



**CITY OF MOUNT VERNON
PLANNING COMMISSION MEETING**

1805 Continental Place – 6:00 p.m.

Agenda for November 19, 2019

	DESCRIPTION	PUBLIC HEARING?		ACTION REQUIRED	STAFF CONTACT
1.	Approval of Minutes from November 5, 2019	☐ Yes	☒ No	Motion	Morgan Morrison
2.	Site Specific Comprehensive Plan Amendment (PLAN19-0019, Deol)	☒ Yes	☐ No	Motion	Rebecca Lowell
3.	Affordable Housing Code Amendments	☒ Yes	☐ No	Motion	Rebecca Lowell
4.	Miscellaneous	☐ Yes	☒ No	None	NA

City of Mount Vernon
Planning Commission Meeting
DRAFT Minutes November 5, 2019

Chairperson Shelley Acero called the meeting to order. Present were Planning Commission members Bekki Cox, Adair Orr, Christian Carlson, Senior Planner Lowell, Morgan Morrison, Development Services Director Chris Phillips

Planning Commission members Al Lyon, James Stewart and Christopher Bollinger were absent.

Ms. Cox moved, second by Mr. Orr, to approve the minutes from October 15, 2019. Motion carried.

Affordable Housing Code Amendment Public Hearing:

Mrs. Lowell presented the affordable housing code amendments. These amendments included 50% density increases in R-1 zones and doubling density in multi-family zones, doubling density in PUDs (threshold decreased from 10 to 5 acres), parking reductions and increased height in C-3 and C-4 zones, ADUs outright permitted use and increased from 900 sf to 1000 sf, and duplex and townhouse subdivision code.

Mrs. Acero opened the hearing for public comment.

Troy Faire, Burlington, WA- Owns commercial property within the City of Mount Vernon. Spoke in favor of the affordable housing code amendments.

Mr. Orr moved, second by Mr. Carlson, to continue the public hearing to November 19, 2019. Motion carried.

Miscellaneous:

Chris Phillips informed the Commission that the City received a \$125k grant. He also informed them about another possible sub-area plan for the fairgrounds area.

An update for the SmartGov system was also given.

There being no further business, Mr. Orr moved, second by Ms. Cox, to adjourn. Motion carried.



STAFF REPORT *for* **2019 COMPREHENSIVE PLAN AMENDMENTS**

PUBLIC HEARING DATE: November 19, 2019

APPLICATION NUMBERS & NAMES: PLAN19-0019/PLAN19-0021 Deol Comprehensive Plan Amendment

CITY CONTACT PERSON: Rebecca Lowell; Principal Planner/Planning Manger
Marianne Manville-Ailles; Planning Consultant

A. BACKGROUND

The Washington State Growth Management Act (GMA) mandates that the City of Mount Vernon have a Comprehensive Plan, which is a generalized, coordinated land use policy guidance document. The objectives and policies of the Mount Vernon Comprehensive Plan are based on the City's goals, Objectives, and Policies outlined within the Comprehensive Plan and as expressed through the City's Mission and Vision Statements.

The GMA mandates the following requirements, which have been adopted procedurally by the City:

- The Comprehensive Plan shall be subject to continuing review and evaluation;
- A process must be in place to allow citizens to propose Comprehensive Plan amendments;
- An analysis of the cumulative impacts of proposed amendments is required;
- The Comprehensive Plan must be internally and externally consistent; and,
- The Comprehensive Plan must be consistent with adopted development regulations.

The City of Mount Vernon provides a procedure whereby amendments to the City's Comprehensive Plan may be proposed by members of the community or by City of Mount Vernon staff on behalf of the City. By state law, non-emergency amendments may only occur once a year.

B. BASIS FOR ANALYSIS

This report is the analysis of the proposed 2019 Comprehensive Plan amendment for a site-specific request. The purpose of this report is to:

- Prepare for a legislative review of the proposed site specific amendment;
- Assure consistency and conformance between the proposed amendment and the current Comprehensive Plan;
- Provide a basis for open record hearings before the Planning Commission; and,
- Provide background and analysis to the City Council for decision-making.

The proposed amendment is a non-project action; and as such, representatives of various departments have reviewed the application materials to identify and address *non-project* issues associated with the CPA request.

Comprehensive Plan goals, objectives and policies are implemented by development regulations associated with zoning districts. As Comprehensive Plan amendments are proposed, the corresponding reclassification of land must meet certain criteria (MVMC 17.111.070, “Approval or denial of application – Standards”) to receive a recommendation for approval. The following must be demonstrated:

1. Is the request compatible with the City’s Comprehensive Plan and development goals?
2. Are public utilities, public facilities, and other services currently adequate to serve the proposed district?

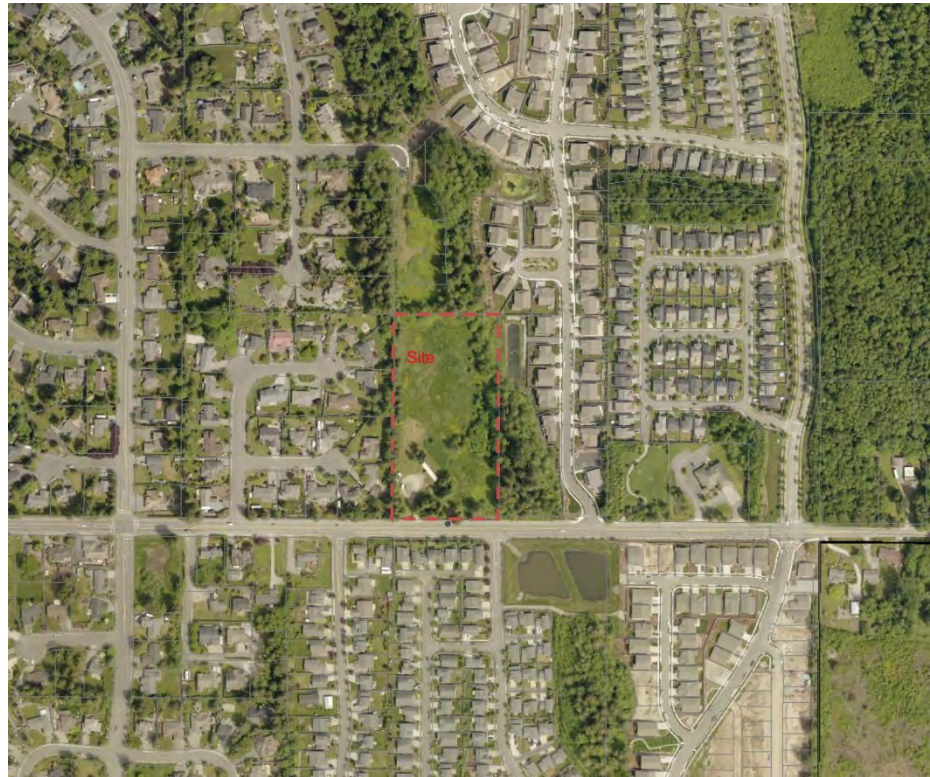
If the amendments are approved, subsequent project proposals would be reviewed for compliance with relevant land use regulations.

C. EXHIBITS

1. Procedural Notices and Correspondence:
 - 1a. Docketing Resolution
 - 1b. Department of Commerce Acknowledgement
 - 1c. Notice of Application and SEPA Materials
 - 1d. Transportation Concurrency Staff Report
2. Project Narrative, Master Land Use Application from Applicant
 - 2a. Master Land Use Application
 - 2b. Narrative
3. Comment Letters
 - 3a. Letter from Susan Jordan 350Lupine Ct. Dated October 14, 2019

D. COMPREHENSIVE PLAN AMENDMENTS

- | | |
|-----------------------------|--|
| 1. APPLICATION NAME: | PLAN19-0021 Deol Comprehensive Plan Amendment Request |
| PROJECT DESCRIPTION: | Proposed is a non-project action to change the land use designation of property that is described below (hereinafter called the ‘subject site’). The existing Comprehensive Plan designation of the subject site is Churches (CH). The applicant, has requested this designation be changed to a Comprehensive Plan designation of Medium Density Single Family (SF-MED). The property is not being used by a church and is no longer owned by a church. Redesignation would make the property consistent with the surrounding neighborhood. |
| PROJECT LOCATION: | The proposed property is located at 4461 E Division Street and is identified by the Skagit County Assessor as parcel number P27528. It is located within a portion of Section 22, Township 34 north, Range 4 East, W.M. |
| APPLICANT/OWNER: | Samie Deol; Transworld Investment Group LLC; 310 Leann Street; Mount Vernon, WA 98273 |



REVIEW CRITERIA:

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

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.

COMMENTS RECEIVED?

One comment letter was received from a neighbor in an adjacent subdivision (See **Exhibit 3a**) with specific questions regarding future development of the site. Since this is a non-project action, the applicant has no specific development proposal. Project specific concerns are addressed by the City's development regulations and will be fully implemented at the time a development request is submitted.

E. PROCESS

BENCHMARK:	DATE:	AUTHORITY:
City Council Docket 2019 Comprehensive Plan Amendments	Adopted: February 27, 2019 Signed: March 18, 2019	RCW 36.70A.130 (1)(a) and (2)(a)
Department of Commerce Notification and Acknowledgement	July 30, 2019	RCW 36.70A.106 WAC 365-196-630
NOA Issued	October 1, 2019	MVMC 14.05.150(A) RCW 36.70B.110 WAC 197-11-355
NOA Comment Period Ended	October 18, 2019	MVMC 15.06.120 WAC 197-11-355 RCW 43.21C.110
DNS Issued with Appeal Period	October 31, 2019	MVMC 15.06.215 WAC 197-11-355(4)
Open Record Public Hearing before Planning Commission	Scheduled November 19, 2019	14.05.080 RCW 36.70B.120
Open Record Public Hearing before City Council	Scheduled November 27, 2019	14.05.050(A) and (C) RCW 36.70B.120

Environmental Review: A threshold environmental determination (Determination of Non-significance) was issued for A threshold environmental determination (Determination of Non-significance) was issued on October 31, 2019 and the notice was published November 4, 2019. The appeal period ends on November 14, 2019.

Department of Commerce Review: The Washington State Department of Commerce was notified of the proposed site specific amendments, rezones, and revisions on July 30, 2019; Commerce acknowledged receipt of these materials July 30, 2019. The State Agency 60-day review expired September 28, 2019 with no comments.

Accompanying this staff report, labeled as **Exhibit 1**, are copies of the notices outlined above.

F. STAFF RECOMMENDATIONS

Staff requests the following Findings of Fact, Conclusions of Law, and recommendations be approved by the Planning Commission.

FINDINGS OF FACT:

1. On November 19, 2019 the City of Mount Vernon Planning Commission held an open-record public hearing to consider amendments to the Comprehensive Plan. All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.
2. The hearing on November 19, 2019, was preceded with appropriate notice, issued on October 31, 2019, distributed via mail/email on November 4, 2019, and published on November 4, 2019.
3. Notice of adoption of the proposed amendments has been duly transmitted in compliance with RCW 36.70A.106 (1).

4. A Final SEPA threshold Determination of Non-Significance for the Comprehensive Plan Amendment was issued on October 31, 2019, published on November 4, 2019, and was also mailed to property owners within 300 feet of the site on November 4, 2019. The comment period (for the Notice of Application/ Proposed DNS) expired on October 18, 2019. A 10-day appeal period (for the Final DNS) ends on November 14, 2019.

CONCLUSIONS OF LAW:

1. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.
2. The proposed amendments are found to be in compliance with the State Growth Management Act.
3. The Mount Vernon Comprehensive Plan has consistently been maintained in compliance with the Growth Management Act as amended since the initial adoption in 1995.
4. 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); and,
5. Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon develop a Comprehensive Plan, which is a generalized, coordinated land use policy statement of the City.
6. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation.
7. The City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments.
8. The GMA requires plans and development regulations to be consistent; and also requires comprehensive plans to be both internally and externally consistent.

STAFF RECOMMENDATIONS

1. That the Deol Comprehensive Plan Amendment, Project File No. PLAN19-0021 is recommended for **APPROVAL** of the request to change the designation of the parcel from Churches (CH) to Single-Family Medium Density (SF-MED).

RESOLUTION NO. 960

A RESOLUTION PERTAINING TO THE COMPREHENSIVE PLAN DOCKET FOR 2019 AND PURSUANT TO RESOLUTION 491 AND RCW 36.70A

WHEREAS, the City's public participation program that was adopted with Resolution 491 outlines the process by which the City receives and docketed proposed Comprehensive Plan amendments; and

WHEREAS, the City's public participation program, GMA docketing process and the ultimate GMA process for reviewing and deciding Comprehensive Plan amendment requests are discretionary, legislative decisions involving City Council policy decisions; and

WHEREAS, consistent with Resolution 491 one (1) site specific amendment application was submitted to the City before January the 31, 2019 deadline; and

WHEREAS, a public hearing notice was published in the *Skagit Valley Herald* providing notice of the hearing before the Mount Vernon City Council; and

WHEREAS, on February 27, 2019, the City Council held a public hearing to review proposed 2019 Comprehensive Plan Amendments and Mount Vernon Municipal Code Amendments as necessary; and

WHEREAS, at the February 27, 2019 public hearing City Council reviewed the proposed amendments to be docketed for 2019, considered the relative importance of the proposed amendments, the relationship they may have to other proposed amendments, whether or not there is need for prompt review, how long amendments have been on the docket for review, and ability of staff and Planning Commission to review the proposed amendments; and

WHEREAS, at the public hearing, the Council approved the docketing for the 2019 cycle of projects listed on the attached **Exhibit A**; and

NOW, THEREFORE,

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

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

SECTION TWO. That the City of Mount Vernon will accept for docketing and review the proposed Comprehensive Plan Amendments and Mount Vernon Municipal Code Amendments, as described in the attached **Exhibit 'A'**, incorporated herein by this reference. Any associated rezone set forth herein shall not be considered until legislative action of the Comprehensive Plan amendment process has been taken by the City Council.

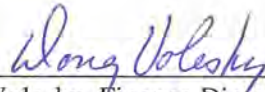
Passed this 27th day of February, 2019

Signed in Authentication this 18th day of March, 2019

BY:



Jill Boudreau, Mayor



Doug Volesky, Finance Director

Approved as to form:



Kevin Rogerson, City Attorney

EXHIBIT A – 2019 DOCKET

1. Land Use Number: PL18-185

Proponent: Transworld Investments, LLC (Sammie Deol)

Parcel: P27528

Comprehensive Plan: FROM Church (CH) TO Single-Family
Medium Density (SF-MED)



2. Shoreline Management Master Program Updates
3. Cell Tower Code Update (if Federal or State regulations are amended)
4. Park and Fire Impact Fee Update
5. Update Planning, Building, Fire, and Engineering fees
6. Capital Improvement Plan
7. Amendments to Titles 16 and 17 of the Mount Vernon Municipal Code to encourage infill development, accessory dwelling units, and zero lot line townhomes
8. Other minor amendments deemed necessary by the Development Services Department



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

07/30/2019

Ms. Marianne Manville-Ailles
Planning Consultant
City of Mount Vernon
8405 S Main Street
Post Office Box 1248
Lyman, WA 98263

Sent Via Electronic Mail

Re: City of Mount Vernon--2019-S-466--60-day Notice of Intent to Adopt Amendment

Dear Ms. Manville-Ailles:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed Site specific Comprehensive Plan Amendment to redesignate a 5 acre parcel from Church (CH) to Single Family Medium Density (SF-MED).

We received your submittal on 07/30/2019 and processed it with the Submittal ID 2019-S-466. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/28/2019.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Valerie Smith, (360) 725-3062.

Sincerely,

Review Team
Growth Management Services

NOTICE OF APPLICATION & PROPOSED OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS)

APPLICATION NAME & NUMBER: PLAN19-0021 Deol Comprehensive Plan Amendment Request

PROJECT DESCRIPTION: Proposed is a non-project action to change the land use designation of property that is described below (hereinafter called the 'subject site'). The existing Comprehensive Plan designation of the subject site is Churches (CH). The applicant, has requested this designation be changed to a Comprehensive Plan designation of Medium Density Single Family (SF-MED). The property is not being used by a church and is no longer owned by a church. Redesignation would make the property consistent with the surrounding neighborhood.

PROJECT LOCATION: The proposed property is located at 4461 E Division Street and is identified by the Skagit County Assessor as parcel number P27528. It is located within a portion of Section 22, Township 34 north, Range 4 East, W.M.

OWNER/APPLICANT:

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

STAFF CONTACT:

Marianne Manville-Ailles, Planning Consultant
Development Services Department
City of Mount Vernon
910 Cleveland Avenue, Mount Vernon WA 98273
Telephone - 360-336-6214

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS): As the Lead Agency, the City of Mount Vernon has determined that significant environmental impacts are unlikely to result from the proposed project. Therefore, as permitted under the RCW 43.21C.110, the City of Mount Vernon is using the Optional DNS process to give notice that a DNS is likely to be issued. Comment periods for the project and the proposed DNS are integrated into a single comment period. There will be no comment period following the issuance of the Threshold Determination of Non-Significance (DNS). A 10-day appeal period will follow the issuance of the DNS.

DETAILS:

Permit Application Date:	12-20-2018	Counter Complete:	12-28-2018
Technically Complete:	2-12-2019		
Permits/Review Requested:	Comprehensive Plan Amendment Request		
Other Permits that may be Required:	Rezone, Development Permits		

CONSISTENCY OVERVIEW:

Zoning: Public **Comprehensive Plan:** Existing: Churches (CH)
Requested: Medium Density Single Family (SF-MED)

**Environmental Documents
that Evaluate the
Proposed Project:**

SEPA Checklist Dated December 11, 2018 prepared by Transworld Investment Group

**Development Regulations
Used for Project
Mitigation:**

Not applicable. The proposal is a non-project request for Comprehensive Plan redesignation. Any future development would be subject to all applicable development regulations.

Comments on the Notice of Application and Proposed Mitigated Determination of Non-Significance (MDNS) must be submitted, in writing, no later than **October 18, 2019**. Comments should be as specific as possible and include: your full name, your mailing address, and the name of the proposal you are commenting on.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

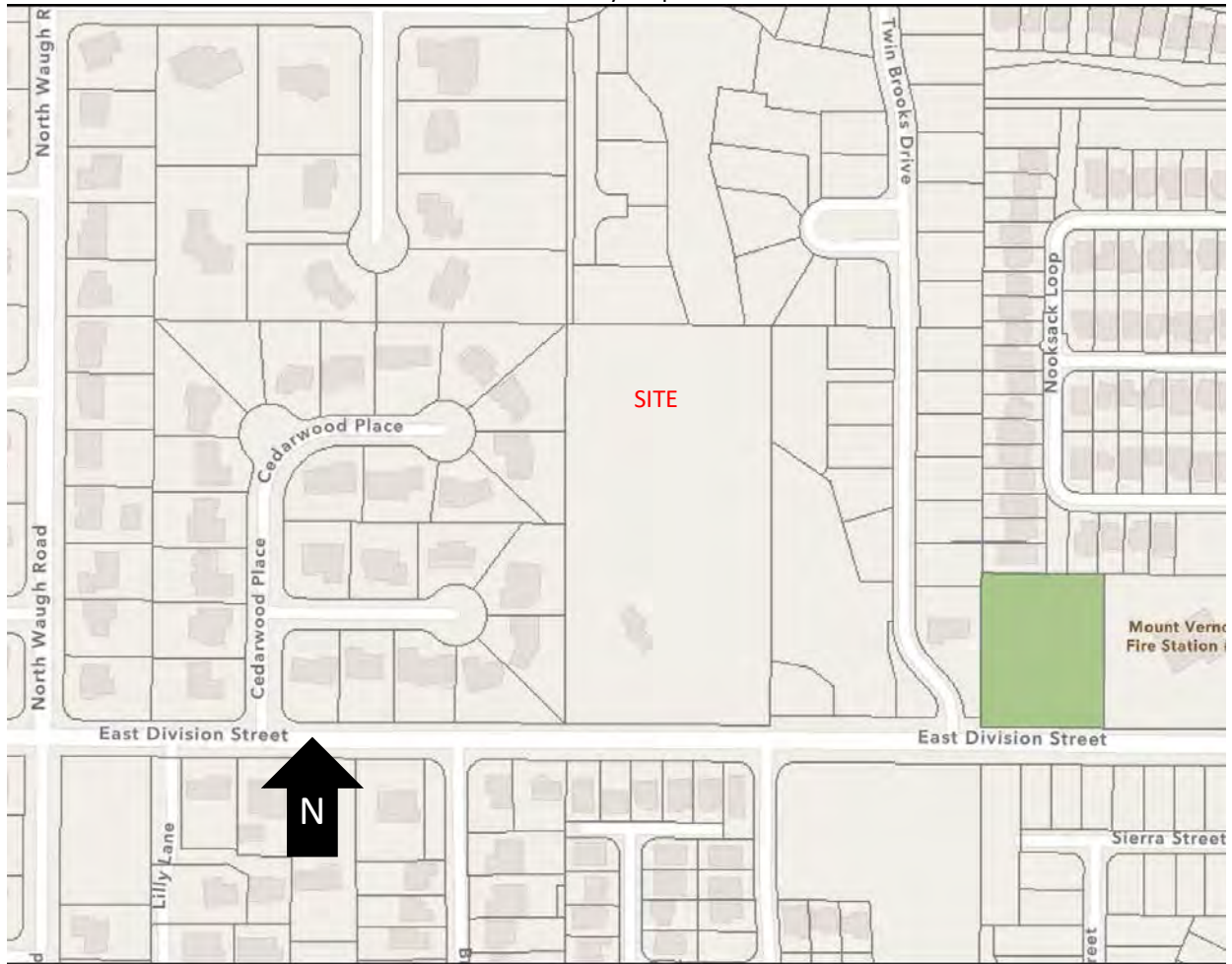
City staff has created a page on the City's website where the site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then then 'News Notices' then scroll down the page to find the project name/number.

ISSUED: October 1, 2019

PUBLISHED: October 4, 2019

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES

Vicinity Map



**DETERMINATION OF NON-SIGNIFICANCE (DNS)
NOTICE OF PUBLIC HEARING (NOH)**

APPLICATION NAME & NUMBER: PLAN19-0021 Deol Comprehensive Plan Amendment Request

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OWNER/APPLICANT:
Samie Deol
Transworld Investment Group LLC
310 Leann Street
Mount Vernon, WA 98273

STAFF CONTACT:
Marianne Manville-Ailles, Planning Consultant
Development Services Department
City of Mount Vernon
910 Cleveland Avenue, Mount Vernon WA 98273
Telephone - 360-336-6214

The Mount Vernon Development Services Department (the lead agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal will be clarified and changed through the development review process to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This decision was made after review of a completed environmental checklist and other information on file (and available to the public) with the lead agency. The lead agency has determined that the requirements for environmental analysis, protection; in conjunction with, the City's existing development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

Additionally, City staff have created a page on the City's website where the completed Environmental Checklist, site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then then 'News Notices' then scroll down the page to find the project name/number.

ENVIRONMENTAL DETERMINATION APPEAL PROCESS: Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **November 14, 2019**. Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the staff 'Contact Person' listed above; or by downloading a copy of the referenced MVMC at www.mountvernonwa.gov

OPEN RECORD PUBLIC HEARING: An open record public hearing will be held before the Mount Vernon Planning Commission on **TUESDAY NOVEMBER 19, 2019** at 6 p.m. Another public hearing will be held before the Mount Vernon City Council on **WEDNESDAY, NOVEMBER 27, 2019** at 7 p.m. Both hearings will be held at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon.

RESPONSIBLE PERSON: Rebecca S. Bradley-Lowell, Principal Planner



October 31, 2019

SIGNATURE

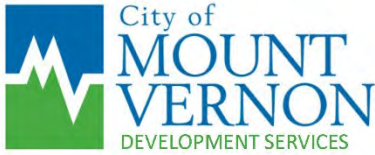
DATE

ISSUED: October 31, 2019

PUBLISHED: November 4, 2019

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES

Exhibit 1d



STAFF REPORT *for* TRANSPORTATION CONCURRENCY COMPREHENSIVE PLA AMENDMENT

STAFF REPORT SUMMARY & CONTENTS

PROJECT SUMMARY:

Proposed is a non-project action to change the land use designation of property that is described below (hereinafter called the 'subject site'). The existing Comprehensive Plan designation of the subject site is Churches (CH). The applicant, has requested this designation be changed to a Comprehensive Plan designation of Medium Density Single Family (SF-MED). The property is not being used by a church and is no longer owned by a church. Redesignation would make the property consistent with the surrounding neighborhood.

ADDRESS:

4461 E Division Street

PARCEL #:

P27528

¼ SEC: NW

SEC: 22

TWP: 34N

RGE: 04E

PROPERTY OWNER:

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

APPLICANT:

Same as Owner

VICINITY MAP:



REPORT CONTENTS:

Staff Report Summary & Contents	1
Project Description & Location	2
Maps/Photo	2
Background & Staff Analysis	3

A. PROJECT DESCRIPTION & LOCATION

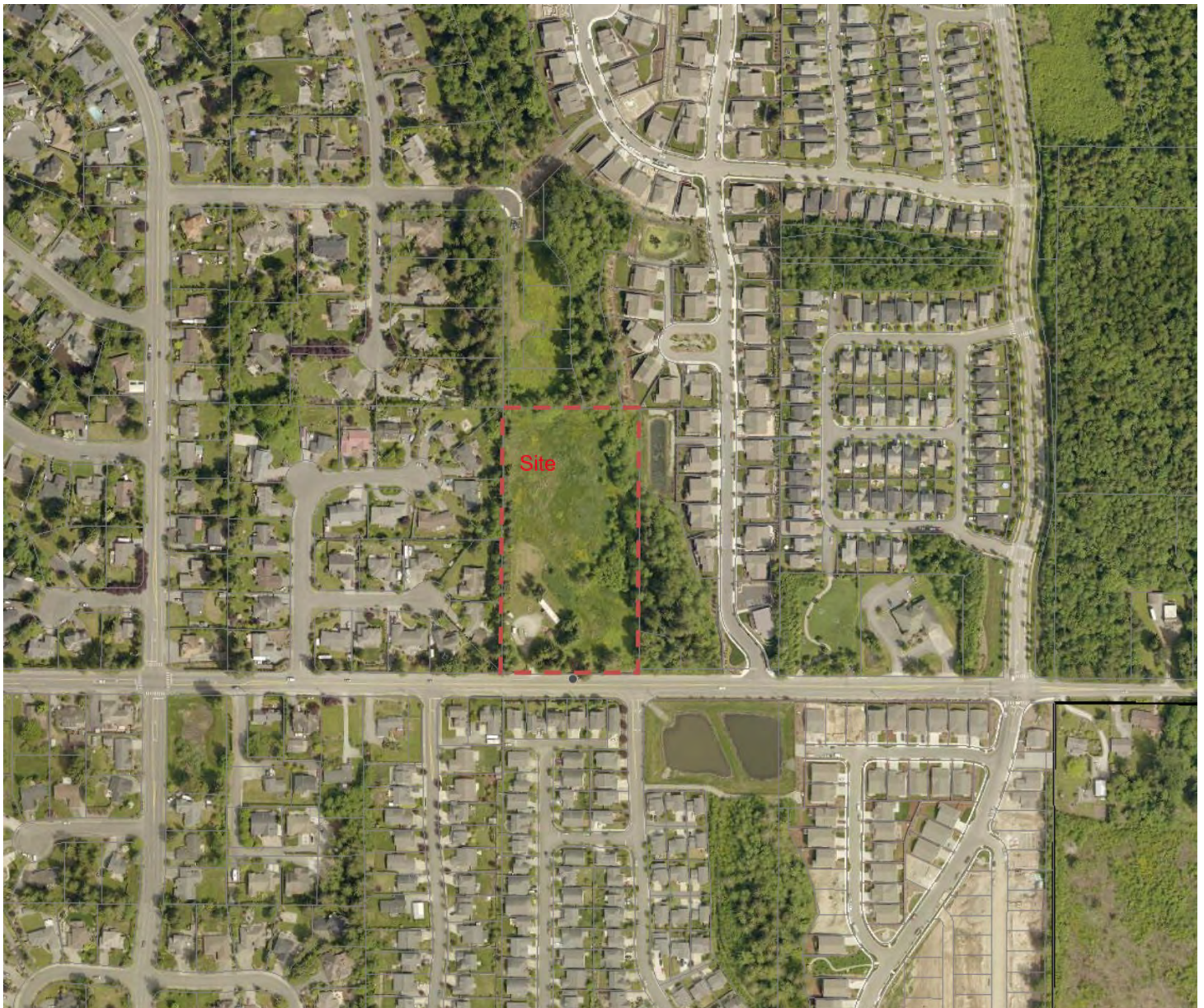
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PROJECT LOCATION:

The proposed property is located at 4461 E Division Street and is identified by the Skagit County Assessor as parcel number P27528. It is located within a portion of Section 22, Township 34 north, Range 4 East, W.M.

