

ORDINANCE NO. 3897

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, RATIFYING, RENEWING, CONFIRMING, AND CONTINUING INTERIM LAND USE REGULATIONS AND OFFICIAL CONTROLS PREVIOUSLY ADOPTED BY COUNCIL THROUGH ORDINANCE 3887 PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; RELATING TO OFF-STREET PARKING REQUIREMENTS; ADOPTING FINDINGS OF FACT JUSTIFYING ITS ACTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 authorizes the City of Mount Vernon to enact interim regulations while new regulations are considered and prepared; and requires the City to hold a public hearing on interim regulations within 60-days of adoption; and

WHEREAS, on August 14, 2024, at a regularly scheduled City Council meeting, the City Council declared an emergency and adopted immediate interim regulations by unanimous passage of Ordinance 3894 regulating accessory dwelling units, adopting findings of fact, and directing City staff schedule the necessary public hearings as required by law within 60-days; and

WHEREAS, Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, Ordinance 3894 included a work plan and findings of fact allowing the regulations in this Ordinance to be in effect for up to one year; and

WHEREAS, on October 9, 2024, the City held a public hearing regarding the continuation of the interim controls established by Ordinance 3894; and

WHEREAS, the City finds an emergency continues to exists as set forth in Ordinance No. 3894 and that there remains an urgent need to reduce and modify the off-street parking requirements in the City's development regulations proposed herein which is intended to reduce costs added to new housing, stimulating the creation of additional housing within the City, as well as mitigate greenhouse gases that contribute to climate change.

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

SECTION 1. RECITALS INCORPORATED. City Council adopts the recitals set forth above as additional findings of fact justifying adoption of this Ordinance and reaffirms the adoption of the findings in Ordinance 3894 enacting interim and official controls and incorporates those findings (including their recitals) as if set forth fully herein. The Council may adopt additional findings in the event additional public hearings are held or evidence presented to the City Council.

SECTION 2. ADDITIONAL FINDINGS. The City Council adopts these additional findings and conclusions:

1. After hearing all public testimony, reviewing staff reports, the City's Comprehensive Plan and the legislative record in its entirety the City Council finds that: i) an emergency exists, and ii) the continuance of interim controls regulating off-street parking is justified until the City can fully study the issue and that permanent development regulations be adopted through the City's normal legislative process; and

2. Continuing Ordinance 3894 is necessary for the immediate preservation of the public welfare, economic vitality, and continued creation of housing until additional review has been completed, any necessary code revisions have been adopted by the City Council, and is a legitimate exercise of the City's police power.
3. The work plan adopted with Ordinance 3894 (attached within Exhibit A), which includes tasks for related studies with target completion dates providing for a longer period than six months, remains in place to justify the interim regulations being in place for more than six months.

SECTION 3. That the City Council hereby ratifies, continues, and renews the interim controls and zoning regulations in their entirety adopted through Ordinance 3894 and its associated attachments. The interim regulations in Ordinance 3894 will remain in effect until the City completes the otherwise required legislative process for the adoption of code amendments. City Council shall make a decision to terminate the interim controls and regulations by ordinance, and termination shall not otherwise be presumed to have occurred. The City shall hold all necessary public hearings and adopt new findings as required under RCW 35A.63.220 and RCW 36.70A.390 if necessary and justified to continue the imposition of this Ordinance and Ordinance 3894 until the City's review has been completed.

SECTION 4. EFFECTIVE PERIOD. This ordinance shall apply for a maximum of one year from the adoption of Ordinance 3894 unless earlier terminated or not renewed after a subsequent public hearing is held.

SECTION 5. CITY TO CONSIDER PERMANENT REGULATIONS. The City Council hereby directs that the City's Development Services Department continue research off-street parking land use regulations, and to proceed with drafting proposed permanent regulations to be considered through the City's public participation process including allowing for public input and providing for public hearings before the Planning Commission and City Council.

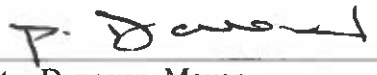
SECTION 6. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 7. EFFECTIVE DATE AND DECLARATION OF EMERGENCY. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum. The adoption of the interim regulations within this Ordinance need to be immediately implemented to address the on-going housing crisis and emergencies stated herein. This Ordinance will not affect any existing rights, or any vested applications previously submitted to the City.

SECTION 8. ORDINANCE TO BE TRANSMITTED TO DEPARTMENT. Pursuant to RCW 36.70A.106, this Interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

PASSED AND ADOPTED this 9th day of October, 2024

SIGNED AND APPROVED this 11th day of Oct., 2024.



