



Ordinance

Number 3911

Date 3/12/2025

Keywords Municipal Code Amendment, Chapter 14.05, Procedures

ORDINANCE NO. 3911

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, AMENDING CHAPTER 14.05, PROCEDURES, OF THE MOUNT VERNON MUNICIPAL CODE TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 36.70B RCW, LOCAL PROJECT REVIEW

WHEREAS, the City is an optional municipal code city, organized under Title 35A RCW, with all powers possible for a city or town to have under the Constitution and laws of the State; and

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, local project review processes are governed by Chapter 36.70B RCW; and

WHEREAS, during its 2023 session, the Washington State Legislature adopted and the Governor signed SB 5290, codified in Chapter 36.70B RCW with the intent to increase the timeliness and predictability of local permit processing; and

WHEREAS, the code amendments proposed modify relevant chapters of the Mount Vernon Municipal Code such that it complies with the provisions Chapter 36.70B RCW as revised by SB 5290; and

WHEREAS, the proposed amendments to the Mount Vernon Municipal Code relate solely to governmental procedure and will result in no substantive changes with respect to use or modification of the environment, and are therefore exempt from review under SEPA pursuant to WAC 197-11-800(19)(a); and

WHEREAS, the proposed amendments to the Mount Vernon Municipal Code relate solely to governmental procedure and are not required to have a public hearing before the Mount Vernon Planning Commission pursuant to MVMC 14.05.080(F)(4); and

WHEREAS, RCW 36.70B.080, provides for partial refunds (10 to 20 percent) of permit fees collected if the deadlines for permit review are not met; except refunds are not required if a city has adopted at least three (3) of the mitigating measures listed in RCW 36.70B.160; and

WHEREAS, consistent with RCW 36.70B.160, the City's current permit processing procedures include the following to provide prompt, coordinated review and ensure accountability to applicants and the public:

1. Impose reasonable fees to cover the cost to the city, of processing applications, inspecting and reviewing plans, or preparing detailed statements required by the State Environmental Policy Act RCW (RCW 36.70B.160(1)(b));
2. Maintain and budget for on-call permitting assistance for when permit volumes or staffing levels change rapidly (RCW 36.70B.160(1)(d));
3. Include development regulations that make preapplication meetings optional rather than a requirement of permit application submittal (RCW 36.70B.160(1)(g)); and

WHEREAS, with the above procedures in place, RCW 36.70B.080 does not require the City to refund any portion of an applicant's permit fee when the time period for processing the permit is not met; therefore, the City is not adopting refund provisions in these amendments to Chapter 14.05 MVMC; and

WHEREAS, the City Council considered these issues during its meeting on December 18, 2024, at a hearing on February 26, 2025 that was continued to March 12, 2025, and at a hearing on March 12, 2025; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DOES 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.

SECTION TWO. CITY COUNCIL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND APPROVAL. The City Council adopts the following findings of fact and conclusions of law and approves the ordinance presented by staff.

1. At their public hearing on February 26, 2025 the City Council moved to continue the public hearing to March 12, 2025.
2. At their public hearing on March 12, 2025, after reviewing the materials presented by City staff and holding a public hearing the City Council moved to accept the ordinance presented by staff.
3. The proposed amendments ensure that the City's development regulations are consistent with State law.
4. The proposed amendments are found to be in compliance with the State Growth Management Act.

SECTION THREE. Section MVMC 14.05.010, Purpose and intent, is hereby amended to read as follows:

14.05.010 Purpose and intent.

The purpose and intent of this chapter is to establish standard procedures for all land use and development applications to provide for an integrated and consolidated review process. It is further the purpose of this chapter to combine and expedite development review, to eliminate redundancy and minimize delays, to establish timelines for notifying the public of land use applications, to revise hearing requirements to allow one open record hearing and one closed record appeal hearing for nonlegislative applications, and to provide that final decisions on development proposals be made within specified deadlines, except for development specifically exempted under this chapter.

It is neither the intent nor the purpose of this chapter to establish a claim or remedy for a delay in the final decision beyond the timeframes specified in this chapter.

SECTION FOUR. Section 14.05.040 MVMC, Exemptions from state process requirements, is hereby amended to read as follows:

14.05.040 Exemptions from state process requirements.

A. Authority. RCW 36.70B.140 allows a local government to exclude certain project permits from procedure and time limit requirements. This section deals with exemptions from state-mandated notice requirements. Permit types listed below may have city code requirements for review, notification, and appeal beyond state requirements.

