

**ORDINANCE NO. 3710**

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, RATIFYING, RENEWING, CONFIRMING, AND CONTINUING INTERIM LAND USE REGULATIONS PREVIOUSLY ADOPTED BY COUNCIL THROUGH ORDINANCE 3707 PASSED ON JANUARY 25<sup>TH</sup> 2017 PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; RELATING TO TRANSITORY ACCOMMODATIONS AFTER PUBLIC HEARING; ADOPTING FINDINGS OF FACT JUSTIFYING ITS ACTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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

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

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

**WHEREAS**, on January 25<sup>th</sup>, 2017 at a regularly scheduled City Council meeting, the City Council declared an emergency and adopted an immediate interim regulations by unanimous passage of Ordinance 3707 regulating temporary homeless encampments and development permits thereto, or any land use activity or licensing involving temporary homeless encampments providing for permitting regulations and siting for such uses adopting findings of fact and directing that City staff schedule the necessary public hearings as required by law within 60 days of the commencement of the ordinance; and

**WHEREAS**, Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the City Council may renew or continue the interim control placed into effect through Ordinance 3707 for one or more six-month periods or one year with adoption of a work plan so long as a subsequent public hearing is held within 60 days and findings of fact are made to justify its action; and

**WHEREAS**, public notice of the City Council's March 22<sup>nd</sup>, 2017 hearing was published in the Skagit Valley Herald's classified section on March 13, 2017; and,

**WHEREAS**, On March 22<sup>nd</sup>, 2017, the City held a public hearing regarding the continuation of the interim controls established by Ordinance 3707.

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

**SECTION 1. Findings.** That the City Council adopts the recitals set forth above as additional findings of fact justifying adoption of this Ordinance and reaffirms its adoption of findings in Ordinance 3707 enacting the interim and official controls and incorporates those findings (including their recitals) as if set forth fully herein. The Council may adopt additional findings in the event that additional public hearings are held or evidence presented to the City Council. The City Council makes the following additional findings in support of the adoption of this Ordinance and Ordinance 3707:

1. RCW 35A.63.220 and RCW 36.70A.390 authorize cities to adopt interim zoning and interim official controls to preserve the public safety, health, welfare, economic vitality and continued economic growth of the City while new plans and regulations are considered and prepared and to hold a public hearing within 60 days of the commencement of the interim zoning and interim official controls. The City has adopted such an emergency ordinance on January 25<sup>th</sup>, 2017 by adoption of Ordinance 3707 and has held a public hearing on its continuance within 60 days on March 22<sup>nd</sup>, 2017 at a regularly scheduled hearing; and

2. After hearing all public testimony, reviewing staff reports, the City's Comprehensive Plan and the legislative record in its entirety the City Council ratifies and re-adopts all findings of fact previously adopted within Ordinance 3707 in their entirety (including recitals therein) justifying that: i) an emergency exists and ii) the continuance of interim controls regulating temporary homeless encampments is justified until the City can fully study the issue and that permanent development regulations be adopted through the City's normal process; and

3. That without the continuance of Ordinance 3707, there is great potential that unregulated temporary homeless encampments and uses could be sited or allowed to operate in an unregulated manner resulting in well recognized adverse direct and secondary impacts including but not limited to negative impacts to: noise, light pollution, sanitation; traffic, crime, violence, transportation levels of service, litter, risk of fire, risk to vulnerable classes of persons such as children under the age of 18, and parking, and

4. As set forth in its findings adopted in Ordinance 3707 which are hereby incorporated in this Ordinance, the City Council affirms that pending completion of permanent development regulations pertaining to temporary homeless encampments and the adoption of permanent zoning and permitting regulations, that temporary homeless encampments without further regulation will cause to direct, secondary, and cumulative negative impacts in the community; and

5. That an emergency exists within the City, and that continuing Ordinance 3707 is necessary for the immediate preservation of the public peace, health, safety, welfare, economic vitality and continued economic growth of the City until additional review has been completed and any necessary code revisions have been adopted by the City Council and is a legitimate exercise of the City's police power.

**SECTION TWO.** That the City Council hereby ratifies, continues and renews the interim controls, zoning and regulation in their entirety adopted through Ordinance 3707 and all attachments without further revisions and that such shall be effective for a six month period of time (unless renewed or extended subsequent to an additional public hearing as required by law) or when the City's comprehensive review and possible amendment/adoption of regulations have been completed repealing the interim regulations and controls, whichever is sooner. The City Council shall make this decision to terminate the interim controls and regulations by ordinance, and termination shall not otherwise be presumed to have occurred. The City shall hold all necessary public hearings and adopt new findings as required under RCW 35A.63.220 and RCW 36.70A.390 if necessary and justified to continue the imposition of Ordinance 3707 until the City's review has been completed.


**SECTION THREE.** This ordinance shall take effect immediately upon passage by the City Council.

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


**PASSED AND ADOPTED** by the City Council of the City of Mount Vernon at a regular meeting thereof this 22<sup>nd</sup> day of March, 2017.

**SIGNED AND APPROVED** this 27 day of March, 2017.

  
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Doug Volesky, Finance Director

  
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Jill Boudreau, Mayor

Approved as to form:

  
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Kevin Rogerson, City Attorney

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