

**CITY OF MONROE  
ORDINANCE NO. 015/2015**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, RELATING TO COMPREHENSIVE PLANNING, AMENDING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED NORTH OF US-2 NEAR THE EASTERN CITY LIMITS, COMMONLY KNOWN AS THE EAST MONROE AREA, FROM LIMITED OPEN SPACE TO GENERAL COMMERCIAL; ADOPTING SUPPORTIVE FINDINGS; SETTING FORTH AND EFFECTUATING THE CITY'S COMPLIANCE APPROACH TO THE CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD'S DETERMINATION OF INVALIDITY AND FINDING OF NONCOMPLIANCE IN CPSGMHB CASE NO. 14-3-0006c; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

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WHEREAS, the City Council has received a citizen initiated request for an amendment to the Comprehensive Plan Map for 42.8 acres from Limited Open Space to General Commercial located north of US-2 near the eastern city limits, commonly known as the East Monroe Area; and

WHEREAS, the City of Monroe SEPA Responsible Official issued a Determination of Significance (DS) for this proposal on July 21, 2011, and the City of Monroe issued a Final EIS on September 27, 2013; and

WHEREAS, on December 26, 2013, the Monroe City Council passed Ordinance No. 022/2013 amending the City of Monroe Comprehensive Plan Map from "Limited Open Space" to "General Commercial" for certain property located north of US-2 near the eastern city limits, commonly known as the "East Monroe Area," and also passed Ordinance No. 024/2013 rezoning the East Monroe Area from Limited Open Space (LOS) to General Commercial (GC); and

WHEREAS, in February 2014, the City Council action on Ordinance No. 022/2013 and Ordinance No. 024/2013 was appealed to the Growth Management Hearings Board (GMHB); and

WHEREAS, in August 2014 (corrected Final Decision and Order dated September 19, 2014) the GMHB invalidated certain components of Ordinance No. 022/2013 (Section 3, Exhibit G, and unspecified "related attachments") and Ordinance No. 024/2013; and

WHEREAS, the GMHB found that the City's SEPA review failed to comply with RCW 43.21C.030(c), that the ordinances substantially interferes with GMA Planning Goal 10, and remanded the matter back to the City with a compliance date of February 23, 2015, which was subsequently extended by the GHMB to August 21, 2015, and then again extended to December 1, 2015; and

WHEREAS, to address the GMHB's order, the City issued a Supplemental Environmental Impact Statement (SEIS) prepared by PACE Engineers on November 2, 2015, for the proposed East Monroe Area Comprehensive Plan amendment and concurrent rezone; the SEIS supplements the September 27, 2013, Final EIS issued for the proposed non-project actions; and

WHEREAS, the Monroe Planning Commission held a duly advertised public hearing to consider the proposed East Monroe Area Comprehensive Plan Amendment and East Monroe Area Zoning Map amendment on October 12, 2015; and

WHEREAS, on October 26, 2015, the Monroe Planning Commission adopted findings and made a recommendation for denial of the East Monroe Comprehensive Plan Map amendment and Zoning Map amendment to the Monroe City Council; and

WHEREAS, on November 10, 2015, having considered the Planning Commission recommendation, and having reviewed the November 2, 2015, SEIS, the Monroe City Council passed a motion directing staff to prepare an ordinance approving the East Monroe Comprehensive Plan Map amendment and an ordinance approving the East Monroe Zoning Map Amendment, to be brought back for consideration at the City Council's November 17, 2015, meeting; and to prepare the necessary City Council findings and conclusions to accompany the Ordinances in support of approving the Comprehensive Plan map amendment and Zoning Map amendment; and

WHEREAS, on November 17, 2015, the City of Monroe City Council held a public hearing on the proposed East Monroe Comprehensive Plan Map amendment; and

WHEREAS, on August 25, 2015, the proposed East Monroe Area Comprehensive Plan Map amendment was sent to the Washington State Department of Commerce and State agencies in accordance with RCW 36.70A.106; and

WHEREAS, RCW 36.70A.130(2)(b) provides that all Comprehensive Plan amendment proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained; except that, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform to Chapter 36.70A RCW whenever to resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board; and

WHEREAS, the East Monroe Area Comprehensive Plan map amendment seeks to resolve a GMHB Order; 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 other federal, state and local regulations; and

WHEREAS, the City provided appropriate notices of the proposed Comprehensive Plan amendment on the City's webpage, through direct mailing, posting, and publication of hearing notices in the Monroe Monitor; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the amendment as provided in this ordinance.

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

Section 1. East Monroe Map Amendment (CPA2011-01). The Monroe City Council hereby amends the Comprehensive Plan land use 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 from Limited Open Space to General Commercial, as shown on the attached Exhibit A and incorporated by this reference as if set forth in full. The Mayor is authorized to sign a revised Land Use Map effectuating the amendment set forth herein.

Section 2. Findings, Conclusions, and Analysis. In support of the amendments approved in this ordinance, the Monroe City Council adopts the above recitals and the Findings and Conclusions recommended by City Staff, and reviewed by the City Council, as shown on the attached Exhibit B and incorporated by this reference as if set forth in full.

Section 3. Compliance with Final Decision and Order. The GMHB's Final Decision and Order in CPSGMHB Case No. 14-3-0006c purported to invalidate and remand to the City Section 3 of Ordinance No. 022/2013, as well as "related attachments including Exhibit G." The GMHB established a deadline for achieving compliance, but did not specify a particular method in this regard. The City's means of achieving compliance is as follows:

3.1 Re-Adoption of Land Use Map Amendment. Section 3 and Exhibit G of Ordinance No. 022/2013 collectively amended the City of Monroe Comprehensive Land Use Map classification of the East Monroe area from "Limited Open Space" to General Commercial." Following the GMHB's invalidation of these components of Ordinance No. 022/2013, the City hereby achieves compliance with the GMHB's order by readopting the original Land Use Map amendment with the benefit and support of the November 2, 2015, Supplemental Environmental Impact Statement as provided in this ordinance. The SEIS expressly addresses and corrects each of the deficiencies previously identified by the GMHB. The City Council has thoroughly considered the contents of the SEIS, and the environmental analysis contained in the

SEIS has appropriately informed the Council in re-adopting the Land Use Map amendment set forth herein.

3.2 Replacement and/or Abandonment of "Related Attachments" from Ordinance No. 022/2013. Apart from Exhibit G of Ordinance No. 022/2013, the GMHB's Final Decision and Order did not specify which, if any, "related attachments" of that ordinance were also included within the scope of the Board's determination of invalidity. The City Council notes that, apart from Exhibit G, the other attachments to Ordinance No. 022/2013 included all of the Comprehensive Plan text amendments enacted by the City in 2013 (Exhibits A-F) as well as the voluminous legislative findings adopted by the Council in support of that ordinance (Exhibits H-I). The Final Decision and Order did not purport to invalidate Sections 1, 2, or 4 of Ordinance No. 022/2013, which respectively adopted these exhibits by reference into the ordinance. The City Council further notes that the City's 2013 text amendments were processed under a November 12, 2013, SEPA Determination of Nonsignificance that was not administratively appealed and was not addressed - much less invalidated - in the GMHB's Final Decision and Order. Instead, the Board's determination of invalidity was based exclusively upon perceived deficiencies in the 2013 East Monroe FEIS, which in turn covered only the Land Use Map amendment and rezone for the East Monroe property and did not purport to address any text amendments.

To the extent that the GMHB's reference to "related attachments" was intended to mean the legislative findings (Exhibits H-I of Ordinance No. 022/2013) supporting the City's 2013 East Monroe Land Use Map amendment, the City hereby achieves compliance with the GMHB's order by adopting the new supportive findings set forth in or otherwise attached to this ordinance.

To the extent that the GMHB's reference to "related attachments" was intended to mean one or more (unspecified) text amendments adopted under Sections 1-2 of Ordinance No. 022/2013, the City notes that the entire text of the City of Monroe Comprehensive Plan is presently undergoing a wholesale reformatting and revision pursuant to the 2015 update process required by RCW 36.70A.130. This extensive legislative effort has, since the time of the public release draft of the Comprehensive Plan on April 2, 2015, involved over 20 meetings of the City's Planning Commission, 25 separate briefings during meetings of the City Council, a formal Planning Commission public hearing held in April/May of 2015, a formal City Council public hearing to be held December 1, 2015, and is currently scheduled for final adoption by the Monroe City Council in December 2015. Any of the City's 2013 text amendments that could remotely be characterized as "related" to the 2013 East Monroe Land Use Map amendment invalidated by the GMHB are absent from the reformatted and revised 2015 update. The City hereby achieves compliance with the GMHB's order by expressing the City Council's intent to abandon any of the allegedly "related" text amendments from 2013.

Section 4. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, the City will transmit this ordinance to the Washington State Department of Commerce within 10 days after final adoption.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance or any section of the Monroe Municipal Code adopted or amended hereby 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 or code section.

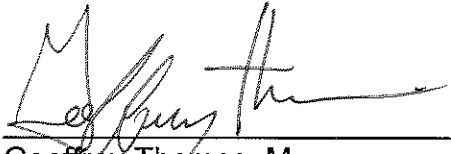
Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 24 day of November, 2015.


First Reading: November 17, 2015  
Final Reading: November 24, 2015  
Published: December 1, 2015  
Effective: December 6, 2015

(SEAL)


CITY OF MONROE, WASHINGTON:

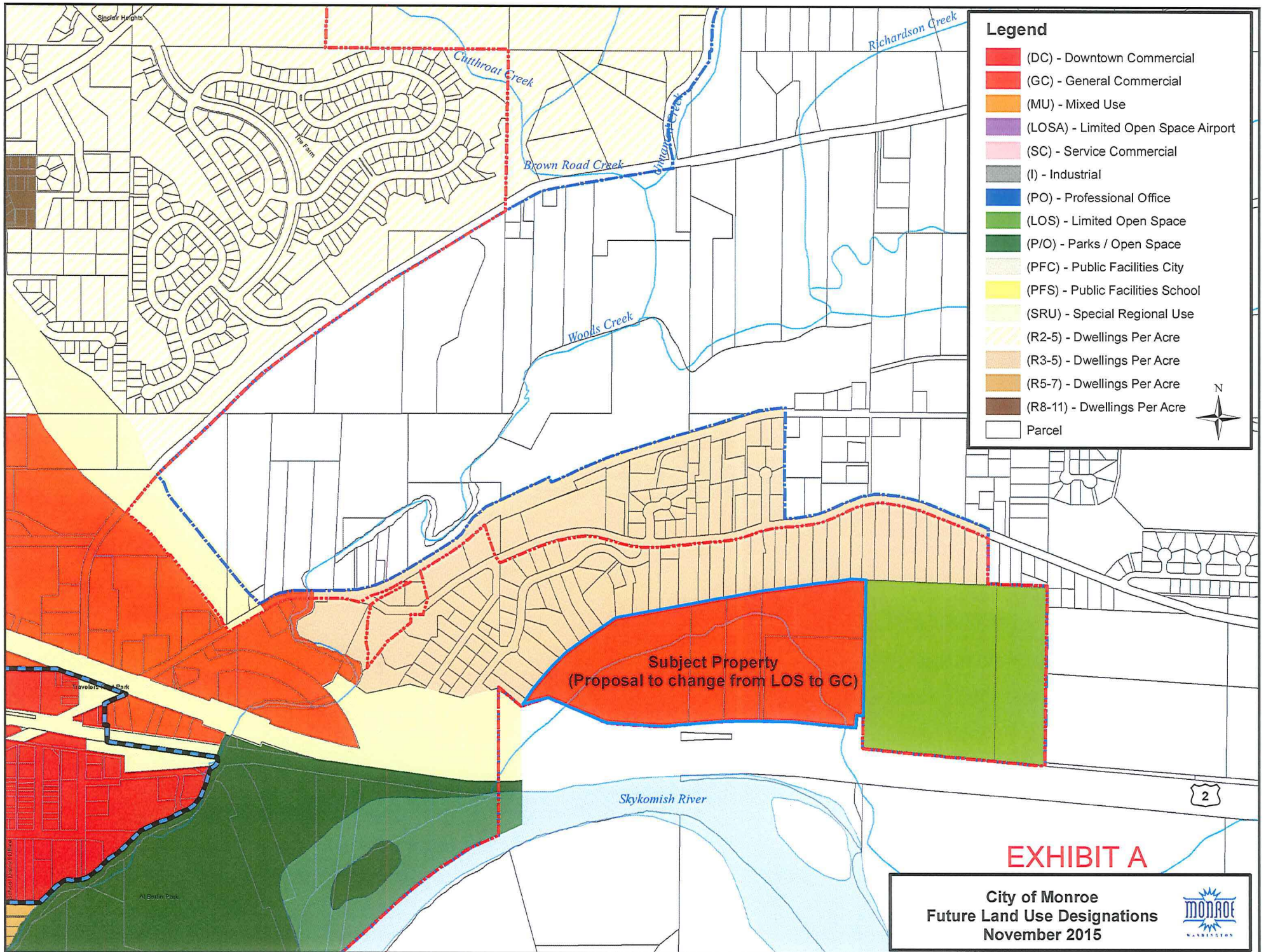
  
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Geoffrey Thomas, Mayor

ATTEST:

  
\_\_\_\_\_  
Elizabeth M. Smoot, MMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
J. Zachary Lell, City Attorney



**Legend**

- (DC) - Downtown Commercial
- (GC) - General Commercial
- (MU) - Mixed Use
- (LOSA) - Limited Open Space Airport
- (SC) - Service Commercial
- (I) - Industrial
- (PO) - Professional Office
- (LOS) - Limited Open Space
- (P/O) - Parks / Open Space
- (PFC) - Public Facilities City
- (PFS) - Public Facilities School
- (SRU) - Special Regional Use
- (R2-5) - Dwellings Per Acre
- (R3-5) - Dwellings Per Acre
- (R5-7) - Dwellings Per Acre
- (R8-11) - Dwellings Per Acre
- Parcel



**Subject Property  
(Proposal to change from LOS to GC)**

**EXHIBIT A**

**City of Monroe  
Future Land Use Designations  
November 2015**

## EXHIBIT B (SUB)

### MONROE CITY COUNCIL FINDINGS AND CONCLUSIONS

#### EAST MONROE COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT

##### I. REQUESTED PROPOSAL

- 1.1 Heritage Baptist Church has requested an amendment to the City of Monroe Comprehensive Plan map and City of Monroe zoning map (“rezone”) for approximately 43 acres of property (“Subject Property”) consisting of five contiguous parcels located within the City of Monroe’s adopted Urban Growth Area (UGA) along the north side of US 2 near the eastern city limits. The Subject Property is within Sections 5 and 6, Township 27N, Range 07E, W.M. (Snohomish County Tax Assessor Parcel Numbers: 270706-001-025-00, 270705-002-061-00, 270705-002-062-00, 270705-002-063-00 and 270705-002-064-00.)
- 1.2 The proposed comprehensive plan amendment and zoning map amendment are as follows:
  - 1.2.1 Comprehensive Plan Map Amendment from “Limited Open Space” to “General Commercial”; and
  - 1.2.2 Zoning Map Amendment (Rezone) from Limited Open Space (LOS) to General Commercial (GC).
- 1.3 At this time, a specific development proposal for the Subject Property has not been made.
- 1.4 The City of Monroe Comprehensive Plan Land Use Policy 1 (LUP-1.1) describes various future land use designations. The “Limited-Open Space, One Dwelling Unit Per Five Acres” and “General Commercial” land use designations are described as follows:

##### **Land Use “Policies”**

*LUP-1.1* - Future land use designations, illustrated on the Comprehensive Plan Land Use Map and/or adopted in this plan, shall establish the future distribution, extent, and location of generalized land uses within the Urban Growth Area (UGA). The designations are defined as follows:

- 1.4.1 *Limited-Open Space, One Dwelling Unit Per Five Acres.* This designation shall provide for residential uses at a maximum density of one dwelling unit per five acres. This designation, with support of the landowner, is appropriate for land that:

- a. Lacks the availability of public services and facilities necessary to support urban development; or
- b. Is so severely impacted by critical areas, including frequently flooded areas, steep slopes, or wetlands, that development requires significant mitigation; and

In addition to meeting either a or b above may also provide:

- c. Buffers between development or urban separators between transitional land uses on the urban growth boundaries of the city, and/or
- d. Provides for enhanced recreational facilities and linkages to existing trails or open space systems.<sup>1</sup>

1.4.2 *General Commercial (GC)*. This designation comprises more intensive retail and service uses than described under Service Commercial above. General Commercial uses typically require outdoor display and/or storage of merchandise, greater parking requirements, and tend to generate noise as a part of their operations. Such uses include but are not limited to shopping centers, large retailers, grocery stores, retail sales, food and drink establishments, auto, boat and recreational vehicle sales, automobile repair, and equipment rental, and other related uses.

The City of Monroe is nearing the end of the process of enacting an entirely new 2015-2035 Comprehensive Plan in compliance with the GMA update requirements of RCW 36.70A.130. Adoption is anticipated shortly after December 1, 2015. The General Commercial (GC) designation in the proposed 2015 Comprehensive Plan will be as follows:

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<sup>1</sup> The pre-2013 version of LUP 1.1 provided in relevant part as follows: *LUP-1.1* - Future land use designations, illustrated on the Comprehensive Plan Land Use Map and/or adopted in this plan, shall establish the future distribution, extent, and location of generalized land uses within the Urban Growth Area (UGA). The designations are defined as follows:

- 1. *Limited-Open Space, One Dwelling Unit Per Five Acres*. This designation shall provide for residential uses at a maximum density of one dwelling unit per five acres. This designation is appropriate for land that:
  - a. Lacks the full range of public services and facilities necessary to support urban development;
  - b. Is so severely impacted by critical areas, including frequently flooded areas, steep slopes, or wetlands, that its development potential is significantly diminished; or

In addition to meeting the criteria above, may also provide:

- a. Buffers between development or urban separators between transitional land uses on the urban growth boundaries of the city, and/or
- b. Provides for enhanced recreational facilities and linkages to existing trails or open space systems.



General Commercial. This designation comprises most retail, dining, entertainment and similar businesses that are conducted primarily indoors. Commercial uses generally provide services or entertainment to consumers for household use or for business services. Such uses may include, but are not limited to, eating and drinking places, lodging, finance, real estate and insurance, and personal services. Commercial uses may also involve outdoor display and/or storage of merchandise and tend to generate noise as a part of their operations. Such uses include but are not limited to shopping centers, large retailers, grocery stores, retail sales, food and drink establishments, auto, boat and recreational vehicle sales, automobile repair, and equipment rental, and other related uses. Uses within the Commercial designation may also include personal and professional service businesses that commonly locate in office buildings, such as banks, medical and dental clinics, accounting, law, real estate, insurance, travel agencies and similar businesses.

- 1.5 The City of Monroe Municipal Code Title 18 (entitled "Zoning") identifies the purpose of Limited Open Space (LOS) zoning district (MMC 18.10.045) and of the General Commercial (GC) zoning district (MMC 18.10.030A) as follows,

**18.10.045 Purpose of the limited open space zoning district.** The purpose of the limited open space zoning district is to provide for low-density residential uses on lands that lack the full range of public services and facilities necessary to support urban development and that are severely impacted by critical areas. This zone also provides a buffer between urban areas and transitional land uses on the urban growth boundaries of the city, and/or may also provide for enhanced recreational facilities and linkages to existing trails or open space systems.

**18.10.030 Purpose of the commercial zoning districts.** The purposes of the commercial districts are to provide opportunities for the enhancement of existing commercial uses and for the location of new commercial development.

A. General commercial uses (GC) should be located on traffic corridors that have adequate capacities for traffic flow. Such location assures that uses do not generate traffic through residential areas. Uses located in this (GC) class should be designed into planned centers with safe and convenient access to minimize curb cuts and facilitate better parking and traffic flows.

## II. EXISTING CONDITION OF THE PROPERTY

- 2.1 The Subject Property is approximately one-quarter mile west of the City of Monroe Urban Growth Area (UGA) boundary line and is entirely within the UGA established for Snohomish County and the City of Monroe. The parcels front Washington State Department of Transportation (WSDOT) right-of-way (US 2). Several of the parcels were created as part of short plat filed under Snohomish County Auditor's File Number (AFN) 200405035216.
- 2.2 The 43 acre Subject Property is presently undeveloped and vacant. The Subject Property's physical character is derived from its location between a steep hillside to the north and SR-2 to the south. Just south of the US Highway 2 are the Burlington Northern/ Santa Fe Railroad (BNSF) tracks and the Skykomish River.
- 2.3 The Subject Property is relatively flat to slightly rolling and is buttressed by steeply rising topography to the north and to the northwest. Most of the slope is located north of and outside of the Subject Property. The slope is mostly characterized by thickly vegetated deciduous trees and shrubs (and occasional evergreen trees). The toe of the slope and small portions of the steep hill slope are located along the northern edge of the proposed plan amendment /rezone property.
- 2.4 The Subject Property is currently dominated by herbaceous plants, pasture grasses and invasive species. Dense established Himalayan blackberry and reed canary grass stands are located within and along the edges of the Type 1 oxbow stream/slough channel that moves through the site. The oxbow stream/slough starts near the southeast corner of the site, turns west just south of the northern project boundary, and at one point flows through a 24-inch culvert.
- 2.5 The comprehensive plan designation, zoning and land use of surrounding properties are:

Direction	Comprehensive Plan	Zoning	Land Use
North	(R3-5) dwellings per acre	UR 9,600	Single Family Dwellings
East	Limited Open Space	Limited Open Space	Single Family Dwelling
South	County	County	Highway (US 2), BNSF Railroad , Skykomish River
West	(R3-5) dwellings per acre	UR 9,600	Single Family Dwellings

- 2.6 The Subject Property was annexed into the City of Monroe in 1970. The Subject Property is currently undeveloped and has remained vacant for a number of years. There has been some occasional agricultural use of the Subject Property over time, most recently in 2009.

