

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, AMENDING PORTIONS OF CHAPTER 14.05, PROCEDURES TO CLARIFY CERTAIN APPLICATION PROCESSES, TO CORRECT CERTAIN PERMIT TYPES, TO INCORPORATE REQUIREMENTS FOR ELECTRONIC PERMITS AND ELECTRONIC PLAN REVIEW SUBMITTALS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, there is a need to amend portions of Chapter 14.05 of the Mount Vernon Municipal Code (MVMC) to correct and clarify certain application processes and types; and

WHEREAS, the city has made a substantial investment into software allowing the Development Services Department to receive and process permits, plans, and related materials electronically which necessitates amendments to the permit requirements in MVMC Chapter 14.05; and

WHEREAS, the Department of Commerce was notified of the proposed amendments on November 30, 2018, an acknowledgement was received from Commerce on December xx, 2018, and Commerce granted the City expedited review on December xx, 2018 (their identification number: xxxx); and as such, the City is in compliance with RCW 36.70A.106 (1); and

WHEREAS, a SEPA Threshold Determination of Non-significance, non-project action, was issued on December 3, 2018 and published on December 6, 2018 and no comments were received or appeals filed; and,

WHEREAS, on January 15, 2018 the Planning Commission held an open record public hearing and forwarded their recommendation on the subject code amendments to the City Council for consideration at their open record public hearing held on January 23, 2018; and

WHEREAS, 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; and

WHEREAS, The City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum has discussed this Memorandum, including the "warning signals" identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2); and

WHEREAS, the proposed amendments ensure that the City's municipal code is internally consistent.

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

SECTION ONE. RECITALS INCORPORATED. That the City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein.

SECTION TWO. PLANNING COMMISSION RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission’s findings of fact and conclusions of law, outlined below, in their entirety.

A. Planning Commission’s Findings of Fact:

1. The procedural requirements outlined in MVMC Chapter 14.05, Procedures, have been satisfied by City staff. This includes the Notice of Public Hearing, the environmental review pursuant to the SEPA statute, and receiving expedited review from the State Department of Commerce.

B. Planning Commission’s Conclusions of Law:

1. The proposed amendments ensure that the City’s development regulations are internally consistent.
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 amendment is found to be in compliance with the State Growth Management Act.

C. Planning Commission Recommendation to the City Council:

At their public hearing on January 15, 2019 after review of the materials presented by City staff and holding a public hearing the Planning Commission made a unanimous motion to approve the ordinance presented by staff.

(to be amended, as necessary following the Planning Commission’s hearing)

SECTION THREE. Section 14.05.060, Permit Classification Table, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.060 Permit classification table.

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) or Text Amendments						X
Administrative Conditional Use Permit		X				
Conditional Use Permit			X			
Conditional Use Permit for EPFs				X		
Critical Area Ordinance Reasonable Use Exception, Variances and Appeals per MVMC 15.40.130			X			
Design Review with Building Permit, or	X					

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Design Review						
Design Review with Hearing Examiner Land Use Permit			X			
Design Review by Design Review Board			X			
Design Review Waiver per Chapter 17.70 MVMC	X		X			
Development Regulation Text Amendments to Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17						X
Development Regulation Text Amendments to Chapters Except Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit I	X					
Fill and Grade Permit II		X				
Floodplain District Development Permit				X		
Final Plat, Final Short Plat, and Final BSP	X					
Historic Structure – Designation				X		
Historic Structure – Exterior Alteration		X				
Home Occupation – Type I or Exemption	X					
Home Occupation – Type II		X				
Land Clearing Permits and Management Plans		X				
Land Clearing Moratorium Removal			X			
Land Clearing Single-Family Residential Moratorium Exception		X				
Landscape Modifications per MVMC 17.93.080	X					
Lot Certification	X					
Major Modification	X	X	X	X		
Master Plan Approval per MVMC 17.30.090				X		
Minor Modifications	X					
Model Home Permit	X					
Nonconforming Use – Ordinary Maintenance or Repair	X					
Nonconforming Use – Certificate of Use or Occupancy	X					
Nonconforming Use – Special Permission to Enlarge, Expand, or Reconstruct				X		
Plat, Preliminary				X		
Plat, Final					X	

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Planned Unit Development				X		
Rezoning Consistent with Comprehensive Plan				X		
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit		X				
Shoreline Variance			X			
Short Plat		X				
Site Plan Approval	X					
Site Plan Approval per MVMC 17.39.150				X		
Special Use Permit			X			
Special Use Permit for ADUs		X				
Street Vacations Subject to Procedural Requirements Outlined in Chapter 35.79 RCW						X
Street Design Modifications per Chapter 16.16 MVMC	X					
Temporary Homeless Encampment		X				
Temporary Use Permit Per Chapter 17.92 MVMC	X					
Transfer of Development Rights – Certificate of Available Rights	X					
Transfer of Development Rights – Approval to Utilize	X					
Transportation Concurrency when > 75 PM Peak Hour Trips Are Generated				X		
Variances			X			
Waivers per MVMC 14.10.110, Chapter 16.20 MVMC, and MVMC 17.84.130				X		
Zoning Boundary Determination per MVMC 17.09.040			X			
Zoning Variances Not Exceeding 20 Percent of Lot Width, Setbacks, Lot Coverage, Building Height, Parking, and Landscape Buffers		X				

SECTION FOUR. Section 14.05.100, Single contact designated and signature required, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.100 Single contact designated and electronic signatures.

A. The city will require the applicant to designate a single person or entity to receive all correspondence required by this chapter. With the exception of city initiated actions, all applications shall be signed by all property owners, or their agents. If a property owner is designating an agent to sign on their behalf, the property owner must provide written and notarized authorization of such.

B. Electronic signatures will be accepted on items required to be signed only when such signature complies with the Uniform Electronic Transactions Act (UETA) and 19.34 RCW as they are currently written or as they may be amended in the future.

SECTION FIVE. A new section to be named, 14.05.102, Submittals and public comments, shall be added to the Mount Vernon Municipal Code with the new section to read as follows:

14.05.102 Submittals and public comments

A. Applications and permits, with the items required to accompany them, as outlined in MVMC 14.05.210 are required to be delivered or mailed to the city, or uploaded into the city’s on-line permit system. In addition to having content complying with this chapter, all items delivered, mailed, or uploaded into the city’s on-line permit system are required to comply with electronic file standards as defined in MVMC 14.05.220, Definitions – E.

B. Those submitting comments on applications or actions processed by the department are required to comply with the following:

All comments must include: (1) your full name, (2) your mailing address, and (3) the name of the proposal you are commenting on.

Electronic comments are required to be uploaded into the city’s on-line permit system.

Comments submitted on paper are required to be mailed or delivered to:

Development Services Department

910 Cleveland Ave

Mount Vernon, WA 98273

C. Applications, permits, submittal items, and public comments are not accepted by the department through email.

D. Items submitted not meeting the requirements of this section are considered as not being received by the city.

SECTION SIX. Section 14.05.110, Project review procedures, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.110 Project review procedures.

A. Purpose. The purpose of this section is to outline the procedure and time requirements for the review of land use applications received by the city. All development applications are classified and processed according to one of six types of permit procedures, as identified in MVMC 14.05.050.

B. Preapplication Meeting.

1. When a Preapplication Meeting Is Required. A preapplication meeting is required for the following actions, unless the director determines the action does not require the preliminary analysis completed at a preapplication meeting:

- a. All Type II actions involving nonsingle-family residential building;
- b. Building permits requiring street improvements;
- c. Building permits requiring a site to be brought up to current code;
- d. Short plats;
- e. All projects subject to SEPA review;
- f. All Type III through VI actions;
- g. All shoreline permits;
- h. All comprehensive plan amendments; and
- i. Annexations.

2. Preapplication meetings for all other types of applications are not required, but may be considered upon request of the applicant, on a time-available basis, at the discretion of the director. The director may also determine that a preapplication meeting is required for projects where coordination with city staff before an application is submitted is deemed necessary by the director.

3. Purpose. The preapplication meeting is not intended to provide an exhaustive review of all potential issues. Preapplication review does not prevent or limit the city from applying all relevant laws at the time of application submittal. The purpose of a preapplication meeting is to acquaint an applicant with the requirements of the city’s development regulations and provide an opportunity for the city to become acquainted with a proposed project prior to receiving a formal application. Neither the discussions at the conference nor the information provided by the city on any form sent by the director to the applicant under subsection B of this section shall bind the director, or any reviewing authority, in any manner or prevent the director or any reviewing authority’s future application

or enforcement of all applicable codes, ordinances and regulations.

4. Preapplication Submittal Requirements. Preapplication meeting submittal requirements shall be defined by the CEDD ~~on forms and shall be~~ made available to applicants. Failure to provide all of the required information may prevent the city from identifying all applicable issues or providing the most effective preapplication meeting.

5. Scheduling. A preapplication meeting shall be scheduled by the city within five days of a completed preapplication request being submitted. The preapplication conference shall be held within 45 days of a request, when possible. However, a failure to meet this time limit will not make the city liable for damages.

6. Waiver of Formal Application Submittal Requirements. Submittal requirements outlined within MVMC 14.05.210 may be waived, either at the request of the applicant or as suggested by staff when not necessary for project review by the director or his/her designee in writing. If approved, the applicant will be provided with a ~~written~~ list of submittal requirements that must be provided to the city; or with a list of items that have been waived. The applicant must submit a copy of the list of city approved waiver(s); or a list of items that staff has determined must be submitted to the city, at the time of formal application submittal.

C. Submittal of a Formal Land Use Application.

1. Submittal Location. All applications shall be submitted ~~as instructed upon forms provided~~ by the director and filed with the CEDD.

2. An application shall consist of all materials required by the applicable development regulations and submittal requirements pursuant to MVMC 14.05.210.

