

RESOLUTION NO. 491

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON,
WASHINGTON, ADOPTING A PUBLIC PARTICIPATION PROGRAM
PURSUANT TO THE STATE GROWTH MANAGEMENT ACT

WHEREAS, The public participation program presented to the Planning Commission has been under development at the staff level since 1997, and was modeled after Skagit County's approved public participation program, and

WHEREAS, Elements of the program were reviewed by various members of the public from time to time during the process of conceptualization and drafting; and

WHEREAS, In addition, the development of a public participation program was mandated by order of the Western Washington Growth Management Hearing Board (Cause No. 98-2-0006c) entered in July of 1998, and

WHEREAS, The Planning Commission reviewed a draft Public Participation Program, and conducted a public hearing on August 11, 1998 and took public input, following regular and proper notice thereof, and

WHEREAS, the Planning Commission again deliberated on the issue at a public meeting held August 25, 1998, at which time they instructed staff to incorporate certain changes suggested after taking public comment, and recommended adoption by the City Council of a version of the Public Participation Program that incorporated these changes, and

WHEREAS, The City Council reviewed the draft Public Participation Program, as recommended by the Planning Commission, at a regular meeting held September 23, 1998, and

WHEREAS, The Council found the Public Participation Program to conform with the requirements of RCW 36.70A.140, and found it promotes early and continuous public participation in the development and amendment of the comprehensive land use plan and development regulations, and

WHEREAS, The Council approved adoption of the public participation program with some changes to the recommended version forwarded from the Planning Commission which incorporated the addition of the Mayor to process, and

WHEREAS, The City Council re-examined the proposed ordinance at a Public Hearing on December 3, 1998 following regular and proper notice thereof. The Council took testimony then closed the public hearing and recommended that staff incorporate some additional recommendations for further review at the January 13, 1999 meeting, and

WHEREAS, Additional comments were forwarded to Council on January 13, 1999, after the public hearing had been closed. The Council made a motion to re-open the public hearing on February 10, 1999 to allow for additional public comments, and

WHEREAS, After additional review and the taking of additional public testimony on February 10, 1999 the City Council closed the public hearing, deliberated on the comments and decided to reopen the public hearing on March 10th, 1999.

WHEREAS, After additional review and the taking of additional public testimony on March 10, 1999 the City Council incorporated additional recommended changes for their final version of the Public Participation Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, that the following Public Participation Program is hereby adopted, pursuant to authority of the State Growth Management Act:

**CITY OF MOUNT VERNON – GROWTH MANAGEMENT ACT
PUBLIC PARTICIPATION PROGRAM**

This program is adopted under the authority of the Growth Management Act (GMA), RCW 36.70A.140. It applies only to the adoption of a comprehensive plan, sub-area plans, development regulations, and amendments thereto, adopted under GMA, and does not apply to site specific project applications or the amendment of Countywide Planning Policies. Project applications and reviews are governed by Ordinance No. 2856 as amended by Ordinance No. 2878 and as codified as Mount Vernon Municipal Code Chapter 14.05. Generally, the policies herein described provide for review by the Planning Commission or the Planning Commission with the assistance of advisory committees (see Flow Chart, Exhibit "A"). The adoption of this resolution shall amend/repeal and replace the City's procedures for docketing and accepting suggested amendments to GMA plans or regulations as required by RCW 36.70A.470 as governed by the procedures identified in the Motion of City Council dated March 25, 1998. The procedures for processing those docketed or suggested amendments shall be governed by the provisions of this Resolution. (Please refer to the attached flow chart for a visual representation of the process.)

(1) Receipt and Docketing of Suggested Amendments:

- a. The Community and Economic Development Department shall accept applications at any time during the year for suggested amendments to the GMA comprehensive plan or development regulations. Applications which are associated with a development of proposed amendments for a specific parcel of land shall be accompanied by a fee as established in Ordinance

No. 2855. There shall be no fee for other applications. All comprehensive plan amendment applications received during the year shall be docketed for annual review starting in February, as described in this Resolution.

