

LAND USE ELEMENT

INTRODUCTION

The Land Use Element of a Comprehensive Plan is the central document that will direct land use patterns and guide land use decisions. This element provides the basis for the Housing, Transportation, Utility and Capital Facility Plans because it directs future land use patterns by directing population growth. This element has been broken into the following sections:

- The Growth Management Act – the reason for the Land Use Element;
- Population Growth – the twenty (20) year population growth the City will accommodate;
- Buildable Lands Analysis;
- Existing Zoning Demographics;
- Land Use Densities;
- Urban Growth Areas (UGAs);
- Critical Areas;
- Zoning Summaries and Goals, Objectives and Policies Specific to each Zone;
- General Goals, Policies and Objectives for the Land Use Element; and,
- Existing Sub-area Plans:
 - A. Downtown Planning Area;
 - B. North 4th Street / Hill / Division Street Planning Area;
 - C. Mall / College Way Planning Area;
 - D. West Mount Vernon Planning Area;
 - E. South Mount Vernon Sub-Area Plan;
 - F. Historic / Cultural Architectural Conservation District(s);
 - G. Interstate-5 Corridor and City Entry System;
 - H. Healthcare Development Sub-Area Plan; and,
 - I. Third Street Sub-Area Plan.

Sub-area plans proposed to be created or amended following the 2005 update:

- J. College Way Planning Area;
- K. Downtown / Waterfront Planning Area;
- L. Interstate-5 Corridor;
- M. Healthcare Development Sub-Area Plan;
- N. Area west of Interstate-5 between Kincaid and East Blackburn;
- O. Area between Interstate-5 and Riverside Drive between East College Way and Fir Street;
- P. Area surrounding the Skagit Valley College; and,
- Q. Areas surrounding East College Way between LaVenture and Waugh Roads.

GROWTH MANAGEMENT ACT (GMA)

The GMA (RCW 36.70A.070) requires that a Land Use Element address the following:

- Distribution, location and extent of land uses.
- Population densities, building intensities and estimates of future population growth.
- Protection of the quality and quantity of ground water used for public water supplies.
- Drainage, flooding and stormwater runoff within and nearby our jurisdiction as well as guidance for corrective actions to mitigate or clean discharges to waters of the state.

In 2001, RCW 36.70A.200 added a requirement that states that the City is required to establish a process, or amend its existing process, for identifying and siting essential public facilities and to adopt and amend our development regulations as necessary to provide for the siting of secure community transition facilities.

In compliance with RCW 36.70A.020 the following sections along with the adopted Comprehensive Plan and its associated maps address the distribution, location and extent of land uses. The following section entitled, “Population Growth”, discusses estimates of future population growth and discusses how the City will accommodate this growth. The protection of the quality and quantity of ground water used for public water supplies and drainage, flooding and stormwater runoff within and near the City are discussed in the Utilities Element, Critical Areas Analysis and the Capital Facilities Element of the Comprehensive Plan.

POPULATION GROWTH

As outlined in the Berryman & Henigar, Inc. in association with Michael J. McCormick report titled, “Population & Employment Forecasting & Allocation 2025” the population growth listed in **Table LU-1.1** was arrived at using the Office of Financial Management’s approximate low and medium population projections as mandated by the GMA. This report is contained in **Appendix LU-A**, and is hereby adopted by reference. After an analysis of the population growth trends and development capacity measures the countywide target population was placed at 149,080 people, which is 2% below the midpoint of the Office of Financial Management’s (OFM) low and medium forecasts for the year 2025. This is an overall increase of 46,102 people countywide. The urban/rural split for this population remained at 80/20, which means that an additional 36,882 people were allocated to the urban areas and 9,220 were allocated to the rural areas. The 36,882 additional people were allocated between the urban areas as shown in **Table LU-1.1** and as depicted in **Graph LU-1.1**. As shown in **Table LU-1.1** and **Graph LU-1.1**, the City of Mount Vernon was allocated the majority of the expected population growth through the year 2025. The Growth Management Act Steering Committee, which is comprised of City and County representatives, approved the allocations listed in **Table LU-1.1**.

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In addition to the technical analysis for the adoption of new population projections, the Berryman & Henigar, Inc. in association with Michael J. McCormick report titled, “Population & Employment Forecasting & Allocation 2025 includes employment allocations that support updating of comprehensive plans including Mount Vernon’s.

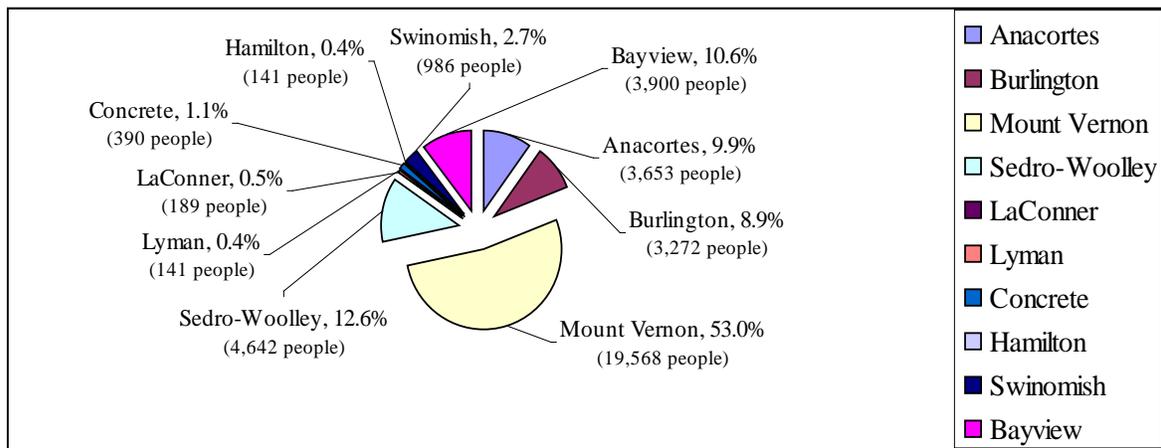
The City of Mount Vernon is planning for an additional population of 19,568 people over the next 20-years. This is almost a 70% increase in population that the City needs to accommodate. For comparison purposes, also listed in **Table LU-1.1**, are the 2025 population allocations for Skagit County and the other jurisdictions within the County.

TABLE LU-1.1: POPULATION GROWTH THROUGH 2025

Jurisdiction (City & UGAs)	2000 Population	Location	2025 Allocation	% Increase from 2000 Population
Anacortes	14,647		18,300	25%
Burlington	8,728	Corridor	12,000	37%
Mount Vernon	28,332	Corridor	47,900	69%
Sedro-Woolley	10,358	Corridor	15,000	45%
LaConner	761		950	25%
Lyman	409		550	34%
Concrete	960		1,350	41%
Hamilton	309		450	46%
Swinomish	2,664		3,650	37%
Bayview	1,700	Corridor	5,600	229%
Total Urban	68,868		105,750	54%
Total Rural	34,110		43,330	37%
Total County	102,978		149,080	45%

(Berryman & Henigar, Inc. /McCormick, 1/1), Numbers have been rounded to the nearest 50

GRAPH LU-1.1: POPULATION DISTRIBUTION FOR URBAN AREAS



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BUILDABLE LANDS ANALYSIS

A Buildable Lands Analysis has been completed that identifies the amount of land in each of the existing zoning designations and estimates the amount of buildable land not encumbered by structures, infrastructure or critical areas. **Table LU-1.2** summarizes this data. The entire Buildable Land Analysis is a separate document contained within the Comprehensive Plan in **Appendix LU-B**.

TABLE LU-1.2: BUILDABLE LANDS SUMMARY FOR RESIDENTIALLY ZONED LANDS

Zoning	Total Acreage Analyzed with Outlined Methodology in each Zone ¹	Number of New Dwelling Units ²	Acreage ¹ of Net Commercial/Ind./HD Developable Lands ²	
			Parcels Less than 5 acres ³	Parcels More than 5 acres
Existing Developments (see Table 1.6 on pg. 20 in Appendix LU-B)	N/A	2,663	N/A	N/A
New Multi-Family Units in Downtown Waterfront Master Plan (see pg. 22 in Appendix LU-B)	N/A	400	N/A	N/A
Transfer of Development Rights (see pg. 22 in Appendix LU-B)	N/A	107	N/A	N/A
Single-Family Residential 7.0 (R-1, 7.0)	443	302	N/A	N/A
Single-Family Residential 7.0 (R-1, 7.0) in UGA	77	198	N/A	N/A
Single-Family Residential 5.0 (R-1, 5.0)	346	120	N/A	N/A
Single-Family Residential 4.0 (R-1, 4.0)	966	817	N/A	N/A
Single-Family Residential 4.0 (R-1, 4.0) in UGA	2231	4,227	N/A	N/A
Single-Family Residential 3.0 (R-1, 3.0)	455	161	N/A	N/A
Residential Office (R-O)	1	0	0	0
Duplex and Townhouse (R-2)	29	51	N/A	N/A
Multi-Family Residential (R-3)	277	449	N/A	N/A
Multi-Family Residential (R-4)	30	17	N/A	N/A
Health Care Development District (H-D)	27	N/A	0	0
Professional Office (P-O)	33	N/A	4.2	0
Central Business (C-1)	46	N/A	.76	0
Additional C-1 Property Downtown Waterfront Master Plan (see pg. 25 in Appendix LU-B)	N/A	N/A	3.2	0
General Commercial (C-2)	505	N/A	34.5	20.9
General Commercial (C-2) in UGA	8	N/A	3.0	0
Community Commercial (C-3)	14	N/A	1.2	0
Neighborhood Commercial (C-4)	15	N/A	1.9	0
Neighborhood Commercial (C-4) in UGA	3	N/A	1.3	0
Commercial-Limited Industrial (C-L)	380	N/A	79.9	0

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Commercial-Limited Industrial (C-L) in UGA	97	N/A	26.8	0
Limited Commercial (LC)	.5	N/A	0	0
Light Manufacturing and Commercial (M-1)	40	N/A	2.5	0
Industrial (M-2)	77	N/A	9.5	0
Totals:		City: 5,087 UGA: 4,425 Total: 9,512	168.8	20.9

¹ These acreages have been rounded to the nearest tenth for use within this table; and as such, are slightly different from the totals within Tables 1.16 and 1.17 found within Appendix LU-B.

² These totals reflect the 40% wetland assumption described on page 35 of the Buildable Lands and Land Capacity report, with the exception of the existing developments, multi-family units in the downtown area, and the TDRs as the wetland methodology does not apply to these three categories.

³ These totals reflect parcels greater than 10,000 s.f. in size as those smaller than this were not considered as stand alone developments, see page 24 for a full description of this within Appendix LU-B.

What is clear from the table above is that the City is easily able to accommodate its expected additional population over the planning horizon. In fact, all of the needed dwelling units can be housed within the existing City limits. Without a doubt, this indicates that the City’s residential UGAs are too large and are not necessary to meet the City’s projected population growth to 2025.

What is also clear is that the City does not have enough commercial or industrial land to meet future employment growth (per RCW 36.70A.115). In fact, the 2006 E.D. Hovee report, “City of Mount Vernon Commercial & Industrial Land Needs Analysis” (which is **Appendix F**, incorporated by reference into the Buildable Lands and Land Capacity Analysis that is Appendix LU-B) states that the City needs an additional 809 gross acres of commercial/industrial lands.

In addition, Skagit County’s Countywide Planning Policies have historically allocated close to 200 net acres of commercial/industrial land to the City; that the City has never mapped. This acreage from the County would need to be converted from net to gross acres before it was mapped, meaning that the actual allocation of commercial/industrial lands from the County to the City is much larger. In short, this means that both the City and Skagit County have historically recognized the shortage of commercial/industrial lands in the City.

Table 1.4 (located on page 12 of the Buildable Lands and Land Capacity Analysis) lists the need for 4,845 new dwelling units to house the future population allocation for the City from 2010 to 2025. The Summary **Table LU 1.2** (directly above) shows that the City can accommodate 5,087 new dwelling units within the existing City limits; and 4,425 new dwelling units within the existing UGA areas.