B. Exemptions from Processing Timelines. RCW 36.70B.140 provides that local governments may determine that there are special circumstances relative to certain actions or processes that warrant a different review timelines. The city exempts the following actions:

1. Comprehensive plan amendments with or without any other associated land use application such as a rezone;
2. Mount Vernon Municipal Code amendments;
3. Annexations;
4. Planned unit developments;
5. Development agreements;
6. Environmental impact statements;
7. Declared emergency under SEPA;
8. Street vacations;
9. Any project once it becomes the subject of a petition under the Land Use Petition Act; and
10. Other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the city by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

C. Exemptions from Notification and Procedural Requirements.

1. For Public Areas and Facilities. As permitted by RCW 36.70B.140, the city also exempts the following “approvals relating to the use of public areas or facilities” from the notification and procedural requirements of RCW 36.70B.060 through 36.70B.080 and RCW 36.70B.110 through 36.70B.130 as long as the activities are categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

- a. Drainage connection permits;
- b. Driveway construction permits;
- c. Driveway relocation permits;
- d. Franchise utility permits;

- e. Right-of-way use permits;
- f. Side sewer permits;
- g. Side sewer cap permits;
- h. Sidewalk repair permits;
- i. Sidewalk/curb/gutter construction permits;
- j. Permits to stop city sewer service; and
- k. Other SEPA exempt actions/activities as outlined in WAC 197-11-800 where the director makes a determination that the action/activity meets the intent of this section of the code.

2. For Applications Not Subject to Environmental Review. As permitted by RCW 36.70B.140, the city exempts the following actions from the requirements of the public notification and procedural requirements found within RCW 36.70B.060 and RCW 36.70B.110 through RCW 36.70B.130 so long as they are categorically exempt from environmental review or if environmental review has been completed at an earlier stage or in connection with other permits.

- a. Building and grading permits if SEPA exempt;
- b. Type I home occupations, or exemptions consistent with Chapter 17.96 MVMC;
- c. Fire installation/construction permits;
- d. Electrical, mechanical, plumbing, and administrative sign permits;
- e. Boundary line adjustments;
- f. Final plats;
- g. Minor modifications to a previously approved PUD, plat or binding site plan;
- h. Occupancy permits;
- i. Shoreline exemptions;
- j. Street vacations;
- k. Temporary use permits if SEPA exempt;
- l. Water, sewer, storm drainage, roadway permits if SEPA exempt; and
- m. Other SEPA exempt actions/activities as outlined in WAC 197-11-800 where the director makes a determination that the action/activity meets the intent of this section of the code.

D. Nonproject Permit. RCW 36.70B.020 excludes certain actions from the definition of “project permits,” particularly nonproject legislative actions. The adoption of or amendment of a comprehensive plan, sub-area plan, or development regulations that do not involve site-specific rezones are exempt from procedures requiring environmental review to be completed prior to the legislative hearing.

SECTION FIVE. Section MVMC 14.05.060, Permit Classification Table, is hereby amended to read as follows:

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
Accessory Dwelling Unit per MVMC <u>17.73.110</u>	X					
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 <u>15.40.130</u>			X			
Design Review with Building Permit, or Administrative Design Review	X					
Design Review with Hearing Examiner Land Use Permit			X			
Design Review Waiver per Chapter <u>17.70</u> MVMC (depends on design review authority)	X		X			
Development Regulation Text Amendments to Chapter <u>3.40</u> MVMC and MVMC Titles <u>15</u> , <u>16</u> and <u>17</u>						X
Development Regulation Text Amendments to Chapters Except Chapter <u>3.40</u> MVMC and MVMC Titles <u>15</u> , <u>16</u> and <u>17</u>					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit	X					

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Fire Permit SEPA Exempt	X					
Floodplain District Development Permit				X		
Historic Structure – Designation				X		
Historic Structure – Exterior Alteration		X				
Home Occupation – Type I or Exemption	X					
Home Occupation – Type II		X				
Land Clearing Permits and Management Plans		X				
Land Clearing Moratorium Removal			X			
Land Clearing Single-Family Residential Moratorium Exception		X				
Landscape Modifications per MVMC <u>17.93.080</u>	X					
Lot Certification	X					
Major Modification	X	X	X	X		
Master Plan Approval per MVMC <u>17.30.090</u>				X		
Minor Modifications	X					
Model Home Permit	X					
Nonconforming Use – Ordinary Maintenance or Repair	X					
Nonconforming Use – Certificate of Use or Occupancy	X					
Nonconforming Alteration (depends on review authority per MVMC 17.102.040)	X		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					

