

Return Address:



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Skagit County Auditor

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9/14/2017 Page

1 of

35

1:47PM

Document Title:

Resolution 935

Reference Number (if applicable):

Grantor(s):

☐ additional grantor names on page ____.

1) City of Mount Vernon

2)

Grantee(s):

☐ additional grantor names on page ____.

1) NOROCO GROUP LLC

2)

Abbreviated Legal Description:

☐ full legal on page(s) ____.

Sec 28 TWP 34 R 4

Assessor Parcel /Tax ID Number:

☐ additional parcel numbers on page ____.

P28018

RESOLUTION NO. 935

A RESOLUTION OF THE CITY OF MOUNT VERNON, WASHINGTON; ACCEPTING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MOUNT VERNON AND NORDCO GROUP A WASHINGTON LIMITED LIABILITY CORPORATION WITH CRAIG CAMMOCK AS ITS GOVERNOR TO EXTEND PRELIMINARY PLAT APPROVAL FOR THE IRIS MEADOWS PRELIMINARY PLAT ORIGINALLY IDENTIFIED BY THE CITY AS PROJECT LU06-090

WHEREAS, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170 (1)); and

WHEREAS, this Development Agreement by and between the City of Mount and the Developer (hereinafter the "Development Agreement"), relates to the development known as Iris Meadows Preliminary Plat, File No. LU06-090; and

WHEREAS, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary plat approvals such as the Iris Meadows Preliminary Plat; and

WHEREAS, the Developer has requested approval of a development agreement to extend the timeframe in which the development will have a valid preliminary plat approval consistent with MVMC 16.08.060(C) (2); and

WHEREAS, public notice of City Council's public hearing for consideration of the developer's request to extend preliminary plat approval was published in the Skagit Valley Herald on August 17, 2017; and

WHEREAS, the City held a public hearing regarding the approval of this Development Agreement on August 23, 2017; and

WHEREAS, it is further deemed advisable to record the decisions reached by the Council through the adoption of this resolution;

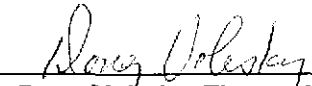
NOW, THEREFORE,

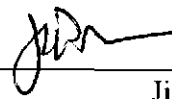
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON:

1. The Recitals and General Provisions found within the accompanying Development Agreement are hereby adopted by reference as if they were fully set forth herein; and,
2. That the City of Mount Vernon will accept the accompanying Development Agreement and its associated exhibits labeled as A through D.


ADOPTED by the City Council of the City of Mount Vernon, Washington, and APPROVED by its Mayor, following a public hearing on the 23rd day of August, 2017.

SIGNED IN AUTHENTICATION this 28th day of August, 2017.


Doug Volesky, Finance Director


Jill Boudreau, Mayor

Approved as to form:


Kevin Rogerson, City Attorney

Upon Recording Please Return To:
City of Mount Vernon
PO Box 809
919 Cleveland Avenue
Mount Vernon, WA 98273

**DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF MOUNT VERNON
AND NORDCO GROUP, LLC TO EXTEND THE PRELIMINARY PLAT
VALIDITY TIMEFRAME FOR THE IRIS MEADOWS PRELIMINARY PLAT**

THIS DEVELOPMENT AGREEMENT is made and entered into this 16th day of ~~August~~ ^{September} 2017, by and between the City of Mount Vernon, a noncharter, optional code Washington municipal corporation, hereinafter the "City," and NORDCO GROUP a Washington Limited Liability Corporation with Craig Cammock as Governor and is organized under the laws of the State of Washington hereinafter the "Developer."

RECITALS

WHEREAS, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170 (1)); and

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest a development, use and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

WHEREAS, for the purposes of this development agreement, "development standards" includes, but is not limited to, all of the standards listed in RCW 36.70B.170 (3); and

WHEREAS, a development agreement must be consistent with the applicable development regulations adopted by a local government planning under chapter 36.70A RCW (RCW 36.70B.170 (1)); and

WHEREAS, development agreements can establish mitigation measures, development conditions, phasing, and other appropriate development requirements or procedures (RCW 36.70B.170 (3) (c), (g), (h), (j)); and

WHEREAS, this Development Agreement by and between the City of Mount Vernon and the Developer (hereinafter the "Development Agreement"), relates to the development known as Iris Meadows Preliminary Plat, File No. LU06-090; and

WHEREAS, the Iris Meadows Preliminary Plat development is located on the north side of East Blackburn Road northeast of Little Mountain Road, and is identified as parcels P28018, P28021, and P27988 (hereinafter referred to as the "Property", "Site", or "Subject Site"); and

WHEREAS, the Iris Meadows development received preliminary plat approval on August 8, 2007 with City Resolution 743. Per RCW 58.17.140(3)(b) this preliminary plat expired on August 8, 2017. The development is proposed to consist of 58 single family residential lots being created over the approximate 12.7-acre site; and

WHEREAS, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary plat approvals such as the Iris Meadows Preliminary Plat; and

WHEREAS, the Developer has requested approval of a development agreement to extend the timeframe in which the development will have a valid preliminary plat approval consistent with MVMC 16.08.060(C) (2); and

NOW, THEREFORE, the parties hereto agree as follows:

GENERAL PROVISIONS

Section 1. *The Development.* The development named Iris Meadows received preliminary plat approval on August 8, 2007 with City Resolution 743. This development consists of 58 single-family residential lots being created over the approximate 12.7-acre site. Per RCW 58.17.140(3)(b) this preliminary plat expired on August 8, 2017.

Section 2. *The Subject Property.* The Project site is legally described in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. *Definitions.* As used in this Development Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section.

- A. "Adopting Resolution" means the Resolution which approves this Development Agreement, as required by RCW 36.70B.200.
- B. "Council" means the duly elected legislative body governing the City of Mount Vernon.
- C. "Director" means the City's Development Services Director or Public Works Director.
- D. "Effective Date" means the effective date of the Adopting Resolution.

- E. "Existing Land Use Regulations" means the ordinances adopted by the City Council of Mount Vernon in effect on the Effective Date, including the adopting ordinances that govern the permitted uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Subject Property, including, but not limited to the Comprehensive Plan, the City's Official Zoning Map and development standards, the Design Manual, the Public Works Standards, SEPA, Concurrency Ordinance, and all other ordinances, codes, rules and regulations of the City establishing subdivision standards, park regulations, building standards. Existing Land Use Regulation does not include non-land use regulations, which includes taxes and impact fees.
- F. "Landowner" means the party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement. The "Developer" is identified in Section 5 of this Agreement.
- G. "Project" means the anticipated development of the Subject Property, as specified in Section 1 and as provided for in all associated permits/approvals, and all incorporated exhibits.

Section 4. *Exhibits.* Exhibits to this Agreement are as follows:

Exhibit A – Legal description of the Subject Property.

Exhibit B – Map showing the proposed Iris Meadows Preliminary Plat

Exhibit C – Resolution 743

Exhibit D – Comments from Steve Riggs, the City's Fire Marshal and from Ana Chesterfield, the City's Engineering Services Manager

Section 5. *Parties to Development Agreement.* The parties to this Agreement are:

- A. The "City" is the City of Mount Vernon, PO Box 809, 910 Cleveland Avenue, Mount Vernon, WA 98273.
- B. The "Developer" or Owner is a private enterprise which owns the Subject Property in fee, and whose principal office that has an address of P.O. Box 836, Mount Vernon, WA 98273, (360) 336-1000.
- C. The "Landowner." From time to time, as provided in this Agreement, the Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.
- D. Project is a Private Undertaking. It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

Section 6. *Term of Agreement.* This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and shall continue in force as outlined within Section 10; or unless terminated as provided herein. Following termination or expiration, this Agreement shall have no force and effect.

Section 7. Preliminary Plat Timeline Extension.

