

ORDINANCE NO. 003/2004

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, ADOPTING THE NORTH KELSEY PLANNED ACTION PURSUANT TO RCW 43.21C.031; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations authorize cities planning under the Growth Management Act (GMA) to designate certain planned actions that have had their significant impacts adequately addressed in an environmental impact statement (EIS) prepared in conjunction with a comprehensive plan, a subarea plan, or a master planned development, and

WHEREAS, designation of a project as a planned action streamlines subsequent review of the project by eliminating the need for preparation of a threshold determination or environmental impact statement, and

WHEREAS, the City of Monroe has adopted the North Kelsey Development Plan and has prepared a Supplemental Environmental Impact Statement (SEIS) on a North Kelsey Planned Action as a supplement to the EIS prepared by the City in connection with its Comprehensive Plan, and

WHEREAS, adopting a SEPA Planned Action for the North Kelsey Planned Action Area with appropriate standards and procedures will help achieve permit processing efficiency and promote environmental quality, now, therefore,

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

Section 1. Findings. The planned action for the North Kelsey Area and adjacent commercial and industrial parcels adopted by this ordinance meets the criteria for a planned action in RCW 43.21C.031(2) and WAC 197-11-164 for the following reasons:

A. The City of Monroe is a city planning under the Growth Management Act, Chapter 36.70A RCW.

B. The City of Monroe has adopted its comprehensive plan and the North Kelsey Development Plan in compliance with the GMA.

C. The North Kelsey Planned Action Area consists of the North Kelsey Subarea, three adjacent commercially zoned properties commonly known as the Galaxy 12 Theater Area, and one adjacent property owned by Lakeside Industries. The significant environmental impacts of development of the North Kelsey Planned Action Area have been identified and adequately addressed in the Supplemental Environmental Impact Statement (SEIS) issued for the City's Comprehensive Plan dated November 15,

1994, and the Supplemental Environmental Impact Statement (SEIS) for the North Kelsey Planned Action dated March 12, 2004, subject to project review under WAC 197-11-172.

D. The planned action is for development, uses, and buildings that are consistent with and implement the City of Monroe Comprehensive Plan and the North Kelsey Development Plan. The North Kelsey Planned Action Area is located entirely within the City limits of the City of Monroe and the urban growth area adjacent to the City.

E. The planned action does not include any essential public facilities.

F. This ordinance specifically limits the planned action to commercial, residential, and industrial development that is consistent with the Comprehensive Plan, the North Kelsey Development Plan, the North Kelsey Design Guidelines, and North Kelsey Planned Action SEIS.

G. This ordinance also limits the planned action to the North Kelsey Planned Action Area, a specific geographic area that is less extensive than the jurisdictional boundaries of the City.

H. The specific mitigation measures that must be applied to any project for it to qualify as the planned action are identified in this ordinance as required by WAC 197-11-164.

I. Pursuant to WAC 197-11-164(1) and Section 20.04.160 of the Monroe Municipal Code, the City of Monroe has provided public notice and an opportunity to comment on the proposed planned action and the North Kelsey Planned Action SEIS.

Section 2. Planned Action Designated.

A. The North Kelsey Planned Action Area is hereby defined as that area depicted on the map attached to this ordinance as Exhibit A and incorporated herein by this reference as if set forth in full. Commercial, residential, and industrial development projects within the North Kelsey Planned Action Area that are consistent with:

1. The City of Monroe Comprehensive Plan;
2. The North Kelsey Development Plan;
3. The City of Monroe's zoning and development regulations that apply within the North Kelsey Planned Action Area;
4. The North Kelsey Design Guidelines; and

5. The development generally described in the North Kelsey Planned Action SEIS;

are hereby designated as planned actions within the meaning of RCW 43.21C.031 and WAC 197-11-164 through WAC 197-11-172.

B. The planned action designated in Section 2(A) above does not include essential public facilities. No essential public facility shall qualify as a planned action under this ordinance.

Section 3. Planned Action Project Review.

A. Review of projects proposed as planned actions shall proceed according to the applicable project permit review procedures specified in the Monroe Municipal Code, except as provided in this section. A project proposed as a planned action must qualify as the planned action set forth in this ordinance and must meet the statutory criteria for a planned action in RCW 43.21C.031. As part of the review of a planned action project, the City's SEPA Responsible Official shall:

1. Verify that the project meets the description of the North Kelsey Planned Action in this ordinance, and will implement any applicable conditions or mitigation measures in this ordinance; and

2. Verify that the probably significant adverse environmental impacts of the project have been adequately addressed in the North Kelsey Planned Action SEIS through review of an environmental checklist or other project review form as specified in WAC 197-11-315, filed with the project application.

B. If the City's SEPA Responsible Official verifies that the project meets the requirements of Subsection 3(A) above, the project shall qualify as a planned action, and a project threshold determination is not required.

C. If the project does not meet the requirements of Section 3(A) above, the project is not a planned action and additional environmental review shall be required as provided in WAC 197-11-172.

D. Public notice for projects that qualify as planned actions shall be tied to the underlying project permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special notice is required.

E. Nothing in this section limits the City from using SEPA or any other applicable law to place conditions on the project in order to mitigate non-significant impacts through the City's normal project review and permitting process.

Section 4. Mitigation Measures.

A. In addition to complying with applicable City of Monroe development regulations, all projects proposed as planned actions must implement and be conditioned upon implementation of the following mitigation measures in order to qualify as a planned action:

1. Mitigation measures for stormwater management as set forth in Sections 3.1.2.5 and 3.1.2.7 of the North Kelsey Planned Action SEIS;
2. Mitigation measures for land use as set forth in Section 3.2.1 of the North Kelsey Planned Action SEIS;
3. Mitigation measures for transportation as set forth in Section 3.2.2.6 of the North Kelsey Planned Action SEIS;
4. Mitigation measures for air quality as set forth in Section 3.2.2.4 of the North Kelsey Planned Action SEIS;
5. Mitigation measures for noise as set forth in Section 3.2.4.7 of the North Kelsey Planned Action SEIS; and
6. Mitigation measures for visual character as set forth in Section 3.2.5 of the North Kelsey Planned Action SEIS.

B. The application of the specific mitigation measures described in Section 4(A) above to individual projects proposed as planned actions will be determined as part of the project review process, consistent with SEPA, the City of Monroe's development regulations, and other applicable law.

Section 5. Monitoring the Planned Action. The Monroe Community Development Director shall monitor implementation of the planned action designated by this ordinance and shall report to the Monroe City Council periodically concerning such implementation and the potential need for an update. If it is determined by the Monroe Community Development Director or the Monroe City Council that an update is necessary, the Monroe Community Development Director shall initiate the update using the procedures for adoption of a planned action set forth in SEPA and the procedures for any necessary Comprehensive Plan, Subarea Plan or development regulation amendments set forth in the City of Monroe's ordinances or other applicable laws.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance or the amendments to the Monroe Municipal Code adopted 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.

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

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, Washington, at a regular meeting thereof held this 7th day of April, 2004.

1st Reading: 04/07/04

CITY OF MONROE, WASHINGTON

Published: 04/14/04

Effective: 04/19/04

Donnetta Walser, Mayor

ATTEST:

Betty King, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney