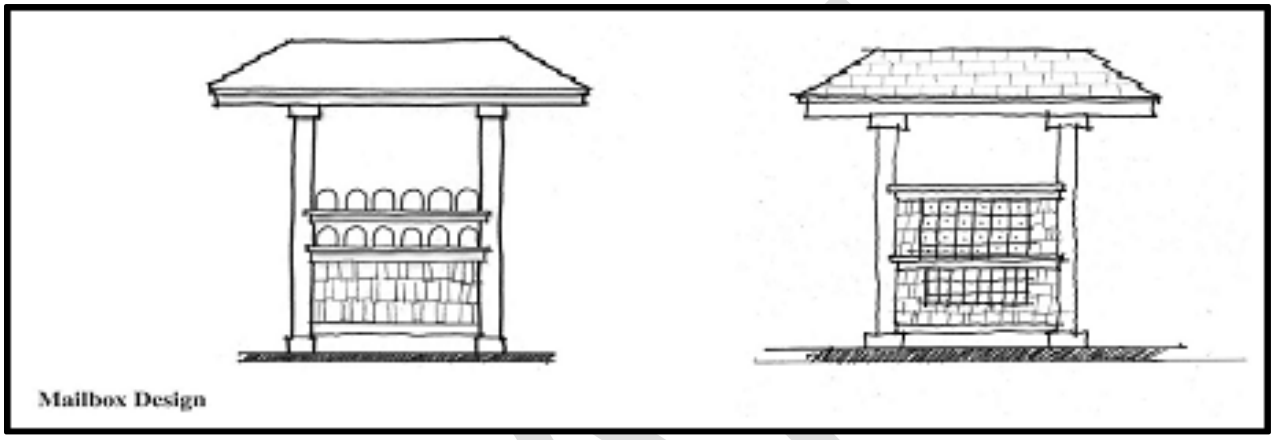
B. Mail and Newspaper Boxes.

1. The design of mailbox shelters should be compatible with the design of the primary structures on the site. This may include similar materials, architectural form, and/or design details.

2. Mail and newspaper box locations shall be well lit and pedestrian accessible via an appropriate walkway. Mailbox shelters must not obstruct a walkway.

3. All mailboxes shall be clustered and lockable consistent with USPS standards. Clustered mailboxes shall be architecturally enhanced with materials and details typical of the home's architecture and carefully placed to not adversely affect the privacy of residents and serve the needs of the U.S. Postal Service.

Figure 22.42.090(B): Acceptable Grouped Mailbox



C. Accessory Structures.

1. Accessory structures such as detached garages, studios, home offices, and workshops shall be design to be architecturally consistent with the principal structure or meet the single family design requirements of this chapter.

2. Portable storage containers shall not be considered as an accessory building and are prohibited in all residential zoning districts.

22.42.100 Variances and Administrative Departures.

A. Administrative Departures. In no case shall a departure be granted for a minimum requirement established in this section. Where specified in this section, the zoning administrator, or public works director, as applicable, may require or allow departures from required standards in the following circumstances:

1. Where unique natural features or unique lot configuration makes it extraordinarily difficult to conform to the standards;

2. Where the project is equal or superior in design to that allowed under the general application of these standards and is consistent with the design standards, as well as all other city standards;

3. In each case above, the applicant must utilize other methods per the zoning administrator's satisfaction that meet the intent of the applicable standard(s); and

4. In situations where administrative departures involve site grading or other engineering issues, the departure shall be reviewed and approved by the zoning administrator and public works director.

B. Variances. When an applicant requests a departure from the design standards that does not qualify for administrative approval pursuant to MMC 22.42.100(A), the applicant shall apply for a variance, as set forth in MMC Chapter 22.66. An application for a variance may be made to the City of Monroe Community Development Department on forms prescribed by the City.

CHAPTER 22.44
PARKING STANDARDS AND DESIGN

Sections:

22.44.010 Purpose.
22.44.020 Authority and Application.
22.44.030 Criteria for Pre-Existing Uses/Buildings.
22.44.040 Exemption for Downtown Commercial Zoning District.
22.44.050 Computation of Off-Street Parking Spaces.
22.44.060 Mixed Occupancies and Cooperative Parking Facility.
22.44.070 Bicycle Parking Requirements.
22.44.080 ADA Parking Requirements.
22.44.090 Subdivision Parking Requirements.
22.44.100 School Drop Off Areas.
22.44.110 Drive-Thru Facilities.
22.44.120 Carpool And Vanpool Parking.
22.44.130 Off-Street Parking Area Design Standards.
22.44.140 Pedestrian Circulation, Access, And Design.
22.44.150 Off-Street Parking Construction Standards.
22.44.160 Internal Circulation Road Standards.

22.44.010 Purpose.

The purposes of this chapter are to implement the policy provisions of the City of Monroe Comprehensive to provide adequate parking for all uses allowed in this code; to reduce demand for parking by encouraging alternative means of transportation including public transit, rideshare and bicycles; and to increase pedestrian mobility and safety in urban areas by: setting minimum off-street parking standards for different land uses that assure safe, convenient, and adequately sized parking facilities; providing for parking and storage of bicycles; providing safe direct pedestrian access from public rights-of-way to structures and between developments; minimizing the visual impact of parking areas on the streetscape and pedestrian environment.

22.44.020 Authority and Application.

A. Before final site plan approval or certificate of occupancy is granted for any new or enlarged building, whichever comes first, or a certificate of occupancy is granted for a change or expansion of use in any existing building, the applicant shall be required to meet the provisions of this chapter, City of Monroe Design and Construction Manual, and the applicable provisions of MMC 22.42, Design Standards, related to parking lot design and landscaping.

B. If this chapter does not specify a parking requirement for a land use, the zoning administrator shall establish the minimum requirement based on either parking requirements for a similar use or require the applicant to submit a parking assessment, of anticipated parking demand.

C. If any portion of the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with the provisions of this chapter. The contracts shall be reviewed by the zoning administrator for compliance with this chapter, and if approved, the contracts shall be recorded with Snohomish County as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization of the zoning administrator.

D. A parking facility which is required for one establishment or use shall not be considered as part of the parking facility required for any other use, except for shared as provided in MMC 22.44.060(A).

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E. If a parking or traffic study is required by this chapter, the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking assessment shall be prepared by a professional engineer with expertise in traffic and parking analysis.

F. All proposed parking facilities shall meet the requirements established in the City of Monroe Design and Construction Manual and MMC Chapter 22.42, Design Standards.

G. During normal business hours parking spaces shall not be used for permanent or semipermanent parking or storage of trucks or materials.

H. Delineated on-street parking or parking areas shall be maximized to the extent feasible with respect to driveway spacing.

22.44.030 Criteria for Pre-Existing Uses/Buildings.

Nothing contained in this chapter shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space requirements and curb cuts for any structure or facility which existed on the date of adoption of the ordinance codified in this title. If a change of use takes place or an addition is proposed the following regulations shall apply:

A. When a pre-existing use is enlarged to require additional parking spaces, the requirements of this chapter shall apply only to the enlargement;

B. When additional uses are placed on the same lot with the pre-existing use or an enlarged lot of which the pre-existing use lot is a part, the requirements of this chapter shall apply only to the additional use;

C. When a pre-existing use is terminated, the area vacated shall not be occupied by a use requiring an increase in the parking area by an increment of more than fifty percent more parking spaces than the terminated use, unless the required additional parking spaces are provided.

D. When a pre-existing building, which does not have sufficient parking, is remodeled or rehabilitated but not enlarged, the existing use of the building may continue without providing additional parking.

22.44.040 Exemption for Downtown Commercial Zoning District.

All uses in the Downtown Commercial Zoning District shall be exempt from the requirement of this Section except residential, the residential portion of the mixed use structure, and lodging related uses (i.e. hotel, motel, bed and breakfast). Nothing in the subsection shall supersede the requirements set forth in the nonconforming Section of this Chapter. The parking requirements in this chapter shall not apply to business in the Downtown Commercial zone except for hotel/lodging uses. Excluding legal nonconforming uses, all existing or proposed residential uses in the Downtown Commercial zone shall meet the requirements of this chapter.

22.44.050 Computation of Off-Street Parking Spaces.

A. Off-street parking areas shall contain at a minimum the number of parking spaces as set out in Table 22.44.050: Off-Street Parking Requirements. Off-street parking ratios expressed as a number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

B. An applicant may request a modification of the minimum required number of parking spaces by substantiating, through a parking demand assessment, that parking demand can be met with a reduced parking requirement. In such cases, the zoning administrator may approve a reduction of up to 50 percent of the minimum required number of spaces. Such additional reductions shall not apply to residential uses including subdivisions.

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When the City has received a shell building permit application, off-street parking requirements shall be based on the possible tenant mix or uses authorized by the zone designation and compatible with the limitations of the shell permit. A minimum of 20% shall be assumed restaurant.

C. In light industrial developments, a minimum of 20 percent of gross floor area shall be assumed as office when calculating parking requirements. When the range of possible uses results in different parking requirements, the zoning administrator will establish the amount of parking based on a likely range of uses.

D. In any development required to provide 12 or more parking spaces, bicycle parking shall be provided, as specified in MMC 22.44.070.

E. The maximum number of parking spaces provided for a specified use or building shall be 1 ½ times the minimum number of spaces set out in Table 22.44.050: Off-Street Parking Requirements. The zoning administrator may allow an increase in parking spaces if parking demand assessment demonstrates an additional need for parking beyond the maximum.

F. Minimum parking requirements are established in Table 22.44.050: Off-Street Parking Requirements. If a use or similar use is not identified in Table 22.44.050, the developer shall submit a parking demand assessment:

Table 22.44.050: Off-Street Parking Requirements

Conforming Land Use	Minimum Required Parking Spaces
Residential	
Single-family - Detached	2 per unit
Single-family - Attached	2 per unit
Single-family accessory dwelling unit (ADU)	1 per unit
Multifamily	1.5 per unit
Convalescent homes, nursing and rest homes	1 for every 4 beds with a minimum of 10 stalls
Subdivision - Single family detached	1 on-or off-site per lot (1,2)
Subdivision – Single family attached	1 per 7 lots (1,2)
Group Residences	
Community residential facility – CRF	1 per 2 bedrooms
Dormitory	1 per 2 bedrooms
Temporary Lodging	
Hotel/motel including organizational lodging	1 per bedroom
Bed and breakfast	Single family requirement plus 1 per guest bedroom
General Services	
Auto, RV and boat sales	1 per 1,000 square feet of floor space of showroom and service facilities
General services uses, includes dry cleaning, beauty salon/barber shop, laundromats, tax return services, miscellaneous repair, massage therapy, pharmacy drive-thru, dance/ recreational studio, social services and other uses not listed below.	1 per 300 square feet
Funeral home/crematory	1 per 300 square feet and 1 per 50 square feet of chapel area
Commercial Day Care	1 per facility plus 1 per 20 children

Conforming Land Use	Minimum Required Parking Spaces
Religious institutions, civic clubs, social clubs, fraternal orders	1 per 4 fixed seats plus 1 per 50 square feet of gross floor area without fixed seats (less the area with fixed seats)
Outpatient and veterinary clinics	1 per 300 square feet of labs and examination rooms
Nursing and personal care facilities	1 per 4 beds
Hospital	1 per employee and 1 per bed
Elementary schools	1 per classroom plus 1 per 50 students
Middle/junior high schools	1 per classroom plus 1 per 50 students
High schools	1 per classroom plus 1 per 10 students
Colleges	1 per classroom plus 1 per 5 students
Specialized instruction school	1 per classroom plus 1 per 2 students
School district support offices	1 per 300 square feet plus 1 per 1000 square feet of storage/repair area
Government Offices	
Library	1 per 300 square feet plus 1 per 900 square feet of storage area
Public agency yard	1 per 300 square feet plus 1 per 900 square feet of storage/repair area
Public agency archives	1 per 900 square feet of storage area plus 1 per 50 square feet of waiting/review areas
Court	3 per courtroom plus 1 per 50 square feet of seating area
Police facility	As determined by a parking demand assessment
Fire facility	As determined by a parking demand assessment
Government uses not specifically listed.	1 per 300 square feet or as determined by a parking demand study
Retail/Office	
Food stores less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility plus 1 per service bay
Gasoline service stations w/ grocery, no service bays	1 per facility plus 1 per 300 square feet of store
Restaurants – take out/fast food	1 per 100 square feet of dining/lounge area
Restaurants – sit down	1 per 100 square feet of dining/lounge area plus 1 per 5 fixed seats of banquet rooms
Wholesale trade uses	1 per 900 square feet
Office uses	1 per 300 square feet
Retail and wholesale trade mixed-use	1 per 300 square feet
Retail uses not specifically listed.	1 per 300 square feet
Industrial	
Construction and trade	1 per 300 square feet of office plus 1 per 1,000 square feet of storage area

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Conforming Land Use	Minimum Required Parking Spaces
Self-service storage	1 per 3,500 square feet of storage plus 2 for any resident Director's unit
Outdoor advertising service	1 per 300 square feet of office plus 1 per 900 square feet of storage area
Miscellaneous equipment rental	1 per 300 square feet of office plus 1 per 900 square feet of indoor repair area
Automotive rental and leasing	1 per 300 square feet of office plus 1 per 900 square feet of indoor repair area
Heavy equipment repair	1 per 300 square feet of office plus 1 per 900 square feet of indoor repair area
Manufacturing/research/bottling/cannery/ printing uses	1 per 1,000 square feet plus 1 per 250 square feet of office space
Warehouses and storage buildings	1 per 2,000 square feet. Maximum office area of two (2) percent of gross floor area may be included without additional parking requirements
Industrial uses not specifically listed.	As determined by a parking demand assessment
Recreational/Cultural	
Theater	1 per 3 fixed seats
Auditorium/Theatrical production	1 per 3 fixed seats
Bowling alley	3 per lane
Golf course	3 per hole plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Sports club	1 per 300 square feet
Tennis club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Conference center	1 per 3 fixed seats plus 1 per 50 square feet of assembly area w/o fixed seats
Park/playfield	As determined by parking demand assessment

Table Notes:

1. Garages shall not count toward this parking requirement.
2. This requirement is in addition to those established for individual dwelling units in Table 22.44.050: Off-Street Parking Requirements.

22.44.060 Mixed Occupancies and Cooperative Parking Facilities.

In the case of mixed occupancies in the building or on a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

A. The building official may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses of activities under the conditions specified herein:

1. Up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa.

2. Up to one hundred percent of the Sunday and/or nighttime parking facilities required by this chapter for a church or auditorium incidental to a public or parochial school may be supplied by the parking facilities required for the school use.

3. For purposes of this section, the following uses are typical daytime uses: business offices, barber shops and beauty shops, manufacturing or wholesale buildings. The following uses are typical nighttime and/or Sunday uses: auditorium incidental to a public or parochial school, churches, dancehalls, theaters, and taverns.

B. A parking demand assessment is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and that uses will be served by adequate parking if shared parking reductions are authorized.

22.44.070 Bicycle Parking Requirements.

Bicycle parking requirements shall apply to all commercial, office, mixed use and multi-family residential developments.

A. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

B. Off-street parking areas shall contain at least 1 bicycle parking space for every 12 spaces required for motor vehicles

C. Bicycle facilities for patrons shall be located on site and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

D. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow.

E. The zoning administrator may reduce the number of bike rack parking spaces if indoor storage facilities are available.

F. Bicycle parking shall have direct access to both the public right-of-way and to the main entrance of the principal use.

G. For facilities with multiple buildings, building entrances or parking lots, bicycle parking shall be located in the vicinity of the primary building entrance.

H. Bicycle parking facilities shall be separated from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to the parked bicycles.

I. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. Bicycle parking shall be at least as well-lit as motor vehicle parking.

22.44.080 ADA Parking Requirements.

A. Unless otherwise amended, off-street parking and access for physically disabled persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to RCW 19.27 of the State Building Code, and Revised Code of Washington (RCW) 70.92 Public Buildings--Provisions for Aged and Handicapped, which generally requires parking as set out in Table 22.44.080: ADA Parking Requirements. The Building Official shall determine all ADA parking requirements, as subject to International Building Code (IBC) Chapter 11, Accessibility.

Table 22.44.080: ADA Parking Requirements

Parking Lot Size	Number of ADA stalls
1 to 25 stalls	1 stall
26 to 50 stalls	2 stalls
51 to 75 stalls	3 stalls
76 to 100 stalls	4 stalls
101 to 150 stalls	5 stalls, etc.

B. One out of every eight ADA stalls must be sized to accommodate a disabled van-sized vehicle or provide at least one disabled van stall;

C. The ADA stall must be 96 inches wide with a 60 inch aisle for a disabled person's vehicle, and 96 inches wide with a 96 inch aisle for a disabled persons van. Two ADA stalls may share the aisle space.

22.44.090 Subdivision Parking Requirements.

A. Single family attached and detached subdivisions shall be required to provide parking in accordance with Table 22.44.050: Off-Street Parking Requirements, and as follows:

1. On street parking may count toward this requirement if the parking area in the right-of-way was created as a result of the development.
2. Off-street parking may count toward this requirement if the parking area is located within tract associated with the subdivision.

B. The applicant shall provide an on and off-site parking plan at time of application.

C. Guest parking areas shall meet the dimensional standards as listed per Table 22.44.130: Minimum Parking Space and Aisle Dimensions.

22.44.100 School Drop Off Areas.

At the time of development of a new and/or expanded K-12 school, provisions shall be made for the drop off of students. The drop off area shall provide for a safe route from the drop off area to the facility and provide sufficient queuing area to ensure negative traffic impacts on adjacent roads do not occur. Compliance with these requirements shall be substantiated in a traffic impact analysis prepared by the professional engineer with expertise in traffic and parking analysis.

22.44.110 Drive-Thru Facilities.

A. A stacking space shall be an area measuring 9 feet by 20 feet with direct forward access to a service window of a drive-thru facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-thru or drive-in uses may not be counted as required parking spaces.

B. The City may require a traffic impact assessment to ensure the proposal meets the requirements of this subsection.

C. Drive-thru facilities that have negative traffic impacts on adjacent roads and/or businesses may require additional traffic controls at the drive-thru businesses' expense.

22.44.120 Carpool and Vanpool Parking.

The Commute Trip Reduction (CTR) Law states that employers with 100 or more employees working a single shift shall implement programs which reduce the number of commute trips by encouraging people to ride public transit, carpool, vanpool, bike, or walk. At such time when an employer or commercial development in Monroe has this number of employees, the following carpool and vanpool parking regulations shall apply:

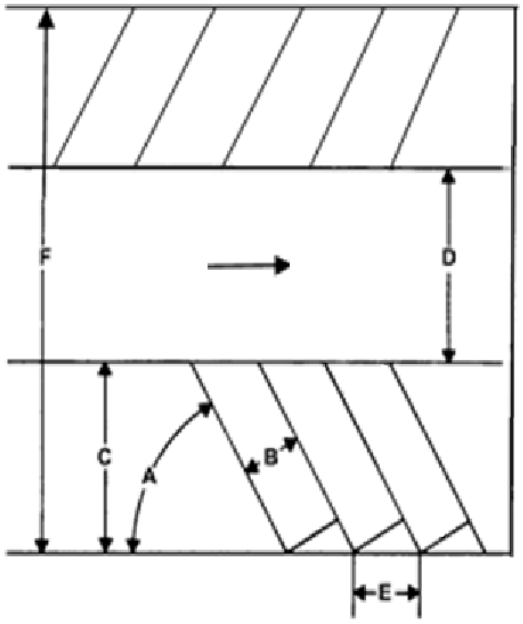
A. Ten percent, but not fewer than 1 of the required spaces for industrial, institutional and office developments may be designated for use as carpool/vanpool parking.

B. The carpool/vanpool spaces shall be clearly marked "Reserved – Carpool/Vanpool Only."

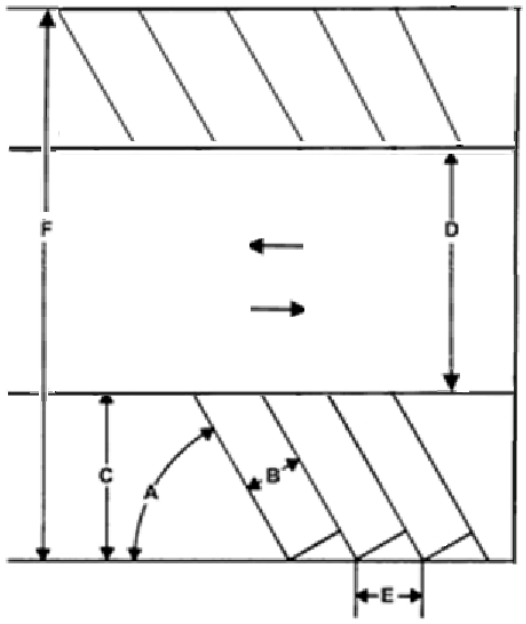
C. Parking in reserved areas shall be limited to vanpools and carpools established through ride share programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer.

22.44.130 Off-Street Parking Area Design Standards.

A. Off-street parking shall comply with the minimum parking space and aisle dimensions provided in Table 22.44.130: Minimum Parking Space and Aisle Dimensions, as follows:



One-Way Parking



Two-Way Parking

A. Parking Angle
B. Stall Width
C. Stall Depth
D. Drive Aisle Width
E. Curb Length
F. Aisle and Parking Width

Table 22.44.130: Minimum Parking Space and Aisle Dimensions

A	B	C	D		E	F	
Parking Angle	Stall Width	Stall Depth	Drive Aisle Width		Curb Length	Parking Section Width	
			One-Way	Two-Way		One-Way	Two-Way
Parallel	9 feet	9 feet	12 feet	24 feet	22 feet	30 feet	42 feet
30°	9 feet	16.5 feet	11 feet	20 feet	18 feet	44 feet	53 feet
45°	9 feet	19 feet	13 feet	20 feet	12.5 feet	51 feet	58 feet
60°	9 feet	20.5 feet	18 feet	22 feet	10.5 feet	59 feet	63 feet
90°	9 feet	18 feet	25 feet	25 feet	9 feet	61 feet	61 feet

Table Notes:

1. Dimensions are in feet.
2. When parking lots may have substantial traffic by trucks or other large vehicles, the zoning administrator may establish larger minimum dimensions.
3. Aisle turns must be at least 14 feet in width.

B. Aisles which do not provide direct access into a parking space shall have a minimum width of 20 feet.

C. Parking facilities shall have permanent markings showing entrances, exits, traffic direction and parking spaces, except where the zoning administrator finds such requirements are not applicable.

D. Up to 50 percent of the total number of spaces to be provided in any development may be sized to accommodate compact cars subject to the following:

1. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping.
2. Aisle widths and parking stall sizes shall conform to the standards set out in Table 22.44.130: Minimum Parking Space and Aisle Dimensions.
3. The compact stalls shall be dispersed around the site.

E. Excluding shared parking, off street parking areas shall be located within the same lot, subdivision or binding site improvement plan as the building they are required to serve.

F. Parking facilities shall be designed so exiting vehicles are not required to back into streets, except for residential uses of less than four dwellings per lot on local access streets.

G. Wheel stops are required in all parking areas, excluding residential driveways, to prevent vehicles from overhanging walkways, property lines or other limits of a parking area and to prevent damage to landscaping. The requirement for wheel stops may be waived and the length of the parking stall reduced by two feet if an additional two feet is added to the minimum required width for sidewalks and landscape strips.

H. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

I. The parking space depth may be reduced a maximum of two feet by the zoning administrator when vehicles overhang a walkway under the following conditions:

1. Wheelstops or curbs are installed; or
2. The walkway is increased by two feet. The remaining walkway shall not be reduced further in width.

J. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of the Public Works Development Design Standards and MMC 22.42, Design Guidelines.

K. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by MMC Chapter 15.15, Lighting Standards. Lighting shall be designed to minimize direct illumination of abutting properties and adjacent streets.

L. All vehicle parking and storage for single-family detached dwellings must be in a garage, carport or on a paved surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access.

M. Vanpool and carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of 7 feet 3 inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and
2. A minimum turning radius of 26 feet 4 inches with a minimum turning diameter (curb to curb) of 52 feet 5 inches shall be provided from parking aisles to adjacent carpool/vanpool parking spaces.

N. Any parking stalls located in enclosed buildings must be totally within the enclosed building.

O. The slope of access easements and tracts, and the slope of entrance and exit driveways, including driveways for detached single-family residences, shall be designed in accordance with the City of Monroe Design and Construction Manual.

P. Parking lots shall be arranged as to permit the internal circulation of vehicles between parking aisles without reentering adjoining public streets; and

V. ADA accessible parking shall be provided in accordance with MMC 22.44.080.

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22.44.140 Pedestrian Circulation, Access, and Design.

The following general pedestrian design standards shall apply to all developments in Monroe. They should be reviewed together with MMC 22.42, Design Standards and other applicable chapter of this Title:

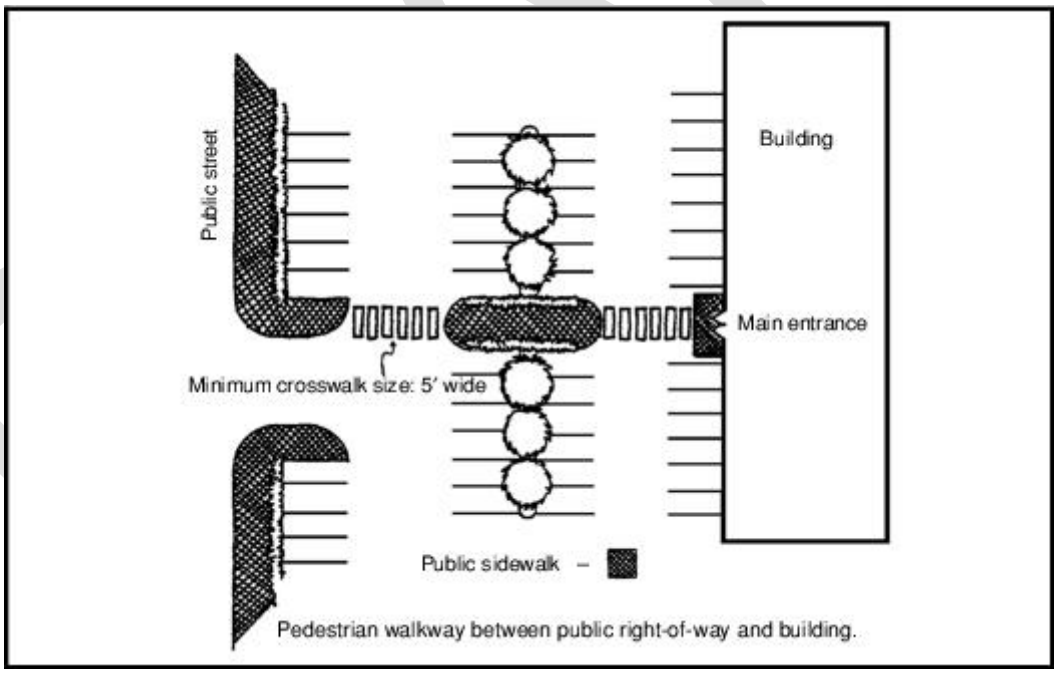
A. All uses shall provide pedestrian access onto the site. Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property lines, adjacent lots, abutting street intersections, crosswalks and at transit stops. Pedestrian access shall be located as follows:

1. Access points at property edges and to adjacent lots shall be coordinated with existing development to provide circulation patterns between developments.
2. Residential developments shall provide links between cul-de-sacs or groups of buildings to allow pedestrian access from within the development and from adjacent developments to activity centers, parks, common tracts, open spaces, schools or other public facilities, transit stops and public streets.

B. Pedestrian walkways shall form an on-site circulation system that minimizes the conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances. Pedestrian walkways shall be provided when the pedestrian access point or any parking space is more than 75 feet from the building entrance or principal on-site destination and as follows:

1. All developments which contain more than one building shall provide walkways between the principal entrances of the buildings.
2. All nonresidential buildings within the same development and set back more than 100 feet from the public right-of-way shall install pedestrian walkways through parking areas and parking garages, as shown below in Figure 22.44.140: Pedestrian Walkways in Parking Areas:

Figure 22.44.140: Pedestrian Walkways in Parking Areas



C. Pedestrian access and walkways shall meet the following minimum design standards:

1. Access and walkways shall be well lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic.
2. Access and walkways shall have a minimum of 60 inches of unobstructed width and meet the surfacing standards of the Monroe road standards for walkways or sidewalks.

3. Access shall be usable by mobility impaired persons and shall be designed and constructed to be easily located by the sight impaired pedestrian by either grade change, texture or other equivalent means.

4. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles.

5. Wherever walkways are provided, raised crosswalks or speed bumps shall be located at all points where a walkway crosses the lane of vehicle travel.

D. Blocks in excess of 600 feet shall be provided with a crosswalk at the approximate midpoint of the block, or as the Public Works Director determines to be appropriate.

E. Compliance with MMC 22.42, Design Guidelines, for parking lot design, circulation, landscaping, and other applicable design standards.

22.44.150 Off-Street Parking Construction Standards.

A. Low impact development best management practices shall be used for parking lot design and construction, unless site and soil conditions make low impact development infeasible as determined by the stormwater management administrator. Low impact development best management practices shall be designed and constructed in accordance with the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound (December 2012), or as amended, and approved by the stormwater management administrator.

B. In the event low impact development is infeasible, off-street parking areas shall be asphalt cement pavement (ACP) or Portland Cement Concrete (PCC). Typical approved sections are illustrated in the City of Monroe Design and Construction Manual. Parking areas may be paved or constructed with other surfaces as approved by the Public Works Director.

22.44.160 Internal Circulation Road Standards.

Internal access roads to off-street parking areas shall conform with the surfacing and design requirements for private commercial roads set in the City of Monroe Design and Construction Manual.

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CHAPTER 22.46
LANDSCAPING STANDARDS

Sections:

22.46.010 Purpose.
22.46.020 Applicability.
22.46.030 Landscaping Plans.
22.46.040 Types of Planting.
22.46.050 Landscaping Area Requirements.
22.46.060 Parking Lot Landscaping.
22.46.070 Plant Materials.
22.46.080 Street Trees.
22.46.090 Slopes.
22.46.100 Planting Standards.
22.46.110 Irrigation.
22.46.120 Performance Assurance.
22.46.130 Maintenance Requirements.

22.46.010 Purpose.

Landscaping is an important element of overall site design and shall be designed to preserve the aesthetic character of the community, improve the aesthetic quality of the built environment, promote retention and protection of existing vegetation, and reduce the impacts of development on storm drainage systems and natural habitats. The landscape standards in this chapter are minimum requirements. The City encourages thoughtful consideration of how additional trees, shrubs, and plants can enhance a property and increase its value and beauty.

22.46.020 Applicability.

The following types of development are subject to the requirements of this chapter and shall be consistent with the landscaping standards contained herein:

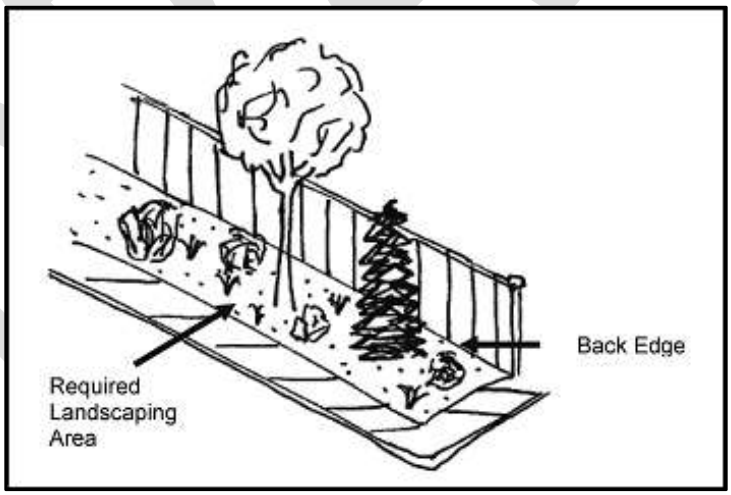
A. New multifamily residential construction
B. New mixed use construction
C. New commercial construction
D. New industrial construction
E. New institutional construction
F. Parking lots
G. Subdivisions
H. Binding site plans; and
I. Additions to existing buildings that require site plan approval shall comply with the landscaping standards to the greatest extent possible, as determined by the zoning administrator.

22.46.030 Landscaping Plans.

A. Landscaping Plan Design Criteria.
   1. Preserve as much existing native vegetation as possible, with preference given to plant groupings. Fill in native vegetation with evergreen trees and shrubs in natural and random patterns where possible.
   2. Provide areas on-site for active and/or passive recreational purposes consistent with open space requirements in MMC 22.42, Design Standards.
   3. Provide separation between incompatible adjacent land uses or activities, and reduce the impact of wind, lighting, and noise and/or the perception of noise.
   4. Design landscaping to accommodate changes in design between adjacent sites, within a site, and from native vegetation areas.

5. Design foundation plantings to create an effective change from public to private space and from the vertical to horizontal plane at building edges.
6. Design plantings to soften elevations, reduce the visual impact of less desirable development and/or structures such as large blank walls, retaining walls, dumpster areas, service areas, and large areas of pavement.
7. Use plantings to highlight significant site features and to define site use areas and circulation corridors without interfering with the use of such areas. Examples include site and building entrances, pedestrian walkways, gathering areas, and plazas.
8. Design landscaping to use plants and planting techniques that reduce water consumption.
9. Plants shall be selected and arranged according to the following design criteria:
   a. Arrange plants in a composition that creates an overall unified and balanced design.
   b. Select a variety of plants providing interest, accent and contrast, using as many native species as possible.
   c. Select plants with an awareness of their growth requirements, tolerances, ultimate size, preferences for soil, climate and sun exposure, and negative impacts.
   e. Develop a planting design compatible with, and conforming to, the overall project design concept and adjoining properties.
   f. Provide plants of adequate size, in an appropriate quantity, and at a spacing, that fulfills the function and design objectives within the stipulated time.
10. Landscaping shall be installed on private property adjacent to rights-of-way. Where there is right-of-way between the back of sidewalk or curb and the property line, landscaping shall be installed in that area by the adjacent developer in a complementary manner to the onsite landscaping. Landscaping in the right-of-way shall not be used as part of minimum landscaping requirements or to meet perimeter landscaping requirements, except that trees planted in the right-of-way can be counted towards meeting tree requirements.
11. If subdivision fencing is proposed adjacent to a sidewalk, fences shall be constructed at the back edge of the required landscaping area or easement as depicted below.

Figure 22.46.030: Fences Shown at Back Edge of Required Landscaping Area or Easement



12. If private homeowner fences are proposed, fences shall be constructed at the back edge of the required landscaping area tract or easement.
13. All areas maintained in a previous manner, which exceed the required landscape area must be seeded or otherwise planted to reduce erosion and stormwater runoff.
14. Landscaping shall accommodate and shall not interfere with infrastructure and below or above-ground utilities.

B. Landscaping Plan Approval.
   1. A development application submittal shall include a preliminary landscaping plan in compliance with the provisions of this chapter. A final landscape plan that is consistent with the

preliminary plan, and is consistent with that checklist and with the conditions of approval, shall be submitted and approved prior to project permit approval or building permit issuance.

2. Landscape plans for subdivisions, site plans, and other projects shall be prepared by a licensed landscape architect and stamped and signed by such professional.

3. As determined by the zoning administrator, the city may use a licensed landscape architect to perform peer review of submitted landscape plans. The costs of such review shall be paid by the developer.

22.46.040 Types of Planting.

The applicant shall indicate on the preliminary landscape plan the types of planting to be provided in each area of the site, including the specific tree, shrub, and ground cover types, locations, and sizes; and planting specifications. The types of planting shall be consistent with the following definitions of planting types:

A. Type I Planting – Solid Screen.

1. Type I planting is intended to provide a solid sight barrier.

2. Type I planting shall consist of evergreen trees a minimum height of 6 feet at planting, and evergreen shrubs which will provide an eighty (80) percent sight-obscuring screen at the time of planting; or a combination of sixty (60) percent evergreen/forty (40) percent deciduous trees and sixty (60) percent evergreen/forty (40) percent deciduous shrubs, backed by one hundred (100) percent sight-obscuring decorative wall or fence.

3. The width of the barrier shall be a minimum of five to twenty (20) feet as set out in 14.38.090, unless otherwise specified by the zoning administrator.

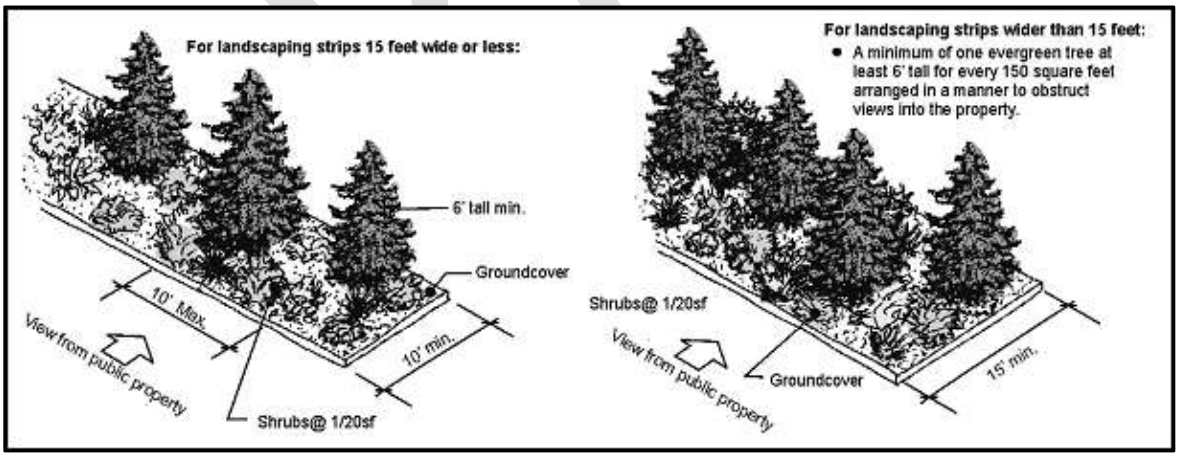
4. Landscape strips fifteen (15) feet or less in width—One tree required for every fifteen (15) to twenty (20) linear feet depending on the type of tree proposed.

5. Landscape strips greater than fifteen (15) feet—One tree for every one hundred fifty (150) square feet.

6. Shrubs—one shrub for every twenty (20) square feet.

7. Groundcover on centers to cover the ground within two years.

Figure 22.46.040(A): Type I Planting – Solid Screen Examples



B. Type II Planting – Visual Screen.

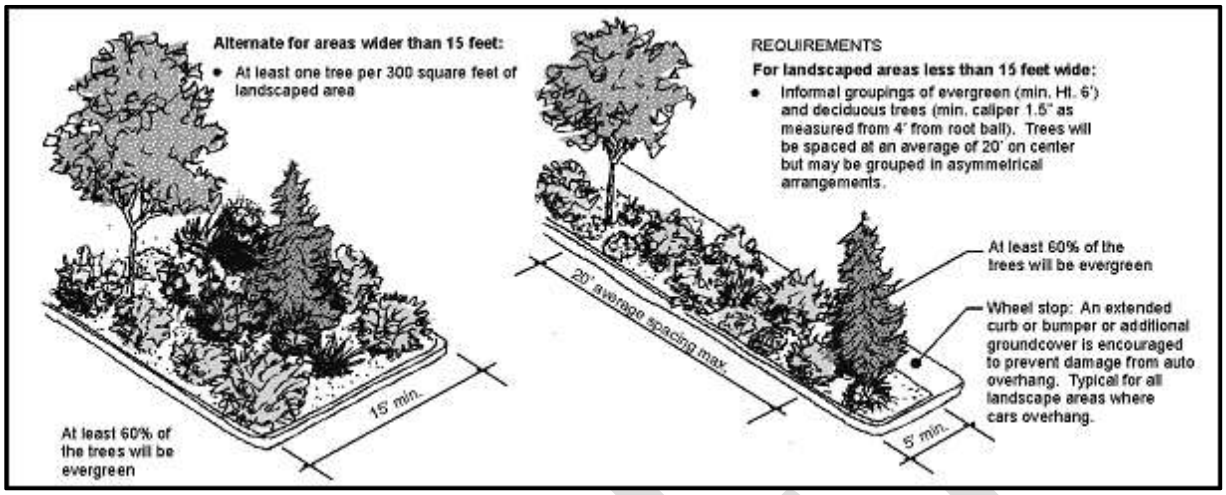
1. Type II planting is intended to create a visual separation that is not necessarily one hundred (100) percent sight-obscuring.

2. Type II planting shall be evergreen or a mixture of evergreen and deciduous trees with large shrubs and groundcover interspersed with the trees, and/or a decorative wall or fence. Type II planting shall include a minimum of sixty (60) percent evergreen trees and evergreen shrubs. The width of the barrier shall generally be at least five to fifteen (15) feet, unless otherwise specified by the zoning administrator.

3. Landscape strips fifteen (15) feet or less in width—Trees required an average of twenty (20) to thirty (30) feet on center depending on the type of tree proposed.

4. Landscape strips greater than fifteen (15) feet—One tree for every three hundred (300) square feet.
5. Shrubs—One shrub for every twenty-five (25) square feet.
6. Groundcover on centers to cover the ground within two years.

Figure 22.46.040(B): Type II Planting – Visual Screen Examples



C. Type III Planting – Low Cover.
1. Type III planting is intended to provide visual interest, to complement other plant materials, and for erosion control.
2. Type III planting shall consist of a mixture of evergreen and deciduous shrubs, and/or groundcover, and/or perennial or annual flowers to provide a fifty (50) percent covering of the entire planting area at the time of planting.

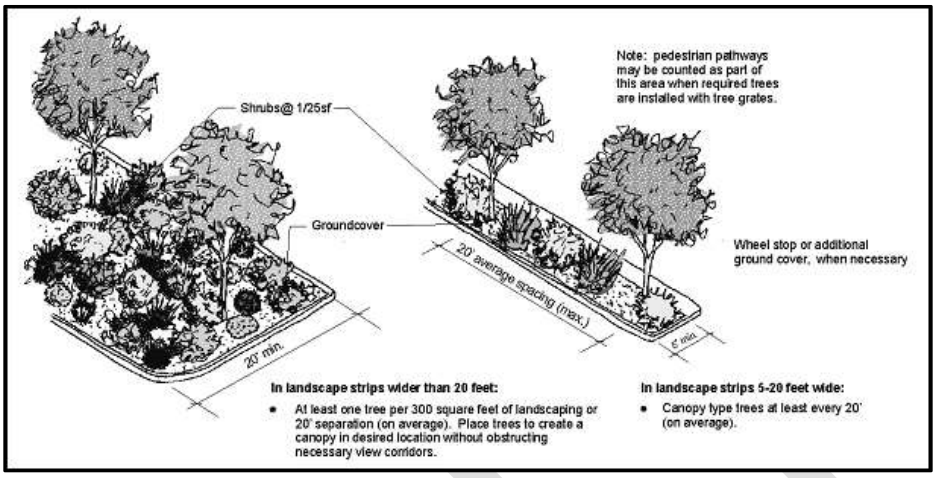
Figure 22.46.040(C): Type III Planting – Low Cover Example

D. Type IV Planting – Open Area Planting.
1. Type IV planting is intended to provide visual interest and shade in large open areas, particularly parking lots.
2. Type IV planting shall consist of trees planted with supporting shrubs and groundcover. Lawn may be substituted for groundcover where the width of the planting area exceeds ten (10) feet in

the narrowest dimension. Evergreens can be used where sight distance allows. Up to one hundred (100) percent of the trees proposed for a parking area may be deciduous.

3. One tree required for every three hundred (300) square feet.
4. Shrubs—One shrub for every twenty-five (25) square feet.

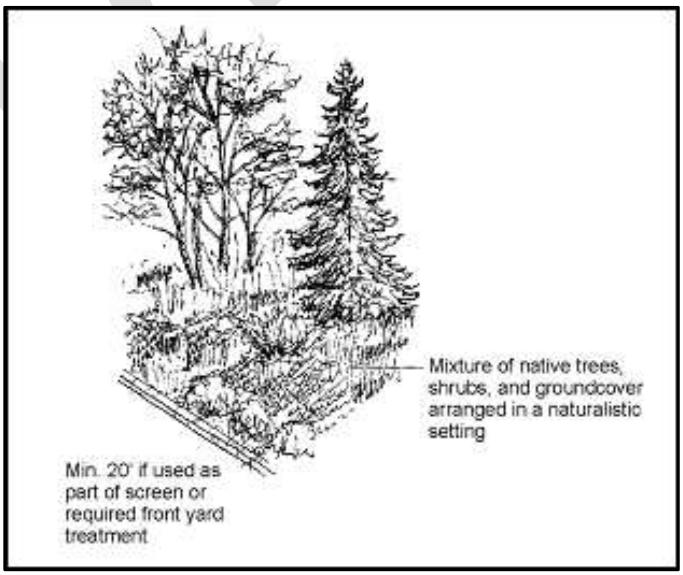
Figure 22.46.040(D): Type IV Planting – Open Area Planting Example



E. Type V Planting – Wildlife Corridor.

1. Type V plantings are intended for wildlife corridors. Type V planting shall consist of trees, shrubs, and ground covers that are native to the Puget Sound and are appropriate to the conditions of the site.
2. Wildlife corridors shall be maintained, enhanced, and replanted where appropriate, based on the type of habitat in the general vicinity.
3. Wildlife corridors of woodland, wetland, and stream habitat shall be maintained or enhanced with native materials that provide habitat and cover for woodland, wetland, and stream wildlife species.
4. Invasive species shall be removed from these areas and replaced with appropriate native plantings.
5. Size and number of plantings shall be determined at the time of plan development depending on site needs and conditions. Plantings shall typically consist of infilling with native deciduous and/or evergreen trees, understory shrubs, and native groundcover.

Figure 22.46.040(E): Type V Planting – Natural Planting Example



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22.46.050 Landscaping Area Requirements.

Landscaping shall be installed at the minimum width and of the type as set out in Table 22.46.050: Landscaping Area Requirements. Landscaping requirements for other uses are as determined to be appropriate by the zoning administrator.

Table 22.46.050: Landscaping Area Requirements

Type of Landscaping ⇒ / Type of Use/Location ⇓	Minimum Width	Type I	Type II	Type III	Type IV	Type V
Trash/recycle/utility service areas	5 feet	X				
Retaining wall landscaping (1)	5 feet		X			
Mechanical/electrical equipment (ground or wall mounted)	5 feet	X				
Utility installations or equipment (ground or wall mounted)	5 feet	X				
Wireless communication facilities	10 feet	X				
Parking lot/parking structure perimeter landscaping	5 feet		X			
Driveway entrances and exits at streets	Minimum necessary for sight distance			X		
Fire access areas, around hydrants and utility boxes	Minimum necessary			X		
Parking lot islands	5 feet minimum				X	
Islands of plantings in lawn areas (2)	64 square feet minimum				X	
Stormwater facilities - minimum 80 percent evergreen trees and shrubs (3)	15 feet					X
Outside storage	10 feet	X				

Table Notes:

1. The area between two retaining walls shall have five feet of unencumbered landscaping (i.e. drainage rock areas shall not be considered part of the five feet).
2. Areas shall be placed in a tract. The landscaping tract shall not be considered part of the required building setback.
3. Areas shall be placed in a tract or easement and shall be maintained by a homeowners association.

22.46.060 Parking Lot Landscaping.

A. General Criteria.
   1. Parking lot landscaping shall be dispersed throughout the parking lot in islands, buffers, and planter strips.
   2. Curbing and step out areas shall not be used in calculating the minimum square footage or width requirements for parking lot landscaping.
   3. Parking lots and structures shall be screened with landscaping buffers to the following standards:
      a. Zero to one hundred (100) spaces = five feet in width;
      b. Over one hundred (100) spaces = an average of ten (10) feet in width with no dimension less than five feet.
   4. Minimum landscape island width—Five feet.
   5. Maximum distance between parking stall and landscaped strip or island—Fifty (50) feet.