- b. In addition, pursuant to RCW 36.70A.470, if, during an individual project permit review, the City identifies any deficiency in a GMA plan or regulation, the City shall not use the individual project review as a comprehensive planning process, but rather shall docket any identified deficiencies for possible future plan or development regulation amendment, together with other suggested amendments during the City's annual review of potential amendments described in this Resolution. (Please note while development regulations may be included during the annual review of the Comprehensive Plan, they are not restricted to a once a year review.)
- c. In January of each year, the City of Mount Vernon shall announce, by publication in a newspaper of general circulation in the City, that proposed amendments to the comprehensive plan should be submitted to the City on or before January 31 if they are to be considered for review during the current year's amendment process. The information that should be submitted to the City with a proposed amendment request shall be substantially in the form attached as Exhibit "B" to this Resolution.
- d. In February of each year, the Community and Economic Development Department shall compile all the docketed amendments, together with all the suggested amendments received at anytime during the proceeding year and shall forward all those proposed amendments to the City Council for a public hearing before Council for their determination regarding which amendments should be considered during the current amendment cycle. If no amendment requests are received and no items have been docketed during the preceding year, the Community and Economic Development Department shall so report to the Mayor and City Council, and the annual review of the comprehensive plan shall be considered completed.
- e. The City may take as long as sixty (60) days from the closing of the January application period to complete the initial review of the proposed amendments and determine which ones will be accepted for this annual review. Necessary environmental determination requirements may lengthen this period.
- f. In its evaluation of proposed amendments to the comprehensive plan, Staff may recommend for action by the City Council the following:
 - (i) Accept the proposed amendment for review in the current year, or
 - (ii) Docket the proposed amendment for review in a subsequent year, or

- (iii) Reject the proposed amendment, or
 - (iv) Staff may pass proposed amendments to the Council without recommendation.
- g. In determining whether to review the proposed amendments during the current year or during a subsequent year, the Council shall consider the relative importance of the proposed amendments, the relationship the proposed amendment may have to other pending proposed amendments, any factors which bear on the issue of a need for prompt review, the period of time the proposed amendment has been on the docket for review, and particularly the ability of staff and the Planning Commission to review the proposed amendments in a one year period.
- h. All proposed amendments that the City Council confirms from the Staff's recommendation should be reviewed in the current year. The Council shall, by resolution, forward the proposed amendment to either the Planning Commission or to an established Citizen's Advisory Committee or a Technical Advisory Committee as described in Section 2 below to initiate review of the proposed amendments.

(2) Citizen's Advisory and Technical Advisory Committee Input:

The following procedures will be adopted for the formation of CACs and/or TACs:

- (a) A CAC or TAC may be initiated by one of the following methods:
 - (i) The MAYOR may establish and have the CITY COUNCIL confirm a CAC or TAC by resolution; or
 - (ii) The PLANNING COMMISSION or any citizen may request the MAYOR consider the establishment of a new CAC or TAC to assist the City in its review of a proposed comprehensive plan, subarea plan, development regulation or any amendment thereto. The MAYOR will then make a recommendation to the CITY COUNCIL who will take public comment on the request, and shall consider if a new CAC or TAC would be useful. If a CAC or TAC are found to facilitate the process, then the COUNCIL will take action to confirm its formation by resolution.
- (b) When the CITY COUNCIL authorizes the MAYOR's appointed CAC or TAC, the MAYOR shall also establish a procedure for taking applications and selecting membership to the CAC or TAC, including establishing a term of service and a method of reappointment (if any) or replacement of members. In the formation

of a CAC or TAC, the MAYOR will seek to have a variety of interests represented. A CAC or TAC may be chaired by a member of the PLANNING COMMISSION to assist the committee in their deliberations and in coordinating their efforts with the PLANNING COMMISSION and Community and Economic Development Department (CEDD) or consultants.

