



# MONROE PLANNING COMMISSION

<b>SUBJECT:</b>	<b><i>Proposed Amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations</i></b>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
05/11/2020	Community Development	Anita Marrero	Anita Marrero	Old Business # 1

**Discussion:** 03/09/2020, 04/13/2020, 05/11/2020  
**Public Hearing:** 04/27/2020

**Attachments:** 1. Planning Commission Recommendation

**REQUESTED ACTION:**

Move that the Planning Commission **ADOPT** these Findings of Fact and Conclusions of Law, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.

**POLICY CONSIDERATIONS**

*On March 24, 2020, Governor Jay Inslee issued Proclamation 20-28, relating to the Open Public Meetings Act and Public Records Act; the proclamation restricted the ability of public agencies to take action to only those actions that are necessary and routine, or to respond to the COVID-19 outbreak and public health emergency. The proclamation was effective through April 23, 2020 and subsequently extended through May 31, 2020.*

*This subject matter is both necessary and routine as FEMA does not have the authority to postpone the effective dates of the maps. These dates are set by legislation and federal regulation. This process is routine, as amendments to the municipal code are subject to the requirements and standards of Chapter 36.70A RCW, the Washington State Growth Management Act, and conducted through an established procedure specified in Chapter 22.84 MMC, Permit Processing.*

On December 19, 2019, the Federal Emergency Management Agency (FEMA) sent the City correspondence relating to the new Snohomish countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that will become effective for the City of Monroe on June 19, 2020. In the FEMA correspondence, it was noted that:

*It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision.*

The City is required to adopt both the updated FIRMs and to update the flood damage prevention ordinance, within six (6) months of the issuance of the Letter of Final Determination, in order to remain in good standing with the National Flood Insurance Program (NFIP).

## **DESCRIPTION/BACKGROUND**

Close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP). As a condition of participation in the NFIP, communities are required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP.

NFIP is a national program that provides affordable insurance and also encourages communities to adopt and enforce flood damage prevention regulations. While participation is voluntary, the City's participation in the NFIP program allows the City, property owners, businesses, and renters in flood-prone areas to obtain insurance and disaster assistance. Monroe has been a NFIP community since 1987.

Communities that adopt higher standards under the Community Rating System (CRS) are also able to benefit from reduced flood insurance premiums. The City has been a participant of CRS since 1991. Monroe has a Class 5 rating which entitles residents in Special Flood Hazard Areas (SFHAs) to a 25 percent discount on their flood insurance premiums and those outside the SFHAs are entitled to a 5 percent discount.

## **FISCAL IMPACT**

N/A

## **TIME CONSTRAINTS**

The code and FIRM's must be adopted by June 19, 2020 as a condition of continued eligibility in the National Flood Insurance Program (NFIP).



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

**A. GENERAL APPLICATION INFORMATION**

<b>File Number(s):</b>	CA2020-01 (associated with SEPA2020-03)
<b>Project Summary:</b>	Proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA).
<b>Applicant:</b>	City of Monroe
<b>Location:</b>	City-wide properties located in the special flood hazard areas. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.
<b>Public Hearing Date and Location:</b>	<b>Monday, April 27, 2020, at 7:00 PM</b> via Zoom Virtual Meeting Platform
<b>Staff Contact:</b>	Anita Marrero, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4513 amarrero@monroewa.gov

**B. BACKGROUND AND DESCRIPTION OF PROPOSAL**

The City of Monroe is proposing text amendments to Chapter 14.01 of the Monroe Municipal Code (MMC), Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). The City is required to adopt both the updated Flood Insurance Rate Maps (FIRMs) and to update the flood damage prevention ordinance in order to remain in good standing with the National Flood Insurance Program (NFIP). This is a nonproject action.

**C. REVIEW PROCESS**

**1. Overview**

MMC Table 22.84.060(B)(1): Project Permit Types, designates code amendments as Type IV project permits. Type IV permits require that the Planning Commission review the proposal and make a recommendation to the final decision authority, which is the City Council. The City is proposing amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations, as required by the Federal Emergency Management Agency (FEMA). Therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing in front of the Planning Commission was held on April 27, 2020.

Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. According to MMC 22.84.030(D)(2), the Planning Commission shall make a written recommendation to the City Council regarding Type IV actions

at the close of their final public hearing or at their next scheduled meeting. The written recommendation to the City Council shall be one of the following:

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

No earlier than May 12, 2020, the City Council will hold a first reading to consider the Commission's recommendation. Per MMC Table 22.84.060(B)(2), Decision-Making and Appeal Authorities, the City Council is the City's final decision authority on the proposed code amendments. The decision may be appealed subject to the judicial appeal provisions in MMC 22.84.080(D), Judicial Appeals.

