

## MONROE PLANNING COMMISSION

### Agenda Item Cover Sheet

<b>TITLE:</b>	<b><i>Public Hearing - East Monroe Comprehensive Plan Map Amendment and Zoning Map Amendment (Rezone)</i></b>
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DATE:	CONTACT:	PRESENTER:	ITEM:
10/19/2015	David Osaki/Melissa Place	Dave Osaki	Public Hearing (Deliberation)

**Discussion** 09/21/2015

**Public Hearing** October 19, 2015 (for the purposes of deliberation).  
October 12, 2015.

**Attachments** 1. Written Comments received at the October 12, 2015 public hearing

The following are referenced in the October 12, 2015 Public Hearing Packet and are not being reproduced as part of this packet. Please bring the October 12, 2015 Packet.

- Vicinity Map - East Monroe Comprehensive Plan Amendment and Rezone
- Existing Comprehensive Plan Designation (East Monroe)
- Proposed Comprehensive Plan Designation (East Monroe)
- Existing Zoning (East Monroe)
- Proposed Zoning (East Monroe)
- East Monroe Comprehensive Plan Amendment and Rezone - Final Environmental Impact Statement (FEIS). September 2013. *On-line at the City of Monroe website.*  
<http://www.monroewa.gov/index.aspx?NID=419>
- December 9, 2013 Planning Commission Findings – East Monroe Comprehensive Plan Amendment
- East Monroe Comprehensive Plan Amendment and Rezone - Draft Supplemental Environmental Impact Statement (DSEIS). Issued August 28, 2015. (Previously provided to the Planning Commission and also on-line at the City of Monroe website.)  
<http://www.monroewa.gov/index.aspx?NID=419>
- September 23, 2015 DSEIS Public Hearing Draft transcript;
- DSEIS Comment Letter Index with letters
- Public Noticing / Affidavits

## **DESCRIPTION / GENERAL HISTORY BACKGROUND**

On October 12, 2015 the Planning Commission held a public hearing on the East Monroe Comprehensive Plan amendment and zoning map amendment. Public testimony was accepted. Following the testimony, the Planning Commission closed the public testimony portion of the public hearing and continued the deliberation portion of the public hearing to October 19, 2015.

In continuing the public hearing, the Planning Commission requested that answers to several questions be provided. Those responses will be presented at the October 19, 2015 continued public hearing.

Written comments received at the October 12, 2015 public hearing are provided as Attachment 1 to this Agenda Cover Sheet.

## **ADDITIONAL BACKGROUND**

The City of Monroe is currently processing an application for a comprehensive plan map amendment and rezone for approximately 43 acres of property ("Subject Property") consisting of five contiguous parcels located within the City of Monroe's adopted Urban Growth Area (UGA) along the north side of US 2 near the eastern city limits. The Subject Property is within Sections 5 and 6, Township 27N, Range 07E, W.M.

### **Snohomish County Assessor Tax Parcel Numbers**

270706-001-025-00, 270705-002-061-00, 270705-002-062-00, 270705-002-063-00 and 270705-002-064-00.

### **Applicant**

Heritage Baptist Church

### **Requests**

- A. Comprehensive Plan Map Amendment from "Limited Open Space" to "General Commercial"; and,
- B. Zoning Map Amendment (Rezone) from Limited Open Space (LOS) to General Commercial (GC).

### **Background - Land Use Process**

The Planning Commission's October 12, 2015 public hearing on the proposed Comprehensive Plan Map amendment and concurrent zoning map amendment ("rezone") follows an extensive history on the proposal. Most recently, this includes the following (*Land use history preceding the following chronology may be found on Page 3 of the September 27, 2013 Final Environmental Impact Statement (FEIS)*)

- On September 27, 2013, a Final Environmental Impact Statement (FEIS) on the proposed Comprehensive Plan Amendment and rezone was issued. The FEIS analyzed potential environmental impacts at a non-project level on elements of the built

and natural environment and identified mitigation measures associated with the proposed East Monroe Comprehensive Plan Amendment and Rezone.

- November 2013 /December 2013 - The Monroe Planning Commission held a public hearing on the proposed comprehensive plan amendment and rezone (along with other comprehensive plan amendments that were part of the 2013 comprehensive plan amendment docket) and made a recommendation to the City Council.

The Planning Commission recommended approval. The Planning Commission recommendation was accompanied by findings.

- December 26, 2013 -The Monroe City Council passed Ordinance No. 22/2013 and Ordinance No. 24/2013. Ordinance No. 22/2013 amended the City of Monroe Comprehensive Plan Map from “Limited Open Space” to “General Commercial” for the Subject Property. Ordinance No 24/2013 rezoned the Subject Property from Limited Open Space (LOS) to General Commercial (GC).
- In February 2014, the City Council action on Ordinance No. 22/2013 and Ordinance No. 24/2013 was appealed to the Growth Management Hearings Board (GMHB). In August 2014 (corrected order dated September 19, 2014) the GMHB decision was to invalidate Ordinance No. 022/2013 (Section 3) and Ordinance No. 024/2013. (See *Appendix A in the Draft Supplemental Environmental Impact Statement (DSEIS) for Growth Management Hearings Board (GMHB) decision*).

