

## **Chapter 14.05 PROCEDURES**

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### **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 non-legislative applications, and to provide that final decisions on development proposals be made within 120 days of the date of the letter of completeness, 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 120 days.

**14.05.020 Applicability:**

**A.** All applications for development shall be subject to the provisions of this Chapter, except where specifically exempted under MVMC 14.05.040, Exemptions from State Process Requirements. While this Chapter provides the overall review framework regarding submittal and hearings, Titles 14 through 18 contain permit-specific review procedures and criteria. All Chapters should be reviewed together; however, if there is a conflict between Titles 14 through 18 of the Mount Vernon Municipal Code, Chapter 14.05 MVMC shall control with the exception of conflict with this Chapter and Chapter 15.06, wherein Chapter 15.06 shall control.

**B. Counter Information.** The Director or his/her designees respond to inquiries from members of the public regarding the applicability and interpretation of various code provisions prior to or outside the context of a specific development permit application. Unless an official interpretation is requested in writing, these general counter requests for information shall be provided as a public convenience only, and shall not be processed or be subject to appeals.

**14.05.030 Effect of Permit:**

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful. No approval or pre-approval of plans or specifications shall be deemed or construed to be a permit. Permits for land use applications shall be granted only through compliance with provisions of this code according to permit type.

**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 process. The City exempts the following actions since they typically require more than 120 days to process:

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 is appealed to the Hearing Examiner, the Building Code Board of Appeals and/or City Council;

10. Any project once it becomes the subject of a petition under the Land Use Petition Act; and,
11. Any project that is determined by the Director to present extenuating circumstances that would require more than one hundred twenty (120) days to process based upon written findings that a specified amount of additional time is needed to process specific complete project permit application.

**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 MVMC 17.96;
  - 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. Temporary use permits if SEPA exempt;
  - k. Water, sewer, storm drainage, roadway permits if SEPA exempt; and,

1. 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. Non-project Permit.**

RCW 36.70B.020 excludes certain actions from the definition of “project permits”, particularly non-project 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.

**14.05.050 Permit Types:**

**A. Permits Classified by Type:**

Applications for development permits shall be categorized and processed as one or more of the six permit types described in section B, below. Where applications are categorized as more than one type, the code that pertains to the application needs to be evaluated as more than one procedural process is available depending on specific circumstances particular to that application. Applications shall be classified in accordance with the Table in 14.05.060, provided that shoreline permits under the Shoreline Management Master Program shall be processed as described in that Program; and that annexations shall be processed according to 35A.14 RCW. Annexations shall also be subject to additional City specific submittal and procedural requirements as outlined within this Chapter.

**B. Permit Types:**

1. **Type I – Administrative Review without Notice.** Type I applications are those applications where a final decision is made by the Director or the Director’s designee without public notice or a public hearing. That decision may be appealed in an open record appeal hearing to the Hearing Examiner. The Hearing Examiner decision may be appealed in a closed record appeal to the City Council. An applicant can file an appeal to the Building Code Board of Appeals following the Director’s decision for matters concerning the suitability of alternative building materials, the suitability of alternative methods of construction, or interpretation of building regulations.
2. **Type II – Administrative Review with Notice.** Type II applications are those applications where a final decision is made by the Director or the Director’s designee after public notice, but without a public hearing. That decision may be appealed in an open record appeal hearing to the Hearing Examiner. The Hearing Examiner decision may be appealed in a closed record appeal to the City Council.
3. **Type III – Hearing Examiner Review with Public Hearing.** Type III applications are those applications that require an open record hearing before the Hearing Examiner and for which the Hearing Examiner makes the final decision. For all applications except variances, the Hearing Examiner decision may be appealed in a closed record appeal to the City Council. Appeals for variances go to Superior Court.
4. **Type IV – Council Review with Public Hearing.** Type IV applications are those applications that require an open record pre-decision hearing before the Hearing Examiner or Planning Commission, and for which the Hearing Examiner or Planning Commission action is only a recommendation to the City Council. The City Council shall make the final decision after a closed record hearing on Type IV actions.

**5. Type V – Council Review without Hearing.** Type V applications are those applications that do not require a public hearing and for which a final decision is made by the City Council.

**6. Type VI- Legislative.** Type VI applications are those applications that require legislative action by the City Council at an open record hearing after one or more open-record public hearing(s) and a recommendation from the Planning Commission.

**C. Permits Not Classified by This Chapter:**

If this Chapter does not expressly provide for review using one of the six types of procedures and a specific procedure is not specified by law; or if there are conflicting procedural requirements the Director shall classify the application as one of the six procedural types and it will be processed accordingly. Questions about what procedure is appropriate shall be resolved in favor of the type providing the greatest public notice and opportunity to participate.

**14.05.060 Permit Classification Table:**

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) 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 15.40.130			X			
Design Review with Building Permit	X					
Design Review with Hearing Examiner Land Use Permit			X			
Design Review Waiver per 17.70	X		X			
Development Regulation Text Amendments to MVMC Chapters 3.40, 15, 16 & 17						X
Development Regulation Text Amendments to Chapters except MVMC 3.40, 15, 16 & 17					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit I	X					
Fill and Grade Permit II		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				
Landscape Modifications per MVMC 17.93.080	X					
Lot Certification	X					
Major Modification	X	X	X	X		
Master Plan Approval per MVMC 17.30.090				X		
Minor Modifications	X					
Model Home Permit	X					
Nonconforming Use – ordinary maintenance or repair	X					
Nonconforming Use – certificate of use or occupancy	X					
Nonconforming Use – special permission to enlarge, expand, or reconstruct			X			
Plat, Preliminary				X		

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Plat, Final					X	
Planned Unit Development				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		X				
Short plat – when hearing requested			X			
Site Plan Approval	X					
Site Plan Approval per MVMC 17.39.150				X		
Special Use Permit			X			
Special Use Permit for ADUs		X				
Street Vacations				X		
Street Design Modifications per MVMC 16.16	X					
Temporary Use Permit Per 17.92	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 17.84.130, 16.20 and 14.10.110				X		
Zoning Boundary Determination (per MVMC 17.09.040)			X			
Zoning Variances not exceeding 20% of lot width, setbacks, lot coverage, building height, parking, and landscape buffers		X				

## 14.05.070 Summary of Permit Processes

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Pre-application Meeting	No	Required for short plats, building permits with street improvements, and all other non-single-family residential actions	Required, unless waived by Director	Required, unless waived by Director	Required, unless waived by Director	Required, unless waived by Director	Required, unless waived by Director
Letter of Completeness	Required	Required	Required	Required	Required	Required	Required
Notice of Application	No	Required, unless exempted by 14.05.040	Required, unless exempted by 14.05.040	Required, unless exempted by 14.05.040	Required, unless exempted by 14.05.040	Required, unless exempted by 14.05.040	See RCW 35A.14 or the Shoreline Management Master Program
Notice of Hearing	Not Applicable	Not Applicable	Required	Required	Required	Required	See RCW 35A.14 or the Shoreline Management Master Program
Open-Record Pre-decision Public Hearing	No	No	Yes, before Hearing Examiner to render final decision	Yes, before Hearing Examiner or Planning Commission, as noted in 14.05.080 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	See RCW 35A.14 or the Shoreline Management Master Program
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	No	No	No	See RCW 35A.14 or the Shoreline Management Master Program
Notice of Decision	Required, pursuant to 14.05.150	Required, pursuant to 14.05.150	Required, pursuant to 14.05.150	Required, pursuant to 14.05.150	Required, pursuant to 14.05.150	Required, pursuant to 14.05.150	See RCW 35A.14 or the Shoreline Management Master Program
Recommendation Made By	Not Applicable	Not Applicable	Not Applicable	Review Authority noted in 14.05.080	Review Authority noted in 14.05.080	Planning Commission	See RCW 35A.14 or the Shoreline Management Master Program
Final Decision Made By	Community and Economic Development Director subject to administrative appeal	Community and Economic Development Director subject to administrative appeal	Hearing Examiner subject to administrative appeal except for variances	City Council	City Council	City Council	See RCW 35A.14 or the Shoreline Management Master Program
Judicial Appeal	See 14.05.190	See 14.05.190	See 14.05.190	See 14.05.190	See 14.05.190	See 14.05.190	See RCW 35A.14 or the Shoreline Management Master Program

#### **14.05.080 Authority and Responsibilities:**

##### **A. Review Authority:**

The regulation of land development is a cooperative activity including elected officials and appointed boards or officials, and City staff. The specific responsibilities of these entities are listed as set forth in subsections B through G of this Section.

##### **B. Community & Economic Development Director, Public Works Director, or Their Designees:**

Unless noted otherwise, the Community and Economic Development and/or the Public Works Director or his/her designee shall review and act on the permits listed in the Permit Classification Table (14.05.060), and the following:

1. Revocable permits for the temporary use of public right-of-way;
2. Sewer modifications, alternates, and appeals (Public Works Director);
3. Waivers of:
  - a. Right-of-way dedication for plat (Public Works Director); and,
  - b. Submittal requirements.