- A. **Preliminary Plat Time Limitations.** RCW 58.17.140(3)(b) states, "A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007". The development received preliminary plat approval on August 8, 2007 which means the subject preliminary plat approval expired on August 8, 2017.
- B. **2015 MVMC Amendment Related to Preliminary Plat Timeframes.** In June of 2015, the Mount Vernon City Council approved amendments to Mount Vernon Municipal Code (MVMC) 16.08.060(C)(2) providing a way that preliminary plat approvals can be extended for three-years "upon a showing that they have attempted in good faith to submit the final plat within the required period..." In granting an extension the Council can require that a development comply with any of the development regulations in effect at the time the extension is requested should these regulations be different than the ones the development is vested to".
- C. **Considerations for Preliminary Plat Extension.** The City has determined, with the approval of this Development Agreement, that the development regulations that the development is currently subject to shall be amended, as follows:
1. The preliminary plat shall be amended such that the requirements outlined within the accompanying **Exhibit D** from Steve Riggs, the City's Fire Marshall and from Ana Chesterfield, the City's Engineering Services manager are complied with. This means that revised reports and/or plans will need to be submitted to the City for review and approval prior to construction related permits being granted by the City.
 2. A revised Critical Area Study shall be submitted with the new wetland delineation using the 1987 Federal Wetland Delineation Manual and Regional Supplements. If the boundary of the on-site wetland has changed the new boundary shall be identified on revised construction documents and on the preliminary plat map.
 3. The applicant shall submit additional information regarding historic and cultural preservation to the City. Specifically, the applicant shall: 1) complete a Department of Archaeology & Historic Preservation (DAHP) EZ-1 form and mail/email it to DAHP and interested tribes; 2) use the WISSARD mapping tool on the DAHP website and report any information that this website has regarding the subject property; and 3) comply with all Federal and State requirements with regard to historic and cultural preservation.
 4. Additional permit fees shall be paid by the Developer as follows:
 - a. \$75.00/hour for Engineering, Planning, Fire and Building staff time to review and approve updates/changes to the development plus \$150.00 per lot for the new construction drawing review
 - b. Fees for Fill & Grade Permit
 - c. All other fees contained within the City's fee schedule adopted within MVMC Chapter 14.15
 - d. The developer shall pay all fees associated with having this Development Agreement recorded with the Skagit County Auditor
- D. **Newly Authorized Preliminary Plat Expiration Date.** The City Council with the approval of **Resolution 935** concurs with the staff findings outlined above in subsection (C) and is extending the preliminary plat validity timeline **from** August 8, 2017 **to** August 8, 2020.

- E. **All Other Requirements Not Modified.** This development agreement does not change or alter any other approval that the development is subject to; including, but not limited to: the conditions of Resolution 736 or the mitigation measures imposed through the SEPA process with the exception of amendments necessary to comply with the modified development regulations outlined within subsection 7(C).

Section 8. Default.

- A. Subject to extensions of time by mutual consent in writing, failure or delay by either party or Landowner not released from this Agreement, to perform any term or provision of this Agreement shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party or Landowner not less than thirty (30) days notice in writing, specifying the nature of the alleged default and the manner in which said default may be cured. During this thirty (30) day period, the party or Landowner charged shall not be considered in default for purposes of termination or institution of legal proceedings.
- B. After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party or Landowner to this Agreement may, at its option, institute legal proceedings pursuant to this Agreement. In addition, the City may decide to file an action to enforce the City's Codes, and to obtain penalties and costs as provided in the Mount Vernon Municipal Code for violations of this Development Agreement and the Code.

Section 9. Termination. This Agreement shall expire and/or terminate and be of no further force at such time as the Iris Meadows final plat is approved by City Council and recorded with the Skagit County Auditor or **August 8, 2020** whichever comes first.

Section 10. Effect upon Termination on Developer Obligations. Termination of this Agreement as to the Developer of the Subject Property or any portion thereof shall not affect any of the Developer's obligations to comply with the City Comprehensive Plan and the terms and conditions or any applicable zoning code(s) or subdivision map or other land use entitlements approved with respect to the Subject Property, any other conditions of any other development specified in the Agreement to continue after the termination of this Agreement or obligations to pay assessments, liens, fees or taxes.

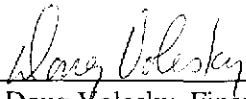
Section 11. Assignment and Assumption. The Developer shall have the right to sell, assign or transfer this Agreement with all their rights, title and interests, and delegate its duties therein to any person, firm or corporation at any time during the term of this Agreement. Developer shall provide the City with written notice of any intent to sell, assign, or transfer all or a portion of the Subject Property, at least 30 days in advance of such action.

Section 12. Covenants Running with the Land. The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Developer, Landowner and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Subject Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Subject Property sold, assigned or transferred to it.


CITY OF MOUNT VERNON:

By 
Jill Boudreau, Mayor

Attest:


Doug Volesky, Finance Director

Approved as to form:


Kevin Rogerson, City Attorney

Section 13. Notices. Notices, demands, correspondence to the City and Developer shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated in Section 5. Notice to the City shall be to the attention of both the City Community & Economic Development Director and the City Attorney. Notices to subsequent Landowners shall be required to be given by the City only for those Landowners who have given the City written notice of their address for such notice. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

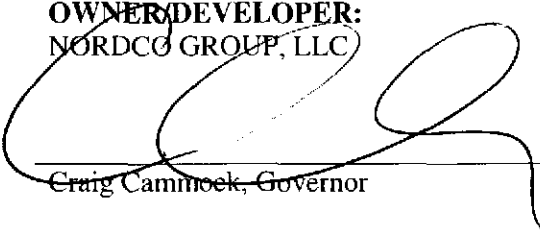
Section 14. Applicable Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Venue for any action shall lie in Skagit County Superior Court or the U.S. District Court for Western Washington.

Section 15. Severability. If any phrase, provision or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of Washington which became effective after the effective date of the ordinance adopting this Development Agreement, and either party in good faith determines that such provision or provisions are material to its entering into this Agreement, that party may elect to terminate this Agreement as to all of its obligations remaining unperformed.

IN WITNESS WHEREOF, the parties hereto have caused this Development Agreement to be executed as of the dates set forth below:

SIGNED AND APPROVED this 16th day of September, 2017

OWNER/DEVELOPER:
NORDCO GROUP, LLC



Craig Caminock, Governor

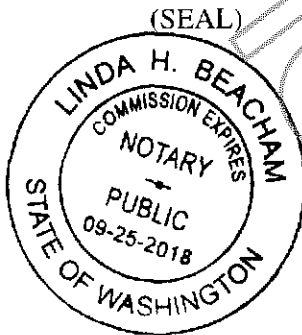
STATE OF WASHINGTON

COUNTY OF SKAGIT

} ss.

I certify that I know or have satisfactory evidence that **Craig Cammock** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Governor of NORDCO GROUP, LLC**, to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned.

Given under my hand and official seal this 6th day of ~~August~~ September, 2017.



Linda H Beacham
Notary Public
Residing at Mount Vernon
My appointment expires 9-25-18

EXHIBIT A
Legal Description of Property

PARCEL "A"

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;
THENCE NORTH $1^{\circ}23'$ EAST 649.45 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;
THENCE SOUTH $89^{\circ}26'28''$ WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 105.0 FEET;
THENCE SOUTH $1^{\circ}43'$ WEST PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION TO THE SOUTH LINE OF SAID SUBDIVISION;
THENCE NORTH $89^{\circ}07'$ EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 105.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

EXCEPT THAT PORTION LYING WITHIN THE BOUNDARIES OF THE COUNTY ROAD AS CONVEYED TO SKAGIT COUNTY BY DEED RECORDED OCTOBER 17, 1947, IN VOLUME 221 OF DEEDS, PAGE 322, UNDER AUDITOR'S FILE NO. 410086.