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The methodology used in determining how many additional dwelling units could be created is explained in depth in the Buildable Lands and Land Capacity; however, keep in mind that staff netted out (where applicable) areas to account for future roads (including arterials, neighborhood, collector, access ways, and private streets), stormwater facilities (including larger facilities to take into account newly adopted regulations), critical areas and their associated buffers, regional and neighborhood parks, schools, municipal facilities, churches (and other public type uses), and market factors. The following list summarizes the areas netted out that were in addition to the roads and stormwater facilities:

- 30-acres for future schools (10-acre site off of Swan Road, 10-acre site off of Division Street, and an additional 10-acres subtracted out of the R-1, 4.0 district);
- 7.34-acres to the east of Skagit Valley College that they (SVC) purchased in 2007;
- 9.5-acres to the east of Skagit Valley College that Skagit County purchased for their proposed “indoor recreation center”.
- 10-acres south of Kincaid Street and west of I-5 for Skagit County’s jail/justice facility (this site is already developed; and as such, was not netted out of the available commercial land supply but its location and future existence is noted);
- 5-acres out of the R-1, 4.0 district for miscellaneous public uses unknown or unidentified as this time;
- 5-acres out of the C-2 district for miscellaneous public uses unknown or unidentified at this time;
- 35-acres out of the R-1, 4.0 district for future City parks (1, 30-acre regional park and 1, 5-acre neighborhood park);
- City’s TDR sending site has been removed as an area for any future development;
- City’s Nookachamps wetland bank site has been removed as an area for any future development;
- The acreage located to the north of Hoag Road, east of the Riverside bridge and west of the railroad tracks, has not been counted as an area where new development will occur;
- All critical areas (includes streams, wetlands, steep slopes, ‘floodways’) and their associated buffers (if buffers applied) have been netted out of possible developable areas; and,
- Reductions for market factors have been accounted for.

What has not been counted as future housing units is the construction of Accessory Dwelling Units (ADUs) or duplexes within single-family residential zones. As discussed in the Buildable Lands and Land Capacity Analysis, it is likely that at least 60 of these types of units will be constructed within the planning timeline. In addition, if a PUD ordinance is re-adopted it could allow for an increase in density within certain developments; and this possible increase has also not been counted towards the future housing units that will be constructed.

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It is important to point out that if the City's population continues to grow at the same average growth rate that has been observed from 2000 to 2009 that the City will not need to house all of the people that have been allocated to the City. See pages 9 through 10 of the Buildable Lands and Land Capacity Analysis for an in-depth discussion on this issue. Even so, the City has still shown that it will be able to accommodate these homes even if they do for some unexpected reason materialize.

The Buildable Lands/Land Capacity Analysis Summary **Table LU- 1.2** (above) shows that the City has a total of 189.7 acres of commercial/industrial/retail lands that are available for development that are 10,000 square feet or larger. However, we see that this acreage is comprised predominately of smaller parcels/lots in the less than five (5) acre range. Noteworthy is that only 20.9 acres are available for development that are comprised of parcels/lots larger than five (5) acres in size. The appended E.D. Hovee report points out that this is a problem because, "Mount Vernon's existing inventory can accommodate demand for smaller in-fill sites; larger sites are needed to compliment this inventory and significantly impact growth in both jobs and local tax revenue". Even though someone could purchase several smaller parcels and combine them into one larger development site; the process of assembling properties from different owners, who inevitably have different opinions of what their property is worth, is cumbersome as best. Even so, the possibility of combining some smaller parcels into larger development sites should be kept in mind. See Maps A and B, with their accompanying narrative, that are part of the referenced E.D. Hovee report, that is adopted by reference within the Buildable Lands and Land Capacity analysis, for a discussion of possible commercial/industrial acreage aggregation within the City.

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EXISTING ZONING DEMOGRAPHICS

The following tables and graphs identify the zoning demographics of the City. The amount of land currently within each designation will change over time as rezones and Comprehensive Plan amendments are completed. As of September 2005, there are 7,947 acres within the current City limits and 2,618 acres within the City’s UGAs; for a total UGA plus City area of 10,565 acres. This acreage is categorized into the zoning designations outlined in **Table LU-1.3**. In addition to the 9,143 acres of property zoned within the City and its associated UGAs, there is 1,422 acres of property such as rights-of-way and the river that is not zoned.

TABLE LU-1.3: ZONING ACREAGES:

Residential:

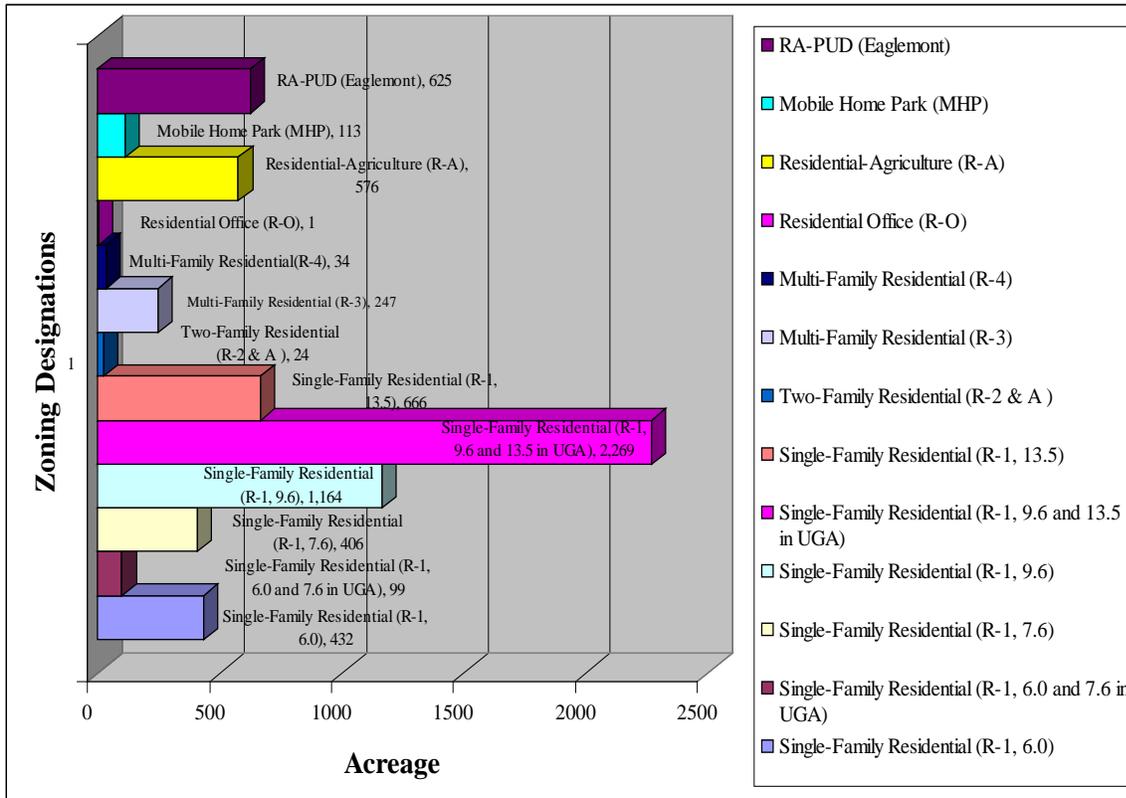
Zoning Designations	Total Acres
Single-Family Residential (R-1, 6.0)	432
Single-Family Residential (R-1, 6.0 or 7.6 in UGA)	99
Single-Family Residential (R-1, 7.6)	406
Single-Family Residential (R-1, 9.6)	1,164
Single-Family Residential (R-1, 9.6 or 13,500 in UGA)	2,269
Single-Family Residential (R-1, 13.5)	666
Two-Family Residential (R-2 & A)	24
Multi-Family Residential (R-3)	247
Multi-Family Residential R-4	34
Residential Office (R-O)	1
Residential-Agriculture (R-A)	576
Mobile Home Park (MHP)	113
RA-PUD (Eaglemont)	625
Totals:	6,656 acres

Commercial/Industrial/Other:

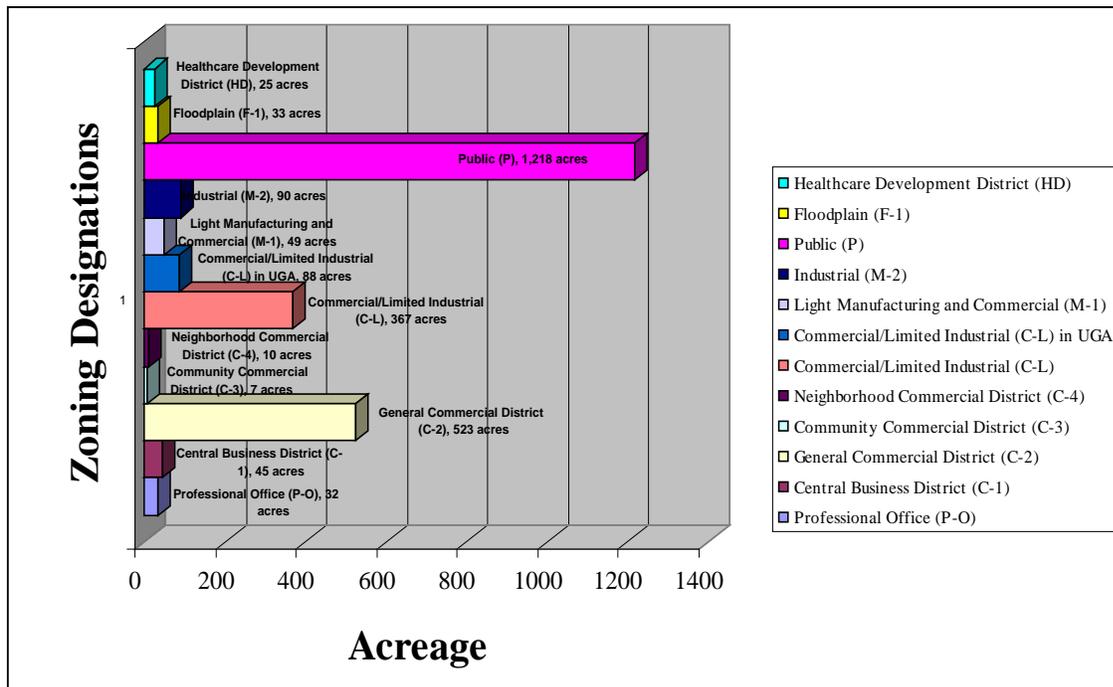
Zoning Designations	Total Acres
Professional Office (P-O)	32
Central Business District (C-1)	45
General Commercial District (C-2)	523
Community Commercial District (C-3)	7
Neighborhood Commercial District (C-4)	10
Commercial/Limited Industrial (C-L)	367
Commercial/Limited Industrial (C-L) in UGA	88
Light Manufacturing and Commercial (M-1)	49
Industrial (M-2)	90
Public (P)	1,218
Floodplain (F-1)	33
Healthcare Development District (HD)	25
Totals:	2,487 acres

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GRAPH LU-1.2: ZONING ACREAGE GRAPH FOR RESIDENTIAL LANDS



GRAPH LU-1.3: ZONING ACREAGE GRAPH FOR COMMERCIAL/INDUSTRIAL/PUBLIC LANDS

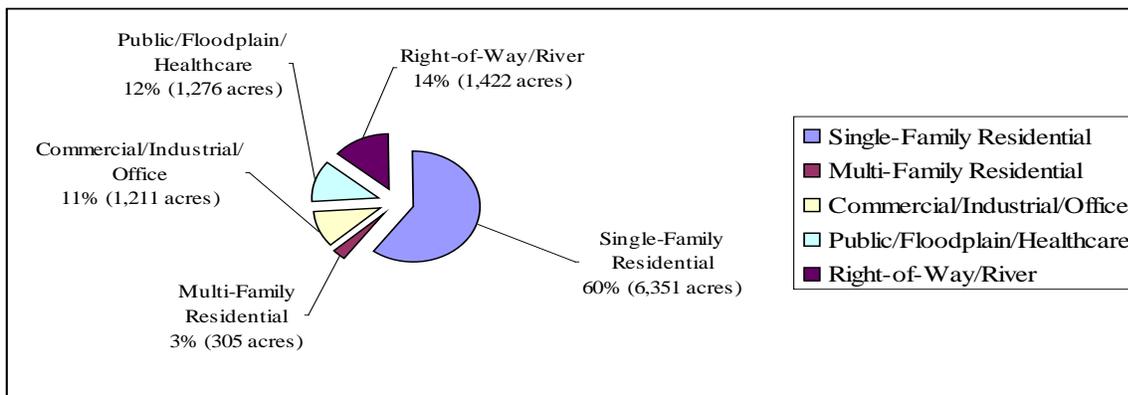


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Even though the City is actively pursuing the re-designation of properties zoned R-A, the table above lists the sites currently zoned R-A because the exact timing of future rezones is unknown at this time. R-A zoned properties need to be re-designated so that these sites have zoning designations that are consistent with their existing Comprehensive Plan designations.