- (c) As part of an individual request for an amendment to the GMA comprehensive plan or a development regulation and to facilitate thorough and effective public involvement in the GMA amendment process, the proponent of the amendment may recommend the formation of a CAC or TAC and should provide the MAYOR, with a recommendation for CAC or TAC members. To facilitate a complete understanding of the proposed amendment and the time and resources that may be necessary to thoroughly consider the proposed amendment, the applicant(s) should participate with Community and Economic Development staff to prepare and provide a detailed summary or analysis indicating the applicant's suggestions regarding a proposed timeline to complete the proposed plan or activity, estimated costs, estimated demands on City staff and resources, a proposed schedule for neighborhood meetings, a plan to disseminate information to affected property owners within the area, how minutes of the meetings will be prepared and documented, and how an accurate record of the committee activities will be maintained for public review. The intent of the requirements in this subsection is to ensure adequate and realistic consideration of the efforts that should be expected to complete review of the applicant's suggested amendment. NOTE: The decision to form a CAC or TAC, as well as the scope of review, timelines and resources devoted to the project, will remain a matter solely within the discretion of the CITY.

- (d) After formation, the CAC and/or TAC shall follow the requirements in the State Open Public Meetings Act (RCW 42.30). All meetings of the CAC or TAC shall be open to the public and shall be held at a site and time when the working public can attend. The CAC and TAC shall establish and publish a schedule of meeting days, time(s) and location(s) for committee meetings and shall keep minutes of committee meetings. Documents reviewed or prepared by or at the request of the CAC or TAC shall be retained by the CEDD and shall become a permanent part of the record relating to the issues under consideration. The MAYOR shall establish in the Resolution establishing the CAC or TAC rules of procedure for and time frames for deliberation and recommendations by a CAC or TAC.

- (e) A City of Mount Vernon CEDD staff person may be assigned, depending on staffing levels and department activities, to each CAC and TAC to provide staff support. If no such staff person is assigned, it shall be the responsibility of the CAC or TAC to prepare minutes and to forward such minutes and any documents reviewed to the Office of the City of Mount Vernon CEDD for retention and maintenance for public review.
- (f) Notwithstanding the procedure outlined in subsection 1 (a-d), if the MAYOR or CITY COUNCIL determines that time constraints imposed by orders from the Western Washington Growth Management Hearings Board or other legal requirements likely cannot be met if a CAC or TAC is established and utilized as provided in this section, the MAYOR or CITY COUNCIL need not honor a request to form the CAC or TAC, even if it may otherwise be useful to do so.
- (g) The PLANNING COMMISSION may suggest changes to a CAC or TAC recommendation and either remand it back to the CAC or TAC for further consideration, or forward the CAC or TAC recommendation to the CITY COUNCIL with the PLANNING COMMISSION's recommended changes.

(3) Public Review, Comment and Hearing Procedures:

- (a) The PLANNING COMMISSION will review all proposed amendments to amend or adopt new plans and/or implementing regulations, and make recommendations to the CITY COUNCIL. The City will follow the procedures in RCW 35A.63 and 36.70A, including the right to adopt interim ordinances and moratoria pursuant to RCW 35A.63.220 and 36.70A.302 and 390 or emergency ordinances if circumstances warrant. The CITY COUNCIL may consider and adopt minor or clarifying amendments to plans or development regulations without additional public comment pursuant to and under the conditions set forth in RCW 36.70A.035 (2). The MAYOR or CITY COUNCIL may set time lines for recommendations by the PLANNING COMMISSION.
- (b) Proposed drafts of the plans or ordinance(s), together with any SEPA analysis, shall be available for public review when the notice of public hearing is published, at least fifteen (15) calendar days before the date set for hearing. A staff report or memo, including a description of all documents upon which it relies for any recommendations in the report or memo, shall also be available at least fifteen (15) calendar days before the public hearing. The public record shall be kept at the Community and Economic Development Department or, on occasion, another City office, and

shall be available to the public during the hours that City office is open to the public consistent with the requirements of RCW 42.17.250 et seq. The City will strive to maintain an updated index to the record for each proposed draft of a plan or ordinance. Such index shall be available to the public upon request. Confirmation on the location of the record can be made by contacting the Community and Economic Development Department. Requests for immediate access to such public record will be accommodated whenever possible, given staffing levels. The requirement for the submittal of information from staff at least fifteen (15) calendar days before the public hearing, shall not preclude staff from providing new information or a new recommendation based upon additional information which does not constitute a substantial change warranting new public comment.