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6. Trees shall be planted in vehicle use landscape areas at a minimum of one tree for each four parking stalls. No more than ten stalls between landscape islands.

22.46.070 Plant Materials.

A. All plants shall be of the type, size and condition specified in this chapter. They shall exhibit normal habits of growth for the species, shall have buds intact, and shall be free of disease, insects, indications of strawberry root weevil, seed and weed roots, and scars, bruises, and breaks.
B. Plant names shall conform to the latest edition of "Standard Plant Names" as adopted by the American Joint Committee of Horticultural Nomenclature.
C. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
D. All plants shall be hardy for the Monroe area.
E. Plants shall be well suited to the local climate and soil conditions. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged. The use of xeriscape (low water usage) and plantings approved for low impact development techniques are highly encouraged.
F. All plants shall be from stock which has been cultivated and acclimatized to conditions similar to those prevailing at the project site.
G. All plants shall have the following minimum size at installation:
   1. Street trees—Deciduous only permitted: two and one-half inch caliper, measured at breast height.
   2. Other deciduous trees—Two-inch caliper, measured at breast height.
   3. Evergreen trees: eight to ten (10) foot minimum height range.
   4. Vine maples and other multi-stemmed trees: six to eight-foot minimum range.
   5. Medium and tall shrubs: minimum five gallon size.
   6. Groundcover: four inches minimum pot size planted eighteen (18) inches on center and cover within two years.
   7. Groundcover: one gallon minimum pot size planted a maximum of three feet on center, depending on growth habits and cover within two years.
H. Invasive plants are not permitted.
I. Groundcover shall be selected for rapid growth and coverage in order to reduce erosion and maintenance.
J. Mulch.
   1. Required plantings, except turf or areas of established ground cover, shall be covered with two inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted. All mulches used in planter beds shall be kept at least six inches away from the trunks of shrubs and trees.
   2. Bark, mulch, gravel or other nonvegetative material shall only be used in conjunction with groundcover plantings to assist growth and maintenance or to visually complement plant material. Nonvegetative material is not a substitute for and shall not appear to be dominant over plant material.
K. Plants shall be spaced appropriately for their type, function and the landscape design (massing, individual display, etc.). For example, plants used for screening may need to be spaced more closely.

22.46.080 Street Trees.

A. Trees listed in the recommended street tree list, are required to be installed on all public streets. Exceptions from the recommended street tree list must be submitted by a landscape architect with a brief description of the tree type and proposed spacing and be approved by the zoning administrator.
B. Street trees shall be planted along street frontages at an average of twenty-five (25) feet on center and a maximum distance between trees of forty (40) feet on center.
C. Street trees shall be planted according to the guidelines outlined in this chapter.

D. Removal of street trees without approval of the zoning administrator is prohibited and may be subject to enforcement action. The zoning administrator may grant approval for removal of street trees when they are deemed hazardous, or other site constraints exist, such as a potential conflict with the location of utilities.

E. Street tree plantings on arterials shall be consistent in species and variety and of a type designated in the recommended street tree list.

F. The average spacing for street trees may be adjusted to allow for sight lines, utilities, traffic signs, light standards, driveways and other street appurtenances.

G. Trees adjacent to public streets that are not planted in a separated landscape strip shall be installed as follows:

1. Deciduous trees shall be planted at least four feet from the face of curb to center of tree in tree pits that measure four feet by four feet.
2. Coniferous trees shall be planted at least ten (10) feet from curbs depending on species.
3. Trees shall have a clear trunk to a height of six feet above the ground.

H. Residential Street Trees in a Landscape Strip.

1. Residential street trees shall be planted in a minimum five foot wide landscape strip separated from the sidewalk. Where physical constraints exist (e.g. no landscape strip), street trees may be planted adjacent to the sidewalk or back of curb and at least five feet from edge of sidewalk or curb.
2. A minimum of one street tree is required for each lot and shall be placed on the lot or, if a landscape strip is required, in that landscape strip. If the lot is unable to accommodate required street trees, all street trees may be placed in a landscape strip.
3. The landscape strip shall be planted with grass, groundcover, or a variety of shrubs, ornamental grass, and groundcover.
4. Provided that it does not exceed a width of three feet, a stepping stone, walkway, or other means of traversing the planter strip from the street may be provided at each residence.
5. The zoning administrator may provide for departures where unique site features make it difficult to comply with the standard, such as when there is not enough room for required street trees.

22.46.090 Slopes.

A. All slopes less than 3:1 shall be planted with Type III landscaping. If the run of the slope is less than 15 feet trees may be excluded from this requirement.

B. All slopes greater than 3:1 shall be planted with grass or Type III landscaping. If the run of the slope is less than 15 feet trees may be excluded from this requirement.

22.46.100 Planting Standards.

A. All planting areas shall be a minimum of five feet in width, except where a greater width is required for the health and survival of the plants, or is required by other specific provisions of this chapter.

B. Plantings shall meet the city requirements for sight clearance at intersections and shall not conflict with pedestrian or traffic safety.

C. All required planting areas shall extend to the curb line, street edge, or edge of sidewalk.

D. Permanent curbs or structural barriers/dividers shall enclose planting areas in vehicle use areas.

E. In parking lots, trees may be planted no closer than four feet from pavement edges where vehicles overhang planted areas.

F. Narrow parking lot islands or peninsulas shall not be planted in sod because of potential problems with maintenance. Location of larger parking spaces adjacent to islands is suggested to reduce damage to plant materials.

G. Planting areas within existing and proposed water and sewer or pedestrian easements and rights-of-way shall be primarily Type III or Type IV plantings. Trees shall not be planted within eight feet of a

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water or sewer pipeline unless approved by the zoning administrator. Shrubs shall be at least four feet from hydrants.

H. Topsoil for Grass and Groundcover.

1. Topsoil shall be natural, sandy, fertile, friable, and possess characteristics of the representative productive soils in the vicinity. It shall not be excessively acid or alkaline nor contain toxic substances which may be harmful to plant growth.

2. Topsoil shall be without admixture of subsoil. It shall be reasonably free from clay lumps, stones, stumps, debris, roots or similar substances two inches or more in diameter, or other objects which might be a hindrance to the plant growth.

3. Topsoil shall meet the following specifications:

Size:	3/8	No. 20	No. 60	No. 270
Sieve:	ASTM	ASTM	ASTM	ASTM
Percent Passing:	100	77—100	0—23	0—10

4. Grass shall be installed on a minimum of six inches of topsoil, sixty-five (65) to seventy-five (75) percent compacted. Groundcover shall be installed in a minimum of four inches of topsoil, sixty-five (65) to seventy-five (75) percent compacted.

5. In roadway landscape strips, the soil shall be amended by tilling the top twelve (12) inches and blending in six inches of three-way topsoil and then capping that with a minimum of six inches of three-way topsoil. Landscape strips shall be free of construction debris including but not limited to construction materials and roadbed materials.

I. Soil specifications to enhance the hydrologic benefits of disturbed soils on sites that have been graded and cleared of vegetation shall include:

1. A minimum organic content of ten (10) percent by dry weight for all planting beds and other landscaped areas;

2. Organic matter content in turf areas that requires maintenance or supports foot traffic shall be five percent;

3. Organic matter content pH shall be between 5.5 and 7.0;

4. Planting bed shall be mulched with two to three inches of organic material;

5. The soil shall be scarified or tilled soil to an eight-inch depth (or to a depth needed to achieve a total depth of twelve (12) inches of uncompacted soil after the amendment is added). Soil within the dripline of existing trees to be retained shall not be tilled or scarified within three feet of the dripline. The soil amendment shall be incorporated no deeper than three to four inches to reduce damage to roots.

J. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.

22.46.110 Irrigation.

A. All plants shall receive sufficient water to assure their survival.

B. Permanente irrigation shall be required in all planting areas unless temporary irrigation is installed for a period of five year in conjunction with drought tolerant landscaping.

C. Individual residential lots are not required to install irrigation unless the landscape areas are owned in common ownership.

D. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half inch of water per hour is acceptable.

22.46.120 Performance Assurance.

Prior to the issuance of any construction permits for a project, performance security in an amount equal to one hundred fifty (150) percent of the landscaping material, irrigation, and installation cost shall be submitted to the city to guarantee installation of the required planting/irrigation. Such costs shall be based on a copy of a contract for such purchase and installation or bid for the required work.

Required planting/irrigation shall be installed within six months of the date of final construction permit approval or the issuance of a certificate of occupancy, whichever is later. If the requirements are not met in the allotted time, the city may use the security to complete the planting/irrigation.

22.46.130 Maintenance Requirements.

A. General landscaping—A maintenance bond, cash deposit, or other security in a form acceptable to the city attorney covering ten (10) percent of the cost of the performance assurance bond shall be in place prior to the release of a performance bond and shall be required for two years following installation.

B. Whenever planting has been required to comply with the landscape provisions this chapter, the plant materials shall be permanently maintained in compliance with such regulations, approved plans and approval conditions, in such manner as to accomplish the purpose for which they were required. Failure to maintain required planting which creates substandard landscape shall disqualify such landscape for consideration as a legal nonconforming use.

C. The zoning administrator is authorized to notify the owner of any property upon which landscaping was installed as a condition of approval under this chapter that planting is not being adequately maintained, and the specific nature of such failure to maintain. The notice shall specify a date by which the property owner shall be expected to comply.

D. Upon the failure to perform the required maintenance within the date specified by the notice, the zoning administrator is authorized to collect funds under the maintenance bond or other security, and cause the required maintenance to be completed.

E. When funds have not been set aside or the performance assurance has expired, the zoning administrator is authorized to request the city attorney to institute legal action to recover the cost of the required maintenance, and upon receipt of the funds to cause the maintenance to be done.

F. Maintenance as used in this section includes replacement of dead, diseased or damaged plant materials, removal of weeds and/or invasive species, and repair of irrigation systems.

G. The property owner is required to maintain all on site landscaping.

H. In subdivisions or site plans where the right-of-way contains landscaping, the adjacent property owner, homeowner's association, or like mechanism, is required to maintain that landscaping. Such requirement shall be noted on the face of the plat or site plan. If there are such requirements that are maintained by an organization other than the adjacent homeowner, or if there are common areas on a property, a homeowner's association is required.

I. Required landscape buffers are to be maintained by a homeowner's association, management company, or like mechanism, as approved by the zoning administrator.

J. Required tree replacement plantings shall be maintained for a minimum of three years in the amount of fifty (50) percent of the performance bond.

K. Ongoing maintenance of required landscaping areas shall be required after a maintenance bond has been released. Non-residential required landscaping shall be maintained in a healthy live manner by the property owner. Residential landscaping shall be maintained in a healthy live manner by the homeowner or home owner's association if applicable.

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CHAPTER 22.50
SIGNS

Sections:

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22.50.010 Purpose.

The overall purpose of this chapter is to promote the public health, safety and general welfare; to increase the effectiveness of visual communication in the city; and to enhance and maintain the aesthetic character of the city by:

A. Promoting and protecting property values, attracting new residents, and encouraging orderly development; and

B. Recognizing the purpose of signs for identification and economic well-being of businesses in the city of Monroe; and

C. Promoting a business person's right to identify their business through reasonable and effective methods; and

D. Minimizing dangerous conflicts between signage and traffic control devices; and

E. Minimizing visual distractions between signage and motorists, bicyclists, and pedestrians; and

F. Increasing the city's attractiveness; and

G. Promoting the city's scenic views, historical assets, architecture, streetscapes, and landscaping; and

H. Regulating the type, number, location, size, and illumination of signs; and

I. Facilitating fair and consistent neutral enforcement; and

J. Recognizing and protecting the use of the public right-of-way as a forum for noncommercial speech; and

K. Allowing for limited temporary commercial signage in the public right-of-way, to provide a flow of commercial information to consumer to enable them to make vital decision of purchasing a home, and to further the critical public goal of providing for equal access to housing; and

L. Uphold the goals and policies of the Comprehensive Plan.

The purpose of this title is implemented by controlling the number, type, design, lighting, construction, materials, location, use, and maintenance of all signs and sign structures.

22.50.020 Permanent Commercial Signs.

Table 22.50.020: Permanent Commercial Sign Allowance determines whether a specific permanent commercial sign is allowed in a zoning district or by land use activity. The zoning

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district or land use activity is identified in the left column, the type of sign in the second column, and the specific commercial sign allowances are located in the rows of the table.

A. If no symbol or number appears in the table box at the intersection of the column and row, the sign is not allowed in that category or is not subject to an allowance.

B. If a letter appears in the table box at the intersection of the column and row or in the column or row heading, the sign may be allowed subject to the appropriate requirement and specific conditions indicated in the table footnotes.

C. All applicable requirements shall govern a permanent commercial sign whether or not the requirements are cross-referenced in Table 22.50.020: Permanent Commercial Sign Allowance.

Table 22.50.020: Permanent Commercial Sign Allowance

Purpose	Type of sign	Permit required	Number of signs	Area max per sign in sq ft	Height in ft	Set-back in ft	Comments
Access, Landmark, and Informational Signs – All Zones							
entry	monument	yes	1	6	4	2	Per vehicle entry
landmark	wall (h)	No	1	2	8	2	Per building frontage
informational – private	wall (h)	No	1	4	8	2	Per building frontage – must be for an original purpose and may not simply repeat the same message over and over
informational – private	freestanding	No	1	4	8	2	Per property frontage – must be for an original purpose and may not simply repeat the same message over and over
informational – public	wall (h)	No	1	2	8	2	Per building frontage
Informational - public	freestanding	No	1	2	8	2	Per organization
Institutional (IN) and Limited Open Space (LS) Zoning Districts							
Informational	wall (h)	yes	1	6	8		Per frontage visible from ROW – no limit within the site if not ROW visible
	freestanding	yes	1	6	6	2	Per property
	window – opaque	No	1	20%			Percent of window area per window
	window – transparent	No	1	20%			Percent of window area per first floor window
	wall (h)	yes	1 (t)	40	24		Per building frontage
	projecting	yes	1	20	(a)		Under 4 ft wide, mounted 6 inches from attaching wall.
	changeable message	yes	1	50%	10		Percent changeable of allowable sign area
Advertising - freestanding	<300 lf frontage	yes	1	40	10	2	Per property frontage
	>300 lf frontage	yes	2	40	10	2	Signs must be located more than 200 lf apart
	monument – off-premises multitenant directions (f)	yes	1	24	10	2	Per closest arterial/collector road for businesses not located on the arterial or collector road; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property

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	TOTAL single-tenant site			100		2	Total allowed for combination of signs, except window signage
	TOTAL multitenant site			120		2	Total allowed for combination of signs, except window signage
Downtown Commercial Zoning District (DC)							
informational	wall (h)	yes	1	6	8		Per frontage visible from ROW – no limit within the site if not ROW visible
	window – opaque	No	N/A	20%			Percent of window area per window
	window – transparent	No	N/A	20%			Percent of window area per first floor window
	under awning – lieu blade	yes	1	10	(a)	(b)	Per business on street frontage
	awning/canopy fascia (g)	yes	1	40%	(a)	(b)	Percent of vertical edge of awning/canopy
	blade in lieu of under awning	yes	1	16	(a)	(b)	Per tenant space – may have blade or under awning but not both
	Directory – per tenant	yes	1	6	8		Per primary or secondary building frontage
	wall – single tenant (h)	yes	1 (t)	100			2.0 sf/1.0 lf of building frontage per primary or secondary frontage up to maximum per frontage; secondary sign maximum 75% of primary sign maximum; no digital contents within the "Historic Main neighborhood" per MMC 22.50.120
	wall – multitenant (h)	yes	1 (t)	150			2.0 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum per frontage; secondary sign maximum 75% of primary sign maximum; no digital contents within "Historic Main" per MMC 22.50.120(D)
	Projecting	yes	1	20	(a)	(b)	Under 4 ft wide, mounted 6 inches from attaching wall – no digital contents within Historic Main Zone per MMC 22.50.120
	changeable message	yes	1	50%	10		Percent changeable of public service message of allowable sign area
advertising - freestanding	monument – single tenant	yes	1	32	10	2 (e)	Per street frontage, Lewis Street allowed 50 sf and height up to 20 ft
	monument – multitenant	yes	1	48	10	2 (e)	Per street frontage, Lewis Street allowed 80 sf and height up to 20 ft
	monument – off-premises multitenant directions (f)	yes	1	24	10	2	Per closest arterial/collector road for businesses not located on Main or Lewis Streets; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property
	off-premises multitenant advertising (f)	yes	1	32	10	2	Per closest arterial/collector road for businesses not located on Main or Lewis Streets, prohibited in ROW; maximum 1/4 mile straight line distance from sign to property
	TOTAL single-tenant site			140		2	Total allowed for combination of signs, except window signage

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	TOTAL multitenant site			180		2	Total allowed for combination of signs, except window signage
Mixed Use – General (MG) and Mixed Use – Neighborhood (MN) Zoning Districts							
informational	wall (h)	yes	1	6	8		Per frontage visible from ROW – no limit within the site if not ROW visible
advertising	window – opaque	No	N/A	15%			Percent of window area per window
	window – transparent	No	N/A	20%			Percent of window area per first floor window
	awning/canopy fascia (g)	yes	1	40%	(a)	2	Percent of vertical edge of awning/canopy
	under awning in lieu of blade	yes	1	10	(a)	2	Per tenant space
	blade in lieu of under awning	yes	1	16	(a)	2	Per tenant space – may have blade or under awning but not both
	wall – single tenant (h)	yes	1 (t)	80/100			1.5 sf/1.0 lf of primary or secondary frontage up to maximum per frontage; maximum 80 MN, 100 MG; secondary sign maximum 75% of primary sign maximum
	wall – multitenant (h)	yes	1 (t)	120/150			1.5 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum per frontage; maximum 120 MN, 150 MG; secondary sign maximum 75% of primary sign maximum (d)
	Projecting	yes	1	20	(a)		Under 4 ft wide, mounted 6 inches from attaching wall
	changeable message	yes	1	50%	10		Percent changeable of allowable sign area; allowed in MU only
advertising - freestanding	monument – single tenant	yes	1	32	8	2	Per street frontage
	monument – multitenant single street	yes	1	48	8	2	Per street frontage
	freestanding – single tenant <200 lf frontage	yes	1	80	20	2	Per street frontage; allowed in MG only
	freestanding – single tenant >200 lf frontage	yes	2	80	20	2	Per street frontage over 200 lf located more than 100 lf apart up to 4 total signs per site; allowed in MG only
	freestanding – multitenant <200 lf frontage	yes	1	120	20	2	Per street frontage; allowed in MG only
	freestanding – multitenant >200 lf frontage	yes	2	120	20	2	Per street frontage over 200 lf located more than 100 lf apart up to 4 total signs per site; allowed in MG only

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	freestanding – limited highway intersection	yes	1	140	45	2	Per 522 frontage at 522/Main Street intersection; sign must be perpendicular to and abutting 522 ROW, digital contents allowed
	TOTAL single-tenant site – MU-N only			140		2	Total allowed for combination of signs, except window signage
	TOTAL multitenant site – MU-N only			180		2	Total allowed for combination of signs, except window signage
General Commercial (GC), Industrial Transition (IT), and Tourist Commercial (TC) Zoning Districts							
informational	wall (h)	yes	1	40%	(a)	2	Percent of vertical edge of awning/canopy
	freestanding	yes	1	6	8		Per frontage visible from ROW – no limit within the site if not ROW visible
advertising	window – opaque	No	N/A	20%			Percent of window area per window
	window – transparent	No	N/A	20%			Percent of window area per first floor window
	under awning in lieu of blade	yes	1	10	(a)	2	Per business on street frontage
	blade in lieu of under awning	yes	1	16	(a)	2	Per tenant space – may have blade or under awning but not both
	awning/canopy fascia (g)	yes	1	6	6	2	Per property
	wall – single tenant (h)	yes	1 (t)	200	24		1.5 sf/1.0 lf of frontage per primary or secondary frontage up to maximum per frontage; secondary sign maximum 75% of primary maximum
	wall – multitenant (h)	yes	1 (t)	300	24		1.5 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum per frontage; secondary sign maximum 75% of primary maximum (d)
	Projecting	yes	1	20	(a)		Under 4 ft wide, mounted 6 inches from attaching wall – digital contents allowed
advertising - freestanding	single tenant <400 lf frontage	yes	1	100	35	2	Per street frontage – digital contents allowed except where visible from Lake Tye Park
	single tenant >400 lf frontage	yes	2	100	35	2	Per street frontage over 400 lf located more than 100 lf apart for a total of no more than 4 signs per site – digital contents allowed except where visible from Lake Tye Park
	multitenant <400 lf frontage	yes	1	150	35	2	Per street frontage – digital contents allowed except where visible from Lake Tye Park
	multitenant >400 lf frontage	yes	2	150	35	2	Per street frontage over 400 lf located more than 100 lf apart up for a total of no more than 4 signs per site – digital contents allowed except where visible from Lake Tye Park

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	off-premises multitenant advertising	yes	1	150	35	2	Per intersection of arterials and collectors on US 2 for businesses not located on US 2; located more than 100 lf from another freestanding sign subject to the total maximum allowable on- and off-premises sign area of each tenant; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property
	limited highway intersection	yes	1	140	45	2	Per 522 frontage at 522/Main Street intersection; sign must be perpendicular to and abutting 522 ROW – digital contents allowed
	monument – off-premises multitenant directions (f)	yes	1	24	10	2	Per closest arterial/collector road for businesses not located on US 2; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property
	changeable message – gas	yes	1	20	8	2	100% changeable of allowable sign area – digital contents allowed
	changeable message – food	yes	2	24	8	2	100% changeable of allowable sign area – digital contents allowed
	changeable message – movie	yes	1	80	24	2	80% changeable of allowable sign area – digital contents allowed
	TOTAL single-tenant site			360			Total allowed for combination of on- and off-premises signs, except window signage
	TOTAL multitenant site			480			Total allowed for combination of on- and off-premises signs, except window signage
Light Industrial (LI), General Industrial (GI), and Shoreline Industrial (SI) Zoning Districts							
informational	wall (h)	yes	1	6	8		Per frontage visible from ROW – no limit within the site if not ROW visible
	freestanding	yes	1	6	6	2	Per property
advertising	window – opaque	No	N/A	20%			Percent of window area per window
	window – transparent	yes	1	20%	(a)		Percent of vertical edge of awning/canopy
	blade in lieu of under awning	yes	1	16	(a)	2	Per tenant space – may have blade or under awning but not both
	wall – single tenant (h)	yes	1 (t)	300	24		1.0 sf/1.0 lf of frontage per primary or secondary frontage up to maximum per frontage; secondary sign maximum 75% of primary sign maximum
	wall – multiple tenant (h)	yes	1 (t)	300	24		1.0 sf/1.0 lf of tenant space building frontage per primary or secondary frontage plus 32 sf/tenant for each additional tenant after the first 2 tenants; secondary maximum 75% of primary maximum (d)
	projecting	yes	1	20	(a)		Under 4 ft wide, mounted 6 inches from attaching wall
	changeable message	yes	1	50%	10		Percent changeable of allowable sign area

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advertising - freestanding	monument	yes	1	50	6	2	Per vehicle complex entry
	single tenant <400 lf frontage	yes	1	100	35	2	Per street frontage – digital contents allowed except where visible from Lake Tye Park
	single tenant >400 lf frontage	yes	2	100	35	2	Per street frontage over 400 lf located more than 200 lf apart for a total of no more than 4 per site – digital contents allowed except where visible from Lake Tye Park
	multitenant <400 lf frontage	yes	1	150	35	2	Per street frontage – digital contents allowed except where visible from Lake Tye Park
	multitenant >400 lf frontage	yes	2	150	35	2	Per street frontage over 400 lf located more than 200 lf apart for a total of no more than 4 per site – digital contents allowed except where visible from Lake Tye Park
	off-premises multitenant advertising (f)	yes	1	150	35	2	Per intersection of arterials and collectors for businesses not located on Fryelands Blvd; sign located more than 100 lf from another freestanding sign subject to the total maximum allowable on- and off-premises sign area of each tenant; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property
	monument – off-premises multitenant directions (f)	yes	1	24	10	2	Per closest arterial/collector road for businesses not located on Fryelands Blvd; prohibited in ROW; maximum 1/4 mile straight line distance from sign to property
	TOTAL single-tenant site			360			Total allowed for combination of on- and off-premises signs, except window signage
	TOTAL multitenant site			488			Total allowed for combination of on- and off-premises signs, except window signage

Table Notes:

(a) Must comply with MMC 22.50.110.

(b) All signs may be located at the edge of the public ROW. Under-awning signs may extend six feet while blade and projecting signs may extend four feet into the public ROW or over the sidewalk where the sidewalk is at least ten to twelve feet wide.

Column headings:

(c) For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.

ROW footnotes:

(d) If the site has reached the maximum, newly created tenant spaces shall be allowed one tenant identifying wall sign located above the tenant's entry not to exceed sixteen square feet in surface area – not to be used as a bonus by tenants with existing signs. For multitenant building with a shared entry, the signage per tenant shall be determined by dividing the tenant's gross floor area by the gross floor area of the building to determine the percentage of the building occupied by the tenant. The tenant is then allotted that percent of the total square footage allowed for the site.

(e) No setback required in the Historic Main neighborhood subject to city engineer approval of visibility.

(f) Minimum three businesses per sign; must not have arterial street frontage available for freestanding signage and special circumstances are necessary because of the location, size, shape, or topography of the property or business, group of businesses, or business area to provide it with signage privileges typical of other properties in the vicinity or zoning district.

(g) Awning or canopy fascia lettering should be composed of a single line of type with letters under twelve inches and not occupy more than two-thirds of the fascia linear surface front or side.

(h) No wall sign shall project more than eighteen inches from the wall of a building, nor extend above the eave or deck line of the building upon which it is located; except those located upon parapet walls, wherein they may be located above the deck line but not above the height of the parapet wall. No wall sign shall have an image area larger than twenty-five percent of the area of the message.

22.50.030 Temporary Commercial Signs.

General. Temporary commercial signs provide information concerning advertisement of a commercial nature subject to the provisions listed in Table 22.50.030: Temporary Commercial Signs – All Zones.

A. Duration. Except as provided in the following table, no temporary commercial sign shall be erected, re-erected, or maintained for more than thirty consecutive days in a year. For the purpose of this regulation, any sign of similar content erected subsequent to the original temporary sign shall be considered as the original sign for the time limitation contained herein.

B. Location. Signs shall be located on site, except as provided in the following table. Temporary commercial signs cannot be affixed or located on utility poles, street sign, fence, tree, stop sign, or other similar structure within the ROW without underlying property owner permission.

C. Illumination. Not permitted.

D. Permit. A no-fee permit is required for temporary commercial signs. A label, issued by the City shall be affixed to all temporary commercial signs.

Table 22.50.030: Temporary Commercial Signs – All Zones

Purpose	Type of sign	Number of signs	Area maximum per sign in sq ft	Height in ft	Setback in ft	Comments
advertising	A-frame	1	8	4		Per business, 2 ft x 4 ft outside of pedestrian walkway. Maximum 60 days per year. Must comply with MMC 22.50.100. May be displayed during business hours only.
	Banners (b)	1	1.5 sf/1.0 lf of primary facade			Maximum of 60 days per year. Increments of 60, 30, 15, or 10 days; upon removal, a banner may not be re-erected for a duration equal to the time it was displayed. Shall not be located within the ROW.
	Inflatable (a)	1				Maximum 30 days per year. Shall not be located off-site or within round-a-bouts or medians nor block vehicular sight-distance.
	stake signs		6			Maximum 120 days per year. Shall not be located within round-a-bouts or medians nor block vehicular sight-distance. A maximum of two signs are allowed offsite.
	freestanding	1	20	10	2	Per street frontage

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	Window/poster	N/A	20% of window area			Per window, per building
	freestanding directional	5	4	3	2	1 sign on site, 4 off-premises signs allowed.

Table Notes:

(a) Inflatable objects or signs, air-supported structures, kites, and searchlights shall be located on the premises for which they are advertising, in the location specified under the approved permit. Inflatable objects or signs, air-supported structures, kites, and searchlights cannot be located in the public right-of-way or in required landscaping or parking areas. Shall not interfere with pedestrian movement, nor impede the vision or block the movement of motorists on private or public rights-of-way. Size, height, and illumination shall adhere to all applicable city, state and federal requirements relating to public safety, air and vehicular traffic control and the like. Kites and inflatable objects such as balloons shall not be operated more than one hundred fifty feet from the grade of the earth beneath the point of attachment, without written waivers from the Federal Aviation Administration. The beam of the searchlight shall not flash against any building or sweep an arc greater than forty-five degrees from vertical.

(b) Banners shall be located completely on the wall of the building or leased space of the sponsoring business. Banners cannot be located in required parking areas, upon poles, other constructed frame, affixed to or covering required landscaping, utility poles or vehicles and shall be affixed so as to survive high winds or storm events.

22.50.040 Permanent Noncommercial Speech Signs.

Noncommercial speech signs express noncommercial speech or other philosophical messages. Noncommercial speech signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to Table 22.50.040: Permanent Noncommercial Speech Signs, and the following requirements:

A. The permanent noncommercial sign allowance table determines whether a specific type of permanent noncommercial sign is allowed. The sign type is identified in the left column and the specific noncommercial sign allowances are located in the rows of the table.

B. If no symbol or number appears in the table box at the intersection of the column and row, the sign is not allowed in that category or is not subject to an allowance.

C. All applicable requirements shall govern a noncommercial sign whether or not the requirements are cross-referenced in Table 22.50.040: Permanent Noncommercial Speech Signs.

Table 22.50.040: Permanent Noncommercial Speech Signs

Type of sign	Permit	Number of signs	Area maximum per sign in sq ft	Height in ft	Setback in ft	Comments
Residential Zones						
Wall	yes	1	32	24	2	For properties with 4 or more dwelling units
monument-gateway	yes	1	40	5	2	For properties or tracts owned by an HOA. Sign quantity and location shall be at each vehicle complex entry.

freestanding - entry	yes	1	32	10	2	For properties with 4 or more dwelling units, 2 signs permitted per public entrance if located opposite one another and not exceeding 16 sf/sign face.
wall	yes	1	16	5	2	Illumination prohibited
monument	yes	1	16	5	2	May be illuminated but must adhere to MMC 22.50.130(E)
freestanding	yes	1	16	5	2	May be illuminated but must adhere to MMC 22.50.130(E)
Commercial Zones						
wall	yes	1	150	5	2	1.5 sf/1.0 lf of tenant space building frontage per primary or secondary frontage up to maximum per frontage. Secondary sign maximum 75% of primary sign maximum
monument	yes	1	16	5	2	May be illuminated but must adhere to MMC 22.50.130(E)
freestanding	yes	1	16	5	2	May be illuminated but must adhere to MMC 22.50.130(E)

22.50.050 Temporary Noncommercial Speech Signs.

Temporary Noncommercial speech signs express noncommercial speech or other philosophical messages. Temporary Noncommercial speech signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to Table 22.50.050: Temporary Noncommercial Speech Signs, and the following requirements:

A. Illumination. Not permitted.

B. Construction. Temporary signs, other than inflatable and banners, shall be constructed of a durable, rigid, all-weather material (i.e., plywood, plastic, etc.) so as not to lose structural integrity in inclement weather. Signs must be of a sufficient weight and stature to ensure that they will remain in place during high winds.

C. Location. Temporary Noncommercial Speech signs cannot be affixed or located on utility poles, street sign, fence, tree, stop sign, or similar structures within the ROW without owner permission. Portable signs meeting the definition of Temporary Noncommercial Speech may be erected off-premises as set forth in the sign allowance table.

D. Duration. For the purpose of this regulation, any sign of similar content erected subsequent to the original temporary sign shall be considered as the original sign for the time limitation contained herein.

E. Permit. A no-fee permit is required for temporary noncommercial signs. A label, issued by the City shall be affixed to all temporary noncommercial speech signs.

Table 22.50.050: Temporary Noncommercial Speech Signs			
Sign type	**Duration**	**Size**	**Location**
Banners	60 days per year. Increments of 60, 30, 15 or 10 days; upon removal, a banner may not be re-erected for a duration equal to the time it was displayed	32 sq ft	Shall not be located within the ROW without the underlying property owner consent.
Inflatable	30 days per year.	n/a	Must be located on-site.

A-frame	60 days per year.	6 sq ft per side.	Must comply with MMC 22.50.100. May be located within the ROW.
Stake Signs	90 days per year	6 square feet	Shall not be located within round-a-bouts or medians nor block vehicular sight-distance.

22.50.060 Murals.

Permit Required. Murals containing a commercial sign message shall require a sign permit and shall only be allowed on premises in the DC, GC, SI, TC, MN, MG, LI, GI, LS, and IN zoning districts. The commercial "display area" of the mural shall be calculated against the allowed signage for the site and/or tenant.

22.50.070 Exempt Signs.

General. Subject to the requirements of this section, the following signs shall be exempt from all sign permit provisions and are not subject to the size and other allowances specified in the sign allowance table of this chapter, except for construction, safety regulations and permitting requirements for permanent signs or where otherwise referenced in this chapter. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this code or any other law or ordinance regulating the same.

A. Traffic or pedestrian control signs, signs required by law, or signs indicating scenic or historic points of interest that are erected by or on the order of a public officer in the performance of their public duty.

B. Signs erected or installed by or at the direction of the city, such as traffic signs, legal notices, railroad warning signs, signs showing the location of underground public utility facilities, and other signs of a nonadvertising nature erected for warning or emergency purposes.

C. Signs erected or installed by or at the direction of the city, such as a City wide system of freestanding Directory signs allowing vehicular and pedestrian wayfinding throughout the city.

C. Public safety signs including temporary private ground or wall signs exclusively relating to the safety of the public (e.g., "no parking today," "use covered walkway," "do not enter," "danger," "loading zone") may be located as needed for public safety without limitations as to number, size, or location so far as the requirements of this chapter are concerned.

D. Signs directly related to a municipal building, structure or installed by the city or required by a governmental entity.

E. The flag of governmental and public institutions.

F. The flag of a commercial institution not advertising a product to be left loose to fly in the breeze. Not to exceed one per business and twenty square feet in surface area.

G. Decorative flags and bunting for a celebration, convention or commemoration of significance to the community located on public right-of-way, when authorized by the city council for a prescribed period of time.

H. Banners located over the public right-of-way, which display governmental speech including government events and celebrations.

I. Temporary signs and decorations that are customary for special holidays and that are erected on private property.

J. Official public notices of federal, state or local governments; official court notices.

K. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths or gasoline pumps.

L. Lettering or symbols painted directly onto or flush-mounted magnetically onto an operable vehicle.

M. Advertising signs located on licensed taxicabs and buses or commercial vehicles operating during the normal course of business. Signs on public transit benches and shelters and on and within public transit vehicles.

N. The changing of the advertising copy or message on a sign or theater marquee, reader boards, and similar signs specifically designed for the use of replaceable copy.

O. Painting, repainting, cleaning, repairing or normal maintenance of an advertising structure or the changing of the advertisement copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural or electrical change is made.

P. Interior signs.

Q. Historic signs, typically wall or projecting signs, where the sign is proposed to be restored or authentically recreated as evidenced by historic photographs.

R. Sculptures, fountains, mosaics, and design features that do not incorporate advertising or identification.

S. Identification signs upon recycling collection containers for public, charitable or nonprofit organizations.

<u>22.50.080 Prohibited Signs.</u>

General. From and after the effective date of this chapter, it is unlawful for any person to maintain, erect or place the following signs that are prohibited in the city of Monroe.

A. Signs that contain statements, words or pictures of an obscene, indecent or immoral character such as will offend public morals or decency under the prevailing statutes or U.S. Supreme Court rulings.

B. Any sign that constitutes a traffic hazard or is detrimental to traffic safety because of size, location, movement, content, or method of illumination. Any sign that obstructs the vision of drivers or detracts from the visibility of any official traffic control device because it diverts or tends to divert the attention of drivers of moving vehicles away from traffic movement on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians, or which by its glare or by its method of illumination constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse the steady and safe flow of traffic.

C. Signs that are of such an intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering the public right-of-way, or that are a nuisance or hazard to occupants of any property because of glare or other characteristics.

D. Laser signage consisting of light based displays, with beams or wide spectrum lights that result in an image.

E. Signs attached to public vegetation and structures within the right-of-way, including utility poles, traffic control devices, and lampposts, or other city-owned property, except the right-of-way itself, unless otherwise allowed pursuant to state or federal laws, are prohibited.

F. Signs that are in violation of the building, electrical or fire codes adopted by the city.

G. Advertising vehicles. This does not include automobile for sale signs.

H. Portable reader board signs including trailer signs.

I. Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by optical illusion, motion, electrical, electronic or mechanical means, except for traditional barber poles.

J. Signs that emit odor or visible matter such as smoke or steam, or involve the use of live animals.

K. Off-premises signs including, but not limited to, billboards, snipe signs and those signs upon vehicles and trailers, except for those otherwise authorized by this chapter. This prohibition shall

not apply to noncommercial signs, or other categories of signage specifically exempted under this chapter.

L. Billboards and all product advertising sponsored flags (including feather banners) and posters except those allowed as interior signs that are not visible from the street ROW.

M. Signs that are painted, pasted, or printed on any curb, pavement or any portion of any sidewalk or street, except house numbers and traffic control signs.

N. Signs painted directly on a sloped or gabled roof surface.

O. Signs for which a permit has been granted under conditions with which the permittee does not comply.

P. Any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed.

Q. Abandoned signs or signs in poor repair.

R. Any other signs that are not specifically permitted or exempted by this chapter.

22.50.090 Scenic Vistas Act.

All signs within the city of Monroe visible from SR 2 or SR 203 must be in conformance with the standards of the Scenic Vistas Act (Chapter 47.42 RCW and Chapter 468-66 WAC) that is incorporated herein by this reference as well as the related Washington State Department of Transportation ("WSDOT") rules, regulations, and noncompliance penalties; provided, that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.

22.50.100 A-Frame Signs.

A. Location. Shall meet the following requirements:

1. A-frame signs shall conform to the size, number, location, and other specifications listed in the sign allowance table and illustrated in the sign design guidelines.

2. Shall be located on the premises for which it is advertising, in the location specified under the approved permit. Not to be located in the public right-of-way unless otherwise specified. Not to be located in required parking areas, affixed to or covering required landscaping such as bushes or shrubs. Portable or A-frame signs shall not be affixed to, mounted upon or placed upon vehicles parking within the public right-of-way.

3. Shall not interfere with pedestrian movement, nor impede the vision or block the movement of motorists on private or public rights-of-way; provided, however, that due to unique location or other particulars no portable or A-frame sign shall be of such a size that it intrudes into any area required to be free of impediments pursuant to the Washington State Barrier Free Access or Americans with Disabilities Act (ADA) regulations as they now exist or may hereafter be amended.

4. A-frame signs in the downtown commercial zoning district may be located on the public sidewalk directly in front of the sponsoring business; provided, that a minimum distance of four feet is maintained between the wall of the sponsoring business and the portable sign. Additionally, the location requirements codified at subsection (A)(2) of this section and the permit requirements found in subsection (A)(8) of this section must be satisfied. Where the public streetscape has been improved and the walkway is a minimum ten feet in width, A-frame signs may be placed within the two-foot zone extending from the private property line or building frontage; provided, that the sign does not extend further into or otherwise obstruct or detract from the portion of the walkway reserved for public access.

B. Illumination. Not permitted.

C. Construction. Portable signs shall be constructed of durable, rigid, all-weather materials (i.e., plywood, plastic, etc.) so as not to lose their structural integrity in inclement weather. Sign must be of a sufficient weight and stature to ensure that it will remain in place during high winds. Owners of portable signs shall be required to keep their signs legible and well maintained.

D. Additional Permit Requirements. For those signs located in the ROW, the applicant shall provide the city with a letter of indemnification appropriate to the city attorney, holding the city harmless for loss or injury resulting from the sign.

22.50.110 Projecting and Suspended (under Awning) Signs.

A. Projection over Right-of-Way. Only those projecting and suspended and under awning signs located in the downtown commercial zoning district may be permitted to project into the public right-of-way, provided they meet all requirements relating to traffic, construction, safety and size; and are attached to an approved awning, canopy, marquee or porte cochere.

B. Additional Permit Requirements. When deemed necessary due to safety concerns, those projecting and suspended (under awning) signs located in the downtown commercial zoning district, over the public right-of-way, shall require the applicant to provide the city with a letter of indemnification appropriate to the city attorney, holding the city harmless for loss or injury resulting from the sign.

C. The area under the sign free of obstructions to allow passage of pedestrians and vehicles shall be eight feet under awning/canopy fascia, blade, and under-awning signs, and twelve feet under projecting signs.

22.50.120 Digital Content and Video Display Signs.

Changeable copy by electronic or video means may be utilized on any permitted freestanding sign; provided, that the sign is at least thirty-five feet in any direction from any other sign that uses electronic display and is ninety degrees perpendicular to the flow of traffic, and is not located within the Historic Main neighborhood in the Downtown Commercial zone.

A. Only one EMC, EMD, or video sign is permitted per site for each street frontage on which the development fronts and the sign is visible from the public ROW.

B. Electronic message centers and displays (EMC and EMDs) are subject to the following restrictions:

1. The copy cannot change more than once every four seconds.
2. The interval between successive displays is zero such that an approaching driver cannot perceive any flashing of the display screen.
3. No special visual effects of any kind such as moving toward or away from the viewer, expanding or contracting, bouncing, rotating, spinning, twisting, or otherwise portraying movement or animation as the message is displayed on the screen or to accompany the transition between any successive messages.
4. Message sequencing is prohibited.

C. Video display signs are subject to the following restrictions:

1. Any portion of the message that uses a video display method shall have a minimum duration of two seconds. Calculation of the duration shall not include the number of frames per second used in a video display method.
2. There shall be zero seconds of still image or blank screen following every message using a video display method so that an approaching driver cannot perceive any flashing of the display screen.
3. Audio speakers shall be prohibited in association with a sign using a video method of display.

D. Digital content signs, including message centers and displays, videos, etc., must have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night such that changeable message signs cannot exceed the following foot candles (fc) by zone:

Zoning District	Foot Candles
Transportation (TR), Institutional (IN), Limited Open Space (LS)	0.3
Downtown Commercial (DC), Mixed Use – Neighborhood (MN), Mixed Use – General (MG), Light Industrial (LI), General Industrial (GI), Shoreline Industrial (SI)	0.5

General Commercial (GC), Tourist Commercial (TC) 0.8

Source: Illuminating Engineering Society (IES)

E. Permit applications for electronic message centers and displays (EMCs and EMDs) and video display sign permits must include a copy of the manufacturer's operating manual which includes the manufacturer's recommended standards for light levels, scrolling or traveling speed and other display operations. EMCs and EMDs are subject to periodic assessment of the sign's performance and impact on traffic safety, driver and pedestrian distractions, and the other criteria of this code.

22.50.130 General Provisions.

A. General. No person shall erect, reconstruct, alter, relocate or place any sign within the city except such signs as are permitted, exempt, or not specifically regulated by this title. All signs, including the frames, braces or supports thereof, shall be constructed and maintained in compliance with this title, all applicable requirements of the Uniform Sign Code, Uniform Building Code, and all other applicable ordinances of the city.

B. Conflict of Provisions. If any provision of this chapter conflicts with the Uniform Sign Code or the Uniform Building Code, the provision of this chapter will govern.

C. Structure. Structural components of signs are regulated by the currently adopted edition of the Uniform Sign Code.

D. Electrical. Electrical components of signs are regulated by the currently adopted edition of the National Electric Code. All electrical signs must bear the U.L. label and shall receive a permit from the Washington State Department of Labor and Industries prior to issuance of the sign permit. All utilities, including electrical service, shall be located underground.

E. Illumination. The light directed upon, or internal to, any sign shall be shaded, shielded or directed so that the light intensity or glare shall not adversely affect the surrounding or facing premises, or adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas, or adversely affect safe vision of pedestrians on a public right-of-way. Glare and intense lighting of signs shall not shine on or directly reflect into residential structures. Flashing devices are prohibited from use where they are visible from the exterior of a building or location.

F. Sight Obstructions. All signs are subject to review by the city engineer for conformance with view obstruction and clearance triangle requirements.

G. Design and Materials.

1. Signs shall be designed for the purpose of identifying the facility or establishment in an attractive and functional manner and to help customers find the specific establishment and location; signs in residential zones should not serve as general advertising.
2. Signs shall be integrated into storefront, building and site design, where applicable, and shall be compatible with their residential, office, business or public park or open space surroundings, and clearly inform viewers of the building tenant or use.
3. Signs shall contain graphic elements that are readable for the intended purpose and of professional design quality.
4. Materials of construction for signs shall be of the quality and grade as specified for buildings in the building code.
5. Electrical raceways, if used, shall be painted to match the background color of the surface the sign is affixed to.
6. Backs of Signs. Exposed areas of backs of signs should be finished with appropriate color, material or texture to present an attractive appearance relative to the building materials, color and texture.

H. Inspections. All signs for which a permit is required shall be subject to inspection by the city. The permit holder shall notify the city when the following work is ready for inspection and shall not proceed further until such work has been approved:

1. Footings: before any concrete is poured for freestanding signs or any other sign partially supported on or attached to the ground.
2. Electrical. Signs containing electrical wiring shall be inspected before erection.

3. Final. Signs shall have a final inspection, which is to be made immediately after erection.

4. Relocation Required. The city of Monroe may, on ten days' written notice, by reason of changed traffic conditions or the construction or relocation of public improvements or otherwise, find that a private sign that extends over or maintained on a public property or the public right-of-way must be relocated. The person maintaining such sign must remove, relocate or alter the sign in accordance with the city's finding at their sole expense.

I. Fire Exits. No sign or any portion thereof shall be anchored to, or attached to, or supported by any fire escape or any standpipe, or erected so as to obstruct or prevent the free ingress and egress from any window, door or fire escape.

K. Property Owner's Consent. It is unlawful for any person to place, attach or maintain any sign, banner, card, sticker, handbill or other advertising device, within the right-of-way, upon or within any property, whether public or private, without securing the consent of the owner or their tenant or the underlying property owner if placing within the right-of-way, except as otherwise authorized by this chapter or by other applicable law.

L. Projection over Public Property. Signs supported entirely on private property may extend into the public right-of-way as set forth in the sign allowance table; provided, that in no event shall any sign be permitted to extend beyond the curb line. In the absence of a curb, the curb line shall be established by the city engineer.

M. Clearance from Power Lines. No sign shall be constructed or maintained which would have less horizontal or vertical clearance from communications lines or electric power lines than the clearance prescribed by the Electrical Construction Code of the Washington State Department of Labor and Industries. In case of conflict, the most restrictive shall apply. Whenever it becomes necessary for workmen to be less than ten feet from any electrical conductor carrying more than six hundred volts, the sign contractor shall notify the proper utility company to provide a standby service crew.

N. Power Source. No sign of any type shall be serviced by an overhead electric or power line from a source other than that which is internal to the sign.

O. Parking lot signs: within parking lots, should be limited to those necessary for safety and identification. Any required signs for individual stalls should be marked on the pavement. Freestanding or wall-mounted signs should not be permitted, with the exception of ADA handicapped accessible parking signs. Entry/exit signs to parking areas are allowed as shown in the sign allowance table.

22.50.140 Maintenance and Removal.

A. Responsibilities. It shall be the responsibility of every owner of real property and their tenant or other person in possession of such property with the consent of the owner to maintain every sign on such property in strict compliance with this code.

B. Maintenance. Every sign shall be constantly maintained in good structural condition and in a state of security, safety, and good repair at all times including all supports, braces, guys, and anchors. The display surfaces of all signs shall be kept neatly posted at all times. If a sign is not so maintained, it must be removed or repaired within thirty days of notification by the city of Monroe. The owner, his agents, or assigns are responsible for such maintenance and compliance with this section.