##### **C. Environmental Review Official:**

For those projects where the City is the lead agency, or shares lead agency status, the Community and Economic Development Director or his/her designee shall be the City's designated responsible official, and shall act on the following:

1. Make threshold determinations of environmental significance, non-significance, or mitigated non-significance;
2. Authorize circulation of draft environmental impact statements;
3. Approve and issue final environmental impact statements; and,
4. Approve mitigation conditions for mitigated determinations of non-significance and final environmental impact statements.

##### **D. Planning Commission:**

The Planning Commission shall hold hearing(s) and make recommendations to the City Council on the following:

1. Comprehensive Plan Amendments, including neighborhood or sub-area plans and studies that augment the Comprehensive Plan and short-range programs that are necessary for implementation of the Comprehensive Plan;
2. Shoreline Master Program Amendments;
3. Area-Wide Zoning Changes;
4. Land Use and Development Regulations Amendments to MVMC Chapters 3.40, 15, 16 and 17;
5. Other land use plans and programs contained in the Commission's work program or referred by the City Council; and,
6. Designation of historic structures.

##### **E. Hearing Examiner:**

**1. Final Decisions and Appeals Made by Hearing Examiner.** The Hearing Examiner shall review, hold hearings, and act on the permits listed in the Permit Classification Table (14.05.060).

**2. Recommendations Made by Hearing Examiner.** The Hearing Examiner shall review, hold hearings, and make recommendations to the City Council on the following:

- a. Rezones consistent with the Comprehensive Plan;

- b. Preliminary plats;
- c. Planned unit developments;
- d. Master Plan approval;
- e. Conditional Use Permits for Essential Public Facilities (EPFs);
- f. Major modification of preliminary or final plat or PUD or other plan that requires a recommendation from the Hearing Examiner;
- g. Site plan approval per 17.39.150;
- h. Waivers per MVMC 17.84.130, 16.20, 17.70, and 14.10.110;
- i. Street Vacations; and,
- j. Transportation Management Concurrency when greater than 75 PM peak hour trips are generated.

**F. City Council:**

The City Council shall review and act on the permits listed in the Permit Classification Table (14.05.060); and on the following:

- 1. Annexations;
- 2. Dedications of property for public purposes;
- 3. Latecomers Agreements;
- 4. Release of easements; and,
- 5. Street vacations.

**G. Consolidated Review Process for Multiple Permit Applications:**

**1. Optional Process Resulting in a Single Open Record Public Hearing:** An applicant may have the review and decision process for required permits relating to a proposed project action consolidated into a single review process. Consolidated review shall provide for only one open record hearing and no more than one closed record appeal. Appeals of environmental determinations shall be consolidated except when allowed to be a part of separate hearings in accordance with RCW 43.21C.075, Chapter 15.06 of this code, and WAC 197-11-680. Where hearings are required for permits from other local, State, regional, or Federal agencies, the City will cooperate to the fullest extent possible to hold a single joint hearing.

**2. Review Authority for Multiple Applications:** Where more than one land use permit application is required for a given development, an applicant may file all related permit applications concurrently, pay appropriate fees, and the processing may be conducted under the consolidated review process. Where the required permits are subject to different types of permit review procedures, then all the associated applications are subject to the highest level of review authority that applies to any of the required applications, except for Shoreline Permits, which shall be processed in accordance with the Shoreline Master Program and annexations which will be processed pursuant to RCW 35A.14. Appeals of environmental determinations shall be consolidated except when allowed to be part of separate hearings in accordance with RCW 43.21C.075, Chapter 15.06 MVMC, and WAC 197-11-680.

**14.05.090 Foundation of Project Review:**

**A. Project Review:**

The Comprehensive Plan and development regulations shall serve as the foundation for project permit review. Proposed projects shall be reviewed for consistency, conformity, and compliance with applicable adopted plans and development regulations.

**B. Re-examination or Appeals:**

During project review, the City shall not re-examine alternatives to or hear appeals from fundamental land use planning choices made in the City's Comprehensive Plan or adopted development regulations.

**C. Docketing:**

If during project review deficiencies are identified in the Comprehensive Plan or in development regulations, project review shall continue under the existing plans and regulations and any deficiencies shall be docketed for consideration during the next Comprehensive Plan update.

**14.05.100 Single Contact Designated and Signature Required:**

- A. The City will require the applicant to designate a single person or entity to receive all correspondence required by this Chapter. All applications shall be signed by all property owners, or their agents. If a property owner is designating an agent to sign on their behalf, the property owner must provide written and notarized authorization of such.

**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 (6) types of permit procedures, as identified in MVMC 14.05.050.

**B. Pre-Application Meeting:**

- 1. When a Pre-application Meeting is Required:** A pre-application meeting is required for the following actions, unless the Director determines the action does not require the preliminary analysis completed at a pre-application meeting:
  - a. All Type II actions involving non-single-family residential building;
  - 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.** Pre-application meetings for all other types of applications are not required, but may be considered upon request of the applicant, on a time-available basis, at the discretion of the Director. The Director may also determine that a pre-application meeting is required for projects where coordination with City staff before an application is submitted is deemed necessary by the Director.
- 3. 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 pre-application 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 on any form sent by the Director to the applicant under MVMC 14.05.110(B) 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.

4. **Pre-application Submittal Requirements:** Pre-application meeting submittal requirements shall be defined by the CEDD on forms made available to applicants. Failure to provide all of the required information may prevent the City from identifying all applicable issues or providing the most effective pre-application meeting.
5. **Scheduling:** A pre-application meeting shall be scheduled by the City within five days of a completed pre-application request being submitted. The pre-application conference shall be held within 45 days of a request, when possible. However, a failure to meet this time limit will not make the City liable for damages.
6. **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 his/her designee in writing. If approved, the applicant will be provided with a written list of submittal requirements waived. The applicant must submit a copy of the list of City approved waiver(s) at the time of formal application submittal.

**C. Submittal of a Formal Land Use Application:**

1. **Submittal location.** All applications shall be submitted upon forms provided 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.
3. **Fees.** All applications and appeals shall be submitted with applicable fees, pursuant to MVMC 14.15.
4. **Counter Complete Determination.** All applications must include a submittal requirement checklist that shall be the basis for determining whether an application will be accepted for purposes of review and determination of technical completeness pursuant to MVMC 14.05.110(D). Applications may either be brought in person or mailed to the City for counter complete review. An application is counter complete if the Director, or the Director's designee, finds that the application includes the information required by the submittal requirement checklist; provided, no effort shall be made to evaluate the substantive adequacy of the information in the application in the counter complete review process. If the Director or Director's designee decides the application is counter complete, then the application shall be accepted for review for technical completeness. If the Director or designee decides the application is not counter complete, he/she shall reject and return the application and identify in writing what is needed to make the application counter complete. The Director at his/her discretion may mandate that an applicant schedule a submittal meeting with a CEDD planner, so that the staff planner can determine whether or not an application is counter complete. A determination of counter completeness shall be made within two days of an application being submitted to the CEDD.

#### **D. Determination of Technical Completeness:**

- 1. Timing:** Following a counter complete determination, the CEDD shall provide a written determination that an application is deemed technically complete or incomplete according to the submittal requirements in MVMC 14.05.210 within 28 days after the initial submittal or within 14 days after the application has been resubmitted to the City if the application has been returned to the applicant as being incomplete. An application shall be deemed to be technically complete for processing if a response from the City is not sent to the applicant within 28 days after their counter complete determination.
- 2. Incomplete Applications:** If additional information is required, the CEDD shall provide a written determination to the applicant that the application is incomplete and what is necessary to make the application complete. 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 date, the applicant may request in writing an extension of time. The Director may grant one 30 day extension 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. 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.
- 3. Additional or Corrected Information May Be Requested:** A written determination of technical completeness does not preclude the CEDD from requesting supplemental information or studies, if additional information is required to complete review of an application, if information submitted by an applicant is deemed incorrect, or if changes in the permit application are proposed. The CEDD may make a determination in writing that some information is incorrect and that corrected information be submitted. The applicant shall have 90 days 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 date, the applicant may request in writing an extension of time. The Director may grant one 30 day extension 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. Within 14 days after an applicant has submitted additional or corrected information, the CEDD shall notify the applicant whether the additional and/or corrected information is complete.

4. **Hold Placed and Period Excluded:** Pursuant to MVMC 14.05.130, when an applicant has been requested by the City to correct plans or other information, perform required studies, or provide additional required information, a hold shall be placed on the project. The time during this period shall be excluded in determining the number of days that have elapsed after the City has notified the applicant that the application is complete for processing. The period shall be calculated pursuant to MVMC 14.05.130.

**E. Notice:**

1. **To applicant.** The applicant shall be advised of the date when a technically complete application has been submitted, and of the threshold environmental determination. The applicant shall be advised of the date of any public hearing at least 14 days prior to the public hearing.
2. **To public.** Public notice of applications, decisions, and hearings shall be provided in accordance with MVMC 14.05.150.