The and photo that follow identifies the location of the project site.



Aerial photo dated May 2017. The approximate site boundaries are outlined in red.

D. BACKGROUND & STAFF ANALYSIS

1. The proposal is for a Comprehensive Plan Amendment to change the designation of the property from Churches to Single Family Residential. As part of the review of the proposal staff is required to assess the concurrency impacts associated with the proposed change and identify potential mitigation that would likely be required upon development of the property. Actual mitigation would be determined at the time of development and would be specific to the development activity being proposed.
2. In order to assess the concurrency impacts staff determined the trips that would result from the existing and proposed uses. This was done as follows:

Under the existing designation the property could support a church of approximately 20,000 square feet. The proposed size was determined by taking the average of 8 standalone churches located throughout the City of Mount Vernon. Using the ITE Trip Generation Manual 9th Edition for churches the Average Daily Trips for churches of the size assumed ranges from 87 to 604 with the average being **182 trips per day**. That range increases significantly for Sundays (the generator for the use) to 383 to 2,278 with an average of **733 trips on Sunday**.

Under the proposed designation the property could support a maximum of 16 dwelling units is assumed. This was calculated as follows:

5 acres reduced by 25% to account for roads, stormwater facilities, etc as is outlined in the Buildable Lands Analysis. Critical areas were also subtracted from the total acreage. The remaining acreage (3.54 acres) was multiplied by the allowed units per acre (4.54) to determine the maximum number of units that would be allowed (in this case 16).

Using the ITE Trip Generation Manual 9th Edition for single family dwellings an average of 9.24 trips per day is assumed for a total of **147 trips per day**.

3. It can be seen from the above analysis that the number of trips anticipated to result from the change of designation would be less than the number of trips anticipated from the existing designation of the property. As such, no additional mitigation measures are anticipated to be required as a result of the change of designation
4. This concurrency review is for purposes of assessing the transportation impacts of the proposed Comprehensive Plan Amendment. Additional concurrency review will be required at the time a project is submitted for the property.



Exhibit 2a

MASTER LAND USE APPLICATION FORM

FILE NUMBER:

① PROPERTY WHERE PROJECT IS PROPOSED

ADDRESS: 4461 East Division Street, Mt Vernon PARCEL NUMBER(S): P27528

② PROPERTY OWNER INFORMATION

NAME: Samie Deol - Transworld Investment Group LLC

ADDRESS: 310 Leann Street Mount Vernon WA 98273
CITY STATE ZIP

TELEPHONE: 360-661-7414 CELL: EMAIL: samie@transworldsecurity.com

③ APPLICANT INFORMATION

NAME: Same as #2

ADDRESS: CITY STATE ZIP

TELEPHONE: CELL: EMAIL:

④ CONTACT PERSON

SELECT THE ONE PERSON THE CITY WILL CONTACT FOR ANYTHING RELATED TO THIS PERMIT ☐ APPLICANT ☐ PROPERTY OWNER ☐ CONTRACTOR ☐ OTHER (LIST BELOW)

NAME: Same as #2

ADDRESS: CITY STATE ZIP

TELEPHONE: CELL: EMAIL:

⑤ OTHER INFORMATION

BRIEF PROJECT DESCRIPTION: Request for a Comp Plan Ammendment for CH to SF-MED

EXISTING ZONING DESIGNATION: Public REQUESTING A REZONE: ☒ YES ☐ NO

EXISTING COMPREHENSIVE PLAN DESIGNATION: CH REQUESTING A COMPREHENSIVE PLAN AMENDMENT? ☒ YES ☐ NO

SITE AREA (IN SQUARE FEET & ACRES):

IS THE PROPERTY LOCATED IN A FLOOD ZONE?	☐ YES ☒ NO	NOTE: If yes, a Flood Area Development Permit may be required.	
ARE THERE SLOPES IN EXCESS OF 15% ON OR ABUTTING THE SITE?	☐ YES ☒ NO	NOTE: If yes, make sure these area are clearly shown on the plans being submitted and provide a geotechnical report.	
ARE THERE CRITICAL AREAS OR BUFFERS ON OR ABUTTING THE PROJECT SITE?	☒ YES ☐ NO	NOTE: If yes, a copy of the critical areas report(s) must be submitted with this application. In addition, the critical area and its associated buffer must be clearly shown on the plans being submitted.	
WILL MORE THAN 2-ACRES BE CLEARED?	☐ YES ☒ NO	NOTE: If yes, a Land Clearing Permit must be submitted.	
WILL MORE THAN 5,000 BOARD FEET OF TIMBER BE HARVESTED?	☐ YES ☒ NO	NOTE: If yes, a Land Clearing Permit must be submitted.	
ARE YOU CONSTRUCTING STORMWATER FACILITIES?	☐ YES ☒ NO	ADDITIONAL INFORMATION NEEDED: If yes, list the DOE Manual used to design facility:	
ARE YOU WORKING WITHIN AN EXISTING CITY RIGHT-OF-WAY?	☐ YES ☒ NO	NOTE: If yes, a Right-of-Way Permit must be submitted.	
HAS A PRE-APPLICATION MEETING BEEN HELD THAT INCLUDES THIS PROJECT?	☐ YES ☒ NO	NOTE: If no, you may be required to schedule this meeting.	
		ADDITIONAL INFORMATION NEEDED: If yes, provide it's City File Number:	
IS THIS PROJECT SUBJECT TO THE SEPA PROCESS?	☒ YES ☐ NO	NOTE: If yes, a SEPA Checklist and its associated materials must be submitted.	
		ADDITIONAL INFORMATION NEEDED: If yes, provide it's City File Number:	

⑥ ACKNOWLEDGEMENTS & SIGNATURE

Read and initial each of the following statements prior to signing this application:

	I understand that land use and/or planning permits do not authorize earth disturbing activities, the removal of vegetation, or the construction of buildings. I understand that additional permits will be required after my land use and/or planning permitting process is completed. I understand that no earth disturbing activities (including the removal vegetation) may take place until after my land use and/or planning process is complete, and only after I have received additional permits such as Fill & Grade, Building Utility, or Right-of-Way permit(s).
	I understand that if critical areas (wetlands, streams, steep slopes, et cetera) are found on or near my property I am not authorized to impact these areas in any way and will be required to leave an undisturbed buffer area around the critical area. I also understand that depending upon the size and scope of my project that I may be required to enhance a critical area buffer.
	I understand that depending upon the size and scope of my project, I may be required to provide maintenance and/or performance bonds for items such as landscaping, critical areas, public roads and/or public utilities that I construct or install.
	I understand that I am solely responsible for providing complete and accurate information to the City. I understand that if my application is missing information or if inaccurate materials are submitted, my permits will be delayed. I understand that depending on how inaccurate and how incomplete my application is or becomes, the Development Services Department could require an entirely new application be submitted. I understand that when and if conditions change from that which my application originally represented, I am responsible for letting the City staff person assigned to my project know.
	I understand that I am applying for permits from the City of Mount Vernon only; and that additional permits from other Federal and State agencies could be required. I understand that the City of Mount Vernon cannot advise me of permits that are required from other agencies, and that I must contact these agencies to make sure I comply with their requirements. These agencies include (but are in no way limited to): Corps of Engineers, Department of Natural Resources, Department of Ecology, and Northwest Clean Air Agency.
	I understand that I may be required to properly and timely post a pink land use sign on my property during land use and/or planning permitting process. I understand that I am responsible for making sure that this sign continues to be posted on my property until my land use and/or planning process is completed; and I understand that I am responsible for removing and disposing of this sign once my land use process is completed.
	I understand that I will be responsible for paying consultants that the City may deem necessary to review certain aspects of my application. I understand that these consultant reviews could include special inspections, traffic concurrency, critical area, landscaping, et cetera.

By affixing my signature hereto, I certify that I am the owner, or am acting as the Owner's authorized agent, and that the application and documents contained with this submittal are complete and accurate to the best of my knowledge and abilities. If your title report lists a company, partnership or other owners you must submit evidence that you are authorized to sign on behalf of the entity or others that are listed.

If you are an authorized representative you must submit an AGENT AUTHORIZATION FORM.

Please attach additional signature sheets if there is more than one owner.

Under penalty of perjury I swear that all information provided is true and correct.

Signature

Date

Printed Name

STATE OF WASHINGTON

COUNTY OF SKAGIT

} ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the _____ to be the free and voluntary act and deed of said _____, for the uses and purposes therein mentioned.

Given under my hand and official seal this ____ day of _____, 20____

(SEAL)

Notary Public

Residing at _____

My appointment expires _____



AGENT AUTHORIZATION FORM

Use this form to authorize someone other than the property owner to apply for permits for the subject property.

Project Name: _____

Property Address: _____

City, State, Zip: _____

AUTHORIZATION STATEMENT

I/we, as the owners of the property identified above, authorize the below listed individual to act as our agent to submit applications, receive correspondence regarding the above-listed application, and sign to receive notices on my/our behalf.

DESIGNATED AGENT

Agent Name: _____

Agent Address: _____

Agent City, State, Zip: _____

PROPERTY OWNER SIGNATURE(S)**

Signature: _____ **Signature:** _____

Printed Name: _____ **Printed Name:** _____

Title: _____ **Title:** _____

Company: _____ **Company:** _____

Date: _____ **Date:** _____

**Each property owner listed above must have their signature notarized

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the _____ to be the free and voluntary act and deed of said _____, for the uses and purposes therein mentioned.

Given under my hand and official seal this _____ day of _____, 20____

(SEAL)

Notary Public

Residing at _____

My appointment expires _____

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the _____ to be the free and voluntary act and deed of said _____, for the uses and purposes therein mentioned.

Given under my hand and official seal this _____ day of _____, 20____

(SEAL)

Notary Public

Residing at _____

My appointment expires _____

December 20, 2018

Transworld Investments LLC
310 Leann Street
Mount Vernon, Washington 98274

RE: Project Narrative for Comprehensive Plan Amendment and Rezone - Lot 3 of Skagit County Short Plat No. 42-83, 4461 East Division Street, Mount Vernon, Washington

PROJECT DESCRIPTION

The project is for properties located at, 4461 East Division Street, Mount Vernon, Washington; parcel number P 27528, which is a 5 acres parcel. It is currently zoned "Public" with a Comprehensive Plan designation of CH. The fenced parcel is on the north side of Division Street between built out platted property.

The property at this time has a single-family mobile home located in the southwest corner of the lot. The 5-acre lot is clear with a few trees on the southerly boundary and along the drainage paralleling the easterly boundary. The topography of the lots slopes to the northeast to the drainage along the easterly boundary – low point in the lot is at the NE corner.

The objective is revise the comprehensive plan and rezone the property from public to residential so the property can be used for building residences. For the construction of residences the site will be filled to grade the lot. It is estimated 3,000 cy of fill will be placed to fill the low areas of the lot. The fill placement will be in open pasture and no wood brush or trees are to be removed. A TESC plan will be implemented to contain the stormwater from the fill material. A small drainage edges the northeasterly boundary of the property with buffer extending on the property. This buffer will be marked in the field and no fill material will be place within the buffer.

No drainage report is submitted for this project, as there is no change in the land use. The fill will be placed in open areas and reestablished to the same condition as the open space – grassed pasture.

- A. Transworld Investment Division Street Rezone , 5 acres located at 4461 Division Street, Mount Vernon, Washington
- B. Zoning "Public"; Comprehensive Plan "CH";
- C. Single family residence, small house & open lot. Street frontage is curb gutter & sidewalk;
- D. The site has a modular home on it and the 5 acre parcel is largely cleared;
- E. DNR Soil type is Tokul Gravelly Medial Loam – Hydrological Group B. General grade of the parcel is to the northeast with the lot sloping for 1 to 5% to steeper northeasterly portion of the lot at 5% to 15%.
- F. It is projected a single family residence will be built upon rezone;
- G. The site will be graded for the construction of the single family residence – import quantity is estimate at 3,000 cy.
- H. The site is in flood zone C and no flood development permit is required;
- I. No trees are removed for the construction of the single family residence;
- J. No property is to be dedicated to the City. There is a 5 ft slope construction easement on the street frontage of the property per AF # 200505040102.
- K. Krippner Consulting, LLC, Critical Area Study, August 24, 2018;

350 Lupine Court
Mount Vernon, WA 98273

October 14, 2019

City of Mount Vernon-Dev. Services
ATTN: Marianne Manville-Aille
910 Cleveland Ave.
Mount Vernon, WA 98273

RE: File # PLAN19-0021; Parcel P27528

Dear Ms. Manville-Aille:

In response to the notice received regarding the above referenced plan and parcel, I appreciate your response to the following questions:

- Please advise what steps will be taken to protect any and all designated wetland area in the immediate vicinity.
- Please advise the city's description of Medium Density Single Family (SF-MED) zoning.
- Please provide information as to the scope and plan that has been outlined by the Transworld investment Group, LLC and the steps they will take to preserve the tranquility, standard of living and privacy currently enjoyed by the Twin Brooks 55+ development.
- Please advise planned set backs from current property, ingress/egress, etc., that would allow for continued privacy as well as the number of dwellings that are proposed as well as the timeline for development.

I appreciate your review and response at your earliest opportunity. Please feel free to contact me at (619) 977-7351, should you need additional information or clarity to my inquiry.

Regards,



Susan Jordan

RECEIVED
CITY OF MOUNT VERNON
OCT 18 2019
D S DEPARTMENT
BY _____



PUBLIC HEARING(S): November 5, 2019 and November 19, 2019

TO: Planning Commission

FROM: Rebecca Lowell, Development Services

SUBJECT: STAFF REPORT FOR AFFORDABLE HOUSING CODE AMENDMENTS (CA17-0008)

RECOMMENDED ACTION:

The Planning Commission (Commission) held a public hearing on November 5, 2019 where staff presented the subject code amendments and answered questions from the Commission. After listening to public testimony the Commission made an unanimous motion to continue the public hearing opened on November 5th to November 19th.

INTRODUCTION/BACKGROUND:

Soon after adoption of the City's Comprehensive Plan (Plan) in late 2016 the City identified the need to adopt code amendments aimed at the creation of housing affordable to those earning 80% of the area median income and below. In 2017 the City started work on these code amendments and contracted with BERK consulting that kicked off this work program by conducting interviews with local housing stakeholders. **Attachment 1** of this memo is a summary of these interviews.

After the above-described interviews were complete BERK worked with City staff, the Commission and Council to refine the scope of the proposed code amendments. **Attachment 2** contains copies of the briefings provided by BERK and staff to the Commission and Council in late 2017 and early 2018. BERK also created a Memorandum to city staff containing code suggestions that is attached to this memo identified as **Attachment 3**.

Staff is aware that others have been critical of the City because the current code amendments were delayed from early 2018 to the present. In case the Commission has heard this same criticism staff feels compelled to provide details about the other housing work plan items that were adopted by the City from 2017 to the present that were all aimed at helping vulnerable populations and encouraging affordable housing.

- **Ordinances 3712, 3743, 3780, and 3790:** authorizing Permanent Supported Housing Facilities, Temporary Homeless Encampments, emergency cold weather shelters, and safe parking.
- **Ordinances 3748, 3749, and 3750:** adopted the South Kincaid Subarea Plan, rezoned 79 parcels and created a new zoning district. This new subarea and its associated regulations will lead to the creation of hundreds of new multi-family residential units that would otherwise not have been allowed. Increasing the City's supply of multi-family housing has been identified as an affordable housing issue.

- **Ordinance 3775:** adopted amendments to the C-3 and C-4 zones to remove the density limits for multi-family units in these zones. As stated above, increasing the City's supply of multi-family housing has been identified as an issue.
- **Ordinance 3754:** reducing traffic impact fees - ensuring city fees are as low as possible is important to the production of affordable housing.
- **Ordinance 3776:** revisions to procedural codes to allow electronic plan review - permit time frames are important when developers are trying to create affordable housing.

FINDINGS/CONCLUSIONS:

Attachment 6 to this memo includes three different research papers/reports documenting why it is so important for the City to require affordable housing units created through the code amendments before the Commission to remain affordable in perpetuity. Following are summary remarks from one of the referenced reports that staff hopes will resonate with the Commission:

Hickey, etal (2014) found that *“Declining federal funding for affordable housing programs will shift greater responsibility to states and localities to find innovative ways to meet local housing challenges...It is important to protect the public investment used to create affordable homes...by developing strategies to ensure the long-term affordability of the housing units and preserve affordable homeownership and rental opportunities for future generations” (p. 38).*

The procedural requirements for the code amendments before the Commission have been satisfied, specifically:

- A. The Department of Commerce was notified of the proposed amendments on September 26, 2019, an acknowledgement letter was received from Commerce dated October 2, 2019, and Commerce granted the City expedited review (their identification number: 2019-S-732); and as such, the City is in compliance with RCW 36.70A.106 (1).
- B. A SEPA Threshold Determination of Non-significance (DNS), non-project action, was issued on October 3, 2019 and published and routed to all applicable Federal, State, and Local Agencies, Utilities, and Tribes on October 7, 2019. The comment period for the DNS ended on October 21, 2019; and the appeal period for the DNS ended on October 31, 2019. There were no comments received or appeals filed.
- C. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

ATTACHED AS NOTED BELOW:

- Attachment 1: Housing Stakeholder Interviews (provided to the Commission for the November 5, 2019 hearing, another copy is not attached to this memo)
- Attachment 2: Commission and Council Briefings (provided to the Commission for the November 5, 2019 hearing, another copy is not attached to this memo)

- Attachment 3: Housing Affordability Program Code Suggestions (provided to the Commission for the November 5, 2019 hearing, another copy is not attached to this memo)
- Attachment 4: Research about permanent affordability (provided to the Commission for the November 5, 2019 hearing, another copy is not attached to this memo)
- Attachment 5: Draft Code and Covenant and Agreement for Rented Units
- Attachment 6: Copies of Procedural Items
- Comment letter from SICBA

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, ADDING TWO NEW CHAPTERS TO THE MOUNT VERNON MUNICIPAL CODE WITH THE FIRST TO BE NAMED, MOUNT VERNON MUNICIPAL CODE (MVMC) CHAPTER 17.73, REGULATIONS TO ENCOURAGE AFFORDABLE HOUSING, WITH THE NEW CHAPTER CONTAINING DEVELOPMENT REGULATIONS TO ENCOURAGE THE CREATION OF NEW DWELLING UNITS FOR THOSE EARNING 80% OF THE AREA MEDIAN INCOME (AMI) AND BELOW; WITH THE SECOND NEW CHAPTER TO BE NAMED CHAPTER 16.34, PLATTING OF DUPLEX AND TOWNHOUSE STRUCTURES, WITH ADDITIONAL AMENDMENTS TO MVMC CHAPTERS 17.06 (DEFINITIONS), 17.09 (DISTRICTS ESTABLISHED – ZONING MAP), 17.12 (R-A RESIDENTIAL AGRICULTURAL DISTRICT), 17.15 (R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT), 17.18 (R-2 DUPLEX AND TOWNHOUSE RESIDENTIAL DISTRICT), 17.24 (R-3 MULTIFAMILY RESIDENTIAL DISTRICT), 17.27 (R-4 MULTIFAMILY RESIDENTIAL DISTRICT), 17.30 (P PUBLIC DISTRICT), 17.33 (R-O RESIDENTIAL OFFICE DISTRICT), 17.42 (LC LIMITED COMMERCIAL DISTRICT), 17.45 (DOWNTOWN DISTRICTS), 17.48 (C-2 GENERAL COMMERCIAL DISTRICT), 17.51 (C-3 COMMUNITY COMMERCIAL DISTRICT), 17.54 (C-4 NEIGHBORHOOD COMMERCIAL DISTRICT), 17.57 (M-1 LIGHT MANUFACTURING AND COMMERCIAL DISTRICT), 17.69 (PLANNED UNIT DEVELOPMENTS), 17.70 (DESIGN REVIEW), 17.81 (SPECIAL USES), 17.105 (VARIANCES), 17.119 (TRANSFER OR PURCHASE OF DEVELOPMENT RIGHTS), 14.05 (PROCEDURES), AND 14.15 (FEES) TO SUPPLEMENT, TO REMOVE INCONSISTENCIES BETWEEN THE NEW CHAPTER 17.73 AND OTHER EXISTING REGULATIONS, AND TO ADD PERMITS FEES APPLICABLE TO CHAPTER 17.73 MVMC

WHEREAS, many City residents struggle to afford their housing each month and a shortage of affordable housing exists in every major metropolitan area in the United States; and

WHEREAS, there is a high demand for rental units in the City and very low vacancy rates, especially for affordable units; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) considers a household paying more than 30 percent of their income on housing as “cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care”. HUD’s Comprehensive Housing Affordability Strategy (CHAS) Data Query Tool shows that 36 percent of Mount Vernon households (both rented and owned) are paying more than 30 percent of their income on housing; and

WHEREAS, the rationale for incentivizing the creation of housing units specifically for those earning 80% of the AMI or less is to address the affordable housing needs of City residents; and

WHEREAS, the regulations adopted herein are only one of many actions the City intends to undertake to implement the Goals, Objectives, and Policies of the City’s Housing Element of the Comprehensive Plan; and

WHEREAS, the regulations adopted herein are intended to implement the Growth Management Act requirement to provide for housing opportunities for all economic segments of the community; and

WHEREAS, the City Council finds that the proposed development regulations contained herein are consistent with the City’s Comprehensive Plan. Further, the City finds that the following Goals, Objectives, and Policies adopted within the Land Use and Housing Element directly relate to the proposed regulations contained within this Ordinance:

HOUSING GOAL 1: ENHANCE MOUNT VERNON’S CULTURAL AND ECONOMIC VITALITY BY ENCOURAGING THE DEVELOPMENT OF HOUSING SOLUTIONS OF ALL TYPES THAT PROVIDE FOR VARIED DENSITIES, SIZES, COSTS AND LOCATIONS THAT ARE SAFE, DECENT, ACCESSIBLE, ATTRACTIVE, APPEALING AND AFFORDABLE TO A DIVERSITY OF AGES, INCOMES, AND CULTURAL BACKGROUNDS.

OBJECTIVE 1.1: In City plans and zoning regulations, accommodate a variety of housing types that are attractive and compatible in design, and available to all economic segments of the community.

Policy 1.1.2: In recognition of community needs, the City shall maintain a variety of future land use classifications and implement zoning to accommodate a range of housing types with varying densities and sizes.

Policy 1.1.4: Continue to promote plans and policies that encourage in-fill residential projects in close proximity to neighborhood centers, shopping and retail facilities, parks, transit routes and other service uses.

Policy 1.1.5: Continue to promote plans and regulations that allow incentives such as bonus densities and flexible design standards that support and promote the construction of new innovative or affordable housing styles, compatible with the planned uses of surrounding sites. Ground related housing types such as cottages, townhouses, zero lot line developments and other types are examples of housing choices that promote individuality and ownership opportunities. Consider adopting new development regulations that would offer new ways to encourage these types of housing choices.

HOUSING GOAL 2: PROMOTE THE PRESERVATION, MAINTENANCE AND ENHANCEMENT OF EXISTING HOUSING AND RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY.

OBJECTIVE 2.1: Promote infill housing that is compatible with abutting housing styles and with the character of the existing neighborhood.

Policy 2.1.1: Encourage infill housing on vacant or underutilized parcels having adequate services, and ensure that the infill development is compatible with surrounding neighborhoods.

Policy 2.1.2 : Adopt development regulations that enhance existing single family neighborhoods by requiring significant changes in density be transitioned near these existing neighborhoods. Ways to transition from higher-density

to existing single-family neighborhoods include (but are not limited to) the following: reducing densities and building heights closest to existing neighborhoods; and require landscaping treatments and fencing surrounding higher density developments.

Policy 2.1.3: Consider adopting regulations such as flexible lot sizes that encourage infill development on small lots consistent with the neighborhood's character.

Policy 2.1.4: Encourage the construction of attached and detached accessory dwelling units in single-family districts subject to specific development, design and owner occupancy provisions.

HOUSING GOAL 4: ENCOURAGE SAFE, DECENT, ACCESSIBLE, ATTRACTIVE AND AFFORDABLE HOUSING DEVELOPMENT THAT MEETS COMMUNITY NEEDS AND IS INTEGRATED INTO, AND THROUGHOUT, THE COMMUNITY INCLUDING AREAS OF HIGHER LAND COST WHERE GREATER SUBSIDIES MAY BE NEEDED.

OBJECTIVE 4.1: Encourage the creation of ownership and rental housing that is affordable for all households within the City, with a particular emphasis on low, very-low, and extremely-low income households as defined by the U.S. Department of Housing and Urban Development (HUD).

Policy 4.1.1: Evaluate the adoption of zoning regulations targeted at otherwise market-rate developments that require or incentivize a minimum percentage of new dwelling units and/or lots that are created (whether multi-family or single-family) be income restricted.

Policy 4.1.3: Evaluate the adoption of zoning regulations that provide bonuses in density for developments that create income restricted units aimed at those earning less than 80% of the area median income (AMI) with greater bonuses provided to housing reserved for those earning 60% of the AMI and below.