Subsection (2) (b) above does not mean, however, that staff cannot present additional information or analysis in the course of the deliberations to address substantive issues, particularly those raised by public comment or comments or questions from the PLANNING COMMISSION, MAYOR or CITY COUNCIL.

Notice shall be given of proposed amendments to the comprehensive plan or development regulations in a manner reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses and organizations. Due consideration shall be given to each of the examples of reasonable notice set forth in RCW 36.70A.035 (1), with a minimum notice as follows: Notice of the time, place and purpose of public hearings for proposed amendments shall be published in the official newspaper of the City at least fifteen (15) days prior to the date of the hearing.

- (c) Unless an ordinance is to be adopted as an interim ordinance under the provisions of RCW 36.70A.390, the PLANNING COMMISSION will hold at least one public hearing at the beginning of its deliberations. Depending on the course of the deliberations, the PLANNING COMMISSION may hold additional hearings or conduct a neighborhood meeting before making a recommendation, but is not required to do so.
- (d) The PLANNING COMMISSION will make a recommendation, together with findings, to the CITY COUNCIL unless it is unable to reach a decision on a recommendation. The CITY COUNCIL retains the right, in the event it determines the PLANNING COMMISSION or CAC or TAC will not return a recommendation in a timely, efficient, and cost effective manner, to terminate the

PLANNING COMMISSION's review and consider the proposed amendment as recommended by the CEDD.

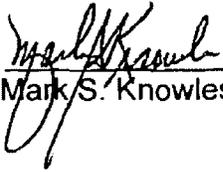
- (e) If, in the opinion of the MAYOR or CITY COUNCIL, the PLANNING COMMISSION recommendation is substantially different from that which the public last had the opportunity to comment on, or if the MAYOR or CITY COUNCIL determines a change to the recommendation is appropriate, the MAYOR or CITY COUNCIL shall provide an opportunity for review and comment on the proposed change before voting on the proposed change. In determining whether the recommendation or the proposed change requires an opportunity for additional public review and comment before adoption, the City shall use the standards in RCW 36.70A.035(2). If additional public review and comment is warranted, at a minimum the MAYOR or CITY COUNCIL may:
 - (i) Allow at least fifteen (15) calendar days for written public comment after notice by one publication in a newspaper of general circulation in the City before taking any final action on the current recommendation, and
 - (ii) Provide for at least a fifteen (15) calendar day notice of public hearing in the event that another public hearing is to be held.
 - (iii) Assure that copies of the proposed recommendation, staff reports, and findings are available at the start of any such public comment period or public hearing notice period.
- (f) The CITY COUNCIL shall not be prohibited from having information sessions on the status of the PLANNING COMMISSION deliberations, nor from providing input regarding the PLANNING COMMISSION review, as long as any such discussion or input is conducted in public meetings and, if it results in substantial changes to the plan or regulation that had public comment, the procedure for additional comment described above is followed.
- (g) The provisions of RCW 36.70A.390 for interim maps or controls, if applicable to any specific action, would supersede the provisions of this program.

ADOPTED by the City Council of the City of Mount Vernon at a regular meeting held on the 10th day of March, 1999.



