RECEIVED
CITY OF MOUNT VERNON
MAY 12 2017
C.E.D. DEPARTMENT
BY_____

#2

May 8, 2017

Development Services Dept.
C/O Rebecca Lowell
P O Box 809/910 Cleveland Avenue
Mount Vernon, Wa. 98273

Rebecca,

I am writing in response to the Mitigated Determination of Non-Significance Notice of Public Hearing on the East Village Short Plat, PL16-150 Development proposed by Samish Bay Land Company, LLC. and am requesting a response to the following questions:

- Does the City require 2 exits from proposed new building sites?
  Balsam Lane should be used as the "secondary" - emergency exit, not the entrance and exit to the site. If the proposed site borders Blackburn Rd., that should be the main entrance with Balsam Lane being the emergency exit for the 7 and future 2 proposed homes.
- If the 9 homes will be entering/exiting through a 55 and older RETIREMENT community, they should also be required to build a 55 and older community at the site.
- Can Wetlands (B) be filled?
- Will they be required to pave all roads in their community?
  If they are entering through paved roads, it should follow that all their roads should also be paved. Is there a requirement for this for emergency vehicles?
- How will our already high Big Fir taxes be impacted by this development?
  I was told taxes are determined not only by bonds, but by the quality, newness, etc. of properties in the same vicinity.

I appreciate your quick response to these questions.

Thanks for your response,

Sandi Paciotti

Sandi Paciotti
1934 Silver Loop
Mount Vernon, Wa. 98274
360-202-2505

RECEIVED
CITY OF MOUNT VERNON
MAY 12 2017
C.E.D. DEPARTMENT
BY_____

May 9, 2017

Development Services Department

Mount Vernon, WA

Subject: East Village MDNS

Ms. Rebecca Lowell,

The Big Fir Community is located next to the proposed construction of East Village. Our community has a 55 year age restriction and thus the majority of residents moved here to live in a quiet location away from significate traffic patterns. East Village will not be limited to any age restrictions and the developer plans to direct traffic for these new homes through the Big Fir Community. This will have a significant impact on our safety and quality of life. We back out of our driveway onto the street into any potential traffic. Many of us walk daily through our community and access our mail box while standing in the street. As we age, we slow down and some of the residents use walkers to navigate through the community. This proposal will also have a negative impact on the value of our homes and property, which many of us rely on for our future. Directing traffic to an unrelated development through our community is entirely unacceptable. East Village could be accessed from E. Blackburn Road, which would be appropriate.

Respectfully,

Patricia Wilson

1743 Grand Ave.

Mount Vernon, WA 98424

Lowell, Rebecca

From: Hal & Hella Lee <hhlee@frontier.com>
Sent: Wednesday, May 10, 2017 9:51 PM
To: Lowell, Rebecca
Subject: PL 16-150 East Village Short Plat

Rebecca,
I was just notified of the proposed development of parcel P28003. My concern is the health of Maddox Creek. I have been walking the Creek downstream for several years doing a Coho spawning survey with John Yeager's permission. Last fall I counted ~40 Coho in the area downstream of the culvert in Bonnie Rae Park to Anderson Rd. Letting you know that I have also noticed an increase in water turbidity since the logging of Hidden Lakes, and concerned with an increase. Unfortunately I don't have a means of documenting the actual increase, other than just visual, but have reported it to the James Weppler when I do my stewardship walks of the park which includes the portion of the creek that goes through Bonnie Rae Park.

Thanks,

Hal Lee
2500 S. 18th St.
Mount Vernon
360-848-5937

May 10, 2017

Community and Economic Development Department
Rebecca Lowell, Senior Planner
City of Mount Vernon
PO Box 809
Mount Vernon, Wa. 98273-0809

Re: East Village Short Plat, PL16-150, property parcel P28003.

Attention: Rebecca Lowell, Senior Planner

I am writing this letter in regards to the Mitigated Determination Of Non-Significance. My husband and I chose to move from our family home in Ferndale to Mt. Vernon. We had been searching for a 55 and older Adult Community and found what we considered our "forever" home in Big Fir. Although the quality of the homes was certainly important, we were more impressed and drawn to the quality, safeness and peacefulness of the community. It was exactly what we were looking for-no through traffic, limited pedestrian traffic and no minors. We raised our children and now wanted a safe secure living space to spend our remaining years. Had we known that an all age family development would be going in next to us with potential access through our community, we would NEVER have moved into this community. I have read the findings and disagree with many of the points.

First, I don't understand how a determination could be made that there is no impact on the values of our homes. The new development is not yet in place. The home that was recently sold, in our development, would have had no idea of the impact that the new development would have had on their decision to purchase or the price they paid.

Secondly, although the impact of the additional traffic was downplayed in the report the homeowners will definitely be impacted by the additional 4.5 cars an hour passing by their homes. It does not appear the report took into account cars belonging to teen drivers and their friends that will be visiting.

Thirdly, how can the city approve and support the development of 55 and older areas and then promptly proceed to approve access to family homes directly through the 55 development. It is not a 55 and older community when there is through traffic and foot traffic by kids, dogs and families in general.

Fourth, the report mentions that there are other developments that have access to family homes through a 55 and older community (Twin Brooks). You may want to speak to some of the homeowners. Anecdotally, the homeowners are experiencing increased traffic and crime in their area including drug use etc.

Lastly, and perhaps the most import, remains the security of our homeowners. The additional pedestrian and auto traffic will certainly negatively impact our safety and well-being. As a Block Watch Captain, we are trained to be observant and take note of individuals or cars that do not belong in our neighborhood. How is that done when the City is considering giving full access to, not only seven families, but all of their friends and relatives. The intrinsic value of safety and security does not have a price tag.

In the Mayors May 25, 2016 'Mount Vernon State of the City', which includes "Creating Communities that are designed to promote health" and "Creating a lifetime Opportunity for Residents" seems to represent a City that cares about its residents-for both their safety and security. I hope and pray that those are not just words on a piece of paper that no one cares about. We love our Big Fir community and hope to preserve the quality of life that we moved here for. We will appreciate you taking the time to really understand that your decision will affect the elderly, in our community, at a very vulnerable time in our lives.

Sincerely,

Tim and Kathy Randell
1925 Fraser Ave.
Mount Vernon, Wa. 98273

#2

Beacham, Linda

From: lajune bromels <llbromels@yahoo.com>
Sent: Wednesday, May 10, 2017 5:03 PM
To: MVced
Subject: Fw: EAST VILLAGE SHORT PLAT PL16-150

----- Forwarded Message -----
From: lajune bromels <llbromels@yahoo.com>
To: "mvced@mountvernonwa.gov" <mvced@mountvernonwa.gov>
Sent: Thursday, January 26, 2017 6:12 AM
Subject: EAST VILLAGE SHORT PLAT PL16-150

I am writing to you in reference to the East Village Short Plat, PL16-150 request to access the development through the Big Fir North Community.

IO spent several years financially planning my move to an age restricted community, where I could live in a safe, quiet, and controlled environment with residents seeking the same.

I am asking that you please consider disapproving the short plat request based on the promises made to me by the Big Fir covenants and the City of Mount Vernon's approval of Big Fir as a planned unit development , based on the restrictions and design of the community to house elderly residents prior to purchasing my home.

The Big Fir Cpmmunity was designed to unity expectations of the residents of the Big Fir Community. Without age and traffic restrictions, the safety of Big Fir residents will be compromised, our quiet and tranquil community will be lost, and the resale value of our homes will be heavily impacted.

I feel that the development of East Village could proceed without infringing on the Big Fir community by either restricting the ownership of and occupancy of residence to persons 55 years of age or older; or by requiring arterial access to the plat via the owners land that runs to East Blackburn Road.

Thank you in advance for your consideration in this very important matter that effects many senior citizens.

LaJune Bromels
2217 Noble Ave, Mount Vernon Wa

Lowell, Rebecca

From: Gary Simmons <bffinfen@gmail.com>
Sent: Thursday, May 11, 2017 6:13 PM
To: Lowell, Rebecca; MVengineering
Cc: Gary Simmons
Subject: East Village Short Plat, PL16-150

Dear Ms. Lowell and Mr. Bell:

I have previously corresponded with you concerning the development of the East Village Short Plat. I stated the reasons I was apposed to the East Village proposal, Safety, lost quality of life, devaluation and the genuine unfairness to our community.

I would now like to state that I oppose the findings of the MDNS.

1. Safety, TSI agreed that the narrow roads needed to be navigated slowly 15-17 mph. They were designed for our demographics. TSI also agreed that the teen and elderly drivers are the worst drivers. Our argument is it's not safe to mix them in a narrow road community. TSI argument is teens are better drivers they win. We also submitted expert analysis and their conclusion not safe to mix the two group of drivers. TSI also stated that no major traffic disruption to the neighborhood, an extra 67 vehicle trips through the narrow roads is a major disruption to our quality of life. If passed it will be a problem for all concerned for years to come.

2.Devaluation, I disagree with almost everything Mr. Hewitt stated. The market is hot right now and everything is selling but location, location, location determines what sells first and gets the best price. He mentioned four 55+ Communities that he did a comparison to, the other communities he mentioned are just gobbledygook and why they were mentioned is beyond me. Montreaux and Big Fir our both built out and NO OUTLET. They are also older. The NO OUTLET makes them a more desirable location. Twin Brooks and Woodside have roads going through them that access all age neighborhoods.(The residents I have talked to, hate that through street because of the speeding,short cutting through the neighborhood, the ascetics of all the cars parked on the street and drug dealing on the corner). Those two communities are new selling new homes. If you allow access through Big Fir by an all age neighborhood, you negate our location value putting us behind all the other communities causing us longer wait times and lower prices. We also submitted expert analysis on this topic and our expert got the right property.

3. Quality of life. We have a nice quiet community that moves at a slower pace, where the residents stop and talk to one another or wave when they drive by. We generally look out for each other. We respect our neighbors by not racing up and down the streets blaring music screaming and yelling. It's because of this calm quietness that the residents of Big Fir purchased at a premium to live in this community. This will all change negatively for us with access through our community.

4. Genuine unfairness. This proposal is wrong on so many level it's mind boggling.
Dave Prutzman and the Kiesel 's are asking to risk our safety, devalue our property and to ruin our quality of life so that they and only they will profit from it and to add insult to injury the Keisel's will not have to endure any of the construction mess on their property.
I sat in on the original meeting between Big Fir and Dave Prutzman . He told us of his plans to build on the north half of the property and then retain the daughters home on a parcel, tear down the mothers home and build a pocket neighborhood. We voiced our concerns about an all age neighborhood and offered to work with him on a 55+community even so far as to incorporate it into Big Fir HOA. He refused and instructed us not to have any contact with the Keisel's. The Kiesel 's in fact were going to sell the property to Landed Gentry for an extension of Big Fir 55+Community but the property had to much wetlands.

Conclusion. The right thing to do is require East Village to access off Blackburn, they will cross less wetlands, they plan on accessing Blackburn in phase 2 and will have to add improvements anyway. The Big Fir Community will not be harmed, the construction will stay on their property and they will profit from it. That is the right thing to do, the least damage you can do to Big Fir Community is require East Village to also be a 55+ community. The Kiesel 's didn't have a problem in the past with their property being a 55+community and even Dave Prutzman 's letter stated our demographics could most afford the homes he wants to build. Do the right thing your decision will effect our community forever.

Gary Simmons-President
Big Fir Community Association

Sent from my iPad

FURLONG ❖ BUTLER
ATTORNEYS

RECEIVED
CITY OF MOUNT VERNON
MAY 12 2017
C.E.D. DEPARTMENT
BY_____

BRADFORD E. FURLONG
EILEEN E. BUTLER

SARAH HASTINGS, Legal Assistant
MEGAN A. HUNT, Legal Assistant

May 12, 2017

VIA HAND DELIVERY and EMAIL (rebeccab@mountvernonwa.gov)

Rebecca Lowell, CEDD, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

VIA EMAIL (mvengineering@mountvernonwa.gov)

Esco Bell, Director
Public Works Department
City of Mount Vernon
1024 Cleveland Avenue
Mount Vernon, WA 98273-0809

Re: East Village Short Plat, PL16-150
Mitigated Determination of Non-Significance (MDNS)

Dear Ms. Lowell and Mr. Bell:

We received the Mitigated Determination of Non-Significance (MDNS) re East Village Short Plat, PL16-150 dated May 5, 2017. We did not see reference to our letter dated May 3, 2017. We request that you consider our May 3rd letter and this letter as comments on the MDNS.

The MDNS fails to adequately protect elderly Big Fir North residents from various harm identified by numerous citizens and by planning and real estate professionals by not conditioning the approval of the plat on the recordation of a permanent restrictive covenant restricting occupants of the proposed plat to persons fifty-five (55) years of age or older. The supplemental information obtained by the City, rather than dispelling concerns voiced by Big Fir residents and the undersigned, demonstrate the necessity for the above-requested condition. Without the requested covenant, the MDNS is not compliant with the requirements of SEPA.

I appreciate your attention to my remarks.

FURLONG ✦ BUTLER
ATTORNEYS

Sincerely,

BE Furlong

BRADFORD E. FURLONG, WSBA #12924

/smh

cc: Big Fir Homeowners Association

FURLONG ❖ BUTLER
ATTORNEYS

BRADFORD E. FURLONG
EILEEN E. BUTLER

SARAH HASTINGS, Legal Assistant
MEGAN A. HUNT, Legal Assistant

May 3, 2017

VIA HAND DELIVERY and EMAIL (rebeccab@mountvernonwa.gov)

Rebecca Lowell, CEDD, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

VIA EMAIL (mvengineering@mountvernonwa.gov)

Esco Bell, Director
Public Works Department
City of Mount Vernon
1024 Cleveland Avenue
Mount Vernon, WA 98273-0809

Re: East Village Short Plat, PL16-150

Dear Ms. Lowell and Mr. Bell:

I have previously corresponded with you concerning the development of the East Village Short Plat and the appropriate mitigation measures to be included in a Mitigated Determination of Non Significance (MDNS). In a letter and materials submitted to you on January 31, 2017, we pointed out the severe impact that the proposed Plat would have on the Big Fir community in terms of noise, loss of privacy and, in particular, traffic safety impacts and the value of the homes purchased by the Big Fir residents in reliance on the Covenants imposing 55-year old age requirement for residents in the community. We submitted materials from a very experienced Skagit County Real Estate Broker, G. Walter Meagher, finding that increased vehicular traffic through the development would jeopardize the safety of and impose stress on the elderly residents living in Big Fir, that young children located in the proposed development and walking, running or playing through the Big Fir development would cause upset and that it is quite likely that Big Fir residents would find it difficult to find residents meeting the age requirement at the time they may wish to sell their homes.

Meanwhile, we also provided an extensive report from William Hager, Senior Planner at Maul Foster Alongi. As a Senior Planner of vast experience, Mr. Hager pointed out the severe traffic impacts on the Big Fir community from the proposed development.

I wish to again point out that at least thirteen percent (13%) of the residents of Big Fir North are between the ages of 90 and 96, forty-one percent (41%) are between 80 and 96-years of age and seventy-four percent (74%) are between the ages of 70 and 96 with seventeen percent (17%) between the ages of 55 and 69. These individuals and families moved into the area no doubt in reliance on the age restrictions with an expectation of safety, security, and relative privacy. The City of Mount Vernon, in reviewing the proposed Plat which the developer expects to use ingress and egress through the Big Fir community, has an obligation to these residents.

In an apparent response to these materials and in an attempt to demonstrate that the concerns of the Big Fir Community were misplaced, the City requested an appraisal to be performed by Wayland D. (Dan) Hewitt, a local appraiser and commissioned a response to comments from TSI. Mr. Hewitt's appraisal report is deficient in many respects[1] and, if anything, shows that the concerns of the Big Fir community residents are legitimate. The letter from TSI further confirms the incompatibility of the East Village Traffic with the Big Fir community.

A summary of the defects in the Hewitt appraisal are as follows:

1. Data. Licensed appraisers use comparison sales calculations along with looking at income potential and replacement value of to determine fair market value. Mr. Hewitt's "Consulting Report Summary" is not an appraisal and contains absolutely no data, no comparisons and is conclusory in its nature without citing any actual evidence whatsoever.

2. Inappropriate Plat Comparisons. The first Plat reviewed by Mr. Hewitt is Digby Heights. He comments that the construction of Digby Heights, phase 3 had no effect on the value for phases 1 and 2 (again without citing any data). The failure to provide data aside, what Mr. Hewitt fails to recognize is that Digby Heights does not include any age restrictions in its covenants. Therefore the comparison made has absolutely no application to the impacts of East Village on the Big Fir community.

   Second, Mr. Hewitt looked at the Twin Brooks development. Mr. Hewitt notes that Phase 3 was the last developed and there has been no loss of value from phases 1 or 2 due to residents from Phase 3 driving through their neighborhood to gain access to East College Way and Highway 9. Mr. Hewitt's review of Twin Brooks sheds absolutely no light on the effect that East Village will have on Big Fir because the entirety of the Twin Brooks plat is over 55. Indeed, the approach taken by the developer to add additional phases to a community which is completely over 55 is

---

[1] The report also contains factual errors that further demonstrate its unreliability:

- Page 6, under "Assessment and Tax Information," the subject parcel number "**P27310**" mentioned is incorrect; the correct parcel number for the Kiesel property is "**P28003**." The related tax and valuation numbers are therefore incorrect.
- Page 11, under "Site Analysis," "East Village" the subject parcel size of "**20.67 acres**" is incorrect; the Kiesel property, **P28003**, is per the Assessor's records, **13.39 acres.**

exactly the approach that the City should take here: Require that East Village be limited to residents 55 years of age or older.

Lastly, Mr. Hewitt makes reference to the Highland Greens development. The developer in Highland Greens recorded covenants that designate Division V as senior housing. A review of the Plat map filed under Skagit County Auditor's File Number 200804070155 shows clearly that Division V is located on the East side of North 30th Street with no ingress or egress there provided to any of the other Divisions within the Highland Greens PUD. North 30th Street gives the elderly residents in Division V access to an arterial street. No resident of any of the Divisions of Highland Greens will use Division V for ingress or egress. There is no basis whatsoever to compare Division V of the Highland Greens PUD to Big Fir North and East Village.

The appraisal report provided by Mr. Hewitt provides absolutely no salient information that would discount the conclusions reached by Mr. Meagher or Mr. Hager. Indeed, by demonstrating that other senior housing in the Mount Vernon area does not serve as ingress and egress for leapfrogged general development, Mr. Hewitt's report actually illustrates a proper approach to planning and permitting for senior housing and adjacent general population housing.

The letter from Transportation Solutions, Inc. (TSI) is equally suspect and, like the report of Mr. Hewitt, demonstrates that a restriction on the age of residents in the East Village subdivision is appropriate.[2]

First, it is particularly notable that TSI finds that the comfortable travel speed through the very tight streets of Big Fir is 15-17 miles per hour. In other words, it's a tight space, has numerous residential entrances and many sharp curves, not to mention elderly drivers. It is almost beyond belief that any responsible traffic engineer would expect new, teenaged drivers or young parents wishing to get their children to school and get themselves to work on time would respect the "comfortable" speeds that are required for safe navigation through the Big Fir community. Further, to assume that it is appropriate to locate a general population to the East with access only through narrow streets in an elderly residential community is patently irresponsible. It is frankly astounding that the traffic engineer is unconcerned with the mixture of young drivers and older drivers. He appropriately notes that these two age groups (16-19 and over 80 years) old have a high incidents of traffic fatalities and accidents. Therefore, he concludes that mixing them is appropriate. Any person with an ounce of common sense would understand that the problems associated with the young drivers is the excessive speed at which they drive. To mix these high speed drivers who are prone to accidents and with elderly drivers who tend to drive slower and may lack the requisite attention and response time of younger drivers is a recipe for disaster.

In short, it is obvious that the City's attempt to "rebut" (Ms. Lowell's word) the information provided by the Big Fir experts only serves to illustrate further why the requested limitation to 55 and older residents in the East Village plat is a necessary SEPA mitigation measure.

The putative estimates for ingress and egress directly to Blackburn provided by the developer contain almost no substantiation. Whether these numbers are accurate or not, they demonstrate

[2] The letter is not a "Traffic Engineering Study" and is not stamped by an engineer, undermining its value.

one thing: the site chosen for this development is very poor. One option under SEPA review is "no build," which likely is the most appropriate and responsible determination for the Mount Vernon Planning Department to make given its SEPA review. At a minimum, it demonstrates that if the use of the Big Fir community for ingress and egress is the only viable option, protecting the Big Fir community by imposing mitigation on the project to house only citizens 55 years of age or older, such as in the Big Fir community, is really the only viable option. The conclusion is inescapable and within the City's authority under SEPA and the Mount Vernon code for approval of subdivisions.

Finally, imposing this mitigation measure is consistent with the developer's expectations. He writes that older individuals are appropriate buyers for the homes he plans. Therefore, it is difficult to understand why the City would not take the step to make sure that is exactly the type of resident that lives in that type of community, *i.e.*, over 55 years of age, and no others. To do so will meet the legitimate development expectations of the developer and carry out the City's duty to appropriately condition this project to assure the welfare and safety of its citizens.

I appreciate your attention to my remarks.

FURLONG & BUTLER
ATTORNEYS

Sincerely,

BRADFORD E. FURLONG, WSBA #12924

BEF/smh

cc: Big Fir Homeowners Association

#2

RECEIVED
CITY OF MOUNT VERNON
MAY 15 2017
C.E.D. DEPARTMENT
BY_____

May 15, 2017

Ms. Rebecca Lowell
Senior Planner, Community & Economic Development
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

RE: East Village Short Plat, PL-16-150

Dear Ms. Lowell,

We are opposing the development called East Village adjacent to the Big Fir North (a 55+ community). The new development will be using Balsom Lane in our community for access to East Village. Balsom Lane is narrow. They also plan to use the entry and exit road from LaVenture to our community. The street is very narrow and will be damaged by heavy equipment vehicles. Big Fir North is responsible for the maintenance and landscaping in that area.

We are a small well kept community and we are a big plus to the city of Mount Vernon.

East Village developers should consider being a 55+ community and not a multi family neighborhood.

Access into East Village should be through East Blackburn Road.

Sincerely,

Floyd & Lucille Nelson

Floyd and Lucille Nelson
1751 Grand Avenue
Mount Vernon, WA 98274

5/15/17

To whom it may concern:

I would like to strongly object to the proposal to extend Balsam Lane for development.

We have a quiet, established community & would like to keep it that way.

I feel going from Blackburn

2

Road is a better solution.

Thank you for your attention to our concerns —

Norma Hartley
Lot 40
1750 Grand Ave

RECEIVED
CITY OF MOUNT VERNON
MAY 17 2017
C.E.D. DEPARTMENT
BY_____

Lowell, Rebecca

From: Allene Quall <aquall_@hotmail.com>
Sent: Tuesday, May 16, 2017 1:28 PM
To: rebecca@mountvernonwa.gov
Subject: MDNS East Village Proposal

May 16, 2017

A proposal to allow access to MDNS East Village is being processed, but has not been approved.

Please consider carefully the impact this will have on senior citizens in Big Fir North who have been in a "no outlet" community for nine years.

Logging trucks, construction equipment, as well as numerous cars will forever change this cul de sac community if Balsam Lane becomes a thoroughfare.

If this is allowed, it would be a poor precedent.

Dave & Allene Quall
1876 Silver Loop Mount Vernon WA 98274
Big Fir South

#2

RECEIVED
CITY OF MOUNT VERNON
MAY 16 2017
C.E.D. DEPARTMENT
BY_____

Subject: EAST VILLAGE SHORT PLAT, PL16-150

From: lajune bromels (llbromels@yahoo.com)

To: ~~bobh@mountvernonwa.gov~~;

Date: ~~Thursday, January 26, 2017 6:19 AM~~ May 10th, 2017

I am writing to you in reference to the East Village Short Plat, PL16-150 request to access the development through the Big Fir North Community.

I spent several years financially planning my move to an age restricted community, where I could live in a safe, quiet, and controlled environment with residents seeking the same.

I am asking that you please consider disapproving the short plat request based on the promises made to me by the Big Fir covenants and the City of Mount Vernon's approval of Big Fir as a planned unit development , based on the restrictions and design of the community to house elderly residents prior to purchasing my home.

The Big Fir Cpmmunity was designed to unity expectations of the residents of the Big Fir Community. Without age and traffic restrictions, the safety of Big Fir residents will be compromised, our quiet and tranquil community will be lost, and the resale value of our homes will be heavily impacted.

I feel that the development of East Village could proceed without infringing on the Big Fir community by either restricting the ownership of and occupancy of residence to persons 55 years of age or older; or by requiring arterial access to the plat via the owners land that runs to East Blackburn Road.

Thank you in advance for your consideration in this very important matter that effects many senior citizens.

LaJune Bromels
2217 Noble Ave, Mount Vernon Wa

LaJune Bromels

#12

RECEIVED
CITY OF MOUNT VERNON
MAY 16 2017
D. DEPARTMENT

May 10, 2017

To: City of Mount Vernon
Development Services Department
PO BOX 809/910
Cleveland Ave, Mount Vernon Wa 98273

Attn: Rebecca Lowell

RE: Short Plat P28003 East Village Short Plat PL 16-50

From: John and Jeanne Van Dyke
1867 Fraser Ave
Mount Vernon Wa
Lot 14 Big Fir South

It has come to our attention that The City of Mount Vernon has re-issued its environmental analysis of the East Village proposed Short Plat.

After reviewing the MDNS it does not address some basic flaws of the Short Plat. The main objection is the impact this development has on the existing neighborhood profile. It not only is adjacent to a 55 and older subdivision, but to gain access to this property the residents will have to traverse and use the streets of Big Fir. These streets were not wide enough nor designed for 2 way traffic. It does not only contradict the use of the neighborhood it also poses a very real safety hazard. Access to the 7 lots will wind through a neighborhood with streets designed for a senior environment and now will be introducing the potential of additional traffic addressing a younger demographic profile.

Please consider this and either deny the application as submitted, or have it modified to be neighborhood friendly.

Thank you,

John and Jeanne Van Dyke

RECEIVED
CITY OF MOUNT VERNON
MAY 16 2017
C.E.D. DEPARTMENT
BY_____

May 10, 2017

City of Mount Vernon

Development Services Department
PO Box 809
910 Cleveland Avenue
Mount Vernon, WA 98273

ATTN: Rebecca Lowell

Re: East Village Short Plat PL16-150

Dear Ms. Lowell:

We are homeowners in the Big Fir Community and writing to express our concern over the proposed development of the neighboring Kiesel property by Samish Bay Land Company.

Our selection of a retirement home in this neighborhood was based exclusively on the "character" of the community created by the privacy and limited access of this development. The sense of safety and security afforded by minimizing traffic past our homes and limiting home ownership to the "retired" set cannot be overstated.

We urge the City to please consider the effects on the more than seventy families of retired and elderly folks who will be impacted by the development of the East Village plat. There must be some steps that can be taken to mitigate the impacts of this development, both pre and post construction, which would minimize the dangers to our residents.

It has been suggested that access to the short plat via E. Blackburn Road instead of South LaVenture Road would be a possibility. Also, suggesting an "Over 55" community to the developer is another.

Very Truly Yours,

Richard and Darlene Jakielski
1926 Silver Loop
Mount Vernon, WA 98274

#12

RECEIVED
CITY OF MOUNT VERNON
MAY 16 2017
C.E.D. DEPARTMENT
BY_____

May 15, 2017

Rebecca Lowell, Senior Planner
Development Services Department
City of Mount Vernon, WA 98273

RE: East Village Short Plat PL-16-150

Dear Ms. Lowell,

Some of us in the Big Fir Community are no longer using our computers but we do want to express our continued concerns with the additional documents recently received. A neighbor has helped us compose this letter, as we continue to oppose this multi-aged development with access only through Big Fir North.

Reviewing the letter from TSI:

- **We "would not experience significant changes in driveway access or roadway congestion."**
- **Their conclusion "The development of East Village Plat will not have significant short or long term traffic impacts on the Big Fir North Community."**

The additional estimated 67 vehicle trip per day through our community is a significant increase in traffic and congestion in our community.
We already experience longer wait time exiting Big Fir North; even though it is a school zone, cars are not traveling within the posted speed limit.
The addition of East Village will add to this congestion waiting to exit Big Fir North and traffic along LaVenture.

- **TSI also states our roads "are designed for low-speed vehicle operation", "drivers can only travel comfortably at 15 to 17 miles per hour."**

We find it very difficult to believe that young teenage drivers or parents will only travel at 15 to 17 mph within Big Fir North, for example getting their children to school, extra-curricular activities or to work on time. The mix of two age groups of drivers within our current community and the design of our roads seems a recipe for disaster.

Review of the Hewitt Appraisal Service Report analysis of conclusions:

- **"the market would typically be expected to absorb the existence of the easterly lots as a matter of course and not react to an economic manner any differently than to any other competitive 55 and older purchase opportunities in competing subdivisions..."**

This does not address our concern of the impact of our property values and the ability in the future to sell our home (that we had purchased in a 55 plus community) with a multi-aged development built within our 55 plus community. We wonder if potential 55 plus buyers would look elsewhere considering the design and addition of this multi-aged development within our 55 plus community.

Comparisons are made to Big Fir Community with other 55 plus communities such as Twin Brooks and Woodside. Neither of these compare to Big Fir Community. Big Fir Community is unique, we have only ONE access point of entrance/exit, and have no through streets.

Our opinion is that the development of East Village could proceed without infringing on the Big Fir Community by either restricting the occupancy of residences to persons 55 plus or by requiring access to the plat via the owner's land that runs to East Blackburn Road.

Sincerely,

Evan A Powers

Evan Powers
1701 Grand Avenue
Mount Vernon WA 98274

Lorraine E. Mills

Lorraine Mills
1759 Grand Avenue
Mount Vernon, WA 98274

Lin H Craft

Lin Craft
1720 Grand Ave
Mount Vernon WA 98274

Beverly VanderVoet
Dick Van der Voet

Dick and Beverly VanderVoet
2221 Noble Street
Mount Vernon WA 98274

#2

RECEIVED
CITY OF MOUNT VERNON
MAY 16 2017
P.D. DEPARTMENT
BY

May 15, 2017

Rebecca Lowell, Senior Planner
Development Services Department
City of Mount Vernon, WA 98273

This is to respond to the new information received relating to **East Village Short Plat PL16-150.**

The documents compare Big Fir North to that of Twin Brooks and Woodside and compatibility to the adjacent multi-age developments. Big Fir North does not compare to these 55+ communities. Big Fir North has ONLY ONE point of entrance and exit; there is a 'No Outlet' sign as the street dead ends in our community, which is unique to this 55+ community. Both Twin Brooks and Woodside have more than one points of access for entrance and exits available to their community.

Big Fir North is unique with having ONLY ONE point of entrance and exit; having to share this single access point with a separate multi-age development lacks respect for this 55+ community. The situation would be different if there were more than one point of entrance and exit for East Village Short Plat, or if East Village Short Plat is designated as a 55+ community to be similar to that of Big Fir North.

Contrary to the report from TSI: There will definitely be a significant impact of increased traffic with the addition of East Village Short Plat for the current residences of Big Fir North. The addition of the estimated 67 vehicular trips per weekday through the narrow roads within Big Fir North remains a concern especially relating the increase volume, speed and safety of our residents. All traffic in and out of East Village will have to drive all the way through Big Fir North. The reports assume the East Village traffic will take the shorter route in Big Fir North, using the eastern portion of Grand Avenue. Exiting makes sense; however, entering is more likely to be different. The longer route going around Grand Ave. is often preferred due to the stop sign on the corner of Noble and Grand Ave, making it the quicker route.
We have friends at Twin Brooks that tell us of problems especially relating to the younger drivers that speed through their neighborhood to get to their homes in Skagit Highlands.

Already it is frequently difficult (depending on the time of day) exiting Big Fir North. Prior to the extension of LaVenture Road to Anderson and I-5, there used to be a 4-way stop sign at this intersection. The posted speed limit is 25 on LaVenture, and it's a school zone, cars are going much faster, which along with the increased volume of vehicles on LaVenture contributes to the already longer wait times exiting Big Fir North. The addition of the traffic from East Village will most certainly add to this congestion.

RE: Hewitt Appraisal Service report. The issue still remains as a homeowner in Big Fir North regarding our property values, and the ability in the future to sell our home as a 55+ community if there is a multi-age development built within our 55+ community. I think this unusual situation would be a definite deterrent and cause potential 55+ buyers to look elsewhere.

Long-term plan for the growth and development of Mount Vernon – it seems using access through East Blackburn Road would make it more attractive for people who want to move to and purchase homes in Mount Vernon.

Sincerely,

Donna Yu

Donna Yu
1748 Grand Avenue
Mount Vernon, WA 98274

#2

RECEIVED
CITY OF MOUNT VERNON
MAY 16 2017
C.E.D. DEPARTMENT
BY_____

Rebecca Lowell, Senior Planner
Development Services Department
City of Mount Vernon, WA 98273

16 May 2017

This letter is in response to the latest information regarding the East Village Short Plat PL16-150.

Regarding "New Information Identified Within the MDNS":
This was done by Hewitt Appraisal Services.
All I can say is:
We are losing a nice bit of nature that we love!

Regional and Statewide Analysis:
Subject – Site Analysis:
East Village: This analysis states the plan is "the seven new lots are scheduled to be accessed by extending an existing street known as Balsam Lane".
Note- This lane is not a street. It is too narrow for traffic and will be a problem for access.

This analysis also states "Traffic into and out of East Village will be required to transit the Big Fir North subdivision ---".
Note -The entrance and exit roadways are sharply curved roadways to La Venture Road and are already a point of congestion for the community. With additional traffic from East Village the vehicles will back up significantly waiting for La Venture traffic to be open enough to enter.

Big Fir North (BFN) has a detention pond for storm water drainage of this community. The increased road traffic through this community will place additional impact on this pond capacity to mitigate the tire and oil debris from the East Village vehicles.

Regarding comments "Opinion -- Potential Economic Impact":
The report states there will be more usage of Noble Street because it is the shorter route through the community. This is an assumption that is not based on fact in this community and will not likely be true for East Village people. There are sharp turns and stop signs at each end of Noble Street and many residents prefer to make the sweeping loop around Grand Avenue – especially since there is no necessity to stop at a stop sign. This will be distinctly true for the construction trucks. If school age people drive through it is anyone's guess what they will do.

This report then discusses phase 3 and phases 1 & 2 of Digby Heights. To my knowledge none of these homes are listed as 55+ only. BFN is listed as 55+. There will

be a loss of property value if the BFN community supports a multi-age family area with private road access. This comparison does not correspond to the real situation.
This is also not true in the arguments for Twin Brooks and also Woodside. Twin Brooks has a street called Glacier entering the community and Woodside has a street named Broadway leading into it besides each having their own entrances.
These arguments are not therefore convincing to suggest that there will be no effect on BFN property values. The East Village, as proposed, has no other option than to use Big Fir North for access to their property.

In my view:
East Village should be designated for 55+ occupants and not for multi-age families in keeping with Big Fir North. It will make for a much more relaxed situation all way round.

This is in rebuttal to the comments made by TSI.

Traffic Volumes:
The existing roadway in BFN is commensurate with 55 + age traffic - this is why many of us chose to live in this community. Adding 67 trips per day through this sharp turned roadway will significantly add to congestion and confusion to the elderly attempting to back out of their short driveways. In some cases it has taken some of our elderly 2-4 min. to get into the roadway from their property. To think of several more cars coming around the curved roadway with these people trying to back out of their driveway is frightening - to say the least.

Vehicle Speeds:
The comments regarding the street speed are more like statistics read out of a book. Balsam Lane is not a street and was not meant for two-way traffic. To place seven homes of single-families as an extension of this lane will allow people from these homes to hurry to their respective daily tasks. Current drivers do not seem to respect speed signs when they are late getting to where they need to be. This is especially true for young drivers.

Young Drivers:
Again TSI uses statistics to show that fatal accidents are similar for 16-19 and 80 year old people and conclude from this information that accidents are no more likely to occur in our community arguing that since there is similarity in fatality rates that this is pertinent to accidents to this setting. The roadway of BFN is not a valid comparison for the statistics stated. Besides this - it seems TSI is willing to set up a "Perfect storm" of young vs old in a congested community.

Pedestrian Safety and Construction Traffic:

The roadway in BFN now has been in place for roughly ten (10) years with all the homes and driveways in. The original construction traffic was no problem at that time – now construction traffic will be a big problem for the occupants in this loopy roadway. The entrance into BFN is a narrow constricted curve and there is a 90+ woman living at this entrance. She has trouble backing out of her driveway due to the curve obstructing her view. In addition, Balsam Lane is even narrower and is constriction for any type of traffic. There will be many trucks traversing the roadway during construction. TSI seems to think this is trivial – I don't believe this will be the case for the construction traffic even for short term construction. I believe the long term traffic impact will very likely have a significant impact with multi-age family traffic using the BFN roadway going to and from work, shopping and school.

Therefore please consider:
It is much more sensible to make the new seven home additions in East Village be designated for 55+ occupants commensurate with the people in the BFN community. This way everyone using the two communities will have the same mind set and actions.

Sincerely,
Larry Sieker

Larry C. Sieker
1748 Grand Avenue
Mount Vernon WA 98274

Lowell, Rebecca

From: domm7@aol.com
Sent: Monday, May 15, 2017 3:40 PM
To: Lowell, Rebecca
Subject: East Village Short Plat, PL16-150

Follow Up Flag: Follow up
Flag Status: Flagged

To: Rebecca Lowell

I would like to address the following points under the ADDITIONAL COMMENT PERIOD as per the letter sent to me by the city.

1.) The increase in the traffic flow in Big Fir North from current to the flow with East Village is substantial in the amount of trips into and out of Big Fir North. That amount of traffic greatly increases the danger for our older residents. That extra traffic will impact their driveway access as well. The safety element is of great concern as all ages will be intertwined there. I would ask for consideration of a 55 and older community to be built that would keep with the safe quality of life we now have here in Big Fir.

2) I feel that the consulting report summary did not take into consideration our concerns for living in a city that hopefully cares and has support for the quality of life we here in Big Fir have for ages 55 and over.

3)The alternative analysis for the Blackburn Road extension dated 3-17-17 should be closely looked at as the developer would be coming off Blackburn in future possible development. To do that would alleviate the total disruption of senior folks who live walk and drive in Big Fir North.

Thank You,

Donna Minahan
Big Fir Boardmember

May 15, 2017

RECEIVED
CITY OF MOUNT VERNON
MAY 17 2017
C.E.D. DEPARTMENT
BY_____

Rebecca Lowell
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

Dear Ms. Lowell,

As Big Fir North residents, we are writing to you again with many concerns and questions regarding the ***TSI*** and ***Hewitt*** reports. We feel that these reports were very deficient, filled with **gratuitous assertions,** without real data or evidence to back up these assertions.

The TSI report combines teen drivers with elderly (80 plus) drivers, saying that both groups have high incidents of traffic fatalities and accidents. Perhaps this is true. But this is not what we are concerned about. Young teen drivers drive at much higher speeds than do elderly drivers who drive much slower. The elderly drivers may lack the attention and response time of the teen drivers, which could cause many problems. We simply do not want fast, teens drivers racing through our neighborhood. Also, to add 67 more trips through our very quiet neighborhood is very disturbing. As of now, it is very hard to get out of our development onto LaVenture because of the high volume of cars at certain times of day. To add 67 more trips in and out of our development is ridiculous.

The Hewitt report also seems to compare Big Fir North, inappropriately, to other developments. Digby Heights is a multi-aged development. It says that phase 3 has no effect on the value of phases 1 and 2. But it is the same development, not another development, and not age restricted like Big Fir. This comparison to Big Fir and East Village makes no sense. The same is true of Highland Greens where the senior portion of the development is north of the multi-aged section with no residents driving through the senior section to get to the multi-aged section. The comparison to Twin Brooks and Woodside (both age restricted 55 plus developments) should not be made because both developments have two ways in and out. Big Fir does not. Also, the buyers of both developments knew ahead of time that they were buying into a development which is adjacent to and has access to a multi-aged development. We know people in Twin Brooks, and they have told us that most people in Twin Brooks are not happy with the Highlands having access to their development because of the increased traffic, skateboards, go carts, kids and even drug deals going on in Twin Brooks.

We in Big Fir pay a monthly HOA fee to maintain our entrances in the north and south. We hire a landscaping company and buy flowers 4 x's a year to maintain and beautify these entrances. East Village residents will be using our entrance to get to their homes. Will they be contributing to the maintenance of our entrance???

Why would the City of Mount Vernon allow a developer to build 7 homes on 2-3 wetlands? This site is a very poor choice to build 7 homes on. We in Big Fir have had plenty of problems with soggy back yards and water in our crawl spaces with many homes having to install sump pumps. Our homes are built on clay where the drainage is very bad. To add to our drainage problems, we get lots of drainage from the Mount Baker/Little Mountain school property just north of us. All this drainage will affect the homes of East Village, as well. It seems insane to allow a developer to build on the East Village plat. Why can't the developer build south of Maddox Creek on the southern half of the property, with access from Blackburn? And even if the developer builds on the East Village Plat, why can't he access this plat through Blackburn? The address of the East Village site is 2437 East Blackburn Road, not LaVenture.

Because we live on Balsam Lane, less than 50 feet from the entrance of East Village, we do not relish the future with East Village practically next door to us. We do not look forward to the months of dust, noise and huge trucks driving by our home during the build. And we do not look forward to 67 cars driving by our home daily, because now we have 1 neighbor to the east and 1 car driving by each day.

We realize that there is not a legal basis to require the developer to access East Village from Blackburn, but we feel there is an ethical one. The environmental impacts of access from Blackburn to East Village seem negligible, but the "quality of life" impacts to Big Fir North residents are huge.

We ask that you protect our peaceful and quiet neighborhood. We have all worked very hard our whole lives. Now, as seniors, we look forward to peace and quiet.

Thank you for your consideration.

Don Espen
Mary Espen

Don and Mary Espen
2241 Balsam Lane
Mount Vernon, WA 98274

1746 Grand Ave.
Mount Vernon, WA 98274
May 16, 2017

RECEIVED
CITY OF MOUNT VERNON
MAY 17 2017
C.E.D. DEPARTMENT
BY_____

Rebecca Lowell, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue,
Mount Vernon, WA 98273-0809

Subject: East Village Short Plat – PL16-150

Rebecca Lowell,

My wife and I are residents of Big Fir (North) Lot 42 and object to the proposed development called East Village.

The Big Fir development is an over 55 community and most residents are well over 55 and as such we are a community that has some disabled residents who traverse the community in walkers, canes or wheelchairs. East Village development is incompatible with that environment. It's a safety issue especially during construction. Moving 1300 cubic yards through Big Fir North is not acceptable. Also as it has been pointed out mixing older and younger drivers would result in greater chances of accidents.

Why the developer has designated East Village with no age restriction is not understandable. We moved in to Big Fir North with the understanding we would live in an area that has people of similar ages. Why mix two incompatible groups of people? The city's own permit file for the Big Fir PUD has covenants that state the properties are for 55 and older.

We do not understand why access from East Blackburn is not a viable solution. That would eliminate the mixing of incompatible age groups and shunt the construction traffic and follow-on access away from the Big Fir North tiny streets.

My wife and I feel that we are being ignored in our opposition to the East Village development. Our community has voiced strong concerns and they seem to be falling on deaf ears. When I look at the documentation that has been put together for the project our concerns have been not truly addressed. The City has found people willing to support the City and the Big Fir North information has not been accepted.

Please do not allow access to East Village through Big Fir North.

Robert J. Hallberg

Diane M. Southworth

May 18, 2017

RECEIVED
CITY OF MOUNT VERNON
MAY 18 2017
C.E.D. DEPARTMENT
BY_____

Rebecca Lowell, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue,
Mount Vernon, WA 98273-0809

Reference: East Village MDNS

Dear Ms. Lowell,

We are contacting you to provide our response to the additional comment period regarding the East Village MDNS.

TSI Transportation Solutions, Inc.

Increased Traffic Volumes: Given our next-door proximity to the new East Village development, we will be adversely affected by the increased traffic volume on Balsam Lane. We believe we will see significant changes in driveway access, roadway congestion and parking availability for family and friends. The statistics given for traffic volume seems exceedingly low. An example is only allowing for less than one person in each household leaving for work or school each day.

Pedestrian Safety: Balsam Lane, the proposed entrance to East Village, does not have 5-foot wide sidewalks and 4-foot wide landscape buffers on both sides as stated in the TSI 3/20/17 letter. Given that Balsam Lane is also particularly narrow we envision pedestrian safety issues.

Construction Issues: We are very concerned that given the narrower streets and short radius horizontal curves heavy truck traffic will likely have a detrimental impact on the roads, trees and the parking strips.

Hewitt Appraisal Service

Site Analysis East Village: We have no issue with the East Village site being built, although would highly prefer that it be separated from our community or be restricted to age over 55 individuals, as we were assured in the sale of our homes. Without that restriction, we feel strongly that ingress and egress should be from Section or East Blackburn Road. We question why there is no other legal access to East Village other than Balsam Lane. What about access from East Blackburn? It would indeed require a bridge over Maddox Creek plus a longer access road but that is something that the builder should be analyzing prior to making a decision on the property.

Opinion of Estimated Potential Economic Impact: We believe traffic flow will affect <u>all</u> 48 Big Fir North lots not just 27 as suggested in the appraisal with the biggest impact to the residents of Balsam Lane as this road is narrower than the other roads in Big Fir. Please see our comments under Increased Traffic Volumes.

Sincerely,

Tom and Cheryl Rodewald
2245 Balsam Lane

Linda Ekstrand
1941 Fraser Avenue
Mount Vernon, WA 98274

May 15, 2017

RECEIVED
CITY OF MOUNT VERNON
MAY 18 2017
C.E.D. DEPARTMENT
BY_____

Rebecca Lowell, Senior Planner
Community & Economic Development Department
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

Re: Skagit County Parcel P28003

PL16-150 East Village Short Plat

Dear Ms. Lowell:

Concerning Mitigated Determination and Notice of Public Hearing of the above proposed short plat (proposed project site at 2437 E. Blackburn Road), I am submitting these comments in lieu of oral addresses at the hearing.

I refer you to my initial comments on this proposed development of January 25, 2017. There I listed 5 particular concerns and objections to the project. Those concerns and objects still stand.

As I write this letter I wonder if you are in the least interested in the human cost of an approval of this project or any part of it. In the professional consideration and approval of applications such as these by the C&ED Department, do the opinions of neighboring homeowners ever carry any weight? Or does the public hearing meet some processing or statutory requirement when the testimony of the public is not likely to make any difference at all.

My hope is that this time C&ED Development will consider the real consequences to real people when making this decision.

Please reject this project as proposed, specifically as to traffic, drainage, safety and the human toll.

Very truly yours,

Linda Ekstrand

RECEIVED
CITY OF MOUNT VERNON
MAY 18 2017
C.E.D. DEPARTMENT
BY_____

May 13, 2017

Rebecca Lowell, Senior Planner

Community & Economic Development Department

City of Mount Vernon

910 Cleveland Avenue

Mount Vernon, WA 98273-0809

Re: PKL16-150 East Village Short Plat

Dear Ms. Lowell:

This is primarily a repeat of my January letter to you with a few additional comments.

In a prior life I worked with developers, sued developers and did a development my self . I understand the demand of growth by the city but we as citizens demand a safe and secure neighborhood. Routing busy traffic through a 55 and older planned development is not the way to accomplish it.

Big Fir, North and South, is made up mostly of residents aged in our 60's, 70's and 80's. It is relative quiet, low volume traffic and no through traffic. There are no children, one of the largest selling points of any 55 and older planned developments. It was sold this way and we purchased our home here because we wanted to live in a development of this lifestyle.

Landed Gentry once held an option on this Keisel property and described it as an eventual expansion of Big Fir North and South. A number of Big Fir homes were purchased based on that expansion being part of a 55 and older development.

When Samish Bay Land Company originally discussed developing the entire parcel, Mr. Prutzman suggested, (verbally,) that they would eventually remove one house on Blackburn and provide access to

a portion of the development off Blackburn. Bring the road in from the south, bridge Maddox Creek and eliminate access through Big Fir. Were the entire project done this way I believe most of the objections about this development would be eliminated.

Your job is not to make the developer's job easier or more profitable. Mr. Prutzman's step of taking the south parcel off the table, doing the north parcel with no bridge and then later doing the south saved him the money of a more expensive approach. The bigger issue is now, should this project be approved, it will have established precedence and save him money by simply driving the access from the south parcel into Big Fir South rather than out to Blackburn. **And if this happens, as I understand The Fair Housing Act, Big Fir no longer qualifies as a senior housing facility**!

Again, I know the world hasn't yet found a means to avoid growth and developments in the city are inevitable. But destroying the lifestyle of seniors in what is probably their last home is absolutely absurd. Either develop the property as a 55 and older planned development or bring in access to the entire project from Blackburn.

Thank you,

Stephen M. Ekstrand

1941 Fraser Avenue

Mount Vernon, WA 98274

360-899-4922

RECEIVED
CITY OF MOUNT VERNON
MAY 18 2017
C.E.D. DEPARTMENT
BY_____

May 16, 2017

Ms. Rebecca Lowell
Senior Planner, Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

Reference: East Village Short Plat, PL16-150

Dear Ms. Lowell,

This letter is to ask how the City of Mount Vernon can support the referenced multi-age development whose only access is through the age restricted, over 55 Planned Unit Development of Big Fir North and to request the City's help and protection from this development that seeks unimpeded access through the Big Fir Community. The Big Fir Community was designed for quiet living for 55-plus residents and any additional traffic through the community, especially traffic from a multi-age development will destroy what was originally planned and approved by the City.

We are seeking protection of our community, our personal safety, and our expectation of a safe and tranquil community we were promised by the covenants and PUD approved by the City in 2007. It appears the City of Mount Vernon did not take serious the information provided by our attorney, Bradford E. Furlong, and the extensive reports from Mr. G. Walter Meagher, an experienced Skagit County Real Estate Broker and from Mr. William Hager, Senior Planner at Maul Foster Alongi.

Mr. Meagher reported findings that the increased vehicular traffic through the development would jeopardize the safety of and impose stress on the elderly residents living in Big Fir, that young children located in the proposed development and walking, running or playing through the Big Fir development would cause upset and that it is quite likely that Big Fir residents would find it difficult to find residents meeting the age requirement at the time they may wish to sell their homes.

In addition, Mr. Hager's findings pointed out the severe traffic impacts on the Big Fir community from the proposed East Village Short Plat development

Big Fir North residents have an average age of over 70 and many residents are in their late 80's and 90's. Many residents regularly walk in the neighborhood and the increased traffic both during construction and from the new multi-age neighborhood would be very problematic if not dangerous.

We are concerned that the proposed development will increase traffic by multi-age drivers (teens with cars, parents transporting minors to various activities, etc.).

We are concerned that the multi-age development will increase pedestrian traffic through our age restricted community (skate boards, bicycles, motor cycles, minors walking to and from school, etc.).

We are concerned with construction traffic through Big Fir North. Our roads are narrow and under sized with sharp 90 degree turns and very limited space for turning. We are concerned about large construction vehicles trying to navigate our roads without damaging our property. The entrance to Big Fir North is particularly problematic for large vehicles given its configuration (curve) and the 90 degree turn that is required off of LaVenture.

We are concerned that Big Fir property will decline and resale of our homes will be negatively impacted since access to the proposed development will only be through Big Fir North age restricted community.

We are additionally concerned that there may not be "sufficient funds" set aside by the developer of the project as a result of unforeseen project damages, delays, cost overruns or other economic factors that would have an adverse impact on Big Fir Community residents.

We feel the public safety and general welfare of Big Fir North residents will be negatively impacted by the development of East Village if approval is not limited to: (1) persons 55 or older; or (2) access changed to come in from East Blackburn Road. We feel if neither condition is imposed, that the application for short plat should be denied.

We feel in addition to the public safety and general welfare of Big Fir residents that the appearance of our community will be compromised, our quiet and tranquil community will be lost and the value of our homes, in which we invested precious funds heading into retirement, will be lost.

Sincerely,

James and Karen Robinson

James and Karen Robinson
1611 Grand Avenue
Mount Vernon, WA 98274

Lowell, Rebecca

From: Mike Karpelman <mikarpe@hotmail.com>
Sent: Thursday, May 18, 2017 2:49 AM
To: Lowell, Rebecca
Cc: MVengineering; Mike Karpelman
Subject: MDNS Comments - East Village Short Plat, PL16-150
Attachments: 2017-05-18 Karpelman Ltr PL16-150 MDNS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Rebecca,

Please see the attached document named "2017-05-18 Karpelman Ltr PL16-150 MDNS.pdf" wherein we provide our comments regarding the MDNS of the East Village Short Plat, PL16-150.

Thank You,
Mike Karpelman and Elizabeth Igoe
1958 Fraser Ave
Mount Vernon, WA 98274-6153
E-mail: mikarpe@hotmail.com, Phone: 425-269-5791

Mike Karpelman and Elizabeth Igoe
1958 Fraser Ave
Mount Vernon, WA 98274-6153
E-mail: mikarpe@hotmail.com, Phone: 425-269-5791

May 18, 2017

City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809
Phone 360-336-6214, Fax 360-336-6283

To: Rebecca Lowell, Sr. Planner, Community & Economic Development Department (rebeccab@mountvernonwa.gov), **via e-mail**
Cc: Esco Bell, Director, Mount Vernon Public Works Department (mvengineering@mountvernonwa.gov), **via e-mail**
Re: MDNS Comments - East Village Short Plat, PL16-150

Good Day,

We are writing to provide comments, limited to the below listed new information used to inform the issuance of the East Village Short Plat, PL16-150 Mitigated Determination of Non-Significance (MDNS). Please refer to your document titled "**MDNS ENV REPORT with ATTACHMENTS PL16-150.pdf**".

- Regarding the "Letter responding to traffic comments dated March 20, 2017, from Transportation Solutions, Inc." (pages 30, 31, and 32 of the referenced document):
  - The TSI letter seems ignores the fact that as of January 21, 2017 Big Fir North resident's ages include 13% of over 90 years old, 41% over 80 years old, and 74% over 70 years old. Many residents have mobility challenges ranging from moderate to severe, and they move slowly with the aid of a cane or canes, walker, or wheelchair. Many residents have vision and/or hearing difficulties, and some have pacemakers or dementia. Our community is currently safe for them to walk for exercise, to cross the street, and or to go to the mailboxes. Life for each of these residents depends on a safe environment.
  - Your common sense tells you that it will be less safe for our residents to walk to the mailboxes, cross the street, or back out of their driveways due to additional traffic, the potential of increased traffic speeds, and inexperienced, inattentive teenage drivers. Teenage drivers and children on skateboards and bicycles are not a good mix in an aging Over-55 community!

- Regarding the "Consulting Report Summary, dated April 10, 2017, from Hewitt Appraisal Service" (pages 33 through 59 of the referenced document):
  - On page 38 of 62, under "Assessment and Tax Information", the subject parcel number "P27310" referenced is incorrect; the correct parcel number for the Kiesel property is "P28003". On the same page, since the wrong parcel was referenced, the tax and valuation information presented is grossly incorrect.
  - On page 43 of 62, under "Site Analysis:" "East Village", the subject parcel size of "20.67 acres" is incorrect; the Kiesel property P28003 is 13.39 acres.
  - Since erroneous parcel number, parcel size, parcel assessment, and parcel tax information was researched and presented, the accuracy and conclusions of this report cannot be assured. Since these errors place the accuracy and validity of the report conclusions in question, this report from Hewitt Appraisal Service should be deemed invalid and inadmissible.
  - Developing P28003 into a multi-age community with its only access via Balsam Lane will not be "in the public interest". This short plat, as planned, will permanently and negatively alter our community's current quiet and safe lifestyle, and it will completely destroy any notion that we are an Over-55 community. How can we possibly be identified as an Over-55 community if teenagers and younger children are constantly traversing our community?

Please put yourself in our shoes and examine how you would feel if you were in your 60's, 70's, 80's, or 90's and this short plat was to be built and impact your community and your lifestyle.

Mount Vernon's goals and commitments include "Creating a Lifetime Opportunity for Residents", "Creating Communities That Are Safe, Free From Violence" and "Creating Communities That Are Designed To Promote Health". These goals are exactly why our residents moved into Big Fir in Mount Vernon, and that is exactly what the City of Mount Vernon provided when it approved the Big Fir P.U.D. in 2007 as "housing for older persons..." "...operated generally for occupancy by persons fifty-five (55) years of age or older..." The City has a responsibility to protect the integrity of the Big Fir P.U.D.

We strongly encourage the City of Mount Vernon to DENY the East Village Short Plat as written, on the basis of the above concerns.

If the East Village Short Plat is approved as a mixed-age community, we strongly encourage the City of Mount Vernon to enforce that the only access to and from East Village should be via E Blackburn Rd, and with Emergency-Only Gated Vehicle Access via Balsam Lane, and with No Vehicle, Pedestrian, or Bicycle traffic through Big Fir.

Thank you for allowing us to comment on this short plat request. Please contact us if you require any clarifications, or if we may aid in any related discussions.

Sincerely,
Mike Karpelman and Elizabeth Igoe

May 17, 2017

RECEIVED
CITY OF MOUNT VERNON
MAY 19 2017
C.E.D. DEPARTMENT
BY_____

Development Services Department
Attention: Rebecca Lowell
PO Box 809/910 Cleveland Ave
Mount Vernon WA 98273

Re: MDNS East Village

A proposal to allow access to MDNS East Village is being processed and we are very concerned. Please consider carefully the impact this will have on senior citizens, many who are 76 to 90+ years of age, in Big Fir North. These people have been living in a "NO OUTLET" community for nine years.

If this is approved, logging trucks, construction equipment, as well as numerous other vehicles will forever change this cul de sac community if the narrow Balsam Lane becomes a thoroughfare.

Please take time to drive there and envision the potential chaos. We strongly object! It would be a poor precedent, indeed.

Dave & Allene Quall

Dave and Allene Quall
1876 Silver Loop/PO Box 1142
Mount Vernon WA 98274
Big Fir South - 360-424-3324

RECEIVED
CITY OF MOUNT VERNON
MAY 19 2017
C.E.D. DEPARTMENT
BY_____

MS. Rebecca Lowell
Mount Vernon Community Economic Development Director
910 Cleveland Avenue
P.O. Box 809
Mount Vernon, WA 98273-0809

Dear MS. Lowell,
I'm writing to you again in regards to the proposed development by Samish Bay Development on short plat PL10-150, which lies just east of the community known as Big Fir North and Big Fir South and abuts East Blackburn Road on the south.

I have read with interest the studies by the traffic and real estate appraisal experts. Both are probably well versed in what they do. Both see no problems with more traffic and the addition of working age people and school age children transiting our community. That's an easy judgment to make, since they don't live here. One thing I'm sure of is that they have not yet experienced the loss of physical vigor and mental sharpness that comes with being over 70 years old. They do not, cannot understand how valuable a peaceful, low traffic, child-free community is to us.

Allowing the developer to access his land through our community means at least a year, probably more, of construction traffic (logging trucks, cement trucks, lumber delivery trucks, and tradesmen's trucks) followed by real estate sales traffic, all coming and going on our low traffic streets. We put up with four years of that while Big Fir North was built out. We know what it's like and prefer not to have to go through that again.

Once the homes are built and sold, since they will be available to those who are still working and raising children, we face the daily traffic of people going to and coming home from work. Children will have to traverse our streets to get to and from school and other youth activities. That means skate boards, bicycles, roller skates, and other youthful means of transport zooming along our streets. When you're in your eighties, as I am, and strolling around the neighborhood, worrying about bicycles and skate boards is something I would rather not have to deal with. Yes, I'm an old foggie! I spent my active years in multi-age communities. I moved here to get away from that.

You can see when you study the map that the main route of access to the short platted area goes directly by nearly all the homes in our development. Yes, if traffic mostly used Noble Street that goes past the mailboxes, houses on Grand Avenue would be less affected. The heavy construction trucks cannot use that route as the turn off Grand onto Noble is very sharp. And most drivers prefer to use Grand Ave. when coming to and from Balsam because it eliminates the stop signs at the intersections of Noble and Grand. The traffic expert never even mentioned that in his analysis.

This issue boils down to who is going to have to experience the traffic into and out of the development. The property owner and her daughter want to develop the property and gain the revenue, but don't want the traffic to and from the development going by their homes on East Blackburn. Whose ox is going to be gored – the property owner's or the residents of Big Fir North? In my considered opinion, the developer and property owner are attempting to impose their will on us, elderly people, who they believe should allow the quality of our lives and our property values to be decreased for their profit.

An adult community is offered as an oasis from the hubbub of life. This community would no longer offer that environment with these homes being accessed through our streets. Such increased traffic and disruption of the community would inevitably detract from the values of our homes. The real estate appraiser did not have a comparable situation so he could see what happens to values when a retirement community is opened up as the only route of access to the traffic of another multi-age development.

All of this could be avoided if the developer accessed the property from Blackburn Road and built a bridge over the creek that separates the smaller north part of the parcel from the larger south part. That way, his community would be separate and not intrusive except for those who choose to live there. I understand why the developer would want to avoid the cost of building a bridge, but it is really the only way to develop this property without disrupting the peace and quiet of the Big Fir community.

We are voters and we are taxpayers who are asking the city in the strongest possible terms to not approve access to this development through Big Fir North.

I ask that you listen to our concerns and weigh them carefully when this development issue comes up for approval by the city of Mount Vernon.

Sincerely,

Jim Glendenning
1634 Grand Ave.
Mount Vernon, WA 98274

Lowell, Rebecca

From: CJ Jewell <cjjewell@msn.com>
Sent: Sunday, May 21, 2017 3:16 PM
To: Lowell, Rebecca
Subject: East Village Short Plat, PL16-150 MDNS
Attachments: EastVillage.pdf

Ms. Lowell,
Please consider this email as my opposition to the issuance of MDNS for the proposed East Village Short Plat, PL16-150. My opposition is based on the same reasons I enumerated in my letter of January 29, 2017 (see attachment). I oppose Mr. Prutzman installing private road from the end of Balsam Lane (a dead end/low density street) as the **only** entry/egress for the East Village project. This would cut through the heart of the Big Fir 55 & Older development. It escapes me how you determined that this will be beneficial to the senior citizens of Big Fir.

I am not opposed to the East Village development. Build as many homes as you will allow Mr. Prutzman to construct. I don't care. My only requirement is that the entry/egress to East Village be located off of Blackburn Road and **not through the Big Fir development.** I am puzzled how you have decided that by adding a private road to the end of Balsam Lane will positively add to the safety and security to the senior residents of Big Fir.

Sincerely,
Robert Jewell
2237 Balsam Lane
Mount Vernon, WA 98274

January 29, 2017

Ms. Rebecca Lowell
Senior Planner, Community & Economic Development
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

Reference: East Village Short Plat, PL-16-150

Dear Ms. Lowell,

This letter is to oppose approval by the City of Mount Vernon of the referenced multi-age development, as currently proposed, whose only access is through the age restricted, over 55 Planned Unit Development of Big Fir North and to request the City's help and protection from this development that seeks unimpeded access through the Big Fir Community. The Big Fir Community was designed for quiet living for 55-plus residents and any additional traffic through the community, especially traffic from a multi-age development will destroy what was originally planned and approved by the City.

We are seeking protection of our community, our personal safety, and our expectations of a safe and tranquil community we were promised by the covenants and PUD approved by the City in 2007. This has never been so important as now considering the recent near fatal shooting of one of our police officers on LaVenture Road which is adjacent to the Big Fir development. Mayor Boudreau, in her December, 2016 message, underscored the issue clearly; *...the City of Mount Vernon has never denied or pretended that gang activity and violence do not exist here.* The LAST thing we need is unimpeded access through the Big Fir Community via LaVenture Road.

We moved to the Big Fir community specifically to live in an age restricted community with minimal traffic. We, who live on Balsam Lane, paid thousands of dollars more for these lots than our neighbors paid for lots on Grand Ave. and Noble because Balsam Lane offered a more quiet and secluded area with a dead-end street. Indeed, Gregg Murphy of Landed Gentry assured us that the wooded area beyond the dead-end would not be developed.

The Environmental checklist is faulty and deficient in Section 14, Transportation and Optional DNS is faulty with respect to the study of and mitigation of traffic impacts on the adjacent streets in the Big Fir Adult Community PUD. The disclosure fails to quantify or take into account the severe impact that the proposal will have on the safety and use of Streets for the developer and residents of East Village will use for access, as proposed, though the Big Fir Development. Increased use of the streets by younger drivers, including teenaged drivers, will severely impact the safety of the streets and detract from the Community. Pedestrian traffic also will increase disturbing the legitimate expectations of safety and quiet of the residents choosing to live in Big Fir as an older-adults' community. The Optional DNS does not mitigate the impacts from this development. It should be withdrawn and revised to require a full study of the impacts of traffic (motorized and pedestrian) on Big Fir from the proposed short plat and impose mitigation to address those impacts.

We believe there are two viable alternatives to the proposed East Village Plat:

1. Limit residents in East Village to those over age 55.
2. Require the only access to East Village via the owner's land that runs directly from East Blackburn Road, an **arterial** road connection.

We do not oppose East Village as an additional development to the Mount Vernon community. We do oppose the developer's proposed single access through Big Fir. This proposal will cause irreparable damage to the quality of life we now enjoy and it will result in diminished value to our homes.

Sincerely,

Robert Jewell

CJ Jewell

2237 Balsam Lane

Mount Vernon, WA 98274

Cc: Bob Hyde, Director, City of Mount Vernon Community Development

Esco Bell, Director, Mount Vernon Public Works Department

Lowell, Rebecca

From: Church, Heather (ECY) <HECH461@ECY.WA.GOV>
Sent: Friday, May 12, 2017 10:49 AM
To: samishbay@gmail.com; Lowell, Rebecca
Subject: SEPA Comment Letter for East Village Short Plat, PL16-150
Attachments: 201702331 East Village Short Plat, PL16-150.pdf

Good morning,

Please see the attached SEPA comment letter in regards to the East Village Short Plat, PL16-150, project. If you have any questions or concerns, please contact Stephanie Barney with the Washington State Department of Ecology for further information.

Best,
Heather Church
Office Assistant 3
Department of Ecology, Bellingham Field Office
(360) 715-5201
heather.church@ecy.wa.gov

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Bellingham Field Office • 1440 10th Street, Suite 102 • Bellingham, Washington 98225
(360) 715-5200 • FAX (360) 715-5225

May 12, 2017

Rebecca Lowell
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273

RE: **LA File#** PL16-150
DOE file# 201702331
Applicant **Samish Bay Land Company, LLC; Dave Prutzman**

Dear Ms. Lowell:

Thank you for the opportunity to provide comments on the above-referenced Determination. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this Determination we offer the following comments:

Stormwater runoff can have a significant impact on water quality, introducing sediment and other pollutants into waters of the state. Such pollutants can impair or eliminate aquatic habitat and prevent such waters from having multiple beneficial uses (e.g., fishing, swimming and drinking).

From the SEPA register, it appears this project **may** be subject to Ecology's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSGP).

NPDES Construction Stormwater General Permit (CSGP)

Permit coverage is necessary if construction activity meets the following criteria:

- Clearing, grading, and/or excavation results in a disturbance of one or more acres and discharges stormwater to surface waters of the State.

- Clearing, grading, and/or excavation on sites smaller than one acre that are a part of a larger common plan of development or sale also require coverage if the common plan of development will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.

- Forest practices, (including but not limited to class IV conversations) that are a part of a construction activity that will result in a disturbance of one or more acres, and discharge to surface waters of the State.

Information regarding the NPDES Construction Stormwater General Permit can be found at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/

If you have questions about determining the need for CSGP coverage or you need information regarding applying for and implementing the CSGP, please contact Stephanie Barney at (360) 715-5233 or email at stephanie.barney@ecy.wa.gov.

Thank you for considering these comments from the Department of Ecology.

Sincerely,

Stephanie Barney

Stephanie Barney, Water Quality Specialist

cc: Dave Prutzman, Samish Bay Land Company, LLC
BFO SEPA File

Lowell, Rebecca

From: Jackie Ferry <jferry@samishtribe.nsn.us>
Sent: Wednesday, May 17, 2017 1:45 PM
To: Lowell, Rebecca
Subject: RE: SEPA MDNS PL16-150

Hi Rebecca,

According to DAHP's predictive model, there is only moderate risk for encountering archaeology in the project area. Please have an Inadvertent Discoveries Protocol on site during any ground disturbance.

Thanks,

Jackie

Jackie Ferry, MA, RPA | Cultural Director | Tribal Historic Preservation Officer | Samish Indian Nation
2918 Commercial Ave | Anacortes, WA 98221-2738 | Monday - Thursday
Office: 360.293.6404 ext. 126 | Fax: 360.299.0790 | E-mail: jferry@samishtribe.nsn.us

From: Lowell, Rebecca [mailto:rebeccab@mountvernonwa.gov]
Sent: Friday, May 5, 2017 10:41 AM
To: Agriculture <kmclain@agr.wa.gov>; Army Corps of Engineers <Ronald.j.wilcox@usace.army.mil>; Cascade Natural Gas <Albert.Grzeskowiak@cngc.com>; DAHP <dahp.separeview@dahp.wa.gov>; Department of Commerce <Reviewteam@commerce.wa.gov>; Department of Commerce <doug.peters@commerce.wa.gov>; Department of Fish & Wildlife <wendy.cole@dfw.wa.gov>; Department of Fish & Wildlife SEPA Review <SEPAdesk@dfw.wa.gov>; Dike District <DAVID@DNDSEED.COM>; Dike District 17 (Daryl Hamburg <dhamburgs@msn.com>; Dike District 3 (Gary Jones <gjones5217@gmail.com>; Dike District 3 (Peter Ojala <petero@snohomishlaw.com>; DNR SEPA Review <sepacenter@dnr.wa.gov>; DOE <sepaunit@ecy.wa.gov>; DOE <sepaunit@ecy.wa.gov>; DOE NW Region <tamara.sacayanan@ecy.wa.gov>; DOH (Dept of Health <kelly.cooper@doh.wa.gov>; DOT <Roland.Storme@wsdot.wa.gov>; Drianage District 12 <dkdist12@cnw.com>; DSHS <terri.sinclair-olson@dshs.wa.gov>; Frontier <bret.t.murdock@ftr.com>; Frontier (Lawrence Bogues <lawrence.bogues@ftr.com>; Kaehler, Gretchen <gretchen.kaehler@dahp.wa.gov>; MVSD <Cbruner@MVSD320.org>; Northwest Clean Air Agency <agatam@nwcleanairwa.gov>; Parks <randy.kline@parks.wa.gov>; Port of Skagit County <sara@portofskagit.com>; Port of Skagit County <patsym@portofskagit.com>; Puget Sound Energy <jeff.mcmeekin@pse.com>; Puget Sound Energy <Dom.Amor@PSE.com>; Jackie Ferry <jferry@samishtribe.nsn.us>; Skagit Co. Planning & Development Svc <pds@co.skagit.wa.us>; Skagit Council of Governments <KevinM@scog.net>; Skagit County Planning & Permitting <brandonb@co.skagit.wa.us>; Skagit County PUD <trueman@skagitpud.org>; Skagit County PUD <Larry.Saunders@skagitpud.org>; Skagit River System Cooperative <thyatt@skagitcoop.org>; Skagit River Systems <jmeyer@skagitcoop.org>; Skagit Valley Community College <Dave.scott@skagit.edu>; SKAT <jmacdonald@SkagitTransit.org>; SKAT <iwatson@SkagitTransit.org>; Stillaguamish Tribe <klyste@stillaguamish.com>; Swinomish Tribal Community <eknight@swinomish.nsn.us>; Swinomish Tribal Community <jpeters@swinomish.nsn.us>; Tulalip Tribe <ryoung@tulaliptribes-nsn.gov>; Upper Skagit Indian Tribe <jenniferw@upperskagit.com>; Upper Skagit Tribe <sschuyler@UPPERSKAGIT.com>
Cc: Beacham, Linda <lindabe@mountvernonwa.gov>
Subject: SEPA MDNS PL16-150

TYPE OF DOCUMENT:	*Mitigated Determination of Non-Significance and Environmental Report*

DESCRIPTION OF PROPOSAL:	*Proposed is a short plat that will create seven (7) single-family residential lots that range in size from ±10,000 s.f. to ±13,000 s.f. In addition to these seven (7) new lots (where future single-family homes will be constructed) a tract for a future stormwater facility and a lot to contain the existing two residential homes on the far south side of the overall property will also be created. A ±420 linear foot private road will be extended from Balsam Lane to the east to provide access to the new lots and the stormwater tract. The project site contains two Category III wetlands (identified as wetlands A and C), one Category IV wetland (identified as wetland B) and a Fish Bearing Stream (Maddox Creek). The applicant proposes filling wetland C, and completing buffer averaging on wetland B. Following preliminary short plat approval the applicant will be required to install infrastructure (roads and utilities) to serve this site. The infrastructure installation will require approximately 1,300 cubic yards of excavation and approximately 121 cubic yards of fill. Utility lines greater than 8-inches in diameter will also be installed. The forested portions of the site primarily contain douglas fir, western red cedar and red alder ranging from 6 to 30-inches dbh. The applicant will need to harvest portions of these trees to allow site development.*
DATE OF ISSUANCE:	*May 5, 2017*
LEAD AGENCY CONTACT:	*Rebecca Lowell, Senior Planner, Development Services Department, Mount Vernon, WA (360) 336-6214,* rebeccab@mountvernonwa.gov

RECEIVED
CITY OF MOUNT VERNON
MAY 30 2017
C.E.D. DEPARTMENT
BY

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

In re East Village Short Plat; Applicant: Dave Prutzman	No. PL 16-150 NOTICE OF APPEAL

TO: Skagit County Hearing Examiner; and
TO: Rebecca Lowell, Senior Planner, City of Mount Vernon Community & Economic Development Department; and
TO: Esco Bell, Director, City of Mount Vernon, Public Works Department

COME NOW the appellants, Big Fir Community Association by and through their attorney of record, Bradford E. Furlong and hereby appeal the Mitigated Determination of Non-Significance (MDNS) and SEPA Environmental Review.

1. Name and address of Appellant:
   Big Fir Community Association
   c/o Acorn Properties Management Group
   32800 SR 20, #2
   Oak Harbor, WA 98277

Name and address of Representative:
Bradford E. Furlong
Furlong Butler Attorneys
825 Cleveland Avenue
Mount Vernon, WA 98273

ORIGINAL

FURLONG & BUTLER
ATTORNEYS
825 CLEVELAND AVENUE
MOUNT VERNON, WASHINGTON 98273
(360) 336-6508

2. Appellants' Member's legal residence:
All those individuals and residences that are listed in the SEPA Environmental Review Staff Report on Page 5 that include the following street names:
Grand Avenue, Fraser Avenue, Silver Loop, Balsam Lane, Noble Street

3. Copy of the Decision being appealed. Mitigated Determination of Non-Significance (MDNS) issued May 5, 2017 and published May 8, 2017; SEPA Environmental Review. See attached as Attachment 1.

4. Grounds upon which appellant relies. The MDNS issued by the City of Mount Vernon fails to adequately mitigate the effects the proposed subdivision will have on the Big Fir Adult residential community through which all traffic entering or leaving the proposed subdivision must pass. Please see attached letters dated January 31, 2017, May 3, 2017 and May 12, 2017. Attachment 2, Attachment 3 and Attachment 4, respectively.

5. Concise Statement of the factual and legal reasons for appeal. The proposed subdivision if not mitigated will cause dangerous traffic conflicts for the elderly residents of Big Fir, will disturb the peace and tranquility that typify the Big Fir over 55 community and depress property values for Big Fir residents' properties. Please see attached letters dated January 31, 2017, May 3, 2017 and May 12, 2017 for complete details. Attachment 2, Attachment 3 and Attachment 4, respectively.

6. The specific nature and intent of the relief sought. Any of the following alternatives will adequately mitigate the effects: (1) Restrict East Village Short Plat to residents age 55 and older; or (2) require that access to the proposed subdivision be from Blackburn Road solely over land owned by the applicant; or (3) not permit the proposed subdivision. .

FURLONG & BUTLER
ATTORNEYS
825 CLEVELAND AVENUE
MOUNT VERNON, WASHINGTON 98273
(360) 336-6508

Dated this 30th day of May, 2017.

FURLONG & BUTLER
ATTORNEYS

By: _____
Bradford E. Furlong, WSBA #12924
Attorney for Appellants, Big Fir Community Association

CERTIFICATE OF DELIVERY: I certify that on May 30, 2017, I caused a true and correct copy of this document to be delivered to the parties listed below by the methods listed below, at Mount Vernon, Washington.

_____
SARAH MG HASTINGS

Hearing Examiner
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273
[X] Hand Delivery

Rebecca Lowell, CEDD, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273
rebeccab@mountvernonwa.gov
[X] Email

Esco Bell, Director
Public Works Department
City of Mount Vernon
1024 Cleveland Avenue
Mount Vernon, WA 98273-0809
mvengineering@mountvernonwa.gov
[X] Email

FURLONG & BUTLER
ATTORNEYS
825 CLEVELAND AVENUE
MOUNT VERNON, WASHINGTON 98273
(360) 336-6508

Ledger

Receipt Number: 2017005380
Receipt Date: 05/30/2017
Date Paid: 05/30/2017
Full Amount: $100.00

Payment Details:

Payment Method	Amount Tendered	Check Number
Check	$100.00	103839

Amount Tendered: $100.00
Change / Overage: $0.00
Contact: FURLONG BRADFORD E & BUTLER EILEEN E, Address:825 CLEVELAND AVE
Site Address: 2437 BLACKBURN ROAD

FEE DETAILS:

Fee Description	Reference Number	Amount Owing	Amount Paid
Appeal of Decision - 4110	PL20170000065	$100.00	$100.00

Attachment 1

City of MOUNT VERNON
DEVELOPMENT SERVICES

RECEIVED
CITY OF MOUNT VERNON
MAY 30 2017
C.E.D. DEPARTMENT
BY

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS) &
NOTICE OF PUBLIC HEARING

APPLICANT & APPLICATION NAME/NUMBER: East Village Short Plat, PL16-150

PROJECT DESCRIPTION: Proposed is a short plat that will create seven (7) single-family residential lots that range in size from ±10,000 s.f. to ±13,000 s.f. In addition to these seven (7) new lots (where future single-family homes will be constructed) a tract for a future stormwater facility and a lot to contain the existing two residential homes on the far south side of the overall property will also be created. A ±420 linear foot private road will be extended from Balsam Lane to the east to provide access to the new lots and the stormwater tract.

The project site contains two Category III wetlands (identified as wetlands A and C), one Category IV wetland (identified as wetland B) and a Fish Bearing Stream (Maddox Creek). The applicant proposes filling wetland C, and completing buffer averaging on wetland B.

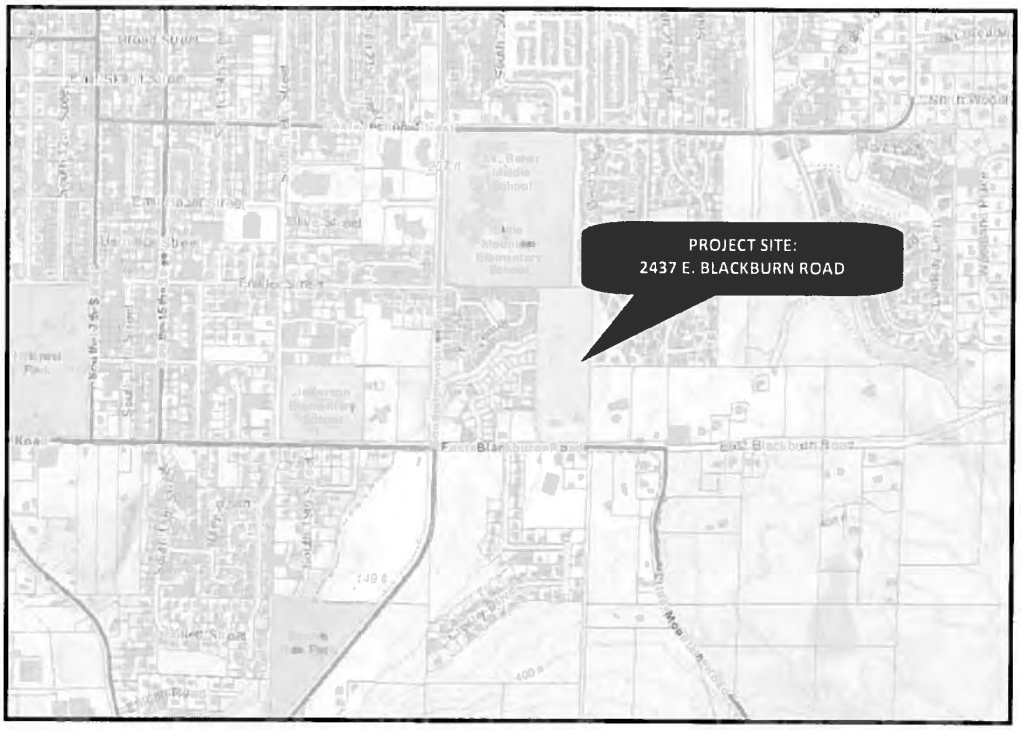
Following preliminary short plat approval the applicant will be required to install infrastructure (roads and utilities) to serve this site. The infrastructure installation will require approximately 1,300 cubic yards of excavation and approximately 121 cubic yards of fill. Utility lines greater than 8-inches in diameter will also be installed.

The forested portions of the site primarily contain douglas fir, western red cedar and red alder ranging from 6 to 30-inches dbh. The applicant will need to harvest portions of these trees to allow site development.

OWNER/APPLICANT INFORMATION:

	PROPERTY OWNER:	**APPLICANT:**
NAME:	Mary Margaret Kiesel	Samish Bay Land Company, LLC Contact: Dave Prutzman
ADDRESS:	2437 E. Blackburn Road Mount Vernon, WA 98274	4215 Montgomery Place Mount Vernon, WA 98274
TELEPHONE:	(360) 391-2582	(425) 308-9397
EMAIL:	maggiewallace55@gmail.com	samishbay@gmail.com

PROJECT LOCATION: The approximate 13.4± acre site is addressed as 2437 East Blackburn Road. This site is bound by Blackburn Road to the south, the Big Fir PUD to the west, and the Mount Vernon School District's Little Mountain Elementary School to the north. The Skagit County Assessor describes the subject site as parcel: P28003. The entire site is located within a portion of the NW ¼ of Section 28, Township 34 North, Range 04 East, W.M. The following maps show the general location of the site.


PROJECT SITE:
2437 E. BLACKBURN ROAD
East Blackburn Road

GENERAL SITE LOCATION – IDENTIFIED FOR ILLUSTRATIVE PURPOSES ONLY
Balsam Lane
Noble Street
Grand Avenue
South Laventure Road
East Blackburn Road

LEAD AGENCY: Mount Vernon Development Services Department. The lead agency for this proposal has determined that with appropriate mitigation this project 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, various environmental and property reports, and other information on file with the lead agency.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

The following conditions have been identified that will be used to mitigate the impacts of the proposal[1]:

1. Any person engaged in ground disturbing activity who encounters or discovers historical and/or archeological materials in or on the ground shall:
    a. Immediately cease any activity which may cause further disturbance;
    b. Make a reasonable effort to protect the area from further disturbance; and,
    c. Report the presence and location of the material to the proper authorities in the most expeditious manner possible.

ADDITIONAL COMMENT PERIOD: The City is using its discretion under WAC 173-11-355(4) to issue a MDNS with a comment period that shall be limited to the below-listed new information received by the City after the Notice of Application/ Proposed MDNS comment period ended on January 31, 2017. Comments will be accepted limited to the following documents:

- Letter responding to traffic comments dated March 20, 2017, from Transportation Solutions, Inc.,
- Consulting Report Summary, dated April 10, 2017, from Hewitt Appraisal Service
- Letter containing an alternative analysis for the Blackburn Road extension dated March 17, 2017 from Samish Bay Real Estate Group

Comments on the above-listed new information used to inform the issuance of this Mitigated Determination of Non-Significance (MDNS) must be submitted, in writing, no later than **5:00 p.m. on May 18, 2017**. Comments should be as specific as possible. Any person may comment on the application, receive notice of and participate in the public hearing, and request a copy of the decision once it is made.

ENVIRONMENTAL DETERMINATION APPEAL PROCESS: The City issued an optional DNS (per RCW 43.21C.110/WAC 197-11-355) with proposed mitigation measures on January 17, 2017 and provided notice that the comment periods for the project and the proposed MDNS were integrated into a single comment period. Once the comment period ended on January 31, 2017 the City reevaluated the intent to issue a MDNS under WAC 197-11-355(4) and requested and obtained additional information prior to making a threshold determination. An additional comment period has been established limited to the new information used to inform the issuance of the threshold determination.

Therefore, once the additional comment period tolls appeals of the environmental determination must be filed in writing on or before **5:00 p.m. on May 30, 2017**. Appeals must be filed in writing together with the required $100.00 application fee to: Hearing Examiner, City of Mount Vernon, PO 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 staff 'Contact Person' listed below.

---

[1] These SEPA mitigation measures (conditions) are in addition to conditions and/or mitigation measures that will be applied through the City's existing development regulations.

The application and supporting documentation are available for review at the Community & Economic Development Department located at City Hall. Copies will be provided upon request at the cost of reproduction.

CITY CONTACT PERSON: Development Services Department, Contact: Rebecca Lowell, P.O. Box 809 / 910 Cleveland Ave., Mount Vernon, WA 98273, (360) 336-6214, rebeccab@mountvernonwa.gov

PUBLIC HEARING: The Hearing Examiner will hold an open record pre-decision hearing on **Tuesday, June 6, 2017 at 5:30 p.m.** and will make a recommendation to the City Council with regard to the applicant's request for a waiver of street frontage improvements and the preliminary short plat approval. The Hearing Examiner's recommendation will be forwarded to the City Council who will hold a closed record hearing and make a final decision. The hearing will be held at the City's Police and Court Campus located at 1805 Continental Place, Mount Vernon.

City staff has created a page on the City's website where the site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: www.mountvernonwa.gov; once here click on 'Departments' then 'Development Services' then 'News Notices' then scroll down the page until you find the project name/number.

RESPONSIBLE PERSON: Rebecca Lowell, Senior Planner

DATE May 5, 2017 **SIGNATURE** RLowell

ISSUED: May 5, 2017
PUBLISHED: May 8, 2017

SENT TO: APPLICANT, PARTIES OF RECORD, SEPA REGISTER, DOE, COE, COMMERCE, CNG, WDFW, DNR, DIKE AND DRAINAGE DISTRICTS (as applicable), DOT, FRONTIER, FRONTIER NW, DAHP, NW CLEAN AIR AGENCY, PORT OF SKAGIT COUNTY, PSE, SAMISH TRIBE, SCOG, SKAGIT COUNTY PDS, PUD #1, SKAGIT RIVER SYSTEM COOPERATIVE, SKAGIT RIVER SYSTEMS, SVC, SKAT, SWINOMISH TRIBE, AND UPPER SKAGIT TRIBE

F. OTHER PUBLIC COMMENTS

The proposal has been circulated to property owners near the subject site. Comments received from neighbors and other concerned citizens are listed, and briefly summarized below. Comments from staff, if applicable, are incorporated below.

☒ Copies of all Comments are contained in the Official File

☐ Copies of received Comments are attached to this report

Due to the number of comments that are similar in nature staff has provided comments following this table.

NAME	ADDRESS	COMMENT(S) SUMMARY
Larry Sieker	1748 Grand Ave	Privacy, security, health, safety, narrow roads, lifestyle incompatibility
Donna Yu	1748 Grand Ave	Access, safety, property devaluation, security, noise
Wesley & Leslie Barker	1998 Fraser Ave	Safety, lifestyle, traffic, noise, drainage, infrastructure. Contends the SEPA checklist section 14 is faulty/deficient
James & Donna Minahan	1935 Silver Loop	Traffic, safety, noise, not compatible use
Dale & Toni Barringer	1886 Silver Loop	Wants access off Blackburn or limit to 55+
Gary Simmons	1949 Fraser Ave	Safety, decreased property values, damage to infrastructure, security, discontent, construction impacts
Don Espen	2241 Balsam Ln	Health, safety, traffic on narrow roads
Stephen Ekstrand	1941 Fraser Ave	Wants access of Blackburn or limited to 55+
Linda Ekstrand	1941 Fraser Ave	Traffic, drainage, critical areas, safety, property values, maintenance, general community welfare
Kenneth & Gwen Kossman	2229 Balsam Ln	Traffic, safety, tranquility, construction access, decreased property values,
Robert & Sandra Glover	1727 Grand Ave	Noise, traffic, property values
Tim & Kathy Randell	1925 Fraser Ave	Crime, safety, security, quality of life
Jim Glendenning	1634 Grand Ave	Traffic, wants access from Blackburn
Doris Patterson	1700 Grand Ave	Traffic, noise, property values
Frank & Cathy Riddle	1715 Grand Ave	Traffic, security, lifestyle impacts
Alex & Gloria Davidson	1767 Grand Ave	Property values, lifestyle, environmental impacts
Marge Eberli	2233 Balsam Ln	Traffic, safety, construction access, resale value
Patricia Wilson	1743 Grand Ave	Traffic, safety, noise, infrastructure damage, reduced property values
Sandra Potter	1711 Grand Ave	Hauling route, safety, noise
Joan Sladek	1735 Grand Ave	Property values, construction dirt/noise, safety, wildlife, drainage, access
Mary Espen	2241 Balsam Ln	Complaint regarding improper notice
Michael Karpelman	1958 Fraser Ave	Traffic, safety, critical areas, safety, property values, road maintenance, safety and health of those residents 55+
Ernest Leclair	2610 E Section #26	Wildlife, vegetation removal, tree safety
Dee Brookings Norberg	1933 Fraser Ave	Lifestyle, safety, home values
Michael Karpelman & Elizabeth Igoe	1958 Fraser Ave	Safety, traffic, decreased property values, access
Robert & CJ Jewell	2237 Balsam Ln	Traffic, safety, wants access from Blackburn or age 55+

Charlotte Stougard	1982 Fraser Ave	Wants access from Blackburn or age restriction 55+
Walt Meagher	13194 Sattlerlee Rd Anacortes, WA 98221	Economic impact: reduced salability, increased time on market, reduced prices. Increased traffic /noise.
Rose Piper	2610 E Section #28	Habitat loss, wetland impacts, forested buffer, privacy
Robert & Sheila Frazier	1902 Silver Loop	Access, safety, noise, reduced home values
Tina Ecklof	2610 E Section #27	Loss of forest and wetlands, buffer zone
Brian Gentry	504 E Fairhaven Ave Burlington, WA 98233	Objects to Blackburn frontage improvement waiver
Lee & Carole Schroeder	2610 E Section #34	Privacy, noise, security, resale value, zoning changes
Clair Moore	2610 E Section #35	Noise, tree removal, construction impacts, damaged landscape
Keith Johnson	1633 Grand Ave	Traffic, neighborhood impacts, access
Don Espen	2241 Balsam Ln	Health, safety, Compromise Big Fir's values, access should come from Blackburn
Mary Espen	2421 Balsam Lane	Traffic, property values, safety, noise
John & Karol Evans	1859 Fraser Ave	Peace, privacy, access, traffic, runoff
Tom & Cheryl Rodewald	2245 Balsam Ln	Traffic, safety, privacy, drainage, reduced property values, wildlife, community
James & Karen Robinson	1611 Grand Ave	Traffic both vehicle & pedestrian, narrow roads, decreased property value, damages, safety, community altered
Harvey & Penny West	1731 Grand Ave	Safety, traffic. Either provide alternate access or restrict age to 55+
Lorraine Mills	1759 Grand Ave	Narrow roads, safety, traffic, decreased property values
Richard Gilbert	2610 E Section #25	Wildlife impacts, incompatibility, privacy
Evan Powers	1759 Grand Ave	Narrow roads, safety, traffic, decreased property values
Lin Craft	1720 Grand Ave	Narrow roads, safety, traffic, decreased property values
Dick & Beverly VanderVoet	2221 Noble St	Narrow roads, safety, traffic, decreased property values
Robert Hallberg & Diane Southworth	1746 Grand Ave	Safety, runoff, decreased home values, incompatible neighborhood,
Marjorie Hanes	1716 Grand Ave	Safety, public health, sidewalks, community
Barbara O'Neill		Traffic, noise, dust, lifestyle, safety, damage to infrastructure
Kimberly & Jerry Geariety	2201 Noble St	Traffic, access, maneuvering clearance, safety,
Paul & Vicki LeCroy	1778 Grand Ave	Traffic, decreased property values
Samuel & Marjorie Liberatore	2610 E Section #33	Habitat loss, traffic, noise, greenbelt, property value, construction impacts dirt/dust/noise
Dennis Rabe	2610 E Section #29	Traffic, noise, negative impact on home value, rezone
Floyd & Lucille Nelson	1751 Grand Ave	Access, traffic, damage to roads and landscape
Norma Hartley	1750 Grand Ave	Wants access from Blackburn Rd
William & Mazza	1673 Grand Ave	Provide alternate access or restrict age to 55+, traffic
Mary Edelman	1755 Grand Ave	Traffic, noise, access, safety
Dave & Allene Quall	1876 Silver Loop	Traffic, access, noise
Jane Strohecker	1620 Grand Ave	Traffic, noise, safety
John & Jeanne Van Dyke	1867 Fraser Ave	Traffic, safety, character, runoff, wetlands, drainage

Jo Ann Corfman	2205 Noble Ave	Traffic, noise, safety, character, vehicle impacts to roads and landscaping
William Hager (Maul Foster Alongi)	1329 N State #301 Bellingham 98225	Access, traffic, character impacts, maintenance of private road. Suggest using PUD or restricting the age
Brad Furlong	825 Cleveland St	Access, traffic, noise, pedestrian impacts, safety. Wants another access point or the subdivision restricted to 55+
Sandi Paciotti	1934 Silver Loop	Access, lifestyle impacts, safety, public health, community, drainage
Bradford E. Furlong, Furlong Butler Attorneys	825 Cleveland Ave	Addressing new materials requested by the City prior to making a threshold determination.

Before responding to the concerns, comments and claims summarized within the foregoing table, staff has provided brief background information to aid in understanding the legal limitations staff has with regard to approving, denying, and/or conditioning the subject project.

BACKGROUND: Mount Vernon is a Growth Management Act (GMA) city (RCW 36.70A). As such, the primary role of the SEPA process is to focus on environmental impacts not addressed by the City's existing, adopted, development regulations, Comprehensive Plan, and other applicable local, state and federal laws and regulations (RCW 36.70B.030). This means that staff does not analyze previous legislative actions resulting in existing, zoning, adopted regulations or other similarly adopted land use decisions.

Staff comments have been organized by different topic areas as follows:

Wetland/Stream/Habitat Impacts

MVMC Chapter 15.40, Critical Areas, contains the City's regulations with regard to critical areas (wetlands, streams, steep slopes, etc). This Chapter of the MVMC incorporates best available science to achieve no net loss of critical area function and values while encouraging cost effective and efficient use of lands within the City thereby accomplishing the City and State's growth management goals.

The City has adopted regulations for the on-site critical areas and their associated buffers the applicant will be required to comply with; and with such compliance, there are no impacts that should be mitigated through the SEPA process.

Traffic Concerns

In September of 2016 the City adopted its most recent update to the Traffic Element of the Comprehensive Plan (via Ordinance 3690). The City's development regulations with regard to traffic impacts are found in Mount Vernon Municipal Code Chapter 3.40 (Impact Fees), 14.10 (Traffic Concurrency), and Chapter 16.16 (Non-Arterial Road Standards).

In general, the concerns expressed fall into the categories of: increased traffic volumes, vehicle speeds, safety issues with young drivers, pedestrian safety, and construction traffic.

To respond to these concerns staff had Victor Saleman, P.E., a licensed traffic engineer, read through all of the comments sent to the City, evaluate those concerns, and provide responses. Mr. Salemann's expert report addressing all of these issues, and rendering his opinions, is attached along with a copy of his professional credentials. Key conclusions from Mr. Saleman's expert report include the following:

- *The additional traffic generated by the East Village Short Plat can be accommodated by the existing roadways in Big Fir North. Residents would not experience significant changes in driveway access or roadway congestion.*

City of MOUNT VERNON

SEPA ENVIRONMENTAL REVIEW STAFF REPORT

A. BACKGROUND

APPLICANT & APPLICATION NAME/NUMBER: East Village Short Plat, PL16-150

APPLICANT CONTACT INFORMATION: Dave Prutzman; 4215 Montgomery Place, Mount Vernon, WA 98274; (425) 308-9397; samishbay@gmail.com

CITY CONTACT PERSON: Rebecca Lowell, P.O. Box 809 / 910 Cleveland Ave., Mount Vernon, WA 98273, (360) 336-6214, rebeccab@mountvernonwa.gov

PROJECT DESCRIPTION: Proposed is a short plat that will create seven (7) single-family residential lots that range in size from ±10,000 s.f. to ±13,000 s.f. In addition to these seven (7) new lots (where future single-family homes will be constructed) a tract for a future stormwater facility and a lot to contain the existing two residential homes on the far south side of the overall property will also be created. A ±420 linear foot private road will be extended from Balsam Lane to the east to provide access to the new lots and the stormwater tract. See the accompanying MDNS for the full project description.

PROJECT LOCATION: The approximate 13.4± acre site is addressed as 2437 East Blackburn Road. This site is bound by Blackburn Road to the south, the Big Fir PUD to the west, and the Mount Vernon School District's Little Mountain Elementary School to the north. The Skagit County Assessor describes the subject site as parcel: P28003. The entire site is located within a portion of the NW ¼ of Section 28, Township 34 North, Range 04 East, W.M. The following maps show the general location of the site. See the accompanying MDNS for vicinity maps.

B. RECOMMENDATION

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

	DETERMINATION OF NON-SIGNIFICANCE
☐	Issue DNS with a 10 day Appeal Period.

	DETERMINATION OF NON - SIGNIFICANCE - MITIGATED.
☐	Issue DNS-M with a 10 day Appeal Period.
☒	Issue DNS-M with 14 day Comment Period followed by a 10 day Appeal Period.

C. SEPA PROCESS TIMELINE

Benchmark:	Date:	Authority:
Application Submitted	12.29.16	MVMC 14.05.110(C)(1) to (3)
Application Deemed Counter Complete	12.29.16	MVMC 14.05.110(C)(4)
Application Deemed Technically Complete	12.30.16	MVMC 14.05.110(D) RCW 36.70B.070
NOA/Optional MDNS Issued	1.17.17	MVMC 14.05.150(A) RCW 36.70B.110 WAC 197-11-355
NOA/Optional MDNS Comment Period Ended	1.31.17	MVMC 15.06.120 WAC 197-11-355 RCW 43.21C.110
Project on hold pending the submittal of information in response to comments received during the NOA/Proposed MDNS comment period	2.22.17	MVMC 14.05.110(D)(3) & (4) WAC 197-11-335
Received Traffic letter from TSI	3.20.17	NA
Received Consulting Report Summary from Hewitt Appraisal Services	4.10.17	NA
MDNS Issued with Comment and Appeal Period – Accompanied by Environmental Report	5.5.17	MVMC 15.06.215 WAC 197-11-355(4)
Open Record Public Hearing before Hearing Examiner	Pending	14.05.050(A) and (C) RCW 36.70B.120
Closed Record Public Hearing before City Council	Pending	14.05.050(A) and (C) RCW 36.70B.120

D. MITIGATION MEASURES

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

The following conditions have been identified that will be used to mitigate the impacts of the proposal[1]:

1. Any person engaged in ground disturbing activity who encounters or discovers historical and/or archeological materials in or on the ground shall:
    a. Immediately cease any activity which may cause further disturbance;
    b. Make a reasonable effort to protect the area from further disturbance; and,
    c. Report the presence and location of the material to the proper authorities in the most expeditious manner possible.

[1] These SEPA mitigation measures (conditions) are in addition to conditions and/or mitigation measures that will be applied through the City's existing development regulations.

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.

D. ENVIRONMENTAL IMPACTS AND MITIGATION

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

1. EARTH

Impacts: Grading activities: site development will require approximately 1,300 cubic yards of cut and 121 cubic yards of fill.

Mitigation Measures: Listed within the applicant's environmental checklist as well as required compliance with the City's existing standards and regulations for land disturbing. Construction best management practices will be utilized to minimize potential impacts from earthwork grading and clearing timber from the site.

The applicant's contractor(s) will be required to comply with the City's code requirements related to stormwater runoff and site grading. The applicant will also be required to obtain and comply with the WA State Department of Ecology's NPDES permit and their associated requirements.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.04 (Building Code), 15.16 (Grading, Excavation and Fill), 15.18 (Land Clearing), and Mount Vernon Engineering Standards.

2. STORMWATER

Impacts: Site stormwater will be directed to a detention pond with a wet pool that will be constructed near the west boundary of the project site located south of the proposed access road. A series of stormwater conveyance pipes and catchbasins will be installed to collect site stormwater and route it this proposed facility.

Mitigation Measures: Listed within the applicant's environmental checklist, detailed within their Engineering Analysis prepared by a licensed Professional Engineer, and shown on their construction plans. In addition, the applicant will comply with City, State and Federal regulations. Runoff during construction will be handled in conformance with the City's regulations and standards. A NPDES permit from the State of Washington Department of Ecology for construction activities will be required as part of this project.

Nexus: MVMC Chapters 13.33 (Storm Water Drainage Utility), 15.16 (Grading, Excavation and Fill), and Mount Vernon Engineering Standards.

3. TRAFFIC

Impacts: A total of seven (7) new single-family residential homes will be constructed on the subject site after the short plat has been granted final approval. This means that a total of seven (7) new PM peak hour traffic trips will be generated by this short plat development.

There will also be construction related traffic that will occur as this site is being developed.

Mitigation Measures: Compliance with the City's MVMC provisions.

Nexus: MVMC Title 12, Chapter 14.10 (Concurrency Management), Chapter 3.40 (Impact Fees), 15.16 (Grading, Excavation and Fill), 16.16 (Design Standards for Non-arterial Streets) and Mount Vernon Engineering Standards.

4. CRITICAL AREAS

Impacts: Category III and IV wetlands and a Type F (fish habitat) stream with their associated buffers all exist on the site. Buffer averaging is proposed on Wetlands A and B; and Wetland C will be filled.

Mitigation Measures: the applicant states they will purchase mitigation credits at an authorized wetland mitigation bank to minimize the unavoidable impacts to Wetland C. Standard buffers will be applied to Wetland A and Maddox Creek to avoid project impacts. Buffer averaging is proposed to minimize impacts to the category IV wetland. Critical areas and their associated buffers will be designated as Native Growth Protection Areas (NGPAs) through the platting process.

The applicant will be required to comply with the City's Critical Areas Code, the WA State Department of Ecology's rules/requirements and (potentially) the Federal Corps of Engineers rules/requirements.

Nexus: MVMC Chapter 15.06 (Environmental Policies), Chapter 15.40 (Critical Areas Code), RCW 90.48, 33 U.S. Code Chapter 26 (Federal Water Pollution Control Act)

E. CITY & AGENCY COMMENTS

The proposal has been circulated internally to applicable City Departments and to all of the following agencies, districts, utility companies and tribes: WA State Department of Ecology, Federal Army Corps of Engineers, WA State Department of Commerce, Cascade Natural Gas, WA State Department of Fish and Wildlife, WA State Department of Natural Resources, WA State Department of Transportation, WA State Department of Archeology and Historic Preservation, NW Clean Air Agency, Skagit Council of Governments, Port of Skagit County, Skagit County Planning and Development Services, Samish Tribe, Skagit River System Cooperative, Skagit River Systems, Skagit Valley College, Skagit Transit, Swinomish Tribe, Upper Skagit Tribe, Frontier, Frontier Northwest, Puget Sound Energy, Public Utility District #1, and the Dike and Drainage Districts the subject site is located within.

☒ Copies of all Comments are contained in the Official File

☒ Copies of Comments received from City Staff and Agencies are attached to this report

Following is a list of the comments received from City Staff and Agencies:

- Memo from Esco Bell (Public Works Director) and Ana Chesterfield (Development Services Engineering Manager) dated February 10, 2017
- Memo from Ana Chesterfield (Development Services Engineering Manager) dated February 8, 2017
- Email from Steve Riggs (Fire Marshall) dated March 3, 2017
- Letter from Doug Gresham, Wetland Specialist with the WA State Department of Ecology, dated January 30, 2017
- Letter from Gretchen Kaehler, Assistant State Archaeologist, Local Governments with the WA State Department of Archaeology & Historic Preservation, dated March 15, 2016
- Email from Jackie Ferry, Cultural Director, Tribal Historic Preservation Officer, Samish Indian Nation, dated January 27, 2017
- Email from Wendy Cole, Area Habitat Biologist with the WA State Department of Fish and Wildlife, dated January 20, 2017

- *The design of the existing roadways in Big Fir North provide traffic calming features that would discourage speeding in the neighborhood.*

- *A 2014 Insurance Institute for Highway Safety Loss Data Institute study documented relative fatal crash rates for age groups from 16 to 80 plus years old. The study found that that drivers between 16-19 years old and 80 years old and over have similar fatal crashes rates (4.6 fatalities per million miles driven vs. 5.5 fatalities per million miles driven respectively) with older drivers having a slightly higher rate of fatal crashes than teens.*

- *The development of East Village Short Plat will not have significant short or long term traffic impacts on the Big Fir North community.*

The City has adopted regulations that mitigate traffic impacts that the applicant will be required to comply with. Upon review of the City's existing regulations, in conjunction with Mr. Salemann's accompanying report, staff finds there are no adverse impacts created by the subject short plat that should be mitigated through the SEPA process.

Private Road Maintenance

MVMC Chapter 16.16, Design Standards for Nonarterial Streets, contains regulations that allow private roads to be approved under certain circumstances. To serve the proposed short plat lots with a private road the applicant will have to comply with this code. Private roads are not maintained or improved by the City, which means that the developer and future homeowners will be responsible for future maintenance of all private roads.

With compliance with adopted regulations that allow private roads within the City there are no adverse impacts created that should be mitigated through the SEPA process.

Requiring Alternative Access off of Blackburn Road

A number of comments received suggested/requested that the applicant be required to access the subject site off of Blackburn Road that abuts the south boundary of the subject property. The City has no development regulations that provide the authority to require the applicant to do this. Even so, staff did evaluate the critical area impacts should the applicant choose to pursue providing access off of Blackburn Road.

The critical area impacts associated the applicant's proposed access road (extending Balsam Drive) versus a road extended off of Blackburn Road are summarized in the following table.

	Applicant's Proposed Road	Road Extending from Blackburn Road
Wetland Impact	Filling a .23 acre Category III wetland	Filling .11 acre Category III wetland
Stream Impacts	None with buffer averaging	None with bridge construction
Wetland/Stream Buffer Impacts	None	1.13 acres of buffer impact

The applicant's proposal permanently impacts .12 acre of wetlands more than a road extending north from Blackburn Road would; however, 1.13 acres of buffer impacts occur with a road extending from Blackburn Road that do not occur with the applicant's proposal.

There is no nexus or other legal basis to require the applicant to build an alternative road extended off of Blackburn Road instead of off of Balsam Drive (as proposed).

Noise
MVMC Chapter 9.28, Noise Regulations, contains the City's regulations with regard to noise.

With compliance with adopted regulations that set noise limits there are no impacts that should be mitigated through the SEPA process.

Tree Removal
MVMC Chapter 15.18, Land Clearing, contains the City's regulations with regard to forest practices. The City adopted these regulations in 2013 to comply with requirements from the State Department of Natural Resources.

With compliance with adopted regulations that set noise limits there are no impacts that should be mitigated through the SEPA process.

Property Values
Potential increases or decreases in property values are not criteria that City staff evaluates with subdivision proposals. Staff notes, too, that new development almost always has some effect, sometimes negative and sometimes positive, on property values of abutting or nearby properties. This is a function of new development. Despite the foregoing, with the number of neighbor comments received claiming that property values would be negatively impacted by this proposal, staff had a Consulting Report Summary completed by Dan Hewitt, a WA State Certified General Real Estate Appraiser awarded Senior Residential Appraiser Designation (SRA). Mr. Hewitt is the owner/operator of Hewitt Appraisal Service.

Staff provided a copy of the comments received by the City and asked that Mr. Hewitt evaluate and provide a professional response. A copy of Mr. Hewitt's expert report is attached. In short Mr. Hewitt's expert opinion is as follows: "Our conclusion is that no market evidence was identified with which to support a negative economic impact to the lots in Big Fir North as a result of the development of the seven new lots in the proposed East Village plat". Other key conclusions from Mr. Hewitt's expert report include the following:

- *There is no market evidence to support a notion that inhabitants of other existing 55 and older subdivision have been negatively impacted by adjacent subdivisions simply based on age composition of the plat.*

- *The recently developed or proposed examples of Woodside and Twin Brooks support the idea the 55 and older subdivisions co-exist nicely with subdivisions which are open to all age groups. The 55 and older age groups demonstrated a willingness to purchase and keep purchasing within the plats, even as the plats were extended with new phases and other non-55 and older plats continued to develop around them.*

- *In summary…it is unlikely to conclude that any long-term measurable value change will result to the Big Fir North properties as a result of the seven lot development. A bit of short-term market reluctance might occur due to equipment use and some construction noise while the new lots are being developed However, once the new lots are finished, the market would typically be expected to absorb the existence of the easterly lots as a matter of course and not react in an economic manner any differently than to any of the other competitive 55 and older purchase opportunities in competing subdivisions which might become available over future time.*

Consistent with the Consulting Report Summary from Mr. Hewitt, staff finds there are no adverse impacts created by the subject short plat that should be mitigated through the SEPA process.

G. ENVIRONMENTAL DETERMINATION COMMENT & APPEAL PROCESS

The City is using its discretion under WAC 173-11-355(4) to issue a MDNS with a comment period that shall be limited to the below-listed new information received by the City after the Notice of Application/ Proposed MDNS comment period ended on January 31, 2017. Comments will be accepted limited to the following documents:

- Letter responding to traffic comments dated March 20, 2017, from Transportation Solutions, Inc.,
- Consulting Report Summary, dated April 10, 2017, from Hewitt Appraisal Service
- Letter containing an alternative analysis for the Blackburn Road extension dated March 17, 2017 from Samish Bay Real Estate Group

Comments on the above-listed new information used to inform the issuance of this Mitigated Determination of Non-Significance (MDNS) must be submitted, in writing, no later than 5:00 p.m. on **MAY 18, 2017**. Comments should be as specific as possible. Any person may comment on the application, receive notice of and participate in the public hearing, and request a copy of the decision once it is made.

Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **MAY 30, 2017.** 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 by calling (306)336-6214.

City of
MOUNT
VERNON
COMMUNITY & ECONOMIC DEVELOPMENT

Date: February 10, 2017

To: Rebecca Lowell, Senior Planner

From: Esco Bell, Public Works Director
Ana Chesterfield, Development Services Engineering Manager AC

Subject: PL16-150 Preliminary Short Plat – Request for deferral of required minimum improvements per MVMC 16.032.060

The purpose of this memo is to recommend a deferral of required minimum improvements associated with the short plat noted above.

City codes and requirements addressing the process for required minimum improvements for short plats are cited as follows:

> In accordance with Title 16.032.060, the community and economic development department shall ascertain that the minimum required improvements have been installed along with all the items listed in MVMC Title16.20 prior to granting final approval of any short subdivisions.
>
> MVMC Title 14.14.110 states: "Short plats will be subject to the applicable subdivision codes. Currently they are required to construct street improvements unless the city engineer recommends and the city council approves a waiver or deferral of the requirement. Subsequent building permits and sequential building permit approvals within the short plat would be subject to concurrency requirements".

Requested deferral of required minimum improvements is described as follows:

> The specific location where the deferral of the installation of the improvements is being requested is located along E Blackburn Road fronting lot 8 of the proposed short plat.
>
> The deferred installation of street improvement includes: widening of street, installation of sidewalk curb and gutter, storm conveyance system, sanitary sewer extension, water system and other utilities.

Recommendation: The Public Works Director, acting through his authority as the city engineer, recommends approval of the requested deferral based on the following assessments:

1. The deferral does not detract from the intent and purpose of requirements for the proposed short plat to install public infrastructure needed to serve its development, because of the particular geography of the site.

2. No burdens for developing the public infrastructure are displaced to others or the public as a consequence of the deferral, and the deferral does not detract from the orderly development of public infrastructure.

3. The public retains all needed authority and control to assure that any future development of the site will cause public improvements affected by the recommended deferral to be built.

City of
MOUNT
VERNON
COMMUNITY & ECONOMIC DEVELOPMENT

Date: **February 8th 2017**

To: **Senior Planner, Rebecca Lowell**

From: **Ana Chesterfield, Development Services Engineering Manager** AC

RE: **PL16-150 East Village Preliminary Short Plat**

The Community and Economic Development Department Engineering Division has reviewed the preliminary submittal for the 9 lot short-plat as referenced above. This review included preliminary plat drawings, preliminary drainage analysis and a request for waiver of minimum improvements required.

PRELIMINARY PLAT MAP AND WAIVER REQUEST:

A. There are multiple discrepancies between the Plat Maps and the Lot closure report. Please review and revise as appropriate. See redlines.

B. Request for Waiver of installation of minimum improvement per MVMC 16.032.060: Development Services Engineering Manager is recommending approval from the City of Mount Vernon Public Works Director regarding the requested deferral of installation of improvement fronting on East Blackburn Road. A separate memo is forthcoming.

DRAINAGE SUMMARY:

C. This project will be required to meet the 2005 DOE Stormwater Management Manual for Western Washington and City of Mount Vernon Municipal Code 13.33
D. A geotechnical report will be required to address on site soils and potential instabilities that could be caused by the proposed development (road construction, home construction and pond construction) with sections addressing any mitigation measures deemed necessary.
E. Ensure compliance with Minimum Requirement #8.
F. It is the responsibility of the applicant to ensure compliance with Department of Ecology General Construction Stormwater Permit.
G. Provide a copy of the Stormwater Prevention Pollution Plat with civil plan submittals.

PL16-150 East Village Preliminary Short Plat

General Comments:

H. Compliance with City of Mount Vernon Engineering Standards is a requirement.
I. A lighting plan designed by PSE Intolight is required for review.
J. Utility easement will be determined during the civil review of the proposed design
K. Emergency vehicle access shall comply with the Fire Department requirements
L. Location of required landscape trees should not interfere with water services and other underground utilities
M. City Fiber Conduit Installation is required for the project. See City of Mount Vernon Engineering Standards for guidance.
N. A truck route for hauling will be required for review and approval by Development Services Engineering Manager
O. A traffic control plan as well as hauling hours will be required for review and approval by the Development Services Engineering Manager

Note: these comments do not constitute a formal or detailed review of the engineering data and supplemental information supplied for the preliminary short plat. Further and more detailed engineering reviews will be performed once the final plans and reports are submitted for permits. The Community and Economic Development Department, strongly recommends that the developer's Project Management team and design Engineer meet with the City's Engineering staff before first civil plan submittal.

16-169

HERRIGSTAD ENGINEERING & SURVEYING
Civil Engineering and Surveying

4320 Whistle Lake Road
Anacortes, WA 98221

Dale Herrigstad, P.E., P.L.S.
(360) 299-8804 Phone

December 22, 2016

East Village 8-LOT SHORT PLAT CLOSURE REPORT

LOT 1
Polyline Report — Thu Dec 22 12:17:48 2016

Bearing	Distance
S 00°48'26" W	135.843
N 89°20'38" E	0.509

Radius: 170.000 Chord: 49.343 Degree: 33°42'12" Dir: Right
Length: 49.518 Delta: 16°41'21" Tangent: 24.935
Chord BRG: S 82°18'42" E Rad-In: S 00°39'22" E Rad-Out: S 16°01'59" W
Radius Point: 6031.753,5867.194

S 73°58'01" E 22.411
N 00°48'26" E 149.444
S 89°20'38" W 71.143

Closure Error Distance> 0.00000
Total Distance> 428.868
Polyline Area: 10001.9 sq ft, 0.2 acres

RECEIVED
CITY OF MOUNT VERNON
DEC 29 2016
C.E.D. DEPARTMENT
BY_____

LOT 2
Polyline Report — Thu Dec 22 12:18:01 2016

Bearing	Distance
N 00°48'26" E	168.341
S 89°20'38" W	63.491
S 00°48'26" W	149.444
S 73°58'01" E	65.779

Closure Error Distance> 0.00000
Total Distance> 447.055
Polyline Area: 10084.9 sq ft, 0.2 acres

LOT 3
Polyline Report — Thu Dec 22 12:18:11 2016

Bearing	Distance
N 00°48'26" E	182.332
S 89°20'38" W	63.491
S 00°48'26" W	168.341
S 73°58'01" E	19.576
S 65°18'46" E	19.541

CITY & AGENCY COMMENTS - MDNS

N 89°20'38" E 26.721

Closure Error Distance> 0.00000
Total Distance> 480.002
Polyline Area: 11286.7 sq ft, 0.3 acres

LOT 4
Polyline Report — Thu Dec 22 12:18:21 2016

Bearing	Distance
N 00°48'26" E	182.332
N 89°20'38" E	63.491
S 00°48'26" W	182.332
S 89°20'38" W	63.491

Closure Error Distance> 0.00000
Total Distance> 491.645
Polyline Area: 11572.6 sq ft, 0.3 acres

LOT 5
Polyline Report — Thu Dec 22 12:18:31 2016

Bearing	Distance
S 00°48'26" W	182.332
N 89°20'38" E	63.491
N 00°48'26" E	182.332
S 89°20'38" W	63.491

Closure Error Distance> 0.00000
Total Distance> 491.645
Polyline Area: 11572.6 sq ft, 0.3 acres

LOT 6
Polyline Report — Tue Mar 22 10:31:45 2016

Bearing	Distance
N 89°20'38" E	135.583
N 00°52'29" E	85.025
S 89°20'46" W	135.683
S 00°48'26" W	85.028

Closure Error Distance> 0.00000
Total Distance> 441.319
Polyline Area: 11528.5 sq ft, 0.3 acres

LOT 7
Polyline Report — Tue Mar 22 10:31:30 2016

Bearing	Distance
N 89°20'38" E	135.583

S 00°52'29" W 97.307
S 89°20'38" W 135.469
N 00°48'26" E 97.304

Closure Error Distance> 0.00000
Total Distance> 465.663
Polyline Area: 13182.9 sq ft, 0.3 acres

LOT 8
Polyline Report Tue Mar 22 10:56:37 2016
Bearing Distance
S 01°18'10" E 270.005
SEE C1 N 88°41'51" E 429.383
N 00°52'29" E 1100.905
S 89°20'38" W 289.171
S 74°39'26" W 114.126
S 61°32'26" W 70.757
S 00°48'26" W 773.909
N 88°41'50" E 20.110

Closure Error Distance> 0.00000
Total Distance> 3068.366
Polyline Area: 496180.6 sq ft, 11.4 acres

TRACT A
Polyline Report Tue Mar 22 10:32:57 2016
Bearing Distance
N 65°18'46" W 19.541
SEE C2 N 73°58'01" W 107.766
Radius: 170.000 Chord: 49.343 Degree: 33°42'12" Dir: Left
Length: 49.518 Delta: 16°41'21" Tangent: 24.935
Chord BRG: N 82°18'42" W Rad-In: S 16°01'59" W Rad-Out: S 00°39'22" E
Radius Point: 6031.753,5867.194
S 89°20'38" W 0.413
S 89°20'38" W 0.095 ? NEED BLOW UP DETAIL SHEET C2 OR UPDATE LENGTH ON C2
S 00°48'26" W 108.448
N 61°32'26" E 70.757
N 74°39'26" E 114.126

Closure Error Distance> 0.00000
Total Distance> 470.665
Polyline Area: 9131.2 sq ft, 0.2 acres

From: Riggs, Steve
Sent: Friday, March 03, 2017 11:06 AM
To: Marianne Manville-Ailles (mma@sseconsultants.com)
Cc: Lowell, Rebecca
Subject: PL16-150 East Village

FYI,

I know the deadline has passed for comments more than 30 days ago. I did get a chance to review for SEPA. Other than an approved water line with a fire hydrant and the approved turnaround. No additional comments for the project.

Steven V. Riggs
Fire Marshal
City of Mount Vernon
(360) 336-6277

CITY & AGENCY COMMENTS - MDNS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 30, 2017

RECEIVED
CITY OF MOUNT VERNON
FEB 01 2017
C.E.D. DEPARTMENT
BY_____

Rebecca Lowell, Senior Planner
City of Mount Vernon
Community and Economic Development Department
910 Cleveland Avenue
Mount Vernon, WA 98273

RE: Ecology Comments on East Village Short Plat
Lead Agency File No.: PL16-150
Ecology File Number: 201700350

Dear Ms. Lowell:

Thank you for sending information on the East Village project to the Washington State Department of Ecology (Ecology) for our review and comment. As the Wetland Specialist responsible for the City of Mount Vernon area, I wish to have the following comments entered into the record. The project submittal provided to Ecology included a notice of application, mitigated determination of non-significance, SEPA environmental checklist, site plan drawings, and *Critical Area Site Assessment: East Village Short Plat,* prepared by Graham-Bunting Associates, dated December 21, 2016.

The project site is located at 2437 East Blackburn Road in Mount Vernon. This 13.4-acre property (Parcel # P28003) has two single-family houses located on the southern edge of the property, while second-growth forest and pasture cover the remainder of the property. The proposed action involves constructing seven single-family houses, an access road extension of Balsam Lane, storm water facilities, and other utilities along the northern edge of the property. The two existing houses on the southern edge will remain as a separate lot.

The critical areas identified by Graham-Bunting Associates include Maddox Creek (Type F water), two Category III wetlands (Wetlands A and C), and a Category IV wetland (Wetland B). According to City of Mount Vernon municipal code, Maddox Creek receives a 150' buffer (MVMC 15.40.080.D.3), and Category III wetlands require 75' buffers, and Category IV wetlands require a 50' buffer (MVMC 15.40.090.F.1). This confirms an earlier critical area assessment that Graham-Bunting Associates had performed in 2009.

The proposed development will permanently impact Wetland C (0.23 acre) and reduce the Wetland B buffer down to 37.5' along its northern edge (1,420 ft^2 area) while providing 1,549 ft^2 of additional buffer area at roughly a 1:1 ratio. Temporary construction impacts will occur in the

Maddox Creek buffer from installation of a storm water pond outfall. A Native Growth Protection Area (NGPA) tract will be created around Maddox Creek, Wetlands A and B, and their associated buffers. A split rail fence and signs will mark the perimeter of this NGPA tract. Compensatory mitigation for the Wetland C impacts involve purchasing credits at the Nookachamps Mitigation Bank.

Wetland C on this property is a water of the state subject to the applicable requirements of state law (see RCW 90.48 and WAC 173.201A) and Section 401 of the Clean Water Act (33 USC §1341) and 40 CFR Section 121.2. The applicant shall obtain all necessary state and federal authorizations prior to beginning any ground-disturbing activities or vegetation removal in Wetland C. To obtain state and federal authorization, the following items are required:

- A jurisdictional determination from the U.S. Army Corps of Engineers stating whether the delineated wetlands on the property are under federal jurisdiction.
- A Joint Aquatic Resources Permit Application (JARPA) form for impacts to jurisdictional wetlands submitted to Ecology at ecyrefedpermits@ecy.wa.gov.
- A mitigation bank use plan for permanent impacts to Wetland C following the Interagency Review Team guidance in *Using Credits from Wetland Mitigation Banks: Guidance to Applicants on Submittal Contents for Bank Use Plans.*

If you have any questions or would like to discuss my comments, please give me a call at (425) 649-7199 or send an email to Doug.Gresham@ecy.wa.gov.

Sincerely,

Doug Gresham

Doug Gresham, PWS
Wetland Specialist
Shorelands and Environmental Assistance Program

DEG:awp

E-cc: Paul Anderson, Ecology
Yvonne Kicken, Ecology

Allyson Brooks Ph.D., Director
State Historic Preservation Officer

March 15, 2016

Mr. Dave Prutzman
Samish Bay Land Company LLC
2601 East Blackburn Road
Mount Vernon, WA 98074

In future correspondence please refer to:
Project Tracking Code: 2016-03-01746
Property: EZ-1 East Village Short Plat, Samish Bay Land Company
Re: EZ-1 Archaeology - Survey Requested

Mr. Prutzman:

Thank you for your correspondence and supporting documentation to the Department of Archaeology and Historic Preservation (DAHP). We have reviewed your EZ-1 form for the above project. The project area is partially within a large historical wetland. There is a high potential for archaeological resources that are protected by state law.

We recommend a professional archaeological survey of the project area prior to ground disturbance. The completed survey report should be submitted to DAHP and the interested Tribes for review prior to beginning the project.

Thank you for the opportunity to comment on this project and we look forward to receiving the survey report. Should you have any questions, please feel free to contact me.

Sincerely,

Gretchen Kaehler
Assistant State Archaeologist, Local Governments
(360) 586-3088
gretchen.kaehler@dahp.wa.gov

cc. Josephine Peters, Cultural Resources, Swinomish Tribe
Jackie Ferry, THPO, Samish Tribe
Kerry Lyste, Cultural Resources, Stillaguamish Tribe
Tara Duff, Cultural Resources Director, Stillaguamish Tribe
Richard Young, Cultural Resources Director, Tulalip Tribe

From: Beacham, Linda
Sent: Friday, January 27, 2017 11:06 AM
To: Lowell, Rebecca
Cc: Marianne Manville-Ailles (mma@sseconsultants.com)
Subject: FW: DNS SEPA PL16-150

Follow Up Flag: Follow up
Flag Status: Flagged

FYI..

Linda Beacham
Administrative Assistant
Community & Economic Development
360-336-6214

-----Original Message-----
From: Jackie Ferry [mailto:jferry@samishtribe.nsn.us]
Sent: Friday, January 27, 2017 9:42 AM
To: Beacham, Linda
Subject: RE: DNS SEPA PL16-150

Hi Linda,

I agree with DAHP's assessment for a cultural resources survey prior to ground disturbance.

Thanks,

Jackie

Jackie Ferry, MA, RPA | Cultural Director | Tribal Historic Preservation Officer | Samish Indian Nation
2918 Commercial Ave | Anacortes, WA 98221-2738 | Monday - Thursday
Office: 360.293.6404 ext. 126 | Fax: 360.299.0790 | E-mail: jferry@samishtribe.nsn.us

-----Original Message-----
From: Beacham, Linda [mailto:lindabe@mountvernonwa.gov]
Sent: Friday, January 20, 2017 12:38 PM
Subject: DNS SEPA PL16-150

Type of Document: Notice of Application, Proposed Optional Mitigated Determination of Non-Significance and SEPA Checklist

Description of Proposal: Proposed is a short plat that will create seven (7) single-family residential lots that range in size from ±10,000 s.f. to ±13,000 s.f. In addition to these seven (7) new lots (where future single-family homes will be constructed) a tract for a future stormwater facility and a lot to contain the existing two residential homes on the far south side of the overall property will also be created. A ±420

linear foot private road will be extended from Balsam Lane to the east to provide access to the new lots and the stormwater tract. The project site contains two Category III wetlands (identified as wetlands A and C), one Category IV wetland (identified as wetland B) and a Fish Bearing Stream (Maddox Creek). The applicant proposes filling wetland C, and completing buffer averaging on wetland B. Following preliminary short plat approval the applicant will be required to install infrastructure (roads and utilities) to serve this site. The infrastructure installation will require approximately 1,300 cubic yards of excavation and approximately 121 cubic yards of fill. Utility lines greater than 8-inches in diameter will also be installed. The forested portions of the site primarily contain douglas fir, western red cedar and red alder ranging from 6 to 30-inches dbh. The applicant will need to harvest portions of these trees to allow site development.

Date of Issuance: January 17, 2017

Lead Agency Contact: Rebecca Lowell, Senior Planner, Community & Economic Development, Mount Vernon, WA

Linda Beacham
Administrative Assistant
Community & Economic Development
360-336-6214

From: Cole, Wendy D (DFW) <Wendy.Cole@dfw.wa.gov>
Sent: Friday, January 20, 2017 2:55 PM
To: Lowell, Rebecca
Cc: Chesterfield, Ana
Subject: East Village short plat 16-150

Hi Rebecca and Ana – I looked through this proposal and it occurred to me that since there is to be an outfall into Maddox Creek from a stormwater facility, it would need an HPA for the outfall – unless the City's NPDES permit already covers it.

Please let me know if this facility is covered by a NPDES permit, or not; Thanks!

Wendy

Wendy Cole
Washington Department of Fish and Wildlife
Area Habitat Biologist
P.O. Box 1100
La Conner, WA 98257
360-466-4345 x. 272
360-466-0515 fax
wendy.cole@dfw.wa.gov

NEW INFORMATION IDENTIFIED WITHIN THE MDNS

TSI
Transportation Solutions, Inc.

8250 - 165th Avenue NE
Suite 100
Redmond, WA 98052-6628
T 425-883-4134
F 425-867-0898
www.tsinw.com

March 20, 2017

Rebecca Bradley-Lowell, Senior Planner
910 Cleveland Avenue
P.O. Box 809
Mount Vernon, WA 98273

Subject: **East Village Short Plat – Response to Traffic Comments**

This letter provides our response to the traffic related citizen comments for the proposed East Village Short Plat in the City of Mount Vernon, WA. The East Village Short Plat includes seven (7) new single-family homes, that will be accessed via existing Balsam Lane, which is currently a dead-end street used only by the residents of Big Fir North. Big Fir North is an age restricted community. Grand Avenue and Noble Avenue are also streets internal to Big Fir North that will connect East Village with the adjacent arterial roadways.

Comments Relative to Increased Traffic Volumes

The expected new vehicle trips generated by the proposed development are estimated at 67 trips per weekday, 5 trips in the morning peak hour, and 7 trips in the evening peak hour. For the non-peak weekday period from 6 AM to midnight, there will be an estimated 3.5 vehicle trips per hour. During the weekend, there will be an estimated 69 trips on Saturday and 60 trips on Sunday, which would break down to about 4 trips per hour on Saturday and 3 trips per hour on Sunday. Vehicle trips estimated using the Institute of Transportation Engineers (ITE) *Trip Generation Manual.*

The additional traffic generated by the East Village Short Plat can be accommodated by the existing roadways in Big Fir North. Residents would not experience significant changes in driveway access or roadway congestion.

Comments Relative to Vehicle Speeds

The internal streets of Big Fir North – Balsam Lane, Grand Avenue, and Noble Avenue – are designed for low-speed vehicle operation. Horizontal curves on these streets are mostly about 75 feet in radius, through which drivers can only travel comfortably at 15 to 17 miles per hour. Speeds through horizontal curves were calculated based on the guidance in the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets*. The use of short straight roadway segments short radius horizontal curves, and closely spaced intersections is a common traffic calming practice and has been demonstrated to reduce vehicle speeds over longer straight roadway segments.

The design of the existing roadways in Big Fir North provide traffic calming features that would discourage speeding in the neighborhood.

Comments Relative Safety Associated with Young Drivers

Young drivers are involved in more crashes per mile of driving than other age groups. A 2014 Insurance Institute for Highway Safety Loss Data Institute study documented relative fatal crash rates for age groups from 16 to 80 plus years old. The study found that that drivers between 16-19 years old and 80 years old and over have similar fatal crashes rates (4.6 fatalities per million miles driven vs. 5.5 fatalities per million miles driven respectively) with older drivers having a slightly higher rate of fatal crashes than teens. Drivers between 35 and 54 years old have a crash rate of 1.17 fatalities per million miles driven.

This data suggests that there will be no significant difference between in crashes in the Big Fir North roadway system when comparing the addition of younger or older drivers to the roadways in Big Fir North.

Comments Relative Pedestrian Safety

The existing streets provide 5-foot wide sidewalks with a 4-foot wide landscape buffers on both sides. These conditions will adequately serve the existing and new pedestrian demand in the neighborhood.

Construction Traffic

Construction traffic will involve trucks, heavy equipment deliveries, material deliveries and construction worker vehicles. Construction traffic is temporary in nature and is managed by current city ordinances for construction hours and site management requirements.

Conclusions

The development of East Village Short Plat will not have significant short or long term traffic impacts on the Big Fir North community.

If you have any questions don't hesitate to contact me.

Sincerely,

Transportation Solutions, Inc.

Victor L. Salemann, PE
Principal

NEW INFORMATION IDENTIFIED WITHIN THE MDNS

TSI
Transportation Solutions, Inc.

Victor Salemann PE

Principal

Areas of Expertise

Traffic Engineering
Transportation Planning
Complete Streets
Traffic Design
Comprehensive Plan Policy Development
Code Review & Development
Concurrency Management
Transportation Impact Fees
Development Review

Representative Projects

Mt. Vernon Concurrency Study
Port Orchard Comprehensive Plan
Tahoma High School Review
Mt. Vernon Intersection Safety Study
Ash Way Design
City of Gig Harbor 2035 Model & TIF
Northern State Campus Planned Action EIS
I 90 & SR 18 Feasibility Study
City of Lynnwood 194th Pre-Design Study
Port Orchard ADA Transition Plan
Renton School District Impact Fee Review
Burlington Transportation Element
SR 16 TNB to SR 3 Congestion Study
Sammamish Transportation Element
Issaquah Pedestrian Study
US 395 /Ridgeline Drive
City of Lynnwood Traffic Modeling
32nd St/D Ave Intersection Improvements
Issaquah Complete Streets Study
Washington St Corridor Signal Analysis
The Village at Sammamish
Mt. Vernon Subarea Plan

As a Principal of TSI, Victor brings a full service approach to municipal projects with public and private sector experience in program administration, travel demand forecasting, comprehensive transportation planning, development review, traffic engineering, roundabout design, traffic signal design, and arterial roadway design. Throughout his 33 year career in transportation planning and engineering, Mr. Salemann has demonstrated an ability to connect with and commit teams and organizations to projects, as well as identify and address the challenges faced by municipal staff and diverse stakeholders.

Victor serves as the on-call traffic engineer for multiple municipalities including the City of Lynnwood, City of Mount Vernon, City of Port Orchard, and City of Sammamish.

Victor is an active Member of the Institute of Transportation Engineers and American Public Works Association.

He is a skilled public speaker and is able to present complex transportation issues to City Councils, Planning Commissions, Hearing Examiners, stakeholders, and the public. He has worked directly with the City Councils of Lynnwood, Sammamish, Issaquah, Maple Valley, Gig Harbor, Poulsbo, Covington, and Woodinville on transportation planning and traffic engineering issues including the impacts of regional through-traffic on new and established communities.

Victor's previous experience includes 7 years serving as the Engineering Manager for the City of Issaquah.

Education

BS, Civil Engineering, University of Washington

Licensure

Professional Engineer, Washington & Alaska

Affiliations

Institute of Transportation Engineers (ITE)
American Public Works Association (APWA) Washington

NEW INFORMATION IDENTIFIED WITHIN THE MDNS

CONSULTING REPORT SUMMARY

EAST VILLAGE SUBDIVISION
NHN Balsam Street
Mount Vernon, WA 98274

Prepared for:

Ms. Rebecca Bradley-Lowell
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, CA 98273

Date of Inspection: February 22, 2017

Prepared By:

HEWITT APPRAISAL SERVICE
1317 Alpine View Drive
Mount Vernon, WA 98273
Telephone: (360) 428-4758
Fax: (360) 428-8707

Appraiser:

Wayland D. (Dan) Hewitt, SRA
WA Cert. # 1101648

HEWITT APPRAISAL SERVICE

April 10, 2017

Ms. Rebecca Bradley-Lowell
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273

RE: Proposed East Village Subdivision Access
Mount Vernon, WA 98274

Dear Ms. Bradley-Lowell:

Thank you for your request for a consultative opinion of the impact of the East Village subdivision development on the adjoining Big Fir North plat in south Mount Vernon. A discussion of the issues and an opinion of impact using a narrative report format has been prepared. This assignment has been completed in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP).

The purpose of this assignment is to estimate the impact of the development of the proposed East Village Short Plat upon the existing and adjoining Big Fir North plat to the west, which would use Balsam Way in the Big Fir plat to create access to the proposed new subdivision. The intended use of the assignment is to assist the client, the City of Mount Vernon in determining possible adverse impact to the residents of the Big Fir subdivision.

The subject is a proposed short plat consisting of eight lots, seven of which will have residences. The eighth lot will support a retention pond and several houses to the south and will also serve as a buffer for Maddox Creek, which will run through lot 8 of the plat.

The following report sets forth our findings as of February 22, 2017. Our conclusion is that no market evidence was identified with which to support a negative economic impact to the lots in Big Fir North as a result of the development of the seven new lots in the proposed East Village plat.

Dan Hewitt, SRA

TABLE OF CONTENTS

APPRAISAL REPORT SUMMARY	1
LETTER OF TRANSMITTAL	2
TABLE OF CONTENTS	3
SUMMARY OF SALIENT FACTS	4
REPORT ORGANIZATION PURPOSE, INTENDED USE AND INTENDED USER OF THE APPRAISAL ASSUMPTIONS AND LIMITING CONDITIONS PROPERTY RIGHTS APPRAISED EFFECTIVE DATE OF APPRAISAL COMPLIANCE AND COMPETANCY PROVISION	5
DEFINITION OF MARKET VALUE ASSIGNMENT DEVELOPMENT, SCOPE AND REPORTING PROCESS ASSESSMENT AND TAXES OWNERSHIP HISTORY PERSONAL PROPERTY	6
SALES AND LISTING HISTORY LEGAL DESCRIPTION PRIOR APPRAISAL	7
REGIONAL AND STATEWIDE ANALYSIS SKAGIT COUNTY ANALYSIS	9
NEIGHBORHOOD ANALYSIS	10
SITE ANALYSIS	11
ZONING DESCRIPTION OF IMPROVEMENTS OPINION OF ESTIMATED POTENTIAL ECONOMIC IMPACT	12
ANALYSIS OF CONCLUSIONS	13
ASSUMPTIONS AND LIMITING CONDITIONS	14
CERTIFICATION	16
PHOTOGRAPHS, MAPS and ADDENDA	17 - - -

SUMMARY OF SALIENT FACTS

Client:	The City of Mount Vernon
Intended Use:	Estimate potential of adverse impact to the residents of the Big Fir North plat as a result of the proposed East Village Short Plat.
Intended Users:	This report is intended to be used by the City of Mount Vernon. No other party is authorized or intended to use this report.
Purpose of the Assignment:	The purpose of this narrative consultative report is to provide an opinion of the potential for adverse impact of the development of the East Village Short Plat to the adjoining Big Fir North plat.
Subject Property:	8 lot Short Plat located at the east end of Balsam Lane in Mount Vernon, WA 98274.
Project Scope:	Subdivision plat.
Date of Inspection:	February 22, 2017
Completion Date of Report:	April 10, 2017
Tax I.D. #	340428-2-007-0102; P28003 (Existing) New plat not assigned yet
Zoning:	R-1; 4.0
Land Area:	13.39 acres; 583,268 sf
Purchase Price:	N/A
Owner:	Mary Margaret Kiesel
Highest and Best Use	
As Vacant:	Residential Subdivision
As Improved:	Residential Subdivision
Hypothetical Condition:	None.
Extraordinary Assumptions:	None.
Conclusion:	No measurable economic impact to lots in the Big Fir North subdivision can be supported as a result of the new proposed East Village subdivision.

REPORT ORGANIZATION:

This report is designed to inform the reader of all factors influencing the value of the subject property in a clear and concise manner. An Executive Summary is provided to the reader for quick reference to salient conclusions regarding the property. Initially, an overview of the subject regional market area, market trends and a neighborhood location analysis is performed. The property is then described physically and a highest and best use for the property is determined. Highest and Best Use establishes the premise upon which the property is valued.

An addendum is provided which illustrates important data about the market, site and improvements and includes photographs of the subject to aid the reader.

INTENDED USE OF THE ASSIGNMENT:

The purpose of the assignment is to provide the appraiser's opinion of the economic impact of a proposed residential subdivision development to the existing subdivision adjacent to it. The opinion is designed to be used by the client for consideration of determining the feasibility of the proposed development and without prior written approval of the author, the use of this report is limited to this decision-making. All other uses are expressly prohibited. Reliance on this report by anyone other than the designated client for a purpose other than that set forth above is prohibited. The author's responsibility is limited to the client.

INTENDED USER OF THE ASSIGNMENT:

The intended user of the appraisal is the City of Mount Vernon. No other party is authorized or intended to use this report.

ASSUMPTIONS AND LIMITING CONDITIONS:

The assignment is based upon the assumptions and limiting conditions as outlined in the enclosures.

PROPERTY RIGHTS:

The property rights appraised consist of the unencumbered fee simple interest of all present and future benefits, which may be derived from the property's present or possible use.

EFFECTIVE DATE OF APPRAISAL:

The effective date of appraisal is February 22, 2017, which is also the date of physical inspection.

COMPLIANCE AND COMPETENCY PROVISION:

This consulting report has been prepared in compliance with the Uniform Standards of Professional Practice (USPAP) as revised January 1, 2016 and originally adopted by the Appraisal Standards Board of the Appraisal Foundation on August 9, 1990. The appraiser has years of experience in appraising single family, multi-family and commercial properties and has the appropriate knowledge and experience to

competently complete this report. Refer to the addendum of this report for a statement of qualifications of the appraiser.

DEFINITION OF MARKET VALUE:

Market value is not determined for the purposes of this consulting assignment.

ASSIGNMENT DEVELOPMENT, SCOPE AND REPORTING PROCESS:

In preparing this opinion, the appraiser:

1. physically inspected the site
2. gathered information on plat development in the market area using the NW MLS and known information

This consulting report is a brief recapitulation of the appraiser's data, analyses, and conclusions. Additional supporting documentation is retained in the appraiser's file for this consulting report.

ASSESSMENT AND TAX INFORMATION:

The subject property has a current tax identification number of 340421-3-023-0000 and a corresponding parcel number of P27310. The past three years of tax assessment valuations for parcel # P27310 are noted as follows:

YEAR	A/V LAND	A/V BLDGS	TOTAL A/V
2017	$3,765,100	$1,671,700	$5,436,800
2016	$3,765,100	$1,671,700	$5,436,800
2015	$3,336,100	$1,520,400	$4,856,800

The current total tax assessed value of the subject tax parcel for the 2017 year is $5,436,800. The above assessments appear in line with others seen in the market. The current taxes assessed for 2017 are $80,188.34.

OWNERSHIP HISTORY:

The subject property is currently owned by Mary Margaret Kiesel, according to the Skagit County Assessor.

PERSONAL PROPERTY:

No personal property, manufacturing equipment or business equipment was included.

SALES AND LISTING HISTORY:

The subject property has not sold or been listed for sale in the past three year period.

LEGAL DESCRIPTION:

See the attached addendum section for the complete legal description of the subject property.

PRIOR APPRAISAL:

The subject property has not been previously appraised by this appraiser. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report in the three-year period immediately preceding acceptance of this assignment. (per USPAP, rev. January 1, 2012).

MARKET, LAND AND IMPROVEMENTS ANALYSIS

REGIONAL AND STATEWIDE ANALYSIS:

The subject property is located in Mount Vernon, in Skagit County, state of Washington. Washington State is located in the northwest corner of the contiguous 48 United States. The northwest corner of the United States is commonly referred to as the Pacific Northwest region. This area includes the states of Washington, Oregon, Idaho and western portions of Montana.

Regional Characteristics

The multi-state region of the Pacific Northwest is primarily supported by four major metropolitan population centers: Seattle and Spokane in Washington State, Portland in the northwest corner of the state of Oregon and Boise, the capital of the state of Idaho. These four cities are linked by two major interstate freeways, which facilitate trade throughout the region. Interstate 90 links Seattle with Spokane and Boise to the east. Interstate five runs north and south and links Seattle with Vancouver, B.C. in Canada to the north and Portland, Oregon to the south. The Cascade Mountain Range runs north and south through the western part of the states of Washington and Oregon creating a unified cultural and sociological group. It also blocks incoming weather patterns from the onshore ocean flow. East of the mountains in Washington, Idaho and Oregon is a more arid climate and a more agricultural based economy. Spokane and Boise act as trading hubs for product moving to and from the coastal cities of Seattle and Portland and have busy commercial and industrial distribution centers. Rail and trucking are the primary movers of goods, however, each of the cities have major airports for passenger and freight conveyance. The Rocky Mountain Range through Montana and into Utah is the eastern boundary of the region.

Factors such as employment, per capita income, health care and education levels are considered to be on a par with other healthy regions of the United States. Current social issues in the region include preservation and enhancement of environmental conditions, traffic and linkage problems in the major metropolitan areas, (especially in Seattle) and taxes. Washington State has a sales tax on goods and services but no state income tax. Oregon has no sales tax, but does have a state income tax. This can have some effect on trade in the southwestern part of Washington and the northern part of Oregon.

The region is supported by a diverse base of employment which includes aircraft manufacturing, forest product processing, high tech manufacturing and R & D, bio-technology, agriculture, textiles, oil, steel and aluminum processing, recreational opportunities, overseas and intercontinental shipping, retailing and internet businesses. The broad diversity of these major employment bases contributes to a healthy climate for employment levels, income stability, educational levels, housing affordability and overall quality of life.

Geographic Characteristics

Washington State is comprised of 66,544 square miles with an average of 88.6 persons per square mile. The most northwesterly corner of Washington State is often referred to as the Puget Sound Region. Puget Sound is bordered in the east by the Cascade Mountain Range, in the west by the Olympic Peninsula, San Juan Islands and Pacific Ocean. The southern boundary extends to the Olympia area and the northern boundary is the Canadian-U.S. border. It is about 70 miles south of this northern border that Skagit County and Mount Vernon are located.

Population Characteristics

Washington State reports a population of 7,277,536 people as of 2016 according to the U.S. Census. The median age of the population is estimated at 36.2 years. The majority of the growth from out of state residents comes from California with Oregon in second place. Migration has shown signs of decline, however. In 2006 influx was 81,000, but in 2008 influx dropped to 58,000 and to 39,000 in 2009 due to housing contraction and poor economic conditions. Potential workers wishing to migrate are experiencing difficulty selling homes in other states to move here.

These factors contribute to the enhancement of the area economically and demographically and indicate that controlled growth is occurring. This, in turn, indicates positive factors for real estate values and the real estate market in the future for the region.

SKAGIT COUNTY ANALYSIS

Geographical Location and Physical Characteristics

Mount Vernon is the county seat of Skagit County and is also the largest city in the county, both in terms of population and in land area. Skagit County comprises a land area of 1,735 square miles and is characterized by the fertile farmland of the Skagit River delta at the western half portion with the eastern half dominated by foothills and peaks of the Cascade Mountain Range. The Skagit River runs nearly the entire length of the county from east to west and empties into Skagit Bay, which is part of greater Puget Sound. This is the principal drainage system for the county's rainfall and has provided a fertile delta of productive agricultural land. Sedro Woolley is located upriver, ten miles east of Mount Vernon and Burlington, the two principal cities in the county.

Skagit County enjoys a temperate climate with mild temperatures and adequate balance of rainfall and sunshine. Winter temperatures typically average around 30 degrees Fahrenheit while summer temperatures range into the mid 70's. Rainfall can average between 35 and 45 inches, with the mountainous eastern region receiving the large portion of rain. Snowfall is occasional during the winter but does not usually contribute adversely to operational factors.

Skagit County's location offers access to recreational amenities such as parks, lakes and the San Juan Islands to the west.

Population Characteristics

According to the U. S. Census, the population of Skagit County in 2015 was 121,846, up from 115,300 in 2011. From 2010 to 2012, the population in Skagit County increased by 1.1 percent. These findings imply that Skagit County is viewed as a desirable place to live and work and a population influx trend is expected to continue for the foreseeable future. The current median age of the population is 37.2 years, slightly higher than the statewide average. Males comprise 49.5 percent of the population and females comprise 50.5 percent. Age group breakdowns basically mirror those in the preceding chart of the statewide age groups.

Overall market factors for real estate in the Skagit County area appear favorable due to the location of the county along the I-5 corridor. As stated in the interest rate analysis, market interest rates are at long-time lows since the beginning of the 2008 recession and appear to be stable for the foreseeable future. This is both due to policies of the Fed as well as liquidity issues in the secondary mortgage market. Other than the tightening of the finance industry, no adverse influences of a market wide scale are noted.

NEIGHBORHOOD ANALYSIS:

The subject property is situated in the southern part of the city of Mount Vernon, Washington. Mount Vernon is located along the Interstate 5 freeway at a point where the Skagit Valley opens up to the west. The present city has evolved from a riverfront town to a sprawling urban and suburban community and the county seat of Skagit County. As the Skagit River was gradually cleared of logjams which prevented upriver travel, Mount Vernon became an increasingly important hub of business activity in eastern Skagit County. An agricultural and logging economy spawned support industries to maintain equipment and

supplies as well as service the growing population. The population of Mount Vernon as of 2016 is 31,743 persons.

Today, Mount Vernon is characterized by a desirable small town atmosphere and lifestyle. While agriculture and logging are still major economic bases in Skagit County, Mount Vernon has managed to diversify, capitalizing on the burgeoning tourism trade and service industries in the county. Interstate 5 provides the primary north-south route through the county from Conway in the south to Alger in the north. Mount Vernon is situated along the I-5 corridor, which promotes a stabilization of the economy.

The housing market in the city has been experiencing higher levels of activity emerging from the 2008 recession. Demand for residential housing has been growing due to predominately favorable economic conditions in the county as well as pent up demand from periods of slower activity. The immediate neighborhood along the Blackburn and LaVenture Road corridor consists of a combination of single family and light commercial, with 2-4 family duplexes, fourplexes and small apartment complexes (under 30 units), some retirement and assisted living centers to the north. These different land uses are considered homogenous by the market participants. An elementary and middle school are located within several blocks west and north of the subject property as is a small neighborhood convenience store. Other property uses include places of worship.

SITE ANALYSIS:

East Village

The subject site is comprised of an irregular shaped, gently sloping acreage tract near the northeast corner of South LaVenture Road and East Blackburn Road. Refer to the attached site map for the boundary dimensions. The total size of the parcel is estimated at 900,442 square feet, or 20.67 acres. The soil of the surrounding area typically appears capable of adequate load bearing conditions. The subject property is a proposed development of a residential subdivision, to be known as East Village, which will be created by a short plat process. The subdivision will create seven new single family residential lots at the northern part of the acreage. Lot 8 to the south will be a remainder acreage tract of 11.39 acres. This tract will have a protective area for a retention pond at the northwest corner and for Maddox Creek, which runs through the northern part of Lot 8. Several houses are located on Lot 8 which are accessed off East Blackburn Road.

The seven new lots are scheduled to be accessed by extending an existing street known as Balsam Lane in the northeast corner of the Big Fir North subdivision, which is situated directly west of the proposed East Village plat. Utilities would also be extended from this point. Traffic into and out of East Village will be required to transit the Big Fir North subdivision in order to access LaVenture Road. Reportedly, no other legal access in or out of the subdivision can be facilitated due to the Maddox Creek corridor south of the proposed lots and the existing residential subdivision of Little Mountain estates to the east and north.

Big Fir North

The Big Fir North residential subdivision consists of 48 single family residential lots and was created around 2007 to 2008, shortly before the recession. It is situated directly west of the proposed East Village plat and is accessed from South LaVenture Road. Maddox Creek forms the southern boundary. Big Fir South is a competitive plat which was recently developed south of Maddox Creek and offers similar appeal as Big Fir North. The Big Fir North plat is designed to attract inhabitants of age 55 or older. It has CC and R's to that effect. Other competitive plat developments in the general market are known to have age limitations, most notably Montreaux to the northeast of the subject, which was delivered to the market by the same developer as Big Fir North.

ZONING:

The subject property is zoned R-1; 4.0, Residential Single Family. The proposed usage is an allowable use.

DESCRIPTION OF IMPROVEMENTS:

The subject's seven lots are proposed and there are no improvements on the north part of the acreage.

OPINION OF ESTIMATED POTENTIAL ECONOMIC IMPACT

The proposed subject subdivision is deemed to be an allowable land use in concert with zoning. In addition, current market demands for housing and meeting of community standards and needs would appear to be met with the proposed development.

The primary complaint is described as being brought by the 55 and older residents of the Big Fir North plat who have voiced concerns that the proposed 7 lot development would create traffic and noise issues as eventual inhabitants of East Village will necessarily use the streets of Big Fir for ingress and egress. This might create adverse future value influences to the Big Fir North residences, especially because of the 55 and older age group, which have expectations of quiet enjoyment as a part of their bundle of fee simple ownership rights.

Several important factors were considered as follows:

The proposed subdivision of East Village will consist of 7 lots. The Big Fir North subdivision consists of 48 finished lots. It would be reasonable to expect that residents of East Village will take the shorter route to and from South LaVenture Road, thus using Balsam Lane, the eastern portion of Grand Avenue and then Noble Street out to South Laventure Road and Vice versa. Thus about 21 lots in Big Fir North would not typically be exposed to traffic patterns created by East Village. The impact to Big Fir North residents would actually only be expected to impact about 27 of the existing Big Fir North lots.

Other residential subdivisions over the past several years since the recession have been developed with no apparent impact to the real estate values of residents of surrounding or nearby subdivisions. Notable examples are:

A recent plat known as Digby Heights had phase 3 added to the original two phases. The new phase 3 lots front along Jeff Street. Jeff Street remains closed off to East Division Street, which would have provided easier access in and out of the plat for residents of phase 3. As such residents of the new homes in phase 3 must necessarily drive though the original phases 1 and/or 2 of the subdivision in order to access either east Division Street to the north or Digby Road to the west. No loss in value to homes in the original two phases due to the development of phase 3 could be proved and phase 3 homes sold comparably to those in the first two phases.

The new plat of Twin Brooks was developed in 4 phases in eastern Mount Vernon. Like Big Fir North, this is a 55 and older subdivision. The first phase was built in 2015 and is accessed off East Division Street in a similar manner as Big Fir North. A second phase was extended off phase 1 and phase 3 was a loop of lots added to phase 2, requiring phase 3 residents to access through phases 2 and 1 to get back to East Division Street. Phase 3 is an extension of the plat to the north and those additional lots also drive through phases 2 and 1. Phases 2, 3 and 4 also are connected to the Skagit Highlands plat to the east by opening up a street, enabling Twin Brooks residents to drive through Skagit Highlands to connect to linkages go north to East College Way and Highway 9 to the north. Homes have been selling briskly in all phases and no discernable loss in value to homes in phases 1 or 2 was observed.

The plat of Highland Greens is being developed in two phases in the north part of Mount Vernon. The central street in the plat is Green Way, which is situated between the two development phases. While another street in phase 2 will allow access in and out of the north part of the subdivision without much impact on phase 1 homeowners, certainly some of the new owners in the south part of phase 2 will use Green Way after phase 1 has been developed. No impact is expected to the values of owner in phase 1 as a result of this second phase development. In addition, a senior citizen housing center is located to the east across the street from this plat and no measurable adverse impacts to quiet enjoyment are expected.

SUMMARY:

No valuation information regarding the age of subdivision residents is available for comparative purposes. 55 and old subdivisions have historically been developed in various areas of Mount Vernon over the past several decades. These neighborhoods include such delivered plats as Stonebridge (2003), Montreaux (2007), and more recently, the new Woodside plat which will be developed in east Mount Vernon, just east of the developing Cedar Heights plat. It does not appear that the 55 and older composition of the Big Fir North plat would be impacted any differently than other 55 and older subdivisions, simply on the premise of age makeup of the plat. In addition, there is no market evidence to support a notion that inhabitants of other existing 55 and older subdivision have been negatively impacted by adjacent subdivisions simply based on age composition of the plat. The recently developed or proposed examples of Woodside and Twin Brooks support the idea the 55 and older subdivisions co-exist nicely with subdivisions which are open to all age groups. The 55 and older age groups demonstrated a willingness to purchase and keep purchasing within the plats, even as the plats were extended with new phases and other non-55 and older plats continued to develop around them.

In addition, the subdivision development examples noted previously do not provide any economic support to the idea that extensions of subdivisions create any adverse impact to the values of the properties developed in the adjoining and/or previously developed parts of the subdivisions. Several recent sales and a pending sale in the Big Fir North subdivision have actually demonstrated increasing values along with the rest of the local market.

Thus, it is not likely that any significant or measurable value change to the properties in the Big Fir plat will occur as a result of the addition of a seven lot extension to the east of the plat. It should also be noted that the remainder of the contiguous acreage to the east of Big Fir North will remain undeveloped, in support of the protection of Maddox Creek and that no additional lot development would be likely to occur, thus creating a situation where these seven proposed lots would be the only additional lots likely to be developable.

ANALYSIS OF CONCLUSIONS

In summary, and based on the information provided, it is unlikely to conclude that any long-term measurable value change will result to the Big Fir North properties as a result of the seven lot development. A bit of short-term market reluctance might occur due to equipment use and some construction noise while the new lots are being developed. However, once the new lots are finished, the market would typically be expected to absorb the existence of the easterly lots as a matter of course and not react in an economic manner any differently than to any of the other competitive 55 and older purchase opportunities in competing subdivisions which might become available over future time.

ASSUMPTIONS AND LIMITING CONDITIONS

1. This is a narrative Consulting Report which is intended to comply with the reporting Standards set forth under Standard Rule 2-2 (b) of the Uniform Standards of Professional Appraisal Practice. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.

2. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.

3. The property is assumed free and clear of any or all liens and encumbrances unless otherwise stated in this report.

4. Responsible ownership and competent property management are assumed unless otherwise stated in this report.

5. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.

6. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.

7. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable, unless stated in the report. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.

8. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.

9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in this appraisal report.

10. It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.

11. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader references purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.

12. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

13. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraisers value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.

14. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

15. Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans & specifications.

16. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

17. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety.

18. Neither all nor any part of the contents of this report, especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected, shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.

CERTIFICATION:

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.

2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.

3. I have no present or prospective interest in the property that is the subject of this report and I have no personal interest or bias with respect to the parties involved.

4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of any value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

5. This appraisal was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

6. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

7. I have made a personal inspection of the property that is the subject of this report.

8. No one provided significant professional assistance to the person signing this report.

9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by it's duly authorized representatives.

11. As of the date of this report, I have completed the requirements of the continuing education program of the Appraisal Institute.

12. The subject property has not previously been appraised by this appraiser. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report in the three-year period immediately preceding acceptance of this assignment. (per USPAP, rev. January 1, 2012).

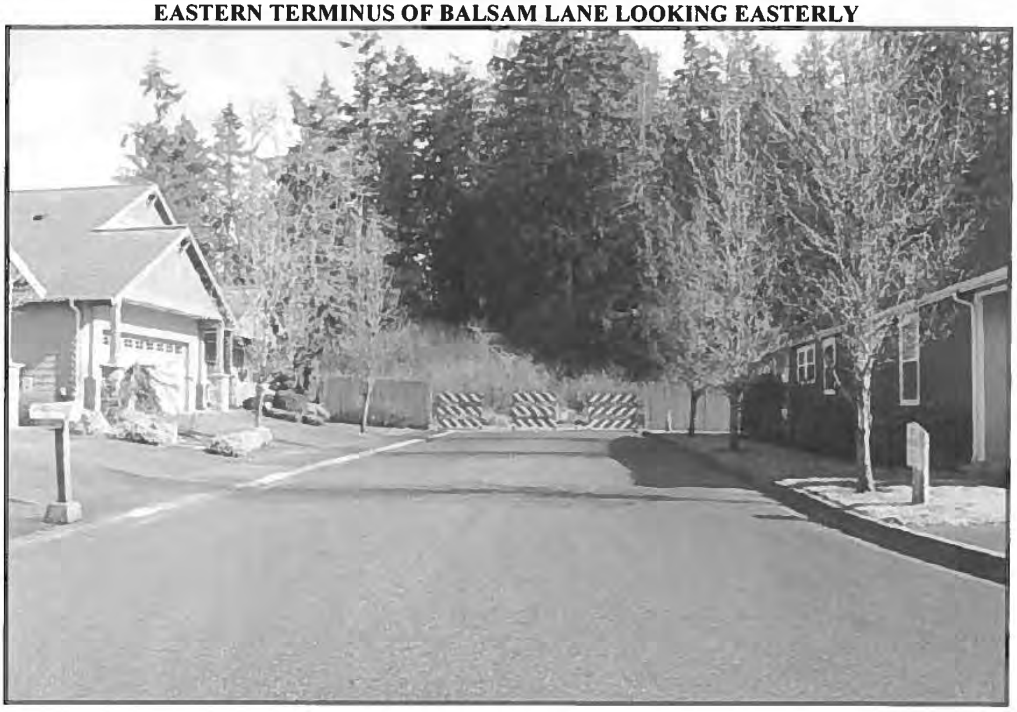
February 22, 2017		4-10-2017
Effective Date	Dan Hewitt, SRA WA General Cert. #1101648	Date Signed

PHOTOGRAPHS

SUBJECT PHOTOGRAPHS

EAST END OF BALSAM LANE LOOKING EASTERLY INTO EAST VILLAGE PLAT

EASTERN TERMINUS OF BALSAM LANE LOOKING EASTERLY

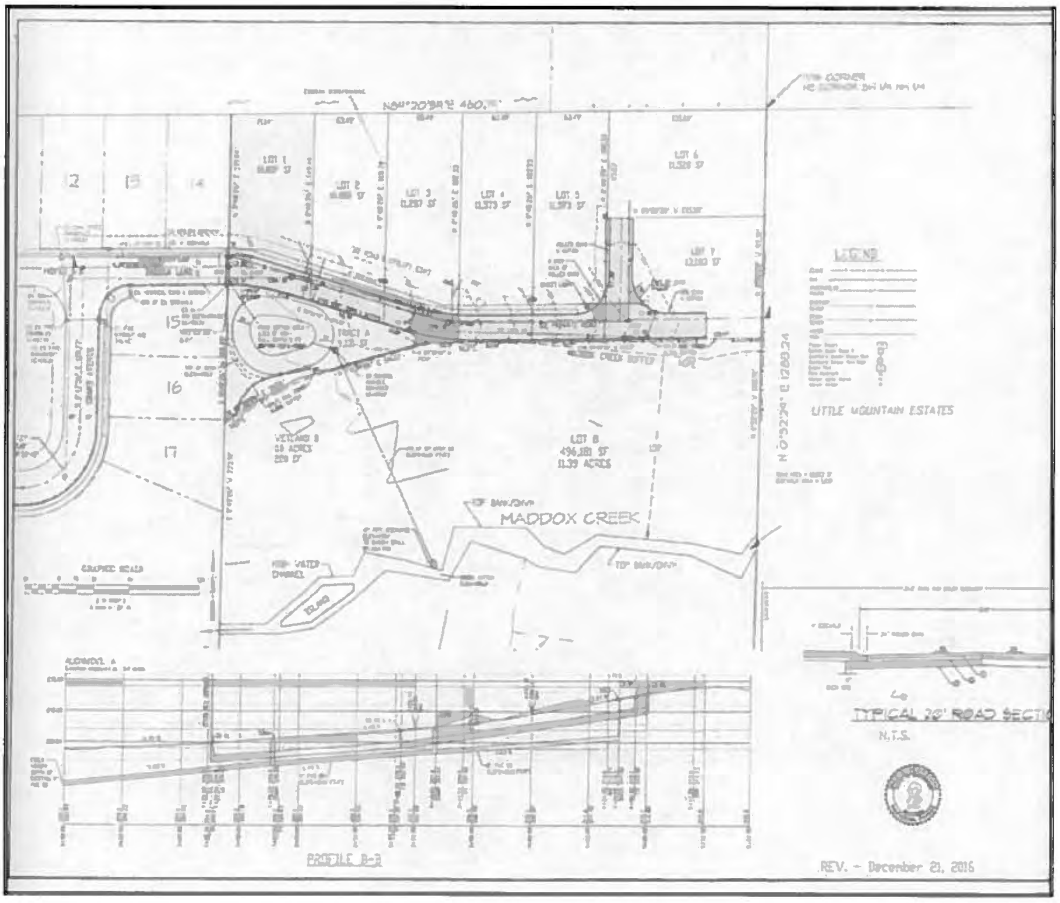


SUBJECT PHOTOGRAPHS

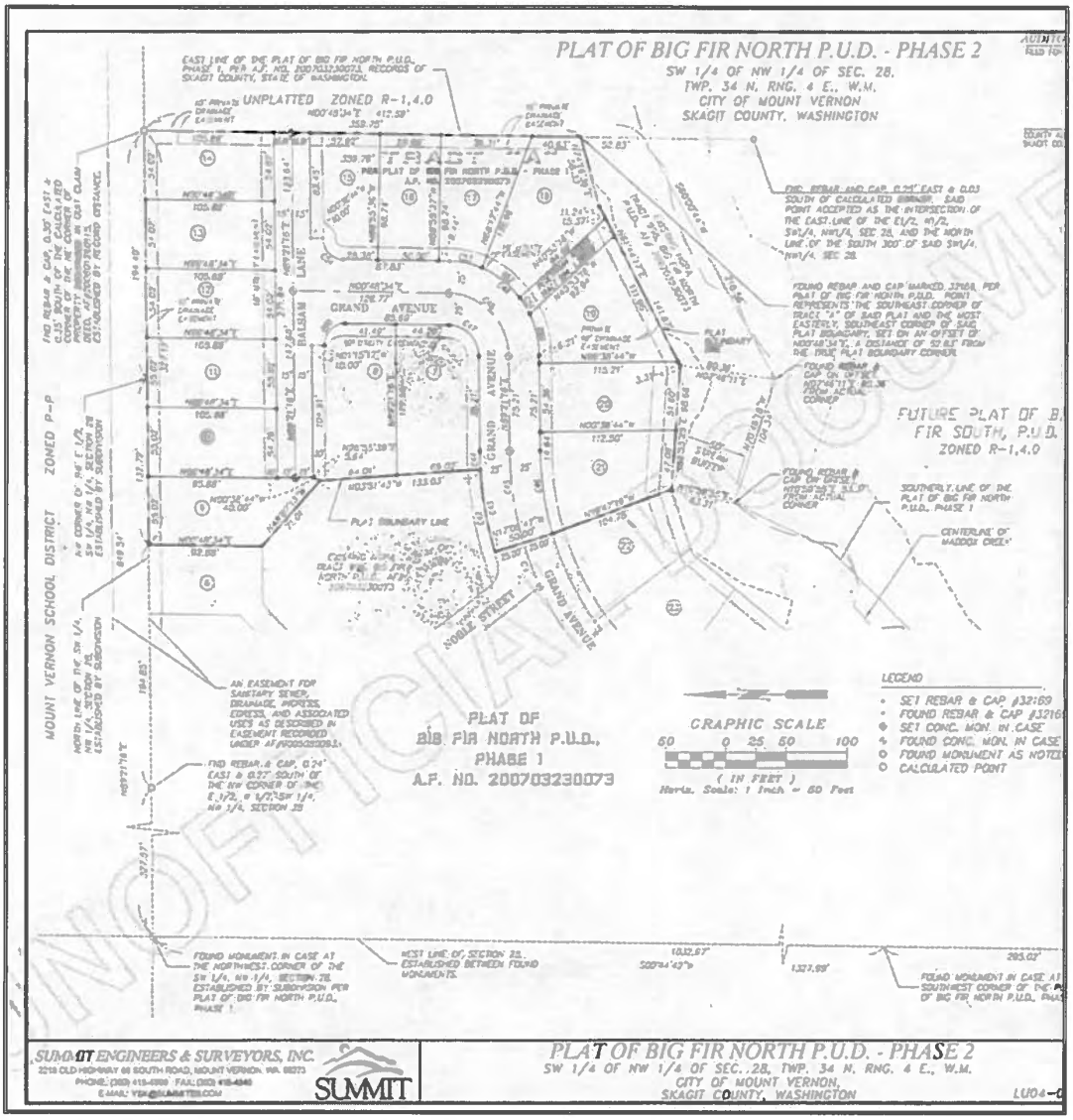
BALSAM LANE LOOKING WESTERLY INTO BIG FIR PLAT

MAPS

PLAT MAP: EAST VILLAGE



PLAT MAP: EAST END OF BIG FIR NORTH



ADDENDA

LEGAL DESCRIPTION OF EXISTING PARCEL

DESCRIPTION:

That portion of the East ½ of the Southwest ¼ of the Northwest ¼ of Section 28, Township 34 North, Range 4 East, W.M., described as follows:

Beginning at the Southeast corner of said subdivision;
thence North 0°54'33" East along the East line of said subdivision, a distance of 30.02 feet to a point on the North line of Blackburn Road, and which point is the true point of beginning of this description;
thence continuing North 0°54'33" East along the East line of said subdivision, a distance of 1,284.15 feet to the Northeast corner of said subdivision;
thence South 89°22'21" West, along the North line of said subdivision, a distance of 461.22 feet to a point that bears North 89°22'21" East a distance of 194.40 feet from the Northwest corner of said subdivision;
thence South 0°50'47" West, parallel with the West line of said subdivision, a distance of 1,019.12 feet to a point on the North line of that tract conveyed to Robert B. Lindbloom, et ux, by instrument recorded under Auditor's File No. 573266;
thence North 88°43'35" East along the North line of said Lindbloom tract, a distance of 20.02 feet to the Northeast corner of said Lindbloom tract;
thence South 1°16'25" East, along the East line of said Lindbloom tract, a distance of 270.00 feet to a point on the North line of Blackburn Road;
thence North 88°43'35" East, along the North line of Blackburn Road, parallel with, and 30.00 feet North of, when measured at right angles from the South line of said subdivision, a distance of 429.95 feet to the true point of beginning.

Situate in the County of Skagit, State of Washington

APPRAISER'S CERTIFICATION

STATE OF WASHINGTON
DEPARTMENT OF LICENSING - BUSINESS AND PROFESSIONS DIVISION
THIS CERTIFIES THAT THE PERSON OR BUSINESS NAMED BELOW IS AUTHORIZED AS A

CERTIFIED GENERAL REAL ESTATE APPRAISER

WAYLAND D HEWITT
HEWITT APPRAISAL SERVICE
1317 ALPINE VIEW DRIVE
MOUNT VERNON WA 98274

License Number	Issued Date	Expiration Date	Pat Kohler, Director
1101648	11/26/2004	11/26/2018	

QUALIFICATIONS OF APPRAISER

Wayland D. (Dan) Hewitt, SRA
Res: 1317 Alpine View Drive. Mount Vernon, WA 98274
(360) 428-4758; (360) 770-5446 Cell

EDUCATON:

SCHOOL	***DATES***	***DEGREE RECEIVED***
Mount Vernon H. S.	1972-75	Diploma
Skagit Valley College	1975-77	A. A. Liberal Arts
University of Washington	1977-79	None
Washington State University	1979-81	B. A. Communications

PROFESSIONAL AND BUSINESS EXPERIENCE:
Actively appraising full time: May 1986 to present
Qualified as expert witness in Skagit, King and Island Counties

APPRAISAL EDUCATION AND EXPERIENCE:
Seminars and meetings: Seattle Chapter of the Appraisal Institute
SREA Course 101: Nov. 1986; SREA Course 102: May 1987
Manufactured Home Seminar: Washington Mutual; 1992
How to Value Income Property: Palmer, Pietka & Groth; May 1992
Appraiser's Legal Liabilities: Appraisal Institute; Nov. 1992
Small Residential Income Property Report: Appraisal Institute; Nov 1992
Basic Income Capitalization-Course 310: Appraisal Institute; Mar 1994
FHA Appraising; April 1995; Lee & Grant
Real Estate Law: Sept. 1996; Mykut School
Residential Appraising; Oct. 1998; Mykut School
FHA Refresher Course; Sept. 1999;
HUD Update Class; Sept. 1999; Lincoln Graduate Center
What's It Worth?; May 2000; Mykut School
Standards of Professional Practice and Conduct Part C: Nov. 2000; Appraisal Institute
Course 520; Highest and Best Use; March 2002; Appraisal Institute
Course 400; USPAP Update; Oct. 2004; Appraisal Institute
Course 420; Business Practices and Ethics; Oct. 2004; Appraisal Institute
Course 510; Advanced Income Capitalization; June 2005; Appraisal Institute
USPAP Update; Oct. 2006; Appraisal Institute
Scope of Appraisal; Oct. 2006; Appraisal Institute
Analyzing Operating Income Statements; Nov. 2006; Appraisal Institute
Commercial Real Estate Forecast; Nov. 2006; Appraisal Institute
USPAP Update (2 Day); May 2008; Appraisal Institute
Report Writing and Valuation Analysis; June 2008; Appraisal Institute
Advanced Sales Comparison and Cost Approach; Sept 2008; Appraisal Institute
Business Practices and Ethics; Oct. 2008; Appraisal Institute
Advanced Applications; Jan. 2009; Appraisal Institute
Valuation of Easements and Other Divided Partial Interests; Sept. 2010; Appraisal Institute
Common Errors and Misconceptions In Yellow Book Assignments; Sept. 2010; Appraisal Institute
USPAP 7 hr Update; Oct. 2010; Appraisal Institute
USPAP 7 hr Update; Jan. 2012; Appraisal Institute

Loss Prevention Program for Real Estate Appraisers; July 2012; LIA
Appraising and Analyzing Industrial and Flex Buildings for Mortgage Underwriting; Nov. 2012; McKissock
Supervising Appraisal Trainees: Field Preparation; Nov. 2012; Mykut
USPAP 7 hr Update; Jan. 2014; Appraisal Institute
2-4 Family Review; Feb. 2014; Appraisal Institute
Water Rights; June 2015; Appraisal Institute
USPAP 7 hr Update; Jan. 2016; Appraisal Institute
All Residential-All Day; Appraisal Institute; May 2016; Appraisal Institute
Marshall and Swift Cost Approach-Commercial; June 2016; Appraisal Institute
Marshall and Swift Cost Approach-Residential; June 2016; Appraisal Institute
Business Practices and Ethics; Appraisal Institute; March 2017

DESIGNATIONS AND CERTIFICATIONS HELD:
Awarded Senior Residential Appraiser Designation (SRA) May 1990
Washington State Certified General Real Estate Appraiser
Cert # 1101648; Exp: 11-26-2018; Professional Memberships: Appraisal Institute, (Associate Member)

APPRAISAL AREAS AND PROPERTY TYPES:
All of Skagit, Island, Whatcom and San Juan Counties
Available for independent fee appraisal assignments for all property types including single family residential, multi-family residential, manufactured housing, vacant land, waterfront, commercial and multi-purpose properties.

NEW INFORMATION IDENTIFIED WITHIN THE MDNS PC16-150

SAMISH BAY
REAL ESTATE GROUP
samishbay@gmail.com
(425)308-9397, direct
samishbayrealestategroup.com

RECEIVED
CITY OF MOUNT VERNON
MAR 17 2017
C.E.D. DEPARTMENT
BY_____

Rebecca Lowell
Senior Planner
City of Mount Vernon

Re: Alternative analysis for Blackburn Road extension

Ms. Lowell,

Upon further examination of all the elements and ordinances involved in an extension of Blackburn northerly to serve as an entrance road for East Village, here is an initial list of items that will have to be addressed:

1. 1,700 l.f. of Class 3 roadway.
2. 850 l.f. of half street improvement on Blackburn Road.
3. Storm detention for impervious surfaces and outfall point for same.
4. Pour in place bulkheads and geo-tested backfill for clear span bridge foundation.
5. 60' clear span bridge installed.
6. Surveying, engineering and consultants.
7. Sanitary sewer lines and manholes, water lines, storm sewer system and catch basins, electric, including street lights, natural gas lines, high speed internet conduit, street signage and striping.
8. Split rail fencing (approx. 2,800 l.f. adjacent to critical areas.
9. Applicable sales tax.
10. Applicable fees.

Additional Impacts: The Class 3 road profile will have to extend north from the Critical Area Buffer and force the lots into being the same size as the smallish Big Fir North lots, theyeby eliminating the planned larger private home sites with the net result being small lots fronting onto a through City street.

Alternative Analysis, Blackburn Road extension

Page 2

Definitive costs can only be generated from approved construction engineering, and such engineering requires surveying, consultant studies, and construction engineering. Such costs would easily exceed $75,000. The included amounts are estimates only and are based upon Samish Bay's 25 years as a residential developer and are confirmed by local contractors.

1.	Roadway: 1,700 l.f. @ $700 l.f.	$1,190,000
2.	1/2 road section, Blackburn Road: 850 l.f. @ $300 l.f.	$250,000
3.	Clear span bridge, installed 60':	$245,000
4.	Storm detention facility:	$70,000
5.	Survey, engineering, consultants:	$125,000
6.	Applicable sales tax:	$155,000
	Sub Total	$2,040,000
7.	Applicable fees: t.b.d.	

Dave Prutzman
Managing Member
Samish Bay Land Company

NEW INFORMATION IDENTIFIED WITHIN THE MDNS

Graham-Bunting Associates
Environmental & Land Use Services
3643 Legg Road
Bow, WA 98232
Phone: 360.766.4441

March 10, 2017

Dave Prutzman
Samish Bay Real Estate Group
4215 Montgomery Place
Mount Vernon, WA 98274

Alternative Access: East Village Short Plat (Parcel 28003)

Mr. Dave Prutzman:

Following is our cost estimate for wetland mitigation services associated with a potential access route off of East Blackburn Road to the East Village Short Plat. The estimate is based on guidance provided by Rebecca Lowell (Senior Planner, Mount Vernon Community and Economic Development Department) and includes estimated costs for preparation of environmental documents and compensatory offsite mitigation provided at an accredited wetland mitigation bank.

Access from Blackburn Road to the proposed East Village Short Plat will require unavoidable impacts to Wetland A as delineated and depicted in the Critical Area Assessment: Parcel 28003 (Graham-Bunting Associates; December 21, 2016). Impacts are based on development of an access road consistent with City of Mount Vernon standards from Blackburn Road north to the East Village Short Plat. Cost associated with mitigation at the Nookachamps Wetland Mitigation Bank is summarized in the following table and reflects recent e-mail communication with the bank (Wildlands, Inc., January 2017).

Impact Type	Impact Amount	Mitigation Ratio	Credit Amount	Credit Cost	Total Cost
Category III Wetland	.1102 – acre (4800 sq. ft.)	1:1	.11	$175,000	$19,250

In addition a Joint Aquatic Resource Permit Application (JARPA) and a Bank Use Plan (BUP) will be required to obtain authorization to fill the wetlands and provide compensatory mitigation at the bank. We estimate the total cost for consultation with the U. S. Army Corps of Engineers and WA State Department of Ecology, preparation of the JARPA and BUP to total approximately $8,000. We estimate the total cost to be approximately $27,250.00.

Please contact Oscar Graham or myself with any questions.

Sincerely,

Patricia Bunting
Wetland Ecologist, PWS

Attachment 2

FURLONG & BUTLER
ATTORNEYS

RECEIVED
CITY OF MOUNT VERNON
MAY 30 2017
C.E.D. DEPARTMENT
BY

BRADFORD E. FURLONG
EILEEN E. BUTLER

SARAH HASTINGS, Legal Assistant
MEGAN A. HUNT, Legal Assistant

January 31, 2017

VIA HAND DELIVERY and EMAIL (rebeccab@mountvernonwa.gov)

Rebecca Lowell, CEDD, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

VIA EMAIL (mvengineering@mountvernonwa.gov)

Esco Bell, Director
Public Works Department
City of Mount Vernon
1024 Cleveland Avenue
Mount Vernon, WA 98273-0809

Re: East Village Short Plat, PL16-150

Dear Ms. Lowell and Mr. Bell:

I represent the Big Fir Homeowner's Association. This letter is written to provide you with guidance to mitigate the otherwise severe impacts on the Big Fir community which would ensue from the development of the East Village Plat as proposed. This letter is submitted to you without waiving objections which may arise based on non-compliance with the Washington State Appearance of Fairness Doctrine, the basis of which is under investigation.

Legal Standard of Review.

At the outset, it is important that the legal standards to be applied to this application be fully understood. Mere compliance with dimensional requirements of the zoning code is not nearly sufficient for approval of a short plat under applicable legal standards. As required by both SEPA and the Mount Vernon Municipal Code (MVMC), the proposed development's off-site effects must be considered. The project must be found to have made adequate provision of the "public health, safety and general welfare" of the City and for "streets, alleys and other public

ways". MVMC §16.32.050. Additionally the City must find that the "public use and interest will be served by the platting of" of this subdivision. Id. This Short Plat proposal, without mitigation, does not meet these standards and the City Optional MDNS, as well as the applicant's Environmental Checklist, do not address the off-site impacts this development would have if not adequately mitigated.

Summary of Argument

The applicant proposes to place the residential structures on the very north border of the property, nestling the development into the portion of the property north of Maddox Creek and its associated wetlands. The developer is requiring the City to make a Hobson's Choice: Either (1) approve access to the property across Maddox Creek and its associated wetlands with egress and ingress from East Blackburn Road; or (2) allow access from Balsam Lane, through a community dedicated for the residences of older adults, many of whom are in their 80s and 90s. The developer is proposing that the City choose between impacting wetlands and a valuable creek or ruin the character of an older adult residential community. The City should resist these narrow choices and, relying on the authority contained in its code, require that the developer adopt a reasonable alternative that preserves the Maddox Creek wetlands, preserves the character of the Big Fir adult community and leaves the developer with a viable project. The City has an excellent opportunity to balance economic return and the welfare of the community.

The applicant has more than sufficient room to site his proposed plat south of Maddox Creek with access directly from East Blackburn Road. Indeed, the applicant could use a PUD to achieve economically lucrative density pursuant to the City's PUD ordinance. The applicant has provided absolutely no justification as to why this preferential location, with easy access to East Blackburn Road is not suitable for the proposed lots. A location south of Maddox Creek would eliminate the need to utilize the roads dedicated to Big Fir PUD and would eliminate the need to cross Maddox Creek and its associated wetlands.

Alternatively, the applicant could restrict the use of East Village to older, 55-plus adults, as in Big Fir. Older adult residential developments are popular, bring a good return to developers and fit well into the City's need to house an increasing large group of Baby Boomers looking for age appropriate communities as they retire and age.

This is a chance for the City to carry out its vision, as stated in the Comprehensive Plan:

In all facets of life, the long-term public good is considered above personal gain.
This, above all else, helps guide the Mount Vernon of 2020.

The City, by imposing reasonable mitigation, can protect the long-term public good that the quality of life afforded by the older adult Big Fir Community brings to the City. It must not let the perceived personal gain of the developer cloud its vision, especially here, where the developer has viable alternatives. Importantly, approval of the Short Plat with either form of mitigation will be fully supported by the facts and easily defensible under the City's code.

Facts Concerning Proposal

The East Village Short Plat is proposed to be a 9-lot short plat consisting of 7 residential lots, a storm water tract and a lot with the balance of the property. The applicant's property consists of 13 acres, being a rectangle with the long access running north-south adjacent to the Big Fir Community to its west and with the south border of the property adjacent to East Blackburn Road. Maddox Creek cuts through the property on a southwest-northeast angle approximately three-quarters of the way from the south boundary to the north boundary. The applicant proposes access via the Big Fir older adult community without any limitations on the age of the residents in East Village.

Background Concerning Big Fir PUD

Big Fir PUD North (the portion of the Big Fir development which, for now, would be directly impacted by this proposal) was developed in two phases starting in March 2007 and completed in July 2007.

All residential use of the PUD is restricted by two sets of covenants which require that most, if not all, residents be 55-years of age or older. The streets are laid out in a circuitous fashion with small lots containing efficient, mostly single story homes specifically designed for the needs of retirees and elderly residents. Yards are purposely small, allowing for easy maintenance. The community is notable for its tranquility, the low volume of traffic, all of which moves at a slow pace, and relative quiet. The community serves as an excellent buffer from the typical traffic, noise and bustle of city life, allowing its elderly residents peace, quiet, safety and security.

In reliance on the Covenants and the City of Mount Vernon's approval of the PUD, older residents have paid a premium to purchase homes and reside in the adult community. Indeed, 13% of the residents are between 90 and 96 years of age, 41% are between 80 to 96 years of age, and 74% are of between 70 to 96 years of age. Another 17% are at least 55 – 69 years old. These elderly residents still drive and walk through the community with a sense of safety, tranquility and security. Who will these vulnerable older adults encounter if Big Fir is made the access point to a mixed age community, and at what risk to their wellbeing?

The streets in Big Fir North are windy, narrow and the lot configurations require that the residents back into the streets from their garages and driveways. The final portion of the right of way, at the entrance to the proposed East Village Short Plat, is Balsam Lane which measures only 24 feet from curb to curb. The City recognized its older adults character when it approved the Big Fur PUD. The recommendation to Mayor Norris and the City Council to approve the final plat, dated February 21, 2007 specifically acknowledged that the Big Fir PUD was subject to covenants which classified the development as an adult or senior housing development that requires all occupants to be age 55 or older. The City's own permit file on the Big Fir PUD contains the covenants recorded to assure that the residences would be used by persons of 55 years of age or older. The elderly residents of Big Fir should be able to rely on the City to protect what it knew it was helping to create when it approved the Big Fir PUD. Indeed, the MVMC and SEPA provide the City with exactly the tools it needs to provide this protection in the name of public safety, the general welfare of the community and requiring adequate provisions for access.

Impacts to the Big Fir Community

As pointed out in the numerous messages delivered to the City as well as letters from both a very experienced real estate professional and a planning expert, the unmitigated development of the East Village Short Plat will have severe unalterable impacts on the Big Fir older adult community and its residents. In particular, the use of the development by persons of all ages will impose an increase in the volume of traffic and a significant increase in the speed of traffic through the Big Fir development. Younger persons, especially new drivers, tend to drive at a higher rate of speed and with less care than persons such the elderly residents who reside in the Big Fir Development--residents whose age is in the 70s, 80s, and even the 90s. Mixing these user groups on the narrow circuitous streets within Big Fir presents obvious safety concerns and directly jeopardizes the physical wellbeing of the Big Fir residents. Can teenaged drivers and elderly – 80 and 90 year old – drivers be expected to mix well on the narrow streets in Big Fir? Obviously not.

Moreover, the residents in Big Fir purchased their homes with an expectation of a certain quality of life and quality of surroundings that is associated with an older adult residential community. One need only spend a few minutes walking or driving the streets of Big Fir to recognize that it is a tranquil, quiet, peaceful location with no noisy pedestrians or speeding traffic. Should the City allow the unmitigated, unrestricted use of adjoining property which gains its access solely through the Big Fir Development, the Big Fir community's ambiance and unique character will be lost forever.

As pointed out ably in the letter from Walt Meagher, an extremely experienced real estate professional in the County, the expectation of future buyers of homes in Big Fir will be the safety, security, tranquility and peacefulness of an older adult community. Once those attributes are lost, the Big Fir residents will suffer a significant diminishment in the value of their properties, as older buyers will opt instead to live in truly adult only communities, while younger buyers will be precluded from living in Big Fir. It is likely that once they lose the quiet and safety and security they presently enjoy, Big Fir residents will be anxious to move to a different locale but will find that their investment in Big Fir adult community has been greatly diminished.

Discussion of Legal Standard

The Directors of the Community & Economic Development and Public Works Departments are delegated and assigned the administrative and coordinative responsibilities for approval of Short Subdivisions. MVMC §16.32.020. The final decision on the East Village Plat therefore is a joint decision of the Directors of the Community & Economic Development Department and Public Works Department.

The procedures under MVMC §16.32.020 require that the Planning Department initiate and complete project review procedures, notice procedures and the SEPA process. After complete project review, notice and SEPA review the City must find that there are adequate provisions for the public health, safety and general welfare of the community and provide for streets, alleys and other public ways. If, as in this case, the proposal does not make adequate provisions for the public health, safety and welfare and for streets, alleys and public ways and because the public

use and interests will not be served, the Directors must recommend disapproval of a preliminary plat or impose mitigation measures and conditions which, if met, allow the development to comply with the law.

In this case, it is beyond a doubt that the public health, safety and general welfare will not be served by the East Village plat and that there is inadequate provision for streets, alleys and other public ways. Unless the unacceptable adverse impacts of this project are mitigated fully, the public use will not be served and the Directors have no choice but to recommend disapproval of this project.

Section 14, Transportation of the Environmental Checklist is deficient and the Optional MDNS is faulty with respect to the study of and mitigation of traffic impacts on the adjacent streets in the Big Fir Adult Community PUD. The Checklist disclosure fails to quantify or take into account the severe impact that the proposal will have on the safety and use of Big Fir older adult community streets by residents of and visitors to the East Village will use for access, as proposed, though the Big Fir Development. Increased use of the streets by younger drivers, including teenaged drivers, will severely impact the safety of the streets and detract from the Community. Pedestrian traffic also will increase disturbing the legitimate expectations of safety and quiet of the residents choosing to live in Big Fir as an older-adults community. The Optional MDNS does not mitigate the impacts from this development. It should be withdrawn and revised to require a full study of the impacts of traffic (motorized and pedestrian) on elderly residents of Big Fir and should impose mitigation to address those impacts, either limiting residents in East Village to those over age 55 or requiring access directly in from East Blackburn Road.

It requires very little imagination and only a basic understanding of community planning to recognize the inherent conflicts which will ensue if a non age restricted community is allowed to be developed to the east of the Big Fir PUD. The effects of such development on the applicant's property are easily mitigated with little costs to the developer.

First, the developer could move the proposed subdivision to the southern portion of its property. Indeed, by utilization of a planned unit development in the southern portion of the property using the northern portion as dedicated open space, the developer could achieve a much higher density and more financially rewarding development project. Additionally, this would allow traffic to enter the property from East Blackburn Road to the south and completely eliminate the severe conflict which will occur should access be gained to the developer's property through the Big Fir adult community. The City should require a complete and thorough analysis by the developer and/or undertake the analysis itself to determine whether this mitigation measure doesn't' make the most sense for the community, for the residents of Big Fir adult community and, indeed, for the developer itself.

Second, if the developer is unwilling to develop south of Maddox Creek, then the City should require that the developer impose a requirement that only residents of 55 years and older be allowed to reside in the East Village Short Plat. By restricting the ownership of those homes to persons of similar age as the residents of the Big Fir adult community, the City can assure that the streets will be used in a consistent manner throughout Big Fir and East Village, that the residents of Big Fir will remain secure in their investment in an older adult community and that they will remain safe when utilizing the streets in their community.

This is an opportunity for the City to provide common sense mitigation measures will allow development to proceed, while protecting the legitimate financial, safety and security expectations of the many older residents who purchased homes in Big Fir North in reliance on the PUD and Covenants recorded back in 2007. The welfare, health, and safety of the Big Fir residents is plainly on the line as the East Village Short Plat is considered. It is manifestly responsible and reasonable for the City to impose either of the mitigation measures set forth above as a way to allow development to proceed while protecting the inherent values in the Big Fir adult community.

On behalf of the Big Fir community residents, I appreciate your attention and courtesies as requested herein. Please let me know should you require any further information.

FURLONG & BUTLER
ATTORNEYS

Sincerely,

BRADFORD E. FURLONG, WSBA #12924

BEF/smh
Enclosure

cc: Big Fir Homeowners Association

FIDALGO
COMMERCIAL-INVESTMENT
REAL ESTATE SERVICES
13194 Satterlee Road
Anacortes, WA 98221
360-941-0854
Fax 360-399-1113
Walt@Fidalgocommercial.com

January 29, 2017

RE: Potential economic impacts on the "Big Fir" over 55 residential community if the proposed "East Village" 7 lots that are adjacent to "Big Fir" become occupied by persons that are not over 55 years of age. File # PL16-150

Mr. Bob Hyde, Director - Office of Community and Economic Development
City of Mount Vernon
910 Cleveland Avenue
P.O. Box 809
Mount Vernon, WA 98273

Dear Bob,

The purpose of this letter is to outline the potential economic impacts of the proposed "East Village" development on the existing "Big Fir" adults only community. Below are some of the facts of the situation as I understand them to be as of January 29, 2017:

1. Big Fir was developed by Landed Gentry starting in 2007 as a community for older persons restricted to occupancy by people over 55 only.
2. The lots closest to the proposed East Village plat would likely be the ones most impacted by the East Village development.
3. The East Village development is proposed to have 7 single family residential homes built in the near future with no age restriction on occupants.
4. The East Village project is to be developed by extending Balsam Lane from the east property line of the Big Fir development onto the East Village property.
5. Lot number 14 in Big Fir shares a common property line with Lot number 1 of the East Village project with no buffer shown at present.

Some of the reasons that persons over 55 years of age might want to live in a community that is restricted to occupants that are over 55. I have arrived at these conclusions after extensive internet research of over 55 communities all over the country and they all state the items below in their marketing information.

1. Peace and quiet!
2. Enhanced sense of security.
3. Safety
4. Peace of mind.
5. More secure property values.
6. Easily identified target market at sale time. (target market is made up of largely capable buyers)
7. For older people living around people your own age means you will have more common life experiences and more similar behaviors than in a more diverse community. Easier to make new friends and easier to feel comfortable in your new surroundings.

The types of impacts most likely to affect the Big Fir residents are:

1. Increased vehicular traffic due through the development. If the East Village development has many under 55 persons it is likely that some younger people could exhibit some less safe driving habits due to their lowered levels of driving experience as well as the potential for more reckless "hot rodding" or even street racing by teenagers. There will be an increased likelihood for noise and stress for older folks!
2. If the East Village development has young children, there will be noise that some older people might find offensive or stressful. This will have an impact on salability.
3. It will likely be harder to find replacement buyers for homes in Big Fir. This may result in lower sale prices.

In conclusion, it is my opinion that having a non-age restricted community like the proposed East Village adjacent and in close proximity to the Big Fir homes will have negative lifestyle impacts with lower future values at sale time on the homes located closest to the East Village homes. It is my further observation that there will be some increased potential negative impact on all of the homes in Big Fir that are sited along streets that will be utilized most by the future residents of the East Village project. I have also conferred with a, now retired, MAI appraiser who confirmed my belief that the type of impacts described above would have the effect of reducing salability, increase market time and subsequently reduce sale prices.

Please contact me if you have questions or comments.

Yours Truly,

G. Walter Meagher, CCIM

MAUL FOSTER ALONGI
1329 North State Street, Suite 301 | Bellingham, WA 98225 | 360 594 6262 | www.maulfoster.com

January 30, 2017

Big Fir Homeowners Association
Attention: Brad Furlong
825 Cleveland Avenue
Mount Vernon, Washington 98273

Re: East Village Short Plat; City of Mount Vernon File No. PL16-150

To Whom It May Concern:

The Samish Bay Land Company, LLC has submitted a nine lot "short" subdivision application called "East Village" to the City of Mount Vernon. The proposed residential development is located on property lying immediately east and adjacent to the existing aged-restricted Big Fir Planned Unit Development (PUD), which is situated on the northeast corner of East Blackburn and Laventure Roads. As the Homeowner's Association for the Big Fir PUD, you have requested my professional opinion as to the potential impact that the proposed subdivision may have on the Big Fir Community; especially in regard to the overall public interest, traffic safety and the character of the neighborhood.

Development within the proposed "East Village" short plat appears to be phased. Phase 1 consists of seven residential lots, together with an area for storm water retention and a proposed Lot 8, which would lie south of the proposed private road and extends south to Blackburn Road. Lot 8 is divided by Maddox Creek and no vehicular access is planned to cross the creek. Future development of Lot 8 would require additional access from Blackburn Road and/or "Big Fir South".

First, I applaud the protection of Maddox Creek seemingly afforded by the proposal. All too often development chooses to underground or culvert major portions of our natural waterways to accommodate vehicular access to the detriment of the waterway and habitat. It is unclear to me however, what the future intent of the *northerly piece* of the proposed Lot 8 will be. Since this portion appears to be within a protective buffer of Maddox Creek, my first recommendation is to ask the City to have the developer record a restrictive covenant on this portion of the lot prohibiting any future development or short platting of this portion of Lot 8. This request appears consistent with the stated development plans and the intent of using short plat procedures (MV MC Section 16.32.040), which states that the use of short plat procedures should not be utilized to circumvent full subdivision procedures and

requirements. It would also ensure that traffic impacts are not greater than that currently anticipated.

The protection of Maddox Creek does limit the options for vehicular access to the northerly remaining property. One possible development alternative, which would protect both Maddox Creek and the character of the Big Fir North development, is to request that the developer explore the use of the City's PUD procedures and regulations and revise the plans accordingly by developing exclusively south of Maddox Creek. With the PUD option the developer can achieve the desired density south of Maddox Creek, preserve the northern piece as open space, and eliminate vehicular access from Balsam Lane to the property.

If vehicular access to the proposed short subdivision remains as planned (i.e., via Balsam Lane and Grand Avenue), there undoubtedly will be impacts to the existing transportation system and character of the Big Fir Community.

The streets internal to the Big Fir PUD were designed for older occupants. Streets are narrower and wind gracefully through the community. In record review, it appears that the eastern portion of Balsam Lane—now planned to be utilized by residents of the short plat—is even narrower than the other streets in Big Fir North and may have been originally intended to be private.

Vehicular trips per household generated in the new subdivision will be greater than that generated by the age restricted residents of Big Fir. According to accepted traffic manuals, occupants within typical detached single family homes generate an average of 10 vehicle trips per weekday. Recent studies have found that within age-restricted detached single family communities, occupants drive significantly less, at under 4 trips per weekday.[1] While the weekday average increase of 70 vehicle trips per day (for the seven proposed residential lots) is relatively small, the additional traffic could have safety ramifications within the Big Fir PUD. Within the PUD, lots are modestly sized. This has resulted in easier to maintain properties, but the lot size also requires cars to back directly out onto the streets which lie closer in proximity to the garage. With 74% of the Big Fir residents over the age of 70, this potential safety conflict should be studied more closely in the State Environmental Policy Act (SEPA) process by requiring the developer to submit additional traffic and safety information. Minimally, the City Engineer should consider, and if needed require, the East Village developer to install additional traffic calming measures within the Big Fir PUD.

---

[1] **Active Adult (55+) Community Trip Generation Rates**, David Racca, Center for Applied Demography and Survey Research, University of Delaware. Jan 2006

Although the roadways within Big Fir North are narrow, the roads proposed within the new subdivision will be narrower still and will be privately maintained. The City Fire Department will undoubtedly comment on the safety aspects of the long and narrow street extension from their perspective; but certainly the look and feel of this new neighborhood will be decidedly different from the orderly Big Fir planned community. Private streets also have a spotted history of future maintenance. If this roadway segment is not maintained in the future it could have a negative economic impact on the well maintained homes and streets of the Big Fir community.

One obvious solution to these community impact concerns is to ask the developer to construct the street in consistent design to the Big Fir PUD and dedicate the street to the public. To keep traffic volume and driving habits similar to the safe and serene Big Fir community it would be appropriate to also ask the developer to consider extending the age restriction to this new area.

The popularity of the age-restricted Big Fir development (where there are little or no lots available) is testament to the demand and popularity of this type of development in the Mount Vernon area. It would be a shame to adversely impact its success and potentially the safety of its residents.

Sincerely,

Maul Foster & Alongi, Inc.

William Hager, Senior Planner

LIMITATIONS

The services undertaken in completing this report were performed consistent with generally accepted professional consulting principles and practices. No other warranty, express or implied, is made. These services were performed consistent with our agreement with our client. This report is solely for the use and information of our client unless otherwise noted. Any reliance on this report by a third party is at such party's sole risk.

Opinions and recommendations contained in this report apply to conditions existing when services were performed and are intended only for the client, purposes, locations, time frames, and project parameters indicated. We are not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report.

whager@maulfoster.com
360.594.6251

William Hager

SENIOR PLANNER

Mr. Hager has extensive experience in municipal land use planning, land use regulations, shoreline master programs, State Environmental Policy Acts, and policy development, as well as in the planning, permitting, construction, leasing, and management of major building projects.

Mr. Hager started his career with the City of Bellingham in its current planning section, working with boards, commissions, and city councils in administration of the city's urban growth area planning, subdivision, and conditional use applications, as well as administration of many rezone requests, including for the area's first regional mall. He helped create the city comprehensive plan and policy documents and was responsible for the development of several of its neighborhood plans. He drafted many of Bellingham's land use regulations and was the architect of Bellingham's unique regulatory system, which is still in effect. During his tenure, Mr. Hager also established Whatcom County's initial building department.

Mr. Hager was the first environmental director of the Port of Bellingham, where he oversaw environmental compliance of port and tenant operations. He quickly became director of the port's planning department as well as its real estate department. With its 200+ portfolio of lease tenancies, he was responsible for marketing, sales, and negotiation of the port's diverse landside tenant base of industrial and commercial customers as well as the maintenance of port-owned leasehold facilities. With this broad perspective of planning, development, and property management, Mr. Hager became project manager for many successful port projects, including "Bellwether on the Bay" and Squalicum Mall—a marina service facility and the port's intermodal transportation facility—where he successfully secured Washington State Department of Transportation and federal funds to enable the renovation of a historic structure. Mr. Hager was a member of the port's executive team and helped establish strategies for continued port growth and financial stability.

Mr. Hager continues to utilize his broad planning and development experience at MFA in his capacity as senior planner, providing technical insight for several of MFA's more complex land use planning and brownfield redevelopment projects.

RELEVANT PROJECTS

PROJECTS WITH MAUL FOSTER & ALONGI, INC.

Brownfield Redevelopment Plan, Reardan, WA

The Town of Reardan was contemplating acquisition of an existing service station and underlying property for reuse as a new Town Hall. The property had a documented history of on-site contamination. Mr. Hager was successful in helping the town obtain state funds (integrated planning grant) necessary

Qualifications

- BA, Urban Planning: University of Washington

Boards and Committees

- Mr. Hager has served on numerous technical committees, including the Environmental and Shoreline/Planning committees for the Washington Public Ports Association, the Whatcom County Transportation Technical Advisory Committee, and Bellingham's Visioning Committee during its last Comprehensive Plan update. He has also served as board director for several community agencies, including the Northwest Economic Development Council, the Whatcom County Chamber of Commerce, and the Bellingham Golf and Country Club, where he also served as president.

William Hager

for conducting preacquisition due diligence on the property. As project manager of the brownfield integrated planning process, Mr. Hager led a diverse technical team in the investigation of environmental contamination, land use regulations, and adaptive building reuse feasibility. The final report provided the town with an acquisition strategy based on the integrated findings and conclusions of the property due diligence.

Brownfield Redevelopment Plan, Pend Oreille County, WA

Mr. Hager was the project manager for Pend Oreille County's brownfield integrated planning process. This unique project presented the county's Economic Development Council with results of investigation of potential environmental contamination from a decades-old lead and zinc mine operation near Metaline Falls. The results were paired with viable reuse alternatives based on regional economic opportunities and the perspectives, knowledge, and aspirations of a local steering committee.

Brownfield Redevelopment Projects, Pacific Northwest

Mr. Hager, as part of the MFA team, provides land use analysis and adaptive reuse development strategies to local agencies for their brownfield redevelopment projects. Projects include an analysis of a former dairy site for the Port of Sunnyside, Washington, and the drafting of a cottage housing regulatory outline for the City of Kelso, Washington, (which will be used by the city in the redevelopment of a former automotive repair yard as public housing) and for brownfield redevelopment projects in the City of Marysville and the Port of Anacortes.

Planning, Land Use Entitlement, and Annexation Oversight, Pacific Northwest

Mr. Hager is part of MFA's interdisciplinary team providing senior planning oversight and entitlement strategies for major development projects. Most recently he assisted the City of Sedro-Woolley, WA, in crafting a land use implementation strategy and subarea plan for the historic Northern State Hospital property in Skagit County. The site owner is also pursuing annexation to the city.

Port Planning, Washington

Mr. Hager is a part of MFA's team providing assistance to Washington ports in the development of strategic plans and required comprehensive schemes of harbor improvements. Most recently he has been assisting in the development of a comprehensive scheme of harbor improvements for the Port of Pasco and for the Port of Douglas County, WA.

Regulatory Review, Washington

Mr. Hager is frequently engaged by both the public agencies and private developers to conduct critical review of pending and proposed regulatory revisions and their potential impact on property. Mr. Hager's in-depth knowledge of regulatory and implementation systems often leads to mutually productive changes that achieve desired results as well as being easier to understand and implement. Mr. Hager is currently reviewing the impact of proposed revisions to the Local Shoreline Management Program on Port of Pasco properties.

State Environmental Policy Act Compliance, Washington

Mr. Hager provides environmental recommendations, strategy, environmental impact statement and/or checklist review for major development projects. Currently, Mr. Hager is part of an MFA team authoring a planned action EIS in conjunction with a subarea plan for the City of Sedro-Woolley, WA.

Technical Report Development (and Third-Party Review)

With his broad background, Mr. Hager regularly conducts technical studies over a wide range of land-use topics. Recently he developed an inventory of industrial land available in Douglas County for the Port of Douglas County and assisted in the "LERRD" crediting report required by the U.S. Army Corps of Engineers for a creek rehabilitation project for the City of Auburn.

He also provides confidential, independent third-party review of reports drafted by others, including assessments of information in draft appraisals and evaluations of the adequacy of statements made in draft environmental impact statements submitted for major projects.

William Hager

Funding Assistance, Washington

Mr. Hager has assisted several communities in seeking potential state and federal funding assistance in brownfield redevelopment planning, street infrastructure, and other eligible activities. He has prepared successful applications for brownfield assistance for the Town of Reardan, WA, and another for Mount Vernon, WA, is presently under consideration.

Community Guide for Brownfield Site Development, Pacific Northwest

Mr. Hager participates in this training event and assists participants in understanding the municipal regulatory and planning issues associated with developing contaminated sites.

Shoreline Hearing, Washington

Mr. Hager has provided expert testimony and policy and permit research for private-sector clients in shoreline appeals of major development projects.

Attachment 3

FURLONG & BUTLER
ATTORNEYS

RECEIVED
CITY OF MOUNT VERNON
30 2017
C.E.D. DEPARTMENT
BY

BRADFORD E. FURLONG
EILEEN E. BUTLER

SARAH HASTINGS, Legal Assistant
MEGAN A. HUNT, Legal Assistant

May 3, 2017

VIA HAND DELIVERY and EMAIL (rebeccab@mountvernonwa.gov)

Rebecca Lowell, CEDD, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

VIA EMAIL (mvengineering@mountvernonwa.gov)

Esco Bell, Director
Public Works Department
City of Mount Vernon
1024 Cleveland Avenue
Mount Vernon, WA 98273-0809

Re: East Village Short Plat, PL16-150

Dear Ms. Lowell and Mr. Bell:

I have previously corresponded with you concerning the development of the East Village Short Plat and the appropriate mitigation measures to be included in a Mitigated Determination of Non Significance (MDNS). In a letter and materials submitted to you on January 31, 2017, we pointed out the severe impact that the proposed Plat would have on the Big Fir community in terms of noise, loss of privacy and, in particular, traffic safety impacts and the value of the homes purchased by the Big Fir residents in reliance on the Covenants imposing 55-year old age requirement for residents in the community. We submitted materials from a very experienced Skagit County Real Estate Broker, G. Walter Meagher, finding that increased vehicular traffic through the development would jeopardize the safety of and impose stress on the elderly residents living in Big Fir, that young children located in the proposed development and walking, running or playing through the Big Fir development would cause upset and that it is quite likely that Big Fir residents would find it difficult to find residents meeting the age requirement at the time they may wish to sell their homes.

Meanwhile, we also provided an extensive report from William Hager, Senior Planner at Maul Foster Alongi. As a Senior Planner of vast experience, Mr. Hager pointed out the severe traffic impacts on the Big Fir community from the proposed development.

I wish to again point out that at least thirteen percent (13%) of the residents of Big Fir North are between the ages of 90 and 96, forty-one percent (41%) are between 80 and 96-years of age and seventy-four percent (74%) are between the ages of 70 and 96 with seventeen percent (17%) between the ages of 55 and 69. These individuals and families moved into the area no doubt in reliance on the age restrictions with an expectation of safety, security, and relative privacy. The City of Mount Vernon, in reviewing the proposed Plat which the developer expects to use ingress and egress through the Big Fir community, has an obligation to these residents.

In an apparent response to these materials and in an attempt to demonstrate that the concerns of the Big Fir Community were misplaced, the City requested an appraisal to be performed by Wayland D. (Dan) Hewitt, a local appraiser and commissioned a response to comments from TSI. Mr. Hewitt's appraisal report is deficient in many respects[1] and, if anything, shows that the concerns of the Big Fir community residents are legitimate. The letter from TSI further confirms the incompatibility of the East Village Traffic with the Big Fir community.

A summary of the defects in the Hewitt appraisal are as follows:

1. Data. Licensed appraisers use comparison sales calculations along with looking at income potential and replacement value of to determine fair market value. Mr. Hewitt's "Consulting Report Summary" is not an appraisal and contains absolutely no data, no comparisons and is conclusory in its nature without citing any actual evidence whatsoever.

2. Inappropriate Plat Comparisons. The first Plat reviewed by Mr. Hewitt is Digby Heights. He comments that the construction of Digby Heights, phase 3 had no effect on the value for phases 1 and 2 (again without citing any data). The failure to provide data aside, what Mr. Hewitt fails to recognize is that Digby Heights does not include any age restrictions in its covenants. Therefore the comparison made has absolutely no application to the impacts of East Village on the Big Fir community.

   Second, Mr. Hewitt looked at the Twin Brooks development. Mr. Hewitt notes that Phase 3 was the last developed and there has been no loss of value from phases 1 or 2 due to residents from Phase 3 driving through their neighborhood to gain access to East College Way and Highway 9. Mr. Hewitt's review of Twin Brooks sheds absolutely no light on the effect that East Village will have on Big Fir because the entirety of the Twin Brooks plat is over 55. Indeed, the approach taken by the developer to add additional phases to a community which is completely over 55 is

---

[1] The report also contains factual errors that further demonstrate its unreliability:

- Page 6, under "Assessment and Tax Information," the subject parcel number "**P27310**" mentioned is incorrect; the correct parcel number for the Kiesel property is "**P28003**." The related tax and valuation numbers are therefore incorrect.
- Page 11, under "Site Analysis," "East Village" the subject parcel size of "**20.67 acres**" is incorrect; the Kiesel property, **P28003**, is per the Assessor's records, **13.39 acres.**

> exactly the approach that the City should take here: Require that East Village be limited to residents 55 years of age or older.
>
> Lastly, Mr. Hewitt makes reference to the Highland Greens development. The developer in Highland Greens recorded covenants that designate Division V as senior housing. A review of the Plat map filed under Skagit County Auditor's File Number 200804070155 shows clearly that Division V is located on the East side of North 30th Street with no ingress or egress there provided to any of the other Divisions within the Highland Greens PUD. North 30th Street gives the elderly residents in Division V access to an arterial street. No resident of any of the Divisions of Highland Greens will use Division V for ingress or egress. There is no basis whatsoever to compare Division V of the Highland Greens PUD to Big Fir North and East Village.

The appraisal report provided by Mr. Hewitt provides absolutely no salient information that would discount the conclusions reached by Mr. Meagher or Mr. Hager. Indeed, by demonstrating that other senior housing in the Mount Vernon area does not serve as ingress and egress for leapfrogged general development, Mr. Hewitt's report actually illustrates a proper approach to planning and permitting for senior housing and adjacent general population housing.

The letter from Transportation Solutions, Inc. (TSI) is equally suspect and, like the report of Mr. Hewitt, demonstrates that a restriction on the age of residents in the East Village subdivision is appropriate.[2]

First, it is particularly notable that TSI finds that the comfortable travel speed through the very tight streets of Big Fir is 15-17 miles per hour. In other words, it's a tight space, has numerous residential entrances and many sharp curves, not to mention elderly drivers. It is almost beyond belief that any responsible traffic engineer would expect new, teenaged drivers or young parents wishing to get their children to school and get themselves to work on time would respect the "comfortable" speeds that are required for safe navigation through the Big Fir community. Further, to assume that it is appropriate to locate a general population to the East with access only through narrow streets in an elderly residential community is patently irresponsible. It is frankly astounding that the traffic engineer is unconcerned with the mixture of young drivers and older drivers. He appropriately notes that these two age groups (16-19 and over 80 years) old have a high incidents of traffic fatalities and accidents. Therefore, he concludes that mixing them is appropriate. Any person with an ounce of common sense would understand that the problems associated with the young drivers is the excessive speed at which they drive. To mix these high speed drivers who are prone to accidents and with elderly drivers who tend to drive slower and may lack the requisite attention and response time of younger drivers is a recipe for disaster.

In short, it is obvious that the City's attempt to "rebut" (Ms. Lowell's word) the information provided by the Big Fir experts only serves to illustrate further why the requested limitation to 55 and older residents in the East Village plat is a necessary SEPA mitigation measure.

The putative estimates for ingress and egress directly to Blackburn provided by the developer contain almost no substantiation. Whether these numbers are accurate or not, they demonstrate

---

[2] The letter is not a "Traffic Engineering Study" and is not stamped by an engineer, undermining its value.

one thing: the site chosen for this development is very poor. One option under SEPA review is "no build," which likely is the most appropriate and responsible determination for the Mount Vernon Planning Department to make given its SEPA review. At a minimum, it demonstrates that if the use of the Big Fir community for ingress and egress is the only viable option, protecting the Big Fir community by imposing mitigation on the project to house only citizens 55 years of age or older, such as in the Big Fir community, is really the only viable option. The conclusion is inescapable and within the City's authority under SEPA and the Mount Vernon code for approval of subdivisions.

Finally, imposing this mitigation measure is consistent with the developer's expectations. He writes that older individuals are appropriate buyers for the homes he plans. Therefore, it is difficult to understand why the City would not take the step to make sure that is exactly the type of resident that lives in that type of community, *i.e.*, over 55 years of age, and no others. To do so will meet the legitimate development expectations of the developer and carry out the City's duty to appropriately condition this project to assure the welfare and safety of its citizens.

I appreciate your attention to my remarks.

FURLONG & BUTLER
ATTORNEYS

Sincerely,

BRADFORD E. FURLONG, WSBA #12924

BEF/smh

cc: Big Fir Homeowners Association

Attachment 4

RECEIVED
CITY OF MOUNT VERNON
3-0-2017
DEPARTMENT

FURLONG & BUTLER
ATTORNEYS

BRADFORD E. FURLONG
EILEEN E. BUTLER

SARAH HASTINGS, Legal Assistant
MEGAN A. HUNT, Legal Assistant

May 12, 2017

VIA HAND DELIVERY and EMAIL (rebeccab@mountvernonwa.gov)

Rebecca Lowell, CEDD, Senior Planner
Community & Economic Development Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273-0809

VIA EMAIL (mvengineering@mountvernonwa.gov)

Esco Bell, Director
Public Works Department
City of Mount Vernon
1024 Cleveland Avenue
Mount Vernon, WA 98273-0809

Re: East Village Short Plat, PL16-150
Mitigated Determination of Non-Significance (MDNS)

Dear Ms. Lowell and Mr. Bell:

We received the Mitigated Determination of Non-Significance (MDNS) re East Village Short Plat, PL16-150 dated May 5, 2017. We did not see reference to our letter dated May 3, 2017. We request that you consider our May 3rd letter and this letter as comments on the MDNS.

The MDNS fails to adequately protect elderly Big Fir North residents from various harm identified by numerous citizens and by planning and real estate professionals by not conditioning the approval of the plat on the recordation of a permanent restrictive covenant restricting occupants of the proposed plat to persons fifty-five (55) years of age or older. The supplemental information obtained by the City, rather than dispelling concerns voiced by Big Fir residents and the undersigned, demonstrate the necessity for the above-requested condition. Without the requested covenant, the MDNS is not compliant with the requirements of SEPA.

I appreciate your attention to my remarks.

FURLONG & BUTLER
ATTORNEYS

Sincerely,

BE Furlong

BRADFORD E. FURLONG, WSBA #12924

/smh

cc: Big Fir Homeowners Association

HEX STAFF REPORT - EXHIBIT 15

PLAT OF BIG FIR NORTH P.U.D. - PHASE 1

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON, SKAGIT COUNTY, WASHINGTON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS IN THE FEE SIMPLE OR CONTRACT PURCHASER AND MORTGAGE HOLDER OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS BIG FIR NORTH P.U.D. AND DEDICATE TO THE PUBLIC FOREVER, ALL STREETS, AVENUES, WAYS, BOULEVARDS, DRIVES, PLACES, CIRCLES, COURTS, LANES AND LOOPS SHOWN THEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES; ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN ON THIS PLAT IN THE ORIGINAL REASONABLE GRADING OF THE STREETS, AVENUES, WAYS, BOULEVARDS, DRIVES, PLACES, CIRCLES, COURTS, LANES AND LOOPS SHOWN HEREON. TRACTS 997 (DETENTION POND), AS SHOWN ON THE FACE OF THIS PLAT IS HEREBY DEDICATED TO THE CITY OF MOUNT VERNON.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 8TH DAY OF March, 2007.

President
BIG FIR NORTH, INC., A WASHINGTON CORPORATION (OWNER)

SVP
PEOPLES BANK (MORTGAGE HOLDER)

Manager
BIG FIR AT MADDOX CREEK, LLC, (BENEFICIARY)

OPEN SPACE TRACTS 998 AND 999

TRACT 998 IS AN OPEN SPACE TRACT TO BE USED FOR EMERGENCY ACCESS AND UTILITY PURPOSES. THIS TRACT SHALL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND THE MAINTENANCE OF THE ACCESS ROAD AND LANDSCAPING WITHIN THIS TRACT SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. TRACT 999 IS AN OPEN SPACE TRACT TO BE USED AS A RECREATION AREA. THIS TRACT SHALL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND THE MAINTENANCE OF ALL RECREATION EQUIPMENT AND LANDSCAPING WITHIN THIS TRACT SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. TRACT 999 IS ADDITIONALLY SUBJECT TO A UTILITY EASEMENT AS SHOWN ON SHEET 3. THE CITY OF MOUNT VERNON MAY ENTER SAID TRACTS FOR INSPECTION AND UTILITY PURPOSES AT ITS OWN DISCRETION.

NGPA TRACTS 995 & 996

OPEN SPACE TRACTS 995 AND 996 BOTH CONTAIN PROTECTED CRITICAL AREAS AND THEIR ASSOCIATED BUFFERS. THE TRACTS ARE HEREBY DESIGNATED AS A NATIVE GROWTH PROTECTION AREA (NGPA) AND SHALL BE MANAGED PER NGPA STANDARDS. THIS TRACT SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE CITY OF MOUNT VERNON MAY ENTER SAID TRACT FOR INSPECTION PURPOSES AT ITS OWN DISCRETION.

DETENTION POND TRACT 997

TRACT 997 (DETENTION POND) SHALL BE OWNED BY THE CITY OF MOUNT VERNON. THE DETENTION POND AND DRAINAGE SYSTEMS LOCATED WITHIN THIS TRACT SHALL BE MAINTAINED BY THE CITY OF MOUNT VERNON. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF THE LANDSCAPED AREAS WITHIN THIS TRACT, AS WELL AS THE ASSOCIATED COSTS THERE OF.

NOTE

ALL ROOF AND FOOTING DRAINS SHALL BE CONNECTED TO THE ON-SITE PROVIDED STORM DRAIN PIPE STUB, EXCEPT FOR LOTS 6 THROUGH 9, INCLUSIVE, WHICH SHALL HAVE SAID DRAINS OUTLET TO TRACT 995, FOR THE PURPOSE OF HYDRATING THE WETLAND AREA.

TYPICAL BUILDING SETBACKS

FRONT: 10' TO HOUSE; 20' TO GARAGE (20' TO GARAGE TO ALLOW PARKING OFF SIDEWALK)
SIDE YARD: 5' MINIMUM, 10' COMBINED
SIDE YARD ADJACENT TO STREET: 10'
REAR YARD: 10' MINIMUM

BASIS OF BEARING

ASSUMED BEARING OF N 0°44'42" E OF THE WEST LINE OF SECTION 28, T 34N, R 4E, W.M., SKAGIT COUNTY, WASHINGTON.

SURVEY EQUIPMENT & PROCEDURE

THIS SURVEY WAS COMPLETED AND ACCOMPLISHED BY FIELD TRAVERSE USING A NIKON DTM-520 TOTAL STATION ON 4-02.

DEVELOPER

LANDED GENTRY DEVELOPMENT, INC.
504 E. FAIRHAVEN AVE.
BURLINGTON, WA 98233
(360) 755-9029

IMPACT FEE NOTICE

ANY LOT WITHIN THIS SUBDIVISION WILL BE SUBJECT TO IMPACT FEES PAYABLE ON ISSUANCE OF A BUILDING PERMIT AS OUTLINED IN THE CITY OF MOUNT VERNON MUNICIPAL CODE.

ACKNOWLEDGEMENT (CORPORATION)

STATE OF Washington)
COUNTY OF Skagit)

THIS IS TO CERTIFY THAT ON THIS 8th DAY OF march, 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED Brian Gentry, President, OF Big Fir North, Inc. A Washington CORPORATION, TO ME KNOWN TO BE THE REPRESENTATIVES OF SAID CORPORATION, WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVE.
Janelle M. Pool
NOTARY PUBLIC IN AND FOR THE STATE OF Washington,
RESIDING AT Sedro-Woolley.
MY COMMISSION EXPIRES: 02/28/11

JANELLE M. POOL — NOTARY PUBLIC — STATE OF WASHINGTON — 2-28-11

ACKNOWLEDGEMENT (LL COMPANY)

STATE OF WASHINGTON)
COUNTY OF Skagit } SS.

I HEREBY CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Brian Gentry IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE Manager OF BIG FIR AT MADDOX CREEK, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: march 8, 2007
Janelle M. Pool
NOTARY PUBLIC FOR THE STATE OF WASHINGTON,
RESIDING AT: Sedro-Woolley
MY COMMISSION EXPIRES: 02/28/07

JANELLE M. POOL — NOTARY PUBLIC — STATE OF WASHINGTON — 2-28-11

MORTGAGEE ACKNOWLEDGMENT:

STATE OF WASHINGTON)
COUNTY OF SKAGIT } SS.

I HEREBY CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT James M Vanderwey IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS Senior Vice President, OF PEOPLES BANK, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: MARCH 9, 2007
L Wardell
NOTARY PUBLIC FOR THE STATE OF WASHINGTON,
RESIDING AT: Mount Vernon
MY COMMISSION EXPIRES: 2-21-2010

L. WARDELL — NOTARY PUBLIC — STATE OF WASHINGTON — FEB 21, 2010

PUD NO. 1 EASEMENT PROVISIONS

EASEMENTS ARE GRANTED TO PUBLIC UTILITY DISTRICT NO.1 OF SKAGIT COUNTY, WASHINGTON, A MUNICIPAL CORPORATION, ITS SUCCESSORS OR ASSIGNS, THE PERPETUAL RIGHT, PRIVILEGE, AND AUTHORITY ENABLING THE DISTRICT TO DO ALL THINGS NECESSARY OR PROPER IN THE CONSTRUCTION AND MAINTENANCE OF A WATER, AND COMMUNICATION LINE, LINES OR RELATED FACILITIES, INCLUDING THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, INSPECT, IMPROVE, REMOVE, RESTORE, ALTER, REPLACE, RELOCATE, CONNECT TO AND LOCATE AT ANY TIME A PIPE OR PIPES, LINE OR LINES OR RELATED FACILITIES, ALONG WITH NECESSARY APPURTENANCES FOR THE TRANSPORTATION OF WATER, AND COMMUNICATION LINES OR OTHER SIMILAR PUBLIC SERVICES OVER, ACROSS, ALONG, IN AND UNDER THE LANDS AS SHOWN ON THIS PLAT TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID LANDS ACROSS ADJACENT LANDS OF THE GRANTOR; ALSO, THE RIGHT TO CUT AND/OR TRIM ALL BRUSH, OR OTHER GROWTH STANDING OR GROWING UPON THE LANDS OF THE GRANTOR WHICH, IN THE OPINION OF THE DISTRICT, CONSTITUTES A MENACE OR DANGER TO SAID LINE(S) OR TO PERSONS OR PROPERTY BY REASON OF PROXIMITY TO THE LINE(S). THE GRANTOR AGREES THAT TITLE TO ALL BRUSH, OTHER VEGETATION OR DEBRIS TRIMMED, CUT, AND REMOVED FROM THE EASEMENT PURSUANT TO THIS AGREEMENT IS VESTED IN THE DISTRICT.

GRANTOR, ITS HEIRS, SUCCESSORS, OR ASSIGNS HEREBY CONVEYS AND AGREES NOT TO CONSTRUCT OR PERMIT TO BE CONSTRUCTED STRUCTURES OF ANY KIND ON THE EASEMENT AREA WITHOUT WRITTEN APPROVAL OF THE GENERAL MANAGER OF THE DISTRICT. GRANTOR SHALL CONDUCT ITS ACTIVITIES AND ALL OTHER ACTIVITIES ON GRANTOR'S PROPERTY SO AS NOT TO INTERFERE WITH, OBSTRUCT OR ENDANGER THE USEFULNESS OF ANY IMPROVEMENTS OR OTHER FACILITIES, NOW OR HEREAFTER MAINTAINED UPON THE EASEMENT OR IN ANY WAY INTERFERE WITH, OBSTRUCT OR ENDANGER THE DISTRICT'S USE OF THE EASEMENT.

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF SUMMIT ENGINEERS & SURVEYORS, INC.

200703230073
Skagit County Auditor
3/23/2007 Page 1 of 8 11:14AM

J. Youngquist — COUNTY AUDITOR — DEPUTY

UTILITY EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MOUNT VERNON; PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY; PUGET SOUND ENERGY, INC., CASCADE NATURAL GAS CORPORATION; VERIZON; AND AT & T CABLEVISION OF WASHINGTON, INC., AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR TEN (10) FEET OF ALL LOTS AND TRACTS ABUTTING PUBLIC RIGHT-OF-WAY, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE, MAINTAIN AND REMOVE UTILITY SYSTEMS, LINES, FIXTURES AND APPURTENANCES ATTACHED THERETO, FOR THE PURPOSE OF PROVIDING UTILITY SERVICE TO THE SUBDIVISION AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES STATED, WITH THE UNDERSTANDING THAT ANY GRANTEE SHALL BE RESPONSIBLE TO ALL UNNECESSARY DAMAGE IT CAUSES TO ANY REAL PROPERTY OWNER IN THE SUBDIVISION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED. PROPERTY OWNER IS PROHIBITED FROM BUILDING IMPROVEMENTS WITHIN THIS EASEMENT UNLESS APPROVAL HAS BEEN GRANTED BY THE CITY ENGINEER.

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR OF 2007.

I, Katie Dunquist TREASURER OF SKAGIT COUNTY, WASHINGTON, HEREBY CERTIFY THAT A DEPOSIT HAS BEEN PAID TO COVER ANTICIPATED TAXES UP TO AND INCLUDING THE YEAR OF 2007.

THIS 14TH DAY OF March, 2007.

COUNTY TREASURER — DEPUTY — SKAGIT

Treasurer Skagit County OFFICIAL SEAL State of Washington

CITY FINANCE DIRECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEY, OR FOR OTHER PUBLIC USE, ARE PAID IN FULL.

THIS 21st DAY OF March, 2007.

CITY FINANCE DIRECTOR

APPROVALS

EXAMINED AND APPROVED THIS 21st DAY OF March, 2007.

CITY ENGINEER — DEVELOPMENT SERVICES DIRECTOR

APPROVED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, THIS 21st DAY OF February, 2007.

MAYOR

ATTEST: FINANCE DIRECTOR

SURVEYOR'S CERTIFICATE

I, YOUNG-SOO KIM, DO HEREBY CERTIFY THAT THIS PLAT, TITLED "PLAT OF BIG FIR NORTH P.U.D. - PHASE 1" IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 28, TOWNSHIP 34N, RANGE 4E, W.M.; THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON THAT THE MONUMENTS HAVE BEEN SET AND THE LOT CORNERS STAKED CORRECTLY ON THE GROUND; AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE STATUTES AND PLATTING REGULATIONS.

YOUNG-SOO KIM, P.L.S. #32169

YOUNG-SOO KIM — STATE OF WASHINGTON — REGISTERED PROFESSIONAL LAND SURVEYOR — EXPIRES 1/24/2008

NOTES

ZONING: R-1, 4.0 SINGLE FAMILY WITH P.U.D. OVERLAY
SEWAGE: CITY OF MOUNT VERNON
STORM: CITY OF MOUNT VERNON
WATER: SKAGIT P.U.D. #1
POWER: PUGET SOUND ENERGY
PHONE: VERIZON
NATURAL GAS: CASCADE NATURAL GAS

LANDSCAPE MAINTENANCE

ALL INSTALLED LANDSCAPING WITHIN THIS PLAT INCLUDING THE TREES IN THE PUBLIC RIGHT-OF-WAY, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION OF RECORD.

S02104

SUMMIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273
PHONE: (360) 416-4999 FAX: (360) 416-4949
E-MAIL: YSK@SUMMITES.COM

PLAT OF BIG FIR NORTH P.U.D. - PHASE 1
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON,
SKAGIT COUNTY, WASHINGTON

LU04-092

JOB NO.	02104
DRAWING NO.	S02104-PUD
DRAWN BY:	sgp
CHECKED BY:	YSK

SHEET 1 OF 3

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

PLAT OF BIG FIR NORTH P.U.D. - PHASE 1

SW 1/4 OF NW 1/4 OF SEC. 28,
TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON
SKAGIT COUNTY, WASHINGTON

AUDITOR'S CERTIFICATE

200703230073
Skagit County Auditor
3/23/2007 Page 2 of 8 11:14AM

COUNTY AUDITOR
SKAGIT COUNTY, WASHINGTON

DEPUTY

SUMMIT ENGINEERS & SURVEYORS, INC.

LEGAL DESCRIPTION

PARCEL "A":
THE NORTH HALF (BY AREA) OF THE WEST HALF; OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., EXCEPT ROADS; TOGETHER WITH THE PERMANENT NON-EXCLUSIVE EASEMENT OVER AND ACROSS THE EXISTING ROADWAY ON THE TRACT OF LAND RETAINED BY HARRY L. PATCHEN AND BERNICE PATCHEN IN DEED RECORDED UNDER AUDITOR'S FILE NO. 774692, PROVIDING FOR INGRESS TO AND EGRESS FROM BLACKBURN ROAD.
ALSO EXCEPT THE NORTH 30 FEET OF THE WEST 40 FEET CONVEYED TO THE CITY OF MOUNT VERNON BY DEED RECORDED AUGUST 1, 1996 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 9608010008.

PARCEL "B":
THOSE PORTIONS OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, AND THE EAST HALF OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

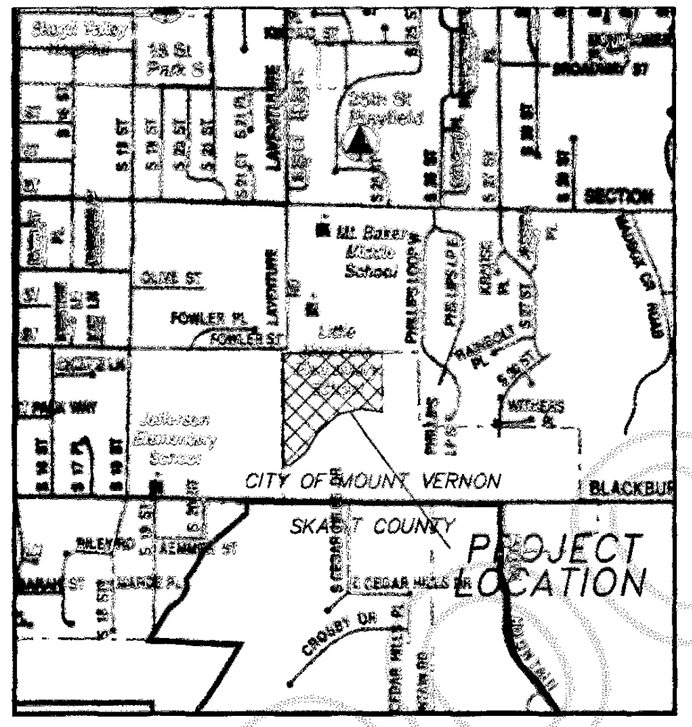
COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28;
THENCE ALONG THE WEST LINE OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, NORTH 00°46'38" EAST, A DISTANCE OF 581.04 FEET TO A POINT WITHIN THE APPROXIMATE PATH OF MADDOX CREEK, BEING THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°46'38" EAST, A DISTANCE OF 743.34 FEET THE NORTHWEST CORNER OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28;
THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, NORTH 89°21'16" EAST, A DISTANCE OF 521.97 FEET, TO A POINT 194.40 FEET EAST OF THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, SAID POINT BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 200310100182, RECORDS OF SKAGIT COUNTY, STATE OF WASHINGTON;
THENCE ALONG THE EAST LINE OF THE LAST REFERENCED PROPERTY, PARALLEL WITH THE WEST LINE OF SAID EAST HALF, SOUTH 00°48'34" WEST, A DISTANCE OF 412.58 FEET TO A POINT WITHIN THE APPROXIMATE PATH OF MADDOX CREEK;
THENCE FOLLOWING SAID APPROXIMATE PATH, SOUTH 60°00'44" WEST, A DISTANCE OF 218.56 FEET;
THENCE NORTH 70°46' 18" WEST, A DISTANCE OF 104.34 FEET, THENCE SOUTH 24°33'37" WEST, A DISTANCE OF 86.20 FEET;
THENCE SOUTH 44°14'59" WEST, A DISTANCE OF 243.07 FEET;
THENCE SOUTH 74°21'57" WEST, A DISTANCE OF 34.19 FEET, TO THE TRUE POINT OF BEGINNING.

PARCEL "C":
THAT PORTION OF THE WEST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, NORTH 00°44'42" WEST, A DISTANCE OF 295.02 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°44'42" EAST, A DISTANCE 368.97 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION, NORTH 89°02'13" EAST, A DISTANCE OF 327.24 FEET TO NORTHEAST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, SOUTH 00°46'38" WEST, A DISTANCE OF 81.15 FEET, TO A POINT WITHIN THE APPROXIMATE PATH OF MADDOX CREEK;
THENCE FOLLOWING SAID APPROXIMATE PATH, SOUTH 74°21 '57" WEST, A DISTANCE OF 153.12 FEET;
THENCE SOUTH 63°37'49" ~~EAST~~ WEST, A DISTANCE OF 89.58 FEET;
THENCE SOUTH 13°48'14" WEST, A DISTANCE OF 128.00 FEET;
THENCE SOUTH 39°33'18" WEST, A DISTANCE OF 114.06 FEET TO THE TRUE POINT OF BEGINNING.