**F. Report from the Community & 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 timeframes established in 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 pre-decision 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, 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 MVMC 14.05.110(H), within 14 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 there from, 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 ten days after the written Hearing Examiner decision has been rendered. 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 address where their request was sent. The applicant and parties of record shall have eight days following the date of mailing to file a written response. 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. The Examiner may request further information which shall be provided within ten days of the request. A request for further information shall be mailed by the CEDD to the applicant and all parties of record. The Examiner shall promptly review the reconsideration request and any responses and shall, within ten days of the deadline for filing responses or receipt of additional information, whichever is later, shall issue a written decision on the request for reconsideration. 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 there from 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 Commissions 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, cancelled 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 MVMCs 14.05.160 through 14.05.200.

**14.05.120 Vesting**

Vested rights are granted to applications for building permits, preliminary plats, or short plats at the time when a "technically complete" land use application has been properly submitted; unless subject to matters concerning public health, safety, and welfare. When vested, the application is deemed complete for processing and shall vest for the specific use, density, and physical development that is identified in the application submittal and shall be subject to all development regulations in effect on the date of vesting, as conditioned by the review authority. An application shall be considered vested as long as the permit application or approval is considered valid by the underlying regulation. A final decision for a permit application pursuant to this subsection shall be made on the basis of the applicable regulations in effect on the date the application is "technically complete."

- A.** Supplemental information required after an application has been deemed technically complete shall not affect the validity of the vesting for such application.
- B.** Revisions requested by an applicant to a vested, but not yet approved, application shall be deemed a new application when such revisions are classified by the Director as a

major modification as defined within MVMC 14.05.220. Vesting for the new application shall occur upon the date of submission of a valid and technically complete application for the changed project.

- C. Timelines for valid duration and expiration of a development permit shall be governed by the applicable regulation and/or as specifically conditioned by the review authority. The applicant shall be responsible for monitoring time limitations and deadlines for a specific application. The City shall not be responsible for maintaining a valid application. If an application subject to this chapter expires, the applicant may file a new application, but shall be subject to the development regulations in effect on the date the new application is complete for processing.

#### **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 120 days from the date an application is deemed technically complete, unless the application is exempted under MVMC 14.05.040, State law, the Mount Vernon Municipal Code, a hold is placed on the project per MVMC 14.05.110(D)(4), the application lapses for failure to meet any deadline for the submittal of supplemental or corrected information, or the applicant consents to, or requests an extension of such time period. If a project application is subject to a major modification, the 120 day time period shall start again after the revised project application is determined to be technically complete.
- B. **Exclusions from the 120 day 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 commencing with a request by the City that the applicant provide additional information, corrected information including correct plans, perform required studies, the preparation of an environmental impact statement following a determination of significance, or otherwise require the applicant to act until the applicant provides said information.
  2. Any period during which the applicant is not current in payment of City permit review fees.
  3. Any period when a project permit application requires an amendment to the Comprehensive Plan or development regulations, or requires approval of the siting of an essential public facility as provided in RCW 36.70A.200 and the Mount Vernon Municipal Code.
  4. Any period between the initial determination of technically complete application and determination of complete submittal of a major or minor modification.
  5. Any period during which a decision related to the proposed project is being appealed.
  6. Any period mutually agreed upon by the applicant and the City.

#### **14.05.140 Expiration of Approval:**

The City declares that circumstances surrounding land use decisions change over time. To assure the compatibility of a decision with current needs and concerns, such decisions must be limited in duration to ensure the action or improvements authorized by the decision are implemented promptly. Any application or permit approved pursuant to this Chapter, with the exception of Shoreline Permits, plats and PUDs, rezones, and Master Plans shall be implemented

within two years of such approval unless other time limits are specifically prescribed elsewhere in the Mount Vernon Municipal Code. Any application or permit that is not so implemented shall terminate at the conclusion of that period of time and become null and void; except as noted below:

- A. For large scale or phased development projects, the Examiner may at the time of approval or recommendation set forth time limits for expiration that exceed those prescribed in this Section for such extended time limits as are justified by the record.
- B. An extension of time up to one year may be granted by the final decision maker; i.e., the Director, Examiner, Planning Commission, or City Council on an approved application or permit for good cause shown. An extension under this subsection may be granted only if the following takes place:
  - 1. The applicant requests the extension in writing prior to the expiration time;
  - 2. The applicant meets the burden for justifying why the extension should be granted; and,
  - 3. The extension of time is not for a Shoreline, Plat, or PUD application.

#### **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 1 permits per MVMC 14.05.060; or actions specifically exempted under MVMC 14.05.040, but is required for all other development permit applications subject to notice requirements, except for Binding Site Plans.
- 2. **Content.** Within 30 days of issuing a letter stating that an application is technically complete per MVMC 14.05.110(D), and as long as CEDD staff has not requested additional or corrected information per MVMC 14.05.110(D), the City shall issue a Notice of Application (NOA). The notice shall, at minimum, include the following:
  - a. Owner, applicant and contact name;
  - b. Project name and City file number;
  - c. Date of counter completeness and technical completeness;
  - d. A non-legal project location description;
  - e. Project description;
  - f. A listing of all permits/approvals requested;
  - g. The date the 14 day public comment period expires,
  - h. The date, time, and place of a public hearing if one has been scheduled; and,
  - i. The following, or equivalent, statements: “To receive additional information regarding this project, contact the Community and Economic Development Department and request to be made a party of record” and “To become a party of record or to obtain further information regarding this project, contact the City of Mount Vernon Community and Economic Development Department at 910 Cleveland Avenue, Mount Vernon, WA 98273, (360) 336-6211.”
- 3. **Distribution.** Notices of Application shall be made as follows:
  - a. By publication in the official newspaper of the City; except for the following permits:
    - i. Administrative Conditional Use;
    - ii. Fill & Grade II;
    - iii. Exterior Alteration of a Historic Structure;

- iv. Type II Home Occupation;
  - v. Short Plat;
  - vi. Special Use Permit for an Accessory Dwelling Unit;
  - vii. Zoning Variance Not Exceeding 20% of the Lot Width, Setbacks, Lot Coverage, Building Height, Parking and Landscape Buffers.
- b. By posting of a land use notice board placed by the applicant in a conspicuous location on each public street frontage bordering the subject property and visible by members of the public; and,
- c. By mail as follows:
- i. For administrative conditional use permits notice shall be mailed to adjacent and abutting property owners.
  - ii. For Planned Unit Developments, notice shall be mailed to property owners within 500 feet of the project.
  - iii. For Special Use Permits for Accessory Dwelling Units (ADU) or variances not exceeding 20% 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 14.05.150(A)(3), and all parties of record.
2. For Process 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 official newspaper 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.
4. **Content of Notice:** The public notice shall include a general description of the proposed project, the action to be taken, a non-legal description of the property, the time, date and place of the public hearing, and where further information may be obtained.

**D. 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.

**E. 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.

**F. 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.

**G. 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 F of this Section shall have no effect upon the proposed action or application.

**14.05.160 Appeals:**

**A. Scope and Purpose:**

This, along with sections 14.05.170, 14.05.180, and 14.05.190, provide the basic procedures for processing appeals of land use and development-related appeals. Appeals of environmental determination are governed by MVMC Chapter 15.06. Specific requirements are based upon the type and level of appeal and the appeal authority. Procedures for appeals to the Hearing Examiner, the Building Code Board of Appeals, and City Council are outlined. Appeals to Superior Court, the Growth Management Hearings Board, and the State Shorelines Hearings Board are included by reference only.

**B. Decision Authority:**

Where requested land use actions are subject to different types of review procedures, then all the applications are subject to the highest-number procedure, and highest level of review authority that applies to any of the applications.

**C. General Information Applicable to all Types of Appeals:**

1. **Standing:** Only those persons with standing may bring an appeal of a land use decision. Only parties of record may file an administrative appeal. The term “parties of record”, for purposes of this Chapter, shall mean:
  - 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.
2. **Time and Location to File:** All administrative appeals shall be filed with the CEDD and must be received by 4:30 p.m. on the last date for filing. Appeals submitted after 4:30 p.m. will be deemed to have been received on the following business day. All other appeals must comply with the filing requirement set forth by State and Federal law and specific requirements of the appeal authority.

