

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, AMENDING PORTIONS OF TITLE 17, ZONING, WITHIN CHAPTERS 17.53 COMMUNITY COMMERCIAL DISTRICT, 17.54 NEIGHBORHOOD COMMERCIAL DISTRICT, 17.69 PLANNED UNIT DEVELOPMENTS, 17.90 SITE PLAN REVIEW, 17.102 NON-CONFORMING BUILDINGS OR USES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, several chapters within the Zoning Code (Title 17) need to be amended to correct discrepancies, achieve consistency with Chapter 14.05, Procedures, and to implement Comprehensive Plan Goals, Objectives, and Policies; and

WHEREAS, the Department of Commerce was notified of the proposed amendments on November 30, 2018, an acknowledgement was received from Commerce on December xx, 2018, and Commerce granted the City expedited review on December xx, 2018 (their identification number: xxxx); and as such, the City is in compliance with RCW 36.70A.106 (1); and

WHEREAS, a SEPA Threshold Determination of Non-significance, non-project action, was issued on December 3, 2018 and published on December 6, 2018 and no comments were received or appeals filed; and,

WHEREAS, on January 15, 2018 the Planning Commission held an open record public hearing and forwarded their recommendation on the subject code amendments to the City Council for consideration at their open record public hearing held on January 23, 2018; and

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

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

WHEREAS, the proposed amendments ensure that the City's municipal code is internally consistent.

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

SECTION ONE. RECITALS INCORPORATED. That 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. PLANNING COMMISSION RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission’s findings of fact and conclusions of law, outlined below, in their entirety.

A. Planning Commission’s Findings of Fact:

1. The procedural requirements outlined in MVMC Chapter 14.05, Procedures, have been satisfied by City staff. This includes the Notice of Public Hearing, the environmental review pursuant to the SEPA statute, and receiving expedited review from the State Department of Commerce.

B. Planning Commission’s Conclusions of Law:

1. The proposed amendments ensure that the City’s development regulations are internally consistent.
2. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.
3. The proposed amendment is found to be in compliance with the State Growth Management Act.

C. Planning Commission Recommendation to the City Council:

At their public hearing on January 15, 2019 after review of the materials presented by City staff and holding a public hearing the Planning Commission made a unanimous motion to approve the ordinance presented by staff.

(to be amended, as necessary following the Planning Commission’s hearing)

SECTION THREE. Section 17.51.040, Conditional Uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.040 Conditional uses.

Uses permitted by conditional use permit, and classified as a Type III permit in the C-3 district, are as follows:

A. Multifamily developments, subject to the following:

1. The multifamily use shall not be constructed on the ground floor; and the ground floor uses shall include one or more of the Permitted Uses listed in 17.51.020.
2. The multifamily uses must be built at the same time or following the non-residential ground floor uses.
3. The multifamily uses shall comply with the setbacks and building height requirements of this Chapter and the following requirements:
 - i. Minimum distance between buildings: 10 feet
 - ii. Density requirements: Unrestricted.
 - iii. Design Standards: Requirements found in Chapter 17.70 MVMC for multi-family uses.
 - iv. Parking requirements: Requirements found in Chapter 17.84 MVMC for multi-family uses.
 - v. Signage requirements: Requirements for residential uses found in Chapter 17.87 MVMC.
 - vi. Landscaping requirements: Requirements for R-3 zones found in Chapter 17.93 MVMC.

- ~~1. They shall conform to all requirements for the R-3 district;~~
- ~~2. They must be built and at the same time or following a commercial development;~~
- ~~3. The multifamily density shall meet the definition for density for mixed use buildings or developments found within Chapter 17.06 MVMC; and~~
- ~~4. The multifamily use shall not be constructed on the ground floor;~~

~~B. Repealed by Ord. 3714;~~

~~B. Churches~~; provided, that their principal access is from a collector street or greater and they shall conform to all the development standards and requirements of the public (P) zone and concurrent with approval the city shall require both the comprehensive plan and zoning designations to be changed to public (P) during the city's next comprehensive plan amendment cycle. (Ord. 3714 § 8(C), 2017; Ord. 3429 § 101, 2008).

SECTION FOUR. Section 17.51.060, Setbacks, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.060 Setbacks.

Minimum setback requirements in the C-3 district are as follows:

A. Front yard: 10 feet. Buildings on corner lots and through lots shall observe the minimum setback on both streets. For properties that front on an arterial, the minimum setback from the right-of-way shall be 25 feet. The community and economic development and public works directors can through a Type I decision process administratively reduce, for good cause shown, this setback;

B. Side yard and rear yard: none, except along any property line adjoining a residentially zoned district, with no intervening street or alley, there shall be a setback of at least 10 five feet when adjoining a multi-family district and 20 feet with adjoining a single-family district;

~~C. All residential uses, including those for transients and tourists, shall conform to setback requirements prescribed for the R-3 district. (Ord. 3429 § 102, 2008).~~

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

17.51.070 Building height.

Maximum building height shall be four stories, but not more than 50 feet. ~~Building height in excess of four stories or 50 feet may be approved through the conditional use permit process. Buildings may be permitted to exceed this height if included in a planned unit development.~~ These maximum limits may be increased to six stories or 65 feet if parking is provided beneath the habitable stories. Uninhabitable stories such as a church spire, fleche, campanile, nave, a dome and lantern or a clock tower may be permitted to exceed the height limit provided such structures are not intended as advertising devices. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION SIX. Section 17.54.020, Application, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.020 Application.

A. Such districts are to be located only where they clearly serve daily needs of residents in the surrounding area and where uses are not in existence or are desirable.

B. Each district may not exceed three acres in total area.

C. These regulations shall only apply to lands redesignated to neighborhood commercial (C-4) after the adoption of this amended code on June 26, 2013. Lands zoned C-4 existing before this Chapter was amended on June 26, 2013 shall have the option of using the zoning regulations found in this Chapter; or they can use the zoning regulations codified in Chapter 17.51, Community Commercial District (C-3). Applicants will not be allowed to mix regulations from the C-3 and C-4 districts; they must pick one district or the other and comply with all of the regulations from the district they choose.

D. Such districts may only be located within new planned developments that are created using the city's planned unit development (PUD) process that is codified within Chapter 17.69 MVMC.

SECTION SEVEN. Section 17.54.040, Conditional Uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.040 Conditional uses.

