



**DATE:** September 28, 2016

**TO:** Mayor Boudreau and City Council

**FROM:** Rebecca Lowell, Senior Planner

**SUBJECT:** CLOSED RECORD PUBLIC HEARING FOR PRELIMINARY PLAT/PUD APPROVAL OF CENTER HILL VILLAGE – LAND USE NO. PL16-058

**RECOMMENDED ACTION:**

Staff recommends that Council hold a closed record public hearing and make a motion to authorize the Mayor to sign the accompanying resolution approving the preliminary plat/PUD for the Center Hill Village development.

**INTRODUCTION/BACKGROUND:**

On August 4, 2016 an open record hearing was held before the Hearing Examiner for the preliminary plat of the Center Hill Village preliminary plat/PUD. The development will create 20 single-family residential lots over approximately 11.30 acres. The site has a Comprehensive Plan Designation of Medium Density Single Family (SF-MED) and is zoned Single-Family Detached Residential with a PUD overlay (R-1, 4.0/PUD). The lots range in size from 7,503 square feet to 19,252 square feet with an average lot size of 9,469 square feet. The property includes approximately 5.96 acres of critical areas that are included in a Native Growth Protection Area (Tract 998) and will not be impacted by the development. A “Forested Buffer” open space tract (Tract 999) separates the proposed lots from the existing homes adjacent to the property. Tract 999 includes approximately 0.78 acres. The proposal will be served by a looped access roadway that will include extension of Henley Way and North 25th Street.

The proposal property is identified as Assessor’s Parcel Number P115979. The property is Lot 3 of the Haggen’s Short Plat that was approved in 1998. It is located off of Division Street and is directly north of the existing Haggen’s grocery store. It is a portion of Section 21; Township 34 North; Range 04 East, WM in Skagit County, Washington.

The applicant for this project by Rod Johnston; P.O. Box 5503; Bellingham, WA 98227 and the property owner M&B III LLC 1512 Fairview Street; Bellingham, WA 98229. The applicant’s surveyor and engineer is Sound Development Group.

The Hearing Examiner (HE) recommended conditional approval of the application in a decision dated August 23, 2016. No request for reconsideration of the HE recommendation of approval was received by this department during the allotted 10 day period counted from the date of the HE recommendation.

The proposed preliminary plat/PUD was considered at an open record public hearing before the Hearing Examiner who has recommended **APPROVAL** of the application. The HE recommendation is submitted together with the attached proposed Resolution, the Staff Report, and all of the Exhibits that the HE relied upon in making his recommendation.

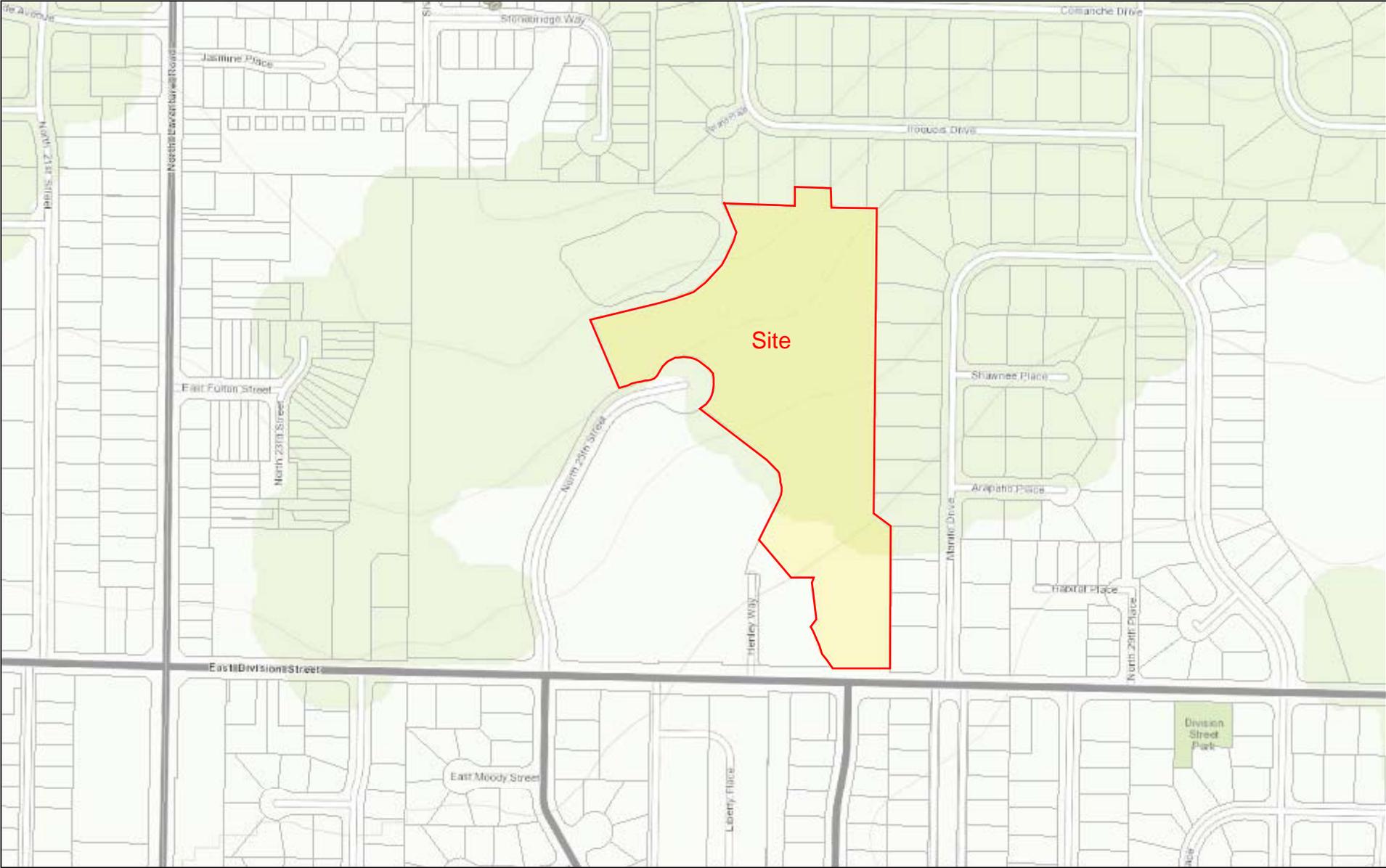
**RECOMMENDATION:**

Staff recommends that Council move to adopt a resolution approving the preliminary plat/PUD for the Center Hill Village development.

**ATTACHED:**

- Vicinity Map
- Proposed Resolution for the subject preliminary plat/PUD approval
- Hearing Examiner Recommendation
- Staff Report
- Exhibit 1 - 15

# Center Hill Village Preliminary Plat/PUD Vicinity Map

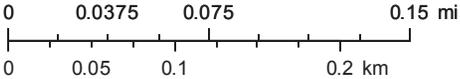


September 22, 2016

1:4,514

**Legend**

-  County Boundary
-  Tax Parcels
-  Pre Tax Account Property



**Data Accuracy Warning:** All GIS data was created from available public records and existing map sources. Map features have been adjusted to achieve a best-fit registration. While great care was taken in this process, maps from different sources rarely agree as to the precise location of geographic features. Map discrepancies can be as great as 300 feet.