PARCELS "B AND C"

LOTS 1 AND 2, SKAGIT COUNTY SHORT PLAT NO. 18-87, APPROVED JUNE 22, 1987 AND RECORDED JUNE 24, 1987 IN VOLUME 7 OF SHORT PLATS, PAGE 183, UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 8706240025, BEING A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.

EXCEPT THAT PORTION OF SAID LOT 2 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, SKAGIT COUNTY SHORT PLAT NO. 18-87;

THENCE NORTH $1^{\circ}23'39''$ EAST (SHOWN AS NORTH $1^{\circ}19'00''$ EAST ON THE FACE OF SAID SHORT PLAT) ALONG THE WEST LINE OF SAID LOT 2 FOR A DISTANCE OF 225.72 FEET;
THENCE NORTH $86^{\circ}48'33''$ EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 2, FOR A DISTANCE OF 145.80 FEET;

THENCE SOUTH $1^{\circ}25'41''$ WEST, FOR A DISTANCE OF 225.73 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID LOT 2 AT A POINT BEARING NORTH $86^{\circ}48'33''$ EAST (SHOWN AS NORTH $86^{\circ}45'54''$ EAST ON THE FACE OF SAID SHORT PLAT); THENCE SOUTH $86^{\circ}48'33''$ WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 145.67 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL "D"

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION, 3.20 FEET NORTH OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH ALONG SAID WEST LINE, A DISTANCE OF 367.80 FEET;

THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 173.85 FEET;

THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 361 FEET TO THE NORTH LINE OF THE COUNTY ROAD, AS THE SAME EXISTED ON AUGUST 4, 1952;

THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 173.98 FEET TO THE POINT OF BEGINNING,

EXCEPT THAT PORTION THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD PURPOSES BY DEED DATED OCTOBER 10, 1947 AND RECORDED OCTOBER 17, 1947, UNDER AUDITOR'S FILE NO. 410086.

PARCEL "E"

THE WEST 198.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.,

EXCEPT BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION 3.20 FEET NORTH OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH ON THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 367.80 FEET;

THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 173.85 FEET;

THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 361.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE COUNTY ROAD AS CONVEYED TO SKAGIT COUNTY BY DEED DATED OCTOBER 10, 1947, AND RECORDED OCTOBER 17, 1947, IN VOLUME 221 OF DEEDS, PAGE 322, UNDER AUDITOR'S FILE NO. 410086;

THENCE WEST ALONG SAID COUNTY ROAD, A DISTANCE OF 173.98 FEET TO THE POINT OF BEGINNING OF THIS EXCEPTION.

PARCEL "F"

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., EXCEPT THE EAST 1/2 THEREOF, ALSO EXCEPT THE SOUTH 60 FEET THEREOF CONVEYED FOR ROAD PURPOSES BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 410085 AND 9003160017.

ALL OF THE ABOVE BEING SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD.

ALL SITUATE IN THE CITY OF MOUNT VERNON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

EXHIBIT B

Maps showing the proposed Iris Meadows Preliminary Plat
(for illustrative purposes only)

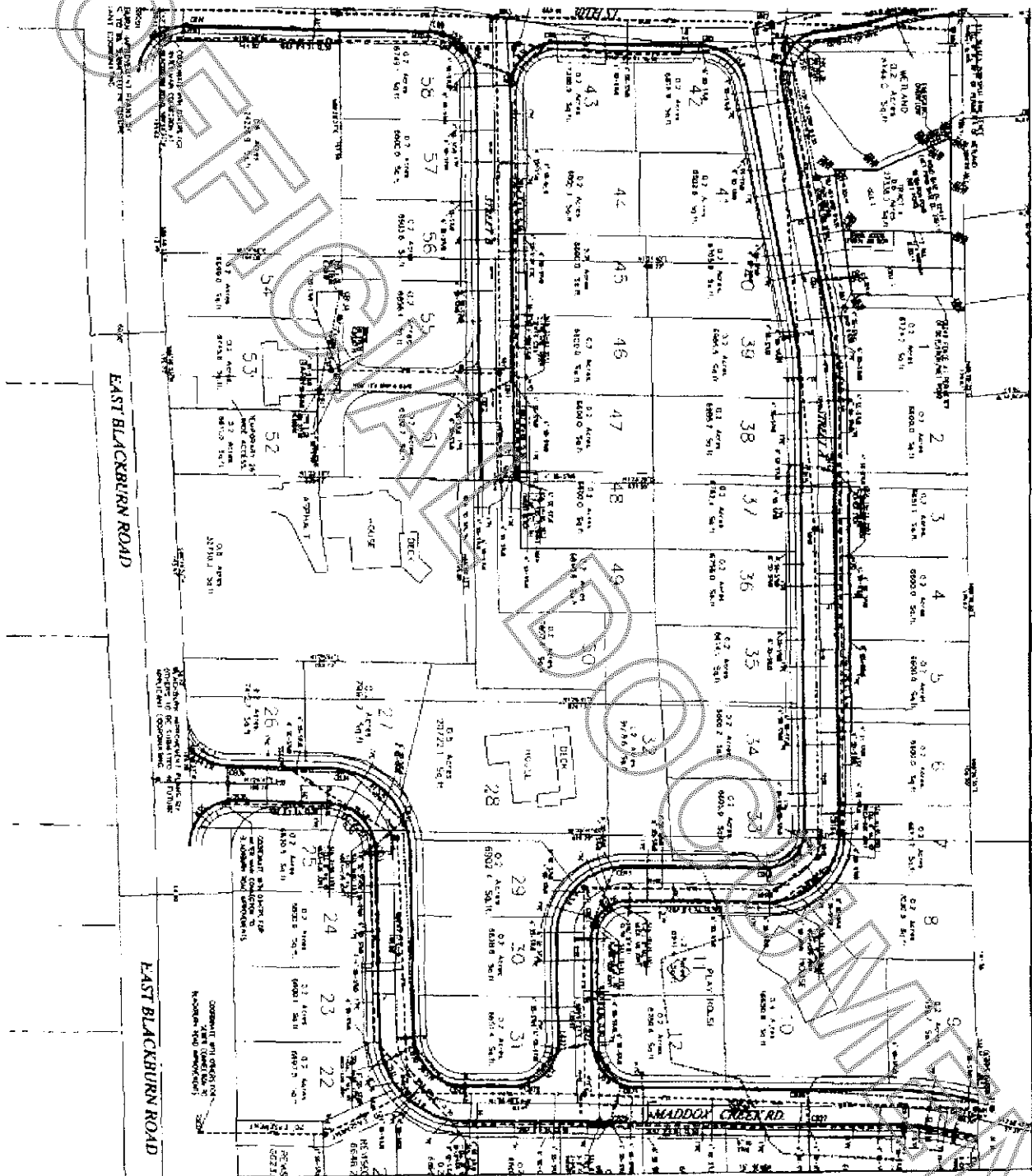


EXHIBIT C
Resolution 743

UNOFFICIAL DOCUMENT

RESOLUTION NO. 743

A RESOLUTION PERTAINING TO SUBDIVISION CONTROL AND ACCEPTING THE PRELIMINARY PLAT OF IRIS MEADOWS PURSUANT TO CHAPTER 16.08 OF THE MOUNT VERNON MUNICIPAL CODE.

WHEREAS, an application for approval of a Preliminary Plat of a proposed 58-lot subdivision has been made pursuant to Chapters 16.08 of the Mount Vernon Municipal Code by the owner of the real property described in Exhibit "1" which comprises approximately 12.7 acres in Mount Vernon, Washington; and

WHEREAS, notices of the time, location and purpose of a public hearing for the purpose of giving approval, conditional approval or disapproval of the Preliminary Plat were sent pursuant to Chapter 14.05; and

WHEREAS, pursuant to Chapter 16.08 of the Mount Vernon Municipal Code, a public hearing was conducted before the Mount Vernon Hearing Examiner on July 11, 2007; and

WHEREAS, a Preliminary Plat map, Exhibit "1A", has been reviewed and approved with conditions by the Hearing Examiner; and

WHEREAS, the City of Mount Vernon issued a Mitigated Determination of Non-Significance (MDNS) on June 27, 2007; and

WHEREAS, the Hearing Examiner recommends, based on Findings of Fact, Conclusions of Law and Recommendations listed within his recommendation, Preliminary Plat approval with conditions and restrictions listed in the accompanying Exhibit "2".