From the tables and graphs above, the following land distribution information has been compiled. For ease of comparison, all of the residentially zoned areas have been grouped together (including the Residential-Office (R-O) designation) and all of the commercial and industrial zoned areas are grouped together (this is because the City has designations that allow both commercial and industrial uses within one zone). Public uses and right-of-way are also identified.

GRAPH LU-1.4: ZONING ACREAGE DISTRIBUTION



Graph LU-1.4 can be misleading in the depiction of multi-family uses within the City. The Graph shows that only three percent (3%) of the City, or 305 acres, are zoned for multi-family uses versus sixty percent (60%) or 6,351 acres, being zoned for single-family uses. However, if the number of existing dwelling units for both multi-family uses versus single-family uses are compared the demographic looks much different. The Buildable Lands Analysis identified 3,483 multi-family units (dwellings with two or more units) within the City and 10,370 single-family units, which means that approximately thirty percent (34%) of the existing dwelling units within the City and the UGAs are multi-family units.

The most significant demographic in **Graph LU-1.4** is the difference between the amount of residentially zoned (6,656 acres) and commercial/industrial zoned (1,217.5 acres) areas throughout the City and the UGAs. It will be important for the City to decide what the optimum ratio of residential to commercial/industrial lands needs to be.

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It is also important to note that the City has historically been allocated commercial/industrial lands that have not been mapped. Since 1995 numerous studies have been completed that discuss existing commercial and industrial acreage and additional allocations that have been made to the City. To summarize the reports completed from 1995 to 2005, the City retained E.D. Hovee & Company, LLC to inventory and condense these reports. The summary prepared by E.D. Hovee & Company, LLC can be found in **Appendix LU-B** and this report along with all of the reports that are referenced within this document are hereby incorporated by reference. The E.D. Hovee report in **Appendix LU-B** states that, “To date, the City has been allocated a total of 869 acres of commercial and industrial acres which is in addition to the 489 acres of already developed commercial and industrial property within the City. In addition, when the 2005 Comprehensive Plan update is adopted by Skagit County, it is anticipated that the City will receive another allocation of 90 acres of commercial and industrial property which will bring the City wide total of commercial and industrial lands to 1,448 acres.

...All allocations are intended to compensate for adopted market factors; however, they were exclusive of critical areas, public infrastructure, and any other factors that could reduce the available net developable acreage. Therefore, local jurisdictions should examine their areas designated for commercial and industrial development to ensure that the gross acreage designated for commercial and industrial development will accommodate the forecasted net acreage demand. Furthermore, as Skagit County and the cities adopt new Critical Area Ordinances (CAO), local authorities should examine the effects on net developable acreage and allocate/designated additional lands to offset any reduction in net developable area”.

The summary completed by E.D. Hovee & Company, LLC states that the City has been allocated 1,448 of commercial/industrial lands; however, the City has only mapped 1,217.5 acres. This means that approximately 230.5 acres (plus a market factor that will increase this acreage, to account for infrastructure and critical areas) of commercial/industrial lands should be identified and mapped for the City.

LAND USE DENSITIES ALLOWED WITHIN THE CITY

Growth Management Hearings Board decisions have clarified what residential densities should occur in urban growth areas. For clarification purposes, urban growth areas are defined as areas within the City limits in addition to the established urban growth areas where the City and County have joint jurisdiction. Please see **Map LU-1**.

Following is a list of Washington State hearing board cases that have defined urban densities as four (4) or more dwelling units per acre:

In *Berschauer v. Tumwater* 94-2-0002 (FDO 7-27-94) urban densities of 1 dwelling unit per acre and 2-4 dwelling units per acre did not comply with the GMA. (“We conclude that the low-density designations for the SRLUPO area do not comply with the Countywide Planning Policies (CPPs) for orderly and cost effective development of urban services, affordable housing or environmental quality.”)

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In the City of Sedro-Woolley, Friends of Skagit County, et al., petitioners, v. Skagit County, Decision No. 03-02-0013c Compliance Hearing Order it was found that:

- UGAs are those areas of a county in which urban levels of development are expected to occur. Urban levels of densities are typically at least four dwelling units per acre. Rural densities are, as all three growth hearings boards have held, densities no greater than one dwelling unit per five acres.

In Bremerton v. Kitsap County October 1995, the Central Puget Sound Hearings Board found that as a general rule, four (4) dwellings units per acre or more constitutes urban densities. A pattern of one (1) and two and one-half (2 ½) acre lots is a sprawl pattern that should only occur in urban areas to avoid excessive development pressures on or near environmentally sensitive areas (however, this circumstance can be expected to be infrequent with the UGA and must not constitute a pattern over large areas). In Lawrence Michael Investments, Chevron USA and Chevron Land and Development Company v. Town of Woodway, January 1999, the Central Puget Sound Hearings board found that, “(the) GMA requires every city to designate all lands within its jurisdiction at appropriate urban densities.”

The City finds that, in light of the recent Washington State Supreme Court ruling in Viking Properties Inc. v. Oscar W. Holm, that there is a broad range of discretion that may be exercised by the City and rejects the previous Hearing Board cases cited above to the extent they attempt to create policy or a bright line rule requiring four (4) dwelling units per acre or more to comply with the GMA standard for urban densities.

In Viking Properties Inc. v. Oscar W. Holm, slip opinion 75240-1 Aug. 18, 2005, the specific issue of the whether the four net dwelling units per acre rule as adopted by the Growth Management Hearing Boards is an appropriate standard in determining urban densities has been addressed. The Supreme Court re-iterated and recognized that the GMA, its goals and their accompanying regulatory provisions create a 'framework' that guides local jurisdictions in the development of comprehensive plans and development regulations. Within this framework, the legislature has affirmed that there is a 'broad range of discretion that may be exercised by counties and cities consistent with the requirements . . . and goals of {the GMA}.' RCW 36.70A.3201. In other words, the GMA does not prescribe a single approach to growth management. Instead, the legislature specified that 'the ultimate burden and responsibility for planning, harmonizing the planning goals of {the GMA}, and implementing a county's or city's future rests with that community.' RCW 36.70A.3201. Thus, the GMA acts exclusively through local governments and is to be construed with the requisite flexibility to allow local governments to accommodate local needs.

Based upon the foregoing rationale, the Washington State Supreme Court has specifically rejected the four net dwelling unit per acre rule to the extent it requires Cities to plan in a certain manner and to the extent it creates policy and thus is beyond the authority of the growth management boards as a tribunal:

“...Viking's claim that the GMA imposes a 'bright line' minimum of four dwellings per acre is erroneous. In making this claim, Viking relies upon a 1995 decision of the CPSGMHB. See

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Bremerton v. Kitsap County, CPSGMHB No. 95-3-0039, 1995 WL 903165 (Oct. 6, 1995). However, the growth management hearings boards do not have authority to make 'public policy' even within the limited scope of their jurisdictions, let alone to make statewide public policy. The hearings boards are quasi-judicial agencies that serve a limited role under the GMA, with their powers restricted to a review of those matters specifically delegated by statute. See RCW 36.70A.210(6), .280(1); *Sedlacek v. Hillis*, 145 Wn.2d 379, 385-86, 36 P.3d 1014 (2001) (stating that public policy is set forth in constitutional, statutory, and regulatory provisions, as well as prior judicial decisions). *Accord Roberts v. Dudley*, 140 Wn.2d 58, 63, 993 P.2d 901 (2000); *Thompson v. St. Regis Paper Co.*, 102 Wn.2d 219, 232, 685 P.2d 1081 (1984). See also *Skagit Surveyors & Eng'rs, LLC v. Friends of Skagit County*, 135 Wn.2d 542, 565, 958 P.2d 962 (1998) (stating that the GMA is not to be construed to confer upon a hearings board powers not expressly granted in the GMA). Second, Viking's argument fails to account for the fact that the GMA creates a general 'framework' to guide local jurisdictions instead of 'bright line' rules. See RCW 36.70A.3201; Richard L. Settle, *Washington's Growth Management Revolution Goes to Court*, 23 *Seattle U. L. Rev.* 5, 9 ('most GMA requirements are conceptual, not definitive, and often ambiguous'). Indeed, the existence of restrictive covenants that predate the enactment of the GMA and limit density within the urban growth areas are the type of 'local circumstances' accommodated by the GMA's grant of a 'broad range of discretion' for local planning. See RCW 36.70A.3201; *Cent. Puget Sound Hearings Bd.*, 142 Wn.2d at 561.”

Based on the Viking case, the City finds that:

- The four net dwelling unit per acre general rule is invalid to the extent it serves to require a City to plan in a certain manner.
- That this general rule is invalid to the extent it creates a higher burden on the City than what is clearly set forth in the GMA or shifts the burden to the City in which it must now 'prove' to the Board its decisions beyond showing its work.
- That this general rule is invalid to the extent the GMA requires every city to designate all lands within its jurisdiction at appropriate urban densities equates to requiring four net dwelling units per acre and that any residential pattern at a lower density will be subject to increased scrutiny by the Board to determine if the number, locations, configurations and rationale for such lot sizes complies with the goals and requirements of the Act, and the jurisdiction's ability to meet its obligations to accept any allocated share of county-wide population.

Table LU-1.3 identifies all of the City's residential zoning designations and their associated densities with different development options that the City permits. The City decided to switch to a density based zoning during the 2005 update process to allow more flexibility in future subdivisions.

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TABLE LU-1.4: RESIDENTIAL ZONING DENSITIES WITH DEVELOPMENT OPTIONS

NEW ZONING DESIGNATION	OLD ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY	MINIMUM LOT SIZE WITH STANDARD SUBDIVISION	Maximum Net Density with a Planned Unit Development (P.U.D.) ¹	Maximum Density with the Purchase of Development Rights ¹
R-1, 7.0 Single-Family Residential	Single Family (R-1, 6.0) 6,000 s.f. min. lot size	High Density Single-Family (SF-HI)	4.0 du/acre	7.26 du/acre	4,500 square feet	8.71 du/acre	N/A
R-1, 5.0 Single-Family Residential	Single Family (R-1, 7.6) 7,600 s.f. min. lot size	High Density Single-Family (SF-HI)	4.0 du/acre	5.73 du/acre	6,000 square feet	6.88 du/acre	N/A
R-1, 4.0 Single-Family Residential	Single Family (R-1, 9.6) 9,600 s.f. min. lot size	Medium Density Single-Family (SF-MED)	4.0 du/acre	4.54 du/acre	7,500 square feet	5.45 du/acre	5.54 du/acre
R-1, 3.0 ² Single-Family Residential	Single Family (R-1, 13.5) 13,500 s.f. min. lot size	Medium Density Single-Family (SF-MED)	3.23 du/acre	3.23 du/acre	9,000 square feet	3.88 du/acre	4.23 du/acre
R-2 Two-Family Residential District	N/A	Low Density Multi-Family (MF-LO)	8.0 du/acre	10 du/acre	6,500 square feet for each 2 unit structure	12.0 du/acre	11 du/acre
R-3 Multi-Family Residential District	N/A	Medium-High Density Multi-Family (MF-MH)	10.0 du/acre	12 du/acre (Increased density up to a maximum of 15 du/acre may be achieved if at least 50% of the required parking spaces are located in an enclosed area beneath the habitable floors of the building or complex.)	N/A	N/A	N/A
R-4 Multi-Family Residential District	N/A	Medium-High Density Multi-Family (MF-MH)	10.0 du/acre	15 du/acre (Increased density up to a maximum of 20 du/acre may be achieved if at least 50% of the required parking spaces are located in an enclosed area beneath the habitable floors of the building or complex.)	N/A	N/A	N/A
R-A Residential Agricultural District ³	N/A	Agricultural with Density Transfer (AG)	1.24 du/acre	1.24 du/acre	35,000 square feet	N/A	N/A

¹ Minimum lot sizes associated with PUD and TDR Developments will be outlined within the development regulations implementing both of these types of subdivisions.

² A minimum net density of 4 dwelling units per acre will be mandated in this zone unless documented critical areas including areas of special flood risk designation, resource lands, restriction on access or other physical site constraints limit the ability to achieve this density. Existing neighborhoods identified on Map LU-5 are also not required to meet a minimum density of 4 dwelling units per acre.

³ The City has put policies into place to encourage the re-designation of parcels zoned R-A where the Comprehensive Plan designation is not consistent with the zoning of the parcel, as described the Land Use Element.