**RESOLUTION NO.**

**A RESOLUTION ACCEPTING THE PRELIMINARY PLAT AND PLANNED UNIT DEVELOPMENT (PUD) OF CENTER HILL VILLAGE PURSUANT TO CHAPTERS 16.08 AND 17.69 OF THE MOUNT VERNON MUNICIPAL CODE**

**WHEREAS**, an application for approval of a Preliminary Plat and PUD of a proposed 20-lot subdivision has been made pursuant to Chapters 16.08 and 17.69 of the Mount Vernon Municipal Code by the owner of the real property described in Exhibit "1" which comprises approximately 11.30 acres in Mount Vernon, Washington; 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 August 4, 2016; and

**WHEREAS**, the Preliminary Plat and PUD exhibits labeled as 1 to 15 were reviewed and approved with conditions by the Hearing Examiner. A map illustrating the proposed plat is accompanying this Resolution labeled as Exhibit "2"; and

**WHEREAS**, the City of Mount Vernon issued a Mitigated Determination of Non-Significance (MDNS) on May 26, 1995. The 1995 MDNS was relied upon by the original applicant to satisfy its SEPA obligations for the approvals, including the Master Plan and Short Plat, approved by the City in 1998; 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 "3"; 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 and PUD were sent pursuant to Chapter 14.05.

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

That said Preliminary Plat known and described as **CENTER HILL VILLAGE** 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 "3", 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" and shown in Exhibit "2", both of which are attached hereto and made a part hereof by reference as though fully set forth.

Dated this 28<sup>th</sup> day of September 2016:

Signed in Authentication this \_\_\_\_\_ day of \_\_\_\_\_ 2016

\_\_\_\_\_  
Jill Boudreau, Mayor

Attest:

\_\_\_\_\_  
Alicia D. Huschka, Finance Director

Approved as to form:

\_\_\_\_\_  
Kevin Rogerson, City Attorney

**EXHIBIT "1":  
CENTER HILL VILLAGE  
LEGAL DESCRIPTION**

**EXHIBIT "2"**  
**CENTER HILL VILLAGE**  
**PRELIMINARY PLAT MAP**

(TO BE INSERTED)

OPEN SPACE TO REMAIN WITH NATIVE VEGETATION AS SITE GRADING ALLOWS. IF AREA NEEDS TO BE CLEARED, OR THE ROOTS OF EXISTING TREES ARE COMPROMISED, THEN THE AREA TO BE PLANTED AS A FULL SCREENING EVERGREEN BUFFER, PER MOUNT VERNON CODE.

EASEMENT FOR WATERLINE TO BE RE-PLANTED AFTER CONSTRUCTION.

NEIGHBORHOOD CONNECTION TO WALKING TRAIL

SEE SHEET L-2 FOR TYPICAL LOT PLANTING PLAN.

DRIVEWAYS: FINAL LOCATION TO BE COORDINATED WITH BUILDING PERMIT

17  
LOT 17

15  
LOT 15

16  
LOT 16

17  
LOT 17

18  
LOT 18

19  
LOT 19

20  
LOT 20

1  
LOT 1

2  
LOT 2

3  
LOT 3

4  
LOT 4

5  
LOT 5

7  
LOT 7

6  
LOT 6

11  
LOT 11

10  
LOT 10

9  
LOT 9

8  
LOT 8

North 25th Street

WETLAND

ANY DISTURBANCE TO ROAD EDGE TO BE REPAIRED WITH NATIVE VEGETATION THAT COMPLIMENTS ADJACENT WETLAND

**STREET TREE LEGEND**

**Broadleaf Deciduous**

Symbol	Scientific Name	Common Name	Planting Size
	Cornus Sp. 'Eddies White Wonder'	Ornamental Dogwood	2"-Cal
	Acer Platanoides 'Warrenred'	Warrenred Maple	2"-Cal

**Conifer Evergreen**

Symbol	Scientific Name	Common Name	Planting Size
	Pseudotsuga menziesii	Douglas fir	8' - 10'

**EXHIBIT "3":**

**CONDITIONS OF APPROVAL  
CENTER HILL VILLAGE PRELIMINARY PLAT AND PUD**

1. The final Planned Unit Development plan shall include all of the information required for the preliminary PUD plan in a finalized, detailed form pursuant to MVMC 1 7.69.200, and shall include that information required to be submitted by Chapters 16.08, 1 6.32, and 14.05 MVMC, as applicable. Codes, Covenants & Restrictions (CC&Rs) for the Center Hill Village development shall be submitted as required by Condition No. 10, below. The information to be submitted includes (a) all PUD and supporting information; (b) site plans sufficient for recording, and (c) engineering drawings. All preliminary plans submitted to-date, such as a landscape, park and open space plans, must be presented in their detailed form. To date, the applicant has provided preliminary plans with regard to landscaping, open space and architectural detail for the buildings. The final PUD and plat plans must incorporate the conditions of approval listed below that the City Council adopts.
  
2. Compliance with the City of Mount Vernon Design Review Guidelines is required for all residential lots within the proposed development. Following the approval of the final PUD and final plat, all building permit applications that are submitted shall demonstrate compliance with this document. 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 building permits receiving final inspection.
  - 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 the building permit for the adjacent lot receives final inspection.
  
  - b. The "Typical Lot Landscape Plan" (shown on Conceptual Landscape Plan sheet 2/2) may be modified to provide differing shapes of landscape beds and different types of trees, shrubs and groundcovers as long as: ( 1 ) the substituted landscape materials are equivalent to that which is shown on the referenced landscaping plan sheet, and (2) that no less than the quantities shown on The Typical Lot Landscape Plan are installed. This means that three (3) trees (not inclusive of the required street trees), 90 shrubs and perennials, and the same amount of ground cover shown shall be installed on each of the proposed residential lots. 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 receives final inspection.
  
  - 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 behind the curb for North 25th Street. The private loop road shall have a minimum 4-foot wide landscaping strip with street trees planted 30 feet on center with ground cover installed surrounding the trees installed behind the sidewalk on the north side of the roadway.
  
  - d. Upon completion of landscape installation the applicant shall be required to submit a Landscape Inspection Report from an arborist, landscape architect (or other similarly qualified person) that addresses ( 1 ) site preparation; (2) soils-imported and amended; (3) condition of plants before installation; (4) installation of plants and soil; (5) general site

review of landscaping; (6) irrigation/drought tolerant plants; and (7) other landscaping elements as necessary.

- e. Prior to final plat approval, a two (2) year maintenance bond in a form acceptable to the city attorney will be required for the landscaping along the street frontages and within the Forested Buffer as required.
  - f. The required lot coverage shall be a maximum of 40%.
  - 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 four (4) decorative street lights, that are a maximum of 12 feet in height, shall be installed.
  - i. "No Parking" signs will be installed, at such locations as determined by the Public Works Director. 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 shall 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.
3. The following fencing, signage, and landscaping shall be installed prior to final plat approval:
- a. Lots 1 through 6 and that portion of the Forested Buffer Tract 999 adjacent to NGPA Tract 998 shall all have a split rail fence and critical area signage installed along the wetland buffer areas.
  - b. The east side of lots 6 through 11 and the north side of lots 11 through 14 shall have a six foot tall cedar fence installed along the west and south boundary of the adjacent

Forested Buffer Tract 999. The forested buffer area shall be 30 feet in width. The forested buffer area shall be a separate tract maintained by the Homeowner's Association and not part of the residential lots.

A 'forested buffer', as referenced within the conditions above, shall meet the definition of such as found in MVMC 1 7.06.345, which reads as follows: ". . . a double row of evergreen trees with offset rows planted at a maximum spacing of 15 feet triangulated on center with medium-sized shrubs (three to five feet maturity height) and ground cover plants added at a density to form an effective barrier to cover 85 percent surface coverage within two years. Minimum tree size shall be two-inch caliper, minimum shrub size shall be two-gallon, and minimum ground cover size shall be one gallon or equivalents; however, these sizes are minimums and it is likely that larger tree, shrub and plants will have to be initially planted to achieve the requisite 85 percent surface coverage within two years". Existing trees shall be used in places to meet portions of the forested buffer requirement; however, the tree, shrub and ground cover requirements outlined still have to be met where existing trees are utilized.