Policy 4.1.4: Encourage affordable housing to be dispersed throughout the City, within each Census tract, rather than overly concentrated in a few locations.

Policy 4.1.5: Where affordable housing is proposed together with market rate housing, affordable housing units should be comparable in design, integrated into the whole development, and should match the tenure of the whole development.

Policy 4.1.6: Maintain and explore enhancing regulatory incentives to encourage the production and preservation of affordable ownership and rental housing such as through density bonuses, impact fee reductions, permit fast-tracking, or other methods.

Policy 4.1.7: Ensure during development review processes that all affordable housing created in the city with public funds or by regulatory incentives remains affordable for the longest possible term; at a minimum 50 years.

WHEREAS, the City affirmatively furthers fair housing and is committed to: focusing on the future, working together to build strong neighborhoods, developing a sound economy, and providing a safe community; and

WHEREAS, the City Council finds that:

1. The proposed amendments bear a substantial relation to the public health, safety and welfare.
2. The proposed amendments promote the best long term interests of Mount Vernon; and

WHEREAS, the City Council is aware that the affordable housing program adopted by this ordinance will create significant additional work for the Development Services Department that will require additional staffing in the future due to new regulations, processing, monitoring, and oversight required to implement these development regulations; and

WHEREAS, the City Council is aware that the additional residential density allowed by the regulations adopted in this Ordinance will require detailed monitoring of transportation levels-of-service and capacity within the City's Wastewater Treatment plant (WWTP). Additionally, City Council is aware that the additional residential density could result in impacts to transportation systems and the WWTP that could require mitigation sooner than currently adopted Capital Facility and Transportation Elements of the Comprehensive Plan anticipate; and

WHEREAS, the Department of Commerce was notified of the proposed amendments on September 26, 2019, an acknowledgement letter was received from Commerce dated October 2, 2019, and Commerce granted the City expedited review on October 31, 2019 (their identification number: 2019-S-732); and as such, the City is in compliance with RCW 36.70A.106 (1); and

WHEREAS, a SEPA Threshold Determination of Non-significance (DNS), non-project action, was issued on October 3, 2019 and published and routed to all applicable Federal, State, and Local Agencies, Utilities, and Tribes on October 7, 2019. The comment period for the DNS ended on October 21, 2019; and the appeal period for the DNS ended on October 31, 2019. There were no comments received or appeals filed; and,

WHEREAS, the requisite Planning Commission hearings held on November 5, 2019 and November 19, 2019; and the City Council hearing held on December 11, 2019 were preceded with appropriate notice published on October 7, 2019, November 5, 2019, and November 11, 2019; and

WHEREAS, the requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met; and

WHEREAS, the City is making a deliberate policy decision to require affordable housing created through the provisions of Chapter 17.73 MVMC (that will be codified with approval of this Ordinance) remain affordable in perpetuity. This policy decision based, in part, on the following documents:

- Hickey, Robert, etal. 2014. *Achieving Lasting Affordability through Inclusionary Housing*. Lincoln Institute (Produce Code WP14RH1).
- Khadduri, Jill, etal. 2012. *What Happens to Low-Income Housing Tax Credit Properties at Year 15 and Beyond?* (HUD's Office of Policy Development and Research).
- Grover, Michael. 2007. *Community Land Trusts Strive for Permanent Housing Affordability* (Federal Reserve Bank of Minneapolis).

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

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

SECTION ONE. Recitals Incorporated. The City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein. The Council also adopts the following additional findings in support of the adoption of this Ordinance:

1. (insert after hearing, as required)

SECTION TWO. **PLANNING COMMISSION RECOMMENDATION ADOPTED.**

A. Planning Commission Recommendation to the City Council:

At their public hearing on November 5, 2019 the Commission considered the items presented by City staff, the testimony of one individual and written comments by another individual. Following their deliberation of all these items the Planning Commission made a recommendation to adopt the amendments to the Mount Vernon Municipal Code that are contained in this Ordinance.

SECTION THREE. New Section. A new Chapter 17.73, Regulations to Encourage Affordable Housing, is added to the Mount Vernon Municipal Code as follows:

Chapter 17.73

REGULATIONS TO ENCOURAGE AFFORDABLE HOUSING

17.73.000	Purpose
17.73.010	Definitions
17.73.020	General Provisions
17.73.030	Encouraging Affordable Housing in Single-Family Zones (R-1)
17.73.040	Encouraging Affordable Housing in Duplex and Townhouse Zones (R-2)
17.73.050	Encouraging Affordable Housing in Multi-Family Zones (R-3 and R-4)
17.73.060	Encouraging Affordable Housing in Planned Unit Developments
17.73.070	Encouraging Affordable Housing in Downtown, Community and Neighborhood Commercial Zones (C-1, C-3 and C-4)
17.73.080	Required Affordable Housing for Rezones
17.73.090	Required Covenants and Agreements
17.73.100	Density Transitions and Design Standards
17.73.110	Accessory Dwelling Units

17.73.000 Purpose

The purpose of this Chapter is to encourage long-term affordable single-and-multi-family housing for those earning 80% of the Area Median Income (AMI) and below in the zones listed within this Chapter while ensuring neighborhood compatibility and quality living environments for all citizens.

17.73.010 Definitions

The following words when used in this Chapter shall be defined as indicated below.

- A. **“Area Median Income”** or (AMI), means an income estimate developed with U.S. Census data and an inflation factor based on the Congressional Budget Office (CBO) forecast of the national Consumer Price Index (CPI). The U.S. Department of Housing and Urban Development (HUD) calculates and releases this data on a yearly basis.
- B. **“Affordable Housing” and “Affordable Housing Unit”** are the additional dwelling units authorized by this chapter of the MVMC and are further defined as:
 1. **Owner-Occupied.** A primary residence for an owner-occupied dwelling unit reserved for occupancy by eligible households, and affordable to households whose household annual income does not exceed eighty percent of the Mount Vernon-Anacortes, WA Metropolitan Statistical Area (MSA) median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), with no more than 30 percent (30%) of the monthly household income being paid for monthly housing expenses. Monthly housing expenses defined as: mortgage, mortgage insurance, property taxes, property insurance, homeowners’ dues and a utility allowance.
 2. **Renter-Occupied.** A primary residence for a renter-occupied dwelling unit reserved for occupancy by eligible households, and affordable to households whose household annual income does not exceed eighty percent of the Mount Vernon-Anacortes MSA median household income, adjusted for household size, as determined by HUD, with no more than 30 percent of the monthly household income being paid for monthly housing expenses (rent and utility allowance).
 3. **Utility Allowance** means an allowance approved by the City for basic utilities such as water, sewer, electricity, and gas payable by the renter, which unless otherwise approved in writing by the City, shall be equal to the utility allowance published from time to time by the Skagit County Housing Authority for the type of Unit, or, if the City determines that no reasonably

- comparable figures are available from the Skagit County Housing Authority, the utility allowance shall be such an amount as the City determines is an adequate allowance for basic utilities, to the extent that such items are not paid by the Housing Owner. The Utility Allowance shall not include telephone, internet/wireless, or cable TV services.
- C. **“Base Units”** are the number of dwelling units authorized by the underlying zoning of a site calculated using the density calculations found in MVMC Chapter 17.06.
 - D. **“Bonus Units”** are the additional dwelling units authorized through MVMC Chapter 17.73 that are required to be affordable housing for the life of the project under which the base units and/or the bonus density units are used as dwelling units.
 - E. **“Market Rate Units”** are housing units that can be single-family, duplex, or multi-family structures that have no ownership or rent restrictions; which means the seller or landlord is free to sell or rent at whatever price they wish to.

17.73.020 General Provisions

- A. All of the below listed regulations shall apply to all new dwelling units created using the provisions of this Chapter.
 - 1. Affordable housing units shall be required to be created before, or at the same time, as the base units. Applicants will not be allowed to construct market rate units first and wait to construct the affordable housing units.
 - 2. Developments using this Chapter of the Mount Vernon Municipal Code shall comply with the regulations of the zoning district within which a development is located unless this Chapter specifically states otherwise.
 - 3. Prior to the issuance of any building permits, the City shall review and approve the location and unit mix of the bonus (affordable housing) units to ensure compliance with the following standards:
 - i. The affordable housing units shall be intermingled with all other dwelling units in the development. This means that the affordable housing units are not allowed to be placed together in one isolated area of a plat, or on one particular floor of a multi-family structure.
 - ii. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
 - iii. The affordable housing units shall have floor areas that are no less than thirty percent smaller than the average floor areas for the market rate units within the same development. The floor areas being compared shall be for the same type of dwelling units, i.e. comparing market rate multi-family units to affordable multi-family units and market rate single-family units to affordable single-family units. For example, if the average floor area of the single-family detached units is 2,000 square feet then the affordable housing units are required to be 1,400 square feet or larger.
 - iv. No less than fifty percent of the affordable housing units shall be required to have the same number of average bedrooms that the same type of market rate housing in the same development has. For example, if the average number of bedrooms for the multi-family units is three then no less than fifty percent of the affordable units will be required to have at least three bedrooms.
 - 4. All properties with affordable housing units created under the provision of this Chapter shall record covenants and agreements and shall comply with the Density Transitions and Design Standards as prescribed in MVMC 17.73.090 and 17.73.100.
 - 5. If after completing the initial density calculations required to determine the number of affordable and market rate housing units the number of units to be created changes the Applicant shall be required to complete the same density steps to calculate the number of

bonus units in total, and how many of the bonus units will be required to be Affordable Housing Units.

17.73.030 Encouraging Affordable Housing in Single-Family Zones (R-1)

- A. In each of the single-family zones listed below in Table 1 additional dwelling units may be created if a specified number of new homes are Affordable Housing Units.

TABLE 1: AFFORDABLE HOUSING BONUS DENSITY IN SINGLE FAMILY RESIDENTIAL ZONES

ZONING DESIGNATION	EXISTING REQUIREMENTS FROM CHAPTER 17.15	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-1, 7.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 7.26 du/acre Minimum Lot Size: 4,500	50% bonus density from 7.26 to 10.89 du/acre if 33.3% of the bonus units are Affordable Housing Units	• No minimum lot sizes • Bonus units can be single-family, duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-1, 5.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 5.73 du/acre Minimum Lot Size: 6,000	50% bonus density from 5.73 to 8.60 du/acre if 33.3% of the bonus units are Affordable Housing Units	• No minimum lot sizes • Bonus units can be single-family, duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-1, 4.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 4.54 du/acre Minimum Lot Size: 7,500	50% bonus density from 4.54 to 6.81 du/acre if 33.3% of the bonus units are Affordable Housing Units	• No minimum lot sizes • Bonus units can be single-family, duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

- B. Following are the steps to calculate the number of bonus units in total, and how many of the bonus units will be required to be Affordable Housing Units. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.

The base density per MVMC Chapters 17.06 and 17.15 is calculated (assuming the maximum potential density per the underlying zoning designation).

1. The same density calculation is completed using the Affordable Housing Bonus Density (see the third column from the left in Table 1 above).
2. The base density (#1) is subtracted from the bonus density (#2). This is the number of bonus density units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
3. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
5. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 8.73 acres that is zoned R-1. 7.0

Base Density Calculation: 8.73 acres x 7.26 du/acre = 63.38 single-family units

Bonus Density Calculation: 8.73 x 10.89 du/acre = 95.07 single-family units

BONUS DENSITY: Difference between standard zoning and this Chapter = 31.69 units

31.69 x 33.3% = 10.65, round up to 11 units. This means that 11 units are required to be Affordable Housing Units and the additional 21 units are given to the developer to be market rate or affordable units, the developer gets to decide.

- C. The dwelling units created shall:
1. Comply with the setbacks and lot coverage listed in MVMC 17.70 applicable to the type of unit (i.e. single-family, duplex, multi-family).
 2. Multi-family structures shall comply with the land coverage, and distance between buildings as required by Chapter 17.24 MVMC.
 3. Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.100 are met.
 4. But for the duplex exception listed below, the dwelling units from the base density calculation are required to be single-family detached units; however, there is no prescribed minimum lot size.
 - i. A maximum of 20% of the single-family detached units calculated from the base density can duplex units. For example, if 20 single-family homes were permitted, an applicant could create 16 single-family homes and two duplexes.
 5. The bonus units can be single-family, duplexes, townhomes, or multi-family units.

17.73.040 Encouraging Affordable Housing in the Duplex and Townhouse Zone (R-2)

- A. In the Duplex and Townhouse zone, listed below in Table 2, additional dwelling units may be created if a specified number of the new homes are Affordable Housing Units.

TABLE 2: AFFORDABLE HOUSING BONUS DENSITY IN DUPLEX AND TOWNHOUSE RESIDENTIAL ZONE

ZONING DESIGNATION	REQUIREMENTS FROM CHAPTER 17.18	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-2 Duplex and Townhome- Residential Zone	Minimum and Maximum Density: 8.0 to 10.0 du/acre	Density doubles from 10.0 to 20.0 du/acre if 33.3% of the bonus units are Affordable Housing Units	• Bonus units can be duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

- A. Following are the steps to calculate the number of bonus density units in total, and how many of the bonus units will be required to be Affordable Housing Units. The below listed steps are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.
1. The base density per MVMC Chapters 17.06 and 17.18 is calculated (assuming the maximum potential density per the underlying zoning designation).

2. The same density calculation is completed using the Affordable Housing Bonus Density (see the third column from the left in Table 2 above).
3. The base density (#1) is subtracted from the bonus density (#2). This is the number of bonus units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
5. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
6. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 3.7 acres that is zoned R-2

Base Density Calculation: $3.7 \text{ acres} \times 10 \text{ du/acre} = 37 \text{ units}$

Bonus Density Calculation: $3.7 \times 20 \text{ du/acre} = 74 \text{ units}$

BONUS DENSITY: Difference between standard zoning and this Chapter = 37 units

$37 \times 33.3\% = 12.32$. This means that 12 units are required to be Affordable Housing Units and the remaining 25 units are given to the developer to be market rate or affordable units, the developer gets to decide.

- B. The duplex and/or townhouse units/developments shall:
1. Comply with the setbacks listed in MVMC 17.70.
 2. Comply with the land coverage and parking as required by Chapter 17.18 MVMC.
 3. Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.100 are complied with.
 4. The dwelling units from the base density calculation are required to be duplexes or townhomes; however, there is no prescribed minimum lot size.
 5. The bonus units can be duplexes, townhomes, or multi-family units.
 6. The creation of up to 35 dwelling units shall be an outright use and when 36 or more dwelling units are created they shall be permitted by a conditional use permit classified by MVMC 14.05 as a Type III permit.

17.73.050 Encouraging Affordable Housing in Multi-Family Zones (R-3 and R-4)

- A. In the multi-family zones listed below in Table 3 additional dwelling units may be created if a specified number of the new homes are Affordable Housing Units.

TABLE 3: AFFORDABLE HOUSING BONUS DENSITY IN MULTI- FAMILY RESIDENTIAL ZONES

ZONING DESIGNATION	REQUIREMENTS FROM CHAPTER 17.24 and 17.27	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-3 Multi-Family Residential	Minimum and Maximum Density: 10 to 15 du/acre	Density doubles from 15 to 30 du/acre if 33.3% of the bonus units are Affordable Housing Units.	• Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-4 Multi-Family Residential	Minimum and Maximum Density: 10 to 20 du/acre	Density doubles from 20 to 40 du/acre if 33.3% of the bonus units are Affordable Housing Units	• Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

B. Following are the steps to calculate the number of bonus density units in total, and how many of the bonus units will be required to be Affordable Housing Units. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.

1. The base density per MVMC Chapters 17.06 and 17.24 or 17.27 (as applicable) is calculated (assuming the maximum potential density per the underlying zoning designation).
2. The same density calculation is completed using the Affordable Housing Bonus Density (see the third column from the left in Table 3 above).
3. The base density (#1) is subtracted from the bonus density (#2). This is the number of bonus density units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
5. At the discretion of the Developer, the remaining 66.6% of the Bonus Density Units can be market rate or Affordable Housing Units.
6. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 5.5 acres that is zoned R-4

Base Density Calculation: 5.5 acres x 20 du/acre = 110 units

Bonus Density Calculation: 5.5 x 40 du/acre = 220 units

BONUS DENSITY: Difference between standard zoning and this Chapter = 110 units

$110 \times 33.3 = 36.63$, round up to 37. This means that 37 units are required to be Affordable Housing Units and the remaining 73 units are given to the developer to be market rate or affordable units, the developer gets to decide.

- C. The multi-family units/developments shall:
- A. Comply with the setbacks listed in MVMC 17.70.

- B. Comply with the land coverage, distance between buildings, and parking as required by Chapter 17.24 MVMC.
- C. Be limited to four stories and 45 feet so long as the requirements of MVMC 17.73.100 are complied with.
- D. The creation of up to 35 dwelling units shall be an outright use and when 36 or more dwelling units are created they shall be permitted by a conditional use permit classified by MVMC 14.05 as a Type III permit.

17.73.060 Encouraging Affordable Housing in Planned Unit Developments

- A. In each of the single-family zones listed below in Table 4 additional dwelling units may be created if the Applicant uses the Planned Unit Development process codified within MVMC Chapter 17.69 and if a certain number of the bonus dwelling units are Affordable Housing Units.

TABLE 4: AFFORDABLE HOUSING BONUS DENSITY IN PLANNED UNIT DEVELOPMENTS

ZONING DESIGNATION	REQUIREMENTS FROM CHAPTER 17.15	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-1, 7.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 7.26 du/acre Minimum Lot Size: 4,500	Density doubles from 7.26 to 14.52 du/acre if 33.3% of the bonus units are Affordable Housing Units.	• No minimum lot sizes • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-1, 5.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 5.73 du/acre Minimum Lot Size: 5,000	Density doubles from 5.73 to 11.46 du/acre if 33% of the otherwise not allowed bonus units are occupied by those earning 80% AMI and below.	• No minimum lot sizes • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-1, 4.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 4.54 du/acre Minimum Lot Size: 6,000	Density doubles from 4.54 to 9.08 du/acre if 33% of the otherwise not allowed bonus units are occupied by those earning 80% AMI and below.	• No minimum lot sizes • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

- B. PUDs incorporating bonus affordable housing units shall be allowed to have a minimum lot area for a proposed PUD of five gross acres, versus the 10 gross acres required per MVMC 17.69.030(A).
- C. PUDs incorporating bonus affordable housing units shall be exempt from complying with MVMC 17.69.020(E).
- D. PUDs incorporating bonus affordable housing units shall be required to comply with the neighborhood context and transitions codified in MVMC 17.69.080(C) and the density transitions outlined below in subsection 17.73.100. Should there be a conflict between these two code sections the regulation that will provide the larger buffer shall be applied.
- E. PUDs incorporating bonus affordable housing units within a PUD shall be exempted from complying with MVMC 17.69.100, Modification of permitted uses – Multifamily units and 17.69.110, Modification of permitted uses – Duplex units, and shall instead be required to comply with the following modified regulations:

1. The placement of multifamily and/or duplex units (as defined within MVMC 17.06) within a PUD is discretionary by the city council. The city council may allow multifamily and duplex uses in single-family residential zones which are not otherwise permitted in the underlying zone so long as the requirements of this Chapter and Chapter 17.69 are complied with.
2. The total multifamily and/or duplex units shall comprise no more than 50% of the overall number of single-family dwelling units that are allowed and could physically be platted as part of the entire PUD. For example, if 100 single-family residential lots could be platted on a site, no more than 50 multifamily or duplex units can be constructed; which means that 50 single-family and 50 multifamily units (or 50 single-family, 30 multi-family and 20 duplex units) would be permitted so long as the overall density is not exceeded; and so long as city council makes a finding that the multifamily and/or duplex units can be placed and designed in such a way as to preserve the single-family character of the PUD and the surrounding area.
3. The multifamily units shall:
 - i. Comply with the setbacks listed in MVMC 17.70.
 - ii. Comply with the land coverage, distance between buildings, landscaping, parking and signage as required by Chapter 17.24 MVMC.
 - iii. Be limited to four stories and 45 feet so long as the requirements of MVMC 17.73.100 are complied with.
 - iv. No more than 75 multifamily units can be located in any one residential multifamily structure.
4. The duplex units shall:
 - i. Comply with the setbacks listed in MVMC 17.70.
 - ii. Comply with the land coverage, distance between buildings, landscaping, parking and signage as required by Chapter 17.18 MVMC.
 - iii. Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.100 are complied with.

17.73.070 Encouraging Affordable Housing in Downtown, Community and Neighborhood Commercial Zones (C-1, C-3 and C-4)

- A. In the Community and Neighborhood Commercial zones listed below in Table 5 the maximum number of building stories and building height may be increased if a specified number of dwelling units that can be created as a result of the additional building story are Affordable Housing Units.

TABLE 5: AFFORDABLE HOUSING INCREASE IN BUILDING STORIES AND HEIGHT COMMUNITY AND NEIGHBORHOOD COMMERCIAL ZONES

ZONING DESIGNATION	ADDITIONAL STORY AND HEIGHT	NUMBER OF AFFORDABLE HOUSING UNITS REQUIRED	ADDITIONAL REQUIREMENTS
C-3 Community Commercial	Adding one additional building story in this zone means that structures can be 5 stories and 65 feet in height	33.3% of the bonus units that can be created as a result of adding an additional story to the building are Affordable Housing Units	• Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
C-4 Neighborhood Commercial	Adding one additional building story in this zone means that structures can be 4 stories and 55 feet in height	33.3% of the bonus units that can be created as a result of adding an additional story to the building are Affordable Housing Units	• Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

B. Following are the steps to calculate the number of bonus units in total, and how many of the bonus units will be required to be Affordable Housing Units. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.

1. The number of dwelling units to be created without the additional building story and height is calculated.
2. The number of dwelling units to be created with the additional building story and height is calculated.
3. The number of dwelling units from calculation (#1) is subtracted from the number of units calculated in (#2). This is the number of bonus units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
5. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
6. Following is an example calculation using steps 1 to 5 above:

Without the additional building story and height a structure will have 68 units

With the additional building story and height the structure will have 90 units

BONUS UNITS: Difference between with and without the additional story = 22 units

$22 \times 33.3\% = 7.32$. This means that 7 units are required to be Affordable Housing Units and the additional 15 units are given to the developer to be market rate or affordable units, the developer gets to decide.

17.73.080 Required Affordable Housing for Rezones

All rezones approved after the effective date of the Ordinance codifying this Chapter of the Mount Vernon Municipal Code shall be required to provide affordable dwelling units as a condition of the rezone.

- A. This Chapter shall apply to all zoning districts that allow the creation of dwelling units in any form, i.e. single-family, duplex, townhomes, stacked flats, apartments, condominiums, etc, and constitutes a floating overlay zone over these districts that shall be implemented when dwelling units are constructed following approval of a rezone.
1. All rezones shall be recorded with the Skagit County Auditor and shall include the requirements of this Chapter to ensure current and future property owners are fully aware of the requirements to create Affordable Housing Units when development occurs on the property.

- B. Following are the steps to calculate how many of the dwelling units will be required to be Affordable Housing Units for rezoned properties. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.

1. The base density per the underlying, or pre-rezone zoning designation in conjunction with MVMC Chapter 17.06 is calculated (assuming the maximum potential density per the pre-rezone zoning designation).
2. The same density calculation is completed assuming the maximum potential density per the zoning designation the site will be rezoned to.
3. The base density (#1) is subtracted from the rezone density (#2). This is the number of dwelling units possible because the site was rezoned. When this calculation results in a fraction, the number of dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. 33.3% of the dwelling units possible as a result of the site being rezoned (i.e. the number of units calculated in #3 above) are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
5. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
6. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 13.21 acres

Rezone: site is zoned Public (P) and will be rezoned to Multi-Family Residential (R-3).

Base Density Calculation: The base density of the Public zone would be 0 because this zone does not allow single-family, duplex, or multi-family units.

Density Calculation Following Rezone: $13.21 \times 15 \text{ du/acre}$ (because one-half of the required parking will be provided beneath the habitable floors) = 198.15 multi-family units

DENSITY ATTRIBUTED TO REZONE: 198.15 multi-family units

$198.15 \times 33.3\% = 65.98$, round up to 66 units. This means that 66 units are required to be Affordable Housing Units and the additional 132 units can be market rate or affordable units, the developer gets to decide.

- C. All of the dwelling units created following the rezone shall:
1. Comply with the setbacks and lot coverage listed in MVMC 17.70 applicable to the type of unit (i.e. single-family, duplex, multi-family).

2. As applicable, comply with the land coverage, lot size, building height, distance between buildings required by the zoning district the site was rezoned to.
3. Comply with all of the General Provisions outlined in MVMC 17.73.020.

17.73.090 Required Covenants and Agreements

Covenants and Agreements Required. Prior to final plat approval for subdivisions, or issuance of a certificate of occupancy for projects that do not require a subdivision, all properties with affordable housing units created under the provision of this Chapter shall, as applicable, record the below listed covenants and agreements with the Skagit County Auditor.

- A. Covenant and Agreement to Ensure Affordability. These covenants and agreements shall ensure the affordability of the housing units, whether they are rented or owned, by requiring these units to be Affordable Housing Units in perpetuity.
 1. In perpetuity means never ceasing and unlimited with respect to time. The Covenant and Agreement shall be in effect for the life of the project for which either the restricted units and/or the bonus density units are used as dwelling units.
 2. The Covenant and Agreement shall be binding and shall run with the land.
 3. The Covenant and Agreement shall be approved by the Mount Vernon City Attorney in content and form; and the City Council shall authorize the Mayor to sign this document prior to recording. Following adoption of this Ordinance the City shall prepare and keep on file Covenant and Agreement forms substantively meeting the requirements for these documents.
 4. The Covenant and Agreement, at a minimum, shall include:
 - a. Price restrictions for both home ownership and rental units.
 - b. Homebuyer or tenant qualifications.
 - c. How income will be monitored.
 - d. For rental units, the content and form of yearly reports that will be required to be submitted to the City verifying income eligibility for affordable units.
 - e. For owned units, the content and form of reports required to be submitted to the City to verify income eligibility for affordable units when ownership changes.
 - f. Any other applicable topics necessary to monitor and enforce the affordability of the bonus units.
- B. Covenant and Agreement for Landscape Buffers, Parking Facilities, Open Space Amenities, and Exterior of Buildings and Accessory Facilities. This covenant and agreement shall require property owners to maintain all landscaping and landscape buffers, open spaces with their associated improvements (e.g. benches, gazebos, etc) parking lot striping, paint on curbs, signage, exterior walls and decorative components of structures, and accessory facilities (e.g. mail box covers).
 1. The covenant shall be binding and shall run with the land.
 2. The Covenant and Agreement shall be approved by the Mount Vernon City Attorney in content and form; and the City Council shall authorize the Mayor to sign this document prior to recording. Following adoption of this Ordinance the City shall prepare and keep on file Covenant and Agreement forms substantively meeting the requirements for this document.
 3. The Covenant and Agreement, at a minimum, shall include:
 - a. Exhibit maps and detailed descriptions of all structures and improvements subject to the Covenant and Agreement.
 - b. Detailed outline of specific maintenance, repair, and replacement required for each improvement that is covered by the Covenant and Agreement.
 - c. Estimated maintenance and/or replacement schedule with approximate costs of such maintenance/replacement.

