

**CITY OF MONROE
ORDINANCE NO. 022/2014**

AN ORDINANCE OF THE CITY OF MONROE,
WASHINGTON, AMENDING ZONING DESIGNATIONS IN
THE HOLZERLAND REZONE AREA FROM URBAN
RESIDENTIAL - 9600 (UR 9600) TO URBAN RESIDENTIAL
- 6000 (UR 6000); SETTING FORTH FINDINGS;
PROVIDING FOR SEVERABILITY; AND FIXING A TIME
WHEN THE SAME SHALL BECOME EFFECTIVE

WHEREAS, the proponent submitted a rezoning application for five contiguous parcels on July 29, 2014, to initiate a rezone of certain properties located between Roosevelt Road and the Foothills subdivision, commonly known as the Holzerland Rezone Area; and

WHEREAS, the rezoning request was modified by the applicant on October 22, 2014, to remove one parcel (commonly known as Tract 901 of The Foothills Division No. 1 plat) from the original application; and the rezone area is now comprised four parcels totaling 31.10 acres; and

WHEREAS, the city of Monroe SEPA Responsible Official issued a Determination of Non-Significance (DNS) for this proposal on October 8, 2014; and

WHEREAS, the Monroe Planning Commission held a duly advertised public hearing to consider the proposed rezone on November 10, 2014; and

WHEREAS, the Monroe Planning Commission forwarded a recommendation to approve the rezone to the Monroe City Council; and

WHEREAS the above-referenced recommendation was based on Findings and Conclusions recommended by City Staff, and adopted by the Monroe Planning Commission, dated November 10, 2014, in support of the rezone; and

WHEREAS, the City Council reviewed the Planning Commission recommendation at the December 9, and December 16, 2014, City Council meetings; and

WHEREAS, the Monroe City Council finds that the proposed rezone is in the public interest and is consistent with the Comprehensive Plan; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to approve the rezone;

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

Section 1. Holzerland Rezone (14-REZN-0001) Approved. The Monroe City Council hereby approves the rezoning classification of certain property located between Roosevelt Road and the Foothills subdivision, commonly known as the Holzerland Rezone Area, and consisting of parcel numbers 28063500202800, 28063500201200, 28063500201000, and 28063500202900, from Urban Residential – 9,600 (UR 9,600) to Urban Residential – 6,000 (UR 6,000) as shown on the attached Exhibit A and incorporated by this reference as if set forth in full. The City Council hereby authorizes and directs that the official zoning map of the City be amended to reflect said rezone in accordance with MMC 18.04.020.

Section 2. Findings. The Monroe City Council hereby adopts the above recitals as findings in support of the zoning map amendment effectuated by this ordinance. The City Council also adopts its Findings and Conclusions as Exhibit B and the Findings and Conclusions recommended by City Staff and adopted by the Monroe Planning Commission dated November 10, 2014, as Exhibit C, in support of said amendment.

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

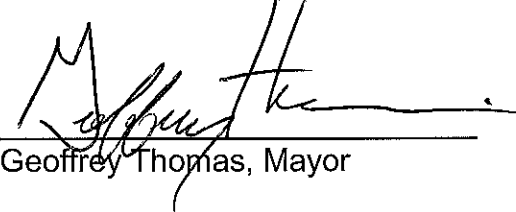
Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 11th day of December, 2014.

1st Reading: December 9, 2014
Final Reading: December 16, 2014
Published: December 23, 2014
Effective: December 28, 2014

(SEAL)


CITY OF MONROE, WASHINGTON:



Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:

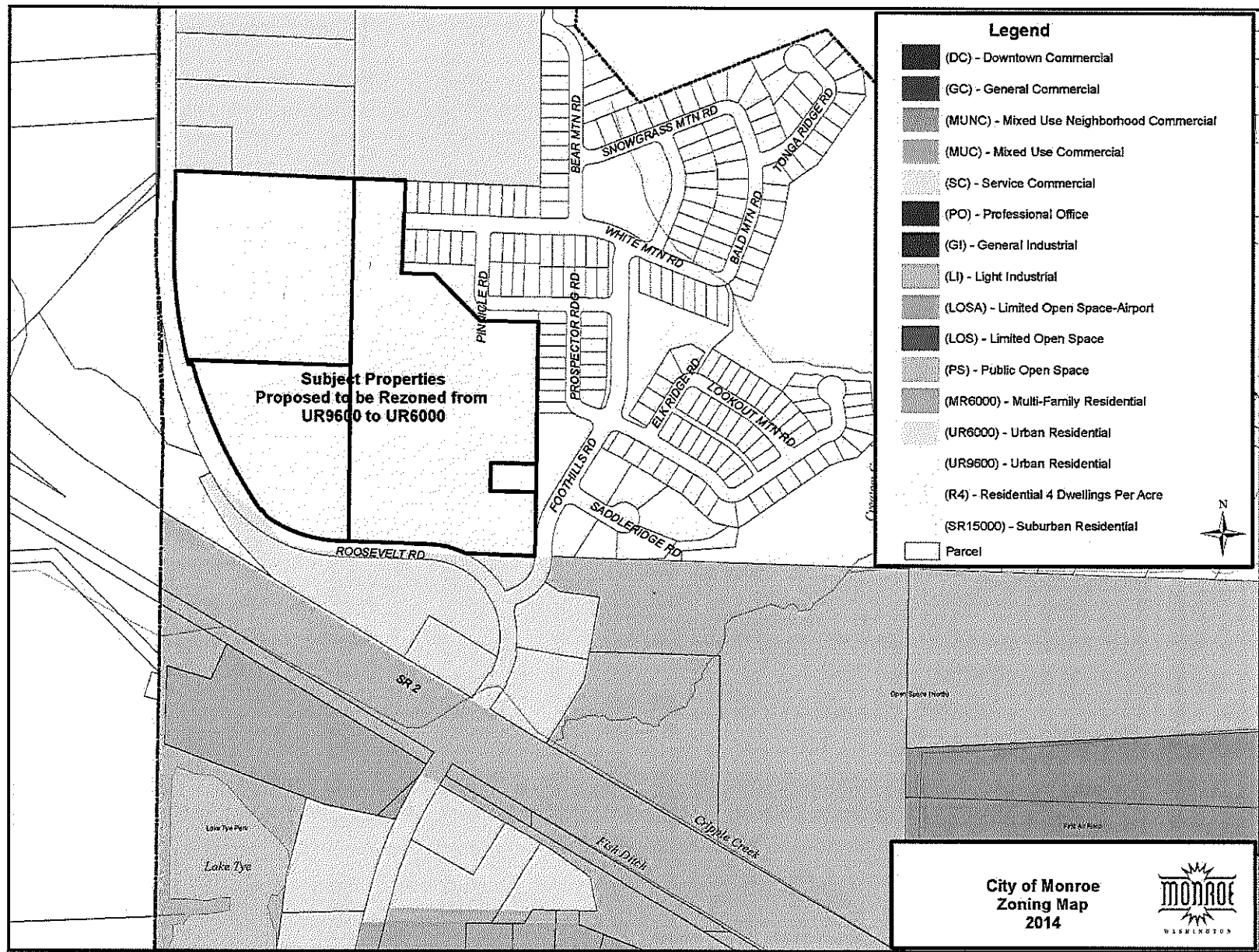


Elizabeth M. Smoot, CMC, City Clerk



J. Zachary Lell, City Attorney

Exhibit A



**HOLZERLAND PROPERTIES REZONE
DECEMBER 9, 2014**

CITY COUNCIL FINDINGS AND CONCLUSIONS

The proposed zoning map amendment is analyzed under the procedures and criteria outlined below.

1. Compliance with MMC Chapter 18.99 (Rezoning Procedures)

Findings

- a. The property owner, Mr. David Holzerland in association with Quadrant Homes, initiated the application. Mr. Holzerland continues to own and maintain the lots of record.
- b. The applicant/owner requests the present zoning classification be changed from of Urban Residential 9600 (UR9600) to Urban Residential 6000 (UR6000).
- c. The zoning code is a legal instrument for implementation of the comprehensive plan. It is recognized that population growth, changes in economic and social customs and patterns and other factors will from time to time justify changes in the comprehensive plan and, consequently, in the zoning map and text which constitute the zoning code. It is also recognized that changes in the zoning map; may sometimes be made without amending the Comprehensive Plan.
- d. The proposed rezone is consistent with the Comprehensive Plan and a change to the zoning map may be made without amending the Comprehensive Plan per MMC 18.99 010.
- e. A public hearing on the proposed rezone was held before the Planning Commission on November 10, 2014.

Conclusion

- a. The subject rezone application and proposed rezone is consistent with MMC Chapter 18.99 (Rezoning Procedures).

