

**CITY OF MONROE**  
**ORDINANCE NO. 001/2024**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING THE 2019 SHORELINE MASTER PROGRAM (SMP) TO INCORPORATE THE WASHINGTON STATE DEPARTMENT OF ECOLOGY CHANGES TO THE SMP FOR FINAL APPROVAL/CERTIFICATION OF MONROE'S SMP; ADOPTING SUPPORTING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the Shoreline Management Act of 1971 ("SMA"), codified at Revised Code of Washington (RCW) Chapter 90.58, requires all cities and counties with "shorelines of the state" to prepare and adopt a Shoreline Master Program ("SMP") that is based on state laws and rules, but tailored to the specific jurisdiction; and

WHEREAS, the SMA of the State of Washington requires cities to update their Shoreline Management Program and Regulations every ten years; and

WHEREAS, the Growth Management Act ("GMA") of the State of Washington requires Shoreline Management Programs and Regulations be consistent with locally adopted Comprehensive Plans; and

WHEREAS, the City has authority under Title 35A RCW to adopt regulations related to the protection, mitigation, and management for "shorelines of the state;" and

WHEREAS, Monroe was required to perform a periodic review update of its SMP on or before June 30, 2019 and began the work in 2018; and

WHEREAS, in 2019 the City's Shoreline Master Program was adopted by the Monroe City Council (City of Monroe Ordinance No. 015/2019); and

WHEREAS, the City submitted the SMP to Ecology on September 4, 2019 for review to comply with periodic review update requirements pursuant to RCW 90.58.80 (4)(b); and

WHEREAS, the City received an email from Ecology on October 20, 2020 stating that the City received conditional approval of Monroe's periodic review and that upon closer review following Ecology's initial determination, additional changes to the SMP Periodic Review Update were identified as necessary to insure consistency with the SMA or SMP Guidelines; and

WHEREAS, the City started the process of amending the SMP in October 2023; and

WHEREAS, the Monroe Planning Commission reviewed proposed SMP amendments on October 23, 2023; and

WHEREAS, the SMP amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on November 8, 2023 and the 60-day notice period ends on January 7, 2024; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, by issuing a Determination of Non-Significance (DNS) on November 7, 2023; the appeal period ended on November 21, 2023 and no appeals were filed; and

WHEREAS, the City complied with all applicable City of Monroe Comprehensive Plan Amendment Procedures found in Chapter 22.74 MMC, Comprehensive Plan Amendments and other applicable federal, state, and local regulations; and

WHEREAS, the City provided notice of the proposed Comprehensive Plan Amendments on the City's webpage, through direct mailing, posting, and publication of hearing notices in the Everett Daily Herald; and

WHEREAS, the Planning Commission held a public hearing on December 11, 2023;

WHEREAS, at the conclusion of the public hearing on December 11, 2023, the Planning Commission voted unanimously to recommend approval of the proposed SMP amendments; and

WHEREAS, on February 20, 2024, and February 27, 2024, the City Council considered the recommendation of the Planning Commission.

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

Section 1. Amendment of Shoreline Master Program (CPA2023-04) - Chapter 1, Chapter 3, and Chapter 8. Chapter 1 (Introduction), Chapter 3 (General Provisions), and Chapter 8 (Definitions) of the City of Monroe Shoreline Master Program are hereby amended as provided in Exhibit A, attached hereto and incorporated herein by reference as if set forth in full.

Section 2. Findings. The above recitals and the content of Agenda Bill Nos. 24-076 and 24-118 are hereby adopted as legislative findings in support of the amendments set forth in this ordinance. The City Council further adopts by reference the findings contained in the Planning Commission's January 8, 2024, recommendation, in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Copy to Commerce. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be transmitted to the Department of Commerce within ten days of final adoption.

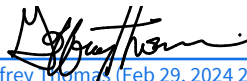
Section 5. Submission to Department of Ecology. The Community Development Director is directed to submit the SMP amendments adopted under this ordinance, and all associated documents, as appropriate, to the Department of Ecology for their review and approval pursuant to RCW 90.58.090.