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON AS FOLLOWS:

That said Preliminary Plat known and described as **IRIS MEADOWS** has been presented for acceptance, approval and filing and is hereby accepted, approved and ordered filed subject to the restrictions and conditions listed in Exhibit "2", attached hereto and made a part hereof by reference as though fully set forth herein. The real property comprising such plat is hereby described in Exhibit "1", attached hereto and made a part hereof by reference as though fully set forth.


Dated this 8th day of August 2007:


Bud Norris, Mayor

Attest:


Alicia D. Huschka, Finance Director

Approved as to form:


Kevin Rogerson, City Attorney

**EXHIBIT "1";
IRIS MEADOWS
LEGAL DESCRIPTION**

PARCEL "A"

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;
THENCE NORTH $1^{\circ}23'$ EAST 649.45 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;
THENCE SOUTH $89^{\circ}26'28''$ WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 105.0 FEET;
THENCE SOUTH $1^{\circ}43'$ WEST PARALLEL WITH THE EAST LINE OF SAID SUBDIVISION TO THE SOUTH LINE OF SAID SUBDIVISION;
THENCE NORTH $89^{\circ}07'$ EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 105.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING,

EXCEPT THAT PORTION LYING WITHIN THE BOUNDARIES OF THE COUNTY ROAD AS CONVEYED TO SKAGIT COUNTY BY DEED RECORDED OCTOBER 17, 1947, IN VOLUME 221 OF DEEDS, PAGE 322, UNDER AUDITOR'S FILE NO. 410086.

PARCELS "B AND C"

LOTS 1 AND 2, SKAGIT COUNTY SHORT PLAT NO. 18-87, APPROVED JUNE 22, 1987 AND RECORDED JUNE 24, 1987 IN VOLUME 7 OF SHORT PLATS, PAGE 183, UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 8706240025, BEING A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.

EXCEPT THAT PORTION OF SAID LOT 2 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, SKAGIT COUNTY SHORT PLAT NO. 18-87;

THENCE NORTH $1^{\circ}23'39''$ EAST (SHOWN AS NORTH $1^{\circ}19'00''$ EAST ON THE FACE OF SAID SHORT PLAT) ALONG THE WEST LINE OF SAID LOT 2 FOR A DISTANCE OF 225.72 FEET;
THENCE NORTH $86^{\circ}48'33''$ EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 2, FOR A DISTANCE OF 145.80 FEET;

THENCE SOUTH 1°25'41" WEST, FOR A DISTANCE OF 225.73 FEET, MORE OR LESS,
TO THE SOUTH LINE OF SAID LOT 2 AT A POINT BEARING NORTH 86°48'33" EAST
(SHOWN AS NORTH 86°45'54" EAST ON THE FACE OF SAID SHORT PLAT);
THENCE SOUTH 86°48'33" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF
145.67 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL "D"

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE
NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.,
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION, 3.20 FEET
NORTH OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH ALONG SAID WEST LINE, A DISTANCE OF 367.80 FEET;

THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID SUBDIVISION, A
DISTANCE OF 173.85 FEET;

THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION, A
DISTANCE OF 361 FEET TO THE NORTH LINE OF THE COUNTY ROAD, AS THE
SAME EXISTED ON AUGUST 4, 1952;

THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 173.98 FEET TO THE
POINT OF BEGINNING,

EXCEPT THAT PORTION THEREOF CONVEYED TO SKAGIT COUNTY FOR ROAD
PURPOSES BY DEED DATED OCTOBER 10, 1947 AND RECORDED OCTOBER 17, 1947,
UNDER AUDITOR'S FILE NO. 410086.

PARCEL "E"

THE WEST 198.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE
NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.,

EXCEPT BEGINNING AT A POINT ON THE WEST LINE OF SAID SUBDIVISION 3.20
FEET NORTH OF THE SOUTHWEST CORNER THEREOF;

THENCE NORTH ON THE WEST LINE OF SAID SUBDIVISION, A DISTANCE OF 367.80
FEET;

THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, A
DISTANCE OF 173.85 FEET;

THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 361.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE COUNTY ROAD AS CONVEYED TO SKAGIT COUNTY BY DEED DATED OCTOBER 10, 1947, AND RECORDED OCTOBER 17, 1947, IN VOLUME 221 OF DEEDS, PAGE 322, UNDER AUDITOR'S FILE NO. 410086;

THENCE WEST ALONG SAID COUNTY ROAD, A DISTANCE OF 173.98 FEET TO THE POINT OF BEGINNING OF THIS EXCEPTION.

PARCEL "F"

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., EXCEPT THE EAST 1/2 THEREOF, ALSO EXCEPT THE SOUTH 60 FEET THEREOF CONVEYED FOR ROAD PURPOSES BY DEEDS RECORDED UNDER AUDITOR'S FILE NOS. 410085 AND 9003160017.

ALL OF THE ABOVE BEING SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD.

ALL SITUATE IN THE CITY OF MOUNT VERNON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