17.73.100 Density Transitions and Design Standards

- A. The purpose of the below listed landscaping buffers and height limitations is to preserve existing neighborhood character and to ensure existing neighborhoods and residential land use patterns have transitions in density and building heights as specified below.
1. Proposed lots shall be greater than or equal to the square footage and width found on all abutting property that is zoned or developed with residential structures with the following exceptions:
 - i. If the abutting property consists of lots that are more than 9,600 square feet in size and are more than 95 feet in width the proposed lots are allowed to be a maximum of 9,600 square feet and 95 feet in width instead of being required to match the abutting lot sizes and widths.
 - ii. If the developer chooses to create a 20-foot minimum forested buffer tract (as defined within MVMC 17.06.060) between the existing and proposed lots the proposed lots shall not be required to have a minimum square footage or lot width.
 2. Proposed lots and structures that abut non-residentially zoned or used land shall be required to create or maintain a 20-foot minimum forested buffer tract between the newly created lots and structures and the non-residentially zoned or used property.
 3. All proposed structures shall be limited to the maximum number of stories and building height that abutting properties are allowed under their respective zoning code with the following exceptions:
 - i. Buildings that are proposed to be taller than the building height allowed under the respective zoning code for abutting structures shall observe an additional 1-foot setback in addition to what the underlying zoning requires for each additional 1-foot of building height in excess of what the abutting property is allowed. Following is an example of how this height transition is applied.

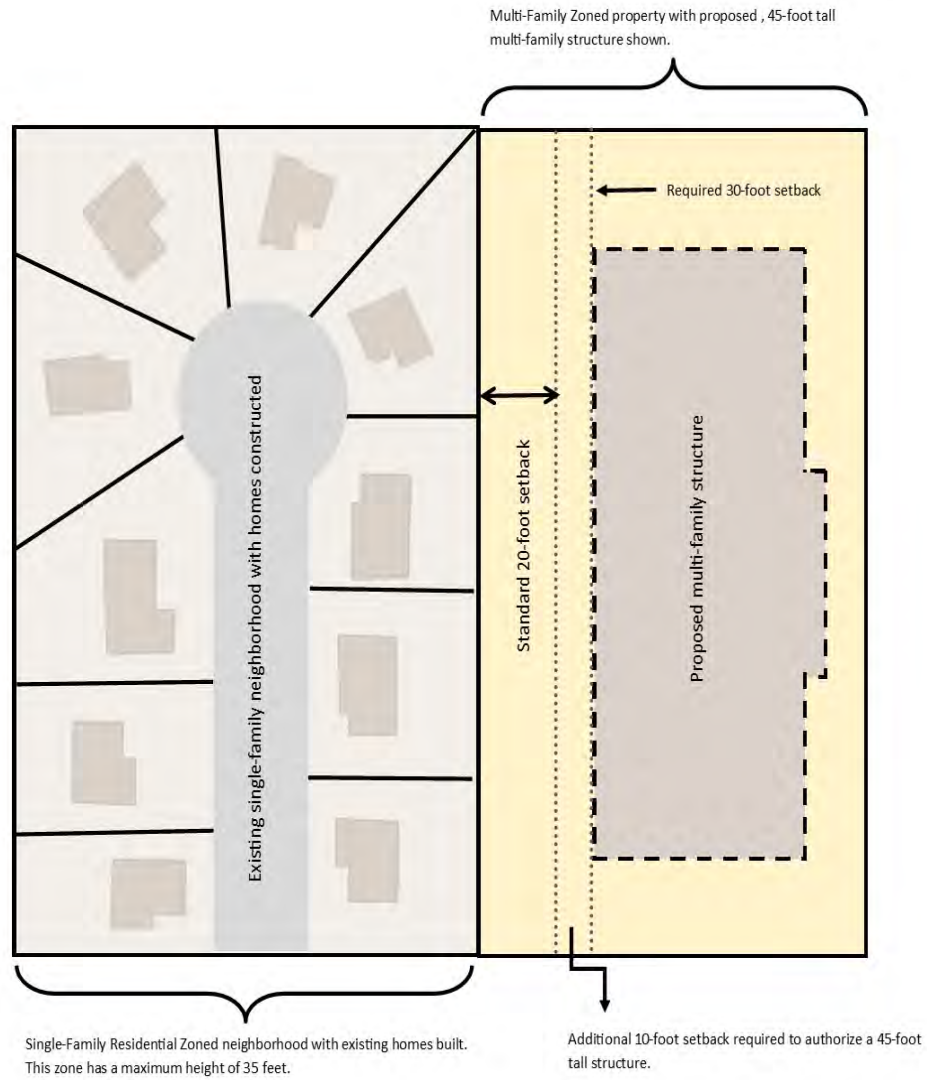
Proposed is a multi-family structure that is 45 feet in height above average abutting grade that abuts single-family residential lots.

The abutting single-family residential lots have a maximum height of 35 feet per their underlying zoning found in MVMC Chapter 17.15.

The difference between the proposed height and the allowed height of the abutting lots is 10 feet.

The proposed multi-family structure is required, per the underlying zoning, to observe a 20-foot rear yard setback. To have a structure that is 10 feet taller than structures on abutting properties are allowed, its rear yard setback is required to be increased from 20 to 30 feet.

Example Illustration of Additional Setback Required to Mitigate Additional Height Allowance



17.73.110 Accessory Dwelling Units

- A. Accessory dwelling units shall be outright permitted uses in the single-family and Residential Agricultural zoning districts codified within Chapter 17.15 and 17.12 of the MVMC.
- B. Accessory dwelling units are required to comply with the below listed regulations:
 - 1. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal lot by any one or by a combination of the following methods:
 - i. Alteration of interior space of the dwelling; or
 - ii. Conversion of an attic, basement, attached or detached private garage, or other previously uninhabited portion of a dwelling; or
 - iii. Addition of attached living area onto an existing dwelling; or
 - iv. Construction of a detached living area.
 - 2. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit.
 - 3. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include title holders and contract purchasers. The owner shall file a certification of owner-occupancy with the Development Services Department prior to the issuance of the permit to establish an accessory dwelling unit.
 - 4. The floor area of the accessory dwelling unit shall not exceed 1,000 square feet.
 - 5. Three off-street parking spaces shall be provided for the principal and accessory dwelling unit to share. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.
 - 6. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.
 - 7. The accessory and principal dwelling unit shall comply with all applicable requirements of the Building, Fire and Zoning Codes in effect when a technically complete application for an Accessory Dwelling Unit is submitted to the City.
 - 8. The owner of a single-family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Title 19 of the MVMC.
 - 9. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.
 - 10. All accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:
 - i. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the approved plans; or
 - ii. The subject lot ceases to maintain at least three off-street parking spaces; or
 - iii. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

11. The applicant shall execute a Covenant and Agreement that shall be approved by the Mount Vernon City Attorney in content and form; that is required to be recorded with the Skagit County Auditor, providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The Covenant and Agreement shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

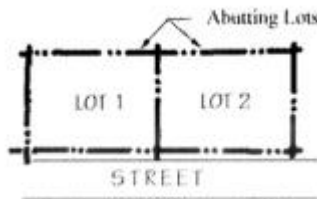
17.73.130 Other Affordable Housing Tools Offered by the City

- A. See Chapter 16.34 MVMC that authorizes the platting and subsequent sale of duplex and townhouse units.
- B. The creation of duplexes as an outright allowed use in the single-family residential districts codified in MVMC Chapter 17.15.
- C. The creation of additional dwelling units, and the ability to construct additional duplexes and multi-family structures through the Planned Unit Development process codified in MVMC Chapter 17.69.
- D. The creation of permanent supporting housing facilities authorized in MVMC Chapter 17.67.

SECTION FOUR. Section 17.06.010, A Definitions, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.06.010 A definitions.

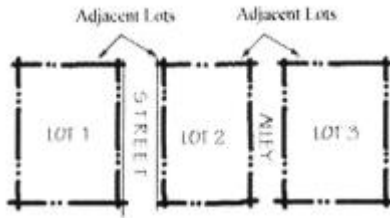
“Abutting” means to have boundaries that touch. When two parcels have a street or alley that runs between the two parcels, the two parcels are not abutting.



“Accessory building” means a subordinate building, the use of which is incidental to the use of the main building on the same lot where the building shall not exceed the height of and 50 percent of the existing gross floor area of the principal or main building, except where the principal or main building is less than 1,800 square feet in size, an accessory building of up to 900 square feet in size may be permitted.

“Accessory use” means a use incidental and subordinate in area, extent and purpose to the principal use and located on the same lot or in the same building as the principal or main use served on the same lot. This does not preclude the subject property from being subdivided through a binding site plan process at the time of development, or following the development of the proposed primary and accessory uses. Construction or initiation of an accessory use shall be concurrent with the primary permitted use or following the development and/or the commencement of the primary permitted use.

“Adjacent” means lots located across a public street, railroad, or right-of-way.



~~“Affordable housing” means units to be sold or rented to families earning less than 80 percent of the Skagit County median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.~~

“Area Median Income” or (AMI), means an income estimate developed with U.S. Census data and an inflation factor based on the Congressional Budget Office (CBO) forecast of the national Consumer Price Index (CPI). The U.S. Department of Housing and Urban Development (HUD) calculates and releases this data on a yearly basis.

“Affordable Housing” and “Affordable Housing Unit” see the definition found in Chapter 17.73 MVMC.

“Agricultural use” means:

- A. The growing of crops, except marijuana;
- B. The sale of products produced on the premises except marijuana; provided, that the lot area is greater than two acres; and provided, that only one sales stand, 450 square feet or less, shall be permitted; and
- C. The raising of livestock, except commercial hogs; provided, that the operation conforms to all applicable health laws; and provided, that no more than one hooved animal (excluding sucklings) shall be permitted for each one-half acre lot area. In no case shall any building housing livestock be located less than 200 feet from any property line.

“Alley” means a public thoroughfare which affords access to abutting property and is usually not intended for general traffic circulation.

“Alteration” means a change or rearrangement of structural parts, or an enlargement by extension of the existing structural parts, of a building, or the moving of a building from one location to another, or any change in addition to or modification of occupancy, business, commercial, industrial or similar uses. The installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

Area, Building. “Building area” means the total ground coverage of a building or structure which provides shelter, measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof.

Area, Site. “Site area” means the total horizontal area within the property lines, excluding external streets.

“Awning” means a shelter, typically for a pedestrian walkway, that projects from and is supported by the exterior wall of a building. Awnings have noncombustible frames, but may have combustible coverings. Awnings may be fixed, retractable, folding or collapsible. Any structure which extends above any adjacent parapet or roof of a supporting building is not included within the definition of awning. (Ord. 3714 § 7, 2017; Ord. 3627 § 10, 2014; Ord. 3598 § 2, 2013; Ord. 3595 § 3, 2013).

SECTION FIVE. Section 17.06.090, S Definitions, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.06.190 S definitions.

“School” means any building or part thereof which is licensed by the state and is designed, constructed, or used for elementary and secondary education.

“Secure community transition facility” (SCTF) means, under RCW 71.09.020, a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the Washington State Secretary of Social and Health Services or under contract with the Secretary.

“Setback” means the horizontal distance from the property line of the lot, or street or vehicular access easement or tract to the building line of the structure.

“Shelter care facility” means a residence that provides temporary lodging to the victims and/or families of victims of a crime or other traumatic event; provided, that the shelter care facility must meet the criteria set forth in subsection A of the definition of group home.

“Sight-obscuring” is an adjective applied to a fence or wall meaning that the view from outside the subject property is substantially blocked by an opaque construction such as abutting wood boards or masonry.

“Sign” means any commercial communication device, structure or fixture, visible from a public right-of-way ~~and using which uses~~ graphics, pictures, symbols or written copy ~~that is and is~~ intended to aid an establishment or business in promoting the sale of a product, goods or services. For the purpose of this title, ~~the definition of~~ a sign shall not ~~be considered to be include~~ building or structural designs, national flags or flags of political subdivisions, symbolic flags or insignias of an institution, point of purchase ~~mechanical~~ product dispensers, holiday decorations, gravestones, historical site plaques, holiday displays, works of art, murals, and supergraphics as defined within this Chapter, that contain no sign copy. ~~or window displays.~~

“Site plan review committee” or “SPRC” means a committee composed of the development services director, city engineer, fire chief, and building inspector or their designees and additional departments, consultants and/or agencies deemed necessary by the development services director to adequately review the project.

“Special uses” means certain uses which because of special requirements, unique characteristics, or infrequent occurrence may be allowed in certain use districts only if approved by the hearing examiner or city council, pursuant to the criteria and procedures established in this title.

“Specialized housing unit for the elderly” means a room or group of rooms used by one or more individuals living separately from others, in a structure designed for the needs of elderly people. These establishments shall provide services such as the supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of an elderly person. These facilities shall include the provision of personal care, supervision of self-administered medication, limited health facilities, communal dining facilities and services such as housekeeping, organized social and recreational activities and transportation services. These facilities can include programs where the elderly are provided social programs during the day without overnight stays. These units are commonly referred to as:

Alzheimer care centers, assisted living facilities, congregate residences, continuing care retirement facilities, extended care facilities, long-term care facilities, residential health care facilities, skilled nursing homes, and hospice facilities. These facilities are not multifamily housing for the elderly. All specialized housing for the elderly shall comply with the following provisions:

A. The structure(s) shall comply with the city's design standards and guidelines for multifamily buildings codified within Chapter 17.70 MVMC, but shall not have to comply with the standards for "Common Spaces/Usable Recreation Areas, Individual Outdoor Spaces, and Location of Parking."

B. Limited signage shall be allowed to identify specialized housing for the elderly facilities. One identification sign not exceeding 20 square feet in sign area per sign face, and one directory sign not exceeding 15 square feet per sign face shall be permitted for each street frontage; however, signs shall not be internally illuminated, and pedestal signs shall not exceed five feet in height.

C. The number of parking spaces shall reflect all of the proposed uses within a structure utilized for specialized housing for the elderly. The following calculations shall be used to determine the number of off-street parking spaces on these sites. However, an applicant can choose to have a parking study completed by a licensed traffic engineer to determine the number of off-street parking spaces for a given facility. If such a study is submitted to the city; the applicant will pay for the city's traffic engineer to review and approve the parking recommendations outlined within such a report. If a parking study yields less parking than what is outlined below, the applicant will be required to justify the conclusions of their report; and the city may require restrictions in the form of covenants on a property to ensure that adequate parking spaces are provided. For example, the city could require that a covenant be placed on the property stating that a certain category of elderly resident not be able to have a vehicle on the site; or they could be limited to a certain number of vehicle(s) that a resident could bring with them. The off-street parking areas shall comply with the dimensional standards outlined within Chapter 17.84 MVMC.

1. Three-quarters parking spaces shall be provided for each room housing an elderly resident where a license from the State Department of Health is not required; and
2. For areas within the structure where skilled nursing care is required such as: nursing homes, hospice, and other similar facilities, there shall be one parking space for each five hospital type beds that are required to be licensed through the State Department of Health; and
3. For areas within the structure where assisted living or other similar care is required there shall be one parking space for each four hospital type beds that are required to be licensed through the State Department of Health; and
4. There shall be a parking space for every employee during the maximum shift so that employees are not parking within spaces designated for the elderly residents or their visiting guests; and
5. There shall be parking areas designated for the buses and/or vans that the facility will utilize for transporting their elderly residents; and
6. There shall be parking spaces designated specifically for guest parking.

"Specified anatomical areas" means both of the following:

A. Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Buttock;
3. Breast below a point immediately above the top of the areola;

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means all of the following:

A. Human genitals in a state of sexual stimulation or arousal;

B. Acts of masturbation, sexual intercourse, or sodomy;

C. Fondling or other erotic touching of human genitals, pubic region, buttock, or breast.

Storage, Indoor. "Indoor storage" means a use engaged in the storage of goods and/or materials characterized by infrequent pick-up and delivery, and located within a building. The definition excludes hazardous material storage, self-service storage, warehousing and distribution.

Storage, Outdoor. “Outdoor storage” means a use engaged in outdoor storage, wholesale sales, rental, and distribution of products, supplies, and equipment. This definition excludes hazardous material storage, and warehousing and distribution.

“Story” means that portion of a building including between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade, as defined in this chapter, for more than 50 percent of the total perimeter, or is more than 12 feet above grade at any point, such basement, cellar or unused under-floor space shall be considered as a story.

“Street” means a public or private thoroughfare which affords access to abutting properties.

Street, Arterial. “Arterial street” means streets intended for higher traffic volumes and speeds as designated by the public works department.

Street, Collector. “Collector street” means a street providing access with higher traffic volumes than a typical residential, commercial, or industrial access street. Collector streets are designated by the public works department.

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are mobile homes, Recreational Vehicles (e.g. motor homes, travel trailers, fifth wheel trailers, popup trailer, or truck camper), residential fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor character. (Ord. 3474 § 3, 2009; Ord. 3429 §§ 33, 34, 35, 39, 40, 41, 2008; Ord. 3425 § 5, 2008; Ord. 3315, 2006; Ord. 3092 § 40, 2002; Ord. 3026 § 7(4), 2000; Ord. 2997 § 1, 2000; Ord. 2966 § 4, 1999; Ord. 2957 § 1, 1999; Ord. 2943 § 47, 1999; Ord. 2865 §§ 5, 6, 1998; Ord. 2631 § 1, 1994; Ord. 2591 § 1, 1994; Ord. 2352, 1989).

SECTION SIX. Section 17.09.010, Districts established and designated, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.09.010 Districts established and designated.

To classify, segregate and regulate the use of land, buildings and structures, the city is divided into the use districts identified in the following table. This table also identifies the comprehensive plan designation associated with each zoning district.

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY (See Note 1)	MINIMUM LOT SIZE (See Note 2)
RESIDENTIAL ZONING DISTRICTS:				
R-1, 7.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	7.26 du/acre	4,500 square feet
R-1, 5.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	5.73 du/acre	6,000 square feet
R-1, 4.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	4.0 du/acre	4.54 du/acre	7,500 square feet
R-1, 3.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	3.23 du/acre (See the land use element of the comprehensive plan for minimum density policies)	3.23 du/acre	9,000 square feet

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY (See Note 1)	MINIMUM LOT SIZE (See Note 2)
R-2 Two-Family Residential District	Low Density Multifamily (MF-LO)	8.0 du/acre	10 du/acre	6,500 square feet for a duplex or townhouse unit
R-3 Multifamily Residential District	Medium-High Density Multifamily (MF-MH)	10.0 du/acre	12 du/acre (Increased density up to a maximum of 15 du/acre may be achieved if at least 50% of the required parking spaces are located in an enclosed area beneath the habitable floors of the building or complex.)	N/A
R-4 Multifamily Residential District	Medium-High Density Multifamily (MF-MH)	10.0 du/acre	15 du/acre (Increased density up to a maximum of 20 du/acre may be achieved if at least 50% of the required parking spaces are located in an enclosed area beneath the habitable floors of the building or complex.)	N/A
R-A Residential Agricultural District	Agricultural with Density Transfer (AG)	1.24 du/acre (See the land use element of the comprehensive plan for minimum density policies)	1.24 du/acre	35,000 square feet
COMMERCIAL, INDUSTRIAL, OFFICE, PUBLIC AND MISCELLANEOUS ZONING DISTRICTS:				
Public (P)	Government Center Churches Schools Community or Neighborhood Park Open Space Cemetery South Kincaid Subarea	N/A	N/A	N/A
Residential Office District (R-O)	Residential Office/Professional Office	N/A	N/A	4,500 square feet
Health Care Development District (HD)	Health Care Development	N/A	N/A	N/A
Professional Office District (P-O)	Residential Office/Professional Office	N/A	N/A	N/A
Mobile Home Park District (MHP)	High Density Single- Family (SF-HI)	8 double-width or 10 single-width manufactured homes per acre	8 double-width or 10 single-width manufactured homes per acre	5 acres
Central Business District (C-1a)	Downtown Retail or South Kincaid Subarea (See note 3)	N/A	N/A	N/A

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY (See Note 1)	MINIMUM LOT SIZE (See Note 2)
Central Business District (C-1b)	Support Commercial	N/A	N/A	N/A
Central Business District (C-1c)	South Kincaid Subarea	N/A	N/A	N/A
General Commercial District (C-2)	Retail Malls, General Commercial, and Commercial/Industrial (See note 4)	N/A	N/A	N/A
Community Commercial District (C-3)	Community Retail, Mixed Use Center	N/A	N/A	N/A
Neighborhood Commercial District (C-4)	Neighborhood Retail, Mixed Use Center	N/A	N/A	N/A
Limited Commercial (LC)	Commercial/Limited Industrial	N/A	N/A	6,000 square feet
Commercial/Limited Industrial District (C-L)	Commercial/Limited Industrial	N/A	N/A	N/A
Light Manufacturing and Commercial District (M-1)	Commercial/Industrial	N/A	N/A	N/A
Industrial District (M-2)	Commercial/Industrial	N/A	N/A	N/A
Floodplain District (F-1)	Open Space/Cemetery	N/A	N/A	N/A

(1) R-1, 4.0, R-1, 5.0, R-1, 7.0, R-2, R-3 and R-4 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to increase the maximum densities outlined within this table

(2) R-1, 4.0, R-1, 5.0, R-1, 7.0, R-2, R-3 and R-4 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to decrease minimum lot sizes outlined within this table.

(3) C-1a zoned properties located south of Kincaid Street shall have a comprehensive plan designation of South Kincaid Subarea. All other C-1a zoned properties shall have a comprehensive plan designation of downtown retail.

(4) South Kincaid Subarea comprehensive plan designation exists for general commercial (C-2) zoned property south of Kincaid Street, east of Interstate-5 and west of the railroad tracks. This is the only area that shall be zoned C-2 with a comprehensive plan designation of South Kincaid Subarea. (Ord. 3749 § 6, 2018).

SECTION SEVEN. Section 17.12.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.12.030 Accessory uses.

Permitted accessory uses in the R-A district include:

- A. Those accessory uses permitted in the R-1 districts;
- B. Animal and implement barns, silos, sheds, accessory structures, and similar buildings needed in agricultural activities. Animal roaming areas shall be fenced;
- C. Home occupations as set forth in Chapter 17.96 MVMC and subject to the conditions contained therein;

D. Each single-family residence is permitted to have one detached private garage; and

E. Each single-family residence is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~E. Each single family residence is permitted to have one accessory structure, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of 10-foot setback from any other building or property line.~~

F. Accessory Dwelling Units must comply with the requirements outlined in MVMC 17.73.100.

SECTION EIGHT. Section 17.12.045, Special uses, of the Mount Vernon Municipal Code is hereby repealed.

17.12.045—Special uses.

~~Uses permitted by a special use permit in R-A districts are as follows:~~

~~A. Accessory dwelling unit, subject to the restrictions and regulations set forth in MVMC 17.81.110. (Ord. 3315, 2006; Ord. 2593 § 3, 1994).~~

SECTION NINE. Section 17.15.020, Subdistricts – Lot area requirements, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.15.020 Subdistricts – Lot area requirements.

District R-1 is further subdivided into districts as provided in the following table. Density is calculated per the definition of such found in Chapter 17.06 MVMC.

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY (See Note 1)	MINIMUM LOT SIZE (See Note 2)
R-1, 7.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	7.26 du/acre	4,500 square feet
R-1, 5.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	5.73 du/acre	6,000 square feet
R-1, 4.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	4.0 du/acre	4.54 du/acre	7,500 square feet
R-1, 3.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	3.23 du/acre (See the land use element of the comprehensive plan for minimum and maximum density policies)	3.23 du/acre	9,000 square feet

(1) R-1, 4.0, R-1, 5.0, and R-1, 7.0 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to increase the maximum densities outlined within this table.

(2) R-1, 4.0, R-1, 5.0, and R-1, 7.0 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to decrease the lot sizes outlined within this table.

(Ord. 3429 § 52, 2008).

SECTION TEN. Section 17.15.030, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.15.030 Permitted uses.

The uses that are permitted as a matter of right in R-1 districts are:

A. Detached, single-family residential dwelling units. This use is limited to the placement of one such dwelling unit per certified lot and may consist of manufactured homes.

B. Group homes and shelter homes.

C. Municipal parks and playgrounds of less than one-half acre.

D. Planned unit developments may be permitted in the R-1, 7.0; R-1, 5.0; and R-1, 4.0 districts according to the procedures specified in Chapter 17.69 MVMC and may include additional uses recommended by the comprehensive plan (i.e., multifamily and/or commercial retail centers).

E. Residential subdivisions platted and approved after the effective date of the ordinance codified in this section may request approval as part of the subdivision application to provide ~~single family attached dwellings in the form of duplexes; provided, that each unit shall be situated on an individually platted lot and separated by a common wall having a two hour fire rating.~~

~~Further~~ provided, that all of the following conditions and requirements shall be met:

~~1. The lot area shall be a minimum of 6,500 square feet or equal to the zoning of the property, whichever is greater.~~

1. The lot area, setbacks, building height, maximum land coverage, landscaping, parking and signage shall be the same as the current zoning for the subdivision.

2. The design of each two-family unit shall be similar to other units in the subdivision and be designed to provide the appearance of a single-family unit by altering, for example, the location of front doors and windows, garages and access to garages, landscaping and fencing, etc. Additionally, the duplex units shall also comply with the City's Design Standards codified in MVMC Chapter 17.70.

~~4. The site plan (including all exterior improvements on the lot), building floor plans, elevations, landscaping plans, exterior colors, and location and design of fencing are approved as part of the preliminary and final plat process.~~

~~5. The site plan and supplemental information is recorded along with the final plat.~~

~~3. The CC&Rs and final plat shall identify for future lot owners the locations of all two-family units within the subdivision.~~

~~7. Building height shall not exceed the average height of all units within the subdivision.~~

~~8. The units may be allowed at a minimum spacing of 300 feet or more. The 300-foot spacing shall be measured from the lot lines.~~

~~9. A phasing plan for the development of the subdivision and each of the duplex units shall be provided and approved.~~

~~4. No more than 20 10 percent of the single-family density that will actually be constructed within the subdivision can be duplexes. For example, if 20 single-family homes were permitted, an applicant could, if they meet all of the conditions above, create 16 18 single-family homes and two one duplexes.~~ (Ord. 3429 § 53, 2008).

~~F. Duplexes on lots of record subject to the City's Design Standards codified in MVMC Chapter 17.70 provided there are no other duplexes constructed on lots that are abutting or adjacent to the lot upon which a duplex is desired.~~

~~G. Rooms may be rented to not more than two persons, other than the family which occupies a single-family dwelling; provided, there is compliance with health, fire and building code requirements.~~

~~H. A day nursery, as defined in Chapter 17.06 MVMC; provided, they are state-licensed and care for more than six but less than 12 children, exclusive of the child care provider's own children, at one time.~~

SECTION ELEVEN. Section 17.15.040, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.15.040 Accessory uses.