Section 6. Effective Date. The amendments to the SMP adopted hereunder shall be effective 14 days after Department of Ecology final action as provided by RCW 90.58.090(7), but in any event no sooner than five days following 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 27th day of February, 2024.

Ordinance No. 001/2024  
First Reading: February 20, 2024  
Adoption: February 27, 2024  
Published: March 2, 2024  
Effective: see section 6

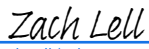
CITY OF MONROE, WASHINGTON:

  
[Geoffrey Thomas \(Feb 29, 2024 20:43 PST\)](#)  
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Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

  
[Jodi Wycoff \(Mar 1, 2024 07:57 PST\)](#)  
\_\_\_\_\_  
Jodi Wycoff, City Clerk

  
[Zach Lell \(Feb 29, 2024 12:19 PST\)](#)  
\_\_\_\_\_  
J. Zachary Lell, City Attorney

# Chapter 1: Introduction

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## D. Shoreline Jurisdiction

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The Shoreline Management Act defines “shorelines of the state” as the total of all “shorelines” and “shorelines of statewide significance” within the state. “Shorelands” are defined as including contiguous floodplain and those lands extending landward for 200’ in all directions from the ordinary high water mark or FEMA mapped floodway.

Shorelines of the state within the City’s municipal boundary include the Skykomish River and Woods Creek.

The City has used its discretion to designate as regulated shorelands the larger of:

(A) Contiguous 100-year designated floodplain (except for specified areas of: Frylands, east of Al Borlin Park, and the City’s Wastewater Treatment Plant), or

(B) Areas landward 200 feet from the ordinary high water mark, or

(C) Areas landward 200 feet from the most current FEMA mapped floodway.

Therefore, in Monroe, the shoreline area to be regulated by the City’s Program includes:

- The Skykomish River and Woods Creek within the City’s municipal boundary;
- The upland area landward 200 feet of the ordinary high water mark (OHWM) of the Skykomish River and Woods Creek;
- Tye Stormwater Facility and shorelands 200 feet from its ordinary high water mark;
- All associated wetlands;
- Contiguous floodplain areas 200 feet landward of the mapped floodway areas associated with the Skykomish River as identified within the Federal Emergency Management Agency’s Preliminary Flood Insurance Study for Snohomish County, Washington and Incorporated Areas and accompanying flood insurance rate map (FIRM) (November 8, 1999), or a more recent most current Federal Emergency Management Agency adopted Flood Insurance Study and accompanying flood insurance rate map (FIRM) as adopted by the City and consistent with MMC Chapter 22.80.120 – Flood hazard area development standards;

- The mapped 100-year floodplain areas which extend landward 200 feet as measured on a horizontal plane from the edge of the floodway areas, as depicted on effective FIRM mapping consistent with MMC Chapter 22.80.120 – Flood hazard area development standards.

~~The Skykomish River and associated shorelands is a shoreline of statewide significance within Monroe, as defined by RCW 90.58.030 and designated by WAC 173-18.~~

Specified Areas not included in Shoreline Jurisdiction:

For the purposes of the Shoreline Master Program, the City has locally modified the shoreline boundary to exclude portions of the floodplain to correct for local topography and site-specific conditions not available to FEMA. The Snohomish River floodplain as it extends into the Frylands area is not part of shoreline jurisdiction, nor is the Skykomish River floodplain area east of Al Borlin Park. Finally, the optional inclusion of areas up to the 100-year floodplain into shoreline jurisdiction was not extended to cover fully developed parcels, including the City’s Wastewater Treatment Plant.

### **Shorelines of Statewide Significance:**

The Act further designates some shorelines as “shorelines of statewide significance”. The Skykomish River is designated as a “shorelines of statewide significance” within the City of Monroe.

Shorelines thus designated are important to the entire state. Because the shorelines of the Skykomish River are a major source of benefit for all people in the state, the Monroe ~~Shoreline~~ The Shoreline Master Program gives preference to the shoreline uses that favor public and long range goals. Accordingly, this Shoreline Master Program gives preference to uses that meet the principles outlined below, listed in the order of preference. These principles, defined in RCW 90.58.020, are incorporated into the City of Monroe Shoreline Master Program:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long-term over short-term benefit.
4. Protect the resources and ecology of shorelines.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public on the shoreline.