3. Fees. All applications and appeals shall be submitted with applicable fees, pursuant to Chapter 14.15 MVMC.

4. Counter Complete Determination. All applications must include a submittal requirement checklist that shall be the basis for determining whether an application will be accepted for purposes of review and determination of technical completeness pursuant to subsection D of this section. Applications ~~are required to~~ ~~may either~~ be brought in person, ~~or~~ mailed to the city, ~~or uploaded into the city's on-line permit system~~ for counter complete review. An application is counter complete if the director, or the director's designee, finds that the application includes the information required by the submittal requirement checklist; provided, no effort shall be made to evaluate the substantive adequacy of the information in the application in the counter complete review process. If the director or director's designee decides the application is counter complete, then the application shall be accepted for review for technical completeness. If the director or designee decides the application is not counter complete, he/she shall reject and return the application and identify in writing what is needed to make the application counter complete. The director at his/her discretion may mandate that an applicant schedule a submittal meeting with a CEDD planner, so that the staff planner can determine whether or not an application is counter complete. A determination of counter completeness shall be made within two days of an application being submitted to the CEDD.

D. Determination of Technical Completeness.

1. Timing. Following a counter complete determination, the CEDD shall provide a written determination that an application is deemed technically complete or incomplete according to the submittal requirements in MVMC 14.05.210 within 28 days after the initial submittal or within 14 days after the application has been resubmitted to the city if the application has been returned to the applicant as being incomplete. An application shall be deemed to be technically complete for processing if a response from the city is not sent to the applicant within 28 days after their counter complete determination.

2. Incomplete Applications. If additional information is required, the CEDD shall provide a written determination to the applicant that the application is incomplete and what is necessary to make the application complete. The applicant shall have one 90-day period to submit the required information. If the applicant does not submit the required information within the 90-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time. The director may grant one 30-day extension if the required studies or information warrant additional time. If the required information has not been submitted by the date specified, the application shall lapse. Lapsed applications shall be deemed to have been voluntarily withdrawn. Withdrawn applications must be resubmitted as new applications requiring repayment of all applicable fees. Within 14 days after an applicant has submitted additional information identified as being necessary for a complete application, the CEDD shall notify the applicant whether the application is complete.

3. Additional or Corrected Information May Be Requested. A written determination of technical completeness does not preclude the CEDD from requesting supplemental information or studies, if additional information is

required to complete review of an application, if information submitted by an applicant is deemed incorrect, or if changes in the permit application are proposed. The CEDD may make a determination in writing that some information is incorrect and that corrected information be submitted. The applicant shall have 90 days to submit the required information. If the applicant does not submit the required information within the 90-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time. The director may grant one ~~30~~90-day extension if the required studies or information warrant additional time. If the required information has not been submitted by the date specified, the application shall lapse. Lapsed applications shall be deemed to have been voluntarily withdrawn. Withdrawn applications must be resubmitted as new applications requiring repayment of all applicable fees. Within 14 days after an applicant has submitted additional or corrected information, the CEDD shall notify the applicant whether the additional and/or corrected information is complete.

4. Hold Placed and Period Excluded. Pursuant to MVMC 14.05.130, when an applicant has been requested by the city to correct plans or other information, perform required studies, or provide additional required information, a hold shall be placed on the project. The time during this period shall be excluded in determining the number of days that have elapsed after the city has notified the applicant that the application is complete for processing. The period shall be calculated pursuant to MVMC 14.05.130.

E. Notice.

1. To Applicant. The applicant shall be advised of the date when a technically complete application has been submitted, and of the threshold environmental determination. The applicant shall be advised of the date of any public hearing according to the timing outlined within MVMC 14.05.150(C).

2. To Public. Public notice of applications, decisions, and hearings shall be provided in accordance with MVMC 14.05.150.

F. Report from the Community and Economic Development Department.

1. Content. When an application requires a public hearing, the CEDD shall provide a departmental analysis, coordinate, and assemble the comments and recommendations of other city departments, government agencies having an interest in the subject application, and members of the community, and shall prepare a report summarizing the factors involved and the CEDD findings and recommendations.

2. Timing. At least five days prior to the scheduled hearing, the report shall be filed with the reviewing authority or recommending body and copies shall be mailed to the applicant(s), and parties of record, and shall be made available for use by any interested party for the cost of reproduction.

3. When Report Is Decision. For permit actions where the director is the review authority and no public hearing is required, the CEDD report shall also include the administrative decision, signed by the director. The report shall be issued in accordance with the timeframes established in MVMC 14.05.130 and with notification in accordance with MVMC 14.05.150.

G. Public Hearing.

1. Hearing Required. Before rendering a decision or recommendation on an application for which a public hearing is required and the hearing examiner or planning commission is the review authority or recommending body, the examiner or commission shall hold at least one open record public hearing.

2. Constitutes Hearing by Council. On applications where the examiner or planning commission makes a recommendation to the city council, except Type VI permits, the open record public hearing before the examiner or planning commission shall constitute the open record public hearing.

3. Hearing Rules. The examiner, planning commission, and city council shall have the authority to prescribe rules, administer oaths, and preserve order consistent with city ordinances, for the scheduling and conduct of hearings and other procedural matters related to the duties of their office as stated in Chapters 2.34 and 2.60 MVMC.

4. Closure/Continuation of Public Hearing. At the close of testimony, the reviewing authority may close the public hearing, continue the hearing to a time and date certain, or close the public hearing pending the submission of additional information on or before a date certain.

5. Application Dismissal. Until a final action on the application is taken, the reviewing authority may dismiss the application, upon written findings, for failure to diligently pursue the application after notice is given to all parties of record.

6. Responsibility of the CEDD director for Hearing. The CEDD director or designee shall:

a. Schedule an application for review and public hearing;

- b. Give notice per MVMC 14.05.150;
 - c. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing, and whether the proposed development meets the minimum requirements for approval and conforms to the intent of the applicable development regulations and the comprehensive plan. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA. If the threshold determination, other than a determination of significance, has not been issued previously by the city, the report shall include or append this determination. In the case of a Process I or II project permit application, this report may be the permit; and
 - d. Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this code to receive such decision.
7. Conflict of Interest. The hearing body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.
8. Ex Parte Communications.
- a. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a quasi-judicial proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:
 - i. The hearing body may receive advice from legal counsel; or
 - ii. The hearing body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).
 - b. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection G(8)(c) of this section.
 - c. If the member of a hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:
 - i. All written communications received;
 - ii. All written responses to the communications;
 - iii. The substance of all oral communications received and all responses made; and
 - iv. The identity of each person from whom the hearing body received any ex parte communication.
 - d. The hearing body shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.
9. Disqualification.
- a. A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the disqualification, vacating the seat on the hearing body and physically leaving the hearing.
 - b. If a number of members of the hearing body are disqualified on the basis of the appearance of fairness doctrine (as distinct from actual conflict of interest) such that the hearing body would be disabled from taking action, then all members present after stating their reasons for disqualification shall be requalified and shall proceed to resolve the issues.
 - c. Except for Process VI actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.
10. Burden and Nature of Proof. Except for Process VI actions, the burden of proof (not including judicial appeals) is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.
11. Order of Proceedings. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:
- a. Before receiving information on the issue, any objections on jurisdictional grounds shall be noted on the record

and if there is objection, the hearing body has the discretion to proceed or terminate; and any abstentions or disqualifications shall be determined.

b. The presiding officer may take official notice of known information related to the issue, such as a provision of any ordinance, resolution, rule, officially adopted development standard or state law; and other public records and facts judicially noticeable by law.

c. Matters officially noticed need not be established by evidence and may be considered by the hearing body in its determination. Parties requesting that the hearing body take official notice shall do so on the record; however, the hearing body may take notice of matters listed if stated for the record. Any matter given official notice may be rebutted.

d. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view on the record.

e. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

f. When the presiding officer has closed the public hearing portion of the hearing, the hearing body may openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

g. When a hearing body is unable to formulate a recommendation on a project permit, a hearing body may decide to forward the project permit to the city council to render a decision without a recommendation.

H. Examiner or Commission Recommendations and Decisions.

1. Standard Timing and Notification. Unless the time is extended pursuant to subsection H of this section, within 10 working days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this chapter, the examiner or planning commission should render a written decision or recommendation, including findings from the record and conclusions therefrom, and CEDD staff shall transmit a copy of such decision by regular mail to the applicant and other parties of record that have specifically requested, in writing, notice of the decision. The person mailing the decision shall prepare an affidavit of mailing, which shall become a part of the record of the proceedings. In the case of applications requiring city council approval, the CEDD staff shall file the decision with the city council on behalf of the examiner or planning commission.

2. Timing Extensions. The time for filing of the examiner or commission decision or recommendation may be extended for not more than 30 days should the examiner or commission find that the amount and nature of the evidence to be considered or receipt of additional information justifies such an extension. The examiner or commission shall provide CEDD staff a copy of written findings and decision for the extension of the normal decision period.

3. Conditions. The decision or recommendation may be to grant or deny the application, or to require of the applicant such conditions, modifications and restrictions as the examiner or commission finds necessary to make the application compatible with the objectives and goals of the comprehensive plan, the zoning regulations, the subdivision regulations, the codes and ordinances of the city of Mount Vernon, and any applicable approved preliminary or final plat or PUD.

~~4. Reconsideration. An applicant or party of record feeling that the recommendation of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence, which could not be reasonably available at the public hearing, may make a written application for review within 10 days after the written hearing examiner decision has been rendered. The written request for reconsideration shall be mailed by the requester to the applicant and all parties of record not later than the day following the filing of the request for reconsideration; and the requester shall supply the CEDD an affidavit that lists all of the names and addresses where their request was sent. The applicant and parties of record shall have eight days following the date of mailing to file a written response. The request for reconsideration shall set forth the specific errors relied upon by the requester, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further information which shall be provided within 10 days of the request. A request for further information shall be mailed by the CEDD to the applicant and all parties of record. The examiner shall promptly review the reconsideration request and any responses and shall, within 10 days of the deadline for filing responses or receipt of additional information, whichever is later, issue a written decision on the request for~~

~~reconsideration. A request for reconsideration temporarily suspends the period within which an appeal of the examiner decision from the date of filing the written request for reconsideration to the date of the decision on reconsideration. If the reconsideration is denied, the period for appeal of the examiner decision shall recommence for the remaining number of days.~~

I. Council Action.

1. Minutes and Findings of Fact. Any application requiring action by the city council shall be evidenced by meeting minutes unless otherwise required by law. When taking any such final action, the council shall make and enter findings of fact from the record and conclusions there from which support its action.
2. Adoption of Examiner or Commission Findings and Conclusions Presumed. Unless otherwise specified, the city council shall be presumed to have adopted the hearing examiner and/or planning commissions findings and conclusions.
3. Applications to Be Placed on Council Agenda. All applications requiring council action shall be placed on the council's agenda for consideration within four weeks of CEDD staff receiving the hearing examiner's or planning commission's written recommendation(s); unless circumstances exist that would preclude this from happening; such as, cancelled city council meetings, prior commitments to other agenda items, or if an applicant has failed to satisfy conditions required prior to preliminary plat approval.