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Site Plan Approval per Chapter <u>17.90</u> MVMC ¹	X					
Site Plan Approval per MVMC <u>17.39.150</u>				X		
Site Plan Approval for Minor Improvements	X					
Special Use Permit			X			
Street Vacations Subject to Procedural Requirements Outlined in Chapter <u>35.79</u> RCW						X
Street Design Modifications per Chapter <u>16.16</u> MVMC	X					
Temporary Homeless Encampment		X				
Temporary Use Permit Per Chapter <u>17.92</u> 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 <u>14.10.110</u> , Chapter <u>16.20</u> MVMC, and MVMC <u>17.84.130</u>				X		
Zoning Boundary Determination per MVMC <u>17.09.040</u>			X			
Zoning Variances Not Exceeding 20 Percent of Lot Width, Setbacks, Lot Coverage, Building Height, Parking, and Landscape Buffers		X				

¹ A site plan permit shall not be required for projects limited to interior alterations within an existing structure, provided the proposed interior alterations do not result in any of the following:

- A. Additional sleeping quarters or bedrooms;
- B. Nonconformity with federal emergency management agency substantial improvement thresholds; or
- C. Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

This site plan exemption for interior alterations meeting the above-listed criteria does not exempt projects from otherwise applicable building, plumbing, mechanical, or electrical regulations. The term “interior alterations” shall include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

SECTION SIX. Section MVMC 14.05.070, Summary of permit processes, is hereby amended to read as follows:

14.05.070 Summary of permit processes

	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V	TYPE VI	SHORELINE PERMITS & ANNEXATION
Pre-Application Meeting	No	Encouraged for short plats, building permits with street improvements, and all other non-single-family residential actions	Encouraged	Encouraged	Encouraged	Encouraged	Encouraged
Community Conference	Required for C-1 downtown districts per MVMC <u>17.70.035</u>	May Be Applicable	May Be Applicable	May Be Applicable	Not Applicable	Not Applicable	Not Applicable
Letter of Completeness	Required	Required	Required	Required	Required	Required	Required
Notice of Application	No	Required, unless exempted by MVMC <u>14.05.040</u>	Required, unless exempted by MVMC <u>14.05.040</u>	Required, unless exempted by MVMC <u>14.05.040</u>	Required, unless exempted by MVMC <u>14.05.040</u>	Required, unless exempted by MVMC <u>14.05.040</u>	See Chapter <u>35A.14</u> RCW, Annexation by code cities, or the shoreline master program (SMP)
Notice of Hearing	Not Applicable	Not Applicable	Required	Required	Required	Required	See Chapter <u>35A.14</u> RCW or the SMP
Open Record Pre-Decision Public Hearing	No	No	Yes, before hearing examiner or design review board to render final decision	Yes, before hearing examiner or planning commission, as noted in MVMC <u>14.05.080</u> , to make recommendation to city council for final decision at a closed record hearing	No	Yes, before planning commission to make recommendation to city council for final decision at a closed record hearing except for street vacations which shall be heard only before the city council	See Chapter <u>35A.14</u> RCW or the SMP
Administrative Appeal	Yes, open record appeal hearing before the hearing examiner or the building code board of appeals	Yes, open record appeal hearing before the hearing examiner	Yes, closed record appeal hearing before city council except for variances, permits authorizing temporary homeless encampments	No	No	No	See Chapter <u>35A.14</u> RCW or the SMP

Notice of Decision	Required, pursuant to MVMC 14.05.150	Required, pursuant to MVMC 14.05.150	Required, pursuant to MVMC 14.05.150	Required, pursuant to MVMC 14.05.150	Required, pursuant to MVMC 14.05.150	Required, pursuant to MVMC 14.05.150	See Chapter 35A.14 RCW of the SMP
Recommendation Made By	Not Applicable	Not Applicable	Not Applicable	Review authority noted in MVMC 14.05.080	Review authority noted in MVMC 14.05.080	Planning commission except for street vacations	See Chapter 35A.14 RCW of the SMP
Final Decision Made By	Development services director subject to administrative appeal	Development services director subject to administrative appeal	Hearing examiner subject to administrative appeal except for variances	City council	City council	City council	See Chapter 35A.14 RCW of the SMP
Judicial Appeal	See MVMC 14.05.190	See MVMC 14.05.190	See MVMC 14.05.190	See MVMC 14.05.190	See MVMC 14.05.190	See MVMC 14.05.190	See Chapter 35A.14 RCW of the SMP
Review Deadline¹	65 days after the determination of completeness	100 days after the determination of completeness	170 days after the determination of completeness	170 days after the determination of completeness	30 days for Final plat per RCW 58.17.140; all others, exempt per MVMC 14.05.040(B)	Exempt per MVMC 14.05.040(B)	Annexations exempt per MVMC 14.05.040(B), SMP see Type I – III.

¹ Calculated according to MVMC 14.05.130

SECTION SEVEN. Section MVMC 14.05.110, Project Review Procedures, is hereby amended to read as follows:

14.05.110 Project review procedures

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

B. Pre-application Meeting.

1. Pre-application Meetings are encouraged but not required. A pre-application meeting is encouraged for the following actions:

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

i. Annexations.