C. Maintenance Repair or Removal – Permanent Signs. The city of Monroe shall inspect and have the authority to order the owner to paint, repair, alter or remove permanent signs which have become dilapidated. The city may order the removal of any sign on private property that is not maintained in an orderly condition. In such a case, the city may issue a notice and order of code violation in accordance with Chapter 1.04 MMC. The city may abate conditions which were caused by or continue to be a code violation using lawful means, and recover the costs of abatement as further provided in Chapter 1.04 MMC. The order for maintenance or removal of any sign shall be sent by the city to the owner of the sign or property owner. The notice shall be sent by certified mail, return receipt requested. If the action requested in the order is not taken within the specified time period, the city may direct the sign to be removed from the premises.

The owner of the sign or the property shall be charged an amount equal to the city's cost for removal of the sign.

D. Maintenance Repair or Removal – Temporary Signs. The city of Monroe shall inspect and have the authority to remove or order the owner to paint, repair, alter or remove temporary signs which are not compliant with this chapter in compliance with MMC 22.50.170.

E. Abandoned and Obsolete Signs. Signs for which the use no longer exists, such as the vacation of a business or business site or a property that no longer remains commercially viable, shall be removed or the sign face covered within ten days following termination of the use or site.

22.50.150 Nonconforming Signs.

A. General. Every permanent sign except historic and landmark signs which, by reason of any amendment to the provisions of this chapter which occurred after the date the sign was installed, or by change of zoning district or by annexation of territory to the city, becomes in violation of or does not conform to the provisions hereof, shall be removed or altered so as to conform with the provisions of this chapter within five years from the effective date of such amendment or change unless the owner submits a written request for an extension to the city at least thirty days prior to the expiration of a five-year period from the date this ordinance was adopted (Ord. 005/2019), and the city approves the same. The city may grant up to two separate extensions for a total of two additional years.

B. Every limited duration and temporary sign must conform to the provisions of this chapter from the effective date of such amendment or change in all zones of the city.

C. Maintenance. Nonconforming signs may be maintained, repaired and repainted without permit or fee during the periods specified in subsection (A) of this section or any extensions granted under subsection (E) of this section, but no structural change shall be made nor shall any increase in area be permitted.

D. Moving or Alterations. In such cases where a nonconforming sign is moved or changed, the sign shall be treated as a new sign and subject to the requirements of this chapter.

E. Appeal. The period specified in subsection (A) of this section may be extended by the hearing examiner upon application of the person maintaining such sign if the examiner finds that such an extension is necessary for the preservation of substantial property rights of the applicant. The application for the extension shall be made in writing within ten days after notice to remove the sign has been issued by the city.

F. Removal of Nonconforming Signs. If the provisions of subsection (A) of this section are not complied with regarding removal or alteration of nonconforming signs, and no appeal is made in accordance with subsection (E) of this section, the nonconforming sign is to be removed, and the cost thereof shall be charged to the owner or tenant.

G. Any Change in Building Use or Classification. Any change requiring change of use or any new sign structure installation will require applicable signage to conform to the provisions of this section.

22.50.160 Permits and Fees.

A. Permits Required. It shall be unlawful for any person to erect, re-erect, construct, enlarge, display, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the city of Monroe as required by this chapter. This section shall not be construed to require an additional permit to clean, repaint, or otherwise perform normal maintenance or repair of a permitted sign or sign structure. If, however, a sign is modified in any way, a permit is required. No permit shall be required to change the message on a changeable message and electronic sign.

B. Permanent Permit Application Procedure – Single-Occupancy Buildings, Complexes, or Properties. A sign permit shall be filed providing completed forms and supplemental information deemed necessary by the city of Monroe to show full compliance with this and all other laws and ordinances concerning single-occupancy buildings, complexes, or properties. A separate permit

shall be required for a sign or signs for each business entity or location and a separate permit shall be required for each group of signs on a single supporting structure. Additional signs applied for separately shall require a separate permit.

C. Permanent Permit Application Procedure – Multi-Occupancy Buildings, Complexes, or Properties. A sign permit shall be filed providing completed forms and supplemental information deemed necessary by the city of Monroe to show full compliance with this and all other laws and ordinances concerning multi-occupancy buildings, complexes, or properties.

1. The purpose of this section is to establish binding master sign site plans for multi-occupancy buildings, multi-building complexes or properties under common ownership and/or control, in order to establish consistent sign design, location and materials and to allow for certain signage bonuses as set forth below. All development permits for multi-occupancy buildings, multi-building complexes and commonly developed properties sharing common access points and adjacent to one another, approved after the effective date of the ordinance codified in this chapter, shall submit a master sign site plan to the city for approval.

2. Transfer for Master Sign Site Plan. The maximum determined signage for the development may be transferred from one tenant and/or parcel to another within the site.

3. Approval and Modification of Master Sign Site Plan. The city shall approve a master sign site plan and subsequent modifications. Any deviation from the approved master sign site plan such as additional signage, relocating signs, replacement signs and other modifications not including tenant name changes shall require modifying and updating the approved master sign site plan on file at the city.

D. Temporary Sign Permit Application Procedure – Except A-frame Signs. A no-fee sign permit shall be filed providing completed forms and supplemental information deemed necessary by the city of Monroe to show full compliance with this and all other applicable laws and ordinances. In addition, applications for A-frame sign permits shall comply with the insurance and Hold Harmless Provisions in MMC 22.50.160(F). The no-fee sign permit shall be affixed to each temporary sign.

E. Electrical Permits. An electrical permit shall be obtained for electric signs. Portable sign shall not be located on any property until such time as a building permit has been issued. No building permit will be issued until there is compliance with other codes and ordinances of the city of Monroe and the Washington State Department of Labor and Industries has approved the method of electrical power for said portable sign.

F. Insurance and Hold Harmless Provisions. The owners of any signs that are located in, project into or overhang a public right-of-way shall prior to approval of a sign permit execute and deliver to the city a hold harmless agreement in a form approved by the city attorney, holding the city harmless against any and all claims of any nature whatsoever arising out of the presence of such sign in or over the public right-of-way.

G. Permit Processing. All proposed signs other than those requesting a variance from the requirements of this chapter shall be processed by the city of Monroe following review and comment as specified above, and provided the proposed sign(s) is within the intent and purposes of this chapter, complies with this chapter's provisions, and will not be contrary to the public interest, detrimental to the public welfare or safety, or injurious to property in the vicinity. Signs must be inspected by the city and must conform to the currently adopted International Building Code.

H. Permanent Sign Permit Fees. A nonrefundable fee shall be paid upon the filing of an application for a sign permit in accordance with the sign fee which shall be established by city council.

I. Permanent Sign Permit – Time Limitation. If, after the issuance of a sign permit, the operations authorized thereunder are not completed or substantially completed within one hundred eighty days after the date of the permit, such sign permit shall be automatically null and void.

J. Revocation of Permit. The city of Monroe may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of

incorrect information or whenever the sign is in violation of any ordinance, regulation or provision of this chapter.

K. Change of Copy. The holder of a permit, for the duration thereof, shall have the right to change the advertising copy words only on the structure or sign for which the permit was issued, without being required to pay any additional fees.

L. Permanent Wall Sign and Mural Maintenance. Failure to properly maintain the mediums used within a painted wall sign or mural or artwork as defined herein shall be sufficient grounds to revoke the sign permit.

M. Interpretation. In all applications for permits where a matter of interpretation arises, the most restrictive definition shall prevail.

22.50.170 Administration and Enforcement.

A. Enforcing Authority. The city of Monroe is hereby authorized and directed to enforce all the provisions of this title in accordance with Chapter 1.04 MMC and to make necessary interpretations subject to appeal under MMC Chapter 22.84, Permit Processing.

B. Removal of Dangerous Signs. If the city of Monroe finds that any sign is unsafe or insecure, or is a menace to the public safety, the sign may be summarily removed in accordance with MMC 1.04.060.

C. Removal of Illegal Signs. If the city of Monroe finds that any sign has been constructed, erected, relocated or altered in violation of the provisions of this title, the city of Monroe is hereby authorized and directed to enforce all the provisions of this title in accordance with Chapter 1.04 MMC.

D. Any sign removed pursuant to this section may be returned to the owner if retrieved within ten days of removal or earlier upon the owner securing a permit. Any sign which is not retrieved by the owner within ten days may be destroyed.

E. Right of Entry. When it is necessary to make an inspection of a sign or business to enforce any of the provisions of this chapter, or when the city has reasonable cause to believe that an illegally located sign exists or a condition exists which makes a sign unsafe, the city may enter the premises or building where the sign is located at all reasonable times to perform any duty imposed by this chapter, to the extent permissible by law. If the building or premises where the sign is located is occupied, the city shall first present proper credentials and request entry, and if such building or premises be unoccupied, the city shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the city shall have recourse to every remedy provided by law to secure entry, including procurement of a search warrant. No owner or occupant or any other person having charge or control of any building or premises shall fail or neglect, after proper request is made and a warrant is provided, to properly permit entry therein by the city for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be subject to a penalty or fine established by city council.

F. Confiscation of Signs in Right-of-Way. Unauthorized signs or other advertising devices either in, or fully or partially supported on, or projecting over the public right-of-way are hereby declared to be a public nuisance and in violation of this sign code. The city may remove such signs at any time as a means of abating the nuisance. All signs confiscated by the city shall be held for ten working days, after which such signs may be destroyed or otherwise disposed of. The owner of a confiscated sign may recover the sign when it is still in the possession of the city of Monroe upon payment of the recovering fee found in the city of Monroe fees resolution to cover the cost of confiscation and storage.

G. Violation and Penalties. It shall be unlawful for any person, firm or corporation to erect, hang, construct, enlarge, alter, repair, move, improve, convert, equip, use or maintain any sign or sign structure in the city, or cause or permit the same to be done, contrary to or in violation of the provisions of this title. Any person, firm or corporation violating any of the provisions of this title shall be subject to a penalty or fine established by city council, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued, or permitted, and upon

conviction of any such violation such person shall be punishable by a penalty or fine established by city council.

H. Nonliability. This title shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, constructing, installing, altering, removing, moving, or controlling any sign in the city. For damages to person or property injured or damaged either in person or property caused by any defect therein, the city or any agent thereof shall not be held as assuming any liability by reason of permit or of the inspection authorized hereunder or certificate of inspection issued by the city or any of its agents.

I. Conflicting Provisions. If any provision of this title is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision that establishes the higher standard shall prevail.

J. Severability. If any provision of this title or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

22.50.180 Interpretations.

Where there is any dispute concerning the interpretation of the chapter, the decision of the administrator shall prevail, subject to the variance and appeal provisions set forth in MMC 22.50.190. Notwithstanding any other provision of this chapter, the provisions of this chapter shall be construed and enforced in a manner consistent with applicable state and federal constitutional requirements. After consultation with the city attorney, the administrator may disregard, and/or deviate from, the provisions of this chapter to the extent deemed necessary in the administrator's determination in order to avoid a violation of any party's constitutional rights. Any such determination of the administrator shall be made in writing and shall be appealable in accordance with MMC 22.50.190.

22.50.190 Variances and Appeals.

A. Powers. Recognizing that there are certain cases that may, or may not, be detrimental to aesthetic character, public health, safety and general welfare, and the effectiveness of visual communication in the city, depending upon the facts of each particular case, a limited power to issue variance permits and to interpret any section of the title is vested with the hearing examiner.

B. Appeals and Variances. Application for special permits and variances from the ruling of the city concerning the provisions herein contained may be made to the hearing examiner. The hearing examiner shall receive all applications requesting review of sign permit decisions, conditions, or determinations relating thereto, for a variance and special permit; and shall maintain and be custodian of all records of the minutes of the meetings and findings. All records shall be open to the public. Copies of the appellant's notice for all special exceptions shall be filed with the city of Monroe, hearing examiner, and planning commission, containing the decision of the city of Monroe and the reasons why the appellant is aggrieved, specifying the grounds therefore. Each application or request for a special exception filed shall be accompanied by a fee to cover the city's cost of handling the request for a special exception. Upon the filing of such fee and application, the city of Monroe shall forthwith transmit to the hearing examiner all papers constituting the record and decision of the city of Monroe relating to the request for a special exception. The hearing examiner shall fix a reasonable time for the public hearing and give due notice thereof to the parties and general public. The hearing examiner shall make a decision within a reasonable time after the hearing.

C. Stay. A request for any special exception to the hearing examiner stays all proceedings, in furtherance of the action from which the request for a special exception was taken, unless the city of Monroe, from whom the request for a special exception is taken, certifies to the hearing examiner, after the notice of a request for a special exception shall have been filed with the city of Monroe, that by reason of facts stated in the certification, a stay would in the city of Monroe's

opinion cause imminent peril to life or property, in which case such action shall not be stayed otherwise than by a restraining order, which may be issued by the superior court. The decision of the hearing examiner on the request for a stay shall be transmitted to the city of Monroe.

D. Collection of Expenses Incurred. Whenever there incurs any expense in connection with the removal or alteration of any sign, the cost thereof shall be paid by the owner of the real property upon which the sign is erected or maintained. In the event any other person is in possession of such property with the consent of the owner, the owner and such other person shall be jointly responsible for the payment of such cost.

1. The city shall submit to the owner and/or other person in possession of the premises a statement of costs incurred by the city for removing or altering the sign.
2. Upon the failure to receive full payment within thirty days from the date the statement is submitted, or within thirty days after conclusion of any appeal proceedings, whichever is later, the city is authorized to provide for the collection of the amounts due in any lawful manner.

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CHAPTER 22.52
AFFORDABLE HOUSING

Sections:

22.52.010 Purpose.
22.52.020 Applicability.
22.52.030 General Provisions.
22.52.040 Incentives.
22.52.050 Agreements and Covenant.

22.52.010 Purpose.

The purpose of this chapter is to implement the Growth Management Act (Chapter 36.70A RCW) and the housing and land use goals and policies of the Monroe Comprehensive Plan for all economic segments of the community. This chapter provides incentives to encourage developers to create housing throughout the city that will be affordable to lower income families.

22.52.020 Applicability.

Affordable housing incentives are available to new and rehabilitated mixed-use, multifamily, and single-family residential developments meeting the definitions of affordable or low-income housing in Chapter 22.12 MMC, Definitions, and the requirements of this chapter.

22.52.030 General Provisions.

For the purposes of review and approval of affordable housing units in residential developments, affordable housing shall meet all of the following applicable requirements, in addition to any other requirements imposed by RCW 84.14 and this chapter.

A. Income Restrictions. Income limits referenced by this chapter shall be determined by using the median family income for the Seattle-Bellevue, WA HUD Metro FMR Area, as most recently published by the United States Department of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended. The following income categories and limits are established by Table 22.52.030(A), Affordable Housing Income Limits, as pursuant to HUD guidelines and RCW 84.14:

Table 22.52.030(A): Affordable Housing Income Limits

Category	Income Limit
Very Low Income	50% of median income and below
Low Income	50% to 80% of median income
Moderate Income	80% to 95% of median income

B. Requirements for Affordable Units. All developments that include affordable housing, as defined by MMC Chapter 22.12, shall comply with the following:

1. The maximum housing costs for rented units including basic utilities shall not exceed thirty percent of the income limit for the affordable housing unit;
2. The maximum sales price for any affordable housing unit shall not exceed eighty percent of the average median sales price for a comparable home, in a market rate housing development, within southeast Snohomish County, as documented in the most current Northwest Multiple Listing Services Report;
3. Affordable housing units shall be owned and/or managed by a public or private nonprofit 501(c)(3) organization, county, state, or federal agency with an established history of developing and managing quality affordable housing;
4. Affordable housing units shall comply with applicable design standards for the underlying zoning district; and

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5. All affordable units developed under this chapter shall remain affordable for a period of not less than fifty years, or the minimum period required under applicable state law.

C. Affordable Units in Market Rate Developments. All market rate developments that include affordable housing, as defined by MMC Chapter 22.12, shall comply with the following:

1. Affordable units within market rate developments shall be constructed concurrently with market rate units;
2. The affordable housing units shall generally be intermingled with the market rate dwelling units in the development;
3. The interiors and exteriors of the affordable housing units shall be consistent with and comparable in quality to the market rate dwelling units in the development;
4. The affordable housing units shall consist of a mix of the unit types (by number of bedrooms) and shall be provided in a range of sizes that are generally proportionate to the mix of market rate units in the overall development;
5. The tenure (owner- or renter-occupied) of the affordable housing units shall be the same as the tenure of the market rate dwelling units in the development;
6. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the market rate dwelling units in the development; and
7. Developers shall build affordable units on the same site as the market rate dwelling units.

D. Developments Exclusively Providing Affordable Housing. In the case of developments constructed solely to provide affordable housing, whether owner-occupied or rental, the development shall provide housing units consistent with similar market rate units in the city.

22.52.040 Incentives.

The city shall provide a density bonus and additional incentive(s), for qualified housing developments, upon the written request of a developer, and as consistent with this chapter. The development incentives shall contribute significantly to the economic feasibility of providing the affordable units.

A. Density Bonus. The maximum residential density for developments that include affordable housing units shall be determined at the following levels:

1. To calculate the maximum base density, the number of possible dwelling units or lots allowed without the density bonus, refer to the maximum density calculation in MMC 22.16.050(B) for single-family developments and MMC 22.18.050(B) for multifamily developments.
   a. Multiply the base density by the density bonus to determine the residential density. This calculation identifies the maximum residential density possible when the affordable housing density bonus is included. In some cases, this density may not be achievable due to unique site considerations, including critical areas, topography, right-of-way dedication, stormwater requirements, etc.
   b. When calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number and any fraction 0.49 or under shall be rounded down to the preceding whole number.
   c. The ratio of affordable units to additional market rate units are established according to MMC Table 22.52.040(A): Affordable Housing Density Bonus for Market Rate Developments.

Table 22.52.040(A): Affordable Housing Density Bonus for Market Rate Developments

Target Household	Market Rate Density Bonus	Affordable Housing Density Bonus
Households at or below very low income	2 additional market rate units/lots per each affordable unit/lot	Up to a 50% density bonus
Households at or below low income	1.5 additional market rate units/lots per each affordable unit/lot	Up to a 40% density bonus
Households at or below moderate income	1 additional market rate unit/lots per each affordable unit/lot	Up to a 20% density bonus

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2. In the case of developments constructed solely to provide affordable housing, whether owner-occupied or rental, the developer shall receive additional affordable housing units or lots above the maximum density otherwise permitted in an amount equal to the density bonus provided for market rate developments.

B. Tax Exemptions. The value of new housing construction, conversion, and rehabilitation improvements for affordable housing multifamily projects may be exempt from ad valorem property taxation for the maximum time specified in RCW 84.14.020 to the extent the project complies with Chapter 84.14 RCW as now or hereafter amended, subject to the following:

1. The project must comply with all applicable design and site planning standards of this Title.
2. Demolition must comply with the building code and all applicable development standards.
3. The community development department shall issue a certificate of affordability following the recording of covenants, as required in MMC 22.52.050 and a finding by the zoning administrator or designee that the project meets the criterion of RCW 84.14.060, as now or hereafter amended.
4. An applicant for a certificate of affordability may appeal a denial to the Monroe City Council if the appeal is in writing and filed with the zoning administrator within thirty days of the date of denial. The appeal before the City Council shall be based upon the record made before the zoning administrator with the burden of proof on the applicant to show that there was no substantial evidence to support the denial. The decision of the city council shall be final.
5. Applications for certificates of affordability and appeals thereto shall not be subject to MMC Title 22, but rather shall be governed by the procedures imposed by Chapter 84.14 RCW.

C. Modifications. Additional incentives include modifications to development standards in developments that provide affordable units, as outlined in this subsection. The zoning administrator may approve the following modifications to the development standards:

1. The maximum lot coverage may be increased up to an additional ten percent above the maximum standard applicable to the zoning district in which the development is located.
2. On-site parking may be reduced to:
   a. Two parking stalls per affordable unit in multifamily developments
   b. Three-quarters of a parking space per affordable unit in affordable senior developments
   c. A greater administrative modification of the minimum required number of parking spaces may be approved if the applicant provides a parking study, prepared by a qualified professional, substantiating that parking demand can be met with a reduced parking requirement.
3. Modifications to parking design standards may be approved when they can demonstrate that on-site parking needs will be met.
4. In neighborhoods in the Downtown Commercial zoning district that allow for residential uses when a housing development will exclusively provide affordable units, attached affordable housing units may be constructed up to a fourplex, on a single lot, in conformance with Table 22.52.040(A): Affordable Housing Density Bonus for Market Rate Developments. The development shall provide housing units consistent with market rate units available to other residents.
5. Proposed modifications to development standards shall meet the following criteria to be approved by the zoning administrator:
   a. The proposed modifications are necessary to provide sufficient economic incentive to offset the cost of providing the affordable housing units;
   b. The proposed modifications are necessary to achieve the permitted density, including the bonus units and affordable units; and
   c. The proposed modifications are consistent with public health, safety, and welfare, and specifically does not create any safety hazard.

22.52.050 Agreements and Covenant.

Prior to the issuance of any certificate of occupancy, the proponent shall record with the Snohomish County auditor's office, in a form approved by the city, an agreement specifying the affordable nature of the units. The agreement shall constitute a covenant running with the land, binding on the assigns, heirs, and successors of the proponents and owners of the property.

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A. Contents of the Agreement. The agreement shall specify the terms and conditions of the affordable units to assure that the units remain affordable as required under this section and the agreement shall include at a minimum the following:

1. The total number of units approved for the housing development, including the number of target units;
2. A description of the household income group to be accommodated by the housing development and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;
3. The location, unit sizes in square feet, and number of bedrooms of target units;
4. Tenure of use restrictions for affordable units;
5. A schedule for completion and occupancy of affordable units;
6. A description of any additional incentive(s);
7. A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third party beneficiaries under the agreement; and
8. Other provisions to ensure implementation and compliance with this chapter.

B. Ownership Housing Developments. In the case of for-sale housing developments, the agreement shall provide conditions governing the initial sale and use of affordable units during the applicable restriction period:

1. Affordable units shall, upon initial sale, be sold to eligible lower income households at an affordable sales price and housing cost;
2. Affordable units shall be owner-occupied by eligible lower-income households, or by qualified residents in the case of senior citizen housing; and
3. The initial purchaser of each affordable unit shall execute an instrument or agreement approved by the city restricting the sale of the target unit in accordance with this chapter during the applicable use restriction period.

C. Rental Housing Developments. In the case of rental housing developments, the agreement shall provide conditions governing the use of affordable rental units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants;
2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter; and
3. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.

D. Compliance Report. Any developer of a project under this chapter shall demonstrate that a public or private nonprofit 501(c)(3) organization, county, state, or federal agency is responsible for tracking and enforcing the affordability requirements. Said entity shall report on compliance with the affordability requirements to the city annually, or as requested.

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CHAPTER 22.54
AIRPORT COMPATIBILITY

Sections:

22.54.010 Purpose.
22.54.020 Applicability.
22.54.030 Description of Airport.
22.54.040 Airspace Protection Areas.
22.54.050 Airport Compatibility Overlay Zones.
22.54.060 Height Limitation.
22.54.070 Land Use Restrictions.
22.54.080 Development Standards.
22.54.090 Procedures.

22.54.010 Purpose.

A. The intent of the airport overlay zoning district is to protect the viability of First Air Field, a general aviation facility, by encouraging compatible land uses and densities, and reducing hazards that may endanger the lives and property of the public and aviation users.

B. The airport overlay zone identifies six compatible use zones designed to minimize incompatible uses and hazards, which are based on the guidelines within the WSDOT Aviation Division's "Airports and Compatible Land Uses, M 3074.00," January 2011 and the California "Airport Land Use and Planning Handbook," January 2002.

C. As the name implies, this is laid over the existing zoning districts. It is shown outside of the current city limits as advisory to adjacent jurisdictions.

22.54.020 Applicability.

A. Provisions Applicable. Provisions of this chapter shall apply to all development including, but not limited to: land use development permits, building permits, subdivisions and short subdivisions, binding site plans, and uses located wholly or partially within an airport compatibility overlay inside the City of Monroe's jurisdictional boundaries or its Urban Growth Area (UGA). The overlay includes six zones, as depicted on the city of Monroe airport compatibility map, as incorporated by reference into this chapter.

B. Exemptions. The following structures, uses or other activities are exempt from the provisions of the airport compatibility overlay when permitted by the underlying zoning district; provided, that the use will not penetrate the FAR Part 77 surfaces, attract bird populations, impact airport operations, or create a safety impact as determined by the airport manager or owner:

1. Necessary aviation facilities. Any air navigation facility, airport visual approach or aircraft arresting device, meteorological device, or a type of device approach by the FAA, the location and height of which is fixed by its functional purpose.
2. Any aeronautical business or event.
3. Preexisting nonconforming uses.
   a. Nothing contained herein shall require any change or alteration of a legally constructed or established structure, or use in existence at the time of adoption or amendment of these regulations. These regulations are intended to regulate the erection or establishment of any new structure or use; the moving or relocation of any structure or use to a new location; the operation or continuance, at any time following the effective date of these regulations.
   b. Nonconforming uses and structures shall not be increased in size or intensity.
   c. In the event that a preexisting use or structure is destroyed by natural disaster, the reconstruction of such use or structure shall comply with the criteria set forth in MMC Chapter 22.40, Nonconformance and Reuse Standards.
4. Other Uses. Other uses may be exempted when determined by the zoning administrator, in consultation with the airport owner and/or airport manager, to be minor or incidental in nature and consistent with this chapter.

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22.54.030 Description of Airport.

A. Airport Name: Firstair Field.
B. Airport Identifier: W16
C. Airport Elevation: 50 feet
D. Firstair Field has one runway

Runway Identification	Runway Type	Approach/Departure Direction	Runway Length	Runway Width
07-25	Visual	East/West	2,095 feet	34 feet

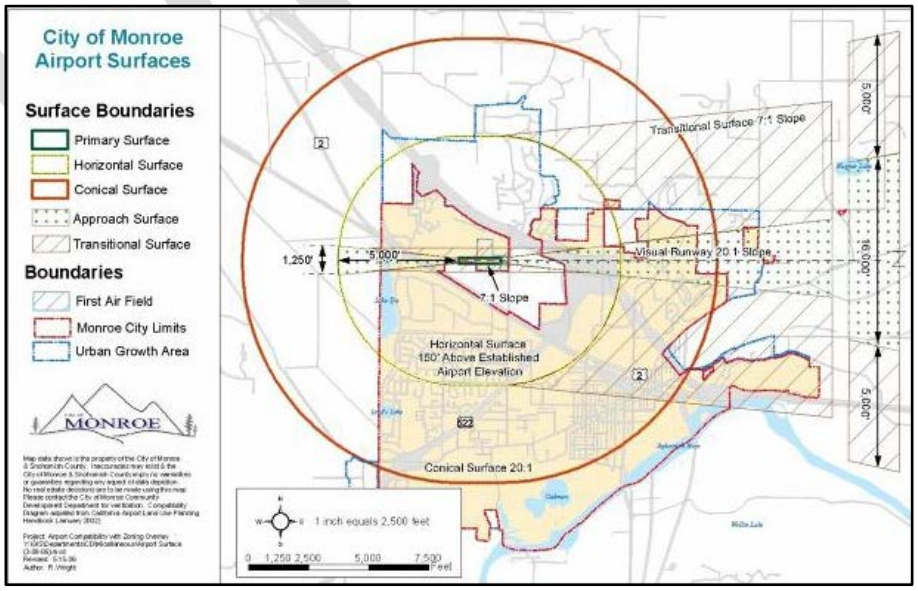
22.54.040 Airspace Protection Areas.

A. In order to carry out the purpose and intent of the airport compatibility overlay as set forth in this chapter, and to restrict those uses that may be hazardous to the operational safety of aircraft operating within the airport influence area, the city hereby creates and establishes the following airspace surfaces as airspace protection areas for Runway 07-25:

1. Primary Surface. A surface longitudinally centered on the runway and extending two hundred feet beyond each runway end. The primary surface is at the same elevation as the elevation of the nearest point on the runway centerline. The primary surface width is two hundred fifty feet.
2. Approach Surface. Inclined planes extending upward and outward from the ends of the primary surface. The approach surface is two hundred fifty feet wide at the intersection with the primary surface. It extends outward for a distance of five thousand feet at a twenty-to-one slope and is one thousand feet at its widest point.
3. Transitional Surface. A surface extending outward and upward, at right angles to the runway centerline and runway centerline extended, from the sides of the primary surface and the approach surfaces. The slope is seven to one and the surface extends until it intersects with the horizontal surface.
4. Horizontal Surface. Horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway. Tangents then connect the adjacent arcs. The radius of each arc is five thousand feet.
5. Conical Surface. A surface which extends upward and outward from the outer limits of the horizontal surface for a horizontal distance of four thousand feet. The slope of the conical surface is twenty to one measured in a vertical plane.

B. Notification to Federal Aviation Administration. Nothing in this chapter shall diminish the responsibility of project proponents to submit a notice of construction or alteration to the Federal Aviation Administration if required in accordance with Federal Regulations Title 14 Part 77, "Objects Affecting Navigable Airspace."

Figure 22.54.040: Airspace Protection Areas



22.54.050 Airport Compatibility Overlay Zones.

The airport compatibility overlay is comprised of six land use zones based on the Washington State Department of Transportation, Division of Aviation, “Airports and Compatible Land Use,” M 3074.00,” January 2011, Airport Runways Under 3000 Feet, which were derived on federal aviation accident data from the National Transportation Safety Board (NTSB). The six zones are delineated on the city of Monroe airport compatibility zones map, and include:

A. Zone 1 – Runway Protection Zone. The area is trapezoidal in shape, 750 feet in width, and centered on the ends of the runway centerline. It begins two hundred feet beyond the end of the area usable for takeoff and landing (the extended runway) and extends another one thousand feet.

B. Zone 2 – Inner Zone. A rectangular shaped area that is positioned on the extended runway centerline, and adjacent to zone 1, is 750 feet wide overall (extending 375 feet laterally from the runway centerline) and extends out 1,500 feet beyond the end of zone 1.

C. Zone 3 – Inner Turning Zone. A triangular shaped area that begins along each side of zone 1. The area extends 3,000 feet from the vertex located 1,500 feet from the runways endpoint, within a thirty-degree sector of the extended runway.

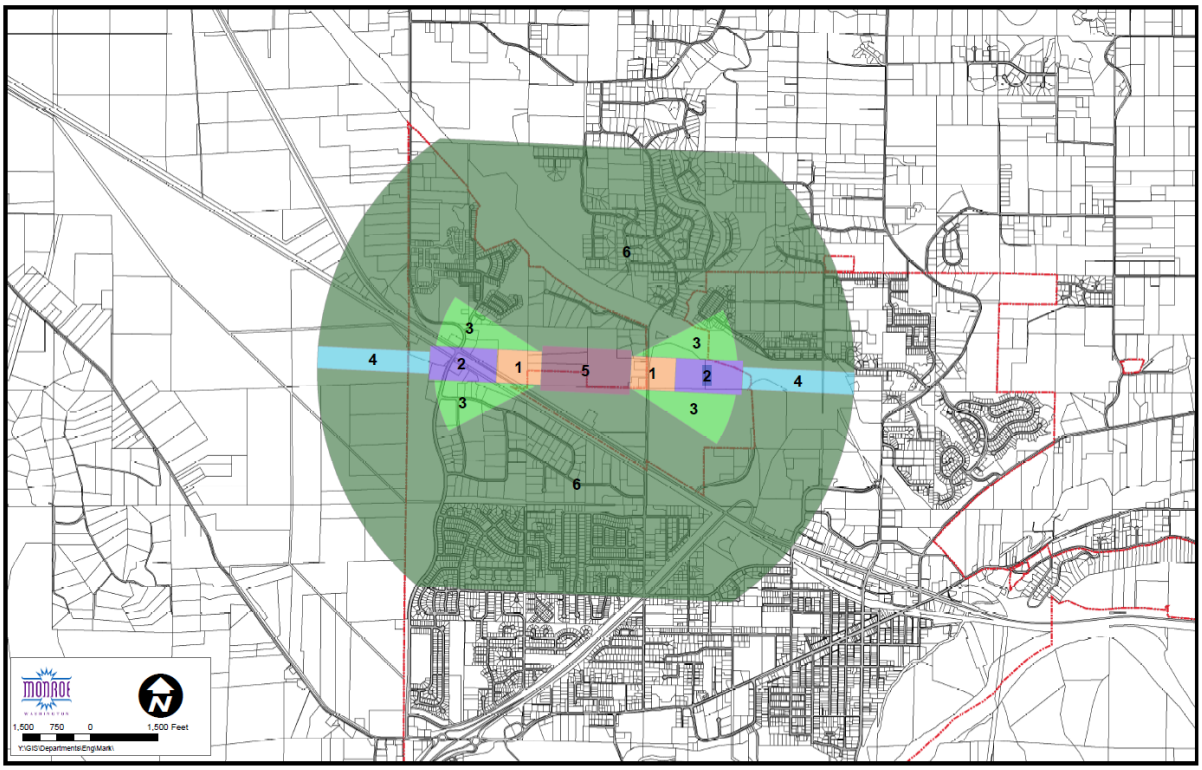
D. Zone 4 – Outer Turning Zone. A rectangular area that is centered on the runway, is 500 feet wide overall (extending 250 feet laterally from the runway centerline) and extends approximately 2,500 feet beyond.

E. Zone 5 – Sideline Zone. A rectangular area that is centered on the runway, is one thousand feet wide overall (extending five hundred feet laterally from the runway centerline) and connects to zone 3.

F. Zone 6A – Traffic Pattern Zone. This is based on the First Air Field operator’s description of the airport’s traffic pattern.

G. Zone 6B – Airport Influence Zone. This area extends, from the centerline of the runway, south, 5,000 feet north of the airport runway and is in the shape of the top half of an oval.

Figure 22.54.050: Airport Compatibility Overlay Zones



22.54.060 Height Limitation.

A. The height limitations are hereby established, consistent with the FAR Part 77 Surfaces-Objects Objects Affecting Navigable Airspace, and are described below:

1. No building or object within airport compatibility zones 1,2,3, 4, and 5 shall exceed thirty-five feet above the ground.

2. No building or object within airport compatibility zones 6A or 6B shall exceed thirty-five feet above the ground. Any building or object proposed to exceed this height must undergo further review by the airport manager and the FAA.

B. Federal Aviation Regulations 14 CFR Part 77, impose certain limitations on the height of proposed construction or alteration of structures. Notice is required to be provided to the Federal Aviation Administration (FAA) if the structure falls within the notification requirements outlined in 14 CFR Part 77. An applicant for a permit or approval under MMC Chapter 22.84, Permit Processing, is responsible for researching 14 CFR Part 77 to determine whether notification is required, regardless of whether the property that is the subject of the application is within or outside of the airport compatibility area.

22.54.070 Land Use Restrictions.

A. Prohibited Uses. Land uses that create the following are prohibited in the airport overlay compatibility zones:

1. Lighting that diminishes a pilot's ability to visually locate the landing strip and/or land an aircraft.
2. Electrical interference with navigational signals or radio communication between the airport and aircraft.
3. Dust, smoke, or other emissions that result in impairment of visibility for pilots.
4. Hazardous conditions such as the manufacturing or warehousing of materials that are explosive, flammable, toxic, or corrosive, with the exception of aircraft fuel, oil, and other fuels intended for aerial application and as outlined in the above matrix.
5. Uses that would foster an increase in bird population and thereby increase the likelihood of a bird impact problem.

B. Land Use Matrix. In addition to the density limitations established in MMC 22.54.080(C), Density Limits, the following land use matrix, Table 22.54.070: Land Use in Airport Compatibility Overlay Zones, illustrates uses prohibited within the airport overlay compatibility zones. A use permitted in this table is not allowed unless it is also permitted, conditionally permitted, or an allowed accessory use in the underlying zoning district of the site, and shall be compliant with the development standards of this chapter.

Table 22.54.070: Land Use in Airport Compatibility Overlay Zones

Conforming Land Use	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6A	Zone 6B
Adult and/or Family Day Care Facilities						P	P
Community Centers						P	P
Day Care Centers						P	P
Dwelling Units, Attached				P		P	P
Dwelling Units, Detached			P	P	P	P	P
General Retail		C	P	P	P	P	P
General Services		C	P	P	P	P	P
Health Care Clinics and Offices			C	P		P	P
Hospitals						EPF	EPF
Libraries						P	P
Motor Vehicle Sales Facilities		P	P	P	P	P	P
Nursing and Convalescent Homes						P	P
Overhead Utility Lines						P	P
Parks	C	C	P	P	C	P	P
Professional Offices		C	P	P	P	P	P

Table 22.54.070: Land Use in Airport Compatibility Overlay Zones

Conforming Land Use	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6A	Zone 6B
Religious Institutions						P	P
Retirement Housing /Assisted Living Facilities						P	P
Schools (Colleges, Universities, Technical)			EPF	EPF	EPF	EPF	EPF
Schools (K-12)						EPF	EPF
Senior Centers						P	P
Temporary Lodging Services			P	P	P	P	P
Warehouses/Storage Facilities		P	P	P	P	P	P

P = Permitted Use; A = Accessory Use; C = Requires a Conditional Use Permit; See MMC Chapter 22.38 for requirements for Essential Public Facilities (EPF)

22.54.080 Development Standards.

Development standards are necessary to protect health, safety, welfare, and quality of life of the general public, property owners, airport operators, and aviation community, and to ensure compatible land uses in the vicinity of the airport. Development standards imposed within the airport compatibility overlay zones are in addition to the development standards of the underlying zoning district. Where standards imposed by the airport compatibility overlay zone conflict with standards of the underlying zoning district, the more restrictive standards shall be applied. Mixed-use developments that propose both residential and nonresidential uses must meet applicable standards below.

A. Residential Development. When permitted by an underlying zoning district, residential subdivisions, on one acre or more, located within the airport compatibility overlay zones 3 through 5 shall meet the following standards:

1. When developing residential projects in the airport overlay zone, residential lots shall be located as far away from the runway centerline as possible and there shall be a minimum of five hundred feet from the end of any runway and the residential use.
2. Subdivisions and short subdivisions should be developed as cluster developments in airport overlay zones 3 through 5 and shall provide for open space areas to provide sites that are suitable for emergency aircraft landings.

B. Nonresidential Development. Existing or proposed structures located wholly or partly in Zones 1 through 5 shall calculate maximum allowed building occupancy as follows:

1. Divide the gross area of the building (in square feet) by the occupant load factor (in square feet per occupant), as set forth in the building code, as adopted by the city of Monroe) equals the maximum building occupancy
2. Maximum building occupancy divided by gross site acreage equals maximum density of people per acre (nonresidential intensity).

C. Density Limits.

Land Use	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zones 6A and 6B
Maximum Residential Density (1)	0	0	1 du per 2-5 acres	1 du per 2-5 acres	1 du per 1–2 acres	No limit
Maximum Nonresidential Intensity (2) *(average number of people per acre)*	20	75	120	150	150	No limit

Table Notes:

1. Residential developments are only permitted in those underlying zoning districts that allow residential development.
2. Infill development is permitted when it complies with the requirements of subsection (D) of this section.

D. Infill Development. Where substantial incompatible development already exists adjacent to the site of the proposal, additional infill development of similar or less intensive land uses may be allowed to occur even if such land uses are not allowed elsewhere in the airport compatibility overlay zones pursuant to Table 22.54.070: Land Use in Airport Compatibility Overlay Zones. This exception does not apply within zone 1 or 2. A parcel can be considered for infill development if it meets all of the following criteria:

1. The parcel is no larger than two acres.
2. The site is at least sixty-five percent bounded (excluding roads) by existing uses similar to, or more intensive than, those proposed.
3. The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
4. The proposed project would not, in the case of a residential subdivision, have a density greater than the average of that on other parcels within three hundred feet of the perimeter of the parcel to be subdivided; or in the case of a nonresidential use, have a usage intensity more than fifty percent above the intensity permitted in accordance with this section.

E. The proposed project will not otherwise increase the intensity and/or incompatibility of the use through special use permits, density transfers, or subdivisions.

F. Noise originating from aircraft in flight and that is directly related to flight operations shall be expected to impact people in surrounding zones and is generally exempt from noise standards.

G. All building heights must conform to the standards provided by the Federal Aviation Administration.

22.54.090 Procedures.

A. Pre-application Meeting. All applicants proposing a land use development or activity within airport compatibility overlay zones 1 through 5 are strongly encouraged to attend a preapplication meeting with the city of Monroe, pursuant to MMC 22.84.040(C), Pre-application Meetings. As soon as the city is notified of such development or activity, a written notification shall be forwarded to the airport operator, and possibly the Washington State Department of Transportation, Aviation Division, with a request for comments.

1. Within ninety days of the effective date of the adopting ordinance for this chapter, and every five years after, the city of Monroe shall mail a disclosure notice to the property owners within the overlay area, which will include explanatory information regarding the designation and the associated land use restrictions. The notice shall include disclosure text stating:

> Your property is within the Airport Compatibility Overlay, and you may be impacted by noise relating to activities at First Air Field, you may be required to provide First Air Field with an avigation easement, and are subject to the land use requirements of MMC Chapter 22.54, Airport Compatibility. For more information check the City website at *[current website address]*, contact City Hall at *[phone number for city staff contact person]* or copies are available for review at City Hall, Monday through Friday from 8:00 a.m. to 5:00 p.m.

B No use, building, structure, or development activity within the airport compatibility overlay shall be established, altered, or relocated by any person, firm, or corporation except as otherwise authorized by this chapter. Permits for such activities shall be processed in accordance with the underlying zone, subject to the additional standards adopted by this chapter.

C. A site plan shall be submitted clearly showing the following:

1. The location of the project in relation to First Air Field, and
2. The location and height of all proposed buildings, structures, and natural vegetation as measured from the airport surface.
3. The maximum elevation of proposed buildings or structures is based on the established airport elevations, and shall be confirmed by a licensed engineer or professional land surveyor on the site plan.

D. The permit issuing authority may require the applicant to submit any or all of the following information in addition to that required of a standard permit:

1. A project fact sheet that includes the acreage of the project/proposed use,
2. The geographical relationship to the airport compatibility overlay,
3. A description of the proposed land use including the number of dwelling units and/or number of people expected to occupy the site, and
4. An analysis of the proposal with respect to the density and intensity limitations contained in MMC 22.54.080(C).

CHAPTER 22.56
MARIJUANA RELATED USES

Sections:

22.56.010 Purpose.
22.56.020 Applicability.
22.56.030 Marijuana Cooperatives.
22.56.040 Marijuana Related Uses.

22.56.010 Purpose.

The purpose of this chapter is to promote community and public health, safety, and welfare by excluding marijuana-related uses from within the boundaries of the City of Monroe.

22.56.020 Applicability.

The growing, production, processing, and sale of marijuana, whether it is grown, produced, processed, or sold for medical or recreational use, are prohibited in all zoning districts of the City of Monroe. Nothing in this title shall be construed differently.

22.56.030 Marijuana Cooperatives.

A. Unless the context clearly indicates otherwise, all terms used in this section et seq. shall have the meanings established pursuant to Chapter 69.51A RCW.

B. Marijuana cooperatives, as established in RCW 69.51A.250, are prohibited in the following zoning districts:

1. All commercial zoning districts, including, without limitation, the following:
   a. Downtown Commercial (DC)
   b. General Commercial (GC)
   c. Tourist Commercial (TC)
   d. Industrial Transition (IT)
2. All industrial zoning districts, including, without limitation, the following:
   a. General Industrial (GI)
   b. Light Industrial (LI)
   c. Shoreline Industrial (SI)
3. All mixed use zoning districts, including, without limitation, the following:
   a. Mixed Use - General (MG)
   b. Mixed Use – Medical (MM)
   c. Mixed Use - Neighborhood (MN)
4. All open space zoning districts, including, without limitation, the following:
   a. Limited Open Space (LS)
   b. Parks (P)
5. All public facility zoning districts, including, without limitation, the following:
   a. Institutional (IN)
   b. Transportation (TR)
6. All residential zoning districts, including, without limitation, the following:
   a. Multifamily Residential – 25 Units per Acre (R25)
   b. Single-Family Residential - 4 Units per Acre (R4)
   c. Single-Family Residential - 7 Units per Acre (R7)
   d. Single-Family Residential - 15 Units per Acre (R15)
7. Any new zoning district established after June 4, 2013.

C. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under applicable provisions of this code and/or state law, including without limitation the provisions of Chapter 1.04 MMC.

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22.56.040 Marijuana Related Uses.

A. Unless the context clearly indicates otherwise, all terms used in this section et seq. shall have the meanings established pursuant to RCW 69.50.101.

B. Marijuana processors, marijuana producers, and marijuana retailers, as defined in MMC 22.12, are prohibited in the following zoning districts:

1. All commercial zoning districts, including, without limitation, the following:
    a. Downtown Commercial (DC)
    b. General Commercial (GC)
    c. Tourist Commercial (TC)
    d. Industrial Transition (IT)
2. All industrial zoning districts, including, without limitation, the following:
    a. General Industrial (GI)
    b. Light Industrial (LI)
    c. Shoreline Industrial (SI)
3. All mixed use zoning districts, including, without limitation, the following:
    a. Mixed Use - General (MG)
    b. Mixed Use – Medical (MM)
    c. Mixed Use - Neighborhood (MN)
4. All open space zoning districts, including, without limitation, the following:
    a. Limited Open Space (LS)
    b. Parks (P)
5. All public facility zoning districts, including, without limitation, the following:
    a. Institutional (IN)
    b. Transportation (TR)
6. All residential zoning districts, including, without limitation, the following:
    a. Multifamily Residential – 25 Units per Acre (R25)
    b. Single-Family Residential - 4 Units per Acre (R4)
    c. Single-Family Residential - 7 Units per Acre (R7)
    d. Single-Family Residential - 15 Units per Acre (R15)
7. Any new zoning district established after May 3, 2015.

C. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, including but not limited to the provisions of Chapter 1.04 MMC.

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CHAPTER 22.58
SITE PLAN REVIEW

Sections:

22.58.010 Purpose.
22.58.020 Applicability.
22.58.030 General Provisions.
22.58.040 Review Process.
22.58.050 Enforcement.

22.58.010 Purpose.

The purpose of this chapter is to establish a comprehensive site plan review process that ensures compliance with the adopted plans, policies, and ordinances of the city. It is further intended to provide for the review of development proposals with respect to overall site design and to provide a means for guiding development in a logical, safe, attractive, and expedient manner.

22.58.020 Applicability.

A. New Development. All proposals for new multifamily residential, mixed-use, commercial, or industrial development shall be subject to site plan application and review.

B. Existing Development. When one or more of the following actions are proposed for a site with existing multifamily residential, mixed-use, commercial, or industrial development, the proposal shall be subject to site plan application and review:

1. Addition of one or more new buildings on a site with existing development;
2. Expansion of an existing building that will increase the existing building's floor area by ten percent or greater;
3. Expansion of a development that will result in an increase in the number of dwelling units;
4. Expansion of existing development within shorelines;
5. Expansion of existing development within critical areas and/or buffers;
6. Relocation of an existing parking area containing ten or more parking stalls;
7. Change in the number of parking stalls in a parking area containing ten or more existing stalls;
8. Relocation of or a change in the number of ingress and/or egress points from the site;
9. Expansion of an existing building that generates at least one p.m. peak hour trip of additional demand on and/or need for transportation facilities, as determined by a traffic impact analysis;
10. Expansion of an existing building that triggers a new review under the 2014 Department of Ecology Stormwater Management Manual for Western Washington; or
11. Increase in the amount of impervious surface that triggers a new review under the 2014 Department of Ecology Stormwater Management Manual for Western Washington.

C. Exemptions. Site plan review for the following proposals is exempt from the requirements of this chapter. Site plan review for the following proposals shall be conducted as part of, and concurrent with, review of required development permits.

1. Construction of one detached single-family residential dwelling unit on one legally created lot;
2. Construction and/or maintenance of public road improvements by a city department and/or other government agency;
3. New buildings or improvements accessory to a detached single-family residential dwelling unit, including an accessory dwelling unit;
4. Any development that does not require either a building permit or a land use permit;
5. Interior remodels that do not alter the exterior of the structure or affect parking standards; or
6. Normal building maintenance and repair.