4. On April 26, 1995 the City issued a Determination of Non-Significance on this project (DNS 95-19), subject to certain conditions. The City is using this existing document to meet its SEP A obligations, and the conditions therein are valid and applicable. As stated in the DNS, the proposal must be developed in accordance with the recommendations of: Preliminary Storm Drainage Analysis of Northwest Engineering Company; Traffic Impact Analysis by Transportation Solutions, Inc.; Wetlands Determination on the East Division Street Site by David Evans and Associates, Inc.; and Report on Preliminary Geotechnical Investigation by Robert M. Pride, Inc.
5. Ordinance 2907, the ordinance that approved the original PUD for this proposal and the other lots created in short plat MV-5-98, included Environmental Findings derived from the approved DNS-95-19. Those mitigation measures relevant to this Phase of development are detailed as "a" through "h" in Finding of Fact No. 8. These mitigation measures are adopted as conditions of approval for both the Preliminary Plat and Preliminary PUD.
6. Setbacks for the proposed single-family residential structures shall be as follows, provided that in the event the setbacks found in MVMC 1 7.70 are greater, then those setbacks will control:

Front yard: Not less than 10 feet from the property line or inside edge of the sidewalk easement, except covered front porches may have a setback 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 for those lots not adjacent to the Forested Buffer, Tract 999. For those lots adjacent to Tract 999, the rear yard setback shall be not less than 20 feet. On lots with a stormwater easement in the rear yards, building setback shall be 5 feet from the interior edge of the easement.

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 or hedges will be required.

7. If the applicant intends to have a subdivision sign for the proposal, the applicant shall submit a building permit prior to having the subdivision sign installed. A review of whether or not the sign meets code requirements shall be conducted when the building permit application is submitted. This PUD and plat approval does not include approval of any subdivision sign.
8. During construction a 60-foot construction buffer shall be established from the edge of all wetland areas except where construction work has to be performed within the 60-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 set forth herein.
9. The homeowner's association that shall be created for the Center Hill Village development shall be responsible for the maintenance of all landscape areas, forested buffers, sidewalks and street trees installed adjacent to sidewalks.
10. Codes, Covenants & Restrictions (CC&Rs) for the Center Hill Village 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.
11. The planned unit development plan shall include the following note: The residences of the Center Hill Village PUD constitute an innovative residential development, and must be constructed as shown on the planned unit development plan. Building permits may be issued only for structure types and placements as shown on the planned unit development plan. Sales agreements and titles for land and residences sold in innovative residential developments shall note this restriction.
12. When a grading permit application is submitted the Fire Marshal will complete the review of Fire Lanes, Water Line Sizing, and Fire Hydrant Models.
13. Lots 6 and 11 will be required to install a sprinkler system meeting NFPA 13D requirements, because the driveways do not meet minimum standards.
14. Erosion control concerns have been identified downstream of the existing storm water facility previously designed for the proposed short plat. The proposed project is required to perform a downstream analysis and identify this and any other impacts to the downstream system. Mitigation shall be reviewed and approved by the Community
15. The extent and geometry of the right-of-way vacation proposed at the intersection of N 25th Street and the ring road shall be determined by the City Engineer, and shall be approved by the City Council before the issuance of the Fill & Grade permit.
16. Provide the approved stormwater report for the existing stormwater pond constructed for the Short Plat. Including a basin map depicting previously approved impervious surfaces. This is required at Civil Plan submittal.
17. A Geotechnical report is required with submittal of the Civil Plans.

**The following conditions are the relevant conditions from Ordinance 2907, and are repeated here:**

18. The future residential area shown as "Phase 3 Future Residential" on the Master Plan shall be subject to a future Preliminary PUD approval process, before any construction is allowed, to address site plan and design issues in more detail.
19. The Phase 3 Future Residential portion of the site shall be limited to a density consistent with R-1-9.6 zoning or a total of approximately 20 dwelling units. Only single family units (attached or detached) will be permitted. Clustering units in the central portion of the site shall be encouraged during the future PUD approval process.
20. A 50-foot buffer was provided through previous boundary line adjustments to the adjacent lot owners of lots identified in the 1 995 PUD process. An additional 30-foot buffer for the residential units in Phase 3 with fencing and landscaping will be required along the north and east property lines adjoining Phase 3. In addition, any residential buildings or portions thereof located within 50 feet of the new property line (1 00 feet from the original property line) shall be limited to one story in height to further encourage clustering in the center of the site.
21. The area identified as Wetland D (with minor associated uplands) on the Master Plan shall be encumbered with an Open Space Easement with a restriction that the tract shall always remain as open space in a form acceptable to the City Attorney. At the time of the residential PUD the applicant shall dedicate the easement area to the City if the City at that time prefers dedication over an easement. (Note the City prefers that the wetland be placed in a Native Growth Protection Area as indicated on the plat map).
22. All streets and utilities, shall, at a minimum, be constructed in accordance with City of Mount Vernon standards and the 1 994 APWA/WSDOT Standard Specifications.
23. Approval of the drawings submitted with the Master Plan shall not be construed to be approval of construction drawings of the project.
24. Sidewalks shall be constructed on both sides of East Division Street and along the east side of the interior public street to the store. Sidewalks will be built on both sides of the road north of the store entrance as part of Phase 3.
25. Residential Phase 3 of this development shall construct a 1 2.5-foot wide bike/pedestrian path on the south side of East Division Street from where the bike path ends now, to the proposed cross walk at the signalized intersection at the main entrance to the site. This will require that additional right of way be obtained from adjoining property owners. The developer shall make all attempts to obtain this right of way through donation or purchase. If, in the opinion of the City Engineer the developer has exhausted all means of acquisition, the City Engineer will recommend to the City Council that they proceed with condemnation proceedings to acquire the right of way, with the condition that the developer be required to reimburse the City for all costs associated with the condemnation and acquisition.
26. A 36-foot wide public street constructed on a 60 foot right-of-way shall be extended northerly on the approximate projection of South 25th Street to provide access to the grocery store site and also the proposed residential site on the north portion of the property. An additional street (can be a private road) shall be constructed on the east side of the site to connect to Division Street. The width of this street should be no less than 30 feet wide, and shall be constructed to City standards.

27. There will be no through street access constructed to Uplands Drive.
28. Unless otherwise approved by the City Engineer, all streets except Division Street shall be constructed as follows: a geotextile filter fabric blanket beneath the roadway base. The roadway base must be a minimum of 12" of gravel, 3" of crushed rock and 4" of asphalt. Gravel shall conform to WSDOT Standard Specification 9-03.14.
29. The developer shall supply and construct all street name signs and traffic control signs as approved by the City Engineer.
30. All road profiles shall not have slopes exceeding 12 percent.
31. A licensed civil engineer shall certify all profile transition zones, intersections and corners. This documentation must meet minimum sight and stopping distance requirements of the City Engineer.
32. Where sidewalks are located on embankment, the embankment shall extend horizontally a minimum of 2 feet beyond the back of sidewalk. This horizontal 2 feet requirement shall apply in cut sections as well.
33. Street names shall be consistent with City policy for naming streets. All such names are subject to approval by the City.
34. Horizontal and vertical curve design of roads within the plat shall conform to WSDOT and/ or AASHTO guidelines, unless otherwise approved by the City Engineer.
35. Fill soils used for road embankment shall be compacted to 95 percent of maximum density as determined by ASTM 1 557. Road embankment soils to a depth of 2 feet below finish grade shall be gravel base fill. All utility trench backfill within rights-of way shall be gravel base fill. The gravel base shall conform to WSDOT Standard Specification 9-03.14.
36. Prior to placement of pavement, the City shall make a determination of sub-grade acceptance based on test results and the observations of a firm and unyielding surface. The City shall also establish test area boundaries. The contractor shall supply the City with a mix design including values for the theoretical maximum density of the asphalt being used on the project.
37. Asphalt construction shall conform to the City of Mount Vernon Asphalt Acceptance Policy.
38. This development shall conform to the City of Mount Vernon drainage ordinances No. 2673 and No. 2804
39. The sanitary sewer for the plat shall connect to the existing system on Division Street.
40. Future development of the proposed residential area will require an easement to the north to reach Shady Lane and further north to tie into an existing gravity sewer in Alison Avenue.
41. The developer of the residential phase shall install a sanitary sewer stub to each lot, extending from the main line to 10' inside the property line and be plugged and marked. The stub shall have a clean out at the property line, which rises a minimum of 3 feet above the ground surface.