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

A. Multifamily developments, subject to the following:

- 1. The multifamily use shall not be constructed on the ground floor; and the ground floor uses shall include one or more of the Permitted Uses listed in 17.54.030.
- 2. The multifamily uses must be built at the same time or following the non-residential ground floor uses.
- 3. The multifamily uses shall comply with the setbacks and building height requirements of this Chapter and the following requirements:
 - vii. Minimum distance between buildings: 10 feet
 - viii. Density requirements: Unrestricted.
 - ix. Design Standards: Requirements found in Chapter 17.70 MVMC for multi-family uses.
 - x. Parking requirements: Requirements found in Chapter 17.84 MVMC for multi-family uses.
 - xi. Signage requirements: Requirements for residential uses found in Chapter 17.87 MVMC.
 - xii. Landscaping requirements: Requirements for R-3 zones found in Chapter 17.93 MVMC.

- ~~1. They shall conform to all requirements for the R-3 district;~~
 - ~~2. They must be built at the same time or following a commercial development;~~
 - ~~3. The multifamily density shall meet the definition for density for mixed use buildings or developments found within Chapter 17.06 MVMC;~~
 - ~~4. The multifamily use shall not be constructed on the ground floor; and~~
 - ~~5. The multifamily use shall be accessory to the commercial uses. This means that the square footage of the multifamily uses shall be less than the square footage of the commercial uses.~~
- ~~B. On site hazardous waste treatment and storage facilities as an accessory use to a permitted use provided such facilities comply with the State Hazardous Waste Siting Standards and Mount Vernon and State Environmental Policy Act requirements. (Ord. 3606 § 7, 2013).~~

SECTION EIGHT. Section 17.69.090, Modification of permitted uses – Commercial Uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.69.090 Modification of permitted uses – Commercial uses.

A. A planned unit development may allow commercial uses in residential zones which are not otherwise permitted in the underlying use zone only under the following circumstances:

- 1. The use shall be part of a planned development in which not more than 10 percent of the gross floor area of the residential units (both single-family and multifamily) is devoted to a commercial use which is not otherwise permitted in the underlying use zone. For example, if a 100-unit development contained homes that all had a gross floor area of 2,000 square feet, a commercial use that was no larger than 20,000 square feet could be permitted. In measuring the square footage of the commercial use all features such as setbacks, access, parking and landscaping shall be included.
- 2. The use shall be supportive of and/or complementary to the other uses within a planned development and scaled to meet primarily the needs of the inhabitants of the project.
- 3. The use shall be compatible with the uses permitted on other properties in the surrounding area.
- 4. There is public benefit to be realized by allowing the proposed use.

B. Basis for Approval of Commercial Uses in Residential PUDs. Commercial uses may be located within the planned unit development when the proposed development includes residential use as an integral component of the planned development and when commercial uses are situated and developed in such a manner as to be compatible with any residential uses that are existing or which could be developed in the adjoining residentially zoned area.

C. In proposing a commercial use in a residential zone, the applicant shall establish specific community economic need for the use and facilities. The Director of Development Services shall require a competent market analysis to demonstrate that need.

D. Building permits for commercial uses in residential PUD zoning districts may not be issued until at least two-

thirds of all the proposed single-family detached residential units are completed, including issuance of final certificates of occupancy.

E. The commercial use shall meet the dimensional requirements applicable to the ~~C-3~~ C-4 zoning district (setbacks, landscaping, parking, etc.).

SECTION NINE. Section 17.90.020, Committee Membership, of the Mount Vernon Municipal Code is hereby repealed:

~~17.90.020 Committee membership.~~

~~The site plan review committee (SPRC) shall consist of the following members: development services director, city engineer, building official and fire chief or their designees. (Ord. 3092 § 65, 2002; Ord. 2967 § 1, 1999; Ord. 2352, 1989).~~

SECTION TEN. Section 17.90.040, Procedure, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.90.040 Procedure.

Those applying for site plan approval shall submit all of the materials required in Chapter 14.05 MVMC. Chapter 14.05 MVMC classifies Site Plan approvals as Type I permits and they shall be processed as such.

~~Application forms shall be filled out not less than 14 calendar days prior to the meeting date when the project will be reviewed. The applicant will complete the application forms and all other required information, including a filing fee, and file the application with the community and economic development director. The community and economic development director shall distribute copies of the application to all other members of the SPRC 10 days prior to the meeting. The SPRC shall meet at a time and location to be determined by the community and economic development director. The applicant will be informed of the time and location and is required to attend. Failure to attend may delay review of the application. (Ord. 3429 § 151, 2008).~~

SECTION ELEVEN. Section 17.90.050, Committee Review, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.90.050 Site Plan Committee review.

The SPRC shall review the application. Applications shall be reviewed consistent with the procedural requirements found in Chapter 14.05 MVMC to ensure compliance with the purpose and intent of this chapter. The SPRC city may do the following:

- A. Approve the application as submitted;
- B. Approve the application with conditions;
- C. Continue consideration of the application until the next regularly scheduled meeting to allow the applicant to provide additional information;
- D. Table the application to allow the applicant to further refine or redesign the project to meet city criteria; or
- E. Disapprove the application as submitted. Approval of the application means that the applicant can then seek the issuance of a building permit. (Ord. 2352, 1989).

SECTION TWELVE. Section 17.90.060, Appeals, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.90.060 Appeals.

In the event that an application is conditionally approved or disapproved, the applicant may appeal the ~~SPRC's~~ decision to the hearing examiner. Such appeal shall follow the appeal procedures in Chapter 14.05 MVMC and must be accompanied by a fee as set forth in Chapter 14.15 MVMC. (Ord. 3429 § 152, 2008).

SECTION THIRTEEN. Section 17.90.080, Preliminary site plan review, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.90.080 Preliminary site plan review.

Prior to applying for site plan review, a developer may file a request for a preliminary site plan review which shall contain in a rough and approximate manner all of the information required in the site plan application. The application must clearly state that it is a request for a preliminary site plan review. The purpose of the preliminary site plan review is to enable a developer filing the plan to obtain the advice ~~of the SPRC~~ about the applicability of the intent, standards and provisions of this chapter to the plan. After the filing of the preliminary site plan, the ~~SPRC~~ city shall make available to the developer its written advice regarding the compatibility of the preliminary site plan with the intent, standards and provisions of this chapter.

SECTION FOURTEEN. Section 17.90.090, Additional information for review, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.90.090 Additional information for review.

The ~~SPRC~~ city may require the applicant to submit any additional information or material which it finds is necessary for the proper review and hearing of the application.

SECTION FIFTEEN. Section 17.90.100, Duration of Approval, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.90.100 Duration of approval.

Approval of the site plan shall be effective for 18 months from the date of approval ~~by the SPRC~~. Upon written application of the owner or representative, the ~~city~~ SPRC may extend the approval for an additional six-month period; provided, that no changes have been made in regulations, ordinances, requirements, policies or standards which impact the project.

SECTION SIXTEEN. Section 17.90.110, Waiver and exemption from site plan review, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.90.110 Waiver and exemption from site plan review.