In the implementation of this policy, the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interests of the state and the people. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to, or dependent on use of, the state’s shorelines. Alteration of the

natural condition of the shorelines of the state, in those limited instances when authorized by this Shoreline Master Program, shall be given priority for parks, open space, and limited commercial developments particularly dependent on their location on or use of the shorelines of the state, and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.

~~For the purposes of the Shoreline Master Program, the City has locally modified the shoreline boundary to exclude portions of the floodplain to correct for local topography and site-specific conditions not available to FEMA. The Snohomish River floodplain as it extends into the Frylands area is not part of shoreline jurisdiction, nor is the Skykomish River floodplain area east of Al Berlin Park. Finally, the optional inclusion of areas up to the 100-year floodplain into shoreline jurisdiction was not extended to cover fully developed parcels, including the City's Wastewater Treatment Plant.~~

The policies and regulations of this program shall apply to the waters of the Skykomish River, Woods Creek, and the Tye Stormwater Facility and adjacent "shorelands" within the Monroe City Limits. See the official Shoreline Environmental Designations Map for depiction of the area regulated by this Program. All shoreline jurisdiction boundaries depicted on the map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed at the project level to confirm the extent of shoreline jurisdiction shown on this map, particularly with respect to the actual location of the ordinary high water mark, the edges of wetlands, and the determination that a wetland is associated with a shoreline waterbody.

~~The Act further designates some shorelines as "shorelines of statewide significance". The Skykomish River is designated as a "shorelines of statewide significance" within the City of Monroe.~~

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## **E. How the Shoreline Master Program is Used**

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### **4. Relationship of this Shoreline Master Program to Other Plans**

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Monroe Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Monroe Comprehensive Plan and the City's Critical Areas Regulations (MMC Chapter 22.8280, as adopted by Ordinance No. 005015/2019), as incorporated into this Shoreline Master Program by reference. The Monroe SMP must also be

mutually consistent with the regulations developed by the City to implement its plans, including the zoning code, subdivision regulations, and other development standards, as well as building construction and safety requirements. When there is a conflict, the most restrictive regulations, as determined by the City, should apply.

Submitting an application for a shoreline development or use does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulation, which may also be applicable to such development or use.

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# Chapter 3: General Provisions

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## D. Critical Areas

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### 2. Regulations

The City of Monroe Critical Areas Regulations, as codified in MMC 22.80, Ordinance No. 015/2019 are herein incorporated into this Program except for the following:

- 22.80.050(B), Exemptions.
- 22.80.050(C), Exceptions, including public agency and utility exception (subsection C.1) and reasonable use exception (subsection C.2), and innovative development design (subsection C.3).
- 22.80.060, Nonconforming uses.

In the event of a contradiction between this SMP and the Critical Areas Regulations (MMC 22.80), the provision more protective of the environment shall apply, as determined by the City.

MMC 22.80.090 100.D (Stream Development Standards) (Minimum Buffers) requires a ~~minimum buffer of two hundred (200) feet from Type 1 streams~~ Type S streams to have a minimum buffer extending from the OHWM as required by the City of Monroe Shoreline Master Program. The Skykomish River and Woods Creek are both classified as Type 1 S streams. MMC 22.80.100.E (Additional Buffers) also include provisions for increasing the stream buffer as necessary to protect streams when either the stream is particularly sensitive to disturbances or the development poses unusual impacts.

In accordance with statute, wetlands associated with waters of the state fall within Shoreline Management Act jurisdiction. Buffer areas of wetlands and other critical areas that extend outside of the boundary of shoreline jurisdiction are regulated under the City of Monroe Critical

Areas Ordinance (MMC 22.80). Activities occurring in these buffer areas would not require Shoreline Master Program review, and exceptions listed above shall not apply.