42. Connection charges for sanitary sewer shall be credited as per provisions set forth in the approved Master Plan.
43. The street lighting system shall be designed by Puget Power and shown on the construction drawings for approval by the City of Mount Vernon prior to installation.
44. Structures for holding mailboxes shall be provided at locations approved by the Mount Vernon Post Master and the City Engineer.
45. Fire hydrants shall be placed as approved by the City of Mount Vernon Fire Chief.
46. Underground utilities and improvements shall be installed as coordinated by the Skagit County Utility Coordinating Council.
47. The water system shall be approved by Skagit County Public Utility District No. 1, the City Engineer and the City Fire Chief prior to installation. Unless otherwise approved by the Mount Vernon Fire Department, fire flows of 1,000 gallons per minute are required of this project. Fire flow and flow duration of two hours shall be available to the site prior to construction.
48. A minimum of 20-foot wide easements shall be required for all public utility lines not located in the street right-of-way.
49. The City Engineer shall reserve the right to authorize additional review by consultants not employed by the City of Mount Vernon. If this is determined necessary it shall be the developer's responsibility to pay any additional fees incurred for this review, after allowing for payment credit previously received for plan review when construction plans are submitted.
50. The developer is cautioned that permits from other agencies may be required. These permits will likely include at a minimum a National Pollution Discharge Elimination System permit (NPDES). The developer shall comply with the provisions of any required permits.
51. The as-built drawings submitted by the developer's engineer shall show locations of all storm and sanitary sewer stubs.
52. Critical areas and associated setbacks, buffers and boundaries must be delineated on the construction plans and final plat map, and native growth protection areas established as necessary. This plat shall comply with all applicable portions of the
  1. Critical Areas Ordinance.
53. Two sets of 35mm aperture cards for both the as-builts of the construction drawings and the plat will be required.
54. Unless otherwise approved by the City Engineer, the final plat shall be placed on AutoCAD disk(s) and submitted to the City along with the final plat.
55. The applicant shall pay its fair share of traffic impact fees as defined by the City which has been calculated to be \$ 137,380. As per City ordinance, credit toward these fees will be made for the cost of CIP improvements made by the applicant. The hearing examiner specifically notes that traffic impact fees do not vest. *New Castle Investments v. City of LaCenter*, 98 Wn. App. 224 (1999).

56. Fire Flow. The required fire flow for the foot print of a 63,600 square foot building, Type 5-N sprinklered, shall be 3,000 gallons per minute; written verification of availability has been received.
57. Water Line. The proposed water line size and configuration shall be approved by the Public Utility District.
58. Fire Hydrants. Fire hydrants shall not be obstructed by landscaping within a distance of fifty feet (50') in the direction of vehicular approach.
59. Parking - Private Street. A minimum twenty-foot (20") driving surface shall be maintained at all times, or the street shall comply with City Code regarding parking, whichever is the greater requirement.

<b>PUBLIC HEARING</b>	<b>City of Mount Vernon Community &amp; Economic Development Department  STAFF REPORT TO THE HEARING EXAMINER</b>
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**A. SUMMARY AND PURPOSE OF REQUEST:**

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**Public Hearing Date:** August 4, 2016

**Application Name/Number:** PL16-058 Center Hill Village Preliminary Plat/PUD – 20 lots

**Project Planner:** Marianne Manville-Ailles, Planning Consultant

**Project Engineer:** Ana Chesterfield

**Project Location:** The property is located at 405 N 25<sup>th</sup> Street. The Assessor's Parcel Number is P115979. The site is located adjacent to the existing Haggen's grocery store and is a portion of the Haggen's Master Plan. The parcel is a portion of Section 21, Township 34 North, Range 04 East, W.M.

**Applicant:** Rod Johnston; P.O. Box 5503; Bellingham, WA 98227 (360) 739-6000.

**Owner:** M&B III LLC 1512 Fairview Street; Bellingham, WA 98229.

**Project Description:** The proposal is for the subdivision of an 11.3 acre parcel into 20 single family residences. The lots range in size from 7,503 square feet to 19,252 square feet with an average lot size of 9,469 square feet. The property includes approximately 5.96 acres of critical areas that are included in a Native Growth Protection Area (Tract 998) and will not be impacted by the development. A "Forested Buffer" open space tract (Tract 999) separates the proposed lots from the existing homes adjacent to the property. Tract 999 includes approximately 0.78 acres. The proposal will be served by a looped access roadway that will include extension of Henley Way and North 25<sup>th</sup> Street. Environmental review for the project was completed with the Master Plan. An MDNS was issued May 26, 1995. The Community & Economic Development Department has determined that the proposal does not include any alterations from the original proposal that would require additional environmental review. The project will require approximately 3,801 cubic yards of cut and 2,296 cubic yards of fill for construction of roadways and utilities to serve the proposed new homes.

**B. EXHIBITS**

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- Exhibit 1:** Land Use Permit Master Application and Site Legal Description.
- Exhibit 2:** Preliminary Plat and PUD Drawings date stamped July 21, 2016; Conceptual Landscape Plan date stamped May 24, 2016; Design Review Site Plan and Streetscapes date stamped May 24, 2016.
- Exhibit 3:** Project Narrative & Comments from May 3<sup>rd</sup> Community Meeting.
- Exhibit 4:** Traffic Impact Analysis Report, dated October April 16, 1998 and Mount Vernon Hagggen Short Plat—Access/Circulation Analysis dated July 15, 2015.
- Exhibit 5:** Wetland Site Assessment dated April 30, 2013.
- Exhibit 6:** Preliminary Geohazard Assessment dated October 28, 1994.
- Exhibit 7:** Preliminary Storm Drainage Analysis Report dated April 17, 1995 and Stormwater Memo dated May 3, 2016.
- Exhibit 8:** Ordinance 2907 Approving the Hagggen Inc. PUD Development dated September 9, 1998
- Exhibit 9:** City Procedural Documents: Notice of Application and Notice of Public Hearing, and Affidavits of Postings and Affidavits of Mailings.
- Exhibit 10:** Comments from the City's Engineering and Fire Departments.

**C. GENERAL INFORMATION:**

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- Zoning Designation:** Single-Family Detached Residential (R-1, 4.0/PUD)
- Comprehensive Plan Designation:** Medium Density Single Family (SF-MED)
- Existing Site Use:** The site is undeveloped. The short plat that created the lot identified the southern portion of the lot as a wetland and established what is proposed as NGPA Tract 998.
- Neighborhood characteristics:**
  - North:** Existing single-family development and zoning.
  - South:** Exiting Hagggens grocery store & East Division Street
  - East:** Existing single-family development and zoning.
  - West:** City of Mount Vernon Park Land as established by Ordinance 2907 in the original PUD that resulted in short plat MV-5-98 that this property is a portion of.