22.58.030 General Provisions.

B. Application and Contents. An application for site plan review shall be made according to the submittal requirements in MMC Chapter 22.84, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. All site plan review applications submitted in accordance

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with this title shall include the information set forth in MMC 22.84.040(D), Project Permit Applications and in the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted:

1. Title and location of the proposed development;
2. Names, addresses, and telephone numbers of the owner(s) of record of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. Existing zoning district(s) of the proposed development site;
4. Existing zoning district(s) within three hundred feet of the site;
5. Existing and proposed use(s) of the project site;
6. Existing and proposed use(s) of existing and proposed buildings;
7. A description of each proposed nonresidential use;
8. The proposed sizes, in square feet, for each nonresidential use;
9. Proposed number of dwelling units in the development;
10. Proposed number of bedrooms in each dwelling unit in the development;
11. A site plan drawing at a scale of not less than one inch for each fifty feet, which shall include or show:
    a. Locations of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads, and streets;
    b. The boundaries of the property proposed to be developed;
    c. Existing and proposed topographic contours, at intervals of no more than two feet;
    d. All proposed and existing buildings;
    e. All setback lines;
    f. All critical areas and their associated buffers;
    g. All areas to be dedicated to a public, private, or community use;
    h. All areas for open space;
    i. Existing and proposed lot area, in square feet, to be covered by impervious surfaces;
    j. Types and locations of proposed landscaping;
    k. All existing and proposed easements;
    l. The locations and size of all existing and proposed utility structures and lines;
    m. The storm water drainage systems for existing and proposed structures;
    n. Locations and extent of curbs and gutters;
    o. All means of vehicular and pedestrian ingress and egress to and from the site;
    p. Sizes and locations of driveways, streets, and roads;
    q. Sizes and locations of off-street parking areas, including internal circulation and parking spaces;
    r. Traffic volumes and flows estimated to be generated on adjacent roads by the proposed development;
    s. Location and extent of street dedications;
    t. Location and extent of street widening or other road improvements;
    u. Location and extent of acceleration and deceleration lanes, if needed;
    v. Location of traffic-control devices on and off the site;
    w. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload; and
    x. Locations and sizes, in square feet, of all signs.
12. The written approvals of the Snohomish Health District, if required; and
13. Any other items deemed necessary by the zoning administrator.

22.58.040 Review Process.

A. Permit Type. Applications for site plan review shall follow the procedures for a Type I permit review, pursuant to MMC Chapter 22.84.030, Types of Project Permits.

B. Public Notice. Site plan review shall be subject to all applicable noticing requirements in MMC 22.84.050, Public Notice Requirements.

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C. Public Hearing. Pursuant to MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, a public hearing is not required for site plan review.

D. Decision. The final decision authority, as determined by MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, shall approve, approve with conditions, or deny a site plan review.

E. Decision Criteria. Site plans are reviewed by the city to determine consistency between the proposed project and the applicable development regulations and comprehensive plan provisions. A proposed project's consistency with the city's development regulations and comprehensive plan shall be determined by consideration of land use, intensity of development, availability of public infrastructure, facilities, and services, and the design of the development. The zoning administrator may approve, deny, or approve with conditions an application for a site plan review permit. The decision shall be based on the following approval criteria:

1. Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and stormwater facilities shall be available to the proposed development.
2. The design and appearance of the structure shall be compatible with applicable design standards and guidelines.
3. The development shall be consistent with the Comprehensive Plan.
4. The site plan is in conformance with applicable code provisions and development standards of the applicable zoning district;
5. The development shall mitigate any significant adverse environmental impacts identified.
6. The development shall be consistent with the health, safety, and general welfare.

F. Conditions of Approval. In approving a site plan, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title. To protect the health, safety, and general welfare, the City may require:

1. The dedication of land to any public body, provisions of public improvements to serve the site, and/or impact fees imposed under state law, may be required as a condition of site plan approval; provided, however, that no dedication, provision of public improvements, or impact fees imposed under state law shall be allowed that constitutes an unconstitutional taking of private property. Dedications shall be clearly shown on the site plan and shall be recorded prior to final site plan permit issuance.
2. The construction of protective improvements may be required as a condition of site plan approval and such improvements shall be noted on the site plan.
3. Other conditions, as consistent with the purpose of this title.

G. Appeals**.** The action of the decision-making body in granting or denying a site plan is a final decision appealable to the appeal authority specified in MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities.

H. Expiration. The length of time during which an approved site plan is valid shall be determined by Table 22.84.060(E): Project Permit Approval Expiration. A site plan shall not be approved for a period of time greater than that which is specified in Table 22.84.060(E), exclusive of any extensions allowed. The date that the site plan approval expires shall be specified in the conditions of approval.

I. Extensions. The zoning administrator may grant an extension of the period of site plan authorization when requested by the applicant at least 60 days prior the expiration of the site plan approval. Extension requests are subject to the requirements of MMC 22.84.060(F), Extensions. Only one extension may be granted for the approved site plan for a period not to exceed the extension period specified in Table 22.84.060(E): Project Permit Approval Expiration. Such an extension shall only be granted by the decision authority upon issuance of findings that the criteria for extensions in MMC 22.84.060(F), Extensions, have been met.

J. Modifications. Requested modifications to an approved site plan shall be reviewed pursuant to the requirements of MMC 22.84.060(G), Substantial Revisions or Modifications to Proposal. In additional to the requirements of MMC 22.84.060(G), the zoning administrator may approve a modification to an approved site plan, provided that the modification will not result in:

1. Additional buildings on the project site;
2. An expansion of an existing building's floor area by ten percent or more;
3. An increase in the number of lots;
4. An increase in the number of dwelling units;
5. A decrease in the number of parking stalls to be provided;

6. Relocation of or a change in the number of ingress and/or egress points from the site;
7. A reduction of the amount of landscaping and/or open space;
8. A significant increase the traffic impacts of peak-hour trips to and from the site;
9. A significant increase in the quantity of imported or exported materials;
10. A significant increase in the area of site disturbance;
11. Placement of structures closer to critical areas, buffers, and/or shorelines;
12. Significant new environmental impacts or will not significantly increase any adverse impacts disclosed in the original SEPA documents; or
13. A new review under the 2014 Department of Ecology Stormwater Management Manual for Western Washington.

K. Modifications that exceed one or more of the limitations stated in MMC 22.58.040(J) shall require a new site plan review, as determined by the zoning administrator, and shall only be accomplished by applying for a new site plan review permit for the entire site.

1. The new site plan review application shall be reviewed according to the laws and rules in effect at the time of application.
2. Conditions may be imposed on the modified site plan to enable the proposal to comply with development regulations.

L. Associated Land Use Actions. Site plan review is separate from and does not replace other required land use permits. Applications for land use actions associated with the site plan review shall comply with the following requirements:

1. Associated land use applications shall meet all submittal requirements applicable to the specific land use action, as identified in MMC Chapter 22.84, Permit Processing.
2. Applications for associated land use actions shall be made on forms prescribed by the City.
3. Each land use application shall be subject to all applicable fees as established by the current fee resolution.
4. Other land use applications associated with the site plan review shall be submitted and processed under consolidated review per MMC 22.84.040(B) unless the applicant requests that the applications be processed and reviewed separately.
5. Site plan review and approval shall be required prior to the issuance of building, mechanical, plumbing, land clearing, forest practices, grading, civil, and/or other similar administrative permits, provided nothing shall be construed as preventing an applicant from submitting a complete building permit application.
6. Subsequent permits for the subject site shall be issued only in compliance with the approved site plan review.

M. Vested Rights. Approval of a site plan for development shall not provide the applicant with vested rights. Subsequent permits shall be subject to the applicable codes and regulations in effect at the time of determination of completeness of the associated permit application.

22.58.050 Enforcement.

A permit determined to be in violation of MMC Title 22, and/or any other applicable permit provisions, permit conditions, rules, or regulations may be revoked, suspended, or modified by the City subject to MMC 22.10.080, Enforcement.

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CHAPTER 22.60
TEMPORARY USES

Sections:

22.60.010 Purpose.
22.60.020 Applicability.
22.60.030 General Provisions.
22.60.040 Allowed Temporary Uses.
22.60.050 Review Process.
22.60.060 Enforcement.

22.60.010 Purpose.

The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with this title and when safe and compatible with uses in the general vicinity and adjacent uses.

22.60.020 Applicability.

A. Uses Allowed with Temporary Use Permit. Temporary uses are those uses that are of a limited duration and/or frequency or comprise multiple related events over a specified period. Except as provided by MMC 22.60.020(B), Exemptions, a temporary use permit shall be required for the following activities:

1. Temporary wireless communications facilities
2. Community-oriented open-air markets
3. Mobile vendors
4. Model homes
5. Seasonal retail sales conducted by businesses on private property
6. Temporary construction buildings
7. Temporary security guard dwellings
8. The zoning administrator may authorize additional temporary uses not listed in this section when it is found that the proposed uses are in compliance with the provisions of this title.

B. Exemptions. The following uses and structures shall be exempt from the provisions of this chapter:

1. Portable units and mobile homes on school sites or other public facilities. Such facilities shall be subject to MMC Chapter 22.58, Site Plan Review;
2. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than 12 days in the same calendar year;
3. Temporary fund-raising activities, such as bake sales and car washes when operated not more than three days in the same week and not more than 12 days in the same calendar year;
4. Sidewalk sales, where adequate public access is provided, and where sale items and display tables are removed from the sidewalk each night; and
5. Mobile medical or veterinary services.

C. Limitation. Recreational vehicles, including motor homes, travel trailers, campers, and similar vehicles designed for temporary occupancy as a residence are prohibited from use as dwelling units in all zoning districts established by this title. A recreational vehicle shall not be occupied by any persons or individuals for more than four consecutive days, and in no case more than a total of sixteen days in any one consecutive twelve-month period.

22.60.030 General Provisions.

A. Authorization.

1. All temporary uses shall obtain, prior to occupancy of the site, all applicable permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).

2. The applicant for a temporary use shall supply written authorization from the owner of property on which the temporary use is located, including city approval of right-of-way, and submit such approval as part of the application.

3. No temporary use shall occupy or use public parks in any manner unless specifically approved by the parks and recreation director.

4. The temporary use shall comply with all applicable standards of the Snohomish County Health Department.

5. Applications for special events, which are defined as any parade, fair, show, festival, carnival, rally, party, filming of movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walks, athletic event, or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or public right-of-way, or, if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event, are subject to the applicable requirements of MMC Chapter 5.28, Special Events.

B. Duration and Frequency. Unless otherwise specified in this chapter, temporary use permits shall be limited in duration and frequency as follows:

1. The temporary use permit shall be effective for no more than 180 calendar days from the date of the first event or occurrence;

2. The temporary use shall not exceed a total of 60 days of operation within the 180-day period in which the permit is valid. A day of operation shall mean any or part of any day in which the temporary use is conducted. The days need not run consecutively and may occur at any time during the period for which the permit was approved, provided each day is designated and approved as part of the application;

3. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

4. A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year.

C. Site Conditions and Maintenance.

1. Each site occupied by a temporary use shall be free of debris, litter, or other evidence of the temporary use upon completion or removal of the use; and

2. All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation.

D. Parking and Access.

1. A temporary use conducted in a parking lot shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.

2. Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers.

3. The parking facility shall provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.

4. Parking and access for proposed temporary uses shall be determined by the zoning administrator.

5. The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the public works director.

22.60.040 Allowed Temporary Uses.

The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitation noted herein, and as may be established by the zoning administrator:

A. Community-Oriented Open-Air Markets. Community-oriented open-air markets include farmers' markets, art fairs, and similar uses that are operated by either a public or private organization, which is open to the public and operates from individual booths or stands.

1. Permitted Uses. The following uses are permitted within community-oriented open-air markets with a temporary use permit:

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a. All fruits, vegetables, berries, butter, eggs, milk, or any farm produce sold by the grower or a representative.

b. Edibles raised or caught by the seller, including fish and meats.

c. The sale of goods and products produced by artisans, crafts persons, or their representative(s).

d. Sale of food and beverages prepared on site, such as concession stands.

2. Prohibited Uses. The following uses are prohibited within community-oriented open-air markets with a temporary use permit:

a. The secondhand sale of goods and products;

b. The sale of any raw meat, fish or poultry product unless approved by the Snohomish Health District;

c. The sale of any beverage or food unless appropriately licensed from the Snohomish Health District; and

d. No sound amplification system shall be used in conjunction with the market, which produces noise and which is audible beyond the boundaries of the area designated in the application.

3. Exemptions. Required license and permits shall not be applied to any farmer, gardener or other person who sells any fruits, vegetables or other farm produce or edibles produced by such person within Snohomish County, Washington, and exempt pursuant to RCW 36.71.090 from paying any fee or application. Such persons are exempt from the licensing and fee requirements of MMC Chapter 5.02.

4. Required License and Permits.

a. A business license from the city must be obtained by the sponsoring organization in conformance with licensing requirements established in MMC Chapter 5.02, Business Licenses.

b. Any permits required by the Snohomish County Health District.

c. A special event permit will be required per MMC Chapter 5.28, for events on public property.

B. Mobile Vendors. Mobile vendors shall include those businesses or persons who engage in selling goods, services, or food from a temporary structure, vehicle, or other conveyance. Mobile vendors include food trucks and carts. Mobile vendors may be permitted on either public or private property, provided all of the following requirements as well as all applicable requirements of this chapter are met.

1. General Provisions.

a. Mobile vendors may operate in one location for a maximum of 12 hours per any 24-hour period;

b. No mobile vendor shall sell or convey goods in the public right-of-way without an approved right-of-way permit issued by the City of Monroe.

c. Mobile vendors shall not obstruct the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article is being sold or offered for sale.

d. No merchandise will be offered, displayed, or sold, and no customers served, in any vehicle travel lane.

e. Mobile vendors shall not conduct business unless the vehicle or conveyance is parked and operated in full compliance with the traffic and sidewalk ordinances of the city, in effect at the time of application or as hereafter amended.

f. This section shall not apply to vendors operating in conjunction with, and at the location of, events known as the farmers' market or as part of permitted special event, per MMC Chapter 5.28, Special Events.

g. No temporary/portable restrooms are allowed on site.

h. All mobile vendors shall clean up all litter originating from their business, each day, within a one hundred fifty-foot radius of the location where sales occur.

i. Shall comply will all clauses and regulations of the Snohomish County health department regarding food handling;

j. Shall not sell, operate or supply any good or service unless properly licensed by the state and/or county;

k. No sound generating devices, such as radios or speaker systems, shall be used;

l. Each individual solicitor or mobile vendor shall obtain a solicitor/mobile vendor license, and shall be required to carry and display the solicitor or mobile vendor license on their person whenever engaged in solicitation or mobile vending.

m. Application for a solicitor/mobile vendor license must be made at least two working days before the license may be issued.

n. A business license is required for all mobile vendors prior to conducting business, in conformance with licensing requirements established in MMC Chapter 5.02, Business Licenses.

2. Application Materials. All temporary use applications for mobile vendors submitted in accordance with this title shall include the information set forth in MMC 22.84.040(D), Project Permit Applications, and below:

a. A site plan, drawn to scale, that shall include and depict the following:

i. The boundaries of the property;

ii. The location of all existing structures and proposed structures and their distances to property lines including, but not limited to, the proposed mobile vendor location and proposed seating, if any;

iii. All existing easements;

iv. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;

v. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;

vi. Location and area, in square feet, of all proposed signs; and

vii. Additional information not specified in this section when such information is deemed necessary in the zoning administrator's discretion to assure compliance with this code.

b. When located on private property, submit the property owner's written approval to locate on property.

c. If applicable, provide a signed agreement with a neighboring property owner within two hundred feet of the business for use of restrooms.

d. All mobile vendors engaged in the sale of food shall comply with all laws, rules, and regulations regarding food handling and provide a statement of approval from the Snohomish Health District. All vehicles or conveyances used by mobile vendors shall comply with all applicable laws, rules, and regulations as established by the Washington State Motor Vehicle Code and the Monroe Municipal Code.

e. If inside seating is provided within the vehicle or unit, compliance with the accessibility code is required including, but not limited to:

i. Accessible ramp;

ii. Aisle width of thirty-six inches;

iii. Door width of thirty-six inches;

iv. Seating to accommodate a wheelchair; and

v. An accessible restroom within the vehicle/unit.

f. Vehicles must bear a seal that indicates they have been inspected and approved by the Washington State Department of Labor and Industry.

C. Model Homes. Model homes and one temporary real estate office may permitted subject to the requirements of MMC 22.68.050, Model Homes.

D. Seasonal Retail Sales on Private Property. A temporary use permit for a seasonal retail sales, such as pumpkin or Christmas tree stands, may be approved, provided the following standards are met:

1. Prior to issuance of a temporary use permit, the applicant shall provide documentation of the property owner's authorization for such use of the property.

2. Pursuant to submittal of an adequate site plan, a determination shall be made the zoning administrator that access to, and on, the site is properly configured and improved to a level adequate to accommodate expected vehicular traffic.

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E. Temporary Construction Buildings. Temporary construction buildings for storage of tools and equipment or for supervisory offices, including, but not limited to, a contractor's office, storage yard, and equipment parking on the site of an active construction project, may be permitted for construction projects; provided, that such structures are:

1. Allowed only during periods of active construction; and
2. Removed within 30 days of project completion or cessation of work, as determined by the Building Official.

F. Temporary Security Guard Dwellings. 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 on-site installation, occupancy and use of temporary dwellings for security guards.

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 for security guards authorized pursuant to this section shall comply with the following standards:
3. Temporary dwellings are allowed only during the active construction phase of the underlying development project.
4. The maximum number of temporary dwelling units allowed per development project site shall be as follows:

Project Site Area	Maximum Temporary Security Guard Dwelling Units Allowed
Less than 5 Acres	2 Temporary Dwelling Units
5 to 10 Acres	4 Temporary Dwelling Units
Greater than 10 Acres	5 Temporary Dwelling Units

5. Temporary dwellings shall not be permanently affixed to the ground.
6. 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.
7. 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.
8. 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 of more.
9. Occupancy and use of a temporary dwelling shall be strictly limited to on-duty security guard.
10. A temporary dwelling shall be maintained, operated, occupied and used in full compliance with all applicable state and local regulations, licenses and approvals.
11. A temporary dwelling shall be totally self-contained and shall not discharge wastewater, including sanitary sewage or gray water, onto the ground.
12. No temporary dwelling for security guard under this section may be installed, used or occupied without a permit issued by the zoning administrator. The zoning administrator may in his/her discretion impose reasonable conditions of approval for any such permit.
13. 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 zoning administrator 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.
14. 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.

G. Temporary Wireless Communications Facilities. The placement and use of temporary wireless communications facilities shall be maintained in a good and safe condition, and shall comply with all applicable Federal, State and local rules and regulations. Temporary personal wireless service facilities may be used to provide emergency personal wireless services during natural disasters and other emergencies for no more than 30 days.

22.60.050 Review Process.

A. Permit Type. Applications for a temporary use permit shall follow the procedures for a Type I review, pursuant to Chapter 22.84, Permit Processing.

B. Application. An application for a temporary use permit shall be made according to the submittal requirements in MMC 22.84.040(D), Project Permit Applications, on forms prescribed by the city, and shall include the fee established by the current fee resolution.

C. Application Contents. All temporary use applications submitted in accordance with this title shall include the information set forth in MMC 22.84.040(D), and in the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted:

1. Completed application form;
2. Names, addresses, and telephone numbers of the owner(s) of record of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. Existing zoning district(s) of the subject site;
4. Existing zoning district(s) within three hundred feet of the site;
5. Existing and proposed use(s) of the project site;
6. A site plan drawing at a scale of not less than one inch for each fifty feet, which shall include:
    a. Locations of all existing and proposed buildings and structures;
    b. The boundaries of the subject site;
    c. All setback lines;
    d. All critical areas and their associated buffers;
    e. Existing lot area
    f. The number of parking spaces existing on site.
    g. The number of parking spaces to be used by the mobile vendor.
7. Other information and materials may be required as by the city to review the application.

D. Public Notice. Temporary use permits shall be subject to all applicable noticing requirements in MMC 22.84.050, Public Notice Requirements.. Although temporary use permits generally do not require public notice under MMC 22.84.050, the zoning administrator shall have the discretion to require notice be provided to adjacent property owners prior to permit approval.

E. Public Hearing. Pursuant to MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, a public hearing is not required for a temporary use permit application.

F. Decision. The final decision authority, as determined by MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, shall approve, approve with conditions, or deny a temporary use permit.

G. Decision Criteria. A temporary use permit shall not be granted by the decision authority unless the applicant demonstrates that the proposal meets all of the following criteria. The decision authority may authorize temporary uses after consultation and coordination with all other applicable city departments and other agencies and only when all the following determinations can be made based on an application received:

1. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
2. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.

3. The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.

4. The use and associated structures will be conducted and used in a manner compatible with the surrounding area.

5. The application is for a use that is typically temporary. The temporary use shall comply with the goals, policies and standards of this title.

H. Conditions of Approval. In authorizing a temporary use permit, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title. The decision authority shall route requests for temporary use permits to applicable departments and agencies and may establish such additional conditions as may be deemed necessary to ensure land use compatibility, to minimize potential impacts on nearby uses, and to satisfy applicable departments and agencies. These include but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, guarantees for site restoration and cleanup following temporary uses and charges for needed city services.

I. Appeals. The action of the decision-making body in granting or denying a site plan is a final decision appealable to the appeal authority specified in MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities.

J. Expiration. A temporary use permit approved under this chapter shall automatically expire, and therefore be declared null and void, on the date of expiration specified on the permit.

22.60.060 Enforcement.

A permit determined to be in violation of MMC Title 22, and/or any other applicable permit provisions, permit conditions, rules, or regulations may be revoked, suspended, or modified by the City subject to MMC 22.10.080, Enforcement.

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CHAPTER 22.62
LARGE WIRELESS COMMUNICATION FACILITIES

Sections:

22.62.010 Purpose.
22.62.020 Applicability.
22.62.030 Performance Standards.
22.62.040 Review Process.
22.62.050 Obsolescence or Abandonment.
22.62.060 Deviations.

22.62.010 Purpose.

In order to implement the purposes and policy set forth in the city's comprehensive plan, this chapter provides design and review procedures for large wireless communication facilities ("macro facilities"). These provisions are intended to provide standards to assist in minimizing the visually obtrusive impacts which can be associated with macro facilities and to encourage creative approaches in their location and construction. Congress and the Federal Communications Commission ("FCC") have, pursuant to the authority granted by 47 USC Section 253(c) and 47 USC Section 332(a), required local governments to act on wireless communication facility applications within a reasonable period of time and have established time limits or "shot clocks" for local review. Accordingly, the city adopts the following time limits for review of applications for eligible facility requests, and other approvals for service providers of telecommunication services.

22.62.020 Applicability.

A. Applicable Development. The regulations, requirements, and standards contained in MMC Chapter 22.62, Large Wireless Communication Facilities, shall apply to:

1. Attached and detached large wireless communication facilities (macro facilities), other than small wireless facilities; and
2. Eligible facilities requests.

B. Exemptions. The following are exempt from the provisions of this chapter and shall be permitted in all zoning districts:

1. Routine maintenance, replacement, or repair of large wireless communication facilities or related equipment, excluding structural work or changes in height, type, or dimensions of towers or base stations; provided, that compliance with the standards of this chapter are maintained;
2. Emergency repair or maintenance of a large wireless communication facility, provided a building permit application need not be filed for the emergency repair or maintenance of a large wireless communication facility until thirty days after the completion of such emergency activity;
3. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC;
4. Antennas and related equipment that are being stored, shipped, or displayed for sale;
5. Radar systems for military and civilian communication and navigation;
6. Nonpermanent, temporary wireless communication facilities subject to the requirements of a temporary use permit pursuant to MMC Chapter 22.60, Temporary Uses;
7. Licensed amateur (ham) radio stations; and
8. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when operated as a secondary or accessory use of a property.

C. Prohibitions. The following wireless communication support structures are prohibited in all zoning districts within the city:

1. Lattice towers
2. Guyed wire towers

22.62.030 Performance Standards.

Attached and detached wireless communication facilities, other than small wireless facilities, and eligible facilities requests are permitted subject to this chapter and shall meet the following standards:

A. Separation Distance. In all single-family residential and commercial districts, detached WCFs shall be separated by a distance equal to or greater than one thousand three hundred twenty linear feet (one-quarter mile), except when the applicant demonstrates that collocation upon the nearby WCF is not feasible pursuant to MMC 22.62.030(H). WCFs that are co-located upon a single support structure shall count as a single WCF for the purposes of this subsection.

B. Setbacks. When located outside of rights-of-way, attached and detached large WCFs reviewed under this section shall not be located within any required setback areas; provided, however, the setback requirement for underground facilities shall be a minimum of five feet from any property line, except where:

1. Detached WCFs that exceed forty-five feet in height shall be set back from any lot line five feet more than that specified in the individual zone for every ten feet, or fraction thereof, over forty-five feet of height.
2. The required setback, as listed above, may be reduced by the zoning administrator, if the applicant can demonstrate to the zoning administrator's satisfaction that the reduced setback would result in a greater natural vegetative screening of the WCF than would have been provided by meeting the WCF development regulations.
3. All equipment shelters, cabinets, or other on-the-ground ancillary equipment shall meet the setback requirements of the zone in which located, except that the rear setback requirement may be reduced to five feet if the structure meets all other standards.

C. Height. In the open space [limited open space (LS) and parks (P)], single-family residential (R4, R7, and R15), multifamily residential (R25), and mixed use [mixed use – general (MG), mixed use – medical (MM), and mixed use – neighborhood (MN)] zoning districts, the maximum combined height limit shall be sixty feet. In commercial [downtown commercial (DC), general commercial (GC), industrial transition (IT), tourist commercial (TC), and the North Kelsey/Tjerne Place overlay (NK/TP-O)], industrial [general industrial (GI), light industrial (LI), shoreline industrial (SI), and the Fryelands Commercial overlay (FC-O)], and public facilities [institutional (IN) and transportation (TR)] zoning districts and overlays, the combined height of the WCF and any support structure shall not exceed eighty-five feet, except when collocation is specifically provided for, the combined height shall not exceed one hundred feet. Utility poles, streetlights, and traffic signals may be exempted from the height limitation at the discretion of the zoning administrator and public works director. If additional height over that allowed in the zone is justified, it may be allowed through the conditional use permit process. Large wireless communication facilities are subject to the applicable provisions of MMC Chapter 22.54, Airport Compatibility, to ensure that the facilities are not located within the airport's restricted airspace.

D. Landscaping.

1. Equipment Shelters and Cabinets. Equipment shelters and cabinets and other on-the-ground ancillary equipment shall be screened using a Type I Planting buffer with a minimum width of five feet around the enclosure, in accordance with the requirements contained in MMC 22.46.040(A), Type I Planting – Solid Screen.
2. Support Structures, Towers, and Base Stations. WCF support structures shall be screened using a Type I Planting buffer with a minimum width of five feet around the compound's perimeter, in accordance with the requirements contained in MMC 22.46.040(A), Type I Planting – Solid Screen. Trees with significant height and fullness upon maturity shall also be used to visually screen the tower from adjacent properties.

E. Lighting. Except as specifically requested by the Federal Aviation Administration (FAA), and/or the Federal Communication Commission (FCC), WCFs shall not be illuminated, except equipment shelters and compounds may use lighting for security reasons as long as the light is shielded downward to remain within the boundaries of the site.

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F. Concealment Technology. All WCFs shall employ concealment technology in their design, construction, and maintenance and reduce the WCFs' aesthetic impacts to the maximum extent possible. Such concealment technology shall include, at a minimum, the following:

1. All detached WCFs and antennas shall be painted a nonreflective color, approved by the zoning administrator, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.
2. New detached WCFs shall be located in such a manner that, to the extent feasible, existing trees and/or buildings and other structures on the site are used to screen the WCF from view from roadways, residences, and other properties; provided, however, that all WCFs shall be designed in a manner which minimizes the need for removal of existing trees.
3. To the maximum extent possible, WCFs shall be designed to resemble an object other than a WCF which is already present in the local environment, such as a tree, a streetlight or a traffic signal, to the maximum extent feasible.
4. Concealment under this subsection may include the use of colors or materials to blend into the building materials from which a structure is constructed. Examples of concealment technology include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, paint and other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.

G. Noise. No equipment shall be operated at a WCF (attached or detached) so as to produce noise in excess of the applicable noise standards regulated by MMC 6.04.055, Public Nuisances, and Chapter 173-60 WAC, Maximum Environmental Noise Levels, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis. Air conditioning and ventilation equipment associated with the ancillary equipment of the WCF shall be designed and configured in a manner so that noise impacts on adjacent properties with residential uses are minimized to the maximum extent practicable through the use of baffling and/or other noise attenuation techniques and that the noise levels generated by the ancillary equipment otherwise comply with applicable noise regulations adopted by the city. In descending order, preference shall be given to the following configurations of air conditioning and ventilation equipment: (a) orientation toward properties with nonresidential uses; (b) orientation toward streets; and (c) orientation toward the furthest residential use.

H. Collocation. It is the policy of the city to minimize the number of detached WCFs and to encourage the collocation of more than one carrier's WCFs on a single support tower. No new detached WCFs may be constructed unless it can be demonstrated to the satisfaction of the permit authority that existing support towers are not available for collocation of an additional WCF, or that their specific locations do not satisfy the operational requirements of the applicant. In addition, all detached WCFs shall be designed to promote facility and site sharing. All facilities shall make available unused space for collocation of other telecommunication facilities, including space for those entities providing similar, competing services. Collocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a period of time. Nothing in this section shall prohibit the owner of an existing facility from charging a reasonable fee for collocation of other communication facilities.

I. Maintenance. All WCFs shall be maintained in good and safe condition and in a manner that complies with all applicable federal, state, and local requirements.

J. Radio Frequency Emissions. All applicants shall demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of WCFs. If at any time radio-frequency emissions exceed any of the standards established by the FCC, the applicant shall immediately discontinue use of the WCF and notify the city. Use of the WCF may not resume until the applicant demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

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K. Use of City Right-of-Way. Any wireless communication carrier who desires to construct, install, operate, maintain, or otherwise locate WCFs in, under, over, or across any public right-of-way of the city for the purpose of providing wireless services shall obtain permission from the city, and enter into a right-of-way agreement and/or obtain applicable permits authorizing use of the city right-of-way.

L. Conditional Use Permit Criteria. A conditional use permit for a detached large WCF in the public right-of-way shall only be approved if the wireless provider can demonstrate that no other attached WCF alternative(s) are available that can provide the same level of service coverage to the targeted area or otherwise meet the wireless provider's service objective.

22.62.040 Review Process.

A. Eligible Facilities Request.

1. Application. The zoning administrator shall prepare and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

2. Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the zoning administrator shall review such application to determine whether the application qualifies as an eligible facilities request.

3. Time Frame for Review. Within sixty days of the date on which an applicant submits an application seeking approval under this chapter, the zoning administrator shall approve the application unless it determines that the application is not covered by this section.

4. Tolling of the Time Frame for Review. The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the zoning administrator and the applicant or in cases where the zoning administrator determines that the application is incomplete. The time frame for review of an eligible facilities request is not tolled by a moratorium on the review of applications.

a. To toll the time frame for incompleteness, the zoning administrator shall provide written notice to the applicant within thirty days of receipt of the application, clearly and specifically delineating all missing documents or information required in the application.

b. The time frame for review begins running again when the applicant makes supplemental submission in response to the zoning administrator's notice of incompleteness.

c. Following a supplemental submission, the zoning administrator will notify the applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in this subsection. Second or subsequent notice of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

5. Determination That Application Is Not an Eligible Facilities Request. If the zoning administrator determines that the applicant's request does not qualify as an eligible facilities request, the zoning administrator shall deny the application. In the alternative, to the extent additional information is necessary, the zoning administrator may request such information from the applicant to evaluate the application under other provisions of this chapter and applicable law.

6. Failure to Act. In the event the zoning administrator fails to approve or deny a request for an eligible facilities request within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the zoning administrator in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

7. Remedies. Both the applicant and the city may bring claims related to Section 6409(a) of the Spectrum Act to any court of competent jurisdiction.

B. Collocation. Collocations other than those described in this section shall be processed within ninety days of receipt of an application. The zoning administrator will notify the applicant within

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thirty days of receipt of an application whether it is complete or if additional information is required.

C. New Large Wireless Communication Facilities. New large wireless communications facilities shall be processed within one hundred and fifty days of receipt of an application. The zoning administrator will notify the applicant within thirty days of receipt of an application whether it is complete or if additional information is required.

22.62.050 Obsolescence or Abandonment.

A large wireless communication facility shall be removed by the facility owner within six months of the date it ceased to be operational or if the facility falls into disrepair.

22.62.060 Deviations.

A. Applicability. Except as otherwise provided in this chapter, no large wireless communication facility shall be used or developed contrary to any applicable development standard unless a deviation has been granted pursuant to this section. These provisions apply exclusively to wireless communication facilities. The approval authority for large wireless communication facilities deviations is the zoning administrator.

B. Submittal Requirements. An application for a deviation from the provisions regulating large wireless communication facilities shall include:

1. A written statement demonstrating how the deviation would meet the criteria in this section.
2. A site plan that includes:
   a. Description of the proposed siting's design and dimensions, as it would appear with and without the deviation.
   b. Elevations showing all components of the wireless communication facility, as it would appear with and without the deviation.
   c. Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the deviation.

C. Criteria. An application for a wireless communication facility deviation shall be granted if the following criteria are met:

1. The deviation is consistent with the purpose of the development standard for which the deviation is sought.
2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
3. The owner demonstrates the existence of either of the following:
   a. Material Inhibition of Wireless Service.
      i. Compliance with this chapter's standards would materially inhibit the ability of the carrier to provide wireless service; and
      ii. The deviation is narrowly tailored to allow the carrier to provide wireless service, such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible; or
   b. Minimization of Impacts. The deviation would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:
      i. A decrease in negative visual impacts, including, but not limited to, visual clutter;
      ii. Better preservation of views or view corridors;
      iii. A decrease in negative impacts on property values; or
      iv. A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

CHAPTER 22.64
CONDITIONAL USE PERMITS

Sections:

22.64.010 Purpose.
22.64.020 Applicability.
22.64.030 General Provisions.
22.64.040 Review Process.
22.64.050 Enforcement.

22.64.010 Purpose.

Conditionally permitted uses are those uses that require a level of review and opportunity for public input that is greater than that required for permitted uses. The purpose of a conditional use permit is to assure, by allowing for a public process and for the imposition of special conditions and requirements, that conditional uses are compatible with the uses permitted by this title and that the purpose of this title is maintained.

22.64.020 Applicability.

Each zoning district chapter of this title sets out uses that are conditionally permitted in that specific district.

22.64.030 General Provisions.

A. Application and Contents. An application for a conditional use permit shall be made according to the submittal requirements in MMC Chapter 22.84, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. All conditional use permit applications submitted in accordance with this title shall include the information set forth in MMC 22.84.040(D), Project Permit Applications and in the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted:

1. Completed application form;
2. Names, addresses, and telephone numbers of the owner(s) of record of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. Existing zoning district(s) of the subject site;
4. Existing zoning district(s) within three hundred feet of the site;
5. Existing and proposed use(s) of the project site;
6. A site plan drawing at a scale of not less than one inch for each fifty feet, which shall include:
    a. Locations of all existing and proposed buildings and structures;
    b. The boundaries of the subject site;
    c. All setback lines;
    d. All critical areas and their associated buffers;
    e. Existing lot area;
    f. All existing and proposed easements;
    g. The locations and size of all existing and proposed utility structures and lines;
    h. The storm water drainage systems for existing and proposed structures; and
    i. Sizes and locations of driveways, streets, and roads.
7. Other information and materials may be required as by the city to review the application.

22.64.040 Review Process.

A. Review Process

1. Permit Type. Applications for a conditional use permit shall follow the procedures for a Type III permit review, pursuant to MMC Chapter 22.84.030, Types of Project Permits.
2. Public Notice. Conditional use permits shall be subject to all applicable noticing requirements in MMC 22.84.050, Public Notice Requirements.

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3. Public Hearing. Pursuant to MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, a public hearing is required for all conditional use permit applications.

4. Decision. The final decision authority, as determined by MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, shall approve, approve with conditions, or deny a conditional use permit.

5. Decision Criteria. A conditional use permit shall not be granted by the decision authority unless the applicant demonstrates that the proposal meets all of the following criteria:

a. The use is consistent with the Monroe unified development regulations and the comprehensive plan;

b. The use is designed, constructed, operated, and maintained in a manner that is compatible with the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and the general vicinity;

c. The location, size, and height of buildings, structures, walls, fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

d. The type of use, hours of operation, and appropriateness of the use in relation to adjacent uses will not create unusual hazards or result in adverse impacts;

e. The use shall be served by adequate public facilities and services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts of such facilities; and

f. In addition to compliance with the criteria set out here, an applicant for a conditional use permit shall comply with all requirements of this title.

6. Conditions of Approval. In approving a conditional use permit, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title.

7. Appeals**.** The action of the decision-making body in granting or denying an application for a conditional use permit is a final decision appealable to the Snohomish County superior court in accordance with MMC 22.84.80(D) and Chapter 36.70C RCW.

8. Recording. The recipient of a conditional use permit shall file a land use permit binder on a form prescribed by the city. The conditional use permit shall not be effective until such binder has been filed with the Snohomish County auditor. If no appeal was filed on the conditional use permit decision, the binder shall be filed within thirty days of the expiration of all applicable appeal periods. The binder shall serve both as an acknowledgment of, and agreement to abide by the terms and conditions of the conditional use permit, and as a notice to prospective purchasers of the existence of the conditional use permit.

B. Expiration. The length of time during which a conditional use permit is valid shall be determined by Table 22.84.060(E): Project Permit Approval Expiration. A conditional use permit shall not be approved for a period of time greater than that which is specified in Table 22.84.060(E), exclusive of any extensions allowed. The date that the permit expires shall be specified in the conditions of approval. Once a conditional use permit has been approved and issued by the City, the approved conditional use may continue as long as all conditions of permit issuance are met.

C. Extensions. The zoning administrator may grant an extension of the period of conditional use permit authorization when requested by the applicant at least 60 days prior the expiration of the conditional use permit. Extension requests are subject to the requirements of MMC 22.84.060(F), Extensions. Only one extension may be granted for the conditional use permit for a period not to exceed the extension period specified in Table 22.84.060(E): Project Permit Approval Expiration. Such an extension shall only be granted by the decision authority upon issuance of findings that the criteria for extensions in MMC 22.84.060(F), Extensions, have been met.

D. Modifications. Requested modifications to a conditional use permit shall be reviewed pursuant to the requirements of MMC 22.84.060(G), Substantial Revisions or Modifications to Proposal.

22.64.050 Enforcement.

A permit determined to be in violation of MMC Title 22, and/or any other applicable permit provisions, permit conditions, rules, or regulations may be revoked, suspended, or modified by the City subject to MMC 22.10.080, Enforcement.

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CHAPTER 22.66
VARIANCES

Sections:

22.66.010 Purpose.
22.66.020 Applicability.
22.66.030 General Provisions.
22.66.040 Review Process.
22.66.050 Enforcement.

22.66.010 Purpose.

A variance is a mechanism by which the city may grant relief from the provisions of this title where practical difficulty renders compliance with the provisions of this title an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the intent of this title and of the Monroe comprehensive plan can be fulfilled.

22.66.020 Applicability.

This chapter establishes the City's criteria to be used in making a decision upon an application for a variance from the provisions of this title, unless alternate variance criteria for a specific type of land use project are specified elsewhere in this title.

A. Limitation. The decision authority shall not grant a variance when any of the following circumstances are applicable to the proposal:

1. The variance would allow a permitted or conditional use in a zoning district in which such use is not specifically listed as a permitted or conditional use;
2. The variance would allow a use or uses expressly, or by implication, prohibited by the terms of this title specific to the zoning district(s) in which the subject site is located;
3. The variance application requests relief from the provisions MMC Chapter 22.84, Permit Processing, or any other procedural or administrative provision of this title;
4. The variance application requests relief from a provision of this title in which it states that such provision is not subject to a variance;
5. The variance would relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to a property-specific development standard;
6. The variance would allow the creation of a residential density beyond that which is allowed by this title;
7. The need for the variance is the result of deliberate actions of the applicant, property owner, or their predecessor in interest; or
8. The variance is primarily intended to alleviate a financial hardship.

22.66.030 General Provisions.

A. Application and Contents. An application for a variance shall be made according to the submittal requirements in MMC Chapter 22.84, Permit Processing, on forms prescribed by the city, and shall include the fee established by the current fee resolution. All variance applications submitted in accordance with this title shall include the information set forth in MMC 22.84.040(D), Project Permit Applications and in the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted:

1. Completed application form;
2. Names, addresses, and telephone numbers of the owner(s) of record of the land, and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. Existing zoning district(s) of the subject site;
4. Existing zoning district(s) within three hundred feet of the site;
5. Existing and proposed use(s) of the project site;
6. A site plan drawing at a scale of not less than one inch for each fifty feet, which shall include:

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a. Locations of all existing and proposed buildings and structures;
b. The boundaries of the subject site;
c. All setback lines;
d. All critical areas and their associated buffers;
e. Existing lot area
f. All existing and proposed easements;
g. The locations and size of all existing and proposed utility structures and lines;
h. The storm water drainage systems for existing and proposed structures;
i. Sizes and locations of driveways, streets, and roads

7. Other information and materials may be required by the city to review the application.

22.66.040 Review Process.

A. Permit Type. Applications for variances shall follow the procedures for a Type III permit review, pursuant to MMC Chapter 22.84.030, Types of Project Permits.

B. Public Notice. Variances shall be subject to all applicable noticing requirements in MMC 22.84.050, Public Notice Requirements.

C. Public Hearing. Pursuant to MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, a public hearing is required for all variance applications.

D. Decision. The final decision authority, as determined by MMC Table 22.84.060(B)(2): Decision Making and Appeal Authorities, shall approve, approve with conditions, or deny a variance.

E. Decision Criteria. A variance shall not be granted by the decision authority unless the applicant demonstrates that the proposal meets all of the following criteria:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the property is located;
2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is situated;
4. The variance is the minimum necessary to grant relief to the applicant;
5. The strict enforcement of the provisions of this title will create an unnecessary hardship to the property owner;
6. The granting of the variance will not alter the character of the land, nor impair the appropriate use or development of adjacent property; and
7. The variance is consistent with the policies and provisions of the comprehensive plan and the development regulations.

F. Conditions of Approval. In approving a variance, the decision authority may attach thereto such conditions that they deem to be necessary or desirable in order to carry out the intent and purposes of this title.

G. Appeals**.** The action of the decision-making body in granting or denying an application for a variance is a final decision appealable to the Snohomish County superior court in accordance with MMC 22.84.80(D) and Chapter 36.70C RCW.

H. Recording. The recipient of a variance shall file a land use permit binder on a form prescribed by the city. The variance shall not be effective until such binder has been filed with the Snohomish County auditor. If no appeal was filed on the variance decision, the binder shall be filed within thirty days of the expiration of all applicable appeal periods. The binder shall serve both as an acknowledgment of, and agreement to abide by the terms and conditions of the variance, and as a notice to prospective purchasers of the existence of the variance.

I. Expiration. The length of time during which a variance is valid shall be determined by Table 22.84.060(E): Project Permit Approval Expiration. A variance shall not be approved for a period of time greater than that which is specified in Table 22.84.060(E), exclusive of any extensions allowed. The date that the permit expires shall be specified in the conditions of approval. Once a variance has been approved and issued by the City, the approved variance may continue as long as all conditions of variance approval are met.

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J. Extensions. The zoning administrator may grant an extension of the period of variance authorization when requested by the applicant at least 60 days prior the expiration of the variance. Extension requests are subject to the requirements of MMC 22.84.060(F), Extensions. Only one extension may be granted for the variance for a period not to exceed the extension period specified in Table 22.84.060(E): Project Permit Approval Expiration. Such an extension shall only be granted by the decision authority upon issuance of findings that the criteria for extensions in MMC 22.84.060(F), Extensions, have been met.

K. Modifications. Requested modifications to a variance shall be reviewed pursuant to the requirements of MMC 22.84.060(G), Substantial Revisions or Modifications to Proposal.

22.66.050 Enforcement.

A permit determined to be in violation of MMC Title 22, and/or any other applicable permit provisions, permit conditions, rules, or regulations may be revoked, suspended, or modified by the City subject to MMC 22.10.080, Enforcement.

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CHAPTER 22.68
SUBDIVISIONS

Sections:

22.68.010 Title.
22.68.020 Purpose.
22.68.030 Applicability.
22.68.040 Subdivisions and Short Subdivisions.
22.68.050 Model Homes.
22.68.060 Boundary Line Revisions.
22.68.070 Binding Site Plans.
22.68.080 Phased Development.

22.68.010 Title.

This chapter shall be known as the "subdivision code of the city of Monroe."

22.68.020 Purpose.

The purposes of this chapter are to:

A. Identify processes to accomplish the orderly development of land within the City;

B. Provide for the expeditious review and approval of proposed land divisions, which comply with this section, other City land use regulations and standards, and Chapter 58.17 RCW, Plats – Subdivisions – Dedications; and

C. Provide criteria, regulations, and standards to govern the subdivision of land within the City, and accomplish the following:

1. Promote the public health, safety and general welfare in accordance with standards established by the State and the City;
2. Promote effective use of land by preventing the overcrowding or scattered development, which would injure health, safety, or the general welfare due to the lack of water supplies, sanitary sewer, drainage, transportation, or other public services, or excessive expenditure of public funds for such services;
3. Minimize congestion and promote safe and convenient travel by the public on streets and highways through the coordination of streets within a subdivision with existing and planned streets;
4. Provide for adequate light and air;
5. Provide for water, sewage, drainage, parks, and recreational areas, sites for schools and school grounds, and other public requirements;
6. Provide for proper ingress and egress;
7. Provide for the housing and commercial needs of the community;
8. Require uniform monumenting of land divisions and conveyance of accurate legal descriptions;
9. Protect environmentally sensitive areas; and
10. Protect and preserve the community urban forest for its aesthetic, environmental and health benefits.

22.68.030 Applicability.

This chapter shall regulate all divisions and redivisions of all real property within the City of Monroe, except as provided in MMC 22.68.030(C) and RCW 58.17.040.

A. Compliance. All divisions or redivisions of land into lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership shall comply with the provisions of state law and the Monroe Municipal Code. All property under common ownership must be subdivided in accordance with the requirements of this chapter prior to sale, lease, or transfer of ownership; provided, however, that divisions of property pursuant to subsection C of this section, exceptions, and "lots of record," as defined under MMC Chapter 22.12, may be sold, leased or transferred without further compliance with this title.

B. Contiguous Land. All contiguous land shall be included in a short subdivision application. Multiple applications or applications and/or exemptions shall not be utilized as a substitute for comprehensive subdividing in accordance with the requirements of this section.

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C. Exceptions. Land conveyed or leased through an exception has not necessarily been reviewed by the City of Monroe for development potential. The provisions of this chapter shall not apply to:

1. Cemeteries. Cemeteries and other burial plots, while used for that purpose;

2. Testamentary Divisions. Divisions made by testamentary provisions, or the laws of descent; provided that there can be only one lot per heir or devisee. A map of the division must be recorded with the Recording Division of the Snohomish County Auditor's Office, when each parcel is transferred. All beneficiaries to the property must sign the map. Lots created through such divisions are deemed legal notwithstanding minimum lot size or density requirements imposed through the Monroe Municipal Code. However, such lots and all land uses carried out on such lots are subject to all other standards and requirements of law;

3. Industrial and Commercial Site Plans. Division for sale or lease of commercial or industrially zoned property provided a binding site plan has been approved and recorded; such divisions shall comply with MMC Section 22.68.070, Binding Site Plans;

4. Mobile Home Parks. Divisions for purposes of lease when no residential structure other than mobile homes or travel trailers are permitted, provided a binding site plan has been approved and recorded; such divisions shall comply with MMC Section 22.68.070, Binding Site Plans;

5. Boundary Line Revisions. A revision made for the purpose of adjusting boundary lines between legal lots of record shall comply with MMC section 22.68.060, Boundary Line Revisions;

6. Condominiums. A division made under the provisions of the Horizontal Properties Regimes Act, Condominiums (Chapter 64.32 RCW), provided a binding site plan has been approved; or

7. Right-of-Way Acquisition and Condemnation.

a. A division of land relating to the acquisition or exchange of land by public agencies, for public use except human occupancy, including, but not limited to, subdivisions made for road construction purposes;

b. A division of land for the sole use of the installation of linear utility facilities, such as electric power lines, telephone lines, water supply lines, sewer service lines, cable lines, or other utility facilities of a similar or related nature; or

c. Division of land due to condemnation or sale under threat thereof by an agency or division of government vested with the power of condemnation; if sale is made under threat of condemnation, such threat must be evidenced by the government agency filing an affidavit so stating with the Recording Division of the Snohomish County Auditor's Office.