2. Consistency with the Monroe Municipal Code Chapter 20.04 (SEPA)

Findings

- a. The applicant prepared an environmental checklist for this application addressing any potential adverse environmental impacts that may result from the approval of the proposed application.
- b. Additional SEPA reviews will be completed as the applicant proceeds with actual development of the site.
- c. The City's SEPA Official issued a Determination of Non-Significance on October 8, 2014.
- d. The comment period ended on October 21st with an appeal period ending October 28th. Comments were received on the project regarding the extent of evaluation of traffic and environmental impacts in the SEPA checklist. No appeals were received.

Conclusion

- a. The subject rezone has met all the requirements of MMC Chapter 20.04 (SEPA).

3. Consistency with the Comprehensive Plan

Findings

- a. The rezone considered the density of nearby existing development and capacities of existing and projected public facilities as per LUP 1.1, Designation #5 (R5-7 du/ac) of the Comprehensive Plan.
- b. The proposed amendment to the zoning classification is compatible with the surrounding land uses and zoning districts.
- c. The proposed rezone will provide additional housing needed to meet the future population capacity for the city.
- d. The requested rezone is consistent with the Comprehensive Plan. Specifically, the following goals and policies are most relevant to the rezone: LUG1, LUP 1.1 (Designations #3, #4, & #5), and LUP 6.1. A Comprehensive Plan land use map change will occur subsequent to this rezone as part of the 2015 Comprehensive Plan update.

Conclusion

- a. The proposed rezone application is consistent with the specific goals and policies of the Comprehensive Plan and the overall city objectives for the subject site.

4. Compliance with Chapter 36.70A RCW – Growth Management Act

Findings

- a. RCW 36.70A.215 directs jurisdictions facing deficiencies to develop "reasonable measures" to reduce projected deficiencies.
- b. Increasing density within the urban growth area is a "reasonable measure" to accommodate population projections without expanding the Urban Growth Area.
- c. The proposed rezone is consistent with Washington State's GMA policy on increasing density within urban areas.
- d. A site specific rezone that does not include a comprehensive plan amendment is a project permit application under state law and does not require 60 day notice to Washington State's Department of Commerce.

Conclusion

- a. The proposed rezone complies with Chapter 36.70A RCW – Growth Management Act.

5. Consistency with MMC 21.50.040 Planning Commission Review and Recommendation

Findings

- a. Notice of the Planning Commission public hearing was issued in accordance with Monroe Municipal Code Section 21.40.020 and 21.40.030.
- b. The Planning Commission held a public hearing on November 10, 2014.
- c. RCW 36.70A.215 directs jurisdictions facing deficiencies to develop "reasonable measures" to reduce projected deficiencies.
- d. The proposal is consistent with the comprehensive plan and meets the requirements of the Monroe Municipal Code.
- e. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

Conclusion

- a. The proposed rezone is consistent with Monroe Municipal Code Section 21.50.040 – Planning Commission Review and Recommendation.

6. City Council Review

Findings

- a. The zoning map amendment effectuated by this ordinance is consistent with and will implement the City's Comprehensive Plan.
- b. The zoning map amendment effectuated by this ordinance has a substantial relationship to, and will serve, the public health, safety and welfare by, inter alia, providing for orderly growth and development in accordance with the City's Comprehensive Plan.
- c. The zoning map amendment effectuated by this ordinance is consistent with all other relevant MMC provisions.
- d. The zoning map amendment effectuated by this ordinance has been processed in material compliance with all applicable procedural requirements, including without limitation all requirements codified at Title 18 MMC.

Public Notice

The City has provided notice through the City's webpage, posting at City Hall, posting at the property, direct mailing to nearby property owners, and publication hearing notices in the Monroe Monitor.

CONCLUSIONS

The proposed zoning is compliant with MMC Chapter 18.99 (Rezoning Procedures); is consistent with the Monroe Municipal Code Chapter 20.04 (SEPA) and Chapter 197-11 WAC; is consistent with the goals and policies of the Comprehensive Plan; is compliant with Chapter 36.70A RCW – Growth Management Act; and has met public noticing requirements.

**HOLZERLAND PROPERTIES REZONE
NOVEMBER 10, 2014**

PLANNING COMMISSION FINDINGS, CONCLUSIONS, AND RECOMMENDATION

The proposed zoning map amendment is analyzed under the procedures and criteria outlined below.