J. Appeals. An appeal of a decision made pursuant to this chapter shall be processed pursuant to MVMC 14.05.160 through 14.05.190. (Ord. 3483 § 5, 2010; Ord. 3427 § 2 (Exh. A), 2008).

SECTION SEVEN. Section 14.05.210, Submittal requirements specific to application type, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.210 Submittal requirements specific to application type.

The following tables list all of the items required to be submitted to the City for each of the different types of permits, approvals, and applications listed. All of the items listed in these tables are required to be submitted unless waived by the CEDD per MVMC 14.05.110(B)(6). The CEDD will prescribe the format (i.e. paper, electronic, PDF, TIFF, DWG, size, resolution, orientation, etc), and number of copies (if applicable) for all submittal items. The following tables in no way limit the CEDD from requesting additional materials that may be necessary to review a project.

~~The following tables list the submittal requirements for each type of permit or land use application available. Each application must be accompanied by the required application fees pursuant to Chapter 14.15 MVMC. The number of required copies for each submittal item is indicated in each column and is required unless waived by the CEDD per MVMC 14.05.110(B)(6).~~

SECTION EIGHT. Section 14.05.220(E), Definitions - E, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.220 Definitions.

Definitions – E.

1. “Easements, existing” means a recorded document by the property owner granting one or more privileges to use the owner’s land to and/or for the use by the public, a corporation or another person or entity. Easements may be referenced by property deed and are identified in the property title report.
2. “Easements, proposed” means a draft document, including proposed legal description, listing to whom and for what specific purpose or purposes the easement is to be granted.

3. “Electronic File Standards” means items, with the exception of as-builts and plat maps, submitted to the city shall comply with the following:

A. GENERAL REQUIREMENTS

- i. All documents must be in PDF, or other format, as specified by the Director.
- ii. Zip files will not be accepted.
- iii. Each submittal document uploaded shall be a separate file (example: plan set PDF, structural calculations PDF, geotechnical report PDF, etc.)
- iv. Electronic documents must be in a state that allows for document mark-up, file combining, and processing.
- v. Electronic signatures shall comply with the Uniform Electronic Transactions Act (UETA) and 19.34 RCW as they are currently written or as they may be amended in the future.
- vi. Electronic signatures for architects, engineers, surveyors, and other similar professionals shall be in compliance with the standards of their respective professional licensing board.

B. PLAN FORMATTING

- i. Plans shall be in landscape layout orientated so the top of the page is always at the top of the computer screen.
- ii. Plans shall be a minimum of 11” x 17” however, most commercial projects will require a minimum of 24” x 36”.
- iii. Plans shall be prepared to an industry standard scale of a clearly legible size.
- iv. Site plans shall be drawn to a minimum scale of 1” = 20’
- v. Floor plans, elevations, and sections shall be no less than 1/8” = 1’
- vi. Plans that are marked “Not for Construction” or with similar notations will not be accepted.
- vii. A north arrow is required on all site plans and floor plans. Elevations shall be labeled North, South, East, and West as appropriate.
- viii. Plan sets shall be fully dimensioned.
- ix. Line-weight(s) must provide sufficient contrast with the background and other drawing elements.
- x. Fonts must have a clarity equivalent to, or better than, the fonts Arial, Gill Sans, or Tahoma. Font size for text must be a minimum of 10 pt. or 3/32” for CAD prepared documents.
- xi. Drawings must accurately represent what is proposed for construction. Alternative designs, optional layouts, irrelevant notes, and unused details shall not be included in the plan set.
- xii. Building plans and engineering must correspond to the site topographic conditions.
- xiii. All sheets must be numbered, and labeled or titled.
- xiv. A title block must be located on the right hand side of each page.
- xv. A drawing index is required on the cover page of the plan set.

C. PDF DETAILS

- i. A minimum of 300 DPI is required.
- ii. Plans should provide bookmarks that match the index sequence and should be named to allow the reviewer to quickly move from sheet to sheet.
- iii. Bookmark settings should be set to open each page at full view.
- iv. Hyperlinks are extremely useful for navigating drawing sets and are strongly encouraged for linking detail callouts on the floor plans to the referenced sheet or specific detail.
- v. PDF authoring tools must be set to Vector and not Raster.
- vi. Maintain output scale – please do not use “Fit to page”.
- vii. Viewports used during the drafting process should not be included in the final output for submittal.
- viii. Font type must be TrueType. (SHX fonts are typically found in Raster format and should not be used). Please do not embed fonts.
- ix. Do not include layer information from the drafting program. All layers should be flattened in the authoring program prior to export and submittal.

D. REVISIONS AND RESUBMITTALS

- i. Every resubmittal shall include a response letter addressing all comments.
- ii. Revisions and resubmittals must include a complete plan set with and additional documents in a separate PDF.
- iii. Revision numbers or revision dates must be shown in the title block of each sheet.
- iv. All changes should be identified with a surrounding cloud and corresponding delta. A list of all deltas along with a brief narrative for each (including the sheet number they are on) should be provided on the title sheet of the plans.

4. “Electronic File Standards for As-Builts and Plat Maps” means as-builts and plats submitted to the city shall be provided to the city in a file format specified by the director.

5. “Elevations, architectural” means a 24-inch by 36-inch fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot or one-eighth inch equals one foot (or other size or scale approved by the building official) clearly indicating the information required by the “Permits” section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, statewide amendments), including, but not limited to, the following:

- a. Existing and proposed ground elevations;
- b. Existing average grade level underneath proposed structure;
- c. Height of existing and proposed structures showing finished roof-top elevations based upon site elevations for proposed structures and any existing/abutting structures;
- d. Building materials and colors including roof, walls, any wireless communication facilities, and enclosures;
- e. Fence or retaining wall materials, colors, and architectural design;
- f. Architectural design of on-site lighting fixtures; and
- g. Cross-section of roof showing location and height of rooftop equipment (include air conditioners, compressors, etc.) and proposed screening.

6. “Elevations, grading” means a site plan that shows the pre- and post-developed contours on a site. The scale and spacing of the elevation information shall clearly show the information that is needed to review such a plan. The horizontal and vertical control datum shall be clearly shown.

7. “Energy code checklist” means the standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC detailing building components to be used to comply with the State Residential or Nonresidential Energy Code, as applicable.

8. “Environmental checklist” means the state of Washington form required by WAC 197-11-742 and 197-11-960.

9. “Erosion and sediment control plan, temporary (TESCP)” means drawings of the entire site showing the proposed erosion control measures for the project in conformance with the city of Mount Vernon site plan submittal requirement standards (or as approved by the CEDD) and the Surface Water Design Manual adopted by the city of Mount Vernon.

SECTION NINE. Section 14.05.220(F), Definitions - F, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.220 Definitions.

Definitions – F.

1. “Fill and grade permit I” means grading 50 cubic yards or more of material on a site (or a combination of abutting sites), and/or grading (regardless of the cubic yards) that could result in stormwater impacts to abutting or adjacent properties. Unless otherwise approved by the director, civil plans for this permit shall be prepared by a civil engineer licensed in the state of Washington.

~~2. “Fill and grade permit II” means grading 50 cubic yards or more of material on a site or combination of abutting sites when SEPA review is necessary; or when done within 200 feet of a critical area; or any land disturbing activity, including tree removal from a site, done within 200 feet of a critical area. Unless otherwise approved by the director, plans for this permit shall be prepared by a civil engineer licensed in the state of Washington.~~

3. “Flood hazard data” means data, including plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; elevation in relation to mean sea level of the lowest floor (including basement) of all structures; elevation in relation to mean sea level to which any structure has been floodproofed; certification by a registered professional engineer or architect that the floodproofing methods satisfy the city’s floodproofing criteria; and a description of the extent to which a watercourse would be altered or relocated as a result of proposed development. The horizontal and vertical control datum shall be clearly shown.

4. “Floor plans” means a basic line drawing plan of the general building layout showing walls, exits, windows, and designated uses indicating the proposed locations of kitchens, baths and floor drains, bedrooms and living areas, with sufficient detail for city staff to determine if an oil/water separator or grease interceptor is required and to determine sizing of side sewers.

SECTION TEN. City staff is hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

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

SECTION TWELVE. SAVINGS CLAUSE. All previous ordinances which may be repealed in part or their entirety by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION THIRTEEN. 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 ____ day of January, 2019.

SIGNED AND APPROVED this ____ day of _____, 2019.

Doug Volesky, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published _____



**DETERMINATION OF NON-SIGNIFICANCE
& NOTICE OF PUBLIC HEARINGS
FILE NOs: CA18-004, CA18-006, and CA18-007**

DESCRIPTION OF PROPOSED ACTION: the City of Mount Vernon is considering code amendments to the portions of Mount Vernon Municipal Code as follows:

CA18-004: Amendments to Chapter 14.05, Procedures

Amendments are proposed to clarify several different permit types and submittal requirements. More specifically: to ensure there is no confusion as to how Comprehensive Plan and Rezone applications are processed; to remove a Fill and Grade Permit II as there is no implementing code for this permit type, to add final plats, short plats and BSPs to the permit type matrix; to add requirements under which electronic signatures will be allowed; to add requirements for permit and application submittals and public comments; to change permit submittal extension requirements from 30 to 90 days; to remove the ability to ask the Planning Commission for reconsideration for recommendations they make; to add requirements to allow electronic submittals and plan review; and to define electronic file standards.

