



**CITY OF MOUNT VERNON
SPECIAL CITY COUNCIL MEETING
AGENDA
August 26, 2020 6:00 p.m.
(Virtual Meeting)**

The Mount Vernon City Councilmembers will be participating in this meeting via video/teleconference technology.

To virtually attend the meeting, the public may:

- 1. Call the conference line:** 1-888-924-9240; Access Code: 3366211 (please 'mute' your phone, if possible, to minimize distractions)
- 2. Watch the meeting live on TV10:** Comcast/Xfinity Channel 10
- 3. Watch the meeting live, online:**
https://www.youtube.com/channel/UCUob_hcQUmd4S93YkletdrA

I. OPENING CEREMONIES

- A. Call to Order
- B. Roll Call of Councilmembers

II. CONSENT AGENDA

- A. Approval of August 12, 2020 Regular Council Meeting Minutes
- B. Approval of August 20, 2020 payroll checks numbered 110209 - 110231 direct deposit checks numbered 78272 - 78487, and wire transfers numbered 884 – 888 in the amount of \$1,162,362.98
- C. Approval of August 26, 2020 Claims numbered 10105 – 10252 in the amount of \$839,611.42

III. REPORTS

- A. Review of Emails from the Public
(All public comments must be sent via email to council@mountvernonwa.gov. The comments will be read aloud into the record during the public comment portion of the agenda. All comments must be received by 5 p.m. on Wednesday, August 26, 2020.)
- B. Councilmember Comments
- C. Mayor's Report
- D. Committee Agenda Requests

IV. NEW BUSINESS

- A. Solid Waste Service Rate Change for Transfer Station Tipping Fee Increase
(Staff is requesting that Council approve an ordinance increasing the charge for garbage service over the next 3 years due to the increase in disposal fees by Skagit County.)
(required action – ordinance)
(staff contact – Esco Bell)
- B. Closed Record Public Hearing – Zoning Change of Deol Property
(Staff is requesting that Council approve a ordinance to change the zoning designation of the Deol property from Public to R1-4.0 to make it consistent with the Comprehensive Plan designation. Parties of record wishing to comment on this item should contact the Development Services Department at permittech@mountvernonwa.gov or call 360-336-6214 by 5:00 p.m. Wednesday, August 26, 2020.)
(required action – ordinance)
(staff contact – Rebecca Lowell)

C. Final Plat Approval of Deol Estates Plat

(Staff is requesting that Council approve a resolution that will approve the final plat of Deol Estates. This subdivision will create 11 new single-family residential lots. Parties of record wishing to comment on this item should contact the Development Services Department at permittech@mountvernonwa.gov or call 360-336-6214 by 5:00 p.m. Wednesday, August 26, 2020.)

(required action – resolution)

(staff contact – Rebecca Lowell)

D. Closed Record Public Hearing – Skagit Valley RV Park Expansion of a Non-Conforming Use and Shoreline Substantial Development Permit

(Staff is requesting that Council approve a resolution to allow improvements to an existing rv park requiring special permission approval to allow for the continuation of the Non-Conforming Use and Shoreline Substantial Development approval. Parties of record wishing to comment on this item should contact the Development Services Department at permittech@mountvernonwa.gov or call 360-336-6214 by 5:00 p.m. Wednesday, August 26, 2020.)

(required action – resolution)

(staff contact – Rebecca Lowell)

E. Closed Record Public Hearing – Viewmont Estates Mobile Home Site Plan Modification and Continuation of a Non-Conforming Use

(Staff is requesting that Council approve a resolution that will modify the existing site plan for the Viewmont Estates Mobile Home Park and special permission approval to allow for the continuation of the non-conforming structures within the remainder of the park. Parties of record wishing to comment on this item should contact the Development Services Department at permittech@mountvernonwa.gov or call 360-336-6214 by 5:00 p.m. Wednesday, August 26, 2020.)

(required action – resolution)

(staff contact – Rebecca Lowell)

F. Contract Amendment with PBS Engineering and Environmental, Inc.

(Staff is requesting that Council authorize the Mayor to enter into a Change Order with PBS Engineering and Environmental, Inc. for the North 19th Stream Rehabilitation Project.)

(required action – motion)

(staff contact – William Bullock)

G. 2020 COVID-19 Budget

(Mayor and staff will give an update on the 2020 budget impact of COVID-19.)

(required action – none)

(staff contact – Doug Volesky)

H. CARES Act Funds Plan

(Mayor Boudreau and staff are requesting Council to approve the Coronavirus Relief Funds {CARES ACT FUNDS} expenditure plan.)

(required action – motion)

(staff contact – Doug Volesky)

I. For the Good of the Order:

- COVID 19 pandemic response and discussion
- 2021 budget planning discussion
- COLA discussion
- HB 1406 discussion
- 2019 Audit follow-up

COMMITTEE MEETINGS

Finance and Parks & Enrichment Services

Cancelled

Next Ordinance 3807

Next Resolution 979



DATE: August 26, 2020
TO: Mayor Boudreau and City Council
FROM: Esco Bell, Public Works Director
SUBJECT: ORDINANCE TO CHANGE SOLID WASTE SERVICES RATES

RECOMMENDED ACTION:

Staff recommends that Council adopt the attached ordinance amending Section 8.12.120 of the Mount Vernon Municipal Code which will revise garbage rates effective October 1, 2020.

INTRODUCTION/BACKGROUND:

The City of Mount Vernon has an agreement with Skagit County for solid waste disposal services. Effective June 1, 2020, the Skagit County increased their disposal fee from \$96 per ton to \$98 per ton. The cost impact to the Solid Waste Division is approximately \$3,000 per month. Though the rate changes are relatively small for each city customer, it is important that these additional costs are paid for by the City's garbage rates.

FINDINGS/CONCLUSIONS:

The City of Mount Vernon engaged Bell & Associates, Inc. to perform a comprehensive solid waste rate study, which began in February 2019. During the interim between the County's rate increase and the City Council's approval of the cost of solid waste service rate study, Bell & Associates and staff are recommending that the City increase the current collection rates and pass through the disposal fee increase and as they occur through May 2024. The table on the following page summarizes the increase for the various cart and container sizes provided by the City.

A Public Hearing notice was published on July 29, 2020, and August 5, 2020, with the Public Hearing held on August 12, 2020. No comments were received.

Table 1: Disposal Fee Pass Through Rate Increase

Cart Size	Current Rate	Disposal Increase Pass Through	October 1 2020 Rate	June 1 2021 Rate	June 1 2022 Rate	June 1 2023 Rate
20 gallon	\$9.69	\$0.10	\$9.79	\$9.89	\$9.99	\$10.09
35 gallon	\$19.28	\$0.20	\$19.48	\$19.68	\$19.88	\$20.08
65 gallon	\$34.73	\$0.30	\$35.03	\$35.33	\$35.63	\$35.93
95 gallon	\$46.75	\$0.40	\$47.15	\$47.55	\$47.95	\$48.35
Container Size	Current Rate	Disposal Increase Pass Through	October 1 2020 Rate	June 1 2020 Rate	June 1 2022 Rate	June 1 2023 Rate
1 yard	\$80.64	\$0.60	\$81.24	\$81.84	\$82.44	\$83.04
1.5 yard	\$99.66	\$0.90	\$100.56	\$101.46	\$102.36	\$103.26
2 yard	\$129.89	\$1.10	\$130.99	\$132.09	\$133.19	\$134.29
4 yard	\$226.13	\$2.20	\$228.33	\$230.53	\$232.73	\$234.93
6 yard	\$360.49	\$3.30	\$363.79	\$367.09	\$370.39	\$373.69
8 yard	\$452.26	\$4.40	\$456.66	\$461.06	\$465.46	\$469.86

Customers using a drop box or compactor would pay the actual amount of the disposal.

RECOMMENDATION:

Staff recommends that Council adopt an ordinance revising solid waste service rates to be effective October 1, 2020.

ATTACHED:

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MOUNT VERNON AMENDING
SECTION 8.12.120 OF THE MOUNT VERNON MUNICIPAL CODE, REGARDING
GARBAGE COLLECTION RATES**

WHEREAS, the City of Mount Vernon has an agreement with Skagit County for solid waste disposal. The rates within the agreement for services have increased requiring the City to amend its solid waste rate fees respectively; and

WHEREAS, pursuant to RCW 35.21.157, the City has notified the public of proposed rate changes and changes to the City's garbage ordinance by publishing notice of such changes once a week for two consecutive weeks in a newspaper of general circulation in the collection area on July 29 and August 5, 2020; and

NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO
HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. That Section 8.12.120 of the Mount Vernon Municipal Code is hereby amended to read as follows:

8.12.120 Fees - Designated -Increases authorized when - Special charges -Record keeping.

The fees for garbage collection and refuse services, and for collection of recyclable materials, shall be as follows:

A. Residential Buildings of One to Four Units. Garbage collection for residential dwellings with four or fewer living units shall be performed once per week. Curbside collection of recyclable materials for residential dwellings with four or fewer living units shall be performed once every other week. Fees shall be assessed for the collection of garbage and refuse and for curbside collection of recyclable materials as set forth below:

1. The monthly base fee for garbage collection of residential dwellings with four or fewer living units including Washington State refuse tax shall be as follows:

Service Level - Cart

One 20 gallon maximum cart

Effective September 1, 2019, shall be \$9.69

Effective October 1, 2020, shall be \$9.79

Effective June 1, 2021, shall be \$9.89

Effective June 1, 2022, shall be \$9.99

Effective June 1, 2023, shall be \$10.09

One 35 gallon maximum cart

Effective September 1, 2019, shall be \$19.28
Effective October 1, 2020, shall be \$19.48
Effective June 1, 2021, shall be \$19.68
Effective June 1, 2022, shall be \$19.88
Effective June 1, 2023, shall be \$20.08

One 65 gallon maximum cart

Effective September 1, 2019, shall be \$34.73
Effective October 1, 2020, shall be \$35.03
Effective June 1, 2021, shall be \$35.33
Effective June 1, 2022, shall be \$35.63
Effective June 1, 2023, shall be \$35.93

One 95 gallon maximum cart

Effective September 1, 2019, shall be \$46.75
Effective October 1, 2020, shall be \$47.15
Effective June 1, 2021, shall be \$47.55
Effective June 1, 2022, shall be \$47.95
Effective June 1, 2023, shall be \$48.35

Extra garbage

In addition to current service level:

\$5.50 per extra 35 gallons; \$2.25 per extra 20 gallons

Service Level -Bins (bin size in yards)

1 yard bin

Effective September 1, 2019, shall be \$80.64
Effective October 1, 2020, shall be \$81.24
Effective June 1, 2021, shall be \$81.84
Effective June 1, 2022, shall be \$82.44
Effective June 1, 2023, shall be \$83.04

1/2 yard bin

Effective September 1, 2019, shall be \$99.66
Effective October 1, 2020, shall be \$100.56
Effective June 1, 2021, shall be \$101.46
Effective June 1, 2022, shall be \$102.36
Effective June 1, 2023, shall be \$103.26

2 yard bin

Effective September 1, 2019, shall be \$129.89
Effective October 1, 2020, shall be \$130.99
Effective June 1, 2021, shall be \$132.09
Effective June 1, 2022, shall be \$133.19
Effective June 1, 2023, shall be \$134.29

4 yard bin

Effective September 1, 2019, shall be \$226.13
Effective October 1, 2020, shall be \$228.33
Effective June 1, 2021, shall be \$230.53
Effective June 1, 2022, shall be \$232.73
Effective June 1, 2023, shall be \$234.93

6 yard bin

Effective September 1, 2019, shall be \$360.49
Effective October 1, 2020, shall be \$363.79
Effective June 1, 2021, shall be \$367.09
Effective June 1, 2022, shall be \$370.39
Effective June 1, 2023, shall be \$373.69

8 yard bin

Effective September 1, 2019, shall be \$452.26
Effective October 1, 2020, shall be \$456.66
Effective June 1, 2021, shall be \$461.06
Effective June 1, 2022, shall be \$465.46
Effective June 1, 2023, shall be \$469.86

Customers subject to garbage collection charges shall enroll for the desired level of service by applying to the office of the Finance Director in the form and manner provided by the office. Fees are payable regardless of whether or not garbage is actually set out for collection. Where no service level has been designated by the current owner it shall be assumed that service level will be at the base rate of one regular 35 gallon cart.

In addition to the charges set forth above there shall be assessed a fee for curbside collection of recyclable materials equal to the amounts detailed below per dwelling unit for structures containing 5 or fewer living units. Fees are payable regardless of whether or not recyclable materials are properly set out for collection.

- a. Effective April 1, 2018, the recycling cart fee shall be \$5.68.
- b. Effective on April 1, 2019, and every year thereafter, the recycling cart fee shall be increased at the rate of Eighty percent (80%) of the percentage point change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the Seattle-Tacoma-Bremerton Metropolitan area, as prepared by the United States Department of Labor, Bureau of Labor Statistics from February of the previous year to February of the current year. In no event shall the change in rates be less than zero percent in any given year.

B. Business-Commercial (Including Five Residential Units or More). Collection fees for the collection of garbage and refuse of business and commercial establishments, including but not limited to hotels, restaurants, boardinghouses, apartment houses of five or more units, schools, garages, service stations and manufacturing establishments and other businesses without limitations shall be as follows:

1. A monthly fee shall be established at a base rate including Washington State refuse tax as follows:

Service Level - Cart

One to four carts (35 gallons each), weekly pick-up

- a. Effective February 1, 2010, shall be \$17.19.
- b. Effective January 1, 2011, shall be \$18.22.
- c. Effective January 1, 2012, shall be \$19.31.

Occasional extra garbage	
35 gallons extra	\$5.50 per pick-up
20 gallons extra	\$2.25 per pick up

Service Level -Bins (bin size in yards)

1 yard bin

1. Effective February 1, 2010, shall be \$69.84.
2. Effective January 1, 2011, shall be \$74.03.
3. Effective January 1, 2012, shall be \$78.47.

1-1/2 yard bin

1. Effective February 1, 2010, shall be \$85.80.
2. Effective January 1, 2011, shall be \$90.95.
3. Effective January 1, 2012, shall be \$96.41.

2 yard bin

1. Effective February 1, 2010, shall be \$111.74.
2. Effective January 1, 2011, shall be \$118.45.
3. Effective January 1, 2012, shall be \$125.56.

4 yard bin

1. Effective February 1, 2010, shall be \$193.55.
2. Effective January 1, 2011, shall be \$205.16.
3. Effective January 1, 2012, shall be \$217.47.

6 yard bin

1. Effective February 1, 2010, shall be \$309.28.
2. Effective January 1, 2011, shall be \$327.83.
3. Effective January 1, 2012, shall be \$347.50.

8 yard bin

1. Effective February 1, 2010, shall be \$387.09.
2. Effective January 1, 2011, shall be \$410.32.
3. Effective January 1, 2012, shall be \$434.94.

Any customer using more than four cans, or where garbage is not adequately contained, may, at the discretion of the Solid Waste Utility Supervisor, be required to utilize a bin for garbage disposal and shall be charged at the commercial rate set forth above.

This fee shall entitle a customer to one collection per week and for bins shall be considered the minimum monthly charge. An additional fee for collection in excess of one time per week shall be charged at the following rates:

Bin Size (Yards)	Charge per Collection
1yard	25% of the monthly service fee
1-1/2 yard	25% of the monthly service fee
2 yard	25% of the monthly service fee
4 yard	25% of the monthly service fee
6 yard	25% of the monthly service fee
8 yard	25% of the monthly service fee

2. For business-commercial establishments served by city-owned 20-yard or 30-yard bins, the following base monthly fees including Washington State refuse tax, plus actual tipping fees charged to the City by the disposal site, will apply and entitles the customer to one collection per month.

Bin Size	Rental Fee	Haul Fee
10 and 20-Yard		
1. Effective February 1, 2010, shall be	\$61.96	\$155.19
2. Effective January 1, 2011, shall be	\$65.68	\$164.50
3. Effective January 1, 2012, shall be	\$69.62	\$174.37
30-Yard		
1. Effective February 1, 2010, shall be	\$72.26	\$155.19
2. Effective January 1, 2011, shall be	\$81.90	\$164.50
3. Effective January 1, 2012, shall be	\$86.81	\$174.37

An additional fee for hauls in excess of one time per month shall be charged at the rate detailed below including Washington State refuse tax plus the actual tipping fee charged to the city by the disposal site for each haul.

1. Effective February 1, 2010, the rate shall be \$155.19.
2. Effective January 1, 2011, the rate shall be \$164.50.
3. Effective January 1, 2012, the rate shall be \$174.37.

3. For business-commercial establishments serviced by compacted bins, fees shall be at the rate detailed below including Washington State refuse tax plus the actual fees charged to the city for disposal at the disposal site per each haul.

- a. Effective February 1, 2010, the rate shall be \$155.19.
- b. Effective January 1, 2011, the rate shall be \$164.50.
- c. Effective January 1, 2012, the rate shall be \$174.37.

4. Except as provided for compacted bins in subsection (B)(3) of this section, business-commercial establishments using trash compactors or in some manner providing compacted wastes shall be required to use 20 or 30 yard bins and shall be charged at the rates provided in subsection (B)(2) of this section.

C. Temporary Bins. Subject to availability, the City may provide bins to customers on a temporary basis such as for individual cleanup projects. The fee for such service shall be \$15.00 for delivery of one to eight yard bins plus \$3.00 for each day the bin is in the possession of the customer, or \$25.00 for delivery of 10, 20 and 30 yard bins plus \$4.00 for each day the bin is in the possession of the customer, and in each case there shall be an additional fee for each collection of such bin including Washington State refuse tax as follows:

Bin Size (Yards)	Amount Charged Per Collection
1 yard	
1. Effective February 1, 2010, shall be	\$17.46
2. Effective January 1, 2011, shall be	\$18.51
3. Effective January 1, 2012, shall be	\$19.62
1-1/2 yard	
1. Effective February 1, 2010, shall be	\$21.45
2. Effective January 1, 2011, shall be	\$22.74
3. Effective January 1, 2012, shall be	\$24.10

2 yard

- | | |
|---|---------|
| 1. Effective February 1, 2010, shall be | \$27.93 |
| 2. Effective January 1, 2011, shall be | \$29.61 |
| 3. Effective January 1, 2012, shall be | \$31.39 |

4 yard

- | | |
|---|---------|
| 1. Effective February 1, 2010, shall be | \$48.39 |
| 2. Effective January 1, 2011, shall be | \$51.29 |
| 3. Effective January 1, 2012, shall be | \$54.37 |

6 yard

- | | |
|---|---------|
| 1. Effective February 1, 2010, shall be | \$77.32 |
| 2. Effective January 1, 2011, shall be | \$81.96 |
| 3. Effective January 1, 2012, shall be | \$86.88 |

8 yard

- | | |
|---|----------|
| 1. Effective February 1, 2010, shall be | \$96.77 |
| 2. Effective January 1, 2011, shall be | \$102.58 |
| 3. Effective January 1, 2012, shall be | \$108.73 |

10, 20 and 30 yard bins

1. Effective February 1, 2010, shall be \$155.19 plus actual charges charged to city by dumpsite.
2. Effective January 1, 2011, shall be \$164.50 plus actual charges charged to city by dumpsite.
3. Effective January 1, 2012, shall be \$174.37 plus actual charges charged to city by dumpsite.

D. Recognizing the constant increase in costs of maintenance and operation of the garbage service facilities of the City, the Mayor shall be and is specifically granted the power and authority to increase the charges for garbage collection services to business-commercial customers an additional 50 percent through administrative order. This authority shall be considered to be a part of the currently established fees and may be exercised by the Mayor without the necessity of additional public hearings or legislative action. No charges in excess thereof shall be made except by specific consent and approval of the city council.

E. Any person who qualifies for exemption from all excess property taxes pursuant to the terms of RCW 84.36.381 shall be entitled to a 50 percent reduction of the 20 gallon cart rate, if applicable, or a 25 percent reduction of the 35 gallon cart rate, if applicable, for the garbage and refuse collection fees associated with the resident to which the property tax exemption of RCW 84.36.381 applies; provided, however, that no person shall be entitled to such reduction without first providing proof satisfactory to the city Finance Director that they are currently entitled to the property tax exemption. Such proof may consist of documents or copies of documents from the county assessor's office showing that the applicant meets the necessary qualifications set forth in RCW 84.36.381. The fee reduction shall be granted for 12 months from the date the person shows proof that they are entitled to such reduction and may be renewed on an annual basis by again showing proof that the person is still entitled pursuant to the terms of this subsection. Such reduction in rates shall not be applicable to that portion of the fees in subsection A of this section that are charged for recycling collection.

F. There shall be no credit given for fees charged to residences or other buildings on the basis that such residence or building is, has been, or may be vacant. Exemptions for service charges may be granted with prior notice for a minimum period of two months on the basis that such residence or building will be vacant. No credit will be granted for after-the-fact notification.

G. Should there be needed or desired additional services than as provided by the normal routine pick-up schedules of the Solid Waste Utility or should there be any request for the cleaning up and removal of brush, weeds, rubbish or debris, or for bulk collection of garbage and refuse, or should there be a need for unclassified and miscellaneous service or collection needs, all fees for such special service shall be fixed and determined in advance through the City Solid Waste Utility Supervisor and request therefore shall be made at such office prior to the furnishing of any collection service as outlined above. The City Solid Waste Utility Supervisor is authorized to establish reasonable fees for such services which shall be sufficient to recover the cost of providing the service, including labor, equipment and administrative costs. Fees for collection of extra garbage shall as nearly as possible follow the rates established for routine collection, and shall be \$5.50 per extra can, and \$2.25 per extra 1/2 cans.

H. "Extra bags/cans" shall refer to any bag or can placed out for collection in excess of that for which the customer is currently enrolled.

I. Yard Waste Punchcard. The fee for yard waste disposal service shall be as follows:

1. For brush (for purposes of this section, any yard waste material which must be chipped prior to disposal, such as branches, etc.):
 - a. A minimum charge of \$1.00;
 - b. For loads in excess of one cubic yard, up to \$2.00;
 - c. For loads in excess of two cubic yards, up to \$3.00;
 - d. For loads in excess of five cubic yards, up to \$6.00.
2. For compost materials (for purposes of this section, any yard waste materials which do not need to be chipped prior to disposal, such as grass, leaves, fruits, vegetables, etc.):
 - a. A minimum charge of \$1.00 per 2 - 35 gallon cans, or the equivalent if in bags.

The fee for yard waste disposal must be prepaid through the purchase of a punchcard. Punchcards shall be available for purchase at either the City Yard Waste Facility, 409 W Fir Street, or at City Hall, 910 Cleveland Avenue, in the Finance Department, during normal business hours. Each punchcard shall entitle the bearer to yard waste disposal service in the amount of \$5.00, \$10.00, or \$20.00.

SECTION 2. Invalidity. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, clause or phrase of this ordinance.

SECTION 3. Effective Date. This ordinance shall take effect October 1, 2020.

PASSED AND ADOPTED by the City Council of the City of Mount Vernon at a regular meeting thereof this 26th day of August 2020.

SIGNED AND APPROVED this _____ day of _____, 2020.

