



DATE: September 11, 2013

TO: Mayor Boudreau and City Council

FROM: Rebecca Lowell, Community & Economic Development Department

SUBJECT: REQUESTED DEFERRAL OF SHORT PLAT IMPROVEMENTS, PL13-047

RECOMMENDED ACTION:

Staff requests that Council make a motion to defer the construction/installation of short plat infrastructure for PBWA Properties, LLC (Peoples Bank), the applicant.

INTRODUCTION/BACKGROUND:

The applicant has submitted a preliminary short plat for an approximate 33 acre site. Three (3) lots and two (2) tracks will be created as follows: Lot 1 will be in the southwest corner and will be 2.6 acres in size; Lot 2 will be on the south side of the site abutting East Division Street and will be 12.4 acres in size; Lot 3 will be located on the north side of the site and will be 15.2 acres; Tract X will extend to the north off of East Division Street, it will be .76 acres in size and will be where a future road extension to serve proposed Lot 3 will be located; and Tract Y is located at the northwest corner of the site and will be 2.1 acres in size and could be where future stormwater drainage is located.

The project site is identified by the Skagit County Assessor as parcels P27509, P27512, and P27515; and is bound by East Division Street to the south, the Skagit Highlands development to the north, and Skagit Highlands Parkway to the west. This property is located within a portion of the Northeast ¼ of Section 22, Township 34 North, Range 04 East, W.M. in Skagit County, Washington.

The applicant and owner are: PBWA Properties, LLC, Contact: Charlie Guildner, 3100 Woburn Street, Bellingham, WA 98226

REQUEST:

This evening the applicant will be asking the City Council to defer the construction of infrastructure (roads and utilities) prior to final short plat approval. The requested deferral means that the infrastructure would be constructed with future development rather than with the subject short plat. Mount Vernon Municipal Code Chapters 14.10.110 and 16.32.060 provide the authority for City Council to approve such deferrals.

Should Council grant the requested waiver, staff suggests that the following (or similar) note be placed on the face of the short plat map:

The Mount Vernon City Council granted a deferral for the installation of infrastructure that would otherwise be required to be installed by the applicant before final short plat approval. Before occupancy permit(s) will be issued for any new structure(s), or before any further subdivision is approved, or before any permits for residential structures are issued on Lots 1, 2, or 3 both sanitary sewer and water lines shall be extended and stubbed into each of these lots and a ¾ street improvement for a Minor Arterial (as described within the City's Transportation Comprehensive Plan) shall be constructed, inspected, and approved by the City. This street improvement shall be installed on the north side of East Division Street from Skagit Highlands Parkway to the easterly edge of Tract X .

The future developers of Lots 1, 2 and 3 need to be aware that in addition to the utility extensions and improvements to East Division Street outlined above, further on or off-site transportation related infrastructure may also be required to be constructed/installed as a condition of the development of any one of these lots. Other utility services including, but not limited to storm sewers and power will need to be extended to serve each of the lots created by this short plat when each of these individual lots is developed.

RECOMMENDATION:

Staff recommends that Council make a motion to approve the deferral of the construction/installation of the otherwise required infrastructure for the subject short plat and asks that the plat note above be added to the subject short plat.