- 3. Required Format and Content of Appeals:** All administrative appeals shall be filed in writing. The written notice of appeal shall fully, clearly and thoroughly specify the substantial error(s) in fact or law which exist in the record of the proceedings from which the appellant seeks relief. The notice of appeal shall contain a concise statement identifying:
  - a. The decision being appealed.
  - b. The name, address, and telephone number of the appellant.
  - c. Appellant's standing to appeal.
  - d. Appellant's specific grounds for appeal and the facts upon which the appeal is based with specific references to facts in the record.
  - e. The relief sought, including the specific nature and extent.
  - f. Any Mount Vernon Code Section(s), or other local, State or Federal laws the appellant deems relevant.
  - g. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.All other appeals must comply with the content and format requirements set forth by State and Federal law and specific requirements of the appeal authority.
- 4. Filing of Appeal and Fee:** The notice of any administrative appeal shall be accompanied by a fee in accordance with the fee schedule of the City.
- 5. Facsimile Filings:** Filings may be made by facsimile. Any facsimile filing received at the City after 4:30 p.m. on any business day will be deemed to have been received on the following business day. Any party desiring to make a facsimile filing must call the CEDD and indicate that the filing is being made by facsimile and the number to which the facsimile copy is being sent. The filing party must ensure that the facsimile filing is transmitted in adequate time so that it will be completely received by the CEDD before 4:30 p.m. In all instances in which filing fees are to accompany the filing of an application, those filing fees must be received by the City before the end of the business day on the last day of the filing period or the filing will be considered incomplete and will be rejected.
- 6. Filings Sent Via Email:** Filings will not be accepted when sent via email. All filings shall be delivered only as specified above in person or via facsimile.
- 7. Notice of Appeal:** Public notice of any administrative appeal hearing shall be provided as required by MVMC 14.05.150(F).
- 8. Limit on Number of Appeals:** The City has consolidated the permit process to allow for only one open record administrative hearing of all permit decisions associated with a single development application. There shall be no more than one appeal on a procedural determination or environmental determination such as the adequacy of a determination of significance, non-significance, mitigated non-significance, or of a final environmental impact statement. Appeals from environmental determinations shall be joined with an appeal of the substantive determination.
- 9. Exhaust Administrative Remedies:** A party with standing to appeal must first exhaust all available administrative appeals prior to filing a judicial appeal.

#### **14.05.170 Appeals of Administrative Decisions:**

##### **A. Applicability and Authority:**

- 1. Administrative Determinations:** Type I and II administrative decisions listed in MVMC 14.05.050 may be appealed to the Hearing Examiner, in writing and must contain the information outlined in MVMC 14.05.160(C)(3). In addition, Type I building permit decisions can be appealed to the Building Code Board of Appeals.
- 2. Authority:** The Examiner shall have all of the powers of the office from whom the appeal is taken insofar as the decision on the particular issue is concerned.

**B. Reconsideration:** Any party of record feeling that the decision of the Director 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 time the decision was made, may make a written application for reconsideration within 10 days after the written decision has been rendered. The written request for reconsideration shall be mailed by the requester to all parties of record not later than the day following the filing of the request for reconsideration. Parties of record shall have eight days following the date of mailing to file a written response. The application shall set forth the specific errors relied upon by such appellant and the Director may, after review of the record, take further action as he/she deems proper. The Director may request further information which shall be provided within 10 days of the request. The written decision on the request for reconsideration shall be transmitted to all parties of record within 10 days of receipt of the application for reconsideration or receipt of the additional information requested, whichever is later. A request for reconsideration temporarily suspends the period within which an appeal of the decision of the Director the date of filing the written request for reconsideration to the date of the decision on reconsideration. If the reconsideration is denied, the period to appeal the decision shall recommence for the remaining number of days.

**C. Time for Appeal:** All appeals shall be filed in writing with the CEDD within the following time limits:

##### **1. Appeals to Examiner of Administrative Decisions:**

- a. Appeals from an administrative decision pursuant to this Chapter shall be filed within 14 days of the date of the Administrative Decision. The appeal of an administrative decision shall be filed with the CEDD, along with the required fee, within 14 days of the administrative decision; or, if no date of administrative decision can be determined, within 14 days of the issuance of any permit which requires interpretation of that land use decision, such administrative decision being an essential part of the issuance of the permit, license, or other City permission to proceed.
- b. As between the permit holder and the City, any decision to modify or retract the permit shall give the permit holder a 14 day appeal period from the date of the action to modify or retract the permit.

##### **D. Examiner and Building Code Board of Appeals Decisions for Administrative Decisions:**

- 1. Substantial Weight:** Determinations by the Director shall carry substantial weight in any appeal proceeding. The Hearing Examiner or Building Code Board of Appeals shall give substantial weight to any discretionary decision of the City rendered pursuant to the Mount Vernon Municipal Code.

- 2. Decision Options and Decision Criteria:** The Examiner or Building Code Board of Appeals may affirm the decision, remand the case for further proceedings, or reverse the decision if the substantial rights of the applicant may have been prejudiced because the decision is:
    - a. In excess of the authority or jurisdiction of the agency; or
    - b. Made upon unlawful procedure; or
    - c. Affected by other error of law; or
    - d. Clearly erroneous in view of the entire record as submitted; or
    - e. Arbitrary or capricious.
  - 3. Time for Decision:** The Hearing Examiner or Building Code Board of Appeals should render a written decision within 14 days.
- G. Restrictions on Subsequent Actions:** Any later request to interpret, explain, modify, or retract the Hearing Examiner's or Building Code Board of Appeals decision shall not be deemed to be a new administrative determination creating a new appeal period for any new third party to the permit.

#### **14.05.180 Appeals to Council:**

- A. Decision Subject to Appeal:** Type II and III decisions listed within MVMC 14.05.060 (except variances) may be appealed to the City Council, in writing and must contain the information outlined in MVMC 14.05.160(C)(3). However, Type II decisions may only be appealed to the City Council after they have been appealed to the Hearing Examiner; and the appellant is appealing the Hearing Examiner decision to the City Council.
- B. Time for Appeal:** Any such appeal must be filed by a party of record aggrieved by the decision and shall submit the appeal to the CEDD, within 14 days from the date of the report decision. The appeal must contain the information outlined in MVMC 14.05.160(C).
- C. Transmittal of Record to Council:** The CEDD shall forward to the members of the City Council all of the pertinent documents, including the written decision, findings and conclusions of the Examiner, the notice of appeal, and additional letters submitted by the parties of record.
- D. Council Review Procedures:** No open record public hearing shall be held by the City Council. All meetings of the Mount Vernon City Council shall be in accordance with Chapter 42.30 RCW, and all persons shall be permitted to attend any meeting of the City Council except as otherwise provided in Chapter 42.30 RCW.
- E. Council Evaluation Criteria:** The consideration by the City Council shall be based solely upon the record, the Hearing Examiner report, the appeal and additional submissions by parties.
- F. Closed Record Hearing - Additional Evidence:** No or limited new evidence or information will be allowed to be submitted and only appeal argument allowed. New or additional evidence or testimony shall be accepted by the City Council only upon a showing by the party offering the evidence that the evidence could not reasonably have been available at the time of the hearing before the Examiner; or that relevant information that, in the opinion of the Council, was improperly excluded by the Examiner. Appellants who believe that information was improperly excluded, or that they have new evidence that could not reasonably have been available at the time of the hearing below, must specifically request, in writing, prior to the closed record appeal hearing, that the

information be made part of the record. The request shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body/officer, why the hearing body/officer erred in excluding the information, or why it could not reasonably have been available at the time of the hearing below. No reference to excluded information shall be made in any presentation to the City Council on the merits, written or oral, until the City Council has determined that the information should be admitted. If the Council determines that additional evidence is required, the Council shall remand the matter to the Examiner for reconsideration and receipt of additional evidence. The cost of transcription of the hearing record shall be borne by the appellant. In the absence of an order by the City Council authorizing new or additional evidence or testimony, and a remand to the Hearing Examiner for receipt of such evidence or testimony, it shall be presumed that no new or additional evidence or testimony has been accepted by the City Council, and that the record before the City Council is identical to the hearing record before the Hearing Examiner.

**G. Council Action:**

1. If, after examination of the project record for an appeal of a decision of the Hearing Examiner, the Council determines that a substantial error in fact or law exists in the record the Council may remand the application to Examiner for reconsideration, modify the decision, or reverse the decision.

**H. Decision Documentation:** The decision of the City Council shall be in writing and shall specify any modified or amended findings and conclusions other than those set forth in the report of the Hearing Examiner. Each material finding shall be supported by substantial evidence in the record. The burden of proof shall rest with the appellant.

**I. Council Action Final:** The action of the Council approving, modifying or rejecting a decision or recommendation of the Examiner shall be final and conclusive unless appealed within the time frames established under 14.05.190.

**14.05.190 Appeals to Superior Court, the Growth Management Hearings Board, and to the Shoreline Hearings Board:**

- A. Appeals to Superior Court shall comply with the Land Use Petition Act, Chapter 36.70C RCW it is currently written, or as it may be amended in the future..
- B. Appeals to the Growth Management Hearings Board shall comply with 36.70A RCW as it is currently written, or as it may be amended in the future..
- C. Appeals to the Shoreline Hearings Board shall comply with 90.58 RCW it is currently written, or as it may be amended in the future.

**14.05.210 Submittal Requirements Specific to Application Type:**

The following tables list the submittal requirements for each type of permit or land use application available. Each application must be accompanied by the required application fees pursuant to MVMC 14.15. The number of required copies for each submittal item is indicated in each column and is required unless waived by the CEDD per MVMC 14.05.110(B)(5). The following tables in no way limit the CEDD from requesting additional materials that may be necessary to review a project.

- A. Table 14.05.210A – Building Permit Submittal Requirements.
- B. Table 14.05.210B – Land Use Permit Submittal Requirements.