The development services director may waive the requirement of site plan review if the objectives of this section have been met ~~through the review of other permit requirements~~ and the developer concurs with the development services director's decisions. All applications for PUDs processed under the procedures of Chapter 17.69 MVMC are exempted from site plan review requirements. (Ord. 3092 § 67, 2002; Ord. 2943 § 24, 1999; Ord. 2352, 1989).

SECTION SEVENTEEN. Section 17.102.025, Expansion, alteration, or reconstruction of nonconforming buildings utilized for nonconforming uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.102.025 Expansion, alteration, or reconstruction of nonconforming buildings ~~and uses utilized for nonconforming uses.~~

An existing nonconforming building ~~and/or nonconforming use that is used for a nonconforming use~~ may not be enlarged, expanded, or reconstructed for the continuance of its ~~nonconformity or nonconformities~~ ~~nonconforming use~~, except by special permission.

SECTION EIGHTEEN. Section 17.102.030, Authority to grant special permission, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.102.030 Authority to grant special permission.

Approval to grant a permit to enlarge, expand, or reconstruct a nonconforming building and/or a nonconforming use that is utilized for a nonconforming use may be granted by the city council, upon recommendation of the hearing examiner, after a public hearing and review by the hearing examiner.

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

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

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

SECTION TWENTY-TWO. 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 ____ day of January, 2019.

SIGNED AND APPROVED this ____ day of _____, 2019.

Doug Volesky, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published _____



**DETERMINATION OF NON-SIGNIFICANCE
& NOTICE OF PUBLIC HEARINGS
FILE NOs: CA18-004, CA18-006, and CA18-007**

DESCRIPTION OF PROPOSED ACTION: the City of Mount Vernon is considering code amendments to the portions of Mount Vernon Municipal Code as follows:

CA18-004: Amendments to Chapter 14.05, Procedures

Amendments are proposed to clarify several different permit types and submittal requirements. More specifically: to ensure there is no confusion as to how Comprehensive Plan and Rezone applications are processed; to remove a Fill and Grade Permit II as there is no implementing code for this permit type, to add final plats, short plats and BSPs to the permit type matrix; to add requirements under which electronic signatures will be allowed; to add requirements for permit and application submittals and public comments; to change permit submittal extension requirements from 30 to 90 days; to remove the ability to ask the Planning Commission for reconsideration for recommendations they make; to add requirements to allow electronic submittals and plan review; and to define electronic file standards.

CA18-006: Title 17, Zoning

Amendments are proposed to the C-3 and C-4 zoning districts to encourage mixed use developments by eliminating maximum density requirements; to allow certain properties zoned C-4 to use the development regulations codified in the C-3 zone; to correct part of Chapter 17.69 to reference use of the C-4, versus the C-3 zoning district; to make the chapter regulating site plans consistent with Chapter 14.05, Procedures; and to amend language in Chapter 17.102 to make sure that nonconforming buildings and uses are covered by this chapter.

CA18-007: Chapter 17.54, C-1 Zone

Amendments are proposed to certain areas zoned C-1a (historic downtown) to ensure the street level uses encourage pedestrian-oriented shopping.

LOCATION: this is a non-project action that would apply city-wide.

APPLICANT & LEAD AGENCY: City of Mount Vernon, Development Services Department

The lead agency for this proposal has determined that the proposed amendments will not have a probable adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

PUBLIC HEARINGS: Public hearings to consider the above-described proposed changes to the referenced MVMC sections to regulate cannabis transportation licensee businesses are scheduled before the Mount Vernon Planning Commission at 6 p.m. on **Tuesday, January 15, 2019**; and before the City Council at 7 p.m. on **Wednesday, January 23, 2019**. Both hearings will be held at the Police and Court Campus, 1805 Continental Place, Mount Vernon. The public hearings for the MVMC sections to regulate temporary homeless encampments have yet to be scheduled.

Environmental Determination Comment Process: Comments on the environmental determination must be received in writing on or before 4:30 PM **December 19, 2018** (14 days from the date of issuance). Comments received within the 14 days will be reviewed and considered by the Development Services Department. Those persons wishing to submit comments will receive a response from the Responsible Official prior to the end of the SEPA appeal period.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 4:30 PM **January 1, 2019** (10 days following the 14 day comment period).

Appeals must be filed in writing together with the required \$100.00 application fee with: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department, (360) 336-6214.

CONTACT PERSON: Rebecca Lowell, Senior Planner
City of Mount Vernon
Development Services Department
910 Cleveland Avenue
Mount Vernon WA 98273
Telephone - 360-336-6214; Facsimile - 360-336-6299

The application and supporting documentation are available for review at the Development Services Department located at City Hall. Copies will be provided upon request at the cost of reproduction. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. You may also provide signed, written comments until 5 p.m. on the day before the hearing to the contact person listed above.

SEPA RESPONSIBLE OFFICIAL: Rebecca Lowell

Issued: December 3, 2018

Published: December 6, 2018

SENT TO: SEPA REGISTER, DOE, COE, COMMERCE, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), DOT, FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE

PLEASE INCLUDE THE PROJECT NUMBER WHEN CALLING FOR PROPER FILE IDENTIFICATION

A. **BACKGROUND**

1. Name of proposed project (if applicable):
2. Name of applicant: **City, Development Services**
3. Address and phone number of applicant and contact person: **Rebecca Lowell, Principal Planner – City of Mount Vernon, 910 Cleveland Ave, Mount Vernon WA (360) 336-6214**
4. Date checklist prepared: **November 12 to 14, 2018**
5. Agency requesting checklist: **City of Mount Vernon**
6. Proposed project timing or schedule (including phasing, if applicable): **The subject code amendments will go before the Planning Commission on January 15, 2018; and before the City Council for adoption on January 23, 2019.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **NA**
8. List any environmental information you know about that has been prepared, or will be prepared, directly, related to the proposal. **NA**
9. Do you know of pending applications for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **NA**
10. List any government approvals or permits that will be needed for your proposals, if known. **NA**
11. Give a complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. **This is a non-project action which amends parts of the Mount Vernon Municipal Code. Following is a summary of the proposed amendments.**

CA18-004: Amendments to Chapter 14.05, Procedures

Amendments are proposed to clarify several different permit types and submittal requirements. More specifically: to ensure there is no confusion as to how Comprehensive Plan and Rezone applications are processed; to remove a Fill and Grade Permit II as there is no implementing code for this permit type, to add final plats, short plats and BSPs to the permit type matrix; to add requirements under which electronic signatures will be allowed; to add requirements for permit and application submittals and public comments; to change permit submittal extension requirements from 30 to 90 days; to remove the ability to ask the Planning Commission for reconsideration for recommendations they make; to add requirements to allow electronic submittals and plan review; and to define electronic file standards.

