

**CITY OF MONROE
PLANNING COMMISSION MINUTES
December 9, 2013**

The meeting of the Monroe Planning Commission was scheduled for **December 9, 2013 at 7:03 p.m.**, in the City Hall Council Chambers at 806 West Main Street, Monroe, WA 98272.

CALL TO ORDER

Chairman Kristiansen called the meeting to order at 7:00 p.m.

ROLL CALL

Secretary Christina LaVelle called the roll. The following were:

Present: Commissioners Bill Kristiansen, Dave Demarest, Dian Duerksen, Wayne Rodland, Jeff Sherwood, Bridgette Tuttle, Steve Jensen.

Staff Present: Planning and Permitting Manager Paul Popelka, Economic Development Manager Jeff Sax, Senior Planner Melissa Sartorius, and Planning Technician Christina LaVelle.

CITIZEN COMMENT

None

APPROVAL OF MINUTES

A. September 30, 2013

Commissioner Demarest moved to accept the minutes of September 30, 2013 with corrections. Motion seconded by **Commissioner Jensen**. Motion carried 7/0.

B. October 14, 2013

Commissioner Sherwood moved to accept the minutes of October 14, 2013 with corrections. Motion seconded by **Commissioner Demarest**. Motion carried 7/0.

C. October 21, 2013

Commissioner Jensen moved to accept the minutes of October 21, 2013 with corrections. Motion seconded by **Commissioner Rodland**. Motion carried 7/0.

D. October 28, 2013

Commissioner Rodland moved to accept the minutes of October 28, 2013 with corrections. Motion seconded by **Commissioner Sherwood**. Motion carried 7/0.

E. November 18, 2013

Commissioner Sherwood moved to accept the minutes of November 18, 2013 with corrections. Motion seconded by **Commissioner Duerksen**. Motion carried 7/0.

WORKSHOP

**A. Comprehensive Plan Amendment CPA2013-D and Zoning Code Amendment ZCA2012-09
School Mitigation Fees**

The City of Monroe is proposing to adopt Monroe and Snohomish School District Capital Facilities Plans for 2012-2017, remove regulatory language for school impact fees in the 2005-2025 Monroe Comprehensive Plan, and amend Monroe Municipal Code (MMC) Chapter 20.07 (School Impact Fee Mitigation Program).

Manager Popelka summarized Comprehensive Plan Amendment CPA2013-D addressing the removal of regulatory language from the Comprehensive Plan and amendments to the MMC. He noted revised

language for changing impact fees only concurrently with adoption of School Capital Facilities Plans every two years to provide for consistency and predictability for the School District. Findings and Conclusions have been prepared by staff in support the Comprehensive Plan Amendment.

Commission discussion is summarized below:

- Agreement on the importance and need for predictability and consistency in budgeting for current and future capital projects in the schools.
- Agreement on revising the regulatory language in the Comprehensive Plan and incorporating that language in the MMC.
- Differences in impact fees between the Snohomish School District and the Monroe School District.
- Addressing data inconsistencies within the code.

Commissioner Sherwood moved to forward a recommendation of approval to the Monroe City Council to adopt the Monroe Comprehensive Plan Amendment CPA2013-D School Mitigation Fees and adopt Monroe and Snohomish School District Capital Facilities Plans 2012-2017 as shown in Attachments 1 and 2 and based on the Findings and Conclusions herein. Motion seconded by **Commissioner Duerkson**. Motion carried 7/0.

Manager Popelka summarized the proposed zoning code amendment, including a 50% discount rate that is changed only concurrently with adoption of School Capital Facilities Plans. The recommendation adopts the amendments in MMC 20.07.090 and 20.07.100 (Attachments 3 and 4).

Commission discussion is summarized below:

- Exemptions and timelines for removal and replacement of homes and the relation to impact fees; no further code changes were done.
- Discount rate changes from 25% to 50%, with **Commissioners Jensen and Demarest** opposed to changing the discount rate. The other commissioners favored consistency with Snohomish County discount rates (50%).
- Mitigation fees are assigned to address impacts to schools from development, not provide capital funds.
- Discussion of housing students in portables, eligible for impact fee funding, versus overcrowded classrooms and using impact fee funds until a levy or bond for capital projects is passed; relation of continued impact fees at 25% and its effect on delaying a levy or bond, and impact of a bond issue to taxpayers.