Permitted accessory uses in R-1 districts include:

A. Playgrounds when developed in connection with a small school, park, or community clubhouse not meeting size criteria of the public (P) district; provided, that playfields developed to the limits of a property shall be fenced with a six-foot-high fence with landscaping meeting the requirements of Chapter 17.99 MVMC along each side adjacent to developed private property. In lieu of fencing, a 15-foot buffer may be permitted;

B. Home occupations, as defined in Chapter 17.96 MVMC, and subject to the home conditions contained therein;

C. Housing of Small Animals. An accessory building used for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a minimum lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line, except by the recorded agreement of adjacent owners. The keeping of mink, goats, foxes or hogs is prohibited;

D. Gardening and fruit raising;

E. ~~Each single-family residence is permitted to have one detached~~ private garages;

F. Day nurseries, as defined in Chapter 17.06 MVMC; provided, they maintain a valid city business license, are state-licensed, and provide in-home care for 12 or fewer children, and provided there shall be no visible change in any dwelling or housekeeping unit, such as lighting, signs, exterior display, or outdoor storage of materials and equipment, which would attract attention to the day nursery conducted therein;

~~G. Each single-family residence is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:~~

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~G. Each single family residence is permitted to have one accessory structure, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line.~~

~~H. Accessory Dwelling Units complying with the requirements outlined in MVMC 17.73.100.~~

SECTION TWELVE. Section 17.15.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~17.15.045—Administrative conditional uses.~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in R-1 districts are as follows:~~

~~A. Duplexes, subject to the regulations of Chapter 17.18 MVMC, where there is no more than one other duplex or multifamily use within 600 feet of the proposed use; provided, that there is at least a 100-foot separation between another duplex or multifamily use within a single family zone. The 600 feet may be reduced to 300 feet; provided, that 80 percent of the lots in the area described have single family homes already built and that there is at least a 100-foot separation between another duplex or multifamily use within a single family zone;~~

~~B. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood;~~

~~C. Rooms may be rented to not more than two persons, other than the family which occupies a single-family dwelling; provided, there is compliance with health and building code requirements. (Ord. 3429 § 55, 2008).~~

SECTION THIRTEEN. Section 17.15.055, Special uses, of the Mount Vernon Municipal Code is hereby repealed.

~~17.15.055—Special uses.~~

~~Uses permitted by a special use permit in R-1 districts are as follows:~~

~~A. A day nursery, as defined in Chapter 17.06 MVMC; provided, they are state licensed and care for more than six but less than 12 children, exclusive of the child care provider's own children, at one time.~~

~~B. Accessory dwelling unit, subject to the restrictions and regulations set forth in Chapter 17.81 MVMC. (Ord. 3429 § 56, 2008).~~

SECTION FOURTEEN. Section 17.18.010, Intent, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.18.010 Intent.

The intent of this chapter is to provide for areas within neighborhoods containing attached dwellings in the form of duplexes or townhouses at a minimum net density of eight to a maximum net density of 10 dwelling units per acre. However, Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, can be used to increase the maximum density of this zoning district. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION FIFTEEN. Section 17.18.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.18.020 Permitted uses.

Permitted primary uses in the R-2 district include:

A. Those uses permitted in the R-1 district as long as the minimum net density for the district can be achieved;

B. Two-family dwelling unit also known as a duplex;

C. Townhomes;

D. Planned unit developments may be permitted according to procedures specified in Chapter 17.69 MVMC and may include additional uses recommended by the comprehensive plan (i.e., multifamily and/or commercial retail centers);

E. Municipal parks and playgrounds of less than one-half acre. (Ord. 3429 § 59, 2008).

F. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood.

SECTION SIXTEEN. Section 17.18.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.18.030 Accessory uses.

A. Permitted accessory uses in the R-2 district include those uses permitted in the R-1 district, except that no buildings to house small animals or fowl other than normal household pets shall be permitted.

B. Each duplex or townhouse structure is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.

2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.

3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.

4. The accessory structure shall not have a permanent heat source.

5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.

6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each dwelling unit is permitted to have one accessory structure, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 60, 2008).~~

SECTION SEVENTEEN. Section 17.18.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~17.18.045 — Administrative conditional uses.~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in R-2 districts are as follows:~~

~~A. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood. (Ord. 3315, 2006; Ord. 3193 § 7, 2004).~~

SECTION EIGHTEEN. Section 17.24.010, Intent, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.24.010 Intent.

The intent of this chapter is to provide for areas within neighborhoods with good access containing multifamily residential development at a minimum net density of 10 to a maximum net density of 12 dwelling units per acre. However, Chapter 17.73 MVMC, Regulations to Encourage Affordable Housing can be used to increase the maximum density of this zoning district. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION NINETEEN. Section 17.24.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.24.020 Permitted uses.

Permitted primary uses in the R-3 district include:

- A. Two-family and townhouse dwelling units that can meet the minimum density requirements of this zone;
- B. Multifamily residential developments of 75 dwelling units or less. The definition of “density for multifamily zoned developments” found in Chapter 17.06 MVMC describes how the maximum density is calculated within this zone;
- C. Municipal parks and playgrounds of less than one-half acre;
- D. Professional offices, such as medical and dental, under 4,000 square feet in gross floor area, providing the siting criteria of MVMC 17.24.045(A) are met and mitigate the impacts on the neighborhood. (Ord. 3773, 2019; Ord. 3429 § 62, 2008).

E. Professional offices, such as medical and dental offices; provided, that:

- 1. The type, size and construction are compatible with the residential intent or character of the district;
- 2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;
- 3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;

F. Specialized housing for the elderly with total building area under 12,000 square feet;

G. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood.

SECTION TWENTY. Section 17.24.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.24.030 Accessory uses.

A. Permitted accessory uses in the R-3 district include those uses permitted in the R-1 district, except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted.

B. Each multi-family structure is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building (regardless of number of units) of a multifamily residence is permitted to have one accessory structure which is exempt from building permit requirements by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five-foot setback from any other building or property line. (Ord. 3429 § 63, 2008).~~

SECTION TWENTY-ONE. Section 17.24.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~17.24.045—Administrative conditional uses.~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in R-3 districts are as follows:~~

~~A. Professional offices, such as medical and dental offices; provided, that:~~

- ~~1. The type, size and construction are compatible with the residential intent or character of the district;~~
- ~~2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;~~
- ~~3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;~~

~~B. Specialized housing for the elderly with total building area under 12,000 square feet;~~

~~C. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood. (Ord. 3429 § 65, 2008).~~

SECTION TWENTY-TWO. Section 17.27.010, Intent, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.010 Intent.

The intent of this chapter is to provide for neighborhoods with close proximity to major arterials containing multifamily residential development at a minimum net density of 10 to a maximum net density of 15 dwelling units per acre. However, Chapter 17.73 MVMC, Regulations to Encourage Affordable Housing can be used to increase the maximum density of this zoning district. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION TWENTY-THREE. Section 17.27.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.020 Permitted uses.

Permitted primary uses in the R-4 district include the following:

- A. Two-family and townhouse dwelling units that can meet the minimum density requirements of this zone;
- B. Multifamily residential developments of 75 dwelling units or less. The definition of “density for multifamily zoned developments” found in Chapter 17.06 MVMC describes how the maximum density is calculated within this zone;
- C. Municipal parks and playgrounds of less than one-half acre;
- ~~D. Professional offices, such as medical and dental, under 4,000 square feet in gross floor area, providing the siting criteria of MVMC 17.27.040(D) are met and mitigate the impacts on the neighborhood. (Ord. 3773, 2019; Ord. 3429 § 68, 2008).~~
- D. Professional offices, such as medical and dental offices; provided, that:
 - 1. The type, size and construction are compatible with the residential intent or character of the district;
 - 2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;
 - 3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;
- E. Specialized housing for the elderly with total building area under 12,000 square feet;
- F. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood.

SECTION TWENTY-FOUR. Section 17.27.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.030 Accessory uses.

A. Permitted accessory uses in the R-4 district shall include those permitted in the R-1 district except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted.

~~B. Each multi-family structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:~~

- 1. The total building area of the accessory structure shall be no more than 120 square feet.
- 2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
- 3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
- 4. The accessory structure shall not have a permanent heat source.
- 5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
- 6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building (regardless of number of units) of a multifamily residence is permitted to have one accessory structure which is exempt from building permit requirements by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five-foot setback from any other building or property line. (Ord. 3429 § 69, 2008).~~

SECTION TWENTY-FIVE. Section 17.27.040, Conditional uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.040 Conditional uses.

Uses permitted by conditional use permit and classified as a Type III permit in the R-4 district are as follows:

A. Churches; provided, that their principal access is from a secondary arterial street or greater and they shall conform to all the development standards and requirements of the public (P) zone and concurrent with approval the city shall require both the comprehensive plan and zoning designations to be changed to public (P) during the city's next comprehensive plan amendment cycle;

B. Community clubhouses and community association offices serving the immediate neighborhood;

C. Public utilities;

~~D. Professional offices, such as medical and dental offices; provided, that:~~

~~1. The type, size and construction are compatible with the residential intent or character of the district;~~

~~2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;~~

~~3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;~~

D. Specialized housing for the elderly exceeding 10,000 square feet in size and/or 15 units;

E. Multifamily residential developments of 76 dwelling units or more; provided, that no less than 50 percent of the sum of the building footprints shall be in open space, landscaping, and active play or activity areas. The definition of density for multifamily zoned developments found in Chapter 17.06 MVMC describes how the maximum density is calculated within this zone;

F. Neighborhood convenience uses; provided, that:

1. They are incorporated with the design of a multifamily structure or complex;

2. At least 50 percent of the planned residential units are constructed before the neighborhood convenience, professional office, restaurant or day care center can be constructed;

3. The number of dwelling units in such a complex exceeds 30;

4. No use shall exceed 1,500 square feet in area;

5. The design, landscaping and arrangement of parking are compatible with the residential character of the project and neighborhood;

6. Access is from a major street and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion; and

7. The multifamily density meets the definition for density for mixed use buildings or developments found within Chapter 17.06 MVMC;

G. Restaurants; provided, that they meet the same requirements for neighborhood convenience uses as set forth in subsection F of this section;

H. Bed and breakfast establishments which meet the following criteria:

1. The structure shall be owner-occupied and serve as the primary residence of the owner;

2. Adequate off-street parking of one parking space per guest room plus two spaces for the owner shall be provided but shall not be in the required front yard unless it is screened and is compatible with the surrounding neighborhood;

3. The structure shall meet all city building and fire codes to protect the safety of customers;

4. Individual rooms that are rented shall not contain cooking facilities;

5. The only meal to be provided to guests shall be breakfast and it shall only be served to guests taking lodging in the facility;

6. There shall not be any other bed and breakfast establishments within a 300-foot radius;

7. The maximum number of days that a guest may stay shall be limited to 14 consecutive days.

Guests may not stay more than 60 days in any one year;

8. The building structure may not be altered or remodeled to the extent that the resulting structure would be incompatible with the residential character of the neighborhood. (Ord. 3429 § 70, 2008).

SECTION TWENTY-SIX. Section 17.27.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~17.27.045—Administrative conditional uses.~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in the R-4 district are as follows:~~

~~A. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood. (Ord. 3429 § 71, 2008).~~

SECTION TWENTY-SEVEN. Section 17.30.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.30.030 Accessory uses.

A. Permitted accessory uses in the P district shall include those uses and activities customarily associated with and necessary to the operation of the permitted primary use. This shall include day nurseries, preschools, heliports, medical office buildings (MOB), when associated with, and included as, part of the master plan for a hospital, and college housing/dormitories (group living quarters for a student body), subject to the regulations of the R-4 multifamily residential district and included as part of a master plan for a college, and where it can be shown the particular accessory use is necessary to and customarily associated with the particular permitted use.

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure may be permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be shown on the master plan. (Ord. 3429 § 76, 2008).~~

SECTION TWENTY-EIGHT. Section 17.33.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.33.030 Accessory uses.

A. Permitted accessory uses in the R-O district shall include those permitted in the R-1 district except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted. ~~Permitted accessory uses in the R-O district are private garages, storage and other uses customarily incidental to the permitted uses.~~

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 80, 2008).~~

SECTION TWENTY-NINE. Section 17.42.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.42.030 Accessory uses.

A. ~~Permitted accessory uses in the LC district shall include those permitted in the R-1 district except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted. Permitted accessory uses in the LC district are garages, storage and other uses customarily incidental to the permitted uses.~~

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 89, 2008).~~

SECTION THIRTY. Section 17.45.040, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.45.040 Accessory uses.

Permitted accessory buildings and uses in the C-1 district include:

A. Residence for watchman, custodian, manager or property owner of permitted use provided it is located within the same building as the principal use. This residence can be located on the ground floor so long as it is not visible from the street.

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line.~~

C. Accessory dwelling unit subject to the requirements outlined in MVMC 17.73.100.

D. Card room.

E. Indoor storage. (Ord. 3749 § 3, 2018).

SECTION THIRTY-ONE. Section 17.48.025, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.48.025 Accessory uses.

Permitted accessory uses in the C-2 district include:

A. Residence for watchman, custodian, manager or property owner of permitted use provided it is located within the same building as the principal use;

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line;~~

C. Mini-storage facilities;

D. Commercial or public parking garages and/or commercial or public surface parking; and

E. Card room. (Ord. 3429 § 97, 2008).

SECTION THIRTY-TWO. Section 17.51.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.020 Permitted uses.

Permitted primary uses in the C-3 district include:

A. Commercial uses:

1. Retail stores;
2. Personal services;
3. Offices, banks, and financial institutions;
4. Hotels, motels, and lodging houses;
5. Eating and drinking establishments;
6. Theaters, bowling alleys, skating rinks and other entertainment uses;
7. Laundry and dry cleaning pickup stations;
8. Shopping centers consisting of either:
 - a. One to five retail uses occupying a lot area in excess of 60,000 square feet, or
 - b. Five or more retail uses sharing a common parking area and intended to function as a unified shopping complex regardless of lot area;
9. Drive-in banks and eating establishments; and
10. Gasoline service stations and automobile repair garages.

B. Public and quasi-public uses:

1. Governmental buildings, administrative offices;
2. Municipal parks of less than one-half acre;
3. Churches; provided, that their principal access is from a secondary arterial street or greater and they shall conform to all the development standards and requirements of the public (P) zone and concurrent with approval the city shall require both the comprehensive plan and zoning designations to be changed to public (P) during the city's next comprehensive plan amendment cycle;
4. Private vocational schools;

C. Other uses specifically permitted:

1. Printing operations;
2. Upholstery and furniture repair shops;

D. On-site hazardous waste treatment and storage facilities as an accessory use to a permitted use; provided such facilities comply with the State Hazardous Waste Siting Standards and Mount Vernon and State Environmental Policy Act requirements;

E. Emergency shelter for the homeless; provided emergency shelter for the homeless shall not be located within a 1,000-foot radius of any other emergency shelter for the homeless and an existing shelter shall not expand the existing square footage of their facility to accommodate additional homeless, except that the hearing examiner may approve a location within a lesser distance or an increase in square footage of the existing facility to serve additional homeless if the applicant can demonstrate that such location will not be materially detrimental to neighboring properties due to excessive noise, lighting, or other interference with the peaceful use and possession of said neighboring properties; and provided further, an emergency shelter for the homeless shall have 100 square feet of gross floor area per resident as defined by the city building code (MVMC Title 15); and provided further, an emergency shelter for the homeless shall have any and all licenses as required by state and local law. (Ord. 3429 § 99, 2008).

SECTION THIRTY-THREE. Section 17.51.025, Accessory Uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.025 Accessory uses.

Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 100, 2008).~~

SECTION THIRTY-FOUR. Section 17.51.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

17.51.045—Administrative conditional uses.

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in the C-3 district are as follows:~~

~~A. Shopping centers, as limited below:~~

~~1. Those shopping centers consisting of either:~~

- ~~a. One to five retail uses occupying a lot area in excess of 60,000 square feet;~~
- ~~b. Five or more retail uses sharing a common parking area and intended to function as a unified shopping complex regardless of lot area;~~

~~2. An administrative conditional use permit for a shopping center shall constitute a permanent permit for the use regardless of any future transfer of ownership. However, any increase in size or departure from conditions attached to the original permit shall require the approval of a new administrative conditional use permit. Such new application will not jeopardize the original permit, but additional conditions may be required for approval of the new permit;~~

~~B. Drive-in banks and eating establishments; and~~

~~C. Gasoline service stations and automobile repair garages. (Ord. 3315, 2006; Ord. 3193 § 24, 2004).~~

SECTION THIRTY-FIVE. Section 17.51.070, Building height, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.070 Building height.

Maximum building height shall be four stories, but not more than 50 feet. These maximum limits may be increased to six stories or 65 feet if parking is provided beneath the habitable stories or through use of Chapter 17.73. Uninhabitable stories such as a church spire, fleche, campanile, nave, a dome and lantern or a clock tower may be permitted to exceed the height limit provided such structures are not intended as advertising devices. (Ord. 3775, 2019; Ord. 3315, 2006; Ord. 2352, 1989).

SECTION THIRTY-SIX. Section 17.54.030, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.030 Permitted uses.

Permitted primary uses in the C-4 district shall include:

A. Commercial.

1. Barbershops and beauty shops;
2. Drugstores;
3. Bakeries or cafes;
4. Dry cleaning and laundry pickup stations;
5. Coin-operated laundries;
6. Banks;
7. Delicatessens;
8. Movie rental businesses;
9. Day nursery;
10. Bookstores; and
11. Markets.

B. Professional offices and offices for medical and dental service.

C. Other small scale commercial and office uses that are similar in nature and have similar impacts to the surrounding neighborhood as the permitted uses listed above. (Ord. 3606 § 6, 2013).

D. Day nurseries.

SECTION THIRTY-SEVEN. Section 17.54.035, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.035 Accessory uses.

Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 104, 2008).~~

SECTION THIRTY-EIGHT. Section 17.54.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~**17.54.045 Administrative conditional uses.**~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in the C-4 district are as follows:~~

~~A. Day nurseries. (Ord. 3429 § 106, 2008).~~

SECTION THIRTY-NINE. Section 17.54.080, Building height, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.080 Building height.

Maximum building height shall be two stories but not more than 25 feet, except that if housing is included above commercial space, the height may be increased to three stories but not more than 35 feet. Building height can also be increased through use of Chapter 17.73. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION FOURTY. Section 17.57.023, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.57.023 Accessory uses.

A. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~A. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line; and~~

B. Card room. (Ord. 3429 § 112, 2008).

SECTION FORTY-ONE. Section 17.60.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.60.030 Accessory uses.

Permitted accessory uses in the M-2 district include:

- A. Residences for watchmen or custodians;
- B. Employees' cafeterias and auditoriums;
- C. Parking lots for employees' cars or equipment used in the business;
- D. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.

6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~D. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 115, 2008).~~

SECTION FORTY-TWO. Section 17.69.020, Scope, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.69.020 Scope.

A. This chapter shall apply to all permitted uses within the R-1, 7.0, R-1, 5.0, R-1, 4.0, and R-2 residential districts and constitutes a “floating” overlay zone over these districts; provided, however, this chapter permits the development of limited multifamily and duplex housing and limited commercial development in the above specified residential zones, so long as the requirements of this chapter are satisfied.

1. This chapter may be applied where adequate vacant land exists to meet the standards and criteria of this chapter.

B. The PUD process provides an alternative to traditional development under prescriptive zoning and subdivision standards. The performance standards associated with a PUD allow for departure from strict compliance with zoning and subdivision development standards. However, all proposed PUD development standards that depart from strict compliance with zoning and subdivision standards must demonstrate that they allow for better design and are in the public interest.

C. A PUD application must be processed with either an application for short subdivision or standard subdivision approval. The scope of this chapter is to allow more innovative ways of designing such development applications, enabling applicants to take advantage of incentives, including flexible zoning standards, in exchange for public benefits.

D. PUDs are not intended to provide infill housing on smaller parcels in established residential areas of the city. (Ord. 3504 § 4, 2010).

E. MVMC Chapter 17.73 authorizes specific deviations from the requirements of this Chapter when an Applicant chooses to utilize Chapter 17.73. As such, the provisions of Chapter 17.73 supersede the provisions of this Chapter when there is a conflict.

SECTION FORTY-THREE. Section 17.70.020, Areas and Developments Requiring Design Review, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.70.020 Areas and Developments Requiring Design Review

A. The Design Review Standards for residential structures, contained within and adopted by reference, in this Chapter shall apply to all of the following:

1. All duplex and multifamily structures regardless of what zoning designation they are constructed within.

2. Subdivisions permitted through the Planned Unit Development process contained within MVMC Chapter 17.69.

3. Subdivisions that utilize Transfer of Development Rights permitted through MVMC Chapter 17.119.

4. Short plats or standard plats and all of the residential structures associated with said plats where the average lot size is 7,600 square feet or less. In calculating the average lot size only lots where single-family homes will be constructed can be utilized.

5. Development on existing lots not described in subsections 1 - 4 above, when a deviation from the development standards is requested, ~~but only if the deviation from the standard is the same or is within 20~~

~~percent of what all abutting properties observe. The applicant will be solely responsible for demonstrating graphically and in a narrative the development conditions of the abutting properties.~~

6. Any building footprint expansion or addition (not including private garages or carports) over 50 percent of an existing multifamily structure or duplex.

B. The Design Review Standards for areas in and surrounding the historic downtown identified in Map 1.0 (below) shall apply to all activities/work as noted below:

1. All proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building, or other visible element of the façade, of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, placement outdoor furniture or accessories, outdoor lighting fixtures, fences, walls and roofing materials. This includes exterior painting. See subsections 17.70.050 and 17.70.060 for information on how Design Review Standards apply to different types of projects.

C. Design Review Standards for areas in and surrounding the historic downtown identified in Map 1.0 (below) shall not apply to the following activities/work:

1. Ordinary maintenance and repairs as defined in this Chapter, examples include cleaning of exterior facades, re-roofing, and interior tenant improvements so long as the resulting improvements are not visible from abutting rights-of-way.

(insert Map 1.0 here)

SECTION FORTY-FOUR. Section 17.81.110, Accessory dwelling units, of the Mount Vernon Municipal Code is hereby repealed.

~~17.81.110—Accessory dwelling units.~~

~~In the zones in which an accessory dwelling to a single family use is listed as a special use, the community and economic development director shall review all proposals following the requirements of Article II of this chapter (MVMC 17.81.500 through 17.81.590), Special Use Permits. In addition, the following standards and regulations shall apply to all proposed accessory dwelling units:~~

~~A. An accessory dwelling unit may be established in an existing single family dwelling unit or in a detached structure on a legal building lot by any one or by a combination of the following methods:~~

- ~~1. Alteration of interior space of the dwelling; or~~
- ~~2. Conversion of an attic, basement, attached or detached private garage, or other previously uninhabited portion of a dwelling; or~~
- ~~3. Addition of attached living area onto an existing dwelling; or~~
- ~~4. Construction of a detached living area.~~

~~B. Each single family dwelling on a legal building lot shall have not more than one accessory dwelling unit.~~

~~C. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include title holders and contract purchasers. The owner shall file a certification or owner occupancy with the planning department prior to the issuance of the permit to establish an accessory dwelling unit.~~

~~D. The floor area of the accessory dwelling unit shall not exceed 900 square feet.~~

~~E. The total number of persons who may occupy the principal and accessory dwelling units combined shall not exceed the number of persons that are defined by this title as a "family."~~

~~F. Three off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.~~

~~G. The single family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure~~

~~which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.~~

~~H. Only one electric, one gas, and one water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.~~

~~I. The accessory and principal dwelling unit shall comply with all applicable requirements of the International Building Code and zoning ordinance as adopted or amended by the city.~~

~~J. The owner of a single family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Chapter 17.114 MVMC.~~

~~K. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.~~

~~L. In addition to the conditions which may be imposed through the special use permit process, all accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:~~

~~1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the approved plans; and~~

~~2. The subject lot ceases to maintain at least three off-street parking spaces; and~~

~~3. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.~~

~~M. The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single family dwelling in the event that any condition of approval is violated. (Ord. 3429 § 129, 2008).~~

SECTION FORTY-FIVE. Section 17.81.120, Variances, special uses permits and appeals for ADU, of the Mount Vernon Municipal Code is hereby repealed.

17.81.120—Variances, and special use permits and appeals for ADU.

~~A. Authority to Grant Variances and Special Use Permits for ADU.~~

~~1. The community and economic development director may grant variances not exceeding 20 percent of the lot width, setbacks, maximum lot coverage, building height, parking, and buffers from the provisions of the zoning code and special uses for ADUs, upon finding that all of the conditions set forth in MVMC 17.81.110 or 17.105.050 are met.~~

~~2. The community and economic development director shall specify the information which is required to be included in a variance application and special use for ADU application and shall provide appropriate application forms. An applicant for a variance or special use for ADU must file an application for a variance or special use for ADU, which must be complete, including all required information, forms, and filing fees, before the community and economic development director will consider the variance or special use permit for ADU.~~

~~3. Following receipt of a completed application form requesting a variance or special use for ADU, the community and economic development department shall mail a notice to all property owners within 100 feet of the subject property, and post a notice on the property. If, in the opinion of the community and economic development director, the required notice would not reach all persons who may be impacted by granting of the variance, the community and economic development director may require additional notice at his or her discretion. Substantial compliance with these requirements~~

for notice of public hearing shall relieve the city of any liability for failure to comply with these notice requirements.

4. The public notice shall state the nature of the application, location of the property, a statement that written comments must be submitted to the community and economic development director within 14 calendar days of the notice mailing date, and a statement that only those persons who send written comments are entitled to a notice of decision and have the ability to file an appeal.

5. Following receipt of a completed application form requesting a variance or special use for ADU from the zoning code, the community and economic development director shall determine if the request complies with all of the criteria set forth in MVMC 17.81.110 and 17.105.050 for special use permit for ADU.

6. The community and economic development director may approve, approve with conditions, or deny the variance or special use permit for ADU request, or may forward the application to the hearing examiner for public hearing and decision as stipulated below. The community and economic development director's decision is the final city action on the variance or special use permit for ADU request unless appealed to the hearing examiner as set forth below.

7. The community and economic development director shall send his/her written decision to the applicant, parties of record, and those persons who sent written comments on the application. The community and economic development director shall give reasons for the decision and outline appeal procedures.

8. An approved variance or special use permit for ADU shall become void after the expiration of one year from the date of final decision unless:

- a. A building permit application conforming to the approved variance or special use permit for ADU is filed with the city; or
- b. A subdivision, short subdivision, or lot line revision application conforming to the approved variance is filed with the city; or
- c. The approved variance or special use permit for ADU specifically provides for a longer time limit.

9. The applicant may request an extension of the time limit by filing a written request and appropriate filing fee with the community and economic development director prior to the variance or special use permit for ADU expiration date. The community and economic development director shall send notice of his/her decision on the extension request according to subsection (A)(7) of this section.