CA18-006: Title 17, Zoning

Amendments are proposed to the C-3 and C-4 zoning districts to encourage mixed use developments by eliminating maximum density requirements; to allow certain properties zoned C-4 to use the development regulations codified in the C-3 zone; to correct part of Chapter 17.69 to reference use of the C-4, versus the C-3 zoning district; to make the chapter regulating site plans consistent with Chapter 14.05, Procedures; and to amend language in Chapter 17.102 to make sure that nonconforming buildings and uses are covered by this chapter.

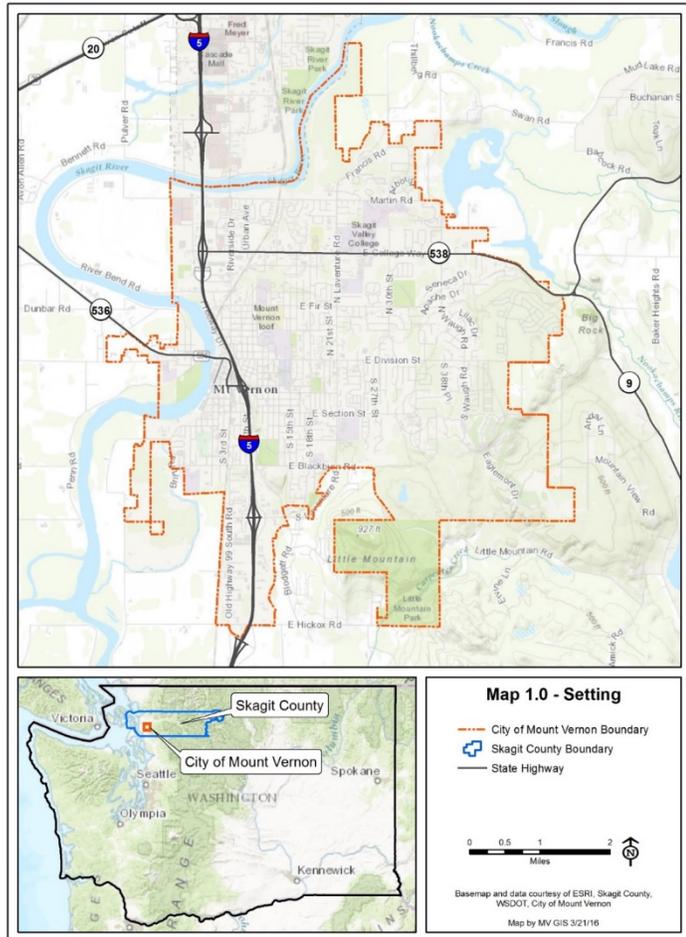
CA18-007: Chapter 17.54, C-1 Zone

Amendments are proposed to certain areas zoned C-1a (historic downtown) to ensure the street level uses encourage pedestrian-oriented shopping.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, please provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map if possible. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. (Indicate if maps or plans have been submitted as part of a permit application.)

The proposal is a non-project action and would become effective throughout the City of Mount Vernon.

To the right is map identifying Mount Vernon's regional setting and corporate boundaries.



B. ENVIRONMENTAL ELEMENTS

ITEMS 1 THROUGH 16 ARE FILLED IN WITH INFORMATION THAT IS MORE GENERAL IN NATURE BECAUSE THIS IS A NON-PROJECT ACTION.

1. **Earth: The following sections of this element are not applicable to the proposed amendments**
 - a. General description of the site (underline one): flat, rolling, hilly steep, slope, mountainous, other.
 - b. What is the steepest slope on the site (approximate % of slope)?
 - c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, please specify and note any prime farmland.
 - d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
 - e. Describe the purposes, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
 - f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
 - g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
 - h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The City of Mount Vernon, Washington lies within the Skagit River Valley at elevations ranging up to approximately 200 feet above sea level. Mount Vernon occupies approximately 12 square miles (~8,034 acres) within the Skagit River watershed.

The major geologic influences in the City include plate tectonics, glacial advancement and recession, and volcanic activity. Dominant surface features and topography of the Puget Lowland (which the City is located within) can be attributed to the most recent ice-sheet advance (known as the Vashon stade of the Fraser glaciation) which culminated around 16,000 years ago. As glaciers receded from Washington around 13,000 years ago, glacial deposits 60 meters thick or more were left behind. Subsequently, post glacial modifications, primarily from fluvial processes, began creating the landscape features that are present today.

2. Air: The following sections of this element are not applicable to the proposed amendment

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, and when the project is completed? If any, generally describe and give approximate quantities known.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. What are the proposed measures to reduce or control emissions or other impacts, if any?

3. Water: The following sections of this element are not applicable to the proposed amendment

a. Surface:

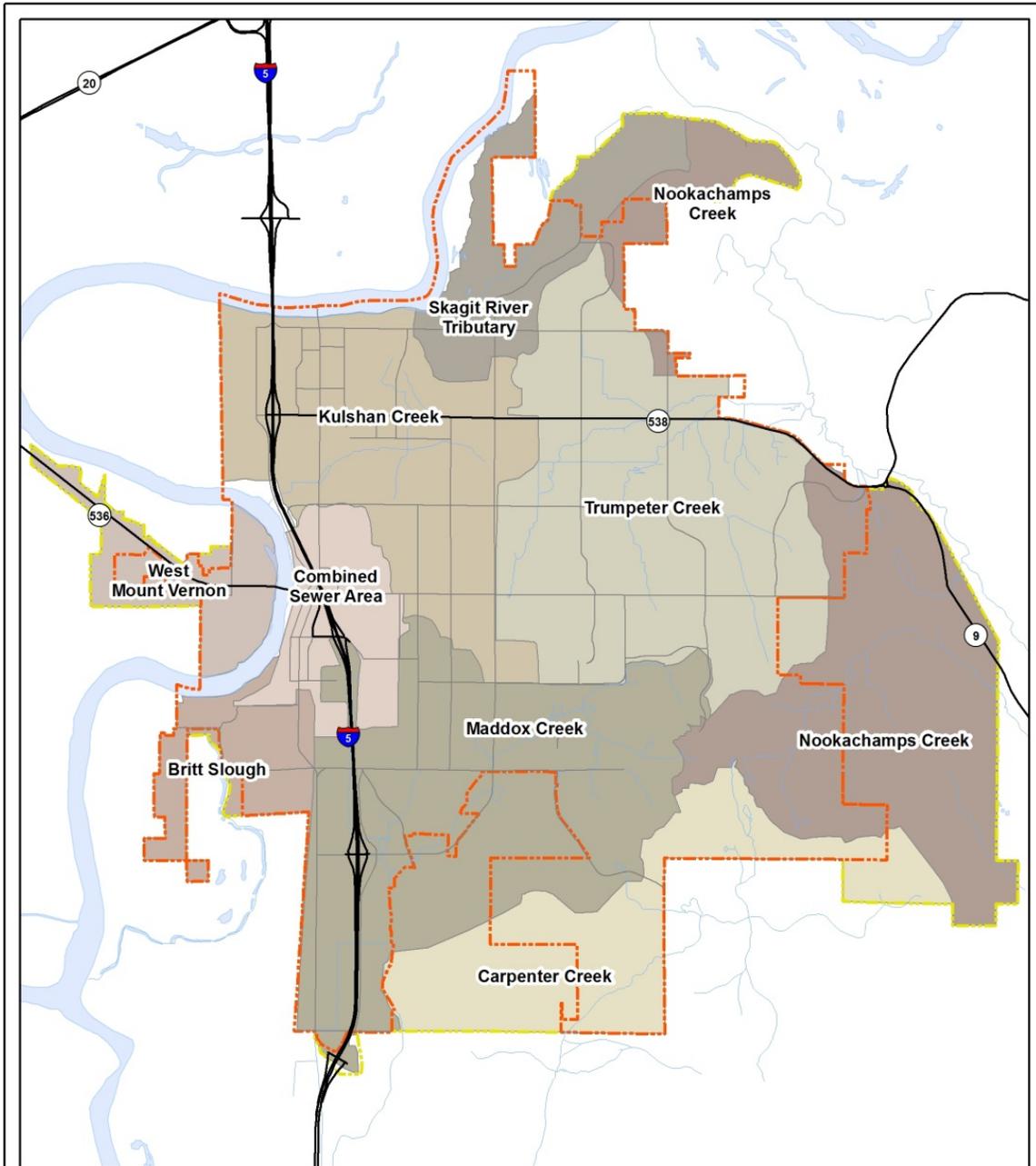
- 1) Is there any surface water on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, associated wetlands)? If yes, describe type, provide names, and if known, state what stream or river it flows into.
- 2) Will the project require any work over or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will surface water withdrawals or diversions be required by the proposal? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? Note location on the site plan, if any.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground:

- 1) Will ground water be withdrawn or recharged? Give general description, purpose, and approximate quantities of known.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural, etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
- c. Water runoff (including storm water):
- 1) Describe the source of runoff and storm water and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, please describe.
 - 2) Could waste materials enter ground or surface waters? If so, generally describe.
 - 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.
- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The City is just six miles east of Puget Sound located on the left and right bank of the Skagit River Valley. There are 23 primary streams flowing through the City that extend approximately 24.85 miles. The Skagit River, a “shoreline of statewide significance”, is a major salmon system, that flows through the City in addition to Kulshan, Trumpeter, Logan, Thunderbird, Lindgren, Kiowa, Edgemont, Carpenter, Maddox, GC, Monte Vista, Flowers, Martha Washington, and Little Mountain (tributary to Maddox) Creeks. The City is also laced with category II and III wetlands and smaller stream systems that feed into the listed streams. Following is a map identifying the general location of the City’s drainage basins and major stream systems.