**Access:** The main access to the site will be via a road extension off of North 25<sup>th</sup> Street. The project will also include a loop that is comprised of the extension of Henley Way as a private road.

**Site Area:** The entire development is 11.30 acres.

**Project Data:**

**Land Use:** The 20 proposed single-family detached lots range in area from 7,503 to 19,252 square feet with an average of 9,275 square feet. The base density for the site is 28 units (11.3 acres minus the .critical areas and streets = 6.31 acres multiplied by 4.54 = 28 units). The overall gross density for the PUD is 1.77 dwelling units an acre. The overall net density for the PUD is 3.17 dwelling units an acre. It should be noted that the allowable maximum density of 20 dwelling units for the development was established in Ordinance 2907.

**Open Space:** In its current configuration the proposal includes roughly 5.69 acres of Native Growth Protection Area and 0.85 acres of Forested Buffer for a total of 58 percent of the proposal being located in open space (8 percent Common Open Space and 50 percent Critical Areas). Neither of the proposed open spaces meet the PUD requirements for Usable Open Space and the amount of Common Open Space is less than what is required by the PUD chapter of the MVMC.

While this particular phase of development does not comply with the open space provisions of the PUD, the original PUD and the resulting short plat (this proposal is lot 3 of that short plat) that was completed in 1998, did include more than enough "common" "useable" open space to comply with the provisions. The original PUD included a Park that was dedicated to the City and trails (some of which are being completed by this phase of development). During the platting process that created this lot, much of the open space that was created by the original PUD and that was adequate for PUD purposes was placed into a separate lot and dedicated to the City of Mount Vernon thus complying with the open space requirements for the PUD

**Critical Areas:** During the short platting process that created this lot, a 4.32 acre wetland was delineated and a 25 foot buffer was placed around it and the entire 5.69 acres was established as a separate tract. In 2013 the delineation of the wetland was verified and it was determined that the boundaries had not changed significantly from

the original delineation (see Exhibit 5). The originally established critical areas tract is not being altered by the proposed creation of residential lots. The original critical areas tract is being established as a Native Growth Protection Area Tract 998 consistent with the City's Critical Areas regulations and with Resolution 2907. Conditions in the resolution indicate that the City may accept the NGPA tract as a dedication instead of an easement if it chooses. The City does not prefer that the tract be dedicated. As is the case with other projects under the City's Critical Areas regulations placing the wetland and its buffer within a NGPA tract with maintenance the responsibility of the Homeowners Association is the City's current standard of action.

**D. APPLICABLE SECTIONS OF THE MOUNT VERNON MUNICIPAL CODE (MVMC):**

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**Title 13 Sewers**

**Title 14 Land Use and Development**

- Chapter 14.05 Administration of Development Regulations
- Chapter 14.10 Concurrency

**Title 15 Buildings and Construction**

- Chapter 15.06 Environmental Policies
- Chapter 15.40 Additional SEPA Guidelines

**Title 16 Subdivisions**

- Chapter 16.08 Preliminary Plat
- Chapter 16.12 Final Plat
- Chapter 16.16 Design Standards
- Chapter 16.20 Improvements

**Title 17 Zoning**

- Chapter 17.06 Definitions
- Chapter 17.15 R-1 Single-Family Detached Residential District
- Chapter 17.69 Planned Unit Development District
- Chapter 17.70 Design Review
- Chapter 17.93 Landscaping

**E. APPLICABLE SECTIONS OF THE MOUNT VERNON COMPREHENSIVE PLAN:**

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- Chapter 2, Land Use Element
- Chapter 3, Housing Element
- Chapter 6, Transportation Element
- Chapter 7, Capital Facilities Element

## **F. DEPARTMENT ANALYSIS:**

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### **PROJECT DESCRIPTION/BACKGROUND:**

The proposal is Lot 3 of Mount Vernon short plat MV-5-98. That short plat was created as part of the PUD/Master Plan process associated with the existing Haggens Grocery Store. Ordinance 2907 (see Exhibit 8) includes findings and conditions that govern the development of the three phases that were allowed as part of the Haggens PUD/Master Plan. The current proposal is Phase 3. One of the conditions included in Ordinance 2907 was that Phase 3 receive its own Preliminary and Final PUD approval consistent with the approved Master Plan. This was to allow for additional, more detailed review of the proposal in regards to its residential specifics. The current proposal is therefore subject to the provisions of the Current PUD requirements with modifications based on the relevant provisions of Ordinance 2907 as discussed throughout this staff report.

A pre-application conference was held on July 21, 2015. The applicant submitted their design review conceptual landscaping and preliminary elevations on March 18, 2016. The submittal was reviewed by CEDD and received preliminary approval on April 6, 2016 which was required for the Preliminary Plat/PUD to be submitted. A neighborhood meeting was hosted by the applicant on May 3, 2016. The application for the preliminary Planned Unit Development and plat was submitted May 24, 2015. A notice of application and notice of hearing was published and mailed to property owners within 300 feet of the property boundary on July 13, 2016.

### **STAFF REVIEW COMMENTS:**

Representatives from various City departments have reviewed the application materials to identify and address site plan issues from the proposed development. These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report and the Recommendations at the end of this report.

### **ENVIRONMENTAL REVIEW:**

Pursuant to the City of Mount Vernon's Environmental Ordinance (Chapter 15.06) and the State Environmental Policy Act (SEPA—RCW 43.21C), in support of the first application in 1995, Haggens submitted a SEPA Environmental Checklist. Based on that Checklist and other submitted materials, the City issued a Mitigated Determination of Non-Significance, DNS-95-19 on May 26, 1995. The SEPA determination was never challenged and the 1998 application used DNS-95-19 to meet its responsibilities under SEPA. In a June 24, 1998 memo the Planning Department confirmed that the existing SEPA documents were relevant and adequate; that no substantial changes to the proposal were likely to have significant adverse environmental impacts; and that no new information concerning the proposal's probable significant adverse environmental impacts had been received. The City therefore determined that using the existing checklist and DNS unchanged would satisfy the proposal's SEPA obligations. Similarly, the current proposal is consistent with the 1998 proposal and was anticipated in the approval of the original PUD and short plat. Ordinance 2907 includes Environmental Findings that were derived from the original SEPA conditions and establish mitigation measures to avoid and or minimize/ mitigate probable significant adverse environmental impacts. Those findings that apply to this phase of the development include:

1. **Storm water Runoff Mitigation:** Storm water will be collected by on-site drainage facilities and discharged to the on-site detention/water quality facilities at the north end of the site. Runoff impacts will also be reduced or controlled by implementation of a sedimentation and erosion control plan prior to construction, and seeding, mulching, and re-landscaping of exposed soils. These actions will adequately mitigate any potential significant adverse environmental impacts from storm water runoff.
2. **Surface Water and Wetlands Mitigation:** Impacts to Logan Creek and wetlands will be mitigated by storm water detention/water quality facilities which have been constructed. These actions will adequately mitigate any potential significant adverse environmental impacts to wetlands.
3. **Air Mitigation:** Measures to reduce or control emissions include paving roadways and cleaning or wetting roadways during construction. These actions will adequately mitigate any potential significant adverse air impacts.
4. **Impervious Surfaces Mitigation:** Impacts from impervious surfaces will be mitigated by construction of storm water detention/water quality facilities.
5. **Fish and Wildlife Mitigation:** Existing large trees along the eastern property boundary will be retained and some additional native vegetation is proposed to serve as both a visual buffer and wildlife habitat. Private open space around the perimeter of the two commercial sites, as well as in the future residential area to the north will provide significant new vegetation and trees that will replenish some of the lost wildlife habitat. These actions will adequately mitigate any potential significant adverse environmental impacts to fish and wildlife.
6. **Housing Mitigation:** The proposal provides a net increase in the housing stock of approximately 20 units.
7. **Noise Mitigation:** Short-term construction operations will be controlled by limiting construction operations and by maintaining good mechanical working order on heavy equipment. Long-term noise impacts will be reduced through landscaping, fencing or open space buffers. These actions will adequately mitigate any potential significant adverse environmental impacts from noise.
8. **Aesthetics Mitigation:** Aesthetic impacts will be reduced through landscaping, fencing or open space buffers. These actions will adequately mitigate any potential significant adverse aesthetic impacts. .