JILL BOUDREAU, Mayor

Attest:

DOUG VOLESKY, Finance Director

Approved as to Form:

KEVIN ROGERSON, City Attorney

Published: _____

The Mount Vernon City Council adopted Ordinance _____ on August 12, 2020. An Ordinance of the City of Mount Vernon, Washington, amending Section 8.12.120 of the Mount Vernon Municipal Code, regarding garbage collection rates. Anyone wishing to view or receive the ordinance in its entirety should contact the Mount Vernon Finance Office, 910 Cleveland, Mount Vernon WA 98273.

Published: July 29th, 2020, and August 5, 2020



DATE: August 26, 2020
TO: Mayor Boudreau and City Council
FROM: Rebecca Lowell, Development Services
SUBJECT: CLOSED RECORD PUBLIC HEARING FOR DEOL REZONE, PLAN20-0160

RECOMMENDED ACTION:

Staff recommends that Council hold a closed record public hearing and make a motion to authorize the Mayor to sign the accompanying ordinance approving the Deol rezone.

INTRODUCTION/BACKGROUND:

On July 15, 2020 an open record hearing was held before the Hearing Examiner for the subject rezone. The applicant Transworld Investment Group LLC (this LLC is governed by Samie Deol) proposes to rezone approximately 5.0 acres from Public (P) to Single-Family Detached Residential (R-1, 4.0). The proposed zoning designation is consistent with the site's Comprehensive Plan designation of Single-Family Medium Density (SF-MED).

The proposal property (P27528) is located at 4461 E Division Street within a portion of the NW ¼ of Section 22, Township 34 North, Range 04 E, WM in Skagit County, Washington.

FINDINGS/CONCLUSIONS:

The Hearing Examiner recommended approval of the application in a report dated July 29, 2020. No request for reconsideration of the Hearing Examiner's recommendation of approval was received by this department.

The Hearing Examiner's recommendation is submitted together with the attached proposed Ordinance, the Staff Report, and all of the Exhibits that the Examiner relied upon in making his recommendation.

RECOMMENDATION:

Staff recommends that Council move to adopt an Ordinance approving the Deol rezone.

ATTACHED:

- Proposed Ordinance
- Hearing Examiner Recommendation
- Staff Report w/ its Exhibits and Public Comments

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, PURSUANT TO CHAPTER 17.111 AMENDMENTS AND RECLASSIFICATIONS OF THE MOUNT VERNON MUNICIPAL CODE, REZONING A CERTAIN AREA:

WHEREAS, a rezone application has been submitted to the Hearing Examiner in compliance with Chapter 17.111 of the Mount Vernon Municipal Code, and said rezone requests a classification of the below described area from the existing land use designation(s) to the requested land use designation(s); and

WHEREAS, all requirements provided in the Mount Vernon Municipal Code Chapters 17.111 and 14.05 for reclassification of property within the City Limits of Mount Vernon have been met; and

WHEREAS, the Hearing Examiner has recommended that such area be reclassified as per petitioner's request.

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

SECTION 1. The City Council does hereby adopts the above listed recitals as set forth fully herein.

SECTION 2. The City Council adopts the Hearing Examiner's recommendations, findings of fact and conclusions of law found in the accompanying **Exhibit A**.

SECTION 3. The City Council adopted the below listed Findings of Fact and Conclusions of Law.

- A. The City has followed SEPA requirements and those requirements for public notification and participation outlined in MVMC Chapter 14.05.
- B. 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 proposed amendments. 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 the amendments 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).
- C. On **August 26, 2020** the City Council held a public hearing to consider the subject rezone application. At this hearing Council took testimony from those in attendance, reviewed the written materials provided by City staff, and listened to staff analysis respective to the applications before Council.
- D. The below-described property **P27528** be rezoned from **Public (P)** to **Single-Family Detached Residential (R-1, 4.0)**. Attached to this ordinance labeled as **Exhibit B**, that is hereby incorporated into this Ordinance with this reference, is the legal description and illustrative exhibit map for the subject rezone.

PASSED AND ADOPTED THIS 26^h day of August, 2020

SIGNED AND APPROVED THIS _____ day of August, 2020

Jill Boudreau, Mayor

Doug Volesky, Finance Director

Approved as to form:

Kevin Rogerson, City Attorney

Published _____

EXHIBIT A
HEARING EXAMINER'S RECOMMENDATION

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**BEFORE THE HEARING EXAMINER FOR THE CITY OF
MOUNT VERNON**

Phil Olbrechts, Hearing Examiner

RE: Deol Rezone Rezone PLAND20-00160	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
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INTRODUCTION

The Applicant requests approval of a rezone from Public (P) to Single-Family Residential (R-1, 4.0) for a five-acre parcel located at 4461 E Division Street. It is recommended that the City Council approve the requested rezone as recommended by City staff.

The rezone is necessary to make the parcel’s zoning consistent with the underlying comprehensive plan map designation of Single-Family Medium Residential (SF-MED), which was adopted by the City Council on December 11, 2019. The R-1, 3.0 and R-1, 4.0 districts are the only zones that are consistent with and implement the SF-MED comprehensive plan designation. Since RCW 36.70A.120 requires that the City Council’s activities be in conformity with its comprehensive plan, the City Council is required to adopt either the R-1,4.0 or R-1, 3.0 designations. Since the proposed rezone area is surrounded on three sides by R-1, 4.0 and only on one side by R-1, 3.0, it is recommended that the Council adopt the R-1, 4.0 designation as recommended by City staff. Adoption of the higher zoning density will also be in conformance with Washington State Growth Management Act goals encouraging efficient use of infrastructure and will help the City accommodate its housing targets.

Residents of the adjoining Twin Brooks senior housing development oppose the rezone of the property and at least two members requested that the zoning be limited to R-1, 3.0 instead of R-1, 4.0. One resident noted that high density development would not be consistent with the quiet neighborhood character of the senior housing project. That is certainly a valid factor to consider in weighing the choice between the two rezone options. However, given that the majority of surrounding zoning is R-1, 4.0 and the strong public policy favoring high density development within cities. from a planning perspective the R-1, 4.0 is the more appropriate choice.

1 Comments were also submitted requesting that Trumpeter Creek be relocated to its
2 original stream, that a Native Growth Protection Easement on the project site be
3 protected, that trees be retained and that some of the Twin Brooks detention pond be
4 converted to a Native Growth Protection Area. Except for the detention pond comment,
5 these are concerns that should be addressed during specific project review. The
6 detention pond issue is beyond the scope of project review for the project site. As
7 identified during the hearing, if the project site is subdivided into 11 or more lots the
8 public will have another opportunity to participate in a public hearing on the proposed
9 subdivision. The public will also likely have the opportunity to provide written
10 comment during environmental review should development of the project site not
11 trigger a public hearing.

8 ORAL TESTIMONY

9 Marianne Manville-Ailles, City of Mount Vernon planning consultant, summarized the
10 staff report. In response to examiner questions, Ms. Manville-Ailles responded that only
11 two zoning districts are available to implement the comprehensive plan map designation
12 for the project site -- R-1, 3.0 and R-1,4.0.

12 Bruce Freet, neighbor, inquired what density is authorized by the staff recommended
13 zoning, Ms. Manville-Ailles stated the density range is 4.0 to 4.54 dwelling units per
14 acre. Mr. Freet stated that a portion of the parcel needs to be devoted to a native growth
15 protection area that goes diagonally through the property. The NGPA needs to connect
16 to an NGPA in the Twin Brooks development. The landowner also needs to be under
17 the same performance bond as Landed Gentry, who developed the Twin Brooks
18 development. There needs to be reforestation to help connect the two parcels as well as
19 remove any alien plants so that is consistent with what was imposed on the previous
20 developer. Any proposed development should be consistent with surrounding
21 residences. Because of this Mr. Freet wanted to know what the surrounding zoning was.
22 Mr. Freet also wanted assurance that no impacts would occur to Trumpeter Creek or the
23 Twin Brooks properties. He also requested that the City place Trumpeter Creek back
24 into its original channel. Mr. Freet finally noted that the Twin Brooks detention pond
25 is larger than it needs to be. He believed the area devoted to the detention pond could
be cut in half, leaving more room for a native growth protection area.

21 Susan Jorden, neighbor, wanted to make sure that any future development takes into
22 account that they are in the midst of a senior housing project. The residents chose to
23 live in the project for its quiet and calm. Nobody wants to have barnyards and chicken
coops going on. There needs to be consistency in surrounding development.

24 David Schneider, neighbor along the southwest border of the project site, wanted to
25 know if the Applicant would retain trees along his border. Some owls live in the trees
and he hoped that was addressed in the environmental review.

1 Mr. Manville-Ailles noted that the surrounding zoning is mostly R-1, 4.0 with a section
2 of R-1, 3.0 to the west. She noted that the proposed zoning is consistent with the zoning
3 to the east, south and north. She further noted that any development of the property
4 would require a critical areas review because there are critical areas (i.e. wetlands,
5 streams, protected species, geologically hazardous areas and/or aquifer recharge areas)
6 on the project site. She further clarified that critical are regulations currently in place
7 are more stringent than the standards that were in place when Twin Brooks was
8 developed. She clarified that the Applicant probably would be allowed to remove trees
9 on the project site along the Schneider property unless they were in a critical area such
10 as a wetland or stream buffer. Tree preservation could also be required for a small lot
11 development. The amount of tree retention, if any, will depend upon the type of
12 development proposed by the property owner. Under the proposed zoning the property
13 owner could develop up to 4.54 lots per acre, subject to limitations imposed by the
14 critical areas ordinance to protect critical areas and areas necessary for infrastructure.
15 Ms. Manville-Ailles noted that the only proposal currently under review is to rezone the
16 property.

17 An unidentified person asked Ms. Marianne-Ailles why she is recommending R-1, 4.0
18 instead of R-1, 3.0. Ms. Marianne-Ailles responded that R-1, 4.0 was most appropriate
19 because it was surrounded on three sides by R-1, 4.0 zoning. She also noted a need for
20 housing in the area. The speaker noted that the south side of the project site was actually
21 Division St. Susan Jordon stated she agreed with the comments of the unidentified
22 speaker.

23 EXHIBITS

24 The staff report along with its attachments 1-3 were admitted into the record during the
25 July 15, 2020 public hearing as Ex. A. The following exhibits were also admitted:

- 26 Ex. B: July 13, 2020 email from Bruce Lovely (inquiring whether the property
27 would only be developed with a single residence).
- 28 Ex. C: July 15, 2020 from Linda McCrea (inquiring how many lots are proposed
29 and if the greenbelt can be altered or removed).
- 30 Ex. D: July 10, 2020 comments from Bruce Freet (repeating the comments he made
31 in hearing testimony)
- 32 Ex. E: July 15, 2020 from David Schneider (inquiring if the Applicant would be
33 present for questioning).

34 FINDINGS OF FACT

35 Procedural:

1. Applicant. Samie Deol, Transworld Investment Group LLC, 310 Leann
Street, Mount Vernon, WA 98273.

1 2. Hearing. A virtual hearing for the rezone application was held at 3:00 pm
2 on July 15, 2020 by Zoom application, Zoom Meeting ID No. 852 6164 3100.

3 **Substantive:**

4 3. Site/Proposal Description. The Applicant requests approval of a rezone
5 from Public (P) to Single-Family Residential (R-1, 4.0). The project site is five acres
6 in size and is located at 4461 E Division Street.

7 4. Characteristics of the Area. The project area is surrounded on all sides by
8 residential development.

9 5. Adverse Impacts. There are no significant adverse impacts associated with
10 the proposal. Pertinent impacts are addressed more specifically as follows:

11 A. Compatibility. The proposal is compatible with surrounding development.
12 Zoning on three sides of the property is zoned R-1, 4.0, with only the west side
13 developed as R-1, 3.0. Given the prevalence of R-1,4.0 zoning in the
14 surrounding area, there is nothing to reasonably suggest that adopting R-1,4.0
15 as opposed to R-1, 3.0 will make any appreciable difference in terms of impacts
16 to the adjoining Twin Brooks development.

17 B. Public Utilities and Services. The proposal will be served by adequate and
18 appropriate public services and utilities as follows:

19 1. Police and Fire.

20 The Fire Department will impose code requirements for the proposed
21 development and the Applicant will be required to pay fire impact fees to the
22 City of Mount Vernon as part of the building permit process.

23 2. Recreation/Schools

24 School impact fees will be required at the time of building permit review.

25 3. Stormwater

The Applicant will be required to demonstrate how the proposed storm system
will provide quality and quantity controls to the entire impervious lot surface of
the proposed development during future development review.

4. Water

Water service in the City is provided through Public Utility District #1 (PUD)
of Skagit County that is a municipal corporation of the State of Washington,
established to supply public utility service in the form of potable water per RCW
54. The Applicant will be required to verify water availability for the future

1 development with Skagit County Public Utility District. Any relocation,
2 extension or connection of utilities will be done at the owner's expense.

3
4
5
6 5. Sewer

7 The City of Mount Vernon Wastewater Treatment Plant has sufficient capacity
8 to treat the effluent from the proposed development. Any relocation, extension
9 or connection of utilities will be done at the owner's expense.

10
11
12 6. Streets

13 Concurrency review was required as part of the Environmental Review that was
14 conducted for the Comprehensive Plan Map re-designation. That non-project
15 review concluded that the proposed change of use from churches to residential
16 would likely result in a reduction of the number of trips generated and that the
17 proposed resignation would not result in the need for any additional off-site
18 street improvements. On-site level of service should be evaluated at the time of
19 submittal of a project site plan.

20
21
22
23 **CONCLUSIONS OF LAW**

24
25 **Procedural:**

1. Authority of Hearing Examiner. The hearing examiner has authority to hold
hearings and make recommendations to the City Council on requests for site specific
rezones. See MVMC 17.111.010.

Substantive:

2. Zoning Designation. The project site is zoned Public (P).

3. Review Criteria. Rezone criteria are governed by MVMC 17.111.070,
which are quoted below in italics and applied through corresponding conclusions of
law.

MVMC 17.111.070: *When the planning commission or hearing examiner is
considering recommendations for reclassifications, or when the city council is
considering approval of reclassifications, the planning commission or hearing
examiner or the city council shall investigate the request for reclassification and shall
consider, among other questions, the following:*

1 *A. Is the request compatible with the city's comprehensive plan and development*
2 *goals?*

3 4. The criterion well accommodates the RCW 36.70A.120 requirement that the City
4 Council's activities be in conformity with its comprehensive plan. As outlined in the
5 Introduction section of this Recommendation, the Council's options are legally limited
6 to adopting the R-1, 3.0 or R-1, 4.0 zoning designations. These are the options the
7 Council chose when it amended the zoning designation for the property in December
8 2019. As further outlined in the Introduction section, adopted by this reference, the R-
9 1, 4.0 designation is recommended due to the prevalence of surrounding R-1, 4.0
10 zoning and state public policy encouraging high density development within cities.

11 **MVMC 17.111.070B:** *Are public utilities, public facilities and other services currently*
12 *adequate to serve the proposed district?*

13 5. As determined in Finding of Fact No. 5B, the proposal will be served by adequate
14 public utilities, facilities and services.

15 **Recommendation**

16 The proposal complies with all rezone criteria and state law mandating consistency
17 between a comprehensive plan and its zoning code. For these reasons it is
18 recommended that the City Council approve the rezone request from Public (P) to
19 Single-Family Residential (R-1, 4.0).

20 Dated this 29th day of July 2020.

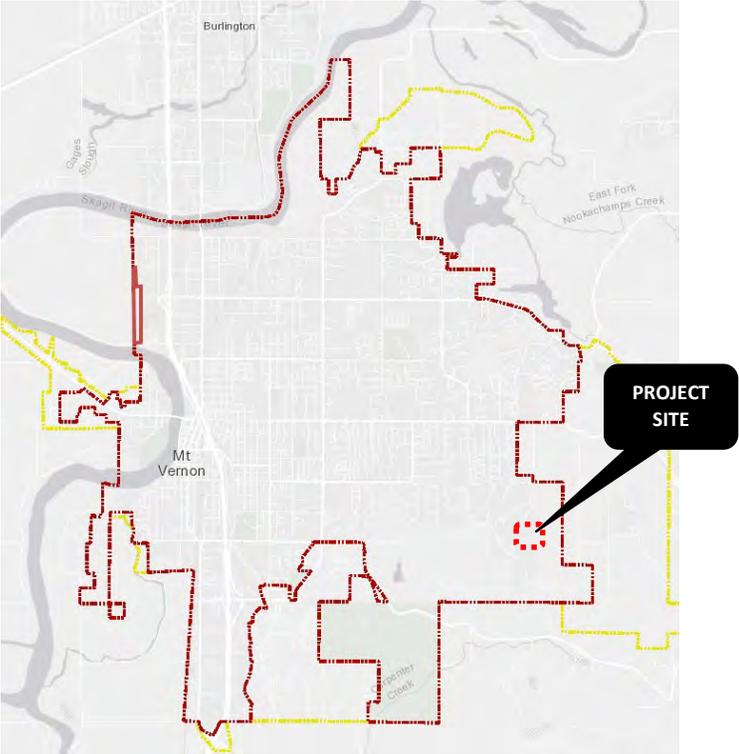
21 
22 Phil A. Olbrechts

23

24 City of Mount Vernon Hearing Examiner
25

PROJECT LOCATION: Maps 1.0 and 2.0 that follow identify the location of the project site.

MAP 1.0, CITY LIMITS & SITE



MAP 2.0, AREIAL PHOTO



B. EXHIBIT LIST:

1. Master Land Use Application, Justification for Rezone; provided by applicant.
2. Ordinance 37979 Adopting the 2019 Comprehensive Plan Amendments
3. City's Notices and Correspondence:
 - 3a. Notice of Application issued May 19, 2020 and published May 22, 2020 with an Affidavit for Land Use Sign Posting, an Affidavit of Mailing and proof of publication
 - 3b. Notice of Hearing issued June 24, 2020 and published June 25, 2020 with an Affidavit of Mailing and proof of publication

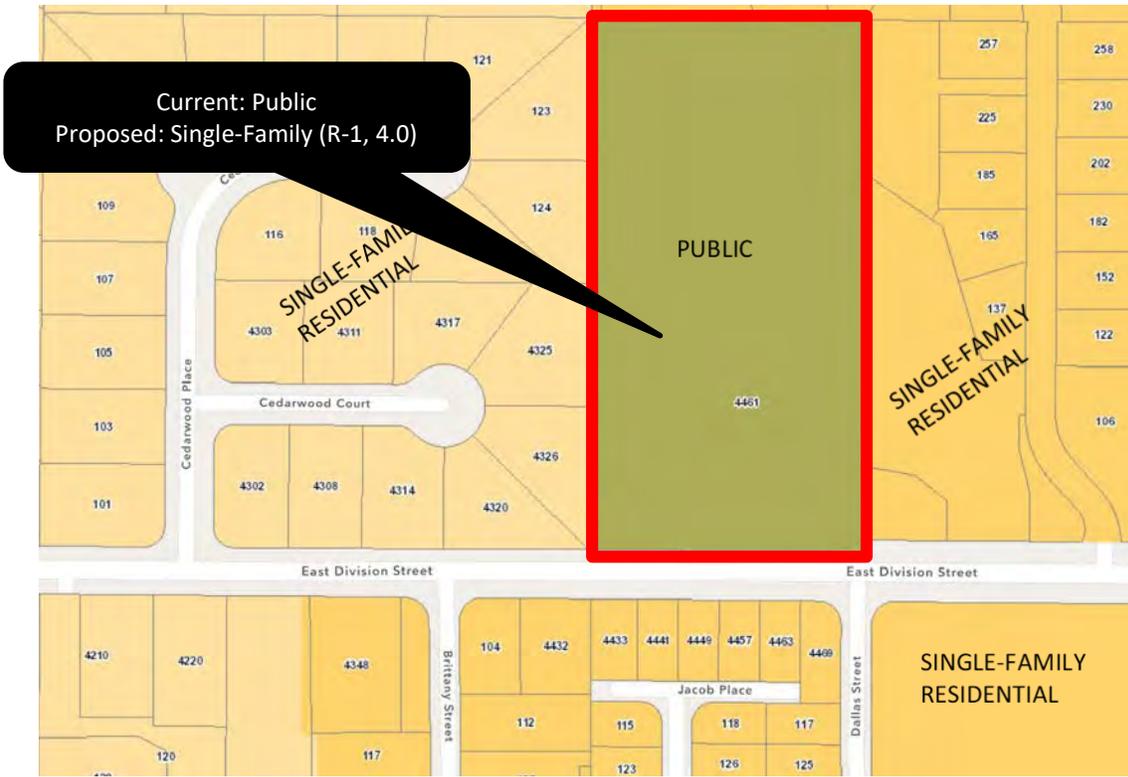
C. CONDITIONS/FINDINGS OF FACT

PROPERTY OWNER	Samie Deol Transworld Investment Group LLC 310 Leann Street Mount Vernon, WA 98273	PROJECT APPLICANT	Same as Owner
CURRENT ZONING	Public (P)	SITE COMPREHENSIVE PLAN DESIGNATION	Single-Family Medium Density (SF-MED)
PROPOSED ZONING	Single-Family Detached Residential (R-1, 4.0)		
SITE ACREAGE	The site is 5.00 acres in size		
EXISTING SITE USE & IMPROVEMENTS	The site currently has one single family residence (mobile home) located in the southwest corner.		
SURROUNDING LAND USES	Surrounding land uses include; North – Single Family Residential and critical area; West – Single Family Residential; South – East Division Street; East – Single Family Residential and critical area.		

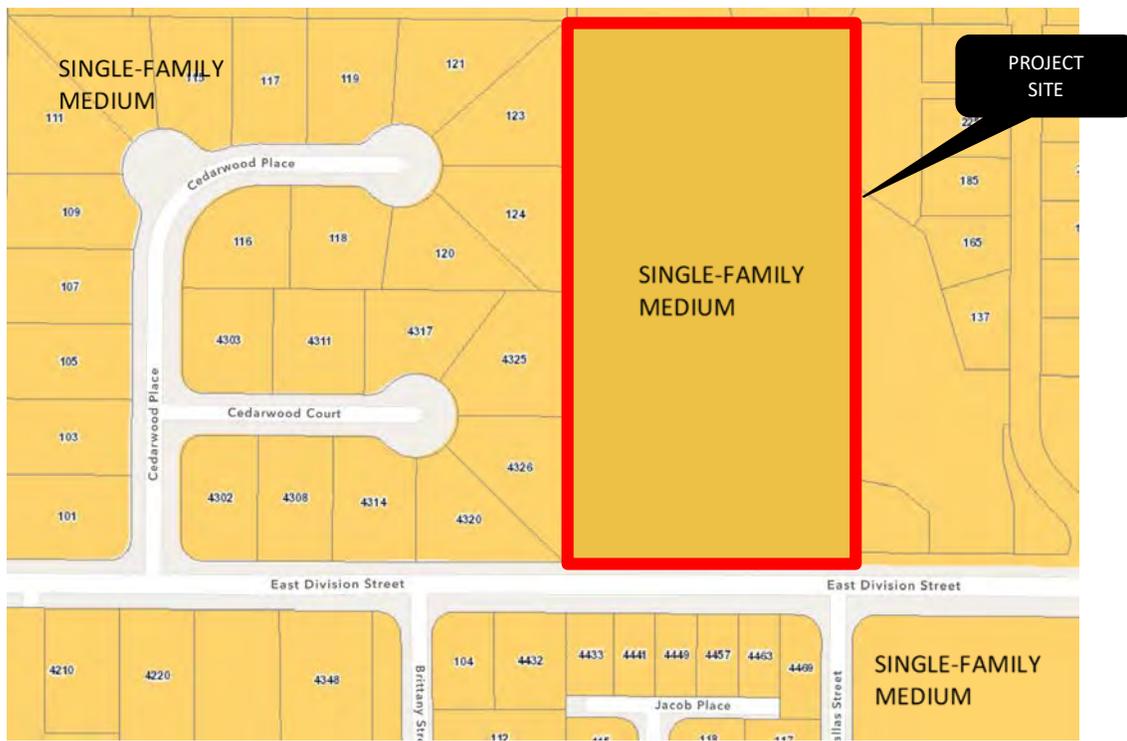
The following maps are included to supplement the existing conditions and findings of fact provided herein. These maps include:

- Zoning and Comprehensive Plan Maps of the Subject Site and Surrounding areas (**Maps 3.0 and 4.0**).
- Aerial mapping (**Map 5.0**).