Commissioner Sherwood moved to forward a recommendation of approval to the Monroe City Council for Zoning Code Amendment ZCA2012-09 School Mitigation Fees and adopt MMC20.07 as shown in Attachment 4. Motion seconded by **Commissioner Tuttle**. Motion carried 5/2 (**Commissioners Jensen and Demarest** opposed).

B. Comprehensive Plan Amendment CPA2013-A Text Amendments

The City of Monroe is proposing Comprehensive Plan Text Amendments for several plan sections. This amendment includes the Land Use, Housing and Economic Development Elements that are being revised in preparation for the 2015 Comprehensive Plan Update.

Manager Popelka summarized the proposed text amendments, recent changes and the differing methodologies for population data in relation to 2025 and 2035 projections.

Commissioner Sherwood moved to forward a recommendation of approval to the Monroe City Council for CPA2013-A Text Amendments amending the Natural Environment, Land Use, Housing, Economic

Development Elements of the Comprehensive Plan as shown in Attachments 2,3,5,7 and 8 and based on the Findings and Conclusions herein. Motion seconded by **Commissioner Rodland**. Motion carried 7/0.

C. Comprehensive Plan Amendment CPA2011-01 and Rezone 2012-01 East Monroe Development Group

Continued from 2012, this Comprehensive Plan Amendment and Rezone proposes to change the designation for approximately 43 acres of land located at the eastern end of the city limits north of US-2 from Limited Open Space to General Commercial.

C.1 Manager Popelka noted that the Monroe Hearing Examiner issued a decision on the appeal that upheld the adequacy of the Final Environmental Impact Statement (FEIS). He explained the 10 day reconsideration period for the decision. Council action is scheduled for 12/10 and 12/17/2013. He summarized the comprehensive plan and zoning amendments and the criteria for the Findings and Conclusions.

Commission discussion is summarized below:

- Clarifications of the Hearing Examiner decision and schedule for potential future appeals.
- Potential uses allowed within the new zoning.
- Defining issue of costs of adding new infrastructure; the developer will be responsible for all costs of added or extended infrastructure.
- Economic efficiency for extending infrastructure and discussion that economic costs or feasibility is not a determining factor in considering these proposed amendments.
- Discussion of the Findings and Conclusions and the validity of positive impacts to the City (i.e. gateway, economic benefits, etc).
- History of the site and the previous zoning intentions for the property.

Commissioner Jensen moved to extend the meeting past 9:00. Motion seconded by **Commissioner Demarest**. Motion carried 7/0.

Commission discussion is continued below:

- Discussion of definitions and policies of Limited Open Space (LOS) in the Comprehensive Plan and how it does or does not support the proposed General Commercial (GC) zoning. **Manager Popelka** expanded on the uses allowed in LOS as inappropriate uses for this location and discussed the critical area impacts and mitigation measures.

Commissioner Sherwood moved to forward a recommendation of approval to the Monroe City Council for CPA2011-01 East Monroe Economic Group amending the Comprehensive Plan Land Use for Limited Open Space to General Commercial as shown on Attachment 1 based on the Findings and Conclusions herein. Motion seconded by **Commissioner Tuttle**. Motion carried 5/2. (**Commissioners Jensen and Demarest** opposed).

C.2 Manager Popelka discussed the quasi-judicial nature of the proposed rezoning that required a reading of applicable 'Appearance of Fairness' language into the record and queried Commissioners regarding conflicts or personal interests as follows:

"Due to the large size of the underlying property proposed for zoning reclassification, it is the City's position that this proposal is legislative rather than quasi-judicial in nature. However, because the consideration of a rezone involves a public hearing and implicates the land use rights of specific landowners, out of an abundance of caution the proceeding will be prefaced by quasi-judicial Appearance of Fairness Doctrine procedures. The Appearance of Fairness Doctrine requires that such proceedings be fair not only in fact but also in appearance. The legal standard under this doctrine is "whether a disinterested person, being appraised of all relevant facts, would be reasonably justified in

thinking a particular decision-maker's interest or involvement in the case may affect his/her judgment?