The above-listed SEPA mitigation measures are recommended as conditions of approval at the end of this staff report.

**CONSISTENCY WITH CONCURRENCY MANAGEMENT [MVMC 14.10, 14.10.230 AND 14.10.240]:**

If a project or any phase of a project generates more than 75 peak hour trips, concurrency impacts and mitigation will be determined by the City Council, based on recommendation by the Planning Commission and/or Hearing Examiner following a recommendation by the City Engineer. If the underlying permit provides for an appeal to the City Council, the City Council will determine the concurrency impacts and mitigation at a single consolidated open record hearing on any appeal of the underlying permit approval and/or SEPA determination [MVMC14.10.090(D)].

Mount Vernon Municipal Code (MVMC 14.10.100) requires development projects creating more than 10 peak hour vehicular trips to provide a "Traffic Impact Analysis". The original PUD completed a Traffic Impact Analysis and underwent detailed review of the traffic impacts associated with the proposal. In addition an analysis of access and circulation was prepared for Phase 2 and Phase 3 (this development) of the PUD (see Exhibit 4)

The new analysis concluded that there were no substantial changes associated with Phase 3 that would require any additional traffic conditions. A detailed discussion of Traffic impacts related to the proposal is included in the Traffic Findings section of Ordinance 2907 (see Exhibit 8).

During review of construction plans public works may require that additional concurrency review be conducted if warranted.

**CONSISTENCY WITH PLANNED UNIT DEVELOPMENT CRITERIA:**

The Hearing Examiner considers Preliminary PUDs at a public hearing and forwards his recommendation to the Mount Vernon City Council for approval or disapproval at a closed record public hearing. The Hearing Examiner and the City Council shall consider, at a minimum, the following guidance provided by Chapter 17.69, Planned Unit Developments.

Consistent with MVMC 17.69.020 and 17.69.030, the proposed PUD is zoned R-1, 4.0 and is greater than ten (10) acres in size. All of the lots exceed the 6,000 square feet minimum lot size and 8 of the lots exceed the 8,500 square foot minimum lot size for a total of 40% which exceeds the required 25%. The maximum density for the proposal was established in Resolution 2907 and is less than what would be allowed under current zoning.

Consistent with MVMC 17.69.050 and 17.69.060 the Design Evaluation Checklist and preliminary site plan and streetscape elevations were completed by the applicant and reviewed by staff. Staff determined that the proposal was consistent with the adopted design guidelines and recommended approval of the proposed elevations.

Consistent with MVMC 17.69.080(C) neighborhood context and transitions are incorporated into the plat with the installation of the required forested buffers along the north and east side of the plat where it abuts other residentially zoned areas consistent with the requirements of the approved Master Plan and PUD Resolution 2907.

The requirements found within MVMC 17.69.130 are *not* currently being met with this development as the required amount of "Common" and "Usable" Open Space is not being provided. While this particular phase of development does not comply with the open space provisions of the PUD, the original PUD and the resulting short plat (that this property is a portion of) that was completed in 1998, did include more than enough "common" "useable" open space to comply with the provisions. The original PUD included a Park that was dedicated to the City and trails (some of which are being completed by this phase of development). During the platting process that created this lot, much of the open space that was created by the original PUD and that was adequate for PUD purposes was placed into a separate lot and dedicated to the City of Mount Vernon thus complying with the open space requirements for the

PUD. Overall the proposal includes a total of 58 percent open space roughly 50 percent critical areas and 8 percent "Common" open space. Between the open space that was originally dedicated to the City with the 1998 short plat and the currently proposed open space, the proposal is consistent with the Planned Unit Development requirements for open space.

The proposed PUD is consistent with the items listed within MVMC 17.69.140 as follows:

- The PUD conforms to the City's Comprehensive Plan, zoning regulations and engineering standards that are not proposed to be modified.
- NGPA Tract 998 was established by short Plat MV-5-98 and is not being altered by the proposed development and is thus consistent with the critical areas regulations that were in place at the time it was established.
- This project has been conditioned such that the applicant is responsible for obtaining, and for providing to the City proof of obtaining all necessary permits from any other Federal, State or local permitting agency.
- Utilities and the other amenities discussed in MVMC 17.69.140(A)(2) to serve the PUD are being adequately provided. As discussed previously while the open spaces necessary to serve the needs of this phase of the development are not being provided within the boundaries of the development, they were addressed in the previous PUD and short plat process and have been dedicated to the City in separate lots as required.
- The probable significant adverse environmental impacts of the PUD were evaluated through the SEPA process during the previous PUD and short plat processes. Ordinance 2907 includes Environmental Findings that were derived from the original SEPA conditions and establish mitigation measures to avoid and or minimize/ mitigate probable significant adverse environmental impacts. Those findings that apply to this phase of the development were discussed previously and are included as conditions of approval. As long as the conditions are followed the proposal is consistent with the statutory requirements of SEPA.
- As proposed and consistent with provisions of the original PUD as outlined in Resolution 2907, the proposed PUD would serve the public use and interest
- As outlined already within this staff report, the PUD satisfies the criteria set forth in MVMC 17.69.020 through 17.69.135.
- As discussed throughout the staff report, the proposed PUD will be superior to or more innovative than conventional development and will provide greater public benefit without additional probable significant adverse impacts to public health, safety or the environment, than available through the use of conventional zoning and/or development standards.

**CONSISTENCY WITH DESIGN REVIEW:**

In addition to the requirements for PUD approval and allowable reductions in setbacks which the applicant proposes to implement, the applicant will be required to comply with the Design Review Guidelines codified as MVMC Chapter 17.70. Some of the recommendations of approval outlined at the end of this staff report represent items that will need to be done to comply with this section of the MVMC; but some of the requirements will be evaluated when the applicant applies for building permits.

**CONSISTENCY WITH PRELIMINARY PLAT CRITERIA:**

Approval of a plat is based upon several factors. The following preliminary plat criteria have been established to assist decision makers in the review of the plat:

Compliance with the Comprehensive Plan and Zoning Designations:

The project's Comprehensive Plan designation is Single-Family Medium Density (SF-MED) and the site's zoning is the R-1, 4.0 zone; which provides for a maximum density of 4.54 dwelling units per acre. The proposal is consistent with the Comprehensive Plan designation and is consistent with the zoning as long as all of the PUD requirements are met.

Subdivision Design Standards:

Chapter 16.16 provides general review criteria for proposed subdivisions with regard to street, block and lot layout and design.

The project proposal meets all of the requirements outlined above for street and block layout and for lot creation.

**AVAILABILITY AND IMPACT ON PUBLIC SERVICES:**

Police and Fire:

No response was received from Police. In response to the circulation of application materials, Fire supplied additional comments that are attached to the staff report as **Exhibit 10**. Additionally, the applicant is required to pay fire impact fees to the City of Mount Vernon.

Schools:

The Mount Vernon School District did not comment on the circulated Notice of Application. The applicant is required to pay school impact fees to the Mount Vernon School District for all units.

Recreation:

The developer will pay applicable park impact fees to the City of Mount Vernon to assist in funding for development of parks and recreational amenities detailed in the Comprehensive Plan.