NOTES REGARDING EXISTING EASEMENTS:

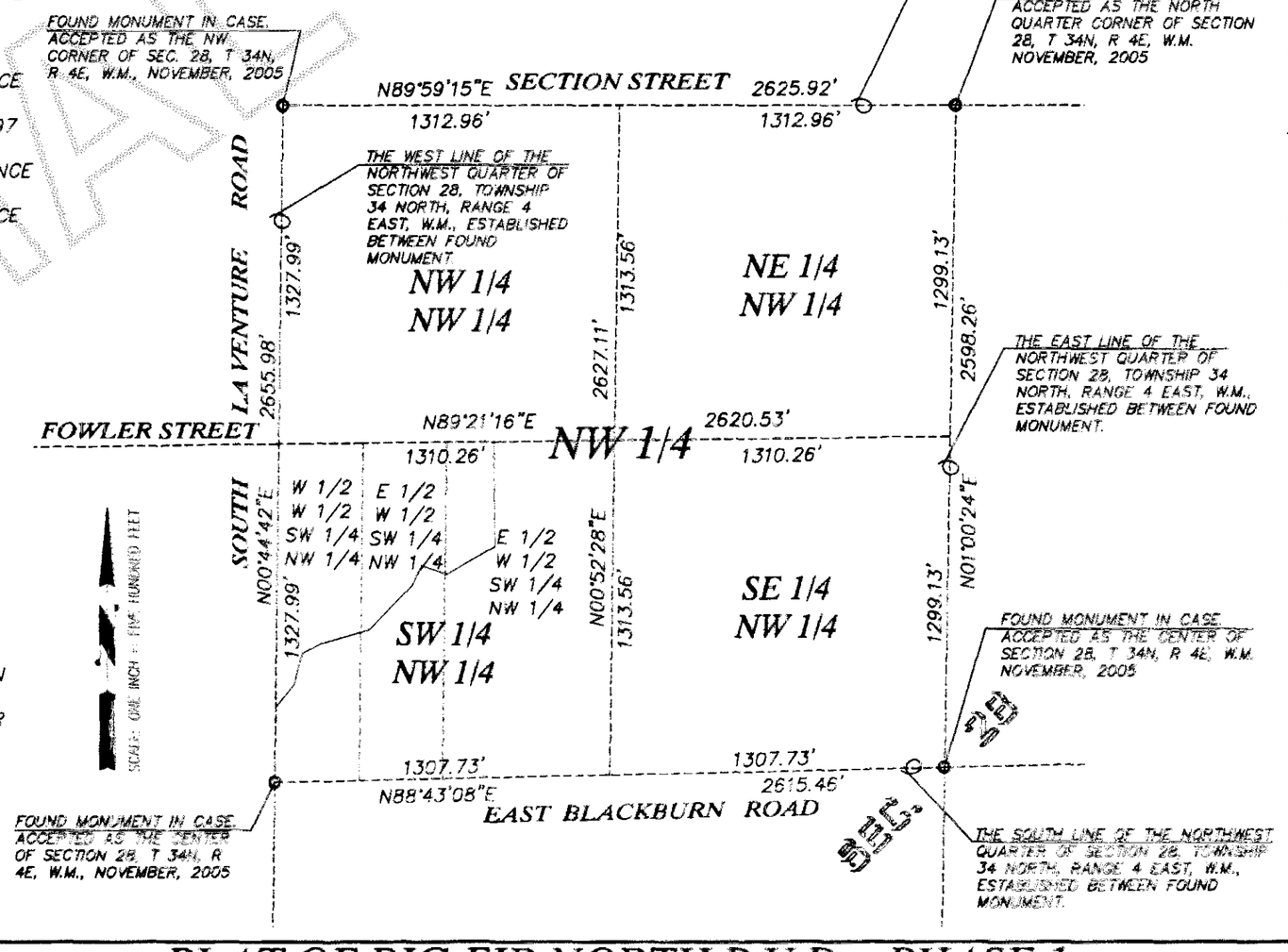
A. AN EASEMENT IN FAVOR OF THE CITY OF MOUNT VERNON, A MUNICIPAL CORPORATION, TO CONSTRUCT, MAINTAIN, REPLACE, RECONSTRUCT AND REMOVE DRAINAGE FACILITIES UNDER AND ACROSS A PORTION OF THIS SUBDIVISION, P.U.D., AS PER DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 8001150014, RECORDS OF SKAGIT COUNTY WASHINGTON.
B. AN EASEMENT IN FAVOR OF PUGET SOUND POWER & LIGHT COMPANY, FOR MAINTAINING UTILITY SYSTEMS FOR THE PURPOSE OF TRANSMISSION, DISTRIBUTION AND SALE OF GAS AND ELECTRICITY, AFFECTING PORTIONS OF THIS SUBDIVISION AS PER DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 8404240023, RECORDS OF SKAGIT COUNTY WASHINGTON.
C. AN EASEMENT IN FAVOR OF PUGET SOUND POWER & LIGHT COMPANY, A WASHINGTON CORPORATION, FOR THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, REPLACE AND ENLARGE ONE OR MORE ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINES OVER AND/OR UNDER THE RIGHT OF WAY. SAID RIGHT OF WAY BEING A 10-FOOT STRIP OF LAND AFFECTING THOSE PORTIONS OF THE LAND WITHIN THIS SUBDIVISION, AS PER DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 893941, RECORDS OF SKAGIT COUNTY, WASHINGTON.
D. AN EASEMENT IN FAVOR OF LESTER K. SMITH AND RHODA J. SMITH, HUSBAND AND WIFE, FOR THE PURPOSES OF A PERMANENT, NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ACROSS THE EXISTING ROADWAY ON THE TRACT OF LAND RETAINED BY THE GRANTORS, AS PER DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 774692, RECORDS OF SKAGIT COUNTY, WASHINGTON.



VICINITY MAP

BIG FIR NORTH HOMEOWNER'S ASSOCIATION:

THE BIG FIR NORTH HOMEOWNERS ASSOCIATION HAS BEEN CREATED AS OUTLINED IN THE COVENANTS RECORDED UNDER AUDITOR'S FILE NO. 2007-0323-0074.



NATIVE GROWTH PROTECTION AREA (NGPA)

A NATIVE GROWTH PROTECTION AREA IS CREATED FOR THE PURPOSE OF PRESERVATION OF EXISTING VEGETATION, CRITICAL AREAS, MAINTENANCE OF SLOPE STABILITY, VISUAL AND AURAL BUFFERING, AND PROTECTION OF PLANT AND ANIMAL HABITAT. THE NGPA IMPOSES UPON ALL PRESENT AND FUTURE OWNERS AND OCCUPIERS OF THE NGPA THE OBLIGATION, TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THIS AREA. THE VEGETATION WITHIN THE NGPA MAY NOT BE CUT, PRUNED COVERED BY FILL, REMOVED OR DAMAGED WITHOUT EXPRESS PERMISSION FROM THE CITY OF MOUNT VERNON, WHICH PERMISSION MUST BE OBTAINED IN WRITING. THE CITY OF MOUNT VERNON WILL MAKE ITS DETERMINATION BASED ON THE RECOMMENDATION MADE BY A QUALIFIED ARBORIST. THE EXISTING LANDOWNERS SHALL BE RESPONSIBLE FOR HIRING AN ARBORIST, OR OTHER QUALIFIED PROFESSIONAL TO EVALUATE POTENTIALLY DANGEROUS TREES OR NON NATIVE PLANT SPECIES. ANY TREES THAT ARE REMOVED MUST BE REPLACED WITH THE SAME OR LIKE SPECIES AS RECOMMENDED BY THE ARBORIST. THE COST ASSOCIATED WITH THE EVALUATION, REMOVAL AND REPLANTING SHALL BE BORE BY THE EXISTING PROPERTY OWNER. THE CITY OF MOUNT VERNON MAY ENTER THE NGPA FOR INSPECTION PURPOSES AT ITS OWN DISCRETION.

EASEMENT NOTES:

1. EASEMENTS IN FAVOR OF PUGET SOUND ENERGY, INC., A WASHINGTON CORPORATION, PER DOCUMENT RECORDED UNDER AUDITOR'S FILE NO. 200708280130, ON AUGUST 28, 2007, AS FOLLOWS:

EASEMENT NO. 1: ALL STREETS AND ROAD RIGHTS-OF-WAY AS NOW OR HEREAFTER DESIGNED, PLATTED, AND/OR CONSTRUCTED WITHIN THIS SUBDIVISION. (WHEN SAID STREETS AND ROADS ARE DEDICATED TO THE PUBLIC, THIS CLAUSE SHALL BECOME NULL AND VOID.)

EASEMENT NO. 2: A STRIP OF LAND 10 FEET IN WIDTH ACROSS ALL LOTS, TRACTS AND OPEN SPACES LOCATED WITHIN THIS SUBDIVISION, BEING PARALLEL TO AND COINCIDENT WITH THE BOUNDARIES OF ALL PRIVATE/PUBLIC STREET AND ROAD RIGHTS-OF-WAY.

2. EXISTING DRAINAGE EASEMENTS IN FAVOR OF THE CITY OF MOUNT VERNON RECORDED UNDER AUDITOR'S FILE NUMBERS 800110015 AND 8001150014 ARE HEREBY RELINQUISHED WITH THE RECORDING OF THIS PLAT.

PRIVATE DRAINAGE EASEMENTS:

EASEMENTS FOR THE PURPOSE OF CONVEYING LOCAL STORM WATER RUNOFF ARE HEREBY GRANTED IN FAVOR OF ALL ABUTTING PRIVATE LOT OWNERS IN THE AREAS DESIGNATED AS PRIVATE DRAINAGE EASEMENTS. THE MAINTENANCE OF PRIVATE DRAINAGE EASEMENTS ESTABLISHED AND GRANTED HEREIN SHALL BE THE RESPONSIBILITY OF, AND THE COSTS THEREOF SHALL BE BORNE EQUALLY BY, THE PRESENT AND FUTURE OWNERS OF THE ABUTTING PRIVATE LOT, THEIR HEIRS, PERSONAL REPRESENTATIVES, AND ASSIGNS. THE CITY OF MOUNT VERNON IS HEREBY GRANTED THE RIGHT TO ENTER SAID EASEMENTS FOR EMERGENCY PURPOSES AT ITS OWN DISCRETION.

LEGEND

- • SET REBAR & CAP #32169
- SET CONC. MON. IN CASE
- O FND MONUMENT AS NOTED
- O CALCULATED POINT

YOUNG-SOO KIM
STATE OF WASHINGTON
PROFESSIONAL LAND SURVEYOR
1/24/2006

SUMMIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273
PHONE: (360) 416-4999 FAX: (360) 416-4949
E-MAIL: YSK@SUMMITES.COM

PLAT OF BIG FIR NORTH P.U.D. - PHASE 1
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON,
SKAGIT COUNTY, WASHINGTON

LU04-092

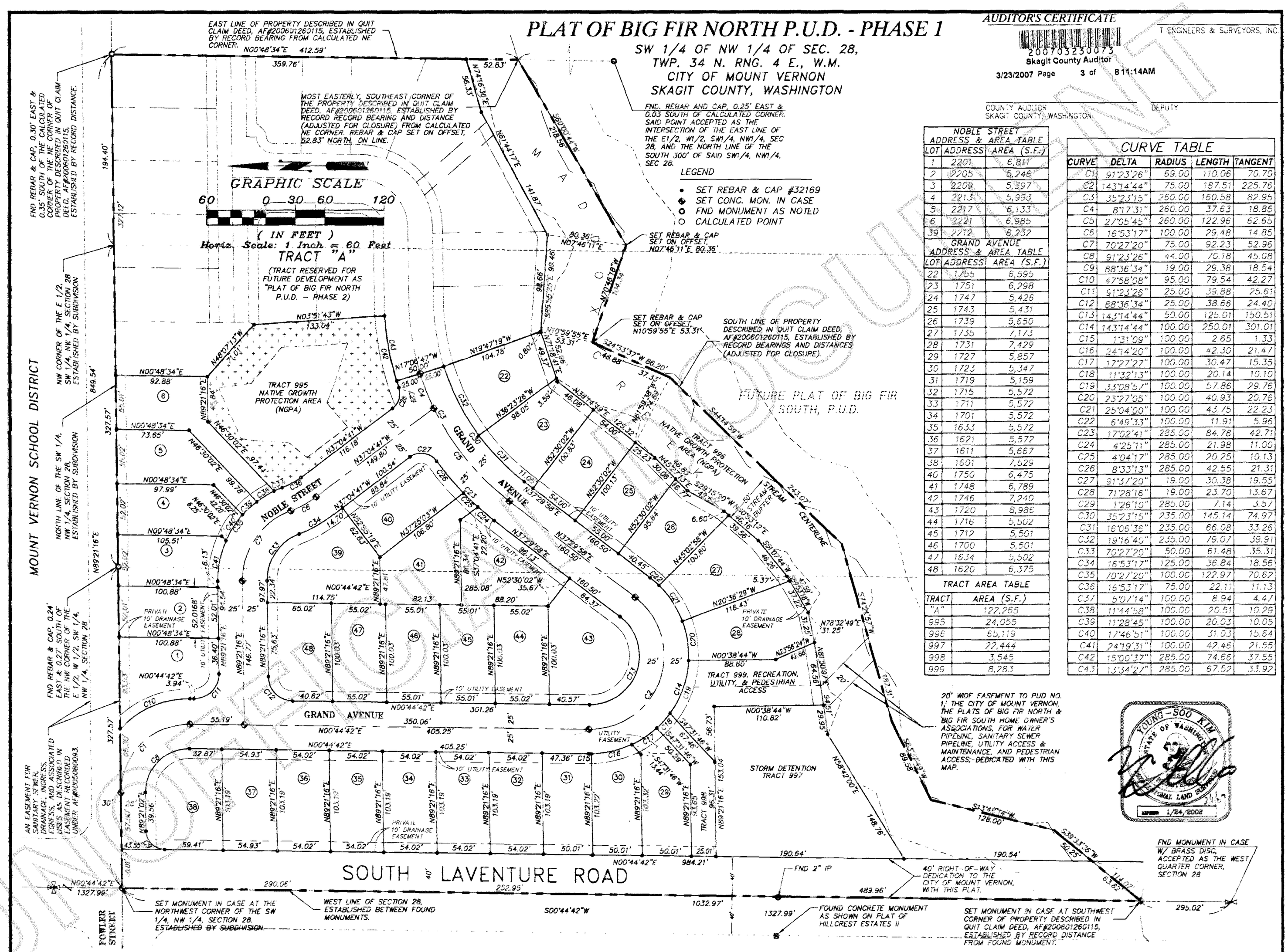
JOB NO.	02104
DRAWING NO.	S02104-PUD
DRAWN BY:	sgb
CHECKED BY:	ysk

SHEET 2 OF 3

HEX STAFF REPORT - EXHIBIT 15

PLAT OF BIG FIR NORTH P.U.D. - PHASE 1

SW 1/4 OF NW 1/4 OF SEC. 28,
TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON
SKAGIT COUNTY, WASHINGTON



AUDITOR'S CERTIFICATE

T ENGINEERS & SURVEYORS, INC.

200703230073
Skagit County Auditor
3/23/2007 Page 3 of 8 11:14AM

COUNTY AUDITOR
SKAGIT COUNTY, WASHINGTON

DEPUTY

NOBLE STREET ADDRESS & AREA TABLE		
LOT	ADDRESS	AREA (S.F.)
1	2201	6,811
2	2205	5,246
3	2209	5,397
4	2213	5,993
5	2217	6,133
6	2221	6,986
39	2212	8,232
GRAND AVENUE ADDRESS & AREA TABLE		
LOT	ADDRESS	AREA (S.F.)
22	1755	6,595
23	1751	6,298
24	1747	5,425
25	1743	5,431
26	1739	5,650
27	1735	7,173
28	1731	7,429
29	1727	5,857
30	1723	5,347
31	1719	5,159
32	1715	5,572
33	1711	5,572
34	1701	5,572
35	1633	5,572
36	1621	5,572
37	1611	5,667
38	1601	7,529
40	1750	6,475
41	1748	6,789
42	1746	7,240
43	1720	8,986
44	1716	5,502
45	1712	5,501
46	1700	5,501
47	1634	5,502
48	1620	6,375

TRACT AREA TABLE	
TRACT	AREA (S.F.)
"A"	122,265
995	24,055
996	65,119
997	22,444
998	3,545
999	8,283

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	91°23'26"	69.00	110.06	70.70
C2	143°14'44"	75.00	187.51	225.76
C3	35°23'15"	260.00	160.58	82.95
C4	8°17'31"	260.00	37.63	18.85
C5	27°05'45"	260.00	122.96	62.65
C6	16°53'17"	100.00	29.48	14.85
C7	70°27'20"	75.00	92.23	52.96
C8	91°23'26"	44.00	70.18	45.08
C9	88°36'34"	19.00	29.38	18.54
C10	47°58'08"	95.00	79.54	42.27
C11	91°23'26"	25.00	39.88	25.61
C12	88°36'34"	25.00	38.66	24.40
C13	143°14'44"	50.00	125.01	150.51
C14	143°14'44"	100.00	250.01	301.01
C15	1°31'09"	100.00	2.65	1.33
C16	24°14'20"	100.00	42.30	21.47
C17	17°27'27"	100.00	30.47	15.35
C18	11°32'13"	100.00	20.14	10.10
C19	33°08'57"	100.00	57.86	29.76
C20	23°27'05"	100.00	40.93	20.76
C21	25°04'00"	100.00	43.75	22.23
C22	6°49'33"	100.00	11.91	5.96
C23	17°02'41"	285.00	84.78	42.71
C24	4°25'11"	285.00	21.98	11.00
C25	4°04'17"	285.00	20.25	10.13
C26	8°33'13"	285.00	42.55	21.31
C27	91°37'20"	19.00	30.38	19.55
C28	71°28'16"	19.00	23.70	13.67
C29	1°26'10"	285.00	7.14	3.57
C30	35°23'15"	235.00	145.14	74.97
C31	16°06'36"	235.00	66.08	33.26
C32	19°16'40"	235.00	79.07	39.91
C33	70°27'20"	50.00	61.48	35.31
C34	16°53'17"	125.00	36.84	18.56
C35	70°27'20"	100.00	122.97	70.62
C36	16°53'17"	75.00	22.11	11.13
C37	5°07'14"	100.00	8.94	4.47
C38	11°44'58"	100.00	20.51	10.29
C39	11°28'45"	100.00	20.03	10.05
C40	17°46'51"	100.00	31.03	15.64
C41	24°19'31"	100.00	42.46	21.55
C42	15°00'37"	285.00	74.66	37.55
C43	13°34'27"	285.00	67.52	33.92

UNOFFICIAL DOCUMENT

SUMMIT ENGINEERS & SURVEYORS, INC.
2216 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273
PHONE: (360) 416-4999 FAX: (360) 416-4949
E-MAIL: YSK@SUMMITES.COM

SUMMIT

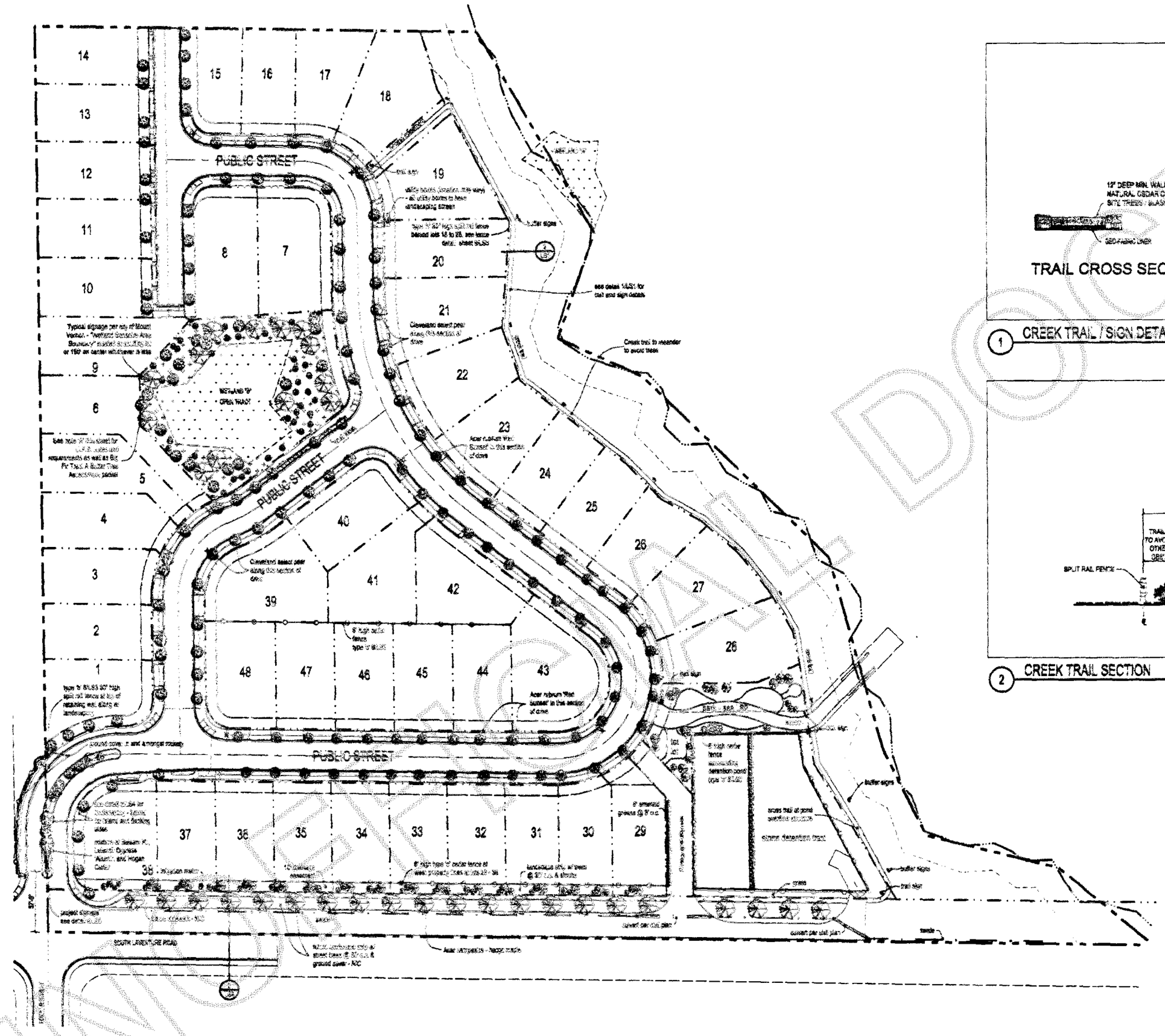
PLAT OF BIG FIR NORTH P.U.D. - PHASE 1
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON,
SKAGIT COUNTY, WASHINGTON

LU04-092

JOB NO.	02104
DRAWING NO.	S02104-PUD
DRAWN BY:	sgb
CHECKED BY:	ysk

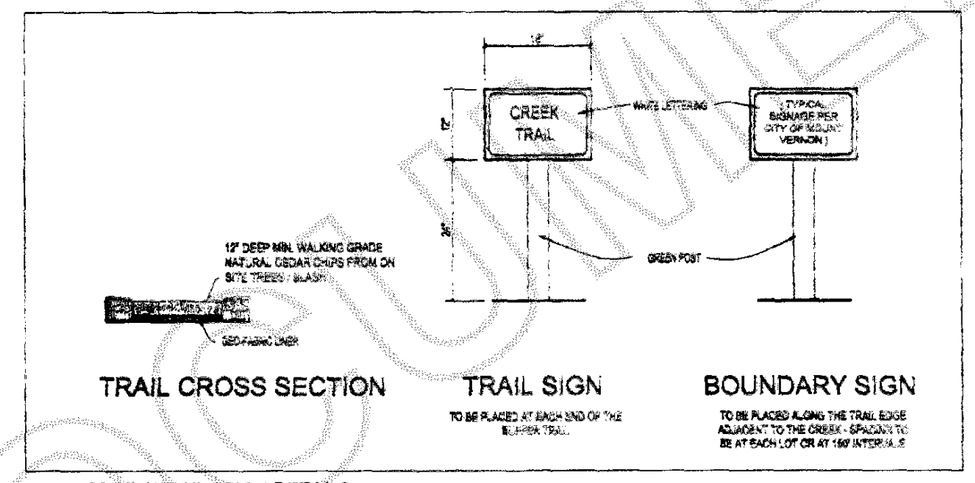
HEX STAFF REPORT - EXHIBIT 15

200703230073
Skagit County Auditor
3/23/2007 Page 4 of 8 11:14AM



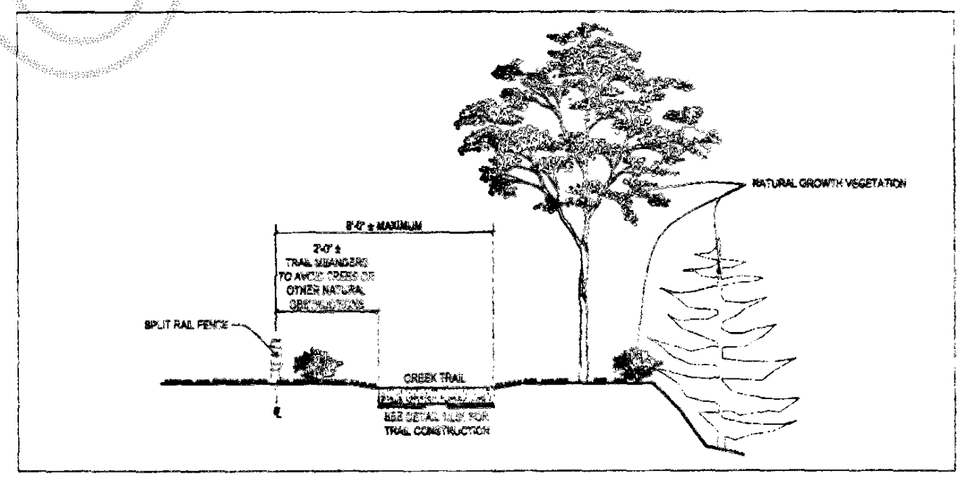
site landscape plan

SCALE: 1" = 50'-0"



1 CREEK TRAIL / SIGN DETAILS

no scale



2 CREEK TRAIL SECTION

no scale

Approved, City of Mount Vernon

REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes
504 E. Fairhaven
Burlington, WA 98233
360-755-9021

Big Fir North

MOUNT VERNON, WASHINGTON

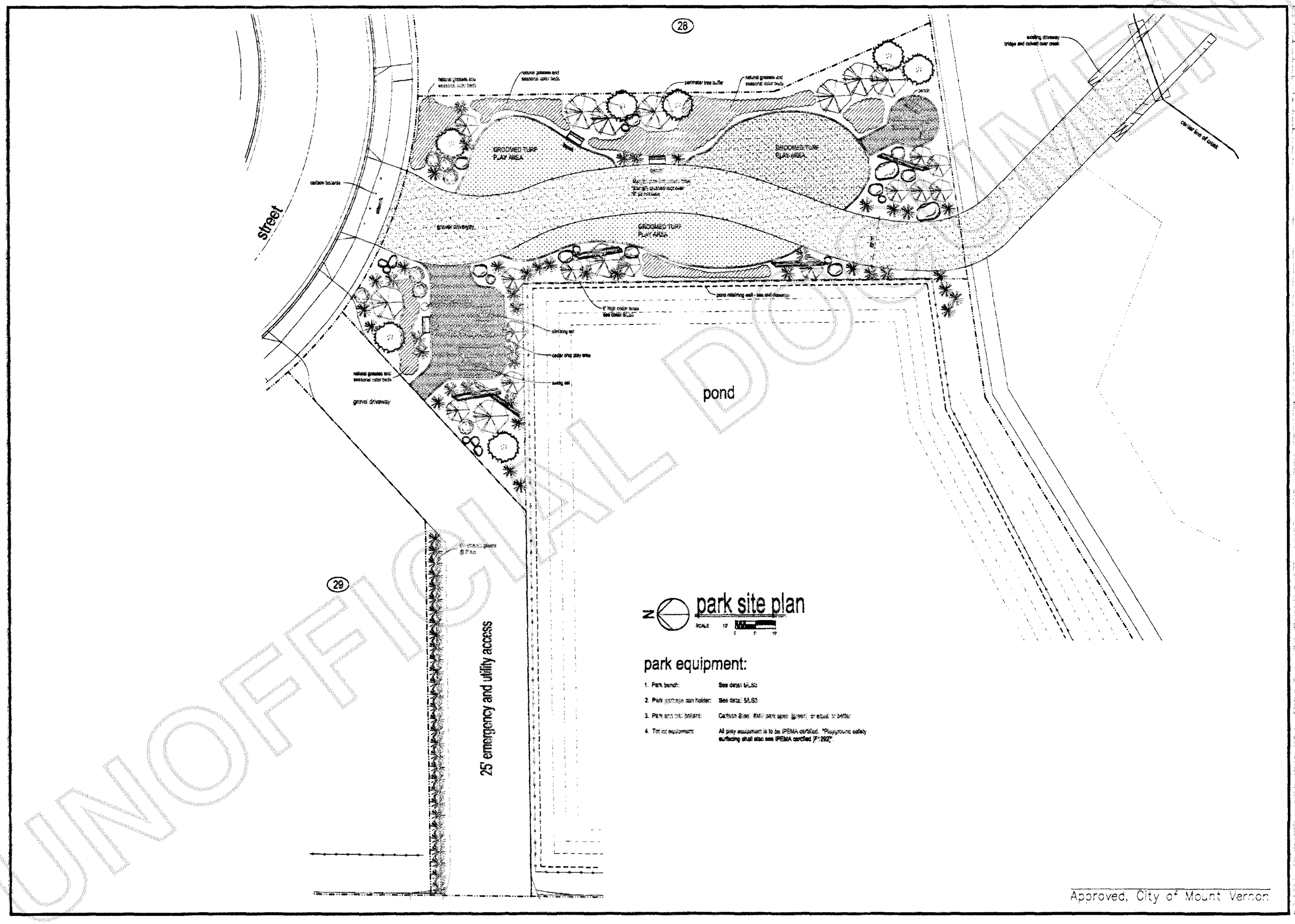
LANDSCAPE PLAN

PROJ: 05-MVW(2)
DWN: Mike Underwood
DATE: 3-23-07
SHEET: LS1

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

200703230073
Skagit County Auditor
3/23/2007 Page 5 of 8 11:14AM



REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes
504 E. Fairhaven
Burlington, WA 98233
360-755-9021

Big Fir North
MOUNT VERNON WASHINGTON

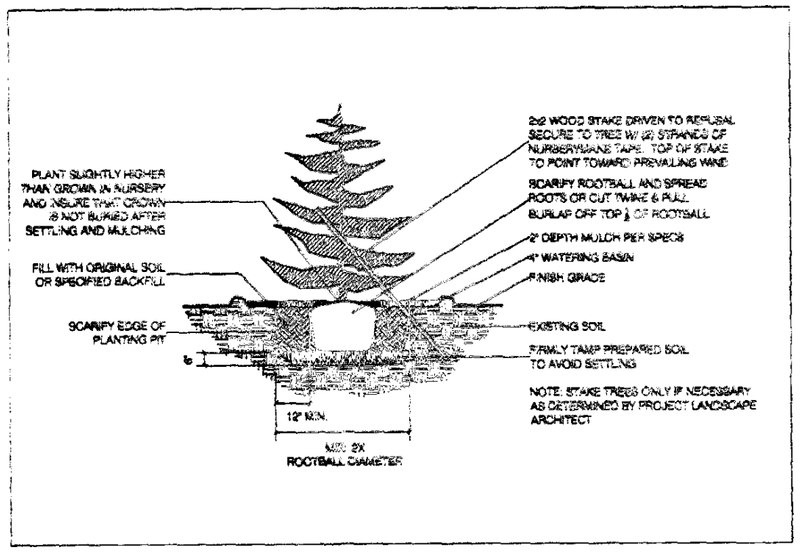
PARK PLAN

PROJ: 05-HFW(2)
DWN: Mike Underwood
DATE: 2-Jan-07
SHEET
LS2

UNOFFICIAL DOCUMENT

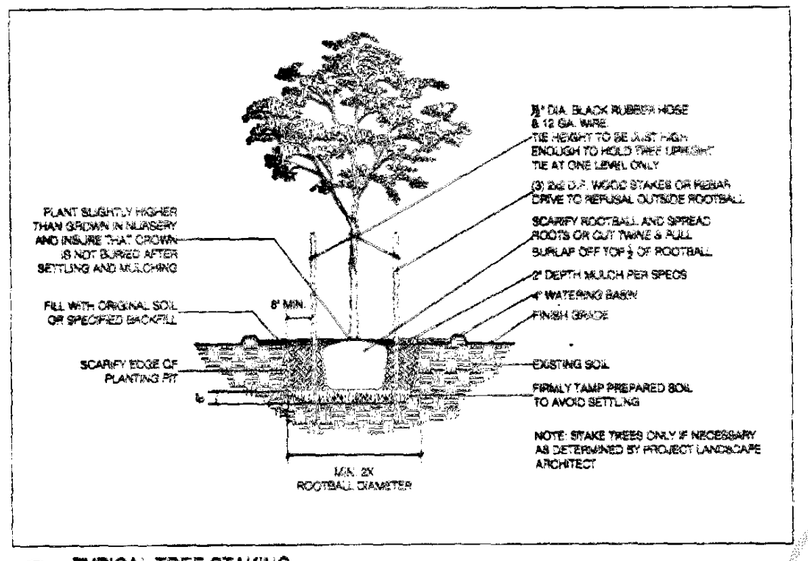
HEX STAFF REPORT - EXHIBIT 15

200703230073
Skagit County Auditor
3/23/2007 Page 8 of 8 11:14AM



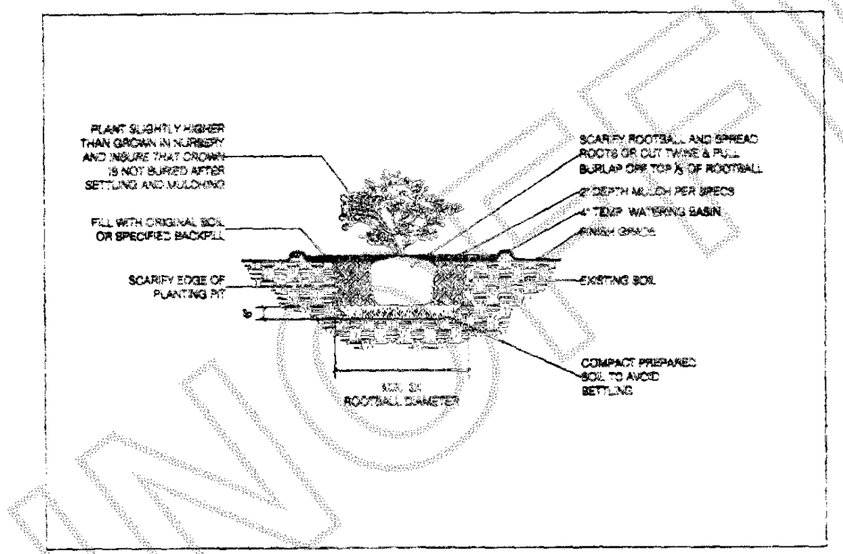
1 TYPICAL TREE GUYING

no scale



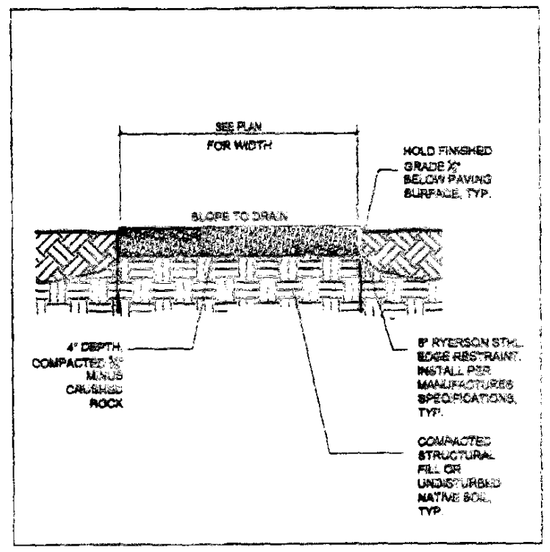
2 TYPICAL TREE STAKING

no scale



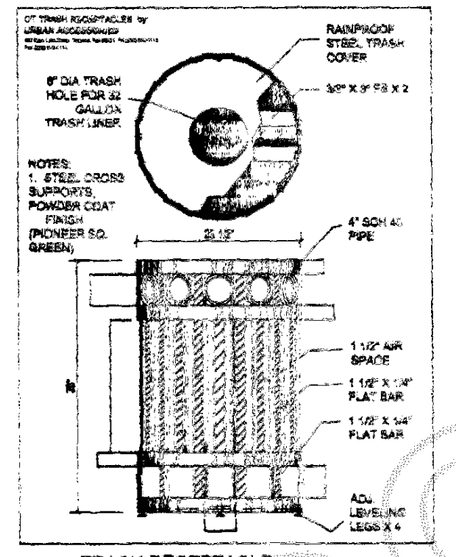
3 TYPICAL SHRUB AND GROUND COVER

no scale



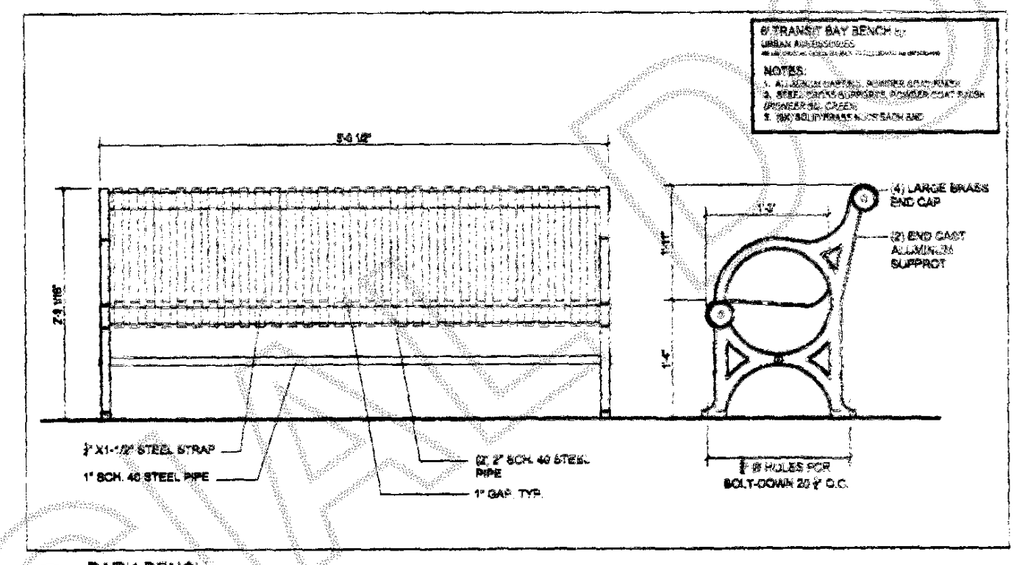
4 CRUSHED ROCK PATH

no scale



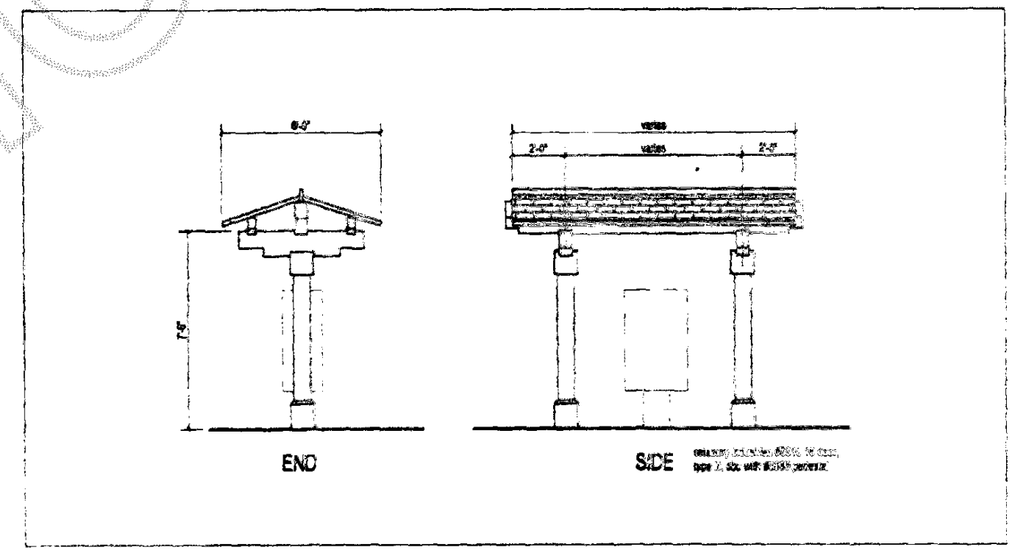
5 TRASH RECEPTACLE

no scale



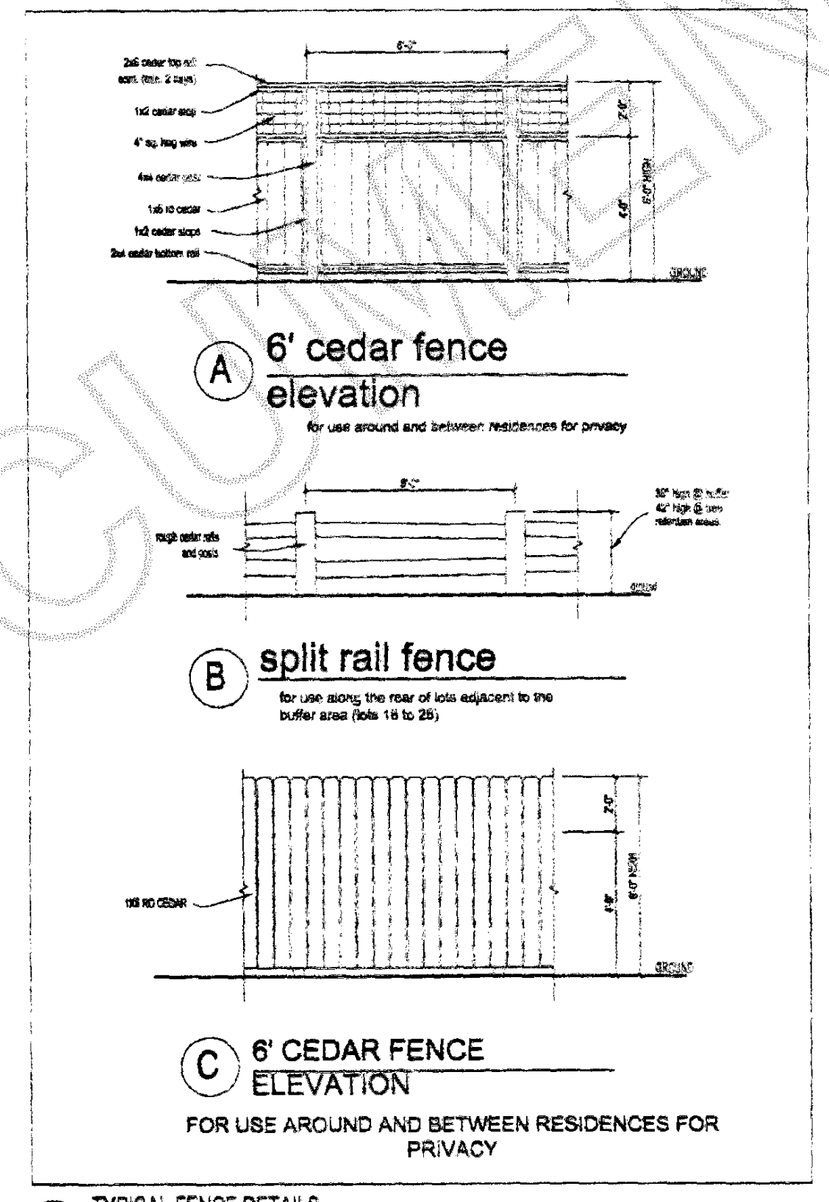
6 PARK BENCH

no scale



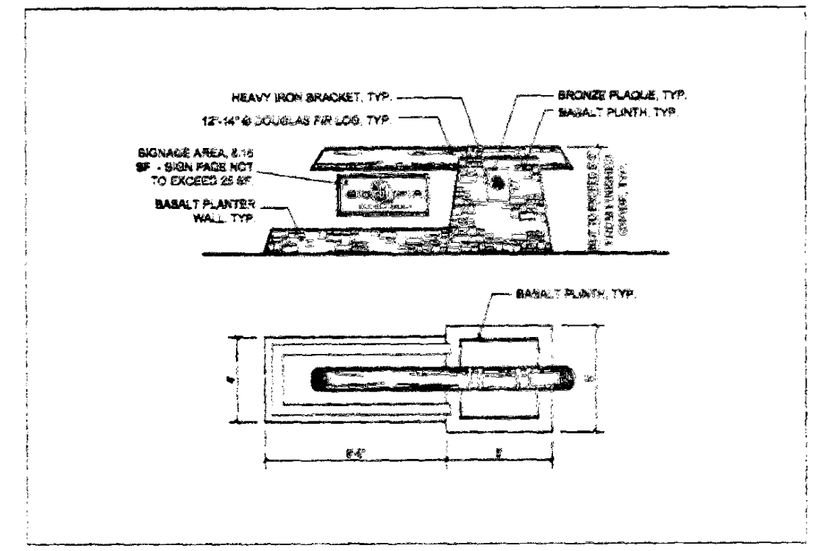
7 TYPICAL MAIL KIOSK

no scale



8 TYPICAL FENCE DETAILS

no scale



9 ENTRY MONUMENT DETAIL - UNDER SEPERATE PERMIT

no scale

Approved, City of Mount Vernon

REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes
504 E. Fairhaven
Burlington, WA 98233
360-755-9021

Big Fir North
MOUNT VERNON, WASHINGTON

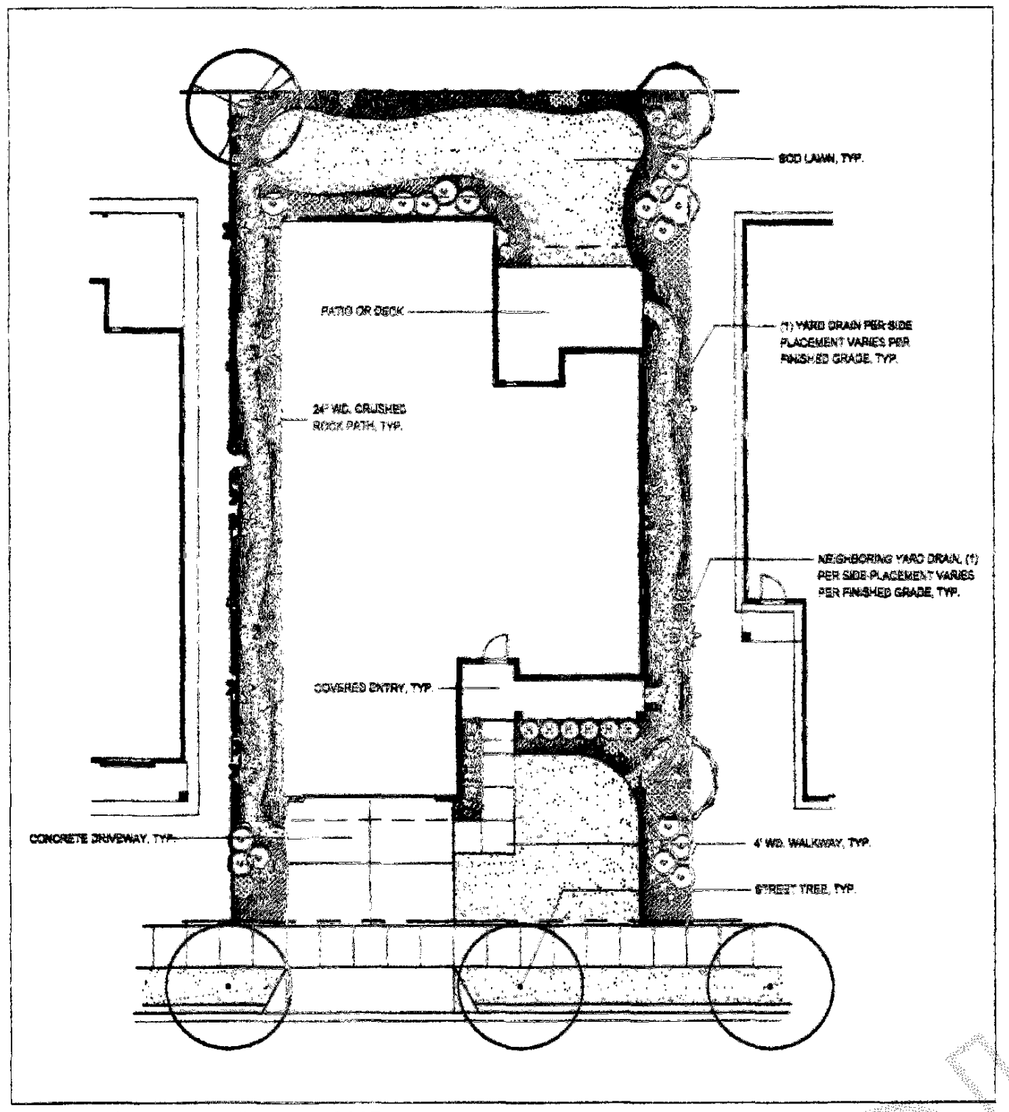
LANDSCAPE DETAILS

LS3

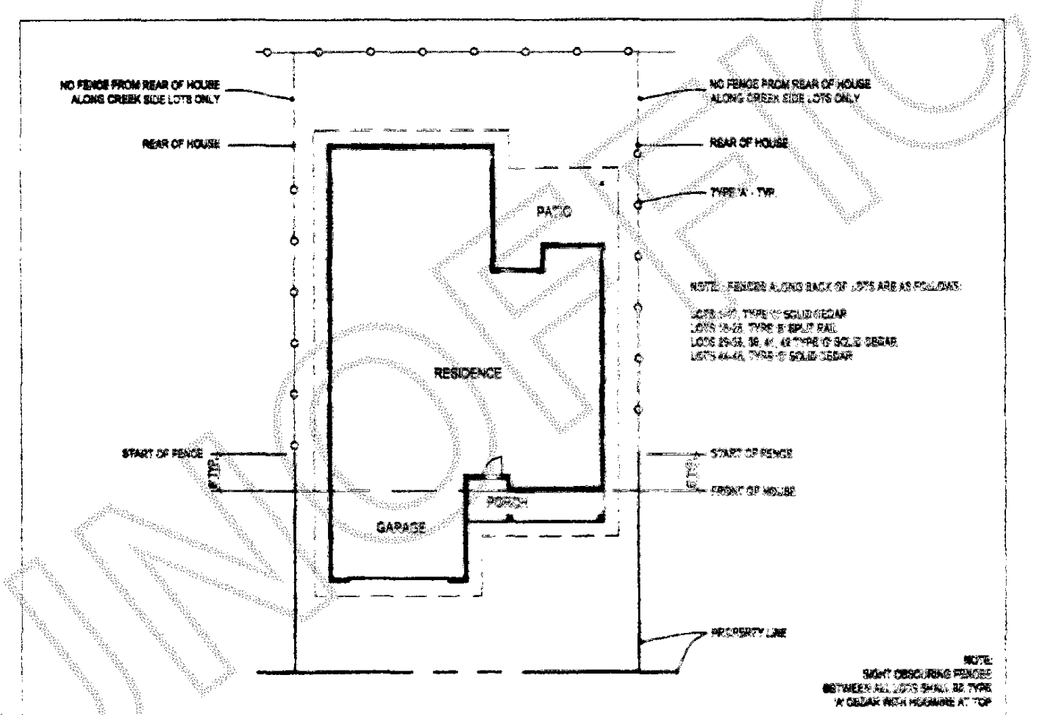
UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

200703230073
Skagit County Auditor
3/23/2007 Page 7 of 8 11:14AM



1 TYPICAL RESIDENTIAL LANDSCAPE PLAN



5 TYPICAL LOT FENCING

INCLUDED

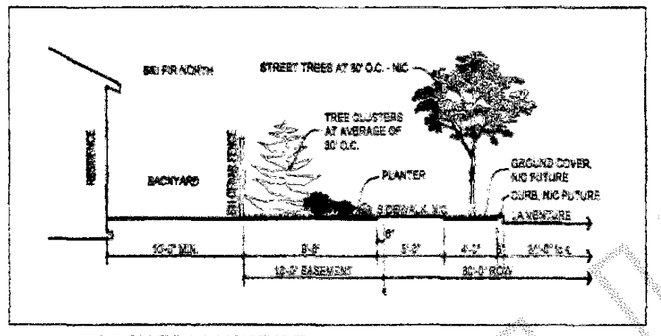
QTY. TREES

QTY. SHRUBS & PERENNIALS

QTY. SHRUBS & PERENNIALS

GROUNDCOVERS

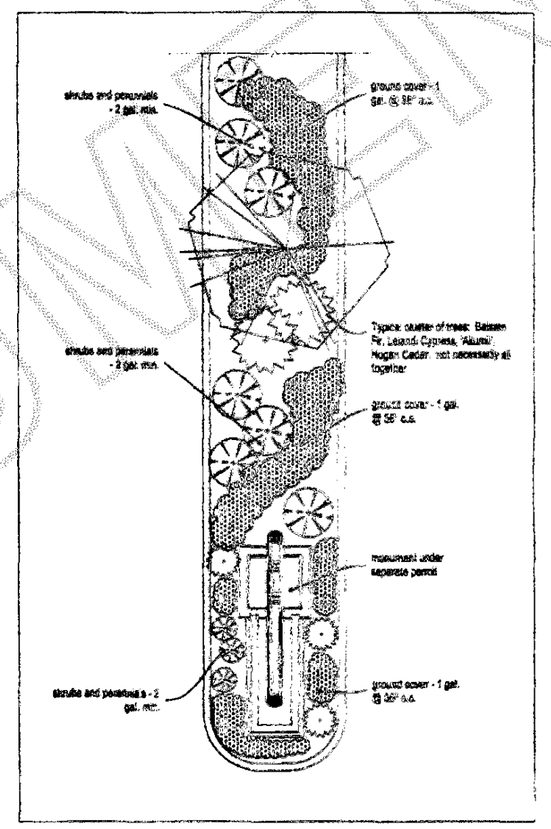
NOTES:



2 SECTION TO LA VENTURE

NO SCALE

NOTE:



3 ENTRY ISLAND

NO SCALE

TYPICAL LANDSCAPE PLAN FOR ISLAND AND FLANKING SIDES WHERE APPLICABLE

SHRUBS/ ORNAMENTAL GRASSES - 2 GAL. MIN.	
ARBUTUS UNEDO	STRAWBERRY TREE
BLECHNUM SPICANT	DEER FERN
CORNUS STOLONIFERA 'KELSEYI'	REDTWIG DOGWOOD
CORNUS STOLONIFERA 'ISANTI'	REDTWIG DOGWOOD
DRYOPTERIS BRYTHROSORA	AUTUMN FERN
EPIMEDIUM X RUBRUM 'SNOW QUEEN'	EPIMEDIUM
POTHERGILLA GARDENI	DWARF POTHERGILLA
GARRYA	SILKTASSEL
MAHONIA AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE
MAHONIA NERVOSA	LONGLEAF MAHONIA
MISCANTHUS SINENSIS 'MORNING LIGHT'	SILVER GRASS
MYRICA CALIFORNICA	PACIFIC WAX MYRTLE
PIERIS JAPONICA 'PURITY'	LILY-OF-THE-VALLEY
POLYSTICHUM MUNITUM	SWORD FERN
RHAPHIOLEPIS UMBELLATA MINOR	YEDDO HAWTHORN
RHODODENDRON 'ANY VAR. HYBRID'	RHODODENDRON
RIBES SANGUINEUM	RED FLOWERING CURRANT
ROSA RUGOSA	RUGOSA ROSE
SARCOCOCCA RUSCIFOLIA	SWEET BOX - SHADE ONLY
SYMPHORICARPOS ALBUS	SNOWBERRY
VACCINIUM OVATUM 'THUNDERBIRD'	EVERGREEN HUCKLEBERRY
VIBURNUM DAVIDII	DAVID'S VIBURNUM
VIBURNUM P.T. 'WATANABE'	DOUBLEFILE VIBURNUM
VIBURNUM RHYTIDOPHYLLUM	LEATHERLEAF VIBURNUM

TREES - 2" CALIPER MIN.	
ACER CIRCINATUM	VINE MAPLE
CHAMAECYPARIS NOOTKATENSIS 'PENDULA'	WEEPING ALASKA CEDAR
CORNUS 'EDDIE'S WHITE WONDER'	DOGWOOD
CORNUS KOUSA 'MILKY WAY'	KOUSA DOGWOOD
X CUPRESSOCYPARIS LEYLANDII 'EMERALD ISLE'	LEYLANDII CYPRESS
MAGNOLIA SIEBOLDII	OYAMA MAGNOLIA
MAGNOLIA STELLATA 'ROYAL STAR'	STAR MAGNOLIA
PINUS CONTORTA CONTORATA	SHORE PINE
PSEUDOTSUGA MENZIESII	DOUGLAS FIR
SORBUS SCOPULINA	WESTERN MT. ASH
THUJA PLICATA	WESTERN RED CEDAR
THUJA PLICATA 'FASTIGIATA' OR 'SPRING GROVE'	HOGAN CEDAR
ABIES BALSAMEA	BALSAM FIR
CHAMAECYPARIS LAWSONIANA 'ALLUMII'	FALSE CYPRESS
THUJA PLICATA 'FASTIGIATA'	HOGAN CEDAR
ACER CAMPESTRE	HEDGE MAPLE
ACER RUBRUM 'RED SUNSET'	SCARLET MAPLE
PYRUS CALLERYANA	CLEAVLAND SELECT

GROUNDCOVER - 1 GAL. M.N. @ 36" O.C. OR 4" POTS @ 18" O.C. (SAME)	
ARCTOSTAPHYLOS 'EMERALD CARPET'	MANZANITA
FRAGARIA CHILOENSIS	BEACH STRAWBERRY
GAULTHERIA SHALLON	SALAL
ROSMARINUS OFFICINALIS 'PROSTRATUS'	ROSEMARY
RUBUS PENTALOBUS	BRAMBLE

4 TYPICAL LIST OF LIVE LANDSCAPE MATERIAL

TYPICAL LANDSCAPE PLAN

NO SCALE

REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes
504 E. Fairhaven
Burlington, WA 98233
360-755-9021

Big Fir North
MOUNT VERNON, WASHINGTON

TYPICAL LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"
DRAWN: 35-KTW(2)
DWN: Mike Underwood
DATE: 3-Jan-07
SHEET: LS4

Approved, City of Mount Vernon

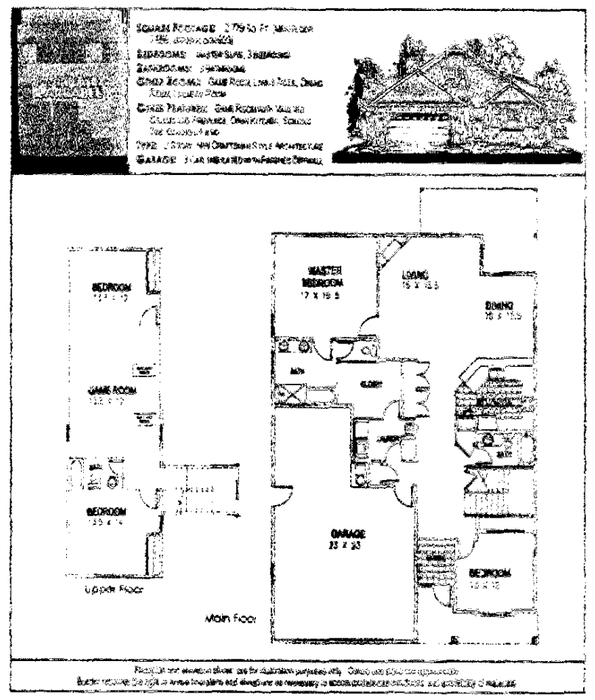
UNOFFICIAL DOCUMENT

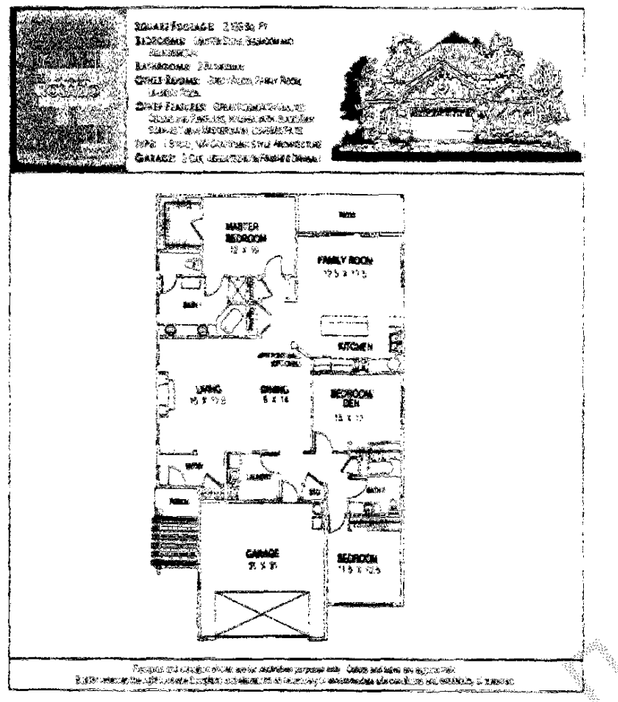
HEX STAFF REPORT - EXHIBIT 15

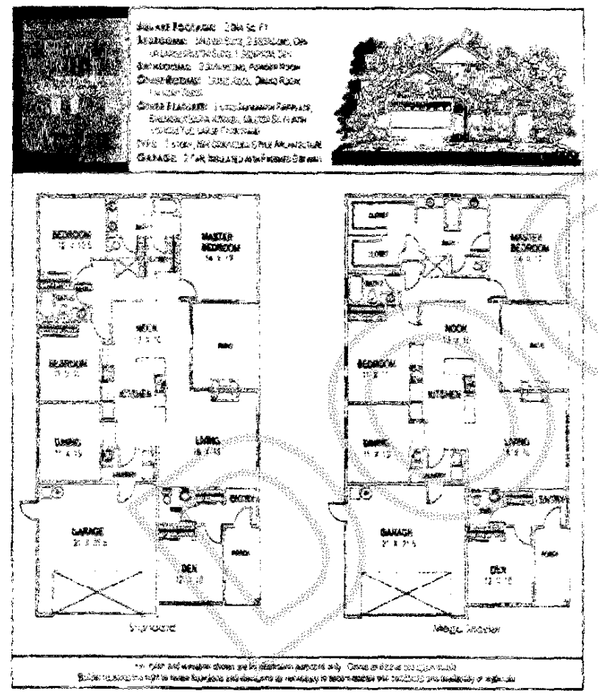
200703230073
Skagit County Auditor
3/23/2007 Page 8 of 8 11:14AM

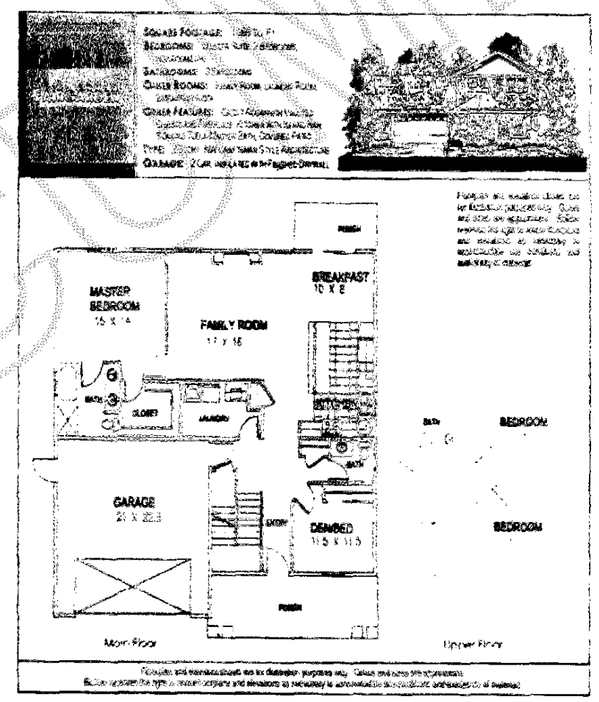
BIG FIR

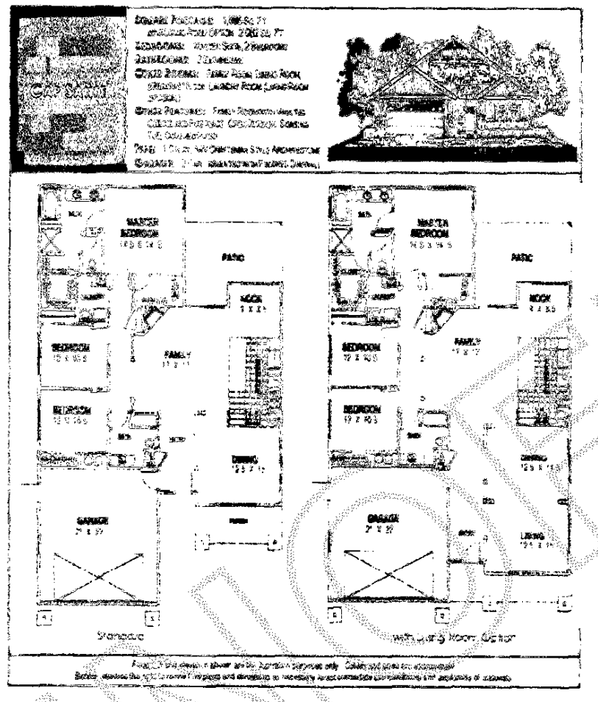
ACTIVE ADULT COMMUNITY

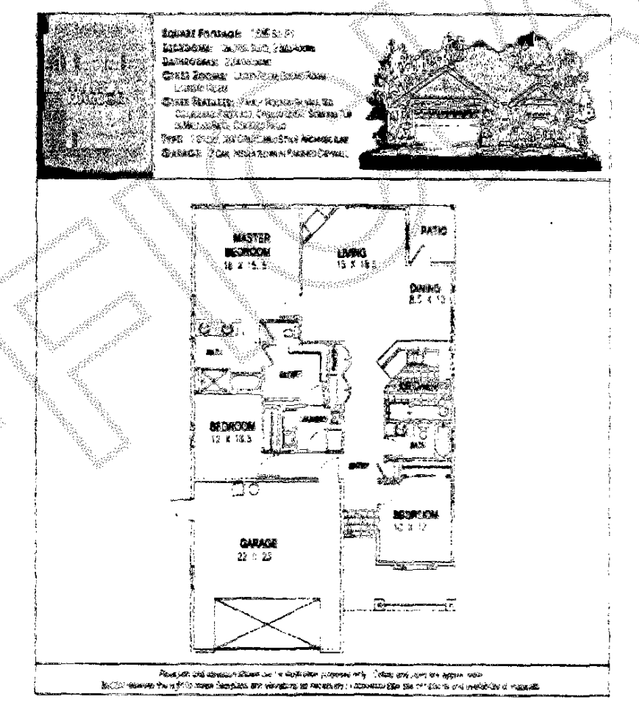


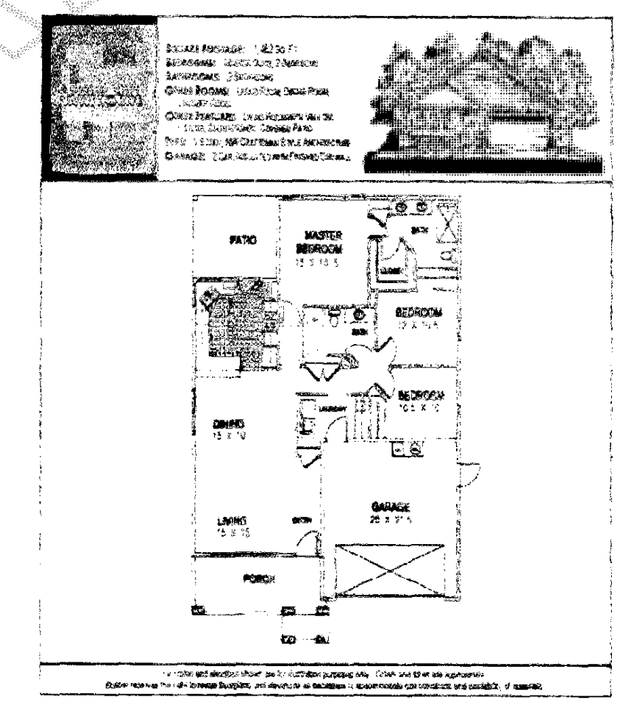


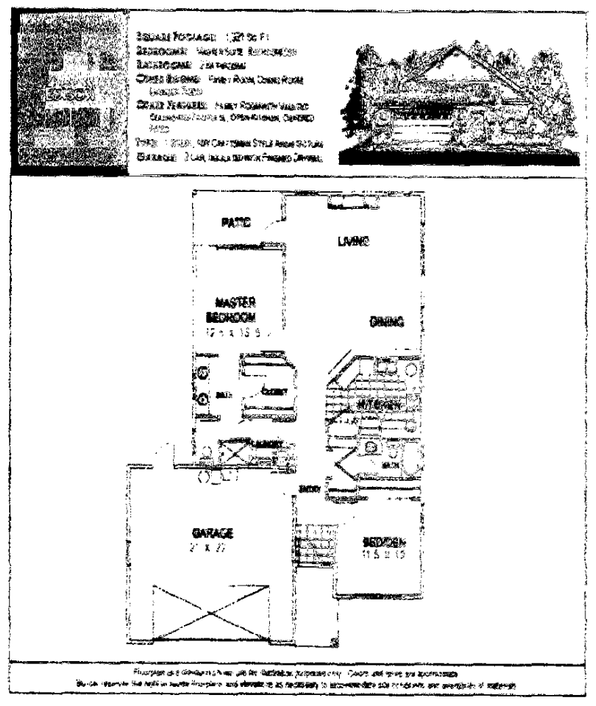












LANDED GENTRY
HOMES AND COMMUNITIES

LANDED GENTRY
HOMES AND COMMUNITIES
504 E. Fairhaven Ave., Burlington, WA 98233 • phone 360.755.1020 • fax 360.755.1029 • www.LandedGentry.com

BIG FIR SOUTH

JOB NO.
DESIGNED
DRAWING NAME
DATE 11/10/2006
SHEET A1.2

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

PLAT OF BIG FIR NORTH P.U.D. - PHASE 2

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON, SKAGIT COUNTY, WASHINGTON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS IN THE FEE SIMPLE OR CONTRACT PURCHASER AND MORTGAGE HOLDER OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS BIG FIR NORTH P.U.D. PHASE 2, AND DEDICATE TO THE PUBLIC FOREVER, ALL STREETS, AVENUES, WAYS, BOULEVARDS, DRIVES, PLACES, CIRCLES, COURTS, LANES AND LOOPS SHOWN THEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES; ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN ON THIS PLAT IN THE ORIGINAL REASONABLE GRADING OF THE STREETS, AVENUES, WAYS, BOULEVARDS, DRIVES, PLACES, CIRCLES, COURTS, LANES AND LOOPS SHOWN HEREON.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS AND SEALS

THIS 5TH DAY OF July, 2007.

President
BIG FIR NORTH, INC., A WASHINGTON CORPORATION (OWNER)

SVP
PEOPLES BANK (MORTGAGE HOLDER)

Manager
BIG FIR AT MADDOX CREEK, LLC, (BENEFICIARY)

PEDESTRIAN ACCESS TRACT 994

TRACT 994 IS A TRACT TO BE USED FOR PEDESTRIAN INGRESS AND EGRESS TO THE NATIVE GROWTH PROTECTION AREA (NGPA), TRACT 996, AS PER PHASE 1, PLAT OF BIG FIR NORTH P.U.D., A.F. NO. 200703230073, RECORDS OF SKAGIT COUNTY, STATE OF WASHINGTON. SAID TRACT 994 IS FOR VISUAL OBSERVATION OF THE NGPA AND IS TO BE USED AS AN AMENITY FOR ENJOYMENT OF THE HOMEOWNERS, THEIR GUESTS, HEIRS, AND ASSIGNS, AS DEFINED IN THE CONDITIONS, COVENANTS, AND RESTRICTIONS, GOVERNING THE HOMEOWNER'S ASSOCIATION OF THIS PLAT. THIS TRACT SHALL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND THE MAINTENANCE OF THE ACCESS WALKWAY AND LANDSCAPING WITHIN THIS TRACT SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION, AS WELL AS THE COSTS ASSOCIATED THEREWITH. THE CITY OF MOUNT VERNON MAY ENTER SAID TRACT FOR INSPECTION AND SECURITY PURPOSES AT ITS OWN DISCRETION.

ROOF & FOOTING DRAIN NOTE

ALL ROOF AND FOOTING DRAINS SHALL BE CONNECTED TO THE ON-SITE PROVIDED STORM DRAIN PIPE STUB, EXCEPT FOR LOTS 7 THROUGH 9, INCLUSIVE, WHICH SHALL HAVE SAID DRAINS OUTLET TO TRACT 995 OF THE PLAT OF BIG FIR NORTH P.U.D. PHASE 1, FOR THE PURPOSE OF HYDRATING THE WETLAND AREA WITHIN SAID TRACT.

TYPICAL BUILDING SETBACKS

FRONT: 10' TO HOUSE; 20' TO GARAGE
(20' TO GARAGE TO ALLOW PARKING OFF SIDEWALK)
SIDE YARD: 5' MINIMUM, 10' COMBINED
SIDE YARD AJACENT TO STREET: 10'
REAR YARD: 10' MINIMUM

SURVEY EQUIPMENT & PROCEDURE

THIS SURVEY WAS COMPLETED AND ACCOMPLISHED BY FIELD TRAVERSE USING A NIKON DTM-520 TOTAL STATION ON 4-02.

DEVELOPER

LANDED GENTRY DEVELOPMENT, INC.
504 E. FAIRHAVEN AVE.
BURLINGTON, WA 98233
(360) 755-9021

IMPACT FEE NOTICE

ANY LOT WITHIN THIS SUBDIVISION WILL BE SUBJECT TO IMPACT FEES PAYABLE ON ISSUANCE OF A BUILDING PERMIT AS OUTLINED IN THE CITY OF MOUNT VERNON MUNICIPAL CODE.

BASIS OF BEARING

ASSUMED BEARING OF N 0°44'42" E OF THE WEST LINE OF SECTION 28, T 34N, R 4E, W.M., SKAGIT COUNTY, WASHINGTON.

FIRST AMENDMENT TO DECLARATION OF COVENANTS FOR BIG FIR: AF 200707250054

ACKNOWLEDGEMENT (CORPORATION)

STATE OF Washington)
)
COUNTY OF Skagit)

THIS IS TO CERTIFY THAT ON THIS 5th DAY OF July, 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, HAVE PERSONALLY APPEARED Brian Gentry, OF Big Fir North, Inc, A Washington CORPORATION, TO ME KNOWN TO BE THE REPRESENATIVES OF SAID CORPORATION, WHO EXECUTED THE WITHIN AND FOREGOING DEDICATION AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT THEY ARE THE INDIVIDUALS AUTHORIZED TO EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED IS THE CORPORATE SEAL OF SAID CORPORATION.

WITNESS MY HAND AND OFFICAL SEAL THE DAY AND YEAR FIRST MENTIONED ABOVED.

Janelle M. Pool
NOTARY PUBLIC IN AND FOR THE STATE OF Washington
RESIDING AT Sedro-Woolley
MY COMMISSION EXPIRES: 02/28/11

JANELLE M. POOL NOTARY PUBLIC 2-28-11 STATE OF WASHINGTON

ACKNOWLEDGEMENT (LL COMPANY)

STATE OF WASHINGTON)
) SS.
COUNTY OF Skagit)

I HEREBY CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT Kendall Gentry IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE Manager OF BIG FIR AT MADDOX CREEK, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: July 5th, 2007

Janelle M. Pool
NOTARY PUBLIC FOR THE STATE OF WASHINGTON,
RESIDING AT: Sedro-Woolley
MY COMMISSION EXPIRES: 02/28/11

JANELLE M. POOL NOTARY PUBLIC 2-28-11 STATE OF WASHINGTON

MORTGAGEE ACKNOWLEDGMENT:

STATE OF WASHINGTON)
) SS.
COUNTY OF Skagit County)

I HEREBY CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT James M VanderMey IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE/SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS Senior Vice President OF PEOPLES BANK, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: July 5th, 2007

Mary Ann Fernmore
NOTARY PUBLIC FOR THE STATE OF WASHINGTON,
RESIDING AT: Mt Vernon
MY COMMISSION EXPIRES: 06/05/2011

MARY ANN FERNMORE NOTARY PUBLIC JUNE 5, 2011 STATE OF WASHINGTON

PUD NO. 1 EASEMENT PROVISIONS

EASEMENTS ARE GRANTED TO PUBLIC UTILITY DISTRICT NO.1 OF SKAGIT COUNTY, WASHINGTON, A MUNICIPAL CORPORATION, ITS SUCCESSORS OR ASSIGNS, THE PERPETUAL RIGHT, PRIVILEGE, AND AUTHORITY ENABLING THE DISTRICT TO DO ALL THINGS NECESSARY OR PROPER IN THE CONSTRUCTION AND MAINTENANCE OF A WATER, AND COMMUNICATION LINE, LINES OR RELATED FACILITIES, INCLUDING THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, INSPECT, IMPROVE, REMOVE, RESTORE, ALTER, REPLACE, RELOCATE, CONNECT TO AND LOCATE AT ANY TIME A PIPE OR PIPES, LINE OR LINES OR RELATED FACILITIES, ALONG WITH NECESSARY APPURTENANCES FOR THE TRANSPORTATION OF WATER, AND COMMUNICATION LINES OR OTHER SIMILAR PUBLIC SERVICES OVER, ACROSS, ALONG, IN AND UNDER THE LANDS AS SHOWN ON THIS PLAT TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID LANDS ACROSS ADJACENT LANDS OF THE GRANTOR; ALSO, THE RIGHT TO CUT AND/OR TRIM ALL BRUSH, OR OTHER GROWTH STANDING OR GROWING UPON THE LANDS OF THE GRANTOR WHICH, IN THE OPINION OF THE DISTRICT, CONSTITUTES A MENACE OR DANGER TO SAID LINE(S) OR TO PERSONS OR PROPERTY BY REASON OF PROXIMITY TO THE LINE(S). THE GRANTOR AGREES THAT TITLE TO ALL BRUSH, OTHER VEGETATION OR DEBRIS TRIMMED, CUT, AND REMOVED FROM THE EASEMENT PURSUANT TO THIS AGREEMENT IS VESTED IN THE DISTRICT.

GRANTOR, ITS HEIRS, SUCCESSORS, OR ASSIGNS HEREBY CONVEYS AND AGREES NOT TO CONSTRUCT OR PERMIT TO BE CONSTRUCTED STRUCTURES OF ANY KIND ON THE EASEMENT AREA WITHOUT WRITTEN APPROVAL OF THE GENERAL MANAGER OF THE DISTRICT. GRANTOR SHALL CONDUCT ITS ACTIVITIES AND ALL OTHER ACTIVITIES ON GRANTOR'S PROPERTY SO AS NOT TO INTERFERE WITH, OBSTRUCT OR ENDANGER THE USEFULNESS OF ANY IMPROVEMENTS OR OTHER FACILITIES, NOW OR HEREAFTER MAINTAINED UPON THE EASEMENT OR IN ANY WAY INTERFERE WITH, OBSTRUCT OR ENDANGER THE DISTRICT'S USE OF THE EASEMENT.

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF SUMMIT ENGINEERS & SURVEYORS, INC.

200707250053
Skagit County Auditor
7/25/2007 Page 1 of 7 11:50AM

J. Younquist — Shawnon Hoekenson
COUNTY AUDITOR — DEPUTY

UTILITY EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MOUNT VERNON; PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY; PUGET SOUND ENERGY, INC., CASCADE NATURAL GAS CORPORATION; VERIZON NORTHWEST; AND COMCAST CORPORATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR TEN (10) FEET OF ALL LOTS AND TRACTS ABUTTING PUBLIC RIGHT-OF-WAY, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE, MAINTAIN AND REMOVE UTILITY SYSTEMS, LINES, FIXTURES AND APPURTENANCES ATTACHED THERETO, FOR THE PURPOSE OF PROVIDING UTILITY SERVICE TO THE SUBDIVISION AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES STATED, WITH THE UNDERSTANDING THAT ANY GRANTEE SHALL BE RESPONSIBLE TO ALL UNNECESSARY DAMAGE IT CAUSES TO ANY REAL PROPERTY OWNER IN THE SUBDIVISION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED. PROPERTY OWNER IS PROHIBITED FROM BUILDING IMPROVEMENTS WITHIN THIS EASEMENT UNLESS APPROVAL HAS BEEN GRANTED BY THE CITY ENGINEER.

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR OF 2007.

I, Katie Dungquist, TREASURER OF SKAGIT COUNTY, WASHINGTON, HEREBY CERTIFY THAT A DEPOSIT HAS BEEN PAID TO COVER ANTICIPATED TAXES, UPON AND INCLUDING THE YEAR OF 2008.

THIS 25th DAY OF July, 2007.

COUNTY TREASURER — DEPUTY Linda Patterson

Skagit County Treasurer OFFICIAL SEAL State of Washington

CITY FINANCE DIRECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEY, OR FOR OTHER PUBLIC USE, ARE PAID IN FULL.

THIS 23rd DAY OF July, 2007.

CITY FINANCE DIRECTOR

APPROVALS

EXAMINED AND APPROVED THIS 12 DAY OF July, 2007.

CITY ENGINEER — DEVELOPMENT SERVICES DIRECTOR

APPROVED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, THIS 23rd DAY OF July, 2007.

MAYOR

ATTEST: FINANCE DIRECTOR

SURVEYOR'S CERTIFICATE

I, YOUNG-SOO KIM, DO HEREBY CERTIFY THAT THIS PLAT, TITLED "PLAT OF BIG FIR NORTH P.U.D. - PHASE 2" IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 28, TOWNSHIP 34N, RANGE 4E, W.M.; THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON THAT THE MONUMENTS HAVE BEEN SET AND THE LOT CORNERS STAKED CORRECTLY ON THE GROUND; AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE STATUTES AND PLATTING REGULATIONS.

YOUNG-SOO KIM, P.L.S. #32169

YOUNG-SOO KIM STATE OF WASHINGTON 32169 REGISTERED PROFESSIONAL LAND SURVEYOR EXPIRES 1/24/2008 7/3/07

NOTES

ZONING: R-1, 4.0 SINGLE FAMILY WITH P.U.D. OVERLAY
SEWAGE: CITY OF MOUNT VERNON
STORM: CITY OF MOUNT VERNON
WATER: SKAGIT P.U.D. #1
POWER: PUGET SOUND ENERGY
PHONE: VERIZON NORTHWEST
CABLE TELEVISION: COMCAST CORPORATION
NATURAL GAS: CASCADE NATURAL GAS

LANDSCAPE MAINTENANCE

ALL INSTALLED LANDSCAPING WITHIN THIS PLAT INCLUDING THE TREES IN THE PUBLIC RIGHT-OF WAY, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION OF RECORD.

DATE: S02104

SUMMIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273
PHONE: (360) 416-4999 FAX: (360) 416-4949
E-MAIL: YSK@SUMMITES.COM
SUMMIT

PLAT OF BIG FIR NORTH P.U.D. - PHASE 2
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON,
SKAGIT COUNTY, WASHINGTON

LU04-092

JOB NO.	02104
DRAWING NO.	S02104-PUD
DRAWN BY:	sgb
CHECKED BY:	ysk

SHEET 1 OF 3

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

PLAT OF BIG FIR NORTH P.U.D. - PHASE 2

SW 1/4 OF NW 1/4 OF SEC. 28,
TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON
SKAGIT COUNTY, WASHINGTON

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF SUMMIT ENGINEERS & SURVEYORS, INC.

200707250053
Skagit County Auditor
7/25/2007 Page 2 of 7 11:50AM

COUNTY AUDITOR
SKAGIT COUNTY, WASHINGTON

DEPUTY

LEGAL DESCRIPTION

TRACT A, "PLAT OF BIG FIR NORTH P.U.D. – PHASE 1," AS PER PLAT RECORDED ON MARCH 23, 2007 UNDER AUDITOR'S FILE NO. 200703230073, RECORDS OF SKAGIT COUNTY, WASHINGTON

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

NOTE: THE DESCRIPTION AND TITLE INFORMATION IS FROM LAND TITLE COMPANY SUBDIVISION GUARANTEE, ORDER NO. 126198–P, DATED MAY 25, 2007.

NOTES REGARDING EXISTING EASEMENTS:

A. AN EASEMENT IN FAVOR OF PUGET SOUND POWER & LIGHT COMPANY, A WASHINGTON CORPORATION, FOR THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR, REPLACE AND ENLARGE ONE OR MORE ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINES OVER AND/OR UNDER THE RIGHT OF WAY. SAID RIGHT OF WAY BEING A 10–FOOT STRIP OF LAND AFFECTING THOSE PORTIONS OF THE LAND WITHIN THIS SUBDIVISION, AS PER DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 893941, RECORDS OF SKAGIT COUNTY, WASHINGTON.
B. AN EASEMENT IN FAVOR OF LESTER K. SMITH AND RHODA J. SMITH, HUSBAND AND WIFE, FOR THE PURPOSES OF A PERMANENT, NON–EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS ACROSS THE EXISTING ROADWAY ON THE TRACT OF LAND RETAINED BY THE GRANTORS, AS PER DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 774692, RECORDS OF SKAGIT COUNTY, WASHINGTON.

NATIVE GROWTH PROTECTION AREA (NGPA)

A NATIVE GROWTH PROTECTION AREA IS CREATED FOR THE PURPOSE OF PRESERVATION OF EXISTING VEGETATION, CRITICAL AREAS, MAINTENANCE OF SLOPE STABILITY, VISUAL AND AURAL BUFFERING, AND PROTECTION OF PLANT AND ANIMAL HABITAT. THE NGPA IMPOSES UPON ALL PRESENT AND FUTURE OWNERS AND OCCUPIERS OF THE NGPA THE OBLIGATION, TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THIS AREA. THE VEGETATION WITHIN THE NGPA MAY NOT BE CUT, PRUNED COVERED BY FILL, REMOVED OR DAMAGED WITHOUT EXPRESS PERMISSION FROM THE CITY OF MOUNT VERNON, WHICH PERMISSION MUST BE OBTAINED IN WRITING. THE CITY OF MOUNT VERNON WILL MAKE ITS DETERMINATION BASED ON THE RECOMMENDATION MADE BY A QUALIFIED ARBORIST. THE EXISTING LANDOWNERS SHALL BE RESPONSIBLE FOR HIRING AN ARBORIST, OR OTHER QUALIFIED PROFESSIONAL TO EVALUATE POTENTIALLY DANGEROUS TREES OR NON NATIVE PLANT SPECIES. ANY TREES THAT ARE REMOVED MUST BE REPLACED WITH THE SAME OR LIKE SPECIES AS RECOMMENDED BY THE ARBORIST. THE COST ASSOCIATED WITH THE EVALUATION, REMOVAL AND REPLANTING SHALL BE BORE BY THE EXISTING PROPERTY OWNER. THE CITY OF MOUNT VERNON MAY ENTER THE NGPA FOR INSPECTION PURPOSES AT ITS OWN DISCRETION.

PRIVATE DRAINAGE EASEMENTS:

EASEMENTS FOR THE PURPOSE OF CONVEYING LOCAL STORM WATER RUNOFF ARE HEREBY GRANTED IN FAVOR OF ALL ABUTTING PRIVATE LOT OWNERS IN THE AREAS DESIGNATED AS PRIVATE DRAINAGE EASEMENTS. THE MAINTENANCE OF PRIVATE DRAINAGE EASEMENTS
ESTABLISHED AND GRANTED HEREIN SHALL BE THE RESPONSIBILITY OF, AND THE COSTS THEREOF SHALL BE BORNE EQUALLY BY, THE PRESENT AND FUTURE OWNERS OF THE ABUTTING PRIVATE LOT, THEIR HEIRS, PERSONAL REPRESENTATIVES, AND ASSIGNS. THE CITY OF MOUNT VERNON IS HEREBY GRANTED THE RIGHT TO ENTER SAID EASEMENTS FOR EMERGENCY PURPOSES AT ITS OWN DISCRETION.

BIG FIR NORTH HOMEOWNER'S ASSOCIATION:

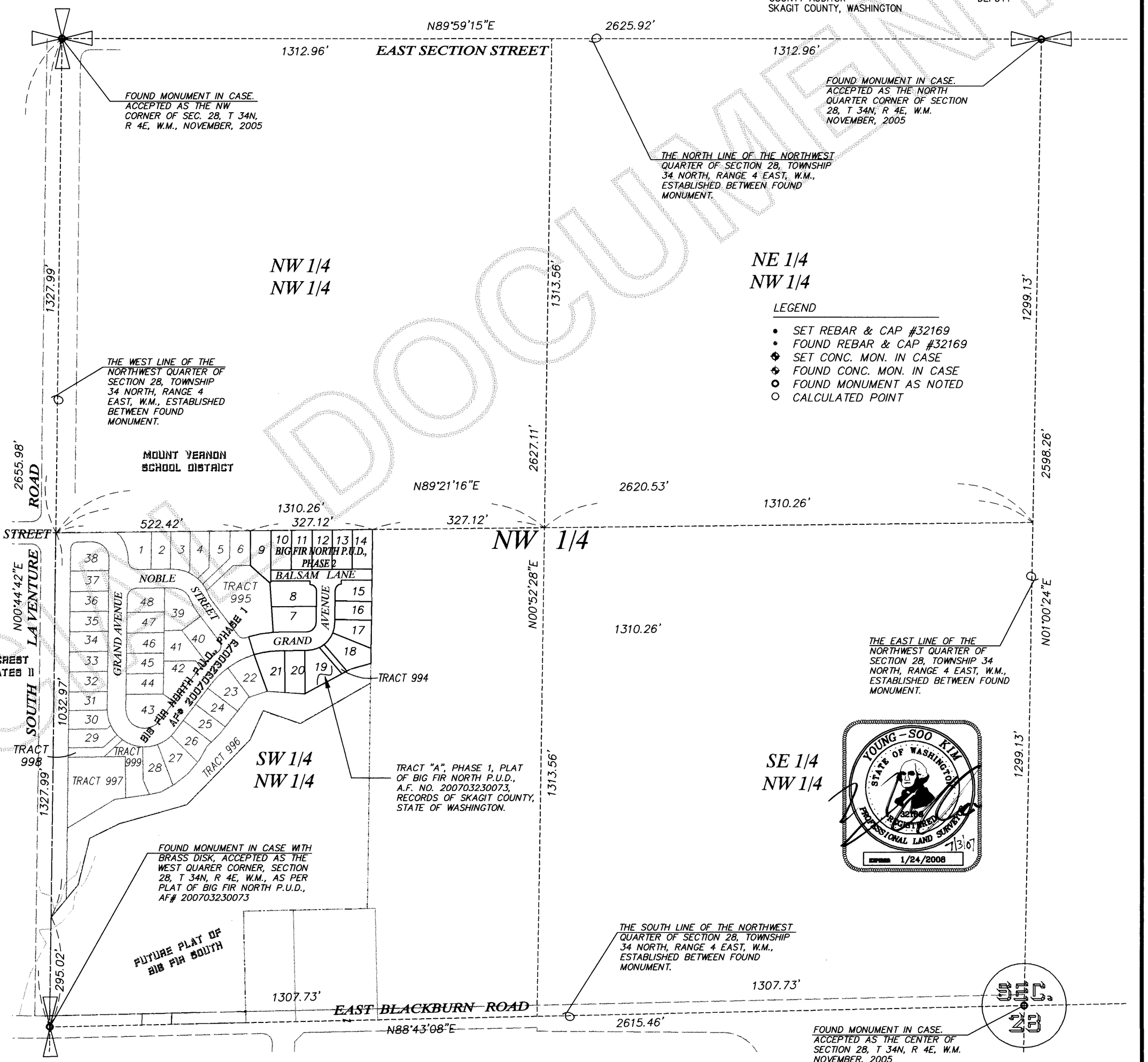
THE BIG FIR NORTH HOMEOWNERS ASSOCIATION HAS BEEN CREATED AS OUTLINED IN THE COVENANTS RECORDED UNDER AUDITOR'S FILE NO. 200703230074. DEVELOPMENT CONDITIONS AND MAINTENANCE RESPONSIBILITIES FOR THE HOMES, LANDSCAPING, AND OPEN SPACE AREAS ARE CONTAINED IN THIS DOCUMENT.

GARBAGE COLLECTION:

CITY OF MOUNT VERNON SOLID WASTE COLLECTION FOR ALL LOTS SHALL BE AT THE EDGE OF THE PUBLIC RIGHT OF WAY.

HOMES AND LOT LANDSCAPING:

SAMPLE HOME DESIGNS AND LOT LANDSCAPING PLANS ATTACHED ON SHEETS 4 THROUGH 9 HAVE BEEN APPROVED WITH RESPECT TO DESIGN REVIEW. ALL BUILDING DESIGNS AND LOCATIONS AND LOT LANDSCAPING MUST MEET THE REQUIREMENTS OF THE CITY OF MOUNT VERNON DESIGN REVIEW STANDARDS. SEE THE CITY OF MOUNT VERNON COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT FOR SPECIFIC CRITERIA.



SUMMIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273
PHONE: (360) 416-4999 FAX: (360) 416-4949
E-MAIL: YSK@SUMMITES.COM
SUMMIT

PLAT OF BIG FIR NORTH P.U.D. - PHASE 2
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON,
SKAGIT COUNTY, WASHINGTON

LU04–092

JOB NO.	02104
DRAWING NO.	S02104–PUD
DRAWN BY:	sgb
CHECKED BY:	ysk

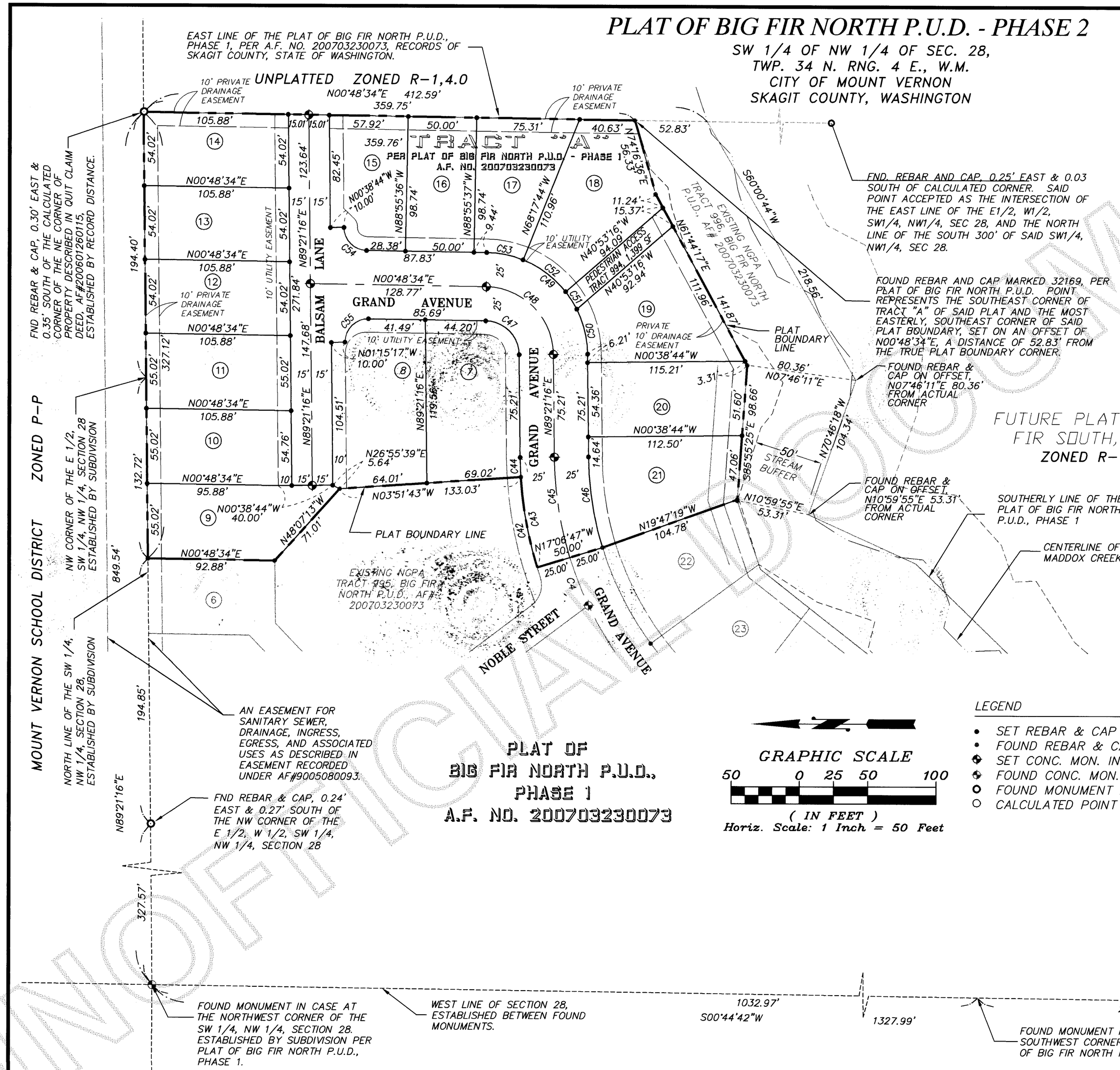
UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

PLAT OF BIG FIR NORTH P.U.D. - PHASE 2

SW 1/4 OF NW 1/4 OF SEC. 28,
TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON
SKAGIT COUNTY, WASHINGTON

UNOFFICIAL DOCUMENT



AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF SUMMIT ENGINEERS & SURVEYORS, INC.

200707250053
Skagit County Auditor
7/25/2007 Page 3 of 7 11:50AM

COUNTY AUDITOR
SKAGIT COUNTY, WASHINGTON

DEPUTY

LEGEND

- SET REBAR & CAP #32169
- FOUND REBAR & CAP #32169
- SET CONC. MON. IN CASE
- FOUND CONC. MON. IN CASE
- FOUND MONUMENT AS NOTED
- CALCULATED POINT

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C4	8°17'31"	260.00	37.63	18.85
C42	13°34'41"	285.00	67.54	33.93
C43	16°28'03"	285.00	81.91	41.24
C44	2°53'21"	285.00	14.37	7.19
C45	16°28'03"	260.00	74.73	37.62
C46	16°28'03"	235.00	67.54	34.01
C47	88°32'42"	25.00	38.64	24.37
C48	88°32'42"	50.00	77.27	48.75
C49	88°32'42"	75.00	115.91	73.12
C50	26°03'56"	75.00	34.12	17.36
C51	11°36'09"	75.00	15.19	7.62
C52	29°58'55"	75.00	39.25	20.08
C53	20°53'42"	75.00	27.35	13.83
C54	88°32'42"	17.00	26.27	16.57
C55	91°24'04"	17.00	27.12	17.42

BALSAM LANE ADDRESS & AREA TABLE

LOT	ADDRESS	AREA (S.F.)
9	2225	6,483
10	2229	5,822
11	2233	5,824
12	2237	5,718
13	2241	5,718
14	2245	5,719

GRAND AVENUE ADDRESS & AREA TABLE

LOT	ADDRESS	AREA (S.F.)
7	1774	7,880
8	1778	8,184
15	1779	5,350
16	1775	4,937
17	1771	5,647
18	1767	7,427
19	1765	7,265
20	1763	6,235
21	1759	7,005

TRACT AREA TABLE

TRACT	AREA (S.F.)
"A"	122,265
994	1,399

YOUNG-SOO KIM
STATE OF WASHINGTON
REGISTERED PROFESSIONAL LAND SURVEYOR
7/30/07
EXPIRES 1/24/2008

SUMMIT ENGINEERS & SURVEYORS, INC.
2218 OLD HIGHWAY 99 SOUTH ROAD, MOUNT VERNON, WA. 98273
PHONE: (360) 416-4999 FAX: (360) 416-4949
E-MAIL: YSK@SUMMITES.COM

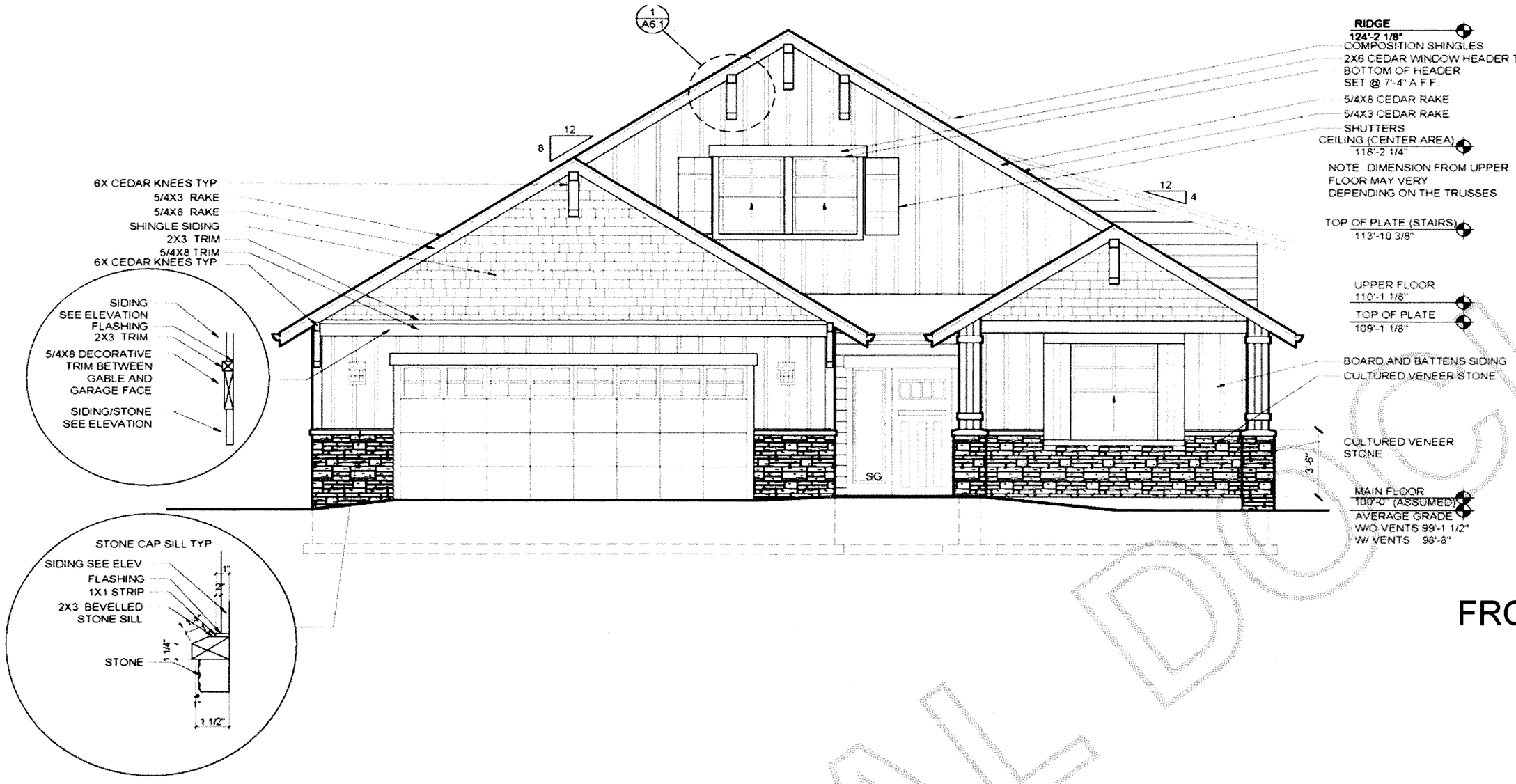
SUMMIT

PLAT OF BIG FIR NORTH P.U.D. - PHASE 2
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M.
CITY OF MOUNT VERNON,
SKAGIT COUNTY, WASHINGTON

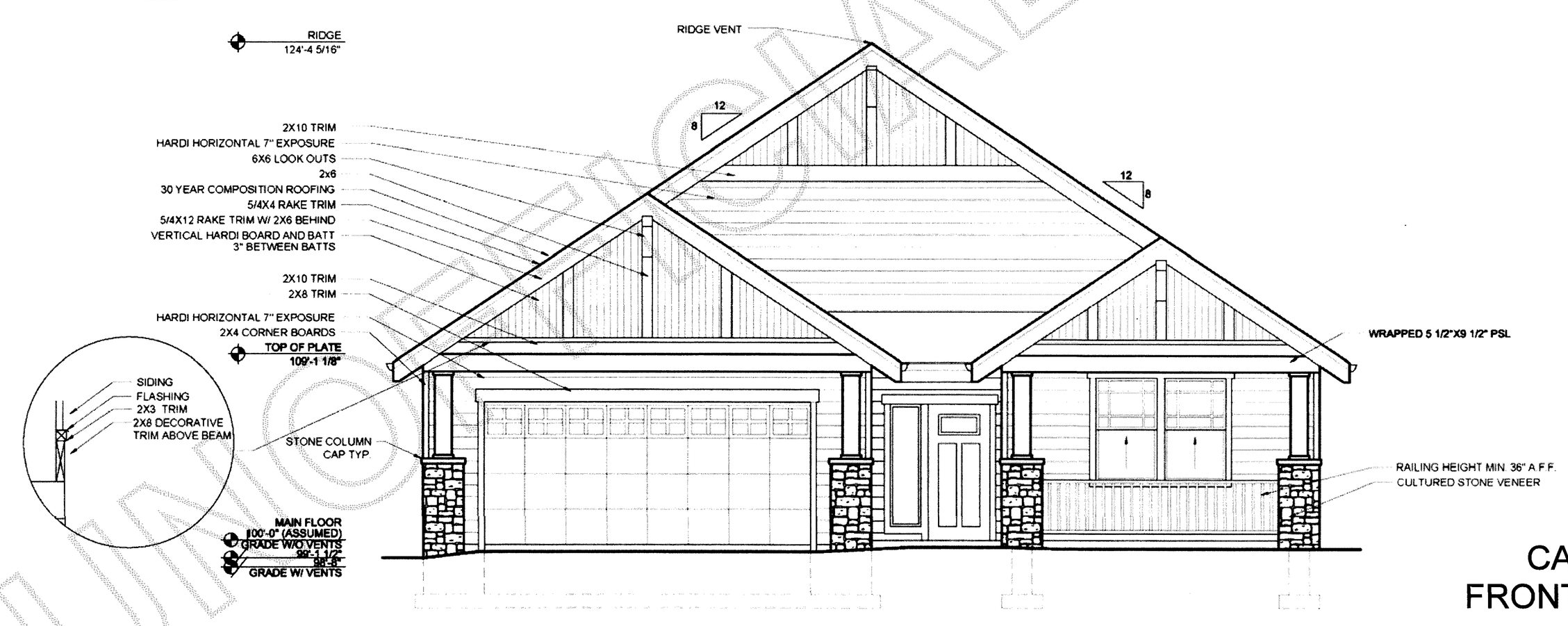
LU04-092

JOB NO.	02104
DRAWING NO.	S02104-PUD
DRAWN BY:	sgb
CHECKED BY:	ysk

HEX STAFF REPORT - EXHIBIT 15



LARRABEE
FRONT ELEVATION



CAP SANTE
FRONT ELEVATION

LANDED GENTRY
HOMES AND COMMUNITIES

GARAGE FACADE STANDARDS:

MANDATORY ELEMENTS-

1. WINDOWS SHALL BE INSTALLED ON GARAGE DOOR
2. LIGHTING SHALL BE PROVIDED ON THE FACE
3. GARAGE DOOR FACE SHALL BE DECORATIVE
4. VARYING, BUT COMPLIMENTARY COLORS

MIN (4) OPTIONAL ELEMENTS-

2. CULTURED STONE ON THE FACE OF THE GARAGE W STONE CAP SILL
3. 3 TYPES OF SIDING MATERIALS ON GARAGE
4. DECORATIVE TRIM AROUND GARAGE DOOR BETWEEN GABLE AND REST OF THE GARAGE FACADE
10. DECORATIVE CORBEL ON GARAGE FACADE

Elevations shown are approved design plans. Alternative plans that comply with City of Mount Vernon Design Standards may be submitted to the City for review and approval.

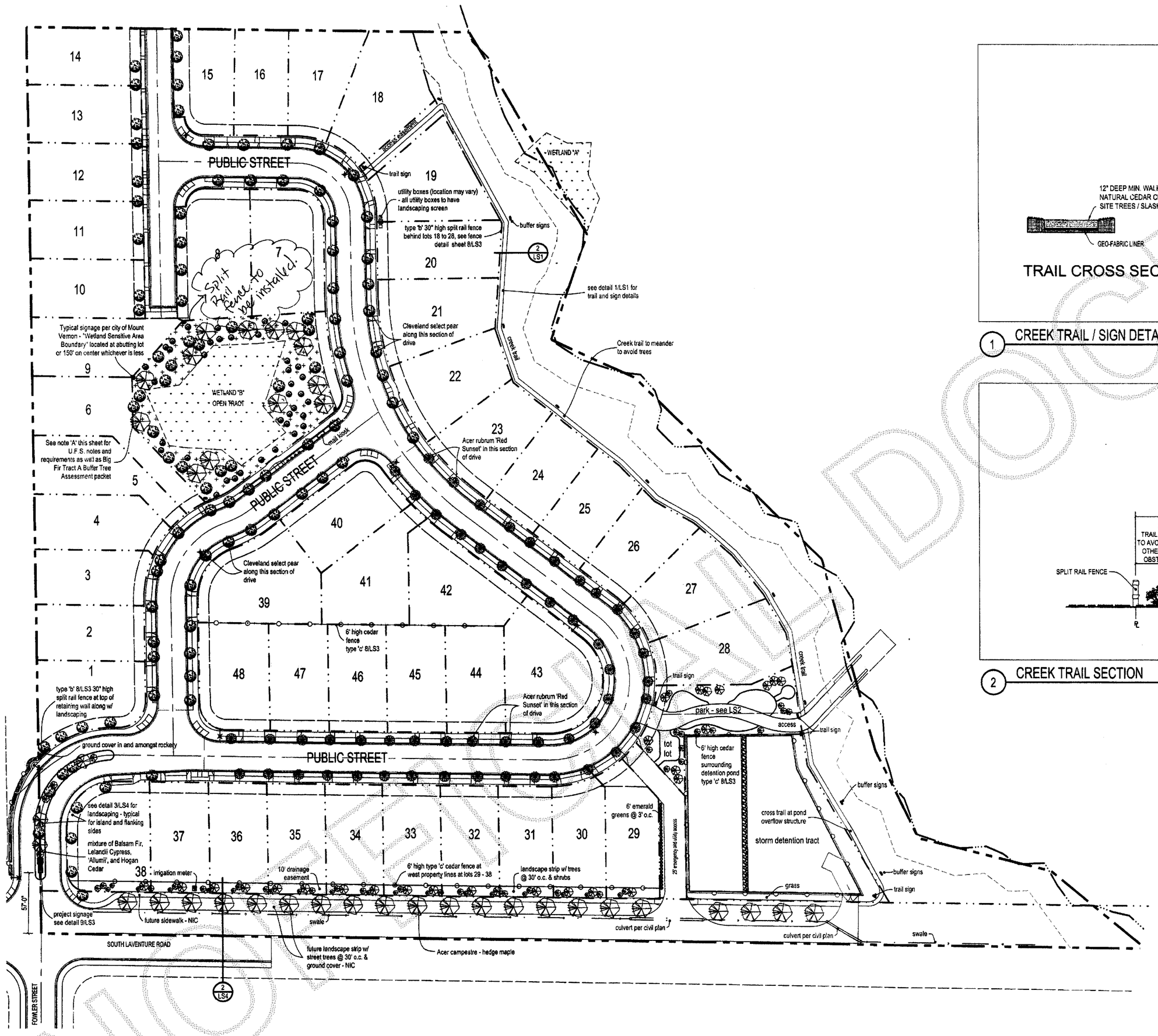
REPRESENTATIVE ELEVATIONS

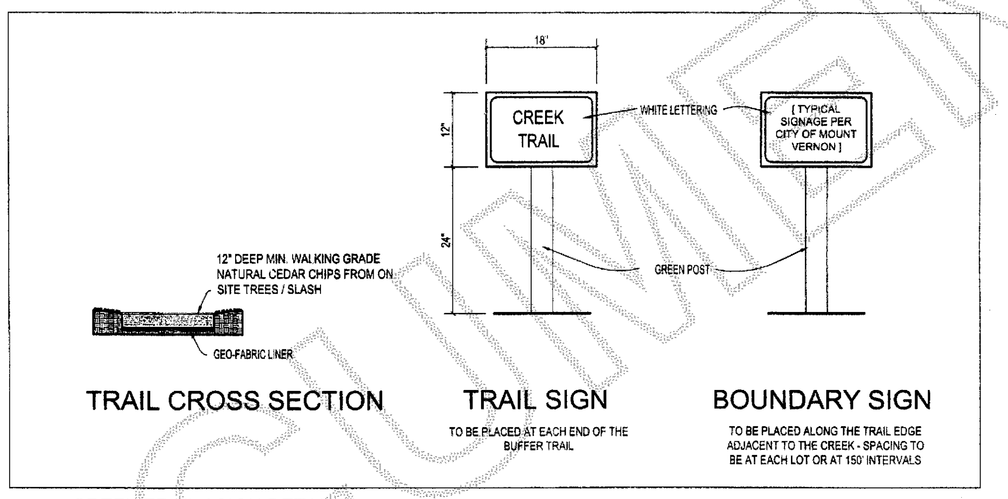
JOB NO:	
DESIGNED:	LG
DRAWN/CHANGES:	E.L.A.
DATE:	04/18/2007
SHEET	A1

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

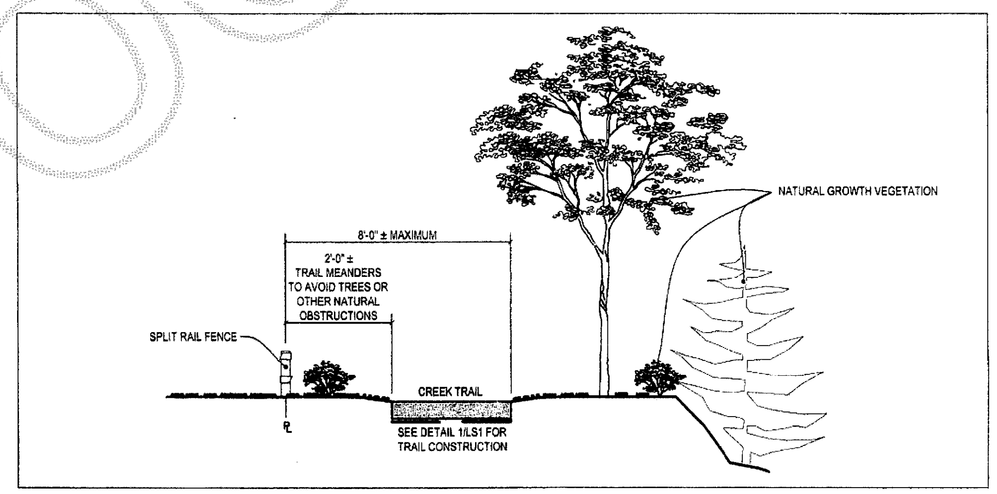
200707250053
Skagit County Auditor
7/25/2007 Page 5 of 7 11:50AM





1 CREEK TRAIL / SIGN DETAILS

no scale



2 CREEK TRAIL SECTION

no scale

site landscape plan

SCALE: 50' 0 25' 50' 100' 150'

new street tree - 2" cal per or alternate acceptable to the city of mount vernon. street trees shall be planted in the strip between the sidewalk and the curb at 30' on center maximum.

NOTE A:
Urban Forestry Services - Plant a total of 11 trees along the edge of the buffer for mitigation of cut trees. Please consider the following recommendations: Plant (6) 5-6' Wester Red Cedar (Thuja plicata) and Plant (5) 5-6' Douglas Fir (Pseudotsuga menziesii) for a total of (11) trees. For additional pertinent information, refer to Big Fir North Edge of Creek Buffer Tree Assessment prepared by the Urban Forestry Services, Inc.

RECEIVED
CITY OF MOUNT VERNON
C.E.D. DEPARTMENT
BY

RECEIVED
CITY OF MOUNT VERNON
C.E.D. DEPARTMENT
BY

D.S. Dudley per City code & PWD
Approved, City of Mount Vernon
approvals.

REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes
504 E. Fairhaven
Burlington, WA 98233
360-755-9021

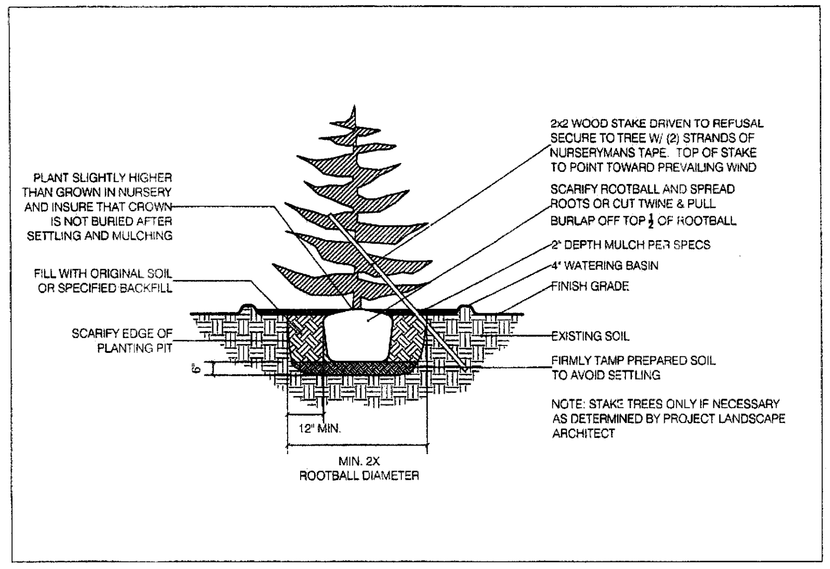
Big Fir North
MOUNT VERNON, WASHINGTON

LANDSCAPE PLAN

05-MTVN(2)-LS1 LANDSCAPE PLAN.DWG
PROJ: 05-MTVN(2)
DWN: Mike Underwood
DATE: 3-Jan-07
SHEET
LS1

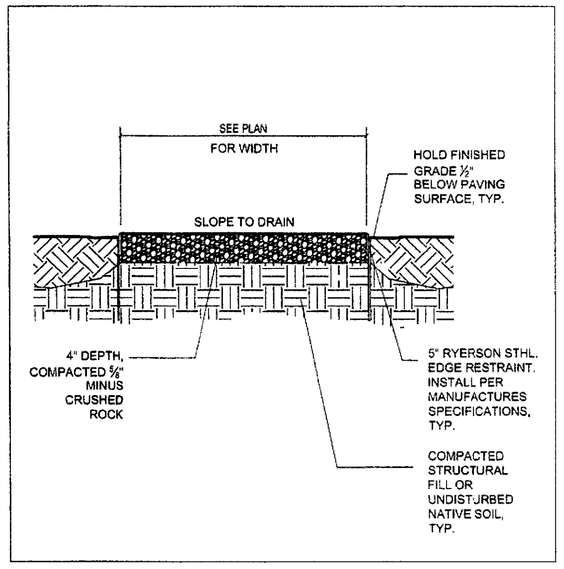
UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15



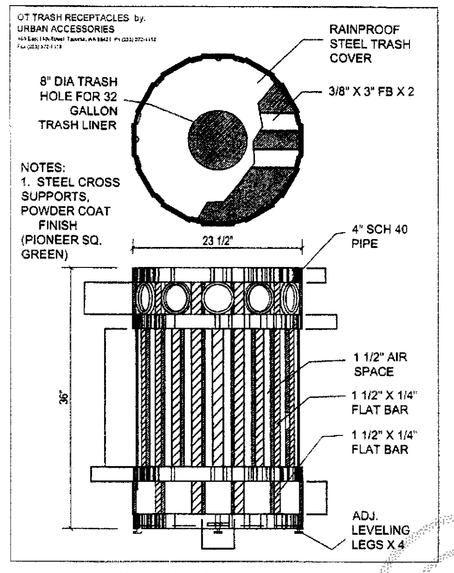
1 TYPICAL TREE GUYING

no scale



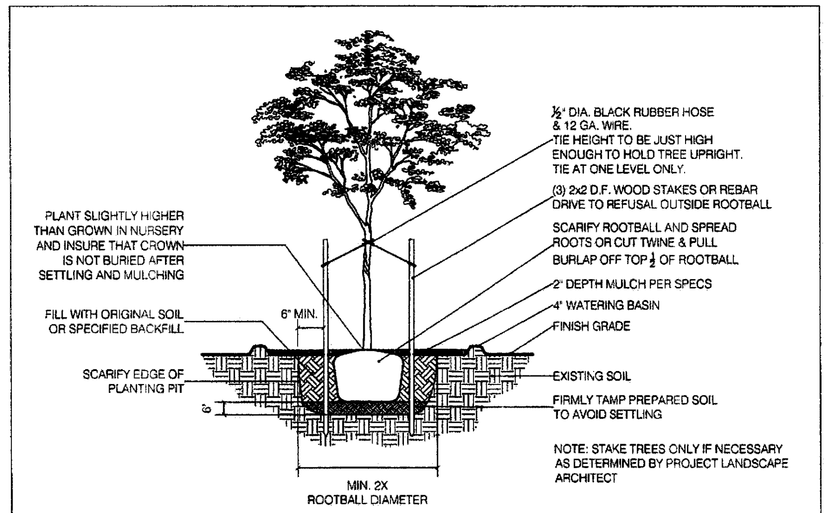
4 CRUSHED ROCK PATH

no scale



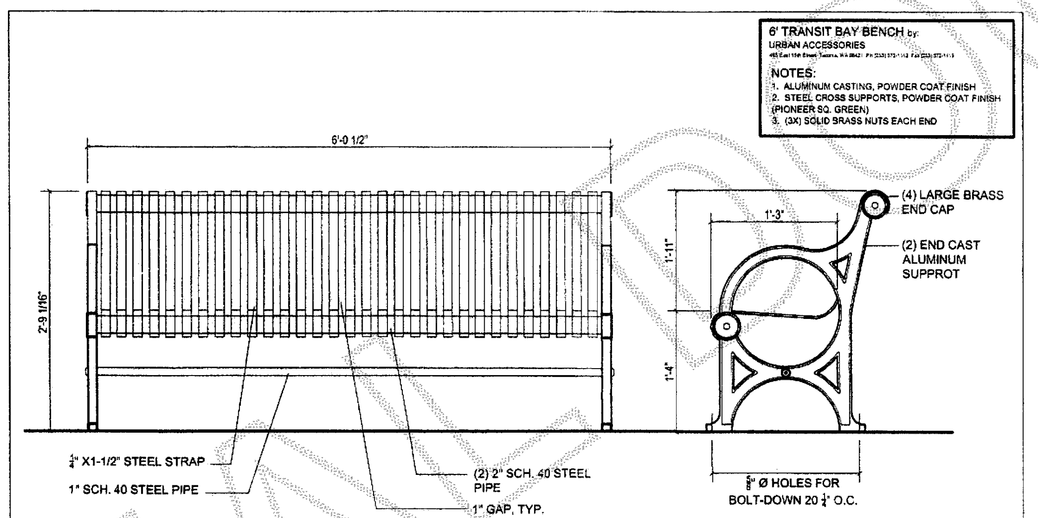
5 TRASH RECEPTACLE

no scale



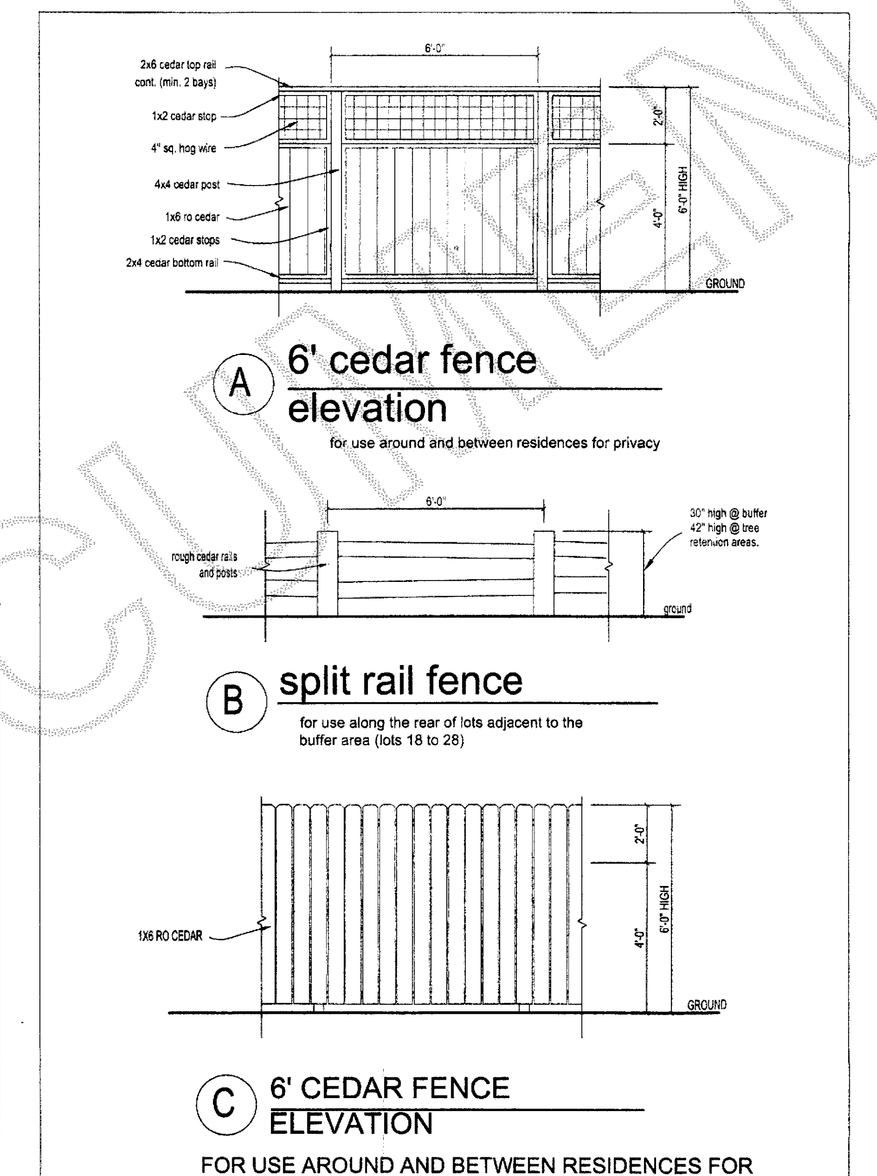
2 TYPICAL TREE STAKING

no scale



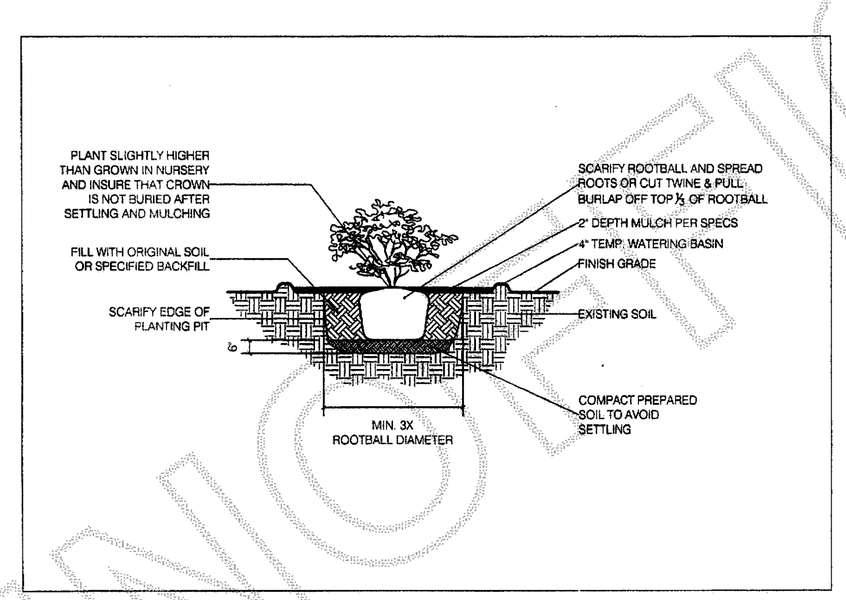
6 PARK BENCH

no scale



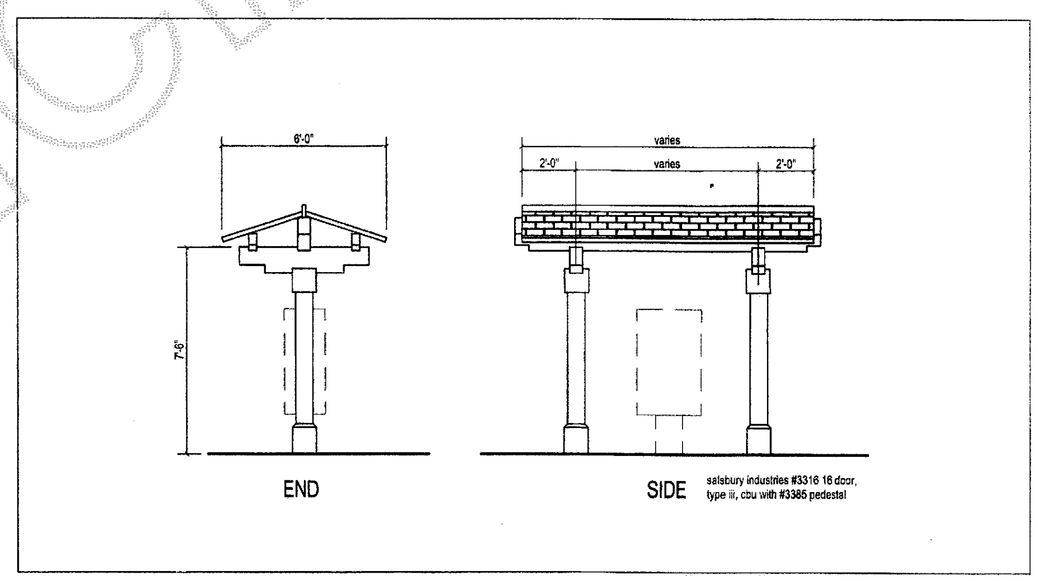
8 TYPICAL FENCE DETAILS

no scale



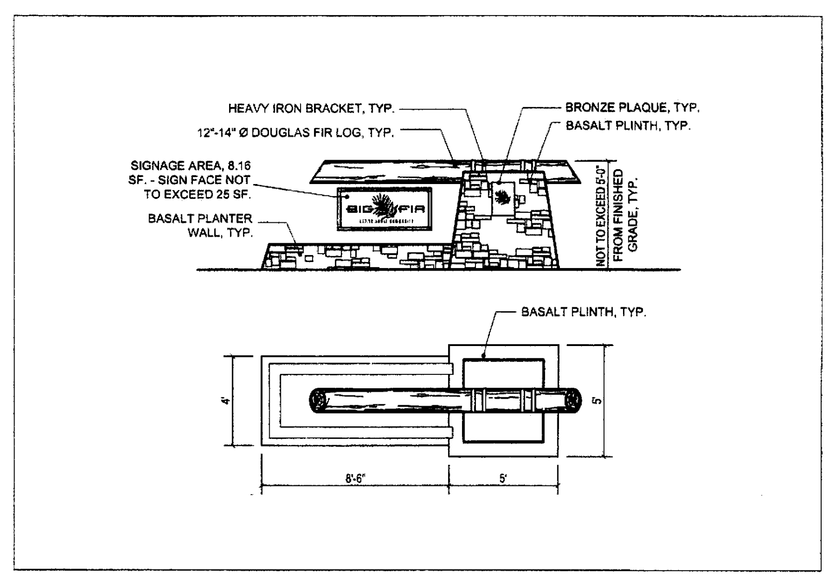
3 TYPICAL SHRUB AND GROUND COVER

no scale



7 TYPICAL MAIL KIOSK

no scale



9 ENTRY MONUMENT DETAIL - UNDER SEPERATE PERMIT

no scale

Approved, City of Mount Vernon

REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes
504 E. Fairhaven
Burlington, WA 98233
360-755-9021

Big Fir North
MOUNT VERNON, WASHINGTON

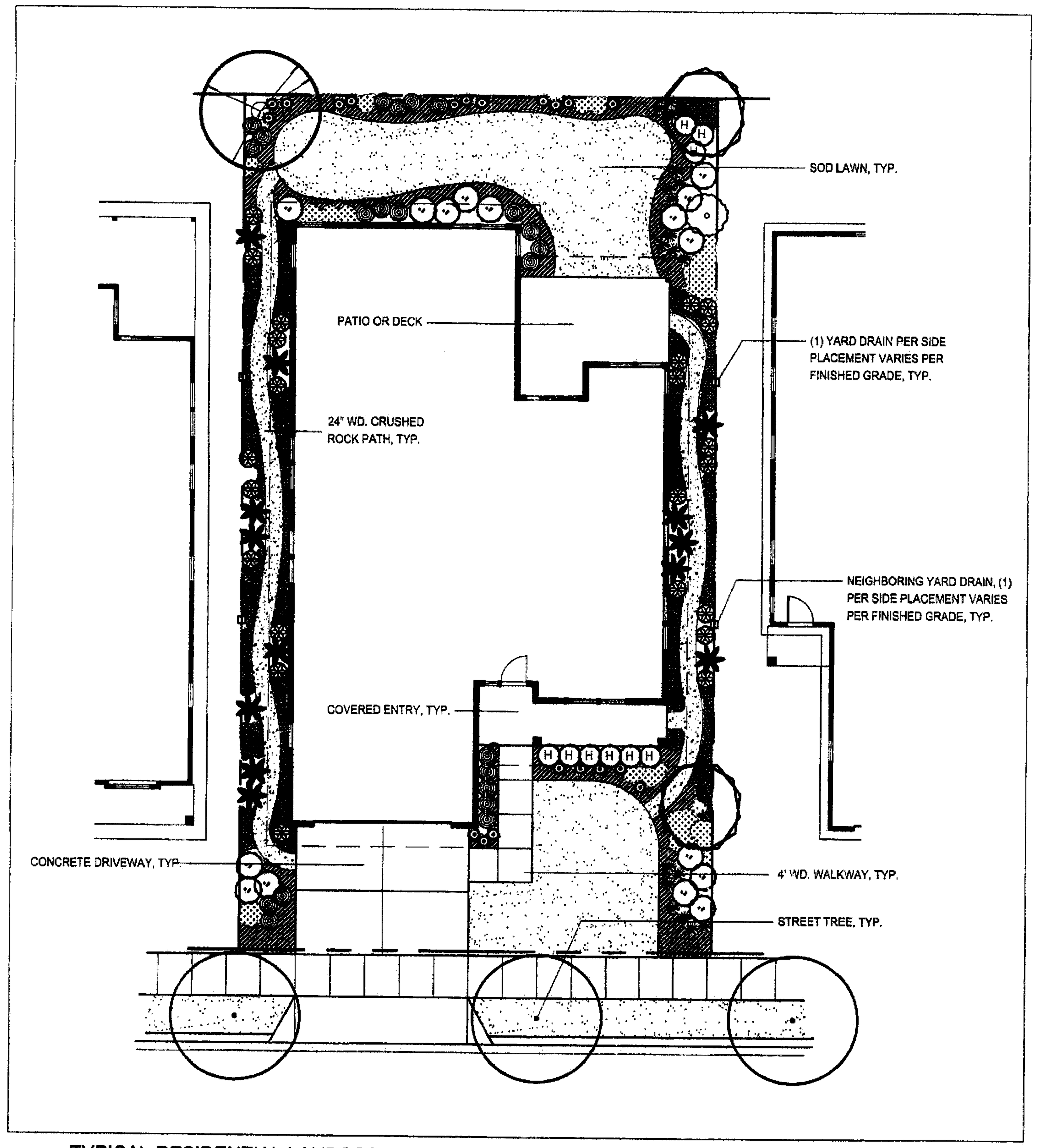
LANDSCAPE DETAILS

05-MTWN(2)-LS3 LANDSCAPE DETAILS.DWG
PROJ: 05-MTWN(2)
DWN: Mike Underwood
DATE: 3-Jan-07
SHEET
LS2

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 15

200707250053
Skagit County Auditor
7/25/2007 Page 7 of 7 11:50AM



1 TYPICAL RESIDENTIAL LANDSCAPE PLAN

no scale

INCLUDED

QTY. TREES (COMMON NAME - BOTANICAL NAME - SIZE/COMMENT)

2 BETULA JACQUEMONTII - HIMALAYAN WHITE BIRCH - 1.5" CAL.
STEWARTIA PSEUDOCAMELLIA - JAPANESE STEWARTIA - 1.5" CAL.
STYRAX JAPONICUS - JAPANESE SNOWBELL - 1.5" CAL.

1 CORNUS CONTROVERSA 'JUNE SNOW' - GIANT DOGWOOD - 2" CAL.
FAGUS SYLVATICA 'PURPUREA TRICOLOR' - TRI-COLOR PURPLE BEECH - 2" CAL.
MAGNOLIA GRANDIFLORA 'EDITH BOGUE' - SOUTHERN MAGNOLIA - 2" CAL.

QTY. SHRUBS & PERENNIALS (COMMON NAME - BOTANICAL NAME - SIZE/COMMENT)

1 HAMAMELIS X INTERMEDIA 'DIANE' - WITCHHAZEL - B&B
MALVA ALCEA - HOLLYHOCK MALLOW - 3 - 5 GAL.
HYDRANGEA QUERCIFOLIA 'SNOW QUEEN' - OAKLEAF HYDRANGEA - 5 GAL.

16 FOTHERGILLA GARDENII - DWARF FOTHERGILLA - 5 GAL.
RHAPHIOLEPIS UMBELLATA 'GULF GREEN' - RHAPHIOLEPIS - 5 GAL.
RHODODENDRON 'NARDI GRAS' - RHODODENDRON - 5 GAL.

9 ESCALLONIA 'NEWPORT DWARF' - ESCALLONIA - 2 GAL.
HEBE 'FRANCISCANA VARIEGATA' - HEBE - 2 GAL.
VIBURNUM TINUS 'DWARF' - VIBURNUM - 2 GAL.

22 NANDINA DOMESTICA 'NANA' - HEAVENLY BAMBOO - 2 GAL.
HEBE 'FRANCISCANA VARIEGATA' - HEBE - 2 GAL.
KALMIA LATIFOLIA 'MINUET' - MOUNTAIN LAUREL - 2 GAL.

20 HEUCHERA MICRANTHA 'CHOCOLATE RUFFLES' - CORAL BELLS - 2 GAL.
LAVANDULA STOECHAS 'OTTO QUAST' - 2 GAL.
PENNISETUM ORIETALE - FOUNTAIN GRASS - 2 GAL.

18 HELICTOTRICHON SEMPERVIRENS - BLUE OAT GRASS - 2 GAL.
HEUCHERA AMERICANA 'GREEN SPICE' - 1 GAL.
HEMEROCALLIS HYBRIDS - DAYLILY - 1 GAL.

QTY. SHRUBS & PERENNIALS (COMMON NAME - BOTANICAL NAME - SIZE/COMMENT)

DRYOPTERIS WALLICHIANA - WALLICHS WOOD FERN - 2 GAL.
13 PIERIS JAPONICA 'PRELUDE' - LILY-OF-THE-VALLEY - 2 GAL.
EPIMEDIUM X RUBRUM - EPIMEDIUM - 1 GAL.

ASTILBE X ARENDSII 'BRIDAL VEIL' - FALSE SPIREA - 1 GAL.
23 TIARELLA 'PIRATE'S PATCH' - FOAM FLOWER - 1 GAL.
HAKONECHLOA MACRA 'AUREOLA' - JAPANESE FOREST GRASS - 1 GAL.

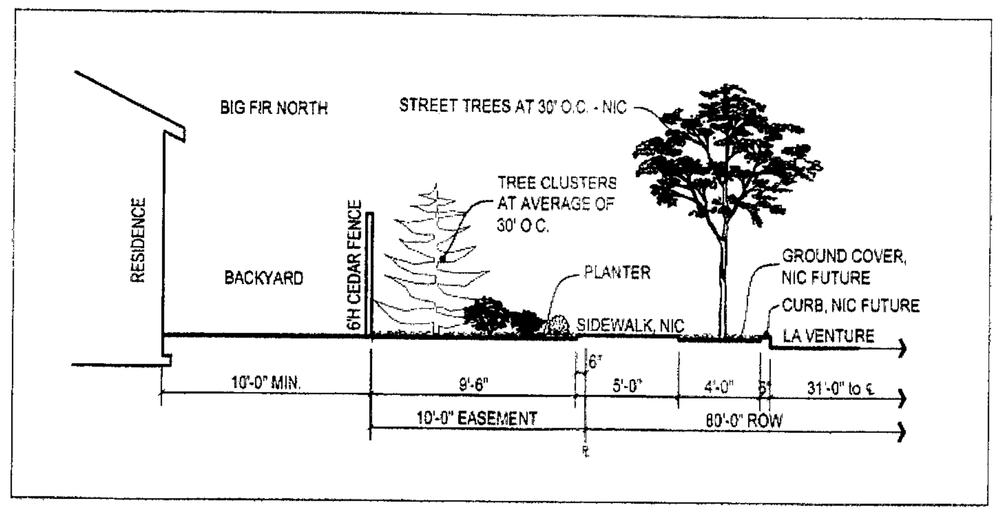
ACANTHUS MOLLIS - BEAR'S BREECH - 1 GAL. @ 30" O.C.
ARTICHOKE - ARTICHOKE - 1 GAL. @ 30" O.C.
ECHINACEA PURPUREA - PURPLE CONEFLOWER - 1 GAL. @ 30" O.C.
ROMNEYA COULTERI - MATILIJA POPPY - 1 GAL. @ 30" O.C.
RUDBECKIA HIRTA - BLACK-EYED SUSAN - 1 GAL. @ 30" O.C.

GROUNDCOVERS (COMMON NAME - BOTANICAL NAME - SIZE/COMMENT)

GAULTHERIA SHALLON - SALAL - 4" POT @ 18" O.C.
FRAGARIA 'LIPSTICK' - STRAWBERRY - 4" POT @ 18" O.C.
LIRIOPE SPICATA - CREEPING LILY TURF - 4" POT @ 18" O.C.

ARCTOSTAPHYLOS MASSACHUSETTS - KINNIKINICK - 4" POT @ 18" O.C.
FRAGARIA 'LIPSTICK' - STRAWBERRY - 4" POT @ 18" O.C.
LIRIOPE SPICATA - CREEPING LILY TURF - 4" POT @ 18" O.C.

*NOTES:
1. BUILDER TO SELECT PAVER COLOR AND FINISH - DEPENDENT UPON AVAILABILITY.
2. STAIRS OR RETAINING WALLS MAY BE REQUIRED WITHIN THE LANDSCAPE DEPENDENT UPON SITE CONDITIONS.
3. ACTUAL PLANT MATERIAL MAY CHANGE - SPECIES AND/OR VARIETALS MAY VARY DEPENDENT UPON AVAILABILITY.
4. PLANTING LAYOUT MAY VARY DEPENDENT UPON LOT CONFIGURATION, UTILITIES, & TOPOGRAPHY.
5. GROUND COVER SIZING ON SMALL LOTS SHALL BE 4" POT @ 18" O.C. WHICH IS EQUAL TO 1 GAL. @ 36" O.C.
6. PERENNIALS ARE SPECIFIED AS 1 GAL. AS A RESULT OF AVAILABILITY.

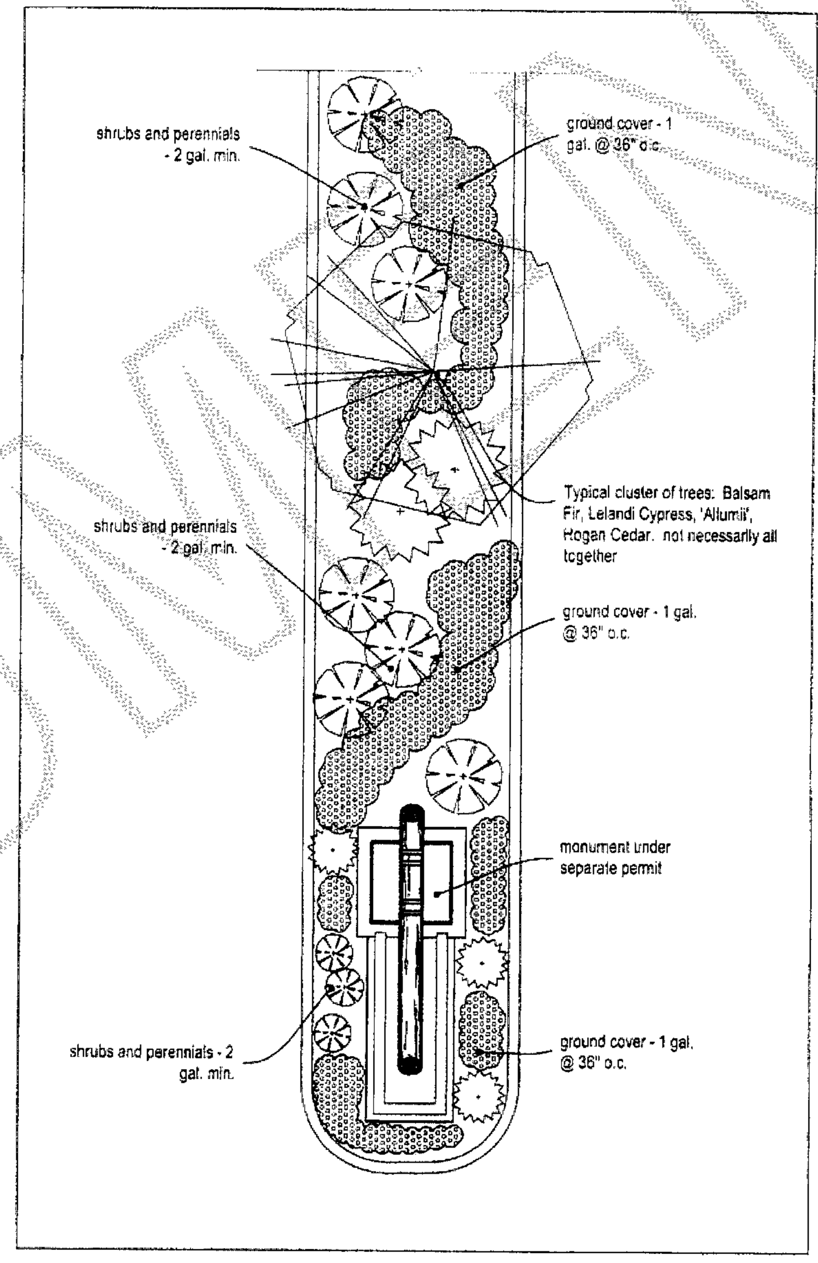


2 SECTION TO LA VENTURE

no scale

NOTE:

1. VERIFY ALL MEASUREMENTS AND LOCATIONS OF UTILITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG 1-800-424-5555
2. CONTRACTOR IS TO ABIDE BY ALL LOCAL, STATE, AND FEDERAL GUIDELINES, CODES, REGULATION AND INDUSTRY STANDARDS.
3. STORING OR STOCKPILING OF MATERIALS / SOILS IS NOT PERMITTED UNDER EXISTING TREE DRIP LINE WITHIN THE WETLAND OR ITS BUFFER.
4. REVIEW SPECIFIC PLANT QUANTITIES AND VARIETIES PRIOR TO INSTALLATION. PLANT QUANTITIES SHALL BE TAKEN FROM THE PLAN. PLANT MATERIAL SHALL BE PROVIDED BY THE CONTRACTOR AS SPECIFIED OR GREATER. ANY SUBSTITUTES MUST BE APPROVED IN WRIT NG.
5. PLANT LOCATIONS ARE APPROXIMATE AND MAY NEED ADJUSTMENT ACCORDING TO COMPLETED FIELD CONDITIONS.
6. PRIOR TO PLANTING, THE DESIGNER MUST REVIEW PLANT MATERIAL CONDITION AND LOCATION. THE DESIGNER HAS THE RIGHT TO REJECT ANY PLANT MATERIAL.
7. SHRUBS AND TREE PREP: PLANTING AREAS SHALL RECEIVE A MINIMUM OF 4" COMPOSTED MATERIAL CEDAR GROVE OR EQUAL. PRIOR TO APPLYING COMPOST ALL PLANTING ALL PLANTING BEDS SHALL BE ROTOTILLED TO A MIN. 8-10" DEPTH. REMOVE ALL DEBRIS AND STONES GREATER THAN 1". THE COMPOSTED MATERIAL SHALL BE ROTOTILLED INTO THE SOIL TO A MIN. 8-10" DEPTH. ROTOTILL INTO THE SOIL IN CONJUNCTION WITH ORGANIC MATTER. GYPSUM FLOUR GRADE AS AVAILABLE AT A RATE AS SUGGESTED BY MANUFACTURER.
8. LAWN PREP: AREAS SHALL RECEIVE A MINIMUM 6" 2-WAY MIX (80% SAND & 20% COMPOSTED MATERIAL). PRIOR TO APPLYING 2-WAY MIX ALL LAWN AREAS SHALL BE ROTOTILLED TO A MIN. 8-10" DEPTH. REMOVE ALL DEBRIS AND STONES GREATER THAN 1". THE 2-WAY MIX SHALL BE ROTOTILLED INTO THE SOIL TO A MIN. 8-10" DEPTH. ROTOTILL INTO THE SOIL IN CONJUNCTION WITH 2-WAY MIX. GYPSUM FLOUR GRADE AS AVAILABLE AND DOLOMITE LIME AT A RATE AS SUGGESTED BY MANUFACTURER. ALL LAWN AREAS SHALL BE RAKED, COMPACTED WITH WEIGHTED ROLLER AND ALL DEBRIS AND STONES GREATER THAN 1" SHALL BE REMOVED.
9. SOD INSTALLATION: ALL LAWN AREAS SHALL BE PREPPED, SEE LAWN PREP ABOVE. SOD SHALL BE ECO-MIX OR 80% RYE GRASS AND 20% FESCUE. SOD SHALL BE FULL, NET FREE, HEALTHY, SOUND, FREE OF ANY DEFECTS, DISEASES AND ANY FORM OF INFESTATIONS. PLANT MATERIAL SHALL MEET AMERICAN STANDARDS FOR NURSERYMAN STOCK (Z60.1) REQUIREMENTS. SOIL SHALL BE MOISTENED PRIOR TO SOD PLACEMENT. AFTER SOIL IS PREPPED ROLL OUT STRIPS SO THAT ENDS ARE STAGGERED WITH EDGES FIRMLY PRESSED AGAINST EACH OTHER. TRIM SOD AS NEEDED. ROLL SOD WITH ROLLER HALF FILLED WITH WATER. WATER DAILY (OR AS NEEDED) UNTIL ESTABLISHED.
10. ALL PLANTED AREAS SHALL RECEIVE A MIN. OF 2" MULCH COMPOSTED MATERIAL (CEDAR GROVE OR EQUAL) OR OF FINE GRADE WOOD CHIPS. PROVIDE THE DESIGNER (PRIOR TO INSTALLATION) A 1/2 GAL. SAMPLE OF MATERIAL.
11. CONTRACTOR SHALL WARRANTEE PLANTING AND IRRIGATION CONSTRUCTION FROM DEFECTS FOR A MINIMUM OF ONE YEAR STARTING FROM DATE OF COMPLETION. COMPLETION DATE ESTABLISHED ONCE OWNER OR DESIGNER PROVIDE WRITTEN CONFIRMATION ON COMPLETED PUNCH-LIST ITEMS.



3 ENTRY ISLAND

TYPICAL LANDSCAPE PLAN FOR ISLAND AND FLANKING SIDES WHERE APPLICABLE

no scale

SHRUBS/ ORNAMENTAL GRASSES - 2 GAL. MIN.	
ARBUTUS UNEDO	STRAWBERRY TREE
BLECHNUM SPICANT	DEER FERN
CORNUS STOLONIFERA 'KELSEYI'	REDTWIG DOGWOOD
CORNUS STOLONIFERA 'ISANTI'	REDTWIG DOGWOOD
DRYOOPTERIS ERYTHOROSORA	AUTUMN FERN
EPIMEDIUM X RUBRUM 'SNOW QUEEN'	EPIMEDIUM
FOTHERGILLA GARDENII	DWARF FOTHERGILLA
GARRYA	SILKTASSEL
MAHONIA AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE
MAHONIA NERVOSA	LONGLEAF MAHONIA
MISCANTHUS SINENSIS 'MORNING LIGHT'	SILVER GRASS
MYRICA CALIFORNICA	PACIFIC WAY MYRTLE
PIERIS JAPONICA 'PURITY'	LILY-OF-THE-VALLEY
POLYSTICHUM MUNITUM	SWORD FERN
RHAPHIOLEPIS UMBELLATA 'MINOR'	YEDDO HAWTHORN
RHODODENDRON 'ANY YAK. HYBRID'	RHODODENDRON
RIBES SANGUINEUM	RED FLOWERING CURRANT
ROSA RUGOSA	RUGOSA ROSE
SARCOCOCCA RUSCIFOLIA	SWEET BOX - SHADE ONLY
SYMPHORICARPOS ALBUS	SNOWBERRY
VACCINIUM OVATUM 'THUNDERBIRD'	EVERGREEN HUCKLEBERRY
VIBURNUM DAVIDII	DAVIDII VIBURNUM
VIBURNUM P. T. 'WTANABE'	DOUBLEFILE VIBURNUM
VIBURNUM RHYTIDOPHYLLUM	LEATHERLEAF VIBURNUM

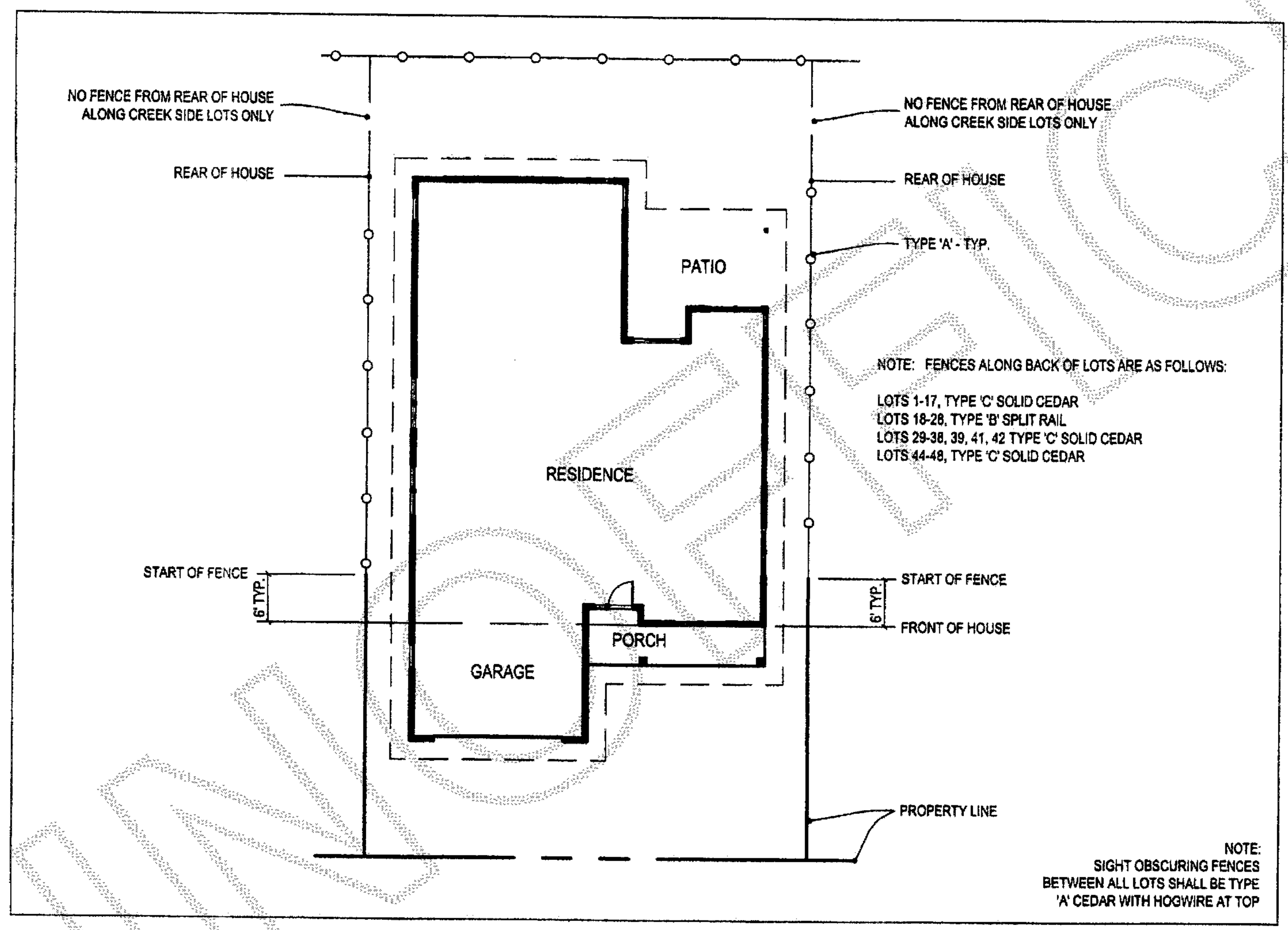
TREES - 2" CALIPER MIN.	
ACER CIRCINATUM	VINE MAPLE
CHAMAECYPARIS NOOTKATENSIS 'PENDULA'	WEEPING ALASKA CEDAR
CORNUS 'EDDIE'S WHITE WONDER'	DOGWOOD
CORNUS KOUSA 'MILKY WAY'	KOUSA DOGWOOD
X CUPRESSOCYPARIS LEYLANDII 'EMERALD ISLE'	LEYLANDII CYPRESS
MAGNOLIA SIEBOLDII	OYAMA MAGNOLIA
MAGNOLIA STELLATA 'ROYAL STAR'	STAR MAGNOLIA
PINUS CONTORTA CONTORATA	SHORE PINE
PSEUDOTSUGA MENZIEII	DOUGLAS FIR
SORBUS SCOPULINA	WESTERN MT. ASH
THUJA PLICATA	WESTERN RED CEDAR
THUJA PLICATA 'FASTIGIATA' OR 'SPRING GROVE'	HOGAN CEDAR
ABIES BALSAMEA	BALSAM FIR
CHAMAECYPARIS LAWSONIANA 'ALLUMII'	FALSE CYPRESS
THUJA PLICATA 'FASTIGIATA'	HOGAN CEDAR
ACER CAMPESTRE	HEDGE MAPLE
ACER RUBRUM 'RED SUNSET'	SCARLET MAPLE
PYRUS CALLERYANA	CLEAVLAND SELECT

GROUNDCOVER - 1 GAL. MIN. @ 36" O.C. OR 4" POTS @ 18" O.C. (SAME)	
ARCTOSTAPHYLOS 'EMERALD CARPET'	MANZANITA
FRAGARIA CHILOENSIS	BEACH STRAWBERRY
GAULTHERIA SHALLON	SALAL
ROSMARINUS OFFICINALIS 'PROSTRATUS'	ROSEMARY
RUBUS PENTALOBUS	BRAMBLE

4 TYPICAL LIST OF LIVE LANDSCAPE MATERIAL

TYPICAL LANDSCAPE PLAN

no scale



NOTE: FENCES ALONG BACK OF LOTS ARE AS FOLLOWS:
LOTS 1-17, TYPE 'C' SOLID CEDAR
LOTS 18-28, TYPE 'B' SPLIT RAIL
LOTS 29-38, 39, 41, 42 TYPE 'C' SOLID CEDAR
LOTS 44-48, TYPE 'C' SOLID CEDAR

NOTE:
SIGHT OBSCURING FENCES BETWEEN ALL LOTS SHALL BE TYPE 'A' CEDAR WITH HOGWIRE AT TOP

5 TYPICAL LOT FENCING

no scale

Approved, City of Mount Vernon

REVISION	DATE
RECORD SET	-

Landed Gentry - Communities and Homes
504 E. Fairhaven
Burlington, WA 98233
360-755-9021

Big Fir North
MOUNT VERNON, WASHINGTON

TYPICAL LANDSCAPE PLAN

05-MTVN(2)-LS4 TYPICAL LANDSCAPE PLAN.DWG
PROJ: 05-MTVN(2)
DWN: Mike Underwood
DATE: 3-Jan-07
SHEET
LS3

UNOFFICIAL DOCUMENT

UNOFFICIAL DOCUMENT

AFTER RECORDING, RETURN TO:
Hugh Lewis, Attorney at Law, P.C.
2200 Rimland Drive, Suite 220
Bellingham, WA 98226
(360) 392-2880

200703230074
Skagit County Auditor
3/23/2007 Page 1 of 48 11:16AM

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR BIG FIR

TITLE OF DOCUMENT:	DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR BIG FIR
GRANTOR:	BIG FIR NORTH, INC.
GRANTEE:	THE GENERAL PUBLIC
ABBREV. LEGAL DESCRIPTION:	BIG FIR NORTH, PER PLAT AF# 2007-0323-0073
TAX PARCEL NO.:	P28007 28-34-4

UNOFFICIAL DOCUMENT

TABLE OF CONTENTS

ARTICLE I – SUBMISSION OF PROPERTY; PURPOSE 2
- 1.1. Submission of Property 2
- 1.2. Reference to P.U.D. Plat Map. 2
- 1.3. Purpose 2

ARTICLE II – DEFINITIONS 2

ARTICLE III – DEVELOPMENT PLAN, COMMUNITY ATTRIBUTES AND DEVELOPMENT RIGHTS . . 6
- 3.1. Development Plan. 6
- 3.2. Community Attributes 6
  - 3.2.1. Housing Types and Restrictions 6
  - 3.2.2. Roads and Stormwater Drainage Facilities 6
  - 3.2.3. Other Permitted Uses 6
  - 3.2.4. Common Amenities 7
  - 3.2.5. Community Association Maintains Common Amenities 7
- 3.3. Development Rights. 7
  - 3.3.1. Description 7
  - 3.3.2. Procedure for Exercise. 7
  - 3.3.3. Time Limits on Development Rights. 8
  - 3.3.4. Sequence of Exercise of Rights 8
  - 3.3.5. Declarant's Rights to Land and Liability for Expenses. 8
  - 3.3.6. Limitation on Development Rights. 8
  - 3.3.7. Assurances Connected with Phased Development 8
  - 3.3.8. Legal Status of Development Rights 8

ARTICLE IV – LOTS 9
- 4.1. Number and Description. 9
  - 4.1.1. Initial Lots 9
  - 4.1.2. Lots and Tracts Created by Phased Development 9
- 4.2. Construction of Dwellings and Other Improvements Within Lots. 9
- 4.3. No Permanent Construction Within Easements 9
- 4.4. Upkeep of Lots. 9
  - 4.4.1. Owners' Responsibility. 9
  - 4.4.2. Association's Responsibility. 10
- 4.5. Alterations of Dwellings and Lots 10
- 4.6. Damaged Improvements 10

ARTICLE V – COMMON AREAS 10
- 5.1. Common Areas 10
- 5.2. Partition, Conveyance, or Encumbrance 11
- 5.3. Allocated Interests - Common Areas Declared an Appurtenance. 11
- 5.4. Upkeep By Association. 11
- 5.5. Right of Access. 11
- 5.6. Use of Common Areas 12
- 5.7. Interference with Common Areas 12
- 5.8. Rights of the City of Mount Vernon. 12
  - 5.8.1. General Rights and Benefits. 12
  - 5.8.2. Specific Rights. 12

ARTICLE VI – PRINCIPAL COMMON AMENITIES 12

200703230074
Skagit County Auditor
3/23/2007 Page 2 of 48 11:16AM

6.1. Description of Common Amenities 13
6.1.1. Initial Common Amenities 13
6.1.2. Future Common Amenities 13
6.2. Responsibility for Operations and Maintenance 13
6.2.1. Association Responsible for Operations and Maintenance 13
6.2.2. Maddox Creek Buffer Area 13
6.2.3. Upkeep of Park/Open Space Areas and Wetland Areas. 13
6.2.4. Upkeep of Landscape Buffer Areas. 13
6.2.5. Upkeep of Common Recreational Facilities. 13
6.2.6. Prohibition Against Dumping. 14
6.3. Use by Lot Owners 14
6.4. Reserves to Maintain, Repair & Replace Common Amenities 14

ARTICLE VII – LOT OWNERS ASSOCIATION 14
7.1. Name and Form of Association 14
7.2. Powers of Association. 14
7.3. Membership Rights 14
7.4. Voting 14
7.4.1. Voting Rights 14
7.4.2. Allocated Interests for Voting. 15
7.5. Bylaws of Association 15
7.6. Perpetual Existence - Rights of City of Mount Vernon 15

ARTICLE VIII – MANAGEMENT OF THE COMMUNITY 15
8.1. Management by Declarant 15
8.2. Professional Management 15
8.3. Authority of the Board 15
8.3.1. General Authority. 15
8.3.2. Incurring and Payment of Common Expenses 16
8.3.3. Acquisition of Property. 16
8.3.4. No Business Authority 17
8.4. Right of Entry. 17
8.5. Board as Attorney in Fact. 17

ARTICLE IX – PERMITTED USES; ARCHITECTURAL CONTROL 17
9.1. Permitted Uses. 17
9.1.1. Residential Use 17
9.1.2. Housing for Older Persons Requirements. 18
9.1.3. Lease Restrictions 19
9.1.4. Vehicle Parking 19
9.1.5. RV Parking 19
9.1.6. Signs 19
9.1.7. Animals 20
9.1.8. Accessory or Temporary Structures 20
9.1.9. Television and Radio Antennas, Dishes 20
9.1.10. Security Systems 20
9.1.11. Private Yard Areas Within Lots - Privacy Fences 21
9.1.12. Lighting 21
9.1.13. Noise 21
9.1.14. Offensive or Illegal Activity 21
9.1.15. Hazardous Substances 21
9.1.16. Effect on Insurance 21

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 3 of 48 11:16AM

9.1.17. Assignment or Subletting 22
9.2. Architectural Consistency and Control 22
9.2.1. General Authority of Declarant and Board of Directors 22
9.2.2. Authority to Grant Variances 22
9.2.3. Authority to Delegate Review Functions 22
9.2.4. No Liability for Architectural Review 22

ARTICLE X – COMMON EXPENSES AND ASSESSMENTS 22
10.1. Budget for Common Expenses 23
10.2. Meeting of Association to Ratify Budget. 23
10.3. Reserves for Capital Improvements, Replacements, Major Repairs & Insurance Deductibles .. 23
10.4. Assessments for Common Expenses 23
10.4.1. Liability of Lots. 23
10.4.2. No Assessment of Undeveloped Lots 23
10.4.3. Timing of Payments / Authority for Installment Payments. 24
10.5. Assessments to Pay Judgment Against Association 24
10.6. Allocated Interests; Procedure on Reallocation 24
10.6.1. Allocated Interests. 24
10.6.2. Reallocation. 24
10.7. Special Assessments 24
10.8. Limited Common Assessments 24
10.9. Accounts; Commingling Prohibited 25
10.10. Surplus Funds. 25
10.11. Liability of Lot Owners for Association Obligations. 25
10.12. Owners Personally Liable for Common Expenses 25
10.13. Liability Following Conveyance of Lot. 26
10.14. Statement of Unpaid Assessments 26
10.15. Lien for Assessments. 26
10.16. Perfection of Lien. 26
10.17. Priority of Lien. 26
10.18. Enforcement of Lien. 27
10.19. Limitation of Lien Enforcement. 27
10.20. Rent Subject to Lien for Assessments 27
10.20.1. Rent Payable to Association Upon Default of Owner. 27
10.20.2. Association Entitled to Appointment of Receiver. 27
10.21. Remedies Cumulative 28

ARTICLE XI – INSURANCE, DESTRUCTION AND RESTORATION 28
11.1. Authority, Name of Insured 28
11.2. Insurance Policies and Coverage 28
11.2.1 Basic Coverage. 28
11.2.2 Directors' and Officers' Insurance. 28
11.2.3 Fidelity Insurance 29
11.3. Deductible 29
11.4. Unavailability, Cancellation or Nonrenewal 29
11.5. Owners' Individual Policies Required 29
11.6. Reconstruction Following Casualty Loss 30
11.6.1. Duty to Reconstruct 30
11.6.2. Payment of and Procedure for Reconstruction 30
11.7. Assessments if Insurance is Inadequate 30

ARTICLE XII – CONDEMNATION 30

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 4 of 48 11:16AM

UNOFFICIAL DOCUMENT

12.1. Condemnation of Common Areas. 30
12.2. Condemnation of Limited Common Areas. 31
12.3. Association Necessary Party to Proceeding. 31
12.4. Reconstruction and Repair. 31
12.5. Notice to Mortgagees. 31
12.6. Payment of Award 31

ARTICLE XIII – COMPLIANCE WITH LAW AND COVENANTS 31
13.1. Compliance by Owners and Occupants 31
13.2. Enforcement by Association 31
13.2.1. Authority of the Board 31
13.2.2. Abatement of Violations. 32
13.2.3. Legal Proceedings. 32
13.2.4. Costs and Attorney's Fees. 32
13.2.5. Late Charges and Interest. 32
13.2.6. Fines. 32
13.2.7. Liability for Conduct Causing Common Expense. 33
13.2.8. No Waiver of Rights 33
13.2.9. Remedies Cumulative. 33
13.2.10. Alternative Forms of Dispute Resolution Authorized. 33
13.3. Tenants Subject to Rights and Responsibilities of Owners. 33

ARTICLE XIV – LIMITATION OF LIABILITY 34
14.1. No Liability for Utility Failure, Etc. 34
14.2. Liability of Officers and Directors, Indemnification 34
14.3. No Bailment 34

ARTICLE XV – MORTGAGEE PROTECTION 35
15.1. Percentage of Eligible Mortgagees. 35
15.2. Notice of Actions. 35
15.3. Inspection of Books. 35
15.4. Financial Statements. 35
15.5. Enforcement. 36
15.6. Attendance at Meetings. 36
15.7. Limitations on Mortgagees' Rights. 36

ARTICLE XVI – EASEMENTS AND SPECIAL DECLARANT RIGHTS 36
16.1. Easements for Lots and Lot Owners 36
16.2. Easement for Association Functions 36
16.3. Easement for Emergency Access and other Municipal Functions 36
16.4. Easements for Declarant 37
16.4.1. General Reservation. 37
16.4.2. Specific Rights. 37
16.4.3. Liability for Costs. 37
16.5. Easements Shown on Platting Documents 37
16.6. Special Declarant Rights 37
16.6.1. General Reservation 37
16.6.2. Declarant Control Period 38
16.6.3. Legal Status of Special Declarant Rights 38

ARTICLE XVII – AMENDMENT OF DECLARATION, PLATTING DOCUMENTS 38
17.1. Procedure for Amendment of Declaration of Covenants 38

200703230074
Skagit County Auditor
3/23/2007 Page 5 of 48 11:16AM

UNOFFICIAL DOCUMENT

17.2. Recordation Required. 39
17.3. Special Restrictions. 39
17.4. Amendment of Platting Documents 39
17.5. Amendments by Declarant 39

ARTICLE XVIII – MISCELLANEOUS 40
18.1. Notices for All Purposes, Delivery 40
18.2. Severability 40
18.3. No Right of First Refusal 40
18.4. Effective Date 40

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO DEVELOPMENT RIGHTS 42

200703230074
Skagit County Auditor
3/23/2007 Page 6 of 48 11:16AM

UNOFFICIAL DOCUMENT

ARTICLE I

SUBMISSION OF PROPERTY; PURPOSE

1.1. Submission of Property.

BIG FIR NORTH, INC., a Washington Corporation, hereinafter referred to as the "Declarant," being the owner in fee simple of certain land located in Mount Vernon, Skagit County, Washington, has submitted said land, together with all improvements, easements, rights and appurtenances thereunto belonging, collectively referred to hereinafter as "the Property", to the provisions of the Planned Unit Development Ordinance of the City of Mount Vernon ("the Ordinance", i.e., Chapter 17.69 of the City Code), and has created from and within such Property a Planned Unit Development ("P.U.D.") which may be developed in one or more phases at the option of Declarant, which P.U.D. shall be known as "Big Fir", and which shall hereinafter be referred to as the "Community".

1.2. Reference to P.U.D. Plat Map.

The Declarant has previously recorded with the Auditor of Skagit County, Washington a certain P.U.D. Plat Map pursuant to the Ordinance, showing the location and dimensions of the land included within the P.U.D., the location and dimensions of the Lots and Common Areas within the Community, together with other necessary information; this map is hereinafter referred to as the "Platting Documents"; the Platting Documents are recorded at Auditor's File No. 2007-0323-0073, Records of Skagit County, Washington.

1.3. Purpose.

This Declaration of Covenants, together with the Platting Documents referred to herein, state covenants, conditions, restrictions and reservations intended by the Declarant to effect a common plan for the development of the Property mutually beneficial to all of the described Lots. The covenants, conditions, restrictions, reservations and plan, are binding upon and run with the entire property and upon each such Lot as a parcel of realty, and upon its Owners or Occupants, and their heirs, personal representatives, successors and assigns, through all successive transfers of all or part of the Property or any security interest therein, without requirement of further specific reference or inclusion in deeds, contracts or security instruments, and regardless of any subsequent forfeiture, foreclosures, or sales of Lots under security instruments, or of any forfeiture, foreclosures, or sales instituted for nonpayment of government tax, levy or assessment of any kind.

ARTICLE II

DEFINITIONS

2.1. "Allocated interest" means the undivided interest in the Common Areas, the Common Expense liability, and votes in the Association allocated to each Lot by the provisions of Sections 5.3, 7.4.2 and 10.6 of this Declaration of Covenants.

2.2. "Assessment" means all sums chargeable by the Association against a Lot including, without limitation: (a) Regular, Special and Limited Assessments for Common Expenses, charges, and fines imposed by the Association; (b) interest and late charges on any delinquent account; and (c) costs of collection, including reasonable attorneys' fees, incurred by the Association in connection with the collection of a

200703230074
Skagit County Auditor
3/23/2007 Page 7 of 48 11:16AM

delinquent Owner's account.

2.3. "Association" or "Lot Owners Association" means the nonprofit corporation incorporated at the direction of the Declarant to manage the Common Areas of this Community

2.4. "Board of Directors" means the body with primary authority to manage the affairs of the Association.

2.5. "City" means the City of Mount Vernon.

2.6. "Common Areas" means all portions of the Community other than the Lots. Such areas are typically denoted as "Tracts" on the Platting Documents and include areas of land, along with specific facilities and improvements. To the extent that Common Areas are depicted within the boundaries of any Lot within this Community, such Common Areas consist of an easement burdening such Lot for the benefit of utility providers or for the benefit of the other Owners and Occupants of the Property within this P.U.D.

2.7. "Common Expenses" means expenditures made by or financial liabilities of the Association, together with any allocations to reserves.

2.8. "Common Expense liability" means the liability for Common Expenses allocated to each Lot pursuant to Section 10.6 of this Declaration of Covenants.

2.9. "Community" means all the Property within the P.U.D., along with all the improvements constructed therein, and all other institutions and things serving the Owners of Lots therein.

2.10. "Conveyance" means any transfer of the ownership of a Lot, including a transfer by deed or by real estate contract, but shall not include a transfer solely for security.

2.11. "Declarant" means the entity, person or group of persons acting in concert (a) who executes this Declaration of Covenants, or (b) who reserves or succeeds to any Special Declarant Right under the Declaration of Covenants [a "Successor Declarant"]. An "Affiliate" of the Declarant means any Person who controls, is controlled by, or is under common control with the Declarant, in the sense described in RCW 64.34.010(1).

2.12. "Declarant control" means the right of the Declarant or persons designated by the Declarant to appoint and remove officers and members of the Board of Directors or to veto or approve a proposed action of the Board or Association pursuant to Sections 8.1 and 16.6 of this Declaration of Covenants.

2.13. "Declaration of Covenants" means this document, which facilitates the governance and management of this Community; the term also includes any lawful amendments to this document.

2.14. "Design Guidelines" means the standards developed by the Board of Directors or a Committee pursuant to Article IX hereof, and any standards established by the Declarant.

2.15. "Development Plan" means any formal plan of development, however termed under the Ordinance, approved by the County or City in which the Community is situated. The term also includes any amendments thereto approved by applicable governmental entities.

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 8 of 48 11:16AM

2.16. "Development Right" means any right or combination of rights reserved by the Declarant in the Declaration of Covenants: (a) to add real property or improvements to the Community; (b) to create Lots, Common Areas, or Limited Common Areas within real property included in or added to the Community; (c) to subdivide Lots or convert Lots into Common Areas; (d) to withdraw real property from the Community; or (e) to reallocate Limited Common Areas with respect to Lots that have not been conveyed by the Declarant. Development Rights affecting this Community are described in Section 3.3 hereof. Development Rights are personal to the Declarant and may be exercised, or not exercised, in Declarant's sole and absolute discretion.

2.17. "Dispose" or "disposition" means a voluntary transfer or conveyance to a purchaser or lessee of any legal or equitable interest in a Lot, but does not include the transfer or release of a security interest.

2.18. "Dwelling" or "Dwelling Unit" means an improved portion of a Lot intended to serve as a personal residence.

2.19. "Eligible Insurer" means the insurer or guarantor of a mortgage on a Lot that has filed with the secretary of the Association a written request that it be given copies of notices of any action by the Association that requires the consent of mortgagees.

2.20. "Eligible Mortgagee" means the holder of a mortgage on a Lot that has filed with the secretary of the Association a written request that it be given copies of notices of any action by the Association that requires the consent of mortgagees. The term "Eligible Mortgagee" also includes the "servicer" of a mortgage which has been acquired or securitized by secondary mortgage market entities such as the Federal National Mortgage Association ("FNMA" or "Fannie Mae") or the Federal Home Loan Mortgage Corporation ("FHLMC" or "Freddie Mac") or the like.

2.21. "Foreclosure" means a forfeiture or judicial or nonjudicial foreclosure of a mortgage or a deed in lieu thereof.

2.22. "Future Phase Amendment" means an amendment to this Declaration of Covenants which will be executed and recorded by the Declarant concurrently with the creation of each new Phase of Development of the Planned Unit Development. The Future Phase Amendment will describe (a) the land included within each such Phase by reference to a recorded Platting Document, (b) the number and location of Lots and/or Tracts within the Phase, (c) a description of any Common Areas or Common Facilities serving the entire Community or any Limited Common Areas or Facilities serving the new Phase, and (e) any other matters that are necessary or appropriate for the proper use and governance of such Phase.

2.23. "Governing Documents" means this Declaration of Covenants, the Platting Documents, the Articles of Incorporation and Bylaws of the Association, along with any Rules and Regulations adopted by the Board of Directors, and any lawfully adopted amendments to any of the above.

2.24. "Limited Common Expenses" are portions of the Common Expenses for which one or more, but fewer than all Lot Owners may become liable under the terms of the Governing Documents.

2.25. "Identifying number" means a symbol or address that represents the designation of each Lot or, in some cases, a Common Area component, appearing on the face of the Platting Documents.

2.26. "Lot" means a physical portion of the Community designated for separate ownership, the

200703230074
Skagit County Auditor
3/23/2007 Page 9 of 48 11:16AM

boundaries of which are depicted on the Platting Documents as a separate lot of record. A Lot may contain or be suitable for development of one or more Dwelling units, as indicated on the Platting Documents.

2.27. "Lot Owner" means the Declarant or any other person who owns a Lot, but does not include a person who has an interest in a Lot solely as security for an obligation. "Lot Owner" means the vendee, not the vendor, of a Lot under a real estate contract.

2.28. "Mortgage" means a mortgage, deed of trust or real estate contract.

2.29. "Occupant" means a person lawfully occupying any Lot; the term includes Lot Owners, family members and tenants of Lot Owners.

2.30. "Ordinance" or "the Ordinance" means the law, statute, ordinance authorizing the creation of this Community in the jurisdiction in which the Property is situated, described with greater particularity in Sections 1.1 and 3.1 hereof, along with any administrative regulations implementing same. The term includes any changes, revisions, substitutions and/or deletions in such law or regulations which may exist from time to time.

2.31. "Person" means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

2.32. "Property" or "the Property" means the real property designated on the Platting Documents and legally described thereon, and includes all real property which may be from time to time acquired by the Association pursuant to Section 8.3.3 hereof, or which may be added to this Community under Development Rights reserved in Section 3.3 hereof.

2.33. "P.U.D." means a Planned Unit Development formed pursuant to the provisions of the Ordinance, under which portions of real property known as "Lots", created by the statutory process described in the Ordinance, are susceptible to separate ownership. In this P.U.D., any Common Areas depicted on the Platting Documents are owned in common by all Lot Owners on an undivided basis as appurtenances to their interests in those Lots.

2.34. "Purchaser" means any person, other than the Declarant or a dealer, who by means of a disposition acquires a legal or equitable interest in a Lot other than as security for an obligation.

2.35. "Reserved Common Area" means a portion of the Common Areas which is designed for temporary storage or other purposes by one or more Owners or occupants, upon payment to the Association of such user fees and upon satisfaction of such other conditions as the Board, by resolution, may deem appropriate; the right to use a Reserved Common Area shall be deemed to be a license rather than an interest in the property so reserved.

2.36. "Residential purposes" means use for dwelling and human habitation, whether on an ownership, rental or lease basis and for reasonable social, recreational or other uses normally incident to such purposes.

2.37. "Special Declarant Rights" means rights reserved for the benefit of the Declarant: (a) to complete improvements indicated on the Platting Documents filed with the Declaration of Covenants; (b) to exercise any Development Right described in Section 3.3 hereof; (c) to maintain sales offices, management

200703230074
Skagit County Auditor
3/23/2007 Page 10 of 48 11:16AM

offices, signs advertising the Community, and models; (d) to use easements through the Common Areas for the purpose of making improvements within the Community or within real property which may be added to the Community under Development Rights reserved hereinafter; or (e) to appoint or remove any officer of the Association or any member of the Board of Directors, or to veto or approve a proposed action of the Board or Association during any period of Declarant Control reserved in this Declaration of Covenants. Special Declarant Rights are described in Section 16.6 hereof.

2.38. "Upkeep" means any care, inspection, maintenance, operation, repair, repainting, remodeling, restoration, improvement, renovation, alteration, replacement and reconstruction that is required to maintain property in a decent, safe and sanitary condition, in keeping with the standards of the Community.

ARTICLE III

DEVELOPMENT PLAN, COMMUNITY ATTRIBUTES AND DEVELOPMENT RIGHTS

3.1. Development Plan.

The Community has been developed in accordance with a Planned Unit Development ["Development Plan"] approved by the City of Mount Vernon under Council Resolution No. 680, dated April 27, 2005 for this project, which addressed consistency with the City's Comprehensive Plan, open space and environmentally sensitive areas, and public utility issues. The Development Plan for this Community was adopted by the City under the authority of its Planned Unit Development Ordinance, ("the Ordinance", i.e., Chapter 17.69 of the Mount Vernon Municipal Code), under which the PUD exists as a "floating" overlay zone intended to promote creativity of site layout and design, permit flexibility in the application of standards for residential and mixed residential/commercial development to protect and enhance environmental features, and provide other public benefits. Platting requirements associated with the project are addressed under Chapter 16.08, Mount Vernon Municipal Code, in City File No. LU04-092. All further use and development of the Property in this Community shall be consistent with the Ordinance, the Development Plan, and with any other City land use and platting requirements that may be applicable to land subject to Development Rights.

3.2. Community Attributes.

3.2.1. Housing Types and Restrictions.

The Community is designed for occupancy by persons of retirement age, as provided in Section 9.1.2 hereof. The Lots in the Community will contain detached "single family" Dwellings, separated by normal building setbacks. Dwellings will be constructed by or under the direction of the Declarant or its Affiliate(s).

3.2.2. Roads and Stormwater Drainage Facilities.

All roads in the Community will be public, as will the associated. stormwater drainage facilities.

3.2.3. Other Permitted Uses.

200703230074
Skagit County Auditor
3/23/2007 Page 11 of 48 11:16AM

UNOFFICIAL DOCUMENT

UNOFFICIAL DOCUMENT

One or more Tracts created in future Phases of development may be designed and restricted for commercial use, in accordance with conditions set forth in the Development Plan, as amended.

3.2.4. Common Amenities.

The Community's Common Amenities include a park area, greenbelt areas with walking trails, and a bridge over the periodically wetted portions of Maddox Creek. In future Phases, a clubhouse and additional park areas may be constructed.

3.2.5. Community Association Maintains Common Amenities.

An incorporated lot owners association [the "Association"] will be formed to maintain, repair, replace, manage and insure the Common Amenities, as provided in Article VII hereof. All Lot Owners will be members of the Association; all Owners will have the right to elect the members of the Association's Board of Directors; and all Owners will be obligated to pay Common Expense Assessments to the Association so that it can properly discharge its obligations to the Community.

3.3. Development Rights.

3.3.1. Description.

The Declarant has reserved Development Rights to expand the scope of development within the Community through a process of phased development, as described below.

(a) Phase 1 in general, is a "construction phase" within the Plat of Big Fir North which shall consist of 33 Lots on approximately 5.24 acres, with 2.68 acres of open space;

(b) Phase 2, in general, will be a "construction phase" within the Plat of Big Fir North shall consist of an 15 additional Lots on 1.87 acres within the Plat of Big Fir North.

(c) Phase 3, in general, could consist of up to an additional thirty-three (33) Lots to be created on a large tract of land [the "Additional Land"] lying directly southerly of the Plat of Big Fir North, which may be added to the Community by an Affiliate of the Declarant in that entity's sole discretion. The Additional Land is described in the attached Exhibit A, and may platted under the name "Big Fir South". Phase 3 may be further developed in two or more construction phases, and the Platting Documents for Big Fir South may contain one or more Lots or Tracts devoted to lawful commercial uses. No such commercial tract shall be burdened by these Covenants. No commercial tract will be part of the Association described herein, and no such commercial tract shall share in the use of any of the Common Amenities serving the Community.

(d) At any time within the period specified in Section 3.3.3 hereof, the Declarant may also create additional Common Areas or Facilities, or relocate existing common facilities within the Community. Such Common Areas or Facilities may include a common clubhouse facility and one or more additional park areas.

3.3.2. Procedure for Exercise.

To exercise any Development Right reserved under Section 3.3.1 of this Declaration of

200703230074
Skagit County Auditor
3/23/2007 Page 12 of 48 11:16AM

Covenants, the Declarant shall prepare, execute, and record any new plat map or any amendment to the existing Platting Documents that is or may be required under the Ordinance or the Development Plan. The Declarant will also execute and record a Future Phase Amendment, generally described in Section 2.22 hereof, to make the provisions of this Declaration of Covenants binding on the new Phase.

3.3.3. Time Limits on Development Rights.

The Declarant may exercise the Development Rights described in Section 3.3.1 of this Declaration of Covenants within ten (10) years from the date of the conveyance by the Declarant of the first Lot in the Community to a person other than the Declarant.

3.3.4. Sequence of Exercise of Rights.

The Development Rights described in Section 3.3.1 of this Declaration of Covenants shall be exercised generally in the sequence in which phased development is described in Section 3.3.1 but construction of improvements within the Lots in any completed Phase may occur at any time and in any sequence.

3.3.5. Declarant's Rights to Land and Liability for Expenses.

In addition to the liability that the Declarant as a Lot Owner has under this Declaration of Covenants, the Declarant alone is liable for all expenses in connection with real property subject to Development Rights. No other Lot Owner and no other portion of the Community is subject to a claim for payment of those expenses, but no Lot Owner other than the Declarant has any rights to use such areas for any purpose whatsoever. Any income or proceeds from real property subject to Development Rights inures to the Declarant.

3.3.6. Limitation on Development Rights.

Each Development Right reserved by the Declarant in this Declaration of Covenants is limited to actions permitted pursuant to the terms of the Ordinance and the final Development Plan approved pursuant thereto, as the same may exist at the time of exercise of any such right.

3.3.7. Assurances Connected with Phased Development.

In the event that the Declarant exercises a Development Right to create improvements on additional Lots in the Community, the Dwellings, other improvements and all Common Areas supporting such additional Dwellings, shall be well constructed and of quality and appearance comparable to those used in the earlier phases of development, so as to preserve a reasonably harmonious appearance relative to the initial phases of development, and shall be landscaped appropriately.

3.3.8. Legal Status of Development Rights.

Each Development Right reserved by Declarant in this Declaration of Covenants is and shall remain an equitable servitude burdening all lands subject thereto and running with such lands. Each Development Right shall exist for the benefit of the Declarant and/or any Affiliate of the Declarant and/or any Successor Declarant. Declarant has and shall retain, with respect to each Development Right, a power coupled with Declarant's interest in said lands. The Development Rights reserved in this Declaration of

200703230074
Skagit County Auditor
3/23/2007 Page 13 of 48 11:16AM

UNOFFICIAL DOCUMENT

Covenants include the right, but not the obligation, to create future interests or future estates in real property, and to own, convey, mortgage, lease and/or otherwise use and deal with such real property and such future interests or future estates free and clear of any interest of other Lot Owners or the Association, except as may be otherwise specifically provided herein.

ARTICLE IV

LOTS

4.1. Number and Description.

4.1.1. Initial Lots.

The Community contains 33 Lots which are depicted on the Platting Documents; additional Lots will be developed and sold in phases described in Section 3.3.1 hereof. The location and dimensions of existing Lots are shown on the Platting Documents.

4.1.2. Lots and Tracts Created by Phased Development.

The Declarant reserves the right to create a total of eighty-one (81) Residential Lots pursuant to Development Rights reserved in Section 3.3.1 of this Declaration of Covenants. Reference should be made to that Section for additional information.

4.2. Construction of Dwellings and Other Improvements Within Lots.

Dwellings will be constructed within the Lots by or under the direction of the Declarant and/or its Affiliate(s), according to a common design scheme established by the Declarant. Other improvements, such as fences, service sheds and the like, may be constructed within Lots only in accordance with Design Guidelines described in Section 9.2 hereof.

4.3. No Permanent Construction Within Easements.

No permanent building, deck, fencing or other structure shall be constructed within the easements on the Lots depicted on the Platting Documents.

4.4. Upkeep of Lots.

4.4.1. Owners' Responsibility.

Each Lot Owner shall, at his or her sole expense, have the right and the duty to keep the Dwelling erected within the Lot and any equipment, appliances, and fixtures contained therein in good order, condition and repair and shall do all interior and exterior redecorating and painting at any time necessary to maintain the good appearance and condition of the Dwelling. Each Owner shall also be responsible for the Upkeep of decks and other exterior portions of the Dwelling, along with individual heating, ventilating or air-conditioning equipment, wherever located, installed for the sole and exclusive use of the Lot, and of any hot tub or other structure, device or equipment lying outside the Dwelling but lying within the Lot. This Section shall not be construed as permitting any interference with or damage to the structural integrity of

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 14 of 48 11:16AM

UNOFFICIAL DOCUMENT

either the Common Areas or of any other Lot(s), nor shall it be construed to limit the powers or obligations of the Board hereunder. See also Section 8.4 hereof.

4.4.2. Association's Responsibility.

The Association shall have primary responsibility for all front yard landscape maintenance within the Lots, for Upkeep of all fencing bounding the Lots, and for Upkeep of any other portions of the Dwellings or Lots in the Community that the Association, by resolution adopted by its members at a duly constituted meeting, may hereafter elect to provide.

4.5. Alterations of Dwellings and Lots.

Subject to the provisions of this Declaration of Covenants and other provisions of law, a Lot Owner may make any improvements or alterations to the interior portions of a Dwelling constructed within an Owner's Lot that do not affect the structural integrity or mechanical or electrical systems of any other Lot or the Common Areas, or lessen the support of any portion of the Community. To preserve architectural harmony within this Community, no person may alter or change the exterior appearance of any Dwelling or other building constructed within the Lot, including without limitation the paint scheme for such improvements, nor construct or erect any additional improvements within the Lot without permission of the Board of Directors, under procedures established pursuant to Section 9.2 hereof. Any addition, alteration or improvement upon any Lot existing in violation of the Governing Documents is expressly declared to be a nuisance and shall be removed or altered by the Lot's Owner to conform to the Governing Documents within thirty days after written notice of the violation has been provided by the Board of Directors to the Owner.

4.6. Damaged Improvements.

If a Dwelling or other major improvement located upon a Lot is damaged or destroyed, the Owner thereof shall promptly repair or rebuild such Dwelling or improvements. The architectural appearance of the damaged improvements may not be changed in the process of reconstruction absent approval of the Board of Directors under the procedures set forth in Section 9.2 hereof. Unless the Board of Directors permits a longer time period, such work must be commenced within four months after the casualty and must be substantially completed within twelve months after the casualty. The four-month period may be extended for a reasonable period thereafter in the event that repairs or reconstruction have not commenced because of factors beyond the control of the Owner, provided that the Owner has exercised and does thereafter continue to exercise due diligence in an effort to commence or complete the required work.

ARTICLE V

COMMON AREAS

5.1. Common Areas.

Except as otherwise specifically reserved, assigned or limited by the provisions of Article VI hereof, the Common Areas of the Community, which may also be referred to as "General Common Areas," consist of the following:

200703230074
Skagit County Auditor
3/23/2007 Page 15 of 48 11:16AM

UNOFFICIAL DOCUMENT

5.1.1. The project's identification sign and landscaped areas abutting South LaVenture Road at the entrance to the Property.

5.1.2. Open space areas and walking trails therein, along with the Maddox Creek buffer area and the bridge over Maddox Creek, all which are depicted on the Platting Documents and are described with greater particularity in Article VI hereof.

5.1.3. All fencing, wherever located within the Community.

5.1.4. The Park Tract, the Wetland Area, and any and all other Tracts or areas depicted on the Platting Documents that have not been dedicated to public use or commercial purposes.

5.1.5. The Declarant reserves the right to create additional Common Areas, or to relocate existing Common Areas, pursuant to Development Rights reserved under Section 3.3.1 hereof.

5.2. Partition, Conveyance, or Encumbrance.

5.2.1. Except as permitted by this Declaration of Covenants or the Ordinance, the Common Areas shall remain undivided and shall not be abandoned by act or omission, and no Lot Owner or other person may bring any action for partition or subdivision of the Common Areas.

5.2.2. Any purported conveyance, encumbrance, or other voluntary transfer of Common Areas, unless made pursuant to this Section, is void. A conveyance or encumbrance of Common Areas pursuant to this Section shall not deprive any Lot of its rights of access and support, nor shall it affect the priority or validity of preexisting encumbrances.

5.3. Allocated Interests - Common Areas Declared an Appurtenance.

The Declarant declares that each Lot in the Community has allocated to it an equal undivided interest in the Common Areas of the Community, which interest shall be conclusively presumed to be a perpetual appurtenance to such Lot, and which is known as the Lot's Allocated Interest in the Common Areas. This Allocated Interest shall be deemed included with each Lot in any conveyance of such Lot, irrespective of whether so stated in the conveyance deed. No Allocated Interest in the Common Areas may be severed from, mortgaged or conveyed separately from the Lot. Any purported severance, mortgaging or conveyance shall be void. Each Lot Owner shall thus be a tenant in common with all other Lot Owners with respect to the Common Areas. In the event that the Declarant exercises a Development Right to add additional Lots to the Community in future phases of development, the initial Allocated Interests shall be reallocated so that all Lots in the Community will always have equal Allocated Interests in the Common Areas.

5.4. Upkeep By Association.

The Association is responsible for all necessary maintenance, repair, and replacement of the Common Areas.

5.5. Right of Access.

Each Lot Owner shall afford to the Association and to its employees, agents, and licensed contractors, access through the Owner's Lot as may be reasonably necessary for the purposes of maintenance,

200703230074
Skagit County Auditor
3/23/2007 Page 16 of 48 11:16AM

repair and replacement of Common Areas. If damage is inflicted on the Common Areas, or on any Lot through which access is taken, the Lot Owner responsible for the damage, or the Association, as appropriate, shall be liable for the repair thereof, as provided in Section 8.4 hereof.

5.6. Use of Common Areas.

The Common Areas shall be used only for the furnishing of such services and facilities for which the same are reasonably suited and which are incident to the use and occupancy of the Lots. The improvements located on the Common Areas shall be used only for their intended purposes. Except as otherwise expressly provided in the Governing Documents, no Owner shall make any private, exclusive or proprietary use of any of the Common Areas. No person shall engage or direct any employee of the Association on any private business of the Owner or otherwise direct, supervise or in any manner attempt to assert control over such employee during the hours such employee is employed by the Association.

5.7. Interference with Common Areas.

No Lot Owner shall obstruct any of the Common Areas nor shall any Lot Owner place or cause or permit anything to be placed on or in any of the Common Areas without the approval of the Board. Nothing shall be altered or constructed in or removed from the Common Areas except with the prior written consent of the Board of Directors.

5.8. Rights of the City of Mount Vernon.

5.8.1. General Rights and Benefits.

This Declaration of Covenants contains provisions which require the owners of Lots within the Community and the Association to continuously comply with the conditions of approval of the Plat. The obligations of the Lot Owners and of the Association to the City are for the benefit of the City, and shall not operate to create an obligation of the City or by the City to the Owners or to any third party. The rights of the City contained in this Section 5.8 are cumulative, and are in addition to all other rights and privileges held by the City, and not in lieu thereof. The obligations of the Owners and the Association to the City shall not be amended or altered without the express written consent of the City.

5.8.2. Specific Rights.

The City shall have the right, for the benefit of the City and of the public health, safety and welfare, to perform or provide Upkeep to any or all of the Common Areas of the Community in the event that the Association or the Owners, or any of them, should fail to perform or provide such Upkeep in a competent and/or timely manner. In the event that the City shall incur any costs or expend any funds, directly or indirectly [including without limitation the cost of the City's own equipment and employees in performing or providing any such Upkeep], the Association shall be liable to the City for all costs and expenses so expended or incurred.

ARTICLE VI

PRINCIPAL COMMON AMENITIES

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 17 of 48 11:16AM

UNOFFICIAL DOCUMENT

6.1. Description of Common Amenities.

6.1.1. Initial Common Amenities.

The Community's Common Amenities consist of Open Space/Park areas, the Maddox Creek buffer area and the Wetland Area, which provide Lot Owners of the Community with various benefits.

6.1.2. Future Common Amenities.

Additional Common Amenities may be constructed in the event that Additional Land is added to the Community under Development Rights reserved in Section 3.3.1 of this Declaration of Covenants. These may consist of a clubhouse and additional park and/or open space areas.

6.2. Responsibility for Operations and Maintenance.

6.2.1. Association Responsible for Operations and Maintenance.

The Association shall be responsible for the operation and maintenance, repair and replacement of the Common Amenities.

6.2.2. Maddox Creek Buffer Area.

The Maddox Creek buffer area is designed for use as a part of the project's storm-water system and as wildlife habitat area. No construction, clearing, grading, filling, landscaping, mowing, burning or chemical maintenance of plants shall occur within this area, other than in a manner consistent with the City's Critical Areas Ordinance; the Board is charged with responsibility to maintain these areas in a condition suitable for its multiple purposes.

6.2.3. Upkeep of Park/Open Space Areas and Wetland Areas.

All Tracts identified as "Open Space" or "Wetland" areas on the Platting Documents shall be maintained in a natural state for low impact use and enjoyment of Occupants of the Community. No clearing, grading, filling, logging or removal of woody material, nor any building or construction of any kind is allowed within such areas absent the written approval of the City of Mount Vernon. Tracts identified only as "Open Space" may be landscaped by the Association. Wetland areas shall be left in a natural condition.

6.2.4. Upkeep of Landscape Buffer Areas.

The Landscape Buffer Areas depicted on the Platting Documents exist for the protection of trees and other vegetation to preserve and enhance the aesthetic and environmental values of the Planned Community. No structures or improvements are permitted to be constructed in these areas other than as identified on the face of the approved Platting Documents. Dumping of debris, yard waste or organic matter in such areas is prohibited.

6.2.5. Upkeep of Common Recreational Facilities.

The Association will provide necessary Upkeep for the equipment in the Park Tract and any other recreational facilities constructed within the Common Areas.

200703230074
Skagit County Auditor
3/23/2007 Page 18 of 48 11:16AM

UNOFFICIAL DOCUMENT

6.2.6. Prohibition Against Dumping.

The dumping of solvents, oil, concrete or concrete residue, or water that is heavily laden with sediments, is expressly prohibited anywhere in the Planned Community.

6.3. Use by Lot Owners.

Owners and occupants of the Community may use the Maddox Creek buffer area for wildlife viewing, picnicking and other low-impact recreational uses which will not disturb wildlife or interfere with the proper functioning of the storm-water system.

6.4. Reserves to Maintain, Repair & Replace Common Amenities.

Pursuant to Sections 8.3.2 and 10.1 hereof, a portion of the annual budget for the Association shall be devoted to reserves for maintenance, repairs and replacement of the Common Amenities, and all Owners shall be assessed by the Association for their share of such costs and expenses in proportion to the Allocated Interest for common expense liability, as described in Sections 10.4 and 10.6 hereof.

ARTICLE VII

LOT OWNERS ASSOCIATION

7.1. Name and Form of Association.

The name of the Association shall be the "Big Fir Community Association" The Association has been or will be incorporated by the Declarant prior to the first conveyance of a Lot in the Community as a non-profit corporation under the laws of the State of Washington. The rights and duties of the members and of said corporation shall be governed by its Articles of Incorporation, the provisions of the Ordinance and of the Governing Documents. The Association shall remain organized as a profit or nonprofit corporation. In case of any conflict between Chapter 24.06 RCW, the Nonprofit Miscellaneous and Mutual Corporations Act, and the Homeowners Association Act, Chapter 64.38 RCW, the Homeowners Association Act shall control.

7.2. Powers of Association.

The Association shall, through its Board of Directors, have all powers available to homeowners associations under the Homeowners Association Act, and such additional powers as may be prescribed in the Bylaws of the Association.

7.3. Membership Rights.

Membership rights are specified in the Bylaws of the Association

7.4. Voting.

7.4.1. Voting Rights.

200703230074
Skagit County Auditor
3/23/2007 Page 19 of 48 11:18AM

UNOFFICIAL DOCUMENT

The manner of voting shall be as prescribed in the Bylaws.

7.4.2. Allocated Interests for Voting.

The Declarant has allocated to each Lot in the Community an equal vote in the Association which is known as the Lot's Allocated Interest for voting, or "vote". In the event that the Declarant exercises a Development Right to add additional Lots to the Community in future phases of development, the initial votes shall be reallocated so that all Lots in the Community will always have equal votes.

7.5. Bylaws of Association.

Bylaws for the administration of the Association, and for other purposes not inconsistent with the Homeowners Association Act and this Declaration of Covenants, have been or will be prepared by the Declarant, subject to the approval of the initial Board of Directors of the Association.

7.6. Perpetual Existence - Rights of City of Mount Vernon.

The Association shall have perpetual existence; it may not be dissolved or abandoned, nor may the Association's obligations under this Declaration of Covenants with respect to the Common Areas be altered or abandoned absent the advance written approval of the City of Mount Vernon, following a public hearing before the Planning Commission. Should the corporate charter for the Association be dissolved for any reason in violation of the foregoing, the Lot Owners shall become jointly and severally liable for all obligations imposed upon the Association under this Declaration of Covenants.

ARTICLE VIII

MANAGEMENT OF THE COMMUNITY

8.1. Management by Declarant.

The Declarant has reserved the rights to (a) appoint and remove the Officers and members of the Board of Directors of the Association, and (b) veto or approve a proposed action of the Board or the Association, for a period of time known as the "Declarant Control Period". Limitations on the Declarant Control Period are specified in Section 16.6 hereof.

8.2. Professional Management.

Provisions for professional management of the Association appear in the Bylaws.

8.3. Authority of the Board.

8.3.1. General Authority.

The Board, for the benefit of the Community and the Owners, shall enforce the provisions of the Governing Documents and shall have all powers and authority granted to the Board or the Association under the Homeowners Association Act and this Declaration of Covenants which are not expressly subject to the approval of the Owners.

200703230074
Skagit County Auditor
3/23/2007 Page 20 of 48 11:16AM

8.3.2. Incurring and Payment of Common Expenses.

The Board shall acquire and shall pay for, as Common Expenses, all goods and services deemed necessary or desirable for the proper functioning of the Association. Without limitation, such Common Expenses may include:

(a) Common water and sewer, common electrical and, if deemed necessary or desirable by the Board of Directors, common garbage and/or trash collection, common gas, and any other necessary utility service as required for the Common Areas. If one or more Lots or the Common Areas are not separately metered, the utility service may be paid as a Common Expense, and the Board may by reasonable formula allocate a portion of such expense to each such Lot involved as a portion of its Common Expense, or reimburse any Lot Owner who pays, in whole or in part for utilities serving the Common Areas.

(b) Policies of insurance or bonds required by Article XI.

(c) The services of persons or firms as required to properly manage the affairs of the Community to the extent deemed advisable by the Board as well as such other personnel as the Board shall determine are necessary or proper for the operation of the Common Areas, whether such personnel are employed directly by the Board or are furnished by a Manager.

(d) The services of attorneys, along with bookkeepers and accountants qualified to maintain Association records in the manner required by Section 8.4 of the Bylaws, and to perform the independent audit required under Section 8.5 of the Bylaws.

(e) Painting, maintenance, repair and replacement of the Common Areas, landscaping and gardening work for the Common Areas, and such furnishings and equipment for the Common Areas as the Board shall determine are necessary and proper.

(f) Any other materials, supplies, labor, services, maintenance, repairs, structural alterations, insurance, taxes or assessments which the Board is required to by law to pay or procure or which in its opinion shall be necessary or proper for the operation of the Community, the maintenance, repair or replacement of the Common Areas, or for the enforcement of this Declaration of Covenants.

(g) Any Upkeep required of the Association on Lots under the provisions of Section 4.4.2 of this Declaration of Covenants. Further, if maintenance or repair to interior portions of any such Dwellings or other portions of the Lots for which the Owner is responsible, is reasonably necessary, in the opinion of the Board, to protect the Common Areas or to preserve the appearance and value of the Community, and the Owner of said Lot has failed or refused to perform said maintenance or repair as required by Section 4.4.1 of the Declaration of Covenants, within a reasonable time after written notice of the necessity of said maintenance or repair has been delivered by the Board to the Owner. The cost of such maintenance or repair shall constitute a Limited Assessment against the Lot of such Owner, pursuant to Section 10.8 of the Declaration of Covenants.

8.3.3. Acquisition of Property.

The Board may acquire and hold in the name of the Association, for the benefit of the Owners, tangible and intangible personal property and real property and interests therein, and may dispose of the same by sale or otherwise. Such property shall thereafter be held, sold, leased, rented, mortgaged or

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 21 of 48 11:16AM

otherwise dealt with for the benefit of the Association as the Board may direct.

8.3.4. No Business Authority.

Nothing herein contained shall be construed to give the Board authority to conduct an active business for profit on behalf of all of the Owners or any of them.

8.4. Right of Entry.

The Board and its agents or employees may enter any Lot or Limited Common Area when necessary in connection with any maintenance, landscaping or construction for which the Board is responsible, or in the event of emergencies. Except in the case of an emergency, reasonable advance notice shall be given to the Lot Owner and, if applicable, to any lawful tenant or subtenant in any Dwelling on the Lot. Such entry shall be made with as little inconvenience to the occupant(s) as practicable, and any damage caused thereby shall be repaired by the Association out of the Common Expense fund if the entry was due to an emergency (unless the emergency was caused by the Owner or lawful occupant of the Lot entered, in which case the cost shall be specially assessed to the Lot entered) or for the purpose of maintenance, or repairs, to Common or Limited Common Areas where the repairs were undertaken by or under the direction or authority of the Board. If the repairs or maintenance were necessitated by or for the Lot entered or its Owners or lawful occupants, or requested by its Owners, the costs thereof shall be specially assessed to such Lot.

8.5. Board as Attorney in Fact.

Each Owner, by the act of becoming an Owner of a Lot, shall be deemed to have irrevocably appointed the Board of Directors as his or her attorney-in-fact, with full power of substitution, to take such actions as are reasonably necessary to perform the duties of the Association and Board hereunder, including, but not limited to, the duties to maintain, repair and improve the Property, to grant licenses and easements, and to secure and distribute condemnation awards and/or insurance proceeds affecting the Common Areas.

ARTICLE IX

PERMITTED USES; ARCHITECTURAL CONTROL

9.1. Permitted Uses.

9.1.1. Residential Use.

The Lots in the Community shall be used for permanent residential purposes only, whether on an ownership, rental or lease basis and for common social, recreational or other reasonable uses normally incident to such purposes, for persons of retirement age. The Board may also permit the use of portions of a Dwelling for a professional office or other low impact commercial use, provided that such use is consistent with all applicable laws, ordinances and regulations of any governmental authority, and so long as such use does not generate any appreciable levels of client or customer traffic, noise or other disturbance to other lawful occupants of the Community, and that such use is compatible with the age-restricted nature of the Community. As a condition to consenting to such office use, the Board may require the Lot Owner to pay any increase in the rate of insurance for the Association which may result from such office use, and to provide proof of adequate personal/business liability insurance coverage.

200703230074
Skagit County Auditor
3/23/2007 Page 22 of 48 11:16AM

9.1.2. Housing for Older Persons Requirements.

This Community has been designed as housing for older persons, and shall be operated generally for occupancy by persons fifty-five (55) years of age or older, in accordance with the provisions of Title 42 U.S.C.§3607(b)(2)(B), and with regulations later promulgated by the Secretary of HUD thereunder. The Association shall maintain a list of all Occupants and their respective birth dates to assure compliance with this Section, and shall take the steps identified in Subpart (iii) hereof to continually verify the ages of residents. Owners and Occupants shall be subject to the following requirements:

(i) Except as provided immediately below, the Lots in this Community are intended for the use and occupancy by older persons. At least 80 percent of the Lots in the housing shall be occupied by at least one person who is at least fifty-five (55) years of age or older. No person under the age of 21 years of age is permitted to be an Occupant of a Lot. Visitors under the age of 21 years (hereinafter, "young visitors") shall be allowed to visit Owners or Occupants of Lots, but only for periods of time not to exceed thirty (30) nights out of any six (6) month period as to each visitor. The Board may adopt additional rules regarding such visitations, and may require that any visitor found to be unreasonably disturbing other Owners be required to leave the premises, and may exercise its authority for specific visitors even though other visitors are permitted to remain.

(ii) No Lot shall be sold, rented or leased to any person or persons unless the standards established in this paragraph are complied with. Without limiting the authority of the Board described in the Bylaws, the Association shall have the specific legal right to seek injunctive relief from the Superior Court of the State of Washington for Island County with respect to any Owner or Occupant found to be not in compliance with this Section 9.1.2. Noncomplying Occupants may be evicted. The prevailing party in such an action shall be entitled to reasonable attorneys' fees and costs of suit. See Section 13.3 hereof.

(iii) The Association shall maintain permanent records substantiating its continuing compliance with the policies and age limitations described herein, and shall regularly update such records, through surveys or other means. Such updates must take place at least once every two years. A survey may include information regarding whether any Lots are occupied by persons who are (a) employees of the Association who perform substantial management or maintenance functions for the Community,(b) persons who are necessary to provide a reasonable accommodation to disabled residents; or (c) family members residing in Lots with their older relatives. Any of the following documents are considered reliable documentation of the age of the Occupants of the Community: Driver's license; Birth certificate; Passport; Immigration card; Military identification; Any other state, local, national, or international official documents containing a birth date of comparable reliability; A certification in a lease, application, affidavit, or other document signed by any member of the household age 18 or older asserting that at least one person in the Lot is 55 years of age or older; or forms or applications previously submitted by or on behalf of such Occupant.

(iv) A summary of occupancy surveys undertaken under Subpart (iii) above shall be available for inspection upon reasonable notice and request by any person.

(v) The Association shall post in the Common Areas of the Community notices describing the Community as housing for persons 55 years of age or older. Phrases such as "adult living", "adult community", or similar statements are not consistent with an intent that this Community intends to operate as housing for persons 55 years of age or older.

200703230074
Skagit County Auditor
3/23/2007 Page 23 of 48 11:16AM

9.1.3. Lease Restrictions.

To ensure that legally-required percentages of occupancy by older persons, as established in Section 9.1.2 (i) hereof, are continually met in this Community, tenants will be required to provide birth certificates, drivers' licenses, marriage certificates, or other forms of evidence of their age to permit the Association to meet its obligations under Section 9.1.2 (iii) hereof. All leases shall be in writing. A lease, as defined herein, shall include month-to-month rentals. Any lease agreement shall be required and deemed to provide that the terms of the lease shall be subject in all respects to the provisions of the Governing Documents, and that any failure by the Lessee to comply with such provisions shall be a default under the lease, entitling the Association to enforce such provisions as a real party in interest. Any tenant shall be deemed to have assumed all the responsibilities of an Owner under Article IX of this Declaration of Covenants.

9.1.4. Vehicle Parking.

Parking of up to two vehicles in driveways shall be permitted. Driveway parking spaces are restricted to use for parking of operable, properly registered automobiles, light trucks and family vans; other items and equipment may be parked or kept therein only if expressly permitted by Rules and Regulations and only in such parking areas, if any, as may be designated for such purpose by the Board of Directors. Garage parking spaces are restricted to use for parking of automobiles, motorcycles, light trucks, family vans and other similar vehicles, and for storage of such other items that pose no unreasonable health, safety or fire risks to persons or property. Vehicle repairs other than ordinary light maintenance are not permitted on the Property. The Board may require removal of any inoperative or unregistered vehicle, and any other equipment or item improperly stored in parking spaces. If the same is not removed, the Board may cause removal at the risk and expense of the owner thereof, under such reasonable procedures as may be provided by Rules and Regulations adopted by the Association. Any designated visitors parking areas shall be left open for use by visitors, guests, invitees and licensees of Lot Owners and their tenants.

9.1.5. RV Parking.

Except as hereinafter provided, junk vehicles (as defined in RCW 46.55.010), Recreational Vehicles (including without limitation camper-trailers, mobile homes, motor homes, "fifth-wheels", off-road vehicles, boats, airplanes or etc.), large commercial-style vehicles (including without limitation trucks, tractors, large vans or other types of vehicles or equipment which either require a commercial vehicle operator's license or which exceed 6,000 lbs in gross vehicle weight) or any other type of vehicle or equipment which exceeds 20 feet in length may not be stored, kept or maintained anywhere within the Community. *Bona fide* Recreational Vehicles of any size not prohibited by resolution of the Board of Directors may be parked in driveway areas for up to a maximum of three consecutive nights to facilitate loading and unloading thereof. The Board may require removal of any vehicle or equipment not authorized by this Section; if it is not so removed, the Board may cause its removal at the risk and expense of the owner thereof, under such reasonable procedures as may be consistent with the provisions of RCW 46.55. Failure of an Owner or other occupant to remove such a vehicle or equipment from a Lot or the Common Areas may result in any or all remedies available to the Association under the Governing Documents. The Board may adopt additional rules and regulations regarding parking and storage of Recreational Vehicles.

9.1.6. Signs.

No sign of any kind shall be displayed to the public view on or from any Lot or the Common

200703230074
Skagit County Auditor
3/23/2007 Page 24 of 48 11:16AM

Areas without the prior consent of the Board; provided that this Section shall not apply to Declarant or Declarant's agents, nor shall it be deemed to prohibit the Owner of a Lot from displaying a normal realtor's sign for a period of time during which the Lot is for sale or rent. No signs advertising home businesses are permitted. The Board may by resolution establish further policies regarding signs, to reflect the sentiments of the Community while giving due regard to traditional democratic rights of free speech, religion and expression of Owners and Occupants of Lots in the Community. The Board's judgment in such matters shall be conclusive, except as to matters controlled by applicable Federal or State law.

9.1.7. Animals.

The maintenance, keeping, boarding and/or raising of animals, livestock, poultry, or reptiles of any kind, regardless of number, shall be and is prohibited within any Lot or upon the Common Areas, except that the keeping of small birds, aquarium fish, well-behaved dogs and/or cats and other well-behaved animals which do not normally leave the Lot is permitted, subject to Rules and Regulations adopted by the Board of Directors. The owner of any animal maintained on the Property shall exercise appropriate control over the animal, and shall clean up after such animal and shall not permit deposits of fecal matter, urinary residue or foodstuffs from or for such animal to remain anywhere on the Common Areas. Any Lot Owner who keeps or maintains any animal upon any portion of the Property shall be deemed to have indemnified and agreed to hold the Association, each Lot Owner and the Declarant free and harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such animal within the Community. All animals shall be registered and inoculated as required by law. The Board may at any time require the removal of any animal which it finds is or has become an unreasonable source of annoyance, and may exercise this authority for specific animals even though other animals are permitted to remain.

9.1.8. Accessory or Temporary Structures.

No structure of a temporary character, nor any trailer, tent, shack, barn, pen, kennel, run, stable, outdoor clothes line, shed or other accessory buildings shall be erected, used or maintained on any Lot absent the written consent of the Board of Directors, which may promulgate Design Guidelines and other rules and regulations governing such matters. Temporary structures may be erected in connection with construction activities associated with the original construction of Dwellings within the Community, for such periods of time as may be reasonable for such purposes.

9.1.9. Television and Radio Antennas, Dishes.

Satellite TV antennas/dishes 1 meter or less (approximately 36") in diameter may be installed within a Lot. Larger satellite dishes and other types of reception or transmission antennas may be installed within a Lot only if reasonably screened from view from other Lots and the Common Areas. Ham radio and "citizens band" antennas may be used for transmission purposes only so long as they do not cause interference with electronic equipment of neighboring property owners. No reception or transmission devices may be located within the Common Areas unless expressly permitted by the Board of Directors.

9.1.10. Security Systems.

In the event that either the Declarant or the Association shall install a central security system within the Community, no Owner shall install or maintain any alternative security system which shall interfere with the proper operation of the central system, nor shall any Lot's individual security system be connected in any way with any such central system without the advance written approval of the Board of

200703230074
Skagit County Auditor
3/23/2007 Page 25 of 48 11:16AM

Directors.

9.1.11. Private Yard Areas Within Lots - Privacy Fences.

In the event that portions of the yard areas of a Lot are not maintained by the Association, each such area shall be maintained by the Owner of the Lot to which it is allocated in a neat and tidy manner, consistent with such reasonable rules and regulations as the Board of Directors may promulgate with respect thereto. Privacy fencing, whether installed by the Declarant or the Owner, shall be constructed, painted and maintained only in accordance with Design Guidelines established under Section 9.2 hereof.

9.1.12. Lighting.

Exterior lighting on the Dwellings shall be maintained in accordance with the common scheme for such lighting established during initial construction of the Dwellings by the Declarant. Exterior lighting should be generally unobtrusive and shielded from direct view, so that it does not shine into windows of other Dwellings.

9.1.13. Noise.

No person shall cause any unreasonably loud noise anywhere in the Community, nor shall any person permit or engage in any activity, practice or behavior for the purpose of causing annoyance, discomfort or disturbance to any person lawfully present on any portion of the Property. Quiet hours shall be observed from 9:00 p.m to 7:00 a.m., during which only minimal noise shall be permitted to emanate from any Lot.

9.1.14. Offensive or Illegal Activity.

No noxious, offensive, smelly, or illegal activity shall be carried on in any Lot or the Common Areas, nor shall anything be done therein which is or may become a nuisance or an unreasonable source of annoyance to other Owners or other lawful Occupants of the Community.

9.1.15. Hazardous Substances.

A person shall maintain or store on or in the Property only such property and materials which may be legally possessed by such person. No person shall improperly store within or release from a Lot or into the Common Areas any petroleum distillates, liquid or aromatic hydrocarbons, medical wastes or infectious biological agents, acids, caustics, carcinogens, mutagens, heavy metals, or any other inflammable, toxic, explosive, radioactive, or other type of substance which may be hazardous to either the Property or to the public health or safety, or the health or safety of any lawful occupants of the Community, any and all such substances being known herein as Hazardous Substances.

9.1.16. Effect on Insurance.

Nothing shall be done or maintained in any Lot or in the Common Areas which will increase the rate of insurance on the Common Areas or Lots without the prior written consent of the Board. No Owner shall permit anything to be done or maintained in his or her Lot or in the Common Areas which will result in the cancellation of insurance on any Lot or any part of the Common Areas.

UNOFFICIAL DOCUMENT
200703230074
Skagit County Auditor
3/23/2007 Page 26 of 48 11:16AM

UNOFFICIAL DOCUMENT

9.1.17. Assignment or Subletting.

The assignment or subleasing of a Lot shall be subject to the same limitations as are applicable to the leasing or renting thereof. An Owner or tenant may not exempt himself or herself from any liability under the Governing Documents by assigning or subleasing the occupancy rights to his or her Lot.

9.2. Architectural Consistency and Control.

9.2.1. General Authority of Declarant and Board of Directors.

To assure the health, safety and enjoyment of persons lawfully using any portion of this Community, and to promote visual harmony within the project, both the Declarant and the Board of Directors shall have the power to enforce architectural control over the improvements constructed or reconstructed within the Community, in the manner hereafter provided. Initially the Declarant shall be responsible for architectural control. Following termination of the Declarant Control Period, the Board of Directors may regulate the external design, signage, appearance, use and maintenance of the Property in accordance with the provisions of the Declaration of Covenants, and with Design Guidelines and procedures adopted by the Declarant for this purpose. The Board of Directors shall have the power to impose reasonable application fees to evaluate any additions or changes to a Dwelling proposed by an Owner. Such fees shall be specially assessed against the affected Owner. Following the sale by the Declarant of its last Lot in the Community, or at such earlier time as the Declarant may permit, the Board of Directors may promulgate or modify Design Guidelines for the Community. Design Guidelines approved by the Declarant or by the Board of Directors shall be enforceable as if set forth herein in full.

9.2.2. Authority to Grant Variances.

The Board of Directors shall have the authority, either by act or omission, to waive enforcement of or grant variances from any written Design Guidelines without a specific finding that enforcement of such guidelines would impose an unfair burden on such Owner, but describing the variance and the reasons therefor in a written instrument which shall be part of the records of the Association. Upon such written approval of any specific variance or exception from the requirements of the Design Guidelines, all development conforming to such variance or exception shall be deemed lawful.

9.2.3. Authority to Delegate Review Functions.

The Declarant and the Board may delegate the Architectural Review and Control functions described herein to an agent or Committee.

9.2.4. No Liability for Architectural Review.

Neither the Declarant nor the Association nor any permitted designee shall be liable to any party for any good faith action or failure to act under the provisions of this Declaration of Covenants.

ARTICLE X

COMMON EXPENSES AND ASSESSMENTS

200703230074
Skagit County Auditor
3/23/2007 Page 27 of 48 11:16AM

UNOFFICIAL DOCUMENT

10.1. Budget for Common Expenses.

Within thirty (30) days following the Annual meeting of the Association, or at such other time as may be deemed necessary or desirable by the Association's accountant, the Board shall prepare an Annual Budget which shall estimate the Common Expenses, described generally in Sections 2.7 and 8.3.2 of this Declaration of Covenants, to be paid during such year. The Budget shall make provision for creating, funding and maintaining reserves required by Section 10.3 hereof, and shall take into account any expected income and any surplus available from the prior year's operating fund. The Declarant or the initial Board may at any suitable time establish the first such estimate.

10.2. Meeting of Association to Ratify Budget.

Within thirty days after adoption of any proposed regular or special budget for the Association., the Board of Directors shall provide a summary of the budget to all the Lot Owners and shall set a date for a meeting of the Lot Owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the Owners of Lots to which a majority of the votes in the Association are allocated reject the budget, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the Lot Owners shall be continued until such time as the Lot Owners ratify a subsequent budget proposed by the Board of Directors.

10.3. Reserves for Capital Improvements, Replacements, Major Repairs & Insurance Deductibles.

10.3.1. Establishment of Reserves.

The Board of Directors shall establish and maintain reasonable reserves for capital improvements, replacements, major repairs of the Common Areas, along with the amount(s) of any deductible from insurance policies obtained by the Association pursuant to Article XI hereof, by providing for such reserves in the Annual Budget, segregating such reserves on the books of the Association. The portion of the Lots' Assessments paid into such reserves shall be conclusively deemed to be non-refundable contributions to the capital of the Association by the Lot Owners. Such reserves may be expended only for the purposes for which they were established [i.e., repair and replacement reserves may not be used to construct capital additions or capital improvements]. The Board may also establish and maintain reserve funds for such other purposes as may in its discretion appear advisable.

10.4. Assessments for Common Expenses.

10.4.1. Liability of Lots.

Except as provided in Sections 10.4.2 and 10.8 below, the total amount of the estimated funds required to pay the Common Expenses of the Association set forth in the Annual Budget adopted by the Board of Directors for the fiscal year shall be assessed against the Lots in proportion to their respective Allocated Interests for Common Expense liability described in Section 10.6 hereof.

10.4.2. No Assessment of Undeveloped Lots.

No Lot shall be subject to assessment liability until the Dwelling(s) on such Lot is substantially completed and sold to a purchaser other than the Declarant.

200703230074
Skagit County Auditor
3/23/2007 Page 28 of 48 11:16AM

UNOFFICIAL DOCUMENT

10.4.3. Timing of Payments / Authority for Installment Payments.

Unless otherwise determined by the Board of Directors, the annual Assessment against each Lot for its proportionate share of the Common Expenses shall be payable on or before February 1st of each year; the Association nevertheless shall have the authority to require that assessments be paid in 12 equal, monthly installments; each such installment shall be payable in advance on the first day of the month.

10.5. Assessments to Pay Judgment Against Association.

Assessments to pay a judgment against the Association may be made only against the Lots in the Community at the time the judgment was entered, in proportion to their Allocated Interests for Common Expense Liability at the time the judgment was entered.

10.6. Allocated Interests; Procedure on Reallocation.

10.6.1. Allocated Interests.

The Declarant has allocated to each Lot in the Community an equal obligation to pay the Common Expenses of the Association, which obligation is known as the Lot's Allocated Interest for Common Expense Liability. In the event that the Declarant exercises a Development Right to add additional Lots to the Community in future phases of development, the initial obligations shall be reallocated so that all Lots in the Community will always have equal obligations. Notwithstanding the foregoing, Lots may subject to differential assessments for Common Expenses under Section 10.8 hereof.

10.6.2. Reallocation.

If Common Expense liabilities are reallocated by virtue of an exercise of Development Rights, Common Expense Assessments or any installment thereof not yet due under the prevailing budget shall be recalculated by the Board in accordance with the reallocated Common Expense liabilities, and each Lot shall thereafter be liable for the revised Assessments due upon such recalculation.

10.7. Special Assessments.

The Board of Directors may levy a Special Assessment for the purpose of defraying the cost of any unexpected repair or other nonrecurring contingency, or to meet any other deficiencies in operations or reserves occurring from time to time. The Board of Directors shall give notice to the Lot Owners of any such Special Assessment by a statement in writing giving the amount and reasons therefor, along with a date for a Special Meeting of the Association to be held not less than 14 days following such notice, for approval of the Special Assessment. Subject to the provisions of Section 10.2 hereof, such Special Assessments shall become due and payable, unless otherwise specified in the notice, with the next monthly Assessment payment which is due more than thirty days after the delivery or mailing of such notice. All Lot Owners shall be obligated to pay the adjusted monthly amount or, if the Special Assessment is not payable in installments, the full amount of such Special Assessment, in proportion to their Allocated Interests for Common Expense Liability.

10.8. Limited Common Assessments.

200703230074
Skagit County Auditor
3/23/2007 Page 29 of 48 11:16AM

10.8.1 To the extent that any Common Expense is caused by the negligence or misconduct of any Lot Owner, the Association may, subject to the provisions of Section 7.10 of the Bylaws, levy a Limited Common Assessment for that expense against the Owner's Lot. In addition and without limitation, the liability of a Lot Owner to pay for expenses associated with any lawful costs, fees, charges or fines imposed or incurred by the Association associated with the Lot, along with any costs and/or attorney's fees recoverable under the Governing Documents, and interest on any delinquent account shall be deemed a Limited Common Assessment which, unless otherwise directed by the Board, shall be due and payable within thirty (30) days following their imposition.

10.8.2 Any portions of the Common Expenses which vary among the Lots based upon the size of the Dwelling constructed on the Lot, or the usage of special services or facilities, or other factors which justify differential assessment rates, shall be assessed differentially among the Lots.

10.8.3 Any other Common Expense or portion thereof which benefits fewer than all of the Lots shall be assessed exclusively against the Lots so benefitted.

10.9. Accounts; Commingling Prohibited.

Amounts collected by the Board of Directors as Assessments against the Lots for operating expenses or Reserves shall by kept in accounts in the name of the Association and shall not be commingled with funds of any other Association, nor with the funds of any Managing Agent or any other person responsible for the custody of such funds. Any reserve funds shall be kept in one or more insured, segregated accounts and any transaction affecting such funds, including the issuance of checks, shall require the signature of at least two persons who are Officers or Directors of the Association.

10.10. Surplus Funds.

Any surplus funds of the Association remaining after payment of or provision for Common Expenses and any prepayment of reserves shall, in the discretion of the Board of Directors, either be paid to the Lot Owners in proportion to their Allocated Interest for Common Expense Liability or credited to them to reduce their future Common Expense Assessment liability.

10.11. Liability of Lot Owners for Association Obligations.

The liability of any Lot Owner arising out of any contract made by the Board of Directors, or tort of the Association not fully covered by insurance, or arising out of the indemnification of the Board of Directors, shall be limited to that proportion of the total liability thereunder as the Allocated Interest of his or her Lot bears to the aggregate Allocated Interests of all Lots.

10.12. Owners Personally Liable for Common Expenses.

Each Assessment shall be the joint and several obligation of the Owner or Owners of the Lot to which the same are assessed as of the time the Assessment is due. Suit to recover a personal judgment for any delinquent Assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums. No Lot Owner may exempt himself or herself from liability with respect to the Common Expenses by waiver of the enjoyment of the right to use any of the Common Areas or by leasing, rental or abandonment of his or her Lot or otherwise. The failure or delay of the Board of Directors to adopt the Annual Budget for any year shall not constitute a waiver or release in any manner of

200703230074
Skagit County Auditor
3/23/2007 Page 30 of 48 11:16AM

a Lot Owner's obligation to pay his or her allocable share of the Common Expenses as herein provided, and in the absence of an Annual Budget or adjusted Annual Budget, each Lot Owner shall continue to pay (with or without notice) a monthly Assessment at the rate established for the preceding fiscal year until an Assessment is made under a current Annual Budget or adjusted Annual Budget and notice thereof has been sent to the Lot Owner.

10.13. Liability Following Conveyance of Lot.

A selling Lot Owner shall not be liable for the payment of any part of the Common Expenses assessed against his or her Lot subsequent to a sale, transfer or other conveyance by him of such Lot. The purchaser of a Lot shall be jointly and severally liable with the selling Lot Owner for all unpaid Assessments against the Lot up to the time of the conveyance without prejudice to the purchaser's right to recover from the selling Lot Owner the amounts paid by the purchaser therefore. Except as provided in Section 10.17 hereof, the holder of a mortgage or other purchaser of a Lot who obtains the right of possession of the Lot through foreclosure shall not be liable for Assessments that became due prior to such right of possession. Such unpaid Assessments shall be deemed to be Common Expenses collectible from all the Lot Owners, including such mortgagee or other purchaser of the Lot. Foreclosure of a mortgage does not relieve the prior Owner of personal liability for Assessments accruing against the Lot prior to the date of such sale as provided above.

10.14. Statement of Unpaid Assessments.

The Association, upon written request, shall furnish to a Lot Owner or a mortgagee a statement signed by an officer or authorized agent of the Association setting forth the amount of unpaid Assessments against that Lot. The statement shall be furnished within fifteen days after receipt of the request and is binding on the Association, the Board of Directors, and every Lot Owner, unless and to the extent known by the recipient to be false.

10.15. Lien for Assessments.

The Association shall have a lien on each Lot for any unpaid Assessments levied against a Lot from the time the Assessment is due. If an Assessment is payable in installments, the Association has a lien for the full amount of the Assessment from the time the first installment thereof is due.

10.16. Perfection of Lien.

Recording of this Declaration of Covenants constitutes record notice and perfection of the lien for Assessments. While no further recording of any claim of lien for Assessments shall be required to perfect the Association's lien, the Association may record a notice of claim of lien for Assessments under this Section in the real property records of the county in which the Community is located.

10.17. Priority of Lien.

10.17.1. A lien under this Section shall be prior to all other liens and encumbrances on a Lot except: (a) Liens and encumbrances recorded before the recording of the Declaration of Covenants; (b) a mortgage on the Lot recorded before the date on which the Assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the Lot.

UNOFFICIAL DOCUMENT
200703230074
Skagit County Auditor
3/23/2007 Page 31 of 48 11:16AM

10.17.2. The Association's lien shall also be prior to the mortgages described in subpart (b) of Section 10.17.1 hereof, to the extent of Assessments for Common Expenses, excluding any amounts for capital improvements, based on the annual Budget adopted by the Association which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the Association or a mortgagee, the date of a trustee' sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

10.18. Enforcement of Lien.

The lien arising under this Section shall be enforced judicially by the Association or its authorized representative in the manner set forth in Chapter 61.12 RCW. The Association or its authorized representative shall have the power, subject to the provisions of Section 8.3.4 hereof, to purchase the Lot at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. The Association may elect to take a deed in lieu of foreclosure in any such proceeding.

10.19. Limitation of Lien Enforcement.

A lien for unpaid Assessments and the personal liability for payment thereof is extinguished unless proceedings to enforce the lien are instituted within six years after the amount of the Assessments sought to be recovered becomes due.