The GMHB found that the City’s SEPA review failed to comply with RCW 43.21C.030(c) and that the ordinances substantially interfere with GMA Planning Goal 10. GMA Planning Goal 10 (RCW 36.70A.020) states,

“(10) Environment. Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.”

The two ordinances (Ordinance No. 24/2013 and Ordinance No. 22/2013) were remanded back to the City with a compliance due date of February 23, 2015. The GHMB compliance due date was subsequently extended to August 21, 2015, and then again to December 1, 2015.

- On August 28, 2015, the City of Monroe issued a Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed East Monroe Comprehensive Plan amendment and concurrent rezone prepared by PACE Engineers. A thirty-day written public comment period was provided. In response to a request for additional time, the public comment period was extended to Friday, October 9, 2015, 12:00 pm.
- On September 23, 2015, City staff held a public hearing for the Draft Supplemental Environmental Impact Statement (DSEIS).The purpose of the public hearing was to give the public an opportunity to provide verbal comments on the DSEIS.

### **ADDITIONAL BACKGROUND**

1. The application for consideration includes a comprehensive plan map amendment and a zoning map amendment (rezone) on approximately 43 acres of property (“Subject Property”) consisting of five contiguous parcels (Snohomish County Assessor Tax Parcel Numbers 270706-001-025-00, 270705-002-061-00, 270705-002-062-00, 270705-002-063-00, and 270705-002-064-00) located north of US 2 near the east Monroe City limits.

The Subject Property is approximately one-quarter mile west of the Urban Growth Area (UGA) boundary line and is entirely within the UGA established for Snohomish County and the City of Monroe. The parcels front Washington State Department of Transportation (WSDOT) right-of-way. Several of the parcels were created as part of short plat filed under Snohomish County Auditor's File Number (AFN) 200405035216.

2. The application includes:

- Comprehensive Plan Map Amendment from "Limited Open Space" to "General Commercial"; and,
- Zoning Map Amendment ("Rezone") from Limited Open Space (LOS) to General Commercial (GC).

At this time, a specific development proposal for the Subject Property has not been made.

3. The City of Monroe Municipal Code (Monroe Municipal Code Title 18, Zoning) identifies the purpose of Limited Open Space (LOS) zoning district (MMC 18.10.045) and of the General Commercial (GC) zoning district (MMC 18.10.030A) as follows,

**"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."

**"18.10.030 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. ...

C. ..."

4. The City of Monroe Comprehensive Plan Land Use Policy 1 (LUP-1.1) describes various future land use designations. The "Limited-Open Space, One Dwelling Unit Per Five Acres" and "General Commercial" land use designations are described as follows,

**Land Use**

**"Policies**

*LUP-1.1* - Future land use designations, illustrated on the Comprehensive Plan Land Use Map and/or adopted in this plan, shall establish the future distribution, extent, and location of generalized land uses within the Urban Growth Area (UGA). The designations are defined as follows:

1. *Limited-Open Space, One Dwelling Unit Per Five Acres.* This designation shall provide for residential uses at a maximum density of one dwelling unit per five acres. This designation, with support of the landowner, is appropriate for land that:

- a. Lacks the availability of public services and facilities necessary to support urban development; or
  - b. Is so severely impacted by critical areas, including frequently flooded areas, steep slopes, or wetlands, that development requires significant mitigation; and
- In addition to meeting either a or b above, may also provide:
- i. Buffers between development or urban separators between transitional land uses on the urban growth boundaries of the city, and/or
  - ii. Provides for enhanced recreational facilities and linkages to existing trails or open space systems.

...

9. *General Commercial (GC).* This designation comprises more intensive retail and service uses than described under Service Commercial above. General Commercial uses typically require outdoor display and/or storage of merchandise, greater parking requirements, and tend to generate noise as a part of their operations. Such uses include but are not limited to shopping centers, large retailers, grocery stores, retail sales, food and drink establishments, auto, boat and recreational vehicle sales, automobile repair, and equipment rental, and other related uses.”

5. The comprehensive plan designation, zoning and land use of surrounding properties are:

Direction	Comprehensive Plan	Zoning	Land Use
North	(R3-5) dwellings per acre	UR 9,600	Single Family Dwellings
East	Limited Open Space	Limited Open Space	Single Family Dwelling
South	County	County	Highway (US 2), BNSF Railroad , Skykomish River
West	(R3-5) dwellings per acre	UR 9,600	Single Family Dwellings

- 6. The Subject Property was annexed into the City of Monroe 43 years ago in 1970. The Subject Property is currently undeveloped and has remained vacant for a number of years. It has not been used for productive agricultural pursuits since being purchased by the current property owners, although long-time city residents recall some grazing and hay production in the past.
- 7. The Subject Property is not currently served by public water and sewer service, although the area is included in the water and sewer service areas of the City of Monroe. Access is currently provided by a pullout driveway from US 2.
- 8. On August 28, 2015, the City of Monroe issued a Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed East Monroe Comprehensive Plan amendment and concurrent rezone.
- 9. The DSEIS responds to an August 2014 (corrected order dated September 19, 2014)

Growth Management Hearings Board decision and supplements the September 27, 2013 Final EIS issued for the proposed non-project action.

