



**City of Monroe Planning Commission
Findings of Fact and Conclusions of Law**

A. GENERAL APPLICATION INFORMATION

File Number(s):	RZ2016-03
Proposal Description:	The applicant, TK Development, Inc., has submitted a request for a rezone to amend the current City of Monroe zoning map for the subject site to change its current designation from Urban Residential 9600 (UR9600) to Residential 4 Dwellings per Acre (R4). The property's existing Comprehensive Plan Designation of Low Density Single Family Residence (Low Density SFR) will remain the same. This application is associated with an application for a preliminary plat and planned residential development (PRD) to subdivide a 4.91-acre site into 26 single-family residential lots (File # PLPRD2016-05).
Applicant:	TK Development, Inc., 712 Kirkland Circle, Unit A104, Kirkland, WA 98033
Location:	The site is located at 18516 134th Street SE, Monroe, WA 98272, Snohomish County tax parcel No. 28063600200800.
Public Hearing Date:	Monday, August 28, 2017 at 7:00 PM Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
Staff Contact:	Anita Marrero, Senior Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4513 amarrero@monroewa.gov

B. BACKGROUND AND DESCRIPTION OF PROPOSAL

The applicant, TK Development, Inc., submitted an application to the City on October 27, 2016 requesting preliminary approval of a 28-lot subdivision and Planned Residential Development (PRD) on a 4.91-acre site and a rezone application for the subject site. The property is currently zoned Urban Residential 9600 (UR9600). The applicant has requested the subject property be rezoned to Residential 4 Dwellings per Acre (R4). The applicant has since revised the Preliminary Plat application and is now requesting preliminary approval of a 26-lot subdivision and PRD.

C. REVIEW PROCESS

1. Overview

MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).

As the applicant is proposing a change to the City's Official Zoning Map, which is adopted as part of the development regulations per MMC 18.04.010, a public hearing in front of the Planning Commission and subsequent recommendation to the City Council is required. Furthermore, MMC sections 18.99.050 and 21.50.120 stipulate that rezone applications shall be heard by the Planning Commission, which, in turn, makes a recommendation to the City Council.

The required public hearing in front of the Planning Commission was held on August 28, 2017. Following the close of the public hearing, the Planning Commission will forward a recommendation to the City Council. No earlier than September 26, 2017, the City Council will hold a first reading to consider the Commission's recommendation. In accordance with MMC 21.50.050(B)(1), the Council shall take one of the following actions on the Planning Commission's recommendation:

- a. Approve as recommended;
- b. Approve with conditions;
- c. Modify, with or without the applicant concurrence;
- d. Deny (reapplication or resubmittal is permitted);
- e. Deny with prejudice (reapplication or resubmittal not allowed for one year); or
- f. Remand back to the Planning Commission for clarification.

Per MMC 21.50.090(H), the Council's decision is the City's final action on the proposed code amendments. The decision may be appealed to Snohomish County Superior Court.

2. Public Notification and Comments

- a. **Notice Completeness and Application:** The rezone application was received by the City on October 27, 2016 and was determined to be complete on December 16, 2016. Notice of the application was made per MMC 21.40.010 on December 27, 2016 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Monroe Monitor.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided pursuant to MMC 21.40.020 by posting the notice at City Hall and the Monroe Library, and publishing the notice in the Everett Daily Herald on August 16, 2017. Notice of the August 28, 2017 public hearing was provided substantially in accordance with MMC 21.40.020.

The proposed Raspberry Hill plat and PRD will be decided upon by the Hearing Examiner while the proposed rezone is a legislative action subject to review by the Planning Commission and subsequent recommendation to the City Council.

Since approval of the Raspberry Hill Preliminary Plat and Planned Residential Development is expressly dependent and contingent upon the Council's decision on the rezone, a decision must be made by Council on the rezone prior to consideration of the preliminary plat and PRD by the Hearing Examiner.

3. State Environmental Policy Act (SEPA) Review

A SEPA Determination of Non-Significance (DNS) was issued on the proposed preliminary plat, PRD, and rezone on August 4, 2017. The public comment and appeal period for the DNS ended at 5:00 PM on August 18, 2017. No comments or appeals were received on the SEPA Threshold Determination.

4. Public Hearing

A public hearing on this matter was held in front of the Planning Commission on August 28, 2017. Public testimony was received by five (5) residents. The comments that were received

will be addressed during review of the Preliminary Plat/PRD.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a rezone or site-specific zoning map amendment. However, MMC 21.50.040 stipulates:

...the Planning Commission shall not recommend approval of a proposed comprehensive plan or development regulation amendment unless the following findings and conclusions are made:

1. *The proposal is consistent with the comprehensive plan and meets the requirements and intent of this code.*
2. *The proposal is beneficial to the public health, safety, and welfare and is in the public interest.*

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

1. Findings of Fact regarding consistency with the City of Monroe 2015-2035 Comprehensive Plan:

- a. The current Monroe Comprehensive Plan contains several applicable policies, as shown below.