Allowances for Tye Stormwater Facility fringe wetlands. Wetlands that have developed around the edges of the Tye Stormwater Facility must be delineated and protected as outlined in MMC 22.80. However, the buffer from any Tye Stormwater Facility-fringe wetland shall only extend to the waterward edge of paved roads or gravel parking areas greater than 50 feet in width. Water-dependent uses, such as docks, may be permitted in wetlands that have developed adjacent to the Tye Stormwater Facility, provided that any impacts are mitigated.

In addition to the Critical Areas Regulations, the City has adopted flood hazard area regulations, Monroe Municipal Code 14.01, which are administered by the City engineer. In accordance with WAC 173-26-221(3)(c), new structural flood hazard reduction measures should be allowed “only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impacts to ecological function and priority species and habitat can be successfully mitigated so as to assure no net loss and that appropriate vegetation conservation actions are undertaken.”

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## Chapter 8: Definitions

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As used herein, the following words and phrases shall have the following meanings:

1. “Feasible” means, for the purpose of this master program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
  - a. The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results;
  - b. The action provides a reasonable likelihood of achieving its intended purpose; and
  - c. The action does not physically preclude achieving the project’s primary intended use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.



2. “Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Most fills destroy the existing natural character of a shoreline and can result in erosion and silting problems, impacts to habitat, along with diminishing of the water surface area.
3. “Fish habitat” means habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.
4. “Flood plain” is synonymous with one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.
5. “Floodway” is the area that has been established in federal emergency management agency flood insurance rate maps or floodway maps.

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

**Planning Commission Recommendation**

**A. GENERAL APPLICATION INFORMATION**

<b>File Number(s):</b>	CPA2023-04 (associated with SEPA2023-04)
<b>Project Summary:</b>	The City of Monroe is making amendments to its Shoreline Master Program (SMP) as required by the Department of Ecology in accordance with the conditional approval of the City's 2019 SMP. This is necessary to ensure consistency with the SMA and/or SMP Guidelines. A mapping amendment is also needed to correct a mapping error to the Shoreline Jurisdictions Map.
<b>Applicant:</b>	City of Monroe
<b>Location:</b>	City-wide properties located in the Shoreline Jurisdiction. 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, December 11, 2023, at 7:00 PM</b> In-Person at Snohomish Regional Fire and Rescue Station 31 and Zoom - Virtual Meeting Platform Snohomish Regional Fire and Rescue Station 31 163 Village Court Monroe, WA 98272  Zoom Link: <a href="https://us02web.zoom.us/j/83748075121">https://us02web.zoom.us/j/83748075121</a> Call-in Number: 253-215-8782 Meeting ID: 837 4807 5121
<b>Staff Contact:</b>	Anita Marrero, Senior Planner City of Monroe 14841 179th Avenue SE, Suite 320 Monroe, WA 98272 (360) 863-4513 <a href="mailto:amarrero@monroewa.gov">amarrero@monroewa.gov</a>
<b>Attachments:</b>	A. DOE Findings and Conclusions B. DOE Required SMP Changes C. Staff Report D. SMP Amendments E. Shoreline Environmental Designations Map F. SEPA Checklist G. DNS H. Public Comments I. Commerce Review Letter J. Public Notices

**B.**

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## BACKGROUND AND DESCRIPTION OF PROPOSAL

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The City of Monroe is making amendments to its Shoreline Master Program (SMP) as required by the Department of Ecology in accordance with the conditional approval of the City's 2019 SMP, on October 20, 2020. This is necessary to ensure consistency with the Shoreline Management Act (SMA) and/or SMP Guidelines. A mapping amendment is also needed to correct a mapping error to the Shoreline Jurisdictions Map.

The City of Monroe is mandated to conduct a periodic review of its SMP, as required by the Washington SMA, RCW 90.58.080(4). The SMA requires local governments to conduct a review of their master programs at least once every 10 years. This review ensures that local SMP's stay current with changes in state laws and rules, remains consistent with other Monroe plans and regulations, and is responsive to changing circumstances, new information, and improved data. This is a non-project action.

Monroe was required to update its SMP on or before June 30, 2019. The State did not require any major updates to the City's inventory, restoration efforts, or cumulative impacts analysis; however, the City was required to include all state mandated updates between 2007 and 2017 as well as local changes in circumstances for Monroe that included updating maps, Comprehensive Plan references to the current Comprehensive Plan, zoning changes, and amending the shoreline management and critical areas ordinances.