VICINITY MAP



Skagit Highlands Development

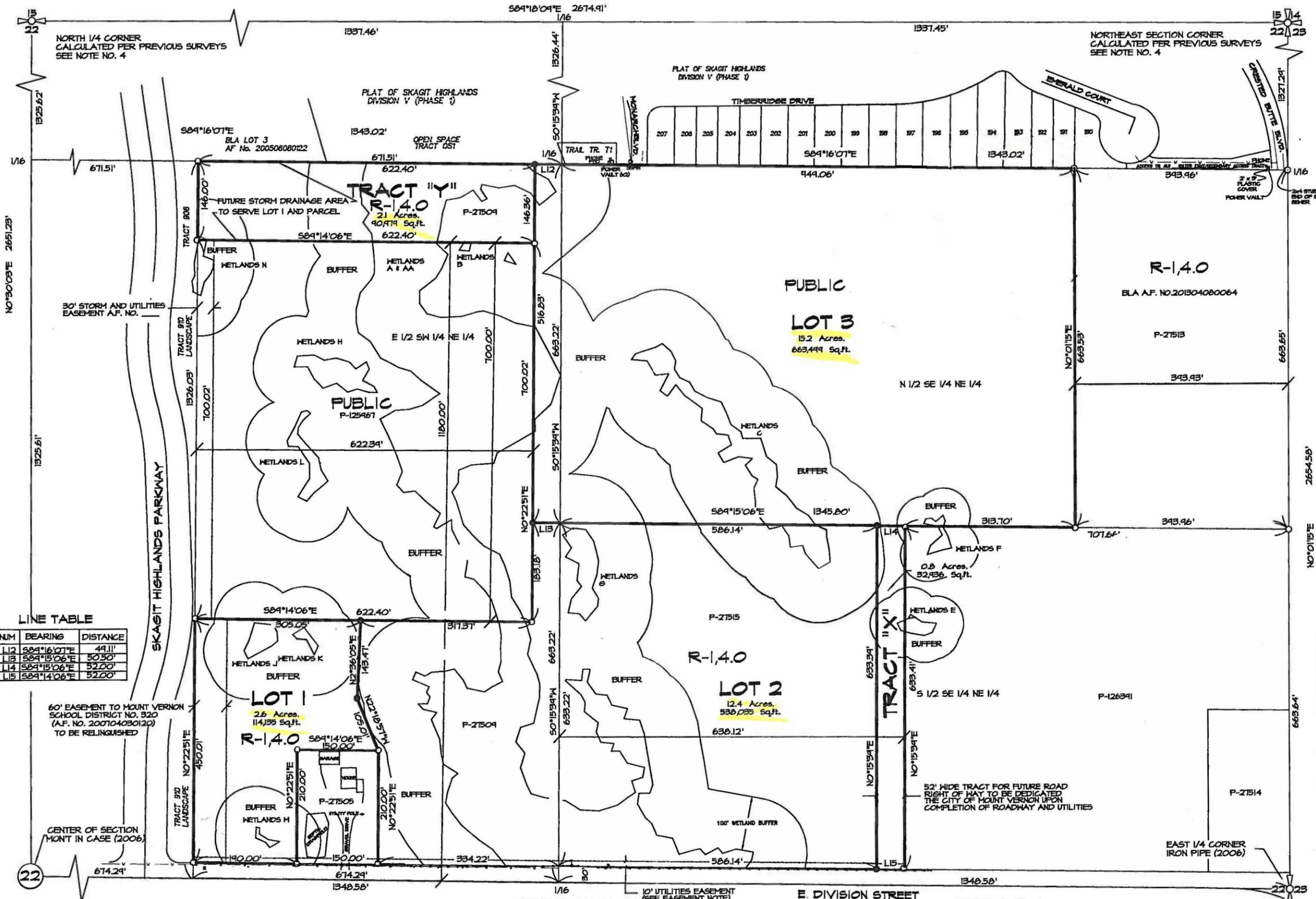
MOUNT VERNON

**Existing
MVSD
Ownership**

**Short Plat
Property**



0 558ft



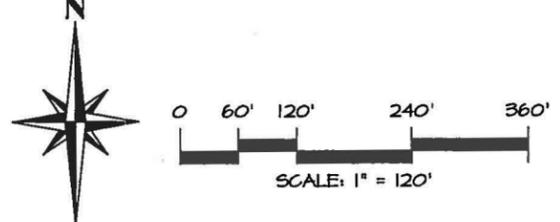
LINE TABLE

NUM	BEARING	DISTANCE
L12	S89°16'07"E	49.11'
L13	S89°15'06"E	50.30'
L14	S89°15'06"E	52.00'
L15	S89°14'06"E	52.00'

60' EASEMENT TO MOUNT VERNON SCHOOL DISTRICT NO. 320 (A.F. NO. 200704030120) TO BE RELINQUISHED

CENTER OF SECTION MOUNT IN CASE (2006)

ADVANCE COPY
REVIEW PURPOSES ONLY



SHEET 4 OF 4

DATE: 07/03/13

MOUNT VERNON SHORT PLAT NO. LU-13-00

SURVEY IN A PORTION OF THE
NORTHEAST 1/4 OF
SECTION 22, T. 34 N., R. 4 E., W.M.
CITY OF MOUNT VERNON, SKAGIT COUNTY, WASHINGTON
FOR: FBWA PROPERTIES LLC