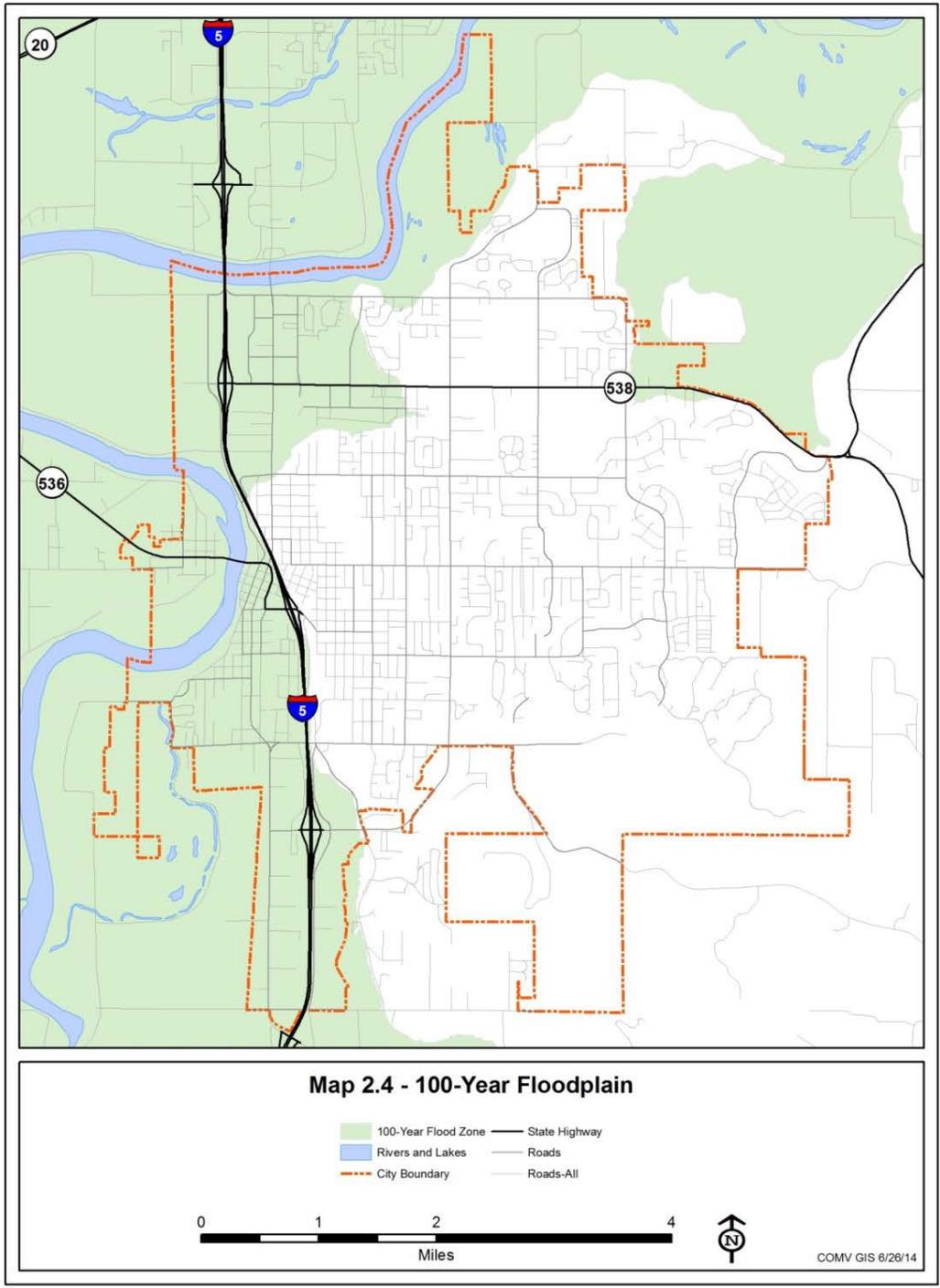


Map 4.0 - Hydrologic Overview

- | | | | | |
|-------------------|--------------------|-------------------------|-----------------------|--------------------------|
| --- City Boundary | — MV Major Roads | ■ Britt Slough | ■ Kulshan Creek Basin | ■ Skagit River Tributary |
| --- UGA Boundary | — Rivers and Lakes | ■ Carpenter Creek Basin | ■ Maddox Creek Basin | ■ Trumpeter Creek Basin |
| — State Highway | — Streams | ■ Combined Sewer Area | ■ Nookachamps Creek | ■ West Mount Vernon |



There are parts of the City that are located within the regulated floodplain as shown on the following map.



Potable water is supplied to City residents through Public Utility District #1.

As a non-project action no impacts to ground, surface, or potable water will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding regulated critical areas, stormwater runoff and all other potential impacts to both ground and surface water.

4. Plants: The following sections of this element are not applicable to the proposed amendment

a. Check or circle types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other _____.
- Evergreen tree: fir, cedar, pine, other _____.
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other _____.
- Water plants: water lily, eelgrass, milfoil, other _____.
- Other types of vegetation _____.

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

e. List all noxious weeds and invasive species known to be on or near the site.

Mount Vernon is located within the Pacific Northwest that has plentiful rainfall and more mild summers. All of the above plants listed within sub-section 'a' occur in Mount Vernon.

As a non-project action no impacts plants will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding plants.

5. **Animals: The following sections of this element are not applicable to the proposed amendment**

a. Underline any birds and animals that have been observed on or known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other _____.

Mammals: deer, bear, elk, beaver, other _____.

Fish: bass, salmon, trout, shellfish, other _____.

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. List proposed measures to preserve or enhance wildlife, if any:

e. List any invasive animal species known to be on or near the site.

All of the above animals listed within sub-section 'a' occur in Mount Vernon. Mount Vernon is part of the migratory route known as the American Pacific Flyway. The Skagit River that flows through the City is the largest basin in the Puget Sound, and possesses the most abundant and diverse populations of salmon, steelhead trout, and bull trout in the region.

As a non-project action no impacts to animals will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding animals.

6. **Energy and Natural Resources The following sections of this element are not applicable to the proposed amendment**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed projects energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal?

As a non-project action no impacts to energy and natural resources will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding energy and natural resources.

7. Environmental Health The following sections of this element are not applicable to the proposed amendment

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [help]

1) Describe any known or possible contamination at the site from present or past uses.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

4) Describe special emergency services that might be required.

5) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area that may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3) What are the proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use The following sections of this element are not applicable to the proposed amendment

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [help]

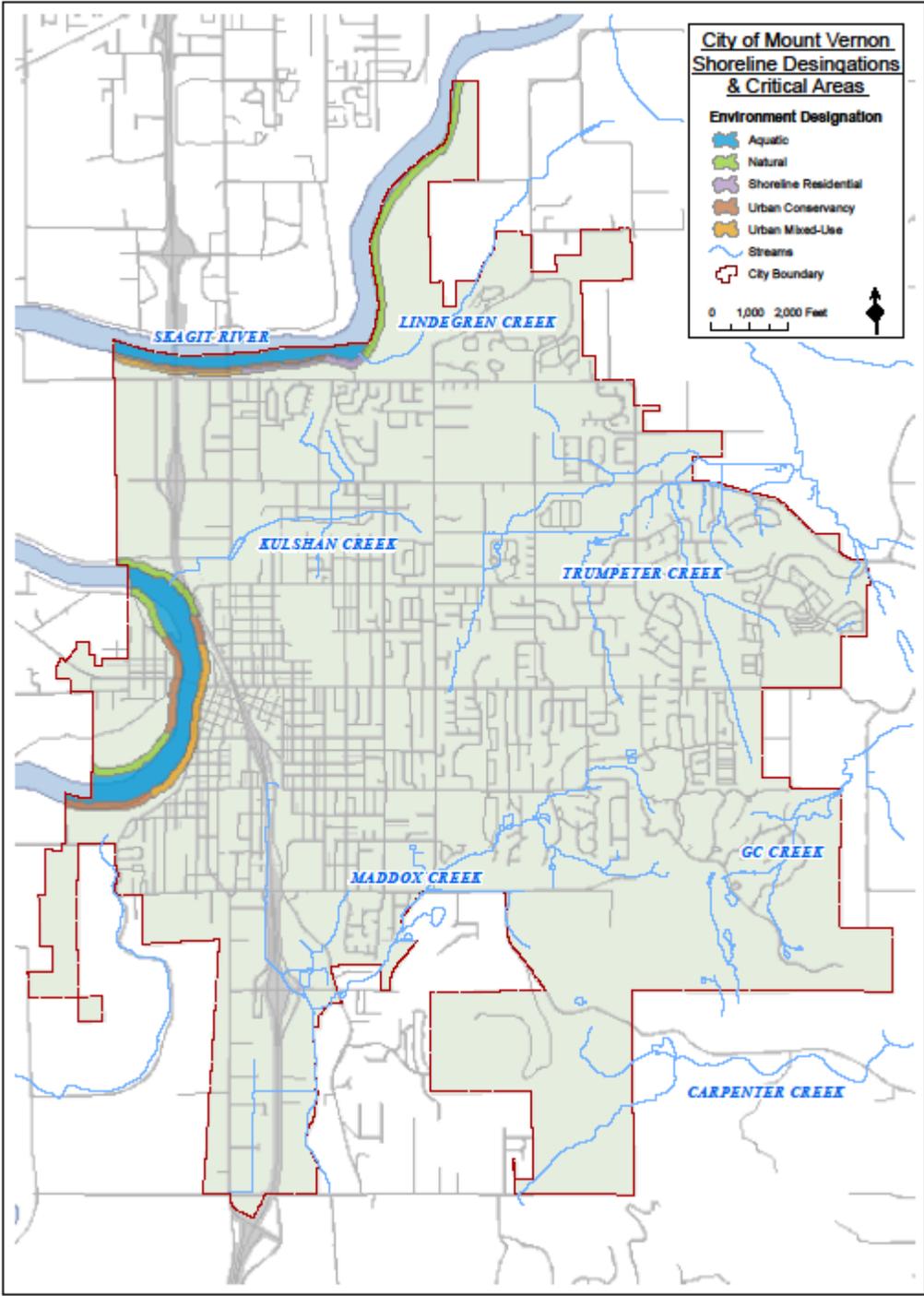
b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [help]