MAP 3 ZONING



MAP 4.0 COMPREHENSIVE PLAN



MAP 5.0 AERIAL MAP



MVMC APPLICABLE TO THE PROPOSED PROJECT:

Title 14 Land Use and Development

Chapter 14.05 Administration of Development Regulations
Chapter 14.10 Concurrency

Title 17 Zoning

Chapter 17.111 Amendments and Reclassifications
Chapter 17.15 R-1 Single-Family Detached Residential District
Chapter 17.30 P Public District

COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES

On December 11, 2019 the Mount Vernon City Council approved Ordinance 3797 adopting the 2019 revisions to the Comprehensive Plan for the City consistent with RCW 36.70A. Ordinance 3797 included a single site specific comprehensive plan amendment request—redesignation of the subject property from Churches (CH) to Single Family Medium Density (SF-MED). The proposed rezone is necessary in order for the parcel to be consistent with the City's Comprehensive Plan.

D. PROCEDURAL REQUIREMENTS COMPLETED LEADING UP TO THE HEARING EXAMINER’S HEARING:

Date	Description
4.20.2020	Permit Application for Rezone submitted
5.19.2020	Counter and Technically Complete
5.19.2020	Notice of Application with comment period
6.25.2020	Notice of Hearing published
7.15.2020	Hearing with Hearing Examiner Scheduled

E. APPROVAL CRITERIA & STAFF ANALYSIS

The Hearing Examiner considers requests for reclassifications at a public hearing and forwards his recommendation to the Mount Vernon City Council for approval or disapproval at a closed record public hearing. The Hearing Examiner and the City Council shall consider, at a minimum, the following criteria provided in Chapter 17.111.070:

1. Is the request compatible with the City’s Comprehensive Plan and development goals?

The staff report for the Comprehensive Plan redesignation included the following discussion regarding the proposal’s compatibility with the City’s Comprehensive Plan:

The current designation of Churches is inconsistent with its current single family use and with its ownership. Land Use Goal 2 is to provide for the orderly development within the City of Mount Vernon that is consistent with adopted plans and development regulations. Objective 2.1 is to implement the Comprehensive Plan Land Use Map. Policy 2.1.4 indicates that annually the City should evaluate newly approved public uses (conditional or special uses) and redesignate them to the appropriate Comprehensive Plan and Zoning designation. By the same token the City should periodically evaluate existing public uses to ensure that they are still appropriately designated. In this case the owners of the property have asked the City to revise the designation from a public designation to a more appropriate designation. The surrounding neighborhood is designated as Single Family Medium Density (SF-MED) and the requested designation would make the property consistent with the rest of the neighborhood—thus compatible with the City’s Comprehensive Plan.

2. Are public utilities, public facilities and other services currently adequate to serve the proposed district?

Urban services are currently available to the site; and could be extended by the applicant to serve new development.

Police and Fire

The Fire Department will impose code requirements for the proposed development and the applicant will be required to pay fire impact fees to the City of Mount Vernon as part of the building permit process.

Recreation/Schools

School impact fees will be required at the time of building permits.

Stormwater

The applicant will be required to demonstrate how the proposed storm system will provide quality and quantity controls to the entire impervious lot surface of the proposed development.

Water

Water service in the City is provided through Public Utility District #1 (PUD) of Skagit County that is a municipal corporation of the State of Washington, established to supply public utility service in the form of potable water per RCW 54. The applicant will be required to verify water availability for the future development with Skagit County Public Utility District. Any relocation, extension or connection of utilities will be done at the owner’s expense.

Sewer

The City of Mount Vernon Wastewater Treatment Plant has sufficient capacity to treat the effluent from the proposed development. Any relocation, extension or connection of utilities will be done at the owner’s expense.

Streets

Concurrency review was required as part of the Environmental Review that was conducted for the Comprehensive Plan Redesignation in 2019. That non-project review concluded that the proposed change of use from churches to residential would likely result in a reduction of the number of trips generated and that the proposed rezoning would not result in the need for any additional off site street improvements. On-site level of service should be evaluated at the time of submittal of a project site plan.

F. STAFF RECOMMENDATION

Staff makes the following findings as part of the recommendation to the Hearing Examiner:

- The procedural requirements set forth in MVMC 14.05 and 15.06 have been satisfied.
- The approval criteria for rezones found in MVMC 17.111 have been satisfied.
- The rezone will be conditioned such that compliance with the City’s development regulations will be satisfied.

Based on the above staff findings, staff recommends:

1. That the subject Rezone associated with Mount Vernon **File No. PLAN20-0160 for Deol**, be **RECOMMENDED FOR APPROVAL** subject to the following specific requirements:
 - a. The applicant will be required to comply with all applicable provisions of the Mount Vernon Municipal Code (MVMC).

SIGNATURE:

Maria Masillo - Hill

June 24, 2020
Date

G. NOTES TO THE APPLICANT AND PARTIES OF RECORD

1. This rezone application requires the City’s Hearing Examiner make a recommendation, at an open record public hearing that will be forwarded to the City Council, who will make a final decision at a closed record public hearing.
2. The written recommendation for this project will be issued by the Hearing Examiner within 10 days after the date the record closes unless this timeframe is extended per MVMC 14.05.110(H)(2).
3. The Hearing Examiner shall reconsider his/her recommendation if a written request is properly filed by the applicant or a party of record within 10 days of the date of the initial recommendation. A party wishing to file a request for reconsideration of the Hearing Examiner’s recommendation shall follow the process outlined within MVMC 14.05.110(H)(4). A copy of this portion of the MVMC can be obtained by contacting the Development Services Department; or it can be downloaded on the City’s web site at: <http://www.mountvernonwa.gov>



DATE: August 26, 2020

TO: Mayor Boudreau and City Council

FROM: Rebecca Lowell, Development Services

SUBJECT: FINAL PLAT APPROVAL OF DEOL ESTATES

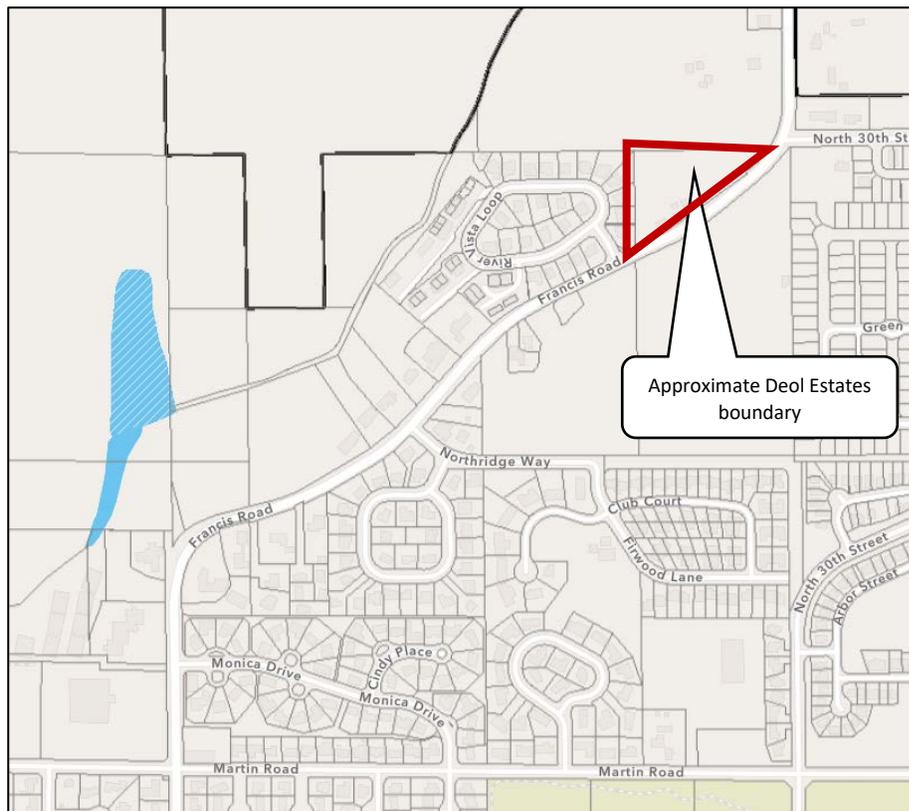
RECOMMENDED ACTION:

Staff recommends that Council make a motion to authorize the Mayor to sign the accompanying Resolution and final plat maps for the Deol Estates plat.

INTRODUCTION/BACKGROUND:

The residential development named Deol Estates consists of 11 new single-family residential lots and two tracts. The Deol Estates preliminary plat was approved on August 25, 2010 with Resolution 820. This preliminary plat expiration was extended by Council with approval of Resolution 934 that extended the expiration to August 25, 2020. On July 8, 2020 Council passed and Adopted Ordinance 3805 that extended the expiration of the preliminary plat by 75 days.

Deol Estates is located on the west side of Francis Road between North 30th Street and Northridge Way, north to south, respectively – as shown in the vicinity map below.



The proposed lots with the Deol Estate plat range in size from 7,500 square feet to 15,208 square feet; and have an average lot size of 9,118± square feet.

A public road, named North 28th Street, will be dedicated with the plat. Additionally, one private road named Deol Lane will also be created - the newly created roads are comprised of the following:

- **North 28th Street (public road):** 2, 15-foot through lanes, 5-foot landscaping strips and 5-foot sidewalks on both sides of the street within a 37-foot right-of-way. Parking is allowed only on the east side of this street.
- **Deol Lane (private road):** 2, 15-foot through lanes, 5-foot landscaping strips and 5-foot sidewalks on both sides of the street within a 37-foot right-of-way. Parking is allowed only on the north side of this street.

North 28th Street, the public sanitary sewer system, the storm water infrastructure within the right-of-way and applicable easements within the plat boundary will be dedicated to the City with the recording of the plat.

FINDINGS/CONCLUSIONS:

The applicant has satisfied the procedural requirements for final plat approval.

The applicant has constructed/installed the infrastructure and landscaping required through the preliminary plat approval. Additionally, the applicant has submitted the below-listed financial securities that are also required prior to final plat approval:

1. A one-year maintenance financial security amounting to \$21,367.00 (10% of the total cost of these improvements) to guarantee the completed public improvements (roads, sanitary sewers, and storm sewers) that will be dedicated to the City.
2. A two-year landscape maintenance financial security, in the amount of \$24,825.45 (25% of the total cost of the plants and their maintenance), is required to guarantee the survival, and if needed, replacement of the landscaping and other landscape features located on various landscaping within the plat.

RECOMMENDATION:

Council move to authorize the Mayor to sign the accompanying Resolution and final plat maps for the Deol Estates Plat and accept all public improvements that were completed for this development.

ATTACHED:

- Proposed Resolution granting final plat approval
- Final Plat Maps
- Resolution 820 (granted preliminary plat approval)
- Resolution 934 and its associated Development Agreement (extending preliminary plat approval)

RESOLUTION NO.

A RESOLUTION PERTAINING TO SUBDIVISION CONTROL AND ACCEPTING THE FINAL PLAT OF DEOL ESTATES (FORMALLY KNOWN AS PINNACLE ESTATES) PURSUANT TO CHAPTER 16.12 OF THE MOUNT VERNON MUNICIPAL CODE

WHEREAS, an application for approval of a Final Plat of a proposed 11-lot subdivision has been made pursuant to Chapter 16.12 of the Mount Vernon Municipal Code by the owner of the real property described in Exhibit "1", and shown in Exhibit "2" which comprises approximately 3-acres in Mount Vernon, Washington; and

WHEREAS, preliminary plat approval that was named the Pinnacle Estates plat was granted by the City Council with Resolution 820 in August of 2010; and

WHEREAS, in July of 2017 the City approved a Development Agreement via Resolution 934 that extended the preliminary plat expiration of Deol Estates from August 25, 2017 to August 25, 2020; and

WHEREAS, on August 8, 2020 the City passed and adopted Ordinance 3805 that extended the expiration date of this preliminary plat by an additional 75-days; and

WHEREAS, the required SEPA process was completed with the preliminary plat process. Additionally, the City's Hearing Examiner held an open record public hearing for the preliminary plat, and the City Council approved with Resolution 820 the preliminary plat for this development; and

WHEREAS, City staff have verified that the conditions of approval outlined with Resolutions 820 and 934 have been satisfied as they pertain to the plat the applicant is seeking final plat approval of; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON AS FOLLOWS:

SECTION ONE. That the City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. Findings of City Council. The Mount Vernon City Council hereby finds that:

- A. That said Final Plat known and described as **DEOL ESTATES** has been presented for acceptance, approval and filing and is hereby accepted, approved and ordered filed subject to the restrictions and conditions contained in Resolution 820, Resolution 934, and the conditions listed in the accompanying Exhibit "3" all of which are attached hereto and made a part hereof by reference as though fully set forth herein.
- B. The real property comprising such plat is hereby described in Exhibit "1" and shown in Exhibit "2", both of which are attached hereto and made a part hereof by reference as though fully set forth.
- C. All plat improvements have been constructed as required by the Mount Vernon Municipal Code.

SECTION THREE. Approval/Authorization to Execute. The Final Plat of the subdivision known as Deol Estates is hereby approved and the Mayor is authorized to inscribe and execute the City Council's approval on the face of the final plat.

SECTION FOUR. Effective Date. This Resolution shall take effect and be in force immediately upon its passage.

SECTION FIVE. Severability. If any one or more sections, subsections, or sentence of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

PASSED by the City Council of the City of Mount Vernon this 26th day of August, 2020; and signed in authentication of its passage this _____ day of _____, 2020.

Jill Boudreau, Mayor

Attest:

Doug Volesky, Finance Director

Approved as to form:

Kevin Rogerson, City Attorney

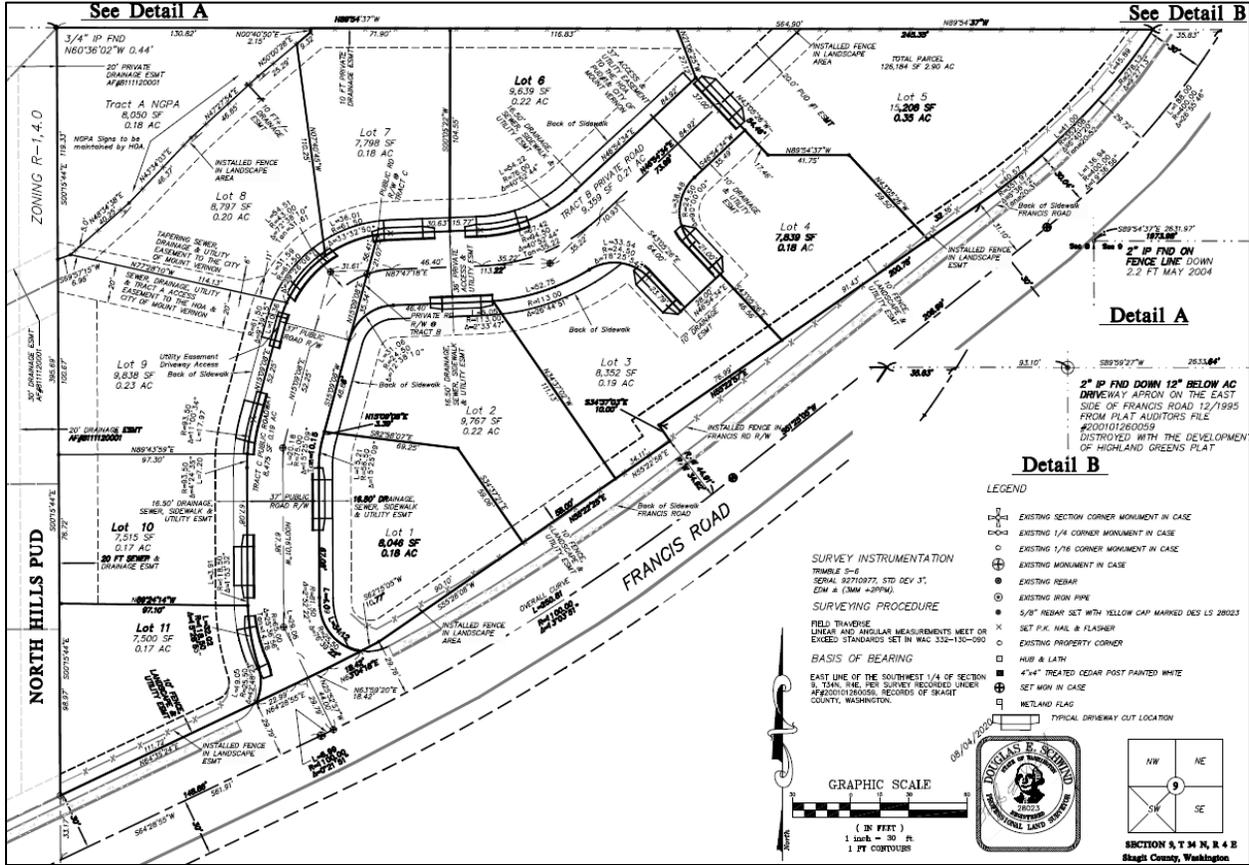
**EXHIBIT "1":
LEGAL DESCRIPTION FOR DEOL ESTATES**

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST W.M., LYING NORTHERLY OF THE MOUNT VERNON-CLEAR LAKE ROAD.

EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF MOUNT VERNON BY DOCUMENTS RECORDED UNDER AUDITOR'S FILE NUMBERS 66092500100 AND 200009060030, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

EXHIBIT "2"
DEOL ESTATES PLAT MAP
 (Provided for illustrative purposes only)



**EXHIBIT "3":
CONDITIONS OF APPROVAL
DEOL ESTATES FINAL PLAT**

1. Final plat documents, as may be requested by the Development Services Department, shall be submitted in their final form to the Development Services Department following approval of this Resolution and must be submitted before the final plat and CC&Rs are recorded.
2. Final CC&Rs, as approved by the Development Services Department, shall be recorded with the final plat maps and shall have their Auditor's File Numbers cross-referenced on the face of this plat.



DATE: August 26, 2020

TO: Mayor Boudreau and City Council

FROM: Rebecca Lowell, Development Services

SUBJECT: CLOSED RECORD PUBLIC HEARING TO CONSIDER THE SKAGIT VALLEY RV PARK CONTINUATION OF A NON-CONFORMING USE AND SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT PLAN20-0047 & PLAN20-0049

RECOMMENDED ACTION:

Staff recommends that Council hold a closed record public hearing and make a motion to authorize the Mayor to sign the accompanying resolution approving the Skagit Valley RV Park requests for continuation of a non-conforming use and Shoreline Substantial Development permit.

INTRODUCTION/BACKGROUND:

The proposed development will include improvements to the existing RV Park that was originally developed in 1985. At that time RV Parks were allowed in the zoning district. Currently the RV Park is an existing non-conforming use since RV Parks are not allowed in the C-2 zoning district. The proposal also requires a Shoreline Substantial Development permit.

MVMC Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to continue an existing non-conforming structure and/or use so long as certain criteria are met.

Shoreline Substantial development permits are typically approved administratively but since it is being processed under a consolidated permit process as allowed under MVMC Chapter 14.05, applications are subject to the highest level of review authority that applies to any of the required applications.

The proposal property has an address of 305 W Stewart Road, and its parcel numbers are P24026, P24028, & P24029.

FINDINGS/CONCLUSIONS:

On July 15, 2020 an open record hearing was held (via zoom meeting) before the Hearing Examiner. The Examiner recommends approval of the proposal with conditions in a report dated July 29, 2020. No request for reconsideration of the Examiner's recommendation of approval was received by the department.

The Hearing Examiner's recommendation is submitted together with the attached proposed Resolution, the Staff Report, and all of the Exhibits that the Examiner relied upon in making his recommendation.

RECOMMENDATION:

Staff recommends that Council move to adopt a resolution approving the continuation of a non-conforming use and approval of the Shoreline Substantial Development Permit.

ATTACHED:

- Proposed Resolution
- Hearing Examiner Recommendation
- Staff Report and its associated Exhibits

RESOLUTION NO.

A RESOLUTION OF THE CITY OF MOUNT VERNON, WASHINGTON; APPROVING THE SKAGIT VALLEY RV PARK REQUEST TO CONTINUE A NON-CONFORMING USE (PROJECT NO. PLAN20-0047) AND SHORELINE SUBSTANTIAL DEVELOPMENT (PROJECT NO. PLAN20-0049) CONSISTENT WITH MOUNT VERNON MUNICIPAL CODE CHAPTERS 14.05 AND 17.102

WHEREAS, Mount Vernon Municipal Code (MVMC) Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to enlarge or expand an existing non-conforming structure and/or use so long as certain criteria are met; and

WHEREAS, Shoreline Substantial development permits are typically approved administratively but since it is being processed under a consolidated permit process as allowed under MVMC Chapter 14.05, applications are subject to the highest level of review authority that applies to any of the required applications; and

WHEREAS, the Mount Vernon Hearing Examiner held an open record public hearing on July 15, 2020 and on July 29, 2020 the Examiner recommended approval, with conditions, for the subject request to continue a non-conforming use and Shoreline Substantial Development Permit; and

WHEREAS, City staff have completed the requisite procedural requirements found in Mount Vernon Municipal Code Title 17 and Chapter 14.05; and

WHEREAS, it is further deemed advisable to record the decisions reached by the Council through the adoption of this resolution; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON:

SECTION 1. The City Council does hereby adopts the above listed recitals as set forth fully herein.

SECTION 2. The City Council adopts the Hearing Examiner's recommendations, findings of fact and conclusions of law found in the accompanying **Exhibit A.**

SECTION 3. The City of Mount Vernon approves the modification of the mobile home park site plan and continuation of a non-conforming condition (Project No. PLAN20-169A) as described and shown within the accompanying Hearing Examiner's recommendation.

PASSED AND ADOPTED this 26th day of August, 2020

SIGNED IN AUTHENTICATION this ____ day of August, 2020.