2. Purpose. The pre-application meeting is not intended to provide an exhaustive review of all potential issues. Pre-application review does not prevent or limit the city from applying all relevant laws at the time of application submittal. The purpose of a preapplication meeting is to acquaint an applicant with the requirements of the city's development regulations and provide an opportunity for the city to become acquainted with a proposed project prior to receiving a formal application. Neither the discussions at the conference nor the information provided by the city to the applicant shall bind the director, or any reviewing authority, in any manner or prevent the director or any reviewing authority's future application or enforcement of all applicable codes, ordinances and regulations.

3. Pre-application Submittal Requirements. Pre-application meeting submittal requirements shall be defined by the CEDD and shall be made available to applicants. Failure to provide all required information may prevent the city from identifying all applicable issues or providing the most effective pre-application meeting.

4. Scheduling. The pre-application conference will be scheduled and held following the request from an applicant with the goal of having these meetings within 45 days of a request, when possible. However, a failure to meet this time limit will not make the city liable for damages.

C. Submittal of Applications and Approvals.

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

2. An application shall consist of all materials required by the applicable development regulations and submittal requirements pursuant to MVMC 14.05.210 applicable project permit application, which shall include, at minimum, the submittal requirements outlined in MVMC 14.05.210.

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

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

D. Determination of Procedural/ Technical Completeness. Within this Chapter of the MVMC the terms "Procedural Completeness", "Procedurally Complete", "Technical Completeness", and "Technically Complete" have the same meaning and are used interchangeably.

1. Standard for Determining Completeness. An application is procedurally complete when it meets the submission requirements, as outlined on the applicable project permit application. The submittal requirements listed on project permit applications are outlined within MVMC 14.05.210.

2. Timing. Within 28 days after receiving a project permit application the city shall provide a written determination to the applicant stating that:

a. The application is complete; or,

b. The application is incomplete, and the City's procedural submission requirements have not been met. This determination shall outline what is necessary to make the application procedurally complete.

i. The applicant shall have one 90-day period to submit the required information. If the applicant does not submit the required information within the 90-day period, the application shall lapse. Prior to the expiration of the 90-day period, the applicant may request in writing a one-time extension of time not to exceed a total of 90 days, if the required studies or information warrant additional time. If the required information has not been submitted by the date specified, the application shall lapse. Lapsed applications shall be deemed to have been voluntarily withdrawn. Withdrawn applications must be resubmitted as new applications requiring repayment of all applicable fees.

ii. Within 14 days after an applicant has submitted additional information identified as being necessary for a complete application, the CEDD shall notify the applicant whether the application is complete or what additional information is necessary.

c. An application shall be deemed to be procedurally complete for processing if a determination from the city is not sent to the applicant within 28 days after receiving a project permit application.

i. The city may still request additional information or studies when a written determination of completeness is not provided.

E. Notice of Application.

1. A Notice of Application containing the information required under RCW 36.70B.110, as it is currently written and as it may be amended in the future, shall be issued by the city within 14-days following the determination of completeness.

2. Additional or Corrected Information May Be Requested. A written determination of procedural completeness does not preclude the CEDD from requesting:

a. Supplemental information or studies, if additional information is required to complete review of an application;

b. Corrected submittal materials when these materials, submitted by an applicant, are deemed incorrect; or,

c. If changes in the permit application are proposed.

3. The applicant shall have one 90-day period to submit the required information. If the applicant does not submit the required information within the 90-day period, the application shall lapse. Prior to the expiration of the 90-day period, the applicant may request in writing a one-time extension of time not to exceed a total of 90 days, if the required studies or information warrant additional time. If the required information has not been submitted by the date specified, the application shall lapse. Lapsed applications shall be deemed to have been voluntarily withdrawn. Withdrawn applications must be resubmitted as new applications requiring repayment of all applicable fees.

F. Report from the Community and Economic Development Department.

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

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

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

G. Public Hearing.

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

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

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

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

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

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

a. Schedule an application for review and public hearing;

b. Give notice per MVMC 14.05.150;

c. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing, and whether the proposed development meets the minimum requirements for approval and conforms to the intent of the applicable development regulations and the comprehensive plan. The report shall state any mitigation required or proposed under the

development regulations or the city's authority under SEPA. If the threshold determination, other than a determination of significance, has not been issued previously by the city, the report shall include or append this determination. In the case of a Process I or II project permit application, this report may be the permit; and

d. Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this code to receive such decision.