SKYE K. RICHENDRFER, Mayor

Attest:



Mark S. Knowles, Finance Director

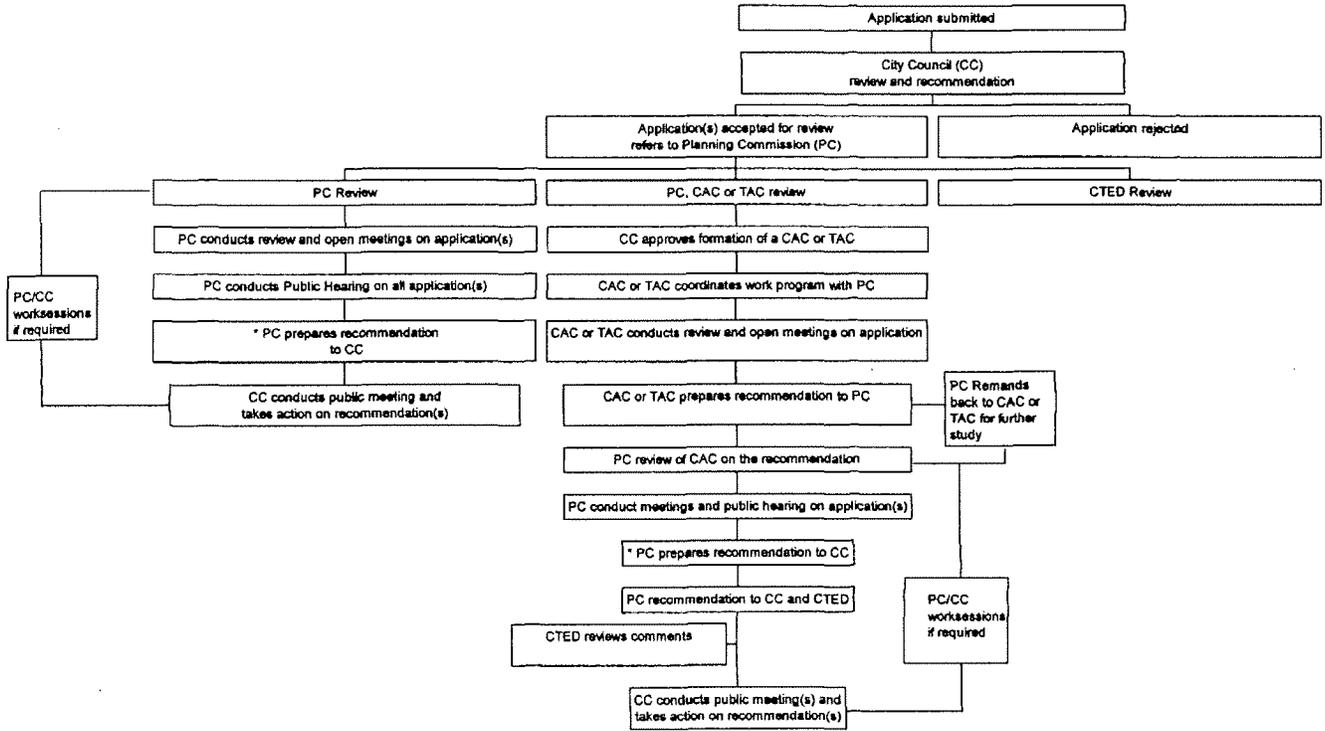
Approved as to form:



Elizabeth Sproston
City Attorney

Published _____

City of Mount Vernon Growth Management Act Public Participation Program



*CC may terminate review due to failure to meet schedule.

CITY OF MOUNT VERNON

COMPREHENSIVE PLAN AMENDMENT PETITION

Type of Amendment – Please Check

Rezone Application Required _____

SEPA Application Required _____

_____ Policy

_____ Map

_____ Regulation

_____ Plan

_____ Other (Please Specify) _____

Proponent Information:

Name: _____

Address: _____

Phone No.: _____ Fax No.: _____

Amendment Information: The merits of a proposed amendment shall be measured against the petition submittal requirements listed below to ensure consistency in the review and decision making. Please provide the following (attach additional pages if necessary):

- 1. A detailed statement of what is proposed to changed and why.

- 2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.