B. Appeal to Hearing Examiner.

1. Any adjacent property owner, party of record, or any person who sent written comments to the community and economic development director during the public review period on a variance or special use permit for ADU application, may file a letter of appeal and filing fee, with the department of community and economic development. This letter must be submitted within 15 calendar days after the notice mailing date of written decision by the community and economic development director. The appeal letter must state the appellant's reason(s) for the appeal, and must state the appellant's opinion on how the variance or special use permit for ADU request complies or does not comply with the decisional criteria set forth in MVMC 17.81.540 and 17.105.050.

2. Following receipt of an appeal letter meeting the above requirements (or forwarding of an application by the community and economic development director), a public hearing shall be scheduled before the hearing examiner. Notice of the hearing shall be sent at least 14 calendar days prior to the hearing. The notice shall describe the variance request, community and economic development director's decision, and location of the site, and date, time, and place of the hearing. Substantial compliance with these requirements for notice of public hearing shall relieve the city of any liability for failure to comply with these notice requirements.

3. The hearing before the examiner shall be de novo. The examiner shall have the authority to: prescribe rules and regulations for the conduct of public hearings; administer oaths to witnesses; subpoena witnesses and documents; allow for cross-examination of witnesses; and to preserve order during the hearing.

~~4. The examiner shall render a written decision approving, approving with conditions, or denying the variance or special use permit for ADU request. The decision shall be supported by findings of fact and conclusions. The examiner shall determine if the variance request meets the criteria in MVMC 17.81.540 or 17.105.050.~~

~~5. Following receipt of the examiner's decision, the community and economic development director shall send a copy of the decision to all parties of record. The examiner's decision is the final city action on the application unless appealed to a court of competent jurisdiction. (Ord. 3429 § 130, 2008).~~

SECTION FORTY-SIX. Section 17.105.010, Authority to grant variance, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.105.010 Authority to grant variance.

A. Authority to Grant Variances ~~and Special Use Permits for ADU.~~

1. The community and economic development director may grant variances not exceeding 20 percent of the lot width, setbacks, maximum lot coverage, building height, parking, and landscape buffers from the provisions of the zoning code ~~and special uses for ADUs,~~ upon finding that all of the conditions set forth in MVMC ~~17.81.110 or~~ 17.105.050 have been met.

2. The hearing examiner may grant variances from the terms of the zoning ordinances, from the official map ordinance and from other land use regulatory ordinances prescribed by city ordinance that are not covered within subsection (A)(1) of this section.

3. The community and economic development director shall specify the information which is required to be included in a variance ~~and special use for ADU~~ application and the applicant shall provide appropriate application materials as required within Chapter 14.05 MVMC.

4. Following receipt of a completed application form requesting a variance ~~or special use for ADU,~~ the community and economic development department will follow the noticing requirements within Chapter 14.05 MVMC.

5. Following receipt of a completed application form requesting a variance ~~or special use for ADU~~ from the zoning code, the community and economic development director shall determine if the request complies with all of the criteria set forth in MVMC ~~17.81.110 and~~ 17.105.050 ~~for special use permit for ADU.~~

6. Variances complying with section MVMC 17.105.010(A)(1): the community and economic development director may approve, approve with conditions, or deny the a variance ~~or special use permit for ADU~~ request, or may forward the application to the hearing examiner for public hearing and decision as stipulated below. The community and economic development director's decision is the final city action on the variance ~~or special use permit for ADU~~ request unless appealed to the hearing examiner as set forth below.

~~i. 7.~~ The community and economic development director shall send his/her written decision to the applicant, adjacent property owners within 100 feet, and those parties of record. The community and economic development director shall give reasons for the decision and outline appeal procedures.

~~7. 8.~~ An approved variance ~~or special use permit for ADU~~ shall become void after the expiration of one year from the date of final decision unless:

a. A building permit application conforming to the approved variance ~~or special use permit for ADU~~ is filed with the city; or

b. A subdivision, short subdivision, or lot line revision application conforming to the approved variance is filed with the city; or

c. The approved variance ~~or special use permit for ADU~~ specifically provides for a longer time limit.

~~9. The applicant may request an extension of the time limit by filing a written request and appropriate filing fee with the community and economic development director prior to the variance or special use~~

~~permit for ADU expiration date. The community and economic development director shall send notice of his/her decision on the extension request according to subsection (A)(6) of this section. (Ord. 3429 § 173, 2008).~~

SECTION FORTY-SEVEN. Section 17.105.080, Appeal from decision – Time limits, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.105.080 Appeal from decision – Time limits.

A. The action by the hearing examiner on an application for a variance or an appeal from the decision of the community and economic development director shall be final and conclusive unless a party with standing files an appeal according to MVMC 14.05.190.

B. Appeal to Hearing Examiner.

1. Appeals to the Hearing Examiner are required to comply with the requirements outlined in MVMC Chapter 14.05.

~~1. Any party with standing may file a notice of appeal and filing fee with the department of community and economic development. This notice must be submitted within 14 days after the notice mailing date of written decision by the community and economic development director. The appeal notice must state the appellant's reason(s) for the appeal, and must state the appellant's opinion on how the variance or special use permit for ADU request complies or does not comply with the decisional criteria set forth in MVMC 17.81.540 and 17.105.050.~~

~~2. Following receipt of an appeal notice meeting the above requirements (or forwarding of an application by the community and economic development director, a public hearing shall be scheduled before the hearing examiner. Notice of the hearing shall be sent at least 14 calendar days prior to the hearing. The notice shall describe the variance request, community and economic development director's decision, and location of the site, and date, time and place of the hearing. Substantial compliance with these requirements for notice of public hearing shall relieve the city of any liability for failure to comply with these notice requirements.~~

~~3. The hearing before the examiner shall be de novo. The examiner shall have the authority to: prescribe rules and regulations for the conduct of public hearings; administer oaths to witnesses; subpoena witnesses and documents; allow for cross-examination of witnesses; and to preserve order during the hearing.~~

~~4. The examiner shall render a written decision approving, approving with conditions, or denying the variance or special use permit for ADU request. The decision shall be supported by findings of fact and conclusions. The examiner shall determine if the variance request meets the criteria in MVMC 17.81.540 and 17.105.050.~~

~~5. Following receipt of the examiner's decision, the community and economic development director shall send a copy of the decision to all parties of record. The examiner's decision is the final city action on the application unless appealed to a court of competent jurisdiction. (Ord. 3429 § 180, 2008).~~

SECTION FOURTY-EIGHT. Section 17.119.010, Permitted, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.119.010 Permitted.

The use of the R-1, 4.0 and R-2 residential zoning district areas as shown on the official zoning map of the city of Mount Vernon as a receiving zone for transfer or purchase of development rights from land zoned and/or designated open space, parks, wetland preserve or residential agriculture on the official city of Mount Vernon comprehensive plan map; the TDRs to receiving sites shall be permitted at the rate of one additional residential dwelling unit per entire net acre. The additional dwelling unit may be permitted in addition to dwelling unit bonuses for affordable housing as permitted under Chapter 17.73 MVMC. No fractional development rights shall be permitted. (Ord. 3515 § 3, 2011).

SECTION FOURTY-NINE. Section 17.119.025, Minimum lot size, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.119.025 Minimum lot size.

In no case can a lot created utilizing TDRs be smaller than 6,600. However, applications using TDRs and the provisions of MVMC Chapter 17.73 can create lots no smaller than 5,000 square feet. (Ord. 3315, 2006).

SECTION FIFTY. New Section. A new Chapter 16.34, Platting of Duplex and Townhouse Structures, is added to the Mount Vernon Municipal Code as follows:

Chapter 16.34

PLATTING OF DUPLEX AND TOWNHOUSE STRUCTURES

Sections:

- 16.34.010 Purpose
- 16.34.020 Definitions
- 16.34.030 Authority to Approve and Procedures
- 16.34.040 Additional Requirements

16.34.010 Purpose

The purpose of this Chapter is to:

- A. Allow duplex and townhouses structures to be platted with zero lot-lines to allow these units to be sold as individual, fee simple lots.
- B. Promote affordable housing, efficient use of land and energy, and the availability of a variety of housing types in different locations.
- C. Promote infill development.
- D. Provide for the public health, safety and welfare of the public and purchasers and residents of such townhouse units.

16.34.020 Definitions

The following words used in this Chapter are specifically defined in MVMC Chapter 16.04:

“Party Wall Agreement” or **“Common Wall Agreement”** means a document prepared by an Attorney licensed in the State of WA that contains/addresses all of the following elements with regard to party walls: easements, general rules of law, utilities, use, alteration of party wall, common roof and common foundations, sharing of repair and maintenance, weatherproofing, maintenance, damage, repair and destruction, insurance, and must run with the land in perpetuity.

“Party Wall” or **“Common Wall”** means the foundation wall, the footing under such foundation wall, the shaft liner fire wall supported by the foundation and a roof sheathing or parapet, if existing, capping such fire wall which are part of the original construction of the Units located on the Lots and are located and constructed on or adjacent to the common Lot boundary line which separates two adjoining Lots, and which constitutes a common wall between adjoining Units, as such Party Wall may be repaired or reconstructed. A Party Wall is a structural part of and physically joins the adjoining Units on each side of the Party Wall. The term "Party Wall" shall also include any two (2) walls that generally meet this definition, and that together constitute the wall between two adjoining Units, even if such walls are separated by a de-minimus amount of air space.

“Conditions, Covenants and Restrictions” means a document that complies with applicable Federal and State laws and that contains/addresses all of the following elements:

1. Creation of an association of owners (e.g. Homeowner’s Association or Governing Body) of the proposed lots that are required to provide for the control and maintenance of all improvements that will be owned by the Governing Body (usually a Homeowner’s Association) such as, parking, access ways, open spaces, fences, street trees, stormwater facilities, etc.
2. Maintenance. The CC&Rs shall contain provisions establishing the obligation and duty of the governing body of the project to continually maintain the common areas in a manner which, at a minimum, ensures compliance with this Code and all other applicable laws, regulations, and standards.
3. Assessment for Maintenance of Common Areas and Facilities. To protect the public health, safety, and welfare, provisions shall be made for monthly or annual assessments that pay for maintenance of all common areas.
4. The CC&Rs shall run with the land and are required to be reviewed and approved by the city attorney and the Development Services Department prior to recording a final plat or short plat.
5. To achieve the purposes of this section, the declarations of conditions, covenants, and restrictions (CC&Rs) or other applicable documents relating to the management of common area and facilities shall be subject to approval by the Development Services Department and the City Attorney.
6. Amendments to the CC&Rs that would amend, delete, modify, or otherwise affect any provision required by this section shall require the prior written approval of the Development Services Director and the City Attorney. To that end, the amendment shall not be effective unless:
7. Any other provisions which the Development Services Director or City Attorney determine are necessary and reasonable for ensuring compliance with the provisions of the municipal code or the conditions of approval of the project.
8. The CC&Rs shall be recorded prior to or concurrently with of the recordation of the plat, which the plat shall contain the recording instrument numbers thereupon.

“Zero Lot Line” means a structure is placed with at least one wall on a property line.

16.34.020 Authority to Approve and Procedures

- A. All duplex and townhouse developments creating 9 (or fewer) lots, tracts or parcels shall be required to:

1. Submit the same application materials outlined in MVMC Chapter 16.32 for preliminary and final short plats plus the items outlined below under sub-section C.
 2. Follow the same procedural steps and requirements, outlined in MVMC Chapter 16.32 for preliminary and final short plats.
 3. Be subject to the provisions of Chapters 16.04, 16.16, 16.20, and 16.28.
- B. All duplex and townhouse developments creating more than 9 lots, tracts or parcels shall be required to:
1. Submit the same application materials outlined in MVMC Chapters 16.08 and 16.12, respectively plus the items outlined below under sub-section C.
 2. Follow the same procedural steps and requirements outlined in MVMC Chapters 16.08 and 16.12, respectively.
 3. Be subject to the provisions of Chapters 16.04, 16.16, 16.20, and 16.28.
- C. In addition to the above-listed requirements, preliminary and final plats and short plats shall also be required to submit materials containing the following information:
1. The location of the buildings in reference to the exterior boundaries of the property.
 2. Location, horizontal dimensions, and identification of the townhouse units within each building.
 3. Identification of the thickness of common walls/party walls between or separating the individual units.
 4. Designation and identification of all common elements.
 5. The location and identification of all utilities serving the townhouse units including connection points to each duplex or townhouse unit.
 6. A Party Wall Agreement.
 7. Conditions, Covenants and Restrictions.
 8. Additional wording shall be added to the surveyor's certification statement for townhouse plats as follows:

"This plat substantially depicts the location and horizontal measurements of each unit and townhouse lot, lot designations, the building locations, all utilities serving the units, the location of parking, common elements, and storage spaces."

"Each duplex and townhouse unit created in this plat is served by individual water and sewer services from the public mains. Each unit owner shall own and be responsible for the operation, maintenance, and replacement of the water service line from the property shut-off valve located near the utility easement boundary to their unit. Additionally, each unit owner shall own and be responsible for the operation, maintenance and replacement of the sewer service line from their unit to the public sewer main, including the tapping saddle. The City reserves the right of ingress, egress and maintenance in private utility easements, access ways, and common areas".

16.34.030 Additional Platting and Lot Requirements

- A. Each duplex or townhouse lot shall contain all elements of the individual unit's structure recognizing the common vertical walls will be shared with abutting units. The only exception to this is for detached garages that can be located on tracts or lots to be owned by the Homeowner's Association; however, the ownership of each garage space shall be identified on the recorded plat.
- B. Each duplex or townhouse lot shall contain the attached private open space required per MVMC 17.70.
- C. Each individual duplex or townhouse lot shall have a minimum width of 20 feet.
- D. Zoning Requirements. Each duplex or townhouse structure (not individual lot) is required to comply with the lot coverage, building setbacks (excepting side yard setbacks where two dwelling units share

a common wall), building height, parking, and landscaping required according to the properties' underlying zoning designation or as modified by Chapter 17.73 MVMC.

- E. Subdivisions of sites containing previously constructed duplex or townhouse dwellings shall not be allowed unless all common walls meet, or are reconstructed to, current building code and fire code requirements for separately owned subdivided duplex or townhouse units, and all other standards of this Chapter are met.

SECTION FIFTY-TWO. Section 16.04, of the Mount Vernon Municipal Code shall have three new definitions added and is hereby repealed and reenacted with the new section to read as follows:

16.04.050 Definitions generally.

A. Words used in the present tense shall include the future tense; the future tense shall include the present tense. The singular number shall include the plural number; the plural number shall include the singular number. The word “may” is permissive; “shall” is mandatory. “Lot” includes the words “plot,” “parcel,” “tract,” and “site”; and “building” includes the word “structure.” “City” shall mean the city of Mount Vernon, Washington, and “county” shall mean Skagit County, Washington.

B. The definitions found within Chapters 14.05 and 17.06 MVMC are hereby adopted by reference in their entirety as they are currently written or amended in the future. (Ord. 3428 § 5, 2008).

16.04.060 Block.

“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries. (Ord. 3428 § 6, 2008).

16.04.070 City engineer.

“City engineer” means the duly appointed engineer for the city of Mount Vernon, is also known as the public works director, or his/her designee. (Ord. 3428 § 7, 2008).

16.04.080 City treasurer.

“City treasurer” means the duly appointed clerk-treasurer for the city of Mount Vernon. (Ord. 3428 § 8, 2008).

16.04.085 Codes, Covenants and Restrictions.

“Codes, Covenants and Restrictions” means a document that complies with applicable Federal and State laws and that contains/addresses all of the following elements:

1. Creation of an association of owners (e.g. Homeowner’s Association or Governing Body) of the proposed lots that are required to provide for the control and maintenance of all improvements that will be owned by the Governing Body (usually a Homeowner’s Association) such as, parking, accessways, open spaces, fences, street trees, stormwater facilities, etc.
2. Maintenance. The CC&Rs shall contain provisions establishing the obligation and duty of the governing body of the project to continually maintain the common areas in a manner which, at a minimum, ensures compliance with this Code and all other applicable laws, regulations, and standards.
3. Assessment for Maintenance of Common Areas and Facilities. To protect the public health, safety, and welfare, provisions shall be made for monthly or annual assessments that pay for maintenance of all common areas.
4. The CC&Rs shall run with the land and are required to be reviewed and approved by the city attorney and the Development Services Department prior to recording a final plat or short plat.
5. To achieve the purposes of this section, the declarations of conditions, covenants, and restrictions (CC&Rs) or other applicable documents relating to the management of common area and

facilities shall be subject to approval by the Development Services Department and the City Attorney.

6. Amendments to the CC&Rs that would amend, delete, modify, or otherwise affect any provision required by this section shall require the prior written approval of the Development Services Director and the City Attorney. To that end, the amendment shall not be effective unless:
7. Any other provisions which the Development Services Director or City Attorney determine are necessary and reasonable for ensuring compliance with the provisions of the municipal code or the conditions of approval of the project.
8. The CC&Rs shall be recorded prior to or at the same time of the recordation of the plat, which plat shall contain the recording instrument numbers thereupon.

16.04.090 Comprehensive plan.

“Comprehensive plan” means the coordinated plan that has been prepared for the physical development of the municipality; or any plan included in the comprehensive plan that has been prepared for the physical development of such municipality, and that designates among other things, plans and programs to encourage the most appropriate use of land and to lessen congestion throughout the municipality in the interest of public health, safety and welfare. All actions taken pursuant to this chapter shall be in compliance with the city comprehensive plan. (Ord. 3428 § 9, 2008).

16.04.100 Condominium unit.

“Condominium unit” is defined pursuant to RCW 64.34.216(1)(d). (Ord. 3428 § 10, 2008).

16.04.110 Council.

“Council” means the city council of Mount Vernon. (Ord. 3428 § 11, 2008).

16.04.120 County assessor.

“County assessor” means the duly elected county assessor. (Ord. 3428 § 12, 2008).

16.04.130 County auditor.

“County auditor” means the duly elected county auditor of Skagit County. (Ord. 3428 § 13, 2008).

16.04.140 County treasurer.

“County treasurer” means the duly elected Skagit County treasurer. (Ord. 3428 § 14, 2008).

16.04.150 Covenant.

“Covenant” means a binding and solemn agreement made by two or more individuals, parties, etc., to do or keep from doing a specified thing or things. (Ord. 3428 § 15, 2008).

16.04.160 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a short plat showing the dedication thereon and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. (Ord. 3428 § 16, 2008).

16.04.170 Existing street.

“Existing street” means a presently traveled way with a minimum width of 15 feet of hard surfacing, irrespective of whether it has been accepted by the city for maintenance. A hard-surfaced street shall be a street consisting of either portland cement or asphaltic concrete as a wearing surface. (Ord. 3428 § 17, 2008).

16.04.180 Health department.

“Health department” means the Skagit County Department of Health. (Ord. 3428 § 18, 2008).

16.04.190 Lot.

“Lot” means a fractional part of subdivided land having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels of land. Lots shall be certified by the city according to the process outlined within Chapter 14.05 MVMC. (Ord. 3428 § 19, 2008).

16.04.200 Metes and bounds.

“Metes and bounds” means a description of real property that starts at a known point of beginning and describes the bearings and distances of the lines forming the boundaries of the property and is completed when the description returns to the point of beginning. (Ord. 3428 § 20, 2008).

16.04.210 Monument.

“Monument” means an object used to permanently mark a surveyed location. The size, shape and design of the monument are to be in accordance with standards specified by the city public works department. (Ord. 3428 § 21, 2008).

16.04.215 Party Wall Agreement.

“Party Wall Agreement” see the definition of such in Chapter 16.34 MVMC.

16.04.210 Party Wall.

“Party Wall” see the definition of such in Chapter 16.34 MVMC.

16.04.220 Pavement width.

“Pavement width” means the actual paved surface measured between faces of curbs of streets or from edge to edge of alley road surface. (Ord. 3428 § 22, 2008).

16.04.230 Plat.

A. “Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other division and dedications.

B. “Preliminary plat” is a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

C. “Final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title.

D. “Short plat” is the map of representation of a short subdivision. A short plat consists of nine or fewer lots. (Ord. 3428 § 23, 2008).

16.04.240 Right-of-way.

“Right-of-way” or “R/W” or “R-O-W” means a strip of land dedicated to the city for street and utility purposes and on a portion of which a street is built or utilities are installed. (Ord. 3428 § 24, 2008).

16.04.250 Street.

A. “Street” means a dedicated and accepted public or private right-of-way for vehicular traffic. The word “street” includes the words “road,” “drive,” “boulevard” or “way.”

B. "Arterial street" means an existing or proposed roadway designated an arterial by resolution of the city, or a roadway carrying or designed to carry more than 1,500 vehicles per day.

C. "Collector street" means a roadway designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.

D. "Local or minor access street" means a street providing vehicular access to abutting properties.

E. "Cul-de-sac" means a street intersecting another street at one end and permanently terminated by a vehicular turnaround at the other end.

F. "Marginal access street" means a street that is parallel to and adjacent to a major arterial, that provides access to the properties abutting it and which separates the abutting properties from high-speed vehicular traffic.

G. "Accepted street" means a street that has been accepted for maintenance by the city. Usually any street that has or had been improved to the prevailing minimum city standard is regarded as an accepted street.

H. "Private street" means a privately owned and maintained access provided for by a tract, easement or other legal means.

I. "Alley" means a public thoroughfare which affords access to abutting property and is usually not intended for general traffic circulation. (Ord. 3428 § 25, 2008).

16.04.260 Street and utility standards of the city.

"Street and utility standards of the city" shall consist of requirements contained in the following: The latest edition of the Standard Specifications for Road, Bridge, and Municipal Construction prepared by the Washington State Chapter of APWA; city of Mount Vernon engineering standards approved by the city engineer; Criteria for Sewage Works Design prepared by Washington State Department of Ecology; and the design standards for streets of the city outlined in MVMC Title 16. (Ord. 3428 § 26, 2008).

16.04.270 Subdivider.

"Subdivider" means any person, firm or corporation who subdivides or develops any land deemed to be a subdivision and is also referred to as the "applicant." (Ord. 3428 § 27, 2008).

16.04.280 Subdivision, short.

"Short subdivision" means the division of an area into nine or fewer lots, tracts or parcels. (Ord. 3428 § 28, 2008).

16.04.290 Subdivision, standard.

"Subdivision" means the division of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all re-subdivision of land. (Ord. 3428 § 29, 2008).

16.04.300 Zero Lot Line

"Zero Lot Line" see the definition of such in Chapter 16.34 MVMC..

16.04.300 Plat.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(27), 1979).

16.04.310 Plat certificate.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(28), 1979).

16.04.320 Right-of-way.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(29), 1979).

16.04.330 Street.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(30), 1979).

16.04.340 Street and utility standards of the city.

Repealed by Ord. 3428. (Ord. 2632 § 1, 1994; Ord. 1950 § 1(3)(31), 1979).

16.04.350 Subdivider.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(32), 1979).

16.04.360 Subdivision.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(33), 1979).

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

14.05.060 Permit classification table.

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
<u>Accessory Dwelling Unit per MVMC 17.73.100</u>	<u>X</u>					
Binding Site Plan, Final	X					
Binding Site Plan, Preliminary		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map or Text Amendments						X
Administrative Conditional Use Permit		X				
Conditional Use Permit			X			
Conditional Use Permit for EPFs				X		
Critical Area Ordinance Reasonable Use Exception, Variances and Appeals per MVMC 15.40.130			X			
Design Review with Building Permit, or Administrative Design Review	X					
Design Review with Hearing Examiner Land Use Permit			X			
Design Review by Design Review Board			X			
Design Review Waiver per Chapter 17.70 MVMC	X		X			
Development Regulation Text Amendments to Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17						X
Development Regulation Text Amendments to Chapters Except Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit I	X					
Floodplain District Development Permit				X		

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Historic Structure – Designation				X		
Historic Structure – Exterior Alteration		X				
Home Occupation – Type I or Exemption	X					
Home Occupation – Type II		X				
Land Clearing Permits and Management Plans		X				
Land Clearing Moratorium Removal			X			
Land Clearing Single-Family Residential Moratorium Exception		X				
Landscape Modifications per MVMC 17.93.080	X					
Lot Certification	X					
Major Modification	X	X	X	X		
Master Plan Approval per MVMC 17.30.090				X		
Minor Modifications	X					
Model Home Permit	X					
Nonconforming Use – Ordinary Maintenance or Repair	X					
Nonconforming Use – Certificate of Use or Occupancy	X					
Nonconforming Use – Special Permission to Enlarge, Expand, or Reconstruct				X		
Plat, Preliminary				X		
Plat, Final					X	
Planned Unit Development, Final					X	
Planned Unit Development, Preliminary				X		
Rezoning Consistent with Comprehensive Plan				X		
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit		X				
Shoreline Variance			X			
Short Plat, Preliminary		X				
Short Plat, Final	X					
Site Plan Approval	X					
Site Plan Approval per MVMC 17.39.150				X		
Special Use Permit			X			
Special Use Permit for ADUs		X				

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

SECTION FIFTY-FOUR. Section 14.05.150, Notice requirements, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.150 Notice requirements.

A. Notice of Application.

1. Applicability. A notice of application is not required for actions that are classified as Type I permits per MVMC 14.05.060; or actions specifically exempted under MVMC 14.05.040, but is required for all other development permit applications subject to notice requirements, except for binding site plans.

2. Content. Within 30 days of issuing a letter stating that an application is technically complete per MVMC 14.05.110(D), and as long as CEDD staff has not requested additional or corrected information per MVMC 14.05.110(D), the city shall issue a notice of application (NOA). The notice shall, at minimum, include the following:

- a. Owner, applicant and contact name;
- b. Project name and city file number;
- c. Date of counter completeness and technical completeness;
- d. A nonlegal project location description;
- e. Project description;
- f. A listing of all permits/approvals requested;
- g. The date the 14-day public comment period expires;
- h. The date, time, and place of a public hearing if one has been scheduled; and
- i. The following, or equivalent, statements: “To receive additional information regarding this project, contact the community and economic development department and request to be made a party of record” and “To become a party of record or to obtain further information regarding this project, contact the city of Mount Vernon community and economic development department at 910 Cleveland Avenue, Mount Vernon, WA 98273, (360) 336-6214.”