7. Conflict of Interest. The hearing body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.

8. Ex Parte Communications.

a. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a quasi-judicial proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:

i. The hearing body may receive advice from legal counsel; or

ii. The hearing body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).

b. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection (G)(8)(c) of this section.

c. If the member of a hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:

i. All written communications received;

ii. All written responses to the communications;

iii. The substance of all oral communications received and all responses made; and

iv. The identity of each person from whom the hearing body received any ex parte communication.

d. The hearing body shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

9. Disqualification.

a. A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the disqualification, vacating the seat on the hearing body and physically leaving the hearing.

b. If a number of members of the hearing body are disqualified on the basis of the appearance of fairness doctrine (as distinct from actual conflict of interest) such that the hearing body would be disabled from taking action, then all members present after stating their reasons for disqualification shall be requalified and shall proceed to resolve the issues.

c. Except for Process VI actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

10. Burden and Nature of Proof. Except for Process VI actions, the burden of proof (not including judicial appeals) is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations and comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

11. Order of Proceedings. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:

a. Before receiving information on the issue, any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate; and any abstentions or disqualifications shall be determined.

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

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

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

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

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

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

H. Examiner or Commission Recommendations and Decisions.

1. Standard Timing and Notification. Unless the time is extended pursuant to subsection (H)(2) of this section, within 10 working days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this chapter, the examiner or planning commission should render a written decision or recommendation, including findings from the record and conclusions therefrom, and CEDD staff shall transmit a copy of such decision by regular mail to the applicant

and other parties of record that have specifically requested, in writing, notice of the decision. The person mailing the decision shall prepare an affidavit of mailing, which shall become a part of the record of the proceedings. In the case of applications requiring city council approval, the CEDD staff shall file the decision with the city council on behalf of the examiner or planning commission.

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

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

4. Reconsideration. An applicant or party of record feeling that the recommendation of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence, which could not be reasonably available at the public hearing, may make a written application for review within 10 days after the written hearing examiner decision has been rendered.

a. The written request for reconsideration shall be mailed by the requester to the applicant and all parties of record not later than the day following the filing of the request for reconsideration; and the requester shall supply the CEDD an affidavit that lists all of the names and addresses where their request was sent.

b. The applicant and parties of record shall have eight days following the date of mailing to file a written response.

c. The request for reconsideration shall set forth the specific errors relied upon by the requester, and the examiner may, after review of the record, take further action as the examiner deems proper.

i. The examiner may request further information which shall be provided within 10 days of the request. A request for further information shall be mailed by the CEDD to the applicant and all parties of record.

d. The examiner shall promptly review the reconsideration request and any responses and shall, within 10 days of the deadline for filing responses or receipt of additional information, whichever is later, issue a written decision on the request for reconsideration.

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

I. Council Action.

1. Minutes and Findings of Fact. Any application requiring action by the city council shall be evidenced by meeting minutes unless otherwise required by law. When taking any such final

action, the council shall make and enter findings of fact from the record and conclusions therefrom which support its action.

2. Adoption of Examiner or Commission Findings and Conclusions Presumed. Unless otherwise specified, the city council shall be presumed to have adopted the hearing examiner and/or planning commission's findings and conclusions.

3. Applications to Be Placed on Council Agenda. All applications requiring council action shall be placed on the council's agenda for consideration within four weeks of CEDD staff receiving the hearing examiner's or planning commission's written recommendation(s) unless circumstances exist that would preclude this from happening, such as canceled city council meetings, prior commitments to other agenda items, or if an applicant has failed to satisfy conditions required prior to preliminary plat approval.

J. Appeals. An appeal of a decision made pursuant to this chapter shall be processed pursuant to MVMC 14.05.160 through 14.05.190.

SECTION EIGHT. Section MVMC 14.05.130, Time frames, is hereby amended to read as follows:

14.05.130 Time frames.

A. Maximum Permitted. Final decisions on all permits and reviews subject to the procedures of this chapter shall occur within the period of time specified in MVMC 14.05.070, calculated from the date an application is deemed technically complete.

1. The number of days shall be calculated using the definition of "days" under MVMC 14.05.220(D).

2. The city may extend a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by an applicant and the city.

B. Exclusions From the Time Limit. In determining the number of days which have elapsed since the applicant was notified that the application has been deemed technically complete, the following periods shall be excluded:

1. Any period between the day the city notifies the applicant in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant

2. Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the city, in writing, that they would like to resume the application.

3. Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired.

C. The time periods for the city to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of technical completeness for the new use, as required by the city under RCW 36.70B.070.

D. If, at any time, an applicant informs the city, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for city action to issue a final decision for each type of project permit.