- 2.7 The Subject Property is not currently served by public water and sewer service, although the area is included in the water and sewer service areas of the City of Monroe. Water and sewer service can be extended to the Subject Property at the applicant's expense. Access is currently provided by a pullout driveway from US 2.
- 2.8 Both the original September 27, 2013, Final Environmental Impact Statement (FEIS) and the 2015 Supplemental Environmental Impact Statement (SEIS) identify that approximately 11 of the Subject Property's 43 acres are not encumbered by critical areas, buffers, or native growth protection area. The installation of buildings and/or parking areas under any alternative analyzed in the City's SEPA review must occur on the 11 unencumbered acres.
- 2.9 Three wetlands exist on-site (identified as Wetlands A, B, and C). Wetland A is a category II wetland. Wetland B and Wetland C are classified as Category III wetlands.
- 2.10 The subject property is located approximately 400 feet north of the Skykomish River. A Type 1 oxbow stream/slough corridor bisects the site and separates the flat lower pasture area from the heavily vegetated slopes that characterize the north and northeastern portions of the site.
- 2.11 A portion of the Subject Property lies within City of Monroe Shoreline Master Program jurisdiction. That portion of the Shoreline on the property is designated "Urban Conservancy". The City of Monroe Shoreline Master Program designation describes the purpose of the "Urban Conservancy" designation as:

**"Urban Conservancy" Environment Purpose.**

The purpose of the "Urban Conservancy" environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

**III. PROCEDURAL BACKGROUND**

- 3.1 On September 27, 2013, a Final Environmental Impact Statement (2013 FEIS) on the proposed Comprehensive Plan Amendment and rezone was issued. The 2013 FEIS analyzed potential environmental impacts at a non-project level on elements of the built and natural environment and identified mitigation measures associated with the proposed East Monroe Comprehensive Plan amendment and rezone.
- 3.2 From November 2013 to December 2013, the Monroe Planning Commission held a public hearing on the proposed comprehensive plan amendment and rezone (along with other comprehensive plan amendments that were part of the 2013

comprehensive plan amendment docket, which were processed under a separate SEPA analysis) and made a recommendation to the City Council.

- 3.3 In December 2013 the Planning Commission recommended approval of the Comprehensive Plan map amendment and the rezone to the City Council. The Planning Commission recommendation was accompanied by findings.
- 3.4 On December 26, 2013, the Monroe City Council passed Ordinance No. 22/2013 and Ordinance No. 24/2013. Ordinance No. 22/2013 amended the City of Monroe Comprehensive Plan Map from "Limited Open Space" to "General Commercial" for the Subject Property, as well as adopting the numerous text amendments to the Natural Environment, Land Use, Housing, Economic Development and Capital Facilities Elements of the Comprehensive Plan. Ordinance No. 24/2013 rezoned the Subject Property from Limited Open Space (LOS) to General Commercial (GC).
- 3.5 In February 2014, the City Council action on Ordinance No. 22/2013 and Ordinance No. 24/2013 was appealed to the Growth Management Hearings Board (GMHB). In August 2014 (corrected order dated September 19, 2014) the GMHB invalidated certain components of Ordinance No. 022/2013 (Section 3 and unspecified "related attachments", including Exhibit G) and Ordinance No. 024/2013. (See *Appendix A in the Supplemental Environmental Impact Statement for Growth Management Hearings Board (GMHB) decision in Blair et al v. City of Monroe, CPSGMHB Case No. 14-3-0006c*).
- 3.6 The GMHB found that the City's SEPA review failed to comply with RCW 43.21C.030(c) and that the ordinances substantially interfere with GMA Planning Goal 10. GMA Planning Goal 10 (RCW 36.70A.020) states:

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

Ordinance No. 24/2013, and the above-referenced portions of Ordinance No. 22/2013, were determined invalid by the GMHB, remanded to the City with a compliance date of February 23, 2015. The GMHB compliance due date was subsequently extended to August 21, 2015, and then again to December 1, 2015.

- 3.7 Following a lengthy policy debate and deliberative process throughout the Fall of 2014, the Monroe City Council ultimately opted to achieve compliance with the GMHB's order by re-adopting the East Monroe amendments with the support of a new Supplemental Environmental Impact Statement (SEIS) that would address the SEPA deficiencies previously identified by the Board.

- 3.8 The comprehensive plan amendment and zoning map amendment proposal was sent to the Washington State Department of Commerce on August 26, 2015, in accordance with the 60-day state agency review process pursuant to RCW 36.70A.106.
- 3.9 On August 28, 2015, the City of Monroe issued a Draft SEIS prepared by PACE Engineers and their team of sub-consultants for the proposed East Monroe Comprehensive Plan amendment and concurrent zoning map amendment. The Draft SEIS addressed those issues identified in the GMHB's September 19, 2014, Final Decision and Order. A thirty-day written public comment period was provided for the Draft SEIS. In response to a request for additional time, the Draft SEIS public comment period was extended to Friday, October 9, 2015, 12:00 pm.
- 3.10 The Draft SEIS responded to the Growth Management Hearings Board's decision and supplements the original September 27, 2013, FEIS issued for the proposed East Monroe Comprehensive Plan map amendment/Zoning Map amendment non-project action.
- 3.11 On September 23, 2015, City staff held a voluntary public hearing for the Draft SEIS. The purpose of the public hearing was to give the public an opportunity to provide verbal comments on the Draft SEIS.
- 3.12 On October 12, 2015, the Planning Commission held a public hearing on the proposed East Monroe Comprehensive Plan Map amendment and concurrent Zoning Map amendment. Copies of the September 27, 2013, FEIS and August 28, 2015, Draft SEIS were provided to the Planning Commission. All written comment on the Draft SEIS and the transcript of the September 23, 2015, Draft SEIS public hearing was provided to the Planning Commission for its consideration.
- 3.13 The Planning Commission's October 12, 2015, public hearing on the proposed Comprehensive Plan Map amendment and concurrent zoning map amendment follows an extensive history on the proposal.
- 3.14 The Planning Commission public hearing was continued to October 19, 2015, for the purposes of deliberation on the proposed East Monroe Comprehensive Plan Map amendment and Zoning Map amendment. At its October 19, 2015, meeting the Planning Commission gave direction to staff to prepare and bring back for the Planning Commission's consideration findings and conclusions recommending to the City Council denial of the proposed East Monroe Comprehensive Plan Map amendment and Zoning Map amendment.

#### **IV. PLANNING COMMISSION'S RECOMMENDATION**

- 4.1 On October 26, 2015, the Monroe Planning Commission took action to adopt findings and conclusions recommending denial of the proposed East Monroe

Comprehensive Plan Map amendment and Zoning Map amendment. The Planning Commission did not have the Final Supplemental Environmental Impact Statement (Final SEIS) prior to its October 26, 2015, recommendation.

- 4.2 In 2012, the Monroe City Council adopted Resolution No. 2012/020 – adopting Comprehensive Plan Amendment Procedures. Included among those procedures are review criteria the City Council (and Planning Commission) shall use in considering whether or not to approve the proposed comprehensive plan amendment.
- 4.3 As provided for in Resolution No. 2012/020, each plan amendment shall meet the following criteria to be recommended for approval:
  - (i) Shall not adversely affect public health, safety, or welfare in any significant way.
  - (ii) Shall be consistent with the overall goals and intent of the Comprehensive Plan, as amended by the proposals.
  - (iii) Shall be in compliance with the Growth Management Act and other State and Federal laws.
  - (iv) Must be weighed in light of cumulative effects of other amendments being considered.
- 4.4 Resolution No. 2012/020 also states that in addition to the mandatory review criteria above any proposed amendment must meet the following additional criteria unless compelling reasons justifies its adoption without them:
  - (i) 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.
  - (ii) Environmental impacts have been disclosed and/or measures have been included that reduce possible adverse impacts.
  - (iii) Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations.
  - (iv) Is compatible with neighboring land uses and surrounding neighborhoods, if applicable.
  - (v) Is consistent with other plan elements and the overall intent of the comprehensive plan.

4.5 The October 26, 2015, Planning Commission findings and conclusions express its recommendation of denial for the East Monroe Comprehensive Plan Map amendment and for the Zoning Map amendment.

4.6 In reviewing the Planning Commission recommendation the City Council takes note of three specific factors that weighed in the Planning Commission's recommendation. These include:

4.6.1. Safety - The Planning Commission findings addressing the criteria pertaining to not adversely affecting public health, safety or welfare state:

Based on the information presented to date, answers to concerns over public safety impacts pertaining to potential landslide hazards on the hillside to the north and northwest of the Subject Property have not been responded to and addressed. Landslide activity on the hillside was identified in the Draft SEIS. Landslide hazard impacts raises public safety issues.

4.6.2. Changing circumstances - The Planning Commission finding addressing needs or changing circumstances states, in part:

Changing circumstances of the City have not been addressed. There has been insufficient information provided by the applicant as to why the proposed comprehensive plan amendment and zoning map amendment is needed and why the proposed amendment is being requested. A strong need for the proposed plan amendment has not been demonstrated by the applicant. A project specific application would have been more helpful in demonstrating need and would also make the request easier to evaluate.

There should be a clear reason why the proposal is being requested. There are land uses that can be done now under existing zoning. General Commercial zoning does not seem appropriate for the property.

4.6.3. (Uncertainty over) Environmental Impacts - The Planning Commission's responses to certain criteria relate to perceived environmental impacts. The Planning Commission's findings cite the absence of certain information as the basis for its denial recommendations. Examples of these statements include (*emphasis added*):

- “Questions regarding landslide hazard, sources of water, survey data and flood elevations remain unanswered. *The information needed by the Planning Commission to recommend approval was not available.*” (Emphasis added).
  - “It is unknown whether the proposal would achieve a harmonious relationship between the built and natural environment. Conflicting information regarding existing landslide hazard conditions on the hillside has not yet been resolved. *Additional information to make this an affirmative finding is still needed.*” (Emphasis added).
  - “The proposed Comprehensive Plan amendment and proposed zoning map amendment would not be consistent with the above referenced goals and policies of the City of Monroe Comprehensive Plan *if answers to issues such as landslide hazards, flood elevation and surveying are still unanswered.*” (Emphasis added).
  - “With respect to the environment, the *Planning Commission could not determine* whether certain questions about items such as landslide hazards, flood elevations and survey information being raised by the testimony were adequately answered to ensure protection of the environment. *Such information might be available in the Final Supplemental Environmental Impact Statement (FSEIS), but that information was not yet available to the Planning Commission.*” (Emphasis added).
- 4.7 The Planning Commission findings cited uncertainty about landslide hazards and steep slopes. This included a need for clarification over whether relatively recent landslide activity had been correctly documented. LIDAR technology versus survey data, and issues regarding flooding of the site were also addressed by the Planning Commission as creating sufficient uncertainty to not be able to recommend approval.
- 4.8 The Planning Commission recommendation was made on October 26, 2015. The Final SEIS was issued on November 2, 2015.

#### **V. CITY COUNCIL REVIEW OF CRITERIA APPLICABLE TO COMPREHENSIVE PLAN AMENDMENTS**

- 5.1 The Monroe City Council acknowledges and respects the advisory role of the Planning Commission in providing recommendations to the Council on proposed amendments to the Comprehensive Plan and development regulations. However, the City Council reiterates and reaffirms that the ultimate authority to



determine the propriety of such amendments lies with the City Council rather than the Planning Commission.