Stormwater:

Stormwater detention and water quality treatment systems will be provided as outlined within the Drainage Analysis, attached as **Exhibit 7**, and as required per Engineering comments attached as **Exhibit 10**.

Sewer:

The City of Mount Vernon Wastewater Treatment Plant has sufficient capacity to treat the effluent from this development. The applicant will finance and construct necessary line extensions to serve the development.

Water:

The Public Utility District No. 1 of Skagit County provided a letter dated May 19, 2016 that it has sufficient water supply to provide domestic water to the development. The applicant will finance

and construct necessary line extensions to serve the development. The Fire Marshal requires a written statement of available fire flow prior to the start of construction.

## **G. DEPARTMENTAL RECOMMENDATIONS**

Staff recommends **APPROVAL** of the **Center Hill Village Preliminary Plat & Preliminary Planned Unit Development, Project File No. PL16-058** only if the conditions of approval that follow from staff are made conditions of approval:

1. The final Planned Unit Development plan must present all of the information required for the preliminary PUD plan in a finalized, detailed form pursuant to MVMC 17.69.200. This includes: all PUD and supporting information, site plans sufficient for recording and engineering drawings. All preliminary plans submitted to-date, such as a landscape, park and open space plans, must be presented in their detailed form. To date, the applicant has provided preliminary plans with regard to landscaping, open space and architectural detail for the buildings. The final PUD and plat plans must incorporate the conditions of approval listed below that the Hearing Examiner and/or City Council choose to adopt.
2. Compliance with City of Mount Vernon Design Review Guidelines is required for all residential lots within the proposed development. Following the approval of the final PUD and plat all of the Building Permit applications that are submitted shall demonstrate compliance with this document. 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 finalizing 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 Conceptual Landscape Plan sheet 2/2) 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 three (3) trees (not inclusive of the required street trees), 90 shrubs and perennials, and the same amount of ground cover shown shall be installed on each of the proposed residential lots. 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 behind the curb for North 25<sup>th</sup> Street. The private loop road shall have a minimum 4-foot wide landscaping strip with street trees planted 30 feet on center with ground cover installed surrounding the trees installed behind the sidewalk on the north side of the roadway.
  - d. Upon completion of landscape installation the applicant shall be required to submit a Landscape Inspection Report from an arborist, landscape architect (or

- other similarly qualified person) that addresses; site preparation; soils—imported and amended; condition of plants before installation; installation of plants and soil; general site review of landscaping; irrigation/drought tolerant plants; and other landscaping elements as necessary.
- e. Prior to final plat approval, a two (2) year maintenance bond will be required for the landscaping along the street frontages and within the Forested Buffer as required.
  - f. The required lot coverage shall be a maximum of 40%.
  - 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 four (4) 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.
3. The following fencing, signage, and landscaping shall be installed prior to final plat approval:
- a. Lots 1 through 6 and that portion of the Forested Buffer Tract 999 adjacent to NGPA Tract 998 shall all have a split rail fence and critical area signage installed along the wetland buffer areas.
  - b. The east side of lots 6 through 11 and the north side of lots 11 through 14 shall have a six foot tall cedar fence installed along the west and south boundary of the adjacent Forested Buffer Tract 999. The forested buffer area shall be 30 feet in width. The forested buffer area shall be a separate tract maintained by the Homeowner’s Association and not part of these residential lots.

A 'forested buffer', as referenced within the conditions above, shall meet the definition of such as found in MVMC 17.06.345, which reads as follows: "...a double row of evergreen trees with offset rows planted at a maximum spacing of 15 feet triangulated on center with medium-sized shrubs (three to five feet maturity height) and ground cover plants added at a density to form an effective barrier to cover 85 percent surface coverage within two years. Minimum tree size shall be two-inch caliper, minimum shrub size shall be two-gallon, and minimum ground cover size shall be one gallon or equivalents; however, these sizes are minimums and it is likely that larger tree, shrub and plants will have to be initially planted to achieve the requisite 85 percent surface coverage within two years". Existing trees shall be used in places to meet portions of the forested buffer requirement; however, the tree, shrub and ground cover requirements outlined still have to be met where existing trees are utilized.

4. On April 26, 1995 the City issued a Determination of Non-Significance on this project (DNS 95-19), subject to certain conditions. The City is using this existing document to meet its SEPA obligations, and the conditions therein are valid and applicable. As stated in the DNS, the proposal must be developed in accordance with the recommendations of: Preliminary Storm Drainage Analysis of Northwest Engineering Company; Traffic Impact Analysis by Transportation Solutions, Inc.; Wetlands Determination on the East Division Street Site by David Evans and Associates, Inc.; and Report on Preliminary Geotechnical Investigation by Robert M. Pride, Inc.
5. Ordinance 2907, the ordinance that approved the original PUD for this proposal and the other lots created in short plat MV-5-98 included Environmental Findings derived from the approved DNS-95-19. Those mitigation measures relevant to this Phase of development are detailed as 1 through 8 in the Environmental Analysis section of this staff report. Mitigation measures 1 through 8 as detailed previously are adopted as conditions of approval for both the Preliminary Plat and Preliminary PUD.
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 sidewalk easement, 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 for those lots not adjacent to the Forested Buffer Tract 999. For those lots adjacent to Tract 999, the rear yard setback shall be not less than 20 feet. On lots with a stormwater easement in the rear yards, building setbacks shall be 5 feet from the edge of the easement.
  - 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. If the applicant intends to have a subdivision sign for the proposal, they shall submit a building permit prior to having the subdivision sign installed. A review of whether or not the sign meets code shall be conducted when the building permit application is submitted. This PUD and plat approval does not include approval of any subdivision sign.
8. During construction a 60-foot construction buffer shall be established from the edge of all wetland areas except where construction work has to be performed within the 60-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.
9. The homeowner's association that shall be created for the Center Hill Village development shall be responsible for the maintenance all landscape areas, forested buffers, sidewalks and street trees installed adjacent to sidewalks.
10. Codes, Covenants & Restrictions (CC&Rs) for the Center Hill Village 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.
11. The planned unit development plan shall note that the residences thereon constitute an innovative residential development and must be constructed as shown on the planned unit development plan. Building permits may be issued only for structure types and placements as shown on the planned unit development plan. Sales agreements and titles for land and residences sold in innovative residential developments shall note this restriction.
12. When a grading permit application is submitted the Fire Marshal will complete the review of Fire Lanes, Water Line Sizing, and Fire Hydrant Models.
13. Lots 6 and 11 are subject to NFPA 13D sprinkler systems as the driveways do not meet minimum standards.
14. Erosion control concerns have been identified downstream of the existing storm water facility previously designed for the proposed short plat. The proposed project is required to perform a downstream analysis and identify this and any other impacts to the downstream system. Mitigation shall be reviewed and approved by the Community and Economic Development Department Engineering Division.

15. A right-of-way vacation is proposed at the intersection of N 25th Street and the ring road. The extent and geometry of the right-of-way vacation shall be determined by the City Engineer and shall be approved by the City Council before the issuance of the Fill & Grade permit.
16. Provide the approved stormwater report for the existing stormwater pond constructed for the Short Plat. Including a basin map depicting previously approved impervious surfaces. This is required at Civil Plan submittal.
17. A Geotechnical report is required with submittal of the Civil Plans.