10. The 43 acre Subject Property is presently undeveloped and vacant. The Subject Property's physical character is derived from its location between a steep hillside to the north and SR-2 to the south. Just south of the US Highway 2 are the Burlington Northern/ Santa Fe Railroad (BNSF) tracks and the Skykomish River.
11. The Subject Property is relatively flat to slightly rolling and is buttressed by steeply rising topography to the north and to the west. Most of the slope is located north of and outside of the property boundaries. The slope is mostly characterized by thickly vegetated deciduous trees and shrubs (and occasional evergreen trees). The toe of the slope and small portions of the steep hillslope are located along the northern edge of the proposed plan amendment /rezone property.
12. The Subject Property is currently dominated by herbaceous plants, pasture grasses and invasive species. Dense established Himalayan blackberry and reed canary grass stands are located within and along the edges of the Type 1 oxbow stream/slough channel that moves through the site. The oxbow stream/slough starts near the southeast corner of the site, turns west just south of the northern project boundary, and at one point flows through a 24-inch culvert.
13. Three wetlands exist on-site (identified as Wetlands A, B, and C). Wetland A is a category II wetland. Wetland B and Wetland C are classified as Category III wetlands.
14. A native growth protection area (NPGA) exists on a portion of the property. The native growth protection area was established as part of a boundary line adjustment and short plat (see September 27, 2013 FEIS, Appendix H, "Boundary Line Adjustment and Short Plat").

Both the BLA and Short Plat have a note which states,

"All areas identified as Native Growth Protection Areas (NPGA) shall remain undisturbed in perpetuity. No filling, grading or construction are permitted within these areas without the prior written approval of the City of Monroe Community Development Department."

15. A portion of the Subject Property lies within City of Monroe Shoreline jurisdiction. That portion of the Shoreline on the property is designated "Urban Conservancy". The City of Monroe Shoreline Master Program designation describes the purpose of the "Urban Conservancy" designation as:

**"4. "Urban Conservancy" Environment  
Purpose**

The purpose of the "Urban Conservancy" environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses."

16. The September 27, 2013 Final Environmental Impact Statement (FEIS) and August 28, 2015 DSEIS identify that approximately 11 of the Subject Property's 43 acres are not encumbered by critical areas, buffers, or native growth protection area.

17. The comprehensive plan amendment and zoning map amendment proposal was sent to the Washington State Department of Commerce on August 26, 2015 in accordance with the 60-day state agency review process in accordance with RCW 36.70A.106.
18. On July 17, 2012, the Monroe City Council passed and approved Resolution 2012/020 – adopting Comprehensive Plan Amendment Procedures. Included among those procedures are review criteria the Planning Commission shall use in considering whether to not to recommend approval or approval with modification of the proposed comprehensive plan amendment.
19. As provided for in Resolution No. 2012/020, each plan amendment shall meet the following criteria to be recommended for approval:
  - i. Shall not adversely affect public health, safety, or welfare in any significant way.
  - ii. Shall be consistent with the overall goals and intent of the Comprehensive Plan, as amended by the proposals
  - iii. Shall be in compliance with the Growth Management Act and other State and Federal laws.
  - iv. Must be weighed in light of cumulative effects of other amendments being considered.
20. Resolution No. 20/2012 also states that in addition to the mandatory review criteria above (in Finding #13), any proposed amendment must meet the following additional criteria unless compelling reasons justifies its adoption without them.
  - i. 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.
  - ii. Environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts.
  - iii. Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations..
  - iv. Is compatible with neighboring land uses and surrounding neighborhoods, if applicable.
  - v. Is consistent with other plan elements and the overall intent of the comprehensive plan.”
21. In making its recommendation on the East Monroe Comprehensive Plan Amendment and rezone in December 2013, the Planning Commission approved findings addressing the above referenced criteria (Items 19 and 20 above). Updated findings would be required to support the Planning Commission’s recommendation, whether for approval or denial.

**RECOMMENDED ACTION**

Planning Commission to:

1. Deliberation and direction to staff on preparation of findings.
2. Continue the public hearing to a date, time location certain. Monday October 26, 2015 is recommended.)

At the October 26, 2015 continued Planning Commission public hearing, the Planning Commission shall:

3. Close the public hearing
4. Motion for recommendation to the City Council.

**NOTE: At such time the Planning Commission makes its recommendation, two separate motions and votes need to be made: One for the comprehensive plan amendment; the second for the rezone.**