3. Distribution. Notices of application shall be made as follows:

a. By publication in the newspaper of record, except for the following permits:

- i. Administrative conditional use;
- ii. Fill and grade II;
- iii. Exterior alteration of a historic structure;
- iv. Type II home occupation;
- v. Short plat;

~~vi. Special use permit for an accessory dwelling unit;~~

~~vii. Zoning variance not exceeding 20 percent of the lot width, setbacks, lot coverage, building height, parking and landscape buffers;~~

b. By posting of a land use notice board placed by the applicant in a conspicuous location on each public street frontage bordering the subject property and visible by members of the public; and

c. By mail as follows:

i. For administrative conditional use permits, notice shall be mailed to adjacent and abutting property owners.

ii. For planned unit developments, notice shall be mailed to property owners within 500 feet of the project.

iii. For ~~special use permits for accessory dwelling units (ADU) or~~ variances not exceeding 20 percent of the zoning requirements, notice shall be mailed to all property owners within 100 feet of the property.

iv. For all other applications, including annexations and short plats, notice to all owners located within the boundaries of a project and within 300 feet of the boundary of the development permit. If the applicant owns property abutting or adjacent to the boundary of the development permit, notice shall be sent to the owners of real property within 300 feet of any portion of the boundaries of abutting or adjacent properties owned by the applicant.

v. In addition, the notice shall be mailed to all city departments and agencies with jurisdiction as well as any other person who requests such notice in writing.

vi. With the submittal of a development permit that requires notice be sent via mail, the applicant shall provide mailing labels to the CEDD for their use in sending out notices. The applicant shall obtain the names and address of all property owners within the notification areas, specified above, from the Skagit County assessor's office. The list of property owners must be no older than 30 days. The applicant shall be responsible for updating the property owner list and the associated labels as their project is processed by the CEDD.

4. Optional Additional Public Notice. If the city deems additional notice necessary for a particular project application, the city may require additional public notice. The director shall make the sole determination if optional public notice is necessary, in addition to the notice requirements of this chapter. The city may require the applicant to provide any or all of the following additional forms of notice:

a. Mailed notice to owners and/or occupants of real property beyond the notification radius outlined above;

b. Mailed notice to public or private groups with known interest in a certain proposal or in the type of proposal being considered;

c. Mailed or published notice to the news media; and/or

d. Publication of additional notices in regional, neighborhood, or trade publications.

B. Notice of Administrative Decisions. The CEDD shall notify all parties of record, the project proponent, and affected government agencies of any Type II administrative decisions. Notification must be made by mail and shall include:

1. A description of the decision(s), including any conditions of approval;

2. A statement explaining where further information may be obtained;

3. Any threshold environmental determination issued for the project, if an application subject to an administrative approval requires an environmental threshold determination; and

4. The decision and a statement that the decision will be final unless an appeal to the hearing examiner is filed with the CEDD within 14 days of the date of the decision.

C. Notice of Public Hearing. Notice of a public hearing for all development applications subject to notification requirements including all open and closed record appeals shall be given as follows:

1. For applications where an open record hearing is required, the notice of public hearing will be sent to the applicant, owner, those property owners within the notification distances noted in subsection (A)(3) of this section, and all parties of record.

2. For Type IV and VI applications a notice of public hearing will be distributed for the open record hearing as outlined above; however, only the applicant, owner, and parties of record will receive an individual notice advising them of the date/time of the city council hearing where the final decision will be made.

3. Timing. Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:

- a. Publication at least 14 days before the date of a public meeting, hearing, or pending action in the newspaper of record, if one has been designated, or a newspaper of general circulation in the city; and

- b. Mailing at least 14 days before the date of a public meeting, hearing, or pending action to all parties of record, the project proponent, and affected government agencies.

- c. The day of the hearing can be counted as one of the required 14 days.

- d. For Type IV and VI applications the notice of the city council hearing is not required to be published or posted on the subject site.

4. Content of Notice. The public notice shall include a general description of the proposed project, the action to be taken, a nonlegal description of the property, the time, date and place of the public hearing, and where further information may be obtained.

D. Notice of Final Plat. For Type V final plat approvals a notice will be distributed to the applicant, owner, and parties of record no less than five days prior to the city council meeting informing them that the city council will be taking action on the final plat at a closed record meeting where testimony will not be taken.

E. Notice of Examiner or Commission Decision. Notice of hearing examiner and planning commission decisions shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditional approval;

2. A statement explaining where further information may be obtained;

3. The decision date and a statement that the decision will be final unless an appeal to the city council is filed with the CEDD within 14 days of the date of the decision.

F. Notice of Council Decision. Notice of city council decisions subject to notice requirements shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditions of approval;

2. A statement explaining where further information may be obtained;

3. The decision date and a statement that the decision will be final unless the appropriate land use appeal, writ of review or appeal from the decision of the city council is filed.

G. Notice of Appeal. Notice of appeals subject to notice requirements shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s) being appealed;

2. A statement explaining where further information may be obtained; and

3. A statement of when and where the appeal will be heard.

H. Failure to Receive Notice. Failure to receive such mailed notification, or posting of the land use notice board, as may be required in subsections A to G of this section shall have no effect upon the proposed action or application. (Ord. 3560 § 3, 2012).

SECTION FIFTY-FIVE. Section 14.05.210(B), of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

(the entire existing, codified table will be inserted here)

The column labeled as “Special Permit for Accessory Dwelling Unit” shall be renamed “Accessory Dwelling Unit” and the following submittals shall be removed:

- Affidavits for Labels and Verifying Posting of Public Information Sign
- Justification for Proposal
- List of Site and Surrounding Property Owners and Mailing Labels for Same
- Neighborhood Detail Map
- Public Works Approval Letter

SECTION FIFTY-SIX. Exhibit A, referenced within Mount Vernon Municipal Code 14.15.010, Established, shall include a new fees as follows:

Applications using Chapter 17.73 MVMC shall pay the following fee that is in addition to all other applicable fees:

- \$1,000.00 plus \$50.00 per dwelling unit being created (this is a one-time fee paid when land use permits are applied for)
- 100% of Consultant Cost

Applications using Chapter 16.34 MVMC shall pay the following fee that is in addition to all other applicable fees:

- \$1,000.00 plus \$50.00 per dwelling unit being created (this is a one-time fee paid when land use permits are applied for)
- 100% of Consultant Cost
- Monitoring Fees. Housing Owner shall pay to the City an annual monitoring fee, due on January 1st of each year, intended to cover the cost of City staff time to receive, review, document, and record compliance of each affordable housing unit with the terms of this Covenant and Agreement. The City estimates the cost to complete the described monitoring tasks will be \$75.00 for each Restricted Unit in 2019. Should City staff time needed to complete the required yearly monitoring tasks be less than \$75.00 per Restricted Unit the City will assess a reduced fee that covers only the required City staff time. Every year starting in 2020 the \$75.00 Restricted Unit monitoring fee shall be adjusted every year on January 1st to account for inflation. The Consumer Price Index (CPI) published by the Bureau of Labor Statistics that is part of the United States Department of Labor shall be used to account for inflation to increase or decrease the monitoring fees assessed by the City over time.

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

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

SECTION FIFTY-NINE. This ordinance shall be in full force and effect five days after its passage, approval, and publication as provided by law.

PASSED AND ADOPTED this 11th day of December, 2019.

SIGNED AND APPROVED this ___ day of _____, 2019.

Doug Volesky, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published _____

After Recording Return to:
City of Mount Vernon
Development Services Department
910 Cleveland Ave.
Mount Vernon, WA 98273

Document Title: **AFFORDABLE HOUSING RESTRICTIVE COVENANT
AND AGREEMENT FOR RENTED DWELLING UNITS**

Grantor(s): **(INSERT HERE)**

Grantee: City of Mount Vernon, a Municipal Corporation

Abbreviated Legal Description: **(INSERT HERE)**

Full Legal Description: Full legal description of subject property is contained in Exhibit
“A”

Assessor’s Tax Parcel No: **(INSERT HERE)**

AFFORDABLE HOUSING RESTRICTIVE COVENANT AND AGREEMENT FOR RENTED DWELLING UNITS

THIS AFFORDABLE HOUSING RESTRICTIVE COVENANT AND AGREEMENT (“Covenant and Agreement”) is entered into as of the (INSERT DAY) day of (INSERT MONTH), (INSERT YEAR), by and between (INSERT GRANTOR’S NAME), a (FILL IN FORM OF CORPORATION AS APPLICABLE) (THE “HOUSING OWNER”), and **THE CITY OF MOUNT VERNON**, a political subdivision of the State of Washington (the “City”). The City and Housing Owner are individually referred to as “Party” and collectively referred to as the “Parties”.

I. RECITALS

Chapter 17.73 of the Mount Vernon Municipal Code (MVMC) permits additional dwelling units and allows deviations to a variety of development regulations in exchange for the creation of dwelling units rented to low income households; and

This Covenant and Agreement applies to certain real property identified as Skagit County Assessor Parcel Number(s): (FILL IN), addressed as: (FILL IN), located in the City of Mount Vernon, Skagit County, WA, which is fully described in the legal description in **Exhibit A** attached and incorporated herein by this reference (“Subject Property”); and

The Housing Owner proposes to develop the Subject Property with (# of SFR units) and/or (# of MF units) and/or (other description – as applicable) permitted under the Development Services Department Project number (FILL IN PROJECT #) (the “Project,” which term shall include any modified development of the Property under the identified permit number); and

As a condition of the Project, the City has required the Housing Owner to construct (INSERT #) low income housing units, which are more particularly described in **Exhibit B** attached and incorporated herein by this reference (“Restricted Units”); and

It is the intent of the Parties that the Restricted Units be rented in accordance with this Covenant and Agreement and any affordable housing program which may be adopted and implemented by the City at any time to ensure that the Restricted Units remain rented to low income households for the term of this Covenant and Agreement; and

The purpose of this Covenant and Agreement is to ensure that the Restricted Units remain affordable for low income households for the term of this Covenant; and

NOW THEREFORE, in consideration of foregoing and the mutual promises herein, the Housing Owner agrees as follows for the benefit of the City, and hereby grants and conveys to the City and imposes on the Property the covenants and restrictions set forth below.

II. DEFINITIONS

Definitions. Unless otherwise expressly provided herein or unless the context clearly requires otherwise, the terms defined above shall have the meanings set forth above, and the following terms shall have the respective meanings set forth below for the purposes hereof:

- A. "Area Median Income" or "AMI" means an income estimate developed with U.S. Census data and an inflation factor based on the Congressional Budget Office (CBO) forecast of the national Consumer Price Index (CPI). The U.S. Department of Housing and Urban Development (HUD) calculates and releases this data on a yearly basis.
- B. "Director" means the Director of the City's Development Services Department or his or her designee.
- C. "Eligible Renter" means a Low Income Household that receives a Certificate of Eligibility certifying that the potential renter complies with the conditions of this Covenant and Agreement.
- D. "Family" means Family as defined in 24 CFR Section 5.403 or successor provision. Family includes an individual person.

XX. "Housing Owner" means the above identified entity holding title to the Subject Property at the time of Covenant and Agreement execution and all successors in interest.

- E. "Intent to Reside Statement" means a statement in the Application for Eligibility stating that the potential renter intends to occupy the Restricted Unit in compliance with the Owner occupancy requirement upon becoming the Renter of the Restricted Unit.
- F. "Low Income Household" means a household whose annual income does not exceed eighty percent of the Mount Vernon-Anacortes Metropolitan Statistical Area (MSA) median household income, adjusted for household size, as determined by HUD, with no more than 30 percent of the monthly household income being paid for monthly housing expenses (rent and utility allowance).
- G. "Low-Income Housing" means housing rented and occupied by a Low Income Household.
- H. "Maximum Rental Price" means the rental price for a dwelling unit that is not in excess of the maximum monthly rental price calculated as being no more than 30 percent of the monthly household income paid for monthly housing expenses (rent and utility allowance) for households whose annual median income does not exceed eighty percent of the AMI. **Appendix C** contains worksheets outlining how the maximum rental price shall be established for Restricted Units.
- I. "Median Income" means annual median Family income for the Mount Vernon-Anacortes, WA MSA, as published by HUD, with adjustment to be made according to a household size in a manner determined by the Director, which adjustments shall be based upon a method used by HUD to adjust income limits for subsidized housing, and which adjustments for purposes of determining affordability of rents shall be based on the average size of household considered to correspond to the size of the housing unit.
- J. "Perpetual" means never ceasing and unlimited with respect to time. This Covenant and Agreement shall be in effect for the life of the Project for which either the restricted units and/or

the bonus density units are used as dwelling units.

- K. "Principal Place of Residence" means the place where a person or persons reside on a full-time basis for a minimum of ten (10) months out of each twelve (12) month period.
- L. "Rent" shall include all amounts paid directly or indirectly for the use or occupancy of a Designated Unit and of common areas of the Housing Development.
- M. "Restricted Units" means the dwelling units eligible, low income, renters live in.
- N. "Unit" means a dwelling unit in the Project.
- O. "Utility Allowance" means an allowance approved by the City for basic utilities such as water, sewer, electricity, and gas payable by the renter, which unless otherwise approved in writing by the City, shall be equal to the utility allowance published from time to time by the Skagit County Housing Authority for the type of Unit, or, if the City determines that no reasonably comparable figures are available from the Skagit County Housing Authority, the utility allowance shall be such an amount as the City determines is an adequate allowance for basic utilities, to the extent that such items are not paid by the Housing Owner. The Utility Allowance shall not include telephone, internet/wireless, or cable TV services.

III. TERM AND TRANSFERS

- A. Term of Covenant and Agreement. This Covenant and Agreement is binding upon and enforceable against the Housing Owner for the life of the Project, for the benefit of and enforceable by the City. If the Project, as a whole, is destroyed or demolished, and the Housing Owner rebuilds not under the codes the Project was permitted under, but the City Codes then in effect, absent further amendment, this Covenant and Agreement will terminate.
- B. Covenant and Agreement to Run with the Restricted Units. Each Restricted unit is held (and shall be held), transferred, and occupied subject to the covenants, conditions, restrictions and limitations in this Covenant and Agreement. This Covenant and Agreement is intended to constitute both an equitable servitude, covenant, and agreement running with the Subject Property.
- C. Housing Owner hereby grants to the City, and subjects the Property to, the conditions, covenants, and restrictions set forth herein, which are covenants running with the land, binding on Housing Owner and its successors and assigns, benefiting the City.
- D. Housing Owner hereby declares its express intent that this Covenant and Agreement shall pass to and be binding upon the Housing Owner's successors in title including any purchaser, grantee, owner or lessee of any portion of the Property (other than residential renters of individual units) and of any purchaser, grantee, owner or lessee of any portion of the Property and any other person or entity having any right, title or interest therein.
- E. Housing Owner agrees not to transfer the Property or any portion thereof or interest therein (other than residential tenancies in the Project consistent with this Agreement) to any successor unless the successor agrees in writing to be bound by the provisions of this Covenant and Agreement and Housing Owner provides the Director with a copy of such agreement prior to the transfer.

- F. Transfers of membership interests or changes of members in an entity whose members do not have an interest in specific property of the entity, pursuant to RCW 25.15.245 or other applicable laws, are not considered to be transfers of an interest in the Property or Project for purposes of this Agreement.

IV. OWNER OBLIGATIONS, AUTHORIZATIONS & RENTAL REQUIREMENTS

- A. **Income Requirements.** All Restricted Units identified in Exhibit A shall be used as housing solely for Low-Income Households, based on the Household Annual Income.
- B. For the purpose of this Agreement, Household Annual Income means the aggregate annual income of all persons over eighteen (18) years of age residing within the same household for a period of at least one month and shall be calculated for prospective tenants by projecting the income anticipated to be received over the twelve-month period following the date of initial occupancy, based on the prevailing rate of income of each person at the time of income verification, which shall be no more than six (6) months prior to the date of initial occupancy.
- C. **Maximum Monthly Rent.** The monthly Rent for each of the Designated Units, together with a Utility Allowance, shall not exceed one-twelfth (1/12) of thirty (30) percent of eighty (80) percent of Annual Median Income. There shall be no additional charges imposed by the Housing Owner for occupancy of Designated Units other than Rent.
- D. **Maintenance.** The Restricted Units and the structure in which they are located shall be maintained in decent and habitable condition, including the provision of adequate basic appliances, for the duration of this Agreement.
- E. **Initial and Annual Income Certifications.** Housing Owner shall obtain from each new tenant in a Restricted Unit a certification of Family size and income in form acceptable to the City. Housing Owner shall also so examine the income and Family size of any tenant Family at any time when the Housing Owner receives notice that the tenant's certification of Family size and/or income was not complete or accurate. Housing Owner shall obtain such certifications and/or examine incomes and Family sizes no less frequently than annually. Housing Owner shall maintain all certifications and documentation obtained under this subsection on file for at least five (5) years after such certifications and documentation are obtained, and Housing Owner shall make the certifications and documentation available to the City for inspection and copying promptly upon request.
- F. **Reporting.** For so long as this Agreement remains in effect, the Housing Owner shall submit to the City, by January 1 of the following year, or at other such times as may be authorized by the Director, a written report stating the monthly Rents charged for each Restricted Unit during the prior calendar year and the income and Family size of each Designated Unit, as of their respective beginning of occupancy. The Director may require documentation of Rents, copies of tenant certifications, and documentation supporting

determinations of tenant income (e.g., employer's verification or check stubs).

- G. Subleases/Assignments. Tenants renting Designated Units shall not be permitted to sublease or otherwise assign their Designated Units.
- H. Lease Agreement and Information to Tenants. Housing Owner shall prepare a lease or rental agreement (hereafter known as the "Lease") for all tenants who occupy Restricted Units in accordance with the requirements contained in this Agreement. The Lease shall: (1) specify the maximum monthly Rent that may be charged for the Restricted Unit; (2) state that information regarding the housing bonus program may be obtained from the City; and (3) in all other respects comply with the requirements contained in this Agreement. To the extent that other agreements or restrictions on the Property or Project require Rents lower than those permitted hereunder, the Lease shall state the maximum monthly Rent under those agreements or restrictions in lieu of the maximum monthly Rents allowed by this Agreement.
- I. Insurance; Loss or Damage to Designated Units; Condemnation. Housing Owner shall keep the Project insured by an insurance company licensed to do business in the state of Washington and reasonably acceptable to the City, against loss by fire and other hazards included with "broad form coverage," in the amount of one hundred (100) percent of the replacement value of the Project for the entire term of this Agreement, unless otherwise agreed to in writing by the City and Housing Owner. Housing Owner shall provide to the City evidence satisfactory to the City of compliance with this insurance requirement promptly upon request of the City. If any Designated Unit is destroyed or rendered unfit for occupancy by casualty or otherwise and is not replaced or restored within 30 days thereafter, the Housing Owner shall substitute another unit in the Project of at least equal size and number of bedrooms for that Restricted Unit, as soon as such a unit becomes vacant. If the Project is substantially destroyed, any new development on the Property shall include new Restricted Units satisfying the terms of this Agreement, and Housing Owner shall designate by notice to the City new Restricted Units, at least equal in number, size and numbers of bedrooms as the original Restricted Units, no later than the date a certificate of occupancy is issued for the new units. Should the Project be entirely demolished, and the site rebuilt under the codes then in effect, see III(A) addressing Covenant and Agreement term.
- J. Segregation of Ownership. Housing Owner, its successors or assigns, may segregate ownership of any portion of the Project in any manner permitted by law, provided that such segregation does not restrict Housing Owner's ability to comply with this Agreement.
- K. Other Agreements. If a lower Rent or income eligibility limit, or both, than that permitted within this Agreement, is required by any other agreement applicable to any of the Restricted Units, then that lower Rent requirement of income eligibility limit, or both as applicable, shall apply to the Restricted Units.
- L. Monitoring Fees. Housing Owner shall pay to the City an annual monitoring fee, due on January 1st of each year, intended to cover the cost of City staff time to receive, review, document, and record compliance of each affordable housing unit with the terms of this Covenant and Agreement. The City estimates the cost to complete the described

monitoring tasks will be \$75.00 for each Restricted Unit in 2019. Should the City staff time needed to complete the required yearly monitoring tasks be less than \$75.00 per Restricted Unit the City will assess a reduced fee that covers only the required City staff time. Every year starting in 2021 the \$75.00 Restricted Unit monitoring fee shall be adjusted on January 1st to account for inflation. To the extent consistent with changes in actual monitoring costs to the City, the Consumer Price Index (CPI) published by the Bureau of Labor Statistics that is part of the United States Department of Labor shall be used to account for inflation to increase or decrease the monitoring fees assessed by the City over time.

- M. Inspection of the Restricted Units, Access License. Housing Owner hereby grants to the City a license, subject to existing laws, rules, regulations, matters of record, and the rights of residential tenants in occupancy, to enter the Project during normal business hours (upon not less than seventy-two (72) hours' prior notice to Housing Owner) in order to inspect the Project and to inspect such records as are necessary to determine compliance with this Agreement, and to exercise any other rights or remedies that the City may have hereunder.

V. ENFORCEMENT, DEFAULT AND REMEDIES

- A. Notice of Default or Violation. In the event of any default under or violation of this Covenant and Agreement, City shall provide the Owner thirty (30) days written notice of such default, which notice shall state the nature of the default or violation. If the default or violation is not cured to the satisfaction of City within thirty (30) days from receipt of such notice, City may pursue any or all remedies available to it as set forth in this Section.
- B. Providing False or Misleading Information. All Owners shall be held liable for the accuracy of all information and documentation provided in and/or in connection with the Application for Eligibility and any audits. If it is determined that false or misleading information was supplied to City, the Rental of the Restricted Unit shall be wholly null and void and City may pursue any or all remedies available to it as set forth in this Section.
- C. City Enforcement. City hereby reserves the right to enforce this Covenant and Agreement by pursuing any and all remedies provided by law or in equity. City's remedies shall include, by way of example and not limitation, the right to specific performance of this Covenant and Agreement, the right to a mandatory injunction requiring the rent of a Restricted Unit in conformance with this Covenant, the disgorgement of profits received from any Transfer conducted in violation of this Covenant and Agreement, and damages and injunctive relieve for breach of this Covenant and Agreement.
- D. Excess Rents. If Rent for any Designated Unit is charged in excess of the limits in this Agreement, the Housing Owner agrees to make refund of those Rents charged in excess, with interest at twelve (12) percent per annum, to those tenants overcharged. Such refund shall be made promptly upon receiving notice of the overcharge from the City.
- E. Other Violations. In the event of any other violation by Housing Owner of any of the provisions of this Agreement, the City may notify Housing Owner in writing of the violation. Housing Owner

shall have thirty (30) days from the date of receipt of such notice to cure such violation. Failure by the Housing Owner to cure within thirty (30) days shall constitute default by Housing Owner under this Agreement. Notwithstanding the foregoing in this subsection, if the violation is of such a nature that it may not be practicably cured within thirty (30) days by Housing Owner, the City may not be entitled to exercise its remedies under this Agreement so long as Housing Owner commences cure of such violation within the thirty (30) day period and diligently pursues the cure to completion.

- F. Remedies. If Housing Owner is found to be in default of this Agreement, the City's remedies shall include, without limitation, specific performance, preliminary and permanent injunctive relief, appointment of a receiver on an interim and/or permanent basis, monetary damages, restitution, and recovery of all costs and attorneys' fees incurred by the City in enforcing this Agreement, including the reasonable value of services provided by attorneys who are City employees and including the reasonable value of any other services provided by City employees.
- G. No Waiver. No waiver of any breach or violation of this Agreement shall be binding unless made in writing by the City and no waiver or delay in enforcing the provisions of this Agreement as to any breach or violation shall impair, damage, or waive the right of the City to obtain relief or recover for the continuation or repetition of such breach or violation or any similar breach or violation of the Agreement at any later time.
- H. Nothing herein limits the authority of the City to take enforcement action under the Code.

VI. OTHER TERMS, CONDITIONS AND REQUIREMENTS

- A. Priority. Housing Owner represents and warrants that there are no monetary liens on the Property or Project with priority over this Agreement.
- B. Representations and Warranties, and No Conflict with other Documents. Housing Owner represents and warrants that it has the full power and authority to enter into and perform this Agreement, that this Agreement represents the valid, binding obligation of Housing Owner and is enforceable in accordance with its terms, and that Housing Owner has not executed and will not execute any other agreement with provisions contradictory to, or in opposition to the provisions of this Agreement.
- C. Attorneys' Fees. If legal action is commenced involving enforcement of this Agreement against the Housing Owner reasonable attorneys' fees and costs shall be awarded to the substantially prevailing party.
- D. Choice of Law, Jurisdiction, and Venue. This Agreement shall be construed and enforced in accordance with and governed by the laws of the state of Washington. Housing Owner and the City consent to the jurisdiction of the courts of the state of Washington and agree that venue of any action arising hereunder shall be exclusively in Skagit County, Washington.
- E. Captions. The section and subsection captions used in this Agreement are for convenience only and shall not control or affect the meaning or construction of any of the provisions in this Agreement.

- F. Genders. The use of any gender herein shall be deemed to include the other gender, and the use of the singular in this Agreement shall be deemed to include the plural and vice versa, wherever appropriate.
- G. Counterparts, Effectiveness, Recordation, Amendments. This Agreement may be executed in two or more counterparts, each of which shall constitute an original. This Agreement shall be effective upon recording. The provisions hereof shall not be amended, revised or terminated, other than pursuant to the express terms hereof, except by an instrument in writing duly executed by the Director and Housing Owner or their successors and assigns, and duly recorded.
- H. Severability. The invalidity of any clause, part or provision of this Agreement shall not affect the validity of the remaining portions thereof.
- I. Entire Agreement. This Agreement, including any exhibits, attachments and references to documents herein, contains the entire agreement and understanding between Housing Owner and the City with respect to the subject matter of this Agreement.
- J. Delivery of Notice. Any notice or other document required or permitted by this Agreement to be delivered to a party shall be deemed delivered on the day personally delivered, or shall be deemed delivered three (3) days after mailing. If the delivery day after mailing falls on a Saturday, Sunday, or City of Seattle holiday, or if personal delivery is made after normal working hours, then the delivery day shall be determined to be the next day that is not a Saturday, Sunday, or City of Seattle holiday.

Delivery to the City shall be made to:

City of Mount Vernon
Attention: City Attorney
910 Cleveland Ave
Mount Vernon, WA 98273

Or to such other address/department as is later specified to the City by written notice to the Housing Owner.

Delivery to Housing Owner shall be made to:

FILL IN c/o Contact name
Contact title Company
name Address
City, State Zip

Or to other such address as is later specified by Housing Owner by written notice to the City.

SIGNED AND APPROVED this [Click here to enter text.](#) day of [Click here to enter text.](#), 20[Click here to enter text.](#)

OWNER

OWNER

Signature of Property Owner

Signature of Property Owner

CITY OF MOUNT VERNON

Mayor

(insert Mayor's name)

Signature of Development Services Director
or Designee

Approved as to form:

City Attorney

Exhibit A: Legal Description
Exhibit B: Project Units, including Designated Units, by Unit Type and Floor Area
Exhibit C: Maximum Rental Calculations

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that [Click here to enter text.](#) is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the [Click here to enter text.](#) to be the free and voluntary act and deed of said [Click here to enter text.](#), for the uses and purposes therein mentioned.

Given under my hand and official seal this [Click here to enter text.](#) day [Click here to enter text.](#) of, 20[Click here to enter text.](#)

(SEAL)

Notary Public
Residing at _____
My appointment expires _____

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that [Click here to enter text.](#) is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the [Click here to enter text.](#) to be the free and voluntary act and deed of said [Click here to enter text.](#), for the uses and purposes therein mentioned.