Jill Boudreau, Mayor

Doug Volesky, Finance Director

Approved as to form:

Kevin Rogerson, City Attorney

EXHIBIT A
HEARING EXAMINER'S RECOMMENDATION

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**BEFORE THE HEARING EXAMINER FOR THE CITY OF
MOUNT VERNON**

Phil Olbrechts, Hearing Examiner

RE: Skagit Valley RV Park Special Permission and Shoreline Substantial Development Permit	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
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INTRODUCTION

The Applicant requests approval of a special permission application and shoreline substantial development permit to make upgrades to an existing RV park located at 305 West Stewart Road. The proposed upgrades would be focused upon replacing and upgrading existing facilities and would only disturb roughly 1,000 additional square feet. It is recommended that the City Council approve the applications, subject to the conditions recommended at the end of this Recommendation.

ORAL TESTIMONY

Marianne Manville-Ailles, contract City of Mount Vernon planner, summarized the staff report.

Sharmon Morris, Applicant, corrected the address in the staff report for the project as 305 as opposed to 1305 West Stewart.

EXHIBITS

The staff report along with attachments 1-4 identified at pages 4-5 of the June 30, 2020 staff report were admitted into the record during the July 15, 2020 hearing as Exhibit A.

FINDINGS OF FACT

Procedural:

1. Applicant. Skagit Valley RV, LLC, P.O. Box 1050, North Bend, WA 98045

1 2. Hearing. A Zoom virtual hearing on the applications was held on July 15,
2 2020, 2:45 pm, Zoom Meeting ID No. 861 7941 2841.

3 **Substantive:**

4 3. Site/Proposal Description. The Applicant requests approval of a special
5 permission application and shoreline substantial development permit to make
6 upgrades to an existing RV park located at 305 West Stewart Road. The proposed
7 upgrades would be focused upon replacing and upgrading existing facilities and
8 would only disturb roughly 1,000 additional square feet.

9 The proposed development will include improvements to the existing RV Park
10 that was originally developed in 1985. At that time RV Parks were allowed in the
11 zoning district, but such parks are not currently allowed in the applicable C-2 district.
12 The RV Park was purchased in 2019 and the new owners are proposing to upgrade
13 the facilities to keep up with market demand and attract guests to the park. The RV
14 Park is fully served with public utilities.

15 The proposed improvements include:

- 16 • Construction of a not more than 2,000 square foot office building to replace the
17 existing building that was constructed in the early 1900's as a farmhouse. The
18 existing 1,460 square foot structure will be demolished. The new facility will
19 include an office space, laundry facility, restroom/shower facilities, and a small
20 work out room for the enjoyment of guests.
- 21 • Replace the manager's/caretaker facility that was demolished in 2019 with a new
22 1,056 square foot mobile home that will act as the caretaker facility. Removal and
23 replacement of the caretaker facility was necessary to move the structure out of
24 the Shoreline Setback. The caretakers provide 24-hour supervision and security
25 for the park.
- Addition of a paved parking area to accommodate a minimum of 4 parking spaces
(at least one will be ADA compliant).
- Construction of a 240 square foot storage shed.
- Construction of a new trash facility.
- Construction of a propane refill station for use and convenience of the RV Park
guests.
- Installation of additional landscaping.

26 An aerial of the project site, taken from the staff report, follows:



4. Characteristics of the Area. The proposed improvements are roughly 50 linear feet landward from an existing dike and roughly 140 linear feet landward from the bank of the Skagit River. The majority of the area between the proposed building footprint and the landward toe of the dike is maintained grass. According to the SEPA checklist, adjoining properties are retail sales. The property to the west is a large vacant lot.

5. Adverse Impacts. The proposal will not create any significant adverse impacts to the environment or adjoining properties. The proposal is in fact an improvement over existing conditions because, as identified in the staff report, the improvements are “like for like” regarding type and square footage. No critical areas, other than being within shoreline jurisdiction, are present at the project site. As noted in the application, the amount of landscaping will be increased from 19.6% to 22% of the site. Given the nominal increase in developed area (less than 1,000 square of the 216,100 square foot project area), the location of these improvements in a developed RV park, and the absence of any discernable increase in adverse impacts or increase in RV spaces by the proposed use, it is determined that the proposal will not create any significant adverse impacts to the environment and will not result in a net loss of ecological function. For the same reasons, the nominal and “like for like” development will not create any significant adverse aesthetic impacts.

1 The modest scope of the proposal also has no discernable impact upon adjoining uses
2 and is fully compatible with them, as the adjoining uses, other than the Skagit River,
are primarily retails sales and an empty lot.

3 Overall, the project will improve public access to the shoreline, as staff has
4 recommended a condition of approval requiring shoreline access, to which the
5 Applicant has not objected. The condition requires the Applicant to provide a public
6 access easement from Stewart Road along the RV Park's westernmost access road
and then north to its property line with the Dike District property. The easement will
become effective at such a time as the Dike District property allows for public access.

7 Aesthetic impacts are nominal, if nonexistent, given the increase in landscaping
8 coupled with the minor addition of newly developed area.

9 Traffic concurrency conducted by staff for the proposal concluded that there will be
10 no net increase in the number or type of trips generated. As such the proposed
improvements would have no impact on the traffic patterns in the area.

11 The proposal includes improvements to the proposed parking facilities for the
12 office/laundry/shower facility. Staff has determined that the proposal meets the
City's requirements for parking.

13 CONCLUSIONS OF LAW

14 **Procedural:**

15 1. Authority of Hearing Examiner. The hearing examiner has authority to hold
16 hearings and make recommendations to the City Council on requests for "special
17 permission" applications to expand nonconforming buildings and uses as authorized
18 by MVMC 17.102.030. MVMC 14.05.060 classifies shoreline substantial
19 development permits as Type II applications. MVMC 14.05.080 provides that for
20 consolidated review, the highest level of review authority that applies to any of the
required applications shall apply. Consequently, the shoreline substantial
development permit is consolidated with the review procedure for the special
permission application as subject to examiner recommendation to the City Council.

21 **Substantive:**

22 2. Zoning Designation. The project site is zoned General Commercial (C-2).

23 3. Review Criteria. MVMC 17.102.025 does not allow for the expansion of
24 a nonconforming use without a approval of a "special permit." The project site is
25 nonconforming because, although the use was lawfully established in 1985, RV parks
are not allowed in the currently applicable C-2 district. "Special permission" criteria
are governed by MVMC 17.102.070 and 17.102.080, which are quoted below in
italics and applied through corresponding conclusions of law.

1 MVMC 15.07.010 adopts the City of Mount Vernon Shoreline Master Program
2 (“SMP”), which governs shoreline substantial development permits. Section IIB1 of
3 the SMP requires a shoreline substantial development permit for all nonexempt
4 development in the shoreline jurisdiction, which is 200 feet from the shoreline. The
5 proposed improvements are located within 200 feet of the Skagit River and thus the
6 proposal is considered to fall within shoreline jurisdiction. The SMP does not recite
7 the review criteria for shoreline substantial development permits, but Section IIIB1 of
8 the SMP identifies that substantial development permits are subject to Chapter 173-27
9 WAC. WAC 173-27- 150 governs the criteria for shoreline substantial development
10 permits. Applicable review criteria are quoted below along with corresponding
11 conclusions of law.

8 **Shoreline Substantial Development Permit**

9 **WAC 173-27-1501a:** *Review criteria for substantial development permits.*

10 (1) *A substantial development permit shall be granted only when the development
11 proposed is consistent with:*

12 (a) *The policies and procedures of the act [Chapter 90.58 RCW];*

13 **RCW 90.58.020:** *Legislative findings—State policy enunciated—Use preference.*
14 *The policies of RCW 90.58.020 are as follows:*

15 ...

16 *The legislature declares that the interest of all of the people shall be paramount in
17 the management of shorelines of statewide significance. The department, in adopting
18 guidelines for shorelines of statewide significance, and local government, in
developing master programs for shorelines of statewide significance, shall give
preference to uses in the following order of preference which:*

19 (1) *Recognize and protect the statewide interest over local interest;*

20 (2) *Preserve the natural character of the shoreline;*

21 (3) *Result in long term over short term benefit;*

22 (4) *Protect the resources and ecology of the shoreline;*

23 (5) *Increase public access to publicly owned areas of the shorelines;*

(6) *Increase recreational opportunities for the public in the shoreline;*

(7) *Provide for any other element as defined in RCW 90.58.100 deemed
appropriate or necessary.*

24 4. The criterion is met. The staff report details the procedures employed to process
25 the subject shoreline permit applications and no issues of noncompliance are evident.
The policy of the “Act” (the Shoreline Management Act) are addressed in RCW
90.58.020, quoted above. The policies listed in RCW 90.58.020 are met as the
proposed project is located within an area that is already developed and used as an

1 RV park, with only 1,000 square feet of increased development area. As such, the
2 natural character, resources, and ecology of the shoreline will not be negatively
3 impacted by this project. A recommended condition of approval improves public
access to the shoreline by requiring the Applicant to dedicate an easement for public
access to the Skagit River.

4 **WAC 173-27-1501b:** *(b) The provisions of this regulation; and*

5 5. The criterion is met. “This regulation” is interpreted to mean Chapter 173-27
6 WAC, which addresses permit review procedures, review criteria and enforcement.
7 The staff report identifies the procedures employed for review of the shoreline
8 permits and evidences satisfactory compliance with all applicable Chapter 173-27
requirements. This Recommendation applies the review criteria required by Chapter
173-27.

9 **WAC 173-27-1501c:** *The applicable master program adopted or approved for*
10 *the area. ...*

11 6. The criterion is met. The proposal complies with all applicable SMP goals and
12 policies for the reasons identified in Section D of the staff report, adopted by this
13 reference. Overall, the most pertinent issues regarding compliance with shoreline
14 polices are impacts to shoreline resources, which is addressed in Finding of Fact No.
15 5. Another major issue addressed by SMP polices as identified in the staff report is
16 providing for healthy economic growth while not adversely affecting shoreline
resources. As recognized in the staff report, the Applicant’s proposal achieves such
objectives by making upgrades that make the facility more attractive and useful to RV
park users while not creating any significant impacts to the environment.

17 **Special Permission**

18 **MVMC 17.102.070(A):** *The effect of such enlargement, expansion or reconstruction*
19 *on the appearance and use of the area that might be affected;*

20 7. The criterion is met. As identified in Finding of Fact No. 5, the proposal would
21 not create any significant aesthetic impacts and will not adversely affect other uses in
the area.

22 **MVMC 17.102.070(B):** *The effect of the granting of such permit on traffic patterns*
23 *in the area;*

24 8. The criterion is met. As determined in Finding of Fact No. 5, the proposal will
25 not create any significant impacts to traffic.

MVMC 17.102.070(C): *The adequacy of parking facilities provided or to be*
provided;

1 9. The criterion is met. The proposal adds to the existing parking and meets City
2 parking standards as determined in Finding of Fact No. 5.

3 **MVMC 17.102.070(D):** *The effect on adjacent and nearby property or the economic*
4 *effect of the proposed expansion, alteration or reconstruction on both the Applicant*
and the owners of property in the vicinity.

5 10. The criterion is met. As mitigated, the project will have not significant
6 adverse impacts on properties in the vicinity and thus will also have no economic
7 effect.

8 **MVMC 17.102.080 Approval of application – Procedure:** *If, after considering the*
9 *foregoing factors, the hearing examiner finds that the proposed alteration, expansion,*
10 *or reconstruction will not have a material adverse effect upon the use and enjoyment*
11 *of the properties within the area, which conform to the existing zoning, then and in*
12 *that event, the hearing examiner shall recommend issuance of a permit for such*
13 *alteration, expansion, or reconstruction and forward such to the city council for*
14 *approval or disapproval by majority vote. If approved by the city council, the permit*
15 *may then be issued.*

16 11. The criterion is met. As determined in Finding of Fact No. 5, the proposal will
17 not create any significant adverse impacts to adjoining properties and thus will not
18 have a material adverse effect upon the use and enjoyment of those properties.

19 **Recommendation**

20 As conditioned, the proposal meets all applicable criteria for special permission and
21 shoreline substantial development permit review. It is recommended that the City
22 Council approve the special permission and shoreline substantial development permit
23 applications subject to the following conditions of approval:

- 24 1. The Applicant must provide an easement eight feet in width from Stewart Road
25 along the westernmost access roadway in the park and extending north to its
property line with the Dike District property. This easement would become
effective at the point in time when the adjacent Dike District #17 property allows
for public access.
2. All proposed improvements will be required to comply with the 2012 (as
amended in 2014) Washington State Department of Ecology Western
Washington Stormwater Management Manual for Western Washington which is
the adopted stormwater manual for the City of Mt. Vernon.
3. The Applicant will be required to obtain all appropriate City construction permits
for utilities, landscape installation, and building permits.

Dated this 29th day of July 2020.

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Phil A. Olbrechts

City of Mount Vernon Hearing Examiner



STAFF REPORT *for* Special Permission—Modification/Continuation of Existing Non-Conforming Use & Shoreline Substantial Development Permit

STAFF REPORT SUMMARY & CONTENTS

STAFF RECOMMENDATION: **APPROVE** the Special Permission Permit to allow modification to and continuation of the non-conforming RV Park use and **APPROVE** the Shoreline Substantial Development Permit subject to staff’s recommended conditions of approval contained within this Staff Report.

PROJECT SUMMARY: City File No.: PLAN20-0047, Special Permission—Modification/Continuation of Non-Conforming Use; PLAN20-0049, Shoreline Substantial Development Permit and associated files—SEPA, PLAN19-0239 and Traffic Concurrency, ENGR20-0039.

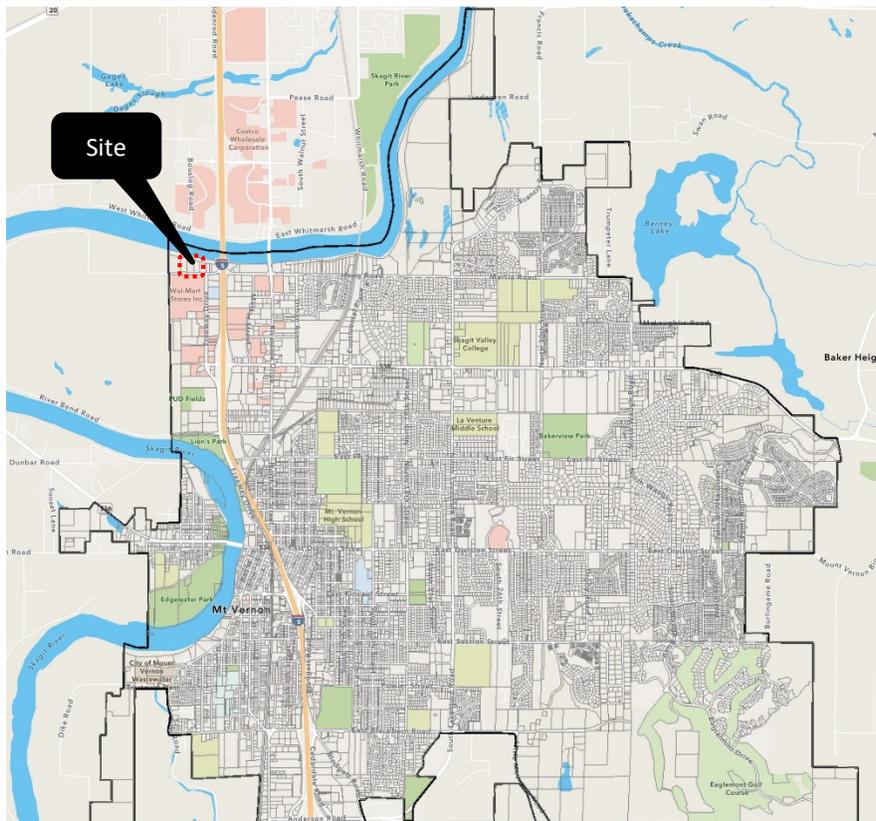
The proposal is for the development of improvements to an existing RV park. The improvements include: demolition of an existing structure that serves as the park’s office and its replacement with a new structure and associated parking; replacing the manager/caretaker residence that was demolished in 2019; construction of a storage shed; and construction of a propane refilling station. The existing RV park is not an allowed use in the C-2 zone and the improvements to it and its continued use requires Special Permission under MVMC 17.102. The park is adjacent to the Skagit River and is subject to the City of Mount Vernon Shoreline jurisdiction. The proposed improvements require a Shoreline Substantial Development permit.

ADDRESS: 1305 West Stewart Road **PARCEL #:** P24026, P24028 & P24029 **¼ SEC:** SE **SEC:** 7 **TWP:** 34N **RGE:** 04E

PROPERTY OWNER/APPLICANT:

Skagit Valley RV, LLC
 P.O. Box 1050
 North Bend, WA 98045

VICINITY MAP:



REPORT CONTENTS:

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A. PROJECT DESCRIPTION LOCATION

PROJECT DESCRIPTION: The proposed development will include improvements to the existing RV Park that was originally developed in 1985. At that time RV Parks were allowed in the zoning district. The RV Park was purchased in 2019 and the new owners are proposing to upgrade the facilities to keep up with market demand and attract guests to the park. The RV Park is fully served with public utilities. The proposed improvements would disturb roughly 1,000 additional square feet of area and have minimal amounts of cut and fill associated with site preparation.

The proposed improvements include:

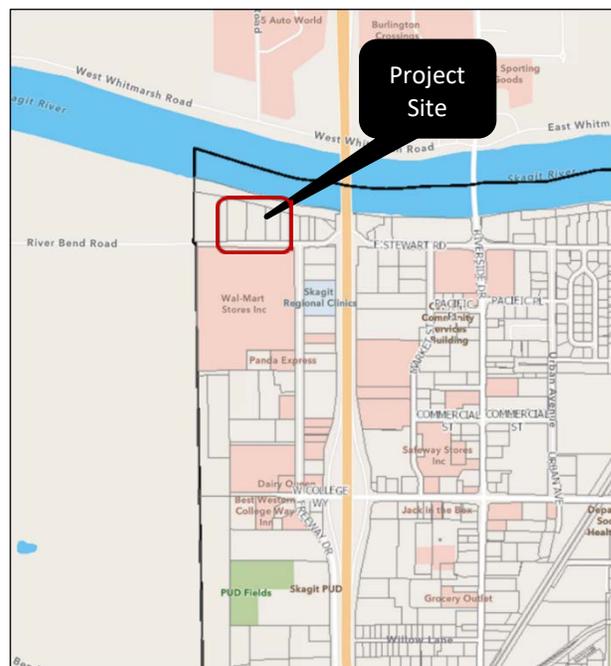
- Construction of a not more than 2,000 square foot office building to replace the existing building that was constructed in the early 1900's as a farm house. The existing 1,460 square foot structure will be demolished. The new facility will include an office space, laundry facility, restroom/shower facilities, and a small work out room for the enjoyment of guests.
- Replace the manager's/caretaker facility that was demolished in 2019 with a new 1,056 square foot mobile home that will act as the caretaker facility. Removal and replacement of the caretaker facility was necessary to move the structure out of the Shoreline Setback. The caretakers provide 24-hour supervision and security for the park.
- Addition of paved parking area to accommodate a minimum of 4 parking spaces (at least one will be ADA compliant).
- Construction of a 240 square foot storage shed.
- Construction of a new trash facility.
- Construction of a propane refill station for use and convenience of the RV Park guests.
- Installation of additional landscaping.

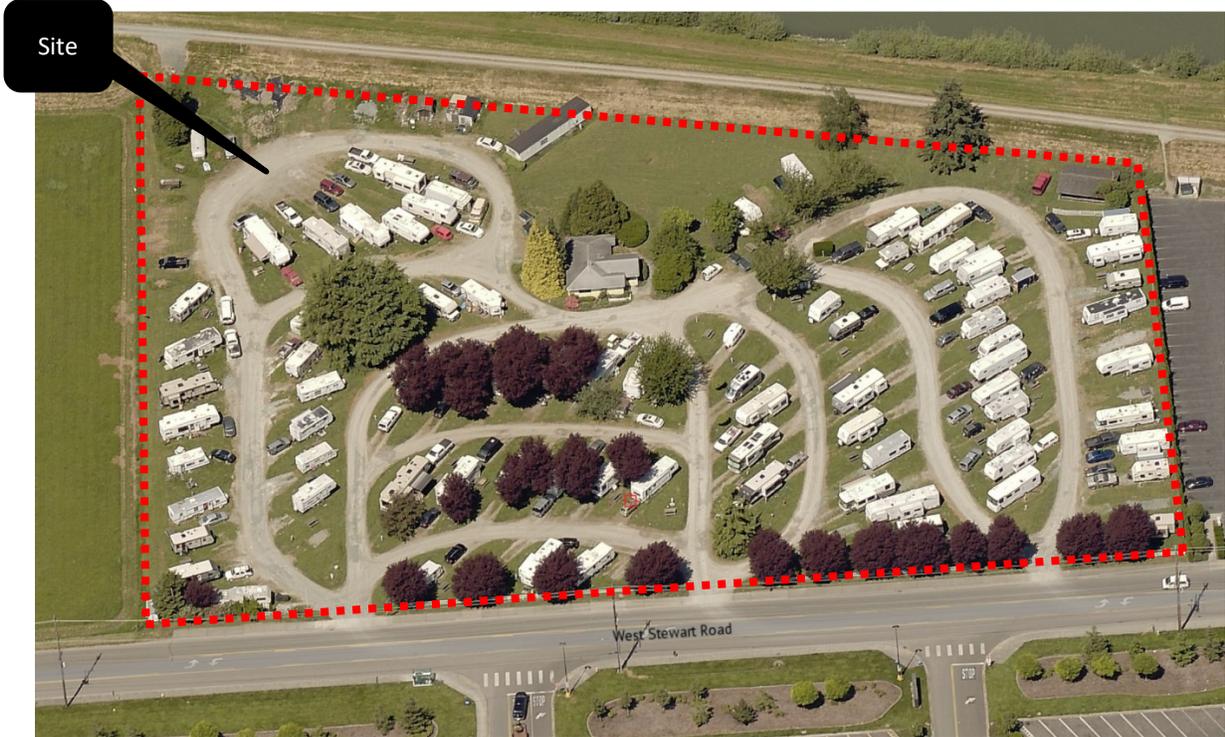
Currently the RV park is an existing non-conforming use since RV Parks are not allowed in the C-2 zoning district. Expansion and improvements to non-conforming uses are only allowed through the special permission for non-conforming buildings or uses under MVMC 17.102. The special permission may be granted by the city council, upon recommendation of the hearing examiner, after a public hearing and review by the hearing examiner.