3. A demonstration of why an existing comprehensive plan policy, plan, or recommendation should not continue to be in effect or why an existing policy, plan, or recommendation no longer applies.

4. A statement of how the amendment complies with the comprehensive plan's community vision statements, goals, objectives and policy directives.

5. A statement of how facility plans and capital improvement plans supports the change.

6. A statement of how the change affects land use regulations (i.e. zoning, subdivision, etc.) and the necessary text changes to bring the land use regulations into compliance with the plan.

7. A demonstration of public review of the recommended change.

8 A statement of how the public should participate in your proposed amendment.

9. An estimated time frame or schedule necessary to complete the amendment.

10. An estimate cost to complete the amendment in consideration of staff time, consultant services, printing mapping, public notices and information, etc.

11. Will a Citizens Advisory Committee or Technical Advisory Committee acting as a subcommittee of the Planning Commission be necessary to evaluate this amendment?

Yes _____

No _____

If yes:

A. What are your recommendations for membership on the committee?

B. How and when will meetings be conducted?

C. How will the City Council and Planning Commission be advised of the Committee's progress?

D. How will the public participate in the Committee meetings?

12. A detailed statement describing how the map amendment complies with the comprehensive plan land use element (for map amendment only).

EXHIBIT C

DEVELOPMENT CODE AND COMPREHENSIVE PLAN CITIZEN ADVISORY COMMITTEE COMMON GROUND RULES

The members of the Citizen Advisory Committees (CACs) working on the recommended revisions to the Comprehensive Plan (CP) and Development Code (DC) will adopt the general guidelines outlined below as a means of structuring their conduct and thereby facilitating the recommendation process upon which they have embarked.

1. We acknowledge that we each bring with us legitimate purposes and goals. We recognize the legitimacy of each other's goals and assume that our goals will also be respected. We will attempt to maximize as much as possible the attainment of all goals.
2. We agree that the Growth Management Act and CountyWide Planning Policies, and the Comprehensive Plan will be the guiding principles for the development of amendments.
3. We agree our goal, as an advisory committee is to recommend code or comprehensive plan language that implements the goals and objectives of the Comprehensive Plan, or vision of the community.
4. We agree that this effort is a priority in terms of meeting goals and objectives of our assigned tasks and to do so in a timely manner. All timelines will be adhered to.
5. We agree that Citizen Advisory Committee recommendations will be made by a show of hands. The vote will be recorded in CAC minutes and on the proposed change forms. As we are advisory only, the Planning Commission and the City Council will consider CAC recommendations when making recommendations and taking action.
6. We agree that meeting attendance is an important requirement and that more than two absences in succession will result in our no longer being able to serve as a Citizen Advisory Committee member.
7. We will be as concerned about solving the problems of our fellow members as we are about solving our own.
8. We agree that all land use issues, identified by motion by any member, and receiving a second, must be addressed by the CAC.
9. We as members acknowledge the freedom to disagree and respect each other's right to disagree.

EXHIBIT D

DEVELOPMENT CODE AND COMPREHENSIVE PLAN CITIZEN ADVISORY COMMITTEES (CAC'S)

REVIEW CRITERIA

1. Code and Comprehensive Plan revision proposals must be consistent with, and implement, the Growth Management Act, the City Comprehensive Plan, and the Countywide Planning Policies.
2. All proposed recommendations for substantive revisions to the development code or Comprehensive Plan shall be determined by majority vote of the members in attendance at a Citizen Advisory Committee meeting.
3. All proposed recommendations for substantive code or comprehensive plan revisions must be submitted on the proposed code change forms provided for this purpose. These will become part of the public record and will accompany the draft development code or comprehensive plan amendments to the Planning Commission and City Council.