#### **14.05.220 DEFINITIONS:**

The definitions that follow shall be used to describe in detail the words used within this Chapter. Except where specifically defined within this chapter, or as defined below, all words used in this Chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "shall" is always mandatory, and the word "may" denotes a use of discretion in making a decision. The words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied." Variances from these definitions shall not be granted. Additionally, the definitions found within MVMC 17.06 and 16.04 are hereby adopted by reference in their entirety as they are currently written or as they may be amended in the future.

#### **A. Definitions, A**

- 1. Affidavit of Posting of Public Information Sign:** A notarized statement signed by the applicant or applicant's representative attesting that the required public information sign(s) has been installed in accordance with City Code requirements.
- 2. Annexation, Ten Percent (10%) Notice of Intent:** A petition form, supplied by the City, containing the signatures of property owners as identified in Skagit County Assessor's records as taxpayers of record for properties representing at least ten percent (10%) of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform to RCW 35A.01.040.
- 3. Annexation, Sixty Percent (60%) Petition:** A petition form, supplied by the City, containing the signatures of property owners as identified in Skagit County Assessor's records as taxpayers of record for properties representing at least sixty percent (60%) of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform with RCW 35A.01.040.
- 4. Applicant:** A person who files an application for a permit under this Title and who is either the owner of the land on which the proposed activity would be located, or their authorized agent.
- 5. Applicant Agreement Statement:** A signed notarized statement indicating that the applicant agrees to allow for the potential co-location of additional wireless communication facility equipment by other providers on the applicant's structure or within the same site location and that the applicant agrees to remove the facility within six (6) months after that site's use is discontinued or if the facility falls into disrepair, and restore the site to its pre-existing condition. If there are two (2) or more users of a single wireless communication facility (WCF), then this provision shall not become effective until all users cease using the WCF.

- 6. Application Form:** Form or forms supplied by the CEDD for the type of project proposed (e.g., fill and grade permit application for grading work, sign permit application, land use master application, etc.). In cases where a particular proposal includes multiple specific actions, such as a subdivision with associated grading, the term “application form” shall include all application forms relevant to the individual actions proposed.
- 7. Architectural Plans:** A plan prepared by an architect licensed in the State of Washington (unless exempted by the Building Official) for structures that are 4,000 square feet or larger drawn at a scale and size approved by the Building Official that clearly indicates the information required by the currently adopted International Building Code, Chapter 19.27 RCW (State Building Code Act, Statewide amendments), and submittal requirement lists provided by the City.
- A. Architectural plans for commercial, industrial and multi-family dwellings with three or more units include, but are not limited to, the following information:
1. Cover page with a code analysis for the building;
  2. Project location identified with an address and/or Skagit County Assessor’s parcel number;
  3. Existing and proposed building layout with square footages and general use of each room/area, window and door size and ventilation, opening headers, plumbing, ducting, and electrical layout, including penetration protection, occupancy group, and type of construction;
  4. Cross section details, showing typical foundation, floor, wall, ceiling and roof construction and insulation with structural members labeled as to size and spacing; bracing, blocking, bridging, special connectors, and anchor bolts;
  5. Details of stairs, fireplaces and special construction, if any;
  6. Skagit County Health Department approval on plans submitted for dining/food-handling establishments;
  7. Skagit County Health Department approval on plans submitted for public pools/spas;
  8. Independent review by State of Washington Labor and Industries Electrical Division for I and E Occupancies; and,
  9. Independent review by State Department of Health for hospitals.
- B. Architectural plans for single-family residences and duplexes include, but are not limited to, the following information:
1. General building layout and room use;
  2. Window and door size and window ventilation area;
  3. Plumbing, duct, and electrical layout;
  4. Opening headers, size and material;
  5. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction, including connection details;
  6. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;
  7. Special details as needed, (i.e., stairs, fireplaces, special construction); and,
  8. Insulation of walls, slab, floors, and roof/ceiling.

8. **As-Builts or Record Drawings:** Measurements made after a project is complete to provide the actual positions and features of the project. As-builts shall be provided on stabilized drafting film the size and scale of which will be determined by the CEDD. The entire set of plans shall be provided regardless of whether or not there are changes to be noted. AutoCad and either PDF or TIF files shall also be supplied of the entire plan set.
9. **Assessment Information:** Records obtained from the Skagit County Assessor's office for each tax lot included in an area proposed for annexation. The records display all taxpayers of record and assessed value for each tax lot.
10. **Assessor's Map Indicating Site/Area:** A map obtained from the Skagit County Assessor's office identifying the subject site illustrating all property within 300 feet of the subject site; and within 500 feet of the project site for all PUD applications.
11. **Authorization for Abatement:** An irrevocable signed and notarized statement granting the City permission to summarily abate the use and all physical evidence of that use, if it has not been removed as required by the terms of the permit. The statement shall include a statement that the applicant will reimburse the City for any expense incurred in abating the use.

## **B. Definitions, B:**

1. **Binding Site Plan (BSP) Map:** See the definition of such found in MVMC 16.40.040(1).
2. **Bonds or Securities (maintenance, monitoring or performance):** A financial guarantee from an applicant for the performance, maintenance or monitoring of a component of a project. The CEDD or Public Works Director shall provide specific requirements for the information needed to determine bond amounts on a case-by-case basis. The CEDD and/or Public Works Director shall also set the bonding times and amounts.
3. **Boundary Line Adjustment Map:** See the definition of such found in MVMC 16.36.040(1).
4. **Business License Application:** A license to do business in the City of Mount Vernon. A business license application is available through and processed by the Finance Department of the City of Mount Vernon.
5. **Building Code Board of Appeals:** A five (5) member board with three (3) members that are appointed by the City's Mayor. The City's building official or his/her designee and the City's Fire Chief or his/her designee shall be the fourth and fifth members of the board; however, the building official and fire chief shall have no vote in matters before the board. Board hearings are conducted with Roberts Rules of Order and applicable State of Washington requirements. An applicant can file an

appeal to the Building Code Board of Appeals following the Director's decision for matters only concerning the suitability of alternative building materials, the suitability of alternative methods of construction, or interpretation of building regulations.

### **C. Definitions, C:**

- 1. Calculations, Survey:** A compilation prepared by a State of Washington licensed land surveyor clearly indicating the dimensions of the boundaries and the closures for each lot, parcel, tract, and block in the plat, short plat, lot line, BSP, or boundary line adjustment; an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.
- 2. City Council:** The City Council of the City of Mount Vernon, Washington.
- 3. Closed Record Appeal:** An appeal on the record to a local government body or officer representing the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no, or limited new evidence or information allowed to be submitted and only appeal argument allowed.
- 4. Closed Record Hearing:** A hearing or discussion by City Council where only the existing record is considered. This record generally comes from either the Hearing Examiner or Planning Commission.
- 5. Comprehensive Plan Map or Text Amendment:** Comprehensive Plan amendments may be either text changes or revisions to the Comprehensive Plan map. Text amendments affect the policy direction of the Comprehensive Plan on a City-wide level. Map amendments change the potential uses and development of specific properties. Justification for the change(s) within the context of the Comprehensive Plan is the responsibility of the applicant. Applications are only accepted until January 31 of a given year, and applications will be processed beginning in February of that year. If an applicant does not submit their application on or before January 31<sup>st</sup> of a given year they must wait until January 31<sup>st</sup> of the following year to submit their application.
- 6. Concurrency Form for Traffic:** A worksheet developed by the CEDD that an applicant fills out that contains the information necessary so that CEDD staff or a traffic consultant working on behalf of the CEDD can determine the traffic impacts, concurrency requirements, and mitigation that will be necessary for a project.
- 7. Conditions, Covenants and Restrictions (CC&Rs), Draft:** A written agreement requiring performance or limiting or restricting certain acts or stipulating certain uses or non-uses of property to be binding upon current and future property owners, and including the legal description of that area of property to be encumbered.
- 8. Conditions, Covenants and Restrictions (CC&Rs), Final:** A final document that will be recorded (and have its Auditor's file number cross-referenced on the face of

the subdivision for which it is applicable) that is a written agreement requiring performance or limiting or restricting certain acts or stipulating certain uses or non-uses of property to be binding upon current and future property owners, and including the legal description of that area of property to be encumbered. If maintenance or monitoring of areas will be taken over by a homeowners' association (HOA), the CC&Rs shall delegate responsibility to the HOA and will stipulate the amount of money to be collected by each property owner and how this money will be spent, and which amenities/facilities shall be maintained or monitored.