D. Legal Lot of Record. A lot is considered a lot of record if it complies with MMC 22.40.040, Preexisting Legal Lots of Record. Even though a lot may be deemed legal, development on said lot shall be subject to all applicable regulations of the Monroe Municipal Code.

22.68.040 Subdivisions and Short Subdivisions.

A. Preliminary Subdivisions and Short Subdivisions

1. Application. A preliminary subdivision or short subdivision application submittal shall contain the following:

a. A vicinity sketch showing adjacent subdivisions streets, bordering lines of adjacent properties, and how streets in the proposed subdivision may connect with existing and proposed streets in neighboring subdivisions or unplatted property to produce a harmonious and compatible development;

b. A certificate of title, not more than thirty days old, from a recognized title company naming all persons with legal interest in the subdivision property shall accompany the final plat. Such certificate shall also note any assessment or lien, encumbrances, contract interest, easements or other rights affecting the property;

c. A preliminary plat, prepared by a professional land surveyor, at a scale of one inch equals one hundred feet (unless property size makes this impractical), and containing the following:

i. Name of the proposed subdivision (or dedication);

ii. The date, scale of plat, size (in acres) of the property, designation of north, vertical control datum, and certification of the professional land surveyor;

iii. The name and address of the subdivider;

iv. Legal description of the proposed subdivision (or dedication);

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v. Boundary lines, approximate and to scale, of the property to be subdivided or dedicated;

vi. Within the proposed subdivision or dedication and within a distance of fifty feet from its boundaries, the location, width, and designation of existing or platted public highways, and the location and designation of existing buildings, utilities, watercourses, power lines, culverts, section lines, and similar features;

vii. The zoning of the property and contiguous parcels;

viii. Topographic contours at intervals of two feet subject to prior approval by the city engineer;

ix. Approximate dimensions of lots and blocks with lot numbers and block designations;

x. Parcels and tracts to be reserved or dedicated for parks, playgrounds, streets, alleys, schools or other public uses; and

xi. Location and direction of flow of watercourses and approximate location of areas subject to inundation or storm water overflow within or adjacent to the proposed subdivision or dedication.

d. A storm water site assessment in substantial conformance with the Washington State Department of Ecology Stormwater Manual (latest edition) and the Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound dated December 2012;

e. A plan showing the location, grade, and sizes of sewer lines, manholes, and other sewerage structures;

f. A plan showing the location and size of water mains, hydrants, reservoirs, pump stations, and other elements of the proposed water system;

g. A plan showing the location and size of storm water management facilities;

h. A plan showing the location and grade of roads, pedestrian facilities, parking areas, and ADA provisions; and

i. Other information as may be required by the public works director or zoning administrator.

2. Review Criteria. Each proposed subdivision or short subdivision shall be reviewed to ensure that:

a. The proposal conforms to the goals, policies, and plans set forth in the Monroe comprehensive plan;

b. The proposal conforms to the site and design requirements set forth in this title. No final subdivision or short subdivision shall be approved unless the requirements are met;

c. The proposed street system and pedestrian system conform to the Monroe comprehensive plan, MMC Chapter 22.42, Design Standards, and applicable Public Works design standards, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of vehicular and pedestrian traffic;

d. The proposed subdivision or short subdivision will be adequately served with city-approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;

e. The layout of lots, and their size and dimensions, takes into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography and vegetation will result from development of the lots;

f. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil, considering the stress and loads to which the soil may be subjected; and

g. Lack of compliance with the criteria set forth in this section and in MMC section 22.68.040(B), Subdivision Standards, shall be grounds for denial of a proposed subdivision or short subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.

3. Decision Criteria. As a basis for approval, approval with conditions, or denial of a preliminary subdivision or short subdivision, the decision maker shall determine if appropriate provisions have been made for implementing the purpose, criteria, and standards set forth in this chapter, and all other applicable code provisions.

4. Effect of Preliminary Approval. Approval of a preliminary subdivision or short subdivision shall constitute authorization for the applicant to prepare and implement construction drawings for subdivision improvements, and, upon approval of those drawings, develop the subdivision facilities and improvements in strict accordance with the plans and specifications as approved by the city subject to any conditions imposed by the decision maker.

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5. Time Limits. The following time limits apply for preliminary subdivisions and short subdivisions:

a. Review of Preliminary Subdivisions. A preliminary subdivision shall be approved, approved with conditions, denied, or returned to the applicant for modification or correction within ninety (90) days from the date of filing of a complete application, unless the applicant agrees to an extension of the time period in writing. Provided, should an environmental impact statement (EIS) be required per RCW 43.21C.030, the ninety (90) day period shall not include the time spent in preparing and circulating the EIS by the city.

b. Review of Preliminary Short Subdivisions. Preliminary short subdivisions shall be approved, disapproved, or returned to the applicant within thirty (30) days from the date of filing a complete application thereof, unless the applicant consents to an extension of such time period.

c. Preliminary Subdivision Approval. Final subdivision approval must be acquired within five years of preliminary approval, after which time the preliminary subdivision approval is void. The decision maker may grant an extension for one year if the applicant has attempted in good faith to submit the final subdivision within the five-year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least thirty (30) days before expiration of the five-year period.

d. Preliminary Short Subdivision Approval. Final short subdivision approval must be acquired within three years of preliminary approval, after which time the preliminary short subdivision approval is void. The decision maker may grant an extension for one year if the applicant has attempted in good faith to submit the final subdivision within the three-year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least thirty (30) days before expiration of the three-year period.

B. Subdivision Standards.

1. Subdivision Names. No subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Snohomish County, except for the words "town," "city," "place," "court," "addition," "acres," "heights," "villa," or similar words, unless the land so divided is contiguous to the subdivision bearing the same name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

2. Block Standards. Blocks shall have sufficient width to provide for a maximum of two tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to major streets, railroads, waterways, or involving unique site conditions that make this requirement impractical.

3. Lot Standards.

a. Lot lines shall be at right angles to street lines or radial to curvilinear streets unless a variation will result in a better street or lot plan.

b. No lot shall be established which is in violation of the Monroe Municipal Code.

c. Lot shapes shall be designed to avoid awkward configuration or appendages.

d. Each lot shall have sufficient width, area and frontage to comply with the minimum site requirements as set forth in each zoning district.

e. The building envelope shall be shown on all lots.

f. Exceptions to Lot Standards.

i. Eminent Domain. Parcels smaller than otherwise permitted by Monroe Municipal Code may be created through the action of governmental agencies, including the City of Monroe by such actions as eminent domain and the splitting of a parcel by dedicated right-of-way. Wherever possible, such parcels shall be merged in title with adjacent lots to create lots in compliance with the Monroe Municipal Code.

ii. Legal lots of record, see MMC Section 22.40.040, Preexisting Legal Lots of Record.

4. Easements.

a. Public easements for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain adequate utility service to each lot and adjacent lands. The width of the public easements shall be the minimum necessary as determined by the utility, unless the public works director determines a smaller or larger width is appropriate based on site conditions. Whenever possible, public easements shall be combined with driveways, pedestrian accessways and other utility easements.

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b. Private easements for the construction and maintenance of utilities within the subdivision or short subdivision shall be granted so that individual lots gain access to public facilities. The widths of the private easements shall be the minimum necessary as determined by the utility, unless the public works director determines a larger width is appropriate based on the site conditions.

c. Native growth protection easements, tracts, or areas (NGPE/NGPT/NGPA) shall be granted as deemed appropriate by the city where the preservation of native vegetation benefits the public health, safety and welfare, including control of surface water and erosion, maintenance or slope stability, visual buffering, and protection of plant and animal habitat, and in accordance with MMC Chapter 22.80, Critical Areas.

d. The placement of any building on or over an easement for utility mains or lines shall be prohibited. An easement may be used for more than one utility, vehicle, or pedestrian access, provided the city finds the multi-use appropriate. Restoration of the site shall be required following any excavation or other disturbance permitted by the terms of the easement. Appropriate landscaping as determined by the city is permitted, and may be required, in an easement.

e. Easements required by this section shall be granted by the terms and conditions of such easements being shown on the final subdivision or short subdivision or by separate instrument.

5. Water Supply. All lots shall be served by a water system approved by the City of Monroe. Any common water system serving more than one lot shall be provided by the applicant and dedicated to the appropriate water purveyor. Such water supply systems shall be designed and constructed according to all applicable provisions of the Monroe Municipal Code and the development design standards, the standards and specifications of the water purveyor, and the applicable rules and regulations of the state.

6. Sewage Disposal. All lots shall be served by the sanitary sewer system of the City of Monroe. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to the city. Such sewer systems shall be designed and constructed according to all applicable provisions of the development design standards and the standards and specifications on file in the office of the director of public works.

7. Storm Drainage.

a. All lots shall be provided with adequate storm drainage connected to the storm drainage system of the city or other system approved by the public works director.

b. Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the right-of-way.

c. When appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities.

d. Storm drainage shall be provided in accordance with development design standards as amended and standards and specifications as approved by the public works director.

8. Watercourses. When required by the city, the developer of a subdivision shall enhance a stream which traverses or abuts the subdivision in accordance with the specifications and standards approved by the city.

9. Underground Utilities. All permanent utility service to lots shall be provided from underground facilities as set forth in the development design standards regulating underground wiring. The applicant shall be responsible for complying with the requirements of this section, and shall make all necessary arrangements with the utility companies and other persons or corporations affected by installation of such underground facilities in accordance with the rules and regulations of the public utility commissioner of the State of Washington.

10. Water and Sewer Standards.

a. Design Standards. All city water and sewer facilities shall be designed in compliance with the development design standards.

b. Construction Standards. All city water and sewer facilities shall be constructed in compliance with the development design standards.

11. Street Standards. The location, design and construction of all streets shall comply with the following requirements:

a. Subdivisions shall provide direct access to at least one existing improved and publicly dedicated street. The internal vehicular network of the subdivision can include alleys and private tracts consistent with the Monroe development design standards.

b. When a subdivision is abutting an existing street(s) with a right-of-way of lesser width than specified by city ordinances or abuts a roadway(s) that is not built to city street standards, or abuts a roadway(s) that is in substandard condition, the applicant may be required as a condition of approval to deed additional right-of-way width, and/or to improve the existing and additional right-of-way to the design specifications of the public works director. The city may require dedication of right-of-way in excess of standards in the following cases:

i. Where additional width is necessary to maintain continuity with the adjoining rights-of way;

ii. Where additional width is necessary to maintain alignment with adjoining streets and sidewalks improvements; and

iii. Where additional width is necessary to insure that all streets intersect at right angles.

c. Dead-end streets shall be used on local streets only and shall terminate in a cul-de-sac. Streets that dead-end, and which would normally be continued if the adjacent property were developed, shall be shown as temporary turnarounds. The land beyond the normal right-of-way for such streets shall revert back to the abutting property owners when the street is continued.

d. The street within and adjacent to a site plan or subdivision shall be classified and designed to comply with the Monroe comprehensive plan and the Monroe development design standards.

e. Proposed streets should extend to the boundary lines of the proposed site plan or subdivision in order to provide for the future development of adjacent tracts unless prevented by natural or man-made conditions or unless such extension is determined to be unnecessary by the public works director.

f. The street pattern for subdivisions should be designed to expedite traffic movement, reduce conflicts between various types of land uses, including pedestrians, and coordinate the location of proposed buildings with loading and parking facilities.

g. A subdivision plan containing thirty or more dwelling units shall have two vehicular access points in accordance with the city of Monroe public works design and construction standards, located at least one hundred feet apart; provided, this requirement shall not apply where approved automatic sprinkler systems will be installed in each dwelling unit.

h. Streets shall be designed in accordance with the development design standards and MMC Chapter 22.42, Design Standards.

12. Street Right-of-Way and Pavement Widths.

a. The street right-of-way in or along the boundary of a subdivision shall conform to the provisions set forth in the development design standards.

b. When a subdivision or an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, greater widths than those provided in the development design standards, may be required.

c. Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way widths or slope easements may be required.

13. Street Names. Street name determination and addressing shall also be consistent with MMC Chapter 12.28.

14. Street Lights.

a. All subdivisions shall include underground electric service, light standards, wiring and lamps for street lights according to development design standards for underground wiring and the specifications and standard set forth in MMC Chapter 15.15, Lighting Standards.

b. The applicant shall submit for approval by the city the design of the light standards.

c. The subdivider shall install such facilities and make the necessary arrangements with the serving electric utility.

15. Survey Required. The survey of every proposed subdivision or short subdivision shall be made by or under the supervision of a registered land surveyor. All surveys shall conform to standard practices and principles for land surveying as set forth in the laws of the State of Washington. Subdivision control and staking traverses shall close within an error of one foot in five thousand (5,000) feet. Primary survey control points shall be referenced to section corners and monuments.

16. Monuments.

a. Permanent survey control monuments shall be provided for all final subdivisions and short subdivisions at:

i. All controlling corners on the boundaries of the subdivision or short subdivision;

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ii. The intersection of centerlines of roads within the subdivision or short subdivision; and

iii. The beginning and ends of curves on centerlines or points of intersections on tangents.

b. Permanent survey control monuments shall be set in two-inch pipe, twenty-four (24) inches long, filled with concrete or shall be constructed of an approved equivalent. Permanent survey control monuments within a street shall be set after the street is paved. Every lot corner shall be marked by a three-fourths inch galvanized iron pipe or approved equivalent, driven into the ground. If any land in a subdivision or short subdivision is contiguous to a meandered body of water, the meander line shall be re-established and shown on the final subdivision or short subdivision.

17. Public Accessways.

a. When necessary for public convenience or safety, the developer shall improve and dedicate to the public accessways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks and to provide for networks of public paths creating access to schools, parks, shopping centers, transit stops or other community services.

b. The accessway shall be of such design, width and location as reasonably may be required to facilitate public use. Where possible, said dedications may also accommodate utility easements and facilities.

18. Clearing and Grading. All clearing and grading shall be conducted in compliance with the provisions set forth in MMC Chapter 22.86, Land Clearing and Forest Practices, and MMC Chapter 22.42, Design Standards.

19. Other Standards. The proposal conforms to all other standards set forth in this title, other applicable provisions of the Monroe Municipal Code, and the development design standards.

20. Fire Department. The proposal conforms to all standards of Snohomish County Fire District 7.

C. Site Improvements.

1. Construction Drawings Submittal.

a. Construction drawings shall not be formally accepted by the city until such time as the application has received preliminary subdivision or short subdivision approval; however, the City will review preliminary construction drawings in conjunction with the preliminary plat in order to provide timely feedback during the review process. Under no circumstances will construction drawings be approved prior to preliminary or short subdivision approval.

b. Construction drawings shall be prepared and submitted in accordance with the requirements of the conditions of approval and consistent with the Monroe Municipal Code and the development design standards.

2. City Review/Approval of Construction Drawings.

a. Upon receipt of the construction drawings, the public works director shall review the drawings to determine that the plans are in accordance with the development design standards and conditions of approval. The construction drawings shall contain the requirements set forth in this section and such additional requirements or information as the city shall deem necessary to adequately review the proposed subdivision and subdivision improvements.

b. Construction drawings shall also be routed for approval by the fire department and other departments as appropriate.

c. Construction drawings as required under this chapter shall be prepared for the city by or under the supervision of a registered civil engineer for the State of Washington, using a horizontal scale of not less than one inch equals fifty (50) feet and a vertical scale of not less than one inch equals ten (10) feet, based upon NGVD 88. Each drawing shall include the following information: name of the subdivision; scale; date; north arrow; drawing sheet number; name, address, signature and seal of the engineer; and a certification block stating that the plans have been reviewed and approved by the public works director and zoning administrator. on a given date. The following information shall be included on the engineering drawings to be submitted:

i. A plan of the layout of the streets showing any proposed roadways, curbs and gutters, sidewalks, catch basins and drainage, including underground retention/detention facilities and computations;

ii. A profile of each street showing the existing and proposed elevation along the centerline, including one hundred (100) foot minimum extensions beyond the limits of the subdivision;

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iii. A typical cross-section of each street showing widths of roadways, type and thickness of surface and base and surface materials, curb locations, width and material of sidewalks and underground utilities;

iv. A plan of the proposed water system, and a plan and profile of the proposed sanitary sewer and storm drainage systems showing existing and proposed pipe sizes and types; grades, manholes, valves, fire hydrants, individual and utility stubs to each lot, and method of storm drainage collection and disposal for each lot and the subdivision as a whole;

v. A plan of the proposed landscaping, tree protection, and mitigation in accordance with conditions of approval.

d. If the city finds that the proposed improvements are not in accordance with the preliminary subdivision approval, the approved constructions drawings, and/or development requirements and standards of this code, the city shall return the drawings to the applicant along with a letter or plan detailing the corrections that need to be made.

e. If the drawings meet city standards, the public works director shall sign the drawings as approved. Upon approval of the construction drawings, the public works director shall notify the applicant to arrange for a pre-construction meeting and to make application for such permits as are necessary to proceed with the installation of any or all of the required improvements.

3. The city and other appropriate agencies will review the final approved preliminary subdivision, construction drawings, construction methods, and any other particulars with the applicant prior to the applicant's being given necessary construction permits or being authorized to proceed with site improvements. The parties will review and resolve any issues of concern prior to the commencement of construction.

D. Final Subdivision Process for Preliminary Subdivision and Short Subdivision.

1. Submit Method of Installing Site Improvements.

a. The applicant shall notify the city, in writing, of which of the following methods the applicant proposes to ensure that all required improvements are constructed, or will be constructed, prior to the approval of the final subdivision:

i. By actual installation of all the improvements in accordance with the provisions of this code, the preliminary subdivision conditions, and the approved construction drawings. Improvements shall be subject to inspection and approval by the public works director and zoning administrator prior to the recording of the final subdivision. The applicant shall indicate the method to be used to install required improvements;

i. The deposit of a performance bond with the city in an amount not less than one hundred fifty (150) percent of the public works director's cost estimate for the project for the remaining items. The project shall be substantially complete, meaning a minimum of ninety (90) percent of the improvements are complete and items deemed crucial by the public works director are also complete. Such bond shall be conditioned on the completion of the project within a period agreed upon with the city council not to exceed two years from the date of final subdivision approval by the city council as noted in the city council minutes;

iii. The creation of a set-aside fund for the benefit of the city in a form approved by the city attorney in an amount equal to one hundred fifty (150) percent of the public works director's cost estimate for the projects remaining items in accordance with subsection (1)(a)(ii) of this section.

2. Method of Installing Improvements. The public works director shall approve the method whereby the applicant is to provide and guarantee that all required improvements are constructed, or will be constructed, prior to the approval of the final subdivision. The city attorney shall review and approve the form by which any performance bond and/or set-aside fund is to be established by the applicant for the remaining items not completed.

3. Review Construction Compliance.

a. If the public works director finds that all the required improvements have not yet been installed within the required period (not greater than two years) from the date of approval of the final subdivision, the public works director shall notify the city council in writing of the improvements not installed and provide a cost estimate for completion. The city council shall then determine the action that shall be taken with respect to the applicant and/or surety to assure completion of the subdivision.

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b. If the public works director finds that all required improvements have been completed in accordance with the approved preliminary subdivision, the approved construction drawings and the standards and requirements of this code, the public works director shall notify the applicant to prepare as-built drawings and submit such drawings to the public works director.

4. Submit As-Built Drawings. The applicant shall prepare as-built drawings and submit such drawings to the public works director.

5. Public Works Director Review/Approval of As-Built Drawings. Upon receipt of the as-built drawings, the public works director shall review such drawings for completeness.

a. If the public works director finds that the as-built drawings are not in accordance with the preliminary subdivision, the approved construction drawings, and/or development requirements and standards of this code and the development design standards, the public works director shall return the drawings to the applicant along with a letter identifying the deficiencies.

b. If the public works director finds that the drawings meet city requirements, the public works director and public works superintendent shall sign a reproducible mylar copy furnished by the applicant. The public works director shall notify the applicant to submit a maintenance bond and final subdivision application.

6. Deposit a Maintenance Bond. In addition to the performance and maintenance bonds required in MMC Chapters 22.10, Administration and Enforcement, 22.46, Landscaping, and 22.80, Critical Areas, the applicant shall deposit with the city a maintenance bond or other acceptable surety that shall:

a. Warrant the successful operation of all required subdivision improvements and warrants against defects in labor and material, and against any damage or defects caused by construction activity on the site, for a period of two years from final subdivision approval;

b. The applicant shall be responsible for site maintenance during home construction. After home construction is complete, the applicant is responsible for cleanup of the site prior to final acceptance of all improvements and bond release. Cleanup includes, but is not limited to: storm drain lines, CB vactoring, detention facility cleaning, and street sweeping;

c. Provided further, that with regard to improvements accepted after final subdivision approval, the period shall be extended, as required, to include a period not less than one year from the date of acceptance by the city of the improvement;

d. The bond or other approved surety shall be submitted with the final subdivision application and shall be for fifteen (15) percent of the estimated value of all the required subdivision improvements as determined by the public works director;

e. The maintenance bond or other approved surety shall be in addition to any warranty provided to guarantee the installation of required improvements;

f. The city attorney shall approve the form, sufficiency and manner of execution of the maintenance bond or surety;

g. Upon the termination of the warranty period, and upon restoration of the improvements to successful operation and the repair of any defects or damage in the improvements;

h. The public works director may withhold release of the bond or surety up to one year from the date of any restoration or repairs to ensure that the restoration or repairs were adequate.

7. Submit Final Subdivision Application. The applicant will file a final subdivision application that will include the information listed in the development design standards, and the following additional items:

a. A current certificate of title from a title company containing a legal description of the property to be subdivided and confirmation that the title of such property belongs to the stated owners. The certificate shall further demonstrate that any dedications or deeds to the city associated with the subdivision, including easements, will be free and clear of all encumbrances;

b. A certificate giving a full and correct description of the lands divided as they appear on the subdivision, including a statement that a subdivision has been made with the free consent and in accordance with the desire of the owner or owners;

If the subdivision is subject to a dedication, a certificate or a separate written instrument containing the dedication of all streets and other areas to the public, and individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the subdivision, and a waiver of all claims for damage against any government authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of such road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all

parties having any ownership interest in the lands subdivided and recorded as a part of the final subdivision;

c. A performance bond, maintenance bond, or other acceptable surety in the forms previously approved by city council;

d. The fee, established in the City's Fees resolution, for processing the final application.

8. Review Final Subdivision Application Submission. The City's DRC and any other appropriate parties will:

a. Review the final subdivision application to determine whether the application filing is complete and/or if the required application bond and fees have been posted;

b. If not complete and/or if the application fees have not been posted, the public works director will return the application to the applicant along with a checklist of the materials or information that has to be provided to properly process the request;

c. No application shall be deemed filed nor given a file name or number until all required information, attachments and fees are submitted;

d. The filing date shall be the date on which the city receives the last item needed to have a complete application, including all required information, attachments and fees;

e. If the information is complete, the application will be distributed to the appropriate departments for review.

9. Review/Approval of Final Subdivision Application. The City shall check the subdivision for accuracy and conformance with the approved preliminary subdivision and the requirement of city ordinances and state law.

a. The final subdivision shall consist of a subdivision map and survey information attachments. The approved preliminary subdivision may be used as the final subdivision provided all specification requirements of this section are included. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the State of Washington and prepared in black ink on any standard material consistent with and conforming to Chapter 58.09 RCW and WAC 332-130-150 and acceptable to the city measuring 18 inches by 24 inches in size. Each sheet, including the index sheet, shall conform to, and compatible with, the Snohomish County Recorder's recording standards and guidelines The subdivision shall include the following information:

i. Information required by the preliminary subdivision approval, including the building envelopes, significant trees to be retained, and sensitive areas and buffers;

ii. The name of adjacent subdivisions and unplatted property shall be identified using dotted lines;

iii. The name of the subdivision, name(s) of the subdivider(s) and the name of the registered surveyor that prepared the subdivision shall be on all maps and surveyor notes;

iv. All lots shall be dimensioned and numbered consecutively starting with number (1) and show the lot area and the building setback lines in accordance with this title;

v. The length and bearing of all straight lines, central angles, radii, and curve lengths of all curves;

vi. All dimensions along lot lines with accurate dimensions in feet and hundredths of feet with true bearings and angles to streets and alley lines;

vii. Suitable primary control points, approved by the public works director, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data given on the subdivision shall be referred;

viii. Accurate distances, bearings, locations and dimensions of the subdivision boundary lines, street lines, monuments and corporate limit, township or section lines which are referenced to a survey datum as prescribed by the public works director;

ix. Show on the face of the subdivision map, all land which is offered for dedication to the city related to streets, alley ways, easements, sensitive areas and associated buffers, parks, open space and other public use and/or dedication to other person and persons or entities for other purposes as shown on the approved preliminary subdivision. Any dedication, donation or grant shown on the face of the subdivision shall be considered for all intent and purposes as a quit claim deed;

x. The final subdivision shall contain a legal description of the subdivision property;

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xi. The final subdivision shall show the easement provisions, restrictions section, dedication and certification statements with appropriate signatures and seals, as set forth in greater detail in a checklist prepared by the public works director, before the subdivision is approved and recorded.

b. If the City finds that the subdivision is not in accordance with the preliminary subdivision and the conditions of approval, the approved constructions drawings, and/or development requirements and standards of this code, the City shall return the subdivision application to the applicant along with a notice of the issues or decisions that were not complied with.

c. If the city finds that the subdivision meets city requirements, the subdivision will be routed to the zoning administrator for approval.

d. Upon approval, it shall be the applicant's responsibility to record the document at Snohomish County and provide the City with a conforming copy within 10 days of recording.

10. Approval of Final Subdivision. When the zoning administrator finds that a subdivision proposed for final subdivision approval conforms to all terms of the preliminary subdivision approval and meets the requirements of this title and other applicable state laws and municipal ordinances, the City shall execute written approval on the face of the subdivision.

11. Record Final Subdivision.

a. The final subdivision shall consist of a subdivision map and survey information attachments. The final subdivision map shall be prepared by or under the supervision of a land surveyor registered in the state.

b. The final subdivision shall show the certification statements with appropriate signatures and seals as set out in the development design standards, before the subdivision is approved and recorded.

c. If the subdivision includes common property and/or easements or tracts that are not dedicated to the city, a homeowner's association is required. The planning department shall review the conditions, covenants, and restrictions (CC&R's), and then such CC&R's and other enabling document(s) shall be filed with the Snohomish County Auditor's Office prior to recording of the final subdivision.

d. The original of the final subdivision shall be filed for record with Snohomish County Auditor's Office; one reproducible copy shall be furnished to the zoning administrator and one paper copy shall be filed with the county assessor.

e. The applicant shall be responsible for providing the final subdivision to Snohomish County for recording within a timely manner.

E. Subdivision Vacation.

1. Any person interested in the vacation of any recorded subdivision or part of a recorded subdivision, or area dedicated for public use shall file an application for vacation with the planning department. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.

2. Applications for subdivision vacation shall be processed as a Type III permit. The decision maker shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the approval authority adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by RCW 58.17, Plats—Subdivision—Dedications.

F. Subdivision Alterations.

1. Any person interested in the alteration of any approved subdivision shall submit an application for the alteration to the Community Development Department. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the

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subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration.

2. Alterations shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type III permit applications.

3. If an alteration is approved, the applicant shall submit to the city a revised drawing of the approved alteration of the subdivision, which after signature of the decision-maker shall be filed by the applicant with the Snohomish County Auditor's Office to become the lawful subdivision of the property. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

G. Preliminary Subdivision Modifications.

1. Applications to modify preliminary subdivisions that have received preliminary approval that result in any substantial changes as determined by the city shall be considered major modifications and treated as a new application for purposes of vesting and processing. For the purpose of this section, substantial change includes the creation of additional lots, the elimination of open space, change to the overall layout that would change the quality of the design or product, or changes to conditions of approval on an approved preliminary subdivision.

2. Minor modifications shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type II permit applications. The following modifications of preliminary plat approval may be reviewed administratively:

a. Engineering detail unless the proposed detail modifies or eliminates features specifically required as an element of the preliminary plat approval;

b. Minor changes in lot lines or lot dimensions;

c. A decrease in the number of lots to be created.

3. Minor modifications shall be reviewed for consistency with this chapter and the regulations of this title, as well as the following criteria:

a. The amendment maintains the design intent or purpose of the original approval;

b. The amendment does not cause a significant environmental or land use impact on or beyond the site;

c. The amendment is not precluded by the terms of this title or by state law from being decided administratively; and

d. Circumstances render it impractical, unfeasible or detrimental to the public interest to accomplish the subject condition or requirement of preliminary plat approval.

22.68.050 Model Homes.

A. Purpose. The purpose of this chapter is to permit the construction of a limited number of model homes, as defined in MMC 22.12, on an approved preliminary plat, prior to final plat approval. Allowing model homes provides the opportunity for builders and developers to showcase their product prior to final plat approval. Nothing in this chapter shall be construed as permitting model homes in short subdivisions. This chapter shall not be construed to supersede or amend the purpose and intent of this title.

B. Approval authority. The zoning administrator is authorized to approve, approve conditionally, or deny model home applications, under the criteria set forth in this section.

C. Eligibility. A subdivision having received preliminary plat approval is eligible to submit a permit for model homes, provided the following criteria are met:

1. The applicant has submitted and received all required permits and approvals required of the preliminary plat approval.

2. All required retention and detention facilities necessary for the areas of the subdivision serving the model homes are in place and functional, to the satisfaction of the city engineer.

3. All critical areas upon or immediately adjacent to the areas of the subdivision serving the model home(s) have been protected or mitigated, in accordance with adopted critical areas regulations and preliminary plat approval.

4. The model home(s) and sales facility meet the access and fire protection requirements of the fire department.

5. All areas of the subdivision serving the model home(s) are served by an all-weather surface as approved by the city engineer and fire department.

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6. All areas of the subdivision serving the model home(s) have installed frontage improvements including curb, gutter and sidewalk, as required by the preliminary plat approval or this code.
7. Water and sewer are installed to each lot proposed for model homes, as directed by the city engineer.
8. All proposed streets serving the model homes are adequately marked with street signs, to the satisfaction of the city engineer and fire department.
9. Lot property corners of all lots proposed to be used for the model home complex have been set by a licensed, professional land surveyor in accordance with the preliminary plat lot configuration.
10. Setbacks for the model home(s) shall be measured from the proposed lot lines and setbacks per the preliminary plat approval.
11. The number of model homes shall not exceed that allowed by MMC 22.68.050(D).

D. Number Permitted. The number of model homes permitted for each subdivision shall be no greater than twenty percent of the approved lots within the preliminary plat, not to exceed a total of seven homes. Two lots, in addition to those permitted for the model home(s), may be used to support one temporary sales office and one off-street parking area. In the event that calculation of the number of lots equal to twenty percent of the total number of preliminary lots creates a fractional lot, the number of permitted lots for model homes shall be rounded up, not to exceed the maximum allowed.

E. Application requirements. The following information shall be required in addition to the standard submittal requirements for a single-family residential building permit:

1. The applicant shall have written authorization from the property owner permitting the model home(s) if the applicant is other than the owner of the approved preliminary plat;
2. Title report current within the last thirty days;
3. Name of approved preliminary plat as well as the proposed name of the final plat (if different);
4. Parent tax parcel number(s) involved in the complete development;
5. Date of preliminary plat approval;
6. Date of preliminary plat approval expiration;
7. Copy of adopting resolution or motion approving the preliminary plat approval;
8. Overall site plan showing the preliminary plat, including phases (if applicable) and the location of all proposed model homes;
9. Overall site plan shall include the location of proposed temporary improvements specific to the model home(s) use such as the location of sign-age, flags, banners, fencing, landscaping, sales trailer and impervious surfaces such as parking areas and sidewalks.
10. Parking shall be subject to the regulations of MMC Chapter 22.44, Parking Standards and Design.
11. Individual site plans showing the location of the model home(s) in relation to the property lines and setbacks consistent with the preliminary plat approval;
12. Submittal of financial securities at one hundred fifty percent of a contractor's cost estimate, approved by the city, necessary to restore the site to conditions existing prior to the construction of the model home(s) and all associated structures and improvements;
13. Payment of model home review fee as set forth in the adopted fees resolution. The model home review fee shall be applicable only to the review of the overall model home complex site plan. All other applicable fees shall be paid for the proposed plat improvements and building permit fees prior to individual model home building permit issuance.

F. Occupancy Requirements.

1. Written approval from the city of Monroe shall be posted at the main entry to each model home, allowing public access to the model home.
2. No model home shall be occupied for residential use prior to recording of the final plat. No model home shall be sold, leased, rented or otherwise transferred in ownership until the final plat is recorded, unless the property interest is transferred in conjunction with a transfer in interest of the plat as a whole.
3. One preliminarily approved lot may be used to locate a temporary sales trailer for the purpose of marketing the model home(s). This provision is not intended to increase the number of model homes permitted under this section.
4. One preliminarily approved lot may be used to furnish off-street parking. This provision is not intended to increase the number of model homes permitted under section.
5. The hours of operation of the model home complex shall be limited to daylight hours only, unless street lighting is installed to the satisfaction of the city engineer and fire department.

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6. The model home(s) and sales trailer shall be used for the exclusive purpose of marketing the homes within the plat, not as a branch real estate office.

G. Duration permitted. The model home(s) and/or sales trailer may be used for no more than twenty-four months from the date of the model home permit approval, or no longer than the expiration of the preliminary plat approval, whichever is greater.

H. Removal. The model home(s) and all associated improvements, including but not limited to a sales trailer and parking lot, shall be removed within six months of the following occurrences:

1. Preliminary plat approval has expired and no extension has been granted;
2. The subdivision was denied final plat approval and/or requires substantial improvements not consistent with the design of the preliminary approved plat in the opinion of the zoning administrator;
3. The approval period has expired, consistent with MMC 22.68.040(A)(5)(c).

22.68.060 Boundary Line Revisions.

A. A boundary line revision is a mechanism by which the city may approve the alteration of boundary lines between subdivided or unsubdivided lots or both, where such a revision does not create any additional lot, tract, parcel, site, or division nor create lots which are nonconforming or more nonconforming than exists.

B. The zoning administrator may approve an application for a boundary line revision, provided the following criteria are met:

1. The proposed revision shall meet the exemption requirements provided in RCW 58.17.040(6);
2. The boundary line revision shall not result in the creation of any additional tract, lot, parcel, site or division;
3. The property being transferred within the boundary line revision shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
4. The lots, tracts, or parcels resulting after the boundary line revision shall meet all dimensional requirements specified for the applicable zone as outlined in this title;
5. All lots modified by the boundary line revision procedures shall have legal access meeting the standards of the City of Monroe;
6. The boundary line revision shall not violate an applicable requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;
7. All boundary line revisions shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All lot lines being adjusted shall be surveyed, and newly established lot corners shall be staked.

22.68.070 Binding Site Plans

A. Purpose. The purposes of this chapter are to:

1. Provide a method for division of land for commercial and industrial zoned property, or condominiums;
2. Allow the zoning administrator to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan.

B. Applicability. The following proposed divisions of land shall be governed by the provisions of this section:

C. Application. An application for a binding site plan shall include:

1. All information required for a preliminary plat;
2. The location of all proposed structures;
3. A detailed site plan meeting the requirements of MMC Chapter 22.58, Site Plan Review;
4. Inscriptions or attachments setting forth the limitations and conditions of development;
5. Provisions ensuring the development will be in conformance with the site plan;
6. Other pertinent information requested by the zoning administrator or public works director.

D. Standards. Binding site plans shall use the same standards identified in MMC 20.68.040(B).

E. Review and Decision.

1. Binding site plans shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type III permit applications. Final binding site plan permits shall be reviewed in accordance with the process set out in MMC 22.84, Permit Processing, for Type I permit applications.

2. The proposed binding site plan shall be reviewed according to the criteria set forth in MMC Chapter 22.58, Site Plan Review, and applicable codes and regulations set forth in this title. The decision shall be consistent with the zoning, subdivision, building or other applicable city ordinances, state and federal law, and the criteria set forth in this section.

3. All development shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.

4. Final approval must be acquired within five years of preliminary approval, after which time the preliminary binding site plan approval is void. The decision maker may grant an extension for one year if the applicant has attempted in good faith to submit the final binding site plan within the five-year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least thirty (30) days before expiration of the five-year period.

F. After preliminary approval of the binding site plan, the developer shall submit construction drawings consistent with MMC 22.68.040(C), Site Improvements, and apply for a final binding site plan permit consistent with MMC 22.68.040(D), Final Subdivision Process for Preliminary Subdivision and Short Subdivision.

G. The final binding site plan shall be recorded with the Snohomish County's Auditor's Office within ninety (90) days of approval. Upon recording, the site plan shall be binding on the owner and the owner's heirs, successors and assigns.

H. Prior to the issuance of any building permit for construction upon land subject to an approved final binding site plan, that portion of the land for which the building permit is sought must be legally described.

I. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

J. Any sale, transfer, or lease of any lot, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

K. Amendment of a recorded binding site improvement plan shall be accomplished by following the same process as required for a new application, as set forth in this section.

L. Alterations to recorded binding site plans shall be accomplished by following the same process and criteria as MMC 22.68.040(F), Subdivision Alterations.

M. Modifications to approved preliminary binding site plans shall be accomplished by following the same process and criteria as MMC 22.68.040(G), Preliminary Subdivision Alterations.

22.68.080 Phased Development

A. This section is only applicable to subdivisions and binding site plans

B. Approval for a phased development shall occur at preliminary approval and noted in the decision.

C. Any future phases of the development must meet the requirements established for preliminary approval in MMC 22.68.040(A), Preliminary Subdivisions and Short Subdivisions, or MMC 22.68.070, Binding Site Plans, as applicable.

D. Prior to receiving final approval, each phase shall ensure that services (e.g. water, sewer, roads, stormwater) are provided as development of each phase occurs.

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CHAPTER 22.70
DEVELOPMENT AGREEMENTS

Sections:

22.70.010 Purpose.
22.70.020 Applicability.
22.70.030 General Provisions.
22.70.040 Review Process.
22.70.050 Enforcement.
22.70.060 Appeals.

22.70.010 Purpose.

The purpose of this chapter is to establish the review process and criteria for approval for development agreements between the City and any person, partnership, corporation, or other entity that owns or controls real property. Pursuant to RCW 36.70B.170 through 36.70B.210, a development agreement provides a mechanism for the City to enter into voluntary contractual agreements with an entity or entities that own or control real property within the City and/or its urban growth area to govern the development of land and the issuance of project permits. The agreement grants vesting rights to the proposed development consistent with the development regulations, use, and mitigation of the real property at the time of execution of the agreement for the duration specified in the agreement.

22.70.020 Applicability.

The city may enter into a development agreement for any real property within the City's boundaries, and for real property outside its boundaries as part of a proposed annexation or a service agreement.

22.70.030 General Provisions.

A. Authority. The City may enter into a development agreement with a person having ownership or control of real property within its jurisdiction, provided the terms of the agreement are satisfactory to the City. As provided in RCW 36.70B.170(4), the execution of a development agreement is a proper exercise of the City's police power and contract authority. Accordingly, a development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

B. Development Standards. A development agreement shall be consistent with applicable development regulations adopted by the City under chapter 36.70A RCW. For purposes of this title, the term "development standards" means and includes, but is not limited to:

1. Project elements such as permitted uses, residential densities, and non-residential densities and intensities or building sizes;
2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, or dedications;
3. Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW or as amended;
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
5. Parks and open space preservation;
6. Phasing;
7. Review procedures and standards for implementing decisions;
8. A build-out or vesting period for applicable standards; and
9. Any other development requirement or procedure deemed appropriate by the City Council.

C. Limitations. All development agreements shall comply with the following requirements and are subject to the limitations contained therein:

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1. The development agreement shall be consistent with all applicable development regulations adopted by the City;
2. The development agreement shall not provide means of waiving or amending development regulations that would otherwise apply to the project;
3. The development agreement shall not bypass any procedural requirements that would otherwise apply;
4. A development agreement shall not obligate the City to adopt subsequent amendments to the comprehensive plan, development regulations, or otherwise delegate legislative powers;
5. A development agreement may obligate a party to fund or provide services, infrastructure, or facilities;
6. A permit approval issued by the City after the execution of the development agreement must be consistent with the development agreement throughout the entirety of the specified vesting period;
7. The build-out period for a development agreement shall be specified in the agreement itself. The terms of the development agreement shall vest for the lesser of the duration of the build-out period or ten years; and
8. When enforcement of the development agreement will result in a serious threat to public health and safety, as determined by the City, the City has the authority to impose new or different regulations on the approved development agreement.

22.70.040 Review Process.

A. Review Type. Pursuant to RCW 36.70B.020(4), development agreements are not "project permit applications." The decision of the City Council to approve or reject a request for a development agreement shall be processed subject to the requirements in this Chapter and shall include a fee, as established by the current fee resolution.

B. Development Agreement Contents. The proposed development agreement shall set forth the development standards and other provisions that apply to, govern, and vest the development, use, and mitigation of the of the real property for the duration of the agreement. The development agreement shall include all of the following provisions, when relevant, in accordance with any applicable laws or rules in effect at the time:

1. Development Regulations and Design Standards
    a. Affordable housing units to be provided
    b. Any land use actions and/or permits required to be completed prior to commencing development
    c. Bulk requirements, including, but not limited to:
        i. Maximum building height
        ii. Maximum lot coverage
        iii. Minimum and maximum residential densities
        iv. Size range in square feet for each building
        v. Yard setbacks
    d. Critical areas and associated buffers
    e. Dedications
    f. Design standards
    g. Exterior lighting requirements
    h. Landscaping requirements and standards
    i. Legal description(s) of the site(s) encumbered by the development agreement
    j. Location(s) of non-residential development
    k. Location(s) of residential development
    l. Parking stalls to be provided and applicable standards
    m. Parks and open space requirements
    n. Permitted uses for the site subject to the development agreement
    o. Proposed uses for the site subject to the development agreement
2. Environmental Impacts and Mitigation
    a. Financing details for the implementation of required mitigation measures
    b. Measures to mitigate potential environmental impacts of the development agreement proposal per Chapter 43.21C RCW, including impacts to:

i. Aesthetics
ii. Air
iii. Animals
iv. Earth
v. Energy and Natural Resources
vi. Environmental Health
vii. Historic and Cultural Preservation
viii. Housing
ix. Land Use
x. Light and Glare
xi. Noise
xii. Plants
xiii. Public Facilities and Services
xiv. Recreation
xv. Shoreline Use
xvi. Transportation
xvii. Utilities
xviii. Water

c. Timing of implementation of required mitigation measures

3. Fees and Financial Obligations
   a. Amount of fees agreed to or imposed
   b. Financial securities required
   c. Method and schedule of payment of fees agreed to or imposed
   d. Reimbursement provisions for the financing of services, infrastructure, and/or other facilities
4. Process Timing
   a. Phasing schedule
   b. Review process and timing
   c. Vesting period for the development agreement
5. Any other items deemed necessary by the City

C. Associated Land Use Actions. Applications for land use actions associated with the development agreement shall comply with the following requirements:

1. Associated land use applications shall meet all submittal requirements applicable to the specific land use action, as identified in MMC Chapter 22.84, Permit Processing.
2. Applications for associated land use actions shall be made on forms prescribed by the City
3. Each land use application shall be subject to all applicable fees as established by the current fee resolution
4. The review of other land use applications associated with the development agreement shall be consolidated under MMC Chapter 22.84, Permit Processing, unless the applicant requests that the applications be submitted and processed separately

E. Public Notice. Development agreements shall be subject to all noticing requirements applicable to Type III project permits, as specified in MMC Chapter 22.84, Permit Processing.

F. Public Hearing. The city council shall only approve a development agreement after a public hearing has been conducted by the city council. If the development agreement relates to a project permit application, the provisions of chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

G. Approval. The City Council is the final decision authority on development agreements. Approval by the City Council of a development agreement shall be made by resolution.

H. Decision Criteria. The City Council may enter into a proposed development agreement if the Council finds, in its sole discretion, that the development agreement meets the following criteria:

1. The development agreement is consistent with applicable development regulations;
2. The development agreement is consistent with RCW sections 36.70B.170 through 36.70B.210;
3. The development agreement does not provide means of waiving or amending development regulations that would otherwise apply to the project;
4. The development agreement does not bypass any procedural requirements that would otherwise apply to the project;

5. The development agreement demonstrates reasonable certainty for completion of a project;

6. The development agreement shall promote the general welfare by balancing public and private interests; and

7. The project proposed by the development agreement must provide a significant public benefit.

I. Recording. According to RCW 36.70B.190, a development agreement shall be recorded with the real property records of the Snohomish County Recording Division. The development agreement shall be recorded within thirty (30) days of the date of approval by the City Council of the development agreement.

J. Modifications. Unless stated otherwise in the development agreement, modifications to an approved development agreement require City Council approval. Requests for modifications shall follow the requirements of this chapter for an initial development agreement approval.

K. Validity. Once recorded, development agreements are binding between the parties and their successors throughout the duration of the development agreement specified within the agreement.

L. Annual Review. The City shall, at least every twelve (12) months during the term of an executed development agreement, review the extent of good faith substantial compliance with the contractual obligations of the development agreement by the parties specified within the agreement.

22.70.050 Enforcement.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement, as permitted by law, without limiting the foregoing or the City's police power. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the city after the execution of the development agreement must be consistent with the development agreement. The parties to a development agreement may agree to additional or supplemental enforcement provisions. If the parties subject to the development agreement are found to be in violation of the contractual obligations specified therein, the City Council shall review the terms of the agreement and determine if corrective action is needed to enforce its provisions.

22.70.060 Appeals.

The decision of the City Council to approve or reject a development agreement shall be final and conclusive, provided that development agreements related to project permits are subject to appeal upon timely appeal submittal to the Snohomish County Superior Court.

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CHAPTER 22.74
COMPREHENSIVE PLAN AMENDMENTS

Sections:

22.74.010 Amendment Process.
22.74.020 Application Requirements.
22.74.030 Selection of Amendments to be Considered.
22.74.040 Review of Selected Amendments.

22.74.010 Amendment Process.

A. Amendment Schedule. The public can submit requests for amendments to the Comprehensive Plan at any time; however, they will only be processed in accordance with these procedures once a year and conform to the following generalized schedule in Table 22.74.010: Schedule for Comprehensive Plan Amendment Review:

Table 22.74.010: Schedule for Comprehensive Plan Amendment Review

Month	Action
May and June	City issues press releases, advertisements or other “effective” means of public notice soliciting public requests for comprehensive plan amendment applications.
Last Working Day in July	The annual deadline for public submittals (including fees) of proposed plan amendments closes. Citizen-initiated plan amendment requests submitted after the last working day in July of each year will be processed during the following review and amendment cycle.
August	City staff forwards all amendment requests to the City Council. The City Council will hold a public hearing, including a presentation by the applicants, on the proposed items for the Docket and select which amendment applications, with or without modifications, should be considered, along with a review schedule.
September/October	City staff will begin review, analysis, and evaluation of docketed plan amendment proposals, including the SEPA threshold determination.
November	Staff presents the various amendment applications and analysis to the Planning Commission at a Public Hearing.
December through March	Planning Commission reviews amendment applications and develops necessary Plan amendments. Planning Commission solicits public input through meetings and public hearings.
April	The Planning Commission holds a Public Hearing on the final proposal and forwards their recommendation to the City Council.
May	City Council considers recommendations and holds first reading of ordinance. Staff also forwards recommended plan amendments to Department of Commerce.
May through July	Department of Commerce mandatory 60-day review period.
July	City Council takes final action on the Plan amendments. Staff will transmit the approved amendments to Department of Commerce within 10 days of Council adoption.