1. Any written notice from the city to the applicant that additional information is required to further process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "non-responsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

SECTION NINE. Section MVMC 14.05.150, Notice requirements, is hereby amended 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 14 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 the application was submitted, the date of technical completeness, and the date the Notice of Application was issued;
- d. A nonlegal project location description;
- e. Project description;
- f. A listing of all permits/approvals requested and, if applicable, a list of any studies requested;
- g. The identification of other permits not included in the application to the extent known by the city;
- h. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

i. A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The city may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

j. The date, time, and place of a public hearing if one has been scheduled; and

k. 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. 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 and nonconforming alteration permits Type II, 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 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.

SECTION TEN. Section MVMC 14.05.220(D), Definitions - D, is hereby amended to read as follows:

14.05.220 Definitions.

D. Definitions – D.

1. Days. Unless the text within this chapter specifically states otherwise, when counting the number of days for procedural items within this chapter the following shall apply:

- a. When calculating permit timelines the number of days shall be calculated by counting every calendar day and excluding the time periods outlined within MVMC 14.05.130.
- b. When determining the start or end of comment or appeal periods consecutive calendar days shall also be used. If a notice is published, the publishing day counts as the first day in counting the noticing period. If a notice is not published, the day the notice is mailed counts as the first day in counting the noticing period. If the end of a comment or appeal period falls on a Saturday, Sunday or Federally recognized holiday the comment and/or appeal period shall be extended to the next weekday.

2. “Deeds to city for any land to be dedicated (draft and final)” means a legal document conveying or proposing to convey ownership of real property and including a legal description of the area to be dedicated.

3. “Density worksheet” means a worksheet provided by CEDD staff for an applicant to fill out that represents the way in which density is to be calculated for different uses within the city’s zoning code. An applicant is required to attach a boundary closure prepared by a licensed land surveyor to all density worksheets.

4. “Department” means the community and economic development department of the city of Mount Vernon; also referenced as CEDD.

5. “Design guidelines compliance materials” are comprised of the following:

- a. Design standards plans;
- b. Architectural elevations;
- c. Detailed landscape plan; and

d. Site plan.

6. Design Standards Plans. All applications for building permits or land use approvals opting to or required to use the design standards and guidelines (that are adopted by reference within Chapter 17.70 MVMC) for greater flexibility of the standard development regulations shall be accompanied by the following:

a. Complete sets of plans that clearly define the construction, changes, proposed building exteriors, alterations or remodeling and indicate the proposed location, lot/site dimensions, and all colors and types of materials and construction. Said plans shall be drawn to scale and shall clearly define the roofing design, siding and trim materials to be used together with the finish, or other materials to be used or applied on all exterior walls.

b. Complete sets of landscape plans that detail the private and public improvements, as applicable. Said plans shall be drawn to scale and clearly define the detail of the landscape materials and improvements. Landscape plans shall reflect the requirements listed in Chapter 17.93 MVMC. For PUDs and multifamily projects, a site plan prepared per city standards shall be submitted that clearly illustrates the improvements and amenities as required and encouraged through the Mount Vernon design standards and guidelines.

c. The application and plans shall state a proposed date of commencement and completion of such construction, change, alteration or remodeling and installation of improvements. Such plans shall become the property of the city upon submission of the application.

d. Reference to city of Mount Vernon code requirements and percentage of landscaping proposed for site and for parking areas. The plans must illustrate minimum requirements and how the proposed development meets minimum standards.

7. "Development" means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

8. Director. Unless another department head is specifically referenced, "director" shall mean the community and economic development director, or his/her designee.

9. "Drainage plan" means a stormwater plan that shows the proposed method(s) for receiving, handling, transporting surface water within the subject property in a manner consistent with the city's adopted stormwater standards. Drainage plans are to be drawn to scale and stamped by a state of Washington licensed civil engineer.

10. "Drainage report" means a report stamped by a state of Washington licensed civil engineer complying with the requirements of the city's adopted stormwater standards.

SECTION ELEVEN. Section MVMC 14.05.220(D), Definitions - L, is hereby amended to read as follows:

14.05.220 Definitions.

L. Definitions – L.

1. "Land use number" means the city of Mount Vernon CEDD filing number for projects processed by the CEDD.

2. "Land use decision" means a land use decision for purposes of a land use appeal under this chapter. Appeals means a final determination by a city body or officer with the highest level of authority to make the determination, including those with authority to hear appeals on:

a. An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, subdivided, sold, transferred or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and other similar types of public property; excluding applications for legislative approval such as area-wide rezones and annexations; and excluding applications for business licenses.

b. An interpretive or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property.

c. The enforcement by the city of codes regulating improvement, development, modification, maintenance or use of real property. However, when the city is required by law to enforce the code in a court of limited jurisdiction, a petition may not be brought under Chapter 14.05 MVMC.

