

**CITY OF MONROE  
ORDINANCE NO. 020/2022**

AN ORDINANCE OF THE CITY OF MONROE,  
WASHINGTON, ADOPTING THE 2019 WA DEPT. OF  
ECOLOGY STORMWATER MANAGAMENT MANUAL FOR  
WESTERN WASHINGTON, AND AMENDING CHAPTER  
22.58 MMC SITE PLAN REVIEW AND 23.40 MMC STORM;  
UPDATING THE CITY'S REFERENCES TO THE CURRENT  
STORMWATER MANAGEMENT MANUAL FOR  
COMPLIANCE WITH STATE LAW AND THE CITY'S NPDES  
MUNICIPAL PHASE II STORMWATER SYSTEM PERMIT;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE

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WHEREAS, the Federal Clean Water Act sets a national goal to “restore and maintain the chemical, physical, and biological integrity of the nation’s water” and prohibits the discharge of pollutants from any source; and

WHEREAS, the US Environmental Protection Act initiated National Pollution Discharge Elimination System (NPDES) Phase II requirements under the Federal Clean Water Act for small municipal separate storm water systems in 2003; and

WHEREAS, the WA State Department of Ecology (DOE) manages the NPDES program for Washington State; and

WHEREAS, in 2013, the City of Monroe was issued a NPDES Municipal Phase II Stormwater Permit by DOE; and

WHEREAS, the NPDES permits expire every five years, requiring the City to apply for a new permit and comply with updated requirements; and

WHEREAS, in 2016, for compliance with 2013-2018 NPDES Phase II Permit, the City of Monroe adopted the 2012 WA State Department of Ecology Stormwater Management Manual for Western Washington, as amended in December 2014, and amended Monroe Municipal Code Chapter 15.01 Storm Water Management; and

WHEREAS, the City of Monroe successfully applied for and is currently operating under a 2019 NPDES Municipal Phase II Stormwater Permit; and

WHEREAS, in 2021, the City of Monroe repealed Monroe Municipal Code Chapter 15.01 Stormwater Management and replaced it under new Title 23MMC Public Works Design, Construction, and Operations Regulations; and

WHEREAS, compliance with the 2019 NPDES Municipal Phase II Stormwater System Permit requires the City to adopt the 2019 Stormwater Manual for Western Washington; and

WHEREAS, the City of Monroe is proposing text amendments to Monroe Municipal Code (MMC) Chapter 22.58 Site Plan Review and Chapter 23.40 Storm to incorporate reference to the 2019 DOE Stormwater Management Manual for Western Washington; and

WHEREAS, the proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on May 27, 2022. Expedited review (14 days rather than 60 days) was requested and approved; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, by issuing a Determination of Non-Significance (DNS) on May 30, 2022, the appeal period for which ended on June 13, 2022 with no appeals filed; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2022, to consider the adoption of the 2019 DOE Stormwater Management Manual for Western Washington and the proposed amendments to Chapter 22.58 MMC Site Plan Review and Chapter 23.40 MMC Storm, and recommended adoption of the proposed amendments contained therein; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendment of MMC Section 22.58.020. Subsections (B)(10) and (B)(11) of Monroe Municipal Code Section 2.58.020 are hereby amended to provide in their respective entirety as follows:

**22.58.020 Applicability.**

...

B. *Existing Development.* When one or more of the following actions are proposed for a site with existing multifamily residential, mixed use, commercial, or industrial development, the proposal shall be subject to site plan application and review:

...

10. Expansion of an existing building that triggers a new review under ~~2014~~ 2019 Department of Ecology Stormwater Management Manual for Western Washington; or

11. Increase in the amount of impervious surface that triggers a new review under the ~~under 2014~~ 2019 Department of Ecology Stormwater Management Manual for Western Washington; or

Section 2. Amendment of MMC Section 22.58.040. Subsection (J)(13) of Monroe Municipal Code Section 22.58.040 is hereby amended to provide in its entirety as follows:

**22.58.040 Review process.**

...