10.20. Rent Subject to Lien for Assessments.

10.20.1. Rent Payable to Association Upon Default of Owner.

If a Lot is rented or leased by its Owner, the Association may collect and the tenant shall pay over to the Association so much of the rent for such Lot as is required to pay any delinquency in assessments that has existed for greater than 30 days, plus interest, attorneys' fees and other costs of collection. The tenant shall not have the right to question payment to the Association, and such payment shall discharge both the tenant's duty to pay rent to the Lot Owner and the Lot Owner's obligation to pay assessments, *pro tanto.* The Association shall not resort to this remedy where a receiver has been appointed and is collecting such rents under Section 10.20.2 hereof.

10.20.2. Association Entitled to Appointment of Receiver.

From the time of commencement of an action by the Association to foreclose a lien for nonpayment of delinquent Assessments against a Lot that is not occupied by the Owner thereof, the Association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the Lot as and when due. If the rental is not paid, the receiver may obtain possession of the Lot, refurbish it for rental up to a reasonable standard for rental dwelling units in this type of project, rent the Lot or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the Lot, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent Assessments. Only a receiver may take possession under this Subsection, and a receiver shall not be appointed less than ninety days after the delinquency. The exercise by the Association of the foregoing rights shall not affect the priority of

200703230074
Skagit County Auditor
3/23/2007 Page 32 of 48 11:16AM

UNOFFICIAL DOCUMENT

preexisting liens on the Lot.

10.21. Remedies Cumulative.

The remedies provided are cumulative and the Board may pursue them concurrently, along with any other remedies which may be available under the law although not expressed herein.

ARTICLE XI

INSURANCE, DESTRUCTION AND RESTORATION

11.1. Authority, Name of Insured.

The Board of Directors should obtain and maintain casualty and liability insurance under such terms and for such amounts as shall be deemed necessary by the Board of Directors, but unless not reasonably available. The name of the insured under each required policy shall be stated as follows: "Big Fir Community Association".

11.2. Insurance Policies and Coverage.

11.2.1 Basic Coverage.

The insurable common improvements in this Community shall be insured against casualty or physical damage in an amount equal to the maximum insurable replacement value thereof (i.e., 100% of replacement costs based upon the value of replacing all such insurable improvements in the Community exclusive of land, excavations and foundations, utilizing contemporary building materials and technology. Level(s) of coverage shall be determined annually by the Board of Directors with assistance of the agent of the insurance company affording such coverage. Such coverage shall afford protection against:

(a) loss or damage by fire, vandalism, malicious mischief, windstorm, and other hazards covered by the standard "broad form" and/or "special" extended coverage endorsements or their equivalent, and such other perils customarily covered by insurance for similar projects. The policy shall also cover other Common property including fixtures, building service equipment and common personal property and supplies owned by the Association or included in the Common Areas.

(b) liability for death, personal injury and property damage arising from the use, ownership or maintenance of any of the Common Areas. The insurance should also cover any commercial spaces that are owned by the Association, even if they are leased to others. Coverage should be afforded under a commercial general liability policy for the entire project, including all areas under the supervision of the Association. Limits of liability shall in no event be less than $1,000,000 with respect to any single occurrence; and

(c) medical payments coverage, in such amounts as are customarily provided in such policies.

11.2.2 Directors' and Officers' Insurance.

200703230074
Skagit County Auditor
3/23/2007 Page 33 of 48 11:16AM

UNOFFICIAL DOCUMENT

If reasonably available, the Board shall acquire Directors' and Officers' errors and omissions insurance to satisfy the Association's indemnification responsibilities under the Bylaws of the Community.

11.2.3 Fidelity Insurance.

The Association should also obtain blanket fidelity insurance for any person who either handles (or is responsible for) funds that he or she holds or administers, whether or not that individual receives compensation for services; such a policy should name the Association as the insured and include a provision that calls for ten days' written notice to the Association before the policy can be canceled or substantially modified for any reason. The policy should cover the maximum funds that will be in the custody of the Association or its Manager at any time while the policy is in force. A Manager that handles funds for the Association may be covered by the Association's policy, but otherwise shall be covered by its own fidelity insurance policy, which must provide the same coverage required of the Association.

11.2.4 Additional Insurance.

The Board shall also acquire such additional insurance coverage as it may deem advisable and appropriate, including Workmen's Compensation insurance, where necessary to meet the requirements of law. Further, and notwithstanding any other provisions herein, the Association shall continuously maintain in effect such casualty, flood and liability insurance and fidelity insurance meeting the insurance and fidelity bond requirements, if any, for similar projects established by Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Veteran's Administration, or other governmental or quasi-governmental agencies involved in the secondary mortgage market, so long as any such agency is an Eligible Mortgagee or Owner of a Lot within the Community, if such additional coverage is reasonably available.

11.3. Deductible.

Except as otherwise provided herein, the deductible under any policy of insurance purchased by the Board of Directors shall not exceed the lesser of $10,000 or 1% of the face amount of the policy. Except as provided herein, the amount of the deductible shall be paid by the Association as a Common Expense. Funds to cover the amount of the deductible shall be included in the Association's reserve accounts. The deductible should be established at a level that is sufficiently high to eliminate minor "nuisance" claims which could cause cancellation of the Association's policy.

11.4. Unavailability, Cancellation or Nonrenewal.

If the insurance described in Section 11.2 hereof is not reasonably available, or is modified, canceled or not renewed, the Association promptly shall cause notice of that fact to be hand-delivered or sent prepaid by first class United States mail to all Lot Owners, and to each Eligible Mortgagee, at their respective last known addresses.

11.5. Owners' Individual Policies Required.

Each Owner should obtain, at such Owner's expense, a policy or policies of insurance providing coverage against personal liability and against casualty or physical damage to the Dwelling and other insurable improvements on the Lot in an amount equal to the maximum insurable replacement value thereof (i.e., 100% of replacement costs based upon the value of replacing all such improvements exclusive of land,

200703230074
Skagit County Auditor
3/23/2007 Page 34 of 48 11:16AM

UNOFFICIAL DOCUMENT

excavations and foundations, utilizing contemporary building materials and technology.

11.6. Reconstruction Following Casualty Loss.

11.6.1. Duty to Reconstruct.

Any portion of the Common Amenities for which insurance is required under this Section, and for which the Board of Directors has Upkeep responsibility, which is damaged or destroyed shall be repaired or replaced promptly by the Association unless (a) repair or replacement would be illegal under any state or local health or safety statute or ordinance; or (b) eighty percent (80%) of the Lot Owners vote not to rebuild. The cost of repair or replacement in excess of insurance proceeds and reserves shall be a Common Expense.

11.6.2. Payment of and Procedure for Reconstruction.

The proceeds of insurance collected on account of casualty, and funds received by the Board of Directors from collections of Assessments against Owners on account of such casualty, shall constitute a construction fund which shall be disbursed in payment of the costs of reconstruction and repair. If the amount of the estimated costs of reconstruction and repair is $50,000 or less, (as estimated by the Board of Directors) then the construction fund shall be disbursed in payment of such costs upon order of the Board of Directors. If the estimated costs of reconstruction and repair of the buildings or other improvement is more than $50,000, then costs and expenses so incurred from the construction fund shall be disbursed from time to time as the work progresses upon approval by an engineer or architect (hereinafter referred to as the "Reconstruction Supervisor") licensed to practice in the State of Washington and employed by the Board of Directors to supervise such work.

11.7. Assessments if Insurance is Inadequate.

Immediately after a casualty causing damage to property for which the Board of Directors has the responsibility of maintenance and repair, the Board shall obtain reliable and detailed estimates of the cost to replace the damaged property in as good a condition as it was before the casualty. Such costs may include professional fees and premiums for such bonds as the Board desires or as may be required. If the proceeds of insurance, coupled with any available reserve funds are not sufficient to defray such estimated costs, the Board shall present to the Owners a Budget containing a Special Assessment to be made against all the Units as provided in Section 10.7 hereof, in sufficient amounts to provide funds to pay the shortfall. If at any time during reconstruction and repair, or upon completion of reconstruction or repair, the funds for payment of the costs thereof are insufficient, the Board shall present a new Budget to the Owners containing a further Special Assessment sufficient to provide funds for the payment of such costs.

ARTICLE XII

CONDEMNATION

12.1. Condemnation of Common Areas.

If parts of the Common Areas are acquired by condemnation, the portion of the award attributable to the Common Areas taken shall be paid to the Owners based on their respective Allocated Interests in the

200703230074
Skagit County Auditor
3/23/2007 Page 35 of 48 11:16AM

UNOFFICIAL DOCUMENT

Common Areas unless the Association at a special meeting called for such purpose, decides otherwise.

12.2. Condemnation of Limited Common Areas.

Any portion of an award attributable to the acquisition of a Limited Common Area must be equally divided among the Owners of the Lots to which that Limited Common Area was allocated at the time of acquisition.

12.3. Association Necessary Party to Proceeding.

The Association, through its Board of Directors, shall be a necessary party to any condemnation proceedings and shall, to the extent feasible, act as a fiduciary on behalf of and in the best interests of any and all Lot Owners affected by such proceedings. Should the Association not act on the Owners' behalf in a condemnation proceeding, the affected Owners may individually or jointly act on their own behalf.

12.4. Reconstruction and Repair.

Any reconstruction and repair necessitated by condemnation shall be governed by the procedures specified in Article XI hereof, provided that the Board may retain and apply such portion of each Owner's share of the Condemnation Award as is necessary to discharge said Owner's liability for any special Assessment arising from the operation of said Article XI.

12.5. Notice to Mortgagees.

The Board of Directors shall promptly give written notice to all Eligible Mortgagees of the pendency of any condemnation proceedings affecting any portion of the Community.

12.6. Payment of Award.

When a Lot Owner becomes entitled to receipt of a condemnation award, or of any portion of such an award, or of any payment in lieu of such an award, then any such payment shall be made payable jointly to such Lot Owner and to the holders of any Mortgages encumbering such Owner's Lot, as their interests may appear.

ARTICLE XIII

COMPLIANCE WITH LAW AND COVENANTS

13.1. Compliance by Owners and Occupants.

Each Owner and occupant of a Lot shall comply strictly with the provisions of the Ordinance, this Declaration of Covenants, the Bylaws and any Rules and Regulations properly adopted by the Board of Directors, as the same may be lawfully amended from time to time.

13.2. Enforcement by Association.

13.2.1. Authority of the Board.

200703230074
Skagit County Auditor
3/23/2007 Page 36 of 48 11:16AM

The Board of Directors shall have primary responsibility for maintaining and enforcing compliance with the covenants, conditions and restrictions contained in this Declaration of Covenants, the Bylaws, and any Rules and Regulations adopted by the Board of Directors. Without limiting the authority and powers conferred upon the Board, the Board shall have the following power and authority:

13.2.2. Abatement of Violations.

The violation of any of the Rules and Regulations adopted by the Board of Directors, the breach of any provision of the Governing Documents or the Ordinance shall give the Board of Directors the right, in addition to any other rights set forth in the Bylaws, to enter the Lot or any Limited Common Area in which, or as to which, such violation or breach exists and to summarily abate and remove, at the expense of the defaulting Lot Owner, any thing or condition that constitutes such a violation, and the Board of Directors shall not thereby be deemed guilty in any manner of trespass. PROVIDED, that this remedy is subject to the provisions of Section 8.4 hereof, and the remedy shall not be utilized when a breach of the peace is likely to occur or if any items of construction within the Lot or any of the Common Areas will be altered or demolished.

13.2.3. Legal Proceedings.

Failure to comply with any of the terms of the Governing Documents shall be grounds for legal relief, including without limitation, actions to recover any sums due for money damages, injunctive relief, foreclosure of the lien for payment of Assessments, any other relief provided for in the Bylaws or any combination thereof and any other relief afforded by a court of competent jurisdiction, all of which relief may be sought by the Association, the Board of Directors, the Managing Agent or, if appropriate, by any aggrieved Lot Owner, and shall not constitute an election of remedies.

13.2.4. Costs and Attorney's Fees.

The Association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent Assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the Association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal, or in the enforcement of a judgment. In any other proceeding arising out of an alleged default by a Lot Owner, the prevailing party shall be entitled to recover the costs of the proceeding, and such reasonable attorney's fees as may be determined by the court. In the event that the prevailing party is the Association, the costs and attorney's fees so awarded shall constitute a Limited Common Assessment against the Owner's Lot.

13.2.5. Late Charges and Interest.

The Board may impose and collect reasonable late charges to encourage prompt payment of Assessments. Until changed by resolution of the Board with advice of counsel, the Board may collect a late charge: (a) when any Assessment or installment thereof is received by the Association more than ten (10) days beyond the due date of such Assessment or installment; (b) in an amount not to exceed the greater of $25.00 or ten percent (10%) of the amount of said Assessment or installment. Delinquent Assessments shall bear interest from the date of delinquency at the rate of 12% per annum, or the maximum rate permitted under RCW 19.52.020 on the date on which the Assessments became delinquent.

13.2.6. Fines.

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 37 of 48 11:16AM

The Board may impose and collect reasonable fines against Lot Owners for violations of the Ordinance or the Governing Documents. PROVIDED, however, that no fine may be levied unless (1) the Board has by resolution established a schedule of fines which has been furnished to all Lot Owners prior to the alleged violation, and (2) the allegedly offending Owner has been provided with notice of and an opportunity to be heard at a hearing to be conducted pursuant to provisions of the Bylaws. Until changed by resolution of the Board with advice of counsel, the amount of any fine so assessed shall not exceed one hundred dollars for a single offense or twenty dollars per diem for any offense of a continuing nature, and shall constitute a Limited Common Assessment against such Lot Owner's Lot.

13.2.7. Liability for Conduct Causing Common Expense.

Each Lot Owner shall be liable for the cost of all maintenance, repair or replacement rendered necessary by his or her or her act, neglect or carelessness, or the act, neglect or carelessness of any member of his or her or her family or his or her or her employees, agents, tenants or licensees, but only to the extent that such cost is not covered by the proceeds of insurance carried by the Board of Directors. Such liability shall include any increase in fire insurance rates occasioned by use, misuse, occupancy or abandonment of any Lot or its appurtenances. To the extent that any Common Expense is caused by the negligence or misconduct of any Lot Owner, the Association may specially assess that expense against the Owner's Lot under Section 10.8 hereof, PROVIDED that no such Limited Common Assessment may be levied unless the allegedly offending Owner has been provided with notice of and an opportunity to be heard at a hearing to be conducted pursuant to Section 7.10 of the Bylaws.

13.2.8. No Waiver of Rights.

The failure of the Lot Owners Association, the Board of Directors or of a Lot Owner to enforce any right, provision, covenant or condition which may be granted by the Governing Documents or the Ordinance, shall not constitute a waiver of the right of the Association, the Board or the Lot Owner to enforce such right, provision, covenant or condition in the future.

13.2.9. Remedies Cumulative.

All rights, remedies and privileges granted to the Lot Owners Association, the Board of Directors or any Lot Owner pursuant to any term, provision, covenant or condition of the Governing Documents or the Ordinance shall be deemed to be cumulative and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other rights, remedies or privileges as may be granted to such party by the Governing Documents or the Ordinance or at law or in equity.

13.2.10. Alternative Forms of Dispute Resolution Authorized.

In addition to the rights, remedies and procedures described above, the Association may, with the consent of an affected Lot Owner and/or any other interested party, agree to resolve any dispute through mediation, binding or non-binding arbitration, or such other alternative dispute resolution mechanism as may be deemed appropriate, at the discretion of the Board.

13.3. Tenants Subject to Rights and Responsibilities of Owners.

Any tenant of an Owner shall be deemed to be bound by all portions of the Governing Documents

200703230074
Skagit County Auditor
3/23/2007 Page 38 of 48 11:16AM

that are binding upon the Owner, other than the payment of Common Expense Assessments. All rights, remedies and procedures available to the Association when dealing with Owners under the Governing Documents shall be available to the Association when dealing with any tenant of an Owner. In addition, the Association shall have the right (but not the obligation) to terminate the lease of a tenant who, following a proceeding under Section 7.10 of the Bylaws, has been found to have violated the Governing Documents; the Association shall be deemed a "real party in interest" in any legal proceeding brought to enforce this right. The Association shall not resort to this remedy unless the Owner of the Lot occupied by such tenant has failed and refused to take steps designed to cure the tenant's violation(s) within sixty (60) days following notice from the Association to the Owner of the necessity for such curative action.

ARTICLE XIV

LIMITATION OF LIABILITY

14.1. No Liability for Utility Failure, Etc.

Except to the extent covered by insurance obtained by the Board pursuant to Article XI, neither the Association nor the Board nor the Declarant shall be liable for any failure of any utility or other service obtained by the Board; or for injury or damage to person or property caused by the elements, or resulting from electricity, water, rain, dust or sand which may lead or flow from any of its pipes, drains, conduits, appliances, or equipment, or from any other place, or for inconvenience or discomfort resulting from any action taken to comply with any law, ordinance or orders of a governmental authority. No diminution or abatement of liability for Common Expense Assessments shall be claimed or allowed for any such utility or service failure, or for such injury or damage, or for such inconvenience or discomfort.

14.2. Liability of Officers and Directors, Indemnification.

The Directors and Officers shall exercise ordinary and reasonable care in discharging their responsibilities and shall not be liable to the Association or to the Lot Owners for mistakes of judgment or for negligence not amounting to gross negligence, willful misconduct or bad faith. The Lot Owners shall indemnify and hold harmless each of the Directors and Officers from and against all contractual liability to others arising out of contracts made by the Board of Directors or Officers on behalf of the Association or the Lot Owners unless such contract was made in bad faith or contrary to the provisions of the Governing Documents. The Directors and Officers shall not be personally liable for contracts made by them on behalf of the Association. The Association shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding by reason of the fact that (s)he is or was a Director or Officer of the Association, against amounts paid in settlement incurred by him in connection with such action, suit or proceeding if (s)he acted in good faith and in a manner (s)he reasonably believed to be in, or not opposed to, the best interests of the Community or the Association, to the fullest extent authorized by RCW 23B.08.510, 520, 530, and 570, and any amendments thereto, whether or not the Association is incorporated under RCW 23B.

14.3. No Bailment.

Neither the Board of Directors, the Association, any Owner nor the Declarant shall be considered a bailee of any personal property stored or placed on the Common Areas (including property located in vehicles parked on the Common Areas), whether or not exclusive possession of the particular area is given

200703230074
Skagit County Auditor
3/23/2007 Page 39 of 48 11:16AM

UNOFFICIAL DOCUMENT

to an Owner for parking or otherwise, nor shall they be responsible for the security of such personal property or for any loss or damage thereto, whether or not due to negligence, except to the extent covered by insurance in excess of any applicable deductible.

ARTICLE XV

MORTGAGEE PROTECTION

This Article establishes certain standards and covenants which are for the benefit of the holders, insurers and guarantors of certain mortgages. This Article is supplemental to, and not in substitution for, any other provisions of the Governing Documents, but in the case of conflict, this Article shall control.

15.1. Percentage of Eligible Mortgagees.

Wherever in this Declaration of Covenants the approval or consent of a specified percentage of Mortgagees is required, it shall mean the approval or consent in writing of Eligible Mortgagees holding first lien mortgages on Lots, and the percentage shall be based upon the votes attributable to Lots with respect to which Eligible Mortgagees have an interest.

15.2. Notice of Actions.

The Association shall give prompt written notice to each Eligible Mortgagee and Eligible Insurer of, and each Lot Owner hereby consents to, and authorizes the giving of notice of:

(a) Any condemnation loss or any casualty loss which affects a material portion of the Community or any Lot in which there is a first mortgage held, insured, or guaranteed by such Eligible Mortgagee or Eligible Insurer, as applicable;

(b) Any delinquency in the payment of Common Expense Assessments owed by a Lot Owner whose Lot is subject to a first mortgage held, insured, or guaranteed, by such Eligible Mortgagee or Eligible Insurer, as applicable, which remains uncured for a period of sixty (60) days;

(c) Any lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association.

15.3. Inspection of Books.

The Association shall maintain current copies of the Declaration of Covenants, Bylaws, Articles of Incorporation, Rules and Regulations, books and records and financial statements. The Association shall permit any Eligible Mortgagee, Eligible Insurer or other first mortgagee of a Lot, or the authorized agent of any of the foregoing, to inspect the books and records of the Association during normal business hours.

15.4. Financial Statements.

The Association shall provide any Mortgagee or Eligible Insurer who submits a written request, a copy of its annual financial statement within one hundred twenty (120) days following the end of each fiscal year of the Association. Such financial statement shall be audited by an independent certified public

200703230074
Skagit County Auditor
3/23/2007 Page 40 of 48 11:16AM

accountant if:

(a) The Community's budget for annual assessments is fifty thousand dollars or more, in which case the cost of the audit shall be a Common Expense; or

(b) The Community 's budget for annual assessments is less than fifty thousand dollars and any Eligible Mortgagee or Eligible Insurer requests it, in which case the Eligible Mortgagee or Eligible Insurer shall bear the cost of the audit.

15.5. Enforcement.

The provisions of this Article are for the benefit of Eligible Mortgagees and Eligible Insurers and their successors, and may be enforced by any of them by any available means, at law, or in equity.

15.6. Attendance at Meetings.

Any representative of an Eligible Mortgagee or Eligible Insurer may attend and address any meeting which a Lot Owner may attend.

15.7. Limitations on Mortgagees' Rights.

No requirement for approval contained in this Article may operate to (1) deny or delegate control over the general administrative affairs of the Association by the Lot Owners or the Board of Directors, or (2) prevent the Association or the Board of Directors from commencing, intervening in, or settling any litigation or proceeding, or receiving and distributing any insurance proceeds except as provided in this Declaration of Covenants.

ARTICLE XVI

EASEMENTS AND SPECIAL DECLARANT RIGHTS

16.1. Easements for Lots and Lot Owners.

Each Lot has an easement in and through each other Lot and the Common Areas for utilities and for lateral and/or subjacent support, and each Lot Owner in Good Standing has a perpetual right of ingress to and egress from his or her Lot over any sidewalks or roadways included in the Common Areas.

16.2. Easement for Association Functions.

There is hereby reserved to the Association, or its duly authorized agents and representatives, such easements as are necessary to perform the duties and obligations of the Association as are set forth in the Declaration of Covenants, the Bylaws, or the Rules and Regulations. See Section 8.4 hereof.

16.3. Easement for Emergency Access and other Municipal Functions.

A non-exclusive perpetual easement is hereby granted on, over, under and across the Common Areas to all police, fire, ambulance and other rescue personnel for the lawful performance of their functions during

200703230074
Skagit County Auditor
3/23/2007 Page 41 of 48 11:16AM

UNOFFICIAL DOCUMENT

UNOFFICIAL DOCUMENT

emergencies.

16.4. Easements for Declarant.

The Declarant reserves an easement through the Property as may be reasonably necessary for the purpose of discharging the Declarant's obligations or for exercising Special Declarant Rights. Without limiting the generality of the foregoing, such easements include the following:

16.4.1. General Reservation.

Declarant reserves non-exclusive easements for ingress, egress and utilities over and across all Common Areas within the initial Phase(s) of development, all portions of the Property subject to Development Rights and across all Common Areas included within any subsequently completed Phase of the Community

16.4.2. Specific Rights.

The easements reserved under this Section shall entitle the Declarant, for the development of real property constituting each successive phase of the Community, to tie into water, sewer, storm sewer, irrigation, electrical, gas, telephone or other utility conduits or lines of all varieties, and to travel over and connect with roadways, driveways, walkways, open areas or utility systems developed and employed in any completed phases of the Community. The Declarant also reserves the right to grant easements to public or private utility companies and to convey to such companies utility lines, pipes, wires, ducts, channels, conduits and/or other facilities in furtherance of such grants. The Declarant further reserves the rights to create or relocate utility lines, pipes, wires, ducts, channels, conduits and/or other facilities at any location within the Property.

16.4.3. Liability for Costs.

Declarant shall bear the costs of construction and tie-ins to such utilities and roads and shall not connect with such utilities in a manner that impairs or significantly reduces the quality of the utility service to any completed phase of the Community; provided, that if said tie-ins cause an increase in the cost of delivering affected utility services to any completed phase of the Community, that cost shall be borne by the Declarant.

16.5. Easements Shown on Platting Documents.

Any easement shown on the Platting Documents which benefits one or more Lots in the Community, or any easement described on the attached Exhibit A which benefits any real property not included within the Community, confer various rights and benefits upon the owner(s) of such real property, and may also impose obligations upon the Association.

16.6. Special Declarant Rights.

16.6.1. General Reservation.

The Declarant has reserved the following Special Declarant Rights for the purpose of furthering and completing the development of the Community: To complete any improvements indicated

200703230074
Skagit County Auditor
3/23/2007 Page 42 of 48 11:16AM

on the Platting Documents filed with the Declaration of Covenants; to exercise any Development Right under Section 3.3.1 hereof; to maintain sales offices, management offices, signs advertising the Community, and models on the Property, all in such location or locations as the Declarant may unilaterally determine; to use easements through the Common Areas for the purpose of making improvements within the Community; and to control the Association during the Declarant Control Period, as described in Section 16.6.2 below. Special Declarant Rights other than those specified in Section 16.6.2 shall persist until the last Lot in the Community is conveyed by the Declarant to a party other than an Affiliate of the Declarant, or until a date which is seven (7) years following the recordation of this Declaration of Covenants, whichever first occurs.

16.6.2. Declarant Control Period.

The Declarant has reserved the rights to designate a majority of the members of the Board of Directors of the Association, and to appoint or remove any officer of the Association or any member of its Board of Directors or of any Committee, or to veto or disapprove a proposed action of the Association, its Board of Directors or any Committee, for a period of time known as the "Declarant Control Period," The Declarant shall be deemed to hold a proxy from all Lot Owners during the Declarant Control Period for all such purposes. The Declarant Control Period shall not to exceed five (5) years following the recordation of this Declaration of Covenants, subject to the following limitations:

(a) Not later than sixty days after conveyance of fifty percent (50%) of the Lots which may be created to Owners other than the Declarant, at least one member of the Board of Directors must be elected by Owners other than the Declarant.

(b) The Declarant Control Period shall terminate sixty days after conveyance of seventy-five percent of the Lots which may be created in the Community to Owners other than the Declarant or its Affiliate(s).

16.6.3. Legal Status of Special Declarant Rights.

Each Special Declarant Right reserved by Declarant in this Declaration of Covenants has been, is and shall remain an equitable servitude burdening all lands subject thereto and running with such lands. Each Special Declarant Right shall exist for the benefit of the Declarant and/or its Affiliate(s) and/or any Successor Declarant. Declarant has and shall retain, with respect to each Special Declarant Right, a power coupled with Declarant's interest in said lands. The Special Declarant Rights reserved in this Declaration of Covenants include the right, but not the obligation, to create future interests or future estates in real property, and to own, convey, mortgage, lease and/or otherwise use and deal with such real property and such future interests or future estates free and clear of any interest of other Lot Owners or the Association, except as may be otherwise specifically provided herein.

ARTICLE XVII

AMENDMENT OF DECLARATION, PLATTING DOCUMENTS

17.1. Procedure for Amendment of Declaration of Covenants.

Amendments to the Declaration of Covenants shall be made by an instrument in writing entitled "Amendment to Declaration of Covenants" which sets forth the entire amendment. Except as otherwise

200703230074
Skagit County Auditor
3/23/2007 Page 43 of 48 11:16AM

specifically provided for in this Declaration of Covenants, any proposed amendment must be approved by a majority of the Board prior to its adoption by the Owners. Except in cases of amendments that may be adopted by the Declarant unilaterally pursuant to Section 17.5 hereof, amendments may be adopted only at a meeting of the Owners if at least sixty percent (60%) of the votes in the Association are cast for such amendment, or without any meeting if all Owners have been duly notified and Owners holding at least sixty percent (60%) of the votes in the Association consent in writing to such amendment. In all cases, the amendment when adopted shall bear the acknowledged signature of the President of the Association.

17.2. Recordation Required.

Every amendment to the Declaration of Covenants must be recorded with the County Auditor and is effective only upon recording. An amendment shall be indexed in the name of the Community and shall contain a cross-reference by recording number to the Declaration of Covenants and each previously recorded amendment thereto.

17.3. Special Restrictions.

No amendment may restrict, eliminate, or otherwise modify any Special Declarant Right provided in the Declaration of Covenants without the consent of the Declarant and any mortgagee of record with a security interest in the Special Declarant Right or in any real property subject thereto, excluding mortgagees of Lots owned by persons other than the Declarant.

17.4. Amendment of Platting Documents.

The Platting Documents may be also amended. Copies of any such proposed amendment to the Platting Documents shall be made available for examination by every Owner. Such amendment to the Platting Documents shall also be effective, once properly adopted, upon recordation in the appropriate county offices, along with any amendment to the Declaration of Covenants which accompanies it. In all cases, the amendment when adopted shall bear the acknowledged signature of the President of the Association.

17.5. Amendments by Declarant.

The Declarant may unilaterally adopt and file amendments to the Declaration of Covenants and to the Platting Documents for so long as the Declarant is the Owner of any Lot in the Community or until the expiration of the time limit for the exercise of any Development Rights reserved by the Declarant, in order to:

(a) conform them to the actual location of any of the constructed improvements and to establish, vacate and relocate utility easements and/or access road easements;

(b) exercise any Development Right reserved by the Declarant under Section 3.3 of this Declaration of Covenants;

(c) correct any nonmaterial technical errors contained in the Governing Documents or clarify or expand upon provisions of same.

(d) conform them to requirements of the City of Mount Vernon, *bona fide* title insurance companies, secondary mortgage market entities or loan guarantors.

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 44 of 48 11:16AM

UNOFFICIAL DOCUMENT

ARTICLE XVIII

MISCELLANEOUS

18.1. Notices for All Purposes, Delivery.

18.1.1 Except as otherwise provided by law, any notice permitted or required to be delivered under the provisions of the Declaration of Covenants or the Bylaws may be delivered either personally or by mail, addressed to the person entitled to such notice at the most recent address given by such person to the Board in writing, or to the most recent address known to the Board. Notice to the Owner of any Lot shall be sufficient if mailed to his or her Lot if no other mailing address has been given to the Board. Mailing addresses may be changed from time to time by notice in writing to the Board. Notice to be given to the Association may be given to Declarant until the initial Board has been constituted and thereafter shall be given to the President or Secretary of the Association, or to its Registered Agent.

18.1.2 New Lot Owners must supply their names, addresses and telephone numbers to the Secretary of the Association promptly after conveyance.

18.2. Severability.

The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provision hereof, if the remainder complies with the Ordinance and furthers the common plan of this Community

18.3. No Right of First Refusal.

There is no right of first refusal in the Association limiting or restricting the right of any Lot Owner to sell, transfer or convey his or her Lot.

18.4. Effective Date.

This Declaration of Covenants shall take effect upon recording.

DATED this 21 day of February, 2007.

DECLARANT: BIG FIR NORTH, INC., a Washington Corporation

By: _____
Brian Gentry, its President

200703230074
Skagit County Auditor
3/23/2007 Page 45 of 48 11:16AM

UNOFFICIAL DOCUMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I hereby certify that I know or have satisfactory evidence that BRIAN GENTRY 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 President of the Declarant DECLARANT: BIG FIR NORTH, INC., a Washington Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: February 21, 200~~6~~7.

Janelle M. Pool
NOTARY PUBLIC for the State of Washington. My Commission expires 02/28/07

JANELLE M. POOL
COMMISSION EXPIRES
NOTARY
PUBLIC
2-28-07
STATE OF WASHINGTON

200703230074
Skagit County Auditor
3/23/2007 Page 46 of 48 11:16AM

UNOFFICIAL DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO DEVELOPMENT RIGHTS

THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1.BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;

THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, NORTH 00°44'42" EAST, A DISTANCE OF 30.02 FEET TO THE INTERSECTION WITH THE NORTHERLY MARGIN OF BLACKBURN ROAD;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°44'42" EAST, A DISTANCE OF 265.00 FEET TO THE APPROXIMATE PATH OF MADDOX CREEK;

THENCE LEAVING SAID WEST LINE, ALONG SAID APPROXIMATE PATH, NORTH 39°33'18" EAST, A DISTANCE OF 114.07 FEET;

THENCE NORTH 13°48'14" EAST, A DISTANCE OF 128.00 FEET;

THENCE NORTH 63°37'49" EAST, A DISTANCE OF 89.58 FEET;

THENCE NORTH 74°21'57" EAST, A DISTANCE OF 187.31 FEET;

THENCE NORTH 44°14'59" EAST, A DISTANCE OF 243.07 FEET;

THENCE NORTH 24°33'37" EAST, A DISTANCE OF 86.21 FEET;

THENCE SOUTH 70°46'18" EAST, A DISTANCE OF 104.34 FEET;

THENCE NORTH 60°00'44" EAST, A DISTANCE OF 218.56 FEET TO THE MOST WESTERLY LINE OF THE PROPERTY DESCRIBED IN THE QUIT CLAIM DEED, RECORDED UNDER AUDITOR'S FILE NUMBER 200310100182, RECORDS OF SKAGIT COUNTY, STATE OF WASHINGTON;

THENCE LEAVING SAID MADDOX CREEK, ALONG THE LAST DESCRIBED WESTERLY LINE, SOUTH 00°48'34" WEST, A DISTANCE OF 605.83 FEET TO A POINT ON THE NORTH LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 573266, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON;

THENCE ALONG SAID NORTH LINE OF LAST SAID PROPERTY, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, SOUTH 88°43'08" WEST, A DISTANCE OF 332.30 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN THE STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200206260073, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON;

THENCE ALONG THE EAST LINE OF LAST DESCRIBED PROPERTY, SOUTH 01°16'52" WEST,

200703230074
Skagit County Auditor
3/23/2007 Page 47 of 48 11:16AM

A DISTANCE OF 300.00 FEET TO THE INTERSECTION WITH SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28;

THENCE ALONG SAID SOUTH LINE, SOUTH 88°43'08" WEST, A DISTANCE OF 200.07 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTHERLY, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE PROPERTY DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 9511150086, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON, NORTH 00°46'38" EAST, A DISTANCE OF 30.02 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN LAST SAID STATUTORY WARRANTY DEED AND THE NORTHERLY MARGIN OF BLACKBURN ROAD;

THENCE ALONG SAID NORTH MARGIN, SOUTH 88°43'08" WEST, A DISTANCE OF 326.95 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL PUBLIC ROAD RIGHTS-OF-WAY LOCATED WITHIN SAID BOUNDARY.

UNOFFICIAL DOCUMENT

200703230074
Skagit County Auditor
3/23/2007 Page 48 of 48 11:16AM

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY
PLAT OF BIG FIR NORTH P.U.D., PHASE 1
TITLE SHEET
"AS-BUILT"

LEGAL DESCRIPTION:

BIG FIR NORTH – GROSS BOUNDARY

THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, NORTH 00°44'42" EAST, A DISTANCE OF 295.02 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°44'42" EAST, A DISTANCE OF 1,032.97 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION, NORTH 89°21'16" EAST, A DISTANCE OF 655.13 FEET TO NORTHWEST CORNER OF THE EAST 1/2 OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28;
THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89°21'16" EAST, A DISTANCE OF 194.40 FEET;
THENCE LEAVING SAID NORTH LINE, PARALLEL WITH THE WEST LINE OF SAID EAST 1/2, SOUTH 00°48'34" WEST, A DISTANCE OF 412.58 FEET TO A POINT WITHIN THE APPROXIMATE PATH OF MADDOX CREEK;
THENCE FOLLOWING SAID APPROXIMATE PATH, SOUTH 60°00'44" WEST, A DISTANCE OF 218.56 FEET;
THENCE NORTH 70°46'18" WEST, A DISTANCE OF 104.34 FEET;
THENCE SOUTH 24°33'37" WEST, A DISTANCE OF 86.20 FEET;
THENCE SOUTH 44°14'59" WEST, A DISTANCE OF 243.07 FEET;
THENCE SOUTH 74°21'57" WEST, A DISTANCE OF 187.31 FEET;
THENCE SOUTH 63°37'49" WEST, A DISTANCE OF 89.58 FEET;
THENCE SOUTH 13°48'14" WEST, A DISTANCE OF 128.00 FEET;
THENCE SOUTH 39°33'18" WEST, A DISTANCE OF 114.06 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL PUBLIC ROAD RIGHTS-OF-WAY LOCATED WITHIN SAID BOUNDARY.

BIG FIR SOUTH – GROSS BOUNDARY

THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, NORTH 00°44'42" EAST, A DISTANCE OF 295.02 FEET TO A POINT, LAST DESCRIBED POINT BEING WITHIN THE APPROXIMATE PATH OF MADDOX CREEK;
THENCE LEAVING SAID WEST LINE, ALONG SAID APPROXIMATE PATH, NORTH 39°33'18" EAST, A DISTANCE OF 114.06 FEET;
THENCE NORTH 13°48'14" EAST, A DISTANCE OF 128.00 FEET;
THENCE NORTH 63°37'49" EAST, A DISTANCE OF 89.58 FEET;
THENCE NORTH 74°21'57" EAST, A DISTANCE OF 187.31 FEET;
THENCE NORTH 44°14'59" EAST, A DISTANCE OF 243.07 FEET;
THENCE NORTH 24°33'37" EAST, A DISTANCE OF 86.20 FEET;
THENCE SOUTH 70°46'18" EAST, A DISTANCE OF 104.34 FEET;
THENCE NORTH 60°00'44" EAST, A DISTANCE OF 218.56 FEET TO THE MOST WESTERLY LINE OF THE PROPERTY DESCRIBED IN THE QUIT CLAIM DEED, RECORDED UNDER AUDITOR'S FILE NUMBER 200310100182, RECORDS OF SKAGIT COUNTY, STATE OF WASHINGTON;
THENCE LEAVING SAID MADDOX CREEK, ALONG THE LAST DESCRIBED WESTERLY LINE, SOUTH 00°48'34" WEST, A DISTANCE OF 606.03 FEET TO A POINT ON THE NORTH LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 573266, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON;
THENCE ALONG SAID NORTH LINE OF LAST SAID PROPERTY, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, SOUTH 88°43'08" WEST, A DISTANCE OF 321.33 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN THE STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200206260073, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON;
THENCE ALONG THE EAST LINE OF LAST DESCRIBED PROPERTY, SOUTH 00°48'34" WEST, A DISTANCE OF 300.00 FEET TO THE INTERSECTION WITH SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28;
THENCE ALONG SAID SOUTH LINE, SOUTH 88°43'08" WEST, A DISTANCE OF 200.06 FEET;
THENCE LEAVING SAID SOUTH LINE, NORTHERLY, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE PROPERTY DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 9511150086, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON, NORTH 00°46'38" EAST, A DISTANCE OF 30.02 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN LAST SAID STATUTORY WARRANTY DEED AND THE NORTHERLY MARGIN OF BLACKBURN ROAD;
THENCE LEAVING SAID NORTHERLY MARGIN, ALONG SAID EAST LINE, NORTH 00°46'38" EAST, A DISTANCE OF 130.00 FEET, TO THE NORTHEAST CORNER THEREOF;
THENCE ALONG THE NORTH LINE THEREOF, SOUTH 88°43'08" WEST, A DISTANCE OF 80.00 FEET, TO THE NORTHWEST CORNER THEREOF;
THENCE, ALONG THE WEST LINE THEREOF, SOUTH 00°46'38" WEST, A DISTANCE OF 130.00 FEET, TO THE SOUTHWEST CORNER THEREOF AND THE NORTH MARGIN OF SAID BLACKBURN ROAD;
THENCE CONTINUING SOUTH 00°46'38" WEST, A DISTANCE OF 30.02, TO SAID SOUTH LINE OF LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28;
THENCE ALONG SAID SOUTH LINE, SOUTH 88°43'08" WEST, A DISTANCE OF 246.94 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL PUBLIC ROAD RIGHTS-OF-WAY LOCATED WITHIN SAID BOUNDARY.

GENERAL NOTES

1. IN THE EVENT OF DISCREPANCIES BETWEEN THE DRAWINGS, SPECIFICATION, OR SCOPE OF WORK SUMMARY IN THIS PACKAGE, NOTIFY SUMMIT ENGINEERS & SURVEYORS, Inc. IMMEDIATELY.

2. SUMMIT ENGINEERS & SURVEYORS SHALL NOT BE RESPONSIBLE OR HAVE CONTROL OR CHARGE OVER THE GENERAL CONTRACTOR ACTS OR OMISSIONS, CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR THE SAFETY PRECAUTION & PROGRAMS OF THE CONTRACTOR, SUBCONTRACTOR, OR ANY OTHER PERSONS PERFORMING WORK ON THE PROJECT.

3. CONTRACTOR IS RESPONSIBLE TO SEE THAT WORK IN FIELD IS DONE IN ACCORDANCE WITH ALL CURRENT APPLICABLE NATIONAL, STATE AND LOCAL CODES, ORDINANCES, REQUIREMENTS, ETC., THAT ARE SPECIFICALLY SHOWN ON DRAWINGS AND/OR CALLED FOR IN SPECIFICATIONS.

4. CONTRACTOR SHALL PROTECT ALL EXISTING ITEMS AND FACILITIES TO REMAIN THROUGHOUT CONSTRUCTION. CONTRACTOR SHALL REPAIR AND/OR REPLACE, AT CONTRACTOR'S EXPENSE, ANY EXISTING ITEMS AND FACILITIES TO REMAIN THAT ARE DAMAGED BY CONTRACTOR'S OPERATIONS, TO THE SATISFACTION OF THE OWNER'S ENGINEER AND THE CITY OF MOUNT VERNON.

5. UNLESS DELIVERY IS BY THE OWNER TO THE JOB SITE, CONTRACTOR SHALL DELIVER EQUIPMENT AND MATERIALS, DAMAGE-FREE TO THE JOB SITE.

6. PRIOR TO EXCAVATION, DETERMINE AND VERIFY LOCATION OF UTILITY SERVICES IN ALL AREAS TO BE EXCAVATED. CALL BEFORE YOU DIG, 1-800-424-5555, FOR UTILITY LOCATE.

7. CONTRACTOR SHALL COMPLY WITH ALL PERTINENT LAWS, CODES, REGULATIONS, UBC, GOVERNING AGENCIES AND MANUFACTURER SPECIFICATIONS. UNLESS GREATER REQUIREMENTS ARE INDICATED, AND/OR ARE NECESSARY FOR THE SAFETY OF THE PROJECT.

8. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING JURISDICTIONS AS REQUIRED FOR INSPECTIONS AND SHALL PAY INSPECTION FEES ASSOCIATED WITH THE WORK.

9. THE GENERAL CONTRACTOR SHALL PROVIDE THE OWNER WITH A CONSTRUCTION SCHEDULE PRIOR TO STARTING THE WORK, SHALL PROVIDE A QUALIFIED JOB SUPERINTENDENT THROUGHOUT THE WORK, AND PROVIDE THE OWNER WITH PHOTOS SHOWING PIPING AND ELECTRICAL TRENCHES PRIOR TO BACKFILL, AND RECORD DRAWINGS REFLECTING SAME.

10. THE GENERAL CONTRACTOR SHALL PROVIDE BARRICADES AND SAFETY SIGNS PER MUTCD, LABOR & INDUSTRIES REQUIREMENTS.

11. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OVERALL CONSTRUCTION SITE CLEANLINESS, INCLUDING PROVISION OF A DEBRIS BOX WITH WEEKLY SERVICING, REMOVAL OF ALL CONTRACTOR/SUBCONTRACTOR REFUSE AND DEBRIS, AND SWEEPING OF THE ALL PAVED AREAS AT THE COMPLETION OF THE WORK.

12. UNLESS STATED OTHERWISE ALL OTHER PROCEDURES, MATERIALS, TESTING, AND EQUIPMENT SHOWN ON THE PLANS SHALL BE FURNISHED AND INSTALLED BY THE GENERAL CONTRACTOR. THE LISTED DIMENSION SHALL GOVERN.

13. GENERAL CONTRACTOR SHALL GUARANTEE THAT EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR OF DAMAGE TO THE WORK OF OTHER TRADES CAUSED BY HIS OPERATIONS. THE NATURE OF SUCH REPAIR WORK MUST RECEIVE THE PRIOR APPROVAL OF THE OWNER.

14. CONSTRUCTION MATERIAL, ASSEMBLIES AND PROCEDURES ARE TO LOCALLY ADOPTED BUILDING CODES AND SUPPLEMENTARY ORDINANCES. WHEN A CONFLICT OCCURS BETWEEN SUCH LOCAL CODE AND INFORMATION SHOWN ON THE PLANS, CONSULT THE ENGINEER FOR RESOLUTION PRIOR TO COMMENCING WORK.

15. CONTRACTOR TO NOTIFY OWNER OR SUMMIT ENGINEERS & SURVEYORS IF SITE CONDITIONS OR DIMENSIONS DISAGREE WITH INFORMATION SHOWN ON THE DRAWINGS. WORK IS NOT TO PROCEED UNTIL SUCH DIFFERENCES ARE RESOLVED.

16. STREET CUTS FOR UTILITY INSTALLATION IN BLACKBURN AND LAVENTURE SHALL BE BACKFILLED WITH CDF.

CURB RETURN TABLES:

NOTE: THE FOLLOWING INFORMATION IS TO ASSIST IN THE READING OF THE TABLES.

1. ALL CURB RETURNS ARE ALWAYS CONSIDERED RIGHT HAND CURVES, REGARDLESS OF STATIONING. THIS IS TO AVOID CONFLICT IN CALLING OUT THE BCR AND ECR.

2. ALL ELEVATIONS IN THE TABLES ARE FOR FLOWLINE.

3. ALL ENTERING GRADES AND EXITING GRADES ARE IN RELATIONSHIP TO THE STREET STATIONING OF THE STREET ADJACENT OF THAT PORTION OF THE RETURN.
EXAMPLE: A GRADE SLOPING UP, LOOKING UP STATION, IS A POSITIVE SLOPE.
A GRADE SLOPING DOWN, LOOKING UP STATION, IS A NEGATIVE SLOPE.

GRAND AVE STA 10+00
NORTHEAST CURB RETURN

	GRADE AT ECR	ECR ELEV. 4/4 DELTA	3/4 DELTA	2/4 DELTA	1/4 DELTA	BCR ELEV. 0/4 DELTA	GRADE AT BCR
LAVENTURE ROAD STA: 40+00	-3.48%	FL: 188.49	FL: 188.01	FL: 187.40	FL: 186.96	FL: 186.90	-1.50%

DELTA= 90°23' 26"
R= 30.00'
L= 47.85'
1/4 DELTA L= 11.96'

GRAND AVE STA 10+00
SOUTHEAST CURB RETURN

	GRADE AT ECR	ECR ELEV. 4/4 DELTA	3/4 DELTA	2/4 DELTA	1/4 DELTA	BCR ELEV. 0/4 DELTA	GRADE AT BCR
LAVENTURE ROAD STA: 40+00	1.50%	FL: 186.86	FL: 186.62	FL: 186.24	FL: 185.83	FL: 185.48	-2.75%

DELTA= 88°36' 34"
R= 30.00'
L= 46.40'
1/4 DELTA L= 11.60'

GRAND AVE STA: 12+62.76
NORTHEAST CURB RETURN

	GRADE AT ECR	ECR ELEV. 4/4 DELTA	3/4 DELTA	2/4 DELTA	1/4 DELTA	BCR ELEV. 0/4 DELTA	GRADE AT BCR
NOBLE ST STA: 30+00	-1.58%	187.73	187.53	187.32	187.27	187.33	-2.00%

DELTA= 91°23' 26"
R= 30.00'
L= 47.85'
1/4 DELTA L= 11.96'

GRAND AVE STA: 12+62.76
SOUTHEAST CURB RETURN

	GRADE AT ECR	ECR ELEV. 4/4 DELTA	3/4 DELTA	2/4 DELTA	1/4 DELTA	BCR ELEV. 0/4 DELTA	GRADE AT BCR
NOBLE ST STA: 30+00	-2.00%	187.19	186.88	186.40	185.89	185.49	-3.00%

DELTA= 88°36' 34"
R= 30.00'
L= 46.40'
1/4 DELTA L= 11.60'

GRAND AVE STA: 20+83.43
NORTHWEST CURB RETURN

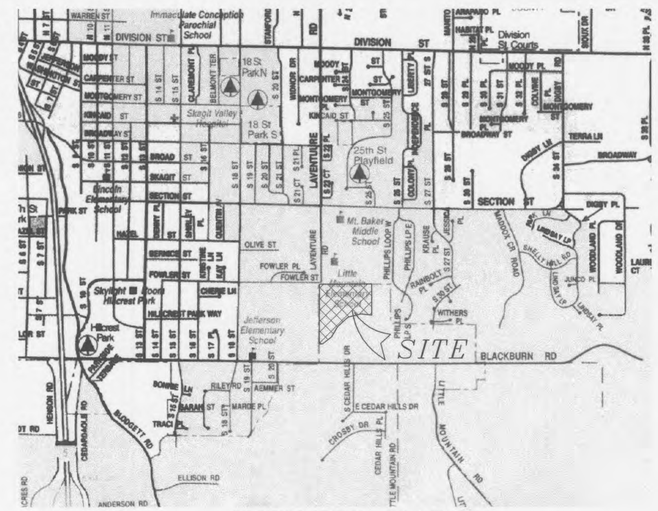
	GRADE AT ECR	ECR ELEV. 4/4 DELTA	3/4 DELTA	2/4 DELTA	1/4 DELTA	BCR ELEV. 0/4 DELTA	GRADE AT BCR
NOBLE ST STA: 34+18.26	4.50%	186.26	186.86	187.59	188.24	188.57	-1.50%

DELTA= 91°37' 20"
R= 30.00'
L= 47.97'
1/4 DELTA L= 11.99'

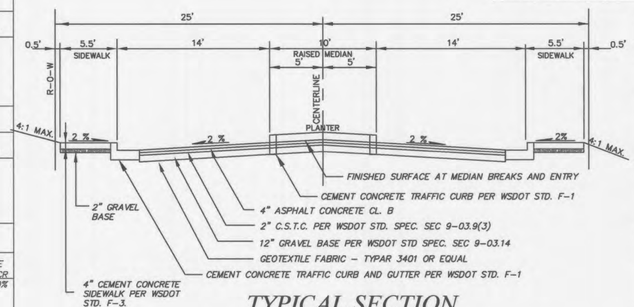
GRAND AVE STA: 20+83.43
NORTHEAST CURB RETURN

	GRADE AT ECR	ECR ELEV. 4/4 DELTA	3/4 DELTA	2/4 DELTA	1/4 DELTA	BCR ELEV. 0/4 DELTA	GRADE AT BCR
NOBLE ST STA: 34+18.26	-1.50%	188.33	188.41	188.48	188.75	189.01	2.63%

DELTA= 71°28' 16"
R= 30.00'
L= 37.42'
1/4 DELTA L= 9.36'

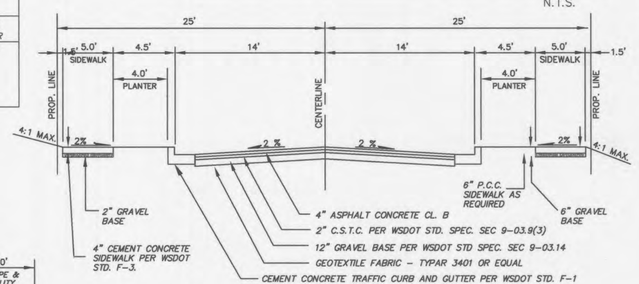


VICINITY MAP



TYPICAL SECTION
BOULEVARD TYPE ENTRY STREET

N.T.S.



TYPICAL SECTION
INTERIOR STREET

N.T.S.

CITY OF MOUNT VERNON
DEPARTMENT OF DEVELOPMENT SERVICES
ENGINEERING SERVICES

DEVELOPMENT SERVICES # D05-345
PUBLIC WORKS #
INSPECTION#

Recommended For Approval

Signature	Mount Vernon Fire Marshal	Date
Signature	Mount Vernon Planning Review	Date
Signature	Mount Vernon Civil Review	Date

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

WSDOT STD PLAN F-4, TYPE 1

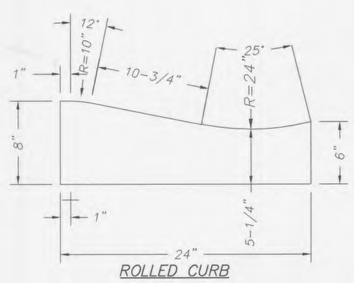
TYPICAL DRIVEWAY DETAIL
FOR ROLLED CURB

NTS

NOTES:

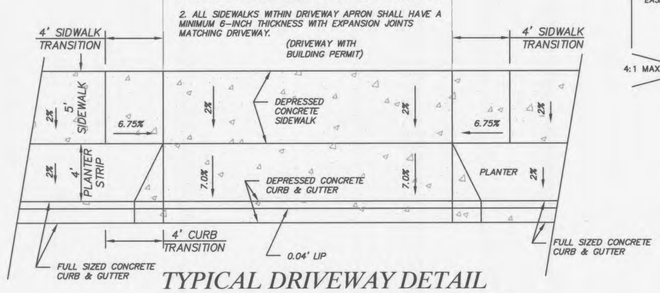
1. WHEN DRIVEWAY EXCEEDS 15 FEET IN WIDTH, CONSTRUCT FULL DEPTH EXPANSION JOINT WITH 3/8" JOINT FILLER ALONG DRIVEWAY CENTERLINE. CONSTRUCT EXPANSION JOINTS PARALLEL WITH THE CENTERLINE AS REQUIRED AT 15' MAXIMUM SPACING WHEN DRIVEWAY WIDTH EXCEEDS 30'.

2. ALL SIDEWALKS WITHIN DRIVEWAY APRON SHALL HAVE A MINIMUM 6-INCH THICKNESS WITH EXPANSION JOINTS MATCHING DRIVEWAY.



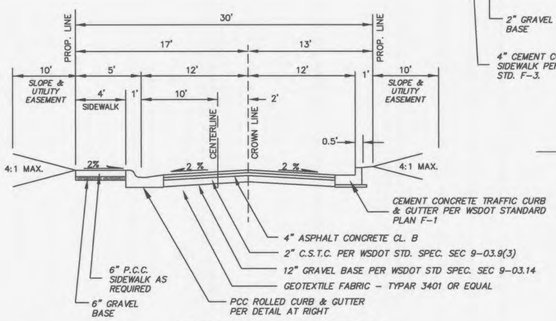
ROLLED CURB

TYPICAL SECTION
(NOT TO SCALE)



TYPICAL DRIVEWAY DETAIL
FOR STANDARD 6-INCH CURB

NTS



TYPICAL SECTION
30' RIGHT-OF-WAY
ALTERNATE "A"

N.T.S.

BIG FIR NORTH, PHASE 1
"AS-BUILT" CIVIL CONSTRUCTION PLANS
SHEET INDEX:

SHEET NO.		SHEET TITLE
C0	–	TITLE SHEET
C1	–	SITE PLAN
C2	–	STREET AND DRAINAGE PLAN
C3	–	STREET AND DRAINAGE PROFILES
C4A	–	SANITARY SEWER PLAN
C4B	–	SANITARY SEWER PLAN & PROFILE CROSSING MADDOX CREEK
C5	–	SANITARY SEWER PROFILES
C6A	–	WATER PLAN
C6B	–	WATER PLAN & PROFILE CROSSING MADDOX CREEK
C7	–	WATER PLAN DETAILS
C8	–	TEMPORARY EROSION & SEDIMENTATION CONTROL PLAN
C9	–	TEMPORARY EROSION & SEDIMENTATION CONTROL NOTES
C10	–	SIGNING & STRIPING PLAN

CALL 2 BUSINESS DAYS BEFORE YOU DIG
1-800-424-5555

UTILITY INFORMATION:

WATER:	PUD #1 OF SKAGIT COUNTY
STORMWATER:	CITY OF MOUNT VERNON
SEWER:	CITY OF MOUNT VERNON
TELEPHONE:	VERIZON
POWER:	PUGET SOUND ENERGY
CABLE TV:	COMCAST

YOUNG-SOO LIM
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER
9/16/07
EXPIRES 1/24/08

"AS-BUILT"

D 05-345

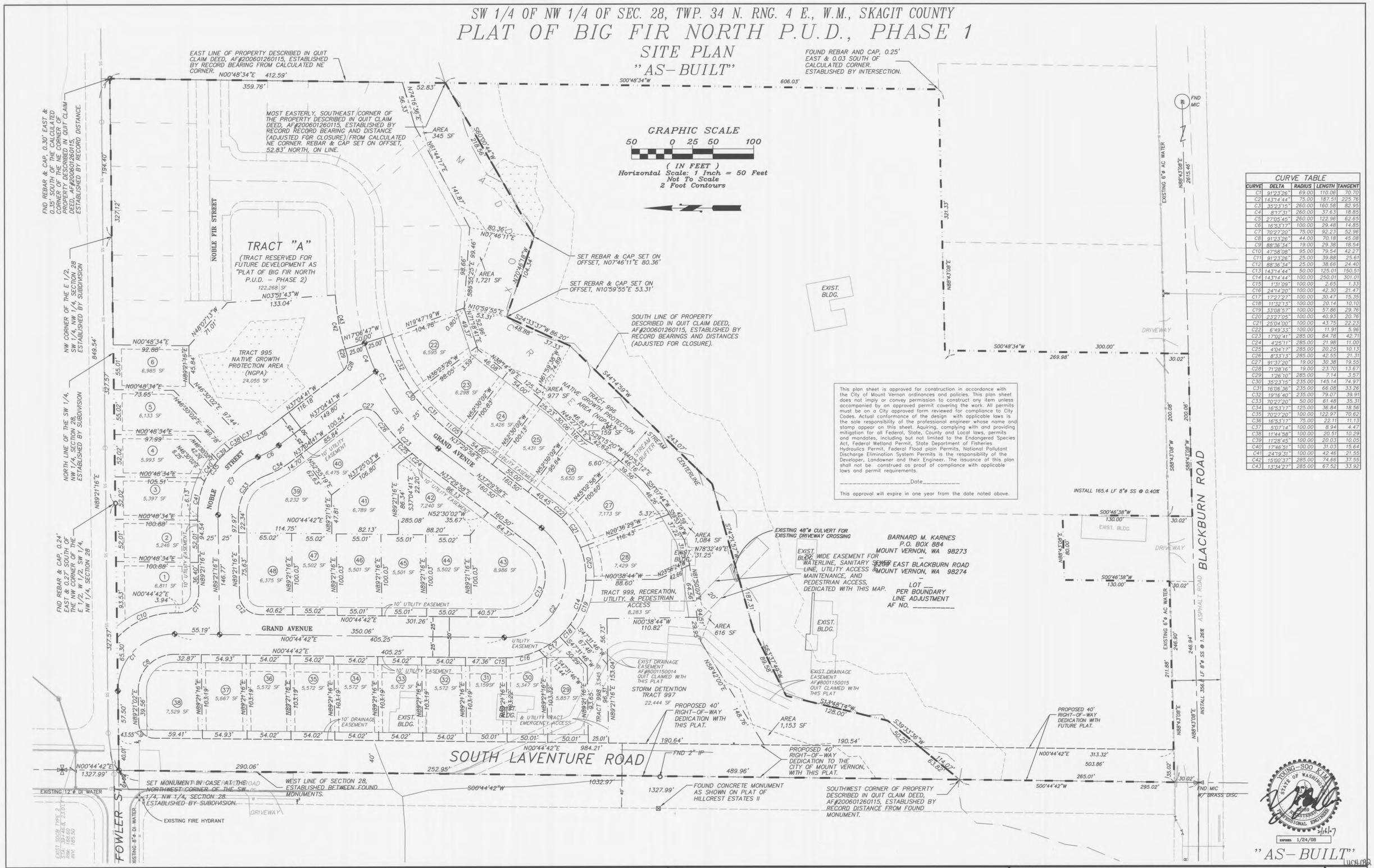
FILE NUMBER: S02104 BIG FIR NORTH	DESIGNED BY: SGB	REVISIONS	DATE	SUMMIT Engineers & Surveyors, Inc.	SHEET DESCRIPTION	PROJECT:	SHEET NO.
PAPER SPACE PLOT SCALE: 1 TO 1	DRAWN BY: SGB			2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	TITLE SHEET	CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1	C0
LAST EDIT DATE: 9/15/2005	CHECKED BY: YSK					DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH P.U.D., PHASE 1

SITE PLAN

"AS-BUILT"



This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

CURVE TABLE

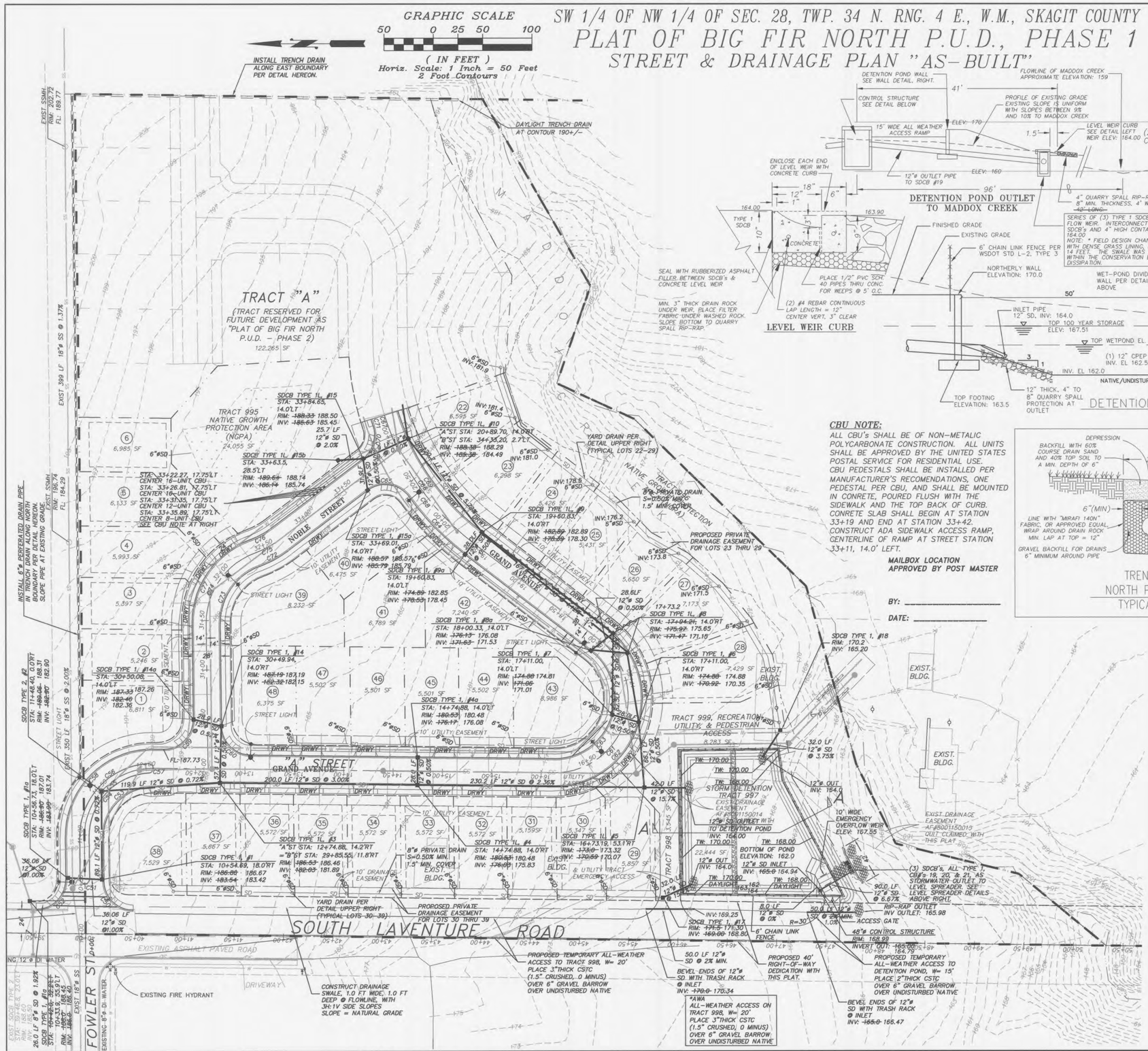
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	91°23'26"	69.00	110.06	70.70
C2	143°14'44"	75.00	187.51	225.76
C3	35°23'15"	260.00	160.58	82.95
C4	8°17'31"	260.00	37.63	18.85
C5	27°05'45"	260.00	122.96	62.65
C6	16°53'17"	100.00	29.48	14.85
C7	70°27'20"	75.00	92.23	52.96
C8	91°23'26"	44.00	70.18	45.08
C9	88°36'34"	19.00	29.38	18.54
C10	47°58'08"	95.00	79.54	42.27
C11	91°23'26"	25.00	39.88	25.61
C12	88°36'34"	25.00	38.66	24.40
C13	143°14'44"	50.00	125.01	150.51
C14	143°14'44"	100.00	250.01	301.01
C15	1°31'09"	100.00	2.65	1.33
C16	24°14'20"	100.00	42.30	21.47
C17	17°27'27"	100.00	30.47	15.35
C18	11°32'13"	100.00	20.14	10.10
C19	33°08'57"	100.00	57.86	29.76
C20	23°27'05"	100.00	40.93	20.76
C21	25°04'00"	100.00	43.75	22.23
C22	6°49'33"	100.00	11.91	5.96
C23	17°02'41"	285.00	84.78	42.71
C24	4°25'11"	285.00	21.98	11.00
C25	4°04'17"	285.00	20.25	10.13
C26	8°33'13"	285.00	42.55	21.31
C27	91°37'20"	19.00	30.38	19.55
C28	71°28'16"	19.00	23.70	13.67
C29	1°26'10"	285.00	7.14	3.57
C30	35°23'15"	235.00	145.14	74.97
C31	16°06'36"	235.00	66.08	33.26
C32	19°16'40"	235.00	79.07	39.91
C33	70°27'20"	50.00	61.48	35.31
C34	16°53'17"	125.00	36.84	18.56
C35	70°27'20"	100.00	122.97	70.62
C36	16°53'17"	75.00	22.11	11.13
C37	5°07'14"	100.00	8.94	4.47
C38	11°44'58"	100.00	20.51	10.29
C39	11°28'45"	100.00	20.03	10.05
C40	17°46'51"	100.00	31.03	15.64
C41	24°19'31"	100.00	42.46	21.55
C42	15°00'37"	285.00	74.66	37.55
C43	13°34'27"	285.00	67.52	33.92

"AS-BUILT"

FILE NUMBER: S02104 BIG FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS / DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949
SHEET DESCRIPTION SITE PLAN	PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1 DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C1	

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY
PLAT OF BIG FIR NORTH P.U.D., PHASE 1
STREET & DRAINAGE PLAN "AS-BUILT"

GRAPHIC SCALE
50 0 25 50 100
(IN FEET)
Horiz. Scale: 1 Inch = 50 Feet
2 Foot Contours



CBU NOTE:
ALL CBU'S SHALL BE OF NON-METALIC POLYCARBONATE CONSTRUCTION. ALL UNITS SHALL BE APPROVED BY THE UNITED STATES POSTAL SERVICE FOR RESIDENTIAL USE. CBU PEDESTALS SHALL BE INSTALLED PER MANUFACTURER'S RECOMENDATIONS, ONE PEDESTAL PER CBU, AND SHALL BE MOUNTED IN CONRETE, POURED FLUSH WITH THE SIDEWALK AND THE TOP BACK OF CURB. CONRETE SLAB SHALL BEGIN AT STATION 33+19 AND END AT STATION 33+42. CONSTRUCT ADA SIDEWALK ACCESS RAMP, CENTERLINE OF RAMP AT STREET STATION 33+11, 14.0' LEFT.

MAILBOX LOCATION APPROVED BY POST MASTER

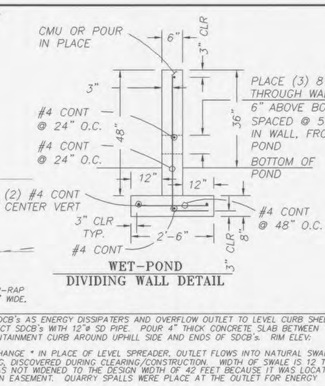
BY: _____

DATE: _____

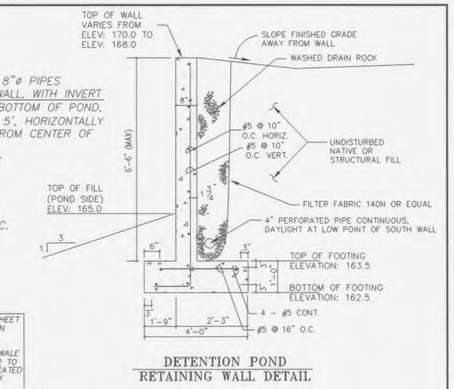
DETENTION POND OUTLET TO MADDOX CREEK

LEVEL WEIR CURB

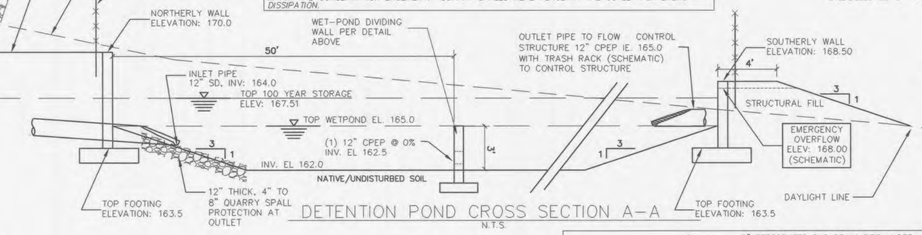
SERIES OF (3) TYPE 1 SDCB's AS ENERGY DISSIPATERS AND OVERFLOW OUTLET TO LEVEL CURB SHEET FLOW WEIR. INTERCONNECT SDCB's WITH 12"ø SD PIPE. POUR 4" THICK CONCRETE SLAB BETWEEN SDCB's AND 4" HIGH CONTAINMENT CURB AROUND UPHILL SIDE AND ENDS OF SDCB's. RIM ELEV: 164.00
NOTE: * FIELD DESIGN CHANGE * IN PLACE OF LEVEL SPREADER, OUTLET FLOWS INTO NATURAL SWALE WITH DENSE GRASS LINING, DISCOVERED DURING CLEARING/CONSTRUCTION. WIDTH OF SWALE IS 12 TO 14 FEET. THE SWALE WAS NOT WIDENED TO THE DESIGN WIDTH OF 42 FEET BECAUSE IT WAS LOCATED WITHIN THE CONSERVATION EASEMENT. QUARRY SPALLS WERE PLACE AT THE OUTLET FOR ENERGY DISSIPATION.



WET-POND DIVIDING WALL DETAIL



DETENTION POND RETAINING WALL DETAIL

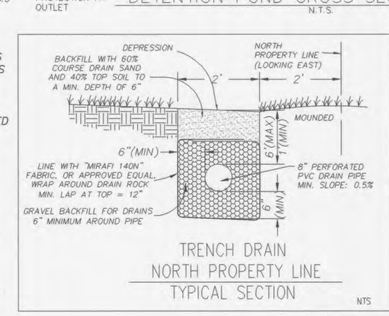


DETENTION POND CROSS SECTION A-A
N.T.S.

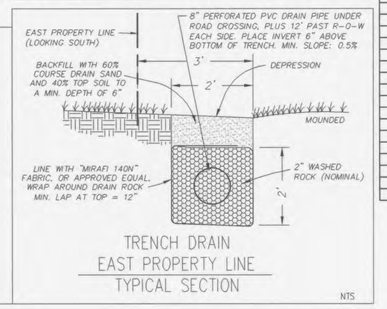
NOTE:
SEE CURB RETURN TABLE ON SHEET C0 FOR ELEVATION OF CURB RETURNS.

CURVE TABLE

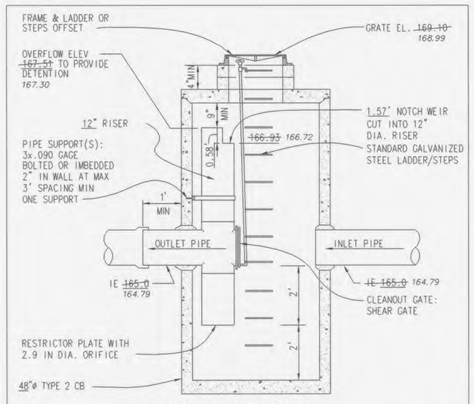
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C50	88°36'34"	30.00	46.40	29.28
C51	180°00'00"	5.00	15.71	INFINITE
C52	91°23'26"	30.00	47.85	30.74
C53	87°22'42"	50.00	76.25	47.76
C54	87°14'16"	64.00	97.45	60.99
C55	91°23'26"	69.00	110.06	70.70
C56	87°14'16"	74.00	112.67	70.52
C57	180°00'00"	5.00	15.71	INFINITE
C58	91°23'26"	88.00	140.37	90.16
C59	91°23'26"	30.00	47.85	30.74
C60	88°36'34"	30.00	46.40	29.28
C61	143°14'44"	75.00	187.51	225.76
C62	143°14'44"	89.00	222.51	267.90
C63	143°14'44"	61.00	152.51	183.62
C64	17°02'41"	274.00	81.51	41.06
C65	91°37'20"	30.00	47.97	30.86
C66	35°23'15"	260.00	160.58	82.95
C67	8°17'31"	260.00	37.63	18.85
C68	27°05'45"	260.00	122.96	62.65
C69	35°23'48"	245.83	151.87	78.45
C70	21°28'16"	30.00	37.42	21.59
C71	1°26'10"	274.00	6.87	3.43
C72	16°53'17"	114.00	33.60	16.92
C73	70°27'20"	61.00	75.01	43.08
C74	70°27'20"	75.00	92.23	52.96
C75	16°53'17"	100.00	29.48	14.85
C76	16°53'17"	86.00	25.35	12.77
C77	70°27'20"	89.00	109.44	62.85



TRENCH DRAIN
NORTH PROPERTY LINE
TYPICAL SECTION
NTS



TRENCH DRAIN
EAST PROPERTY LINE
TYPICAL SECTION
NTS



CONTROL STRUCTURE
NTS

YOUNG-SOO LIM
STATE OF WASHINGTON
32219
PROFESSIONAL ENGINEER
EXPIRES 1/24/08

"AS-BUILT"

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

FILE NUMBER: S02104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS / DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949

SHEET DESCRIPTION: STREET AND DRAINAGE PLAN

PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1
DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233

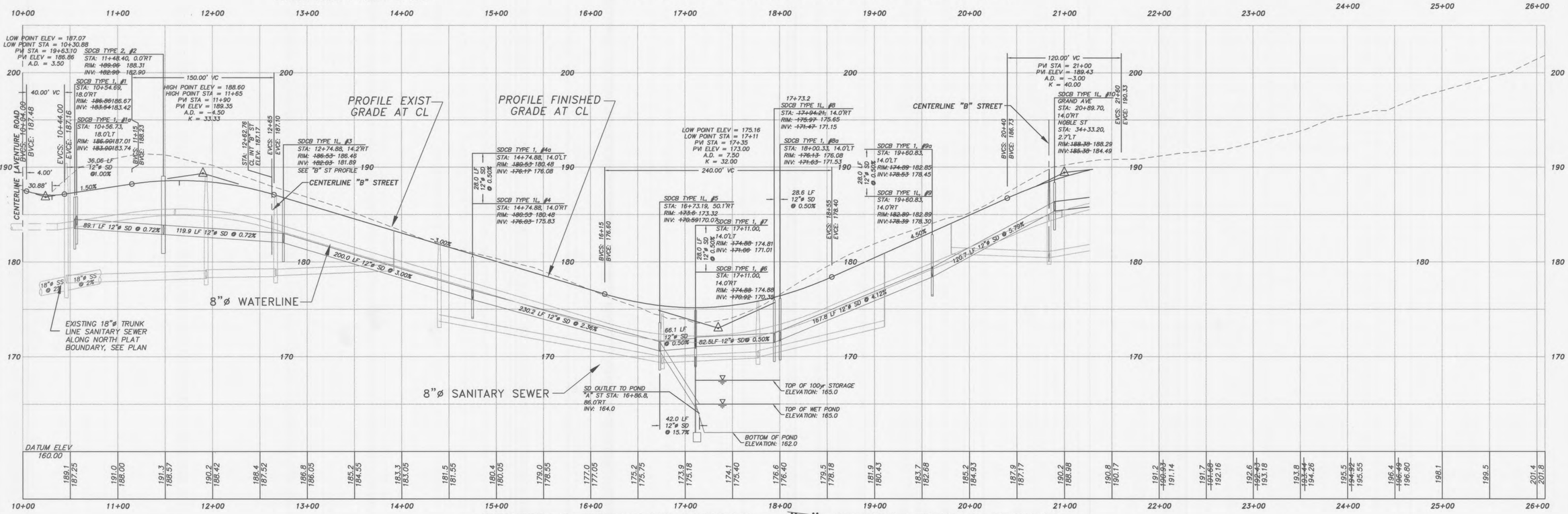
SHEET NO. C2

GRAPHIC SCALE
50 0 25 50 100
(IN FEET)
Horizontal Scale: 1 Inch = 50 Feet
Vertical Scale: 1 Inch = 5 Feet

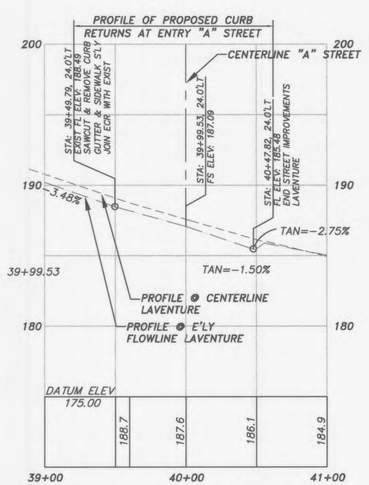
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH P.U.D., PHASE 1

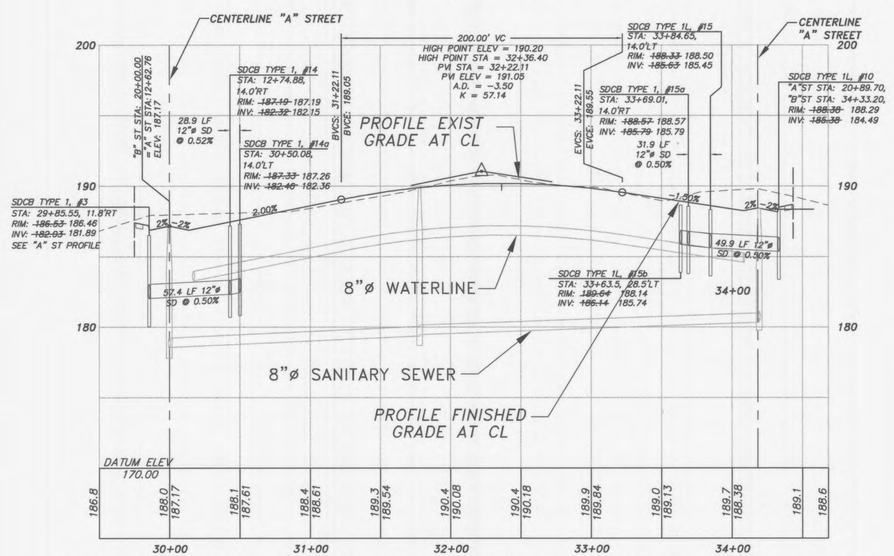
SANITARY SEWER PROFILES "AS-BUILT"



STREET & DRAINAGE PROFILE - ~~"A" STREET~~ GRAND AVENUE



ST & SD PROFILE LAVENTURE



STREET & DRAINAGE PROFILE - ~~"B" STREET~~ NOBLE STREET

YOUNG-SOO KIM
STATE OF WASHINGTON
EXPIRES 1/24/08

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

"AS-BUILT"

FILE NUMBER: SO2104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION STREET & DRAINAGE PROFILES	PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1 DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C3

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

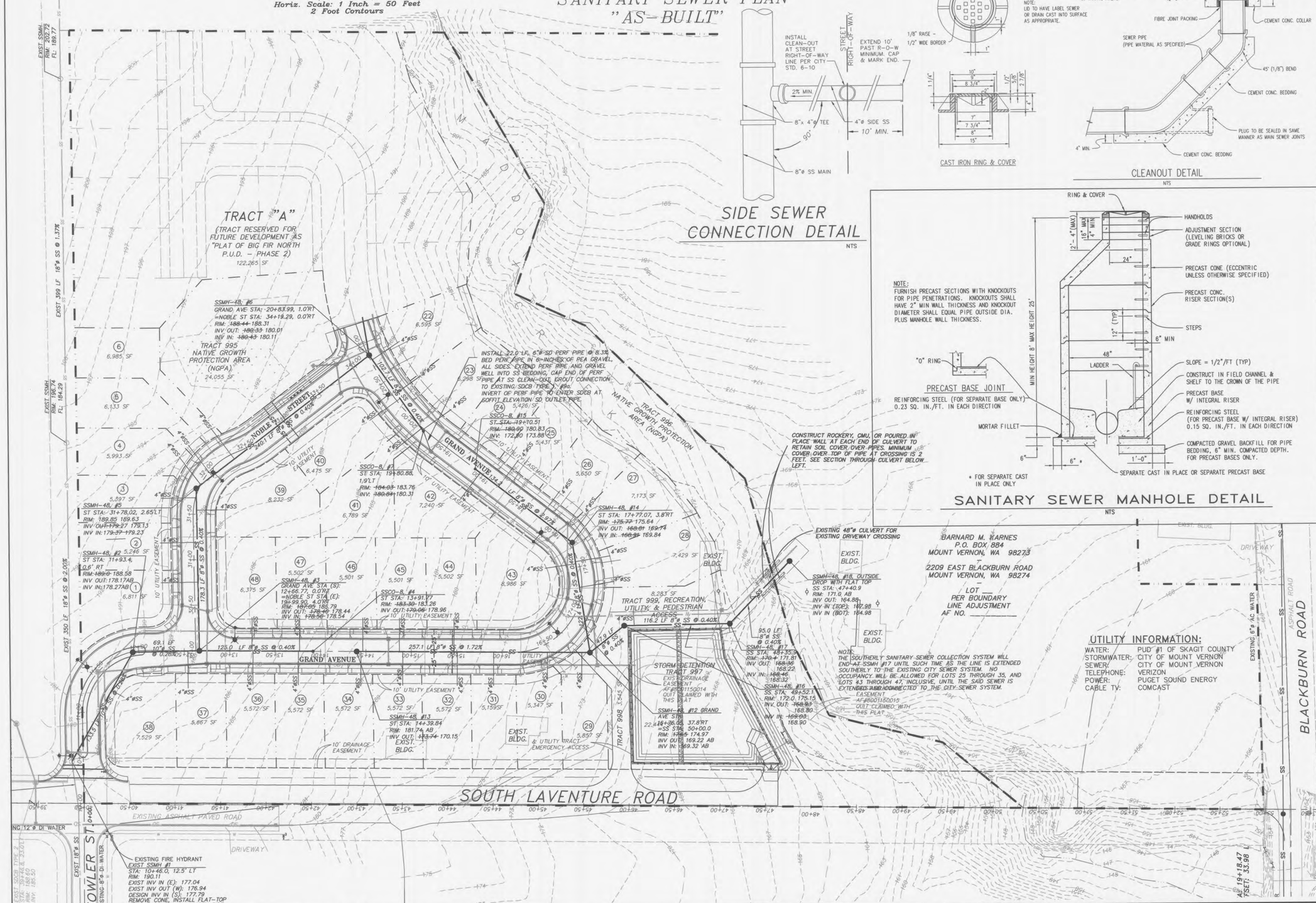
PLAT OF BIG FIR NORTH P.U.D., PHASE 1

SANITARY SEWER PLAN

"AS-BUILT"

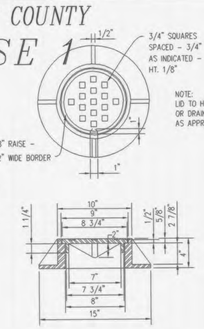
GRAPHIC SCALE 50 0 25 50 100

(IN FEET)
Horiz. Scale: 1 Inch = 50 Feet
2 Foot Contours

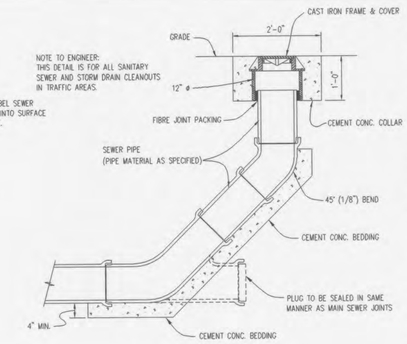


SIDE SEWER CONNECTION DETAIL

NTS



CAST IRON RING & COVER



CLEANOUT DETAIL

NTS

NOTE:
FURNISH PRECAST SECTIONS WITH KNOCKOUTS FOR PIPE PENETRATIONS. KNOCKOUTS SHALL HAVE 2" MIN WALL THICKNESS AND KNOCKOUT DIAMETER SHALL EQUAL PIPE OUTSIDE DIA. PLUS MANHOLE WALL THICKNESS.

PRECAST BASE JOINT

REINFORCING STEEL (FOR SEPARATE BASE ONLY) 0.23 SQ. IN./FT. IN EACH DIRECTION

SANITARY SEWER MANHOLE DETAIL

NTS

NOTES TO SEWER CONTRACTOR:

Approved couplings for use on sewer mains include per Mount Vernon Engineering Standard Section 6-07.H, are as follows:

Ductile iron mechanical couplings (equal to ROMAC) on ductile iron, concrete, vitrified clay, or pipes with differing materials or diameters.

On PVC or PE mains, PVC or PE couplings with compatible dimension ratio and gaskets to connect new and existing pipes shall be used.

When a section of existing PVC pipe is replaced by "dropping-in" a new section of PVC pipe, the connections to existing pipe shall be made with PVC closure couplings (slip couplings).

TV Inspection:
The Contractor is responsible for retaining skilled personnel to provide video inspection of all portions of the public 8" sanitary sewer main to be installed. The Contractor shall schedule this work with the City of Mount Vernon Engineering Department and provide one video tape for the City's review and acceptance. Final acceptance of the Sanitary Sewer improvements herein will be based upon the City's site inspections and review and acceptance of all video information.

Air Testing:
The Contractor shall conduct an air pressure test of each new individual sanitary sewer main, between manholes, manholes and clean-outs, and all service lateral pipe ends. The sanitary sewer pipe shall be air pressure tested at a pressure equal to 4 psi in excess of the estimated water table head over the pipe. The air pressure test shall be performed for a 4 minute period with no noticeable change in gage pressure. The Contractor is responsible for restraining all pipe ends, clean-outs, and services during the testing period. This test must be monitored by the City Inspector.

SANITARY SEWER NOTES

1. Sanitary sewer pipe shall be PVC conforming to WSDOT Section 9-05.12(1) meeting the requirements of ASTM D 3034, SDR 35. All joints shall be Bell and Spigot type with rubber gaskets. All materials and construction shall conform to WSDOT Section 7-08 and 7-17 and the requirements of the City of Mount Vernon Engineering Department.

The Contractor is cautioned that pipe slopes are minimum and deviations in installation elevations will not be accepted, unless pre-approved by the City Engineer.

2. Cleanout assemblies within the sanitary sewer system shall be installed at the location and elevations indicated on the Civil Plans. The Contractor is responsible for setting the top of the cleanout assembly flush with finished grade.

Sanitary sewer cleanout assemblies shall conform to the detail provided on the Civil Plans. Cleanout assemblies within hard surfaced areas, such as gravel, crushed rock, concrete or asphalt, shall be contained within a cast iron or aluminum fog-tite lid. The fog-tite lid assembly shall be sized appropriately to allow removal of the cap on the top portion of the vertical cleanout stand pipe assembly. The top cap of the vertical assembly shall be within six inches (6") of the finished grade. The Contractor is responsible for setting the top of the cleanout assembly flush with the finished grade.

UTILITY INFORMATION:

WATER:	PUD #1 OF SKAGIT COUNTY
STORMWATER:	CITY OF MOUNT VERNON
SEWER:	CITY OF MOUNT VERNON
TELEPHONE:	VERIZON
POWER:	PUGET SOUND ENERGY
CABLE TV:	COMCAST

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER
5/16/07
EXPIRES 1/24/08

"AS-BUILT"

FILE NUMBER: S02104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS / DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949

SHEET DESCRIPTION: SANITARY SEWER PLAN

PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1
DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233

SHEET NO. C4A

GRAPHIC SCALE

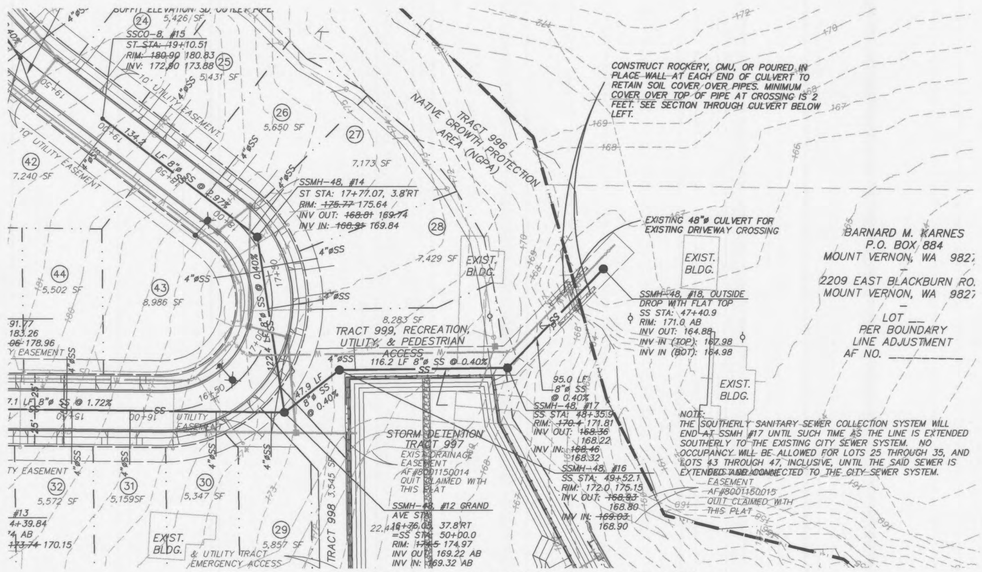
50 0 25 50 100

(IN FEET)
Horizontal Scale: 1 Inch = 50 Feet
Vertical Scale: 1 Inch = 5 Feet

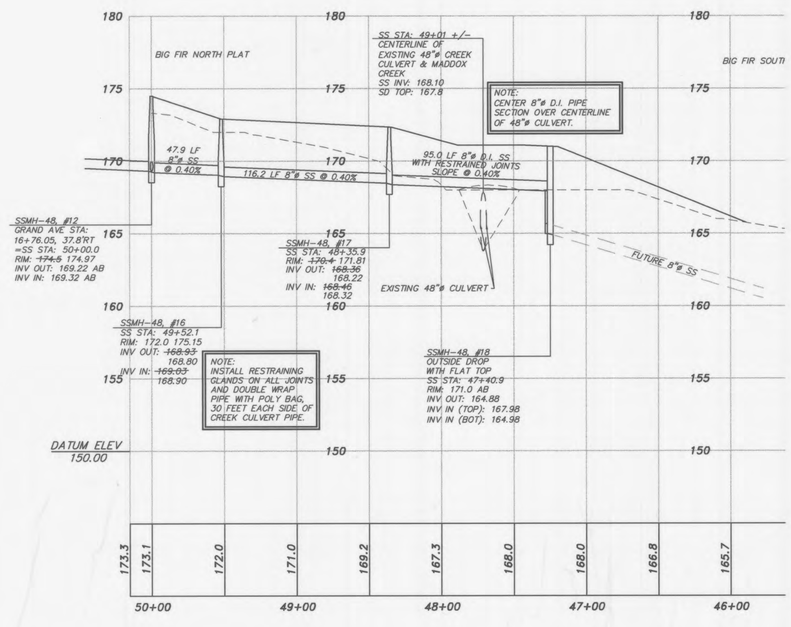
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH P.U.D., PHASE 1

SANITARY SEWER PLAN & PROFILE
CROSSING MADDOX CREEK
"AS-BUILT"



PLAN OF SANITARY SEWER
CROSSING MADDOX CREEK



PROFILE OF SANITARY SEWER
CROSSING MADDOX CREEK

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM
STATE OF WASHINGTON
PROFESSIONAL ENGINEER
3/16/07
EXPIRES 1/24/08

"AS-BUILT"

FILE NUMBER: SO2104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS Add Creek Xing C6-1	DATE 12/29/2005	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION SANITARY SEWER PLAN & PROFILE, CROSSING MADDOX CREEK	PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1 DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C4B

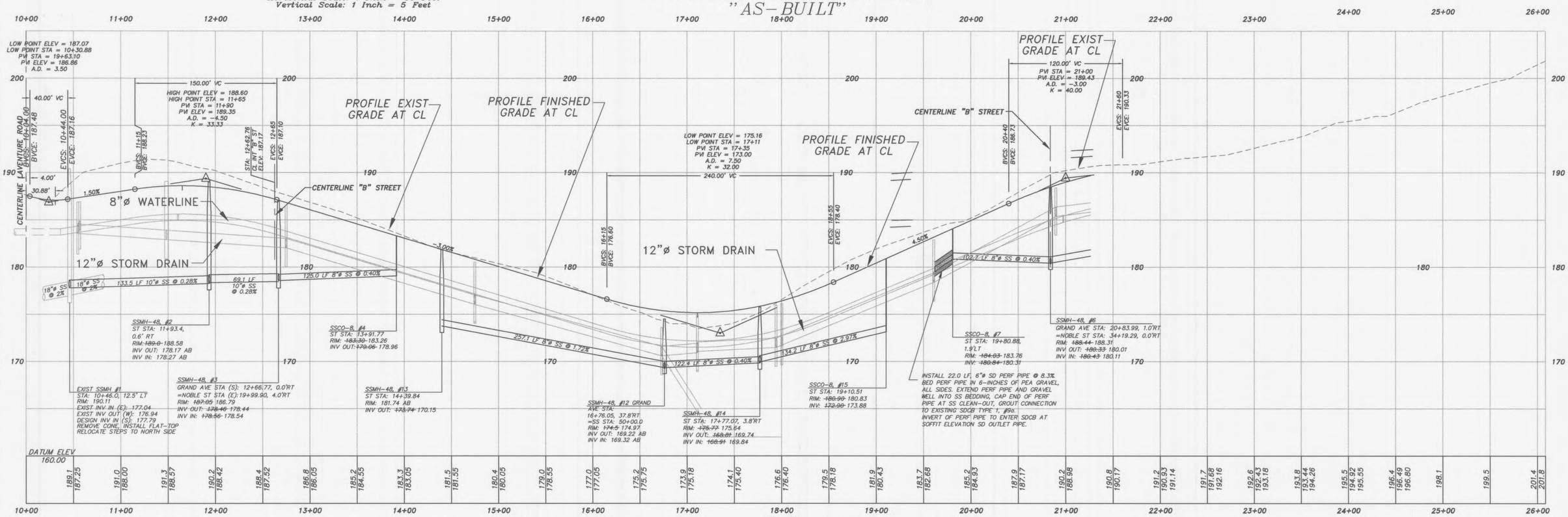
GRAPHIC SCALE
50 0 25 50 100
(IN FEET)
Horizontal Scale: 1 Inch = 50 Feet
Vertical Scale: 1 Inch = 5 Feet

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

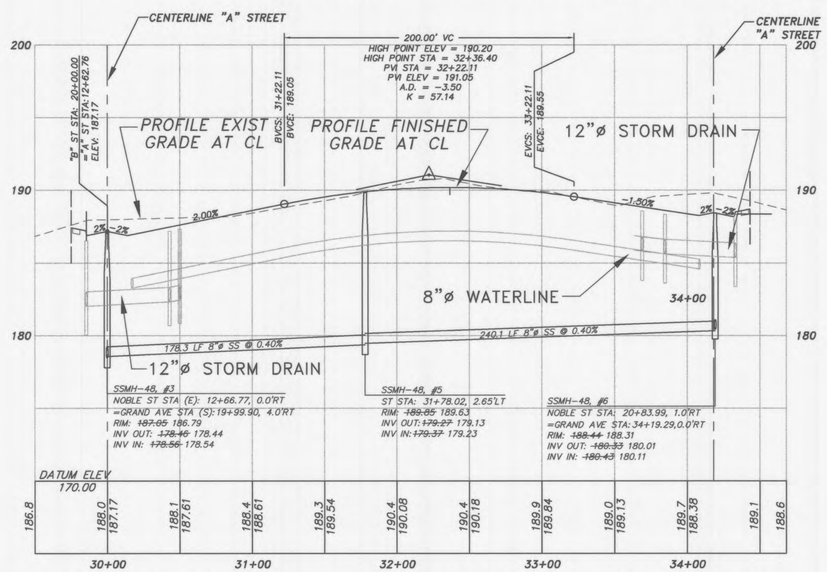
PLAT OF BIG FIR NORTH P.U.D., PHASE 1

SANITARY SEWER PROFILES

"AS-BUILT"



SANITARY SEWER PROFILE ~~"A" STREET~~ GRAND AVENUE



SANITARY SEWER PROFILE ~~"B" STREET~~ NOBLE STREET

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM STATE OF WASHINGTON 36160 REGISTERED PROFESSIONAL ENGINEER 2/16/07
EXPIRES: 1/24/08

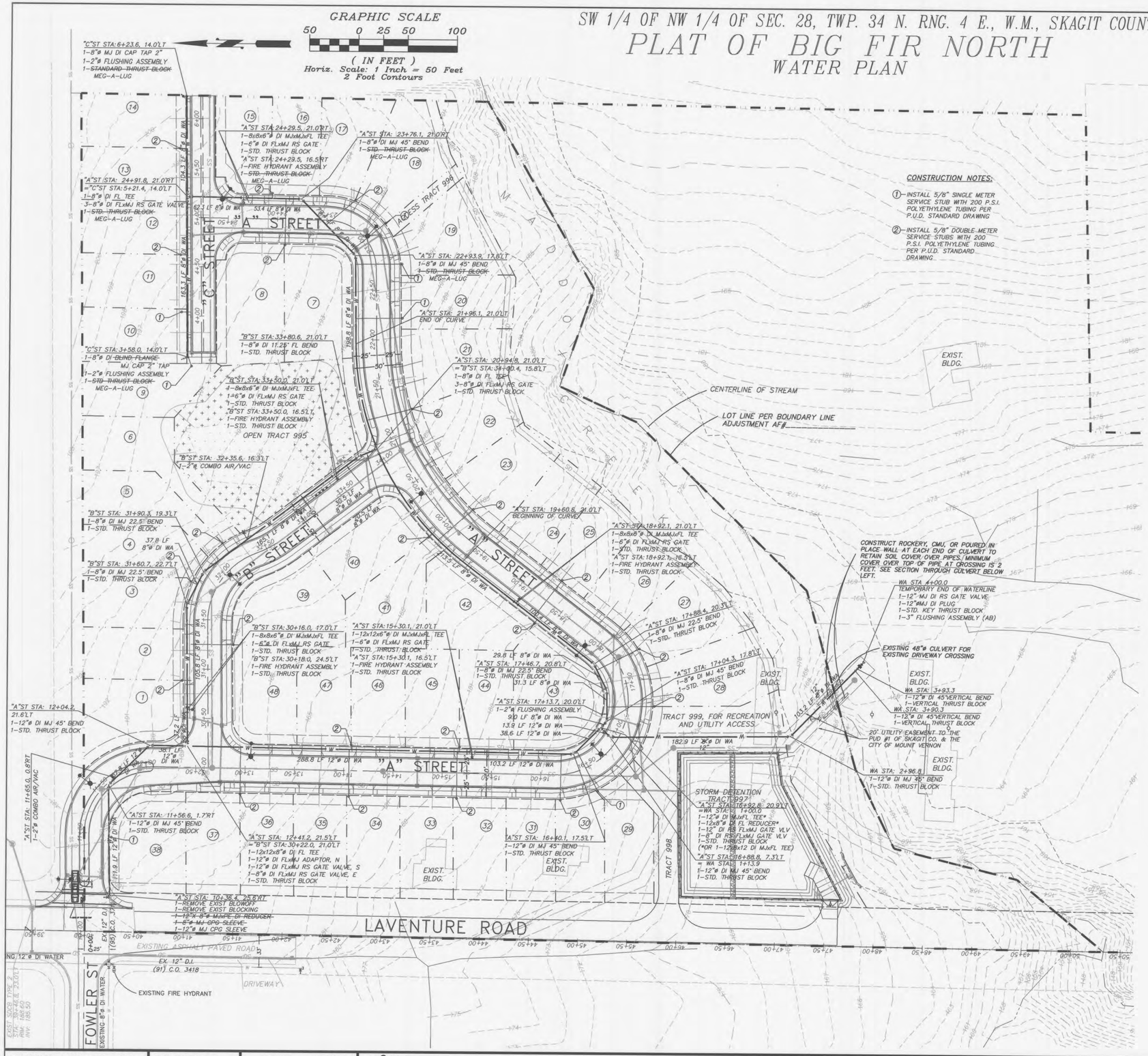
"AS-BUILT"

FILE NUMBER: S02104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT ENGINEERS & SURVEYORS, INC. 360.416.4999 360.416.4949 fax SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION SANITARY SEWER PROFILES	PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1 DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C5

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH

WATER PLAN



CONSTRUCTION NOTES:

1. INSTALL 5/8" SINGLE METER SERVICE STUB WITH 200 P.S.I. POLYETHYLENE TUBING PER P.U.D. STANDARD DRAWING
2. INSTALL 5/8" DOUBLE METER SERVICE STUBS WITH 200 P.S.I. POLYETHYLENE TUBING PER P.U.D. STANDARD DRAWING

WATER PLAN GENERAL NOTES (PUD#1)

1. STANDARD SPECIFICATIONS TO BE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) 2006 OR MOST CURRENT STANDARD SPECIFICATIONS FOR ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION AND THE DISTRICT REQUIREMENTS AS OUTLINED IN RESOLUTION NO. 1626-94.

2. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION CONFERENCE WITH THE DISTRICT ENGINEERING DEPARTMENT AT (360) 424-7104, A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION.

3. ANY PERMITS OR OTHER REQUIREMENTS NECESSARY TO COMPLETE THIS PROJECT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE DEVELOPER AND A COPY OF THE PERMIT SUBMITTED TO THE DISTRICT. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY AND COORDINATE WITH THE DISTRICT.

4. ALL TIE-INS, SHUTDOWN, FLUSHING AND HEALTH SAMPLES SHALL BE COORDINATED WITH THE DISTRICT'S INSPECTOR. THE CONTRACTOR SHALL NOT OPERATE ANY VALVES WITHOUT DISTRICT COORDINATION. THE CONTRACTOR IS RESPONSIBLE FOR RETURNING THE VALVE TO ITS PROPER POSITION AS SOON AS DIRECTED BY THE DISTRICT.

5. ALL MATERIALS ARE TO BE APPROVED BY THE DISTRICT PRIOR TO CONSTRUCTION. SUBMITTAL DOCUMENTS MUST INCLUDE MANUFACTURER, MAKE, MODEL, AND SIZE.

6. DUCTILE IRON PIPE IS TO BE MINIMUM CLASS 50 AWWA C151 AS PER WSDOT STANDARD SPECIFICATIONS 9-30.1 AND 9-30.1(1). ALL DUCTILE IRON WATER PIPE AND FITTINGS SHALL BE WRAPPED WITH POLYETHYLENE PIPE ENCASEMENT WHICH IS A MINIMUM OF 8 MIL THICK AND INSTALLED IN ACCORDANCE WITH AWWA C105 AND WSDOT STANDARD SPECIFICATIONS 7-09.3(17) AND 9-30.1(2).

7. ALL VALVES TO BE RESILIENT SEATED GATE VALVES, AWWA C509 AND C515.

8. ALL FIRE HYDRANTS ARE TO BE INSTALLED PER PUD STANDARD DETAIL AND WSDOT STANDARDS. CONTACT THE MUNICIPAL FIRE DEPARTMENT OR SKAGIT COUNTY FIRE MARSHAL FOR ACCEPTABLE FIRE HYDRANT BRANDS AND STORZ ADAPTOR FITTING REQUIREMENTS.

9. ALL WATER PIPELINE INSTALLATIONS REQUIRE A 36-INCH MINIMUM COVER AND 48-INCH MAXIMUM TRENCH DEPTH TO EXISTING OR FUTURE FINISH GRADE, UNLESS OTHERWISE SPECIFIED ON THE PLANS: MINIMUM 1-FOOT VERTICAL AND 5-FOOT HORIZONTAL CLEARANCE BETWEEN WATER PIPELINE AND ALL OTHER UTILITIES.

10. WHEN INSTALLING WATER PIPELINE ACROSS EXISTING OR PROPOSED SANITARY SEWER, A FULL LENGTH OF PIPE SHALL BE INSTALLED WITH MID SPAN OF THE WATER PIPE OVER THE SEWER. MINIMUM 10-FOOT HORIZONTAL SEPARATION BETWEEN WATERLINE AND SANITARY SEWER PIPELINE, UNLESS AN ALTERNATIVE PROPOSAL FROM THE DESIGN ENGINEER IS SUBMITTED TO AND APPROVED BY THE DISTRICT'S ENGINEERING MANAGER.

11. BEDDING MATERIALS FOR THE DUCTILE IRON PIPE MAY BE SELECT, NATIVE, GRANULAR MATERIAL FREE FROM WOOD WASTE, ORGANIC MATERIAL OR OTHER EXTRANEOUS OR OBJECTIONABLE MATERIALS AND SHALL HAVE A MAXIMUM PARTICLE DIMENSION OF 1 1/2-INCH OR APPROVED PIPE BEDDING PER WSDOT SPECIFICATION SECTION 7-10.3(9). PEA GRAVEL AND BUCKSHOT ARE NOT ACCEPTABLE BEDDING MATERIAL.

12. BLOCK ALL FITTINGS WITH POURED CONCRETE ACCORDING TO THE DISTRICT STANDARD DETAIL. RESTRAINED JOINT GASKETS AT PIPELINE JOINTS OR MEG-A-LUGS AT FITTINGS MAY BE USED IN PLACE OF CONCRETE BLOCKING AS DIRECTED BY THE PROJECT'S DESIGN ENGINEER AND APPROVED BY THE DISTRICT.

13. BACKFILL TRENCH IN PAVEMENT AREAS WITH PIT-RUN GRAVEL COMPACTED TO A DENSITY OF 95 PERCENT MINIMUM PER WSDOT SPECIFICATIONS SECTION 7-10.3(11). CONTRACTOR WILL MAKE ALL PAVEMENT REPAIRS AND PERFORM ALL CLEAN UP.

14. DISINFECTION AND FLUSHING OF THE WATERLINES TO BE PER WSDOT SPECIFICATION. USE DECHLORINATION EQUIPMENT PROPERLY WHEN FLUSHING OR FLUSH INTO SANITARY SEWER MANHOLES WITH PERMISSION. DO NOT FLUSH INTO OR ALLOW CHLORINATED WATER TO DRAIN INTO ANY CREEK, WETLANDS, OR CATCH BASINS. THE TOTAL ESTIMATED AMOUNT OF WATER USED FOR FILLING AND FLUSHING OF THE WATER PIPELINE IS _____

13. BACKFILL TRENCH IN PAVEMENT AREAS WITH PIT-RUN GRAVEL COMPACTED TO A DENSITY OF 95 PERCENT MINIMUM PER WSDOT SPECIFICATIONS SECTION 7-10.3(11). CONTRACTOR WILL MAKE ALL PAVEMENT REPAIRS AND PERFORM ALL CLEAN UP.

14. DISINFECTION AND FLUSHING OF THE WATERLINES TO BE PER WSDOT SPECIFICATION. USE DECHLORINATION EQUIPMENT PROPERLY WHEN FLUSHING OR FLUSH INTO SANITARY SEWER MANHOLES WITH PERMISSION. DO NOT FLUSH INTO OR ALLOW CHLORINATED WATER TO DRAIN INTO ANY CREEK, WETLANDS, OR CATCH BASINS. THE TOTAL ESTIMATED AMOUNT OF WATER USED FOR FILLING AND FLUSHING OF THE WATER PIPELINE IS _____

15. PRESSURE TEST NEW PIPELINE, INCLUDING FIRE HYDRANTS AND SERVICE LINES AS PER WSDOT STANDARDS.

TEST DATE _____ TEST PRESSURE _____

TIME START _____ TIME END _____

PRESSURE DROP_____ MAKE-UP WATER _____

16. ALL SALVAGED EXISTING MATERIALS ARE TO BE DELIVERED TO PUD CONSTRUCTION DEPARTMENT AS DIRECTED BY DISTRICT INSPECTOR.

17. THE UTILITY LOCATIONS MARKED ON THIS MAP ARE APPROXIMATE. THE CONTRACTOR IS TO VERIFY ACTUAL LOCATION AND DEPTH PRIOR TO CONSTRUCTION. CALL THE UNDERGROUND UTILITY LOCATE CENTER AT 1(800) 424-5555.

18. ALL PRIVATE FIRE SPRINKLER OR PRIVATE FIRE HYDRANT LINES ARE TO INCLUDE A WASHINGTON STATE DEPARTMENT OF HEALTH (WSDOH) APPROVED DOUBLE CHECK DETECTOR ASSEMBLY(IES) OR REDUCED PRESSURE PRINCIPLE DETECTOR ASSEMBL(IES), WITH A BADGER M25 METER. METER TO BE PROVIDED BY PUD #1 OF SKAGIT COUNTY AT COST TO CONTRACTOR/DEVELOPER.

19. BEFORE CONNECTION TO AN EXISTING WATER MAIN, ALL NEW WATER MAINS AND REPAIRED PORTIONS OF/OR EXTENSION TO EXISTING MAINS SHALL BE ADEQUATELY CHLORINATED AND A SATISFACTORY BACTERIOLOGICAL REPORT OBTAINED.

20. NO CONNECTION SHALL BE MADE BETWEEN THE EXISTING DISTRIBUTION SYSTEM AND THE NEW PIPELINE UNTIL IT HAS BEEN PROPERLY DISINFECTED AND ADEQUATELY FLUSHED. A PROPER WASHINGTON STATE APPROVED REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY SHALL BE INSTALLED AT THE CONNECTION (BY WAY OF A JUMPER). THE ASSEMBLY SHALL HAVE BEEN TESTED, AS REQUIRED BY THE DISTRICT AND PER WSDOT SECTION 7-11.3(12)J.

APPROVAL STATEMENT

THIS PLAN SHEET IS APPROVED FOR CONSTRUCTION in accordance with the City of Mount Vernon ordinances and policies. Actual conformances of the design with applicable laws is the sole responsibility of the professional Engineer, whose name and stamp appears on this sheet. Acquiring, complying with and providing mitigation for all federal, state, county, and local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permits, State Department of Fisheries Hydraulic Permits, Federal Flood Plain Permits, and National Pollutant Discharge Elimination System Permits is the responsibility of the developer, Landowner, and their engineer. The issuance of this permit shall not be construed as proof of compliance with applicable laws and permit requirements.

Assistant City Engineer

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM
STATE OF WASHINGTON
32169
REGISTERED PROFESSIONAL ENGINEER
3/14/07
EXPIRES 1/24/08

APPROVED FOR CONSTRUCTION

CITY OF MOUNT VERNON FIRE MARSHAL

W.O. 06-3159

AS-BUILT PLANS C.O. 4490

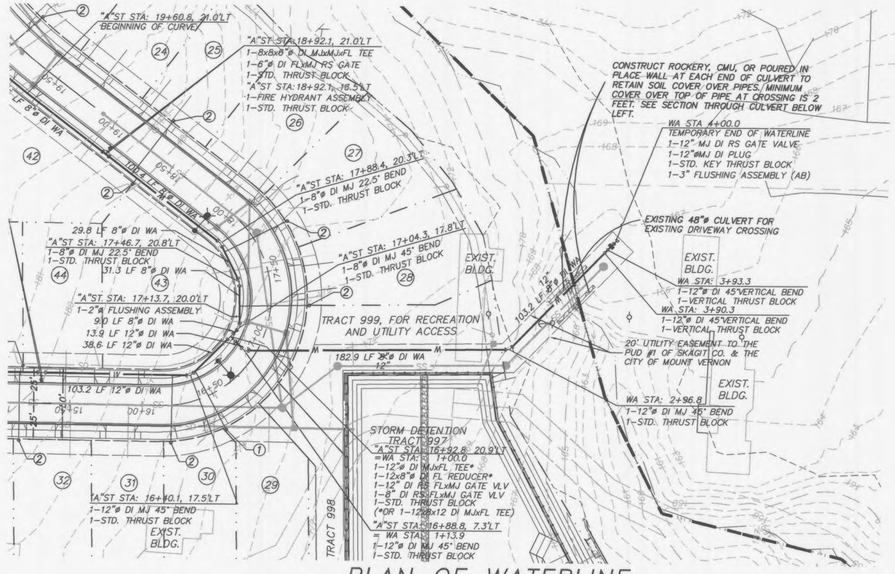
FILE NUMBER: SO2104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT ENGINEERS & SURVEYORS, INC. 360.416.4999 360.416.4949 fax SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION WATER PLAN	PROJECT CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C6

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

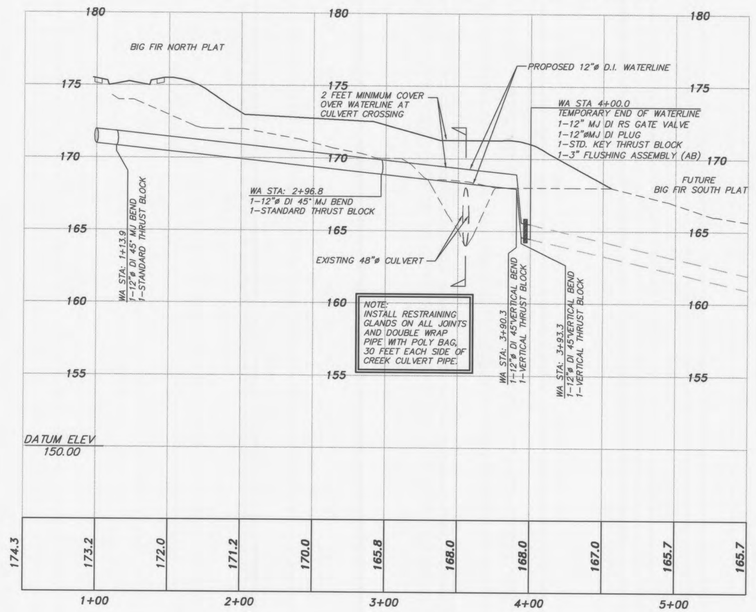
PLAT OF BIG FIR NORTH

WATER PLAN & PROFILE
CROSSING MADDOX CREEK

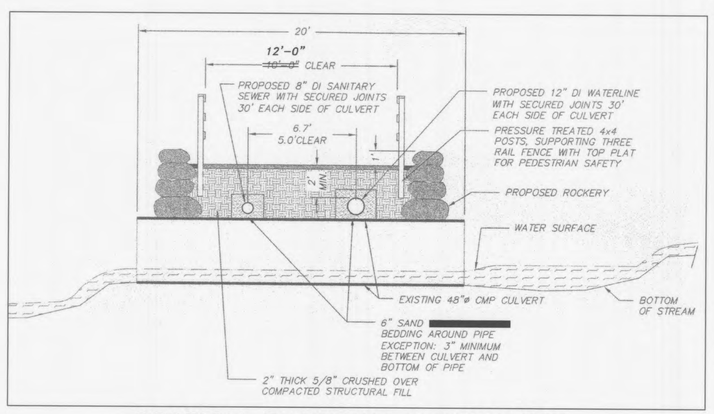
GRAPHIC SCALE
50 0 25 50 100
(IN FEET)
Horizontal Scale: 1 Inch = 50 Feet
Vertical Scale: 1 Inch = 5 Feet



PLAN OF WATERLINE CROSSING MADDOX CREEK



PROFILE OF WATERLINE CROSSING MADDOX CREEK



SECTION THROUGH CENTERLINE OF EXISTING 48-INCH CULVERT

W.O. 06-3159
C.O. 4490

YOUNG-SOO KIM
STATE OF WASHINGTON
36486
REGISTERED PROFESSIONAL ENGINEER
9/16/07
EXPIRES: 1/24/08

APPROVAL STATEMENT

THIS PLAN SHEET IS APPROVED FOR CONSTRUCTION in accordance with the City of Mount Vernon ordinances and policies. Actual conformances of the design with applicable laws is the sole responsibility of the professional Engineer, whose name and stamp appears on this sheet. Acquiring, complying with and providing mitigation for all federal, state, county, and local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permits, State Department of Fisheries Hydraulic Permits, Federal Flood Plain Permits, and National Pollutant Discharge Elimination System Permits is the responsibility of the developer, Landowner, and their engineer. The issuance of this permit shall not be construed as proof of compliance with applicable laws and permit requirements.

Assistant City Engineer

This approval will expire in one year from the date noted above.

AS-BUILT PLANS

FILE NUMBER: S02104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS Add Creek Xing C6-1	DATE 12/29/2005	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION WATER PLAN & PROFILE CROSSING MADDOX CREEK	PROJECT CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C6-1

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH

WATER PLAN DETAILS

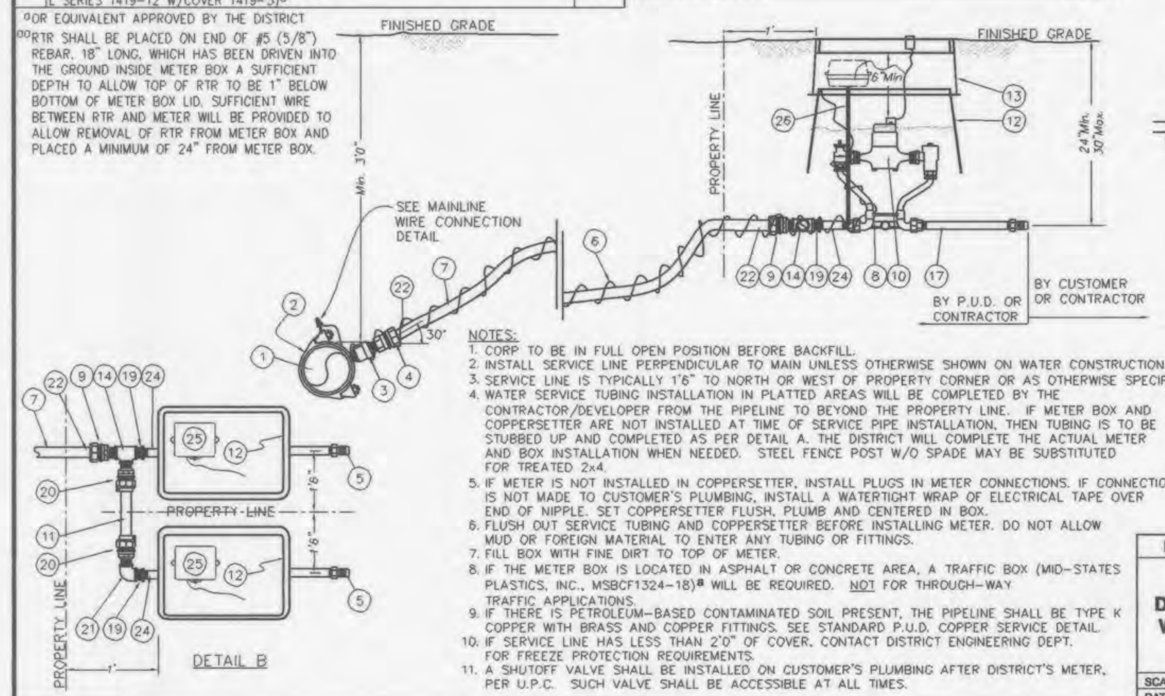
STANDARD INSTALLATION OF DOUBLE 5/8" OR 3/4" METERED SERVICE WITH 200 P.S.I. POLYETHYLENE TUBING SERVICE LINE

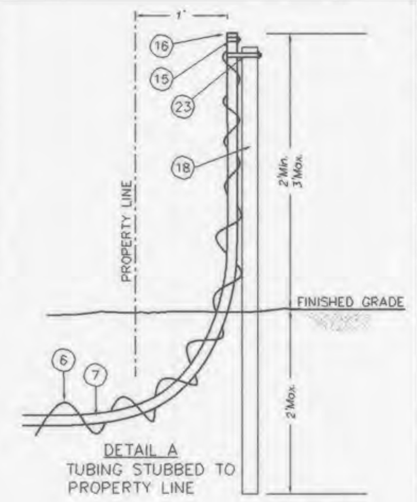
BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.	NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN		13	EXTENSION, METER BOX, (CARSON INDUSTRIES LLC 1419-6)ª	2
2	CLAMP, SERVICE, DOUBLE STRAP X 1" I.P.T., ALL BRASS, (FORD #202B)ª	1	14	TEE, 1", BRASS	1
			15	CLAMP, 1", ALL STAINLESS – STUB ONLY	2
3	CORP, 1", (FORD #FB-500)	1	16	ADAPTER, 1" M.I.P.T. X 1" INSERT W/CAP (GALVANIZED)	1
4	ADAPTER, BRASS PAK JOINT, 1" F.I.P.T. X 1" POLY, (FORD #C16-44)ª	1	17	NIPPLE, BRASS, 3/4"x12"	2
			18	POST, 2"x4"x4'0" PRESSURE TREATED	1
5	ADAPTER, BRASS, 3/4" F.I.P.T. x 1" INSERT	2	19	BUSHING, 1" X 3/4", BRASS, M.I.P.T. X F.I.P.T.	2
6	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN.18" INTO BOXES, NEAR LID		20	ADAPTER, BRASS PAK JOINT, 1" M.I.P.T. X P.V.C., (FORD #C87-44)ª	2
7	TUBING, 1" POLYETHYLENE, 200 P.S.I., (3408 AWWA 901-88)ª				
8	COPPERSETTER, 3/4", (FORD #VBHC72-9W-11-33)ª	2	21	ELL, 1", 90°, BRASS, F.I.P.T.	1
9	ADAPTER, BRASS PAK JOINT, 1" M.I.P.T. X 1" POLY, (FORD #C86-44)ª	1	22	INSERT, STIFFENER, 1" (FORD #72)ª	2
			23	HOSE CLAMP, 3/4" STAINLESS STEEL	1
10	METER, BADGER MODEL M25, 5/8" OR 3/4" BRONZE METER	2	24	NIPPLE, BRASS, 3/4"x4"	2
11	PIPE, 1", P.V.C., SCHEDULE 80		25	RTR ORION PIT MODULE ªª	2
12	METER BOX & COVER, (CARSON INDUSTRIES LLC, L SERIES 1419-12 W/COVER 1419-3)ª	2	26	REBAR, #5 (5/8")	±18"

ª OR EQUIVALENT APPROVED BY THE DISTRICT

ªª RTR SHALL BE PLACED ON END OF #5 (5/8") REBAR, 18" LONG, WHICH HAS BEEN DRIVEN INTO THE GROUND INSIDE METER BOX A SUFFICIENT DEPTH TO ALLOW TOP OF RTR TO BE 1" BELOW BOTTOM OF METER BOX LID. SUFFICIENT WIRE BETWEEN RTR AND METER WILL BE PROVIDED TO ALLOW REMOVAL OF RTR FROM METER BOX AND PLACED A MINIMUM OF 24" FROM METER BOX.





#10 WIRE

MAINLINE WIRE CONNECTION DETAIL
NTS

NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª

NOTES:
1. CORP TO BE IN FULL OPEN POSITION BEFORE BACKFILL.
2. INSTALL SERVICE LINE PERPENDICULAR TO MAIN UNLESS OTHERWISE SHOWN ON WATER CONSTRUCTION PLAN.
3. SERVICE LINE IS TYPICALLY 1'6" TO NORTH OR WEST OF PROPERTY CORNER OR AS OTHERWISE SPECIFIED.
4. WATER SERVICE TUBING INSTALLATION IN PLATTED AREAS WILL BE COMPLETED BY THE CONTRACTOR/DEVELOPER FROM THE PIPELINE TO BEYOND THE PROPERTY LINE. IF METER BOX AND COPPERSETTER ARE NOT INSTALLED AT TIME OF SERVICE PIPE INSTALLATION, THEN TUBING IS TO BE STUBBED UP AND COMPLETED AS PER DETAIL A. THE DISTRICT WILL COMPLETE THE ACTUAL METER AND BOX INSTALLATION WHEN NEEDED. STEEL FENCE POST W/O SPADE MAY BE SUBSTITUTED FOR TREATED 2x4.
5. IF METER IS NOT INSTALLED IN COPPERSETTER, INSTALL PLUGS IN METER CONNECTIONS. IF CONNECTION IS NOT MADE TO CUSTOMER'S PLUMBING, INSTALL A WATERTIGHT WRAP OF ELECTRICAL TAPE OVER END OF NIPPLE. SET COPPERSETTER FLUSH, PLUMB AND CENTERED IN BOX.
6. FLUSH OUT SERVICE TUBING AND COPPERSETTER BEFORE INSTALLING METER. DO NOT ALLOW MUD OR FOREIGN MATERIAL TO ENTER ANY TUBING OR FITTINGS.
7. FILL BOX WITH FINE DIRT TO TOP OF METER.
8. IF THE METER BOX IS LOCATED IN ASPHALT OR CONCRETE AREA, A TRAFFIC BOX (MID-STATES PLASTICS, INC., MSBCF1324-18)ª WILL BE REQUIRED. NOT FOR THROUGH-WAY TRAFFIC APPLICATIONS.
9. IF THERE IS PETROLEUM-BASED CONTAMINATED SOIL PRESENT, THE PIPELINE SHALL BE TYPE K COPPER WITH BRASS AND COPPER FITTINGS. SEE STANDARD P.U.D. COPPER SERVICE DETAIL.
10. IF SERVICE LINE HAS LESS THAN 2'0" OF COVER, CONTACT DISTRICT ENGINEERING DEPT. FOR FREEZE PROTECTION REQUIREMENTS.
11. A SHUTOFF VALVE SHALL BE INSTALLED ON CUSTOMER'S PLUMBING AFTER DISTRICT'S METER, PER U.P.C. SUCH VALVE SHALL BE ACCESSIBLE AT ALL TIMES.

PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
STANDARD INSTALLATION OF DOUBLE 5/8" OR 3/4" METERED SERVICE WITH 200 P.S.I. POLYETHYLENE TUBING SERVICE LINE

SCALE: 1:20	SKPUD-WS58-4	APPROVED BY: DJL
DATE: 3/01/05	REVISED: 7/11/05	DRAWN BY: JVZ

STANDARD INSTALLATION OF SINGLE 5/8" OR 3/4" METERED SERVICE WITH 200 P.S.I. POLYETHYLENE TUBING SERVICE LINE

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.	NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN		10	METER, BADGER MODEL M25, 5/8" OR 3/4" BRONZE METER	1
2	CLAMP, SERVICE, DOUBLE STRAP X 1" I.P.T., ALL BRASS, (FORD #202B)ª	1	11	POST, 2"x4"x4'0" PRESSURE TREATED	1
			12	METER BOX & COVER, (CARSON INDUSTRIES LLC, L SERIES 1419-12 W/COVER 1419-3) ª	1
3	CORP, 1", (FORD #FB-500)ª	1			
4	ADAPTER, BRASS PAK JOINT, 1" F.I.P.T. X 1" POLY, (FORD #C16-44)ª	1	13	EXTENSION, METER BOX, CARSON INDUSTRIES LLC, L SERIES 1419-6 ª	1
			14	INSERT, STIFFENER, 1" (FORD #72) ª	2
5	NIPPLE, BRASS, 3/4"x12"	1	15	CLAMP, 1", ALL STAINLESS – STUB ONLY	2
6	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN.18" INTO BOX, NEAR LID		16	ADAPTER, 1" M.I.P.T. x 1" INSERT W/CAP (GALVANIZED)	1
			17	HOSE CLAMP, 3/4" STAINLESS STEEL	1
7	TUBING, 1" POLYETHYLENE, 200 P.S.I., (3408 AWWA 901-88)ª		18	REBAR, #5 (5/8")	±18"
8	COPPERSETTER, 3/4", (FORD #VBHC72-9W-11-33)ª	1	19	RTR ORION PIT MODULE ªª	1
9	ADAPTER, BRASS PAK JOINT, 3/4" M.I.P.T. X 1" POLY, (FORD #C86-34)ª	1	20	ADAPTER, BRASS, 3/4" F.I.P.T. x 1" INSERT	1

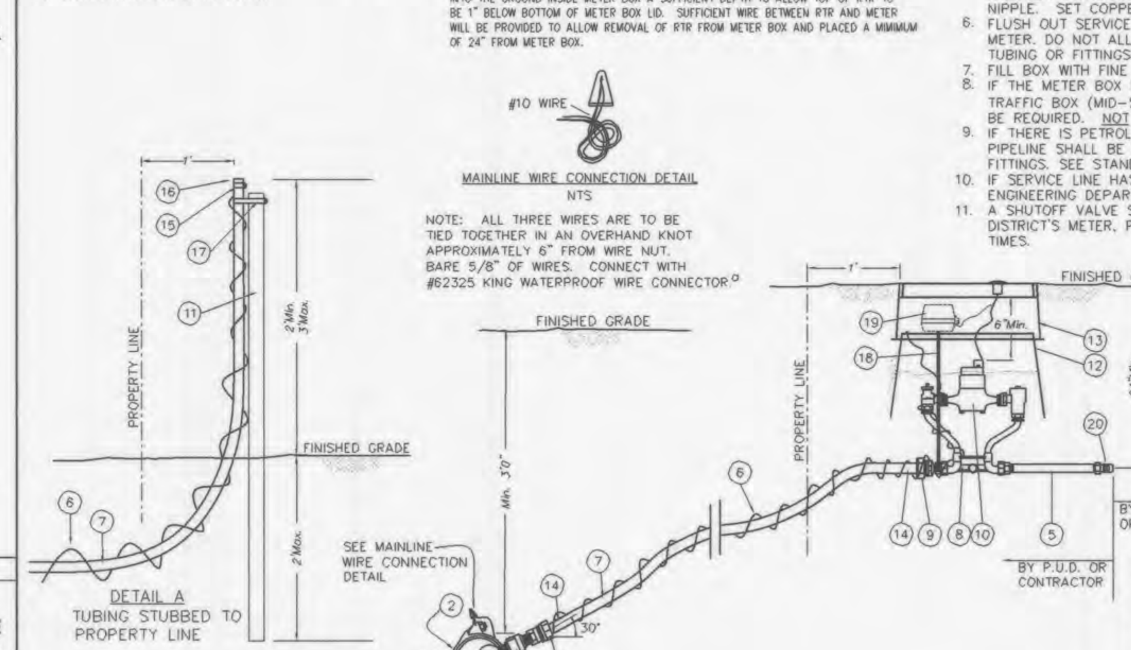
ª OR EQUIVALENT APPROVED BY THE DISTRICT

ªª RTR SHALL BE PLACED ON END OF #5 (5/8") REBAR, 18" LONG, WHICH HAS BEEN DRIVEN INTO THE GROUND INSIDE METER BOX A SUFFICIENT DEPTH TO ALLOW TOP OF RTR TO BE 1" BELOW BOTTOM OF METER BOX LID. SUFFICIENT WIRE BETWEEN RTR AND METER WILL BE PROVIDED TO ALLOW REMOVAL OF RTR FROM METER BOX AND PLACED A MIMIMUM OF 24" FROM METER BOX.

#10 WIRE

MAINLINE WIRE CONNECTION DETAIL
NTS

NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª

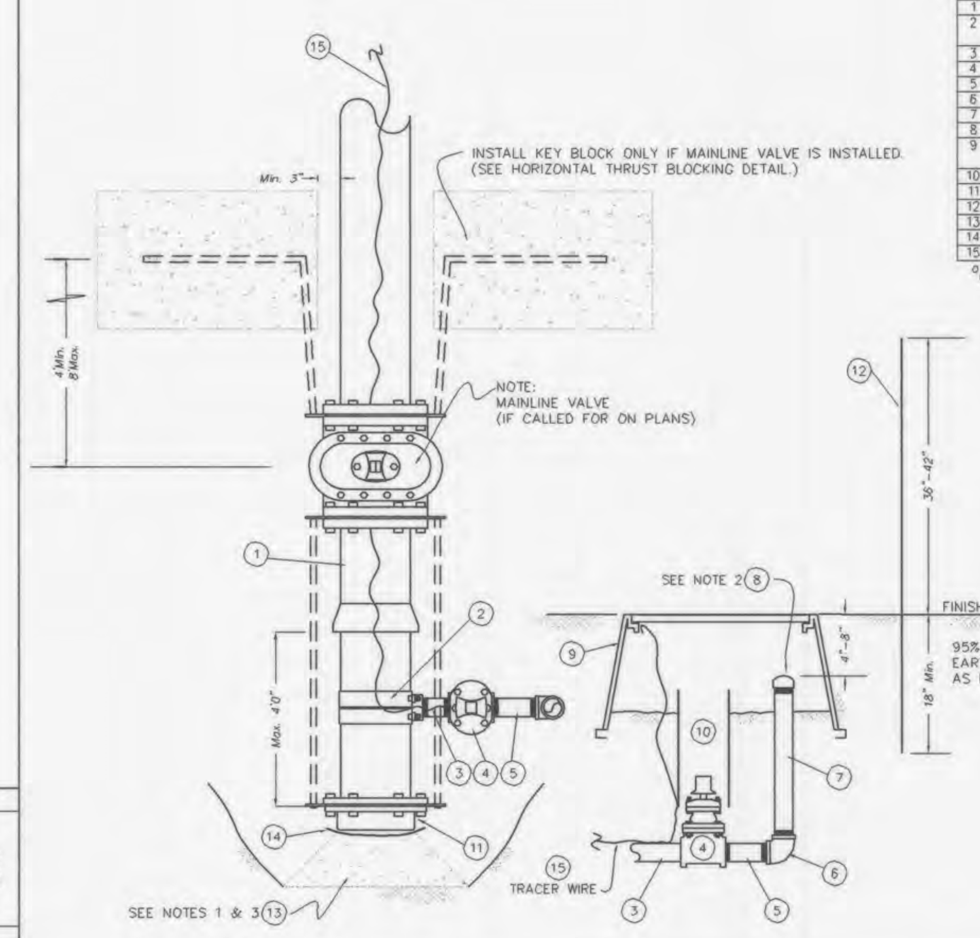


NOTES
1. CORP TO BE IN FULL OPEN POSITION BEFORE BACKFILL.
2. INSTALL SERVICE LINE PERPENDICULAR TO MAIN UNLESS OTHERWISE SHOWN ON WATER CONSTRUCTION PLAN.
3. SERVICE LINE IS TYPICALLY 1'6" TO NORTH OR WEST OF PROPERTY CORNER OR AS OTHERWISE SPECIFIED.
4. WATER SERVICE TUBING INSTALLATION IN PLATTED AREAS WILL BE COMPLETED BY THE CONTRACTOR/DEVELOPER FROM THE PIPELINE TO BEYOND THE PROPERTY LINE. IF METER BOX AND COPPERSETTER ARE NOT INSTALLED AT TIME OF SERVICE PIPE INSTALLATION, THEN TUBING IS TO BE STUBBED UP AND COMPLETED AS PER DETAIL A. THE DISTRICT WILL COMPLETE THE ACTUAL METER AND BOX INSTALLATION WHEN NEEDED. STEEL FENCE POST W/O SPADE MAY BE SUBSTITUTED FOR TREATED 2x4.
5. IF METER IS NOT INSTALLED IN COPPERSETTER, INSTALL PLUGS IN METER CONNECTIONS. IF CONNECTION IS NOT MADE TO CUSTOMER'S PLUMBING, INSTALL A WATERTIGHT WRAP OF ELECTRICAL TAPE OVER END OF NIPPLE. SET COPPERSETTER FLUSH, PLUMB AND CENTERED IN BOX.
6. FLUSH OUT SERVICE TUBING AND COPPERSETTER BEFORE INSTALLING METER. DO NOT ALLOW MUD OR FOREIGN MATERIAL TO ENTER ANY TUBING OR FITTINGS.
7. FILL BOX WITH FINE DIRT TO TOP OF METER.
8. IF THE METER BOX IS LOCATED IN ASPHALT OR CONCRETE AREA, A TRAFFIC BOX (MID-STATES PLASTICS, INC., MSBCF1324-18)ª WILL BE REQUIRED. NOT FOR THROUGH-WAY TRAFFIC APPLICATIONS.
9. IF THERE IS PETROLEUM-BASED CONTAMINATED SOIL PRESENT, THE PIPELINE SHALL BE OF TYPE K COPPER WITH BRASS AND COPPER FITTINGS. SEE STANDARD P.U.D. COPPER SERVICE DETAIL.
10. IF SERVICE LINE HAS LESS THAN 2'0" OF COVER, CONTACT DISTRICT ENGINEERING DEPARTMENT FOR FREEZE PROTECTION REQUIREMENTS.
11. A SHUTOFF VALVE SHALL BE INSTALLED ON CUSTOMER'S PLUMBING AFTER DISTRICT'S METER, PER U.P.C. SUCH VALVE SHALL BE ACCESSIBLE AT ALL TIMES.

PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
STANDARD INSTALLATION OF SINGLE 5/8" OR 3/4" METERED SERVICE WITH 200 P.S.I. POLYETHYLENE TUBING SERVICE LINE

SCALE: 1:20	SKPUD-WS58-1	APPROVED BY: DJL
DATE: 3/01/05	REVISED: 7/11/05	DRAWN BY: JVZ

STANDARD 2-INCH FLUSHING ASSEMBLY



BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN (4", 6", OR 8")	
2	CLAMP, SERVICE, DOUBLE STRAP X 2" I.P.T., ALL BRASS, (FORD #202B)ª	1
3	NIPPLE, 2" X 4", BRASS	1
4	VALVE, 2" CAST IRON, RESILIENT WEDGE	1
5	NIPPLE, 2" X 6", GALVANIZED	1
6	ELL, 2" 90° GALVANIZED	1
7	PIPE, 2" GALVANIZED, THREAD BOTH ENDS	
8	CAP, 2" PLASTIC, THREADED	1
9	METER BOX & COVER (CARSON #1324-15 WITH COVER 1324-3L)ª	1
10	CASING, 6" P.V.C. SEWER PIPE	1
11	CAP, M.J. BLIND	1
12	MARKER, BLUE, CARSONITE #CWV-116	1
13	CONCRETE BLOCKING (OR KEY BLOCK IF REQUIRED)	
14	POLYETHYLENE SHEETING, 8 MIL THICKNESS	
15	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN.18" INTO BOX, NEAR LID	

ª OR EQUIVALENT APPROVED BY THE DISTRICT

NOTES:
1. BLOCK AS PER P.U.D. HORIZONTAL THRUST BLOCKING DETAIL. BEARING AREA TO BE AGAINST UNDISTURBED EARTH AND TO BE DETERMINED BY THE ENGINEER. USE FORMING AS NECESSARY TO PREVENT CONCRETE FROM INTERFERING WITH CAP (#11), CLAMP (#2) OR VALVE (#4).
2. PLASTIC THREADED CAP (#8) TO BE HAND TIGHT ONLY.
3. IF A VALVE IS INSTALLED UPSTREAM OF BLOW, KEY BLOCK VALVE AND CAP. SEE THRUST BLOCKING DETAIL.
4. IF FLUSHING ASSEMBLY BOX IS LOCATED IN ASPHALT OR CONCRETE AREA, A TRAFFIC BOX (MID-STATES PLASTIC, INC. MSBCF 1324-18)a WILL BE REQUIRED. NOT FOR THROUGH-WAY TRAFFIC APPLICATIONS.
5. KEY BLOCK TO BE INSTALLED ONLY IF PIPE IS EXPECTED TO EXTEND WITHIN TEN (10) YEARS OF INSTALLATION. SEE HORIZONTAL THRUST BLOCKING DETAIL.

PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
STANDARD 2-INCH FLUSHING ASSEMBLY

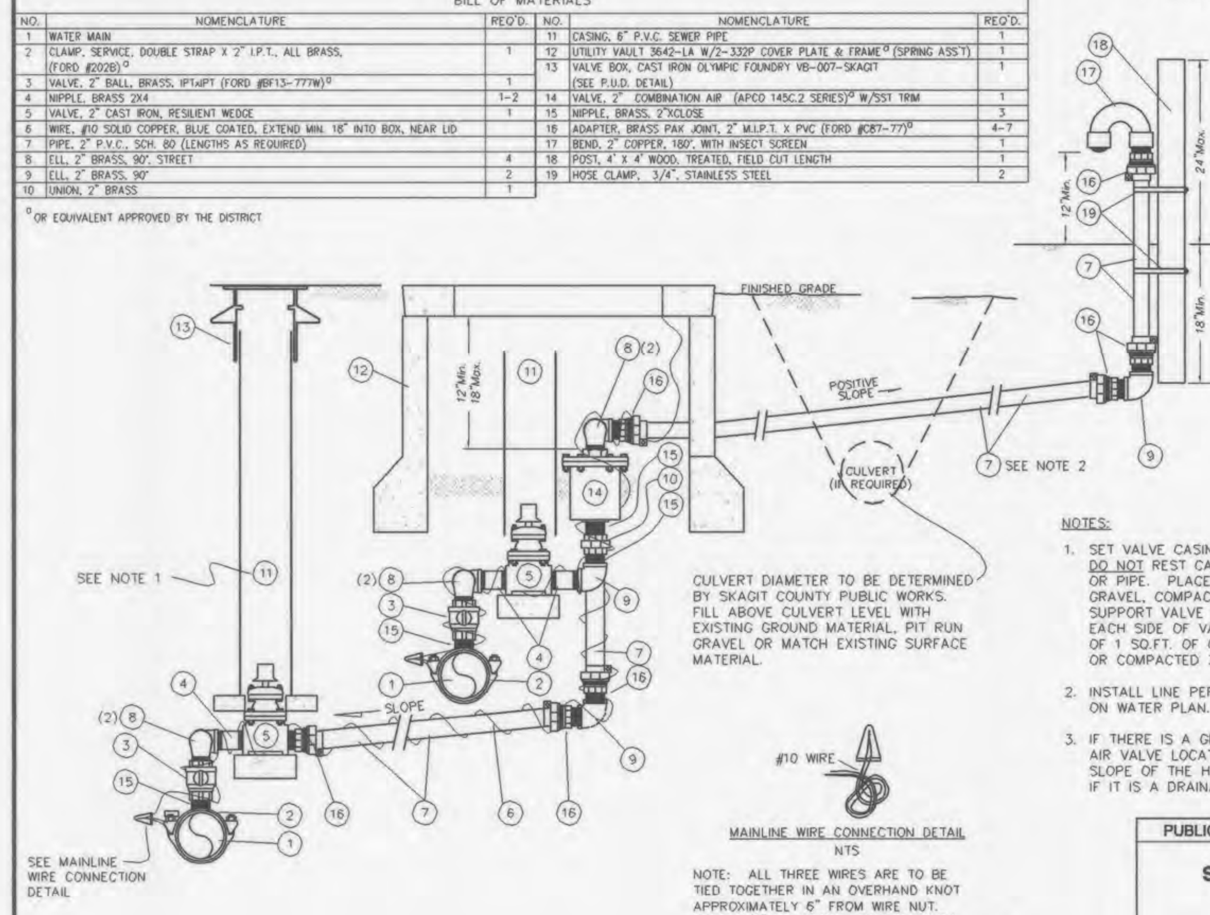
SCALE: 1:20	SKPUD-WB2-1	APPROVED BY: DJL
DATE: 3/25/05	REVISED:	DRAWN BY: JVZ

STANDARD INSTALLATION OF 2" COMBINATION AIR VALVE ASSEMBLY

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.	NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN		11	CASING, 6" P.V.C. SEWER PIPE	1
2	CLAMP, SERVICE, DOUBLE STRAP X 2" I.P.T., ALL BRASS, (FORD #202B)ª	1	12	UTILITY VAULT 3642-LA W/2-332P COVER PLATE & FRAMEª (SPRING ASS'T)	1
			13	VALVE BOX, CAST IRON OLYMPIC FOUNDRY VB-007-SKAGIT (SEE P.U.D. DETAIL)	1
3	VALVE, 2" BALL, BRASS, IPTxIPT (FORD #BF13-777W)ª	1			
4	NIPPLE, BRASS 2X4	1-2	14	VALVE, 2" COMBINATION AIR (APCO 145C.2 SERIES)ª W/SST TRIM	1
5	VALVE, 2" CAST IRON, RESILIENT WEDGE	1	15	NIPPLE, BRASS, 2"XCLOSE	3
6	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN. 18" INTO BOX, NEAR LID		16	ADAPTER, BRASS PAK JOINT, 2" M.I.P.T. X PVC (FORD #C87-77)ª	4-7
7	PIPE, 2" P.V.C., SCH. 80 (LENGTHS AS REQUIRED)		17	BEND, 2" COPPER, 180°, WITH INSECT SCREEN	1
8	ELL, 2" BRASS, 90°, STREET	4	18	POST, 4" X 4" WOOD, TREATED, FIELD CUT LENGTH	1
9	ELL, 2" BRASS, 90°	2	19	HOSE CLAMP, 3/4", STAINLESS STEEL	2
10	UNION, 2" BRASS	1			

ª OR EQUIVALENT APPROVED BY THE DISTRICT



CULVERT DIAMETER TO BE DETERMINED BY SKAGIT COUNTY PUBLIC WORKS. FILL ABOVE CULVERT LEVEL WITH EXISTING GROUND MATERIAL, PIT RUN GRAVEL OR MATCH EXISTING SURFACE MATERIAL.

NOTES:
1. SET VALVE CASING AND VAULT/BOX TO FINISH GRADE. DO NOT REST CASING OR VAULT ON NIPPLES OR PIPE. PLACE 3 INCHES OF 3/4" MINUS CRUSHED GRAVEL, COMPACTED TO 95%, UNDER CONCRETE VAULTS. SUPPORT VALVE CASING WITH 0.2 SQ.FT. OF CONCRETE ON EACH SIDE OF VALVE. SUPPORT 2" VALVE WITH MIN. OF 1 SQ.FT. OF CONCRETE BLOCK ON UNDISTURBED GROUND OR COMPACTED 3/4" CRUSHED GRAVEL.
2. INSTALL LINE PERPENDICULAR TO MAIN OR AS SHOWN ON WATER PLAN.
3. IF THERE IS A GROUND DEPRESSION OR DITCH BETWEEN AIR VALVE LOCATION AND VENT PIPE WHICH AFFECTS THE SLOPE OF THE HORIZONTAL VENT PIPE, INSTALL A CULVERT IF IT IS A DRAINAGE PATH OR FILL WITH DIRT.

#10 WIRE

MAINLINE WIRE CONNECTION DETAIL
NTS

NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª

PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
STANDARD INSTALLATION OF 2" COMBINATION AIR VALVE ASSEMBLY

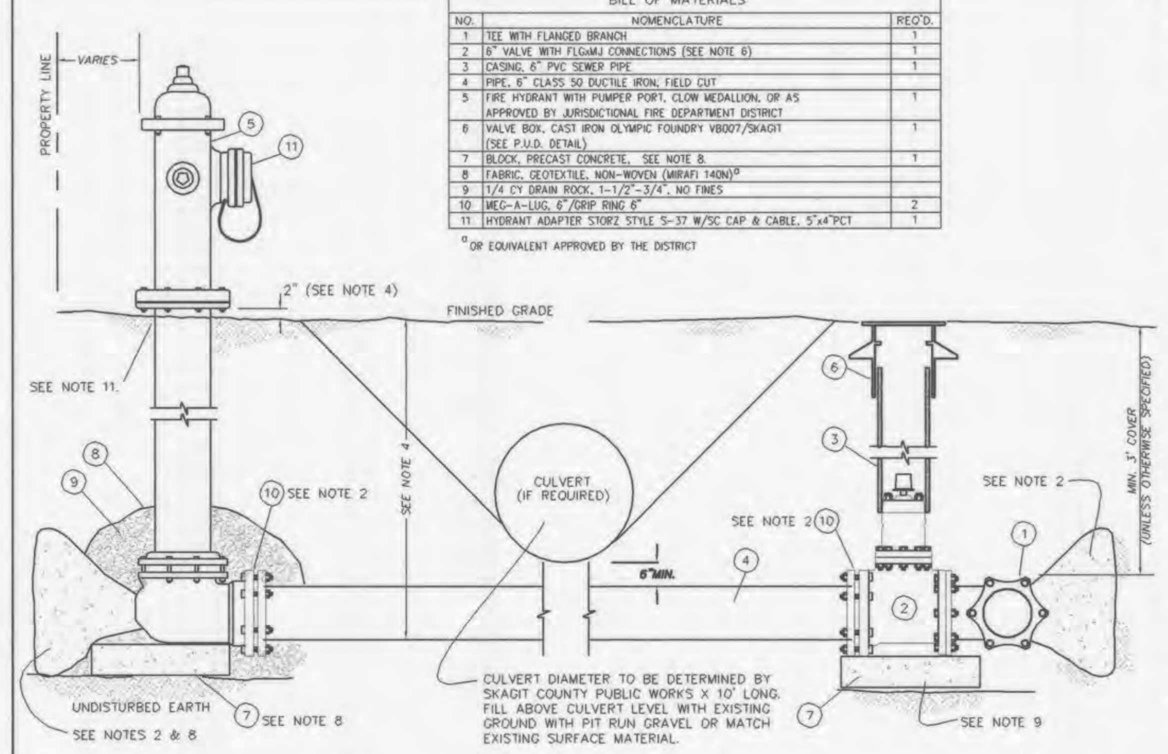
SCALE: 1:20	SKPUD-WV2-1	APPROVED BY: DJL
DATE: 3/25/05	REVISED:	DRAWN BY: JVZ

STANDARD INSTALLATION OF FIRE HYDRANT "CENTER STEM TYPE"

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.
1	TEE WITH FLANGED BRANCH	1
2	6" VALVE WITH FLGxMJ CONNECTIONS (SEE NOTE 6)	1
3	CASING, 6" PVC SEWER PIPE	1
4	PIPE, 6" CLASS 50 DUCTILE IRON, FIELD CUT	
5	FIRE HYDRANT WITH PUMPER PORT, CLOW MEDALLION, OR AS APPROVED BY JURISDICTIONAL FIRE DEPARTMENT DISTRICT	1
6	VALVE BOX, CAST IRON OLYMPIC FOUNDRY VB007/SKAGIT (SEE P.U.D. DETAIL)	1
7	BLOCK, PRECAST CONCRETE. SEE NOTE 8.	1
8	FABRIC, GEOTEXTILE, NON-WOVEN (MIRAFI 140N)ª	
9	1/4 CY DRAIN ROCK, 1-1/2"-3/4", NO FINES	
10	MEG-A-LUG, 6"/GRIP RING 6"	2
11	HYDRANT ADAPTER STORZ STYLE S-37 W/SC CAP & CABLE, 5"x4"PCT	1

ª OR EQUIVALENT APPROVED BY THE DISTRICT



CULVERT DIAMETER TO BE DETERMINED BY SKAGIT COUNTY PUBLIC WORKS X 10' LONG. FILL ABOVE CULVERT LEVEL WITH EXISTING GROUND WITH PIT RUN GRAVEL OR MATCH EXISTING SURFACE MATERIAL.

ALL FIRE HYDRANTS SHALL COMPLY WITH THE STANDARDS ISSUED BY THE SKAGIT COUNTY FIRE MARSHAL. HYDRANTS SHALL BE THE DRY BARREL TYPE WITH TWO HOSE OUTLETS WITH AN INSIDE DIAMETER OF 2-1/2 INCHES AND ONE LARGE PUMPER OUTLET WITH AN INSIDE DIAMETER OF 4 INCHES. SMALL PORTS SHALL HAVE NATIONAL STANDARD THREADS MEASURING 3.0625 INCHES OUTSIDE DIAMETER AT 7-1/2 THREADS PER INCH. PUMPER PORTS SHALL BE NO. 3 PACIFIC COAST THREADS MEASURING 4.828 INCHES OUTSIDE DIAMETER AT 6 THREADS PER INCH. THE OPERATING NUT SHALL BE 1-1/4 INCH PENTAGON.

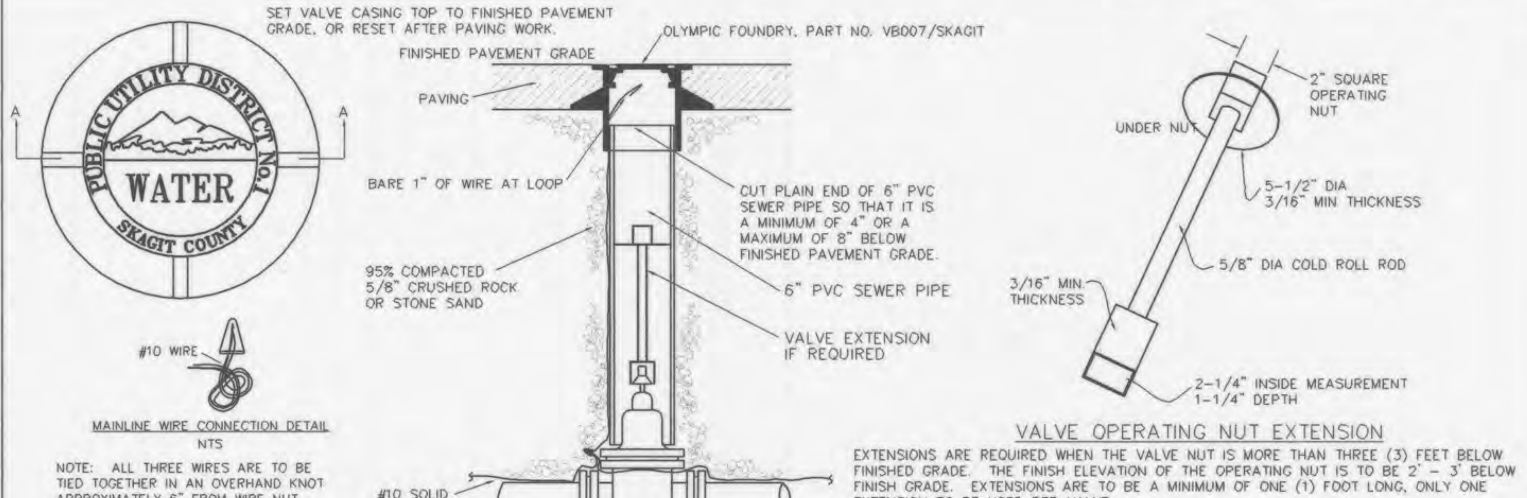
A STORZ QUICK COUPLER CONNECTED TO THE PUMPER PORT MAY BE REQUIRED. CONTACT FIRE DISTRICT/DEPARTMENT.

NOTES:
1. ALL MATERIALS AND BRANDS MUST BE APPROVED BY P.U.D.
2. BLOCK TEE AND HYDRANT WITH POURED CONCRETE ON ALL WATER MAINS OTHER THAN DUCTILE IRON AND ON ALL TAPPING SLEEVES AS REQUIRED PER DISTRICT BLOCKING DETAIL. IN ADDITION, 6" "MEGALUGS" (OR APPROVED EQUIVALENT) ARE TO BE INSTALLED AT VALVE AND HYDRANT M.J. OUTLETS. RESTRAIN ANY JOINTS IN THE PIPELINE WITH "FIELD LOK" GASKETS (OR APPROVED EQUIVALENT) INSTALLED IN THE BELLS OF TYTON JOINT PIPE OR "MEGALUGS" ON M.J. BELLS.
3. PROTECTIVE BARRIER POSTS MAY BE NECESSARY AT SOME HYDRANT INSTALLATIONS. CONTACT FIRE DEPARTMENT/DISTRICT FOR SPECIFIC REQUIREMENTS.
4. HYDRANT LENGTH AND TRENCH DEPTH SHALL BE SO AS TO PROVIDE FOR HYDRANT SETTING AT CORRECT ELEVATION RELATIVE TO FINISH GRADE.
5. SET HYDRANT VERTICAL. USE LEVEL. COMPACT ALL BACKFILL.
6. VALVE SHALL BE AWWA STANDARD GATE, "O" RING PACKING, NON-RISING STEM, 2" OPERATING NUT, RESILIENT WEDGE.
7. HYDRANT LOCATIONS ARE DETERMINED BY THE FIRE MARSHAL WITH AUTHORITY FOR AREA CONCERNED.
8. CONCRETE BLOCK WILL BE BELOW THE DRAIN HOLES AND DRAIN ROCK. TAKE CARE TO NOT PLUG DRAIN HOLES OR CONTAMINATE DRAIN ROCK.
9. SET MINIMUM 1 SQ.FT. CONCRETE SUPPORT TIGHT UP UNDER VALVE AND HYDRANT.
10. HYDRANT BARREL, LEAD, TEE, AND VALVE MUST BE WRAPPED WITH POLYETHYLENE PIPE ENCASEMENT PIPE WHICH IS A MINIMUM OF 8-MIL THICK. IT MUST BE INSTALLED AS PER W.S.D.O.T. STANDARDS AND IN ACCORDANCE WITH A.W.W.A. C105.
11. WHERE HYDRANTS ARE INSTALLED IN THE SIDEWALK, THERE SHALL BE A MINIMUM 3/8" EXPANSION JOINT AROUND THE BARREL OF THE HYDRANT AND AN EXPANSION JOINT PERPENDICULAR ACROSS THE SIDEWALK, INTERSECTING THE HYDRANT BARREL.

PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
STANDARD INSTALLATION OF FIRE HYDRANT "CENTER STEM TYPE"

SCALE: 1:20	SKPUD-WH-1	APPROVED BY: DJL
DATE: 3/25/05	REVISED:	DRAWN BY: JVZ

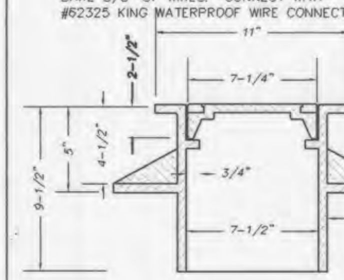
STANDARD INSTALLATION OF CAST IRON VALVE BOX & VALVE OPERATING NUT EXTENSION



#10 WIRE

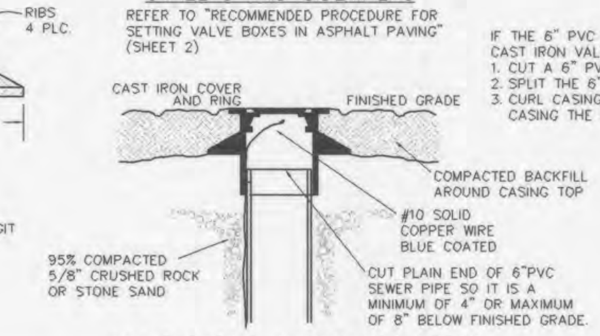
MAINLINE WIRE CONNECTION DETAIL
NTS

NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª



SECTION A–A
OLYMPIC FOUNDRY, PART NO. VB007/SKAGIT CAST IRON VALVE BOX

VALVE CASING IN PAVED AREAS, STREETS AND SIDEWALKS
REFER TO "RECOMMENDED PROCEDURE FOR SETTING VALVE BOXES IN ASPHALT PAVING" (SHEET 2)



VALVE CASING IN UNPAVED AREAS

VALVE OPERATING NUT EXTENSION

EXTENSIONS ARE REQUIRED WHEN THE VALVE NUT IS MORE THAN THREE (3) FEET BELOW FINISHED GRADE. THE FINISH ELEVATION OF THE OPERATING NUT IS TO BE 2' – 3' BELOW FINISH GRADE. EXTENSIONS ARE TO BE A MINIMUM OF ONE (1) FOOT LONG, ONLY ONE EXTENSION TO BE USED PER VALVE.

NOTE: 1) ALL EXTENSIONS ARE TO BE MADE OF STEEL SIZED AS NOTED, AND PAINTED WITH TWO COATS OF METAL PAINT. WELD ALL PARTS.
2) A CARSONITE CWV-116 BLUE MARKER POST WILL BE INSTALLED AT ALL VALVE(S) LOCATIONS UNLESS DIRECTED OTHERWISE BY DISTRICT REPRESENTATIVE.

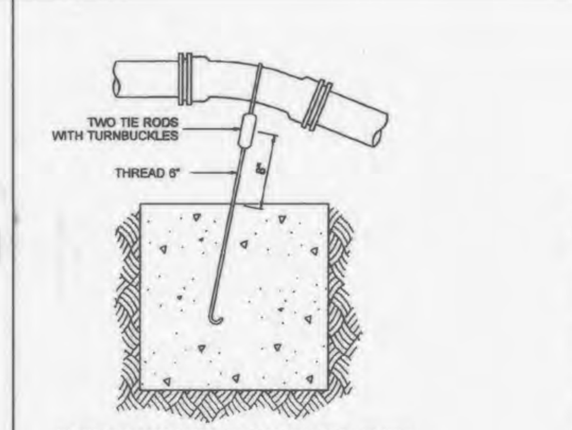
VALVE CASING EXTENSION

IF THE 6" PVC VALVE CASING PIPE DOES NOT EXTEND HIGH ENOUGH TO SUPPORT THE CAST IRON VALVE BOX, AN EXTENSION CAN BE ADDED FOLLOWING THE PROCEDURE BELOW:
1. CUT A 6" PVC SEWER PIPE 6" – 8" LONGER THAN THE RISE NECESSARY.
2. SPLIT THE 6" PVC SEWER PIPE THE FULL LENGTH.
3. CURL CASING EXTENSION INTO ITSELF AND PLACE INSIDE EXISTING PVC VALVE CASING THE 6"-8" ALLOWED FOR IN STEP 1. INSTALL VALVE BOX.

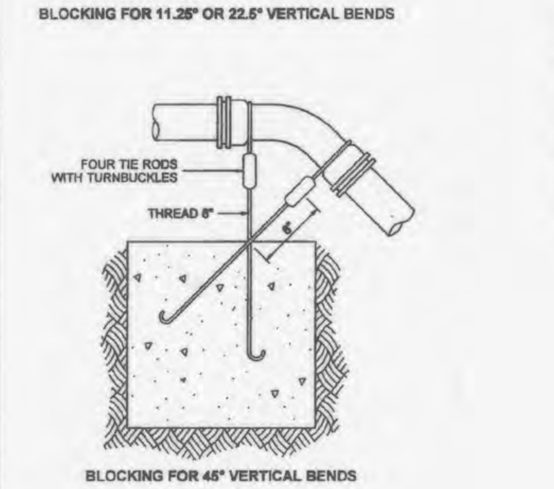
PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
STANDARD INSTALLATION OF CAST IRON VALVE BOX & VALVE OPERATING NUT EXTENSION
SHEET 1/2

SCALE: NTS	SKPUD-WV-1a	APPROVED BY: DJL
DATE: 3/25/05	REVISED:	DRAWN BY: JVZ

CONCRETE BLOCKING FOR CONVEX VERTICAL BENDS



BLOCKING FOR 11.25° OR 22.5° VERTICAL BENDS



BLOCKING FOR 45° VERTICAL BENDS

NOTE
STEEL TIE RODS TO BE HEAVILY COATED WITH ASPHALT AFTER INSTALLATION.

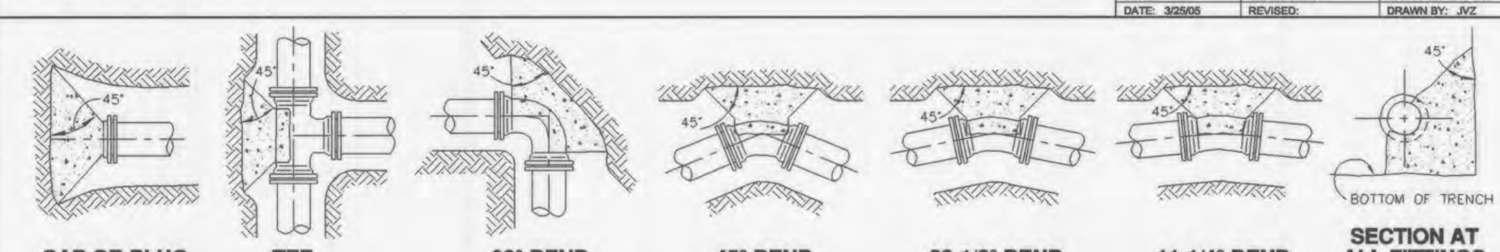
DIMENSION TABLE

PIPE DIAM.	TEST PRESSURE (PSI)	BEND ANGLE	CONCRETE VOLUME (Ft³)	CUBE SIZE (Ft)	TIE ROD DIAM.	TIE ROD EMBEDMENT
4"	250	11.25°	6	1.8	5/8"	17"
		22.5°	12	2.3		
		45°	22	2.8		
6"	250	11.25°	14	2.4	5/8"	17"
		22.5°	27	3.0		
		45°	50	3.7		
8"	250	11.25°	25	2.9	5/8"	17"
		22.5°	48	3.6		
		45°	89	4.5		
10"	250	11.25°	38	3.4	5/8"	17"
		22.5°	75	4.2		
		45°	139	5.2		
12"	250	11.25°	55	3.8	5/8"	17"
		22.5°	108	4.8		
		45°	200	5.8	7/8"	24"
14"	250	11.25°	75	4.2	5/8"	17"
		22.5°	147	5.3	3/4"	20"
		45°	272	6.5	1"	27"
16"	250	11.25°	98	4.6	5/8"	17"
		22.5°	192	5.8	7/8"	24"
		45°	355	7.1	1 1/8"	30"

MATTHEW J. WITECKI, STATE OF WASHINGTON, 15566, REGISTERED PROFESSIONAL ENGINEER
EXPIRES JULY 1, 2005

CONCRETE BLOCKING FOR CONVEX VERTICAL BENDS
STANDARD PLAN B-22
SHEET 1 OF 1 SHEET
APPROVED FOR PUBLICATION
Harold J. Peterfeso 07-21-03
STATE DESIGN ENGINEER DATE
Washington State Department of Transportation

HORIZONTAL THRUST BLOCKING DETAILS



CAP OR PLUG | TEE | 90° BEND | 45° BEND | 22-1/2° BEND | 11-1/4° BEND | SECTION AT ALL FITTINGS

THRUST BLOCK REQUIREMENTS — BEARING AREA REQUIRED IN SQUARE FEET

PIPE SIZE nominal	PIPE SIZE outside dia.	KEY BLOCK** & TEE/CAP OR PLUG 200 psi	225 psi	250 psi	90 Degree BEND 200 psi	225 psi	250 psi	45 Degree BEND 200 psi	225 psi	250 psi	22.5 Degree BEND 200 psi	225 psi	250 psi	11.25 Degree BEND 200 psi	225 psi	250 psi
4	4.80	1.8	2.0	2.3	2.6	2.9	3.2	1.4	1.6	1.7	0.7	0.8	0.9	0.4	0.4	0.4
6	6.90	3.7	4.2	4.7	5.3	5.9	6.6	2.9	3.2	3.6	1.5	1.6	1.8	0.7	0.8	0.9
8	9.05	6.4	7.2	8.0	9.1	10.2	11.4	4.9	5.5	6.2	2.5	2.8	3.1	1.3	1.4	1.6
12	13.20	13.7	15.4	17.1	19.4	21.8	24.2	10.5	11.8	13.1	5.3	6.0	6.7	2.7	3.0	3.4
16	17.40	23.8	26.8	29.7	33.6	37.8	42.0	18.2	20.5	22.7	9.3	10.4	11.6	4.7	5.2	5.8
18	19.50	29.9	33.6	37.3	42.2	47.5	52.8	22.9	25.7	28.6	11.7	13.1	14.6	5.9	6.6	7.3
24	25.80	52.3	58.8	65.3	73.9	83.2	92.4	40.0	45.0	50.0	20.4	22.9	25.5	10.2	11.5	12.8

NOTES:
1. ALL CONCRETE BLOCKING SHALL BE POURED AGAINST DRY, UNDISTURBED SUBGRADE. TABLE IS BASED ON 2000 POUNDS PER SQUARE FOOT ALLOWABLE SOIL BEARING. WEAKER SOIL WILL REQUIRE INCREASED BEARING AREA. SEE SOIL BEARING LOAD CHART.
2. KEEP CONCRETE CLEAR OF JOINTS AND ACCESSORIES. USE FORMING AS NECESSARY.
3. HORIZONTAL ANCHOR BLOCKING CONFIGURATIONS FOR FITTINGS NOT SHOWN SHALL HAVE APPROVAL OF THE P.U.D.
4. THE SQUARE FOOT AREAS REQUIRED FOR BEARING ARE CALCULATED BY THE FOLLOWING FORMULAS:
FORMULA AT TEE & CAP OR PLUG:
$T = PA$
$T \div K$ = BEARING AREA REQUIRED IN SQUARE FEET
FORMULA AT ALL PIPE BENDS:
$T = 2PA$ (SIN 1/2 ANGLE) WHERE ANGLE = THE DEGREE BEND OF THE FITTING
$T \div K$ = BEARING AREA REQUIRED IN SQ. FEET
WHEN:
T = THRUST IN POUNDS
P= TEST PRESSURE IN PSI
A= CROSS-SECTIONAL AREA OF PIPE IN SQ. INCHES
K= ASSUMED 2000 PSF SOIL BEARING PRESSURE
5. FITTINGS SHALL BE WRAPPED WITH POLYETHYLENE ENCASEMENT WITH A MIN. OF 8-MIL THICKNESS. IT MUST BE INSTALLED AS PER W.S.D.O.T. STANDARDS AND IN ACCORDANCE WITH A.W.W.A. C105.

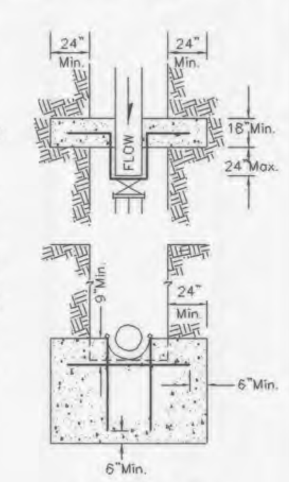
BEARING AREA REQUIRED IN SQUARE FEET

THE SAFE SOIL BEARING LOADS SHOWN BELOW ARE FOR HORIZONTAL THRUSTS WHEN THE DEPTH OF COVER OVER THE PIPE EXCEEDS 2 FEET.

SOIL	SAFE BEARING LOAD LBS/SQ. FT.
*MUCK, PEAT, ETC.	0
SOFT CLAY, SILT	1,000
SAND, SANDY SILT	2,000
SAND AND GRAVEL	3,000
SAND AND GRAVEL CEMENTED W/ CLAY	4,000
HARD SHALE	10,000

*IN MUCK OR PEAT, ALL THRUSTS SHALL BE RESTRAINED BY PILES OR TIE RODS TO SOLID FOUNDATIONS OR BY REMOVAL OF MUCK OR PEAT AND REPLACEMENT WITH BALLAST OF SUFFICIENT STABILITY TO RESIST THRUSTS.

**KEY BLOCKING SPECIFICATION:
MATERIALS SHALL INCLUDE 3/4-INCH RESTRAINING RODS, HEX NUTS AND WASHERS OF HIGH STRENGTH LOW ALLOY STEEL MEETING AWWA C-111-90 COMPOSITION SPECIFICATIONS, ROMAC "DUCTILE LUG" OR 90° EYE BOLTS AND "600" SERIES PIPE RESTRAINING SYSTEM. THRUST RESTRAINT TO BE CALCULATED AT 7500 POUNDS PER BOLT OR AS RECOMMENDED BY ENGINEER. ALL RODS, EYE BOLTS AND PIPE RESTRAINTS ARE TO BE CLEAN. TWO SEPARATE BRUSH COATS OF ASPHALT COATING AS APPROVED BY THE ENGINEER TO BE APPLIED. A 3-INCH MINIMUM CLEARANCE IS REQUIRED BETWEEN WATER PIPE AND CONCRETE. SOIL IS TO BE COMPACTED TO 95% REBAR TO BE MINIMUM #6 (3/4") SIZE AND HAVE A MINIMUM 9-INCH CLEARANCE FROM ANY CONCRETE SURFACE.



KEY BLOCK

KEY BLOCK USE
THE INSTALLATION OF A KEY BLOCK IS TO BE CONSIDERED ONLY FOR TEMPORARY BLOCKING FOR 5-10 YEARS. IF THE PIPELINE IS TO REMAIN A DEADEND OR AN EXTENSION IS LIKELY TO BE MORE THAN 10 YEARS AWAY, THEN A STANDARD BLOCK FOR CAP OR PLUG WILL BE INSTALLED. USE OF KEY BLOCK IS TO BE APPROVED BY THE DISTRICT.

PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
HORIZONTAL THRUST BLOCKING DETAILS

SCALE: NTS	SKPUD-WT-1	APPROVED BY: DJL
DATE: 3/05/05	REVISED:	DRAWN BY: JVZ

RECOMMENDED PROCEDURE FOR RAISING AND SETTING CAST IRON VALVE BOX IN ASPHALT PAVING

1. Locate buried valve box using reference measurements and/or electronic or magnetic locator. Mark location with white paint.
2. Break out small hole in pavement and locate the valve box cover.
3. Carefully break out an 18-inch diameter hole with 9-inch radius from the center of the valve box. A circle template 18 inches in diameter is handy to mark out the perimeter of this hole. Use a curved spade with a jackhammer to cut a neat vertical face hole in the asphaltic concrete pavement. Do not crack or damage the pavement beyond this hole.

If it is suspected the valve casing is not vertical or centered over the valve operating nut, remove just enough pavement to allow removal of the valve box lid so it can be determined if casing adjustment is needed. It is very important to not remove any more finished pavement than absolutely necessary.
4. Completely remove the whole valve box. Do not disturb the surrounding earth any more than necessary.

Examine the casing pipe. Make sure it is vertical, symmetrical around the valve nut and clean of all rocks, debris and dirt. Clean and correct as necessary. Check with a valve wrench to verify operation is smooth.
5. Trim or add to the casing pipe (6-inch PVC plastic or concrete) as needed so the top of the casing pipe is a minimum of 4 inches to maximum of 8 inches below the finished pavement grade. The lid will not fit tight if the casing is higher. Valve box will have poor support if the casing pipe is lower.

To add casing pipe, use a piece of 6-inch PVC plastic sewer pipe cut 12 inches longer than needed. Saw-cut this piece along one side in a straight line the full length. Fold the pipe over the saw-cut and insert it inside the casing pipe in the ground. Slide up or down to achieve desired level.
6. If the valve operating nut is over 3 feet below finish pavement grade, install a standard valve operating extension, per standard specifications.
7. Using a 1-inch rod or capped 3/4-inch pipe, thoroughly pound the earth all around the casing pipe to obtain maximum earth compaction.
8. Fill the void between the casing pipe and earth wall up to exactly 12 inches (1 foot) below finish pavement grade with 5/8-inch minus crushed rock and thoroughly compact using rod or pipe as in Step 7. Keep adding and compacting crushed rock until hard, tight level surface is exactly 12 inches below pavement grade.
9. Insert the valve box. Using a straight board or rod, check that the top rim of the valve box is exactly level with the finished pavement. The box must set evenly on the crushed rock base. It must not rock or wiggle. Remove the box and adjust the crushed rock as often as necessary to achieve exact grade with pavement and uniform box support. Put cast iron lid on the box. Make sure it fits correctly and is flush with the box rim. Replace lid if incorrect fit. Replace entire valve box if box rim prevents a snug fit of the lid.
10. Add 5/8-inch minus crushed rock uniformly in the space between the valve box and outside earth wall in maximum 4-inch lifts. Compact each lift completely with 1-inch rod or pipe as before. Fill and compact the space up to 2 inches below finished pavement grade.
11. Add hot mix asphaltic concrete material and thoroughly compact with rod or pipe to the finish pavement grade. Smooth off the surface as much as possible.
12. Using a brush, paint the surface of the patch with asphalt tack material, extending minimum of 1 inch over pavement and onto edge of valve box metal rim. Do not allow any tack material to flow into metal rim or on box cover. Use a brush to control application of this tack coat and provide a neat seal surface.
13. Check again that valve casing is clear, that valve wrench can be put on operating nut and valve can be operated properly.
14. Spread clean fine sand over the tack coat so that vehicle tires will not lift the tack material before it cures and sets up.
15. Each valve box in a cluster of two to four valves must be adjusted independently as outlined above. Cutting out triangles or squares of finished pavement results in valve boxes that do not remain even with pavement, lean together, and break out under traffic beating.

Carefully following this outlined procedure results in valve box settings that will remain firm and in place, and are virtually unnoticed by the public passing over them in their vehicles.

PUBLIC UTILITY DISTRICT #1 OF SKAGIT COUNTY
STANDARD INSTALLATION OF CAST IRON VALVE BOX & VALVE OPERATING NUT EXTENSION
SHEET 2/2

SCALE: NTS	SKPUD-WV-1b	APPROVED BY: DJL
DATE: 3/25/05	REVISED:	DRAWN BY: JVZ

APPROVED FOR CONSTRUCTION

CITY OF MOUNT VERNON FIRE MARSHAL

YOUNG-SOO KIM, STATE OF WASHINGTON, 32169, REGISTERED PROFESSIONAL ENGINEER
2/16/07
EXPIRES: 1/24/08

W.O. 06-3159
C.O. 4490

AS-BUILT PLANS

FILE NUMBER: SO2104 BIF FIR NORTH	DESIGNED BY: SGB	REVISIONS	DATE
PAPER SPACE PLOT SCALE: 1 TO 1	DRAWN BY: SGB		
LAST EDIT DATE: 9/15/2005	CHECKED BY: YSK		

SUMMIT ENGINEERS & SURVEYORS, INC. 360.416.4999 360.416.4949 Fax

SUMMIT Engineers & Surveyors, Inc.
2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949

SHEET DESCRIPTION: WATER PLAN DETAILS

PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH
DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233

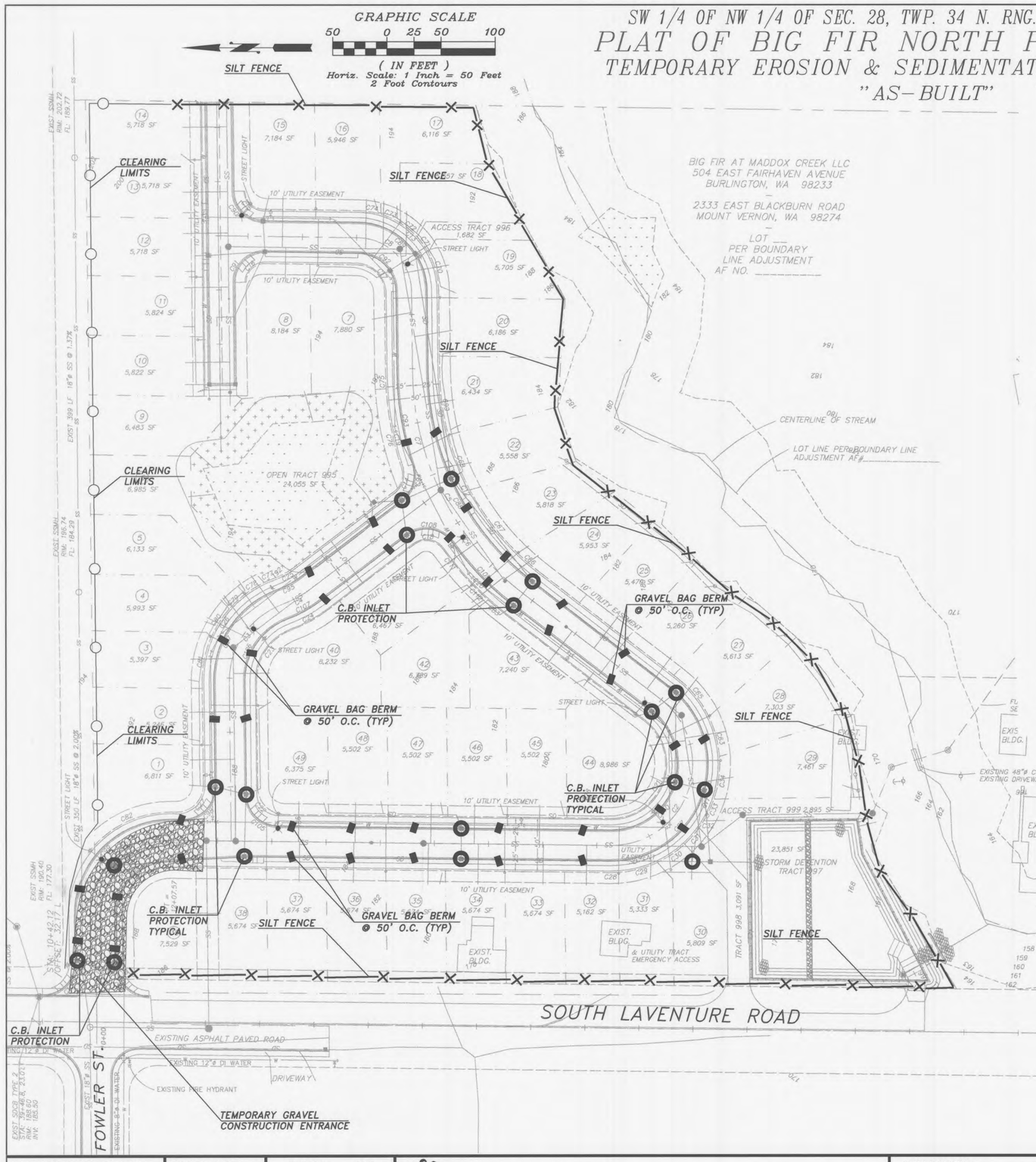
SHEET NO. C7

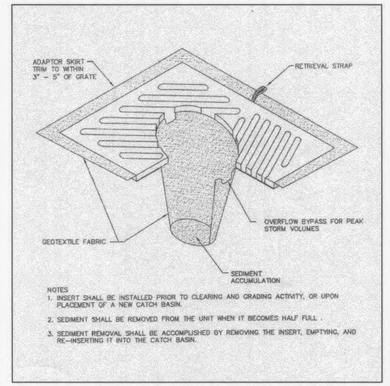
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH P.U.D., PHASE 1

TEMPORARY EROSION & SEDIMENTATION CONTROL PLAN

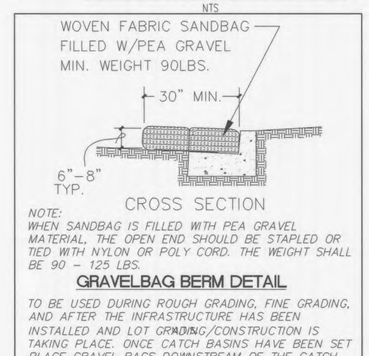
"AS-BUILT"





CB INLET PROTECTION DETAIL

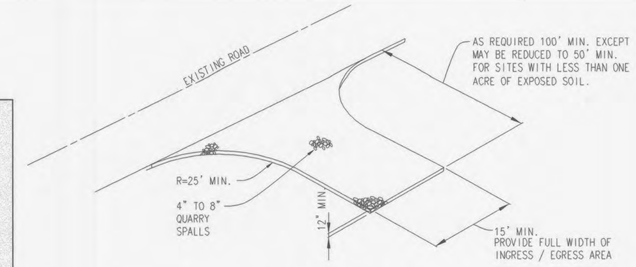
NTS



NOTE:
WHEN SANDBAG IS FILLED WITH PEA GRAVEL MATERIAL, THE OPEN END SHOULD BE STAPLED OR TIED WITH NYLON OR POLY CORD. THE WEIGHT SHALL BE 90 - 125 LBS.

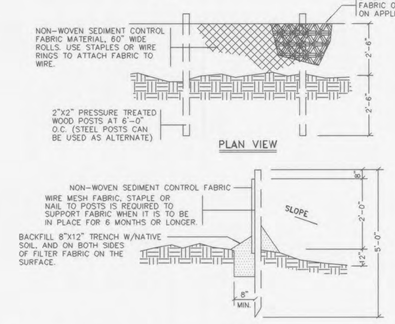
GRAVELBAG BERM DETAIL

TO BE USED DURING ROUGH GRADING, FINE GRADING, AND AFTER THE INFRASTRUCTURE HAS BEEN INSTALLED AND LOT GRADING/CONSTRUCTION IS TAKING PLACE. ONCE CATCH BASINS HAVE BEEN SET PLACE GRAVEL BAGS DOWNSTREAM OF THE CATCH BASING TO ACT AS A FILTER/DAM. MONITOR FILTER FABRIC OVER CATCH BASIN GRATE AND REMOVE SILT AS NEEDED.



CONSTRUCTION ENTRANCE DETAIL

NTS



SILT FENCE NOTES: (SECTION 8-01.3(9)A)

1. BACKUP SUPPORT FOR THE GEOTEXTILE SHALL BE IN THE FORM OF STEEL WIRE OR PLASTIC MESH. IF BACKUP SUPPORT IS USED, STEEL WIRE SHALL HAVE A MAXIMUM MESH SPACING OF 2 INCHES AND THE PLASTIC MESH SHALL BE AS RESISTANT TO ULTRAVIOLET RADIATION AS THE GEOTEXTILE IT SUPPORTS.
2. THE GEOTEXTILE SHALL BE ATTACHED ON THE UP-SLOPE SIDE OF THE POSTS AND SUPPORT SYSTEM USING STAPLES, WIRE, OR IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION.
3. THE GEOTEXTILE SHALL BE SEWN TOGETHER AT THE POINT OF MANUFACTURE, OR AT A LOCATION APPROVED BY THE CITY OF ANACORTE'S CITY ENGINEER, TO FORM GEOTEXTILE LENGTHS AS REQUIRED. ALL SEWN SEAMS AND OVERLAPS SHALL BE LOCATED AT A SUPPORT POST.
4. POSTS SHALL BE EITHER WOOD OR STEEL. HARDWOOD POSTS SHALL HAVE A MINIMUM DIMENSION 2"X2" BY THE MINIMUM LENGTH SHOWN ON THE PLANS. STEEL POSTS SHALL CONSIST OF U, T, L OR C SHAPE POSTS WITH A MINIMUM WEIGHT OF 1.35 LBS/FT, OR OTHER STEEL POSTS HAVING EQUIVALENT STRENGTH AND BENDING RESISTANCE TO THE POSTS LISTED.
5. WHEN SEDIMENT DEPOSITS REACH APPROXIMATELY ONE-THIRD THE HEIGHT OF THE SILT FENCE, THE DEPOSITS SHALL BE REMOVED OR A SECOND SILT FENCE SHALL BE INSTALLED, AS DETERMINED BY THE CITY OF MOUNT VERNON ENGINEERING REPRESENTATIVE.

MAINTENANCE NOTES: (SECTION 8-01.3(11))

1. EROSION CONTROL DEVICES SHALL BE MAINTAINED SO THEY PROPERLY PERFORM THEIR FUNCTION UNTIL THE CITY OF MOUNT VERNON ENGINEERING REPRESENTATIVE DETERMINES THEY ARE NO LONGER NEEDED.
2. DEVICES SHALL BE INSPECTED ON A DAILY BASIS FOR DAMAGE AND SEDIMENT DEPOSITS. DAMAGE TO OR UNDERCUTTING OF THE DEVICE SHALL BE REPAIRED IMMEDIATELY.
3. EROSION CONTROL DEVICES THAT HAVE BEEN DAMAGED SHALL BE REPAIRED OR REPLACED IMMEDIATELY BY THE CONTRACTOR, IN ACCORDANCE WITH SECTION 1-07.13(4).

CONSTRUCTION SEQUENCE:

1. ATTEND PRE-CONSTRUCTION MEETING.
2. INSTALL QUARRY SPALL/GRAVEL CONSTRUCTION ENTRANCE.
3. FLAG CLEARING LIMITS.
4. CLEAR FOR AND INSTALL CHECK DAMS AND SILT FENCE.
5. CLEAR AND GRADE ONSITE AREAS AS INDICATED.
6. FINISH CONSTRUCTION OF PERMANENT STORM DRAINAGE SYSTEM.
7. INSTALL C.B. PROTECTION.
8. FINAL GRADE/PAVEMENT.
9. HYDROSEED AND MULCH ALL EXPOSED AREAS.
10. FLUSH STORM DRAINAGE SYSTEM.
11. MAINTAIN TEMPORARY FACILITIES THROUGH THE COURSE OF CONSTRUCTION UNTIL SITE IS STABILIZED AND POTENTIAL FOR EROSION HAS PASSED.

EROSION CONTROL SUPERVISOR:

YOUNG-SOO KIM
SUMMIT ENGINEERS AND SURVEYORS, INC.
2218 OLD HIGHWAY 99 SOUTH
MOUNT VERNON, WA 98273

PHONE: 360-416-4999
CELLULAR: 360-661-2372
FAX: 360-416-4949

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER
EXPIRES 1/24/08

"AS-BUILT"

CITY OF MOUNT VERNON
__ # __-___

FILE NUMBER: S02104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT ENGINEERS & SURVEYORS, INC.	SHEET DESCRIPTION TEMPORARY EROSION & SEDIMENTATION CONTROL PLAN	PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1 DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C8

SUMMIT ENGINEERS & SURVEYORS, INC. 360.416.4999 360.416.4949 fax
2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH P.U.D., PHASE 1

TEMPORARY EROSION & SEDIMENTATION CONTROL NOTES

"AS-BUILT"

ESC-1 Standard ESC NOTES

APPROVAL OF THIS EROSION AND SEDIMENT CONTROL (ESC) PLAN DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.).

1. AS DIRECTED BY PUBLIC WORKS DIRECTOR PRIOR TO COMMENCING CONSTRUCTION, ALL CRITICAL AREAS, INCLUDING WETLAND BUFFERS, STREAM CORRIDOR, LANDFILL AREAS, AND STEEP SLOPES SHALL BE CONTINUOUSLY DEMARCATED IN THE FIELD USING FLAGGING TAPE OR FENCING.

2. EROSION CONTROL METHODS AND MATERIALS SHALL MEET REQUIREMENTS OF SECTION 8-01 OF THE APWA/WASHINGTON STATE DEPARTMENT OF TRANSPORTATION 1998 STANDARD SPECIFICATIONS FOR ROAD, BRIDGE, AND MUNICIPAL CONSTRUCTION, AND REQUIREMENTS SET FORTH IN VOLUME II OF THE "STORMWATER MANAGEMENT MANUAL FOR THE PUGET SOUND BASIN (THE TECHNICAL MANUAL)", BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, CURRENT EDITION. THE CONTRACTOR SHALL FOLLOW RECOMMENDATIONS MADE BY SUPPLIERS AND MANUFACTURERS OF MATERIALS AND EQUIPMENT USED.

3. THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT-LADEN WATER DOES NOT ENTER THE DRAINAGE SYSTEM OR VIOLATE APPLICABLE WATER STANDARDS, AND MUST BE INSTALLED AND IN OPERATION PRIOR TO ANY GRADING OR LAND CLEARING. WHEREVER POSSIBLE, MAINTAIN NATURAL VEGETATION FOR SILT CONTROL.

4. THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESC FACILITIES SHALL BE UPGRADED (E.G., ADDITIONAL SUMPS, RELOCATION OF DITCHES AND SILT FENCES, ETC.) AS NEEDED FOR UNEXPECTED STORM EVENTS. ADDITIONALLY, MORE ESC FACILITIES MAY BE REQUIRED TO ENSURE COMPLETE SILTATION CONTROL. THEREFORE, DURING THE COURSE OF CONSTRUCTION, IT SHALL BE THE OBLIGATION AND RESPONSIBILITY OF THE CONTRACTOR TO ADDRESS ANY NEW CONDITIONS THAT MAY BE CREATED BY HIS ACTIVITIES AND TO PROVIDE ADDITIONAL FACILITIES OVER AND ABOVE THE MINIMUM REQUIREMENTS AS MAY BE NEEDED.

5. ANY PERMANENT RETENTION/DETENTION FACILITY USED AS A TEMPORARY SETTLING BASIN SHALL BE MODIFIED WITH THE NECESSARY EROSION CONTROL MEASURES AND SHALL PROVIDE ADEQUATE STORAGE CAPACITY. IF THE PERMANENT FACILITY IS TO FUNCTION ULTIMATELY AS AN INFILTRATION OR DISPERSION SYSTEM, THE FACILITY SHALL NOT BE USED AS A TEMPORARY SETTLING BASIN. NO UNDERGROUND DETENTION TANK, DETENTION VAULT, OR SYSTEM, WHICH BACKS UNDER OR INTO A POND, SHALL BE USED AS A TEMPORARY SETTLING BASIN.

6. WHERE SEEDING FOR TEMPORARY EROSION CONTROL IS REQUIRED, FAST GERMINATING GRASSES SHALL BE APPLIED AT AN APPROPRIATE RATE (EXAMPLE: ANNUAL OR PERENNIAL RYE APPLIED AT APPROXIMATELY 80 POUNDS PER ACRE).

7. WHERE STRAW MULCH IS REQUIRED FOR TEMPORARY EROSION CONTROL, IT SHALL BE APPLIED AT A MINIMUM THICKNESS OF TWO (2) INCHES.

8. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF MOUNT VERNON STANDARDS AND SPECIFICATIONS.

9. THE ESC FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DETAILS ON THE APPROVED PLANS. LOCATIONS MAY BE MOVED TO SUIT FIELD CONDITIONS, SUBJECT TO APPROVAL BY THE CITY OF MOUNT VERNON PUBLIC WORKS DIRECTOR AND CITY OF MOUNT VERNON INSPECTOR.

10. A COPY OF THE APPROVED EROSION CONTROL PLANS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.

11. ALL LOTS ADJOINING OR HAVING ANY NATIVE GROWTH PROTECTION EASEMENTS (NGPE) SHALL HAVE A FOUR (4) FOOT HIGH TEMPORARY CONSTRUCTION FENCE (CYCLONE OR PLASTIC MESH) SEPARATING THE LOT (OR BUILDABLE PORTIONS OF THE LOT) FROM THE AREA RESTRICTED BY THE NGPE AND SHALL BE INSTALLED PRIOR TO ANY GRADING OR CLEARING AND REMAIN IN PLACE UNTIL A DWELLING IS CONSTRUCTED AND THE OWNERSHIP TRANSFERRED TO THE FIRST OWNER/OCCUPANT.

12. A CLEARING CONTROL FENCE SHALL BE INSTALLED AT THE DRIP LINE OF TREES TO BE SAVED WHEREVER THE TREE CANOPIES EXTEND INTO THE AREA TO BE CLEARED. ON-SITE SUPERVISION SHALL BE PROVIDED WHENEVER EQUIPMENT MUST OPERATE UNDER TREE CANOPIES, AND FENCING SHALL BE REPLACED WHEN NECCESARY. THE CLEARING CONTROL FENCE SHALL CONSIST OF A SINGLE STRAND OF WIRE ATTACHED ABOUT THREE (3) FEET HIGH TO WOOD LATH AT A TWELVE (12) FOOT MAXIMUM SPACING AND FLAGGED WITH SURVEY RIBBON AT FOUR (4) FOOT INTERVALS.

13. OFF-SITE STREETS MUST BE KEPT CLEAN AT ALL TIMES. IF DIRT IS DEPOSITED ON THE PUBLIC STREET SYSTEM, THE STREET SHALL BE IMMEDIATELY CLEANED WITH POWER SWEEPER OR OTHER EQUIPMENT. ALL VEHICLES SHALL LEAVE THE SITE BY WAY OF THE CONSTRUCTION ENTRANCE AND SHALL BE CLEANED OF ALL DIRT THAT WOULD BE DEPOSITED ON THE PUBLIC STREETS.

14. ANY CATCH BASINS COLLECTING RUNOFF FROM THE SITE, WHETHER THEY ARE ON OR OFF THE SITE, SHALL HAVE THEIR GRATES COVERED WITH FILTER FABRIC DURING CONSTRUCTION.

15. THE WASHED GRAVEL BACKFILL ADJACENT TO THE FILTER FABRIC FENCE SHALL BE REPLACED AND THE FILTER FABRIC CLEANED IF IT IS NONFUNCTIONAL BY EXCESSIVE SILT ACCUMULATION AS DETERMINED BY THE CITY OF MOUNT VERNON. ALSO, ALL INTERCEPTOR SWALES SHALL BE CLEANED IF SILT ACCUMULATION EXCEEDS ONE-QUARTER DEPTH.

16. ROCK FOR EROSION PROTECTION OF ROADWAY DITCHES, WHERE REQUIRED, MUST BE OF SOUND QUARRY ROCK, PLACED TO DEPTH OF ONE (1) FOOT AND MUST MEET THE FOLLOWING SPECIFICATIONS: 4" - 8" ROCK/40%-70% PASSING; 2"-4" ROCK/30%-40% PASSING; AND 1"-2" ROCK/10%-20% PASSING.

17. IF ANY PART (S) OF THE CLEARING LIMIT; BOUNDARY OR TEMPORARY EROSION/SEDIMENTATION CONTROL PLAN IS/ARE DAMAGED, IT SHALL BE REPAIRED IMMEDIATELY.

18. ALL PROPERTIES ADJACENT TO THE PROJECT SITE SHALL BE PROTECTED FROM SEDIMENT DEPOSITION AND RUNOFF.DO NOT FLUSH CONCRETE BY-PRODUCTS OR TRUCKS NEAR OR INTO THE STORM DRAINAGE SYSTEM. IF EXPOSED AGGREGATE IS FLUSHED INTO THE STORM SYSTEM, IT COULD MEAN RECLEANING THE ENTIRE DOWNSTREAM STORM SYSTEM, OR POSSIBLY RELAYING THE STORM LINE.

19. THE IMPLEMENTATION OF THESE ESC PLANS AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE FACILITIES IS THE RESPONSIBILITY OF THE APPLICANT/ESC SUPERVISOR UNTIL ALL CONSTRUCTION IS APPROVED.

20. THE ESC SUPERVISORS NAME IS: **Young-Soo Kim**, 24 HR. CONTACT NUMBER: **(360) 416-4999**

ESC-1 Standard ESC NOTES - CONTINUED

21. THE APPLICANT'S NAME IS : **Brian Gentry, Big Fir at Maddox Creek, LLC**, 24 HR. CONTACT NUMBER: **(360)** ___-____

22. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED BY A CONTINUOUS LENGTH OF SURVEY TAPE (OR FENCING, IF REQUIRED) PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE CLEARING LIMITS SHALL BE PERMITTED. THE CLEARING LIMITS SHALL BE MAINTAINED BY THE APPLICANT/ESC SUPERVISOR FOR THE DURATION OF CONSTRUCTION.

23. THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE APPLICANT/ESC SUPERVISOR AND MAINTAINED TO ENSURE CONTINUED PROPER FUNCTIONING. WRITTEN RECORDS SHALL BE KEPT OF WEEKLY REVIEWS OF THE ESC FACILITIES DURING THE WET SEASON (OCT. 1 TO APRIL 30) AND OF THE MONTHLY REVIEWS DURING THE DRY SEASON (MAY 1 TO SEPT. 30).

24. ANY AREAS OF EXPOSED SOILS, INCLUDING ROADWAY EMBANKMENTS, THAT WILL NOT BE DISTURBED FOR TWO DAYS DURING THE WET SEASON OR SEVEN DAYS DURING THE DRY SEASON SHALL BE IMMEDIATELY STABILIZED WITH THE APPROVED ESC METHODS (E.G., SEEDING, MULCHING, PLASTIC COVERING, ETC.).

25. ANY AREA NEEDING ESC MEASURES NOT REQUIRING IMMEDIATE ATTENTION SHALL BE ADDRESSED WITHIN FIFTEEN (15) DAYS.

26. THE ESC FACILITIES ON ACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A MONTH OR WITHIN FORTY-EIGHT (48) HOURS FOLLOWING A STORM EVENT.

27. AT NO TIME SHALL MORE THAN ONE (1) FOOT OF SEDIMENT BE ALLOWED TO ACCUMULATE WITHIN A CATCH BASIN. ALL CATCH BASINS AND CONVEYANCE LINES SHALL BE CLEANED PRIOR TO PAVING. THE CLEANING OPERATION SHALL NOT FLUSH SEDIMENT -LADEN WATER INTO THE DOWNSTREAM SYSTEM.

28. STABILIZED CONSTRUCTION ENTRANCES AND ROADS SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES, SUCH AS WASH PADS, MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.

29. ANY PERMANENT FLOW CONTROL FACILITY USED AS A TEMPORARY SETTLING BASIN SHALL BE MODIFIED WITH THE NECESSARY EROSION CONTROL MEASURES AND SHALL PROVIDE ADEQUATE STORAGE CAPACITY. IF THE FACILITY IS TO FUNCTION AS ULTIMATELY AS AN INFILTRATION SYSTEM, THE TEMPORARY FACILITY MUST BE GRADED SO THAT THE BOTTOM AND SIDES ARE AT LEAST THREE FEET ABOVE THE FINAL GRADE OF THE PERMANENT FACILITY.

30. PRIOR TO THE BEGINNING OF THE WET SEASON (OCT. 1), ALL DISTURBED AREAS SHALL BE REVIEWED TO IDENTIFY WHICH ONES CAN BE SEEDED IN PREPARATION FOR THE WINTER RAINS. DISTURBED AREAS SHALL BE SEEDED WITHIN ONE WEEK OF THE BEGINNING OF THE WET SEASON. A SKETCH MAP OF THOSE AREAS TO BE SEEDED AND THOSE AREAS TO REMAIN UNCOVERED SHALL BE SUBMITTED TO THE CITY INSPECTOR. THE CITY INSPECTOR CAN REQUIRE SEEDING OF ADDITIONAL AREAS IN ORDER TO PROTECT SURFACE WATERS, ADJACENT PROPERTIES, OR DRAINAGE FACILITIES.

ESC-2 WET SEASON SPECIAL PROVISIONS
(October 1, 2000 - April 30)

1. THE ALLOWED TIME THAT A DISTURBED AREA CAN REMAIN UNWORKED WITHOUT COVER MEASURES IS REDUCED TO TWO DAYS, RATHER THEN SEVEN.

2. STOCKPILES AND STEEP CUT AND FILL SLOPES ARE TO BE PROTECTED IF UNWORKED FOR MORE THAN 12 HOURS.

3. COVER MATERIALS SUFFICIENT TO COVER ALL DISTURBED AREAS SHALL BE STOCKPILED ON SITE.

4. ALL AREAS THAT ARE TO BE UNWORKED DURING THE WET SEASON SHALL BE SEEDED WITHIN ONE WEEK OF THE BEGINNING OF THE WET SEASON.

5. MULCH IS REQUIRED TO PROTECT ALL SEEDED AREAS

6. FIFTY LINEAR FEET OF SILT FENCE (AND THE NECESSARY STAKES) PER ACRE OF DISTURBANCE MUST BE STOCKPILED ON SITE.

7. CONSTRUCTION ROAD AND PARKING LOT STABILIZATION ARE REQUIRED FOR ALL SITES UNLESS THE SITE IS UNDERLAIN BY COARSE-GRAINED SOIL.

8. SEDIMENT RETENTION IS REQUIRED UNLESS NO OFFSITE DISCHARGE IS ANTICIPATED FOR THE SPECIFIC DESIGN FLOW.

9. SURFACE WATER CONTROLS ARE REQUIRED UNLESS NO OFFSITE DISCHARGE IS ANTICIPATED FOR THE SPECIFIED DESIGN FLOW.

10. PHASING AND MORE CONSERVATIVE BMP'S MUST BE EVALUATED FOR CONSTRUCTION ACTIVITY NEAR SURFACE WATERS.

11. ANY RUNOFF GENERATED BY DEWATERING SHALL BE TREATED THROUGH CONSTRUCTION OF A SEDIMENT TRAP WHEN THERE IS SUFFICIENT SPACE OR BY RELEASING THE WATER TO A WELL-VEGETATED, GENTLY SLOPING AREA. SINCE PUMPS ARE USED FOR DEWATERING, IT MAY BE POSSIBLE TO PUMP THE SEDIMENT-LADEN WATER WELL AWAY FROM THE SURFACE WATER SO THAT VEGETATION CAN BE MORE EFFECTIVELY UTILIZED FOR TREATMENT. A STRAW BALE FILTER SHALL BE PLACED AROUND THE DISCHARGE FROM THE DEWATERING PUMP. IF THERE IS NOT SPACE FOR A SEDIMENT TRAP OR 25 FEET OF SUITABLE VEGETATION, OTHER FILTRATION METHODS SHALL BE REQUIRED.

12. THE FREQUENCY OF MAINTENANCE REVIEW INCREASES FROM MONTHLY TO WEEKLY.

ESC-3 SENSITIVE AREAS SPECIAL PROVISIONS

1. WHENEVER POSSIBLE, PHASE ALL OR PART OF THE PROJECT SO THAT IT OCCURS DURING THE DRY SEASON. IF THIS IS IMPOSSIBLE, NOVEMBER THROUGH FEBRUARY SHALL BE AVOIDED SINCE THIS IS THE MOST LIKELY PERIOD FOR LARGE, HIGH-INTENSITY STORMS.

2. ALL PROJECT SHALL BE COMPLETED AND STABILIZED AS QUICKLY AS POSSIBLE. LIMITING THE SIZE AND DURATION OF A PROJECT IS PROBABLY THE MOST EFFECTIVE FORM OF EROSION CONTROL.

3. WHERE APPROPRIATE, SANDBAGS OR AN EQUIVALENT BARRIER SHALL BE CONSTRUCTED BETWEEN THE PROJECT AREA AND THE SURFACE WATER IN ORDER TO ISOLATE THE CONSTRUCTION AREA FROM HIGH WATER THAT MIGHT RESULT DUE TO PRECIPITATION.

4. ADDITIONAL PERIMETER PROTECTION SHALL BE CONSIDERED TO REDUCE THE LIKELIHOOD OF SEDIMENT ENTERING THE SURFACE WATERS. SUCH PROTECTION MIGHT INCLUDE MULTIPLE SILT FENCES, SILT FENCES WITH A HIGHER AOS, CONSTRUCTION OF A BERM, OR A THICK LAYER OF ORGANIC MULCH UPSLOPE OF A SILT FENCE.

5. IF WORK IS TO OCCUR WITHIN THE ORDINARY HIGH WATER MARK OF A STREAM, MOST PROJECTS MUST ISOLATE THE WORK AREA FROM THE STREAM BY DIVERTING THE STREAM OR CONSTRUCTING A COFFERDAM. CERTAIN SMALL PROJECTS THAT PROPOSE ONLY A SMALL AMOUNT OF GRADING MAY NOT REQUIRE ISOLATION SINCE DIVERSIONS TYPICALLY RESULT IN DISTURBANCE AND THE RELEASE OF SOME SEDIMENT TO THE STREAM. FOR SUCH SMALL PROJECTS THE POTENTIAL IMPACTS FROM CONSTRUCTION WITH AND WITHOUT A DIVERSION MUST BE WEIGHTED.

6. IF A STREAM MUST BE CROSSED, A TEMPORARY BRIDGE SHALL BE CONSIDERED RATHER THAN ALLOWING EQUIPMENT TO UTILIZE THE STREAMBED FOR A CROSSING.

7. ANY RUNOFF GENERATED BY DEWATERING SHALL BE TREATED THROUGH CONSTRUCTION OF A SEDIMENT TRAP WHEN THERE IS SUFFICIENT SPACE OR BY RELEASING THE WATER TO A WELL-VEGETATED, GENTLY SLOPING AREA. SINCE PUMPS ARE USED FOR DEWATERING, IT MAY BE POSSIBLE TO PUMP THE SEDIMENT-LADEN WATER WELL AWAY FROM THE SURFACE WATER SO THAT VEGETATION CAN BE MORE EFFECTIVELY UTILIZED FOR TREATMENT. A STRAW BALE FILTER SHALL BE PLACED AROUND THE DISCHARGE FROM THE DEWATERING PUMP. IF THERE IS NOT SPACE FOR A SEDIMENT TRAP OR 25 FEET OF SUITABLE VEGETATION, OTHER FILTRATION METHODS SHALL BE REQUIRED.

ESC-4 FINAL SITE STABILIZATION NOTES

TO OBTAIN FINAL CONSTRUCTION APPROVAL, THE FOLLOWING CONDITIONS MUST BE MET:

1. ALL DISTURBED AREAS OF THE SITE SHALL BE VEGETATED OR OTHERWISE PERMANENTLY STABILIZED. AT A MINIMUM, DISTURBED OTHERWISE PERMANENTLY STABILIZED. AT A MINIMUM, DISTURBED AREAS SHALL BE SEEDED AND MULCHED WITH A HIGH LIKELY HOOD THAT SUFFICIENT COVER WILL DEVELOP SHORTLY AFTER FINAL APPROVAL. MULCH WITHOUT SEEDING IS NOT ADEQUATE TO ALLOW FINAL APPROVAL OF THE PERMIT, EXCEPT FOR SMALL AREAS OF MULCH USED FOR LANDSCAPING. THE ONLY EXCEPTIONS TO THESE REQUIREMENTS ARE LOTS WITHIN A PLAT THAT ARE TO BE DEVELOPED UNDER AN APPROVED RESIDENTIAL PERMIT IMMEDIATELY FOLLOWING PLAT APPROVAL. THESE CASES, MULCH AND/OR TEMPORARY SEEDING ARE ADEQUATE FOR COVER.

2. STRUCTURAL MEASURES SUCH AS, BUT NOT LIMITED TO, SILT FENCES, PIPE SLOPES DRAINS, CONSTRUCTION ENTRANCES, STORM DRAIN INLET PROTECTION, AND SEDIMENT TRAPS AND PONDS SHALL BE REMOVED FROM THE SITE. MEASURES THAT WILL QUICKLY DECOMPOSE, SUCH AS BRUSH BARRIERS AND ORGANIC MULCHES, MAY BE LEFT IN PLACE. IN THE CASE OF SILT FENCES, IT MAY BE BEST TO REMOVE FENCES IN CONJUNCTION WITH THE SEEDING, SINCE IT MAY BE NECESSARY TO BRING MACHINERY BACK IN TO REMOVE THEM. THIS WILL RESULT IN DISTURBED SOILS THAT WILL AGAIN REQUIRE PROTECTION. THE DDES INSPECTOR MUST APPROVE AN APPLICANT'S PROPOSAL TO REMOVE FENCING PRIOR TO THE ESTABLISHMENT OF VEGETATION. IN SOME CASES, SUCH AS RESIDENTIAL BUILDING FOLLOWING PLAT DEVELOPMENT, IT MAY BE APPROPRIATE TO LEAVE SOME OR ALL ESC MEASURES FOR USE DURING SUBSEQUENT DEVELOPMENT. THIS SHALL BE DETERMINED ON A SITE-SPECIFIC BASIS.

3. ALL PERMANENT SURFACE WATER FACILITIES, INCLUDING CATCH BASINS, MANHOLES, PIPES, DITCHES, CHANNELS, R/D FACILITIES, AND WATER QUALITY FACILITIES, SHALL BE CLEANED. ANY OFFSITE CATCH BASIN THAT REQUIRED PROTECTION DURING CONSTRUCTION SHALL ALSO BE CLEANED.

4. IF ONLY THE INFRASTRUCTURE OF THE SITE HAS BEEN DEVELOPED (E.G. SUBDIVISIONS AND SHORT PLATS) WITH BUILDING CONSTRUCTION TO OCCUR UNDER A DIFFERENT PERMIT, THEN THE SENSITIVE AREA BUFFERS, SENSITIVE AREA TRACTS, OR SENSITIVE AREA SETBACK AREA SHALL BE CLEARLY MARKED AS DESCRIBED IN SECTION D.4.1 IN ORDER TO ALERT FUTURE BUYERS AND BUILDERS.

ESC-5 ROAD AND UTILITIES E.S.C. NOTES

1. PHASING THE PROJECT SO THAT THE SITE IS WORKED PROGRESSIVELY FROM END TO END, RATHER THAN CLEARING AND GRUBBING THE ENTIRE LENGTH OF THE PROJECT. THIS RESULTS IN SMALLER EXPOSED AREAS FOR SHORTER DURATION'S, THUS REDUCING THE EROSION RISK.

2. MULCHING AND VEGETATING CUT AND FILL SLOPES AS SOON AS THEY ARE GRADED. FREQUENTLY, THIS IS DONE AT THE END OF CONSTRUCTION WHEN PAVING OR UTILITY INSTALLATION IS COMPLETE. VEGETATING THESE AREAS AT THE START OF THE PROJECT STABILIZES THOSE AREAS MOST SUSCEPTIBLE TO EROSION.

3. PROTECTING ALL CATCH BASIN INLETS WITH CATCH BASIN INSERTS WHEN THESE DO NOT DRAIN TO PONDS OR TRAPS. THIS WILL NOT PROVIDE THE SAME LEVEL OF PROTECTION AS A SEDIMENT POND OR TRAP, BUT CAN REMOVE MOST OF THE SAND-SIZED MATERIAL ENTRAINED IN THE RUNOFF.

4. PHASING THE PROJECT SO THAT ALL CLEARING AND GRADING IN SENSITIVE AREA BUFFERS OCCURS IN THE DRY SEASON. THIS SUBSTANTIALLY REDUCES THE CHANCE OF EROSION AND ALLOWS FOR RAPID REVEGETATION IN THE LATE SUMMER AND EARLY FALL.

5. USING FLOCCULENT TO REDUCE THE TURBIDITY OF WATER RELEASED FROM SEDIMENT PONDS, WHEN APPROVED BY THE DEPARTMENT OF ECOLOGY.

6. HIRING A PRIVATE CONSULTANT WITH EXPERTISE IN ESC TO REVIEW AND MONITOR THE SITE.

ESC-6 CONSTRUCTION SEQUENCE

1. ATTEND PRE-CONSTRUCTION MEETING.

2. FLAG OR FENCE CLEARING LIMITS.

3. POST SIGN WITH NAME AND PHONE NUMBER OF ESC SUPERVISOR.

4. INSTALL CATCH BASIN PROTECTION IF REQUIRED.

5. GRADE AND INSTALL CONSTRUCTION ENTRANCE(S).

6. INSTALL PERIMETER PROTECTION (SILT FENCE, BRUSH BARRIER, ETC.).

7. CONSTRUCT SEDIMENT PONDS AND TRAPS.

8. GRADE AND STABILIZE CONSTRUCTION ROADS.

9. CONSTRUCT SURFACE WATER CONTROLS (INTERCEPTOR DIKES, PIPE SLOPE DRAINS, ETC.) SIMULTANEOUSLY WITH CLEARING AND GRADING FOR PROJECT DEVELOPMENT.

10.MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH KING COUNTY STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.

11.RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURES SO THAT AS SITE CONDITIONS CHANGE THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH THE KING COUNTY EROSION AND SEDIMENT CONTROL STANDARDS.

12.COVER ALL AREAS THAT WILL BE UNWORKED FOR MORE THAN SEVEN DAYS OR TWO DAYS DURING THE WET SEASON WITH STRAW, WOOD FIBER MULCH, COMPOST, PLASTIC SHEETING OR EQUIVALENT.

13. STABILIZE ALL AREAS THAT REACH FINAL GRADE WITHIN SEVEN DAYS.

14.SEED OR SOD ANY AREAS TO REMAIN UNWORKED FOR MORE THAN 30 DAYS.

15. UPON COMPLETION OF THE PROJECT, ALL DISTURBED AREAS MUST BE STABILIZED AND BMP'S REMOVED IF APPROPRIATE.

EXPIRES 1/24/08

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

________________Date_________

This approval will expire in one year from the date noted above.

"AS-BUILT"

FILE NUMBER: SO2104 BIF FIR NORTH	DESIGNED BY: SGB	REVISIONS	DATE
PAPER SPACE PLOT SCALE: 1 TO 1	DRAWN BY: SGB		
LAST EDIT DATE: 9/15/2005	CHECKED BY: YSK		

SUMMIT Engineers & Surveyors, Inc.
2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949

SHEET DESCRIPTION: TEMPORARY EROSION & SEDIMENTATION CONTROL NOTES

PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1
DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233

SHEET NO. C9

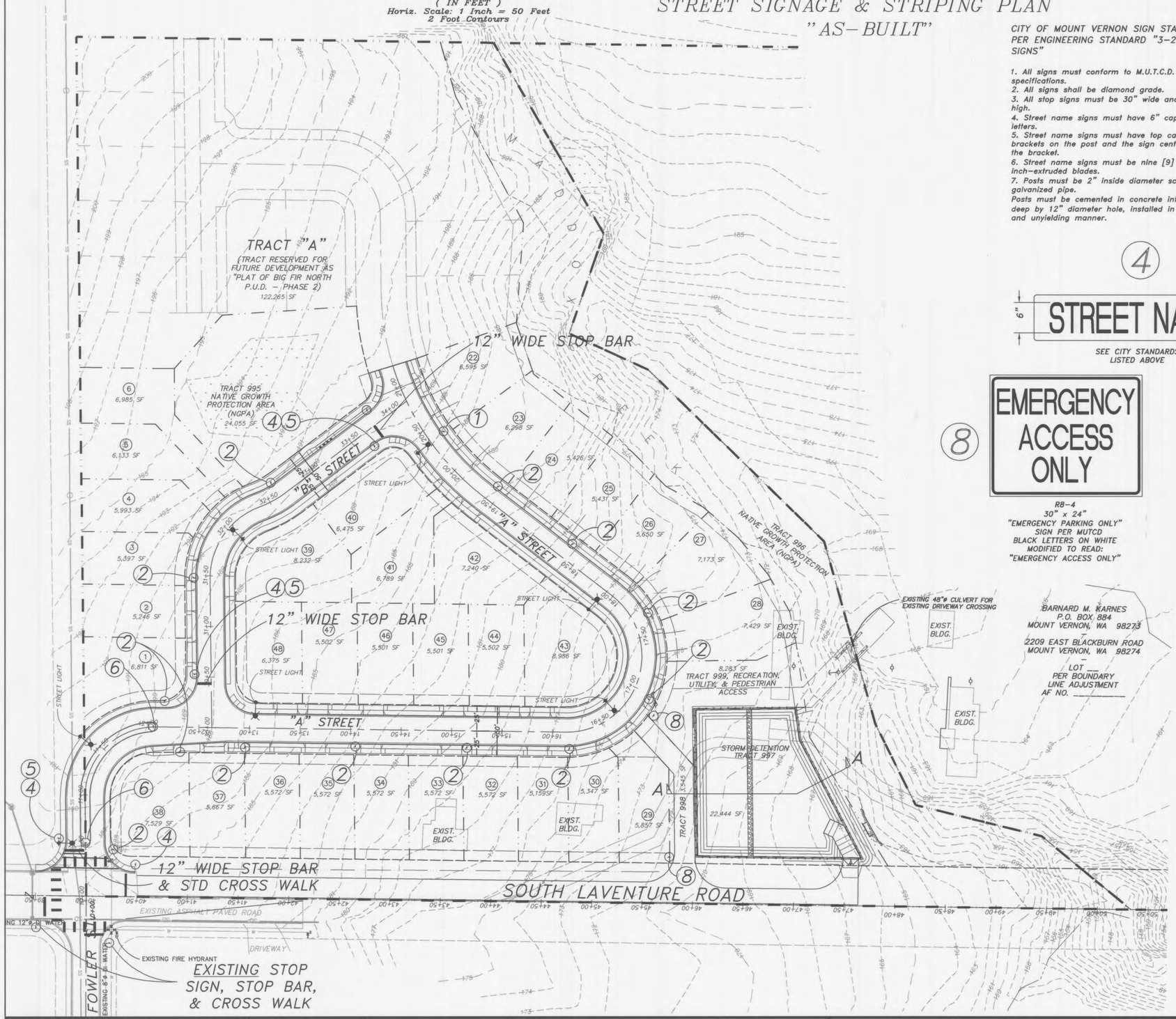
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR NORTH P.U.D., PHASE 1

STREET SIGNAGE & STRIPING PLAN

"AS-BUILT"

GRAPHIC SCALE 50 0 25 50 100 (IN FEET)
Horiz. Scale: 1 Inch = 50 Feet
2 Foot Contours



BARNARD M. KARNES
P.O. BOX 884
MOUNT VERNON, WA 98273
-
2209 EAST BLACKBURN ROAD
MOUNT VERNON, WA 98274
-
LOT __
PER BOUNDARY LINE ADJUSTMENT
AF NO. _____

CITY OF MOUNT VERNON SIGN STANDARD PER ENGINEERING STANDARD "3-26 SIGNS"

1. All signs must conform to M.U.T.C.D. specifications.
2. All signs shall be diamond grade.
3. All stop signs must be 30" wide and 30" high.
4. Street name signs must have 6" capital letters.
5. Street name signs must have top cap brackets on the post and the sign centered in the bracket.
6. Street name signs must be nine [9] inch-extruded blades.
7. Posts must be 2" inside diameter schedule 40 galvanized pipe.
Posts must be cemented in concrete into a 30" deep by 12" diameter hole, installed in a firm and unyielding manner.

1

R7-1
12" x 18"
ARROW RIGHT
RED LETTERS ON WHITE

2

R7-1
12" x 18"
ARROW LEFT & RIGHT
RED LETTERS ON WHITE

3

R7-1
12" x 18"
ARROW LEFT
RED LETTERS ON WHITE

4

SEE CITY STANDARDS LISTED ABOVE

5

R1-1
30" x 30"
"STOP" SIGN PER MUTCD
WHITE LETTERS ON RED

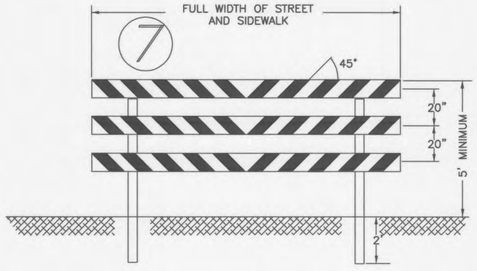
8

R8-4
30" x 24"
"EMERGENCY PARKING ONLY" SIGN PER MUTCD
BLACK LETTERS ON WHITE
MODIFIED TO READ:
"EMERGENCY ACCESS ONLY"

6

R4-7
24" x 30"
"KEEP RIGHT" SIGN
PER MUTCD
BLACK MARKING ON WHITE

7



NOTES:

WIDTH OF RAIL = 8" TO 12"
LENGTH OF RAIL = 4' MIN. TO 8' MAX.
WIDTH OF STRIPES = 6" HEIGHT = 5' MIN.
TYPE OF FRAME = 4"X 4" POST BURIED 2' DEEP
MAXIMUM POST SPACING = 6 FEET
COLOR = RED ON WHITE, FULLY REFLECTORIZED

"AS-BUILT"

FILE NUMBER: SO2104 BIF FIR NORTH PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 9/15/2005	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION STREET SIGNAGE & STRIPING PLAN	PROJECT: CIVIL CONSTRUCTION PLANS PLAT OF BIG FIR NORTH P.U.D., PHASE 1 DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C10

HEX STAFF REPORT - EXHIBIT 15

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION

TITLE SHEET & DETAILS

RECEIVED
CITY OF MOUNT VERNON
JUL 02 2007
C.E.D. DEPARTMENT
BY

NOTES TO SEWER CONTRACTOR:

APPROVED COUPLINGS FOR USE ON SEWER MAINS INCLUDE PER MOUNT VERNON ENGINEERING STANDARD SECTION 6-07.H, ARE AS FOLLOWS:

DUCTILE IRON MECHANICAL COUPLINGS (EQUAL TO ROMAC) ON DUCTILE IRON, CONCRETE, VITRIFIED CLAY, OR PIPES WITH DIFFERING MATERIALS OR DIAMETERS.

ON PVC OR PE MAINS, PVC OR PE COUPLINGS WITH COMPATIBLE DIMENSION RATIO AND GASKETS TO CONNECT NEW AND EXISTING PIPES SHALL BE USED.

WHEN A SECTION OF EXISTING PVC PIPE IS REPLACED BY "DROPPING-IN" A NEW SECTION OF PVC PIPE, THE CONNECTIONS TO EXISTING PIPE SHALL BE MADE WITH PVC CLOSURE COUPLINGS (SLIP COUPLINGS).

TV INSPECTION:
THE CONTRACTOR IS RESPONSIBLE FOR RETAINING SKILLED PERSONNEL TO PROVIDE VIDEO INSPECTION OF ALL PORTIONS OF THE PUBLIC SANITARY SEWER MAIN TO BE INSTALLED. THE CONTRACTOR SHALL SCHEDULE THIS WORK WITH THE CITY OF MOUNT VERNON ENGINEERING DEPARTMENT AND PROVIDE ONE VIDEO TAPE FOR THE CITY'S REVIEW AND ACCEPTANCE. FINAL ACCEPTANCE OF THE SANITARY SEWER IMPROVEMENTS HEREIN WILL BE BASED UPON THE CITY'S SITE INSPECTIONS AND REVIEW AND ACCEPTANCE OF ALL VIDEO INFORMATION.

AIR TESTING:
THE CONTRACTOR SHALL CONDUCT AN AIR PRESSURE TEST OF EACH NEW INDIVIDUAL SANITARY SEWER MAIN, BETWEEN MANHOLES, MANHOLES AND CLEAN-OUTS, AND ALL SERVICE LATERAL PIPE ENDS. THE SANITARY SEWER PIPE SHALL BE AIR PRESSURE TESTED AT A PRESSURE EQUAL TO 4 PSI IN EXCESS OF THE ESTIMATED WATER TABLE HEAD OVER THE PIPE. THE AIR PRESSURE TEST SHALL BE PERFORMED FOR A 4 MINUTE PERIOD WITH NO NOTICEABLE CHANGE IN GAGE PRESSURE. THE CONTRACTOR IS RESPONSIBLE FOR RESTRAINING ALL PIPE ENDS, CLEAN-OUTS, AND SERVICES DURING THE TESTING PERIOD. THIS TEST MUST BE MONITORED BY THE CITY INSPECTOR.

SANITARY SEWER NOTES

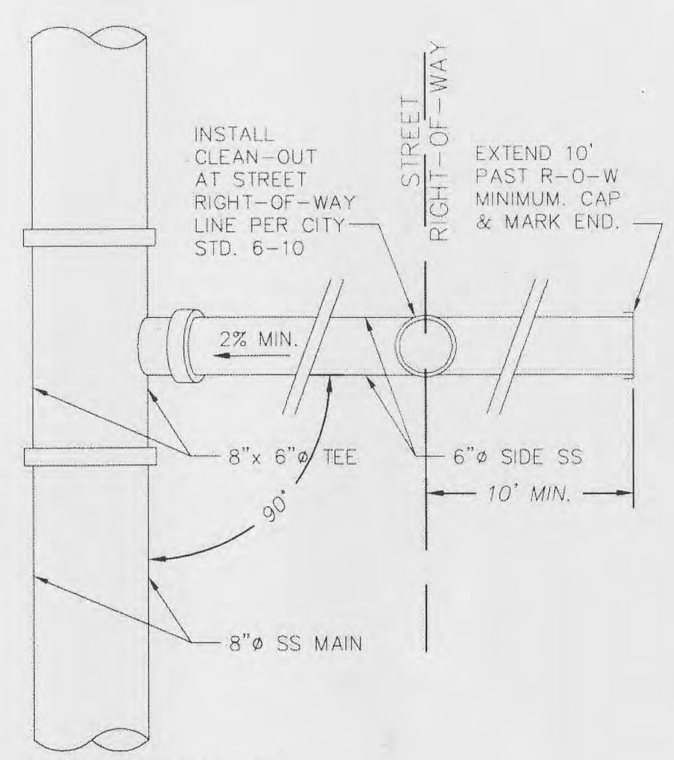
1. SANITARY SEWER PIPE SHALL BE PVC CONFORMING TO WSDOT SECTION 9-05.12(1) MEETING THE REQUIREMENTS OF ASTM D 3034, SDR 35. ALL JOINTS SHALL BE BELL AND SPIGOT TYPE WITH RUBBER GASKETS. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO WSDOT SECTION 7-08 AND 7-17 AND THE REQUIREMENTS OF THE CITY OF MOUNT VERNON ENGINEERING DEPARTMENT.

THE CONTRACTOR IS CAUTIONED THAT PIPE SLOPES ARE MINIMUM AND DEVIATIONS IN INSTALLATION ELEVATIONS WILL NOT BE ACCEPTED, UNLESS PRE-APPROVED BY THE CITY ENGINEER.

2. CLEANOUT ASSEMBLIES WITHIN THE SANITARY SEWER SYSTEM SHALL BE INSTALLED AT THE LOCATION AND ELEVATIONS INDICATED ON THE CIVIL PLANS. THE CONTRACTOR IS RESPONSIBLE FOR SETTING THE TOP OF THE CLEANOUT ASSEMBLY FLUSH WITH FINISHED GRADE.

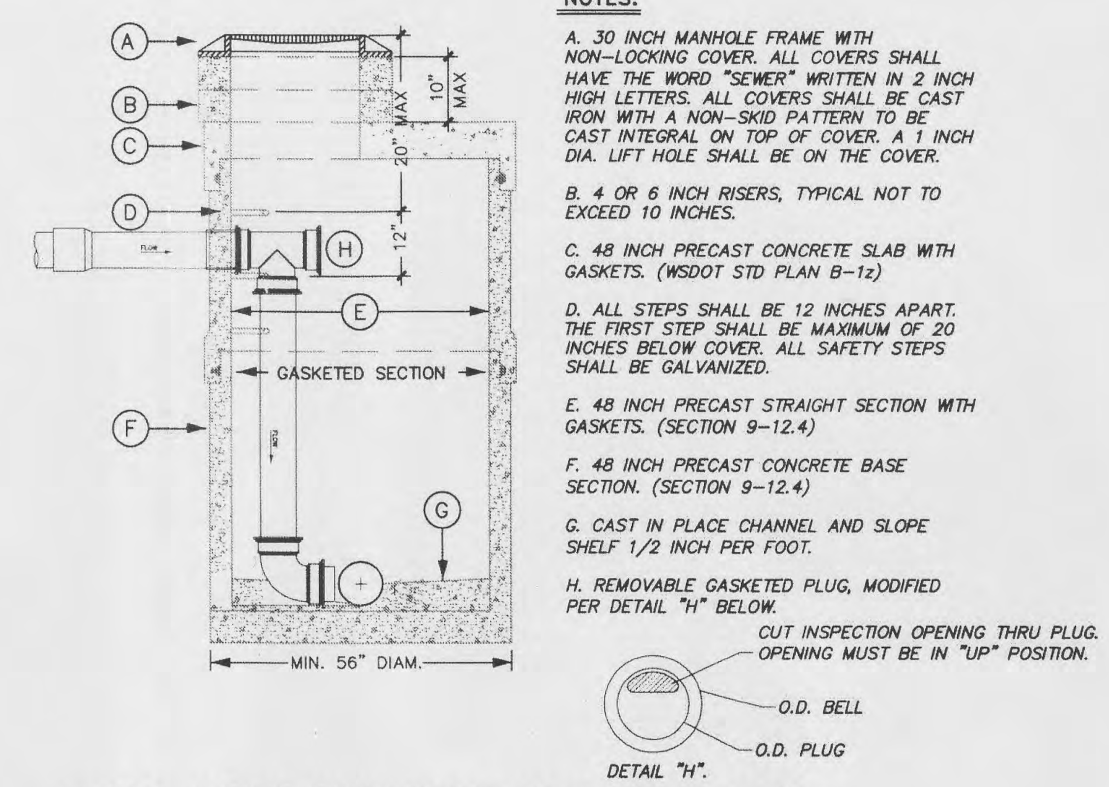
SANITARY SEWER CLEANOUT ASSEMBLIES SHALL CONFORM TO THE DETAIL PROVIDED ON THE CIVIL PLANS. CLEANOUT ASSEMBLIES WITHIN HARD SURFACED AREAS, SUCH AS GRAVEL, CRUSHED ROCK, CONCRETE OR ASPHALT, SHALL BE CONTAINED WITHIN A CAST IRON OR ALUMINUM FOG-TITE LID. THE FOG-TITE LID ASSEMBLY SHALL BE SIZED APPROPRIATELY TO ALLOW REMOVAL OF THE CAP ON THE TOP PORTION OF THE VERTICAL CLEANOUT STAND PIPE ASSEMBLY. THE TOP CAP OF THE VERTICAL ASSEMBLY SHALL BE WITHIN SIX INCHES (6") OF THE FINISHED GRADE. THE CONTRACTOR IS RESPONSIBLE FOR SETTING THE TOP OF THE CLEANOUT ASSEMBLY FLUSH WITH THE FINISHED GRADE.

3. CONTRACTOR SHALL PROVIDE A TRAFFIC CONTROL PLAN FOR WORK PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY. SAID PLAN SHALL BE SUBMITTED TO AND APPROVED BY THE CITY OF MOUNT VERNON PRIOR TO COMMENCEMENT OF WORK.



SIDE SEWER CONNECTION DETAIL

NTS



NOTES:

A. 30 INCH MANHOLE FRAME WITH NON-LOCKING COVER. ALL COVERS SHALL HAVE THE WORD "SEWER" WRITTEN IN 2 INCH HIGH LETTERS. ALL COVERS SHALL BE CAST IRON WITH A NON-SKID PATTERN TO BE CAST INTEGRAL ON TOP OF COVER. A 1 INCH DIA. LIFT HOLE SHALL BE ON THE COVER.

B. 4 OR 6 INCH RISERS, TYPICAL NOT TO EXCEED 10 INCHES.

C. 48 INCH PRECAST CONCRETE SLAB WITH GASKETS. (WSDOT STD PLAN B-1z)

D. ALL STEPS SHALL BE 12 INCHES APART. THE FIRST STEP SHALL BE MAXIMUM OF 20 INCHES BELOW COVER. ALL SAFETY STEPS SHALL BE GALVANIZED.

