

ORDINANCE NO. 3918

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, RATIFYING, RENEWING, CONFIRMING, AND CONTINUING INTERIM LAND USE REGULATIONS PREVIOUSLY ADOPTED BY THE CITY COUNCIL OF MOUNT VERNON, WA THROUGH ORDINANCE 3887 PASSED ON MARCH 13, 2024 AND AMENDED THROUGH ORDINANCE 3892 PASSED ON MAY 8, 2024 AND RENEWED THROUGH ORDINANCE 3909 PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; RELATING TO ACCESSORY DWELLING UNITS, AND UPDATING THE WORK PLAN TO ESTABLISH PERMANENT REGULATIONS.

WHEREAS, RCW 35A.63.220 authorizes the City of Mount Vernon to enact interim regulations while new plans or regulations are considered and prepared and will not be rendered moot and to hold a public hearing on such regulations within 60 days of the commencement; and

WHEREAS, pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW, the City Council has adopted the City of Mount Vernon Comprehensive Plan and Title 17 MVMC, the City of Mount Vernon Zoning Code, for the areas within the City of Mount Vernon's Urban Growth Area; and

WHEREAS, the GMA pursuant to RCW 36.70A.390 provides that the City Council may adopt an interim zoning ordinance and interim official control in addition to authorization under RCW 35A.63.220; and

WHEREAS, on March 13, 2024, at a regularly scheduled City Council meeting, the City Council declared an emergency and adopted immediate interim regulations by unanimous passage of Ordinance 3887 regulating accessory dwelling units, adopting findings of fact, and directing City staff schedule the necessary public hearings as required by law within 60-days; and

WHEREAS, Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, Ordinance 3887 included a work plan and findings of fact allowing the regulations in this Ordinance to be in effect for up to one year; and

WHEREAS, on May 8, 2024, the Mount Vernon City Council (Council) held a public hearing and adopted Ordinance 3892 declaring an emergency, adopting revised interim control regulations for accessory dwelling units; and adopting additional findings of fact to justify the City Council's action (Exhibit A); and

WHEREAS, on March 12, 2025, the Council held a public hearing and adopted Ordinance 3909 renewing the interim control regulations for accessory dwelling units; and adopting a revised work plan (Exhibit A); and

WHEREAS, Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the interim ADU regulations placed into effect through Ordinance 3887, as amended through Ordinance 3892 and renewed through Ordinance 3909, will expire unless City Council takes action to renew the regulations. Interim regulations may be renewed for one or more six-month periods, provided a subsequent hearing is held and findings of fact are made prior to each renewal; and

WHEREAS, public notice of the City Council's September 10, 2025 hearing was published in the Skagit Valley Herald's classified section on August 29, 2025; and,

WHEREAS, On September 10, 2025, the City held a public hearing regarding the continuation of the interim controls established by Ordinance 3887 and amended by Ordinance 3892 and renewed through Ordinance 3909; and

WHEREAS, the City finds an emergency continues to exist as set forth in Ordinance No. 3887 and Ordinance No. 3892 and that there remains an urgent need to increase overall the affordable housing inventory in the City to mitigate the impacts of homelessness and financial strain being suffered by individuals and families.

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

SECTION 1. RECITALS INCORPORATED. City Council adopts the recitals set forth above as additional findings of fact justifying adoption of this Ordinance and reaffirms the adoption of the findings in Ordinance 3887 and 3892 enacting interim and official controls and incorporates those findings (including their recitals) as if set forth fully herein. The Council may adopt additional findings in the event additional public hearings are held or evidence presented to the City Council. The City Council makes the following additional findings in support of the adoption of this Ordinance and Ordinance 3887, as amended through Ordinance 3892:

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

1. After hearing all public testimony, reviewing staff reports, the City's Comprehensive Plan and the legislative record in its entirety the City Council finds that: i) an emergency exists, and ii) the continuance of interim controls regulating accessory dwelling units, as amended, is justified until the City can fully study the issue and that permanent development regulations be adopted through the City's normal legislative process; and
2. The activities identified in the work plan adopted with Ordinance 3887 have not been satisfied. This is in large part due to needed coordination with the City's required Periodic Update to the Comprehensive Plan, which currently contains policies concerning ADUs (e.g., Housing Element, Policy 2.1.4) that are not consistent with state legislation signed into law under Engrossed House Bill (EHB) 1337, amending RCW 36.70A, which required cities like Mount Vernon to enact significant changes to how ADUs are regulated. The Comprehensive Plan policies must be revised before permanent regulations can be adopted, in order to ensure consistency between implementing regulations and policies, as required by RCW 36.70A.130(1)(e).
3. Ordinance 3909 updated the work plan adopted in Ordinance 3887, but work on the Periodic Update has not proceeded as quickly as anticipated and, as a result, the work plan is hereby updated to better align with the current status of the Periodic Update to the Comprehensive Plan (Exhibit B).

SECTION 3. That the City Council hereby ratifies, continues, and renews the interim controls and zoning regulations in their entirety adopted through Ordinance 3887 as amended by Ordinance 3892 and renewed through Ordinance 3909 (Exhibit A). The interim regulations in Ordinance 3887 and Ordinance 3892 and renewed through Ordinance 3909 (Exhibit A) will remain in effect until the City completes the otherwise required legislative process for the adoption of code amendments. City Council shall make a decision to terminate the interim controls and regulations by ordinance, and termination shall not otherwise be presumed to have occurred. The City shall hold all necessary public hearings and adopt new findings as required under RCW 35A.63.220 and RCW 36.70A.390 if necessary and justified to continue the imposition of this Ordinance and Ordinances 3887 and 3892 and renewed through Ordinance 3909 until the City's review has been completed.

SECTION 4. EFFECTIVE PERIOD. This ordinance shall apply for a maximum of six-months from adoption unless earlier terminated or not renewed after a subsequent public hearing is held.

SECTION 5. CITY TO CONSIDER PERMANENT REGULATIONS. The City Council hereby directs that the City's Development Services Department continue research on ways to encourage accessory dwelling units, and to continue with drafting proposed permanent regulations to be considered through the City's public participation process including allowing for public input and providing for public hearings before the Planning Commission and City Council.

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

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

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

PASSED AND ADOPTED this 10th day of September, 2025



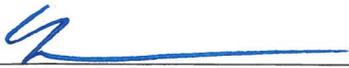
Peter Donovan, Mayor

SIGNED AND APPROVED this 12th day of Sept, 2025.



Becky Jensen, City Clerk

Approved as to form:



Kevin Rogerson, City Attorney

Published September 13, 2025

EXHIBIT A
ORDINANCE 3909

EXHIBIT B

ORDINANCE 3918

WORK PLAN FOR ESTABLISHING PERMANENT REGULATIONS

- A. **September to December 2025:** Study of potential impacts to existing and future neighborhoods, transportation and utility systems
- B. **December 2025 to January 2026:** Meetings with City Council, Planning Commission, and other interested parties to discuss the interim regulations
- C. **November 2025 to January 2026:** Commerce, SEPA, Public Hearing, and Adoption
 - a. Commerce 60-day Notice
 - b. SEPA
 - c. Notice of Public Hearing
 - d. Public hearing(s) before the Planning Commission
 - e. Public hearing(s) before the City Council
 - f. Adoption of permanent development regulations