CA18-006: Title 17, Zoning

Amendments are proposed to the C-3 and C-4 zoning districts to encourage mixed use developments by eliminating maximum density requirements; to allow certain properties zoned C-4 to use the development regulations codified in the C-3 zone; to correct part of Chapter 17.69 to reference use of the C-4, versus the C-3 zoning district; to make the chapter regulating site plans consistent with Chapter 14.05, Procedures; and to amend language in Chapter 17.102 to make sure that nonconforming buildings and uses are covered by this chapter.

CA18-007: Chapter 17.54, C-1 Zone

Amendments are proposed to certain areas zoned C-1a (historic downtown) to ensure the street level uses encourage pedestrian-oriented shopping.

LOCATION: this is a non-project action that would apply city-wide.

APPLICANT & LEAD AGENCY: City of Mount Vernon, Development Services Department

The lead agency for this proposal has determined that the proposed amendments will not have a probable adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

PUBLIC HEARINGS: Public hearings to consider the above-described proposed changes to the referenced MVMC sections to regulate cannabis transportation licensee businesses are scheduled before the Mount Vernon Planning Commission at 6 p.m. on **Tuesday, January 15, 2019**; and before the City Council at 7 p.m. on **Wednesday, January 23, 2019**. Both hearings will be held at the Police and Court Campus, 1805 Continental Place, Mount Vernon. The public hearings for the MVMC sections to regulate temporary homeless encampments have yet to be scheduled.

Environmental Determination Comment Process: Comments on the environmental determination must be received in writing on or before 4:30 PM **December 19, 2018** (14 days from the date of issuance). Comments received within the 14 days will be reviewed and considered by the Development Services Department. Those persons wishing to submit comments will receive a response from the Responsible Official prior to the end of the SEPA appeal period.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 4:30 PM **January 1, 2019** (10 days following the 14 day comment period).

Appeals must be filed in writing together with the required \$100.00 application fee with: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department, (360) 336-6214.

CONTACT PERSON: Rebecca Lowell, Senior Planner
City of Mount Vernon
Development Services Department
910 Cleveland Avenue
Mount Vernon WA 98273
Telephone - 360-336-6214; Facsimile - 360-336-6299

The application and supporting documentation are available for review at the Development Services Department located at City Hall. Copies will be provided upon request at the cost of reproduction. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. You may also provide signed, written comments until 5 p.m. on the day before the hearing to the contact person listed above.

SEPA RESPONSIBLE OFFICIAL: Rebecca Lowell

Issued: December 3, 2018

Published: December 6, 2018

SENT TO: SEPA REGISTER, DOE, COE, COMMERCE, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), DOT, FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE

PLEASE INCLUDE THE PROJECT NUMBER WHEN CALLING FOR PROPER FILE IDENTIFICATION

A. **BACKGROUND**

1. Name of proposed project (if applicable):
2. Name of applicant: **City, Development Services**
3. Address and phone number of applicant and contact person: **Rebecca Lowell, Principal Planner – City of Mount Vernon, 910 Cleveland Ave, Mount Vernon WA (360) 336-6214**
4. Date checklist prepared: **November 12 to 14, 2018**
5. Agency requesting checklist: **City of Mount Vernon**
6. Proposed project timing or schedule (including phasing, if applicable): **The subject code amendments will go before the Planning Commission on January 15, 2018; and before the City Council for adoption on January 23, 2019.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **NA**
8. List any environmental information you know about that has been prepared, or will be prepared, directly, related to the proposal. **NA**
9. Do you know of pending applications for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **NA**
10. List any government approvals or permits that will be needed for your proposals, if known. **NA**
11. Give a complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. **This is a non-project action which amends parts of the Mount Vernon Municipal Code. Following is a summary of the proposed amendments.**

CA18-004: Amendments to Chapter 14.05, Procedures

Amendments are proposed to clarify several different permit types and submittal requirements. More specifically: to ensure there is no confusion as to how Comprehensive Plan and Rezone applications are processed; to remove a Fill and Grade Permit II as there is no implementing code for this permit type, to add final plats, short plats and BSPs to the permit type matrix; to add requirements under which electronic signatures will be allowed; to add requirements for permit and application submittals and public comments; to change permit submittal extension requirements from 30 to 90 days; to remove the ability to ask the Planning Commission for reconsideration for recommendations they make; to add requirements to allow electronic submittals and plan review; and to define electronic file standards.

CA18-006: Title 17, Zoning

Amendments are proposed to the C-3 and C-4 zoning districts to encourage mixed use developments by eliminating maximum density requirements; to allow certain properties zoned C-4 to use the development regulations codified in the C-3 zone; to correct part of Chapter 17.69 to reference use of the C-4, versus the C-3 zoning district; to make the chapter regulating site plans consistent with Chapter 14.05, Procedures; and to amend language in Chapter 17.102 to make sure that nonconforming buildings and uses are covered by this chapter.

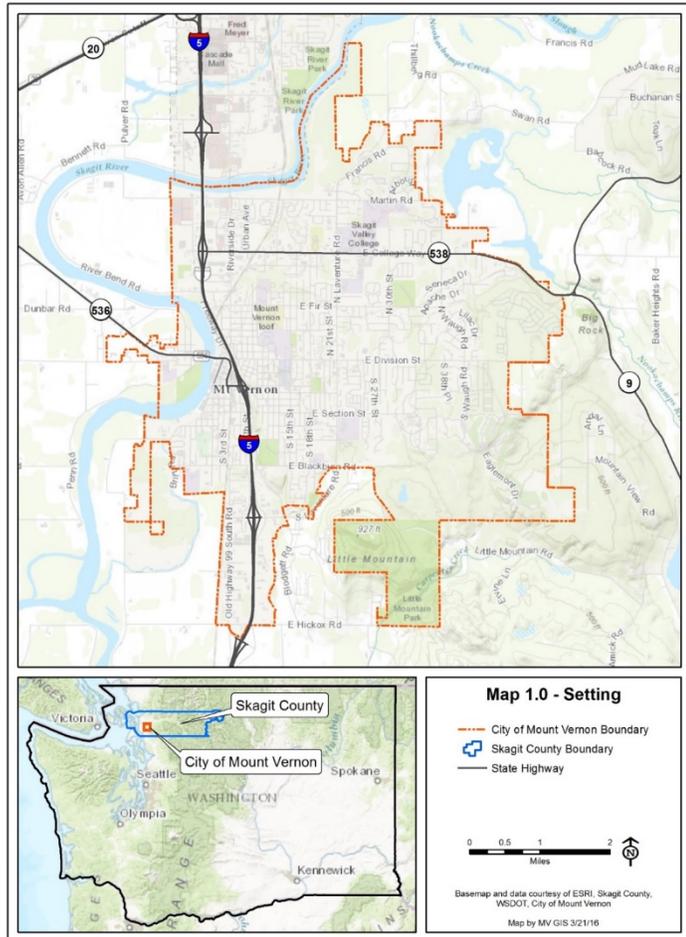
CA18-007: Chapter 17.54, C-1 Zone

Amendments are proposed to certain areas zoned C-1a (historic downtown) to ensure the street level uses encourage pedestrian-oriented shopping.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, please provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map if possible. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. (Indicate if maps or plans have been submitted as part of a permit application.)

The proposal is a non-project action and would become effective throughout the City of Mount Vernon.

To the right is map identifying Mount Vernon's regional setting and corporate boundaries.



B. ENVIRONMENTAL ELEMENTS

ITEMS 1 THROUGH 16 ARE FILLED IN WITH INFORMATION THAT IS MORE GENERAL IN NATURE BECAUSE THIS IS A NON-PROJECT ACTION.

1. **Earth: The following sections of this element are not applicable to the proposed amendments**
 - a. General description of the site (underline one): flat, rolling, hilly steep, slope, mountainous, other.
 - b. What is the steepest slope on the site (approximate % of slope)?
 - c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, please specify and note any prime farmland.
 - d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
 - e. Describe the purposes, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
 - f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
 - g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
 - h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The City of Mount Vernon, Washington lies within the Skagit River Valley at elevations ranging up to approximately 200 feet above sea level. Mount Vernon occupies approximately 12 square miles (~8,034 acres) within the Skagit River watershed.

The major geologic influences in the City include plate tectonics, glacial advancement and recession, and volcanic activity. Dominant surface features and topography of the Puget Lowland (which the City is located within) can be attributed to the most recent ice-sheet advance (known as the Vashon stade of the Fraser glaciation) which culminated around 16,000 years ago. As glaciers receded from Washington around 13,000 years ago, glacial deposits 60 meters thick or more were left behind. Subsequently, post glacial modifications, primarily from fluvial processes, began creating the landscape features that are present today.

2. Air: The following sections of this element are not applicable to the proposed amendment

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, and when the project is completed? If any, generally describe and give approximate quantities known.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. What are the proposed measures to reduce or control emissions or other impacts, if any?