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

c. Describe any structures on the site. [help]

- d. Will any structures be demolished? If so, what? [help]
- e. What is the current zoning classification of the site? [help]
- f. What is the current comprehensive plan designation of the site? [help]
- g. If applicable, what is the current shoreline master program designation of the site? [help]
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [help]
- i. Approximately how many people would reside or work in the completed project? [help]
- j. Approximately how many people would the completed project displace? [help]
- k. Proposed measures to avoid or reduce displacement impacts, if any: [help]
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [help]
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

The City has a number of zoning and Comprehensive Plan designations. Following is a copy of the City's zoning map and the Comprehensive Plan map. The City has areas within the Shoreline Management Master Plan. A map identifying these areas is also provided below.



a. Housing The following sections of this element are not applicable to the proposed amendment

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income.
- c. What are proposed measures to reduce or control housing impacts, if any?

b. Aesthetics The following sections of this element are not applicable to the proposed amendment

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. What are the proposed measures to reduce or control aesthetic impacts, if any?

c. Light and Glare The following sections of this element are not applicable to the proposed amendment

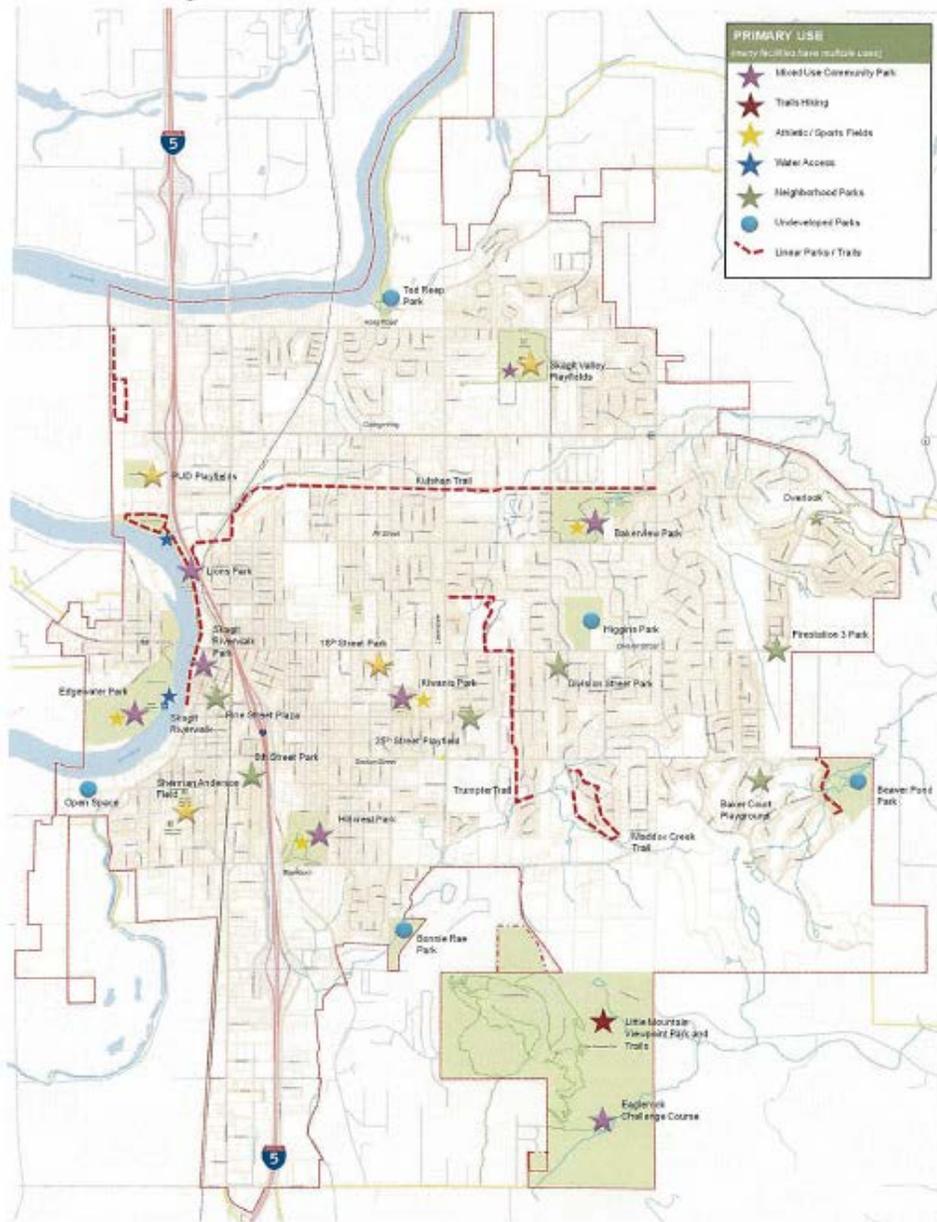
- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. What are the proposed measures to reduce or control light and glare impacts, if any:

d. Recreation The following sections of this element are not applicable to the proposed amendment

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. What are the proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

The City contains over 860 acres of park land, both developed and undeveloped along with approximately 4.7 miles of trails. Following is a map that identifies the general location of the City's existing recreational facilities.

As a non-project action no impacts to recreational facilities will occur. Development that is authorized consistent with the City's development regulations following adoption of these code amendments will be required to comply with City, State and Federal requirements regarding recreation.