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Net density is referenced in **Table LU -1.3** because when any type of subdivision, except a Planned Unit Development, is proposed within the City, a net density calculation is mandated. Net density is calculated by dividing the total acreage of a parcel of property into the number of dwelling units, existing or proposed, exclusive of public streets and rights-of-way (MVMC 17.06.250). When an applicant proposes a Planned Unit Development (P.U.D.), a gross density calculation is completed when determining the number of lots that could be achieved on a site.

Given that the GMA requires every city to plan to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development, the minimum net density for all new residential development, except as outlined below, within the City will be at a minimum density of four (4) dwelling units per acre unless documented critical areas, areas of special flood risk designation, resource lands, restriction on access or other physical site constraints are evident on a parcel that would preclude a development that would yield four (4) dwelling units per acre.

The two (2) zoning designations that result in subdivisions that have a net density of less than four (4) dwelling units per acre are the R-1, 3.0 and the Residential-Agricultural (R-A) which result in maximum densities of 3.0 and 1.24 dwelling units per acre, respectively. The R-1, 3.0 has a minimum lot size of 13,500 square feet and the R-A has a minimum lot size of 35,000 square feet.

As of September 2005, within the City limits there are approximately 666 acres of property zoned R-1, 3.0. These areas will be evaluated to ensure that documented critical areas, a special flood risk designation, resource lands, restrictions on access or other physical site constraints are present so that a density less than the four (4) dwelling units per acre can be justified (as supported, in part, by *Berschauer v. Tumwater* 94-2-0002 (CO 12-17-94), where the Board found that 2-4 dwelling unit per acre designation for a residential/sensitive area where the record demonstrated a complete analysis by the city and the designation was limited to areas of “unique open space character and sensitivity to environmental disturbances” complied with the GMA) when a property owner submits any type of subdivision application to the City. If critical areas, resource lands, restrictions on access, a special flood risk designation or other physical site constraints are not present on the site, and except the existing neighborhood areas discussed below, a property owner will have to complete a rezone of the site, a Planned Unit Development (PUD) will need to be completed, or development rights will need to be purchased through the Transfer of Development Rights (TDR) program when an applicant submits any type of subdivision application to the City, so that a minimum density of four (4) dwelling units per acre can be achieved.

Map LU-5 identifies areas within and abutting existing neighborhoods in the City that are currently zoned Single-Family Residential with a minimum lot size of 13,500 square feet. Following this update to the Comprehensive Plan this zone will be renamed R-1, 3.0. In addition to identifying the R-1,3.0 zoning, Map LU-5 also shows which parcels have existing structures on them. Consistent with the Washington Supreme Court in *Viking Properties Inc. v. Oscar W. Holm*, slip opinion 75240-1 Aug. 18, 2005, the City shall use the GMA framework with the requisite flexibility to allow the City as the local planning jurisdiction to accommodate its local needs. Thus, to protect the character of existing neighborhoods, to promote a variety of residential densities and housing types, and to encourage the preservation of existing housing

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stock (GMA planning goals codified in RCW 36.70A.020 (4)) those areas identified on **Map LU-5** will not be required to meet a minimum 4 du/acre density, and shall have a net density of no more than 3.23 dwelling units per acre. These areas reflect land which contains or is next to pre-existing residential neighborhoods and residential neighborhood communities. These areas contain, but are not limited to, the following features: pre-existing residential development, pre-existing residential structures, pre-existing residential amenities (churches, synagogues, community centers or clubs, granges, etc.), and/or existing covenants that run with the land and disallow subdivision greater than 4 du/acre.

There are 830 parcels of land that combined equal approximately 337 acres that are identified on **Map LU-5** that will have a maximum density of 3.23 du/acre when and if they are developed or re-developed. Of the 830 parcels, 766 have existing buildings; however, only 31 of these parcels are capable of further development due to placement of existing structures or the presence of critical areas. In addition, there are 34 parcels without structures that are capable of further development.

Utilizing the methodology described in the Buildable Lands Analysis (contained in **Appendix LU-B**) the 65 parcels that are capable of being subdivided (parcels with and with out structures) were analyzed to see what the difference in the number of total dwelling units would be if a density of four (4) dwelling units per acre versus 3.23 dwelling units per acre was applied to these parcels. At a density of four (4) dwelling units per acre the area identified on **Map LU-5** could produce 98 additional lots for dwelling units; and at a density of 3.23 dwelling units per acre this same area could produce 71 additional lots for dwelling units. With restricting the density to 3.23 dwelling units per acre versus four (4); there is a difference of the creation of only 27 lots for future dwelling units. Please see the spreadsheet incorporated with **Map LU-5** that provides a great amount of detail about all of the parcels identified on **Map LU-5** including all of the parcel numbers, zoning, addresses, whether critical areas are present or not, whether existing structures are present or not, the area of each of the parcels in acres and square feet, and how many additional units could potentially be created on each of the parcels utilizing the Buildable Lands methodology at the two different densities described above.

The Buildable Lands Analysis, contained in **Appendix LU-B**, proves that the City is well able to accommodate its projected growth even with keeping the parcels identified on **Map LU-5** at a maximum density of 3.23 du/acre because the Buildable Lands Analysis calculated potential building lots based on the zoning of a lot and did not consider that certain areas may have to meet a minimum density of four (4) dwelling units per acre.

As of September 2005, within the City limits there are 576 acres of property zoned Residential-Agriculture (R-A). The City will be pursuing City initiated rezones during 2006 to rezone these parcels to make them consistent with their existing Comprehensive Plan designations. In the interim, the development regulations associated with the R-A zone will be clarified during the 2005 update to reflect that a property owner can only place one (1) single-family home and/or accessory buildings on a lot zoned R-A that does not have an existing Comprehensive Plan designation of Agricultural (AG), in an attempt to persuade these properties to have their zoning changed.

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During the 2005 Comprehensive Plan update the City has instituted minimum density requirements for multi-family zoning designations because overall only three percent (3%) of the City is zoned for multi-family uses. This also assists with making sure that lands identified as appropriate for affordable housing (generally areas zoned R-3 and R-4, please see the Housing Element) are developed at the prescribed net densities they were assumed they could be. The development regulations associated with the multi-family zones have also been modified to remove the allowance of uses that would result in less dense development, such as single-family homes.

In addition to the R-A rezones and the minimum density requirements for the multi-family zones that were put into effect as part of the 2005 Comprehensive Plan update, City staff proposed to modify how Accessory Dwelling Units (ADUs) are regulated to make it easier for applicants to construct these types of units.

URBAN GROWTH AREAS

Map LU-2 identifies the Urban Growth Areas (UGAs) and their County land use designations that are located outside of the current City limits for the City of Mount Vernon. The County Land Use designations within the City’s UGAs are either Urban Reserve Residential (URR), Urban Reserve Commercial-Industrial (URC-I), or Urban Development District. **Map LU-3** identifies the City Comprehensive Plan and zoning designations for the UGAs. With the exception of certain Urban Reserve Development Permits, County land use designations along with their associated development code regulate land use activity within the UGAs until these areas are annexed into the City. When areas are annexed they will assume the Comprehensive Plan and zoning designations that are shown on **Map LU-3**.

TABLE LU-1.5: UGA ZONING ACREAGES

City Zoning/Comprehensive Plan Designations	Acreage	Corresponding County Zoning
Single-Family Residential R-1,5.0 or 7.0 / Single-Family High	99	Urban Reserve Residential (URR)
Single-Family Residential R-1,3.0 or 4.0 / Single-Family Medium	2,269	Urban Reserve Residential (URR)
Commercial/Limited Industrial (C-L) / Commercial/Limited Industrial	88	Urban Reserve Commercial-Industrial (URC-I)
To be Determined.	~ 15	Urban Development District

Following almost a year of coordinated efforts with each of the Cities within the County, Ordinance 020050007 was approved by Skagit County which provided for the adoption of permanent development standards for the unincorporated UGAs.

The portions of Ordinance 020050007 that pertain to Mount Vernon’s UGAs are hereby adopted by reference. Ordinance 020050007 outlines development code that will apply to the City’s UGAs and allows for development consistent with this code.

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One development option allowed in the ordinance is for subdivision through an Urban Reserve Development Permit (URDP). The URDP provisions are categorized into different types of development options that include an Administrative URDP, a Hearing Examiner URDP and an URDP One-Acre Plat. The requirements for both an Administrative URDP and a Hearing Examiner URDP are clearly outlined within Ordinance 020050007. However, before an applicant can apply for an URDP One-Acre Plat the City has to first amend its Comprehensive Plan designations within the UGAs to allow for a one-acre lot overlay zone.

Consistent with Ordinance 020050007, the City is amending the Comprehensive Plan and zoning maps for the UGAs to allow residentially zoned areas to be evaluated to see if a parcel could qualify for a One-Acre Plat subdivision. The zoning overlay on **Map LU-4** only shows that the City is able to further assess the property to first evaluate if the following criteria are met:

- (i) The City shall determine that the area can be served with extension of City sewer within six (6) years from the date of the development proposal.
- (ii) The City will limit the number of one-acre lots created to four (4) lots per lot that exists as of the date of the request for the one-acre lot development.
- (iii) If the County has adopted a City-impact fee ordinance for certain public services or facilities, than the proposal shall be required to pay those impact fees consistent with the requirements of the adopted impact fee ordinances, and payment of those fees shall be deemed adequate mitigation of the public facilities or services for which the impact fees were collected.
- (iv) The City has determined that reviewing and approving a one-acre plat for the area would not preclude future extension of urban infrastructure and services to the area or to other portions of the unincorporated UGA and would not interfere with ultimate future development of the area platted at minimum urban densities, consistent with the City's planning and zoning designations for this portion of the City UGA.

If the criteria outlined above as items (i) through (iv) are satisfied a property owner may submit a short plat application to Skagit County for processing. Additional criteria such as the submittal of a shadow plat will be necessary for Skagit County to approve a one-acre plat. A complete list of the submittal items necessary for processing a One-Acre Plat are contained in Ordinance 020050007.

CRITICAL AREAS

The following section recognizes critical areas within the City of Mount Vernon, descriptions of the inventory and mapping efforts that have been completed to-date are provided, and Goals, Objectives and Policies for critical areas are established. The City will be updating the development regulations that implement the Comprehensive Plan Goals, Objectives and Policies with regard to critical areas during 2006, as allowed by House Bill 2171 which was signed into effect by the Governor on May 5, 2005.

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Even though the City will not be updating the development regulations for critical areas until 2006, it is important to note that the City has several mapping tools that identify potential critical areas within the City, the City has an existing critical areas ordinance that mandates buffers around identified critical areas, and the City has an adopted Shoreline Management Master Program.

Each identified critical area has Goals, Policies and Objectives specific to the type of critical area; and in addition, general Goals, Policies and Objectives for all categories of critical areas are contained within this section.

STREAMS:

In 2001, the City hired Shannon & Wilson (S&W) to inventory the existing streams within the City and to provide general locations of suspected wetlands. A majority of the stream segments were walked from their confluence to their headwaters by biologists from S&W. There were instances where private property access did not allow a biologist to walk a stretch of stream; however, aerial mapping was used to fill in these areas. As a result of this work, the City has a useful set of maps with the locations of stream systems shown. Chapter 15.40 of the Mount Vernon Municipal Code (MVMC) mandates buffers around streams.

There are approximately 23 streams in the City extending 24.85 miles within the City limits (there is an additional 10.8 miles in the Urban Growth Area). The only Category 1 stream that lies within the City limits is a portion of the Skagit River, which is considered a “shoreline of statewide significance.” Category 2 streams include Kulshan, Trumpeter, Logan, Thunderbird, Lindgren, Kiowa, Edgemont, Carpenter, Maddox, GC, Monte Vista, Flowers, Martha Washington, and Little Mountain (tributary to Maddox) Creeks.

Goal LU-1: Preserve, protect, and where possible, restore natural habitat for the conservation of salmonid species listed under the federal ESA, through the use of management zones, development regulations, incentives for voluntary effort of private landowners and developers, land use classifications or designations, habitat acquisition programs or habitat restoration projects.

Objective LU-1.1 Preserve fish and wildlife habitat, where appropriate.

Policy LU-1.1.1 Concentrate direct Skagit River access, enhancement efforts and river-oriented activities in the downtown area of Mount Vernon and the West Side. The Skagit River will be one of the major natural features affecting development, and it also provides opportunities for increased public access and activity.

Policy LU-1.1.2 Consider a system for stream typing that is compatible with other jurisdictions’ typing system.