- 5.2 Unlike the Planning Commission, the City Council has had the benefit of reviewing the Final SEIS issued November 2, 2015. This includes reviewing comments raised by the public during the Draft SEIS public comment period and the November 2, 2015, Final SEIS responses to those comments from the consultant (PACE Engineers), sub-consultant (Wetland Resources Inc., GeoEngineers and Watershed Science & Engineering) team and City staff.
- 5.3 The City Council also received, at its November 10, 2015, regular meeting when it received the Planning Commission recommendation, a letter dated November 9, 2015, from Susan Boyd of PACE Engineers. That letter included as attachments a November 9, 2015, letter from Larry M. Karpack, PE of Watershed Science & Engineering, and a November 9, 2015, memorandum from Craig Erdman, LG, LEG and Galan McInelly, LE, LHG, LEG. These documents specifically responded, point by point, to the Planning Commission's October 26, 2015, findings and conclusions recommending denial of the East Monroe Comprehensive Plan Map amendment and Zoning Map amendment. The letter and attachments were publicly acknowledged and made available to the public at the November 10, 2015, City Council meeting.
- 5.4 The Watershed Science & Engineering letter (Larry Karpack) addresses questions over sources of flood water, flood height, and survey (or topographic) data and states:

I do not believe that any of these issues remain unanswered or unconfirmed. No technical studies or analyses have been presented to contradict the detailed technical studies done by Watershed Science & Engineering (WSE) with regard to the above referenced issues. Rather I believe that the Planning Commission has incorrectly relied on vague and unsubstantiated statements by opponents of the rezone to reach its conclusion that these questions remain unanswered.

The City Council has not received any expert scientific testimony or evidence that would contravene or otherwise reasonably call into question the expert scientific analysis contained in the SEIS. With respect to sources of flood water, WSE confirmed that no culvert is present on the eastern end of the slough and that BNSF design drawings show no such culvert at that location. With this information, WSE was able to utilize FEMA-approved flood plain modeling, along with new topographic data, to determine the correct flood plain elevation of the site. Moreover, WSE adjusted its previous determination of the Subject Property's elevation after field surveys were completed.

5.5 The November 9, 2015, GeoEngineers memorandum similarly states:

It is our professional opinion that the landslide and erosion hazards and potential impacts have been described and evaluated appropriately.

The City Council has not received any contravening expert scientific testimony or evidence refuting or otherwise credibly undermining this determination. GeoEngineers considered comments received by the public concerning the location of a previously-occurring slide and confirmed its mapping was correctly performed. Moreover, GeoEngineers has determined that excavation related to new development south of the slough—of whatever type—will not contribute to slope instability. Because there is no development or disturbance planned in the landslide and erosion hazard areas, and because it is expected that the City's critical areas ordinance will be enforced, GeoEngineers has determined that there will be no change in impacts to public safety or the environment.

5.6 Again, the City Council appreciates and respects the advisory role of the Planning Commission and the work it has devoted in reviewing of the East Monroe Comprehensive Plan Map amendment (and rezone). Yet based upon the information now available to the City Council, the Council as explained herein finds that those issues raised by the Planning Commission in its October 26, 2015 Findings and Conclusions have been comprehensively addressed and responded to in the November 2, 2015, Final SEIS and other relevant documents.

5.7 The City Council also respectfully disagrees with the Planning Commission that changing circumstances do not exist to justify the proposed Comprehensive Plan amendment. As discussed in greater detail later in these findings, continued and recent development and consumption of commercial land has taken place in the City. This includes Lowes (2008), Wal-Mart (2014), and Tractor Supply (2015). The City Council considers the potential of a commercial gateway presence along US-2 to be in the best interest of the community.

5.8 In addition, residential development and growth is on-going in the City. According to the City of Monroe Community Development Department, there are approximately 350 single family lots currently in the development pipeline (i.e., submitted for permitting or having recently received final plat approval). This increase in residential development places greater demand and need for local goods and services.

5.9 The following is an analysis of the Comprehensive Plan map amendment criteria identified in Resolution No. 2012/020, followed by a response:

- (i) Shall not adversely affect public health, safety, or welfare in any significant way.

The proposed plan map amendment could enable development that will increase transportation demands. These traffic demands can be mitigated. Future development will not likely adversely affect public services and utilities. The area has the ability to be served by utilities and the proposed Plan Map designation of General Commercial falls within the capacity range for the city's sewer and water systems. Police and fire coverage will not be adversely increased as certain limited types of "commercial" uses, such as airports, garden produce, and greenhouse retail stores, are already permitted.

As explained further below regarding consistency with the Comprehensive Plan, the proposed plan map amendment will not adversely affect the neighboring residential properties in a significant manner because of the buffers provided by the unbuildable steep slopes, streams, wetlands, and Native Growth Protection Area. Other environmental impacts will be addressed through mitigation at the project level. Overall, the City concludes that the benefits of commercial development along the US-2 traffic corridor will positively impact the Monroe community.

In addition, the analysis in the SEIS affirms that negative or adverse environmental impacts to the public will not occur as a result of development occurring at a General Commercial level. In particular, public safety will not be jeopardized due to anticipated, properly mitigated development on the property. GeoEngineers has concluded that landslide hazards will remain the same as currently experienced, irrespective of the intensity of development on the Subject Property.

- (ii) Shall be consistent with the overall goals and intent of the Comprehensive Plan, as amended by the proposals.

#### 5.10 Consistency with the current Comprehensive Plan.

The City Council finds that the proposed amendments are consistent with all other applicable elements of the City's Comprehensive Plan, as amended by the proposal. Commercial development along the US-2 traffic corridor will positively impact the Monroe community.

The relevant goals and provisions of the current Comprehensive Plan<sup>2</sup> are analyzed below. More specifically this amendment is consistent with Comprehensive Plan in the following ways:

- 5.10.1 The Comprehensive Plan amendment supports the Vision Statement of the Comprehensive Plan by assisting with the transition of Monroe "from a small rural town into a city of regional importance and sustained population and economic growth" (Comprehensive Plan, Page ES-5).

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<sup>2</sup> The City of Monroe is nearing the end of the process of enacting an entirely new 2015-2035 Comprehensive Plan in compliance with the GMA update requirements of RCW 36.70A.130. Adoption is anticipated shortly after December 1, 2015.

The Comprehensive Plan anticipates that because of Monroe's proximity to Seattle, Everett, and the Eastside, the city's needs and priorities will continually change as Monroe experiences growth, including economic growth (Comprehensive Plan, Page LU-3).

- 5.10.2 The Comprehensive Plan amendment is supported by the Growth Management Act (GMA) in establishing procedures for cities and counties to adopt comprehensive plans and Urban Growth Areas. The GMA requires counties planning under the Act to designate an urban growth area or areas "within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature" (Comprehensive Plan, Page LU-7). The growth and development that would be authorized and encouraged by this amendment is appropriate for the City's Urban Growth Area, as adopted by Snohomish County, and is consistent with long-standing Growth Management Act principles governing land use planning and development within incorporated areas.
- 5.10.3 The land to be re-designated (approximately 43 acres) was originally annexed in 1970 with the intention that the property be developed for commercial use, though the zoning designation originally assigned was RS-9600. Later, the area was down-zoned to Limited Open Space with a residential density of one dwelling unit per five acres.
- 5.10.4 In accordance with Comprehensive Plan Policy LUP 5.1, the City discourages annexation of agricultural lands into the city limits unless the intent is to re-designate such lands to higher, urban land uses. The Comprehensive Plan amendment will facilitate that goal by re-designating the land within city limits to a higher, urban land use (commercial) that is compatible with the original intention of the annexation's proponents.
- 5.10.5 Adoption of the Comprehensive Plan amendment allows the City to realize Land Use Goal (LUG) 8 relating to Commercial Development and, specifically, LUP 8.1. LUG 8 states:

Provides for increased commercial development that will diversify the commercial base of Monroe, enhance the character of major traffic corridors and the downtown, and provide opportunities for neighborhood commercial centers.

LUP 8.1 further provides that the City will:

Locate new commercial development near major traffic corridors, parking areas and enhanced pedestrian circulation.

Because of the property's prime location on US 2, the City's major traffic corridor, the property is uniquely situated to realize this Goal and to

serve the “increasing number of travelers” that utilize US 2 (Comprehensive Plan, Page LU-6).

- 5.10.6 As stated in the Comprehensive Plan, “Most of the city’s commercial development is located along US-2, comprised of strip highway-oriented commercial uses” (Comprehensive Plan, Page LU-29). Consequently, use of the property for commercial development will be compatible with the uses already recognized in the US-2 corridor. Development consistent with the GC designation will enhance the US 2 traffic corridor by providing a gateway presence at the eastern entry into the City.
- 5.10.7 While the Comprehensive Plan generally envisions that commercial and industrial development be constructed primarily in commercial and industrial zones and away from single-family neighborhoods, it does not require that commercial development occur exclusively in locations away from residential development or specify any particular separation distance.
- 5.10.8 As discussed previously, the Limited Open Space Comprehensive Plan Map designation and implementing LOS zoning district already allows certain types of commercial development on the property, such as fitness centers, garden produce and greenhouse retail, along with other conditional uses such as schools, day care centers, bed and breakfasts, and airports.
- 5.10.9 Policy LUP 8.4 provides the City:

Require adequate buffering where new commercial or industrial uses abut residential neighborhoods.

This policy (LUP 8.4) demonstrates that the Comprehensive Plan contemplates and anticipates that new commercial and industrial uses may be located alongside residential uses. In the case of this amendment, adequate buffering is provided from the Rivmont Ridge residential neighborhood (R 3-5 Comprehensive Plan designation) due to the numerous environmental limitations on the East Monroe property and on the abutting Rivmont Ridge properties.

The SEIS projects that the developable area is limited to approximately 11.3 acres of the approximately 43-acre property that is largely adjacent to US-2 because of the environmental constraints on the property, which are further outlined in the SEIS prepared for the applicant by a professional environmental consultant team. A legally binding, permanent, Native Growth Protection Area is further imposed by Boundary Line Adjustment 199003 recorded under Snohomish County Recording #200405035217. The environmental constraints include steep slopes, a stream/slough, and wetlands, all of which will provide a natural buffer between commercial development and the Rivmont Ridge neighborhood.

- 5.10.10 Adoption of the Comprehensive Plan amendment further allows the City to realize Land Use Goal 9 (Comprehensive Plan, Page LU-51) which promotes “commercial developments that are economically feasible and provide active focal points in the community.” Development consistent with the GC designation will provide a commercial gateway at the eastern entrance of the City along US-2, thereby creating an attractive gateway focal point in the community.
- 5.10.11 In accordance with Policy LUP 9.1 (Comprehensive Plan, Page LU-51) any such commercial development will be:

[L]ocated and designed to minimize adverse impacts of traffic volumes, noise, stormwater runoff, drainage patterns and other related issues on surrounding land uses.

Consistency with this policy can be accomplished by applying mitigation of adverse impacts at the project level. Development under any designation will be limited to approximately 11.3 acres of the property largely adjacent to US-2. The precise mitigation measures and will be further defined with environmental review at the time an actual development application is received.

- 5.10.12 The Comprehensive Plan amendment supports the Plan’s General Goal Statements as follows:

Natural Environment - Protect areas and wildlife habitat, preserve open spaces and natural resources, and encourage development to be designed around the natural landscape while protecting private property rights. (Comprehensive Plan, Page ES-5)

This amendment protects the private property rights of the property owner by allowing and facilitating development of parts of the property in accordance with the owner’s intent. The amendment also protects the environment by identifying all shoreline and critical areas of the property, including wetlands and streams, and areas protected as native growth protection areas. The reduction in the original size of the proposed amendment (the applicant’s original reclassification/rezone request included additional acreage that has been removed from the scope of the present proposal), as well as the analysis and mitigation contained in the SEIS, will help to ensure that any future development on the property is appropriately protective of environmental concerns.