J. *Modifications.* Requested modifications to an approved site plan shall be reviewed pursuant to the requirements of MMC 22.84.060(G), Substantial Revisions or Modifications to Proposal. In addition to the requirements of MMC 22.84.060(G), the zoning administrator may approve a modification to an approved site plan; provided that the modification will not result in:

...

13. A new review under ~~2014~~ 2019 Department of Ecology Stormwater Management Manual for Western Washington.

Section 3. Amendment of MMC Section 23.40.010. Subsection (A) of Monroe Municipal Code Section 23.40.010 is hereby amended to provide in its entirety as follows.

**23.40.010 Stormwater Management Manual.**

A. *Adopted.* The ~~2012~~ 2019 Department of Ecology Stormwater Management Manual for Western Washington, ~~as amended in December 2014, as amended by Sections 1 through 6 of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit,~~ is hereby adopted as the city's minimum stormwater regulations and as a technical reference manual and is referred to as the "~~2014~~ 2019 Stormwater Manual." Pursuant to RCW 35A.12.140, a copy shall be filed in the office of the city clerk and shall be available for use and examination by the public.

Section 4. Findings. The above recitals and the content of Agenda Bill Nos. 22-337 and 22-370 are hereby adopted as legislative findings in support of the amendments set forth in this ordinance. The City Council further adopts by reference the findings contained in the Planning Commission's June 13, 2022, recommendation, in Exhibit A, attached hereto and incorporated herein by reference.

Section 5. Copy to Commerce. Pursuant to RCW 36.70A.106, a true and correct copy of this ordinance shall be transmitted to the Department of Commerce, Growth Management Services Division, within ten days after adoption.


Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 28th day of June, 2022.

First Reading: 06/28/2022  
Adoption: 06/28/2022  
Published: 07/01/2022  
Effective: 07/06/2022

CITY OF MONROE, WASHINGTON:

  
Geoffrey Thomas (Jul 8, 2022 11:42 PDT)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

  
Jodi Wycoff (Jul 8, 2022 11:45 PDT)

Jodi Wycoff, City Clerk

  
Zach Lell (Jul 8, 2022 11:40 PDT)

J. Zachary Lell, City Attorney



**CITY OF MONROE**  
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**Planning Commission Recommendation**

**A. GENERAL APPLICATION INFORMATION**

<b>File Number(s):</b>	CA2022-06 (associated with SEPA2022-07)
<b>Project Summary:</b>	Adoption of the 2019 WA Department of Ecology Stormwater Management Manual for Western Washington and associated code amendments to Chapters 22.59 Site Plan Review and 23.40 Storm Monroe Municipal Code.
<b>Applicant:</b>	City of Monroe
<b>Location:</b>	City-wide properties located in the special flood hazard areas. The City of Monroe is approximately 14 miles east of the City of Everett on US Route 2 and 22 miles north of the City of Seattle on State Route 522.
<b>Public Hearing Date and Location:</b>	<b>Monday, June 13, 2022, at 7:00 PM</b> via Hybrid Meeting: Zoom Virtual Meeting Platform and 806 W Main St, Monroe, WA 98272
<b>Staff Contact:</b>	Jordan Ottow, Public Works Supervisor City of Monroe 806 West Main Street Monroe, WA 98272 (360) 863-4546 jottow@monroewa.gov

**B. BACKGROUND AND DESCRIPTION OF PROPOSAL**

The City of Monroe is proposing to adopt the WA Department of Ecology Stormwater Management Manual for Western Washington (DOE Manual) with associated text amendments to Chapter 22.58 Site Plan Review and Chapter 23.40 Storm of the Monroe Municipal Code (MMC), to incorporate reference to the 2019 DOE Manual. The City is required to adopt the 2019 DOE manual for compliance with the 2019 (NPDES) permit the city is currently operating under. This is a non-project action.

**C. REVIEW PROCESS**

**1. Overview**

MMC Table 22.84.060(B)(1): Project Permit Types, designates code amendments as Type IV project permits. Type IV permits require that the Planning Commission review the proposal and make a recommendation to the final decision authority, which is the City Council. The City is proposing amendments to Chapter 22.58 and 23.40 MMC, Site Plan Review and Storm, as required by the WA State Department of Ecology. Therefore, a Planning Commission public hearing and recommendation to the City Council is required. The required public hearing in front of the Planning Commission was held on June 13, 2022.