3. Water: The following sections of this element are not applicable to the proposed amendment

a. Surface:

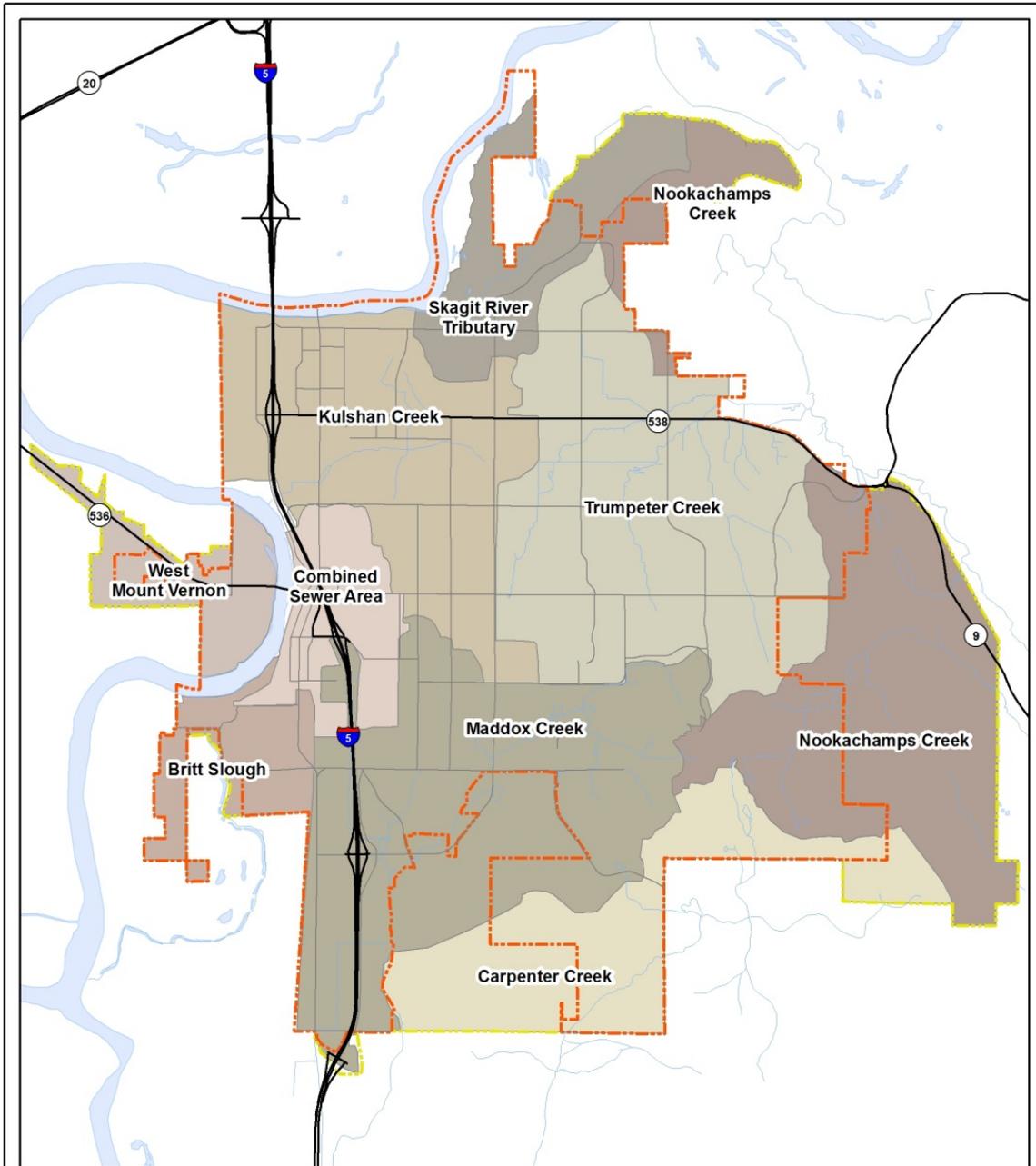
- 1) Is there any surface water on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, associated wetlands)? If yes, describe type, provide names, and if known, state what stream or river it flows into.
- 2) Will the project require any work over or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will surface water withdrawals or diversions be required by the proposal? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? Note location on the site plan, if any.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

- 1) Will ground water be withdrawn or recharged? Give general description, purpose, and approximate quantities of known.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural, etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
- c. Water runoff (including storm water):
- 1) Describe the source of runoff and storm water and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, please describe.
 - 2) Could waste materials enter ground or surface waters? If so, generally describe.
 - 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.
- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The City is just six miles east of Puget Sound located on the left and right bank of the Skagit River Valley. There are 23 primary streams flowing through the City that extend approximately 24.85 miles. The Skagit River, a “shoreline of statewide significance”, is a major salmon system, that flows through the City in addition to Kulshan, Trumpeter, Logan, Thunderbird, Lindgren, Kiowa, Edgemont, Carpenter, Maddox, GC, Monte Vista, Flowers, Martha Washington, and Little Mountain (tributary to Maddox) Creeks. The City is also laced with category II and III wetlands and smaller stream systems that feed into the listed streams. Following is a map identifying the general location of the City’s drainage basins and major stream systems.

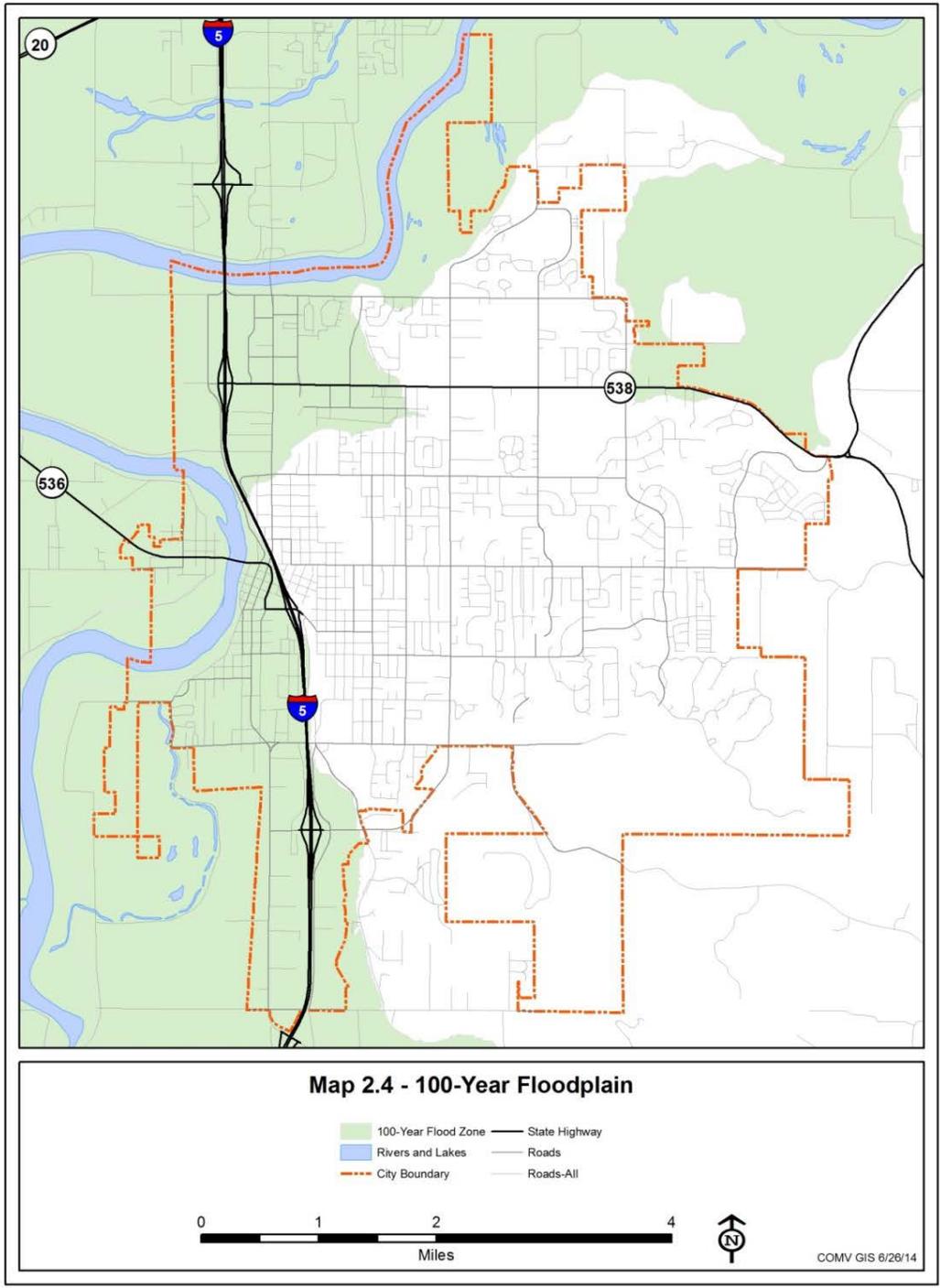


Map 4.0 - Hydrologic Overview

- | | | | | |
|---------------|------------------|-----------------------|---------------------|------------------------|
| City Boundary | MV Major Roads | Britt Slough | Kulshan Creek Basin | Skagit River Tributary |
| UGA Boundary | Rivers and Lakes | Carpenter Creek Basin | Maddox Creek Basin | Trumpeter Creek Basin |
| State Highway | Streams | Combined Sewer Area | Nookachamps Creek | West Mount Vernon |



There are parts of the City that are located within the regulated floodplain as shown on the following map.



Potable water is supplied to City residents through Public Utility District #1.

As a non-project action no impacts to ground, surface, or potable water will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding regulated critical areas, stormwater runoff and all other potential impacts to both ground and surface water.

4. Plants: The following sections of this element are not applicable to the proposed amendment

a. Check or circle types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other _____.
- Evergreen tree: fir, cedar, pine, other _____.
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other _____.
- Water plants: water lily, eelgrass, milfoil, other _____.
- Other types of vegetation _____.

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

e. List all noxious weeds and invasive species known to be on or near the site.

Mount Vernon is located within the Pacific Northwest that has plentiful rainfall and more mild summers. All of the above plants listed within sub-section 'a' occur in Mount Vernon.

As a non-project action no impacts plants will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding plants.

5. **Animals: The following sections of this element are not applicable to the proposed amendment**

a. Underline any birds and animals that have been observed on or known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other _____.

Mammals: deer, bear, elk, beaver, other _____.

Fish: bass, salmon, trout, shellfish, other _____.

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. List proposed measures to preserve or enhance wildlife, if any:

e. List any invasive animal species known to be on or near the site.

All of the above animals listed within sub-section 'a' occur in Mount Vernon. Mount Vernon is part of the migratory route known as the American Pacific Flyway. The Skagit River that flows through the City is the largest basin in the Puget Sound, and possesses the most abundant and diverse populations of salmon, steelhead trout, and bull trout in the region.

As a non-project action no impacts to animals will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding animals.

6. **Energy and Natural Resources The following sections of this element are not applicable to the proposed amendment**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed projects energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?

As a non-project action no impacts to energy and natural resources will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding energy and natural resources.

7. Environmental Health The following sections of this element are not applicable to the proposed amendment

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]

1) Describe any known or possible contamination at the site from present or past uses.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

4) Describe special emergency services that might be required.

5) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area that may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) What are the proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use The following sections of this element are not applicable to the proposed amendment

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [help]

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [help]

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

c. Describe any structures on the site. [help]

- d. Will any structures be demolished? If so, what? [help]
- e. What is the current zoning classification of the site? [help]
- f. What is the current comprehensive plan designation of the site? [help]
- g. If applicable, what is the current shoreline master program designation of the site? [help]
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]
- i. Approximately how many people would reside or work in the completed project? [help]
- j. Approximately how many people would the completed project displace? [help]
- k. Proposed measures to avoid or reduce displacement impacts, if any: [help]
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

The City has a number of zoning and Comprehensive Plan designations. Following is a copy of the City's zoning map and the Comprehensive Plan map. The City has areas within the Shoreline Management Master Plan. A map identifying these areas is also provided below.



ZONING MAP

Zoning Designations

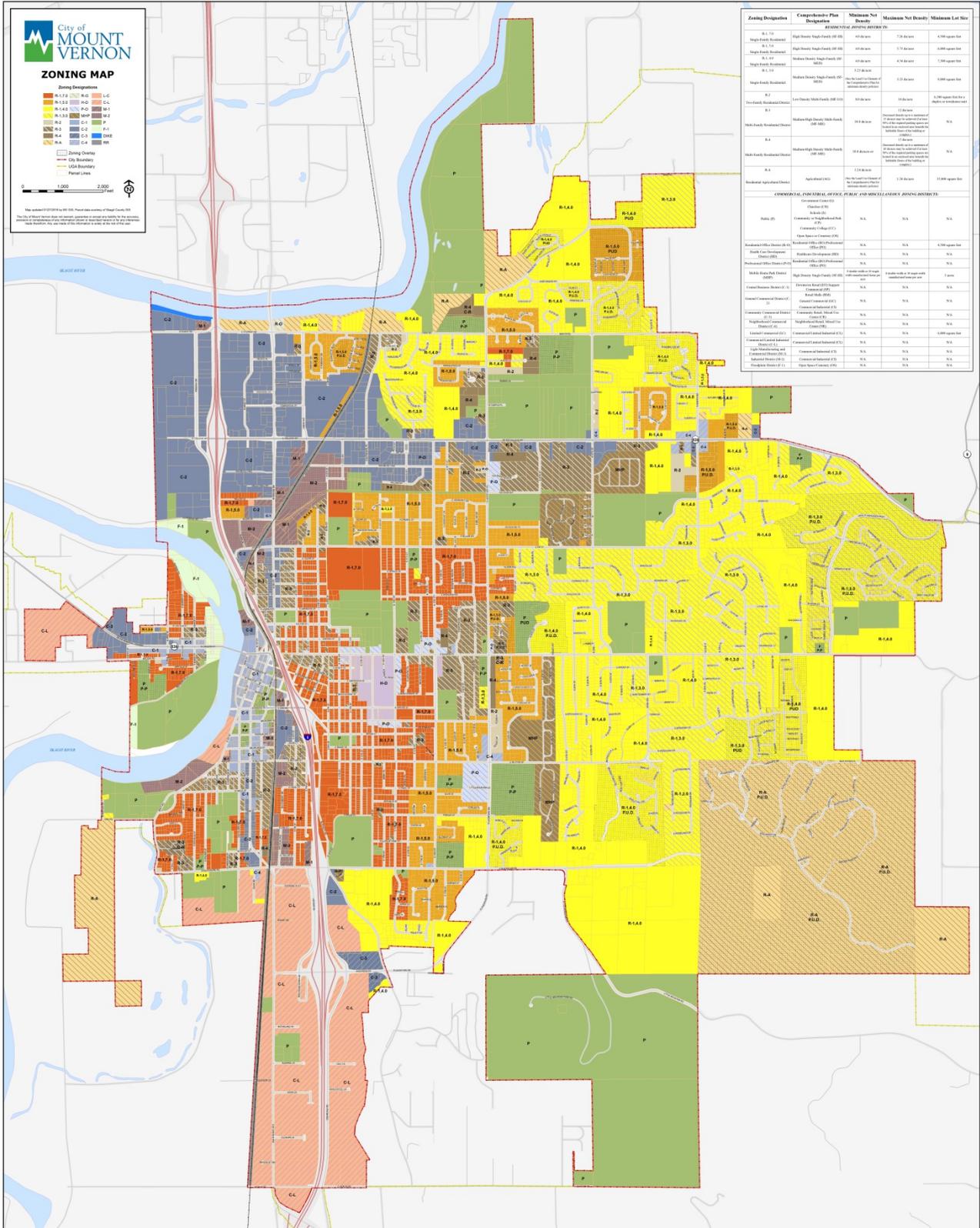
R-1.2	R-2	L-C
R-1.5	R-3	C-1
R-2.5	P-C	M-1
R-3.5	P	M-2
R-4	C-2	P
R-4.5	C-3	P-1
R-5	C-4	P-2
R-5.5	C-5	RM
R-6	C-6	RM

Zoning Overlay

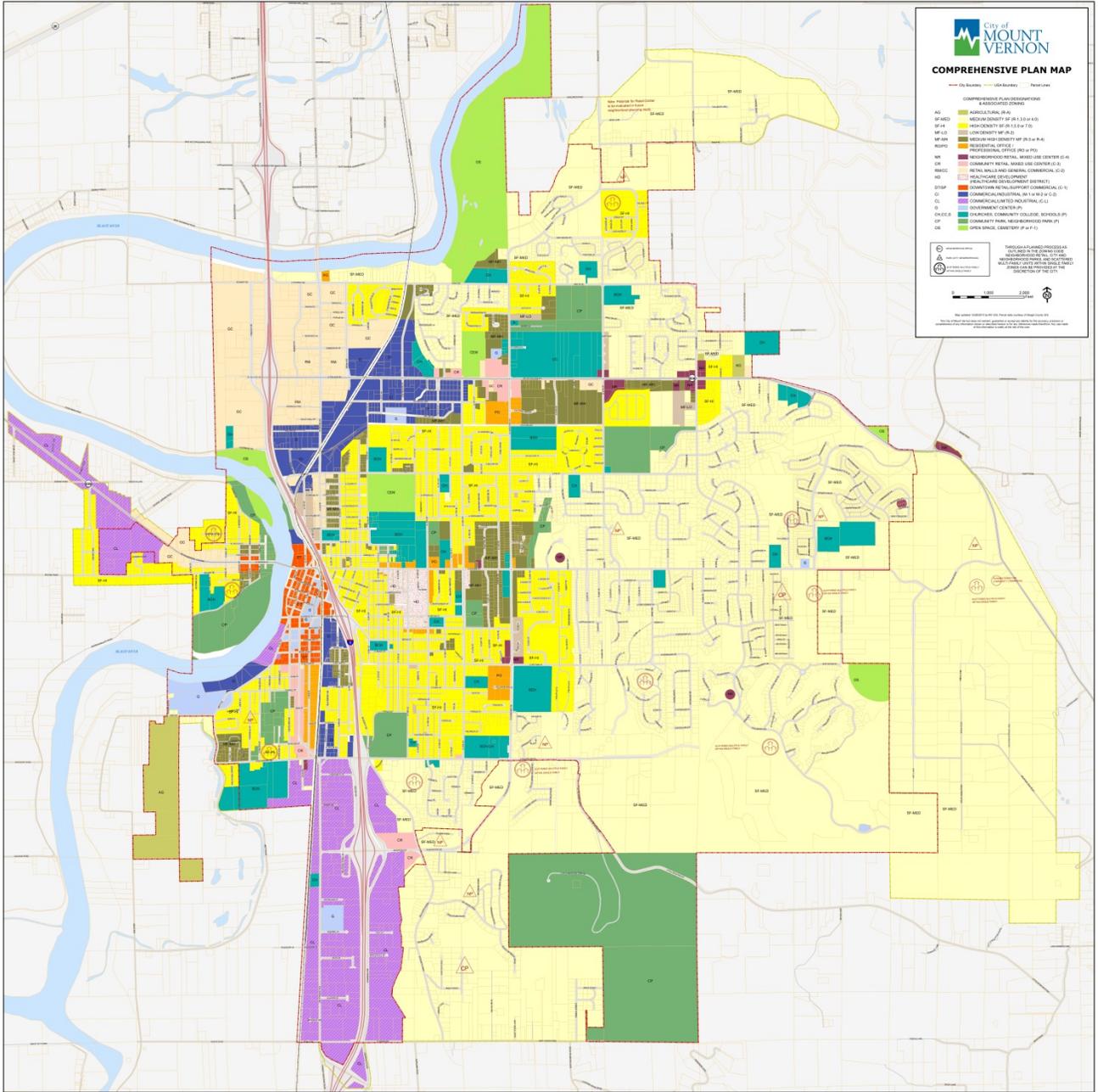
- City Boundary
- VGA Boundary
- Parcel Lines