FB:	PG:	LISSE & ASSOCIATES, PLLC	SCALE: 1" = 120'
MERIDIAN: ASSUMED		SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273 360-419-7442	04-036 SP NO C4



7-3-13



13-047 PL13-047

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CITY OF MOUNT VERNON

Community & Economic Development Department
910 Cleveland Avenue
P.O. Box 809
Mount Vernon, WA 98273
Phone: (360) 336-6214 • Fax: (360) 336-6283
website: www.mountvernonwa.gov

MAY 23 2013

C.E.D. DEPARTMENT
BY _____

LAND USE NUMBER: LU10-

PROPERTY OWNER(S): <small>(If there is more than one legal owner, please attach an additional notarized Master Application for each owner)</small>	
NAME: PBWA Properties LLC	
ADDRESS: 3100 Woburn St	
CITY/STATE: Bellingham, WA	ZIP: 98226
TELEPHONE NUMBER and EMAIL ADDRESS:	
APPLICANT (if other than owner):	
NAME:	
COMPANY: <small>(if applicable)</small>	
ADDRESS:	
CITY/STATE:	ZIP:
TELEPHONE NUMBER AND EMAIL ADDRESS:	
CONTACT (If this section is completed, correspondence will only be sent to this individual, if left blank, materials will only be sent to the property owner):	
NAME: Bruce G. Lisser c/o Lisser & Associates, PLLC	
ADDRESS: P.O. Box 1109	
CITY/STATE: Mount Vernon, WA	ZIP: 98273
TELEPHONE NUMBER and EMAIL ADDRESS: 360-419-7442 bruce@lisser.com	

PROJECT INFORMATION
Project or development name: PBWA Properties LLC and Woodmansee Short Plat
Property/project address(es)/location: 4973 E Division St
Skagit County Assessor's parcel number(s): P-27505, P-27509, P-27515 and P-27512
Existing land use(s): Single family home on P-27505, remainder undeveloped
Proposed land uses: Residential, commercial and school
Existing Comprehensive Plan designation: Residential
Proposed Comprehensive Plan designation (if applicable): Residential, Commercial and Public
Existing Zoning designation: R-1, 4.0
Proposed Zoning designation (if applicable): R-1, 4.0, C-4 and Public
Site Area (sq. ft. or acreage): 33 acres
Project value:
Is the site located in any type of environmentally sensitive area? yes

PROJECT CONTACTS

It is imperative that the members of the City Council, Planning Commission and that the Hearing Examiner know all of the people involved with your application so that they can act without any conflict of interest charges or violations of the appearance of fairness doctrine. Therefore, the following information **MUST** be complete and **MUST** be updated when new companies or individuals become involved with your project. **The following persons are associated with this project. Attach additional pages as necessary to ensure complete disclosure:**

Developers:	Address:	Phone and Email Address:
N/A		
Architect:	Address:	Phone and Email Address:
N/A		
Engineer:	Address:	Phone and Email Address:
N/A		
Surveyor:	Address:	Phone and Email Address:
Lisser & Associates, PLLC	P.O. Box 1109 Mount Vernon, WA 98273	360-419-7442 bruce@lisser.com
Title Company:	Address:	Phone and Email Address:
Land Title Co.	P.O. Box 445 Burlington, WA 98233	360-707-2158
Lender/Loan Officer:	Address:	Phone and Email Address:
N/A		
Attorney:	Address:	Phone and Email Address:
N/A		
Contractors:	Address:	Phone and Email Address:
N/A		
Real Estate Agents:	Address:	Phone and Email Address:
N/A		
Investors:	Address:	Phone and Email Address:
N/A		
Other parties providing similar, significant services:	Address:	Phone and Email Address:

ACKNOWLEDGEMENTS

The following statements **MUST** be read and initialed by the property owner. Land Use applications involve many steps and processes; and most applications are conditioned through the process. The following disclosure statements involve items that the Community & Economic Development Department wishes to bring to your attention at the beginning of a project. The following statements in no way contain all of the conditions that could be applied to your project, but rather, are conditions that could seem out of the ordinary to an applicant who does not regularly work with land use codes.