Mount Vernon City Park Facility Locations

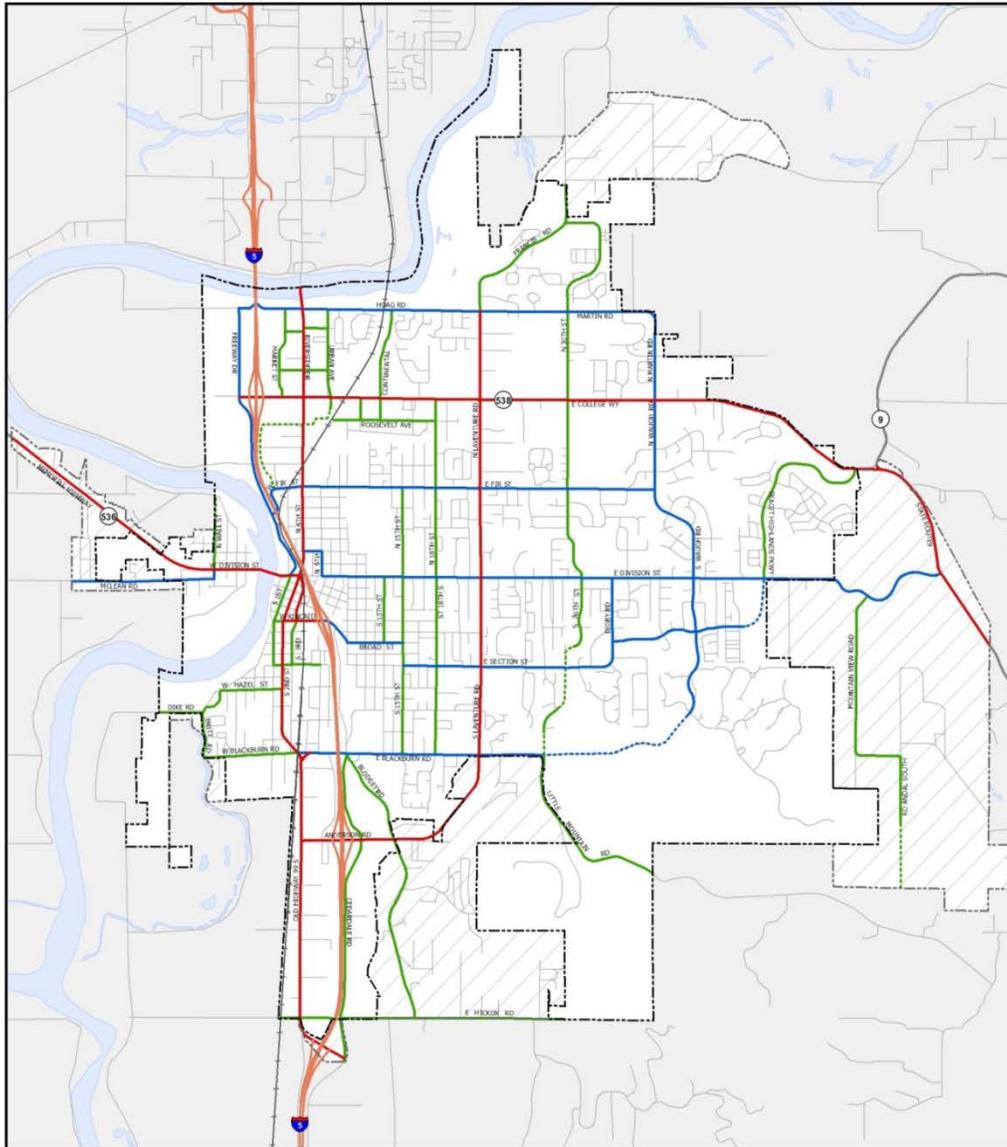
e. Historic and Cultural Preservation The following sections of this element are not applicable to the proposed amendment

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [help]
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [help]
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [help]
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

f. Transportation The following sections of this element are not applicable to the proposed amendment

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to any existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project use or occur in the immediate vicinity of water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- h. What are proposed measures to reduce or control transportation impacts, if any:

Mount Vernon’s regional location puts demands on its transportation systems. With the Seattle metropolitan area a short distance to the south, Vancouver B.C. to the north, and the San Juan Islands to the west the City is influenced by many regional travelers and trends. In addition, the City is bisected by several State Routes both north/south and east/west. Below is a map that identifies the functional classification of the City’s existing roadway network.



Transportation Element - Figure 3.1 Arterial Street Plan

City of
**MOUNT
VERNON**

Street Classification, Status

- Principal Arterial, Existing
- Minor Arterial, Existing
- Urban Collector, Existing
- - - Principal Arterial, Proposed
- - - Minor Arterial, Proposed
- - - Urban Collector, Proposed

- Other Street
- Railroad
- City Boundary
- Urban Growth Area
- Water Body

0 0.5 1
Miles
Map by MV GIS 3/3/2016

In Mount Vernon Skagit Transit currently operates seven (7) bus routes, park and ride facilities/programs, and a transportation depot named Skagit Station where travelers can connect with services provided by Skagit, Whatcom and Island Transits along with Amtrack and Grayhound. Commuter service to Everett Station where connections to Sound Transit, Everett Transit and Community Transit are also available.

Skagit Station, located in Mount Vernon, is an Amtrack rail link between Seattle, Portland, and Vancouver, B.C. Four (4) trains a day currently stop at the station; two south bound trains and two north bound trains.

As a non-project action no impacts to transportation systems will occur. Development that is authorized consistent with the City's development regulations following the adoption of these code amendments will be required to comply with City, State and Federal requirements regarding transportation issues.

g. Public Services The following sections of this element are not applicable to the proposed amendment

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
- b. What are proposed measures to reduce or control direct impacts on public services, if any.

h. Utilities The following sections of this element are not applicable to the proposed amendment

- a. Underline utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity that might be needed.

All of the utilities listed in sub-section 'a' are available within the City.

C. SIGNATURE

The above answers are true to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.



Signature:

Date Submitted: **November 14, 2018**

SUPPLEMENT SHEET FOR NONPROJECT ACTIONS
(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, that would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. *Respond briefly and in general terms.*

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? **Staff is unaware of any increased discharge to water, emissions to air, production, storage or release of toxic or hazardous substances or production of noise that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to avoid or reduce such increases are: **Not applicable, see #1, above.**
2. How would the proposal be likely to affect plants, animals, fish, or marine life? **Staff is unaware of any impact that would occur to affect plants, animals, fish or marine life as a result of the proposed code amendments.**
3.
 - a. Proposed measures to protect or conserve plants, animals, fish, or marine life are: **Not applicable, see #2, above.**
4. How would the proposal be likely to deplete energy or natural resources? **Staff is unaware of any way that energy or natural resources would be depleted as a result of the proposed code amendments.**
 - a. Proposed measures to protect or conserve energy and natural resources are: **Not applicable, see #3, above.**
5. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural site, wetlands, floodplains, or prime farmlands? **Staff is unaware of any affects to environmentally sensitive areas or areas designated for governmental protection, historic or cultural site, wetlands, floodplains, or prime farmlands that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to protect such resources or to avoid or reduce impacts are: **Not applicable, see #4, above.**

6. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? **Staff is unaware of any affects to land and shoreline use that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to avoid or reduce shoreline and land use impacts are: **Not applicable, see #5, above.**

7. How would the proposal be likely to increase demands on transportation or public services and utilities? **Staff is unaware of any increased demands on transportation or public services or utilities that would occur as a result of the proposed code amendments.**
 - a. Proposed measures to reduce or respond to such demand(s) are: **Not applicable, see #6, above.**

8. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. **There are no known conflicts with local, state or federal laws or requirements for the protection of the environment related to the code amendments proposed herein by the City.**