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WETLANDS:

The City had reconnaissance level wetland mapping done by Shannon & Wilson (S&W) in 2000. The S&W wetland mapping is a compilation of soil information from the U.S. Soil Conservation Service, the National Wetland Inventory maps, the Department of Natural Resources mapping, and a handful of actual delineation reports that had been previously submitted to the City, aerial photography and windshield surveys by S&W biologists. Chapter 15.40 of the Mount Vernon Municipal Code (MVMC) mandates buffers around wetlands greater than 10,000 square feet in size.

Goal LU-2: Preserve and protect, where possible, identified wetlands within the City.

Objective LU-2.1 Preserve wetlands and implement a wetlands management strategy.

Policy LU-2.1.1 Determine wetland boundaries using the procedures provided in the following manual: Washington State Wetlands Identification and Delineation Manual, Washington State Department of Ecology, March 1997, Ecology Publication #96-94 or the scientifically accepted replacement methodology based on better technical criteria and field indicators.

Policy LU-2.1.2 Provide a classification system for wetlands that allows for the designation of both regionally and locally unique wetlands.

Policy LU-2.1.3 Promote mitigation projects that create or restore wetland areas or enhance existing wetland areas. Ensure wetland mitigation projects in the City attain the same ecological functions as natural wetlands of equivalent quality. Preserve land used for wetland mitigation in perpetuity. Monitoring and maintenance should be provided until the success of the site is established.

Policy LU-2.1.4 Develop a plan for the establishment of a wetland mitigation banking program.

PRIORITY HABITAT AREAS:

In addition to streams, riparian areas, and wetlands, the City of Mount Vernon and its UGA contain habitats supporting other wildlife species.

A key source of information about wildlife, including those endangered, threatened, and sensitive, is available from the Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) Program. Through this program the State provides information on fish and wildlife habitat location, and priorities for species and habitat management and conservation, including measures to protect resources as land use decisions are made. WDFW uses the information to screen forest practices permits and SEPA reviews, for landscape planning and ecosystem management, and other purposes. It is a source of information for GMA planning efforts by counties and cities as well.

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The City’s current regulations state that priority habitat for the protection of fish and wildlife include: federally or state listed threatened, endangered, or sensitive or priority species or those proposed for listing, or outstanding potential habitat for those species, large blocks of habitat extending outside the City limits and providing a travel corridor for those species, and areas adjacent or contiguous with wetlands and streams which enhance the value of those areas for fish and wildlife.

Goal LU-3: Preserve and protect, where possible, identified priority habitat areas within the City.

Objective LU-3.1 Develop a classification system, particularly of habitats of local importance, in addition to Federal or State endangered, threatened or sensitive species.

Policy LU-3.1.1 Establish protection measures for priority habitat areas given the variety and complexity of species within these areas.

FLOOD AREAS :

The City utilizes maps created by the Federal Emergency Management Agency (FEMA), which are called Flood Insurance Rate Maps (FIRM) to determine where floodways are located and what the minimum elevation requirement for structures needs to be. Presently the City, Skagit County and other entities are engaged in discussions with FEMA as part of FEMA’s effort to revise their maps.

The City recognizes that flooding of the Skagit River continues to cause damage to the land and critical infrastructure of communities along the Skagit River. Human life, transportation infrastructure, natural resources, commercial and industrial areas, and private property are at risk with each flood season. The City is working towards finding cost effective, long term and environmentally responsible methods to reduce the risk from flood damage.

Because extensive benefits from implementing flood reduction measures also accrue to Federal and State interests, the City is aware of the importance of working together with the cities, Skagit County and the diking and drainage districts to coordinate and fund the development and implementation of measures to reduce flood hazards.

The City has made a commitment to work with the State of Washington, federal authorities including but not limited to the U.S. Congress and various federal agencies, and affected local governments to develop appropriate policies and funding strategies for implementing flood damage reduction measures. Chapter 15.36 of the Mount Vernon Municipal Code (MVMC) regulates areas within the floodplain.

Goal LU-4: Protect, enhance, and restore existing flood storage and conveyance functions and ecological values of floodplains.

Objective LU-4.1 Implement strategies to prevent property damage from flooding.

Policy LU-4.1.1 Prevent property damage from flooding by implementing the following development regulations:

- Require adequate peak flow controls for new development.
- Perform the necessary analysis and recommend solutions for existing flooding problems.
- Employ management strategies in flood prone areas to ensure that new development is not exposed to significant flood risk.

Policy LU-4.1.2 Continue to implement FEMA flood hazard regulations.

Policy LU-4.1.3 Identify locations for regional surface water facilities in areas of anticipated extensive development and redevelopment, particularly in Downtown. Promote the establishment of regional surface water management facilities to support infill development and preclude the need for individual on-site ponds and facilities, provide development incentives, encourage efficient use of land, and reduce overall facility maintenance costs.

Policy LU-4.1.4 Establish a system of funding regional surface water facilities.

Policy LU-4.1.5 Require adequate peak flow controls for new development.

Policy LU-4.1.6 Perform the necessary analysis and recommend solutions for existing flooding problems.

Policy LU-4.1.7 Employ management strategies in flood prone areas to ensure that new development is not exposed to significant flood risk.

Goal LU-5 Find long term, environmentally responsible, and cost effective methods to reduce the risk from flood damage.

Policy LU-5.1 Work within the Skagit River Impact Partnership Agreement to become engaged and well informed to diligently address and implement measures to systematically reduce the risks from flooding.

Policy LU-5.2 Through the Skagit River Impact Partnership systematically eliminate as many threats from flooding as possible which will achieve long term economic posterity for the region as well as the City.

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SHORELINE AREAS:

The City has an adopted the Shoreline Management Master Program; and this program is hereby adopted by reference. Following are the existing goals found in the adopted program.

ECONOMIC DEVELOPMENT GOALS:

Goal LU-6: Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in the Shoreline Management Zone (SMZ) that will be an asset to the community and local economy, are consistent with life safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.

Goal LU-7: Protect current economic activity and uses in the SMZ that are consistent with the objectives of the Comprehensive Plan and the City of Mount Vernon Downtown and Waterfront Master Plan, and provide environmentally sensitive redevelopment and new development.

Goal LU-8: Seek opportunities that use both economic and environmental analyses to reduce flood risk, support development within the SMZ, and where appropriate, provide improvement of environmental functions.

Goal LU-9: Ensure that economic activity in the SMZ does not harm the quality of the site's environment or adjacent shorelands.

Goal LU-10: Encourage mixed-use development with public access along Mount Vernon's downtown waterfront and in those areas adjacent to the downtown waterfront that are suitable for compatible future redevelopment, consistent with the City's Comprehensive Plan and the 2008 City of Mount Vernon Downtown and Waterfront Master Plan.

SHORELINE USE GOALS:

Goal LU-11: Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.

Goal LU-12: Ensure that activities and facilities are located on shorelines in a manner so as to achieve flood damage reduction and support of flood risk management projects.

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Goal LU-13: Encourage shoreline uses that maintain or improve and enhance the quality of the environment as it is designated for that area by employing innovative features for purposes consistent with this program.

Goal LU-14: Encourage joint-use activities in proposed shoreline developments.

Goal LU-15: Encourage mixed-use development with public access on Mount Vernon’s downtown waterfront consistent with the 2008 City of Mount Vernon Downtown and Waterfront Master Plan and the City’s Comprehensive Plan.

Goal LU-16: Ensure that planning, zoning, and other regulatory programs governing lands adjacent to areas of shoreline jurisdiction are consistent with Shoreline Management Act and Growth Management Act policies and regulations and the provisions of the SMP.

Goal LU-17: In determining use priorities in cases where (i) competing uses of the same property are possible, and (ii) such competing uses are consistent with the City’s Comprehensive Plan, give preference to uses that protect and restore ecological functions (where such protection or restoration is technically and economically feasible) and to water-dependent and water-related uses where such new uses will not displace existing lawful, non-water-oriented uses.

Goal LU-18: Note that mixed-use projects combining two or more of the categories above are encouraged and should be evaluated with respect to the degree that they achieve a balance of the priorities above and the provisions of the Master Program.

PUBLIC ACCESS GOALS:

Goal LU-19: To protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.

Goal LU-20: Base public access on demand projections that take into account the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

Goal LU-21: Provide, protect, and enhance the public trail system that provides physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State's shorelines consistent with the natural shoreline character, private rights, and public safety.

Goal LU-22: To the extent feasible, construct a continuous pedestrian path along the Skagit River shoreline while providing protection of ecological functions.

Goal LU-23: Integrate public access to shorelines as a part of the City public trail system consistent with the adopted Park, Recreation & Open Space Plan.

CIRCULATION GOALS:

Goal LU-24: Provide, protect, and enhance the existing public trail system that provides physical and visual access to shorelines, utilizing public lands as much as possible, and private lands only in those cases where public access requirements have not already been satisfied through the prior acquisition of private property for construction of flood risk management and related public access projects, all consistent with the character of the natural shoreline, protection of private property rights, and public safety.

Goal LU-25: To the extent feasible, site land circulation systems that are not shoreline dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses.

CONSERVATION GOALS:

Goal LU-26: As a long-term goal, seek no further degradation of environmental functions.

Goal LU-27: Ensure that utilization of a natural resource takes place with minimum adverse impact to natural systems and quality of the shoreline environment.

Goal LU-28: Preserve the scenic quality of shoreline areas and vistas to the greatest extent feasible in areas outside of the urban core, within the Shoreline Residential, Urban Conservancy, Natural, and Aquatic environmental designations.

Goal LU-29: Minimize the loss of native vegetation and preserve tree cover in riparian areas by using conservation best management practices.

Goal LU-30: To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage owners of shoreline property to control populations of invasive or noxious plants and animals as identified by the State of Washington Invasive Species Council.

RESTORATION GOALS:

Goal LU-31: Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

Goal LU-32: Where appropriate, undertake the restoration of natural ecological functions within the SMZ and associated jurisdictional wetlands.

Goal LU-33: Reclaim and restore areas that are biologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

Goal LU-34: Support a comprehensive program of City-initiated ecological enhancements as identified in the Shoreline Restoration Report (Appendix B).

RECREATION GOALS:

Goal LU-35: Base recreational opportunities on demand projections consistent with the Mount Vernon Park, Recreation & Open Space Plan and the Countywide UGA Open Space Plan.

Goal LU-36: Increase opportunities in shoreline areas that can reasonably tolerate active or passive recreational uses without diminishing or degrading the integrity and character of the shoreline.

Goal LU-37: Coordinate with the City Department of Parks and Recreation to implement the goals of the Park, Recreation & Open Space Plan by optimizing opportunities for water-oriented recreation.

Goal LU-38: Integrate shoreline-related recreational elements into other regional trail systems and into federal, state, and local park and recreation planning.

HISTORIC AND CULTURAL GOALS:

Goal LU-39: Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in the SMZ for educational and scientific purposes and enjoyment of the general public.

Goal LU-40: Encourage educational projects and programs that foster an appreciation of the importance of shoreline management, water-related activities, environmental conservation, and local history.

FLOOD RISK MANAGEMENT GOALS:

Goal LU-41: Continue to work closely with the Dike Districts, Skagit County, and business and property owners in flood risk management planning.

Goal LU-42: Implement the flood risk management planning objectives and projects in the City of Mount Vernon Downtown and Waterfront Master Plan, approved Flood Protection Project, and approved engineering plans.

Goal LU-43: Participate in watershed-wide programs to reduce flood hazards and improve shoreline ecology.

STEEP SLOPES:

Digital orthophotographic mapping was created for the City in the summer of 2000 by Entranco and Triathlon Mapping. This mapping was then used to create topographic maps for the City. The City requires detailed topographic mapping when development applications are submitted for areas that have slopes in excess of ten percent (10%) or where there are suspected land slide hazards. Chapter 15.40 of the Mount Vernon Municipal Code (MVMC) regulates steep slopes and landslide hazard areas.

Goal LU-44: Preserve and protect, where possible, identified steep and erosive slopes within the City.

Policy LU-44.1 Minimize soil disturbance and maximize retention and replacement of native vegetative cover in erosion hazard areas through development regulations.

Policy LU-44.2 Require increased surface water requirements in areas draining over steep and erosive slopes.

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Policy LU-44.3 Discourage development on landslide hazard areas, including steep slopes over 40 percent. Restrict development unless the risks and adverse impacts associated with such development can be reduced to a non-significant level.

Policy LU-44.4 In areas with severe seismic hazards, apply Uniform Building Code, and any other necessary special building design and construction measures to minimize the risk of structural damage, fire and injury to occupants and to prevent post-seismic collapse.