EXHIBIT "1A" IRIS MEADOWS PRELIMINARY PLAT MAP

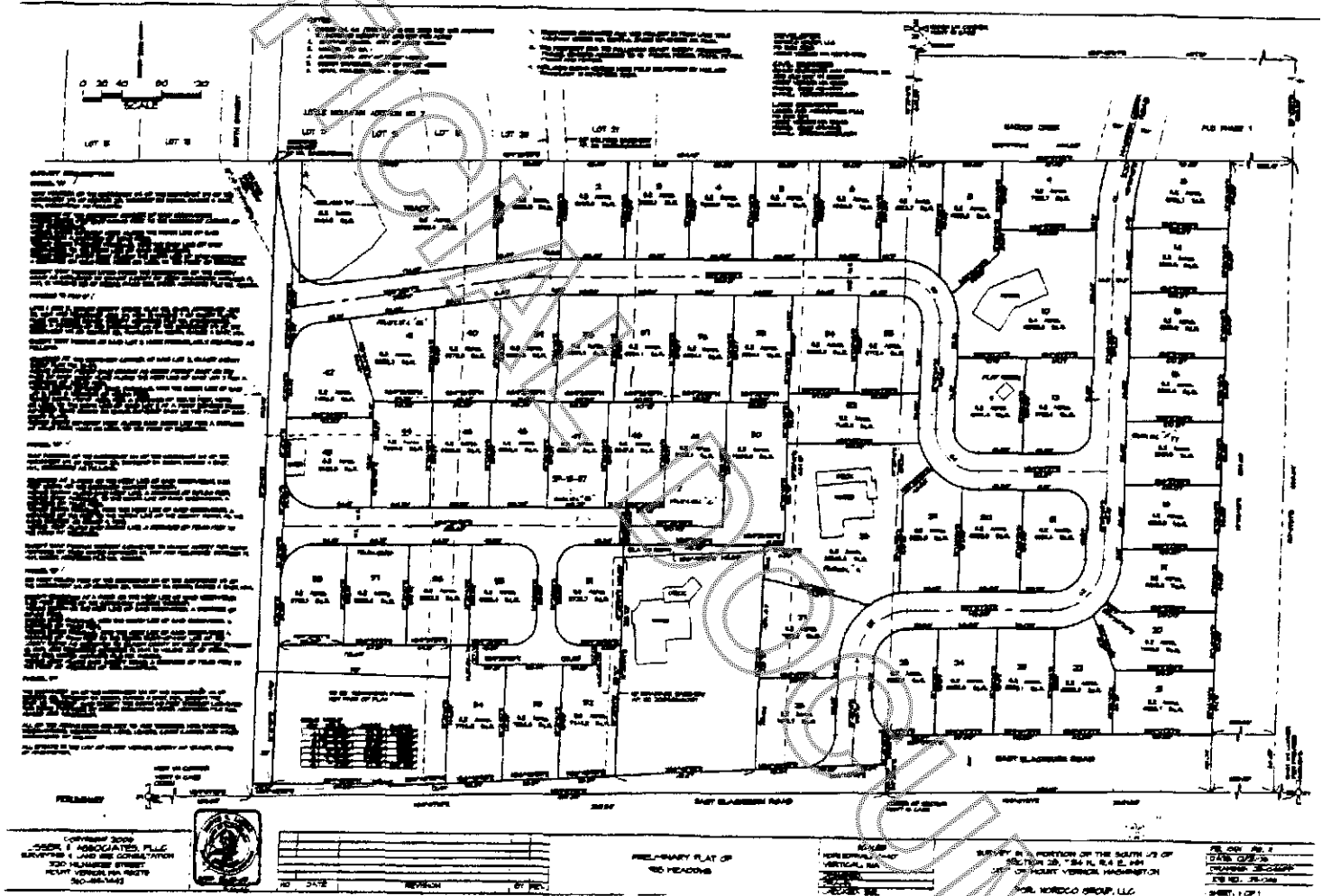


EXHIBIT "2":

CONDITIONS OF APPROVAL IRIS MEADOWS PRELIMINARY PLAT

Compliance with SEPA Mitigation Measures:

Based on an analysis of probable impacts from the proposed project, the following mitigation measures were issued with the Mitigated Determination of Non-Significance:

1. A truck route plan, indicating times of day and days of the week shall be submitted for review and approval by the City Engineer. Peak traffic hours during the A.M. (±7:00 – 9:00) and P.M. (±4:00 – 6:00) are to be avoided.
2. The proposed improvements near the northwest corner of the site appear to be disturbing the existing wetland also identified within this area (Wetland "A"). Before any disturbance occurs to this wetland the applicant shall contact both the Army Corps of Engineers and the Department of Ecology to ascertain whether or not permits from either of these agencies will be necessary to disturb any portion of this wetland. The applicant shall provide proof to the City that both referenced agencies have been contacted and what each agency will require (if anything) to disturb any portion of this wetland.
3. A copy of all permits required by agencies other than the City of Mount Vernon shall be submitted to the City prior to construction. The applicant shall consult with the following agencies to ascertain whether or not permits from these agencies are necessary: Federal Corps of Engineers, Washington State Department of Natural Resources, the Washington State Department of Ecology, and the Washington State Department of Fish & Wildlife. This is not an all inclusive list of agencies that may regulate the activities proposed by the applicant. It is the applicant's sole responsibility to ensure that they are complying with all Federal, State and local permit requirements.
4. A temporary storm drainage plan that is consistent with the Stormwater Management Manual for Western Washington dated 2005, shall be approved by the City prior to commencing the land clearing process.
5. A detailed erosion control plan is required. Specific emphasis shall be placed on the construction entrance and the protection of existing streets, drainage systems, on-site critical areas and adjacent properties. The Best Management Practices (BMPs) found within the Stormwater Management Manual for Western Washington dated 2005, within Volume II, Chapter 4 shall be implemented on the site. The following erosion hazard mitigation measures shall also be implemented; however, if other measures are deemed necessary by the City they shall also be immediately implemented:
 - a. Wetland boundaries must be clearly marked with construction fencing in the field and then inspected by the City prior to commencing any construction activities, i.e. grading, installing utilities, etc. The flagged delineations must be maintained for the duration of the clearing and all construction activities.
 - b. Silt fencing shall be placed around the lower perimeter of the cleared areas. The fencing shall be regularly inspected and maintained as necessary to ensure proper function.

- UNOFFICIAL
- c. Site runoff shall be controlled by use of temporary drainage swales with rock check dams directed to temporary sediment and erosion control ponds. Construction entrances shall be stabilized with gravel pads to minimize tracking sediment off site.
 - d. Areas stripped of vegetation during construction shall be mulched and hydroseeded, replanted as soon as possible, or otherwise protected. During winter construction, hydroseeded areas shall be covered with clear plastic to facilitate grass growth.
 - e. Erosion control measures shall be immediately implemented for excavated soils that are stockpiled on the site, including but not limited to: covering the piles with plastic sheeting, the use of low stockpiles in flat areas and the use of straw bales/silt fences around pile perimeters.
 - f. Construction shall proceed during the drier periods of the year. Exceptions may be granted, in writing only, by the Engineering Services Manager and/or the Public Works Director.
6. A split rail fence shall be installed along all wetland boundaries and, in a prominent location, a wetland identification sign shall be placed every 150 feet or every platted lot, as applicable. Any proposed alternative to the split rail fence requirement shall be approved by the Community & Economic Development Director.
7. Monitoring and its associated reports of any wetland mitigation areas shall be completed by an agency or consultant selected by the City. Any maintenance required as a result of the monitoring, per performance standards that will be set by the City, can be completed by the applicant and approved by the entity that completes the monitoring for the City; or the entity completing the monitoring can also complete any required maintenance work at the sole expense of the applicant. The cost of all five (5) years worth of monitoring and reporting shall be the responsibility of the applicant to pay; on a yearly basis, with the first years worth of monitoring/reporting paid for before any work commences on the site. To ensure that the monitoring/reporting and maintenance work is paid for and/or completed; two (2) separate financial securities in the form of bonds, cash deposits, or letters of credit shall be provided to the City prior to any work commencing on the project site. The first financial security shall be in the amount of 150% of the cost of the monitoring and reporting work necessary following the initial payment of the work required for year one (1). The second financial security shall be in the amount of 60% of the cost to purchase and install all of the project related mitigation amenities. The cost of the monitoring and maintenance shall be established by the City based upon a cost estimate provided by the agency or consultant that the City selects to perform this work.
8. If critical area impacts occur as part of this project, the applicant shall sort and haul a portion of the large woody debris (LWD), including stumps, from the on-site conifers to local repositories including SFEG, USIT, SRSC, or the County for use in mitigation projects they are involved with. The amount of LWD and stumps that are given to these groups shall be based upon; and be proportionate with, the critical area impacts incurred as part of this project.
- UNOFFICIAL

9. When construction plans are submitted to the City following preliminary plat approval, but before any construction starts, a topographic map shall be submitted that identifies all on-site slopes that are greater than fifteen percent (15%). Areas where the slope exceeds 15% shall be subject to the "Hillside Development Standards" outlined within Mount Vernon Municipal Code 15.40.160 and a licensed professional engineer shall demonstrate compliance with this code before construction commences. If there are recommendations from the licensed professional engineer that need to be implemented following final plat approval, those recommendations shall become conditions of final plat approval and shall be noted on the face of the plat.
10. One of the following three (3) options shall be chosen and constructed prior to final plat approval:
- Option No. 1: Obtain the necessary right-of-way to construct a 26-foot wide access road from the south side of Street B North to 30th Street. South of Street B there would be curb, gutter and sidewalk with the asphalt roadway only extended westerly as can be constructed within the property.
- Option No. 2: Obtain the necessary right-of-way to construct a 26-foot wide road from the north side of Street A to Blackburn Road. North of Street A there would only be a curb, gutter and sidewalk in support of pedestrian access.
- Option No. 3: Construct a 26-foot wide access road between the north side of Street A and the South side of Street B, together with a temporary 26-foot wide access road through Lot 53 to be abandoned at such time as 30th Street is completed. There would be a pedestrian access constructed north from Street A to 30th Street and south from Street B to Blackburn Road.
- Regardless of which of the above three (3) options is chosen, the intersection of 30th Street shall align with the future centerline of Little Mountain Road. In addition, at the discretion of the Public Works Director, each of the three (3) options above may be modified to ensure sound engineering design as dictated by the Public Works Director.
11. A $\frac{3}{4}$ street improvement as defined in MVMC 14.10.080(C)(2) shall be constructed on the north side of Blackburn Road from the east plat boundary to west where $\frac{3}{4}$ street improvements already exist; which is approximately 300 feet to the west of where LaVenture Road will intersect with Blackburn Road. The ultimate design width for Blackburn Road shall be that which is identified within Table 4.3 of the City's Transportation Element of the Comprehensive Plan.