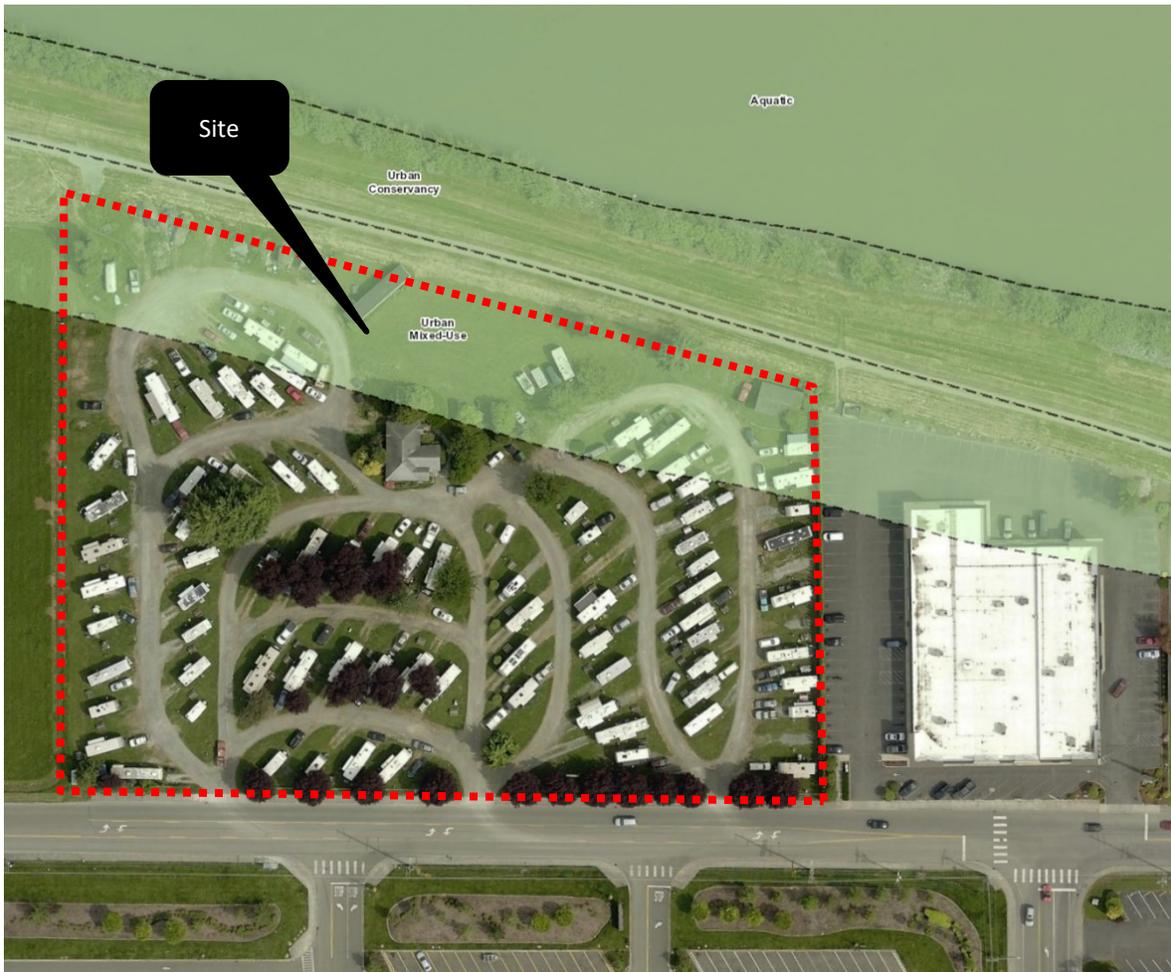
The RV Park is also located within the City's Shoreline jurisdiction and the proposed improvements require Shoreline Substantial Development Approval.

PROJECT LOCATION: The proposal property has an address of 1305 West Stewart Road. The parcel numbers are P24026, P24028 & P24029, and it is located within a portion of the southeast 1/4 of Section 7, Township 34, Range 4, W.M.

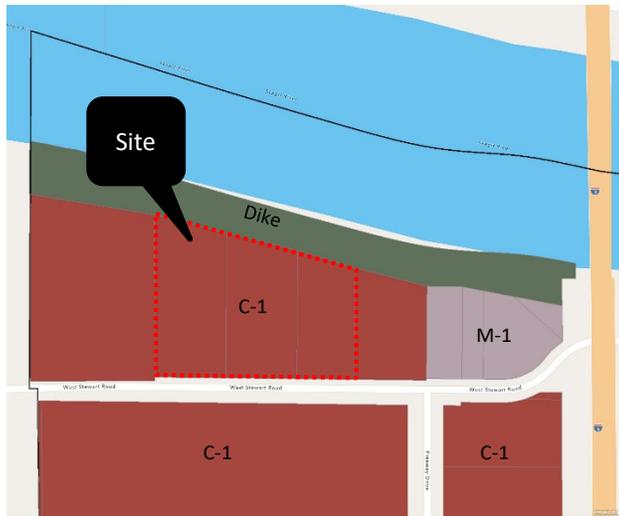
The map and aerial photos below show the location of the site and its current condition.



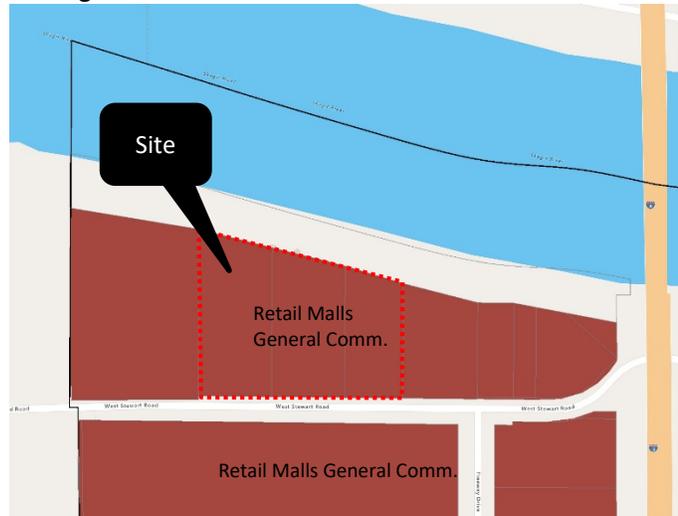




SMP Designation



Zoning



Comp Plan

B. EXHIBIT LIST:

1. Master Land Use Application, Master Land Use Application for Shoreline Permits, & Project Narrative
2. Project Plans from the Applicant
3. SEPA Checklist & JARPA
4. City's Notices and Correspondence:
 - 4a. Notice of Application and Proposed Optional MDNS issued March 26, 2020 and published March 30, 2020 with an Affidavit for Land Use Sign Posting, an Affidavit of Mailing and proof of publication.

- 4b. Comments from DOE dated April 8, 2020 identifying typographical and non-substantive errors in the SEPA Checklist provided by the applicant.
- 4c. Comments from Skagit County Dike District 17 dated April 1, 2020 identifying requests that were made conditions in the final MDNS.
- 4d. Email from NW Clean Air Agency dated April 14, 2020 identifying the need for an asbestos survey and notice of demolition to be filed with their agency before proposed demolition on site started.
- 4e. MDNS and the SEPA Environmental Staff Report issued April 14, 2020 with an Affidavit of Mailing and proof of publication.
- 4f. Notice of Public Hearing issued June 23, 2020 and published June 25 with an Affidavit of Mailing and proof of publication

C. EXISTING CONDITIONS

OWNER/APPLICANT	Skagit Valley RV, LLC P.O. Box 1050 North Bend, WA 98045																										
SITE ZONING	General Commercial (C-2)	SITE COMPREHENSIVE PLAN DESIGNATION	Retail Mall & General Commercial																								
SITE ACREAGE	+/- 5.0 acres																										
EXISTING SITE USE & IMPROVEMENTS	The site is currently used as an RV Park.																										
MOUNT VERNON DEVELOPMENT REGULATIONS APPLICABLE TO THE PROPOSED PROJECT:	MVMC: <ul style="list-style-type: none"> • Chapter 14.05 Administration of Development Regulations • Chapter 17.48 General Commercial District • Chapter 17.102 Nonconforming Building or Uses City of Mount Vernon Shoreline Master Program																										
PERMIT CHRONOLOGY:	<table border="1"> <thead> <tr> <th>DATE</th> <th>SUMMARY</th> </tr> </thead> <tbody> <tr> <td>8/27/2019</td> <td>Pre-Application Meeting</td> </tr> <tr> <td>2/6/2020</td> <td>Permit Application Submitted</td> </tr> <tr> <td>2/7/2020</td> <td>Permit deemed Counter Complete</td> </tr> <tr> <td>3/5/2020</td> <td>Permit deemed Technically Complete</td> </tr> <tr> <td>3/26/2020</td> <td>Notice of Application (NOA) Proposed Optional Mitigated Determination of Non-Significance (PMDNS) Issued</td> </tr> <tr> <td>3/30/2020</td> <td>NOA/PMDNS published</td> </tr> <tr> <td>4/8/2020</td> <td>NOA/PMDNS comment period ended</td> </tr> <tr> <td>4/14/2020</td> <td>Final MDNS Issued and published</td> </tr> <tr> <td>4/24/2020</td> <td>SEPA Appeal Period complete</td> </tr> <tr> <td>6/25/2020</td> <td>Notice of Public Hearing (NOH) Issued</td> </tr> <tr> <td>6/25/2020</td> <td>NOH published</td> </tr> </tbody> </table>			DATE	SUMMARY	8/27/2019	Pre-Application Meeting	2/6/2020	Permit Application Submitted	2/7/2020	Permit deemed Counter Complete	3/5/2020	Permit deemed Technically Complete	3/26/2020	Notice of Application (NOA) Proposed Optional Mitigated Determination of Non-Significance (PMDNS) Issued	3/30/2020	NOA/PMDNS published	4/8/2020	NOA/PMDNS comment period ended	4/14/2020	Final MDNS Issued and published	4/24/2020	SEPA Appeal Period complete	6/25/2020	Notice of Public Hearing (NOH) Issued	6/25/2020	NOH published
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D. SHORELINE DESIGNATION, PURPOSE, GUIDELINES AND GOALS

The SMP designation for the subject site is Urban Mixed-Use. The SMP states the purpose of this shoreline designation is to:

"...both acknowledge the historical presence and allow for the continuation of retail, commercial, office, and industrial uses that currently exist on the City's shoreline. This designation also recognizes that Mount Vernon no longer has water-dependent commercial, industrial, or transportation uses, or the water-related uses that characterized its "working waterfront" during the nineteenth and early twentieth centuries. Although the Downtown has changed significantly, as have similar riverfront towns, there are existing uses of an industrial nature that remain important to the economic vitality of the City that will continue to operate at their current locations for the foreseeable future."

Staff Comments: The proposal is a long time existing commercial/recreational use and is thus consistent with the intent of the designation.

The following SMP management guidelines are identified and reviewed for consistency by Planning Staff to support the approval of the subject application and its associated recommended conditions of approval:

The SMP outlines the following management guidelines for the Urban Mixed-Use shoreline designation:

- a. Policies and regulations should assure no net loss of shoreline ecological functions as a result of new development.
- b. Where applicable and feasible, development should include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.
- c. Where feasible, visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).
- d. Design objectives should be implemented by means such as sign regulations, appropriate scale and massing of buildings, architectural standards, landscaping, and maintenance of natural vegetative buffers.
- e. Development in the Urban Mixed-use Environment should be managed so that it enhances and maintains the shorelines for a variety of urban uses, with priority given to water-enjoyment uses and public access.
- f. New development and redevelopment within the area described in the City of Mount Vernon Downtown and Waterfront Master Plan shall be consistent with the objectives and implementation of the City of Mount Vernon Downtown and Waterfront Master Plan.

Staff Comments: The proposal is adjacent to the Dike District #17 dike so is not immediately adjacent to the shoreline. The use is existing and the improvements are “like for like” regarding type and square footage. As a condition of approval, the applicant will provide an easement for public access from Stewart Road along the RV Park’s westernmost access road and then north to its property line with the Dike District property. The easement will become effective at such a time as the Dike District property allows for public access. The property is not within the area described in the City of Mount Vernon Downtown and Waterfront Master Plan.

The following Mount Vernon Shoreline Master Program (SMP) Goals are identified and reviewed for consistency by Planning Staff to support the approval of the subject application and its associated recommended conditions of approval:

ECONOMIC DEVELOPMENT GOALS

1. Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in the Shoreline Management Zone (SMZ) that will be an asset to the community and local economy, are consistent with life safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.
2. Protect current economic activity and uses in the SMZ that are consistent with the objectives of the Comprehensive Plan and the City of Mount Vernon Downtown and Waterfront Master Plan, and provide environmentally sensitive redevelopment and new development.
4. Ensure that economic activity in the SMZ does not harm the quality of the site's environment or adjacent shorelands.

Staff Comments: The proposal is to upgrade an existing commercial use to make repairs and improvements that will modernize the use and make it more attractive to today’s RV Park guests. The site is not immediately adjacent to the shoreline and is separated from it by the Dike District 17 dike. The project was subject to the City’s SEPA process and was routed to neighbors, state agencies and tribes for comment.

SHORELINE USE GOALS

1. Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.
2. Ensure that activities and facilities are located on shorelines in a manner so as to achieve flood damage reduction and support of flood risk management projects.

Staff Comments: The proposal is a commercial use located in a shoreline designation identified for commercial uses. It is located adjacent to the Dike District #17 dike facility and is therefore located in an area intended to reduce chances for flood damage.

PUBLIC ACCESS GOALS

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

4. To the extent feasible, construct a continuous pedestrian path along the Skagit River shoreline while providing protection of ecological functions.

Staff Comments: As a condition of approval, the applicant will provide an easement for public access from Stewart Road along the RV Park's westernmost access road and then north to its property line with the Dike District property. The easement will become effective at such a time as the Dike District property allows for public access.

RECREATION GOALS

2. Increase opportunities in shoreline areas that can reasonably tolerate active or passive recreational uses without diminishing or degrading the integrity and character of the shoreline.

Staff Comments: RV Parks can provide both commercial and recreational opportunities. The improvements to the existing RV Park will allow it to better serve the recreational needs of its guests without additional impacts to the shoreline.

E. COMPREHENSIVE PLAN & DEVELOPMENT REGULATIONS

All Shoreline Permit applications must be consistent/comply with the Mount Vernon Comprehensive Plan and Zoning regulations. The Comprehensive Plan identifies areas where commercial uses are allowed. The proposal is an existing commercial use located in the Retail Malls & General Commercial designation. Additionally, Land Use Goal 8 states:

"SUPPORT EXISTING BUSINESSES AND PROVIDE A DYNAMIC BUSINESS ENVIRONMENT FOR NEW COMMERCIAL AND INDUSTRIAL ACTIVITIES THAT ENHANCE THE CITY'S EMPLOYMENT AND TAX BASE WHILE PROVIDING WELL PLANNED AND ATTRACTIVE FACILITIES."

Staff Comments: The proposed improvements are necessary for the business to modernize and serve the needs of its intended guests. Allowing the improvements and continued use of the existing business is consistent with the Comprehensive Plan.

The site is located within the General Commercial (C-2) district. It is an existing use that was developed in 1985 when RV parks were allowed in the zoning district. Since that time, RV Parks are no longer allowed in the C-2 zoning district and the RV Park has become a pre-existing non-conforming use. There are many pre-existing non-conforming uses throughout the City and as such the Municipal Code includes provisions for expansion, alteration, or reconstruction of these uses (MVMC 17.102). That is the purpose for obtaining the subject Special Permission permit and upon its approval the use will be consistent with the zoning district.

Setbacks (MVMC 17.48.060): The C-2 zoning district requires front setbacks of 10 feet (25 feet from arterial streets) and no side or rear setbacks. Shorelines are required to have a 50-foot setback.

Staff Comments: The use is an existing use and meets the required front setbacks. The proposal has been configured to meet the Shoreline setback. The proposal removes the previous caretaker unit from the shoreline setback area and brings the RV Park into conformance with the setback requirements.

Landscaping (MVMC 17.93): The proposal is required to provide 10% of the gross site area as landscaping.

Staff Comments: The existing RV Park includes some existing landscaping. The applicant has supplied a preliminary landscape plan (**Exhibit 2**) showing how they intend to meet the required landscaping for the improvements.

Parking (MVMC 17.84): Areas of the site being improved will be required to be code compliant which means that the off-street parking area, aisles, access drives, and all areas where vehicle or motorized traffic will travel shall be paved so as to provide a durable, dust-free surface and shall be so graded and drained as to dispose of surface water without damage to private or public properties, streets or alleys. ADA parking will also be required to be installed.

Staff Comments: The site plans prepared for the proposal and included as **Exhibit 2** show how the proposal will meet the parking requirements.

F. APPROVAL CRITERIA & STAFF ANALYSIS

SPECIAL PERMISSION APPROVAL CRITERIA

The approval criteria for Special Permission that staff needs to address is contained in MVMC 17.102.070. This section of the code contains the following four (4) criteria. The staff response to each of these criteria follows each listed item.

A. The effect of such enlargement, expansion or reconstruction on the appearance and use of the area which might be affected.

The RV Park was originally developed in 1985 and the proposal is to upgrade facilities that were part of the original development. The existing facilities are in need of modernization to meet the needs of today's guests. The proposed improvements are intended to improve the appearance and use of the area.

B. The effect of the granting of such permit on traffic patterns in the area.

The proposal will not increase the number of RV spaces and the improvements are "like for like" with regards to type of use and square footage. Traffic concurrency conducted for the proposal concluded that there will be no net increase in the number or type of trips generated. As such the proposed improvements would have no impact on the traffic patterns in the area.

C. The adequacy of parking facilities afforded or to be afforded.

The proposal includes improvements to the proposed parking facilities for the office/laundry/shower facility. The proposal meets the City's requirements for parking.

D. The effect on adjacent and nearby property or the economic effect of the proposed expansion, alteration or reconstruction on both the applicant and the owners of property in the vicinity.

The RV park has been in existence for 35 years (longer than many of the nearby uses). The proposed improvements would not change the RV park in any way that would cause it to have undue economic impacts to the nearby properties. The RVs that stay at the park may well use the services provided by the nearby properties thus providing a net benefit to those properties.

To approve the continuation of the nonconforming use of the RV park within the Commercial zoning district, the Hearing Examiner must find "that the proposed alteration, expansion or reconstruction will not have a material adverse effect upon the use and enjoyment of the properties within the area which conform to the existing zoning..." (MVMC 17.102.080).

Based on the analysis above, the staff conclusion is that:

- The proposal is an upgrade to existing structures with "like for like" use and square footage. The use has been existing for nearly 35 years and may well provide an economic benefit to neighbors with RV patrons visiting the neighboring businesses. As such the proposed improvements to the use would not have an adverse effect on the neighboring properties.

SHORELINE SUBSTANTIAL DEVELOPMENT APPROVAL CRITERIA

The review criteria for approval of Shoreline Substantial Development Permits is found in WAC 173-27-130 and 140:

- 1) A substantial development permit shall be granted only when the development proposed is consistent with:
 - (a) The policies and procedures of the act;
 - (b) The provisions of this regulation; and
 - (c) The applicable master program adopted or approved for the area.

The City of Mount Vernon has adopted a Shoreline Master Program that ensures that development within the City's Shoreline is consistent with the policies and procedures of the act. The SMP was adopted after required review by the Department of Ecology (the State Agency charged with administering the Act).

Staff Comment: The proposed project is located within an area that is already developed and used as RV Park. As such, the natural character, resources, and ecology of the shoreline will not be negatively impacted by the proposed improvements.

The permit has been conditioned to require provisions for providing public access across the site at such time as the Dike District allows for public access on their property that lies between the RV Park and the Skagit River.

Sections D & E discuss how the proposal complies with the relevant portions of the SMP and the City's development regulations.

2) No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

Staff Comment: The proposal is less than 35 feet in height.

G. FINDINGS OF FACT

The Findings of Fact and Conclusions of Law found below are a summary of the information contained within this Staff Report and are based on the entirety of the application materials, municipal code, standards, plans, public comment, and all other materials available to staff during the review period. Collectively the information contained in the Staff Report is the record and summary of the review.

1. The proposal is for the improvement of an existing RV Park to include: demolition of an existing structure that serves as the park's office and its replacement with a new structure and associated parking; replacing the manager/caretaker residence that was demolished in 2019; construction of a storage shed; and construction of a propane refilling station. The existing RV park is not an allowed use in the C-2 zone and the improvements to it and its continued use requires Special Permission under MVMC 17.102.
2. The RV Park is adjacent to the Skagit River and is subject to the City of Mount Vernon Shoreline jurisdiction. The proposed improvements require a Shoreline Substantial Development permit.
3. The proposed project is located at 1305 West Stewart Road and is identified by the Skagit County Assessor as parcels P24026, P24028 and P24029. This property is owned by Skagit Valley RV LLC.
4. The Shoreline Designation of the site is Urban Mixed-Use, the site Zoning is General Commercial (C-2), and the site's Comprehensive Plan designation is Retail Malls & General Commercial.
5. The proposed improvements are roughly 50 linear feet landward from an existing dike and roughly 140 linear feet landward from the closest bank of the Skagit River. The majority of the area between the proposed building footprint and the landward toe of the dike is maintained grass.
6. Public access to the shoreline area is currently blocked by the existing Dike District 17 dike. As part of the conditions of approval for the shoreline permit, the applicant will provide an easement for public access from Stewart Road along the RV Park's westernmost access road and then north to its property line with the Dike District property. The easement will become effective at such a time as the Dike District property allows for public access.
7. The proposed project has completed the SEPA process and the required public notifications.
8. The proposed project has demonstrated compliance with Chapter 27.44 RCW (Indian Graves and Records), Chapter 27.53 RCW (Archaeological Sites and Resources), and Chapter 25-48 WAC (Archaeological Excavation and Removal Permit) with the submittal of a Cultural Resources Assessment that is included in the JARPA document included as part of **Exhibit 3**.
9. As demonstrated within Section E on page 7 the proposed project complies with the City's Comprehensive Plan and development regulations.
10. As demonstrated within Section D on pages 5-7 the proposed project complies with the City's SMP.

H. STAFF RECOMMENDATION

As such, staff recommends **approval** to allow modification to and continuation of the non-conforming RV Park use included in **File No. PLAN20-0047**. Staff also recommends **approval** of Shoreline Substantial Development permit included in **File No. PLAN20-0049**, subject to compliance with the standards of the Mount Vernon Municipal Code and the following conditions of approval:

1. To comply with the SMP requirements for public access, the applicant must provide an easement eight feet in width from Stewart Road along the westernmost access roadway in the park and extending north to its property line with the Dike District property. This easement would become effective at the point in time when the adjacent Dike District #17 property allows for public access.
2. All proposed improvements will be required to comply with the 2012 (as amended in 2014) Washington State Department of Ecology Western Washington Stormwater Management Manual for Western Washington which is the adopted stormwater manual for the City of Mt. Vernon.
3. The applicant will be required to obtain all appropriate City construction permits for utilities, landscape installation, and building permits.

