



**Attachment 1**

**CITY OF MONROE  
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**A. GENERAL APPLICATION INFORMATION**

<b>File Number(s):</b>	CA2018-01 (associated with SEPA2018-01)
<b>Project Summary:</b>	The proposed amendments are to formally adopt in response to the Monroe City Council emergency adoption of Ordinance No. 007/2018, which established interim zoning amendments to Monroe Municipal Code (MMC) 18.02 Definitions and 18.10 Land Use Zoning District and District Requirements. The City Council's action resulted in the immediate amendment of MMC 18.02 and 18.10 in order to authorize and establish standards and definitions for the installation, use and occupancy of temporary dwellings for security guards on active development project sites.
<b>Applicant:</b>	City of Monroe
<b>Location:</b>	The proposal is a non-project action that is not site-specific. The proposed code amendment does not apply to a specific property or properties, but rather to the entire area within the limits of the City of Monroe.
<b>Public Hearing Date:</b>	<b>Monday, May 21, 2018, at 7:00 PM (continued to Monday, June 4, 2018)</b> Monroe City Hall Council Chambers 806 West Main Street Monroe, WA 98272
<b>Staff Contact:</b>	Amy Bright, Associate Planner City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4533 abright@monroewa.gov

**B. BACKGROUND AND DESCRIPTION OF PROPOSAL**

On March 20, 2018, the City Council adopted emergency Ordinance No. 007/2018, which allows the use of temporary security dwellings to discourage unlawful activities on active construction (commercial, multifamily, and single-family) sites. The ordinance permits the placement of a temporary dwelling (e.g. recreation vehicle or trailer) during construction of a subdivision or industrial/commercial/multifamily structure, which allows for a 24-hour security presence at the job site. These sites are often an attractive nuisance as they can contain valuable equipment and are typically vacant after hours. To ensure the temporary dwellings do not become a nuisance themselves, the ordinance regulates the timing, placement, and occupancy of the temporary dwelling. The emergency ordinance is valid for a period of six months, expiring on September 20, 2018. The amendments proposed under this application (CA2018-01) are the same as those adopted by the emergency ordinance.

## C. REVIEW PROCESS

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### 1. Overview

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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).*

The City is proposing amendments to MMC chapter 18.02, Definitions, and MMC section 18.10.050, Zoning Land Use Matrix. The ordinance also proposes to add a new code section, MMC 18.10.085, Temporary Dwellings – Security Guard. Therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing in front of the Planning was held May 21, 2018, and was continued to June 4, 2018. Following the public hearing, the Planning Commission will forward a recommendation to the City Council. No earlier than June 12, 2018, 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) and MMC 21.50.120, the Council's decision is the City's final action on the proposed code amendments. The decision may be appealed to the Growth Management Hearings Board.

### 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 April 18, 2018. No comments were received from the Department of Commerce or other state agencies that received notification through the Department of Commerce.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with 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 May 11, 2018.

### 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 April 20, 2018. The public comment period for the DNS ended at 5:00 PM on May 4, 2018, with an appeal deadline of 5:00 PM on May 4, 2018. No comments or appeals were received on the SEPA Threshold Determination.

### 4. Public Hearing

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The public hearing on this matter was held in front of the Planning Commission on May 21, 2018 at 7:00 PM in the City of Monroe Council Chambers. The public hearing was continued by the Planning Commission to June 4, 2018. No written comments were received prior to the public hearing.

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

There are no specific criteria listed in the Monroe Municipal Code (MMC) for review of a zoning code 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 applicable goals and policies, as shown below.

Goal/ Policy Number	Goal/Policy Text
<b>Goal 1:</b>	Establish and maintain a safe, secure environment in Monroe for residents, businesses and visitors Maintaining public safety and protecting property underpin nearly all governmental activities. This goal articulates Monroe’s pledge to promote high standards in police and fire protection, maintain safe public facilities and infrastructure, and strive to minimize risk to life and property.
<b>Goal 3:</b>	Grow as a regional center and destination, providing employment opportunities while sustaining a balanced, diverse, resilient economy for Monroe. Residents understand the need to maintain economic diversity while capitalizing on all of Monroe’s assets. This goal works to build a diverse and balanced economic base, improve quality of life and commercial assets, and promote fiscal health.
<b>P.069</b>	Work with local businesses, business development agencies, merchants, and residents to identify and address economic development objectives.
<b>P.072:</b>	Provide a supportive business environment in Monroe.

**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 Monroe Municipal Code:**

The proposed code amendments would allow for the use of temporary security dwellings to discourage unlawful activities on active construction (commercial, multifamily, and single-family) sites. The ordinance permits the placement of a temporary dwelling (e.g. recreation vehicle or trailer) during construction of a subdivision or industrial/commercial/multifamily structure, which allows for a 24-hour security presence at the job site.

**Conclusions of Law:**

*The proposed code amendments do not modify the intent of the existing regulations; are consistent with the purpose of Title 18 of the Monroe Municipal Code; 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 and supplemental non-project review sheet were submitted for environmental review on April 19, 2018.
- b. The SEPA Responsible Official issued a Determination of Non-significance on April 20, 2018.
- 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 April 20, 2018. 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 April 20, 2018.
- e. The SEPA comment period expired at 5:00 PM on May 4, 2018. No comments were received.
- f. The SEPA appeal period will end at 5:00 PM on May 4, 2018. No 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 following Planning Goals listed in RCW 36.70A.020: Urban Growth, Economic Development, and Property Rights.
- b. On April 18, 2018, the proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review in accordance with RCW 36.70A.106. Expedited review was requested.

**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):**

Notice of the May 21, 2018, public hearing was provided in accordance with MMC 21.40.020. On May 11, 2018, the Notice of Public Hearing was: 1) published in the Everett Daily Herald; 2) emailed to parties of record and required agencies; and 3) posted at City Hall and the Monroe Library.

**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).*

- b. As all of the proposed amendments are contained within MMC Title 18, Planning and Zoning, a Planning Commission public hearing and recommendation to the City Council is required.
- c. A public hearing in front of the Planning Commission to consider the amendments and

draft a recommendation to the City Council was held on May 21, 2018 and continued to June 4, 2018.

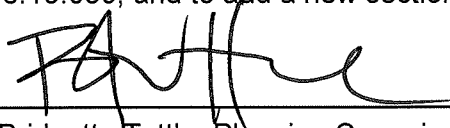
- d. In accordance with MMC 21.50.040(C)(1), a finding is made that the proposal is consistent with the City of Monroe Comprehensive Plan and meets the intent of this code.
- e. Pursuant to MMC 21.50.040(C)(2), a finding is made that the proposal is beneficial to the public health, safety and welfare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

**Conclusions of Law:**

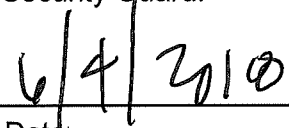
*The proposal complies with the Review and Approval Process requirements in MMC chapter 21.40.*

**E. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission **ADOPTS** the Findings of Fact and Conclusions of Law contained in Attachment 1 to the Planning Commission agenda bill, **AUTHORIZES** the Planning Commission Chair to sign the Findings on behalf of the Commission, and **RECOMMENDS** that the Monroe City Council **APPROVE** the proposed amendments to Monroe Municipal Code Sections 18.02.200 and 18.10.050, and to add a new section, 18.10.185, Temporary Dwellings – Security Guard.



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Bridgette Tuttle, Planning Commission Chair



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Date