While the property is not in a special flood hazard area per the effective Flood Insurance Rate Map, it does meet the City’s definition of a “Frequently Flooded Area.” The anticipated mitigation measures and site configurations have been fully addressed in detail in the SEIS and

will be further defined with additional environmental review at the time an actual development application is received.

“Land Use - Create a balance between single-family, multi-family, professional office, commercial, and industrial land uses to create a vibrant and diverse living environment within the Monroe UGA. Continue to separate incompatible land uses through the Comprehensive Land Use Plan and zoning regulations, and promote mixed-use developments where appropriate. Encourage infill development within the UGA before developing “vacant areas” that lack public facilities and services.”

This amendment will allow for the enrichment of the vibrancy and diversity of the community by creating a commercial focal point at the eastern entrance to the City. The Comprehensive Plan amendment strikes the balance between single-family development and commercial development and adequately separates these land uses because of the buffer provided by native growth protection areas, shorelines, and unbuildable steep slopes. The City has previously encouraged infill development by providing for density credits for infill developments and previously amending the Comprehensive Plan and Zoning Regulations to allow for mixed use development along Main Street.

“Economic Development – Promote a healthy economy by supporting local businesses, ensuring adequate land is designated for commercial and industrial development, and working with local, county and state economic development offices to encourage new businesses to locate within the community to guarantee long-term fiscal stability and a variety of employment opportunities within the Monroe urban growth area.”

This amendment is consistent with these goals by increasing the amount of land that might be developed commercially and provides opportunities for new businesses to locate within Monroe. The additional commercial development will enhance the City’s tax base and will complement the City’s existing economic and commercial community.

#### 5.11 2015 GMA Comprehensive Plan Update.

- 5.11.1 The City of Monroe City Council is nearing the end of the process of enacting an entirely new 2015-2035 comprehensive plan in compliance with the GMA update requirements of RCW 36.70A.130. The Planning Commission made its recommendation to the City Council on the proposed Comprehensive Plan update on October 19, 2015. Following the release of the draft Comprehensive Plan’s public review draft April 2,

2015, the Planning Commission held over 20 meetings to review the draft Comprehensive Plan, which included public hearing and deliberation.

- 5.11.2 A City Council public hearing on the proposed Comprehensive Plan update is scheduled for December 1, 2015, with adoption anticipated shortly thereafter. Workload, including the draft and final versions of the East Monroe SEIS, and a high volume of development activity, combined with staff leave and vacancies and ensuring adequate public participation for both the East Monroe SEIS and the Comprehensive Plan Update, has required that completion of the GMA update process extend beyond the original June 30, 2015, deadline.
- 5.11.3 When the 2015 update is ultimately adopted, the proposed Comprehensive Plan will include goals and policies that would support the East Monroe Comprehensive Plan map amendment and zoning map amendment. Proposed Comprehensive Plan Goals 1 and 3 state:

*Goal 1: 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."

....

*Goal 3: 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.

- 5.11.4 The proposed East Monroe Comprehensive Plan amendment and zoning map amendment furthers proposed Comprehensive Plan Goal 1 (above). The proposed East Monroe Plan amendment and zoning map amendment has been subject to detailed and thorough environmental review through the preparation of the SEIS. Specifically, the November 2, 2015, Final SEIS addresses issues regarding landslide hazard, erosion hazard and flooding to address public safety concerns to life and property. The SEIS found that the proposed Comprehensive



Plan amendment and rezone would not adversely impact the hillside if certain measures are followed when a project specific development action is proposed.

5.11.5 The proposed East Monroe Plan amendment and zoning map amendment also furthers proposed Comprehensive Plan Goal 3 (above). The proposed East Monroe Comprehensive Plan map change to General Commercial and zoning map amendment to General Commercial (GC) helps Monroe grow as a regional destination and provides employment opportunities in Monroe.

5.11.6 Throughout the year of 2015, the City's planning staff, Planning Commission, and City Council have reviewed and considered the East Monroe map amendment proposals concurrently with provisions of the 2015 Comprehensive Plan update. The City Council expressly finds that the cumulative impacts of both proposals have been adequately considered and that the East Monroe map amendment is consistent with the 2015 Comprehensive Plan update in all relevant respects.

5.11.7 The proposed Comprehensive Plan includes several policies addressing protection of the environment. These policies address areas raised in the GMHB September 19, 2015, order and include, as examples:

P.009 - Promote building setbacks from significant slopes to maintain slope stability and reduce the need for engineered approaches.

P.010 - Manage land use development to reduce downstream urban flooding.

P.011 - Require special site plan review of proposed development in geological and flood hazard areas. Evaluate alternative development options where determined necessary.

P.012 - Review and update building and development codes on an ongoing basis, incorporating the best and latest standards for development in critical areas.

P.038 - Promote site development and construction practices that minimize impact on natural systems.

P.039 - Manage surface water areas for multiple use, to include:

- Flood and erosion control
- Wildlife habitat
- Open space
- Recreation

- Groundwater recharge functions

P.040 - Where appropriate, apply mitigation sequencing techniques in management of wetland areas.

P.041 - Consider flood control strategies that preserve full function and do not negatively impact adjacent properties when evaluating development proposals.

P.042 - Identify, inventory, classify and protect fish and wildlife habitats, providing special consideration to fish which migrate for spawning.

P.044 - Participate in regional efforts to recover species listed under the Endangered Species Act through activities including watershed planning and restoration.

- 5.11.8 The above proposed policies, if adopted, provide for substantive authority to apply SEPA mitigation, if necessary on development projects affecting critical areas. They also include directives to maintain and update regulations for the continued protection of the environment on issues such as habitat, flood control, wetlands, geological and flood hazard areas, significant slopes and flooding.
- 5.11.9 The proposed Comprehensive Plan Economic Development Chapter discusses the role and importance of the US-2 corridor in the City's economic development strategy. Maintaining US 2 as the City's regional retail center is one of six proposed Comprehensive Plan economic development strategies. The proposed Comprehensive Plan references that US 2 carries at least 24,000 vehicles per day and also states:

**Maintain Monroe's US 2 Regional Retail Center**

Monroe's US 2 regional retail center is an important job center and one of the City's most important gateways. It is important that this area remain economically healthy, competitive, and offer the most attractive reception possible.

Key steps responding to this theme are to:

Use signage or other means to increase the visibility of the Monroe brand

Identify key gateway intersections or nodes that may deserve additional landscaping or design

Look for opportunities to better connect commercial development on US 2 to Downtown in order to create a “complete” retail center that provides visitors with both national brand names on US 2, and local vendors in Downtown

Expand and broaden retail offerings available in Monroe.

Encourage and promote the development or enhancement of retail areas to achieve a vibrant shopping, dining and entertaining experience in the downtown corridor.

- 5.11.10 The proposed East Monroe Comprehensive Plan amendment to “General Commercial” and rezone to General Commercial (GC) would expand and broaden opportunities for retail offerings available in Monroe and is consistent with the proposed “General Commercial” Comprehensive Plan map designation description which states:

**General Commercial**

This designation comprises most retail, dining, entertainment and similar businesses that are conducted primarily indoors. Commercial uses generally provide services or entertainment to consumers for household use or for business services. Such uses may include, but are not limited to, eating and drinking places, lodging, finance, real estate and insurance, and personal services. Commercial uses may also involve outdoor display and/or storage of merchandise and tend to generate noise as a part of their operations. Such uses include but are not limited to shopping centers, large retailers, grocery stores, retail sales, food and drink establishments, auto, boat and recreational vehicle sales, automobile repair, and equipment rental, and other related uses. Uses within the Commercial designation may also include personal and professional service businesses that commonly locate in office buildings, such as banks, medical and dental clinics, accounting, law, real estate, insurance, travel agencies and similar businesses.

- 5.11.11 The adoption timeframe of the City’s 2015 Comprehensive Plan Update was unexpectedly delayed beyond the original statutory deadline imposed by the Growth Management Act. Simultaneously, the ultimate re-adoption of the East Monroe Comprehensive Plan amendment and Rezone as part of the City’s compliance approach following the Growth

Management Hearings Board's Final Decision and Order in CPSGMHB Case No. 14-3-0006c was delayed for the reasons described in the City's requests for extension of the Compliance Deadline to the Board. Due to the variable timing of these simultaneously processed local amendments, the City's 2015 Comprehensive Plan Update has been caveated with an effective "placeholder" reference in relation to the Subject Property. To accurately reflect the Board's determination of invalidity, the East Monroe Property retains its present Limited Open Space designation in the current version of the 2015 Comprehensive Plan Update, as shown in the Plan Concept Diagram, Figure 2.03, and the 2035 Future Land Use Map (FLUM), Figure 3.05, but the draft update expressly acknowledges the area's pending reclassification to General Commercial as part of the City's compliance efforts:

This study area is applied to the portion of East Monroe north of US Highway 2 and at the foot of the bluffs, consisting of approximately 45 acres. This area is the subject of a series of comprehensive plan amendments and zone change requests, with the Growth Management Hearings Board (GMHB) now considering the adequacy of the City's environmental review for a commercial designation on the property. The East Monroe Study Area is not considered a designation and is in place only to indicate that the Limited Open Space land use designation may be reconsidered in light of the GMHB order and the City's response. That will allow this comp plan/EIS to proceed with the understanding that supplemental environmental study and an upcoming land use re-designation is in the works.

In order to ensure internal consistency and to reflect the City Council's reclassification of the East Monroe area to General Commercial under this ordinance, the Limited Open Space designation will be changed to General Commercial for the Subject Property prior to the adoption of the 2015 Comprehensive Plan Update.

- 5.12 *(iii) Shall be in compliance with the Growth Management Act and other State and Federal laws.*
- 5.12.1 The City Council finds that the proposed amendments conform to and are consistent with all applicable provisions of the Growth Management Act (GMA).
- 5.12.2 Without limitation of the foregoing, the City Council has specifically considered, and the proposed amendments conform to, the relevant GMA Planning Goals codified at RCW 36.70A.020 as follows:

Goal 1. Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

The amendments acknowledge that the East Monroe area is located within the incorporated jurisdiction of the City of Monroe and that any authorized development within this area should accordingly be urban in nature rather than rural or agricultural. The amendments will facilitate and encourage future development that is appropriately urban under this standard. Adequate public facilities and services can be provided to the area in an efficient manner. Without limitation of the foregoing, utility infrastructure can be extended to the area at the expense of any future developer as a condition of project approval.

Goal 2. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Low-density development is allowed within the East Monroe area under the existing Land Use designation (LOS) of the area. By encouraging and facilitating urban land uses of a more urban, commercial nature in this area, the amendments will reduce the potential for low-density sprawl that would otherwise be inconsistent with the GMA.

Goal 3. Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

This goal is not directly relevant to the proposal, which seeks to only reclassify a relatively small area within the City's planning jurisdiction from one urban use designation to another, and does not implicate any plan-based multimodal transportation system. Moreover, the East Monroe area is immediately adjacent to the State Route 2 highway corridor, and the transportation facilities that would be impacted by and necessary for the reclassification were extensively analyzed in the City's SEPA review. The ultimate impact of the proposed reclassification on relevant transportation facilities, including SR 2 and associated intersections, is negligible in comparison to development of the site under the current LOS designation. The primary regional transportation improvement priority relevant to the East Monroe area, the planned SR 2 bypass project, was appropriately acknowledged in the City's environmental analysis.