Goal or Policy Number	Policy Text
Goal 4:	Consider alternative approaches to development, such as clustering or lot size policies that support overall density targets without undermining desired land use character.
P.090:	Consider alternative approaches to development, such as clustering or lot size policies that support overall density targets without undermining desired land use character.
P.114:	Promote housing design and construction that enhances community image and fosters compatibility with surrounding development.

Conclusions of Law:

The proposed code amendment is consistent with applicable elements, policies, and goals of the Comprehensive Plan.

2. Findings of Fact regarding consistency with the requirements and intent of the Monroe Municipal Code:

- a. Monroe Municipal Code (MMC) Chapter 18.99 contains the City's provisions pertaining to rezones and amendments to the City's official zoning map.
- b. Pursuant to MMC 18.10.010, "The purpose of the single-family zoning districts in the city of Monroe is to promote the existing small town character by providing that new development will be compatible with the density and setbacks of the present housing stock. The purpose is also to provide for a broad range of housing types and densities." The proposed rezone is intended to meet the purpose for single-family zoning districts, as specified above.

Conclusions of Law:

The proposed code amendments do not modify the intent of the existing regulations; are consistent with the purpose of the City's development review process; and therefore, meet the requirements and intent of the MMC.

3. Findings of Fact regarding consistency with the State Environmental Policy Act [MMC Chapter 20.04, Washington Administrative Code (WAC) Chapter 197-11, and Revised Code of Washington (RCW) Chapter 43.21C]:

- a. An environmental checklist was submitted for environmental review on June 30, 2017.
- b. The SEPA Responsible Official issued a Determination of Nonsignificance on August 4, 2017.

- c. The Determination of Non-significance and SEPA checklist were placed on the City's website and emailed to the City's SEPA distribution list on August 4, 2017. The SEPA distribution list is comprised of interested parties and tribes, including the Department of Ecology.
- d. Notice of the SEPA Threshold Determination was published in the Everett Daily Herald and posted at City Hall and the Monroe Library on August 4, 2017.
- e. The SEPA comment and appeal period expired at 5:00 PM on August 18, 2017. No comments or appeals were received.

Conclusions of Law:

The proposal is consistent with the requirements of the State Environmental Policy Act, pursuant to Chapter 20.04 MMC, Chapter 197-11 WAC, and Chapter 43.21C RCW.

4. Findings of Fact regarding consistency with the Washington State Growth Management Act (RCW Chapter 36.70A):

- a. The proposal addresses the Planning Goals listed in RCW 36.70A.020. The goals in RCW 36.70A.020 (1) and (2) specifically – Urban Growth and Reduce Sprawl, respectively - apply to the proposed rezone. These goals state the following:
 - (1) **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - (2) **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Conclusions of Law:

The proposal is consistent with the requirements of the Growth Management Act in accordance with RCW 36.70A.

5. Findings of Fact regarding consistency with Public Notice Requirements (Chapter 21.40 MMC):

- a. Notice of the August 28, 2017 public hearing was provided substantially in accordance with MMC 21.40.020. On August 16, 2017, the Notice of Public Hearing was published in the Everett Daily Herald. Notice of the August 28, 2017 public hearing was posted and mailed on August 16, 2017.

Conclusions of Law:

The proposal has met noticing requirements detailed within MMC 21.40.

6. Findings of Fact regarding consistency with the Review and Approval Process (Chapter 21.50 MMC):

- a. MMC section 21.20.040(B) requires that the Planning Commission shall review and make recommendations on the following:

Amendments to the subdivision code, zoning code, and environmental code (MMC Titles 17 through 20).

As the applicant is proposing a change to the City's Official Zoning Map, which is adopted as part of the development regulations per MMC 18.04.010, a public hearing in front of the Planning Commission and subsequent recommendation to the City Council is required. Furthermore, MMC sections 18.99.050 and 21.50.120 stipulate that rezone applications shall be heard by the Planning Commission, which, in turn, makes a recommendation to the City Council.

- b. In accordance with MMC 21.50.040(C)(1), a finding is made that the proposal is consistent with the City of Monroe Comprehensive Plan and meets the intent of this code.
- c. Pursuant to MMC 21.50.040(C)(2), a finding is made that the proposal is beneficial to the public health, safety, and welfare and is in the public interest.

Conclusions of Law:

The proposal complies with the Review and Approval Process requirements in Chapter 21.50 MMC.

E. RECOMMENDATION OF THE PLANNING COMMISSION

The Planning Commission **RECOMMENDS** that the City Council **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 1 to the Planning Commission agenda bill, **AUTHORIZE** the Planning Commission Chair to sign the Findings of Fact and Conclusions of Law on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed amendment to the City of Monroe Zoning Map to change the designation in the Raspberry Hill Rezone Area from Urban Residential 9600 (UR 9600) to Residential 4 Dwellings per Acre (R4).



Bridgette Tuttle, Planning Commission Chair

9/25/2017
Date