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**CITY OF MONROE
ORDINANCE NO. 0XX/2016**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING SECTIONS 15.15.030, 17.12.030, 18.02.010, 18.02.040, 18.02.160, 18.02.190, 18.10.280, 18.12.190, 18.78.060, 18.80.150, 18.60.160, 20.06.030, 20.07.040, 20.08.030, 21.10.030, 20.10.110, 21.30.010 AND REPEALING CHAPTERS 18.82 and 18.90 OF THE MONROE MUNICIPAL RELATED TO PERMIT PROCESSING IMPROVEMENTS ; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Washington State Growth Management Act Goal 7 (RCW 36.70A.020(7)) states,

“7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability”
and

WHEREAS, from time to time, it is appropriate to review the review the City's permit processing procedures and identify amendments that apply best practices, find efficiencies, clarify codes and improve processes consistent with Washington State Growth Management Act Goal 7 (RCW 36.70A.020 (7)); and

WHEREAS, upon a review of the Municipal Code it was found that the intent and objectives of both the City's site review process and certificate of zoning compliance can be achieved through other processes without adversely affecting the City's ability to ensure development proposal meet City code requirements; and

WHEREAS, the intent of the site plan review process can be achieved through review of site and other plans during the building permit review process; and

WHEREAS, the intent of the certificate of zoning compliance process also can be achieved through the building permit review process; and

WHEREAS, in accordance with RCW 36.70A.106, the proposed amendments were transmitted to the Washington State Department of Commerce for State agency review; and

WHEREAS, Monroe Municipal Code (MMC) subsection 21.20.040(B) requires that amendments to MMC Chapters 17 through 20 require Planning Commission review and recommendation; and

WHEREAS, on _____, 2016, the City of Monroe Planning Commission held a duly noticed public hearing on the amendments to accept public testimony; and

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WHEREAS, on _____, 2016 the Planning Commission adopted findings and made a recommendation to the City Council; and

WAC 197-11-800 (19) (a) and (b), categorically exempts from threshold determination and EIS requirements, procedural actions where the proposal, amendment or adoption of an ordinance relates solely to governmental procedures, and contains no substantive standards respecting use or modification of the environment and text amendments resulting in no substantive changes respecting use or modification of the environment; and

WHEREAS, the proposed text amendments relate only to procedures and is not a substantive change respecting the use or modification of the environment and has therefore been determined by the City's SEPA Responsible Official to be categorically exempt from threshold determination and EIS requirements

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

Section X. Monroe Municipal Code section 15.15.030 "Applicability" is amended as follows,

15.15.030 Applicability.

~~This section describes the instances when lighting design and fixtures shall be reviewed by the community development department during development permit review~~ **including but not limited to SEPA review, building permits, conditional use permits and similar quasi-judicial or administrative actions.** ~~The community development department shall review and approve the lighting design and lighting fixtures as part of the permitting process as follows:~~

~~A. When an exterior lighting installation is part of a new development proposal requiring site plan review or a conditional use permit; and~~

~~B. For projects undergoing redevelopment or expansion when the redevelopment requires site plan approval or other land use approvals.~~

Section X. Monroe Municipal Code section 17.12.030 "Specific requirements" is hereby amended as follows,

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. All permits required in conjunction with a subdivision application such as rezones, variances, planned residential developments, SEPA, ~~site plan approvals~~, and similar quasi-judicial or administrative actions shall be processed concurrently with the preliminary plat application.

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

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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 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;

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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 is not met, it may recommend approval with conditions or it may recommend denial of the proposed preliminary plat. The hearing authority shall inquire into how the public interest of future residents of the preliminary plat are 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 recommend disapproval of 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, a recommendation of approval of the preliminary plat shall be forwarded to the city council.

J. Conditions or recommendation shall be precisely recited in the hearing authority's report to the council. Every recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the recommendation, including findings that the proposed subdivision is in conformity with MMC Title [18](#) and all other existing land use controls.

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.