GENERAL GOALS, OBJECTIVES AND POLICIES FOR CRITICAL AREAS

Goal LU-45: Retain and enhance the existing natural features and sensitive areas that are essential to a high quality of life in the community of Mount Vernon.

Objective LU-45.1 Meet GMA requirements for designation and protection of critical areas in the context of Mount Vernon’s community vision for growth management.

Policy LU-45.1.1 The Skagit River will be one of the major natural features affecting development, and it also provides opportunities for increased public access and activity. The dikes, notwithstanding potential legal problems, provide an important community resource for public trails extending beyond Mount Vernon into Skagit County.

Policy LU-45.1.2 Downtown and the West Side of Mount Vernon are the most logical areas to concentrate direct river access, enhancement efforts and river-oriented activities.

Policy LU-45.1.3 With development regulations, support retention of natural areas and include design criteria to achieve subdivision and site layouts which will be sensitive to the environmental constraints and optimize open space and views. Key areas of consideration and emphasis for development include:

- Steep slopes;
- Streams with associated wetlands;
- Habitat areas
- Natural vegetation.

Programs should be expanded for non-detrimental access to these areas and opportunities for interpretation and education be provided.

Objective LU-45.2 Preserve open space, sensitive resources and maintain varied uses.

Policy LU-45.2.1 Provide public access and recreation opportunities, where appropriate.

Goal LU-46: Identify critical areas as defined in RCW 36.70A.030 that include: floodways of 100 year floodplains; landslide, erosion, and seismic hazards, including steep slopes over 40 percent; wetlands and their protective buffers; streams and their protective buffers; critical aquifer recharge areas; and fish and wildlife habitat conservation areas.

Policy LU-46.1 Maintain an up-to-date inventory of environmentally sensitive areas including descriptions of criteria for designation and maps. The inventory of environmentally sensitive areas should be reviewed and updated regularly based upon changing conditions or new information. The final identification of environmentally sensitive or critical areas, hazardous sites or portions of sites should be established during the review of project proposals.

Policy LU-46.2 Consider the best available science to determine critical area buffers and maintain achievable ecological functions of those buffers. Use easements or equivalent protective measures to protect critical areas and critical area buffers that are not protected through public ownership.

Policy LU-46.3 Use acquisition, enhancement, regulations, and incentive programs independently or in combination with one another to protect and enhance critical area functions.

Policy LU-46.4 Consider allowing alterations to critical areas, after all ecological functions are evaluated, the least harmful and reasonable alternatives are identified, and affected significant functions are appropriately mitigated, to:

- Maintain and improve a critical area; or,
- Avoid denial of reasonable use of the property; or
- Meet other priority growth management goals and programs consistent with GMA and the City Comprehensive Plan.

Policy LU-46.5 Establish mitigation priorities such as impact avoidance, impact minimization, and compensation in critical area regulations. Mitigation sites should be located strategically to alleviate habitat fragmentation.

Policy LU-46.6 Provide incentives to private land owners, and develop City or inter-jurisdictional programs, designed to protect ecological functions for streams, riparian area, and wetlands.

Policy LU-46.7 Consider voluntary or required Low Impact Development standards that:

- Cluster or focus growth in developable areas.
- Minimize percent impervious area after development.
- Minimize disturbance of soils and vegetation.
- Promote surface water management designs that minimize water quality impacts.

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Policy LU-46.9 Review adopted clearing and grading regulations and revise them to address critical area protection. These regulations should set seasonal clearing restrictions that limit clearing and grading activities during the rainy seasons. Critical areas, including sloped and riparian areas, should not be exposed during this time.

Policy LU-46.10 Grading and construction activities should implement erosion control Best Management Practices and other development controls as necessary to reduce sediment and pollution discharge from construction sites to minimal levels.

Policy LU-46.11 Encourage the use of native plants in landscaping requirements, erosion control projects, and the restoration of stream banks, lakes, shorelines and wetlands.

Policy LU-46.12 Expand programs for non-detrimental access to critical areas and provide opportunities for interpretation and education.

Policy LU-46.13 Create transparent regulations that are clear and predictable with some flexibility.

Goal LU-47: Maintain, and improve where possible, water quality.

Policy LU-47.1 Require adequate erosion and sedimentation controls from new construction sites.

Policy LU-47.2 Require adequate water controls for new development.

Policy LU-47.3 Implement public education programs to reduce the source of pollutants entering surface waters.

Goal LU-48 Develop a continuous and comprehensive program for managing surface water.

Policy LU-48.1 Ensure funding source(s) for program implementation.

Policy LU-48.2 Coordinate the City program with the Skagit County Program.

Policy LU-48.3 Develop a network of publicly-owned or preserved natural open space for protecting environmentally sensitive land, creating a sense of openness, provide scenic views and provide space for trail systems.

Goal LU-49: Protect public health, safety, and property from the effects of natural hazards. Provide for an increased level of safety to the citizens of Mount Vernon, and provide for an increased level of protection for public infrastructure.

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Policy LU-49.1 Protect Life and Property. Implement mitigation activities that will assist in protecting lives and property by making homes, businesses, infrastructure, and critical facilities more resistant to natural hazards. Support the continuation of the Skagit Community Emergency Response Team (C.E.R.T.) Program to provide citizens from all areas of Skagit County with the information and tools they need to help themselves, their families, and their neighbors in the hours and days immediately following an emergency or disaster event.

Policy LU-49.2 Encourage homeowners and businesses to purchase insurance coverage for damages caused by natural hazards.

Policy LU-49.3 Encourage homeowners and businesses to take preventative actions in areas that are especially vulnerable to natural hazards.

Policy LU-49.4 Develop and implement additional education and outreach programs to increase public awareness of the risks associated with natural hazards. Continue the current flood awareness programs conducted by various jurisdictions as part of the National Flood Insurance Program Community Rating System.

ZONING SUMMARIES AND ASSOCIATED GOALS, OBJECTIVES AND POLICIES

Following is a table that identifies the five (5) Comprehensive Plan designations for residentially zoned land and the zoning associated with each of these designations. Summaries of the zoning designations along with goals, objectives and policies specific to the designations are also provided. Please note that general goals, objectives and policies regarding the Land Use Element are found in the following section.

TABLE LU-1.6: RESIDENTIAL COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

COMPREHENSIVE PLAN DESIGNATION	ZONING ASSOCIATED WITH DESIGNATION
Medium Density Single Family (SF-MED)	Single Family Residential with maximum net densities of 3.23 to 4.54 du/acre (R-1, 3.0 and R-1, 4.0)
High Density Single Family (SF-HI)	Single Family Residential with maximum net densities of 5.73 to 7.26 du/acre (R-1, 5.0 and R-1, 7.0)
Low Density Multifamily (MF-LO)	Two-Family Residential with a maximum net density of 10 du/acre (R-2)
Medium-High Density Multifamily (MF-MH)	Multifamily Residential with maximum net densities of 12 to 15 du/acre (R-3 and R-4)
Agricultural with density transfer (AG)	Residential Agricultural with maximum net density of 1.24 du/acre (RA)

SINGLE-FAMILY RESIDENTIAL DISTRICTS:

The single-family residential districts are organized into categories for medium and high density developments.

The **Medium Density Single Family District** is comprised of the **Single-Family Detached Residential District (R-1)**, zoning designations that allow maximum net densities of 3.23 to 4.54 dwelling units per acre. The associated development regulations for this district are codified under MVMC Chapter 17.15. The intent of the associated zoning district is to provide for single-family residential housing in neighborhoods of varying densities. The two districts associated with this designation are the R-1, 4.0 that mandates a 7,500 square foot minimum lot size and the R-1, 3.0 that mandates a 9,000 square foot minimum lot size.

The **High Density Single Family District** is comprised of the **Single-Family Detached Residential District (R-1)**, zoning designations that allow maximum net densities of 5.73 to 7.26 dwelling units per acre. The associated development regulations for this district are also codified under MVMC Chapter 17.15. The intent of the associated zoning district is to provide for single-family residential housing in neighborhoods of varying densities. The two districts associated with this designation are the R-1, 7.0 that mandates a 4,500 square foot minimum lot size and the R-1, 5.0 that mandates a 6,000 square foot minimum lot size.

Following are the Goals, Objectives and Policies specific to the single-family residential districts:

Goal LU-50: Enhance and improve the quality of single-family living environments throughout the City.

Objective LU-50.1 Ensure that new development in the single-family residential designations are designed to provide quality homes and neighborhoods for residents and take care to mitigate impacts of new development on existing neighborhoods.

Policy LU-50.1.1 Net development densities shall fall within a range of 4.0 to 7.23 dwelling units per net acre for standard subdivisions in the Single Family Residential neighborhoods unless sensitive areas are documented on the site, it can be shown that sensitive areas near the site will be adversely affected with the proposed development, where designated resources lands exist, where areas are designated as special flood risk areas, where access is restricted, where other physical site constraints limit the number of lots that could be created, or where the existing neighborhoods identified on Map LU-5 would be negatively impacted. The neighborhoods identified on Map LU-5 shall not have a net density of greater than 3.23 dwelling units per acre.

Policy LU-50.1.2 Net development densities for Planned Unit Development (P.U.D.) subdivision proposals and subdivision proposals where the transfer (purchase) of development rights (TDR) are proposed may be permitted to have an increase in density of up to twenty percent (20%) for P.U.D.s and one additional residential unit per acre for TDR proposals.

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Policy LU-50.1.3 Support site plans for new residential developments that transition to and blend with existing development patterns using techniques such as lot size, depth and width, access points, building location setbacks, and landscaping. Sensitivity to unique features and differences among established neighborhoods should be reflected in site plan design. Interpret development standards to support coordinated structural design, private yards and substantial common space areas.

Policy LU-50.1.4 The use of the PUD and TDR ordinances shall be discretionary by the City. PUDs allow for flexibility in standard development regulations in exchange for higher level design and public benefit through the amenities that are included within the PUD development. The PUD and TDR development regulations will only be allowed if neighborhood compatibility parameters can be met with the proposed subdivision.

Policy LU-50.1.5 New plats proposed at higher densities than adjacent neighborhood developments may be modified within the allowed density range to reduce conflicts between old and new development patterns. However, strict adherence to older standards is not required.

Policy LU-50.1.6 Zoning and subdivision regulations should ensure adequate setbacks, landscaping, and buffering when development of different types of housing are proposed abutting one another.

Policy LU-50.1.7 Encourage re-investment and rehabilitation of existing housing.

Policy LU-50.1.8 Interpret development standards to support plats designed to incorporate vehicular and pedestrian connections between plats and neighborhoods.

Policy LU-50.1.9 Support projects that create neighborhoods with diverse housing types that achieve continuity through the organization of roads, sidewalks, blocks, setbacks, community gathering places, and amenity features.

Policy LU-50.1.10 Support residential development incorporating a hierarchy of streets. Street networks should connect through the development to existing streets, avoid “cul-de-sac” or dead end streets, and be arranged in a grid street pattern (or a flexible grid street system if there are environmental constraints).

Policy LU-50.1.11 A range and variety of lot sizes and building densities should be encouraged throughout the City.

Policy LU-50.1.12 Create development regulations that encourage in-fill development such as cottage housing or zero lot line developments.

Policy LU-50.1.13 Non-residential structures, such as community recreation buildings, that are part of a development, may have dimensions larger than residential structures, but shall be compatible in design and dimensions with surrounding residential development.

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Policy LU-50.1.14 Non-residential structures should be clustered and connected within the overall development through the organization of roads, blocks, yards, focal points, and amenity features to create a neighborhood.

Policy LU-50.1.15 Mixed-use development in the form of limited commercial development, or other non-residential structures (not listed as permitted, accessory or conditional uses within the zoning code for the R-1 district), may be allowed within the single-family zones only if a P.U.D. process is utilized.

MULTI-FAMILY RESIDENTIAL DISTRICTS:

The multi-family residential districts are organized into categories for low and medium-high density developments.

Low Density Multi-Family (MF-LO), the zoning designation associated with this Comprehensive Plan designation is the Two-Family Residential District which mandates a minimum density of eight (8) and a maximum density of 10 dwelling units per acre. The associated development regulations for this district are codified under MVMC Chapter 17.18. The intent of this district is to provide for areas within neighborhoods containing attached dwellings in the form of duplexes or townhouses. This district mandates a minimum lot size of 6,500 square feet for duplex or a two unit townhouse dwelling.