Owner's Initials:	Land Use Permitting Disclosure Statements:
	I understand that land use permits do not authorize earth disturbing activities, the removal of vegetation, or the construction of buildings. I understand that additional permits will be required after my land use permitting process is completed. I understand that no earth disturbing activities (including the removal vegetation) may take place until after my land use process is complete, and only after I have received additional permits such as Fill & Grade, Utility, or Right-of-Way permit(s). Additionally, I understand that structures can not be constructed until after my land use permitting processes are complete and I receive a Building Permit(s).
	I understand that if critical areas (wetlands, streams, steep slopes, et cetera) are found on or near my property I will be required to leave an undisturbed buffer area around the critical area. I also understand that depending upon the size and scope of my project that I may be required to enhance a critical area buffer.
	I understand that depending upon the size and scope of my project, I may be required to provide maintenance and/or performance bonds for items such as landscaping, public roads and/or public utilities that I construct or install.
	I understand that depending on the type of critical areas on or near my property I may be required to provide both monitoring and maintenance bonds for work within a critical area buffer. I also understand that if I choose to utilize the ecosystem alternative within the City's Critical Areas Ordinance I will be required to "buy down" the buffer and to enhance the buffer areas left on my property.
	I understand that I am solely responsible for providing complete and accurate information to the City. I understand that if my application is missing information or if inaccurate materials are submitted, my land use process will be delayed. I understand that depending on how inaccurate and how incomplete my application is or becomes, the Community & Economic Development Department could require an entirely new application to be submitted. I understand that when and if conditions change from that which my application originally represented, I am responsible for letting the planner assigned to my project know.
	I understand that I am applying for permits from the City of Mount Vernon only; and that additional permits from other Federal and State agencies will likely be required. I understand that the City of Mount Vernon can not advise me of permits that are required from other agencies, and that I must contact these agencies to make sure I comply with their requirements. These agencies include (but are in no way limited to): Corps of Engineers, Department of Natural Resources, Department of Ecology, and Northwest Clean Air Agency.
	I understand that I may be required to properly and timely post a pink land use sign on my property during my land use permitting process. I understand that I am responsible for making sure that this sign continues to be posted on my property until my land use process is completed; and I understand that I am responsible for removing and disposing of this sign once my land use process is completed.
	I understand that I will be responsible for paying consultants that the City may deem necessary to review certain aspects of my application. I understand that these consultant reviews could include traffic concurrency, critical area, landscaping, et cetera.

LEGAL DESCRIPTION OF PROPERTY (ATTACH SEPARATE SHEET)

Legal description must either be a copy from a recent title report or must be written or verified from a licensed land surveyor.

TYPE OF APPLICATION & FEES

City staff will determine fees

Annexation	\$
Comp. Plan Amendment	\$
Comp. Sign plan	
Special Use Permit	\$
Conditional Use Permit	\$
Site Plan Approval	\$
Fill and Grade Permit	\$
# of cubic yards: _____	
Variance	\$
Rezone	\$
Waiver	\$
Wetland Permit	\$
Binding Site Plan	\$
Temporary Use Permit	\$
Shoreline Reviews:	
Substantial Development	\$
Conditional Use	\$
Variance	\$
Exemption	\$
Revision	\$

Subdivision:	
Boundary line adjustment	\$
<input checked="" type="checkbox"/> Short Plat	\$ 1250.00
Preliminary Plat	\$
Final Plat	\$
Master Plan	\$
Planned Unit Development:	
Preliminary	\$
Final	\$
PUD public notification sign	\$
Mobile Home Parks (Special Use)	\$
<input checked="" type="checkbox"/> Environmental Review (SEPA)	\$ 400.00
<input checked="" type="checkbox"/> Land Use Change Sign	\$ 20.00
Postage 46¢ 132	\$ 60.72

Er - 1730.72

AFFIDAVIT OF OWNERSHIP

Only the property owner or an authorized representative may sign this form. If your title report lists a company, partnership or other owners you must submit evidence that you are authorized to sign on behalf of the entity or others that are listed. If you are an authorized representative you must provide a signed and notarized statement from the property owner(s) that you are authorized to sign on their behalf.