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L. Upon receipt of the hearing authority's recommendation, and at a scheduled meeting for considering the preliminary plat, the council shall:

1. Adopt, reject or amend the recommendations of the hearing authority or return the preliminary plat to the hearing authority for further consideration. The council shall consider the same factors and criteria as reviewed by the hearing authority in making its decision on the proposed preliminary plat.

2. The council may adopt all or part of the hearing authority's findings or make separate findings to support its decision. Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation. A record of all public meetings and the public hearing shall be kept by the city and shall be open to public inspection.

3. 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 council 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.

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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](#). (Ord. 033/2008 § 5; Ord. 1203, 2000; Ord. 1177, 1999; Ord. 1061, 1995)

Section X. Monroe Municipal Code Chapter 18.02.010 "A definitions" is hereby amended as follows,

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.

~~"Adopted site plan" means a comprehensive document and scale drawing prepared in conformance with Chapter [18.82](#) MMC which:~~

- ~~A. Identifies and shows the area and locations of all streets, roads, improvements, utilities, open spaces and other such matters specified by Chapter [18.82](#) MMC;~~

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~~B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the commission as approved or modified by the council; and~~

~~C. Contains provisions requiring conformity with the adopted site plan by any development.~~

“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.

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“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.

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“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 and council 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:

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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. (Ord. 008/2010 § 3 (Exh. 3); Ord. 024/2009 § 5 (Exh. B); Ord. 006/2009 § 4; Ord. 033/2008 § 6; Ord. 028/2006 § 2; Ord. 013/2005; Ord. 922, 1989)

Section X. Monroe Municipal Code Chapter 18.02.040 "D definitions" is hereby amended as follows,

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

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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** final **plat** subdivision and site plan approval.

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“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.

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“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.

Section X. Monroe Municipal Code Chapter 18.02.160 "P definitions" is hereby amended as follows,

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

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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.

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“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

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the approval or disapproval of the layout of a final subdivision or final short subdivision by the hearing authority and/or city council.

“Plat, proposed” means the preliminary plan for subdivision submitted by the subdivider to obtain hearing authority and city council 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.

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“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, ~~site plan review~~, 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;

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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.

Section X. Monroe Municipal Code Chapter 18.02.190 "S definitions" is hereby amended as follows,

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.

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“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, ~~site plan~~, 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

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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

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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.

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“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

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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

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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

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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.

Section X. Monroe Municipal Code section 18.10.280 "Compliance required before permit issuance" is hereby amended as follows,

18.10.280 Compliance required before permit issuance.

Prior to the issuance of a permit for construction, the applicant shall show that ~~the requirements of Chapter 18.90 MMC have been met, as well as the provisions of all other applicable city codes~~ **have been met. The proposal shall:**

- A. Comply with the International Fire Code to the satisfaction of the city;
- B. Comply with the state and federal regulations on noise and noise abatement;
- C. Comply with the state and federal regulations on emission and emission control, and sewage and industrial waste discharge;
- D. Comply with state and federal regulations on logging practices and mineral extractions;
- E. Comply with the International Building Code to the satisfaction of the city;
- F. Comply with all requirements for connection to sewer and water as set forth in the applicable Monroe codes;
- G. Comply with the drainage ordinance to the satisfaction of the city;
- H. Comply with the state and city subdivision codes;
- I. Comply with all other applicable Monroe codes (see the zoning matrix table in MMC 18.10.050). (Ord. 1177, 1999)

Section X. Monroe Municipal Code section 18.12.190 "Special uses" is hereby amended as follows

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:** that includes the elements described in MMC [18.82.030](#).

- 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 necessary 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 it has 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.