Medium-High Density Multi-Family (MF-MH), the zoning designations associated with this Comprehensive Plan designation are the Multi-Family Residential Districts, R-3 and R-4. These districts mandate a minimum density of 10 and a maximum density of 12 (R-3), and 15 (R-4) dwelling units per acre. The associated development regulations for these districts are codified under MVMC 17.24 and 17.27. The intent of the R-3 district is to provide for areas within neighborhoods with good access containing multifamily residential development. The R-3 district allows for increased density up to a maximum of 15 dwelling units per acre and the R-4 district allows for increased density up to a maximum of 20 dwelling units per acre if at least fifty percent (50%) of the required parking spaces are located in an enclosed area beneath the habitable floors of the building or complex. The intent of the R-4 district is to provide for neighborhoods with close proximity to major arterials containing multi-family residential development.

Following are the Goals, Objectives and Policies specific to the multi-family residential districts:

Goal LU-51: Enhance and improve the quality of multi-family living environments throughout the City that provide areas that offer a larger range of housing options in the form of multi-family units.

Objective LU-51.1 Ensure that development in the multi-family residential designations are designed to provide quality homes and neighborhoods for residents and to mitigate impacts to existing neighborhoods as new ones develop.

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Policy LU-51.1.1 Net development density in the low density multi-family designations shall be a minimum density of eight (8) and a maximum density of 10 dwelling units per acre. Net development density in the high density multi-family residential designations shall be within a range of a minimum of 10 dwelling units per acre to 15 dwelling units per acre as a maximum.

Policy LU-51.1.2 The net development density in the multi-family residential designations can be increased as outlined in the zoning regulations associated with each designation if at least fifty percent (50%) of the required parking is provided under the habitable floors of the building or complex.

Policy LU-51.1.3 Multi-family residential designations should be in areas of the City where infrastructure is adequate to handle impacts from higher density uses.

Policy LU- 51.1.4 Due to increased impacts to privacy and personal living space inherent in higher density living environments, new development shall be designed to create a high quality living environment.

Policy LU-51.1.5 Evaluate project proposals in residential multi-family designations to consider the transition to lower density uses where multi-family sites abut lower density zones. Setbacks may be increased, heights reduced, and additional landscape buffering required through site plan review. However, the minimum densities outlined for the multi-family zones shall be maintained.

Policy LU-51.1.6 New multi-family residential projects should demonstrate provisions for an environment that contributes to a high quality of life for future residents, regardless of income level.

RESIDENTIAL AGRICULTURAL DISTRICT:

The residential agricultural district (R-A) should have an associated Comprehensive Plan designation of Agricultural (AG). However, there are a large number of parcels within the City that are currently zoned R-A that have a Comprehensive Plan designation that is not consistent with the R-A zoning. During 2006 the City will attempt to rezone as many of these parcels as possible to make them consistent with their Comprehensive Plan designations.

AGRICULTURAL (AG), the zoning designation associated with this Comprehensive Plan designation is the Residential Agricultural District (R-A) zone. The associated development regulations for the R-A district are codified under MVMC 17.12. The net density should generally not exceed one dwelling unit per acre. The minimum lot area per dwelling unit is 35,000 square feet. Moderate setbacks are required and lot coverage can not exceed thirty-five percent (35%).

Goal LU-52: Allow the R-A zoning to continue only if the parcel has a Comprehensive Plan designation of Agricultural (AG).

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Objective LU-52.1 Actively pursue the rezoning of property zoned R-A to make those properties consistent with their respective associated Comprehensive Plan designations.

Policy LU-52.1.1 R-A zoned properties shall be rezoned to be consistent with their Comprehensive Plan designations any time a development application for anything other than one (1) single-family home or accessory use per lot is proposed.

Policy LU-52.1.2 One single-family home or accessory building may be constructed on a parcel zoned R-A without requiring a rezone to another designation if the zoning and Comprehensive Plan designations are not consistent with each other.

OFFICE, RETAIL, COMMERCIAL AND INDUSTRIAL DISTRICTS:

Following is a table that identifies the seven (7) Comprehensive Plan designations for commercially zoned land and the zoning associated with each of these designations. Summaries of the Comprehensive Plan and zoning designations along with goals, objectives and policies specific to the designations are also provided. Please note that general goals, objectives and policies regarding the Land Use Element are found in the following section.

TABLE LU-1.7: OFFICE, RETAIL, COMMERCIAL & INDUSTRIAL COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

COMPREHENSIVE PLAN DESIGNATION	ZONING ASSOCIATED WITH DESIGNATION
Residential Office/Professional Office	Residential Office District (R-O) and Professional Office District (P-O)
Downtown Retail/Support Commercial	Central Business District (C-1)
Retail Malls and General Commercial	General Commercial District (C-2)
Community Retail, Mixed Use Center	Community Commercial District (C-3)
Neighborhood Retail, Mixed Use Center	Neighborhood Commercial District (C-4)
Commercial/Limited Industrial	Commercial/Limited Industrial District (C-L)
Commercial/Industrial	Light Manufacturing and Commercial (M-1) Industrial (M-2) Districts and General Commercial (C-2)

OFFICE, RETAIL, COMMERCIAL AND INDUSTRIAL DISTRICTS:

The office, retail, commercial and industrial districts are organized into the following Comprehensive Plan designations:

Residential Office/Professional Office, the zoning designations associated with this Comprehensive Plan designation as the Residential Office (R-O) and Professional Office (P-O) districts. The development regulations associated with these zoning districts are codified under MVMC 17.33 and 17.36. The intent of the R-O district is to accommodate office and limited commercial uses which will not be detrimental to the residential environment in older single-family areas which are in transition due to their proximity to such factors as nonresidential uses and high traffic streets. The objective is to preserve those homes of historical or architectural merit and to retain the residential character of the district. This R-O district provides for a minimum lot size of 4,500 square feet. The intent of the P-O district is to provide areas within the community that offer a variety of specialized professional services having non-advertising conservative characteristics. The P-O district mandates maximum lot coverage by buildings of 35 percent.

Downtown Retail/Support Commercial, the zoning designation associated with this Comprehensive Plan designation is the Central Business District (C-1), and the associated development regulations for this district are codified under MVMC Chapter 17.45. The intent of this district is to establish and preserve a central business district or downtown of the City having a wide range of retail uses and businesses, government and professional offices and places of amusement in a setting conducive to safe, convenient, comfortable, and attractive pedestrian use. The C-1 district is split into two sub-districts identified as C-1a and C-2b. The C-1a sub-district emphasizes pedestrian-oriented retail shopping on the ground floor. The area should include a high level of pedestrian amenities, including continuous storefronts with awnings, improved pedestrian sidewalks and crosswalks, and benches and street trees. The C-1b sub-district is for the areas outside of the C-1a sub-district and provides for those downtown support services such as banks, offices, motels, gas stations and print shops which are not as pedestrian oriented but are essential to the life of the downtown. Multi-family developments are allowed with specified conditions within this district. There are no limitations on lot area or width, no minimum setback requirements and building height is unrestricted except for fire safety considerations.

Retail Malls and General Commercial, the zoning associated with this Comprehensive Plan designation is the General Commercial District (C-2), and the associated development regulations for this district are codified under MVMC Chapter 17.48. The intent of this district is to establish and preserve general commercial areas having a variety of uses and accessible primarily by automobile. There are no limitations on lot area or width, minimal setbacks and building height is unrestricted except for fire safety and building code considerations.

Community Retail, Mixed Use Center, the zoning associated with this Comprehensive Plan designation is the Community Commercial District (C-3), and the associated development regulations for this district are codified under MVMC Chapter 17.51. The intent of this district is to establish and preserve community commercial areas shopping areas, including shopping centers, having a variety of uses and accessible primarily by automobile. There are no limitations on lot area and width, minimal setbacks and the building height is limited to four (4) stories or 50 feet if approved through a conditional use permit process.

Neighborhood Retail, Mixed Use Center, the zoning associated with this Comprehensive Plan designation is the Neighborhood Commercial District (C-4), and the associated development regulations for this district are codified under MVMC Chapter 17.54. The intent of this district is to establish and preserve newly developed, less intense commercial areas that are within the boundaries of new residential neighborhoods established through the Planned Unit Development (PUD) process while minimizing any undesirable impact on the surrounding neighborhoods as a result of such use. These districts are to be located only where they clearly serve the daily needs of residents in the area and where uses are not in existence or are desirable. These districts cannot be larger than three (3) acres; and each business located within is district is limited to a size of 3,000 square feet in size.

Goal 53: To minimize potential noise impacts to the surrounding residential neighborhood all non-residential uses should be closed for business at reasonable times.

Goal 54: Development Regulations shall be adopted to reduce the negative visual, noise, odor, and exhaust impacts from garbage and recycling receptacles, loading docks, and drive through lanes.

Goal 55: Provide a network of logical, safe, convenient, attractive, and comfortable pedestrian networks on sidewalks and trails, to and from access points, through parking lots to planned building entrances or other site amenities such as public open spaces to reinforce pedestrian activity between the commercial development and the surrounding residential neighborhoods.

Objective LU- 55.1: Ensure that a pedestrian network is provided that connects the commercial, residential, and open space uses. This network shall consist of trails, pathways, and widened sidewalks. The commercial uses are intended to primarily serve their surrounding residential areas; and these residents should be able to walk or bike to these areas.

Goal 56: Development Regulations shall be adopted to reduce the apparent mass of larger commercial buildings, to provide visual interest, and to help blend into the residential neighborhoods in which they are located.

Goal 57: Ensure that commercial buildings are in scale with the surrounding residential neighborhoods.

Goal 58: Development Regulations shall be adopted that ensure that mechanical equipment, vaults, and outdoor storage are screened to enhance the appearance of the commercial buildings within the Neighborhood Commercial zone.

Goal 59: Development regulations shall be adopted that balance safety and security and the residential nature in which commercial uses in the C-4 zone are located.

Commercial/Limited Industrial District (C-L), the zoning associated with this Comprehensive Plan designation is the Commercial/Limited Industrial District (C-L), and the associated development regulations for this district are codified under MVMC Chapter 17.56. The intent of this district is to implement the goals and objectives of the City’s Overall Economic Development Plan (OEDP) by promoting the development of retail, limited industrial/manufacturing, and business office park developments concurrent with the expansion or urban public facilities and services and in consideration of the community’s development standards, objectives, and environmental requirements. There are no limitations on lot area or width, minimal setbacks and building height is unrestricted except for fire safety and building code considerations.

Commercial/Industrial, the zoning designations associated with this Comprehensive Plan designation are the Light Manufacturing and Commercial District (M-1), the Industrial District (M-2), and the General Commercial District (C-2) and the associated development regulations for these district are codified under MVMC Chapter 17.57, 17.60, and 17.48, respectively. The intent of the M-1 district is to provide areas for commercial establishments which require a limited retail contact with the public as well as incidental shop work, storage or light manufacturing. There are no limitations on lot area or width, minimal setbacks and building height is limited to four stories in the M-1 district. The intent of the M-2 district is to provide areas for manufacturing, warehousing and distributing operations which require little or no retail contact with the general public. There are no limitations on lot area or width, minimal setbacks and building height is unrestricted except for fire safety and building code considerations in the M-2 district. The intent of the C-2 district and its development regulations are outlined above within the Retail Malls and General Commercial discussion.

Following are the Goals, Objectives and Policies specific to the office, retail, commercial and industrial districts:

Goal LU-60:	Support existing businesses and provide a dynamic business environment for new commercial and industrial activities that enhance the City’s employment and tax base while providing well planned and attractive facilities.
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Objective LU-60.1 Develop and implement an Economic Development Element for the Comprehensive Plan.

Policy LU-60.1.1 Identify and map “centers” along arterials that will guide the development or redevelopment of these areas and nearby areas by providing a level of customer traffic so these areas are attractive places for additional businesses to locate.

Policy LU-60.1.2 Support methods of increasing accessibility to commercially zoned areas for both automobile and transit to support the land uses proposed for the district.

Policy LU-60.1.3 Sites that have significant limitations on redevelopment due to environmental, access, and/or land assembly constraints should be granted flexibility of use and development standards through a planned process.

Policy LU-60.1.4 Private/public partnerships should be encouraged to provide infrastructure development, transportation facilities, public uses, and amenities.

Policy LU-60.1.5 Residential uses will only be allowed in the C-1, C-3 and C-4 zoning designations if the criteria for such uses, as outlined within the zoning code for each district, are met. In all other commercial or industrial zoning designations the only allowed residential use will be an accessory use for a watchman, custodian, manager or property owner residence only if it is located within the same building as the principal use.

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Objective LU-60.2 Ensure that office, retail, commercial or industrial development is attractive and blends with the surrounding areas.

