

CITY OF MONROE
ORDINANCE NO. 019/2022

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON,
AMENDING CHAPTER 14.01 MMC FLOOD HAZARD AREA
REGULATIONS; UPDATING THE CITY'S FLOODPLAIN
REGULATIONS IN ORDER TO INCORPORATE THE NEW
COMMUNITY RATING SYSTEM (CRS) CLASS 8 PREREQUISITE;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE

WHEREAS, the City of Monroe is a participant in the National Flood Insurance Program (NFIP); and

WHEREAS, as a participant in the NFIP, the City is required to enact certain regulations as outlined in 44 CFR 60.3 and WAC 173-158; and

WHEREAS, the City adopted both the Flood Insurance Rate Maps (FIRMs), Flood Insurance Study (FIS), and updated the flood damage prevention ordinance on June 9, 2020, and is in good standing with the NFIP; and

WHEREAS, communities that adopt higher standards under the Community Rating System (CRS) are also able to benefit from reduced flood insurance premiums; and

WHEREAS, the City of Monroe has been a participant of the CRS program since 1991, and has a Class 5 rating which entitles residents in Special Flood Hazard Areas (SFHAs) to a 25 percent discount on their flood insurance premiums and those outside the SFHAs are entitled to a 5 percent discount; and

WHEREAS, the City's floodplain ordinance does not meet the new CRS Class 8 Prerequisite found in the 2021 Addendum to the 2017 CRS Coordinator's Manual; and

WHEREAS, when a city does not meet the prerequisite, they can still participate in CRS, but can only receive a 5% flood insurance premium discount rather than the current 25% discount the City of Monroe has been receiving; and

WHEREAS, the City of Monroe is proposing text amendments to Monroe Municipal Code (MMC) Chapter 14.01, Flood Hazard Area Regulations, to incorporate the new Community Rating System (CRS) Class 8 Prerequisite; and

WHEREAS, the proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on April 8, 2022. Expedited review (14 days rather than 60 days) was requested and approved; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, by issuing a Determination of Non-Significance (DNS) on April 11, 2022; the appeal period ended on April 25, 2022, and no appeals were filed; and

WHEREAS, the Planning Commission held a public hearing on May 23, 2022, to consider the proposed amendments to Flood Hazard Area Regulations, and recommended adoption of the proposed amendments contained therein; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the amendments as provided in this ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendment of MMC Section 14.01.130. Subsections (A)(2)(c) and (B)(3)(b) of Monroe Municipal Code Section 14.01.130 are hereby amended to provide in their respective entirety as follows:

14.01.130 General standards.

A. In all areas of special flood hazards, the following provisions are required:

2. Construction Materials and Methods.

....
c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated **one foot or more above the base flood elevation.** ~~or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

....
B. In all areas of special flood hazards where base flood elevation data has been provided as set forth in MMC [14.01.050](#) or [14.01.120\(B\)](#), the following provisions are required:

....
3. Manufactured Homes.

....
b. All manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection [\(B\)\(3\)\(a\)](#) of this section must be elevated so that ~~either:~~

- i. the lowest floor of the manufactured home and associated mechanical equipment is elevated one foot or more above the base flood elevation; ~~or~~
- ii. ~~The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

Section 2. Findings. The above recitals and the content of Agenda Bill Nos. 22-371 and 22-399 are hereby adopted as legislative findings in support of the amendments set forth in this ordinance. The City Council further adopts by reference the findings contained in the Planning Commission's June 13, 2022, recommendation, in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. Copy to Commerce, Ecology, and FEMA. Pursuant to RCW 36.70A.106, RCW 86.16.041, and WAC 173-158-084, respectively a true and correct copy of this ordinance shall be transmitted to the Department of Commerce, Growth Management Services Division, within ten days after adoption; to the Department of Ecology; and to the Federal Emergency Management Agency.

Section 4. 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 5. Effective Date. This ordinance shall be published as required by law, and shall take effect thirty (30) days from filing with the Department of Ecology unless disapproved thereby in writing pursuant to RCW 86.16.041 and WAC 173-158-084.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 12th day of July, 2022.

