



NOTICE OF HEARING EXAMINER RECOMMENDATION & NOTICE OF PUBLIC HEARING

- PROJECT NAME/NUMBER:** Eaglemont III-C Preliminary Plat, File No. PLAN19-0183 and PLAN19-0184 (Legacy File: PL18-171)
- PROJECT DESCRIPTION:** 18 Lot preliminary plat of a 3.7 acre site located within the Eaglemont Planned Community. The single family lots range in size from 4,705 sq ft to 7,197 sq ft. A 900+/- linear foot public road will be constructed off of Eaglemont Drive to access the proposed lots. Sanitary and storm sewers, potable water, and associated dry utilities will be installed to serve the proposed new lots.
- PROJECT LOCATION:** The project site is located approximately 1,550 linear feet SE of the intersection of Eaglemont Drive and Beaver Pond Drive South, it is identified by the Skagit County Assessor as parcel P133779, and is located within the SE ¼ of Section 27, Township 34 North, Range 04 East, W.M.
- On December 18, 2019 the Mount Vernon Hearing Examiner held an open record public hearing on the above described project. Mount Vernon Municipal Code (MVMC) 14.05.110(H)(4) states that an applicant or party of record feeling that the recommendation of the examiner is based on an erroneous procedure, errors of law or fact, err 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.
- The applicant and parties of record have until January 20, 2020 to submit a request for reconsideration.
- 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 then 'News Notices' then scroll down the page to find the project name/number.
- PUBLIC HEARING:** A closed record public hearing on the above described project will be held by the Mount Vernon City Council on **January 22, 2020**. This hearing will be held at the City's Police/Court Campus located at 1805 Continental Place and the Council's agenda for this evening will begin at 7PM.
- CITY CONTACT:** Further information can be obtained by contacting the following:
City of Mount Vernon, Development Services Department
Contact: Rebecca Lowell
910 Cleveland Ave.
Mount Vernon, WA 98273
(360) 336-6214
- ISSUED:** January 9, 2010

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BEFORE THE HEARING EXAMINER FOR THE CITY OF MOUNT VERNON

Phil Olbrechts, Hearing Examiner

RE: Eaglemont III-C Preliminary Short Plat PL18-171	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
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INTRODUCTION

The Applicant has requested approval of an eighteen-lot preliminary plat for a 3.7-acre site located within the Eaglemont Planned Community, located approximately 1,550 linear feet southeast from the intersection of Eaglemont Drive and Beaver Pond Drive South. The plat is located within the within the southern half of the Eaglemont Golf Course. The public hearing was attended by some members of the public who were there to just ask questions and appeared to be primarily concerned about traffic and speeding on Eaglemont Drive. It is recommended that the City Council approve the preliminary plat application with the conditions recommended by staff.

ORAL TESTIMONY

Note: The summary of Oral Testimony below should not be construed as findings of fact or conclusions of law or suggest any priority or importance to any testimony. The summary is just provided to facilitate Council review of the proceedings. The recording of the proceeding is available from the planning department should anyone need an accurate rendition of the proceeding.

Marianne Manville-Ailles, City contract planner, summarized the staff report. She noted that the Notice of Application date identified for Ex. 1b at page 3 of the staff report needed to be corrected to January 28, 2019. Ms. Manville-Ailles identified that the preliminary plat is completely surrounded by a golf course. She noted there are steep slopes around the project site but only a tiny native growth protection area on one lot was necessary to protect the small amount of slopes actually on the project site.

Ms. Manville-Ailles noted that Mount Vernon Resolution 809, amending the Eaglemont Master Plan, was a little unclear in distinguishing between lot coverage and impervious surface requirements. Based upon the master plan amendment, the plat

1 conditions of approval erroneously limited drainage study requirements for lots that
2 had more than 50% structural coverage when the City's stormwater regulations require
3 drainage studies for more than 50% impervious surface, which includes driveways and
4 other impervious surfaces that extend beyond what would be considered to be a
5 structure. In light of this, Ex. 8 proposes revisions to the staff report, including its
6 conditions of approval, that assures that stormwater analysis will be done for lots with
7 more than 50% impervious surface as opposed to more than 50% structural coverage.
8 She noted that another revision requested by Ex. 8 is to change the reference in the staff
9 report from 40% maximum lot coverage (which is permitted structural coverage) to
10 50% to reflect the increase in permitted lot coverage authorized by Resolution 809. In
11 response to Examiner questions, Ms. Manville-Ailles identified that there are no
12 schools near the project site. She noted that the project is age-restricted so there
13 probably are not going to be many school children at the project site.