Following the close of the public hearing, the Planning Commission will forward a

recommendation to the City Council. According to MMC 22.84.030(D)(2), the Planning Commission shall make a written recommendation to the City Council regarding Type IV actions at the close of their final public hearing or at their next scheduled meeting. The written recommendation to the City Council shall be one of the following:

- a. Recommendation for additional time and/or resources on the application;
- b. Recommendation of approval of the legislative action;
- c. Recommendation of approval of the legislative action with modifications; or
- d. Recommendation of denial of the legislative action.

No earlier than June 21, 2022, the City Council will hold a first reading to consider the Commission's recommendation. Per MMC Table 22.84.060(B)(2), Decision-Making and Appeal Authorities, the City Council is the City's final decision authority on the proposed code amendments. The decision may be appealed subject to the judicial appeal provisions in MMC 22.84.080(D), Judicial Appeals.

## **2. Public Notification and Comments**

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- a. **Department of Commerce:** The proposed amendments were transmitted to the Washington State Department of Commerce for state agency review, in accordance with RCW 36.70A.106, on May 27, 2022. Expedited review (14 days rather than 60 days) was requested and approved on Jun 13, 2022.
- b. **Notice of Public Hearing:** Notice of Public Hearing was provided in accordance with MMC 22.84.050(C) by posting the notice at City Hall and the Monroe Library and publishing the notice in the Everett Daily Herald on May 31, 2022.

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

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Pursuant to WAC 197-11-704, the proposal is classified as a non-project action under the State Environmental Policy Act. Non-project actions involve "decisions on policies, plans, or programs," which includes the adoption of zoning ordinances [WAC 197-11-704(b)(ii)]. A SEPA Determination of Non-Significance (DNS) was issued on the proposed code amendments on May 31, 2022. The public comment and appeal periods for the DNS ended at 5:00 PM on June 12, 2022. No comments or appeals were received.

## **4. Public Hearing**

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The hybrid public hearing on this matter was held in front of the Planning Commission on June 13, 2022, at 7:00 PM in-person at 806 W Main St, Monroe, WA 98272 and via Zoom Virtual Meeting Platform. No written comments were received prior to the public hearing.

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

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Pursuant to MMC 22.72.040(E), Decision Criteria, an amendment to the unified development regulations shall not be granted unless the applicant demonstrates that all the following criteria are met:

1. The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan;
2. The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title;
3. The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district;
4. The proposed amendment advances the public interest of the community;
5. The amendment does not adversely affect public health, safety, or welfare; and
6. The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.
7. In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all the following criteria:

- a. The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;
- b. The amendment is compatible with the uses and zoning of the adjacent properties;
- c. The proposed reclassification does not constitute a “spot” zone;
- d. Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- e. The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and
- f. The proposed reclassification is an extension of an existing zone, or a logical transition between zones.

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

**1. *The proposed amendment to the development regulations is consistent with the policies and provisions of the Monroe comprehensive plan.***

- a. **Findings of Fact:** The adopted 2015 – 2035 Monroe Comprehensive Plan contains applicable goals and policies, as shown below.

Policy/Action Item Number	Policy/Action Item Text
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 were determined necessary.
P.028	Promote new commercial landscaping consist of native, evergreen species requiring minimum water and maintenance. Encourage similar residential practices.
P.033	Encourage street design that provides localized stormwater management, reducing the need for stormwater collection and remote treatment.
P.038	Maintain regulations and standards supporting Low-Impact Development watershed management techniques.
P.039	Promote site development and construction practices that minimize impact on natural systems.
P.040	Manage surface water areas for multiple use, to include flood and erosion control, wildlife habitat, open space, recreation, and groundwater recharge functions.
P.180	Manage surface water areas for multiple use, to include flood and erosion control, wildlife habitat, open space, recreation, and groundwater recharge functions.
A.008	Update and maintain development regulations, working to eliminate inconsistencies, conflicts, and aid timely permit process.

- b. **Conclusions of Law:** Staff concludes the proposed amendment to the development regulations is consistent with policies and provisions of the Monroe comprehensive plan.