STAFF SIGNATURE:



Marianne Manville-Ailles; Planning Consultant

June 30, 2020

Date

I. NOTES TO THE APPLICANT AND PARTIES OF RECORD

1. The MVMC 17.93.060 requires the following with regard to maintenance:
 - a. All required landscaping and screening areas shall be maintained in a healthy, growing condition. Broken, dead or dying trees, shrubs or plants shall be replaced upon notification by the city. All landscaping and screening areas shall be maintained reasonably free of weeds and trash. Any property owner who fails to reasonably maintain and replace landscaping and screening areas will be considered to have committed an offense under this code.
 - b. A maintenance bond, cash deposit, or other assurance acceptable to the city, equal to 60 percent of the estimated cost of the required landscaping improvements plus the cost of their maintenance for two years, shall be submitted to the city prior to acceptance of a project by the city; i.e., if a plat is proposed the deposit shall be submitted prior to final plat approval, if a building permit is necessary the deposit shall be submitted prior to the issuance of the building permit, and if a commercial development is proposed the deposit shall be submitted prior to final occupancy. The maintenance deposit shall be required for all projects except the community and economic development director can individually exempt projects for the construction of a single-family home; in addition, the community and economic development director can waive the deposit on a case-by-case basis if it can be shown that the deposit would not be necessary. The deposit shall be in place for two years and if at the end of two years the required landscaping is not meeting code, for example, if it is not installed, the installed landscaping is not meeting its minimum coverage requirements, or if the landscaping is dead or dying, the city may use the deposit to rectify the identified landscaping deficiency.
2. The City will require Landscape Inspection report prior to final approval sign off on the landscape plans. The City will provide a copy of the requires worksheet that must accompany the report as part of the approved landscape plan packet.
3. This non-conforming use application requires the City's Hearing Examiner make a recommendation, at an open record public hearing that will be forwarded to the City Council, who will make a final decision at a closed record public hearing.

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4. Time requirements for Substantial Development Permits are as follows (See WAC 173-27-090 for complete language.):
 - a. Construction activities shall commence, or where no construction activities are involved, the use or activity shall commence within two years of the effective date of a Substantial Development Permit.
 - b. The period for commencement of construction or use may be extended once for a one year period, if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record.
 - c. The authorization to conduct development activities shall terminate five years after the effective date of a Substantial Development Permit.
 - d. The authorization period to conduct development activities may be extended once for a one year period, if a request based on reasonable factors is filed before the expiration date and notice of the proposed extension is given to parties of record.
 - e. The time periods in sections (a) and (c), above, do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
 5. **Consistent with WAC 173-27-190:** (1) Each permit for a substantial development, conditional use or variance, issued by local government shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one days from the date of such filing have been terminated; except as provided in RCW 90.58.140 (5)(a) and (b)..
 6. The written recommendation for this project will be issued by the Hearing Examiner within 10 days after the date the record closes unless this timeframe is extended per MVMC 14.05.110(H)(2).
 7. The Hearing Examiner shall reconsider his/her recommendation if a written request is properly filed by the applicant or a party of record within 10 days of the date of the initial recommendation. A party wishing to file a request for reconsideration of the Hearing Examiner's recommendation shall follow the process outlined within MVMC 14.05.110(H)(4). A copy of this portion of the MVMC can be obtained by contacting the Development Services Department; or it can be downloaded on the City's web site at: <http://www.mountvernonwa.gov>.



DATE: August 26, 2020
TO: Mayor Boudreau and City Council
FROM: Rebecca Lowell, Development Services
SUBJECT: CLOSED RECORD PUBLIC HEARING TO CONSIDER THE VIEWMONT ESTATES MOBILE HOME SITE PLAN MODIFICATION AND CONTINUATION OF A NON-CONFORMING USE PLAN19-0169A

RECOMMENDED ACTION:

Staff recommends that Council hold a closed record public hearing and make a motion to authorize the Mayor to sign the accompanying resolution approving the Viewmont Estates Mobile Home Site Plan modification and continuation of a non-conforming use.

INTRODUCTION/BACKGROUND:

The applicant seeks to modify the existing mobile home site plan and add two additional sites bringing the total number of sites to 99. The proposal also includes a non-conforming condition that was approved with the previous mobile home site plan—the mobile home park does not meet the minimum requirement for common open space. The proposed modification of the site plan does not reduce the amount of open space included in the original approval of the mobile home site plan.

MVMC Chapter 17.39.150 includes a process for adopting and modifying site plans for Mobile Home Parks. The process give approval authority for such a modification to City Council (upon recommendation by the Hearing Examiner).

MVMC Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to continue an existing non-conforming structure and/or use so long as certain criteria are met.

The proposal property has an address of 1120 S 25th Street, and its parcel number is P27310.

FINDINGS/CONCLUSIONS:

On July 15, 2020 an open record hearing was held (via zoom meeting) before the Hearing Examiner. The Examiner recommended approval of the proposal with conditions in a report dated July 29, 2020. No request for reconsideration of the Examiner’s recommendation of approval was received by the department.

The Hearing Examiner’s recommendation is submitted together with the attached proposed Resolution, the Staff Report, and all of the Exhibits that the Examiner relied upon in making his recommendation.

RECOMMENDATION:

Staff recommends that Council move to adopt a resolution approving the mobile home park site plan modification and the continuation of a non-conforming use.

ATTACHED:

- Proposed Resolution
- Hearing Examiner Recommendation
- Staff Report and its associated Exhibits

RESOLUTION NO.

A RESOLUTION OF THE CITY OF MOUNT VERNON, WASHINGTON; APPROVING THE VIEWMONT ESTATES MOBIL HOME PARK REQUEST TO MODIFY ITS SITE PLAN AND CONTINUE A NON-CONFORMING CONDITION (PROJECT NO. PLAN19-0169A) CONSISTENT WITH MOUNT VERNON MUNICIPAL CODE CHAPTERS 14.05, 17.39.150, AND 17.102

WHEREAS, Mount Vernon Municipal Code (MVMC) Chapter 17.39.150 includes a process for adopting and modifying site plans for Mobile Home Parks. The process give approval authority for such a modification to City Council (upon recommendation by the Hearing Examiner). and

WHEREAS, Mount Vernon Municipal Code (MVMC) Chapter 17.102 has a process by which the City Council (upon recommendation by the Hearing Examiner) can grant special permission to enlarge or expand an existing non-conforming structure and/or use so long as certain criteria are met; and

WHEREAS, the Mount Vernon Hearing Examiner held an open record public hearing on July 15, 2020 and on July 29, 2020 the Examiner recommended approval, with conditions, for the subject request to modify the mobile home site plan by adding two spaces and continue a non-conforming condition; and

WHEREAS, City staff have completed the requisite procedural requirements found in Mount Vernon Municipal Code Title 17 and Chapter 14.05; and

WHEREAS, it is further deemed advisable to record the decisions reached by the Council through the adoption of this resolution; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON:

SECTION 1. The City Council does hereby adopts the above listed recitals as set forth fully herein.

SECTION 2. The City Council adopts the Hearing Examiner's recommendations, findings of fact and conclusions of law found in the accompanying **Exhibit A**.

SECTION 3. The City of Mount Vernon approves the modification of the mobile home park site plan and continuation of a non-conforming condition (Project No. PLAN19-169A) as described and shown within the accompanying Hearing Examiner's recommendation.

PASSED AND ADOPTED this 26th day of August, 2020

SIGNED IN AUTHENTICATION this ____ day of August, 2020.

Jill Boudreau, Mayor

Doug Volesky, Finance Director

Approved as to form:

Kevin Rogerson, City Attorney

EXHIBIT A
HEARING EXAMINER'S RECOMMENDATION

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**BEFORE THE HEARING EXAMINER FOR THE CITY OF
MOUNT VERNON**

Phil Olbrechts, Hearing Examiner

RE: ViewMont Mobile Estates Special Permission and Site Plan Review	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
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INTRODUCTION

The Applicant requests approval of site plan review and a special permission application to add two mobile home spaces to the ViewMont Mobile Estates, which currently consists of 97 mobile home spaces and is located at 1120 S 25th Street. Special permission approval is required because the mobile home park does not have a sufficient amount of open space under current City regulations. The proposed two spaces will not decrease the amount of open space. As conditioned, the proposal complies with all applicable development standards. It is recommended that the City Council approve the site plan and special permission applications, subject to the conditions recommended at the end of this document.

The proposal may moderately exacerbate a severe existing parking problem. The Applicant’s proposed addition of mobile home spaces may add to the parking demand on the over-crowded parking strips along 25th St. To mitigate the proposal’s additional impact, the project should be conditioned to require the placement of two parallel spaces on the proposed mobile home spaces instead of the two tandem spaces that is provided for on the other spaces of the park.

The parking problem along 25th St. was ably presented by Alpha Sheehan, a neighbor to the mobile home park living directly across 25th St. from it. Ms. Sheehan presented photographs, Ex. 7, showing the shoulders of 25th St. as completely full and occupied. Ms. Sheehan testified that the parking is always full. She noted that parking demand is so high on 25th that driveways are often blocked and also that people have given up on using the ballfields located off of 25th because of the inability to park. She testified that if one of her neighbors wishes to have visitors, they have to try to find an open spot in the early morning and then save it by parking their own vehicle there. If a neighbor wishes to hold a get together of several people, the only feasible option is to allow their guests to park on their front lawn. The

1 Applicant noted that the park owners acknowledge that there's a parking problem
2 along 25th St. The owners are concerned about the issue from a safety standpoint,
3 because children run out onto 25th through gaps in the parked vehicles and don't see
approaching traffic. The owners would like to see the City prohibit parking along
25th St.

4 The cause of the parking problem is elusive. ViewMont residents take up most of
5 the parking spaces on 25th, yet ViewMont significantly exceeds City parking
6 standards and many of its community parking stalls remain empty during the day. A
7 parking study done for 25th Street, Ex. 4, finds that 58% of the traffic along 25th street
8 is from ViewMont. Several photographs taken on different days, including those of
9 Ms. Sheehan, show the majority of the community parking stalls of the mobile home
10 park as unoccupied. See Ex. 4, 7 and staff report. The City's parking standards,
11 specifically MVMC 17.39.190, require one off-street parking stall per mobile home
12 space plus one additional stall for every six park spaces. ViewMont has 97 mobile
home lots. The mobile home park has two tandem parking spaces per unit on single-
lane driveways and 41 community parking spaces composed of 15 reserved for
residents, 15 for park guests and 11 for the clubhouse. In short, MVMC 17.39.190
requires 114 spaces for the existing mobile home spaces and 116 with the proposed
addition of two spaces. The park currently has 239 spaces.

13 One of the neighbors, only identified as Jesse, testified that the reason why the
14 reserved parking spaces aren't used more by the mobile home park residents is
15 because the park owners charge a fee and that fee is frequently increased. That may
16 very well be one reason why 25th street is used by ViewMont residents, but it doesn't
17 appear likely that many mobile home spaces accommodate households with three
18 vehicles such that the existing two parking spaces would not be adequate. The more
19 likely reason was identified by Ms. Sheehan, who noted that all the mobile home
20 spaces only provide for tandem parking, where the parking of a second vehicle blocks
21 egress of the first vehicle. See aerial photo below. This is plausible since in homes
with staggered work shifts, the occupant leaving first will often return first. This puts
the household residents in the position of having to constantly switch the order of
vehicles on the driveway in order to enable the occupant with the first work shift to
exit the next morning. Residents having to live with such an arrangement may very
well find it easier to park on 25th when they get home from working instead of having
to constantly rearrange the order of vehicles parked on their driveways.

22 The fact that 59% of the parking along 25th St is attributable to ViewMont residents
23 leads to the reasonable conclusion that a perpetuation of the tandem parking design
24 may further exacerbate the problem. A proportionate mitigation measure to prevent
25 this impact would be to require parallel parking spaces with direct street access for
each instead of the sequential parking that is provided on all the other lots. That
should remove any incentive for a household with two vehicles from parking on 25th
St.

ORAL TESTIMONY

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2 Marianne Manville-Ailles, contract City of Mount Vernon planner, summarized the
3 staff report. In response to examiner questions, Mr. Manville-Ailles stated that tenants
4 do not use the additional on-site parking spaces, but she does not know why that is the
5 case. Ms. Manville-Ailles also noted that the applications are subject to City Council
6 approval and that the Council allows persons to present argument during its closed
7 record review.

8 Darton Rielly-Gibbons, Applicant, thanked staff for its work and noted it was a
9 pleasure working through the process with staff. He noted that the owners have told
10 him they do not want people parking on 25th and would like to resolve the situation,
11 but there is not a lot they can do to make people stop parking on 25th. As to the
12 nonconformity of the property, the Applicant is not increasing the nonconformity, it's
13 actually reducing it by adding a small amount of open space by the addition of a
14 screening buffer between the right of way and RV parking area. The screening buffer
15 does not technically qualify as open space, but it does add to the overall aesthetics of
16 the park. As to the parking issue, Mr. Rielly-Gibbons noted that each site has two off-
17 street parking spaces, basically the driveways that are long enough to accommodate
18 two cars each. There are also additional parking spaces at the park. There are spaces
19 for visitors and permanent spaces for tenants. However, the tenant spaces require a
20 fee.

21 Alpha Sheehan testified she lives directly across 25th street from the project site. She
22 has lived at that location since 2001. Ms. Sheehan presented a vicinity map that
23 showed the curviness of 25th Street and the relation of the playfield to it. She showed
24 photographs depicting the shoulder to 25th completely occupied with parked vehicles
25 on both sides. She noted the situation has reached critical levels over the last decade.
The police often must visit the site to address the problems created by the
overcrowded parking. Two tactics have been tried to address the parking problem,
neither of which has worked. First, the City placed signs along the curves of 25th to
prohibit parking in those areas due to limited visibility. This has reduced the accident
danger but has also reduced the amount of other available parking along 25th, forcing
drivers to parallel park in very tight quarters. Broken down vehicles and cars that are
never moved are also parked along 25th. One of Ms. Sheehan's photos showed a boat
parked along 25th placed upon concrete and wood blocks. Owners of surrounding
single-family homes end up having to call the police to remove abandoned and
inoperable vehicles parked along 25th as well as vehicles blocking driveway access.
Management of the park has added on-site parking spaces, but those spaces are only
25% full as shown in her photos. She has spoken to the owners about this and was
told the tenants do not use the spaces because of the fee. For some, it is easier to park
along 25th and cross the greenbelt. No one uses the 25th street playfields anymore
because there are no unoccupied parking spaces in front of it. The playfields are
sometimes used for parking by late night visitors when there is nowhere else left to
park. Residents along 25th must park a vehicle in front of their home in the mornings
for days their expecting guests, in order to save a parking spot for those guests.

1 Residents sometimes must be on the lookout days in advance for an open space to
2 reserve it by parking their own vehicle. When residents have get-togethers, they often
3 must let people park on their laws because that is the only way people can get a
parking spot. Ms. Sheehan is concerned that adding two more homes to the mobile
home park will result in adding two more families looking for parking along 25th.

4 Jesse, a neighbor, noted that the cost of parking at the mobile home park had gone up
5 multiple times. Some people would agree to pay for the parking but would then have
to give it up and park back on 25th because of the price increases.

6 In rebuttal, Ms. Marianne Ailes stated that no parking along 25th had been proposed
7 about ten (? == audio unclear) years ago and met significant opposition from residents
8 of the mobile home park as well as the owners.

9 Mr. Reilly-Gibbons noted that the managers of the park do not want tenants parking
10 on the street, and they acknowledged that children have almost been hit as they run out
11 onto the street between the parked vehicles. The managers do not think the 25th street
12 parking is safe. They do not think that prohibiting parking on 25th is the solution,
13 since the problem is not enough parking in the area. The project only involves two
14 new single-wide homes that will have two parking spots per home. Traffic impacts
15 are negligible. In response to Examiner questions, Mr. Reilly-Gibbons noted that the
parking study found that 58% of the parking on 25th is from mobile home park
residents and 17% was from the other residents. The remaining 25% were cars from
people living outside of Mount Vernon. Ms. Sheehan noted that the two parking spots
per mobile home unit are in tandem on single-lane driveways and that is why people
park on 25th.

16 EXHIBITS

17 Exhibits 1-6 identified at page 3 of the June 25, 2020 staff report were admitted into
18 the record during the July 15, 2020 hearing along with the staff report itself. The
19 following documents were also admitted during the hearing:

20 7. Alpha Sheehan pdf.

21 FINDINGS OF FACT

22 Procedural:

- 23 1. Applicant. Huitt-Zollars, Inc, Attn: Darton Riely-Gibbons, 1102
24 Broadway; Ste 301, Tacoma, WA 98402.
- 25 2. Hearing. A Zoom virtual hearing on the applications was held on July 15,
2020, Zoom Meeting ID No. 898 6721 2093.

Substantive:

1 3. Site/Proposal Description. The Applicant requests approval of a site plan
2 review and special permission application to add two mobile home spaces to the
3 ViewMont Estates Mobile Home Park, which currently consists of 97 mobile home
4 spaces and is located at 1120 S 25th Street. The special permission is required
5 because the Applicant seeks to revise a nonconforming use. The project site is 15.6
6 acres in area and 8.4% of that area is open space. The open space does not comply
7 with current standards requiring 15% open space and for that reason the Applicant is
8 required to apply for a “special permission” to enlarge the mobile home park.

6 The two new park spaces will be accommodated by reconfiguring the existing RV
7 storage area and placing one new site on each side of the existing entrance access.
8 Each new site will be approximately 3,600 square feet in size (40’ by 90’). Each site
9 will accommodate a mobile home unit no larger than 14’ by 40’.

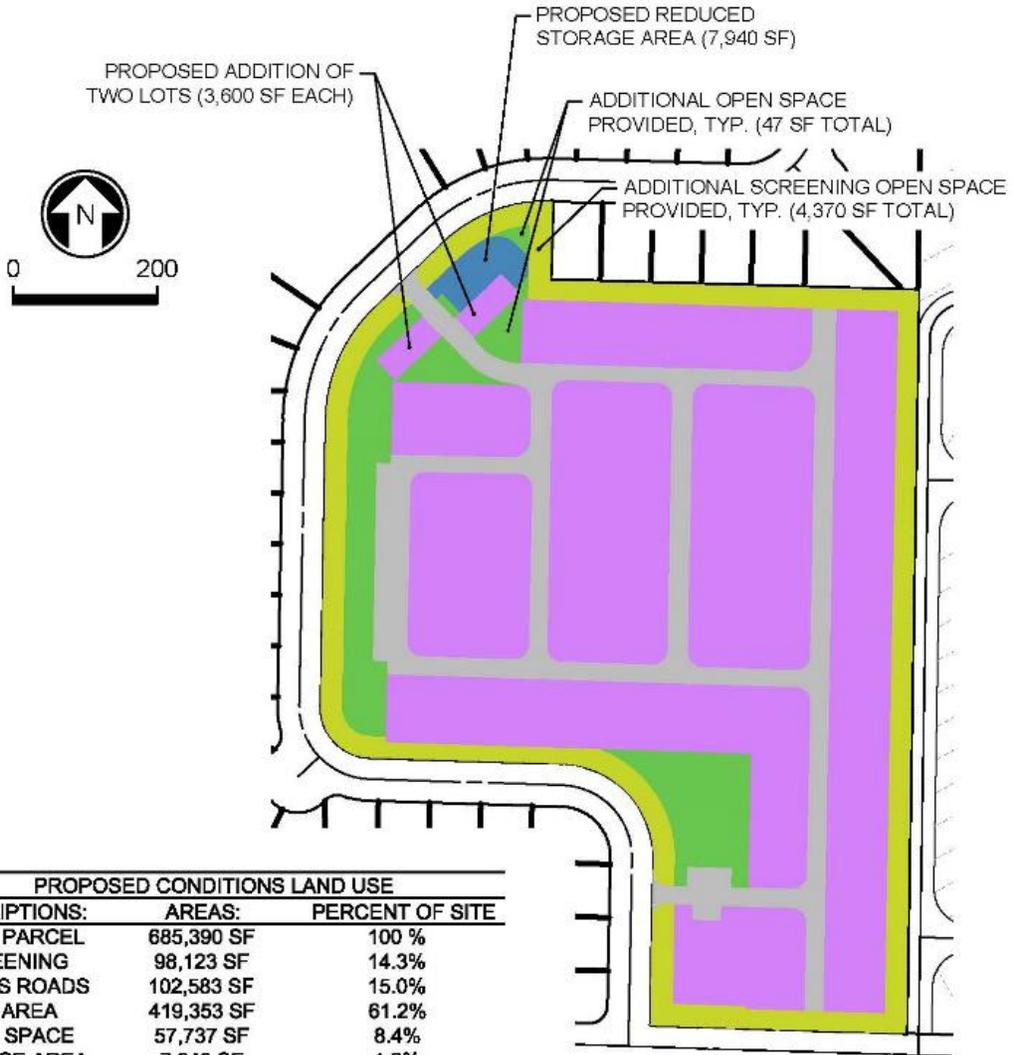
9 An aerial of the project site and a map depicting the proposed addition, taken from the
10 staff report, follows:



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LEGEND:

- SCREENING OPEN SPACE
- ACCESS
- LOT AREA
- OPEN SPACE
- STORAGE AREA



PROPOSED CONDITIONS LAND USE		
DESCRIPTIONS:	AREAS:	PERCENT OF SITE
TOTAL PARCEL	685,390 SF	100 %
SCREENING	98,123 SF	14.3%
ACCESS ROADS	102,583 SF	15.0%
LOT AREA	419,353 SF	61.2%
OPEN SPACE	57,737 SF	8.4%
STORAGE AREA	7,940 SF	1.2%

PROPOSED CONDITIONS LAND USE

1 4. Characteristics of the Area. As noted in the Ex. 4 parking study,
2 ViewMont Estates is bounded by E Section St to the South, Colonial Mobile Home
3 Park to the east and single-family residential parcels to the west and north.

4 5. Adverse Impacts. The proposal will not create any significant adverse
5 impacts to the environment or adjoining properties. The only potential issue of
6 concern is parking along 25th Street. The parking impact and the mitigation found
7 sufficient to address it are detailed in the Overview section of this Recommendation
8 and that Overview analysis is adopted as part of this Finding of Fact.

9 There are no compatibility issues associated with the development. As a result of the
10 application, the Applicant is required to add 30' screening along 25th Ave project
11 frontage, which will screen the two additional lots from the view of neighboring
12 residences. Stormwater impacts will be made to comply with the 2012 (as amended
13 in 2014) Washington State Department of Ecology Western Washington Stormwater
14 Management Manual for Western Washington which is the adopted stormwater
15 manual for the City of Mt. Vernon. Under this manual, the proposal will at a
16 minimum be required to ensure that there will be no increase in off-site drainage. As
17 noted in the staff report, staff have found that the proposal will result in negligible
18 traffic impacts and there is no evidence to the contrary. No other potential impacts to
19 adjoining uses are discernable from the record.

20 Impacts to environmental resources are negligible. There are no critical areas on the
21 project site and the proposed modest expansion is within the confines of a fully
22 developed mobile home park.

23 The proposal is exempt from environmental policy act review because it results in
24 less than ten new dwelling units as authorized by MVMC 15.06.095A1.

25 CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. The hearing examiner has authority to hold
hearings and make recommendations to the City Council on requests for “special
permission” applications to expand nonconforming buildings and uses as authorized
by MVMC 17.102.030. Site plan review is an A1 review process as designated by
MVMC 17.90.040 and is consolidated with the review procedure for the special
permission application as authorized by MVMC 14.05.080G2.

