

CITY OF MONROE
ORDINANCE NO. 003/2019(SUB)

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, REPEALING ORDINANCE NO. 015/2015; REAFFIRMING AND READOPTING THE COMPREHENSIVE PLAN LAND USE MAP DESIGNATION OF CERTAIN PROPERTY LOCATED NORTH OF US-2 NEAR THE EASTERN CITY LIMITS, COMMONLY KNOWN AS THE EAST MONROE AREA, AS LIMITED OPEN SPACE (LOS); ADOPTING SUPPORTIVE FINDINGS; SETTING FORTH AND EFFECTUATING THE CITY'S COMPLIANCE APPROACH TO THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD'S ORDER FINDING CONTINUING NONCOMPLIANCE AND DETERMINATION OF INVALIDITY IN CPSGMHB CASE NO. 14-3-0006c; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the Monroe City Council adopted Ordinance No. 015/2015, approving a citizen-initiated amendment of the Monroe Comprehensive Plan Land Use Map (CPA2011-01) that redesignated the East Monroe area from Limited Open Space (LOS) to General Commercial (GC); and

WHEREAS, on April 1, 2016, the Central Puget Sound Growth Management Hearings Board (GMHB) issued its Order Finding Continuing Noncompliance in CPSGMHB Case No. 14-3-0006c, concluding that the City's adoption of Ordinance No. 015/2015 was noncompliant with the Growth Management Act (GMA) and reaffirming the GMHB's previous determination of invalidity against the City; and

WHEREAS, the GMHB's Order Finding Noncompliance established a new compliance schedule, which was subsequently updated by GHMHB order on October 8, 2018; and

WHEREAS, the GMHB's compliance schedule requires the City to take action to achieve compliance by April 10, 2019, but does not specify or otherwise dictate a particular compliance method; and

WHEREAS, the Monroe City Council has opted to achieve compliance by restoring the *status quo ante*, specially: (i) formally repealing Ordinance No. 015/2015; (ii) acknowledging the invalidity of any and all prior enactments and/or references indicating a General Commercial designation for the East Monroe area; (iii) reaffirming and readopting the City's historic Limited Open Space designation for the East Monroe area on the City's Comprehensive Plan Land Use Map; and (iv) terminating and discontinuing any further consideration and processing of the underlying citizen-initiated

Land Use Map amendment application (CPA2011-01), as set forth in this ordinance;
and

WHEREAS, pursuant to RCW 36.70A.130(2)(b), a city may, after appropriate public participation, adopt amendments to its comprehensive plan more frequently than once per year whenever necessary to resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board; and

WHEREAS, the City complied with all applicable City of Monroe Comprehensive Plan amendment procedures, including without limitation the procedures set forth in Resolution No. 2012/020, Chapter 20.04 MMC, Chapter 21.50 MMC and all other applicable federal, state and local regulations; and

WHEREAS, on February 21, 2019, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) with respect to the relevant substance of this ordinance, and no timely appeals of said DNS were filed; and

WHEREAS, the City provided appropriate notices regarding the relevant substance of this ordinance on the City's webpage, through direct mailing, posting, and publication of hearing notices in the Monroe Monitor; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the relevant substance of this ordinance on March 11, 2019, and subsequently voted to recommend adoption by the City Council.

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

Section 1. Repealer; Acknowledgment of Invalidity. Ordinance No. 015/2015 is hereby repealed in its entirety. The City Council further acknowledges that Ordinance No. 022/2013 was invalidated by the Central Puget Sound Growth Management Hearings Board as set forth in the Board's August 26, 2014 Final Decision and Order in CPSPGMHB Case No. 14-3-0006c, and that the amendments so invalidated in said ordinance are null and void.

Section 2. Readoption and Reaffirmation of Limited Open Space Map Designation for East Monroe Area. The Monroe City Council hereby reaffirms and readopts the Comprehensive Plan Land Use Map designation of certain property located north of US-2 near the eastern city limits, commonly known as the East Monroe Area, and consisting of tax parcel numbers 270706-001-025-00, 270705-002-061-00, 270705-002-062-00, 270705-002-063-00, and 270705-002-064-00 as Limited Open Space, as depicted on Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full. The Mayor or his designee is authorized to take any and all measures reasonably necessary and appropriate to effectuate the directive set forth in this section.

Section 3. Termination of East Monroe Comprehensive Plan Land Use Map Amendment Application (CPA2011-01). The Comprehensive Plan Land Use Map amendment application submitted by Heritage Baptist Church, requesting redesignation of the East Monroe Area from Limited Open Space to General Commercial (CPA2011-01), is hereby terminated. The Monroe City Council hereby directs the Planning Commission and City staff to immediately cease and discontinue any and all further consideration and/or processing of said application.

Section 4. Findings. In support of this ordinance, the Monroe City Council hereby adopts the above recitals, the content of Agenda Bill Nos. 19-055 and 19-069, and the Planning Commission Findings and Conclusions dated March 11, 2019, as shown on the attached Exhibit B, and incorporated by this reference as if set forth in full.

Section 5. Intent; Superseding Effect. It is the express legislative intent of the City Council that this ordinance shall function as a savings clause by restoring all references to the East Monroe area in the City's Comprehensive Plan to the Limited Open Space designation in effect prior to the City's adoption of Ordinance No. 022/2013. It is further the express legislative intent of the City Council that the provisions of this ordinance shall supersede and take precedence over any prior enactments of the City to the extent of any inconsistency. Without limitation of the foregoing, any prior references indicating a General Commercial designation for the East Monroe area on City maps, policies and other documents shall be hereafter be deemed null and void. The Mayor or his designee shall perform, or cause to be performed, an audit of the City's Comprehensive Plan in order to effectuate the directives of this section, and shall promptly require the City's code publisher to remove and/or replace any inconsistent references therein.

Section 6. Compliance with GMHB Order. The purpose of this ordinance is to address and comply with the GMHB's April 1, 2016, Order Finding Continued Noncompliance in CPSGMHB Case No. 14-3-0006c. The Monroe City Council hereby expresses its intent to achieve compliance by restoring the *status quo ante*, specifically: (i) Repealing Ordinance No. 015/2015; (ii) acknowledging the invalidity of any and all prior enactments and/or references indicating a General Commercial designation for the East Monroe area; (iii) reaffirming and readopting and the City's historic Limited Open Space designation for the East Monroe area on the City's Comprehensive Plan Land Use Map; and (iv) terminating and discontinuing any further consideration and processing of the underlying citizen-initiated Land Use Map amendment application (CPA2011-01), as provided in this ordinance. The Mayor and the City Attorney are hereby authorized and directed to take any and all measures reasonably necessary and appropriate to convey this ordinance to the GMHB and to obtain an order from the GMHB finding the City in compliance and rescinding the GMHB's prior determination of validity.

Section 7. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be transmitted to the Washington State Department of Commerce within 10 days after final adoption.

Section 8. 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 9. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 20th day of March, 2019.

First Reading: March 19, 2019
Final Reading: March 26, 2019
Published: March 29, 2019
Effective: April 3, 2019

CITY OF MONROE, WASHINGTON:




Geoffrey Thomas, Mayor


(SEAL)

ATTEST:

APPROVED AS TO FORM:



Elizabeth M. Adkisson, MMC, City Clerk



J. Zachary Lell, City Attorney