12. A $\frac{1}{4}$ street improvement as defined in MVMC 14.10.080(C)(2) shall be constructed for the extension of LaVenture and Anderson Roads from Blackburn Road to the southbound on/off ramps at the Anderson Road interchange with Interstate-5; or an equivalent arterial road improvement that is approved by the City's Public Works Director. Any equivalent arterial road improvement approved by the City's Public Works Director shall be on the Transportation Element's Capital Facilities Plan list; which is Table 4.3. The ultimate design for the Anderson and LaVenture Road improvements are identified as projects 7 through 12 on Table 4.3 of the City's Transportation Element of the Comprehensive Plan. If an updated transportation impact fee is adopted by the Mount Vernon City Council that will have either the Anderson/LaVenture or other equivalent arterial road improvements fully funded in the impact fee program and if the road improvements are included in the City's six (6) year Transportation Improvement Plan; the applicant may choose to pay the increased traffic impact fees instead of constructing the Anderson/LaVenture or the other equivalent arterial road improvements.
13. This project includes improvements to 30th Street. All areas of 30th Street within the project shall be included in the drainage study; and the stormwater report submitted with the application shall be revised to include the project's complete drainage basin.
14. Sanitary sewer service is not presently available for this proposed plat. The City of Mount Vernon sewer treatment plant does have available capacity to provide treatment for the proposed plat when the following requirements are met:
- Unless provided by others prior to final plat approval, the existing Fowler Street sewer main between 18th Street and 16th Street must be up graded to an 18" diameter main.
 - At the discretion of the Public Works director, this project shall be required to construct a sewer main large enough to carry the flows from projects and areas to the south and east, because it occupies portions of the route proposed for that purpose. The flows from the area upstream of the site are designed to flow to a low point in Blackburn Road and flow north and west to a connection point as shown on the proposed utility plan for this project. Originally these offsite flows would have been routed through the Maddox Creek project; however, it now appears that this project (Iris Meadows) may provide the most expedient route for sanitary sewer main line improvements. As such, this project shall be required to construct a 15" sewer main through the site to connect to the existing sewer main at the intersection of 30th Street and Withers Place. If this route is chosen, the sewer line in 30th Street south of Withers Place shall be required to be up-graded to a 15" diameter system (approximately 300').
15. A perimeter drain shall be installed along the entire north side of the plat with the exception of the area to the north of Tract A (the stormwater pond), and wetland A.

16. At any point during the first year following final plat approval the City's Engineering and/or Fire Departments shall be able to require that new traffic control signs be installed within the plat or adjacent to off-site road improvements that the plat was responsible for constructing if either department deems additional signs necessary. The applicant shall be responsible for installing the new traffic control signs within 30 days of an official request from the City to do so. To ensure that the new signs will be promptly installed, prior to final plat approval, the applicant shall provide the City with a financial security (bond, letter of credit, et cetera) in the amount of 150% of the actual cost for the existing traffic control signs and the cost of the installation of these signs.
17. The wetland buffer from the easterly adjoining property that extends onto the subject site shall be located within a separate tract and not be part of a residential lot. In addition, a split rail fence and wetland signage shall be placed along the landward edge of the wetland buffer area.

Compliance with the Preliminary Plat Conditions:

1. Compliance with City of Mount Vernon Design Review Guidelines and the 'Garage Façade Standards' (attached as **Exhibit 10**) are required for all residential lots within the proposed development. Following the approval of the final plat all of the Building Permit applications that are submitted shall demonstrate compliance with these two (2) documents. The following requirements are noted; however, these are not all of the design review elements that will be mandated. As indicated within each item, some amenities shall be completed prior to final plat approval and some will be completed prior to finaling building permits.
 - a. The applicant will be required to screen with landscaping all utility boxes within this development. Utility boxes installed prior to final plat approval shall be screened before final plat approval is granted. Utility boxes installed after final plat approval shall be screened before building permits are finalized.
 - b. The 'Typical Lot Landscape Plan' (shown on Sheet L-2) can be modified to provide differing shapes of landscape beds and different types of trees, shrubs and groundcovers as long as the substituted landscape materials are equivalent to that which is shown on the referenced landscaping plan sheet and that no less than the quantities shown on this plan are installed. This means that two (2) evergreen trees (not inclusive of the required street trees), three (3) small accent trees, 18 deciduous shrubs, 21 evergreen shrubs, 32 ornamental perennials, ferns and grasses and locally grown sod shall be installed. The sod shall be installed in the front, side and rear yards. The trees, shrubs and ground cover shall be incorporated between the front, side and rear yards of each lot. This landscaping shall be installed before building permits are finalized.
 - c. Prior to final plat approval, street trees, planted at 30 feet on center, and ground cover installed around the street trees are required in a minimum 4-foot wide landscaping strip between the sidewalk and the curb for both sides of all of the road shown on the submitted plans; this includes Maddox Creek Road, Street A, Street B, and the portions of 30th Street that will be constructed. The street that will be extended to the south off of Street B shall also have street trees, planted 30 feet on center, and ground cover installed around the trees, along all sides of the road in a 4-foot wide landscaping strip that shall be part of the road right-of-way.

- UNOFFICIAL COMMENT
- d. Prior to final plat approval, the detention pond shall be screened with a 6-foot tall decorative cedar fence on all four (4) sides with no less than a 5-foot wide landscaping strip outside of the fence that includes 2-inch caliper street trees 15 feet on center with minimum 5-gallon shrubs and 2-gallon ground cover. The shrubs and ground cover shall be installed at a density that will fill eight-five percent (85%) of the 5-foot wide landscaping strip within two (2) years.
 - e. Prior to final plat approval, a three (3) year maintenance bond will be required for the landscaping within the right-of-way, and landscape tracts.
 - f. The required lot coverage shall be a maximum of 35%.
 - g. The mailbox location and the requisite architectural feature around the mailbox shall be shown on the construction plans submitted following preliminary plat approval and shall be installed prior to final plat approval.
 - h. Prior to final plat approval, no less than eight (8) decorative street lights, that are a maximum of 12 feet in height, shall be installed.
 - i. "No Parking" signs will be required. These signs shall be mounted on decorative posts that are a maximum of three (3) feet in height, prior to final plat approval.
 - j. All planting areas are to be cleared of all construction material, rocks and sticks larger than 2-inches in diameter.
 - k. New bed and lawn areas shall receive a minimum of 2-inch depth "3-way" topsoil then rototilled to a depth of 6-inches, then an additional 4-inches minimum of topsoil in all new bed areas and 2-inches in lawn areas.
 - l. All landscape beds are to receive a minimum of 3-inches fine fir bark (or other similar material) around the trees, shrubs and groundcover.
 - m. All landscape beds shall be fertilized with transplant fertilizer 4-2-2 per the manufacturer's recommendations.
 - n. All plant material shall conform to AAN standards for nursery stock, latest edition. All plant materials shall be healthy representatives, typical of their species of variety and shall have a normal habit of growth. They shall be full, well-branched, well proportioned, and have a vigorous, well-developed root system. All plants shall be hardy under climatic conditions similar to those in the locality of the project. Tree, shrubs and groundcovers are to be healthy, vigorous, well-foliated when in leaf and free of disease, injury, insects, decay, harmful defects and all weeds.
 - o. All landscape areas shall have adequate drainage, either through natural percolation or by means of an installed drainage system.