- 9. Conditions, Covenants and Restrictions (CC&Rs) or Covenants, existing:** The recorded limitation on property, or assignment of responsibility, which may be set forth in the property deed and/or identified in a title report.
- 10. Complete Application, Technically:** An application package meeting the submittal requirements listed in MVMC 14.05.210 that is sufficient for continued processing. Determination that a package constitutes a technically complete application does not preclude the City from requiring additional information.
- 11. Confirmation of Condition Compliance:** A written determination by the CEDD or Public Works Directors, or their designees, that confirms that the conditions placed on a project have been satisfied. The applicant for a project that requires a confirmation of condition compliance shall be required to provide evidence as deemed necessary for staff to make a determination that conditions of approval have been met.
- 12. Construction Mitigation Description:** A written narrative addressing each of the following:
  - a. Construction dates (begin and end dates);
  - b. Hours of operation;
  - c. Proposed hauling/transportation routes;
  - d. Measures to be implemented to minimize dust, traffic and transportation impacts, erosion, mud, noise, and other noxious characteristics;
  - e. Any special hours proposed for construction or hauling (i.e., weekends, late nights); and,
  - f. Preliminary traffic control plan.
- 13. Cost Estimate for Dedicated Public Improvements:** Cost estimate that provides detailed information on the quantities of materials used, and the actual cost of these materials in a format provided by the CEDD. The CEDD may require that actual invoices for the work completed be submitted.
- 14. Cost Estimate for Bonds:** Cost estimate that provides detailed information specific to the item needing bonding. The cost estimate shall be in a format approved by the CEDD. The CEDD may require that actual invoices for the work completed be submitted.

**15. Critical Areas:** Wetlands, aquifer protection areas, fish and wildlife habitat, frequently flooded and geologically hazardous areas as defined by the Growth Management Act.

**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 calendar days shall 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 holiday the comment and/or appeal period shall be extended to the next weekday. The following holidays shall not be counted as calendar days: New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.
- 2. Deeds to City for Any Land to Be Dedicated (Draft and Final):** 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:** 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:** The Community and Economic Development Department of the City of Mount Vernon; also referenced as CEDD.
- 5. Design Guidelines Compliance Materials:** These 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 & Guidelines* (that are adopted by reference within MVMC 17.70) 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 MVMC Chapter 17.93. For PUDs and multi-family 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:** The division of a parcel of land into two (2) 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 & Economic Development Director, or his/her designee.
- 9. Drainage Plan:** 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:** A report stamped by a State of Washington licensed civil engineer complying with the requirements of the City’s adopted stormwater standards.

**E. Definitions, E:**

- 1. Easements, Existing:** A recorded document by the property owner granting one or more privileges to use the owner’s land to and/or for the use by the public, a corporation or another person or entity. Easements may be referenced by property deed and are identified in the property title report.
- 2. Easements, Proposed:** A draft document, including proposed legal description, listing to whom and for what specific purpose or purposes the easement is to be granted.
- 3. Elevations, Architectural:** A 24-inch by 36-inch fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot (1/4” = 1’) or one-eighth inch equals one foot (1/8” = 1’) (or other size or scale approved by the

Building Official) clearly indicating the information required by the “Permits” section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), including, but not limited to, the following:

- a. Existing and proposed ground elevations;
- b. Existing average grade level underneath proposed structure;
- c. Height of existing and proposed structures showing finished roof-top elevations based upon site elevations for proposed structures and any existing/abutting structures;
- d. Building materials and colors including roof, walls, any wireless communication facilities, and enclosures;
- e. Fence or retaining wall materials, colors, and architectural design;
- f. Architectural design of on-site lighting fixtures; and,
- g. Cross-section of roof showing location and height of rooftop equipment (include air conditioners, compressors, etc.) and proposed screening.

- 4. Elevations, Grading:** A site plan that shows the pre- and post-developed contours on a site. The scale and spacing of the elevation information shall clearly show the information that is needed to review such a plan. The horizontal and vertical control datum shall be clearly shown.
- 5. Energy Code Checklist:** The standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC detailing building components to be used to comply with the State Residential or Nonresidential Energy Code, as applicable.
- 6. Environmental Checklist:** The State of Washington form required by WAC 197-11-742 and 197-11-960.
- 7. Erosion and Sediment Control Plan, Temporary (TESCP):** Drawings of the entire site showing the proposed erosion control measures for the project in conformance with the City of Mount Vernon site plan submittal requirement standards (or as approved by the CEDD) and the Surface Water Design Manual adopted by the City of Mount Vernon.

#### **F. Definitions, F:**

- 1. Fill & Grade Permit I:** Grading 50 cubic yards or more of material on a site or a combination of abutting sites.
- 2. Fill & Grade Permit II:** Grading 50 cubic yards or more of material on a site or combination of abutting sites when SEPA review is necessary; or when done within 200 feet of a critical area; or any land disturbing activity, including tree removal from a site, done within 200 feet of a critical area. Unless otherwise approved by the Director, plans for this permit shall be prepared by a civil engineer licensed in the State of Washington.

3. **Flood Hazard Data:** Data, including plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; elevation in relation to mean sea level of the lowest floor (including basement) of all structures; elevation in relation to mean sea level to which any structure has been floodproofed; certification by a registered professional engineer or architect that the floodproofing methods satisfy the City's floodproofing criteria; and a description of the extent to which a watercourse would be altered or relocated as a result of proposed development. The horizontal and vertical control datum shall be clearly shown.
4. **Floor Plans:** A basic line drawing plan of the general building layout showing walls, exits, windows, and designated uses indicating the proposed locations of kitchens, baths and floor drains, bedrooms and living areas, with sufficient detail for City staff to determine if an oil/water separator or grease interceptor is required and to determine sizing of side sewers.

#### **G. Definitions, G:**

1. **Geotechnical Report:** See the definition of such within MVMC 15.40.
2. **Grading or Graded:** Means importing, exporting, stockpiling or moving materials on, off or through a site. Digging trenches for utility installation is considered grading.
3. **Grading Plan, Final:** A plan drawn on 24-inch by 36-inch paper drawn by a State of Washington licensed civil engineer, or architect at a scale of 1-inch to 40-feet (horizontal feet) and 1-inch to 10-feet (vertical feet) (or other size plan sheet or scale approved by the Director). The horizontal and vertical control datum shall be clearly shown. For small fill and grade projects plans may be prepared by owner/contractor as permitted by the CEDD. The plans shall clearly indicate the following:
  - A. For Projects that are from 50 cubic yards up to 5,000 cubic yards: Graphic scale and north arrow (plan must be to scale).
    1. Property location, address (if any) and Skagit County Assessor's parcel number(s);
    2. Dimensions of all property lines, easements, and abutting streets;
    3. Location and dimension of all on-site structures and the location of any structures within 15 feet of the subject property or that may be affected by the proposed work;
    4. Accurate existing and proposed contour lines drawn at two-foot intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within 100 feet of the site;
    5. Location of natural drainage systems, including perennial and intermittent streams and the presence of bordering vegetation;

6. Location of regulated critical areas and their buffers; such as, wetlands, steep slopes, watercourses, or floodplains on or adjacent to the site;
  7. Setback areas and any areas not to be disturbed;
  8. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown;
  9. Finished floor elevations(s) of all structures, existing and proposed;
  10. All wells and septic systems located on or near the project site shall be identified;
  11. General notes addressing the following (may be listed on the cover sheet):
    - a. Area in square feet of the entire property,
    - b. Area of work in square feet,
    - c. Number of cubic yards of soil or other materials to be added, removed, or relocated, and
    - d. Type and location of fill origin, and destination of any soil or other materials to be removed from the site.
- B. In addition to the requirements listed above, for projects that exceed 5,000 cubic yards, grading shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as “engineered grading.”
1. Application for these projects shall be accompanied by copies of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by a civil engineer licensed by the State of Washington.
  2. Specifications shall contain information covering construction and material requirements.
  3. Plans shall be drawn to scale to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of the International Building Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.
  4. The plans shall have the following information:
    - a. General vicinity of the proposed site,
    - b. Property limits and accurate contours of existing ground and details of terrain and area drainage,
    - c. Soils report prepared by a licensed soils engineer or geologist,
    - d. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction,
    - e. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by any drains,
    - f. Location of any buildings or structures on the property where the work is performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations,

- g. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, that are applicable to grading, may be included by reference,
- h. The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports,
- i. The Soils Engineering Report shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes,
- j. Liquefaction Study: The building official may require a geotechnical investigation in accordance with the IBC if, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:
  - i. Shallow ground water, 50 feet or less,
  - ii. Unconsolidated sandy alluvium, and
  - iii. Seismic Zone D1.

**4. Grading Plan, Preliminary:** A plan drawn by a State of Washington licensed civil engineer, land surveyor, or landscape architect at a scale and size approved by the CEDD. The horizontal and vertical control datum shall be clearly shown. For projects where less than 500 cubic yards of material is graded, the site plans may be prepared by owner/contractor as permitted by the CEDD. The plans shall clearly indicate the following:

- a. Graphic scale and north arrow;
- b. Dimensions of all property lines, easements, and abutting streets;
- c. Location and dimension of all on-site structures and the location of any structures within fifteen feet (15') of the subject property or which may be affected by the proposed work;
- d. Accurate existing and proposed contour lines drawn at two feet, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within one hundred feet of the site;
- e. Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and floodplains;
- f. Location of regulated critical areas and their buffers; such as, wetlands, steep slopes, watercourses, or floodplains and their associated buffers on or adjacent to the site;
- g. Setback areas and any areas not to be disturbed;
- h. Finished contours drawn at two foot intervals as a result of grading;

- i. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown;
- j. All wells and septic systems located on or near the project site shall be identified;
- k. General notes addressing:
  - i. Area in square feet of the entire property,
  - ii. Area of work in square feet,
  - iii. The number of tons and cubic yards of soil to be added, removed, or relocated,
  - iv. Type and location of fill origin, and destination of any soil to be removed from site, and
  - v. Finished floor elevation(s) of all structures, existing and proposed.