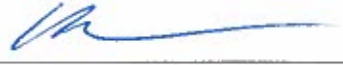
Peter Donovan, Mayor

Attest:



Becky Jensen, City Clerk

Approved as to form:



Kevin Rogerson, City Attorney

Published October 12, 2024

EXHIBIT A
ORDINANCE 3894

ORDINANCE NO. 3894

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, ENACTING INTERIM LAND USE REGULATIONS AND OFFICIAL CONTROLS AMENDING PORTIONS OF MOUNT VERNON MUNICIPAL CODE CHAPTERS 17.12, 17.15, 17.18, 17.24, 17.27, AND 17.84 RELATED TO OFF-STREET PARKING REQUIREMENTS, DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ENACTION OF INTERIM CONTROLS, ENTERING LEGISLATIVE FINDINGS, PROVIDING FOR SEVERABILITY, ADOPTING A WORK PLAN, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, cities have the right and general responsibility to enact laws for the protection of the public health, safety, general welfare, economic vitality, economic growth, and morals; and

WHEREAS, the City of Mount Vernon (City) is a Code City planning under the Washington State Growth Management Act (GMA) pursuant to RCW 36.70A.040; and

WHEREAS, the City finds there is a climate crises and that vehicle emissions contain pollutants harming public health in general and contains greenhouse gases that contribute to climate change; and

WHEREAS, the City houses the greatest number of residents of any incorporated city or town in Skagit County and over the next 20-year planning horizon is projected to house more residents than any other incorporated city or town in Skagit County; and

WHEREAS, median home housing prices in the City have significantly increased; and

WHEREAS, the City finds there exists a housing crisis in the State of Washington in general and the City of Mount Vernon in particular; and

WHEREAS, the City finds there is an urgent need to increase the overall affordable housing inventory in the City to mitigate the impacts of homelessness and financial strain of individuals and families at imminent risk of losing housing and to accommodate future residential housing demand; and

WHEREAS, the City finds the development of housing on residentially zoned property has become increasingly financially out of reach for many households. Reductions and changes to parking requirements in the City's development regulations proposed herein is intended to reduce costs added to new housing; and

WHEREAS, the City further finds that:

- i. Excess, unused parking spaces encourages more driving resulting in more vehicle miles traveled and more emissions which negatively impact climate, air quality, and public health.
- ii. Excess, unused parking spaces can create unnecessary impervious surfaces contributing to the heat island effect and increased stormwater runoff.
- iii. The cost of providing parking for residential units is ordinarily passed onto tenants causing rents to be raised¹.

¹ Spivak, J. (2018). People Over Parking. Chicago, IL: American Planning Association. Retrieved from <https://planning.org/planning/2018/oct/peopleoverparking/>

- iv. When parking spaces are created that are not needed space is taken that could be used for housing, businesses and other open space areas that are needed.

WHEREAS, on March 26, 2024, Governor Inslee signed into law Substitute Senate Bill (SSB) 6015, amending RCW 36.70A requiring the City to enact changes to how parking requirements for residential uses can be enforced. Upon taking effect, sections of the City's current development regulations were rendered unenforceable. Adoption of this Ordinance amends regulations to conform to the new law; and

WHEREAS, adoption of the Ordinance is consistent with the City's Comprehensive Plan including the following as goals, objectives and policies:

Goal, Objectives and Policies from the Housing Element of the Comprehensive Plan:

- i. Housing Goal 1: Enhance Mount Vernon's cultural and economic vitality by encouraging the development of housing solutions of all types that provide for varied densities, sizes, costs and locations that are safe, decent, accessible, attractive, appealing and affordable to a diversity of ages, incomes, and cultural backgrounds.
- ii. Objective 1.1: In City plans and zoning regulations, accommodate a variety of housing types that are attractive and compatible in design, and available to all economic segments of the community.
- iii. Objective 2.1: Promote infill housing that is compatible with abutting housing styles and with the character of the existing neighborhood.

Policies from the Land Use Element of the Comprehensive Plan:

- i. Policy 1.1.4: Continue to promote plans and policies that encourage in-fill residential projects in close proximity to neighborhood centers, shopping and retail facilities, parks, transit routes and other service uses.
- ii. Policy 1.2.1: Provide development regulations that create a compatible pattern of development within established neighborhoods. The development standards shall address densities, building setbacks, parking and landscaping.