Substantive:

2. Zoning Designation. The project site is zoned Mobile Home Park (MHP).

3. Review Criteria. MVMC 17.102.025 does not allow for the expansion of
a nonconforming use without a approval of a “special permit.” The project site

1 qualifies as nonconforming because MVMC 17.39.120 requires the park to have 15%
2 open space and it currently only has 8.4% open space. “Special permission” criteria
3 are governed by MVMC 17.102.070 and 17.102.080, which are quoted below in
4 italics and applied through corresponding conclusions of law.

5 MVMC 17.90.030 requires site plan review for any project site involving more than
6 five buildings. Chapter 17.90 MVMC does not identify any review criteria for site
7 plan review, except to require that site plan applications be reviewed “to ensure
8 compliance with the purpose and intent of this chapter.” See MVMC 17.90.050. The
9 purpose section of Chapter 17.90 MVMC is quoted below and applied through its
10 associated conclusion of law.

11 **Special Permission**

12 **MVMC 17.102.070(A):** *The effect of such enlargement, expansion or reconstruction*
13 *on the appearance and use of the area that might be affected;*

14 5. The criterion is met. As identified in Finding of Fact No. 5, the proposal would
15 not create any significant aesthetic impacts. The proposal only involves the addition
16 of 2 spaces to a 97-space park and those spaces would be obscured from adjoining
17 view by the addition of a new 30-foot landscaping buffer. The proposal will also
18 not change the total amount of open space available and thereby will not increase the
19 aesthetic impacts of the nonconformity of the project. Other than aesthetic impacts,
20 the only impact on the affected area is a modest increase in demand on 25th St.
21 parking. As outlined in the Overview section, that issue is mitigated by a condition
22 requiring parallel parking stalls for the proposed mobile home spaces.

23 **MVMC 17.102.070(B):** *The effect of the granting of such permit on traffic patterns*
24 *in the area;*

25 6. The criterion is met. As determined in Finding of Fact No. 5, the proposal will
not create any significant impacts to traffic.

MVMC 17.102.070(C): *The adequacy of parking facilities provided or to be*
provided;

7. The criterion is met. As mitigated, the proposal does not affect the adequacy of
parking for the reasons identified in Finding of Fact No. 5.

MVMC 17.102.070(D): *The effect on adjacent and nearby property or the economic*
effect of the proposed expansion, alteration or reconstruction on both the applicant
and the owners of property in the vicinity.

8. The criterion is met. As mitigated, the project will have not significant adverse
impacts on properties in the vicinity and thus will also have no economic effect.

1 **MVMC 17.102.080 Approval of application – Procedure:** *If, after considering the*
2 *foregoing factors, the hearing examiner finds that the proposed alteration, expansion,*
3 *or reconstruction will not have a material adverse effect upon the use and enjoyment*
4 *of the properties within the area, which conform to the existing zoning, then and in*
5 *that event, the hearing examiner shall recommend issuance of a permit for such*
6 *alteration, expansion, or reconstruction and forward such to the city council for*
7 *approval or disapproval by majority vote. If approved by the city council, the permit*
8 *may then be issued.*

9 9. The criterion is met. As determined in Finding of Fact No. 5, the proposal will
10 not create any significant adverse impacts to adjoining properties and thus will not
11 have a material adverse effect upon the use and enjoyment of those properties.

12 **Site Plan**

13 **MVMC 17.90.050:** *Applications shall be reviewed consistent with the procedural*
14 *requirements found in Chapter 14.05 MVMC to ensure compliance with the purpose*
15 *and intent of this chapter...*

16 **MVMC 17.90.010:** *The intent of site plan review is as follows:*

- 17 *A. To promote the public health, safety and general welfare;*
- 18 *B. To supplement land use regulations to lessen traffic congestion, promote*
19 *coordinated development and conserve and restore natural beauty and other natural*
20 *resources;*
- 21 *C. To provide procedural guidelines for review of development with the city;*
- 22 *D. To foster communication among all involved in the development of property within*
23 *the city;*
- 24 *E. To ensure uniformity in the application of codes, regulations, policies and other*
25 *regulatory devices that affect land development;*
- F. To protect the use and enjoyment of surrounding properties;*
- G. To implement the comprehensive plan.*

11. The site plan criterion is met. The proposal is found to ensure compliance with the
purpose and intent of the site plan chapter as that purpose and intent is expressed in
MVMC 17.90.010. The application promotes public safety and welfare by not
creating any significant adverse impacts on properties within the vicinity and the
environment as determined in Finding of Fact No. 5. The proposal doesn't materially
increase traffic congestion and has no significant adverse aesthetic impacts as
determined in Finding of Fact No. 5. The proposal follows the procedural review
requirements of the City as determined in Conclusion of Law No. 1. The proposal
complies with all pertinent development standards as detailed in Finding of Fact No. 5
and the staff report. The proposal is consistent with the Comprehensive Plan since it
is consistent with the Single-Family High Density (SFHI) designation and its

1 compatibility with surrounding uses is consistent with the compatibility goals of the
2 Comprehensive Plan. See, e.g. Policy 1.1.2, Objective 1.2, Policy 1.2.1.

3 **Recommendation**

4 The special permission and site plan applications should be approved with the
5 following conditions:

- 6 **1.** All proposed improvements will be required to comply with the 2012 (as
7 amended in 2014) Washington State Department of Ecology Western Washington
8 Stormwater Management Manual for Western Washington which is the adopted
9 stormwater manual for the City of Mt. Vernon. The projects will at a minimum
10 trigger requirements #1-5, the building permit application must include
11 stormwater documentation showing how each of the new sites comply with these
12 minimum requirements.
- 13 **2.** The applicant will be required to obtain all appropriate City construction permits
14 for utilities, the RV storage reconfiguration, landscape installation, and building
15 permits.
- 16 **3.** Based on lot size, the type of mobile home allowed to be placed on the new
17 spaces must be a single no wider than 14 feet.
- 18 **4.** The proposed mobile home spaces shall provide for two parallel on-site parking
19 spaces or other parking design that enables two vehicles to enter and exit the
20 mobile home space freely without each obstructing access of the other. The
21 Applicant can modify the design of the mobile home spaces as necessary to
22 accommodate this parking arrangement to the extent staff finds that this minor
23 alteration to the proposal does not result in any significant impacts.

24 Dated this 29th day of July 2020.

25 
Phil A. Olbrechts

City of Mount Vernon Hearing Examiner



STAFF REPORT *for* Site Plan Review—Mobile Home Park Special Permission—Continuation of Existing Non- Conforming Conditions

STAFF REPORT SUMMARY & CONTENTS

STAFF RECOMMENDATION: APPROVAL of the ViewMont Mobile Estates request for Mobile Home Park Site Plan review to add two sites to an existing park bringing the total number of sites to 99. APPROVAL of the ViewMont Estates request to allow for the continuation of the non-conforming structures within the remainder of the park.

PROJECT SUMMARY: The proposal is to modify the existing site plan for the ViewMont Estates Mobile Home Park. The modification consists of the addition of two sites to the park bringing the total sites to 99. This proposal also includes an existing non-conforming condition and as such a non-conforming special permission approval to allow for the continuation of the non-conforming condition is included with this request.

ADDRESS: 1120 S 25th Street **PARCEL #:** P27310 **¼ SEC:** SW **SEC:** 21 **TWP:** 34N **RGE:** 04E

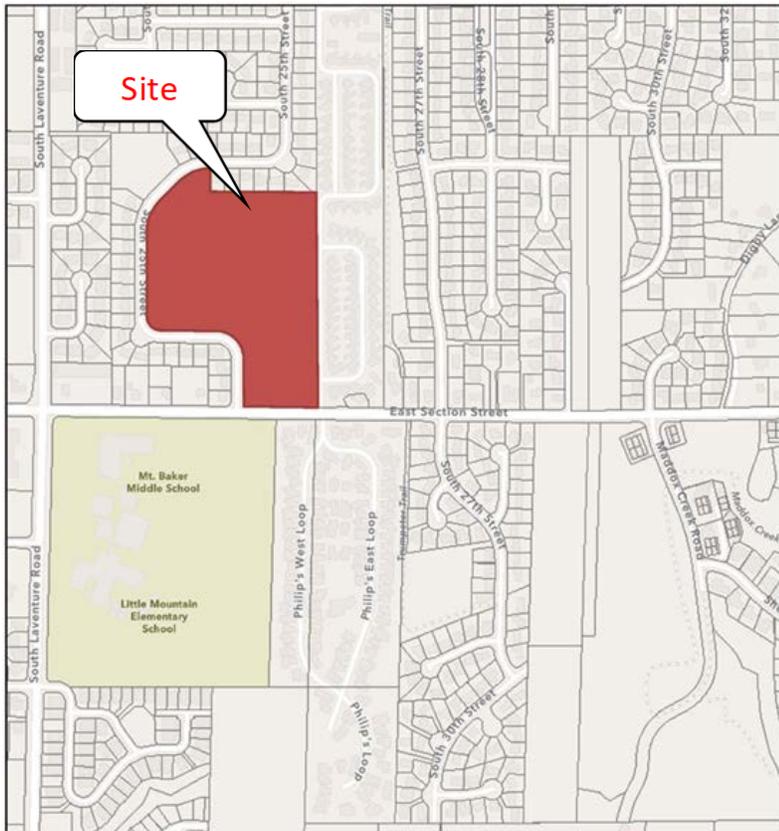
PROPERTY OWNER:

ViewMont Mobile Estates, LLC
 4616 25th Ave NE; PMP 701
 Seattle WA, 98402

APPLICANT:

Huitt-Zollars, Inc
 Darton Riely-Gibbons
 1102 Broadway; Ste 301
 Tacoma, WA 98402

VICINITY MAP:



REPORT CONTENTS:

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A. PROJECT DESCRIPTION & LOCATION

PROJECT DESCRIPTION:

The proposal is to modify the existing site plan for the ViewMont Estates Mobile Home Park. The modification consists of the addition of two sites to the park bringing the total sites to 99. The two new sites will be accommodated by reconfiguring the existing RV storage area and placing one new site on each side of the existing entrance access. Each new site will be approximately 3,600 square feet in size (40' by 90'). Each site will accommodate a mobile home unit no larger than 14' by 40'.

The proposal is located in an existing mobile home park that has an existing non-conforming condition. MVMC 17.39.120 requires a minimum of 15 percent of the site area of the park to be common open space. The park currently includes 8.4 percent common open space. This non-conformity was approved with the initial permit for the park. While the current proposal includes an additional 47 square feet of common open space, the percentage of common open space within the overall development is not changed. As such, the proposal also includes a non-conforming special permission approval to allow for the continuation of the non-conforming condition within the park.

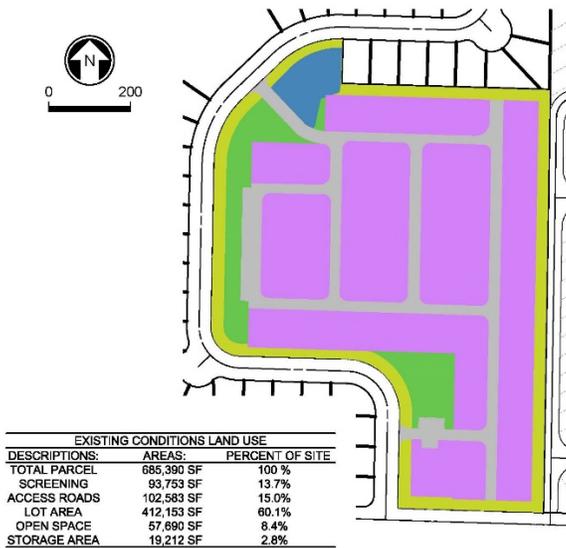
A public hearing before the Hearing Examiner will be held prior to final decision by the City Council.

PROJECT LOCATION:

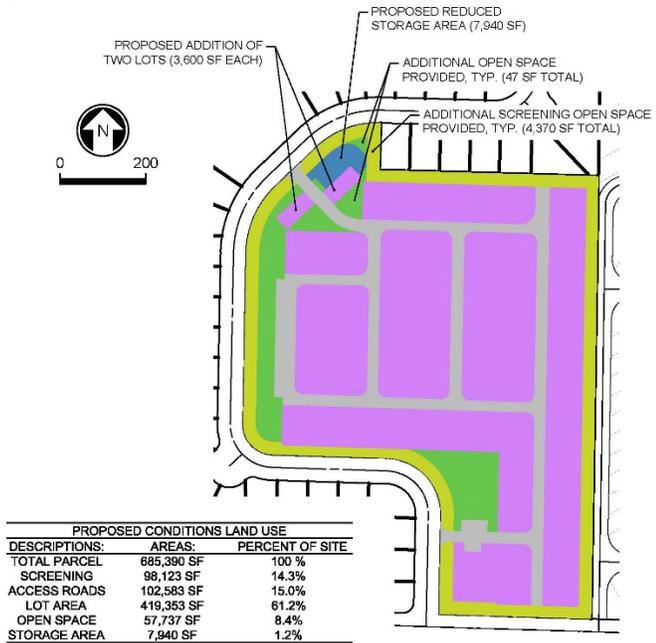
The proposal property has an address of 425 S. 10th St. The parcel number is P52768, and it is located within a portion of the southwest 1/4 of Section 20, Township 34, Range 4, W.M.

The photo and map that follow identify the location and elevation of the project site/building.





EXISTING CONDITIONS LAND USE



PROPOSED CONDITIONS LAND USE

B. EXHIBIT LIST:

1. Master Land Use Application
2. Project Narrative from the Applicant
3. Project Plans from the Applicant
4. Parking Analysis from the Applicant
5. City's Notices and Correspondence:
 - 5a. Routing Memo dated November 27, 2019
 - 5b. Notice of Application issued April 25, 2019 with an Affidavit for Land Use Sign Posting, an Affidavit of Mailing and proof of publication
 - 5c. Comments from Mount Vernon Fire Department dated September 19, 2019 identifying project requirements.
 - 5d. Comments from PUD dated December 10, 2019 identifying existing conditions and no additional requirements or comments regarding proposal.
 - 5e. Comments Mount Vernon Code Enforcement Officer dated December 10, 2019 identifying parking concerns.
 - 5f. Notice of Public Hearing issued June 23, 2020 and published June 25 with an Affidavit of Mailing and proof of publication
6. Public Comments
 - 6a. Letter from Clancy & Alpha Sheahan received November 22, 2019 identifying parking concerns.

C. EXISTING CONDITIONS/FINDINGS OF FACT

OWNER OF RECORD	ViewMont Mobile Estates, LLC Soazick Frelicot 4616 25th Ave NE; PMP 701 Seattle WA, 98402	PROJECT APPLICANT	Huitt-Zollars, Inc Darton Riely-Gibbons 1102 Broadway; Ste 301 Tacoma, WA 98402
SITE ZONING	Mobile Home Park (MHP)	SITE COMPREHENSIVE PLAN DESIGNATION	Single Family High Density (SF-HI)

SITE ACREAGE +/- 15.63 acres

EXISTING SITE USE & IMPROVEMENTS

MVMC CHAPTERS APPLICABLE TO THE PROPOSED PROJECT:

- Chapter 14.05 Administration of Development Regulations
- Chapter 17.39 MHP Mobile Home Park district
- Chapter 17.90 Site Plan Review
- Chapter 17.102 Nonconforming Building or Uses

MORE SPECIFIC MVMC ITEMS APPLICABLE TO THE PROPOSED PROJECT:

Site Plan Review

Mobile Home Parks are subject to site plan review provisions codified in 17.39.150, as follows. "A complete and detailed site plan shall be submitted to the hearing examiner for recommendation to the city council. The plan shall show the locations and dimensions of all contemplated buildings, structures, spaces, driveways and roads, recreational areas and other information that the hearing examiner may require to more adequately judge whether the proposed park meets all the conditions. Upon approval, the site plan shall be recorded. Any substantial changes shall be brought back before the hearing examiner and city council for approval. A landscaping plan shall also be submitted as part of the initial submittal."

PERMIT CHRONOLOGY:

DATE	SUMMARY
6/18/2019	Pre-Application Meeting
8/28/2019	Permit Application Submitted
8/28/2019	Permit deemed Counter Complete
9/12/2019	Permit deemed Technically Complete
11/14/2019	Notice of Application (NOA) Issued
11/19/2019	NOA published
11/26/2019	NOA comment period ended
6/25/2020	Notice of Public Hearing (NPH) Issued
6/25/2020	NPH published

D. APPROVAL CRITERIA & STAFF ANALYSIS

SITE PLAN REVIEW APPROVAL CRITERIA

The intent of Site Plan review found within MVMC 17.90 is to:

- To promote the public health, safety and general welfare;
- To supplement land use regulations to lessen traffic congestion, promote coordinated development and conserve and restore natural beauty and other natural resources;
- To provide procedural guidelines for review of development with the city;

- To foster communication among all involved in the development of property within the city;
- To ensure uniformity in the application of codes, regulations, policies and other regulatory devices that affect land development;
- To protect the use and enjoyment of surrounding properties;
- To implement the comprehensive plan.

The following is the specific approval criteria Development Services staff evaluates to ensure that the Site Plan intent is satisfied.

1. Does the proposed use comply with the site zoning?

The proposal is zoned as a Mobile Home Park and is developed as an existing Mobile Home Park.

2. Are critical areas as defined within MVMC Chapter 15.40 located on or near the project site? If yes, has the applicant complied with MVMC 15.40?

There are no critical areas associated with the proposal.

3. Are the zoning code setbacks being complied with?

The setbacks that are associated with this zone are 20-foot front, 5-foot side and 10-foot rear. The proposal is consistent with the required setbacks.

4. Are the parking code requirement found in MVMC 17.84 being complied with?

The proposal meets the City requirements as indicated in Exhibit 4. The code requires one off-street parking space per unit plus space per every 6 mobile home spaces for a total requirement of 116 spaces. The park provides for two off street spaces per mobile home space plus an additional 41 spaces for a total of 239 spaces—more than twice what the code requires.

As discussed by both City Code Enforcement and the neighbors, parking in the neighborhood has been and continues to be a concern. The applicant has suggested that one resolution to the issue would be to designate 25th Street as a ‘no parking area’. This is not something that the applicant has the authority to do. They have indicated that they could write letters to the park’s residents asking them not to park on 25th Street and to use the paid parking that is available to residents that have more vehicles than can be parked on their units. However, the applicant has pointed out that they do not have the authority to stop people from parking on a public street that allows parking.

The proposal includes an adequate number of parking spaces exceeding what is required by the Municipal Code. To alleviate the parking issues would require the City of Mount Vernon to adjust its parking requirements on 25th Street.

5. Are the landscaping code requirements found in MVMC 17.93 being complied with?

The applicant has submitted a landscape plan that complies with the Municipal Code requirements.

6. Does the proposed development comply with the storm water requirements found in MVMC 13.33?

Construction permits for any improvements—utility extensions, the reconfiguration of the RV storage, building permits—will be required to comply with the 2012 (as amended in 2014) Washington State Department of Ecology Western Washington Stormwater Management Manual for Western Washington which is the adopted stormwater manual for the City of Mt. Vernon. The projects will at a minimum trigger requirements #1-5, the building permit application must include stormwater documentation showing how each of the new sites comply with these minimum requirements.

7. Are all easements/encumbrances shown?

The site plan drawings (see Exhibit 3) show all easements/encumbrances relevant to the proposal.

8. Does the proposed development comply with the City’s adopted Building Code found in MVMC 15.04? Provide details below:

Applicant will be required to submit for building permit and will be reviewed for compliance at that time.

9. Does the proposed development comply with the City adopted Fire Code found in MVMC 15.08?

Exhibit 5c includes the Mount Vernon Fire Department’s requirements for the proposal. The provisions will be required at the time of building permit application.

10. Does the proposed development comply with the City's regulations with regard to dumpsters and their associated enclosures?

There are no dumpsters required or included with the proposal.

11. Does the proposed development comply with the City's regulations with regard to minimum turning radi (28' inside/45'outside) for fire and garbage trucks?

The access roads are existing. The reconfigured RV storage area has been designed to comply with Fire Department requirements.

12. Is the proposed development located within a regulatory floodplain?

The proposal is not within the floodplain.

13. Is the proposed development located within the jurisdiction of the Shoreline Master Program?

The proposal is not within Shoreline jurisdiction.

SPECIAL PERMISSION APPROVAL CRITERIA

The approval criteria for Special Permission that staff needs to address is contained in MVMC 17.102.070. This section of the code contains the following four (4) criteria. The staff response to each of these criteria follows each listed item.

A. The effect of such enlargement, expansion or reconstruction on the appearance and use of the area which might be affected.

In its original approval, the mobile home park had only 8.4 percent common open space. The required percentage is 15 percent. The proposal would increase the total amount of common open space slightly but the overall percentage does not change. Since the percentage of open space does not change there will not be an appreciable effect on the appearance or use of the overall park.

B. The effect of the granting of such permit on traffic patterns in the area.

The traffic impact of two additional units is negligible. The non-conforming condition is the shortage of common open space and that condition has no impact on traffic.

C. The adequacy of parking facilities afforded or to be afforded.

The proposal meets the City requirements as indicated in **Exhibit 4**. As discussed by both City Code Enforcement and the neighbors, parking in the neighborhood has been and continues to be a concern. The applicant has suggested that one resolution to the issue would be to designate 25th Street as a 'no parking area'. This is not something that the applicant has the authority to do. They have indicated that they could write letters to the park's residents asking them not to park on 25th Street and to use the paid parking that is available to residents that have more vehicles than can be parked on their units. However, the applicant has pointed out that they do not have the authority to stop people from parking on a public street that allows parking.

The proposal includes an adequate number of parking spaces exceeding what is required by the Municipal Code. To alleviate the parking issues would require the City of Mount Vernon to adjust its parking requirements on 25th Street.

The non-conforming condition is the shortage of common open space. If the common open space was increased to the required amount, it is likely that the parking would have to be decreased to accommodate the additional open space thus further exacerbating the parking situation.

D. The effect on adjacent and nearby property or the economic effect of the proposed expansion, alteration or reconstruction on both the applicant and the owners of property in the vicinity.

The addition of two additional residential units is consistent with the allowed density of the area and would not have an adverse impact on the surrounding neighborhood or have any economic impact to the area. The non-conforming condition is the shortage of common open space and that condition has no negative impact on the neighborhood or its economy.

E. STAFF RECOMMENDATION

To approve the continuation of the nonconforming structures within the park, the Hearing Examiner must find “that the proposed alteration, expansion or reconstruction will not have a material adverse effect upon the use and enjoyment of the properties within the area which conform to the existing zoning...” (MVMC 17.102.080).

Based on the analysis above, the staff conclusion is that:

- The addition of two additional sites will not have a material adverse effect upon the use and enjoyment of the properties within the area which conform to the existing zoning.

The site plan included in **Exhibit 3** has been reviewed and meets the minimum requirements in MVMC17.39.

As such, staff recommends **approval** for the continuation the subject nonconforming structures associated with the original approval of the MontView Estates Mobile Home Park. Staff also recommends **approval** of revisions to the site plan included in **File No. PLAN20-0169A**, subject to compliance with the standards of the Mount Vernon Municipal Code and the following conditions of approval:

1. All proposed improvements will be required to comply with the 2012 (as amended in 2014) Washington State Department of Ecology Western Washington Stormwater Management Manual for Western Washington which is the adopted stormwater manual for the City of Mt. Vernon. The projects will at a minimum trigger requirements #1-5, the building permit application must include stormwater documentation showing how each of the new sites comply with these minimum requirements.
2. The applicant will be required to obtain all appropriate City construction permits for utilities, the RV storage reconfiguration, landscape installation, and building permits.
3. Based on lot size, the type of mobile home allowed to be placed on the new spaces must be a single no wider than 14 feet.