3. "Land use permit conditions" means environmental or land use permit requirements that may have been placed upon the project in addition to any code-mandated requirements in conjunction with a required environmental determination and/or a land use permit.

4. "Landscaping plan, conceptual" means a general schematic plan drawn at the same scale as the project site plan with a date, graphic scale and north arrow that clearly indicates the following:

a. Location of proposed buildings, parking areas, access and existing buildings to remain;

b. Names and locations of abutting streets and public improvements, including easements;

c. Existing and proposed contours at five-foot intervals or less;

d. Location and dimensions of planting areas;

e. Location and height of proposed berming;

f. Locations, elevations, and details for any proposed landscape-related structures such as arbors, gazebos, fencing, etc.;

g. Areas of proposed landscaping;

h. Areas of existing landscaping, with designations of "to remain," or "to be removed;"

i. Proposed types of landscaping or general plant names; and

j. Calculations showing that the correct amount and dimensions of landscaping are being installed on the site per Chapter 17.93 MVMC.

5. "Landscaping plan, detailed" means a fully dimensioned plan drawn at the same scale as the project site plan with a date, graphic scale and north arrow that clearly indicates the following:

- a. Location of proposed buildings, parking areas, access and existing buildings to remain;
- b. Names and locations of abutting streets and public improvements, including easements;
- c. Existing and proposed contours at two-foot intervals or less;
- d. Detailed grading plan;
- e. Location and dimensions of planting areas;
- f. Location and height of proposed berming;
- g. Locations, elevations, and details for any proposed landscape-related structures such as arbors, gazebos, fencing, etc.;
- h. Location, size, spacing, condition (i.e., container, barefoot), and botanical and common names of existing and proposed trees, shrubs, and ground covers;
- i. Decorative rockery or similar landscape improvements in relationship to proposed and existing utilities;
- j. Plant material key and all landscape calculations required per Chapter 17.93 MVMC;
- k. Names and locations of existing vegetation to remain; and
- l. Detailed planting specifications (soil mix, planting depth and width, and bark mulch depth).

6. "Landscaping worksheet" means a worksheet to be completed by the applicant that includes the information necessary so that a determination can be made whether a proposal meets the code requirements for landscaping specified within Chapter 17.93 MVMC.

7. "Lease agreement, draft" means a draft lease agreement with the property owner, or separate equivalent documentation, that allows the property owner to enter into leases with other providers and specifies that if the provider fails to remove the facility upon six months of its discontinued use, the responsibility for removal falls upon the landholder.

8. "Legal description" means a description of a piece of land which allows an independent surveyor to locate and identify it. Usually it uses one of the following methods: government survey, metes and bounds or recorded plat (lot and block number).

9. "Legal description for annexation application" means a metes and bounds description written by a surveyor licensed in the state of Washington that describes the perimeter of the area proposed to be annexed.

10. "License" means any form of written permission given to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of an agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

11. "Licensed engineer" means a professional engineer, licensed to practice in the state of Washington.

12. "List of current property owners" means a listing of all current property owners and their mailing addresses and Skagit County assessor's account numbers within the area specified by MVMC 14.05.150(A)(3) of the boundaries of the subject site as obtained from the Skagit County assessor's office. "Current" shall mean obtained within the past 30 days unless otherwise approved by the CEDD.

13. "List of affected property owners within annexation or assessment reimbursement area boundary" means a listing of all current property owners and their mailing addresses and Skagit County assessor's account numbers within a proposed annexation or assessment reimbursement area as obtained from the Skagit County assessor's office. The list shall include a notarized statement from the applicant attesting that the ownership information provided is current and accurate. "Current" shall mean obtained within the past 30 days unless otherwise approved by CEDD.

14. "Local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties and their legislative bodies. The term encompasses, but does not refer specifically to, the departments within a city or county.

15. "Lot certification" means an administrative review process to determine if a lot was legally created and eligible for conveyance and/or whether the lot is eligible to be considered for development permits. The city passed its first subdivision ordinance on November 27, 1974. All division of land after this date must have followed the formal procedures outlined in the Mount Vernon Municipal Code and/or state law to be recognized as a legal lot of record.

SECTION TWELVE. Section MVMC 14.05.220(P), Definitions - P, is hereby amended to read as follows:

14.05.220 Definitions.

P. Definitions – P.

1. "Parking worksheet" means a worksheet on which an applicant provides information necessary to demonstrate that a proposal meets the code requirements for parking specified within Chapter 17.84 MVMC.

2. "Parties of record" include the following:

- a. The applicant;
- b. Any person who testified at the open record public hearing on the application;
- c. Any person who submitted written comments concerning the application during the time period allowed under this chapter; and/or
- d. The Mount Vernon city council.