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize cities to adopt interim land use regulations the Mount Vernon City Council deems it to be in the public interest and to adopt the regulations set forth in this ordinance under this authority and its broad statutory authority of home rule; and

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 authorizes that, so long as a subsequent public hearing is held and a work plan is adopted, interim zoning controls can be in place for up to one year; and

WHEREAS, consistent with RCW 35A.63.220 and RCW 36.70A.390 the City will hold a public hearing on the interim control within 60-days of adoption of this ordinance, and

WHEREAS, the City Council finds that an emergency exists within the City, and the interim regulations in this ordinance will stimulate the creation of additional housing within the City.

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

SECTION 1. RECITALS INCORPORATED. That the City Council adopts the recitals set forth above as its findings of fact justifying adoption of this Ordinance enacting official controls as set forth herein and incorporates those recitals as if set forth fully herein. The Council may adopt additional findings in the event that additional public hearings are held or evidence presented to the City Council.

SECTION 2. ADDITIONAL FINDINGS. The City Council adopts the additional findings and conclusions:

- A. That pursuant to WAC 197-11-880, the adoption of this ordinance is necessary to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation and is exempt from the requirements of a threshold determination under the State Environmental Policy Act.
- B. That the City adopts the proposed work plan which includes tasks for related studies with target completion dates providing for a longer period than six months attached as Exhibit "A" and incorporated herein by this reference.

SECTION 3. That Mount Vernon Municipal Code 17.12.090, Parking, be amended as follows:

17.12.090 Parking.

Parking shall be provided pursuant to the terms of Chapter 17.84 MVMC for all uses allowed in this chapter.

SECTION 4. That Mount Vernon Municipal Code 17.15.100, Parking, be amended as follows:

Parking shall be provided pursuant to the terms of Chapter 17.84 MVMC for all uses allowed in this chapter.

SECTION 5. That Mount Vernon Municipal Code 17.18.080, Parking, be amended as follows:

17.18.080 Parking.

Parking shall be provided pursuant to the terms of Chapter 17.84 MVMC for all uses allowed in this chapter.

SECTION 6. That Mount Vernon Municipal Code 17.24.110, Parking, be amended as follows:

17.24.110 Parking.

Parking shall be provided pursuant to the terms of Chapter 17.84 MVMC for all uses allowed in this chapter.

SECTION 7. That Mount Vernon Municipal Code 17.27.110, Parking, be amended as follows:

17.27.110 Parking.

Parking shall be provided pursuant to the terms of Chapter 17.84 MVMC for all uses allowed in this chapter.

SECTION 8. That Mount Vernon Municipal Code 17.84.020, Parking requirements generally, be amended as follows:

17.84.020 Parking requirements generally.

A. Reservation and designation of an area for off-street parking facilities shall be required for all land uses in accordance with the standards and requirements of this chapter. Where existing buildings do not now meet these requirements, off-street parking shall be provided as required herein for the entire structure when proposals for enlarging or increasing capacity of that building or use are made.

1. Existing parking spaces that do not conform to the requirements of this Chapter are not required to be modified or resized, except for changes needed to comply with the Americans with Disabilities Act as now or hereafter amended.
2. Existing paved parking lots shall not be required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

B. Off-street parking spaces and driveways, when provided in accordance with these regulations, shall be paved with a durable, dust-free surface for vehicle parking.

1. Durable, dust-free surfaces for vehicle parking may consist of concrete, asphalt, pavers, grass block pavers, and other similar types of materials.
2. The existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in a parking area to meet parking requirements, up to a maximum of six parking spaces.

C. The use of joint use or shared driveways shall be encouraged.

D. In any residential district except R-1 and R-2 none of the required off-street parking lot spaces shall be in the required front yard.

E. All off-street parking shall be located on the premises except for the districts specified in this subsection.

1. Property zoned C-1a located within 1,000 feet of the surface parking lots owned by the city abutting the Riverwalk trail located between the south right-of-way line of State Route 536 to approximately 90 feet south of the south right-of-way of West Kincaid Street are not required to provide on-site parking.
2. Property zoned C-1b or C-1c located within 500 feet of city owned surface parking lots designated by the city for public use are not required to provide on-site parking for nonresidential uses.
3. Property zoned P, H-D, R-O, C-2, C-3, C-4, M-1 and M-2 may have the required off-street parking spaces within 500 feet of a building entrance, measured along a normal pedestrian route.