## **H. Definitions, H:**

- 1. Habitat/Wildlife Assessment:** See the definition of such within MVMC 15.40.
- 2. Hearing Examiner:** The Hearing Examiner is appointed by the Mayor to conduct public hearings on applications outlined in the City ordinance that created the position of the Hearing Examiner. The Hearing Examiner prepares a record, findings of fact, and conclusions on such applications.
- 3. Hydrogeologic Study:** See the definition of such within MVMC 15.40.

## **I. Definitions, I:**

- 1. Installer Certification:** Washington State Department of Community, Trade and Economic Development (CTED) approval given to those contractors authorized to install manufactured homes and designated by a State registration number.
- 2. Inventory of Existing Sites:** An inventory of the providers existing telecommunications facilities with the Mount Vernon City corporate limits, and any other facilities outside the City limits that are within one-half (1/2) mile of the proposed facility. The inventory is to include specific information about the location, height, and design of each facility. The Department may share such information with other applicants applying for administrative approvals or conditional use permits under this Title or other organizations seeking to locate antennas within the City, provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- 3. Irrigation Plans:** An automatic irrigation system plan shall be drawn at the same scale and size as its corresponding landscape plans with a north arrow, property lines, dimensions, easements, abutting streets, meter sizes and locations, and the proposed type, size, and location of irrigation piping, irrigation heads, and backflow prevention devices.

## **J. Definitions, J:**

- 1. Justification for Proposal:** A written description and associated mapping setting forth the reasons in favor of the application and addressing permit specific evaluation criteria found in Mount Vernon Municipal Code Titles 15 through 18.

**K. Definitions K: (Reserved)**

**L. Definitions L:**

- 1. Land Use Number:** The City of Mount Vernon CEDD filing number for projects processed by the CEDD.
- 2. Land Use Decision:** A land use decision for purposes of a land use appeal under MVMC 14.05. 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:
  - 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.
  - 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.
  - 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 MVMC 14.05.
- 3. Land Use Permit Conditions:** 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:** 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:
  - Location of proposed buildings, parking areas, access and existing buildings to remain;
  - Names and locations of abutting streets and public improvements, including easements;
  - Existing and proposed contours at five foot (5') intervals or less;
  - Location and dimensions of planting areas;
  - 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 is being installed on the site per MVMC 17.93.
- 5. Landscaping Plan, Detailed:** 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, bare-foot), 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 MVMC 17.93;
  - 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:** 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 MVMC Chapter 17.93.
- 7. Lease Agreement, Draft:** 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 (6) months of its discontinued use, the responsibility for removal falls upon the landholder.
- 8. Legal Description:** 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:** 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:** 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:** A professional engineer, licensed to practice in the State of Washington.
- 12. List of Current Property Owners:** 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. 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 thirty (30) days unless otherwise approved by the CEDD.
- 13. List of Affected Property Owners within Annexation or Assessment Reimbursement Area Boundary:** 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 thirty (30) days unless otherwise approved by CEDD.
- 14. Local Government:** 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:** 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 their 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.

## **M. Definitions, M:**

- 1. Map of Existing Site Conditions:** A plan drawn at the same scale as, or combined with, the grading plan or topography map showing existing topography at two foot contours or less, and including structural and natural features. The plan shall include major trees, shrubs, large rocks, creeks and watersheds, floodplains, buildings, roadways and trails.
- 2. Map of View Area:** A diagram or map depicting where within a one-quarter (1/4) mile radius any portion of the proposed telecommunication facility could be seen.
- 3. Major Modification:** Major modifications are those which substantially change the basic design, density, circulation, access, or open space requirements of the following:
  - a. Preliminary or final plat;
  - b. Preliminary or final PUD;
  - c. Projects where a Notice of Application has been routed per MVMC 14.05.150(A)(3); and,
  - d. All other permits, plans or actions approved by the City.Major modifications are those which can not be defined as ‘minor modifications’ as defined under number 7, below. Major modifications shall be processed as a new permit and/or action. If a major modification is requested for preliminary or final plats, PUDs, or other permits, plans or actions that have approval, new permit fees in their entirety shall be paid. For projects where staff has routed a Notice of Application per MVMC 14.05.150(A)(3) but no decision on the permit has been made, one-half of the entire permit fees shall be paid again.
- 4. Master Land Use Application Form:** A form on which an applicant provides their name and contact information and the name and contact information of the property owner if it is not the applicant. Contractor’s information shall be provided on this form, along with general information including the site address, parcel number(s), existing/proposed land uses, existing/proposed Comprehensive Plan designations, existing/proposed zoning designations, site area, project valuation and whether or not the site is within 200 feet of an area designated as a critical area. The current owner(s) of the land must provide their notarized signatures on this form.
- 5. Master Plan:** A master plan shall include proposed land use information in a format stipulated by the CEDD (land use, densities, site design, adjacent uses, circulation, utility corridors and alignments, regulated critical areas and their buffers) for review and approval by the City pursuant to the procedures of this Chapter. The master plan shall also be accompanied by a phasing plan describing the general boundaries of each phase and the expected date at which a detailed site plan for that phase will be submitted.

- 6. Mechanical Plans:** Plans as required per section 113 of the currently adopted Uniform Mechanical Code (UMC) and section 1141 of the currently adopted Washington State Energy Code (WSEC) along with Statewide amendments.
- 7. Minor Modification:** Minor modifications are those that involve only insignificant revisions to the exact location and configuration of buildings, roadways, open space or other features and do not involve any increase in density, intensity, or significant change in architectural style, housing type or other significant characteristics. An applicant can request a minor modification to the following:
- a. Preliminary or final plat;
  - b. Preliminary or final PUD;
  - c. Projects where a Notice of Application has been routed per MVMC 14.05.150(A)(3); and,
  - d. All other permits, plans or actions approved by the City.
- The City may only approve a minor modification if the following criteria are met:
- a. The change will not reduce by ten percent (10%) or more any area of landscaping, open space, natural area or parking, so long as the minimum code requirements for these amenities is still met; and
  - b. The change will not have the effect of increasing the density; and
  - c. The change will not increase the total amount of floor area of a development by ten percent (10%) or more; and
  - d. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and
  - e. The change will not reduce any setback approved as part of the preliminary plan by more than ten percent (10%) so long as the required minimum setback is met; and
  - f. The change will not result in a significant increase in the height of any structure as approved in the preliminary plan so long as the code requirements are still met; and
  - g. The change will not move or change the type of access; and
  - h. The change will not remove trees or modify other natural features that were to be preserved under the previous action; and
  - i. The change will not increase or create any adverse impacts or undesirable effects on the surrounding neighborhood; and,
  - j. The change does not impair or reduce the potential of a PUD to provide affordable or low-income housing opportunities, if affordable housing is identified as a goal or requirement under the conditions of the preliminary PUD approval.
- If a modification can not be classified as a minor modification, it will be classified as a major modification.
- 8. Mobile Home Park Map:** Mapping in a format stipulated by the CEDD that includes all of the information outlined in MVMC Chapter 17.39.

- 9. Monument Card:** A form provided by the CEDD and filled out by a surveyor, providing information regarding a single monument, including the section, township and range, method of location, type of mark found or set, manner of re-establishment of the single monument (if applicable), description, and a drawing showing the location of a single monument and indicating a reference point to that monument.

#### **N. Definitions, N:**

- 1. Neighborhood Detail Map:** A map, drawn at a scale of one inch equals one hundred feet (1" = 100') or other scale approved by the CEDD. The map shows the location of the subject site relative to the property boundaries of the surrounding parcels within approximately one thousand feet identifies the subject site with a darker perimeter line than that of surrounding properties. The map also shows the property's lot lines, existing land uses, building outlines, City boundaries (if applicable), north arrow, graphic scale, and City of Mount Vernon street names for all streets shown.
- 2. Nonconformity Relationship and Compatibility Narrative:** For nonconforming use or structure rebuild approval permits, include drawings, photographs, or other visual aids that show the relationship of the existing structure or building to its surroundings. Include studies or reports that support the applicant's contention that the existing nonconforming use or structure is compatible with the surrounding area and its uses.

#### **O. Definitions, O:**

- 1. Open Record Public Hearing:** A hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, which creates the local government's record through testimony and submission of evidence and information, under procedures prescribed in this Chapter.