B. Cumulative Impacts. All Plan amendment proposals shall be considered concurrently so that their cumulative impacts can be ascertained. The above schedule can be modified based on the number and complexity of the requested amendments.

C. Exemptions and Emergencies. The Comprehensive Plan may be amended no more than once a year, except for certain exemptions and emergencies. The following amendments may be considered more frequently than once a year:

1. Initial adoption of a sub-area or neighborhood plan(s) that does not modify the comprehensive plan policies and designations applicable to the subarea
2. Adoption or amendment to a shoreline management program;
3. An emergency exists and findings are adopted by the City Council (in resolution form) showing the amendment is necessary, due to an emergency situation of a neighborhood or citywide significance;
4. Resolution of an appeal of a comprehensive plan filed with a Growth Management Hearings Board or with a County, State or Federal court; and
5. An amendment of the Capital Facilities element of the Comprehensive Plan that occurs concurrently with the adoption or amendment of the city budget.
6. Plan amendments related to annexation may be considered during the normal annexation process and need not necessarily be coordinated with the annual plan amendment schedule.

22.74.020 Application Requirements.

All proposed amendments must be submitted in writing to the City of Monroe on the appropriate city form. The proposed amendment application shall consist of at least the following information, and be consistent with the Citizen-Initiated Comprehensive Plan Amendment Application and Submittal Checklist:

A. A description of the proposal, including any relevant background material including an environmental checklist. If a request to amend the Comprehensive Plan Land Use Map is selected for consideration during the review cycle, additional information may be required to be submitted including, but not limited to, additional environmental review, traffic study, and utilities analysis.

B. Reference to the element(s) of the comprehensive plan that is proposed for amendment;

C. Proposed amendment language, when applicable;

D. An explanation of why the amendment is being proposed;

E. A description and/or map of the property affected by the proposal; and

F. The appropriate fee, as listed in the City Fee Schedule in place at the time of application submittal.

22.74.030 Selection of Amendments to be Considered.

A. Selection Process. City of Monroe staff will submit all proposed amendments received prior to the last working day in July, to the City Council at the second council meeting in August along with an analysis of the proposed amendment in relation to the selection criteria and the application checklist. After holding a public hearing during the third council meeting of August, the City Council shall select those proposed amendments that should be considered for further review. Notification of all public hearings shall be in the same manner as for project permit applications, as outlined in MMC Chapter 22.84, Permit Processing. The City Council may modify a proposed amendment during the selection process.

B. Selection Criteria. The City Council should consider the following criteria when determining which proposed amendments that should be considered for further review:

1. The proposed amendment advances the Council's vision of the City.
2. The proposed amendment advances goals and policies of the comprehensive plan;
3. The proposed amendment is consistent with the goals and regulations of the Growth Management Act;

4. The relationship of the proposed amendment to other City codes and regulations; and
5. The cumulative effect(s) of the proposed plan amendment(s).

C. Schedule. When selecting the proposed amendments to be considered, the City Council will adopt a schedule for completion, including any input from the public and the Planning Commission.

D. Modification. The City Council may modify a proposed amendment during the selection process.

22.74.040 Review of Selected Amendments.

A. Written Analysis. For each proposed amendment that the Council selects for consideration, the Planning & Permitting Division will prepare a written analysis.

B. Environmental Review. In conjunction with the written analysis the city's SEPA Responsible Official shall issue a threshold determination no later than the fourth Thursday of October.

C. Following completion of the analysis prepared by the Planning & Permitting Division, the Planning Commission shall conduct one or more public hearings. The Planning Commission may also solicit comments regarding the proposed amendment from the public and government agencies in any other manner it determines necessary and appropriate to the nature of the proposed amendment and consistent with RCW 36.70A.140. The Planning Commission shall develop language for definitions, polices and goals, and provide recommendations for proposed amendments. All input of the Planning Commission requested by the City Council shall be submitted according to the schedule established in Table 22.74.010: Schedule for Comprehensive Plan Amendment Review above.

D. Criteria for Recommendation of Approval. The Planning Commission shall use the following criteria in considering whether or not to recommend approval or approval with modification of the proposed Plan amendment:

1. Each amendment:
   a. Shall not adversely affect public health, safety, or welfare in any significant way.
   b. Shall be consistent with the overall goals and intent of the comprehensive plan as amended by the proposals.
   c. Shall comply with the Growth Management Act and other State and Federal laws; and
   d. Must be weighed in light of cumulative effects of other amendments being considered.
2. In addition to the above mandatory requirements, any proposed amendment must meet the following criteria unless compelling reasons justify its adoption without meeting them:
   a. Addresses needs or changing circumstances of the City as a whole or resolves inconsistencies between the Monroe Comprehensive Plan and other city plans or ordinances.
   b. Environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts.
   c. Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations.
   d. Is compatible with neighboring land uses and surrounding neighborhoods, if applicable; and
   e. Is consistent with other plan elements as amended by the proposals.
3. Any compelling reasons relied upon to justify adopting an amendment without meeting the above criteria must be specified in the ordinance adopting the amendment. When an amendment to the Comprehensive Plan also requires a subsequent rezone or amendment to the development regulations both may be considered concurrently.

E. Public Hearing and Notice. The City Council will review the recommendation of the Planning Commission and may hold a public hearing for the purpose of receiving public comment regarding the merits of proposed amendment(s). Notice of the hearing will be given pursuant to

MMC Chapter 22.84, Permit Processing. Written comments may be given by anyone to the City Council regarding proposed plan amendments prior to the end of the public hearing(s).

F. Council Action. Upon receipt of a recommendation from the Planning Commission, the City Council shall adopt, adopt as modified, deny, or remand the application(s) to the Planning Commission for further consideration.

G. Map Revisions. If the City Council approves a change to the Comprehensive Plan that changes the land use designation of parcels within the Urban Growth Area, the City Council shall adopt an ordinance that amends the Comprehensive Plan Land Use Map and authorizes the Mayor to sign the revised map.

H. Revocation. The comprehensive plan amendment may be reversed by the City Council outside of the regular amendment period, upon finding of any of the following:

1. The approval was obtained by fraud or other intentional or misleading representation;
2. The amendment is being implemented contrary to the intended purpose of the amendment or other provisions of the comprehensive plan and City ordinances; or
3. The amendment is being implemented in a manner that is detrimental to the public health or safety.

I. Appeals. State law governs the appeal process of a City Council decision on a comprehensive plan amendment(s).

J. Transmittal to State. The Planning & Permitting Division will transmit a copy of each proposed amendment of the Plan to the State of Washington Department of Commerce at least sixty (60) days prior to the expected date of final Council action on proposed amendments. The Planning & Permitting Division will then transmit a copy of all adopted amendments to Department of Commerce within ten (10) days after the adoption by the Council.

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CHAPTER 22.76
ANNEXATIONS

Sections:

22.76.010 Purpose.
22.76.020 Applicability.
22.76.030 Preannexation Zoning.

22.76.010 Purpose.

The purpose of this section is to provide procedures and requirements for the annexing of territory into the City of Monroe. The annexation process is provided in Chapter 35A.14 RCW, which shall be used to govern annexation applications submitted to the City unless otherwise specified.

22.76.020 Applicability.

This chapter shall apply only to the direct petition method of annexation provided in Chapter 35A.14 RCW, Annexation. The provisions of RCW 35A.14 are adopted by reference as adopted or as hereafter amended. The entire area within the City of Monroe's designated urban growth area is subject to this chapter. RCW 35A.15.005 prohibits the annexation of territory beyond an urban growth area. Therefore, only those areas within the City's urban growth area may be considered for annexation.

22.76.030 Preannexation Zoning.

The city council shall establish zoning designations for territory subject to annexation effective upon the annexation of that territory, and as consistent with the Monroe comprehensive plan and this title.

A. The preannexation zoning designation(s) for the territory to be annexed shall be consistent with the territory's currently adopted comprehensive plan future land use map designation.

B. When a territory to be annexed does not have a specified comprehensive plan future land use map designation, preannexation zoning of the territory shall have a default designation of low-density single-family residential per MMC Chapter 22.14, Zoning Maps and Districts.

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CHAPTER 22.78
STATE ENVIRONMENTAL POLICY ACT

Sections:

22.78.010 Authority.
22.78.020 Adoption of Uniform SEPA Requirements by Reference.
22.78.030 Conflicts.
22.78.040 Definitions and Abbreviations.
22.78.050 Designation of Responsible Official.
22.78.060 Lead Agency Determination and Responsibilities.
22.78.070 Additional Timing Considerations.
22.78.080 Threshold Determinations.
22.78.090 Flexible Thresholds for Categorical Exemptions.
22.78.100 Use of Exemptions.
22.78.110 Environmental Checklist.
22.78.120 Mitigated DNS.
22.78.130 Environmental Impact Statements (EIS) and other Environmental Documents.
22.78.140 Public Notice and Comments.
22.78.150 Designation of Official to Perform Consulted Agency Responsibilities for the City.
22.78.160 Using Existing Environmental Documents.
22.78.170 SEPA Decisions and Substantive Authority.
22.78.180 SEPA Administrative Appeals.
22.78.190 Critical Areas.
22.78.200 Fees.
22.78.210 Effective Date.
22.78.220 Severability.
22.78.230 SEPA Forms and Standard Notices.

22.78.010 Authority.

The city adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.

This chapter contains this city's SEPA procedures and policies, which must be used in conjunction with the SEPA rules in Chapter 197-11 WAC. Where applicable, at the beginning of each article of this chapter is a list of sections of Chapter 197-11 WAC that are adopted by reference.

22.78.020 Adoption of Uniform SEPA Requirements by Reference.

This section adopts the uniform requirements of Chapter 197-11 WAC, as now existing or hereafter amended, in order to perform environmental review and comply with SEPA. Uniform requirements adopted by reference are supplemented by this chapter through specific local procedures and policies where appropriate. Additional requirements of Chapter 197-11 WAC are additionally adopted by reference within this chapter, as listed within and relevant to procedures and policies provided in subsequent sections of this chapter.

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.

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197-11-158	GMA project review – Reliance on existing plans, laws, and regulations.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated GMA/SEPA process.
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-238	Monitoring. (optional)
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial actions.
197-11-262	Determination of significance and EIS for MTCA remedial actions.

22.78.030 Conflicts.

Any irreconcilable conflict between this chapter, Chapter 197-11 WAC, and/or Chapter 43.21C RCW shall be resolved in favor of the provision that is most protective of the environment and meets the minimum standards of 197-11 WAC.

22.78.040 Definitions and Abbreviations.

A. Consistent with WAC 197-11-040, the city adopts by reference the definitions contained in WAC 197-11-220 and WAC 197-11-700 through 197-11-799. In addition, the following definitions are adopted for this chapter:

1. "City council" means the Monroe City Council.
2. "Department" means any division, subdivision or organizational unit of the city established by ordinance, rule, or order.
3. "Zoning Administrator" means the Monroe Community Development Director or his/her designee.
4. "Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).
5. "SEPA rules" means Chapter 197-11 WAC, adopted by the Department of Ecology.

B. The following abbreviations are used in this chapter:

1. SEPA – State Environmental Policy Act.
2. DNS – Determination of nonsignificance.
3. DS – Determination of significance.
4. EIS – Environmental impact statement.

22.78.050 Designation of Responsible Official.

A. For those proposals for which the city is the lead agency, the responsible official shall be the city administrator or designee.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other task assigned to the lead agency or responsible official by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

C. The city shall retain all documents required by SEPA rules, Chapter 197-11 WAC, and make them available in accordance with Chapter 42.17 RCW.

22.78.060 Lead Agency Determination and Responsibilities.

A. The city adopts by reference the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, as supplemented in this chapter:

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197-11-050	Lead agency.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency status.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

B. When the city receives an application initiating a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the responsible official is aware that another department or agency is in the process of determining the lead agency.

C. When the city is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements and, if an EIS is necessary, shall supervise preparation of the EIS.

D. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

E. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period.

F. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

G. The responsible official when making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

H. When the city is lead agency for an MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the city shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

<u>22.78.070 Additional Timing Considerations</u>.

A. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.

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B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

22.78.080 Threshold Determinations.

This section contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared.

A. The city adopts by reference the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, as supplemented in this chapter:

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

22.78.090 Flexible Thresholds for Categorical Exemptions.

A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based upon local conditions:

1. For residential dwelling units in WAC 197-11-800(1)(b)(i) and (ii): Up to nine dwelling units;
2. For agricultural structures in WAC 197-11-800(1)(b)(iii): Up to ten thousand square feet;
3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iv): Up to twelve thousand square feet and forty parking spaces;
4. For parking lots not associated with a structure in WAC 197-11-800(1)(b)(iv): Up to forty parking spaces;
5. For landfills and excavations in WAC 197-11-800(1)(b)(v): Up to five hundred cubic yards.

B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800(1)(c).

22.78.100 Use of Exemptions.

A. When the city receives an application for a license, permit, or governmental proposal, the responsible official shall determine whether the license, permit, and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city shall not give authorization for:
   a. Any nonexempt action;
   b. Any action that would have an adverse environmental impact; or
   c. Any action that would limit the choice of alternatives;

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2. The city may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

3. The city may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

22.78.110 Environmental Checklist.

A. A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter, except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making threshold determination.

B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

1. The city has technical information of a question or questions that is unavailable to the private applicant; or

2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

D. For projects submitted as planned actions under WAC 197-11-164, the city shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance, or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a thirty-day review prior to use.

22.78.120 Mitigated DNS.

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:

1. Be written;

2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and

3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:

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1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS, under WAC 197-11-340(2);

2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate;

3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct two-hundred-foot storm water retention pond at Y location" are adequate;

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day comment period and public notice.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the city.

H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

I. The city's written response under subsection (B) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

22.78.130 Environmental Impact Statements (EIS) and other Environmental Documents.

This section contains the rules for preparing environmental impact statements (EIS).

A. The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, as supplemented in this chapter:

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

B. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) are the responsibility of the planning department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

C. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by mutual agreement by the city and the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

D. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute).

22.78.140 Public Notice and Comments.

This section contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings.

A. The city adopts by reference the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, as supplemented in this chapter:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

B. For purposes of WAC 197-11-510, public notice shall be required as provided pursuant to MMC Chapter 22.84, Permit Processing. Publication of notice in a newspaper of general circulation in the area where the proposal is located also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter but are not classified as land use permit decisions in this title.

C. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

D. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

22.78.150 Designation of Official to Perform Consulted Agency Responsibilities for the City.

A. The responsible official shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. The responsible official shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

22.78.160 Using Existing Environmental Documents.

This section contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference:

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197-11-164	Planned actions – Definition and criteria.
197-11-168	Ordinances or resolutions designating planned actions – Procedures for adoption.
197-11-172	Planned actions – Project review.
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement – Procedures.
197-11-625	Addenda – Procedures.
197-11-630	Adoption – Procedures.
197-11-635	Incorporation by reference – Procedures.
197-11-640	Combining documents.

22.78.170 SEPA Decisions and Substantive Authority.

This section contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This section also contains procedures for appealing SEPA determinations to agencies or the courts.

A. The city adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference:

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.

B. Administrative appeals under RCW 43.21C.075 and WAC 197-11-680 shall be governed by MMC Chapter 22.84.

C. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city.

D. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in subsection (A) of this section and cited in the license or other decision document.

E. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or SEIS prepared pursuant to this chapter; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in subsection (D) of this section and identified in writing in the decision document.

F. The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
    a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

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b. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

d. Preserve important historic, cultural, and natural aspects of our national heritage;

e Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

2. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

3. The city adopts by reference the policies in the following city documents as now or hereafter amended:

a. The current city of Monroe comprehensive plan, including without limitation all individual elements, sub-area plans, capital plans, supporting documents, and any standards, plans, policies, and other materials incorporated by reference into the comprehensive plan.

b. The current Monroe Municipal Code and supporting documents including without limitation all supporting documents, standards, plans, policies, and other materials incorporated by reference into the municipal code.

c. The current public works design and construction standards.

22.78.180 SEPA Administrative Appeals.

The city establishes the following SEPA administrative appeal procedure under RCW 43.21C.075 and WAC 197-11-680:

A. Threshold Determinations.

1. Any agency or person may appeal a determination of significance (DS), a mitigated determination of nonsignificance (MDNS), or a determination of nonsignificance (DNS) by filing an appeal, in conformance with MMC Chapter 22.84, prior to the lapse of any comment period of a threshold determination under WAC 197-11-340(2).

a. The appeal shall be filed on forms provided by the SEPA administrator and must be filed in original form.

b. The appeal shall set forth the specific reason, rationale, and/or basis for the appeal.

c. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed.

2. If the appeal has been timely filed and complies with the requirements of subsection (A)(1) of this section, the hearing examiner shall conduct a public hearing into the merits of the appeal. The hearing examiner shall hear and receive testimony, documentary evidence, and arguments from the appellant(s) solely on the issues raised or identified by the appeal. Appeals of threshold determination shall be consolidated in all cases with any public hearing on the merits of the proposal held by the hearing examiner, except for appeals of a DS, which shall be heard separately from the underlying project proposal.

a. The person(s) filing the appeal shall have the burden of going forward with the evidence and the ultimate burden of persuasion.

b. Notice of any public hearing held pursuant to this section shall be provided as specified in this code, or the rules of the hearing examiner.

c. The hearing examiner may continue the hearing from time to time without further mailed or delivered notice.

d. The city shall maintain an electronic record of the testimony and arguments presented and a record of any physical evidence/documents presented.

e. The hearing examiner's decision shall be rendered within ten working days of the conclusion of an appeal hearing unless a longer period is agreed to in writing, or orally on the record, by the appellant.

f. The hearing examiner's decision shall include findings of fact and conclusions in support of the decision.

g. The hearing examiner's decision under this section may be to grant or deny the appeal in whole or in part, or remand the threshold determination to the responsible official for reconsideration.

h. The hearing examiner's decision shall become final at the expiration of the appeal period, from the date of issuance.

i. The decision of the hearing examiner shall be final and may not be appealed to the city council, as required by WAC 197-11-680(3)(iv), as now or hereafter amended.

B. Adequacy of Environmental Impact Statements.

1. Any agency or person may appeal the adequacy of a final environmental impact statement (FEIS) by filing an appeal in conformance with MMC Chapter 22.84.

a. The appeal shall be filed on forms provided by the SEPA responsible official and must be filed in original form.

b. The appeal shall set forth the specific reason, rationale, and/or basis for the appeal.

c. Payment of the appeal fee, as specified in the city's fee resolution, shall occur at the time the appeal is filed.

2. If the appeal has been timely filed and complies with requirements of subsection (B)(1) of this section, the hearing examiner shall conduct a public hearing into the merits of the appeal. The hearing examiner shall hear and receive testimony, documentary evidence, and arguments from the appellant(s) solely on the issues raised or identified by the appeal. Appeals relating to the adequacy of an FEIS shall be consolidated in all cases with any public hearing on the merits of the proposal held by the hearing examiner.

3. The decision of the hearing examiner shall be final and may not be appealed to the city council, as required by WAC 197-11-680(3)(iv), as now or hereafter amended.

C. Substantial Weight Accorded Responsible Official. The procedural determinations by the city's responsible official shall carry substantial weight in any appeal proceeding under this code.

D. Record. For any appeal under this subsection, the city shall provide for a record that shall consist of the following:

1. Findings and conclusions;
2. Testimony under oath; and
3. A taped or written transcript, the cost of which shall be borne by the appellant.

E. Exhaustion of Remedies. SEPA appeal procedures, as provided herein, must be utilized prior to judicial review of that SEPA decision.

F. The city shall give notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

22.78.190 Critical Areas.

All categorical exemptions listed in WAC 197-11-800 and further detailed by MMC 22.78.100 apply whether or not a proposal is located wholly or partially within a critical area. The city shall treat proposals located wholly or partially within critical areas no differently than other proposals under this chapter. The city shall not automatically require a threshold determination or EIS for a proposal merely because it is located wholly or partially within a critical area.

22.78.200 Fees.

The city shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee, as set by the city council by periodic resolution, from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. When the city completes

the environmental checklist at the applicant's request, or under WAC 173-806-090(3), a sum based upon city costs shall be collected.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that employees of the city shall prepare the EIS, the city may charge and collect a reasonable fee from any applicant to cover the costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (B)(1) or (2) of this section which remain after incurred costs are paid.

C. Professional Service Costs. Whenever it is determined that the services of an engineer, biologist, attorney, land use planner or other professional consultant are reasonably necessary to assist city staff in performing activities required by this chapter, the applicant shall be charged a fee in an amount sufficient to reimburse the city for cost of such professional services. This fee shall be in addition to all other fees and charges provided for in this section. No permit for the proposed section shall be issued until professional services fees have been paid in full or a written agreement for payment in a form approved by the city attorney has been signed by the applicant and the city.

D. Public Notice Costs. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

E. Consulted Agency Duties. The city shall not collect a fee for performing its duties as a consulted agency.

F. Copy Costs. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW.

22.78.210 Effective Date.

The effective date of the ordinance codified in this chapter is September 26, 1984.

22.78.220 Severability.

If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

22.78.230 SEPA Forms and Standard Notices.

The city adopts by reference the following forms and sections of Chapter 197-11 WAC, as now existing or hereafter amended:

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

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CHAPTER 22.80
CRITICAL AREAS

Sections:

22.80.010 Authority.
22.80.020 Purpose.
22.80.030 Applicability of Other Regulations.
22.80.040 Maps and Inventories.
22.80.050 Applicability, Exemptions, Exceptions, and Allowed Uses.
22.80.060 Nonconforming Uses.
22.80.070 Critical Areas Studies.
22.80.080 Protection and Mitigation Measures.
22.80.090 Wetland Development Standards.
22.80.100 Stream Development Standards.
22.80.110 Fish and Wildlife Habitat Conservation Areas Standards.
22.80.120 Flood Hazard Area Development Standards.
22.80.130 Geologically Hazardous Areas.
22.80.140 Bonds.
22.80.150 Appeal.
22.80.160 Enforcement.

22.80.010 Authority.

This chapter is adopted under the authority of Chapter 36.70A RCW (the Growth Management Act), other federal and state environmental regulations, including but not limited to the State Environmental Policy Act, and the State and Federal Endangered Species Acts.

22.80.020 Purpose.

The purpose of this chapter is to:

A. Protect the public health, safety and welfare by preventing adverse impacts of development;

B. Preserve and protect critical areas as identified by the Washington State Growth Management Act by regulating development within and adjacent to them;

C. Mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas;

D. Prevent adverse cumulative impacts to wetlands, streams, shoreline environments, and fish and wildlife habitat;

E. Protect the public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, soils subsidence or steep slope failure;

F. Implement the goals, policies, guidelines and requirements of the city of Monroe comprehensive plan and the Washington State Growth Management Act; and

G. Establish review procedures for development proposals in and adjacent to wetlands.

22.80.030 Applicability of Other Regulations.

Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits).

The applicant is responsible for complying with these requirements, apart from the process established in this chapter.

22.80.040 Maps and Inventories.

The city has prepared a series of maps which approximate boundaries for the following critical areas within the city limits: geologically hazardous areas, wetlands, floodplains and floodways, shorelines, creeks, streams, and natural drainage courses. These maps provide only approximate boundaries of known features and are not adequate substitutes for more detailed maps and/or studies that could identify alternative locations of known features or additional critical area features not illustrated on the map. Copies

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of the maps are available for viewing at the Monroe City Hall. The Flood Insurance Rate Maps (FIRM) are available for review at Monroe City Hall; please contact the city engineer.

22.80.050 Applicability, Exemptions, Exceptions, and Allowed Uses.

A. Applicability.

1. The provisions of this chapter shall apply to all lands, all land uses and development activity, and all structures and facilities in the city, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns or leases land within the city of Monroe. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the purpose and requirements of this chapter.

2. The city of Monroe shall not approve any development proposal or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first assuring compliance with the requirements of this chapter.

a. Development proposals include proposals that require any of the following:

i. Building permit;
ii. Grading permit;
iii. Shoreline substantial development permit;
iv. Shoreline conditional use permit;
v. Shoreline variance;
vi. Right-of-way disturbance permit;
vii. Conditional use permit;
viii. Variance permit;
ix. Subdivision;
x. Short subdivision;
xi. Binding site plan;
xii. Accessory dwelling unit; or
xiii. Any subsequently adopted permits or required approvals not expressly exempted from these regulations.

3. Approval of a permit or development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

B. Exemptions. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter, provided they are consistent with the provisions of other local, state, and federal laws and requirements:

1. Development and activities occurring in all isolated Category IV wetlands less than four thousand square feet that:

a. Are not associated with riparian areas or their buffers;
b. Are not associated with shorelines of the state or their associated buffers;
c. Are not part of a wetland mosaic;
d. Do not score five or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology); and
e. Do not contain a priority habitat or a priority area for a priority species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat.

Development and activities occurring in wetlands less than one thousand square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this chapter.

2. Emergency activities that threaten public health, safety, welfare, or risk of damage to private property and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter.

Emergency actions that create an impact to a critical area or its buffer shall use reasonable methods to address the emergency; in addition, they must have the least possible impact to the critical area and/or its buffer. After the emergency, the person or agency undertaking the action shall fully restore and/or

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mitigate any impacts to the critical area and buffers resulting from the emergency action in accordance with the approved critical area report and mitigation plan.

3. Single-family residential building permits are exempt from the requirements of this chapter when the development proposal involves:

a. Structural modification of, addition to or replacement of an existing residential structure or construction of a new residential structure where construction and associated disturbance are clearly equal to or greater than two hundred ten feet from the nearest critical area; or

b. Structural modification of, addition to, or replacement of an existing residential structure lawfully established prior to the effective date of the ordinance codified in this title that does not meet the building setback or critical area buffer requirements may be approved only if the modification, addition, replacement or related activity is located away from the critical area and does not increase the existing footprint within the critical area buffer or building setback by more than one thousand square feet.

4. Utilities.

a. Operation, maintenance or repair of existing structures, infrastructure improvements, existing utilities, public or private roads, dikes, levees, or drainage systems, including routine vegetation management activities when performed in accordance with approved best management practices, if the activity does not increase risk to life or property as a result of the proposed operation, maintenance or repair.

b. Activities within the Improved Right-of-Way. Replacement, modification, installation or construction of utility facilities, lines, pipes, mains, equipment or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased storm water, subject to the following:

i. Critical area and/or buffer widths shall be increased, where possible, equal to the width of the right-of-way improvement, including disturbed areas; and

ii. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance.

c. Minor Utility Projects. Utility projects which have minor or short-term impacts to critical areas, as determined by the zoning administrator in accordance with the criteria below, and which do not significantly impact the functions and values of a critical area(s); provided, that such projects are constructed with best management practices and additional restoration measures are provided. Minor activities shall not result in the transport of sediment or increased storm water runoff. Such allowed minor utility projects shall meet the following criteria:

i. There is no practical alternative to the proposed activity with less impacts on critical areas and all attempts have been made to first avoid impacts, minimize impacts, and lastly mitigate unavoidable impacts;

ii. The activity involves the placement of a utility pole, street sign, anchor, vault, or other small component of a utility facility;

iii. The activity involves disturbance of an area less than seventy-five square feet;

iv. The activity will not reduce the existing functions and values of the affected critical areas; and

v. Unavoidable impacts will be mitigated pursuant to an approved mitigation plan.

5. Activities and uses that do not require construction permits, in continuous existence since at least November 27, 1990, with no expansion of these activities within the critical area or associated buffer. For the purpose of this subsection, “continuous existence” includes cyclical operations normally associated with horticulture and agricultural activities.

C. Exceptions. The proponent of the activity shall submit a written request for exception from the zoning administrator that describes the proposed activity and exception that applies. Depending on the exemption requested, the zoning administrator (for administrative decisions) or hearing examiner (for reasonable use exceptions) shall review the exception requested to verify that it complies with this chapter and approve or deny the exception.

1. Public Agency or Utility Exception. If the application if this chapter would prohibit a development proposal by a public agency or public utility that is essential to its ability to provide service, the agency or

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utility may apply for an exception pursuant to this section. After holding a public hearing pursuant to MMC Chapter 22.84, Permit Processing, the hearing examiner may approve the exception if the hearing examiner finds that:

a. There is no other feasible alternative to the proposed development with less impact on the critical areas, based on the demonstration by the applicant of the following factors:

i. The applicant has considered all possible construction techniques based on available technology that are feasible for the proposed project and eliminated any that would result in unreasonable risk of impact to the critical area; and

ii. The applicant has considered all available alignments within the range of potential alignments that meet the project purpose and for which operating rights are available.

b. The proposal minimizes and mitigates unavoidable impacts to critical areas and/or critical areas buffers. Any decision by the hearing examiner is final unless appealed.

2. Reasonable Use Exception. If the application of this chapter would deny all reasonable use of the property, development may be allowed which is consistent with the general purpose of this chapter and the public interest; provided, that the hearing examiner, after a public hearing, finds to the extent consistent with the constitutional rights of the applicant:

a. This chapter would otherwise deny all reasonable use of the property;

b. There is no other reasonable use consistent with the underlying zoning of the property that has less impact on the critical area and/or associated buffer;

c. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the property;

d. Any alteration is the minimal necessary to allow for reasonable use of the property;

e. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter or its predecessor; and

f. The applicant may only apply for a reasonable use exception under this subsection if the applicant has also applied for a variance pursuant to MMC Chapter 22.66, Variances.

3. Innovative Development Design. An applicant may request approval of an innovative design that addresses buffer treatment in a manner that deviates from the standards for wetland, stream, fish and wildlife habitat conservation area buffers contained in this chapter under the following circumstances:

a. Where the applicant is proposing to redevelop a previously developed site on which existing lawfully established structures or impervious surface encroach into the buffers otherwise required by this chapter for wetlands, streams, or fish and wildlife habitat conservation areas, the zoning administrator may reduce the required buffer to the boundary or boundaries of the lawfully established existing structures or impervious surface on the project property; provided, that the zoning administrator finds that:

i. Within the reduced buffer area, the applicant will use innovative design to improve the condition of the buffer consistent with the standards for the applicable critical area(s) set forth in this chapter;

ii. In addition, the applicant will provide compensatory mitigation (on site, off site, or through mitigation banks) that provides functions and values equivalent to those that would have been provided had the project conformed to the standard buffer set forth in this chapter; and

iii. The innovative design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property.

b. The applicant shall prepare a critical areas study consistent with MMC 22.80.070 demonstrating the innovative development design complies with the standards in this subsection. All applicants for innovative designs are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact storm water management strategies that address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this section.

c. Where an applicant proposes to reduce the standard wetland, stream, fish and wildlife habitat conservation area buffers set forth in this chapter using innovative development design under this section, the other provisions of this chapter, including provisions regarding buffer reductions or modifications, shall not apply.

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D. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – general forest practice permits (conversions) as defined in Chapter 76.09 RCW and Chapter 222-12 WAC.
2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not interrupt the groundwater connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column will be disturbed.
5. Enhancement of a wetland through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
6. Educational and scientific research activities.
7. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not expand the footprint of the facility or right-of-way.
8. Storm water management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, runoff treatment or flow control BMP if all of the following criteria are met:
    a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of three to four points; and
    b. There will be “no net loss” of functions and values of the wetland; and
    c. The wetland does not contain a breeding population of any native amphibian species; and
    d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach,” or the wetland is part of a priority restoration plan that achieves restoration goals identified in a shoreline master program or other local or regional watershed plan; and
    e. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and
    f. All regulations regarding storm water and wetland management are followed, including but not limited to local and state wetland and storm water codes, manuals, and permits; and
    g. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.
9. Sites Subject to Development Agreement. Any proposed fill or alteration of a wetland on a site subject to a development agreement may be approved through a conditional use permit. In addition to the conditional use criteria in MMC Chapter 22.64, Conditional Use Permits, the hearing examiner shall consider the following criteria:
    a. Mitigation is provided that locates and/or restores a compensatory wetland area on the same site, and the compensatory wetland area provides a higher level of wetland function than existed prior to the fill or alteration; and
    b. Mitigation establishes buffers with dense, native vegetation to protect the wetland functions and values; and

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c. Assessment is provided demonstrating hydrology will support the created or reestablished wetland; and

d. Alterations adhere to applicable city, state, and federal requirements and permitting including, but not limited to, U.S. Army Corps of Engineers and the Department of Ecology.

e. A ten-year monitoring period is established, in accordance with MMC 22.80.080, Protection and Mitigation Measures, to ensure mitigation meets the design performance standards established in the approved mitigation plan.

22.80.060 Nonconforming Uses.

A. Purpose. The purpose of this section establishes the terms and conditions for continuing nonconforming uses, structures and lots which are lawfully established prior to the effective date of the ordinance codified in this title.

B. Standards.

1. A legally established nonconforming lot, use or structure shall be deemed a legal nonconforming lot, use or structure and may be continued, transferred or conveyed and/or used as if conforming.

2. The burden of establishing that any nonconforming lot, use or structure lawfully existed as of the effective date of the ordinance codified in this chapter shall, in all cases, rest with the owner and not with the city.

C. Maintenance and Repair of Nonconforming Structures. Normal maintenance and incidental repair of legal nonconforming structures shall be permitted; provided, that it complies with all the sections of this chapter and other pertinent chapters of this code.

D. Reconstruction. Reconstruction, restoration or repair of a legal nonconforming structure damaged by fire, flood, earthquake or other disasters shall be permitted; provided, that such reconstruction shall not result in the expansion of the nonconforming structure.

E. Expansion of Nonconforming Use or Structure. No legal nonconforming use or structure may be expanded, enlarged, or extended in any way (including extension of hours of operation) unless such modification is in full compliance with this chapter or the terms and conditions of approved permits pursuant to this chapter.

F. Discontinuance of Nonconforming Use. All legal nonconforming uses shall be encouraged to convert to a conforming use whenever possible. Conformance shall be required when:

1. The use has changed;

2. The structure(s) in which the use is conducted has moved; or

3. The use is terminated or discontinued for more than two years, or the structure(s) which houses the use is vacated for more than two years.

22.80.070 Critical Areas Studies.

A. Studies Required. When sufficient information to evaluate a proposal is not available, the zoning administrator or their designee shall notify the applicant that a critical areas report is required. The city may hire an independent qualified professional to verify that a critical areas report is necessary and may be used to review the subsequent report.

Critical areas reports shall be written by a qualified professional, as defined in the definitions section of this chapter. A critical areas report shall include a site analysis, a discussion of potential impacts, and specific mitigation measures designed to mitigate potential unavoidable impacts. A monitoring program may be required to evaluate the effectiveness of mitigating measures. These studies may be part of an expanded environmental checklist or included in an environmental impact statement.

B. Timing and Use of Studies. When an applicant submits an application for any development proposal, it shall indicate whether any critical areas or buffers are located on or adjacent to the site. If a critical area report is required, the city may retain consultants, at the applicant's expense, to assist in review of studies that are outside the range of staff expertise. The presence of critical areas may require additional time for review.

C. General Critical Areas Report Requirements. A critical areas report shall have three components: (a) a site analysis, (b) an impact analysis, and (c) proposed mitigation measures. More or less detail may be required for each component depending on the size of the project, severity, and potential impacts. The

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zoning administrator may waive the requirement of any component when adequate information is otherwise available. All studies shall contain the following information unless it is already available in the permit application:

1. Map of the project area at a one-to-twenty or larger scale including:
   a. Reference streets and property lines;
   b. Existing and proposed easements, rights-of-way, and structures;
   c. Contour intervals, as determined by the zoning administrator;
   d. Hydrology. Show surface water features both on and adjacent to the site; show any water movement into, through, and off the project area; show stream and wetlands classifications; show seeps, springs, and saturated soil zones; and label wetlands not found on the city inventory maps as uninventoried; and
   e. Location of buffer and building setback lines (if required or proposed).
2. Written report detailing:
   a. How, when, and by whom the report was performed (including methodology and techniques);
   b. Weather conditions during and prior to any field studies if relevant to conclusions and recommendations;
   c. Description of the project site and its existing condition;
   d. The total acreage of the site in critical area(s) and associated buffers;
   e. The proposed action and potential environmental impact of the proposed project to the critical area(s); and
   f. The mitigation measures proposed to avoid or lessen the project impacts (during construction and permanently). When alteration to the critical area or its buffer is proposed, include a mitigation plan as specified by this chapter.

D. Additional Wetland Report Requirements. In addition, for wetlands, reports shall include the following:

1. On the map:
   a. The edge of the wetland as flagged and surveyed in the field using the approved federal wetland delineation manual and applicable regional supplements, as required by RCW 36.70A.175;
   b. The edge of the one-hundred-year floodplain, if appropriate;
   c. The location of any existing or proposed utility easements, rights-of-way, and trail corridors;
   d. The location of any proposed wetland area(s) to be created through mitigation measures; and
   e. The location of any proposed wetland alteration or fill.
2. In the report:
   a. Description of the wetland by classification and general condition of wetland;
   b. Description of vegetation species and community types present in the wetland and surrounding buffer;
   c. Description of soil types within the wetland and the surrounding buffer using the USDA Soil Conservation Service soil classification system;
   d. Description of hydrologic regime and findings;
   e. Description of habitat features present and determination of actual use of the wetland by any endangered, threatened, rare, sensitive, or unique species of plants or wildlife as listed by the federal government or state of Washington;
   f. Description of existing wetland and buffer functions and values;
   g. Description of any proposed alteration to the wetland or its buffer including, but not limited to, filling, dredging, modification for storm water detention, clearing, grading, restoring, enhancing, grazing or other physical activities that change the existing vegetation, hydrology, soils or habitat;
   h. If applicable, description of potential impacts to wetland functions and values and description of any proposed mitigation measures; and
   i. Description of local, state, and federal regulations and permit requirements.

E. Additional Stream Report Requirements. In addition, for streams (including drainage ditches), reports shall include the following information:

1. On the map:
   a. The location of the ordinary high water mark;
   b. The toe of any slope twenty-five percent or greater within twenty-five feet of the ordinary high water mark;

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c. The location of any proposed or existing stream crossing, utility easements, rights-of-way and trails; and

d. The edge of the existing one-hundred-year floodplain and, if applicable, the edge of the floodway.

2. In the report:

a. Characterization of riparian (streamside) vegetation species, composition, and habitat function;

b. Description of the soil types adjacent to and underlying the stream, using the Soil Conservation Service soil classification system;

c. Determination of the presence or absence of fish, and reference sources; and

d. When stream alteration is proposed, include stream width and flow, stability of the channel, type of substratum, discussions of infiltration capacity and biofiltration as compared to the stream prior to alteration, presence of hydrologically linked wetlands, analysis of fish and wildlife habitat, and proposed floodplain limits.

F. Additional Flood Hazard Report Requirements. In addition, for areas in flood hazards, reports shall include the following information:

1. On the map:

a. The location of all floodplains in the development;

b. The location of the floodway where it has been delineated on the most recent Flood Insurance Rate Map (FIRM);

c. Where basin plans have been completed and adopted, the location of the floodplain and floodways shall be based upon the hydrologic and hydraulic analysis;

d. Identification of all proposed structures and grading within the floodplain.

2. In the report:

a. Identify how the boundaries of the floodways and floodplain were determined;

b. Record the elevation of National Geodetic Vertical Datum (NGVD) of the lowest floor of all new or substantially improved structures proposed in the existing floodplain.

G. Additional Geologically Hazardous Area Report Requirements. For geologically hazardous areas, reports shall include the following information:

1. On the map:

a. All geologically hazardous areas within or adjacent to the project area or that have potential to be affected by the proposal;

b. The top and toe of slope (Note: These should be located and flagged in the field subject to city staff review);

c. The location of any existing or proposed trails or utility corridors; and

d. All drainage plans for discharge of storm water runoff from developed areas.

2. In the report:

a. A geological description of the site;

b. A discussion of any evidence of existing instability, significant erosion or seepage on the slope;

c. A discussion of the depth of weathered or loosened soil on the site and the nature of the weathered and underlying basement soils;

d. An estimate of load capacity, including surface water and groundwater conditions, public and private sewage disposal system, fill and excavations, and all structural development;

e. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement;

f. A complete discussion of the potential impacts of seismic activity on the site;

g. Recommendations for management of storm water for any development above the top of slope;

h. A description of the nature and extent of any colluvium or slope debris near the toe of slope in the vicinity of any proposed development; and

i. Recommendations for appropriate building setbacks, grading restrictions, and vegetation management and erosion control for any proposed development in the vicinity of the geologically hazardous areas.

H. Additional Fish and Wildlife Habitat Conservation Habitat Report Requirements.

1. In the Report. An assessment of habitats including the following site and proposal related information:

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a. A detailed description of vegetation on and adjacent to the project area;
b. Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
c. A discussion of any federal, state, or local species management recommendations, including the state Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitat located on or adjacent to the project area;
d. A detailed discussion of the potential impacts on habitat by the project, including potential impacts to water quality;
e. A discussion of measures, including avoidance, minimization, and lastly mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with the mitigation sequencing; and
f. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

22.80.080 Protection and Mitigation Measures.

The city of Monroe will use the following methods and mechanisms to accomplish the purposes of the critical areas regulations. This section shall be applied to all approved development applications and alterations when action is taken to implement the proposed action.

A. Native Growth Protection Easements. A native growth protection easement (NGPE) is an easement granted to the city for the protection of a critical area and/or its associated buffer. NGPEs shall be required as specified in these rules and shall be recorded on all subdivisions, short subdivisions, and final development permits and all documents of title and with the county recorder at the applicant's expense. The required language is as follows:

> Dedication of a Native Growth Protection Easement (NGPE) conveys to the public a beneficial interest in the land within the easement. This interest includes the preservation of existing vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE imposes upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public of the city of Monroe, to leave undisturbed all trees and other vegetation within the easement. The vegetation in the easement may not be cut, pruned, covered by fill, removed, or damaged without express permission from the city of Monroe, which permission must be obtained in writing.
>
> Before beginning and during the course of any grading, building construction or other development activity on a lot or development site subject to the NGPE, the common boundary between the easement and the area of development activity must be fenced or otherwise marked to the satisfaction of the city of Monroe.

B. Critical Area Tracts. Critical area tracts are legally created nonbuilding lots containing critical areas and their buffers that shall remain undeveloped pursuant to the critical areas regulations. Separate critical area tracts are an integral part of the lot in which they are created; are not intended for sale, lease or transfer; and shall be incorporated in the area of the parent lot for purposes of subdivision and method of allocation and minimum lot size. The following development proposals shall identify such areas as separate tracts:

1. Subdivisions
2. Short subdivisions

Responsibility for maintaining tracts shall be held by a homeowners association, adjacent lot owners, the permit applicant or designee, or other appropriate entity as approved by the city of Monroe.

The following note shall appear on the face of all subdivisions and short subdivisions and shall be recorded on the title for all affected lots:

> NOTE: All lots adjoining separate tracts identified as Native Growth Protection Easements are jointly and severally responsible for the maintenance and protection of the tracts. Maintenance includes

ensuring that no alteration occurs within the separate tracts and that vegetation remains undisturbed unless the express written permission of the city of Monroe has been received.

C. Building Setback Line (BSBL). Unless otherwise specified, a minimum BSBL of ten feet is required from the edge of any separate tract, buffer or NGPE, whichever is greatest.

D. Marking and/or Fencing.

1. Temporary Markers. The outer perimeter of the wetland or buffer and the limits of these areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field so no unauthorized intrusion will occur and is subject to inspection by the zoning administrator or their designee prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until directed by the zoning administrator, or until permanent signs and/or fencing, if required, are in place.

2. Permanent Marking and/or Fencing. Following the implementation of an approved development plan or alteration, the outer perimeter of the critical area or buffer that is not disturbed shall be permanently identified. This identification shall include permanent wood or metal signs on treated wood or metal posts. Signs shall be worded as follows:

Protection of this natural area is in your care.

Alteration or disturbance is prohibited. Please call the city of Monroe for more information.

The city shall approve sign locations during review of the development proposal. Along residential boundaries, the signs shall be at least four by six inches in size and spaced one per lot or every one hundred fifty feet for lots whose boundaries exceed one hundred fifty feet. At road endings, crossings, and other areas where public access to the critical area is allowed, the sign shall be a minimum of eighteen by twenty-four inches in size and spaced one every one hundred fifty feet.

Domestic grazing animals shall be excluded from stream, wetlands, and associated buffers by permanent fencing when necessary unless otherwise approved by the city.

The fencing may provide limited access to the stream or wetland for stock watering purposes, but shall minimize bank disturbance.

The city may require permanent fencing where there is a substantial likelihood of the presence of domestic grazing animals with the development proposal. The city shall also require such fencing when, subsequent to approval of the development proposal, domestic grazing animals are in fact introduced. The city may use any appropriate enforcement actions including, but not limited to, fines, abatement, or permit denial to ensure compliance.

E. Monitoring. The city will require monitoring in development proposals where alteration of critical areas or their buffers are approved. Such monitoring shall be an element of the required mitigation plan and shall document and track impacts of development on the functions and values of critical areas, and the success and failure of mitigation requirements. Monitoring may include, but is not limited to:

1. Establishing vegetation transects or plots to track changes in plant species composition over time;
2. Using aerial or other photography to evaluate vegetation community response;
3. Sampling surface waters and groundwaters to determine pollutant loading;
4. Measuring base flow rates and storm water runoff to model and evaluate water quantity predictions;
5. Measuring sedimentation rates; and
6. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.

The property owner will be required to submit monitoring data and reports to the city on an annual basis or other schedule as required by the zoning administrator. Monitoring shall continue for a period of five years or for a period necessary to establish that the mitigation performance standards have been met.

When monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action. Contingency plans developed as part of the original mitigation plan shall apply, but may be modified to address a specific deviation or failure. Contingency plan measures shall be subject to the monitoring requirement to the same extent as the original mitigation measures.

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As a condition of approval for any project for which monitoring is required pursuant to this section, the applicant shall be required to record the monitoring requirements on a form approved by the city of Monroe so that subsequent purchasers of the property subject to the monitoring requirements are bound by and aware of the requirements.

F. Notice on Title.

1. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any real property containing a critical area or buffer on which a development proposal is submitted shall file a notice with the recordings division of Snohomish County. The notice shall state the presence of the critical area or buffer on the property, of the application of this title to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the property.

2. This notice on title shall not be required for a development proposal by a public agency or public or private utility:

a. Within a recorded easement or right-of-way;

b. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or

c. On the site of a permanent public facility.

3. The applicant shall submit proof that the notice has been filed for public record before the city of Monroe approves any development proposal for the property or, in the case of subdivisions and short subdivisions, at or before recording.

G. Fees. The applicant is responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review by qualified consultants, and other work prepared in support of, or necessary for, the city of Monroe critical areas review processing.

H. Performance Standards. Subdivisions and short subdivisions of land in critical areas and associated buffers are subject to the following:

1. Land that is wholly within a critical area or associated buffer may not be subdivided.

2. Land that is partially within a critical area or associated buffer area may be subdivided; provided, that an accessible and contiguous portion of each new lot is:

a. Located outside the critical area and buffer; and

b. Large enough to accommodate the intended use.

3. Accessory roads and utilities serving the proposed subdivision may be permitted within the critical area and associated buffer only if the zoning administrator determines that no other feasible alternative exists and when consistent with this chapter.

I. Limited Density Transfer – Density Credit of Critical Areas.

1. An owner of property containing a critical area may be permitted to transfer the density attributed to the critical area to another, not containing a critical area(s) or its buffer, portion of the same site or property, subject to the limitations of this section.