Goal 4. Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of

residential densities and housing types, and encourage preservation of existing housing stock.

The proposed amendments do not threaten the City of Monroe's existing housing stock. The City Council has carefully considered the City's residential development needs, its current housing inventory and its long-term population growth estimates, and has determined that the topography and location of the East Monroe area are more appropriate for commercial development. The City Council specifically concludes that the negligible addition of residential units at the level one dwelling unit per five acres under the existing LOS zoning—a density that has long been discouraged by the Growth Management Hearings Board—is far outweighed by the benefits of commercial development at this location.

Goal 5. Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposed amendments are consistent with the City's Comprehensive Plan and reflect the City's planning vision concerning the function of the East Monroe area vis-a-vis the City's larger planning vision for the entire jurisdiction. Allowing limited commercial development within this area promotes economic opportunity by enabling the establishment of new businesses at a commercially desirable location adjacent to and accessible from State Route 2, a heavily traveled thoroughfare. Development of this type will provide an urban gateway presence at the City's jurisdictional boundary, and will potentially generate tax revenue for the City through enhanced property values and additional sales and use taxes from commercial activity on the site.

Goal 6. Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The proposed amendments reflect, are consistent with and will facilitate the intended use of the underlying property by the affected landowners and will not result in the taking of any private property without just compensation. The amendments are the culmination of a lengthy decisional process that carefully considered and weighed numerous factors, including the recommendations of City staff and the Planning Commission, public comment, the preferences of the underlying landowners, review under the State Environmental Policy Act (SEPA), and the provisions of the City's Comprehensive Plan. The City's decision-making process was methodical and well-reasoned, and was not arbitrary or discriminatory in any manner.

Goal 7. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

This goal is not directly relevant to the proposed amendments. However, the proposed amendments will facilitate the ability of landowners within the East Monroe area to apply for permits that would authorize development of the underlying property in accordance with their intent.

Goal 8. Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

The City of Monroe is a local municipality subject to and planning under RCW 36.70A.040. Consistent with the central planning objectives of the GMA, the proposed amendments will help to ensure that land within the incorporated jurisdiction of the City of Monroe is utilized primarily for urban rather than rural, agricultural or nonproductive uses. Without limitation of the foregoing, the City Council finds that the Land Use Map amendment for the East Monroe area is compatible with adjacent use designations and will not encourage any incompatibility.

Goal 9. Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

As indicated in the SEPA analysis that was prepared for the East Monroe amendment, significant portions of the area are constrained by topography, critical areas and other natural factors. As such, it is likely

that a substantial portion of the current open space located within this area will be essentially preserved notwithstanding any future development that may occur in accordance with the proposed Land Use Map amendment. The City Council has carefully considered the City's existing open space and recreational facility inventory in light of current and future City needs, and has determined that the proposed amendments are consistent with the City's planning vision and intent in all pertinent regards.

Goal 10. Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The City's planning staff, Planning Commission, and City Council have carefully considered the environmental impact of development at the proposed GC designation. All have taken the Growth Management Hearings Board's Final Decision and Order very seriously, and it has been carefully scrutinized to ensure that all deficiencies of the 2013 FEIS identified by the GMHB have been fully addressed and corrected.

The SEIS responds to the GMHB comment that the 2013 FEIS focused primarily on the area determined as "developable" and needs to evaluate the entire 43-acre site is required. The SEIS accomplishes this through additional fieldwork, review of historical records and survey data involving the entire site. Additional analysis of off-site areas such as the steep hillside to the north and northwest of the East Monroe comprehensive plan amendment/rezone property was performed. New modeling and hydraulic analysis of flooding across the entire property, grading for compensatory storage outside of the "developable area", habitat assessment and impacts of grading for compensatory storage outside of the "developable" area", erosion impacts from stormwater in the stream/slough, updated flood elevations on the entire property were among the additional topics studied.

Goal 11. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

The proposed amendments have been processed in material compliance with all applicable procedural requirements, including without limitation procedures for citizen participation such as public noticing, public meetings and public hearings. Citizen involvement in the process has been consistently encouraged and accepted. Without limitation of this conclusion, the City held a voluntary public hearing on the Draft SEIS and a City Council public hearing on the proposed East Monroe amendments



in addition to the legally required hearing before the Planning Commission.

Goal 12. Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Adequate public facilities and services can be provided to the area in an efficient manner. Without limitation of the foregoing, utility infrastructure can be extended to the area at the expense of any future developer.

Goal 13. Historic preservation. Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

This goal is not directly relevant to the proposed amendments.

- 5.12.3 The Growth Management Act also includes, as a State Planning Goal, the Goals and Policies of the Shoreline Management Act. The proposed East Monroe Comprehensive Plan Map amendment and Zoning Map amendment are consistent with the City's Shoreline Master Program, which has been approved by the Washington State Department of Ecology. A portion of the East Monroe area is within the Shoreline Management Act jurisdiction and is subject to the City's adopted Shoreline Master Program (SMP).
- 5.12.4 No specific construction proposal for any area located within the shoreline jurisdiction has been made, and the alternatives analyzed in the City's SEPA analysis do not contemplate any such proposal. Irrespective, the City Council finds that the proposed amendments are consistent with the relevant "Urban Conservancy" shoreline designation, under which some categories of commercial uses are permissible. Any future development within the shoreline jurisdiction would need to comply with the substantive standards, procedures and permitting requirements set forth in the SMP and the shoreline use regulations codified in the Monroe Municipal Code.
- 5.12.5 In addition to the State GMA Planning Goals, the proposed amendment is also consistent with the *Countywide Planning Policies for Snohomish County* (adopted June 1, 2011.)

The Countywide Planning Policies (CPP's) Development Patterns Goal states:

The cities, towns, and Snohomish County will promote and guide well designed growth into designated urban areas to create more vibrant urban places while preserving our valued rural and resource lands. (Page 20.)

CPP Development Patterns Policy DP-7 states:

City and County Comprehensive Plans should locate employment areas and living area in close proximity in order to maximize transportation choices and minimize vehicle miles traveled and to optimize use of existing and planned transportation systems and capital facilities.

CPP Development Patterns Policy DP-31 states:

Jurisdictions should minimize the adverse impacts on resource lands and critical areas from new developments.

CPP Natural Environment Goal states:

Snohomish County and local jurisdictions will act as a steward of the natural environment by protecting and restoring natural systems, conserving habitat, improving air and water quality, reducing greenhouse gas emissions and air pollutants, and addressing potential climate change impacts. Planning for the future will embrace sustainable ways to integrate care of the environment with economic and social needs.

The proposed East Monroe Comprehensive Plan amendment is consistent with the above CPP Goals and Policies. The plan amendment (and rezone) would allow for more efficient use of land in the urban growth area of the City of Monroe and for Snohomish County. In doing so, more local job opportunities would exist for Monroe residents. Approximately 85 percent of Monroe residents who are employed travel outside of the City for work. See City of Monroe Economic Development Strategy prepared by Studio Cascade and the Leland Consulting Group. The proposed plan amendment would provide increased employment opportunities for local residents and reduce vehicle miles traveled, improve air quality and reduce greenhouse gas emissions.

The overriding directive to cities under both VISION 2040 and the Snohomish County CPPs is to encourage and focus urban growth within UGAs, to maximize the development potential of existing urban lands, and to afford cities broad discretion in “determin[ing] the appropriate methods for providing urban services in their incorporated areas”.

See VISION 2040 MPP-DP-2 at 47; Snohomish County CPPs at 20, PS-2 at 56. While the CPPs establish various policies to protect agricultural and other resources lands,<sup>3</sup> these policies by their terms purport to achieve this objective by limiting commercial development in unincorporated rural areas “outside of UGAs” while simultaneously “encourag[ing] the focus of growth in the Urban Growth Areas.” See, e.g., Snohomish County CPPs DP-28, DP-29, DP-30 at 89-91 (emphasis added). Increasing the availability of public services and facilities is precisely the objective of the county and regional planning programs. See, e.g., VISION 2040 at 13-4, 46-47, 89-91, G-11; Snohomish County CPPs at 20, DP-5, PS-2.

The SEIS prepared for the proposed East Monroe Comprehensive Plan amendment is thorough and complete. It identifies impacts and mitigation on matters related to the natural environment to protect natural resources such as streams and wetland and identifies opportunities for habitat restoration when project specific developments take place.

5.13 (iv) *Must be weighed in light of cumulative effects of other amendments being considered.*

5.13.1 The City Council has considered the East Monroe Comprehensive Plan amendment and of the zoning map amendments in light of the City’s other plan amendments.

5.13.2 The proposed Comprehensive Plan amendment responds to an order from the Growth Management Hearings Board. RCW 36.70A.130 (2)(b) entitled “Comprehensive plans—Review procedures and schedules—Amendments” states:

Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

The proposed City of Monroe Comprehensive Plan amendment seeks to resolve and appeal of a comprehensive plan filed with the Growth Management Hearings Board and therefore is being considered outside of the City’s annual amendment process.

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<sup>3</sup> See, e.g., Snohomish County CPPs DP-23, DP-24.

- 5.14 Resolution No. 2012/020 also states that in addition to the mandatory review criteria any proposed amendment must meet the following additional criteria unless compelling reasons justifies its adoption without them.

*(i) 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.*

The amendment supports the vision statement of the Comprehensive Plan by assisting with the transition of Monroe from a small rural town “into a city of regional importance and sustained growth” (Page LU-3). The Comprehensive Plan anticipates that because of Monroe’s proximity to Seattle, Everett, and the Eastside, the city’s needs and priorities will continually change as Monroe experiences growth, including economic growth. The amendment addresses the needs of the City to encourage commercial development near major traffic corridors as identified in Land Use Policy 8-1 (Comprehensive Plan, Page LU-51).

- 5.14.1 Consistent with urban growth principles under the GMA, the City Council now desires the East Monroe area to serve as a gateway commercial presence to the City. The Council specifically concludes that this re-designation is needed in order to appropriately define, present and underscore the City of Monroe’s identity and vision as an incorporated City containing a vibrant commercial base. The amendment is consistent with and will implement that vision.
- 5.14.2 Relevant circumstances have also changed significantly. The East Monroe area was originally annexed into the City of Monroe in 1970, 20 years before the legal landscape for land use planning in Washington was fundamentally altered by enactment of the Growth Management Act. The City’s current and future land use planning efforts must now appropriately acknowledge and conform to the urban growth principles dictated by the GMA, including the requirement for incorporated areas to develop at urban levels.
- 5.14.3 Additionally, the development allowed within the East Monroe area under the current LOS designation is not as valuable or desirable to the City from a land use planning standpoint as the uses that would be authorized under the GC classification.
- 5.14.4 Finally, the City has historically been reluctant to re-designate the East Monroe area in light of the topography and environmental constraints of the underlying property. The City’s 2013 FEIS, as supplemented by the 2015 SEIS, clearly demonstrates that development of the property area is in fact feasible notwithstanding such constraints.

5.15

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

5.15.1 Through the preparation of the SEIS and the September 27, 2013, FEIS (incorporated by reference in the SEIS), the environmental impacts of the proposed Comprehensive Plan amendment/rezone non-project action have been adequately disclosed and/or measures have been included that mitigate probable significant adverse impacts.