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- 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. (Ord. 026/2011 § 2 (Exh. 1); Ord. 006/2009 § 3)

Section X. Monroe Municipal Code Chapter 18.78.060 "Landscaping plan and submittal" is hereby amended as follows,

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** 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~~ **three** copies of the final landscape plan shall be submitted with the building permit application ~~and site plan~~ 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:

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- 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

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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. (Ord. 026/2011 § 2 (Exh. 1); Ord. 1203, 2000; Ord. 1177, 1999)

Section X. Monroe Municipal Code Chapter 18.80.150 "Nonconforming signs" is hereby amended as follows,

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

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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 submittal of a ~~land use permit for site plan approval~~, or any new sign structure installation, will be cause of applicable signage to conform to the provisions of this section. (Ord. 011/2014 § 2 (Exh. B); Ord. 029/2005 § 1. Formerly 18.80.160)

Section X. Monroe Municipal Code Chapter 18.80.160 "Permits and fees" is hereby amended as follows,

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

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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. (Ord. 011/2014 § 2 (Exh. B); Ord. 029/2005 § 1. Formerly 18.80.170)

Section X. Monroe Municipal Code Chapter 18.82 "SITE PLAN REVIEW" is hereby repealed,

~~18.82.010 Purpose.~~

~~The purpose of this title is to ensure that all uses of land and developments are consistent with the adopted plans, policies and ordinances of the city. As such, the following chapter is designed, primarily, to assure the regulation of the layout of buildings and open space, including parking areas, and the provisions for access to and from the public street system. (Ord. 922, 1989)~~

~~18.82.020 Plan review required.~~

~~Site plan review and approval shall be required prior to the use and/or issuance of a building permit for any commercial, industrial, public building or activity, or residential building. Such review and approval shall be according to the provisions of this chapter. (Ord. 033/2008 § 6; Ord. 922, 1989)~~

~~18.82.030 Contents of application.~~

~~All applications submitted in compliance with this title shall include the information set forth in Chapter [21.30](#) MMC and the following section. No application shall be deemed complete, nor accepted by the city, until all information set forth below has been submitted.~~

~~Applications shall show such information as the proposed location of the buildings, parking areas, and other installations on the plot, and their relation to existing conditions, such as roads, neighboring land uses, natural features, public facilities, ingress and egress roads, interior roads, and similar features. Specifically, the following information shall be included, in a clear and intelligible form, in all applications for site plan review:~~

~~A.—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;~~

~~B.—The proposed use or uses of the land and buildings;~~

~~C.—A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:~~

- ~~1. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property;~~
- ~~2. The boundaries of the property proposed to be developed;~~
- ~~3. All proposed and existing buildings and setback lines;~~
- ~~4. 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;~~
- ~~5. All existing and proposed easements;~~
- ~~6. The locations and size of all existing and proposed utility structures and lines;~~
- ~~7. The storm water drainage systems for existing and proposed structures, including the location and extent of curbs and gutters;~~
- ~~8. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;~~
- ~~9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;~~
- ~~10. Traffic volumes and flows estimated to be generated by the proposed development on adjacent roads;~~
- ~~11. Location and extent of street dedication, widening or other road improvements;~~
- ~~12. Location and extent of acceleration and deceleration lanes, if needed;~~
- ~~13. Location of traffic control devices on and off the site;~~
- ~~14. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload;~~
- ~~15. Location and area, in square feet, of all signs;~~

~~D. 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;~~

~~E. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site;~~

~~F. 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;~~

~~G. The proposed number of dwelling units and number of bedrooms in the development;~~

~~H. The proposed number of square feet in gross floor area for each commercial and industrial use;~~

~~I. A description of each commercial and industrial use;~~

~~J. The written approvals of the Snohomish Health District, if required;~~

~~K. The zoning code administrator shall specify the submittal requirements, including type, detail, and number of copies for a site plan 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. (Ord. 033/2008 § 6; Ord. 922, 1989)~~

~~**18.82.040 Review process.**~~

~~*Repealed by Ord. 033/2008. (Ord. 1203, 2000)*~~

~~**18.82.050 Standards to be used for review.**~~

~~The development review committee (DRC), as defined in MMC [21.30.050](#), shall approve a site plan unless it makes one or more of the following written findings with respect to the proposed development or major alteration:~~

~~A.—The provisions for vehicular access, circulation, loading and unloading, and parking, and for pedestrian circulation on the site and onto adjacent public streets and ways will create hazards, will impact site-sensitive features of the land, or impose a significant burden upon public facilities which could be avoided by modifications in the plan.~~