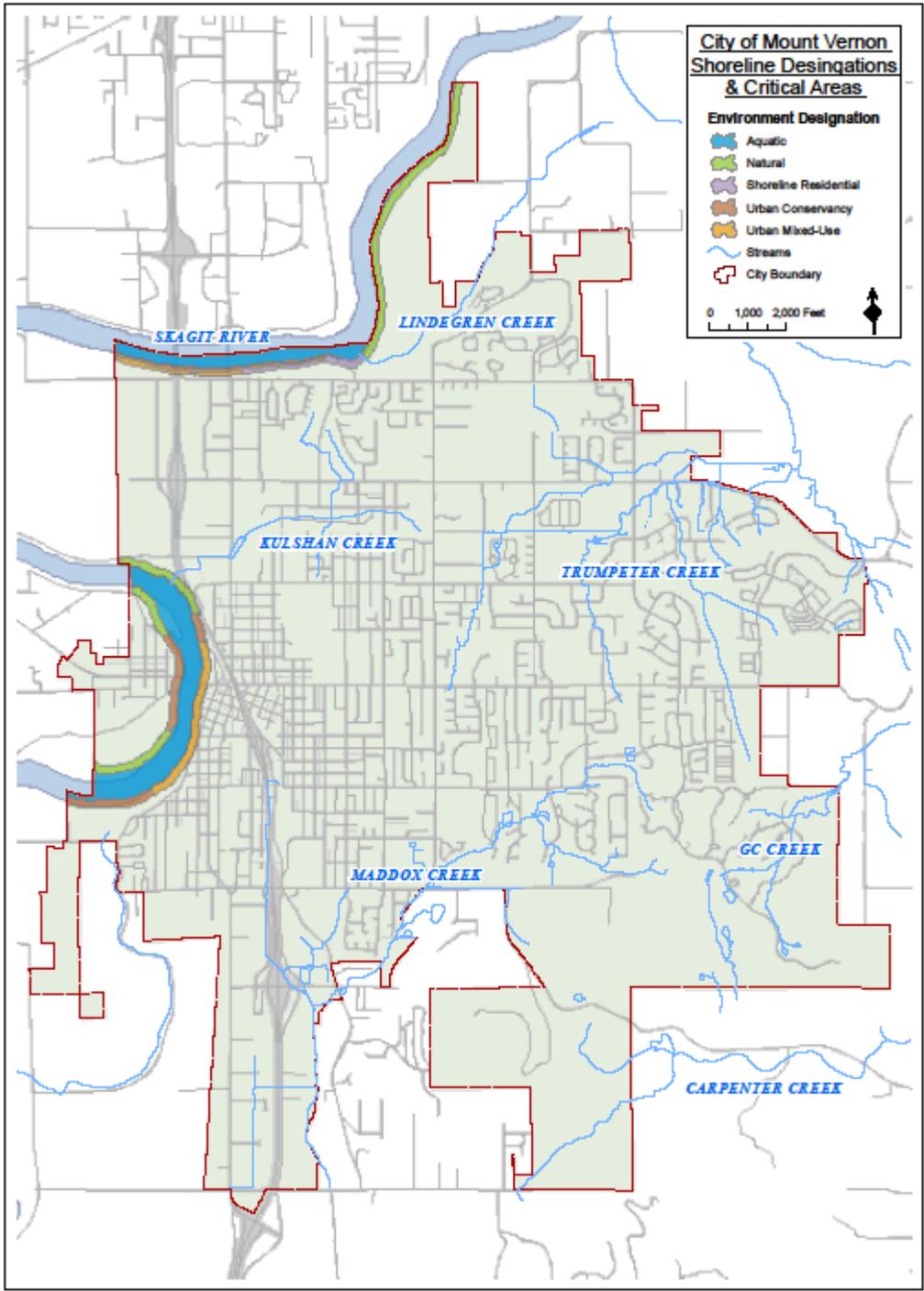


Map updated 12/15/2019 by M. J. Hill, Planning Director of Mount Vernon, OH. This map is for informational purposes only and does not constitute a contract or warranty for the accuracy, timeliness, or completeness of the information shown on this map. The City of Mount Vernon is not responsible for any errors or omissions on this map.



Zoning Designation	Comprehensive Plan Designation	Minimum Net Density	Maximum Net Density	Minimum Lot Size
R-1.2	High Density Single-Family (HD-1)	40.0 units/acre	1.0 acre	4,000 square feet
R-1.5	High Density Single-Family (HD-2)	40.0 units/acre	1.0 acre	4,000 square feet
R-2	Medium Density Single-Family (MD-1)	33.3 units/acre	1.0 acre	3,000 square feet
R-2.5	Medium Density Single-Family (MD-2)	33.3 units/acre	1.0 acre	3,000 square feet
R-3	Low Density Single-Family (LD-1)	20.0 units/acre	1.0 acre	4,000 square feet
R-3.5	Low Density Single-Family (LD-2)	20.0 units/acre	1.0 acre	4,000 square feet
R-4	Low Density Single-Family (LD-3)	16.7 units/acre	1.0 acre	4,000 square feet
R-4.5	Low Density Single-Family (LD-4)	16.7 units/acre	1.0 acre	4,000 square feet
R-5	Low Density Single-Family (LD-5)	13.3 units/acre	1.0 acre	4,000 square feet
R-5.5	Low Density Single-Family (LD-6)	13.3 units/acre	1.0 acre	4,000 square feet
R-6	Low Density Single-Family (LD-7)	10.0 units/acre	1.0 acre	4,000 square feet
C-1	Community Center (CC-1)	N/A	N/A	N/A
C-2	Community Center (CC-2)	N/A	N/A	N/A
C-3	Community Center (CC-3)	N/A	N/A	N/A
C-4	Community Center (CC-4)	N/A	N/A	N/A
C-5	Community Center (CC-5)	N/A	N/A	N/A
C-6	Community Center (CC-6)	N/A	N/A	N/A
P	Professional Office (PO)	N/A	N/A	N/A
P-1	Professional Office (PO-1)	N/A	N/A	N/A
P-2	Professional Office (PO-2)	N/A	N/A	N/A
M-1	Medium Density Office (MO-1)	N/A	N/A	N/A
M-2	Medium Density Office (MO-2)	N/A	N/A	N/A
M-3	Medium Density Office (MO-3)	N/A	N/A	N/A
M-4	Medium Density Office (MO-4)	N/A	N/A	N/A
M-5	Medium Density Office (MO-5)	N/A	N/A	N/A
M-6	Medium Density Office (MO-6)	N/A	N/A	N/A
M-7	Medium Density Office (MO-7)	N/A	N/A	N/A
M-8	Medium Density Office (MO-8)	N/A	N/A	N/A
M-9	Medium Density Office (MO-9)	N/A	N/A	N/A
M-10	Medium Density Office (MO-10)	N/A	N/A	N/A
M-11	Medium Density Office (MO-11)	N/A	N/A	N/A
M-12	Medium Density Office (MO-12)	N/A	N/A	N/A
M-13	Medium Density Office (MO-13)	N/A	N/A	N/A
M-14	Medium Density Office (MO-14)	N/A	N/A	N/A
M-15	Medium Density Office (MO-15)	N/A	N/A	N/A
M-16	Medium Density Office (MO-16)	N/A	N/A	N/A
M-17	Medium Density Office (MO-17)	N/A	N/A	N/A
M-18	Medium Density Office (MO-18)	N/A	N/A	N/A
M-19	Medium Density Office (MO-19)	N/A	N/A	N/A
M-20	Medium Density Office (MO-20)	N/A	N/A	N/A
M-21	Medium Density Office (MO-21)	N/A	N/A	N/A
M-22	Medium Density Office (MO-22)	N/A	N/A	N/A
M-23	Medium Density Office (MO-23)	N/A	N/A	N/A
M-24	Medium Density Office (MO-24)	N/A	N/A	N/A
M-25	Medium Density Office (MO-25)	N/A	N/A	N/A
M-26	Medium Density Office (MO-26)	N/A	N/A	N/A
M-27	Medium Density Office (MO-27)	N/A	N/A	N/A
M-28	Medium Density Office (MO-28)	N/A	N/A	N/A
M-29	Medium Density Office (MO-29)	N/A	N/A	N/A
M-30	Medium Density Office (MO-30)	N/A	N/A	N/A
M-31	Medium Density Office (MO-31)	N/A	N/A	N/A
M-32	Medium Density Office (MO-32)	N/A	N/A	N/A
M-33	Medium Density Office (MO-33)	N/A	N/A	N/A
M-34	Medium Density Office (MO-34)	N/A	N/A	N/A
M-35	Medium Density Office (MO-35)	N/A	N/A	N/A
M-36	Medium Density Office (MO-36)	N/A	N/A	N/A
M-37	Medium Density Office (MO-37)	N/A	N/A	N/A
M-38	Medium Density Office (MO-38)	N/A	N/A	N/A
M-39	Medium Density Office (MO-39)	N/A	N/A	N/A
M-40	Medium Density Office (MO-40)	N/A	N/A	N/A
M-41	Medium Density Office (MO-41)	N/A	N/A	N/A
M-42	Medium Density Office (MO-42)	N/A	N/A	N/A
M-43	Medium Density Office (MO-43)	N/A	N/A	N/A
M-44	Medium Density Office (MO-44)	N/A	N/A	N/A
M-45	Medium Density Office (MO-45)	N/A	N/A	N/A
M-46	Medium Density Office (MO-46)	N/A	N/A	N/A
M-47	Medium Density Office (MO-47)	N/A	N/A	N/A
M-48	Medium Density Office (MO-48)	N/A	N/A	N/A
M-49	Medium Density Office (MO-49)	N/A	N/A	N/A
M-50	Medium Density Office (MO-50)	N/A	N/A	N/A
M-51	Medium Density Office (MO-51)	N/A	N/A	N/A
M-52	Medium Density Office (MO-52)	N/A	N/A	N/A
M-53	Medium Density Office (MO-53)	N/A	N/A	N/A
M-54	Medium Density Office (MO-54)	N/A	N/A	N/A
M-55	Medium Density Office (MO-55)	N/A	N/A	N/A
M-56	Medium Density Office (MO-56)	N/A	N/A	N/A
M-57	Medium Density Office (MO-57)	N/A	N/A	N/A
M-58	Medium Density Office (MO-58)	N/A	N/A	N/A
M-59	Medium Density Office (MO-59)	N/A	N/A	N/A
M-60	Medium Density Office (MO-60)	N/A	N/A	N/A
M-61	Medium Density Office (MO-61)	N/A	N/A	N/A
M-62	Medium Density Office (MO-62)	N/A	N/A	N/A
M-63	Medium Density Office (MO-63)	N/A	N/A	N/A
M-64	Medium Density Office (MO-64)	N/A	N/A	N/A
M-65	Medium Density Office (MO-65)	N/A	N/A	N/A
M-66	Medium Density Office (MO-66)	N/A	N/A	N/A
M-67	Medium Density Office (MO-67)	N/A	N/A	N/A
M-68	Medium Density Office (MO-68)	N/A	N/A	N/A
M-69	Medium Density Office (MO-69)	N/A	N/A	N/A
M-70	Medium Density Office (MO-70)	N/A	N/A	N/A
M-71	Medium Density Office (MO-71)	N/A	N/A	N/A
M-72	Medium Density Office (MO-72)	N/A	N/A	N/A
M-73	Medium Density Office (MO-73)	N/A	N/A	N/A
M-74	Medium Density Office (MO-74)	N/A	N/A	N/A
M-75	Medium Density Office (MO-75)	N/A	N/A	N/A
M-76	Medium Density Office (MO-76)	N/A	N/A	N/A
M-77	Medium Density Office (MO-77)	N/A	N/A	N/A
M-78	Medium Density Office (MO-78)	N/A	N/A	N/A
M-79	Medium Density Office (MO-79)	N/A	N/A	N/A
M-80	Medium Density Office (MO-80)	N/A	N/A	N/A
M-81	Medium Density Office (MO-81)	N/A	N/A	N/A
M-82	Medium Density Office (MO-82)	N/A	N/A	N/A
M-83	Medium Density Office (MO-83)	N/A	N/A	N/A
M-84	Medium Density Office (MO-84)	N/A	N/A	N/A
M-85	Medium Density Office (MO-85)	N/A	N/A	N/A
M-86	Medium Density Office (MO-86)	N/A	N/A	N/A
M-87	Medium Density Office (MO-87)	N/A	N/A	N/A
M-88	Medium Density Office (MO-88)	N/A	N/A	N/A
M-89	Medium Density Office (MO-89)	N/A	N/A	N/A
M-90	Medium Density Office (MO-90)	N/A	N/A	N/A
M-91	Medium Density Office (MO-91)	N/A	N/A	N/A
M-92	Medium Density Office (MO-92)	N/A	N/A	N/A
M-93	Medium Density Office (MO-93)	N/A	N/A	N/A
M-94	Medium Density Office (MO-94)	N/A	N/A	N/A
M-95	Medium Density Office (MO-95)	N/A	N/A	N/A
M-96	Medium Density Office (MO-96)	N/A	N/A	N/A
M-97	Medium Density Office (MO-97)	N/A	N/A	N/A
M-98	Medium Density Office (MO-98)	N/A	N/A	N/A
M-99	Medium Density Office (MO-99)	N/A	N/A	N/A
M-100	Medium Density Office (MO-100)	N/A	N/A	N/A





