

ORDINANCE NO. 3472

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON RELATING TO LAND USE AND PLANNING; ADOPTING NEW OBJECTIVES AND POLICIES IN THE LAND USE ELEMENT OF THE CITY COMPREHENSIVE PLAN RELATING TO ANNEXATIONS.

WHEREAS, the Mount Vernon Comprehensive Plan has consistently been maintained in compliance with the Washington State Growth Management Act, as amended, since its initial adoption in 1995; and

WHEREAS, the Washington State Growth Management Act (GMA) requires the City of Mount Vernon to take legislative action to review and, if needed, revise its Comprehensive Plan and development regulations on a regular basis; and, following extensive public process the City Council adopted an updated and revised Comprehensive Plan and associated development regulations in January of 2006; and

WHEREAS, hearings were conducted on November 17th and December 16th 2009, preceded with appropriate notice published in the Skagit Valley Herald on October 20, 2009, concerning proposed amendments to the Comprehensive Plan; and,

WHEREAS, the notice of adoption of the proposed amendments has been duly transmitted in compliance with RCW 36.70A.106(1); and,

WHEREAS, the SEPA Threshold Determination of Non-significance, non-project action, was published on October 20, 2009; and,

WHEREAS the City Council finds that the attached revised Comprehensive Plan reflects the best interests of the citizens of the City of Mount Vernon, Washington; and,

WHEREAS, it is the intent of the City Council that the attached revised Comprehensive Plan shall serve as a future guide for anticipating and influencing the orderly and coordinated development of land and building uses within the City of Mount Vernon.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. FINDINGS OF FACT.

The Mount Vernon City Council makes the following findings:

- A. The City has followed SEPA requirements and those requirements for public participation under the Growth Management Act (GMA) and adopted by the City of Mount Vernon in Resolution No. 491.

Section 2. CONCLUSIONS OF LAW.

The Mount Vernon City Council makes the following conclusions of law:

- A. The proposed additions to the Land Use Element of the Comprehensive Plan regarding annexations ensure that the City's development regulations are consistent with the City's Comprehensive Plan.
- B. It is within the best interests of the City, promoting the safety, health and general welfare of the public, to control how and when urban growth occurs within the City and unincorporated Urban Growth Areas.
- C. Mount Vernon has expended considerable resources in planning for the orderly, timely and contiguous development and annexation of property situated in unincorporated urban growth areas and that development that is contrary to orderly, timely and contiguous development shall materially alter and cause harm to the City by impacting the level of essential government services such as police and fire services, as well as the capacity to provide municipal utility services such as sewer and storm water service within the City.

Section 3. PLANNING COMMISSION RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission's findings of fact and conclusions of law attached in their entirety.

Section 4. COMPREHENSIVE PLAN AMENDED. Exhibit A attached hereto and incorporated herein in its entirety by this reference is hereby adopted and the proposed changes shall be included in the Land Use Element of the Comprehensive Plan of the City of Mount Vernon.

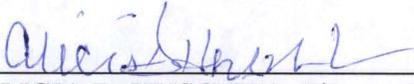
Section 5. SEVERABILITY. In the event any term or condition of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this ordinance which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this ordinance are declared severable.

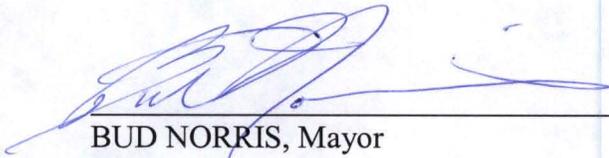
Section 6. PLAN UPDATED. City staff are hereby directed to complete preparation of the final Comprehensive Plan Document, including correction of any typographical or OTHER edits consistent herewith.

Section 7. EFFECTIVE DATE. This ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this 16th day of December, 2009.

SIGNED AND APPROVED THIS 16th day of December, 2009


ALICIA D. HUSCHKA, Finance Director


BUD NORRIS, Mayor

Approved as to form:


KEVIN ROGERSON, City Attorney

Published December 22, 2009

EXHIBIT A

MOUNT VERNON COMPREHENSIVE PLAN LAND USE ELEMENT GOAL, OBJECTIVE AND
POLICIES WITH REGARD TO ANNEXATIONS. PROPOSED CHANGES IN TRACKING
FORMAT:

Goal LU-29:	Annex properties into the City when the City Council finds the annexation is justified.
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Objective LU-29.1 Encourage development and re-development within the existing City limits before additional lands are annexed into the City.

Policy LU-29.1.1 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-29.1.2 Work with Skagit County to establish procedures for the development of land within the Urban Growth Areas.

Policy LU-29.1.3 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.

EXHIBIT A

Objective LU-29.2 Preservation of natural neighborhoods and communities.

Objective LU-29.3 Creation and preservation of logical service areas.

Policy LU-29.3.1 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-29.4 Prevent abnormally irregular boundaries.

**CITY OF MOUNT VERNON
PLANNING COMMISSION & CITY COUNCIL
PROPOSED ADDITIONS AND AMENDMENTS TO
THE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN**

FINDINGS OF FACT, CONCLUSIONS OF LAW and RECOMMENDATION

On November 17, 2009 the City of Mount Vernon Planning Commission held a public hearing to consider additions and amendments to the Land Use Element of the Comprehensive Plan; and on December 16, 2009 the City Council held a public hearing to consider the same additions and amendments to the Comprehensive Plan.

All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report submitted by Rebecca Lowell. Based on the testimony and other evidence, the Planning Commission and City Council hereby adopt the following:

A. FINDINGS OF FACT

1. The hearings of November 17th and December 16th 2009 were preceded with appropriate notice, published in the Skagit Valley Herald on October 20, 2009.
2. Notice of adoption of the proposed amendments has been duly transmitted in compliance with RCW 36.70A.106(1).
3. A SEPA Threshold Determination of Non-significance, non-project action, was published on October 20, 2009.
4. The Mount Vernon Comprehensive Plan has consistently been maintained in compliance with the Washington State Growth Management Act, as amended, since its initial adoption in 1995.
5. The Washington State Growth Management Act (GMA) requires the City of Mount Vernon to take legislative action to review and, if needed, revise its Comprehensive Plan and development regulations on a regular basis and that following extensive public process the City Council adopted an updated and revised Comprehensive Plan and associated development regulations in January of 2006.

Based on the foregoing Findings of Fact, the Planning Commission and City Council hereby makes the following:

B. CONCLUSIONS OF LAW

1. The proposed additions to the Land Use Element of the Comprehensive Plan regarding annexations ensure that the City's development regulations are consistent with the City's Comprehensive Plan.
2. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.
3. The proposed amendments are found to be in compliance with the State Growth Management Act.
4. It is within the best interests of the City, promoting the safety, health and general welfare of the public, to control how and when urban growth occurs within unincorporated Urban Growth Areas.
5. Mount Vernon has expended considerable resources in planning for the orderly, timely and contiguous development and annexation of property situated in unincorporated urban growth area and that development that is contrary to orderly, timely and contiguous development shall materially alter and cause harm to the City by impacting the level of essential government services such as police and fire services, as well as the capacity to provide municipal utility services such as sewer and storm water service within the City.

The Mount Vernon City Council adopted Ordinance 3472 on December 16, 2009. An Ordinance of the City of Mount Vernon, Washington, relating to land use planning; adopting new objectives and policies in the land use element of the City Comprehensive Plan relating to annexations. Anyone wishing to view or receive the ordinance in its entirety should contact the Mount Vernon Finance Office, 910 Cleveland, Mount Vernon WA 98273.

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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

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