The City provided the initial submittal to Ecology on May 10, 2019. In response, Ecology provided an initial determination memo on May 31, 2019, which identified some specific changes necessary to ensure consistency with state requirements. As part of this initial determination, Ecology identified one required change and two recommended changes for the City's consideration in their local approval process. The required change was inclusion of an additional administrative section added to MMC 22.82, that reflects WAC 173-27-044 (Developments not required to obtain shoreline permits or local reviews). The recommended changes included adding a new definition of "Boating Facility" and updating the substantial development definition with the correct State Office of Financial Management dollar threshold (\$7047) for requiring a shoreline substantial development permit.

City staff made the necessary changes consistent with Ecology's May 2019 recommendations to the draft SMP and incorporated them into the locally adopted SMP amendment. The final SMP amendment ordinance contains updates to the City's administrative code (MMC 22.82) and Critical Areas Regulations (CAR) including specific wetland and stream development standards (MMC 22.80). The remaining CAR sections are adopted by reference into the SMP.

With passage of Ordinance No. 015/2019 on August 13, 2019, the City Council authorized staff to forward the proposed amendments to Ecology for formal review.

The proposed SMP amendment was received by Ecology for review and verified as complete on September 4, 2019.

The City received an email from Ecology on October 20, 2020, stating that the City received conditional approval. Upon closer review, Ecology identified additional changes necessary to insure consistency between Monroe's SMP with the SMA and SMP Guidelines.

The following changes are required for Ecology's final approval of Monroe's SMP periodic review amendments:

1. **Shoreline Jurisdiction Clarifications:** The identified changes are necessary to solidify the City's description of shoreline jurisdiction. The changes are consistent with the City's intent in defining "shorelands" in reference to the larger of: the contiguous floodplain (excluding three

specific areas), 200-feet landward or ordinary high water mark, or 200-feet landward of the FEMA mapped floodway.

2. **Critical Areas Regulations reference:** The SMP amendment incorporates relevant sections of the City's 2019 CAR into Chapter 3 of the SMP at 22.82.045.B. For which the identified reference needs to be updated to match updated reference to maintain internal consistency related to code reference and ordinance number provided.
3. **Critical Areas Regulation reference:** Same as above.
4. **Update of Water Typing reference:** The City incorporated the DNR stream typing system into the CAR and updated SMP, as recommended by the Snoqualmie Tribes comment. However, as described within Attachment B (Required Changes), one additional stream type reference needs to be updated in the City's Stream Development Standards, to consistently utilize the DNR stream typing system.
5. **Adding "Fish Habitat" definition:** As noted above, neither the amended SMP, nor incorporated provisions from the City's CAR define "Fish Habitat". Further, with incorporation of the updated water typing system, the definition will ensure internal consistency between the City's CAR and SMP provisions.

*Finding. Ecology finds that the changes identified in Attachment B are necessary for internal consistency within the City's updated SMP and referenced CAR and to ensure implementation of the policies of the SMA and the SMP.*

In addition to the above required amendments from Ecology, staff identified a mapping error that will also be corrected as a part of this review process. Cadman's Sky River facility, located at 16825 177th Ave SE, is identified as High Intensity (HI) in the SMP; however, the Shoreline Environment Designations illustrates the property as Urban Conservancy (UC).

## C. REVIEW PROCESS

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### 1. Overview

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MMC Table 22.84.060(B)(1): Project Permit Types, designates comprehensive plan amendments as Type IV project permits. Type IV permits require that the Planning Commission review the proposal and make a recommendation to the City Council, the final decision making authority. The City is proposing the amendments to the Shoreline Master Program; therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing was held in front of the Planning Commission on December 11, 2023.

Following 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 January 7, 2023, the City Council will hold a first reading to consider the Planning Commission's recommendation. Per MMC Table 22.84.060(B)(2), Decision-Making and Appeal Authorities, the City Council is the final decision authority on the proposed plan amendments. The decision may be appealed to the WA 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 November 8, 2023. The 60-day notice period ends on January 7, 2024.