## **2. Public Notification and Comments**

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- a. **Department of Commerce:** The proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on March 9, 2020. Expedited review (14 days rather than 60 days) was requested.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 22.84.050(C) by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Everett Daily Herald on April 17, 2020.

## **3. State Environmental Policy Act (SEPA) Review**

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Pursuant to WAC 197-11-704, the proposal is classified as a nonproject action under the State Environmental Policy Act. Nonproject actions involve "decisions on policies, plans, or programs," which includes the adoption of zoning ordinances [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the proposed code amendments on March 7, 2020. The public comment and appeal periods for the DNS ended at 5:00 PM on March 21, 2020. No comments or appeals were received.

## **4. Public Hearing**

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The public hearing on this matter was held in front of the Planning Commission on April 27, 2020 at 7:00 PM via Zoom Virtual Meeting Platform. No written comments were received prior to the public hearing.

## **D. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan;
2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title;
3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district;
4. The proposed amendment advances the public interest of the community;
5. The amendment does not adversely affect public health, safety, or welfare; and
6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.
7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:
  - a. The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;

- b. The amendment is compatible with the uses and zoning of the adjacent properties;
- c. The proposed reclassification does not constitute a “spot” zone;
- d. Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- e. The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and
- f. The proposed reclassification is an extension of an existing zone, or a logical transition between zones.

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

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

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

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

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

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

- a. **Findings of Fact:** The proposed amendments would modify the flood hazard area regulations to meet the minimum federal and state regulation requirements that must be contained in local flood regulations. Section 1612.4 of the 2015 International Building Code (IBC) and Section 1612.2 of the 2018 International Building Code incorporate the design and construction standards of ASCE 24 published by the American Society of Civil Engineers. ASCE 24-14 tables 1-1, 2-1, 4-1, and 6-1 contain specific building elevation requirements which exceed minimum NFIP standards.
- b. **Conclusions of Law:** The Planning Commission concludes the amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.

**3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district.**

- a. **Findings of Fact:** The proposal is not site-specific. This criterion does not apply.
- b. **Conclusions of Law:** The proposal is not site-specific. This criterion does not apply.

**4. The proposed amendment advances the public interest of the community.**

- a. **Findings of Fact:** The proposed amendments would advance the public interest of the

community by allowing the City to remain in good standing with the National Flood Insurance Program (NFIP). The City's participation in the NFIP program allows the City, property owners, businesses, and renters in flood-prone areas to obtain insurance and disaster assistance.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed amendment advances the public interest of the community.

**5. The amendment does not adversely affect public health, safety, or welfare.**

- a. **Findings of Fact:** The proposed amendments incorporate required changes as mandated by FEMA. The implementation of the NFIP is of paramount importance to ensure that the safety and welfare of the residents of Monroe and their properties are protected. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by participating in and maintaining eligibility for flood insurance and disaster relief.

- b. **Conclusions of Law:** The Planning Commission concludes the amendment does not adversely affect public health, safety, or welfare.

**6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.**

- a. **Findings of Fact:** The proposal to amend MMC 14.01 is warranted because of changed circumstances. On December 19, 2019, the Federal Emergency Management Agency (FEMA) sent the City correspondence relating to the new Snohomish countywide Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that will become effective for the City of Monroe on June 19, 2020. The City is required to adopt both the updated FIRMs and to update the flood damage prevention ordinance, within six (6) months of the issuance of the Letter of Final Determination, in order to remain in good standing with the NFIP.

- b. **Conclusions of Law:** The Planning Commission concludes the amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.

**7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:**

- a. *The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;*
- b. *The amendment is compatible with the uses and zoning of the adjacent properties;*
- c. *The proposed reclassification does not constitute a "spot" zone;*
- d. *Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;*
- e. *The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and*
- f. *The proposed reclassification is an extension of an existing zone, or a logical transition between zones.*

- i. **Findings of Fact:** The proposal does not include an amendment to the official zoning map. This criterion does not apply.

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

**E. PLANNING COMMISSION RECOMMENDATION**

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

Move that the Planning Commission **ADOPT** these Findings of Fact and Conclusions of Law, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendments to Chapter 14.01 MMC, Flood Hazard Area Regulations.

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Bridgette Tuttle, Planning Commission Chair

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Date