



The following table summarizes the physical characteristics of the roads, critical areas, and stormwater facilities that the applicant has, or plans to, install/construct and compares these facilities to what would be required with currently adopted codes.

**TABLE 1.1:**

	<b>EXISTING INFRASTRUCTURE CONSTRUCTED/INSTALLED AND BUFFERS OBSERVED</b>	<b>CURRENT CODE REQUIREMENTS</b>
<b>College Way</b>	Frontage improvements will be required to conform to the adjacent existing fully improved portions of College Way.	The approved requirements are the same as or exceed current requirements.
<b>Internal Plat Driveway</b>	Access to the north lot shall be provided by an easement through the southern lot.	The approved requirements are the same as or exceed current requirements.
<b>Critical Areas – Stream:</b>	A stream bisects the site and the entire northwestern portion of the property (designated as Lot 2) is wetland. The wetland designation would preclude any development of the lot unless the applicant wishes to apply for the requisite federal, state and local permits to develop any portion of this area. The short plat shows the approved wetland and stream buffers of 25 feet and 50 feet respectively.	The City’s current code would require the buffers on the wetlands and stream to be significantly larger than those identified on the short plat. Lot 2 continues to be undevelopable in its current condition without the required federal, state and local permits to allow any wetland fill. The approved buffers already include portions of the site that have already been developed. Increasing the buffer width would only further encroach into the already developed areas of the property.
<b>Stormwater Facilities:</b>	No stormwater improvements were required for the short plat. It is assumed that any additional development on the property will be subject to current stormwater requirements.	The approved requirements are for compliance with current stormwater requirements at the time development occurs.

The applicant indicates that the project has not been able to move forward due to economic conditions and unknown status/plans for the neighboring property. They are hopeful that in the next three years some action can be taken that resolves the adjacent zoning and that the short plat process can be completed. The applicant currently estimates that the construction costs for the proposal are approximately \$250,000.

**FINDINGS:**

In June of 2015, City Council approved Ordinance 3651 that provides a way for preliminary plat approvals to be extended for either one or three years – with conditions. The part of Ordinance 3651 that allows Hansell Mitzel, LLC to request a three-year preliminary plat extension reads as follows:

*MVMC 16.08.060:*

*C. If the developer fails to receive final approval within the timeframes outlined with the above listed subsections A or B the preliminary plat approval shall expire unless one of the following requests are submitted to the CEDD and approved by City Council through a Type V process.*

2. *An applicant who files a written request to the office of the Community & Economic Development Department may be granted no more than a three-year extension for preliminary plat approvals granted on or before December 31, 2010. There shall be allowed only one three year extension; and this extension shall not be combined with the one year extension allowed within sub-section (1), above. In granting this extension a development agreement consistent with the requirements of RCW 36.70B.170 shall be prepared and approved by the City Council. In granting this extension the Council can require that a development comply with any of the development regulations in effect at the time the extension is requested should these regulations be different than the ones the development is vested to.*

As outlined within Table 1.1 above, staff notes that the development regulations that this plat was vested to are different than the regulations in place in 2016. Staff is recommending that the Council not require this development to comply with development regulations that are different than the ones that this project was originally vested to for the following reasons:

1. The majority of the required improvements are consistent with the current requirements and would occur at the time of development of the developable lot.
2. The southern lot is currently partially developed and the approved critical area buffers extend in to developed portions of the site. The current buffers would extend further onto the already developed portion resulting in an unfeasible and impractical situation.

**RECOMMENDATION:**

Council move to authorize the Mayor to sign the accompanying Resolution that will extend the preliminary short plat expiration period for three (3) years (i.e., from September 14, 2016 to September 16, 2019) for the Harmon 2-Lot Preliminary Short Plat, LU06-057.

**ATTACHED:**

- Proposed Resolution for Council Consideration
- Proposed Development Agreement
  - Exhibit A: Legal Description of the overall property
  - Exhibit B: Harmon 2 Lot short plat map
  - Exhibit C: Short Plat Approval Staff Report LU06-057

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF MOUNT VERNON, WASHINGTON; ACCEPTING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MOUNT VERNON AND T.I.A.B. LLC. TO EXTEND THE PRELIMINARY SHORT PLAT APPROVAL FOR THE HARMON 2 LOT SHORT PLAT (LU06-057)**

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

**WHEREAS**, this Development Agreement by and between the City of Mount and the Developer (hereinafter the “Development Agreement”), relates to the development known as the Harmon 2 Lot Short Plat, File No. LU06-057; and

**WHEREAS**, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary approvals such as the Harmon 2 Lot Short Plat; and

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

**WHEREAS**, the City held a public hearing regarding the approval of this Development Agreement on December 14, 2016; and

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

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

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

**ADOPTED** by the City Council of the City of Mount Vernon, Washington, and **APPROVED** by its Mayor, following a public hearing on the 14<sup>th</sup> day of December, 2016.

**SIGNED IN AUTHENTICATION** this \_\_\_\_ day of December, 2016.

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

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

Approved as to form:

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

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

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF MOUNT VERNON  
AND T.I.A.B., LLC. TO EXTEND THE PRELIMINARY SHORT PLAT VALIDITY  
TIMEFRAME FOR THE HARMON 2 LOT SHORT PLAT**

THIS DEVELOPMENT AGREEMENT is made and entered into this \_\_\_\_ day of December, 2016, by and between the City of Mount Vernon, a non-charter, optional code Washington municipal corporation, hereinafter the “City,” and T.I.A.B., LLC a Washington Limited Liability Corporation with Steve Harmon as Managing Member and is organized under the laws of the State of Washington hereinafter the “Developer.”

**RECITALS**

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

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

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

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

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

WHEREAS, this Development Agreement by and between the City of Mount Vernon and the Developer (hereinafter the “Development Agreement”), relates to the development known as the Harmon 2 Lot Short Plat, File No. LU06-057; and

WHEREAS, the Harmon 2 Lot Short Plat is located at 4205 East College Way. The Skagit County Assessor identifies the site with the following parcel number: P24857 (hereinafter referred to as the “Property”); and

WHEREAS, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary approvals such as the Harmon 2 Lot Short Plat; and

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

NOW, THEREFORE, the parties hereto agree as follows:

## **GENERAL PROVISIONS**

**Section 1.** *The Development.* The development named the Harmon 2 Lot Short Plat received preliminary short plat approval in September of 2006. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of September 14, 2016. The development consists of 2 lots over an approximate 2.81 acre site. Lot 1 is approximately 1.66 acres in size and is zoned for General Commercial uses. Lot 2 is zoned for single family residential use and is approximately 1.15 acres in size. A stream bisects the site and the area to the north of the stream has been delineated as a wetland.

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

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

- A. "Adopting Resolution" means the Resolution which approves this Development Agreement, as required by RCW 36.70B.200.
- B. "Council" means the duly elected legislative body governing the City of Mount Vernon.
- C. "Director" means the City's Community and Economic Development Director or Public Works Director.
- D. "Effective Date" means the effective date of the Adopting Resolution.
- E. "Existing Land Use Regulations" means the ordinances adopted by the City Council of Mount Vernon in effect on the Effective Date, including the adopting ordinances that govern the permitted uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Subject Property, including, but not limited to the Comprehensive Plan, the City's Official Zoning Map and development standards, the Design Manual, the Public Works Standards, SEPA, Concurrency Ordinance, and all other ordinances, codes, rules and regulations of the City establishing subdivision standards, park regulations, building standards. Existing Land Use Regulation does not include non-land use regulations, which includes taxes and impact fees.
- F. "Landowner" means the party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement. The "Developer" is identified in Section 5 of this Agreement.

- G. “Project” means the anticipated development of the Subject Property, as specified in Section 1 and as provided for in all associated permits/approvals, and all incorporated exhibits.

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

Exhibit A – Legal description of the Subject Property.

Exhibit B – Map showing the proposed Harmon 2 Lot Short Plat

Exhibit C – Administrative Report and Decision T.I.A.B (Harmon) Short Plat (LU06-057).

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

- A. The “City” is the City of Mount Vernon, PO Box 809, 910 Cleveland Avenue, Mount Vernon, WA 98273.
- B. The “Developer” or Owner is a private enterprise which owns the Subject Property in fee, and whose principal office is located at 17360 Lakeview Blvd, Mount Vernon, WA 98274.
- C. The “Landowner.” From time to time, as provided in this Agreement, the Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.
- D. Project is a Private Undertaking. It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

**Section 6.** *Term of Agreement.* This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and shall continue in force as outlined within Section 7; or unless terminated as provided herein. Following termination or expiration, this Agreement shall have no force and effect.

**Section 7.** *Preliminary Plat Timeline Extension.*

- A. **Preliminary Plat Time Limitations.** RCW 58.17.140(3) (b) states that: “a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007 ...”. The development received preliminary plat approval on September 14, 2006. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of September 14, 2016.
- B. **2015 MVMC Amendment Related to Preliminary Plat Timeframes.** In June of 2015, the Mount Vernon City Council approved amendments to Mount Vernon Municipal Code (MVMC) 16.08.060(C)(2) providing a way that preliminary plat approvals can be extended for three-years “upon a showing that they have attempted in good faith to submit the final plat within the required period...” In granting an extension the Council can require that a development comply with any of the development regulations in effect at the time the extension is requested should these regulations be different than the ones the development is vested to”.

- C. Considerations for Preliminary Plat Extension. The City has determined, with the approval of this Development Agreement, that the development regulations that the development is currently subject to shall remain the same until this Agreement is terminated, as outlined in Section 9, below.
- D. Newly Authorized Preliminary Plat Expiration Date. The City Council with the approval of Resolution \_\_\_\_\_ concurs with the staff findings outlined above in subsection (C) and is extending the preliminary plat validity timeline **from** September 14, 2016 **to** September 16, 2019.
- E. All Other Requirements Not Modified. This development agreement does not change or alter any other approval that the development is subject to; including, but not limited to: the conditions of the Administrative Report and Decision or the mitigation measures imposed through the SEPA process.

**Section 8. Default.**

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

**Section 9. Termination.** This Agreement shall expire and/or terminate and be of no further force at such time as the final Short Plat for the Harmon 2 Lot Short Plat is approved by the City of Mount Vernon and recorded with the Skagit County Auditor or **September 16, 2019** whichever comes first.

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

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

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

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

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

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

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

**SIGNED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016

**OWNER/DEVELOPER:**

Steve Harmon,

---

**SIGNED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016

**CITY OF MOUNT VERNON:**

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

Attest:

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

Approved as to form:

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

STATE OF WASHINGTON }  
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that **Steve Harmon** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of **T.I.A.B., LLC.**, to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned.

Given under my hand and official seal this \_\_\_\_\_ day of December 2016.

(SEAL)

\_\_\_\_\_  
Notary Public  
Residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

## **EXHIBIT A**

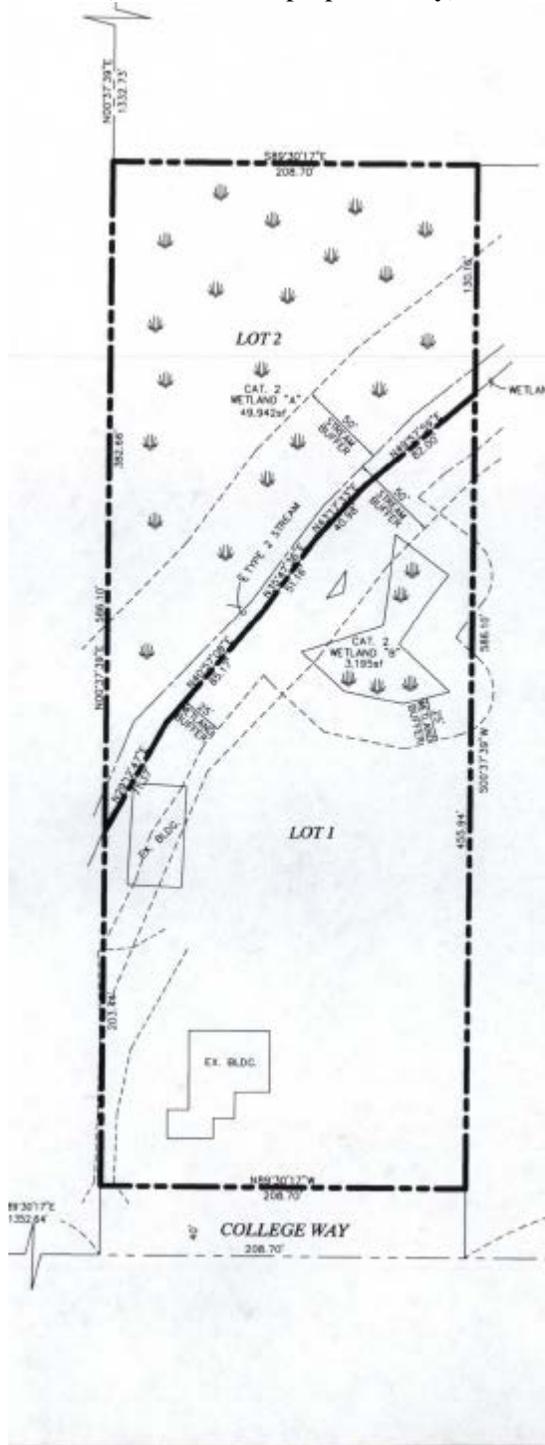
### **Legal Description of Property**

The West 208.7 feet of the South 626.1 feet of that portion of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 15, Township 34 North, Range 4 East, W.M., lying North of State Road No. 1-G, EXCEPT that portion thereof conveyed to the State of Washington by instrument recorded under Auditor File No. 8610280067.

Situate in the County of Skagit, State of Washington

**EXHIBIT B**

Map showing the proposed Harmon 2 Lot Short Plat  
(for illustrative purposes only)



**EXHIBIT C**  
Short Plat Approval Staff Report  
T.I.A.B. (Harmon) Short Plat LU06-057

**REPORT  
&  
DECISION**

**CITY OF MOUNT VERNON**

Community and Economic Development Department  
910 Cleveland Avenue  
Mount Vernon, Washington 98273

**ADMINISTRATIVE SHORT PLAT REPORT**

**A. SUMMARY AND PURPOSE OF REQUEST:**

---

**Land Use Action:** Administrative Approval of a 2-lot Short Subdivision

**Project Name/Number:** T.I.A.B. (Harmon) Short Plat; File No. LU 06-057

**Project Planner:** Rebecca Bradley, Senior Planner

**Applicant/Owner:** T.I.A.B. LLC, Contact: Steve Harmon, 17360 Lakeview Blvd.,  
Mount Vernon, WA 98274, (360) 424-5783.

**Project Description:** Proposed is a 2-lot short subdivision of an approximate 2.81 acre site. Proposed Lot 1 is zoned General Commercial (C-2) and is approximately 1.66 acres in size. Proposed Lot 2 is zoned for single-family residential uses (R-1, 4.0) and is approximately 1.15 acres in size. There is an existing stream that bisects the site, and the area to the north of the existing stream has been delineated as a wetland. Both the stream and wetland buffers have been identified on the plat map.

**Project Location:** The proposal property (P24857) is located at 4205 East College Way within a portion of Section 15, Township 34 North, Range 04 East, W.M. in Skagit County, Washington.



**B. EXHIBIT LIST**

---

**Exhibit 1:** Entire Land Use File LU06-SP-057

**C. GENERAL INFORMATION:**

---

<b>Zoning Designation:</b>	Single-Family Detached Residential District, R-1, 4.0 and General Commercial (C-2)
<b>Comprehensive Plan Designation:</b>	Retail Malls and General Commercial and Medium Density Single-Family (SF-MED)
<b>Existing Site Use:</b>	Existing Commercial Use
<b>Neighborhood characteristics:</b>	North: Commercially Utilized Land South: East College Way East: Unincorporated Skagit County West: Summersun Nursery
<b>Access:</b>	Off of East College Way
<b>Site Area:</b>	The area of the parent parcel is ± 122,319 square feet (2.81 acres)

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

---

**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 16.04 Title Purpose and Definitions

Chapter 16.16 Design Standards

Chapter 16.20 Improvements

Chapter 16.32 Short Plats and Subdivisions

**Title 17 Zoning**

Chapter 17.15, 'R-1' Single-Family Detached Residential District  
Chapter 17.48, 'C-1' General Commercial District

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

---

- Land Use Element
- Capital Facilities, Utilities and Public Services Element
- Transportation Element

**F. DEPARTMENT ANALYSIS:**

---

**Project Description/Background:**

Proposed is a 2-lot short subdivision of an approximate 2.81 acre site. Proposed Lot 1 is zoned General Commercial (C-2) and is approximately 1.66 acres in size. Proposed Lot 2 is zoned for single-family residential uses (R-1, 4.0) and is approximately 1.15 acres in size. There is an existing stream that bisects the site, and the area to the north of the existing stream has been delineated as a wetland. Both the stream and wetland buffers have been identified on the plat map.

**Environmental Review:**

SEPA review was triggered due to the presence of identified critical areas (a stream and wetlands) on the project site. Pursuant to the City of Mount Vernon's Environmental Ordinance (Chapter 15.06) and the State Environmental Policy Act (SEPA—RCW 43.21C), on August 31, 2006, the City of Mount Vernon (lead agency) issued a Determination of Non-Significance (DNS) following a combined Notice of Application/Proposed DNS for this project. There will be a 10 day appeal period following the issuance of the DNS which will expire on September 11, 2006.

**City Process:**

This project was deemed technically complete for processing on June 27, 2006. A Notice of Application (NOA) was issued on July 22, 2006. The NOA was distributed to all properties adjacent and abutting the project site as required by 14.05.190(B). In addition, the site was posted with a Land Use sign and an affidavit of posting was submitted to the Community & Economic Development Department.

**Staff Review Comments:**

Representatives from various City departments have received the application materials during the Notice of Application period to identify and address issues from the proposed development. Comments were received in response to the routed application materials from the City's Engineering Department, and these comments are attached to this staff report.

**Consistency with Short Plat Criteria:**

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

**Compliance with The Comprehensive Plan Designation:**

The Comprehensive Plan designation of the property is Retail Malls and General Commercial (GC) and Medium Density Single-Family (SF-MED). The existing commercial use on the southern portion of the site will continue and may expand in the future. The residentially designated portion of the site (located to the north of the on-site stream) has been delineated as a jurisdictional wetland, which would preclude any development unless the applicant wished to apply for the requisite federal, state and local permits to develop any portion of this area

**Compliance with the Underlying Zoning Designation:**

The proposal site has zoning designations of General Commercial (C-2) and Single-Family Residential with a maximum density of 4.54 dwelling units per acre (R-1, 4.0). Future commercial uses will be evaluated for zoning consistency once development permits are submitted to the Community & Economic Development Department. As noted above, the residentially designated portion of the site (located to the north of the on-site stream) has been delineated as a jurisdictional wetland, which would preclude any development unless the applicant wished to apply for the requisite federal, state and local permits to develop any portion of this area

**Compliance With Short Subdivision Standards (MVMC Title 16):****Lots (MVMC 16.16.040):**

- Every lot shall abut on a dedicated or private street except as provided for in MVMC 17.15.060(A).
- The ratio of the depth of a lot to its width shall not be greater than three to one, unless unusual site circumstances preclude adherence to this standard, and in which case the Community and Economic Development Director can administratively waive this requirement.
- Side lot lines shall be within 20 percent of perpendicular to the front property line with which it intersects.
- Side and rear lot lines shall be straight, or composed of straight line elements.
- Lots shall be subdivided in conformity to requirements of the zoning ordinance and Comprehensive Plan designations in effect at time of subdividing.

The project proposal meets all of the above-listed requirements found in MVMC 16.16.040.

**Access:**

Access will be off of East College Way for proposed Lot 1. Staff has requested an access easement across proposed Lot 1 to proposed Lot 2 to ensure that this lot is not land locked. However, all of proposed Lot 2 has been delineated as a jurisdictional wetland and it is unlikely that this lot will be developed in the near future due to the extensive permitting process that the applicant would have to complete to develop this lot.

### Availability and Impact on Public Services:

**Police:**

No response was received from the Police Department in reaction to the circulation of application materials.

**Fire:**

Glenn Brautaset, the City's Assistant Fire Chief, has reviewed the project proposal and has determined that as presented there are no issues that warrant comments from his department.

**Recreation:**

The property is located in proximity to public schools and community playfields.

**Schools:**

This project will not create impacts to local schools.

**Storm water:**

Not applicable, storm sewer improvements will not be necessary as part of this short plat application; however, when and if this site is re-developed, storm sewer improvement may be required by the City's Engineering Department.

**Water:**

The applicant shall contact Skagit County Public Utility District to verify water service availability.

**Sanitary sewer:**

The proposed lot will be required to connect with the existing sanitary sewer service main.

**Street Improvements:**

Street frontage improvements (described in Dennis Carlson's attached memo) will be necessary as part of this short plat application. The applicant can either install the improvements when the site is re-developed; or alternatively, the applicant can bond for the frontage improvements if he wishes to finalize this short plat prior to other improvements being installed on the project site.

**FROM:** Dennis Carlson  
**TO:** Rebecca Bradley  
**Date:** March 2, 2005

**SUBJECT: Harmon Short Plat, SEPA COMMENTS**

This plat will be required to comply with all City of Mount Vernon Codes and Standards.

Streets

Frontage improvements will be required to conform to the adjacent existing fully improved portions of College Way. The applicant can bond for these improvements and record the short plat now; or the applicant can wait until other site improvements are constructed and install the frontage improvements at that time. However, the plat can not be finalized until the improvements are constructed, approved by the City, and as-builts are provided, or a bond for the improvements is received. Preliminary short plat approval is valid for five (5) years from the date of approval.

Access to the north lot of the plat shall be delineated and shown on the face of the plat. The access may be constructed, or a note placed on the face of the plat clearly requiring access and utilities to be provided to the north lot prior to building structure(s) being placed on the lot.

Concurrency

Concurrency comments shall be submitted at the time of a proposed construction project.

Sanitary Sewer Service

Sewer service is available in College Way. The developer of each lot shall be responsible for providing lateral service to their lot.

Storm Sewer Service

There are a multitude of ways that stormwater can be collected, attenuated, cleaned and released from proposed plat. As development is proposed within this plat the City will review and approve site specific plans to ensure that development complies with stormwater standards adopted by the City.

Water Service

The Skagit County Public Utility District (PUD) #1 currently serves the area proposed for annexation.

Comments noted above are based on information submitted to-date. Actual project requirements will be provided when construction is proposed for this site.

## G. DECISION

The preliminary Short Plat application, File No. LU 06-SP-056, is APPROVED subject to compliance with the standards of the Mount Vernon Municipal Code and the following specific requirements:

1. A split rail fence shall be installed along the landward edge of the stream and wetland buffers on proposed Lot 1, and one (1) critical area sign shall be posted on the fence prior to final short plat approval. The Community & Economic Development director can administratively approve different fencing as long as the alternate fencing meets the intent of this section of the critical areas code.
2. An access and utility easement, no less than 20 feet in width shall be granted over and across Lot 1 to serve Lot 2, and this easement shall be shown on the face of the plat.
3. Dennis Carlson's comments, which are attached to this Staff Report, shall become conditions of approval.

SIGNATURE:

  
\_\_\_\_\_  
Jana Hanson, Community & Economic Development Director

  
\_\_\_\_\_  
Date

### Appeals:

The decision of the Development Services Director is final unless an appeal to the Mount Vernon Hearing Examiner is filed within fourteen (14) calendar days from the date of mailing of the written decision. An appeal to the City Council is governed by MVMC 14.05.260. **Appeals must be made in writing on or before 4:30 PM, September 14, 2006.** Any appeal must be accompanied by a \$100.00 fee and must state the appellant's reason(s) for the appeal based upon the provisions of the Mount Vernon Municipal Code.

### Expiration Periods:

**Short Plat:** Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of nine lots within the original short plat boundaries. The owner who files the original short plat may transfer this right to the subsequent owners with a statement on the face of the short plat.

TRANSMITTED this 31<sup>st</sup> day of August, 2006 to the applicant and agent.

TRANSMITTED this 31<sup>st</sup> day of August, 2006 to the parties of record.

**RESPONSIBLE PERSON:** Jana Hanson, Director  
Community & Economic Development Department

DATE 8-31-06 SIGNATURE [Signature]

File No.: LU #06-057  
Issued: August 28, 2006  
Published: August 31, 2006

**SENT TO:** DOE, COE, WDFW, CTED, DOT, DNR, MVSD, SKAT, SVC, SCDS,  
Skagit System Cooperative, NWAPA, PUD, AT&T, CNG, PSE and Verizon.

**DETERMINATION OF NON-SIGNIFICANCE (DNS)**

**PROJECT DESCRIPTION:** Proposed is a 2-lot short subdivision of an approximate 2.81 acre site. Proposed Lot 1 is zoned General Commercial (C-2) and is approximately 1.66 acres in size. Proposed Lot 2 is zoned for single-family residential uses (R-1, 4.0) and is approximately 1.15 acres in size. There is an existing stream that bisects the site, and the area to the north of the existing stream has been delineated as a wetland. Both the stream and wetland buffers have been identified on the plat map.

**APPLICANT:** T.I.A.B. LLC, Contact: Steve Harmon, 17360 Lakeview Blvd., Mount Vernon, WA 98274, (360) 424-5783.

**PROJECT LOCATION:** The proposal property (P24857) is located at 4205 East College Way within a portion of Section 15, Township 34 North, Range 04 East, W.M. in Skagit County, Washington.

**LEAD AGENCY:** Mount Vernon Community & Economic Development Department.

The lead agency for this proposal has determined that it does not have a probable adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to public on request.

**Environmental Determination Appeal Process:** Appeals of the environmental determination must be filed in writing on or before 4:30 PM September 11, 2006 (10 days from the date of publication).

Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, P.O. Box 809, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Community & Economic Development Department, (360)336-6214. This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on this DNS. There is a 10 day appeal period.

<b>STAFF REPORT</b>	<b>City of Mount Vernon Community &amp; Economic Development Department ENVIRONMENTAL REVIEW</b>
-------------------------	--

**A. BACKGROUND**

**SEPA Threshold Determination Date:** August 21, 2006

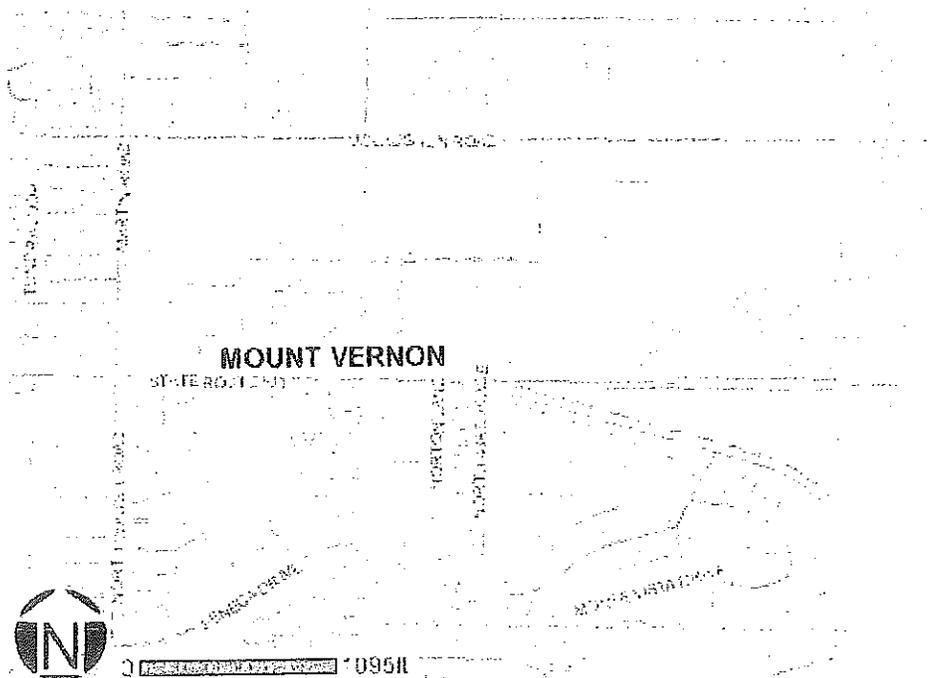
**Project Name / Number:** T.I.A.B. (Harmon) Short Plat, LU06-057

**Project Manager:** Rebecca Bradley, Senior Planner

**Project Description:** Proposed is a 2-lot short subdivision of an approximate 2.81 acre site. Proposed Lot 1 is zoned General Commercial (C-2) and is approximately 1.66 acres in size. Proposed Lot 2 is zoned for single-family residential uses (R-1, 4.0) and is approximately 1.15 acres in size. There is an existing stream that bisects the site, and the area to the north of the existing stream has been delineated as a wetland. Both the stream and wetland buffers have been identified on the plat map.

**Applicant:** T.I.A.B. LLC, Contact: Steve Harmon, 17360 Lakeview Blvd., Mount Vernon, WA 98274, (360) 424-5783.

**Project Location:** The proposal property (P24857) is located at 4205 East College Way within a portion of Section 15, Township 34 North, Range 04 East, W.M. in Skagit County, Washington.



**B. RECOMMENDATION**

Based on analysis of probable impacts from the proposal, the Responsible Official has made the following Environmental Determination:

	DETERMINATION OF NON-SIGNIFICANCE	DETERMINATION OF NON - SIGNIFICANCE - MITIGATED.
X	Issue DNS with a 10 day Appeal Period.	Issue DNS-M with a 10 day Appeal Period.
		Issue DNS-M with 15 day Comment Period followed by a 10 day Appeal Period.