Given under my hand and official seal this [Click here to enter text.](#) day [Click here to enter text.](#) of, 20[Click here to enter text.](#)

(SEAL)

Notary Public
Residing at _____
My appointment expires _____

EXHIBIT A
LEGAL DESCRIPTION

FILL IN full legal description (not abbreviated)

EXHIBIT B

PROJECT DESCRIPTION

PROJECT NAME: _____

PROJECT FILE #: _____

SITE ADDRESS: _____

SITE PARCEL NUMBER(S): _____

[illegible]

EXHIBIT C

MAXIMUM RENTAL CALCULATIONS

The formula for calculating Income-Based Rent is set by the U.S. Department of Housing and Urban Development (“HUD”), and is equal to 30% of the household’s “adjusted monthly income” less a utility allowance that is described in detail in this Exhibit. The City follows the rules, regulations, and procedures that HUD has adopted to calculate maximum rental calculations that are currently found in Chapter 5 of the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs. A copy of Chapter 5 is attached to this Exhibit.

At such time the above-referenced HUD Handbook is updated or changed the City shall use the updated and/or changed version. Additionally, the Development Services Director has the authority to promulgate rules and procedures to calculate maximum rents.

STEP 1: DETERMINE INCOME ELIGIBILITY.

- A. Calculate Annual Income. The total income of the household (Annual Gross Income) is from all sources anticipated to be received in the 12-month period following the effective date of the income certification. This means income must be annualized, i.e. payment amounts multiplied by the number of payment period per year for all income sources.
- B. Determine Allowed Deductions and Exclusions from the Annual Income. Deductions and exclusions from annual income need to be made as per HUD regulations 24 CFR 5.611(a) as it is currently written and as it may be amended in the future.
- C. Calculate the Adjusted Income (Annual Income less Allowable Deductions = Adjusted Income). The adjusted income is required to be 80% or less of the Mount Vernon-Anacortes MSA median household income, adjusted for household size, as determined by HUD, to be able to rent the restricted dwelling units identified in this Covenant and Agreement.

Following is the Income Limits Information from FY 2019 that is obtained from HUD. This same data is required to be generated using the fiscal year within which the initial eligibility is determined and must be updated for the required yearly income verifications.

INCOME LIMITS	
Family Size	Income Limits to be Eligible to Live in Affordable Housing Units
1	\$42,600
2	\$48,650
3	\$54,750
4	\$60,800
5	\$65,700
6	\$70,550
7	\$75,400
8	\$80,300

STEP 2: CALCULATE THE YEARLY RENT AND UTILITY PAYMENTS REQUIRED

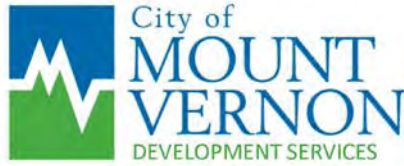
- A. Take the Adjusted Income calculated in Step 1 (above) and multiply it by 30%.
- B. Calculate the monthly utility allowance and multiply it by 12 for a yearly utility allowance. The monthly utility allowance can be determine in one of two ways:
 - a. If the Skagit County Housing Authority has an accurate utility allowance it can used.
 - b. Alternatively, the City can create estimates of the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and utility responsibility in Mount Vernon. These estimates are not intended to be based on an individual families actual energy consumption and do not include non-essential utility costs such as telephone or cable.
- C. Subtract the yearly utility allowance from the Adjusted Yearly Income calculated under Step 2(A).

STEP 3: DETERMINE THE MONTHLY HOUSING PAYMENT

- A. Take the Yearly Rent Minus the Yearly Utility Payments calculated under Step 2(C) and divide this number by 12 to calculate the maximum monthly housing payment.
- B. Should the monthly housing payment be more than the market rate monthly housing payment the monthly housing payment shall be reduced to be equal to the market rate monthly housing payment.

STEP 4: VERIFICATION

- A. All information provided by Applicants and Tenants related to their eligibility is required to be verified.



**DETERMINATION OF NON-SIGNIFICANCE
& NOTICE OF PUBLIC HEARINGS - FILE NO: CA17-0008**

DESCRIPTION OF PROPOSED ACTION: The City of Mount Vernon is considering code amendments to many chapters of the Mount Vernon Municipal Code (MVMC). The main focus of the code amendments is to create new zoning and subdivision regulations to encourage the creation of affordable housing. Following is a summary of the proposed code amendments:

Adoption of a new Chapter of the MVMC to be named Chapter 17.73, Regulations to Encourage Affordable Housing. This new chapter of the MVMC will: allow 50% increase in density in single-family zones, allow the existing density to be doubled in Duplex/Townhouse, Multi-Family zones, and for projects using the Planned Unit Development process. Increased building height and reductions in parking are also allowed in the C-1, C-3 and C-4 zones. All of these increases in density, building height, and reductions in parking are all predicated upon developers taking approximately one-third of the dwelling units they would otherwise be able to create and reserve these units for those earning 80% of the Area Median Income (AMI) and below.

Adoption of another new Chapter of the MVMC to be named Chapter 16.34, Platting of Duplex and Townhouse Structures is also proposed. This new chapter of the MVMC will allow zero lot line townhomes and duplexes to be individually platted and sold.

Other code amendments include: 1) amendments that remove notification requirements, increase the allowable square footage from 900 to 1,000 s.f., and remove the requirement that utilities be shared for Accessory Dwelling Units; 2) amendments that allow additional duplexes in single-family zones and allow reduced setbacks for infill lots; 3) amendments that clarify what accessory structures can be used for; 4) amendments that reclassify certain Administrative Conditional Uses and a few Special Uses such that the uses are outright permitted: in Chapter 17.15 duplexes, day nurseries, room rentals, in Chapter 17.18 day nurseries, in Chapter 17.24 professional offices, specialized housing for the elderly, and day nursery, in Chapter 17.27 professional office, specialized housing for the elderly, and day nursery, in Chapter 17.51 shopping centers, drive-in banks and eating establishments, gasoline service stations and automobile repair garages, and in Chapter 17.54 day nurseries.

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

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

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

PUBLIC HEARINGS: Public hearings to consider the above-described proposed changes to the referenced MVMC sections are scheduled before the Mount Vernon Planning Commission at 6 p.m. on **Tuesday, November 5, 2019**; and before the City Council at 7 p.m. on **Wednesday, November 20, 2019**. Both hearings will be held at the Police and Court Campus, 1805 Continental Place, Mount Vernon.

ATTACHMENT 6: PC STAFF REPORT

Environmental Determination Comment Process: Comments on the environmental determination must be received in writing on or before 4:30 PM **October 21, 2019** (14 days from the date of issuance). Comments received within the 14 days will be reviewed and considered by the Development Services Department. Those persons wishing to submit comments will receive a response from the Responsible Official prior to the end of the SEPA appeal period.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 4:30 PM **October 31, 2019** (10 days following the 14 day comment period).

Appeals must be filed in writing together with the required \$100.00 application fee with: Hearing Examiner, City of Mount Vernon, P.O. Box 809, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department, (360) 336-6214.

CONTACT PERSON: Rebecca Lowell, Principal Planner
Development Services Department
910 Cleveland Avenue
Mount Vernon WA 98273
Telephone - 360-336-6214

The application and supporting documentation are available for review at the Development Services Department located at City Hall. Copies will be provided upon request at the cost of reproduction. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. **PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.** Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's website where the site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then then 'News Notices' then scroll down the page to find the project name/number.

SEPA RESPONSIBLE OFFICIAL: Rebecca Lowell, Principal Planner

Issued: October 3, 2019
Published: October 7, 2019

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

10/02/2019

Ms. Rebecca Lowell
Principal Planner
City of Mount Vernon
8405 S Main Street
Post Office Box 1248
Lyman, WA 98263

Sent Via Electronic Mail

Re: City of Mount Vernon--2019-S-732--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Ms. Lowell:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed adoption of two new codes: Chapter 17.73 Regulations to Encourage Affordable Housing and Chapter 16.34 Platting of Duplex and Townhouse Structures. Chapter 17.73 offers 50% to doubling of densities, additional building height, and reduced parking in exchange for the creation of specified numbers of dwelling units reserved for those earning 80% AMI and below in perpetuity.

We received your submittal on 10/01/2019 and processed it with the Submittal ID 2019-S-732. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 11/30/2019.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Valerie Smith, (360) 725-3062.

Sincerely,

Review Team

ATTACHMENT G - PC STAFF REPORT

Growth Management Services

SKAGIT PUBLISHING
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204-1570
(360)424-3251
Fax (360)416-2161

ORDER CONFIRMATION

Salesperson: JEANETTE MOODY

Printed at 10/03/19 11:14 by jka30

Acct #: 210458

Ad #: 1952479

Status: New

CITY OF MOUNT VERNON - LEGALS
910 CLEVELAND AVE
MOUNT VERNON WA 98273

Start: 10/07/2019 Stop: 10/07/2019
Times Ord: 1 Times Run: ***
STDS 1.00 X 32.78 Words: 865
Total STDS 33.00
Class: 0001 LEGAL NOTICES
Rate: LACR Cost: 355.08
Affidavits: 1

Contact:

Phone: (360)336-6214

Fax#: (360)336-6283

Email: sandy@mountvernonwa.gov

Agency:

Ad Descrpt: CSVH-1952479

Given by: *

P.O. #:

Created: jka30 10/03/19 10:52

Last Changed: jka30 10/03/19 11:14

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFSS
SVH	A	97	W	Mon 10/07/19	1	Mon 10/07/19	SMTWTFSS
SVWN	A	97	W	Mon 10/07/19	1	Mon 10/07/19	SMTWTFSS

AUTHORIZATION

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

Name (print or type)_____
Name (signature)

(CONTINUED ON NEXT PAGE)

This ad has been reformatted for proofing purposes. Column breaks are not necessarily as they will appear in publication.

**CITY OF
MOUNT VERNON
DETERMINATION OF
NON-SIGNIFICANCE
& NOTICE OF
PUBLIC HEARINGS -
FILE NO: CA17-0008**

DESCRIPTION OF PROPOSED ACTION:

The City of Mount Vernon is considering code amendments to many chapters of the Mount Vernon Municipal Code (MVMC). The main focus of the code amendments is to create new zoning and subdivision regulations to encourage the creation of affordable housing. Following is a summary of the proposed code amendments:

Adoption of a new Chapter of the MVMC to be named Chapter 17.73, Regulations to Encourage Affordable Housing. This new chapter of the MVMC will: allow 50% increase in density in single-family zones, allow the existing density to be doubled in Duplex/Townhouse, Multi-Family zones, and for projects using the Planned Unit Development process. Increased building height and reductions in parking are also allowed in the C-1, C-3 and C-4 zones. All of these increases in density, building height, and reductions in parking are all predicated upon developers taking approximately one-third of the dwelling units they would otherwise be able to create and reserve these units for those earning 80% of the Area Median Income (AMI) and below.

gle-family zones and allow reduced setbacks for infill lots; 3) amendments that clarify what accessory structures can be used for; 4) amendments that reclassify certain Administrative Conditional Uses and a few Special Uses such that the uses are outright permitted in Chapter 17.15 duplexes, day nurseries, room rentals, in Chapter 17.18 day nurseries, in Chapter 17.24 professional offices, specialized housing for the elderly, and day nursery, in Chapter 17.27 professional office, specialized housing for the elderly, and day nursery, in Chapter 17.51 shopping centers, drive-in banks and eating establishments, gasoline service stations and automobile repair garages, and in Chapter 17.54 day nurseries.

Appeals must be filed in writing together with the required \$100.00 application fee with: Hearing Examiner, City of Mount Vernon, P.O. Box 809, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department, (360) 336-6214.

SEPA RESPONSIBLE OFFICIAL:

Rebecca Lowell, Principal Planner

Issued: October 3, 2019

Published: October 7, 2019

**Published
October 7, 2019
SVH-1952479**

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

CONTACT PERSON:

Rebecca Lowell,
Principal Planner
Development Services Department
910 Cleveland Avenue
Mount Vernon WA 98273
Telephone - 360-336-6214

APPLICANT & LEAD

AGENCY: City of Mount Vernon, Development Services Department
The lead agency for this proposal has determined

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

PUBLIC HEARINGS: ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.

Adoption of another new Chapter of the MVMC to be named Chapter 16.34, Platting of Duplex and Townhouse Structures is also proposed. This new chapter of the MVMC will allow zero lot line townhomes and duplexes to be individually platted and sold.

Wednesday, November 20, 2019.

Other code amendments include: 1) amendments that remove notification requirements, increase the allowable square footage from 900 to 1,000 s.f., and remove the requirement that utilities be shared for Accessory Dwelling Units; 2) amendments that allow additional duplexes in sin-

Both hearings Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

SKAGIT PUBLISHING
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204-1570
(360)424-3251
Fax (360)416-2161

ORDER CONFIRMATION

Salesperson: JEANETTE MOODY

Printed at 11/04/19 08:51 by jka30

Acct #: 210458

Ad #: 1963080

Status: New

CITY OF MOUNT VERNON - LEGALS
910 CLEVELAND AVE
MOUNT VERNON WA 98273

Start: 11/05/2019 Stop: 11/05/2019
Times Ord: 1 Times Run: ***
STDS 1.00 X 25.02 Words: 676
Total STDS 25.50
Class: 0001 LEGAL NOTICES
Rate: LACR Cost: 274.38
Affidavits: 1

Contact:

Phone: (360)336-6214
Fax#: (360)336-6283
Email: sandy@mountvernonwa.gov
Agency:

Ad Descrpt: SVH-1963080

Given by: *

P.O. #:

Created: jka30 11/04/19 08:46

Last Changed: jka30 11/04/19 08:51

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFSS
SVH	A	97	W	Tue 11/05/19	1	Tue 11/05/19	SMTWTFSS
SVWN	A	97	W	Tue 11/05/19	1	Tue 11/05/19	SMTWTFSS

AUTHORIZATION

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

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

This ad has been reformatted for proofing purposes. Column breaks are not necessarily as they will appear in publication.

**CITY OF
MOUNT VERNON
NOTICE OF
PUBLIC HEARINGS
CODE
AMENDMENTS:
FILE NO: CA17-0008**

DESCRIPTION OF PROPOSED ACTION:

The City of Mount Vernon is considering code amendments to many chapters of the Mount Vernon Municipal Code (MVMC). The main focus of the code amendments is to create new zoning and subdivision regulations to encourage the creation of affordable housing. Following is a summary of the proposed code amendments:

Adoption of a new Chapter of the MVMC to be named Chapter 17.73, Regulations to Encourage Affordable Housing. This new chapter of the MVMC will: allow 50% increase in density in single-family zones, allow the existing density to be doubled in Duplex/Townhouse, Multi-Family zones, for projects using the Planned Unit Development process, and would be required for all rezones approved after these code amendments are codified. Increased building height is also allowed in the C-1, C-3 and C-4 zones. All of these increases in density and building height are all predicated upon developers taking approximately one-third of the dwelling units they create and reserve these units for those earning 80% of the Area Median Income (AMI) and below.

Adoption of another new Chapter of the MVMC to be named Chapter 16.34, Platting of Duplex and Townhouse Structures is also proposed. This new chapter of the MVMC will allow zero lot line townhomes and duplexes to be individually platted and sold.

Other code amendments available for review at the include: 1) amendments that remove notification requirements, increase the allowable square footage upon request at the cost from 900 to 1,000 s.f., and of reproduction. If you wish to remove the requirement to comment on the proposed amendments, you may provide verbal or written comment at the public

hearings. **PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.** Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's website pertinent information can be viewed. This webpage can be viewed as follows:

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

PUBLIC HEARINGS: Public hearings to consider the above-described proposed changes to the referenced MVMC sections are scheduled before the Mount Vernon Planning Commission at 6 p.m. on **Tuesday, November 19, 2019;** and before the City Council at 7 p.m. on **Wednesday, November 27, 2019.** Both hearings will be held at the Police and Court Campus, 1805 Continental Place, Mount Vernon. Please note that staff had previously scheduled a public hearing before the Council on November 20, 2019 this hearing has been moved to November 27, 2019.

Mount Vernon Planning Commission at 6 p.m. on **Tuesday, November 19, 2019;** and before the City Council at 7 p.m. on **Wednesday, November 27, 2019.** Both hearings will be held at the Police and Court Campus, 1805 Continental Place, Mount Vernon. Please note that staff had previously scheduled a public hearing before the Council on November 20, 2019 this hearing has been moved to November 27, 2019.

CONTACT PERSON: Rebecca Lowell, Principal Planner, Development Services Department, 910 Cleveland Avenue, Mount Vernon WA 98273, Telephone - 360-336-6214

The application and supporting documentation are

**Published
November 5, 2019
SVH-1963080**

SKAGIT PUBLISHING
C/O ISJ PAYMENT PROCESSING CENTER
PO BOX 1570
POCATELLO ID 83204-1570
(360)424-3251
Fax (360)416-2161

ORDER CONFIRMATION

Salesperson: JEANETTE MOODY

Printed at 11/06/19 08:48 by jka30

Acct #: 210458

Ad #: 1964126

Status: New

CITY OF MOUNT VERNON - LEGALS
910 CLEVELAND AVE
MOUNT VERNON WA 98273

Start: 11/11/2019 Stop: 11/11/2019
Times Ord: 1 Times Run: ***
STDS 1.00 X 23.51 Words: 629
Total STDS 24.00
Class: 0001 LEGAL NOTICES
Rate: LACR Cost: 258.24
Affidavits: 1

Contact:

Phone: (360)336-6214

Fax#: (360)336-6283

Email: sandy@mountvernonwa.gov

Agency:

Ad Descrpt: SVH-1964126

Given by: *

P.O. #:

Created: jka30 11/06/19 08:38

Last Changed: jka30 11/06/19 08:48

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFSS
SVH	A	97	W	Mon 11/11/19	1	Mon 11/11/19	SMTWTFSS
SVWN	A	97	W	Mon 11/11/19	1	Mon 11/11/19	SMTWTFSS

AUTHORIZATION

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

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

This ad has been reformatted for proofing purposes. Column breaks are not necessarily as they will appear in publication.

**CITY OF
MOUNT VERNON
REVISED NOTICE
OF PUBLIC
HEARINGS CODE
AMENDMENTS:
FILE NO: CA17-0008**

DESCRIPTION OF PROPOSED ACTION:

The City of Mount Vernon is considering code amendments to many chapters of the Mount Vernon Municipal Code (MVMC). The main focus of the code amendments is to create new zoning and subdivision regulations to encourage the creation of affordable housing. Following is a summary of the proposed code amendments:

Adoption of a new Chapter of the MVMC to be named Chapter 17.73, Regulations to Encourage Affordable Housing. This new chapter of the MVMC will: allow 50% increase in density in single-family zones, allow the existing density to be doubled in Duplex/Townhouse, Multi-Family zones, for projects using the Planned Unit Development process, and would be required for all rezones approved after these code amendments are codified. Increased building height is also allowed in the C-1, C-3 and C-4 zones. All of these increases in density and building height are all predicated upon developers taking approximately one-third of the dwelling units they create and reserve these units for those earning 80% at the Police and Court of the Area Median Income (AMI) and below.

additional duplexes in single-family zones and allow reduced setbacks for infill lots; 3) amendments that clarify what accessory structures can be used for; 4) amendments that reclassify certain Administrative Conditional Uses and a few Special Uses such that the uses are outright permitted: in Chapter 17.15 duplexes, day nurseries, room rentals, in Chapter 17.18 day nurseries, in Chapter 17.24 professional offices, specialized housing for the elderly, and day nursery, in Chapter 17.27 professional office, specialized housing for the elderly, and day nursery, in Chapter 17.51 shopping centers, drive-in banks and eating establishments, gasoline service stations and automobile repair garages, and in Chapter 17.54 day nurseries.

LOCATION: the code amendments are non-project actions that would apply city-wide.

PUBLIC HEARINGS:

Public hearings to consider the above-described proposed changes to the referenced MVMC sections are scheduled before the Mount Vernon Planning Commission at 6 p.m. on **Tuesday, November 19, 2019**; and before the City Council at 7 p.m. on **Wednesday, December 11, 2019** (the previously scheduled November 27, 2019 City Council Hearing of the dwelling units they would otherwise be able to create and reserve these units for those earning 80% at the Police and Court of the Area Median Income Campus, 1805 Continental Place, Mount Vernon.

Adoption of another new Chapter of the MVMC to be named Chapter 16.34, Platting of Duplex and Townhouse Structures is also proposed. This new chapter of the MVMC will allow zero lot line townhomes and duplexes to be individually platted and sold. The application and supporting documentation are available for review at the

Other code amendments include: 1) amendments that remove notification requirements, increase the allowable square footage of reproduction. If you wish from 900 to 1,000 s.f., and to comment on the proposed amendments, you that utilities be shared for Accessory Dwelling Units; ten comment at the public 2) amendments that allow hearings. **PUBLIC COM-**

MENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

City staff has created a page on the City's website where pertinent information can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then 'Affordable Housing Work Plan' found on the left side of the screen.

**Published
November 11, 2019
SVH-1964126**



AFFIDAVIT OF MAILING

I, **Morgan Morrison**, hereby declare as follows:

1. I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.
2. On **11/06/2019** I mailed via the United States mail to the following parties the **Affordable Housing Code Amendments Public Hearing Notice.**
See attached list

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Mount Vernon this **6th** day of **November, 2019.**

Morgan Morrison

Your Name

ATTACHMENT 6: PC STAFF REPORT

NAME	BUSINESS/ORG.	ADDRESS	CITY	STATE	ZIP
Paul Woodmansee	BYK Construction	702A Metcalf Street	Sedro-Woolley	WA	98284
Dave Prutzman	Samish Bay Land Company	4215 Montgomery Place	Mount Vernon	WA	98274
Dan Mitzel	Hansel-Mitzel Homes	P.O. Box 2523	Mount Vernon	WA	98273
Jodi Monroe	Skagit Land Trust	P.O. Box 1017	Mount Vernon	WA	98273
Bill Henkel	Community Action	330 Pacific Place	Mount Vernon	WA	98273
John J. Piazza, Sr.	Piazza and Associates Consultants	918 S 38th Place	Mount Vernon	WA	98274
Jay Manhas	JJ Place	2303 E Meadow Blvd	Mount Vernon	WA	98273
Darren Bell	Bell and Sons Construction	16306 Penn Road	Mount Vernon	WA	98273
Melissa Self	Skagit Council Housing	2405 Austin Lane	Mount Vernon	WA	98273
April Axthelm	Skagit Council Housing	17000 Dike Road	Mount Vernon	WA	98273
LuAnne Burkhardt	Skagit Council Housing	4463 Shantel Street	Mount Vernon	WA	98274
John Piazza, Jr.	Piazza Construction	224 Stewart Road, Suite 130	Mount Vernon	WA	98273
Rex Orkney		3600 Swan Road	Mount Vernon	WA	98273
Jerry Hoback		15407 Cottonwood Lane	Mount Vernon	WA	98273
Troy Fair		635 E Orange Ave	Burlington	WA	98233
Tom Fair		20297 Nedra Lane	Burlington	WA	98233
Sam and Shiela McCandlish		13797 Trumpeter Ln	Mount Vernon	WA	98273
Kirk Johnson		1718 Lindsay Loop	Mount Vernon	WA	98273
Andy Mayer		P.O. Box 1007	Mount Vernon	WA	98273
Sue Brown		2725 E Fir Street #60	Mount Vernon	WA	98273
Ellen Gamson		P.O. Box 1801	Mount Vernon	WA	98273
Wayne Crider	SICBA	15571-A Peterson Road	Burlington	WA	98273
John and Marie Erbstoesz		217 East Division Street	Mount Vernon	WA	98273
Gene Van Selus	Salem Village Communities	2529 N LaVenture Road	Mount Vernon	WA	98273
Sister Susan Wells	Catholic Community Services	1133 Railroad Ave, Ste 100	Bellingham	WA	98225
Tom Theisen	Skagit Council Housing	518 N 4th Street	Mount Vernon	WA	98273
Joan Penney		4210 Lupine Dr	Mount Vernon	WA	98273
Melanie Corey	Skagit County Housing Authority	1650 Port Drive	Burlington	WA	98233
City of Mount Vernon	Development Services	910 Cleveland Ave	Mount Vernon	WA	98273
Bruce Lisser	Lisser and Associates	320 Milwaukee St	Mount Vernon	WA	98273



NOTICE OF PUBLIC HEARINGS *for* PROPOSED CODE AMENDMENTS

APPLICANT:

City of Mount Vernon

PROJECT PLANNER:

Rebecca Lowell

PLANNING COMMISSION HEARING:

6 p.m. November 19, 2019

CITY COUNCIL HEARING:

7 p.m. December 11, 2019

PROJECT LOCATION:The code amendment will apply
City-Wide**ADDITIONAL INFORMATION:**

Can be obtained by calling, emailing,
or navigating to the City's website
at: www.mountvernonwa.gov; click
on 'Departments' then
'Development Services' then
'Affordable Housing Work Plan'

FOLLOWING IS A SUMMARY OF THE PROPOSED CODE AMENDMENTS: The City of Mount Vernon is considering code amendments to encourage the creation of affordable housing. These amendments include the adoption of a new Chapter of the MVMC to be named Chapter 17.73, Regulations to Encourage Affordable Housing, that will allow 50% increase in density in single-family zones, allow the existing density to be doubled in Duplex/Townhouse, Multi-Family zones, for projects using the Planned Unit Development process, and would be required for all rezones approved after these code amendments are codified. Increased building height is also allowed in the C-1, C-3 and C-4 zones. All of these increases in density and building height are all predicated upon developers taking approximately one-third of the dwelling units they would otherwise be able to create and reserve these units for those earning 80% of the Area Median Income (AMI) and below.

Adoption of another new Chapter of the MVMC to be named Chapter 16.34, Platting of Duplex and Townhouse Structures is also proposed that will allow zero lot line townhomes and duplexes to be individually platted and sold.

Other code amendments include: 1) amendments that remove notification requirements, increase the allowable square footage from 900 to 1,000 s.f., and remove the requirement that utilities be shared for Accessory Dwelling Units; 2) amendments that allow additional duplexes in single-family zones and allow reduced setbacks for infill lots; 3) amendments that clarify what accessory structures can be used for; 4) amendments that reclassify certain Administrative Conditional Uses and a few Special Uses such that the uses are outright permitted: in Chapters 17.15, 17.18, 17.24, 17.27, 17.51, and 17.54.

PUBLIC COMMENTS ARE WELCOME. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. **PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.** Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed below.



Please Sign In
Planning Commission 11/05/19

[illegible]

From: [Charles Crider](#)
To: [Lowell, Rebecca](#)
Subject: RE: Mount Vernon Technology Fee
Date: Thursday, November 14, 2019 9:33:27 AM

Caution External Message

Rebecca,

I received the postcard indicating Public Hearings for Code Amendments. Unfortunately I will not be able to attend the Planning Commission meeting on the 19th. We have an event that evening.

Please know that SICBA will support any effort to allow for affordable housing through increased density, zero lot line development and multi story development. If you need anything from me, please let me know and I will get what information and input I can for you.

Wayne