E. 48 INCH PRECAST STRAIGHT SECTION WITH GASKETS. (SECTION 9-12.4)

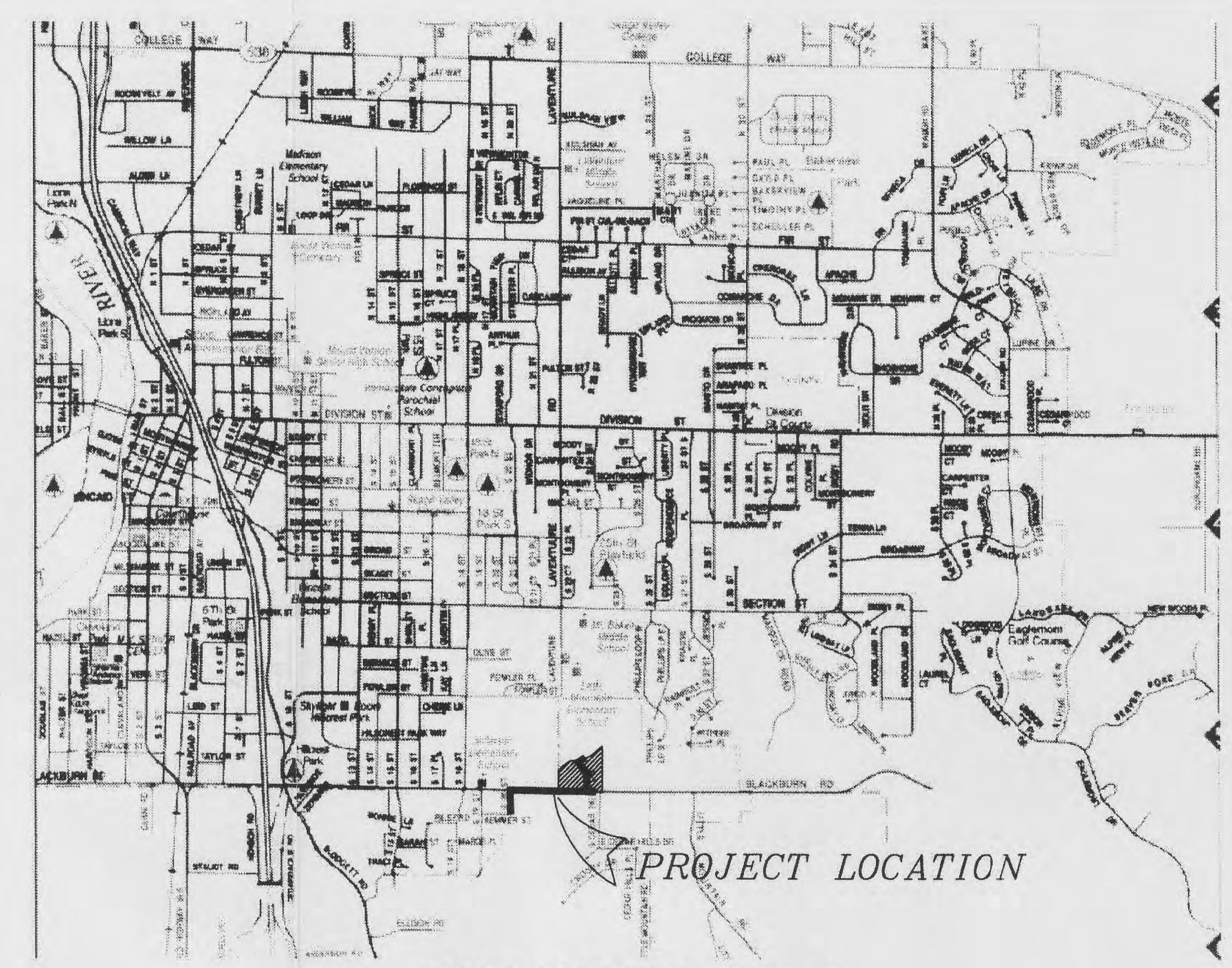
F. 48 INCH PRECAST CONCRETE BASE SECTION. (SECTION 9-12.4)

G. CAST IN PLACE CHANNEL AND SLOPE SHELF 1/2 INCH PER FOOT.

H. REMOVABLE GASKETED PLUG, MODIFIED PER DETAIL "H" BELOW.

TYPICAL INSIDE DROP SANITARY SEWER MANHOLE

NTS



VICINITY MAP

GENERAL NOTES:

A. ALL WORK SHALL CONFORM TO THE CITY OF MOUNT VERNON ENGINEERING STANDARDS AND THE 2004 STANDARD SPECIFICATIONS FOR ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION.

B. ALL SPECIAL CONDITIONS AND OR CHANGES TO THIS STANDARD SHALL BE DONE IN A WRITTEN REQUEST TO THE CITY OF MOUNT VERNON CITY ENGINEER.

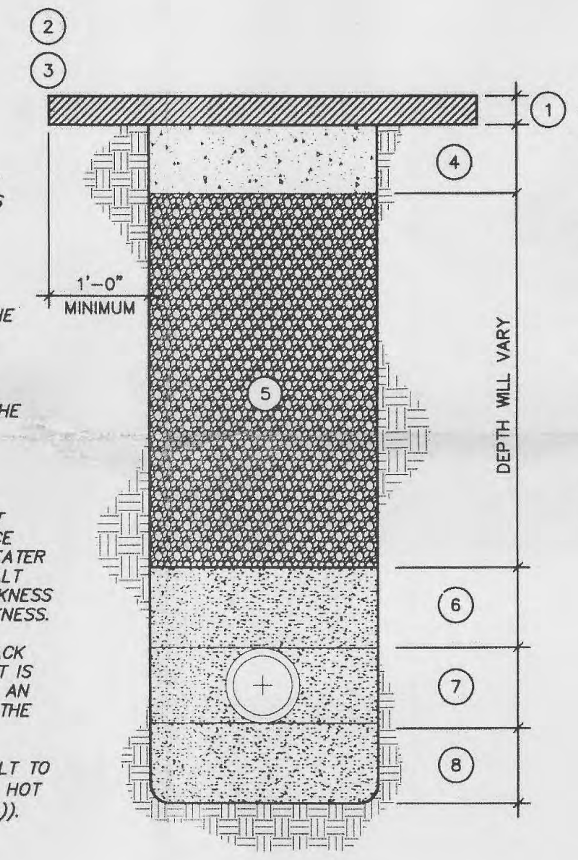
C. TRENCH WIDTHS SHALL BE THE SIZE OF PIPE PLUS 12 INCHES ON EITHER SIDE OF THE PIPE.

ASPHALT NOTES:

(1) INSTALL 4 INCH MINIMUM CLASS B ASPHALT PATCH TO BE COMPACTED TO 92% MAX RICE DENSITY. IF THE EXISTING ASPHALT IS GREATER THAN 4 INCHES, THE NEWLY PLACED ASPHALT SHALL BE PLACED IN LIFTS OF EQUAL THICKNESS AND COMPACTED TO MATCH EXISTING THICKNESS.

(2) INITIAL TRENCH CUT WILL BE SAWCUT. A JACK HAMMER MAY BE USED IF A NICE EVEN CUT IS MADE. THE USE OF WHEEL CUTTING IS NOT AN APPROVED METHOD UNLESS APPROVED BY THE CITY ENGINEER IN ADVANCE.

(3) ALL JOINTS BETWEEN OLD AND NEW ASPHALT TO BE SEALED (SECTION 5-05.3(8)B) USING A HOT POURED JOINT SEALANT (SECTION 9-04.2(1)).



TRENCH BACKFILL NOTES:

(4) 6 INCHES OF 5/8 CRUSHED SURFACING BASE COURSE (SECTION 4-04) COMPACTED TO 95% OF MAXIMUM DENSITY (SECTION 2-06.3(2).

(5) 2 1/2 INCH MINUS BANK RUN MATERIAL (SECTION 9-03.19) COMPACTED TO 95% OF MAXIMUM DENSITY. COMPACTED LIFTS SHALL NOT EXCEED 12 INCHES.

PIPE BEDDING NOTES:

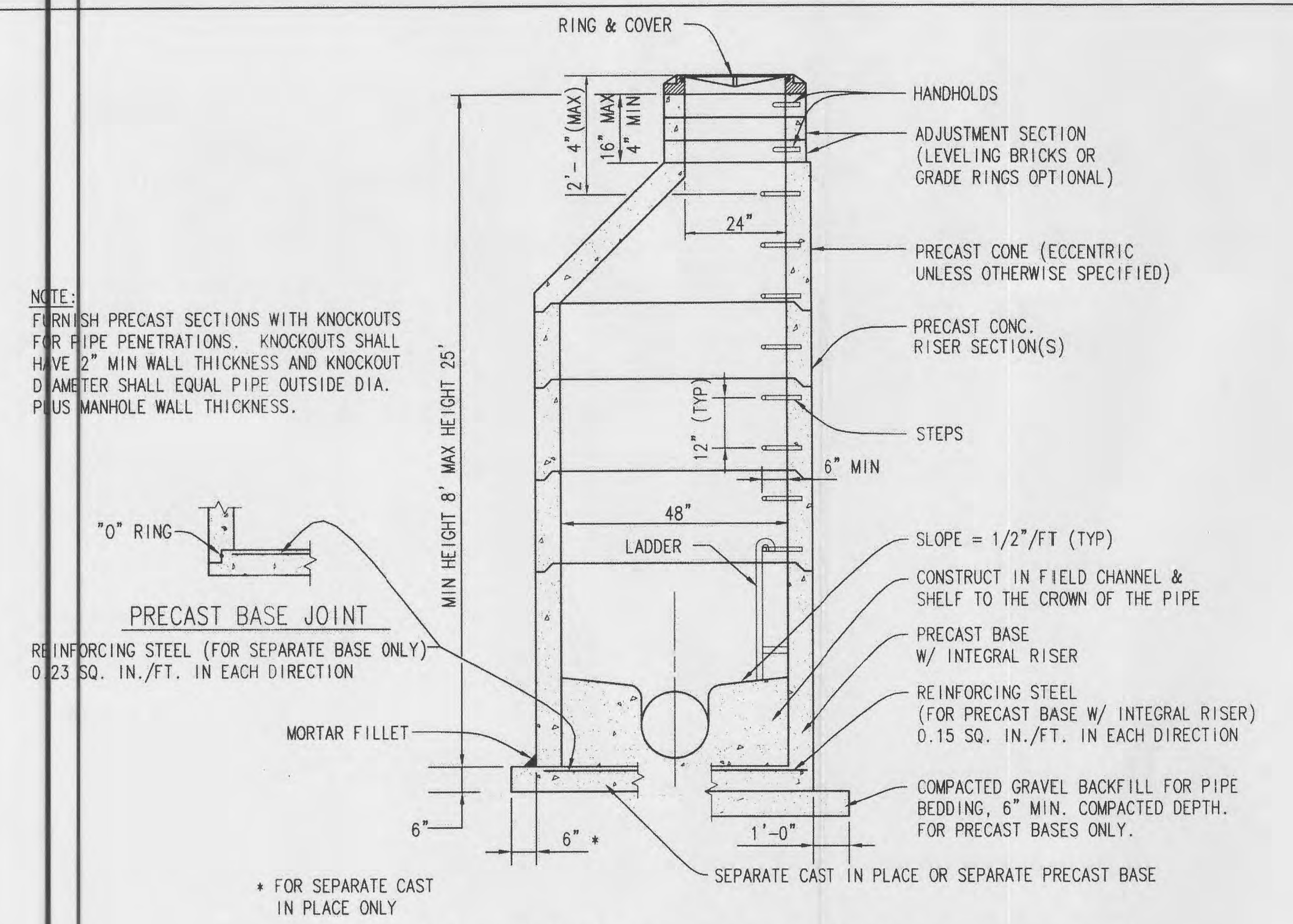
(6) 6 INCHES OF PEA GRAVEL OR BUCKSHOT BEDDING BACKFILL TO BE HAND COMPACTED BELOW THE BOTTOM OF PIPE.

(7) HAND COMPACTED PEA GRAVEL OR BUCKSHOT BEDDING BACKFILL TO BE TAMPED AROUND THE PIPE. THICKNESS EQUALS OUTSIDE DIAMETER OF PIPE.

(8) 6 INCHES OF PEA GRAVEL OR BUCKSHOT BEDDING BACKFILL TO BE HAND COMPACTED ABOVE THE CROWN OF THE PIPE.

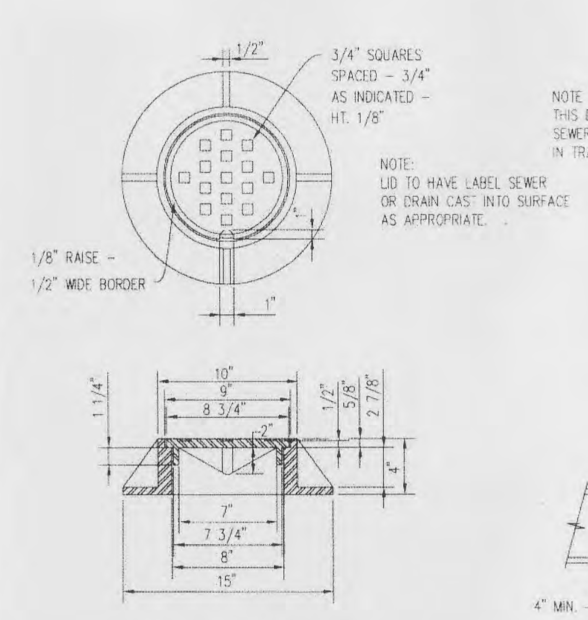
TYPICAL UTILITY TRENCH BACKFILL AND PAVEMENT REPAIR

N.T.S.

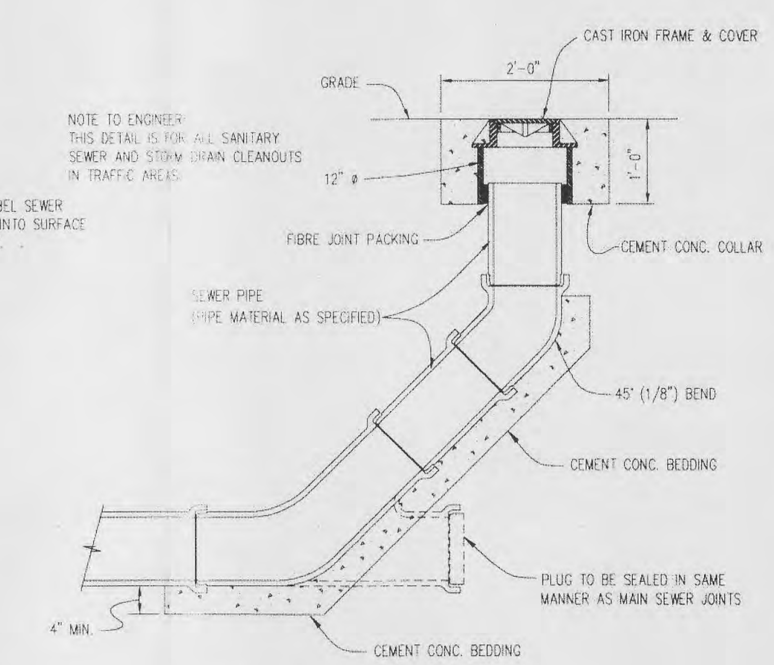


SANITARY SEWER MANHOLE DETAIL

NTS



CAST IRON RING & COVER



CLEANOUT DETAIL

NTS

CITY OF MOUNT VERNON

DEPARTMENT OF DEVELOPMENT SERVICES
ENGINEERING SERVICES

DEVELOPMENT SERVICES # D07-113 LU06-089
PUBLIC WORKS # ______
INSPECTION# ______

Recommended For Approval

Signature	Mount Vernon Fire Marshal	Date
Signature	Mount Vernon Planning Review	Date
Signature	Mount Vernon Civil Review	Date

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

______Date______

This approval will expire in one year from the date noted above.

DEVELOPER:
Big Fir at Maddox Creek, LLC
504 East Fairhaven Avenue
Burlington, Washington 98233

Brian Gentry (360) 755-9021

ENGINEER / SURVEYOR:
Summit Engineers and Surveyors, Inc.
2218 Old Highway 99 South
Mount Vernon, Washington 98273

Young-Soo Kim (360) 416-4999

UTILITY INFORMATION:

WATER:	PUD #1 OF SKAGIT COUNTY
STORMWATER:	CITY OF MOUNT VERNON
SEWER:	CITY OF MOUNT VERNON
TELEPHONE:	VERIZON
POWER:	PUGET SOUND ENERGY
CABLE TV:	COMCAST

YOUNG-SOO KIM, STATE OF WASHINGTON, 32169, REGISTERED PROFESSIONAL ENGINEER
6/19/07
EXPIRES 1/24/08

CALL 2 BUSINESS DAYS BEFORE YOU DIG
1-800-424-5555

D07-113 LU06-089

Big Fir South

"AS-BUILT"

FILE NUMBER: S02104 BLACKBURN SS PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/24/2007	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS / DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION "AS-BUILT" TITLE SHEET & DETAILS	PROJECT SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233

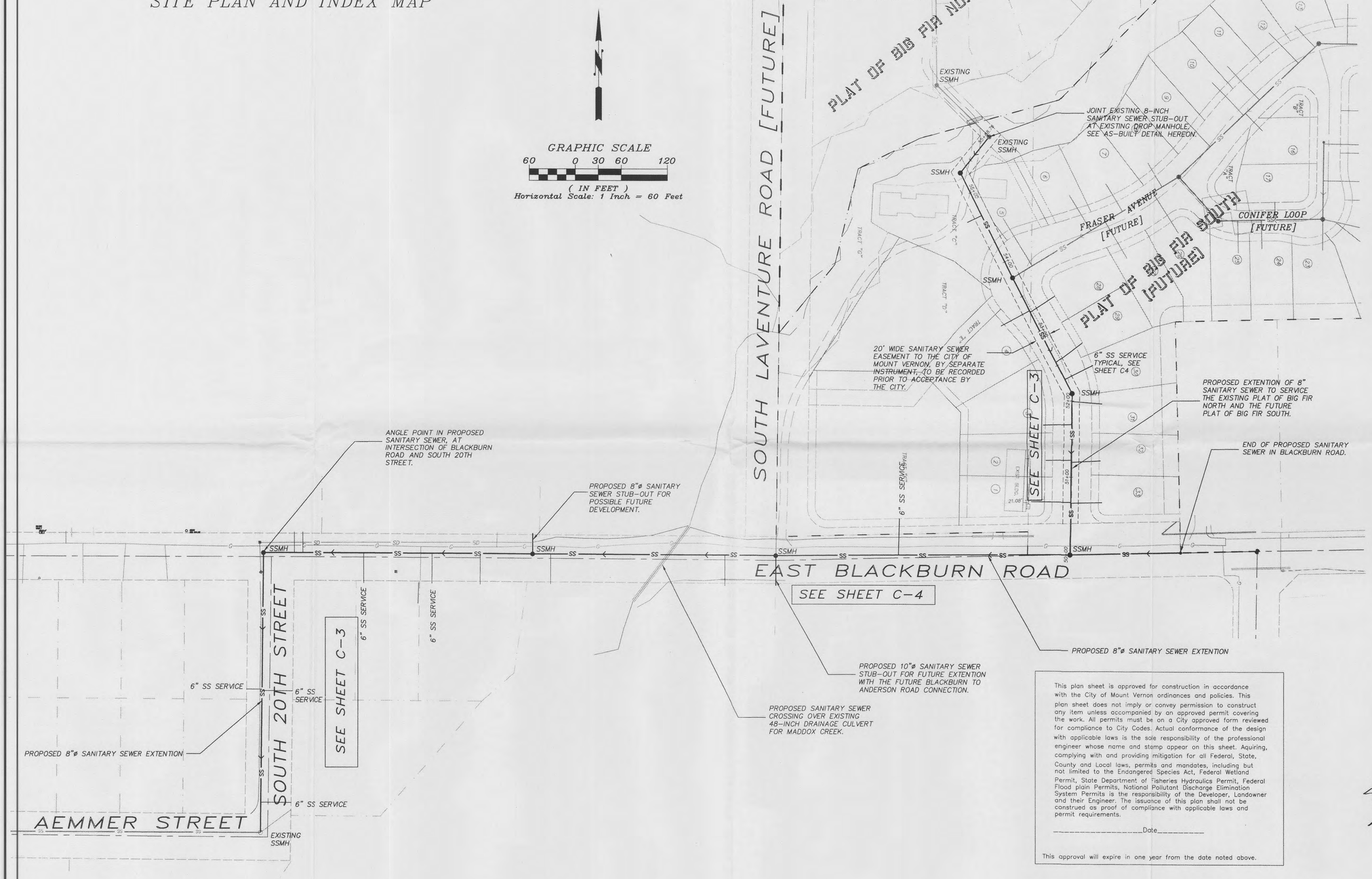
SHEET NO. C-1

FILED WITH LU04-092

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION

SITE PLAN AND INDEX MAP



This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM
STATE OF WASHINGTON
32180
REGISTERED PROFESSIONAL ENGINEER
1/24/08
1/24/07

"AS-BUILT"

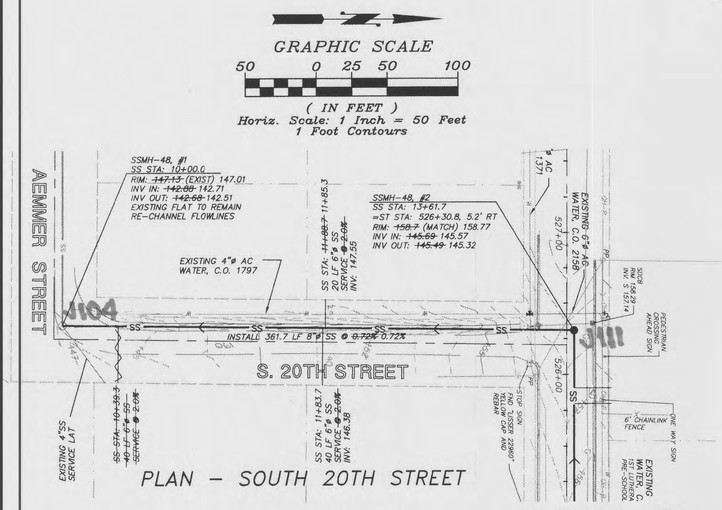
D07-113 LU06-089

FILE NUMBER: S02104 BLACKBURN SS PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/24/2007	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION "AS-BUILT" SITE PLAN & INDEX MAP	PROJECT SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-2

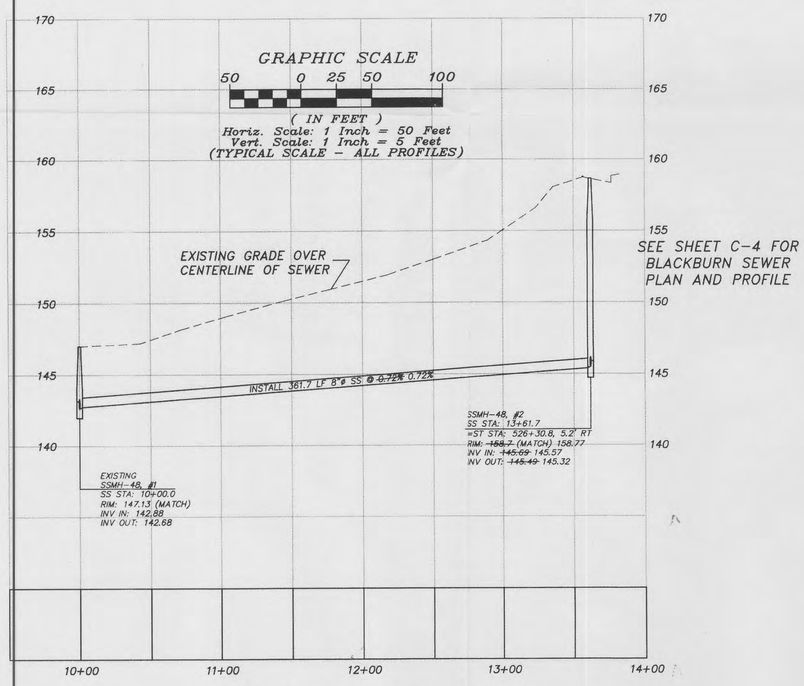
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION

SOUTH 20TH ST & [FUTURE] FRASER AVE SANITARY SEWER PLAN AND PROFILES

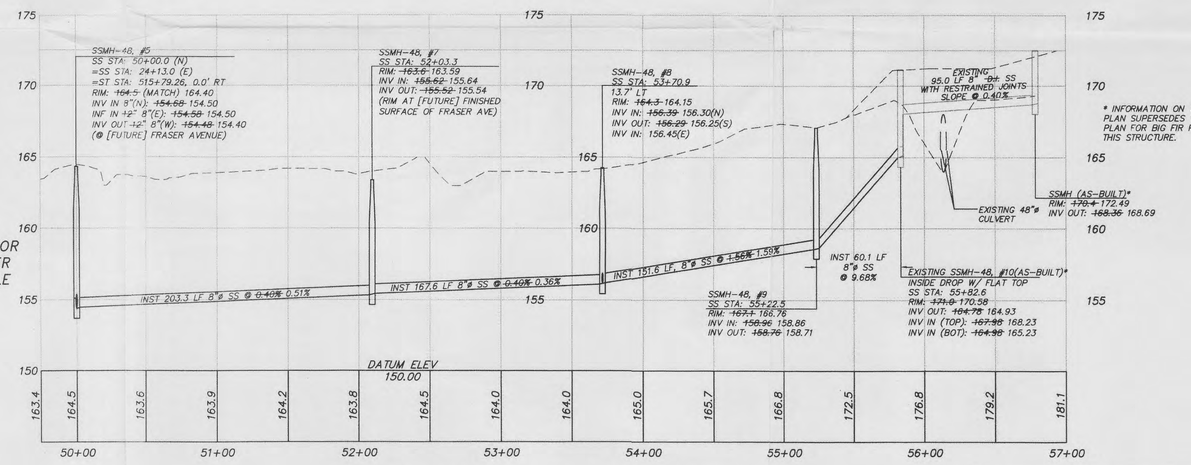


PLAN – SOUTH 20TH STREET



PROFILE – SOUTH 20TH STREET

PLAN – [FUTURE] FRASER AVENUE



PROFILE – [FUTURE] FRASER AVENUE

YOUNG-SOO KIM
STATE OF WASHINGTON
21168
REGISTERED PROFESSIONAL ENGINEER
6/9/7
EXPIRES 1/24/08

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

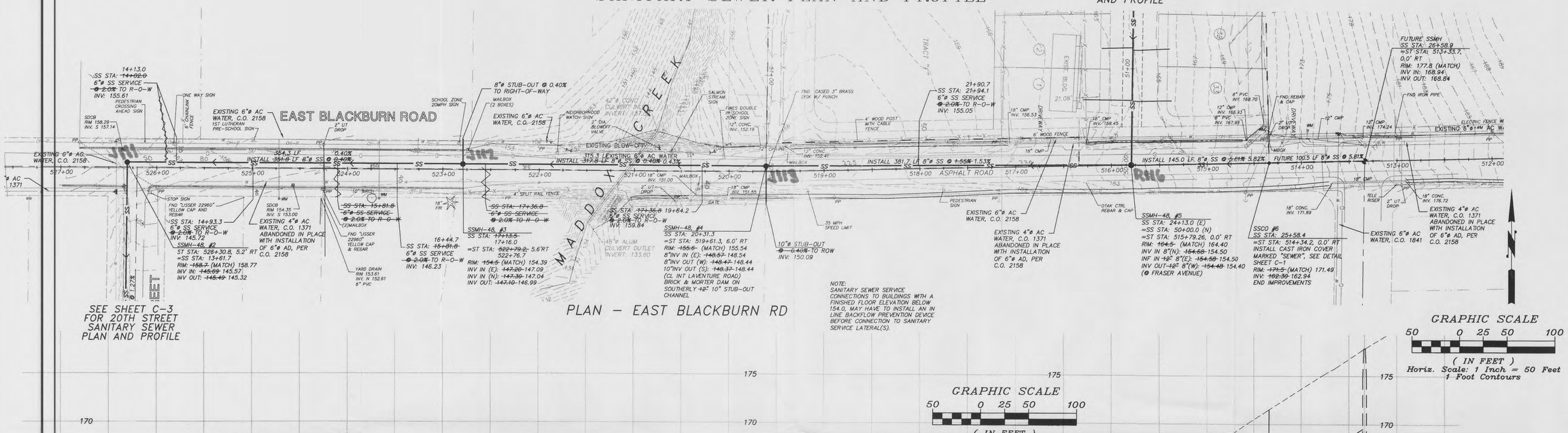
This approval will expire in one year from the date noted above.

"AS-BUILT"

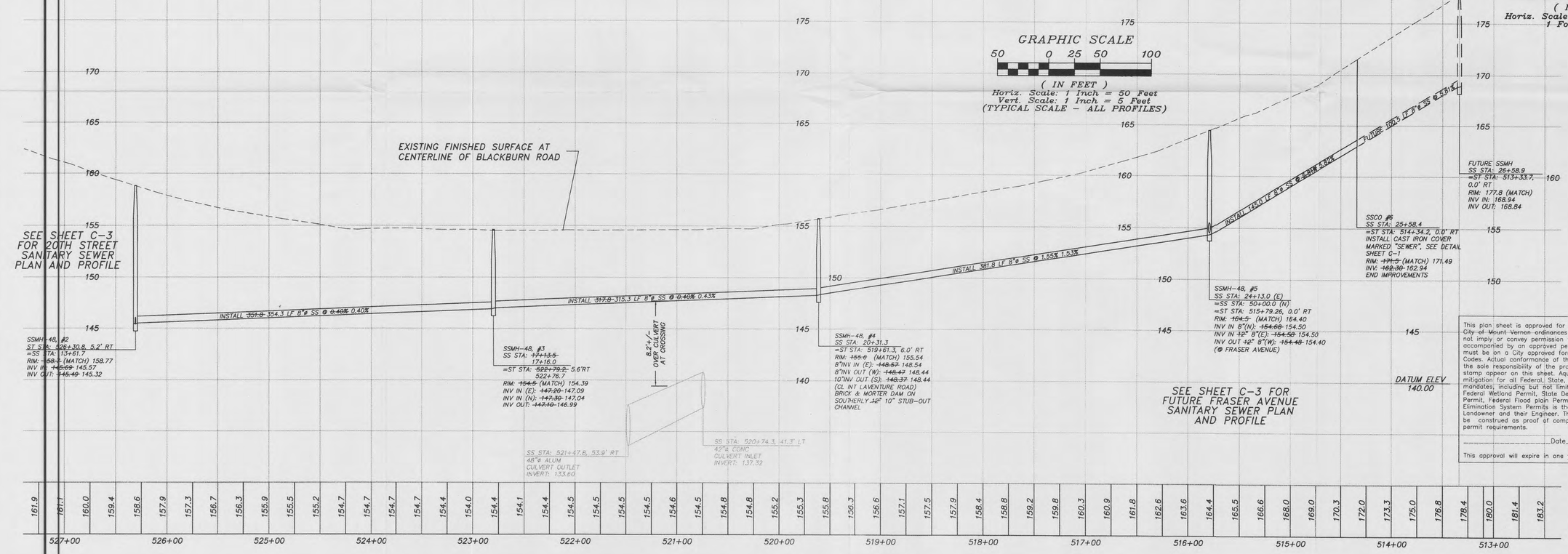
D07-113 LU06-089

FILE NUMBER: S02104 BLACKBURN SS PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/24/2007	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS / DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION "AS-BUILT" SOUTH 20TH ST & [FUTURE] FRASER AVE SANITARY SEWER PLAN AND PROFILES	PROJECT SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-3

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY
SOUTH 20TH ST & BLACKBURN RD
SANITARY SEWER EXTENTION
BLACKBURN ROAD
SANITARY SEWER PLAN AND PROFILE



NOTE:
SANITARY SEWER SERVICE CONNECTIONS TO BUILDINGS WITH A FINISHED FLOOR ELEVATION BELOW 154.0, MAY HAVE TO INSTALL AN IN LINE BACKFLOW PREVENTION DEVICE BEFORE CONNECTION TO SANITARY SERVICE LATERAL(S).



This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____ Date_____

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM STATE OF WASHINGTON 30347 REGISTERED PROFESSIONAL ENGINEER 2/14/07

EXPIRES 1/24/08

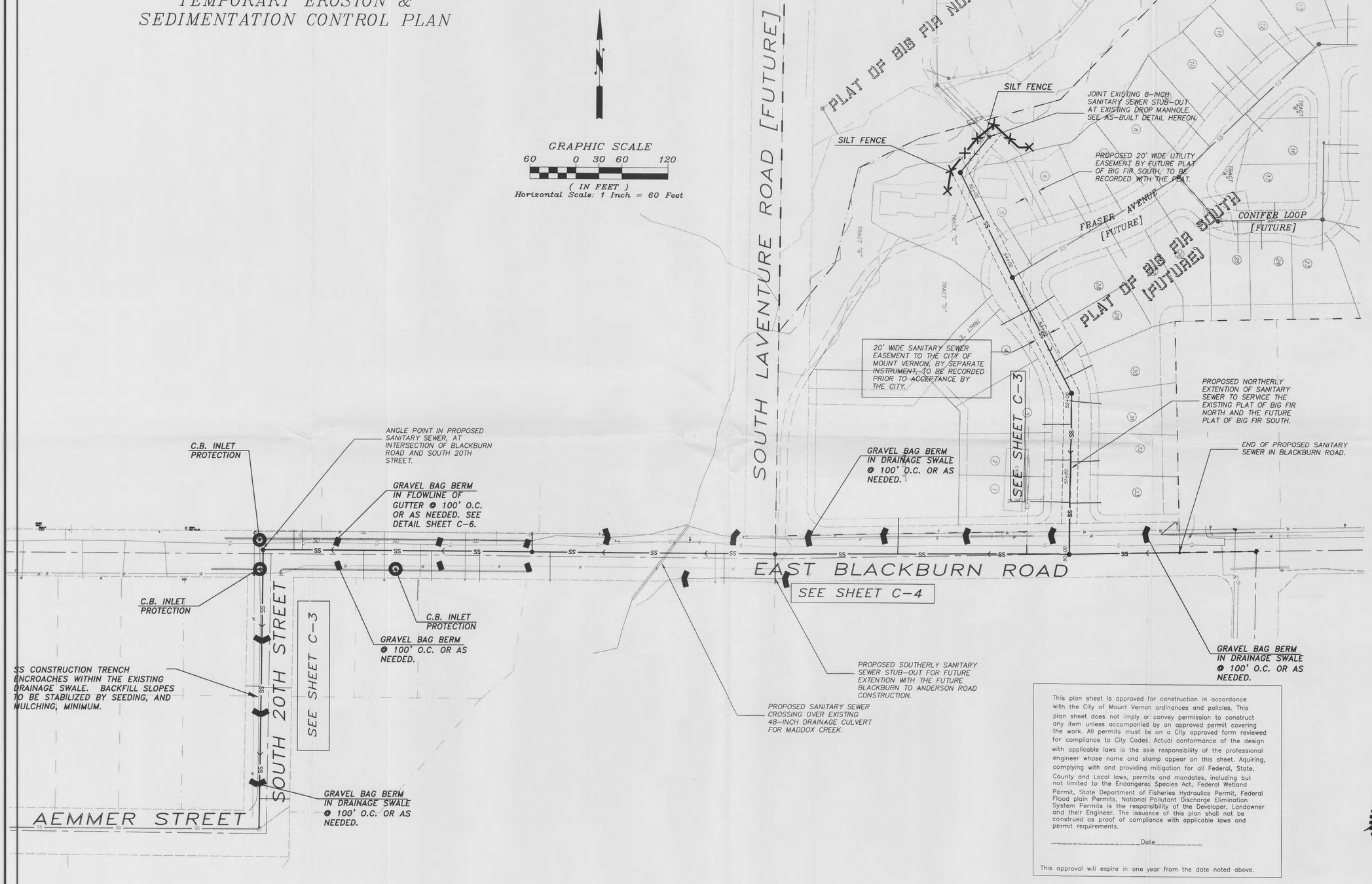
"AS-BUILT" D07-113 LU06-089

FILE NUMBER: S02104 BLACKBURN SS PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/24/2007	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT ENGINEERS & SURVEYORS, INC. 360.416.0999 360.416.0949 fax SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION "AS-BUILT" BLACKBURN ROAD SANITARY SEWER PLAN AND PROFILE	PROJECT SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-4

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION

TEMPORARY EROSION & SEDIMENTATION CONTROL PLAN



This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

YOUNG-SOO KIM
STATE OF WASHINGTON
32189
REGISTERED PROFESSIONAL ENGINEER
8/19/07
EXPIRES 1/24/08

"AS-BUILT"

D07-113 LU06-089

FILE NUMBER: S02104 BLACKBURN SS PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/24/2007	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION "AS-BUILT" TEMPORARY EROSION & SEDIMENTATION CONTROL PLAN	PROJECT SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-5

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY
SOUTH 20TH ST & BLACKBURN RD
SANITARY SEWER EXTENTION
TEMPORARY EROSION & SEDIMENTATION CONTROL NOTES & DETAILS

ESC-1 Standard ESC NOTES

APPROVAL OF THIS EROSION AND SEDIMENT CONTROL (ESC) PLAN DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.).

1. AS DIRECTED BY PUBLIC WORKS DIRECTOR PRIOR TO COMMENCING CONSTRUCTION, ALL CRITICAL AREAS, INCLUDING WETLAND BUFFERS, STREAM CORRIDOR, LANDFILL AREAS, AND STEEP SLOPES SHALL BE CONTINUOUSLY DEMARCATED IN THE FIELD USING FLAGGING TAPE OR FENCING.

2. EROSION CONTROL METHODS AND MATERIALS SHALL MEET REQUIREMENTS OF SECTION 8-01 OF THE APWA/WASHINGTON STATE DEPARTMENT OF TRANSPORTATION 1998 STANDARD SPECIFICATIONS FOR ROAD, BRIDGE, AND MUNICIPAL CONSTRUCTION, AND REQUIREMENTS SET FORTH IN VOLUME II OF THE "STORMWATER MANAGEMENT MANUAL FOR THE PUGET SOUND BASIN (THE TECHNICAL MANUAL)", BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, CURRENT EDITION. THE CONTRACTOR SHALL FOLLOW RECOMMENDATIONS MADE BY SUPPLIERS AND MANUFACTURERS OF MATERIALS AND EQUIPMENT USED.

3. THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT-LADEN WATER DOES NOT ENTER THE DRAINAGE SYSTEM OR VIOLATE APPLICABLE WATER STANDARDS, AND MUST BE INSTALLED AND IN OPERATION PRIOR TO ANY GRADING OR LAND CLEARING. WHEREVER POSSIBLE, MAINTAIN NATURAL VEGETATION FOR SILT CONTROL.

4. THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESC FACILITIES SHALL BE UPGRADED (E.G., ADDITIONAL SUMPS, RELOCATION OF DITCHES AND SILT FENCES, ETC.) AS NEEDED FOR UNEXPECTED STORM EVENTS. ADDITIONALLY, MORE ESC FACILITIES MAY BE REQUIRED TO ENSURE COMPLETE SILTATION CONTROL. THEREFORE, DURING THE COURSE OF CONSTRUCTION, IT SHALL BE THE OBLIGATION AND RESPONSIBILITY OF THE CONTRACTOR TO ADDRESS ANY NEW CONDITIONS THAT MAY BE CREATED BY HIS ACTIVITIES AND TO PROVIDE ADDITIONAL FACILITIES OVER AND ABOVE THE MINIMUM REQUIREMENTS AS MAY BE NEEDED.

5. ANY PERMANENT RETENTION/DETENTION FACILITY USED AS A TEMPORARY SETTLING BASIN SHALL BE MODIFIED WITH THE NECESSARY EROSION CONTROL MEASURES AND SHALL PROVIDE ADEQUATE STORAGE CAPACITY. IF THE PERMANENT FACILITY IS TO FUNCTION ULTIMATELY AS AN INFILTRATION OR DISPERSION SYSTEM, THE FACILITY SHALL NOT BE USED AS A TEMPORARY SETTLING BASIN. NO UNDERGROUND DETENTION TANK, DETENTION VAULT, OR SYSTEM, WHICH BACKS UNDER OR INTO A POND, SHALL BE USED AS A TEMPORARY SETTLING BASIN.

6. WHERE SEEDING FOR TEMPORARY EROSION CONTROL IS REQUIRED, FAST GERMINATING GRASSES SHALL BE APPLIED AT AN APPROPRIATE RATE (EXAMPLE: ANNUAL OR PERENNIAL RYE APPLIED AT APPROXIMATELY 80 POUNDS PER ACRE).

7. WHERE STRAW MULCH IS REQUIRED FOR TEMPORARY EROSION CONTROL, IT SHALL BE APPLIED AT A MINIMUM THICKNESS OF TWO (2) INCHES.

8. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF MOUNT VERNON STANDARDS AND SPECIFICATIONS.

9. THE ESC FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DETAILS ON THE APPROVED PLANS. LOCATIONS MAY BE MOVED TO SUIT FIELD CONDITIONS, SUBJECT TO APPROVAL BY THE CITY OF MOUNT VERNON PUBLIC WORKS DIRECTOR AND CITY OF MOUNT VERNON INSPECTOR.

10. A COPY OF THE APPROVED EROSION CONTROL PLANS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.

11. ALL LOTS ADJOINING OR HAVING ANY NATIVE GROWTH PROTECTION EASEMENTS (NGPE) SHALL HAVE A FOUR (4) FOOT HIGH TEMPORARY CONSTRUCTION FENCE (CYCLONE OR PLASTIC MESH) SEPARATING THE LOT (OR BUILDABLE PORTIONS OF THE LOT) FROM THE AREA RESTRICTED BY THE NGPE AND SHALL BE INSTALLED PRIOR TO ANY GRADING OR CLEARING AND REMAIN IN PLACE UNTIL A DWELLING IS CONSTRUCTED AND THE OWNERSHIP TRANSFERRED TO THE FIRST OWNER/OCCUPANT.

12. A CLEARING CONTROL FENCE SHALL BE INSTALLED AT THE DRIP LINE OF TREES TO BE SAVED WHEREVER THE TREE CANOPIES EXTEND INTO THE AREA TO BE CLEARED. ON-SITE SUPERVISION SHALL BE PROVIDED WHENEVER EQUIPMENT MUST OPERATE UNDER TREE CANOPIES, AND FENCING SHALL BE REPLACED WHEN NECCESARY. THE CLEARING CONTROL FENCE SHALL CONSIST OF A SINGLE STRAND OF WIRE ATTACHED ABOUT THREE (3) FEET HIGH TO WOOD LATH AT A TWELVE (12) FOOT MAXIMUM SPACING AND FLAGGED WITH SURVEY RIBBON AT FOUR (4) FOOT INTERVALS.

13. OFF-SITE STREETS MUST BE KEPT CLEAN AT ALL TIMES. IF DIRT IS DEPOSITED ON THE PUBLIC STREET SYSTEM, THE STREET SHALL BE IMMEDIATELY CLEANED WITH POWER SWEEPER OR OTHER EQUIPMENT. ALL VEHICLES SHALL LEAVE THE SITE BY WAY OF THE CONSTRUCTION ENTRANCE AND SHALL BE CLEANED OF ALL DIRT THAT WOULD BE DEPOSITED ON THE PUBLIC STREETS.

14. ANY CATCH BASINS COLLECTING RUNOFF FROM THE SITE, WHETHER THEY ARE ON OR OFF THE SITE, SHALL HAVE THEIR GRATES COVERED WITH FILTER FABRIC DURING CONSTRUCTION.

15. THE WASHED GRAVEL BACKFILL ADJACENT TO THE FILTER FABRIC FENCE SHALL BE REPLACED AND THE FILTER FABRIC CLEANED IF IT IS NONFUNCTIONAL BY EXCESSIVE SILT ACCUMULATION AS DETERMINED BY THE CITY OF MOUNT VERNON. ALSO, ALL INTERCEPTOR SWALES SHALL BE CLEANED IF SILT ACCUMULATION EXCEEDS ONE-QUARTER DEPTH.

16. ROCK FOR EROSION PROTECTION OF ROADWAY DITCHES, WHERE REQUIRED, MUST BE OF SOUND QUARRY ROCK, PLACED TO DEPTH OF ONE (1) FOOT AND MUST MEET THE FOLLOWING SPECIFICATIONS: 4" - 8" ROCK/40%-70% PASSING; 2"-4" ROCK/30 %-40% PASSING; AND 1"-2" ROCK/10%-20% PASSING.

17. IF ANY PART (S) OF THE CLEARING LIMIT; BOUNDARY OR TEMPORARY EROSION/SEDIMENTATION CONTROL PLAN IS/ARE DAMAGED, IT SHALL BE REPAIRED IMMEDIATELY.

18. ALL PROPERTIES ADJACENT TO THE PROJECT SITE SHALL BE PROTECTED FROM SEDIMENT DEPOSITION AND RUNOFF.DO NOT FLUSH CONCRETE BY-PRODUCTS OR TRUCKS NEAR OR INTO THE STORM DRAINAGE SYSTEM. IF EXPOSED AGGREGATE IS FLUSHED INTO THE STORM SYSTEM, IT COULD MEAN RECLEANING THE ENTIRE DOWNSTREAM STORM SYSTEM, OR POSSIBLY RELAYING THE STORM LINE.

19. THE IMPLEMENTATION OF THESE ESC PLANS AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE FACILITIES IS THE RESPONSIBILITY OF THE APPLICANT/ESC SUPERVISOR UNTIL ALL CONSTRUCTION IS APPROVED.

20. THE ESC SUPERVISORS NAME IS: **Young-Soo Kim**, 24 HR. CONTACT NUMBER: **(360) 416-4999**

21. THE APPLICANT'S NAME IS : **Brian Gentry, Big Fir at Maddox Creek, LLC**, 24 HR. CONTACT NUMBER: **(360) ___-____**

22. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED BY A CONTINUOUS LENGTH OF SURVEY TAPE (OR FENCING, IF REQUIRED) PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE CLEARING LIMITS SHALL BE PERMITTED. THE CLEARING LIMITS SHALL BE MAINTAINED BY THE APPLICANT/ESC SUPERVISOR FOR THE DURATION OF CONSTRUCTION.

23. THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE APPLICANT/ESC SUPERVISOR AND MAINTAINED TO ENSURE CONTINUED PROPER FUNCTIONING. WRITTEN RECORDS SHALL BE KEPT OF WEEKLY REVIEWS OF THE ESC FACILITIES DURING THE WET SEASON (OCT. 1 TO APRIL 30) AND OF THE MONTHLY REVIEWS DURING THE DRY SEASON (MAY 1 TO SEPT. 30).

24. ANY AREAS OF EXPOSED SOILS, INCLUDING ROADWAY EMBANKMENTS, THAT WILL NOT BE DISTURBED FOR TWO DAYS DURING THE WET SEASON OR SEVEN DAYS DURING THE DRY SEASON SHALL BE IMMEDIATELY STABILIZED WITH THE APPROVED ESC METHODS (E.G., SEEDING, MULCHING, PLASTIC COVERING, ETC.).

25. ANY AREA NEEDING ESC MEASURES NOT REQUIRING IMMEDIATE ATTENTION SHALL BE ADDRESSED WITHIN FIFTEEN (15) DAYS.

26. THE ESC FACILITIES ON ACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A MONTH OR WITHIN FORTY-EIGHT (48) HOURS FOLLOWING A STORM EVENT.

27. AT NO TIME SHALL MORE THAN ONE (1) FOOT OF SEDIMENT BE ALLOWED TO ACCUMULATE WITHIN A CATCH BASIN. ALL CATCH BASINS AND CONVEYANCE LINES SHALL BE CLEANED PRIOR TO PAVING. THE CLEANING OPERATION SHALL NOT FLUSH SEDIMENT-LADEN WATER INTO THE DOWNSTREAM SYSTEM.

28. STABILIZED CONSTRUCTION ENTRANCES AND ROADS SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES, SUCH AS WASH PADS, MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.

29. ANY PERMANENT FLOW CONTROL FACILITY USED AS A TEMPORARY SETTLING BASIN SHALL BE MODIFIED WITH THE NECESSARY EROSION CONTROL MEASURES AND SHALL PROVIDE ADEQUATE STORAGE CAPACITY. IF THE FACILITY IS TO FUNCTION AS ULTIMATELY AS AN INFILTRATION SYSTEM, THE TEMPORARY FACILITY MUST BE GRADED SO THAT THE BOTTOM AND SIDES ARE AT LEAST THREE FEET ABOVE THE FINAL GRADE OF THE PERMANENT FACILITY.

30. PRIOR TO THE BEGINNING OF THE WET SEASON (OCT. 1), ALL DISTURBED AREAS SHALL BE REVIEWED TO IDENTIFY WHICH ONES CAN BE SEEDED IN PREPARATION FOR THE WINTER RAINS. DISTURBED AREAS SHALL BE SEEDED WITHIN ONE WEEK OF THE BEGINNING OF THE WET SEASON. A SKETCH MAP OF THOSE AREAS TO BE SEEDED AND THOSE AREAS TO REMAIN UNCOVERED SHALL BE SUBMITTED TO THE CITY INSPECTOR. THE CITY INSPECTOR CAN REQUIRE SEEDING OF ADDITIONAL AREAS IN ORDER TO PROTECT SURFACE WATERS, ADJACENT PROPERTIES, OR DRAINAGE FACILITIES.

ESC-2 WET SEASON SPECIAL PROVISIONS
(October 1, 2000 - April 30)

1. THE ALLOWED TIME THAT A DISTURBED AREA CAN REMAIN UNWORKED WITHOUT COVER MEASURES IS REDUCED TO TWO DAYS, RATHER THEN SEVEN.

2. STOCKPILES AND STEEP CUT AND FILL SLOPES ARE TO BE PROTECTED IF UNWORKED FOR MORE THAN 12 HOURS.

3. COVER MATERIALS SUFFICIENT TO COVER ALL DISTURBED AREAS SHALL BE STOCKPILED ON SITE.

4. ALL AREAS THAT ARE TO BE UNWORKED DURING THE WET SEASON SHALL BE SEEDED WITHIN ONE WEEK OF THE BEGINNING OF THE WET SEASON.

5. MULCH IS REQUIRED TO PROTECT ALL SEEDED AREAS

6. FIFTY LINEAR FEET OF SILT FENCE (AND THE NECESSARY STAKES) PER ACRE OF DISTURBANCE MUST BE STOCKPILED ON SITE.

7. CONSTRUCTION ROAD AND PARKING LOT STABILIZATION ARE REQUIRED FOR ALL SITES UNLESS THE SITE IS UNDERLAIN BY COARSE-GRAINED SOIL.

8. SEDIMENT RETENTION IS REQUIRED UNLESS NO OFFSITE DISCHARGE IS ANTICIPATED FOR THE SPECIFIC DESIGN FLOW.

9. SURFACE WATER CONTROLS ARE REQUIRED UNLESS NO OFFSITE DISCHARGE IS ANTICIPATED FOR THE SPECIFIED DESIGN FLOW.

10. PHASING AND MORE CONSERVATIVE BMP'S MUST BE EVALUATED FOR CONSTRUCTION ACTIVITY NEAR SURFACE WATERS.

11. ANY RUNOFF GENERATED BY DEWATERING SHALL BE TREATED THROUGH CONSTRUCTION OF A SEDIMENT TRAP WHEN THERE IS SUFFICIENT SPACE OR BY RELEASING THE WATER TO A WELL-VEGETATED, GENTLY SLOPING AREA. SINCE PUMPS ARE USED FOR DEWATERING, IT MAY BE POSSIBLE TO PUMP THE SEDIMENT-LADEN WATER WELL AWAY FROM THE SURFACE WATER SO THAT VEGETATION CAN BE MORE EFFECTIVELY UTILIZED FOR TREATMENT. A STRAW BALE FILTER SHALL BE PLACED AROUND THE DISCHARGE FROM THE DEWATERING PUMP. IF THERE IS NOT SPACE FOR A SEDIMENT TRAP OR 25 FEET OF SUITABLE VEGETATION, OTHER FILTRATION METHODS SHALL BE REQUIRED.

12. THE FREQUENCY OF MAINTENANCE REVIEW INCREASES FROM MONTHLY TO WEEKLY.

ESC-3 SENSITIVE AREAS SPECIAL PROVISIONS

1. WHENEVER POSSIBLE, PHASE ALL OR PART OF THE PROJECT SO THAT IT OCCURS DURING THE DRY SEASON. IF THIS IS IMPOSSIBLE, NOVEMBER THROUGH FEBRUARY SHALL BE AVOIDED SINCE THIS IS THE MOST LIKELY PERIOD FOR LARGE, HIGH-INTENSITY STORMS.

2. ALL PROJECT SHALL BE COMPLETED AND STABILIZED AS QUICKLY AS POSSIBLE. LIMITING THE SIZE AND DURATION OF A PROJECT IS PROBABLY THE MOST EFFECTIVE FORM OF EROSION CONTROL.

3. WHERE APPROPRIATE, SANDBAGS OR AN EQUIVALENT BARRIER SHALL BE CONSTRUCTED BETWEEN THE PROJECT AREA AND THE SURFACE WATER
IN ORDER TO ISOLATE THE CONSTRUCTION AREA FROM HIGH WATER THAT MIGHT RESULT DUE TO PRECIPITATION.

4. ADDITIONAL PERIMETER PROTECTION SHALL BE CONSIDERED TO REDUCE THE LIKELIHOOD OF SEDIMENT ENTERING THE SURFACE WATERS. SUCH PROTECTION MIGHT INCLUDE MULTIPLE SILT FENCES, SILT FENCES WITH A HIGHER AOS, CONSTRUCTION OF A BERM, OR A THICK LAYER OF ORGANIC MULCH UPSLOPE OF A SILT FENCE.

5. IF WORK IS TO OCCUR WITHIN THE ORDINARY HIGH WATER MARK OF A STREAM, MOST PROJECTS MUST ISOLATE THE WORK AREA FROM THE STREAM BY DIVERTING THE STREAM OR CONSTRUCTING A COFFERDAM. CERTAIN SMALL PROJECTS THAT PROPOSE ONLY A SMALL AMOUNT OF GRADING MAY NOT REQUIRE ISOLATION SINCE DIVERSIONS TYPICALLY RESULT IN DISTURBANCE AND THE RELEASE OF SOME SEDIMENT TO THE STREAM. FOR SUCH SMALL PROJECTS THE POTENTIAL IMPACTS FROM CONSTRUCTION WITH AND WITHOUT A DIVERSION MUST BE WEIGHTED.

6. IF A STREAM MUST BE CROSSED, A TEMPORARY BRIDGE SHALL BE CONSIDERED RATHER THAN ALLOWING EQUIPMENT TO UTILIZE THE STREAMBED FOR A CROSSING.

7. ANY RUNOFF GENERATED BY DEWATERING SHALL BE TREATED THROUGH CONSTRUCTION OF A SEDIMENT TRAP WHEN THERE IS SUFFICIENT SPACE OR BY RELEASING THE WATER TO A WELL-VEGETATED, GENTLY SLOPING AREA. SINCE PUMPS ARE USED FOR DEWATERING, IT MAY BE POSSIBLE TO PUMP THE SEDIMENT-LADEN WATER WELL AWAY FROM THE SURFACE WATER SO THAT VEGETATION CAN BE MORE EFFECTIVELY UTILIZED FOR TREATMENT. A STRAW BALE FILTER SHALL BE PLACED AROUND THE DISCHARGE FROM THE DEWATERING PUMP. IF THERE IS NOT SPACE FOR A SEDIMENT TRAP OR 25 FEET OF SUITABLE VEGETATION, OTHER FILTRATION METHODS SHALL BE REQUIRED.

ESC-4 FINAL SITE STABILIZATION NOTES

TO OBTAIN FINAL CONSTRUCTION APPROVAL, THE FOLLOWING CONDITIONS MUST BE MET:

1. ALL DISTURBED AREAS OF THE SITE SHALL BE VEGETATED OR OTHERWISE PERMANENTLY STABILIZED. AT A MINIMUM, DISTURBED OTHERWISE PERMANENTLY STABILIZED. AT A MINIMUM, DISTURBED AREAS SHALL BE SEEDED AND MULCHED WITH A HIGH LIKELY HOOD THAT SUFFICIENT COVER WILL DEVELOP SHORTLY AFTER FINAL APPROVAL. MULCH WITHOUT SEEDING IS NOT ADEQUATE TO ALLOW FINAL APPROVAL OF THE PERMIT, EXCEPT FOR SMALL AREAS OF MULCH USED FOR LANDSCAPING. THE ONLY EXCEPTIONS TO THESE REQUIREMENTS ARE LOTS WITHIN A PLAT THAT ARE TO BE DEVELOPED UNDER AN APPROVED RESIDENTIAL PERMIT IMMEDIATELY FOLLOWING PLAT APPROVAL. THESE CASES, MULCH AND/OR TEMPORARY SEEDING ARE ADEQUATE FOR COVER.

2. STRUCTURAL MEASURES SUCH AS, BUT NOT LIMITED TO, SILT FENCES, PIPE SLOPES DRAINS, CONSTRUCTION ENTRANCES, STORM DRAIN INLET PROTECTION, AND SEDIMENT TRAPS AND PONDS SHALL BE REMOVED FROM THE SITE. MEASURES THAT WILL QUICKLY DECOMPOSE, SUCH AS BRUSH BARRIERS AND ORGANIC MULCHES, MAY BE LEFT IN PLACE. IN THE CASE OF SILT FENCES, IT MAY BE BEST TO REMOVE FENCES IN CONJUNCTION WITH THE SEEDING, SINCE IT MAY BE NECESSARY TO BRING MACHINERY BACK IN TO REMOVE THEM. THIS WILL RESULT IN DISTURBED SOILS THAT WILL AGAIN REQUIRE PROTECTION. THE DDES INSPECTOR MUST APPROVE AN APPLICANT'S PROPOSAL TO REMOVE FENCING PRIOR TO THE ESTABLISHMENT OF VEGETATION. IN SOME CASES, SUCH AS RESIDENTIAL BUILDING FOLLOWING PLAT DEVELOPMENT, IT MAY BE APPROPRIATE TO LEAVE SOME OR ALL ESC MEASURES FOR USE DURING SUBSEQUENT DEVELOPMENT. THIS SHALL BE DETERMINED ON A SITE-SPECIFIC BASIS.

3. ALL PERMANENT SURFACE WATER FACILITIES, INCLUDING CATCH BASINS, MANHOLES, PIPES, DITCHES, CHANNELS, R/D FACILITIES, AND WATER QUALITY FACILITIES, SHALL BE CLEANED. ANY OFFSITE CATCH BASIN THAT REQUIRED PROTECTION DURING CONSTRUCTION SHALL ALSO BE CLEANED.

4. IF ONLY THE INFRASTRUCTURE OF THE SITE HAS BEEN DEVELOPED (E.G. SUBDIVISIONS AND SHORT PLATS) WITH BUILDING CONSTRUCTION TO OCCUR UNDER A DIFFERENT PERMIT, THEN THE SENSITIVE AREA BUFFERS, SENSITIVE AREA TRACTS, OR SENSITIVE AREA SETBACK AREA SHALL BE CLEARLY MARKED AS DESCRIBED IN SECTION D.4.1 IN ORDER TO ALERT FUTURE BUYERS AND BUILDERS.

ESC-5 ROAD AND UTILITIES E.S.C. NOTES

1. PHASING THE PROJECT SO THAT THE SITE IS WORKED PROGRESSIVELY FROM END TO END, RATHER THAN CLEARING AND GRUBBING THE ENTIRE LENGTH OF THE PROJECT. THIS RESULTS IN SMALLER EXPOSED AREAS FOR SHORTER DURATION'S, THUS REDUCING THE EROSION RISK.

2. MULCHING AND VEGETATING CUT AND FILL SLOPES AS SOON AS THEY ARE GRADED. FREQUENTLY, THIS IS DONE AT THE END OF CONSTRUCTION WHEN PAVING OR UTILITY INSTALLATION IS COMPLETE. VEGETATING THESE AREAS AT THE START OF THE PROJECT STABILIZES THOSE AREAS MOST SUSCEPTIBLE TO EROSION.

3. PROTECTING ALL CATCH BASIN INLETS WITH CATCH BASIN INSERTS WHEN THESE DO NOT DRAIN TO PONDS OR TRAPS. THIS WILL NOT PROVIDE THE SAME LEVEL OF PROTECTION AS A SEDIMENT POND OR TRAP, BUT CAN REMOVE MOST OF THE SAND-SIZED MATERIAL ENTRAINED IN THE RUNOFF.

4. PHASING THE PROJECT SO THAT ALL CLEARING AND GRADING IN SENSITIVE AREA BUFFERS OCCURS IN THE DRY SEASON. THIS SUBSTANTIALLY REDUCES THE CHANCE OF EROSION AND ALLOWS FOR RAPID REVEGETATION IN THE LATE SUMMER AND EARLY FALL.

5. USING FLOCCULENT TO REDUCE THE TURBIDITY OF WATER RELEASED FROM SEDIMENT PONDS, WHEN APPROVED BY THE DEPARTMENT OF ECOLOGY.

6. HIRING A PRIVATE CONSULTANT WITH EXPERTISE IN ESC TO REVIEW AND MONITOR THE SITE.

ESC-6 CONSTRUCTION SEQUENCE

1. ATTEND PRE-CONSTRUCTION MEETING.

2. FLAG OR FENCE CLEARING LIMITS.

3. POST SIGN WITH NAME AND PHONE NUMBER OF ESC SUPERVISOR.

4. INSTALL CATCH BASIN PROTECTION IF REQUIRED.

5. GRADE AND INSTALL CONSTRUCTION ENTRANCE(S).

6. INSTALL PERIMETER PROTECTION (SILT FENCE, BRUSH BARRIER, ETC.).

7. CONSTRUCT SEDIMENT PONDS AND TRAPS.

8. GRADE AND STABILIZE CONSTRUCTION ROADS.

9. CONSTRUCT SURFACE WATER CONTROLS (INTERCEPTOR DIKES, PIPE SLOPE DRAINS, ETC.) SIMULTANEOUSLY WITH CLEARING AND GRADING FOR PROJECT DEVELOPMENT.

10.MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH KING COUNTY STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.

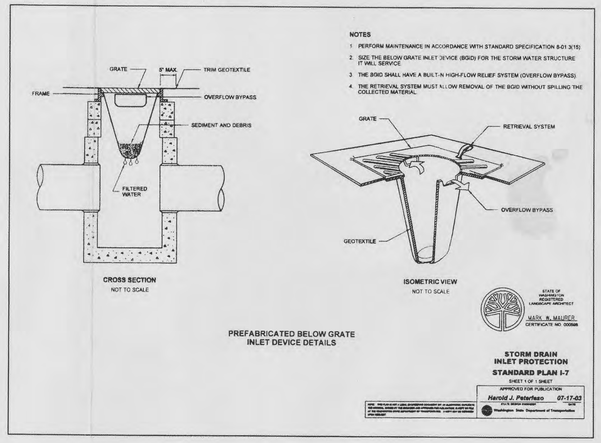
11.RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURES SO THAT AS SITE CONDITIONS CHANGE THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH THE KING COUNTY EROSION AND SEDIMENT CONTROL STANDARDS.

12.COVER ALL AREAS THAT WILL BE UNWORKED FOR MORE THAN SEVEN DAYS OR TWO DAYS DURING THE WET SEASON WITH STRAW, WOOD FIBER MULCH, COMPOST, PLASTIC SHEETING OR EQUIVALENT.

13. STABILIZE ALL AREAS THAT REACH FINAL GRADE WITHIN SEVEN DAYS.

14.SEED OR SOD ANY AREAS TO REMAIN UNWORKED FOR MORE THAN 30 DAYS.

15. UPON COMPLETION OF THE PROJECT, ALL DISTURBED AREAS MUST BE STABILIZED AND BMP'S REMOVED IF APPROPRIATE.



TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

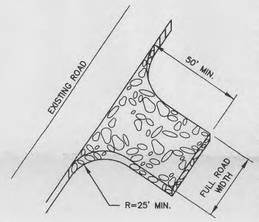
1. INSTALLATION: THE AREA OF THE ENTRANCE SHOULD BE CLEARED OF ALL VEGETATION, ROOTS AND OTHER OBJECTIONABLE MATERIAL. THE GRAVEL SHALL BE PLACED TO THE SPECIFIED DIMENSIONS. ANY DRAINAGE FACILITIES REQUIRED BECAUSE OF WASHING SHOULD BE CONSTRUCTED ACCORDING TO SPECIFICATIONS IN THE PLAN. IF WASH RACKS ARE USED, THEY SHOULD BE INSTALLED ACCORDING TO MANUFACTURER'S SPECIFICATIONS.

2. AGGREGATE: 4" TO 6" CRUSHED BALLAST ROCK

3. ENTRANCE DIMENSIONS: THE AGGREGATE LAYER MUST BE AT LEAST 6 INCHES THICK. IT MUST EXTEND THE FULL WIDTH OF THE VEHICULAR INGRESS AND EGRESS AREA. THE LENGTH OF THE ENTRANCE MUST BE AT LEAST 50 FEET.

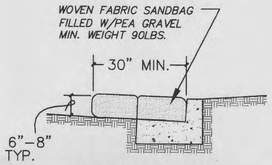
4. WASHING: IF CONDITIONS ON THE SITE ARE SUCH THAT MOST OF THE MUD IS NOT REMOVED FROM VEHICLE TIRES BY CONTACT WITH THE GRAVEL, THEN THE TIRES MUST BE WASHED BEFORE VEHICLES ENTER A PUBLIC ROAD. WASH WATER MUST BE CARRIED AWAY FROM THE ENTRANCE TO A SETTLING AREA TO REMOVE SEDIMENT. A WASH RACK MAY ALSO BE USED TO MAKE WASHING MORE CONVENIENT AND EFFECTIVE.

5. MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF MUD TO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH 2-INCH STONE, AS CONDITIONS DEMAND, AND REPAIR AND/OR CLEAN OUT ANY STRUCTURES USED TO TRAP SEDIMENT. ALL MATERIALS SPILLED, DROPPED, WASHED OR TRACKED FROM VEHICLES ONTO ROADWAY OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY.



GRAVEL CONSTRUCTION ENTRANCE

NTS



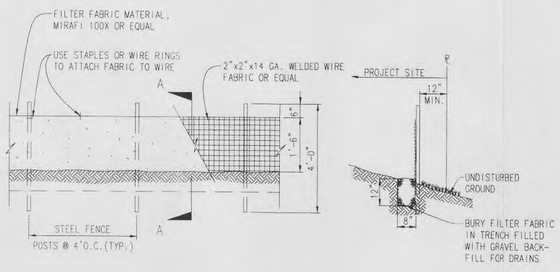
CROSS SECTION

NOTE:
WHEN SANDBAG IS FILLED WITH PEA GRAVEL MATERIAL, THE OPEN END SHOULD BE STAPLED OR TIED WITH NYLON OR POLY CORD. THE WEIGHT SHALL BE 90 - 125 LBS.

GRAVELBAG BERM DETAIL

N.T.S.

TO BE USED DURING ROUGH GRADING, FINE GRADING, AND AFTER THE INFRASTRUCTURE HAS BEEN INSTALLED AND LOT GRADING/CONSTRUCTION IS TAKING PLACE. ONCE CATCH BASINS HAVE BEEN SET PLACE GRAVEL BAGS DOWNSTREAM OF THE CATCH BASING TO ACT AS A FILTER/DAM. MONITOR FILTER FABRIC OVER CATCH BASIN GRATE AND REMOVE SILT AS NEEDED.



NOTE:
UPON COMPLETION OF THE PROJECT OR WHEN DIRECTED BY THE OWNER, THE FILTER FABRIC FENCE SHALL BE REMOVED IN ITS ENTIRETY AND DISPOSED OF BY THE CONTRACTOR.

FILTER FABRIC FENCE DETAIL

NTS

YOUNG-SOO KIM
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER
5/7/07
EXPIRES 1/24/08

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

"AS-BUILT"

D07-113 LU06-089

FILE NUMBER: S02104 BLACKBURN SS PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/24/2007	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: YSK	REVISIONS	DATE	SUMMIT ENGINEERS & SURVEYORS INC. 360.416.4999 360.416.4949 fax	SUMMIT Engineers & Surveyors, Inc. 2218 Old Highway 99 So. Mount Vernon WA. 98273 Phone: (360) 416-4999 Fax: (360) 416-4949	SHEET DESCRIPTION "AS-BUILT" TEMPORARY EROSION & SEDIMENTATION CONTROL PLAN NOTES & DETAILS	PROJECT SOUTH 20TH ST & BLACKBURN RD SANITARY SEWER EXTENTION DEVELOPER: Big Fir at Maddox Creek, LLC, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-6

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 1 of 12 11:52AM

OWNER'S CONSENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BIG FIR SOUTH, INC., A WASHINGTON CORPORATION AND SKAGIT STATE BANK, OWNERS IN THE FEE SIMPLE OR CONTRACT PURCHASERS AND MORTGAGE HOLDERS OR LIEN HOLDERS, OF THE LAND HEREBY PLATTED, DECLARE THIS PLAT AND DEDICATE TO THE USE OF PUBLIC FOREVER, STORMWATER DETENTION TRACT "D" AND THE STREETS, AVENUES, SHOWN HEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES CONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY TOGETHER WITH THE RIGHT TO MAKE ALL NECESSARY SLOPE FOR CUTS AND FILLS UPON THE LOTS AND BLOCKS SHOWN HEREON IN THE ORIGINAL REASONABLE GRADING OF ALL SUCH STREETS AND AVENUES SHOWN HEREON.

IN WITNESS WHEREOF, THE OWNERS AND SAID CORPORATIONS HAVE CAUSED THEIR SIGNATURES AND CORPORATE NAME TO BE HEREUNTO SUBSCRIBED AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 20TH DAY OF MAY, 2014.

BIG FIR SOUTH, INC.
A WASHINGTON CORPORATION.

BY: _____
TITLE: President

SKAGIT STATE BANK

BY: _____
TITLE: VP

ACKNOWLEDGEMENTS

STATE OF WASHINGTON
COUNTY OF SKAGIT

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT BRIAN GENTRY SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE/~~SHE~~ WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGE IT AS THE PRESIDENT OF BIG FIR SOUTH, A WASHINGTON CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: 5/20/2014

STEVEN G. BAUGHN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
01-29-18

SIGNATURE _____
NOTARY PUBLIC
MY APPOINTMENT EXPIRES 01-29-2018
RESIDING AT MT. VERNON, WA

STATE OF WASHINGTON
COUNTY OF SKAGIT

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT ROLLIN MACKINTOSH SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/~~SHE/THEY~~) (~~IS/ARE~~) AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGE IT AS THE VICE PRESIDENT OF SKAGIT STATE BANK, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED 5/20/2014

STEVEN G. BAUGHN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
01-29-18

SIGNATURE _____
NOTARY PUBLIC
MY APPOINTMENT EXPIRES 01-29-2018
RESIDING AT MT. VERNON, WA

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT OF BIG FIR SOUTH P.U.D., IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M. AND THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY ON THE GROUND AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE STATUTES AND PLATTING REGULATIONS OF THE CITY OF MOUNT VERNON.

_____ MAY 19, 2014
BRUCE G. LISSER, PLS CERTIFICATE NO. 22960 DATE
LISSER & ASSOCIATES, PLLC
320 MILWAUKEE PO BOX 1109
MOUNT VERNON WA 98273
PHONE: (360) 419-7442
FAX: (360) 419-0581
E-MAIL BRUCE@LISSER.COM

BRUCE G. LISSER
STATE OF WASHINGTON
22960
REGISTERED
PROFESSIONAL LAND SURVEYOR

TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT ALL TAXES HERETOFORE LEVIED AND WHICH HAVE BECOME A LIEN UPON THE LANDS HEREIN DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED ACCORDING TO THE RECORDS OF MY OFFICE, UP TO AND INCLUDING THE YEAR OF 2014.

THIS 22nd DAY OF May, 2014.

_____ SKAGIT COUNTY TREASURER _____ DEPUTY

Treasurer • Skagit County • OFFICIAL SEAL • State of Washington

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS, OR FOR OTHER PUBLIC USE, ARE PAID IN FULL.

THIS 19th DAY OF May, 2014.

_____
CITY TREASURER'S CERTIFICATE

CITY APPROVALS

EXAMINED AND APPROVED THIS 29th DAY OF MAY, 2014.

_____
CITY ENGINEER

APPROVED BY THE COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, THIS 19th DAY OF May, 2014.

MAYOR _____

ATTEST: CITY CLERK _____

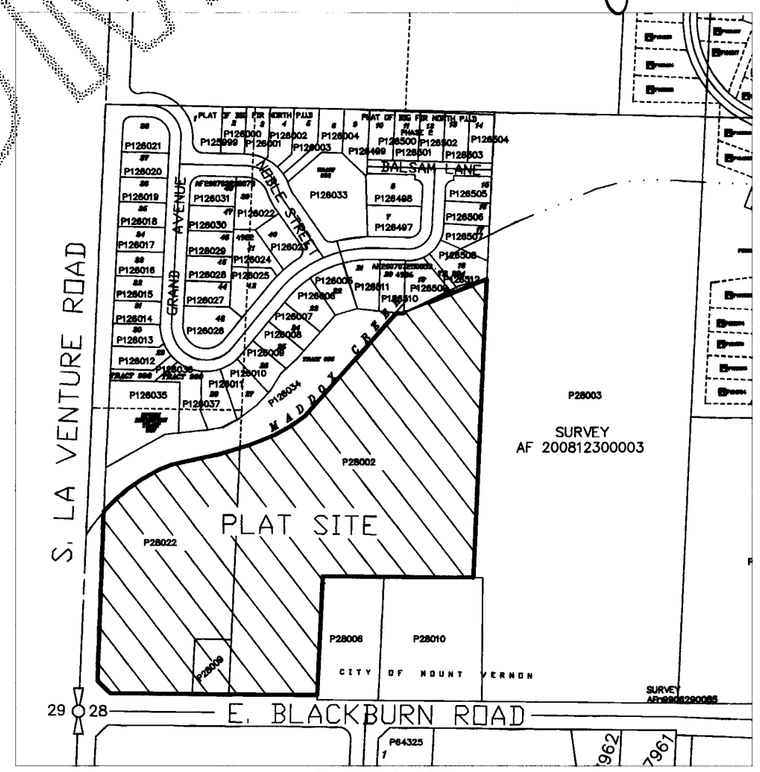
EXAMINED AND FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS AND APPROVED THIS 29TH DAY OF May, 2014.

_____
COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

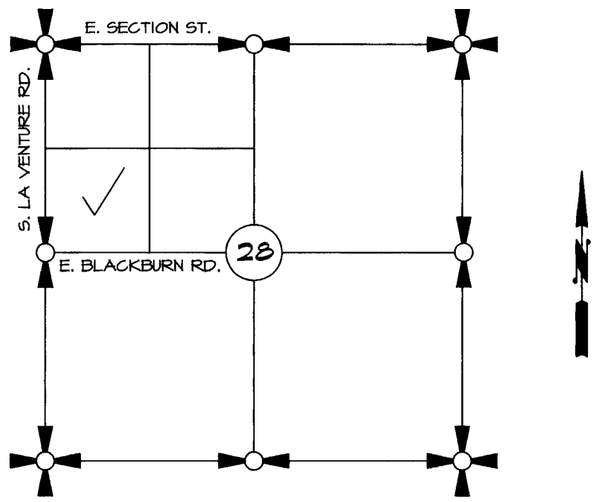
AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF LISSER & ASSOCIATES, PLLC.

J. Younquist _____ SKAGIT COUNTY AUDITOR _____ DEPUTY



VICINITY MAP
1"=300'



SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.

SHEET 1 OF 7 DATE: 05/08/14

PLAT OF BIG FIR SOUTH, P.U.D. LU-06-089

SURVEY IN A PORTION OF THE
SW 1/4 OF THE NW 1/4 OF
SECTION 28, T. 34 N., R. 4 E., W.M.
MOUNT VERNON, WASHINGTON
FOR: BIG FIR SOUTH, INC

FB: PG:	LISSER & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273 360-419-7442	SCALE:
MERIDIAN: ASSUMED		13-016 FINAL PLAT

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 2 of 12 11:52AM

SURVEY DESCRIPTION

PARCEL "A"

THAT PORTION OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE COUNTY ROAD AND THE EAST LINE OF SAID WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4;
THENCE NORTH ALONG THE EAST LINE OF SAID WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 130 FEET;
THENCE WEST 80 FEET;
THENCE SOUTH 130 FEET TO THE NORTH LINE OF THE COUNTY ROAD;
THENCE EAST ALONG THE NORTH LINE OF SAID COUNTY ROAD A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF MOUNT VERNON BY DEED RECORDED JUNE 20, 2011, UNDER AUDITOR'S FILE NO. 201106200174.

PARCEL "B"

THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.,

EXCEPT THE NORTH 1/2 (BY AREA) THEREOF;

EXCEPT THE COUNTY ROAD KNOWN AS BURCH ROAD OR BLACKBURN ROAD;

EXCEPT THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE COUNTY ROAD AND THE EAST LINE OF SAID WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4;
THENCE NORTH ALONG THE EAST LINE OF SAID WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 130 FEET;
THENCE WEST 80 FEET;
THENCE SOUTH 130 FEET TO THE NORTH LINE OF THE COUNTY ROAD;
THENCE EAST ALONG THE NORTH LINE OF SAID COUNTY ROAD, A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING,

AND ALSO EXCEPT THAT PORTION OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, NORTH 00°44'42" WEST, A DISTANCE OF 295.02 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°44'42" EAST, A DISTANCE OF 368.97 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION, NORTH 89°02'13" EAST, A DISTANCE OF 327.24 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, SOUTH 00°46'38" WEST, A DISTANCE OF 811.15 FEET TO A POINT WITHIN THE APPROXIMATE PATH OF MADDOX CREEK;
THENCE FOLLOWING SAID APPROXIMATE PATH, SOUTH 74°21'57" WEST, A DISTANCE OF 153.12 FEET;
THENCE SOUTH 63°37'49" WEST, A DISTANCE OF 89.58 FEET;
THENCE SOUTH 13°48'14" WEST, A DISTANCE OF 128.00 FEET;
THENCE SOUTH 39°33'18" WEST A DISTANCE OF 114.06 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO THE CITY OF MOUNT VERNON BY DEEDS RECORDED APRIL 24, 2009, AND JUNE 20, 2011, UNDER AUDITOR'S FILE NOS. 200904240115 AND 201106200174.

PARCEL "C"

THOSE PORTIONS OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., AND THE EAST 1/2 OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28;
THENCE ALONG THE WEST LINE OF SAID EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, NORTH 00°46'38" EAST, A DISTANCE OF 30.02 FEET TO THE NORTH RIGHT OF WAY OF BLACKBURN ROAD AND THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°46'38" EAST, A DISTANCE OF 551.02 FEET TO A POINT WITHIN THE APPROXIMATE PATH OF MADDOX CREEK;
THENCE LEAVING SAID WEST LINE, ALONG SAID APPROXIMATE PATH, NORTH 74°21'57" EAST, A DISTANCE OF 34.19 FEET;
THENCE NORTH 44°14'59" EAST, A DISTANCE OF 243.07 FEET;
THENCE NORTH 24°33'37" EAST, A DISTANCE OF 86.20 FEET;
THENCE SOUTH 70°46'18" EAST, A DISTANCE OF 104.34 FEET;
THENCE NORTH 60°00'44" EAST, A DISTANCE OF 218.56 FEET TO A POINT ON THE EAST LINE OF THE PROPERTY DESCRIBED IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 200310100182, RECORDS OF SKAGIT COUNTY, WASHINGTON;
THENCE LEAVING SAID MADDOX CREEK, ALONG THE LAST REFERENCED EAST LINE, SOUTH 00°48'34" WEST, A DISTANCE OF 805.83 FEET TO A POINT ON THE NORTH LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NO. 573266, RECORDS OF SKAGIT COUNTY, WASHINGTON.
THENCE ALONG SAID NORTH LINE OF LAST REFERENCED PROPERTY, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, SOUTH 88°43'08" WEST A DISTANCE OF 327.56 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NO. 200206260073, RECORDS OF SKAGIT COUNTY, WASHINGTON;
THENCE ALONG THE WEST LINE OF LAST REFERENCED PROPERTY, SOUTH 00°48'34" WEST, A DISTANCE OF 270.18 FEET TO THE NORTH RIGHT OF WAY LINE OF BLACKBURN ROAD;
THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF BLACKBURN ROAD, SOUTH 88°43'08" WEST, A DISTANCE OF 193.86 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ROAD RIGHT OF WAY.

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

ALL OF THE ABOVE PARCELS BEING SITUATED IN THE CITY OF MOUNT VERNON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

LOT ADDRESS INFORMATION

LOT 1	1997	FRASER AVENUE
LOT 2	1989	FRASER AVENUE
LOT 3	1981	FRASER AVENUE
LOT 4	1973	FRASER AVENUE
LOT 5	1951	FRASER AVENUE
LOT 6	1949	FRASER AVENUE
LOT 7	1941	FRASER AVENUE
LOT 8	1933	FRASER AVENUE
LOT 9	1925	FRASER AVENUE
LOT 10	1907	FRASER AVENUE
LOT 11	1891	FRASER AVENUE
LOT 12	1883	FRASER AVENUE
LOT 13	1875	FRASER AVENUE
LOT 14	1867	FRASER AVENUE
LOT 15	1854	FRASER AVENUE
LOT 16	1935	SILVER LOOP
LOT 17	1927	SILVER LOOP
LOT 18	1876	SILVER LOOP
LOT 19	1886	SILVER LOOP
LOT 20	1894	SILVER LOOP
LOT 21	1902	SILVER LOOP
LOT 22	1910	SILVER LOOP
LOT 23	1918	SILVER LOOP
LOT 24	1926	SILVER LOOP
LOT 25	1934	SILVER LOOP
LOT 26	1942	FRASER AVENUE
LOT 27	1950	FRASER AVENUE
LOT 28	1958	FRASER AVENUE
LOT 29	1966	FRASER AVENUE
LOT 30	1974	FRASER AVENUE
LOT 31	1982	FRASER AVENUE
LOT 32	1990	FRASER AVENUE
LOT 33	1998	FRASER AVENUE
TRACT "C"	1965	FRASER AVENUE

UNOFFICIAL DOCUMENT

BRUCE G. LISSER
STATE OF WASHINGTON
22960
REGISTERED
PROFESSIONAL LAND SURVEYOR

5-19-14

SHEET 2 OF 7 DATE: 05/08/14

PLAT OF BIG FIR SOUTH, P.U.D. LU-06-089

SURVEY IN A PORTION OF THE
SW 1/4 OF THE NW 1/4 OF
SECTION 28, T. 34 N., R. 4 E., W.M.
MOUNT VERNON, WASHINGTON
FOR: BIG FIR SOUTH, INC

FB: PG:	LISSER & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273 360-419-7442	SCALE:
MERIDIAN: ASSUMED		13-016 FINAL PLAT

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 3 of 12 11:52AM

NOTES

1. □ INDICATES EXISTING MONUMENT IN CASE.
■ INDICATES MONUMENT IN CASE SET WITH BRASS CAP INSCRIBED LISSER 22960.
○ INDICATES EXISTING PIPE OR REBAR FOUND.
● INDICATES REBAR SET WITH CAP INSCRIBED LISSER 22960
× INDICATES DRILL HOLE IN THE NORTH RIM OF THE SANITARY SEWER MANHOLE AT THE INTERSECTION

2. DESCRIPTION AND EXCEPTION INFORMATION IS FROM LAND TITLE COMPANY REVISED SUBDIVISION GUARANTEE ORDER NO. 145562-0, DATED MAY 14, 2014.

3. FOR ADDITIONAL SUBDIVISION AND MERIDIAN INFORMATION SEE PLAT OF BIG FIR NORTH P.U.D., PHASE 1, RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NUMBER 200703230073 AND PLAT OF BIG FIR NORTH, PHASE 2, RECORDED UNDER AUDITOR'S FILE NO. 200707250053, PLAT OF MADDOX CREEK P.U.D., PHASE 1, RECORDED UNDER AUDITOR'S FILE NO. 9609090082 AND RECORD OF SURVEYS RECORDED UNDER AUDITOR'S FILE NUMBERS 9906290085, 200502240085 AND 200812300003, IN RECORDS OF SKAGIT COUNTY, WASHINGTON.

4. ZONING CLASSIFICATION: R-1, 4.0 (BIG FIR P.U.D.)

5. SEWAGE DISPOSAL: CITY OF MOUNT VERNON

6. STORM DRAINAGE: CITY OF MOUNT VERNON

7. WATER: SKAGIT COUNTY P.U.D. NO. 1

8. POWER: PUGET SOUND ENERGY

9. TELEPHONE: COMCAST CORPORATION

10. GAS: CASCADE NATURAL GAS

11. TELEVISION CABLE: COMCAST CORPORATION

12. GARBAGE COLLECTION: CITY OF MOUNT VERNON, COLLECTION FOR LOTS SHALL BE AT THE EDGE OF THE PUBLIC RIGHT OF WAY.

13. MERIDIAN: ASSUMED

14. BASIS OF BEARING: MONUMENTED WEST LINE OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.
BEARING = NORTH 0°44'42" EAST (HELD PER PLAT OF BIG FIR NORTH)

15. INSTRUMENTATION: LEICA TCR705A THEODOLITE DISTANCE METER

16. SURVEY PROCEDURE: FIELD TRAVERSE

17. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO IMPACT FEES FOR SCHOOLS, FIRE, PARKS AND ANY OTHER CITY IMPACT FEES, PAYABLE UPON ISSUANCE OF A BUILDING PERMIT.

18. ALL HOMES SHALL BE BUILT ON SITE AND NO MODULAR OR MANUFACTURED HOMES ARE PERMITTED.

19. SILTATION CONTROL DEVICES MAY BE REQUIRED FOR EACH LOT DURING HOME CONSTRUCTION OR SUBSEQUENT SOIL DISTURBANCES. SEE CITY OF MOUNT VERNON DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR DETAILS.

20. THIS PROPERTY IS SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, LIENS, LEASES OR OTHER INSTRUMENTS OF RECORD REFERRED TO IN LAND TITLE COMPANY REPORT REFERENCED UNDER NOTE 2 ABOVE. SAID REPORT LISTS DOCUMENTS RECORDED UNDER AUDITOR'S FILE NUMBERS 200902260113, 200910300115, 200902260114, 200912170069, 200912170070, 201004210041, 201004210043, 201004290066, 201004290067, 201004290068, 201004290069, 201004290070, 201004290071, 201004290072, 201307310007, 201307310008, 8001150015, 200406280217, 200511210248, 200511230106, 200512300211, 200801260115, 200702150078, 200703230074, 200707250054, 201205160074, 201212200067, 201308260142, 201106200115, 201402030117, 201302150143, 201404070089, 201402190043 THROUGH 201402190046 AND ALSO 201404070090.

21. OWNER/DEVELOPER: BIG FIR SOUTH, INC.
C/O LANDED GENTRY DEVELOPMENT, INC.
504 E FAIRHAVEN AVE
BURLINGTON WA 98233
PHONE: (360) 755-9029

22. A HOMEOWNER'S ASSOCIATION HAS BEEN CREATED THAT WILL BE RESPONSIBLE FOR MAINTENANCE OF THE NATIVE GROWTH PROTECTION AREA (NGPA), UTILITY AND OTHER LANDSCAPING AREAS (TRACTS A, B, C, D, E, G, H, I, J, K AND L) INCLUDING ANY WITHIN THE ROAD RIGHT-OF-WAY. SEE DOCUMENTS RECORDED UNDER AUDITOR'S FILE NUMBERS 200703230074, 200707250054, AND 201405290038.

-NOTES CONTINUED-

23. ALL ROOF AND FOOTING DRAINS SHALL BE CONNECTED TO THE ON-SITE PROVIDED STORM DRAIN PIPE STUB UNLESS OTHERWISE APPROVED BY THE CITY OF MOUNT VERNON DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

24. LOTS 1, 2, 32 AND 33 OF THIS PLAT WILL REQUIRE FIRE SPRINKLERING TO THE SATISFACTION OF THE CITY OF MOUNT VERNON FIRE DEPARTMENT.

25. INDIVIDUAL GEOTECHNICAL REPORTS SHALL BE REQUIRED FOR ANY BUILDING PERMITS ON LOTS HAVING GROUND SLOPES IN EXCESS OF 15%.

26. HOUSES ARE CURRENTLY BEING CONSTRUCTED ON LOTS 5, 6, 7, 15, 18, 22 AND 28, NOT LOCATED.

27. STORMWATER DETENTION TRACT D IS DEDICATED TO THE CITY OF MOUNT VERNON. REGULAR MAINTENANCE OF THE STORMWATER POND AND DRAINAGE FACILITIES WITHIN WILL BE THE RESPONSIBILITY OF THE DEVELOPER FOR A PERIOD OF NO LESS THAN ONE YEAR FROM THE DATE OF PLAT RECORDING. THE CITY OF MOUNT VERNON WILL ONLY ACCEPT MAINTENANCE RESPONSIBILITIES OF THE STORMWATER POND ONCE FINAL INSPECTION HAS BEEN SUCCESSFULLY PERFORMED AND WRITTEN NOTICE IS PROVIDED TO THE DEVELOPER. REGULAR MAINTENANCE SHALL INCLUDE, AT A MINIMUM, ANNUAL INSPECTION OF THE STORMWATER DRAINAGE SYSTEM AND MAINTENANCE FREQUENCIES AND THRESHOLD PER DOE AND THE OPERATIONS AND MAINTENANCE MANUAL.

28. THE LOTS CREATED WITH THIS PLAT ARE PART OF A PLANNED UNIT DEVELOPMENT (PUD). THE HOMES, OPEN SPACES, LANDSCAPING, AND THE FUTURE COMMERCIAL TRACT WERE CREATED THROUGH THE PUD PROCESS THAT REQUIRES INNOVATIVE RESIDENTIAL DEVELOPMENT. THROUGH THE PUD PROCESS THE CITY WAS ABLE TO DEVIATE FROM STANDARD RESIDENTIAL PLAT REQUIREMENTS AND ALLOW A DEVELOPMENT THAT HAS ADDITIONAL SMALLER LOTS, REDUCED SETBACKS, A NEIGHBORHOOD COMMERCIAL TRACT, ETC. IN EXCHANGE FOR THE PLAT AMENITIES SUCH AS THE CLUBHOUSE, TRAILS, LANDSCAPING AND OPEN SPACES. ALL FUTURE PERMITS FOR USES WITHIN THIS PUD ARE REQUIRED TO COMPLY WITH THE PUD REQUIREMENTS, THE CITY'S DESIGN STANDARDS, RESOLUTION 744 AND OTHER APPLICABLE CHAPTERS OF THE MOUNT VERNON MUNICIPAL CODE.

29. TRACTS J, K AND L WERE CREATED AS FORESTED BUFFERS OR LANDSCAPE SCREENING. THE LANDSCAPING ALONG WITH THE SPLIT RAIL FENCE THAT ABUTS THE RESIDENTIAL LOTS AND THE SCREENING FENCE ON THE OPPOSITE SIDE OF THESE TRACTS FROM THE SPLIT RAIL FENCE SHALL REMAIN IN PERPETUITY. TREES AND SHRUBS WITHIN THESE TRACTS CAN BE TRIMMED AND MAINTAINED, BUT CAN ONLY BE REMOVED WITH PERMISSION OF THE CITY OF MOUNT VERNON. THE CITY WILL AUTHORIZE THE REMOVAL OF TREES AND SHRUBS WITHIN THESE TRACTS ONLY IF A PROFESSIONAL ARBORIST (OR OTHER SIMILARLY QUALIFIED PROFESSIONAL) DEMONSTRATES TO THE CITY THAT THE TREES/SHRUBS POSES A DANGER AND/OR ARE DEAD OR DYING. IF THE CITY AUTHORIZES THE REMOVAL OF TREES OR SHRUBS WITHIN THESE TRACTS, NEW TREES/SHRUBS SHALL BE REPLANTED WITHIN A TIMEFRAME AND DENSITY ESTABLISHED BY THE CITY. REPLANTED DECIDUOUS TREES SHALL BE A MINIMUM OF 2-INCH CALIPER, EVERGREEN TREES SHALL BE A MINIMUM OF 7 FEET IN HEIGHT AND SHALL BE FULL AND BUSHY, AND SHRUBS SHALL BE A MINIMUM OF 2-GALLON. THE OWNERS OF THE LOTS THAT ABUT THESE TRACTS AND THE HOA SHALL NOT DISTURB THE TREES/SHRUBS WITHIN THESE TRACTS UNLESS IT IS FOR MAINTENANCE, SUCH AS MINOR WEED REMOVAL. THE CITY OF MOUNT VERNON IS HEREBY GRANTED THE RIGHT TO ENTER SAID TRACTS AT ITS OWN DISCRETION TO MONITOR THE CONDITION OF THE BUFFER AREA; HOWEVER, THE CITY IS NOT RESPONSIBLE FOR MAINTENANCE OF THESE TRACTS.

30. THE LENGTH OF THE NORTH PROPERTY LINE OF LOT 4 SHALL HAVE A FENCE INSTALLED AT A MAXIMUM HEIGHT OF 4 FEET.

BUILDING SETBACK INFORMATION

1. FRONT YARD: NOT LESS THAN 10 FEET FROM THE PROPERTY LINE OR 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.

2. REAR YARD: NOT LESS THAN 10 FEET.

3. 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.

TRACT REFERENCE INFORMATION

1. TRACT "A" SHALL BE RESERVED FOR LANDSCAPED OPEN SPACE FOR THE USE OF THE BIG FIR COMMUNITY ASSOCIATION MEMBERS AND THEIR GUESTS. SAID TRACT SHALL BE MAINTAINED BY THE BIG FIR COMMUNITY ASSOCIATION.

2. TRACT "B" SHALL BE RESERVED FOR P.U.D. WATERLINE, SANITARY SEWER, AND PRIVATE STORMWATER PURPOSES, TOGETHER WITH PEDESTRIAN INGRESS AND EGRESS FOR THE BIG FIR COMMUNITY ASSOCIATION MEMBERS AND THEIR GUESTS. SAID TRACT LANDSCAPING AND WALKWAY SHALL BE MAINTAINED BY THE BIG FIR COMMUNITY ASSOCIATION. THE UTILITIES SHALL BE MAINTAINED IN ACCORDANCE WITH THE UTILITY EASEMENT PROVISIONS AND THE PUD NO. 1 EASEMENT PROVISIONS AS STATED HEREIN.

3. TRACT "C" SHALL BE RESERVED FOR THE BIG FIR COMMUNITY ASSOCIATION COMMUNITY BUILDING. SAID COMMUNITY BUILDING WILL BE GOVERNED BY THE ADOPTED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS AS WELL AS THE AMENDMENTS THERETO, AS REFERENCED UNDER NOTE 22 OF THIS PLAT. CITY OF MOUNT VERNON SHALL BE ALLOWED ACCESS TO MAINTAIN SANITARY SEWER THROUGH TRACT "D" PARKING LOT AS SHOWN. PRIVATE STORM DRAINAGE SHALL ALSO BE ALLOWED THROUGH SAID TRACT "D" AS SHOWN.

4. TRACT "D" SHALL BE RESERVED FOR STORMWATER DETENTION PURPOSES AND SHALL BE DEDICATED TO THE CITY OF MOUNT VERNON. THE DETENTION POND AND THE DRAINAGE FACILITIES LOCATED WITHIN SAID TRACT SHALL BE MAINTAINED BY THE CITY OF MOUNT VERNON (EXCEPT AS CONDITIONED IN NOTE NO. 27). THE LANDSCAPED AREAS, INCLUDING FENCES, WITHIN SAID TRACT SHALL BE MAINTAINED BY THE BIG FIR COMMUNITY ASSOCIATION ALONG WITH THE COSTS ASSOCIATED THEREWITH.

5. TRACT "E" SHALL BE RESERVED FOR SECONDARY EMERGENCY INGRESS AND EGRESS, PRIVATE STORM DRAINAGE, AS WELL AS FOR A PEDESTRIAN WALKWAY FOR THE BIG FIR COMMUNITY ASSOCIATION AND THEIR GUESTS. SAID TRACT SHALL BE OWNED AND MAINTAINED BY THE BIG FIR COMMUNITY ASSOCIATION, WITH RECIPROCAL BENEFIT TO TRACT "F".

6. TRACT "F" IS FOR COMMERCIAL RETAIL DEVELOPMENT USES. FINISHED CONSTRUCTION OF ANY RETAIL BUILDING SHALL BE POSTPONED UNTIL NO LESS THAN TWO-THIRDS (22 HOMES) OF THE RESIDENTIAL UNITS ARE COMPLETED AND CERTIFIED FOR OCCUPANCY. THE ALLOWABLE SQUARE FOOTAGE OF RETAIL SPACE IS DEPENDENT UPON THE SQUARE FOOTAGE OF THE CONSTRUCTED HOMES. THE RETAIL SPACE SHALL BE NO GREATER THAN TEN PERCENT (10%) OF THE GROSS SQUARE FOOTAGE OF THE HOMES THAT ARE ACTUALLY CONSTRUCTED, OR TO BE CONSTRUCTED AT FULL BUILD-OUT. PARKING REQUIREMENTS FOR THE RETAIL COMPONENT SHALL BE DETERMINED BASED UPON THE ACTUAL USE OF THE RETAIL SPACES. SINCE PARKING IS BASED UPON SQUARE FOOTAGE AND TYPE OF BUILDING USE, THE SIZE OF THE BUILDING MAY BE DICTATED UPON USE AND PARKING REQUIREMENTS RATHER THAN WHAT IS ALLOWED BY WAY OF THE PERCENTAGE OF ACTUAL HOUSE CONSTRUCTION.

7. TRACTS "G" AND "H" CONTAIN CRITICAL AREAS AND THEIR ASSOCIATED BUFFERS. SAID TRACTS SHALL BE RESERVED AS NATIVE GROWTH PROTECTION AREAS (NGPA) AND SHALL BE MANAGED PER NGPA STANDARDS. SAID TRACTS SHALL BE OWNED AND MAINTAINED BY THE BIG FIR COMMUNITY ASSOCIATION. THE CITY OF MOUNT VERNON MAY ENTER SAID TRACTS FOR INSPECTION PURPOSES AT ITS OWN DISCRETION (SEE NGPA NOTE AND NOTE NO. 29).

8. TRACT "I" SHALL BE RESERVED AS A LANDSCAPED OPEN SPACE AND GATHERING AREA FOR MEMBERS OF THE BIG FIR COMMUNITY ASSOCIATION AND THEIR GUESTS. TRACT "I" MAY BE USED BY MEMBERS AND GUESTS OF THE BIG FIR COMMUNITY ASSOCIATION AND BY TENANTS, CUSTOMERS AND OWNERS OF TRACT "F". RULES FOR USE AND JOINT MAINTENANCE OF SAID TRACT "I" MAY BE CREATED BETWEEN THE ASSOCIATION AND THE OWNERSHIP OF BUILDING TO BE DEVELOPED IN TRACT "F", PRIOR TO OCCUPANCY OF ANY TENANT OR USER OF SAID TRACT "F".

9. TRACTS "J", "K", AND "L" SHALL BE RESERVED AS LANDSCAPE BUFFERS AND PRIVATE DRAINAGE EASEMENTS. SAID TRACTS SHALL BE OWNED AND MAINTAINED BY THE BIG FIR COMMUNITY ASSOCIATION.

BRUCE G. LISSER
STATE OF WASHINGTON
22960
REGISTERED
PROFESSIONAL LAND SURVEYOR
5-20-14

SHEET 3 OF 7 DATE: 05/20/14

PLAT OF BIG FIR SOUTH, P.U.D. LU-06-089

SURVEY IN A PORTION OF THE
SW 1/4 OF THE NW 1/4 OF
SECTION 28, T. 34 N., R. 4 E., W.M.
MOUNT VERNON, WASHINGTON
FOR: BIG FIR SOUTH, INC

FB: PG:	LISSER & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273 360-419-7442	SCALE:
MERIDIAN: ASSUMED		13-016 FINAL PLAT

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 4 of 12 11:52AM

PUD UTILITY EASEMENT NOTE

EASEMENTS ARE GRANTED TO PUBLIC UTILITY DISTRICT NO. 1 OF SKAGIT COUNTY, WASHINGTON, A MUNICIPAL CORPORATION, ITS SUCCESSORS OR ASSIGNS, THE PERPETUAL RIGHT, PRIVILEGE, AND AUTHORITY ENABLING THE DISTRICT TO DO ALL THINGS NECESSARY OR PROPER IN THE CONSTRUCTION AND MAINTENANCE OF WATER, SEWER, ELECTRICAL AND COMMUNICATION LINES AND/OR OTHER SIMILAR PUBLIC SERVICE RELATED FACILITIES. THIS INCLUDES THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN, INSPECT, IMPROVE, REMOVE, RESTORE, ALTER, REPLACE, CHANGE THE SIZE OF, RELOCATE, CONNECT TO AND LOCATE AT ANY TIME PIPE(S), LINE(S) OR RELATED FACILITIES, ALONG WITH NECESSARY APPURTENANCES FOR THE TRANSPORTATION AND CONTROL OF WATER, SEWER, ELECTRICAL AND ELECTRONIC INFORMATION ON FACILITIES OVER, ACROSS, ALONG, IN AND UNDER THE LANDS AS SHOWN AND IDENTIFIED AS "PUD EASEMENT" ON THIS PLAT TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FROM SAID LANDS OF THE GRANTOR(S).

THE GRANTOR(S) ALSO GIVE THE DISTRICT PERMISSION TO CUT, TRIM AND/OR REMOVE ALL TIMBER, TREES, BRUSH, OR OTHER GROWTH STANDING OR GROWING UPON THE LANDS OF THE GRANTOR(S) IN THE DESCRIBED EASEMENT FOR THE PURPOSES OF THE ACTIVITIES LISTED ABOVE, AS WELL AS THE RIGHT TO CUT, TRIM, AND/OR REMOVE VEGETATION WHICH, IN THE OPINION OF THE DISTRICT, CONSTITUTES A MENACE OR DANGER TO SAID PIPE(S), LINE(S) OR RELATED FACILITIES AND/OR TO PERSONS OR PROPERTY BY REASON OF PROXIMITY TO THE LINE(S). THE GRANTOR(S) AGREES THAT TITLE TO ALL TIMBER, BRUSH, OTHER VEGETATION OR DEBRIS TRIMMED, CUT, AND REMOVED FROM THE EASEMENT PURSUANT TO THIS AGREEMENT IS VESTED IN THE DISTRICT.

GRANTOR(S), ITS HEIRS, SUCCESSORS, OR ASSIGNS HEREBY CONVEYS AND AGREES NOT TO CONSTRUCT OR PERMIT TO BE CONSTRUCTED STRUCTURES OF ANY KIND ON THE EASEMENT AREA WITHOUT WRITTEN APPROVAL OF THE GENERAL MANAGER OF THE DISTRICT. GRANTOR(S) SHALL CONDUCT ITS ACTIVITIES AND ALL OTHER ACTIVITIES ON GRANTOR(S) PROPERTY SO AS NOT TO INTERFERE WITH, OBSTRUCT OR ENDANGER THE USEFULNESS OF ANY IMPROVEMENTS OR OTHER FACILITIES, NOW OR HEREAFTER MAINTAINED UPON THE EASEMENT OR IN ANY WAY INTERFERE WITH, OBSTRUCT OR ENDANGER THE DISTRICT'S USE OF THE EASEMENT.

UTILITIES AND PEDESTRIAN ACCESS EASEMENTS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE BIG FIR SOUTH, P.U.D. HOMEOWNERS ASSOCIATION, CITY OF MOUNT VERNON, PUBLIC UTILITY DISTRICT NO. 1, PUGET SOUND ENERGY, FRONTIER COMMUNICATIONS, CASCADE NATURAL GAS CORP., AND COMCAST CORPORATION AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR FRONT BOUNDARY LINES, TEN FEET (10.0') OR AS OTHERWISE SHOWN, OF ALL LOTS AND TRACTS AS SHOWN ON THE FACE OF THIS PLAT AND OTHER EASEMENTS, IF ANY, SHOWN ON THE FACE OF THIS PLAT, FOR UTILITIES AND PEDESTRIAN ACCESS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE, MAINTAIN AND REMOVE UTILITY SYSTEMS, LINES FIXTURES, APPURTENANCES ATTACHED THERETO, FOR THE PURPOSE OF PROVIDING UTILITY SERVICES AND PEDESTRIAN ACCESS TO AND THROUGH THE SUBDIVISION AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES STATED, WITH THE UNDERSTANDING THAT ANY GRANTEE SHALL BE RESPONSIBLE FOR ALL UNNECESSARY DAMAGE IT CAUSES TO ANY REAL PROPERTY OWNER IN THE SUBDIVISION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED.

STORM WATER FACILITY MAINTENANCE NOTE

THE STORMWATER FACILITY WITHIN TRACT "D" SHALL BE INSPECTED ONCE PER YEAR FOR DEFECTS OUTLINED IN VOLUME V OF DOE'S 2005 STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON, CHAPTER 4.6 TABLE 4.5 NO 1 - DETENTION PONDS AND NO. 11 - WET PONDS. MAINTENANCE ACTIVITIES SHALL BE PERFORMED TO CORRECT DEFECTS AS OUTLINED IN TABLE 4.5. STORMWATER FACILITY INCLUDES DETENTION/WET POND AREA, OUTLET STRUCTURE AND PIPING, AND EMERGENCY OVERFLOW PATH. INSPECTION AND MAINTENANCE SHALL BE PERFORMED BY FACILITY OWNER/OR CONTRACTOR.

PRIVATE STORM DRAINAGE EASEMENT

AN EASEMENT FOR THE PURPOSE OF CONVEYING ON-SITE STORMWATER RUNOFF IS HEREBY GRANTED IN FAVOR OF ALL ABUTTING LOT OWNERS IN THE AREAS DESIGNATED AS PRIVATE DRAINAGE EASEMENTS. THE REGULAR MAINTENANCE OF PRIVATE DRAINAGE FACILITIES ESTABLISHED AND GRANTED HEREIN SHALL BE THE RESPONSIBILITY OF, THE COSTS THEREOF SHALL BE BORNE EQUALLY BY, THE PRESENT AND FUTURE OWNERS OF THE ABUTTING PROPERTY AND THEIR HEIRS, PERSONAL REPRESENTATIVES, AND ASSIGNS.

THE CITY OF MOUNT VERNON IS HEREBY GRANTED THE PERPETUAL RIGHT OF ENTRY ACROSS DRAINAGE EASEMENTS AND ADJACENT LANDS OF THE GRANTOR, AND OR ASSIGNS, FOR PURPOSES OF ROUTINE INSPECTION OF STORMWATER DRAINAGE FACILITIES AND EMERGENCY MAINTENANCE PURPOSES AT ITS OWN DISCRETION. THE GRANTOR, OWNERS, AND ANY PERSON HAVING ANY PRESENT OR SUBSEQUENT OWNERSHIP INTEREST IN THE PROPERTIES, AND THEIR SUCCESSORS AND ASSIGNS OF OWNERS, HEREBY AGREES TO HOLD THE CITY, ITS OFFICERS, EMPLOYEES AND AGENTS HARMLESS IN ALL RESPECTS FROM ANY AND ALL CLAIMS FOR DAMAGES WHICH MAY BE OCCASIONED NOW OR IN THE FUTURE TO ADJACENT PROPERTY OR IMPROVEMENTS BY REASON OF CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SAID DRAINAGE SYSTEM.

NATIVE GROWTH PROTECTION AREA (NGPA)

A NATIVE GROWTH PROTECTION AREA (NGPA) IS CREATED FOR THE PURPOSE OF PRESERVING CRITICAL AREAS, BUFFERING AND PROTECTING PLANTS AND ANIMAL HABITAT, AND PREVENTING HARM TO PROPERTY AND THE ENVIRONMENT INCLUDING, BUT NOT LIMITED TO, CONTROLLING SURFACE WATER RUNOFF AND EROSION AND MAINTAINING SLOPE STABILITY. THE NGPA ESTABLISHES, ON ALL PRESENT AND FUTURE OWNERS AND USERS OF THE NGPA, AN OBLIGATION TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THIS AREA, EXCEPT FOR THE REMOVAL OF DISEASED OR DYING VEGETATION THAT PRESENTS A HAZARD OR THE IMPLEMENTATION OF AN ENHANCEMENT PLAN REQUIRED OR APPROVED BY THE CITY. ANY WORK IN THE NGPA, INCLUDING REMOVAL OF DEAD, DISEASED OR DYING VEGETATION, IS SUBJECT TO PRIOR WRITTEN APPROVAL BY THE CITY. THE COST ASSOCIATED WITH THE EVALUATION, REMOVAL AND REPLANTING OF ANY VEGETATION SHALL BE BORNE BY THE PROPERTY OWNER.

THE CITY OF MOUNT VERNON IS HEREBY GRANTED AN EASEMENT OVER, ALONG AND ACROSS THE AREA DESIGNATED AS A NGPA, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE NGPA FOR THE PURPOSE OF MONITORING AND ENFORCING PROPER OPERATION AND MAINTENANCE OF THE NGPA SHOWN HEREON. THE CITY OF MOUNT VERNON SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THE REQUIREMENTS, TERMS AND CONDITIONS OF THIS RESTRICTION BY ANY METHOD AVAILABLE UNDER LAW. THE OBLIGATION TO ENSURE ALL TERMS OF THE NGPA ARE MET IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

PUBLIC SANITARY SEWER AND STORM DRAINAGE EASEMENTS

SANITARY SEWER AND DRAINAGE EASEMENTS ARE HEREBY GRANTED UNTO THE CITY OF MOUNT VERNON IN THE AREAS DESIGNATED AS PUBLIC SEWER EASEMENT OR PUBLIC DRAINAGE EASEMENT, WITH RIGHT, PRIVILEGE AND AUTHORITY, TO SAID CITY TO CONSTRUCT, OR CAUSE TO CONSTRUCT, MAINTAIN, REPLACE, RECONSTRUCT, AND REMOVE SANITARY SEWER AND STORM DRAINAGE FACILITIES, WITH ALL APPURTENANCES INCIDENT THERETO OR NECESSARY THEREWITH, IN AND ACROSS THE SAID PREMISES, AND TO CUT AND REMOVE FROM SAID EASEMENT ANY TREES OR OBSTRUCTIONS WHICH MAY ENDANGER THE SAFETY OR INTERFERE WITH THE USE OF SUCH FACILITIES OR APPURTENANCES IN THE EASEMENT; AND THE RIGHT OF INGRESS AND EGRESS TO AND OVER SAID PREMISES AT ANY AND ALL TIMES FOR THE PURPOSES OF DOING ANYTHING NECESSARY OR USEFUL OR CONVENIENT FOR THE ENJOYMENT OF THE EASEMENT HEREBY GRANTED; AND THE RIGHT OF CONVEYANCE OF SAID EASEMENT AND PRIVILEGE.

THERE IS RESERVED TO THE GRANTOR, THEIR HEIRS AND ASSIGNS, THE RIGHT AND PRIVILEGE TO USE THE ABOVE DESCRIBED LAND OF THE GRANTOR, AT ANY TIME, IN ANY MANNER AND FOR ANY PURPOSE NOT INCONSISTENT WITH THE FULL USE AND ENJOYMENT BY THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, OF THE RIGHTS AND PRIVILEGES HEREIN GRANTED. THE GRANTEE IS RESPONSIBLE FOR OPERATING AND MAINTAINING THE ABOVE-DESCRIBED WORKS OF IMPROVEMENT.

THE GRANTOR SHALL REFRAIN FROM CONSTRUCTING OR PLACING ANY BUILDINGS OR IMPROVEMENTS UPON THE ABOVE-DESCRIBED PREMISES. THE CITY SHALL RESTORE THE EASEMENT SITE, IF SAID IMPROVEMENTS ARE IN ANY WAY DISTURBED DURING THE EXERCISE OF THE ABOVE DESCRIBED EASEMENT PRIVILEGES.

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH
1.	160.00	31°58'49"	66.98
2.	44.00	93°01'23"	74.55
3.	280.00	12°19'26"	60.23
5.	300.00	10°57'05"	57.34
6.	300.00	27°30'54"	144.07
7.	450.00	12°11'24"	95.74
8.	28.00	51°14'55"	25.04
9.	145.00	17°40'44"	44.74
10.	145.00	25°15'47"	63.93
11.	82.00	18°28'04"	26.43
12.	39.00	87°54'34"	59.84
13.	71.00	44°08'56"	60.90
14.	20.00	90°00'00"	31.42
15.	135.00	2°30'35"	5.91
16.	135.00	29°28'14"	69.44
17.	45.00	51°15'55"	40.25
18.	39.00	9°34'07"	6.51
20.	60.00	114°08'23"	119.53
21.	60.00	17°48'35"	18.65
22.	60.00	6°25'48"	6.73
23.	60.00	69°08'21"	72.41
24.	60.00	20°45'39"	21.74
24.	60.00	20°45'39"	21.74
25.	39.00	4°13'23"	2.87
27.	275.00	5°07'20"	24.58
28.	275.00	14°02'21"	67.38
29.	275.00	12°53'34"	61.88
30.	275.00	6°24'44"	30.78
32.	475.00	3°01'18"	25.05
33.	475.00	6°40'21"	55.32
34.	475.00	2°29'45"	20.69
36.	170.00	14°14'58"	42.28
37.	170.00	19°31'34"	57.94
38.	170.00	9°09'59"	27.20
39.	20.00	90°00'00"	31.42
40.	76.00	13°10'43"	17.48
41.	54.00	114°16'00"	107.69
42.	54.00	13°11'54"	12.44
43.	54.00	37°02'03"	34.90
44.	54.00	22°18'37"	21.03
45.	54.00	41°43'26"	39.32
46.	76.00	13°10'43"	17.48
47.	90.00	28°30'43"	44.79
49.	90.00	19°48'15"	31.11
50.	20.00	83°45'40"	29.24
52.	325.00	7°13'33"	40.99
53.	325.00	9°40'10"	54.85
54.	325.00	3°58'30"	22.55
55.	255.00	12°19'26"	54.85
56.	24.00	93°01'23"	38.96
58.	185.00	8°38'22'	27.90
59.	185.00	14°59'35"	48.41
60.	185.00	8°20'52"	26.95
62.	52.00	48°55'49"	44.41
64.	16.00	67°58'32"	18.98
65.	20.00	82°38'31"	28.85
66.	325.00	4°36'51"	26.17
68.	425.00	4°26'13"	32.91
69.	425.00	7°45'11"	57.51
71.	16.00	24°06'16"	6.73
72.	20.00	132°56'31"	46.40
73.	20.00	87°54'34"	30.69
74.	305.00	4°59'56"	26.61
75.	16.00	19°56'39"	5.57
76.	16.00	67°58'32"	18.98

BRUCE C. LISSER
STATE OF WASHINGTON
22960
REGISTERED
PROFESSIONAL LAND SURVEYOR

5-19-14

SHEET 4 OF 7

DATE: 05/15/14

PLAT OF BIG FIR SOUTH, P.U.D. LU-06-089

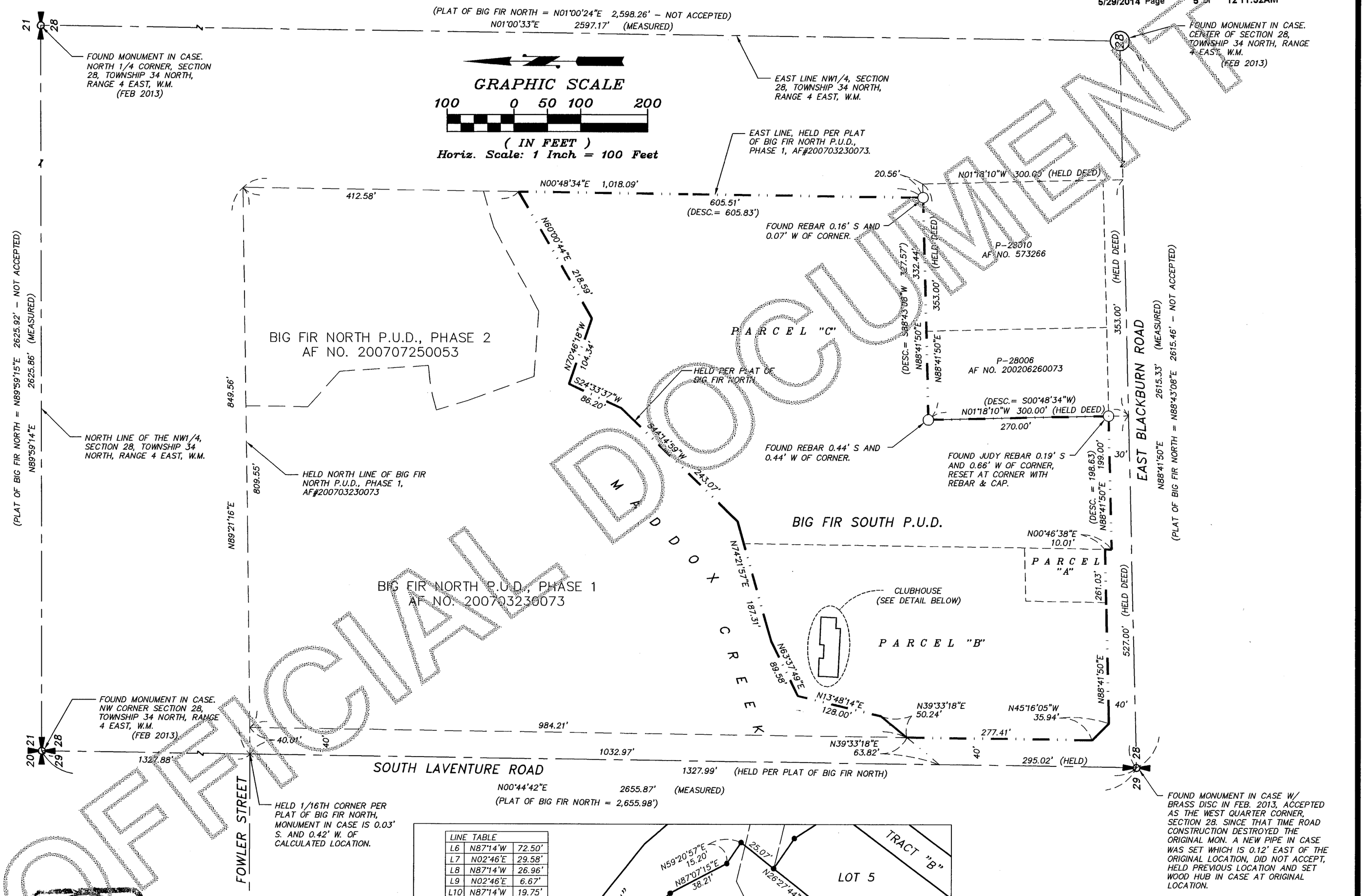
SURVEY IN A PORTION OF THE
SW 1/4 OF THE NW 1/4 OF
SECTION 28, T. 34 N., R. 4 E., W.M.
MOUNT VERNON, WASHINGTON
FOR: BIG FIR SOUTH, INC

FB: PG:	LISSER & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273 360-419-7442	SCALE:
MERIDIAN: ASSUMED		13-016 FINAL PLAT

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

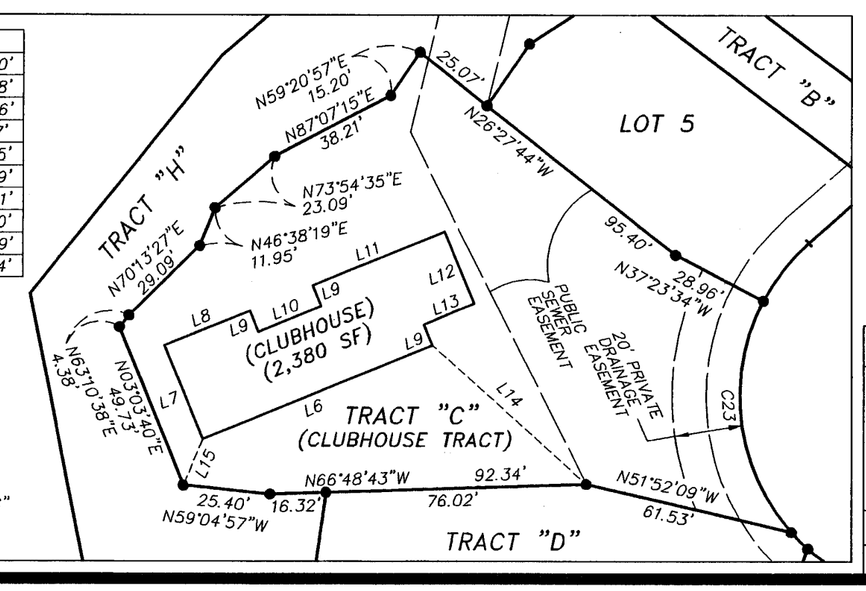
201405290037
Skagit County Auditor $194.00
5/29/2014 Page 5 of 12 11:52AM



LINE TABLE		
L6	N87°14'W	72.50'
L7	N02°46'E	29.58'
L8	N87°14'W	26.96'
L9	N02°46'E	6.67'
L10	N87°14'W	19.75'
L11	N87°14'W	41.79'
L12	N02°46'E	22.91'
L13	N87°14'W	16.00'
L14	N22°57'34"E	60.39'
L15	N47°48'06"E	14.44'

FOR CURVE TABLE SEE SHEET 4 OF 7

CLUBHOUSE LOCATION DETAIL
TRACT "C"
SCALE: 1" = 40'
(SEE ALSO, TRACT "C" SHEET 6 OF 7)



SHEET 5 OF 7 DATE: 05/08/2014

BIG FIR SOUTH P.U.D. LU-06-089

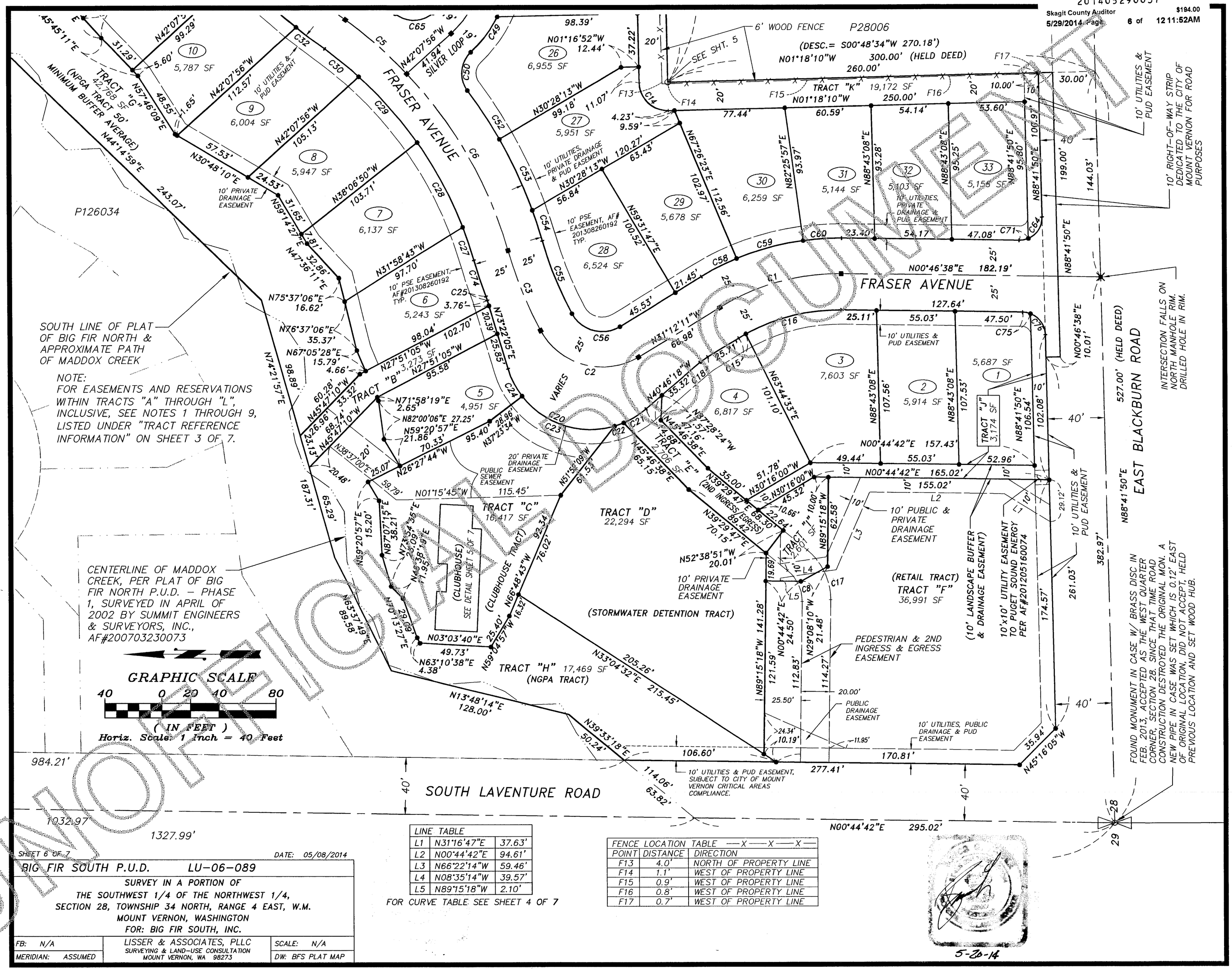
SURVEY IN A PORTION OF
THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4,
SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.
MOUNT VERNON, WASHINGTON
FOR: BIG FIR SOUTH, INC.

FB: N/A	LISSER & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273	SCALE: N/A
MERIDIAN: ASSUMED		DW: BFS PLAT MAP

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 6 of 12 11:52AM



LINE TABLE		
L1	N31°16'47"E	37.63'
L2	N00°44'42"E	94.61'
L3	N66°22'14"W	59.46'
L4	N08°35'14"W	39.57'
L5	N89°15'18"W	2.10'

FOR CURVE TABLE SEE SHEET 4 OF 7

FENCE LOCATION TABLE —X—X—X—		
POINT	DISTANCE	DIRECTION
F13	4.0'	NORTH OF PROPERTY LINE
F14	1.1'	WEST OF PROPERTY LINE
F15	0.9'	WEST OF PROPERTY LINE
F16	0.8'	WEST OF PROPERTY LINE
F17	0.7'	WEST OF PROPERTY LINE

SHEET 6 OF 7 DATE: 05/08/2014

BIG FIR SOUTH P.U.D. LU-06-089

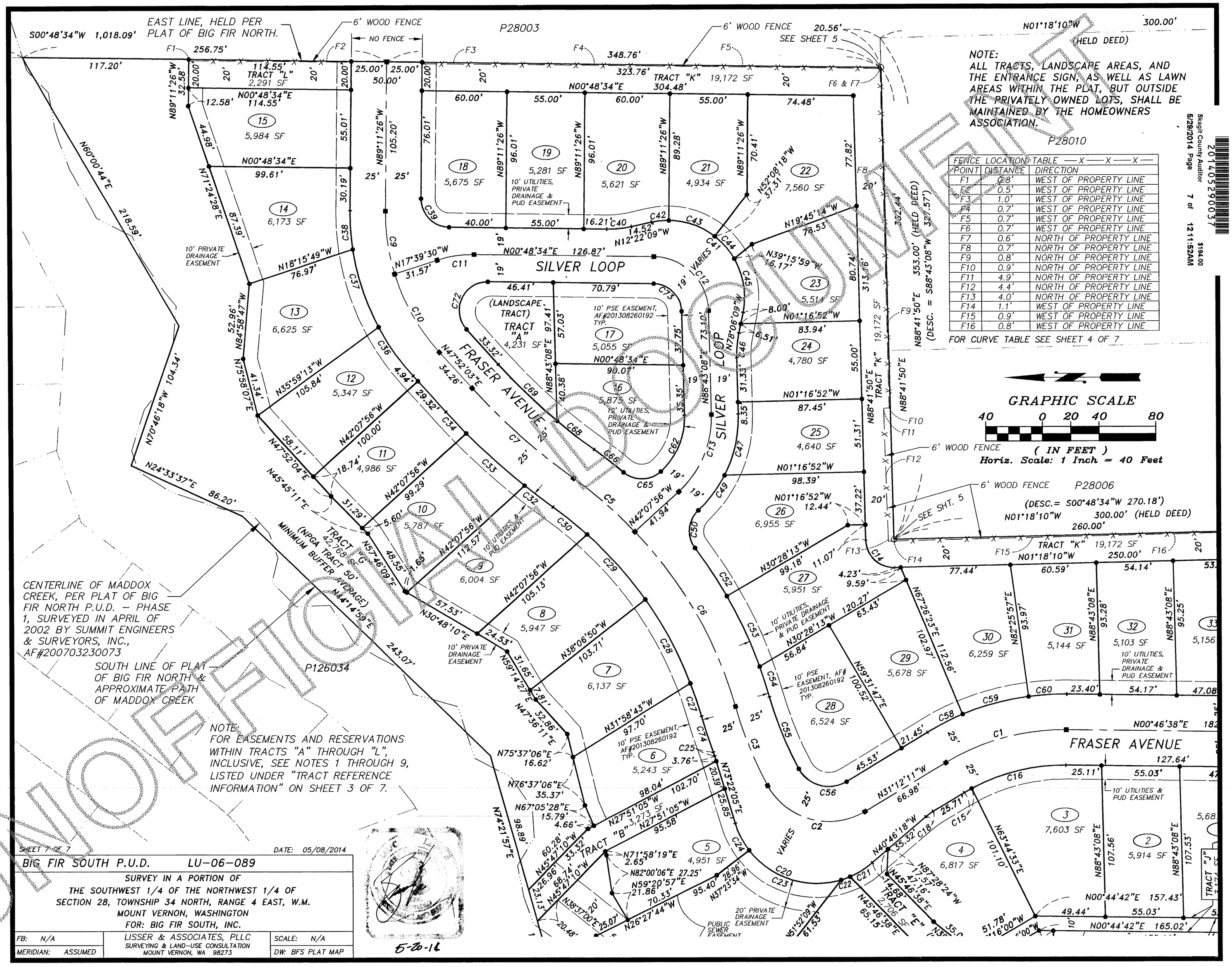
SURVEY IN A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M. MOUNT VERNON, WASHINGTON FOR: BIG FIR SOUTH, INC.

FB: N/A	LISSER & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273	SCALE: N/A
MERIDIAN: ASSUMED		DW: BFS PLAT MAP

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor
5/29/2014 Page 7 of 12 11:52AM
$194.00



NOTE:
ALL TRACTS, LANDSCAPE AREAS, AND THE ENTRANCE SIGN, AS WELL AS LAWN AREAS WITHIN THE PLAT, BUT OUTSIDE THE PRIVATELY OWNED LOTS, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

NOTE:
FOR EASEMENTS AND RESERVATIONS WITHIN TRACTS "A" THROUGH "L", INCLUSIVE, SEE NOTES 1 THROUGH 9, LISTED UNDER "TRACT REFERENCE INFORMATION" ON SHEET 3 OF 7.

FENCE LOCATION TABLE —X—X—X—

POINT	DISTANCE	DIRECTION
F1	0.8'	WEST OF PROPERTY LINE
F2	0.5'	WEST OF PROPERTY LINE
F3	1.0'	WEST OF PROPERTY LINE
F4	0.7'	WEST OF PROPERTY LINE
F5	0.7'	WEST OF PROPERTY LINE
F6	0.7'	WEST OF PROPERTY LINE
F7	0.6'	NORTH OF PROPERTY LINE
F8	0.7'	NORTH OF PROPERTY LINE
F9	0.8'	NORTH OF PROPERTY LINE
F10	0.9'	NORTH OF PROPERTY LINE
F11	4.9'	NORTH OF PROPERTY LINE
F12	4.4'	NORTH OF PROPERTY LINE
F13	4.0'	NORTH OF PROPERTY LINE
F14	1.1'	WEST OF PROPERTY LINE
F15	0.9'	WEST OF PROPERTY LINE
F16	0.8'	WEST OF PROPERTY LINE

FOR CURVE TABLE SEE SHEET 4 OF 7

SHEET 7 OF 7 DATE: 05/08/2014

BIG FIR SOUTH P.U.D. LU-06-089

SURVEY IN A PORTION OF
THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF
SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.
MOUNT VERNON, WASHINGTON
FOR: BIG FIR SOUTH, INC.

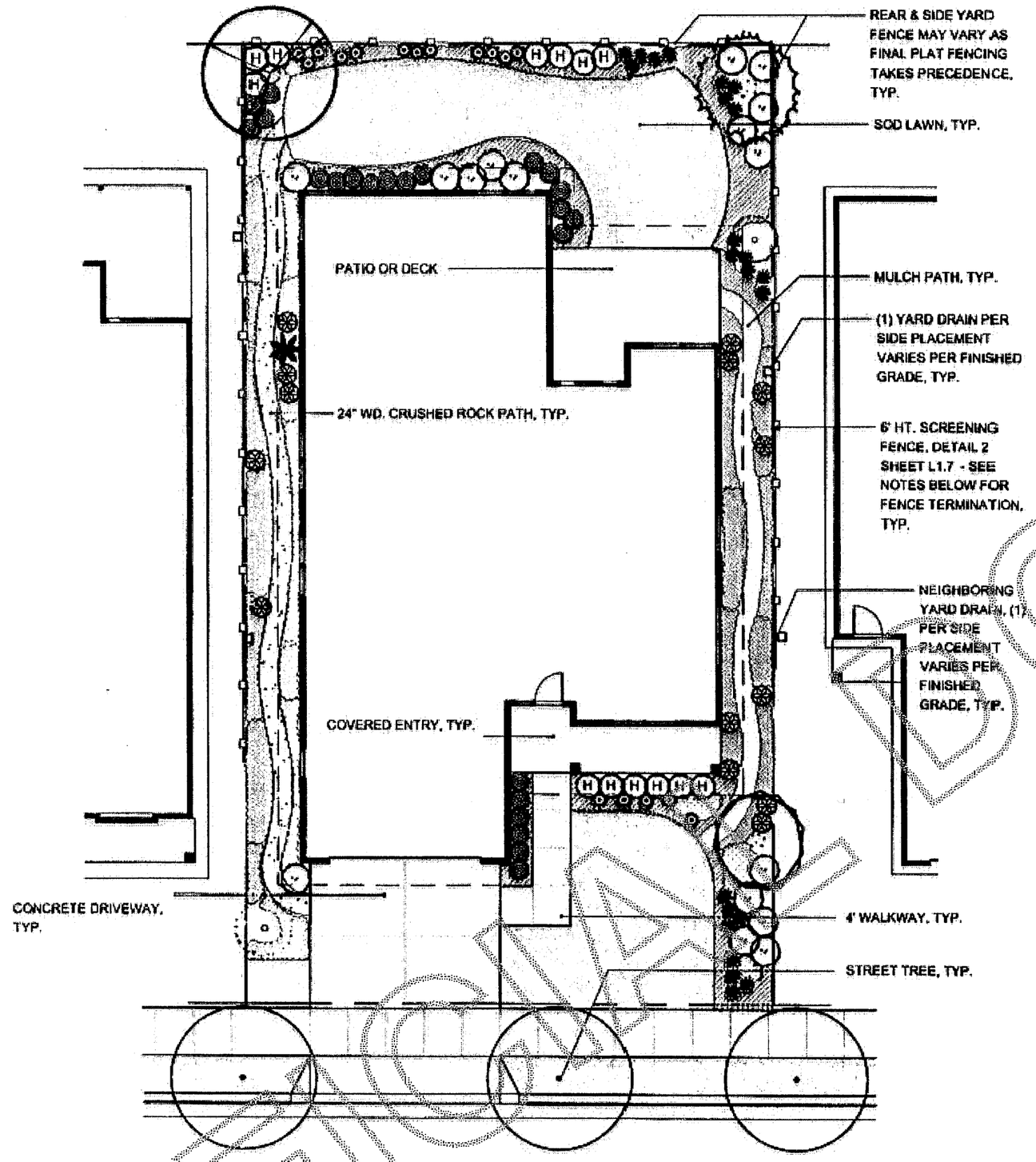
FB: N/A	LISSER & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98273	SCALE: N/A
MERIDIAN: ASSUMED		DW: BFS PLAT MAP

5-20-14

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

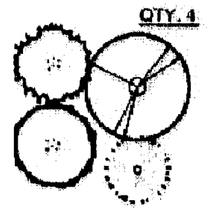
2014 05290037
Skagit County Auditor $194.00
5/29/2014 Page 8 of 12 11:52AM



TYPICAL LANDSCAPE DESIGN FOR INDIVIDUAL LOTS

NO SCALE

INCLUDED



QTY. 4 **TREES** (COMMON NAME - BOTANICAL NAME - SIZE/COMMENTS)
ACER CIRCINATUM - MAPLE - 5-6' HT.
ACER PALMATUM - JAPANESE MAPLE - 5-6' HT.
CERCIDIPHYLLUM JAPONICUM - KATSURA TREE - 5-6' HT.
FAGUS - BEECH - 2" CAL.
CERCIDIPHYLLUM JAPONICUM - 2" CAL.
CHAMAECYPARIS NOOTKATENSIS - ALASKA CEDAR - 5-6' HT.

QTY. 122 **SHRUBS** (COMMON NAME - BOTANICAL NAME - SIZE/COMMENTS)
ACUBA - ACUBA - 3 GAL.
ASTILBE - ASTILBE - 1 GAL.
BERGENIA - BERGENIA - 1 GAL.
HEUCHERA - 1 GAL.
HELLEBORUS - CHRISTMAS ROSE - 1 GAL.
HOSTA - HOSTA - 1 GAL.
HYDRANGEA - HYDRANGEA - 3 GAL.
MISCANTHUS - SILVERGRASS - 1 GAL.
PIERIS JAPONICA - LILY-OF-THE-VALLEY - 2 GAL.
POLYSTICHUM - FERN - 1 GAL.
OPHIOPOGON - MONDO GRASS - 4" @ 18" O.C.
SEDUM - SEDUM - 1 GAL.
VIBURNUM - VIBURNUM - 2 GAL.
ECHINACEA - PURPLE CONEFLOWER - 1 GAL. @ 36" O.C.
RUDBECKIA HIRTA - BLACK EYED SUSAN - 1 GAL. @ 36" O.C.

GROUNDCOVERS (COMMON NAME - BOTANICAL NAME - SIZE (WITH ALLOWED OVERSIZE CONDITIONS))
ARCTOSTAPHYLOS - KINNIKINICK - AL. - 4" POT @ 30" O.C.
GAULTHERIA SHALLON - SALAL - 4" POT @ 30" O.C.
ARCTOSTAPHYLOS - KINNIKINICK - 4" POT @ 30" O.C.
RUBUS PENTALOBUS - BRAMBLE - 4" POT @ 30" O.C.

LEGEND

NO SCALE

NOTES:
1. STAIRS OR RETAINING WALLS MAY BE REQUIRED WITHIN THE LANDSCAPE DEPENDENT ON SITE CONDITIONS.
2. FENCE TERMINATION IS DETERMINED IN RELATIONSHIP TO ADJOINING PROPERTIES AND NEIGHBORING HOUSES.
3. ACTUAL PLANT MATERIAL MAY CHANGE SPECIES AND/OR VARIETIES MAY VARY DEPENDENT UPON AVAILABILITY.
4. PLANTING LAYOUT MAY VARY DEPENDING UPON LOT CONFIGURATION, UTILITIES, & TOPOGRAPHY.
5. GROUND COVER SIZING ON SMALL LOTS SHALL BE 4" POT @ 18" O.C. WHICH IS EQUAL TO 1 GAL. @ 36" O.C.
6. PERENNIALS ARE SPECIFIED AS 1 GAL. AS A RESULT OF AVAILABILITY.
7. SEE SHEETS L1.7 & L1.8 FOR CONSTRUCTION DETAILS AND PLANTING INSTRUCTIONS.
8. FINAL PLANT SELECTION SHALL BE SUITABLE FOR SITE CONDITIONS.

NOTES

UNOFFICIAL DOCUMENT

SHEET 1 OF 1 DATE: 02/20/2014

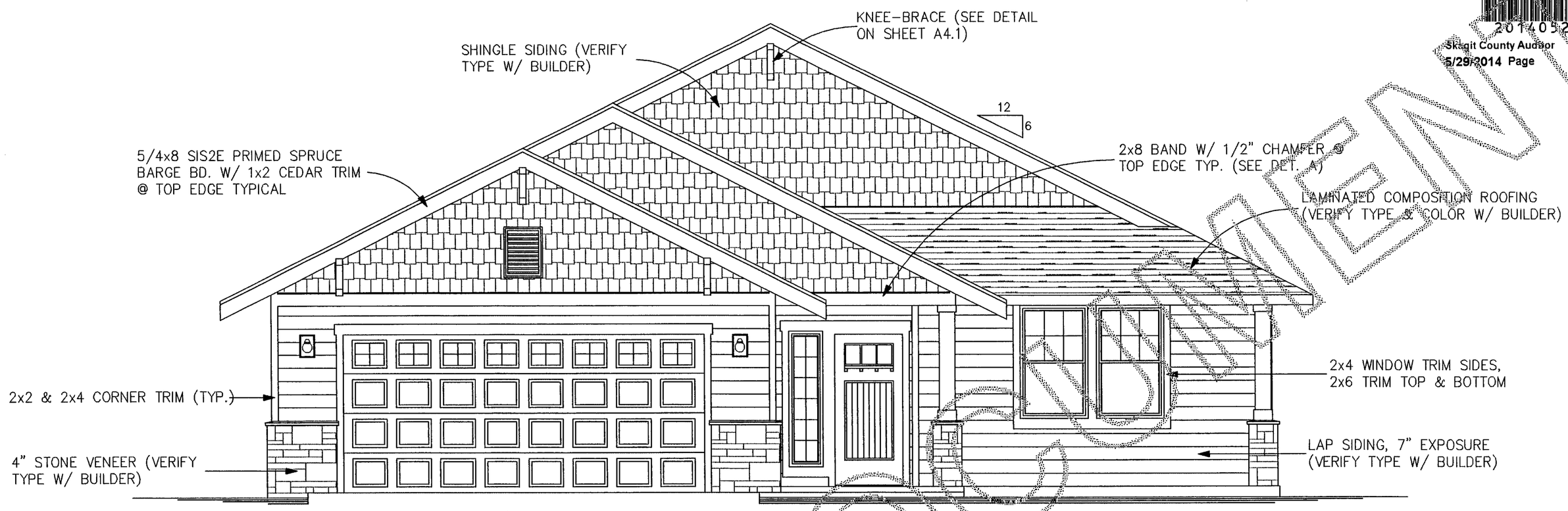
BIG FIR SOUTH P.U.D. LU-06-089

LANDED GENTRY
HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

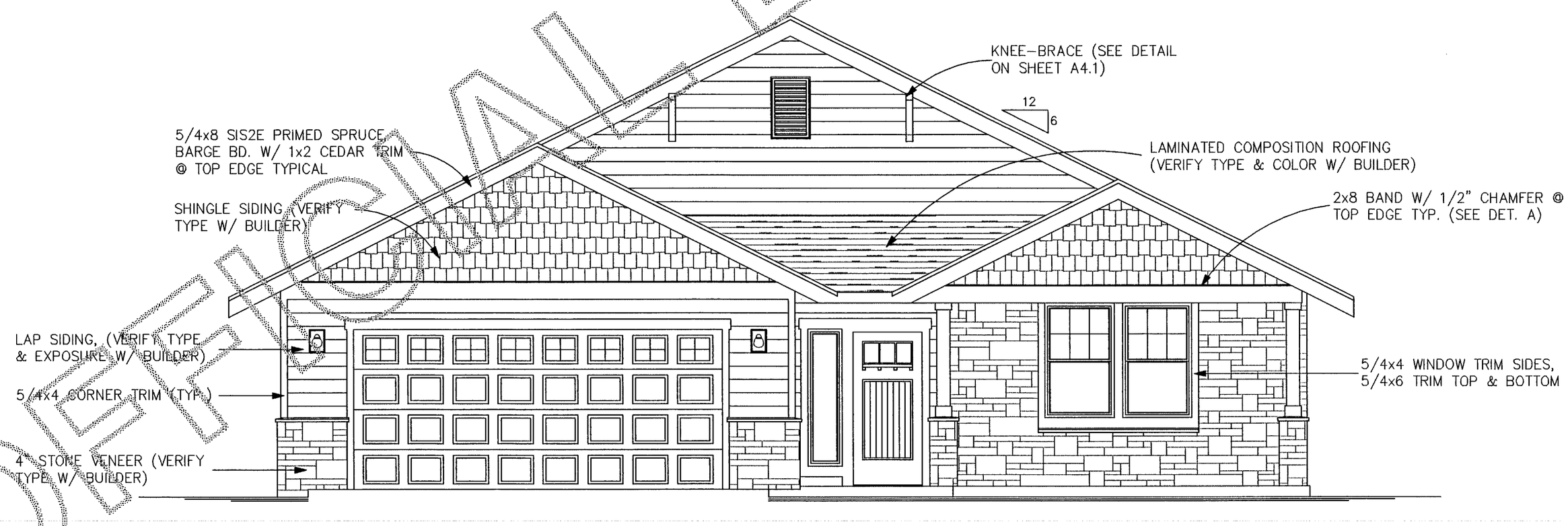
TYPICAL LOT LANDSCAPING FOR BIG FIR SOUTH P.U.D.

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 6 of 12 11:52AM



CAP SANTE
TYPICAL FRONT ELEVATION
NO SCALE



CAP SANTE LR
TYPICAL FRONT ELEVATION
NO SCALE

UNOFFICIAL DOCUMENT

SHEET 1 OF 4 *DATE: 02/20/2014*

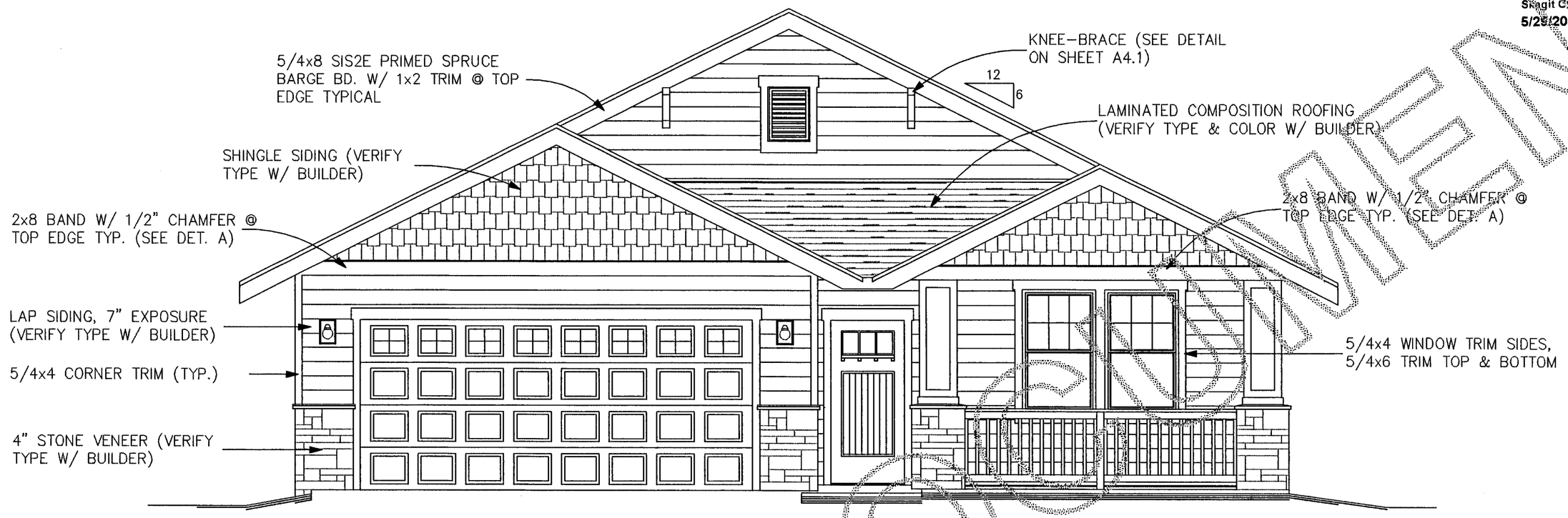
BIG FIR SOUTH P.U.D. *LU-06-089*

LANDED GENTRY
HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

TYPICAL MODEL ELEVATIONS FOR BIG FIR SOUTH P.U.D.

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 10 of 12 11:52AM



CULTUS
TYPICAL FRONT ELEVATION
NO SCALE

HARBOR
TYPICAL FRONT ELEVATION
NO SCALE

SHEET 2 OF 4 *DATE: 02/20/2014*

BIG FIR SOUTH P.U.D. *LU-06-089*

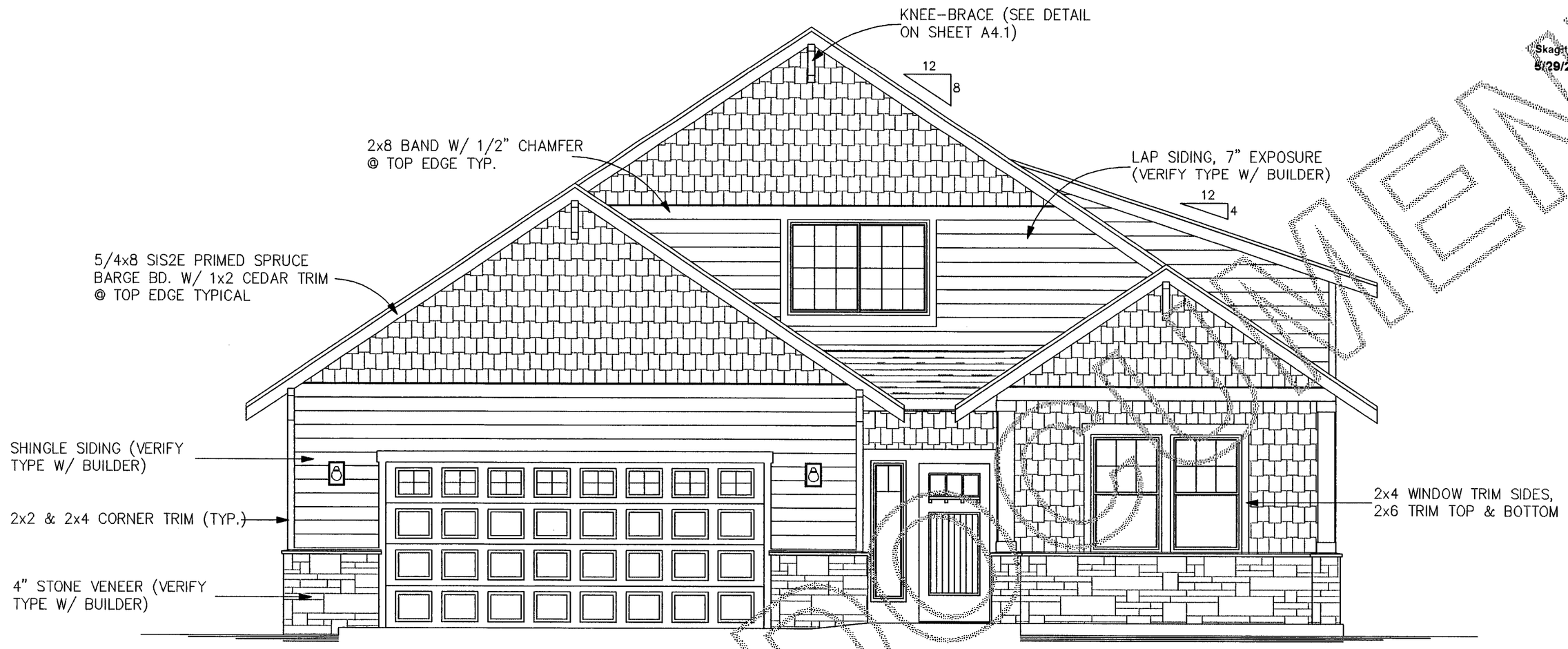
LANDED GENTRY
HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

TYPICAL MODEL ELEVATIONS FOR BIG FIR SOUTH P.U.D.

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 11 of 12 11:52AM



LARRABEE
TYPICAL FRONT ELEVATION
NO SCALE

MADISON
TYPICAL FRONT ELEVATION
NO SCALE

SHEET 3 OF 4 DATE: 02/20/2014

BIG FIR SOUTH P.U.D. LU-06-089

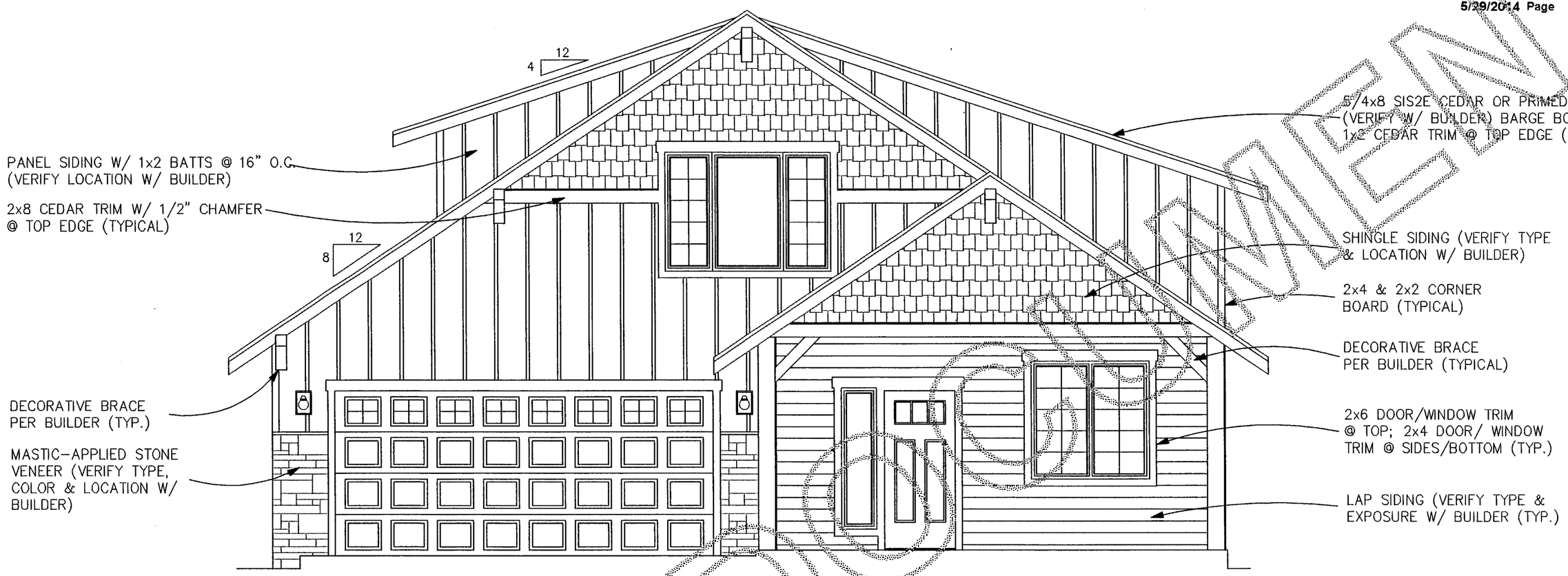
LANDED GENTRY
HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

TYPICAL MODEL ELEVATIONS FOR BIG FIR SOUTH P.U.D.

UNOFFICIAL DOCUMENT

HEX STAFF REPORT - EXHIBIT 16

201405290037
Skagit County Auditor $194.00
5/29/2014 Page 12 of 12 11:52AM



ORCAS
TYPICAL FRONT ELEVATION
NO SCALE

UNOFFICIAL DOCUMENT

SHEET 4 OF 4 DATE: 02/20/2014

BIG FIR SOUTH P.U.D. LU-06-089

LANDED GENTRY
HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

TYPICAL MODEL ELEVATIONS FOR BIG FIR SOUTH P.U.D.

UNOFFICIAL DOCUMENT

AFTER RECORDING RETURN TO:
HUGH LEWIS, ATTORNEY AT LAW, P.C.
2200 RIMLAND DRIVE, SUITE 115
BELLINGHAM, WA 98226

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 1 of 8 11:57AM

TITLE OF DOCUMENT: SECOND AMENDMENT TO DECLARATION OF COVENANTS FOR BIG FIR ADDING PHASE 3
AF# OF AFFECTED DOCUMENT: 200703230074
GRANTOR: BIG FIR SOUTH, INC.
GRANTEE: THE GENERAL PUBLIC
ABBREV. LEGAL DESCRIPTION: BIG FIR SOUTH, P.U.D. AF # 201405290037
TAX PARCEL NO.: _____

SECOND AMENDMENT TO DECLARATION OF COVENANTS FOR BIG FIR

PURPOSE: TO EXERCISE DEVELOPMENT RIGHT
TO ADD PHASE 3 TO COMMUNITY,
TO CONFIRM BINDING EFFECT OF COVENANTS ON PHASE 3 PROPERTY

THIS AMENDMENT is made this 21st day of May, 2014, by BIG FIR SOUTH, INC, a Washington corporation ("Phase 3 Declarant").

WITNESSETH THAT:

A. WHEREAS, a Plat Map for BIG FIR NORTH P.U.D. - PHASE 1 was recorded among the land records of Skagit County by the Declarant at Auditor's File No. 200703230073, to create a Planned Unit Development known as Big Fir (hereinafter the "Community") in Mt. Vernon, Washington. The Declarant caused a Declaration of Covenants affecting all the Lots in the Community to be recorded at Auditor's File No. 200703230074, records of Skagit County, Washington to accompany the Plat Map; the Plat for BIG FIR NORTH - PHASE 2 was recorded at Auditor's File No. 200707250053; the Declaration of Covenants was contemporaneously amended by an instrument recorded at Auditor's File No. 200707250054.

B. WHEREAS, pursuant to Sections 3.3.2, 16.6 and 17.6 of the Declaration of Covenants, the Declarant or its Affiliates may unilaterally amend the Community's Governing Documents from time to time to exercise Development Rights;

C. WHEREAS, in Section 3.3.1 of the Declaration of Covenants, the Declarant reserved Development Rights to develop the Community in up to three "Phases" by adding additional Lots and Common Areas within real property which could be added to the Community; and

UNOFFICIAL DOCUMENT

D. WHEREAS, the Phase 3 Declarant is an Affiliate of the original Declarant and, pursuant to Section 16.6.3 of the Declaration of Covenants, is able to exercise Development Rights reserved in the Declaration of Covenants. The Phase 3 Declarant has created additional improvements, Lots and Common Areas as more particularly described below, all for the purpose of creating an additional Phase of Development known as "Phase 3", consisting of thirty-three (33) additional Lots along with additional common amenities, as described in Section 3.3.1(c) of the Declaration of Covenants.

NOW, THEREFORE, pursuant to and in compliance with Section 3.3.2 of the Declaration of Covenants, the Phase 3 Declarant executes this Future Phase Amendment and hereby amends the following Sections of the Declaration of Covenants, as follows:

1.2.2 Reference to Platting Documents for Phase 3.

The Phase 3 Declarant has recorded with the Auditor of Skagit County, Washington a Plat Map titled Plat of Big Fir South, PUD, showing the location and dimensions of the land included within Phase 3 of the Community, the location and dimensions of the new Lots and Common Areas within Phase 3, together with other necessary information. This Plat Map is recorded at Auditor's File No. 201405290037, records of Skagit County, Washington. This new Plat Map, along with the initial map and any similar maps recorded to bring future phases of this Community into existence, are hereinafter referred to as the "Platting Documents".

* * * * * * * * * *

1.3.2 Covenants Applicable to Phase 3 - Membership in Community Association.

The Declaration of Covenants recorded at Auditor's File No. 200703230074, as previously amended, is declared to be and is hereby made perpetually binding on all the land included in the Plat of Phase 3 described in Section 1.2.2 hereof, to the same extent that said Declaration of Covenants applies to the real property included in all earlier Phases of this Community. All Owners of residential Lots in Phase 3 shall be members of Big Fir Community Association, having the same rights and responsibilities associated with such membership as apply to all other Lot Owners in the Community, including without limitation the rights to vote in said Community Association and the obligation to pay Common Expense Assessments to said Association. The retail area Tract "F" designated on the Platting Documents for Phase 3 is not subject to this Declaration of Covenants and the owner(s) of lots or tracts in such area are not members of the Association. The Association shall be responsible for all Upkeep of the Common Areas situated in Phase 3.

* * * * * * * * * *

3.1.2 Street Identification for Phase 3.

The Lots and various improvements in Phase 3 of this Community are located off Fraser Avenue and Silver Loop in Mt. Vernon, Skagit County, Washington. The land containing such Lots, improvements and Common Areas is legally described and depicted on the Plat Map for Phase 3 which is described at Section 1.2.2 of this Amendment to the Declaration of Covenants.

* * * * * * * * * *

4.1. Number and Location.

The Community contains eighty-one (81) Lots zoned for residential use which are depicted on the Platting Documents. The location of those Lots and their dimensions are shown on the Platting

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 2 of 8 11:57AM

UNOFFICIAL DOCUMENT

Documents. Phase 3 was approved by the City of Mount Vernon under a separate land use approval from Phase 1 and 2. The Lots in Phase 3 are identified numerically 1-33, these indentifying numbers are also found in Phase 1 and/or Phase 2 of the association. All Lots in Phase 3 will be identified with an "S" following their respective lot number to eliminate confusion with Lots found in other Phases of the Association.

4.2.2 Street Addresses.

A list of the street addresses for the Lots in Phase 3 of the Community appears on the Plat Map for Phase 3.

* * * * * * * * * *

5.1 Common Areas.

Except as otherwise specifically reserved, assigned or limited by the provisions of Article VI hereof, the Common Areas of the Community, which may also be referred to as "General Common Areas," consist of the following:

5.1.1 The project's identification signs and landscaped areas abutting South LaVenture Road and East Blackburn Road at the entrances to the Property.

5.1.2 Open space areas and walking trails therein, along with the Maddox Creek buffer area and the bridge over Maddox Creek, all which are depicted on the Platting Documents and are described with greater particularity in Article VI of the Covenants, as amended.

5.1.3 All fencing, wherever located within the Community.

5.1.4 The Park Tracts, the Wetland Area, Landscape Tracts, and any and all other Tracts or areas depicted on the Platting Documents and/or described in Section 5.1.11 hereof that have not been dedicated to public use or commercial purposes.

5.1.5 The Clubhouse located in Tract "C" along with its parking lot and associated landscaped areas.

5.1.6 The stormwater detention ponds with landscaped surround.

5.1.7 The landscaped setbacks areas along the east, west and south property lines.

5.1.8 The landscaped center islands near the Blackburn Road entrance, including the entry monument situated therein.

5.1.9 The landscaped walking trail ("emergency access") tract between the residential and retail area, and landscaped setbacks between lots 1-4 and the retail Tract "F" .

5.1.10 Tract "I" shall be available for the use of the occupants of the retail Tract "F" and their customers. Rules for its joint usage, upkeep and cost sharing will be made with the ownership of the retail tract prior to completion of the Tract "F"'s development.

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 3 of 8 11:57AM

UNOFFICIAL DOCUMENT

5.1.11 Tracts specifically identified and as designated on the Plat of Big Fir South, PUD, which include:

(a) Tract "A" -- Landscaped Open Space
(b) Tract "B" -- P.U.D. Utility Easement and Pedestrian Ingress/Egress Tract
(c) Tract "C" – Clubhouse Tract
(d) Tract "D" – Stormwater Detention Tract
(e) Tract "E" – Secondary Ingress/Egress Tract
(f) Tract "F" – Retail Tract
(g) Tract "G" – Native Growth Protection Areas (NGPA) Tract
(h) Tract "H" – Native Growth Protection Areas (NGPA) Tract
(i) Tract "I" – Landscaped Open Space and Gathering Area Tract
(j) Tract "J" – Landscape Buffer/Private Drainage Easement Tract
(k) Tract "K" – Landscape Buffer/Private Drainage Easement Tract
(l) Tract "L" – Landscape Buffer/Private Drainage Easement Tract

5.1.12 Special maintenance obligations and use restrictions associated with the Tracts in the Plat of Big Fir South, P.U.D. appear below in Section 6.2.7.

* * * * * * * * * *

5.4 Upkeep By Association.

5.4.1 Upkeep of Common Areas.

The Association is responsible for all necessary maintenance, repair, and replacement of the Common Areas. See Article VI hereof for special maintenance and care requirements.

5.4.1 Upkeep of Areas in Public Right of Way.

A condition for the approval of the development of the P.U.D. was the requirement that the Association maintain in perpetuity the landscaped areas and irrigation systems, and signs located in the center islands of Fraser Avenue and Blackburn Road as though it were a portion of the Common Areas of the Community, and to pay all utility charges associated with supplying irrigation to such areas.

* * * * * * * * * *

ARTICLE VI

PRINCIPAL COMMON AMENITIES REQUIRING SPECIAL CARE

6.1. Description of Common Amenities.

The Community's Common Amenities that require special care and maintenance consist of Open Space/Park areas, the Maddox Creek buffer area and Wetland Area, and the Clubhouse. Special maintenance and use requirements appear below in Section 6.2.

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 4 of 8 11:57AM

UNOFFICIAL DOCUMENT

6.2. Responsibility for Operations and Maintenance.

6.2.1. Association Responsible for Operations and Maintenance.

The Association shall be responsible for the operation and maintenance, repair and replacement of the Common Amenities.

6.2.2. Maddox Creek Buffer Area.

The Maddox Creek buffer area is designed for use as a part of the project's storm-water system and as wildlife habitat area. No construction, clearing, grading, filling, landscaping, mowing, burning or chemical maintenance of plants shall occur within this area, other than in a manner consistent with the City's Critical Areas Ordinance; the Board is charged with responsibility to maintain these areas in a condition suitable for its multiple purposes.

6.2.3. Upkeep of Park/Open Space Areas and Wetland Areas.

All Tracts identified as "Open Space" or "Wetland" areas on the Platting Documents shall be maintained in a natural state for low impact use and enjoyment of Occupants of the Community. No clearing, grading, filling, logging or removal of woody material, nor any building or construction of any kind is allowed within such areas absent the written approval of the City of Mount Vernon. Tracts identified only as "Open Space" may be landscaped by the Association. Wetland areas shall be left in a natural condition.

6.2.4. Upkeep of Landscape Buffer Areas.

The Landscape Buffer Areas depicted on the Platting Documents exist for the protection of trees and other vegetation to preserve and enhance the aesthetic and environmental values of the Planned Community. No structures or improvements are permitted to be constructed in these areas other than as identified on the face of the approved Platting Documents. Dumping of debris, yard waste or organic matter in such areas is prohibited.

6.2.5. Upkeep of Common Recreational Facilities.

The Association will provide necessary Upkeep for the equipment in the Park Tract and any other recreational facilities constructed within the Common Areas.

6.2.6. Prohibition Against Dumping.

The dumping of solvents, oil, concrete or concrete residue, or water that is heavily laden with sediments, is expressly prohibited anywhere in the Planned Community.

6.2.7. Specific Maintenance and Use Requirements Associated with Tracts in Phase 3.

(a) Tract "A" shall be reserved for landscaped open space for the use of the Big Fir Community Association members and their guests. Said tract shall be maintained by the Big Fir Community Association.

(b) Tract "B" shall be reserved for P.U.D. Waterline, Sanitary Sewer and Private Stormwater purposes, together with pedestrian ingress and egress for the Big Fir Community Association members and their guests. Said Tract landscaping and walkway shall be maintained by the Big Fir

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 5 of 8 11:57AM

UNOFFICIAL DOCUMENT

Community Association. The utilities shall be maintained in accordance with the utility easement provisions and the PUD No. 1 easement provisions as stated on the face of the Plat.

(c) Tract "C" shall be reserved for the Big Fir Community Association Community Building. Said Community Building will be governed by the terms and provisions herein, and any amendments thereto. City of Mount Vernon shall be allowed access to maintain sanitary sewer through Tract "D" parking lot as shown on the face of the Plat herein. Private storm drainage shall also be allowed through said Tract "D" as shown on the face of the Plat herein.

(d) Tract "D" shall be reserved for stormwater detention purposes and shall be dedicated to the City of Mount Vernon. The detention pond and the drainage facilities located within said Tract shall be maintained by the City of Mount Vernon EXCEPT that regular maintenance of the stormwater pond and drainage facilities will be the responsibility of the Declarant herein for a period of no less than one year from the date of the recording of this Amendment. The City of Mount Vernon will only accept maintenance responsibilities of the stormwater pond once final inspection has been successfully performed and written notice is provided to the Declarant herein. Regular maintenance shall include, at a minimum, annual inspection of the stormwater drainage system and maintenance frequencies and threshold per Department of Ecology and the Operations and Maintenance Manual, attached. The landscaped areas, including fences, within said Tract "D" shall be maintained by the Big Fir Community Association along with the costs associated therewith.

(e) Tract "E" shall be reserved for secondary emergency ingress and egress, private storm drainage, as well as for a pedestrian walkway for the Big Fir Community Association and their guests. Said Tract shall be owned and maintained by the Big Fir Community Association, with reciprocal benefit to Tract "F".

(f) Tract "F" is for commercial retail development uses. Finished construction of any retail building shall be postponed until no less than two-thirds (22 homes) of the residential units are completed and certified for occupancy. The allowable square footage of retail space is dependent upon the square footage of the constructed homes. The retail space shall be no greater than ten percent (10%) of the gross square footage of the homes that are actually constructed, or to be constructed at full build-out. Parking requirements for the retail component shall be determined based upon the actual use and parking requirements rather than what is allowed by way of the percentage of the actual home construction.

(g) Tracts "G" and "H" contain critical areas and their associated buffers. Said Tracts shall be reserved as Native Growth Protection Areas (NGPA) and shall be managed per NPGA standards. Said Tracts shall be owned and maintained by the Big Fir Community Association. The City of Mount Vernon may enter said Tracts for inspection purposes at its own discretion. The landscaping along with the split rail fence (if any) that abuts the residential lots and the screening fence on the opposite side of these tracts from the split rail fence shall remain perpetuity. Trees and shrubs within these tracts can be trimmed and maintained, but can only be removed with the permission of the City of Mount Vernon. The City will authorize the removal of trees and shrubs within these Tracts only if a professional arborist (or other similarly qualified professional) demonstrates to the City that the trees/shrubs pose(s) a danger and/or are dead or dying. If the City authorizes the removal of trees or shrubs within these Tracts, new trees/shrubs shall be replanted within a timeframe and density established by the City. Replanted deciduous trees shall be a minimum of 2-inch caliper, evergreen trees shall be a minimum of 7 feet in height and shall be full and bushy, and shrubs shall be a minimum of 2-gallon. The owners of the lots that abut these tracts and the Big Fir Community Association shall not disturb the trees/shrubs within these Tracts unless it is for maintenance, such as minor weed removal. The City of Mount Vernon is hereby granted the right to enter said Tracts at its own discretion to monitor the

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 6 of 8 11:57AM

UNOFFICIAL DOCUMENT

condition of the buffer area; however, the City is not responsible for maintenance of these Tracts. A Native Growth Protection Area (NGPA) is created for the purpose of preserving critical areas, buffering and protecting plants and animal habitat, and preventing harm to property and the environment including, but not limited to, controlling surface water runoff and erosion and maintaining slope stability. The NGPA establishes, on all present and future owners and users of the NGPA, an obligation to leave undisturbed all trees and other vegetation within this area, except for the removal of diseased or dying vegetation that presents a hazard or the implantation of an enhancement plan required or approved by the City. Any work in the NGPA, including removal of dead, diseased or dying vegetation, is subject to prior written approval by the City of Mount Vernon. The cost associated with the evaluation, removal and replanting of any vegetation shall be borne by the Big Fir Community Association.

(h) Tract "I" shall be reserved as a landscaped open space and gathering area for members of the Big Fir Community Association and their guests. Tract "I" may be used by members and guests of the Big Fir Community Association and by tenants, customers and owners of Tract "F". Rules for Use and Joint Maintenance of said Tract "I" may be created between the Big Fir Community Association and the ownership of building to be developed in Tract "F", prior to occupancy of any tenant or user of said Tract "F".

(i) Tracts "J", "K", and "L" shall be reserved as landscape buffers and private drainage easements. Said Tracts shall be owned and maintained by the Big Fir Community Association.

* * * * * * * * * * *

16.3.2 New Easements Shown on Phase 3 Plat.

All easements designated on map Plat of Big Fir South, PUD are declared and confirmed. Reference should be made to the Plat for further details.

* * * * * * * * * * *

EXCEPT as modified by this Amendment, all of the terms and provisions of the Governing Documents are hereby expressly ratified and confirmed and shall remain in full force and effect.

//

//

//

//

//

//

//

//

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 7 of 8 11:57AM

UNOFFICIAL DOCUMENT

IN WITNESS WHEREOF, the Phase 3 Declarant has caused this Amendment to be executed as of the date first written above.

PHASE 3 DECLARANT:
BIG FIR SOUTH, INC.

BY: Brian Gentry, its President

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that is the person who appeared before me, and said person acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute the instrument and that (s)he acknowledged it as the PRESIDENT of the Phase 3 Declarant, BIG FIR SOUTH, INC., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: 05/21, 2014.

NOTARY PUBLIC in and for the State of Washington.
My commission expires: 01-29-2018.

STEVEN G. BAUGHN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
01-29-18

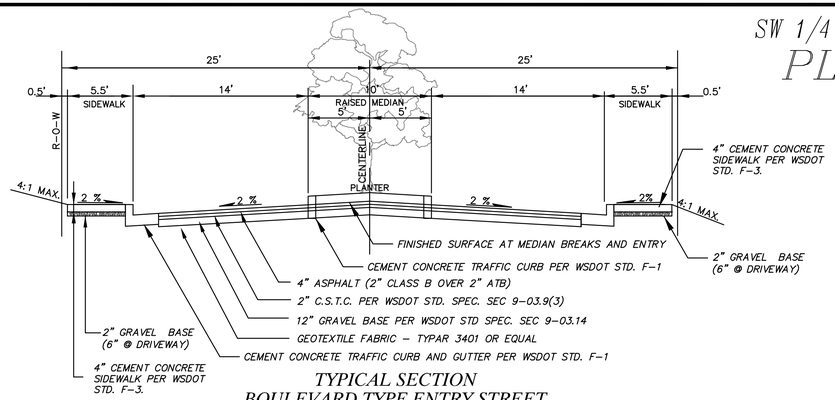
[Per Section 6.2.7(d) hereof, attached to this Amendment is the Stormwater Drainage System Operations & Maintenance Manual]

201405290038
Skagit County Auditor $79.00
5/29/2014 Page 8 of 8 11:57AM

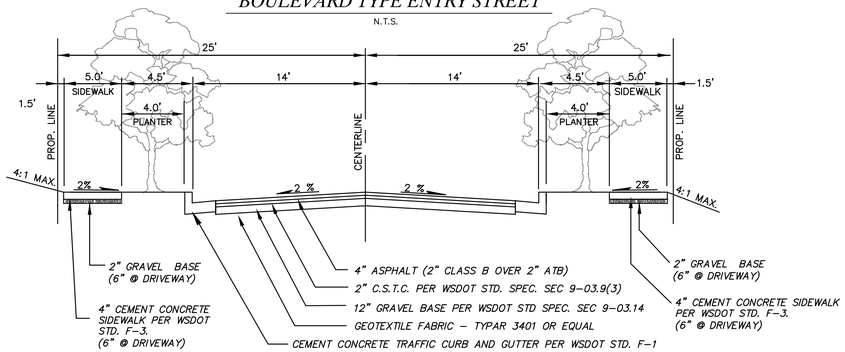
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

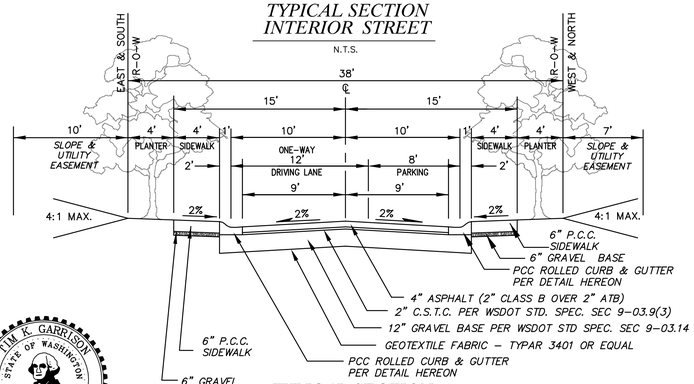
TITLE SHEET



TYPICAL SECTION
BOULEVARD TYPE ENTRY STREET
N.T.S.



TYPICAL SECTION
INTERIOR STREET
N.T.S.



TYPICAL SECTION
38' RIGHT-OF-WAY
ONE-WAY TRAFFIC

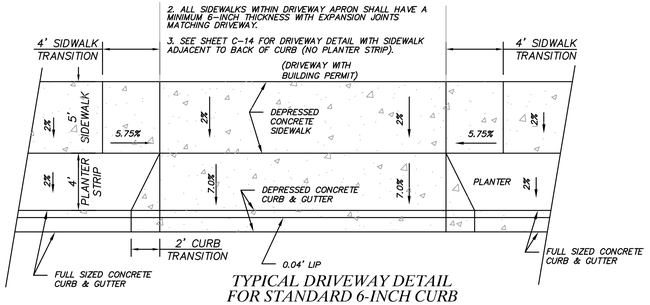
TIM K. GARRISON
STATE OF WASHINGTON
28873
REGISTERED
PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

NOTES:

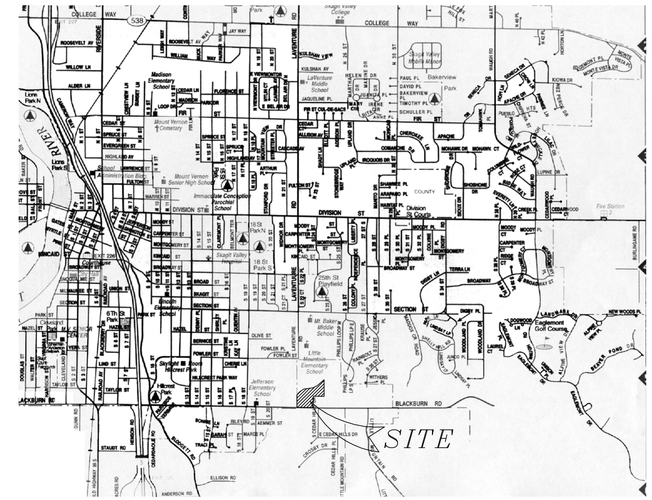
1. WHEN DRIVEWAY EXCEEDS 15 FEET IN WIDTH, CONSTRUCT FULL DEPTH EXPANSION JOINT WITH 3/8" JOINT FILLER ALONG DRIVEWAY CENTERLINE. CONSTRUCT EXPANSION JOINTS PARALLEL WITH THE CENTERLINE AS REQUIRED AT 15 MAXIMUM SPACING WHEN DRIVEWAY WIDTH EXCEEDS 30'.

2. ALL SIDEWALKS WITHIN DRIVEWAY APRON SHALL HAVE A MINIMUM 6-INCH THICKNESS WITH EXPANSION JOINTS MATCHING DRIVEWAY.

3. SEE SHEET C-14 FOR DRIVEWAY DETAIL WITH SIDEWALK ADJACENT TO BACK OF CURB (NO PLANTER STRIP).



TYPICAL DRIVEWAY DETAIL
FOR STANDARD 6-INCH CURB
& 4-FOOT WIDE PLANTER
NTS



VICINITY MAP

SHEET INDEX:

SHEET NO.		SHEET TITLE
C-1	-	TITLE SHEET
C-2	-	SITE PLAN
EC-1	-	TEMPORARY EROSION & SEDIMENTATION CONTROL PLAN
EC-2	-	TEMPORARY EROSION & SEDIMENTATION CONTROL NOTES
C-2A	-	GRADING PLAN
C-3	-	PHASING PLAN
C-4	-	BLACKBURN ROAD - STREET IMPROVEMENT PLAN
C-5	-	FRASER AVE & SILVER LOOP STREET IMPROVEMENT PLAN
C-6	-	FRASER AVE - STREET IMPROVEMENT PROFILE
C-7	-	SILVER LOOP - STREET IMPROVEMENT PROFILE
C-8	-	BLACKBURN ROAD - UTILITY PLAN & PROFILE
C-9	-	FRASER AVE & SILVER LOOP UTILITY PLAN
C-10	-	FRASER AVE UTILITY PROFILE
C-11	-	SILVER LOOP, RETAIL SITE, & POND OUTLET - UTILITY PROFILES
C-12	-	GRADING & DRAINAGE PLAN TRACTS "C" & "F"
C-13	-	STORMWATER DETENTION POND PLAN, SECTIONS & DETAILS
C-14	-	STREET IMPROVEMENT STANDARD PLANS AND DETAILS
C-15	-	SANITARY SEWER & STORMDRAINAGE STANDARD PLANS AND DETAILS
C-16	-	WATER PLAN
C-16A	-	WATER POINT OF CONNECTION DETAILS
C-17	-	WATER PLAN STANDARD DRAWINGS
C-18	-	STRIPING AND SIGNAGE PLAN
C-19	-	CLEARING AND DEMOLITION PLAN & EXISTING TOPOGRAPHY MAP

CITY OF MOUNT VERNON

COMMUNITY AND ECONOMIC DEVELOPMENT
ENGINEERING SERVICES

LAND USE # LU-06-089

PERMIT # PR13-311

Recommended For Approval By

Signature	Mount Vernon Fire Marshal	Date
Signature	Mount Vernon Planning Review	Date
Signature	Mount Vernon Civil Review	Date

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetlands Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

LANDSCAPE NOTE:
SEE LANDSCAPE PLANS FOR STREET TREES AND PLANTER STRIP PLANTING.

UTILITY INFORMATION:

WATER:	PUD #1 OF SKAGIT COUNTY
STORMWATER:	CITY OF MOUNT VERNON
SEWER:	CITY OF MOUNT VERNON
TELEPHONE:	FRONTIER
POWER:	PUGET SOUND ENERGY
CABLE TV:	COMCAST

DATUM:
ASSUMED DATUM WITH A CONVERSION OF: PROJECT ELEVATION + 1.73 = NGVD29.

DEVELOPERS / OWNERS

BIG FIR SOUTH, INC.
C/O LANDED GENTRY DEVELOPMENT, INC.
CONTACT: BRIAN GENTRY
504 E. FAIRHAVEN AVENUE
BURLINGTON, WA 98233
(360) 755-9021

CIVIL DESIGN

LANDED GENTRY DEVELOPMENT, INC.
CONTACT: STEVEN G. BAUGHN
504 E. FAIRHAVEN AVENUE
BURLINGTON, WA 98233
(360) 755-9021

PROJECT ENGINEER:

THE BUILDER'S ENGINEER
TIM K. GARRISON, P.E.
18979 W. LAKEVIEW LANE
MOUNT VERNON, WA 98274
(360) 708-1965

STORMWATER ENGINEER:

ENGINEERED SOLUTIONS NW, LLC
JIM PERRY, P.E.
17129 MAIBEN ROAD
BURLINGTON, WA 98233
(360) 540-1617

LAND SURVEYOR:

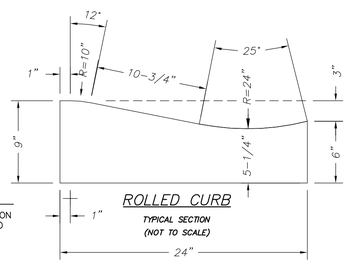
LISSER & ASSOCIATES
BRUCE G. LISSER, P.L.S.
320 MILWAUKEE STREET
P.O. BOX 1109
MOUNT VERNON, WA 98274
(360) 419-7442

NOTE REGARDING IMPERVIOUS SURFACES:

THE STORMWATER COLLECTION AND DETENSION SYSTEM FOR THIS PLAT HAS BEEN DESIGNED AND APPROVED WITH A MAXIMUM 50% BUILD-OUT IMPERVIOUS SURFACE COVERAGE ON EACH LOT.

LEGEND:

AC ---- ASPHALT
AD ---- ALGEBRAIC DIFFERENCE
BC ---- BACK OF CURB
BCR --- BEGIN CURB RETURN
BW ---- BACK OF SIDEWALK
BVCE -- BEGIN VERTICAL CURVE ELEVATION
BVCS -- BEGIN VERTICAL CURVE STATION
C ---- CURVE
CL ---- CENTERLINE
CSTC -- CRUSHED SURFACING TOP COURSE
D ---- STORM DRAIN
DI ---- DUCTILE IRON
ECR --- END CURB RETURN
ELEV --- ELEVATION
EOP --- EDGE OF PAVEMENT
EOG --- EDGE OF GRAVEL
ESMT -- EASEMENT
EVCE -- END VERTICAL CURVE ELEVATION
EVCS -- END VERTICAL CURVE STATION
FF ---- FINISHED FLOOR
FL ---- FLOWLINE (STREET)
FL ---- FLANGED (WATER)
FOG --- PAINTED FOG LINE
FS ---- FINISHED SURFACE
FW ---- FACE OF SIDEWALK
GB ---- GRADE BREAK
K ---- "K" FACTOR (LVC/AD=K)
INV ---- INVERT OF PIPE
L ---- LEFT STATION OFFSET
LT ---- LEFT STATION OFFSET
LVC --- LENGTH OF VERTICAL CURVE
MJ ---- MECHANICAL JOINT (WATER)
MOC --- MIDDLE OF CURVE
MOVC -- MIDDLE OF VERTICAL CURVE
PC ---- POINT OF CURVATURE
PCC --- POINT OF COMPOUND CURVATURE
PCC --- PORTLAND CEMENT CONCRETE
PE ---- PLAIN END (WATER)
PRC --- POINT OF REVERSE CURVATURE
PT ---- POINT OF TANGENCY
PVI ---- POINT OF VERTICAL INTERSECTION
R ---- RIGHT STATION OFFSET
RAD---- RADIAL
RT ---- RIGHT STATION OFFSET
R= ---- RADIUS EQUALS
RIM ---- RIM OF CATCH BASIN
ROW --- RIGHT-OF-WAY
SD ---- STORM DRAIN
SF ---- SQUARE FEET
S ---- SANITARY SEWER
SOF --- SOFFIT OF PIPE
SS ---- SANITARY SEWER
ST ---- STREET
STA --- STATION
TC ---- TOP OF CURB
TBC --- TOP BACK OF CURB
VC ---- VERTICAL CURVE
WA ---- WATERLINE
W ---- WATERLINE



ROLLED CURB
TYPICAL SECTION
(NOT TO SCALE)

GENERAL CONSTRUCTION NOTES

1. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS FOR ROAD, BRIDGE, AND MUNICIPAL CONSTRUCTION AS PREPARED BY THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AND THE AMERICAN PUBLIC WORKS ASSOCIATION (WSDOT/APWA). TOGETHER WITH THE ENGINEERING STANDARDS OF THE CITY OF MOUNT VERNON.

2. DURING THE COURSE OF THIS PROJECT, THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING AND CONDUCTING PRE-CONSTRUCTION MEETING(S) WITH REPRESENTATIVES FROM THE CITY OF MOUNT VERNON.

3. EROSION AND SEDIMENTATION CONTROL BMP'S SHALL BE THE FIRST ITEMS INSTALLED DURING THE CONSTRUCTION PHASE OF THIS PROJECT.

4. DURING THE COURSE OF THIS PROJECT, THE CONTRACTOR SHALL MAINTAIN ACCURATE "AS CONSTRUCTED" RECORDS OF UTILITIES INSTALLED, EXISTING UTILITIES ENCOUNTERED, INCLUDING THEIR DEPTH, SIZE, AND MATERIAL, AND EXISTING CONDITIONS NOT CONSISTENT WITH THOSE IDENTIFIED ON THE PLANS. ALL "AS CONSTRUCTED" INFORMATION SHALL BE MAINTAINED IN A CLEAR, LEGIBLE, COMPREHENSIBLE ORDER. "AS CONSTRUCTED" INFORMATION SHALL BE CLEARLY WRITTEN ON A CLEAN SET OF CONSTRUCTION PLANS AND PROVIDED TO THE OWNER UPON THE PROJECT'S COMPLETION.

5. EXISTING UTILITIES HAVE BEEN IDENTIFIED USING THE AVAILABLE UTILITY RECORDS AND A TOPOGRAPHIC SURVEY OF THE SURFACE CONDITIONS WITHIN THE PROPOSED RIGHT-OF-WAY ONLY. THE TOPOGRAPHIC SURVEY OF THE EXISTING CONDITIONS HAS BEEN PROVIDED BY BAYVIEW SURVEYING & ENGINEERING INC., SUMMIT ENGINEERS & SURVEYORS, INC., AS WELL AS LISSER & ASSOCIATES. THE CONTRACTOR IS RESPONSIBLE FOR HAVING ALL EXISTING UTILITIES LOCATED PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL CONTACT THE ONE-CALL UTILITY LOCATE SERVICE AT 1-800-424-5555 A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO ANY WORK.

6. GENERAL CONDITIONS HAVE BEEN INDICATED ON THE PLANS FOR THE REMOVAL OF EXISTING MATERIALS AND STRUCTURES NECESSARY TO ACCOMMODATE THE PROPOSED IMPROVEMENTS. THE LIMITS OF THIS WORK ARE FOR USE BY THE CONTRACTOR IN PREPARING A COST FOR THIS PROJECT. HOWEVER, THE CONTRACTOR IS RESPONSIBLE FOR THOROUGHLY INSPECTING THE ENTIRE PROJECT SITE AND ASCERTAINING THE ENTIRE LIMIT OF ALL WORK THAT WILL BE NECESSARY TO PROVIDE THE PROPOSED IMPROVEMENTS IN A COMPLETE AND ACCEPTABLE CONDITION.

7. THE CONTRACTOR SHALL PROVIDE DAILY EFFORTS TO KEEP THE SITE IN A NEAT AND ORDERLY CONDITION TO THE SATISFACTION OF THE OWNER, ENGINEER, AND CITY OF MOUNT VERNON.

8. DURING ALL PHASES OF CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE DUST CONTROL MEASURES TO MINIMIZE THE IMPACTS TO THE ADJOINING PROPERTIES. IT IS THE CONTRACTOR'S DAILY RESPONSIBILITY TO PROVIDE THIS MEASURE, WHENEVER NECESSARY. THE CITY OF MOUNT VERNON RESERVES THE RIGHT TO REQUIRE ADDITIONAL DUST CONTROL MEASURES TO BE PROVIDED BY THE CONTRACTOR.

9. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS CONCERNING THE DISPOSAL OF MATERIALS. ALL ASPHALT, CONCRETE, STRUCTURES, AND DEBRIS REMOVED FROM THIS SITE SHALL BE DISPOSED IN A LEGALLY APPROVED DISPOSAL SITE OBTAINED BY THE CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR ALL FEES ASSOCIATED WITH THE DISPOSAL OF MATERIALS, REGARDLESS OF NATURE, FROM THIS PROJECT SITE.

10. THE IMPORTED GRAVEL BACKFILL FOR UTILITY TRENCHES WITHIN THE PUBLIC R.O.W. SHALL CONFORM STD. SPEC. 9-03.14(1) COMPACTED TO 95%.

11. ANY REVISIONS TO PLANS MUST BE MADE BY THE PROJECT ENGINEER AND APPROVED BY THE CITY OF MOUNT VERNON PRIOR TO IMPLEMENTATION IN THE FIELD.

12. TRAFFIC LANES OF ALL ABUTTING PRIVATE AND PUBLIC STREETS SHALL REMAIN OPEN. NO STREET CLOSURES WILL BE ALLOWED UNLESS SPECIFICALLY APPROVED BY THE CITY OF MOUNT VERNON.

13. MATERIALS SAMPLING AND TESTING SHALL BE AT A FREQUENCY AND MAGNITUDE AS SPECIFIED IN THE STANDARD SPECIFICATIONS OR AS DETERMINED BY THE CITY OF MOUNT VERNON.

UTILITY CONFLICT NOTE CAUTION:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DIMENSION, AND DEPTH OF ALL EXISTING UTILITIES, WHETHER SHOWN ON THESE PLANS OR NOT, BY POT HOLING THE UTILITIES AND VERIFYING THE HORIZONTAL AND VERTICAL LOCATIONS PRIOR TO CONSTRUCTION. THIS SHALL INCLUDE CALLING THE UTILITY LOCATE AT 811 OR 1-800-424-5555 AND THEN POT HOLING ALL OF THE EXISTING UTILITIES AT LOCATIONS OF NEW UTILITY CROSSINGS AND MARKED EXISTING UTILITIES TO PHYSICALLY VERIFY WHETHER OR NOT CONFLICTS EXIST.
LOCATIONS OF SAID UTILITIES AS SHOWN ON THESE PLANS ARE BASED UPON UNVERIFIED PUBLIC INFORMATION AND ARE SUBJECT TO VERIFICATION. IF CONFLICTS SHOULD OCCUR, THE CONTRACTOR SHALL CONSULT TIM GARRISON, P.E., OF THE BUILDER'S ENGINEER, AT (360) 422-5663, TO RESOLVE ALL PROBLEMS PRIOR TO PROCEEDING WITH CONSTRUCTION.

CALL 2 BUSINESS DAYS BEFORE YOU DIG
1-800-424-5555

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" TITLE SHEET	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-1

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNC. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

TEMPORARY EROSION AND SEDIMENTATION CONTROL PLAN

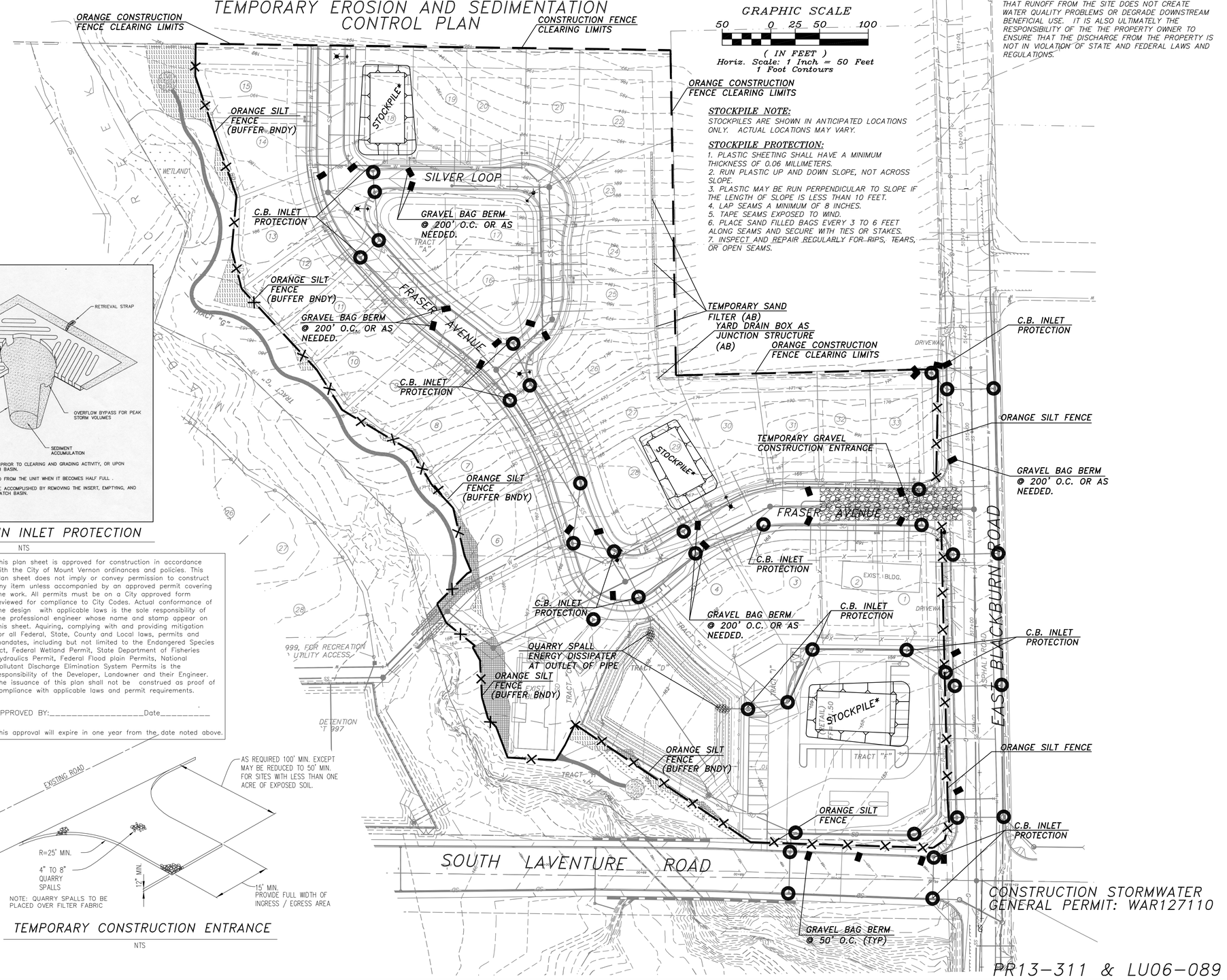
LCONSTRUCTION SEQUENCE:

1. ATTEND PRE-CONSTRUCTION MEETING.
2. FLAG OR FENCE CLEARING LIMITS.
3. POST SIGN WITH NAME AND PHONE NUMBER OF ESC SUPERVISOR.
4. INSTALL CATCH BASIN PROTECTION IF REQUIRED.
5. GRADE AND INSTALL CONSTRUCTION ENTRANCE(S).
6. INSTALL PERIMETER PROTECTION (SILT FENCE, BRUSH BARRIER, ETC.).
7. CONSTRUCT SEDIMENT PONDS AND TRAPS.
8. GRADE AND STABILIZE CONSTRUCTION ROADS.
9. CONSTRUCT SURFACE WATER CONTROLS (INTERCEPTOR DIKES, PIPE SLOPE DRAINS, ETC.) SIMULTANEOUSLY WITH CLEARING AND GRADING FOR PROJECT DEVELOPMENT.
10. MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH KING COUNTY STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.
11. RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURES SO THAT AS SITE CONDITIONS CHANGE THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH THE KING COUNTY EROSION AND SEDIMENT CONTROL STANDARDS.
12. COVER ALL AREAS THAT WILL BE UNWORKED FOR MORE THAN SEVEN DAYS OR TWO DAYS DURING THE WET SEASON WITH STRAW, WOOD FIBER MULCH, COMPOST, PLASTIC SHEETING OR EQUIVALENT.
13. STABILIZE ALL AREAS THAT REACH FINAL GRADE WITHIN SEVEN DAYS.
14. SEED OR SOD ANY AREAS TO REMAIN UNWORKED FOR MORE THAN 30 DAYS.
15. UPON COMPLETION OF THE PROJECT, ALL DISTURBED AREAS MUST BE STABILIZED AND BMP'S REMOVED IF APPROPRIATE.

EROSION CONTROL SUPERVISOR:

JACK DAVIS
Landed Gentry Development, Inc.

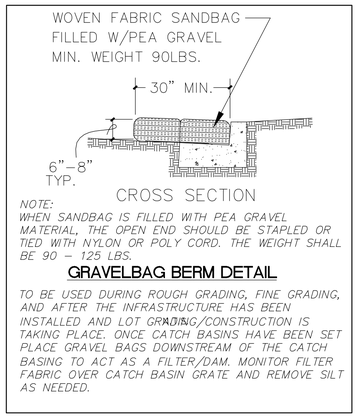
PHONE: 360-755-9021
CELLULAR: 360-661-3279
FAX: 360-755-9029



NOTE OF RESPONSIBILITY:
IT IS ULTIMATELY THE RESPONSIBILITY OF THE PROPERTY OWNER/DEVELOPER/APPLICANT TO ENSURE THAT RUNOFF FROM THE SITE DOES NOT CREATE WATER QUALITY PROBLEMS OR DEGRADE DOWNSTREAM BENEFICIAL USE. IT IS ALSO ULTIMATELY THE RESPONSIBILITY OF THE THE PROPERTY OWNER TO ENSURE THAT THE DISCHARGE FROM THE PROPERTY IS NOT IN VIOLATION OF STATE AND FEDERAL LAWS AND REGULATIONS.

STOCKPILE NOTE:
STOCKPILES ARE SHOWN IN ANTICIPATED LOCATIONS ONLY. ACTUAL LOCATIONS MAY VARY.

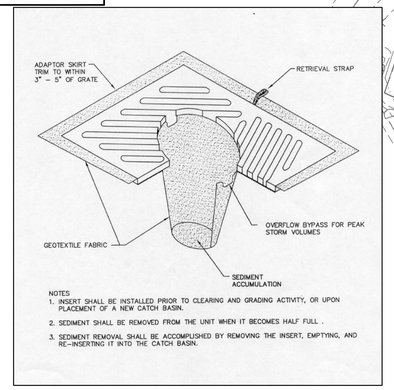
STOCKPILE PROTECTION:
1. PLASTIC SHEETING SHALL HAVE A MINIMUM THICKNESS OF 0.06 MILLIMETERS.
2. RUN PLASTIC UP AND DOWN SLOPE, NOT ACROSS SLOPE.
3. PLASTIC MAY BE RUN PERPENDICULAR TO SLOPE IF THE LENGTH OF SLOPE IS LESS THAN 10 FEET.
4. LAP SEAMS A MINIMUM OF 8 INCHES.
5. TAPE SEAMS EXPOSED TO WIND.
6. PLACE SAND FILLED BAGS EVERY 3 TO 6 FEET ALONG SEAMS AND SECURE WITH TIES OR STAKES.
7. INSPECT AND REPAIR REGULARLY FOR RIPS, TEARS, OR OPEN SEAMS.



NOTE:
WHEN SANDBAG IS FILLED WITH PEA GRAVEL MATERIAL, THE OPEN END SHOULD BE STAPLED OR TIED WITH NYLON OR POLY CORD. THE WEIGHT SHALL BE 90 - 125 LBS.

GRAVELBAG BERM DETAIL

TO BE USED DURING ROUGH GRADING, FINE GRADING, AND AFTER THE INFRASTRUCTURE HAS BEEN INSTALLED AND LOT GRADING/CONSTRUCTION IS TAKING PLACE. ONCE CATCH BASINS HAVE BEEN SET PLACE GRAVEL BAGS DOWNSTREAM OF THE CATCH BASING TO ACT AS A FILTER/DAM. MONITOR FILTER FABRIC OVER CATCH BASIN GRATE AND REMOVE SILT AS NEEDED.



NOTES
1. INSERT SHALL BE INSTALLED PRIOR TO CLEARING AND GRADING ACTIVITY, OR UPON PLACEMENT OF A NEW CATCH BASIN.
2. SEDIMENT SHALL BE REMOVED FROM THE UNIT WHEN IT BECOMES HALF FULL .
3. SEDIMENT REMOVAL SHALL BE ACCOMPLISHED BY REMOVING THE INSERT, EMPTYING, AND RE-INSERTING IT INTO THE CATCH BASIN.

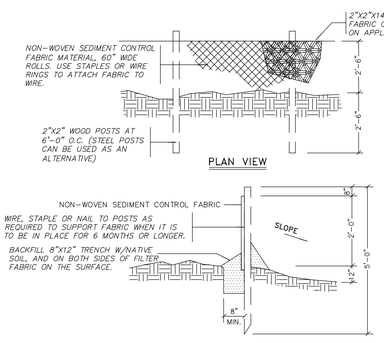
CATCH BASIN INLET PROTECTION

NTS

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.



SILT FENCE NOTES: (SECTION 8-01.3(9)A)

1. BACKUP SUPPORT FOR THE GEOTEXTILE SHALL BE IN THE FORM OF STEEL WIRE OR PLASTIC MESH. IF BACKUP SUPPORT IS USED, STEEL WIRE SHALL HAVE A MAXIMUM MESH SPACING OF 2 INCHES AND THE PLASTIC MESH SHALL BE AS RESISTANT TO ULTRAVIOLET RADIATION AS THE GEOTEXTILE IT SUPPORTS.
2. THE GEOTEXTILE SHALL BE ATTACHED ON THE UP-SLOPE SIDE OF THE POSTS AND SUPPORT SYSTEM USING STAPLES, WIRE, OR IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION.
3. THE GEOTEXTILE SHALL BE SEWN TOGETHER AT THE POINT OF MANUFACTURE, OR AT A LOCATION APPROVED BY THE CITY ENGINEER, TO FORM GEOTEXTILE LENGTHS AS REQUIRED. ALL SEWN SEAMS AND OVERLAPS SHALL BE LOCATED AT A SUPPORT POST.
4. POSTS SHALL BE EITHER WOOD OR STEEL. HARDWOOD POSTS SHALL HAVE A MINIMUM DIMENSION 2"X2" BY THE MINIMUM LENGTH SHOWN ON THE PLANS. STEEL POSTS SHALL CONSIST OF U, T, L OR C SHAPE POSTS WITH A MINIMUM WEIGHT OF 1.35 LBS/FT, OR OTHER STEEL POSTS HAVING EQUIVALENT STRENGTH AND BENDING RESISTANCE TO THE POSTS LISTED.
5. WHEN SEDIMENT DEPOSITS REACH APPROXIMATELY ONE-THIRD THE HEIGHT OF THE SILT FENCE, THE DEPOSITS SHALL BE REMOVED OR A SECOND SILT FENCE SHALL BE INSTALLED, AS DETERMINED BY THE CITY ENGINEERING REPRESENTATIVE.

MAINTENANCE NOTES: (SECTION 8-01.3(11))

1. EROSION CONTROL DEVICES SHALL BE MAINTAINED SO THEY PROPERLY PERFORM THEIR FUNCTION UNTIL THE CITY ENGINEERING REPRESENTATIVE DETERMINES THEY ARE NO LONGER NEEDED.
2. DEVICES SHALL BE INSPECTED ON A DAILY BASIS FOR DAMAGE AND SEDIMENT DEPOSITS. DAMAGE TO OR UNDERCUTTING OF THE DEVICE SHALL BE REPAIRED IMMEDIATELY.
3. EROSION CONTROL DEVICES THAT HAVE BEEN DAMAGED SHALL BE REPAIRED OR REPLACED IMMEDIATELY BY THE CONTRACTOR, IN ACCORDANCE WITH SECTION 1-07.13(4).

SILT FENCING INSTALLATION

NTS

NOTE: QUARRY SPALLS TO BE PLACED OVER FILTER FABRIC

TEMPORARY CONSTRUCTION ENTRANCE

NTS

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY:	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" TEMPORARY EROSION AND SEDIMENTATION CONTROL PLAN	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. EC-1

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

TEMPORARY EROSION & SEDIMENTATION CONTROL NOTES

ESC-1 Standard ESC NOTES

APPROVAL OF THIS EROSION AND SEDIMENT CONTROL (ESC) PLAN DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.).

1. AS DIRECTED BY PUBLIC WORKS DIRECTOR PRIOR TO COMMENCING CONSTRUCTION, ALL CRITICAL AREAS, INCLUDING WETLAND BUFFERS, STREAM CORRIDOR, LANDFILL AREAS, AND STEEP SLOPES SHALL BE CONTINUOUSLY DEMARCATED IN THE FIELD USING FLAGGING TAPE OR FENCING.

2. EROSION CONTROL METHODS AND MATERIALS SHALL MEET REQUIREMENTS OF SECTION 8-01 OF THE APWA/WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CURRENT STANDARD SPECIFICATIONS FOR ROAD, BRIDGE, AND MUNICIPAL CONSTRUCTION, AND REQUIREMENTS SET FORTH IN VOLUME II OF THE "STORMWATER MANAGEMENT MANUAL FOR THE PUGET SOUND BASIN (THE TECHNICAL MANUAL)", BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, CURRENT EDITION. THE CONTRACTOR SHALL FOLLOW RECOMMENDATIONS MADE BY SUPPLIERS AND MANUFACTURERS OF MATERIALS AND EQUIPMENT USED.

3. THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT-LADEN WATER DOES NOT ENTER THE DRAINAGE SYSTEM OR VIOLATE APPLICABLE WATER STANDARDS, AND MUST BE INSTALLED AND IN OPERATION PRIOR TO ANY GRADING OR LAND CLEARING. WHEREVER POSSIBLE, MAINTAIN NATURAL VEGETATION FOR SILT CONTROL.

4. THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESC FACILITIES SHALL BE UPGRADED (E.G., ADDITIONAL SUMPS, RELOCATION OF DITCHES AND SILT FENCES, ETC.) AS NEEDED FOR UNEXPECTED STORM EVENTS. ADDITIONALLY, MORE ESC FACILITIES MAY BE REQUIRED TO ENSURE COMPLETE SILTATION CONTROL. THEREFORE, DURING THE COURSE OF CONSTRUCTION, IT SHALL BE THE OBLIGATION AND RESPONSIBILITY OF THE CONTRACTOR TO ADDRESS ANY NEW CONDITIONS THAT MAY BE CREATED BY HIS ACTIVITIES AND TO PROVIDE ADDITIONAL FACILITIES OVER AND ABOVE THE MINIMUM REQUIREMENTS AS MAY BE NEEDED.

5. ANY PERMANENT RETENTION/DETENTION FACILITY USED AS A TEMPORARY SETTLING BASIN SHALL BE MODIFIED WITH THE NECESSARY EROSION CONTROL MEASURES AND SHALL PROVIDE ADEQUATE STORAGE CAPACITY. IF THE PERMANENT FACILITY IS TO FUNCTION ULTIMATELY AS AN INFILTRATION OR DISPERSION SYSTEM, THE FACILITY SHALL NOT BE USED AS A TEMPORARY SETTLING BASIN. NO UNDERGROUND DETENTION TANK, DETENTION VAULT, OR SYSTEM, WHICH BACKS UNDER OR INTO A POND, SHALL BE USED AS A TEMPORARY SETTLING BASIN.

6. WHERE SEEDING FOR TEMPORARY EROSION CONTROL IS REQUIRED, FAST GERMINATING GRASSES SHALL BE APPLIED AT AN APPROPRIATE RATE (EXAMPLE: ANNUAL OR PERENNIAL RYE APPLIED AT APPROXIMATELY 80 POUNDS PER ACRE).

7. WHERE STRAW MULCH IS REQUIRED FOR TEMPORARY EROSION CONTROL, IT SHALL BE APPLIED AT A MINIMUM THICKNESS OF TWO (2) INCHES.

8. ALL WORK AND MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF MOUNT VERNON STANDARDS AND SPECIFICATIONS.

9. THE ESC FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DETAILS ON THE APPROVED PLANS. LOCATIONS MAY BE MOVED TO SUIT FIELD CONDITIONS, SUBJECT TO APPROVAL BY THE CITY OF MOUNT VERNON PUBLIC WORKS DIRECTOR AND CITY OF MOUNT VERNON INSPECTOR.

10. A COPY OF THE APPROVED EROSION CONTROL PLANS MUST BE ON THE JOB SITE WHENEVER CONSTRUCTION IS IN PROGRESS.

11. ALL LOTS ADJOINING CONSERVATION TRACTS SHALL HAVE A TEMPORARY CONSTRUCTION FENCE (CYCLONE OR PLASTIC MESH), OR SILT FENCE SEPARATING THE LOT (OR BUILDABLE PORTIONS OF THE LOT) FROM THE RESTRICTED AREA AND SHALL BE INSTALLED PRIOR TO ANY GRADING OR CLEARING AND REMAIN IN PLACE UNTIL A DWELLING IS CONSTRUCTED AND PERMINANT LANDSCAPING HAS BEEN ESTABLISHED.

12. A CLEARING CONTROL FENCE OR SILT FENCE SHALL BE INSTALLED AT THE DRIP LINE OF TREES TO BE SAVED WHEREVER THE TREE CANOPIES EXTEND INTO THE AREA TO BE CLEARED. ON-SITE SUPERVISION SHALL BE PROVIDED WHENEVER EQUIPMENT MUST OPERATE UNDER TREE CANOPIES, AND FENCING SHALL BE REPLACED WHEN NECCESARY. THE CLEARING CONTROL FENCE SHALL CONSIST OF A SINGLE STRAND OF WIRE ATTACHED ABOUT THREE (3) FEET HIGH TO WOOD LATH AT A TWELVE (12) FOOT MAXIMUM SPACING AND FLAGGED WITH SURVEY RIBBON AT FOUR (4) FOOT INTERVALS.

13. OFF-SITE STREETS MUST BE KEPT CLEAN AT ALL TIMES. IF DIRT IS DEPOSITED ON THE PUBLIC STREET SYSTEM, THE STREET SHALL BE CLEANED DAILY WITH POWER SWEEPER OR OTHER EQUIPMENT. ALL VEHICLES SHALL LEAVE THE SITE BY WAY OF THE CONSTRUCTION ENTRANCE AND SHALL BE CLEANED OF ALL DIRT THAT WOULD BE DEPOSITED ON THE PUBLIC STREETS.

14. ANY CATCH BASINS COLLECTING RUNOFF FROM THE SITE, WHETHER THEY ARE ON OR OFF THE SITE, SHALL HAVE THEIR GRATES COVERED WITH FILTER FABRIC DURING CONSTRUCTION.

15. THE NATIVE BACKFILL ADJACENT TO THE FILTER FABRIC FENCE SHALL BE REPLACED AND THE FILTER FABRIC CLEANED IF IT IS NONFUNCTIONAL BY EXCESSIVE SILT ACCUMULATION AS DETERMINED BY THE CITY OF MOUNT VERNON. ALSO, ALL INTERCEPTOR SWALES SHALL BE CLEANED IF SILT ACCUMULATION EXCEEDS ONE-QUARTER DEPTH.

16. ROCK FOR EROSION PROTECTION OF ROADWAY DITCHES, WHERE REQUIRED, MUST BE OF SOUND QUARRY ROCK, PLACED TO DEPTH OF ONE (1) FOOT AND MUST MEET THE FOLLOWING SPECIFICATIONS: 4" - 8" ROCK/40%-70% PASSING; 2"-4" ROCK/30%-40% PASSING; AND 1"-2" ROCK/10%-20% PASSING.

17. IF ANY PART (S) OF THE CLEARING LIMIT; BOUNDARY OR TEMPORARY EROSION/SEDIMENTATION CONTROL PLAN IS/ARE DAMAGED, IT SHALL BE REPAIRED IMMEDIATELY.

18. ALL PROPERTIES ADJACENT TO THE PROJECT SITE SHALL BE PROTECTED FROM SEDIMENT DEPOSITION AND RUNOFF.DO NOT FLUSH CONCRETE BY-PRODUCTS OR TRUCKS NEAR OR INTO THE STORM DRAINAGE SYSTEM. IF EXPOSED AGGREGATE IS FLUSHED INTO THE STORM SYSTEM, IT COULD MEAN RECLEANING THE ENTIRE DOWNSTREAM STORM SYSTEM, OR POSSIBLY RELAYING THE STORM LINE.

19. THE IMPLEMENTATION OF THESE ESC PLANS AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE FACILITIES IS THE RESPONSIBILITY OF THE APPLICANT/ESC SUPERVISOR UNTIL ALL CONSTRUCTION IS APPROVED.

20. THE ESC SUPERVISORS NAME IS: JACK DAVIS, 24 HR.
CONTACT NUMBER: (360) 661-3279

ESC-1 Standard ESC NOTES - CONTINUED

21. THE APPLICANT'S NAME IS : Kendall Gentry, BIG FIR SOUTH, INC., 24 HR. CONTACT NUMBER: (360) 661 3812

22. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED BY A CONTINUOUS LENGTH OF SURVEY TAPE (OR FENCING, IF REQUIRED) PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE CLEARING LIMITS SHALL BE PERMITTED. THE CLEARING LIMITS SHALL BE MAINTAINED BY THE APPLICANT/ESC SUPERVISOR FOR THE DURATION OF CONSTRUCTION.

23. THE ESC FACILITIES SHALL BE INSPECTED DAILY DURING AND AFTER A STORM EVENT BY THE APPLICANT/ESC SUPERVISOR AND MAINTAINED TO ENSURE CONTINUED PROPER FUNCTIONING. WRITTEN RECORDS SHALL BE KEPT OF WEEKLY REVIEWS OF THE ESC FACILITIES DURING THE WET SEASON (OCT. 1 TO APRIL 30) AND OF THE MONTHLY REVIEWS DURING THE DRY SEASON (MAY 1 TO SEPT. 30).

24. ANY AREAS OF EXPOSED SOILS, INCLUDING ROADWAY EMBANKMENTS, THAT WILL NOT BE DISTURBED FOR TWO DAYS DURING THE WET SEASON OR SEVEN DAYS DURING THE DRY SEASON SHALL BE IMMEDIATELY STABILIZED WITH THE APPROVED ESC METHODS (E.G., SEEDING, MULCHING, PLASTIC COVERING, ETC.).

25. ANY AREA NEEDING ESC MEASURES NOT REQUIRING IMMEDIATE ATTENTION SHALL BE ADDRESSED WITHIN FIFTEEN (15) DAYS.

26. THE ESC FACILITIES ON ACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A MONTH OR WITHIN FORTY-EIGHT (48) HOURS FOLLOWING A STORM EVENT.

27. AT NO TIME SHALL MORE THAN ONE (1) FOOT OF SEDIMENT BE ALLOWED TO ACCUMULATE WITHIN A CATCH BASIN. ALL CATCH BASINS AND CONVEYANCE LINES SHALL BE CLEANED PRIOR TO PAVING. THE CLEANING OPERATION SHALL NOT FLUSH SEDIMENT -LADEN WATER INTO THE DOWNSTREAM SYSTEM.

28. STABILIZED CONSTRUCTION ENTRANCES AND ROADS SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES, SUCH AS WASH PADS, MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.

29. ANY PERMANENT FLOW CONTROL FACILITY USED AS A TEMPORARY SETTLING BASIN SHALL BE MODIFIED WITH THE NECESSARY EROSION CONTROL MEASURES AND SHALL PROVIDE ADEQUATE STORAGE CAPACITY. IF THE FACILITY IS TO FUNCTION AS ULTIMATELY AS AN INFILTRATION SYSTEM, THE TEMPORARY FACILITY MUST BE GRADED SO THAT THE BOTTOM AND SIDES ARE AT LEAST THREE FEET ABOVE THE FINAL GRADE OF THE PERMANENT FACILITY.

30. PRIOR TO THE BEGINNING OF THE WET SEASON (OCT. 1), ALL DISTURBED AREAS SHALL BE REVIEWED TO IDENTIFY WHICH ONES CAN BE SEEDED IN PREPARATION FOR THE WINTER RAINS. DISTURBED AREAS SHALL BE SEEDED WITHIN ONE WEEK OF THE BEGINNING OF THE WET SEASON. A SKETCH MAP OF THOSE AREAS TO BE SEEDED AND THOSE AREAS TO REMAIN UNCOVERED SHALL BE SUBMITTED TO THE CITY INSPECTOR. THE CITY ENGINEER CAN REQUIRE SEEDING OF ADDITIONAL AREAS IN ORDER TO PROTECT SURFACE WATERS, ADJACENT PROPERTIES, OR DRAINAGE FACILITIES.

ESC-2 WET SEASON SPECIAL PROVISIONS
(October 1 through April 30)

1. THE ALLOWED TIME THAT A DISTURBED AREA CAN REMAIN UNWORKED WITHOUT COVER MEASURES IS REDUCED TO TWO DAYS, RATHER THEN SEVEN.

2. STOCKPILES AND STEEP CUT AND FILL SLOPES ARE TO BE PROTECTED IF UNWORKED FOR MORE THAN 12 HOURS.

3. COVER MATERIALS SUFFICIENT TO COVER ALL DISTURBED AREAS SHALL BE STOCKPILED ON SITE.

4. ALL AREAS THAT ARE TO BE UNWORKED DURING THE WET SEASON SHALL BE SEEDED AND MULCHED WITHIN ONE WEEK OF THE BEGINNING OF THE WET SEASON.

5. MULCH IS REQUIRED TO PROTECT ALL SEEDED AREAS UNLESS HYDROSEEDED.

6. FIFTY LINEAR FEET OF SILT FENCE (AND THE NECESSARY STAKES) PER ACRE OF DISTURBANCE MUST BE STOCKPILED ON SITE.

7. CONSTRUCTION ROAD AND PARKING LOT STABILIZATION ARE REQUIRED FOR ALL SITES UNLESS THE SITE IS UNDERLAIN BY COARSE-GRAINED SOIL.

8. SEDIMENT RETENTION IS REQUIRED UNLESS NO OFFSITE DISCHARGE IS ANTICIPATED FOR THE SPECIFIC DESIGN FLOW.

9. SURFACE WATER CONTROLS ARE REQUIRED UNLESS NO OFFSITE DISCHARGE IS ANTICIPATED FOR THE SPECIFIED DESIGN FLOW.

10. PHASING AND MORE CONSERVATIVE BMP'S MUST BE EVALUATED FOR CONSTRUCTION ACTIVITY NEAR SURFACE WATERS.

11. ANY RUNOFF GENERATED BY DEWATERING SHALL BE TREATED THROUGH CONSTRUCTION OF A SEDIMENT TRAP WHEN THERE IS SUFFICIENT SPACE OR BY RELEASING THE WATER TO A WELL-VEGETATED, GENTLY SLOPING AREA. SINCE PUMPS ARE USED FOR DEWATERING, IT MAY BE POSSIBLE TO PUMP THE SEDIMENT-LADEN WATER WELL AWAY FROM THE SURFACE WATER SO THAT VEGETATION CAN BE MORE EFFECTIVELY UTILIZED FOR TREATMENT. A STRAW BALE FILTER SHALL BE PLACED AROUND THE DISCHARGE FROM THE DEWATERING PUMP. IF THERE IS NOT SPACE FOR A SEDIMENT TRAP OR 25 FEET OF SUITABLE VEGETATION, OTHER FILTRATION METHODS SHALL BE REQUIRED.

12. THE FREQUENCY OF MAINTENANCE REVIEW INCREASES FROM MONTHLY TO WEEKLY.

ESC-3 SENSITIVE AREAS SPECIAL PROVISIONS

1. WHENEVER POSSIBLE, PHASE ALL OR PART OF THE PROJECT SO THAT IT OCCURS DURING THE DRY SEASON. IF THIS IS IMPOSSIBLE, NOVEMBER THROUGH FEBRUARY SHALL BE AVOIDED SINCE THIS IS THE MOST LIKELY PERIOD FOR LARGE, HIGH-INTENSITY STORMS.

2. ALL PROJECT SHALL BE COMPLETED AND STABILIZED AS QUICKLY AS POSSIBLE. LIMITING THE SIZE AND DURATION OF A PROJECT IS PROBABLY THE MOST EFFECTIVE FORM OF EROSION CONTROL.

3. WHERE APPROPRIATE, SANDBAGS OR AN EQUIVALENT BARRIER SHALL BE CONSTRUCTED BETWEEN THE PROJECT AREA AND THE SURFACE WATER
IN ORDER TO ISOLATE THE CONSTRUCTION AREA FROM HIGH WATER THAT MIGHT RESULT DUE TO PRECIPITATION.

4. ADDITIONAL PERIMETER PROTECTION SHALL BE CONSIDERED TO REDUCE THE LIKELIHOOD OF SEDIMENT ENTERING THE SURFACE WATERS. SUCH PROTECTION MIGHT INCLUDE MULTIPLE SILT FENCES, SILT FENCES WITH A HIGHER AOS, CONSTRUCTION OF A BERM, OR A THICK LAYER OF ORGANIC MULCH UPSLOPE OF A SILT FENCE.

5. IF WORK IS TO OCCUR WITHIN THE ORDINARY HIGH WATER MARK OF A STREAM, MOST PROJECTS MUST ISOLATE THE WORK AREA FROM THE STREAM BY DIVERTING THE STREAM OR CONSTRUCTING A COFFERDAM. CERTAIN SMALL PROJECTS THAT PROPOSE ONLY A SMALL AMOUNT OF GRADING MAY NOT REQUIRE ISOLATION SINCE DIVERSIONS TYPICALLY RESULT IN DISTURBANCE AND THE RELEASE OF SOME SEDIMENT TO THE STREAM. FOR SUCH SMALL PROJECTS THE POTENTIAL IMPACTS FROM CONSTRUCTION WITH AND WITHOUT A DIVERSION MUST BE WEIGHTED.

6. IF A STREAM MUST BE CROSSED, A TEMPORARY BRIDGE SHALL BE CONSIDERED RATHER THAN ALLOWING EQUIPMENT TO UTILIZE THE STREAMBED FOR A CROSSING.

7. ANY RUNOFF GENERATED BY DEWATERING SHALL BE TREATED THROUGH CONSTRUCTION OF A SEDIMENT TRAP WHEN THERE IS SUFFICIENT SPACE OR BY RELEASING THE WATER TO A WELL-VEGETATED, GENTLY SLOPING AREA. SINCE PUMPS ARE USED FOR DEWATERING, IT MAY BE POSSIBLE TO PUMP THE SEDIMENT-LADEN WATER WELL AWAY FROM THE SURFACE WATER SO THAT VEGETATION CAN BE MORE EFFECTIVELY UTILIZED FOR TREATMENT. A STRAW BALE FILTER SHALL BE PLACED AROUND THE DISCHARGE FROM THE DEWATERING PUMP. IF THERE IS NOT SPACE FOR A SEDIMENT TRAP OR 25 FEET OF SUITABLE VEGETATION, OTHER FILTRATION METHODS SHALL BE REQUIRED.

ESC-4 FINAL SITE STABILIZATION NOTES

TO OBTAIN FINAL CONSTRUCTION APPROVAL, THE FOLLOWING CONDITIONS MUST BE MET:

1. ALL DISTURBED AREAS OF THE SITE SHALL BE VEGETATED OR OTHERWISE PERMANENTLY STABILIZED. AT A MINIMUM, DISTURBED AREAS SHALL BE SEEDED AND MULCHED WITH A HIGH LIKELY HOOD THAT SUFFICIENT COVER WILL DEVELOP SHORTLY AFTER FINAL APPROVAL. MULCH WITHOUT SEEDING IS NOT ADEQUATE TO ALLOW FINAL APPROVAL OF THE PERMIT, EXCEPT FOR SMALL AREAS OF MULCH USED FOR LANDSCAPING. THE ONLY EXCEPTIONS TO THESE REQUIREMENTS ARE LOTS WITHIN A PLAT THAT ARE TO BE DEVELOPED UNDER AN APPROVED RESIDENTIAL PERMIT IMMEDIATELY FOLLOWING PLAT APPROVAL. THESE CASES, MULCH AND/OR TEMPORARY SEEDING ARE ADEQUATE FOR COVER.

2. STRUCTURAL MEASURES SUCH AS, BUT NOT LIMITED TO, SILT FENCES, PIPE SLOPES DRAINS, CONSTRUCTION ENTRANCES, STORM DRAIN INLET PROTECTION, AND SEDIMENT TRAPS AND PONDS SHALL BE REMOVED FROM THE SITE. MEASURES THAT WILL QUICKLY DECOMPOSE, SUCH AS BRUSH BARRIERS AND ORGANIC MULCHES, MAY BE LEFT IN PLACE. IN THE CASE OF SILT FENCES, IT MAY BE BEST TO REMOVE FENCES IN CONJUNCTION WITH THE SEEDING, SINCE IT MAY BE NECESSARY TO BRING MACHINERY BACK IN TO REMOVE THEM. THIS WILL RESULT IN DISTURBED SOILS THAT WILL AGAIN REQUIRE PROTECTION. THE DDES INSPECTOR MUST APPROVE AN APPLICANT'S PROPOSAL TO REMOVE FENCING PRIOR TO THE ESTABLISHMENT OF VEGETATION. IN SOME CASES, SUCH AS RESIDENTIAL BUILDING FOLLOWING PLAT DEVELOPMENT, IT MAY BE APPROPRIATE TO LEAVE SOME OR ALL ESC MEASURES FOR USE DURING SUBSEQUENT DEVELOPMENT. THIS SHALL BE DETERMINED ON A SITE-SPECIFIC BASIS.

3. ALL PERMANENT SURFACE WATER FACILITIES, INCLUDING CATCH BASINS, MANHOLES, PIPES, DITCHES, CHANNELS, R/D FACILITIES, AND WATER QUALITY FACILITIES, SHALL BE CLEANED. ANY OFFSITE CATCH BASIN THAT REQUIRED PROTECTION DURING CONSTRUCTION SHALL ALSO BE CLEANED.

4. IF ONLY THE INFRASTRUCTURE OF THE SITE HAS BEEN DEVELOPED (E.G. SUBDIVISIONS AND SHORT PLATS) WITH BUILDING CONSTRUCTION TO OCCUR UNDER A DIFFERENT PERMIT, THEN THE SENSITIVE AREA BUFFERS, SENSITIVE AREA TRACTS, OR SENSITIVE AREA SETBACK AREA SHALL BE CLEARLY MARKED AS DESCRIBED IN SECTION D.4.1 IN ORDER TO ALERT FUTURE BUYERS AND BUILDERS.

ESC-5 ROAD AND UTILITIES E.S.C. NOTES

1. PHASING THE PROJECT SO THAT THE SITE IS WORKED PROGRESSIVELY FROM END TO END, RATHER THAN CLEARING AND GRUBBING THE ENTIRE LENGTH OF THE PROJECT. THIS RESULTS IN SMALLER EXPOSED AREAS FOR SHORTER DURATION'S, THUS REDUCING THE EROSION RISK.

2. MULCHING AND VEGETATING CUT AND FILL SLOPES AS SOON AS THEY ARE GRADED. FREQUENTLY, THIS IS DONE AT THE END OF CONSTRUCTION WHEN PAVING OR UTILITY INSTALLATION IS COMPLETE. VEGETATING THESE AREAS AT THE START OF THE PROJECT STABILIZES THOSE AREAS MOST SUSCEPTIBLE TO EROSION.

3. PROTECTING ALL CATCH BASIN INLETS WITH CATCH BASIN INSERTS WHEN THESE DO NOT DRAIN TO PONDS OR TRAPS. THIS WILL NOT PROVIDE THE SAME LEVEL OF PROTECTION AS A SEDIMENT POND OR TRAP, BUT CAN REMOVE MOST OF THE SAND-SIZED MATERIAL ENTRAINED IN THE RUNOFF.

4. PHASING THE PROJECT SO THAT ALL CLEARING AND GRADING IN SENSITIVE AREA BUFFERS OCCURS IN THE DRY SEASON. THIS SUBSTANTIALLY REDUCES THE CHANCE OF EROSION AND ALLOWS FOR RAPID REVEGETATION IN THE LATE SUMMER AND EARLY FALL.

5. USING FLOCCULENT TO REDUCE THE TURBIDITY OF WATER RELEASED FROM SEDIMENT PONDS, WHEN APPROVED BY THE DEPARTMENT OF ECOLOGY.

6. HIRING A PRIVATE CONSULTANT WITH EXPERTISE IN ESC TO REVIEW AND MONITOR THE SITE.

ESC-6 CONSTRUCTION SEQUENCE

1. ATTEND PRE-CONSTRUCTION MEETING.

2. FLAG OR FENCE CLEARING LIMITS.

3. POST SIGN WITH NAME AND PHONE NUMBER OF ESC SUPERVISOR.

4. INSTALL CATCH BASIN PROTECTION IF REQUIRED.

5. GRADE AND INSTALL CONSTRUCTION ENTRANCE(S).

6. INSTALL PERIMETER PROTECTION (SILT FENCE, BRUSH BARRIER, ETC.).

7. CONSTRUCT SEDIMENT PONDS AND TRAPS.

8. GRADE AND STABILIZE CONSTRUCTION ROADS.

9. CONSTRUCT SURFACE WATER CONTROLS (INTERCEPTOR DIKES, PIPE
SLOPE DRAINS, ETC.) SIMULTANEOUSLY WITH CLEARING AND GRADING FOR PROJECT DEVELOPMENT.

10.MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH KING COUNTY STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.

11.RELOCATE SURFACE WATER CONTROLS AND EROSION CONTROL MEASURES OR INSTALL NEW MEASURES SO THAT AS SITE CONDITIONS CHANGE THE EROSION AND SEDIMENT CONTROL IS ALWAYS IN ACCORDANCE WITH THE KING COUNTY EROSION AND SEDIMENT CONTROL STANDARDS.

12.COVER ALL AREAS THAT WILL BE UNWORKED FOR MORE THAN SEVEN DAYS OR TWO DAYS DURING THE WET SEASON WITH STRAW, WOOD FIBER MULCH, COMPOST, PLASTIC SHEETING OR EQUIVALENT.

13. STABILIZE ALL AREAS THAT REACH FINAL GRADE WITHIN SEVEN DAYS.

14.SEED OR SOD ANY AREAS TO REMAIN UNWORKED FOR MORE THAN 30 DAYS.

15. UPON COMPLETION OF THE PROJECT, ALL DISTURBED AREAS MUST BE STABILIZED AND BMP'S REMOVED IF APPROPRIATE.

CONSTRUCTION STORMWATER GENERAL PERMIT: WAR127110

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY:	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" TEMPORARY EROSION & SEDIMENTATION CONTROL NOTES	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. EC-2

GRAPHIC SCALE

50 0 25 50 100

(IN FEET)

Horizontal Scale: 1 Inch = 50 Feet

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

NOTE:
ALL TRAILS, LANDSCAPE AREAS, AND THE ENTRANCE SIGN, AS WELL AS LAWN AREAS WITHIN THE PLAT, BUT OUTSIDE THE PRIVATELY OWNED LOTS, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

LEGEND:
- SET REBAR & CAP #22960
- SET CONC. MON. IN CASE
- FND MONUMENT AS NOTED
- CALCULATED POINT

LEGAL DESCRIPTION:

BIG FIR SOUTH – GROSS BOUNDARY

THAT PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;
THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, NORTH 00°44'42" EAST, A DISTANCE OF 30.02 FEET TO THE INTERSECTION WITH THE NORTHERLY MARGIN OF BLACKBURN ROAD;
THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°44'42" EAST, A DISTANCE OF 265.00 FEET TO THE APPROXIMATE PATH OF MADDOX CREEK;
THENCE LEAVING SAID WEST LINE, ALONG SAID APPROXIMATE PATH, NORTH 39°33'18" EAST, A DISTANCE OF 114.07 FEET;
THENCE NORTH 13°48'14" EAST, A DISTANCE OF 128.00 FEET;
THENCE NORTH 63°37'49" EAST, A DISTANCE OF 89.58 FEET;
THENCE NORTH 74°21'57" EAST, A DISTANCE OF 187.31 FEET;
THENCE NORTH 44°14'59" EAST, A DISTANCE OF 243.07 FEET;
THENCE NORTH 24°33'37" EAST, A DISTANCE OF 86.21 FEET;
THENCE SOUTH 70°46'18" EAST, A DISTANCE OF 104.34 FEET;
THENCE NORTH 60°00'44" EAST, A DISTANCE OF 218.56 FEET TO THE MOST WESTERLY LINE OF THE PROPERTY DESCRIBED IN THE QUIT CLAIM DEED, RECORDED UNDER AUDITOR'S FILE NUMBER 200310100182, RECORDS OF SKAGIT COUNTY, STATE OF WASHINGTON;
THENCE LEAVING SAID MADDOX CREEK, ALONG THE LAST DESCRIBED WESTERLY LINE, SOUTH 00°48'34" WEST, A DISTANCE OF 605.83 FEET TO A POINT ON THE NORTH LINE OF THE PROPERTY DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 573266, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON;
THENCE ALONG SAID NORTH LINE OF LAST SAID PROPERTY, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, SOUTH 88°43'08" WEST, A DISTANCE OF 332.30 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN THE STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 200206260073, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON;
THENCE ALONG THE EAST LINE OF LAST DESCRIBED PROPERTY, SOUTH 01°16'52" WEST, A DISTANCE OF 300.00 FEET TO THE INTERSECTION WITH SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28;
THENCE ALONG SAID SOUTH LINE, SOUTH 88°43'08" WEST, A DISTANCE OF 200.07 FEET;
THENCE LEAVING SAID SOUTH LINE, NORTHERLY, ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE PROPERTY DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 9511150086, RECORDS OF SAID SKAGIT COUNTY, STATE OF WASHINGTON, NORTH 00°46'38" EAST, A DISTANCE OF 30.02 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY DESCRIBED IN LAST SAID STATUTORY WARRANTY DEED AND THE NORTHERLY MARGIN OF BLACKBURN ROAD;
THENCE ALONG SAID NORTH MARGIN, SOUTH 88°43'08" WEST, A DISTANCE OF 326.95 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL PUBLIC ROAD RIGHTS-OF-WAY LOCATED WITHIN SAID BOUNDARY.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	31°58'49"	160.00	89.31
C2	93°01'23"	49.00	79.55
C3	12°19'26"	280.00	60.23
C4			
C5	10°57'05"	300.00	54.34
C6	27°30'54"	300.00	146.06
C7	12°11'24"	450.00	95.74
C8			
C9	17°40'44"	145.00	44.74
C10	25°15'47"	145.00	63.93
C11	18°28'04"	82.00	26.43
C12	87°54'34"	39.00	59.84
C13	49°08'56"	71.00	60.90
C14	90°00'00"	20.00	31.42
C15	2°30'34"	135.00	5.91
C16	29°28'15"	135.00	69.44
C17			
C18	9°34'07"	39.00	6.51
C19			
C20	114°08'23"	60.00	119.53
C21	17°48'35"	60.00	18.65
C22	6°25'48"	60.00	6.73
C23	69°08'21"	60.00	72.40
C24	20°45'39"	60.00	21.74
C25	4°13'23"	39.00	2.87
C26			
C27	5°07'19"	275.00	24.58
C28	14°02'21"	275.00	67.38
C29	12°53'34"	275.00	61.88
C30	6°24'44"	275.00	30.78
C31			
C32	3°01'18"	475.00	25.05
C33	6°40'21"	475.00	55.32
C34	2°29'45"	475.00	20.69
C35			
C36	14°14'58"	170.00	42.28
C37	19°31'24"	170.00	57.94
C38	9°09'59"	170.00	27.19
C39	90°00'00"	20.00	31.42
C40	13°10'43"	76.00	17.48
C41	114°16'00"	54.00	107.69
C42	13°11'54"	54.00	12.44
C43	37°02'03"	54.00	34.90
C44	22°18'37"	54.00	21.03
C45	41°43'26"	54.00	39.32
C46	13°10'43"	76.00	17.48
C47	28°30'26"	90.00	44.79
C48			
C49	19°48'15"	90.00	31.11
C50	83°45'40"	20.00	29.24
C51			
C52	7°13'37"	325.00	40.99
C53	9°40'10"	325.00	54.85
C54	3°58'30"	325.00	22.55
C55	12°19'26"	255.00	54.85
C56	93°01'23"	24.00	38.97
C57			
C58	8°38'22"	185.00	27.90
C59	14°39'35"	185.00	48.41
C60	8°20'52"	185.00	26.95
C61			
C62	48°55'49"	52.00	44.41
C63	0°31'37"	135.00	1.24
C64	6°58'32"	16.00	18.98
C65	82°38'31"	20.00	28.85
C66	4°36'51"	325.00	26.17
C67			
C68	4°26'13"	425.00	32.90
C69	7°45'11"	425.00	57.51
C70			
C71	24°06'16"	16.00	6.73
C72	132°56'31"	20.00	46.40
C73	87°54'34"	20.00	30.69
C74	4°59'56"	305.00	26.61
C75	19°56'39"	16.00	5.57
C76	67°58'32"	16.00	18.98

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This approval does not constitute approval of any permit or any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the plans to the City Codes is the responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and rules is the responsibility of the Applicant. Such laws include, but are not limited to, Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the professional Landscape and Civil Engineer. The signature of the professional Engineer is proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____ Date_____

This approval will expire in one year from the date noted above.

PR13-311 & LU06-089

PROJECT LAND SURVEYOR:
LISSER & ASSOCIATES, PLLC
P.O. BOX 1109
MOUNT VERNON, WA 98274
(360) 419-7442

FILE NUMBER: BIG FIR SOUTH P.U.D	DESIGNED BY: SGB	REVISIONS	DATE
PAPER SPACE PLOT SCALE: 1 TO 1	DRAWN BY: SGB		
LAST EDIT DATE: 03/19/2013	CHECKED BY: TKG		

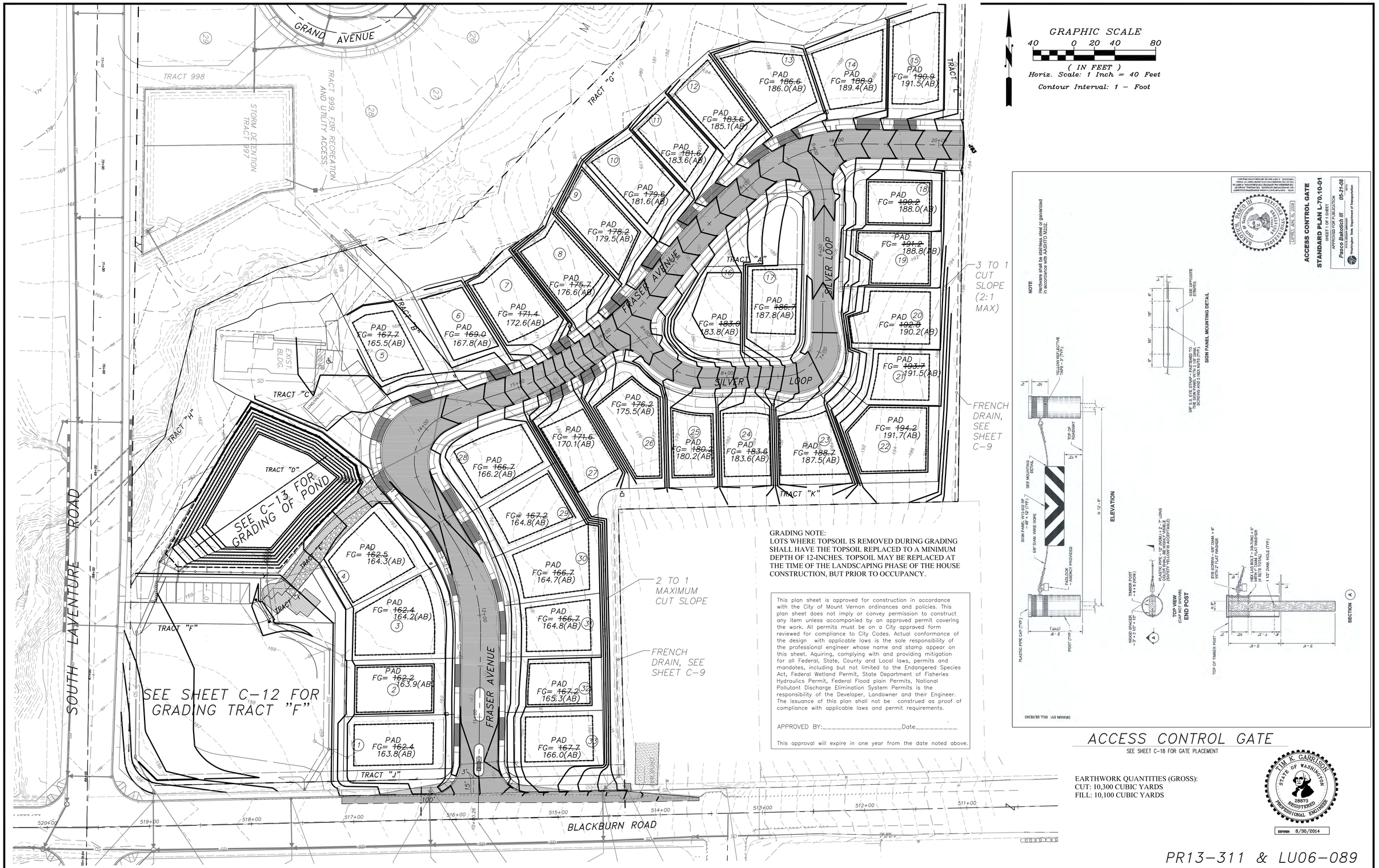
LANDED GENTRY HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

SHEET DESCRIPTION: "AS-BUILT" SITE PLAN (REFERENCE ONLY, SEE RECORDED PLAT MAP)

PROJECT: PLAT OF BIG FIR SOUTH P.U.D.

DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233

SHEET NO. C-2



GRADING NOTE:
LOTS WHERE TOPSOIL IS REMOVED DURING GRADING SHALL HAVE THE TOPSOIL REPLACED TO A MINIMUM DEPTH OF 12-INCHES. TOPSOIL MAY BE REPLACED AT THE TIME OF THE LANDSCAPING PHASE OF THE HOUSE CONSTRUCTION, BUT PRIOR TO OCCUPANCY.

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

ACCESS CONTROL GATE

SEE SHEET C-18 FOR GATE PLACEMENT

EARTHWORK QUANTITIES (GROSS):
CUT: 10,300 CUBIC YARDS
FILL: 10,100 CUBIC YARDS

TIM K GARRISON
STATE OF WASHINGTON
28873
REGISTERED PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

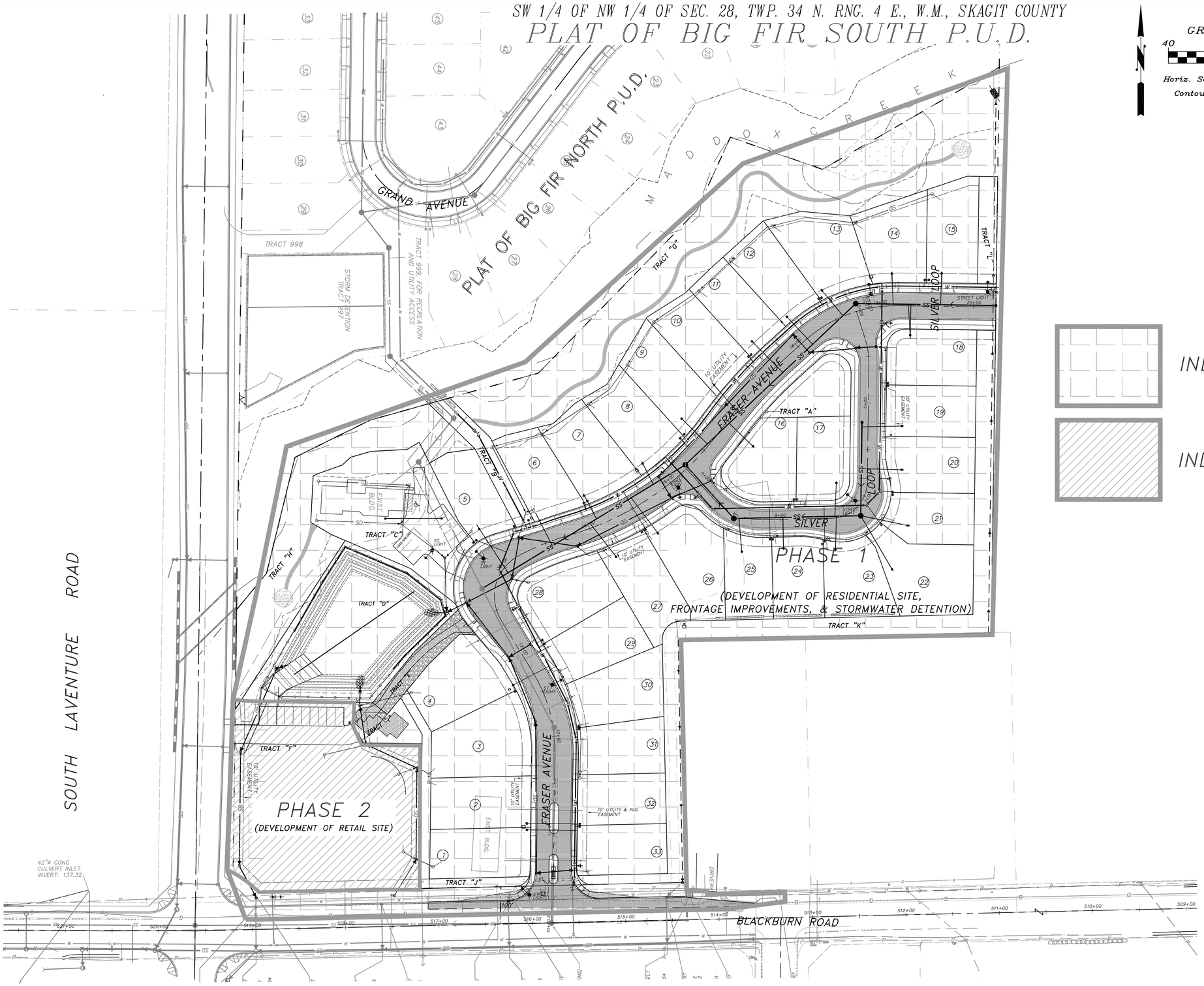
PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" BIG FIR SOUTH P.U.D. GRADING PLAN	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-2A

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
Horiz. Scale: 1 Inch = 40 Feet
Contour Interval: 1 – Foot



INDICATES AREA OF PHASE 1
(CONSTRUCTION WITH THESE PLANS)

INDICATES AREA OF PHASE 2
(FUTURE CONSTRUCTION)

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

TIM K. GARRISON
STATE OF WASHINGTON
28873
REGISTERED
PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" PHASING PLAN	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-3

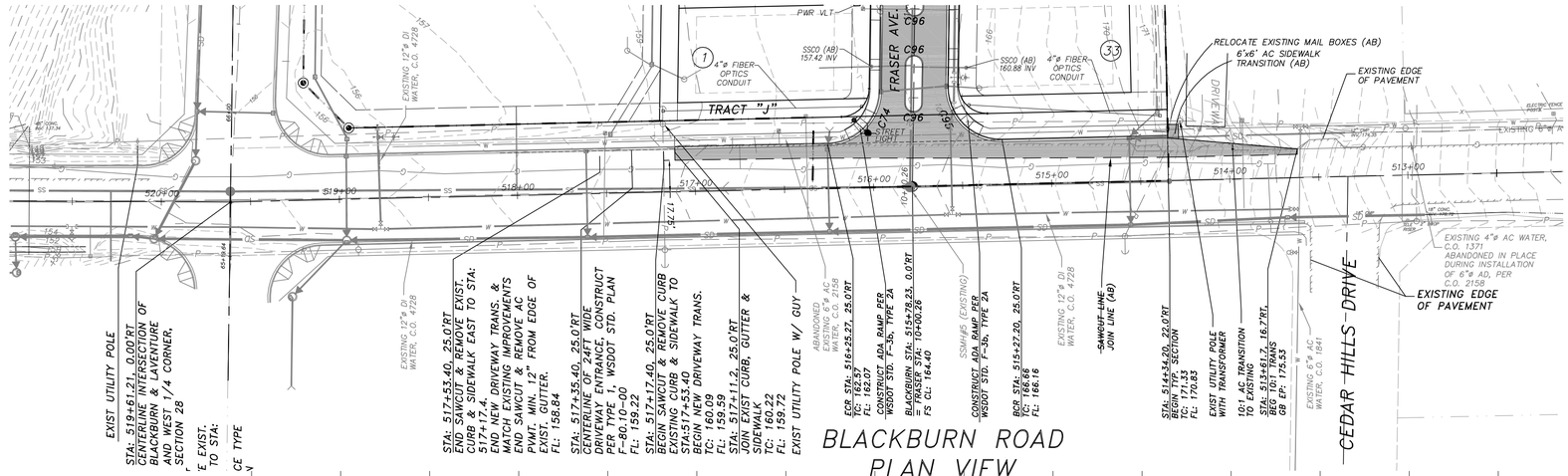
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

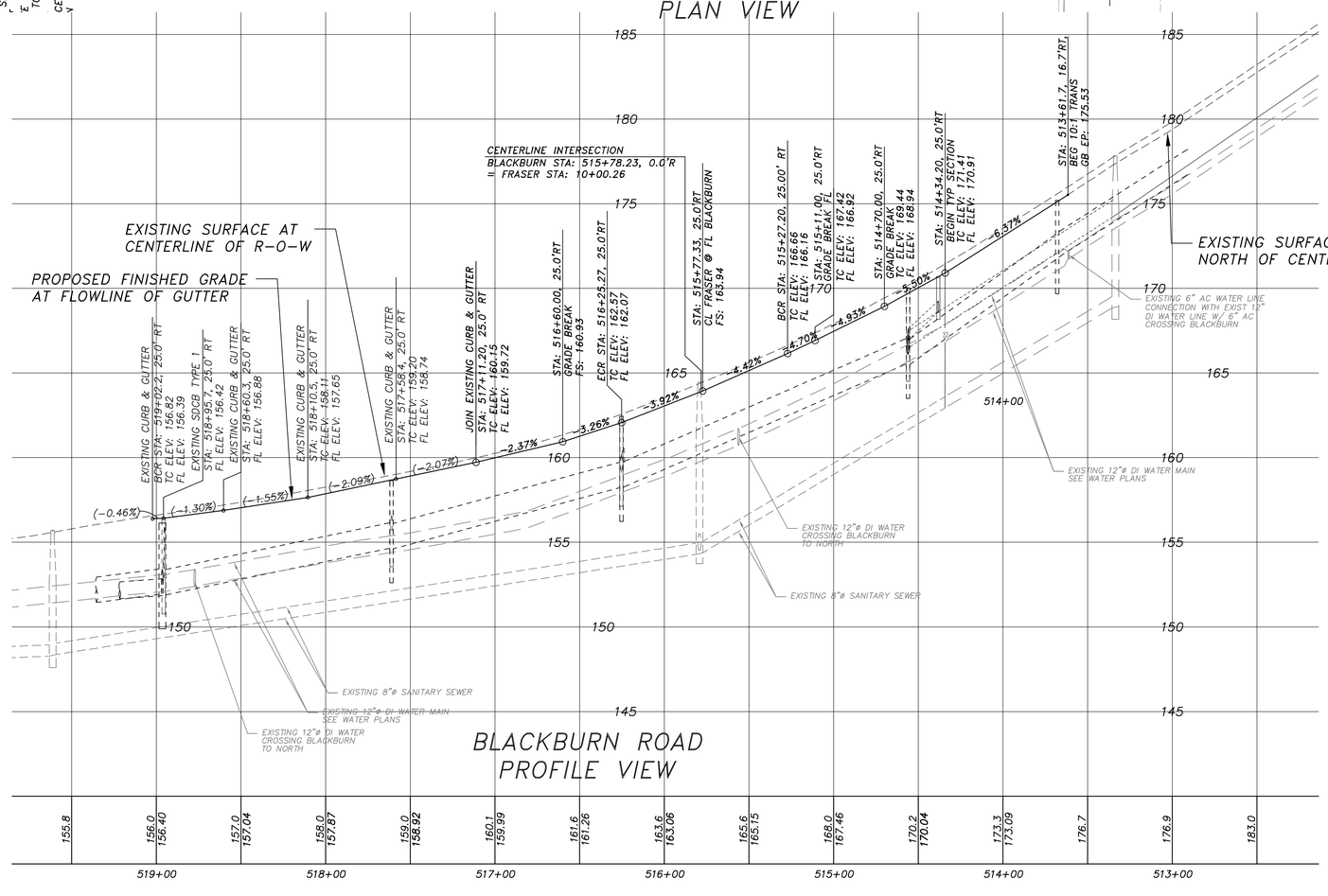
PLAT OF BIG FIR SOUTH P.U.D.

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.





GRAPHIC SCALE

40 0 20 40 80

(IN FEET)

Horiz. Scale: 1 Inch = 40 Feet

Contour Interval: 1 – Foot

NOTE TO CONTRACTOR:
INSTALLATION OF 4-INCH DIAMETER CONDUIT FOR FIBER OPTICS AS PER CITY OF MOUNT VERNON ENGINEERING DESIGN STANDARD 3-28, IS REQUIRED ALONG THE BLACKBURN ROAD FRONTAGE. SAID CONDUIT, ALONG WITH JUNCTION BOXES, SHALL BE INSTALLED WITHIN THE PROPOSED FRANCHISE UTILITY TRENCH AT THE TIME OF THE INSTALLATION OF THE OTHER FRANCHISE UTILITIES. CONTRACTOR SHALL PROVIDE THE CONDUIT AND JUNCTION BOXES FOR THIS INSTALLATION.

TIM K GARRISON
STATE OF WASHINGTON
28873
REGISTERED
PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D	DESIGNED BY: SGB	REVISIONS	DATE
PAPER SPACE PLOT SCALE: 1 TO 1	DRAWN BY: SGB		
LAST EDIT DATE: 03/19/2013	CHECKED BY: TKG		

LANDED GENTRY
HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

SHEET DESCRIPTION: "AS-BUILT" BLACKBURN ROAD STREET IMPROVEMENT PLANS

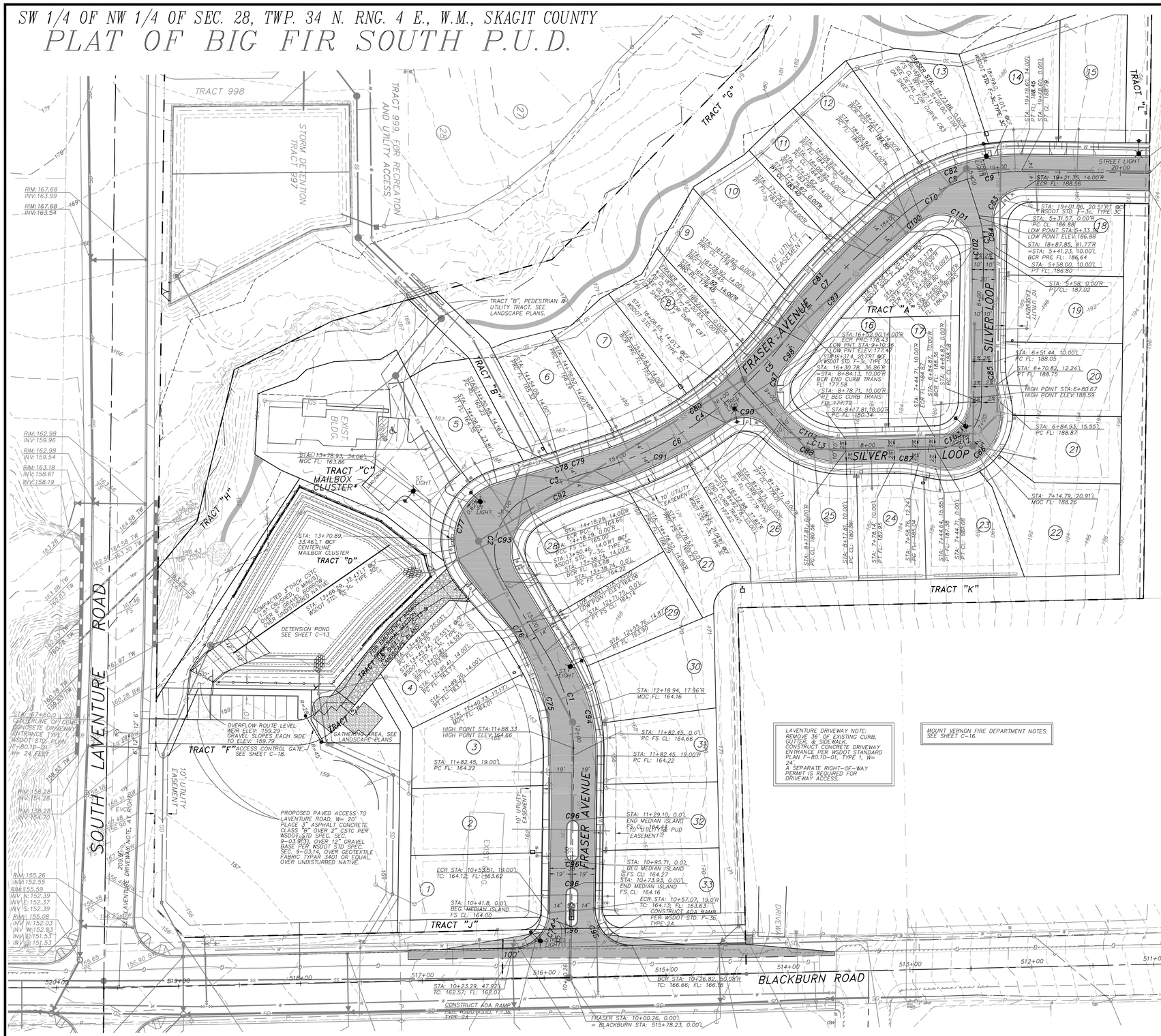
PROJECT: PLAT OF BIG FIR SOUTH P.U.D.

DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233

SHEET NO. C-4

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.



GRAPHIC SCALE

40 0 20 40 80

(IN FEET)

Horiz. Scale: 1 Inch = 40 Feet

Contour Interval: 1 – Foot

TIM K. GARRISON — STATE OF WASHINGTON — 28873 — REGISTERED PROFESSIONAL ENGINEER

EXPIRES 8/30/2014

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

CURB RETURN TABLE

CURVE NO.	DESCRIPTION	FRASER STATION	OFFSET*	TC ELEV.	FL ELEV.
C95	BCR	10+27.09	50.09'	166.66	166.16
C95	1/4 DELTA	10+29.05	38.28'	165.96	165.46
C95	2/4 DELTA	10+35.48	28.18'	164.99	164.49
C95	3/4 DELTA	10+45.34	21.39'	164.22	163.72
C95	ECR	10+57.07	19.00'	164.13	163.63
CURVE NO.	DESCRIPTION	FRASER STATION	OFFSET*	TC ELEV.	FL ELEV.
C74	BCR	10+23.53	-47.91'	162.57	162.07
C74	1/4 DELTA	10+26.12	-36.77'	162.99	162.49
C74	2/4 DELTA	10+32.69	-27.41'	163.50	163.00
C74	3/4 DELTA	10+42.28	-21.18'	163.94	163.44
C74	ECR	10+53.51	-19.00'	164.12	163.62
CURVE NO.	DESCRIPTION	FRASER STATION	OFFSET*	TC ELEV.	FL ELEV.
C90	BCR	15+90.83	14.00'	175.70	175.20
C90	1/4 DELTA	15+99.46	15.84'	176.40	175.90
C90	2/4 DELTA	16+06.65	21.04'	177.12	176.62
C90	3/4 DELTA	16+11.33	28.76'	177.73	177.23
C90	ECR	16+12.98	37.82'	178.12	177.62
CURVE NO.	DESCRIPTION	FRASER STATION	OFFSET*	TC ELEV.	FL ELEV.
C97	BCR	16+30.78	36.86'	178.08	177.58
C97	1/4 DELTA	16+32.66	28.09'	177.90	177.40
C97	2/4 DELTA	16+37.40	20.70'	178.24	177.74
C97	3/4 DELTA	16+44.49	15.74'	178.57	178.07
C97	ECR	16+52.90	14.00'	178.93	178.43
CURVE NO.	DESCRIPTION	FRASER STATION	OFFSET*	TC ELEV.	FL ELEV.
C101	BCR	18+23.17	14.00'	185.36	184.85
C101	1/4 DELTA	18+37.96	17.00'	185.89	185.39
C101	2/4 DELTA	18+50.32	25.51'	186.48	185.98
C101	3/4 DELTA	18+57.24	37.93'	186.97	186.47
C101	ECR	18+54.85	51.37'	187.23	186.73
CURVE NO.	DESCRIPTION	FRASER STATION	OFFSET*	TC ELEV.	FL ELEV.
C83	BCR	18+87.85	41.77'	187.14	186.64
C83	1/4 DELTA	18+91.04	31.02'	187.52	187.02
C83	2/4 DELTA	18+98.91	22.09'	187.90	187.40
C83	3/4 DELTA	19+09.61	16.17'	188.56	188.06
C83	ECR	19+21.35	14.00'	189.06	188.56
CURVE NO.	DESCRIPTION	FRASER STATION	OFFSET*	TC ELEV.	FL ELEV.
C93	BCR	13+38.74	14.00'	164.36	163.86
C93	1/4 DELTA	13+58.63	14.00'	164.94	164.44
C93	2/4 DELTA	13+78.52	14.00'	165.02	164.52
C93	3/4 DELTA	13+98.40	14.00'	165.09	164.59
C93	ECR	14+08.29	14.00'	165.16	164.66
CURVE NO.	DESCRIPTION	SILVER STATION	OFFSET*	TC ELEV.	FL ELEV.
C103	BCR	6+84.87	10.00'	188.61	188.36
C103	1/4 DELTA	6+99.83	10.00'	188.39	188.14
C103	2/4 DELTA	7+14.79	10.00'	187.89	187.64
C103	3/4 DELTA	7+29.75	10.00'	187.11	186.86
C103	ECR	7+44.71	10.00'	186.05	185.80

* NEGATIVE = LEFT OFFSET
POSITIVE = RIGHT OFFSET
SEE DETAIL FOR CURVES C83 & C97 ON SHEET C7

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	31°58'49"	160.00	89.31
C2	93°01'23"	49.00	79.55
C3	12°19'26"	280.00	60.23
C4			
C5	10°57'05"	300.00	57.34
C6	27°30'54"	300.00	144.06
C7	12°11'24"	450.00	95.74
C8			
C9	17°40'44"	145.00	44.74
C10	25°15'47"	145.00	63.93
C11	18°28'04"	82.00	26.43
C12	87°54'34"	39.00	59.84
C13	49°08'56"	71.00	60.90
C74	87°55'12"	30.00	46.03
C75	31°58'49"	173.94	97.09
C76	7°22'02"	50.00	6.43
C77	113°33'02"	49.00	97.11
C78	4°13'23"	50.00	3.69
C79	4°59'56"	294.00	25.65
C80	38°27'59"	286.00	192.01
C81	12°11'24"	464.00	98.72
C82	42°56'30"	159.00	119.17
C83	101°43'16"	25.00	44.38
C84	11°43'16"	92.00	18.82
C85	13°10'43"	85.00	19.55
C86	114°16'01"	45.00	89.74
C87	13°10'43"	85.00	19.55
C88	49°08'55"	81.00	69.48
C89			
C90	85°10'29"	25.00	37.16
C91	21°27'04"	314.00	117.56
C92	12°19'26"	266.00	57.21
C93	93°01'24"	35.00	56.82
C94	31°58'49"	146.06	81.52
C95	92°04'48"	30.00	48.21
C96	180°00'00"	5.00	15.71
C97	82°58'15"	25.00	36.20
C98	5°09'39"	314.00	28.28
C99	12°11'24"	436.00	92.76
C100	5°13'59"	131.00	11.96
C101	125°43'24"	25.00	54.86
C102	1°59'07"	72.00	2.49
C103	87°54'34"	29.00	44.50
C104	49°08'55"	61.00	52.33
C105	180°00'00"	0.50	1.57
C106			
C107			

*MAILBOX CLUSTER
(1) 16 UNIT USPS APPROVED CBU
(1) 12 UNIT USPS APPROVED CBU
(1) 8 UNIT USPS APPROVED CBU

MAILBOX CLUSTER SHOWN ON THIS SHEET IS APPROVED FOR LOCATION BY THE MOUNT VERNON POST MASTER OR POSTMASTER'S AUTHORIZED AGENT.

5-8-2013

DRIVEWAY APRONS

LOT / TRACT	FRASER STATION	OFFSET TO CF	"W"
1	10+82.33	19.00'LT	22'
2	11+40.34	19.00'LT	22'
3	12+47.82	16.78'LT	22'
4	12+86.86	14.02'LT	22'
TRACT "E"	13+54.34	27.53'LT	20'
TRACT "C"	13+83.40	33.73'LT	24'
5	14+12.04	21.53'LT	22'
6	14+84.91	14.00'LT	22'
7	15+22.08	14.00'LT	22'
8	16+29.70	14.00'LT	22'
9	16+67.55	14.00'LT	22'
10	17+39.80	14.00'LT	22'
11	17+74.04	14.00'LT	22'
12	18+28.30	14.00'LT	22'
13	18+58.97	14.00'LT	22'
14	19+30.79	14.00'LT	22'
15	19+66.79	14.00'LT	22'
LOTS 16 THROUGH 25 HAVE ROLLED CURB			
26	15+66.39	14.00'RT	22'
27	15+32.36	14.00'RT	22'
28	13+12.81	14.00'RT	22'
29	12+76.79	14.00'RT	22'
30	12+19.65	17.92'RT	22'
31	11+91.29	18.94'RT	22'
32	11+46.06	19.00'RT	22'
33	10+88.87	19.00'RT	22'

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D
PAPER SPACE PLOT SCALE: 1 TO 1
LAST EDIT DATE: 03/19/2013

DESIGNED BY: SGB
DRAWN BY: SGB
CHECKED BY: TKG

REVISIONS DATE

LANDED GENTRY HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

SHEET DESCRIPTION: "AS-BUILT" FRASER AVENUE & SILVER LOOP STREET IMPROVEMENT PLANS

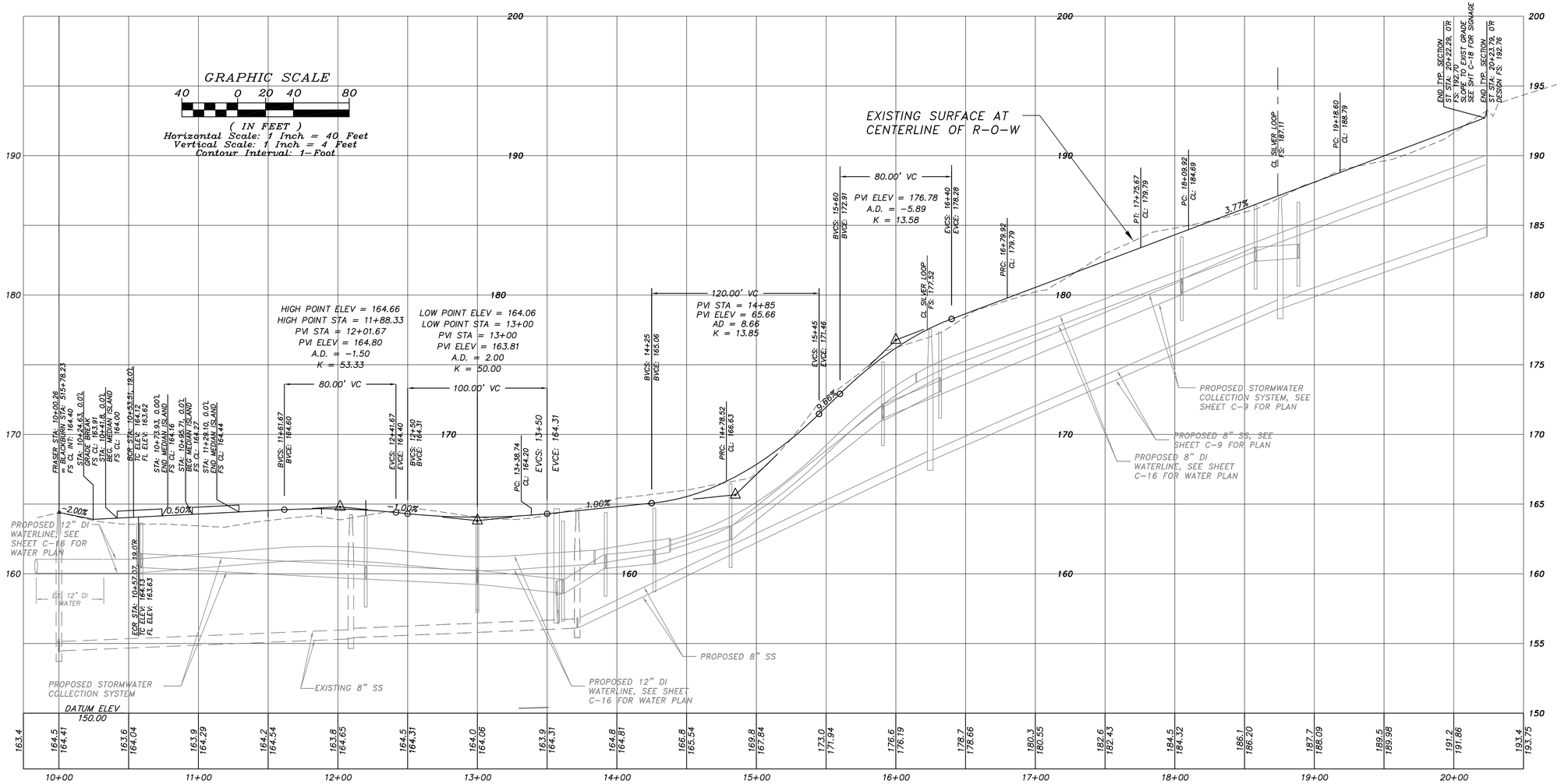
PROJECT: PLAT OF BIG FIR SOUTH P.U.D.

DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233

SHEET NO. C-5

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.



This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

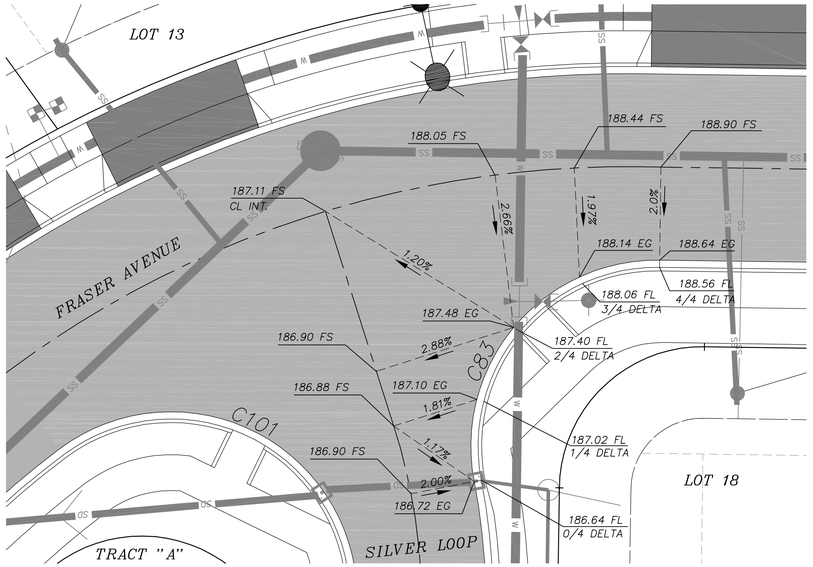
This approval will expire in one year from the date noted above.

PR13-311 & LU06-089

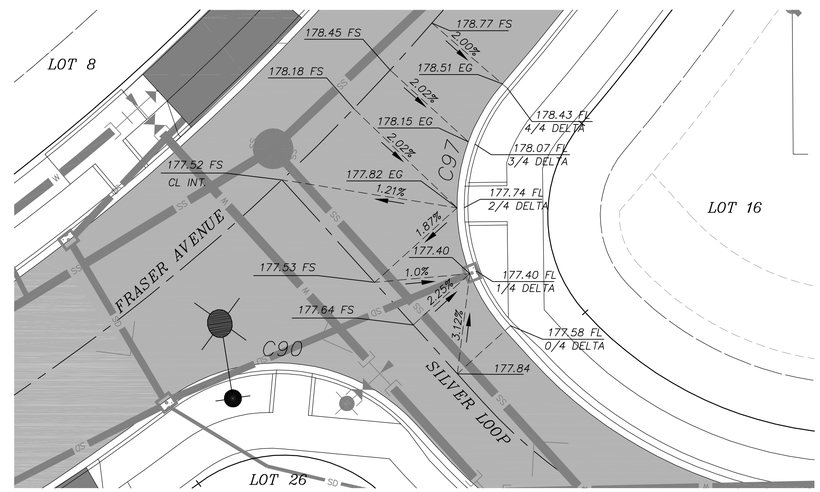
FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" FRASER AVENUE STREET IMPROVEMENT PROFILE	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-6

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

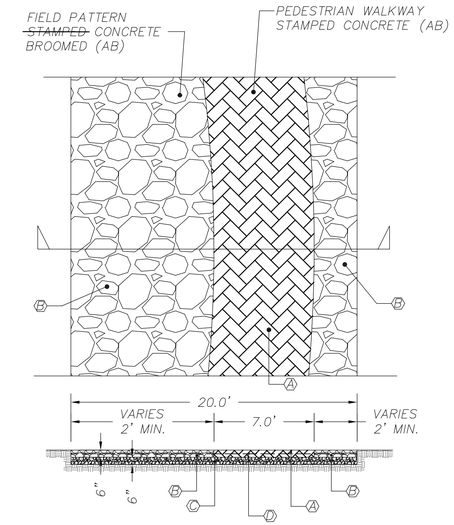
PLAT OF BIG FIR SOUTH P.U.D.



DETAIL FOR CURVE C83
(FOR GRADING OF INTERSECTION)



DETAIL FOR CURVE C97
(FOR GRADING OF INTERSECTION)



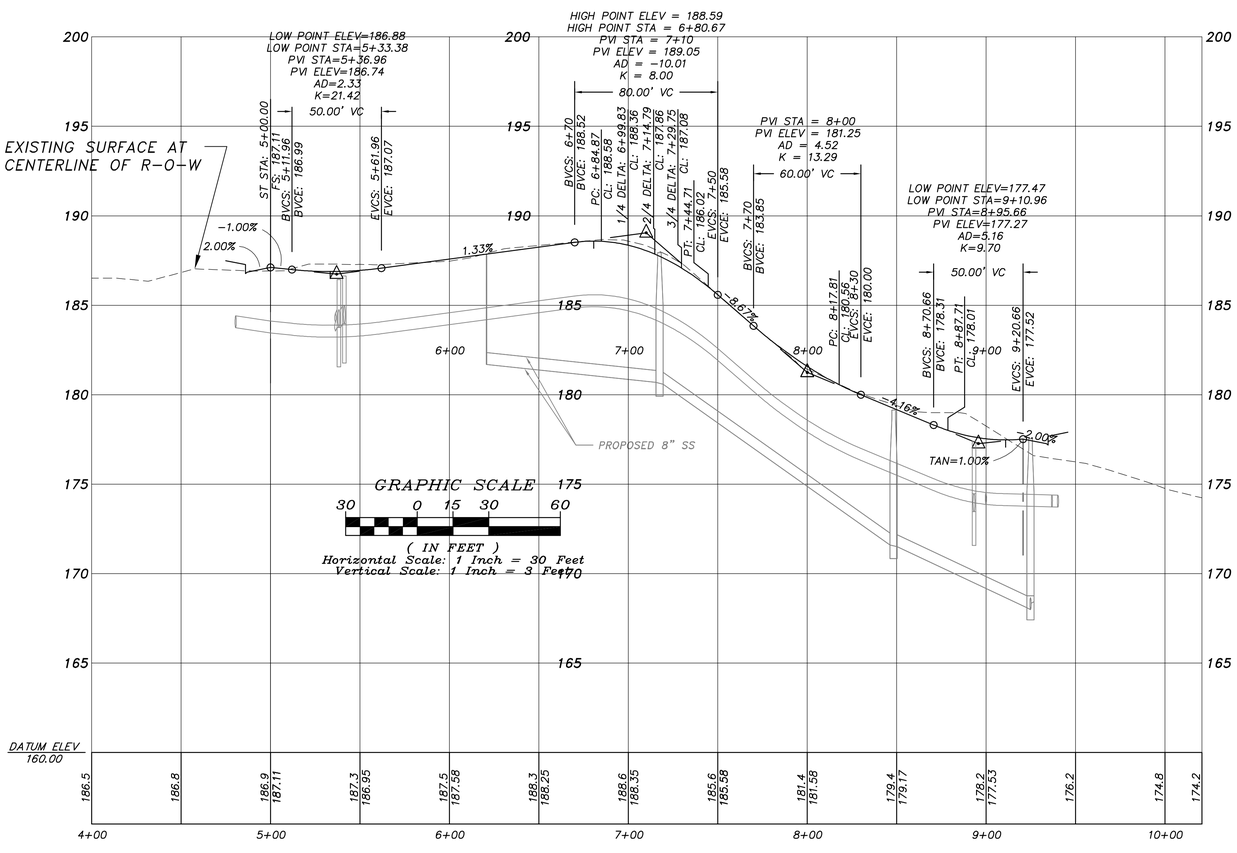
Ⓐ 6" THICK STAMPED 2,500 PSI CONCRETE IN PEDESTRIAN WALKWAY. STAMPED CONCTRETE SHALL CONTRAST IN PATTERN AND COLOR FROM "FIELD" PATTERN.

Ⓑ 6" THICK STAMPED 2,500 PSI CONCRETE IN "FIELD" PATTERN. STAMPED CONCTRETE SHALL CONTRAST IN PATTERN AND COLOR FROM PEDESTRIAN WALKWAY PATTERN.

Ⓒ 6" COMPACTED THICKNESS OF GRANULAR PIT RUN SUITABLE FOR ROAD SUBGRADE, COMPACTED TO 95% RC.

Ⓓ 6"x6" 6-GAGE WELDED WIRE FABRIC, CENTERED IN CONCRETE.

EMERGENCY ACCESS &
PEDESTRIAN WALKWAY DETAIL
SEE TRACT "E", SHT C-13



This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

TIM K. GARRISON
STATE OF WASHINGTON
28873
REGISTERED
PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" STREET AND DRIANAGE PROFILE SILVER LOOP	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-7

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

STORM SEWER CONTRUCTION NOTES: (AS-BUILT)
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

SD #1, 12"ø OUTLET, STA: 13+57.8, 66.9'LT; INV: ~~156.40~~ 156.66

SD #2, SDCB 48"ø TYPE 2, FRASER STA: 13+56.8, 52.9'LT; RIM: ~~164.67~~ 163.86; INV: ~~158.47~~ 158.66

SD #2A, CONCRETE INLET, COORD: N 10080.35, E 8257.84; RIM: ~~164.74~~ 164.32; INV: ~~160.24~~ 161.02

SD #3, SDCB TYPE 1, FRASER STA: 13+61.3, 30.0'LT; RIM: ~~163.77~~ 163.60; INV: ~~158.60~~ 159.10

SD #4, SDCB TYPE 1, FRASER STA: 13+00.00, 13.6'LT; RIM: ~~163.71~~ 163.68; INV: ~~159.24~~ 159.65

SD #4A, SDCB TYPE 1, FRASER STA: 13+00.00, 13.3'RT; RIM: ~~163.72~~ 163.78; INV: ~~159.49~~ 159.78

SD #5, SDCB TYPE 1, FRASER STA: 12+20.00, 17.6'LT; RIM: ~~164.16~~ 164.26; INV: ~~159.62~~ 159.99

SD #6, SDCB TYPE 1, FRASER STA: 10+53.3, 18.3'LT; RIM: ~~163.62~~ 163.62; INV: ~~160.44~~ 160.77

SD #7, SDCB TYPE 1, FRASER STA: 10+56.8, 18.3'RT; RIM: ~~163.63~~ 163.71; INV: ~~160.63~~ 161.03

SD #8, EXIST 8" SD INLET, BLACKBURN STA: 514+38.3, 40.1'RT; INV SW: 168.59; INSTALL CONCRETE INLET WSDOT STD B-25.60-00 W/ SOLID COVER; JOIN EXIST 8" TO SW & 8" FRENCH DRAIN TO NORTH; RIM: ~~170.70~~ 170.12 INV 8" IN N: ~~168.59~~ 168.79 INV 8" OUT SW: ~~168.59~~ 168.55

SD #9, EXIST TYPE 1 SDCB, BLACKBURN STA: 516+25.4, 22.1'RT; RIM: 162.25; INV 12" IN N: 159.17; INV 12" OUT S: 159.12; RELOCATE EXIST SDCB TO 24.3'RT; RIM FL: 162.07; INV 12" OUT S: 159.13; REMOVE 12" SD TO NORTH.

SD #10, EXIST 12" SD INLET, BLACKBURN STA: 516+24.0, 32.3'RT; INV 12" IN: 159.58; REMOVE S'Y TO SDCB.

SD #11, SDCB TYPE 1, FRASER STA: 13+92.05, 13.3'RT; RIM: ~~164.38~~ 164.43; INV: ~~159.39~~ 159.63

SD #12, SDCB TYPE 1, FRASER STA: 14+26.94, 16.7'LT; RIM: ~~164.71~~ 164.92; INV: ~~160.71~~ 160.07

SD #13, SDCB TYPE 1, FRASER STA: 14+81.6, 13.3'RT; RIM: ~~166.45~~ 166.65; INV: ~~162.45~~ 163.20

SD #14, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'RT; RIM: ~~175.20~~ 175.23; INV: ~~171.02~~ 170.61

SD #14A, SDCB TYPE 1, FRASER STA: 16+31.81, 27.8'RT; RIM: ~~177.40~~ 177.39; INV: ~~173.06~~ 172.69

SD #15, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'LT; RIM: ~~175.20~~ 175.49; INV: ~~171.20~~ 171.14

SD #16, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'LT; RIM: ~~184.17~~ 184.27; INV: ~~180.01~~ 180.01

SD #17, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'RT; RIM: ~~184.17~~ 184.30; INV: ~~180.17~~ 180.40

SD #18, SDCB TYPE 1, FRASER STA: 18+57.92, 36.8'RT; SILVER STA: 5+38.24, 12.16'RT; RIM: ~~186.43~~ 186.32; INV: ~~182.43~~ 182.81

SD #18A, SDCB TYPE 1, FRASER STA: 18+86.86, 41.76'RT; SILVER STA: 5+41.23, 9.3'LT; RIM: ~~186.64~~ 186.71; INV: ~~182.64~~ 182.59

SD #19, 12"ø OUTLET, SD STA: 4+12.54; ~~N 9947.62, E 8166.46~~ INV: ~~156.40~~ 156.39; N 9943.97 E 8166.62

SD #20, SDCB TYPE 1, SD STA: 1+26.2; ~~N 9921.43, E 8166.02~~; RIM: ~~160.00~~ 156.53; INV: ~~160.02~~ 156.50; N 9922.65 E 8165.96

SD #21, SDCB TYPE 1, SD STA: 3+45.68; ~~N 9880.99 E 8173.16~~; RIM: ~~160.10~~ 156.24; INV: ~~160.20~~ 156.65; N 9880.82 E 8173.03

SD #22, SDCB TYPE 1, SD STA: 2+85.93; ~~N 9856.09, E 8227.30~~; RIM: ~~160.15~~ 157.04; INV: ~~160.45~~ 156.90; N 9855.97 E 8227.17

SD #23, SDCB TYPE 1, SD STA: 1+87.95; ~~N 9758.13, E 8224.09~~; RIM: ~~159.90~~ 157.53; INV: ~~159.84~~ 157.44; N 9758.21 E 8226.19

SD #24, SDCB TYPE 1, SD STA: 1+40.60; ~~N 9719.32, E 8203.34~~; RIM: ~~159.60~~ 157.77; INV: ~~159.36~~ 157.71; N 9719.05 E 8202.94

SD #25, EXIST 12" SD INLET, BLACKBURN STA: ~~518+95.1, 36.7'RT~~; INV 12" IN: ~~154.89~~; ~~REMOVED 12" SD SOUTH TO SDCB.~~ 518+95.0 33.8'RT 157.0 RIM 154.50
INSTALLED SDCB TYPE 1 WITH "BEHIVE GRATE & FRAME.

SD #26, 12"ø SD INLET; COORD: ~~N 9965.91, E 8088.33~~; INV: ~~156.40~~ 156.52; N 9965.98 E 8087.61

SD #27, SDCB 54"ø TYPE 2, AS CONTROL STRUCTURE PER DETAIL ON SHEET C-13; COORD: ~~N 9962.23 E 8077.23~~; RIM: ~~161.1~~ 160.30; INV: ~~156.40~~ 156.45; SECONDARY OVERFLOW: ~~158.35~~ 158.15; N 9961.57 E 8077.32

SD #28, SDCB TYPE 1, COORD: ~~N 9872.78, E 8038.34~~; RIM: ~~158.71~~ 158.78; INV: ~~155.71~~ 155.70; N 9872.77 E 8038.05

SD #29, SDCB TYPE 1, COORD: ~~N 9751.30, E 8037.12~~; RIM: ~~158.45~~ 158.30; INV: ~~154.95~~ 154.90; N 9751.48 E 8037.42

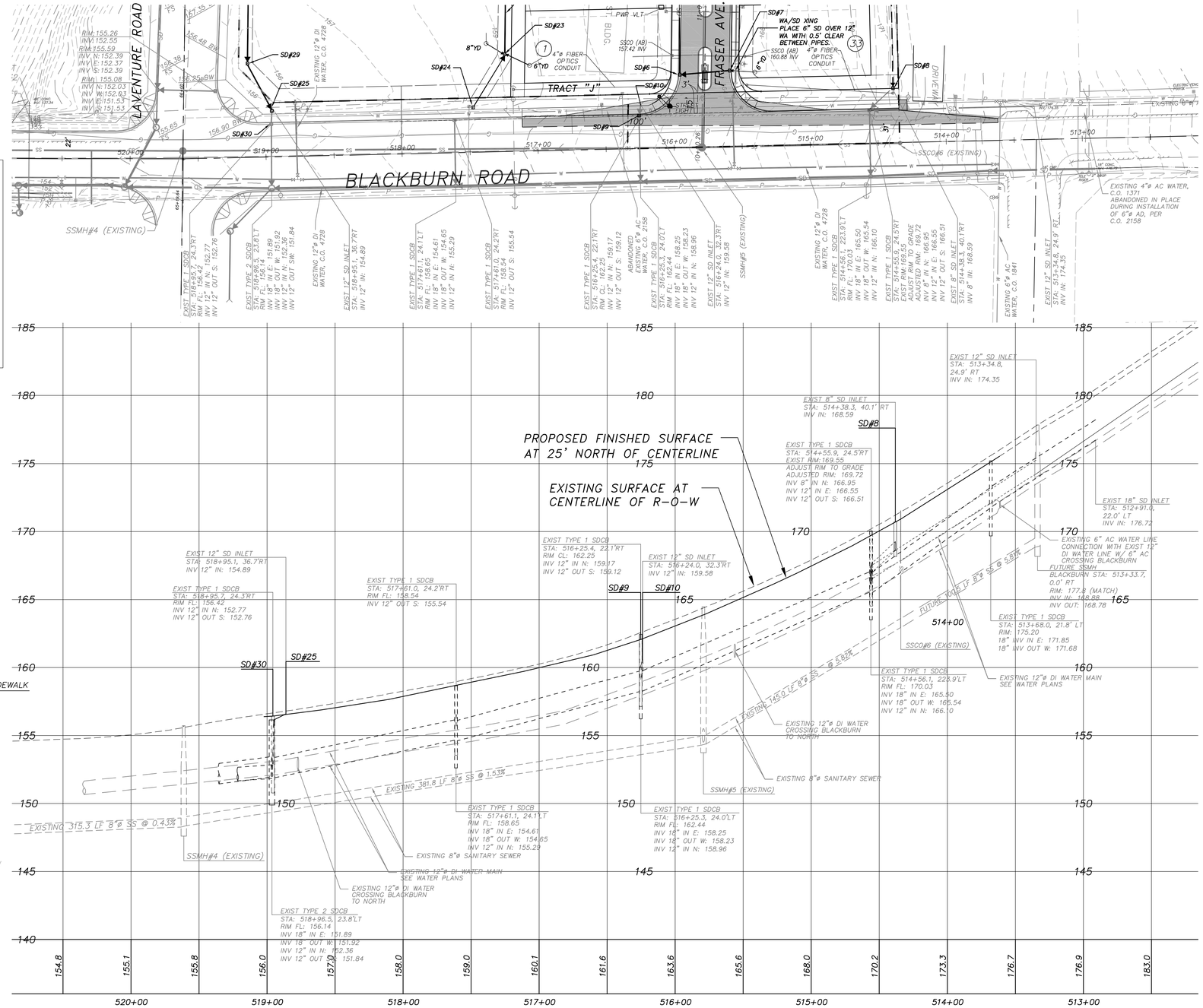
SD #30, EXIST SDCB TYPE 1, BLACKBURN STA: 518+95.7, 24.3'RT; RIM FL: 156.42; INV 12" IN N: 152.77; INV 12" OUT S: 152.76; ~~REMOVE 12" SD NORTH; JOIN 12" SD FROM SD #29; INV IN N: 152.77.~~

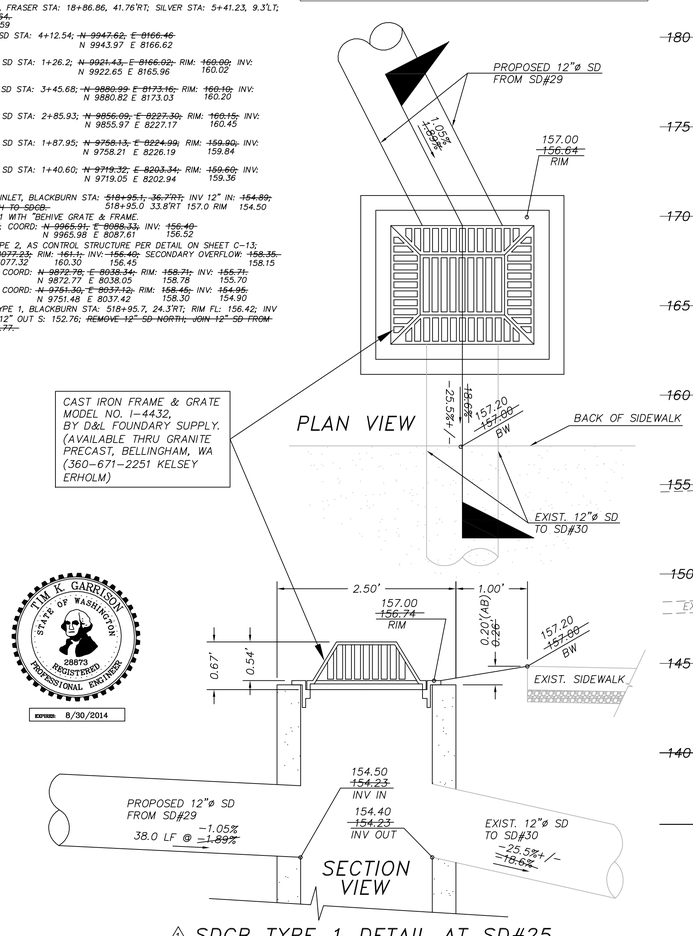
GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
Horiz. Scale: 1 Inch = 40 Feet
Vert. Scale: 1 Inch = 4 Feet
Contour Interval: 1 – Foot

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.





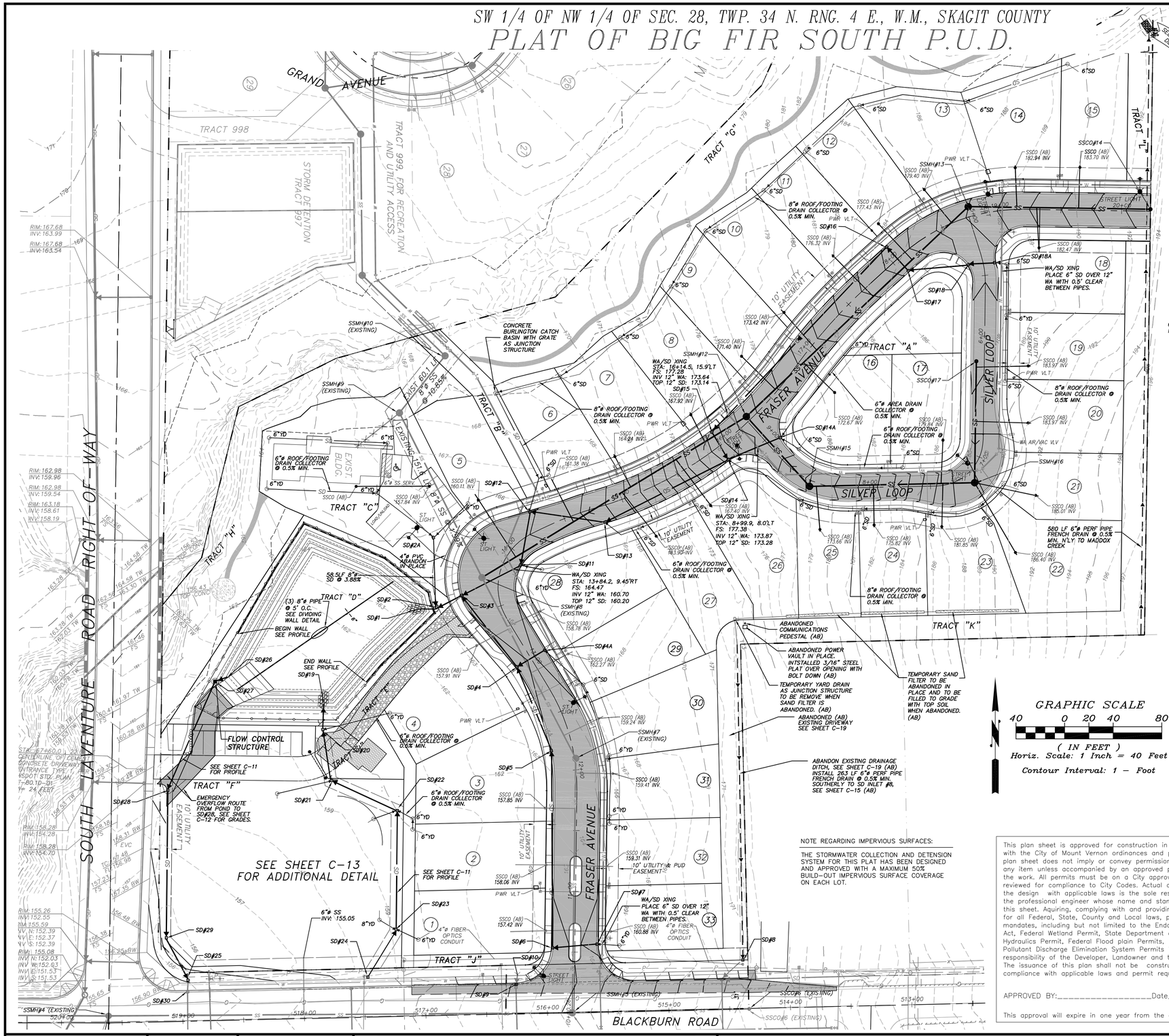
⚠ SDCB TYPE 1 DETAIL AT SD#25
SCALE: 1" = 1'

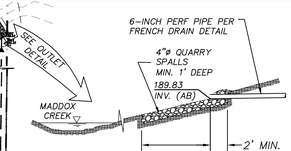
PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" BLACKBURN ROAD UTILITY PLANS	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-8

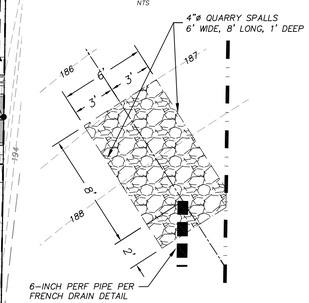
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.





PROFILE VIEW
NTS



PLAN VIEW
Scale: 1"=5'

FRENCH DRAIN OUTLET DETAIL

STORM SEWER CONTRUCTION NOTES: (AS-BUILT)
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

SD #1, 12"ø OUTLET, STA: 13+57.8, 66.9'LT; INV: ~~156.40~~ 156.66

SD #2, SDCB 48"ø TYPE 2, FRASER STA: 13+56.8, 52.9'LT; RIM: ~~161.67~~ 163.86, INV: ~~159.47~~ 158.66

SD #2A, CONCRETE INLET, COORD: N 10080.35, E 8257.84; RIM: ~~161.74~~ 164.32, INV: ~~160.74~~ 161.02

SD #3, SDCB TYPE 1, FRASER STA: 13+61.3, 30.0'LT; RIM: ~~163.72~~ 163.60, INV: ~~159.60~~ 159.10

SD #4, SDCB TYPE 1, FRASER STA: 13+00.00, 13.6'LT; RIM: ~~163.71~~ 163.68, INV: ~~159.24~~ 159.65

SD #4A, SDCB TYPE 1, FRASER STA: 13+00.00, 13.3'RT; RIM: ~~163.72~~ 163.78, INV: ~~159.42~~ 159.78

SD #5, SDCB TYPE 1, FRASER STA: 12+20.00, 17.6'LT; RIM: ~~164.16~~ 164.26, INV: ~~159.62~~ 159.99

SD #6, SDCB TYPE 1, FRASER STA: 10+53.3, 18.3'LT; RIM: ~~163.62~~ 163.62, INV: ~~160.44~~ 160.77

SD #7, SDCB TYPE 1, FRASER STA: 10+56.8, 18.3'RT; RIM: ~~163.63~~ 163.71, INV: ~~160.63~~ 161.03

SD #8, EXIST 8" SD INLET, BLACKBURN STA: 514+38.3, 40.1'RT; INV SW: 168.59; INSTALL CONCRETE INLET WSDOT STD B-25.60-00 W/ SOLID COVER; JOIN EXIST 8" TO SW & 8" FRENCH DRAIN TO NORTH; RIM: ~~170.70~~ INV 8" IN N: ~~168.59~~ INV 8" OUT SW: ~~168.59~~ 168.55

SD #9, EXIST TYPE 1 SDCB, BLACKBURN STA: 516+25.4, 22.1'RT; RIM: 162.25; INV 12" IN N: 159.17; INV 12" OUT S: 159.12; RELOCATE EXIST SDCB TO 24.3'RT; RIM FL: 162.07; INV 12" OUT S: 159.13; REMOVE 12" SD TO NORTH.

SD #10, EXIST 12" SD INLET, BLACKBURN STA: 516+24.0, 32.3'RT; INV 12" IN: 159.58; REMOVE 5'Y TO SDCB.

SD #11, SDCB TYPE 1, FRASER STA: 13+92.05, 13.3'RT; RIM: ~~164.38~~ 164.43; INV: ~~159.39~~ 159.63

SD #12, SDCB TYPE 1, FRASER STA: 14+26.94, 16.7'LT; RIM: ~~164.71~~ 164.92; INV: ~~160.71~~ 160.07

SD #13, SDCB TYPE 1, FRASER STA: 14+81.6, 13.3'RT; RIM: ~~166.45~~ 166.65; INV: ~~162.45~~ 163.20

SD #14, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'RT; RIM: ~~175.20~~ 175.23; INV: ~~171.02~~ 170.61

SD #14A, SDCB TYPE 1, FRASER STA: 16+31.81, 27.8'RT; RIM: ~~177.40~~ 177.39; INV: ~~173.06~~ 172.69

SD #15, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'LT; RIM: ~~175.20~~ 175.49; INV: ~~171.20~~ 171.14

SD #16, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'LT; RIM: ~~184.17~~ 184.27; INV: ~~180.01~~ 180.01

SD #17, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'RT; RIM: ~~184.17~~ 184.30; INV: ~~180.17~~ 180.40

SD #18, SDCB TYPE 1, FRASER STA: 18+57.92, 36.8'RT; SILVER STA: 5+38.24, 12.16'RT; RIM: ~~186.43~~ 186.32; INV: ~~182.43~~ 182.81

SD #18A, SDCB TYPE 1, FRASER STA: 18+86.86, 41.76'RT; SILVER STA: 5+41.23, 9.3'LT; RIM: ~~186.64~~ 186.71; INV: ~~182.64~~ 182.59

SD #19, 12"ø OUTLET, SD STA: 4+12.54; ~~N 9947.62, E 8166.46~~ N 9943.97 E 8166.62; INV: ~~156.40~~ 156.39

SD #20, SDCB TYPE 1, SD STA: 1+26.2; ~~N 9921.43, E 8166.02~~; RIM: ~~160.00~~ 160.02; INV: ~~156.53~~ 156.50

SD #21, SDCB TYPE 1, SD STA: 3+45.68; ~~N 9880.99 E 8173.16~~; RIM: ~~160.10~~ 160.20; INV: ~~156.74~~ 156.65

SD #22, SDCB TYPE 1, SD STA: 2+85.93; ~~N 9856.09, E 8227.30~~; RIM: ~~160.15~~ 160.45; INV: ~~157.94~~ 156.90

SD #23, SDCB TYPE 1, SD STA: 1+87.95; ~~N 9758.13, E 8224.99~~; RIM: ~~159.90~~ 159.84; INV: ~~157.53~~ 157.44

SD #24, SDCB TYPE 1, SD STA: 1+40.60; ~~N 9719.32, E 8203.34~~; RIM: ~~159.60~~ 159.36; INV: ~~157.72~~ 157.71

SD #25, EXIST 12" SD INLET, BLACKBURN STA: ~~518+95.1, 36.7'RT~~; INV 12" IN: ~~154.89~~; ~~REMOVED 12" SD SOUTH TO SDCB.~~ 518+95.0 33.8'RT 157.0 RIM 154.50 INSTALLED SDCB TYPE 1 WITH "BEHIVE GRATE & FRAME.

SD #26, 12"ø SD INLET; COORD: ~~N 9965.91, E 8088.33~~; INV: ~~156.40~~ N 9965.98 E 8087.61 156.52

SD #27, SDCB 54"ø TYPE 2, AS CONTROL STRUCTURE PER DETAIL ON SHEET C-13; COORD: ~~N 9962.23 E 8077.23~~; RIM: ~~161.1~~ INV: ~~156.40~~; SECONDARY OVERFLOW: ~~158.35~~ N 9961.57 E 8077.32 160.30 156.45 158.15

SD #28, SDCB TYPE 1, COORD: ~~N 9872.76, E 8038.34~~; RIM: ~~158.71~~ 158.78; INV: ~~155.71~~ N 9872.77 E 8038.05 155.70

SD #29, SDCB TYPE 1, COORD: ~~N 9751.30, E 8037.12~~; RIM: ~~158.45~~ 158.30; INV: ~~154.05~~ N 9751.48 E 8037.42 154.90

SD #30, EXIST SDCB TYPE 1, BLACKBURN STA: 518+95.7, 24.3'RT; RIM FL: 156.42; INV 12" IN N: 152.77; INV 12" OUT S: 152.76; ~~REMOVE 12" SD NORTH; JOIN 12" SD FROM SD #29, INV IN N: 152.77.~~

SANITARY SEWR CONTRUCTION NOTES:
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

~~SSMH#4, EXISTING 48-INCH# "AS-BUILT", BLACKBURN STA: 519+61.3, 6.0'R; RIM: 155.54; 8"INVERT INET (E): 148.54; 8"INVERT OUTLET (W): 148.44; 10"INVERT OUTLET (S): 148.44; SOUTHERLY CHANNEL WITH TEMPORARY DAM.~~

SSMH#5, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 9+99.95, 1.3'L, = BLACKBURN STA: 515+79.26, 0.0'R; RIM: ~~164.40~~ 164.39; INVERT INLET 8"(N): ~~154.50~~ 154.46; INVERT INLET 8"(E): ~~164.50~~ 154.46; INVERT OUTLET 8"(W): ~~154.40~~ 154.36.

~~SSCO#6, EXISTING 8-INCH# "AS-BUILT", BLACKBURN STA: 514+34.2, 0.0'R, CAST IRON COVER MARKED "SEWER", RIM: 171.49, INV: 162.94~~

SSMH#7, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 12+09.41, 1.0'R; ~~RIM: 163.59;~~ INVERT INLET: ~~155.64~~ 155.50; INVERT OUTLET: ~~155.54~~ 155.40; ADJUST RIM TO GRADE: ~~164.60~~ 164.65.

SSMH#8, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 13+71.70, 13.7'L = SEWER STA: 53+70.9; RIM: ~~164.27~~ 164.28; INVERT INLET: ~~156.30~~ 156.27(N); INV ERT OUTLET: ~~156.25~~ 156.17(S); INVERT INLET: ~~156.45~~ 156.37(E).

~~SSMH#9, EXISTING 48-INCH# "AS-BUILT", SEWER STA: 55+22.5; RIM: 166.76; INVERT INLET: 158.86; INVERT OUTLET: 158.71.~~

~~SSMH#10, EXISTING 48-INCH# "AS-BUILT", SEWER STA: 55+82.6, INSIDE DROP W/ FLAT TOP; RIM: 170.58; INVERT OUTLET: 164.93; INVERT INLET (TOP): 168.23 ; INVERT INLET (BOT): 165.23~~

SSMH#12, INSTALL PRECAST 48-INCH# MANHOLE, FRASER STA: 16+24.7, 4.0'L; RIM: ~~177.54~~ 177.64; INVERT INLET: ~~168.19~~ 167.65; INVERT OUTLET: ~~168.09~~ 167.55.

SSMH#13, INSTALL PRECAST 48-INCH# MANHOLE, FRASER STA: 18+75.6, 8.3'L; RIM: ~~187.00~~ 187.10; INVERT INLET: ~~179.07~~ 178.45; INVERT OUTLET: ~~178.97~~ 178.35.

SSCO#14, INSTALL 8-INCH# CAST IRON CLEAN-OUT, MARKED "SEWER", FRASER STA: 20+23.8, 1.6'L; RIM: ~~192.73~~ 192.30; INVERT: ~~184.32~~ 183.50.

SSMH#15, INSTALL PRECAST 48-INCH# MANHOLE, SILVER STA: 8+48.27 4.9'L; RIM: ~~179.14~~ 179.24; INVERT INLET: ~~171.60~~ 170.85; INVERT OUTLET: ~~171.50~~ 170.75.

SSMH#16, INSTALL PRECAST 48-INCH# MANHOLE, SILVER STA: 7+17.43 9.36'L; RIM: ~~187.93~~ 187.71; INVERT INLET: ~~180.69~~ 179.45; INVERT OUTLET: ~~180.59~~ 179.35.

SSCO#17, INSTALL 8-INCH# CAST IRON CLEAN-OUT, MARKED "SEWER", SILVER STA: 6+20.72, 6.5'R; RIM: ~~187.73~~ 187.70; INVERT: ~~181.69~~ 182.00.

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
Horiz. Scale: 1 Inch = 40 Feet
Contour Interval: 1 - Foot

TIM K. GARRISON
STATE OF WASHINGTON
28873
REGISTERED PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

NOTE REGARDING IMPERVIOUS SURFACES:

THE STORMWATER COLLECTION AND DETENSION SYSTEM FOR THIS PLAT HAS BEEN DESIGNED AND APPROVED WITH A MAXIMUM 50% BUILD-OUT IMPERVIOUS SURFACE COVERAGE ON EACH LOT.

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS	DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" FRASER AVE & SILVER LOOP STORM DRAINAGE & SANITARY SEWER PLAN	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-9

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

GRAPHIC SCALE

40 0 20 40 80

(IN FEET)
Horizontal Scale: 1 Inch = 40 Feet
Vertical Scale: 1 Inch = 4 Feet

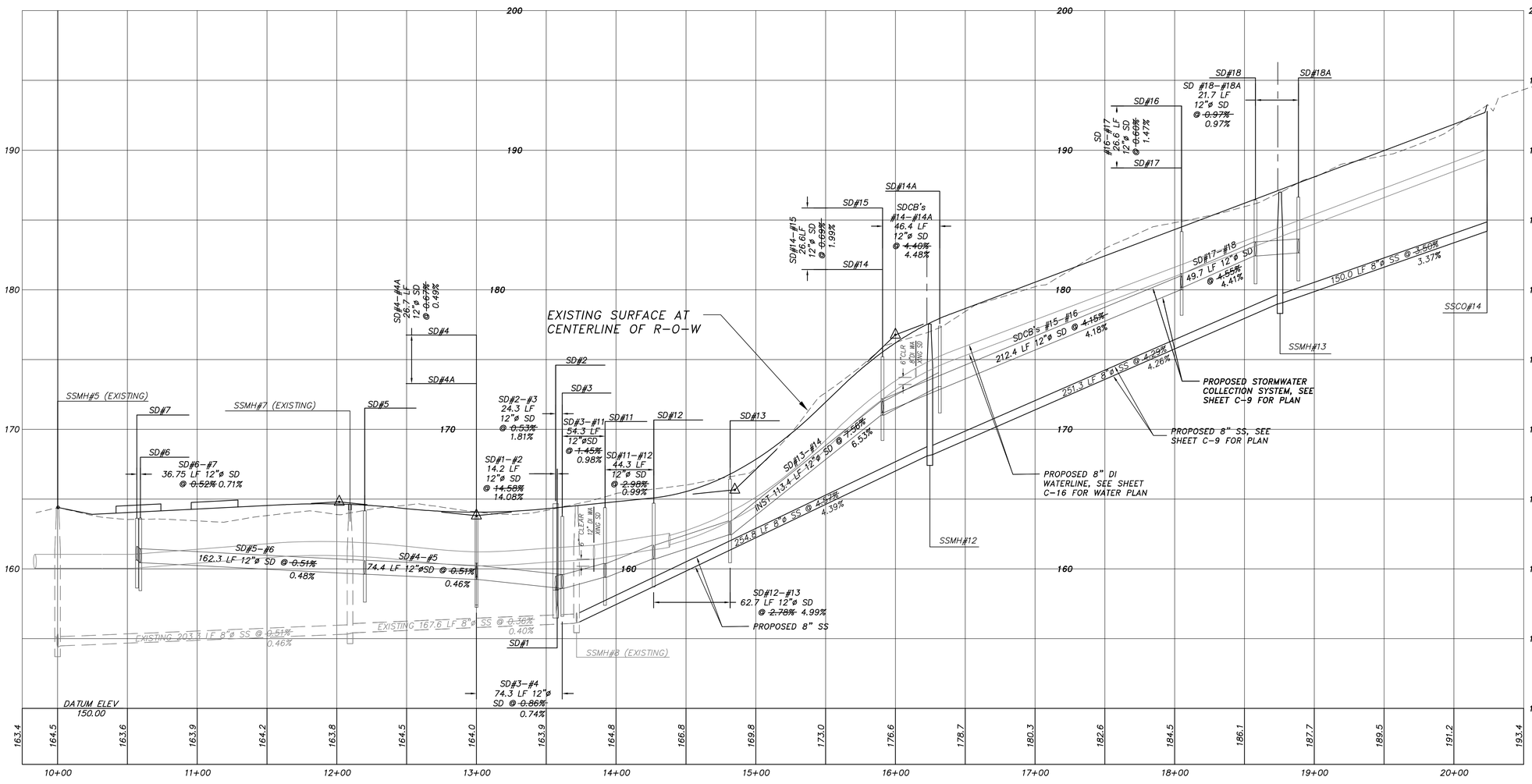
TIM K. GARRISON — STATE OF WASHINGTON — 28873 — REGISTERED PROFESSIONAL ENGINEER

EXPIRES 8/30/2014

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.



STORM SEWER CONTRUCTION NOTES: (AS-BUILT)
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

SD #1, 12"ø OUTLET, STA: 13+57.8, 66.9'LT; INV: ~~156.40~~ 156.66

SD #2, SDCB 48"ø TYPE 2, FRASER STA: 13+56.8, 52.9'LT; RIM: ~~164.67~~ 163.86 INV: ~~158.47~~ 158.66

SD #2A, CONCRETE INLET, COORD: N 10080.35, E 8257.84; RIM: ~~164.74~~ 164.32 INV: ~~160.74~~ 161.02

SD #3, SDCB TYPE 1, FRASER STA: 13+61.3, 30.0'LT; RIM: ~~163.77~~ 163.60 INV: ~~158.60~~ 159.10

SD #4, SDCB TYPE 1, FRASER STA: 13+00.00, 13.6'LT; RIM: ~~163.71~~ 163.68 INV: ~~159.24~~ 159.65

SD #4A, SDCB TYPE 1, FRASER STA: 13+00.00, 13.3'RT; RIM: ~~163.72~~ 163.78 INV: ~~159.42~~ 159.78

SD #5, SDCB TYPE 1, FRASER STA: 12+20.00, 17.6'LT; RIM: ~~164.16~~ 164.26 INV: ~~159.62~~ 159.99

SD #6, SDCB TYPE 1, FRASER STA: 10+53.3, 18.3'LT; RIM: ~~163.62~~ 163.62 INV: ~~160.44~~ 160.77

SD #7, SDCB TYPE 1, FRASER STA: 10+56.8, 18.3'RT; RIM: ~~163.63~~ 163.71 INV: ~~160.63~~ 161.03

SD #8, EXIST 8" SD INLET, BLACKBURN STA: 514+38.3, 40.1'RT; INV SW: 168.59; INSTALL CONCRETE INLET WSDOT STD B-25.60-00 W/ SOLID COVER; JOIN EXIST 8" TO SW & 8" FRENCH DRAIN TO NORTH; RIM: ~~170.70~~ 170.12 INV 8" IN N: ~~168.59~~ 168.79 INV 8" OUT SW: ~~168.59~~ 168.55

SD #9, EXIST TYPE 1 SDCB, BLACKBURN STA: 516+25.4, 22.1'RT; RIM: 162.25; INV 12" IN N: 159.17; INV 12" OUT S: 159.12; RELOCATE EXIST SDCB TO 24.3'RT; RIM FL: 162.07; INV 12" OUT S: 159.13; REMOVE 12" SD TO NORTH.

SD #10, EXIST 12" SD INLET, BLACKBURN STA: 516+24.0, 32.3'RT; INV 12" IN: 159.58; REMOVE S'Y TO SDCB.

SD #11, SDCB TYPE 1, FRASER STA: 13+92.05, 13.3'RT; RIM: ~~164.39~~ 164.43 INV: ~~159.39~~ 159.63

SD #12, SDCB TYPE 1, FRASER STA: 14+26.94, 16.7'LT; RIM: ~~164.71~~ 164.92 INV: ~~160.71~~ 160.07

SD #13, SDCB TYPE 1, FRASER STA: 14+81.6, 13.3'RT; RIM: ~~166.45~~ 166.65 INV: ~~162.45~~ 163.20

SD #14, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'RT; RIM: ~~175.20~~ 175.23 INV: ~~171.02~~ 170.61

SD #14A, SDCB TYPE 1, FRASER STA: 16+31.81, 27.8'RT; RIM: ~~177.40~~ 177.39 INV: ~~173.06~~ 172.69

SD #15, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'LT; RIM: ~~175.20~~ 175.49 INV: ~~171.20~~ 171.14

SD #16, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'LT; RIM: ~~184.13~~ 184.27 INV: ~~180.01~~ 180.01

SD #17, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'RT; RIM: ~~184.17~~ 184.30 INV: ~~180.17~~ 180.40

SD #18, SDCB TYPE 1, FRASER STA: 18+57.92, 36.8'RT; SILVER STA: 5+38.24, 12.16'RT; RIM: ~~186.43~~ 186.32 INV: ~~182.43~~ 182.81

SD #18A, SDCB TYPE 1, FRASER STA: 18+86.86, 41.76'RT; SILVER STA: 5+41.23, 9.3'LT; RIM: ~~186.64~~ 186.71 INV: ~~182.64~~ 182.59

SD #19, 12"ø OUTLET, SD STA: 4+12.54; ~~N 9947.62, E 8166.46~~ N 9943.97 E 8166.62 INV: ~~156.40~~ 156.39

SD #20, SDCB TYPE 1, SD STA: 1+26.2; ~~N 9921.43, E 8166.02~~ N 9922.65 E 8165.96 RIM: ~~160.00~~ 160.02 INV: ~~156.53~~ 156.50

SD #21, SDCB TYPE 1, SD STA: 3+45.68; ~~N 9880.99 E 8173.16~~; N 9880.82 E 8173.03 RIM: ~~160.10~~ 160.20 INV: ~~156.74~~ 156.65

SD #22, SDCB TYPE 1, SD STA: 2+85.93; ~~N 9856.09, E 8227.30~~; N 9855.97 E 8227.17 RIM: ~~160.15~~ 160.45 INV: ~~157.94~~ 156.90

SD #23, SDCB TYPE 1, SD STA: 1+87.95; ~~N 9758.13, E 8224.99~~; N 9758.21 E 8226.19 RIM: ~~159.90~~ 159.84 INV: ~~157.53~~ 157.44

SD #24, SDCB TYPE 1, SD STA: 1+40.60; ~~N 9719.32, E 8203.34~~; N 9719.05 E 8202.94 RIM: ~~159.60~~ 159.36 INV: ~~157.77~~ 157.71

SD #25, EXIST 12" SD INLET, BLACKBURN STA: ~~518+95.1, 36.7'RT~~; 518+95.0 33.8'RT INV 12" IN: ~~154.89~~ 154.50 ~~REMOVED 12" SD SOUTH TO SDCB.~~
INSTALLED SDCB TYPE 1 WITH "BEHIVE GRATE & FRAME.

SD #26, 12"ø SD INLET; COORD: ~~N 9965.91, E 8088.33~~; N 9965.98 E 8087.61 INV: ~~156.40~~ 156.52

SD #27, SDCB 54"ø TYPE 2, AS CONTROL STRUCTURE PER DETAIL ON SHEET C-13; COORD: ~~N 9962.23 E 8077.33~~; N 9961.57 E 8077.32 RIM: ~~161.1~~ 160.30 INV:~~156.40~~ 156.45 SECONDARY OVERFLOW: ~~158.35~~ 158.15

SD #28, SDCB TYPE 1, COORD: ~~N 9872.79, E 8038.34~~; N 9872.77 E 8038.05 RIM: ~~158.71~~ 158.78 INV: ~~155.71~~ 155.70

SD #29, SDCB TYPE 1, COORD: ~~N 9751.30, E 8037.12~~; N 9751.48 E 8037.42 RIM: ~~158.45~~ 158.30 INV: ~~154.95~~ 154.90

SD #30, EXIST SDCB TYPE 1, BLACKBURN STA: 518+95.7, 24.3'RT; RIM FL: 156.42; INV 12" IN N: 152.77; INV 12" OUT S: 152.76; ~~REMOVE 12" SD NORTH; JOIN 12" SD FROM SD #29; INV IN N: 152.77.~~

SANITARY SEWR CONTRUCTION NOTES:
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

~~SSMH#4, EXISTING 48-INCH# "AS-BUILT", BLACKBURN STA: 519+61.3, 6.0'R, RIM: 155.54; 8"INVERT INET (E): 148.54; 8"INVERT OUTLET (W): 148.44; 10"INVERT OUTLET (S): 148.44; SOUTHERLY CHANNEL WITH TEMPORARY DAM.~~

SSMH#5, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 9+99.95, 1.3'L, = BLACKBURN STA: 515+79.26, 0.0'R; RIM: ~~164.40~~ 164.39; INVERT INLET 8"(N): ~~154.50~~ 154.46; INVERT INLET 8"(E): ~~154.50~~ 154.46; INVERT OUTLET 8"(W): ~~154.40~~ 154.36.

~~SSCO#6, EXISTING 8-INCH# "AS-BUILT", BLACKBURN STA: 514+34.2, 0.0'R, CAST IRON COVER MARKED "SEWER", RIM: 171.49, INV: 162.94.~~

SSMH#7, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 12+09.41, 1.0'R; ~~RIM: 163.55;~~ INVERT INLET: ~~155.64~~ 155.50; INVERT OUTLET: ~~155.54~~ 155.40; ADJUST RIM TO GRADE: ~~164.60~~ 164.65.

SSMH#8, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 13+71.70, 13.7'L = SEWER STA: 53+70.9; RIM: ~~164.27~~ 164.28; INVERT INLET: ~~156.30~~ 156.27(N); INVERT OUTLET: ~~156.25~~ 156.17(S); INVERT INLET: ~~156.45~~ 156.37(E).

~~SSMH#9, EXISTING 48-INCH# "AS-BUILT", SEWER STA: 55+22.5; RIM: 166.76; INVERT INLET: 158.86; INVERT OUTLET: 158.71.~~

~~SSMH#10, EXISTING 48-INCH# "AS-BUILT", SEWER STA: 55+82.6; INSIDE DROP W/ FLAT TOP; RIM: 170.58; INVERT OUTLET: 164.93; INVERT INLET (TOP): 168.23 ; INVERT INLET (BOT): 165.23.~~

SSMH#12, INSTALL PRECAST 48-INCH# MANHOLE, FRASER STA: 16+24.7, 4.0'L; RIM: ~~177.54~~ 177.64; INVERT INLET: ~~168.19~~ 167.65; INVERT OUTLET: ~~168.09~~ 167.55.

SSMH#13, INSTALL PRECAST 48-INCH# MANHOLE, FRASER STA: 18+75.6, 8.3'L; RIM: ~~187.00~~ 187.10; INVERT INLET: ~~179.07~~ 178.45; INVERT OUTLET: ~~178.97~~ 178.35.

SSCO#14, INSTALL 8-INCH# CAST IRON CLEAN-OUT, MARKED "SEWER", FRASER STA: 20+23.8, 1.6'L; RIM: ~~192.73~~ 192.30; INVERT: ~~184.32~~ 183.50.

SSMH#15, INSTALL PRECAST 48-INCH# MANHOLE, SILVER STA: 8+48.27 4.9'L; RIM: ~~179.14~~ 179.24; INVERT INLET: ~~171.60~~ 170.85; INVERT OUTLET: ~~171.50~~ 170.75.

SSMH#16, INSTALL PRECAST 48-INCH# MANHOLE, SILVER STA: 7+17.43 9.36'L; RIM: ~~187.93~~ 187.71; INVERT INLET: ~~180.69~~ 179.45; INVERT OUTLET: ~~180.59~~ 179.35.

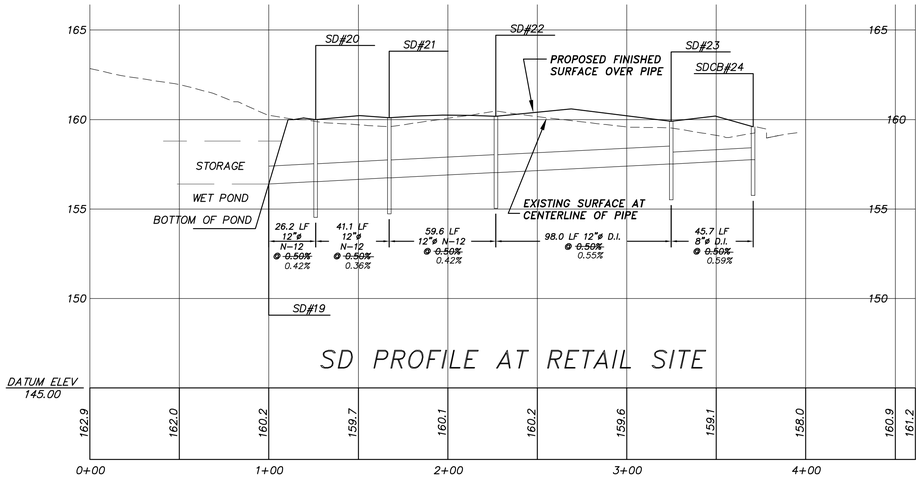
SSCO#17, INSTALL 8-INCH# CAST IRON CLEAN-OUT, MARKED "SEWER", SILVER STA: 6+20.72, 6.5'R; RIM: ~~187.73~~ 187.70; INVERT: ~~181.69~~ 182.00.

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS	DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" FRASER AVENUE STORM DRAINAGE & SANITARY SEWER PROFILE	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-10

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

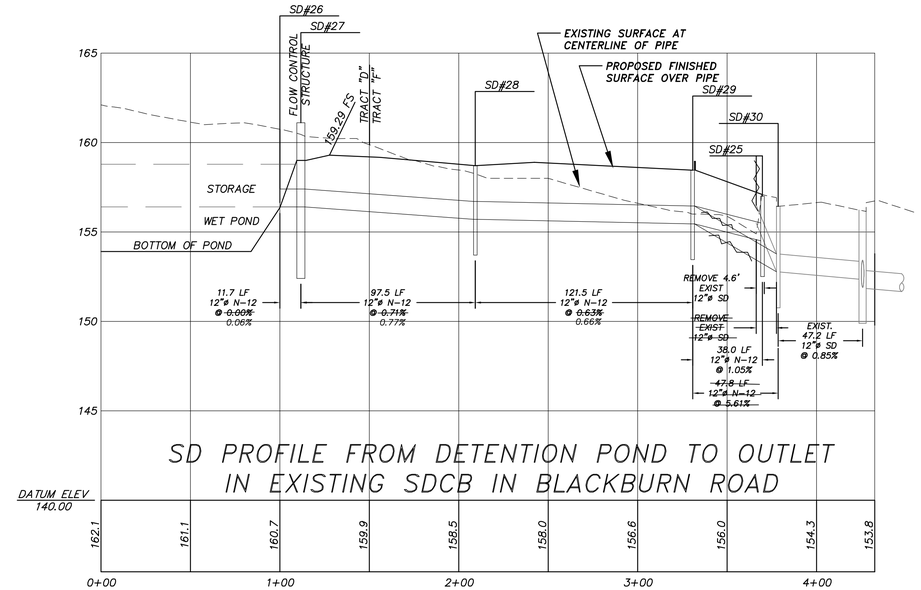


SD PROFILE AT RETAIL SITE

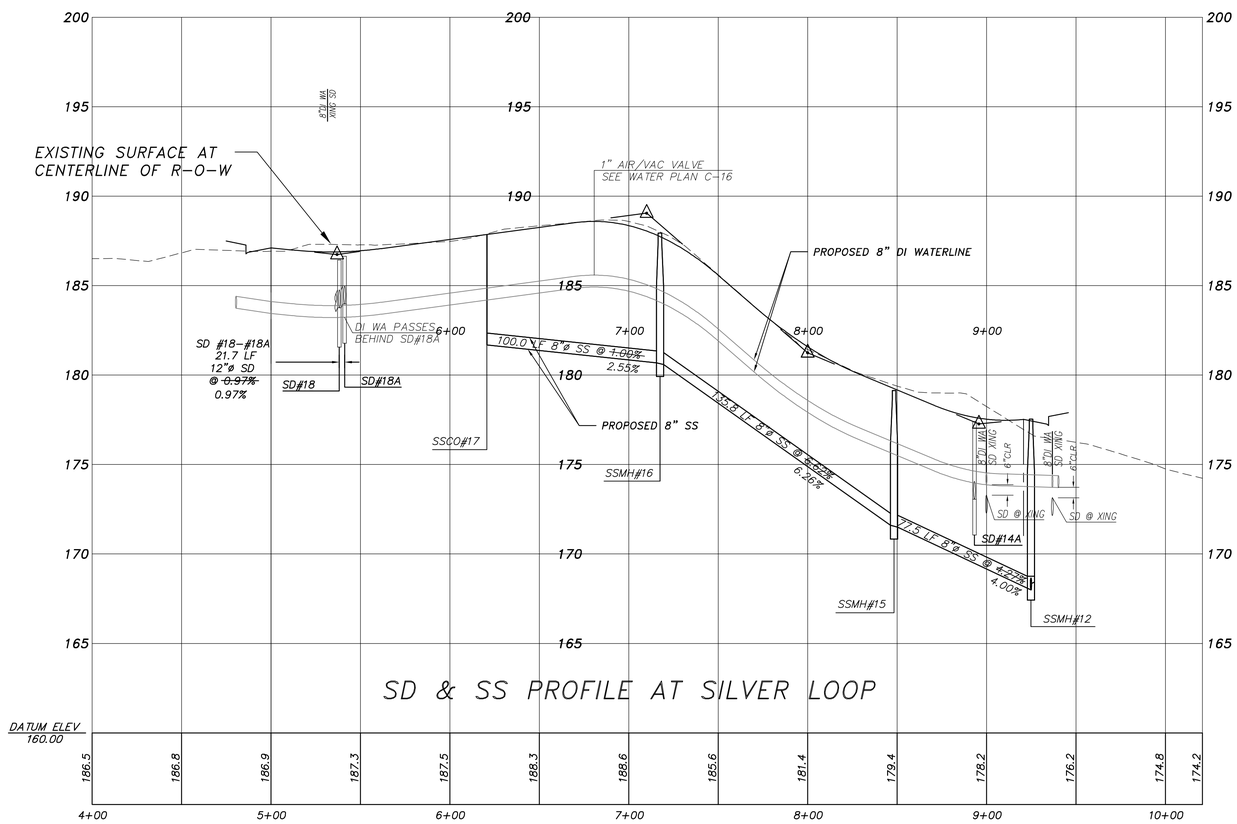
GRAPHIC SCALE

40 0 20 40 80

(IN FEET)
Horizontal Scale: 1 Inch = 40 Feet
Vertical Scale: 1 Inch = 4 Feet



SD PROFILE FROM DETENTION POND TO OUTLET IN EXISTING SDCB IN BLACKBURN ROAD



SD & SS PROFILE AT SILVER LOOP

STORM SEWER CONTRUCTION NOTES: (AS-BUILT)
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

SD #1, 12"ø OUTLET, STA: 13+57.8, 66.9'LT; INV: ~~156.40~~ 156.66

SD #2, SDCB 48"ø TYPE 2, FRASER STA: 13+56.8, 52.9'LT; RIM: ~~161.67~~ 163.86; INV: ~~159.43~~ 158.66

SD #2A, CONCRETE INLET, COORD: N 10080.35, E 8257.84; RIM: ~~164.74~~ 164.32; INV: ~~160.74~~ 161.02

SD #3, SDCB TYPE 1, FRASER STA: 13+61.3, 30.0'LT; RIM: ~~163.72~~ 163.60; INV: ~~158.60~~ 159.10

SD #4, SDCB TYPE 1, FRASER STA: 13+00.00, 13.6'LT; RIM: ~~163.71~~ 163.68; INV: ~~159.24~~ 159.65

SD #4A, SDCB TYPE 1, FRASER STA: 13+00.00, 13.3'RT; RIM: ~~163.72~~ 163.78; INV: ~~159.42~~ 159.78

SD #5, SDCB TYPE 1, FRASER STA: 12+20.00, 17.6'LT; RIM: ~~164.16~~ 164.26; INV: ~~159.62~~ 159.99

SD #6, SDCB TYPE 1, FRASER STA: 10+53.3, 18.3'LT; RIM: ~~163.62~~ 163.62; INV: ~~160.44~~ 160.77

SD #7, SDCB TYPE 1, FRASER STA: 10+56.8, 18.3'RT; RIM: ~~163.63~~ 163.71; INV: ~~160.63~~ 161.03

SD #8, EXIST 8" SD INLET, BLACKBURN STA: 514+38.3, 40.1'RT; INV SW: 168.59; INSTALL CONCRETE INLET WSDOT STD B-25.60-00 W/ SOLID COVER; JOIN EXIST 8" TO SW & 8" FRENCH DRAIN TO NORTH; RIM: ~~170.70~~ 170.12; INV 8" IN N: ~~168.59~~ 168.79; INV 8" OUT SW: ~~168.59~~ 168.55

SD #9, EXIST TYPE 1 SDCB, BLACKBURN STA: 516+25.4, 22.1'RT; RIM: 162.25; INV 12" IN N: 159.17; INV 12" OUT S: 159.12; RELOCATE EXIST SDCB TO 24.3'RT; RIM FL: 162.07; INV 12" OUT S: 159.13; REMOVE 12" SD TO NORTH.

SD #10, EXIST 12" SD INLET, BLACKBURN STA: 516+24.0, 32.3'RT; INV 12" IN: 159.58; REMOVE S'Y TO SDCB.

SD #11, SDCB TYPE 1, FRASER STA: 13+92.05, 13.3'RT; RIM: ~~164.38~~ 164.43; INV: ~~159.39~~ 159.63

SD #12, SDCB TYPE 1, FRASER STA: 14+26.94, 16.7'LT; RIM: ~~164.71~~ 164.92; INV: ~~160.71~~ 160.07

SD #13, SDCB TYPE 1, FRASER STA: 14+81.6, 13.3'RT; RIM: ~~166.45~~ 166.65; INV: ~~162.45~~ 163.20

SD #14, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'RT; RIM: ~~175.20~~ 175.23; INV: ~~171.02~~ 170.61

SD #14A, SDCB TYPE 1, FRASER STA: 16+31.81, 27.8'RT; RIM: ~~177.40~~ 177.39; INV: ~~173.06~~ 172.69

SD #15, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'LT; RIM: ~~175.20~~ 175.49; INV: ~~171.20~~ 171.14

SD #16, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'LT; RIM: ~~184.17~~ 184.27; INV: ~~180.01~~ 180.01

SD #17, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'RT; RIM: ~~184.17~~ 184.30; INV: ~~180.17~~ 180.40

SD #18, SDCB TYPE 1, FRASER STA: 18+57.92, 36.8'RT; SILVER STA: 5+38.24, 12.16'RT; RIM: ~~186.45~~ 186.32; INV: ~~182.45~~ 182.81

SD #18A, SDCB TYPE 1, FRASER STA: 18+86.86, 41.76'RT; SILVER STA: 5+41.23, 9.3'LT; RIM: ~~186.64~~ 186.71; INV: ~~182.64~~ 182.59

SD #19, 12"ø OUTLET, SD STA: 4+12.54; ~~N 9947.62, E 8166.46~~ INV: ~~156.40~~ 156.39; N 9947.97 E 8166.62

SD #20, SDCB TYPE 1, SD STA: 1+26.2; ~~N 9921.43, E 8166.02~~; RIM: ~~160.00~~ 160.02; INV: ~~156.53~~ 156.50; N 9922.65 E 8165.96

SD #21, SDCB TYPE 1, SD STA: 3+45.68; ~~N 9880.99 E 8173.16~~; RIM: ~~160.10~~ 160.20; INV: ~~156.74~~ 156.65; N 9880.82 E 8173.03

SD #22, SDCB TYPE 1, SD STA: 2+85.93; ~~N 9856.00, E 8227.30~~; RIM: ~~160.15~~ 160.45; INV: ~~157.04~~ 156.90; N 9855.97 E 8227.17

SD #23, SDCB TYPE 1, SD STA: 1+87.95; ~~N 9758.13, E 8224.00~~; RIM: ~~159.90~~ 159.84; INV: ~~157.53~~ 157.44; N 9758.21 E 8226.19

SD #24, SDCB TYPE 1, SD STA: 1+40.60; ~~N 9719.32, E 8203.34~~; RIM: ~~159.60~~ 159.36; INV: ~~157.77~~ 157.71; N 9719.05 E 8202.94

SD #25, EXIST 12" SD INLET, BLACKBURN STA: ~~518+95.1, 36.7'RT~~; INV 12" IN: ~~154.89~~ ~~REMOVED 12" SD SOUTH TO SDCB.~~ 518+95.0 33.8'RT 157.0 RIM 154.50
INSTALLED SDCB TYPE 1 WITH "BEHIVE GRATE & FRAME.

SD #26, 12"ø SD INLET; COORD: ~~N 9965.91, E 8088.13~~; INV: ~~156.40~~ N 9965.98 E 8087.61 156.52

SD #27, SDCB 54"ø TYPE 2, AS CONTROL STRUCTURE PER DETAIL ON SHEET C-13; COORD: ~~N 9962.23 E 8077.23~~; RIM: ~~161.1~~; INV: ~~156.40~~ SECONDARY OVERFLOW: ~~158.35~~ N 9961.57 E 8077.32 160.30 156.45 158.15

SD #28, SDCB TYPE 1, COORD: ~~N 9872.78, E 8038.34~~; RIM: ~~158.71~~ N 9872.77 E 8038.05 158.78 155.70; INV: ~~155.71~~

SD #29, SDCB TYPE 1, COORD: ~~N 9751.30, E 8037.12~~; RIM: ~~158.45~~ N 9751.48 E 8037.42 158.30 154.90; INV: ~~154.95~~

SD #30, EXIST SDCB TYPE 1, BLACKBURN STA: 518+95.7, 24.3'RT; RIM FL: 156.42; INV 12" IN N: 152.77; INV 12" OUT S: 152.76; ~~REMOVE 12" SD NORTH; JOIN 12" SD FROM SD #25; INV IN N: 152.77.~~

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

SANITARY SEWR CONTRUCTION NOTES:
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

~~SSMH#4, EXISTING 48-INCH# "AS-BUILT", BLACKBURN STA: 519+61.3, 6.0'RT; RIM: 155.54; 8"INVERT INLET (E): 148.54; 8"INVERT OUTLET (W): 148.44; 10"INVERT OUTLET (S): 148.44; SOUTHERLY CHANNEL WITH TEMPORARY DAM.~~

SSMH#5, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 9+99.95, 1.3'L, = BLACKBURN STA: 515+79.26, 0.0'R; RIM: ~~164.40~~ 164.39; INVERT INLET 8"(N): ~~154.50~~ 154.46; INVERT INLET 8"(E): ~~154.50~~ 154.46; INVERT OUTLET 8"(W): ~~154.40~~ 154.36.

~~SSCO#6, EXISTING 8-INCH# "AS-BUILT", BLACKBURN STA: 514+34.2, 0.0'R, CAST IRON COVER MARKED "SEWER"; RIM: 171.49; INV: 162.94~~

SSMH#7, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 12+09.41, 1.0'R; ~~RIM: 163.59~~; INVERT INLET: ~~155.64~~ 155.50; INVERT OUTLET: ~~155.54~~ 155.40; ADJUST RIM TO GRADE: ~~164.60~~ 164.65.

SSMH#8, EXISTING 48-INCH# "AS-BUILT", FRASER STA: 13+71.70, 13.7'L = SEWER STA: 53+70.9; RIM: ~~164.27~~ 164.28; INVERT INLET: ~~156.30~~ 156.27(N); INVERT OUTLET: ~~156.25~~ 156.17(S); INVERT INLET: ~~156.45~~ 156.37(E).

~~SSMH#9, EXISTING 48-INCH# "AS-BUILT", SEWER STA: 55+22.5; RIM: 166.76; INVERT INLET: 158.86; INVERT OUTLET: 158.71.~~

~~SSMH#10, EXISTING 48-INCH# "AS-BUILT", SEWER STA: 55+82.6; INSIDE DROP W/ FLAT TOP: RIM: 170.58; INVERT OUTLET: 164.93; INVERT INLET (TOP): 168.23 ; INVERT INLET (BOT): 165.23~~

SSMH#12, INSTALL PRECAST 48-INCH# MANHOLE, FRASER STA: 16+24.7, 4.0'L; RIM: ~~177.54~~ 177.64; INVERT INLET: ~~168.19~~ 167.65; INVERT OUTLET: ~~168.09~~ 167.55.

SSMH#13, INSTALL PRECAST 48-INCH# MANHOLE, FRASER STA: 18+75.6, 8.3'L; RIM: ~~187.00~~ 187.10; INVERT INLET: ~~179.07~~ 178.45; INVERT OUTLET: ~~178.97~~ 178.35.

SSCO#14, INSTALL 8-INCH# CAST IRON CLEAN-OUT, MARKED "SEWER", FRASER STA: 20+23.8, 1.6'L; RIM: ~~192.73~~ 192.30; INVERT: ~~184.32~~ 183.50.

SSMH#15, INSTALL PRECAST 48-INCH# MANHOLE, SILVER STA: 8+48.27 4.9'L; RIM: ~~179.14~~ 179.24; INVERT INLET: ~~171.60~~ 170.85; INVERT OUTLET: ~~171.50~~ 170.75.

SSMH#16, INSTALL PRECAST 48-INCH# MANHOLE, SILVER STA: 7+17.43 9.36'L; RIM: ~~187.93~~ 187.71; INVERT INLET: ~~180.69~~ 179.45; INVERT OUTLET: ~~180.59~~ 179.35.

SSCO#17, INSTALL 8-INCH# CAST IRON CLEAN-OUT, MARKED "SEWER", SILVER STA: 6+20.72, 6.5'R; RIM: ~~187.73~~ 187.70; INVERT: ~~181.69~~ 182.00.

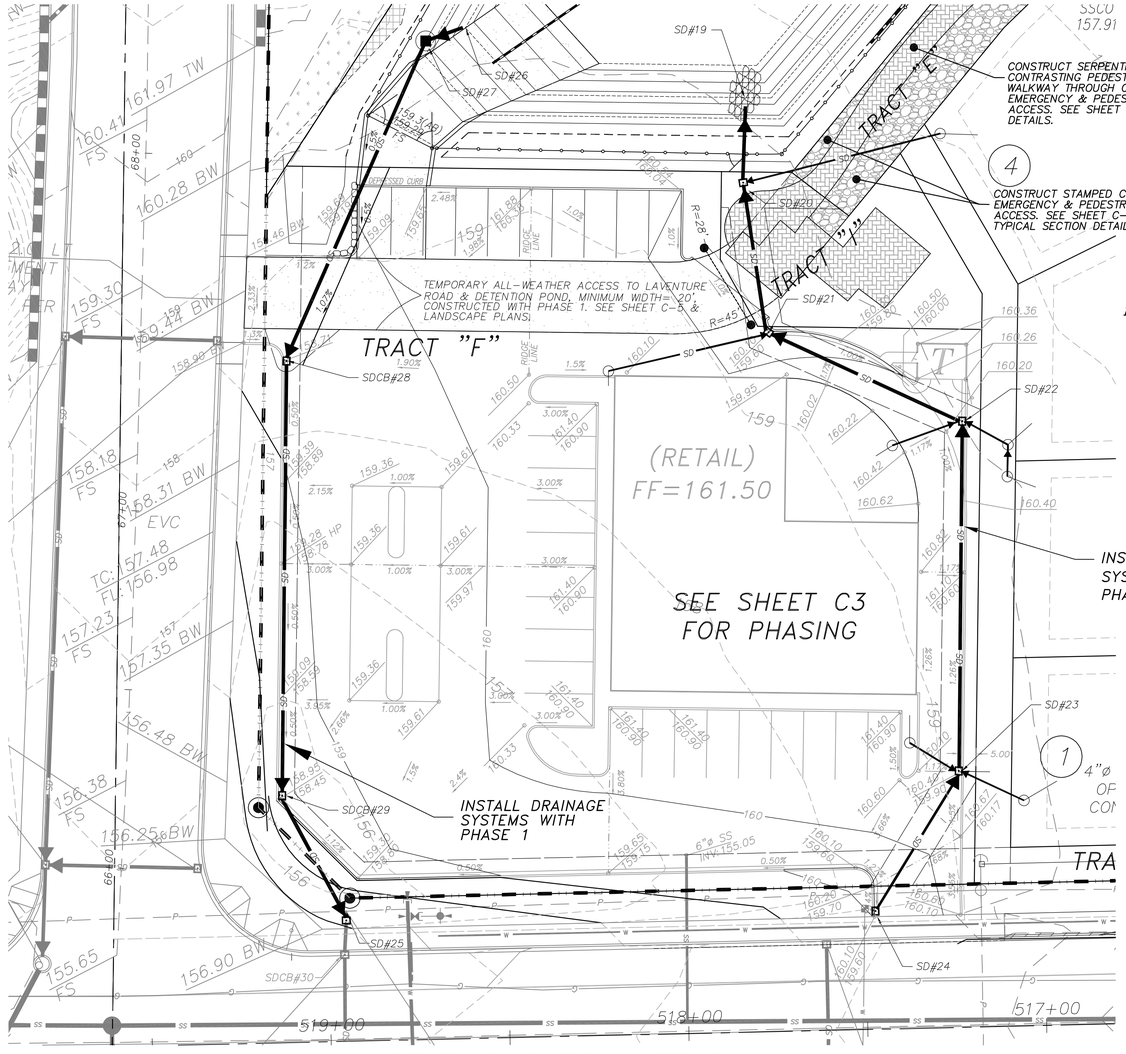
TIM K. GARRISON
STATE OF WASHINGTON
28873
REGISTERED
PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" SILVER LOOP, RETAIL SITE & POND OUTLET STORM DRAINAGE & SANITARY SEWER PROFILES	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-11

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.



GRAPHIC SCALE

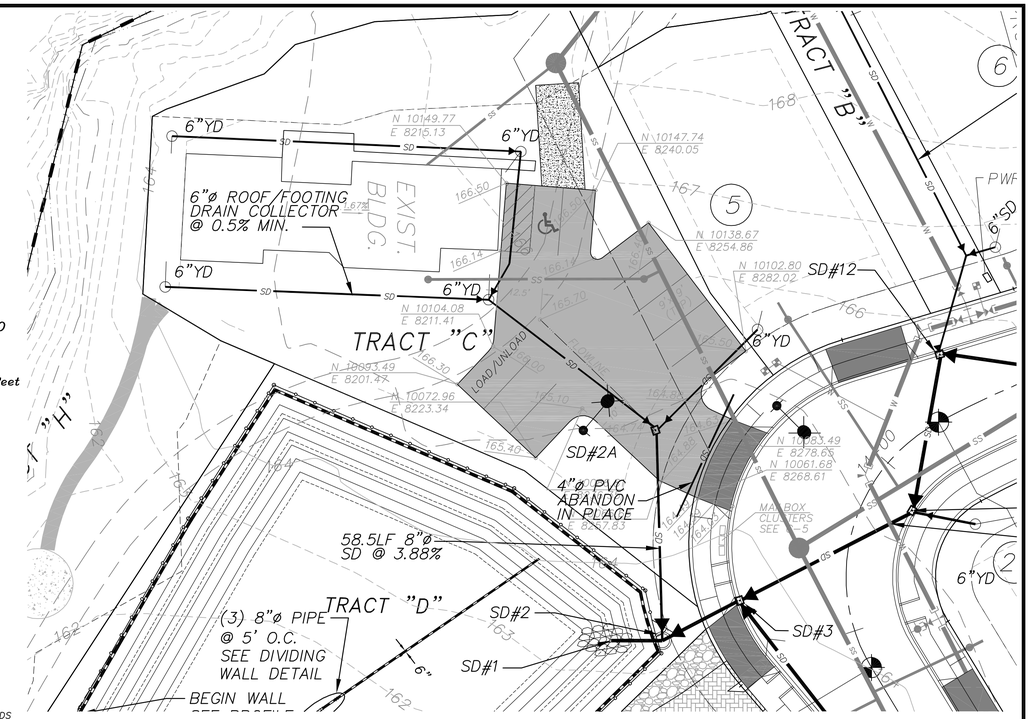
20 0 10 20 40

(IN FEET)

Horizontal Scale: 1 Inch = 20 Feet

Contour Interval: 1-Foot

TIM K. GARRISON — STATE OF WASHINGTON — 28873 — REGISTERED PROFESSIONAL ENGINEER — EXPIRES: 8/30/2014



GRADING & DRAINAGE PLAN COMMUNITY CENTER (TRACT "C")

STORM SEWER CONTRUCTION NOTES: (AS-BUILT)
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

SD #1, 12"ø OUTLET, STA: 13+57.8, 66.9'LT; INV: ~~156.40~~ 156.66

SD #2, SDCB 48"ø TYPE 2, FRASER STA: 13+56.8, 52.9'LT; RIM: ~~164.67~~ 163.86 INV: ~~158.47~~ 158.66

SD #2A, CONCRETE INLET, COORD: N 10080.35, E 8257.84; RIM: ~~164.74~~ 164.32 INV: ~~160.74~~ 161.02

SD #3, SDCB TYPE 1, FRASER STA: 13+61.3, 30.0'LT; RIM: ~~163.77~~ 163.60 INV: ~~158.60~~ 159.10

SD #4, SDCB TYPE 1, FRASER STA: 13+00.00, 13.6'LT; RIM: ~~163.71~~ 163.68 INV: ~~159.24~~ 159.65

SD #4A, SDCB TYPE 1, FRASER STA: 13+00.00, 13.3'RT; RIM: ~~163.72~~ 163.78 INV: ~~159.42~~ 159.78

SD #5, SDCB TYPE 1, FRASER STA: 12+20.00, 17.6'LT; RIM: ~~164.16~~ 164.26 INV: ~~159.62~~ 159.99

SD #6, SDCB TYPE 1, FRASER STA: 10+53.3, 18.3'LT; RIM: ~~163.62~~ 163.62 INV: ~~160.44~~ 160.77

SD #7, SDCB TYPE 1, FRASER STA: 10+56.8, 18.3'RT; RIM: ~~163.63~~ 163.71 INV: ~~160.63~~ 161.03

SD #8, EXIST 8" SD INLET, BLACKBURN STA: 514+38.3, 40.1'RT; INV SW: 168.59; INSTALL CONCRETE INLET WSDOT STD B-25.60-00 W/ SOLID COVER; JOIN EXIST 8" TO SW & 8" FRENCH DRAIN TO NORTH; RIM: ~~170.70~~ 170.12 INV 8" IN N: ~~168.59~~ 168.79 INV 8" OUT SW: ~~168.59~~ 168.55

SD #9, EXIST TYPE 1 SDCB, BLACKBURN STA: 516+25.4, 22.1'RT; RIM: 162.25; INV 12" IN N: 159.17; INV 12" OUT S: 159.12; RELOCATE EXIST SDCB TO 24.3'RT; RIM FL: 162.07; INV 12" OUT S: 159.13; REMOVE 12" SD TO NORTH.

SD #10, EXIST 12" SD INLET, BLACKBURN STA: 516+24.0, 32.3'RT; INV 12" IN: 159.58; REMOVE S'Y TO SDCB.

SD #11, SDCB TYPE 1, FRASER STA: 13+92.05, 13.3'RT; RIM: ~~164.38~~ 164.43 INV: ~~159.39~~ 159.63

SD #12, SDCB TYPE 1, FRASER STA: 14+26.94, 16.7'LT; RIM: ~~164.31~~ 164.92 INV: ~~160.71~~ 160.07

SD #13, SDCB TYPE 1, FRASER STA: 14+81.6, 13.3'RT; RIM: ~~166.45~~ 166.65 INV: ~~162.45~~ 163.20

SD #14, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'RT; RIM: ~~175.20~~ 175.23 INV: ~~171.02~~ 170.61

SD #14A, SDCB TYPE 1, FRASER STA: 16+31.81, 27.8'RT; RIM: ~~177.40~~ 177.39 INV: ~~173.06~~ 172.69

SD #15, SDCB TYPE 1, FRASER STA: 15+90.8, 13.3'LT; RIM: ~~175.20~~ 175.49 INV: ~~171.20~~ 171.14

SD #16, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'LT; RIM: ~~184.12~~ 184.27 INV: ~~180.01~~ 180.01

SD #17, SDCB TYPE 1, FRASER STA: 18+05.0, 13.3'RT; RIM: ~~184.17~~ 184.30 INV: ~~180.17~~ 180.40

SD #18, SDCB TYPE 1, FRASER STA: 18+57.92, 36.8'RT; SILVER STA: 5+38.24, 12.16'RT; RIM: ~~186.43~~ 186.32 INV: ~~182.43~~ 182.81

SD #18A, SDCB TYPE 1, FRASER STA: 18+86.86, 41.76'RT; SILVER STA: 5+41.23, 9.3'LT; RIM: ~~186.64~~ 186.71 INV: ~~182.64~~ 182.59

SD #19, 12"ø OUTLET, SD STA: 4+12.54; ~~N 9947.62, E 8166.46~~ N 9943.97 E 8166.62 INV: ~~156.40~~ 156.39

SD #20, SDCB TYPE 1, SD STA: 1+26.2; ~~N 9921.43, E 8166.02~~ N 9922.65 E 8165.96 RIM: ~~160.00~~ 160.02 INV: ~~156.53~~ 156.50

SD #21, SDCB TYPE 1, SD STA: 3+45.68; ~~N 9880.99 E 8173.16~~ N 9880.82 E 8173.03 RIM: ~~160.10~~ 160.20 INV: ~~156.74~~ 156.65

SD #22, SDCB TYPE 1, SD STA: 2+85.93; ~~N 9856.09, E 8227.30~~ N 9855.97 E 8227.17 RIM: ~~160.15~~ 160.45 INV: ~~157.04~~ 156.90

SD #23, SDCB TYPE 1, SD STA: 1+87.95; ~~N 9758.13, E 8224.99~~ N 9758.21 E 8226.19 RIM: ~~159.90~~ 159.84 INV: ~~157.53~~ 157.44

SD #24, SDCB TYPE 1, SD STA: 1+40.60; ~~N 9719.32, E 8203.34~~ N 9719.05 E 8202.94 RIM: ~~159.60~~ 159.36 INV: ~~157.77~~ 157.71

SD #25, EXIST 12" SD INLET, BLACKBURN STA: ~~518+95.1, 36.7'RT~~ 518+95.0 33.8'RT INV 12" IN: ~~154.89~~ 157.0 RIM 154.50 ~~REMOVED 12" SD SOUTH TO SDCB.~~

STORM SEWER CONTRUCTION NOTES CONTINUED:
NOTE: ALL STRUCTURES SHALL HAVE LOCKING LIDS

INSTALLED SDCB TYPE 1 WITH "BEHIVE GRATE & FRAME.

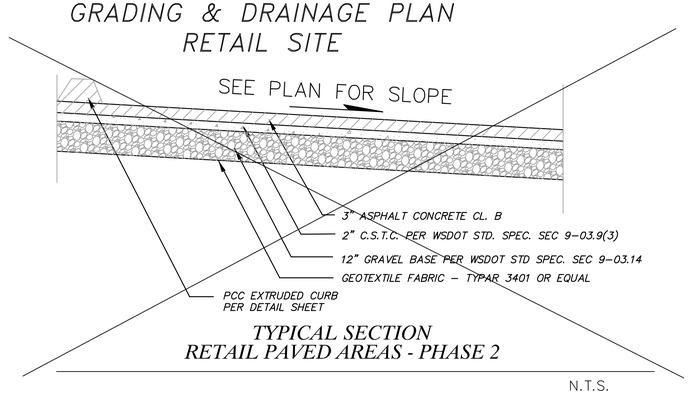
SD #26, 12"ø SD INLET; COORD: ~~N 9965.91, E 8088.33~~ N 9965.98 E 8087.61 INV: ~~156.40~~ 156.52

SD #27, SDCB 54"ø TYPE 2, AS CONTROL STRUCTURE PER DETAIL ON SHEET C-13; COORD: ~~N 9962.23 E 8077.23~~ N 9961.57 E 8077.32 RIM: ~~161.1~~ 160.30 INV: ~~156.40~~ 156.45 SECONDARY OVERFLOW: ~~158.35~~ 158.15

SD #28, SDCB TYPE 1, COORD: ~~N 9872.70, E 8038.34~~ N 9872.77 E 8038.05 RIM: ~~158.71~~ 158.78 INV: ~~155.71~~ 155.70

SD #29, SDCB TYPE 1, COORD: ~~N 9751.30, E 8037.12~~ N 9751.48 E 8037.42 RIM: ~~158.45~~ 158.30 INV: ~~154.95~~ 154.90

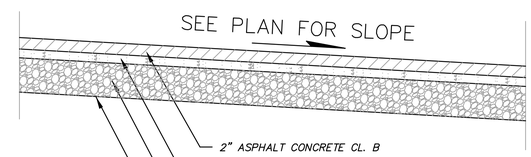
SD #30, EXIST SDCB TYPE 1, BLACKBURN STA: 518+95.7, 24.3'RT; RIM FL: 156.42; INV 12" IN N: 152.77; INV 12" OUT S: 152.76; ~~REMOVE 12" SD NORTH; JOIN 12" SD FROM SD #29; INV IN N: 152.77.~~



TYPICAL SECTION RETAIL PAVED AREAS - PHASE 2

N.T.S.

GRADING & DRAINAGE PLAN RETAIL SITE



TYPICAL SECTION TRACT "C" PAVED AREAS

N.T.S.

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

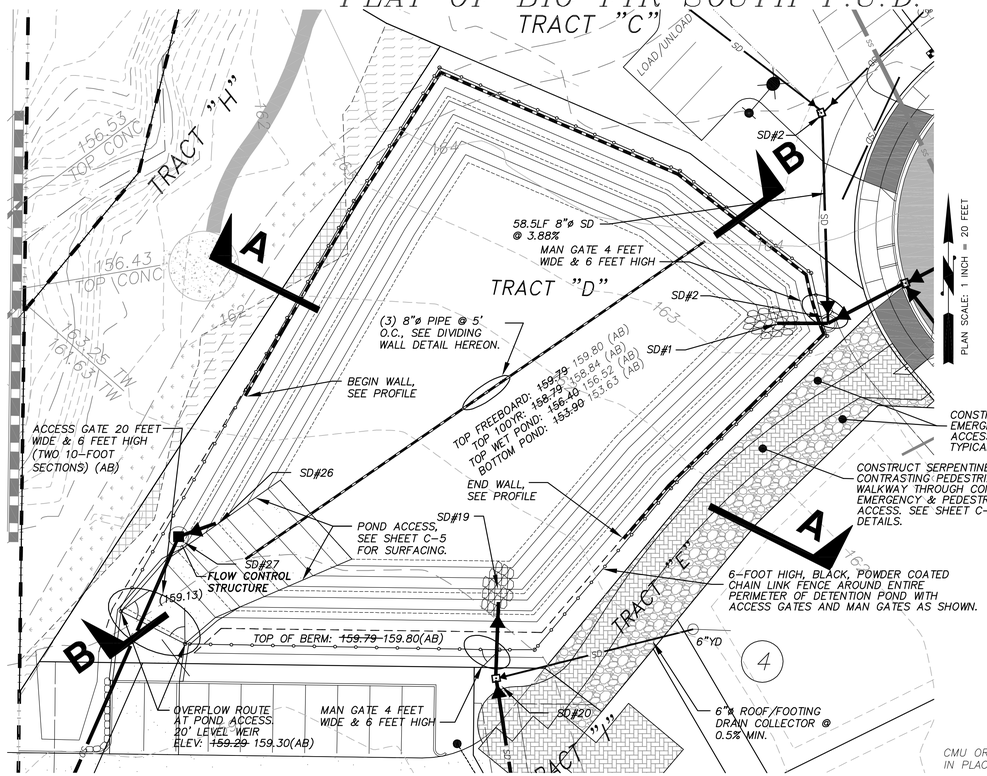
This approval will expire in one year from the date noted above.

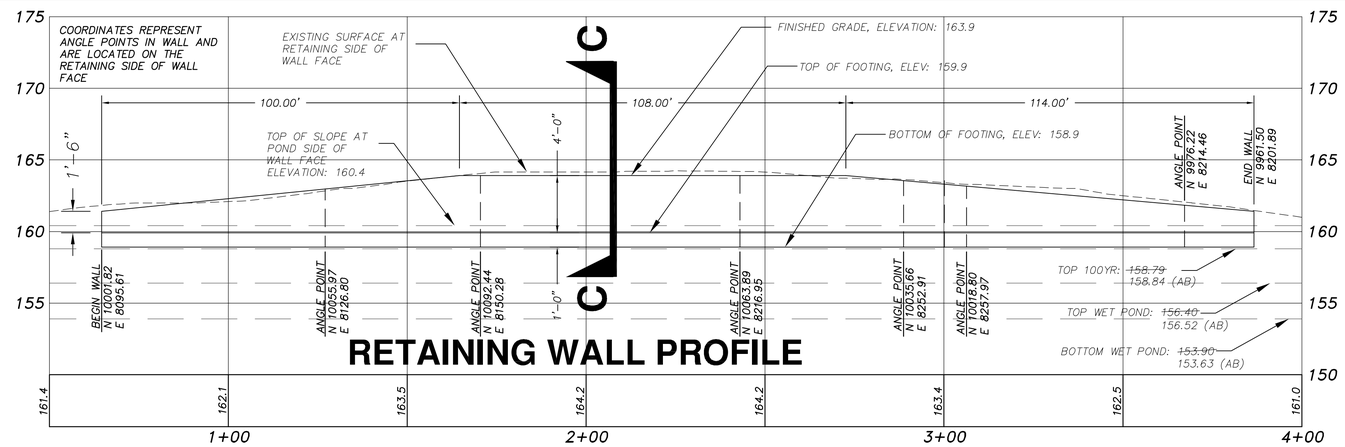
PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" GRADING & DRAINAGE PLAN RETAIL SITE & COMMUNITY CENTER	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-12

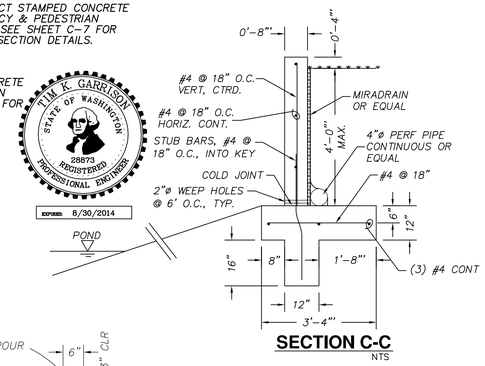
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.





RETAINING WALL PROFILE

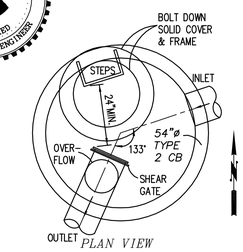


SECTION C-C

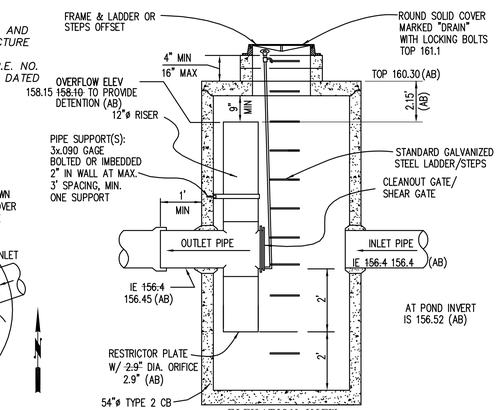
NTS

NOTE:
STORMWATER DETENTION POND SIZING AND STORMWATER OUTLET CONTROL STRUCTURE DESIGNED BY ENGINEERED SOLUTIONS NORTHWEST, LLC. JAMES A. PERRY, P.E. NO. 37175. REFER TO DRAINAGE REPORT DATED APRIL 2, 2013.

JAMES A. PERRY
STATE OF WASHINGTON
37175
REGISTERED
PROFESSIONAL ENGINEER



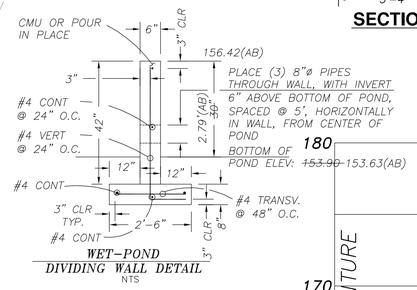
PLAN VIEW



ELEVATION VIEW

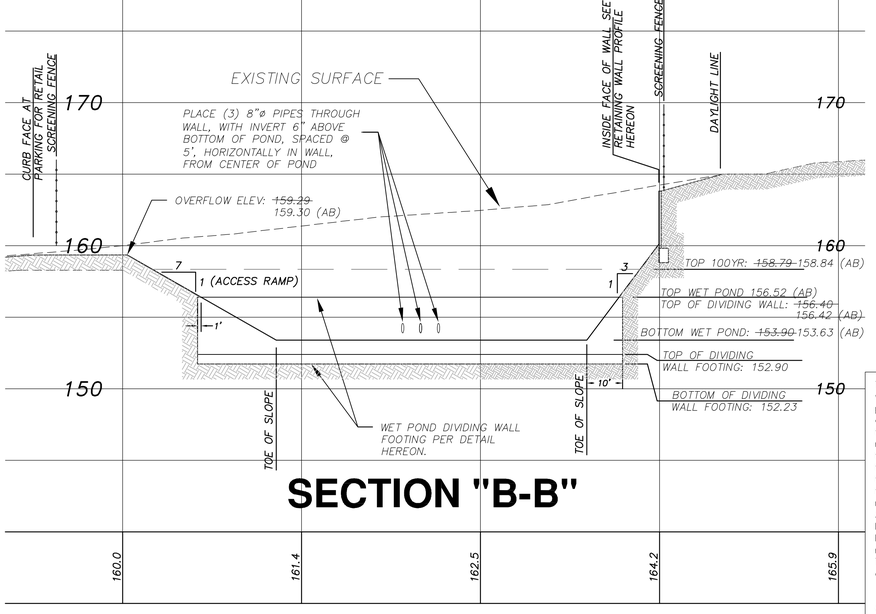
CONTROL STRUCTURE

NTS



WET-POND DIVIDING WALL DETAIL

NTS



SECTION "B-B"

GRAPHIC SCALE

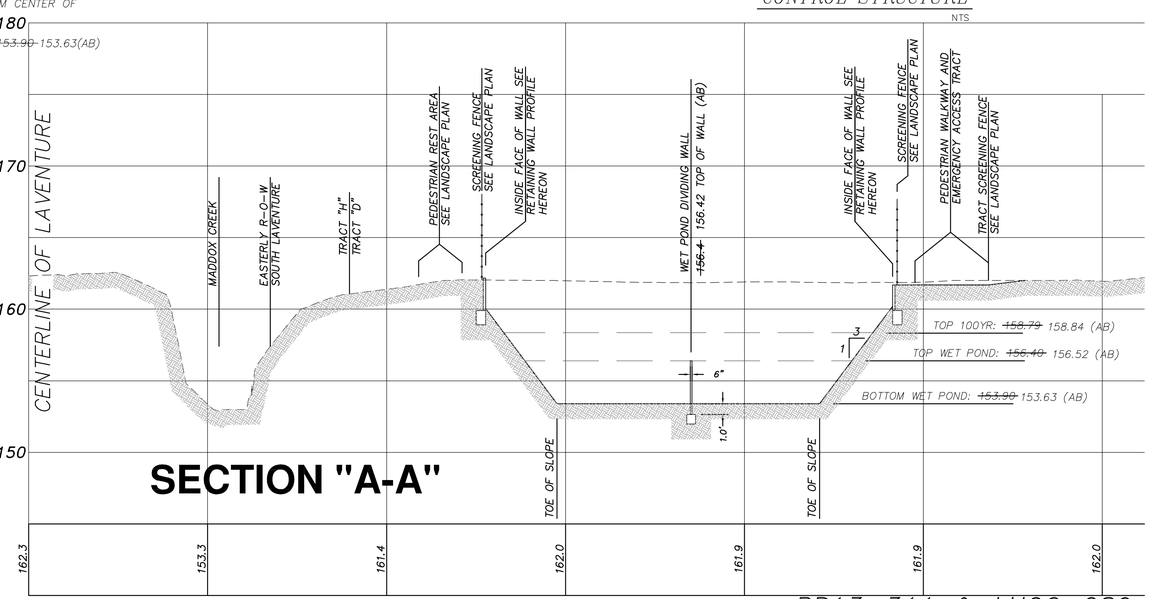
20 0 10 20 40

(IN FEET)
Horizontal Scale: 1 Inch = 20 Feet
Vertical Scale: 1 Inch = 5 Feet
Contour Interval: 1-Foot

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.



SECTION "A-A"

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" STORMWATER DETENTION TRACT "D"	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-13

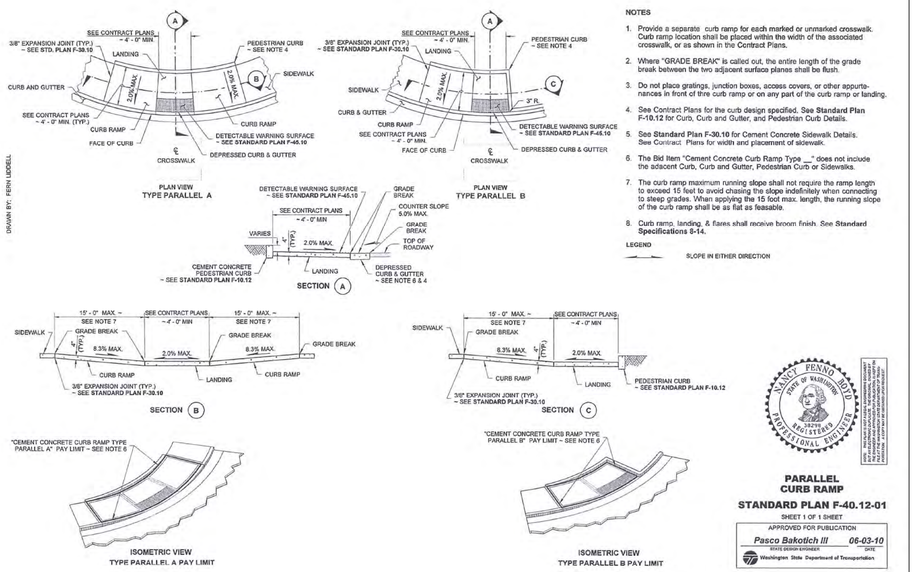
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.



NOTES

1. Provide a separate curb ramp for each marked or unmarked crosswalk. Curb ramp location shall be placed within the width of the associated crosswalk, or as shown in the Contract Plans.
2. Where "GRADE BREAK" is called out, the entire length of the grade break between the two adjacent surface planes shall be flush.
3. Do not place gratings, junction boxes, access covers, or other appurtenances in front of thre curb ramp or on any part of the curb ramp or landing.
4. See Contract Plans for the curb design specified. See **Standard Plan F-10.12** for Curb, Curb and Gutter, and Pedestrian Curb Details.
5. See **Standard Plan F-30.10** for Cement Concrete Sidewalk Details. See Contract Plans for width and placement of sidewalk.
6. The Bid Item "Cement Concrete Curb Ramp Type __" does not include the adjacent Curb, Curb and Gutter, Pedestrian Curb or Sidewalks.
7. The curb ramp maximum running slope shall not require the ramp length to exceed 15 feet to avoid chasing the slope indefinitely when connecting to steep grades. When applying the 15 foot max. length, the running slope of the curb ramp shall be as flat as feasable.
8. Curb ramp, landing, & flares shall receive broom finish. See **Standard Specifications 8-14.**

LEGEND

SLOPE IN EITHER DIRECTION

NANCY PENNO BOYD — STATE OF WASHINGTON — 16276 — REGISTERED PROFESSIONAL ENGINEER

EXPIRES: 8/30/2014

PARALLEL CURB RAMP

STANDARD PLAN F-40.12-01

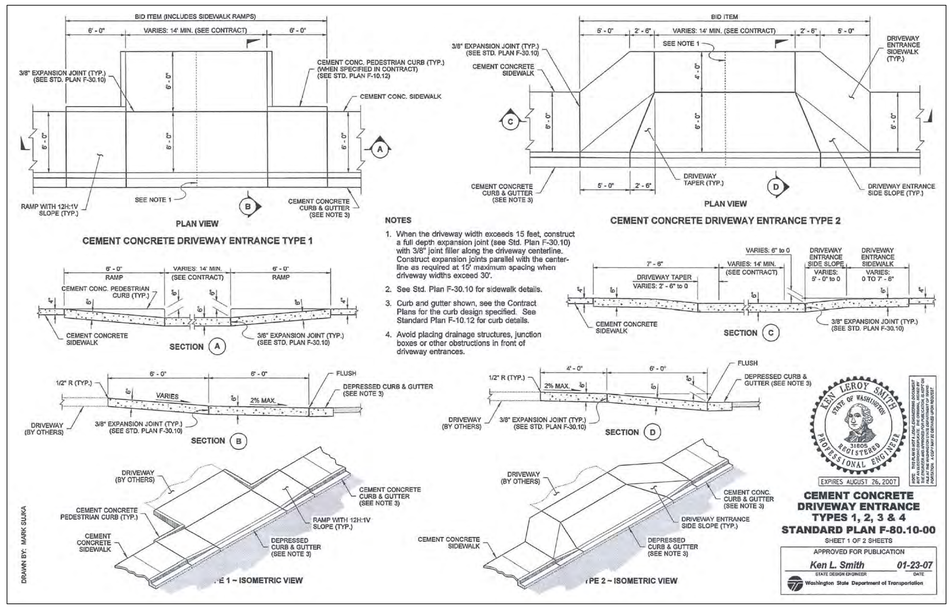
SHEET 1 OF 1 SHEET

APPROVED FOR PUBLICATION

Pasco Bakotich III 06-03-10

STATE DESIGN ENGINEER DATE

Washington State Department of Transportation



NOTES

1. When the driveway width exceeds 15 feet, construct a full depth expansion joint (see Std. Plan F-30.10) with 3/8" joint filler along the driveway centerline. Construct expansion joints parallel with the centerline as required at 15' maximum spacing when driveway widths exceed 30'.
2. See Std. Plan F-30.10 for sidewalk details.
3. Curb and gutter shown, see the Contract Plans for the curb design specified. See Standard Plan F-10.12 for curb details.
4. Avoid placing drainage structures, junction boxes or other obstructions in front of driveway entrances.

KEN LEROY SMITH — STATE OF WASHINGTON — 31806 — REGISTERED PROFESSIONAL ENGINEER

EXPIRES: AUGUST 26, 2007

CEMENT CONCRETE DRIVEWAY ENTRANCE TYPES 1, 2, 3 & 4

STANDARD PLAN F-80.10-00

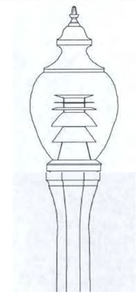
SHEET 1 OF 2 SHEETS

APPROVED FOR PUBLICATION

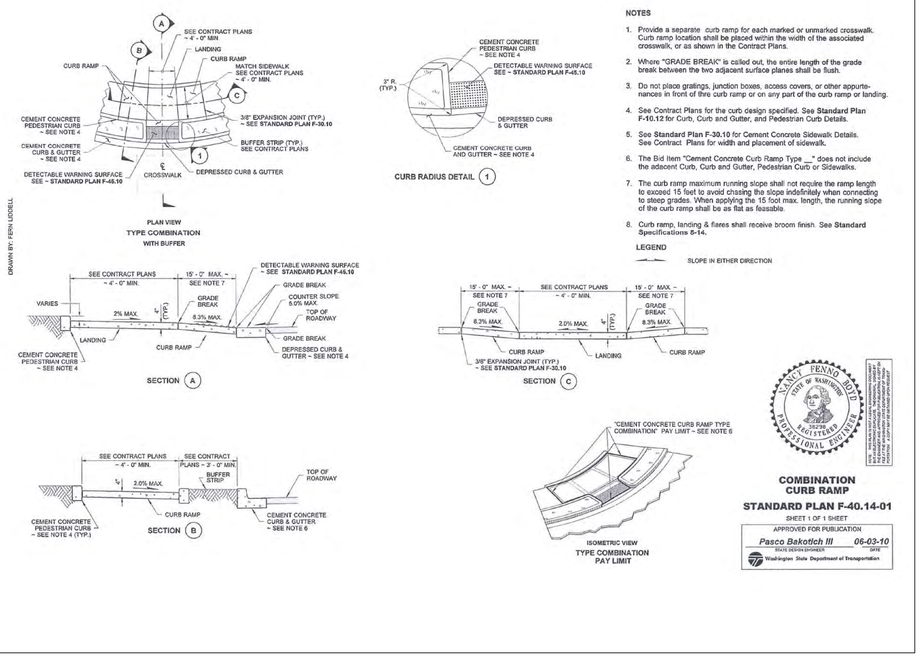
Ken L. Smith 01-23-07

STATE DESIGN ENGINEER DATE

Washington State Department of Transportation



TYPICAL STREET LIGHT
By IntoLight
K118 – Acorn with
Concrete Post
SEE INTOLIGHT'S PLANS
FOR LOCATIONS AND
INSTALLATION SPECS



NOTES

1. Provide a separate curb ramp for each marked or unmarked crosswalk. Curb ramp location shall be placed within the width of the associated crosswalk, or as shown in the Contract Plans.
2. Where "GRADE BREAK" is called out, the entire length of the grade break between the two adjacent surface planes shall be flush.
3. Do not place gratings, junction boxes, access covers, or other appurtenances in front of thre curb ramp or on any part of the curb ramp or landing.
4. See Contract Plans for the curb design specified. See **Standard Plan F-10.12** for Curb, Curb and Gutter, and Pedestrian Curb Details.
5. See **Standard Plan F-30.10** for Cement Concrete Sidewalk Details. See Contract Plans for width and placement of sidewalk.
6. The Bid Item "Cement Concrete Curb Ramp Type __" does not include the adacent Curb, Curb and Gutter, Pedestrian Curb or Sidewalks.
7. The curb ramp maximum running slope shall not require the ramp length to exceed 15 feet to avoid chasing the slope indefinitely when connecting to steep grades. When applying the 15 foot max. length, the running slope of the curb ramp shall be as flat as feasable.
8. Curb ramp, landing & flares shall receive broom finish. See **Standard Specifications 8-14.**

LEGEND

SLOPE IN EITHER DIRECTION

JOHN W. RAMSDEN — STATE OF WASHINGTON — 16276 — REGISTERED PROFESSIONAL ENGINEER

EXPIRES: 8/30/2014

COMBINATION CURB RAMP

STANDARD PLAN F-40.14-01

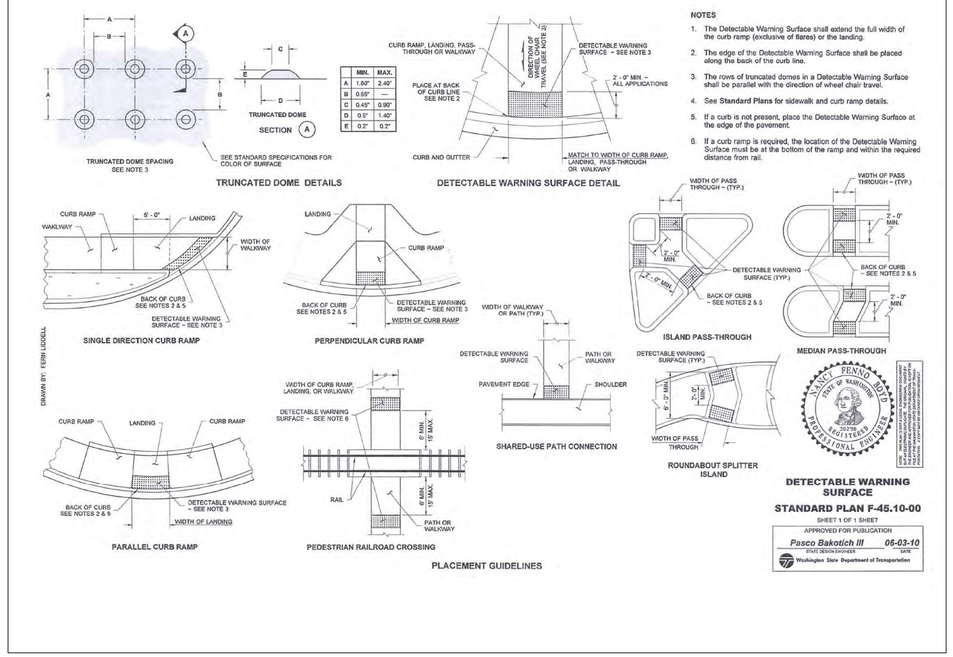
SHEET 1 OF 1 SHEET

APPROVED FOR PUBLICATION

Pasco Bakotich III 06-03-10

STATE DESIGN ENGINEER DATE

Washington State Department of Transportation



	MIN.	MAX.
A	1.50"	2.40"
B	0.55"	—
C	0.45"	0.90"
D	0.0"	1.40"
E	0.2"	0.2"

NOTES

1. The Detectable Warning Surface shall extend the full width of the curb ramp (exclusive of flares) or the landing.
2. The edge of the Detectable Warning Surface shall be placed along the back of the curb line.
3. The rows of truncated domes in a Detectable Warning Surface shall be parallel with the direction of wheel chair travel.
4. See **Standard Plans** for sidewalk and curb ramp details.
5. If a curb is not present, place the Detectable Warning Surface at the edge of the pavement.
6. If a curb ramp is required, the location of the Detectable Warning Surface must be at the bottom of the ramp and within the required distance from rail.

NANCY PENNO BOYD — STATE OF WASHINGTON — 16276 — REGISTERED PROFESSIONAL ENGINEER

EXPIRES: 8/30/2014

DETECTABLE WARNING SURFACE

STANDARD PLAN F-45.10-00

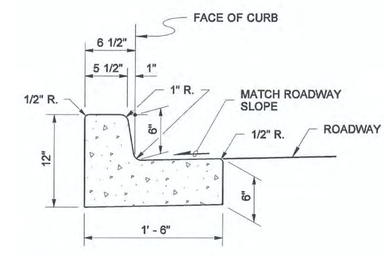
SHEET 1 OF 1 SHEET

APPROVED FOR PUBLICATION

Pasco Bakotich III 06-03-10

STATE DESIGN ENGINEER DATE

Washington State Department of Transportation



CEMENT CONCRETE TRAFFIC CURB AND GUTTER

TIM K. GARRISON — STATE OF WASHINGTON — 28873 — REGISTERED PROFESSIONAL ENGINEER

EXPIRES: 8/30/2014

CEMENT CONCRETE CURBS

STANDARD PLAN F-10.12-02

SHEET 1 OF 1 SHEET

APPROVED FOR PUBLICATION

Pasco Bakotich III 06-16-11

STATE DESIGN ENGINEER DATE

Washington State Department of Transportation

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" STREET IMPROVEMENT STANDARD PLANS AND DETAILS

PROJECT: PLAT OF BIG FIR SOUTH P.U.D.

DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233

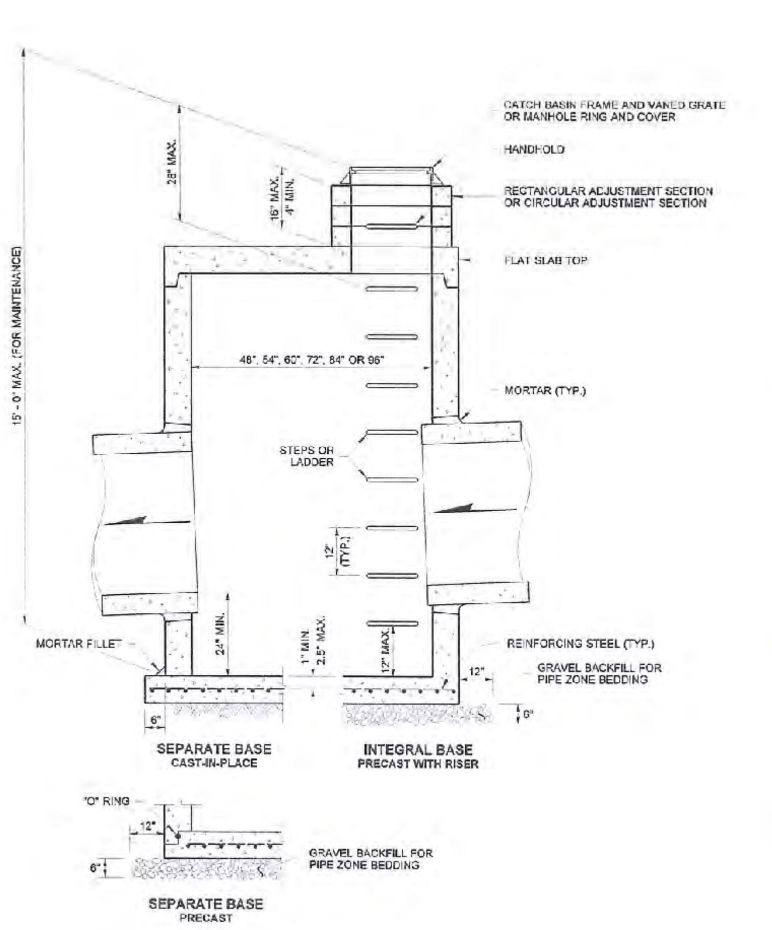
SHEET NO. C-14

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

NOTE: LOCKING LIDS REQUIRED ON ALL MANHOLES AND CATCH BASINS WITHIN THE CITY OF MOUNT VERNON.

DRAWN BY: ADAM COCHRAN



NOTES

1. No steps are required when height is 4' or less.
2. The bottom of the precast catch basin may be sloped to facilitate cleaning.
3. The rectangular frame and grate may be installed with the flange up or down. The frame may be cast into the adjustment section.
4. Knockouts shall have a wall thickness of 2" minimum to 2.5" maximum. Provide a 1.5" minimum gap between the knockout wall and the outside of the pipe. After the pipe is installed, fill the gap with joint mortar in accordance with Standard Specification 9-04.3.

CATCH BASIN DIMENSIONS

CATCH BASIN DIAMETER	WALL THICKNESS	BASE THICKNESS	MAXIMUM KNOCKOUT SIZE	MINIMUM DISTANCE BETWEEN KNOCKOUTS	BASE REINFORCING STEEL in² /ft. IN EACH DIRECTION	
					SEPARATE BASE	INTEGRAL BASE
48"	4"	6"	36"	8"	0.23	0.15
54"	4.5"	8"	42"	8"	0.19	0.19
60"	5"	8"	48"	8"	0.25	0.25
72"	6"	8"	60"	12"	0.35	0.24
84"	8"	12"	72"	12"	0.39	0.29
96"	8"	12"	84"	12"	0.39	0.29

PIPE ALLOWANCES

CATCH BASIN DIAMETER	PIPE MATERIAL WITH MAXIMUM INSIDE DIAMETER				
	CONCRETE	ALL METAL	CPSSP ①	SOLID WALL PVC ②	PROFILE WALL PVC ③
48"	24"	30"	24"	27"	30"
54"	30"	36"	30"	27"	36"
60"	36"	42"	36"	36"	42"
72"	42"	54"	42"	36"	48"
84"	54"	60"	54"	36"	48"
96"	60"	72"	60"	36"	48"

① Corrugated Polyethylene Storm Sewer Pipe (Std. Spec. 9-05.20)
② (Std. Spec. 9-05.12(1))
③ (Std. Spec. 9-05.12(2))

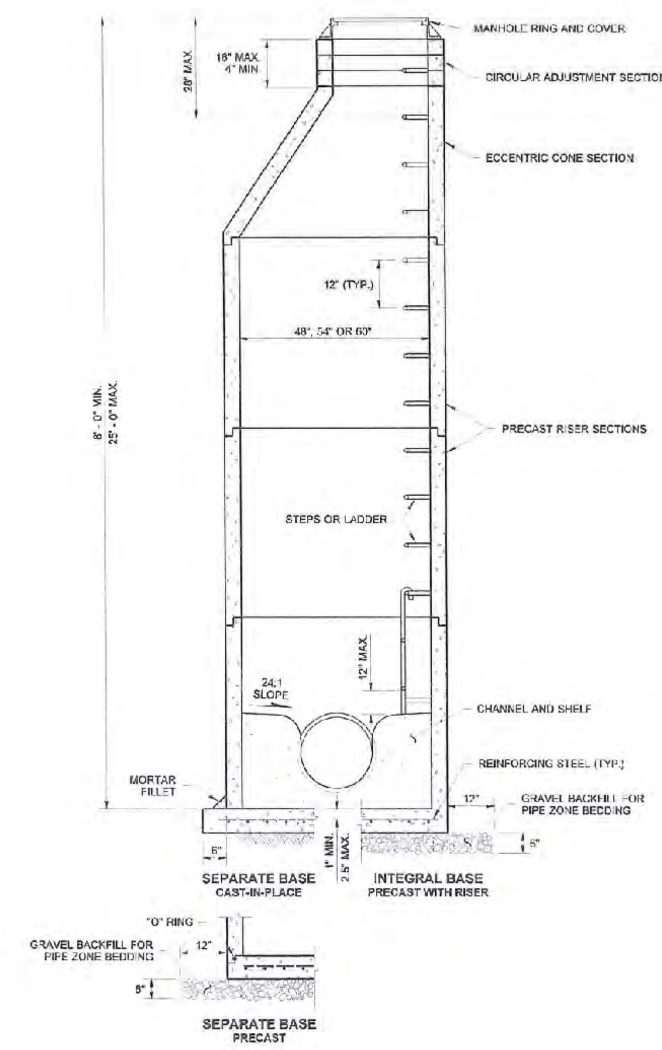
MATTHEW J. WITECKI, STATE OF WASHINGTON, 15568 REGISTERED PROFESSIONAL ENGINEER, EXPIRES JULY 1, 2007

CATCH BASIN TYPE 2

STANDARD PLAN B-10.20-00

SHEET 1 OF 1 SHEET
APPROVED FOR PUBLICATION
Harold J. Peterfeso 06-01-06
STATE DESIGN ENGINEER DATE
Washington State Department of Transportation

DRAWN BY: ADAM COCHRAN



NOTE

Knockouts shall have a wall thickness of 2" minimum to 2.5" maximum.

MANHOLE DIMENSION TABLE

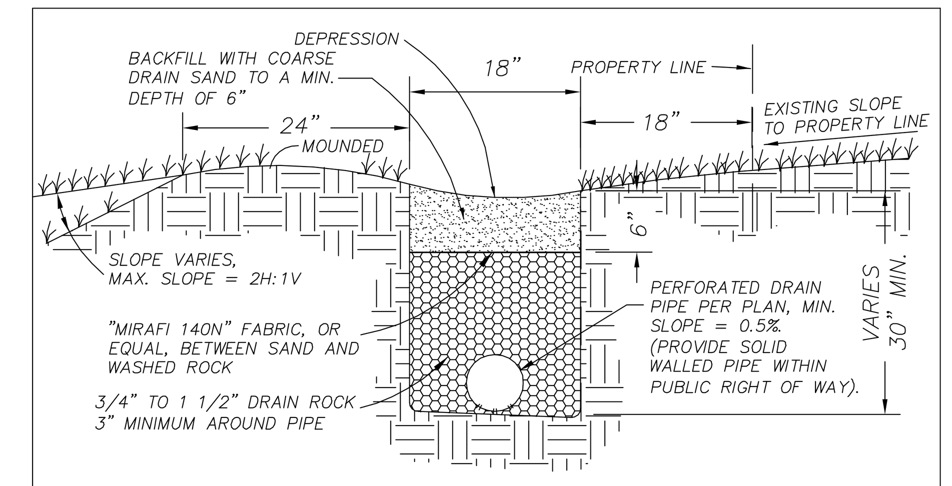
DIAM.	WALL THICKNESS	BASE THICKNESS	MAXIMUM KNOCKOUT SIZE	MINIMUM DISTANCE BETWEEN KNOCKOUTS	BASE REINFORCING STEEL in² /ft. IN EACH DIRECTION	
					SEPARATE BASE	INTEGRAL BASE
48"	4"	6"	36"	8"	0.23	0.15
54"	4.5"	8"	42"	8"	0.19	0.19
60"	5"	8"	48"	8"	0.25	0.25

MATTHEW J. WITECKI, STATE OF WASHINGTON, 15568 REGISTERED PROFESSIONAL ENGINEER, EXPIRES JULY 1, 2007

MANHOLE TYPE 1

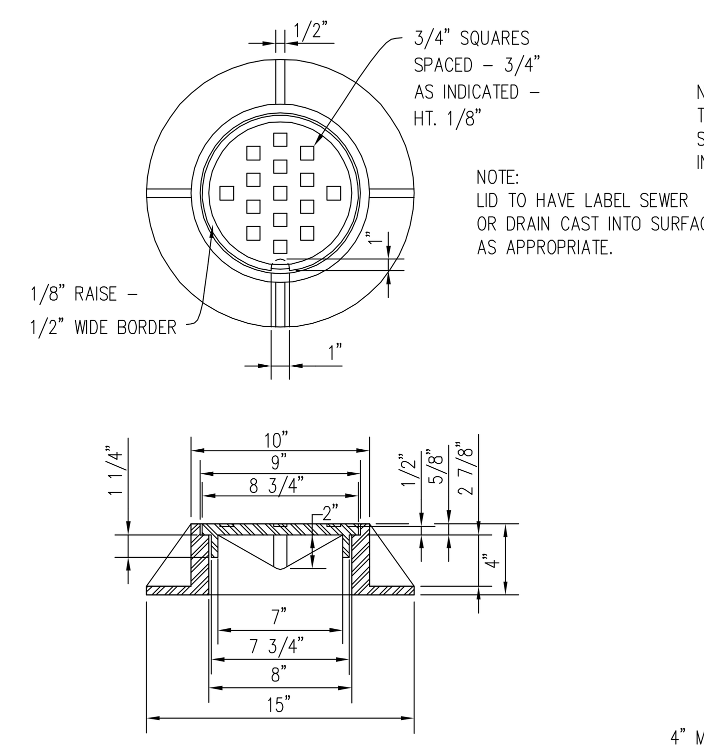
STANDARD PLAN B-15.20-00

SHEET 1 OF 1 SHEET
APPROVED FOR PUBLICATION
Harold J. Peterfeso 06-01-06
STATE DESIGN ENGINEER DATE
Washington State Department of Transportation



TYPICAL FRENCH DRAIN ALONG PROPERTY LINE

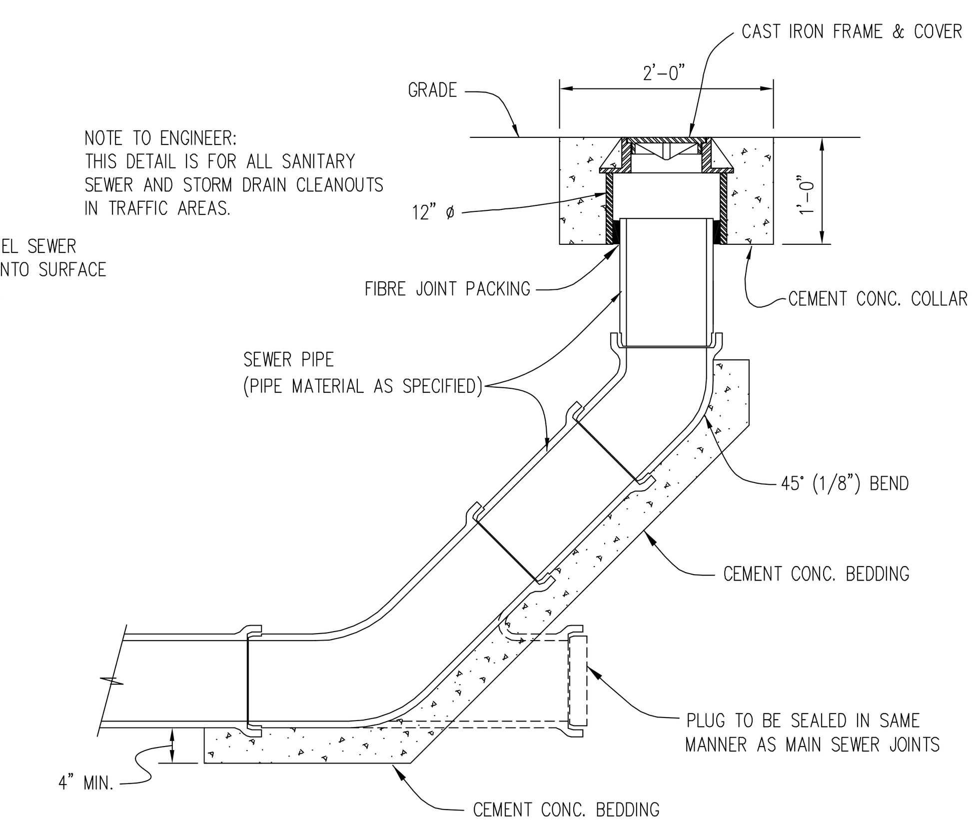
NTS



NOTE:
LID TO HAVE LABEL SEWER OR DRAIN CAST INTO SURFACE AS APPROPRIATE.

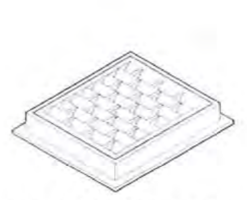
CAST IRON RING & COVER

NOTE TO ENGINEER:
THIS DETAIL IS FOR ALL SANITARY SEWER AND STORM DRAIN CLEANOUTS IN TRAFFIC AREAS.

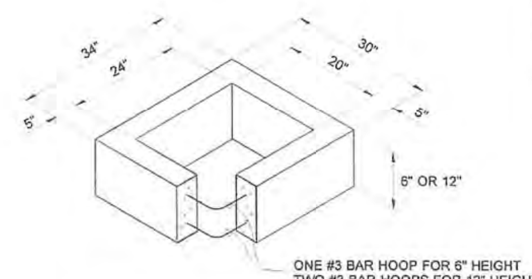


SANITARY SEWER CLEAN-OUT

DRAWN BY: MARK SUJKA



FRAME AND VANED GRATE



RECTANGULAR ADJUSTMENT SECTION

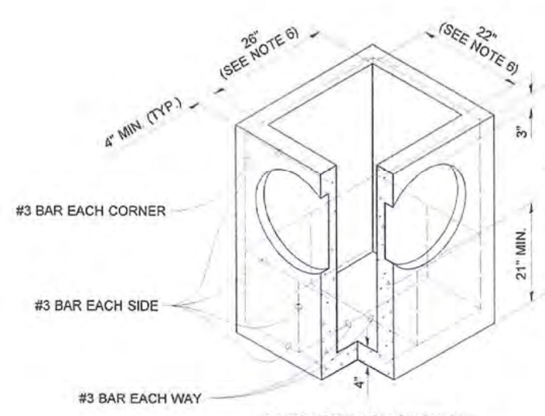
PIPE ALLOWANCES

PIPE MATERIAL	MAXIMUM INSIDE DIAMETER
REINFORCED OR PLAIN CONCRETE	12"
ALL METAL PIPE	15"
CPSSP * (STD. SPEC. 9-05.20)	12"
SOLID WALL PVC (STD. SPEC. 9-05.12(1))	15"
PROFILE WALL PVC (STD. SPEC. 9-05.12(2))	15"

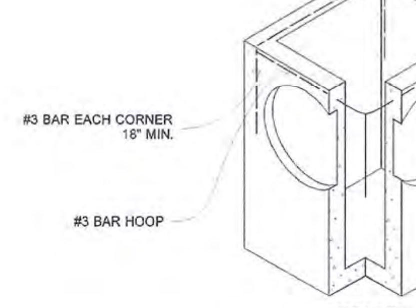
* CORRUGATED POLYETHYLENE STORM SEWER PIPE

NOTES

1. As acceptable alternatives to the rebar shown in the **PRECAST BASE SECTION**, fibers (placed according to the Standard Specifications), or wire mesh having a minimum area of 0.12 square inches per foot shall be used with the minimum required rebar shown in the **ALTERNATIVE PRECAST BASE SECTION**. Wire mesh shall not be placed in the knockouts.
2. The knockout diameter shall not be greater than 20". Knockouts shall have a wall thickness of 2" minimum to 2.5" maximum. Provide a 1.5" minimum gap between the knockout wall and the outside of the pipe. After the pipe is installed, fill the gap with joint mortar in accordance with Standard Specification 9-04.3.
3. The maximum depth from the finished grade to the lowest pipe invert shall be 5'.
4. The frame and grate may be installed with the flange up or down. The frame may be cast into the adjustment section.
5. The Precast Base Section may have a rounded floor, and the walls may be sloped at a rate of 1:24 or steeper.
6. The opening shall be measured at the top of the precast base section.
7. All pickup holes shall be grouted full after the basin has been placed.



PRECAST BASE SECTION



ALTERNATIVE PRECAST BASE SECTION

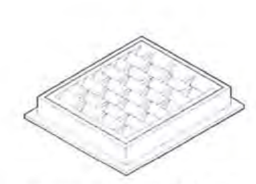
MATTHEW J. WITECKI, STATE OF WASHINGTON, 15568 REGISTERED PROFESSIONAL ENGINEER, EXPIRES JULY 1, 2007

CATCH BASIN TYPE 1

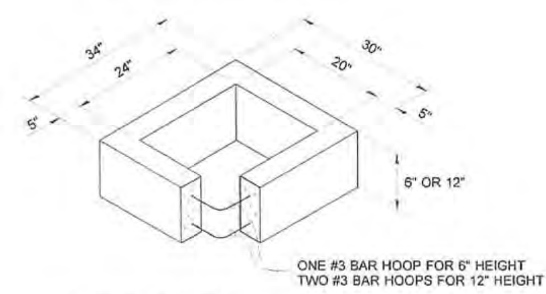
STANDARD PLAN B-5.20-00

SHEET 1 OF 1 SHEET
APPROVED FOR PUBLICATION
Harold J. Peterfeso 06-01-06
STATE DESIGN ENGINEER DATE
Washington State Department of Transportation

DRAWN BY: MARK SUJKA



FRAME AND VANED GRATE



RECTANGULAR ADJUSTMENT SECTION

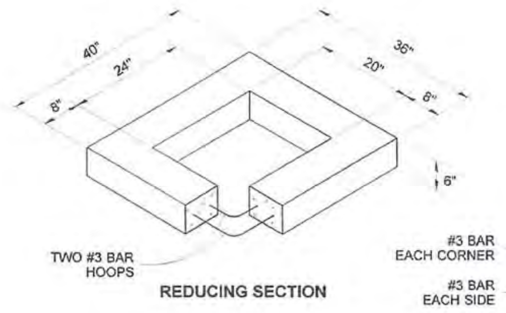
PIPE ALLOWANCES

PIPE MATERIAL	MAXIMUM INSIDE DIAMETER
REINFORCED OR PLAIN CONCRETE	18"
ALL METAL PIPE	21"
CPSSP * (STD. SPEC. 9-05.20)	18"
SOLID WALL PVC (STD. SPEC. 9-05.12(1))	21"
PROFILE WALL PVC (STD. SPEC. 9-05.12(2))	21"

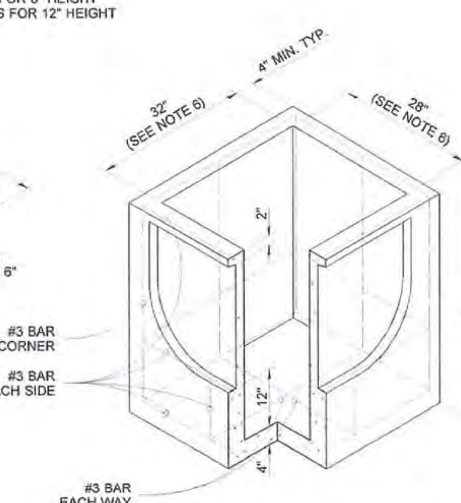
* CORRUGATED POLYETHYLENE STORM SEWER PIPE

NOTES

1. As acceptable alternatives to the rebar shown in the **PRECAST BASE SECTION**, fibers (placed according to the Standard Specifications), or wire mesh having a minimum area of 0.12 square inches per foot shall be used with the minimum required rebar shown in the **ALTERNATIVE PRECAST BASE SECTION**. Wire mesh shall not be placed in the knockouts.
2. The knockout diameter shall not be greater than 26". Knockouts shall have a wall thickness of 2" minimum to 2.5" maximum. Provide a 1.5" minimum gap between the knockout wall and the outside of the pipe. After the pipe is installed, fill the gap with joint mortar in accordance with Standard Specification 9-04.3.
3. The maximum depth from the finished grade to the lowest pipe invert shall be 5'.
4. The frame and grate may be installed with the flange up or down. The frame may be cast into the adjustment section.
5. The Precast Base Section may have a rounded floor, and the walls may be sloped at a rate of 1:24 or steeper.
6. The opening shall be measured at the top of the precast base section.
7. All pickup holes shall be grouted full after the basin has been placed.



REDUCING SECTION



PRECAST BASE SECTION

ALTERNATIVE PRECAST BASE SECTION

MATTHEW J. WITECKI, STATE OF WASHINGTON, 15568 REGISTERED PROFESSIONAL ENGINEER, EXPIRES JULY 1, 2007

CATCH BASIN TYPE 1L

STANDARD PLAN B-5.40-00

SHEET 1 OF 1 SHEET
APPROVED FOR PUBLICATION
Harold J. Peterfeso 06-01-06
STATE DESIGN ENGINEER DATE
Washington State Department of Transportation

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:__________________Date__________

This approval will expire in one year from the date noted above.

TIM K. GARRISON, STATE OF WASHINGTON, 28873 REGISTERED PROFESSIONAL ENGINEER

EXPIRES: 8/30/2014

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" SANITARY SEWER AND STORMDRAIN STANDARD PLANS AND DETAILS

PROJECT: PLAT OF BIG FIR SOUTH P.U.D.

DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233

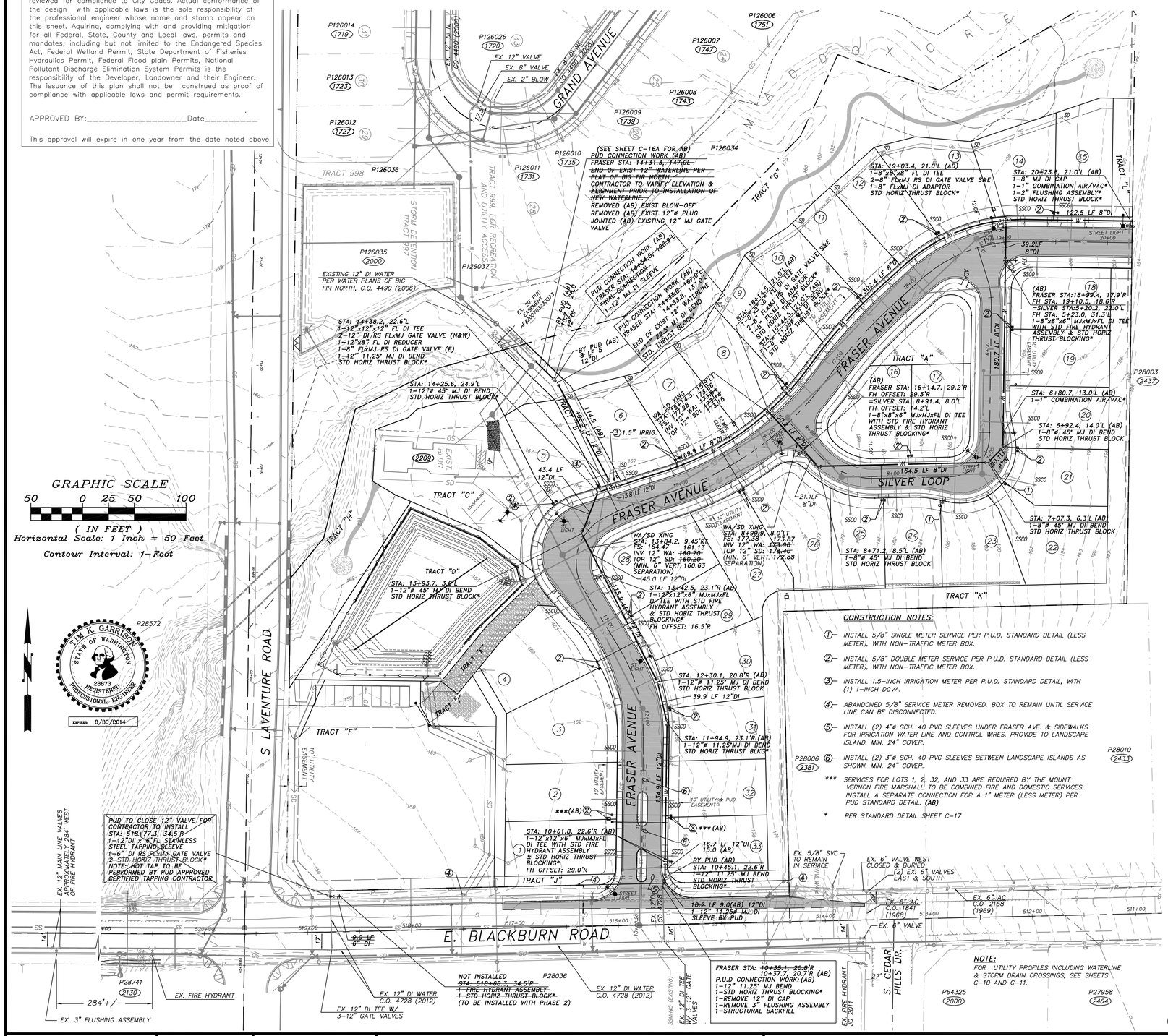
SHEET NO. C-15

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY
PLAT OF BIG FIR SOUTH P.U.D.



CONSTRUCTION NOTES:

1. INSTALL 5/8" SINGLE METER SERVICE PER P.U.D. STANDARD DETAIL (LESS METER), WITH NON-TRAFFIC METER BOX.
2. INSTALL 5/8" DOUBLE METER SERVICE PER P.U.D. STANDARD DETAIL (LESS METER), WITH NON-TRAFFIC METER BOX.
3. INSTALL 1.5-INCH IRRIGATION METER PER P.U.D. STANDARD DETAIL, WITH (1) 1-INCH DCVA.
4. ABANDONED 5/8" SERVICE METER REMOVED. BOX TO REMAIN UNTIL SERVICE LINE CAN BE DISCONNECTED.
5. INSTALL (2) 4"ø SCH. 40 PVC SLEEVES UNDER FRASER AVE. & SIDEWALKS FOR IRRIGATION WATER LINE AND CONTROL WIRES. PROVIDE TO LANDSCAPE ISLAND. MIN. 24" COVER.
6. INSTALL (2) 3"ø SCH. 40 PVC SLEEVES BETWEEN LANDSCAPE ISLANDS AS SHOWN. MIN. 24" COVER.

*** SERVICES FOR LOTS 1, 2, 32, AND 33 ARE REQUIRED BY THE MOUNT VERNON FIRE MARSHALL TO BE COMBINED FIRE AND DOMESTIC SERVICES. INSTALL A SEPARATE CONNECTION FOR A 1" METER (LESS METER) PER PUD STANDARD DETAIL. (AB)

* PER STANDARD DETAIL SHEET C-17

DISTRICT STANDARD GENERAL NOTES

(MINIMUM REQUIREMENTS)

(ENGINEER'S NOTES MAY BE MORE STRINGENT)

1. UNLESS STATED OTHERWISE, ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH THE MOST CURRENT WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT) STANDARD SPECIFICATIONS FOR ROAD, BRIDGE AND MUNICIPAL CONSTRUCTION AND THE DISTRICT REQUIREMENTS AS OUTLINED IN THE DISTRICT'S WATER POLICY MANUAL.
2. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION CONFERENCE WITH THE DISTRICT ENGINEERING DEPARTMENT, (360) 424-7104, A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION.
3. ALL PERMITS NECESSARY FOR THE INSTALLATION OF THE PROPOSED WATER SYSTEM IMPROVEMENTS WILL BE THE RESPONSIBILITY OF THE DEVELOPER, ENGINEER, OR CONTRACTOR TO ACQUIRE. A COPY OF THE PERMIT WILL BE SUBMITTED TO THE DISTRICT, PRIOR TO CONSTRUCTION. ALL RIGHTS SHALL BE GRANTED TO, OR TRANSFERRED TO, THE DISTRICT.
4. ALL TIE-INS, SHUTDOWN, FLUSHING, AND HEALTH SAMPLES SHALL BE COORDINATED WITH THE DISTRICT. THE CONTRACTOR SHALL NOT OPERATE ANY VALVES WITHOUT DISTRICT APPROVAL.
5. ALL MATERIALS ARE TO BE APPROVED BY THE DISTRICT PRIOR TO CONSTRUCTION. A LIST OF MATERIALS, INDICATING THE MANUFACTURER, MODEL, AND SIZE, FOR THE WATER SYSTEM IMPROVEMENTS WILL BE SUBMITTED TO THE DISTRICT AND APPROVED BEFORE ANY CONSTRUCTION. REFER TO DISTRICT SUBMITTAL REQUIREMENTS FOR DETAILS.
6. DUCTILE IRON PIPE WILL BE MINIMUM CLASS 50 AWWA C151 PER WSDOT STANDARD. SPECIFICATIONS 9.1 AND 9-30.1 (1). ALL DUCTILE IRON WATER PIPE AND FITTINGS SHALL BE COMPLETELY WRAPPED WITH A MINIMUM OF EIGHT-MIL POLYETHYLENE PIPE ENCASEMENT AND INSTALLED IN ACCORDANCE WITH AWWA C105 AND WSDOT STANDARD SPECIFICATIONS 7-09.3(17) AND 9-30.1(2).
7. ALL BOLTS USED IN BURIED FLANGES SHALL BE ASTM A325 TYPE 3 (CORTEN STEEL) UNFINISHED, WITH NUTS TO ASTM A563C3 OR A563DH3 AND WASHERS TO ASTM F436-1. ALL BOLTS, NUTS AND WASHERS USED IN EXPOSED OR ABOVE GROUND LOCATIONS SHALL BE ASTM/A307, HOT-DIP GALVANIZED.
8. ALL GATE VALVES TO BE RESILIENT SEATED GATE VALVES, AMA C515 OR C509 (DUCTILE IRON BODY ONLY) WITH STAINLESS STEEL NUTS, BOLTS AND TRIM.
9. ALL BUTTERFLY VALVES TO BE RUBBER SEATED BUTTERFLY VALVES, AA D504 WITH STAINLESS STEEL NUTS, BOLTS AND TRIM, RIGHT HAND OPERATOR.
10. RESTRAINED JOINTS MAY BE USED IN PLACE OF CONCRETE BLOCKING AS DIRECTED BY THE PROJECT'S DESIGN ENGINEER AND ACCEPTED BY THE DISTRICT.
11. CONTACT THE MUNICIPAL FIRE DEPARTMENT OR SKAGIT COUNTY FIRE MARSHAL FOR ACCEPTABLE FIRE HYDRANTS AND STORZ ADAPTER FITTING REQUIREMENTS. (SEE FIRE DEPARTMENT NOTES, BELOW)
12. A #10 SOLID COPPER WIRE WITH BLUE INSULATION IS TO BE INSTALLED WITH/AND ATTACHED TO ALL NEW WATER PIPELINES AND SERVICE PIPELINES. REFER TO DISTRICT DETAILS FOR INSTALLATION REQUIREMENTS.
13. UNLESS OTHERWISE SPECIFIED, ALL WATER PIPELINE INSTALLATIONS REQUIRE A 36-INCH MINIMUM COVER AND 48-INCH TYPICAL TRENCH DEPTH TO EXISTING OR FUTURE FINISH GRADE AND A MINIMUM OF 1-FOOT VERTICAL AND 5-FOOT HORIZONTAL CLEARANCE BETWEEN WATER PIPELINE AND ALL OTHER UTILITIES UNLESS OTHERWISE SPECIFIED. WATER PIPELINE HORIZONTAL AND VERTICAL ALIGNMENTS ARE REQUIRED TO BE STAKED ON A MAXIMUM 50-FOOT INTERVAL, OR AS REQUIRED BY THE DISTRICT.
14. WHEN INSTALLING WATER PIPELINE ACROSS EXISTING OR PROPOSED SANITARY SEWER, A FULL LENGTH OF PIPE SHALL BE INSTALLED WITH MID-SPAN OF THE WATER PIPE OVER THE SEWER. A MINIMUM 10-FOOT HORIZONTAL SEPARATION AND 18-INCH VERTICAL SEPARATION BETWEEN WATER PIPELINES AND SANITARY SEWER PIPELINES IS REQUIRED, UNLESS AN ALTERNATIVE PROPOSAL FROM THE DESIGN ENGINEER IS SUBMITTED TO AND APPROVED BY THE DISTRICT.
15. BEDDING MATERIAL FOR THE DUCTILE IRON PIPE SHALL BE SELECT, NATIVE, GRANULAR MATERIAL FREE FROM WOOD WASTE, ORGANIC MATERIAL OR OTHER EXTRANEOUS OR OBJECTIONABLE MATERIALS AND SHALL BE A MAXIMUM SIZE OF 1 1/2-INCHES OR APPROVED PIPE BEDDING PER WSDOT SPECIFICATION 7-09.3(9) AND 9-03.12(3). PEA GRAVEL AND BUCKSHOT ARE NOT ACCEPTABLE.
16. BACKFILL TRENCHES IN PAVEMENT AREAS WITH PIT-RUN GRAVEL COMPACTED TO AT LEAST 95 PERCENT MINIMUM DENSITY PER WSDOT SPECIFICATION 7-09.3(11). THE CONTRACTOR SHALL MAKE ALL PAVEMENT REPAIRS AND PERFORM ALL RESTORATION.
17. DISINFECTION AND FLUSHING OF THE WATER PIPELINES ARE TO BE PER WSDOT SPECIFICATIONS. USE DECHLORINATION EQUIPMENT WHEN FLUSHING OR, WITH PERMISSION OF THE APPROPRIATE SEWER UTILITY, FLUSH INTO SANITARY SEWER MANHOLES. DO NOT FLUSH INTO OR ALLOW CHLORINATED WATER TO DRAIN INTO ANY CREEK, WETLAND, OR CATCH BASIN. THE TOTAL ESTIMATED AMOUNT OF WATER USED FOR FILLING AND FLUSHING OF THE WATER PIPELINE IS _____
18. ALL SALVAGED USABLE DISTRICT OWNED MATERIALS ARE TO BE DELIVERED TO THE DISTRICT OFFICE AT 1415 FREEWAY DRIVE, MOUNT VERNON, OR AS DIRECTED BY THE DISTRICT.
19. THE UTILITY LOCATIONS MARKED ON THIS MAP ARE APPROXIMATE. THE CONTRACTOR IS TO VERIFY ACTUAL LOCATION AND DEPTH PRIOR TO CONSTRUCTION. CALL THE UNDERGROUND UTILITY LOCATE CENTER AT 800- 424-5555.
20. ALL PRIVATE FIRE SPRINKLERS OR PRIVATE FIRE HYDRANT PIPELINES ARE REQUIRED TO BE INSTALLED WITH A WASHINGTON STATE DEPARTMENT OF HEALTH (WSDOH) APPROVED DOUBLE CHECK DETECTOR ASSEMBLY(IES) OR REDUCED PRESSURE DETECTOR ASSEMBLY(IES), WITH A BADGER RECORDALL METER WITH A REMOTE TOUCH-READ PAD INSTALLED WITHIN 6-INCHES OF THE VAULT LID'S HINGE AND BRASS PLUGS IN THE TEST PORTS. THE METER WILL BE SUPPLIED BY THE DISTRICT AND WILL BE INCLUDED WITH THE CHARGES IN THE WORK ORDER.
21. A WASHINGTON STATE APPROVED REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY SHALL BE INSTALLED AT TEMPORARY PIPELINE CONNECTIONS BETWEEN THE EXISTING PIPELINES AND NEW WATER PIPELINES FOR FILLING AND FLUSHING OF THE IMPROVEMENTS. THE ASSEMBLY SHALL HAVE BEEN TESTED AND APPROVED A MAXIMUM OF EVERY SIX MONTHS AND THE TEST REPORT PROVIDED TO THE DISTRICT. BEFORE CONNECTION TO THE EXISTING WATER SYSTEM, ALL NEW WATER PIPELINES AND REPAIRED PORTIONS OF/OR EXTENSION TO EXISTING PIPELINES SHALL BE ADEQUATELY CHLORINATED AND A SATISFACTORY BACTERIOLOGICAL REPORT OBTAINED. THE DISTRICT WILL CONNECT ALL NEW PIPELINES TO THE EXISTING SYSTEM, UNLESS THE CONNECTIONS BY THE CONTRACTOR ARE APPROVED BY THE DISTRICT.
22. PRESSURE TEST NEW PIPELINE, INCLUDING FIRE HYDRANTS AND SERVICE LINES AS PER WSDOT STANDARDS.

TEST DATE _____	TEST DATE _____	TEST DATE _____	TEST DATE _____
TIME START _____	TIME START _____	TIME START _____	TIME START _____
PRESSURE DROP _____	PRESSURE DROP _____	PRESSURE DROP _____	PRESSURE DROP _____
TEST DATE _____	TEST DATE _____	TEST DATE _____	TEST DATE _____
TIME START _____	TIME START _____	TIME START _____	TIME START _____
PRESSURE DROP_____	PRESSURE DROP_____	PRESSURE DROP_____	PRESSURE DROP_____

ADDITIONAL DISTRICT REQUIREMENTS:

23. CONNECTION OF THE PROPOSED WATER SYSTEM IMPROVEMENTS TO THE DISTRICT'S EXISTING WATER FACILITIES IS TO BE COORDINATED WITH THE DISTRICT'S INSPECTOR. THE DEVELOPER'S PRIVATE CONTRACTOR IS RESPONSIBLE FOR ALL TRAFFIC CONTROL AND SURFACE RESTORATION WORK NECESSARY FOR THE DISTRICT'S CONNECTION WORK AS INDICATED ON THE PLANS.
24. BADGER RECORDALL METERS WILL BE SUPPLIED AND INSTALLED BY PUD WHEN INDIVIDUAL SERVICE METERS ARE REQUESTED.
25. A DCVA IS REQUIRED TO BE INSTALLED IMMEDIATELY AFTER THE IRRIGATION METERS. A DCVA CAN BE INSTALLED BELOW GROUND WITH BRASS PLUGS IN THE TEST PORTS. IF THE IRRIGATION SYSTEM HAS CHEMICAL INJECTION, A RPBA WILL BE REQUIRED. THE RPBA IS TO BE INSTALLED ABOVE GROUND AND PROTECTED FROM FREEZING AND ABUSE.
26. ALL BACKFLOW PREVENTION ASSEMBLIES ARE TO BE ON THE WASHINGTON STATE APPROVED LIST OF ASSEMBLIES. DISTRICT INSPECTION OF THE INSTALLED ASSEMBLIES WILL BE NECESSARY. THE ASSEMBLIES ARE TO BE TESTED BY A WASHINGTON STATE CERTIFIED BACKFLOW ASSEMBLY TESTER (BAT) AND COPIES OF THE TEST REPORTS SUBMITTED TO THE DISTRICT. THE OWNER WILL BE RESPONSIBLE FOR FOLLOWING ANNUAL TESTING AND PROVIDING THE TEST RESULTS TO THE DISTRICT.
27. PUD EASEMENT STATEMENT SHALL BE PLACED ON THE FACE OF THE RECORDED PLAT MAP.
28. FRONT EDGE OF METER BOX SHALL BE 1-FOOT BEHIND SIDEWALK.

MOUNT VERNON FIRE DEPARTMENT NOTES

FIRE FLOW:

1. THE MINIMUM FIRE FLOW REQUIRED FOR THE NEW SINGLE FAMILY RESIDENCES SHALL BE 1,000 GPM FOR STRUCTURES 3,600 SQUARE FEET AND UNDER, AND SHALL BE 1,500 GPM FOR STRUCTURES OVER 3,600 SQUARE FEET.
2. THE SECONDARY FIRE DEPARTMENT ACCESS MAY BE ELIMINATED IF ALL THE NEW SINGLE FAMILY RESIDENCES HAVE AN NFPA 13D SPRINKLER SYSTEM INSTALLED.
3. THE MINIMUM WATER DISTRIBUTION MAIN LINE SHALL 8" DIAMETER DUCTILE IRON PIPE.
4. THE SKAGIT PUBLIC UTILITY DISTRICT SHALL APPROVEANY IMPROVEMENTS TOT HE WATERLINE FOR FIRE PROTECTION. WATERLINES ON PRIVATE PROPERTY OR NOT OWNED BY THE SKAGIT PUBLIC UTILITY DISTRICT SHALL BE APPROVED BY THE MOUNT VERNON FIRE DEPARTMENT.

FIRE HYDRANT STANDARDS:

5. THE FIRE HYDRANTS SHALL BE PLACES AS SHOWN ON THE APPROVED PLANS.
6. THE FIRE HYDRANTS SHALL BE AVK NOSTALGIC, MANUFACTURED IN ACCORDANCE WITH AWWA STANDARD C502.
7. ALL FIRE HYDRANT PUMPER PORTS SHALL BE EQUIPED WITH A PERMANENT FIVE-INCH "STORZ" ADAPTOR WITH CAP. THE ADAPTOR SHALL HAVE #3 PACIFIC COAST THREAD (4.828x6 RIGID FEMALE BY FIVE-INCH (5) 1/4 TURN "STORZ" FITTING WITH SET SCREW.
8. FIRE HYDRANTS SHALL BE SET PLUM TO THE FINISHED CURB OF LANDSCAPE GRADE, WHICHEVER IS THE GREATER HEIGHT. FIRE HYDRANTS SHALL BE PROTECTED WHEN NECESSARY AS DIRECTED BY THE FIRE CHIEF.
9. MAXIMUM FIRE HYDRANT HEIGHT FROM OPERATING NUT TO GRADE SHALL BE NO MORE THAN 36 INCHES. THE 2 1/2-INCH PORTS SHALL NOT BE LESS THAN 16 INCHES FROM BOTTOM OF PORT TO GRADE.
10. ALL NEW FIRE HYDRANTS INSTALLED BY PRIVATE CONTRACTOR SHALL BE PAINTED IN ACCORDANCE WITH FIRE DEPARTMENT STANDARDS BEFORE ACCEPTANCE BY THE FIRE DEPARTMENT. THE APPROVED PAINT IS AVAILABLE FROM THE FIRE DEPARTMENT. NO PAINT SHALL BE PLACED ON THE "STORZ" ADAPTOR.
11. ALL FIRE HYDRANTS AND WATER LINES SHALL BE FLUSHED TO ASSURE THAT ALL DEBRIS HAS BEEN CLEARED. THE MOUNT VERNON FIRE DEPARTMENT SHALL WITNESS THE FLUSHING OF THE WATER SYSTEM.

ACCESS STANDARDS:

12. THE ENTRANCE, EXIT POINT, AND MIDPOINT BEND OF THE SECONDARY ACCESS SHALL MEET THE TURNING RADIUS ADOPTED BY THE MOUNT VERNON FIRE DEPARTMENT AS FOLLOWS: INSIDE RADIUS NO LESS THAN 28 FEET. OUTSIDE RADIUS NO LESS THAN 45 FEET. PAVED WIDTH NO LESS THAN 20 FEET.
13. THE SECONDARY ACCESS SHALL HAVE A SECURITY GATE INSTALLED ON THE WEST SIDE OF TRACT "I". AT A MINIMUM, THE ACCESS GATE SHALL BE A SINGLE CHAIN OR WIRE ROPE, STRUNG BETWEEN TWO POSTS, SECURED BY A SINGLE LOCK. SEE CITY OF MOUNT VERNON MUNICIPAL CODE 15.08.135, SECTION 503.6 SECURITY GATES.
14. THE SECONDARY ACCESS SHALL BE MARKED "FIRE LANE NO PARKING" ON BOTH SIDES OF THE ACCESS.
15. SECONDARY ACCESS SHALL HAVE A FINISHED SURFACE APPROVED BY THE FIRE DEPARTMENT; SURFACES INCLUDE CONCRETE AND ASPHALT AND MUST BE CONCSTRUCTED TO SUPPORT 75,000 POUNDS.

STREETS:

16. ALL STREET NAMES ARE TENTATIVELY APPROVED AS SUBMITTED.
17. ALL STREETS SHALL HAVE MINIMUM 28-FOOT INSIDE RADIUS, AND A MINIMUM 45-FOOT OUTSIDE TURNING RADIUS.
18. NO PARKING ALLOWES ON SILVER LOOP. ROLLED CURBS TO BE PAINTED DARK RED ON BOTH SIDES OF THE LOOP WITH A MINIMUM OF 4-INCH TALL WHITE LETTERS STENCILED EVERY 30 FEET THAT READ, "NO PARKING FIRE LANE".
19. NO PARKING SHALL BE ALLOWED ON THE NORTH SIDE OF FRASER AVENUE AND SHALL BE IDENTIFIED AS "NO PARKING FIRE LANE" PER NOTE #18 ABOVE. PARING RESTRICTIONS ON THE EAST AND WEST SIDES OF FRASER AVENUE ARE AS SHOWN ON SHEET C-18 OF THIS PLAN SET.
20. THE STREET ENTRANCE TO THIS SUBDIVISION DOES NOT MEET THE MINIMUM FIRE CODE ACCESS REQUIREMENTS. THEREFORE, AS A CONDITION TO THE APPROVAL OF THESE CONSTRUCTION PLANS, LOTS 1, 2, 32 AND 33 SHALL BE REQUIRED TO HAVE AN APPROVED NFPA 13D SPRINKLER SYSTEM INSTALLED. A NOTE TO THAT EFFECT SHALL BE PLACED ON THE FACE OF THE FINAL PLAT MAP AND WILL BE MADE A REQUIREMENT OF THE BUILDING PERMIT APPROVAL FOR SAID LOTS.

(City of Mount Vernon No. PR13-311 & LU06-089)

W.O. 13-03464
C.O. 4775

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS	DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" WATER PLANS	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-16

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

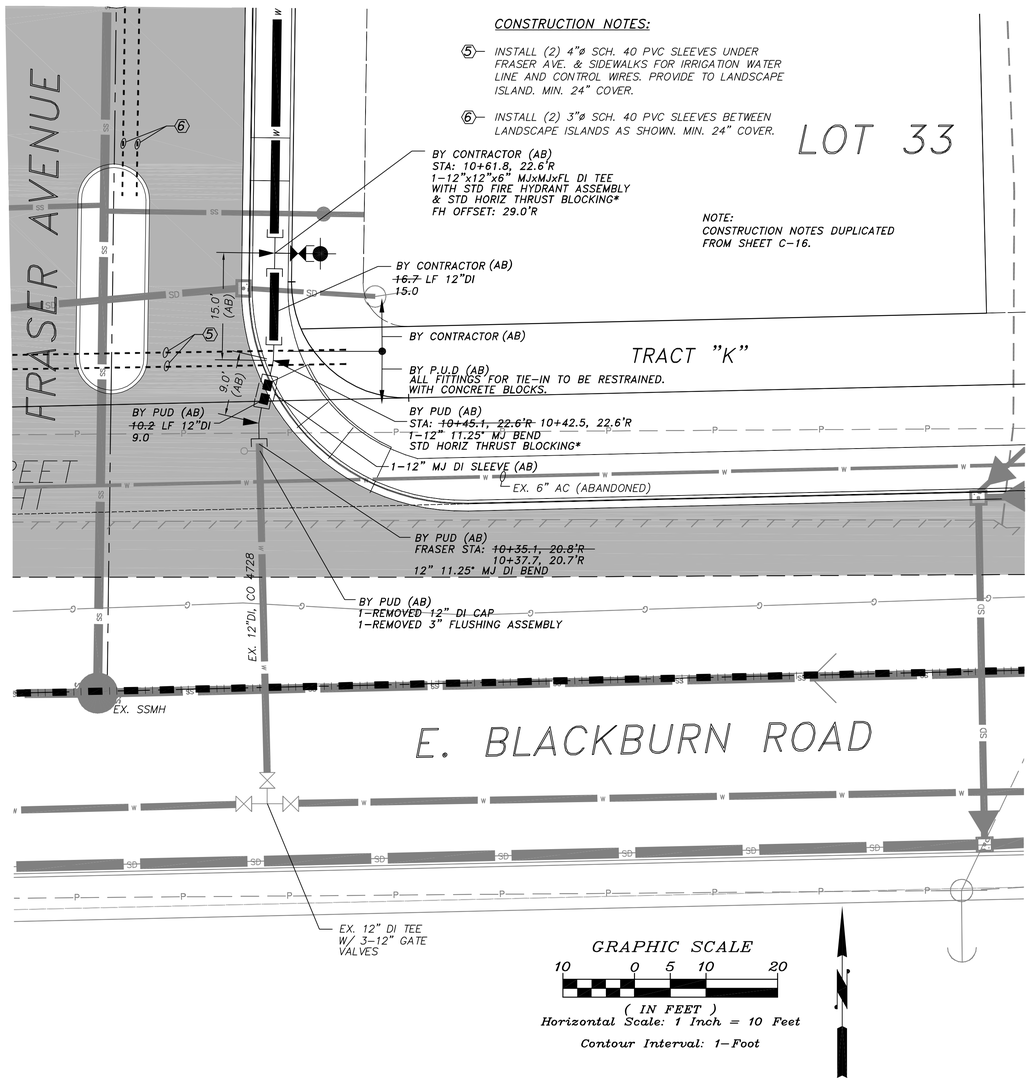
APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

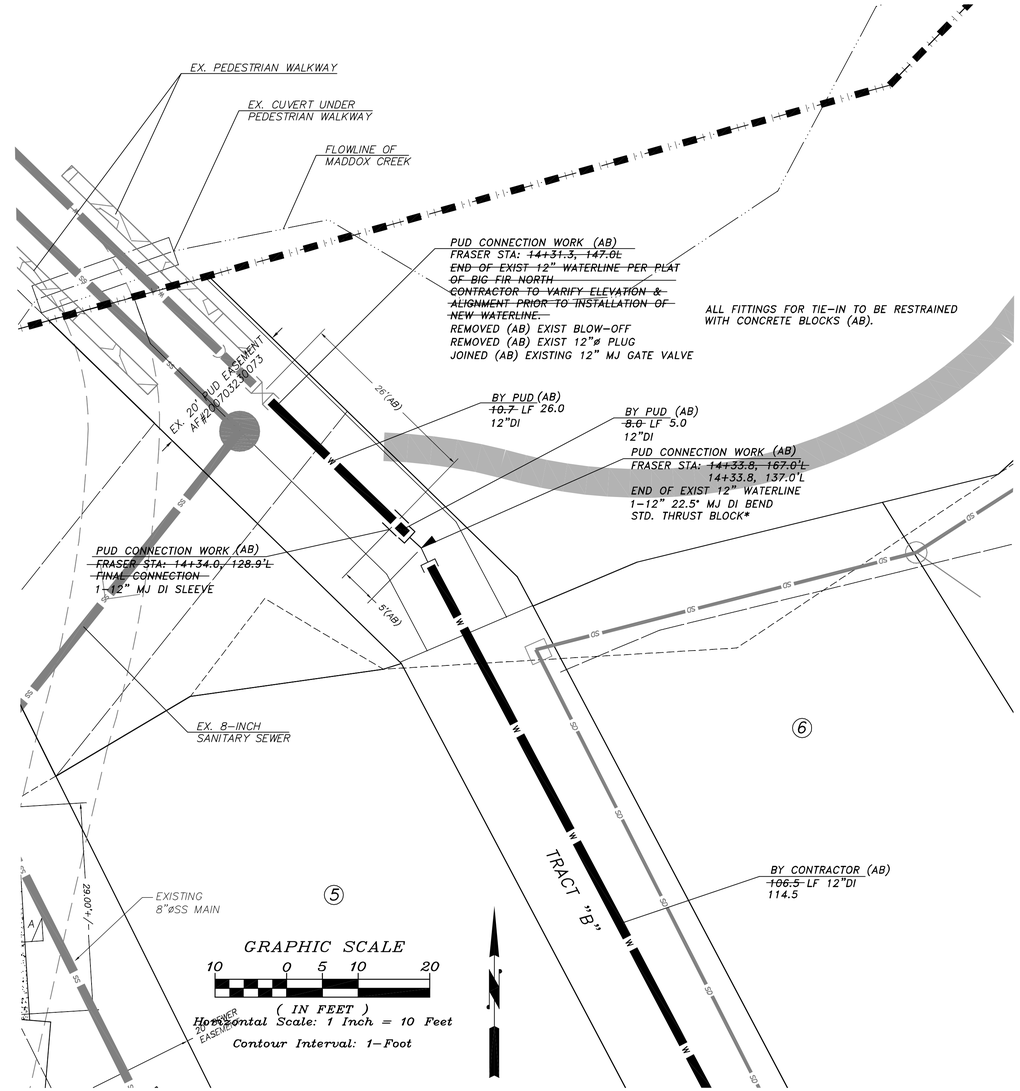
SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

TIM K. GARRISON — STATE OF WASHINGTON — 28873 — REGISTERED PROFESSIONAL ENGINEER — EXPIRES 8/30/2014



WATERLINE CONNECTION DETAIL
E. BLACKBURN & FRASER AVE.



WATERLINE CONNECTION DETAIL
SOUTH OF MADDOX CREEK

(City of Mount Vernon No. PR13-311 & LU06-089)

W.O. 13-03464
C.O. 4775

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" WATER POINT OF CONNECTION DETAILS	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-16A

WS58-4

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.	NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN		13	EXTENSION, METER BOX, (CARSON INDUSTRIES LLC 1419-6)ª	2
2	CLAMP, SERVICE, DOUBLE STRAP X 1" I.P.T., ALL BRASS, (FORD #202B)ª	1	14	TEE, 1", BRASS	1
3	CORP, 1", (FORD #FB-500)	1	15	CLAMP, 1-1/4", ALL STAINLESS – STUB ONLY	2
4	ADAPTER, BRASS PAK JOINT, 1" F.I.P.T. X 1-1/4" POLY, (FORD #C16-44)ª	1	16	ADAPTER, 1-1/4" M.I.P.T. X 1-1/4" INSERT W/CAP (GALVANIZED)	1
5	ADAPTER, BRASS, 1" F.I.P.T. x 1" INSERT	2	17	NIPPLE, BRASS, 1"x 6"	2
6	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN.18" INTO BOXES, NEAR LID		18	POST, 4'-0" MIN. METAL FENCE POST W/SPADE REMOVED	1
7	PIPE, 1-1/4" PE 3408, SIDR 7, 200 P.S.I.		19	ADAPTER, 1" M.I.P.T. X 1" F.I.P.T., BRASS	2
8	COPPERSETTER, 3/4", (FORD #VBHC72-9W-11-33)ª	2	20	ADAPTER, BRASS PAK JOINT, 1" M.I.P.T. X 1" P.V.C., (FORD #C87-44)ª	2
9	ADAPTER, BRASS PAK JOINT, 1" M.I.P.T. X 1-1/4" POLY, (FORD #C88-44)ª b	1	21	ELL, 1", 90°, BRASS, F.I.P.T.	1
10	METER, BADGER MODEL M25 (5/8") OR M35 (3/4") BRONZE METER	2	22	INSERT, STIFFENER, 1" (FORD #72)ª	2
11	PIPE, 1", P.V.C., SCHEDULE 80		23	HOSE CLAMP, 1-1/4" STAINLESS STEEL	1
12	METER BOX & COVER, (CARSON INDUSTRIES LLC, L SERIES 1419-12 W/COVER 1419-3)ª	2	24	NIPPLE, BRASS, 1"x 4"	2

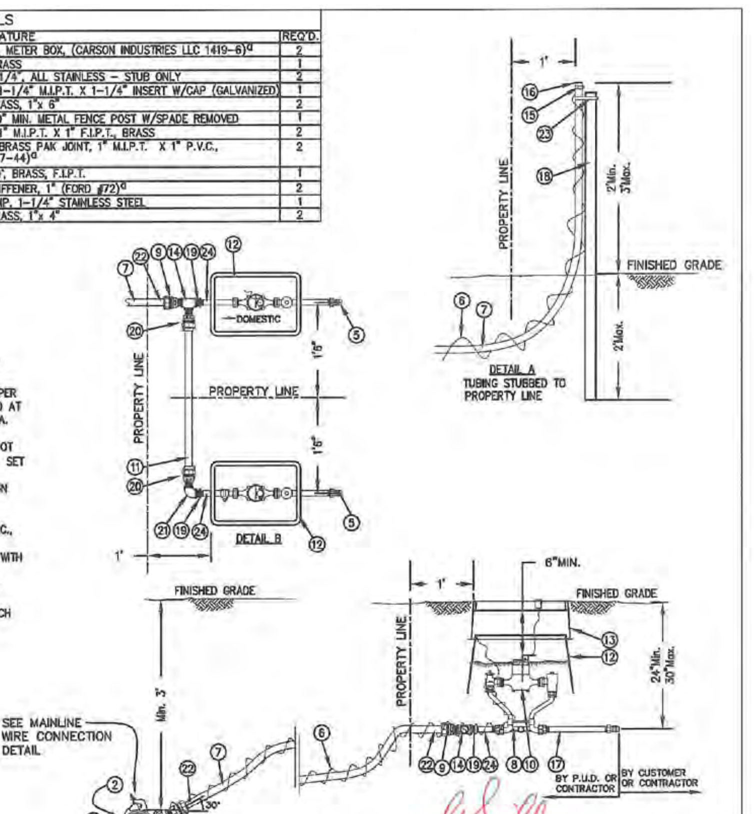
ª OR EQUIVALENT APPROVED BY THE DISTRICT   b ELL, 90° STREET, 1" M X F I.P.T. (IF NEEDED)

ALL BRASS FITTINGS TO BE DOMESTIC BRASS CONTAINING NO LEAD.

NOTES

1. CORP TO BE IN FULL OPEN POSITION BEFORE BACKFILL.
2. INSTALL SERVICE LINE PERPENDICULAR TO MAIN UNLESS OTHERWISE SHOWN ON WATER CONSTRUCTION PLAN.
3. SERVICE LINE IS TYPICALLY 1'6" TO NORTH OR WEST OF PROPERTY CORNER OR AS OTHERWISE SPECIFIED.
4. WATER SERVICE TUBING INSTALLATION IN PLATTED AREAS WILL BE COMPLETED BY THE CONTRACTOR/DEVELOPER FROM THE PIPELINE TO BEYOND THE PROPERTY LINE. IF METER BOX AND COPPERSETTER ARE NOT INSTALLED AT TIME OF SERVICE PIPE INSTALLATION, THEN TUBING IS TO BE STUBBED UP AND COMPLETED AS PER DETAIL A. THE DISTRICT WILL COMPLETE THE ACTUAL METER AND BOX INSTALLATION WHEN NEEDED.
5. IF METER IS NOT INSTALLED IN COPPERSETTER, INSTALL PLUGS IN METER CONNECTIONS. IF CONNECTION IS NOT MADE TO CUSTOMER'S PLUMBING, INSTALL A WATERTIGHT WRAP OF ELECTRICAL TAPE OVER END OF NIPPLE. SET COPPERSETTER FLUSH, PLUMB AND CENTERED IN BOX.
6. FLUSH OUT SERVICE TUBING AND COPPERSETTER BEFORE INSTALLING METER. DO NOT ALLOW MUD OR FOREIGN MATERIAL TO ENTER ANY TUBING OR FITTINGS.
7. FILL BOX WITH FINE DIRT TO TOP OF METER.
8. IF THE METER BOX IS LOCATED IN ASPHALT OR CONCRETE AREA, A TRAFFIC BOX (MID-STATES PLASTICS, INC., MSBCF1324-18)ª WILL BE REQUIRED. NOT FOR THROUGH-WAY TRAFFIC APPLICATIONS.
9. IF THERE IS PETROLEUM-BASED CONTAMINATED SOIL PRESENT, THE PIPELINE SHALL BE OF TYPE K COPPER WITH BRASS AND COPPER FITTINGS. SEE STANDARD P.U.D. COPPER SERVICE DETAIL.
10. IF SERVICE LINE HAS LESS THAN 2'0" OF COVER, CONTACT DISTRICT ENGINEERING DEPARTMENT FOR FREEZE PROTECTION REQUIREMENTS.
11. A SHUTOFF VALVE SHALL BE INSTALLED ON CUSTOMER'S PLUMBING AFTER DISTRICT'S METER, PER U.P.C. SUCH VALVE SHALL BE ACCESSIBLE AT ALL TIMES.

NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª



PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: Oct. 24, 2012

Skagit PUD PUBLIC UTILITY DISTRICT

STANDARD INSTALLATION OF DOUBLE 5/8" OR 3/4" METERED SERVICE WITH 200 P.S.I. POLYETHYLENE SERVICE LINE

SCALE: 1" = 2' | DATE: 3-01-05 | REVISED: 10/19/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WS58-4

WS58-1

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.	NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN		10	METER, BADGER MODEL M25 (5/8") OR M35 (3/4") BRONZE METER	1
2	CLAMP, SERVICE, DOUBLE STRAP X 1" I.P.T., ALL BRASS, (FORD #202B)ª	1	11	POST, 4'-0" MIN. METAL FENCE POST W/SPADE REMOVED	1
3	CORP, 1", (FORD #FB-1700)ª	1	12	METER BOX & COVER, (CARSON INDUSTRIES LLC, L SERIES 1419-12 W/COVER 1419-3)ª	1
4	ADAPTER, BRASS PAK JOINT, 1" M.I.P.T. X 1-1/4" POLY, (FORD #C85-45)ª	1	13	EXTENSION, METER BOX, CARSON INDUSTRIES LLC, L SERIES 1419-6ª	1
5	NIPPLE, BRASS, 1"x 6"	1	14	INSERT, STIFFENER, 1-1/4" (FORD #72)ª	2
6	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN.18" INTO BOX, NEAR LID		15	CLAMP, 1-1/4", ALL STAINLESS – STUB ONLY	2
7	PIPE, 1-1/4" PE 3408, SIDR 7, 200 P.S.I.		16	ADAPTER, 1-1/4" M.I.P.T. x 11-1/4" INSERT W/CAP (GALVANIZED)	1
8	COPPERSETTER, 3/4", (FORD #VBHC72-9W-11-44)ª	1	17	HOSE CLAMP, 1-1/4" STAINLESS STEEL	1
9	ADAPTER, BRASS PAK JOINT, 3/4" M.I.P.T. X 1-1/4" POLY, (FORD #C86-45)ª b	1	18	ADAPTER, BRASS, 1" F.I.P.T. x 1" INSERT	1

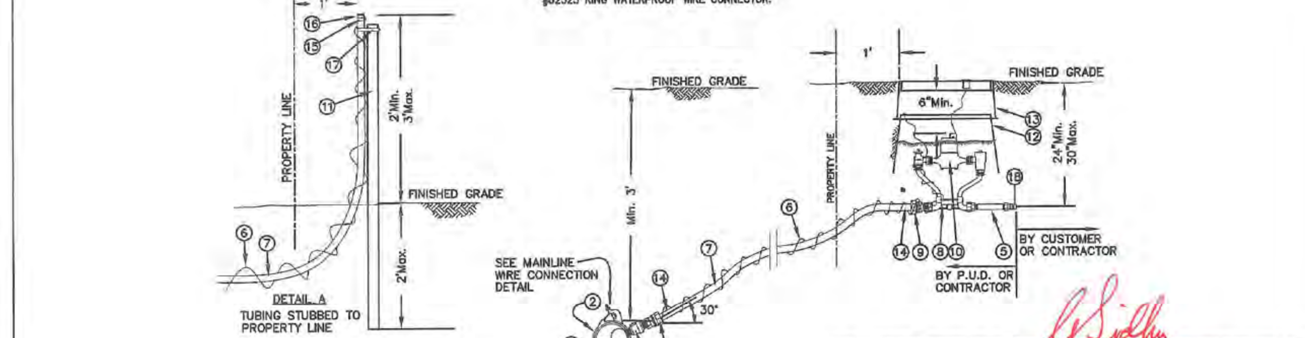
ª OR EQUIVALENT APPROVED BY THE DISTRICT
b ELL, 90° STREET, 3/4" M X F I.P.T. (IF NEEDED)

ALL BRASS FITTINGS TO BE DOMESTIC BRASS CONTAINING NO LEAD.

NOTES

1. CORP TO BE IN FULL OPEN POSITION BEFORE BACKFILL.
2. INSTALL SERVICE LINE PERPENDICULAR TO MAIN UNLESS OTHERWISE SHOWN ON WATER CONSTRUCTION PLAN.
3. SERVICE LINE IS TYPICALLY 1'6" TO NORTH OR WEST OF PROPERTY CORNER OR AS OTHERWISE SPECIFIED.
4. WATER SERVICE TUBING INSTALLATION IN PLATTED AREAS WILL BE COMPLETED BY THE CONTRACTOR/DEVELOPER FROM THE PIPELINE TO BEYOND THE PROPERTY LINE. IF METER BOX AND COPPERSETTER ARE NOT INSTALLED AT TIME OF SERVICE PIPE INSTALLATION, THEN TUBING IS TO BE STUBBED UP AND COMPLETED AS PER DETAIL A. THE DISTRICT WILL COMPLETE THE ACTUAL METER AND BOX INSTALLATION WHEN NEEDED.
5. IF METER IS NOT INSTALLED IN COPPERSETTER, INSTALL PLUGS IN METER CONNECTIONS. IF CONNECTION IS NOT MADE TO CUSTOMER'S PLUMBING, INSTALL A WATERTIGHT WRAP OF ELECTRICAL TAPE OVER END OF NIPPLE. SET COPPERSETTER FLUSH, PLUMB AND CENTERED IN BOX.
6. FLUSH OUT SERVICE TUBING AND COPPERSETTER BEFORE INSTALLING METER. DO NOT ALLOW MUD OR FOREIGN MATERIAL TO ENTER ANY TUBING OR FITTINGS.
7. FILL BOX WITH FINE DIRT TO TOP OF METER.
8. IF THE METER BOX IS LOCATED IN ASPHALT OR CONCRETE AREA, A TRAFFIC BOX (MID-STATES PLASTICS, INC., MSBCF1324-18)ª WILL BE REQUIRED. NOT FOR THROUGH-WAY TRAFFIC APPLICATIONS.
9. IF THERE IS PETROLEUM-BASED CONTAMINATED SOIL PRESENT, THE PIPELINE SHALL BE OF TYPE K COPPER WITH BRASS AND COPPER FITTINGS. SEE STANDARD P.U.D. COPPER SERVICE DETAIL.
10. IF SERVICE LINE HAS LESS THAN 2'0" OF COVER, CONTACT DISTRICT ENGINEERING DEPARTMENT FOR FREEZE PROTECTION REQUIREMENTS.
11. A SHUTOFF VALVE SHALL BE INSTALLED ON CUSTOMER'S PLUMBING AFTER DISTRICT'S METER, PER U.P.C. SUCH VALVE SHALL BE ACCESSIBLE AT ALL TIMES.

NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª



PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: APRIL 26, 2013

Skagit PUD PUBLIC UTILITY DISTRICT

STANDARD INSTALLATION OF SINGLE 5/8" OR 3/4" METERED SERVICE WITH 200 P.S.I. POLYETHYLENE SERVICE LINE

SCALE: 1"=2' | DATE: 3-01-05 | REVISED: 4/26/13 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WS58-1

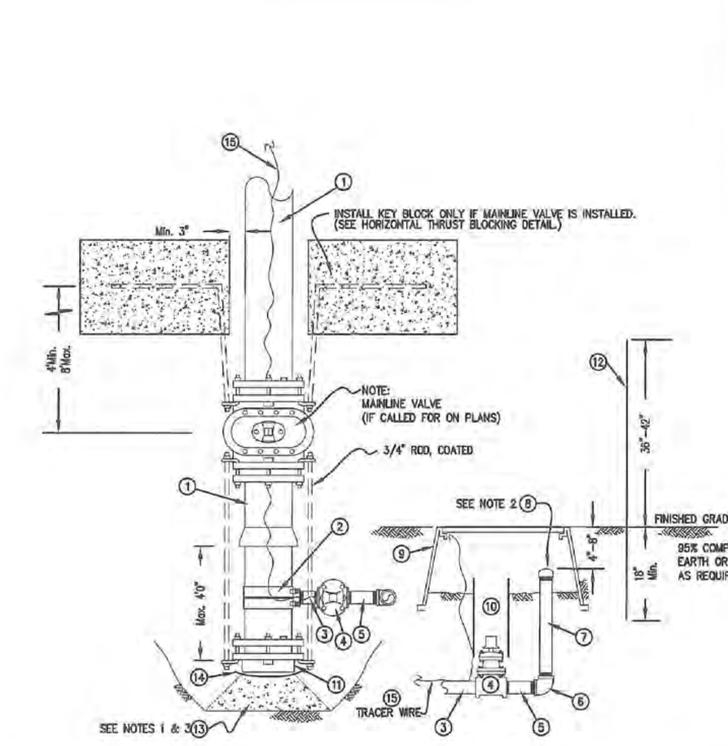
WB2-1

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN (4", 6", OR 8")	
2	CLAMP, SERVICE, DOUBLE STRAP X 2" I.P.T., ALL BRASS, (FORD #202B)ª	1
3	NIPPLE, 2" X 4", BRASS	1
4	VALVE, 2" CAST IRON, RESILIENT WEDGE	1
5	NIPPLE, 2" X 6", GALVANIZED	1
6	ELL, 2" 90° GALVANIZED	1
7	PIPE, 2" GALVANIZED, THREAD BOTH ENDS	
8	CAP, 2" PLASTIC, THREADED	1
9	TRAFFIC RATED METER BOX AND LID (MID-STATES PLASTIC, INC. MSBCF 1324-18 NOT FOR THROUGH-WAY TRAFFIC APPLICATION)ª	1
10	CASING , 6" P.V.C. SEWER PIPE	1
11	CAP, M.J. BLIND	1
12	MARKER, BLUE, CARSONITE #CWV-116	1
13	CONCRETE BLOCKING (OR KEY BLOCK IF REQUIRED)	
14	POLYETHYLENE SHEETING, 8 MIL THICKNESS	
15	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN.18" INTO BOX, NEAR LID	

ª OR EQUIVALENT APPROVED BY THE DISTRICT

ALL BRASS FITTINGS TO BE DOMESTIC BRASS.



NOTES:

1. BLOCK AS PER P.U.D. HORIZONTAL THRUST BLOCKING DETAIL. BEARING AREA TO BE AGAINST UNDISTURBED EARTH AND TO BE DETERMINED BY THE ENGINEER. USE FORMING AS NECESSARY TO PREVENT CONCRETE FROM INTERFERING WITH CAP (#11), CLAMP (#2) OR VALVE (#4).
2. PLASTIC THREADED CAP (#8) TO BE HAND TIGHT ONLY.
3. IF A MAINLINE VALVE IS INSTALLED UPSTREAM OF FLUSHING ASSEMBLY, KEY BLOCK VALVE AND CAP. SEE THRUST BLOCKING DETAIL.
4. KEY BLOCK TO BE INSTALLED ONLY IF PIPE IS EXPECTED TO EXTEND WITHIN TEN (10) YEARS OF INSTALLATION. SEE HORIZONTAL THRUST BLOCKING DETAIL.

PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: DEC. 14, 2012

Skagit PUD PUBLIC UTILITY DISTRICT

STANDARD 2-INCH FLUSHING ASSEMBLY

SCALE: 1" = 2' | DATE: 3-25-05 | REVISED: 12/14/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WB2-1

WV1-1

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.	NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN		11	ADAPTER, BRASS PAK JOINT, 1"M.I.P.T.X1"PVC, (FORD #C87-44)ª	4-7
2	CLAMP, SERVICE, DOUBLE STRAP X 1" I.P.T., ALL BRASS, (FORD #202B)ª	1	12	UTILITY VAULT 3030-LA W/3030-P COVER (SEE NOTE 4)	1
3	CORP., 1" BRASS FB-500ª	1	13	NIPPLE, 1"x12" BRASS	1
4	NIPPLE, BRASS 1X6	1	14	VALVE, 1" COMBINATION AIR (APCO) (W/ STAINLESS STEEL TRIM)ª	1
5	CURB STOP, 1" B11-444	1	15	PIPE, 1" PVC, SCH. 80	
6	VALVE BOX, CAST IRON OLYMPIC FOUNDRY VB-007-SKAGIT (SEE P.U.D. DETAIL)	1	16	HOSE CLAMP, 3/4" STAINLESS STEEL	1
			17	BEND, 1", COPPER, 180°, WITH INSECT SCREEN	1
			18	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN.18" INTO BOX, NEAR LID.	
7	CASING, 6" P.V.C. SEWER PIPE	1	19	POST, 4'-0" MIN. METAL FENCE POST W/SPADE REMOVED (PRESSURE TREATED 4' X 4" POST W/MARKER WHERE APPROPRIATE)	1
8	ELL, 1" BRASS, 90°, STREET	4			
9	ELL, 1" BRASS, 90°	2	20	NIPPLE, 1"x2" BRASS	2
10	UNION, BRASS 1"	1	21	CONCRETE SUPPORT, MIN. 1 FT. SQUARE x 1-1/4 IN. THICK	1-2

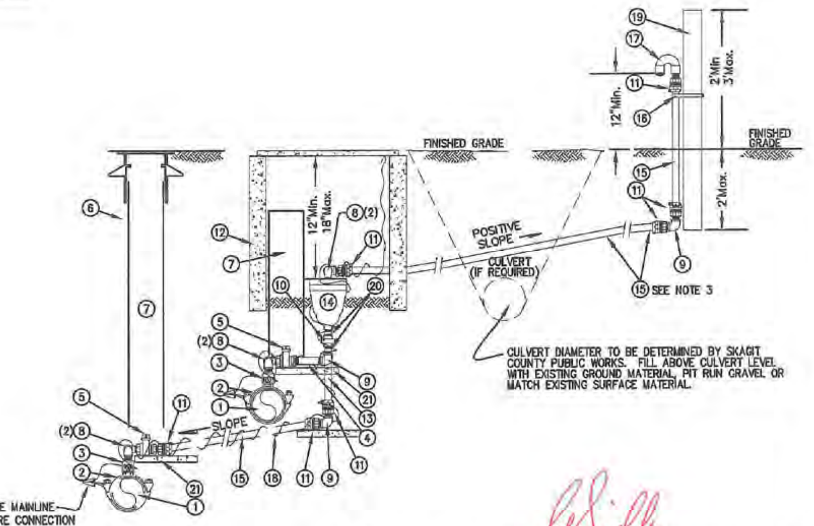
ª OR EQUIVALENT APPROVED BY THE DISTRICT

ALL BRASS FITTINGS TO BE DOMESTIC BRASS CONTAINING NO LEAD.

NOTES:

1. CORP TO BE IN FULL "ON" POSITION BEFORE BACKFILL.
2. SET VALVE CASINGS AND VAULT TO FINISHED GRADE. PROVIDE CONCRETE BLOCK SUPPORT UNDER CASING. DO NOT REST ON PIPE. REFER TO DETAIL OF STANDARD VALVE CASING INSTALLATION.
3. INSTALL LINE PERPENDICULAR TO MAIN OR AS SHOWN ON WATER PLAN.
4. CARSON INDUSTRIES BOX 1730-15 W/COVER 1730-3L MAY BE USED IN LAWN OR LANDSCAPED AREA UPON APPROVAL BY P.U.D.
5. IF THERE IS A GROUND DEPRESSION OR DITCH BETWEEN AIR VALVE LOCATION AND VENT PIPE WHICH AFFECTS THE SLOPE OF THE HORIZONTAL VENT PIPE, INSTALL A CULVERT IF IT IS A DRAINAGE PATH OR FILL WITH DIRT.

NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª



PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: Oct. 24, 2012

Skagit PUD PUBLIC UTILITY DISTRICT

STANDARD INSTALLATION OF 1" COMBINATION AIR VALVE ASSEMBLY

SCALE: 1" = 2' | DATE: 3-25-05 | REVISED: 10/19/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WV1-1

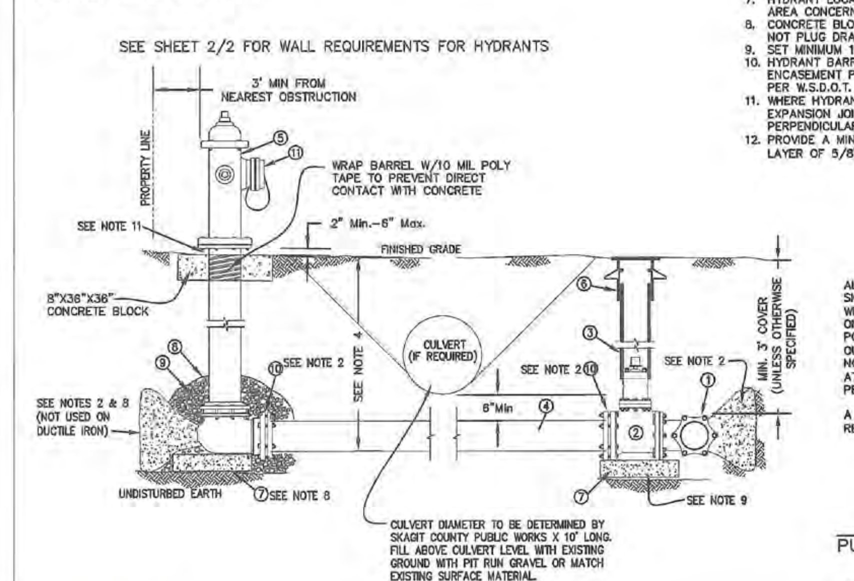
WH-1a

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.
1	TEE WITH FLANGED BRANCH	1
2	6" VALVE WITH FLGxMJ CONNECTIONS (SEE NOTE 6)	1
3	CASING, 6" PVC SEWER PIPE	1
4	PIPE, 6" CLASS 50 DUCTILE IRON, FIELD CUT	
5	FIRE HYDRANT WITH PUMPER PORT, CLOW MEDALLION, OR AS APPROVED BY JURISDICTIONAL FIRE DEPARTMENT DISTRICT	1
6	VALVE BOX, CAST IRON OLYMPIC FOUNDRY VB007/SKAGIT (SEE P.U.D. DETAIL)	1
7	BLOCK, PRECAST CONCRETE, SEE NOTE 8.	1
8	FABRIC, GEOTEXTILE, NON-WOVEN (MIRAFI 140N)ª	
9	1/4 CY DRAIN ROCK, 1-1/2"-3/4", NO FINES	
10	MEG-A-LUG, 6"/GRIP RING 6"	2
11	HYDRANT ADAPTER STORZ STYLE S-37 W/SC CAP & CABLE, 5"x4"PCT	1

ª OR EQUIVALENT APPROVED BY THE DISTRICT

SEE SHEET 2/2 FOR WALL REQUIREMENTS FOR HYDRANTS



NOTES:

1. ALL MATERIALS AND BRANDS MUST BE APPROVED BY P.U.D.
2. BLOCK TEE AND HYDRANT WITH POURED CONCRETE ON ALL WATER MAINS OTHER THAN DUCTILE IRON AND ON ALL TAPPING SLEEVES AS REQUIRED PER DISTRICT BLOCKING DETAIL. IN ADDITION, 6" "MEGALUGS" (OR APPROVED EQUIVALENT) ARE TO BE INSTALLED AT VALVE AND HYDRANT M.J. OUTLETS. RESTRAIN ANY JOINTS IN THE PIPELINE WITH "FIELD LOK" GASKETS (OR APPROVED EQUIVALENT) INSTALLED IN THE BELLS OF TYTON JOINT PIPE OR "MEGALUGS" ON M.J. BELLS. NO THRUST BLOCK REQUIRED BEHIND TEE ON 8" DUCTILE IRON OR LARGER MAINS.
3. PROTECTIVE BARRIER POSTS MAY BE NECESSARY AT SOME HYDRANT INSTALLATIONS. CONTACT FIRE DEPARTMENT/DISTRICT FOR SPECIFIC REQUIREMENTS.
4. HYDRANT LENGTH AND TRENCH DEPTH SHALL BE SO AS TO PROVIDE FOR HYDRANT SETTING AT 2" MIN. AND 6" MAX. ELEVATION ABOVE FINISH GRADE.
5. SET HYDRANT VERTICAL. USE LEVEL. COMPACT ALL BACKFILL.
6. VALVE SHALL BE AWWA STANDARD GATE, "O" RING PACKING, NON-RISING STEM, 2" OPERATING NUT, RESILIENT WEDGE.
7. HYDRANT LOCATIONS ARE DETERMINED BY THE FIRE MARSHAL WITH AUTHORITY FOR AREA CONCERNED.
8. CONCRETE BLOCK WILL BE BELOW THE DRAIN HOLES AND DRAIN ROCK. TAKE CARE TO NOT PLUG DRAIN HOLES OR CONTAMINATE DRAIN ROCK.
9. SET MINIMUM 1 SQ.FT. CONCRETE SUPPORT TIGHT UP UNDER VALVE AND HYDRANT.
10. HYDRANT BARREL, LEAD, TEE, AND VALVE MUST BE WRAPPED WITH POLYETHYLENE PIPE ENCASEMENT PIPE WHICH IS A MINIMUM OF 8-MIL THICK. IT MUST BE INSTALLED AS PER W.S.D.O.T. STANDARDS AND IN ACCORDANCE WITH A.W.W.A. C105.
11. WHERE HYDRANTS ARE INSTALLED IN THE SIDEWALK, THERE SHALL BE A MINIMUM 3/8" EXPANSION JOINT AROUND THE BARREL OF THE HYDRANT AND AN EXPANSION JOINT PERPENDICULAR ACROSS THE SIDEWALK, INTERSECTING THE HYDRANT BARREL.
12. PROVIDE A MINIMUM OF 3'-0" LEVEL WORKING AREA AROUND HYDRANT USING 6" THICK LAYER OF 5/8" MINUS CRUSHED ROCK COMPACTED TO 95%

ALL FIRE HYDRANTS SHALL COMPLY WITH THE STANDARDS ISSUED BY THE SKAGIT COUNTY FIRE MARSHAL. HYDRANTS SHALL BE THE DRY BARREL TYPE WITH TWO HOSE OUTLETS WITH AN INSIDE DIAMETER OF 2-1/2 INCHES AND ONE LARGE PUMPER OUTLET WITH AN INSIDE DIAMETER OF 4 INCHES. SMALL PORTS SHALL HAVE NATIONAL STANDARD THREADS MEASURING 3.0625 INCHES OUTSIDE DIAMETER AT 7-1/2 THREADS PER INCH. PUMPER PORTS SHALL BE NO. 3 PACIFIC COAST THREADS MEASURING 4.828 INCHES OUTSIDE DIAMETER AT 6 THREADS PER INCH. THE OPERATING NUT SHALL BE 1-1/4 INCH PENTAGON.

A STORZ QUICK COUPLER CONNECTED TO THE PUMPER PORT MAY BE REQUIRED. CONTACT FIRE DISTRICT/DEPARTMENT.

PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: DEC. 14, 2012

Skagit PUD PUBLIC UTILITY DISTRICT

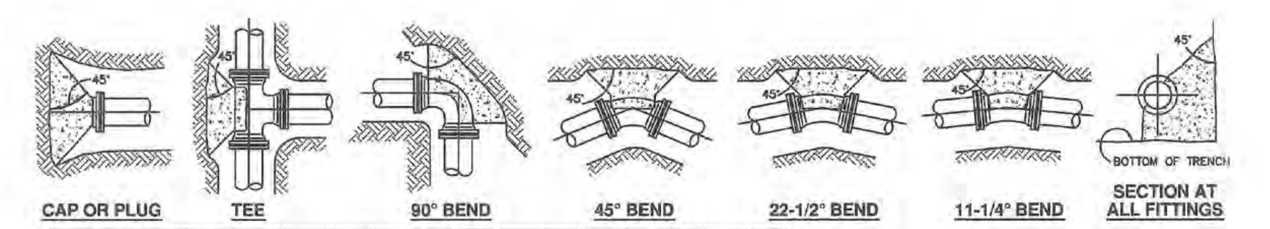
STANDARD INSTALLATION OF FIRE HYDRANT "CENTER STEM TYPE"

SHEET 1/2

SCALE: NTS | DATE: 3-25-05 | REVISED: 12/13/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WH-1a

WT-1



THRUST BLOCK REQUIREMENTS — BEARING AREA REQUIRED IN SQUARE FEET

PIPE SIZE nominal	PIPE SIZE outside dia	KEY BLOCK** & TEE/CAP OR PLUG 200 psi	225 psi	250 psi	90 Degree BEND 200 psi	225 psi	250 psi	45 Degree BEND 200 psi	225 psi	250 psi	22.5 Degree BEND 200 psi	225 psi	250 psi	11.25 Degree BEND 200 psi	225 psi	250 psi
4	4.80	1.8	2.0	2.3	2.6	2.9	3.2	1.4	1.6	1.7	0.7	0.8	0.9	0.4	0.4	0.4
6	6.90	3.7	4.2	4.7	5.3	5.9	6.6	2.9	3.2	3.6	1.5	1.6	1.8	0.7	0.8	0.9
8	9.05	6.4	7.2	8.0	9.1	10.2	11.4	4.9	5.5	6.2	2.5	2.8	3.1	1.3	1.4	1.6
12	13.20	13.7	15.4	17.1	19.4	21.8	24.2	10.5	11.8	13.1	5.3	6.0	6.7	2.7	3.0	3.4
16	17.40	23.8	26.8	29.7	33.6	37.8	42.0	18.2	20.5	22.7	9.3	10.4	11.6	4.7	5.2	5.8
18	19.50	29.9	33.6	37.3	42.2	47.5	52.8	22.9	25.7	28.6	11.7	13.1	14.6	5.9	6.6	7.3
24	25.80	52.3	58.8	65.3	73.9	83.2	92.4	40.0	45.0	50.0	20.4	22.9	25.5	10.2	11.5	12.8

NOTES:

1. ALL CONCRETE BLOCKING SHALL BE POURED AGAINST DRY, UNDISTURBED SUBGRADE. TABLE IS BASED ON 2000 POUNDS PER SQUARE FOOT ALLOWABLE SOIL BEARING. WEAKER SOIL WILL REQUIRE INCREASED BEARING AREA. SEE SOIL BEARING LOAD CHART.
2. KEEP CONCRETE CLEAR OF JOINTS AND ACCESSORIES. USE FORMING AS NECESSARY.
3. HORIZONTAL ANCHOR BLOCKING CONFIGURATIONS FOR FITTINGS NOT SHOWN SHALL HAVE APPROVAL OF THE P.U.D.
4. THE SQUARE FOOT AREAS REQUIRED FOR BEARING ARE CALCULATED BY THE FOLLOWING FORMULAS:
   FORMULA AT TEE & CAP OR PLUG:
   T = PA
   T ÷ K = BEARING AREA REQUIRED IN SQUARE FEET
   FORMULA AT ALL PIPE BENDS:
   T = 2PA (SIN 1/2 ANGLE) WHERE ANGLE = THE DEGREE BEND OF THE FITTING
   T ÷ K = BEARING AREA REQUIRED IN SQ. FEET
   WHEN:
   T = THRUST IN POUNDS
   P= TEST PRESSURE IN PSI
   A= CROSS-SECTIONAL AREA OF PIPE IN SQ. INCHES
   K= ASSUMED 2000 PSF SOIL BEARING PRESSURE
5. FITTINGS SHALL BE WRAPPED WITH POLYETHYLENE ENCASEMENT WITH A MIN. OF 8-MIL THICKNESS. IT MUST BE INSTALLED AS PER W.S.D.O.T. STANDARDS AND IN ACCORDANCE WITH A.W.W.A. C105.

BEARING AREA REQUIRED IN SQUARE FEET

THE SAFE SOIL BEARING LOADS SHOWN BELOW ARE FOR HORIZONTAL THRUSTS WHEN THE DEPTH OF COVER OVER THE PIPE EXCEEDS 2 FEET.

SOIL	SAFE BEARING LOAD LBS/SQ. FT.
*MUCK, PEAT, ETC.	0
SOFT CLAY, SILT	1,000
SAND, SANDY SILT	2,000
SAND AND GRAVEL	3,000
SAND AND GRAVEL CEMENTED W/ CLAY	4,000
HARD SHALE	10,000

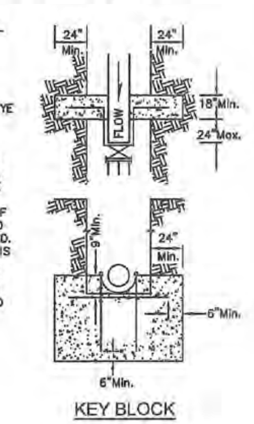
*IN MUCK OR PEAT, ALL THRUSTS SHALL BE RESTRAINED BY PILES OR TIE RODS TO SOLID FOUNDATIONS OR BY REMOVAL OF MUCK OR PEAT AND REPLACEMENT WITH BALLAST OF SUFFICIENT STABILITY TO RESIST THRUSTS.

KEY BLOCK USE

THE INSTALLATION OF A KEY BLOCK IS TO BE CONSIDERED ONLY FOR TEMPORARY BLOCKING FOR 5-10 YEARS. IF THE PIPELINE IS TO REMAIN A DEADEND OR AN EXTENSION IS LIKELY TO BE MORE THAN 10 YEARS AWAY, THEN A STANDARD BLOCK FOR CAP OR PLUG WILL BE INSTALLED. USE OF KEY BLOCK IS TO BE APPROVED BY THE DISTRICT.

**KEY BLOCKING SPECIFICATION:

MATERIALS SHALL INCLUDE 3/4-INCH RESTRAINING RODS, HEX NUTS AND WASHERS OF HIGH STRENGTH LOW ALLOY STEEL MEETING AWWA C-111-90 COMPOSITION SPECIFICATIONS, ROMAC "DUCTILE LUG" OR 90° EYE BOLTS AND "600" SERIES PIPE RESTRAINING SYSTEM. THRUST RESTRAINT TO BE CALCULATED AT 7500 POUNDS PER BOLT OR AS RECOMMENDED BY ENGINEER. ALL RODS, EYE BOLTS AND PIPE RESTRAINTS ARE TO BE CLEAN. TWO SEPARATE BRUSH COATS OF ASPHALT COATING AS APPROVED BY THE ENGINEER TO BE APPLIED. A 3-INCH MINIMUM CLEARANCE IS REQUIRED BETWEEN WATER PIPE AND CONCRETE. SOIL IS TO BE COMPACTED TO 95%. REBAR TO BE MINIMUM #6 (3/4") SIZE AND HAVE A MINIMUM 9-INCH CLEARANCE FROM ANY CONCRETE SURFACE.



PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: Oct. 24, 2012

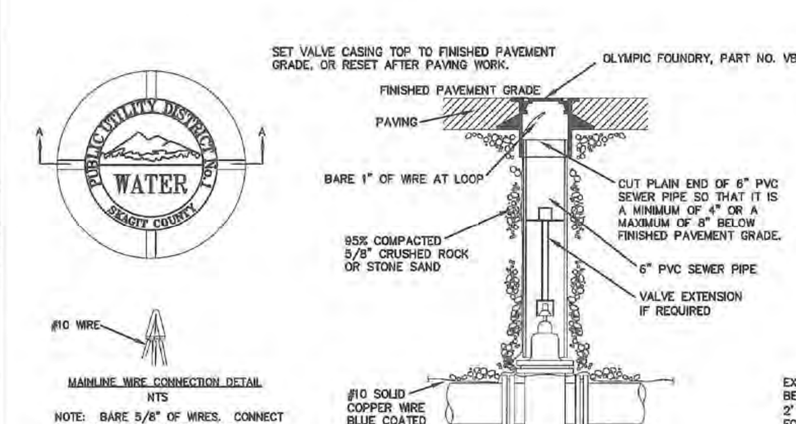
Skagit PUD PUBLIC UTILITY DISTRICT

HORIZONTAL THRUST BLOCKING DETAILS

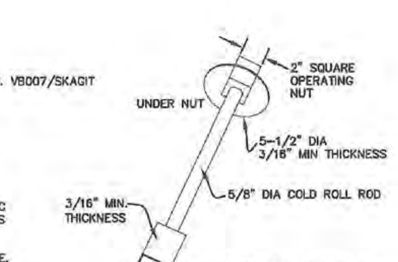
SCALE: NTS | DATE: 3-05-05 | REVISED: 8/23/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WT-1

WV-1a



NOTE: BARE 5/8" OF WIRES. CONNECT WITH #62225 KING WATERPROOF WIRE CONNECTOR.ª



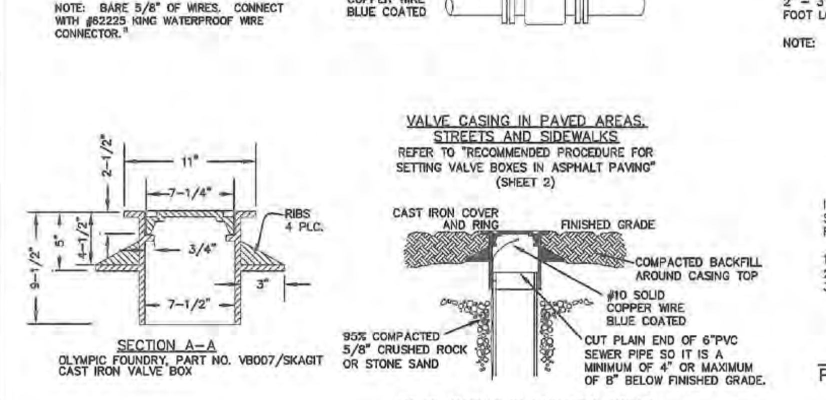
VALVE OPERATING NUT EXTENSION

EXTENSIONS ARE REQUIRED WHEN THE VALVE NUT IS MORE THAN THREE (3) FEET BELOW FINISHED GRADE. THE FINISH ELEVATION OF THE OPERATING NUT IS TO BE 2' - 3' BELOW FINISH GRADE. EXTENSIONS ARE TO BE A MINIMUM OF ONE (1) FOOT LONG, ONLY ONE EXTENSION TO BE USED PER VALVE.

NOTE: 1) ALL EXTENSIONS ARE TO BE MADE OF STEEL SIZED AS NOTED, AND PAINTED WITH TWO COATS OF METAL PAINT. WELD ALL PARTS.
2) A CARSONITE CWV-116 BLUE MARKER POST WILL BE INSTALLED AT ALL VALVE(S) LOCATIONS UNLESS DIRECTED OTHERWISE BY DISTRICT REPRESENTATIVE.

VALVE CASING IN PAVED AREAS, STREETS AND SIDEWALKS

REFER TO "RECOMMENDED PROCEDURE FOR SETTING VALVE BOXES IN ASPHALT PAVING" (SHEET 2)



VALVE CASING EXTENSION

IF THE 6" PVC VALVE CASING PIPE DOES NOT EXTEND HIGH ENOUGH TO SUPPORT THE CAST IRON VALVE BOX, AN EXTENSION CAN BE ADDED FOLLOWING THE PROCEDURE BELOW:

1. CUT A 6" PVC SEWER PIPE 6" - 8" LONGER THAN THE RISE NECESSARY.
2. SPLIT THE 6" PVC SEWER PIPE THE FULL LENGTH.
3. CURL CASING EXTENSION INTO ITSELF AND PLACE INSIDE EXISTING PVC VALVE CASING THE 6"-8" ALLOWED FOR IN STEP 1. INSTALL VALVE BOX.

PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: Oct. 24, 2012

Skagit PUD PUBLIC UTILITY DISTRICT

STANDARD INSTALLATION OF CAST IRON VALVE BOX & VALVE OPERATING NUT EXTENSION

SHEET 1/2

SCALE: NTS | DATE: 3-25-05 | REVISED: 8/23/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WV-1a

WV-1b

RECOMMENDED PROCEDURE FOR RAISING AND SETTING CAST IRON VALVE BOX IN ASPHALT PAVING

1. LOCATE BURIED VALVE BOX USING REFERENCE MEASUREMENTS AND/OR ELECTRONIC OR MAGNETIC LOCATOR. MARK LOCATION WITH WHITE PAINT.
2. BREAK OUT SMALL HOLE IN PAVEMENT AND LOCATE THE VALVE BOX COVER.
3. CAREFULLY BREAK OUT AN 18-INCH DIAMETER HOLE WITH 9-INCH RADIUS FROM THE CENTER OF THE VALVE BOX. A CIRCLE TEMPLATE 18 INCHES IN DIAMETER IS HANDY TO MARK OUT THE PERIMETER OF THIS HOLE. USE A CURVED SPADE WITH A JACKHAMMER TO CUT A NEAT VERTICAL FACE HOLE IN THE ASPHALTIC CONCRETE PAVEMENT. DO NOT CRACK OR DAMAGE THE PAVEMENT BEYOND THIS HOLE. IF IT IS SUSPECTED THE VALVE CASING IS NOT VERTICAL OR CENTERED OVER THE VALVE OPERATING NUT, REMOVE JUST ENOUGH PAVEMENT TO ALLOW REMOVAL OF THE VALVE BOX LID SO IT CAN BE DETERMINED IF CASING ADJUSTMENT IS NEEDED. IT IS VERY IMPORTANT TO NOT REMOVE ANY MORE FINISHED PAVEMENT THAN ABSOLUTELY NECESSARY.
4. COMPLETELY REMOVE THE WHOLE VALVE BOX. DO NOT DISTURB THE SURROUNDING EARTH ANY MORE THAN NECESSARY. EXAMINE THE CASING PIPE. MAKE SURE IT IS VERTICAL, SYMMETRICAL AROUND THE VALVE NUT AND CLEAN OF ALL ROCKS, DEBRIS AND DIRT. CLEAN AND CORRECT AS NECESSARY. CHECK WITH A VALVE WRENCH TO VERIFY OPERATION IS SMOOTH.
5. TRIM OR ADD TO THE CASING PIPE (6-INCH PVC PLASTIC OR CONCRETE) AS NEEDED SO THE TOP OF THE CASING PIPE IS A MINIMUM OF 4 INCHES TO MAXIMUM OF 8 INCHES BELOW THE FINISHED PAVEMENT GRADE. THE LID WILL NOT FIT TIGHT IF THE CASING IS HIGHER. VALVE BOX WILL HAVE POOR SUPPORT IF THE CASING PIPE IS LOWER. TO ADD CASING PIPE, USE A PIECE OF 6-INCH PVC PLASTIC SEWER PIPE CUT 12 INCHES LONGER THAN NEEDED. SAW-CUT THIS PIECE ALONG ONE SIDE IN A STRAIGHT LINE THE FULL LENGTH. FOLD THE PIPE OVER THE SAW-CUT AND INSERT IT INSIDE THE CASING PIPE IN THE GROUND. SLIDE UP OR DOWN TO ACHIEVE DESIRED LEVEL.
6. IF THE VALVE OPERATING NUT IS OVER 3 FEET BELOW FINISH PAVEMENT GRADE, INSTALL A STANDARD VALVE OPERATING EXTENSION, PER STANDARD SPECIFICATIONS.
7. USING A 1-INCH ROD OR CAPPED 3/4-INCH PIPE, THOROUGHLY POUND THE EARTH ALL AROUND THE CASING PIPE TO OBTAIN MAXIMUM EARTH COMPACTION.
8. FILL THE VOID BETWEEN THE CASING PIPE AND EARTH WALL UP TO EXACTLY 12 INCHES (1 FOOT) BELOW FINISH PAVEMENT GRADE WITH 5/8-INCH MINUS CRUSHED ROCK AND THOROUGHLY COMPACT USING ROD OR PIPE AS IN STEP 7. KEEP ADDING AND COMPACTING CRUSHED ROCK UNTIL HARD, TIGHT LEVEL SURFACE IS EXACTLY 12 INCHES BELOW PAVEMENT GRADE.
9. INSERT THE VALVE BOX. USING A STRAIGHT BOARD OR ROD, CHECK THAT THE TOP RIM OF THE VALVE BOX IS EXACTLY LEVEL WITH THE FINISHED PAVEMENT. THE BOX MUST SET EVENLY ON THE CRUSHED ROCK BASE. IT MUST NOT ROCK OR WIGGLE. REMOVE THE BOX AND ADJUST THE CRUSHED ROCK AS OFTEN AS NECESSARY TO ACHIEVE EXACT GRADE WITH PAVEMENT AND UNIFORM BOX SUPPORT. PUT CAST IRON LID ON THE BOX. MAKE SURE IT FITS CORRECTLY AND IS FLUSH WITH THE BOX RIM. REPLACE LID IF INCORRECT FIT. REPLACE ENTIRE VALVE BOX IF BOX RIM PREVENTS A SNUG FIT OF THE LID.
10. ADD 5/8-INCH MINUS CRUSHED ROCK UNIFORMLY IN THE SPACE BETWEEN THE VALVE BOX AND OUTSIDE EARTH WALL IN MAXIMUM 4-INCH LIFTS. COMPACT EACH LIFT COMPLETELY WITH 1-INCH ROD OR PIPE AS BEFORE. FILL AND COMPACT THE SPACE UP TO 2 INCHES BELOW FINISHED PAVEMENT GRADE.
11. ADD HOT MIX ASPHALTIC CONCRETE MATERIAL AND THOROUGHLY COMPACT WITH ROD OR PIPE TO THE FINISH PAVEMENT GRADE. SMOOTH OFF THE SURFACE AS MUCH AS POSSIBLE.
12. USING A BRUSH, PAINT THE SURFACE OF THE PATCH WITH ASPHALT TACK MATERIAL, EXTENDING MINIMUM OF 1 INCH OVER PAVEMENT AND ONTO EDGE OF VALVE BOX METAL RIM. DO NOT ALLOW ANY TACK MATERIAL TO FLOW INTO METAL RIM OR ON BOX COVER. USE A BRUSH TO CONTROL APPLICATION OF THIS TACK COAT AND PROVIDE A NEAT SEAL SURFACE.
13. CHECK AGAIN THAT VALVE CASING IS CLEAR, THAT VALVE WRENCH CAN BE PUT ON OPERATING NUT AND VALVE CAN BE OPERATED PROPERLY.
14. SPREAD CLEAN FINE SAND OVER THE TACK COAT SO THAT VEHICLE TIRES WILL NOT LIFT THE TACK MATERIAL BEFORE IT CURES AND SETS UP.
15. EACH VALVE BOX IN A CLUSTER OF TWO TO FOUR VALVES MUST BE ADJUSTED INDEPENDENTLY AS OUTLINED ABOVE. CUTTING OUT TRIANGLES OR SQUARES OF FINISHED PAVEMENT RESULTS IN VALVE BOXES THAT DO NOT REMAIN EVEN WITH PAVEMENT, LEAN TOGETHER, AND BREAK OUT UNDER TRAFFIC BEATING.

CAREFULLY FOLLOWING THIS OUTLINED PROCEDURE RESULTS IN VALVE BOX SETTINGS THAT WILL REMAIN FIRM AND IN PLACE, AND ARE VIRTUALLY UNNOTICED BY THE PUBLIC PASSING OVER THEM IN THEIR VEHICLES.

PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: Oct. 24, 2012

Skagit PUD PUBLIC UTILITY DISTRICT

STANDARD INSTALLATION OF CAST IRON VALVE BOX & VALVE OPERATING NUT EXTENSION

SHEET 2/2

SCALE: NTS | DATE: 3-25-05 | REVISED: 7/11/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WV-1b

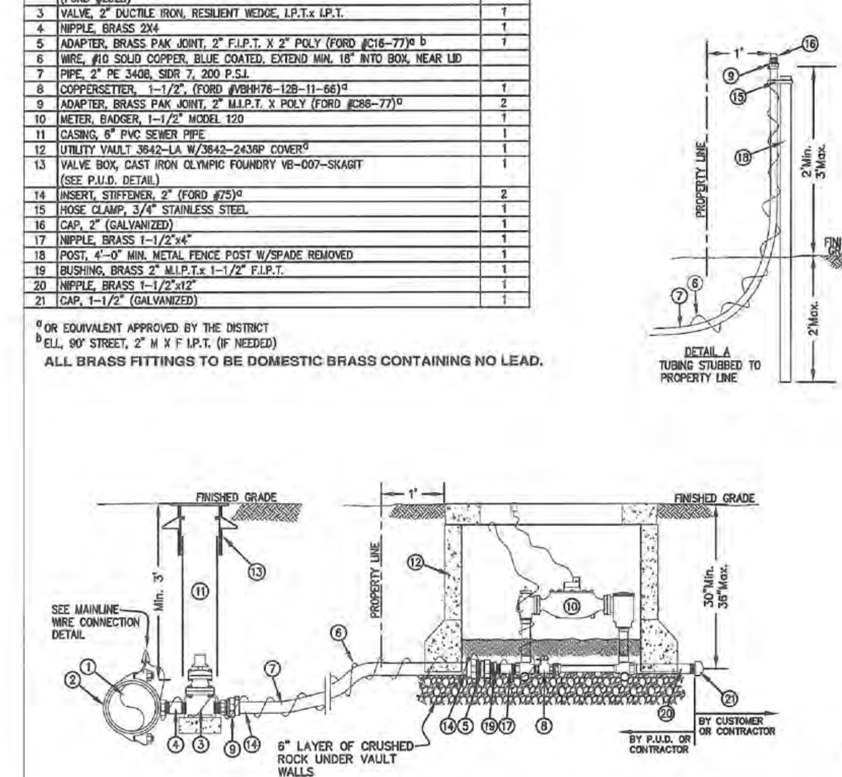
WS1.5-1

BILL OF MATERIALS

NO.	NOMENCLATURE	REQ'D.
1	WATER MAIN	
2	CLAMP, SERVICE, DOUBLE STRAP X 2" I.P.T., ALL BRASS, (FORD #202B)ª	1
3	VALVE, 2" DUCTILE IRON, RESILIENT WEDGE, I.P.T.x I.P.T.	1
4	NIPPLE, BRASS 2X4	1
5	ADAPTER, BRASS PAK JOINT, 2" F.I.P.T. X 2" POLY (FORD #C16-77)ª b	1
6	WIRE, #10 SOLID COPPER, BLUE COATED, EXTEND MIN. 18" INTO BOX, NEAR LID	
7	PIPE, 2" PE 3408, SIDR 7, 200 P.S.I.	
8	COPPERSETTER, 1-1/2", (FORD #VBHH76-12B-11-66)ª	1
9	ADAPTER, BRASS PAK JOINT, 2" M.I.P.T. X POLY (FORD #C86-77)ª	2
10	METER, BADGER, 1-1/2" MODEL 120	1
11	CASING, 6" PVC SEWER PIPE	1
12	UTILITY VAULT 3642-LA W/3642-2436P COVERª	1
13	VALVE BOX, CAST IRON OLYMPIC FOUNDRY VB-007-SKAGIT (SEE P.U.D. DETAIL)	1
14	INSERT, STIFFENER, 2" (FORD #75)ª	2
15	HOSE CLAMP, 3/4" STAINLESS STEEL	1
16	CAP, 2" (GALVANIZED)	1
17	NIPPLE, BRASS 1-1/2"x4"	1
18	POST, 4'-0" MIN. METAL FENCE POST W/SPADE REMOVED	1
19	BUSHING, BRASS 2" M.I.P.T.x 1-1/2" F.I.P.T.	1
20	NIPPLE, BRASS 1-1/2"x12"	1
21	CAP, 1-1/2" (GALVANIZED)	1

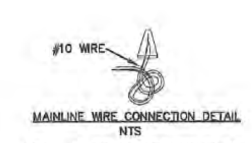
ª OR EQUIVALENT APPROVED BY THE DISTRICT
b ELL, 90° STREET, 2" M X F I.P.T. (IF NEEDED)

ALL BRASS FITTINGS TO BE DOMESTIC BRASS CONTAINING NO LEAD.



NOTES

1. CORP TO BE IN FULL OPEN POSITION BEFORE BACKFILL.
2. INSTALL SERVICE LINE PERPENDICULAR TO MAIN UNLESS OTHERWISE SHOWN ON WATER CONSTRUCTION PLAN.
3. SERVICE LINE IS TYPICALLY 1'6" TO NORTH OR WEST OF PROPERTY CORNER OR AS OTHERWISE SPECIFIED.
4. WATER SERVICE TUBING INSTALLATION IN PLATTED AREAS WILL BE COMPLETED BY THE CONTRACTOR/DEVELOPER FROM THE PIPELINE TO BEYOND THE PROPERTY LINE. IF METER BOX AND COPPERSETTER ARE NOT INSTALLED AT TIME OF SERVICE PIPE INSTALLATION, THEN TUBING IS TO BE STUBBED UP AND COMPLETED AS PER DETAIL A. THE DISTRICT WILL COMPLETE THE ACTUAL METER AND BOX INSTALLATION WHEN NEEDED.
5. IF METER IS NOT INSTALLED IN COPPERSETTER, INSTALL PLUGS IN METER CONNECTIONS. IF CONNECTION IS NOT MADE TO CUSTOMER'S PLUMBING, INSTALL A WATERTIGHT WRAP OF ELECTRICAL TAPE OVER END OF NIPPLE. SET COPPERSETTER FLUSH, PLUMB AND CENTERED IN BOX.
6. FLUSH OUT SERVICE TUBING AND COPPERSETTER BEFORE INSTALLING METER. DO NOT ALLOW MUD OR FOREIGN MATERIAL TO ENTER ANY TUBING OR FITTINGS.
7. FILL BOX WITH FINE DIRT TO TOP OF METER.
8. IF THE METER BOX IS LOCATED IN ASPHALT OR CONCRETE AREA, A TRAFFIC BOX (MID-STATES PLASTICS, INC., MSBCF1324-18)ª WILL BE REQUIRED. NOT FOR THROUGH-WAY TRAFFIC APPLICATIONS.
9. IF THERE IS PETROLEUM-BASED CONTAMINATED SOIL PRESENT, THE PIPELINE SHALL BE OF TYPE K COPPER WITH BRASS AND COPPER FITTINGS. SEE STANDARD P.U.D. COPPER SERVICE DETAIL.
10. IF SERVICE LINE HAS LESS THAN 2'0" OF COVER, CONTACT DISTRICT ENGINEERING DEPARTMENT FOR FREEZE PROTECTION REQUIREMENTS.
11. A SHUTOFF VALVE SHALL BE INSTALLED ON CUSTOMER'S PLUMBING AFTER DISTRICT'S METER, PER U.P.C. SUCH VALVE SHALL BE ACCESSIBLE AT ALL TIMES.



NOTE: ALL THREE WIRES ARE TO BE TIED TOGETHER IN AN OVERHAND KNOT APPROXIMATELY 6" FROM WIRE NUT. BARE 5/8" OF WIRES. CONNECT WITH #62325 KING WATERPROOF WIRE CONNECTOR.ª

PUD NO. 1 OF SKAGIT COUNTY ENGINEERING MANAGER

APPROVED ON: Oct. 24, 2012

Skagit PUD PUBLIC UTILITY DISTRICT

STANDARD INSTALLATION OF 1-1/2" METERED SERVICE WITH 200 P.S.I. POLYETHYLENE SERVICE LINE

SCALE: 1" = 2' | DATE: 3-01-05 | REVISED: 10/19/12 | DRAWN BY: CAS | APPROVED BY: GJS

STANDARD WS1.5-1

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

WATER PLAN DETAILS

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:________________Date________.

This approval will expire in one year from the date noted above.

APPROVED FOR CONSTRUCTION

CITY OF MOUNT VERNON FIRE MARSHAL

EXPIRES: 8/30/2014

W.O. ____________

C.O. ____________

(City of Mount Vernon No. PR13-311 & LU06-089)

FILE NUMBER: BIG FIR SOUTH P.U.D	DESIGNED BY: SGB	REVISIONS	DATE
PAPER SPACE PLOT SCALE: 1 TO 1	DRAWN BY: SGB		
LAST EDIT DATE: 03/19/2013	CHECKED BY: TKG		

LANDED GENTRY HOMES AND COMMUNITIES
Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021

SHEET DESCRIPTION: "AS-BUILT" WATER PLAN STANDARD DRAWINGS

PROJECT: PLAT OF BIG FIR SOUTH P.U.D.

DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233

SHEET NO. C-17

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

STRIPING AND SIGNAGE PLAN

R7-1
12" x 18"
ARROW RIGHT
RED LETTERS ON WHITE

1

R7-1
12" x 18"
ARROW LEFT & RIGHT
RED LETTERS ON WHITE

2

R7-1
12" x 18"
ARROW LEFT
RED LETTERS ON WHITE

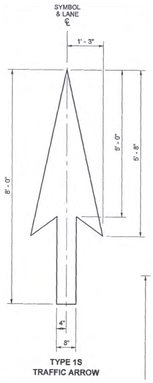
3

CITY OF MOUNT VERNON SIGN STANDARD PER ENGINEERING STANDARD "3-26 SIGNS"

1. All signs must conform to M.U.T.C.D. specifications.
2. All signs shall be diamond grade.
3. All stop signs must be 30" wide and 30" high.
4. Street name signs must have 6" capital letters.
5. Street name signs must have top cap brackets on the post and the sign centered in the bracket.
6. Street name signs must be nine [9] inch-extruded blades.
7. Posts must be 2" inside diameter schedule 40 galvanized pipe.
Posts must be cemented in concrete into a 30" deep by 12" diameter hole, installed in a firm and unyielding manner.

SEE CITY STANDARDS LISTED ABOVE

4

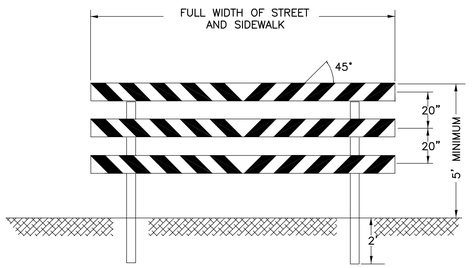


SYMBOL MARKINGS
TRAFFIC ARROWS FOR
LOW SPEED ROADWAYS
STANDARD PLAN M-24.40-00

6

R1-1
30" x 30"
"STOP" SIGN PER MUTCD
WHITE LETTERS ON RED

5



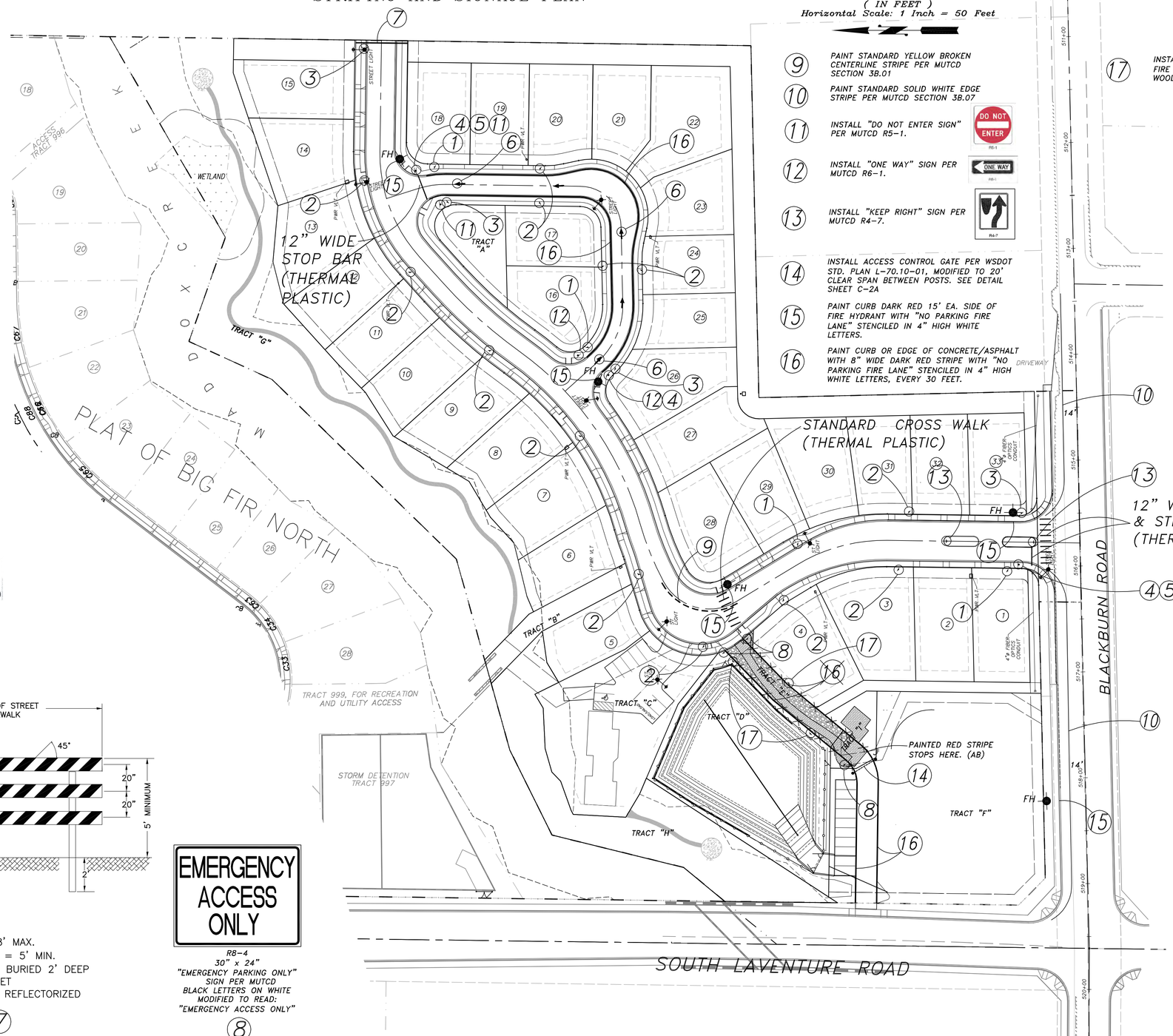
NOTES:

WIDTH OF RAIL = 8" TO 12"
LENGTH OF RAIL = 4' MIN. TO 8' MAX.
WIDTH OF STRIPES = 6" HEIGHT = 5' MIN.
TYPE OF FRAME = 4"X 4" POST BURIED 2' DEEP
MAXIMUM POST SPACING = 6 FEET
COLOR = RED ON WHITE, FULLY REFLECTORIZED

7

R8-4
30" x 24"
"EMERGENCY PARKING ONLY"
SIGN PER MUTCD
BLACK LETTERS ON WHITE
MODIFIED TO READ:
"EMERGENCY ACCESS ONLY"

8



9 PAINT STANDARD YELLOW BROKEN CENTERLINE STRIPE PER MUTCD SECTION 3B.01

10 PAINT STANDARD SOLID WHITE EDGE STRIPE PER MUTCD SECTION 3B.07

11 INSTALL "DO NOT ENTER SIGN" PER MUTCD R5-1.

12 INSTALL "ONE WAY" SIGN PER MUTCD R6-1.

13 INSTALL "KEEP RIGHT" SIGN PER MUTCD R4-7.

14 INSTALL ACCESS CONTROL GATE PER WSDOT STD. PLAN L-70.10-01, MODIFIED TO 20' CLEAR SPAN BETWEEN POSTS. SEE DETAIL SHEET C-2A

15 PAINT CURB DARK RED 15' EA. SIDE OF FIRE HYDRANT WITH "NO PARKING FIRE LANE" STENCILED IN 4" HIGH WHITE LETTERS.

16 PAINT CURB OR EDGE OF CONCRETE/ASPHALT WITH 8" WIDE DARK RED STRIPE WITH "NO PARKING FIRE LANE" STENCILED IN 4" HIGH WHITE LETTERS, EVERY 30 FEET.

17 INSTALL 12"X18" "NO PARKING FIRE LANE" SIGN ON TREATED WOOD POST.

(AB)

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

APPROVED BY:_____Date_____

This approval will expire in one year from the date noted above.

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" STRIPING AND SIGNAGE PLAN	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-18

SW 1/4 OF NW 1/4 OF SEC. 28, TWP. 34 N. RNG. 4 E., W.M., SKAGIT COUNTY

PLAT OF BIG FIR SOUTH P.U.D.

STREET AND UTILITY PLAN WITH SINGLE FAMILY RESIDENTIAL AND RETAIL

GRAPHIC SCALE
50 0 25 50 100
(IN FEET)
Horiz. Scale: 1 Inch = 50 Feet
1 Foot Contours

This plan sheet is approved for construction in accordance with the City of Mount Vernon ordinances and policies. This plan sheet does not imply or convey permission to construct any item unless accompanied by an approved permit covering the work. All permits must be on a City approved form reviewed for compliance to City Codes. Actual conformance of the design with applicable laws is the sole responsibility of the professional engineer whose name and stamp appear on this sheet. Aquiring, complying with and providing mitigation for all Federal, State, County and Local laws, permits and mandates, including but not limited to the Endangered Species Act, Federal Wetland Permit, State Department of Fisheries Hydraulics Permit, Federal Flood plain Permits, National Pollutant Discharge Elimination System Permits is the responsibility of the Developer, Landowner and their Engineer. The issuance of this plan shall not be construed as proof of compliance with applicable laws and permit requirements.

_____Date_____

This approval will expire in one year from the date noted above.

EXISTING CREEK BED TO REMAIN UNDISTURBED AT ALL TIMES

CRITICAL AREAS BUFFER BOUNDARY (SEE SHEET C-2 FOR MORE DETAIL)

NOTE:

ALL TREES WITHIN THE STREAM BUFFER HAVE NOT BEEN LOCATED AND ARE TO REMAIN, EXCEPT FOR TREES DEEMED AS HAZARD TREES BY A QUALIFIED PROFESSIONAL & CITY OF MT. VERNON.

LIKEWISE, ANY TREES LABELED "TO REMAIN", MAY ALSO BE REMOVED IF DEEMED TO BE A HAZARD TREE BY A QUALIFIED PROFESSIONAL & CITY OF MT. VERNON.

EXISTING HOUSE ~~TO BE~~ REMOVED BY LANDED GENTRY (NIC), SEPARATE PERMIT REQUIRED. (AB)

EXISTING DUPLEX ~~TO BE~~ REMOVED BY LANDED GENTRY (NIC), SEPARATE PERMIT REQUIRED. (AB)

PROPOSED BIG FIR SOUTH P.U.D.

EXISTING SANITARY SEWER; PRESERVE IN PLACE.

EXISTING BIG FIR NORTH P.U.D.

EXISTING FENCE ~~TO BE~~ REMOVED BY CONTRACTOR (TYP) (AB)

CRITICAL AREAS BUFFER BOUNDARY (SEE SHEET C-2 FOR MORE DETAIL)

EXISTING HOUSE TO REMAIN & ~~TO BE~~ REMODELED BY SEPARATE CONTRACT (AB)

BALSAM LANE
GRAND AVE
ACCESS TRACT 996
OPEN TRACT 995
NOBLE STREET
GRAND AVENUE
TRACT 999, FOR RECREATION AND UTILITY ACCESS
STORM DETENTION TRACT 997
EXIST. BLDG.
EXISTING ASPHALT PAVED ROAD
DRIVEWAY
SOUTH LAVENTURE ROAD
FOWLER ST.
BLACKBURN ROAD
15"øALDER TO REMAIN
14"øALDER TO REMAIN
14"øALDER TO REMAIN
16"øFIR TO REMAIN
19"øFIR TO REMAIN
17"øFIR TO REMAIN
21"øFIR TO REMAIN
22"øFIR TO REMAIN
14"øFIR TO REMAIN
15"øFIR TO REMAIN
19"øFIR TO REMAIN
17"øFIR TO REMAIN
12"øFIR TO REMAIN
15"øFIR TO REMAIN
17"øFIR TO REMAIN
15"øFIR TO REMAIN
19"øFIR TO REMAIN
18"øFIR TO REMAIN
20"øFIR TO REMAIN
REMOVE 17"øDECIDUOUS REMOVED (AB)
REMOVE 20"øFIR REMOVED (AB)
REMOVE 12"øDECIDUOUS REMOVED (AB)
ABANDON EXISTING DRAINAGE DITCH; INSTALL FRENCH DRAIN PER DETAIL ON SHEET C-15, SEE ALSO SHEET C-9.
REMOVE EXISTING CULVERT (SEE SHEET C-8)
ABANDON EXISTING DRIVEWAY; SEE LANDSCAPE PLANS FOR SOIL AMENDING AND PLANTING SCHEDULE

TIM K. GARRISON
STATE OF WASHINGTON
28873
REGISTERED
PROFESSIONAL ENGINEER
EXPIRES 8/30/2014

PR13-311 & LU06-089

FILE NUMBER: BIG FIR SOUTH P.U.D PAPER SPACE PLOT SCALE: 1 TO 1 LAST EDIT DATE: 03/19/2013	DESIGNED BY: SGB DRAWN BY: SGB CHECKED BY: TKG	REVISIONS / DATE	LANDED GENTRY HOMES AND COMMUNITIES Old City Hall Building, 504 Fairhaven Avenue, Burlington, WA 98233 (360) 755-9021	SHEET DESCRIPTION: "AS-BUILT" CLEARING AND DEMOLITION PLAN AND MAP OF EXISTING TOPOGRAPHY	PROJECT: PLAT OF BIG FIR SOUTH P.U.D. DEVELOPER: LANDED GENTRY HOMES & COMMUNITIES, 504 E. Fairhaven Ave., Burlington, WA 98233	SHEET NO. C-19

Chapter 2.34

HEARING EXAMINER

Sections:

2.34.010 Creation of hearing examiner system.
2.34.020 Appointment.
2.34.030 Qualifications.
2.34.040 Freedom from improper influence.
2.34.050 Conflict of interest.
2.34.060 Rules.
2.34.070 Powers.

2.34.010 Creation of hearing examiner system.
There is created the office of the Mount Vernon hearing examiner. The examiner shall interpret, review and implement land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless the context requires otherwise, the term "examiner" or "hearing examiner" as used in this chapter shall include deputy examiners and examiners pro tem. (Ord. 2860 § 1(A), 1998).

2.34.020 Appointment.
The hearing examiner shall be employed by professional service agreement or otherwise as directed by the city council. The council may also appoint and employ deputy examiners, and the mayor may appoint examiners pro tem, to serve in the event of the examiner's absence or inability to act. (Ord. 2860 § 1(B), 1998).

2.34.030 Qualifications.
Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings and to discharge other delegated functions. (Ord. 2860 § 1(C), 1998).

2.34.040 Freedom from improper influence.
No person, including city officials, elected or appointed, shall attempt to influence an examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his or her duties in any other way; provided, that this section shall not be read as prohibiting the city staff from making such reports and recommendations as are required in the exercise of their duties; and provided, further, this section shall not prohibit the city attorney from rendering legal service to the examiner upon request. (Ord. 2860 § 1(D), 1998).

2.34.050 Conflict of interest.
The examiner shall be subject to the same code of ethics as other appointed public officers in code cities, as set forth in RCW 35.42.020 and Chapter 42.23 RCW, as the same now exist or may hereafter be amended. (Ord. 2860 § 1(E), 1998).

2.34.060 Rules.
The examiner shall have the power to prescribe rules, consistent with city ordinances, for the scheduling and conduct of hearings and other procedural matters related to the duties of the office. (Ord. 2860 § 1(F), 1998).

2.34.070 Powers.
The hearing examiner shall have the authority to:

A. Receive and examine available information;

B. Hold and conduct public hearings in accordance with Chapter 14.05 MVMC, Chapter 42.32 RCW, and all other applicable law, and to prepare a record thereof;

C. Make recommendations and decisions on all applications, permits or approvals as described in Chapter 14.05 MVMC;

D. Hear and make final decisions on appeals made pursuant to Chapter 17.96 MVMC;

E. Administer oaths and affirmations;

F. Issue subpoenas and examine witnesses; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;

G. Regulate the course of hearings;

H. Make and enter written findings of fact and conclusions to support his or her decisions;

I. At the examiner's discretion, hold conferences for the settlement or simplification of the issues;

J. Conduct discovery;

K. Dispose of procedural requests of similar matters;

L. Take official notice of matters of law or material facts;

M. Issue summary orders in supplementary proceedings;

N. Take any other action authorized by or necessary to carry out this chapter and those matters within the jurisdiction of the examiner; and

O. Make recommendations and decisions on all constitutional issues including constitutional takings. (Ord. 3329 § 1, 2006; Ord. 2958 § 2, 1999; Ord. 2860 § 1(G), 1998).

Chapter 2.35

DEVELOPMENT SERVICES DEPARTMENT*

Sections:

2.35.010 Established.
2.35.020 Officials designated – Responsibilities.
2.35.030 Authority.

*Prior legislation: Ord. 2964.

2.35.010 Established.
A department in city government is hereby established, and designated the "development services department." Such department shall be responsible for land use planning, zoning administration and development regulation enforcement, housing development, construction permitting and construction code enforcement, preservation of housing and neighborhood amenities, community development, economic development, business district revitalization, coordination with other public bodies, and related functions. (Ord. 3092 § 2, 2002).

2.35.020 Officials designated – Responsibilities.
A. Director. The development services department shall be headed by a director who shall report to the mayor. The director shall perform such lawful acts and functions as the director deems to be necessary or desirable in order to enforce the provisions of this chapter, or as necessary to perform the duties and responsibilities assigned by the mayor. The mayor shall have the power of appointment and removal of the director, and the director shall serve at the pleasure of the mayor. In addition to any other duties assigned by the mayor, the director shall have the following duties:

1. Execute the decisions of the mayor and city council relating to departmental responsibilities and provide overall management for the department;

2. Direct overall department operations, including planning and code enforcement activities;

3. Be responsible for making budget proposals and requests, and controlling department expenditures and receipts;

4. Manage the operations of the department including the assignment and supervision of employee workloads, provision for appropriate training, conduct of employee performance evaluations, and effective recommendation of formal personnel actions to the mayor including hiring, firing, disciplinary measures, salary adjustments, and promotions;

5. Advise the mayor, city council, department directors, and others on planning and related matters;

6. Be responsible for comprehensive planning, and to propose changes and updates of the city's comprehensive plan map and land use regulations.

B. Appointment of Subordinates and Delegation of Responsibilities.

1. The mayor, upon the recommendation of the director and subject to the provisions of Chapter 2.08 MVMC, may appoint such subordinate officers to be supervised by the director as may be authorized by the city's approved budget. Such subordinate officers shall include a building official, who shall serve at the pleasure of the mayor. The building official shall have those powers and duties as enumerated in the State Building Code, Chapter 19.27 RCW, as that code may be adopted by the city; provided, that the fire chief or the fire chief's designee shall be responsible for enforcement of the International Fire Code.

2. With the concurrence of the mayor, the director may delegate such responsibilities to other city employees supervised by the director as may be necessary or convenient to the efficient administration of the development services department.

C. Pursuant to a resolution adopted by the city council, and in order to properly enforce the various codes and regulations administered by the development services department, the various officers and employees of the development services department may singularly be granted the powers of a law enforcement officer. (Ord. 3284 § 1, 2005; Ord. 3092 § 2, 2002).

2.35.030 Authority.

A. General. The development services department may render interpretations of the codes and regulations administered by the department, and may adopt and enforce rules and interpretations supplemental to such codes and regulations as may be necessary in order to clarify the application of the provisions thereof.

B. Economic Development. The development services department shall design and execute such projects for economic or neighborhood development as the city may undertake, including the stimulation of interest in economic development throughout the city and in such connection shall contact citizens and citizen groups and bring as many as possible into the city's programs of economic development. The department shall research and recommend programs for economic development, and apply for and administer funds from federal and state agencies of government and/or from private groups or organizations in order to effectuate programs of economic development.

C. Comprehensive Planning. The development services department shall be responsible for the provision of long-range planning for the city related to land use and development, housing, economic development, and construction. The department shall administer the comprehensive plan of the city, and shall implement and coordinate the city's activities under the Growth Management Act, Chapters 36.70A and 36.70B RCW. The department shall provide staff support for the city council, planning commission, hearing examiner, and other appointed boards and committees.

D. Land Use Administration. The development services department shall be responsible for the administration and interpretation of the Mount Vernon development codes, platting and subdivision ordinances, and zoning codes. The department shall provide direction and support to citizens, developers, the city council, planning commission, hearing examiner, and other boards and commissions as appropriate.

E. The development services department shall be responsible for plan review, permit coordination and issuance, and inspection services related to codes, regulations, and other applicable laws administered by the department.

F. Construction Code Enforcement. The development services department shall be responsible for the enforcement of the technical construction codes of the city; provided, the fire chief or the fire chief's designee shall be responsible for enforcement of the fire code. For the purposes of this chapter, the term "technical construction codes" shall include those codes described in Chapter 15.04 MVMC, and the State Building Code as adopted pursuant to Chapter 19.27 RCW. The department shall provide direction and support to the building code board of appeals. (Ord. 3092 § 2, 2002).

Chapter 2.38

PUBLIC WORKS DIRECTOR

Sections:

2.38.010 Position established – Appointment.
2.38.020 Duties.

2.38.010 Position established – Appointment.
There is established the position of public works director for the city. The public works director shall be appointed by the mayor, subject to confirmation by the city council. (Ord. 2875 § 1, 1998).

2.38.020 Duties.
The public works director shall work at the direction of the mayor and have administrative authority over the public works department. (Ord. 2875 § 2, 1998).

Chapter 3.36

IMPACT FEES FOR SCHOOL FACILITIES*

Sections:

3.36.010 Findings and authority.
3.36.020 Definitions.
3.36.030 Findings of adequacy.
3.36.040 Assessment of impact fees.
3.36.050 Exemptions.
3.36.060 Credits.
3.36.070 Tax adjustments.
3.36.080 Appeals.
3.36.090 Authorization for the school interlocal agreement and the establishment of the schools impact account.
3.36.100 Refunds.
3.36.110 Use of funds.
3.36.120 Review.
3.36.130 School impact fees and administrative fees.
3.36.140 Fee adjustments.
3.36.150 Independent fee calculations.
3.36.160 Existing authority unimpaired.

* Code reviser's note: Appendix A, referred to throughout this chapter, was revised and updated by Ord. 3687.

3.36.010 Findings and authority.
The city council of the city of Mount Vernon (the "council") finds and determines that new growth and development in the city of Mount Vernon will create additional demand and need for school facilities in the city of Mount Vernon, and the council finds that new growth and development should pay a proportionate share of the cost of new school facilities needed to serve the new growth and development. Therefore, pursuant to Chapter 82.02 RCW, the council adopts this chapter to assess impact fees for school facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. 2552 § 1, 1993).

3.36.020 Definitions.
The following definitions shall apply for purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

A. "Act" means the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess., Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, 1st Sp. Sess., as now in existence or as hereafter amended.

B. "Affordable housing" means units to be sold or rented to families earning less than 80 percent of the Skagit County median income adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

C. "Boundary line adjustment" shall have the same meaning as set forth in Chapter 16.36 MVMC.

D. "Building permit" means an official document or certification which is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. For purposes of this chapter, "building permit" also includes a mobile home permit.

E. "Capital facilities" means the facilities or improvements included in a capital budget.

F. "Capital facilities plan" or the "plan" means the capital facilities plan adopted by the board of directors of Mount Vernon School District No. 320.

G. “City” means the city of Mount Vernon.

H. “Council” means the city council of the city of Mount Vernon.

I. “County” means Skagit County.

J. “Department” means the city of Mount Vernon planning department.

K. “Development activity” means any construction or expansion of a residential building or structure, or the siting of a mobile home, or any change in use of a residential building or structure or mobile home, or any change in use of land that creates additional demand and need for school facilities.

L. “Development approval” means any written authorization from the city of Mount Vernon, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, PUD approval, binding site plan approval, mobile home park district approval, boundary line adjustment, and a conditional use permit.

M. “Director” means the director of the city of Mount Vernon community and economic development department.

N. “District” means the Mount Vernon School District No. 320 and the Sedro-Woolley School District No. 101, Skagit County, Washington.

O. “Encumbered” means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

P. “Fee payer” is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for additional school facilities, and which requires development approval and/or the issuance of a building permit. “Fee payer” includes an applicant for an impact fee credit.

Q. “Impact fee” means a payment of money imposed by the city of Mount Vernon on development activity pursuant to this chapter as a condition of granting development approval and/or a building permit in order to pay for the school facilities needed to serve new growth and development. “Impact fee” does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling school impact fees, the cost of reviewing independent fee calculations, or the administrative fee required for an appeal pursuant to MVMC 3.36.080.

R. “Impact fee account” or “account” means the account established for the school facilities for which impact fees are collected. The accounts shall be established pursuant to MVMC 3.36.090, and comply with the requirements of RCW 82.02.070.

S. “Independent fee calculation” means the school impact calculation, and/or economic documentation prepared by a fee payer, to support the assessment of an impact fee other than by the use of the schedule attached as Appendix A to the ordinance codified in this chapter, or the calculations prepared by the director or District No. 320 where none of the fee categories or fee amounts in Appendix A accurately describe or capture the impacts of the new development on school facilities.

T. “Interest” means the average interest rate earned by District No. 320 in the last fiscal year, if not otherwise defined.

U. “Interlocal agreement” or “agreement” means the school interlocal agreement by and between the city of Mount Vernon and District No. 320 as authorized in MVMC 3.36.090.

V. “Mobile home park district” shall have the same meaning as set forth in Chapter 17.39 MVMC.

W. “Owner” means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

X. “Planned unit development” or “PUD” shall have the same meaning as set forth in Chapter 17.69 MVMC.

Y. “School facilities” means facilities owned or operated by District No. 320, or the facilities or improvements included in the district’s capital budget and/or capital facilities plan.

Z. “Standard of service” means the standard adopted by District No. 320 or 101 which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the program capacity, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the district. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in portable facilities which are used as transitional facilities or for any specialized facilities housed in portable facilities. Except as otherwise defined by the school boards pursuant to a board resolution, transitional facilities shall mean those facilities that are used to cover the time required for the construction of permanent facilities.

AA. “State” means the state of Washington.

BB. “Voluntary agreement” means an agreement between a developer and District No. 320 or 101 as authorized by RCW 82.02.020. (Ord. 3687 § 3, 2016).

3.36.030 Findings of adequacy.
A. Compliance with this requirement shall be sufficient to satisfy the requirements of RCW 58.17.110, 58.17.060, and the Act. The findings shall be made at the time of preliminary plat, PUD, binding site plan or other development approval.

B. The city shall not approve applications for preliminary plats, PUDs or binding site plans, or grant other development approvals, unless the city is able to make the findings of adequacy; provided, that if the fee payer opts to dedicate land, to provide improvements, and/or construction consistent with the requirements of MVMC 3.36.060 governing credits, where appropriate, the city may make such findings.

C. If any party for any reason is able to exempt itself from the operation of this chapter, the city reserves the right to review its land use plan in conjunction with its capital facilities plan in order to ensure adequacy. In the event that the impact fees that might have been paid would have been an integral part of the financing to ensure adequacy, the city reserves the right to deny approval for the development on these grounds. (Ord. 3318 § 1, 2006).

3.36.040 Assessment of impact fees.
A. The city shall collect impact fees from any applicant seeking either the issuance or finalization of a building permit from the city for any development activity within the city. This shall include, but is not limited to, the development of residential buildings, and may include the expansion of existing uses which creates a demand for additional school facilities. Fees shall be determined using the impact fee schedule in effect at the time of building permit application.

B. Applicants seeking the issuance or the final inspection of a building permit from the city for development activity where the property is located outside the boundaries of either District No. 320 or 101 shall not be required to pay the school impact fee set forth in the impact fee schedules in Appendix A to the ordinance codified in this chapter.

C. An applicant can either pay the required school impact fee when their building permit is issued or they can request to defer this payment to the final inspection for the building permit they have received. The following shall apply to any request to defer payment of an impact fee:

1. The applicant shall submit to the city a written request to defer the payment of an impact fee for a specifically identified building permit. The applicant’s request shall be on forms provided by the city and shall include all of the following. To be accepted by the city these materials must be accompanied by an administrative fee as provided within this chapter.

a. The applicant’s corporate identity and contractor registration number;

b. The full names of all legal owners of the property upon which the development activity allowed by the building permit is to occur;

c. The legal description of the property upon which the development activity allowed by the building permit is to occur;

d. The tax parcel identification number of the property upon which the development activity allowed by the building permit is to occur;

e. The address of the property upon which the development activity allowed by the building permit is to occur; and

f. Completed deferred payment of impact fee lien.

2. The impact fee amount due under any request to defer payment of impact fees shall be based on the schedule in effect at the time the applicant provides the city with the information required in subsection (C)(1) of this section.

3. Prior to the issuance of a building permit that is the subject of a request for a deferred payment of impact fee, all applicants and/or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign a deferred impact fee payment lien in a form acceptable to the city attorney. The deferred impact fee payment lien shall be recorded by the applicants and/or legal owners against the property subject to the building permit and be granted in favor of the city in the amount of the deferred impact fee. Any such lien shall be junior and subordinate only to one mortgage for the purpose of construction upon the same real property subject to the building permit. In addition to the administrative fee required in this chapter, the applicant shall be responsible for all fees associated with recording this document with the Skagit County auditor.

4. The city shall not approve a final inspection until the school impact fees identified in the deferred impact fee payment lien are paid in full.

5. In no case shall payment of the impact fee be deferred for a period of more than 18 months from the date of building permit issuance.

6. Upon receipt of final payment of the deferred impact fee as identified in the deferred impact fee payment lien, the city shall execute a release of lien for the property. The applicant and/or owner, at their own expense, shall record the lien release.

7. In the event that the deferred impact fee is not paid within the time provided in this section, the city shall institute foreclosure proceedings under the process set forth in Chapter 61.12 RCW. The districts may also institute foreclosure proceedings as set forth in RCW 82.02.050(3).

8. An applicant is entitled to defer impact fees pursuant to this section for no more than 20 single-family dwelling unit building permits per year in the city. For purposes of this section, an “applicant” includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

9. The director may adopt rules and procedures they determine are reasonably necessary to implement the requirements of the impact fee deferral process.

D. Except as provided in subsection C of this section, or due to exemptions or credits provided pursuant to MVMC 3.36.050 or 3.36.060, or pursuant to an independent fee calculation accepted by the director pursuant to MVMC 3.36.150, or fees imposed by the director pursuant to MVMC 3.36.150, the city shall not issue or final the required building permit(s) unless and until the impact fees set forth in the schedule in Appendix A to the ordinance codified in this chapter have been paid. (Ord. 3687 § 4, 2016).

3.36.050 Exemptions.

A. The following shall be exempted from the payment of all impact fees:

1. Any form of housing exclusively for the elderly, including nursing homes and retirement centers, so long as these uses are maintained and the necessary covenants or declarations of restrictions, approved by District No.

320 or 101, are recorded on the property. The department shall keep a sample covenant on file and shall provide a copy of the sample covenant upon request.

2. Any form of housing exclusively used for emergency shelters, including housing provided under local, state and federal programs, so long as these uses are maintained and the necessary covenants or declaration or restrictions, approved by District No. 320 or 101, are recorded on the property. The department shall keep a sample covenant on file and shall provide a copy of the sample covenant upon request.

3. Replacement of a residential structure or mobile home with a new residential structure or mobile home of the same size and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure or the removal of the mobile home.

4. Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.

5. The construction of accessory residential structures that will not create significant impacts on school facilities.

6. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.

7. Demolition or moving of a structure.

8. Construction of affordable housing where the affordable housing unit is a one-to-one replacement for a demolished dwelling unit previously sited at another location within the city and where no new housing can be built on the same lot as the demolished dwelling unit, so long as these uses are maintained and the necessary covenants or declarations of restrictions, approved by District No. 320 or 101, are recorded on the property. The request for the exemption shall be filed with the city within 24 months of the demolition or destruction of the prior structure or the removal of the mobile home. The director shall place a notation on the property of the demolished dwelling unit or mobile home lot to indicate that a new dwelling unit or mobile home cannot be built or sited on the same lot unless an impact fee is paid at the time of building permit issuance.

B. Except as otherwise provided pursuant to the terms of a voluntary agreement entered into between District No. 320 or 101 and a developer, the payment of fees, the dedication of land, or the construction of a school facility by the developer pursuant to the terms of a voluntary agreement entered into between District No. 320 or 101 and a developer prior to the effective date of the ordinance codified in this chapter shall be deemed to be complete mitigation for the impacts of the specific development on District No. 320 or 101. The units in the identified development shall be exempt from the payment of school impact fees for District No. 320 or 101. The developer shall provide to the director documentation demonstrating compliance with the terms of the voluntary agreement.

C. Except as otherwise provided pursuant to the terms of a plat condition or a SEPA mitigation condition imposed prior to the effective date of the ordinance codified in this chapter, the payment of fees, the dedication of land, or the construction of a school facility by the developer pursuant to the terms of a plat condition or a SEPA mitigation condition imposed prior to the effective date of the ordinance codified in this chapter shall be deemed to be complete mitigation for the impacts of the specific development on District No. 320 or 101. The units in the identified development shall be exempt from the payment of school impact fees for District No. 320 or 101. The developer shall provide to the director documentation demonstrating compliance with the terms of the plat condition or SEPA mitigation condition.

D. The director shall be authorized to determine, after consultation with the applicable district, whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in MVMC 3.36.080. (Ord. 3687 § 5, 2016).

3.36.060 Credits.

A. After the effective date of the ordinance codified in this chapter, developer site dedications, construction of school facilities, or improvements to school facilities shall be governed by this section. The fee payer shall direct the request for a credit or credits to the director who shall forward the request to District No. 320 or 101. The district

shall first determine the general suitability of the land, improvements, and/or construction for district purposes. The district shall then determine whether the land, improvements, and/or the facility constructed are included within the district's adopted capital facilities plan or the board of directors for District No. 320 or 101 may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the district's capital facilities plan. The district shall forward its determination to the director, including cases where the district determines that the dedicated land, improvements, and/or construction are not suitable for district purposes. The director shall adopt the determination of District No. 320 or 101, and shall inform the applicant, in writing, of the adoption of the district's determination.

B. For each request for a credit or credits, once District No. 320 or 101 has determined that the land, improvements, and/or construction would be suitable for district purposes, District No. 320 or 101 shall select an appraiser. The appraiser shall be directed to determine for the district the value of the dedicated land, improvements, or construction provided by the fee payer on a case-by-case basis.

C. The fee payer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the director may be providing to the fee payer, in the event that a credit is awarded.

D. After receiving the appraisal and after consultation with District No. 320 or 101, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

E. Any claim for credit must be made no later than 20 calendar days after the submission of an application for a building permit.

F. For each request for a credit for significant past tax payments made for particular school system improvements, the fee payer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the particular school system improvements.

G. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in MVMC 3.36.080. (Ord. 3687 § 6, 2016).

3.36.070 Tax adjustments.
Pursuant to and consistent with the requirements of RCW 82.02.060, the capital facilities plan has provided adjustments for future taxes to be paid by the new development which are earmarked or proratable to the particular school system improvements which will serve the new development. The impact fee schedule in Appendix A has been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund particular school system improvements. (Ord. 3391 § 3, 2008; Ord. 2552 § 7, 1993).

3.36.080 Appeals.
A. Any fee payer may pay the impact fees imposed by this chapter under protest in order to obtain or final a building permit. Appeals regarding the impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

B. The director's determinations with respect to the applicability of the impact fees to a given development activity and/or building permit, the availability of an exemption, the availability or value of a credit, or the director's decision concerning the independent fee calculation which is authorized in MVMC 3.36.150, or the fees imposed by the director pursuant to MVMC 3.36.150, or any other determination which the director is authorized to make pursuant to this chapter, can be appealed to the hearing examiner.

C. If the director makes a determination on an adjustment, credit, exemption, or independent fee calculation contrary to or inconsistent with the determination or analysis prepared by District No. 320 or 101, the district may appeal the director's determination to the hearing examiner.

D. Appeals shall be taken within 10 working days of the director's issuance of a written determination by filing with the hearing examiner a notice of appeal specifying the grounds thereof, and depositing an administrative fee in the amount of $300.00. The director shall transmit to the hearing examiner all papers constituting the record for the determination, including where appropriate the independent fee calculation.

E. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same. At the hearing, any party may appear in person or by agent or attorney. If the matter which is the subject of the appeal requires development approval which also requires a hearing before the hearing examiner, both the appeal and the development approval hearing may be combined in a single hearing.

F. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in this section.

G. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter.

H. District No. 320 or 101 or any fee payer who believes that the decision of the hearing examiner is based on erroneous procedures, errors of law or fact, error in judgment, or has discovered new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the hearing examiner within 10 working days of the date the decision is rendered. Such fee payer or district is the "appellant" for the purposes of this section. This request shall set forth the specific errors or new information relied upon by such appellant, and the hearing examiner may, after review of the record, take further action as it deems proper.

I. The filing of a request for reconsideration shall effectively stay the appeal period until the hearing examiner takes further action.

J. Where the hearing examiner determines that there is a flaw in the impact fee program or that a specific exemption or credit should be awarded on a consistent basis or that the principles of fairness require amendments to this chapter, the hearing examiner may advise the city council as to any question or questions that the hearing examiner believes should be reviewed as part of the council's annual or other periodic review of the fee schedule as mandated by MVMC 3.36.120.

K. District No. 320, 101 or any fee payer aggrieved by any decision of the hearing examiner may submit an appeal of the decision in writing to the city council within 10 working days from the date the final decision of the hearing examiner is rendered, requesting a review of such decision. Such appeal shall be upon the record, established and made at the hearing held by the hearing examiner; provided, that new evidence which was not available at the time of the hearing held by the hearing examiner may be included in such appeal. The term "new evidence" shall mean only evidence discovered after the hearing held by the hearing examiner and shall not include evidence which was available or which could reasonably have been available and was simply not presented at the hearing for whatever reason.

L. Upon such written appeal being filed within the time period allotted, a hearing shall be held by the city council. Such hearing shall be held in accordance with the following appeal procedures:

1. The director or other designee (the "respondent(s)") shall present a summary of the findings, conclusions, and decision, as well as the alleged errors forming the basis of the appeal.

2. The appellant(s) and the respondent(s) to the appeal shall have the opportunity to present oral arguments before the council; provided, that the appellants may reserve a portion of their time for rebuttal. Such oral argument shall be confined to the record and to any alleged errors therein or to any allegation of irregularities in procedure before the planning commission. The council may request additional information from any staff member or party, or any factual information from members of the audience at its discretion. Such additional information shall be part of the record.

3. If the council finds that:

a. The hearing examiner's findings or decision contains substantial error;

b. The hearing examiner's proceedings were materially affected by irregularities in procedure;

c. The hearing examiner's decision was unsupported by substantial evidence in view of the entire record as submitted; or

d. The hearing examiner's decision is in conflict with the city's adopted plans, policies, and ordinances; it may remand for further hearing before the hearing examiner or may reverse the hearing examiner's decision. In addition, the council may choose to modify the hearing examiner's decision based on the above criteria. Furthermore, any matter may be continued to a time certain for additional city staff analysis desired by the council, before a final determination by the council.

4. If the council determines that there is no basis for the alleged errors set forth in the appeal, it may adopt the findings of the hearing examiner and accept the decision of the hearing examiner.

M. This procedure is the only method for appealing alleged errors or irregularities in procedure which may have occurred before the hearing examiner. All objections are deemed waived if no appeal is taken from the action by the hearing examiner.

N. Any matter requiring action by the council shall be taken by the adoption of a motion by the council. When taking any such final action, the council shall make and enter findings of fact from the record and conclusions thereof which support its action. The council may adopt all or portions of the findings and conclusions.

O. The action of the council approving, modifying, or rejecting a decision of the hearing examiner shall be final and conclusive, unless within 20 calendar days from the date of the council action District No. 320, 101, or any fee payer applies for a writ of certiorari to the Superior Court of Washington for Skagit County, for the purpose of review of the action taken. (Ord. 3687 § 7, 2016).

3.36.090 Authorization for the school interlocal agreement and the establishment of the schools impact account.

A. The mayor is authorized to execute, on behalf of the city, an interlocal agreement for the collection, expenditure, and reporting of school impact fees; provided, that such interlocal agreement comply with the provisions of this section.

B. As a condition of the interlocal agreement, District No. 320 or 101 shall establish a schools impact account with the office of the Skagit County treasurer, who serves as the treasurer for District Nos. 320 and 101. The account shall be an interest-bearing account.

C. For administrative convenience while processing the fee payments, school impact fees may be temporarily deposited in a city account; provided, that the city shall transfer the school impact fees and the interest earned on the fees to the district or shall deposit the school impact fees and the interest earned on the fees in the schools impact account established by the district within 31 days of receiving the fees.

D. Funds withdrawn from the schools impact account for District No. 320 or 101 must be used in accordance with the provisions of MVMC 3.36.110. The interest earned shall be retained in this account and expended for the purposes for which the school impact fees were collected.

E. On an annual basis, pursuant to the interlocal agreement, District No. 320 or 101 shall provide a report to the council on the schools impact account, showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.

F. School impact fees shall be expended or encumbered within 10 years of receipt, unless the city council identifies in written findings extraordinary and compelling reason or reasons for District No. 320 or 101 to hold the fees beyond the 10-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered, after consultation with District No. 320 or 101. (Ord. 3687 § 8, 2016).

3.36.100 Refunds.

A. If District No. 320 or 101 fails to expend or encumber the impact fees within 10 years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to MVMC 3.36.090, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis.

B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimants must be the owner of the property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by District No. 320 or 101 and expended on the appropriate school facilities.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by District No. 320 or 101.

F. When the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by District No. 320 or 101, but must be expended for the appropriate school facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The city shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided, that if District No. 320 or 101 has expended or encumbered the impact fees in good faith prior to the application for a refund, District No. 320 or 101 can decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition District No. 320 or 101 for an offset. The petitioner must provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. District No. 320 or 101 shall determine whether to grant an offset. District No. 320 or 101 shall forward its determination to the director, and the director may adopt the determination of District No. 320 or 101 and may grant or decline to grant an offset, or the director may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in MVMC 3.36.080. (Ord. 3687 § 9, 2016).

3.36.110 Use of funds.

A. Pursuant to this chapter, impact fees:

1. Shall be used for school improvements of District No. 320 or 101 that will reasonably benefit the new development; and

2. Shall not be imposed to make up for deficiencies in District No. 320 or 101 school facilities serving existing developments; and

3. Shall not be used for maintenance or operation.

B. Impact fees may be spent for District No. 320 or 101 improvements, including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized.

C. Impact fees may also be used to recoup District No. 320 or 101 school facilities improvement costs previously incurred by the district to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of District No. 320 or 101 school improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 3687 § 10, 2016).

3.36.120 Review.
The fee schedule set forth in Appendix A, a copy of which is kept on file with the Mount Vernon finance department, shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. (Ord. 3687 § 11, 2016).

3.36.130 School impact fees and administrative fees.
A. The school impact fees set forth in Appendix A are generated from the formula for calculating impact fees set forth in District No. 320's or 101's (as applicable) capital facilities plans. Except as otherwise provided in MVMC 3.36.050, 3.36.060, or 3.36.150, all development activity in the city will be charged the school impact fee in Schedule A.

B. The city's cost of administering the impact fee program shall be $35.00 per dwelling unit when paid at building permit issuance; and shall be $150.00 for single-family residential permits and shall be $200.00 for multifamily residential permits when an applicant applies to defer impact fees to building permit finalization and shall be paid by the applicant to the city as part of the development application fee. (Ord. 3687 § 12, 2016).

3.36.140 Fee adjustments.
The adjustments to the impact fees reflect the legislative determination that while the full impact fees per dwelling unit accurately characterize the cost of the school facilities required for each new development, as documented in District No. 320's or 101's capital facilities plan, the council has, as a matter of policy and at the request of District No. 320 or 101, decided to provide discretionary adjustments for local bond issues. The council is authorized to reduce or to increase the adjustments as part of its annual or periodic review of the fee schedule, or at any other time, by adopting an amendatory ordinance. No additional technical analysis is required for reductions to or increases in the amount of the adjustments. (Ord. 3687 § 13, 2016).

3.36.150 Independent fee calculations.
A. If District No. 320 or 101 believes in good faith that none of the fee categories or fee amounts set forth in the schedule in Appendix A accurately describe or capture the impacts of a new development on schools, District No. 320 or 101 may conduct independent fee calculations and submit such calculations to the director. The director may impose alternative fees on a specific development based on the calculations of District No. 320 or 101, or may impose alternative fees based on the calculations of the department. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

B. If a fee payer opts not to have the impact fees determined according to the schedule set forth in Appendix A, then the fee payer shall prepare and submit to District No. 320 or 101 an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. District No. 320 or 101 shall review the independent fee calculation and provide an analysis to the director concerning whether the independent fee calculation should be accepted, rejected, or accepted in part. The director may adopt, reject, or adopt in part the independent fee calculation based on the analysis prepared by District No. 320 or 101, or may impose alternative fees based on the calculations of the department, the fee payer's independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer and to District No. 320 or 101.

C. Any fee payer submitting an independent fee calculation will be required to pay the city of Mount Vernon a fee to cover the cost of reviewing the independent fee calculation. The fee shall be $500.00 plus any additional staff time spent in the review and the cost of consultant services if the city deems these services to be necessary. The city shall require the fee payer to post a cash deposit of $500.00 prior to initiating the review.

D. While there is a presumption that the calculations set forth in District No. 320's or 101's capital facilities plan are valid, the director shall consider the documentation submitted by the fee payer and the analysis prepared by District No. 320 or 101, but is not required to accept such documentation or analysis which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the fee payer or District No. 320 or 101 to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer and to District No. 320 or 101.

E. Determinations made by the director pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in MVMC 3.36.080. (Ord. 3687 § 14, 2016).

3.36.160 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the fee payer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that, the exercise of this authority is consistent with MVMC 3.36.050 and with RCW 43.21C.065 and 82.02.100. (Ord. 2552 § 16, 1993).

Chapter 3.40

IMPACT FEES FOR PUBLIC STREETS, ROADS, PARKS, OPEN SPACE AND RECREATION FACILITIES AND FIRE PROTECTION

Sections:

3.40.010 Findings and authority.
3.40.020 Definitions.
3.40.030 Findings of adequacy.
3.40.040 Assessment of impact fees.
3.40.050 Exemptions.
3.40.060 Credits.
3.40.070 Tax adjustments.
3.40.080 Appeals.
3.40.090 Establishment of impact fee accounts.
3.40.100 Refunds.
3.40.110 Use of funds.
3.40.120 Review.
3.40.130 Impact fees and administrative fees.
3.40.140 Independent fee calculations.
3.40.150 Existing authority unimpaired.

3.40.010 Findings and authority.

The city council of the city of Mount Vernon (the "council") finds and determines that growth and development activity in the city will create additional demand and need for public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities in the city, and the council finds that growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. Therefore, pursuant to Chapter 82.02 RCW, the council adopts this chapter to assess impact fees for planned facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. 2596 § 1, 1994).

3.40.020 Definitions.

The following definitions shall apply for purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

"Act" means the Growth Management Act, Chapter 17, Laws of 1990, 1st Ex. Sess., Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, 1st Sp. Sess., as now in existence or as hereafter amended.

"Affordable housing" means units to be sold or rented to families earning less than 80 percent of the Skagit County median income adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

"Boundary line adjustment" shall have the same meaning as set forth in Chapter 16.36 MVMC.

"Building permit" means an official document or certification which is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. For purposes of this chapter, "building permit" also includes a mobile home permit.

"Capital facilities" means the facilities or improvements included in a capital budget.

"Capital facilities plan" or the "plan" means the capital facilities plan adopted by the council as part of the capital facilities element of the comprehensive plan for Mount Vernon.

"City" means the city of Mount Vernon.

"City engineer" means the officially appointed and acting city engineer for the city, also referred to herein as a "department head."

"Community and economic development director" or "director" means the director of the community and economic development department.

"Council" means the city council of the city.

"County" means Skagit County.

"Department" means the city planning department.

"Developer" means an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.

"Development activity" means any construction or expansion of a building or structure; or the siting of a mobile home; or any change in use of a building or structure or mobile home; or the subdivision of land; or the seeking of plat approval, PUD approval, binding site plan approval, mobile home park district approval, boundary line adjustment, or conditional use permit approval; or any change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities.

"Development approval" means any written authorization from the city, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, PUD approval, binding site plan approval, mobile home park district approval, boundary line adjustment, and a conditional use permit.

"Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

"Fee payer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for planned facilities, and which requires development approval and/or the issuance of a building permit. "Fee payer" includes an applicant for an impact fee credit.

"Fire chief" means the officially appointed and acting chief of the fire department of the city, also referred to herein as a "department head."

"Fire impact fee" means the impact fee designated to pay for fire protection facilities.

"Impact fee" means a payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting development approval and/or a building permit in order to pay for the planned facilities needed to serve new growth and development activity. "Impact fee" does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent fee calculations, or the administrative fee required for an appeal pursuant to MVMC 3.40.080.

"Impact fee account" or "account" means the account or accounts established for the planned facilities for which impact fees are collected. The accounts shall be established pursuant to MVMC 3.40.090, and comply with the requirements of RCW 82.02.070.

"Independent fee calculation" means the impact calculation, and/or economic documentation prepared by a fee payer, to support the assessment of an impact fee other than by the use of the schedules attached as Appendix A to the ordinance codified in this chapter, or the calculations prepared by the community and economic development director or city engineer where none of the impact fee categories or impact fee amounts in Appendix A accurately

describe or capture the impacts of the development activity on public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities.

"Mobile home park district" shall have the same meaning as set forth in Chapter 17.39 MVMC.

"Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

"Park impact fee" means the impact fee designated to pay for publicly owned parks, open space and recreational facilities.

"Parks director" means the director of the city parks and recreation department, also referred to herein as a "department head."

"Planned facilities" shall mean public streets and roads, publicly owned parks, open space and recreational facilities, and fire protection facilities included in the capital facilities element of the comprehensive plan for Mount Vernon.

"Planned unit development" or "PUD" shall have the same meaning as set forth in Chapter 17.69 MVMC.

"Standard of service" means the quantity and quality of service which the city council has determined to be appropriate and desirable for the city. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on city streets and roads, maximum commute times, maximum wait at stops, maximum fire department response times, minimum fire suppression capabilities, minimum park space of per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the city council may deem appropriate.

"State" means the state of Washington.

"Transportation impact fee" means the impact fee designated to pay for public streets and roads.

"Unit" means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by city, for not more than one family and including site-built buildings, mobile/manufactured homes and modular homes.

"Voluntary agreement" means an agreement between a developer and the city as authorized by RCW 82.02.020. (Ord. 3388 § 4, 2008)

3.40.030 Findings of adequacy.

A. Prior to approving proposed plats, planned unit developments or binding site plans, or granting other development approvals, the council or administrative personnel, as appropriate, shall make written findings that appropriate provisions are made for planned facilities. Findings of adequacy shall be based on the city's standard of service.

B. Compliance with this requirement shall be sufficient to satisfy the requirements of RCW 58.17.110, 58.17.060, and the Act. The findings shall be made at the time of preliminary plat, PUD, binding site plan or other development approval.

C. The city shall not approve applications for preliminary plats, PUDs or binding site plans, or grant other development approvals, unless the city is able to make the findings of adequacy; provided, that if the fee payer opts to dedicate land, to provide improvements, and/or construction consistent with the requirements of MVMC 3.40.060 governing credits, where appropriate, the city may make such findings.

D. If any party for any reason is able to exempt itself from the operation of this chapter, the city reserves the right to review its land use plan in conjunction with its capital facilities plan in order to ensure adequacy. In the event that the impact fees that might have been paid would have been an integral part of the financing to ensure adequacy, the city reserves the right to deny approval for the development on these grounds. (Ord. 2596 § 3, 1994).

3.40.040 Assessment of impact fees.

A. The city shall collect impact fees, based on the schedules in Appendix A, from any applicant seeking a building permit from the city.

B. Except as may be due to exemptions or credits provided pursuant to MVMC 3.40.050 or 3.40.060, or pursuant to an independent fee calculation accepted by the community and economic development director pursuant to MVMC 3.40.140, or impact fees imposed by the community and economic development director pursuant to MVMC 3.40.140, the city shall not issue or finalize (as applicable) a building permit(s) unless and until the impact fees set forth in the schedules in Appendix A to this chapter have been paid.

C. An applicant can either pay the required impact fees when their building permit is issued or they can request to defer this payment to the final inspection for residential building permit(s) they have received. The following shall apply to any request to defer payment of an impact fee:

1. The applicant shall submit to the city a written request to defer the payment of an impact fee for a specifically identified residential building permit. The applicant's request shall be on forms provided by the city and shall include all of the following. To be accepted by the city these materials must be accompanied by an administrative fee as provided within this chapter.

a. The applicant's corporate identity and contractor registration number;

b. The full names of all legal owners of the property upon which the development activity allowed by the building permit is to occur;

c. The legal description of the property upon which the development activity allowed by the building permit is to occur;

d. The tax parcel identification number of the property upon which the development activity allowed by the building permit is to occur;

e. The address of the property upon which the development activity allowed by the building permit is to occur; and

f. Completed deferred payment of impact fee lien.

2. The impact fee amount due under any request to defer payment of impact fees shall be based on the schedule in effect at the time the applicant provides the city with the information required in subsection (C)(1) of this section.

3. Prior to the issuance of a building permit that is the subject of a request for a deferred payment of impact fee, all applicants and/or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign a deferred impact fee payment lien in a form acceptable to the city attorney. The deferred impact fee payment lien shall be recorded by the applicants and/or legal owners against the property subject to the building permit and be granted in favor of the city in the amount of the deferred impact fee. Any such lien shall be junior and subordinate only to one mortgage for the purpose of construction upon the same real property subject to the building permit. In addition to the administrative fee required in this chapter, the applicant shall be responsible for all fees associated with recording this document with the Skagit County auditor.

4. The city shall not approve a final inspection until the traffic, parks, and fire impact fees identified in the deferred impact fee payment lien are paid in full.

5. In no case shall payment of the impact fee be deferred for a period of more than 18 months from the date of building permit issuance.

6. Upon receipt of final payment of the deferred impact fee as identified in the deferred impact fee payment lien, the city shall execute a release of lien for the property. The applicant and/or owner, at their own expense, shall record the lien release.

7. In the event that the deferred impact fee is not paid within the time provided in this section, the city shall institute foreclosure proceedings under the process set forth in Chapter 61.12 RCW.

8. An applicant is entitled to defer impact fees pursuant to this section for no more than 20 single-family dwelling unit building permits per year in the city. For purposes of this section, an "applicant" includes an entity that controls the applicant, is controlled by the applicant, or is under common control with the applicant.

9. The director may adopt rules and procedures they determine are reasonably necessary to implement the requirements of the impact fee deferral process. (Ord. 3687 § 16, 2016).

3.40.050 Exemptions.

A. The following shall be exempted from the payment of all impact fees:

1. Replacement of a residential structure or mobile home with a new structure or mobile home of the same size and use at the same site or lot.

2. Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.

3. The construction of accessory structures that will not create significant impacts on planned facilities.

4. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.

5. Demolition or moving of a structure.

6. Construction of affordable housing where the affordable housing unit is a one-to-one replacement for a demolished dwelling unit previously sited at another location within the city and where no new housing can be built on the same lot as the demolished dwelling unit, so long as these uses are maintained and the necessary covenants or declarations of restrictions, approved by the city, are recorded on the property. The request for the exemption shall be filed with the city within 24 months of the demolition or destruction of the prior structure or removal of the mobile home. The director shall place a notation on the property of the demolished dwelling unit or mobile home lot to indicate that a new dwelling unit or mobile home cannot be built or sited on the same lot unless an impact fee is paid at the time of building permit issuance.

B. The following shall be exempted from the payment of the park impact fees:

1. The construction of public school facilities.

2. The construction of private school facilities; provided, that open space or recreational facilities are made available to the public at such facility.

3. Nonresidential construction.

C. The following shall be exempted from the payment of the transportation impact fee:

1. The construction of private or public schools; provided, that public streets and roads required by the city to address the impacts of the construction are completed or will be completed as a part of the development. This exemption does not include facilities constructed on a public or private school campus for primarily nonschool related functions, such as recreation centers, playfields, and/or entertainment/conference auditoriums. It is recognized in this code that school facilities are often used by the public for nonschool related activities (e.g., renting playfields and school auditoriums). This section does not refer to those types of facilities that are primarily constructed for school activities.

2. Converting a commercial or industrial use to a similar use which has the same traffic generation that the original use did. If the new commercial or industrial use has a greater traffic generation than the original use did, the applicant for the new use shall pay for the net new trips generated. If the city does not have the original traffic studies for the use that has ceased, the applicant will be responsible for paying the city's traffic consultant to estimate these trips.

D. Except as otherwise provided pursuant to the terms of a voluntary agreement entered into between the city and a developer, the payment of fees, the dedication of land, or the construction of planned facilities by the developer pursuant to the terms of a voluntary agreement negotiated with the city with specific reference to the improvements identified in the capital facilities plan and in anticipation of the imposition of impact fees, and entered into between the city and a developer prior to the effective date of the ordinance codified in this chapter shall be deemed to be complete mitigation for the impacts of the specific development on the planned facilities. The units in such development may be charged a reduced fee pursuant to an independent fee calculation under MVMC 3.40.140. The developer shall provide to the community and economic development director documentation demonstrating compliance with the terms of the voluntary agreement.

E. Except as otherwise provided pursuant to the terms of a plat condition or a SEPA mitigation condition, the payment of fees, the dedication of land, or the construction of planned facilities by the developer pursuant to the terms of a plat condition or a SEPA mitigation condition negotiated with the city with specific reference to the improvements identified in the capital facilities plan and in anticipation of the imposition of impact fees, and imposed prior to the effective date of the ordinance codified in this chapter, shall be deemed to be complete mitigation for the impacts of the specific development on the planned facilities. The units in such development may be charged a reduced fee pursuant to an independent fee calculation under MVMC 3.40.140. The developer shall provide to the community and economic development director documentation demonstrating compliance with the terms of the plat condition or SEPA mitigation condition.

F. The community and economic development director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the community and economic development director shall be in writing and shall be subject to the appeals procedures set forth in MVMC 3.40.080. (Ord. 3411 § 2, 2008).

3.40.060 Credits.

A. Credit Available. After the effective date of the ordinance codified in this chapter, credit against the amount of the impact fees for developer dedications of land for planned facilities or construction of planned facilities, or improvements to planned facilities shall be governed by this section. This section allows for the provision of reasonable credit to a fee payer for the value of any dedication of land for, improvements to or new construction of planned facilities by a fee payer, pursuant to RCW 82.02.060(3), as further provided herein. The amount of the credit for a particular improvement or facility shall be limited to the cost of that improvement or facility as set forth within Chapter 14.10 MVMC and the transportation element of the comprehensive plan. Credits shall be specific to the type of improvements or dedication made, such that dedications of land for, construction of or improvements to publicly owned parks, open space or recreational facilities shall be applicable only to the park impact fee; dedications of land for, construction of, or improvements to public streets and roads shall be applicable only to the transportation impact fee; and dedications of land for, construction of or improvements to fire protection facilities shall be applicable only to the fire impact fee.

B. Application for Credit/Determination of Suitability of Land, Improvements, Construction. The fee payer applying for credit (hereinafter, "the applicant") shall direct the request for a credit or credits to the community and economic development director, who shall refer the request to the city engineer, the fire chief and/or the parks director as appropriate. The appropriate department head shall first determine the general suitability of the land, improvements, and/or construction for city purposes. The community and economic development director shall then determine whether the land, improvements, and/or the facilities constructed are included within the city's adopted capital facilities plan or the community and economic development director may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the city's capital facilities plan. The community and economic development director shall adopt the determination of the appropriate department head as to the general suitability of the land improvements, and/or construction for city purposes. In all cases the community and economic development director shall inform the applicant, in writing, of the adoption of the determination.

C. Determination of Credit Amount.

1. The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is being charged.

2. The value of a credit for land, including right-of-way and easements, shall be established on a case-by-case basis by an appraiser selected by or acceptable to the director. The appraiser must be licensed in good standing by the state of Washington for the category of the property appraised. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the director.

3. The fee payer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the city may be providing to the fee payer, in the event that a credit is awarded.

D. Use of Credits. The applicant, upon receipt of a credit certificate, shall have the right to use the certificate to offset any future impact fee assessed for any development activity that will be required to pay impact fees. The administration and application of the credit certificates will be as described in subsection E of this section. The application of any credit certificate will be specific to either the transportation impact fee, the park impact fee or the fire impact fee.

E. Credit Certificates/Administration. After determining the amount of the credit, the community and economic development director shall issue and provide the applicant with a document hereinafter known as a credit certificate, setting forth the dollar amount of the credit, the date of issuance of the credit certificate, the date of expiration of the credit and the credit certificate, the reason for the credit, the legal description of the property donated, and/or the improvement or construction which was the basis for the credit, and the name of the applicant to which the credit certificate is registered (the "credit holder"). The applicant must sign and date the credit certificate, and return such signed credit certificate to the community and economic development director for filing in the city's credit certificate registry before the credit will be awarded. The failure of the applicant to sign, date, and return the credit certificate within 60 calendar days shall nullify the credit. The original credit certificate shall be kept and registered in the city's records, and the credit holder shall be provided a duplicate copy. The community and economic development director shall develop reasonable rules and regulations for the administration of the credit certificate program, including the calculation of credits, and including procedures for use of credits and application of credits to particular parcels of land which may be by recorded document, and including the ability to levy an administrative fee in an amount sufficient to cover actual costs to the city.

F. Transfer of Credit/Partial Use of Credit. Credit certificates may be transferred or sold to third parties by the credit holder; provided, that in order to transfer credits to another party, the current credit holder shall register the transfer with the city in accordance with the procedures for registration of credit transfers developed by the community and economic development director. Only the credit holder who is reflected on the city's registration system may utilize the credit. Registration with the city of credit certificates shall be conclusive evidence of credit ownership. To the extent that a credit holder wishes to utilize only a portion of the credit reflected on the credit certificate against impact fees due on a particular project, the community and economic development director shall develop procedures for reducing the amount of credit reflected on the credit certificate accordingly or issuing a new credit certificate with the remaining credit amount.

G. Limitations on Utilization of Credits. Utilization of credit against payment of impact fees must in all cases be made prior to payment of the impact fee. No reimbursement of impact fees will be made for credit not utilized at the time the impact fee was due. In no event shall the city be under any obligation to advise any applicant for a building permit or other development approval of the existence or possible existence of the availability of credits. The burden of investigating and determining if credits may be available shall rest solely with such applicant. Credit utilized shall never exceed the amount of the impact fee due.

H. Credit for Significant Past Tax Payments. For each request for a credit for significant past tax payments made for particular improvements or land acquisitions, the fee payer shall submit proof of payments and a calculation of past tax payments earmarked for or pro-ratable to the particular improvements or land acquisitions. The community and economic development director shall establish procedures for determining the amount of credit for significant past tax payment made for particular improvements or land acquisitions.

I. Appeals. Determinations made by the community and economic development director pursuant to this section shall be subject to the appeals procedures set forth in MVMC 3.40.080.

J. Expiration of Credits. Credits shall expire, and credit certificates shall become null and void, on a date 10 years from the date of issuance of the original credit certificate by the community and economic development director. Transfer of credits or partial use of credits which may involve reissuance of credit certificates shall in no event extend the expiration date of those credits. (Ord. 3619 § 2, 2013).

3.40.070 Tax adjustments.

Pursuant to and consistent with the requirements of RCW 82.02.060, the capital facilities plan has provided adjustments for future taxes to be paid by the developer which are earmarked or proratable to the planned facilities which will serve the development activity. The impact fee schedules in Appendix A have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund particular planned facilities. (Ord. 2596 § 7, 1994).

3.40.080 Appeals.

A. Any fee payer may pay the impact fees imposed by this chapter under protest in order to obtain a development approval and/or issuance or finalization of a building permit. Appeals regarding the impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

B. The community and economic development director's determinations with respect to the applicability of the impact fees to a given development approval and/or building permit, the availability of an exemption, the availability or value of a credit, or the community and economic development director's decision concerning the independent fee calculation which is authorized in MVMC 3.40.140, or the impact fees imposed by the community and economic development director pursuant to MVMC 3.40.140, or any other determination which the community and economic development director is authorized to make pursuant to this chapter, can be appealed to the hearing examiner.

C. Appeals shall be taken within 10 working days of the community and economic development director's issuance of a written determination by filing with the community and economic development department a notice of appeal specifying the grounds thereof, the items listed in MVMC 14.05.210(B) under the heading "Appeal," and depositing an administrative fee in the amount of $300.00. The community and economic development department shall transmit to the hearing examiner all papers constituting the record for the determination including the submitted appeal items including, where appropriate, the independent fee calculation.

D. The community and economic development department, after consultation with the hearing examiner, shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same. At the hearing, any party may appear in person or by agent or attorney. If the matter which is the subject of the appeal requires development approval which also requires a hearing before the hearing examiner, both the appeal and the development approval hearing may be combined in a single hearing.

E. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in this section.

F. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the community and economic development director with respect to the amount of the impact fees imposed or the credit awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as

ought to be made, and to that end shall have the powers which have been granted to the community and economic development director by this chapter.

G. Any fee payer who believes that the decision of the hearing examiner is based on erroneous procedures, errors of law or fact, error in judgment, or has discovered new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the hearing examiner within 10 working days of the date the decision is rendered. Such fee payer is the "appellant" for the purposes of this section. This request shall set forth the specific errors or new information relied upon by such appellant, and the hearing examiner may, after review of the record, take further action as it deems proper.

H. The filing of a request for reconsideration shall effectively stay the appeal period until the hearing examiner takes further action.

I. Where the hearing examiner determines that there is a flaw in the impact fee program or that a specific exemption or credit should be awarded on a consistent basis or that the principles of fairness require amendments to this chapter, the hearing examiner may advise the city council as to any question or questions that the hearing examiner believes should be reviewed as part of the council's annual or other periodic review of the impact fee schedules as mandated by MVMC 3.40.120.

J. Any fee payer aggrieved by any decision of the hearing examiner may submit an appeal of the decision in writing to the city council within 10 working days from the date the final decision of the hearing examiner is rendered, requesting a review of such decision. Such appeal shall be upon the record, established and made at the hearing held by the hearing examiner; provided, that new evidence which was not available at the time of the hearing held by the hearing examiner may be included in such appeal. The term "new evidence" shall mean only evidence discovered after the hearing held by the hearing examiner and shall not include evidence which was available or which could reasonably have been available and was simply not presented at the hearing for whatever reason.

K. Upon such written notice of appeal being filed within the time period allotted, a hearing shall be held by the city council. Such hearing shall be held in accordance with the following appeal procedures:

1. The community and economic development director or other designee (the "respondent(s)") shall present a summary of the findings, conclusions, and decision, as well as the alleged errors forming the basis of the appeal.

2. The appellant(s) and the respondent(s) to the appeal shall have the opportunity to present oral arguments before the council; provided, that the appellants may reserve a portion of their time for rebuttal. Such oral argument shall be confined to the record and to any alleged errors therein or to any allegation of irregularities in procedure before the hearing examiner. The council may request additional information from any staff member or party, or any factual information from members of the audience at its discretion. Such additional information shall be part of the record.

3. If the council finds that:

a. The hearing examiner's findings or decision contains substantial error;

b. The hearing examiner's proceedings were materially affected by irregularities in procedure;

c. The hearing examiner's decision was unsupported by substantial evidence in view of the entire record as submitted; or

d. The hearing examiner's decision is in conflict with the city's adopted plans, policies, and ordinances, it may remand for further hearing before the hearing examiner or may reverse the hearing examiner's decision. In addition, the council may choose to modify the hearing examiner's decision based on the above criteria. Furthermore, any matter may be continued to a time certain for additional city staff analysis desired by the council, before a final determination by the council. If the council requests additional staff analysis the appellant shall be provided a copy and afforded reasonable time to review the analysis and respond to the council before final determination by the council.

4. If the council determines that there is no basis for the alleged errors set forth in the appeal, it may adopt the findings of the hearing examiner and accept the decision of the hearing examiner.

L. This procedure is the only method for appealing alleged errors or irregularities in procedure which may have occurred before the hearing examiner. All objections are deemed waived if no appeal is taken from the action by the hearing examiner.

M. Any matter requiring action by the council shall be taken by the adoption of a motion by the council. When taking any such final action, the council shall make and enter findings of fact from the record and conclusions thereof which support its action. The council may adopt all or portions of the hearing examiner's findings and conclusions.

N. The action of the council approving, modifying, or rejecting a decision of the hearing examiner shall be final and conclusive, unless within 20 calendar days from the date of the council action any fee payer applies for a writ of certiorari or writ of review to the Superior Court of Washington for Skagit County, for the purpose of review of the action taken. (Ord. 3687 § 17, 2016).

3.40.090 Establishment of impact fee accounts.

A. The city shall establish separate impact fee accounts for the following: (1) transportation impact fees; (2) park impact fees; and (3) fire impact fees. The accounts shall be interest bearing accounts.

B. Funds withdrawn from the impact fee accounts must be used in accordance with the provisions of MVMC 3.40.110. The interest earned shall be retained in each account and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the city finance director shall provide a report to the council on the impact fee accounts, showing the source and amount of all moneys collected, earned, or received, and the planned facilities that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within 10 years of receipt, unless the city council identifies in written findings extraordinary and compelling reason or reasons to hold the impact fees beyond the 10-year period. Under such circumstances, the council shall establish the period of time within which the impact fees shall be expended or encumbered. (Ord. 3687 § 18, 2016).

3.40.100 Refunds.

A. If the city fails to expend or encumber the impact fees within 10 years of when the impact fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to MVMC 3.40.090, the current owner of the property on which impact fees have been paid may receive a refund of such impact fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the impact fees to the community and economic development director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on the appropriate planned facilities.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city, calculated at the average interest rate earned by the city on the impact fee account over the preceding fiscal year.

F. When the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all impact fee requirements are to be terminated, the city shall

place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate planned facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the impact fee account(s) being terminated.

G. The city shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided, that if the city has expended or encumbered the impact fees in good faith prior to the application for a refund, the city can decline to provide the refund. If within a period of three years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition the city for an offset. The petitioner must provide proof of payment of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. The community and economic development director shall determine whether to grant an offset. Determinations of the community and economic development director shall be in writing and shall be subject to the appeals procedures set forth in MVMC 3.40.080. (Ord. 3612 § 3, 2013).

3.40.110 Use of funds.
A. Pursuant to this chapter:

1. Impact fees collected for public streets and roads, impact fees for publicly owned parks, open space and recreational facilities, and impact fees for fire protection facilities shall be used solely for those respective purposes, and only those that will reasonably benefit the development activity.

2. Impact fees shall not be imposed to make up for deficiencies in existing facilities serving existing developments.

3. Impact fees shall not be used for maintenance or operation.

B. Impact fees may be spent for planned facilities, including but not limited to planning, land acquisition, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to planned facilities, and any other similar expenses which can be capitalized.

C. Impact fees may also be used to recoup city improvement costs previously incurred by the city to the extent that new growth and development activity will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of city improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the development activity. (Ord. 2596 § 11, 1994).

3.40.120 Review.
The impact fee schedules set forth in Appendix A shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. (Ord. 2596 § 12, 1994).

3.40.130 Impact fees and administrative fees.
A. The impact fees set forth in Appendix A, attached to this chapter, are based upon the data and assumptions set forth therein, and the information and public input provided to the city council in considering adoption of this chapter. Except as otherwise provided in MVMC 3.40.050, 3.40.060 or 3.40.140, all development activity in the city will be charged the impact fees set forth in the schedules contained in Appendix A attached to the ordinance codified in this chapter.

B. The city's cost of administering the impact fee program shall be $35.00 per unit for single-family residential permits, or $70.00 per multifamily residential permit when paid at building permit issuance; and shall be $150.00 for single-family residential permits and shall be $200.00 for multi-family residential permits when an applicant applies

to defer impact fees to building permit finalization. Nonresidential permits shall be charged one percent of the impact fees calculated to be due, per impact fee, and shall be paid by the applicant to the city as part of the permit application fee.

C. The city's cost of administering the impact fee program shall be $35.00 per dwelling unit and shall be paid by the applicant to the city as part of the development application fee. (Ord. 3687 § 19, 2016).

3.40.140 Independent fee calculations.

A. If the community and economic development director believes in good faith that none of the impact fee categories or impact fee amounts set forth in the schedules in Appendix A attached to the ordinance codified in this chapter accurately describe or capture the impacts of a development activity on planned facilities, the community and economic development director may conduct independent fee calculations. The community and economic development director may impose alternative impact fees on a specific development activity based on these calculations. The alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

B. If a fee payer opts not to have the impact fees determined according to the schedules set forth in Appendix A, then the fee payer shall prepare and submit to the community and economic development director an independent fee calculation for the development activity for which final plat, PUD, binding site plan or other development approval, or a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The appropriate department heads and appropriate consultants that the city can hire at the applicant's expense shall review the independent fee calculation and provide an analysis to the community and economic development director concerning whether the independent fee calculation should be accepted, rejected, or accepted in part. The community and economic development director may adopt, reject, or adopt in part the independent fee calculation based on the analysis prepared by appropriate department heads, and based on the specific characteristics of the development activity, and/or principles of fairness. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

C. Any fee payer submitting an independent fee calculation will be required to pay the city of Mount Vernon a fee to cover the cost of reviewing the independent fee calculation. The fee shall be $500.00 plus the actual cost of any additional staff time in excess of $500.00 spent in the review, and the cost of consultant services if the city deems these services to be necessary; provided, however, for independent fee calculations for single residential lots where, in the sole discretion of the community and economic development director, the issues involved are easily handled and the fee is clearly excessive, the $500.00 fee may be reduced. The city shall require the fee payer to post a cash deposit of $500.00 prior to initiating the review.

D. While there is a presumption that the calculations set forth in the city's capital facilities plan are valid, the community and economic development director shall consider the documentation submitted by the fee payer and the analysis prepared by the appropriate department heads, but is not required to accept such documentation or analysis which the community and economic development director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. The community and economic development director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development activity, and/or principles of fairness. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

E. Determinations made by the community and economic development director pursuant to this section may be appealed to the hearing examiner subject to the procedures set forth in MVMC 3.40.080. (Ord. 3687 § 20, 2016).

3.40.150 Existing authority unimpaired.

Nothing in this chapter shall preclude the city from requiring the fee payer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that, the exercise of this authority is consistent with MVMC 3.40.050 and with RCW 43.21C.065 and 82.02.100. (Ord. 2596 § 15, 1994).

Chapter 12.04

PUBLIC WORKS SPECIFICATIONS

Sections:

12.04.010 Engineering standards.

12.04.010 Engineering standards.

The public works director may issue engineering standards, thereby establishing policies, standards, and administrative procedures that regulate the planning, design, construction, inspection and approval of public and private infrastructure improvements consisting of but not limited to streets, bridges, roadways, pathways, storm drainage courses and facilities, sanitary sewer facilities, telecommunication facilities and appurtenances of these and other infrastructure facilities.

The engineering standards shall be kept on file in the office of the public works director, the office of the finance director, and made available to the public. The engineering standards shall be updated periodically and kept current with local and regional regulations and standards. Nothing contained in the engineering standards shall be construed as overriding state or local statutes or codes. (Ord. 3035 § 1, 2000; Ord. 1423 § 1, 1963).

Chapter 13.08

PUBLIC SEWERS

Sections:

13.08.005 On-site sewage disposal systems – Policy to limit.
13.08.010 Discharge of excrement, garbage or other objectionable waste prohibited.
13.08.020 Discharge of sewage or polluted waters restricted.
13.08.030 Privies, septic tanks and cesspools prohibited.
13.08.035 Mandatory sewer service – No rights created.
13.08.040 Connections to public sewer.
13.08.045 Construction of new septic systems provided in limited cases as interim measure.
13.08.050 Construction of new holding tank sewage systems.
13.08.060 Outside city limit connections.

13.08.005 On-site sewage disposal systems – Policy to limit.
A. It is the policy and intent of the city of Mount Vernon that the construction of new holding tank sewage systems and on-site sewage disposal be limited and discouraged and, except where specifically authorized by permit pursuant to this title, prohibited in all areas, and that all sewage be discharged into the public sewer.

B. Except as provided in MVMC 13.08.045 and 13.08.050, no holding tank sewage system or on-site sewage system may be constructed in the city of Mount Vernon without a written permit from the local health officer certifying that it meets the requirements of the Skagit County health department. On-site sewage disposal systems must also meet the requirements of the director of public works and this code. (Ord. 3156 § 5, 2003; Ord. 3135 § 2, 2002; Ord. 3036 § 6, 2000).

13.08.010 Discharge of excrement, garbage or other objectionable waste prohibited.
It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste. (Ord. 2057 Ch. 2 § 1, 1981).

13.08.020 Discharge of sewage or polluted waters restricted.
It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this title. (Ord. 2057 Ch. 2 § 2, 1981).

13.08.030 Privies, septic tanks and cesspools prohibited.
Except as provided in this title, it is unlawful to construct any new on-site sewage system or holding tank sewage system. (Ord. 3156 § 6, 2003; Ord. 3135 § 3, 2002; Ord. 2057 Ch. 2 § 3, 1981).

13.08.035 Mandatory sewer service – No rights created.
A. All wastewater in the city of Mount Vernon, excepting storm water, must be discharged into the public sewer of the city of Mount Vernon and/or into holding tank sewage systems or on-site sewage systems. This obligation applies to the owner of premises and to persons in possession, charge, or control of the premises where prohibited discharges either originate or occur.

B. This title does not create rights for any individual or group to require construction of public sewers, connection thereto or otherwise to receive sewer service from the city. The city reserves all rights to deny, limit, or curtail service. (Ord. 3156 § 7, 2003; Ord. 3135 § 4, 2002; Ord. 3036 § 4, 2000).

13.08.040 Connections to public sewer.
A. Connections Required. Any house, building, or property on or in which any plumbing facilities that are subject to the provisions of either the Uniform Plumbing Code as adopted by the city or the Washington State Plumbing Code as adopted by the state have been installed shall be connected to the public sewer in accordance with the provisions

of this title, and MVMC Title 15 when adequate public sewer services are available pursuant to MVMC 13.04.215(B). Such connections shall be made at the cost of the owner of such house, building, or property. The determination of when public sewer facilities are adequate shall be made by the public works director.

B. Notwithstanding subsection A of this section, and subject to the provisions of MVMC 13.08.005, an on-site sewage system may continue in use. (Ord. 3156 § 8, 2003; Ord. 3135 § 5, 2002; Ord. 3036 § 5, 2000; Ord. 2057 Ch. 2 § 4, 1981).

13.08.045 Construction of new septic systems provided in limited cases as interim measure.
Notwithstanding the provisions of this chapter, the construction of new on-site sewage systems shall be provided in limited cases and as an interim measure only. A permit to install an on-site sewage system shall be authorized only in accordance with the following provisions:

A. Variance from Sewer Connection Requirement.

1. Any property owner may apply for a variance to allow for the construction of an on-site sewage system on lots of record existing as of the effective date of the ordinance codified in this chapter when such property is zoned R-A, R-1, or R-2 in accordance with MVMC Title 17. Such on-site sewage systems shall be limited to serving one single-family residence.

2. The public works director or the director's designee shall approve a variance only if all of subsections (A)(2)(a), (b) and (c) of the following decision criteria are met:

a. Sewer service is not available pursuant to MVMC 13.04.215(B);

b. The proposed on-site sewage system will not have an adverse environmental effect on potable water wells, ground water, streams, or other surface bodies of water; and

c. The proposed on-site sewage system is in compliance with all applicable federal, state and local health and environmental regulations.

3. No variance may be granted if:

a. The premises to be served are occupied by any occupancy group other than an R-3 occupancy as defined by the Washington State Building Code; or

b. The public health or safety would be adversely affected.

B. Should the on-site sewage system fail to comply as provided under subsections (A)(2)(b) and (c) of this section, connection to the public sewer system is mandatory and a variance will not be granted.

C. On-site sewage system variances issued by the public works director shall be subject to the following conditions: (1) the applicant must first obtain appropriate approvals from government agencies having jurisdiction; (2) the applicant shall record an agreement, referred to herein as an "agreement to connect," with the Skagit County auditor. The agreement shall be a covenant which shall run with the land and shall be binding upon the owner and successors in interest of the property. Such agreement shall require payment of all connection charges applicable at the time of actual connection to the public sewage system. The agreement shall provide that the structure served by the on-site sewage system shall be connected to the public sewer at such time as the public sewer is available.

D. The following land development actions approving residential uses or developments shall require connection to the public sewer system regardless of the distance of the property from the public sewer:

1. Short subdivisions and subdivisions, as set forth in MVMC Title 16;

2. Binding site plans, as set forth in MVMC Title 16;

3. PUDs as set forth in MVMC Title 17.

E. On-site sewage systems must be designed and built to facilitate eventual conversion to the public sewer, including the siting of improvements on the property and the construction of sanitary sewer lines to be used for future connection to the public sewer.

F. A building permit will be issued only after the applicant obtains a septic system permit from the Skagit County health department.

G. Term of Variance. Variances issued pursuant to the provisions of this section shall expire when sewer services are available.

H. Appeals. Any person aggrieved by an administrative determination of the public works director or designee made under the authority granted by this chapter may request review by the Mount Vernon hearing examiner by filing written notice with the city finance director within 30 days of the issuance of the determination, together with an appeal fee of $100.00. The hearing examiner shall cause a notice of the time and place of the hearing to be mailed to the property owner. At such hearing the property owner shall be entitled to be heard and to introduce evidence on his or her behalf. The hearing examiner shall thereupon render a decision. In rendering a decision, the hearing examiner may either uphold or overturn the decision of the public works director or take such other action as the hearing examiner deems appropriate within the decision criteria provided under this chapter. The decision of the hearing examiner shall be supported by findings and provided in writing to the applicant. Appeals of decisions of the hearing examiner under this chapter are to the superior court. (Ord. 3156 § 9, 2003; Ord. 3135 § 6, 2002).

13.08.050 Construction of new holding tank sewage systems.
Notwithstanding the provisions of this chapter, the construction of new holding tank sewage systems shall be provided in limited cases and as an interim measure only. A permit to install a holding tank sewage system shall be authorized only in accordance with the following provisions:

A. Variance from Sewer Connection Requirement.

1. The owner of any property situated within the unincorporated Mount Vernon urban growth area may apply for a variance to allow for the construction of a holding tank sewage system, when such property is zoned commercial/limited industrial in accordance with MVMC Title 17.

2. The public works director or the director's designee shall approve a variance only if all of subsections (A)(2)(a), (b), and (c) of the following decision criteria are met:

a. The proposed holding tank sewage system will not have an adverse environmental effect on potable water wells, ground water, streams, or other surface bodies of water; and

b. The proposed holding tank sewage system is in compliance with all applicable federal, state and local health and environmental regulations, including the applicable provisions of Chapter 12.05 of the Skagit County Code; and

c. Sewer service is not available.

3. A variance allowing the installation of a holding tank sewage system shall only be granted for lots of record existing as of the date of the ordinance codified in this section; provided, that a variance allowing the installation of a single holding tank sewage system to serve all lots of a parcel for which subdivision is sought may be granted upon an applicants showing that the public health and safety will not be adversely affected by the installation of such a community holding tank sewage system.

4. No variance may be granted if the public health or safety would be adversely affected.

B. Holding tank sewage system variances issued by the public works director shall be subject to the following conditions:

1. The applicant must first obtain appropriate approvals from government agencies having jurisdiction.

2. The applicant shall record an agreement, referred to herein as an "agreement to connect," with the Skagit County auditor. The agreement shall be a covenant which shall run with the land and shall be binding upon the owner and successors in interest of the property. Such agreement shall require payment of all connection charges applicable at the time of actual connection to the public sewage system. The agreement shall provide that the structure served by the holding tank sewage system shall be connected to the public sewer at such time as the public sewer is available.

C. It is the intent of the city council that property owners who construct sewer lines and appurtenances which are dedicated to public use shall be afforded the opportunity to recover certain costs by virtue of entry into a utility reimbursement agreement (latecomer's agreement), pursuant to the provisions of Chapter 35.91 RCW.

D. Holding tank sewage systems must be designed and built to facilitate eventual conversion to the public sewer, including the siting of improvements on the property and the construction of sanitary sewer lines to be used for future connection to the public sewer.

E. Term of Variance. Variances issued pursuant to the provisions of this section shall expire when sewer services are available.

F. Holding tank sewage systems must provide safe and adequate temporary storage of sewage, with scheduled and approved pumping service followed by approved off-site treatment and disposal of the stored sewage. By design, installation, operation and maintenance, holding tank sewage systems must not contaminate ground or surface waters, expose the public to untreated sewage or be a source of nuisance odors. All holding tank sewage systems shall be designed and constructed to meet the following criteria:

1. The holding tank portion of the holding tank sewage system must be located in such a way as to facilitate pumping while limiting the general public exposure to, or nuisance caused by, accidental sewage spillage during pumping.

2. The holding tank sewage system must meet the same horizontal setbacks required for septic tanks by WAC 246-272-140 (Location).

3. Holding tanks must be:

a. Designed, constructed, and installed to maintain water-tightness; and

b. Designed, constructed, and installed to withstand anticipated stresses associated of use which includes resistance to effects of raw sewage, and ability to withstand internal and external loading.

4. If buried, a holding tank must be:

a. Inherently nonbuoyant so as to prevent floating when empty during high ground water periods if such events are anticipated. A tank is nonbuoyant if installed above the ground water elevation, weight of the empty tank exceeds buoyant forces, or "side wings" anchor the tank into surrounding soil; and

b. Able to withstand traffic loading if the area is subject to vehicular traffic loads.

5. If installed above ground, holding tanks must:

a. Be designed and constructed to function as needed, retain shape, integrity, and water-tightness; and

b. Provide adequate support for all associated piping.

6. Both audible and visual alarm capacity alarms shall be installed on holding tanks.

a. Alarms must be set to signal at the "time to pump" and "exceeding reserve storage volume" levels.

b. Audible and visual alarm enunciators must be located outside the facility, with battery power where electrical power is not available.

c. Only the audible alarm may be turned off by the user.

7. All plumbing connections to the holding tank must be watertight and such that if the holding tank is full, further use of the system will cause sewage to back up into fixtures within the facility served. Use of the holding tank sewage system beyond the rated tank capacity must not allow discharge of sewage to the ground surface through the service access, pumping access ports, or vent openings.

G. Appeals. Any person aggrieved by an administrative determination of the public works director or designee made under the authority granted by this chapter may request review by the Mount Vernon hearing examiner by filing written notice with the city finance director within 30 days of the issuance of the determination together with an appeal fee of $100.00. The hearing examiner shall cause a notice of the time and place of the hearing to be mailed to the property owner. At such hearing the property owner shall be entitled to be heard and to introduce evidence on his or her behalf. The hearing examiner shall thereupon render a decision. In rendering a decision, the hearing examiner may either uphold or overturn the decision of the public works director or take such other action as the hearing examiner deems appropriate within the decision criteria provided under this chapter. The decision of the hearing examiner shall be supported by findings and provided in writing to the applicant. Appeals of decisions of the hearing examiner under this chapter are to the superior court. (Ord. 3156 § 10, 2003; Ord. 3135 § 7, 2002).

13.08.060 Outside city limit connections.
Sewer connections shall not be allowed outside the city limits of Mount Vernon. Only after property is annexed into the city may a sewer connection be made in accordance with this chapter. This section shall not apply to any sewer connection outside the city limits that exists or any sewer connection agreement between the city and property owner in effect prior to the effective date of the ordinance codified in this section. (Ord. 3473 § 4, 2009).

Chapter 13.16

BUILDING SEWERS AND CONNECTIONS

Sections:

13.16.010 Proper connection of all premises.
13.16.020 Use of old sewers.
13.16.030 Conformance with building and plumbing codes.
13.16.040 Location of building drains.
13.16.050 Connection of sources of surface waters prohibited.
13.16.060 Notification of city engineer for inspection and connection.
13.16.070 Excavation for installation.
13.16.080 Disorders on private premises – Prompt repairs.

13.16.010 Proper connection of all premises.
A. Every owner of any structure or premises used for human occupancy, employment, recreation, or other purposes requiring sanitary facilities shall construct or cause to be constructed all necessary sanitary facilities and a proper and sufficient sewer for connection to the public sewer in accordance with applicable city requirements unless specifically exempted therefrom in writing by the director of public works.

B. A separate and independent side sewer shall be provided for each and every building or structure or any premises or property, except as authorized by the director of public works. A private sewer may be permitted in cases of engineering necessity, to prevent or correct a health or safety hazard, or for other good cause, all as determined by the director of public works. (Ord. 3036 § 7, 2000).

13.16.020 Use of old sewers.
Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city engineer, to meet all requirements of this title. (Ord. 2057 Ch. 4 § 2, 1981).

13.16.030 Conformance with building and plumbing codes.
The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. (Ord. 2057 Ch. 4 § 3, 1981).

13.16.040 Location of building drains.
Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain can be lifted by an approved means and discharged to the building sewer. (Ord. 2057 Ch. 4 § 4, 1981).

13.16.050 Connection of sources of surface waters prohibited.
No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 2057 Ch. 4 § 5, 1981).

13.16.060 Notification of city engineer for inspection and connection.
The applicant for the building sewer permit shall notify the city engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city engineer or his representative. (Ord. 2057 Ch. 4 § 6, 1981).

13.16.070 Excavation for installation.
All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. One-half of the street shall be kept clear for the passage of vehicles. (Ord. 2057 Ch. 4 § 7, 1981).

13.16.080 Disorders on private premises – Prompt repairs.

A. When any sewer, pipe, drain, or on-site sewage disposal system located on private premises becomes obstructed, broken, out-of-order, or otherwise inoperative, the director of public works shall determine if the public health or safety is, or is likely to be, endangered thereby. In making such determination, the director of public works may take into consideration the opinions of the local health officer, or the opinion of the Washington State Department of Public Health.

B. Upon determining that the public health or safety is, or is likely to be, endangered, the public works director may proceed to abate the conditions resulting in the danger, or likely danger, to public health in accordance with the provisions set forth in the Uniform Code for the Abatement of Dangerous Buildings, as adopted by MVMC 15.04.020 (D). (Ord. 3036 § 8, 2000).

Chapter 13.33

STORM WATER DRAINAGE UTILITY

Sections:

13.33.010 Purpose.
13.33.020 Definitions.
13.33.030 Regulated activities.
13.33.040 Exemptions.
13.33.050 General provisions.
13.33.060 General storm water requirements.
13.33.070 Low impact development.
13.33.080 Illicit discharges.
13.33.090 Administration.
13.33.100 Review and approval.
13.33.110 Inspection – Construction.
13.33.120 Modification of facilities during construction.
13.33.130 City acceptance of storm water facilities.
13.33.140 Consultant and consultant fees.
13.33.150 Prohibited acts.
13.33.160 Monitoring facilities.
13.33.170 Sampling and analysis requirements.
13.33.180 Variances.
13.33.190 Development in critical areas.
13.33.200 Establishment of regional facilities.
13.33.210 Applicability to governmental entities.
13.33.220 Other permits and requirements.
13.33.230 Protection of public and private rights.
13.33.240 Enforcement, violations and penalties.

13.33.010 Purpose.
The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impact associated with increased runoff and reduced water quality and to comply with state and federal storm water management requirements. (Ord. 3453 § 2, 2009).

13.33.020 Definitions.
Words and phrases used in this chapter have the meaning set forth in this section:

1. “Appendix 1” refers to Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit which contains the minimum technical requirements for development and redevelopment.

2. “Biofiltration facility” means the simultaneous processes of filtration, infiltration, absorption and biological uptake of pollutants in storm water that take place when runoff flows over and through vegetated treatment facilities.

3. “Best management practices (BMPs)” are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

4. “Computations” means calculations, including coefficients and other pertinent data, made to determine the rates of flow for storm water plans, with units given in cubic feet per second.

5. “Critical area” shall mean, at a minimum, areas that include wetland areas with a critical recharging effect on aquifers used for potable water, fish, and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, including unstable slopes and associated areas and ecosystems. See Chapter 15.40 MVMC.

6. “Current conditions” means the state, status, or condition of the subject property at the time a legally sufficient and complete permit application is made for those regulated activities described in MVMC 13.33.030, which may include existing buildings, impervious areas, and topography as is.

7. “Design storm” refers to a prescribed hyetograph and total precipitation amount (for a specific duration and recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities, or assessing other impacts of a proposed project on the flow of surface water. A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.

8. “Detention facilities” means an above or below ground facility, such as a pond or tank, that temporarily stores storm water runoff and subsequently releases it at a slower rate than it is collected by the drainage facility.

9. “Developed conditions” means the state, status, or condition of the subject property at the time the proposed project has been completed, which may include existing buildings, impervious areas, and topography as is.

10. “Developer” means the individual(s) or corporation(s) or governmental agency(ies) applying for the permits or approvals described in MVMC 13.33.030.

11. “Development” means new development, redevelopment, or both. See definitions for each.

12. “Developmental coverage” means all developed surface areas within the subject property including, but not limited to, rooftops, driveways, carports, accessory buildings, parking areas, and any other impervious surfaces. During construction, “development coverage” includes the above in addition to the full extent of any alteration of previously occurring soils, slope, or vegetation due to grading, temporary storage, access areas, or any other short-term causes.

13. “Drainage area” means the watershed contributing water runoff to and including the subject property.

14. “Drainage facility” refers to structures or features, natural or artificial, that convey, treat, and/or abate surface water runoff including, but not limited to, detention facilities, retention facilities, and drainage retention/abatement facilities.

15. “Drainage site” means a geographical area that serves a common or combined use including, but not limited to, shopping malls and strips, condominiums, apartment complexes, office parks and housing tracts. A site may include one or more parcels and/or include one or more buildings. Also see “Development.”

16. “Drainage system” refers to the drainage system consisting of natural and artificial systems that convey surface water within the city of Mount Vernon. This system includes pipes, culverts, ditches, open channels, swales, streams, lakes, rivers, ponds, and detention and retention ponds, as well as other types of conveyance, storage and infiltration facilities. Depending on its context, a drainage system refers to either the public drainage system or a private drainage system, or both.

17. “Drainage treatment/abatement facilities” means any facilities installed or constructed in conjunction with a drainage plan for the purpose of treating urban runoff to improve water quality.

18. “2005 DOE Manual” refers to the 2005 Washington State Department of Ecology Stormwater Management Manual for the Puget Sound Basin.

19. “Environmentally critical areas” means critical areas defined by Chapter 15.40 MVMC to which this chapter shall apply.

20. “Illicit connection” means any manmade conveyance that is connected to a municipal separate storm sewer without a permit. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

21. “Illicit discharge” means all nonstorm water discharges to storm water drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, car washing and greater systems.

22. “Impervious surface” means (a) a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development (b) a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof-tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces that similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling and calculation.

23. “Land-disturbing activities” means any activity that results in a movement of earth or a change in the existing soil and/or land cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land-disturbing activity. Vegetation maintenance practices are not considered a land-disturbing activity.

24. “Low impact development (LID)” means a storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineering and small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

25. “Municipal separate storm sewer system” (MS4) means a conveyance, or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

a. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the United States;

b. Designed or used for collecting or conveying storm water;

c. Which is not a combined sewer; and

d. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

26. “Natural location” of drainage systems refers to the location of those channels, swales, and other natural conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs or such other means as appropriate.

27. “New development” means land-disturbing activities, including Class IV – general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision, and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

28. “Permit” means the most current version of the city’s Western Washington Phase II Municipal Stormwater Permit, 2007. Appendix 1 of this permit contains the minimum technical requirements for new development and redevelopment.

29. “Planner” means city of Mount Vernon community and economic development director.

30. “Permanent storm water quality control plan (PSQCP)” means a plan that includes permanent BMPs for the control of pollution from storm water runoff after construction and/or land-disturbing activity has been completed.

31. "Pollutant" shall mean any substance which, when added to water, would cause contamination or other alteration of the physical, chemical, or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state, as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

32. "Predeveloped" means the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be forested land cover unless reasonable, historic information is provided that indicates that the site was prairie prior to settlement.

33. "Private drainage system" means drainage systems located on private property and designed to discharge directly as through pipes, channels, etc., or indirectly as sheet flow, subsurface flow, etc. into the city's drainage system.

34. "Public drainage system" means that portion of the drainage system of the city located on public right-of-way, easement or dedicated tract, or other property owned by the city and those portions of private drainage systems assumed by the city.

35. "Receiving bodies of water" means bodies of water or surface water systems to which surface runoff is discharged via a point source of storm water or via sheet flow.

36. "Redevelopment" means that on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation, or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

37. "Retention/detention facilities" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold surface water and storm water runoff for a short period of time and then release it to the surface and/or storm water management system.

38. "Storm water plan" means a plan approved by the city of Mount Vernon that includes a small parcel or large parcel storm water plan and/or a permanent storm water quality control plan.

39. "Stormwater Management Manual for Western Washington" means the five-volume technical manual Publications Nos. 05-10-029-33 for the 2005 version (the 2005 version replaces the 2001 version) prepared by the Washington State Department of Ecology.

40. "Subject property" means the tract of land which is the subject of the permit and/or approval action as defined by the full legal description of all parcels involved in the proposed development.

41. "Uncontaminated" means water that has not come into contact with illicit discharges or other pollutants. (Ord. 3453 § 3, 2009).

13.33.030 Regulated activities.
All new development, redevelopment and other activities listed below shall comply with the conditions of this chapter.

A. Creation or alteration of new or additional impervious surfaces;

B. New development;

C. Redevelopment;

D. Activities that require a fill and grade permit;

E. Activities that require a building permit;

F. Subdivision approval;

G. Short subdivision approval;

H. Activities that require a commercial, industrial, or multifamily site plan approval;

I. Planned unit development approval;

J. Development or redevelopment within or adjacent to critical areas per Chapter 15.40 MVMC;

K. Activities that require a conditional use permit;

L. Activities that require a substantial development permit pursuant to Chapter 90.58 RCW (Shoreline Management Act);

M. Activities that require a Type IV forest practice permit;

N. Any activity that may fall within and be subject to regulation by the most current version of the city's January 17, 2007, Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2005 Edition of the Stormwater Management Manual for Western Washington. (Ord. 3453 § 4, 2009).

13.33.040 Exemptions.
The public works director may determine whether or not a proposed project is exempt from the provisions of this chapter. Exemptions shall be consistent with all city, state, and federal requirements and may include those set forth in the thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the Permit. The following activities shall be exempt:

A. Development undertaken by the Washington State Department of Transportation in state highway rights-of-way that is regulated and meets the requirements of Chapter 173-270 WAC, the Puget Sound Highway Runoff Program, is exempt from the requirements of this chapter.

B. Commercial agriculture, including only those activities conducted on lands defined in RCW 84.34.020(2), and production of crops or livestock for wholesale trade.

C. Forest practices regulated under WAC Title 222, except for Class IV general forest practices, as defined in WAC 222-16-050, that are conversions from timber land to other uses.

D. Requests for exemption shall be filed in writing with the public works director, and shall adequately detail the basis for granting an exemption.

E. The decision of the public works director may be appealed to the city council by filing written notice of appeal with the city finance director within 10 days of service of the public works director's written decision. The cost of the appeal shall be $100.00. (Ord. 3453 § 5, 2009).

13.33.050 General provisions.
Storm water management measures shall be designed, constructed, and maintained in accordance with the standards and specifications as set forth in the thresholds, definitions, minimum requirements and exceptions, adjustment, and variance criteria found in Appendix I of the Permit, including the mandatory incorporated provisions of the 2005 Ecology Stormwater Management Manual for Western Washington and the city of Mount Vernon engineering standards.

All storm water management measures shall be analyzed with the continuous modeling program Western Washington Hydrology Model, hereinafter referred to as WWHM, or as otherwise approved by the public works director. (Ord. 3453 § 6, 2009).

13.33.060 General storm water requirements.

A. Minimum requirements for storm water management include the following items as further described in the Permit, Appendix I:

1. Preparation of storm water site plans;

2. Construction storm water pollution prevention plan (SWPPP);

3. Source control of pollution;

4. Preservation of natural drainage systems and outfalls;

5. On-site storm water management;

6. Runoff treatment;

7. Flow control;

8. Wetland protection;

9. Operations and maintenance.

Requirement 2 applies to all new development and redevelopment projects. The applicability of minimum requirements of the Permit varies depending on the type and size of the project. Appendix 1 of the Permit identifies thresholds that determine the applicability of the minimum requirements to different projects.

B. New Development.

1. All new development shall be required to comply with subsection (A)(2) of this section. In addition, the following two conditions will comply with subsections (A)(1) through (5) of this section:

a. Project creates or adds 2,000 square feet, or greater, of new, replaced, or new plus replaced impervious surface area.

b. Project has land-disturbing activity of 7,000 square feet or greater.

2. The following three new development projects shall comply with subsections (A)(1) through (9) of this section:

a. Project creates or adds 5,000 square feet, or more, of new impervious surface area.

b. Project converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas.

c. Project converts two and one-half acres, or more, of native vegetation to pasture.

C. Redevelopment.

1. The following redevelopment shall comply with subsections (A)(1) through (5) of this section for the new and replaced impervious surfaces and the land disturbed:

a. The new, replaced, or total of new plus replaced impervious surfaces is 2,000 square feet or more.

b. Seven thousand square feet or more of land-disturbing activities.

2. The following redevelopment shall comply with subsections (A)(1) through (9) of this section for the new impervious surfaces and converted pervious areas:

a. Adds 5,000 square feet or more of new impervious surfaces.

b. Converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas.

c. Converts two and one-half acres, or more, of native vegetation to pasture.

D. Additional Storm Water Requirements for Development and Redevelopment.

1. Retention, detention, and infiltration facilities shall not be located within dedicated public road right-of-way.

2. All drainage easements granted to the city within a subject property shall be at least 20 feet in width for operation and maintenance of open channel or closed system installation.

3. As-built plans and pond performance reports shall be submitted to the city prior to final approval/acceptance of said project.

4. Private Ownership of Storm Water Facilities. Owners of private storm water systems and facilities that collect, convey, treat and/or infiltrate runoff are responsible for the operation and maintenance of those facilities.

5. City Ownership of Storm Water Facilities. Storm water systems and facilities that are public improvements and that are to be owned and maintained by the city shall, after satisfactory completion of the storm water facilities, post and maintain a maintenance bond as required for a final plat for subdivisions under MVMC 16.12.020 regardless if such public improvement is a condition to subdivision or other land use activity. (Ord. 3453 § 7, 2009).

13.33.070 Low impact development.
The city of Mount Vernon encourages the use of low impact development best management practices (BMPs) in the control of storm water.

LID system designs shall be prepared by a registered professional engineer licensed in the state of Washington and experienced in LID design and be certified by the preparing engineer as feasible and safe for the intended application and meeting all state and federal requirements for such LID facilities. LID system designs shall be consistent with guidance found in the Puget Sound Action Team Low Impact Development: Technical Guidance Manual for Puget Sound.

A registered professional engineer licensed in the state of Washington and experienced in LID design is also required to certify that the facility has been constructed as shown on the “as-built” plans and meets approved plans and specifications. (Ord. 3453 § 8, 2009).

13.33.080 Illicit discharges.
A. Storm Water Discharges to Sanitary and Combined Sewers. The public works director may approve discharges of storm water to a public combined sewer or sanitary sewer if other methods of controlling pollutants in the discharge are not adequate and the discharge will not harm the environment. The public works director may condition approval of such a discharge on compliance with requirements to control, reduce, or treat discharges prior to their entry into the public combined sewer or sanitary sewer.

B. Discharges Prohibited to Public Drainage Control Systems. All illicit discharges, as defined in MVMC 13.33.020 and subsection C of this section, made either directly or indirectly to a public drainage control system are prohibited and constitute a violation of this chapter. Enforcement actions and penalties are described in MVMC Title 19.

C. Illicit Discharges Defined. Except as provided in subsection D of this section, all discharges that are not composed of storm water are illicit discharges.

The following is a partial list, provided for informational purposes only, of common substances that are illicit discharges when allowed to enter a public drainage control system: solid waste; human and animal waste; antifreeze, oil, gasoline, grease and other automotive and petroleum products; flammable or explosive materials; metals in excess of naturally occurring amounts, whether in liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers; painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides; fertilizers; acids; alkalis; ink; steam-cleaning waste; laundry waste; soap;

detergent; ammonia; chlorine; chlorinated swimming pool or hot tub water (unless dechlorinated to a concentration of 0.1 ppm or less and pH-adjusted and reoxygenized as necessary); domestic or sanitary sewage; animal carcasses; food and food waste; yard waste; dirt; sand; and gravel (except for traction grit).

D. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the public works director determines that the type of discharge, whether singly or in combination with others, is causing or contributing to a water quality violation, or is causing or contributing to a water quality problem, such as those which contain more contamination than is acceptable in the city, or which contain a type of contamination that is more toxic or is otherwise a more serious problem than typical discharges in the city: potable water sources; natural uncontaminated surface water; natural uncontaminated groundwater; air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; uncontaminated agricultural runoff that is commingled with urban storm water; flows from riparian habitats and wetlands; and discharges from footing drains and other subsurface drains approved by the public works director or where approval is not required.

E. Exemptions. Discharges resulting from emergency firefighting activities. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water are only permissible if dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity-controlled to prevent resuspension of sediments in the MS4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents.

F. Testing for Illicit Discharges. When the public works director has reason to believe that any discharge is an illicit discharge, the public works director may require a responsible party to sample and analyze the discharge at the responsible party's expense, and to provide an analysis of the data to the public works director. The public works director may conduct such sampling and analysis and recover the costs from a responsible party in an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring basis, the public works director may conduct, or may require the responsible party to conduct, ongoing monitoring at the responsible party's expense. (Ord. 3453 § 9, 2009).

13.33.090 Administration.
The public works director shall have the authority, with the approval of the city council, to develop and implement administrative procedures to administer and enforce this chapter including, but not limited to, fees which shall be uniform within any class of applicants and based on actual or approximated expense to the city for review, inspection, and administration; and surety and cash bonds for construction, maintenance, and performance. (Ord. 3453 § 10, 2009).

13.33.100 Review and approval.
A. The requirements of this chapter may be modified at the discretion of the public works director when more information is deemed necessary for proper review.

B. The public works director may approve, conditionally approve, or deny an application for activities regulated by this chapter.

C. All storm drainage documents prepared in connection with any of the permits and/or approvals listed in MVMC 13.33.030 shall be submitted for review by, and approval of, the public works director. (Ord. 3453 § 11, 2009).

13.33.110 Inspection – Construction.
A. All activities regulated by this chapter shall be inspected by the public works director and/or building department. Projects shall be inspected at various stages of the work to determine that adequate control is being exercised. Stages of work subject to inspection include, but are not limited to: preconstruction; installation of erosion control BMPs; land-disturbing activities; installation of utilities, landscaping, or retaining walls; and completion of project. When required by the public works director, a special inspection and/or testing shall be performed.

B. At the time of approval of the construction permit for the subject property, a schedule for inspection to ensure proper review of construction and facilities will be established by the public works director consistent with Section S.5.C.4.b. of the Permit. (Ord. 3453 § 12, 2009).

13.33.120 Modification of facilities during construction.
The public works director may require that the construction of drainage facilities and associated project designs be modified or redesigned if conditions occur or are discovered which were not considered or known at the time that the permit or approval was issued, such as uncovering unexpected soil and/or water conditions, weather generated problems, or undue materials shortages. Any such modifications made during the construction of drainage control facilities shall be in accordance with all city, state and federal requirements and shall be shown on the final approved drainage plan, a revised copy of which shall be provided to the public works director for filing. (Ord. 3453 § 13, 2009).

13.33.130 City acceptance of storm water facilities.
Maintenance of all drainage facilities constructed or modified by a proposed project is the responsibility of the property owner and shall be conducted in accordance with Section S.5.C.4.c. of the Permit. The city, at its discretion, may assume maintenance of drainage facilities constructed for formal plat subdivisions. (Ord. 3453 § 14, 2009).

13.33.140 Consultant and consultant fees.
The public works director may utilize outside consultants, the cost of which shall be borne by the developer, for plan review and inspection. In such cases, the developer shall make a deposit in advance and supplement it as necessary to pay for plan review and inspection costs. (Ord. 3453 § 15, 2009).

13.33.150 Prohibited acts.
It shall be prohibited, and in violation of this chapter, for any person or entity to:

A. Cause or permit litter, trash, rubbish, or debris to enter the public drainage system or any private drainage system which may directly or indirectly discharge to the city's drainage system.

B. As provided in MVMC 13.33.080, for any person or entity to cause or permit pollutants to enter any private drainage system or the public drainage system, including, but not limited to, oils and petroleum products, paints, and paint thinners, pesticides, fertilizers, soaps, detergents, washing wastes and any pollutants found on the following lists, as now or hereafter amended, herein adopted as part of this chapter by reference:

1. Discarded Chemicals List of WAC 173-303-9903.

2. Toxic Dangerous Waste List of WAC 173-303-101.

3. Dangerous Waste Sources List of WAC 173-303-9904.

4. Dangerous Waste Constituents List of WAC 173-303-9905.

5. Dangerous Waste Mixtures List of WAC 173-303-084.

6. Persistent Dangerous Waste List of WAC 173-303-102.

C. Cause any damage to any drainage facilities of any private drainage system or the public drainage system.

D. Cause or permit horses, cattle, or other domestic animals to enter any watercourses or wetlands that are part of the drainage system of the city. Storm water for stables, pastures, and other animal enclosures shall be diverted or treated so as to prevent polluted drainage waters from entering the drainage system of the city.

E. Cause or permit grading, clearing, filling or other land surface changes to take place in such a way as to allow drainage from the property to carry any suspended or dissolved matter into the drainage system of the city.

F. Cause or permit any work that would result in the transmission of silt, pollution materials, or other foreign substances from one part of the drainage system to another.

G. Discharge any waters or in any way cause the temperature of the water discharged from the property to exceed by more than five degrees Fahrenheit the temperature of the nearest receiving waters.

H. Introduce into the drainage system any liquid or solid foreign substances of biodegradable or other nature which shall cause the water quality to degrade from the applicable water quality standards of the state of Washington (Chapter 173-201A WAC).

I. No obstructions shall be placed or allowed that would prohibit the free passage of fish under all flow conditions, unless approved by the Department of Fish and Wildlife. (Ord. 3453 § 16, 2009).

13.33.160 Monitoring facilities.
A. The public works director may require, during the design and/or construction phase, that an owner shall provide, maintain, and operate, at the owner's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of all discharges into the city's drainage, as required by the public works director to assure compliance with this chapter. Each monitoring facility shall be situated as approved by the public works director so as to provide pertinent information, except that if such a location would be impractical or cause undue hardship on the owner, the city may allow such facility to be constructed in an accessible public street or sidewalk area, located so that it will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the owner to secure permission to situate any required and approved monitoring facility on any property other than that of the owner.

B. There shall be ample room in or near such monitoring facility to allow accurate sampling, data collection, and preparation of samples for analysis by the owner and the city. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the owner.

C. All monitoring facilities shall be constructed and maintained in accordance with all applicable construction standards and specifications. Construction of monitoring facilities for existing dischargers shall be completed within 180 days of receipt of notice to do so from the public works director. Construction of monitoring facilities shall be completed by the owner at the owner's own expense. (Ord. 3453 § 17, 2009).

13.33.170 Sampling and analysis requirements.
Sample types, measurements, analyses, and sample frequency required for each site shall be determined by the public works director. All measurements, tests, and analyses of characteristics of storm water shall be in accordance with procedures established by the Environmental Protection Agency contained in 40 CFR Part 136 of the federal Clean Water Act as now existing or hereafter amended. All sampling, measurements, and analysis done for the satisfaction of these requirements shall be the responsibility of the site owner and done at the owner's expense. All samples and analysis taken shall be reported to the city. (Ord. 3453 § 18, 2009).

13.33.180 Variances.
A. Variances from the requirements of this chapter may be granted for good cause by the public works director, considering the following criteria:

1. Sufficient capacity of downstream facilities under design conditions.

2. Maintenance of the integrity of the receiving waters.

3. Possibility of adverse effects of retention/detention.

4. Utility of regional retention/detention facilities.

5. Capability of maintenance of the system.

6. Structural integrity of abutting foundations and structures.

7. Requirements of the city's surface water management plan.

8. The health, safety and welfare of the city is not adversely affected.

9. The exception provides equivalent environmental protection and is in the overriding public interest; and that the objectives of safety, function, environmental protection, and facility maintenance, based upon sound engineering, are fully met.

10. Special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable use of the site in question, and every effort to find creative ways to meet the intent of the minimum standards has been made.

11. The granting of the exception will not be detrimental to the public health, welfare, and safety, nor injurious to other properties in the vicinity and/or downstream, and to the quality of receiving waters.

12. The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements.

13. The exception is fully compliant with all state and federal requirements.

B. Requests for variances shall be filed in writing with the public works director and shall adequately detail the basis for granting a variance.

C. The decision of the public works director may be appealed to the city council by filing written notice of appeal with the city finance director within 10 days of service of the public works director's written decision. (Ord. 3453 § 19, 2009).

13.33.190 Development in critical areas.
Proposed development located wholly or partially within environmentally critical areas shall comply and be reviewed with respect to policies adopted within Chapters 15.36 and 15.40 MVMC that relate to development in critical areas and flood hazard areas. (Ord. 3453 § 20, 2009).

13.33.200 Establishment of regional facilities.
A. In the event that public benefits would accrue due to modification of the storm water plan for the subject property to better implement the recommendations of the city's surface water plan, the public works director may recommend that the city should assume some responsibility for the further design, construction, operation, and maintenance of drainage facilities receiving runoff from the subject property. Such a decision shall be made concurrently with review and approval of the storm water plan as specified in this chapter.

B. In the event that the city decides to assume some responsibility for design, construction, operation, and maintenance of the facilities, the developer will be required to contribute, as a minimum, a pro rata share to the construction cost of the facilities. The developer may be required to supply additional information at the request of the public works director to aid in the determination by the city. Guidelines for implementing this section will be defined by the public works director. (Ord. 3453 § 21, 2009).

13.33.210 Applicability to governmental entities.
All municipal corporations and governmental entities, unless otherwise provided, shall comply with the terms of this chapter when developing and/or improving land, including, but not limited to, road building and widening, within areas of the city. (Ord. 3453 § 22, 2009).

13.33.220 Other permits and requirements.
A. It is recognized that compliance with other city, county, state and federal permits, conditions, and requirements may apply to the proposed action and that compliance with the provisions of this chapter does not constitute compliance with such other requirements.

B. When any provision of any other chapter of the MVMC conflicts with this chapter, that which provides adequate public safety and more environmental protection shall apply unless specifically provided in this chapter. (Ord. 3453 § 23, 2009).

13.33.230 Protection of public and private rights.
Implementation of any provision of this chapter shall not cause, nor be construed as, an infringement of the rights of individuals, municipalities, or corporations other than the developer seeking a permit or approval as described in MVMC 13.33.030. (Ord. 3453 § 24, 2009).

13.33.240 Enforcement, violations and penalties.

The provisions set forth in MVMC Title 19 shall apply to all violations of this chapter. Penalty and enforcement provided therein are cumulative and shall not be deemed exclusive, and the city may pursue any appropriate remedy or relief. (Ord. 3453 § 25, 2009).

Chapter 14.05

PROCEDURES

Sections:

14.05.010 Purpose and intent.
14.05.020 Applicability.
14.05.030 Effect of permit.
14.05.040 Exemptions from state process requirements.
14.05.050 Permit types.
14.05.060 Permit classification table.
14.05.070 Summary of permit processes.
14.05.080 Authority and responsibilities.
14.05.090 Foundation of project review.
14.05.100 Single contact designated and signature required.
14.05.110 Project review procedures.
14.05.120 Vesting.
14.05.130 Time frames.
14.05.140 Expiration of approval.
14.05.150 Notice requirements.
14.05.160 Appeals.
14.05.170 Appeals of administrative decisions.
14.05.180 Appeals to council.
14.05.190 Appeals to superior court, the Growth Management Hearings Board, and to the Shoreline Hearings Board.
14.05.210 Submittal requirements specific to application type.
14.05.220 Definitions.

14.05.010 Purpose and intent.

The purpose and intent of this chapter is to establish standard procedures for all land use and development applications to provide for an integrated and consolidated review process. It is further the purpose of this chapter to combine and expedite development review, to eliminate redundancy and minimize delays, to establish timelines for notifying the public of land use applications, to revise hearing requirements to allow one open record hearing and one closed record appeal hearing for nonlegislative applications, and to provide that final decisions on development proposals be made within 120 days of the date of the letter of completeness, except for development specifically exempted under this chapter.

It is neither the intent nor the purpose of this chapter to establish a claim or remedy for a delay in the final decision beyond 120 days. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.020 Applicability.

A. All applications for development shall be subject to the provisions of this chapter, except where specifically exempted under MVMC 14.05.040, Exemptions from state process requirements. While this chapter provides the overall review framework regarding submittal and hearings, MVMC Titles 13 through 18 contain permit-specific review procedures and criteria. All chapters should be reviewed together; however, if there is a conflict between MVMC Titles 13 through 18, Chapter 14.05 MVMC shall control with the exception of conflict with this chapter and Chapter 15.06 MVMC, wherein Chapter 15.06 MVMC shall control.

B. Counter Information. The director or his/her designees respond to inquiries from members of the public regarding the applicability and interpretation of various code provisions prior to or outside the context of a specific development permit application. Unless an official interpretation is requested in writing, these general counter requests for information shall be provided as a public convenience only, and shall not be processed or be subject to appeals. (Ord. 3483 § 2, 2010).

14.05.030 Effect of permit.
The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid except insofar as the work or use which it authorized is lawful. No approval or pre-approval of plans or specifications shall be deemed or construed to be a permit. Permits for land use applications shall be granted only through compliance with provisions of this code according to permit type. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.040 Exemptions from state process requirements.
A. Authority. RCW 36.70B.140 allows a local government to exclude certain project permits from procedure and time limit requirements. This section deals with exemptions from state-mandated notice requirements. Permit types listed below may have city code requirements for review, notification, and appeal beyond state requirements.

B. Exemptions from Processing Timelines. RCW 36.70B.140 provides that local governments may determine that there are special circumstances relative to certain actions or processes that warrant a different review process. The city exempts the following actions since they typically require more than 120 days to process:

1. Comprehensive plan amendments with or without any other associated land use application such as a rezone;

2. Mount Vernon Municipal Code amendments;

3. Annexations;

4. Planned unit developments;

5. Development agreements;

6. Environmental impact statements;

7. Declared emergency under SEPA;

8. Street vacations;

9. Any project once it is appealed to the hearing examiner, the building code board of appeals and/or city council;

10. Any project once it becomes the subject of a petition under the Land Use Petition Act; and

11. Any project that is determined by the director to present extenuating circumstances that would require more than 120 days to process based upon written findings that a specified amount of additional time is needed to process specific complete project permit application.

C. Exemptions from Notification and Procedural Requirements.

1. For Public Areas and Facilities. As permitted by RCW 36.70B.140, the city also exempts the following "approvals relating to the use of public areas or facilities" from the notification and procedural requirements of RCW 36.70B.060 through 36.70B.080 and RCW 36.70B.110 through 36.70B.130 as long as the activities are categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

a. Drainage connection permits;

b. Driveway construction permits;

c. Driveway relocation permits;

d. Franchise utility permits;

e. Right-of-way use permits;

f. Side sewer permits;

g. Side sewer cap permits;

h. Sidewalk repair permits;

i. Sidewalk/curb/gutter construction permits;

j. Permits to stop city sewer service; and

k. Other SEPA exempt actions/activities as outlined in WAC 197-11-800 where the director makes a determination that the action/activity meets the intent of this section of the code.

2. For Applications Not Subject to Environmental Review. As permitted by RCW 36.70B.140, the city exempts the following actions from the requirements of the public notification and procedural requirements found within RCW 36.70B.060 and RCW 36.70B.110 through RCW 36.70B.130 so long as they are categorically exempt from environmental review or if environmental review has been completed at an earlier stage or in connection with other permits.

a. Building and grading permits if SEPA exempt;

b. Type I home occupations, or exemptions consistent with Chapter 17.96 MVMC;

c. Fire installation/construction permits;

d. Electrical, mechanical, plumbing, and administrative sign permits;

e. Boundary line adjustments;

f. Final plats;

g. Minor modifications to a previously approved PUD, plat or binding site plan;

h. Occupancy permits;

i. Shoreline exemptions;

j. Street vacations;

k. Temporary use permits if SEPA exempt;

l. Water, sewer, storm drainage, roadway permits if SEPA exempt; and

m. Other SEPA exempt actions/activities as outlined in WAC 197-11-800 where the director makes a determination that the action/activity meets the intent of this section of the code.

D. Nonproject Permit. RCW 36.70B.020 excludes certain actions from the definition of "project permits," particularly nonproject legislative actions. The adoption of or amendment of a comprehensive plan, sub-area plan, or development regulations that do not involve site-specific rezones are exempt from procedures requiring environmental review to be completed prior to the legislative hearing. (Ord. 3514 § 2, 2011; Ord. 3427 § 2 (Exh. A), 2008).

14.05.050 Permit types.

A. Permits Classified by Type. Applications for development permits shall be categorized and processed as one or more of the six permit types described in subsection B of this section. Where applications are categorized as more than one type, the code that pertains to the application needs to be evaluated as more than one procedural process is available depending on specific circumstances particular to that application. Applications shall be classified in

accordance with the table in MVMC 14.05.060; provided, that shoreline permits under the shoreline management master program shall be processed as described in that program; and that annexations shall be processed according to Chapter 35A.14 RCW. Annexations shall also be subject to additional city specific submittal and procedural requirements as outlined within this chapter.

B. Permit Types.

1. Type I – Administrative Review without Notice. Type I applications are those applications where a final decision is made by the director or the director's designee without public notice or a public hearing. That decision may be appealed in an open record appeal hearing to the hearing examiner. The hearing examiner decision may be appealed in a closed record appeal to the city council. An applicant can file an appeal to the building code board of appeals following the director's decision for matters concerning the suitability of alternative building materials, the suitability of alternative methods of construction, or interpretation of building regulations.

2. Type II – Administrative Review with Notice. Type II applications are those applications where a final decision is made by the director or the director's designee after public notice, but without a public hearing. That decision may be appealed in an open record appeal hearing to the hearing examiner. The hearing examiner decision may be appealed in a closed record appeal to the city council.

3. Type III – Hearing Examiner Review with Public Hearing. Type III applications are those applications that require an open record hearing before the hearing examiner and for which the hearing examiner makes the final decision. For all applications except variances, the hearing examiner decision may be appealed in a closed record appeal to the city council. Appeals for variances go to superior court, except appeals of hearing examiner shoreline variance decisions go to the city council.

4. Type IV – Council Review with Public Hearing. Type IV applications are those applications that require an open record predecision hearing before the hearing examiner or planning commission, and for which the hearing examiner or planning commission action is only a recommendation to the city council. The city council shall make the final decision after a closed record hearing on Type IV actions.

5. Type V – Council Review without Hearing. Type V applications are those applications that do not require a public hearing and for which a final decision is made by the city council.

6. Type VI – Legislative. Type VI applications are those applications that require legislative action by the city council at an open record hearing after one or more open record public hearing(s) and a recommendation from the planning commission, with the exception of street vacations which shall only have one open record public hearing before the city council.

C. Permits Not Classified by This Chapter. If this chapter does not expressly provide for review using one of the six types of procedures and a specific procedure is not specified by law, or if there are conflicting procedural requirements, the director shall classify the application as one of the six procedural types and it will be processed accordingly. Questions about what procedure is appropriate shall be resolved in favor of the type providing the greatest public notice and opportunity to participate. (Ord. 3514 § 3, 2011; Ord. 3510 § 2, 2010; Ord. 3427 § 2 (Exh. A), 2008).

14.05.060 Permit classification table.

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
Binding Site Plan		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Code Interpretation	X					
Comprehensive Plan Map (and Rezone) or Text Amendments						X
Administrative Conditional Use Permit		X				
Conditional Use Permit			X			
Conditional Use Permit for EPFs				X		
Critical Area Ordinance Reasonable Use Exception, Variances and Appeals per MVMC 15.40.130			X			
Design Review with Building Permit	X					
Design Review with Hearing Examiner Land Use Permit			X			
Design Review Waiver per Chapter 17.70 MVMC	X		X			
Development Regulation Text Amendments to Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17						X
Development Regulation Text Amendments to Chapters Except Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit I	X					
Fill and Grade Permit II		X				
Floodplain District Development Permit				X		
Historic Structure – Designation				X		
Historic Structure – Exterior Alteration		X				
Home Occupation – Type I or Exemption	X					
Home Occupation – Type II		X				
Land Clearing Permits and Management Plans		X				
Land Clearing Moratorium Removal			X			
Land Clearing Single-Family Residential Moratorium Exception		X				
Landscape Modifications per MVMC 17.93.080	X					
Lot Certification	X					
Major Modification	X	X	X	X		
Master Plan Approval per MVMC 17.30.090				X		
Minor Modifications	X					
Model Home Permit	X					

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Nonconforming Use – Ordinary Maintenance or Repair	X					
Nonconforming Use – Certificate of Use or Occupancy	X					
Nonconforming Use – Special Permission to Enlarge, Expand, or Reconstruct				X		
Plat, Preliminary				X		
Plat, Final					X	
Planned Unit Development				X		
Rezones Consistent with Comprehensive Plan				X		
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit		X				
Shoreline Variance			X			
Short Plat		X				
Site Plan Approval	X					
Site Plan Approval per MVMC 17.39.150				X		
Special Use Permit			X			
Special Use Permit for ADUs		X				
Street Vacations Subject to Procedural Requirements Outlined in Chapter 35.79 RCW						X
Street Design Modifications per Chapter 16.16 MVMC	X					
Temporary Use Permit Per Chapter 17.92 MVMC	X					
Transfer of Development Rights – Certificate of Available Rights	X					
Transfer of Development Rights – Approval to Utilize	X					
Transportation Concurrency when > 75 PM Peak Hour Trips Are Generated				X		
Variances			X			
Waivers per MVMC 14.10.110, Chapter 16.20 MVMC, and MVMC 17.84.130				X		
Zoning Boundary Determination per MVMC 17.09.040			X			
Zoning Variances Not Exceeding 20 Percent of Lot Width, Setbacks, Lot Coverage, Building Height, Parking, and Landscape Buffers		X				

(Ord. 3601 § 2, 2013; Ord. 3526 § 3, 2011; Ord. 3514 § 4, 2011).

	Type I	Type II	Type III	Type IV	Type V	Type VI	Shoreline Permits and Annexations
Pre-Application Meeting	No	Required for short plats, building permits with street improvements, and all other non-single-family residential actions	Required, unless waived by director	Required, unless waived by director	Required, unless waived by director	Required, unless waived by director	Required, unless waived by director
Letter of Completeness	Required	Required	Required	Required	Required	Required	Required
Notice of Application	No	Required, unless exempted by MVMC 14.05.040	Required, unless exempted by MVMC 14.05.040	Required, unless exempted by MVMC 14.05.040	Required, unless exempted by MVMC 14.05.040	Required, unless exempted by MVMC 14.05.040	See Chapter 35A.14 RCW, Annexation by code cities, or the shoreline master program (SMP)
Notice of Hearing	Not Applicable	Not Applicable	Required	Required	Required	Required	See Chapter 35A.14 RCW or the SMP
Open Record Pre-Decision Public Hearing	No	No	Yes, before hearing examiner to render final decision	Yes, before hearing examiner or planning commission, as noted in MVMC 14.05.080 to make recommendation to city council for final decision at a closed record hearing	No	Yes, before planning commission to make recommendation to city council for final decision at a closed record hearing except for street vacations which shall be heard only before the city council	See Chapter 35A.14 RCW or the SMP

Type I
Type II
Type III
Type IV
Type V
Type VI
Shoreline Permits and Annexations

Administrative Appeal
Yes, open record appeal hearing before the hearing examiner or the building code board of appeals
Yes, open record appeal hearing before the hearing examiner
Yes, closed record appeal hearing before city council except for variances
No
No
No
See Chapter 35A.14 RCW or the SMP
Notice of Decision
Required, pursuant to MVMC 14.05.150
Required, pursuant to MVMC 14.05.150
Required, pursuant to MVMC 14.05.150
Required, pursuant to MVMC 14.05.150
Required, pursuant to MVMC 14.05.150
Required, pursuant to MVMC 14.05.150
See Chapter 35A.14 RCW or the SMP
Recommendation Made By
Not Applicable
Not Applicable
Not Applicable
Review authority noted in MVMC 14.05.080
Review authority noted in MVMC 14.05.080
Planning commission except for street vacations
See Chapter 35A.14 RCW or the SMP
Final Decision Made By
Community and economic development director subject to administrative appeal
Community and economic development director subject to administrative appeal
Hearing examiner subject to administrative appeal except for variances
City council
City council
City council
See Chapter 35A.14 RCW or the SMP
Judicial Appeal
See MVMC 14.05.190
See MVMC 14.05.190
See MVMC 14.05.190
See MVMC 14.05.190
See MVMC 14.05.190
See MVMC 14.05.190
See Chapter 35A.14 RCW or the SMP

<tnote>(Ord. 3514 § 5, 2011).

</tnote> **14.05.080 Authority and responsibilities.**

A. Review Authority. The regulation of land development is a cooperative activity including elected officials and appointed boards or officials, and city staff. The specific responsibilities of these entities are listed as set forth in subsections B through G of this section.

B. Community and Economic Development Department Director, Public Works Director, or Their Designees. Unless noted otherwise, the community and economic development and/or the public works director or his/her

designee shall review and act on the permits listed in the Permit Classification Table (MVMC 14.05.060), and the following:

1. Revocable permits for the temporary use of public right-of-way;

2. Sewer modifications, alternates, and appeals; and stormwater permits and approvals (public works director);

3. Waivers of:

a. Right-of-way dedication for plat (public works director); and

b. Submittal requirements.

C. Environmental Review Official. For those projects where the city is the lead agency, or shares lead agency status, the community and economic development department director or his/her designee shall be the city's designated responsible official, and shall act on the following:

1. Make threshold determinations of environmental significance, non-significance, or mitigated non-significance;

2. Authorize circulation of draft environmental impact statements;

3. Approve and issue final environmental impact statements; and

4. Approve mitigation conditions for mitigated determinations of non-significance and final environmental impact statements.

D. Planning Commission. The planning commission shall hold hearing(s) and make recommendations to the city council on the following:

1. Comprehensive plan amendments, including neighborhood or sub-area plans and studies that augment the comprehensive plan and short-range programs that are necessary for implementation of the comprehensive plan;

2. Shoreline master program amendments;

3. Area-wide zoning changes;

4. Land use and development regulations amendments to Chapter 3.40 MVMC and MVMC Titles 15, 16, and 17;

5. Other land use plans and programs contained in the commission's work program or referred by the city council; and

6. Designation of historic structures.

E. Hearing Examiner.

1. Final Decisions and Appeals Made by Hearing Examiner. The hearing examiner shall review, hold hearings, and act on the permits listed as Type III in the Permit Classification Table (MVMC 14.05.060); and shall also hear all impact fee appeals.

2. Recommendations Made by Hearing Examiner. The hearing examiner shall review, hold hearings, and make recommendations to the city council on the following Type IV permits:

a. Rezones consistent with the comprehensive plan;

b. Preliminary plats;

c. Planned unit developments;

d. Master plan approval;

e. Conditional use permits for essential public facilities (EPFs);

f. Major modification of preliminary or final plat or PUD or other plan that requires a recommendation from the hearing examiner;

g. Site plan approval per MVMC 17.39.150;

h. Waivers per MVMC 17.84.130, Chapters 16.20 and 17.70 MVMC, and MVMC 14.10.110;

i. Street vacations; and

j. Transportation management concurrency when greater than 75 p.m. peak hour trips are generated.

F. City Council. The city council shall review and act on the permits listed as Type IV in the permit classification table (MVMC 14.05.060); and on the following:

1. Annexations;

2. Dedications of property for public purposes;

3. Latecomers agreements;

4. Release of easements; and

5. Street vacations.

G. Consolidated Review Process for Multiple Permit Applications.

1. Optional Process Resulting in a Single Open Record Public Hearing. An applicant may have the review and decision process for required permits relating to a proposed project action consolidated into a single review process. Consolidated review shall provide for only one open record hearing and no more than one closed record appeal. Appeals of environmental determinations shall be consolidated except when allowed to be a part of separate hearings in accordance with RCW 43.21C.075, Chapter 15.06 MVMC, and WAC 197-11-680. Where hearings are required for permits from other local, state, regional, or federal agencies, the city will cooperate to the fullest extent possible to hold a single joint hearing.

2. Review Authority for Multiple Applications. Where more than one land use permit application is required for a given development, an applicant may file all related permit applications concurrently, pay appropriate fees, and the processing may be conducted under the consolidated review process. Where the required permits are subject to different types of permit review procedures, then all the associated applications are subject to the highest level of review authority that applies to any of the required applications, except for shoreline permits, which shall be processed in accordance with the shoreline master program, and annexations, which will be processed pursuant to Chapter 35A.14 RCW. Appeals of environmental determinations shall be consolidated except when allowed to be part of separate hearings in accordance with RCW 43.21C.075, Chapter 15.06 MVMC, and WAC 197-11-680. (Ord. 3526 § 4, 2011).

14.05.090 Foundation of project review.

A. Project Review. The comprehensive plan and development regulations shall serve as the foundation for project permit review. Proposed projects shall be reviewed for consistency, conformity, and compliance with applicable adopted plans and development regulations.

B. Re-Examination or Appeals. During project review, the city shall not re-examine alternatives to or hear appeals from fundamental land use planning choices made in the city's comprehensive plan or adopted development regulations.

C. Docketing. If during project review deficiencies are identified in the comprehensive plan or in development regulations, project review shall continue under the existing plans and regulations and any deficiencies shall be docketed for consideration during the next comprehensive plan update. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.100 Single contact designated and signature required.
The city will require the applicant to designate a single person or entity to receive all correspondence required by this chapter. With the exception of city initiated actions, all applications shall be signed by all property owners, or their agents. If a property owner is designating an agent to sign on their behalf, the property owner must provide written and notarized authorization of such. (Ord. 3517 § 3, 2011).

14.05.110 Project review procedures.
A. Purpose. The purpose of this section is to outline the procedure and time requirements for the review of land use applications received by the city. All development applications are classified and processed according to one of six types of permit procedures, as identified in MVMC 14.05.050.

B. Preapplication Meeting.

1. When a Preapplication Meeting Is Required. A preapplication meeting is required for the following actions, unless the director determines the action does not require the preliminary analysis completed at a preapplication meeting:

a. All Type II actions involving nonsingle-family residential building;

b. Building permits requiring street improvements;

c. Building permits requiring a site to be brought up to current code;

d. Short plats;

e. All projects subject to SEPA review;

f. All Type III through VI actions;

g. All shoreline permits;

h. All comprehensive plan amendments; and

i. Annexations.

2. Preapplication meetings for all other types of applications are not required, but may be considered upon request of the applicant, on a time-available basis, at the discretion of the director. The director may also determine that a preapplication meeting is required for projects where coordination with city staff before an application is submitted is deemed necessary by the director.

3. Purpose. The preapplication meeting is not intended to provide an exhaustive review of all potential issues. Preapplication review does not prevent or limit the city from applying all relevant laws at the time of application submittal. The purpose of a preapplication meeting is to acquaint an applicant with the requirements of the city's development regulations and provide an opportunity for the city to become acquainted with a proposed project prior to receiving a formal application. Neither the discussions at the conference nor the information provided on any form sent by the director to the applicant under subsection B of this section shall bind the director, or any reviewing authority, in any manner or prevent the director or any reviewing authority's future application or enforcement of all applicable codes, ordinances and regulations.

4. Preapplication Submittal Requirements. Preapplication meeting submittal requirements shall be defined by the CEDD on forms made available to applicants. Failure to provide all of the required information may prevent the city from identifying all applicable issues or providing the most effective preapplication meeting.

5. Scheduling. A preapplication meeting shall be scheduled by the city within five days of a completed preapplication request being submitted. The preapplication conference shall be held within 45 days of a request, when possible. However, a failure to meet this time limit will not make the city liable for damages.

6. Waiver of Formal Application Submittal Requirements. Submittal requirements outlined within MVMC 14.05.210 may be waived, either at the request of the applicant or as suggested by staff when not necessary for project review by the director or his/her designee in writing. If approved, the applicant will be provided with a written list of submittal requirements that must be provided to the city; or with a list of items that have been waived. The applicant must submit a copy of the list of city approved waiver(s); or a list of items that staff has determined must be submitted to the city, at the time of formal application submittal.

C. Submittal of a Formal Land Use Application.

1. Submittal Location. All applications shall be submitted upon forms provided by the director and filed with the CEDD.

2. An application shall consist of all materials required by the applicable development regulations and submittal requirements pursuant to MVMC 14.05.210.

3. Fees. All applications and appeals shall be submitted with applicable fees, pursuant to Chapter 14.15 MVMC.

4. Counter Complete Determination. All applications must include a submittal requirement checklist that shall be the basis for determining whether an application will be accepted for purposes of review and determination of technical completeness pursuant to subsection D of this section. Applications may either be brought in person or mailed to the city for counter complete review. An application is counter complete if the director, or the director's designee, finds that the application includes the information required by the submittal requirement checklist; provided, no effort shall be made to evaluate the substantive adequacy of the information in the application in the counter complete review process. If the director or director's designee decides the application is counter complete, then the application shall be accepted for review for technical completeness. If the director or designee decides the application is not counter complete, he/she shall reject and return the application and identify in writing what is needed to make the application counter complete. The director at his/her discretion may mandate that an applicant schedule a submittal meeting with a CEDD planner, so that the staff planner can determine whether or not an application is counter complete. A determination of counter completeness shall be made within two days of an application being submitted to the CEDD.

D. Determination of Technical Completeness.

1. Timing. Following a counter complete determination, the CEDD shall provide a written determination that an application is deemed technically complete or incomplete according to the submittal requirements in MVMC 14.05.210 within 28 days after the initial submittal or within 14 days after the application has been resubmitted to the city if the application has been returned to the applicant as being incomplete. An application shall be deemed to be technically complete for processing if a response from the city is not sent to the applicant within 28 days after their counter complete determination.

2. Incomplete Applications. If additional information is required, the CEDD shall provide a written determination to the applicant that the application is incomplete and what is necessary to make the application complete. The applicant shall have one 90-day period to submit the required information. If the applicant does not submit the required information within the 90-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time. The director may grant one 30-day extension if the required studies or information warrant additional time. If the required information has not been submitted by the date specified, the application shall lapse. Lapsed applications shall be deemed to have been voluntarily withdrawn. Withdrawn applications must be resubmitted as new applications requiring repayment of all applicable fees. Within 14 days after an applicant has submitted additional information identified as being necessary for a complete application, the CEDD shall notify the applicant whether the application is complete.

3. Additional or Corrected Information May Be Requested. A written determination of technical completeness does not preclude the CEDD from requesting supplemental information or studies, if additional information is required to complete review of an application, if information submitted by an applicant is deemed incorrect, or if changes in the permit application are proposed. The CEDD may make a determination in writing that some information is incorrect and that corrected information be submitted. The applicant shall have 90 days to submit the required information. If the applicant does not submit the required information within the 90-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time. The director may grant one 30-day extension if the required studies or information warrant additional time. If the required information has not been submitted by the date specified, the application shall lapse. Lapsed applications shall be deemed to have been voluntarily withdrawn. Withdrawn applications must be resubmitted as new applications requiring repayment of all applicable fees. Within 14 days after an applicant has submitted additional or corrected information, the CEDD shall notify the applicant whether the additional and/or corrected information is complete.

4. Hold Placed and Period Excluded. Pursuant to MVMC 14.05.130, when an applicant has been requested by the city to correct plans or other information, perform required studies, or provide additional required information, a hold shall be placed on the project. The time during this period shall be excluded in determining the number of days that have elapsed after the city has notified the applicant that the application is complete for processing. The period shall be calculated pursuant to MVMC 14.05.130.

E. Notice.

1. To Applicant. The applicant shall be advised of the date when a technically complete application has been submitted, and of the threshold environmental determination. The applicant shall be advised of the date of any public hearing according to the timing outlined within MVMC 14.05.150(C).

2. To Public. Public notice of applications, decisions, and hearings shall be provided in accordance with MVMC 14.05.150.

F. Report from the Community and Economic Development Department.

1. Content. When an application requires a public hearing, the CEDD shall provide a departmental analysis, coordinate, and assemble the comments and recommendations of other city departments, government agencies having an interest in the subject application, and members of the community, and shall prepare a report summarizing the factors involved and the CEDD findings and recommendations.

2. Timing. At least five days prior to the scheduled hearing, the report shall be filed with the reviewing authority or recommending body and copies shall be mailed to the applicant(s), and parties of record, and shall be made available for use by any interested party for the cost of reproduction.

3. When Report Is Decision. For permit actions where the director is the review authority and no public hearing is required, the CEDD report shall also include the administrative decision, signed by the director. The report shall be issued in accordance with the timeframes established in MVMC 14.05.130 and with notification in accordance with MVMC 14.05.150.

G. Public Hearing.

1. Hearing Required. Before rendering a decision or recommendation on an application for which a public hearing is required and the hearing examiner or planning commission is the review authority or recommending body, the examiner or commission shall hold at least one open record public hearing.

2. Constitutes Hearing by Council. On applications where the examiner or planning commission makes a recommendation to the city council, except Type VI permits, the open record public hearing before the examiner or planning commission shall constitute the open record public hearing.

3. Hearing Rules. The examiner, planning commission, and city council shall have the authority to prescribe rules, administer oaths, and preserve order consistent with city ordinances, for the scheduling and conduct of

hearings and other procedural matters related to the duties of their office as stated in Chapters 2.34 and 2.60 MVMC.

4. Closure/Continuation of Public Hearing. At the close of testimony, the reviewing authority may close the public hearing, continue the hearing to a time and date certain, or close the public hearing pending the submission of additional information on or before a date certain.

5. Application Dismissal. Until a final action on the application is taken, the reviewing authority may dismiss the application, upon written findings, for failure to diligently pursue the application after notice is given to all parties of record.

6. Responsibility of the CEDD director for Hearing. The CEDD director or designee shall:

a. Schedule an application for review and public hearing;

b. Give notice per MVMC 14.05.150;

c. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing, and whether the proposed development meets the minimum requirements for approval and conforms to the intent of the applicable development regulations and the comprehensive plan. The report shall state any mitigation required or proposed under the development regulations or the city's authority under SEPA. If the threshold determination, other than a determination of significance, has not been issued previously by the city, the report shall include or append this determination. In the case of a Process I or II project permit application, this report may be the permit; and

d. Prepare the notice of decision, if required by the hearing body, and/or mail a copy of the notice of decision to those required by this code to receive such decision.

7. Conflict of Interest. The hearing body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.

8. Ex Parte Communications.

a. No member of the hearing body may communicate, directly or indirectly, regarding any issue in a quasi-judicial proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:

i. The hearing body may receive advice from legal counsel; or

ii. The hearing body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).

b. If, before serving as the hearing body in a quasi-judicial proceeding, any member of the hearing body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in subsection G(8)(c) of this section.

c. If the member of a hearing body receives an ex parte communication in violation of this section, he or she shall place on the record:

i. All written communications received;

ii. All written responses to the communications;

iii. The substance of all oral communications received and all responses made; and

iv. The identity of each person from whom the hearing body received any ex parte communication.

d. The hearing body shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

9. Disqualification.

a. A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the disqualification, vacating the seat on the hearing body and physically leaving the hearing.

b. If a number of members of the hearing body are disqualified on the basis of the appearance of fairness doctrine (as distinct from actual conflict of interest) such that the hearing body would be disabled from taking action, then all members present after stating their reasons for disqualification shall be requalified and shall proceed to resolve the issues.

c. Except for Process VI actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

10. Burden and Nature of Proof. Except for Process VI actions, the burden of proof (not including judicial appeals) is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

11. Order of Proceedings. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate:

a. Before receiving information on the issue, any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate; and any abstentions or disqualifications shall be determined.

b. The presiding officer may take official notice of known information related to the issue, such as a provision of any ordinance, resolution, rule, officially adopted development standard or state law; and other public records and facts judicially noticeable by law.

c. Matters officially noticed need not be established by evidence and may be considered by the hearing body in its determination. Parties requesting that the hearing body take official notice shall do so on the record; however, the hearing body may take notice of matters listed if stated for the record. Any matter given official notice may be rebutted.

d. The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner, and circumstances of such view on the record.

e. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

f. When the presiding officer has closed the public hearing portion of the hearing, the hearing body may openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

g. When a hearing body is unable to formulate a recommendation on a project permit, a hearing body may decide to forward the project permit to the city council to render a decision without a recommendation.

H. Examiner or Commission Recommendations and Decisions.

1. Standard Timing and Notification. Unless the time is extended pursuant to subsection H of this section, within 10 working days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this chapter, the examiner or planning commission should render a written decision or recommendation, including findings from the record and conclusions therefrom, and CEDD staff shall transmit a copy of such decision by regular mail to the applicant and other parties of record that have specifically requested, in writing, notice of the decision. The person mailing the decision shall prepare an affidavit of mailing, which shall become a part of the record of the proceedings. In the case of applications requiring city council approval, the CEDD staff shall file the decision with the city council on behalf of the examiner or planning commission.

2. Timing Extensions. The time for filing of the examiner or commission decision or recommendation may be extended for not more than 30 days should the examiner or commission find that the amount and nature of the evidence to be considered or receipt of additional information justifies such an extension. The examiner or commission shall provide CEDD staff a copy of written findings and decision for the extension of the normal decision period.

3. Conditions. The decision or recommendation may be to grant or deny the application, or to require of the applicant such conditions, modifications and restrictions as the examiner or commission finds necessary to make the application compatible with the objectives and goals of the comprehensive plan, the zoning regulations, the subdivision regulations, the codes and ordinances of the city of Mount Vernon, and any applicable approved preliminary or final plat or PUD.

4. Reconsideration. An applicant or party of record feeling that the recommendation of the examiner is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence, which could not be reasonably available at the public hearing, may make a written application for review within 10 days after the written hearing examiner decision has been rendered. The written request for reconsideration shall be mailed by the requester to the applicant and all parties of record not later than the day following the filing of the request for reconsideration; and the requester shall supply the CEDD an affidavit that lists all of the names and addresses where their request was sent. The applicant and parties of record shall have eight days following the date of mailing to file a written response. The request for reconsideration shall set forth the specific errors relied upon by the requester, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further information which shall be provided within 10 days of the request. A request for further information shall be mailed by the CEDD to the applicant and all parties of record. The examiner shall promptly review the reconsideration request and any responses and shall, within 10 days of the deadline for filing responses or receipt of additional information, whichever is later, issue a written decision on the request for reconsideration. A request for reconsideration temporarily suspends the period within which an appeal of the examiner decision from the date of filing the written request for reconsideration to the date of the decision on reconsideration. If the reconsideration is denied, the period for appeal of the examiner decision shall recommence for the remaining number of days.

I. Council Action.

1. Minutes and Findings of Fact. Any application requiring action by the city council shall be evidenced by meeting minutes unless otherwise required by law. When taking any such final action, the council shall make and enter findings of fact from the record and conclusions there from which support its action.

2. Adoption of Examiner or Commission Findings and Conclusions Presumed. Unless otherwise specified, the city council shall be presumed to have adopted the hearing examiner and/or planning commissions findings and conclusions.

3. Applications to Be Placed on Council Agenda. All applications requiring council action shall be placed on the council's agenda for consideration within four weeks of CEDD staff receiving the hearing examiner's or planning commission's written recommendation(s); unless circumstances exist that would preclude this from happening; such as, cancelled city council meetings, prior commitments to other agenda items, or if an applicant has failed to satisfy conditions required prior to preliminary plat approval.

J. Appeals. An appeal of a decision made pursuant to this chapter shall be processed pursuant to MVMC 14.05.160 through 14.05.190. (Ord. 3483 § 5, 2010; Ord. 3427 § 2 (Exh. A), 2008).

14.05.120 Vesting.
Vested rights are granted to applications for building permits, preliminary plats, or short plats at the time when a "technically complete" land use application has been properly submitted; unless subject to matters concerning public health, safety, and welfare. When vested, the application is deemed complete for processing and shall vest for the specific use, density, and physical development that is identified in the application submittal and shall be subject to all development regulations in effect on the date of vesting, as conditioned by the review authority. An application shall be considered vested as long as the permit application or approval is considered valid by the underlying regulation. A final decision for a permit application pursuant to this subsection shall be made on the basis of the applicable regulations in effect on the date the application is "technically complete."

A. Supplemental information required after an application has been deemed technically complete shall not affect the validity of the vesting for such application.

B. Revisions requested by an applicant to a vested, but not yet approved, application shall be deemed a new application when such revisions are classified by the director as a major modification as defined within MVMC 14.05.220. Vesting for the new application shall occur upon the date of submission of a valid and technically complete application for the changed project.

C. Timelines for valid duration and expiration of a development permit shall be governed by the applicable regulation and/or as specifically conditioned by the review authority. The applicant shall be responsible for monitoring time limitations and deadlines for a specific application. The city shall not be responsible for maintaining a valid application. If an application subject to this chapter expires, the applicant may file a new application, but shall be subject to the development regulations in effect on the date the new application is complete for processing.

D. RCW 58.17.170 as now or hereafter amended is hereby adopted by reference. (Ord. 3614 § 7, 2013).

14.05.130 Time frames.
A. Maximum Permitted. Final decisions on all permits and reviews subject to the procedures of this chapter shall occur within 120 days from the date an application is deemed technically complete, unless the application is exempted under MVMC 14.05.040, state law, or the Mount Vernon Municipal Code, a hold is placed on the project per MVMC 14.05.110(D)(4), the application lapses for failure to meet any deadline for the submittal of supplemental or corrected information, or the applicant consents to, or requests an extension of such time period. If a project application is subject to a major modification, the 120-day time period shall start again after the revised project application is determined to be technically complete.

B. Exclusions from the 120-Day Time Limit. In determining the number of days which have elapsed since the applicant was notified that the application has been deemed technically complete, the following periods shall be excluded:

1. Any period commencing with a request by the city that the applicant provide additional information, corrected information including correct plans, perform required studies, the preparation of an environmental impact statement following a determination of significance, or otherwise require the applicant to act until the applicant provides said information.

2. Any period during which the applicant is not current in payment of city permit review fees.

3. Any period when a project permit application requires an amendment to the comprehensive plan or development regulations, or requires approval of the siting of an essential public facility as provided in RCW 36.70A.200 and the Mount Vernon Municipal Code.

4. Any period between the initial determination of technically complete application and determination of complete submittal of a major or minor modification.

5. Any period during which a decision related to the proposed project is being appealed.

6. Any period mutually agreed upon by the applicant and the city. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.140 Expiration of approval.
The city declares that circumstances surrounding land use decisions change over time. To assure the compatibility of a decision with current needs and concerns, such decisions must be limited in duration to ensure the action or improvements authorized by the decision are implemented promptly. Any application or permit approved pursuant to this chapter, with the exception of shoreline permits, plats and PUDs, rezones, and master plans shall be implemented within two years of such approval unless other time limits are specifically prescribed elsewhere in the Mount Vernon Municipal Code. Any application or permit that is not so implemented shall terminate at the conclusion of that period of time and become null and void; except as noted below:

A. For large scale or phased development projects, the examiner may at the time of approval or recommendation set forth time limits for expiration that exceed those prescribed in this section for such extended time limits as are justified by the record.

B. An extension of time up to one year may be granted by the final decision maker; i.e., the director, examiner, planning commission, or city council on an approved application or permit for good cause shown. An extension under this subsection may be granted only if the following takes place:

1. The applicant requests the extension in writing prior to the expiration time;

2. The applicant meets the burden for justifying why the extension should be granted; and

3. The extension of time is not for a shoreline, plat, or PUD application. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.150 Notice requirements.
A. Notice of Application.

1. Applicability. A notice of application is not required for actions that are classified as Type I permits per MVMC 14.05.060; or actions specifically exempted under MVMC 14.05.040, but is required for all other development permit applications subject to notice requirements, except for binding site plans.

2. Content. Within 30 days of issuing a letter stating that an application is technically complete per MVMC 14.05.110(D), and as long as CEDD staff has not requested additional or corrected information per MVMC 14.05.110(D), the city shall issue a notice of application (NOA). The notice shall, at minimum, include the following:

a. Owner, applicant and contact name;

b. Project name and city file number;

c. Date of counter completeness and technical completeness;

d. A nonlegal project location description;

e. Project description;

f. A listing of all permits/approvals requested;

g. The date the 14-day public comment period expires;

h. The date, time, and place of a public hearing if one has been scheduled; and

i. The following, or equivalent, statements: “To receive additional information regarding this project, contact the community and economic development department and request to be made a party of record” and “To become a party of record or to obtain further information regarding this project, contact the city of Mount Vernon community and economic development department at 910 Cleveland Avenue, Mount Vernon, WA 98273, (360) 336-6214.”

3. Distribution. Notices of application shall be made as follows:

a. By publication in the newspaper of record, except for the following permits:

i. Administrative conditional use;

ii. Fill and grade II;

iii. Exterior alteration of a historic structure;

iv. Type II home occupation;

v. Short plat;

vi. Special use permit for an accessory dwelling unit;

vii. Zoning variance not exceeding 20 percent of the lot width, setbacks, lot coverage, building height, parking and landscape buffers;

b. By posting of a land use notice board placed by the applicant in a conspicuous location on each public street frontage bordering the subject property and visible by members of the public; and

c. By mail as follows:

i. For administrative conditional use permits, notice shall be mailed to adjacent and abutting property owners.

ii. For planned unit developments, notice shall be mailed to property owners within 500 feet of the project.

iii. For special use permits for accessory dwelling units (ADU) or variances not exceeding 20 percent of the zoning requirements, notice shall be mailed to all property owners within 100 feet of the property.

iv. For all other applications, including annexations and short plats, notice to all owners located within the boundaries of a project and within 300 feet of the boundary of the development permit. If the applicant owns property abutting or adjacent to the boundary of the development permit, notice shall be sent to the owners of real property within 300 feet of any portion of the boundaries of abutting or adjacent properties owned by the applicant.

v. In addition, the notice shall be mailed to all city departments and agencies with jurisdiction as well as any other person who requests such notice in writing.

vi. With the submittal of a development permit that requires notice be sent via mail, the applicant shall provide mailing labels to the CEDD for their use in sending out notices. The applicant shall obtain the names and address of all property owners within the notification areas, specified above, from the Skagit County assessor's office. The list of property owners must be no older than 30 days. The applicant shall be responsible for updating the property owner list and the associated labels as their project is processed by the CEDD.

4. Optional Additional Public Notice. If the city deems additional notice necessary for a particular project application, the city may require additional public notice. The director shall make the sole determination if optional public notice is necessary, in addition to the notice requirements of this chapter. The city may require the applicant to provide any or all of the following additional forms of notice:

a. Mailed notice to owners and/or occupants of real property beyond the notification radius outlined above;

b. Mailed notice to public or private groups with known interest in a certain proposal or in the type of proposal being considered;

c. Mailed or published notice to the news media; and/or

d. Publication of additional notices in regional, neighborhood, or trade publications.

B. Notice of Administrative Decisions. The CEDD shall notify all parties of record, the project proponent, and affected government agencies of any Type II administrative decisions. Notification must be made by mail and shall include:

1. A description of the decision(s), including any conditions of approval;

2. A statement explaining where further information may be obtained;

3. Any threshold environmental determination issued for the project, if an application subject to an administrative approval requires an environmental threshold determination; and

4. The decision and a statement that the decision will be final unless an appeal to the hearing examiner is filed with the CEDD within 14 days of the date of the decision.

C. Notice of Public Hearing. Notice of a public hearing for all development applications subject to notification requirements including all open and closed record appeals shall be given as follows:

1. For applications where an open record hearing is required, the notice of public hearing will be sent to the applicant, owner, those property owners within the notification distances noted in subsection (A)(3) of this section, and all parties of record.

2. For Type IV and VI applications a notice of public hearing will be distributed for the open record hearing as outlined above; however, only the applicant, owner, and parties of record will receive an individual notice advising them of the date/time of the city council hearing where the final decision will be made.

3. Timing. Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:

a. Publication at least 14 days before the date of a public meeting, hearing, or pending action in the newspaper of record, if one has been designated, or a newspaper of general circulation in the city; and

b. Mailing at least 14 days before the date of a public meeting, hearing, or pending action to all parties of record, the project proponent, and affected government agencies.

c. The day of the hearing can be counted as one of the required 14 days.

d. For Type IV and VI applications the notice of the city council hearing is not required to be published or posted on the subject site.

4. Content of Notice. The public notice shall include a general description of the proposed project, the action to be taken, a nonlegal description of the property, the time, date and place of the public hearing, and where further information may be obtained.

D. Notice of Final Plat. For Type V final plat approvals a notice will be distributed to the applicant, owner, and parties of record no less than five days prior to the city council meeting informing them that the city council will be taking action on the final plat at a closed record meeting where testimony will not be taken.

E. Notice of Examiner or Commission Decision. Notice of hearing examiner and planning commission decisions shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditional approval;

2. A statement explaining where further information may be obtained;

3. The decision date and a statement that the decision will be final unless an appeal to the city council is filed with the CEDD within 14 days of the date of the decision.

F. Notice of Council Decision. Notice of city council decisions subject to notice requirements shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditions of approval;

2. A statement explaining where further information may be obtained;

3. The decision date and a statement that the decision will be final unless the appropriate land use appeal, writ of review or appeal from the decision of the city council is filed.

G. Notice of Appeal. Notice of appeals subject to notice requirements shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s) being appealed;

2. A statement explaining where further information may be obtained; and

3. A statement of when and where the appeal will be heard.

H. Failure to Receive Notice. Failure to receive such mailed notification, or posting of the land use notice board, as may be required in subsections A to G of this section shall have no effect upon the proposed action or application. (Ord. 3560 § 3, 2012).

14.05.160 Appeals.

A. Scope and Purpose. This section, along with MVMC 14.05.170, 14.05.180, and 14.05.190, provide the basic procedures for processing appeals of land use and development-related appeals. Appeals of environmental determination are governed by Chapter 15.06 MVMC. Specific requirements are based upon the type and level of appeal and the appeal authority. Procedures for appeals to the hearing examiner, the building code board of appeals, and city council are outlined. Appeals to superior court, the Growth Management Hearings Board, and the State Shorelines Hearings Board are included by reference only.

B. Decision Authority. Where requested land use actions are subject to different types of review procedures, then all the applications are subject to the highest number procedure, and highest level of review authority that applies to any of the applications.

C. General Information Applicable to All Types of Appeals.

1. Standing. Only those persons with standing may bring an appeal of a land use decision. Only parties of record may file an administrative appeal. The term “parties of record,” for purposes of this chapter, shall mean:

a. The applicant;

b. Any person who testified at the open record public hearing on the application;

c. Any person who submitted written comments concerning the application during the time period allowed under this chapter; and/or

d. The Mount Vernon city council.

2. Time and Location to File. All administrative appeals shall be filed with the CEDD and must be received by 4:30 p.m. on the last date for filing. Appeals submitted after 4:30 p.m. will be deemed to have been received on the following business day. All other appeals must comply with the filing requirement set forth by state and federal law and specific requirements of the appeal authority.

3. Required Format and Content of Appeals. All administrative appeals shall be filed in writing. The written notice of appeal shall fully, clearly and thoroughly specify the substantial error(s) in fact or law which exist in the record of the proceedings from which the appellant seeks relief. The notice of appeal shall contain a concise statement identifying:

a. The decision being appealed.

b. The name, address, and telephone number of the appellant.

c. Appellant's standing to appeal.

d. Appellant's specific grounds for appeal and the facts upon which the appeal is based with specific references to facts in the record.

e. The relief sought, including the specific nature and extent.

f. Any Mount Vernon Municipal Code section(s), or other local, state or federal laws the appellant deems relevant.

g. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

All other appeals must comply with the content and format requirements set forth by state and federal law and specific requirements of the appeal authority.

4. Filing of Appeal and Fee. The notice of any administrative appeal shall be accompanied by a fee in accordance with the fee schedule of the city.

5. Facsimile Filings. Filings may be made by facsimile. Any facsimile filing received at the city after 4:30 p.m. on any business day will be deemed to have been received on the following business day. Any party desiring to make a facsimile filing must call the CEDD and indicate that the filing is being made by facsimile and the number to which the facsimile copy is being sent. The filing party must ensure that the facsimile filing is transmitted in adequate time so that it will be completely received by the CEDD before 4:30 p.m. In all instances in which filing fees are to accompany the filing of an application, those filing fees must be received by the city before the end of the business day on the last day of the filing period or the filing will be considered incomplete and will be rejected.

6. Filings Sent via E-mail. Filings will not be accepted when sent via e-mail. All filings shall be delivered only as specified above in person or via facsimile.

7. Notice of Appeal. Public notice of any administrative appeal hearing shall be provided as required by MVMC 14.05.150(F).

8. Limit on Number of Appeals. The city has consolidated the permit process to allow for only one open record administrative hearing of all permit decisions associated with a single development application. There shall be no more than one appeal on a procedural determination or environmental determination such as the adequacy of a determination of significance, nonsignificance, mitigated nonsignificance, or of a final environmental impact statement. Appeals from environmental determinations shall be joined with an appeal of the substantive determination.

9. Exhaust Administrative Remedies. A party with standing to appeal must first exhaust all available administrative appeals prior to filing a judicial appeal. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.170 Appeals of administrative decisions.

A. Applicability and Authority.

1. Administrative Determinations. Type I and II administrative decisions listed in MVMC 14.05.050 may be appealed to the hearing examiner, in writing and must contain the information outlined in MVMC 14.05.160(C)(3). In addition, Type I building permit decisions can be appealed to the building code board of appeals.

2. Authority. The examiner shall have all of the powers of the office from whom the appeal is taken insofar as the decision on the particular issue is concerned.

B. Reconsideration. Any party of record feeling that the decision of the director is based on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the time the decision was made, may make a written application for reconsideration within 10 days after the written decision has been rendered. The written request for reconsideration shall be mailed by the requester to all parties of record not later than the day following the filing of the request for reconsideration. Parties of record shall have eight days following the date of mailing to file a written response. The application shall set forth the specific errors relied upon by such appellant and the director may, after review of the record, take further action as he/she deems proper. The director may request further information which shall be provided within 10 days of the request. The written decision on the request for reconsideration shall be transmitted to all parties of record within 10 days of receipt of the application for reconsideration or receipt of the additional information requested, whichever is later. A request for reconsideration temporarily suspends the period within which an appeal of the decision of the director the date of filing the written request for reconsideration to the date of the decision on reconsideration. If the reconsideration is denied, the period to appeal the decision shall recommence for the remaining number of days.

C. Time for Appeal. All appeals shall be filed in writing with the CEDD within the following time limits:

1. Appeals to Examiner of Administrative Decisions.

a. Appeals from an administrative decision pursuant to this chapter shall be filed within 14 days of the date of the administrative decision. The appeal of an administrative decision shall be filed with the CEDD, along with the required fee, within 14 days of the administrative decision; or, if no date of administrative decision can be determined, within 14 days of the issuance of any permit which requires interpretation of that land use decision, such administrative decision being an essential part of the issuance of the permit, license, or other city permission to proceed.

b. As between the permit holder and the city, any decision to modify or retract the permit shall give the permit holder a 14-day appeal period from the date of the action to modify or retract the permit.

D. Examiner and Building Code Board of Appeals Decisions for Administrative Decisions.

1. Substantial Weight. Determinations by the director shall carry substantial weight in any appeal proceeding. The hearing examiner or building code board of appeals shall give substantial weight to any discretionary decision of the city rendered pursuant to the Mount Vernon Municipal Code.

2. Decision Options and Decision Criteria. The examiner or building code board of appeals may affirm the decision, remand the case for further proceedings, or reverse the decision if the substantial rights of the applicant may have been prejudiced because the decision is:

a. In excess of the authority or jurisdiction of the agency; or

b. Made upon unlawful procedure; or

c. Affected by other error of law; or

d. Clearly erroneous in view of the entire record as submitted; or

e. Arbitrary or capricious.

3. Time for Decision. The hearing examiner or building code board of appeals should render a written decision within 14 days.

E. Restrictions on Subsequent Actions. Any later request to interpret, explain, modify, or retract the hearing examiner's or building code board of appeals decision shall not be deemed to be a new administrative determination creating a new appeal period for any new third party to the permit. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.180 Appeals to council.

A. Decision Subject to Appeal. Type II and III decisions listed within MVMC 14.05.060 (except variances) may be appealed to the city council, in writing and must contain the information outlined in MVMC 14.05.160(C)(3). However, Type II decisions may only be appealed to the city council after they have been appealed to the hearing examiner; and the appellant is appealing the hearing examiner decision to the city council.

B. Time for Appeal. Any such appeal must be filed by a party of record aggrieved by the decision and shall submit the appeal to the CEDD, within 14 days from the date of the report decision. The appeal must contain the information outlined in MVMC 14.05.160(C).

C. Transmittal of Record to Council. The CEDD shall forward to the members of the city council all of the pertinent documents, including the written decision, findings and conclusions of the examiner, the notice of appeal, and additional letters submitted by the parties of record.

D. Council Review Procedures. No open record public hearing shall be held by the city council. All meetings of the Mount Vernon city council shall be in accordance with Chapter 42.30 RCW, and all persons shall be permitted to attend any meeting of the city council except as otherwise provided in Chapter 42.30 RCW.

E. Council Evaluation Criteria. The consideration by the city council shall be based solely upon the record, the hearing examiner report, the appeal and additional submissions by parties.

F. Closed Record Hearing – Additional Evidence. No or limited new evidence or information will be allowed to be submitted and only appeal argument allowed. New or additional evidence or testimony shall be accepted by the city council only upon a showing by the party offering the evidence that the evidence could not reasonably have been available at the time of the hearing before the examiner; or that relevant information that, in the opinion of the council, was improperly excluded by the examiner. Appellants who believe that information was improperly excluded, or that they have new evidence that could not reasonably have been available at the time of the hearing below, must specifically request, in writing, prior to the closed record appeal hearing, that the information be made part of the record. The request shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body/officer, why the hearing body/officer erred in excluding the information, or why it could not reasonably have been available at the time of the hearing below. No reference to excluded information shall be made in any presentation to the city council on the merits, written or oral, until the city council has determined that the information should be admitted. If the council determines that additional evidence is required, the council shall remand the matter to the examiner for reconsideration and receipt of additional evidence. The cost of transcription of the hearing record shall be borne by the appellant. In the absence of an order by the city council authorizing new or additional evidence or testimony, and a remand to the hearing examiner for receipt of such evidence or testimony, it shall be presumed that no new or additional evidence or testimony has been accepted by the city council, and that the record before the city council is identical to the hearing record before the hearing examiner.

G. Council Action. If, after examination of the project record for an appeal of a decision of the hearing examiner, the council determines that a substantial error in fact or law exists in the record the council may remand the application to examiner for reconsideration, modify the decision, or reverse the decision.

H. Decision Documentation. The decision of the city council shall be in writing and shall specify any modified or amended findings and conclusions other than those set forth in the report of the hearing examiner. Each material finding shall be supported by substantial evidence in the record. The burden of proof shall rest with the appellant.

I. Council Action Final. The action of the council approving, modifying or rejecting a decision or recommendation of the examiner shall be final and conclusive unless appealed within the time frames established under MVMC 14.05.190. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.190 Appeals to superior court, the Growth Management Hearings Board, and to the Shoreline Hearings Board.
A. Appeals to superior court shall comply with the Land Use Petition Act, Chapter 36.70C RCW, as it is currently written, or as it may be amended in the future.

B. Appeals to the Growth Management Hearings Board shall comply with Chapter 36.70A RCW as it is currently written, or as it may be amended in the future.

C. Appeals to the Shoreline Hearings Board shall comply with Chapter 90.58 RCW it is currently written, or as it may be amended in the future. (Ord. 3427 § 2 (Exh. A), 2008).

14.05.210 Submittal requirements specific to application type.
The following tables list the submittal requirements for each type of permit or land use application available. Each application must be accompanied by the required application fees pursuant to Chapter 14.15 MVMC. The number of required copies for each submittal item is indicated in each column and is required unless waived by the CEDD per MVMC 14.05.110(B)(6). The following tables in no way limit the CEDD from requesting additional materials that may be necessary to review a project.

A. Table 14.05.210A – Building Permit Submittal Requirements.

MIT	Demolition	Fill & Grade I	Fence or Wall	Interior Remodel: Commercial/ Industrial Commercial/Industrial	Manufactured Home	Model Home	Lot Certification	New Construction or Exterior Addition: Commercial/Industrial and MultiFamily	New Construction, Remodel, or Exterior Additions: Single-family/Duplex	Portable Sign	Re-Roof	Right-of-Way	S
	1	1	1	1	1	1	1	1	1	1	1	1	
						1		2	2				
	2			3	2	1		3	2				
	1												
					2								
		6											
	3		3		3			3	3			3	
	1												
					2	1		2	2				
		6											
		6											
				2				2					
						1			2				
	1				1	1		1	1				
	1	1	1		1	1		3	1			1	
				1	1	1		1	1				

MIT	Demolition	Fill & Grade I	Fence or Wall	Interior Remodel: Commercial/ Industrial Commercial/Industrial	Manufactured Home	Model Home	Lot Certification	New Construction or Exterior Addition: Commercial/Industrial and MultiFamily	New Construction, Remodel, or Exterior Additions: Single-family/Duplex	Portable Sign	Re-Roof	Right-of-Way	S
		3			3			3	3				
rk		6				1							
					1								
		2		2	2			2	2				
				1									
						1							
f		1	1		1	1		1	1				
		2	2		2	1		2	2				
					1								
	1												
		1						1					
		2				2		2	2				
		1						1	1				
		1						1	1		1		
						1							
		1										1	
						1							
										2			
		2	2	2	2	2		4	2	2		2	
				3				3	3				
ol		2			2			2	2			2	
leed						1	1						
		2	2		2			2	2			2	
		2			2			2	2				
		4											
		4										2	
		1		1				1	1				

MIT	Demolition	Fill & Grade I	Fence or Wall	Interior Remodel: Commercial/ Industrial Commercial/Industrial	Manufactured Home	Model Home	Lot Certification	New Construction or Exterior Addition: Commercial/Industrial and MultiFamily	New Construction, Remodel, or Exterior Additions: Single-family/Duplex	Portable Sign	Re-Roof	Right-of-Way	S
								1	1				

B. Table 14.05.210B – Land Use Permit Submittal Requirements.

Conditional Use Permit, Administrative	Conditional Use Permit	Critical Area Ordinance Reasonable Use Exception, Variances and Appeals	Development Regulation Text Amendment to the MVMC	Environmental Review	Fence or Wall Permit	Fill & Grade Permit II	Historic Structure Designation or Exterior Alteration	Home Occupation I, II, or Exemption	Land Clearing Permits and Management Plans	Land Clearing Moratorium Removal	Land Clearing SFR Moratorium Exception	Landscape Modifications per MVMC 17.93.080	Lateecomer Agreement	Master Plan	Major Modifications	Minor Modifications	Mobile Home Park	Nonconforming Use, Structure Expansion, or Maintenance and Repair	Plat, Final	Plat, Preliminary	PUD, Preliminary	PUD, Final	Rezone Consistent with the Comprehensive Plan	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance
1	1			1		1		1	1	1	1			1	1		1	1		1	1		1		1	1	1
1	1	1	1	1	1	1	1	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
5	5	5		5	2	5	5	2	5	5	5	2	2	5	5	2	5	5	2	5	5	2	5	2	5	5	5
1	1	1				1											1		1			1					
						1		1																			

Conditional Use Permit, Administrative	Conditional Use Permit	Critical Area Ordinance Reasonable Use Exception, Variances and Appeals	Development Regulation Text Amendment to the MVMC	Environmental Review	Fence or Wall Permit	Fill & Grade Permit II	Historic Structure Designation or Exterior Alteration	Home Occupation I, II, or Exemption	Land Clearing Permits and Management Plans	Land Clearing Moratorium Removal	Land Clearing SFR Moratorium Exception	Landscape Modifications per MVMC 17.93.080	Latecomer Agreement	Master Plan	Major Modifications	Minor Modifications	Mobile Home Park	Nonconforming Use, Structure Expansion, or Maintenance and Repair	Plat, Final	Plat, Preliminary	PUD, Preliminary	PUD, Final	Rezone Consistent with the Comprehensive Plan	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance
															3				3	3							
															2		2			2	2						
															2		2		2			2					
1	1			1		1	1	1						1	1		1	1		1	1				1	1	1
1	1	1		1		1	1	1				1		1	1	1	1	1	1			1			1	1	1
3	3			3		3								3	3		3	3		3	3				3	3	3
1	1					1		1						1	1		1	1	1						1	1	1
1	1	1		1		1								1	1		1	1	1						1	1	1
													2														
2	2			2										2	2	2	2			2	2						
9	9													9	9				9	9	9	9					
																			1								

Conditional Use Permit, Administrative	Conditional Use Permit	Critical Area Ordinance Reasonable Use Exception, Variances and Appeals	Development Regulation Text Amendment to the MVMC	Environmental Review	Fence or Wall Permit	Fill & Grade Permit II	Historic Structure Designation or Exterior Alteration	Home Occupation I, II, or Exemption	Land Clearing Permits and Management Plans	Land Clearing Moratorium Removal	Land Clearing SFR Moratorium Exception	Landscape Modifications per MVMC 17.93.080	Lateco mer Agreement	Master Plan	Major Modifications	Minor Modifications	Mobile Home Park	Nonconforming Use, Structure Expansion, or Maintenance and Repair	Plat, Final	Plat, Preliminary	PUD, Preliminary	PUD, Final	Rezone Consistent with the Comprehensive Plan	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance
3	3	3		3		3			3	3	3			3	3		3	3		3	3				3	3	3
3	3	3		3		3			3	3	3			3	3		3	3		3	3				3	3	3
3	3						3	3						3	3		3	3	3	3	3	3			3	3	3
3	3	3		3		3						3		3	3		3	3		3	3			3	3	3	3
9	9	9	9	9		9			9	9	9			9	9		9			9	9		9		9	9	9
2	2	2		2		2	2		2	2	2			2	2		2	2		2	2		2		2	2	2
2	2	2		2	2	2	2		2	2	2			2	2		2	2		2	2		2		2	2	2
																			9								
1	1	1		1		1	1							1	1		1	1		1	1		1	1	1	1	1
3	3	3					3	3						3	3		3	3	3	3	3	3			3	3	3
3	3	3		3		3	3	3	3	3	3			3	3		3	3		3	3			3	3	3	3
5	5	5		5		5	5	5	5	5	5			5	5		5	5						5	5	5	5
5	5	5		5		5	5	5	5	5	5			5	5		5	5		5	5			5	5	5	5

Conditional Use Permit, Administrative	Conditional Use Permit	Critical Area Ordinance Reasonable Use Exception, Variances and Appeals	Development Regulation Text Amendment to the MVMC	Environmental Review	Fence or Wall Permit	Fill & Grade Permit II	Historic Structure Designation or Exterior Alteration	Home Occupation I, II, or Exemption	Land Clearing Permits and Management Plans	Land Clearing Moratorium Removal	Land Clearing SFR Moratorium Exception	Landscape Modifications per MVMC 17.93.080	Latecomer Agreement	Master Plan	Major Modifications	Minor Modifications	Mobile Home Park	Nonconforming Use, Structure Expansion, or Maintenance and Repair	Plat, Final	Plat, Preliminary	PUD, Preliminary	PUD, Final	Rezone Consistent with the Comprehensive Plan	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance
3	3	3		3	3	3	3	3	3	3	3			3	3		3	3		3	3			3	3	3	3
3	3	3		3	3	3	3	3	3	3	3			3	3		3	3		3	3			3	3	3	3
5	9	5	9	9			5	5	9	9	9	5		9	9	5	9	5		9	9		9	3	9	9	9
3	3			3		3	3	3				3		3	3		3	3		3	3				3	3	3
3	3			3		3	3	3				3		3	3		3	3	3			3			3	3	3
1	1			1		1	1	1				1		1	1		1	1	1	1	1	1			1	1	1
3	3	3		3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
1	1	1		1	1	1	1	1				1	1		1	1	1	1	1	1	1	1	1	1	1	1	1
													2														

Conditional Use Permit, Administrative	Conditional Use Permit	Critical Area Ordinance Reasonable Use Exception, Variances and Appeals	Development Regulation Text Amendment to the MVMC	Environmental Review	Fence or Wall Permit	Fill & Grade Permit II	Historic Structure Designation or Exterior Alteration	Home Occupation I, II, or Exemption	Land Clearing Permits and Management Plans	Land Clearing Moratorium Removal	Land Clearing SFR Moratorium Exception	Landscape Modifications per MVMC 17.93.080	Latecomer Agreement	Master Plan	Major Modifications	Minor Modifications	Mobile Home Park	Nonconforming Use, Structure Expansion, or Maintenance and Repair	Plat, Final	Plat, Preliminary	PUD, Preliminary	PUD, Final	Rezone Consistent with the Comprehensive Plan	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance
2	2	2		2		2	2	2	2	2	2			2	2		2	5		2	2		2		2	2	2
5	9	5		9	3	9	3	3	9	9	9	3	3	9	9	3	9	3		9	9		9	3	9	9	9
													5														
														9													
																	9										
																			1								
5	9	5		9		9	5	5	5	5	5		5	9	9		9	5		9	9		9		9	9	9
																		5									
1	1			1		1	1	1						1	1			1		1	1		1		1	1	1

Conditional Use Permit, Administrative	Conditional Use Permit	Critical Area Ordinance Reasonable Use Exception, Variances and Appeals	Development Regulation Text Amendment to the MVMC	Environmental Review	Fence or Wall Permit	Fill & Grade Permit II	Historic Structure Designation or Exterior Alteration	Home Occupation I, II, or Exemption	Land Clearing Permits and Management Plans	Land Clearing Moratorium Removal	Land Clearing SFR Moratorium Exception	Landscape Modifications per MVMC 17.93.080	Latecomer Agreement	Master Plan	Major Modifications	Minor Modifications	Mobile Home Park	Nonconforming Use, Structure Expansion, or Maintenance and Repair	Plat, Final	Plat, Preliminary	PUD, Preliminary	PUD, Final	Rezone Consistent with the Comprehensive Plan	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance
3	3	3		3	3	3	3	3				3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
1	1					1								1	1		1	1	1			1			1	1	1
1	1	1		1		1	1	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
																				9							
5	9	5	5	9		9	5	5	9	9	5	5	5	9	9	5	9	5		9	9		9	3	9	9	9
1	1	1		1		1	1	1						1	1		1	1	1						1	1	1
																					9						
																						9					
1	1	1				1	1	1						1	1		1	1	1			1			1	1	1
									3	3	3																
5	5			5		5								5	5	5	5	5		5	5				5	5	5
3	3			3		3	3	3						3	3	1	3	3	3	3	3	3			3	3	3

Conditional Use Permit, Administrative	Conditional Use Permit	Critical Area Ordinance Reasonable Use Exception, Variances and Appeals	Development Regulation Text Amendment to the MVMC	Environmental Review	Fence or Wall Permit	Fill & Grade Permit II	Historic Structure Designation or Exterior Alteration	Home Occupation I, II, or Exemption	Land Clearing Permits and Management Plans	Land Clearing Moratorium Removal	Land Clearing SFR Moratorium Exception	Landscape Modifications per MVMC 17.93.080	Lateco mer Agreement	Master Plan	Major Modifications	Minor Modifications	Mobile Home Park	Nonconforming Use, Structure Expansion, or Maintenance and Repair	Plat, Final	Plat, Preliminary	PUD, Preliminary	PUD, Final	Rezone Consistent with the Comprehensive Plan	Shoreline Exemption	Shoreline Substantial Development Permit	Shoreline Conditional Use Permit	Shoreline Variance
5	9	5		9	3	9	3	3	9	9	9	3		9	9	5	9	3						1	9	9	9
3	3	5		3		3	3	3	3	3	3			3	3	3	3	3		3	3			1	3	3	3
3	3					3								3	3		3			3	3				3	3	3
3	5					5							5	5	5	3	5	3	2	5	5	2			3	3	3
3	5	5			2	5	3	3	3	3	3			9	9	5	9	3	9	9	9	9			9	9	9
2	2	2		2	2	2	2	2	2	2	2		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
5	5	5		5	5	5	5	5	3	3	3	5		5	5	5	5	5	5	5	5	5		2	5	5	5
3	3	3		3		3	3	3	9	9	9	3		3	3	3	3	3		3	3				3	3	3
5	5			5		5								5	5	5	5	5		5	5				5	5	5
3	5					5								5	5	3	5	3	2	5	5	2			3	3	3
3	3	5		3		3	3	3	3	3	3		3	3	3	3	3	3		3	3			1	3	3	3

[1]A Supplemental Stream Study and Stream Mitigation Plan may need to be submitted by an applicant following the submittal and review of the Standard Stream Study. The CEDD director shall determine if one or both of these additional reports will be necessary.

[2] Preliminary and Final Wetland Mitigation Plans may need to be submitted by an applicant following the submittal and review of the Wetland Assessment. The CEDD director shall determine if these reports will be necessary.

[3] Any other additional information that the director deems necessary to comply with RCW 76.09.060 shall be provided by the applicant.

(Ord. 3601 § 3, 2013; Ord. 3483 §§ 7, 8, 2010; Ord. 3427 § 2 (Exh. A), 2008).

14.05.220 Definitions.

The definitions that follow shall be used to describe in detail the words used within this chapter. Except where specifically defined within this chapter, or as defined below, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "shall" is always mandatory, and the word "may" denotes a use of discretion in making a decision. The words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied." Variances from these definitions shall not be granted. Additionally, the definitions found within Chapters 17.06 and 16.04 MVMC are hereby adopted by reference in their entirety as they are currently written or as they may be amended in the future.

A. Definitions – A.

1. "Affidavit of posting of public information sign" means a notarized statement signed by the applicant or applicant's representative attesting that the required public information sign(s) has been installed in accordance with city code requirements.

2. "Annexation, 10 percent notice of intent" means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor's records as taxpayers of record for properties representing at least 10 percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform to RCW 35A.01.040.

3. "Annexation, 60 percent petition" means a petition form, supplied by the city, containing the signatures of property owners as identified in Skagit County assessor's records as taxpayers of record for properties representing at least 60 percent of the assessed valuation for the areas proposed for annexation. Information requested on the form includes the signatures of all identified taxpayers of record, the date of signing, a mailing address, and property identification number of each parcel. Petitions must conform with RCW 35A.01.040.

4. "Applicant" means a person who files an application for a permit under this title and who is either the owner of the land on which the proposed activity would be located, or their authorized agent.

5. "Applicant agreement statement" means a signed notarized statement indicating that the applicant agrees to allow for the potential co-location of additional wireless communication facility equipment by other providers on the applicant's structure or within the same site location and that the applicant agrees to remove the facility within six months after that site's use is discontinued or if the facility falls into disrepair, and restore the site to its pre-existing condition. If there are two or more users of a single wireless communication facility (WCF), then this provision shall not become effective until all users cease using the WCF.

6. "Application form" means form or forms supplied by the CEDD for the type of project proposed (e.g., fill and grade permit application for grading work, sign permit application, land use master application, etc.). In cases where a particular proposal includes multiple specific actions, such as a subdivision with associated grading, the term "application form" shall include all application forms relevant to the individual actions proposed.

7. "Architectural plans" means a plan prepared by an architect licensed in the state of Washington (unless exempted by the building official) for structures that are 4,000 square feet or larger drawn at a scale and size approved by the building official that clearly indicates the information required by the currently adopted International Building Code, Chapter 19.27 RCW (State Building Code Act, statewide amendments), and submittal requirement lists provided by the city.

a. Architectural plans for commercial, industrial and multifamily dwellings with three or more units include, but are not limited to, the following information:

i. Cover page with a code analysis for the building;

ii. Project location identified with an address and/or Skagit County assessor's parcel number;

iii. Existing and proposed building layout with square footages and general use of each room/area, window and door size and ventilation, opening headers, plumbing, ducting, and electrical layout, including penetration protection, occupancy group, and type of construction;

iv. Cross section details, showing typical foundation, floor, wall, ceiling and roof construction and insulation with structural members labeled as to size and spacing; bracing, blocking, bridging, special connectors, and anchor bolts;

v. Details of stairs, fireplaces and special construction, if any;

vi. Skagit County Health Department approval on plans submitted for dining/food-handling establishments;

vii. Skagit County Health Department approval on plans submitted for public pools/spas;

viii. Independent review by State of Washington Labor and Industries Electrical Division for I and E Occupancies; and

ix. Independent review by State Department of Health for hospitals.

b. Architectural plans for single-family residences and duplexes include, but are not limited to, the following information:

i. General building layout and room use;

ii. Window and door size and window ventilation area;

iii. Plumbing, duct, and electrical layout;

iv. Opening headers, size and material;

v. Cross section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction, including connection details;

vi. Structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts;

vii. Special details as needed, (i.e., stairs, fireplaces, special construction); and

viii. Insulation of walls, slab, floors, and roof/ceiling.

8. “As-builts” or “record drawings” mean measurements made after a project is complete to provide the actual positions and features of the project. As-builts shall be provided on stabilized drafting film the size and scale of which will be determined by the CEDD. The entire set of plans shall be provided regardless of whether or not there are changes to be noted. AutoCAD and either PDF or TIF files shall also be supplied of the entire plan set.

9. “Assessment information” means records obtained from the Skagit County assessor’s office for each tax lot included in an area proposed for annexation. The records display all taxpayers of record and assessed value for each tax lot.

10. “Assessor’s map indicating site/area” means a map obtained from the Skagit County assessor’s office identifying the subject site illustrating all property within 300 feet of the subject site; and within 500 feet of the project site for all PUD applications.

11. “Authorization for abatement” means an irrevocable signed and notarized statement granting the city permission to summarily abate the use and all physical evidence of that use, if it has not been removed as required by the terms of the permit. The statement shall include a statement that the applicant will reimburse the city for any expense incurred in abating the use.

B. Definitions – B.

1. Binding Site Plan (BSP) Map. See the definition of such found in MVMC 16.40.040(A).

2. “Bonds” or “securities” (maintenance, monitoring or performance) means a financial guarantee from an applicant for the performance, maintenance or monitoring of a component of a project. The CEDD or public works director shall provide specific requirements for the information needed to determine bond amounts on a case-by-case basis. The CEDD and/or public works director shall also set the bonding times and amounts.

3. Boundary Line Adjustment Map. See the definition of such found in MVMC 16.36.040(A).

4. “Business license application” means a license to do business in the city of Mount Vernon. A business license application is available through and processed by the finance department of the city of Mount Vernon.

5. “Building code board of appeals” means a five-member board with three members that are appointed by the city’s mayor. The city’s building official or his/her designee and the city’s fire chief or his/her designee shall be the fourth and fifth members of the board; however, the building official and fire chief shall have no vote in matters before the board. Board hearings are conduced with Robert’s Rules of Order and applicable state of Washington requirements. An applicant can file an appeal to the building code board of appeals following the director’s decision for matters only concerning the suitability of alternative building materials, the suitability of alternative methods of construction, or interpretation of building regulations.

C. Definitions – C.

1. “Calculations, survey” means a compilation prepared by a state of Washington licensed land surveyor clearly indicating the dimensions of the boundaries and the closures for each lot, parcel, tract, and block in the plat, short plat, lot line, BSP, or boundary line adjustment; an approved printed computer plot closure or demonstrated mathematical plot closure on all lots, streets, alleys and boundaries.

2. “City council” means the city council of the city of Mount Vernon, Washington.

3. “Closed record appeal” means an appeal on the record to a local government body or officer representing the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no, or limited new evidence or information allowed to be submitted and only appeal argument allowed.

4. “Closed record hearing” means a hearing or discussion by city council where only the existing record is considered. This record generally comes from either the hearing examiner or planning commission.

5. Comprehensive Plan Map or Text Amendment. Comprehensive plan amendments may be either text changes or revisions to the comprehensive plan map. Text amendments affect the policy direction of the comprehensive plan on a city-wide level. Map amendments change the potential uses and development of specific properties. Justification for the change(s) within the context of the comprehensive plan is the responsibility of the applicant. Applications are only accepted until January 31st of a given year, and applications will be processed beginning in February of that year. If an applicant does not submit their application on or before January 31st of a given year they must wait until January 31st of the following year to submit their application.

6. “Concurrency form for traffic” means a worksheet developed by the CEDD that an applicant fills out that contains the information necessary so that CEDD staff or a traffic consultant working on behalf of the CEDD can determine the traffic impacts, concurrency requirements, and mitigation that will be necessary for a project.

7. “Conditions, covenants and restrictions (CC&Rs), draft” means a written agreement requiring performance or limiting or restricting certain acts or stipulating certain uses or nonuses of property to be binding upon current and future property owners, and including the legal description of that area of property to be encumbered.

8. “Conditions, covenants and restrictions (CC&Rs), final” means a final document that will be recorded (and have its auditor’s file number cross-referenced on the face of the subdivision for which it is applicable) that is a written agreement requiring performance or limiting or restricting certain acts or stipulating certain uses or nonuses of property to be binding upon current and future property owners, and including the legal description of that area of property to be encumbered. If maintenance or monitoring of areas will be taken over by a homeowners’ association (HOA), the CC&Rs shall delegate responsibility to the HOA and will stipulate the amount of money to be collected by each property owner and how this money will be spent, and which amenities/facilities shall be maintained or monitored.

9. “Conditions, covenants and restrictions (CC&Rs) or covenants, existing” means the recorded limitation on property, or assignment of responsibility, which may be set forth in the property deed and/or identified in a title report.

10. “Complete application, technically” means an application package meeting the submittal requirements listed in MVMC 14.05.210 that is sufficient for continued processing. Determination that a package constitutes a technically complete application does not preclude the city from requiring additional information.

11. “Confirmation of condition compliance” means a written determination by the CEDD or public works directors, or their designees, that confirms that the conditions placed on a project have been satisfied. The applicant for a project that requires a confirmation of condition compliance shall be required to provide evidence as deemed necessary for staff to make a determination that conditions of approval have been met.

12. “Construction mitigation description” means a written narrative addressing each of the following:

a. Construction dates (begin and end dates);

b. Hours of operation;

c. Proposed hauling/transportation routes;

d. Measures to be implemented to minimize dust, traffic and transportation impacts, erosion, mud, noise, and other noxious characteristics;

e. Any special hours proposed for construction or hauling (i.e., weekends, late nights); and

f. Preliminary traffic control plan.

13. “Cost estimate for dedicated public improvements” means a cost estimate that provides detailed information on the quantities of materials used, and the actual cost of these materials in a format provided by the CEDD. The CEDD may require that actual invoices for the work completed be submitted.

14. “Cost estimate for bonds” means a cost estimate that provides detailed information specific to the item needing bonding. The cost estimate shall be in a format approved by the CEDD. The CEDD may require that actual invoices for the work completed be submitted.

15. “Critical areas” means wetlands, aquifer protection areas, fish and wildlife habitat, frequently flooded and geologically hazardous areas as defined by the Growth Management Act.

D. Definitions – D.

1. Days. Unless the text within this chapter specifically states otherwise, when counting the number of days for procedural items within this chapter, calendar days shall be used. If a notice is published, the publishing day counts as the first day in counting the noticing period. If a notice is not published, the day the notice is mailed counts as the first day in counting the noticing period. If the end of a comment or appeal period falls on a Saturday, Sunday or holiday the comment and/or appeal period shall be extended to the next weekday. The following holidays shall not be counted as calendar days: New Year’s Day, Birthday of Martin Luther King, Jr., Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

2. “Deeds to city for any land to be dedicated (draft and final)” means a legal document conveying or proposing to convey ownership of real property and including a legal description of the area to be dedicated.

3. “Density worksheet” means a worksheet provided by CEDD staff for an applicant to fill out that represents the way in which density is to be calculated for different uses within the city’s zoning code. An applicant is required to attach a boundary closure prepared by a licensed land surveyor to all density worksheets.

4. “Department” means the community and economic development department of the city of Mount Vernon; also referenced as CEDD.

5. “Design guidelines compliance materials” are comprised of the following:

a. Design standards plans;

b. Architectural elevations;

c. Detailed landscape plan; and

d. Site plan.

6. Design Standards Plans. All applications for building permits or land use approvals opting to or required to use the design standards and guidelines (that are adopted by reference within Chapter 17.70 MVMC) for greater flexibility of the standard development regulations shall be accompanied by the following:

a. Complete sets of plans that clearly define the construction, changes, proposed building exteriors, alterations or remodeling and indicate the proposed location, lot/site dimensions, and all colors and types of materials and construction. Said plans shall be drawn to scale and shall clearly define the roofing design, siding and trim materials to be used together with the finish, or other materials to be used or applied on all exterior walls.

b. Complete sets of landscape plans that detail the private and public improvements, as applicable. Said plans shall be drawn to scale and clearly define the detail of the landscape materials and improvements. Landscape plans shall reflect the requirements listed in Chapter 17.93 MVMC. For PUDs and multifamily projects, a site plan prepared per city standards shall be submitted that clearly illustrates the improvements and amenities as required and encouraged through the Mount Vernon design standards and guidelines.

c. The application and plans shall state a proposed date of commencement and completion of such construction, change, alteration or remodeling and installation of improvements. Such plans shall become the property of the city upon submission of the application.

d. Reference to city of Mount Vernon code requirements and percentage of landscaping proposed for site and for parking areas. The plans must illustrate minimum requirements and how the proposed development meets minimum standards.

7. “Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance and any use or extension of the use of land.

8. Director. Unless another department head is specifically referenced, “director” shall mean the community and economic development director, or his/her designee.

9. “Drainage plan” means a stormwater plan that shows the proposed method(s) for receiving, handling, transporting surface water within the subject property in a manner consistent with the city’s adopted stormwater standards. Drainage plans are to be drawn to scale and stamped by a state of Washington licensed civil engineer.

10. “Drainage report” means a report stamped by a state of Washington licensed civil engineer complying with the requirements of the city’s adopted stormwater standards.

E. Definitions – E.

1. “Easements, existing” means a recorded document by the property owner granting one or more privileges to use the owner’s land to and/or for the use by the public, a corporation or another person or entity. Easements may be referenced by property deed and are identified in the property title report.

2. "Easements, proposed" means a draft document, including proposed legal description, listing to whom and for what specific purpose or purposes the easement is to be granted.

3. "Elevations, architectural" means a 24-inch by 36-inch fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot or one-eighth inch equals one foot (or other size or scale approved by the building official) clearly indicating the information required by the "Permits" section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, statewide amendments), including, but not limited to, the following:

a. Existing and proposed ground elevations;

b. Existing average grade level underneath proposed structure;

c. Height of existing and proposed structures showing finished roof-top elevations based upon site elevations for proposed structures and any existing/abutting structures;

d. Building materials and colors including roof, walls, any wireless communication facilities, and enclosures;

e. Fence or retaining wall materials, colors, and architectural design;

f. Architectural design of on-site lighting fixtures; and

g. Cross-section of roof showing location and height of rooftop equipment (include air conditioners, compressors, etc.) and proposed screening.

4. "Elevations, grading" means a site plan that shows the pre- and post-developed contours on a site. The scale and spacing of the elevation information shall clearly show the information that is needed to review such a plan. The horizontal and vertical control datum shall be clearly shown.

5. "Energy code checklist" means the standard Washington State Energy Office form requesting the information required under Chapter 51-11 WAC detailing building components to be used to comply with the State Residential or Nonresidential Energy Code, as applicable.

6. "Environmental checklist" means the state of Washington form required by WAC 197-11-742 and 197-11-960.

7. "Erosion and sediment control plan, temporary (TESCP)" means drawings of the entire site showing the proposed erosion control measures for the project in conformance with the city of Mount Vernon site plan submittal requirement standards (or as approved by the CEDD) and the Surface Water Design Manual adopted by the city of Mount Vernon.

F. Definitions – F.

1. "Fill and grade permit I" means grading 50 cubic yards or more of material on a site or a combination of abutting sites.

2. "Fill and grade permit II" means grading 50 cubic yards or more of material on a site or combination of abutting sites when SEPA review is necessary; or when done within 200 feet of a critical area; or any land disturbing activity, including tree removal from a site, done within 200 feet of a critical area. Unless otherwise approved by the director, plans for this permit shall be prepared by a civil engineer licensed in the state of Washington.

3. "Flood hazard data" means data, including plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; elevation in relation to mean sea level of the lowest floor (including basement) of all structures; elevation in relation to mean sea level to which any structure has been floodproofed; certification by a registered professional engineer or architect that the floodproofing methods

satisfy the city's floodproofing criteria; and a description of the extent to which a watercourse would be altered or relocated as a result of proposed development. The horizontal and vertical control datum shall be clearly shown.

4. "Floor plans" means a basic line drawing plan of the general building layout showing walls, exits, windows, and designated uses indicating the proposed locations of kitchens, baths and floor drains, bedrooms and living areas, with sufficient detail for city staff to determine if an oil/water separator or grease interceptor is required and to determine sizing of side sewers.

G. Definitions – G.

1. Geotechnical Report. See the definition of such within Chapter 15.40 MVMC.

2. "Grading" or "graded" means importing, exporting, stockpiling or moving materials on, off or through a site. Digging trenches for utility installation is considered grading.

3. "Grading plan, final" means a plan drawn on 24-inch by 36-inch paper drawn by a state of Washington licensed civil engineer, or architect at a scale of one inch to 40 feet (horizontal feet) and one inch to 10 feet (vertical feet) (or other size plan sheet or scale approved by the director). The horizontal and vertical control datum shall be clearly shown. For small fill and grade projects plans may be prepared by owner/contractor as permitted by the CEDD. The plans shall clearly indicate the following:

a. For projects that are from 50 cubic yards up to 5,000 cubic yards: Graphic scale and north arrow (plan must be to scale).

i. Property location, address (if any) and Skagit County assessor's parcel number(s);

ii. Dimensions of all property lines, easements, and abutting streets;

iii. Location and dimension of all on-site structures and the location of any structures within 15 feet of the subject property or that may be affected by the proposed work;

iv. Accurate existing and proposed contour lines drawn at two-foot intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within 100 feet of the site;

v. Location of natural drainage systems, including perennial and intermittent streams and the presence of bordering vegetation;

vi. Location of regulated critical areas and their buffers; such as wetlands, steep slopes, watercourses, or floodplains on or adjacent to the site;

vii. Setback areas and any areas not to be disturbed;

viii. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown;

ix. Finished floor elevation(s) of all structures, existing and proposed;

x. All wells and septic systems located on or near the project site shall be identified;

xi. General notes addressing the following (may be listed on the cover sheet):

(A) Area in square feet of the entire property;

(B) Area of work in square feet;

(C) Number of cubic yards of soil or other materials to be added, removed, or relocated; and

(D) Type and location of fill origin, and destination of any soil or other materials to be removed from the site.

b. In addition to the requirements listed above, for projects that exceed 5,000 cubic yards, grading shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading."

i. Application for these projects shall be accompanied by copies of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by a civil engineer licensed by the state of Washington.

ii. Specifications shall contain information covering construction and material requirements.

iii. Plans shall be drawn to scale to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of the International Building Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give location of the work, the name and address of the owner, and the person by whom they were prepared.

iv. The plans shall have the following information:

(A) General vicinity of the proposed site;

(B) Property limits and accurate contours of existing ground and details of terrain and area drainage;

(C) Soils report prepared by a licensed soils engineer or geologist;

(D) Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction;

(E) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by any drains;

(F) Location of any buildings or structures on the property where the work is be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet of the property or that may be affected by the proposed grading operations;

(G) Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, that are applicable to grading, may be included by reference;

(H) The dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports;

(I) The soils engineering report shall include data regarding the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes;

(J) Liquefaction Study. The building official may require a geotechnical investigation in accordance with the IBC if, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

(1) Shallow ground water, 50 feet or less;

(2) Unconsolidated sandy alluvium; and

(3) Seismic Zone D1.

4. "Grading plan, preliminary" means a plan drawn by a state of Washington licensed civil engineer, land surveyor, or landscape architect at a scale and size approved by the CEDD. The horizontal and vertical control datum shall be clearly shown. For projects where less than 500 cubic yards of material is graded, the site plans may be prepared by owner/contractor as permitted by the CEDD. The plans shall clearly indicate the following:

a. Graphic scale and north arrow;

b. Dimensions of all property lines, easements, and abutting streets;

c. Location and dimension of all on-site structures and the location of any structures within 15 feet of the subject property or which may be affected by the proposed work;

d. Accurate existing and proposed contour lines drawn at two feet, or less, intervals showing existing ground and details of terrain and area drainage to include surrounding off-site contours within 100 feet of the site;

e. Location of natural drainage systems, including perennial and intermittent streams, the presence of bordering vegetation, and floodplains;

f. Location of regulated critical areas and their buffers; such as, wetlands, steep slopes, watercourses, or floodplains and their associated buffers on or adjacent to the site;

g. Setback areas and any areas not to be disturbed;

h. Finished contours drawn at two-foot intervals as a result of grading;

i. Proposed drainage channels and related construction with associated underground storm lines sized and connections shown;

j. All wells and septic systems located on or near the project site shall be identified;

k. General notes addressing:

i. Area in square feet of the entire property;

ii. Area of work in square feet;

iii. The number of tons and cubic yards of soil to be added, removed, or relocated;

iv. Type and location of fill origin, and destination of any soil to be removed from site; and

v. Finished floor elevation(s) of all structures, existing and proposed.

H. Definitions – H.

1. Habitat/Wildlife Assessment. See the definition of such within Chapter 15.40 MVMC.

2. Hearing Examiner. The hearing examiner is appointed by the mayor to conduct public hearings on applications outlined in the city ordinance that created the position of the hearing examiner. The hearing examiner prepares a record, findings of fact, and conclusions on such applications.

3. Hydrogeologic Study. See the definition of such within Chapter 15.40 MVMC.

I. Definitions – I.

1. "Installer certification" means Washington State Department of Community, Trade and Economic Development (CTED) approval given to those contractors authorized to install manufactured homes and designated by a state registration number.

2. "Inventory of existing sites" means an inventory of the providers existing telecommunications facilities with the Mount Vernon city corporate limits, and any other facilities outside the city limits that are within one-half mile of the proposed facility. The inventory is to include specific information about the location, height, and design of each facility. The Department may share such information with other applicants applying for administrative approvals or conditional use permits under this Title or other organizations seeking to locate antennas within the city, provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

3. "Irrigation plans" means an automatic irrigation system plan shall be drawn at the same scale and size as its corresponding landscape plans with a north arrow, property lines, dimensions, easements, abutting streets, meter sizes and locations, and the proposed type, size, and location of irrigation piping, irrigation heads, and backflow prevention devices.

J. Definitions – J.

1. "Justification for proposal" means a written description and associated mapping setting forth the reasons in favor of the application and addressing permit specific evaluation criteria found in MVMC Titles 15 through 18.

K. Definitions – K. (Reserved).

L. Definitions – L.

1. "Land use number" means the city of Mount Vernon CEDD filing number for projects processed by the CEDD.

2. "Land use decision" means a land use decision for purposes of a land use appeal under this chapter. Appeals means a final determination by a city body or officer with the highest level of authority to make the determination, including those with authority to hear appeals on:

a. An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, subdivided, sold, transferred or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and other similar types of public property; excluding applications for legislative approval such as area-wide rezones and annexations; and excluding applications for business licenses.

b. An interpretive or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property.

c. The enforcement by the city of codes regulating improvement, development, modification, maintenance or use of real property. However, when the city is required by law to enforce the code in a court of limited jurisdiction, a petition may not be brought under Chapter 14.05 MVMC.

3. "Land use permit conditions" means environmental or land use permit requirements that may have been placed upon the project in addition to any code-mandated requirements in conjunction with a required environmental determination and/or a land use permit.

4. "Landscaping plan, conceptual" means a general schematic plan drawn at the same scale as the project site plan with a date, graphic scale and north arrow that clearly indicates the following:

a. Location of proposed buildings, parking areas, access and existing buildings to remain;

b. Names and locations of abutting streets and public improvements, including easements;

c. Existing and proposed contours at five-foot intervals or less;

d. Location and dimensions of planting areas;

e. Location and height of proposed berming;

f. Locations, elevations, and details for any proposed landscape-related structures such as arbors, gazebos, fencing, etc.;

g. Areas of proposed landscaping;

h. Areas of existing landscaping, with designations of "to remain," or "to be removed";

i. Proposed types of landscaping or general plant names; and

j. Calculations showing that the correct amount and dimensions of landscaping is being installed on the site per Chapter 17.93 MVMC.

5. "Landscaping plan, detailed" means a fully dimensioned plan drawn at the same scale as the project site plan with a date, graphic scale and north arrow that clearly indicates the following:

a. Location of proposed buildings, parking areas, access and existing buildings to remain;

b. Names and locations of abutting streets and public improvements, including easements;

c. Existing and proposed contours at two-foot intervals or less;

d. Detailed grading plan;

e. Location and dimensions of planting areas;

f. Location and height of proposed berming;

g. Locations, elevations, and details for any proposed landscape-related structures such as arbors, gazebos, fencing, etc.;

h. Location, size, spacing, condition (i.e., container, bare-foot), and botanical and common names of existing and proposed trees, shrubs, and ground covers;

i. Decorative rockery or similar landscape improvements in relationship to proposed and existing utilities;

j. Plant material key and all landscape calculations required per Chapter 17.93 MVMC;

k. Names and locations of existing vegetation to remain; and

l. Detailed planting specifications (soil mix, planting depth and width, and bark mulch depth).

6. "Landscaping worksheet" means a worksheet to be completed by the applicant that includes the information necessary so that a determination can be made whether a proposal meets the code requirements for landscaping specified within Chapter 17.93 MVMC.

7. "Lease agreement, draft" means a draft lease agreement with the property owner, or separate equivalent documentation that allows the property owner to enter into leases with other providers and specifies that if the provider fails to remove the facility upon six months of its discontinued use, the responsibility for removal falls upon the landholder.

8. "Legal description" means a description of a piece of land which allows an independent surveyor to locate and identify it. Usually it uses one of the following methods: government survey, metes and bounds or recorded plat (lot and block number).

9. “Legal description for annexation application” means a metes and bounds description written by a surveyor licensed in the state of Washington that describes the perimeter of the area proposed to be annexed.

10. “License” means any form of written permission given to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of an agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

11. “Licensed engineer” means a professional engineer, licensed to practice in the state of Washington.

12. “List of current property owners” means a listing of all current property owners and their mailing addresses and Skagit County assessor’s account numbers within the area specified by MVMC 14.05.150(A)(3) of the boundaries of the subject site as obtained from the Skagit County assessor’s office. The list shall include a notarized statement from the applicant attesting that the ownership information provided is current and accurate. Current shall mean obtained within the past 30 days unless otherwise approved by the CEDD.

13. “List of affected property owners within annexation or assessment reimbursement area boundary” means a listing of all current property owners and their mailing addresses and Skagit County assessor’s account numbers within a proposed annexation or assessment reimbursement area as obtained from the Skagit County assessor’s office. The list shall include a notarized statement from the applicant attesting that the ownership information provided is current and accurate. Current shall mean obtained within the past 30 days unless otherwise approved by CEDD.

14. “Local government” means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties and their legislative bodies. The term encompasses, but does not refer specifically to, the departments within a city or county.

15. “Lot certification” means an administrative review process to determine if a lot was legally created and eligible for conveyance and/or whether the lot is eligible to be considered for development permits. The city passed their first subdivision ordinance on November 27, 1974. All division of land after this date must have followed the formal procedures outlined in the Mount Vernon Municipal Code and/or state law to be recognized as a legal lot of record.

M. Definitions – M.

1. “Map of existing site conditions” means a plan drawn at the same scale as, or combined with, the grading plan or topography map showing existing topography at two-foot contours or less, and including structural and natural features. The plan shall include major trees, shrubs, large rocks, creeks and watersheds, floodplains, buildings, roadways and trails.

2. “Map of view area” means a diagram or map depicting where within a one-quarter mile radius any portion of the proposed telecommunication facility could be seen.

3. “Major modification” means major modifications are those which substantially change the basic design, density, circulation, access, or open space requirements of the following:

a. Preliminary or final plat;

b. Preliminary or final PUD;

c. Projects where a notice of application has been routed per MVMC 14.05.150(A)(3); and

d. All other permits, plans or actions approved by the city.

Major modifications are those which cannot be defined as minor modifications as defined under subsection (M)(7) of this section. Major modifications shall be processed as a new permit and/or action. If a major modification is requested for preliminary or final plats, PUDs, or other permits, plans or actions that have approval, new permit fees

in their entirely shall be paid. For projects where staff has routed a notice of application per MVMC 14.05.150(A)(3) but no decision on the permit has been made, one-half of the entire permit fees shall be paid again.

4. "Master land use application form" means a form on which an applicant provides their name and contact information and the name and contact information of the property owner if it is not the applicant. Contractor's information shall be provided on this form, along with general information including the site address, parcel number(s), existing/proposed land uses, existing/proposed comprehensive plan designations, existing/proposed zoning designations, site area, project valuation and whether or not the site is within 200 feet of an area designated as a critical area. The current owner(s) of the land must provide their notarized signatures on this form.

5. Master Plan. A master plan shall include proposed land use information in a format stipulated by the CEDD (land use, densities, site design, adjacent uses, circulation, utility corridors and alignments, regulated critical areas and their buffers) for review and approval by the city pursuant to the procedures of this chapter. The master plan shall also be accompanied by a phasing plan describing the general boundaries of each phase and the expected date at which a detailed site plan for that phase will be submitted.

6. "Mechanical plans" means plans as required per Section 113 of the currently adopted Uniform Mechanical Code (UMC) and Section 1141 of the currently adopted Washington State Energy Code (WSEC) along with statewide amendments.

7. "Minor modifications" are those that involve only insignificant revisions to the exact location and configuration of buildings, roadways, open space or other features and do not involve any increase in density, intensity, or significant change in architectural style, housing type or other significant characteristics. An applicant can request a minor modification to the following:

a. Preliminary or final plat;

b. Preliminary or final PUD;

c. Projects where a notice of application has been routed per MVMC 14.05.150(A)(3); and

d. All other permits, plans or actions approved by the city.

The city may only approve a minor modification if the following criteria are met:

a. The change will not reduce by 10 percent or more any area of landscaping, open space, natural area or parking, so long as the minimum code requirements for these amenities is still met; and

b. The change will not have the effect of increasing the density; and

c. The change will not increase the total amount of floor area of a development by 10 percent or more; and

d. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and

e. The change will not reduce any setback approved as part of the preliminary plan by more than 10 percent so long as the required minimum setback is met; and

f. The change will not result in a significant increase in the height of any structure as approved in the preliminary plan so long as the code requirements are still met; and

g. The change will not move or change the type of access; and

h. The change will not remove trees or modify other natural features that were to be preserved under the previous action; and

i. The change will not increase or create any adverse impacts or undesirable effects on the surrounding neighborhood; and

j. The change does not impair or reduce the potential of a PUD to provide affordable or low-income housing opportunities, if affordable housing is identified as a goal or requirement under the conditions of the preliminary PUD approval.

If a modification can not be classified as a minor modification, it will be classified as a major modification.

8. "Mobile home park map" means mapping in a format stipulated by the CEDD that includes all of the information outlined in Chapter 17.39 MVMC.

9. "Monument card" means a form provided by the CEDD and filled out by a surveyor, providing information regarding a single monument, including the section, township and range, method of location, type of mark found or set, manner of re-establishment of the single monument (if applicable), description, and a drawing showing the location of a single monument and indicating a reference point to that monument.

N. Definitions – N.

1. "Neighborhood detail map" means a map, drawn at a scale of one inch equals 100 feet or other scale approved by the CEDD. The map shows the location of the subject site relative to the property boundaries of the surrounding parcels within approximately 1,000 feet identifies the subject site with a darker perimeter line than that of surrounding properties. The map also shows the property's lot lines, existing land uses, building outlines, city boundaries (if applicable), north arrow, graphic scale, and city of Mount Vernon street names for all streets shown.

2. Nonconformity Relationship and Compatibility Narrative. For nonconforming use or structure rebuild approval permits, include drawings, photographs, or other visual aids that show the relationship of the existing structure or building to its surroundings. Include studies or reports that support the applicant's contention that the existing nonconforming use or structure is compatible with the surrounding area and its uses.

O. Definitions – O.

1. "Open record public hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, which creates the local government's record through testimony and submission of evidence and information, under procedures prescribed in this chapter.

P. Definitions – P.

1. "Parking worksheet" means a worksheet on which an applicant provides information necessary to demonstrate that a proposal meets the code requirements for parking specified within Chapter 17.84 MVMC.

2. "Parties of record" include the following:

a. The applicant;

b. Any person who testified at the open record public hearing on the application;

c. Any person who submitted written comments concerning the application during the time period allowed under this chapter; and/or

d. The Mount Vernon city council.

3. "Photosimulations" means photosimulations of the proposed telecommunications facility from affected residential properties and public right-of-way at varying distances. This shall include a diagram depicting where the photosimulations were taken.

4. “Planning commission” means the body as described in Chapter 35.63, 35A.63 or 36.70 RCW as designated by the legislative body to perform a planning function or that body assigned such duties and responsibilities under a city or county charter.

5. “Plan reductions” means eight and one-half inch by 11 inch or 11 inch by 17 inch reductions of all required full size plan sheets including, but not limited to, elevations, landscape plans, conceptual utility plans, site plan, and neighborhood detail/vicinity map that will yield legible photocopies.

6. Planned Unit Development Plan, Preliminary. See the definition of such found in MVMC 17.69.070.

7. Planned Unit Development Plan, Final. See the definition of such found in MVMC 17.69.200.

8. “Plat certificate or title report” means a document prepared by a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, dedication, development or action that lists all encumbrances. The certificate or report shall be dated within 30 days prior to the submittal of a permit to the city. An updated certificate or report dated within 30 days before final plat approval is also necessary. Copies of all the encumbrances listed within the certificate or report shall be provided.

9. Plat, Final. See the definition of such found in MVMC 16.12.030(A).

10. Plat, Preliminary. See the definition of such found in MVMC 16.08.030(A).

11. “Plumbing plan” means plans as required per the currently adopted plumbing code and statewide amendments.

12. Pond Performance Report and Maintenance Schedule. Stormwater pond reports and a maintenance schedule shall be prepared by a civil engineer licensed in the state of Washington. The pond performance report provides written documentation that the pond was constructed correctly and will function as designed. The maintenance schedule outlines the maintenance work to be completed and when this work needs to be done.

13. “Pre-application meeting” means a conference held with a project applicant and city representative(s) in advance of the proposed development project application. During the conference, the city representative(s) inform the applicant of applicable policies, plans, and requirements as they apply to the proposed development project. CEDD staff also provides waivers of submittal requirements, as applicable, at the pre-application meeting.

14. “Project information sheet” means a list of basic project information, including the project address, property owner’s name, county tax assessor parcel number, and legal description of the property.

15. “Project narrative” means a clear and concise description and summary of a proposed project, including:

a. Project name, size and location of site;

b. Zoning and comprehensive plan designations of the site and adjacent properties;

c. Current use of the site and any existing improvements;

d. Special site features (i.e., wetlands, water bodies, steep slopes, or other critical areas); and a description of the buffers that will be required for each feature;

e. Statement addressing soil type and drainage conditions;

f. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.);

g. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.);

h. Total estimated construction cost and estimated fair market value of the proposed project;

i. Estimated quantities and type of materials involved if any fill or excavation is proposed;

j. Number, type and size of trees to be removed;

k. Explanation of any land to be dedicated to the city;

l. For shoreline applications:

i. Name of adjacent water area or wetlands;

ii. Nature of existing shoreline – describe;

iii. Type of shoreline (i.e., lake, stream, lagoon, marsh, bog, floodplain, floodway);

iv. Type of beach (i.e., accretion, erosion, high bank-low bank);

v. Type of material (i.e., sand, gravel, mud, clay, rock, riprap);

vi. The extent and type of any bulkheading; and

vii. The number and location of structures and/or residential units (existing and potential) which might have views obstructed as a result of the proposed project;

m. For subdivision applications: the proposed number, size, and density of the new lots;

n. For land clearing permits and management plans, land clearing moratorium removal, and land clearing single-family residential moratorium exception:

i. Specific work to be accomplished;

ii. Description of the methods to be used for all proposed forest practices and land clearing activities;

iii. A time schedule for land clearing activities;

iv. Type of equipment to be used;

v. Measures proposed to protect the site and adjacent properties from potential adverse impacts;

vi. The number of board feet of timber to be removed; and

vii. Other information as stipulated by the director to comply with Chapter 76.09 RCW.

16. "Public works approval letter" means written confirmation from the CEDD that all required improvements have been substantially installed or deferred and authorizing the submittal of any type of application that requires such verification such as, final plat, final short plat, final binding site plan, final PUD, conditional use permits, master plans, etc.

Q. Definitions – Q. (Reserved).

R. Definitions – R.

1. Reforestation Plans. At a minimum, the information required shall include the items outlined within RCW 76.09.060 as it is currently written, or as it may be amended in the future, along with any other information that the director deems necessary to ensure compliance with Chapter 76.09 RCW.

2. "Roadway construction plans, preliminary and final" means plans prepared by a state of Washington licensed civil engineer that meet the requirements found in the MVMC and the city's engineering standards. All plan sheets shall be 24 inches by 36 inches, clear and readable and shall be at a scale of one inch equals 20 feet

horizontal, and one inch equals two feet vertical, unless otherwise approved by the director. The horizontal and vertical control datum shall be clearly shown. The plans shall contain the following:

a. Preliminary roadway construction plans shall include the following sheets:

i. Existing conditions including topographical detail;

ii. Overall proposed conditions and project layout;

iii. Overall drainage plan; and

iv. Roadway and pond cross-sections.

b. Final roadway construction plans shall include the following sheets:

i. Cover sheet;

ii. Existing conditions;

iii. Overall proposed conditions and project layout;

iv. Erosion control plan, including erosion control notes;

v. Plan and profile sheets, including stormwater and utilities;

vi. Construction details, including construction notes;

vii. Signing and striping plan; and

viii. Street lighting plan.

S. Definitions – S.

1. “Screening detail, refuse/recycling” means a detailed plan drawing, prepared to scale, showing location within property boundaries, heights, elevations, and building materials of proposed screening or of proposed plantings.

2. “Service area map” means a map showing the service area of a proposed wireless communication facility and an explanation of the need for that facility.

3. Short Plat, Final. See the definition of such found in MVMC 16.32.030(B).

4. Short Plat Map, Preliminary. See the definition of such found in MVMC 16.32.030(A).

5. “Sign plan” means a plan drawn by a state of Washington licensed architect, or others specifically approved by the building official, at a scale approved by the director or building official clearly indicating footing connections to building, size of supports and materials used in supports and sign itself; elevation showing size and height of any proposed freestanding or projecting signs clearly indicating ground clearance and clearance to overhead power lines, and elevation of building facade for any proposed wall signs showing dimensions of the building as well as existing and proposed wall signs.

6. “Site plan” means a plan drawn by a state of Washington licensed architect, engineer, or other specifically approved by the director, at a scale also approved by the director containing all information requested by city of Mount Vernon submittal forms, including but not limited to:

a. Scale, north arrow, and legal description;

b. Location, identification, and dimensions of all buildings, property lines, setbacks, streets, adjacent streets, and easements;

c. Location and dimensions of existing and proposed structures, parking and loading areas, driveways, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, easements, refuse and recycling areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, storage areas, buffer areas, open spaces, curbs, gutters, sidewalks, median islands, and street trees;

d. Landscaped areas and irrigation meters;

e. The location and dimensions of natural features and critical areas along with their buffers; such as streams, lakes, marshes and wetlands;

f. Off-street parking layout and driveways;

g. Grading plan showing proposed and existing contours and site elevations;

h. Lighting and sign structures (new and existing);

i. Location and proposed screening of garbage containers and recycling storage;

j. Fire hydrant locations (new and existing) within 300 feet of building;

k. Existing utilities and connection to existing and/or new utilities;

l. The horizontal and vertical control datum shall be clearly shown;

m. All wells and septic systems located on or near the project site shall be identified;

n. General notes addressing the following:

i. Name of the project;

ii. Name, address, and telephone number of owner and agent(s);

iii. Zoning and comprehensive plan designations of the site;

iv. Area, in square feet and acreage, of the project site;

v. Reference to the current building code;

vi. Proposed use, occupancy group, construction type, and number of units in each building;

vii. Square footage and height of each individual building;

viii. Percentage of lot coverage and square footage of all landscaping;

ix. Proposed building setbacks;

x. Parking analysis, including number of stalls required and provided, sizes of stalls and angles, location and number of handicap stalls, compact, employee and/or guest parking stalls, location and size of curb cuts, traffic flow within the parking, loading, and maneuvering areas and ingress and egress, location of wheel stops, loading space, stacking space, and square footage of interior parking lot landscaping;

xi. Landscaping calculations complying with Chapter 17.93 MVMC; and

xii. Density for residential developments.

o. For shoreline permits:

i. Boundary of shoreline management zone in vicinity of property;

ii. Inventory unit location of proposed project;

iii. Environmental designation of property and adjacent land;

iv. Verification of permitted use and conformance with development standards as per Mount Vernon shoreline master program;

v. Ordinary high water mark, existing and proposed; and

vi. Name of water body.

p. For sign permits:

i. Note if any proposed signage will be illuminated or be animated;

ii. Type (e.g., freestanding, wall, etc.), size and number of all existing signs;

iii. Type, size and number of all proposed signs; and

iv. Wind design loads.

q. For land clearing permits and management plans, land clearing moratorium removal, and land clearing single-family residential moratorium exception:

i. Date of drawing or revision, north arrow, adjoining roadways and appropriate scales;

ii. Prominent physical features of the property including, but not limited to, geological formations, critical areas and watercourses;

iii. General location, type, range of size, and conditions of trees;

iv. Identification by areas of trees that are to be removed, and information on how the trees or areas are delineated in the field;

v. Identification by areas of trees that are to be retained (tree protection areas), and information on how the tree protection areas are delineated in the field;

vi. Any existing improvement on the property including, but not limited to, existing cleared areas, structures, driveways, ponds, and utilities;

vii. Identification of areas of proposed development and type of development proposed;

viii. Information indicating the method of drainage and erosion control during and following the clearing operation;

ix. Information on how property lines are identified (fences, flags, roads, ditches, etc.); and

x. Other information as stipulated by the director to comply with Chapter 76.09 RCW.

7. “State Environmental Policy Act (SEPA)” means a state policy that requires state and local agencies to consider the likely environmental consequences of a proposal before approving or denying the proposal. Chapter 15.06 MVMC establishes the city’s authority under SEPA. SEPA applications must be accompanied by a city development permit.

8. Stream Study, Standard. See the definition of such within Chapter 15.40 MVMC.

9. Stream Study, Supplemental. See the definition of such within Chapter 15.40 MVMC.

10. Stream Mitigation Plan. See the definition of such within Chapter 15.40 MVMC.

11. “Street lighting plan” means a drawing showing the proposed lighting system, including luminaires, junction boxes, electric wiring, and wiring diagrams using the same scale as the utility plans (or as approved by the CEDD) and conforming to ANSI standards.

12. “Structural calculations” means an analysis of loads, materials, etc., prepared and stamped by a state of Washington licensed professional structural engineer.

13. “Structural plans” means plans prepared and stamped by a state of Washington licensed professional structural engineer drawn at a scale approved by the building official clearly indicating the information required by the “permits” section of the currently adopted International Building Code and Chapter 19.27 RCW (State Building Code Act, statewide amendments), and city submittal forms including: structural members labeled as to size and spacing as well as bracing, blocking, bridging, special connectors, and anchor bolts; cross-section details, as needed, to show typical foundation, floor, wall, ceiling and roof construction; insulation of walls, floors and roof/ceiling; and details of stairs, fireplaces and special construction, if any.

14. “Survey” means a sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 10,000 feet. It shall be accompanied by a complete survey of the section or sections in which the plat or re-plat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes showing the original or re-established corners with descriptions of the same and the actual traverse showing error of closure and method of balancing. Horizontal control datum shall be that which is stipulated by WAC 332-130-060.

T. Definitions – T.

1. “Topography map” means a map showing the existing land contours using vertical intervals of not more than two feet. For any existing buildings the map shall show the finished floor elevations of each floor of the building. The horizontal and vertical control datum shall be clearly shown.

2. “Tree cutting/land clearing plan” means a plan, based on finished grade, drawn to scale clearly showing property boundaries, location of areas proposed to be cleared, types and sizes of vegetation to be removed, altered or retained, future building sites and drip lines of any trees which will overhang/overlap a construction line, and location and dimensions of rights-of-way, utility lines, and easements. All critical areas and their associated buffers shall also be shown.

U. Definitions – U.

1. “Utilities construction plans” means plans prepared by a state of Washington licensed civil engineer, containing all of the information outlined above for site plans, and below for utility plans, and any other information deemed necessary by the public works director.

2. “Utilities plan and profile” means a plan drawn at scale or size approved by the CEDD clearly showing all existing (to remain) and proposed public or private improvements to be dedicated or sold to the public including, but not limited to: curbs, gutters, sidewalks, median islands, street trees, fire hydrants, utility poles, refuse areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, etc., along the full property frontage. The finished floor elevations for each floor of proposed and existing (to remain) structures shall be shown. The horizontal and vertical control datum shall be clearly shown.

V. Definitions – V. (Reserved).

W. Definitions – W.

1. Wetland Assessment. See the definition of such within Chapter 15.40 MVMC.

2. Wetland Mitigation Plan, Preliminary. See the definition of such within Chapter 15.40 MVMC.

3. Wetland Mitigation Plan, Final. See the definition of such within Chapter 15.40 MVMC.

4. "WSEC trade-off form" means Manual of Wattsun calculations performed to show compliance with Chapter 5 of the current adopted version of the Washington State Residential Energy Code requirements.

X. Definitions – X. (Reserved).

Y. Definitions – Y. (Reserved).

Z. Definitions – Z. (Reserved). (Ord. 3601§§ 3 – 5, 2013; Ord. 3526 § 5, 2011; Ord. 3427 § 2 (Exh. A), 2008).

Chapter 14.10

CONCURRENCY MANAGEMENT

Sections:

14.10.010 Washington state requirements.
14.10.020 Definitions generally.
14.10.030 Concurrency monitoring.
14.10.040 State highway system.
14.10.050 Land use actions subject to concurrency review.
14.10.060 Exemptions and existing approved developments.
14.10.070 Level of service categories.
14.10.080 Level of service standards.
14.10.090 Concurrency requirements.
14.10.100 Traffic impact analysis.
14.10.110 Short plats.
14.10.120 Sequential development.
14.10.130 Off-peak transportation impacts.
14.10.140 Impact fee credit.
14.10.150 Determination of concurrency.
14.10.160 South Mount Vernon concurrency subarea.
14.10.170 South Mount Vernon concurrency subarea – LOS standards.
14.10.180 South Mount Vernon concurrency subarea – Concurrency requirements.
14.10.190 West Mount Vernon concurrency subarea.
14.10.200 West Mount Vernon concurrency subarea – LOS standards.
14.10.210 West Mount Vernon concurrency subarea – Concurrency requirements.
14.10.220 Freeway Drive concurrency subarea.
14.10.230 Freeway Drive concurrency subarea – LOS standards.
14.10.240 Freeway Drive concurrency subarea – Concurrency requirements.
14.10.250 Appeals.

14.10.010 Washington state requirements.
The transportation element of the city of Mount Vernon comprehensive plan must be consistent with the goals of the 1990 Washington State Growth Management Act. The Act reads:

> Local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the Level of Service on a transportation facility to decline below the standards adopted in the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.
>
> (Ord. 2839 § 1, 1997).

14.10.020 Definitions generally.
Words used in the present tense shall include the future tense; the future tense shall include the present tense. The singular number shall include the plural number; the plural number shall include the singular number. The word “may” is permissive; “shall” is mandatory. “Lot” includes the words “plot,” parcel,” “tract,” and “site,” and “building” includes the word “structure.” “City” shall mean the city of Mount Vernon, Washington, and “county” shall mean Skagit County, Washington.

A. “Adjacent street system” includes streets and intersections that are adjacent to the project, and may include multiple corridors and intersections.

B. “City engineer” means the duly appointed engineer for the city.

C. “Comprehensive plan” means the coordinated plan which has been prepared for the physical development of the municipality; or any plan included in the comprehensive plan which has been prepared for the physical development of such municipality, and which designates among other things, plans and programs to encourage the most appropriate use of land and to lessen congestion throughout the municipality in the interest of public health, safety and welfare.

D. “Corridor” means a length of a specific street; possibly encompassing intersections.

E. “Council” means the city council.

F. “Developer” means a person, individual, corporation, or partnership proposing, constructing, or causing to construct improvements within the city limits. Such improvements include, but are not limited to, homes, buildings, subdivisions, streets, and utilities.

G. Director. Unless another department head is specifically referenced, the director shall mean the community and economic development department director.

H. “Existing pavement” means a presently traveled street surface consisting of either portland cement, asphalt concrete, bituminous chip seal, or crushed stone as a wearing surface.

I. “Level of service” (hereafter referred to as LOS) means a minimum standard established by the city of Mount Vernon to ensure the adequacy and safety of the various facilities and infrastructure, to accommodate anticipated utilization.

J. “Pavement width” means the actual paved surface measured between faces of curbs of streets or from edge to edge of paved road surface, excluding paved shoulders of inadequate cross-sections.

K. “Peak hour vehicle trip” means the volume of development generated traffic in the arterial street system during the most critical or highest volume hours of the day.

L. “Right-of-way” means a strip of land dedicated to the public for street and/or utility purposes.

M. “Segment” means that portion of the street lying between intersections.

N. “Sequential development” means development of a single parcel or of multiple adjoining parcels that involve multiple development permits, or multiple phases of a single development permit, regardless of ownership.

O. Street.

1. “Street” means a dedicated and accepted public right-of-way for vehicular traffic. The word “street” includes the words “road,” “drive,” “boulevard,” and “way.”

2. “Arterial street” means an existing or proposed roadway designated an arterial by resolution of the city, and as further defined in the comprehensive plan.

P. “Street frontage” includes all streets that are directly abutting the project boundaries, and may include all or a portion of streets abutting the projected or extended boundaries of the development. (Ord. 3389 § 3, 2008).

14.10.030 Concurrency monitoring.
The city shall develop and maintain a concurrency monitoring system based upon a computer traffic forecasting model to monitor the level of service of classified arterial streets and the level of service of signalized and unsignalized intersections of classified streets. The monitoring system shall consider existing and proposed capacities of arterial streets and intersections. Development proposals shall be evaluated on a case by case basis and the cumulative impact on level of service shall be monitored for every development activity subject to concurrency. The cost of developing and maintaining the concurrency monitoring system shall be funded through development review fees based upon the trip generation of the development activity. The concurrency monitoring system may be administered by city staff or a consultant. (Ord. 3389 § 4, 2008).

14.10.040 State highway system.
The state highway system is an integral part of the city's arterial street system and will be monitored to determine conformance with standards. Concurrency requirements shall apply to this system and required improvements coordinated with WSDOT. The interstate highway system (I-5) is an exception to the concurrency requirements. Capacity improvements to interstate highway (I-5) that meet city standards will be accomplished by WSDOT based on their priority program. The city will work closely with WSDOT to encourage timely completion of needed capacity improvements to I-5. Capacity or operational improvements at interstate highway ramp terminals connecting to arterial streets may be required to meet concurrency requirements. (Ord. 2839 § 4, 1997).

14.10.050 Land use actions subject to concurrency review.
Developments generating the minimum threshold vehicle peak hour counts as specified herein or requiring pedestrian safety are subject to concurrency review, including but in no way limited to the following, and subject to the provisions of MVMC 14.10.150:

A. Building permits;

B. Binding site plans;

C. Conditional or special use permits;

D. Preliminary plats;

E. Short plats, unless improvements are deferred by applicable authority;

F. Planned unit developments;

G. All developments requiring an environmental impact statement;

H. Other developments or activities determined by the city engineer or city council requiring transportation concurrency to mitigate transportation impacts. (Ord. 3389 § 5, 2008).

14.10.060 Exemptions and existing approved developments.
A. Land use actions not requiring concurrency review are as follows:

1. Those for which transportation related impacts have been previously reviewed and have received project approval; provided, that if such approvals expire, concurrency review shall be required;

2. Accessory dwelling units;

3. Rezones;

4. Boundary line adjustments;

5. Any rehabilitation, renovation, replacement of an existing structure or redevelopment of a site with no change of use or increase in occupiable floor area or number of dwelling units;

6. Interior renovations with no change of use or increase in occupiable floor area or number of dwelling units;

7. Other development permits that are determined by the city council to have insignificant impact on the transportation facilities or services.

B. The city council may grant a development an exemption from all or any portions of the concurrency LOS requirements upon adopting a finding that the development proposal provides overriding public benefits.

C. Modified Level of Service Standards. The following intersections, street segments, and interstate highway ramp terminals may operate below adopted LOS standards:

1. SR 536 Skagit River Bridge and approaches;

2. McLean Road/Wall Street/Memorial Highway/West Division intersection;

3. 2nd Street/Montgomery Street intersection;

4. Kincaid Street/I-5 freeway ramps;

5. College Way/I-5 freeway ramps;

6. Kincaid Street from I-5 to S. 3rd;

7. College Way/Riverside Drive intersection;

8. Freeway Drive/Cameron Way intersection;

9. Riverside Drive Bridge and approaches;

10. 4th Street/Fulton Street intersection.

Improvements to these facilities that improve LOS, even if the LOS remains below the city's adopted standards shall be eligible for inclusion in the city's impact fee program, if the improvement increases the traffic capacity of the facility and the facility is impacted by growth related traffic.

D. New development, business, or tenant that occupies all, or a portion, of an existing building can utilize the traffic from that existing building as part of their new traffic concurrency review so long as the existing building had its traffic trips included in the city's traffic forecasting model that is referenced within MVMC 14.10.030. Should a new development generate more traffic trips than that which the original development did only the net new trips will be added into the traffic forecasting model to evaluate potential concurrency requirements for the new project. (Ord. 3610 § 2, 2013).

14.10.070 Level of service categories.
There are hereby established the following LOS categories:

A. Pedestrian Safety LOS.

1. Ultimate LOS;

2. Minimum LOS.

B. Traffic Capacity LOS.

C. Street Design Standard LOS.

1. Ultimate LOS;

2. Three-Quarter Street LOS;

3. Minimum Street LOS.

D. On-Site LOS.

E. Transit LOS.

F. Nonmotorized Transportation LOS.

G. Pavement Condition LOS. (Ord. 2839 § 7, 1997).

14.10.080 Level of service standards.*
The standards for determining compliance with concurrency requirements within each LOS category shall be as follows:

A. Pedestrian Safety LOS. Developments will provide for pedestrian safety, including adequate connections to existing pedestrian facilities. Proximity to pedestrian oriented establishments, such as, but not limited to, schools, parks, and commercial establishments shall be considered when evaluating pedestrian safety. Particular attention shall be given to school walk routes.

1. Ultimate Pedestrian LOS. The ultimate pedestrian facility design includes a sidewalk, curb and gutter section or other approved nonmotorized vehicle facility. Specific requirements may identify the need for additional safety precautions.

2. Minimum Pedestrian LOS. A minimum pedestrian facility shall include one of the following:

a. A six-foot wide paved path separated from the paved roadway surface by either an unpaved ditch or swale, three feet wide;

b. An eight-foot wide paved path constructed integral with paved roadway surface and including adequate delineation for safety;

c. Other conditions may be considered equivalent to the minimum pedestrian safety facility at the sole discretion of the city engineer.

B. Traffic Capacity LOS. Capacity LOS is defined in the 1994 Highway Capacity Manual or latest edition and is based on peak hour traffic during the most critical or highest volume times of the day.

1. The arterial street system, including segments and intersections, shall meet the following standards for LOS:

a. Principal arterials – LOS D;

b. Minor arterials – LOS D;

c. Collector arterials – LOS C.

2. Exemptions to Capacity LOS. The city council upon recommendation of the city engineer may determine as follows:

a. That it is not practical to improve specific intersections to achieve higher LOS standards;

b. That other improvements may be considered as equivalent mitigation in lieu of achieving the capacity LOS standard stated in this section;

c. Exempt specific intersections or street segments from the LOS standards set forth in this section for a specific period of time.

C. Street Design Standard LOS.

1. Ultimate Design LOS. The street system will meet the geometric, right-of-way width, and street section standards for the classification defined in the arterial street plan, the subdivision code, the comprehensive plan, the 1994 Highway Capacity Manual or latest edition, or other site specific project requirements. This will include, but not be limited to, traffic control, drainage, other utilities, pedestrian facilities, transportation facility design, construction, right-of-way, and easement dedications, for all transportation facilities, including frontage improvements and arterial connections in conformance with criteria set forth in the ultimate design LOS. Other utilities and appurtenances shall be constructed to meet city standards and comprehensive plans, concurrent with the street construction. The city engineer shall evaluate the pavement condition LOS when recommending requirements for development.

2. Three-Quarter Street LOS. The street system shall consist of sidewalk, curb, gutter, all utilities, and appurtenances, and one-half of the ultimate pavement width on the development side of the right-of-way, plus a minimum 14-foot pavement width on the opposite side of the street. The total width shall not exceed the ultimate design width. This will include, but not be limited to, traffic control, drainage and other utilities,

pedestrian facilities, transportation facility design, construction, right-of-way, and easement dedications, for all transportation facilities, including frontage improvements and arterial connections in conformance with criteria set forth in the ultimate design LOS. Other utilities and appurtenances shall be constructed to meet city standards and comprehensive plans concurrent with the street construction as stated in project requirements. The city engineer shall evaluate the pavement condition LOS when recommending requirements for development.

3. Minimum Street LOS. A minimum 30-foot wide paved street section centered on ultimate design cross section with sufficient traffic capacity to serve existing and project generated traffic. Curb, gutter, and sidewalk will not be required; however, pedestrian safety facilities would normally be required. Drainage may be in surface ditches or a subsurface conveyance. This will include, but not be limited to, traffic control, drainage and other utilities, pedestrian facilities, transportation facility design, construction, right-of-way, and easement dedications, for all transportation facilities, including frontage improvements and arterial connections in conformance with criteria set forth in the ultimate design LOS. Other utilities and appurtenances shall be constructed to meet city standards and comprehensive plans, concurrent with street construction, as stated in project requirements. The city engineer shall evaluate the pavement condition LOS when recommending requirements for development.

D. On-Site LOS. Within the boundaries of the proposed development, the development shall include mitigation for all on-site transportation impacts. Mitigation shall be based on compliance with city regulations, comprehensive plans, design standards, and all other project requirements. This mitigation shall include, but not be limited to, transportation facility design and construction, right-of-way, and easement dedications for all transportation facilities, including frontage improvements and arterial connections through the site, as well as improvements to the interior of the site.

E. Transit LOS. All transit routes are monitored and reviewed monthly by SKAT for ridership and productivity. Action to delete service or significantly alter routes and schedules are approved on a case by case basis by the SKAT board after input from the community and citizen advisory committee. New service requests and changes within the community are regularly assessed based on new housing developments and/or citizen petition or requests.

F. Nonmotorized Transportation LOS. Development proposals shall be evaluated for compliance with a comprehensive trail plan. Development proposals shall be evaluated for continuity with the system and may be required to provide off-site improvements. Development proposals may be required to expand the plan in some locations to provide for nonmotorized circulation to neighboring properties or areas. The emphasis shall be on off-street paths, but shall also include selected arterials and collectors and school walk routes which may require separated bike/pedestrian paths, lanes, or other improvements to ensure access continuity and safety for trips generated in the development.

G. Pavement Condition LOS. The city engineer shall evaluate the existing pavement condition when recommending requirements for development. Pavement overlays and/or pavement reconstruction may be required to provide an adequate pavement condition LOS. (Ord. 2950, 1999; Ord. 2839 § 8, 1997).

* Code reviser's note: Details A and B containing LOS design standards are part of Ordinance 2839, available in the office of the city finance director.

14.10.090 Concurrency requirements.

All developments shall meet development standards for on-site LOS, transit LOS, nonmotorized transportation LOS and pavement condition LOS. The criteria for determining the applicable standard for determining compliance with pedestrian safety LOS, traffic capacity LOS and street design standard LOS concurrency requirements shall include, but not be limited to, the volume of traffic generated or to be generated on the arterial street system from a development at full build-out during the most critical or highest volume hour of the day hereafter referred to as the peak hour. The peak hour volume shall be determined by a traffic impact analysis. Compliance with the concurrency LOS standards will be based on the following criteria:

A. Less Than 10 Peak Hour Trips. If a project generates less than 10 peak hour vehicle trips, the city engineer shall determine the necessity of the project to meet all or a portion of the concurrency LOS requirements.

The city engineer shall consider the following when making this determination:

1. Proposed developments in the area;

2. Proximity of adjacent ultimate, three-quarter street, and/or minimum LOS improvements;

3. Adequacy and condition of street frontage improvements;

4. Proximity to pedestrian oriented establishments such as, but not limited to, schools, parks, commercial businesses;

5. Anticipated impacts of project;

6. Capacity of the affected arterial street system.

B. Ten to 29 Peak Hour Trips. If a project generates 10 to 29 peak hour trips, the following LOS standards are necessary to achieve concurrency:

1. Street Frontage. Three-quarter street LOS improvements must be in place on the project street frontage.

2. Adjacent Street System.

a. Minimum Street LOS Improvements. Minimum street LOS improvements must be in place on the adjacent street system to the point where they connect to an arterial street that meets the three-quarter street LOS on the same side of the street as the development.

b. Minimum Pedestrian Safety LOS. Minimum pedestrian safety LOS improvements must be in place on the adjacent street system to the point where they connect to or intersect with an arterial street that meets the three-quarter street LOS on the same side of the street as the development. Improvements may be considered connected to adjacent improvements on the opposite side of the street, if the connection is made with an approved pedestrian crossing facility at a controlled intersection, providing protection to the pedestrians with a stop sign or traffic signal, at the discretion of the city engineer.

3. Capacity LOS. Intersections and segments impacted by traffic from the development as identified in the project traffic impact analysis shall be evaluated for traffic capacity LOS and street design standards and requirements. Intersections and segments on the arterial street system that are impacted by peak hour traffic generated by the development shall be required to meet capacity LOS standards and street design standards. All or a portion of the development shall be denied or delayed until deficient intersections meet traffic capacity LOS standards and/or street design standards.

C. Thirty to 75 Peak Hour Trips. If a project generates 30 to 75 peak hour trips the following LOS standards are necessary to achieve concurrency:

1. Street Frontage. Three-quarter street LOS improvements must be in place on the project street frontage.

2. Adjacent Street System. Three-quarter street LOS improvements must be in place on the adjacent street system to the point where they connect to an arterial street that meets the three-quarter street LOS on the same side of the street as the development.

3. Capacity LOS. Intersections and segments impacted by traffic from the development as identified in the project traffic impact analysis shall be evaluated for traffic capacity LOS and street design standards and requirements. Intersections and segments on the arterial street system that are impacted by peak hour traffic generated by the development shall be required to meet capacity LOS standards and street design standards. All or a portion of the development shall be denied or delayed until deficient intersections meet traffic capacity LOS standards and/or street design standards.

D. More Than 75 Peak Hour Trips. 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. (Ord. 3236 § 1, 2005; Ord. 2950, 1999; Ord. 2839 § 9, 1997).

14.10.100 Traffic impact analysis.
The applicant is not required to submit a traffic impact analysis from an independent traffic engineer. Instead, those applicants shall instead pay to the city a deposit equal to the estimated fee for the city's preparation of a traffic report. The amount of the fee shall be determined by city resolution and paid at the time of transportation concurrency application submittal. The fee shall vary based on the number of new p.m. peak hour trips produced by the development. The applicant shall be subject to payment of additional fees for any subsequent revisions to the original traffic report. Fees for revisions may be an additional proportion of the original fee depending on the effort involved to revise the traffic report. Even if the traffic report is based on an estimate of impact, the applicant will still be bound by its estimate of impact, and any upward deviation from the estimated traffic impact shall require at least one of the following: a finding that the additional concurrency sought by the developer through a revised application is available to be reserved by the project; mitigation of the additional impact under SEPA; revocation of the concurrency approval.

Concurrency evaluations will be prepared by the city or its traffic engineering consultant to ensure consistency with previously approved and pending developments. The concurrency evaluation will include the following adopted LOS requirements for the development:

A. Pedestrian Safety LOS. The report will identify pedestrian safety impacts and required mitigation.

B. Traffic Capacity LOS. Capacity LOS is defined in the 1994 Highway Capacity Traffic capacity LOS for all development applications shall utilize a city-wide traffic model that includes a cumulative traffic forecast of all approved concurrency applications. This forecast shall be the basis for the analysis with each subsequent development application being added to the previously traffic forecast to determine traffic capacity LOS for roadways and intersections. The report will identify if traffic impacts of the proposed development are consistent with the currently adopted and funded TIP, CFP and impact fee programs. Additional mitigation to maintain capacity LOS will be identified if required, as will the required traffic impact fee.

C. Street Design Standard LOS. The report will identify required frontage and off-site street design LOS requirements, and will identify any off-site street improvements eligible for impact fee credits.

D. On-Site LOS. The report will identify any deficiencies in the proposed on-site design.

E. Transit LOS. The report will identify any transit LOS deficiencies or required mitigation.

F. Nonmotorized Transportation LOS. The report will identify required internal and off-site street nonmotorized LOS requirements.

G. Pavement Condition LOS. The report will identify pavement conditions deficiencies and required mitigation. (Ord. 3389 § 7, 2008).

14.10.110 Short plats.
Short plats will be subject to the applicable subdivision codes. Currently they are required to construct street improvements unless the city engineer recommends and the city council approves a waiver or deferral of the requirement. Subsequent building permits and sequential building permit approvals within the short plat would be subject to concurrency requirements.

Statements shall be placed on the face of the short plat regarding future concurrency requirements. (Ord. 2839 § 11, 1997).

14.10.120 Sequential development.
Sequential development will not be allowed to avoid concurrency requirements. The cumulative effect of traffic generated by previous or subsequent phases of a development shall be evaluated when determining concurrency requirements. Every development permit shall be evaluated for concurrency based on previous development permits granted within the overall development. The city engineer shall monitor and evaluate the cumulative effect of peak hour traffic generated by sequential development permits when updating the traffic model information. The following shall be included in the evaluation of sequential development:

A. Multiple development permits on one parcel;

B. Development permits on adjoining lots within short plats, long plats, planned unit developments, binding site plans;

C. Development permits on contiguous parcels under same ownership;

D. Multiple phases within a development. (Ord. 2839 § 12, 1997).

14.10.130 Off-peak transportation impacts.
Transportation impacts that do not occur during the typical p.m. peak hour may create additional impacts to the transportation system including traffic that conflicts with school walking routes or truck oriented developments that could impact pavements on a daily basis, but not during the peak hour. The city engineer may require additional concurrency analyses for development proposals with significant off-peak trip generation or truck generation greater than 30 trucks per day. (Ord. 3389 § 8, 2008).

14.10.140 Impact fee credit.
A. A fee payer can request that a credit or credits for impact fees be awarded to the fee payer for the total value of dedicated land, improvements, or construction provided by the fee payer. Credits will be given only if the land, improvements, and/or the facility constructed are:

1. For one or more of the system improvements identified in the capital facilities plan, which are included in the street impact fee analysis as the basis of the impact fee, and that are required by the city as a condition of approving the development activity; and

2. At suitable sites and constructed at acceptable quality as determined by the city.

B. The director shall determine if requests for credits meet the criteria in subsection A of this section.

C. The value of a credit for structures, facilities or other improvements shall be established by original receipts provided by the applicant for one or more of the same system improvements for which the impact fee is being charged.

D. The value of a credit for land, including right-of-way and easements, shall be established on a case-by-case basis by an appraiser selected by or acceptable to the director. The appraiser must be licensed in good standing by the state of Washington for the category of the property appraised. The appraiser must possess an MAI or other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that he/she does not have a fiduciary or personal interest in the property being appraised. The appraisal shall be in accord with the most recent version of the Uniform Standards of Professional Appraisal Practice and shall be subject to review and acceptance by the director.

E. The fee payer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the city may be providing to the fee payer, in the event that a credit is awarded.

F. If a credit is due, after receiving the appraisal the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact

fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.

G. No credit shall be given for project improvements as defined in the Growth Management Act. (Ord. 3389 § 9, 2008).

14.10.150 Determination of concurrency.
A determination of concurrency shall be made at the time of development approval. In the event any development will require more than a single development approval which would subject the development to concurrency requirements, then the requirements shall be applicable to the last such approval. Development approval by the applicable authority shall include a determination of concurrency. A concurrency approval shall be subject to the same expiration time frame as the associated development approval.

A determination of concurrency shall be granted if any one of the following criteria is fulfilled:

A. Improvements and infrastructure required to provide the necessary LOS in conformance with the requirements of this chapter are in place or are identified in the city's six-year capital facilities plan as being fully funded;

B. The preliminary development approval is conditioned on the necessary facilities being in place prior to the final approval of the development;

C. The necessary facilities and services are guaranteed to be in place when the development impacts occur by a bonded and enforceable development order; provided, that bonding is recommended by the city engineer and approved by the city council in accordance with applicable ordinances. (Ord. 2839 § 15, 1997).

14.10.160 South Mount Vernon concurrency subarea.
There is hereby established the south Mount Vernon concurrency subarea, which shall be comprised of the geographical area described as follows:

Lying East of the Burlington Northern mainline railroad tracks, located in Section 31 and Section 30, Township 34 North, Range 4 East, W.M.

Lying West of the East line of Section 33 and Section 28, Township 34 North, Range 4 East, W.M.

Lying South of but not including Blackburn Road

Lying North of and including Hickox Road on the South line of Section 32, Township 34 North, Range 4 East, W.M.

(See Figure No. 1)*

Development within the south Mount Vernon concurrency subarea shall be subject to the city of Mount Vernon concurrency LOS requirements, except as specifically revised in MVMC 14.10.170 and 14.10.180. (Ord. 2839 § 16, 1997).

* Code reviser's note: Figure 1 is attached to Ordinance 2839, available in the office of the city finance director.

14.10.170 South Mount Vernon concurrency subarea – LOS standards.
The standards for determining compliance with concurrency requirements within each LOS category within the south Mount Vernon concurrency subarea shall be as set forth in MVMC 14.10.080 except as follows:

A. Street Design Standard LOS.

1. Minimum Street LOS in the South Mount Vernon Concurrency Subarea. The street system in the south Mount Vernon concurrency subarea shall consist of all utilities and appurtenances, and one-half of the ultimate design pavement width plus a four foot paved shoulder on the development side of the right-of-way, plus a minimum 14-foot pavement width on the opposite side of the street. All other utilities and appurtenances shall

be constructed to meet city standards and comprehensive plans concurrent with the street construction as stated in project requirements. The city engineer shall evaluate the pavement condition LOS when recommending requirements for development. (Ord. 2839 § 17, 1997).

14.10.180 South Mount Vernon concurrency subarea – Concurrency requirements.
The criteria for determining the applicable standard for determining compliance with concurrency requirements in the south Mount Vernon subarea shall be as set forth in MVMC 14.10.090, except as follows:

Compliance with the LOS standards will be based on the following criteria in the categories indicated:

A. Ten to 75 Peak Hour Trips. If a project generates 10 to 75 peak hour trips and has frontage on any of the below streets the following LOS standards shall apply:

1. Old 99 South.

    a. Blackburn to Anderson Road: three-quarter street LOS;

    b. Anderson to Hickox Road: minimum street LOS.

2. Henson Road.

    a. Blackburn to Anderson Road: minimum street LOS.

3. Cedardale Road.

    a. Blackburn to Hickox Road: minimum street LOS.

4. Blodgett Road: three-quarter street LOS.

5. Anderson Road: three-quarter street LOS.

6. Hickox Road: three-quarter street LOS.

All other project street frontages not listed shall be built to three-quarter street LOS.

In the south Mount Vernon subarea the adjacent street system shall not be evaluated for concurrency for projects that generate 10 to 75 peak hour trips.

B. More Than 75 Peak Hour Trips. If 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. Concurrency mitigation may be phased as approved by city council. In no case shall it be less than that set forth in subsection (A) (10 to 75 peak hour trips), of this section. The city council may require a concurrency evaluation and compliance on the adjacent street system. (Ord. 2839 § 180, 1997).

14.10.190 West Mount Vernon concurrency subarea.
There is hereby established the west Mount Vernon concurrency subarea, which shall be comprised of the geographical area located within the urban growth area located in portions of Section 19, Township 34 North, Range 4 East, W.M. and portions of Section 24, Township 34 North, Range 3 East, W.M. (See Figure No. 2)*

Development within the west Mount Vernon concurrency subarea shall be subject to the city of Mount Vernon concurrency LOS requirements except as specifically revised in MVMC 14.10.200 and 14.10.210. (Ord. 2839 § 19, 1997).

* Code reviser's note: Figure 2 is attached to Ordinance 2839, available in the office of the city finance director.

14.10.200 West Mount Vernon concurrency subarea – LOS standards.
The standards for determining compliance with concurrency requirements within each LOS category within the west Mount Vernon concurrency subarea shall be as set forth in MVMC 14.10.080, except as follows:

A. Street design standard LOS;

B. Minimum street LOS in the west Mount Vernon concurrency subarea.

The street system in the west Mount Vernon concurrency subarea shall consist of all utilities and appurtenances and one-half of the ultimate design pavement width, plus a four-foot paved shoulder on the development side of the right-of-way, plus a minimum 14-foot pavement width on the opposite side of the street. All other utilities and appurtenances shall be constructed to meet city standards and comprehensive plans concurrent with the street construction as stated in project requirements. The city engineer shall evaluate the pavement condition LOS when recommending requirements for development. (Ord. 2839 § 20, 1997).

14.10.210 West Mount Vernon concurrency subarea – Concurrency requirements.
The criteria for determining the applicable standard for determining compliance with concurrency requirements in the west Mount Vernon concurrency subarea shall be as set forth in MVMC 14.10.090, except as follows:

Compliance with the LOS standards will be based on the following criteria in the categories indicated:

A. Ten to 75 Peak Hour Trips. If a project generates 10 to 75 peak hour trips and has frontage on the below listed streets the following LOS standards shall be in place for the project frontage:

1. McLean Road.

    a. South side: minimum street LOS.

    b. North side: three-quarter street LOS.

2. Memorial Highway.

    a. Either side: three-quarter street LOS.

All other project street frontages not listed shall be built to three-quarter street LOS. In the west Mount Vernon subarea the adjacent street system shall not be evaluated for concurrency for projects that generate 10 to 75 peak hour trips unless the proposed project directly abuts an existing residential use in which case the adjacent street system across the residential use, to the nearest street intersection shall meet three-quarter street LOS.

B. More Than 75 Peak Hour Trips. If 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. Concurrency mitigation may be phased as approved by city council. In no case shall it be less than that set forth in subsection A (10 to 75 peak hour trips), of this section. The city council may require the project to complete improvements to ultimate design LOS on project frontage and adjacent streets. (Ord. 2839 § 21, 1997).

14.10.220 Freeway Drive concurrency subarea.
There is hereby established the Freeway Drive concurrency subarea which shall comprise an area lying within the existing city limits and urban growth area, located in Section 18, Township 34N, Range 4E W.M. (See Figure No. 3)*

Described as follows:

A. Lying north of College Way, but not including College Way;

B. Lying south of the Skagit River;

C. Lying west of I-5.

Development within the Freeway Drive concurrency subarea shall be subject to the city of Mount Vernon concurrency LOS requirements except as specifically revised in MVMC 14.10.230 and 14.10.240. (Ord. 2839 § 22, 1997).

* Code reviser's note: Figure 3 is attached to Ordinance 2839, available in the office of the city finance director.

14.10.230 Freeway Drive concurrency subarea – LOS standards.
The standards for determining compliance with concurrency requirements within each LOS category within the Freeway Drive concurrency subarea shall be as set forth in MVMC 14.10.080, except as follows:

A. Street design standard LOS;

B. Minimum street LOS in the Freeway Drive concurrency subarea.

The street system in the Freeway Drive concurrency subarea shall consist of all utilities and appurtenances, and one-half of the ultimate design pavement width plus a four-foot paved shoulder on the development side of the right-of-way, plus a minimum 14-foot pavement width on the opposite side of the street. All other utilities and appurtenances shall be constructed to meet city standards and comprehensive plans concurrent with the street construction as stated in project requirements. The city engineer shall evaluate the pavement condition LOS when recommending requirements for development. (Ord. 2839 § 23, 1997).

14.10.240 Freeway Drive concurrency subarea – Concurrency requirements.
The criteria for determining the applicable standard for determining compliance with concurrency requirements in the Freeway Drive concurrency subarea shall be as set forth in MVMC 14.10.090, except as follows:

Compliance with the LOS standards will be based on the following criteria in the categories indicated:

A. Ten to 75 Peak Hour Trips. If a project generates 10 to 75 peak hour trips and has frontage on the below listed streets the following LOS standards shall be in place for the project frontage:

1. Freeway Drive: three-quarter street LOS;

2. Stewart Road: three-quarter street LOS.

All other project street frontages not listed shall be built to three-quarter street LOS.

In the Freeway Drive subarea the adjacent street system shall not be evaluated for concurrency.

B. More Than 75 Peak Hour Trips. If 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. Concurrency mitigation may be phased as approved by city council. In no case shall it be less than that set forth in subsection A (10 to 75 peak hour trips), of this section. The city council may require the project to complete improvements to ultimate design LOS on project frontage and adjacent streets. (Ord. 2839 § 24, 1997).

14.10.250 Appeals.
A. Basis of Appeal. Any aggrieved party may appeal a concurrency decision based on the grounds of a technical error.

B. Procedures. Concurrency determinations are made as a part of the development approval process on the underlying application. They are to be considered as part of the underlying approval process and may only be appealed as a part of and subject to the same procedures as such underlying development application. However, if the underlying approval process provides for an appeal to the city council, and the concurrency determination is required to be made by the city council, the city council will make the concurrency determination at a single consolidated open record hearing on any appeal of the underlying permit approval and/or SEPA determination. (Ord. 3236 § 2, 2005; Ord. 2839 § 25, 1997).

Chapter 15.06

ENVIRONMENTAL POLICIES

Sections:

Part I. Authority
15.06.010 Authority (WAC 173-806-010).
Part II. General Requirements
15.06.020 Purpose of this part and adoption by reference (WAC 173-806-020).
15.06.025 SEPA policies.
15.06.030 Additional definitions (WAC 173-806-030).
15.06.040 Designation of responsible official (WAC 173-806-040).
15.06.050 Lead agency determination and responsibilities (WAC 173-806-050).
15.06.080 Additional timing considerations (WAC 173-806-058).

Part III. Categorical Exemptions and Threshold Determinations
15.06.090 Purpose of this part and adoption by reference (WAC 173-806-065).
15.06.095 Flexible thresholds for categorical exemptions (WAC 173-806-070).
15.06.097 Emergencies.
15.06.100 Use of exemptions (WAC 173-806-080).
15.06.110 Environmental checklist (WAC 173-806-090).
15.06.120 Mitigated DNS (WAC 173-806-100).

Part IV. Environmental Impact Statement (EIS)
15.06.130 Purpose of this part and adoption by reference (WAC 173-806-110).
15.06.140 Preparation of EIS – Additional considerations (WAC 173-806-120).
15.06.143 Additional elements to be covered in an EIS (WAC 173-806-125).

Part V. Commenting
15.06.145 Purpose.
15.06.150 Adoption by reference.
15.06.160 Public notice (WAC 173-806-130).
15.06.170 Designation of official to perform consulted agency responsibilities for the city (WAC 173-806-140).

Part VI. Using Existing Environmental Documents
15.06.175 Purpose.
15.06.180 Adoption by reference.

Part VII. SEPA and Agency Decisions
15.06.190 Purpose.
15.06.195 Adoption by reference.
15.06.200 Substantive authority (WAC 173-806-160).
15.06.210 Notice/statute of limitations (WAC 173-806-173).
15.06.215 SEPA Appeals (WAC 173-806-170).

Part VIII. Definitions
15.06.220 Purpose.
15.06.225 Adoption by reference.

Part IX. Agency Compliance
15.06.240 Purpose.
15.06.245 Adoption by reference.
15.06.250 Fees.

Part X. Forms
15.06.280 Purpose.

15.06.285 Adoption by reference.

Part I. Authority

15.06.010 Authority (WAC 173-806-010).
The city adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This chapter contains the city's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this chapter. (Ord. 3012 § 2, 2000).

Part II. General Requirements

15.06.020 Purpose of this part and adoption by reference (WAC 173-806-020).
The purpose of this chapter is to establish a clearly understood and effective set of policies and procedures for implementing the State Environmental Policy Act as set forth in Chapter 43.21C RCW.

The SEPA rules, Chapter 197-11 WAC, are to be used in conjunction with this chapter. As contemplated by such rules (WAC 197-11-904), the sections of the SEPA rules hereinafter set forth by number are adopted by reference as if fully set forth. Copies of the statute and the rules (Chapter 197-11 WAC) shall be kept available for public inspection in the development services department.

This part contains the basic requirements that apply to the SEPA process. The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-030 Policy.

197-11-040 Definitions.

197-11-050 Lead agency.

197-11-055 Timing of the SEPA process.

197-11-060 Content of environmental review.

197-11-070 Limitations on actions during SEPA process.

197-11-080 Incomplete or unavailable information.

197-11-090 Supporting documents.

197-11-100 Information required of applicants.

197-11-158 GMA project review – Reliance on exiting plans, laws and regulations.

197-11-164 Planned actions – Definition and criteria.

197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.

197-11-172 Planned actions – Project review.

197-11-210 SEPA/GMA integration.

197-11-220 SEPA/GMA definitions.

197-11-228 Overall SEPA/GMA integration procedures.

197-11-230 Timing of an integrated GMA/SEPA process.

197-11-232 SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.

197-11-235 Documents.

197-11-238 Monitoring.

197-11-250 SEPA/Model Toxics Control Act integration.

197-11-253 SEPA lead agency for MTCA actions.

197-11-256 Preliminary evaluation.

197-11-259 Determination of nonsignificance for MTCA remedial action.

197-11-262 Determination of significance and EIS for MTCA remedial action.

197-11-265 Early scoping for MTCA remedial action.

197-11-268 MTCA interim actions.

(Ord. 3092 § 1, 2002; Ord. 3012 § 2, 2000).

15.06.025 SEPA policies.
The city designates the following general policies as the basis for the city's exercise of authority pursuant to this chapter:

A. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources.

B. The city recognizes that each person has a fundamental and inalienable right to a healthful environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

C. The city incorporates by reference all policies in the cited city codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of a technically complete application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action. These documents include, but are not limited to, the following: Mount Vernon comprehensive plan and incorporated elements, zoning code, UGA development standards, wetland and stream plans, impact fees, Uniform Building Code, International Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Code for Abatement of Dangerous Buildings, shoreline management master program, floodplain management code, subdivision code, six-year transportation improvement program, comprehensive transportation plan, storm water comprehensive plan, water and sewer utility regulations and planning, park and recreation plans, coordinated water system plan, Washington State Ventilation and Indoor Air Quality Code, Washington State Energy Code, Uniform Housing Code, Skagit County Coordinated Water System Plan, Puget Power's Skagit County GMA Electric Facilities Plan, Skagit County Needs Assessment Plan, Countywide Air, Rail, Water and Port Transportation System Study.

D. Through the project review process:

1. If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts;

2. If the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and

3. If the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review. (Ord. 3284 § 3, 2005; Ord. 3012 § 2, 2000).

15.06.030 Additional definitions (WAC 173-806-030).
In addition to those definitions contained within WAC 197-11-700 through WAC 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

A. "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

B. "Ordinance" means the ordinance, resolution or other procedure used by the city to adopt regulatory requirements.

C. "Closed record" approval hearing means an administrative hearing to approve or deny a project permit that is on the record to the city council following an open record predecision hearing (as defined by WAC 197-11-775 and this part) before the planning commission or hearing examiner.

D. "Open record hearing" means an open record hearing (as defined by WAC 197-11-775) which is held before the planning commission or hearing examiner prior to the closed record approval hearing before the city council. (Ord. 3012 § 2, 2000).

15.06.040 Designation of responsible official (WAC 173-806-040).
A. For those proposals for which the city is the lead agency, the responsible official shall be the development services director whose office is located at City Hall located at 910 Cleveland Avenue, P.O. Box 809, Mount Vernon, Washington, 98273, or such person as the city development services director shall designate.

B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

C. The city shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW. (Ord. 3170 § 1, 2004; Ord. 3169 § 1, 2004; Ord. 3092 § 32, 2002; Ord. 3012 § 2, 2000).

15.06.050 Lead agency determination and responsibilities (WAC 173-806-050).
A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When the city is the lead agency for a proposal, the development services department shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an environmental impact statement (EIS) is necessary, shall supervise preparation of the EIS.

C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the determination of nonsignificance (DNS) or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.

D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period.

E. When the city is lead agency for a Model Toxic Control Act (MTCA) remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period

under WAC 197-11-253(6), the city shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency. (Ord. 3092 § 1, 2002; Ord. 3012 § 2, 2000).

15.06.080 Additional timing considerations (WAC 173-806-058).
A. For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the city's staff recommendation to the appropriate advisory body, if any.

B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications. Sufficient information shall be required from the applicant to enable the responsible official to adequately fulfill his responsibility under SEPA and this chapter consistent with the provisions of WAC 197-11-100 and 197-11-335, which sections are adopted by reference in this chapter. (Ord. 3012 § 2, 2000).

Part III. Categorical Exemptions and Threshold Determinations

15.06.090 Purpose of this part and adoption by reference (WAC 173-806-065).
This part contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections of Chapter 197-11 WAC by reference, as supplemented in this part:

WAC

197-11-300 Purpose of this part.

197-11-305 Categorical exemptions.

197-11-310 Threshold determination required.

197-11-315 Environmental checklist.

197-11-330 Threshold determination process.

197-11-335 Additional information.

197-11-340 Determination of nonsignificance (DNS).

197-11-350 Mitigated DNS.

197-11-355 Optional DNS process.

197-11-360 Determination of significance (DS)/ initiation of scoping.

197-11-390 Effect of threshold determination.

197-11-800 Categorical exemptions.

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

(Ord. 3170 § 1, 2004; Ord. 3012 § 2, 2000).

15.06.095 Flexible thresholds for categorical exemptions (WAC 173-806-070).
A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(c) based on local conditions, except when undertaken wholly or partly on lands within designated, environmentally sensitive areas (WAC 197-11-908):

1. For residential dwelling units in WAC 197-11-800(1)(b)(i): up to 10 dwelling units, cumulative.

2. For agricultural structures in WAC 197-11-800(1)(b)(ii): up to 30,000 square feet, cumulative.

3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii): up to 12,000 square feet and up to 40 parking spaces, cumulative.

4. For parking lots in WAC 197-11-800 (1)(b)(iv): up to 40 parking spaces, cumulative.

5. For landfills and excavations in WAC 197-11-800(1)(c)(v): up to 500 cumulative cubic yards.

B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504 under WAC 197-11-800(1)(c). (Ord. 3170 § 1, 2004; Ord. 3072 § 1, 2001; Ord. 3012 § 2, 2000).

15.06.097 Emergencies.
Actions which must be undertaken immediately, or within a time frame too short to allow full compliance with this chapter, to avoid an immediate threat to public health and safety, to prevent an immediate danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. The responsible official shall determine on a case-by-case basis emergency actions which satisfy the general requirements of this section. (Ord. 3012 § 2, 2000).

15.06.100 Use of exemptions (WAC 173-806-080).
A. In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency even if the license application that triggers the department's consideration is exempt.

B. If a proposal includes both exempt and nonexempt actions the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

1. The city shall not give authorization for:

a. Any nonexempt action;

b. Any action that would have an adverse environmental impact; or

c. Any action that would limit the choice of alternatives;

2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved. (Ord. 3012 § 2, 2000).

15.06.110 Environmental checklist (WAC 173-806-090).
A. A completed environmental checklist (or a copy) in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.

B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, at the applicants costs under the current fee schedule, if either of the following occurs:

1. The city has technical information on a question or questions that is unavailable to the private applicant; or

2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

D. For projects submitted as planned actions under WAC 197-11-164 the city shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a 30-day review prior to use. (Ord. 3012 § 2, 2000).

15.06.120 Mitigated DNS (WAC 173-806-100).

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

2. Precede the city's actual threshold determination for the proposal.

C. The responsible official should respond to the request for early notice within 15 calendar days. The response shall:

1. Be written;

2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the city to consider a DS; and

3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 days of receiving the changed or clarified proposal:

1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a DNS under WAC 197-11-340(2);

2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate;

3. The applicant's proposed mitigation measures (clarifications, changes or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent storm water runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot storm water retention pond at Y location" are adequate;

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

F. Any mitigated DNS issued under WAC 197-11-340(2) shall require a 14-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.

H. The city's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications of changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination. (Ord. 3012 § 2, 2000).

Part IV. Environmental Impact Statement (EIS)

15.06.130 Purpose of this part and adoption by reference (WAC 173-806-110).
This part contains the rules for preparing environmental impact statements. The city adopts the following sections of Chapter 197-11 WAC by reference as supplemented by this part:

WAC

197-11-400 Purpose of EIS.

197-11-402 General requirements.

197-11-405 EIS types.

197-11-406 EIS timing.

197-11-408 Scoping.

197-11-410 Expanded scoping (optional).

197-11-420 EIS preparation.

197-11-425 Style and size.

197-11-430 Format.

197-11-435 Cover letter or memo.

197-11-440 EIS contents.

197-11-442 Contents of EIS on nonproject proposals.

197-11-443 EIS contents when prior nonproject EIS.

197-11-444 Elements of the environment.

197-11-448 Relationship of EIS to other considerations.

197-11-450 Cost-benefit analysis.

197-11-455 Issuance of DEIS.

197-11-460 Issuance of FEIS.

(Ord. 3012 § 2, 2000).

15.06.140 Preparation of EIS – Additional considerations (WAC 173-806-120).
A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) is the responsibility of the engineering department, under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC.

B. The DEIS and FEIS or draft and final SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant, at the discretion of the responsible official. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.) (Ord. 3012 § 2, 2000).

15.06.143 Additional elements to be covered in an EIS (WAC 173-806-125).
The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

A. Economy;

B. Cost-benefit analysis;

C. Social policy analysis. (Ord. 3012 § 2, 2000).

Part V. Commenting

15.06.145 Purpose.
This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. (Ord. 3012 § 2, 2000).

15.06.150 Adoption by reference.
The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-500 Purpose of this part.

197-11-502 Inviting comment.

197-11-504 Availability and cost of environmental documents.

197-11-508 SEPA register.

197-11-510 Public notice.

197-11-535 Public hearings and meetings.

197-11-545 Effect of no comment.

197-11-550 Specificity of comments.

197-11-560 FEIS response to comments.

197-11-570 Consulted agency costs to assist lead agency.

(Ord. 3012 § 2, 2000).

15.06.160 Public notice (WAC 173-806-130).
A. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.

B. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360 the city shall give public notice as follows:

1. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in RCW 36.70B.110(4) will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

2. If no public notice is otherwise required for the permit or approval, the city shall give notice of the DNS or DS by:

a. Posting the property, and posting in the City Hall; and

b. Publishing notice in the city's newspaper of record;

3. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

C. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in RCW 36.70B.110(4) as supplemented by the requirements in WAC 197-11-355 will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1)(b).

D. Whenever the city issues a DEIS under WAC 197-11-455 or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and

2. Posting the property, for site-specific proposals; or posting in City Hall, for non-site-specific proposals; and

3. Publishing notice in the city's newspaper of record.

E. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).

F. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. (Ord. 3012 § 2, 2000).

15.06.170 Designation of official to perform consulted agency responsibilities for the city (WAC 173-806-140).
A. The development services director shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. The development services director shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city. (Ord. 3092 § 1, 2002; Ord. 3012 § 2, 2000).

Part VI. Using Existing Environmental Documents

15.06.175 Purpose.
This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the city's own environmental compliance. (Ord. 3012 § 2, 2000).

15.06.180 Adoption by reference.
The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-164 Planned actions – Definition and criteria.

197-11-168 Ordinances or resolutions designating planned actions – Procedures for adoption.

197-11-172 Planned actions – Project review.

197-11-600 When to use existing environmental documents.

197-11-610 Use of NEPA documents.

197-11-620 Supplemental environmental impact statement – Procedures.

197-11-625 Addenda – Procedures.

197-11-630 Adoption – Procedures.

197-11-635 Incorporation by reference – Procedures.

197-11-640 Combining documents.

(Ord. 3012 § 2, 2000).

Part VII. SEPA and Agency Decisions

15.06.190 Purpose.
This part contains rules and policies for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. (Ord. 3012 § 2, 2000).

15.06.195 Adoption by reference.
The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-650 Purpose of this part.

197-11-655 Implementation.

197-11-660 Substantive authority and mitigation.

197-11-680 Appeals.

197-11-721 Closed record appeal.

197-11-722 Consolidated appeal.

(Ord. 3012 § 2, 2000).

15.06.200 Substantive authority (WAC 173-806-160).

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the city of Mount Vernon.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and

2. Such conditions are in writing; and

3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in subsection D of this section and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this chapter; and

2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document.

D. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and it citizens may:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

2. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

4. Preserve important historic, cultural, and natural aspects of our national heritage;

5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

6. Achieve balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

7. Enhance the quality of a renewable resource and approach the maximum attainable recycling of depletable resources.

E. The city recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

F. The city designates and adopts by reference all policies in the cited city codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of a technically complete application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action. These documents include, but are not limited to, the following: Mount Vernon comprehensive plan and incorporated elements, zoning code, UGA

development standards, wetland and stream plans, impact fees, Uniform Building Code, International Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, Uniform Code for Abatement of Dangerous Buildings, shoreline management master program, floodplain management code, subdivision code, six-year transportation improvement program, comprehensive transportation plan, storm water comprehensive plan, water and sewer utility regulations and planning, park and recreation plans, coordinated water system plan, Washington State Ventilation and Indoor Air Quality Code, Washington State Energy Code, Uniform Housing Code, Skagit County Coordinated Water System Plan, Puget Power's Skagit County GMA Electric Facilities Plan, Skagit County Needs Assessment Plan, Countywide Air, Rail, Water and Port Transportation System Study. (Ord. 3284 § 4, 2005; Ord. 3012 § 2, 2000).

15.06.210 Notice/statute of limitations (WAC 173-806-173).

A. The city, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published pursuant to RCW 43.21C.080. (Ord. 3012 § 2, 2000).

15.06.215 SEPA appeals (WAC 173-806-170).

A. It is the purpose of this chapter to combine environmental considerations with public decisions, and for this reason, any appeal brought under this chapter shall be linked to a specific governmental action. Appeals under this chapter are not intended to create a cause of action unrelated to a specific governmental action.

B. The appellate procedures provided for by RCW 43.21C.060, which provides for an appeal to a local legislative body of any decision by a non-elected official conditioning or denying a proposal under authority of SEPA, are formally eliminated. The administrative appeal procedures provided by this part shall be construed consistently with RCW 43.21.075, Chapter 36.70B RCW, and WAC 197-11-680.

C. Appeals under the provisions of this part shall be limited solely to those actions and/or determinations listed below. No administrative appeals shall be allowed for other actions and/or determinations taken or made pursuant to this chapter (such as lead agency determination, scoping, draft EIS adequacy, etc.)

1. "Procedural appeals" which shall consist of an appeal of the responsible official's compliance with the provisions of SEPA, the SEPA rules, and this chapter with respect to the following:

a. Determination of nonsignificance;

b. Determination of significance;

c. Adoption or issuance of a final environmental impact statement.

2. "Substantive appeals" which shall consist of an appeal of an action or omission with respect to the conditioning or denying of a proposal under the substantive authority set forth in MVMC 15.06.200.

D. Except as provided in subsection E of this section, an appeal under this section shall consolidate any SEPA appeal with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no SEPA appeal is allowed under this section, except as allowed under subsection E of this section.

E. The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

1. An appeal of a determination of significance;

2. An appeal of a procedural determination made by the city when the city is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

3. An appeal of a procedural determination made by an city on a nonproject action.

F. All procedural and substantive SEPA appeals provided under this section shall be initiated by filing a written notice of SEPA administrative appeal with the development services director, accompanied with the applicable appeal fee. No additional appellate fee shall be charged in conjunction with a hearing on the underlying permit or approval.

1. The notice of appeal required by this section shall include, at a minimum:

a. The name and address of the party or agency filing the appeal;

b. An identification of the specific proposal and specific SEPA actions, omissions, conditions or determinations for which appeal is sought;

c. A statement of the particular grounds or reasons for the appeal.

2. The director shall arrange to conduct the SEPA appeal in conjunction with a hearing or appeal on the underlying permit or approval, where required to consolidate the SEPA appeal with a hearing on the underlying governmental action. Where consolidation is not required, the director shall schedule the hearing to be conducted within 90 days of the date of filing the notice of appeal, and payment of fee.

G. SEPA procedural appeals shall be initiated and conducted in the manner set forth below:

1. An appeal to the issuance of a determination of nonsignificance (DNS), mitigated determination of nonsignificance (MDNS), may be filed by any agency or aggrieved person as follows:

a. For proposals which may be approved by an administrative official without public hearing, an appeal shall be filed within 10 calendar days following the last day of the comment period. Such SEPA appeal shall be heard in conjunction with the appeal of the underlying permit or approval, where such appeal is allowed; provided, that if no administrative appeal of the underlying permit or approval is otherwise provided for, and consolidation is not required by subsection D of this section, an appeal of the DNS/FEIS shall be heard and decided in an open record hearing by the hearing examiner appointed in Chapter 2.34 MVMC. The decision of the hearing examiner on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

b. For proposals which may only be approved by open record hearing or open record pre-decision hearing (recommendation) before the hearing examiner or planning commission, an appeal shall be filed within 10 calendar days following the last day of the comment period, or where no comment period is required, then within 10 days following the date of issuance or adoption of the DNS/FEIS, and shall be heard and decided in open record hearing by the hearing examiner or planning commission in conjunction with the decision or recommendation on the underlying proposal. The decision of the hearing examiner or planning commission on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

2. An appeal to a determination of significance (DS) may be filed by the applicant within 10 days of the issuance of the DS/scoping notice. The appeal shall be heard in open record hearing and decided by a hearing examiner appointed pursuant to Chapter 2.34 MVMC, whose decision shall be final and not subject to further administrative appeal.

3. An appeal must be filed within 10 days of issuance of the final environmental impact statement (FEIS).

4. The SEPA procedural determination of the responsible official shall be entitled to substantial weight, and the appellant shall bear the burden to establish a violation of SEPA, the SEPA rules, or the provisions of this chapter.

5. A SEPA procedural determination shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this chapter, unless a SEPA procedural appeal is filed in accordance with this part.

H. SEPA substantive appeals shall be initiated and conducted in the manner set forth below:

1. For proposals subject to final administrative action, approval, or recommendation by a nonelected administrative official or tribunal for which no administrative appeal is otherwise provided, and for which consolidation is not required by subsection D of this section, any agency or aggrieved person may file a substantive SEPA appeal within 10 days of the issuance of the administrative decision approving, conditioning, or denying the proposal on the basis of substantive SEPA authority. Such substantive SEPA appeal shall be heard and decided by the hearing examiner appointed in Chapter 2.34 MVMC in an open record hearing, unless the proposal is a project permit which has been subject to a previous open record hearing, in which case the SEPA appeal hearing shall be a closed record hearing. The substantive SEPA appeal shall be heard in conjunction with any procedural SEPA appeal. The decision of the hearing examiner on the SEPA substantive appeal shall be final and not be subject to further administrative appeal.

2. For all proposals subject to final administrative action, approval, or recommendation, by a nonelected administrative official, for which an administrative appeal or further approval hearing is otherwise provided or required, any agency or aggrieved person may file a substantive SEPA appeal within 10 days of the issuance of the administrative decision approving, conditioning, or denying the proposal on the basis of substantive SEPA authority; provided, that if the proposal is a project permit, a substantive SEPA appeal shall be filed within 10 days after issuance of the notice of decision. Any substantive SEPA appeal shall be conducted in the same manner and with the same process as otherwise provided for the appeal or approval hearing of the underlying administrative action.

3. The SEPA substantive determination to condition or deny a proposal shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this chapter, unless a SEPA substantive appeal is filed in accordance with this part.

I. How to Appeal. The appeal must be in the form of a written notice of appeal, and must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal, and a statement demonstrating standing to appeal. The appeal may also contain whatever supplemental information the appellant wishes to include.

The appeal shall also contain the following:

1. The name and mailing address of the appellant and the name and address of his/her representative, if any;

2. The appellant's legal residence or principal place of business;

3. A copy of the decision which is appealed;

4. The grounds upon which the appellant relies;

5. A concise statement of the factual and legal reasons for the appeal;

6. The specific nature and intent of the relief sought;

7. A statement that the appellant has read the appeal and believes the contents to be true, followed by his/her signature and the signature of his/her representative, if any. If the appealing party is unavailable to sign the appeal, it may be signed by his/her representative.

J. Fees. The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

K. Procedures for Appeal Hearing.

1. Notice of the Appeal Hearing.

a. Content. The SEPA official shall prepare a notice of the appeal containing the following:

i. The file number and a brief written description of the matter being appealed.

ii. A statement of the scope of the appeal including a summary of the specific factual findings and conclusions disputed in the letter of appeal.

iii. The time and place of the public hearing on the appeal.

iv. A statement of who may participate in the appeal.

v. A statement of how to participate in the appeal.

b. Distribution. At least 15 calendar days before the hearing on the appeal, the SEPA official shall send a copy of this notice to each person who received a copy of the threshold determination and any person who submitted written comments on, or an appeal of, the threshold determination.

c. The notice of appeal may be combined with the hearing notice for the underlying project permit, if applicable.

L. Participation in the Appeal. Only those persons with legal standing are entitled to appeal the threshold determination and may participate in the appeal. Participation includes the following:

1. By submitting written testimony to the development services department within the timeline established.

2. By appearing in person, or through a representative, at the hearing and submitting oral or written testimony directly to the hearing body. The hearing body may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing.

M. Staff Report on the Appeal.

1. Content. The SEPA official shall prepare a staff report containing the following:

a. The SEPA threshold determination.

b. All written comments submitted to the responsible official.

c. The letter of appeal.

d. All written comments on the appeal received by the development services department from persons entitled to participate in the appeal and within the scope of the appeal.

e. An analysis of the specific factual findings and conclusions disputed in the letter of appeal.

2. This report may be combined with the staff report on the underlying project permit, if applicable.

3. Distribution will take place at least seven calendar days before the hearing, the development services department shall distribute copies of the staff report as follows:

a. A copy will be sent to the hearing body hearing the appeal as specified.

b. A copy will be sent to the applicant.

c. A copy will be sent to the person who filed the appeal.

N. Continuation of the Hearing. The hearing body may continue the hearing if, for any reason, it is unable to hear all of the public comments on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body announces the time and place of the next hearing on the matter, no further notice of that hearing need be given, beyond that required by the Open Public Meeting Act.

O. Decision on the Appeal.

1. General. The hearing body shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. The hearing body shall either affirm or change the findings and conclusions of the responsible official that were appealed. Based on the hearing body's findings and conclusions, it shall either:

a. Affirm the decision being appealed; or

b. Reverse the decision being appealed; or

c. Modify the decision being appealed.

2. Issuance of Written Decision. Within 10 working days after the public hearing, the hearing body shall issue a written decision on the appeal. Within four calendar days after the decision is issued, the hearing body shall distribute the decision as follows:

a. A copy will be mailed to the applicant.

b. A copy will be mailed to the person who filed the appeal.

c. A copy will be mailed to all other persons of record or agencies who participated in the appeal.

P. Additional Appeal Procedures.

1. The matters to be considered and decided upon in the appeal are limited to the matters raised in the notice of appeal.

2. The decision of the responsible official shall be accorded substantial weight.

3. All testimony will be taken under oath.

4. The decision of the hearing body hearing the appeal shall be the final decision on any appeal of a threshold determination including a mitigated determination of nonsignificance.

Q. Dismissal of Appeal. The hearing examiner may summarily dismiss an appeal without hearing when such an appeal is determined by the hearing examiner to be without merit on its face, frivolous, or brought merely to secure a delay, or that the appellant lacks legal standing to appeal.

R. Effect of Appeal. The filing of an appeal of a threshold determination or adequacy of a final environmental impact statement (FEIS) shall stay the effect of such determination or adequacy of the FEIS and no major action in regard to a proposal may be taken during the pendency of an appeal and until the appeal is finally disposed of by the hearing examiner or other hearing body. A decision to reverse the determination of the responsible SEPA official and uphold the appeal shall further stay any decision, proceedings, or actions in regard to approval.

S. Withdrawal of Appeal. An appeal may be withdrawn, only by the appellant, by written request filed with the development services department (CEDD). The CEDD shall inform the hearing examiner or other hearing body of the withdrawal request. If the withdrawal is requested before the response of the responsible SEPA official, or before serving notice of the appeal, such request shall be permitted and the appeal shall be dismissed without prejudice by the Hearing Examiner or other hearing body, and the filing fee shall be refunded.

T. Standard of Review. The hearing examiner or other hearing body may affirm the decision of the responsible official or the adequacy of the environmental impact statement, or remand the case for further information; or the hearing examiner or other hearing body may reverse the decision if the administrative findings, inferences, conclusions, or decisions are:

1. In violation of constitutional provisions as applied; or

2. The decision is outside the statutory authority or jurisdiction of the city; or

3. The responsible official has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure; or

4. In regard to challenges to the appropriateness of the issuance of a DNS clearly erroneous in view of the public policy of the Act (SEPA); or

5. In regard to challenges to the adequacy of an EIS shown to be inadequate employing the "rule of reason."

U. Evidence – Burden of Proof. In each particular proceeding, the appellant shall have the burden of proof, and the determination of the responsible SEPA official shall be presumed prima facie correct and shall be afforded substantial weight. Appeals shall be limited to the records of the responsible official.

V. Judicial Appeal.

1. Any available administrative appeal provided under this section must be utilized by an agency or aggrieved person prior to initiating judicial review of any SEPA action, omission, or determination made or taken under this chapter.

2. A judicial appeal of any SEPA action, omission, or determination made or taken under this chapter must be filed within the time limitations established by any statute or ordinance for appeal of the underlying governmental action.

3. The city shall give official notice of the date and place for commencing a judicial appeal, in accordance with WAC 197-11-680(5), where there is a statute or ordinance establishing a time limit for commencing judicial appeal. (Ord. 3092 § 1, 2002; Ord. 3012 § 2, 2000).

Part VIII. Definitions

15.06.220 Purpose.
This part contains uniform usage and definitions of terms under SEPA. (Ord. 3012 § 2, 2000).

15.06.225 Adoption by reference.
The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-700 Definitions.

197-11-702 Act.

197-11-704 Action.

197-11-706 Addendum.

197-11-708 Adoption.

197-11-710 Affected tribe.

197-11-712 Affecting.

197-11-714 Agency.

197-11-716 Applicant.

197-11-718 Built environment.

197-11-720 Categorical exemption.

197-11-724 Consulted agency.

197-11-726 Cost-benefit analysis.

197-11-728 City.

197-11-730 Decision maker.

197-11-732 Department.

197-11-734 Determination of nonsignificance (DNS).

197-11-736 Determination of significance (DS).

197-11-738 EIS.

197-11-740 Environment.

197-11-742 Environmental checklist.

197-11-744 Environmental document.

197-11-746 Environmental review.

197-11-750 Expanded scoping.

197-11-752 Impacts.

197-11-754 Incorporation by reference.

197-11-756 Lands covered by water.

197-11-758 Lead agency.

197-11-760 License.

197-11-762 Local agency.

197-11-764 Major action.

197-11-766 Mitigated DNS.

197-11-768 Mitigation.

197-11-770 Natural environment.

197-11-772 NEPA.

197-11-774 Nonproject.

197-11-775 Open record hearing.

197-11-776 Phased review.

197-11-778 Preparation.

197-11-780 Private project.

197-11-782 Probable.

197-11-784 Proposal.

197-11-786 Reasonable alternative.

197-11-788 Responsible official.

197-11-790 SEPA.

197-11-792 Scope.

197-11-793 Scoping.

197-11-794 Significant.

197-11-796 State agency.

197-11-797 Threshold determination.

197-11-799 Underlying governmental action.

(Ord. 3012 § 2, 2000).

Part IX. Agency Compliance

15.06.240 Purpose.
This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating categorical exemptions that do not apply within critical areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. (Ord. 3012 § 2, 2000).

15.06.245 Adoption by reference.
The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC

197-11-900 Purpose of this part.

197-11-902 Agency SEPA policies.

197-11-916 Application to ongoing actions.

197-11-920 Agencies with environmental expertise.

197-11-922 Lead agency rules.

197-11-924 Determining the lead agency.

197-11-926 Lead agency for governmental proposals.

197-11-928 Lead agency for public and private proposals.

197-11-930 Lead agency for private projects with one agency with jurisdiction.

197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a city.

197-11-934 Lead agency for private projects requiring licenses from a local agency, not a city, and one or more state agencies.

197-11-936 Lead agency for private projects requiring licenses from more than one state agency.

197-11-938 Lead agencies for specific proposals.

197-11-940 Transfer of lead agency status to a state agency.

197-11-942 Agreements on lead agency status.

197-11-944 Agreements on division of lead agency duties.

197-11-946 DOE resolution of lead agency disputes.

197-11-948 Assumption of lead agency status.

(Ord. 3012 § 2, 2000).

15.06.250 Fees.
The city shall require the following fees for its activities in accordance with the provisions of this title:

A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city shall collect a fee as required by the city fee schedule from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee as required by the city fee schedule from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under this subsection which remain after incurred costs are paid.

C. The city may collect from the applicant the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

D. The city shall not collect a fee for performing its duties as a consulted agency.

E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW. (Ord. 3012 § 2, 2000).

Part X. Forms

15.06.280 Purpose.
The purpose of this part is to provide for uniform submittal of information on standardized forms and applications. (Ord. 3012 § 2, 2000).

15.06.285 Adoption by reference.
The city adopts the following forms and sections of Chapter 197-11 WAC by reference:

WAC

197-11-960 Environmental checklist.

197-11-965 Adoption notice.

197-11-970 Determination of nonsignificance (DNS).

197-11-980 Determination of significance and scoping notice (DS).

197-11-985 Notice of assumption of lead agency status.

197-11-990 Notice of action.

(Ord. 3012 § 2, 2000).

Chapter 15.08

INTERNATIONAL FIRE CODE AND FIRE PREVENTION BUREAU

Sections:

15.08.010 Title.
15.08.020 Adopted codes.
15.08.030 Definitions.
15.08.040 Establishment and duties of the bureau of fire prevention.
15.08.050 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.
15.08.060 Establishment of limits in which storage of liquefied petroleum gases is to be restricted.
15.08.070 Establishment of limits of districts in which storage of explosives and blasting agents to be prohibited.
15.08.080 Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited.
15.08.090 Establishment of limits of districts in which the storage of stationary containers of flammable cryogenic fluids are to be prohibited.
15.08.100 Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited.
15.08.110 Amendments – General.
15.08.120 International Fire Code 2015 Edition – Chapter 1 – Amended.
15.08.125 International Fire Code – Chapter 2 – Amended.
15.08.127 International Fire Code – Chapter 3 – Amended.
15.08.129 International Fire Code – Chapter 4 – Amended.
15.08.130 International Fire Code – Chapter 5 – Amended.
15.08.140 *Repealed.*
15.08.145 International Fire Code – Chapter 6 – Amended.
15.08.147 International Fire Code – Chapter 8 – Amended.
15.08.150 International Fire Code – Chapter 9 – Amended.
15.08.153 International Fire Code – Chapter 31 – Amended.
15.08.155 International Fire Code – Chapter 33 – Amended.
15.08.157 International Fire Code – Appendix B – Amended.
15.08.160 International Fire Code – Appendix D – Amended.
15.08.170 Permit, plan review and inspection fees.
15.08.180 Penalties.

15.08.010 Title.
This chapter shall be known as the City of Mount Vernon Fire Code. (Ord. 3685 § 1, 2016).

15.08.020 Adopted codes.
The following codes are hereby adopted by reference, subject to modifications and/or amendments hereinafter set forth in this chapter:

A. The International Fire Code, 2015 Edition, including Appendices B and D, as published by the International Code Council, together with supplements thereto and subject to the modifications set forth by the state of Washington in WAC Title 51. (Ord. 3685 § 1, 2016).

15.08.030 Definitions.
A. Wherever the words “fire marshal of the bureau of fire prevention” are used, they mean fire marshal of fire prevention or fire code official as designated by the fire chief.

B. “Fire code official” shall mean the fire marshal of fire prevention for the city of Mount Vernon.

C. Wherever the term “corporation council” is used, it means the attorney for the city.

D. Wherever the word “jurisdiction” is used, it means the city of Mount Vernon.

E. "As-built plans" shall mean drawings, blueprints or sketches that accurately reflect the configurations of equipment or system as it is installed on the premises. As-built plans shall have a north arrow, dimensions, and a full floor plan with symbols to identify components of the equipment or system.

F. "Fire apparatus access road" shall mean a road that provides fire apparatus access to a facility, building or portion thereof. This term is inclusive of all other terms such as fire lanes, public street, private street or driveway.

G. "International Fire Code" shall mean the International Fire Code, 2015 Edition, including Appendices B and D, as published by the International Code Council, as adopted by the Washington State Building Code Council together with supplements thereto and subject to the modifications set forth by the state of Washington in Chapters 51-44 and 51-45 WAC.

H. "NFPA" shall mean National Fire Protection Association.

I. "Watchman or caretakers quarters" shall mean a dwelling unit located on the site of a nonresidential use in approved zones as outlined in MVMC Title 17. The space shall be occupied only by a caretaker or guard and where the space is not more than 750 square feet in size or a fraction thereof and has a minimum of two means of egress, one of which is a direct discharge from the structure through an approved separation.

Exception: In zones allowed and where the building is fully sprinklered and approved egress is provided, the square footage shall not be limited. (Ord. 3685 § 1, 2016).

15.08.040 Establishment and duties of the bureau of fire prevention.
A. The fire prevention bureau shall be under the direction of the chief of the fire department.

B. The Mount Vernon fire code shall be enforced by the bureau of fire prevention in the fire department of the city, which is hereby established and which shall be operated under the supervision of the fire marshal of fire prevention.

C. The fire marshal of fire prevention of the bureau of fire prevention shall also be the fire marshal for the city and be appointed by the chief of the fire department.

D. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause. (Ord. 3685 § 1, 2016).

15.08.050 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.
The limits referred to in Sections 5704.9.5 and 5704.2.9.6.1 of the International Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows: The storage of Class I and Class II liquids shall be permitted only in C-2, P, M-1, and M-2 zones. The individual capacity of any one installation shall not exceed 10,000 gallons or 40,000 aggregate capacity in C-2, M-1, M-2 and C-L zones, and 1,000 gallons aggregate capacity in P zones. (Ord. 3685 § 1, 2016).

15.08.060 Establishment of limits in which storage of liquefied petroleum gases is to be restricted.
The limits referred to in Section 6104.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: The storage of LP gas shall be restricted for the protection of heavily populated or congested commercial areas; the aggregate capacity of any one installation shall not exceed a 2,000-gallon water capacity. (Ord. 3685 § 1, 2016).

15.08.070 Establishment of limits of districts in which storage of explosives and blasting agents to be prohibited.
The limits referred to in Section 5601.2.3 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The storage of explosive material shall be permitted only in M-2 zones. (Ord. 3685 § 1, 2016).

15.08.080 Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited.
In accordance with Section 104.1 of the International Fire Code in which supplemental policies and regulations are authorized: The storage of CNG shall be restricted for the protection of heavily populated or congested commercial areas; the aggregate capacity of any one installation shall not exceed 183,000 cubic feet. (Ord. 3685 § 1, 2016).

15.08.090 Establishment of limits of districts in which the storage of stationary containers of flammable cryogenic fluids are to be prohibited.
The limits referred to in Section 5504.3.1.1 of the International Fire Code in which the storage of cryogenic fluids in stationary containers is prohibited is hereby established as follows: The storage of flammable cryogenic fluids shall be restricted for the protection of heavily populated or congested areas; the aggregate capacity of any one installation shall not exceed 75,000 gallons. The storage of flammable cryogenic fluids shall be permitted only in C-1, C-3, LC, M-1, M-2 and P zones. (Ord. 3685 § 1, 2016).

15.08.100 Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited.
In accordance with Section 104.1 of the International Fire Code in which supplemental policies and regulations are authorized: The storage of hazardous material shall be restricted for the protection of heavily populated or congested commercial areas. The storage of hazardous materials is permitted only in C-1, C-3, LC, M-1, M-2 and P zones. (Ord. 3685 § 1, 2016).

15.08.110 Amendments – General.
Pursuant to authority granted by the Revised Code of Washington under the State Building Code Act, the following amendments to the International Fire Code, 2015 Edition, and Appendices B and D are hereby adopted and apply within this jurisdiction. (Ord. 3685 § 1, 2016).

15.08.120 International Fire Code 2015 Edition – Chapter 1 – Amended.
Chapter 1 of the International Fire Code is amended in the following sections and shall read as follows:

A. Section 102.7, Referenced Codes and Standards.

> The codes and standards referenced in this code shall be those that are listed in Chapter 80. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference as determined or modified by the fire code official.

B. Section 104.6, Official Records.

> The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained in accordance with the State of Washington Local Government Record Retention Schedules.

C. Section 104.10.1, Assistance from Other Agencies.

> Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fire or the enforcement of this code as requested by the fire code official.

D. Section 104.11.2, Obstructing Operations.

> No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire or actions relative to the emergency, to include the investigation of the fire for cause and origin. No person shall disobey any lawful command of the fire chief, commissioned officer or acting officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

E. Section 105.2.2, Inspection Authorized.

Before a new or renewed operational permit is approved, the fire code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas used to determine compliance with this code or any operational constraints required. Inspections for new or renewed operational permits shall occur with new business inspections, annual inspections and semi-annual inspections. The operational permit shall not be issued until all requirements of this code are met.

F. Section 105.2.3, Time Limitations of Applications.

Applications for which no permit is issued within 1 year following the date of application shall be considered abandoned and expired by limitation. Plans and other technical data submitted for review may thereafter be returned to the applicant or destroyed in accordance with State Law by the fire code official. The fire code official may extend the time period for action by the applicant for 1 period not exceeding 90 days. The applicant must request an extension in writing to the fire code official. Any code changes during this time will result in the applicant or project meeting the most current regulations and established fees.

G. Section 105.2.4.1, Action of Application.

Applications may be cancelled for inactivity if the applicant fails to respond to the department‘s written request for revisions, corrections, actions or additional information requested within 90 day’s of the date of request. The fire code official may extend the response period beyond 90 days if within the maximum time period listed in 105.2.3 and the applicant provides and adheres to an approved schedule with specific target dates for submitting full revisions, corrections or other information needed by the department.

H. Section 105.2.4.2, Extensions.

The fire code official may extend the life of an application if any of the following conditions exist:

a. Compliance with the State Environmental Policy Act is in progress; or

b. Any other department within the city is in the review process and all required documentation including; revisions, corrections, actions, or other required documentation has been provided as required in 105.2.4.1; or

c. Litigation against the city or applicant is in progress and the outcome of which may affect the validity or provisions of any permit issued pursuant to such application.

I. Section 105.4.1, Submittals.

Construction documents and supporting data shall be submitted in three sets with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a certified or registered professional as listed.

1. Fire alarm system design and specifications Level III NICET (National Institute of Certification in Engineering Technologies).

2. Fire alarm system installers shall have a NICET Level II or be supervised by a NICET Level II on site.

3. Commercial kitchen hood systems including fire suppression designers and installers shall hold a current certification for the system submitted for review.

4. Tank removal or installation shall be certified through the State of Washington.

5. Sprinkler pipe fitter certification, current issue by the State of Washington.

Exception:

Construction documents or plans, submitted for the following project types shall be allowed to submit fewer than three sets:

1. Construction plans for new construction and tenant improvements, one set to the fire department.

2. New water lines or upgrades submitted by PUD shall include 2 sets.

3. Civil plans for new construction or tenant improvements, one set to the fire department.

4. Fire alarm systems with less than 4 devices, two sets.

5. Fire sprinkler systems tenant improvements with less than 6 heads, two sets.

J. Section 106.2.3, Special Inspections.

The fire code official is authorized to require special inspections for any permit by an approved agency at no cost to the city. The special inspection shall be completed by a qualified person who shall demonstrate competence to the satisfaction of the fire code official, for the inspection of the particular type of construction or operation requiring the special inspection.

K. Section 106.2.3.1, Report Requirements.

Special inspectors shall keep records of inspections. The special inspector shall furnish inspection reports to the fire code official. Reports shall indicate the work inspected, acceptance of work or corrections required per approved construction documents and nationally recognized reference installation standards. A correction noticed shall be left on site with the project supervisor and a copy forwarded to the fire code official.

L. Sections 108.1 and 108.3, Board of Appeals, Repealed.

Sections 108.1 and 108.3 establishing a board of appeals and setting forth qualifications are hereby repealed.

M. 109.4, Violation Penalties.

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of approved construction documents or directive of the fire code official or of a permit or certificate used under provisions of this code shall be subject to civil and criminal penalties described below:

a. Mount Vernon Municipal Code Title 19, Code Enforcement.

b. Beginning work or completion of without a permit. The person or company responsible for the work will receive additional fees as outlined in 15.08.170, Fees.

(Ord. 3685 § 1, 2016).

15.08.125 International Fire Code – Chapter 2 – Amended.

Chapter 2 of the International Fire Code, 2015 Edition, the following definitions shall be added:

Sky Lantern – The term “sky lantern” means an airborne lantern made of paper with a wood or plastic frame containing a fuel cell composed of a waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into

open space. Sky candles, fire balloons or other devises with an open flame that is not in immediate control by its operator shall mean the same as sky lantern.

Private fire hydrant – Means a fire hydrant on the flow side of a DCDA valve for the protection of a building or multiple buildings where the water utility district doesn't take ownership of such water main and valves, including fire hydrants.

Public fire hydrant – Means a fire hydrant connected to the water utilities mains and is situated so that the fire department has access at all times without restriction.

Water utility District – Means Skagit County Public Utility District #1 (PUD#1).

(Ord. 3685 § 1, 2016).

15.08.127 International Fire Code – Chapter 3 – Amended.
Chapter 3 of the International Fire Code is amended in the following sections and shall read as follows:

A. Subsection 308.1.4, Open-Flame Cooking Devices.

Charcoal burners and other open flame cooking devices including portable fire pits shall not be operated on combustible balconies covered egress paths or within 10 feet of combustible construction.

Exception:

1. Single family dwellings.

2. Where buildings, balconies, decks and cover egress pathways are protected by an approved automatic sprinkler system.

3. LP-gas container with a water capacity not greater than 2 1/2 pounds.

B. Subsection 308.1.5.1, Sky Lanterns.

The use of, transfer, discharge or sale of sky lanterns shall be prohibited within the city limits of Mount Vernon.

C. Subsection 309.4, Fire Extinguishers.

Powered industrial trucks powered by a compressed gas or liquid shall have a fire extinguisher mounted in a visible and accessible location on the industrial truck. The fire extinguisher size shall be a 1A10-BC type.

(Ord. 3685 § 1, 2016).

15.08.129 International Fire Code – Chapter 4 – Amended.
Chapter 4 of the International Fire Code is amended in the following sections and shall read as follows:

A. Section 404.2.1, Where Required.

A fire safety and evacuation plan shall be approved by the fire code official. Fire safety plans shall be prepared and maintained for the following occupancies and buildings.

B. Section 404.2.3.1, Where Required.

Shelter in place and lockdown plans shall be approved by the fire code official. Shelter in place and lockdown plans shall be prepared and maintained for all Group E occupancies.

C. Section 405.6, Notification.

The fire code official shall be notified of all emergency drills prior to the drill for Groups A and E occupancies. All remaining groups listed in table 405.2 shall follow 405.5 as revised by WAC.

(Ord. 3685 § 1, 2016).

15.08.130 International Fire Code – Chapter 5 – Amended.

Chapter 5 of the International Fire Code is amended in the following sections and shall read as follows:

A. 503.1, Fire Apparatus Access Roads.

Fire apparatus access roads shall be approved and maintained in accordance with the following sections. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

B. 503.1.1, Building and Facilities, Approved.

Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Measuring distance for fire apparatus roads shall start at the finished edge of an approved right of way as defined by Mount Vernon City Standards.

Exception:

The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

2. Fire apparatus access roads cannot be installed because of location on property, topography, water-ways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

3. There are not more than two Group R-3 or Group U occupancies.

C. 503.1.2, Additional Access.

The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access to commercial developments.

D. 503.2, Specifications.

Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7, and Appendix D of the International Fire Code, 2015 Edition.

E. 503.2.1, Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Exceptions:

1. Approved security gates in accordance with Section 503.6 and Appendix D Subsection D103.5.

2. Approved aerial fire apparatus access roads in accordance with Appendix D, Section 105.

3. Where fire hydrants are present, the fire apparatus access road shall be in accordance with Appendix D, Section 103.

F. 503.2.2, Authority.

The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire service operations.

G. 503.2.4, Turning Radius.

The required inside turning radius of a fire apparatus access road shall be 28 feet. The outside radius shall be 45 feet.

H. 503.2.5, Dead Ends.

Dead-end fire apparatus access roads in excess of 150 feet in length measured from the finished edge of a public or private street, alley or lane to the end of the fire apparatus access road shall have an approved turn around for fire apparatus. The following are approved styles.

Exception: Where an approved automatic sprinkler system is installed throughout a building in accordance with 903.3.1.1, 903.3.1.2 and 903.1.2 the fire code official may waive or reduce fire apparatus turn arounds.

Dead ends more than 250 feet in length measured from the finished edge of a public street or Private Street, alley or lane to the end of the fire apparatus access road shall be a minimum of 26 feet wide with an approved turn around.

Table

Requirements for Dead-End Fire Apparatus Access Roads

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-750	26	120-foot Hammerhead, 60-foot “Y” or 90-foot-diameter cul-de-sac
Over 750	Special approval required	

I. 503.2.6, Bridges and Elevated Surfaces.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the City of Mount Vernon Engineering Standards. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

J. 503.2.8, Angle of Approach and Departure.

The angles of approach and departure for fire apparatus roads shall be within the limits established by the fire code official based on the fire department's apparatus.

K. 503.3, Marking.

Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility. The following shall be the approved fire lane marking:

1. Curbs shall be painted dark red on the face and top of the curb. 4 inch tall white letters, block style shall be stenciled over the dark red paint on the face side of the curb. The letter reading "NO PARKING FIRE LANE" shall be stenciled every 30 feet or at least once per planter island.

2. Where curbs are not present, a minimum of a 12 inch wide dark red painted stripe shall run the entire length of the fire lane. 12 inch tall, white block style letters shall be stenciled over the top of the dark red painted stripe reading "NO PARKING FIRE LANE" every 30 feet.

3. No parking signs in accordance with Appendix D, Section D103.6.

4. Fire hydrants access shall be marked in one of the approved methods listed above. The restricted area being identified shall be from the center line of the fire hydrant, 15 feet to each side for a total of 30 feet a access.

5. Combination of the above.

L. 503.4, Obstruction of Fire Apparatus Access Roads.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

M. 503.4.1, Traffic Calming Devices.

Traffic calming devices shall be prohibited unless approved by the fire code official.

N. 503.6, Security Gates.

The installation of security gates across roads shall be approved by the fire code official. Where security gates are installed they shall be operated by an optical emitter or other device approved by the fire code official. The security gate and emergency operation shall be maintained at all times by the party responsible for the gate. Electric gate operators, where allowed shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with requirements of ASTM F2200.

O. Section 504.4, Ground Ladder Access.

For all new buildings constructed as a single story shall allow access via ground ladder to one side of the building. The location shall be approved by the fire code official.

P. 505.1.1, Identification Size.

In order that the address identification is plainly visible, the following size figures or numbers, in block style in contrasting color shall be used in accordance with the following:

i. Single family residential houses - 4". Exception: single family residential houses more than 100 or more set back shall have 6" numbers.

ii. Multi-family residential or small business: 50' or less setback - 6"; more than 50' setback - 10".

iii. Commercial or industrial areas: 100' or less setback - 10"; more than 100' setback - 15".

Q. 505.1.2, Rear Door Marking.

When vehicle access is provided to the rear of residential, commercial, industrial and warehouse buildings, the rear doors servicing structure shall be marked to indicate address and/or unit identification with letters or numbers at least 4" high.

R. 505.1.3, Suite Numbers.

Buildings consisting of separate suites with the same building address shall have their suite number marked so that the suite is readily identifiable. Suite numbers shall be a minimum of 4 inches tall, block style 0.5 stroke and contrasting in color to its background. Suite numbers shall be installed in one of 3 locations: i. over the top of the door. ii. On the door, middle upper half. iii. To the side of the door with the latching device.

Exception: Suites located on an interior hall or corridor shall have lettering at least 2-inch high.

S. 506.1, Where Required.

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed. The key box shall be a Knox box 3200 style for buildings with fewer than 5 keys and a 4400 style for buildings with more than 5 keys. Key boxes shall be installed not more than 5 feet from grade to the top of the key box and not less than 12 inches from grade. Key boxes shall be located at sprinkler riser rooms or main entrances. Buildings larger than 50,000 square feet or where fire department access is restricted the fire code official can required an additional key box.

T. 507.3, Fire Flow.

The fire flow requirements for buildings or portions of buildings and facilities shall be determined by Appendix B of the International Fire Code 2015 Edition.

Exception: Group R-4 buildings listed in Appendix B are not adopted by WAC.

U. 507.5, Fire Hydrant Systems.

Fire hydrant systems shall comply with sections 507.5.1 through 507.5.5.

V. 507.5.1, Where Required.

As a condition of approval of a permit to construct or remodel a building or moved into or within the jurisdiction, fire hydrants and water mains shall be provided in accordance with Section 507. Such fire hydrants shall be installed, tested and accepted prior to construction of any building or remodel. The fire code official or designee shall conduct the acceptance test.

W. 507.5.2, Minimum Fire Hydrants Available.

1. The minimum number of fire hydrants available to a building shall not be less than one for every 1000 gallons per minute or a fraction thereof based on the required fire flow from Appendix B.

Exception: where the available fire flow quantities up to 1500 gallons per minute only one fire hydrant is required.

2. Buildings requiring a fire flow of 2500 gallons per minute or more shall have fire hydrants served by a minimum 8 inch main that loops the building or complex of buildings and reconnects into a distribution supply main in a separate location.

Exception: Where property lines, topography or other features prevent a fire apparatus access to one or more sides. In that event an approved Automatic sprinkler system and fire alarm system will be installed.

X. 507.5.3, Available Fire Hydrants.

The total number of available fire hydrants will be determined by new and existing fire hydrants on site or within the maximum distance spacing as determined by Section 507.5.5.

Exception: Existing fire hydrants located on opposing side of a principal arterial or minor arterial for new construction or where an addition increases the minimum required fire flow above the available fire flow shall not be counted as available fire hydrants. Fire hydrants on principal and minor arterials shall be installed so that fire hydrants alternate sides of the arterial and meet spacing requirements of 507.5.4 and 507.5.5.

Y. 507.5.4, Average Spacing in R-1 and R-A Zones.

Fire hydrants installed in R-1 (single family detached residential) and R-A (residential agricultural district) shall be spaced at intersections along public streets and approved fire apparatus access roads and no more than 500 feet between fire hydrants. The most remote portion of the first floor, exterior wall of a building shall not be more 650 feet from a fire hydrant measured in a route around the building and along the fire apparatus access road(s).

Z. 507.5.5, Average Spacing in All Other Zones.

Fire hydrants installed in any zone other the R-1 and R-A, including buildings being occupied by conditional use permits in R-1 zones shall be spaced at intersections or public and commercial streets and not more than 300 feet between fire hydrants. The most remote portion of the first floor exterior wall of a building shall not be more than 450 feet from a fire hydrant measures in a route around the building and along the fire apparatus access road(s).

AA. All fire hydrants shall be made accessible to fire department personnel by roads capable of supporting the weight loads of fire department apparatus.

Fire hydrants located on the flow side of a DCDA device or where Skagit Public Utility District No. 1 does not accept ownership of a water line and valves shall be considered a private water system and the property owner shall be responsible for maintenance and repairs.

BB. 509.2, Equipment Access.

Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Storage, trash and other materials or objects shall not be placed or kept within the room or space of the fire protection equipment.

CC. 509.2.1, Fire Protection Equipment Rooms.

1. All buildings required by this code to have an automatic sprinkler system shall have a room dedicated for the sprinkler riser and all other related fire and life safety equipment. The room shall be located on grade level (first floor) as approved by the fire code official. The room shall have an exterior entrance with a minimum of a 36 inch door width. The room shall have a minimum of 1-hour separation and be large enough to have 3 feet of working space on the valve side of the riser.

2. Sprinkler Riser rooms shall maintain a minimum of 40 degrees and when required by the fire code official the room temperature will be monitored.

DD. 510.1, Emergency Responder Radio Coverage in New Buildings.

All buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. New buildings shall be equipped with such coverage according to the following:

1. New medium and high density buildings shall be reviewed by a communications engineer as part of the building design process. The purpose of such review would be to predict radio system signal levels in the proposed building in order to ensure compliance with the coverage standards outlined in this ordinance.

2. All new structures taller than fifty feet above ground that could block existing public safety microwave paths shall require a showing that they will not interrupt such microwave paths. This showing will be prepared by a licensed communications engineer and will include information confirming that the proposed construction will not interfere with the present or planned microwave path. This showing will be provided to both the City of Mount Vernon as well as to Skagit 911. Buildings that will block a microwave path will be required to mitigate such blockage.

Exceptions:

1. Where approved by the building code official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained in lieu of an approved radio coverage system.

2. Where it is determined by the fire code official that the radio coverage system is not needed.

3. The requirements set forth in this section shall not apply to buildings of wood frame construction in or buildings less than 5000 square feet in total area, provided that those buildings do not make use of any metal construction, use high density sheetrock or sound board, have exterior curtain walls constructed of low-E glass, have any underground space for occupancy, or are largely constructed of materials known to block, interfere with, or severely attenuate radio frequencies normally used for public safety communications.

EE. 510.2, Radio Signal Strength.

The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements in Sections 510.2.1 and 510.2.2 and 510.2.3.

FF. 510.2.1, Minimum Signal Strength into the Building.

Minimum signal strength of -95 dBm shall be receivable within the building.

GG. 510.2.2, Minimum Signal Strength out of the Building.

Minimum signal strength of -100 dBm shall be received by the agency's radio system when transmitted from within the building.

HH. 510.2.3, Minimum Audio Quality.

Calculations shall be done using a Desired Audio Quality (DAQ) of 3.4.

II. 510.3, Emergency Responder Radio Coverage in Existing Buildings.

Existing buildings that do not have approved radio coverage for emergency responders within the building shall be equipped with such coverage according to one of the following:

1. Whenever existing wired communication system cannot be repaired or is being replaced, or where not approved in accordance with Section 510.1 Exception 1.

2. Within a time frame established by the adopting authority.

3. Except as otherwise provided, no person shall erect, construct, change the use of, or provide an addition of more than 20 % to, any building or structure or any part thereof, or cause the same to be done which fails to support adequate in building radio coverage for the public safety radio communications network.

4. All modified structures taller than fifty feet above ground shall require a showing that they will not interrupt the microwave paths which connect the facilities that make up the Skagit County Public Safety Communications Microwave Backbone. This showing will be prepared by a licensed communications engineer and will include information confirming that the proposed construction will not interfere with the present or planned microwave path. This showing will be provided to both the City of Mount Vernon as well as to Skagit 911. Buildings that will block a microwave path will be required to mitigate such blockage.

Exceptions:

1. The requirements set forth in this section shall not apply to buildings of wood frame construction in or buildings less than 5000 square feet in total area, provided that those buildings do not make use of any metal construction, use high density sheetrock or sound board, have exterior curtain walls constructed of low-E glass, have any underground space for occupancy, or are largely constructed of materials known to block, interfere with, or severely attenuate radio frequencies normally used for public safety communications.

JJ. 510.4, Approved Methods for Achieving Radio Coverage.

The following methods are approved for achieving the radio coverage standards outlined in 510.2:

510.4.1 Amplifications systems.

Buildings and structures that cannot support the required level of radio coverage identified may be equipped with either a radiating cable system or an internal multiple antenna system with an FCC type accepted bi-directional amplifiers as needed. Amplification systems shall meet the following requirements:

1. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least twelve (12) hours without external power input. The battery system shall automatically charge in the presence of an external AC power input.

2. It may be required that bi-directional amplifiers include filters to reduce adjacent frequency interference at least 35 dB below the channels in use in the Skagit County Public Safety Communications Radio System. Consultation with the designated communications engineer is required to determine if the specific installation requires this additional filtering. Other settings may be used provided that they do not attenuate the Skagit County Public Safety Communications Radio System frequencies.

3. Amplification systems must support analog transmission and APCO P25 digital transmission. The frequency range which must be supported shall be 146-172 MHz, and 450-512 MHz.

4. Written notification to Skagit 911 and the City of Mount Vernon is required two (2) weeks in advance of when an installed amplification system is operational.

510.4.2 In-Fill radio sites.

Buildings and structures that cannot support the required level of radio coverage identified may construct In-fill radio sites that are integrated into the Skagit County Public Safety Communications Radio System. Ownership of In-Fill radio sites, when completed and accepted, will be transferred to the City of Mount Vernon. In-fill radio sites shall meet the following:

1. Engineering of in-fill radio sites shall be done by a licensed Radio System Engineer.

2. In-fill systems must support analog transmission and APCO P25 digital transmission. The frequency range which must be supported shall be 146-172 MHz, and 450-512 MHz.

KK. 510.5, Technical Criteria.

The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This document shall contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information.

LL. 510.6, Secondary Power.

Emergency responder radio coverage systems shall be provided with an approved secondary source of power. When primary power is lost, the power supply to the emergency responder radio coverage system shall automatically transfer to the secondary power supply.

510.6.1 In Building amplifier systems. In building amplifier systems shall be backed up by a battery system capable of operating the emergency responder radio coverage system for a period of at least 12 hours. Battery systems shall automatically charge in when commercial power is available. A back-up generator may be used in place of a battery system.

510.6.2 In-Fill radio sites. In fill radio sites shall be backed up by back-up generator with a minimum 48 hour fuel supply.

MM. 510.7, Additional Frequencies and Change of Frequencies.

The emergency responder radio coverage system shall be capable of modification or expansion in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC.

NN. 510.8, Installation Requirements.

The installation of the public safety radio coverage system shall be in accordance with Sections 510.8.1 through 510.8.5.

510.8.1 Approval prior to installation. No system capable of operating on frequencies licensed to any public safety agency by the FCC shall be installed without prior coordination and approval of the fire code official.

510.8.2 Permits. A construction permit and plan review is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

510.8.3 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include:

1. A Valid FCC issued General Radio Operators License, or current technician certification issued by the Associated Public-Safety Communications or the Personal Communications Industry Association (PCIA), or a licensed radio system engineer.

2. Certification of in-building system training issued by a nationally recognized organization, school or a certificate issued by the manufacturer of the equipment being installed.

The agency may waive these requirements upon successful demonstration of adequate skills and experience satisfactory to the fire code official.

510.8.4 Inspection and testing procedure. When an in-building radio system is required, and upon completion of installation, it will be the building owner's responsibility to have the radio system tested to ensure that two-way coverage on each floor of the building is a minimum of 95%. The testing procedure shall be as follows:

1. Each floor of the building shall be divided into a grid of approximately twenty (20) equal areas.

2. The test shall be conducted using a Motorola HT 1250 or equivalent approved portable radio, communicating through the Skagit County Public Safety Communications Radio System.

3. A maximum of two (2) nonadjacent areas will be allowed to fail the test.

4. In the event that three (3) of the areas fail the test, in order to be more statistically accurate, the floor may be divided into forty (40) equal areas. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the forty (40) area test, if the system continues to fail, the building owner shall have the system altered to meet the 90% coverage requirement.

5. A test location approximately in the center of a grid area will be selected for the test, then the radio shall be enabled to verify two-way communications to and from the outside of the building through the Skagit County Public Safety Communications Radio System. Once the spot has been selected, that location shall represent the entire area. If the test fails in the selected test location, that grid area shall fail, and prospecting for a better spot within the grid area will not be permitted.

6. The gain values of all in building amplifiers and ERP of in-fill radio sites shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to re-establish, the gain values.

7. As part of the installation of in-building amplifier systems, a spectrum analyzer or other suitable test equipment shall be utilized to insure spurious oscillations are not being generated

by the subject amplifier system. This test will be conducted at time of installation and subsequent annual inspections.

8. When measuring the performance of an in-building amplifier, signal strength measurements are based on an input signal from the Skagit County Public Safety Communications system adequate to obtain a maximum continuous operating output level. Multiple carrier environments shall take into account the presence of non-Skagit County Public Safety Communications signals in the design of the amplifier system.

510.8.5 FCC compliance. The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations, including but not limited to, FCC 47 CFR 90.

OO. 510.9, Maintenance.

The emergency responder radio coverage system shall be maintained in accordance with Sections 510.9.1 through 510.9.3.

510.9.1 Maintenance. The public radio coverage system shall be maintained operational at all times.

510.9.2 Testing and proof of compliance. The emergency responder radio coverage system shall be inspected and tested annually or whenever structural changes occur including additions or remodels that could materially change the original field performance tests. Testing shall consist of the following:

1. In-building coverage test as described in Section 510.8.4 shall be conducted every 5 years.

2. In-building amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.

3. Maintenance and testing of in-fill radio sites is the responsibility of the City of Mount Vernon.

4. Backup batteries, generators, and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the one hour test period the battery exhibits symptoms of failure, the test shall be extended for additional one hour periods until the integrity of the battery can be determined.

5. All other active components shall be checked to verify operation within the manufacturer's specifications.

6. At the conclusion of the testing a report will be submitted to the fire code official.

PP. 510.10, Field Testing.

Agency personnel shall have the right to enter onto the property at any reasonable time to conduct field-testing to verify the required level of radio coverage.

QQ. 510.11, Definitions.

A. Floor of a Building – Includes all floors above and below grade including parking areas, lofts, mezzanines, equipment rooms, and stairwells.

B. Designated Communications Engineer – Communications engineer specified by the City of Mount Vernon

C. Skagit County Public Safety Communications Radio System – The radio systems used by law enforcement, fire departments and districts, emergency medical service agencies, general government, and the department of emergency management essential for the provision of services related to law enforcement, fire suppression, emergency medical treatment, disaster operations, and essential day to day government functions.

Skagit 911 – The public safety answering point and emergency communications center for Skagit County public safety agencies.

In-fill radio sites – Base station, repeater, or radio receiver sites strategically located to improve radio communications in a specific area or building.

Equivalent approved portable radio – A portable radio with receiver, transmitter, and antenna specifications identical to the Motorola HT1250 portable radio.

(Ord. 3685 § 1, 2016).

15.08.140 International Fire Code – Section 901.4.2 – Amended.
Repealed by Ord. 3284. (Ord. 2938, 1999).

15.08.145 International Fire Code – Chapter 6 – Amended.
Chapter 6 of the International Fire Code is amended in the following sections and shall read as follows:

A. 604.5.1, Activation Test.

An activation test of emergency lighting and exit signs shall be completed monthly. The activation test shall ensure the emergency lighting and exit signs automatically, upon normal electrical disconnect and stays sufficiently illuminated for a minimum of 30 seconds.

B. 604.5.2, Power Test.

For battery powered emergency lights and exit signs, a power test of the emergency lighting and exit signs shall be completed annually. The power test shall operate the emergency lighting and exit signs for a minimum of 90 minutes and shall remain sufficiently illuminated for the duration of the test.

C. 605.7, Appliances.

Electrical appliances and fixtures shall be tested and listed in published reports of inspected electrical equipment by an approved agency and installed and maintained in accordance with all instructions. Electrical appliances and fixtures with a service cord shall be plugged directly into an approved receptacle.

Exception:

Power taps shall not be an approved receptacle for refrigerators, microwaves or other appliance that is stationary for more than 90 days.

D. 605.10.1, Listed and Labeled.

Only listed and labeled portable space heaters with built in tip over switches shall be used.

E. 605.10.2, Power Supply.

Portable, electric space heaters shall be plugged directly into an approved receptacle, Portable, electric heaters shall be unplugged at the end of each working day or when not in use.

F. 605.11, Solar Photovoltaic Power Systems.

Solar photovoltaic power systems shall be installed in accordance with this code, The International Building Code, International Residential Code, manufactures instructions and NFPA 70.

G. 605.11.1.3.4, Marking.

1. Marking is required on all interior and exterior DC conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes and disconnects.

2. Materials used for markings shall be a reflective weather resistant and suitable for the type of environment. Markings shall have red background with a minimum of 1/2 inch tall, white block style letters reading "WARNING ALTENATIVE POWER SOURCE."

3. Markings shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

4. Markings shall be placed on all interior and exterior DC conduit, raceways, enclosures and cable assemblies every 10 feet within 1 foot of all turns or bends and within 1 foot above or below all penetrations of the roof, floor, ceiling or wall assemblies.

H. 605.11.2, Locations of DC Conductors.

Conduit, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit that runs between sub arrays and the DC combiner boxes shall be installed in a manner that minimizes the total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that the conduit runs are minimized in the pathways between arrays. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building. Conduit shall run along the bottom of load barring members.

I. 605.11.3, Residential Systems for One and Two Family Dwellings.

Access and pathways shall be provided in accordance with Sections 605.11.3.1 through 605.11.3.6.

J. 605.11.3.1, Access Required.

Panels, modules and arrays shall be located in a manner that provides a minimum of two separate 3 foot wide clear access pathways from the eave to the ridge on each roof. The access pathways shall be located at structurally strong locations on the building capable of supporting the live load of firefighters accessing the roof.

K. 605.11.3.2, Residential Building with a Single Ridge.

Panels, modules and arrays shall be permitted to be located up to the ridge on one slope only, with the other slope being accessible and suitable for ventilation up to the ridge or an alternative method for ventilation approved by the fire code official.

L. 605.11.3.3, Residential Buildings with Multiple Ridges, Hips or Valleys.

Panels, modules and arrays shall be located no closer than 18 inches to the ridge, hip or a valley if the panels, modules or arrays are to be placed on both sides of a ridge, hip or valley. If the panels, modules or arrays are to be located on only one side of a ridge, hip or valley then the panels, modules and arrays shall be permitted to be placed directly adjacent to the hip, ridge or valley.

M. 605.11.3.4, Smoke Ventilation.

Panels, modules and arrays shall be located such that one side of each ridge shall have not less than 4 feet of clear space immediately below the ridge available to allow for fire department smoke ventilation operations.

N. 605.11.3.5, DC Disconnects and Battery Locations.

1. Disconnects shall be located in an accessible location that does not required keys, codes or special knowledge to enter the dwelling. Disconnects shall be located as close to the electrical meter as possible. If the disconnect is to be placed within an exterior enclosure then the enclosure shall be labeled as such.

2. Photovoltaic systems with battery backup shall be located in an approved secured area meeting battery storage requirements of the IFC Section 608.

O. 605.11.3.6, Secondary Access from Dwellings.

Secondary dwelling access points shall not be compromised by any part, device or component of a photovoltaic solar system. A minimum of 24 inches shall be maintained in a direct pathway to an exit point, eave or another portion of the roof to escape from the products of combustion.

(Ord. 3685 § 1, 2016).

15.08.147 International Fire Code – Chapter 8 – Amended.
Chapter 8 of the International Fire Code is amended in the following section and shall read as follows:

A. 807.4.3.3, Upholstered Furniture in Group E Occupancies.

Upholstered furniture in Group E classrooms shall be prohibited. Upholstered furniture shall include but not limited to: couches, ottomans, chairs, beanbags, pillows and the like.

(Ord. 3685 § 1, 2016).

15.08.150 International Fire Code – Chapter 9 – Amended.
Chapter 9 of the International Fire Code is amended in the following sections and shall read as follows:

A. 901.5.1, Occupancy.

It shall be unlawful to occupy any portion of a building or structure until the required fire detection, alarm and suppression systems have been tested and approved. All acceptance tests shall be witnessed by the Fire Department, Fire Prevention Bureau prior to occupancy being granted.

B. 901.6, Inspection Testing and Maintenance – 901.6.1, Annual Certification Required.

All sprinkler systems, fire alarm systems, portable fire extinguishers, smoke removal systems and other fire protective or extinguishing systems shall be certified annually by a qualified agency.

Exception:

Hood fire extinguishing requires 6-month service. Documentation shall be provided as indicated in section 901.6.

C. 901.7, Systems Out of Service.

Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where components of the system have been replaced the fire code official shall inspect work and test the system as deemed necessary. Where utilized, a qualified person approved by the fire code official for fire watches shall be provided with at least one approved means for notification of the fire department has knowledge of building features including exits and has a minimum of one audio device to alert occupants. The approved fire watch person(s) shall provide a certificate of training with the use of fire extinguishers within the last 12 months. Their only duty shall be to perform constant patrols of the unprotected premises and keep watch for fires.

D. 903.2, Where Required.

Approved automatic sprinkler systems in new buildings and structures including shell buildings 5000 square feet or greater shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Shell buildings 5000 square feet or greater shall be classified as a hazard group 2

E. Intentionally omitted.

F. 903.4.2, Alarms.

Approved audible and visible alarm notification appliances shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the fire code official. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Exceptions:

1. With approval of the fire code official, audible and visible alarm notification appliances may be omitted for approved residential sprinkler systems in 1 or 2 dwelling units if not otherwise specifically required.

2. Approved domestically supplied local systems with 10 heads or less per building.

G. 906.1 “Where required” subsection is hereby amended to delete exception to item number 1. In all Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies. F. Group A.

H. 907.2, Where Required in New Buildings, Change of Use or Tenant Improvement.

1. All newly constructed commercial buildings or commercial buildings with a change of use or where an interior tenant improvement occurs and where the building or fire area is 2500 square feet or larger and not protected by an automatic fire sprinkler system shall have an automatic fire alarm system installed per NFPA 72 and the City of Mount Vernon fire alarm standards.

2. Where a Group R is converted to a Group B or M as defined in Title 15, specifically 15.04.050 of the Mount Vernon municipal Code.

3. Where a watchman, guard or caretakers space is located in a nonresidential structure.

I. 907.2.9.2, Group R-2 and R-3 Occupancies Smoke Detection.

Automatic smoke detection is required for all Group R-2 and R-3 occupancies in corridors, and required egress where not addressed in the International Fire Code. Automatic smoke or heat detection may be required by the fire code official in unoccupied spaces such as mechanical rooms, electrical rooms and storage areas.

Exception: One and two family dwellings.

J. 907.6.6, Monitoring.

All fire alarms systems, fire detection systems, or sprinkler systems shall be monitored by and approved supervising station.

K. 907.6.3.1, Fire Alarm Control Panels.

Annunciation or control panels that have capabilities to connect intrusion alarm devices shall not be allowed. Only fire alarm components shall be connected to the fire alarm control panel.

L. Section 907.7.3, Instructions.

Operating, testing and maintenance instructions and record drawings ("as builts") and equipment specifications shall be provided at an approved location. A pictograph shall be installed next to the FACP and any remote annunciation. The Pictograph shall be computer generated, large enough to visibly read and locate all zones and devices within the building. Zones located on the pictograph shall be color coded and no two zones shall have the same color. The pictograph shall be protected from damage and mounted securely to the wall. The pictograph shall be reviewed and approved before installation.

M. Section 912.2, Location.

Fire department connections shall be remote from the building(s) they serve. The fire department connection shall meet the design standard of the Mount Vernon fire department. The following are approved locations:

1. A minimum of the height plus one-half of the building away if terrain and lot size allows.

2. Near an entrance point to the property or development.

3. Within 25 feet of a fire hydrant.

4. Within 10 feet of a fire access road.

5. Shall connect to the fire protection side of the DCCA valve with in a vault where a vault is required.

Exception:

The fire department connection may be wall mounted on a building only if terrain, lot size or building size or location doesn't allow for a remote location as listed above.

(Ord. 3685 § 1, 2016).

15.08.153 International Fire Code – Chapter 31 – Amended.

Chapter 31 of the International Fire Code is amended in the following section and shall read as follows:

A. Section 3104.15.5, Cooking Tents.

Cooking where grease laden vapors are produced is prohibited under any tent or membrane structure. Effective date of this section shall be October 1, 2017.

Exception: Where an approved Type I hood system with an approved extinguishing system has been installed and inspected meeting requirements of 609.3.

(Ord. 3685 § 1, 2016).

15.08.155 International Fire Code – Chapter 33 – Amended.
Chapter 33 of the International Fire Code is amended in the following sections and shall read as follows:

A. Section 3310.3, Address.

An approved address shall be posted at all construction sites including PUD's and land clearing operations.

B. Section 3312.1, Water Supply for Fire Protection.

When required an approved water supply for fire protection shall be made available. Water lines with fire hydrants in PUD's or smaller development shall be approved and operational before combustible materials arrive. Existing buildings shall have a water supply from either an existing fire hydrant or a new fire hydrant on the property if required. Portable private water tenders shall not be allowed.

(Ord. 3685 § 1, 2016).

15.08.157 International Fire Code – Appendix B – Amended.
Appendix B of the International Fire Code is amended in the following sections and shall read as follows:

A. Section B105 (Table B105.1(1)) Exception.

1. A reduction in required fire-flow of 50 percent, as approved the entire structure is protected by an approved automatic sprinkler system. After all reasonable alternatives to meet the required fire-flow are exhausted, including the use of setbacks, area separations, and an automatic sprinkler system, if the fire flow cannot be achieved then an approved fire alarm system shall be installed and provide up to 25 percent of the fire flow.

B. Section B105 (Table B105.2) Exception.

1. A reduction in required fire-flow of 50 percent, as approved when the entire structure is protected by an approved automatic sprinkler system installed in accordance with section 903.3.1.1 or 903.3.1.2. The resulting fire flow shall not be less than 1500 gallons per minute for the prescribed duration as specified in table B105.1.

2. After all reasonable alternatives to meet the required fire-flow are exhausted, including the use of setbacks, area separations, and an automatic sprinkler system, if the fire flow cannot be achieved then a full fire alarm system including manual pull stations shall be installed and provide up to 25 percent of the fire flow.

(Ord. 3685 § 1, 2016).

15.08.160 International Fire Code – Appendix D – Amended.
Appendix D of the International Fire Code is amended in the following sections and shall read as follows:

A. Section D103, Entitled "Minimum Specifications."

Section D103.3 turning radius. Fire apparatus access roads shall meet minimum specifications as set forth in MVMC 15.08.130.

Section D103.4 Dead ends. Dead-end fire apparatus access roads shall meet minimum specification as set forth in MVMC 15.08.130 H.

(Ord. 3685 § 1, 2016).

15.08.170 Permit, plan review and inspection fees.

A. Permit, plan review and inspections shall be assessed for the following fire protection systems and processes:

Unless otherwise specified, all fees are comprehensive for Permit, Plan Review and Inspection Services

Table A – COMMERCIAL PLAN REVIEW

New or tenant improvement building permits – Applies to all occupancies except Group R-3		
Plan Review and Inspection Fees		
Construction Valuation		Fee:
From	To	Fee paid at time of building permit and includes review of civil plans associated with building reviews.
$–	$1,000	$0
$1,001	$5,000	$75
$5,001	$10,000	$150
$10,001	$20,000	$200
$20,001	$45,000	$250
$45,001	$100,000	$300
$100,001	$250,000	$400
$250,001	$500,000	$500
$500,001	$1,000,000	$600
$1,000,001	$1,500,000	$750
$1,500,001	$2,000,000	$850
> $2 million		$850 plus $100 per $500,000 over $2 million
Plats, Subdivision and PUD		
	Preliminary Plat	$175
	Final Plat	$85
	Short Plat	$150

Table B – SPECIAL ASSEMBLY PERMITS (IFC 105.7.16)

Temporary Membrane Structures, Tents and Canopies
(See IFC 105.7.12 and IFC Chapter 31)

Duration / Commercial Use:	Fee:
< 3 days	No Fee
4 to 180 days	$50
Temporary Assembly	
For < 99 people	$50
For > 99 people	$100

Table C – EXPLOSIVES (IFC 105.6.15)

Retail Fireworks Stand	
Retail Sales	$100
Temporary Storage	$300

Table D – NFPA 72 FIRE ALARM SYSTEMS (IFC 105.7.6)

Comprehensive Fees for Permit, Review and Inspection		
Tenant Improvement or System Modification		
Number of Devices:		
From:	To:	Fee:
1	2	$100
3	5	$125
6	10	$175
11	20	$225
21	40	$300
41	100	$375
101	200	$475
> 200		$500 plus $50 per 100 additional devices (prorated)
New System Fire Alarm Systems		
Number of Devices:		
From:	To:	Fee:
1	100	$350
101	200	$475
> 200		$500 plus $50 per 100 additional devices (prorated)

In addition to device fees shown above, the following fees also apply:	
FACP and/or Transmitter	
Replaced	$125
New	$200
Note: All central station monitoring must be UL or FM listed.	
Devices include separate, individual portions of a fire alarm system such as initiating devices, notification appliances, flow switches, supervisory switches, magnetic door hold-open devices, remote enunciators, pull stations, beam detectors (each piece is one device), and other such devices.	

Table E – FIRE SPRINKLER SYSTEMS (IFC 105.7.1, 105.7.15)

Tenant Improvement or System Modification (NFPA 13/13R)		
Number of Devices:		Fee:
From:	To:	
1	2	$100
3	5	$125
6	10	$175
11	20	$225
21	40	$300
41	100	$400
101	200	$475
201	300	$575
> 300		$600 plus $50 per 100 additional devices (prorated)

New System (NFPA 13/13R)		
Number of Devices:		Fee:
From:	To:	
1	100	$375
101	200	$475
201	300	$600
> 300		$625 plus $50 per 100 additional devices (prorated)
NFPA 13D (RESIDENTIAL)		
Number of Devices:		Fee:
From:	To:	

1	10	$175
11	25	$225
26	+	$275
Nonrequired NFPA 13D systems shall not be charged a fee for review and inspection.		
Hood Suppression Systems/Alternative Fire Suppression		
Type of System:		Fee:
Pre-Engineered		$200
Custom Engineered		$275
Standpipe Systems		
Class I, II, or III New or Existing		$250 per system
Fire Pump (each)		$300 each, maximum $500
Underground Fire Line		$300 per line. FDC connected at DCDA or riser, no additional fees.
Phased Installation		
Additional Hydrostatic Pressure Tests (1 test included with permit) $150 each Additional Cover Inspections (1 inspection included with permit) $75 each		
Devices include separate individual portions of a fire sprinkler system such as sprinklers, risers, valves, pull stations, beam detectors (each piece is one device) and other such devices.		

Table F – HAZARDOUS MATERIALS FACILITY CONSTRUCTION (IFC 105.7.9)

Hazardous Materials Installation, Repair, Abandonment, Removal, Closure or Substantial Improvement	
Permits in addition to annual operational permit	
Permits required when quantity exceeds permit amounts in Table 105.6.20	
Quantity	Fee:
1 – 2 Materials in Excess of Permit Amount	$100
3 – 5 Materials in Excess of Permit Amount	$200
> 5 Materials in Excess of Permit Amount	$400

Table G – COMPRESSED GASES (IFC 105.7.3) and CRYOGENIC (IFC 105.7.4) and FLAMMABLE AND COMBUSTIBLE LIQUIDS (IFC 105.7.8) and LP GAS (IFC 105.7.11)

Compressed gas installation, repair, abandonment, closure or substantial modification to a compressed gas system when the compressed gases used or stored exceed the amounts listed in Table 105.6.8. Modification or repair of a flammable or combustible liquids pipeline – Installation or construction or alteration of those items listed in IFC 105.7.8 for installation of or modification to an LP gas system.	
Compressed Gas System	$175
Flammable and Combustible Liquids	
< 500 Gallons	$100
> / = 500 Gallons	$200
> / = 1000 Gallons	$500
LP Gas System	$75
Residential Tank Removal	$200

Table H – SPRAY BOOTHS (IFC 105.7.14) and INDUSTRIAL OVENS (IFC 105.7.10)

Note: Separate Sprinkler Permit Required under Table E	
Not Subject to Table A Fees	
Spray Booths Type:	Fee:
Pre-Engineered w/ documents	$150
Site-Built or used w/o documents	$250
Industrial Ovens	$250

Table I – BATTERY SYSTEMS (IFC 105.7.2) and EMERGENCY RADIO COVERAGE (IFC 105.7.5) and SOLAR PHOTOVOLTAIC POWER SYSTEMS (IFC 105.7.13)

Battery Storage > 50 gallons	< 100 gallons: $150; more than 100 gallons: $250
Emergency Radio Systems	Consultants fee plus $150 for permit and inspection
Solar Photovoltaic Power Systems	Consultants fee plus $150 for permit and inspection

Table J – MISCELLANEOUS FEES

Work Begun or Completed before Permit Issuance	Permit fees double / No inspections until paid
After Hours Inspection Regular Hours 8:00 a.m. to 3:30 p.m.	$75 per hour / 1-hour minimum
Firefighter Fire Watch or Standby	$75 per hour per firefighter, 2-hour minimum per firefighter
Fire Flow Determination	Skagit PUD (360) 424-7104
Reinspection fee for each inspection after the second site visit, or as required by the fire code official	$75

Fee for inspection requests before system(s) are ready for testing or inspection – for systems under Chapter 9, in accordance with IFC 901.2.1 – $150.00
Preventable Alarms: Buildings and/or occupancies that have more than 3 preventable alarms within a calendar year shall be charged for the fire department's response at $175.00 per preventable alarm.
Exception: Those buildings and/or occupancies where manual fire alarms are activated by individual(s) without knowledge of the building's occupant or owner.
All fees may be reduced by the fire code official for small or short duration projects.
Outside Consultant Review: Instead of utilizing Tables A – H, the fire code official has the authority to require an outside consultant review. All fees associated with the outside consultant shall be paid directly to the consultant by the applicant or responsible party. An additional fee of 20% shall be applied by the fire department for the permit and inspection of the project. The 20% shall be based on the appropriate table (A – H).
Arson Investigation: Fire cause and determination investigation for fires and explosions determined to be arson shall be billed to the convicted party at $100.00 per hour per investigator for investigation, report preparation, and courtroom preparation and testimony.

(Ord. 3685 § 1, 2016).

15.08.180 Penalties.

Any person violating or failing to comply with any of the provisions in this chapter shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. (Ord. 3685 § 1, 2016).

Chapter 15.16

GRADING, EXCAVATION AND FILL

Sections:

15.16.010 Purpose.
15.16.020 Definitions.
15.16.030 Regulated activities.
15.16.040 General provisions.
15.16.050 Permit application and submittals.
15.16.060 Excavations.
15.16.070 Fills.
15.16.080 Setbacks.
15.16.090 Drainage, benching and terraces.
15.16.100 Erosion control.
15.16.110 Permitted work hours.
15.16.120 Inspection.
15.16.130 Hazards.
15.16.140 As built plans.

15.16.010 Purpose.
The purpose of this chapter is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impact associated with earthwork grading activity.

Grading activity specifically associated with building construction shall comply with International Building Code Chapter 18, Sections 1803 and 1804. (Ord. 3575 § 4, 2012).

15.16.020 Definitions.
Words and phrases used in this chapter have the meaning set forth in this section. The definitions found within MVMC 14.05.220 are hereby adopted by reference in their entirety as they are currently written or as they may be amended in the future.

A. “Bench” means a relatively level step excavated into the earth material on which fill is to be placed.

B. “Compaction” means the densification of a fill by mechanical means.

C. “Cut” is the removal of earth material by artificial means, also referred to as an excavation.

D. “Erosion” is the wearing away of the ground surface as a result of the movements of wind, water, ice or other geological agents, including such processes as gravitational creep.

E. “Excavation” means the removal of earth material by artificial means, also referred to as a cut.

F. “Fill” is the deposition of earth materials by artificial means.

G. “Grade” is the vertical location of the ground surface.

H. “Grading” or “graded” is the importing, exporting, stockpiling or moving of materials on, off or through a site. Digging trenches for utility installation is considered grading.

I. “Grade, existing” is the grade prior to grading activity.

J. “Grade, finished” is the grade of the site at the conclusion of all grading efforts.

K. “Key” is a compacted fill placed in a trench excavated in earth material beneath toe of a slope.

L. “Pipe slope drain” refers to a device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

M. “Scarify” means to abrade, scratch or break up the surface of the soil so that fill material will bind to the surface.

N. “Slope” is an inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

O. “Terrace” is a relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

P. “Turbidity, allowable” refers to the DOE designation of no greater than five nephelometric turbidity units (NTU) over background turbidity when the background turbidity is 50 NTU or less, or no more than 10 percent increase in turbidity when the background turbidity is more than 50 NTU. (Ord. 3575 § 5, 2012).

15.16.030 Regulated activities.
A. No grading shall be performed without first having obtained a fill and grade permit issued by the community and economic development department.

B. A fill and grade permit shall not be required for the following:

1. Excavation or fill for construction of a structure permitted under a building permit. This exception is only for grading associated with the foundation of a structure, not other site grading that may be necessary.

2. Grading of less than 50 cubic yards of material located outside of a critical area or critical area buffer.

3. Grading of agricultural fields for agricultural related activities.

4. Grading activity performed during a flooding emergency in an effort to protect life or property.

5. Grading associated with the creation of cemetery graves.

C. Exemption from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the city of Mount Vernon. (Ord. 3575 § 6, 2012).

15.16.040 General provisions.
A. All grading design and construction activity shall comply with this code and all Mount Vernon Municipal Code provisions, including but not limited to Chapter 13.33 MVMC, Storm Water Drainage Utility, and Chapter 15.40 MVMC, Critical Areas. In case of conflict the more stringent code shall apply.

B. All grading design and construction activity shall comply with the city of Mount Vernon Engineering Standards as they are currently written and as they may be amended in the future.

C. No grading activity may occur within a critical area or critical area buffer without specific approval for this activity.

D. A safety fence may be required around grading activities on a project site.

E. It shall be the responsibility of both the permittee and the property owner to advise the city immediately of any discrepancies, hazardous conditions or problems affecting safety and stability of the project. (Ord. 3575 § 7, 2012).

15.16.050 Permit application and submittals.
A. All permit submittals shall include the submittal materials outlined within Chapter 14.05 MVMC for fill and grade I and fill and grade II permits.

B. All permit submittals shall identify source of fill material and destination of excavated material. The property owner of any off-site location the excavated material is to be placed may be required to obtain a fill and grade permit from the appropriate jurisdiction.

C. The geotechnical report prepared by a licensed engineer shall be provided and shall contain at a minimum the following:

1. The nature and distribution of existing soils;

2. Conclusions and recommendations for grading procedures;

3. Soil design criteria for any structures or embankments required to accomplish the proposed grading; and

4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

D. A geotechnical report is not required when the project includes placement of material with less than four-foot vertical lift and the existing and proposed slopes are not steeper than 3:1, or, where the building code official determines that the nature of the work applied for is such that a report is not necessary. (Ord. 3575 § 8, 2012).

15.16.060 Excavations.
Unless otherwise recommended in the geotechnical report, excavations shall comply with the provisions of this section.

A. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall not be steeper than three units horizontal to one unit vertical (3:1).

B. A cut surface in bedrock shall be permitted to be at a slope of one unit horizontal to one unit vertical (1:1). (Ord. 3575 § 9, 2012).

15.16.070 Fills.
Unless otherwise recommended in the geotechnical report, fills shall comply with the provisions of this section.

A. The slope of fill surfaces shall be no steeper than is safe for the intended use, and shall not be steeper than three units horizontal to one unit vertical (3:1).

B. All fill material shall meet the standard for the intended future use. Material to be placed in areas of future building site shall be structural fill material. Testing shall be required as deemed necessary by the city of Mount Vernon.

C. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to prove a bond with the fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches in any dimension shall be included in fills.

D. All fill material shall be compacted at a minimum to 90 percent of maximum density as determined by ASTMD 1557 modified proctor, in lifts not exceeding 12 inches in depth. Tests to determine the density of compacted fills shall be made on the basis of not less than one test per 7,000 square feet of compacted area per two-foot vertical lift. Additional testing may be required at the direction of the city inspector.

E. Compaction of temporary stockpile fills shall not be required, except where the building official determines that compaction is necessary as a safety measure. (Ord. 3575 § 10, 2012).

15.16.080 Setbacks.
A. Property location and approved setbacks must be established and stakes set under the supervision of a registered land surveyor when grading activities occur that are regulated under this chapter. Those stakes must be maintained in place until final inspection of works so that the inspector can determine at any time if the excavation is properly located as related to property lines.

B. Setback dimensions shall be measured perpendicular to the property line.

C. The setback at the top of a cut slope shall not be less than five feet or than is required to accommodate any required interceptor drains, whichever is greater.

D. The toe of a slope distance to property and easement lines shall be as follows:

1. For slopes less than 11 feet in height the minimum distance shall be five feet.

2. For slopes 11 feet in height or greater the minimum distance shall be height divided by two.

E. The top or toe of a slope distance to a structure shall be not less than 10 feet. (Ord. 3575 § 11, 2012).

15.16.090 Drainage, benching and terraces.
A. Drainage shall be provided in accordance with Chapter 13.33 MVMC and Engineering Standards as they are currently written or as they may be amended in the future.

B. Terracing and benching shall be provided as recommended in the geotechnical report.

C. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measure horizontally. Drains shall be constructed of solid, not flexible, pipe.

D. Down drains shall terminate into a catch basin or other approved receiver to prevent scouring at the outfall. (Ord. 3575 § 12, 2012).

15.16.100 Erosion control.
A. Erosion and sediment control shall be provided in accordance with Chapter 13.33 MVMC, Engineering Standards Chapter 2 and 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington.

B. Temporary erosion control shall be installed if an area is to remain unworked for more than seven days during the dry season (May 1st to September 30th) or for more than two days during the wet season (October 1st to April 30th).

C. Permanent erosion control shall be applied to any area to remain unworked for more than 30 days. Disturbed soils shall be stabilized prior to final inspection.

D. If during the course of grading activity during the seasonal limitation period of October 1st through April 30th silt laden runoff in excess of allowable turbidity leaves the site or if clearing and grading limits or erosion sediment control measures shown in the approved plan are not maintained, the city inspector shall have the responsibility and authority to issue a partial or complete stop work order.

E. For construction sites one acre or larger a certified erosion and sediment control lead shall be identified for the project and shall be on call at all times. The name and phone number of the contact person shall be posted on site.

F. No tracking of mud or debris on to public streets is allowed. (Ord. 3575 § 13, 2012).

15.16.110 Permitted work hours.
All grading activity is limited to the hours between 7:00 a.m. and 9:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday and Sunday. The building official is authorized to grant an extension of working hours. (Ord. 3575 § 14, 2012).

15.16.120 Inspection.
A. All activities regulated by this chapter shall be inspected by the public works director and/or building official or their designees.

B. Projects shall be inspected at various stages of the work to determine that adequate control is being exercised. Stages of work subject to inspection include, but are not limited to: pre-construction, erosion control, grading

activities, installation of utilities, storm water facilities, retaining walls, landscaping and completion of project. (Ord. 3575 § 15, 2012).

15.16.130 Hazards.
Whenever the building official determines that a proposed or existing excavation, embankment, or fill on any land within the city of Mount Vernon is or may become a hazard to life or limb, endangers property, adversely affects the environment or the safety, use, or stability of a public way, or adversely affects a drainage channel or other natural watercourse by siltation, erosion diversion, concentration, or an increase in storm water runoff, the owner of the property upon which the excavation or fill is located or other person or agent in control of said property shall upon receipt of notice from the building official repair or eliminate such excavations, embankments, or fill so as to eliminate the hazard and be in conformance with the requirements of this code. (Ord. 3575 § 16, 2012).

15.16.140 As built plans.
As built plans shall be submitted to the city of Mount Vernon prior to final inspection and approval. (Ord. 3575 § 17, 2012).

Chapter 15.18

LAND CLEARING

Sections:

15.18.010 Purpose.
15.18.020 Definitions.
15.18.030 Applicability.
15.18.040 Administration.
15.18.050 Exemptions.
15.18.060 Submittal requirements.
15.18.070 Performance standards.
15.18.080 Fee reporting.
15.18.090 Enforcement.
15.18.100 Removal of development moratorium.
15.18.110 Single-family dwelling exception on lots subject to development moratorium.

15.18.010 Purpose.
This chapter is adopted for the following purposes:

A. To promote the public health, safety and general welfare of the citizens of Mount Vernon;

B. To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees on undeveloped property;

C. To retain clusters of trees for the abatement of noise and for wind protection;

D. To promote building and site planning practices that are consistent with the city's natural topographic and forest features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require removal of trees;

E. To ensure prompt development, restoration and replanting, and effective erosion control of property after land clearing through the use of phased development, performance bonds, and other reasonable controls;

F. To implement the goals and objectives of the Washington State Environmental Policy Act (SEPA);

G. Implement the policies of the State Forest Practices Act pursuant to Chapter 76.09 RCW and Chapter 222-20 WAC;

H. To protect and enhance critical areas and their buffers;

I. To implement and further the city's comprehensive plan; and

J. To allow the reasonable development of land in the city of Mount Vernon. (Ord. 3599 § 5, 2013).

15.18.020 Definitions.
Words and phrases used in this chapter have the meaning set forth in this section. The definitions found within MVMC 14.05.220 are hereby adopted by reference in their entirety as they are currently written or as they may be amended in the future. The definitions in RCW 76.09.020 of the State Forest Practices Act are hereby adopted by reference as now or hereafter amended for purposes of administration of forest practices within the city of Mount Vernon and shall apply in lieu of any conflicting definitions in this chapter.

A. "Blazing" means minor nonvehicular cutting or removal of vegetation, including trees, shrubs or ground cover, sufficient for line-of-site surveying and foot access trails to the extent that the site is not otherwise significantly disturbed.

B. “Certified arborist” shall be an individual certified by the International Society of Arboriculture with knowledge and experience in assessing and documenting trees and landscape vegetation for the purpose of condition and/or landscape appraisal.

C. “Clearing” or “land clearing” means the destruction or removal of trees by manual, mechanical, or chemical methods. This definition shall include grubbing.

D. “Conversion” means a forest practice involving the removal of trees to convert forest land to permanent nonforestry urban uses that results in residential, commercial, or industrial activities.

E. “Critical root zone (CRZ)” of most trees in general is equal to 12 inches radius for every one inch diameter of trunk. For example, a 10-inch trunk diameter tree has a CRZ of 10-foot radius or 20-foot diameter.

F. “Developed land” means (1) any individual lot or parcel, which may not be further subdivided, that is presently occupied by one or more buildings in usable condition; (2) any street or utility right-of-way that has been constructed to at least minimum city standards; and (3) park lands that are currently managed and maintained for public use which include landscaped areas, trails or recreational facilities.

G. “Development/land development” means any activity that requires federal, state, or local approval for the use or modification of land or its resource. These activities include, but are not limited to, subdivisions and short subdivisions; binding site plans; planned residential developments; variances; shoreline substantial development; clearing activity; excavation; embankment; fill and grade work; activity conditionally allowed; and building or construction.

H. “Development moratorium” means the denial by the city of Mount Vernon of all applications for permits or approvals for a period of six years as established in Chapter 76.09 RCW, including but not limited to building permits, right-of-way permits, subdivisions, conditional use permits, rezones, and variances on the subject property. Note the RCW uses the term “notice of conversion to nonforestry use.”

I. “Department” means the community and economic development department.

J. “Director” means the director of community and economic development department.

K. “Erosion controls” means any combination of methods, materials or devices used on a project site to prevent unwanted movement of dirt, mud, and sediment down slope, off site, into drainage courses or in undesirable directions.

L. “Forest practices” means activities conducted on or directly pertaining to forest lands, regulated in Chapter 222-16 WAC or Chapter 76.09 RCW, relating to growing, harvesting, or processing timber. This includes but is not limited to: road and trail construction; harvesting, final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

“Forest practice” shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

M. “Grubbing” means the act of removing trees by the roots.

N. “Land development permit” means any land use or environmental permit or license including but not limited to preliminary or final plat for a single-family residential project, a building permit, site plan, preliminary or final planned residential development plan, variance, or conditional use permit.

O. “Landscape appraisal” is the appraisal of trees using the methods outlined in the most recent Guide of Tree Landscape Appraisers for the purpose of establishing monetary value and/or compensation for the loss of same.

P. “Master plan” means a site plan and all other documents required to be prepared and approved in order to develop land located in “P” public district set forth in Chapter 17.30 MVMC.

Q. "Proposed or anticipated development" means any of the activities included under "development/land development." In addition, it includes clearing activities on lots created through development processes submitted after the effective date of this chapter for a period of time consistent with the provisions of RCW 58.17.170.

R. "SEPA" means State Environmental Policy Act.

S. "Subdivision" means standard subdivisions as defined under MVMC 16.04.290, short subdivisions as defined under MVMC 16.04.280, and binding site plans as set forth under Chapter 16.40 MVMC.

T. "Tree(s)" means a woody plant having one erect perennial stem (trunk) at least three inches in diameter at a point four and one-half feet above the ground, a definitely formed crown of foliage, and a mature height of at least 13 feet.

U. "Undeveloped land" means: (1) any lot or parcel not presently occupied by one or more buildings over 120 square feet in usable condition; (2) any lot or parcel which may be further subdivided; (3) any street or utility right-of-way which is not currently opened and constructed to minimum city standards. (Ord. 3599 § 6, 2013).

15.18.030 Applicability.
A. No person, corporation, or other legal entity shall engage in or cause land clearing in the city without having obtained a land clearing permit from the planning director or designee unless exempt from such permits as set forth in this chapter.

B. Applies to all property within Mount Vernon with exceptions as listed in MVMC 15.18.050.

C. In the event of a conflict between this chapter and any other ordinance, resolution or development regulation adopted by the city codified or not codified that sets forth policy or criteria for land clearing or forest practices, this chapter shall control. All ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed.

D. Additional permits may be required if the activities are regulated by other chapters such as, but not limited to, Chapter 13.33 MVMC, Storm Water Drainage Utility; Chapter 15.16 MVMC, Grading, Excavation and Fill; and Chapter 15.40 MVMC, Critical Areas.

E. Forest practices are regulated by this chapter in order to satisfy the city's responsibility to regulate forest practices as mandated by RCW 76.09.240. (Ord. 3599 § 7, 2013).

15.18.040 Administration.
The director or designee is authorized to enforce all provisions of this chapter, except as otherwise noted. The following requirements shall apply to all nonexempt land clearing:

A. On undeveloped land where development is proposed or anticipated as defined herein, no land clearing shall be permitted until:

1. All required land use or building permits are approved.

2. A site or clearing plan has been approved.

3. SEPA review of the project is complete, including the issuance of the final environmental impact statement if required.

4. Compliance with all other submittal requirements as contained in MVMC 14.05.210.

B. Except as allowed in subsection A of this section, on undeveloped land, no land clearing shall be permitted without an approved management plan for the nonstructural activities listed in subsection C of this section.

C. Approved management plans for forestry or landscape uses shall include a site plan, a description of proposed uses, drainage and erosion control measures, fencing where necessary and methods of property management which shall prevent damage to adjacent land and natural resources as required. The maximum area that can be cleared is

one and one-half times the minimum lot size for the zone where the property is located. Management plans shall be an administrative approval by the director or designee.

D. On developed land, no land clearing shall be permitted without an approved management plan for the nonstructural activities listed in subsection F of this section.

E. On lots created through development processes submitted prior to the effective date of this chapter, no land clearing shall be permitted without an approved management plan for the nonstructural activities listed in subsection F of this section.

F. Approved management plans for forestry or landscape uses shall include a site plan, a description of proposed uses, drainage and erosion control measures, fencing where necessary and methods of property management which shall prevent damage to adjacent land and natural resources as required. Management plans shall be an administrative approval by the director or designee.

G. With the exception of an approved master plan, land clearing shall be allowed for construction of street, water, storm and sanitary sewer improvements associated with an approved preliminary subdivision; provided, that approval shall only be given for clearing needed for infrastructure construction and not for clearing or grading of an individual building lot until building permits are approved.

H. As an alternative to subsection G of this section, in those cases where building is imminent within two years, limited clearing of building lots prior to obtaining a building permit may be allowed if the performance standards in MVMC 15.18.070 and, in addition, the following standards are met:

1. Only the minimum area necessary for access and a reasonable building footprint shall be cleared. The remainder of the trees on the lot shall remain until a building permit has been issued.

2. A site-specific tree plan, drawn to scale, shall be prepared. The tree plan shall indicate the species and size of tree and precise location of all trees of a six-inch diameter or greater located within the area proposed for clearing.

3. The proposal will require review and/or on-site inspection by an arborist to evaluate the survivability of the remaining existing mature trees. The arborist will be retained by the city and the applicant shall pay all costs associated with said review. Based on the type of trees proposed for clearing and their age and condition, the arborist will determine an appropriate restoration plan to be implemented in the event building permits are not obtained within two years of the completion of the clearing activity. The goal of the restoration plan shall be a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the clearing activity. The minimum size for a tree recommended to be planted for restoration is 12-foot-tall conifer and three-inch-caliper deciduous or broadleaf evergreen tree. The city may approve smaller restoration tree sizes at a higher restoration ratio, provided the site has capacity for the additional trees and the results of restoration at a higher restoration ratio are as good as or better than at the normal ratio. The smallest allowable alternatives to the normal restoration requirements shall be two eight-foot conifers for one 12-foot conifer or two two-inch-caliper deciduous for one three-inch-caliper deciduous tree. Recommendations from the arborist will become conditions of the clearing permit.

4. Limits of clearing shall be clearly delineated prior to the beginning of site work and care taken to avoid impacts to remaining trees. A tree protection fence shall be located as required by the arborist and tree protection guidelines followed for any work near retained trees.

5. Prior to permit approval, the applicant shall be required to furnish a performance bond or cash guarantee to the city to secure the applicant's obligation for restoration in the event building permits are not obtained within two years of completion of the clearing activity. The performance bond shall be computed based upon the city-appraised tree value of the trees proposed for clearing activity, utilizing the industry standard trunk formula method in the current edition of the "Guide for Plant Appraisal"; installation; and three-year maintenance for a minimum-sized tree for restoration.

6. Additional site-specific requirements may be established after review and site visit by the city.

I. Forest practices and land clearing permits are subject to environmental review in accordance with Chapter 15.06 MVMC.

J. A forest practice permit or land clearing approval shall be evaluated by the department and granted if it is determined that:

1. The appropriate land development permits have been issued and an acceptable site or clearing plan has been prepared and submitted to the department; and

2. An appropriate erosion and sedimentation control plan is provided and will be implemented before, during and after clearing; and

3. The applicant has complied with this chapter; and

4. The activity promotes the public health, safety, and general welfare of the citizens of Mount Vernon; and

5. The activity complies with the requirements of Chapters 15.06, 15.07 and 15.40 MVMC.

K. If the proposal conforms to the requirements of this chapter, the director shall provide written authorization and notice to proceed. No regulated nonexempt land clearing activity shall be performed prior to issuance of this authorization.

L. Applications for clearing approval shall be processed as Type II and follow the procedures in Chapter 14.05 MVMC. Such approval and notice to proceed may be granted at the same time or after the underlying permit is granted. Approved clearing plans shall not be amended without authorization of the director or designee.

M. A land clearing permit may be suspended or revoked by the director or designee because of incorrect information supplied or any violation of the provisions of this chapter.

N. Time Limits. Land clearing/forest practices permits shall be valid for two consecutive years, following the date of issuance.

O. Appeals. Decisions may be appealed in accordance with MVMC 14.05.170. (Ord. 3599 § 8, 2013).

15.18.050 Exemptions.
The following shall be exempt from the provisions of this chapter:

A. Land clearing below forest practice permit thresholds:

1. Any forest practice resulting in the cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period. The following are examples of activities that would typically require less than 5,000 board feet of timber removal and would therefore be exempt from the provisions of this code:

a. The installation and maintenance of fire hydrants, water meters, pumping stations, electrical transformers, sewer and water mains, pedestrian or bicycle connections, street improvements, and street furniture by the city or utility companies or their contractors.

b. Removal of trees in emergency situations involving immediate danger to life or property or substantial fire hazards.

c. Removal of diseased, dead or dying trees upon written verification by a qualified arborist or landscape architect or landscape contractor which states that removal of the trees is essential for the protection of life, limb, or property and which statement is filed with the director.

d. Minimal blazing for line-of-site surveying and foot access.

e. Land clearing on developed land as defined in this chapter which would not otherwise require a permit or SEPA review.

f. Routine maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights-of-way, easements, and parks.

2. Land clearing of less than two acres.

3. Forest practices on forest lands where a landowner has previously submitted a 10-year statement of no conversion to the Department of Natural Resources, together with an acceptable 10-year forest management plan or proof that the land is currently enrolled in current use assessment-timber lands or a conversion option harvest plan (COHP), under Chapter 84.33 RCW, prior to the effective date of the ordinance codified in this chapter. These activities are still subject to the provisions of the critical areas ordinance (Chapter 15.40 MVMC).

4. Forest practices on ownerships of contiguous forested lands equal to or greater than 20 acres in size, where the forest landowner provides a written and signed statement of intent not to convert to a use other than growing commercial timber for 10 years in accordance with RCW 76.09.240(1)(a)(i). These activities are still subject to the provisions of the critical areas ordinance (Chapter 15.40 MVMC).

B. Normal and routine maintenance of nonforested undeveloped property, such as lawn mowing, rototilling, composting, gardening and pruning of vegetation on any lot or parcel that would not otherwise require other permits or SEPA review and includes minor removal of trees, shrubs or ground cover for purposes of general normal maintenance of property.

C. Routine gardening and landscape maintenance of existing landscaped areas on developed lots, including pruning, weeding, planting, and other activities associated with maintaining an already established landscape limited to mechanical equipment 27 horsepower or less. (Ord. 3599 § 9, 2013).

15.18.060 Submittal requirements.
A complete application for a land clearing permit shall be submitted on the application form provided by the city, together with information required under MVMC 14.05.110 for a completed application, and including the following:

A. A site plan on a base map provided by the applicant containing the following information:

1. Date of drawing or revision, north arrow, adjoining roadways and appropriate scales;

2. Prominent physical features of the property including, but not limited to, geological formations, critical areas and watercourses;

3. General location, type, range of size, and conditions of trees;

4. Identification by areas, of trees that are to be removed, and information on how the trees or areas are delineated in the field;

5. Identification by area of trees that are to be retained (tree protection areas); and information on how the tree protection areas are delineated in the field;

6. Any existing improvement on the property including, but not limited to, existing cleared areas, structures, driveways, ponds, and utilities;

7. Identification of areas of proposed development and type of development proposed;

8. Information indicating the method of drainage and erosion control during and following the clearing operation; and

9. Information on how property lines are identified (fences, flags, roads, ditches, etc.).

B. A written narrative that identifies and describes:

1. Specific work to be accomplished;

2. Description of the methods to be used for all proposed forest practices and land clearing activities;

3. A time schedule for land clearing activities;

4. Type of equipment to be used; and

5. Measures proposed to protect the site and adjacent properties from potential adverse impacts.

C. If applicable, a critical area report as set forth in Chapter 15.40 MVMC.

D. A stormwater control plan consistent with Mount Vernon design and construction standards and specifications.

E. A title report as proof that the parcel is not currently subject to a six-year development moratorium. If the property is subject to a six-year development moratorium, the application will not be accepted, until the end of the moratorium or until the moratorium has been lifted.

F. Any other information deemed necessary to comply with the provisions of RCW 76.09.060 and applicable forest practice rules set forth by the Washington State Department of Natural Resources, including reforestation plans if applicable.

G. Payment of the land clearing application fee in the amount established by the city council. (Ord. 3599 § 10, 2013).

15.18.070 Performance standards.

A. All clearing activities shall conform to applicable regulations adopted by the city of Mount Vernon.

B. All clearing activities shall be conducted so as to minimize impacts to forested areas, surface waters, critical areas, groundwater recharge, adjacent properties, and natural features.

C. All debris storage and handling resulting from clearing shall occur within the right-of-way so as to avoid damage to the adjacent land. No debris shall be stored for more than one year from the time of completion of the clearing activity.

D. Slash from clearing should preferably be chipped and used in native vegetation areas on the site within one year of the clearing activity.

E. Prior to initiating any clearing activities on the site, trees to be protected and preserved shall be protected from potentially damaging activities as follows unless otherwise approved by the city of Mount Vernon.

1. Tree protection areas may vary widely in shape, but must include the critical root zone (CRZ) of the trees to be protected plus a minimum of three additional feet. The critical root zone shall include no less than the area of a circle with a radius that extends one foot out from the tree for every inch of trunk DBH or the area of a circle with a radius extending from a tree's trunk to a point no less than the end of the tree's longest branch whichever is greater.

2. Prior to the start of any clearing activities, three inches of composted woodchips shall be placed over the critical root zone of the trees to be retained. The purpose of this is to retain moisture, increase organic matter, and visually establish the critical root zone.

3. A protective fence shall be placed around those tree protection areas located on building lots being cleared using the alternative process and those tree protection areas associated with utility installation. The fence shall be a minimum of four feet high and may be higher if needed to ensure clear visual delineation. Chain-link fence fastened to steel stakes/posts driven securely into the ground shall be required in order to discourage easy movement. Chain-link fence is not required along the entire length of proposed roadways.

4. The fence shall remain in place until the city authorizes removal or issues a final certificate of occupancy whichever occurs first.

5. No clearing, grading, filling, or other development activities shall occur within the tree protection areas.

6. No vehicles, construction materials, fuel, or other materials shall be placed in tree protection areas.

7. No nails, rope, cable, signs, or fencing shall be attached to any tree within the tree protection areas.

8. The grade within the tree protection area shall not be altered.

9. No impervious surface shall be installed within the tree protection area.

10. To the extent practical utility trenches shall be located outside of the tree protection area. Boring or tunneling under the critical root zone may be considered an alternative but shall require advanced written approval from the city.

11. Refer to the General Tree Protection Guidelines for information, methods and procedure for working near retained trees.

F. Projects shall be phased to the maximum degree practical to account for seasonal limitations, to reduce areas of exposed soils, and to aid in the stabilization of disturbed areas. The director shall have the authority to require a phased land clearing plan.

G. Dust from clearing activities shall be minimized at all times. Impervious surfaces on or near the construction area shall be swept, vacuumed, or otherwise maintained to suppress dust entrainment. Any dust suppressants used shall be approved by the director or designee. Petrochemical dust suppressants are prohibited. Watering the site to suppress dust is also prohibited unless it can be done in a way that keeps sediment out of the drainage system.

H. Stormwater control BMPs shall be implemented in compliance with DOE Stormwater Manual and all other stormwater regulations adopted by the city and in effect at the time the land use application vests. In addition, the director may require additional funding for more inspections or stop work to control erosion sedimentation.

I. Native soil (duff and topsoil) should be stockpiled and reapplied to cleared areas where feasible.

J. No land clearing shall be conducted in a critical area or associated buffer, except as allowed in Chapter 15.40 MVMC.

K. Setbacks, barriers, stormwater control, and other BMPs should be used as necessary to protect critical areas from adverse impacts.

L. Aerial application of chemicals is prohibited within the city of Mount Vernon.

M. Ground application of chemicals with power equipment and chemicals being applied by hand must only be applied to specific targets such as trees, stumps, and burrows, or as bait, or in traps.

N. No application of chemical is allowed within critical areas or their associated buffer unless necessary to meet requirements for noxious weed control or to meet requirements to prevent the spread of disease. This provision may be waived when emergency use of fire retardants is necessary to control the spread of fire.

O. All chemical applications shall be in accordance with:

1. Printed on the United States Environmental Protection Agency container registration label; and/or

2. Established by regulation of the Washington State Department of Agriculture;

3. Established by Washington State and local health departments (in municipal watersheds);

4. Established by the federal Occupational Safety and Health Administration, or the Washington State Department of Labor and Industries, as they relate to safety and health of operating personnel and the public;

5. The department or the Washington State Department of Agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

P. Chemical containers shall be removed from the area of application and disposed of in a manner consistent with label directions or removed and cleaned for reuse in a manner consistent with any applicable regulations of the Washington State Department of Agriculture or Washington State or local health departments.

Q. All potentially damaging chemical spills shall be immediately reported to the Washington State Department of Ecology. Emergency telephone numbers for reporting spills shall be available from the city.

R. Clearing activities shall be conducted in a manner so as to minimize potential for adverse effects on adjacent properties.

S. Clearing on steep slopes shall only be done in accordance with the requirements of Chapter 15.40 MVMC.

T. Additional, site-specific requirements may be established after a site visit by the city. These requirements shall be based on specific site conditions and are limited to additional temporary erosion and sedimentation control and the mitigation of hazardous or potentially hazardous conditions that pose a threat off site or to habitat preservation.

U. The department may require, as a condition to the granting of a permit, that the applicant furnish a performance bond or cash guarantee to the city to secure the applicant's obligation. The performance bond shall be computed as described in MVMC 15.18.040(E). (Ord. 3599 § 11, 2013).

15.18.080 Fee reporting.
To improve the administration of the forest excise tax created in Chapter 84.33 RCW, the city will report permit information to the Department of Revenue for all approved forest practices permits no later than 60 days after the date the permit was approved. (Ord. 3599 § 12, 2013).

15.18.090 Enforcement.
A. Conducting forest practices or land clearing without a permit unless exempt by this chapter, contrary to any rules and regulations promulgated thereunder, or failing to comply with the conditions of an issued forest practices or land clearing permit is a violation of this chapter and is subject to the enforcement and penalty provisions of MVMC Title 19.

B. In addition to the penalties set forth above, conducting forest practices without a permit or failing to comply with the conditions of a permit which authorizes a forest practice, including unauthorized conversion to nonforestry use, shall be subject to the violation regulations in the Washington State Forest Practices Act as set forth in Chapter 76.09 RCW as now or hereafter amended including but not limited to the following sections:

1. RCW 76.09.080 – Stop work orders – Grounds – Contents – Procedure – Appeals.

2. RCW 76.09.130 – Failure to obey stop work order – Departmental action authorized – Liability of owner or operator for costs.

3. RCW 76.09.140 – Enforcement.

4. RCW 76.09.170 – Violations – Conversion to nontimber operation – Penalties – Remission or mitigation – Appeals – Lien.

5. RCW 76.09.190 – Additional penalty, gross misdemeanor.

6. RCW 76.09.460 – Notice of conversion to nonforestry use – Denial of permits or approvals by the county, city, town, or regional governmental entity – Enforcement; RCW 76.09.060(3)(e).

7. RCW 76.09.470 – Conversion of land to nonforestry use – Action required of landowner – Action required of county, city, town, or regional governmental entity.

In addition to the penalties set forth in this chapter, a violator will be assessed additional fees for recording of the development moratorium notice. Prior to issuance of a development moratorium imposed pursuant to Chapter 76.09 RCW, notice of the moratorium and opportunity for hearing in front of the city hearing examiner shall be provided. The department shall provide notice by regular mail to each property owner located on the county tax rolls of the property subject to the moratorium that a hearing may be requested and that if no hearing is requested within 20 days of the date of mailing notice the moratorium will be imposed. (Ord. 3599 § 13, 2013).

15.18.100 Removal of development moratorium.
The city may grant relief from development moratoria imposed pursuant to Chapter 76.09 RCW prior to the expiration of the moratoria.

A. Any property owner subject to a moratorium may request a release from the six-year moratorium by filing such request with the community development department.

B. Following such request, the community development department shall make a determination as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address any identified violations is required for the parcel in question. Required mitigation plans must be prepared by the landowner and approved by the city. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, re-vegetation requirements to plant and maintain trees of sufficient maturity and appropriate species composition, to restore critical area and buffer function, or to be in compliance with other applicable local government regulations.

C. Upon determination that the property is in full compliance with local ordinances and/or approval of the required mitigation plan, the director or designee shall set a date for an open record public hearing, per the noticing requirements of MVMC 14.05.150, before the hearing examiner.

D. The hearing examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are strictly met:

1. The proponent makes application for a land clearing permit;

2. The proponent proposes corrective actions to bring the violation into compliance with this chapter and mitigate any existing damage through the submittal of a reforestation plan or mitigation plan, prepared by a qualified professional consistent with Chapter 15.40 MVMC;

3. The proponent did not attempt to avoid the review or restrictions of a land clearing/forest practices application.

E. Hearing Examiner Authority.

1. The hearing examiner shall review requests for removal of a development moratorium, any comments received, and applicable city regulations or policies, and may inspect the property before rendering a decision.

2. The hearing examiner may approve the request to remove a development moratorium, approve the request with conditions, require modification of the proposal to strictly comply with specified requirements or local conditions, or deny the request if it fails to comply with requirements of this chapter.

F. Required Written Findings and Determinations. The hearing examiner will address the following items as written findings and determinations before issuing a decision:

1. The removal of the six-year development moratorium will not be detrimental to public health, safety, and general welfare.

2. The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to the proposal.

3. The removal of the six-year development moratorium will not result in significant adverse environmental impacts.

4. The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter and other applicable municipal codes. (Ord. 3599 § 14, 2013).

15.18.110 Single-family dwelling exception on lots subject to development moratorium.
The director may administratively grant an exception to the mandatory six-year development moratorium after notice of such is sent to those property owners within 300 feet of the site that an exception is requested for. The exception shall only allow the construction of one single-family dwelling unit and associated accessory structures, when the following requirements are met:

A. General Requirements.

1. The area that is permitted to be developed shall not exceed the minimum lot size for the underlying zoning district, in addition to the minimum area necessary to provide safe vehicular access;

2. The construction of the single-family dwelling, permitted accessory structures, landscaped area, and access road are in compliance with all applicable city regulations;

3. Corrective actions are proposed to mitigate damage caused by the nonpermitted action, through the submittal of a reforestation or mitigation plan prepared by a qualified professional;

4. Upon approval of a single-family dwelling unit exception, the landowner will record the approved site plan with the Skagit County auditor depicting the area of the parcel to be dedicated for the single-family dwelling, yard area, permitted accessory structures, and access road; and

5. The development moratorium shall remain in effect for all other nonforestry uses of the site.

B. Required Written Findings and Determinations. The director will address the items listed in subsection A of this section as written findings and determinations before issuing a decision. (Ord. 3599 § 15, 2013).

Chapter 15.40

CRITICAL AREAS

Sections:

15.40.010 Purpose and authority.
15.40.020 Applicability – Regulated and permitted activities.
15.40.030 Administration and interpretation.
15.40.040 General performance standards.
15.40.050 Aquifer recharge area regulations.
15.40.060 Flood hazard regulations.
15.40.070 Geologic hazard area and hillside development standards.
15.40.080 Fish and wildlife habitat conservation areas.
15.40.090 Wetlands.
15.40.110 Managed ecosystem alternative.
15.40.120 Submittal requirements, reports, studies and plans.
15.40.125 Candidate sites and implementation.
15.40.130 Reasonable use exceptions, variances, and appeals.
15.40.135 Nonconforming uses and structures.
15.40.140 Vesting.
15.40.150 Enforcement.
15.40.160 Maps.
15.40.170 Definitions.
15.40.180 Severability.

15.40.010 Purpose and authority.

Critical areas as defined in subsection B of this section are of special concern to the city. The standards and mechanisms established in this chapter are intended to achieve no net loss of critical area function and value within the identified basins and sub-basins within the city while encouraging cost effective and efficient use of lands within the urban areas and accomplishing the city's comprehensive plan and growth management goals. By regulating land development activities and alterations to critical areas, this chapter seeks to:

A. General Purpose.

1. Protect the public health, safety, and welfare by avoiding or mitigating the potential adverse impacts of new development;

2. Educate the public as to the long-term importance of environmentally sensitive areas and the responsibilities of the city and private property owners to protect and preserve the natural environment for future generations;

3. Manage development activities to protect environmental quality;

4. Avoid, minimize, or mitigate potential unavoidable impacts to environmentally sensitive areas by regulating alterations in and adjacent to critical areas;

5. Provide city officials with the information they need to evaluate, approve, condition, or deny public or private development proposals;

6. Protect life, health, safety, welfare, and property by minimizing and managing the adverse environmental impacts of development within and adjacent to critical areas;

7. Effectively manage limited city resources by avoiding:

a. Preventable maintenance and replacement of public facilities when critical area functioning is impaired;

b. Unnecessary costs for public emergency rescue and relief operations; and

c. Potential litigation on improper construction practices occurring in critical areas;

8. Alert realtors, appraisers, assessors, owners, and potential buyers or lessees to the development limitations in and adjacent to environmentally sensitive areas;

9. Provide predictability and consistency to the city's development review process; and

10. Assist or further the implementation of the policies of the city comprehensive plan, all city functional plans and policies, the State Growth Management Act, and the State Environmental Policy Act, Chapter 43.21C RCW.

B. Authority. Critical areas regulated under this chapter have been identified and defined in accordance with Chapter 36.70A RCW and include the following:

1. Aquifer Recharge Areas (See MVMC 15.40.050). Areas that have a critical recharging effect on aquifers used for potable water and maintenance of stream flows.

2. Geologic Hazard Areas (See MVMC 15.40.070). Areas susceptible to one or more of the following types of hazards shall be designated as a geologic hazard area (see also definitions MVMC 15.40.070(B)):

a. Erosion hazard;

b. Landslide hazard;

c. Seismic hazard;

d. Volcanic hazard; and

e. Alluvial fan hazard.

3. Fish and Wildlife Habitat Conservation Areas (See MVMC 15.40.080). Areas that have been identified through maps, databases, reports, or studies that include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability, and that are associated with endangered, threatened or sensitive species, anadromous fish, or species of local importance (see full definitions MVMC 15.40.080(B)).

4. Wetlands (See MVMC 15.40.090). Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (see full definition in MVMC 15.40.090(A)), excludes wetlands within the Shoreline Management Zone (see Shoreline Master Program, Appendix C). (Ord. 3509 § 3 (Exh. A), 2010).

15.40.020 Applicability – Regulated and permitted activities.

A. Applicability. All proposed development activities in regulated critical areas and their buffers shall comply with the requirements of this chapter. Expansion or alteration of existing uses in regulated critical areas and their buffers shall also comply with the requirements of this chapter. Any person seeking to determine whether a proposed development activity or land area is subject to this chapter may request a determination from the city.

B. Permit Required. Prior to any alteration of a property containing or adjacent to a critical area and associated buffer as defined in this chapter, the property owner or designee must obtain a development permit, consistent with the requirements of this chapter.

1. No separate critical area permit is required for a development proposal that requires a development permit(s).

2. Director shall determine whether to grant or deny a separate critical area permit based upon compliance with applicable standards and regulations of this chapter.

3. Notices. If a notice of application is required for a development permit associated with a permitted activity in subsection (D)(4) of this section, the notice shall describe the critical area ordinance (CAO) related activity.

C. Finding of Conformance Required. Compliance with these critical area regulations shall be a finding in any approval of a development permit, critical area permit, and/or letter of approval and such finding shall be documented in writing in the project file.

D. Activities Permitted without Specific Development Permit.

1. Administrative Approval – When Required. Except in the case of public emergencies, existing and ongoing agricultural activities, and existing structures, surfaces, and activities, all activities in subsection (D)(4) of this section require that a letter of approval be obtained from the director prior to construction or initiation of activities.

2. Applicability of Section Requirements. Development activities provided with a letter of approval may intrude into the critical area or required buffer subject to any listed conditions, related permits, and in conformance with other portions of the MVMC.

3. Director Findings. In determining whether to issue a letter of approval for activities listed in subsection (D)(4) of this section, the director shall find that:

a. The activity is not prohibited by this or any other chapter of the MVMC or state or federal law or regulation;

b. The activity will be conducted using best management practices as determined by the city using industry standards and/or applicable federal and state agencies' or scientific principles;

c. Where critical area or buffer/management zone disturbance has occurred in accordance with an activity pursuant to a letter of approval, restoration of affected functions shall be required within the relevant waters/wetlands system in accordance with the guidelines established in the CAO guidebook; and

d. The director shall require a mitigation plan where permitted activity under a letter of approval is determined to have a potentially material negative effect on waters/wetlands system function, to assure such impacts are adequately restored within the waters/wetlands system.

4. The following activities are permitted in both the critical area and their associated buffers, unless specifically limited to buffers only, subject to listed criteria:

a. Natural Resource/Habitat Conservation or Preservation. Conservation or preservation of soil, water, vegetation, fish, and other wildlife. This includes: any critical area and/or buffer restoration or other mitigation activities that have been approved by the city.

b. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored.

c. Existing/Ongoing Agricultural Activities. Existing and ongoing commercial agricultural activities including farming, horticulture, aquaculture, and/or maintenance of existing irrigation systems. Activities on areas lying fallow as part of a conventional rotational cycle are part of an ongoing operation; provided, that the agricultural activity must have been conducted within the last five years. Activities that bring a critical area into agricultural use are not part of an ongoing operation. Maintenance of existing, legally installed irrigation, ditch, and pipe systems is allowed; new or expanded irrigation, ditch, outfall, or other systems shall require new permits. For commercial agricultural activities, new permits shall require compliance with the best management practices in accordance with all labels and federal Clean Water Act requirements. The city shall identify habitat-related issues associated with ongoing commercial agriculture activities within recommended buffers and where lawful (not in violation of state or federal guidelines or

requirements) and shall provide mitigation to address the loss of existing functions and values within the existing city system.

d. Harvesting Wild Foods. The harvesting of wild foods in a manner that is not injurious to natural reproduction of such foods and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the critical area.

e. Dead or Diseased Trees. Removal of dead, terminally diseased, damaged, or dangerous or hazard trees that have been certified as such by a forester, registered landscape architect, or certified arborist, selection of which to be approved by the city based on the type of information required, or the city prior to their removal. Such hazard trees shall be retained as large woody debris in the stream/buffer corridor, where feasible, and retained in wetlands and the associated buffer where feasible.

f. Operation, Maintenance, or Repair. Operation, maintenance, or repair of existing structures, infrastructure improvements, utilities, public or private roads, or drainage systems, if the activity does not further alter or increase the impact to, or encroach further within, the critical area or buffer. This includes routine vegetation management and removal of diseased or damaged trees posing a threat to public health or safety, and removal of nonnative invasive vegetation or weeds listed by Skagit County or other government agency, for public and private utilities, road rights-of-way and easements, and parks.

g. Modification to Existing Structures. Structural modification of, addition to, or replacement of a nonconforming or an existing legally constructed structure that does not further alter or increase the impact to the critical area or buffer. Replacement shall be consistent with the city's building code requirements and nonconforming regulations in Chapter 17.102 MVMC and subject to the procedural requirements in Chapter 14.05 MVMC.

h. Activities within the Improved Right-of-Way. Replacement, modification, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater; exempt activities are subject to retention and replanting of native vegetation where feasible along the right-of-way improvement and resulting disturbance.

i. Stormwater Management Facilities. Where critical area buffers are larger than 50 feet, and slopes less than 15 percent, stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer 25 percent of the buffer, except for Category I and II wetlands; provided, that:

i. No other location is feasible; and

ii. The location of such facilities will not degrade the functions or values of the wetland, of the stream and/or habitat area shown through an approved habitat management plan (HMP), stream study, or wetland report, as appropriate.

j. Emergency Activities. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter; provided, that the following criteria are met at the time of or following the immediate emergency action:

i. Time Limits. The emergency shall be limited in duration to the time required to complete the authorized emergency activity; provided, that no emergency permit be granted for a period exceeding 90 days except as specified in subsection (D)(4)(j)(ii) of this section.

ii. Restoration Required. Require, within the 90-day period, the restoration of, or mitigation for, any critical area altered as a result of the emergency activity (not storm-related damage), except that if more than 90 days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration. For the purposes of this paragraph,

restoration means returning the affected area to its state prior to the performance of the emergency activity.

iii. Expiration of Emergency Authorization. The emergency exemption authorization may be terminated at any time without process upon a determination by the director that the action was not or is no longer necessary to protect human health or the environment.

iv. Notice of the emergency action shall be given to the city and local tribe within 10 days of the end of the emergency condition (e.g., flood waters have receded to nonflood conditions).

k. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

l. Trails and Walkways. Where critical area buffers are larger than 50 feet, and slopes less than 15 percent, in critical area buffers located on public property, or where easements or agreements have been granted for such purposes on private property, construction of public and private trails and trail-related facilities, such as benches, interpretive centers, and viewing platforms, may be allowed, except in buffers for Category I and II wetlands; provided all of the following criteria shall be met:

i. The trail, walkway, and associated open space shall be consistent with the city park, recreation and open space plan. The city may allow private trails as part of the approval of a site plan, subdivision, or other land use permit approvals.

ii. Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other such previously disturbed areas.

iii. Trails and related facilities shall be planned to minimize removal of trees, shrubs, snags, and important wildlife habitat.

iv. Trails shall not be allowed to fully enclose a habitat area or buffer.

v. Trails and walkways shall be located in the outer 25 percent of the buffer, i.e., the portion of the buffer that is farther away from the critical area. Exceptions to this requirement may be made for:

(A) Trail segments connecting to existing trails where an alternate alignment is not practical.

(B) Public access points to water bodies spaced periodically along the trail at focused locations.

(C) Viewing platforms, interpretive centers, benches, and limited access to focused water access areas shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected conservation area.

vi. Trails shall be generally limited to pedestrian use unless other more intensive uses, such as bike or horse trails, have been specifically allowed and mitigation has been provided. Trail construction shall meet the specifications of the park and recreation department.

vii. The director may require closure of trails during critical spawning, migration, or breeding time periods of the species present.

viii. Enhancement of the buffer area is required where trails are located in the buffer. Where enhancement of the buffer area adjacent to a trail is not feasible due to existing high quality vegetation, additional buffer area or other mitigation may be required.

m. Existing structures, surfaces, and activities where lawfully constructed and maintained in accordance with all other laws in effect as of the date of the ordinance codified in this chapter.

n. Low Impact Development (LID) Facilities. LID facilities may be allowed within stream and wetland buffers, except for Category I and II wetlands; provided, that:

i. No other location is feasible; and

ii. The location of such facilities will not degrade the functions or values of the stream, wetland and/or habitat area shown through an approved HMP, stream study, or wetland report, as appropriate.

E. Flood Hazard Regulations Applicability and Exemptions. See Chapter 15.36 MVMC. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.030 Administration and interpretation.

A. Duties of Director. The community and economic development director (director), or his/her duly authorized representative, shall have the power and authority to enforce the provisions of this chapter.

B. Interpretation.

1. Director Interprets Chapter. The director is authorized to make interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as he/she may deem necessary in order to clarify the application of the provisions of this chapter. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this chapter.

2. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing city, state, or federal regulations. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

3. Minimum Requirements. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

4. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the director shall:

a. Take a “precautionary” or a “no-risk approach” that appropriately limits development and land use activities until the uncertainty is sufficiently resolved, or determine that protection can be ensured by using an approach different from that derived from the best available science (BAS); provided, that the applicant demonstrates on the record how the alternative approach will protect the functions and values of the critical area; and

b. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:

i. Address funding for the research component of the adaptive management program;

ii. Change course based on the results and interpretation of new information that resolves uncertainties;

iii. Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries; and

iv. The technical report supporting the alternative approach must identify triggers and benchmarks consistent with BAS principles, which may be used to measure progress and provide for restoration or replacement if necessary to achieve the adaptive management goals.

C. Compliance. The city shall not grant any approval or permit any regulated development activity in a critical area or associated buffer prior to fulfilling the requirements of this chapter, Chapter 15.07 MVMC, Shoreline Master Program, or Chapter 15.36 MVMC, Floodplain Management Standards.

D. Reviewing Official. Wherever referenced in this section, reviewing official refers to the decision-making official or body authorized to grant permit approval for an activity.

E. Project Review and Approval Criteria. The city critical area program adopts a standard (see MVMC 15.40.080 and 15.40.090) and a managed ecosystem alternative optional approach (see MVMC 15.40.110) to the use of buffers and mitigation in the protection of functions and values of wetlands and fish and wildlife habitat stream and riparian areas. As such, the city manages impacts and improvements on a landscape scale citywide and within basins consistent with approved best available science principles as determined through a functional assessment model (subsection (F)(1) of this section). Projects requiring review and approval shall require a written finding that the project complies with the requirements of this chapter. Such finding and approval shall be determinative on the issue of compliance with critical area mitigation and protection of functions and values for all project purposes.

F. Site Evaluation Model.

1. The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses within the city and/or urban growth area. Mount Vernon will use their HGM system rather than the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. The city's HGM system is titled "Operation Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual.

2. The city adopts DOE 2005 "Stormwater Manual for Western Washington, Vol. II," Chapter 4, as the best management practices guideline for stormwater/erosion control in all developments subject to review under this chapter. A requirement of the optional managed ecosystem alternative provided for in MVMC 15.40.110 is that all stormwater on or crossing a property proposed for development shall be captured and treated as required by such manual before discharge to any wetland or waters regulated under this chapter.

3. Best available science adopted for the Mount Vernon waters/wetlands reserve program shall be consistent with principles enunciated in:

a. Knudsen and Neff, Washington Department of Fish and Wildlife's "Management Recommendations for Washington's Priority Habitat: Riparian";

b. Committee on Wetland Mitigation, National Research Council, 2001, "Compensating for Wetland Loss under the Clean Water Act," National Academy Press, Washington, D.C.;

c. Brinson, M.M., F.R. Haner, L.C. Lee, W.L. Nutter, R.D. Rheinhardt, R.D. Smith, and D. Whigham, 1995, "A Guidebook for Application of Hydrogeomorphic Assessment to Riverine Wetlands," U.S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg, MS, USA, Technical Report WRP-DE-11;

d. "Wetlands in Washington Volume I," Hruby, T., T. Granger, K. Brunner, S. Cooke, K. Dublonica, R. Gersib, T. Granger, L. Reinelt, K. Richter, D. Sheldon, E. Teachout, A. Wald, and F. Weinmann, 1999, "Methods for Assessing Wetland Functions, Volume 1: Riverine and Depressional Wetlands in the Lowlands of Western Washington, Part 1: Assessment Methods," Washington State Department of Ecology Publication No. 99-115; and

e. "Wetlands in Washington Volume II," Hruby, T., S. Stanley, T. Granger, T. Duebendorfer, R. Friesz, B. Lang, B. Leonard, K. March, and A. Wald, 2000, "Methods for Assessing Wetland Functions, Volume II, Part 1: Assessment Methods – Depressional Wetlands in the Columbia Basin of Eastern Washington," Washington State Department of Ecology Publication No. 00-06-47.

4. The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for

Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department.

G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. The director has the discretion to choose the consultant who will complete the peer review. If peer review is required, then the applicant shall be responsible for paying the entire costs of the peer review. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.040 General performance standards.

A. Performance Standards. The performance standards for each critical area are specified in MVMC 15.40.050 through 15.40.090. Following are general performance standards that shall be applied in addition to the performance standards for each different type of critical area.

B. Protection of Critical Areas. Development within critical areas and any associated buffers shall be avoided, and alterations prohibited unless permitted in accordance with the requirements of this chapter.

C. Allowed Alterations. Critical areas may be altered by authorized permitted or exempt activities in MVMC 15.40.020, alterations specifically allowed in MVMC 15.40.050 through 15.40.090 and subject to listed criteria, or through approval of exceptions or variances in MVMC 15.40.130.

D. Land Divisions and Land Use Permits. All proposed divisions of land and land uses (including, but not limited to: subdivisions, short subdivisions, conditional use permits, special use permits, site plan reviews, and binding site plans) that include wetlands and/or fish and wildlife habitat conservation areas shall comply with the following procedures and development standards:

1. The open water area of lakes, streams, wetlands, and tidal lands shall not be permitted for use in calculating the maximum lot density or minimum lot area;

2. Land division approvals shall be conditioned so that all required buffers are dedicated as open space tracts or an easement or covenant encumbering the buffer. Such dedication, easement or covenant shall be recorded together with the land division and represented on the final plat, short plat, or binding site plan;

3. The subdivision and short subdivision of land in wetlands and associated buffers is subject to the following:

a. Land that is located wholly within a wetland or its buffer may not be subdivided.

b. Land that is located partially within a wetland or its buffer may be subdivided; provided, that an accessible and contiguous portion of each new lot is located outside of the wetland and its buffer.

c. Access roads and utilities serving the proposed subdivision may be permitted within the wetland and associated buffers only if the city determines that no other feasible alternative exists and when consistent with this title;

4. To avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this chapter, including buffer requirements for wetlands and/or habitat conservation areas. This site must also have access and utility infrastructure locations that are suitable for development and do not adversely impact the fish and wildlife habitat conservation area;

5. After preliminary approval and prior to final land division approval, the director may require the common boundary between a required buffer and the adjacent lands be identified using permanent signs. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the director to provide adequate protection to the buffer.

E. Road/Street Repair and Construction. Any private or public road or street expansion or construction that is allowed in a wetland and/or fish and wildlife habitat conservation area or its buffer shall comply with the following minimum development standards:

1. No other reasonable or feasible alternative exists and the road or street crossing serves multiple properties whenever possible;

2. Expansion or construction of any private or public road shall only be allowed when adverse impacts cannot be avoided;

3. Public and private roads should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

4. The road or street construction is the minimum necessary, as required by the department of public works, and shall comply with the department of public works and utilities standards; and

5. Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife (WDFW) in order to ensure habitat protection.

F. Utilities. Placement of utilities within designated wetlands and/or fish and wildlife habitat conservation areas may be allowed pursuant to the following standards:

1. Utilities maintenance activities involving no material change in size or function shall be allowed within designated fish and wildlife habitat conservation areas, subject to best management practices;

2. Construction of utilities may be permitted in wetlands and/or fish and wildlife habitat conservation areas or their buffers, only when no feasible or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below, and as required in the filing and approval of an HMP which may be required by this chapter;

3. Construction of sewer lines may be permitted in wetlands and/or fish and wildlife habitat conservation areas or their buffers when the applicant demonstrates it is necessary to meet state and/or local health code requirements, there are no other feasible alternatives available, and construction meets the requirements of this section. Joint use of the sewer utility corridor by other utilities may be allowed;

4. New utility corridors shall not be allowed in wetlands and/or fish and wildlife habitat conservation areas with known locations of federal or state-listed endangered, threatened, or sensitive species, heron rookeries, or nesting sites of raptors that are listed as state candidate species for listing, except in those circumstances where an approved HMP indicates that the utility corridor will not significantly impact the conservation area;

5. New utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat conservation areas and their buffers by the following:

a. New utility facilities, improvements, or upgrades to existing utility facilities should take place within existing improved rights-of-way or existing impervious surfaces so that they do not increase the amount of impervious surfaces within the habitat area;

b. New utility corridors shall be aligned when possible to avoid cutting or root damage to trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side;

c. New utility corridors shall be revegetated with appropriate native or equivalent vegetation at not less than preconstruction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives;

d. Any additional corridor access for maintenance shall be provided wherever possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width, but no greater than 15 feet and shall be contiguous to the location of the utility corridor on the side away from the conservation area;

6. Utility corridor maintenance shall include the following measures to protect the environment of regulated fish and wildlife habitat conservation areas:

a. Utility towers should be painted with brush, pad, or roller and should not be sandblasted or spray-painted, nor should lead-based paints be used;

b. Pesticides, Fertilizers, and Herbicides. No pesticides or fertilizers may be used in fish and wildlife conservation areas or their buffers, except those herbicides approved for such use and applied by a licensed applicator in accordance with the safe application practices on the label.

G. Stream Crossings. Any private or public road expansion or new construction that is allowed and must cross streams classified within this chapter shall comply with the following minimum development standards:

1. Bridges or bottomless culverts shall be required for all fish-bearing streams. Other alternatives may be allowed upon submittal of a habitat management plan that demonstrates other alternatives would not result in significant impacts to the fish and wildlife conservation area, as determined appropriate through the Washington State Department of Fish and Wildlife hydraulics project approval process;

2. Crossings shall not occur in salmonid spawning areas unless no other feasible crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife. The plan must demonstrate that adversely impacted salmon habitat will be replaced on a 1:1 ratio;

3. Bridge piers or abutments shall not be placed between the ordinary, high water marks of the stream, unless no other feasible alternative placement exists;

4. Crossings shall not diminish water carrying capacity and shall follow WDFW guidelines;

5. Crossings shall serve multiple properties whenever possible; and

6. Where there is no reasonable alternative to providing a conventional culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity (guidance for these projects can be found in the Washington Department of Fish and Wildlife, “Fish Passage Design at Road Culverts,” design manual 1999, and the National Marine Fisheries Service, “Guidelines for Salmonid Passage at Stream Crossings,” 2000).

H. Stream Relocations. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be permitted when adhering to the following minimum performance standards and when consistent with Washington Department of Fish and Wildlife hydraulic project approval (HPA):

1. The channel, bank, and buffer areas should be replanted with native vegetation so as to replicate an undisturbed riparian condition;

2. For waters designated as frequently flooded areas, a professional engineer licensed in the state of Washington shall provide information demonstrating that the equivalent base flood storage volume and function will be maintained; and

3. Relocated stream channels shall be designed to meet or exceed the functions and values of the stream to be relocated.

I. Stream Relocations – Other. In circumstances other than addressed in subsection H of this section, stream relocation may only be permitted if:

1. Criteria. Stream relocation may only be permitted if associated with:

a. A public flood hazard reduction project approved by appropriate state and/or federal agencies; or

b. Fish and other faunal species restoration/habitat enhancement projects approved by appropriate state and/or federal agencies; or

c. Expansion of public road or other public facility improvements where no feasible alternative exists; or

d. Where such relocation is proposed to provide protective buffer systems from existing development or constructed features.

2. Conditions. The following conditions also apply to any stream relocation proposal meeting one or more of the above criteria:

a. Relocated stream channels and their associated floodplains shall be designed to meet or exceed instream and riparian habitat functions and values of the stream to be relocated;

b. Flood capacity of the channel shall not be diminished;

c. Riparian buffer areas shall be replanted with native vegetation;

d. Buffer widths shall be based upon the new stream location; provided, that the buffer widths may be averaged or reduced as described in MVMC 15.40.080(D)(5) and (6). Where minimum required buffer widths are not feasible for stream relocation proposals that are the result of activities pursuant to subsections (I)(1)(a) and (b) of this section, other equivalent on- or off-site compensation to achieve no net loss of riparian function is provided;

e. When Type Np or Ns streams are proposed for relocation due to expansion of public roads or other public facility improvements per subsection (I)(1)(c) of this section, the buffer area adjacent to the relocated stream shall not be less than the width prior to the relocation. The provided buffer adjacent to the relocated stream shall be restored, enhanced, or improved to provide appropriate functioning given the type and condition of the stream; or if there is no buffer currently, other equivalent on- or off-site compensation to achieve no net loss of riparian functioning is provided.

J. Bank Stabilization.

1. A stream channel and bank may be stabilized when naturally occurring earth movement threatens existing structures (defined as requiring a building permit pursuant to the applicable building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish and wildlife habitat, flood control, and improved water quality.

2. Where bank stabilization is determined to be necessary, bioengineering or other nonstructural methods should be the first option for protection. Bulkheads and retaining walls may only be utilized as an engineering solution where it can be demonstrated that an existing residential structure cannot be safely maintained or set back without such measures, and that the resulting retaining wall is the minimum length necessary to provide a stable building area for the structure. A variance pursuant to this chapter must be obtained in all other cases.

3. The director may require that bank stabilization be designed by a professional engineer and geologist licensed in the state of Washington with demonstrated expertise in hydraulic actions. Bank stabilization projects may also require a city grading permit and hydraulic project approval from the Washington Department of Fish and Wildlife.

4. Nonstructural stream bank protective techniques are preferred to bulkheads or other types of stream bank armoring. Nonstructural techniques include, but are not limited to, vegetation plantings and bioengineering. Guidance for these projects can be found in the Washington Department of Fish and Wildlife's "Integrated Streambank Protection Guidelines Manual" for determining when, why, where, and what projects need to be completed to protect an eroding bank. Federal Section 10 and/or Section 404 permits from the U.S. Army Corps of Engineers may also provide specific limitations and conditions that must be followed.

K. Pesticides, Fertilizers and Herbicides. No pesticides, herbicides, or fertilizers may be used in wetlands, fish and wildlife conservation areas or their buffers, except those approved by the U.S. Environmental Protection Agency (EPA) and approved under a DOE water quality modification permit for use in wetland, fish and wildlife habitat

conservation area environments. Where approved, herbicides must be applied by a licensed applicator in accordance with the safe application practices on the label.

L. Native Growth Protection Areas.

1. Applicability.

a. Required. A native growth protection area shall be instituted when determined through permit review to be necessary in:

i. Landslide hazard areas and associated buffers;

ii. Streams and their associated buffers; or

iii. Wetlands and their associated buffers.

b. Applied with Discretion. Native growth protection areas may be required for habitat conservation areas and their buffers pursuant to MVMC 15.40.080.

2. Standards.

a. Trees, shrubs, and ground cover shall be retained in designated native growth protection areas.

b. Activities allowed in native growth protection areas shall be consistent with applicable critical area regulations.

c. The city may require enhancement of native growth protection areas to improve functions and values, reduce erosion or landslide potential, or to meet another identified purpose of this section or of critical area regulations.

3. Method of Creation. Native growth protection areas may be established by one of the following methods or alternative determined by the director to reliably achieve the required protection.

a. Conservation Easement. The permit holder shall, subject to the city's approval, convey to the city or other public or nonprofit entity specified by the city, a recorded easement for the protection of the critical area and/or its buffer.

b. Protective Easement. The permit holder shall establish and record a permanent and irrevocable easement on the property title of a parcel or tract of land containing a critical area and/or its buffer created as a condition of a permit. Such protective easement shall be held by the current and future property owner, shall run with the land, and shall prohibit development, alteration, or disturbance within the easement except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the city and from any other agency with jurisdiction over such activity.

c. Tract and Deed Restriction. The permit holder shall establish and record a permanent and irrevocable deed restriction on the property title of any critical area management tract or tracts created as a condition of a permit. Such deed restriction(s) shall prohibit development, alteration, or disturbance within the tract except for purposes of habitat enhancement as part of an enhancement project which has received prior written approval from the city and from any other agency with jurisdiction over such activity. A covenant shall be placed on the tract restricting its separate sale. Each abutting lot owner or the homeowners' association shall have an undivided interest in the tract.

4. Fencing. The city may require permanent fencing of the native growth protection area containing critical area and buffers when the director determines there is a substantial likelihood of adverse impact through intrusion, and such fencing will not adversely impact habitat connectivity.

5. Signage Required. The common boundary between a native growth protection area and the abutting land must be permanently identified. One sign shall be posted per lot, every 150 feet of buffer, or as determined by the director. Suggested wording is as follows: "Protection of this natural area is in your care. Alteration or disturbance is prohibited by law."

6. Responsibility for Maintenance. Responsibility for maintaining the native growth protection easements or tracts shall be held by a homeowners' association, abutting lot owners, the permit applicant or designee, or other appropriate entity, as approved by the city.

7. Maintenance Covenant and Note Required. The following note shall appear on the face of all plats, short plats, PUDs, or other approved site plans containing separate native growth protection easements or tracts, and shall also be recorded as a covenant running with the land on the title of record for all affected lots on the title: "MAINTENANCE RESPONSIBILITY: All owners of lots created by or benefiting from this city action abutting or including a native growth protection easement [tract] are responsible for maintenance and protection of the easement [tract]. Maintenance includes ensuring that no alterations occur within the tract and that all vegetation remains undisturbed unless the express written authorization of the city has been received."

M. Marking During Construction. The location of the outer extent of the critical area buffer and areas not to be disturbed pursuant to an approved permit shall be marked with barrier fencing easily visible in the field to prevent unnecessary disturbance by individuals and equipment during the development or construction of the approved activity. The director shall publish standards for such fencing.

N. Permanent Signs and Fencing.

1. Permanent Signs. As a condition of any permit or authorization issued pursuant to this chapter, the director may require the applicant to install permanent signs along the boundary of a critical area or buffer. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post, or other nontreated material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the director and will identify the type of critical area:

Protected [insert critical area type] Area

Do Not Disturb

Contact City of Mount Vernon

Department of Community and Economic Development

Regarding Uses and Restriction

2. Fencing.

a. The director shall determine if fencing is necessary to protect the functions and values of the critical area. If found to be necessary, any permit or authorization issued pursuant to this chapter shall be conditioned to require the applicant to install a permanent fence at the edge of the wetland buffer when fencing will prevent future impacts to the wetland.

b. Fencing installed as part of a proposed activity or as required in this chapter shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the critical area and associated buffers and habitat.

O. Discretionary Building or Development Setbacks. The director may require an additional building or activity setback from a critical area or buffer to ensure adequate protection of the critical area/buffer during construction and ongoing maintenance. A requirement for an additional setback shall be based on the findings of a critical area report or a peer review required for the activity based upon a unique impact of the project or need of the adjoining critical area not otherwise protected by this regulation.

P. Mitigation Monitoring. A monitoring program shall be implemented to determine the success of any mitigation projects required under this chapter. The monitoring program shall determine if the original goals and objectives are being met. The director reserves the right to select the consultant, at the applicant's expense, to perform the required monitoring. Monitoring shall be undertaken pursuant to the guidelines in MVMC 15.40.120(H).

Q. Critical Area Development Standards. Restoration, enhancement, and development activities involving critical areas regulated under this chapter shall generally conform to the preferred standards found in the CAO guidebook identified in MVMC 15.40.030(F)(4). These standards shall be followed unless the director determines that a proposed alternative achieves the equivalent performance and better serves the objectives of this chapter. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.050 Aquifer recharge area regulations.

A. Description. Groundwater from aquifers provides a source of potable water and contributes to stream discharge/flow. Critical aquifer recharge areas contribute to the recharge of aquifers, springs and/or wells, but are susceptible to contamination of water supplies through infiltration of pollutants through the soil. A significant portion of the city's drinking water comes from groundwater supplies in aquifers. The city relies on Skagit County Public Utility District No. 1 for its potable water supply, supplemented by a limited number of private wells. Most wells in the city are used for groundwater monitoring. Some streams in the city or its urban growth area are designated as "low flow" by the Department of Ecology pursuant to Chapter 90.22 RCW and can be affected by changes in groundwater quantity. High value aquifer recharge areas coincide largely with mature forest vegetation.

B. Purpose. The purposes of the aquifer recharge area regulations are to:

1. Protect groundwater quality by maintaining the quantity of recharge;

2. Avoid or limit land use activities that pose potential risk of aquifer contamination;

3. Minimize or avoid adverse impacts to groundwater protection areas through the application of performance standards;

4. Help maintain stream base flow to support salmonids;

5. Provide incentives to retain forest habitat and protect ground and surface waters within a watershed by allowing innovative residential design and development techniques and limiting impervious surfaces; and

6. Comply with the requirements of the Federal Safe Drinking Water Act, Washington Administrative Code, and the requirements of the wellhead protection program.

C. Classification and Designation. Critical aquifer recharge areas are those land areas that contain hydrogeologic conditions that facilitate aquifer recharge and/or transmission of contaminants to an underlying aquifer. Critical aquifer recharge areas under this section may be established based on general criteria, specifically designated due to special circumstances, or based on scientific studies and mapping efforts. Factors considered in the identification of critical aquifer recharge areas include depth to water table, presence of highly permeable soils (specifically Group A hydrologic soils), presence of flat terrain, and the presence of more permeable surficial geology. Critical aquifer recharge areas may be placed in one of the following categories:

1. Category I Critical Aquifer Recharge Areas. Category I critical aquifer recharge areas are those areas where potential for certain land use activities to adversely affect groundwater is high. Category I critical aquifer recharge areas include:

a. Areas inside the five-year time-of-travel zone for Group A water system wells, calculated in accordance with the Washington State Source Water Assessment Program.

b. Ten-year time-of-travel zones in wellhead protection areas are included as critical aquifer recharge when a well draws its water from an aquifer that is at or above sea level and is without an overlying protective impermeable layer.

c. Areas identified as regionally significant aquifer recharge areas and identified as such by the city are:

(None are identified in Mount Vernon at this time. Future designations may occur.)

2. Category II Critical Aquifer Recharge Areas. Category II critical aquifer recharge areas are areas that provide recharge to aquifers that currently are or potentially will become potable water supplies and are vulnerable to contamination based on the type of land use activity. These include the following:

a. Highly Permeable Soils (Group A Hydrologic Soils). The general location and characteristics of Group A hydrologic soils in the city are given in the Soils Survey Skagit County by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). The soil survey information is available at the community and economic development department.

b. Areas Above Shallow Principal Aquifers. Surface areas above shallow, principal aquifer(s) that are not separated from the underlying aquifers by an impermeable layer that provides adequate protection to preclude the proposed land use from contaminating the shallow aquifer(s) below are considered aquifer recharge areas of concern.

D. Development Standards.

1. Allowed Activities. Standards for development shall be in accordance with the provisions below and the requirements of other underlying city regulations. The following activities are allowed in critical aquifer recharge areas and do not require submission of a hydrogeologic assessment:

a. Construction of structures and improvements, including additions, resulting in less than five percent or 2,500 square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.

b. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that does not increase the use of a hazardous substance.

c. On-site domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre.

d. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers that does not exceed times and rates specified on the packaging.

e. Residential storage or use of petroleum and petroleum products.

f. Activities that have a potential contamination source below threshold amounts as set forth in applicable statutes of the Revised Code of Washington or local regulations. The purpose of this clause is to allow for small-scale and residential activities thought to have no significant impact to critical aquifer recharge areas.

2. Prohibited Activities. The following activities and uses are prohibited in Category I critical aquifer recharge areas:

a. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, and wood waste;

b. Underground Injection Wells. Wells which meet the requirements of Chapters 173-218 and 173-200 WAC with the exception of 5B22, 5D2, 5G30, 5W12, 5W32, 5R21, and 5S23;

c. Commercial mining and washing of metals, hard rock, sand, and gravel;

d. Chemical wood preservation and/or treatment facilities;

e. Storage, processing, or disposal of radioactive substances;

f. Commercial activities that are not connected to an available sanitary sewer system;

g. Use or storage of pesticides listed as “state restricted use pesticides” by Chapter 16-228 WAC;

h. Oil and gas drilling as defined in WAC 332-12-450 and Chapter 173-218 WAC;

i. Underground storage of hazardous substances as regulated by Chapter 173-360 WAC;

j. Use, storage, treatment, or production of perchloroethylene (PCE), other than in closed-loop systems that do not involve any discharge of PCE;

k. Petroleum refining, reprocessing, storage, and petroleum-product pipelines;

l. Electroplating/metal finishing;

m. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and

n. Activities that would significantly reduce the recharge to aquifers that are a source of significant base flow to a regulated stream.

E. Allowed Uses with Performance Standards.

1. General Requirements. Any activity not specifically exempted through MVMC 15.40.020(D) as allowed or prohibited may be permitted in a critical aquifer recharge area if all of the following criteria are met (a list of specific uses with a potential threat to groundwater can be found in subsection (E)(2) of this section):

a. Hydrogeologic Assessment.

i. For Category I aquifer recharge areas the applicant must show through a hydrogeologic assessment that the proposed activity will not cause significant impact to aquifer quality or recharge. The hydrogeologic assessment will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and affected water purveyors. An incompatible activity can be denied permit approval by the director.

ii. For Category II aquifer recharge areas a hydrogeologic assessment may be required. The scope of the report shall be based on site-specific conditions. The hydrogeologic assessment will be evaluated and treated as a special use review and be reviewed by the department, the health district, affected tribes, and affected water purveyors. An incompatible activity can be denied permit approval by the director. The need for additional information will be determined by the department, the health district, and the affected water purveyor. Based on the report, controls, mitigation, and/or other requirements will be established as a prerequisite for the development proposal being approved.

iii. A hydrogeologic assessment shall be prepared in accordance with the content and submittal requirements of MVMC 15.40.120(C); unless the director waives particular report requirements based on site-specific conditions.

b. The proposed activity must comply with the source water protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, Washington Department of Ecology, and the Skagit County health district.

c. The applicant must explore low impact development site design alternatives and implement them where economically feasible. Low impact development techniques in the most current edition of the Puget Sound Action Team Low Impact Development Technical Guidance Manual for Puget Sound can include, but are not limited to:

i. Rainwater harvesting;

ii. Reverse slope sidewalks;

iii. Vegetated roofs;

iv. Bioretention areas (rain gardens); and

v. Pervious pavement.

2. Potential Threats to Groundwater. Specific uses with potential threats to groundwater can include, but are not limited to, the following. Uses meeting the listed performance standards may be allowed if the criteria of this section are met.

a. Anything that is not exempt per MVMC 15.40.020(D).

b. All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:

i. All new above-ground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

(A) Not allow the release of a hazardous substance to the ground, groundwater, or surface waters;

(B) Have a primary containment area enclosing or underlying the tank or part thereof; and

(C) A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

c. Vehicle Repair and Servicing.

i. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and provides containment should leaks occur.

ii. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the Department of Ecology prior to commencement of the proposed activity.

d. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the Departments of Ecology and Health.

i. Use of reclaimed water for surface percolation must meet the groundwater recharge criteria given in RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may establish additional discharge limits in accordance with RCW 90.46.080(2).

ii. Direct injection must be in accordance with the standards developed by authority of RCW 90.46.042.

e. Automobile washers as defined in Chapter 173-216 WAC.

f. Chemical treatment storage and disposal facilities as defined in WAC 173-303-182.

g. Hazardous waste generators, including, but not limited to: boat repair shops, biological research facilities, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, medical and dental facilities, etc., as defined in Chapter 173-303 WAC.

h. Junk yards and salvage yards as defined in Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycler Facilities (DOE publication number 94-146).

i. On-site sewage systems (large scale) as defined in Chapter 173-240 WAC.

j. On-site sewage systems (less than 14,500 gal/day) as defined in Chapter 246-272 WAC.

k. Pesticide storage and use as defined in Chapters 15.54 and 17.21 RCW.

l. Sawmills as defined in Chapters 173-303 and 173-304 WAC, DOE publication number 95-53, Best Management Practices to Prevent Stormwater Pollution at Log Yards.

m. Solid waste handling and recycling facilities as defined in Chapter 173-304 WAC.

n. Wastewater application to land surface as defined in Chapters 173-216 and 173-200 WAC, and DOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture.

o. New impervious surface area exceeding 20,000 square feet.

p. Beneficial use of biosolids as defined in Chapter 173-308 WAC.

q. Golf courses, provided:

i. Fertilizer use is not above agronomic rates;

ii. Pesticides are managed and applied by properly licensed personnel, and use of all pesticides is approved by the affected water utility;

iii. The golf course allows for periodic monitoring by the department or an affected water utility.

r. Noncommercial gravel and sand mining, provided the extraction of materials remains no less than 10 feet above the level of the aquifer.

3. Affected Agency Review. The city will notify Skagit County health district and affected water utilities and will request them to comment during the preliminary phases of the city's review process on all proposed projects defined in subsections (C)(1) and (2) of this section.

4. Inspection. City personnel may inspect at reasonable times, upon presentation of credentials, as part of its wellhead protection program any activity that is known to manage or potentially manage hazardous materials. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.060 Flood hazard regulations.
All regulated activities in flood hazard areas shall comply with Chapter 15.07 MVMC, Shoreline Master Program, and Chapter 15.36 MVMC, Floodplain Management Standards. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.070 Geologic hazard area and hillside development standards.
A. Purpose. The purposes of the geologic hazard and hillside development regulations are to:

1. Minimize damage due to landslide, erosion, subsidence, and alluvial fans through the control of development; and

2. Reduce the risks to the city and its citizens from development occurring on unstable slopes; and

3. Control erosion and sediment runoff from development.

B. Classification. Geologic hazards are classified into the following areas:

1. Erosion Hazard Areas. An area that contains one or more of the following characteristics:

a. Those areas containing soils that, according to the U.S. Natural Resource Conservation Service Survey, have severe to very severe erosion hazard potential; and/or

b. Those project areas that fall within any soil sloping greater than or equal to 30 percent; and/or

c. Those areas that may be considered to have an erosion hazard as a result of rapid stream incision or stream bank erosion.

2. Landslide Hazard Areas. An area that exhibits one or more of the following characteristics:

a. Contains or lies within 200 feet from slopes having the following characteristics: Gradients of 15 percent or greater intersecting geologic contacts with permeable sediments overlying low permeability sediment or bedrock and springs or groundwater seepage are present; and/or

b. Contains or lies within 200 feet from any area having a 40 percent slope or steeper and with a vertical relief of 10 feet or more; and/or

c. Contains or lies within 200 feet from areas of historic failure such as areas designated as quaternary earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other slope failures on maps or technical reports published by the U.S. Geological Survey such as topographic or geologic maps, or the Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies; and/or

d. Contains or lies within 200 feet from areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action. Such area shall be addressed as a flood hazard consistent with this chapter; and/or

e. Areas that have shown movement (e.g., slides, rotational or mass failures, subsidence) during the Holocene epoch (i.e., the last 8,000 through 10,000 years) or that are underlain or covered by wastage debris of that epoch; and/or

f. Contains or lies within 200 feet from slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials; and/or

g. Contains or lies within 200 feet from slopes with a gradient greater than 80 percent and subject to rock fall during seismic shaking.

3. Seismic Hazard Areas. Seismic hazard areas shall include areas that are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting as follows:

a. Areas that have a potential for soil liquefaction and soil strength loss during ground shaking as identified on the city of Mount Vernon Soil Liquefaction Potential Map derived from Washington State Department of Natural Resources data or as identified by investigative maps or studies by the United States Geologic Survey.

b. Areas located on a Holocene fault line as indicated on investigative maps or described in studies by the United States Geologic Survey, Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies, or as identified in the field.

4. Volcanic Hazard Areas. Volcanic hazard areas include those lands identified as a volcanic hazard zone for Glacier Peak, Washington (USGS Open-File Report 95-499); or in a volcanic hazard area of Mount Baker, Washington (USGS Open-File Report 95-498).

5. Alluvial Fan Hazard Areas. Areas within or 200 feet from an alluvial fan as designated on the Skagit County Alluvial Fan Study Orthophoto Maps. An alluvial fan is an accumulation of sediment deposited by a stream where it issues from steep, confined hill slopes onto a floodplain or valley floor. The sediment mass includes rock, mud, woody debris, and other accumulations. The depositional mechanism is the decrease in gradient that

causes the material to stop its downhill course. Repeated debris flows tend to obstruct the channel, forcing the material to find a new path of least resistance.

C. Geologic Hazard Areas Performance Standards.

1. General. Whenever a proposed development activity requires a development permit and a geologic hazard is present on the site of the proposed development or on abutting or adjacent sites within 200 feet of the subject site, a geotechnical study/geologic hazard report shall be required consistent with the detailed report requirements in MVMC 15.40.120(B).

a. Geologic hazard reports shall demonstrate all of the following criteria are met:

i. The proposal will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions; and

ii. The proposal will not adversely impact other critical areas; and

iii. The development can be safely accommodated on the site.

b. The geologic hazard report shall be prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington. If the study involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations.

c. Upon review of geotechnical studies, the director may apply conditions of approval to mitigate adverse environmental impacts and to meet the criteria in this chapter. Such conditions may include, but are not limited to, construction techniques, design, drainage, project size/configuration, or seasonal constraints on development. Additional possible conditions may be listed under the performance standards for each hazard type.

d. Slopes Between 15 and 40 Percent. A geotechnical study shall address the hillside development standards for properties containing slopes between 15 and 40 percent.

e. Mitigation Plan Required. A mitigation plan shall be required by the director if alteration of the geologic hazard area is proposed and mitigation measures need to be established for the regulated activity. A mitigation plan is only required for slopes between 15 and 40 percent if the geotechnical report identifies a need for requirements beyond the hillside development standards.

f. Geotechnical Study or Mitigation Plan Waiver. May only be waived by the director when the applicant provides satisfactory evidence that:

i. The geologic hazard or slope between 15 and 40 percent does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby geologic hazard areas or other slopes between 15 and 40 percent; or

ii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

g. Peer Review. Peer review of the applicant's geotechnical report may be required by the city at the applicant's expense.

2. Erosion and Landslide Hazard Areas. Regulated development activities shall be subject to the following:

a. A temporary erosion and sedimentation control plan prepared in accordance with the best management practices (BMPs) set forth in the Washington State Department of Ecology 2005 Stormwater Manual for Western Washington Volume II Chapter 4.

b. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water in accordance with the requirements of the Mount Vernon stormwater regulations in accordance with the BMPs set forth in the Washington State Department of Ecology 2005 Stormwater Manual for Western Washington Volume II Chapter 4.

c. All proposals involving excavations and placement of fills shall be subject to structural review under the appropriate provisions as found in the currently adopted building code of Mount Vernon.

d. All infiltration systems, such as stormwater detention and retention facilities, and curtain drains utilizing buried pipe or French drains, are prohibited in erosion and landslide hazard areas and their buffers unless a site assessment report indicates such facilities or systems will not affect slope stability and the systems are designed by a licensed civil engineer. The engineer shall also certify that the system and/or facilities are installed as designed.

e. Vegetation Removal and Replanting. Removal of vegetation shall be minimal in erosion and landslide hazard areas. Any replanting that occurs shall consist of trees, shrubs, and ground cover that meets the objectives of erosion prevention and site stabilization, does not require permanent irrigation for long-term survival, and, if the removal and replanting are occurring inside a stream or wetland buffer, the plantings are suitable for that critical area and buffer function.

f. Additional Requirements – Landslide Hazard Areas.

i. Surface drainage shall not be directed across the face of a landslide hazard (including bluffs or ravines). If drainage must be discharged from the hazard area into adjacent waters, it shall be collected above the hazard and directed to the water by tight line drain and provided with an energy dissipating device at the point of discharge.

ii. A minimum buffer with a width of 50 feet shall be established from the top, toe and all edges of all landslide hazardous areas. Existing native vegetation shall be maintained in accordance with mitigation recommendations within the buffer area. The buffer may be reduced to a minimum of 10 feet when an applicant demonstrates to the director that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area. The buffer may be increased by the director when determined necessary to prevent risk of damage to proposed and existing development. Normal nondestructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide a view corridor, shall not be subject to these buffer requirements.

3. Seismic Hazard Areas. Structural development proposals shall meet all applicable provisions of the building code as adopted by the city. The director shall evaluate the geologic hazard area report and condition permit approvals to minimize the risk on both the subject property and affected adjacent properties.

4. Volcanic Hazard Areas.

a. Critical Facilities. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and identify any engineering or other mitigation measures as appropriate. Mitigation plans may be required. The geologic hazard report shall be subject to third party review.

b. Other. Meet the requirements of the city's flood hazard regulations in Chapter 15.36 MVMC.

5. Alluvial Fan Hazard Areas. Based upon the results of the geologic hazard report and third party review, the director shall require conditions of approval for developments on sites that include or are affected by alluvial

fan hazards. Conditions may include, but are not limited to, vegetation enhancement, slope stabilization, buffer zones, or other requirements.

D. Hillside Development Standards. While slopes of less than 40 percent are not defined by this chapter as environmentally sensitive, improper development or construction on such slopes may cause erosion, flooding, property damage, and damage to environmentally sensitive areas regulated by this chapter. Development on hillsides with slopes of 15 percent or greater shall comply with the following requirements, unless specifically exempted by another provision of this chapter.

1. Submittal Requirements. Proposals that include clearing, grading, filling, excavation, construction, paving, or removal of vegetation, on slopes between 15 percent and 39.99 percent, are subject to the following:

a. Preparation of a geotechnical report prepared by a licensed professional engineer that contains a description of how the proposed development and its associated grading plan will or will not impact each of the following on the subject property and adjoining properties:

i. Slope stability, erosion, and landslide hazards;

ii. Drainage, surface and subsurface hydrology, and water quality; and

iii. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and natural habitat value.

b. Recommended methods for mitigating identified impacts and a description of how these mitigation measures may impact adjacent properties.

2. Conditions. Based upon the results of the geotechnical report, the director may require conditions of approval including, but not limited to, vegetation enhancement, slope stabilization, restriction on clearing area or time of year, and/or other requirements. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.080 Fish and wildlife habitat conservation areas.

A. Description and Purpose. The intent of these regulations is to protect functions and values for waters, riparian habitat, resident and anadromous fish, and wildlife conservation areas. The primary purpose of this section is to minimize development impacts to habitat conservation areas and to:

1. Protect federal and state listed habitats and species and give special attention to protection or enhancement of anadromous fish populations; and

2. Maintain a diversity of species and habitat within the city; and

3. Coordinate habitat protection to maintain and provide habitat connections; and

4. Help maintain air and water quality, and control erosion.

This section of the Mount Vernon Municipal Code contains standards, guidelines, criteria and requirements intended to identify, evaluate and mitigate potential impacts to habitat conservation areas within the city and to provide guidelines to enhance degraded habitat and streams in appropriate cases. In such circumstances, impacts resulting from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with this chapter. The regulations are to manage land so as to maintain fish and wildlife species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created and achieve no net loss in fish or wildlife habitat or stream functions. Interpretations of this section shall be made to conform to the requirements of WAC 365-190-080.

B. Classification and Designation of Fish and Wildlife Habitat Conservation Areas. Classification and designation of fish and wildlife habitat conservation areas is an ongoing process; while not all of the following critical habitat conservation areas are known to exist in the city, their designation here allows for future categorization for protection. The following categories shall be used for relevant development standards of this chapter.

1. Streams. All streams that meet the criteria for F, Np or Ns waters as set forth in WAC 222-16-030 of the Department of Natural Resources Water Typing System. The city classification system shall mirror the definitions as provided in WAC 222-16-030.

2. Lakes 20 Acres and Greater in Surface Area. Those lakes defined as shorelines of the state in the Shoreline Management Act of 1971.

3. Lakes Less Than 20 Acres in Surface Area. Those lakes which meet the criteria for Type F, Np, and Ns waters as set forth in WAC 222-16-030 as amended. This includes lakes and ponds less than 20 acres in surface area and their submerged aquatic beds, lakes, and ponds planted with game fish by a governmental or tribal authority.

4. Class I Fish and Wildlife Conservation Areas, Other Than Streams.

a. Habitats and species recognized by federal or state agencies for federal and/or state-listed endangered, threatened and sensitive species that have primary association documented in maps or databases available to the city and that, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

b. Areas targeted for preservation by the federal, state, and/or local government that provide fish and wildlife habitat benefits, such as the shared strategy process for Puget Sound; and areas of primary association for anadromous fish and important waterfowl areas identified by the U.S. Fish and Wildlife Service.

c. Areas that contain habitats and species of local importance. These areas are identified by the city, including but not limited to those habitats and species that, due to their population status or sensitivity to habitat manipulation, warrant protection. Habitats may include a seasonal range or habitat element with which a species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Habitats of local importance can include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include cliffs, meadows, old-growth/mature forests, snag-rich areas, and urban natural open spaces.

5. Class II Fish and Wildlife Conservation Areas, Other Than Streams.

a. Habitats for state-listed candidate and monitored species documented in maps or databases available to the city, which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

b. Habitats that have been identified through maps, databases, reports, or studies that include attributes such as comparatively high wildlife density, high wildlife species richness, significant wildlife breeding habitat, seasonal ranges or movement corridors of limited availability and/or high vulnerability. These habitats may include caves, cliffs, meadows, old-growth/mature forests, snag-rich areas, talus slopes, and urban natural open space.

6. Habitats and Species of Local Importance. The city should accept and consider nominations for habitat areas and species to be designated as locally important.

a. Habitats and species to be designated shall exhibit the following characteristics:

i. Local populations of native species are in danger of extirpation based on existing trends;

ii. Local populations of native species that are likely to become endangered; or

iii. Local populations of native species that are vulnerable or declining.

b. The species or habitat has recreational, commercial, game, tribal, or other special value.

c. Long-term persistence of a species locally is dependent on the protection, maintenance, and/or restoration of the nominated habitat.

d. Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in the city.

e. Without protection, there is likelihood that the species or habitat will be diminished locally over the long term.

f. Areas nominated to protect a particular habitat or species must represent either high-quality native habitat or habitat that has a high potential to recover to a suitable condition and which is of limited availability, highly vulnerable to alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape.

g. Habitats and species may be nominated for designation by any person in accordance with the process in Appendix A attached to the ordinance codified in this chapter.

C. Performance Standards – General. For the purposes of this title, a designated fish and wildlife habitat conservation area with its buffer is a critical area. Regulated uses identified within designated fish and wildlife habitat conservation areas shall comply with the performance standards outlined in this chapter.

1. Habitat Management Plan Required. If the city determines that impacts to habitats may occur as a result of a development project, a habitat management plan (HMP) shall be required in conformance with MVMC 15.40.120(D). The applicant may choose to complete an HMP for a site-specific analysis to better determine the impact to habitat and to determine the appropriate buffer width and associated building setbacks for their project based on the site-specific analysis. The preparation and submission of this report is the responsibility of the applicant. The report shall rely on best available science as defined in WAC 365-195-900 through 365-195-925 and shall be prepared by a certified professional who is a biologist with five years of experience preparing reports for the relevant type of habitat. The city may retain a qualified consultant at the applicant's expense to review and confirm the applicant's reports, studies and plans. The HMP shall clearly demonstrate that greater protection of the functions and values of critical areas can be achieved through the HMP than could be achieved through providing the prescribed habitat buffers and building setbacks. An applicant may propose to implement an HMP as a means to protect habitat buffers associated with streams and/or fish and wildlife conservation areas. Approval for an HMP shall not occur prior to the consultation with the appropriate federal or state agencies.

a. Intent. HMPs are primarily intended as a means to restore or improve buffers that have been degraded by past activity, and should preserve, and not reduce, existing high-quality habitat buffers. While not primarily intended as a means to reduce buffers, the HMP may propose a reduction of the habitat buffer width where it is shown that the HMP will comply with the other requirements of this section.

b. Effect of Buffers. An HMP shall provide habitat functions and values that are greater than would be provided by the prescribed habitat buffers. When habitat buffers are a component of an HMP, they shall be at least the minimum size necessary to accomplish the objectives of the HMP. The HMP may propose, but the city shall not require, a habitat buffer containing a greater area than is required by the prescribed habitat buffer.

c. Impact Mitigation. The HMP shall encompass an area large enough to provide mitigation for buffer reduction below the standard required buffers, and shall identify how the development impacts resulting from the proposed project will be mitigated as defined in subsection E of this section. The developer of the plan shall use the best available science in all facets of the analyses. The Washington Department of Fish and Wildlife priority habitat and species management recommendations, and/or bald eagle protection rules outlined in WAC 232-12-292, as amended, may serve as guidance for this report.

2. Endangered, Threatened, and Sensitive Species.

a. No development shall be allowed within a habitat conservation area or buffer with which state or federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a habitat management plan (HMP) consistent with a habitat report identifying BMPs consistent with management guidelines recommended by state and federal agencies where present and otherwise consistent with best available science as established in the scientific literature for similar circumstances. Such plans shall identify the source of the recommendations and the key metrics by which success of the plan is to be measured and enforced.

b. Whenever activities are proposed adjacent to a habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such area shall be protected through the application of protection measures in accordance with an HMP prepared by a certified professional and approved by the city. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate federal or state agencies.

c. Bald eagle habitat shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities are proposed adjacent to a verified nest, territory, or communal roost and activities that are adjacent to bald eagle sites within 800 feet or within one-half mile (2,640 feet) and in a shoreline foraging area shall require an approved HMP. The city shall verify the location of eagle management areas for each proposed activity. Approval of the activity shall not occur prior to approval of the HMP by the Washington Department of Fish and Wildlife.

3. Anadromous Fish.

a. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

i. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;

ii. If alternative alignment or location for the activity is not feasible, then activities shall be designed so that it will replace any affected functions and values with equivalent systems to avoid overall degradation to the functions and values of the fish habitat or other critical areas;

iii. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques where such approaches are reasonably effective, according to an approved critical area report; and

iv. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved habitat management plan.

b. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream or downstream migration of adult fish and shall prevent fry and juveniles migrating downstream from being trapped or harmed, or otherwise adversely affect the overall lifecycle of such fish.

c. Fills, when authorized by the shoreline master program, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

4. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall conform to the wetland development performance standards set forth in this chapter. If nonwetlands habitat and wetlands are present at the same location, the provisions of this section or the wetlands section, whichever provides greater protection to the habitat, apply. Where a wetland is divided by a

right-of-way or other improvement, but functions as a single system, the system shall be scored as a whole and not in pieces.

5. Buffers and Associated Building Setback Areas. The distance shall be measured from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified.

a. Buffers shall remain undisturbed natural beach or vegetation areas except where the buffer can be enhanced to improve its functional attributes, as approved by the director. Buffers shall be maintained along the perimeter of fish and wildlife habitat conservation areas, as listed below in Tables 15.40.080(A) and (B). Refuse shall not be placed in buffers. Alteration of buffer areas and building setbacks may be allowed for water-dependent and water-related activities and for other property development authorized by the shoreline master program, an HMP, reasonable use exceptions, general exemptions, standards for existing (nonconforming) development, and variances in general exemptions; provided, however, in each instance mitigation shall be required to replace affected functions and values within the affected zone.

b. “Minimum building setback” is the required horizontal distance between the finished exterior wall of a structure and the edge of the critical area of the lot on which the structure is located. All portions of a structure must be located away from the critical area edge a distance equal to or greater than the minimum setback. Uses not requiring a permit defined in the city building code may be permitted in the setback if the director determines that such intrusions will not adversely impact the fish and wildlife habitat conservation area, or prescribes a plan to replace affected functions and values within the affected area.

6. Habitat Conservation Area Buffers. Habitat conservation area buffers shall be shown on the development site plans or final plat maps along with the notation requirements identified in this chapter.

a. If an existing property has a previously delineated and approved fish and wildlife habitat conservation area and associated buffer by the city, the approved conservation area and buffer may remain in effect. Redevelopment and/or additions outside of the existing footprint shall be subject to the previously approved buffer; however, a buffer enhancement plan may be required in accordance if the habitat buffer area has become degraded or is currently not functioning or if the habitat area and/or buffer may be negatively affected by proposed new development. If, according to the buffer enhancement plan, additional buffer mitigation is not sufficient to protect the habitat, the city may require larger buffers where it is necessary to protect habitat functions based on site-specific characteristics.

7. Class I Fish and Wildlife Conservation Areas. All development as described within this chapter or within 200 feet of designated Class I wildlife conservation areas shall adhere to the following standards:

a. All sites with known locations of Class I fish and wildlife conservation areas or sites within 200 feet to known locations of Class I fish and wildlife conservation areas will require, for all development permits, the submittal and approval of a habitat management plan (HMP) as specified in subsection (C)(1) of this section. In the case of bald eagles, an approved bald eagle management plan by the Washington State Department of Fish and Wildlife, meeting the requirements and guidelines of the bald eagle protection rules (WAC 232-12-292), as now or hereafter amended, shall satisfy the requirements for an HMP. The requirement for an HMP shall be determined during the State Environmental Policy Act (SEPA)/critical areas review on the project. No project falling within a Class I fish and wildlife habitat conservation area shall be exempt from SEPA review.

b. All new development within 200 feet of habitat elements with which Class I fish and wildlife have a critical habitat may require the submittal of an HMP as specified in subsection (C)(1) of this section. The requirement for an HMP shall be determined during the SEPA/critical areas review on the project.

8. Class II Fish and Wildlife Conservation Area. All new development within Class II fish and wildlife conservation areas may require the submittal of an HMP as specified in subsection (C)(1) of this section if the director determines that the activity is within a critical distance of a protected species for an activity which the species has a primary association. An HMP shall consider measures to retain and protect the wildlife habitat and shall consider effects of land use intensity, buffers, setbacks, impervious surfaces, erosion control and retention of native vegetation. The requirement for an HMP shall be determined during the SEPA/critical areas

review on the project. No project falling within a Class II fish and wildlife habitat conservation area shall be exempt from SEPA review.

Table 15.40.080(A), Wildlife Habitat Conservation Areas

Wildlife Habitat Conservation Areas	
Class I	All developments within 200 ft. of a designated Class I wildlife habitat conservation area shall have buffer widths determined by a mandatory wildlife habitat management plan.
Class II	All development within a Class II wildlife habitat conservation area shall have the buffer widths be determined by the SEPA/critical area review on the project and may require a habitat management plan.

9. Other Allowed Uses in Fish and Wildlife Habitat Conservation Areas. Other activities may be allowed using the standard for a Category II wetland buffer.

D. Performance Standards – Streams.

1. The purposes of the stream regulations are to:

a. Protect riparian habitat to provide bank and channel stability; sustained water supply; flood storage; recruitment of woody debris; leaf litter; nutrients; sediment and pollutant filtering; shade; shelter; and other functions that are important to both fish and wildlife; and

b. Prevent the loss of riparian acreage and functions and strive to achieve properly functioning conditions within a given stream segment where feasible; and

c. Designate and protect aquatic habitat for salmonid species; and

d. Give special attention to the protection or enhancement of anadromous fish.

2. Stream Studies.

a. When Standard Stream Study Is Required. Subject to the provisions below, the applicant or project sponsors for activities requiring city approval shall be required to conduct a standard stream study per MVMC 15.40.120(E) if a site contains a regulated stream or the project area is within 200 feet of a stream even if the stream is not located on the subject property. Such a report shall be prepared by a certified professional at the applicant's expense.

b. When Supplemental Stream Study Is Required. The applicant shall be required to conduct a supplemental stream study per MVMC 15.40.120(F) if a site contains a stream or riparian management zone and alterations of the stream or alterations to management zones are proposed, either administratively or via a variance request. Such a report shall be prepared by a certified professional at the applicant's expense.

c. When Stream Mitigation Plan Is Required. The applicant shall be required to conduct a stream mitigation plan per MVMC 15.40.120(H) if impacts are identified within a supplemental stream study. Such a report shall be prepared by a certified professional at the applicant's expense. The approval of the mitigation plan by the director shall be based on the criteria located in MVMC 15.40.040, 15.40.080, 15.40.110, and 15.40.120(H).

d. Studies Waived.

i. Standard Stream Study. May only be waived by the director when the applicant provides satisfactory evidence that:

(A) A public road, building or other long-term barrier exists between the stream and the proposed development activity; or

(B) The stream or riparian management zone does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby streams regulated under this chapter; or

(C) Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

ii. Supplemental Stream Study or Stream Mitigation Plan. May only be waived by the director when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary.

e. Period of Validity for Stream Studies. Studies submitted and reviewed are valid for up to five years from date of study completion as approved by the city unless the director determines that conditions have changed significantly and a new or amended study is required.

3. Stream Buffer Measurement. Streams shall be classified according to the stream type system as provided in WAC 222-16-031, Interim water typing system. Stream buffer areas are defined by these classifications, as shown in Table 15.40.080(B). Buffers shall be measured from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified. The buffer width shall be increased to include streamside wetlands which provide overflow storage for stormwater, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the OHWM or top of bank shall be defined so as to include the entire stream feature.

Table 15.40.080(B), Water Type Standard Buffer Widths

Water Type Standard Buffer Widths			
Water Types	**Attributes**	**Minimum Building Setback**	**Buffer Width Standard**
F	Fish Habitat Waters	15 feet beyond buffer	150 feet
Np	Year-Round, Nonfish Habitat	15 feet beyond buffer	50 feet
Ns	Seasonal, Nonfish Habitat	15 feet beyond buffer	35 feet

4. Buffer Conditions. Where existing buffer area plantings provide minimal vegetative cover and cannot provide the city's water quality standards or habitat functions (per the requirements of the Departments of Ecology and Fish and Wildlife), buffer enhancement shall be required. Where buffer enhancement is required, a plan shall be prepared that includes plant densities that are in conformance with the recommendations in the CAO guidebook. Monitoring and maintenance of plants shall be required in accordance with MVMC 15.40.120(H), Mitigation and Monitoring Plans. Existing buffer vegetation is considered "inadequate" and will require enhancement through additional native plantings and removal of nonnative plants when:

a. Nonnative or invasive plant species provide the dominant cover;

b. Vegetation is lacking due to disturbance and marine, stream, or habitat resources could be adversely affected;

c. Enhancement plantings in the buffer could significantly improve buffer functions; or

d. An increase in buffer width on site or restoration of existing buffer required under this section shall be directed to modifications reasonably necessary to mitigate impacts created by the proposed development and roughly proportional to the scope and scale of the impacts created by the proposed development.

5. Buffer Averaging. Buffer widths may be modified by averaging buffer widths as long as the total area contained within the buffer after averaging is no less than the required buffer prior to averaging, and as set forth below. A buffer enhancement plan shall be required for any request for buffer averaging. The enhancement plan shall be similar to a mitigation plan, and include provisions for mitigation monitoring and contingency plans. Buffer width averaging shall be allowed only where the applicant demonstrates through a report prepared by a qualified biologist or habitat specialist with five years' experience that:

a. Buffer averaging is necessary to avoid a hardship caused by circumstances to the property;

b. The habitat contains variations in sensitivity due to existing physical characteristics, or the buffer varies in characteristics and it would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

c. Lower intensity land uses would be located adjacent to areas where the buffer width is reduced;

d. The widest portion of the buffer shall be the area where the habitat is most sensitive;

e. Buffer width averaging will not adversely impact fish and wildlife habitat conservation areas; and

f. The buffer width may be reduced by 35 percent of the standard buffer, but not less than 35 feet unless provided for by a habitat management plan.

6. Buffer Reduction. Buffers and associated building setbacks may be reduced where the applicant demonstrates through an approved HMP, relying on best available science and prepared by a qualified specialist with five years' experience, that through buffer enhancement the smaller buffer would provide equal or better protection than the larger buffer. Enhancement techniques can include, but are not limited to:

a. Planting of native trees or shrubs, increasing the diversity of plant cover types, replacing exotic species with native species, or reestablishing fish areas adjacent to a marine shoreline or stream where one currently does not exist will result in improved function of the fish habitat;

b. Fish barrier removal to restore accessibility to resident or anadromous fish;

c. Fish habitat enhancement using log structures incorporated as part of a fish habitat enhancement plan;

d. Stream and/or retention/detention pond improvements:

i. Removal or modification of existing stream culverts (such as at road crossings) to improve fish passage and flow capabilities; or

ii. Upgrade of retention/detention facilities or other drainage facilities beyond required levels to provide a more naturalized habitat;

e. Removal of existing bulkheads to improve fish spawning and habitat areas;

f. Daylighting a stream that was previously culverted or piped, or daylighting box culverts or trestles.

E. Standard Mitigation Requirements and Criteria.

1. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in this title, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved habitat management plan and SEPA documents, so as to result in no net loss of critical area functions and values.

2. Mitigation shall be in-kind and on site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

3. Mitigation shall not be implemented until after the city's approval of an HMP that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the approved HMP.

4. Mitigation Sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

c. Rectifying the impact to habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;

d. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

e. Compensating for the impact to habitat conservation areas by replacing, enhancing, or providing substitute resources or environments;

f. Monitoring the hazard or other required mitigation and taking remedial action when necessary; and

g. Mitigation for individual actions may include a combination of the above measures.

5. Mitigation Plan. Mitigation plans required under this section shall be prepared in conformance to the guidelines in MVMC 15.40.120(H)(6).

a. Innovative Mitigation. The city may encourage, facilitate, and approve innovative mitigation projects that are based on the best available science. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

i. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;

ii. The group demonstrates the organizational and fiscal capability to act cooperatively;

iii. The group demonstrates that long-term management of the habitat area will be provided; and

iv. There is a clear potential for success of the proposed mitigation at the identified mitigation site. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.090 Wetlands.

A. Description.

1. Wetlands are those areas, designated in accordance with the "Washington State Wetland Identification and Delineation Manual" as required by RCW 36.70A.175, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the city meeting the wetland designation criteria in the identification and delineation manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

2. Wetlands help to maintain water quality; store and convey stormwater and floodwater; recharge groundwater; provide important fish and wildlife habitat; and serve as areas for recreation, education, scientific study and aesthetic appreciation.

3. The city's overall goal shall be to achieve no net loss of wetlands. This goal shall be implemented through retention of the function and value of wetlands within the city. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

B. Purpose. The purposes of the wetland regulations are to:

1. Ensure that development activities in or affecting wetlands do not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values; and

2. Protect wetlands by regulating development activities within and around them; and

3. Protect the public from costs associated with repair of downstream properties resulting from erosion and flooding due to the loss of water storage capacity provided by wetlands; and

4. Prevent the net loss of wetland acreage and functions.

C. Classification and Designation.

1. Wetland Ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the "Washington State Wetland Rating System for Western Washington" (Department of Ecology Publication No. 04-06-025) or as amended hereafter. These documents contain the definitions and methods for determining if the criteria below are met.

a. Wetland Rating Categories.

i. Category I. Category I wetlands are those that meet any of the following criteria:

(A) Represent a unique or rare wetland type; or

(B) Are more sensitive to disturbance than most wetlands; or

(C) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

(D) Are providing a high level of functions, scoring 70 points or more out of 100 (DOE Wetlands Rating System, 2004); or

(E) Are characterized as a national heritage wetland; or

(F) Are characterized as a bog; or

(G) Are over one acre and characterized as a mature and old-growth forested wetland.

ii. Category II. Category II wetlands are those wetlands that are not Category I wetlands and that meet any of the following criteria:

(A) Provide high levels of some functions, being difficult, though not impossible, to replace; or

(B) Perform most functions relatively well, scoring 51 through 69 out of 100 points (DOE Wetlands Rating System, 2004).

iii. Category III. Category III wetlands are those wetlands that are not Category I or II wetlands, and that meet the following criterion:

(A) Provide moderate levels of functions, scoring between 30 through 50 out of 100 points (DOE Wetlands Rating System, 2004).

iv. Category IV. Category IV wetlands are those that meet the following criterion:

(A) Provide low levels of functions, scoring less than 30 out of 100 points (DOE Wetlands Rating System, 2004).

b. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

D. Wetlands Reports.

1. When Report Is Required. Subject to the provisions of subsection (D)(3) of this section, a wetland report pursuant to the guidelines in MVMC 15.40.120(G) addressing a wetland's classification and delineation shall be prepared by an applicant as follows:

a. Wetland Report Identifying Classification. An applicant shall be required to conduct a study to determine the classification of the wetland if the subject property or project area is within 150 feet of a wetland even if the wetland is not located on the subject property, but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer. Wetland classification shall be performed as described in subsection C of this section, and the report shall include a completed wetland rating form. If there is a potential Category I or II wetland within 300 feet of a proposal, the city may require an applicant to conduct a study even if the wetland is not located on the subject property, but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer. A wetland report shall be prepared by a certified professional at the applicant's expense.

b. Wetland Report Identifying Delineation. A wetland delineation is required for any portion of a wetland on the subject property that will be impacted by the permitted activities. For the purpose of regulation, the exact location of the wetland edge shall be determined by the wetlands specialist hired at the expense of the applicant through the performance of a field investigation using the procedures provided in the HGM manual.

2. When a Wetland Mitigation Plan Is Required. The applicant shall be required to prepare a wetland mitigation plan per MVMC 15.40.120(H) if impacts are identified within a wetland classification or delineation report or if a wetland buffer alteration is proposed. The approval of the wetland mitigation plan by the director shall be based on the criteria located in MVMC 15.40.040, 15.40.080, 15.40.110 and 15.40.120(H).

3. Reports Waived.

a. Wetland Classification or Delineation Report. May only be waived by the director when the applicant provides satisfactory evidence that:

i. A public road, building or other physical barrier exists between the wetland and the proposed activity; or

ii. The wetland or buffer does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby wetlands regulated under this section; or

iii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary, consistent with the current rating system and mitigation standards.

b. Wetland Mitigation Plan. May only be waived by the director when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary, consistent with the current rating system and mitigation standards.

c. Period of Validity for Wetland Reports. Reports submitted and reviewed are valid for up to five years from date of study completion as approved by the city unless the director determines that conditions have changed significantly and a new or amended study is required.

d. Independent Secondary Review. Peer review of the applicant's report may be required by the city at the applicant's expense.

E. Development Standards – Wetlands.

1. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and functional performance of the wetland and other critical areas.

2. Activities and uses shall be prohibited in wetlands and wetland buffers, except as provided for in this title.

3. Category I Wetlands. Activities and uses shall be prohibited from Category I, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this title.

4. Category II and III Wetlands. With respect to activities proposed in Category II and III wetlands, the following standards shall apply:

a. Water-dependent activities may be allowed where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

b. Where nonwater-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

i. The basic project purpose cannot reasonably be accomplished by successfully avoiding the wetland, or result in less adverse impact on a wetland on another site or sites in the general region;

ii. All alternative designs of the project as proposed that would avoid or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible; and

iii. Full compensation for the acreage and loss functions will be provided under the terms established under subsections (G)(6) and (7) of this section.

5. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved wetland report and mitigation plan, if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the acreage and loss functions will be provided under the terms established under subsections (G)(6) and (7) of this section.

F. Standard Wetland Buffers.

1. Standard Buffer Widths. The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate, then the buffer width shall be increased or the buffer should

be planted to maintain the standard width. Required standard wetland buffers, based on wetland category, are as follows:

Table 15.40.090(A), Wetland Categories and Standard Buffers

Wetland Category	Standard Buffer
I	200 ft.
II	100 ft.
III	75 ft.
IV	50 ft.

2. Measurement of Wetland Buffers. All buffers shall be measured horizontally from a perpendicular line established at the wetland edge as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers.

3. Increased Wetland Buffer Widths. The director shall require increased buffer widths in accordance with the recommendations of an experienced, certified professional wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

a. A larger buffer is needed to protect other critical areas;

b. The buffer or adjacent uplands has a slope greater than 15 percent or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland;

c. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include plant densities that are in conformance with the recommendations of the CAO guidebook and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered “inadequate” and will need to be enhanced through additional native plantings and (if appropriate) removal of nonnative plants when: (i) nonnative or invasive plant species provide the dominant cover, (ii) vegetation is lacking due to disturbance and wetland resources could be adversely affected, or (iii) enhancement plantings in the buffer could significantly improve buffer functions;

d. An increase in buffer width on site or restoration of existing buffer required under this section shall be directed to modifications reasonably necessary to mitigate impacts created by the proposed development and roughly proportional to the scope and scale of the impacts created by the proposed development.

4. Wetland Buffer Width Averaging. The director may allow modification of the standard wetland buffer width in accordance with an approved wetland report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where the applicant and a certified professional wetland scientist demonstrates that:

a. No feasible site design exists without buffer averaging;

b. It will not reduce wetland functions or functional performance;

c. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

e. The buffer width is not reduced to less than 75 percent of the standard buffer width, applicable to the wetland category, or 35 feet for Category IV wetlands.

5. Buffer Consistency. All mitigation sites shall have buffers consistent with the buffer requirements of this chapter.

6. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this title, wetland buffers shall be retained in an undisturbed or enhanced condition. Removal of invasive nonnative weeds is required for the duration of the mitigation bond.

G. Standard Mitigation Requirements – Wetlands. Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with the State Department of Ecology publication "Wetland Mitigation in Washington State," 2006 (Publication Nos. 06-06-011a and 06-06-011b), or as revised.

1. Mitigation includes the following alternatives. The priority shall be as follows, but may be modified where functions and values are retained, restored, or enhanced by alternate systems:

a. Avoiding the impact altogether by not taking a certain action or parts of an action.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

d. Reducing or eliminating the impact over time by preservation and maintenance operations.

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

2. Mitigation for Lost or Affected Functions. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland functions as those lost, except when:

a. The lost wetland provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or

b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

3. Preference of Mitigation Actions. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

a. Restoring wetlands on upland sites that were formerly wetlands.

b. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of nonnative introduced species. This should only be attempted when there is a consistent source of hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

c. Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area, meeting appropriate ratio requirements.

4. Type and Location of Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, or sub-basin. Mitigation actions shall be conducted within the same sub-drainage basin and on the site as the alteration except when all of the following apply:

a. There are no reasonable on-site or in-sub-drainage basin opportunities or on-site and in-sub-drainage basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the impacts. Consideration should include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, proposed water quality improvements, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

c. Off-site locations shall be in the same sub-drainage basin unless:

i. Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or

ii. Credits from a state-certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

5. Mitigation Timing. Mitigation projects shall be completed with an approved monitoring plan prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

a. The director may authorize a one-time temporary delay, up to 120 days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the city and include a financial guarantee.

6. Mitigation Ratios.

a. Acreage Replacement Ratios. The following ratios shall apply to creation or restoration that is in-kind, within the same drainage basin, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Table 15.40.090(B), Wetland Categories and Mitigation Ratios

Category I	6-to-1
Category II	3-to-1

Category III	2-to-1
Category IV	1.5-to-1

b. Increased Replacement Ratio. The director may increase the ratios under the following circumstances:

i. Uncertainty exists as to the probable success of the proposed restoration or creation;

ii. A significant period of time will elapse between impact and replication of wetland functions;

iii. Proposed mitigation, without increase, will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

iv. The impact was an unauthorized impact.

7. Wetlands Enhancement as Mitigation.

a. Impacts to wetland functions may be mitigated by enhancement of existing significantly degraded wetlands, but must be used in conjunction with restoration and/or creation. Applicants proposing to enhance wetlands must produce a wetland report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site.

b. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under subsection (G)(6) of this section. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

c. Mitigation ratios for enhancement in combination with other forms of mitigation shall range from 6:1 to 3:1 and be limited to Class III and Class IV wetlands.

d. Any approval under subsections (G)(7)(b) and (c) of this section shall be consistent with Table 1a of Wetland Mitigation in Washington State, Part I (Ecology, et al., 2006).

8. Wetland Mitigation Banks.

a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

i. The bank is certified under Chapter 173-700 WAC; and

ii. The director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.110 Managed ecosystem alternative.

A. Purpose. The purpose of this section is to provide an optional alternative to the standard wetlands (MVMC 15.40.090) and fish and wildlife habitat conservation area (MVMC 15.40.080) buffer and mitigation regulations for waters and wetland ecosystems in Mount Vernon and considering the associated urban growth area (UGA). The

managed ecosystem alternative requires identification and permitting of a water/wetlands management system which addresses the city's waters and wetlands ecosystem as a whole, and is designed to:

1. Optimize efficient use of lands within the urban areas.

2. Encourage restoration and enhancement of existing degraded waters and wetland ecosystems, including their buffers.

3. Provide options and alternatives in urban areas to achieve some required functions and protections on site, including hydrology and water quality, and other functions off site, such as habitat, where increased long-term benefits may be achieved.

4. Avoid the creation of narrow linear patchwork buffers, which maximize negative edge effects, and to optimize the ability to restore meaningful patches where available to achieve long-term benefit to the ecosystem functions and values within the city.

5. Avoid the creation of widespread nonconforming uses which lock in current degraded conditions and create pressure for expansion of UGAs into neighboring rural lands.

6. Provide a system of implementation, management, and enforcement that assures no net loss of waters/wetlands system function, while recognizing that not all functions will be achieved in all locations, and some functions may be compromised in one location to enable compact urban development, and compensated for elsewhere in the system where better long-term benefit can be achieved and maintained.

7. This section is applicable to new development and any redevelopment within a defined management zone, and applies to any combination of streams alone, wetlands alone, or wetlands and streams in combination.

B. Approach.

1. The city is divided into seven sub-basins, each of which together with their connection to and along with the Skagit River system, provide an appropriate waters/wetland ecosystem for regulatory purposes to provide identification and protection of ecosystem functions which include:

a. Hydrology (water quantity);

b. Bio/geochemistry (water quantity);

c. Plant community; and

d. Faunal support.

2. The approach is based on detailed review of the basins and critical area habitat and wetland recommendations appropriate to the functions and values provided to the Mount Vernon geographic setting and the competing needs of assuring long-term protection and maintenance of functions and values with an objective of creating long-term gain within the community, and the need to accommodate compact urban growth to meet the residential, commercial and industrial needs of the community. The system is also designed to provide special attention to the needs of anadromous fish.

3. Minimum standards are defined by sub-basin, based upon existing conditions and demand for future development and the pressure that development may impose on the waters/wetlands ecosystems. The city has a significant resource of publicly owned lands and other lands available for restoration and enhancement which provides the base resource necessary to achieve the goals of this program.

4. Direct Critical Area Impact. Direct critical area impact (construction which is located within the critical area edge), including any construction in wetlands and/or streams, shall be governed by the same guidelines in the managed ecosystem alternative as set out in the standard system. See MVMC 15.40.040, 15.40.080, and 15.40.090; provided, that with respect to mitigation buffers, mitigation may be pursuant to the managed ecosystem alternative program provisions contained in this section.

C. Applicability and Use of This Section.

1. Relationship to Other Sections in Chapter 15.40 MVMC.

a. The provisions contained in this section are specific to the use of buffers and are offered as an alternative to only the following sections within this chapter:

i. MVMC 15.40.080(D), Table 15.40.080(B), Water Type Standard Buffer Widths.

ii. MVMC 15.40.080(D)(4), Buffer Conditions.

iii. MVMC 15.40.080(D)(5), Buffer Averaging.

iv. MVMC 15.40.080(D)(6), Buffer Reduction.

v. MVMC 15.40.090(F)(1), Standard Buffer Widths (wetlands).

vi. MVMC 15.40.090(F)(3), Increased Wetland Buffer Widths.

vii. MVMC 15.40.090(F)(4), Wetland Buffer Width Averaging.

b. Use of this alternative buffer program does not replace other permitting, reporting or direct critical area impact mitigation requirements found elsewhere in this chapter. Except as noted above in subsection (C)(1)(a) of this section, all other applicable city, state and federal regulations shall continue to apply.

2. Optional Program.

a. The provisions contained in this managed ecosystem alternative are optional. An applicant may choose to use either the buffer provisions contained within this section, or those found in MVMC 15.40.080 and 15.40.090.

b. The two sets of buffer regulations are mutually exclusive and may not be combined or used together on a single site or project.

3. Applicable Stream Basins.

a. The optional buffer program provided in this section is applicable to properties located within the following stream basins or stream reach:

i. Kulshan Creek;

ii. Trumpeter Creek;

iii. Maddox Creek;

iv. West Mount Vernon;

v. Britt Slough; and

vi. Golf course reach of Nookachamps Creek.

b. Carpenter Creek and Nookachamps Creek are excluded from the provisions of this section and must utilize the buffer and mitigation requirements found in MVMC 15.40.080 and 15.40.090; except as may be allowed for in subsections (C)(3)(a)(vi) and (4) of this section.

4. Applicability to Variances.

a. If strict use of the waters/wetland buffer requirements found in MVMC 15.40.080 and 15.40.090 create a need for a variance, and the use of the optional buffer provisions in this section would eliminate the need

for a variance request, then use of the buffer provisions within this section shall be required. This subsection also applies to the Carpenter Creek and Nookachamps Creek stream basins.

D. Glossary. For this managed ecosystem alternative program, the following terms shall have the meanings set forth below:

1. Critical Area.

a. Streams as defined in MVMC 15.40.080(B).

b. Wetlands as defined in MVMC 15.40.090(A).

c. Combined System. Any combination of streams and wetlands in direct association (the distance between the functioning streams and wetlands is less than the minimum buffers set forth below) shall be considered and regulated as a combined system.

2. Critical Area Edge.

a. Streams and Water Bodies. The line of ordinary high water, as determined in the field.

b. Wetlands. The outer limit of the delineated wetlands in accordance with delineation criteria pursuant to manuals adopted under RCW 36.70A.137.

c. Combined System Edge. The greater of subsection (D)(2)(a) or (b) of this section when a system is treated as a combined system as provided in subsection (D)(1)(c) of this section.

d. Where the wetland, stream or combined system is in a geologic area subject to geologic area guidelines under this chapter, the critical area setback shall be measured from the greater of the critical area in subsection (D)(2)(a), (b), or (c) of this section, or the top of the bank under geologic regulations, whichever is greater.

3. Management Zone. The area between the critical area edge and the nearest paved public street or 200 feet, whichever is less; provided, however, where the paved street merely bisects a critical area, the management zone shall be 200 feet from the critical area edge.

4. Impervious Surface. Surfaces which shed rather than contain and filter stormwater, including but not limited to paved, graveled or lawn surfaces, and other surfaces with similar runoff characteristics as determined by the director, and surfaces covered by structures.

5. Setbacks. The shortest physical distance a new structure or impervious surface may be constructed in a management zone as measured from the critical area edge.

6. Management Zone Buffers. The area of existing or restored vegetation within a management zone between the critical area edge and the nearest allowed impervious surface.

a. Maximum Managed Buffer. The maximum buffer width identified in Tables 15.40.110(A) and (B), which along with the management zone boundary is used to calculate a project's contribution to the critical area management fund (see subsection (D)(9) of this section).

b. Minimum Managed Buffer. The minimum buffer width allowed in the managed ecosystem alternative as identified in Tables 15.40.110(A) and (B); except in those cases where the buffer is in a degraded condition as defined in subsection (E)(2)(b) of this section.

7. Gradients. Gradients are applicable to stream reaches and combined stream/wetland systems only, and are used as one of the variables in Table 15.40.110(A) in determining maximum and minimum managed buffer widths; and are categorized as follows:

a. Low gradient: less than one percent.

b. Medium gradient: one to two percent.

c. High gradient: greater than two percent.

8. Waters/wetland systems are typed by the prevailing adjacent upland condition and used as one of the variables for determining maximum and minimum managed buffer widths in Tables 15.40.110(A) and (B); and are described as follows:

a. Natural Systems. Waters/wetland systems abutted by intact natural area buffer vegetation of 50 feet or more in width from critical area edge.

b. Maintained Systems. Waters/wetland systems abutted by upland areas that do not fit the natural or closed definitions. Maintained systems are those that are routinely manipulated as in mowing or pruning, and characterized by features such as, but not limited to, gardens, ornamental landscaping, turf, partially hardened or compacted surfaces areas, and introduction of rock or fill.

c. Closed Systems. Applicable to streams only and refers to stream reaches that are in pipes or other completely confined structures.

9. Critical Area Management Fund. A dedicated fund in the city of Mount Vernon managed through the stormwater management program, which shall collect fees as identified below and expend such fees in accordance with a mitigation plan developed for the city and implemented to achieve the objectives of this program.

10. Subbasin Management Area. One of seven geographic areas identified below and mapped on city zoning maps which include both streams and wetland systems within the defined basin which are functionally related, whether or not hydraulically connected through surface flow.

E. Subbasins Conditions, Recommendations and Management Requirements.

1. Current Conditions and Recommendations.

a. Kulshan Creek.

i. Consists of batture reaches, piped reaches, maintained reaches, and natural reaches.

ii. Flows through densely developed areas.

iii. Highly altered and channeled in maintained systems.

iv. City owns the batture, park, and upstream area suitable for meaningful restoration.

b. Trumpeter Creek.

i. Consists of long maintained reaches with close proximity to development, piped, and natural reaches.

ii. Flows through developed areas, but also has natural systems in good condition in all gradient reaches.

iii. City owns Baker View Park and Logan Creek areas surrounding the stream and upstream areas suitable for meaningful restoration.

c. Maddox Creek.

i. High value salmon stream, with no fish barriers to Skagit River.

ii. Flows through heavily developed areas in middle and lower reaches.

iii. Important to protect longitudinal connections and terrestrial/water interface in upper reaches, and water quality in all reaches.

d. Nookachamps Basin. Except where the waters/wetland system borders or is incorporated in the Eaglemont Golf Course (golf course), the Nookachamps basin would follow the standard buffer/mitigation rules only; except in cases where a variance can be avoided through use of the managed ecosystem alternative rules in this section.

i. Upper reaches encompassed in an existing development.

ii. Headwaters/high gradient reaches principally surrounded by golf facilities.

iii. In the upper high gradient reaches, limited new development potential without redevelopment of the golf course.

iv. Mitigation Recommendations for the Golf Course. Any permit would require upgrade to Audubon Golf Course standards or equivalent professional standard for water and nutrient treatment (hole-by-hole standard).

e. Carpenter Creek. The Carpenter Creek basin would follow the standard buffer/mitigation rules only; except in cases where a variance can be avoided through use of the managed ecosystem alternative rules in this section.

i. High value relatively intact waters/wetlands ecosystem.

ii. In upper reaches within the UGA, little impact from current development.

iii. Steep slopes.

iv. On-site, in-kind protection for water quality, quantity and habitat is the preferred option.

f. West Mount Vernon.

i. Flat, very little contour.

ii. No separate stream or river system.

iii. Urbanizing – no significant habitat patches.

g. Britt Slough.

i. Degraded flood plain.

ii. Undeveloped.

2. Management Requirements and Performance Standards.

a. Subbasins Maximum and Minimum Buffer Widths.

i. Stream buffers are established by subbasin in Table 15.40.110(A) and are a function of the combination of stream type, system type, and gradient.

ii. Wetland buffer widths are established by subbasin in Table 15.40.110(B) and are a function of wetland category and system type.

iii. Maximum managed buffer width is indicated by the numbers shown in Tables 15.40.110(A) and (B) and is measured from the critical area edge.

iv. Minimum managed buffer width is equal to the allowed percentage reduction of the maximum managed buffer as indicated by sub-basin in Tables 15.40.110(A) and (B).

Table 15.40.110(A), Streams – Maximum and Minimum Managed Buffer Widths

STREAM TYPE	F		Np		Ns	
SUBBASIN	Natural System	Maintained System	Natural System	Maintained System	Natural System	Maintained System
Kulshan Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	75	50		
Trumpeter Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	50	25		
Maddox Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	50	25		
Nookachamps Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	50	25		
Carpenter Creek: Minimum Managed buffer = 25% of Max Managed buffer; no less than 25 feet.						
Low Gradient	100	50	100	50	50	25
Med/High Gradient	100	50	100	50		
West Mount Vernon: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25
Britt Slough: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25

Table 15.40.110(B), Wetlands – Maximum and Minimum Managed Buffer Widths

Wetland Category –	II		III		IV	
SUBBASIN –	Natural System	Maintained System	Natural System	Maintained System	Natural System	Maintained System
Kulshan Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	75	50	75	50	50	25
Trumpeter Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	75	50	75	50	50	25
Maddox Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						

Wetland Category –	II		III		IV	
SUBBASIN –	**Natural System**	**Maintained System**	**Natural System**	**Maintained System**	**Natural System**	**Maintained System**
	75	50	75	50	50	25
Nookachamps Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	75	50	75	50	50	25
Carpenter Creek: Minimum Managed buffer = 25% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25
West Mount Vernon: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25
Britt Slough: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25

b. Degraded Buffer Condition Restoration. The following conditions apply:

i. Degraded buffer condition is defined as follows: where the buffer area has been irrevocably developed below the minimum managed buffer width noted above in Tables 15.40.110(A) and (B).

ii. Under the degraded buffer condition defined above, the minimum setback for any impervious surface shall be to the greater of the following as measured from the critical area edge:

(A) The edge of the existing/remaining undeveloped buffer area; or

(B) The distance equal to a 7:1 slope measured from the ordinary high water mark for a pond or lake; from the bottom elevation of a stream channel; from a delineated wetland edge; or

(C) No less than 15 feet from ordinary high water or a delineated wetland edge.

iii. The degraded buffer area setback shall be shown on the approved site plan and if found to be in a degraded condition under the city functional assessment model, such degraded condition shall be subject to upgrade and restoration as follows:

(A) Manage and treat all stormwater from the developed site and treat such water pursuant to the adopted stormwater manual prior to discharge into the degraded buffer area;

(B) Removal of invasive weeds, debris and trash, and any blockage to longitudinal and/or lateral flow in the on-site stream section; and

(C) Restoration planting of natural vegetation appropriate to the site condition according to city guidelines.

c. Upgraded Stormwater Management Required.

i. Utilization of the managed ecosystem alternative provided for in this section assumes effective on-site stormwater management.

ii. Any project that involves the development of new impervious surfaces will be required to upgrade on-site stormwater facilities pursuant to the Washington State Department of Ecology 2005 Stormwater Manual for Western Washington, Vol. II, Chapter 4, as may be amended.

3. Critical Area Management Fund Schedule. Development of new impervious surfaces anywhere within the defined management zone, which includes the managed buffer areas, will require a monetary contribution to the city's critical areas management fund in accordance with the management fund schedule shown below in Table 15.40.110(C).

Table 15.40.110(C), Subbasin Critical Area Management Fund Contribution Schedule

SUBBASIN	Area Between Management Zone Boundary and Maximum Managed Buffer		Area Between Max. Managed Buffer and Critical Area Edge
	New Impervious Surface Only	New Impervious Surface w/ Canopy Removal	New Impervious Surface
Kulshan Creek	$1.00/sq. ft.	$2.00/sq. ft.	$4.00/sq. ft.
Trumpeter Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
Maddox Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
Nookachamps Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
Carpenter Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
West Mount Vernon	$1.00/sq. ft.	$2.00/sq. ft.	$4.00/sq. ft.
Britt Slough	$1.00/sq. ft.	$2.00/sq. ft.	$4.00/sq. ft.

(Ord. 3509 § 3 (Exh. A), 2010).

15.40.120 Submittal requirements, reports, studies and plans.

A. General Requirements. When a regulated critical area or associated buffer is identified, the following procedures apply.

1. Preapplication Consultation. Any person seeking a permit from the city to develop properties known or suspected to have critical areas present shall schedule a preapplication conference with the city pursuant to adopted scheduling procedures. Preapplication consultation and planning will help applicants identify regulatory requirements under this section and assure integration of critical area planning into overall project design.

2. Submittal Requirements.

a. Plans. When an application is submitted for any regulated activity, the location of the critical areas and buffers on the site shall be indicated on the plans submitted based upon an inventory provided by a certified professional, as identified in subsections B through G of this section.

b. Waivers. The director may waive any of the requirements of this subsection if the size and complexity of the project does not warrant a step in the proceeding, as identified in subsections B through G of this section.

c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to:

i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the director shall select the third party review professional. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director; and/or

ii. A request for consultation with the State of Washington Department of Fish and Wildlife, Washington State Department of Ecology, State Department of Natural Resources, Skagit System Cooperative, the Upper Skagit Tribe, or other appropriate agency.

3. Fees. See Chapter 14.15 MVMC.

4. Combined Systems. Where streams, ponds, and wetlands function jointly on a property and/or adjoining properties, such systems shall be addressed as a single system for purposes of all required reports and approvals.

B. Geotechnical Study/Geologic Hazard Report. A study that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. The preparation and content requirements in the table below shall also apply.

Table 15.40.120(A), Geotechnical Report – Detailed Requirements

Report Preparation/Content Requirements	Erosion	Landslide	Seismic	Volcanic Hazards	Alluvial Fan
1. Characterize soils, geology and drainage.	X	X	X	X	X
2. Describe and depict all natural and man-made features within 200 feet of the site boundary.	X	X	X	X	X
3. Identify any areas that have previously been disturbed or degraded by human activity or natural processes.	X	X	X	X	X
4. Characterize groundwater conditions including the presence of any public or private wells within 1,000 feet of the site.	X	X	X		X
5. Provide a site evaluation review of available information regarding the site.	X	X	X	X	X
6. Conduct a surface reconnaissance of the site and adjacent areas.	X	X	X		X
7. Conduct a subsurface exploration of soils and hydrologic conditions.	X	X	X		X
8. Provide a slope stability analysis.	X	X			X
9. Address principles of erosion control in proposal design including: Plan the development to fit the topography, drainage patterns, soils and natural vegetation on site; Minimize the extent of the area exposed at one time and the duration of the exposure; Stabilize and protect disturbed areas as soon as possible; Keep runoff velocities low; Protect disturbed areas from stormwater runoff; Retain the sediment within the site area; Design a thorough maintenance and follow-up inspection program to ensure erosion control practices are effective.	X	X			X
10. Provide an evaluation of site response and liquefaction potential relative to the proposed development.			X		
11. Conduct sufficient subsurface exploration to provide a site coefficient (S) for use in the adopted building code to the satisfaction of the building official.			X		
12. Provide an analysis of proposed clearing, grading and construction activities including construction scheduling. Analyze potential direct and indirect on-site and off-site impacts from development.	X	X	X		X
13. Propose mitigation measures, such as any special construction techniques, monitoring or inspection programs, erosion or sedimentation programs during and after construction, surface water management controls, buffers, remediation, stabilization, etc.	X	X	X	X	X
14. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management				X	

Report Preparation/Content Requirements	Erosion	Landslide	Seismic	Volcanic Hazards	Alluvial Fan
plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and identify any engineering or other mitigation measures as appropriate.					

Note: An "X" indicates that the requirement applies in the identified critical area.

C. Hydrogeologic Assessment. The assessment shall address the impact the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer.

1. The assessment shall be submitted to the department and shall address, at a minimum, the following criteria:

a. Surficial soil type and geologic setting;

b. Location and identification of wells within 1,000 feet of the site;

c. Location and identification of surface water bodies and springs within 1,000 feet of the site with recharge potential, unless geologic features in the basin make it clear that a larger area is hydraulically connected to any fish bearing stream in the affected basin;

d. Description of underlying aquifers and aquitards, including water level, gradients, and flow direction;

e. Available surface water and groundwater quality data;

f. Effects of the proposed development on water quality;

g. Sampling schedules required to assure water quality;

h. Discussion of the effects of the proposed development on the groundwater resource;

i. Recommendations on appropriate best management practices (BMPs), 2005 Stormwater Manual for Western Washington, or mitigation to assure no significant degradation of groundwater quality;

j. Other information as required by the Skagit County health district; and

k. The assessment shall also address the types of pesticides, herbicides, and fertilizers that can safely be used for the care of landscaping proposed by the applicant.

2. The hydrogeologic assessment shall be prepared by a professional geologist/hydrologist or by a soil scientist with a strong background in geology (see definition of "Certified professional" in MVMC 15.40.170(B)).

3. Applications for development or operations with underground storage of petroleum products will be processed using the appropriate procedure as specified in existing Mount Vernon ordinances.

4. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to confirm if the soils present require a recharge area designation. Data collection will include, at a minimum, six soil logs to a depth of 10 feet (or to a depth of four feet below the lowest proposed excavation point, whichever is greater) for each acre in the parcel(s) being evaluated. At least one well, 200 feet or greater in depth with an adequate drilling report, must be available within one mile. The associated data shall be analyzed and included in the hydrogeologic assessment to determine the presence of highly permeable soils with the recharge area designation.

D. Habitat Management Plan. A habitat management plan (HMP) is a site investigation to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development.

1. The assessment of habitats for the site and project shall at a minimum include the following information:

a. A map prepared at an easily readable scale, showing:

i. The location of the proposed development site;

ii. Property boundaries;

iii. The relationship of the site to surrounding topographic, water, and cultural features;

iv. Proposed building locations and arrangements; and

v. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision;

b. Detailed description of vegetation on and adjacent to the project area and its associated buffer;

c. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

d. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

e. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;

f. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;

g. The use of alternative on-site wastewater systems in order to minimize site clearing;

h. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction;

i. The need for fencing and signage along the buffer edge;

j. A discussion of measures, including avoidance, minimization, and mitigation proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with the mitigation sequencing required by this chapter; and

k. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring, maintenance, and enforcement programs.

2. When appropriate due to the type of habitat or species present or the project conditions, the director may also require the habitat management plan to include:

a. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;

b. A request for consultation with the Washington Department of Fish and Wildlife or the local Native American Indian tribe or other appropriate agency; and

c. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

3. Mitigation Measures. Possible mitigation measures to be included in the report, or required by the director, could include, but are not limited to:

a. Establishment of buffer zones;

b. Preservation of critically important plants and trees;

c. Limitation of access to habitat areas;

d. Seasonal restriction of construction activities;

e. Establishing phased development requirements; and

f. Monitoring plan for a period necessary to establish that performance standards have been met. Generally this will be for a period of seven to 10 years.

4. HMP Adequacy. The HMP shall demonstrate to the satisfaction of the city that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the city and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the appropriate federal or state agency. If the federal or state agencies are not available in a timely manner, the applicant may choose to have the city refer the HMPs to a third-party consultant at the expense of the applicant. After consultation with such state departments or third-party consultant, the director shall make a final decision on the adequacy of the HMP.

5. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the city grants either final plat approval or an occupancy permit, as applicable.

6. Any project that requires an HMP shall not be considered SEPA exempt and the HMP shall be processed along with appropriate SEPA review and agency comment as required by Chapter 197-11 WAC.

E. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

1. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

a. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

b. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

c. Stream classification, as recorded in city inventories (if unclassified, see subsection (F)(1) of this section);

d. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

e. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

f. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

g. Top view and typical cross-section views of the stream, banks, and management zones to scale;

h. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

i. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

j. Location of site access, ingress and egress.

2. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

3. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

a. The stream classification as recorded in city inventories;

b. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

c. The ecological functions currently provided by the stream/lake and existing riparian area;

d. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

e. Measures to protect trees and vegetation.

F. Stream Study, Supplemental. The application shall include the following information:

1. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

2. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

a. Avoid any disturbances to the stream or management zone;

b. Minimize any stream or management zone impacts;

c. Compensate for any stream or management zone impacts;

d. Restore any stream or management zone area impacted or lost temporarily; and

e. Enhance degraded stream habitat to compensate for lost functions and values.

3. Impact Evaluation.

a. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

i. Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

ii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

iii. Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

iv. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

b. For a violation, the impact evaluation must also include:

i. Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

ii. Determination of the impact of the violation on the resource(s) and functional values.

G. Wetland Assessment. A wetland assessment includes the following:

1. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

2. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Washington State Wetlands Identification and Delineation Manual, 1997). Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

3. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, stormwater management facilities, sewage treatment and installations within the wetland and its buffer;

4. The exact locations and specifications for all activities associated with site development including the type, extent, and method of operations;

5. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

6. Top view and typical cross-section views of the wetland and its buffer to scale;

7. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site;

8. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, maintenance and monitoring programs, and a contingency plan; and

9. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

a. Avoid any disturbance to the wetland or buffer;

b. Minimize any wetland or buffer impacts;

c. Compensate for any wetland or buffer impacts;

d. Restore any wetlands or buffer impacted or lost temporarily;

e. Create new wetlands and buffers for those lost; and

f. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

10. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

H. Mitigation and Monitoring Plans.

1. Baseline Information.

a. A written assessment and accompanying maps of the impacted critical area including, at a minimum, a critical area delineation by a qualified specialist; existing critical area acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project on the critical area; associated buffers and their functions; soil and substrata conditions; topographic elevations; and proposed restoration area.

b. If the mitigation site is different from the impacted critical area site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions; topographic elevations; existing and proposed adjacent site conditions; buffers; and site ownership.

2. Environmental Goals and Objectives. A written report by a qualified specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

a. The purposes of the restoration measures, including a description of site selection criteria; identification of restoration goals; identification of target evaluation species and ecological functions; dates for beginning and completion; and a complete description of the structure and functions sought in the restoration area or site. The goals and objectives shall be related to the functions and values of the impacted critical area and associated buffer, or if off-site and/or out-of-kind, the type of critical area to be emulated; and

b. A review of the best available science and author's experience to date in restoring or creating the type of critical area functions proposed shall be provided. An analysis of the likelihood of success of the restoration project shall be provided based on the experiences of comparable projects, preferably those in the same drainage basin, if any. An analysis of the likelihood of persistence of the created or restored critical area and buffer functions shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the critical area ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

3. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (H)(5) of this section, Monitoring Program. An assessment of the project's likelihood of success in achieving the goals and objectives of the mitigation plan should be included.

4. Detailed Techniques and Plans. Written specifications and descriptions of restoration techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques, if necessary, and planting instructions; and any other techniques or details appropriate to restoration construction. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade

elevations, and any other drawings appropriate to show construction techniques and/or anticipated final outcome. The city may request such other information as needed to determine the adequacy of a mitigation plan.

5. Monitoring Program. A program outlining the approach for monitoring construction and development of the restoration project and for assessing a completed project shall be provided in the mitigation plan. Monitoring and its associated reports of the critical area mitigation areas shall be completed by an agency or consultant selected by the city. Any maintenance required as a result of the monitoring, per performance standards set by the city, can be completed by the applicant and approved by the entity that completes the monitoring for the city; or the entity completing the monitoring can also complete any required work at the sole expense of the applicant. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, five, and seven after site construction). Monitoring shall be on a yearly basis, with the first year's worth of monitoring/reporting paid for before any work commences on the site, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the restoration project. The restoration project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years, or 10 years in special circumstances such as scrub shrub or forested wetlands. The cost of all required years of monitoring shall be the responsibility of the applicant. Monitoring may include, but is not limited to:

a. Establishing vegetation plots to track changes in plant species composition and density over time;

b. Using photo reference points to evaluate vegetation community response;

c. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (i.e., pH, nutrients, heavy metals);

d. Measuring base flow rates and stormwater runoff to model and evaluate hydrologic and water quality predictions;

e. Measuring sedimentation rates; and

f. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.

6. Contingency Plan. Should include an evaluation of the potential need for remedial action or contingency measures and an identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

7. Permit Conditions. Any restoration project prepared for mitigation and approved by the city shall become part of the application for the underlying project permit approval.

8. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the restoration project shall be provided.

9. Performance Surety. The cost of planting, labor, earthwork, etc., necessary for mitigation shall be estimated by the project proponent and reviewed by the city. The cost of monitoring and maintenance shall be established by the city based upon a cost estimate provided by the agency or consultant the city selects to perform monitoring and maintenance work. All mitigation and buffer enhancement shall be completed prior to final plat approval and/or building occupancy depending on the type of application. However, when improvements cannot be completed prior to final acceptance due to weather conditions that could negatively affect the success of the project, a performance surety may be used. The performance surety shall equal 150 percent of the cost of the mitigation project, and the required improvements shall be installed in a satisfactory manner within six months or less. To ensure that monitoring/reporting and maintenance work is paid for and/or completed, two separate financial securities in the form of bonds or cash deposits shall be provided to the city prior to any work commencing on the site. They are:

a. Maintenance Surety.

i. A maintenance surety shall be required on all mitigation and buffer enhancement projects to ensure that the improvement successfully survives the monitoring periods set above.

ii. The amount of the maintenance surety shall be calculated by taking the annual cost of the maintenance (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) and adding to it the cost of the plants, earthwork, and labor to install the mitigation project (provided by the applicant's critical area consultant) multiplied by the number of years of the required maintenance minus one (because the applicant will be required to pay for the first year of maintenance in advance) and then multiplied by 0.60 (60 percent).

b. Monitoring Surety.

i. A monitoring surety shall be required on all mitigation and buffer enhancement projects to ensure that these projects are adequately monitored.

ii. The amount of the monitoring surety shall be calculated by taking the annual monitoring cost (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) multiplied by the number of years of the required monitoring minus one (because the applicant will be required to pay for the first year of maintenance upfront) multiplied by one and one-half (or 150 percent).

c. Upfront Monitoring and Maintenance Costs. The applicant shall pay for the first year of monitoring and maintenance of the project, as determined by the city based upon an estimate provided by the agency or consultant that will be performing this work, prior to project approval.

10. Long-Term Maintenance. To ensure the long-term success of the mitigation plan, the applicant or their successors shall be responsible for the long-term maintenance of the habitat area and its associated buffer. The habitat and buffer shall be kept clear of weeds, invasive plant material, lawn clippings, junk, debris, intrusions or similar. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.125 Candidate sites and implementation.

A. Sites Identified. Nine city-owned parcels are identified in the city of Mount Vernon as candidate sites for the waters/wetlands reserve (see Appendix B to the ordinance codified in this chapter).

B. Basis for Design. "A Preliminary Basis of Design for Three Candidate Sites," identifying more than 21 acres of degraded critical areas for habitat restoration in Mount Vernon, is described in Appendix C to the ordinance codified in this chapter.

C. Funding of Program. The city shall annually budget funds in the program to implement the overall program. The funds are restricted to programs that are shown to add restoration benefit under the Mount Vernon functional assessment model. The mechanics of the model and specific guidelines and programs shall be approved by resolution.

D. Procedures. The city may also pursue opportunities for land acquisition and or dedication to add to candidate sites where such properties are determined to add restoration benefit under the Mount Vernon functional assessment model. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.130 Reasonable use exceptions, variances, and appeals.

A. Decision Authority. The city hearing examiner shall have the authority to hear and grant reasonable use exceptions and variances proposed by applicants, and to hear and decide appeals of director decisions filed by parties of record.

B. Reasonable Use Exception. The reasonable use exception process allows the city to determine if the application of the regulations would deny a reasonable use of property as defined in MVMC 15.40.170. Reasonable use shall be liberally construed to protect the constitutional property rights of the applicant.

1. Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW). The director shall prepare a recommendation to the hearing examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in subsection (B)(3) of this section.

2. Hearing Examiner Review. The hearing examiner shall review the application and conduct a public hearing pursuant to the provisions of MVMC 14.05.110. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the reasonable use exception review criteria in subsection (B)(3) of this section.

3. Reasonable Use Review Criteria. All of the following criteria shall be met to grant the reasonable use exception:

a. The application of the critical area ordinance would deny all reasonable use of property; and

b. There is no other reasonable use that would result in less impact on critical areas; and

c. The proposed development does not pose an unreasonable threat to the public health and safety, or welfare, on or off the development site; and

d. Any alterations permitted to the critical area shall be the minimum necessary to allow for reasonable use of the property; and

e. The proposal is consistent with other applicable local, state, and federal regulations and standards.

C. Variances. An applicant may request a grant of relief from the requirements of this chapter to permit development in a manner not otherwise allowed by the standard regulations.

1. Variance Request and Review Process. An application for a variance shall be made to the city and shall include a critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW). The director shall prepare a recommendation to the hearing examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with variance criteria in subsection (D)(3) of this section. The variance request shall be processed as a Type III permit per Chapter 14.05 MVMC.

2. Hearing Examiner Review. The hearing examiner shall review the application and conduct a public hearing pursuant to the provisions of Chapter 14.05 MVMC. The hearing examiner shall approve, approve with conditions, or deny the request based on the proposal's ability to comply with all of the variance review criteria in subsection (D)(3) of this section.

3. Variance. All of the following criteria shall be met to grant the variance:

a. The proposal is the minimum necessary to accommodate the proposed activity;

b. There is no other reasonable alternative to avoid impacting the critical area;

c. The proposed activities will not cause significant degradation of the critical area; and

d. The applicant has taken deliberate measures to minimize critical area impacts, including but not limited to the following:

i. Limiting the degree or magnitude of the activity;

ii. Limiting the implementation of the activity;

iii. Using appropriate and best available technology; and

iv. Taking affirmative steps to avoid or reduce impacts;

e. There will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

f. The proposed variance is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in MVMC 15.40.080(E) and/or 15.40.090(G) are followed. Appeals of the hearing examiner's decision shall follow the steps in MVMC 14.05.170, judicial appeals.

D. Appeals. This subsection allows a process to appeal administrative interpretations and decisions made by the director.

1. Who May Appeal. Any person aggrieved by a decision of the city regarding an administrative determination or a permit issued, denied, or conditioned pursuant to this chapter may appeal that decision to the hearing examiner.

2. Merger of Hearings. If the matter which is the subject of the appeal requires a development permit that also requires a hearing before the hearing examiner, both the appeal and the development permit may be combined in a single hearing.

3. Submittal Requirements and Standards of Review. See Chapter 14.05 MVMC. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.135 Nonconforming uses and structures.
Where a structure or land use is nonconforming under the provisions of Chapter 15.40 MVMC, such structure or use may be continued, and may be modified, enlarged or expanded under the provisions of Chapter 17.102 MVMC, with the following additional condition: The application for a change shall be accompanied by a habitat report as required by MVMC 15.40.120(D). Any approval shall require a written finding that the mitigation associated with the change shall have fully mitigated any incremental impacts to affected critical area functions and values under the best available science guidelines applicable to the affected critical area. The application and permit review shall conform to the requirements in Chapter 14.05 MVMC and shall proceed as a Type III permit. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.140 Vesting.
A. An application for a development permit, to be processed under the city development regulations or the shoreline master program, is vested to current regulations when a complete application is filed with the community and economic development department and all required permit fees are paid. An application is "complete" on the date a complete application is filed and is subsequently verified in a letter of completeness issued pursuant to Chapter 14.05 MVMC. An application vested under this subsection is not subject to any laws or regulations that become effective after the date of vesting, except as provided below.

B. If a permit application vested under subsection A of this section is approved, and that permit approval contemplates one or more future uses or permits on the property that are subject to that permit approval, then:

1. If the permit approval contains a detailed description of the uses, including a detailed site plan drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the use(s), and such site plan is consistent with all laws and regulations in effect at the time the original application was vested, then all permit applications in connection with the future use(s) are vested to the laws and regulations in effect at the time of the vesting of the original permit application, and laws and regulations enacted after that vesting date shall not apply to the future use(s) or any permit applications filed in connection therewith;

2. If the development approval does not describe in detail all future uses or does not contain a detailed site plan, drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with

the future use(s), then the future use(s) shall be subject to all later enacted laws and regulations in effect at the time of the vesting of any required application for permits in connection with the future use(s).

Subject to the provisions of this section, it is the intention of this subsection that, consistent with other federal, state, and county regulatory requirements, an applicant may vest future development to the level of detail shown in the application documents.

C. Nothing herein shall be construed to restrict the city from imposing conditions on development permits pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, Chapter 197-11 WAC and Chapter 14.12 SCC, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.

D. Nothing herein shall be construed to prevent the city from imposing new regulations necessary to protect the public health and safety including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.

E. Applications for rezones and comprehensive plan amendments are not subject to the vesting rules in this section. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.150 Enforcement.
The provisions set forth in this section shall apply to all violations of this chapter. Penalty and enforcement provided herein shall not be deemed exclusive, and the city may pursue any appropriate remedy or relief.

A. Fines. Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed $1,000. It shall be a separate offense for each and every day or portion thereof during which any violation of any provisions of this chapter is committed.

B. Damages. Any person, firm, corporation, or association or any agent thereof who violates any of the provisions of this chapter shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to an equivalent or improved condition prior to the violation.

C. Restorations. Restoration shall include, but not be limited to, the replacement of all improperly removed ground cover with species similar to those which were removed or other approved species such that the biological and habitat values will be replaced to the greatest extent possible. Studies by qualified experts shall be conducted to determine the conditions that were likely to exist on the lot prior to the illegal alteration. Restoration shall also include installation and maintenance of interim and emergency erosion control measures until such time as the restored site complies with city requirements.

D. Stop Work Orders. The city shall stop work on any existing permits and halt the issuance of any or all future permits or approvals for any activity which violates the provisions of this chapter and all penalties are paid in full. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.160 Maps.
A. The city's critical area reference maps are listed below as reference points only. The maps may be superseded by information generated as described in subsection B of this section.

1. Aquifer Recharge Areas: Plate 7 Land Cover Class/LandSAT Image 1998 in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004.

2. Geologic Hazard Areas.

a. Plate 4. Surficial Geology, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based upon Washington State Department of Natural Resources data).

b. Plate 5. Steep Slopes and Alluvium, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based on a topographic map, an unpublished master's thesis, and the Skagit County Alluvial Fan Study Orthophoto Maps).

c. Plate 6. Soil Liquefaction Potential, in the City of Mount Vernon Draft Issue and Options: Critical Areas Regulations Update, by Jones and Stokes, March 2004 (based on Washington State Department of Natural Resources data, Hazard Mitigation Grant Program).

3. Habitat Conservation Areas. State of Washington Department of Fish and Wildlife, Priority Habitats and Species (PHS) Maps and Digital Data.

4. Streams.

a. Inventory and Evaluation of Streams and Riparian Habitats of Mount Vernon, Washington, by Shannon and Wilson, Inc., 2003.

b. For areas unaddressed by the mapping in D.1, Washington State Department of Natural Resources, Water Typing Maps.

5. Wetlands.

a. Wetland and Stream Inventory, City of Mount Vernon and Urban Growth Area, by Shannon and Wilson, January 2000.

b. National Wetland Inventory Maps, U.S. Department of the Interior.

B. The exact boundary of each critical area depicted on maps referenced herein is approximate and is intended only to provide an indication of the presence of a critical area on a particular site. It is recognized that not all critical areas are mapped. The lack of inclusion of a critical area on a map shall not relieve an applicant, project sponsor, or property owner from compliance with these critical area regulations. The inclusion of a critical area on the city maps shall be advisory, and if critical areas are not in fact present, the maps may be amended upon city acceptance of reclassification requests or new data in accordance with any specific procedures or criteria herein. The applicability of these regulations shall be based upon the classification criteria for each critical area and the actual presence of critical areas on or in the vicinity of subject properties. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.170 Definitions.

A. Land Cover Definitions.

"Aquatic areas" means areas classified as regulated streams and regulated wetlands.

"Impervious surfaces" means:

1. For the purposes of the stream and wetland regulations: a hard surface area that either prevents or retards the infiltration of water into the soil and movement of water through soil media. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, lawns, and oiled, macadam or other surfaces which impede the natural infiltration and movement of water. When such surfaces supported a permitted use on or before January 1, 2007, they shall be considered impervious surfaces. Earthwork (e.g., grading, filling, clearing preparatory to new development) does not create impervious surface.

2. For the purposes of aquifer protection regulations:

a. Impervious surfaces include those that have a lesser permeability than the undisturbed native soil, as indicated in Table 14 of the Soil Survey of Skagit County Area, Washington (USDA Soil Conservation Service, 1989).

b. Effective impervious surfaces are those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed in accordance with "Full Dispersion" measures as described in Chapter 5 of Volume V, Stormwater Management Manual for Western Washington, February 2005, or an equivalent manual as determined by the director.

"Pervious surfaces" means vegetated areas that do not meet the definition of tree cover.

"Tree cover" means the area of cover provided by conifer or hardwood tree(s) greater than four inches dbh (diameter at breast height). Tree cover excludes the portion of the canopy that overlies impervious surface areas.

B. General Definitions.

"Activities, development" means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; division of a parcel of land into two or more parcels; and any use or extension of the use of land.

"Alteration" means any human induced change in an existing condition of a critical area or its management zone or buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, drainage or dewatering, or any other activity that changes the character of the critical area.

"Alluvial fan hazard" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Artificial channel" means a stream channel that is entirely constructed, but does not include relocated natural channels. Except where fish bearing, an artificial channel is not a critical area.

"Best management practices (BMPs)" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

2. Minimize adverse impacts to surface water and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

3. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

4. Provide standards for proper use of chemical herbicides within critical areas.

"Buffer" means an area that is contiguous to and protects a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"Certified professional" means any person with the education, experience, and/or professional certification or licenses in a specialized field of study appropriate to the studies and analysis required, such as a wildlife biologist, hydrologist, hydrogeologist, wetland biologist, geotechnical engineer, or specialists in other disciplines.

"Critical areas" means wetlands, aquifer protection areas, fish and wildlife habitat, and frequently flooded and geologically hazardous areas as defined by the Growth Management Act.

"Critical facility" means a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

"DBH" means diameter breast height, which means the outside bark diameter at breast height. Breast height is defined as 4.5 feet (1.37 m) above the ground on the uphill side of the tree.

"Development permit" means written permission, after appropriate review for type of application, from the appropriate decision-maker authorizing the division of a parcel of land, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, utility, or any use or extension of the use of the land.

"Director" means the director of community and economic development for the city of Mount Vernon, or his/her designee.

"Drainage collection system" means a system for conveying, treating and detaining stormwater runoff swales, ponds, and outfalls.

"Emergency" means an action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

"Forested area" means a treed area that functions, or which over time will be restored to function, as a mature forest characterized by an undisturbed understory.

"Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only be at risk, but may also increase the hazard to surrounding development and use. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

1. Erosion hazard;

2. Liquefaction;

3. Landslide hazard;

4. Seismic hazard;

5. Volcanic hazard; and

6. Alluvial fan hazard.

"Innovative site design" means development techniques using creative approaches to site design, habitat and tree retention, significant reduction of impervious surfaces, and changes in traditional site features such as roads and structures in favor of natural habitat features that result in zero or near-zero drainage discharge from the site after development.

"Intermittent" means water is not present in the channel year round during years of normal or above normal rainfall.

"Ordinary high water mark" means on lakes and streams, a mark found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists as of the effective date of regulations, as it may naturally change thereafter, or as it may change in accordance with permits issued by the city or state. Where the ordinary high water mark cannot be found, it shall be the stage of the 50 percent exceedance flow, according to the period of record of a measured or synthetic hydrograph. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

"Normal rainfall" means rainfall that is at the mean or within one standard deviation of the mean of the accumulated annual rainfall record, based upon the water year for Skagit County as recorded at the Burlington/Mount Vernon, Skagit Regional Airport, Washington, United States.

"Perennial" means water that flows continuously.

"Primary association area" means the area used on a regular basis by, is in close association with, or is necessary for the proper functioning of the habitat of a critical species. "Regular basis" means that the habitat area normally contains or is usually known to contain a critical species or, based on known habitat requirements of the species, the area is likely to contain the critical species. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

"Priority habitat" means habitat type or elements with unique or significant value to one or more species as classified by the State Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

"Reasonable use" means the minimum use to which a property owner is entitled under the applicable state and federal constitutional provisions, including takings and substantive due process. Reasonable use shall be liberally construed to protect the constitutional rights of the property owner.

"Regulated activity" means all activities located within a regulated critical area or critical area buffer/management zone.

"Riparian area" means the upland area immediately adjacent to and paralleling a body of water, usually composed of trees, shrubs and other plants. Riparian functions include bank and channel stability, sustained water supply, flood storage, recruitment of woody debris, leaf litter, nutrients, sediment and pollutant filtering, shade, shelter, and other functions that are important to both fish and wildlife.

"Salmonid migration barrier" means an in-stream blockage that consists of a natural drop (no human influence) with an uninterrupted slope greater than 100 percent (45-degree angle) and a height in excess of 11 vertical feet within anadromous salmon-bearing waters or a height in excess of three vertical feet within resident trout-only bearing waters. Constructed barriers to salmonid migration (e.g., culverts, weirs, etc.) shall be considered barriers to salmonid migration by this definition only if they were lawfully installed, present a complete barrier to salmonid passage based on hydraulic drop, water velocity, water depth, or any other feature that would prevent all salmonid from passing upstream; and in the opinion of the city reviewing official cannot be modified to provide salmonid passage without resulting in any of the following conditions:

1. Significant impacts to other environmental resources;

2. Significant impacts to major transportation and utility systems, or to the public health and safety;

3. Significant expense. For the purposes of this definition significant expense means a cost equal to or greater than 50 percent of the combined value of the proposed site buildings, structures, and/or site improvements, and existing buildings, structures, and/or site improvements to be retained.

"Species, priority" means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate, and monitor species, and those of recreational, commercial, or tribal importance.

"Steep slopes" means slopes greater than 40 percent.

"Stream" means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used by salmonids or used to convey streams that were naturally occurring prior to construction of such watercourses.

"Utilities" means utility lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, telephone, and cable.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in

saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands do include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

C. Report Content Requirements.

1. Geotechnical Study. A study prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations. The preparation and content requirements in Table 15.40.120(A), Geotechnical Report – Detailed Requirements, shall also apply.

2. Habitat/Wildlife Assessment. A report prepared by a qualified fish and wildlife biologist with experience assessing the relevant species and habitats and including at a minimum, the following requirements:

a. Site plan prepared in accordance with the requirements of the community and economic development department indicating all habitat conservation areas falling within 200 feet of the subject property;

b. Project narrative describing the proposal including, but not limited to, associated grading and filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent to the habitat conservation area, and when deemed necessary by the director, surface and subsurface hydrologic analysis;

c. Impact analysis identifying and documenting the presence of all habitat conservation areas and discussing the project's effects on the habitat conservation areas;

d. Regulatory analysis including a discussion of any federal, state, tribal, and/or local requirements or special management recommendations that have been developed for species and/or habitats located on the site;

e. Mitigation report including a discussion of proposed measures for mitigating adverse impacts of the project and an evaluation of their potential effectiveness. Measures may include, but are not limited to, establishment of buffer zones, preservation of critically important plants and trees, limitation of access to habitat areas, seasonal restrictions of construction activities, establishment of a timetable for periodic review of the plan and/or establishment of performance or maintenance bonds;

f. Management and maintenance practices including a discussion of ongoing maintenance practices that will assure protection of all fish and wildlife habitat conservation areas on site after the project has been completed. This section should include a discussion of proposed monitoring criteria, methods and schedule.

3. Hydrogeologic Study. A report shall be prepared as follows:

a. The study shall be prepared by, or under the direction of, and signed by a licensed hydrogeologist pursuant to Chapter 308-15 WAC.

b. Phase I Report Requirements. A Phase I reconnaissance level hydrogeologic report shall summarize existing information about the basic site hydrogeologic conditions such as soil types, land cover, likely groundwater flow directions and receiving waters, and which low impact development management practices will be implemented consistent with the Low Impact Development Technical Guidance Manual for Puget Sound, January 2005, or an equivalent manual as determined by the director.

c. Phase II Report Requirements. This report shall include:

i. A description of the geology and groundwater in the proposed permit area and adjacent areas down to and including the lowest aquifer that may be affected by the facility, including the following:

(A) The results of a sufficient number of test borings and core borings to accurately characterize geology, soils, groundwater flow, groundwater chemistry and flow systems of the proposed permit area and adjacent area, which shall be at least three test borings. The applicant shall include the actual surface elevations of the drill holes.

(B) The stratigraphy, lithologic, and physical characteristics and thickness of each stratum, including the location and depth of aquifers.

(C) The hydrologic characteristics of each aquifer described in subsection (C)(3)(c)(i)(B) of this section, including field test data for hydraulic conductivity, storage coefficient and transmissivity, groundwater hydraulic gradient and velocity. The description of these characteristics shall be based on multiple well aquifer tests if required by the city. The application shall include the procedures and calculations used to determine these characteristics.

(D) The geologic structure within the proposed permit area and adjacent area, and its relation to the regional geological structure.

(E) The aquifer characteristics necessary to accurately describe three-dimensional groundwater flow through the proposed permit area and adjacent area, including storage and discharge characteristics.

4. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories (if unclassified, see subsection (C)(5)(a) of this section);

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

ix. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

x. Location of site access, ingress, and egress.

b. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

c. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

i. The stream classification as recorded in city inventories;

ii. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

iii. The ecological functions currently provided by the stream/lake and existing riparian area;

iv. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

v. Measures to protect trees and vegetation.

5. Stream Study, Supplemental. The application shall include the following information:

a. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

b. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

i. Avoid any disturbances to the stream or management zone;

ii. Minimize any stream or management zone impacts;

iii. Compensate for any stream or management zone impacts;

iv. Restore any stream or management zone area impacted or lost temporarily;

v. Enhance degraded stream habitat to compensate for lost functions and values.

c. Impact Evaluation.

i. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

(A) Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

(B) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

(C) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

(D) To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

ii. For a violation, the impact evaluation must also include:

(A) Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

(B) Determination of the impact of the violation on the resource(s) and functional values.

6. Stream Mitigation Plan. The mitigation plan must ensure compensation for unavoidable significant adverse impacts that result from the chosen development alternative or from a violation as identified in the impact evaluation. A mitigation plan must include:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories or as determined through a supplemental stream study approved by the director;

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zones at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zones;

ix. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones;

x. Location of site access, ingress and egress;

xi. Indication of where proposed mitigation or remediation measures will take place on the site;

xii. Separate indication of areas where revegetation is to take place and areas where vegetation is anticipated to be removed; and

xiii. Any other areas of impact with clear indication of type and extent of impact indicated on site plan.

b. Mitigation narrative that includes the following elements:

i. Description of existing conditions on the site and associated water resource (baseline information);

ii. Resource(s) and functional values to be restored, created, or enhanced on the mitigation site(s);

iii. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

iv. Construction schedule;

v. Operations and maintenance practices for protection and maintenance of the site;

vi. Environmental goals, objectives, and performance standards to be achieved by mitigation;

vii. Monitoring and evaluation procedures for a three-year period minimum, including minimum monitoring standards and timelines (i.e., annual, semi-annual, quarterly);

viii. Contingency plan with remedial actions for unsuccessful mitigation;

ix. Cost estimates for implementation of mitigation plan for purposes of calculating surety device;

x. Discussion of compliance with approval criteria; and

xi. A review of the best available science supporting the proposed request for a reduced standard and/or the method of impact mitigation; a description of the report author's experience to date in restoring or creating the type of critical area proposed; and an analysis of the likelihood of success of the compensation project.

7. Wetland Assessment. A wetland assessment includes the following:

a. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

b. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Washington State Wetlands Identification and Delineation Manual, 1997). Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

c. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, stormwater management facilities, sewage treatment and installations within the wetland and its buffer;

d. The exact locations and specifications for all activities associated with site development including the type, extent and method of operations;

e. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

f. Top view and typical cross-section views of the wetland and its buffer to scale;

g. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site; and

h. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, a monitoring program, and a contingency plan.

i. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

i. Avoid any disturbances to the wetland or buffer;

ii. Minimize any wetland or buffer impacts;

iii. Compensate for any wetland or buffer impacts;

iv. Restore any wetlands or buffer impacted or lost temporarily;

v. Create new wetlands and buffers for those lost; and

vi. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

j. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

8. Wetland Mitigation Plan – Preliminary. A preliminary wetland mitigation plan shall include the following:

a. A conceptual site plan demonstrating sufficient area for replacement ratios;

b. Proposed planting scheme for created, restored, and enhanced wetlands; and

c. Written report consistent with final wetland mitigation plan requirements regarding baseline information, environmental goals and objectives, and performance standards.

9. Wetland Mitigation Plan – Final. A final wetland mitigation plan shall include:

a. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, a wetland delineation by a qualified wetland specialist; existing wetland acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project to the wetland area and wetland functions; soil and substrata conditions; topographic elevations and compensation site. If the mitigation site is different from the impacted wetland site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

b. Environmental Goals and Objectives. A written report by a qualified wetland specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

i. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structure and functional

relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or, if out-of-kind, the type of wetland to be emulated; and

ii. A review of the best available science and report author's experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, preferably those in the same drainage basins, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the wetland ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (C)(9)(e) of this section, Monitoring Program. An assessment of the project's success in achieving the goals and objectives of the mitigation plan should be included along with an evaluation of the need for remedial action or contingency measures.

d. Detailed Techniques and Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for wetland construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques and planting instructions; descriptions of water control structures and water level maintenance practices needed to achieve the necessary hydroperiod characteristics, etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations that are appropriate for the desired habitat type(s) and that provide sufficient hydrologic data. The city may request such other information as needed to determine the adequacy of a mitigation plan.

e. Monitoring Program. A program outlining the approach for monitoring construction and development of the compensation project and for assessing a completed project shall be provided in the mitigation plan. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and stormwater runoff to model and evaluate hydrologic and water quality predictions;

v. Measuring sedimentation rates;

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity; and

vii. A description shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted consistent with the periods identified in MVMC 15.40.120(H). The compensation project shall be

monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

f. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

g. Permit Conditions. Any compensation project prepared for mitigation pursuant to MVMC 15.40.110, and approved by the city shall become part of the application for project approval.

h. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training, and experience with comparable projects. (Ord. 3509 § 3 (Exh. A), 2010).

15.40.180 Severability.
If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 3509 § 3 (Exh. A), 2010).

Chapter 16.16

DESIGN STANDARDS FOR NONARTERIAL STREETS

Sections:

16.16.010 General statements.
16.16.020 Street and block layout.
16.16.030 Street design standards for nonarterial streets.
16.16.035 *Repealed.*
16.16.040 Private streets.
16.16.050 Partial streets.
16.16.060 Fire/safety access.
16.16.070 Arterial street standards.
16.16.080 Street design standard modification process.

16.16.010 General statements.

A. Land which the community and economic development department, hearing examiner or city council finds unsuitable or inappropriate for development due to flooding, inadequate drainage, inadequate sanitary sewer service, excessive slope, rock formations, high ground water, or other features likely to be harmful to the safety and general health and welfare of the future residents shall not be subdivided, unless adequate corrective measures can be provided and are approved by the community and economic development and public works directors.

B. Before any land disturbing work is begun, the subdivider shall submit to the community and economic development department, plans and profiles of all proposed streets, drainage plans and profiles, sewer plans and profiles, and right-of-way section drawings, including utility line placement for approval. All design drawings shall be prepared under the supervision of, and stamped by a Washington State licensed professional civil engineer. (Ord. 3428 § 44, 2008).

16.16.020 Street and block layout.

A. The street layout of all subdivisions shall provide for the following:

1. Continuity of adjoining streets and arterials.

2. Access shall be extended to the boundaries of the tract unless extenuating circumstances exist that make this impossible; and in which case the applicant shall be solely responsible for presenting indisputable evidence to support not extending the access, that shall be accepted by the community and economic development department.

3. Streets intersecting at right angles, or as nearly as possible and “T” intersection design shall be utilized insofar as practical.

4. All streets dedicated “right-of-way” shall be full width except along the boundary lines of the plat. Partial-width streets may be accepted where the community and economic development and public works directors approve the street location and boundaries of the subdivision.

5. Roads within a residential development shall not extend more than 500 feet without an intersection except if constrained by critical area limitations and/or significant topographic variation. In the absence of a functional intersection, an open space area of similar dimension to a right-of-way shall be provided.

B. Lots shall back onto arterials and front onto a parallel residential street; unless extenuating circumstances exist that make this impossible; and in which case the applicant shall be solely responsible for presenting indisputable evidence to support being allowed to front onto an arterial that shall be accepted by the community and economic development department.

C. Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to the street. Reserve strips shall also not be permitted to deny the extension of utilities to a neighboring property. (Ord. 3530 § 3, 2011).

16.16.030 Street design standards for nonarterial streets.

A. For all nonarterial streets within any zone, street standards shall be determined on the basis of the average p.m. peak hour vehicular trips to be expected on the applicable street, due to all potential traffic, as set forth in Table 1 and according to the following requirements:

1. P.m. peak hour vehicular trips shall be determined by a registered engineer licensed to provide traffic engineering study and design services.

2. Residential developments may calculate one vehicular peak hour trip for each residential unit.

3. Non-arterial street design standard selection shall be approved by the community and economic development and public works departments.

4. Developments shall be required to complete a concurrency review by the city.

5. Traffic study information as required by the city of Mount Vernon concurrency management code (Chapter 14.10 MVMC) shall require approval by the public works and community and economic development directors.

B. The following table contains minimum street design standards for nonarterial streets. The pavement width for each street type is the typical width of the street. Each street "type," except alleys, requires a landscaped planter strip between the curb and sidewalk. The community and economic development director may require additional width as deemed necessary to facilitate additional parking, traffic calming features, bike lanes, etc.

Table 1:

P.M. Peak Hour Traffic Volume =	< 20	21 to 60	61 to 100	101 to 250	> 250
Residential Zones	3	3	3	3	4
Professional Office	3	3	3	4	4
Public Zones	3	3	3	4	4
Central Business District	3	3	3	4	4
Commercial	3	3	4	4	4
Industrial	3	3	4	4	4
Manufacturing	3	3	4	4	4

C. Following are the dimensional requirements for the road types described within Table 1:

1. Street Type 3: A 51-foot right-of-way with a 32-foot paved travel width, 0.5-foot concrete curbs, four-foot planter strips and five-foot-wide concrete sidewalks on both sides.

a. A seven-foot minimum slope and utility easement is required abutting all right-of-way lines.

b. No parking shall be allowed on turnarounds for this street type.

2. Street Type 4: A 55-foot right-of-way with a 36-foot paved travel width, 0.5-foot concrete curbs, four-foot planter strips and five-foot-wide concrete sidewalks on both sides.

a. A seven-foot minimum slope and utility easement is required abutting all right-of-way lines.

b. No parking shall be allowed on turnarounds for this street type.

D. Other Street Standards.

1. Street Type 2: a 47-foot right-of-way with a 28-foot paved travel width, 0.5-foot concrete curbs, four-foot planter strips and five-foot-wide concrete sidewalks on both sides. Type 2 streets may be used only when approved through a street design standard modification process on a case-by-case basis dependent on the applicant's ability to demonstrate that the plat design provides the ability to accommodate all of the needs of the street; including but not limited to:

a. Provide minimum 20-foot clear zone.

b. Provide a minimum of one on-street parking opportunity per single-family residence, adjacent to and/or across the street from lots that have a minimum of 75 feet of frontage.

c. Bulb-outs or other similar design features shall be installed on the side of the road that allows parking and the parking restricted side of the road shall have "no parking" signage or other means of clearly restricting the parking such as painting of curbs completed at the discretion of the community and economic development department and fire chief.

d. A seven-foot minimum slope and utility easement is required abutting all right-of-way lines.

e. No parking shall be allowed on one side of this street type or on turnarounds.

2. Alleys: a 24-foot right-of-way with a 20-foot paved travel surface. Alleys may be required in residential areas and properties abutting arterials. Alleys may be required in all commercial areas and industrial areas. No parking is allowed within the right-of-way of alleys. "No parking" signs shall be required.

E. Residential streets serving 30 or more residential units and intersecting an arterial street shall be at least 36 feet wide at the intersection with the arterial and be tapered to the standard street width as required by the public works director. (Ord. 3530 § 4, 2011).

16.16.035 Street design standard modification process.
Repealed by Ord. 3428. (Ord. 3235 § 4, 2005).

16.16.040 Private streets.
A. The purpose of private street standards is to provide an option that reduces the cost of serving infill lots, and provide flexibility when public streets are not needed for public circulation. Following are the minimum requirements for private streets:

1. Private streets may be approved for four or fewer lots if any of the lots are less than 10,000 square feet in size. Private streets can be approved for up to nine lots when all of the lots are greater than 10,000 square feet in size.

2. A private access easement that is at a minimum of 26 feet wide with a 20-foot-wide paved surface shall be the minimum standard for private streets.

3. Private streets shall be constructed of a minimum of two inches of asphalt pavement, three inches of crushed rock, and six inches of gravel base.

4. Curbs, gutters, and sidewalks are required when more than four lots are being accessed, or when deemed necessary by the community and economic development director.

5. Streets providing fire hydrant access shall provide an all weather driving surface not less than 26 feet in width.

a. No parking shall be allowed within the 26-foot easement; however, parking may be allowed in portions of easements exceeding 26 feet in width.

6. Private streets shall be no longer than 150 feet in length, or serve more than four lots without an approved turnaround.

7. All lots accessing the private street shall be equally liable for its maintenance.

8. The grade shall not be more than 10 percent unless approved by the fire chief.

9. Internal traffic calming devices or traffic circles may be required at the discretion of the community and economic development department and fire chief.

B. Approval Criteria – General. The community and economic development director in consultation with the public works director shall determine when private streets are appropriate based on the following approval criteria:

Private streets are not allowed:

1. When they conflict with the comprehensive plan; or

2. When they are needed for public circulation; or

3. When they connect two public roads, except for commercial or industrial uses; or when they serve more than nine potential residential lots; provided, that where expansion of a public street is not presently feasible, the limitations of this subsection shall not apply if the affected internal and frontage streets are improved to public standards and dedicated to the city, with the acceptance of such dedication(s) being deferred until extension of a public street allows connection.

4. When the private street could be extended in the future to serve more than nine lots.

C. The following statement is required on the face of any plat, short plat, site plan, or binding site plan containing a private street:

> The City of Mount Vernon has no responsibility to improve or maintain private streets contained within or providing access to the property described in this document. Any private street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners. No private street will be accepted as a City street until such time that it meets current City standards to the satisfaction of the City Engineer and Fire Chief.

(Ord. 3530 § 5, 2011).

16.16.050 Partial streets.
A partial street shall be implemented to allow existing streets to be adjusted to current requirements and may be allowed to facilitate roadway construction along unimproved project boundaries (the adjacent off-site property must be reasonably able to support completion of the ultimate street design). The street system shall consist of sidewalk, curb, gutter, all utilities, and appurtenances, one-half of the ultimate pavement width on the development side of the right-of-way, and a two-foot gravel shoulder, on the opposite side of the street. However, the minimum pavement width shall be 20 feet. The constructed improvements may be offset from the ultimate right-of-way centerline. Other utilities and appurtenances shall be constructed to meet standards and comprehensive plans concurrent with the street construction as stated in the project requirements. Each partial street shall meet minimum access requirements and be approved by the community and economic development department. (Ord. 3428 § 48, 2008).

16.16.060 Fire/safety access.
A. Residential streets serving 30 or more residential units shall provide at least two vehicular access routes. An emergency only route may suffice for one route.

B. Access roads shall provide a driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

C. Access roads with fire hydrants shall be at least 26 feet wide to an approved turnaround. This condition applies to all street types including partial streets and private streets.

D. Fire apparatus access roads may not exceed 10 percent in grade. Grades steeper than 10 percent shall require approval by the fire chief.

E. Access road minimum turning radii shall be determined by the fire chief.

F. Parking restrictions along access roads shall be determined by the fire chief.

G. Access road turnaround facilities shall comply with the following table and drawings.

REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH*	WIDTH	TURNAROUNDS REQUIRED
(feet)	(feet)	
0 – 150	20	None required
150 – 500	20	90-foot diameter cul-de-sac, or through an engineering level modification a 120-foot hammerhead or 60-foot Y might be approved.
501 – 750	26	90-foot diameter cul-de-sac, or through an engineering level modification a 120-foot hammerhead or 60-foot Y might be approved.
Over 750		Special approval required

* The lengths listed within this table shall be measured from the edge of the travel lane, or as determined by the fire chief to ensure that the intent of these requirements is met.

(Ord. 3530 § 6, 2011).

16.16.070 Arterial street standards.

A. The minimum requirements for right-of-way, curb-to-curb pavement widths, curve radii, curve tangent lengths, sidewalk widths, sight distance and maximum grades of all right-of-way improvements shall be determined by the following table, unless otherwise approved by the city engineer.

Conditions and Capacity	Traffic Lanes	Parking	Bike Lane	Street Width	Minimum Right-of-Way	Minimum Curvature (Ft. Radius)	Minimum Tangent (Btwn. Curves Length Ft.)	Sidewalk Width	Sight Distance (Stopping)	Maximum Grades
PRINCIPAL ARTERIAL										
5-Lane w/ Bike Lane ADT 43,530 Peak Hr. 3,480	2-12', 2-11', 1-12'	N/A	2-5'	68'	80'	300'	200'	6'	500'	6%
5-Lane ADT 37,040 Peak Hr. 2,960	2-14', 2-11', 1-12'	N/A	Shared Lane	62'	80'	300'	200'	6'	500'	6%
3-Lane w/ Bike Lane ADT 28,050 Peak Hr. 2,240	2-14', 1-12'	N/A	2-5'	50'	80'	300'	200'	6'	500'	6%
2-Lane w/ Parking ADT 20,730 Peak Hr. 1,660	2-14'	2-8'	Shared Lane	44'	60'	300'	200'	6'	500'	6%
MINOR ARTERIAL										
3-Lane w/ Bike Lane ADT 22,590 Peak Hr. 1,810	1-12', 2-11'	N/A	2-5'	44'	60'	200'	150'	6'	400'	8%
2-Lane w/ Parking ADT 20,730 Peak Hr. 1,660	2-14'	2-8'	Shared Lane	44'	60'	200'	150'	6'	400'	8%
URBAN COLLECTOR										
3-Lane w/ Bike Lane ADT 15,870 Peak Hr. 1,270	1-12', 2-11'	N/A	2-5'	44'	60'	200'	150'	6'	400'	8%
3-Lane ADT 14,540 Peak Hr. 1,160	1-12', 2-14'	N/A	Shared Lane	40'	60'	200'	150'	6'	400'	8%
2-Lane w/ Parking ADT 14,540 Peak Hr. 1,160	2-14'	2-8'	Shared Lane	44'	60'	200'	150'	6'	400'	8%
2-Lane w/ Parking ADT 12,900 Peak Hr. 1,030	2-12'	2-8'	None	40'	60'	200'	150'	6'	400'	8%

Note: Shared bike lane pavement width is included in 14-foot traffic lane.

(Ord. 3530 § 7, 2011).

16.16.080 Street design standard modification process.

A. There are two types of administrative street design standards modifications:

1. Planning level modifications that are approved by the community and economic development director; and

2. Engineering level modifications that are approved by the community and economic development director in consultation with the public works director.

3. Planning and engineering level modifications will be approved in limited circumstances; and only when the applicant demonstrates that a unique and unusual circumstance exists that warrants a modification from the standard code requirement.

a. Unique and unusual circumstances could include the location of critical areas and their associated buffers, unusual topographic features, the geometry of a lot, or other similar items.

b. Modifications from standard requirements will not be approved in circumstances where the applicant is seeking a modification for primarily financial reasons; i.e., the cost of certain infrastructure or the loss of a building lot are not the type of items that will be taken into consideration when determining whether or not a planning or engineering level modification will be granted.

B. Planning level modifications may address the suitability of a particular street type or feature, for a particular purpose, including but not limited to:

1. Sidewalk location or deletion, location or deletion of planter strips and landscape features;

2. Adjusted driveway locations, widths, and provisions for joint use driveways;

3. Adjusted right-of-way width of a street type, when appropriate, and required provisions are made for pedestrians, utilities and emergency services;

4. The community and economic development director may allow an applicant to use current approved standards and codes rather than those with which the project may have been vested.

C. Planning level modifications shall be proposed in conjunction with an underlying development proposal. Developer requested modification applications are to be filed with the community and economic development department, and shall:

1. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable;

2. Be accompanied by a map or drawing showing the applicable existing conditions and proposed construction features such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and proposed traffic patterns, and any unusual or unique conditions not generally found in other developments;

3. Include sufficient technical analysis to enable a reasoned decision. The community and economic development department shall provide a written decision on the application. No fee is applicable to the planning level administrative modification.

D. The community and economic development director may pre-approve planning modifications and provide documentation to accompany, and be filed with, a specific application.

E. Engineering level modifications address revisions to design and construction requirements. Procedures for applying for a deviation from standard are contained in the city's engineering standards. Developers may request pre-approval of a deviation from engineering standards to assess project viability. Deviations from engineering standards are approved by the community and economic development director, with concurrence of the public works director. Documentation of pre-approval shall accompany and be filed with a specific application. Deviations affecting emergency service access, including turnarounds, shall be approved by the fire chief.

F. Engineering level modifications may involve, but are not limited to, the following:

1. Surfacing for roads or pedestrian facilities within road rights-of-way;

2. Asphalt and/or base rock thickness;

3. Channelization;

4. Maximum street grade (grades in excess of 10 percent require concurrence of the fire chief);

5. Design speed;

6. Sight distances;

7. Type and/or location of signage. Signage for fire and emergency services shall require concurrence of the fire chief;

8. Vertical and horizontal geometry;

9. Intersection interior angles and curb radii;

10. Access related modifications onto arterial and state routes;

11. The community and economic development director, with concurrence of the public works director, may approve alternate designs that will provide an improvement equal, or superior to, a standard design.

G. Engineering level modification requests may be requested at any time by filing a written application with the community and economic development department. The application shall include sufficient technical analysis to enable a reasoned decision. The community and economic development director, or his/her designee, shall provide a written decision on the application. No fee is applicable to the administrative modification. (Ord. 3530 § 8, 2011).

Chapter 16.20

IMPROVEMENTS

Sections:
16.20.010 General improvements.
16.20.020 Waiver of requirements – Procedure.

16.20.010 General improvements.
The following improvements shall be constructed and/or installed prior to final plat, short plat or binding site plan approval:

A. Watermains.

1. A water distribution system, including fire hydrants, to provide domestic water service and fire protection to each lot. Said system shall conform to the Skagit County Public Utility District No. One's Master Distribution Plan and requirements;

2. Fire hydrant type and location shall be subject to the review and approval of the fire department.

B. Sanitary Sewers.

1. Sewer mains shall be installed by the subdivider or his contractor as shown on drawings approved by the city engineer. When required, sewer mains, manholes, lift stations and force mains shall be installed in all subdivisions prior to any water service being connected to any improvements;

2. Each and every building in which people live, congregate or are employed, shall have a separate connection to the public sewer;

3. Side sewers shall be extended 10 feet into the lot, plugged and marked;

4. Sewer lines shall be extended to the boundary of the plat at the direction of the public works director.

C. Drainage.

1. All drainage in and through the subdivision shall be the responsibility of the subdivider;

2. The subdivider may divert or enclose the natural drainage in his subdivision after providing a drainage system approved by the city engineer, so long as the natural drainage is not subject to the city's critical areas ordinance. The subdivider shall bear all costs associated with diverting or closing natural drainage;

3. All drainage in rights-of-way must be in underground pipes and culverts except where permitted in gutters;

4. Drainage design and construction shall be similar to sewer requirements;

5. Where required, the subdivider shall design and install storm drain retention or detention systems and water quality facilities;

6. Positive drainage shall be provided to each lot. Where three-inch diameter sidewalk lot drains cannot be provided, a service drain from the storm drain shall be extended to the lot;

7. Drainage lines shall be extended to the boundary of the plat at the direction of the public works director.

D. Streets.

1. All streets and alleys shall have all trees and brush removed from the right-of-way;

2. All streets and alleys shall be grubbed by the removal of all large rocks, roots, snags, logs, brush, etc., upon the surface of the ground and refilling all excavations and holes left by the removal within the confines of the street;

3. Paved streets, curbs, gutters and sidewalks shall be required on all dedicated street rights-of-way in all subdivisions. All improvements shall be constructed in conformance with the street and utility standards and shall be made from intersection to intersection, intersection to subdivision boundary, or from subdivision boundary to subdivision boundary;

4. On streets where a proposed subdivision adjoins an existing subdivision or existing street dedication in midblock and the existing subdivision or existing street dedication is unpaved, the subdivider shall, at a minimum, be responsible for installing curbs, gutters and sidewalks on that portion of the street right-of-way within the proposed subdivision;

5. Monuments with cases shall be placed at all street intersections, boundary angle points or curves in streets, and at such intermediate points as required by the city engineer.

E. Alleys. Alleys adjacent to properties zoned for all uses shall be paved.

F. Sidewalks.

1. Sidewalks shall be installed on both sides of each street. Sidewalks shall be required along dead-end streets and around cul-de-sacs. These requirements can be waived through a modification process per MVMC 16.16.035;

2. The subdivider and/or developer shall determine the location of all driveway entrances prior to approval of construction plans. Driveway entrances shall be placed in a manner such that on-street parking, if allowed, is maximized. Driveway indentations shall be made at the same time the sidewalks are constructed;

3. Sidewalks shall be constructed so as to avoid physical obstructions such as poles, vaults and fire hydrants. Sidewalks shall be constructed so as to avoid placement over water, gas, sewer and other utility lines;

4. All sidewalks shall be completed prior to an occupancy permit being granted for any new building;

5. When sidewalks are approved as integral with the curb, the sidewalk shall be a minimum of five and one-half feet wide (not including curb width).

G. Other Utilities.

1. Street light standards and/or fixtures shall be provided to supply adequate lighting for the safety and convenience of the public;

2. Other utilities shall be installed to provide electricity, natural gas, telephone, television cable and other services to the platted area;

Said utilities shall be restricted to underground installation unless otherwise approved by the city engineer;

3. All utilities (water, sewer, electrical, gas and cable) shall be installed to the property line prior to acceptance of the public improvements.

H. Traffic-Control Devices. The subdivider shall install street name signs and traffic-control signs and/or improvements and devices to the satisfaction of the city engineer. The city may install such signs and devices at the expense of the subdivider. (Ord. 3428 § 53, 2008).

16.20.020 Waiver of requirements – Procedure.

A. Any subdivider can make application to the community and economic development department for a waiver of any provision contained in this title provided the request is received concurrently with the proposed subdivision or dedication for plats in which the hearing examiner makes a recommendation and the city council makes a final

decision. Such application shall include any and all details necessary to support the application. All waiver requests must be forwarded to the city council with the preliminary plat and the hearing examiner's recommendation. The council may establish a fee for submitting such a request. A favorable recommendation for the granting of such waivers is discretionary on the part of the hearing examiner.

B. The hearing examiner shall not recommend approval of a waiver of the subdivision regulations unless he/she shall find that the following conditions exist in each case of a request: where, because of the size of the tract to be subdivided, unusual shapes, topography, unusual topographic conditions, unusual geological conditions, the condition or nature of adjoining areas, or the existence of unusual physical conditions, strict compliance with the provisions of this title would cause unusual and unnecessary hardship on the subdivider, or would result in an undesirable plat, the hearing examiner may vary the requirements set forth in this title.

C. In recommending or supporting waivers, the hearing examiner may require such conditions as will achieve, insofar as practicable, the objectives of the requirement waived. Any waiver authorized shall be entered as a finding of fact in the hearing examiner's recommendation together with the circumstances that justify the waiver granted. (Ord. 3428 § 54, 2008).

Chapter 16.32

SHORT PLATS AND SUBDIVISIONS

Sections:

16.32.005 *Repealed.*
16.32.010 Purpose.
16.32.020 Authority to approve and procedure.
16.32.030 Submittal requirements.
16.32.032 *Repealed.*
16.32.034 *Repealed.*
16.32.040 Design of short plats – Standards.
16.32.050 Community and economic development and public works directors approval criteria.
16.32.060 Minimum improvements required.
16.32.065 *Repealed.*
16.32.070 Effective period of preliminary approval.
16.32.080 Filing.
16.32.090 Modifications to an approved preliminary or final short plat.
16.32.100 Restrictions on further divisions.
16.32.110 Violations – Penalties.

16.32.005 Purpose.
Repealed by Ord. 3428. (Ord. 1912 § 1, 1978).

16.32.010 Purpose.
The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare; to lessen congestion in the streets and highways; to provide for adequate light and air; to enhance the aesthetic qualities of life; to facilitate adequate provision for water, sewage and other public requirements; to provide for proper ingress and egress; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description. (Ord. 3428 § 53, 2008).

16.32.020 Authority to approve and procedure.
A. The community and economic development and public works departments are delegated and assigned the administrative and coordinating responsibilities contained in this chapter and, pursuant to Chapter 58.17 RCW, shall have authority to approve, disapprove or modify any short plat. Preliminary short plats are processed as a Type II permit pursuant to Chapter 14.05 MVMC, with community and economic development and public works directors making a final decision after public notice but without a public hearing.

Following are the procedural steps required for the city to process a preliminary short plat:

1. A pre-application meeting is required per MVMC 14.05.110(B).

2. After the pre-application requirement is satisfied an applicant must submit all of the items listed within MVMC 16.32.030 to the community and economic development department.

3. The community and economic development department will initiate and complete the project review procedures and noticing requirements within MVMC 14.05.060 through 14.05.150 and the SEPA process outlined within Chapter 15.06 MVMC.

4. After the project review, noticing and SEPA requirements have been satisfied; and after the applicant has shown that after receiving preliminary short plat approval the final short plat will be able to meet all applicable federal, state and local requirements, the community and economic development and public works directors shall either approve, disapprove or approve with conditions the short plat.

5. Approval of the preliminary short plat shall constitute approval for the applicant to develop construction plans and specifications for facilities and improvements, as required, in strict conformance with the approved

preliminary short plat, street and utility standards and any special conditions required by the directors; and to begin preparation of a final short plat. Permission shall not be granted for installation of required improvements until the short plat has been approved by the directors and all construction plans and specifications have been approved in writing by the directors.

B. After the preliminary short plat is approved through the process outlined in subsection A of this section, an applicant can proceed with completing the final short plat process. The community and economic development and public works departments shall have authority to approve, disapprove or modify any final short plats. Final short plats are processed as a Type I permit pursuant to Chapter 14.05 MVMC, with community and economic development and public works directors making a final decision without public notice or a public hearing.

1. Following approval of the preliminary short plat, the applicant, if they wish to proceed with the subdivision, shall submit to the community and economic development department complete sets of construction plans and specifications showing all improvements as required by the community and economic development and public works directors in granting the preliminary short plat. The construction plans and specifications shall be submitted to the community and economic development department accompanied by a construction plan check fee in the amount specified within the city's current fee schedule. All construction plans and specifications shall be in conformance with the city's street and utility standards.

2. Before the construction plans receive final approval, the community and economic development department shall complete and/or receive a construction inspection.

3. After the community and economic development department has approved the construction plans and specifications, the subdivider may then proceed to construct and/or install all of the improvements they were required to per the preliminary short plat approval. After the required improvements are constructed and/or installed the applicant may proceed as follows:

a. Prior to the submission of a final short plat for approval the applicant shall schedule a pre-application meeting with the community and economic development department per MVMC 14.05.110(B). At this meeting a checklist of information required for the submission of a final short plat will be prepared and provided to the applicant. Prior to the submission of a final plat for approval all streets, alleys, sidewalks, storm drainage, utilities, monumentation, street lights, trees, other landscaping, park improvements, critical area mitigation, and any other improvements specified within the preliminary plat approval shall be installed and completed by the subdivider to the satisfaction of the community and economic development and public works directors. Such improvements shall meet the standards specified in the Mount Vernon Municipal Code, the adopted engineering and community and economic development and city standards and policies. The applicant's engineer shall be responsible for inspection and "as-built" drawings of all city-maintained utility improvements related to the subdivision.

b. A performance bond or cash security in the amount of 150 percent of the cost to construct required but uninstalled improvements may be posted in lieu of installation of improvements; provided, that such bond is recommended by the community and economic development and public works directors. Bonding or providing a cash security is approved only in circumstances that restrict the installation of improvements such as extreme weather or construction conflicts with other required improvements, etc.

c. The performance bond or cash security shall specify exactly what improvements are included and the community and economic development director will establish the timeline in which the improvements will have to be completed.

d. Prior to acceptance of public improvements, the applicant shall submit to the community and economic development department the original mylar construction drawings corrected to as-built information and a maintenance bond in the amount determined by the community and economic development department. In no case shall such bond be less than 10 percent of the total cost of the public improvements.

e. The subdivider shall promptly proceed with the completion of the bonded improvements. If, in the opinion of the community and economic development director, the subdivider has not proceeded toward the prompt completion of the bonded improvements, he/she may cause the bond to be updated with new

estimates of cost on all incomplete improvements and all increased cost estimates shall be passed on to the bond. If these increased costs are not accepted by the surety, then the city shall foreclose on the bond. If all improvements are not completed promptly, the bond shall be forfeited and the city will undertake the installation and completion of all improvements with the forfeited bond money. (Ord. 3428 § 56, 2008).

16.32.030 Submittal requirements.

A. Maps for preliminary short plats shall include the following:

1. A map prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.020 and Chapter 58.17 RCW, and Chapter 332-130 WAC, fully dimensioned, drawn at a horizontal scale of no less than 100 feet to the inch; or other scale specifically approved by the director and including the following:

a. Name of the proposed short plat (and space for the future city land use number);

b. Names, addresses and telephone numbers of the engineer and licensed land surveyor, and the names and addresses of all property owners;

c. An accurate and complete legal description of the property written or verified by a licensed land surveyor;

d. Date, graphic scale, and north arrow oriented to the top of the paper/plan sheet;

e. Vicinity sketch at a scale of not more than 1,000 feet to the inch showing the proposed plat in relation to surrounding land. All platted rights-of-way for a distance of at least one-quarter mile shall be shown, and additional area shall be illustrated, if necessary, to show connecting streets or arterials;

f. A drawing of the subject property with all existing and proposed property lines dimensioned, indicating the required yards (setbacks) with dashed lines;

g. Location of the subject site with respect to the nearest street intersections (including intersections opposite the subject property), alleys and other rights-of-way, showing how access will be provided to all lots, and the names, addresses, and tax identification numbers of the owners of record of property contiguous to the proposed short plat;

h. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations;

i. Contours and elevations at minimum two-foot vertical intervals to the extent necessary to predict drainage characteristics of the property. Approximate, estimated contour lines shall be extended at least 100 feet beyond the boundaries of the proposed short plat. The off site surveying requirement can be satisfied with topographic mapping from the city of other mapping resources that are approved by the director. In addition, where slopes are in excess of 20 percent, five-foot contours or greater can be approved by the director;

j. Horizontal control datum shall be that which is stipulated by WAC 332-130-060;

k. Location and dimensions of any existing and proposed structures, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, and easements;

l. Location of existing conditions (such as wetlands, steep slopes, watercourses) and their associated buffers on or adjacent to the site which could hinder development;

m. The location of all wells and septic systems located on or near the project site;

n. Flood hazard information and boundary on the subdivision drawing including the nature, location, dimensions, and elevations of the subdivided area;

o. A legend listing the following included on the first sheet of the short plat plan:

i. Short plat;

ii. Proposed number of lots;

iii. Zoning and comprehensive plan designations of the subject site and the land adjacent and contiguous;

iv. Proposed square footage and acreage in each lot; and

v. Square feet and percentage of land in streets and open space; and

p. Access and Utilities. Indicate how the proposed subdivision will be served by streets and utilities, show how access will be provided to all lots, and the location of sewer and water lines.

2. In addition to the mapping requirements listed above, an applicant must submit all of the application materials listed within MVMC 14.05.210(B).

3. Each preliminary short plat application shall be accompanied by a nonrefundable fee as set forth in Chapter 14.15 MVMC upon the filing of the application with the city community and economic development department. The fee for the environmental checklist review is not included in the application fee. No action shall be taken upon the application until the fee has been paid.

B. When the subdivider has completed and has received approval of the construction and installation of all improvements; or has submitted an approved performance bond in lieu thereof, they may then make application with the community and economic development department for approval of the final short plat. The application for final short plat shall be accompanied by the following:

1. Final short plat maps shall be prepared by a state of Washington registered land surveyor in accordance with RCW 18.43.010 and Chapter 58.17 RCW, fully dimensioned, drawn at a scale approved by the director. The size of the map shall be 18-inches by 24-inches with a minimum two-inch border on the left edge and one-half-inch border on all other sides. Before recording the original shall be in black ink on stabilized drafting film. The desired scale shall be one inch equals 50 feet unless otherwise approved by the director. The map shall contain all of the items stipulated within WAC 332-130-050 as it is currently written or as it may be amended in the future; along with the following information:

a. A title block shall be located in the lower right corner of the map;

b. The name of the proposed short plat, city land use number, and the location of the short plat shall be shown in the title block;

c. All plans shall show the name, address and telephone number of the surveyor/engineer, and the name and address of the applicant;

d. An accurate and complete legal description of the area to be incorporated within the short plat, written or verified by a licensed land surveyor;

e. Date, graphic scale, and north arrow;

f. Vicinity sketch at a scale of not more than 1,000 feet to the inch showing the proposed plat in relation to surrounding land. All platted rights-of-way for a distance of at least one-quarter mile shall be shown, and additional area shall be illustrated, if necessary, to show connecting streets or arterials;

g. Names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations. Shall show all utilities, streets, existing and new easements and associated covenants within or abutting the short plat. If a new easement is created on the plat, it must show grantee of easement rights. If the grantee is the city, a statement of easement provisions reserving and conveying the easement, with a description of the rights and purposes, needs to be made on the short plat;

h. Lots designated by number within the area of the lot. Tracts shall be similarly designated and each tract shall be clearly identified with the ownership and purpose. Lot lines with all property lines dimensioned and square footage of each lot and tract;

i. Lot numbers;

j. Addresses for each lot and new street names determined by the CEDD;

k. Reservations, restrictive covenants, easements and any areas to be dedicated to public use with notes stating their purpose, and any limitations, and identifying the grantee. If the grantee is the city, a statement of provisions reserving, granting and/or conveying the area with a description of the rights and purposes must be shown;

l. All interior permanent control monuments located per state surveying standards;

m. Verification that permanent markers are set at corners of the proposed lots;

n. Statement of discrepancies, if any, between bearing and distances of record and those measured or calculated;

o. Location, dimensions, and square footage of any existing structures to remain within or abutting the plat;

p. Location of existing conditions (such as wetlands, steep slopes, watercourses) and their associated buffers on or adjacent to the site which could hinder development;

q. The location of all wells and septic systems located on or near the project site;

r. Reference to all agreements or covenants required as a condition of approval;

s. The surveyor's seal shall appear on every page;

t. Certificates, approvals and dedications, the exact wording of which shall be approved by the CEDD and may be obtained at said office, for the following:

i. County auditor certificate;

ii. Owner(s) dedication, including signature space for all legal owners, mortgage or lien holders;

iii. Acknowledgements for all owner(s) signatures;

iv. CEDD and public works directors approvals;

v. Mayoral approval with attest from finance director;

vi. City finance director approval;

vii. County treasurer certificate;

viii. Surveyor certificate;

ix. Easement dedication; and

x. Certification showing that streets, rights-of-way and all sites for public use have been dedicated.

2. All other materials required to process a final plat shall be submitted as outlined within MVMC 14.05.210(B).

3. Each final short plat application shall be accompanied by a nonrefundable fee as set forth in Chapter 14.15 MVMC upon the filing of the application with the city community and economic development department. No action shall be taken upon the application until the fee has been paid. (Ord. 3428 § 57, 2008).

16.32.032 Design of short plats – Standards.
Repealed by Ord. 3428. (Ord. 3326 § 21, 2006).

16.32.034 Minimum improvements required.
Repealed by Ord. 3428. (Ord. 3326 § 22, 2006).

16.32.040 Design of short plats – Standards.
A. Lots shall adhere to the dimensional and area standards of the zoning ordinance (Title 17 MVMC).

B. This short plat code may not be used as a mechanism to avoid the requirements of the standard subdivision code where there are contiguous properties under common ownership, as defined below, that, but for the property boundaries, would be required to comply with the standard subdivision code.

1. The intent of these requirements is to prevent a property owner from using the short plat code to circumvent the requirements of the standard subdivision code by holding title to properties in different entities in which the property owner has or had a significant ownership interest. These requirements help to ensure that the city is able to complete a comprehensive review of a short plat application which includes the identification of possible impacts and which appropriately mitigates these identified impacts. As such, the following requirements shall apply:

a. A property owner that either: (i) submits a new application for short plat of property while the property owner has one or more other short plat applications pending for the same or contiguous parcels or property, or (ii) that applies for a short plat of the property owner's property and who has recorded a short plat of contiguous property within five years of the date of the new application, must comply with the standard subdivision requirements of this title codified under Chapters 16.08 and 16.12 MVMC, if the total number of new lots created by the property owner in the new short plat application(s) plus any new lots created by the short plat of contiguous property within the previous five years exceeds nine in number.

b. For the purposes of subsection (B)(1)(a) of this section, properties shall be considered to be contiguous, regardless of the date of acquisition or location in different lots, tracts, parcels, tax lots or separate government lots, if the properties share a common boundary and have common ownership.

i. When determining common ownership for the purposes of identifying contiguous properties, the CED department will evaluate the deed history for contiguous parcels to determine whether or not the intent of this code, as outlined in subsection (B)(1) of this section, is being met. Common ownership is not meant to apply to a property owner who may hold a minority interest in a corporation, limited liability company or other entity that owns a contiguous parcel of property. A minority interest shall be defined as less than a 50 percent ownership interest.

ii. The property owner shall certify at the time of application for a short plat under the short plat code that she/he/it has identified all contiguous land in the short plat application and that she/he/it does not own or otherwise have a legal interest in ownership of contiguous parcels not identified in the short plat application and that she/he/it has identified in the short plat application all short plat applications currently before the city for contiguous property in which the property owner holds anything other than a minority interest and that she/he/it has identified in the short plat application any and all short plats of any contiguous property which were recorded by the property owner within five years of the date of the application.

c. The CED director has the discretion to allow contiguous parcels held in common ownership to be subdivided as separate short plats within a five year period when all of the following circumstances occur together:

i. When the infrastructure required to serve both short plats is separate. This means that the road network and all utility systems (i.e., storm, sanitary, gas, etc.) are not directly tied to each other. This circumstance would generally only occur when and if a physical feature, such as a ravine, bisected the property in question.

C. The subdivision shall be in compliance with the city's comprehensive plan.

D. Except as provided in subsection I of this section, each lot shall abut a public or private street by no less than the frontage required by the zoning district in which it is located.

E. Except as provided in subsection I of this section, all lots created by a short subdivision shall abut and have access from a dedicated or deeded street and such street shall have the right-of-way width specified by the community and economic development department.

1. In the event an existing abutting street does not meet minimum width standards, additional right-of-way shall be required prior to approval of a short subdivision; provided, that this requirement may be waived if, in the opinion of the city engineer, such additional right-of-way will not be necessary for the future traffic circulation of the city;

2. Where other lands are required or proposed for dedication, such as the development of internal access roads, the subdivider shall provide a dedication statement and acknowledgment on the short plat.

F. Short subdivisions that contain a dedication of land to the public shall have been surveyed and monumented and recorded with the county auditor. The monumentation requirement may be waived if the centerline of the right-of-way is already monumented.

G. Where approval of a short plat is conditioned upon construction of improvements, the construction plans shall be submitted to the city engineer accompanied by a fee as outlined within the city's current fee schedule.

H. Land which the community and economic development director has found to be unsuitable due to flooding, bad drainage or swamp conditions, and which the community and economic development director considers inappropriate for development, shall not be subdivided unless adequate means of control or abatement have been formulated by the subdivider and approved by the community and economic development department.

I. In the event the land to be subdivided has a slope or slopes of more than 20 percent and/or rock or unstable soil conditions, the subdivider shall furnish soil data to the city engineer. If conditions warrant control measures to correct slide, erosion or other similar problems, the subdivider shall be responsible for the design, installation and expense of any device or corrective measure, subject to approval by the community and economic development department.

J. Detached single-family residential short plats may be accessed by private roadway easements; provided, that the following requirements are met:

1. The requirements of Chapter 16.16 MVMC are met;

2. All lots within the short plat shall have an undivided interest in the ownership of the easement tract and shall record on the face of the plat that the owners will maintain the easement and a sign where the easement joins the public road identifying it as a private road;

3. Private roads will not be allowed where the public works director feels that public roads are necessary for the future traffic circulation;

4. At the discretion of the community and economic development department, the specific design standards for short plats served by private roads are as follows:

a. Easements as specified by the community and economic development department;

b. Roadways shall be constructed of a minimum of two inches of asphalt pavement, three inches of crushed rock, and six inches of gravel base;

c. The maximum grade shall be 10 percent;

d. Horizontal curvature shall have a minimum radius of 60 feet;

e. Vertical clearance shall be a minimum of 13 feet, six inches;

f. Roadways serving a maximum of two lots shall be 15 feet in width, and roadways serving three to nine lots shall be a minimum of 20 feet in width;

g. Sidewalks, or other pedestrian facilities approved by the community and economic development department, shall be provided when a private road serves, or could serve, more than four lots;

h. When fire hydrants are located on a private street the minimum street width shall be 26 feet;

i. The fire department in consultation with the community and economic development department shall specify the signing and painting of curbs, as necessary, to limit parking on private streets;

j. Roadways that are in excess of 150 feet long shall have a turnaround which meets the fire department standards;

k. Sewer service may be provided by an eight-inch line on the roadway easement or by individual side sewers for each lot. Paved access and easement to the city shall be provided for all eight-inch lines;

l. Hydrants must be installed in accordance with Chapter 15.14 MVMC;

m. Adjoining contiguous easements are not desirable and shall be avoided;

n. Where the specified easement passes through properties not owned by the developer, all necessary easements shall be obtained by the developer and verified by the community and economic development department prior to approval;

o. Storm drainage runoff from the easement road shall be directed away from other properties and preferably into a public storm-sewer system;

5. The following note shall be added to the short plat: “All maintenance and construction of private roads shall be the responsibility of the lot owners”;

6. No further subdivision shall occur without compliance with this title, the subdivision requirements of the city, without filing a final plat. (Ord. 3559 § 3, 2012).

16.32.050 Community and economic development and public works directors approval criteria.
The community and economic development and public works directors shall determine if appropriate provisions have been included in the preliminary short plat for, but not limited to, the public health, safety and general welfare, open spaces, drainage ways, critical areas, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools.

A. If the community and economic development and public works directors find that the public use and interest will be served by the platting of such subdivision, then the directors shall recommend approval. If the directors find that the proposed short plat does not make such appropriate provisions or that the public use and interest will not be served, then the directors may recommend disapprove the preliminary short plat.

B. Dedication of land to any public body; and/or dedication of easements to abutting property owners may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The directors shall not require, as a condition of the approval of any plat, that a release of liability be procured from other property owners. (Ord. 3428 § 61, 2008).

16.32.060 Minimum improvements required.
Prior to granting final approval for any short subdivisions, the community and economic development department shall ascertain that the following improvements have been made or installed, along with all of the items listed within Chapter 16.20 MVMC, for each parcel created by the division of land:

A. Water supply per recommended state standards; adequate fire protection with review by the city of Mount Vernon fire department;

B. Sanitary sewer;

C. Underground power, telephone, television cable and all other necessary utilities (including undergrounding existing facilities);

D. Appropriate dedications or easements if required;

E. If the principal frontage street providing access to the parcel to be subdivided is below the standard for its classification, installation of an improved street shall be required prior to approval of the short plat. Those improvements shall be constructed on the frontage of the parcel to be subdivided, and may be extended further to connect with existing improvements or to provide adequate pedestrian and traffic safety or assure safe walking conditions for students who walk to and from school, at the discretion of the community and economic development and public works directors. At no time shall the minimum traveled way brought to line and grade be less than 20 feet wide with four-foot shoulders on the unimproved side of the roadway. The road surface shall be at least of asphaltic concrete quality. Provisions shall be made for storm drainage;

F. The requirement for installation of minimum improvements may be waived by community and economic development and public works directors only with concurrence of the city council per MVMC 14.10.110;

G. All improvements shall be designed in accordance with MVMC 16.04.260 and Chapter 16.20 MVMC. As-built mylar construction drawings shall be provided. Electronic media of the necessary documents shall be provided in a format acceptable to the community and economic development department. (Ord. 3428 § 62, 2008).

16.32.065 Authentication.
Repealed by Ord. 3428. (Ord. 3326 § 26, 2006).

16.32.070 Effective period of preliminary approval.
The approval of a preliminary short plat shall be effective as follows:

A. Except as provided by subsections B and C of this section, a final short plat meeting all requirements of the preliminary short plat, this chapter, and the Mount Vernon Municipal Code where applicable shall be submitted to the community and economic development and public works directors for approval within seven years of the date of preliminary short plat approval if the date of the preliminary short plat approval is on or before December 31, 2014, and within five years of the date of preliminary short plat approval if the date of the preliminary short plat approval is on or after January 1, 2015. Failure to submit a final short plat meeting all the requirements of the preliminary short plat, this chapter, and the Mount Vernon Municipal Code where applicable within this period shall result in expiration of preliminary short plat approval.

B. A final plat meeting all requirements of the preliminary short plat, this chapter, and the Mount Vernon Municipal Code where applicable shall be submitted to the community and economic development and public works directors for approval within 10 years of the date of preliminary short plat approval if the project is located within the city limits, not subject to requirements adopted under Chapter 90.58 RCW, and the date of preliminary short plat approval is on or before December 31, 2007. Failure to submit a final short plat meeting all the requirements of the preliminary short plat, this chapter, and the Mount Vernon Municipal Code where applicable, within this period shall result in expiration of preliminary short plat approval.

C. If the developer fails to receive final short plat approval within the time frames outlined within subsection A or B of this section the preliminary short plat approval shall expire unless one of the following requests is submitted to the CEDD and approved by the city council through a Type V process:

1. An applicant who files a written request to the office of the community and economic development department may be granted a one-year extension upon a showing that they have attempted in good faith to submit the final short plat within the required period. There shall be allowed only one such extension. 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.

2. An applicant who files a written request to the office of the community and economic development department may be granted up to a three-year extension for preliminary short 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 subsection (C)(1) of this section. 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. (Ord. 3651 § 4, 2015).

16.32.080 Filing.
Prior to approval of the final short plat by the community and economic development and public works departments, the subdivider, all owners of record and all persons with an interest in the property shall sign the original mylar of the plat. The community and economic development department shall then obtain the proper signatures from the county treasurer. After approval, the community and economic development department shall be responsible for obtaining the remaining signatures and will file the map with the county auditor. The applicant shall be responsible for paying all fees associated with recording of the plat. (Ord. 3428 § 65, 2008).

16.32.090 Modifications to an approved preliminary or final short plat.
A. Minor modifications to a previously approved preliminary or final short plat may be requested by the applicant and approved by the community and economic development director subject to the provisions for Process II decisions in Chapter 14.05 MVMC. Minor modifications are those that involve only insignificant revisions to the exact location and configuration of buildings, roadways, open space or other features and do not involve any increase in density, intensity, or significant change in architectural style, housing type or other significant characteristics. The director may require that final plat maps be re-recorded to reflect the changes to a plat due to a minor modification.

The city may only approve a minor modification if:

1. The change will not reduce by 10 percent or more any area of landscaping, open space, natural area or parking, so long as the minimum code requirements for these amenities is still met; and

2. The change will not have the effect of increasing the density; and

3. The change will not increase the total amount of floor area of a development by 10 percent or more; and

4. The change will not result in any structure, circulation or parking area being moved significantly in any direction; and

5. The change will not reduce any setback approved as part of the preliminary plan by more than 10 percent so long as the required minimum setback is met; and

6. The change will not result in a significant increase in the height of any structure as approved in the preliminary plan so long as the code requirements are still met; and

7. The change will not move or change the type of access; and

8. The change will not remove trees or modify other natural features that were to be preserved under the previous action; and

9. The change will not increase or create any adverse impacts or undesirable effects on the surrounding neighborhood.

B. Before approving a minor modification, the director of community and economic development shall make written findings and conclusions that the following exist:

1. The modification will not violate the terms and agreements of the preliminary or final plat approval and the intent of the original conditions of approval is not altered; and

2. The modification will not cause the preliminary or final plat to violate any applicable city policy or regulation; and

3. The modification will not be inconsistent or cause the preliminary or final plat to be inconsistent with the decision of the city preliminarily approving the application.

C. Modifications that do not meet the criteria listed in subsections (A)(1) through (9) of this section, or which fail to satisfy the required findings contained in subsection (B) of this section, shall be processed as a new plat application. (Ord. 3428 § 66, 2008).

16.32.100 Restrictions on further divisions.
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. (Ord. 3428 § 67, 2008).

16.32.110 Violations – Penalties.
Any person violating or failing to comply with any of the provisions contained in this title shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement. Furthermore, the city may, in addition to the above penalty, initiate an action in the superior court, enjoining the transfer, sale or option to sell any portion of the short subdivision. (Ord. 3440 § 22, 2008).

Chapter 17.15

R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT

Sections:

17.15.010 Intent.
17.15.020 Subdistricts – Lot area requirements.
17.15.030 Permitted uses.
17.15.040 Accessory uses.
17.15.045 Administrative conditional uses.
17.15.050 Conditional uses.
17.15.055 Special uses.
17.15.060 Lot area and width.
17.15.070 Setbacks.
17.15.080 Maximum land coverage.
17.15.090 Building height.
17.15.100 Parking.
17.15.110 Signs.

17.15.010 Intent.

The intent of this chapter is to provide for single-family residential housing in neighborhoods of varying densities. (Ord. 3315, 2006; Ord. 2352, 1989).

17.15.020 Subdistricts – Lot area requirements.

District R-1 is further subdivided into districts as provided in the following table. Density is calculated per the definition of such found in Chapter 17.06 MVMC.

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY	MINIMUM LOT SIZE
R-1, 7.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	7.26 du/acre	4,500 square feet
R-1, 5.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	5.73 du/acre	6,000 square feet
R-1, 4.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	4.0 du/acre	4.54 du/acre	7,500 square feet
R-1, 3.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	3.23 du/acre (See the land use element of the comprehensive plan for minimum and maximum density policies)	3.23 du/acre	9,000 square feet

(Ord. 3429 § 52, 2008).

17.15.030 Permitted uses.

The uses that are permitted as a matter of right in R-1 districts are:

A. Detached, single-family residential dwelling units. This use is limited to the placement of one such dwelling unit per certified lot and may consist of manufactured homes.

B. Group homes and shelter homes.

C. Municipal parks and playgrounds of less than one-half acre.

D. Planned unit developments may be permitted in the R-1, 7.0; R-1, 5.0; and R-1, 4.0 districts according to the procedures specified in Chapter 17.69 MVMC and may include additional uses recommended by the comprehensive plan (i.e., multifamily and/or commercial retail centers).

E. Residential subdivisions platted and approved after the effective date of the ordinance codified in this section may request approval as part of the subdivision application to provide single-family attached dwellings in the form of duplexes; provided, that each unit shall be situated on an individually platted lot and separated by a common wall having a two-hour fire rating.

Further provided, that all of the following conditions and requirements shall be met:

1. The lot area shall be a minimum of 6,500 square feet or equal to the zoning of the property, whichever is greater.

2. The lot area, setbacks, building height, maximum land coverage, landscaping, parking and signage shall be the same as the current zoning for the subdivision.

3. The design of each two-family unit shall be similar to other units in the subdivision and be designed to provide the appearance of a single-family unit by altering, for example, the location of front doors and windows, garages and access to garages, landscaping and fencing, etc.

4. The site plan (including all exterior improvements on the lot), building floor plans, elevations, landscaping plans, exterior colors, and location and design of fencing are approved as part of the preliminary and final plat process.

5. The site plan and supplemental information is recorded along with the final plat.

6. The CC&Rs and final plat shall identify for future lot owners the locations of all two-family units within the subdivision.

7. Building height shall not exceed the average height of all units within the subdivision.

8. The units may be allowed at a minimum spacing of 300 feet or more. The 300-foot spacing shall be measured from the lot lines.

9. A phasing plan for the development of the subdivision and each of the duplex units shall be provided and approved.

10. No more than 10 percent of the single-family density that will actually be constructed within the subdivision can be duplexes. For example, if 20 single-family homes were permitted, an applicant could, if they meet all of the conditions above, create 18 single-family homes and one duplex. (Ord. 3429 § 53, 2008).

17.15.040 Accessory uses.

Permitted accessory uses in R-1 districts include:

A. Playgrounds when developed in connection with a small school, park, or community clubhouse not meeting size criteria of the public (P) district; provided, that playfields developed to the limits of a property shall be fenced with a six-foot-high fence with landscaping meeting the requirements of Chapter 17.99 MVMC along each side adjacent to developed private property. In lieu of fencing, a 15-foot buffer may be permitted;

B. Home occupations, as defined in Chapter 17.96 MVMC, and subject to the home conditions contained therein;

C. Housing of Small Animals. An accessory building used for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a minimum lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line, except by the recorded agreement of adjacent owners. The keeping of mink, goats, foxes or hogs is prohibited;

D. Gardening and fruit raising;

E. Private garages;

F. Day nurseries, as defined in Chapter 17.06 MVMC; provided, they maintain a valid city business license, are state-licensed, and provide in-home care for 12 or fewer children, and provided there shall be no visible change in any dwelling or housekeeping unit, such as lighting, signs, exterior display, or outdoor storage of materials and equipment, which would attract attention to the day nursery conducted therein;

G. Each single-family residence is permitted to have one accessory structure, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five-foot setback from any other building or property line. (Ord. 3429 § 54, 2008).

17.15.045 Administrative conditional uses.
Uses permitted by an administrative conditional use permit and classified as a Type II permit in R-1 districts are as follows:

A. Duplexes, subject to the regulations of Chapter 17.18 MVMC, where there is no more than one other duplex or multifamily use within 600 feet of the proposed use; provided, that there is at least a 100-foot separation between another duplex or multifamily use within a single-family zone. The 600 feet may be reduced to 300 feet; provided, that 80 percent of the lots in the area described have single-family homes already built and that there is at least a 100-foot separation between another duplex or multifamily use within a single-family zone;

B. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood;

C. Rooms may be rented to not more than two persons, other than the family which occupies a single-family dwelling; provided, there is compliance with health and building code requirements. (Ord. 3429 § 55, 2008).

17.15.050 Conditional uses.
Uses permitted by a conditional use permit and classified as a Type III permit in R-1 districts are as follows:

A. Churches; provided, that their principal access is from a secondary arterial street or greater and they shall conform to all the development standards and requirements of the public (P) zone and concurrent with approval the city shall require both the comprehensive plan and zoning designations to be changed to public (P) during the city's next comprehensive plan amendment cycle.

B. Community clubhouses and community association offices serving the immediate neighborhood;

C. Public utilities serving the immediate neighborhood;

D. Bed and breakfast establishments which meet the following criteria:

1. The structure shall be "owner-occupied" and serve as the primary residence of the owner;

2. Adequate off-street parking of one parking space per guest room plus two spaces for the owner shall be provided but shall not be in the required front yard unless it is screened and is compatible with the surrounding neighborhood;

3. The structure shall meet all city building and fire codes to protect the safety of customers;

4. Individual rooms that are rented shall not contain cooking facilities;

5. The only meal to be provided to guests shall be breakfast and it shall only be served to guests taking lodging in the facility;

6. There shall not be any other bed and breakfast establishments within a 300-foot radius;

7. The maximum number of days that a guest may stay shall be limited to 14 consecutive days. Guests may not stay more than 60 days in any one year;

8. The building structure may not be altered or remodeled to the extent that the resulting structure would be incompatible with the residential character of the neighborhood.

E. Specialized housing for the elderly that meets the following criteria:

1. This use must be sited on a lot that is no smaller than 10 gross acres in size.

2. This use must have its primary access off of a city designated arterial street.

3. The total number of resident rooms within any one structure used for specialized housing for the elderly shall not exceed 100. This criteria is meant to limit the size of these facilities; and as such, an applicant cannot use construction methods to provide separations according to the building code that would result in a structure with more than 100 resident rooms.

4. The structures must meet the setbacks, lot coverage and building height specified within this chapter.

5. Type I landscape screening (as defined within MVMC 17.93.040) shall be installed around the perimeter of the lot where it abuts other residential or public zoned properties.

6. All road frontages shall have no less than a 15-foot-wide landscape strip that complies with MVMC 17.93.020(D) installed. Additionally, no less than 20 percent of the gross site area shall be landscaped; and all parking areas with more than 20 parking spaces shall comply with MVMC 17.93.030(B).

7. A limited number of duplex units can be constructed to house the elderly; or a spouse of an elderly resident residing within the specialized housing for the elderly facility, so long as the following criteria are satisfied:

a. The number of overall units shall be calculated by taking the gross site area and subtracting out all public rights-of-way, critical areas as defined in Chapter 15.40 MVMC (but not buffer areas), the footprint(s) of all planned or existing buildings for specialized housing for the elderly and the parking and landscape areas associated with this use. The acreage that is left shall be multiplied by eight. Following is an example of how the maximum number of duplex units shall be calculated:

Example: 20-acre site

6 acres of public right-of-way

4.5 acres of building footprint(s) of specialized housing for the elderly

2.5 acres of parking for the specialized housing for the elderly

4 acres of landscaping

0.5 acre of wetlands

20-acre site minus 17.5 acres listed above = 2.5 net acres

2.5 net acres x 8 = 20 units; which means that 10 duplexes could be constructed so long as all of the listed siting criteria are met.

b. The duplex units shall meet the setbacks, lot coverage, parking and building height specified within this chapter.

c. The duplex units shall comply with the city's design standards and guidelines for duplex units codified under Chapter 17.70 MVMC.

d. The duplex units can only be constructed at the same time or following the construction of facilities for specialized housing for the elderly.

e. The elderly occupants of the duplexes shall be able to utilize the facilities of the specialized housing for the elderly such as their cafeteria, transportation services, the organized social and recreational activities, etc.; and the applicant for such facilities shall be required to record CC&Rs to ensure compliance with this forever.

f. The duplex units and the specialized housing for the elderly shall remain under the same ownership.

8. If single-family detached housing units are constructed on the same site with specialized housing for the elderly facilities (as opposed to being located on individual platted lots), the number of single-family units that can be constructed shall be calculated by using the "density for mixed use buildings or developments" definition found in Chapter 17.06 MVMC. Single-family detached units must comply with the density and the other dimensional requirements of this chapter, they must remain under the same ownership as the specialized housing for the elderly facility unless they are located on individually platted lots, and shall comply with the city's design standards and guidelines codified under Chapter 17.70 MVMC. (Ord. 3474 § 4, 2009).

17.15.055 Special uses.
Uses permitted by a special use permit in R-1 districts are as follows:

A. A day nursery, as defined in Chapter 17.06 MVMC; provided, they are state-licensed and care for more than six but less than 12 children, exclusive of the child care provider's own children, at one time.

B. Accessory dwelling unit, subject to the restrictions and regulations set forth in Chapter 17.81 MVMC. (Ord. 3429 § 56, 2008).

17.15.060 Lot area and width.
A. Minimum lot area per dwelling unit shall be as specified in MVMC 17.15.020. Minimum lot width at the street line shall be 20 feet; however, two individually platted lots can share one common access point as long as both lots have legal access directly off of a right-of-way or a legally recognized access easement that is at least 20 feet in width. Minimum mean depth of lot shall be 60 feet.

B. Those parcels identified on Map LU-5 within the city's comprehensive plan shall have a net density no greater than 3.23 dwelling units per acre. (Ord. 3315, 2006; Ord. 3026 § 4, 2000; Ord. 2599 § 2, 1994; Ord. 2352, 1989).

17.15.070 Setbacks.
Minimum setback requirements are as follows:

A. Front yard: 25 feet on arterial streets and 20 feet on all other streets. Buildings on corner lots and through lots shall observe the minimum setback on both streets;

B. Side yard: five feet. The total of the two side yards shall be a minimum of 15 feet;

C. Rear yard: 20 feet. Where a rear yard abuts an alley, accessory buildings such as private garages and carports may be located no closer than eight feet to the rear property line. (Ord. 3429 § 57, 2008).

17.15.080 Maximum land coverage.
Maximum land coverage by buildings shall be 35 percent. (Ord. 3315, 2006; Ord. 2352, 1989).

17.15.090 Building height.
Maximum building height shall be two stories, but not more than 35 feet, except that churches may exceed this height with special permission of the city council. (Ord. 3315, 2006; Ord. 2352, 1989).

17.15.100 Parking.
There shall be provided and maintained for each residence at least two enclosed (private garage) parking spaces plus a driveway apron that will accommodate no less than two vehicles to accommodate vehicles used by the residents and guests of a residence, for a total of not fewer than four parking spaces per dwelling unit.

Exception: The community and economic development director may reduce the amount and type of required off-street parking for:

A. Affordable housing units as defined by Chapter 17.06 MVMC;

B. Senior housing developments. (Ord. 3429 § 58, 2008).

17.15.110 Signs.
No signs are permitted except as provided in Chapter 17.87 MVMC. (Ord. 3315, 2006; Ord. 2352, 1989).

ORDINANCE NO. 3700

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, AMENDING CERTIAIN SECTIONS OF MOUNT VERNON MUNICIPAL CODE CHAPTERS 13.33, STORMWATER DRAINAGE UTILITY; 13.35, SURFACE WATER UTILITY – SYSTEM AND STRUCTURE OF RATES; AND 15.40 CRITICAL AREAS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING EFFECTIVE DATES.

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) is the program created under the Federal Clean Water Act for administering stormwater discharge permits and establishing pretreatment requirements for discharges to surface waters of the state from point sources. These permits are referred to as NPDES permits and are administered by the Washington State Department of Ecology for Washington State; and

WHEREAS, the Washington State Department of Ecology (Ecology) issued Washington State's first Phase II Municipal Stormwater Permit to Western Washington municipalities in 2007. Ecology issued this permit as one general permit with the general permit conditions applicable to all Phase II municipalities in Western Washington which includes the City of Mount Vernon. The Phase II Permit was appealed by several parties and the permit was modified in 2009. In August 2012, Ecology extended the first Permit and issued a new 5-year Permit (2013–2018) effective August 1, 2013. and also issued a new 2012 Ecology Stormwater Management Manual for Western Washington (2012 Ecology Manual); and

WHEREAS, the new Ecology, 2013-2018 Permit requirements are phased in over the 5-year Permit term. One of the key compliance date is December 31, 2016 when Phase II jurisdictions (like Mount Vernon) are required to: 1) adopt new stormwater development regulations (codes and standards) specified in the Permit and the new Ecology Stormwater Management Manual, and new Low Impact Development (LID) Best Management Practices (BMPs); 2) implement new plan review, inspection, and escalating enforcement processes and procedures necessary to implement the program in accordance with Permit conditions; 3) conduct a review and revision process of city-wide land use and development-related policies, codes, and standards or other enforceable documents to implement LID principles that minimize impervious surfaces, native vegetation loss, and stormwater runoff; and 4) establish maintenance standards for facilities (private facilities per S5.C.4 and municipal facilities per S5.C.5) that are as protective as or more protective of facility function than those specified in Chapter 4, of Volume V of the 2012 Stormwater Management Manual for Western Washington, as amended in December 2014 (the 2014 SWMMWW); and

WHEREAS, the City has revised Mount Vernon Municipal Code Chapters 13.33, 13.35, and 15.40 of the Mount Vernon Municipal Code to comply with the Western Washington Phase II Stormwater Permit requirements outlined above; and

WHEREAS, all cities and counties in Washington are required to adopt critical areas regulations by the Growth Management Act (GMA) (RCW 36.70A.060). As defined by the GMA, "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. [RCW 36.70A.030(5)] Counties and cities are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas (RCW 36.70A.172). All jurisdictions are required to review, evaluate, and, if necessary, revise their critical areas ordinances according to an update schedule provided in RCW 36.70A.130; and

WHEREAS, on March 14, 2007 the City adopted development regulations for critical areas based on best available science with Ordinance 3353. With the adoption of Ordinance 3353 the City Council found that the draft and final EIS and its best available science review adequately addressed the science and related environmental issues and provided a sound basis for the adoption of an alternative program; and

WHEREAS, the amendments to Chapter 15.40 of the Mount Vernon Municipal Code ensure that the City's development regulations with regard to critical areas continue to be based on best available science; and

WHEREAS, the Department of Commerce was notified of the proposed amendments on October 4, 2016, an acknowledgement letter was received from Commerce dated October 4, 2016, and Commerce granted the City expedited review on October 19, 2016 (their identification number: 22919); and as such, the City is in compliance with RCW 36.70A.106 (1); and

WHEREAS, a SEPA Threshold Determination of Non-significance, non-project action, was issued on October 7, 2016 and published on October 11, 2016 and no comments were received or appeals filed; and,

WHEREAS, the requisite Planning Commission hearing held on July 19, 2016; and the City Council hearing held on August 10, 2016 were preceded with appropriate notice issued on July 7, 2016; and

WHEREAS public hearing notices were published for both the Planning Commission and City Council hearings on October 11, 2016 and October 21, 2016; and

WHEREAS, the requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met; and

WHEREAS, the City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum and discussed this Memorandum, including the "warning signals' identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2).

NOW, THEREFORE,

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

SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. PLANNING COMMISSION RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission's findings of fact and conclusions of law, outlined below, in their entirety.

A. Planning Commission's Findings of Fact:

1. The procedural requirements outlined in MVMC Chapter 14.05, Procedures, have been satisfied by City staff. This includes the Notice of Public Hearing, the environmental review pursuant to the SEPA statute, and receiving expedited review from the State Department of Commerce.

B. Planning Commission's Conclusions of Law:

1. The proposed amendments ensure that the City's development regulations are internally consistent.

2. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

3. The proposed amendment is found to be in compliance with the State Growth Management Act.

4. The amendments to Chapters 13.33, 13.35, and 15.40 ensure that the City remains in compliance with its National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit (Permit) issued by the Washington State Department of Ecology (Ecology).

C. Planning Commission Recommendation to the City Council:

At their public hearing on November 1, 2016 after review of the materials presented by City staff and holding a public hearing the Planning Commission made a recommendation to adopt the amendments to the Mount Vernon Municipal Code that are contained in this Ordinance.

SECTION THREE. That the index of sections listed in Chapter 13.33, Storm Water Drainage Utility, is hereby repealed and reenacted, the new section to read as follows.

Sections:

13.33.010 Purpose.
13.33.020 Definitions.
13.33.030 Regulated activities.
13.33.040 Exemptions.
13.33.050 General provisions.
13.33.060 General storm water requirements.
13.33.070 Low impact development.
13.33.080 Illicit discharges.
13.33.090 Administration.
13.33.100 Review and approval.
13.33.110 Inspection – Construction.
13.33.120 Modification of facilities during construction.
13.33.130 City acceptance of storm water facilities.
13.33.140 Consultant and consultant fees.
13.33.150 Prohibited acts.
13.33.160 Monitoring facilities.
13.33.170 Sampling and analysis requirements.
13.33.180 Deviations
13.33.190 Development in critical areas.
13.33.200 Establishment of regional facilities.
13.33.210 Applicability to governmental entities.
13.33.220 Other permits and requirements.
13.33.230 Protection of public and private rights.
13.33.240 Enforcement, violations and penalties.

SECTION FOUR. That section 13.33.020, Definitions, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.020 Definitions.
Words and phrases used in this chapter have the meaning set forth in this section:

1. "Appendix 1" refers to Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit which contains the minimum technical requirements for development and redevelopment.

2. "Biofiltration facility" means the simultaneous processes of filtration, infiltration, absorption and biological uptake of pollutants in storm water that take place when runoff flows over and through vegetated treatment facilities.

3. "Best management practices (BMPs)" are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

4. "Computations" means calculations, including coefficients and other pertinent data, made to determine the rates of flow for storm water plans, with units given in cubic feet per second.

5. "Critical area" shall mean, at a minimum, areas that include wetland areas with a critical recharging effect on aquifers used for potable water, fish, and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, including unstable slopes and associated areas and ecosystems. See Chapter 15.40 MVMC.

6. "Current conditions" means the state, status, or condition of the subject property at the time a legally sufficient and complete permit application is made for those regulated activities described in MVMC 13.33.030, which may include existing buildings, impervious areas, and topography as is.

7. "Design storm" refers to a prescribed hyetograph and total precipitation amount (for a specific duration and recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities, or assessing other impacts of a proposed project on the flow of surface water. A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.

8. "Detention facilities" means an above or below ground facility, such as a pond or tank, that temporarily stores storm water runoff and subsequently releases it at a slower rate than it is collected by the drainage facility.

9. "Developed conditions" means the state, status, or condition of the subject property at the time the proposed project has been completed, which may include existing buildings, impervious areas, and topography as is.

10. "Developer" means the individual(s) or corporation(s) or governmental agency(ies) applying for the permits or approvals described in MVMC 13.33.030.

11. "Development" means new development, redevelopment, or both. See definitions for each.

12. "Developmental coverage" means all developed surface areas within the subject property including, but not limited to, rooftops, driveways, carports, accessory buildings, parking areas, and any other impervious surfaces. During construction, "development coverage" includes the above in addition to the full extent of any alteration of previously occurring soils, slope, or vegetation due to grading, temporary storage, access areas, or any other short-term causes.

13. "Drainage area" means the watershed contributing water runoff to and including the subject property.

14. "Drainage facility" refers to structures or features, natural or artificial, that convey, treat, and/or abate surface water runoff including, but not limited to, detention facilities, retention facilities, and drainage retention/abatement facilities.

15. "Drainage site" means a geographical area that serves a common or combined use including, but not limited to, shopping malls and strips, condominiums, apartment complexes, office parks and housing tracts. A site may include one or more parcels and/or include one or more buildings. Also see "Development."

16. "Drainage system" refers to the drainage system consisting of natural and artificial systems that convey surface water within the city of Mount Vernon. This system includes pipes, culverts, ditches, open channels, swales, streams, lakes, rivers, ponds, and detention and retention ponds, as well as other types of conveyance, storage and infiltration facilities. Depending on its context, a drainage system refers to either the public drainage system or a private drainage system, or both.

17. "Drainage treatment/abatement facilities" means any facilities installed or constructed in conjunction with a drainage plan for the purpose of treating urban runoff to improve water quality.

18. "Effective impervious surface" means those impervious surfaces that are connected via sheet flow, or discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if:

a. The runoff is dispersed through at least one hundred feet of native vegetation in accordance with BMP T5.30 – Full Dispersion" as described in Chapter 5 of Volume V of the Stormwtaer Management Manual for Western Washington.

b. Residential roof runoff is infiltrated in accordance with Downspout Full Infiltration Systems in BMP T5.10A in Volume III of the Stormwater Management Manual for Western Washington; or

c. Approved Continuous runoff modeling methods indicate that the entire runoff file is infiltrated.

19. "Environmentally critical areas" means critical areas defined by Chapter 15.40 MVMC to which this chapter shall apply.

20. "Hard Surface" means an impervious surface, a permeable pavement, or a vegetated roof.

21. "Illicit connection" means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in MVMC 13.30.080. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

22. "Illicit discharge" means any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in MVMC 13.30.080.

23. "Impervious surface" means (a) a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development (b) a non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof-tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces that similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling and calculation.

24. "Land-disturbing activities" means any activity that results in a change in the existing soil and/or land cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land-disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered a land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures

25. "Low impact development (LID)" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

26. "Municipal separate storm sewer system" (MS4) means a conveyance, or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains:

a. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of Washington State;

b. Designed or used for collecting or conveying storm water;

c. Which is not a combined sewer;

d. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2; and

e. Which is defined as "large" or "medium" or "small" or otherwide designated by the WA State Department of Ecology pursuant to 40 CFR 122.26.

27. "Native vegetation" means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to occur naturally on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple, and_

vine maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

28. "Natural location" of drainage systems refers to the location of those channels, swales, and other natural conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs or such other means as appropriate.

29. "New development" means land-disturbing activities, including land clearing and forest practices regulated by MVMC Chapter 15.18; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision, and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

30. "Permit" means the most current version of the city's Western Washington Phase II Municipal Stormwater Permit, effective 2013, including modifications issued through the expiration date of the Permit. Appendix 1 of this permit contains the minimum technical requirements for new development and redevelopment.

31. "Planner" means city of Mount Vernon community and economic development director or his/her designee.

32. "Permanent storm water quality control plan (PSQCP)" means a plan that includes permanent BMPs for the control of pollution from storm water runoff after construction and/or land-disturbing activity has been completed.

33. "Pollutant" shall mean any substance which, when added to water, would cause contamination or other alteration of the physical, chemical, or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state, as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

34. "Predeveloped" means the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be forested land cover unless reasonable, historic information is provided that indicates that the site was prairie prior to settlement.

35. "Private drainage system" means drainage systems located on private property and designed to discharge directly as through pipes, channels, etc., or indirectly as sheet flow, subsurface flow, etc. into the city's drainage system.

36. "Public drainage system" means that portion of the drainage system of the city located on public right-of-way, easement or dedicated tract, or other property owned by the city and those portions of private drainage systems assumed by the city.

37. "Receiving bodies of water" means bodies of water or surface water systems to which surface runoff is discharged via a point source of storm water or via sheet flow. Receiving water may also be groundwater to which surface runoff is directed by infiltration.

38. "Redevelopment" means that on a site that is already substantially developed (i.e., has 35 percent or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation, or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

39. "Retention/detention facilities" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground; or to hold surface water and storm water runoff for a short period of time and then release it to the surface and/or storm water management system.

40. "Storm water plan" means a plan approved by the city of Mount Vernon that includes a small parcel or large parcel storm water plan and/or a permanent storm water quality control plan.

41. "Stormwater Management Manual for Western Washington" means the five-volume technical manual (Publication No. 14-10-055) prepared and published by the Washington State Department of Ecology in 2012, including any subsequent updates or amendments.

42. "Subject property" means the tract of land which is the subject of the permit and/or approval action as defined by the full legal description of all parcels involved in the proposed development.

43. "Uncontaminated" means water that has not come into contact with illicit discharges or other pollutants. (Ord. 3453 § 3, 2009).

44. "Washington State Department of Transportation Highway Runoff Manual" Means the Highway Runoff Manual prepared and published by the Washington State Department of Transportation in 2014 and amended in 2016 (publication M 31-16.04) and any subsequent updates approved by Ecology as equivalent to the Department of Ecology's Stormwater Management Manual for Western Washington. The Highway Runoff Manual provides guidance to direct the planning and design of stormwater management facilities for existing and new Washington State highways, rest areas, park-and-ride lots, ferry terminals, and highway maintenance facilities throughout the state.

SECTION FIVE. That section 13.33.030, Regulated Activities, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.030 Regulated activities.
All new development, redevelopment and other activities listed below shall comply with the conditions of this chapter.

A. Creation or alteration of new or additional hard surfaces;

B. New development;

C. Redevelopment;

D. Activities that require a fill and grade permit;

E. Activities that require a building permit;

F. Subdivision approval;

G. Short subdivision approval;

H. Activities that require a commercial, industrial, or multifamily site plan approval;

I. Planned unit development approval;

J. Development or redevelopment within or adjacent to critical areas per Chapter 15.40 MVMC;

K. Activities that require a conditional use permit;

L. Activities that require a substantial development permit pursuant to Chapter 90.58 RCW (Shoreline Management Act);

M. Activities that require a permit pursuant to MVMC Chapter 15.18;

N. Any activity that may fall within and be subject to regulation by the most current version of the city's Permit and the Stormwater Management Manual for Western Washington.

SECTION SIX. That section 13.33.040, Exemptions, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.040 Exemptions.
The public works director may determine whether or not a proposed project is exempt from the provisions of this chapter. Exemptions shall be consistent with all city, state, and federal requirements and may include those set forth in the thresholds, definitions, minimum requirements and exceptions, adjustment and variance criteria found in Appendix I of the Permit. The following activities shall be exempt:

A. Development undertaken by the Washington State Department of Transportation in state highway rights-of-way that is regulated and meets the requirements of Chapter 173-270 WAC, the Puget Sound Highway Runoff Program, is exempt from the requirements of this chapter.

B. Commercial agriculture, including only those activities conducted on lands defined in RCW 84.34.020(2), and production of crops or livestock for wholesale trade.

C. Forest practices regulated under WAC Title 222, except for Class IV general forest practices, as defined in WAC 222-16-050, that are conversions from timber land to other uses.

D. Road maintenance practices identified as exempt in Appendix 1 of the NPDES Permit.

E. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement #2, Construction Stormwater Pollution Prevention, as defined in Appendix 1 of the NPDES Permit.

F. Requests for exemption shall be filed in writing with the public works director, and shall adequately detail the basis for granting an exemption.

E. The decision of the public works director may be appealed to the city council by filing written notice of appeal with the city finance director within 10 days of service of the public works director's written decision. The cost of the appeal shall be $100.00. (Ord. 3453 § 5, 2009).

SECTION SEVEN. That section 13.33.050, General Provisions, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.050 General provisions.
Storm water management measures shall be designed, constructed, and maintained in accordance with the standards and specifications as set forth in the thresholds, definitions, minimum requirements and exceptions, adjustment, and variance criteria found in Appendix I of the Permit, the Stormwater Management Manual for Western Washington, and the most current version of the City's Engineering Standards.

A. All stormwater management measures shall be analyzed consistent with the requirements of the Stormwater Management Manual, using the continuous modeling program: the Western Washington Hydrology Model, hereinafter referred to as WWHM, or an alternative continuous modeling program allowed by the manual, or as otherwise approved by the public works director.

B. The public works director may determine whether or not a proposed public roadway project may be designed constructed, and maintained in accordance with the standards and specifications as set forth in the most recent version of the Washington State Department of Transportation Highway Runoff Manual approved as equivalent to the Stormwater Management Manual for Western Washington.

SECTION EIGHT. That section 13.33.060, General Storm Water Requirements, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.060 General storm water requirements.
A. Minimum requirements for storm water management include the following items as further described in the Permit, Appendix I:

1. Preparation of storm water site plans;

2. Construction storm water pollution prevention plan (SWPPP);

3. Source control of pollution;

4. Preservation of natural drainage systems and outfalls;

5. On-site storm water management;

6. Runoff treatment;

7. Flow control;

8. Wetland protection;

9. Operations and maintenance.

Requirement 2 applies to all new development and redevelopment projects. The applicability of minimum requirements of the Permit varies depending on the type and size of the project. Appendix 1 of the Permit identifies thresholds that determine the applicability of the minimum requirements to different new development and redevelopment projects.

B. New Development.

1. All new development shall be required to comply with subsection (A)(2) of this section. In addition, the following two conditions will comply with subsections (A)(1) through (5) of this section:

a. Project creates or adds 2,000 square feet, or greater, of new, replaced, or new plus replaced hard surface area.

b. Project has land-disturbing activity of 7,000 square feet or greater.

2. The following three new development projects shall comply with subsections (A)(1) through (9) of this section:

a. Project creates or adds 5,000 square feet, or more, of new plus replaced hard surface area.

b. Project converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas.

c. Project converts two and one-half acres, or more, of native vegetation to pasture.

C. Redevelopment.

1. The following redevelopment shall comply with subsections (A)(1) through (5) of this section for the new and replaced impervious surfaces and the land disturbed:

a. The new, replaced, or total of new plus replaced impervious surfaces is 2,000 square feet or more.

b. Seven thousand square feet or more of land-disturbing activities.

2. The following redevelopment shall comply with subsections (A)(1) through (9) of this section for the new impervious surfaces and converted pervious areas:

a. Adds 5,000 square feet or more of new impervious surfaces.

b. Converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas.

c. Converts two and one-half acres, or more, of native vegetation to pasture.

D. Additional Storm Water Requirements for Development and Redevelopment.

1. Retention, detention, infiltration or LID facilities serving private property shall not be located within dedicated public road right-of-way.

2. All drainage easements granted to the city within a subject property shall be at least 20 feet in width for operation and maintenance of open channel or closed system installation.

3. As-built plans and pond performance reports shall be submitted to the city prior to final approval/acceptance of said project.

4. Private Ownership of Storm Water Facilities. Owners of private storm water systems and facilities that collect, convey, treat and/or infiltrate runoff are responsible for the operation and maintenance of those facilities.

5. City Ownership of Storm Water Facilities. Storm water systems and facilities that are public improvements and that are to be owned and maintained by the city shall, after satisfactory completion of the storm water facilities, post and maintain a maintenance bond as required for a final plat for subdivisions under MVMC 16.12.020 regardless if such public improvement is a condition to subdivision or other land use activity. (Ord. 3453 § 7, 2009).

SECTION NINE. That section 13.33.070, Low Impact Development, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.070 Low impact development.
The city of Mount Vernon requires the use of low impact development best management practices (BMPs) in the control of storm water where feasible. LID measures shall be implemented for development and redevelopment projects in accordance with Appendix 1 of the Permit and the Stormwater Management Manual for Western Washington.

LID system designs shall be prepared by a registered professional engineer licensed in the state of Washington and experienced in LID design and be certified by the preparing engineer as feasible and safe for the intended application and meeting all state and federal requirements for such LID facilities.

A registered professional engineer licensed in the state of Washington and experienced in LID design is also required to certify that the facility has been constructed as shown on the "as-built" plans and meets approved plans and specifications.

SECTION TEN. That section 13.33.080, Illicit Discharges, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.080 Illicit discharges.
A. Storm Water Discharges to Sanitary and Combined Sewers. The public works director may approve discharges of storm water to a public combined sewer or sanitary sewer if other methods of controlling pollutants in the discharge are not adequate and the discharge will not harm the environment. The public works director may condition approval of such a discharge on compliance with requirements to control, reduce, or treat discharges prior to their entry into the public combined sewer or sanitary sewer.

B. Discharges Prohibited to Public Drainage Control Systems. All illicit discharges, as defined in MVMC 13.33.020 and subsection C of this section, made either directly or indirectly to a public drainage control system are prohibited and constitute a violation of this chapter. Enforcement actions and penalties are described in MVMC Title 19.

C. Illicit Discharges Defined. Except as provided in subsection D of this section, all discharges that are not composed of storm water are illicit discharges.

The following is a partial list, provided for informational purposes only, of common substances that are illicit discharges when allowed to enter a public drainage control system: solid waste; human and animal waste; antifreeze, oil, gasoline, grease and other automotive and petroleum products; flammable or explosive materials; metals in excess of naturally occurring amounts, whether in liquid or solid form; chemicals not normally found in uncontaminated water; solvents and degreasers; painting products; drain cleaners; commercial and household cleaning materials; pesticides; herbicides; fertilizers; acids; alkalis; ink; steam-cleaning waste; laundry waste; soap; detergent; ammonia; chlorine; chlorinated swimming pool or hot tub water (unless dechlorinated to a total residual chlorine concentration of 0.1 ppm or less and pH-adjusted and reoxygenized as necessary); volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4 and thermally controlled to prevent an increase in temperature of the receiving water; swimming pool cleaning wastewater and filter backwash; domestic or sanitary sewage; animal carcasses; food and food waste; yard waste; dirt; sand; and gravel (except for traction grit).

D. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the public works director determines that the type of discharge, whether singly or in combination with others, is causing or contributing to a water quality violation, or is causing or contributing to a water quality problem, such as those which contain more contamination than is acceptable in the city, or which contain a type of contamination that is more toxic or is otherwise a more serious problem than typical discharges in the city: potable water sources; natural uncontaminated surface water; natural uncontaminated groundwater; air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; uncontaminated agricultural runoff that is commingled with urban storm water; flows from riparian habitats and wetlands; and discharges from footing drains and other subsurface drains approved by the public works director or where approval is not required.

E. Exemptions. Discharges resulting from emergency firefighting activities. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water are only permissible if dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity-controlled to prevent resuspension of sediments in the MS4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents.

F. Testing for Illicit Discharges. When the public works director has reason to believe that any discharge is an illicit discharge, the public works director may require a responsible party to sample and analyze the discharge at the responsible party's expense, and to provide an analysis of the data to the public works director. The public works director may conduct such sampling and analysis and recover the costs from a responsible party in an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring basis, the public works director may conduct, or may require the responsible party to conduct, ongoing monitoring at the responsible party's expense. (Ord. 3453 § 9, 2009).

SECTION ELEVEN. That section 13.33.180 of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.33.180 Deviations.

A. Deviations from the requirements of this chapter, shall be processed as Type II permits consistent with MVMC 14.05, and may be granted for good cause by the public works director, considering the following criteria.

1. Sufficient capacity of downstream facilities under design conditions;

2. Maintenance of the integrity of the receiving waters;

3. Possibility of adverse effects of retention/detention;

4. Utility of regional retention/detention facilities;

5. Capability of maintenance of the system;

6. Structural integrity of abutting foundations and structures;

7. Requirements of the city's surface water management plan; and,

8. The health, safety and welfare of the city is not adversely affected.

9. The deviation provides equivalent environmental protection and is in the overriding public interest; and that the objectives of safety, function, environmental protection, and facility maintenance, based upon sound engineering, are fully met.

10. Special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable use of the site in question, and every effort to find creative ways to meet the intent of the minimum standards has been made.

11. The granting of the deviation will not be detrimental to the public health, welfare, and safety, nor injurious to other properties in the vicinity and/or downstream, and to the quality of receiving waters.

12. The deviation is the least possible exception that could be granted to comply with the intent of the minimum requirements.

13. The deviation is fully compliant with all state and federal requirements.

B. Requests for deviations shall be filed in writing with the public works director and shall adequately detail the basis for granting a deviation.

SECTION TWELVE. That section 13.35.030, System of Rates and Charges, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

13.35.030 System of rates and charges.

A. There is hereby imposed a system of rates and charges on each parcel of real property within the city served by or to which service is available by the utility established by this chapter. The charges are found to be reasonable and necessary as a means for regulation of surface water within the city. This regulatory program will fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of surface water system, facilities, conveyances and program. The charges per equivalent service unit (ESU) required to support the program identified in the Comprehensive Surface Water Management Plan are $3.95 per month in 1994 through 1996, $5.35 per month in 1997 and 1998, and $6.05 per month in 1999 through 2003; provided, however, that the city reserves the right to fix, alter, regulate, revise and control the rates and charges.

B. The following utility charges are hereby established for all parcels of real property in the city:

1. Single-Family Residential Parcel. The single-family residential charge shall be equal to the charge for one ESU per month as set forth in this section for each parcel having one residential dwelling. This uniform rate is based on each single-family parcel being equal to one ESU.

2. Duplex. The charge for duplex properties shall be equal to the charge for one ESU per month as set forth in this section.

3. Undeveloped Parcels. Undeveloped parcels shall not be charged under this system and structure of rates.

4. Other Parcels. The charge for all other parcels shall be based upon the total amount of measured impervious surface divided by one ESU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the measured ESUs for a parcel by the monthly rate per ESU as set forth in this section.

5. Certain Properties Exempted. By virtue of their design for collection and conveyance of surface water runoff, city owned streets shall not be charged under this system and structure of rates.

6. Senior Citizen and Low Income Discount. The charge for any single-family residential unit owned and occupied by a low income elderly person shall be 75 percent of the rate otherwise applicable. For the purposes of this section, "low income elderly person" means a person who has applied for classification as a low income elderly person and has certified he or she qualifies for exemption from all excess property taxes pursuant to the terms of RCW 84.36.381. Proof of entitlement may consist of documents or copies of documents from the county assessor's office showing that the applicant meets the necessary qualifications as set forth in RCW 84.36.381.

7. Drainage Districts. All properties within the city and also located within and paying charges to a drainage district shall receive a discount in the utility charge to the property in an amount equal to the drainage district charge; provided, however, the amount of the discount shall not exceed the amount of the utility charge assessed pursuant to this chapter.

8. On-Site Treatment and Detention Facility Discount. The charge for any parcel, other than single-family residential or duplex properties, meeting the minimum requirements of the latest edition of the Stormwater Management Manual for Western Washington that has been adopted by the City in MVMC Chapter 13.33 shall be reduced by 20 percent upon application to the office of Community & Economic Development. It shall be the duty of the property owner to submit an application, with evidence of compliance with the latest edition of the Storm Water Management Manual according to the requirements of the city engineer, to the office of Community & Economic Development.

9. On-Site Direct Discharge Discount. By virtue of their design for collection and conveyance of surface water runoff, the charge for any parcel containing an on-site surface water system not connected to the city's drainage system that discharges surface water runoff directly into a water body of statewide significance and the surface water runoff meets or exceeds the water quality requirements of the latest edition of the Stormwater Management Manual for Western Washington that has been adopted by the City in MVMC Chapter 13.33 for the Puget Sound Basin shall be reduced by 60 percent upon application to the office of Community & Economic Development.

SECTION THIRTEEN. That section 15.40.030, Administration and Interpretation, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

15.40.030 Administration and interpretation.

A. Duties of Director. The community and economic development director (director), or his/her duly authorized representative, shall have the power and authority to enforce the provisions of this chapter.

B. Interpretation.

1. Director Interprets Chapter. The director is authorized to make interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as he/she may deem necessary in order to clarify the application of the provisions of this chapter. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this chapter.

2. Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing city, state, or federal regulations. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

3. Minimum Requirements. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

4. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the director shall:

a. Take a "precautionary" or a "no-risk approach" that appropriately limits development and land use activities until the uncertainty is sufficiently resolved, or determine that protection can be ensured by using an approach different from that derived from the best available science (BAS); provided, that the applicant demonstrates on the record how the alternative approach will protect the functions and values of the critical area; and

b. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:

i. Address funding for the research component of the adaptive management program;

ii. Change course based on the results and interpretation of new information that resolves uncertainties;

iii. Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries; and

iv. The technical report supporting the alternative approach must identify triggers and benchmarks consistent with BAS principles, which may be used to measure progress and provide for restoration or replacement if necessary to achieve the adaptive management goals.

C. Compliance. The city shall not grant any approval or permit any regulated development activity in a critical area or associated buffer prior to fulfilling the requirements of this chapter, Chapter 15.07 MVMC, Shoreline Master Program, or Chapter 15.36 MVMC, Floodplain Management Standards.

D. Reviewing Official. Wherever referenced in this section, reviewing official refers to the decision-making official or body authorized to grant permit approval for an activity.

E. Project Review and Approval Criteria. The city critical area program adopts a standard (see MVMC 15.40.080 and 15.40.090) and a managed ecosystem alternative optional approach (see MVMC 15.40.110) to the use of buffers and mitigation in the protection of functions and values of wetlands and fish and wildlife habitat stream and riparian areas. As such, the city manages impacts and improvements on a landscape scale citywide and within basins consistent with approved best available science principles as determined through a functional assessment model (subsection (F)(1) of this section). Projects requiring review and approval shall require a written finding that the project complies with the requirements of this chapter. Such finding and approval shall be determinative on the issue of compliance with critical area mitigation and protection of functions and values for all project purposes.

F. Site Evaluation Model.

1. The city adopts the hydrogeomorphic (HGM) functional assessment approach recommended by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Natural Resources Conservation Service, and other agencies. HGM assessment allows users to assess changes in ecosystem functions (hydrology, bio/geochemistry, plant community, and faunal support/habitat) when compared to local and/or regional referenced ecosystems. Mount Vernon has developed an HGM system of models that is specific to the pertinent waters/wetland subclasses within the city and/or urban growth area. Mount Vernon will use their HGM system rather than the Washington State Department of Ecology (DOE) wetland rating model for purposes of measuring both impacts to and benefits from activities in critical areas and buffers. The city's HGM system is titled "Operational Guidebook to Assessment of Riverine, Slope, and Depressional Waters/Wetlands Functions in the City of Mount Vernon, Washington; March 2008," and any subsequent updates; hereinafter referred to as the HGM manual.

2. The city adopts the Washington State Department of Ecology's "Stormwater Management Manual for Western Washington" (the entire five-volume technical manual, Publication No. 14-10-055) prepared and published in 2012, including any subsequent updates or amendments adopted by the City in Chapter 13.33 of the Mount Vernon Municipal Code, as the best management practices guideline for stormwater/erosion control in all developments subject to review under this chapter. A requirement of the optional managed ecosystem alternative provided for in MVMC 15.40.110 is that all stormwater on or crossing a property proposed for development shall be captured and treated as required by such manual before discharge to any wetland or waters regulated under this chapter.

3. Best available science adopted for the Mount Vernon waters/wetlands reserve program shall be consistent with principles enunciated in:

a. Knudsen and Neff, Washington Department of Fish and Wildlife's "Management Recommendations for Washington's Priority Habitat: Riparian";

b. Committee on Wetland Mitigation, National Research Council, 2001, "Compensating for Wetland Loss under the Clean Water Act," National Academy Press, Washington, D.C.;

c. Brinson, M.M., F.R. Haner, L.C. Lee, W.L. Nutter, R.D. Rheinhardt, R.D. Smith, and D. Whigham, 1995, "A Guidebook for Application of Hydrogeomorphic Assessment to Riverine Wetlands," U.S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg, MS, USA, Technical Report WRP-DE-11;

d. "Wetlands in Washington Volume I," Hruby, T., T. Granger, K. Brunner, S. Cooke, K. Dublonica, R. Gersib, T. Granger, L. Reinelt, K. Richter, D. Sheldon, E. Teachout, A. Wald, and F. Weinmann, 1999, "Methods for Assessing Wetland Functions, Volume 1: Riverine and Depressional Wetlands in the Lowlands of Western Washington, Part 1: Assessment Methods," Washington State Department of Ecology Publication No. 99-115;

e. Environmental Laboratory. (1987). "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss;

f. U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center;

g. Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a. Olympia, WA; and

h. Hruby, T. (2014). Washington State Wetland Rating System for Western Washington: 2014 Update. (Publication #14-06-029). Olympia, WA: Washington Department of Ecology.

4. The city has developed a set of recommended critical area and buffer development standards for restoration and enhancement activities required for mitigation pursuant to this chapter. They are compiled under the title of "Critical Areas Ordinance Restoration Guidebook: Guidelines, Recommended Techniques and Details for Restoration of Waters/Wetlands and their Buffers"; hereinafter referred to as the CAO guidebook. The CAO guidebook is available on the city's website or a paper copy is kept at the community and economic development department.

G. Peer Review. The director may require peer review of any critical area reports or work that is submitted to the city. The director has the discretion to choose the consultant who will complete the peer review. If peer review is required, then the applicant shall be responsible for paying the entire costs of the peer review. (Ord. 3509 § 3 (Exh. A), 2010).

SECTION FOURTEEN. That section 15.40.070, Geologic Hazard Area and Hillside Development Standards, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

15.40.070 Geologic hazard area and hillside development standards.

A. Purpose. The purposes of the geologic hazard and hillside development regulations are to:

1. Minimize damage due to landslide, erosion, subsidence, and alluvial fans through the control of development; and

2. Reduce the risks to the city and its citizens from development occurring on unstable slopes; and

3. Control erosion and sediment runoff from development.

B. Classification. Geologic hazards are classified into the following areas:

1. Erosion Hazard Areas. An area that contains one or more of the following characteristics:

a. Those areas containing soils that, according to the U.S. Natural Resource Conservation Service Survey, have severe to very severe erosion hazard potential; and/or

b. Those project areas that fall within any soil sloping greater than or equal to 30 percent; and/or

c. Those areas that may be considered to have an erosion hazard as a result of rapid stream incision or stream bank erosion.

2. Landslide Hazard Areas. An area that exhibits one or more of the following characteristics:

a. Contains or lies within 200 feet from slopes having the following characteristics: Gradients of 15 percent or greater intersecting geologic contacts with permeable sediments overlying low permeability sediment or bedrock and springs or groundwater seepage are present; and/or

b. Contains or lies within 200 feet from any area having a 40 percent slope or steeper and with a vertical relief of 10 feet or more; and/or

c. Contains or lies within 200 feet from areas of historic failure such as areas designated as quaternary earth slumps, earthflows, mudflows, lahars, debris flows, rock slides, landslides or other slope failures on maps or technical reports published by the U.S. Geological Survey such as topographic or geologic maps, or the Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies; and/or

d. Contains or lies within 200 feet from areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action. Such area shall be addressed as a flood hazard consistent with this chapter; and/or

e. Areas that have shown movement (e.g., slides, rotational or mass failures, subsidence) during the Holocene epoch (i.e., the last 8,000 through 10,000 years) or that are underlain or covered by wastage debris of that epoch; and/or

f. Contains or lies within 200 feet from slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials; and/or

g. Contains or lies within 200 feet from slopes with a gradient greater than 80 percent and subject to rock fall during seismic shaking.

3. Seismic Hazard Areas. Seismic hazard areas shall include areas that are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting as follows:

a. Areas that have a potential for soil liquefaction and soil strength loss during ground shaking as identified on the city of Mount Vernon Soil Liquefaction Potential Map derived from Washington State Department of Natural Resources data or as identified by investigative maps or studies by the United States Geologic Survey.

b. Areas located on a Holocene fault line as indicated on investigative maps or described in studies by the United States Geologic Survey, Geology and Earth Resources Division of the Washington Department of Natural Resources, or other documents authorized by government agencies, or as identified in the field.

4. Volcanic Hazard Areas. Volcanic hazard areas include those lands identified as a volcanic hazard zone for Glacier Peak, Washington (USGS Open-File Report 95-499); or in a volcanic hazard area of Mount Baker, Washington (USGS Open-File Report 95-498).

5. Alluvial Fan Hazard Areas. Areas within or 200 feet from an alluvial fan as designated on the Skagit County Alluvial Fan Study Orthophoto Maps. An alluvial fan is an accumulation of sediment deposited by a stream where it issues from steep, confined hill slopes onto a floodplain or valley floor. The sediment mass includes rock, mud, woody debris, and other accumulations. The depositional mechanism is the decrease in gradient that causes the material to stop its downhill course. Repeated debris flows tend to obstruct the channel, forcing the material to find a new path of least resistance.

C. Geologic Hazard Areas Performance Standards.

1. General. Whenever a proposed development activity requires a development permit and a geologic hazard is present on the site of the proposed development or on abutting or adjacent sites within 200 feet of the subject site, a geotechnical study/geologic hazard report shall be required consistent with the detailed report requirements in MVMC 15.40.120(B).

a. Geologic hazard reports shall demonstrate all of the following criteria are met:

i. The proposal will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions; and

ii. The proposal will not adversely impact other critical areas; and

iii. The development can be safely accommodated on the site.

b. The geologic hazard report shall be prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington. If the study involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations.

c. Upon review of geotechnical studies, the director may apply conditions of approval to mitigate adverse environmental impacts and to meet the criteria in this chapter. Such conditions may include, but are not limited to, construction techniques, design, drainage, project size/configuration, or seasonal constraints on development. Additional possible conditions may be listed under the performance standards for each hazard type.

d. Slopes Between 15 and 40 Percent. A geotechnical study shall address the hillside development standards for properties containing slopes between 15 and 40 percent.

e. Mitigation Plan Required. A mitigation plan shall be required by the director if alteration of the geologic hazard area is proposed and mitigation measures need to be established for the regulated activity. A

mitigation plan is only required for slopes between 15 and 40 percent if the geotechnical report identifies a need for requirements beyond the hillside development standards.

f. Geotechnical Study or Mitigation Plan Waiver. May only be waived by the director when the applicant provides satisfactory evidence that:

i. The geologic hazard or slope between 15 and 40 percent does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby geologic hazard areas or other slopes between 15 and 40 percent; or

ii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

g. Peer Review. Peer review of the applicant's geotechnical report may be required by the city at the applicant's expense.

2. Erosion and Landslide Hazard Areas. Regulated development activities shall be subject to the following:

a. A temporary erosion and sedimentation control plan prepared in accordance with the best management practices (BMPs) set forth in the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this Chapter under 15.40.030(F)(2).

b. A drainage plan for the collection, transport, treatment, discharge and/or recycle of water in accordance with the requirements of the Mount Vernon stormwater regulations in accordance with the BMPs set forth in the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this Chapter under 15.40.030(F)(2).

c. All proposals involving excavations and placement of fills shall be subject to structural review under the appropriate provisions as found in the currently adopted building code of Mount Vernon.

d. All infiltration systems, such as stormwater detention and retention facilities, and curtain drains utilizing buried pipe or French drains, are prohibited in erosion and landslide hazard areas and their buffers unless a site assessment report indicates such facilities or systems will not affect slope stability and the systems are designed by a licensed civil engineer. The engineer shall also certify that the system and/or facilities are installed as designed.

e. Vegetation Removal and Replanting. Removal of vegetation shall be minimal in erosion and landslide hazard areas. Any replanting that occurs shall consist of trees, shrubs, and ground cover that meets the objectives of erosion prevention and site stabilization, does not require permanent irrigation for long-term survival, and, if the removal and replanting are occurring inside a stream or wetland buffer, the plantings are suitable for that critical area and buffer function.

f. Additional Requirements – Landslide Hazard Areas.

i. Surface drainage shall not be directed across the face of a landslide hazard (including bluffs or ravines). If drainage must be discharged from the hazard area into adjacent waters, it shall be collected above the hazard and directed to the water by tight line drain and provided with an energy dissipating device at the point of discharge.

ii. A minimum buffer with a width of 50 feet shall be established from the top, toe and all edges of all landslide hazardous areas. Existing native vegetation shall be maintained in accordance with mitigation recommendations within the buffer area. The buffer may be reduced to a minimum of 10 feet when an applicant demonstrates to the director that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area. The buffer may be increased by the director when determined necessary to prevent risk of damage to proposed and existing development. Normal nondestructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide a view corridor, shall not be subject to these buffer requirements.

3. Seismic Hazard Areas. Structural development proposals shall meet all applicable provisions of the building code as adopted by the city. The director shall evaluate the geologic hazard area report and condition permit approvals to minimize the risk on both the subject property and affected adjacent properties.

4. Volcanic Hazard Areas.

a. Critical Facilities. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and identify any engineering or other mitigation measures as appropriate. Mitigation plans may be required. The geologic hazard report shall be subject to third party review.

b. Other. Meet the requirements of the city's flood hazard regulations in Chapter 15.36 MVMC.

5. Alluvial Fan Hazard Areas. Based upon the results of the geologic hazard report and third party review, the director shall require conditions of approval for developments on sites that include or are affected by alluvial fan hazards. Conditions may include, but are not limited to, vegetation enhancement, slope stabilization, buffer zones, or other requirements.

D. Hillside Development Standards. While slopes of less than 40 percent are not defined by this chapter as environmentally sensitive, improper development or construction on such slopes may cause erosion, flooding, property damage, and damage to environmentally sensitive areas regulated by this chapter. Development on hillsides with slopes of 15 percent or greater shall comply with the following requirements, unless specifically exempted by another provision of this chapter.

1. Submittal Requirements. Proposals that include clearing, grading, filling, excavation, construction, paving, or removal of vegetation, on slopes between 15 percent and 39.99 percent, are subject to the following:

a. Preparation of a geotechnical report prepared by a licensed professional engineer that contains a description of how the proposed development and its associated grading plan will or will not impact each of the following on the subject property and adjoining properties:

i. Slope stability, erosion, and landslide hazards;

ii. Drainage, surface and subsurface hydrology, and water quality; and

iii. Existing vegetation as it relates to wetlands, steep slopes, soil stability, and natural habitat value.

b. Recommended methods for mitigating identified impacts and a description of how these mitigation measures may impact adjacent properties.

2. Conditions. Based upon the results of the geotechnical report, the director may require conditions of approval including, but not limited to, vegetation enhancement, slope stabilization, restriction on clearing area or time of year, and/or other requirements. (Ord. 3509 § 3 (Exh. A), 2010).

SECTION FIFTEEN. That section 15.40.090, Wetlands, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

15.40.090 Wetlands.
A. Description.

1. Wetlands are those areas, designated in accordance with the "Washington State Wetland Identification and Delineation Manual" as required by RCW 36.70A.175, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the city meeting the wetland designation criteria in the identification and delineation manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

2. Wetlands help to maintain water quality; store and convey stormwater and floodwater; recharge groundwater; provide important fish and wildlife habitat; and serve as areas for recreation, education, scientific study and aesthetic appreciation.

3. The city's overall goal shall be to achieve no net loss of wetlands. This goal shall be implemented through retention of the function and value of wetlands within the city. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

B. Purpose. The purposes of the wetland regulations are to:

1. Ensure that development activities in or affecting wetlands do not threaten public safety, cause nuisances, or destroy or degrade natural wetland functions and values; and

2. Protect wetlands by regulating development activities within and around them; and

3. Protect the public from costs associated with repair of downstream properties resulting from erosion and flooding due to the loss of water storage capacity provided by wetlands; and

4. Prevent the net loss of wetland acreage and functions.

C. Classification and Designation.

1. Wetland Ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the "Washington State Wetland Rating System for Western Washington" (Department of Ecology Publication No. 14-06-029, effective January 2015) or as amended hereafter. These documents contain the definitions and methods for determining if the criteria below are met.

a. Wetland Rating Categories.

i. Category I. Category I wetlands are those that meet any of the following criteria:

(A) Represent a unique or rare wetland type; or

(B) Are more sensitive to disturbance than most wetlands; or

(C) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

(D) Are providing a high level of functions, scoring 23 points or more out of 27 (DOE Wetlands Rating System, 2014; or

(E) Are characterized as a national heritage wetland; or

(F) Are characterized as a bog; or

(G) Are over one acre and characterized as a mature and old-growth forested wetland.

ii. Category II. Category II wetlands are those wetlands that are not Category I wetlands and that meet any of the following criteria:

(A) Provide high levels of some functions, being difficult, though not impossible, to replace; or

(B) Perform most functions relatively well, scoring 20 to 22 points out of 27 (DOE Wetlands Rating System, 2014); or

iii. Category III. Category III wetlands are those wetlands that are not Category I or II wetlands, and that meet the following criterion:

(A) Provide moderate levels of functions, scoring 16 to 19 points out of 27 (DOE Wetlands Rating System, 2014)

iv. Category IV. Category IV wetlands are those that meet the following criterion:

(A) Provide low levels of functions, scoring less than 15 or fewer points out of 27 (DOE Wetlands Rating System, 2014).

b. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date a wetland delineation is submitted and accepted as a technically complete part of a permit application by the City consistent with MVMC 14.05; or as the wetland naturally changes thereafter; or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

D. Wetlands Reports.

1. When Report Is Required. Subject to the provisions of subsection (D)(3) of this section, a wetland report pursuant to the guidelines in MVMC 15.40.120(G) addressing a wetland's classification and delineation shall be prepared by an applicant as follows:

a. Wetland Report Identifying Classification. An applicant shall be required to conduct a study to determine the classification of the wetland if the subject property or project area is within 150 feet of a wetland even if the wetland is not located on the subject property, but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer. Wetland classification shall be performed as described in subsection C of this section, and the report shall include a completed wetland rating form. If there is a potential Category I or II wetland within 300 feet of a proposal, the city may require an applicant to conduct a study even if the wetland is not located on the subject property, but it is determined that alterations of the subject property are likely to impact the wetland in question or its buffer. A wetland report shall be prepared by a certified professional at the applicant's expense.

b. Wetland Report Identifying Delineation. A wetland delineation is required for any portion of a wetland on the subject property that will be impacted by the permitted activities. For the purpose of regulation, the exact location of the wetland edge shall be determined by the wetlands specialist hired at the expense of the applicant through the performance of a field investigation using the procedures provided in the HGM manual.

2. When a Wetland Mitigation Plan Is Required. The applicant shall be required to prepare a wetland mitigation plan per MVMC 15.40.120(H) if impacts are identified within a wetland classification or delineation report or if a wetland buffer alteration is proposed. The approval of the wetland mitigation plan by the director shall be based on the criteria located in MVMC 15.40.040, 15.40.080, 15.40.110 and 15.40.120(H).

3. Reports Waived.

a. Wetland Classification or Delineation Report. May only be waived by the director when the applicant provides satisfactory evidence that:

i. A public road, building or other physical barrier exists between the wetland and the proposed activity; or

ii. The wetland or buffer does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby wetlands regulated under this section; or

iii. Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary, consistent with the current rating system and mitigation standards.

b. Wetland Mitigation Plan. May only be waived by the director when applicable data and analysis appropriate to the project proposed exists and an additional report is not necessary, consistent with the current rating system and mitigation standards.

c. Period of Validity for Wetland Reports. Reports submitted and reviewed are valid for up to five years from date of study completion as approved by the city unless the director determines that conditions have changed significantly and a new or amended study is required.

d. Independent Secondary Review. Peer review of the applicant's report may be required by the city at the applicant's expense.

E. Development Standards – Wetlands.

1. Activities may only be permitted in a wetland or wetland buffer if the applicant can show that the proposed activity will not degrade the functions and functional performance of the wetland and other critical areas.

2. Activities and uses shall be prohibited in wetlands and wetland buffers, except as provided for in this title.

3. Category I Wetlands. Activities and uses shall be prohibited from Category I, except as provided for in the public agency and utility exception, reasonable use exception, and variance sections of this title.

4. Category II and III Wetlands. With respect to activities proposed in Category II and III wetlands, the following standards shall apply:

a. Water-dependent activities may be allowed where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

b. Where nonwater-dependent activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited, unless the applicant demonstrates that:

i. The basic project purpose cannot reasonably be accomplished by successfully avoiding the wetland, or result in less adverse impact on a wetland on another site or sites in the general region;

ii. All alternative designs of the project as proposed that would avoid or result in less of an adverse impact on a wetland or its buffer, such as a reduction in the size, scope, configuration, or density of the project, are not feasible; and

iii. Full compensation for the acreage and loss functions will be provided under the terms established under subsections (G)(6) and (7) of this section.

5. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved wetland report and mitigation plan, if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the acreage and loss functions will be provided under the terms established under subsections (G)(6) and (7) of this section.

F. Standard Wetland Buffers.

1. Standard Buffer Widths. The standard buffer widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation is inadequate, then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category, are as follows:

Table 15.40.090(A), Wetland Categories and Standard Buffers

Wetland Category	Standard Buffer
I	200 ft.
II	100 ft.
III	75 ft.
IV	50 ft.

2. Measurement of Wetland Buffers. All buffers shall be measured horizontally from a perpendicular line established at the wetland edge as surveyed in the field. The width of the wetland buffer shall be determined according to the wetland category. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers.

3. Increased Wetland Buffer Widths. The director shall require increased buffer widths in accordance with the recommendations of an experienced, certified professional wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

a. A larger buffer is needed to protect other critical areas;

b. The buffer or adjacent uplands has a slope greater than 15 percent or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland;

c. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include plant densities that are in conformance with the recommendations of the CAO guidebook and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of nonnative plants when: (i) nonnative or invasive plant species provide the dominant cover, (ii) vegetation is lacking due to disturbance and wetland resources could be adversely affected, or (iii) enhancement plantings in the buffer could significantly improve buffer functions;

d. An increase in buffer width on site or restoration of existing buffer required under this section shall be directed to modifications reasonably necessary to mitigate impacts created by the proposed development and roughly proportional to the scope and scale of the impacts created by the proposed development.

4. Wetland Buffer Width Averaging. The director may allow modification of the standard wetland buffer width in accordance with an approved wetland report and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where the applicant and a certified professional wetland scientist demonstrates that:

a. No feasible site design exists without buffer averaging;

b. It will not reduce wetland functions or functional performance;

c. The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

e. The buffer width is not reduced to less than 75 percent of the standard buffer width, applicable to the wetland category, or 35 feet for Category IV wetlands.

5. Buffer Consistency. All mitigation sites shall have buffers consistent with the buffer requirements of this chapter.

6. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this title, wetland buffers shall be retained in an undisturbed or enhanced condition. Removal of invasive nonnative weeds is required for the duration of the mitigation bond.

G. Standard Mitigation Requirements – Wetlands. Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with the State Department of Ecology publication "Wetland Mitigation in Washington State," 2006 (Publication Nos. 06-06-011a and 06-06-011b), or as revised.

1. Mitigation includes the following alternatives. The priority shall be as follows, but may be modified where functions and values are retained, restored, or enhanced by alternate systems:

a. Avoiding the impact altogether by not taking a certain action or parts of an action.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

d. Reducing or eliminating the impact over time by preservation and maintenance operations.

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

2. Mitigation for Lost or Affected Functions. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland functions as those lost, except when:

a. The lost wetland provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or

b. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

3. Preference of Mitigation Actions. Mitigation actions that require compensation by replacing, enhancing, or substitution shall occur in the following order of preference:

a. Restoring wetlands on upland sites that were formerly wetlands.

b. Creating wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of nonnative introduced species. This should only be attempted when there is a consistent source of

hydrology and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.

c. Enhancing significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area, meeting appropriate ratio requirements.

4. Type and Location of Mitigation. Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, or sub-basin. Mitigation actions shall be conducted within the same sub-drainage basin and on the site as the alteration except when all of the following apply:

a. There are no reasonable on-site or in-sub-drainage basin opportunities or on-site and in-sub-drainage basin opportunities do not have a high likelihood of success, after a determination of the natural capacity of the site to mitigate for the impacts. Consideration should include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, proposed water quality improvements, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

b. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland; and

c. Off-site locations shall be in the same sub-drainage basin unless:

i. Established watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established and strongly justify location of mitigation at another site; or

ii. Credits from a state-certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

5. Mitigation Timing. Mitigation projects shall be completed with an approved monitoring plan prior to activities that will disturb wetlands. In all other cases, mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

a. The director may authorize a one-time temporary delay, up to 120 days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the city and include a financial guarantee.

6. Mitigation Ratios.

a. Acreage Replacement Ratios. The following ratios shall apply to creation or restoration that is in-kind, within the same drainage basin, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of replacement wetlands and the second specifies the acreage of wetlands altered.

Table 15.40.090(B), Wetland Categories and Mitigation Ratios

Category I	6-to-1
Category II	3-to-1
Category III	2-to-1
Category IV	1.5-to-1

b. Increased Replacement Ratio. The director may increase the ratios under the following circumstances:

i. Uncertainty exists as to the probable success of the proposed restoration or creation;

ii. A significant period of time will elapse between impact and replication of wetland functions;

iii. Proposed mitigation, without increase, will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

iv. The impact was an unauthorized impact.

7. Wetlands Enhancement as Mitigation.

a. Impacts to wetland functions may be mitigated by enhancement of existing significantly degraded wetlands, but must be used in conjunction with restoration and/or creation. Applicants proposing to enhance wetlands must produce a wetland report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site.

b. At a minimum, enhancement acreage shall be double the acreage required for creation or restoration under subsection (G)(6) of this section. The ratios shall be greater than double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

c. Mitigation ratios for enhancement in combination with other forms of mitigation shall range from 6:1 to 3:1 and be limited to Class III and Class IV wetlands.

d. Any approval under subsections (G)(7)(b) and (c) of this section shall be consistent with Table 1a of Wetland Mitigation in Washington State, Part I (Ecology, et al., 2006).

8. Wetland Mitigation Banks.

a. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

i. The bank is certified under Chapter 173-700 WAC; and

ii. The director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

iii. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

b. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

c. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions. (Ord. 3509 § 3 (Exh. A), 2010).

SECTION SIXTEEN. That section 15.40.110, Managed Ecosystem Alternative, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

15.40.110 Managed ecosystem alternative.

A. Purpose. The purpose of this section is to provide an optional alternative to the standard wetlands (MVMC 15.40.090) and fish and wildlife habitat conservation area (MVMC 15.40.080) buffer and mitigation regulations for waters and wetland ecosystems in Mount Vernon and considering the associated urban growth area (UGA). The managed ecosystem alternative requires identification and permitting of a water/wetlands management system which addresses the city's waters and wetlands ecosystem as a whole, and is designed to:

1. Optimize efficient use of lands within the urban areas.

2. Encourage restoration and enhancement of existing degraded waters and wetland ecosystems, including their buffers.

3. Provide options and alternatives in urban areas to achieve some required functions and protections on site, including hydrology and water quality, and other functions off site, such as habitat, where increased long-term benefits may be achieved.

4. Avoid the creation of narrow linear patchwork buffers, which maximize negative edge effects, and to optimize the ability to restore meaningful patches where available to achieve long-term benefit to the ecosystem functions and values within the city.

5. Avoid the creation of widespread nonconforming uses which lock in current degraded conditions and create pressure for expansion of UGAs into neighboring rural lands.

6. Provide a system of implementation, management, and enforcement that assures no net loss of waters/wetlands system function, while recognizing that not all functions will be achieved in all locations, and some functions may be compromised in one location to enable compact urban development, and compensated for elsewhere in the system where better long-term benefit can be achieved and maintained.

7. This section is applicable to new development and any redevelopment within a defined management zone, and applies to any combination of streams alone, wetlands alone, or wetlands and streams in combination.

B. Approach.

1. The city is divided into seven sub-basins, each of which together with their connection to and along with the Skagit River system, provide an appropriate waters/wetland ecosystem for regulatory purposes to provide identification and protection of ecosystem functions which include:

a. Hydrology (water quantity);

b. Bio/geochemistry (water quantity);

c. Plant community; and

d. Faunal support.

2. The approach is based on detailed review of the basins and critical area habitat and wetland recommendations appropriate to the functions and values provided to the Mount Vernon geographic setting and the competing needs of assuring long-term protection and maintenance of functions and values with an objective of creating long-term gain within the community, and the need to accommodate compact urban growth to meet the residential, commercial and industrial needs of the community. The system is also designed to provide special attention to the needs of anadromous fish.

3. Minimum standards are defined by sub-basin, based upon existing conditions and demand for future development and the pressure that development may impose on the waters/wetlands ecosystems. The city has a significant resource of publicly owned lands and other lands available for restoration and enhancement which provides the base resource necessary to achieve the goals of this program.

4. Direct Critical Area Impact. Direct critical area impact (construction which is located within the critical area edge), including any construction in wetlands and/or streams, shall be governed by the same guidelines in the managed ecosystem alternative as set out in the standard system. See MVMC 15.40.040, 15.40.080, and 15.40.090; provided, that with respect to mitigation buffers, mitigation may be pursuant to the managed ecosystem alternative program provisions contained in this section.

C. Applicability and Use of This Section.

1. Relationship to Other Sections in Chapter 15.40 MVMC.

a. The provisions contained in this section are specific to the use of buffers and are offered as an alternative to only the following sections within this chapter:

i. MVMC 15.40.080(D), Table 15.40.080(B), Water Type Standard Buffer Widths.

ii. MVMC 15.40.080(D)(4), Buffer Conditions.

iii. MVMC 15.40.080(D)(5), Buffer Averaging.

iv. MVMC 15.40.080(D)(6), Buffer Reduction.

v. MVMC 15.40.090(F)(1), Standard Buffer Widths (wetlands).

vi. MVMC 15.40.090(F)(3), Increased Wetland Buffer Widths.

vii. MVMC 15.40.090(F)(4), Wetland Buffer Width Averaging.

b. Use of this alternative buffer program does not replace other permitting, reporting or direct critical area impact mitigation requirements found elsewhere in this chapter. Except as noted above in subsection (C)(1)(a) of this section, all other applicable city, state and federal regulations shall continue to apply.

2. Optional Program.

a. The provisions contained in this managed ecosystem alternative are optional. An applicant may choose to use either the buffer provisions contained within this section, or those found in MVMC 15.40.080 and 15.40.090.

b. The two sets of buffer regulations are mutually exclusive and may not be combined or used together on a single site or project.

3. Applicable Stream Basins.

a. The optional buffer program provided in this section is applicable to properties located within the following stream basins or stream reach:

i. Kulshan Creek;

ii. Trumpeter Creek;

iii. Maddox Creek;

iv. West Mount Vernon;

v. Britt Slough; and

vi. Golf course reach of Nookachamps Creek.

b. Carpenter Creek and Nookachamps Creek are excluded from the provisions of this section and must utilize the buffer and mitigation requirements found in MVMC 15.40.080 and 15.40.090; except as may be allowed for in subsections (C)(3)(a)(vi) and (4) of this section.

4. Applicability to Variances.

a. If strict use of the waters/wetland buffer requirements found in MVMC 15.40.080 and 15.40.090 create a need for a variance, and the use of the optional buffer provisions in this section would eliminate the need for a variance request, then use of the buffer provisions within this section shall be required. This subsection also applies to the Carpenter Creek and Nookachamps Creek stream basins.

D. Glossary. For this managed ecosystem alternative program, the following terms shall have the meanings set forth below:

1. Critical Area.

a. Streams as defined in MVMC 15.40.080(B).

b. Wetlands as defined in MVMC 15.40.090(A).

c. Combined System. Any combination of streams and wetlands in direct association (the distance between the functioning streams and wetlands is less than the minimum buffers set forth below) shall be considered and regulated as a combined system.

2. Critical Area Edge.

a. Streams and Water Bodies. The line of ordinary high water, as determined in the field.

b. Wetlands. The outer limit of the delineated wetlands in accordance with delineation criteria pursuant to manuals adopted under RCW 36.70A.137.

c. Combined System Edge. The greater of subsection (D)(2)(a) or (b) of this section when a system is treated as a combined system as provided in subsection (D)(1)(c) of this section.

d. Where the wetland, stream or combined system is in a geologic area subject to geologic area guidelines under this chapter, the critical area setback shall be measured from the greater of the critical area in subsection (D)(2)(a), (b), or (c) of this section, or the top of the bank under geologic regulations, whichever is greater.

3. Management Zone. The area between the critical area edge and the nearest paved public street or 200 feet, whichever is less; provided, however, where the paved street merely bisects a critical area, the management zone shall be 200 feet from the critical area edge.

4. Impervious Surface. Surfaces which shed rather than contain and filter stormwater, including but not limited to paved, graveled or lawn surfaces, and other surfaces with similar runoff characteristics as determined by the director, and surfaces covered by structures.

5. Setbacks. The shortest physical distance a new structure or impervious surface may be constructed in a management zone as measured from the critical area edge.

6. Management Zone Buffers. The area of existing or restored vegetation within a management zone between the critical area edge and the nearest allowed impervious surface.

a. Maximum Managed Buffer. The maximum buffer width identified in Tables 15.40.110(A) and (B), which along with the management zone boundary is used to calculate a project's contribution to the critical area management fund (see subsection (D)(9) of this section).

b. Minimum Managed Buffer. The minimum buffer width allowed in the managed ecosystem alternative as identified in Tables 15.40.110(A) and (B); except in those cases where the buffer is in a degraded condition as defined in subsection (E)(2)(b) of this section.

7. Gradients. Gradients are applicable to stream reaches and combined stream/wetland systems only, and are used as one of the variables in Table 15.40.110(A) in determining maximum and minimum managed buffer widths; and are categorized as follows:

a. Low gradient: less than one percent.

b. Medium gradient: one to two percent.

c. High gradient: greater than two percent.

8. Waters/wetland systems are typed by the prevailing adjacent upland condition and used as one of the variables for determining maximum and minimum managed buffer widths in Tables 15.40.110(A) and (B); and are described as follows:

a. Natural Systems. Waters/wetland systems abutted by intact natural area buffer vegetation of 50 feet or more in width from critical area edge.

b. Maintained Systems. Waters/wetland systems abutted by upland areas that do not fit the natural or closed definitions. Maintained systems are those that are routinely manipulated as in mowing or pruning, and characterized by features such as, but not limited to, gardens, ornamental landscaping, turf, partially hardened or compacted surfaces areas, and introduction of rock or fill.

c. Closed Systems. Applicable to streams only and refers to stream reaches that are in pipes or other completely confined structures.

9. Critical Area Management Fund. A dedicated fund in the city of Mount Vernon managed through the stormwater management program, which shall collect fees as identified below and expend such fees in accordance with a mitigation plan developed for the city and implemented to achieve the objectives of this program.

10. Subbasin Management Area. One of seven geographic areas identified below and mapped on city zoning maps which include both streams and wetland systems within the defined basin which are functionally related, whether or not hydraulically connected through surface flow.

E. Subbasins Conditions, Recommendations and Management Requirements.

1. Current Conditions and Recommendations.

a. Kulshan Creek.

i. Consists of batture reaches, piped reaches, maintained reaches, and natural reaches.

ii. Flows through densely developed areas.

iii. Highly altered and channeled in maintained systems.

iv. City owns the batture, park, and upstream area suitable for meaningful restoration.

b. Trumpeter Creek.

i. Consists of long maintained reaches with close proximity to development, piped, and natural reaches.

ii. Flows through developed areas, but also has natural systems in good condition in all gradient reaches.

iii. City owns Baker View Park and Logan Creek areas surrounding the stream and upstream areas suitable for meaningful restoration.

c. Maddox Creek.

i. High value salmon stream, with no fish barriers to Skagit River.

ii. Flows through heavily developed areas in middle and lower reaches.

iii. Important to protect longitudinal connections and terrestrial/water interface in upper reaches, and water quality in all reaches.

d. Nookachamps Basin. Except where the waters/wetland system borders or is incorporated in the Eaglemont Golf Course (golf course), the Nookachamps basin would follow the standard buffer/mitigation rules only; except in cases where a variance can be avoided through use of the managed ecosystem alternative rules in this section.

i. Upper reaches encompassed in an existing development.

ii. Headwaters/high gradient reaches principally surrounded by golf facilities.

iii. In the upper high gradient reaches, limited new development potential without redevelopment of the golf course.

iv. Mitigation Recommendations for the Golf Course. Any permit would require upgrade to Audubon Golf Course standards or equivalent professional standard for water and nutrient treatment (hole-by-hole standard).

e. Carpenter Creek. The Carpenter Creek basin would follow the standard buffer/mitigation rules only; except in cases where a variance can be avoided through use of the managed ecosystem alternative rules in this section.

i. High value relatively intact waters/wetlands ecosystem.

ii. In upper reaches within the UGA, little impact from current development.

iii. Steep slopes.

iv. On-site, in-kind protection for water quality, quantity and habitat is the preferred option.

f. West Mount Vernon.

i. Flat, very little contour.

ii. No separate stream or river system.

iii. Urbanizing – no significant habitat patches.

g. Britt Slough.

i. Degraded flood plain.

ii. Undeveloped.

2. Management Requirements and Performance Standards.

a. Subbasins Maximum and Minimum Buffer Widths.

i. Stream buffers are established by subbasin in Table 15.40.110(A) and are a function of the combination of stream type, system type, and gradient.

ii. Wetland buffer widths are established by subbasin in Table 15.40.110(B) and are a function of wetland category and system type.

iii. Maximum managed buffer width is indicated by the numbers shown in Tables 15.40.110(A) and (B) and is measured from the critical area edge.

iv. Minimum managed buffer width is equal to the allowed percentage reduction of the maximum managed buffer as indicated by sub-basin in Tables 15.40.110(A) and (B).

Table 15.40.110(A), Streams – Maximum and Minimum Managed Buffer Widths

STREAM TYPE	F		Np		Ns	
SUBBASIN	Natural System	Maintained System	Natural System	Maintained System	Natural System	Maintained System
Kulshan Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	75	50		
Trumpeter Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	50	25		
Maddox Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	50	25		

STREAM TYPE	F		Np		Ns	
SUBBASIN	Natural System	Maintained System	Natural System	Maintained System	Natural System	Maintained System
Nookachamps Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
Low Gradient	75	50	75	50	50	25
Med/High Gradient	50	25	50	25		
Carpenter Creek: Minimum Managed buffer = 25% of Max Managed buffer; no less than 25 feet.						
Low Gradient	100	50	100	50	50	25
Med/High Gradient	100	50	100	50		
West Mount Vernon: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25
Britt Slough: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25

Table 15.40.110(B), Wetlands – Maximum and Minimum Managed Buffer Widths

Wetland Category –	II		III		IV	
SUBBASIN –	Natural System	Maintained System	Natural System	Maintained System	Natural System	Maintained System
Kulshan Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	75	50	75	50	50	25
Trumpeter Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	75	50	75	50	50	25
Maddox Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	75	50	75	50	50	25
Nookachamps Creek: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	75	50	75	50	50	25
Carpenter Creek: Minimum Managed buffer = 25% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25
West Mount Vernon: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25
Britt Slough: Minimum Managed buffer = 50% of Max Managed buffer; no less than 25 feet.						
	100	50	100	50	50	25

b. Degraded Buffer Condition Restoration. The following conditions apply:

i. Degraded buffer condition is defined as follows: where the buffer area has been irrevocably developed below the minimum managed buffer width noted above in Tables 15.40.110(A) and (B).

ii. Under the degraded buffer condition defined above, the minimum setback for any impervious surface shall be to the greater of the following as measured from the critical area edge:

(A) The edge of the existing/remaining undeveloped buffer area; or

(B) The distance equal to a 7:1 slope measured from the ordinary high water mark for a pond or lake; from the bottom elevation of a stream channel; from a delineated wetland edge; or

(C) No less than 15 feet from ordinary high water or a delineated wetland edge.

iii. The degraded buffer area setback shall be shown on the approved site plan and if found to be in a degraded condition under the city functional assessment model, such degraded condition shall be subject to upgrade and restoration as follows:

(A) Manage and treat all stormwater from the developed site and treat such water pursuant to the adopted stormwater manual prior to discharge into the degraded buffer area;

(B) Removal of invasive weeds, debris and trash, and any blockage to longitudinal and/or lateral flow in the on-site stream section; and

(C) Restoration planting of natural vegetation appropriate to the site condition according to city guidelines.

c. Upgraded Stormwater Management Required.

i. Utilization of the managed ecosystem alternative provided for in this section assumes effective on-site stormwater management.

ii. Any project that involves the development of impervious surfaces will be required to upgrade on-site stormwater facilities pursuant to the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this Chapter under 15.40.030(F)(2).

3. Critical Area Management Fund Schedule. Development of impervious surfaces anywhere within the defined management zone, which includes the managed buffer areas, will require a monetary contribution to the city's critical areas management fund in accordance with the management fund schedule shown below in Table 15.40.110(C). This calculation shall quantify the proposed impervious surface for the subject development regardless of whether or not there may be existing impervious surfaces within the defined management zone (which includes the managed buffer areas).

Table 15.40.110(C), Subbasin Critical Area Management Fund Contribution Schedule SUBBASIN	Area Between Management Zone Boundary and Maximum Managed Buffer		Area Between Max. Managed Buffer and Critical Area Edge
	Proposed[1] Impervious Surface Only	Proposed[1] Impervious Surface w/ Canopy Removal	Proposed[1] Impervious Surface
Kulshan Creek	$1.00/sq. ft.	$2.00/sq. ft.	$4.00/sq. ft.
Trumpeter Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
Maddox Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
Nookachamps Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
Carpenter Creek	$1.50/sq. ft.	$4.00/sq. ft.	$4.00/sq. ft.
West Mount Vernon	$1.00/sq. ft.	$2.00/sq. ft.	$4.00/sq. ft.
Britt Slough	$1.00/sq. ft.	$2.00/sq. ft.	$4.00/sq. ft.

[1] Proposed impervious surface is defined as the impervious surfaces that are constructed/placed/created/developed/altered as part of a project regardless of whether or not there is existing impervious surface(s) on the site.

SECTION SEVENTEEN. That section 15.40.120, Submittal Requirements, Reports, Studies and Plans, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

15.40.120 Submittal requirements, reports, studies and plans.
A. General Requirements. When a regulated critical area or associated buffer is identified, the following procedures apply.

1. Preapplication Consultation. Any person seeking a permit from the city to develop properties known or suspected to have critical areas present shall schedule a preapplication conference with the city pursuant to adopted scheduling procedures. Preapplication consultation and planning will help applicants identify regulatory requirements under this section and assure integration of critical area planning into overall project design.

2. Submittal Requirements.

a. Plans. When an application is submitted for any regulated activity, the location of the critical areas and buffers on the site shall be indicated on the plans submitted based upon an inventory provided by a certified professional, as identified in subsections B through G of this section.

b. Waivers. The director may waive any of the requirements of this subsection if the size and complexity of the project does not warrant a step in the proceeding, as identified in subsections B through G of this section.

c. Independent Secondary Review. When appropriate due to the type of critical area present, or project area conditions, the director has the authority to require the applicant to prepare and/or fund additional analyses or activities, including, but not limited to:

i. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate. This shall be paid at the applicant's expense, and the director shall select the third party review professional. Independent review shall be required for activities that are altering a critical area or buffer and are required to prepare supplemental studies and/or mitigation plans. Independent review for standard studies is discretionary and may be required by the director; and/or

ii. A request for consultation with the State of Washington Department of Fish and Wildlife, Washington State Department of Ecology, State Department of Natural Resources, Skagit System Cooperative, the Upper Skagit Tribe, or other appropriate agency.

3. Fees. See Chapter 14.15 MVMC.

4. Combined Systems. Where streams, ponds, and wetlands function jointly on a property and/or adjoining properties, such systems shall be addressed as a single system for purposes of all required reports and approvals.

B. Geotechnical Study/Geologic Hazard Report. A study that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. The preparation and content requirements in the table below shall also apply.

Table 15.40.120(A), Geotechnical Report – Detailed Requirements

Report Preparation/Content Requirements	Erosion	Landslide	Seismic	Volcanic Hazards	Alluvial Fan
1. Characterize soils, geology and drainage.	X	X	X	X	X
2. Describe and depict all natural and man-made features within 200 feet of the site boundary.	X	X	X	X	X
3. Identify any areas that have previously been disturbed or degraded by human activity or natural processes.	X	X	X	X	X
4. Characterize groundwater conditions including the presence of any public or private wells within 1,000 feet of the site.	X	X	X		X
5. Provide a site evaluation review of available information regarding the site.	X	X	X	X	X
6. Conduct a surface reconnaissance of the site and adjacent areas.	X	X	X		X
7. Conduct a subsurface exploration of soils and hydrologic conditions.	X	X	X		X
8. Provide a slope stability analysis.	X	X			X
9. Address principles of erosion control in proposal design including: Plan the development to fit the topography, drainage patterns, soils and natural vegetation on site; Minimize the extent of the area exposed at one time and the duration of the exposure; Stabilize and protect disturbed areas as soon as possible; Keep runoff velocities low; Protect disturbed areas from stormwater runoff; Retain the sediment within the site area; Design a thorough maintenance and follow-up inspection program to ensure erosion control practices are effective.	X	X			X
10. Provide an evaluation of site response and liquefaction potential relative to the proposed development.			X		
11. Conduct sufficient subsurface exploration to provide a site coefficient (S) for use in the adopted building code to the satisfaction of the building official.			X		
12. Provide an analysis of proposed clearing, grading and construction activities including construction scheduling. Analyze potential direct and indirect on-site and off-site impacts from development.	X	X	X		X
13. Propose mitigation measures, such as any special construction techniques, monitoring or inspection programs, erosion or sedimentation programs during and after construction, surface water management controls, buffers, remediation, stabilization, etc.	X	X	X	X	X
14. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Baker in a geotechnical report, and identify any engineering or other mitigation measures as appropriate.				X	

Note: An "X" indicates that the requirement applies in the identified critical area.

C. Hydrogeologic Assessment. The assessment shall address the impact the proposed land use will have on both the quality and quantity of the water transmitted to the aquifer.

1. The assessment shall be submitted to the department and shall address, at a minimum, the following criteria:

   a. Surficial soil type and geologic setting;

   b. Location and identification of wells within 1,000 feet of the site;

c. Location and identification of surface water bodies and springs within 1,000 feet of the site with recharge potential, unless geologic features in the basin make it clear that a larger area is hydraulically connected to any fish bearing stream in the affected basin;

d. Description of underlying aquifers and aquitards, including water level, gradients, and flow direction;

e. Available surface water and groundwater quality data;

f. Effects of the proposed development on water quality;

g. Sampling schedules required to assure water quality;

h. Discussion of the effects of the proposed development on the groundwater resource;

i. Recommendations on appropriate best management practices (BMPs), based on the applicable section(s) of the Washington State Department of Ecology's Stormwater Manual adopted within this Chapter under 15.40.030(F)(2), or mitigation to assure no significant degradation of groundwater quality;

j. Other information as required by the Skagit County health district; and

k. The assessment shall also address the types of pesticides, herbicides, and fertilizers that can safely be used for the care of landscaping proposed by the applicant.

2. The hydrogeologic assessment shall be prepared by a professional geologist/hydrologist or by a soil scientist with a strong background in geology (see definition of "Certified professional" in MVMC 15.40.170(B)).

3. Applications for development or operations with underground storage of petroleum products will be processed using the appropriate procedure as specified in existing Mount Vernon ordinances.

4. Analysis for a specific parcel(s), using the criteria outlined below, will be employed to confirm if the soils present require a recharge area designation. Data collection will include, at a minimum, six soil logs to a depth of 10 feet (or to a depth of four feet below the lowest proposed excavation point, whichever is greater) for each acre in the parcel(s) being evaluated. At least one well, 200 feet or greater in depth with an adequate drilling report, must be available within one mile. The associated data shall be analyzed and included in the hydrogeologic assessment to determine the presence of highly permeable soils with the recharge area designation.

D. Habitat Management Plan. A habitat management plan (HMP) is a site investigation to evaluate the potential presence or absence of a regulated fish or wildlife species or habitat affecting a subject property and proposed development.

1. The assessment of habitats for the site and project shall at a minimum include the following information:

a. A map prepared at an easily readable scale, showing:

i. The location of the proposed development site;

ii. Property boundaries;

iii. The relationship of the site to surrounding topographic, water, and cultural features;

iv. Proposed building locations and arrangements; and

v. A legend which includes a complete legal description, acreage of the parcel, scale, north arrow, and date of map revision;

b. Detailed description of vegetation on and adjacent to the project area and its associated buffer;

c. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

d. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

e. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;

f. Enhancement of existing degraded buffer area and replanting of the disturbed buffer area with native vegetation;

g. The use of alternative on-site wastewater systems in order to minimize site clearing;

h. Retention of existing native vegetation on other portions of the site in order to offset habitat loss from buffer reduction;

i. The need for fencing and signage along the buffer edge;

j. A discussion of measures, including avoidance, minimization, and mitigation proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with the mitigation sequencing required by this chapter; and

k. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring, maintenance, and enforcement programs.

2. When appropriate due to the type of habitat or species present or the project conditions, the director may also require the habitat management plan to include:

a. An evaluation by an independent certified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;

b. A request for consultation with the Washington Department of Fish and Wildlife or the local Native American Indian tribe or other appropriate agency; and

c. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

3. Mitigation Measures. Possible mitigation measures to be included in the report, or required by the director, could include, but are not limited to:

a. Establishment of buffer zones;

b. Preservation of critically important plants and trees;

c. Limitation of access to habitat areas;

d. Seasonal restriction of construction activities;

e. Establishing phased development requirements; and

f. Monitoring plan for a period necessary to establish that performance standards have been met. Generally this will be for a period of seven to 10 years.

4. HMP Adequacy. The HMP shall demonstrate to the satisfaction of the city that the habitat functions and values are improved by implementation of the HMP. If there is a disagreement between the city and the applicant as to the adequacy of the HMP, the issue of plan adequacy shall be resolved by consulting with the appropriate federal or state agency. If the federal or state agencies are not available in a timely manner, the applicant may choose to have the city refer the HMPs to a third-party consultant at the expense of the applicant. After consultation with such state departments or third-party consultant, the director shall make a final decision on the adequacy of the HMP.

5. Timing. An HMP must be developed and approved either prior to preliminary plat approval or issuance of the building permit, as applicable, and must be implemented before the city grants either final plat approval or an occupancy permit, as applicable.

6. Any project that requires an HMP shall not be considered SEPA exempt and the HMP shall be processed along with appropriate SEPA review and agency comment as required by Chapter 197-11 WAC.

E. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

1. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

a. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

b. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

c. Stream classification, as recorded in city inventories (if unclassified, see subsection (F)(1) of this section);

d. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

e. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

f. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

g. Top view and typical cross-section views of the stream, banks, and management zones to scale;

h. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

i. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

j. Location of site access, ingress and egress.

2. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

3. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

a. The stream classification as recorded in city inventories;

b. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

c. The ecological functions currently provided by the stream/lake and existing riparian area;

d. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

e. Measures to protect trees and vegetation.

F. Stream Study, Supplemental. The application shall include the following information:

1. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

2. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

a. Avoid any disturbances to the stream or management zone;

b. Minimize any stream or management zone impacts;

c. Compensate for any stream or management zone impacts;

d. Restore any stream or management zone area impacted or lost temporarily; and

e. Enhance degraded stream habitat to compensate for lost functions and values.

3. Impact Evaluation.

a. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

i. Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

ii. Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

iii. Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

iv. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

b. For a violation, the impact evaluation must also include:

i. Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

ii. Determination of the impact of the violation on the resource(s) and functional values.

G. Wetland Assessment. A wetland assessment includes the following:

1. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

2. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Corps of Engineers Regional Supplement, 2010. Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

3. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, stormwater management facilities, sewage treatment and installations within the wetland and its buffer;

4. The exact locations and specifications for all activities associated with site development including the type, extent, and method of operations;

5. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

6. Top view and typical cross-section views of the wetland and its buffer to scale;

7. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site;

8. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, maintenance and monitoring programs, and a contingency plan; and

9. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

a. Avoid any disturbance to the wetland or buffer;

b. Minimize any wetland or buffer impacts;

c. Compensate for any wetland or buffer impacts;

d. Restore any wetlands or buffer impacted or lost temporarily;

e. Create new wetlands and buffers for those lost; and

f. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

10. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

H. Mitigation and Monitoring Plans.

1. Baseline Information.

a. A written assessment and accompanying maps of the impacted critical area including, at a minimum, a critical area delineation by a qualified specialist; existing critical area acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project on the critical area; associated buffers and their functions; soil and substrata conditions; topographic elevations; and proposed restoration area.

b. If the mitigation site is different from the impacted critical area site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions; topographic elevations; existing and proposed adjacent site conditions; buffers; and site ownership.

2. Environmental Goals and Objectives. A written report by a qualified specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

a. The purposes of the restoration measures, including a description of site selection criteria; identification of restoration goals; identification of target evaluation species and ecological functions; dates for beginning and completion; and a complete description of the structure and functions sought in the restoration area or site. The goals and objectives shall be related to the functions and values of the impacted critical area and associated buffer, or if off-site and/or out-of-kind, the type of critical area to be emulated; and

b. A review of the best available science and author's experience to date in restoring or creating the type of critical area functions proposed shall be provided. An analysis of the likelihood of success of the restoration project shall be provided based on the experiences of comparable projects, preferably those in the same drainage basin, if any. An analysis of the likelihood of persistence of the created or restored critical area and buffer functions shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the critical area ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

3. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (H)(5) of this section, Monitoring Program. An assessment of the project's likelihood of success in achieving the goals and objectives of the mitigation plan should be included.

4. Detailed Techniques and Plans. Written specifications and descriptions of restoration techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques, if necessary, and planting instructions; and any other techniques or details appropriate to restoration construction. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques and/or anticipated final outcome. The city may request such other information as needed to determine the adequacy of a mitigation plan.

5. Monitoring Program. A program outlining the approach for monitoring construction and development of the restoration project and for assessing a completed project shall be provided in the mitigation plan. Monitoring and its associated reports of the critical area mitigation areas shall be completed by an agency or consultant selected by the city. Any maintenance required as a result of the monitoring, per performance standards set by the city, can be completed by the applicant and approved by the entity that completes the monitoring for the city; or the entity completing the monitoring can also complete any required work at the sole expense of the applicant. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, five, and seven after site construction). Monitoring shall be on a yearly basis, with the

first year's worth of monitoring/reporting paid for before any work commences on the site, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the restoration project. The restoration project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years, or 10 years in special circumstances such as scrub shrub or forested wetlands. The cost of all required years of monitoring shall be the responsibility of the applicant. Monitoring may include, but is not limited to:

a. Establishing vegetation plots to track changes in plant species composition and density over time;

b. Using photo reference points to evaluate vegetation community response;

c. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (i.e., pH, nutrients, heavy metals);

d. Measuring base flow rates and stormwater runoff to model and evaluate hydrologic and water quality predictions;

e. Measuring sedimentation rates; and

f. Sampling fish and wildlife populations to determine habitat utilization, species abundance, and diversity.

6. Contingency Plan. Should include an evaluation of the potential need for remedial action or contingency measures and an identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

7. Permit Conditions. Any restoration project prepared for mitigation and approved by the city shall become part of the application for the underlying project permit approval.

8. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the restoration project shall be provided.

9. Performance Surety. The cost of planting, labor, earthwork, etc., necessary for mitigation shall be estimated by the project proponent and reviewed by the city. The cost of monitoring and maintenance shall be established by the city based upon a cost estimate provided by the agency or consultant the city selects to perform monitoring and maintenance work. All mitigation and buffer enhancement shall be completed prior to final plat approval and/or building occupancy depending on the type of application. However, when improvements cannot be completed prior to final acceptance due to weather conditions that could negatively affect the success of the project, a performance surety may be used. The performance surety shall equal 150 percent of the cost of the mitigation project, and the required improvements shall be installed in a satisfactory manner within six months or less. To ensure that monitoring/reporting and maintenance work is paid for and/or completed, two separate financial securities in the form of bonds or cash deposits shall be provided to the city prior to any work commencing on the site. They are:

a. Maintenance Surety.

i. A maintenance surety shall be required on all mitigation and buffer enhancement projects to ensure that the improvement successfully survives the monitoring periods set above.

ii. The amount of the maintenance surety shall be calculated by taking the annual cost of the maintenance (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) and adding to it the cost of the plants, earthwork, and labor to install the mitigation project (provided by the applicant's critical area consultant) multiplied by the number of years of the required maintenance minus one (because the applicant will be required to pay for the first year of maintenance in advance) and then multiplied by 0.60 (60 percent).

b. Monitoring Surety.

i. A monitoring surety shall be required on all mitigation and buffer enhancement projects to ensure that these projects are adequately monitored.

ii. The amount of the monitoring surety shall be calculated by taking the annual monitoring cost (determined by the city based upon an estimate provided by the agency or consultant that will be performing this work) multiplied by the number of years of the required monitoring minus one (because the applicant will be required to pay for the first year of maintenance upfront) multiplied by one and one-half (or 150 percent).

c. Upfront Monitoring and Maintenance Costs. The applicant shall pay for the first year of monitoring and maintenance of the project, as determined by the city based upon an estimate provided by the agency or consultant that will be performing this work, prior to project approval.

10. Long-Term Maintenance. To ensure the long-term success of the mitigation plan, the applicant or their successors shall be responsible for the long-term maintenance of the habitat area and its associated buffer. The habitat and buffer shall be kept clear of weeds, invasive plant material, lawn clippings, junk, debris, intrusions or similar. (Ord. 3509 § 3 (Exh. A), 2010).

SECTION EIGHTEEN. That section 15.40.170, Definitions, of the Mount Vernon Municipal Code is hereby repealed and reenacted, with the new section to read as follows:

15.40.170 Definitions.
A. Land Cover Definitions.

"Aquatic areas" means areas classified as regulated streams and regulated wetlands.

"Impervious surfaces" means:

1. For the purposes of the stream and wetland regulations: a hard surface area that either prevents or retards the infiltration of water into the soil and movement of water through soil media. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, lawns, and oiled, macadam or other surfaces which impede the natural infiltration and movement of water. When such surfaces supported a permitted use on or before January 1, 2007, they shall be considered impervious surfaces. Earthwork (e.g., grading, filling, clearing preparatory to new development) does not create impervious surface.

2. For the purposes of aquifer protection regulations:

a. Impervious surfaces include those that have a lesser permeability than the undisturbed native soil, as indicated in Table 14 of the Soil Survey of Skagit County Area, Washington (USDA Soil Conservation Service, 1989).

b. Effective impervious surfaces are those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed in accordance with "Full Dispersion" measures as described in the applicable sections of the Washington State Department of Ecology's Stormwater Manual adopted within this Chapter under 15.40.030(F)(2), or an equivalent manual as determined by the director.

"Pervious surfaces" means vegetated areas that do not meet the definition of tree cover.

"Tree cover" means the area of cover provided by conifer or hardwood tree(s) greater than four inches dbh (diameter at breast height). Tree cover excludes the portion of the canopy that overlies impervious surface areas.

B. General Definitions.

"Activities, development" means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; division of a parcel of land into two or more parcels; and any use or extension of the use of land.

"Alteration" means any human induced change in an existing condition of a critical area or its management zone or buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing (vegetation), construction, compaction, excavation, drainage or dewatering, or any other activity that changes the character of the critical area.

"Alluvial fan hazard" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Aquifer" means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Artificial channel" means a stream channel that is entirely constructed, but does not include relocated natural channels. Except where fish bearing, an artificial channel is not a critical area.

"Best management practices (BMPs)" means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;

2. Minimize adverse impacts to surface water and groundwater flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

3. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and

4. Provide standards for proper use of chemical herbicides within critical areas.

"Buffer" means an area that is contiguous to and protects a critical area that is required for the continued maintenance, functioning, and/or structural stability of a critical area.

"Certified professional" means any person with the education, experience, and/or professional certification or licenses in a specialized field of study appropriate to the studies and analysis required, such as a wildlife biologist, hydrologist, hydrogeologist, wetland biologist, geotechnical engineer, or specialists in other disciplines.

"Critical areas" means wetlands, aquifer protection areas, fish and wildlife habitat, and frequently flooded and geologically hazardous areas as defined by the Growth Management Act.

"Critical facility" means a facility for which even a slight chance of flooding, inundation, or impact from a hazard event might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations that produce, use, or store hazardous materials or hazardous waste.

"DBH" means diameter breast height, which means the outside bark diameter at breast height. Breast height is defined as 4.5 feet (1.37 m) above the ground on the uphill side of the tree.

"Development permit" means written permission, after appropriate review for type of application, from the appropriate decision-maker authorizing the division of a parcel of land, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, utility, or any use or extension of the use of the land.

"Director" means the director of community and economic development for the city of Mount Vernon, or his/her designee.

"Drainage collection system" means a system for conveying, treating and detaining stormwater runoff swales, ponds, and outfalls.

"Emergency" means an action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

"Forested area" means a treed area that functions, or which over time will be restored to function, as a mature forest characterized by an undisturbed understory.

"Geologically hazardous areas" means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only be at risk, but may also increase the hazard to surrounding development and use. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

1. Erosion hazard;

2. Liquefaction;

3. Landslide hazard;

4. Seismic hazard;

5. Volcanic hazard; and

6. Alluvial fan hazard.

"Innovative site design" means development techniques using creative approaches to site design, habitat and tree retention, significant reduction of impervious surfaces, and changes in traditional site features such as roads and structures in favor of natural habitat features that result in zero or near-zero drainage discharge from the site after development.

"Intermittent" means water is not present in the channel year round during years of normal or above normal rainfall.

"Ordinary high water mark" means on lakes and streams, a mark found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists as of the effective date of regulations, as it may naturally change thereafter, or as it may change in accordance with permits issued by the city or state. Where the ordinary high water mark cannot be found, it shall be the stage of the 50 percent exceedance flow, according to the period of record of a measured or synthetic hydrograph. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

"Normal rainfall" means rainfall that is at the mean or within one standard deviation of the mean of the accumulated annual rainfall record, based upon the water year for Skagit County as recorded at the Burlington/Mount Vernon, Skagit Regional Airport, Washington, United States.

"Perennial" means water that flows continuously.

"Primary association area" means the area used on a regular basis by, is in close association with, or is necessary for the proper functioning of the habitat of a critical species. "Regular basis" means that the habitat area normally contains or is usually known to contain a critical species or, based on known habitat requirements of the species, the area is likely to contain the critical species. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

"Priority habitat" means habitat type or elements with unique or significant value to one or more species as classified by the State Department of Fish and Wildlife. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element.

"Reasonable use" means the minimum use to which a property owner is entitled under the applicable state and federal constitutional provisions, including takings and substantive due process. Reasonable use shall be liberally construed to protect the constitutional rights of the property owner.

"Regulated activity" means all activities located within a regulated critical area or critical area buffer/management zone.

"Riparian area" means the upland area immediately adjacent to and paralleling a body of water, usually composed of trees, shrubs and other plants. Riparian functions include bank and channel stability, sustained water supply, flood storage, recruitment of woody debris, leaf litter, nutrients, sediment and pollutant filtering, shade, shelter, and other functions that are important to both fish and wildlife.

"Salmonid migration barrier" means an in-stream blockage that consists of a natural drop (no human influence) with an uninterrupted slope greater than 100 percent (45-degree angle) and a height in excess of 11 vertical feet within anadromous salmon-bearing waters or a height in excess of three vertical feet within resident trout-only bearing waters. Constructed barriers to salmonid migration (e.g., culverts, weirs, etc.) shall be considered barriers to salmonid migration by this definition only if they were lawfully installed, present a complete barrier to salmonid passage based on hydraulic drop, water velocity, water depth, or any other feature that would prevent all salmonid from passing upstream; and in the opinion of the city reviewing official cannot be modified to provide salmonid passage without resulting in any of the following conditions:

1. Significant impacts to other environmental resources;

2. Significant impacts to major transportation and utility systems, or to the public health and safety;

3. Significant expense. For the purposes of this definition significant expense means a cost equal to or greater than 50 percent of the combined value of the proposed site buildings, structures, and/or site improvements, and existing buildings, structures, and/or site improvements to be retained.

"Species, priority" means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate, and monitor species, and those of recreational, commercial, or tribal importance.

"Steep slopes" means slopes greater than 40 percent.

"Stream" means an area where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses unless they are used by salmonids or used to convey streams that were naturally occurring prior to construction of such watercourses.

"Utilities" means utility lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, telephone, and cable.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the

construction of a road, street, or highway. Wetlands do include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

C. Report Content Requirements.

1. Geotechnical Study. A study prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the state of Washington that includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the city accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations. The preparation and content requirements in Table 15.40.120(A), Geotechnical Report – Detailed Requirements, shall also apply.

2. Habitat/Wildlife Assessment. A report prepared by a qualified fish and wildlife biologist with experience assessing the relevant species and habitats and including at a minimum, the following requirements:

a. Site plan prepared in accordance with the requirements of the community and economic development department indicating all habitat conservation areas falling within 200 feet of the subject property;

b. Project narrative describing the proposal including, but not limited to, associated grading and filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent to the habitat conservation area, and when deemed necessary by the director, surface and subsurface hydrologic analysis;

c. Impact analysis identifying and documenting the presence of all habitat conservation areas and discussing the project's effects on the habitat conservation areas;

d. Regulatory analysis including a discussion of any federal, state, tribal, and/or local requirements or special management recommendations that have been developed for species and/or habitats located on the site;

e. Mitigation report including a discussion of proposed measures for mitigating adverse impacts of the project and an evaluation of their potential effectiveness. Measures may include, but are not limited to, establishment of buffer zones, preservation of critically important plants and trees, limitation of access to habitat areas, seasonal restrictions of construction activities, establishment of a timetable for periodic review of the plan and/or establishment of performance or maintenance bonds;

f. Management and maintenance practices including a discussion of ongoing maintenance practices that will assure protection of all fish and wildlife habitat conservation areas on site after the project has been completed. This section should include a discussion of proposed monitoring criteria, methods and schedule.

3. Hydrogeologic Study. A report shall be prepared as follows:

a. The study shall be prepared by, or under the direction of, and signed by a licensed hydrogeologist pursuant to Chapter 308-15 WAC.

b. Phase I Report Requirements. A Phase I reconnaissance level hydrogeologic report shall summarize existing information about the basic site hydrogeologic conditions such as soil types, land cover, likely groundwater flow directions and receiving waters, and which low impact development management practices will be implemented consistent with the Low Impact Development Technical Guidance Manual for Puget Sound, January 2005, or an equivalent manual as determined by the director.

c. Phase II Report Requirements. This report shall include:

i. A description of the geology and groundwater in the proposed permit area and adjacent areas down to and including the lowest aquifer that may be affected by the facility, including the following:

(A) The results of a sufficient number of test borings and core borings to accurately characterize geology, soils, groundwater flow, groundwater chemistry and flow systems of the proposed permit area and adjacent area, which shall be at least three test borings. The applicant shall include the actual surface elevations of the drill holes.

(B) The stratigraphy, lithologic, and physical characteristics and thickness of each stratum, including the location and depth of aquifers.

(C) The hydrologic characteristics of each aquifer described in subsection (C)(3)(c)(i)(B) of this section, including field test data for hydraulic conductivity, storage coefficient and transmissivity, groundwater hydraulic gradient and velocity. The description of these characteristics shall be based on multiple well aquifer tests if required by the city. The application shall include the procedures and calculations used to determine these characteristics.

(D) The geologic structure within the proposed permit area and adjacent area, and its relation to the regional geological structure.

(E) The aquifer characteristics necessary to accurately describe three-dimensional groundwater flow through the proposed permit area and adjacent area, including storage and discharge characteristics.

4. Stream Study, Standard. A report shall be prepared by a qualified professional, unless otherwise determined by the director, and include the following information:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories (if unclassified, see subsection (C)(5)(a) of this section);

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zone(s) at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zone;

ix. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones; and

x. Location of site access, ingress, and egress.

b. Grading Plan. A grading plan prepared in accordance with MVMC and Mount Vernon engineering standards and as required by staff through the preapplication review process, and showing contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater.

c. Stream Assessment Narrative. A narrative report shall be prepared to accompany the site plan that describes:

i. The stream classification as recorded in city inventories;

ii. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending 100 feet upstream and downstream from the property line;

iii. The ecological functions currently provided by the stream/lake and existing riparian area;

iv. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas; and

v. Measures to protect trees and vegetation.

5. Stream Study, Supplemental. The application shall include the following information:

a. Unclassified Stream Assessment. If the site contains an unclassified stream, a certified professional shall provide a proposed classification of the stream(s) based on the city's adopted rating system in MVMC 15.40.090(C)(1) and a rationale for the proposed rating.

b. Alterations to Stream and/or Management Zones. A supplemental report prepared by a certified professional shall evaluate alternative methods of developing the property using the following criteria for justification:

i. Avoid any disturbances to the stream or management zone;

ii. Minimize any stream or management zone impacts;

iii. Compensate for any stream or management zone impacts;

iv. Restore any stream or management zone area impacted or lost temporarily;

v. Enhance degraded stream habitat to compensate for lost functions and values.

c. Impact Evaluation.

i. An impact evaluation for any unavoidable impacts prepared by a certified professional, to include:

(A) Identification, by characteristics and quantity, of the resources (stream, lake) and corresponding functional values found on the site;

(B) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which option(s) reduce(s) the impacts on the identified resource(s) and functional values of the site;

(C) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable; and

(D) To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system.

ii. For a violation, the impact evaluation must also include:

(A) Description, by characteristics and quantity, of the resource(s) and functional values, on the site prior to the violations, including, but not limited to: shade/temperature regulation, input of organic material and nutrients, contribution of large woody debris (LWD), improvements to water quality, bank stabilization, wildlife habitat, microclimate, and groundwater; and

(B) Determination of the impact of the violation on the resource(s) and functional values.

6. Stream Mitigation Plan. The mitigation plan must ensure compensation for unavoidable significant adverse impacts that result from the chosen development alternative or from a violation as identified in the impact evaluation. A mitigation plan must include:

a. Site Map. Site map(s) indicating, at a scale no smaller than one inch equals 20 feet (unless otherwise approved by the director):

i. The entire parcel of land owned by the applicant, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a certified professional (the OHWM must also be flagged in the field);

iii. Stream classification, as recorded in city inventories or as determined through a supplemental stream study approved by the director;

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their management zones at contour intervals of two feet where slopes are less than 10 percent, and of five feet where slopes are 10 percent or greater;

v. One-hundred-year floodplain and floodway boundaries, including 100 feet of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream, banks, and management zones to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending 100 feet upstream and downstream from the property line. Include position, species, and size of all trees at least four inches dbh that are within the inner and outer riparian management zones;

ix. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their management zones;

x. Location of site access, ingress and egress;

xi. Indication of where proposed mitigation or remediation measures will take place on the site;

xii. Separate indication of areas where revegetation is to take place and areas where vegetation is anticipated to be removed; and

xiii. Any other areas of impact with clear indication of type and extent of impact indicated on site plan.

b. Mitigation narrative that includes the following elements:

i. Description of existing conditions on the site and associated water resource (baseline information);

ii. Resource(s) and functional values to be restored, created, or enhanced on the mitigation site(s);

iii. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

iv. Construction schedule;

v. Operations and maintenance practices for protection and maintenance of the site;

vi. Environmental goals, objectives, and performance standards to be achieved by mitigation;

vii. Monitoring and evaluation procedures for a three-year period minimum, including minimum monitoring standards and timelines (i.e., annual, semi-annual, quarterly);

viii. Contingency plan with remedial actions for unsuccessful mitigation;

ix. Cost estimates for implementation of mitigation plan for purposes of calculating surety device;

x. Discussion of compliance with approval criteria; and

xi. A review of the best available science supporting the proposed request for a reduced standard and/or the method of impact mitigation; a description of the report author's experience to date in restoring or creating the type of critical area proposed; and an analysis of the likelihood of success of the compensation project.

7. Wetland Assessment. A wetland assessment includes the following:

a. A description of the project and maps at a scale no smaller than one inch equals 200 feet showing the entire parcel of land owned by the applicant and the wetland boundary delineated by a qualified wetlands ecologist, and pursuant to MVMC 15.40.040;

b. A description of the vegetative cover of the wetland and adjacent area including identification of the dominant plant and animal species, consistent with published delineation standards (Corps of Engineers delineation manual, 1987; Corps of Engineers Regional Supplement, 2010. Copies of the wetland delineation data sheets and rating forms should be included as an appendix to the wetland assessment;

c. A site plan for the proposed activity at a scale no smaller than one inch equals 200 feet showing the location, width, depth and length of all existing and proposed structures, roads, stormwater management facilities, sewage treatment and installations within the wetland and its buffer;

d. The exact locations and specifications for all activities associated with site development including the type, extent and method of operations;

e. Elevations of the site and adjacent lands within the wetland and its buffer at contour intervals of no greater than five feet or at a contour interval appropriate to the site topography and acceptable to the city;

f. Top view and typical cross-section views of the wetland and its buffer to scale;

g. The purposes of the project and, if a variance is being requested, an explanation of why the proposed activity cannot be located at another site; and

h. If wetland mitigation is proposed, a mitigation plan that includes baseline information, an identification of direct and indirect impacts of the project to the wetland area and wetland functions, environmental goals and objectives, performance standards, construction plans, a monitoring program, and a contingency plan.

i. Alternative Methods of Development. If wetland changes are proposed, the applicant shall evaluate alternative methods of developing the property using the following criteria in this order:

i. Avoid any disturbances to the wetland or buffer;

ii. Minimize any wetland or buffer impacts;

iii. Compensate for any wetland or buffer impacts;

iv. Restore any wetlands or buffer impacted or lost temporarily;

v. Create new wetlands and buffers for those lost; and

vi. In addition to restoring a wetland or creating a wetland, enhance an existing degraded wetland to compensate for lost functions and values.

This evaluation shall be submitted to the director. Any proposed alteration of wetlands shall be evaluated by the director using the above hierarchy.

j. Such other information as may be needed by the city, including but not limited to an assessment of wetland functional characteristics, including a discussion of the methodology used; a study of hazards if present on site, the

effect of any protective measures that might be taken to reduce such hazards; and any other information deemed necessary to verify compliance with the provisions of this section.

8. Wetland Mitigation Plan – Preliminary. A preliminary wetland mitigation plan shall include the following:

a. A conceptual site plan demonstrating sufficient area for replacement ratios;

b. Proposed planting scheme for created, restored, and enhanced wetlands; and

c. Written report consistent with final wetland mitigation plan requirements regarding baseline information, environmental goals and objectives, and performance standards.

9. Wetland Mitigation Plan – Final. A final wetland mitigation plan shall include:

a. Baseline Information. A written assessment and accompanying maps of the impacted wetland including, at a minimum, a wetland delineation by a qualified wetland specialist; existing wetland acreage; vegetative, faunal, and hydrologic characteristics; an identification of direct and indirect impacts of the project to the wetland area and wetland functions; soil and substrata conditions; topographic elevations and compensation site. If the mitigation site is different from the impacted wetland site, the assessment should include at a minimum: existing acreage; vegetative, faunal, and hydrologic conditions; relationship within the watershed and to existing water bodies; soil and substrata conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

b. Environmental Goals and Objectives. A written report by a qualified wetland specialist shall be provided identifying goals and objectives of the mitigation plan and describing:

i. The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or, if out-of-kind, the type of wetland to be emulated; and

ii. A review of the best available science and report author's experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, preferably those in the same drainage basins, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and groundwater supply and flow patterns, dynamics of the wetland ecosystem, sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

c. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the project are achieved and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. These criteria will be evaluated and reported pursuant to subsection (C)(9)(e) of this section, Monitoring Program. An assessment of the project's success in achieving the goals and objectives of the mitigation plan should be included along with an evaluation of the need for remedial action or contingency measures.

d. Detailed Techniques and Plans. Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence; grading and excavation details; erosion and sediment control features needed for wetland construction and long-term survival; a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagates, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrata stockpiling techniques and planting instructions; descriptions of water control structures and water level maintenance practices needed to achieve the necessary hydroperiod characteristics, etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, and topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or

anticipated final outcome. The plan shall provide for elevations that are appropriate for the desired habitat type(s) and that provide sufficient hydrologic data. The city may request such other information as needed to determine the adequacy of a mitigation plan.

e. Monitoring Program. A program outlining the approach for monitoring construction and development of the compensation project and for assessing a completed project shall be provided in the mitigation plan. Monitoring may include, but is not limited to:

i. Establishing vegetation plots to track changes in plant species composition and density over time;

ii. Using photo stations to evaluate vegetation community response;

iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

iv. Measuring base flow rates and stormwater runoff to model and evaluate hydrologic and water quality predictions;

v. Measuring sedimentation rates;

vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity; and

vii. A description shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project. A monitoring report shall be submitted consistent with the periods identified in MVMC 15.40.120(H). The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

f. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

g. Permit Conditions. Any compensation project prepared for mitigation pursuant to MVMC 15.40.110, and approved by the city shall become part of the application for project approval.

h. Demonstration of Competence. A demonstration of financial resources, administrative, supervisory, and technical competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided. A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training, and experience with comparable projects. (Ord. 3509 § 3 (Exh. A), 2010).

SECTION NINETEEN. EFFECTIVE DATE

A. With the exception of Subsection B below, this ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

B. Exception- the proposed amendments to Mount Vernon Municipal Code Chapters 13.33 and 13.35 shall be in full force on **December 31, 2016**.

SECTION TWENTY. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION TWENTY-ONE. City staff are hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

PASSED AND ADOPTED this 9th day of November, 2016.

SIGNED AND APPROVED this 29th day of November, 2016.

Alicia D. Huschka, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published _____