2. The following fencing, signage, and landscaping shall be installed prior to final plat approval unless specifically stated otherwise:

- The north side of lots 1 through 9 and 13 shall have a six foot tall decorative cedar fence installed along their far north boundary. Lots 13 through 21 shall have a six foot tall decorative cedar fence installed along their far east boundary. Lots 56 through 58 shall have a six foot tall decorative cedar fence installed along their south boundary that abuts the outlying parcel to the south of them. Lot 54 shall have a six foot tall decorative cedar fence installed along its west boundary. Lots 51 and 52 shall have a six foot tall decorative cedar fence installed along their east boundary. Lot 50 shall have a six foot tall decorative cedar fence installed along its south boundary. Lots 26 and 27 shall have a six foot tall decorative cedar fence installed along their west boundary that abuts the outlying lot located to the west of them.
 - The south side of lots 21 through 26 and 52 through 54 shall have a six foot tall decorative cedar fence installed between the residential lot and a minimum 10-foot width landscaping tract that shall be installed between the sidewalk and the residential lot, which means that a portion of this landscaping may be located within the unused portion of the Blackburn Road right-of-way. This fence may need to be reduced as it nears Maddox Creek Road to account for sight visibility. The landscaping tract between the sidewalk and the fence shall, at a minimum, have street trees installed 30 feet on center with shrubs installed to cover no less than 60% of the 10-foot strip and ground cover installed to cover no less than 40% of the landscape strip not covered with the trees or shrubs. This landscaping tract shall be a separate tract maintained by the Homeowner's Association and shall not be part of these residential lots.
 - Fencing, walls or four (4) foot tall hedges shall be installed along the rear and side property lines of each of the residential lots prior to building permits being finalized for these lots. This fencing, walls or hedging does not include the fencing and landscaping specifically referenced in the bulleted points above which have to be installed prior to final plat approval.
3. The existing barns, outbuildings and fencing not shown as having the proper setbacks on lots 10 and 28 shall be demolished or moved so that they have proper setbacks in their new location prior to final plat approval. Other barns, outbuildings and fencing on other areas of the plat that do not meet setbacks or zoning standards shall also be demolished or moved so that they have the proper setbacks and meet the zoning code regulations regarding accessory uses prior to final plat approval. The homes left on lots 10 and 28 shall be improved to meet the landscaping and fencing requirements found within the City's Design Standards prior to final plat approval.
4. The curb cuts for the driveways to the proposed homes shall be installed at the direction of the Public Works Director to maximize the amount of available on-street parking. It is very likely that combined driveway cuts will be required.

5. The SEPA mitigation measures identified as 1 through 17 on the issued Mitigated Determination of Non-Significance (MDNS) shall become conditions of approval of the Plat.

6. Setbacks for the proposed single-family residential structures shall be as follows as long as the building permit plans show that the requirements found in MVMC 17.70 are met:

Front yard: Not less than 10 feet from property line or back of sidewalk, except covered front porches may have a set back of not less than 5 feet. The front of garages shall maintain at least 20 feet measured from the back of sidewalk or property line or from the edge of pavement on private streets.

Rear yard: Not less than 10 feet.

Side yard: Not less than 5 feet, allowing, however, that the eaves of a dwelling or accessory structure may project 18 inches from the line of the setback toward a property line. In order to protect privacy, windows facing the side yard shall be off-set from the adjacent residence. The installation of fences, walls and hedges will be required.

7. The items outlined in Dennis Carlsons' and Glenn Brautaset's letters attached to the staff report as **Exhibit 12**, shall all become conditions of approval. These requirements are as follows:

Glenn Brautaset's letter reads:

Future Fire Flow

1. A written verification of available fire flow from the Skagit Public Utility District shall be required. The minimum fire flow required for the subdivision is 1,500gpm.
2. The minimum sized water line for fire protection shall be at least 8-inch ductile iron pipe.
3. The Skagit Public Utility District shall approve any improvements to the water line for fire protection.

Future Fire Hydrant Standards

4. The hydrant locations shall be approved as drawn on the submitted plans.
5. The approved fire hydrant shall be the **Clow Medallion** or **AVK Nostalgic** brand in accordance with AWWA Standard C502.
6. All fire hydrant pumper ports shall be equipped with a permanent five-inch "Storz" adapter with cap. The adapter shall have #3 Pacific Coast thread (4.828x6) rigid female by five-inch (5) ¼ turn "Storz" fitting with set screw.
7. Fire hydrants shall be set plum to the finished curb or landscape grade, whichever is the greater height. Fire hydrants shall be protected when necessary as directed by the Fire Chief.

8. All new fire hydrants installed by private contractors shall be painted in accordance with Fire Department standards before acceptance by the Fire Department. The approved paint is available from the Fire Department.

Future Access Standards

9. Future street names shall be submitted to the Fire Department for review and approval prior to Final Plat.
10. Maximum street grade shall be 10%.
11. Streets smaller than 28' shall have "no parking" signs as required by MV Municipal Code.
12. The half-street located on 30th shall be posted "No Parking on Either Side" every 75' starting at Blackburn Street and facing each direction.
13. All streets shall have a maximum 28' inside, minimum 45' outside turning radius.

Impact Fees

14. Fire Department impact fees shall be assessed at \$152.00 for each residential unit.

Dennis Carlson's memo reads:

This project will be required to comply with current City of Mount Vernon Codes and Standards.

Concurrency

This project has submitted a Traffic Impact Analysis Report detailing the "PM Peak Hour" traffic trips generated by this project and the distribution of those trips to the City road system. Approximately 58 to 63 PM Peak Hour trips will be generated.

For emergency and safety reasons this project will be required to provide at least two vehicular access routes. The "street requirements" below may be revised to accommodate this requirement.

SEPA Requirement

- A $\frac{3}{4}$ street improvement as defined in MVMC 14.10.080(C)(2) shall be constructed on the north side of Blackburn Road from the east plat boundary to west where $\frac{3}{4}$ street improvements already exist; which is approximately 300 feet to the west of where LaVenture Road will intersect with Blackburn Road. The ultimate design width for Blackburn Road shall be that which is identified within Table 4.3 of the City's Transportation Element of the Comprehensive Plan.
- A $\frac{3}{4}$ street improvement as defined in MVMC 14.10.080(C)(2) shall be constructed for the extension of LaVenture and Anderson Roads from Blackburn Road to the southbound on/off ramps at the Anderson Road interchange with Interstate-5; or an equivalent arterial road improvement that is approved by the City's Public Works Director. Any equivalent arterial road improvement approved by the City's Public Works Director shall be on the Transportation Element's Capital Facilities Plan list; which is Table 4.3. Any equivalent arterial road improvement approved by the City's Public Works Director shall be on the Transportation Element's Capital Facilities Plan list; which is Table 4.3. The ultimate design for the Anderson and LaVenture Road improvements are identified as projects 7 through 12 on Table 4.3 of the City's Transportation

Element of the Comprehensive Plan. If an updated transportation impact fee is adopted by the Mount Vernon City Council that will have either the Anderson/LaVenture or other equivalent arterial road improvements fully funded in the impact fee program and if the road improvements are included in the City's six (6) year Transportation Improvement Plan; the applicant may choose to pay the increased traffic impact fees instead of constructing the Anderson/LaVenture or the other equivalent arterial road improvements.

Streets

1. Blackburn Road is a "minor arterial" City street.
2. The intersection at Maddox Creek Road shall have 30' radius curb returns.
3. The intersection at 30th Street shall have 35' radius curb returns.
4. New lots created by this plat shall not have direct vehicular access to Blackburn Road.