5.15.2 The following discusses the SEIS process and key Final SEIS findings responsive to the GMHB's September 19, 2014, Order.

1. On November 2, 2015, the City of Monroe issued the Final SEIS for the East Monroe Comprehensive Plan Map amendment and rezone. Issuance of the Final SEIS followed issuance of the Draft SEIS on August 28, 2015.
2. To afford a high degree of public involvement, the 30 day written Draft SEIS public comment period was extended from September 28, 2015, to October 9, 2015. An optional Draft SEIS public hearing was held September 23, 2015. Nineteen written comments were submitted during the Draft SEIS public comment period. Those written comments and verbal comments provided at the September 23, 2015, public hearing were responded to in the Final SEIS as required by WAC 197-11-560.
3. The Final SEIS is very detailed, thorough and comprehensive for a non-project action. It has been prepared by PACE Engineers with work performed by sub-consultants, including Watershed Science and Engineering (hydraulic analysis, flooding,), GeoEngineers (landslide and erosion analysis) and Wetland Resources Inc. (wetland, stream, plant and habitat analysis).
4. The expertise of these firms that participated in the preparation of the SEIS is as follows:
  - **PACE Engineers** was founded in 1992 and consists of a multi-disciplinary team that offers complete package of civil and structural engineering, planning, surveying, GIS, and construction management services.
  - **Watershed Science & Engineering (WSE)** has expertise in areas related to habitat management and enhancement, hydraulic modeling and analysis, hydrologic modeling and analysis flood control, sediment analysis, channel migration, bank erosion and protection. Mr. Larry Karpack, PE., Principal Hydrologist and Hydraulic Engineer, is a co-founder of WSE,

and has over 20 years professional and academic experience in urban and forest hydrology, fluvial hydraulics, and the development of analytical tools to support decision making.

- **GeoEngineers** has a great deal of expertise of Earth Science and Technology issues geological issues that provides the foundation for many of its services which include but are not limited to, slope stability, landslide, erosion control mapping and analyses. As noted in a November 9, 2015, GeoEngineers memorandum to the Monroe City Council:

...the Principal and the Project Manager at GeoEngineers have worked on projects for over 20 years to identify and map landslides and landslide hazard areas, to mitigate landslide hazards, and to help our clients manage risks of landslide and erosion hazard areas, Galan McInelly is a licensed Geologist, Hydrogeologist and Engineering Geologist in the State of Washington. Craig Erdman is a licensed Geologist and Engineering Geologist in Washington State, a Professional geologist and certified Engineering geologist in California, and a licensed Professional Geoscientist in Louisiana.

- **Wetland Resources, Inc.**, provides expertise in the area of critical areas delineation, planning, habitat restoration, creation, and monitoring. Scott Brainard with Wetland Resources Inc. is a Principal Ecologist with certification as a Certified Professional Wetland Scientist. Wetland Resources is well-versed in the use of both the DOE Washington State Wetlands Identification and Delineation Manual and the US Army Corps of Engineers' Wetlands Delineation Manual. The firm has performed thousands of delineations in all types of environments and development situations throughout the northwest.

**Wetland Resources, Inc.**, also has extensive experience with fish and wildlife studies and compliance with threatened and endangered species laws. The firm is equipped and licensed to perform fish surveys, including DNR protocol presence/absence surveys, fish relocation for in-stream construction, and other site-specific studies. This includes federal requirements for Biological Evaluations and Assessments. The firm has

extensive experience with the US Army Corps of Engineers and NOAA Fisheries.

5. The Final SEIS responds to the Board's September 19, 2014, Order. Specifically, a "No Action–No Development" alternative was included in the Draft SEIS. The "No Action–No Development" alternative responds to the discussion in the Board's Order which quoted a Washington State Department of Ecology comment letter as follows:

The Department of Ecology stated that the Draft EIS did not accurately portray environmental impacts because the City failed to use the existing, undeveloped site condition as the baseline for environmental review:

Because the existing undeveloped site condition is not used as the baseline for alternatives comparison, it gives the impression that the DEIS is not a balanced, objective analysis of the alternatives or potential impacts. To avoid the possible impression of being pre-decisional and to accurately portray potential impacts, the existing undeveloped condition needs to be used as the baseline for alternative comparisons in the final environmental impact statement (FEIS). There is no discernible difference in the developed footprint in the conceptual drawings for the three proposed alternatives, only in the intensity of development within that footprint. All of the alternatives area significant change from the existing site conditions and it is unclear how the proposed no action alternative accurately reflects existing conditions and use of the property.

The City did not follow Ecology's recommendation to more accurately portray environmental impacts in the FEIS by adding a true no-action alternative as the baseline using existing, undeveloped site conditions.

*CPSGMHB Final Decision and Order, Case No. 14-3-006c, September 19, 2014, Pgs. 24-25.*

The "No Action-No Development" Alternative provides the "true no-action" alternative as described by the Washington State Department of Ecology and GHMB Order.

6. In response to public comment on the August 28, 2015, Draft SEIS, the "No Action-No Development" alternative was revised to be the "No Action-No Development/Single Family Residential" alternative. The "No Action-No Development/Single Family Residential" alternative accounts for five single family homes to be built on the 43 acres (one single family dwelling unit per lot) under the existing "Limited Open Space" Plan designation and Limited Open Space (LOS) zoning district. Single family dwellings are a permitted use under the existing Limited Open Space (LOS) zoning district and do not require a discretionary land use permit such as a conditional use permit. This analysis, for instance, showed approximately 8,000 cubic yards of fill would be required for the five single family homes compared to 33,000 cubic yards for Alternative 2 (Proposed Action).
7. The November 2, 2015, Final SEIS responds to the GMHB comment that the original 2013 FEIS focused primarily on the area determined as "developable" and needs to evaluate the entire 43-acre site is required. The Final SEIS accomplishes this through additional fieldwork, review of historical records and survey data involving the entire site. Additional analysis of off-site areas such as the steep hillside to the north and northwest of the East Monroe comprehensive plan amendment/rezone property was performed. New modeling and hydraulic analysis of flooding across the entire property, grading for compensatory storage outside of the "developable area", habitat assessment and impacts of grading for compensatory storage outside of the "developable" area", erosion impacts from stormwater in the stream/slough, updated flood elevations on the entire property were among the additional topics studied.

As noted throughout the SEIS, the regulatory framework pertaining to steep slopes, streams, shorelines and wetlands prohibit development such as buildings and parking on the majority of the site. A designated Native Growth Protection Area (NGPA) combined with critical area designations required by the Monroe Municipal Code limits the developable area to approximately 11.3 acres regardless of the land use development alternative. Pursuant to WAC 197-11-402(1), Environmental Impact Statements need only analyze "reasonable alternatives", not theoretical or speculative alternatives. (Emphasis added.) Analysis of the entire 43 acres site with an 11.3 acre development footprint is reasonable under this standard. The 11.3 acres reflects the maximum



reasonable development potential for the East Monroe area under the present and future legal regulatory constraints that govern the property.

8. The SEIS responds to the GMHB comment for further documentation demonstrating habitat value of the site, especially salmon habitat. Wetland Resources Inc., which has expertise in critical areas and habitat, performed additional field reconnaissance to evaluate on site critical areas (wetlands, stream/slough). This evaluation includes habitat functions and values, impacts, and mitigation. Hydrologic, water quality and habitat functions and values were assessed for each of the three on-site wetlands and the stream/slough and are discussed in the SEIS.
9. Plants and animal existing conditions, impacts and mitigation, including salmon habitat, are also addressed by Wetland Resources Inc. Field reconnaissance and hydraulic modeling by hydrologists (Watershed Science & Engineering) was performed to identify historical stream configuration, hydrology, and surface water characteristics of the site and neighboring properties. SEIS concludes that there would be no adverse impacts to plant and animal habitat and that future development of the site offers the potential for removal of invasive species and re-plantings that would improve the functions and values of the stream and/or wetlands.

The Wetland Resources Inc. report (Appendix B) concluded that:

Any development scenario will likely require mitigation involving controlling at least a portion of the invasive plant species located within the site and buffers. Planting native trees and shrubs within the on-site buffers that would provide shade and enhance water quality within the stream and wetlands are just some of the available mitigation options. This type of restoration and/or enhancement would provide a long-term benefit for fish and wildlife species located on-site and in the immediate vicinity.

Any proposed development would need to be located outside of the OHWM of the stream and wetlands to avoid impacts. In order to avoid temporal losses of habitat and the potential for sending silt-laden water downstream, it is not recommended that vegetation within the ordinary high water mark of the stream and wetlands be removed. Other means of mitigation or invasive species control such as planting trees and

shrubs along the banks of the stream/slough to create shade can be utilized in order to avoid this temporal disturbance to the stream and wetlands while still providing a long term lift to the functions and values of the system.

10. A key finding in the SEIS was that no surface water connection between the east end of the slough and the Skykomish River existed. Prior research assumed, based on aerial photographs, and topographic data, that a culvert or bridge connection existed at this location. Previous analysis assumed that, during flood conditions, water from the Skykomish River entered the stream/slough at the upstream corner of the property and drains back to the Skykomish River through culverts at the downstream end of the slough. Instead, the stream/slough is fed by a combination of local drainage ditches draining to the stream/slough at the southeastern corner of the site and by backwater from the Skykomish River at the southwestern corner of the site, during high water events, through culverts located under SR 2 and the BNSF tracks.

In response to the GMHB's September 19, 2014, Order and issues raised regarding the stream/slough hydrology and impacts, Watershed Science & Engineering and PACE Engineers conducted detailed field investigations at the east end of the stream/slough. This field investigation found that no surface water connection existed at this location. Subsequent research and review of BNSF construction drawings for the railroad embankment found that there was no indication that any allowance for connecting the east end of the stream/slough to the river. While there may be some subsurface seepage from the Skykomish River to the slough at this east end, WSE indicates it is negligible compared to surface inflows to the slough (from the local tributary area and from the Skykomish River at the west end of the stream/slough) during flood events. The assumption made in the updated hydraulic analysis therefore is that flows from the Skykomish River at the east end of the slough would be negligible and not factor into the hydraulic analysis.

11. The lack of a direct connection to the Skykomish River at the southeast end of the slough limits fish access directly from the Skykomish River to just one culvert (at the west end of the slough), not two as originally assumed in the 2013 FEIS.
12. The SEIS responds to the GMHB comment that the original 2013 FEIS failed to assess impacts of fill required for development of the site and that a more thorough evaluation of impacts associated with fill on the site is required. In response to the GMHB comment,

additional analysis has been performed on the potential impacts associated with fill required to bring the developable portions of the site to above floodplain elevation levels.

The SEIS acknowledges that the East Monroe plan amendment and rezone property is identified on preliminary Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps (FIRM).

The key new finding of the SEIS described in Finding 10 above regarding the onsite stream/slough not being directly connected to the Skykomish River at the "upstream" side (at the southeastern corner of the site) is contrary to longstanding previous assumptions.

Using this new finding, updated hydraulic modeling of existing and proposed conditions results in a 100-year flood elevation approximately 1.7 feet lower than indicated on Preliminary FEMA floodplain maps. With this analysis, updated fill volumes have been identified. Fill volume estimates derived from hydraulic modeling are nearly 30 percent lower than those put forth in the original 2013 FEIS. Current fill estimates are approximately 33,000 cubic yards compared to 46,500 cubic yards put forth in the 2013 FEIS.