STAFF SIGNATURE:



Marianne Manville-Ailles; Planning Consultant

June 25 2020

Date

F. NOTES TO THE APPLICANT AND PARTIES OF RECORD

1. The MVMC 17.93.060 requires the following with regard to maintenance:
 - A. All required landscaping and screening areas shall be maintained in a healthy, growing condition. Broken, dead or dying trees, shrubs or plants shall be replaced upon notification by the city. All landscaping and screening areas shall be maintained reasonably free of weeds and trash. Any property owner who fails to reasonably maintain and replace landscaping and screening areas will be considered to have committed an offense under this code.

B. A maintenance bond, cash deposit, or other assurance acceptable to the city, equal to 60 percent of the estimated cost of the required landscaping improvements plus the cost of their maintenance for two years, shall be submitted to the city prior to acceptance of a project by the city; i.e., if a plat is proposed the deposit shall be submitted prior to final plat approval, if a building permit is necessary the deposit shall be submitted prior to the issuance of the building permit, and if a commercial development is proposed the deposit shall be submitted prior to final occupancy. The maintenance deposit shall be required for all projects except the community and economic development director can individually exempt projects for the construction of a single-family home; in addition, the community and economic development director can waive the deposit on a case-by-case basis if it can be shown that the deposit would not be necessary. The deposit shall be in place for two years and if at the end of two years the required landscaping is not meeting code, for example, if it is not installed, the installed landscaping is not meeting its minimum coverage requirements, or if the landscaping is dead or dying, the city may use the deposit to rectify the identified landscaping deficiency.

2. The City will require Landscape Inspection report prior to final approval sign off on the landscape plans. The City will provide a copy of the requires worksheet that must accompany the report as part of the approved landscape plan packet.
3. Per MVMC17.39150 the site plan (similar to sheet 1 of 9 of the site plan set) showing the entire mobile home park with the all of the lots including the two new lots, RV storage, and landscape tracts must be recorded with the Skagit County Auditor upon City Council approval. A copy of the proposed site plan must be submitted to the Development Services Department prior to the City Council Hearing.
4. This non-conforming use application requires the City's Hearing Examiner make a recommendation, at an open record public hearing that will be forwarded to the City Council, who will make a final decision at a closed record public hearing.
5. The written recommendation for this project will be issued by the Hearing Examiner within 10 days after the date the record closes unless this timeframe is extended per MVMC 14.05.110(H)(2).
6. The Hearing Examiner shall reconsider his/her recommendation if a written request is properly filed by the applicant or a party of record within 10 days of the date of the initial recommendation. A party wishing to file a request for reconsideration of the Hearing Examiner's recommendation shall follow the process outlined within MVMC 14.05.110(H)(4). A copy of this portion of the MVMC can be obtained by contacting the Development Services Department; or it can be downloaded on the City's web site at: <http://www.mountvernonwa.gov>.



DATE: August 26, 2020

TO: Mayor Boudreau and City Council

FROM: William Bullock, PE – City Engineer

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT AMENDMENT:
CONSTRUCTION MANAGEMENT: N 19TH STREET CULVERT EMERGENCY REPAIR**

RECOMMENDED ACTION:

Staff recommends amending the Professional Services Agreement with PBS Engineering and Environmental (PBS) for contract management services for the N19th Street culvert emergency repair.

INTRODUCTION/BACKGROUND:

During fall of 2019, the cross culvert on N 19th Street, just north of Roosevelt Street, suffered a failure that resulted in a number of sink holes, the largest of which was several feet in diameter. The culvert, approximately 150 feet south of Roosevelt Street, extends 90 feet beyond the street underneath an overflow swale as part of Kulshan Creek. This is considered an emergency repair as the upcoming 2020 winter season high flows are expected to cause significant damage to the channel and put adjacent residential structures at risk if left unaddressed.

On August 12, 2020, Council Awarded the construction Contract to Oceanside Construction in the amount of \$139,512. Oceanside is planning to begin construction on August 31, 2020.

FINDINGS/CONCLUSIONS:

There are complexities associated with the slope stabilization, culvert removal, and stream bed installation that may require field adjustments and specific direction. Construction management and inspection support from PBS is necessary to ensure specific construction elements are adhered to and solutions/field adjustments to unknown conditions are developed rapidly. The scope and fee for construction management services is not to exceed \$19,940.

RECOMMENDATION:

Motion to authorize the Mayor to execute a contract amendment with PBS Engineering and Environmental, Inc. for construction management services on the N 19th Street Culvert Emergency Repair, in an amount not to exceed \$19,940.00.

ATTACHED:

1. Contract, Scope and Fee
2. Vicinity Map



August 19, 2020

Bill Bullock, PE
City of Mount Vernon
1024 Cleveland Avenue
Mount Vernon, Washington 98273

Via email: billb@mountvernonwa.gov

Regarding: Amendment 1 to 19th Street Stream Rehabilitation Project
1418 North 19th Street
Mount Vernon, Washington
PBS Project 45033.001

Dear Bill:

PBS Engineering and Environmental Inc. (PBS, Consultant) is pleased to submit this proposal to the City of Mount Vernon (City) to provide additional services for the 19th Street Stream Rehabilitation project in Mount Vernon, Washington. Amendment 1 is necessary for additional work and new tasks related to construction management and inspection services, as described below.

SCOPE OF WORK

PBS proposes the following scope of work for the 19th Street Stream Rehabilitation project's construction management and inspection services.

TASK 100. PROJECT MANAGEMENT

Additional project management time related new tasks.

Subtask 110. Contract Administration, Invoicing, and Progress Reports

Consultant will provide general oversight of the construction management services, including monitoring budget, schedule, and scope of work for these services. Consultant will provide monthly invoicing with progress reports. Consultant will coordinate with the contractor's project manager and City of Mount Vernon throughout the construction duration of the project.

Subtask 110 Deliverables

- Monthly invoices, progress reports
- Project documentation

Subtask 120. Preconstruction and Kickoff Meetings

An initial kickoff/coordination meeting will be conducted with PBS' project team and City staff to establish procedures/protocols and communication requirements for the project. Consultant will assist the City with coordination of the preconstruction conference. Consultant will produce an agenda and take meeting notes.

Subtask 120 Assumptions

- Coordination and preconstruction meetings will be attended by the PBS project manager and construction manager/inspector.

Subtask 120 Deliverables

- Preconstruction conference meeting agenda and notes provided to the City and the prime Contractor.

Task 600. CONSTRUCTION MANAGEMENT AND ENGINEERING

Subtask 610. Record of Materials (ROM)

Consultant will prepare and maintain the project Record of Materials (ROM). The ROM will consist of all the materials submitted for the project along with each material's associated plan/specification reference, description, material approval notes, and material acceptance codes/comments.

Subtask 610 Deliverables

- Copy of ROM

Subtask 620. Material Submittals

Consultant will receive and review material submittals (manufacturer's certificates of compliance, certificates of material origin, qualified product list sheets, etc.), construction sequence schedules, shop drawings, and other required items from the Contractor to ensure compliance with contract documents. Consultant will review the following submittals, including but not limited to material-specific submittals, landscape items, as-built records, and other items required by construction contract specifications.

Consultant will receive, review, and maintain material submittals. Upon completion of review, consultant will transmit the approved submittals to the Contractor.

Subtask 620 Assumptions

- Assumes up to 14 material submittals covering materials as listed in the current engineer's estimate.
- Assumes 1 hour per submittal.

Subtask 620 Deliverables

- Copies of approved material submittals
- Copies of written communication with the Contractor
- Copy of material submittal log

Subtask 630. Construction Administration and Engineering

PBS' construction manager will coordinate with City staff throughout the duration of the project, keep a record of decisions made, review and recommend solutions to change order requests, maintain material quantities, and review progress and final pay estimates. Consultant will prepare Weekly Statement of Working Days weekly and will transmit to the Contractor at the end of each week. Consultant will review the following submittals, including but not limited to traffic control plans, construction schedules, quality control plan, erosion and pollution control plans, and other items required by construction contract specifications.

Subtask 630 Assumptions

- Assumes one review of each document followed by feedback/comments to the Contractor.
- Assumes additional review for half of resubmitted documents.

Subtask 630 Deliverables

- Copies of plans provided by the Contractor with approval
- Review of Monthly Pay Estimates for review and approval
- Copies of written communication
- Records of field decisions
- Copies of schedules provided by the Contractor
- Copies of Weekly Statement of Working Days

Subtask 640. Response to Questions and Change Orders

Consultant will assist the City in response to Requests for Information (RFIs) by the Contractor and provide supplemental information as needed to maintain the progress of the work. If field adjustments are required, as a result of a change in conditions or desired change by the City, Consultant will prepare necessary change order documents and plan revisions for approval by City staff. Consultant will provide the City with draft change order documents for review, approval, and issuance to the Contractor.

Subtask 640 Assumptions

- Address up to five RFIs
- Prepare up to five change orders
- Prepare up to two design changes

Subtask 640 Deliverables

- Copies of RFIs to the City staff
- Draft change orders to the City for approval and issuance to the Contractor
- Plan sheets for design changes

Subtask 650. Closeout Documentation

Consultant will compile project closeout documentation and coordinate with the Contractor and the City to obtain the required documents. Consultant will assemble project documentation and deliver to the City at project completion.

PBS' Construction Manager and the City staff will perform final inspections and create a punch list. PBS' Construction Manager and the City staff will establish dates of substantial, physical, and contract completion.

Subtask 650 Deliverables

- Copy of construction management (CM) project binder (electronic on CD or USB flash drive)

TASK 700. CONSTRUCTION OBSERVATION (INSPECTION)

Consultant will provide an on-site inspector for the 15-day construction schedule for an average of five hours per day. Consultant will adequately inspect all items constructed for the project according to the project contract documents and any applicable contractor submittals or changes to the contract. The inspector will coordinate key "hold points" with the contractor that require inspection before further construction activity takes place in an effort to adequately check contractor work for conformance with the contract documents.

Consultant will prepare inspector daily reports (IDRs) (to include construction progress photos and material tickets) to document construction and write pay notes for contractor progress payments.

Task 700 Assumptions

- The project duration will be 15 working days. Inspector will work five hours a day on average.
- Inspector will be on site for approximately half the construction operations and at a minimum for key inspection points in the construction process.
- Material testing will not be required based on the scope of work for the project.

Task 700 Deliverables

- IDRs
- Construction progress photos
- Material tickets
- Pay notes

REIMBURSIBLE EXPENSES

- Consultant has agreed to not charge the City for vehicle mileage or travel time.

AMENDMENT 1 COMPENSATION ESTIMATE

PBS proposes to provide the scope of work on a time-and-materials basis. The following outlines the estimated costs associated with the scope services.

Task 100. Project Management	\$3,140
Task 600. Construction Management and Engineering	\$6,500
Task 700. Construction Observation (Inspection)	\$10,300
Total Estimated Costs	\$19,940

This cost estimate includes all labor, materials, transportation, equipment, and other expenses required to complete the work described. The total contract amount is not to exceed \$19,940.

SCHEDULE

PBS will perform the work in accordance with the contractor’s construction schedule.

Please feel free to contact me at 425.654.8768 or dave.segal@pbsusa.com with any questions or comments.

Sincerely,

Dave Segal, PE, PMP
Senior Engineer/Operations Manager

GH:DAS:lc

Amendment 1 N. 19th Street Stream Rehabilitation Construction Management City of Mount Vernon, Washington														
PBS														
PBS Engineering and Environmental (Engineering/Management)														
Task and Description	ENG- PRINCIPAL	ENG VIII	ENG III	ENG II	Const IV	PRJ ADMIN	ADMIN	Expense	PBS		SUBCONSULTANTS		SUB TOTAL	Construction Management BUDGET AMOUNT
									TOTAL		Materials			
Task 100: Project Management									3,140.00				3,140.00	3,140.00
Subtask 110: Contract Administration, Invoicing, and Progress Reports		8.00				4.00			1,860.00				1,860.00	\$1,860.00
Subtask 120: Preconstruction and Kickoff Meetings		4.00			4.00				1,280.00				1,280.00	\$1,280.00
									0.00				0.00	\$0.00
									0.00				0.00	\$0.00
Task 600: Construction Management and Engineering									6,500.00				6,500.00	6,500.00
Subtask 610: Record of Materials (ROM)			4.00						520.00				520.00	\$520.00
Subtask 620: Material Submittals			14.00						1,820.00				1,820.00	\$1,820.00
Subtask 630: Construction Administration and Engineering			16.00						2,080.00				2,080.00	\$2,080.00
Subtask 640: Response to Questions and Change Orders			8.00						1,040.00				1,040.00	\$1,040.00
Subtask 650: Closeout Documentation			8.00						1,040.00				1,040.00	\$1,040.00
Task 700: Construction Observation (Inspection/Testing)									10,300.00				10,300.00	10,300.00
Construction Observation				10.00	70.00				10,300.00				10,300.00	\$10,300.00
									0.00				0.00	0.00
									0.00				0.00	\$0.00
									0.00				0.00	\$0.00
									0.00				0.00	\$0.00
									0.00				0.00	\$0.00
									0.00				0.00	\$0.00
TOTAL HOURS	0.00	12.00	50.00	10.00	74.00	4.00	0.00		19,940.00				19,940.00	
HOURLY RATES	225.00	190.00	130.00	120.00	130.00	85.00	70.00							
TOTAL DOLLARS	0.00	2,280.00	6,500.00	1,200.00	9,620.00	340.00	0.00		19,940.00	0.00	0.00	0.00	19,940.00	19,940.00



Vicinity Map





DATE: August 26, 2020
TO: Mayor Boudreau and City Council
FROM: Doug Volesky, Finance Director
SUBJECT: 2020 BUDGET – COVID-19 IMPACT UPDATE

RECOMMENDED ACTION:

None

INTRODUCTION/BACKGROUND:

2020 COVID 19 impact actions to date

GOALS

1. **Maintain essential staffing levels** in order to achieve work demands with legal requirements and mitigate risk. For example: public safety services, financial services, development services, legal services, information services, human resources administration, and public works.
2. **Plan for total revenue shortfall of \$2.86 million** at this time and establish assessment in phases.
 - a. Immediate
 - b. June – August
 - c. September – December
 - d. 2021 and 2022
3. **Continue current capital projects** that are underway with either construction or design/engineering in order to take advantage of stimulus funding opportunities.
4. **Communicate unified message to staff and public.**
5. **Determine usage of fund balance** – appropriate percentage & at what stage to utilize
6. **Support for small business and hometown economy.**

Employee Layoffs:

Library:	3 full time, 11 part time
Parks & Enrichment Services:	4 full time, 5 part time
Development Services:	2 full time, 1 part time
Finance:	1 full time
TV10:	2 part time
Public Works:	2 part time (Streets, Solid Waste)

Employee Furloughs subject to call back (continued from March):

Library:	1 full time, 3 part time (<i>returned</i>)
Finance:	1 part time (<i>returned</i>)
Development Services:	3 full time (2- <i>returned</i>)
TV10:	1 full time
Attorney:	2 part time (<i>returned</i>)
Public Works:	1 full time (<i>returned</i>)

Employee Furloughs:

- Non-represented and Teamsters Union members – 56 hours
- Police commissioned currently have 6 vacancies and are not subject to furlough; non-commissioned are taking 48 hours of furlough
- Fire union employees are rejecting any furlough – contract negotiations are on-going

Service changes anticipated through December 2020:

- Canceled all special events, recreation programming
- Suspension of rental facilities
- Proposed indefinite closure of Division Street pocket park, Eaglemont Beaverpond shelter
- Closure of Bakerview park to vehicles – still pedestrian access Dog Park, Disc Golf – ball fields, basketball courts
- Closure of north Edgewater park
- Delay construction of S. 25th Street park
- Closure of Library to general public move to Phase 2 drive up services. Electronic materials available, virtual programming produced, partnership with Senior Services for delivery, planning for curbside service
- City Offices closed
- All travel for employees cancelled
- Training budgets significantly reduced – legally mandated training remains
- Development Services anticipates some service level reduction in permit processing

Suggested general fund expense reduction plan – detail (as of 8/15/2020)

	S&B	Operations	Total Savings	% Savings	Total Budget
City Council	(9,369)	2,000	(7,369)	-3.2%	231,656
Municipal Court	-	-	-	0.0%	573,462
Mayor	9,570	2,400	11,970	2.7%	441,403
Finance	90,061	5,000	95,061	9.5%	1,004,946
City Attorney	22,309	-	22,309	3.3%	677,070
Human Resources	35,330	-	35,330	5.0%	711,243
General Facilities	13,926	13,247	27,173	3.2%	858,464
Police Department	802,835	76,020	878,855	8.2%	10,664,949
Fire Department	568,611	113,500	682,111	7.5%	9,061,801
Public Works	3,386	21,000	24,386	2.7%	886,821
Development Services	147,852	177,306	325,158	15.7%	2,071,938
TV10	98,524	16,500	115,024	48.8%	235,578
IS	99,629	-	99,629	11.4%	873,260
Parks Department	471,624	102,450	574,074	24.8%	2,313,566
Library	282,643	62,690	345,333	24.0%	1,439,366
	2,636,932	592,113	3,229,044	10.1%	32,045,523

After discussion the following chart illustrates proposed expense reduction categories that are suggested to address the anticipated revenue shortfall. The proposal acknowledges that the City will not realize extent of revenue shortfall until at least August 2020 when more ‘actuals’ of revenue are realized.

General Governmental Funds

Estimated Revenue Shortfall	\$ 2,855,932 *
<i>CARES - reimb unemployment costs</i>	<i>(360,000)</i>
<i>CARES - other reimbursements</i>	<i>(291,074)</i>
<i>FEMA Reimbursements</i>	<i>(33,750)</i>
Estimated Expenditure Reductions	
Est. Vacancy Savings/Furloughs	\$ (1,727,818)
Operational budgeted savings	(508,613)
ER&R budgeted savings	-
GF portion of vehicle exhaust system	(83,500)
<i>Increase for unemployment costs</i>	<i>360,000</i>
Estimated Fund Reserve Usage	\$ (211,177)

* Includes \$897,754.42 in GEMT funds.

Ground Emergency Medical Transport (GEMT) revenue:

The City has received a \$897,754.42 payment from the Washington State Health Care Authority. This is included in the total projected revenue estimate. All GEMT funds have been dedicated to General Fund use for 2020.

Other possible financial assistance for shortfall:

- More Federal government CARES funding or local funding support (*No*)
- Possible State Legislature - flexibility in funding sources (*No*)
- Department of Justice grant (*No*)
- FEMA Assistance to Firefighters grant (*No*)
- FEMA disaster reimbursement
- Interfund loan
- Use of fund reserve
- City of Mount Vernon banked capacity of \$745,000

FINDINGS/CONCLUSIONS:

None

RECOMMENDATION:

None

ATTACHED:

Exhibit A – General Fund Forecast - 2020

Exhibit B – Cash Flow Analysis – General Fund only

Exhibit C – Cash Flow Analysis – All City Funds

Exhibit D – 2020 Coronavirus Budget Decision Timeline

Exhibit E – Memo: 2020 Financial & Work Plan Impacts of COVID-19 (4/22/2020)

Exhibit F – Memo: 2020 Financial & Work Plan Impacts of COVID-19 (5/13/2020)

Exhibit G – Memo: 2020 COVID-19 Impact Actions to Date (5/27/2020)



DATE: August 26, 2020
TO: Mayor Boudreau and City Council
FROM: Doug Volesky, Finance Director
SUBJECT: CARES FUNDING PROPOSAL

RECOMMENDED ACTION:

Staff is requesting Council to approve the CARES Act funding plan proposal.

INTRODUCION/BACKGROUND:

CARES Federal government funding:

The CARES Act provides for payments to State, Local and Tribal governments navigating the impact of the COVID-19 outbreak. The United States Treasury will make payments from the Fund, thru grants from the Washington State Department of Commerce, to local governments in Washington State. The intent of these funds is to help jurisdictions cover the immediate impacts of the COVID-19 emergency. Both direct costs to the jurisdiction and costs to their communities.

On June 10, 2020 the City Council approved a contract with the State Department of Commerce for reimbursement of \$1,072,200 allocation from the State of Washington. These funds are a pass through grant from federal funding and have restrictions of the use of them. The major categories of allowed uses include:

1. Medical expenses
2. Public health expenses
3. Payroll expenses for public employees dedicated to COVID-19
4. Expenses of actions to facilitate compliance with COVID-19 related public health measures
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, and
6. Any other COVID-19 related expenses

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments. The use of these funds are very broad and flexible, and can be used for both operating and capital expenditures.

FINDINGS/CONCLUSIONS:

The chart illustrates total amount of expenses that staff have identified as needed to continue our public services safely, maintain workplace safety, and cover expenses of the COVID pandemic in compliance with federal funding guidelines.

	CARES Fund allocation	\$ 1,072,200
Priority 1	Unemployment liability	\$ 360,000
	Federal paid leave entitlement	\$ 25,000
Priority 2	Portion of salaries of employees dedicated to COVID 19 response*	\$ 191,502
	Personal Protective Equipment (PPE), general facilities supplies* (amount is 25% of actual expense due to FEMA reimbursement of 75% of cost)	\$ 17,757
Priority 3	Technology equipment (laptops, headphones, docking stations, police roll call zoom room cameras and microphones, etc.) necessary for telecommuting and/or first responders. Server upgrades for efficient remote access to City networks. Camera for library online programming services. Mobile technology licensing costs.	\$ 325,858
	Video chat system for front doors of: police campus, city hall, library, parks administration office, fire stations 1, 2, 3	\$ 35,000
	Fingerprint scanner (police services)	\$ 20,000
	Library outside WIFI access point (Fortinet FortiAP 224E-E - x 5)	\$ 3,150
	Community-wide information magazine: providing city information and assistance information such as: food bank, county public health, mental health crisis, rental assistance, etc.	\$ 6,000
	UV light cleaners (police squad room, courtroom, library, city hall lobby)	\$ 32,000
	Supplies for Library COVID 'take out order' operations	\$ 9,875
	Subscriptions to Zoom/Web Ex	\$ 200
	Hotel vouchers for homeless +	\$ 30,000
	Cleaning contract for parks public restrooms (\$2790 per month, May - Oct)	\$ 16,740
	Subtotal	\$ 1,073,082
*FEMA reimbursement separate from CARES		
+ contracted with Community Action		

NEXT STEPS

Mayor is seeking Council feedback on the elements of the CARES Act funding plan.

Staff is seeking approval of the motion to authorize implementation of the plan.

With Council approval of the motion, staff will immediately begin implementing the various expenses outlined in the CARES Act Funding Plan and Doug will prepare a budget amendment.

RECOMMENDATION:

Staff is requesting Council to approve the CARES Act funding plan proposal.

ATTACHED:

Exhibit A – Interagency Agreement with Washington State Department of Commerce