First Reading: June 28, 2022
 Adoption: July 12, 2022
 Published: July 15, 2022
 Effective: August 14, 2022

CITY OF MONROE, WASHINGTON:



 Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:



 Jodi Wycoff, City Clerk



 J. Zachary Lell, City Attorney



**CITY OF MONROE PLANNING COMMISSION
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Planning Commission Recommendation**

A. GENERAL APPLICATION INFORMATION

File Number(s):	CA2022-02(associated with SEPA2022-03)
Project Summary:	Proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, to incorporate the New Community Rating System (CRS) Class 8 Prerequisite.
Applicant:	City of Monroe
Location:	City-wide properties located in the special flood hazard areas. 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 and Location:	Monday, May 23, 2022, at 7:00 PM via Zoom Virtual Meeting Platform
Staff Contact:	Anita Marrero, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4513 amarrero@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The City of Monroe is proposing text amendments to Chapter 14.01 of the Monroe Municipal Code (MMC), Flood Hazard Area Regulations, to incorporate the New Community Rating System (CRS) Class 8 Prerequisite which is administered by the Federal Emergency Management Agency (FEMA). The Class 8 Prerequisite states, "The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery or equipment) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage throughout its SFHA where base flood elevations have been determined on its currently effective FIRM or in its Flood Insurance Study (FIS), except those areas that receive open space credit under Activity 420 (Open Space Preservation)." The City is required to amend the code to incorporate the class 8 prerequisite in order for residents to continue to receive a 25% discount on flood insurance premiums. This is a nonproject action.

C. REVIEW PROCESS

1. Overview

MMC Table 22.84.060(B)(1): Project Permit Types, designates code amendments as Type IV project permits. Type IV permits require that the Planning Commission review the proposal and make a recommendation to the final decision authority, which is the City Council. The City is

proposing amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). Therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing in front of the Planning Commission was held on May 23, 2022.

Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. According to MMC 22.84.030(D)(2), the Planning Commission shall make a written recommendation to the City Council regarding Type IV actions at the close of their final public hearing or at their next scheduled meeting. The written recommendation to the City Council shall be one of the following:

- a. Recommendation for additional time and/or resources on the application;
- b. Recommendation of approval of the legislative action;
- c. Recommendation of approval of the legislative action with modifications; or
- d. Recommendation of denial of the legislative action.

No earlier than July 12, 2022, the City Council will hold a first reading to consider the Commission's recommendation. Per MMC Table 22.84.060(B)(2), Decision-Making and Appeal Authorities, the City Council is the City's final decision authority on the proposed code amendments. The decision may be appealed subject to the judicial appeal provisions in MMC 22.84.080(D), Judicial Appeals.

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 April 8, 2022. Expedited review (14 days rather than 60 days) was requested and approved on April 25, 2022.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 22.84.050(C) by posting the notice at City Hall and the Monroe Library and publishing the notice in the Everett Daily Herald on May 12, 2022.

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 April 11, 2022. The public comment and appeal periods for the DNS ended at 5:00 PM on April 25, 2022. No comments or appeals were received.

4. Public Hearing

The public hearing on this matter was held in front of the Planning Commission on May 23, 2022 at 7:00 PM via Zoom Virtual Meeting Platform. No written comments were received prior to the public hearing.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to MMC 22.72.040(E), Decision Criteria, an amendment to the unified development regulations shall not be granted unless the applicant demonstrates that all of the following criteria are met:

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan;
2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title;
3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district;

4. The proposed amendment advances the public interest of the community;
5. The amendment does not adversely affect public health, safety, or welfare; and
6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.
7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:
 - a. The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;
 - b. The amendment is compatible with the uses and zoning of the adjacent properties;
 - c. The proposed reclassification does not constitute a "spot" zone;
 - d. Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
 - e. The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and
 - f. The proposed reclassification is an extension of an existing zone, or a logical transition between zones.

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

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan.

- a. **Findings of Fact:** The adopted 2015 – 2035 Monroe Comprehensive Plan contains applicable goals and policies, as shown below.

Policy/Action Item Number	Policy/Action Item Text
P.010	Manage land use development to reduce downstream urban flooding.
P.011	Require special site plan review of proposed development in geological and flood hazard areas. Evaluate alternative development options where determined necessary.
P.021	Participate in the National Flood Insurance Program Community Rating System.
P.042	Consider flood control strategies that preserve full function and do not negatively impact adjacent properties when evaluating development proposals.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed amendment is consistent with policies and provisions of the Monroe comprehensive plan.

2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.

- a. **Findings of Fact:** The proposed amendments would modify the flood hazard area regulations to meet the new CRS Class 8 Prerequisite found in the 2021 Addendum to the 2017 CRS Coordinator's Manual. Section 1612.4 of the 2018 International Building Code (IBC) and Section 1612.2 of the 2018 International Building Code incorporate the design and construction standards of ASCE 24 published by the American Society of Civil Engineers. ASCE 24-14 tables 1-1, 2-1, 4-1, and 6-1 contain specific building elevation requirements which exceed minimum NFIP standards.
- b. **Conclusions of Law:** The Planning Commission concludes the amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.

3. ***The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district.***
 - a. **Findings of Fact:** The proposal is not site-specific. This criterion does not apply.
 - b. **Conclusions of Law:** The proposal is not site-specific. This criterion does not apply.

4. ***The proposed amendment advances the public interest of the community.***
 - a. **Findings of Fact:** The proposed amendments would advance the public interest of the community by continuing to entitle residents in Special Flood Hazard Areas (SFHAs) to a 25 percent discount on their flood insurance premiums and those outside the SFHAs are entitled to a 5 percent discount.
 - b. **Conclusions of Law:** The Planning Commission concludes the proposed amendment advances the public interest of the community.

5. ***The amendment does not adversely affect public health, safety, or welfare.***
 - a. **Findings of Fact:** The proposed amendments incorporate required changes as mandated by CRS. The implementation of the NFIP and CRS is of paramount importance to ensure that the safety and welfare of the residents of Monroe and their properties are protected. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by participating in and maintaining eligibility for flood insurance and disaster relief.
 - b. **Conclusions of Law:** The Planning Commission concludes the amendment does not adversely affect public health, safety, or welfare.

6. ***The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.***
 - a. **Findings of Fact:** The proposal to amend MMC 14.01 is warranted because of changed circumstances. The City's floodplain ordinance does not meet the new CRS Class 8 prerequisite found in the 2021 Addendum to the 2017 CRS Coordinator's Manual. When a city does not meet the prerequisite, they can still participate in CRS, but can only receive a 5% flood insurance premium discount rather than the current 25% discount the City has been receiving. This code amendment is needed so that residents located in the Special Flood Hazard Areas can still receive the 25% discount.
 - b. **Conclusions of Law:** The Planning Commission concludes the amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.

7. ***In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:***
 - a. *The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;*
 - b. *The amendment is compatible with the uses and zoning of the adjacent properties;*
 - c. *The proposed reclassification does not constitute a "spot" zone;*
 - d. *Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;*
 - e. *The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and*
 - f. *The proposed reclassification is an extension of an existing zone, or a logical transition between zones.*
 - i. **Findings of Fact:** The proposal does not include an amendment to the official zoning

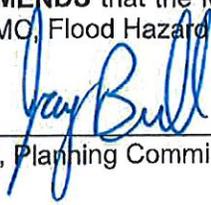
map. This criterion does not apply.

- ii. **Conclusions of Law:** The proposal does not include an amendment to the official zoning map. This criterion does not apply.

E. PLANNING COMMISSION RECOMMENDATION

Based on the analysis and findings included herein, the Planning Commission recommends the following:

The Planning Commission **ADOPTS** the Findings of Fact and Conclusions of Law, **AUTHORIZES** the Planning Commission Chair to sign the Findings on behalf of the Commission, and **RECOMMENDS** that the Monroe City Council **APPROVE** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.



Jay Bull, Planning Commission Chair



Date

ORD 019-2022 Flood Hazard Area Regulations - FINAL

Final Audit Report

2022-07-13

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