30th Street is an "urban collector" City street. This project shall be required to provide partial street frontage improvements along its frontage including:

One of the following three (3) options shall be chosen and constructed prior to final plat approval:

Option No. 1: Obtain the necessary right-of-way to construct a 26-foot wide access road from the south side of Street B North to 30th Street. South of Street B there would be curb, gutter and sidewalk with the asphalt roadway only extended westerly as can be constructed within the property.

Option No. 2: Obtain the necessary right-of-way to construct a 26-foot wide road from the north side of Street A to Blackburn Road. North of Street A there would only be a curb, gutter and sidewalk in support of pedestrian access.

Option No. 3: Construct a 26-foot wide access road between the north side of Street A and the South side of Street B, together with a temporary 26-foot wide access road through Lot 53 to be abandoned at such time as 30th Street is completed. There would be a pedestrian access constructed north from Street A to 30th Street and south from Street B to Blackburn Road.

Regardless of which of the above three (3) options is chosen, the intersection of 30th Street shall align with the future centerline of Little Mountain Road. In addition, at the discretion of the Public Works Director, each of the three (3) options above may be modified to ensure sound engineering design as dictated by the Public Works Director.

1. The intersection at north and south interior streets shall have 30' radius curb returns.
2. New lots created by this plat shall not have direct vehicular access to 30th Street.

Maddox Creek Road is a local residential access street proposed to be extended through this proposed plat from its existing southerly terminus to an intersection with Blackburn Road.

An adjustment in the travel way width may be required near the north line of the plat to accommodate a wider roadway in the Maddox Creek development.

1. This roadway shall be developed as a (minimum) "type 2" City street with a 28' wide travel surface, concrete curb & gutter, 4' wide planter strips and a 5' wide detached sidewalks.
2. The intersection at the north interior street shall have 25' radius curb returns.

The North Interior Street shall be developed as a "type 2" City street with a 28' wide travel surface, concrete curb & gutter, 4' wide planter strips and a 5' wide detached sidewalks.

The South Interior Street shall be developed as a "type 2" City street with a 28' wide travel surface, concrete curb & gutter, 4' wide planter strips and a 5' wide detached sidewalks and shall include:

1. An extension of the public street to the east line of proposed lot 48.
2. A curb tight sidewalk and concrete shared driveway drop at the east end of the street serving proposed lots 49 & 50.
3. The intersection at the private stub street to the south shall have a standard ADA compatible access driveway entrance.

The Stub Street south of the south interior street shall be developed as a private driveway with a 20' wide travel surface shall include:

1. Pavement return radii in the hammer head shall be 28'.

Stormwater

This project will be required to meet current City stormwater codes and standards.

SEPA Requirement

1. This project includes improvements to 30th Street. All areas of 30th Street within the project shall be included in the drainage study.
2. The stormwater report submitted with the application shall be revised to include the projects complete drainage basin.

Sanitary Sewer

Sanitary sewer service is not presently available for this proposed plat. The City of Mount Vernon sewer treatment plant does have available capacity to provide treatment for the proposed plat when the following requirements are met:

- Unless provided by others prior to final plat approval, the existing Fowler Street sewer main between 18th Street and 16th Street must be up graded to an 18" diameter main.
- At the discretion of the Public Works director, this project shall be required to construct a sewer main large enough to carry the flows from projects and areas to the south and east, because it occupies portions of the route proposed for that purpose. The flows from the area upstream of the site are designed to flow to a low point in Blackburn Road and flow north and west to a connection point as shown on the proposed utility plan for this project. Originally these offsite flows would have been routed through the Maddox Creek project; however, it now appears that this project (Iris Meadows) may provide the most expedient route for sanitary sewer main line improvements. As such, this project shall be required to construct a 15" sewer main through the site to connect to the existing sewer main at the intersection of 30th Street and Withers Place. If this route is chosen, the sewer line in 30th Street south of Withers Place shall be required to be up-graded to a 15" diameter system (approximately 300').

8. The sidewalk along the east and south portion of Maddox Creek Road from the north to the south plat boundary shall be eight (8) feet in width. The additional three (3) feet of sidewalk can be located within a sidewalk easement on the lots that it will abut. The increased width has been requested by the City's Park and Recreation Department to facilitate pedestrian and bicycle traffic and meet the goals and intent of the City's Recreation Element of the Comprehensive Plan.
9. Lots 21 through 26 and 52 through 54 shall be accessed via the internal plat roads that will be constructed. No lot within this proposed subdivision will access Blackburn Road directly. The rear yards for these lots shall abut Blackburn Road.
10. At the discretion of the Community & Economic Development Director, a qualified arborist or landscape professional may be hired at the applicant's expense to inspect all of the landscaping installed prior to final plat approval and prior to the City releasing the requisite 3 year maintenance bond for these landscaping areas.
11. During construction a 55-foot construction buffer shall be established from the edge of all wetland areas except where construction work has to be performed within the 55-foot area. This construction buffer shall be delineated by construction fencing that shall be inspected by the City prior to any work commencing on the site. Following the construction phase the buffer can be reduced and the split rail fence with signage shall be installed as indicated within this staff report.
12. The homeowner's association that shall be created for the Iris Meadows development shall be responsible for the maintenance all landscape tracts, sidewalks and street trees installed adjacent to sidewalks.
13. Codes, Covenants & Restrictions (CC&Rs) for the Iris Meadows development shall be submitted to the Community & Economic Development Department for review and approval prior to final plat approval. The CC&Rs shall include a map that clearly shows the areas within the plat that the homeowner's association is responsible for maintaining. Evidence that sufficient funds will be collected from each of the future residents shall be supplied to the City to ensure proper maintenance of these areas. The City approved CC&Rs shall be recorded with, and cross-referenced on, the face of the final plat.

EXHIBIT D:

A. Conditions from Steve Riggs, the City's Fire Marshall:

The plat shall be required to comply with all current fire and life safety codes including MVMC Chapter 15.08, the current addition of the IFC and WA State amendments.

B. Conditions from Ana Chesterfield, the City's Engineering Services Manager:

Stormwater:

1. The project requires an updated stormwater report including a new downstream analysis, basin map(s) and conveyance system capacity prepared by a licensed civil engineer.
2. A Construction General Stormwater permit from Department of Ecology is required for the project. Provide WAR #. Provide SWPPP for review.
3. A soils report from a Geotechnical Engineer is required. This report shall address at the very minimum, the suitability of the current soils onsite and recommendations for the design and construction of the proposed private road.

Traffic/Roads:

4. A new traffic analysis is required for the project.
5. Ramps and driveways shall comply with ADA standards.
6. Driveway locations for each lot will be reviewed and approved with Civil Plans
7. A soils report from a Geotechnical Engineer is required. This report shall address at the very minimum, the suitability of the current soils on-site and recommendations for the design and construction of the proposed private road. Design and construction of public roads might be modified depending on the findings of this report.

Other Comments:

8. Compliance with City of Mount Vernon current Engineering Standard is required.
9. Provide a haul route for review and approval
10. Show existing and proposed utility easements on the civil plans
11. Please ensure the project is using the most current WSDOT Standard Plans for driveways and ramps detail
12. Street lighting is required. Provide plans from PSE Intolight for review and approval
13. The development is required to comply with the installation of telecommunications conduit. These will be reviewed by the City and approved with the Civil Plans. Prior to final plat approval as-construction drawings must be submitted that identify the installation of the telecommunication fiber for this project.
14. Minimum 26-feet access to fire hydrants is required unless otherwise approved by the Fire Department.
15. "No Parking" signs and/or striping are required for private roads/fire lanes.
16. Ensure the following internal circulation requirements for emergency vehicles and service truck are met - Minimum turning radii to be as follows:
17. Fire Apparatus: 28-feet inside and 45-feet outside
18. Garbage Trucks: 32.5-feet inside and 46.5 outside
19. Overhead Clearance: 25-feet

Note that these comments do not constitute a formal or detailed review of the engineering data and supplemental information supplied for the project. Further and more detailed engineering reviews will be performed once the final plans and reports are submitted for permits.