#### **P. Definitions, P:**

- 1. Parking Worksheet:** A worksheet on which an applicant provides information necessary to demonstrate that a proposal meets the code requirements for parking specified within MVMC Chapter 17.84.
- 2. Party of Record:** 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:** 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:** The body as described in Chapters 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:** Eight and one-half inch by eleven inch (8-1/2" x 11") or eleven inches by seventeen inches (11" x 17") 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:** 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(1).
10. **Plat, Preliminary:** See the definition of such found in MVMC 16.08.030(A).
11. **Plumbing Plan:** 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 schedules 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. **Pre-Application Meeting:** 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 pre-application meeting.
14. **Project Information Sheet:** 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:** A clear and concise description and summary of a proposed project, including:

- a. Project name, size and location of site;
- a. Zoning and Comprehensive Plan designations of the site and adjacent properties;
- b. Current use of the site and any existing improvements;
- c. 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;
- d. Statement addressing soil type and drainage conditions;
- e. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.);
- f. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.);
- g. Total estimated construction cost and estimated fair market value of the proposed project;
- h. Estimated quantities and type of materials involved if any fill or excavation is proposed;
- i. Number, type and size of trees to be removed;
- j. Explanation of any land to be dedicated to the City; and,
- k. 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, march, 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.
- l. For subdivision applications: the proposed number, size, and density of the new lots.

**16. Public Works Approval Letter:** 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.

**Q. Definitions Q: (Reserved)**

## **R. Definitions R:**

- 1. Roadway Construction Plans, Preliminary and Final:** Plans prepared by a State of Washington licensed civil engineer that meet the requirements found in the MVMC and the City's Engineering Standards. All plan sheets shall be twenty-four inches by thirty-six inches (24" x 36"), clear and readable and shall be at a scale of one inch equals twenty feet (1" = 20') horizontal, and one inch equals two feet (1" = 2') vertical, unless otherwise approved by the Director. The horizontal and vertical control datum shall be clearly shown. The plans shall contain the following:
  - A. Preliminary roadway construction plans shall include the following sheets:
    1. Existing conditions including topographical detail;
    2. Overall proposed conditions and project layout;
    3. Overall drainage plan; and,
    4. Roadway and pond cross-sections.
  - B. Final roadway construction plans shall include the following sheets:
    1. Cover sheet;
    2. Existing conditions;
    3. Overall proposed conditions and project layout;
    4. Erosion control plan, including erosion control notes;
    5. Plan and profile sheets, including stormwater and utilities;
    6. Construction details, including construction notes;
    7. Signing and striping plan; and,
    8. Street lighting plan.

## **S. Definitions S:**

- 1. Screening Detail, Refuse/Recycling:** A detailed plan drawing, prepared to scale, showing location within property boundaries, heights, elevations, and building materials of proposed screening or of proposed plantings.
- 2. Service Area Map:** A map showing the service area of a proposed wireless communication facility and an explanation of the need for that facility.
- 3. Short Plat, Final:** See the definition of such found in MVMC 16.36.030(B).
- 4. Short Plat Map, Preliminary:** See the definition of such found in MVMC 16.36.030(A).
- 5. Sign Plan:** A plan drawn by a State of Washington licensed architect, or others specifically approved by the Building Official, at a scale approved by the Director or Building Official clearly indicating footing connections to building, size of supports and materials used in supports and sign itself; elevation showing size and height of any proposed freestanding or projecting signs clearly indicating ground clearance and clearance to overhead power lines, and elevation of building facade for any proposed wall signs showing dimensions of the building as well as existing and proposed wall signs.

- 6. Site Plan:** A plan drawn by a State of Washington licensed architect, engineer, or other specifically approved by the Director, at a scale also approved by the Director containing all information requested by City of Mount Vernon submittal forms, including but not limited to:
- a. Scale, north arrow, and legal description;
  - b. Location, identification, and dimensions of all buildings, property lines, setbacks, streets, adjacent streets, and easements;
  - c. Location and dimensions of existing and proposed structures, parking and loading areas, driveways, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, easements, refuse and recycling areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, storage areas, buffer areas, open spaces, curbs, gutters sidewalks, median islands, and street trees;
  - d. Landscaped areas and irrigation meters;
  - e. The location and dimensions of natural features and critical areas along with their buffers; such as streams, lakes, marshes and wetlands;
  - f. Off-street parking layout and driveways;
  - g. Grading plan showing proposed and existing contours and site elevations;
  - h. Lighting and sign structures (new and existing);
  - i. Location and proposed screening of garbage containers and recycling storage;
  - j. Fire hydrant locations (new and existing) within three hundred feet (300') of building;
  - k. Existing utilities and connection to existing and/or new utilities;
  - l. The horizontal and vertical control datum shall be clearly shown;
  - m. All wells and septic systems located on or near the project site shall be identified;
  - n. General notes addressing the following:
    - i. Name of the project,
    - ii. Name, address, and telephone number of owner and agent(s),
    - iii. Zoning and Comprehensive Plan designations of the site,
    - iv. Area, in square feet and acreage, of the project site,
    - v. Reference to the current Building Code,
    - vi. Proposed use, occupancy group, construction type, and number of units in each building,
    - vii. Square footage and height of each individual building,
    - viii. Percentage of lot coverage and square footage of all landscaping,
    - ix. Proposed building setbacks,
    - x. Parking analysis, including number of stalls required and provided, sizes of stalls and angles, location and number of handicap stalls, compact, employee and/or guest parking stalls, location and size of curb cuts, traffic flow within the parking, loading, and maneuvering areas and ingress and egress, location of wheel stops, loading space, stacking space, and square footage of interior parking lot landscaping,
    - xi. Landscaping calculations complying with MVMC Chapter 17.93, and
    - xii. Density for residential developments.
  - n. For shoreline permits:
    - i. Ordinary high water mark, existing and proposed, and
    - ii. Name of water body.

- o. For sign permits:
  - i. Note if any proposed signage will be illuminated or be animated,
  - ii. Type (e.g., freestanding, wall, etc.), size and number of all existing signs,
  - iii. Type, size and number of all proposed signs, and
  - iv. Wind design loads.
- 7. State Environmental Policy Act (SEPA):** A state policy that requires state and local agencies to consider the likely environmental consequences of a proposal before approving or denying the proposal. MVMC 15.06 establishes the City's authority under SEPA. SEPA applications must be accompanied by a City development permit.
- 8. Stream Study, Standard:** See the definition of such within MVMC 15.40.
- 9. Stream Study Supplemental:** See the definition of such within MVMC 15.40.
- 10. Stream Mitigation Plan:** See the definition of such within MVMC 15.40.
- 11. Street Lighting Plan:** Drawing showing the proposed lighting system, including luminaries, junction boxes, electric wiring, and wiring diagrams using the same scale as the utility plans (or as approved by the CEDD) and conforming to ANSI standards.
- 12. Structural Calculations:** An analysis of loads, materials, etc., prepared and stamped by a State of Washington licensed professional structural engineer.
- 13. Structural Plans:** Plans prepared and stamped by a State of Washington licensed professional structural engineer drawn at a scale approved by the Building Official clearly indicating the information required by the "Permits" section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, Statewide amendments), and City submittal forms including: structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts; cross-section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; insulation of walls, floors and roof/ceiling; and details of stairs, fireplaces and special construction, if any.
- 14. Survey:** A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot (1') in ten thousand feet (10,000'). Shall be accompanied by a complete survey of the section or sections in which the plat or re-plat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. Horizontal control datum shall be that which is stipulated by WAC 332-130-060.

## **T. Definitions T:**

- 1. Topography Map:** A map showing the existing land contours using vertical intervals of not more than two feet. For any existing buildings the map shall show the finished floor elevations of each floor of the building. The horizontal and vertical control datum shall be clearly shown.
- 2. Tree Cutting/Land Clearing Plan:** A plan, based on finished grade, drawn to scale clearly showing property boundaries, location of areas proposed to be cleared, types and sizes of vegetation to be removed, altered or retained, future building sites and drip lines of any trees which will overhang/overlap a construction line, and location and dimensions of rights-of-way, utility lines, and easements. All critical areas and their associated buffers shall also be shown.

## **U. Definitions U:**

- 1. Utilities Construction Plans:** Plans prepared by a State of Washington licensed civil engineer, containing all of the information outlined above for site plans, and below for utility plans, and any other information deemed necessary by the Public Works Director.
- 2. Utilities Plan and Profile:** A plan drawn at scale or size approved by the CEDD clearly showing all existing (to remain) and proposed public or private improvements to be dedicated or sold to the public including, but not limited to: curbs, gutters, sidewalks, median islands, street trees, fire hydrants, utility poles, refuse areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, etc., along the full property frontage. The finished floor elevations for each floor of proposed and existing (to remain) structures shall be shown. The horizontal and vertical control datum shall be clearly shown.

## **V. Definitions V: Reserved**

## **W. Definitions W:**

- 1. Wetland Assessment:** See the definition of such within MVMC 15.40.
- 2. Wetland Mitigation Plan, Preliminary:** See the definition of such within MVMC 15.40.
- 3. Wetland Mitigation Plan, Final:** See the definition of such within MVMC 15.40.
- 4. WSEC Trade-Off Form:** Manual of Wattsun calculations performed to show compliance with Chapter 5 of the current adopted version of the Washington State Residential Energy Code requirements.

## **X. Definitions X: (Reserved)**

**Y. Definitions Y: (Reserved)**

**Z. Definitions Z: (Reserved)**