I, Charles Guldner, declare that I am (please check one) _____ the owner of the _____

Please print name

property involved in this application, the authorized representative to act for the property owner (please attach proof authorization), and that the foregoing statements and answers herein contained and the infoamtion herewith submitted are in all respects true and correct to the best of my knowledge and belief.

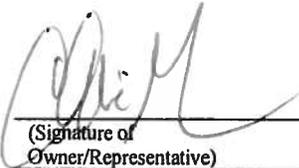
Peoples Bank Charles Guldner
(Name of Owner/Representative)

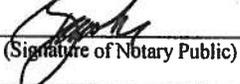
Attest: Subscribed and sworn to before me, a Notary Public, in and for the State of _____

WASHINGTON

residing at Mount Vernon

on the 22nd day of NOV 2013.


(Signature of Owner/Representative)


(Signature of Notary Public)

BRUCE G. LISSER
 STATE OF WASHINGTON
 NOTARY PUBLIC
 My Commission Expires 7-14-2016

(This section to be completed by City Staff.)

A BLA BSP CPA CUP ER FPUD FP F&G MHP MP PP PPUD R SPA S/P SME SUP TUP V-A V-H W WP

TOTAL FEES: \$ _____ RECEIPT # _____

13-047

**Project Narrative for
PBWA Properties LLC
Short Plat**

The proposed Short Plat is being performed in conjunction with the Comprehensive Plan Amendment and Rezone for properties identified as Assessor's Parcel numbers P-27509, P-27512, and P-27515.

Lot 1 of the Short Plat will create a large residential parcel west of the large wetland area.

Lot 2 of the Short Plat will create a large residential parcel east of the large wetland area

Lot 3 of the Short Plat will be re-zoned to Public and will be the future site of a Mount Vernon School District elementary school.

Tract X will be set aside as a future Road Right of way and will be dedicated to the city at such time as the road improvements are completed to the school and will retain the current zoning of R-1,4.0. This tract will have no building rights associated with.

Tract Y will be set aside as a future drainage site and will retain the current zoning of R-1, 4.0. This tract will have no building rights associated with.

As a general condition of approval, applicant is required to complete a short plat that will conform to the final approved zoning designation lines, the short plat approval and the rezone shall be reviewed and approved concurrently. It is unknown if the zoning will be approved for lots as shown, if zoning lines are changed the lots on this short plat lots will be adjusted accordingly.

The attached application, deed and maps show the specific location for each of the proposed boundaries, which conform to the above reference zoning boundary lines.

The project applicant has requested that the road and utilities normally required for a short plat be waived until actual development takes place on the site. The deferral will require council approval and will be requested in conjunction with the hearing for the rezone request.

At this time there is no time line known with respect for development on the property, it will be dependent upon the school construction, which in turn will be dependent upon a voter approved bond.

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C.E.D. DEPARTMENT
RV

Justification

The attached short plat meets the minimum requirements for a City of Mount Vernon Short Plat (pending approval of the re-zone request) and should be approved as submitted or as modified by requested revisions from city staff.

We are requesting a waiver/deferral of the requirements of MVC 16.32.060 "Minimum Improvements Required" which require road access, water, sanitary sewer and underground utilities to the developed lots as a condition of short plat approval.

This land division is being performed to create parcels that will conform to the requested comprehensive plan/rezone request. Specifically Lot 3 from R-1, 4.0 to Public.

Since no specific development is proposed at this time we feel this request is appropriate and that the improvements be waived pursuant to MVC 16.032.060(f) and deferred to the time when actual construction takes place on the property.

Similar to Short Plat LU-08-054 the trigger for the improvements to take place will be the first development on any of the lots (Lots 1, 2, or 3). The requirement shall include the construction of East Division Street improvements together with the underlying above referenced utilities across the entire frontage of Lots 1 and 2.

A note shall be placed on the face of the short plat referencing the approved Council Resolution together with language that clearly defines the construction requirements.

Due to unknown timing of any future development and the need for the school to be in ownership of Lot 3 as soon as possible to facilitate their planning, we feel this request to be both reasonable and prudent and will not benefit any of the applicants.

13-047

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BY