REVISION GUIDELINES

4. Is there supporting data or convincing evidence to illustrate or support the specific code change or comprehensive plan amendment?
5. Is it a practical solution to the problem? Does it do what the proponent intended? Run an example project through the proposed code change to see if it accomplishes the purpose.
6. Is it located in the right section of the code or comprehensive plan? Could it be more effective in a different location?
7. Is the proposed change consistent with other code or comprehensive plan provisions? Does it require corresponding changes in other code or comprehensive plan sections or other codes?
8. Is the wording as clear as it can be? Is it concise while still saying everything it needs to say? Does it avoid confusion and the potential for varying interpretations?
9. Is the format of the code or comprehensive plan change consistent with proper code organization and writing style?
10. Does the "reason" portion of the submittal clearly and concisely explain the need for the change and the effect it will have on the code or comprehensive plan?

EXHIBIT E

**CITY OF MOUNT VERNON
CITIZEN ADVISORY COMMITTEES (CAC'S)**

**The Code and Comprehensive Plan Change Process
&
The Code Change Form**

ICBO (The International Conference of Building Officials) has been using this format for decades. The method allows hundreds of code items to be debated and voted upon in a few full days. It allows all interested parties to contribute to better codes in a productive and efficient manner. Time is always of the essence so here we go:

Committee members:

As you review the code, use this form to suggest better language. You can rewrite chapters by adding an extra sheet to this form. You need only to fill out the front part of the form. Fill in each blank for the best chance of getting your change through.

The back side of the form is what we will use to keep minutes of the proceedings. It will be filled out to create a record of these meetings. It will go to the Planning Commission as decided upon for their consideration. Simple majority votes of those present will go into the draft to the Planning Commissioners. They will be able to see how the vote went as they deliberate. They will also see the proposals that had minority votes and those that failed for lack of a second.

The public may wish to propose a change. During the CAC process in the interest of time, they will need to go through one of you to be heard. Encourage them to submit their code or comprehensive plan change ideas during the public input process to the Planning Commissioners.

Chair:

One of your primary responsibilities is to keep the meeting moving. The change form is designed to give you that opportunity.

Suggestions:

- *Decide what sections need to be covered each meeting.*
- *Call for change proposals that fall into the sections you are covering that evening.*
- *Go by sections from beginning to end.*
- *When a change is put on the table call for a 2nd (to the standing motion). If no one seconds the proposal, move right on to the next proposal.*
- *If time is limited put a limit to each speaker after the proponent states the case.*
- *Call for the vote.*
- *Move on to the next item.*

Friendly amendments are encouraged. Two or three members are often trying to "fix" the same section. If proponent 1 accepts #2's change it may gain a majority vote.

Sometimes tabling an item is a possibility to allow a caucus of those concerned to agree on language. Remember timeframes need to be met and the caucus has to be open to the public at an advertised time and place accessible to the public. Maybe on convening that evening or prior to the arranged time next meeting with notice.

Staff is here to help you whenever possible. Let us know what questions you have and what your needs are.

Thank you for your time and dedication in making this a great code.

EXHIBIT F

DATE RECEIVED

**DEVELOPMENT CODE OR COMPREHENSIVE PLAN
Proposed Code Change Form**

Committee Name: _____

Motion Made by Committee Member _____

Citation (Chapter and Section to be revised) _____

Moved (Recommended Revision): _____

(attach additional pages if necessary)

Justification/Goal/Purpose: _____

Cite the Comprehensive Plan Policies, RCW, WAC, and/or Federal Regulations that supports the proposed revision: _____

EXHIBIT G

THIS PAGE TO BE COMPLETED BY CITIZEN ADVISORY COMMITTEE

Form ID No. _____

Motion Seconded by Committee Member _____

Motion Failed (Lack of Second) _____

Additional Findings that Support Consistency with, and Implement, the GMA, the Comprehensive Plan and Countywide Planning Policies:

Final Recommended Revision Language:

Motion Approved _____

Motion Failed _____

COMMITTEE

MEMBER

APPROVED

DISAPPROVED

ABSTAINED

ABSENT

	APPROVED	DISAPPROVED	ABSTAINED	ABSENT

RECORDED BY _____

DATE _____