F. Lighting of areas provided for off-street parking shall be so arranged that it shall not constitute a nuisance or hazard to passing traffic. Where lots used for off-street parking share a common boundary with any residentially zoned property, the illumination devices shall be directed away from the more restrictively zoned property.

SECTION 9. That Mount Vernon Municipal Code 17.84.030, Number of parking spaces required, be amended as follows:

17.84.030 Number of parking spaces required.

The minimum number of off-street parking spaces shall be as follows for the listed uses. Please note that When calculating the number of required spaces and a fraction results, the number of required parking spaces shall be rounded down to the next lower whole number.

A. Residential dwelling units/living spaces:

1. Each single-family dwelling unit: two parking spaces.
2. Each dwelling unit of a duplex: two parking spaces.
3. Structures containing multifamily residential dwelling units:
 - a. Two for each dwelling containing two or more bedrooms.
 - b. One and one-half for each dwelling containing one bedroom.
 - c. One for each dwelling containing less than one bedroom.
 - d. Specialized housing for the elderly shall be provided 0.75 spaces per dwelling.
 - e. Adequate parking for guests shall also be provided for all structures containing multifamily units.
 - f. Garages and carports shall not be required as a way to meet minimum parking requirements.

B. Banks, businesses, and professional offices: one for each 300 square feet of net floor area of the building;

C. Bowling alleys: five for each alley;

D. Churches, mortuaries, funeral homes: one for each five seats in the chapel or nave;

E. Dance halls, places of assembly, exhibition halls without fixed seats: one for each 75 square feet of net floor area of the building;

F. Drive-in restaurants, ice cream or soft-drink refreshment establishments, or similar drive-in uses which service auto-borne customers outside of the building: one for each 15 square feet of net floor area;

G. Educational Activities.

1. Elementary and middle schools: three parking spaces for each two teaching stations, plus adequate visitor parking;
2. High schools: one parking space for each employee, plus one parking space for each eight students;
3. School auditoriums, stadiums and sports arenas: subject to review by the hearing examiner and approval of the city council;
4. Colleges and universities: subject to review by the hearing examiner and approval of the city council;
5. Nursery schools and day care centers: one parking space for each employee plus loading and unloading areas;

H. Emergency shelter for the homeless: one parking space should be provided for every 10 residents and one parking space for each staff position on duty;

I. Food stores, markets, and shopping centers having less than 5,000 square feet of net floor area, exclusive of basements: one for each 300 square feet of net leasable floor area of the building;

J. Food stores, markets, and shopping centers having more than 5,000 square feet of net floor area, exclusive of basement: one for each 200 square feet of net leasable floor area of the building;

K. Hospitals, sanitariums, convalescent homes, specialized housing units for the elderly: one for each five beds, plus one for each regular employee on the maximum shift;

L. Hotels, motels: one for each room or suite;

M. Manufacturing uses, including research and testing, laboratories, creameries, soft-drink bottling establishments, bakeries, canneries, printing and engraving shops: one for each one and one-half employees, with a minimum of two spaces;

N. Medical and dental clinics and offices: one for each 250 square feet of net floor area;

O. Outdoor sports areas without fixed seats: subject to review by the hearing examiner and approval of the city council;

P. Other retail establishments, such as furniture, appliance, hardware stores, household equipment service shops, clothing or shoe repair or service shops: one for each 400 square feet of net floor area of the building, providing that each must have at least four parking spaces;

Q. Public and private vocational and technical schools: one space for each 450 square feet of net floor area;

R. Public and Recreational Uses.

1. Libraries and museums: one parking space per 250 square feet of net floor area;
2. Parks: as determined by the community and economic development director and/or hearing examiner on an individual basis;

S. Service shops: one for each employee, plus one for each piece of vehicular equipment;

T. Offices: one parking space for each 300 square feet of net floor area;

U. Meeting halls, courtrooms, and council chambers: one parking space for each 100 square feet of net floor area;

V. Restaurants, ice cream or soft drink establishments, or similar uses which service auto-borne customers, both within the building and outside the building: one for each 100 square feet of net floor area;

W. Rooming houses and lodging houses: one for each occupant;

X. Skating rinks, health spas, and other commercial recreation places: one for each 100 square feet of net floor area of the building;

Y. Stadiums, sports arenas, auditoriums and other places of assembly with fixed seats: one for each four seats;

Z. Theaters: one for each four fixed theater seats;

AA. Wholesale stores, warehouses and storage buildings, motor vehicle or machinery sales: one for each one and one-half employees, with a minimum of two spaces plus adequate spaces for customer parking. (Ord. 3749 § 8, 2018).