Policy LU-60.2.1 Support development plans that incorporate the following features:

- A) Shared access points and fewer curb cuts;
- B) Internal circulation among adjacent parcels;
- C) Shared parking facilities;
- D) Centralized signage; and
- E) Unified development concepts.

Policy LU-60.2.2 Development within defined centers with their own sub-area plan will be subject to additional design guidelines as delineated in the sub-area plans developed in the future for each center.

Policy LU-60.2.3 Public amenity or amenities for customers and employees such as plazas and recreation areas should be encouraged as part of new development or redevelopment.

Policy LU-60.2.4 Parking areas should be landscaped especially along public or private roadways, to reduce visual impacts.

Policy LU-60.2.5 In areas developed with predominantly office uses, circulation within the site should be primarily pedestrian-oriented.

Policy LU-60.2.6 Development should be designed to mitigate potential adverse impacts on adjacent properties with different zoning designations (i.e., residential or public zoning). Careful consideration of impacts from lighting, landscaping, and setbacks should all be evaluated during site design.

Policy LU-60.2.7 Landscaping along arterials should be uniform from parcel to parcel to further the visual cohesiveness of the area.

Policy LU-60.2.8 On-site landscaping should primarily be located at site entries, in front of buildings, and at other locations with high visibility from public areas.

Policy LU-60.2.9 Vehicular connections between adjacent parking areas are encouraged and incentives should be offered to encourage shared parking.

Policy LU-60.2.10 Site design for office uses, commercial, and mixed-use developments should consider ways of improving transit ridership through siting, locating of pedestrian amenities, walkways, parking, etc.

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PUBLIC, HEALTHCARE AND FLOODPLAIN DISTRICTS:

Following is a table that identifies the two (2) Comprehensive Plan designations for public, healthcare and floodplain districts and the zoning associated with each of these designations. Summaries of the Comprehensive Plan and zoning designations along with goals, objectives and policies specific to the designations are also provided. Please note that general goals, objectives and policies regarding the Land Use Element are found in the following section.

TABLE LU-1.8: GOVERNMENT, SCHOOL, HEALTHCARE, ETC. COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

COMPREHENSIVE PLAN DESIGNATION	ZONING ASSOCIATED WITH DESIGNATION
Government Center, Churches, Schools, Community or Neighborhood Park, Open Space, or Cemetery	Public (P), Floodplain District (F-1)
Healthcare Development	Healthcare Development District (HD)

PUBLIC AND HEALTHCARE DEVELOPMENT DISTRICTS:

The public and healthcare development districts are organized into the following Comprehensive Plan designations:

Government Center, Churches, Schools, Community or Neighborhood Park, Open Space, or Cemetery, the zoning associated with these Comprehensive Plan designations are the Public District (P) and the Floodplain District (F-1). The associated development regulations for the Public District are codified under MVMC Chapter 17.30, and the associated development regulations for the Floodplain District are codified under MVMC Chapter 17.63. The intent of the Public District is to provide areas within the community that are available for public uses and to have master plans prepared for some of those uses. The purpose of the Floodplain District is to restrict buildings or premises in the district without receiving a special use permit from the City Council on recommendation from the Hearing Examiner.

Healthcare Development, the zoning associated with this Comprehensive Plan designation is the Health Care Development District (HD), and the associated development regulations for this district are codified under MVMC Chapter 17.35. The intent of this district is to reserve area areas for and to promote the development of hospitals and their related inpatient and outpatient medical facilities and unrelated physician offices and clinics. Within this document is the sub-area plan for the HD district.

GENERAL LAND USE GOALS, POLICIES AND OBJECTIVES

The following general land use Goals, Policies and Objectives apply to all areas within the City.

Goal LU-61: Enhance the quality of life found in the City of Mount Vernon as a place to work, live and recreate.

Objective LU-61.1 Balance residential, commercial, industrial and public land uses within the City.

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Policy LU-61.1.1 Maintain the use of the Design Guidelines to achieve attractive new residential developments within the City. Create new Design Guidelines to promote attractive new office, retail, commercial and industrial developments within the City.

Policy LU-61.1.2 Maintain zoning and subdivision regulations to ensure that adequate setbacks, landscaping and buffering are required where land use impacts occur between residential and non-residential uses.

Policy LU-61.1.3 Provide adequate capacity for the City’s projected residential growth and provide enough commercial/industrial areas within the City to balance residential growth.

Policy LU-61.1.4 Allow planned multi-family housing throughout the City in zoning designations where it is listed as a permitted or conditional use or through a Planned Unit Development process.

Policy LU-61.1.5 Integrate non-residential uses such as parks, social and religious uses, where appropriate, into residential neighborhoods to create communities that have a full range of public facilities and services. These non-residential uses shall be sited, designed, and scaled to be compatible with the existing residential character.

Policy LU-61.1.6 Encourage infill development on vacant properties with existing public services and public utilities.

Policy LU-61.1.7 Public transportation transit stops constructed as part of a development shall be safe, clean, comfortable, and attractive.

Objective LU-61.2 Maintain and enhance the character of existing single-family neighborhoods but not preclude redevelopment and/or new development within established neighborhoods.

Policy LU-61.2.1 Provide development regulations that create a compatible pattern of development within established neighborhoods. The development standards shall address densities, building setbacks, parking and landscaping.

Objective LU-61.3 Foster business creation and retention and contributes to the quality of life of the citizens of the City of Mount Vernon.

Policy LU-61.3.1 Provide adequate land for commercial and industrial development that provides jobs and augments the City’s tax base.

Policy LU-61.3.2 Ensure zoning regulations accommodate a range of allowable businesses, commercial and industrial uses in appropriate locations throughout the City.

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Policy LU-61.3.3 Review on a regular basis existing development regulations to remove unnecessary requirements that unnecessarily hinder the development process.

Goal LU-62: Provide for orderly development within the City of Mount Vernon that is consistent with adopted plans and development regulations.

Objective LU-62.1 Implement the Comprehensive Plan Land Use Map.

Policy LU-62.1.1 Designate land for housing, commerce, recreation, public utilities and facilities and other land uses on the official Comprehensive Plan Land Use Map.

Policy LU-62.1.2 Update on a yearly basis the official Comprehensive Plan Land Use Map, as appropriate.

Policy LU-62.1.3 Ensure that the yearly updates to the Comprehensive Plan map and text are accompanied by changes to development regulations and the zoning map, so that these items are consistent.

Policy LU-62.1.4 Each year when the Comprehensive Plan is updated an inventory of new public uses such as Churches, Parks, Cemeteries, and Schools that have been allow as conditional or special uses shall be completed and these areas shall be redesigned with the appropriate Comprehensive Plan designation and rezoned as Public (P).

Objective LU-62.2 Establish densities and development standards that provide for efficient infrastructure and service delivery.

Policy LU-62.2.1 Have development regulations that allow the use of Planned Use Developments (PUDs). PUDs shall provide for open spaces and protection of critical areas, shall offer a diversity of housing types and affordability and shall incorporate the adopted Design Guidelines.

Policy LU-62.2.2 Coordinate transportation and utility improvement projects with the Land Use Element and the Capital Improvements Plan for the City.

Policy LU-62.2.3 Require water, sanitary sewer, storm sewer, transportation, and recreational facilities be provided to a site at the time of development or arrangements shall be made to the satisfaction of the City to provide these facilities.

Goal LU-63: Identify, Preserve and Enhance the Cultural Resources and Historic Sites Within the City of Mount Vernon

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Objective LU-63.1 Support visual, literary and cultural arts and activities with the community.

Policy LU-63.1.1 Encourage use of regional and community facilities like the Lincoln Theatre and MacIntre Hall for cultural activities to maximize their use and to expand public access to cultural opportunities.

Policy LU-63.1.2 Work with other organizations to promote visual, literary and cultural arts and events in the community.

Policy LU-63.1.3 Maintain an Arts Commission for the promotion of cultural arts in the community.

Policy LU-63.1.4 Encourage local activities that promote the community's history.

Objective LU-63.2 Identify historic buildings and landmarks within the City.

Policy LU-63.2.1 Coordinate with community organizations, property owners and local citizens to identify and/or restore historic properties.

Goal LU-64:	Provide a process for the identification and siting of essential public facilities.
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Objective LU-64.1 Allow for the appropriate siting of essential public capital facilities of a Statewide or Countywide nature.

Policy LU-64.1.1 The applicant for a proposal to site an essential public facility shall provide a justifiable need for the public facility based upon forecasted need and a logical service area.

Policy LU-64.1.2 The applicant shall establish a public process by which City residents can have a reasonable opportunity to participate in the site selection process.

Policy LU-64.1.3 Through the zoning code, the City shall prepare siting criteria for essential public facilities.

Policy LU-64.1.4 Any site selected as an essential public facility shall have Comprehensive Plan and zoning designations of Public (P) and an overall Master Plan shall be prepared and accepted by both the City Planning Commission and City Council.

Policy LU-64.1.5 In approving essential public facilities, the affect on adjacent uses and/or neighborhoods and methods to mitigate all impacts shall be considered in the approval process.

Goal LU-65:	Annex properties into the City when the City Council finds the annexation is justified.
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Objective LU-65.1 Encourage development and re-development within the existing City limits before additional lands are annexed into the City.

Policy LU-65.1.1 The first priority of the City shall be to annex and provide urban services (i.e., sewer, fire, transportation, drainage, parks, open space, schools and landscaping, etc.) on a priority basis to those areas immediately adjacent to the City where available services can most easily and economically be extended.

Policy LU-65.1.2 Work with Skagit County to establish a procedures for the development of land within the Urban Growth Areas.

Policy LU-65.1.3 The City Council shall not initiate an annexation unless the following criteria can be met with a proposal. These criteria have been developed following the adoption of the City’s Buildable Lands Analysis and E.D. Hovee’s report entitled, “Commercial and Industrial Land Needs Analysis”, dated September 2006. These reports show that the City does not have a balance between projected residential and commercial/industrial uses.

- A. The annexation area is determined to be necessary and appropriate to meet the population and/or employment targets.
- B. The annexation of residentially zoned areas shall not occur until additional areas zoned for commercial/industrial are officially designated such that a balance between residential and commercial/industrial uses can be achieved within the City.
- C. The annexation is a logical extension of the City’s boundaries.
- D. The City finds that adequate municipal services exist to serve the area, and that the factors outlined within RCW 36.93.170(2) are complied with.
- E. The City finds that the boundaries of the proposed annexation are drawn in a manner that makes the provision of public services geographically and economically feasible.
- F. The City finds that it has the capacity to provide City services within the existing City limits; and, those services to annexation areas without major upgrades to these services.
- G. The City finds that there are not negative economic impacts to the City with the extension of services.
- H. The City finds that it can afford to provide City services without having to use funds that would otherwise be spent on already incorporated areas of the City.
- I. The City finds that the annexation will not create a financial stress on the City’s ability to provide required services to the annexation area.

Objective LU-65.2 Preservation of natural neighborhoods and communities.

Objective LU-65.3 Creation and preservation of logical service areas.

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Policy LU-65.3.1 Annex areas into the City based on the premises of limiting sprawl, providing for efficient provision of public services and facilities, serving areas where the cost of extending infrastructure consistent with adopted capital improvement plans is the most cost efficient, and avoiding “leap-frog” development and annexations.

Objective LU-65.4 Prevent abnormally irregular boundaries.

SUB-AREAS

Because the Comprehensive Plan is designed to provide broad policy direction it is appropriate to take a close look at individual areas around the City to define their specific needs.

To date, the following sub-area plans have been created and are attached to this Element:

- A) Downtown Planning Area;
- B) North 4th Street / Hill / Division Street Planning Area;
- C) Mall / College Way Planning Area;
- D) West Mount Vernon Planning Area;
- E) South Mount Vernon Sub-Area Plan;
- F) Historic / Cultural Architectural Conservation District(s);
- G) Interstate-5 Corridor and City Entry System;
- H) Healthcare Development Sub-Area Plan; and,
- I) South Third Street Sub-Area Plan.

The City will be completing or amending sub-area plans for the following areas after the 2005 Comprehensive Plan update:

- J) College Way Planning Area;
- K) Downtown/Waterfront Planning Area;
- L) Interstate-5 Corridor;
- M) Healthcare Development Sub-Area Plan;
- N) Area west of Interstate-5 between Kincaid and East Blackburn;
- O) Area between Interstate-5 and Riverside Drive between East College Way and Fir Street;
- P) Area surrounding the Skagit Valley College; and,
- Q) Areas surrounding East College Way between LaVenture and Waugh Roads.