1. Compliance with MMC Chapter 18.99 (Rezoning Procedures)

Findings

- a. The property owner, Mr. David Holzerland in association with Quadrant Homes, initiated the application. Mr. Holzerland continues to own and maintain the lots of record.
- b. The applicant/owner requests the present zoning classification be changed from of Urban Residential 9600 (UR9600) to Urban Residential 6000 (UR6000).
- c. The zoning code is a legal instrument for implementation of the comprehensive plan. It is recognized that population growth, changes in economic and social customs and patterns and other factors will from time to time justify changes in the comprehensive plan and, consequently, in the zoning map and text which constitute the zoning code. It is also recognized that changes in the zoning map; may sometimes be made without amending the Comprehensive Plan.
- d. The proposed rezone is consistent with the Comprehensive Plan and a change to the zoning map may be made without amending the Comprehensive Plan per MMC 18.99 010.
- e. A public hearing on the proposed rezone was held before the Planning Commission on November 10, 2014.

Conclusion

- a. The subject rezone application and proposed rezone is consistent with MMC Chapter 18.99 (Rezoning Procedures).

2. Consistency with the Monroe Municipal Code Chapter 20.04 (SEPA)

Findings

- a. The applicant prepared an environmental checklist for this application addressing any potential adverse environmental impacts that may result from the approval of the proposed application.
- b. Additional SEPA reviews will be completed as the applicant proceeds with actual development of the site.
- c. The City's SEPA Official issued a Determination of Non-Significance on October 8, 2014.
- d. The comment period ended on October 21st with an appeal period ending October 28th. Comments were received on the project regarding the extent of evaluation of traffic and environmental impacts in the SEPA checklist. No appeals were received.

Conclusion

- a. The subject rezone has met all the requirements of MMC Chapter 20.04 (SEPA).

3. Consistency with the Comprehensive Plan

Findings

- a. The rezone considered the density of nearby existing development and capacities of existing and projected public facilities.
- b. The proposed amendment to the zoning classification is compatible with the surrounding land uses and zoning districts.
- c. The proposed rezone will provide additional housing needed to meet the future population capacity for the city.
- d. The requested rezone is consistent with the Comprehensive Plan. A Comprehensive Plan land use map change will occur subsequent to this rezone as part of the 2015 Comprehensive Plan update.

Conclusion

- a. The proposed rezone application is consistent with the specific goals and policies of the Comprehensive Plan and the overall city objectives for the subject site.

4. Compliance with Chapter 36.70A RCW – Growth Management Act

Findings

- a. RCW 36.70A.215 directs jurisdictions facing deficiencies to develop “reasonable measures” to reduce projected deficiencies.
- b. Increasing density within the urban growth area is a "reasonable measure" to accommodate population projections without expanding the Urban Growth Area.
- c. The proposed rezone is consistent with Washington State’s GMA policy on increasing density within urban areas.
- d. A site specific rezone that does not include a comprehensive plan amendment is a project permit application under state law and does not require 60 day notice to Washington State’s Department of Commerce.

Conclusion

- a. The proposed rezone complies with Chapter 36.70A RCW – Growth Management Act.

5. Consistency with MMC 21.50.040 Planning Commission Review and Recommendation

Findings

- a. Notice of the Planning Commission public hearing was issued in accordance with Monroe Municipal Code Section 21.40.020 and 21.40.030.
- b. The Planning Commission held a public hearing on November 10, 2014.
- c. RCW 36.70A.215 directs jurisdictions facing deficiencies to develop “reasonable measures” to reduce projected deficiencies.
- d. The proposal is consistent with the comprehensive plan and meets the requirements of the Monroe Municipal Code.
- e. The proposal is beneficial to the public health, safety and welfare and is in the public interest.

Conclusion

- a. The proposed rezone is consistent with Monroe Municipal Code Section 21.50.040 – Planning Commission Review and Recommendation.

Public Notice

The City has provided notice through the City's webpage, posting at City Hall, posting at the property, direct mailing to nearby property owners, and publication hearing notices in the Monroe Monitor.

CONCLUSIONS

The proposed zoning is compliant with MMC Chapter 18.99 (Rezoning Procedures); is consistent with the Monroe Municipal Code Chapter 20.04 (SEPA) and Chapter 197-11 WAC; is consistent with the goals and policies of the Comprehensive Plan; is compliant with Chapter 36.70A RCW – Growth Management Act; and has met public noticing requirements.

¹RECOMMENDATION

The Planning Commission recommends approval to the City Council for the proposed rezone as it is found to be in compliance with the Monroe Municipal Code, City of Monroe Comprehensive Plan, and other State and Federal Regulations.

¹ STAFF NOTE: This recommendation was added to the Findings and Conclusions per the Planning Commission Minutes dated November 10, 2014.