- 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 November 27, 2023.

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

Pursuant to the Washington Administrative Code (WAC) 197-11-704, the proposal is classified as a non-project action under the State Environmental Policy Act. Non-project actions involve “decisions on policies, plans, or programs,” [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the proposed plan amendments on November 7, 2023. The public comment and appeal periods for the DNS ended at 5:00 PM on November 21, 2023. Three (3) agency comments were received. No appeals were received.

### **4. Public Hearing**

The hybrid public hearing on this matter was held in front of the Planning Commission on December 11, 2023, at 7:00 PM in-person at the Snohomish Regional Fire and Rescue Station 31 located at 163 Village Court, Monroe, Washington 98272 and via Zoom Virtual Meeting Platform.

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

Pursuant to MMC 22.74.040(D), *Criteria for Recommendation of Approval*, the Planning Commission shall use the following criteria in considering whether or not to recommend approval or approval with modification of the proposed plan amendment:

1. Shall not adversely affect public health, safety, or welfare in any significant way;
2. Shall be consistent with the overall goals and intent of the comprehensive plan as amended by the proposals;
3. Shall comply with the Growth Management Act and other state and federal laws;
4. Must be weighed in light of cumulative effects of other amendments being considered;
5. Addresses needs or changing circumstances of the city as a whole or resolves inconsistencies between the Monroe comprehensive plan and other city plans or ordinances;
6. Environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts;
7. Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations;
8. Is compatible with neighboring land uses and surrounding neighborhoods, if applicable; and
9. Is consistent with other plan elements as amended by the proposals.

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

#### **1. Shall not adversely affect public health, safety, or welfare in any significant way.**

- a. **Findings of Fact:** The proposed amends to the SMP are needed to comply with the statutory deadline for a periodic review of the City’s Shoreline Master Program pursuant to RCW 90.58.080(4). The intent of the Monroe Shoreline Master Program, as a comprehensive use plan, are to carry out the responsibilities assigned to the City of Monroe by the Washington State Shoreline Management Act (RCW 90.58) and to promote the public health, safety, and general welfare by providing a guide to regulations for the future development of the shoreline resources of the City of Monroe.
- b. **Conclusions of Law:** The Planning Commission concludes adoption of the SMP will not adversely affect public health, safety, or welfare in any significant way. Additionally, all

site-specific projects resulting from the adoption of the SMP will either improve public health and safety or improve the welfare for Monroe residents.

**2. Shall be consistent with the overall goals and intent of the comprehensive plan as amended by the proposals.**

- a. **Findings of Fact:** The proposed SMP is consistent with and/or implements the following adopted 2015 – 2035 Monroe Comprehensive Plan contains goals, policies, and implementation strategies.

Policy/Action Item Number	Policy/Action Item Text
P.035	Recognize, plan for and actively promote the Skykomish River and Woods Creek and as associated shorelines as an important part Monroe's economic development strategy.
P.037	Protect the functions and values of all critical areas using best available science.
P.054 P.211	Improve physical access to the Skykomish River and Woods Creek from the downtown area.
P.056	Maintain natural hydrological functions within ecosystems and watersheds and seek restoration opportunities identified in the Shoreline Master Program.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed amendments to the SMP are consistent with policies and provisions of the Monroe comprehensive plan.

**3. Shall comply with the Growth Management Act and other state and federal laws.**

- a. **Findings of Fact:** The proposed amendments were transmitted to the State of Washington Department of Commerce for state agency review in accordance with RCW 36.70A.106. The proposed amendments to the SMP are needed to comply with the statutory deadline for a periodic review of the City's Shoreline Master Program pursuant to RCW 90.58.080(4). The amendment brings the SMP into compliance with requirements of the Shoreline Management Act (Act) or state rules that have been added or changed since the City completed their comprehensive SMP update in 2008. Completion of the periodic review will ensure that the SMP remains consistent with any City amendments to their comprehensive plan or other local regulations considered for incorporation into the SMP, as necessary to reflect changed circumstances, new information, or improved data.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed SMP complies with GMA and other state and federal laws.