~~B.—The bulk, location and/or height of proposed uses will be detrimental or injurious to other private development in the neighborhood, will impose undue burdens on public facilities or will result in the loss or damage to unique natural features of the site that are important to the environmental quality of life for the citizens of Monroe, and development of the site is feasible in a manner that will avoid these detrimental and injurious results.~~

~~C.—The provisions for on-site landscaping do not provide adequate protection to neighboring properties from detrimental features of the development that could be avoided by adequate landscaping.~~

~~D.—The site plan fails to provide measures to mitigate soil and drainage problems that may occur from development.~~

~~E.—The provisions for exterior lighting are inadequate for the safety of occupants or users of the site or such provisions will damage the value and diminish the usability of adjacent properties and/or create a safety hazard (especially traffic hazard), as defined in Chapter [15.15](#) MMC.~~

~~F.—The site provides for common open space and landscaping, but the applicant has not set forth a reasonable plan for the private care and maintenance of that open space and landscaping, and this failure may result in a burden on the public or cause injury and detriment to the neighborhood.~~

~~G.—The proposed development will impose an undue burden upon off-site public services including sewer, water and streets, which conclusion shall be based upon a written report of the city engineer filed with the DRC, a copy of which shall be provided the applicant, and there is no provision in the capital improvements program of the city to correct the specific burden within a reasonable period after the development or major alteration shall be completed.~~

~~H.—In cases where a preliminary plan has been approved, there is a substantial change in the final site plan from the approved preliminary site plan and such substantial change will have an adverse effect on public services, adjacent properties, or will adversely affect the environmental conditions on the site itself.~~

~~I.—The proposed development does not comply with critical areas requirements per Chapter [20.05](#) MMC or shoreline requirements per Chapter [19.01](#) MMC. (Ord. 033/2008 § 6; Ord. 1203, 2000; Ord. 922, 1989)~~

~~**18.82.060 Appeal of administrative interpretations and approvals.**~~

~~Repealed by Ord. 033/2008. (Ord. 022/2004; Ord. 1203, 2000)~~

~~**18.82.070 Appeal of hearing examiner decision.**~~

~~Repealed by Ord. 033/2008. (Ord. 022/2004; Ord. 1203, 2000; Ord. 922, 1989)~~

Section X. Monroe Municipal Code Chapter 18.90 “Construction Permit Requirements” is hereby repealed,

~~**18.90.010 Proposed uses.**~~

~~Prior to the issuance of a permit for construction, the applicant shall show that the proposed use will:~~

- ~~A.— Comply with the International Fire Code as determined by the fire code official;~~
- ~~B.— Comply with state and federal regulations on noise and noise abatement;~~
- ~~C.— Comply with state and federal regulations on emissions, emission control and sewage and industrial waste discharge;~~
- ~~D.— Comply with the International Building Code as determined by the building official;~~
- ~~E.— Comply with the drainage ordinance as determined by the city engineer;~~
- ~~F.— Comply with all requirements for connection to sewer and water as set forth in applicable Monroe codes;~~
- ~~G.— Comply with state and city subdivisions codes; and~~
- ~~H.— Comply with all other applicable Monroe codes;~~
- ~~I.— Comply with the sidewalk ordinance. (Ord. 922, 1989)~~

~~**18.90.020 Certificate of zoning compliance — Required.**~~

~~A.— No building permit shall be issued without the prior issuance of a certificate of zoning compliance by the city planner except for single-family residence structures.~~

~~B.— Prior to issuing a certificate of zoning compliance, the city shall review the development proposal contained in the application for such certificate.~~

~~C.— The purpose of the review is to ensure the following:~~

- ~~1.— The proposed development is a permitted use;~~
- ~~2.— A conditional use permit or a variance has been granted or is necessary;~~