a. Housing The following sections of this element are not applicable to the proposed amendment

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income.
- c. What are proposed measures to reduce or control housing impacts, if any?

b. Aesthetics The following sections of this element are not applicable to the proposed amendment

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. What are the proposed measures to reduce or control aesthetic impacts, if any?

c. Light and Glare The following sections of this element are not applicable to the proposed amendment

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. What are the proposed measures to reduce or control light and glare impacts, if any:

d. Recreation The following sections of this element are not applicable to the proposed amendment

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. What are the proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

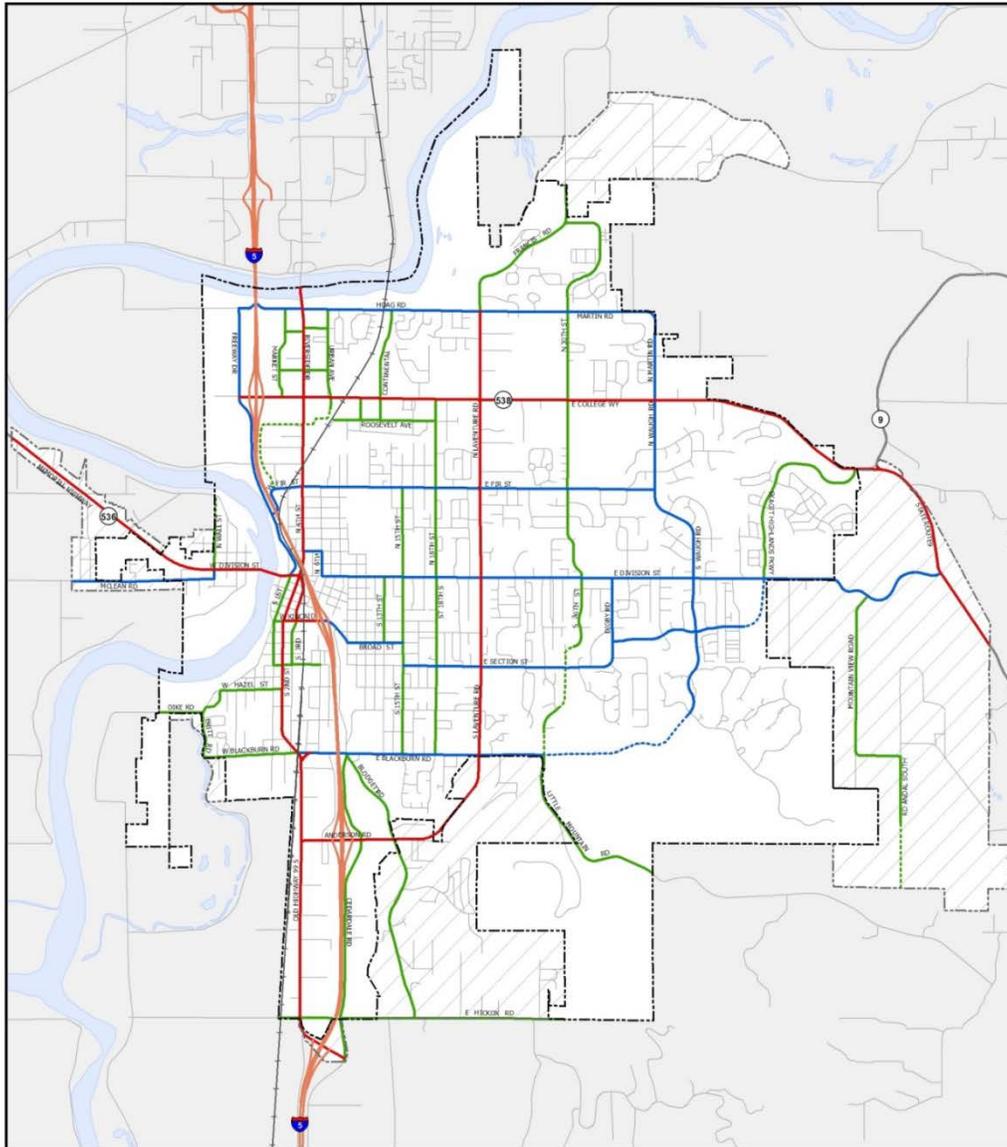
e. Historic and Cultural Preservation The following sections of this element are not applicable to the proposed amendment

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [help]
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

f. Transportation The following sections of this element are not applicable to the proposed amendment

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to any existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project use or occur in the immediate vicinity of water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- h. What are proposed measures to reduce or control transportation impacts, if any:

Mount Vernon’s regional location puts demands on its transportation systems. With the Seattle metropolitan area a short distance to the south, Vancouver B.C. to the north, and the San Juan Islands to the west the City is influenced by many regional travelers and trends. In addition, the City is bisected by several State Routes both north/south and east/west. Below is a map that identifies the functional classification of the City’s existing roadway network.



Transportation Element - Figure 3.1 Arterial Street Plan

City of
**MOUNT
VERNON**

<p>Street Classification, Status</p> <ul style="list-style-type: none"> — Principal Arterial, Existing — Minor Arterial, Existing — Urban Collector, Existing 	<ul style="list-style-type: none"> - - - Principal Arterial, Proposed - - - Minor Arterial, Proposed - - - Urban Collector, Proposed 	<ul style="list-style-type: none"> Other Street Railroad City Boundary Urban Growth Area Water Body
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Map by MV GIS 3/3/2016

In Mount Vernon Skagit Transit currently operates seven (7) bus routes, park and ride facilities/programs, and a transportation depot named Skagit Station where travelers can connect with services provided by Skagit, Whatcom and Island Transits along with Amtrack and Grayhound. Commuter service to Everett Station where connections to Sound Transit, Everett Transit and Community Transit are also available.

Skagit Station, located in Mount Vernon, is an Amtrack rail link between Seattle, Portland, and Vancouver, B.C. Four (4) trains a day currently stop at the station; two south bound trains and two north bound trains.

As a non-project action no impacts to transportation systems will occur. Development that is authorized consistent with the City's development regulations following the adoption of these code amendments will be required to comply with City, State and Federal requirements regarding transportation issues.

g. Public Services The following sections of this element are not applicable to the proposed amendment

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
- b. What are proposed measures to reduce or control direct impacts on public services, if any.

h. Utilities The following sections of this element are not applicable to the proposed amendment

- a. Underline utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity that might be needed.

All of the utilities listed in sub-section 'a' are available within the City.

C. SIGNATURE

The above answers are true to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.



Signature:

Date Submitted: **November 14, 2018**

SUPPLEMENT SHEET FOR NONPROJECT ACTIONS
(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, that would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. *Respond briefly and in general terms.*

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? **Staff is unaware of any increased discharge to water, emissions to air, production, storage or release of toxic or hazardous substances or production of noise that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to avoid or reduce such increases are: **Not applicable, see #1, above.**
2. How would the proposal be likely to affect plants, animals, fish, or marine life? **Staff is unaware of any impact that would occur to affect plants, animals, fish or marine life as a result of the proposed code amendments.**
3.
 - a. Proposed measures to protect or conserve plants, animals, fish, or marine life are: **Not applicable, see #2, above.**
4. How would the proposal be likely to deplete energy or natural resources? **Staff is unaware of any way that energy or natural resources would be depleted as a result of the proposed code amendments.**
 - a. Proposed measures to protect or conserve energy and natural resources are: **Not applicable, see #3, above.**
5. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural site, wetlands, floodplains, or prime farmlands? **Staff is unaware of any affects to environmentally sensitive areas or areas designated for governmental protection, historic or cultural site, wetlands, floodplains, or prime farmlands that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to protect such resources or to avoid or reduce impacts are: **Not applicable, see #4, above.**

6. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? **Staff is unaware of any affects to land and shoreline use that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to avoid or reduce shoreline and land use impacts are: **Not applicable, see #5, above.**

7. How would the proposal be likely to increase demands on transportation or public services and utilities? **Staff is unaware of any increased demands on transportation or public services or utilities that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to reduce or respond to such demand(s) are: **Not applicable, see #6, above.**

8. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. **There are no known conflicts with local, state or federal laws or requirements for the protection of the environment related to the code amendments proposed herein by the City.**