**C. MITIGATION MEASURES**

None outside of mandatory code compliance.

Advisory Notes to Applicant:

The following notes are supplemental information provided in conjunction with the environmental determination. Because these notes are provided as information only, they are not subject to the appeal process for environmental determinations.

See Section E – Comments of Reviewing Departments

**D. ENVIRONMENTAL IMPACTS**

In compliance with RCW 43.21 C. 240, project environmental review addresses only those project impacts that are not adequately addressed under existing development standards and environmental regulations.

Has the applicant adequately identified and addressed environmental impacts anticipated to occur in conjunction with the proposed development?

**I. Earth**

Impacts: None, as no site work is proposed as part of the proposed short plat.

Mitigation Measures: The City's existing standards and regulations for erosion control will be adopted and included in an Erosion Control Plan when and if site development is under taken. Staff has deemed these standards sufficient to control sedimentation and erosion. The contractor will also be required to employ Best Management Practices as prescribed in the Department of Ecology's Storm Water Management Manual for Western Washington. These standards will be in place prior to any on-site construction activity and maintained throughout the project.

Nexus: NA

## 2. Water

Impacts: None, the on-site stream and wetland both have the requisite buffers identified on the face of the short plat. No work is proposed within or near either the stream or wetland areas.

Mitigation Measures: None required. The applicant shall comply with City, State and Federal regulations. A split rail fence shall be installed along the wetland and stream buffer boundaries and, in prominent locations, a wetland identification sign shall be posted. Any proposed alternative to the split rail fence requirement shall be approved by the Community & Economic Development Director.

Nexus: NA

## 3. Transportation

Impacts: None, no change in use for the existing buildings is proposed at this time.

Mitigation Measures: When and if this site is re-developed, truck trips during the construction phase of the project will not be allowed during the a.m. and p.m. peak hours to avoid conflicts with traffic circulation

Nexus: Chapter 14.10 *Concurrency Management* and Chapter 9.28 *Noise*

## E. COMMENTS OF REVIEWING DEPARTMENTS

The proposal has been circulated to City Departmental / Divisional Reviewers for their review. Where applicable, these comments have been incorporated into the text of this report as Mitigation Measures and/or Notes to Applicant.

- Copies of all Review Comments are contained in the Official File.  
 Copies of received Review Comments are attached to this report

1. Comments from Dennis Carlson, Development Review Engineer, dated March 2, 2006, that is attached.

**Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 4:30 PM September 11, 2006 (10 days from the date of publication).**

Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, P.O. Box 809, Mount Vernon, WA 98273. Appeals to the Examiner are governed by City of Mount Vernon Municipal Code Section 15.06.215. Additional information regarding the appeal process may be obtained from the City of Mount Vernon Development Services Department, (306)336-6214. This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on this DNS. There is a 10 day appeal period.

**FROM:** Dennis Carlson  
**TO:** Rebecca Bradley  
**Date:** March 2, 2005

**SUBJECT: Harmon Short Plat, SEPA COMMENTS**

This plat will be required to comply with all City of Mount Vernon Codes and Standards.

Streets

Frontage improvements will be required to conform to the adjacent existing fully improved portions of College Way. The applicant can bond for these improvements and record the short plat now; or the applicant can wait until other site improvements are constructed and install the frontage improvements at that time. However, the plat can not be finalized until the improvements are constructed, approved by the City, and as-builts are provided, or a bond for the improvements is received. Preliminary short plat approval is valid for five (5) years from the date of approval.

Access to the north lot of the plat shall be delineated and shown on the face of the plat. The access may be constructed, or a note placed on the face of the plat clearly requiring access and utilities to be provided to the north lot prior to building structure(s) being placed on the lot.

Concurrency

Concurrency comments shall be submitted at the time of a proposed construction project.

Sanitary Sewer Service

Sewer service is available in College Way. The developer of each lot shall be responsible for providing lateral service to their lot.

Storm Sewer Service

There are a multitude of ways that stormwater can be collected, attenuated, cleaned and released from proposed plat. As development is proposed within this plat the City will review and approve site specific plans to ensure that development complies with stormwater standards adopted by the City.

Water Service

The Skagit County Public Utility District (PUD) #1 currently serves the area proposed for annexation.

Comments noted above are based on information submitted to-date. Actual project requirements will be provided when construction is proposed for this site.