The Commission as a whole will now be asked the following questions:

A. Interest

- Does any Commissioner have a financial interest in the project or underlying property? **No.**
- Does any Commissioner have a family member who is a party of record? **No.**
- Does any Commissioner have a personal or familial employment or other business relationship with a party of record? **No.**
- Does any Commissioner own property within 500 feet of the underlying property? **No.**
- Is any Commissioner aware of any other personal interest or involvement with the proposal, the parties of record or the property that should fairly be disclosed? **Yes. Commissioners Sherwood and Jensen spoke at the Draft EIS Hearing.**

B. Impartiality

- Is any Commissioner aware of any personal bias for/against any party or for/against the proposal? **No.**
- Has any Commissioner pre-judged any of the issues? **No.**
- Has any Commissioner not reviewed the record materials for the proposal? **No.**
- Is any Commissioner aware of any reason why he/she would not be able to perform his/her duties in an objective, impartial and fair manner? **No.**

C. Ex Parte Communications

- Has any Commissioner had ex parte communications regarding this proposal while the proposal has been pending? **No.**
-If so, the substance of the communication must be formally disclosed, placed on the record and an opportunity to rebut the substance of the communication must be provided to the parties.

The floor is now opened for parties to formally challenge any Commissioner. Pursuant to RCW 42.36.080, appearance of fairness challenges are waived unless they are raised promptly when the reason for the alleged disqualification becomes known". **No respondents.**

Manager Popelka continued his summary of Rezone 2012-01 East Monroe Development Group, followed by discussion of commercial land available and whether the rezoning is supported on that basis.

Commissioner Sherwood moved to forward a recommendation of approval to the Monroe City Council to approve RZ2012-01 East Monroe Development Group amending the zoning designation from Limited Open Space to General Commercial as shown on Attachment 2 and based on the Findings and Conclusions herein. Motion seconded by **Commissioner Rodland**. Motion carried 5/2 (**Commissioners Jensen and Demarest** opposed).

D. Comprehensive Plan Amendment CPA2012-C 2015 Comprehensive Plan Update

An update of the 2005-2025 Comprehensive Plan is now underway with completion planned in June 2015. First steps include review of the project process, timelines and formation of a Citizens Advisory Committee.

Manager Popelka summarized the project schedule and process through June 2015 and described Mindmixer, the web based program to allow the public to openly participate, share ideas, and interact with

others in the process. A Citizen Advisory Committee, to include all Planning Commissioners, is being formed prior to the Community Visioning Workshop scheduled for January 23, 2014.

DISCUSSION BY COMMISSIONERS AND STAFF

- Sign code will be addressed early next year.
- **Commissioner Demarest** is retiring from the Planning Commission after 21 years of service to the City of Monroe. All Commissioners thanked him for his service, **Commissioner Demarest** made a formal statement to the staff and the Planning Commission:

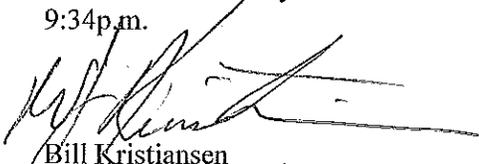
Rules of a Planning Commissioner

1. Do your homework.
2. Know the issues.
3. Get to know the community that you live in, a part of, that you're here to serve.
4. If you don't know something, ask a Commissioner, a staff member, a citizen.
5. Participate! It leads to good discussion and a better process.
6. Vote what you believe. We are all individuals. The Planning Commission is its own body and you are there as one of seven members. While you may not all agree, every opinion is important.
7. Don't be afraid to challenge, just do it respectfully. Challenge each other, and on rare occasions the public and staff. Challenge can be productive and is certainly merited.
8. In many cases, start a discussion or draw an acknowledgement that the listener understands the intended message. Ask the rhetorical question.

Commission Demarest concluded by thanking staff and Commissioners for their support over the years.

ADJOURNMENT

Commissioner Demarest moved to adjourn the December 9, 2013 Planning Commission meeting. Motion seconded by **Commissioner Rodland**. Motion carried 7/0 and the meeting was adjourned at 9:34p.m.



Bill Kristiansen
Chairman



Christina LaVelle
Planning Commission Secretary