The following conditions are the relevant conditions from Ordinance 2907:

18. The future residential area shown as "Phase 3 Future Residential" on the Master Plan shall be subject to a future Preliminary PUD approval process, before any construction is allowed, to address site plan and design issues in more detail.
19. The Phase 3 Future Residential portion of the site shall be limited to a density consistent with R-1-9.6 zoning or a total of approximately 20 dwelling units. Only single family units (attached or detached) will be permitted. Clustering units in the central portion of the site shall be encouraged during the future PUD approval process.
20. A 50-foot buffer was provided through previous boundary line adjustments to the adjacent lot owners of lots identified in the 1995 PUD process. An additional 30-foot buffer for the residential units in Phase 3 with fencing and landscaping will be required along the north and east property lines adjoining Phase 3. In addition, any residential buildings or portions thereof located within 50 feet of the new property line (100 feet from the original property line) shall be limited to one story in height to further encourage clustering in the center of the site.
21. The area identified as Wetland D (with minor associated uplands) on the Master Plan shall be encumbered with an Open Space Easement with a restriction that the tract shall always remain as open space in a form acceptable to the City Attorney. At the time of the residential PUD the applicant shall dedicate the easement area to the City if the City at that time prefers dedication over an easement. (Note the City prefers that the wetland be placed in a Native Growth Protection Area as indicated on the plat map).
22. All streets and utilities, shall, at a minimum, be constructed in accordance with City of Mount Vernon standards and the 1994 APWA/WSDOT Standard Specifications.
23. Approval of the drawings submitted with the Master Plan shall not be construed to be approval of construction drawings of the project.

24. Sidewalks shall be constructed on both sides of East Division Street and along the east side of the interior public street to the store. Sidewalks will be built on both sides of the road north of the store entrance as part of Phase 3.
25. Residential Phase 3 of this development shall construct a 12.5-foot wide bike/pedestrian path on the south side of East Division Street from where the bike path ends now, to the proposed cross walk at the signalized intersection at the main entrance to the site. This will require that additional right of way be obtained from adjoining property owners. The developer shall make all attempts to obtain this right of way through donation or purchase. If, in the opinion of the City Engineer the developer has exhausted all means of acquisition, the City Engineer will recommend to the City Council that they proceed with condemnation proceedings to acquire the right of way, with the condition that the developer be required to reimburse the City for all costs associated with the condemnation and acquisition.
26. A 36-foot wide public street constructed on a 60 foot right-of-way shall be extended northerly on the approximate projection of South 25th Street to provide access to the grocery store site and also the proposed residential site on the north portion of the property. An additional street (can be a private road) shall be constructed on the east side of the site to connect to Division Street. The width of this street should be no less than 30 feet wide, and shall be constructed to City standards.
27. There will be no through street access constructed to Uplands Drive.
28. Unless otherwise approved by the City Engineer, all streets except Division Street shall be constructed as follows: a geotextile filter fabric blanket beneath the roadway base. The roadway base must be a minimum of 12" of gravel, 3" of crushed rock and 4" of asphalt. Gravel shall conform to WSDOT Standard Specification 9-03.14.
29. The developer shall supply and construct all street name signs and traffic control signs as approved by the City Engineer.
30. All road profiles shall not have slopes exceeding 12 percent.
31. A licensed civil engineer shall certify all profile transition zones, intersections and corners. This documentation must meet minimum sight and stopping distance requirements of the City Engineer.
32. Where sidewalks are located on embankment, the embankment shall extend horizontally a minimum of 2 foot beyond the back of sidewalk. This horizontal 2 feet requirement shall apply in cut sections as well.
33. Street names shall be consistent with City policy for naming streets. All such names are subject to approval by the City.

34. Horizontal and vertical curve design of roads within the plat shall conform to WSDOT and/ or AASHTO guidelines, unless otherwise approved by the City Engineer.
35. Fill soils used for road embankment shall be compacted to 95 percent of maximum density as determined by ASTM 1557. Road embankment soils to a depth of 2-feet below finish grade shall be gravel base fill. All utility trench backfill within rights-of-way shall be gravel base fill. The gravel base shall conform to WSDOT Standard Specification 9-03.14.
36. Prior to placement of pavement, the City shall make a determination of sub-grade acceptance based on test results and the observations of a firm and unyielding surface. The City shall also establish test area boundaries. The contractor shall supply the City with a mix design including values for the theoretical maximum density of the asphalt being used on the project.
37. Asphalt construction shall conform to the City of Mount Vernon Asphalt Acceptance Policy.
38. This development shall conform to the City of Mount Vernon drainage ordinances No. 2673 and No. 2804
39. The sanitary sewer for the plat shall connect to the existing system on Division Street.
40. Future development of the proposed residential area will require an easement to the north to reach Shady Lane and further north to tie into an existing gravity sewer in Alison Avenue.
41. The developer of the residential phase shall install a sanitary sewer stub to each lot, extending from the main line to 10' inside the property line and be plugged and marked. The stub shall have a clean out at the property line, which rises a minimum of 3 feet above the ground surface.
42. Connection charges for sanitary sewer shall be credited as per provisions set forth in the approved Master Plan.
43. The street lighting system shall be designed by Puget Power and shown on the construction drawings for approval by the City of Mount Vernon prior to installation.
44. Structures for holding mailboxes shall be provided at locations approved by the Mount Vernon Post Master and the City Engineer.
45. Fire hydrants shall be placed as approved by the City of Mount Vernon Fire Chief.

46. Underground utilities and improvements shall be installed as coordinated by the Skagit County Utility Coordinating Council.
47. The water system shall be approved by Skagit County Public Utility District No. 1, the City Engineer and the City Fire Chief prior to installation. Unless otherwise approved by the Mount Vernon Fire Department, fire flows of 1,000 gallons per minute are required of this project. Fire flow and flow duration of two hours shall be available to the site prior to construction.
48. A minimum of 20-foot wide easements shall be required for all public utility lines not located in the street right-of-way.
49. The City Engineer shall reserve the right to authorize additional review by consultants not employed by the City of Mount Vernon. If this is determined necessary it shall be the developer's responsibility to pay any additional fees incurred for this review, after allowing for payment credit previously received for plan review when construction plans are submitted.
50. The developer is cautioned that permits from other agencies may be required. These permits will likely include at a minimum a National Pollution Discharge Elimination System permit (NPDES). The developer shall comply with the provisions of any required permits.
51. The as-built drawings submitted by the developer's engineer shall show locations of all storm and sanitary sewer stubs.
52. Critical areas and associated setbacks, buffers and boundaries must be delineated on the construction plans and final plat map, and native growth protection areas established as necessary. This plat shall comply with all applicable portions of the Critical Areas Ordinance.
53. Two sets of 35mm aperture cards for both the as-builts of the construction drawings and the plat will be required.
54. Unless otherwise approved by the City Engineer, the final plat shall be placed on AutoCAD disk(s) and submitted to the City along with the final plat.
55. The applicant shall pay its fair share of traffic impact fees as defined by the City which has been calculated to be \$137,380. As per City ordinance, credit toward these fees will be made for the cost of CIP improvements made by the applicant.
56. Fire Flow. The required fire flow for the foot print of a 63,600 square foot building, Type 5-N sprinklered, shall be 3,000 gallons per minute; written verification of availability has been received.

57. Water Line. The proposed water line size and configuration shall be approved by the Public Utility District.
58. Fire Hydrants. Fire hydrants shall not be obstructed by landscaping within a distance of fifty feet (50') in the direction of vehicular approach.
59. Parking - Private Street. A minimum twenty-foot (20") driving surface shall be maintained at all times, or the street shall comply with City Code regarding parking, whichever is the greater requirement.

**EXPIRATION PERIODS:**

- Preliminary Plats: Five (5) years from the date of preliminary plat approval granted by the City Council.
- Preliminary PUD: Approval of the of preliminary PUD shall expire unless the applicant submits a proposed final PUD with all supporting documents in proper form for final approval within Five (5) years after preliminary approval.