13. Detailed hydraulic modeling was conducted by Watershed Science & Engineering for the existing conditions and proposed development and shows that the flood volumes and velocity during a high flow event would not have a significant adverse impact. Flood volumes could be mitigated with compensatory flood storage. Specifically, the Watershed Science & Engineering hydraulic analysis memorandum dated May 28, 2015 contained in the SEIS states:

*Flow velocities simulated with the developed conditions model were compared to the existing conditions run and differences were found to be negligible. (Page 4)*

The Watershed Science & Engineering Memorandum (pgs. 4-5) also states that:

*...flow velocities in the slough are generally very low (0-1 fps) and changes in velocities are very minor (less than 0.03 fps). The lone exception to this is near the culverts connecting the slough to the Skykomish River where velocities at the peak of the event are higher (+/- 2 fps) and the proposed conditions*

*velocities are lower than the existing condition velocities by about 0.1 fps (because there is less water flowing into the slough from the river).*

The Watershed Science & Engineering memorandum adds that if full compensatory storage were to be provided, any minor differences in flow velocities could be reduced or eliminated.

14. The SEIS responds to the GMHB comment that the original 2013 FEIS failed to address impacts on flood/landslide hazards. Detailed hydraulic modeling was conducted by Watershed Science & Engineering for the current conditions and proposed development and shows that the flood volumes and velocity during a high flow event would not have a significant adverse impact. Flood volumes could be mitigated with compensatory flood storage. Additional findings of the Watershed Science & Engineering memorandum include:
  - The simulated 100-year water surface elevation within the site for the proposed conditions model is 65.35 feet, which represents an increase of 0.04 feet over the baseline elevation of 65.31 feet.
  - Maximum water surface elevations offsite in the Skykomish River are unaffected by the proposed fill on the property.
  - Current stream/slough velocities are very low at less than 0.07 feet per second (fps).
  - Flow velocities between baseline 100-year flood event conditions and the 100-year flood event proposed conditions are expected to be “negligible” with mitigation, with the maximum velocity difference between the baseline condition and proposed conditions being an increase of 0.01 fps.
  - Alternative compensatory flood storage approaches and/or a smaller development footprint could reduce water surface elevation differences between the baseline conditions and proposed conditions to zero.
15. To also address the GMHB issues regarding erosion/landslide hazards, field reconnaissance, soils testing, and review of past geologic activity was conducted by GeoEngineers, Inc. With respect to erosion/landslide hazards, GeoEngineers’ key findings pertaining to erosion/landslide hazards associated with flooding and from the potential development of the site include:

- Flow velocities within the channel are very low; typically less than 0.3 feet per second (fps).
  - Flows in the vicinity of the beaver dam are higher; estimated to be at 3.2 fps. No indication of erosion (i.e., eroding banks or bare soil in the channel) was observed at the beaver dam at the time of GeoEngineers' visit.
  - No erosion was observed along the north bank of the stream.
  - Soils along the northern edge of the site and on the steep slope are rated "very limited" for development by the Natural Resource Conversation Service (NRCS) Soil Survey.
  - Evidence of occasional soil exposures, landslides and slope failure, erosion, and several seeps and springs along the steep slope. The slides observed were shallow and not deep-seated.
  - As an existing condition, landslide activity is generally expected to increase during periods of extended precipitation or rain-on snow events, but may be episodic and sporadic.
  - Removal of tree cover, mass added at the top of the slope, and removal of materials at the toe of the slope are likely causes of slope instability. Because conceptual development would only occur south of the stream, and away from the toe of the slope, there would be no construction related impact to the north stream bank and there would be no impacts or change in slope stability or landslide activity.
  - Based on the amount of vegetation within the stream channel, there is sufficient vegetation to maintain low velocity flows within the stream and prevent significant erosion in the channel during higher velocity flow events.
16. The SEIS responds to the GMHB comment that changed hydrology of the stream/slough from development, including added impervious surfaces, reconfiguration of the floor channel, may influence slope stability by eroding the toe of the slope.

The SEIS states that reconfiguration of the stream/slough corridor is not proposed. The area south of the stream/slough, within the buffer zone, may be graded to provide compensatory flood storage and mitigate for the placement of fill on the property. No work or disturbance is proposed within the OHWM of the stream/slough or within the wetlands. Replanting of adjacent compensatory flood storage areas would be anticipated to enhance stream/slough

conditions and animal habitat. Evaluation of existing stream/slough, erosion, and landslide conditions has been accomplished through additional field explorations and analyses.

Wetland Resources Inc. addresses peak flows from development and concludes:

Increased peak flows from an increase in impervious surfaces on-site will require mitigation in compliance with MMC stormwater regulations if application for development is made in the future. This will effectively protect the slough and associated wetland from experiencing peak flows due to development.

GeoEngineers also addresses runoff from impervious surfaces and states that runoff from impervious surfaces following construction can also increase erosion if concentrated flows are allowed to discharge onto sloped surfaces. GeoEngineers concludes that final site drainage should be designed to control runoff on-site and prevent concentrated flows onto slopes steeper than 3H:1V (to be reevaluated during the design phase). GeoEngineers also anticipates that permanent stormwater control will be routed to on-site detention facility(ies), allowing for water to be discharged to an appropriate location with appropriate erosion control measures at the outfall.

17. The City Council finds that the SEIS adequately addresses impacts to the environment raised in the September 19, 2014, GMHB Order. Detailed studies and information are presented in the SEIS by licensed professionals with expertise in the fields. Existing conditions and impacts across the entire 43 acre site have been evaluated, a new baseline alternative has been incorporated and additional studies on issues related to, as examples, habitat values and functions, flooding, erosion/landslide hazards, hydraulics, and fill have been evaluated in a detailed and exhaustive manner.
18. During the course of the SEIS process, which included a written public comment period and a Draft SEIS public hearing as well as during the Planning Commission October 12, 2015, public hearing and the City Council's November 10, 2015, consideration of the proposed East Monroe Comprehensive Plan Map amendment and Zoning Map amendment, there was no expert testimony that refutes, undermines or otherwise contradicts PACE's supplemental environmental analysis that was received by the City.

19. In reviewing SEIS record, including its processing and content, the City Council further finds and endorses that the SEIS has been prepared and issued consistent with the requirements of the Monroe Municipal Code, as adopted by the City Council, and that the SEPA Responsible Official has appropriately interpreted and applied the Monroe Municipal Code including, by way of example, that the City's regulations do not provide for an administrative appeal of a SEIS.
20. The September 19, 2014 GMHB Order (SEIS Appendix A) found that the adoption of Ordinance No. 022/2013 (part) and Ordinance No. 024/2014 (in its entirety) was not guided by GMA Planning Goal 10. Goal 10 states:

“(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.”

The City Council has considered, and has been guided by, GMA Goal 10 throughout its deliberations regarding the re-adoption of the East Monroe Comprehensive Plan land Use Map and Zoning Map amendments. The City Council finds that with the SEIS, which also incorporates the original September 27, 2013 FEIS by reference, that consistency of the proposed East Monroe Plan Amendment and zoning map amendment with Goal 10 has been met.

- 5.16 *(iii) Is consistent with the land uses and growth projections that were the basis of the comprehensive plan and/or subsequent updates to growth allocations.*
  - 5.16.1 The proposal is consistent with the 2025 growth projections and the 2035 growth projections. The City Council specifically finds that residential development of the East Monroe area at levels permissible under the current Limited Open Space classification (i.e., one dwelling unit per five acres) would have a negligible impact upon the City's growth projections and targets. The Council further notes the practical improbability of such development in the first instance, as the current and past owners of the underlying property have never pursued residential construction on the site.
  - 5.16.2 In approving the proposed amendments, the City Council has considered all relevant factors, including without limitation current development trends as they relate to the City's progress in achieving established economic, land use and housing goals.
- 5.17 *(iv) Is compatible with neighboring land uses and surrounding neighborhoods, if applicable.*

No provision of the City's Comprehensive Plan or Development Regulations prohibits the reclassification of the Subject Property as General Commercial in relation to the surrounding parcels. As discussed at length above, mitigation measures required by the Monroe Municipal Code and the existing buffers on the property provide for compatibility with the neighboring land uses.

5.18 (v) *Is consistent with other plan elements and the overall intent of the comprehensive plan.*

5.18.1 Findings: The Comprehensive Plan amendments are consistent with all relevant provisions of the Comprehensive Plan.

5.18.2 Conclusion: The East Monroe Comprehensive Plan amendment meets the review criteria contained in Resolution No. 2012/020.

## **VI. CONCLUSIONS**

6.1 As required by the City's procedural regulations, on October 12, 2015, the Monroe Planning Commission held a duly advertised public hearing to consider the proposed Comprehensive Plan amendment and zoning map amendment. The City Council voluntarily held a separate, additional public hearing on November 17, 2015.

6.2 On November 10, 2015, and November 17, 2015, the City Council has specifically considered, and the proposed amendments satisfy, all relevant standards for approval, including without limitation the criteria set forth in Resolution No. 2012/020 and all applicable provisions of the Monroe Municipal Code.

6.3 In making these findings and conclusions, the City Council further adopts the Planning Commission's Findings and Conclusions dated December 9, 2013, (Exhibit H3 to Ordinance No 022/2013) and also adopts the City Council's additional findings adopted December 26, 2013, (Exhibit I to Ordinance No. 022/2013) in support of approving the East Monroe Comprehensive Plan Map Amendment and Zoning Map Amendment.

6.4 As the East Monroe Comprehensive Plan map amendment is being approved, approval of the East Monroe zoning map amendment is necessary to implement the Monroe Comprehensive Plan and to achieve Comprehensive Plan – Development Regulation (zoning map) consistency.

6.5 The proposed Comprehensive Plan amendment has been submitted to State agencies for the 60 day state agency review process in accordance with RCW 36.70A.106.

6.6 The proposed Comprehensive Plan Map amendment is consistent with GMA Planning Goal 10 for protection of the environment, as well as with all other applicable Statewide Planning goals (RCW 36.70A.020).



- 6.7 The decisional criteria for the granting of the East Monroe Comprehensive Plan amendment, as identified in City of Monroe Resolution 2012/020, have been met.

## **VII. ADDITIONAL REZONE CRITERIA**

The above City Council East Monroe Comprehensive Plan Map amendment findings and conclusions are hereby adopted in support the proposed East Monroe Zoning Map amendment. Further, the City Council also makes the following additional findings for the proposed East Monroe rezone from Limited Open Space (LOS) to General Commercial (GC):

- 7.1 The East Monroe Zoning Map amendment would be consistent with the City's Comprehensive Plan and is necessary to implement the Comprehensive Plan.
- 7.2 As provided for in the Comprehensive Plan amendment findings above, the zoning map amendment will serve the public health, safety and welfare.
- 7.3 As provided for in the Comprehensive Plan amendment findings above, there has been a change in circumstances demonstrated to support the City Council's approval of the rezone.
- 7.4 The proposed East Monroe Zoning Map amendment has been processed in material compliance with all applicable procedural requirements, including without limitation all requirements codified at Title 18 MMC.
- 7.5 The proposed East Monroe Zoning Map amendment has been submitted to applicable State agencies for the 60 day state agency review process in accordance with RCW 36.70A.106.