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3. ~~That such development conforms to the basic intent of the comprehensive plan;~~
 4. ~~The need for basic street improvements, including but not limited by this reference to storm drainage, curbs, gutters and sidewalks;~~
 5. ~~Compliance with applicable requirements for ingress and egress:~~
 - a. ~~Parking;~~
 - b. ~~Landscaping;~~
 - c. ~~Signs;~~
 - d. ~~Dimensional standards.~~
- D. ~~Street and/or other improvements may be required as a condition of the issuance of the certificate of zoning compliance and/or building permit when found to be required pursuant to the review provided for in this section.~~
- E. ~~A certificate of zoning compliance issued pursuant to this chapter shall be valid for one year from the date of approval. Failure of an applicant or his/her successors in interest to proceed under an approved certificate of zoning compliance within the time periods established within this section shall require the applicant or his/her successors to reapply for a certificate of zoning compliance and shall not be deemed to have vested any rights to proceed with development without first obtaining a new certificate of zoning compliance. (Ord. 922, 1989)~~

~~18.90.030 Application — Referral to hearing body.~~

~~The zoning code administrator shall have the authority, within ten days from the date of filing of an application for building permit or for a certificate of zoning compliance, to decline in writing to act upon the question of zoning compliance and shall forward the application to the hearing body for such determination following the standards set forth in MMC [18.82.030](#). (Ord. 922, 1989)~~

~~18.90.040 Certificate of zoning compliance — Denial — Appeal.~~

~~The action of the zoning code administrator either granting or denying an application for certificate of zoning compliance shall be final and conclusive, unless the applicant or an adverse party files a written appeal with the department of community development. Upon the filing of an appeal, the action of the zoning code administrator shall be invalid, and the hearing examiner shall hear the application for certificate of zoning compliance. The hearing examiner shall follow, in its review of the application, the standards as set forth in Chapter [18.82](#) MMC. The action of the hearing examiner either granting or denying an application by the zoning code administrator or upon written demand as set forth in this section shall be final and conclusive unless the applicant or an adverse party appeals the decision to the city council under the procedure set forth in Chapter [21.60](#) MMC. (Ord. 003/2008 (Exh. D); Ord. 022/2004; Ord. 922, 1989)~~

Section X. Monroe Municipal Code section 20.06.030 "Definitions" is hereby amended as follows,

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. Final site plan approval; and~~
 - 23.** 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;

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3. Storm water drainage;
4. Police and fire protection;
5. Parks and recreation;
6. Arterial roadways;
7. Public schools. (Ord. 033/2008 § 7; Ord. 1052, 1995)

Section X. Monroe Municipal Code section 20.07.040 "School mitigation definitions" is hereby amended as follows,

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.

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“Development” means all subdivisions, short subdivisions, conditional or special use permits, binding site plan approvals, rezones accompanied by an official site plan, or building permits (including building permits for multifamily and duplex residential structures, and all similar uses) and other applications requiring land use permits or approval 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.

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“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

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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.

Section X. Monroe Municipal Code section 20.08.030 "Definitions" is hereby amended as follows,

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.

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“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, ~~site plan~~, 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. (Ord. 004/2009 § 2)

Section X. Monroe Municipal Code section 21.10.030 “Definitions” is hereby amended as follows,

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.

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“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

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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, ~~site plan review~~, 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.

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“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](#) and ~~Chapter 18.82~~ MMC, 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 city council 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](#).

Section X. Monroe Municipal Code section 20.10.110 "Payment of fee" is hereby amended as follows,

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

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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. (Ord. 011/2016 § 2; Ord. 005/2003)

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Section X. Monroe Municipal Code section 21.30.010 "Application" is hereby amended as follows,

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, ~~site plan review approvals~~, 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. (Ord. 001/2003; Ord. 1227, 2001; Ord. 1092, 1996)

Section X. 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 X. 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 _____ day of _____, 2016.

First Reading: _____, 2016

Adoption: _____, 2016

Published: _____, 2016

Effective: _____, 2016

CITY OF MONROE, WASHINGTON:

Geoffrey Thomas, Mayor

(SEAL)

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ATTEST:

APPROVED AS TO FORM:

Elizabeth M. Smoot, MMC, City Clerk

J. Zachary Lell, City Attorney

DRAFT: Oct 4, 2016