**2. *The amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.***

- a. **Findings of Fact:** The proposed amendments would adopt the WA Department of Ecology 2019 Stormwater Management Manual for Western Washington and amend Chapter 22.58 and 23.04 MMC, Site Plan Review and Storm for consistency with the City 2019 Phase II NPDES Municipal Stormwater Permit and compliance with WA State laws.

- b. **Conclusions of Law:** Staff concludes the amendment complies with all other applicable criteria and standards of the Monroe Municipal Code and is consistent with the purpose of this Title.
3. ***The subject property is suitable for development in conformance with the development regulations applicable under the proposed zoning district.***
- a. **Findings of Fact:** The proposal is not site-specific. This criterion does not apply.
  - b. **Conclusions of Law:** The proposal is not site-specific. This criterion does not apply.
4. ***The proposed amendment advances the public interest of the community.***
- a. **Findings of Fact:** The proposed amendments would advance the public interest of the community by providing compliance with WA State law reducing liability from potential third party lawsuits.
  - b. **Conclusions of Law:** Staff concludes the proposed amendment advances the public interest of the community.
5. ***The amendment does not adversely affect public health, safety, or welfare.***
- a. **Findings of Fact:** The proposed amendments incorporate required changes as mandated by the WA State Department of Ecology and the city's 2019 NPDES stormwater permit.
  - b. **Conclusions of Law:** Staff concludes the amendment does not adversely affect public health, safety, or welfare.
6. ***The amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.***
- a. **Findings of Fact:** The proposal to adopt the 2019 Stormwater Management Manual for Western Washington and associated amendments to Chapters 22.58 and 23.04 MMC are warranted because of changed circumstances. The City is currently operating under a WA Department of Ecology 2019 Phase II NPDES Municipal Stormwater Permit. Approval of this permit requires the city use the most current stormwater manual; the 2019 manual is the most current.
  - b. **Conclusions of Law:** Staff concludes the amendment is warranted because of changed circumstances, error, or a demonstrated need for additional property in the proposed zoning district, when applicable.
7. ***In addition to those criteria in MMC 22.72.040(E)(1-6), amendments to the official zoning map (rezones) shall also meet all of the following criteria:***
- a. *The amendment is consistent with the future land use map set out in the Monroe comprehensive plan;*
  - b. *The amendment is compatible with the uses and zoning of the adjacent properties;*
  - c. *The proposed reclassification does not constitute a "spot" zone;*
  - d. *Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;*
  - e. *The potential adverse environmental impacts of the types of development allowed by the proposed zone have been identified and can be mitigated taking into account all applicable regulations, or, the unmitigated impacts are acceptable; and*
  - f. *The proposed reclassification is an extension of an existing zone, or a logical transition between zones.*
- i. **Findings of Fact:** The proposal does not include an amendment to the official zoning map. This criterion does not apply.
  - ii. **Conclusions of Law:** The proposal does not include an amendment to the official



zoning map. This criterion does not apply.

**E. PLANNING COMMISSION RECOMMENDATION**

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Based on the analysis and findings included herein, staff recommends to the Planning Commission the following:

Move that the Planning Commission **ADOPT** the Findings of Fact and Conclusions of Law contained in Attachment 1 to the Planning Commission agenda bill, **AUTHORIZE** the Planning Commission Chair to sign the Findings on behalf of the Commission, and recommend that the Monroe City Council **ADOPT** the WA Department of Ecology 2019 Stormwater Management Manual for Western Washington and **APPROVE** the proposed amendments to Chapters 22.58 and 23.04 MMC, Site Plan Review and Storm, respectively.

*Jay Bull*

Jay Bull (Jun 22, 2022 16:44 PDT)

\_\_\_\_\_  
Jay Bull, Planning Commission Chair

\_\_\_\_\_  
Date


# Find of Fact - Stormwater Adoption


Final Audit Report


2022-06-22


Created:	2022-06-22
By:	Hannah Maynard (hmaynard@monroewa.gov)
Status:	Signed
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# ORD 020-2022 Adopt 2019 Stormwater Mgmt Manual and Amend MMC


Final Audit Report


2022-07-08


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