SECTION 10. That Mount Vernon Municipal Code 17.84.060, Number of parking spaces required, be amended as follows:

17.84.060 Parking space requirements.

A. The first parking space of off-street parking shall meet the van accessible size requirements of MVMC 17.84.066(B). Additional accessible parking shall meet the requirements of Table No. 1 (MVMC

17.84.065) and MVMC 17.84.065 and 17.84.066. All other off-street parking spaces shall meet the requirements shown in the following table:

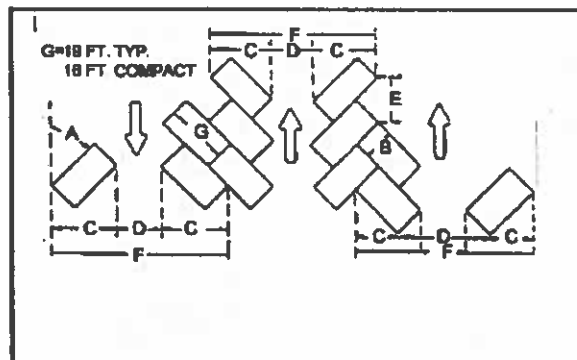
Parking Area Dimensions							
A	B	C	D		E	F	
Parking Angle	Stall Width	Stall Depth	Aisle Width		Curb Length per Car	Unit Width	
			1-Way Traffic	2-Way Traffic		1-Way Traffic	2-Way Traffic
0°	8.0	8.0* 8.5	12.0	20.0	20.0* 23.0	28.0** 29.0	36.0* 37.0
30°	8.0	14.9* 17.3	11.0	20.0	16.0* 18.0	40.9** 45.6	49.9** 54.6
45°	8.0	17.0* 19.8	12.0	20.0	11.3* 12.7	46.4** 51.6	53.9** 59.6
60°	8.0	17.9*	17.0	20.0	9.2* 10.4	53.2** 59.0	55.7** 62.0
90°	8.0	16.0* 19.0	23.0	24.0	8.0* 9.0	56.0* 61.0	57.0** 62.0

* For use with compact cars only.

** Any bays which contain combined compact and normal spaces.

Allowable compact spaces = 25 percent.

Required accessible spaces = per IBC Section 1106.



B. Parking spaces in tandem shall count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.

SECTION 11. EFFECTIVE PERIOD.

This ordinance shall apply for one year from the date of its adoption unless earlier terminated or not renewed after a subsequent public hearing is held.

SECTION 12. HEARING TO BE HELD. Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the City Council shall hold a public hearing on this of its moratorium within 60 days on the adopted interim ordinance.

SECTION 13. CITY TO CONSIDER PERMANENT REGULATIONS. The City Council hereby directs that the City's Development Services Department continue research on ways to encourage affordable and missing middle housing to be created within the City, and to proceed with drafting

proposed permanent regulations to be considered through the City's public participation process including allowing for public input and providing for public hearings before the Planning Commission and City Council.

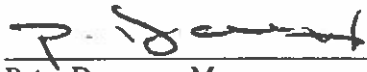
SECTION 14. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 15. EFFECTIVE DATE AND DECLARATION OF EMERGENCY. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum. The adoption of the interim regulations within this Ordinance need to be immediately implemented to address the on-going housing crisis and emergencies stated herein. This Ordinance will not affect any existing rights, or any vested applications previously submitted to the City.

SECTION 16. ORDINANCE TO BE TRANSMITTED TO DEPARTMENT. Pursuant to RCW 36.70A.106, this Interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

PASSED AND ADOPTED this 14th day of August, 2024

SIGNED AND APPROVED this 19th day of August 2024.



Peter Donovan, Mayor

Attest:



Becky Jensen, City Clerk

Approved as to form:



Kevin Rogerson, City Attorney

Published 8.16.24

EXHIBIT A

WORK PLAN TO JUSTIFY INTERIM REGULATIONS FOR UP TO ONE YEAR FROM ADOPTION OF THIS ORDINANCE

- A. August to December 2024:** study of potential impacts to existing and future neighborhoods attributable to reductions in parking requirements
- B. January - March 2025:** meetings with City Council, Planning Commission, and other interested parties to discuss the interim regulations
- C. April to June 2025:** Commerce, SEPA, Notice of Public Hearings
- D. May to July 2025:**
 - a. Public hearing(s) before the Planning Commission
 - b. Public hearings before the City Council
 - c. Adoption of permanent development regulations