2. Up to one hundred percent of the density that could be achieved on the critical area and buffer portion of the site can be transferred to a portion of the site not containing a critical area, subject to:

a. The density limitation of the underlying zoning classification;

b. The minimum lot size of the underlying zoning classification may be reduced by thirty percent in order to accommodate the transfer in densities;

c. All other applicable standards established in Title 22 MMC, including, but not limited to, zoning lot area, lot coverage, and setback requirements, shall be met; and

d. The area to which density is transferred shall not be constrained by other critical areas regulation.

22.80.090 Wetland Development Standards.

A. General Standards. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided by this chapter. The following activities may only be permitted in a wetland or wetland buffer if the applicant can demonstrate that the activity will result in no net loss of the functions and values of the wetland and other critical areas:

1. Category I Wetlands. Activities and uses shall be prohibited from Category I wetlands, except as provided in the public agency and utility exception, reasonable use exception, and variance sections of this chapter.

2. Category II and III Wetlands. The following standards shall apply to Category II and III wetlands:
   a. Water-dependent activities as provided for under the city's shoreline master program may be allowed where there are no practicable alternatives that would have a less adverse impact on the wetland and other critical areas.
   b. Where non-water-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:
      i. The basic project purpose cannot reasonably be accommodated on another site in the general region and successfully avoid, or result in less adverse impacts on, a wetland or its buffer;
      ii. There are no feasible alternative designs of the project as proposed that would avoid, or result in less of an adverse impact on, a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project.
3. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical areas report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objective.
4. Property Access. Any wetland may be altered with the least possible impact and to the minimum extent necessary to gain access to developable property when no other alternative access exists. Alteration proposals shall be subject to city review and shall require compensation pursuant to a mitigation plan (see MMC 22.80.080, Protection and Mitigation Measures).
5. Storm Water Management. Storm water management facilities are not allowed in wetlands. Storm water management facilities, limited to storm water dispersion outfall and bioswales, may be allowed within the outer twenty-five percent of the buffer of Category III and IV wetlands only; provided, that:
   a. No other location is feasible; and
   b. The location of such facilities will not degrade the functions and values of the wetland.
6. Trails. Public and private trails may be allowed within all buffers where it can be demonstrated in a critical areas report that the wetland and wetland buffer functions and values will not be degraded by trail construction or use. Trail planning, construction, and maintenance shall adhere to the following criteria:
   a. Trail alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five percent of the buffer width except as needed to access viewing platforms. Trails may be placed on existing levees or railroad grades within these limits;
   b. Trails shall be constructed of pervious materials. The trail surface shall meet all other requirements, including water quality standards set forth in the storm water manual adopted in MMC 15.01.025;
   c. Trail alignment shall avoid trees in excess of six inches in diameter of any tree trunk at a height of four and one-half feet above the ground on the upslope side of the tree. Unavoidable impacts to trees shall be mitigated at a three to one replacement ratio;
   d. Trail construction and maintenance shall follow the U.S. Forest Service Trails Management Handbook (FSH 2309.18, June 1987) and Standard Specifications for Construction of Trails (EM-7720-102, June 1984 or as revised);
   e. Access trails to viewing platforms within the wetland may be provided. Trail access and platforms shall be aligned and constructed to minimize disturbance to valuable functions of the wetland or its buffer and still provide enjoyment of the resource;
   f. Buffer widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and
   g. Equestrian trails shall provide measures to assure that runoff from the trail does not directly discharge to the wetland.
7. Utilities. Public and private utility corridors may be allowed within wetland buffers for Category II, III, and IV wetlands when no lesser impacting alternative alignment is feasible, and wetland and wetland buffer functions and values will not be degraded. Utilities, whenever possible, shall be constructed in existing, improved roads, drivable surface or shoulder, subject to compliance with road and

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maintenance BMPs, or within an existing utility corridor. Otherwise, corridor alignment, construction, restoration and maintenance shall adhere to the following criteria:

a. Corridor alignment shall follow a path beyond a distance from the wetland edge equal to seventy-five percent of the buffer width, except when crossing a Category IV wetland and its buffer;

b. Corridor construction and maintenance shall maintain and protect the hydrologic and hydraulic functions of the wetland and the buffer;

c. Corridors shall be fully revegetated with appropriate native vegetation upon completion of construction; and

d. Utilities requiring maintenance roads shall be prohibited in wetland buffers unless the following criteria are met:

i. There are no lesser impacting alternatives;

ii. Any required maintenance roads shall be no greater than fifteen feet wide. Roads shall closely approximate the location of the utility to minimize disturbances; and

iii. The maintenance road shall be constructed of pervious materials and designed to maintain and protect the hydrologic functions of the wetland and its buffer.

B. Best Available Science. Any approval of alterations of impacts to a wetland or its buffer shall be supported by the best available science.

C. Native Growth Protection Easement/Critical Area Tract. As part of the implementation of approved development applications and alterations, wetlands and their buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 22.80.080, Protection and Mitigation Measures, shall be designated as native growth protection easements (NGPE). Any wetland and its associated buffer created as compensation for approved alterations shall also be designated as an NGPE. When the subject development is a formal subdivision or short subdivision, wetlands and their buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 22.80.080, Protection and Mitigation Measures.

D. Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

Wetland buffers shall not include areas that are functionally and effectively disconnected from the wetland by a paved road or other substantially developed surface. This includes parking lots, walkways, and lawns that are of sufficient width and characteristic use such that buffer functions are not provided.

1. For wetlands that score five points or more for habitat function, the buffers in Table 22.80.090(D)(1) can be used if both of the following criteria are met:

a. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW website at:

http://wdfw.wa.gov/hab/phshabs.htm.

The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection such as a conservation easement.

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table Table 22.80.090(D)(1) may be used with the required measures in Table 22.80.090(D)(2) alone.

b. The measures in Table 22.80.090(D)(2) are implemented, where applicable, to minimize the impacts of the adjacent land uses.

2. For wetlands that score three to four habitat points, only the measures in Table 22.80.090(D)(2) are required for the use of Table 22.80.090(D)(1).

3. If an applicant chooses not to apply the mitigation measures in Table 22.80.090(D)(2), or is unable to provide a protected corridor where available, then Table 22.80.090(D)(3) must be used.

4. The buffer widths in Tables 22.80.090(D)(1) and 22.80.090(D)(3) assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Table 22.80.090(D)(1):
Wetland Buffer Requirements for Western Washington
if Table 22.80.090(D)(2) Is Implemented and Corridor Provided

	Buffer width (in feet) based on habitat score			
Wetland Category	**3 – 4**	**5**	**6 – 7**	**8 – 9**
Category I: Based on total score	75	105	165	225
Category I: Bogs and wetlands of high conservation value	190			225
Category I: Forested	75	105	165	225
Category II: Based on score	75	105	165	225
Category III (all)	60	105	165	225
Category IV (all)	40			

Table 22.80.090(D)(2):
Required Measures to Minimize Impacts to Wetlands
(measures are required if applicable to a specific proposal)

Disturbance	**Required Measures to Minimize Impacts**	
Lights	•	Direct lights away from wetland
Noise	•	Locate activity that generates noise away from wetland
	•	If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source
	•	For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-ft. heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	•	Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered
	•	Establish covenants limiting use of pesticides within 150 ft. of wetland
	•	Apply integrated pest management
Storm water runoff	•	Retrofit storm water detention and treatment for roads and existing adjacent development
	•	Prevent channelized flow from lawns that directly enters the buffer
	•	Use low impact development techniques (for more information refer to Chapter 15.01 MMC)
Change in water regime	•	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	•	Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion
	•	Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	•	Use best management practices to control dust

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Table 22.80.090(D)(3):
Wetland Buffer Requirements for Western Washington
if Table 22.80.090(D)(2) Is Not Implemented or Corridor Not Provided

	Buffer width (in feet) based on habitat score			
Wetland Category	**3 – 4**	**5**	**6 – 7**	**8 – 9**
Category I: Based on total score	100	140	220	300
Category I: Bogs and wetlands of high conservation value	250			300
Category I: Forested	100	140	220	300
Category II: Based on score	100	140	220	300
Category III (all)	80	140	220	300
Category IV (all)	50			

E. Additional Buffers. The city may require increased buffer sizes as necessary to protect wetlands when either the wetland is particularly sensitive to disturbance or the development poses unusual impacts. Examples of circumstances that may require buffers beyond minimum requirements include, but are not limited to:

1. Unclassified uses;
2. The wetland is in a critical drainage basin;
3. The wetland is a critical fish habitat for spawning or rearing as determined by the Washington Department of Fish and Wildlife;
4. The wetland serves an important groundwater recharge area as determined by a groundwater management plan;
5. The wetland acts as habitat for endangered, threatened, rare, sensitive, or monitor species;
6. The land adjacent to the wetland and its associated buffer and included in the development proposal is classified as an erosion hazard area; or
7. A trail or utility corridor in excess of ten percent of the buffer width is proposed for inclusion in the buffer.

F. Buffer Averaging. The city will consider the allowance of wetland buffer averaging only when the buffer area width after averaging will not adversely impact the critical area and/or buffer functions and values. At a minimum, any proposed buffer averaging must also meet the following criteria:

1. The buffer area after averaging is no less than that which would be contained within the standard buffer; and
2. The buffer width shall not be reduced by more than twenty-five percent at any one point as a result of the buffer averaging.

G. Additional Wetland Mitigation Requirements. No net loss of wetland functions and values shall occur as a result of the overall project. If a wetland alteration is allowed, then the associated impacts will be considered unavoidable and the following mitigation measures to minimize and reduce wetland impacts shall be required, in addition to the requirements in MMC 22.80.080, Protection and Mitigation Measures.

1. Restoration/rehabilitation is required when a wetland (or stream) or its buffers has been altered on the site in violation of city regulations prior to development approval and as a consequence its functions and values have been degraded. Restoration is also required when the alteration occurs in violation of city regulations during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.
2. Restoration/rehabilitation is required when a wetland (or stream) or its buffers will be temporarily altered during the construction of an approved development proposal. At a minimum, all impacted areas shall be restored to their previous condition pursuant to an approved mitigation plan.

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3. Compensation. The overall aim of compensation is no net loss of wetland and/or buffer functions on a development site. Compensation includes replacement or enhancement of wetlands and/or buffer (stream) depending on the scope of the approved alteration and what is needed to maintain or improve wetland and/or buffer functions. Compensation for approved wetland and/or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan.

4. Mitigation shall achieve equivalent or greater biological functions. Mitigation plans shall be consistent with the State Department of Ecology Wetland Mitigation in Washington State, Parts 1 and 2 (Publications No. 06-06-011a and b, 2006), as revised.

a. Preference of Mitigation Actions. Mitigation actions that require compensation shall occur in the following order of preference:

i. Restoring wetlands on upland sites that were formerly wetlands.

ii. Creating wetlands on disturbed upland sites such as those with vegetation cover consisting primarily of exotic introduced species.

iii. Enhancing significantly degraded wetlands only after a minimum one-to-one replacement ratio has been met.

b. On Site and In-Kind. Unless otherwise approved, all wetland impacts shall be compensated for through restoration or creation of replacement wetlands that are in-kind, on site, and of similar or better wetland category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success. The following ratios shall apply to wetland restoration and creation for mitigation:

Table 22.80.090(G)(1):
Wetland Mitigation Replacement Ratios

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
I (Bog and wetlands of high conservation value)	Not considered possible	Case by case	Case by case
I (Mature forested)	6:1	12:1	24:1
I (Based on functions)	4:1	8:1	16:1
II	3:1	6:1	12:1
III	2:1	4:1	8:1
IV	1.5:1	3:1	6:1

c. Off Site and In-Kind. The city may consider and approve off-site compensation where the applicant can demonstrate that equivalent or greater biological and hydrological functions and values will be achieved. The compensation may include restoration, creation, or enhancement of wetland or streams so long as the project is within the same subdrainage basin. The compensation formulas required in subsection (G)(4)(c) of this section shall apply for off-site compensation as well.

d. Increased Replacement Ratios. The zoning administrator may increase the ratios under the following circumstances:

i. Uncertainty exists as to the probable success of the proposed restoration or creation due to an unproven methodology or proponent; or

ii. A significant period will elapse between impact and replication of wetland functions; or

iii. The impact was unauthorized.

5. Decreased Replacement Ratios. The city may decrease the ratios required in subsection (G)(4)(c) of this section when all the following criteria are met:

a. A minimum replacement ratio of one to one will be maintained;

b. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions have a very high rate of success;

c. Documentation by a qualified wetlands specialist demonstrates that the proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted; and

d. The proposed mitigation actions are conducted in advance of the impact and have been shown to be successful.

6. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance "Wetland Mitigation in Washington State Parts I and II" (Ecology Publication No. 06-06-011a and b, Olympia, WA, March, 2006), the zoning administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report" (Ecology Publication No. 10-06-011, Olympia, WA, March 2012), or as revised.

7. Wetland Enhancement as Mitigation.

a. Impacts to wetlands may be mitigated by enhancement of existing significantly degraded wetlands only after a one-to-one minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance wetlands must produce a critical areas report that identifies how enhancement will increase the functions and values of the degraded wetland and how this increase will adequately mitigate for the loss of wetland function at the impact site.

b. At a minimum, enhancement acreage shall be four times the acreage required for creation acreage under subsection (G)(4)(c) of this section. The ratios shall be greater than four times the required acreage when the enhancement proposal would result in minimal gain in the performance of wetland functions currently provided in the wetland.

c. Mitigation Plans for Alterations to Wetlands and Wetland Buffers. Mitigation plans shall be consistent with the State Department of Ecology Wetland Mitigation in Washington State, Parts 1 and 2 (Publications No. 06-06-011a and b, 2006), or as revised. At a minimum, the following components shall be included in a complete mitigation plan:

i. Baseline Information. Provide existing conditions information for both the impacted critical area and the proposed mitigation site as described in MMC 22.80.070(C), General Critical Area Report Requirements, and MMC 22.80.070(D), Additional Wetland Report Requirements.

ii. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and include:

(1) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and

(2) A review of the best available science supporting the proposed mitigation.

iii. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

iv. Detailed Construction Plan. These are the written specifications and descriptions of mitigation techniques. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.

v. Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a minimum of five years, ten years when establishing woody vegetation, or a period necessary to establish that performance standards have been met.

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vi. Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.

8. Wetland Mitigation Banks. An alternative to on-site permittee-responsible mitigation involves use of wetland mitigation banks.

a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

i. The bank is certified under state rules (Chapter 173-700 WAC);

ii. The city determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

iii. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.

b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.

c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument.

22.80.100 Stream Development Standards.

A. General Standards. Activities may only be permitted in a stream or stream buffer if the applicant can show that the proposed activity will not degrade the functions and values of the stream, stream buffer, or other critical area.

1. Type 1, 2, and 3 Streams. Activities and uses shall be prohibited in Type 1, 2, and 3 streams except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this chapter (see MMC 22.80.050, Applicability, Exemptions, and Exceptions).

2. Type 4 and 5 Streams. Activities and uses that result in unavoidable and necessary impacts may be permitted in Type 4 and 5 streams and buffers in accordance with an approved critical areas report and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives.

3. Stream Crossings. Stream crossings shall be minimized, but when necessary they shall conform to the following standards as well as other applicable laws (see the state Department of Fish and Wildlife, or Ecology).

a. The stream crossing is the only reasonable alternative that has the least impact;

b. It has been shown in the critical areas report that the proposed crossing will not decrease the stream and associated buffer functions and values;

c. All stream crossings using culverts shall use super span or oversized culverts with appropriate fish enhancement measures. Culverts shall not obstruct fish passage;

d. All stream crossings shall be constructed during the summer low flow period between June 15th and September 15th or as specified by the state Department of Fish and Wildlife in the hydraulic project approval;

e. Stream crossings shall not occur through salmonid spawning areas unless no other feasible crossing site exists;

f. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;

g. Stream crossings shall not diminish the flood-carrying capacity of the stream;

h. Stream crossings shall provide for maintenance of culverts and bridges; and

i. Stream crossings shall be minimized by serving multiple properties whenever possible.

4. Relocations. Type 4 streams beyond one-quarter mile of a stream with salmonids and Type 5 streams may be relocated with appropriate floodplain protection measures under the following conditions:

a. Stream and buffer functions in the relocated stream section must be equal to or greater than the functions and values provided by the stream and buffer prior to relocation;

b. The equivalent base flood storage volume shall be maintained;

c. There shall be no impact to local groundwater;

d. There shall be no increase in water velocity;

e. There is no interbasin transfer of water;

f. The relocation shall occur on-site and shall not result in additional encumbrances on neighboring properties unless necessary easements and waivers are obtained from affected property owners;

g. The alteration conforms to other applicable laws or rules, including erosion control in accordance with the city of Monroe public works design and construction standards;

h. The required mitigation plan has been reviewed and approved by the city of Monroe; and

i. The studies required in the critical areas regulations section of these regulations shall be submitted and approved.

5. Trails. The criteria for alignment, construction, and maintenance of trails within wetlands and their buffers shall apply to trails within stream buffers. The criteria for stream crossings shall also apply.

6. Utilities. The criteria for alignment, construction, and maintenance within the wetland buffers shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer, and crossings shall be minimized. Crossings shall be contained within the existing footprint of an existing road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than sixty degrees to the centerline of the channel. The criteria for stream crossing shall also apply.

7. Floodway-Dependent Structures. Floodway-dependent structures or installations may be permitted within streams if allowed or approved by other ordinances or other agencies with jurisdiction.

8. Stream Channel Stabilization. Stream bank stabilization shall only be allowed when it is shown, through a stream bank stability assessment conducted by a qualified fluvial geomorphologist or hydraulic engineer, that such stabilization is required for public safety reasons, that no other less intrusive actions are possible, and that the stabilization will not degrade in-stream or downstream channel stability. Stream bank stabilization shall conform to the Integrated Streambank Protection Guidelines developed by the Washington State Department of Fish and Wildlife, 2002 or as revised.

B. Best Available Science. Any approval of alterations of impacts to a stream or its buffers shall be supported by the best available science.

C. Native Growth Protection Easement/Critical Areas Tract. As part of the implementation of approved development applications and alterations, streams and their buffers shall remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 22.80.080, Protection and Mitigation Measures, and shall be designated as native growth protection easements (NGPE). These include Type 1, 2, 3, and 4 streams when located within one-quarter mile of a stream with salmonids, unless the city has waived the NGPE requirements (see below), or where the alteration section expressly exempts Type 5 streams and Type 4 streams, when beyond one-quarter mile of a stream with salmonids, from an NGPE. Where a stream or its buffer has been altered on the site prior to approval of the development proposal, the area altered shall be restored using native plants and materials. The restoration work shall be done pursuant to an approved mitigation plan.

The city may waive the NGPE requirements on Type 4 streams, when located beyond one-quarter mile of a stream with salmonids, and Type 5 streams and their buffers if all the following criteria are met:

1. The stream does not flow directly into a stream used by salmonids;
2. The stream is not in a critical drainage basin;
3. All buffer, building setback line, and floodplain distances are identified on the appropriate documents of title;
4. The stream channel and buffer are maintained as a vegetated open swale without altering the channel dimensions or alignment and are recorded in a drainage easement to the city of Monroe that requires that the channel remain open and vegetated for water quality and hydrologic purposes;
5. All clearing proposed within the stream and its buffer shall occur between April 1 and September 1, or as further restricted by timing limits established by the state Department of Fish and Wildlife, and shall meet all erosion and sedimentation requirements of the city;
6. There are no downstream flooding or erosion problems within one-half mile of the site;
7. The stream is not within an erosion hazard area; and
8. No existing water wells are within or adjacent to the stream.

When the subject development is a formal subdivision or a short subdivision, the streams and their buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 22.80.080, Protection and Mitigation Measures.

D. Minimum Buffers. The following buffers are the minimum requirements. All buffers shall be measured from the ordinary high water mark (OHWM).

1. Type 1 streams shall have a two-hundred-foot buffer on each side of the channel.
2. Type 2 streams shall have a two-hundred-foot buffer on each side of the channel.
3. Type 3 streams shall have a two-hundred-foot buffer on each side of the channel.
4. Type 4 streams, within a quarter mile of a stream with salmonids, shall have a buffer of one hundred fifty feet on each side of the channel.
5. Type 4 streams, beyond a quarter mile of a stream with salmonids, shall have a buffer of seventy-five feet on each side of the channel.
6. Type 5 streams shall have a fifty-foot buffer on each side of the channel.
7. Unclassified streams shall be assigned a rating based on the critical areas report and field verification, and the appropriate buffer shall apply.

E. Additional Buffers. The city may require increased buffer sizes as necessary to protect streams when either the stream is particularly sensitive to disturbances or the development poses unusual impacts. Examples of circumstances that may require buffers beyond minimum requirements include, but are not limited to:

1. Unclassified uses;
2. The stream is in a critical drainage basin as designated by the city of Monroe;
3. The stream reach adjacent to the development proposal serves as critical fish habitat for spawning and rearing;
4. The stream serves as habitat for endangered, threatened, rare, sensitive, or monitor species listed by the federal government or the state of Washington;
5. The land adjacent to the stream and its associated buffer and included within the development proposal is classified as an erosion hazard area; or
6. A trail in excess of ten percent of the buffer width is proposed for inclusion in the buffer.

F. Buffer Reductions. The city may reduce up to twenty-five percent of the buffer requirement only if sufficient information is available showing:

1. The applicant has demonstrated that mitigation sequencing efforts have been appropriately utilized: avoid, minimize, and lastly mitigate;
2. The proposed buffer reduction shall be accompanied by a mitigation plan that includes enhancement of the reduced buffer area;
3. The reduction will not adversely affect directly or indirectly the critical area and/or buffer in the short or long term;
4. The reduction will not adversely affect water quality;
5. The reduction will not destroy, damage or disrupt a significant habitat area; and
6. The reduction is necessary for reasonable development of the subject property.

G. Buffer Averaging. The city will consider the allowance of buffer averaging only when the buffer area after the averaging is no less than that which would be contained within the standard buffer. Additionally, the buffer width shall not be reduced by more than twenty-five percent at any one point as a result of the buffer averaging. The buffer width reduction will not adversely impact the critical area and/or its buffer functions and values.

H. Additional Stream Mitigation Requirements. No net loss of stream functions and values shall occur as a result of the overall project. The mitigation requirements for stream alterations, in addition to the requirements in MMC 22.80.080, Protection and Mitigation Measures, shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan:

1. Maintain or improve stream channel dimensions, including depth, length, and gradient;
2. Restore disturbed stream buffer areas with native vegetation;
3. Create an equivalent or improved channel bed;
4. Create equivalent or improved biofiltration; and
5. Replace disturbed stream and stream buffer habitat features and areas.

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I. Mitigation Plans for Alteration to Streams and Stream Buffers. The scope and content of a mitigation plan shall be decided on a case-by-case basis; as the impacts to the critical area increase, the mitigation measures to offset these impacts will increase in number and complexity. At a minimum, the following components shall be included in a complete mitigation plan:

1. Baseline Information. Provide existing conditions information for both the impacted critical areas and the proposed mitigation site, as described in MMC 22.80.070(C), General Critical Area Report Requirements, and MMC 22.80.070(E), Additional Stream Report Requirements.
2. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:
    a. Description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and
    b. A review of the best available science supporting the proposed mitigation.
3. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.
4. Detailed Construction Plan. These are the written specifications and descriptions of mitigation technique. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.
5. Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for five years or a period necessary to establish that performance standards have been met.
6. Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.

The city of Monroe shall determine during the review of the requested studies which of the above components shall be required as part of the mitigation plan. Key factors in this determination shall be the size and nature of the development proposal, the nature of the impacted critical areas, and the degree of cumulative impacts on the critical area from other development proposals.

22.80.110 Fish and Wildlife Habitat Conservation Areas Standards.

A. General Standards. Fish and wildlife habitat conservation areas may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the qualitative functions and values of the habitat. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this chapter.

No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

Mitigation sites shall be located to achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical areas report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

B. Conditions. The zoning administrator shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffer, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include:

1. Establishment of buffer zones;

2. Preservation of critically important vegetation;
3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
4. Seasonal restrictions of construction activities;
5. Establishment of a duration and timetable for periodic review of mitigation activities; and
6. Requirement of a performance bond, when necessary, to ensure completion.

C. Mitigation. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biological functions and shall include mitigation for adverse impacts upstream and downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

D. Best Available Science. Any approval of alterations or impacts to habitat conservation area shall be supported by the best available science.

E. Native Growth Protection Easement/Critical Area Tract. As part of the implementation of approved development applications and alterations, fish and wildlife habitat conservation areas and any associated buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 22.80.080, Protection and Mitigation Measures, shall be designated as native growth protection easements (NGPE).

When the subject development is a formal subdivision or a short subdivision, the fish and wildlife habitat conservation area(s) and any associated buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 22.80.080, Protection and Mitigation Measures.

F. Buffers.

1. Buffer areas shall be established for areas of activity in, or adjacent to, habitat conservation areas when needed to protect such areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, function and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and type and intensity of human activity proposed to be conducted nearby, and shall be consistent with the management recommendations issued by the state Department of Fish and Wildlife.
2. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the seasonal period.

G. Endangered, Threatened, and Sensitive Species.

1. No development shall be allowed within a habitat conservation area or any associated buffer with which state or federally endangered, threatened, or sensitive species have a primary association.
2. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such areas shall be protected through the application of protection measures in accordance with a critical areas report prepared by a qualified professional and approved by the city. Approval of alteration of land adjacent to the habitat conservation area or any associated buffer shall not occur prior to consultation with the state Department of Fish and Wildlife and the appropriate federal agency, if applicable.
3. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292).

H. Anadromous Fish.

1. Activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, the following:
   a. Activities shall be timed to occur only during the allowable work window as designated by the state Department of Fish and Wildlife;
   b. An alternative alignment or location for the activity is not feasible;
   c. The activity is designed so that it will minimize the degradation of the functions or values of the fish habitat or other critical areas; and
   d. Any impact to the functions and values of the habitat conservation area are mitigated in accordance with an approved critical areas report.
2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the

upstream migration of adult fish and shall prevent juveniles migrating downstream from being trapped or harmed.

3. Fills, when authorized, shall minimize the adverse impacts to anadromous fish and their habitat, shall mitigate any unavoidable impacts, and shall only be allowed for water-dependent uses.

22.80.120 Flood Hazard Area Development Standards.

All development proposals in an area of special flood hazard, as defined in MMC 22.12.200, are subject to the regulations in Chapter 14.01 MMC.

22.80.130 Geologically Hazardous Areas.

A. Designation. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but may also increase the hazard to surrounding development and uses. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

1. Erosion hazard;
2. Landslide hazard;
3. Seismic hazard; and
4. Other geological events including tsunami, mass wasting, debris flows, rock falls, and differential settlement.

B. Designation of Specific Geologic Hazard Areas.

1. Erosion Hazard Areas. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service as having "severe" or "very severe" rill and inter-rill erosion hazard.

2. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to, the following:

a. Areas of historic failure, such as:

i. Those areas delineated by the U.S. Department of Agriculture's Natural Resources Conservation Service as having a "severe" limitation for building site development; or

ii. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources.

b. Areas with all three of the following characteristics:

i. Slopes steeper than fifteen percent; and

ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlaying a relatively impermeable sediment or bedrock; and

iii. Springs or groundwater seepage.

c. Areas that have shown movement during the Holocene epoch (from ten thousand years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;

d. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and faults) in subsurface materials;

e. Slopes having a gradient steeper than eighty percent subject to rock fall during seismic shaking;

f. Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;

g. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and

h. Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

3. Seismic Hazard Areas. Seismic hazard areas are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface failure. The strength of ground shaking is primarily affected by:

a. The magnitude of an earthquake;

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b. The distance from the source of an earthquake;
c. The type and thickness of geologic materials at the surface; and
d. The type of subsurface geological structure.

C. Mapping of Geologically Hazardous Areas.

1. The approximate location and extent of geologically hazardous areas are shown on the adopted critical areas maps. The adopted critical areas maps include:
   a. U.S. Geological Survey landslide hazard, seismic hazard, and volcanic hazard maps;
   b. Department of Natural Resources seismic hazard maps of Western Washington, as they become available;
   c. Department of Natural Resources slope stability maps, as they become available;
   d. Federal Emergency Management Administration flood insurance maps; and
   e. Locally adopted maps.
2. These maps are to be used as a guide for the city of Monroe, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

D. Best Available Science. Any approval of alterations of impacts to a geologically hazardous area or any associated buffers shall be supported by the best available science.

E. Native Growth Protection Easement/Critical Area Tract. As part of the implementation of approved development applications and alterations, geologically hazardous areas and any associated buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with MMC 22.80.080, Protection and Mitigation Measures, shall be designated as native growth protection easements (NGPE). When the subject development is a formal subdivision (plat) or a short subdivision (short plat), the geologically hazardous area(s) and any buffers shall be placed in a critical areas tract instead of an NGPE, as described in MMC 22.80.080, Protection and Mitigation Measures.

F. Allowed Activities. The following activities are allowed in geologically hazardous areas and do not require submission of a critical areas report:

1. Erosion and Landslide Hazard Areas. Except as otherwise provided for in this chapter, only those activities approved and permitted consistent with an approved critical areas report in accordance with this chapter shall be allowed.
2. Seismic Hazard Areas. The following activities are allowed within seismic hazard areas:
   a. Construction of new buildings and/or additions will be reviewed on a case-by-case basis.
   b. Installation of fences.
3. Other Hazard Areas. The following activities areas are allowed within other geological hazard areas:
   a. Construction of new buildings and/or additions will be reviewed on a case-by-case basis.
   b. Installation of fences.

G. Performance Standards – General Requirements.

1. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:
   a. Will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions;
   b. Will not adversely impact other critical areas;
   c. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than predevelopment conditions; and
   d. Are certified as safe as designed and under anticipated conditions by a qualified geotechnical engineer or geologist, licensed in the state of Washington.

H. Performance Standards – Specific Hazards.

1. Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:
   a. Buffers Required. A buffer shall be established for all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the city to eliminate or minimize the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical areas report prepared by a qualified professional.
   b. Minimum Buffers. The minimum buffer shall be equal to the height of the slope or fifty feet, whichever is greater.

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c. Buffer Reduction. The buffer may be reduced to a minimum of ten feet when a qualified professional demonstrates to the zoning administrator's satisfaction that the reduction will adequately protect the proposed development, adjacent developments and uses, and the subject critical area.

d. Increased Buffer. The buffer may be increased when the zoning administrator determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

e. Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and certifies that:

i. The development will not increase surface water discharge or sedimentation to adjacent properties beyond the predevelopment condition;

ii. The development will not decrease slope stability on adjacent properties; and

iii. Such alteration will not adversely impact other critical areas.

I. Design Standards. Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

1. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of one and one-half for static condition and one and two-tenths for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code;

2. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;

3. Structures and improvements shall minimize alterations to the natural contours of the slope and foundations shall be tiered where possible to conform to existing topography;

4. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

5. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

6. The use of retaining walls that allow the maintenance of existing natural slopes is preferred over graded artificial slopes; and

7. Development shall be designed to minimize impervious lot coverage.

J. Vegetation. Vegetation shall be retained unless it can be shown that the removal will not increase the geologic hazards, and a vegetation management plan is submitted with the request.

K. Seasonal Restriction. Clearing shall be allowed only from May 1st to October 1st of each year; provided, that the city may extend or shorten the dry season on a case-by-case basis depending on the actual weather conditions, except that timber harvest, not including brush clearing or stump removal, may be allowed pursuant to an approved forest practices permit issued by the state Department of Natural Resources.

L. Utility Lines and Pipes. Utility lines and pipes shall be permitted in the erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is available. The line or pipe shall be located above ground and be properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Storm water conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.

M. Point Discharge. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:

1. Conveyance via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge; and

2. Access roads and utilities may be permitted within the erosion or landslide hazard area and associated buffers if the city determines that no other feasible alternative exists.

N. Subdivisions. The division of land in erosion or landslide hazard areas and associated buffers is subject to provisions established for all critical areas in MMC 22.80.080, Protection and Mitigation Measures.

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O. Prohibited Development. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and associated buffers.

22.80.140 Bonds.

An applicant for development within a critical area as identified herein may be required to furnish the city with a performance bond and/or maintenance bond for any required mitigating measures. The city attorney or zoning administrator shall determine the amount and time limitation of the bond or other security.

22.80.150 Appeal.

Appeals of administrative decisions shall be governed by MMC Chapter 22.84, Permit Processing.

22.80.160 Enforcement.

The provisions of MMC Chapter 22.10, Administration and Enforcement, shall regulate the enforcement of these critical areas regulations.

Adherence to the provisions of this chapter and/or to the project conditions shall be required throughout the construction of the development. Should the zoning administrator determine that a development is not in compliance with the approved plans, a stop work order may be issued for the violation. In the event of a violation of this chapter, the zoning administrator shall have the power to order complete or partial restoration of the critical area by the person or agent responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the city shall have the authority to restore the affected critical area to the prior condition wherever possible and the person or agent responsible for the original violation shall be indebted to the city for the cost of restoration. When a stop work order has been issued, construction shall not continue until such time as the violation has been corrected and that the same or similar violation is not likely to reoccur.

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CHAPTER 22.82
SHORELINE MASTER PROGRAM

Sections:

22.82.010 Shoreline Master Program Adopted.
22.82.020 Shoreline Environment Designations.
22.82.030 Compliance Required.
22.82.040 Permitted Uses.
22.82.050 Nonconforming Uses.
22.82.060 Exemptions.
22.82.070 Permit – Fees.
22.82.080 Application – Form.
22.82.090 Review Process.
22.82.100 Notice and Hearing Requirements.
22.82.110 Review Process and Criteria for Substantial Development Permits.
22.82.120 Conditional Uses and Variances.
22.82.130 Appeals.
22.82.140 Commencement of Construction – Time Lapse.
22.82.150 Time Requirements of Permit.
22.82.160 Revisions to Permit.
22.82.170 Zoning Administrator's Authority.
22.82.180 Revocation of Permit.
22.82.190 Violation – Penalties.

22.82.010 Shoreline Master Program Adopted.

The City of Monroe Shoreline Master Program, dated August 2008, or as amended, and attached to the ordinance codified in this chapter as Exhibit A and incorporated by this reference as if set forth in full, is hereby adopted as the Shoreline Master Program for the city of Monroe as required by Chapter 90.58 RCW.

22.82.020 Shoreline Environment Designations.

The city's shorelines shall be divided into seven environment designations as shown on the shoreline environment map (Figure 1, Monroe Shoreline Master Program), or as amended. These environment designations include Aquatic (A), High Intensity (HI), Natural (N), Shoreline Residential (SR), Tye Stormwater Facility (TSF), Urban Conservancy (UC), and Urban Conservancy-Mining (UCM). The purpose and criteria for the individual shoreline environment designations are described in Chapter 2 of the Master Program.

22.82.030 Compliance Required.

No developments or uses shall be undertaken on the shorelines of the city of Monroe except those that are consistent with the policies of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations, or the Monroe Shoreline Master Program, hereafter known as Master Program. No substantial development or use shall be undertaken on the shorelines of the city of Monroe without first obtaining a permit from the city. No exempt development activities or use as defined in MMC 22.82.060 shall be undertaken without first acquiring a letter of exemption from the zoning administrator or his/her designee. Nothing in this chapter shall authorize the issuance of a permit contrary to the laws of Washington State.

22.82.040 Permitted Uses.

Permitted uses shall be those uses set forth in the Master Program. A complete list of permitted uses is contained in the Shoreline Use and Modification Matrix, in Chapter 2 of the Master Program. The city shall not permit any use that is not a permitted use in the Shoreline Use and Modification Matrix.

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22.82.050 Nonconforming Uses.

Nonconforming shoreline uses or developments are uses or developments lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Master Program, but which do not conform to present regulations or standards of the Master Program. A complete description of nonconforming uses is contained in Chapter 6(D) of the Master Program.

22.82.060 Exemptions.

A. Application and Interpretation of Exemptions.

1. The city shall narrowly construe exemptions. Only those developments that meet the precise terms of one or more of the listed exemptions, in the definition for substantial development, found in Chapter 8 of the Master Program, or those exemptions or exceptions listed in WAC 173-27-040, and/or Chapter 90.58 RCW may be granted exemption from the substantial development permit process.
2. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act or the Master Program, or from any other regulatory or municipal requirements. All uses and developments must be consistent with the policies and provisions of the Master Program and the Shoreline Management Act. A development or use either listed as a conditional use in the Master Program or an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a proposed development or use does not comply with the bulk, dimensional and performance standards of the Master Program, such development or use shall require a variance.
3. The burden of proof that a development or use is exempt from the shoreline permit process is on the applicant; as such, a written request for exemption shall be submitted to the community development department, with the proposed development application, in conformance with this section.
4. If any part of a proposed development is not eligible for an exemption, then a substantial development permit is required for the entire proposed development project.
5. The city of Monroe may attach conditions to the approval of exempted developments and/or uses, as necessary, to assure consistency of the project with the Shoreline Management Act and the Master Program.

22.82.070 Permit – Fees.

All persons desiring a shoreline permit or any other approval required by the Master Program shall make application by paying a fee as set out in the city's fees resolution and filing an application with the community development department.

22.82.080 Application – Form.

Applications for permits and approvals shall be made on forms prescribed by the community development department, and shall contain the name and address of the applicant, a description of the development, the location of the development, and any other information deemed necessary.

22.82.090 Review Process.

Requests for a shoreline substantial development permit, variance, or a conditional use permit require review by the city of Monroe hearing examiner. The hearing examiner's decision on substantial development permits is final. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations on shoreline conditional use permits and variances. The city council shall have the authority to grant shoreline conditional use permits and variances. The city shall submit all issued conditional use permits and variances to the Department of Ecology for its approval or disapproval. All applicants shall prove that a proposed development or use is consistent with the Master Program as well as the requirements of this chapter.

22.82.100 Notice and Hearing Requirements.

A. Upon receipt of an application for a shoreline substantial development permit, shoreline variance or shoreline conditional use permit, the city shall cause notice of the application to be published, at least once

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a week for two consecutive weeks, in a newspaper of general circulation within the city. The second notice shall be published not less than thirty days prior to action by the community development department. The city shall also cause notice of the application to be mailed to each property owner of record within five hundred feet of the proposed development. The date of the mailing shall not be less than seven days in advance of the department action.

B. Upon completion of review of the proposed shoreline permit by the community development department, staff shall schedule a public hearing at the next available hearing date, in front of the hearing examiner, to consider the shoreline substantial development permit, shoreline variance or shoreline conditional use permit application. The hearing examiner shall issue a written decision or recommendation no later than ten working days following the public hearing.

22.82.110 Review Process and Criteria for Substantial Development Permits.

A. The hearing examiner shall hold a public hearing on the proposed substantial development permit and approve, approve with conditions, or deny the application.

B. A substantial development permit shall be granted only when the development proposed is consistent with:

1. The policies and procedures of the Shoreline Management Act;
2. The provisions of this regulation; and
3. The approved Master Program.

C. The city of Monroe may attach conditions to the approval of permits as necessary to assure consistency of the project with the Shoreline Management Act and the Master Program.

D. The hearing examiner's decision shall become final and the permit shall be issued upon the terms and conditions prescribed by the hearing examiner, if no appeal is filed. The hearing examiner's decision shall be filed with the Department of Ecology. In the event the hearing examiner determines the use or development is inconsistent with the above criteria, the application shall be denied.

22.82.120 Conditional Uses and Variances.

The city shall adopt provisions for conditional use and variance permits, consistent with Chapter 6 of the Master Program, to ensure that the strict interpretation of the Master Program will not create unnecessary hardships or thwart the policies of this title or the Shoreline Management Act.

A. Shoreline Conditional Use Permits. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations on shoreline conditional use permits. The city council shall have the authority to grant, in appropriate cases and subject to appropriate conditions and safeguards, shoreline conditional use permits. The city shall submit all issued conditional use permits to the Department of Ecology for its approval or disapproval. The criteria for granting conditional use permits are the following:

1. Uses classified in the Master Program as conditional uses may be authorized, provided the applicant can demonstrate all of the following:
    a. That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the Master Program.
    b. That the proposed use will not interfere with the normal public use of public shorelines.
    c. That the proposed use of this site and design of the project will be compatible with other permitted uses within the area.
    d. That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.
    e. That the public interest suffers no substantial detrimental effect.
2. Other uses which are not classified or set forth in the Master Program may be authorized as conditional uses; provided, that the applicant can demonstrate, in addition to the criteria set forth in subsections (A)(1) and (3) of this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the Master Program.
3. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.
4. Uses specifically prohibited by the Master Program may not be authorized pursuant to either subsection (A)(1) or (3) of this section.

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B. Shoreline Variances. The hearing examiner shall have the authority to hear and make findings, conclusions, and recommendations on shoreline variances. The city council shall have authority to grant variances from the substantive requirements of this Shoreline Master Program. The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in this Master Program, where there are extraordinary or unique circumstances relating to the properties, such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant or thwart the policies set forth in the Shoreline Management Act. The city shall submit all issued variances to the Department of Ecology for final approval or disapproval. The criteria for granting variances shall be consistent with the Shoreline Management Act and include the following:

1. Variances should be granted in a circumstance where denial of the permit will not thwart the policy enumerated in the Shoreline Management Act or the Master Program. In all instances, extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.
2. Variances for development that will be located landward of the ordinary high-water mark may be authorized, provided the applicant can demonstrate all of the following:
    a. That the strict application of the bulk, dimensional, or performance standards as set forth in the Master Program precludes or significantly interferes with a reasonable permitted use of the property.
    b. That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the Master Program and not, for example, from deed restrictions or the applicant's own actions.
    c. That the design of the project will be compatible with other permitted activities in the area and not cause adverse effects to adjacent properties or the shoreline environment designation.
    d. That the variance does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief.
    e. That the public interest will suffer no substantial detrimental effect.
3. Variances for development that will be located waterward of the ordinary high-water mark may be authorized, provided the applicant can demonstrate all of the criteria specified above; and provided, that the applicant can demonstrate that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.
4. In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.
5. Variances from the use regulations of this Master Program are prohibited.

22.82.130 Appeals.

Appeals of shoreline permit decisions and decisions on shoreline permit revisions, letters of exemption and other approvals required by the Master Program shall be heard in accordance with MMC Chapter 22.84 and RCW 90.58.180.

22.82.140 Commencement of Construction – Time Lapse.

No one who is issued a permit hereunder shall be authorized to commence construction until twenty-one days have elapsed from the date that the permit is filed with the Washington State Department of Ecology for substantial development permits. For shoreline conditional use and variance permits, construction shall not commence until twenty-one days after the Department of Ecology has made its decision regarding the permit or until all review proceedings are terminated, if such proceedings were initiated within said twenty-one-day period.

22.82.150 Time Requirements of Permit.

A. The time requirements of this section shall apply to all substantial development, variance or conditional use permits authorized by this chapter.

B. Construction activities shall commence, or, where no construction activities are involved, the use or activity shall commence, within two years of the effective date of a shoreline permit. The hearing examiner may authorize a single extension for a period not to exceed one year, based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record.

C. Authorization to conduct construction activities, pursuant to the approved shoreline permit, shall terminate five years after the effective date of a shoreline permit. The hearing examiner may authorize a single extension for a period not to exceed one year, based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.

D. The effective date of a shoreline permit shall be the date of filing with the Department of Ecology or the date of decision by the Department of Ecology for conditional use permits and variances. This excludes time for which a use or activity was not actually pursued due to appeals, legal actions or the need to obtain other permits and approvals for the development.

E. Revisions to permits lawfully extended under subsections (B) and (C) of this section and in accordance with the provisions of MMC 22.82.160 (WAC 173-27-100) may be authorized after original permit authorization has expired; provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

F. The city of Monroe shall notify the Department of Ecology of any change to the effective date of a permit, and explain the basis for approving the change in writing. Any change to the time limits of a permit, except an extension under subsections (B) and (C) of this section, and except as authorized by RCW 90.58.143, shall require a new permit application.

22.82.160 Revisions to Permit.

A permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of an approved permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, or compliance with the Master Program. Changes which are not substantive in effect may not require approval of a revision; however, the community development department must be notified and review the proposed revision to determine if the revision is substantive or not.

A. When an applicant seeks to revise a substantial development, conditional use, or variance permit, the community development department shall request from the applicant detailed plans and text describing the proposed changes in the permit.

1. If the community development department determines that the proposed changes are within the scope and intent of the original permit, the department may approve the revision, provided it is consistent with the Shoreline Management Act and the Master Program.
2. "Within the scope and intent of the original permit" means the following:
   a. No additional over- or in-water construction will be involved.
   b. Lot coverage and height may be increased a maximum of ten percent from provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit.
   c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this Master Program, except as authorized under a variance granted by the original permit or a part thereof.
   d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable Master Program.
   e. The use authorized pursuant to the original permit is not changed.
   f. The project revision will cause no adverse environmental impact.
3. The zoning administrator may authorize revisions to shoreline permits after the original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes, which are consistent with this section and which would not require a permit for the development or change proposed under the terms of Chapter 90.58 RCW and the Master Program. If the proposed change constitutes substantial development, then a new permit is required; provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
4. If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the city shall require the applicant to apply for a new substantial development, conditional use, or variance permit, in the manner provided for herein.

5. The department of community development shall file with the Department of Ecology the revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section. In addition, the city shall notify parties of record of their action.

6. If the revision to the original permit involves a conditional use or variance, the city shall submit the revision to the Department of Ecology for final approval, approval with conditions, or denial. The Department of Ecology shall render and transmit to the city and the applicant its final decision within fifteen days of receipt of the submittal from the city. The city shall notify parties of record of the Department of Ecology's final decision.

7. The revised permit is effective immediately upon final decision by the city or, when appropriate under subsection (A)(6) of this section, upon final action by the Department of Ecology.

8. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the city's action by the Department of Ecology or, when appropriate under subsection (A)(6) of this section, the date the Department of Ecology's final decision is transmitted to the city and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (A)(2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

22.82.170 Zoning Administrator's Authority.

The zoning administrator shall have the authority to immediately stop any work under a permit, which the administrator believes, in good faith, is not in compliance with the permit or any other actions in violation of the Master Program. Upon issuance of such a stop order, the permittee shall immediately cease and desist such portion of the development which is ordered stopped, but may continue working on the other portions of the development. As soon as it is practical thereafter, a hearing will be held before the city's hearing examiner to determine whether the conditions of the permit were violated, and if so, whether to cancel the permit or determine what other action should be taken. Notice of hearing shall be in the form and manner prescribed in MMC Chapter 22.84, Permit Processing.

22.82.180 Revocation of Permit.

A. Any permit issued hereunder may be revoked by the hearing examiner upon a finding that a permittee has not complied with the conditions of a permit, subject, however, to a hearing as hereinafter provided.

B. Before such permit is revoked by the hearing examiner, the city shall set a date for a public hearing following the public notice requirements of MMC Chapter 22.84, Permit Processing, to determine whether the permittee has violated the conditions of the permit.

22.82.190 Violation – Penalties.

Violations of the Shoreline Management Act or the Monroe Shoreline Master Program are subject to MMC Chapter 1.04 and also constitute a misdemeanor, as specified in MMC 1.01.110.

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CHAPTER 22.86
LAND CLEARING AND FOREST PRACTICES

Sections:

22.86.010 Applicability.
22.86.020 Purpose.
22.86.030 Definitions.
22.86.040 Administration.
22.86.050 Exemptions.
22.86.060 Application Requirements.
22.86.070 Performance Standards.
22.86.080 Fee Reporting.
22.86.090 Violation – Penalties.
22.86.100 Request for Removal of Development Moratoria.
22.86.110 Request for Single-Family Dwelling Exception on Lots Subject to Development Moratoria.

22.86.010 Applicability.

This chapter regulates land clearing activities and forest practices within the city of Monroe. All forest practices and land clearing activities shall be subject to this chapter and require a forest practices or land clearing permit, unless exempted under MMC 22.86.050 or by state law.

A. Land clearing permits relate to the removal of vegetation including maintenance, trimming and clearing from nonforested lands.

B. Forest practices are regulated by this chapter in order to satisfy the city's responsibility to regulate forest practices as mandated by RCW 76.09.240.