**4. Must be weighed in light of cumulative effects of other amendments being considered.**

- a. **Findings of Fact:** This amendment is needed to comply with the statutory deadline for a periodic review of the City's Shoreline Master Program pursuant to RCW 90.58.080(4).

- b. **Conclusions of Law:** Not applicable, as this is the only requested amendment to the City's comprehensive plan.

**5. Addresses needs or changing circumstances of the city as a whole or resolves inconsistencies between the Monroe comprehensive plan and other city plans or ordinances.**

- a. **Findings of Fact:** The City of Monroe is mandated to conduct a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires local governments

conduct a review of their master programs at least once every 10 years. Completion of the periodic review will ensure that the SMP remains consistent with any City amendments to their comprehensive plan or other local regulations considered for incorporation into the SMP, as necessary to reflect changed circumstances, new information, or improved data.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed amendments resolve inconsistencies between the Monroe comprehensive plan and other city plans or ordinances.

**6. *Environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts.***

- a. **Findings of Fact:** The City of Monroe issued an Environmental Determination of Non-significance for this non-project action. Environmental review was also completed with the initial SMP periodic update review. The following documents were incorporated by reference, the City's existing 2015-2035 Comprehensive Plan with Appendix A, FEIS adopted on December 8, 2015 (Ordinance 021/2015), City of Monroe 2008 Shoreline Master Program, and 2018 City of Monroe Parks Master Plans. Additional environmental review will occur with each specific project, when SEPA is triggered and not expressly exempt from SEPA review.

- b. **Conclusions of Law:** The Planning Commission concludes environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts.

**7. *Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations.***

- a. **Findings of Fact:** Completion of the periodic review will ensure that the SMP remains consistent with any City amendments to their comprehensive plan or other local regulations considered for incorporation into the SMP, as necessary to reflect changed circumstances, new information, or improved data.

- b. **Conclusions of Law:** The Planning Commission concludes the proposed SMP amendments are warranted and necessary to be consistent with the adopted 2015 Comprehensive Plan.

**8. *Is compatible with neighboring land uses and surrounding neighborhoods, if applicable.***

- a. **Findings of Fact:** Not applicable. The proposed update would not provide housing or change the underlying Comprehensive Plan land use designations or zoning districts. The SMP update will not have an effect on the current use of these properties and will ensure that future uses, and associated development activities will be consistent with the City's 2015-2035 Comprehensive Plan and the use standards in the SMP.

- b. **Conclusions of Law:** Not applicable.

**9. *Is consistent with other plan elements as amended by the proposals.***

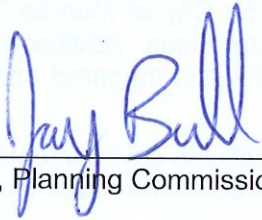
- a. **Findings of Fact:** Proposed changes to the City's SMP fall primarily into two categories: those required by the Department of Ecology to incorporate changes in state guidance since the SMP was adopted in 2008, and those recommended by the City, primarily to update use standards and shoreline environment designations consistent with the City's 2015-2035 Comprehensive and recently acquired and master-planned park/open space areas, and to integrate the City's Critical Areas Ordinance by reference into the SMP.

- b. **Conclusions of Law:** The Planning Commission concludes that the SMP amendments

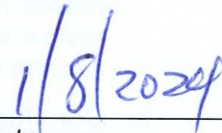
are consistent with the Shorelines and Natural Environments element and as well as other elements of the adopted 2015 Comprehensive Plan.

**E. PLANNING COMMISSION RECOMMENDATION**

Based on analysis and findings included herein the Planning Commission **ADOPTS** the above Findings of Fact and Conclusions of Law, **AUTHORIZES** the Planning Commission Chair to sign the Findings of Fact on behalf of the Commission, and recommend that the Monroe City Council **APPROVE** the proposed Shoreline Master Program Amendments identified by file no. CPA2023-04.



Jay Bull, Planning Commission Chair



Date














# Ord 001 2024 SMP Ordinance\_ Final\_2\_27\_24

Final Audit Report

2024-03-01

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