3. "Photosimulations" means photosimulations of the proposed telecommunications facility from affected residential properties and public right-of-way at varying distances. This shall include a diagram depicting where the photosimulations were taken.

4. "Planning commission" means the body as described in Chapter 35.63, 35A.63 or 36.70 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

5. "Plan reductions" means eight and one-half inch by 11 inch or 11 inch by 17 inch reductions of all required full size plan sheets including, but not limited to, elevations, landscape plans, conceptual utility plans, site plan, and neighborhood detail/vicinity map that will yield legible photocopies.
6. Planned Unit Development Plan, Preliminary. See the definition of such found in MVMC 17.69.070.
7. Planned Unit Development Plan, Final. See the definition of such found in MVMC 17.69.200.
8. "Plat certificate or title report" means a document prepared by a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, dedication, development or action that lists all encumbrances. The certificate or report shall be dated within 30 days prior to the submittal of a permit to the city. An updated certificate or report dated within 30 days before final plat approval is also necessary. Copies of all the encumbrances listed within the certificate or report shall be provided.
9. Plat, Final. See the definition of such found in MVMC 16.12.030(A).
10. Plat, Preliminary. See the definition of such found in MVMC 16.08.030(A).
11. "Plumbing plan" means plans as required per the currently adopted plumbing code and statewide amendments.
12. Pond Performance Report and Maintenance Schedule. Stormwater pond reports and a maintenance schedule shall be prepared by a civil engineer licensed in the state of Washington. The pond performance report provides written documentation that the pond was constructed correctly and will function as designed. The maintenance schedule outlines the maintenance work to be completed and when this work needs to be done.
13. "Preapplication meeting" means a conference held with a project applicant and city representative(s) in advance of the proposed development project application. During the conference, the city representative(s) inform the applicant of applicable policies, plans, and requirements as they apply to the proposed development project. CEDD staff also provides waivers of submittal requirements, as applicable, at the preapplication meeting.
14. "Project information sheet" means a list of basic project information, including the project address, property owner's name, county tax assessor parcel number, and legal description of the property.
15. "Project narrative" means a clear and concise description and summary of a proposed project, including:
 - a. Project name, size and location of site;
 - b. Zoning and comprehensive plan designations of the site and adjacent properties;
 - c. Current use of the site and any existing improvements;
 - d. Special site features (i.e., wetlands, water bodies, steep slopes, or other critical areas); and a description of the buffers that will be required for each feature;
 - e. Statement addressing soil type and drainage conditions;
 - f. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.);

- g. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.);
- h. Total estimated construction cost and estimated fair market value of the proposed project;
- i. Estimated quantities and type of materials involved if any fill or excavation is proposed;
- j. Number, type and size of trees to be removed;
- k. Explanation of any land to be dedicated to the city;
- l. For shoreline applications:
 - i. Name of adjacent water area or wetlands;
 - ii. Nature of existing shoreline – describe;
 - iii. Type of shoreline (i.e., lake, stream, lagoon, marsh, bog, floodplain, floodway);
 - iv. Type of beach (i.e., accretion, erosion, high bank-low bank);
 - v. Type of material (i.e., sand, gravel, mud, clay, rock, riprap);
 - vi. The extent and type of any bulkheading; and
 - vii. The number and location of structures and/or residential units (existing and potential) which might have views obstructed as a result of the proposed project;
- m. For subdivision applications: the proposed number, size, and density of the new lots;
- n. For land clearing permits and management plans, land clearing moratorium removal, and land clearing single-family residential moratorium exception:
 - i. Specific work to be accomplished;
 - ii. Description of the methods to be used for all proposed forest practices and land clearing activities;
 - iii. A time schedule for land clearing activities;
 - iv. Type of equipment to be used;
 - v. Measures proposed to protect the site and adjacent properties from potential adverse impacts;
 - vi. The number of board feet of timber to be removed; and
 - vii. Other information as stipulated by the director to comply with Chapter 76.09 RCW.

16. “Project permit” or “project permit application” means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a

comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

17. "Public works approval letter" means written confirmation from the CEDD that all required improvements have been substantially installed or deferred and authorizing the submittal of any type of application that requires such verification such as, final plat, final short plat, final binding site plan, final PUD, conditional use permits, master plans, etc.

SECTION THIRTEEN. REPORT AND POSTING. Staff shall collect, as practically feasible given the City's size and staffing levels, the annual reporting information required of larger cities and counties in RCW 36.70B.080(2).

SECTION FOURTEEN. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

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

SECTION SIXTEEN. 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 12th day of March, 2025.

SIGNED AND APPROVED this 17th day of March, 2025.



Peter Donovan, Mayor

Attest:



Becky Jensen, City Clerk

Approved as to form:



Kevin Rogerson, City Attorney

Published March 15, 2025