22.86.020 Purpose.

This chapter regulates land clearing/forest practices activities to:

A. Promote the public health, safety and general welfare of the citizens of Monroe;

B. Implement the policies of the State Environment Policy Act;

C. Implement the policies of the state Forest Practices Act pursuant to Chapter 76.09 RCW and Chapter 222-20 WAC;

D. Implement the goals and policies of the city's comprehensive plan; and

E. Comply with all municipal code requirements and public works standards including, but not limited to, erosion control, stormwater, and critical areas protection.

22.86.030 Definitions.

A. "Commercial agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

B. "Conversion" means a forest practice involving the removal of trees to convert forestland to permanent nonforestry urban uses that results in residential, commercial, or industrial activities.

C. "Development moratorium" means the denial by the city of Monroe of all applications for permits or approvals for a period of six years as established in Chapter 76.09 RCW, including but not limited to building permits, right-of-way permits, subdivisions, rezones, and variances on the subject property.

D. "Forest practices" means activities conducted on or directly pertaining to forestlands, regulated in Chapter 222-16 WAC or Chapter 76.09 RCW, relating to growing, harvesting, or processing timber. This includes but is not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

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E. “Ground cover” means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground and includes trees and shrubs less than six inches in diameter.

F. “Ground cover management” means the mowing or cutting of ground cover when such activities do not disturb the root structures of plants.

G. “Land clearing” means the act of removing or destroying trees, ground cover, and other vegetation by manual, mechanical, or chemical methods.

H. “Land development permit” means any land use or environmental permit or license including but not limited to preliminary or final plat for a single-family residential project, a building permit, or preliminary or final planned residential development plan.

I. “Person” means any person, individual, public or private corporation, firm, association, joint venture, partnership, owner, lessee, tenant, or any other entity whatsoever or any combination of such, jointly or severally.

J. “Qualified professional forester” means an individual with academic and field experience in forestry or urban forestry, with a minimum of two years experience in tree evaluation. This may include Society of American Foresters (SAF) Certified Forester, Registered American Society of Consulting Arborists (ASCA) Consulting Arborist, Washington State Licensed Landscape Architect, or an International Society of Arborists (ISA) Certified Arborist.

K. “Removal” means the actual removal or causing the effective removal through damaging, poisoning, root destruction or other direct or indirect actions resulting in the death of vegetation.

L. “Routine vegetation management” means tree trimming or pruning and ground cover management undertaken by a person in connection with the normal maintenance and repair of property.

M. “Tree” means any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and where the main stem or one stem of a multi-stemmed tree has a DBH (diameter at breast height) measurement of six inches or greater four and one-half feet above the ground.

N. “Tree cutting” means the actual removal of the above-ground plant material of a tree through manual or mechanical methods.

O. “Tree topping” means the severing of the main stem of the tree in order to reduce the overall height of the tree; provided, that no more than forty percent of the live crown is removed during any topping. If more than forty percent of the top is removed, it is considered removal.

P. “Tree trimming” means the pruning or removal of limbs; provided, that the main stem is not severed and no more than forty percent of the live crown is removed. If more than forty percent of the limbs or crown is removed, it is considered removal.

22.86.040 Administration.

The zoning administrator or designee is authorized and directed to enforce all of the provisions of this chapter, except as otherwise noted.

A. The requirements of this chapter shall be met either concurrently or before the city of Monroe approves any land development permit.

B. Notice and Approval.

1. Forest practices and land clearing permits require administrative review, without public notice, in accordance with MMC 22.84.050, prior to the start of any work.

2. Forest practices and land clearing permits are subject to environmental review in accordance with MMC 22.78.100 and WAC 197-11-800 when the proposed development meets or exceeds specified thresholds.

C. Time Limits. Land clearing/forest practices permits shall be valid for two consecutive years, following the date of issuance, unless a different time limit has been established through an associated development permit, in which case the expiration shall be the same as that of the approved development permit. The applicant may submit a written request for an extension to the zoning administrator, at least thirty days prior to the expiration of the original application. The zoning administrator may grant a one-time extension for up to one hundred eighty days.

D. Appeals. Parties of record may appeal decisions in accordance with MMC 22.84.080.

22.86.050 Exemptions.

This section exempts the following activities from the provisions of this chapter when located outside of critical areas as defined in Chapter 22.80 MMC:

A. Emergency removal of ground cover or hazardous trees by any person, the public works department, parks department, fire department and/or public or private utility necessary to protect public safety or private or public property from imminent danger;

B. Maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights-of-way, easements, and parks;

C. Forest practices on forestlands where a landowner has previously submitted a ten-year statement of nonconversion to the Department of Natural Resources, together with an acceptable ten-year forest management plan or proof that the land is currently enrolled in current use assessment-timber lands or a conversion option harvest plan (COHP), under Chapter 84.33 RCW, prior to the effective date of the ordinance codified in this chapter;

D. Contiguous forested lands twenty acres or greater in size, where the forest landowner provides a written and signed statement of intent not to convert to a use other than growing commercial timber for ten years. Nonconversion applications will continue to be processed by the Washington State Department of Natural Resources;

E. Existing agricultural activities in conformance with soil conservation district guidelines;

F. Permit Thresholds.

1. Land clearing of less than a half an acre, over a six-year period, unless an associated land development permit has been issued; and
2. Any forest practice resulting in the cutting and/or removal of less than five thousand board feet of timber or less than a half an acre, whichever is greater, over a six-year period; and

G. Repair, structural modification of, addition to, or replacement of an existing nonconforming residential structure lawfully established prior to the effective date of the ordinance codified in this chapter may be approved if the modification is consistent with Chapter 22.40 MMC.

22.86.060 Application Requirements.

A. A completed land clearing/forest practices application, as provided by the community development department, that includes the name, address and telephone numbers of the applicant; and name and telephone number of the contact person, if any.

B. A completed environmental checklist, as necessary.

C. A written narrative that identifies and describes:

1. Specific work to be accomplished;
2. A time schedule for land clearing activities;
3. Type of equipment to be used; and
4. Measures proposed to protect the site and adjacent properties from potential adverse impacts.

D. A title report as proof that the parcel is not currently subject to a six-year development moratorium. If the property is subject to a six-year development moratorium, the application will not be accepted, until the end of the moratorium or until the moratorium has been lifted.

E. A site map, with topographic contours, drawn to a standard engineering scale that delineates:

1. Property boundaries;
2. Critical areas and buffers;
3. Clearing limits with area(s) of land conversion and future development identified;
4. Existing and proposed roads on and adjacent to the property; and
5. Existing and proposed utility lines and easements.

F. A written critical areas report, prepared by a qualified professional in accordance with MMC 22.80.070 that identifies and delineates critical areas, including but not limited to wetlands, streams, cultural resources, geologically hazardous areas, flood hazard areas, and fish and wildlife habitat conservation areas.

G. An application fee in an amount set by resolution by the city council.

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22.86.070 Performance Standards.

A. All land-modification activities shall conform to applicable regulations and standards as adopted by the city of Monroe.

B. No land clearing, ground cover management, or tree cutting shall be conducted in a critical area or critical area buffer, except as allowed in Chapter 22.80 MMC.

C. The applicant shall ensure that all land clearing/conversion activities:

1. Will not create or contribute to landslides, accelerated soil creep, settlement and subsidence or hazards associated with strong ground motion and soil liquefaction;
2. Will not create or significantly contribute to flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse; and
3. Will retain existing vegetation on the property to the maximum extent feasible.

22.86.080 Fee Reporting.

To improve the administration of the forest excise tax created in Chapter 84.33 RCW, the city will report permit information to the Department of Revenue for all approved forest practices permits no later than sixty days after the date the permit was approved.

22.86.090 Violation – Penalties.

Compliance with the requirements of this code shall be mandatory. The general penalties and remedies established in Chapter 1.04 MMC for violations shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to the general penalties and remedies of Chapter 1.04 MMC.

22.86.100 Request for Removal of Development Moratoria.

The hearing examiner may consider the removal of a six-year development moratorium established pursuant to Chapter 76.09 RCW when the applicant strictly meets the following requirements:

A. Any property owner subject to a moratorium may request a release from the six-year moratorium by filing such request with the community development department.

B. Following such request, the community development department shall set a date for an open record public hearing, per the noticing requirements of MMC 22.84.050, before the hearing examiner.

C. The hearing examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are strictly met:

1. The proponent makes application for a land clearing/forest practices permit;
2. The proponent proposes corrective actions to bring the violation into compliance with this chapter and mitigate any existing damage through the submittal of a reforestation plan or mitigation plan, prepared by a qualified professional consistent with Chapter 22.80 MMC;
3. The person requesting the release did not attempt to avoid the review or restrictions of a land clearing/forest practices application.

D. Hearing Examiner Authority.

1. The hearing examiner shall review requests for removal of a development moratorium, any comments received, and applicable city regulations or policies, and may inspect the property before rendering a decision.
2. The hearing examiner may approve the request to remove a development moratorium, approve the request with conditions, require modification of the proposal to strictly comply with specified requirements or local conditions, or deny the request if it fails to comply with requirements of this chapter.

E. Required Written Findings and Determinations. The hearing examiner will address the following items as written findings and determinations before issuing a decision:

1. The removal of the six-year development moratorium will not be detrimental to public health, safety, and general welfare.
2. The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to the proposal.
3. The removal of the six-year development moratorium will not result in significant adverse environmental impacts.

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4. The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter and other applicable municipal codes.

22.86.110 Request for Single-Family Dwelling Exception on Lots Subject to Development Moratoria.

The zoning administrator may administratively grant an exception to the mandatory six-year development moratorium with public notice, per the noticing requirements of MMC 22.84.050, to allow the construction of one single-family dwelling unit and associated accessory structures, when the following requirements are met.

A. General Requirements.

1. The area that is permitted to be developed shall not exceed the minimum lot size for the underlying zoning district, in addition to the minimum area necessary to provide safe vehicular access;
2. The construction of the single-family dwelling, permitted accessory structures, landscaped area, and access road are in compliance with all applicable city regulations;
3. Corrective actions are proposed to mitigate damage caused by the nonpermitted action, through the submittal of a reforestation or mitigation plan prepared by a qualified professional;
4. Upon approval of a single-family dwelling unit exception, the landowner will record the approved site plan with Snohomish County auditor depicting the area of the parcel to be dedicated for the single-family dwelling, yard area, permitted accessory structures, and access road; and
5. The development moratorium shall remain in effect for all other nonforestry uses of the site.

B. Required Written Findings and Determinations. The zoning administrator will address the items listed in subsection (A) of this section as written findings and determinations before issuing a decision.

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CHAPTER 22.88
COMMUTE TRIP REDUCTION (CTR)

Sections:

22.88.010 Purpose.
22.88.020 Administration.
22.88.030 Definitions.
22.88.040 CTR Plan Adoption by Reference.
22.88.050 CTR Goals.
22.88.060 Responsible City Department.
22.88.070 Applicability.
22.88.080 Requirements for Employers.
22.88.090 Record Keeping.
22.88.100 Schedule and Process for CTR Reports.
22.88.110 Enforcement.
22.88.120 Exemptions and Goal Modifications.
22.88.130 Appeals.

22.88.010 Purpose.

The purpose of this chapter is to provide a method for compliance with the Washington State Commute Trip Reduction Law of 1991 (RCW 70.94.521 through 70.94.555), and as amended in 2006 by the Commute Trip Reduction Efficiency Act. The Commute Trip Reduction Law was passed to reduce traffic congestion, air pollution, and dependency on fossil fuels through employer-based programs encouraging alternative commute methods to the single-occupancy vehicle. The Commute Trip Reduction Law shall not be used as a substitute for reviews of projects under other city requirements for compliance with the State Environmental Policy Act (SEPA).

22.88.020 Administration.

The zoning administrator or his/her designee shall have the duty and responsibility to administer the provisions of this chapter with the authority to promulgate rules and regulations to implement and administer this chapter.

22.88.030 Definitions.

For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Affected employee" means a full-time employee who begins his or her regular workday at a major employer work site between six a.m. and nine a.m. (inclusive) on two or more weekdays for at least twelve continuous months. For the purpose of defining affected employees the following apply:

1. A full-time employee is a person other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week.
2. The employee will only be counted at his or her primary worksite.
3. Seasonal agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

B. "Affected urban growth area" means:

1. An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person per hours of delay threshold calculated by the Washington State Department of Transportation, and any contiguous urban growth areas; and
2. An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas; or

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3. An urban growth area identified by the Washington Department of Transportation as listed in WAC 468-63-020(2)(b).

C. "Alternative mode" means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including teleworking and compressed work weeks if they result in reducing commute trips.

D. "Alternative work schedules" mean work schedules that allow employees to work their required hours outside of the traditional Monday to Friday, eight a.m. to five p.m. schedule. Programs such as compressed workweeks that eliminate work trips for affected employees are an example.

E. "Base year" means the twelve-month period that commences when the city of Monroe determines an employer is required to comply with the CTR law.

F. "Base year survey" or "baseline measurement" means the survey, during the base year, of employees at a major employer work site to determine the drive-alone rate and vehicle miles traveled per employee at the work site. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurements must be implemented in a manner that meets the requirements specified by the city.

G. "Baseline data collection" means the collection of employee trip data at a major worksite to determine the non-drive alone trips and greenhouse gas emissions per employee at the worksite. The jurisdiction uses these measurements to develop commute trip reduction targets for the major employer. The baseline measurements must be implemented in a manner that meets the requirements and time frame specified by the city.

H. "Carpool" means a motor vehicle occupied by at least two people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle commute trip.

I. "City" means the city of Monroe.

J. "Commute trip reduction (CTR) plan" means the city of Monroe's plan and ordinance to regulate and administer the CTR programs of major employers within its jurisdiction.

K. "Commute trip vehicle miles traveled per employee (VMT)" means the sum of the individual commute trip lengths in miles over a set period divided by the number of full-time employees.

L. "Commute trips" means trips made from a worker's home to a work site during the peak period of six a.m. to nine a.m. (inclusive) on weekdays.

M. "Commuter" means a resident or employee in an affected urban growth area who is participating in the city's commute trip reduction program, including any growth and transportation and efficiency center programs, implemented to meet Monroe's established targets.

N. "Commuter matching service" means a system that assists in matching commuters for the purpose of commuting together.

O. "Compressed work week" means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one workday every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and biweekly arrangements, the most typical being four ten-hour days or eighty hours in nine days, but may also include other arrangements.

P. "CTR law" means the Commute Trip Reduction Law passed by the Washington State legislature in 1991 (Chapter 202, Laws of 1991) and codified in RCW 70.94.521 through 70.94.555, and amended in 1997 and 2006, requiring each county containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the Department of Transportation, as well as those counties and cities located in any contiguous urban growth areas to adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area.

Q. "CTR program" means an employer's strategies to reduce affected employees' SOV use, VMT per employee, and greenhouse gas emissions.

R. "Custom bus/bus pool" means a commuter bus service arranged specifically to transport employees to work.

S. "Employer" means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district, or other individual or entity, whether public, nonprofit, or private, that employs workers.

T. "ETC" means employer transportation coordinator as required pursuant to RCW 70.94.531(3).

U. “Flex-time” is an employer policy allowing individual employees some flexibility in choosing the time, but not the number, of their working hours to facilitate the use of alternative modes.

V. “Full-time employee” means a person, other than an independent contractor, scheduled to be employed on a continuous basis for fifty-two weeks for an average of at least thirty-five hours per week on two or more weekdays per week.

W. “Goals” means the established criteria for measuring effectiveness of employer programs as outlined in the city of Monroe’s CTR plan.

X. “Good faith effort” means that an employer has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city/county to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

Y. “Growth and transportation efficiency center (GTEC)” means a defined, compact, mixed-use urban center that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a GTEC must meet minimum criteria established by the CTR Board under RCW 70.94.524, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

Z. “Implementation” means active pursuit by an employer of the CTR goals of RCW 70.94.521 through 70.94.555 and this chapter, as evidenced by appointment of a transportation coordinator, distribution of information to employees regarding alternatives to SOV commuting, and commencement of other measures according to its approved CTR program and schedule.

AA. “Jurisdiction’s base year measurement” means the proportion of single-occupant vehicle commute trips by CTR commuters and commute trip vehicle miles traveled per CTR commuter on which commute trip reduction targets for the local jurisdiction shall be based. The jurisdiction’s base year measurement, for those jurisdictions with an affected urban growth area as of March 1, 2017, shall be determined based on employee surveys administered in the 2016-2017 survey cycle. If complete employee survey data from the 2016-2017 survey cycle is not available, then the base year measurement shall be calculated from the most recent and available set of complete employee survey data.

BB. “Major employer” means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single work site who begin their regular workday between six a.m. and nine a.m. on at least two weekdays for at least twelve continuous months.

CC. “Major work site” (or “worksite”) means a building or group of buildings that is/are on physically contiguous parcels of land or on parcels of land separated solely by private or public roadways or rights-of-way, and at which there are one hundred or more full-time employees.

DD. “Mode” means the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and teleworking.

EE. “Notice” means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the postal service unless the third day falls on a weekend or legal holiday in which case the notice is deemed accepted the day after the weekend or legal holiday. Emails and facsimile (fax) transmissions are temporary notices of action that must be followed by the original document via mail or delivery.

FF. “Peak period” means the hours from six a.m. to nine a.m. (inclusive), Monday through Friday, except legal holidays.

GG. “Peak period trip” means any employee trip that delivers the employee to begin his or her regular workday between six a.m. and nine a.m. (inclusive), Monday through Friday, except legal holidays.

HH. “Person hours of delay” means the daily person hours of delay per mile in the peak period of six a.m. to nine a.m. (inclusive), as calculated using the best available methodology by the Washington State Department of Transportation.

II. “Proportion of single-occupant vehicle trips” or “SOV rate” means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

JJ. “Single-occupant vehicle (SOV)” means a motor vehicle occupied by one employee for commute purposes, including a motorcycle. If there are other passengers occupying the motor vehicle, but the ages of these passengers are sixteen or under, the motor vehicle is still considered a “single-occupant vehicle” for measurement purposes.

KK. “Single-occupant vehicle (SOV) trips” means commute trips made by affected employees in SOVs.

LL. "Target" means a quantifiable or measurable value that is expressed as a desired level of performance, against which actual achievement can be compared in order to assess progress, such as increase in non-drive alone trips and reduction of greenhouse gas emissions.

MM. "Teleworking" means the use of telephones, computers, or other similar technology to permit an employee to work anywhere at any time, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

NN. "Transit" means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus, or vanpool. A transit trip counts as zero vehicle trips.

OO. "Transportation demand management (TDM)" means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

PP. "Transportation management organization (TMO)" means a group of employers or an association representing a group of employers in a defined geographic area. A TMO may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.

QQ. "Vanpool" means a vehicle occupied by five to fifteen people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. A vanpool trip counts as zero vehicle trips.

RR. "Voluntary employer worksite" means the physical location occupied by an employer that is voluntarily implementing a CTR program.

SS. "Week" means a seven-day calendar period starting on Monday and continuing through Sunday.

TT. "Weekday" means any day of the week except Saturday or Sunday.

UU. "Writing," "written," or "in writing" means original signed and dated documents. Emails and facsimile (fax) transmissions are temporary notices of action that must be followed by the original signed and dated document via mail or delivery.

22.88.040 CTR Plan Adoption by Reference.

The Monroe CTR plan, as approved and adopted in 2000, and updated in 2008 and 2017, is adopted wholly and incorporated herein by reference.

22.88.050 CTR Goals.

The goals for reducing Monroe's proportion of drive-alone vehicle trips and commute trip vehicle miles traveled per employee are established in the Monroe CTR plan. The city will set the individual work site goals for major employers based on how the work site can contribute to city's overall goal established in the CTR plan.

22.88.060 Responsible City Department.

The city of Monroe community development department is responsible for implementing this chapter, the CTR plan, and the Monroe CTR program, and should be identified together with any authority necessary to carry out such responsibilities such as rule-making or certain administrative decisions.

22.88.070 Applicability.

The provisions of this chapter shall apply to any major employers or voluntary work sites within the corporate limits of the city of Monroe.

A. Notification of Applicability.

1. In addition to Monroe's established public notification for adoption of an ordinance, a notice of availability of a summary of this chapter, a notice of the requirements and criteria for major employers and voluntary work sites to comply with this chapter, and subsequent revisions shall be published at least once in Monroe's official newspaper not more than thirty days after passage of the ordinance codified in this chapter, or revisions.

2. Major employers and voluntary work sites located in Monroe are to receive written notification that they are subject to this chapter. Such notice shall be addressed to the company's chief executive officer, senior official, or CTR manager at the work site. Such notification shall provide ninety days for the major employer to perform a baseline survey. After the results of the baseline survey are provided to the major employer, they have ninety days to submit a CTR program to the city.

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3. Major employers and voluntary work sites that, for whatever reason, do not receive notice within thirty days of passage of the ordinance codified in this chapter and are either notified or identify themselves to the city within ninety days of the passage of the ordinance will be granted an extension to assure up to ninety days within which to perform a baseline survey. After the results of the baseline survey are provided to the major employer, they have ninety days to submit a CTR program to the city.

4. Major employers that have not been identified or do not identify themselves within ninety days of the passage of the ordinance, do not complete a baseline survey within ninety days, or do not submit a CTR program within one hundred eighty days are in violation of this chapter.

5. If a major employer or voluntary work site has already performed a baseline survey, the major employer or voluntary work site is not required to perform another survey and is required to submit a CTR plan to the city within ninety days.

B. New Major Employers and Voluntary Work Sites.

1. Employers that meet the definition of "a major employer" in this chapter must identify themselves to the city within ninety days of either moving into the boundaries of Monroe or growing in employment at a work site to one hundred or more affected employees. Such employers shall be given ninety days to complete a baseline survey, and an additional ninety days to submit a CTR program once the baseline survey results are given to the employer. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.

2. Employers that do not identify themselves within ninety days are in violation of this chapter.

3. New major employers shall have four years from the city's acceptance of the program to meet the CTR reduction goals as stated in the city's CTR plan.

C. Change in Status as a Major Employer. Any of the following changes in an employer's status will change the employer's CTR program requirements:

1. If an employer initially designated as major employer no longer employs one hundred or more affected employees and expects not to employ one hundred or more affected employees for the next twelve months, that employer is no longer a major employer. It is the responsibility of the employer to notify the city that it is no longer an employer.

2. If the same employer returns to the level of one hundred or more affected employees within the same twelve months, that employer will be considered a major employer for the entire twelve months and will be subject to the same program requirements as other major employers.

3. If the same employer returns to the level of one hundred or more affected employees twelve or more months after its change in status to an unaffected employer, that employer shall be treated as a new major employer and will be subject to the same program requirements as other new major employers.

22.88.080 Requirements for Employers.

Major employers and voluntary work sites are required to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, to develop and implement a CTR program that will encourage their employees to reduce drive-alone commute trips and commute trip vehicle miles traveled per employee. The employer shall submit a description of its program to city and provide an annual progress report to city on employee commuting and progress toward meeting the SOV goals and targets. The CTR program must include the mandatory elements as described below.

A. CTR Program Description Requirements. The CTR program description presents the strategies to be undertaken by an employer to achieve the program goals and targets stated in the city's CTR plan. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other and to form or use transportation management organizations in developing and implementing CTR programs. At a minimum, the employer's description must include:

1. General description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees;

2. Number of employees affected by the CTR program;
3. Documentation of compliance with the mandatory CTR program elements (as described in subsection (B) of this section);
4. Description of the additional elements included in the CTR program (as described in subsection B of this section); and
5. Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

B. Mandatory Program Elements. Each employer's CTR program shall include the following mandatory elements:

1. Employee Transportation Coordinator (ETC). The employer shall designate an on-site transportation coordinator to administer the CTR program. The coordinator's and/or designee's name, location, and contact information must be displayed prominently at each affected work site. ETCs shall be trained in CTR program development and administration through a program approved by the city. The ETC shall attend annual ETC training and a minimum of six hours of other training or network meetings annually, or as organized by the city. The coordinator shall oversee all elements of the employer's CTR program and act as liaison between the employer and the city. The objective is to have an effective transportation coordinator presence at each work site; a major employer with multiple sites may have one on-site transportation coordinator for all sites.
2. Information Distribution. Information about alternatives to drive-alone commuting shall be provided to employees at least twice a year. Each employer's program description and annual or biannual report must identify the information to be distributed and the method of distribution.
3. Annual or Biannual Progress Report. The CTR program must include an annual or biannual review of employee commuting and progress and good faith efforts toward meeting the goals and targets as outlined in the CTR plan. Determination of annual or biannual reporting requirement is dependent on work site commute trip reduction performance and the city will advise the major employer of required report frequency. Major employers shall file an annual or biannual progress report with the city in accordance with the format established by this chapter and consistent with the CTR Task Force Guidelines. The report shall describe each of the CTR measures that were in effect for the previous year(s), the results of any commuter surveys undertaken during the year(s), and the number of employees participating in CTR programs. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals and targets. Survey information or approved alternative information must be provided every two years after implementation begins. The employer should contact the city for the format of the report.
4. Biannual Survey or Measurement. In addition to the specific program baseline measurement, employers shall conduct a program data evaluation as a means of determining work site progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect commute trip reduction program employee questionnaires (surveys) at least once every two years, and achieve a seventy percent response rate from employees at the work site.
5. Annual Worksite Promotion of Employer CTR Program. Major employers will hold at least one annual transportation fair or equivalent promotion, which is available to all employees at each major worksite.
6. ETC Training. ETCs will be required to attend an ETC basic training session within six months of appointment.
7. Employer Notification. Employers will be required to notify the city or designee when there are proposed changes to their CTR program, changes in ETC or contact information, and/or changes in number of employees at the worksite.
8. ETC Networking/Advanced Training. ETCs will be required to attend at least six hours of networking or advanced training per year. Training and networking sessions may include marketing CTR programs to employees, trip planning, ridesharing, joint promotions and networking meetings.
9. Additional Program Elements. In addition to the specific program elements described above, the employer's CTR program shall include additional elements as needed to meet CTR goals and targets. Elements may include, but are not limited to, one or more of the following:
    a. Provision of preferential parking or reduced parking charges, or both, for high-occupancy vehicles;

b. Instituting or increasing parking charges for SOVs;
c. Provision of commuter ride matching services to facilitate employee ride-sharing for commute trips;
d. Provision of subsidies for transit fares;
e. Provision of vans for vanpools;
f. Provision of subsidies for carpools or vanpools;
g. Permitting the use of the employer's vehicles for carpooling or vanpooling;
h. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;
i. Cooperation with transportation providers to provide additional regular or express service to the work site;
j. Construction of special loading and unloading facilities for transit, carpool, and vanpool users;
k. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
l. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;
m. Establishment of a program to permit employees to work part- or full-time at home or at an alternative work site closer to their homes;
n. Establishment of a program of alternative work schedules, such as a compressed workweek, which reduces commuting;
o. Promotional activities for ridesharing and transit, as well as fixed commuter information centers;
p. Guaranteed rides in emergency situations for rideshare participants;
q. Reduction of parking provided in accordance with the Monroe zoning code;
r. Charging employees for parking, and/or the elimination of free parking; and
s. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care facilities and emergency taxi services.

22.88.090 Record Keeping.

Major employers shall include a list of the records they will keep as part of the CTR program they submit to the city for approval. Records shall reflect the measures selected by the employer. For example, an employer providing transit and vanpool pass subsidies shall keep monthly records of pass sales; employers with parking charges and reduced rates for carpools and vanpools shall record parking pass sales by type. Employers will maintain all records listed in their CTR program for a minimum of forty-eight months. The city of Monroe and the employer shall agree on the record keeping requirements as part of the accepted CTR program.

22.88.100 Schedule and Process for CTR Reports.

A. CTR Program. Not more than ninety days after the adoption of the ordinance codified in this chapter, or within ninety days after an employer qualifies under the provisions of this chapter, the employer will be given ninety days to complete baseline data collection, and an additional ninety days to submit a CTR program once the baseline data results are given to the employer. The CTR program will be developed in consultation with the city and implemented not more than ninety days after the program's approval by the city. Employers who do not implement an approved CTR program according to this section are in violation of this chapter.

B. Document Review. Monroe shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. The employer shall have thirty days to resubmit a modified program. If the employer receives no written notification of extension of the review period of its CTR program or comments on the CTR program or annual report within ninety days of submission, the employer's program or annual report is deemed accepted. The city may extend the review period up to ninety days. The implementation date for the employer's CTR program will be extended an equivalent number of days.

C. Schedule. Upon review of an employer's initial CTR program, Monroe shall establish the employer's annual reporting date, which shall not be less than twelve months from the day the program is

submitted. Each year, on the employer's reporting date, the employer shall submit to Monroe its annual CTR report.

D. Modification of CTR Program Elements. Any major employer may submit a request to the city to allow for the modification of CTR program elements, other than the mandatory elements specified in this chapter, including record keeping requirements. Such request may be granted if one of the following conditions exists:

1. The employer can demonstrate that it would be unable to comply with the CTR program elements for reasons beyond the control of the employer, or
2. The employer can demonstrate that compliance with the program elements would constitute an undue hardship.

The city of Monroe may ask the employer to substitute a program element of similar trip reduction potential rather than grant the employer's request.

E. Extensions. An employer may request additional time to submit a CTR program or CTR annual progress report, or to implement or modify a program. Such requests shall be made in writing at least thirty days before the due date for which the extension is being requested. Extensions not to exceed ninety days shall be considered for reasonable causes. The city shall grant or deny the employer's extension request in writing within ten working days of receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for thirty days. Extensions shall not exempt an employer from any responsibility in meeting program goals and targets. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements.

An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of the zoning administrator.

F. Implementation of Employer's CTR Program. Unless extensions are granted, the employer shall implement its approved CTR program not more than ninety days after receiving written notice from the city that the program has been approved or with the expiration of the program review period without receiving notice from the city.

22.88.110 Enforcement.

A. Compliance. For purposes of this section, compliance shall mean fully implementing in good faith all provisions in an approved CTR program.

B. Program Modification Criteria. The following criteria for achieving goals and targets for non-drive alone trips and greenhouse gas emissions per employee shall be applied in determining requirements for employer CTR program modifications:

1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR program;
2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, but has not met or is not likely to meet the applicable targets, the city shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the city for approval within thirty days of reaching agreement;
3. If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this chapter, and fails to meet the applicable targets, the city shall work collaboratively with the employer to identify modifications to the CTR program and shall direct the employer to revise its program within thirty days to incorporate the modifications. If a revised program is not accepted, the city will send written notice to that effect to the employer within thirty days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the city within ten working days of the conference.

C. Violations. The following constitute violations if the deadlines established in this chapter are not met:

1. Failure to perform a baseline measurement within ninety days of written notification from the city that an employer qualifies as a major employer, including:

a. Employers notified or that have identified themselves to the city within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data collection consistent with the requirements specified by the city within ninety days from the notification or self-identification;

b. Employers not identified or self-identified within ninety days of the ordinance codified in this chapter being adopted and that do not perform baseline data collection consistent with the requirements specified by the city within ninety days from the adoption of the ordinance codified by this chapter;

c. A new major employer that does not perform baseline data collection consistent with the requirements specified by the city within ninety days of identification as a major employer;

2. Failure to develop and/or submit on time a complete CTR program;

3. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed the goals and targets as specified in this chapter;

4. Submission of false or fraudulent data in response to survey and data collection requirements;

5. Failure to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter; or

6. Failure to revise a CTR program as defined in RCW 70.94.534(4) and this chapter.

D. Penalties.

1. No major employer or voluntary worksite with an approved CTR program that has made a good faith effort may be held liable for failure to reach the applicable goals and targets;

2. A major employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:

a. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

b. Advise the union of the existence of the statute and the mandates of the CTR program approved by the city and advise the union that the proposal being made is necessary for compliance with state law (RCW 70.94.531);

3. Compliance with the requirements of this code is mandatory. The penalties and remedies for civil infractions established in MMC 1.04.050 and Chapter 7.80 RCW shall apply to any violation of this code. The enforcement actions authorized under this code shall be supplemental to such penalties and remedies.

22.88.120 Exemptions and Goal Modifications.

A. Work Site Exemptions. A major employer may request the city to grant an exemption from all CTR program requirements or penalties for a particular work site. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if and only if the major employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures of the approved CTR plan. Exemptions may be granted by the city at any time based on written notice provided by the major employer. The notice should clearly explain the conditions for which the major employer is seeking an exemption from the requirements of the CTR program. The city shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

B. Employee Exemptions. Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a work site's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The city will use the criteria identified in the CTR Board Guidelines to assess the validity of employee exemption requests. The city shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

C. Modification of CTR Program Goals and Targets.

1. A major employer may request that the city modify its CTR program goals and/or targets. Such requests shall be filed in writing at least sixty days prior to the date the work site is required to submit its program description or annual report. The modification request must clearly explain why the work site is unable to achieve each applicable goal and/or target. The work site must also demonstrate that it has implemented all of the elements contained in its approved CTR program.
2. The city will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Guidelines.
3. An employer may not request a modification of the applicable goals and/or targets until one year after city approval of its initial program description or annual report.

22.88.130 Appeals.

Administrative interpretations and administrative approvals may be appealed, by a major employer, to the hearing examiner in accordance with MMC 22.84.080. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the administrative decision. The decision on the appeal shall constitute a final decision appealable to the city council.

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CHAPTER 22.90
TEMPORARY ENCAMPMENTS

Sections:

22.90.010 Regulations Established.
22.90.020 Standards for Homeless Encampments.
22.90.030 Frequency and Duration of Temporary Use.
22.90.040 Application and Review Process.
22.90.050 No Intent to Create Protected/Benefited Class.

22.90.010 Regulations Established.

Regulations concerning the establishment and processing of applications for temporary homeless encampments in the city are hereby established. Establishing such facilities contrary to the provisions of this chapter is prohibited. Temporary use permits pursuant to Chapter 22.60 MMC, Temporary Uses, shall be required for homeless encampments in the city. With the exception of temporary tent encampment permits for homeless encampment facilities that are in full compliance with this chapter, applications for temporary tent encampment permits, land use approvals, or any other permit or approval, in any way associated with such facilities shall not be accepted, processed, issued, granted, or approved. If a homeless encampment is established in violation of this chapter or if after temporary tent encampment permit is issued for the same, the zoning administrator determines that the permit holder has violated this chapter or any condition of the permit, the temporary tent encampment, its sponsor and managing agency shall be subject to code enforcement under MMC Chapter 1.04 MMC. All activities associated with the temporary encampment shall cease, and the site shall be vacated and restored to its pre-encampment conditions.

22.90.020 Standards for Homeless Encampments.

The following standards shall apply to all temporary encampments within the City of Monroe for the purposes of application and approval of a temporary use permit:

A. The encampment shall be located a minimum of twenty feet from the property line of abutting properties containing commercial, industrial, office, and multifamily residential uses. The encampment shall be located a minimum of forty feet from the property line of abutting properties containing single-family residential uses.

B. No encampment shall be located within a critical area or its buffer as defined by MMC Chapter 22.80, Critical Areas.

C. A six-foot tall sight-obscuring fencing is required around the perimeter of the encampment, provided they do not create a sight obstruction at the street or street intersections or curbs as determined by the city engineer, unless the hearing examiner determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.

D. Exterior lighting must be directed downward and contained within the temporary tent encampment.

E. The maximum number of residents at a temporary tent encampment site shall be determined by the hearing examiner taking into consideration site conditions, but in no case shall the number be greater than one hundred people.

F. On-site parking of the sponsor shall not be displaced unless sufficient parking remains available for the host's use to compensate for the loss of on-site parking or a shared parking agreement is executed with adjacent properties pursuant to the criteria of MMC Chapter 22.44, Parking Standards and Design.

G. A transportation plan is required which shall include provision for transit services.

H. No children under eighteen are allowed to stay overnight in the temporary tent encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen attempts to stay at the encampment, the sponsor and the managing agency shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child and any accompanying parent or guardian.

I. The sponsor or managing agency shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary tent encampment resident, but also mitigates impacts to neighbors and the community. Said code shall be incorporated into the conditions of approval.

J. The sponsor and the managing agency shall ensure compliance with Washington State laws and regulations, the Monroe Municipal Code, Fire District 3, and Snohomish Health District concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire resistant materials. The sponsor and the managing agency shall permit inspections by state and/or local agencies and/or departments to ensure the same, and implement all directives resulting therefrom within the specified time period.

K. The sponsor and managing agency shall assure all applicable public health regulations, including but not limited to the following, will be met:

1. Sanitary portable toilets, which shall be set back at least forty feet from all property lines;
2. Hand washing stations by the toilets and food preparation areas;
3. Food preparation or service tents; and
4. Refuse receptacles.

L. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and encampment residences involved in food donations and storage shall be made aware of these guidelines consistent with the Snohomish Health District requirements.

M. The sponsor and the managing agency shall appoint a member to serve as a point of contact for the Monroe police department. At least one appointed resident shall be on duty at all times. The names of the on-duty members shall be posted daily.

N. Facilities for dealing with trash shall be provided on-site throughout the encampment. A regular trash patrol in the immediate vicinity of the temporary tent encampment site shall be provided.

O. The sponsor and the managing agency shall take all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and use the identification to obtain sex offender and warrant checks from appropriate agencies. The sponsor and the managing agency shall keep a log of names and dates of all people who stay overnight in the temporary tent encampment.

P. The sponsor and the managing agency shall immediately contact the Monroe police department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.

Q. Temporary structures that cover an area in excess of one hundred twenty square feet (11.16 square meters), including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of ten or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official pursuant to Section 3103 of the International Building Code as adopted by the city of Monroe.

R. The sponsor, the managing agency and temporary tent encampment residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.

S. Where deemed necessary by the hearing examiner, the sponsor and/or the managing agency shall procure and maintain in full force, through the duration of the temporary tent encampment, comprehensive general liability insurance with a minimum coverage of one million dollars per occurrence/aggregate for personal injury and property damage.

T. Where deemed necessary, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for a temporary tent encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

U. The sponsor and/or managing agency shall provide before-encampment photos of the host site with the application. Upon vacation of the temporary tent encampment, all temporary structures and debris shall be removed from the host site within one calendar week.

22.90.030 Frequency and Duration of Temporary Use.

The city may not grant a permit for a temporary tent encampment at the same location more frequently than once in every three-hundred-sixty-five-day period. Temporary tent encampments may be approved for a period not to exceed ninety days for every three-hundred-sixty-five-day period. The said permit shall specify a date by which the use shall be terminated and the site vacated and restored to its pre-encampment condition.

22.90.040 Application and Review Process.

A. Notice Requirements for Temporary Tent Encampments. The completed application, which shall be signed by both the sponsor and the managing agency ("applicant"), shall contain at a minimum contact information for the applicant, and detailed information regarding the following: (1) how the applicant will meet the requirements of the permit for a temporary tent encampment as set forth in this chapter; (2) potential adverse effects that the proposed encampment will likely have on neighboring properties and community; (3) measures to mitigate these adverse effects; (4) the written code of conduct adopted by the applicant for the temporary tent encampment; (5) provisions by applicant to meet requirements of the International Fire Code; and (6) certification that the applicant has taken all reasonable and legal steps to obtain verifiable identification from current and prospective encampment residents and used the identification to obtain sex offender and warrant checks from appropriate agencies. The form of the notice and the application shall be provided by the community development department upon request by the sponsor and/or the managing agency.

A notice of application and copy of the application for a temporary tent encampment shall be provided at least fifteen days prior to the decision regarding the issuance of the permit. The purpose of the notice is to inform the surrounding community of the application. The notice shall contain, at a minimum, the date of application, project location, proposed duration and operation of the temporary encampment, number of residents for the encampment, conditions that will likely be placed on the operation of the encampment, and requirements of the written code of conduct. The applicant shall distribute said notice as follows:

1. A copy of the notice and application, or summary thereof, will be published in the official newspaper of the city.
2. A copy of the notice and application, or summary thereof, shall be (a) posted at two publicly visible locations on the site upon which the proposed temporary encampment will be located, and (b) mailed to owners of all property within five hundred feet of any boundary of the subject property, and any neighborhood organization in the vicinity of the encampment site whose contact information is known to or made known to the managing agency.

B. Review Process, Notice of Decision Regarding Issuance of Permit, and Appeal Procedure. After review of the application for a temporary encampment and an open record hearing pursuant to MMC Chapter 22.84, Permit Processing, the hearing examiner shall make a decision regarding the issuance of a temporary tent encampment permit. Before any temporary tent encampment permit may be granted, it shall be shown that:

1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed encampment;
2. The proposed use shall meet the performance standards that are required in the zoning district the encampment will occupy and the requirements of this chapter;
3. The proposed use shall be in keeping with the goals and policies of the comprehensive plan;
4. All measures have been taken to minimize the possible adverse impacts, which the proposed encampment may have on the area in which it is located.

Because each temporary tent encampment has unique characteristics, including, but not limited to, size, duration, uses, number of occupants and composition, the hearing examiner shall have the authority to impose conditions to the issuance of the permit for temporary encampment to mitigate effects on the community upon finding that said effects are materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Conditions, if imposed, must relate to findings by the hearing examiner, and must be calculated to minimize nuisance-generating features in matters of noise, waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the temporary tent encampment may have on the area in which it is located. In cases where the

application for temporary tent encampment does not meet the requirements or standards of this chapter or adequate mitigation may not be feasible or possible, the hearing examiner shall deny issuance of a temporary tent encampment permit.

If issued, the permit for the temporary tent encampment shall be issued jointly to the sponsor and managing agency. A notice of such decision stating whether the permit is granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision.

The hearing examiner's decision will be the city's final decision. Any appeal of the city's final decision may only be made to Snohomish County Superior Court in accordance with MMC 22.84.080 and Chapter 36.70C RCW. The burden of proof on appeal shall be on appellant.

C. Additional Requirements for Applications Requesting Modification of Standards for Temporary Encampments. For a temporary tent encampment, the applicant may apply for a temporary use permit that applies standards that differ from those in MMC 22.90.020 only where, in addition to satisfying the requirements in subsection (A) of this section, the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe encampment with minimal negative impacts to the host community under the specific circumstances of the application. In considering whether the modification should be granted, the decision authority shall first consider the effects on the health and safety of encampment residents and the neighboring communities. Modifications should not be granted if their adverse impact on encampment residents and/or neighboring communities will be greater than those without modification. The burden of proof shall be on applicant.

22.90.050 No Intent to Create Protected/Benefited Class.

Provisions in this chapter are intended to promote the health, safety and welfare of the general public. Nothing contained herein is intended to be nor shall be construed to create or otherwise establish any particular class or group of persons who will or should be especially protected or benefited by the provisions in this chapter. The provisions in this chapter are not intended to be, nor shall be, construed to create any basis for liability on the part of the city, its officers, employees or agents for any injury or damage that an individual, class or group may claim arises from any action or inaction on the part of the city. Likewise, they are not intended to, nor shall be construed to, impose upon the city any duty that can become the basis of a legal action for injury or damage.

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CITY OF MONROE

UNIFIED DEVELOPMENT REGULATIONS ZONING MAP

Zoning Districts

Residential Use
- Single-Family Residential - 4 Units per Acre (R4)
- Single-Family Residential - 7 Units per Acre (R7)
- Single-Family Residential - 15 Units per Acre (R15)
- Multifamily Residential (R25)

Mixed Use
- Mixed Use - Neighborhood (MN)
- Mixed Use - Medical (MM)
- Mixed Use - General (MG)

Commercial Use
- Tourist Commercial (TC)
- Downtown Commercial (DC)
- General Commercial (GC)
- Industrial Transition (IT)

Public Facility Use
- Institutional (IN)
- Transportation (TR)

Open Space Use
- Limited Open Space (LS)
- Parks (P)

Industrial Use
- Shoreline Industrial (SI)
- Light Industrial (LI)
- General Industrial (GI)

Zoning Overlay Districts
- Airport Compatibility Overlay
- Fryelands Commercial Overlay (FC-O)
- North Kelsey/Tjerne Place Overlay (NK/TP-O)

Boundaries
- Monroe City Limits
- Urban Growth Area

1,500 750 0 1,500 Feet

N W E S

Map data shown is the property of the City of Monroe and Snohomish County. Inaccuracies may exist and the City of Monroe and Snohomish County imply no warranties or guaranties 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).

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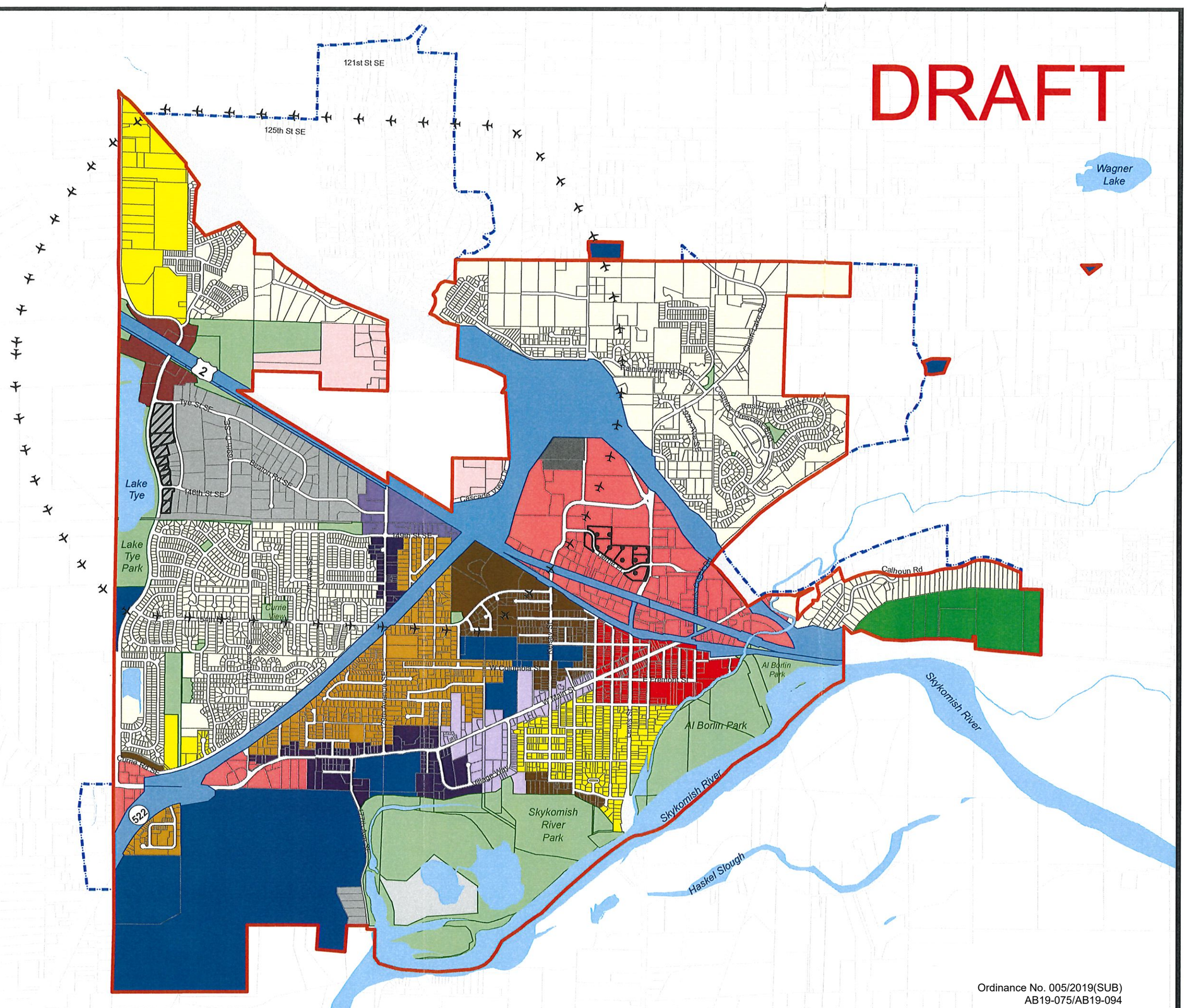

Ordinance No. 005/2019(SUB)
AB19-075/AB19-094