14
15 Jeff Morgan, Applicant representative, noted that the Applicant agrees with the staff
16 report.

17
18 Craig Cammock, Applicant's attorney, noted that the Applicant and staff have worked
19 through several iterations of the project and there are no issues with the staff
20 recommendation. He noted that the staff report erroneously references 19 legacy
21 parking spaces, which was initially proposed when the Applicant contemplated 19 lots.
22 The number of proposed parking spaces has been reduced to 18 spaces to reflect the 18
23 proposed lots. Mr. Cammock highlighted Condition No. 17, which allows drainage
24 ways to be placed in easements as opposed to separate tracts. Mr. Cammock
25 emphasized that the Applicant has not committed to making the plat age restricted and
that should the Applicant not elect to make the plat age restricted then school issues
can be addressed by the payment of impact fees and evaluation of walking conditions
to and from school. He noted that the plat has sidewalks that match the sidewalks
throughout the Eaglemont development and that the sidewalks connect all the way to
Division Street, which is a long distance away.

18
19 John Smith, project engineer, noted that the preliminary drainage report report
20 calculations are based upon 50% lot coverage plus an allowance of another 400 square
21 feet for additional impervious surface. This will be fine-tuned at the next stage of
22 construction documents.

21
22 Deborah Wheeler, neighbour, said neighbours have an issue with the speed of vehicles
23 going down Eaglemont Drive. There's a slope right below the entrance to the project
24 site where vehicles going both directions tend to increase speed. She wanted to know
25 if any mitigation was contemplated for that speeding problem.

24
25 Julie Hinkle, neighbour, noted that people had heard that Waugh Road would be
extended as a result of the project.

1 Ms. Manville-Ailles noted that the City's traffic consultant did a concurrency report
2 and didn't find the need for an off-site stop sign or any other off-site traffic
3 improvements or revisions. Ms. Manville-Ailles explained that the Applicant had been
4 required to prepare a concurrency report assessing traffic impacts and that the City used
5 a traffic consultant to review that report. As to Waugh Road, there is a provision in the
6 master plan conditions of approval that requires extension of Waugh Road when the
7 development reaches a certain amount of trip generation. That number will not be
8 reached by the proposal under review, but it's very close and the next preliminary plat
9 that comes in will probably trigger the extension requirement. Likely there is less than
10 10 trips of capacity remaining before the extension requirement kicks in. Ex. 2c
11 addresses the extension issue. There are other Eaglemont projects in the pipeline so
12 the extension requirement will be triggered soon.

13 Allen Danforth, City of Mount Vernon Development Review Engineering Manager,
14 noted that concurrency reviews just look at trip generation and don't consider issues
15 such as speeding. If there are problems with speeding, the area residents should
16 coordinate with the traffic safety committee of the public works department, which
17 meets once per month. The committee is composed of engineers and they will consider
18 mitigation options for problem speeding area. A developer can't be legally made
19 responsible to fix existing speeding problems.

20 Mr. Smith noted that the Applicant will be required to pay traffic impact fees, and those
21 fees can be used to address existing speeding problems. The access to the plat will
22 have a stop sign at Eaglemont Drive.

23 EXHIBITS

24 Exhibits 1-7 identified at Page 3 of the December 13, 2019 revised staff report were
25 admitted into the record during the December 18, 2019 public hearing. The following
exhibits were also admitted during the hearing:

Ex. 8: 12/17/19 memo to Examiner; Subject: Supplemental Information for Staff
Report

26 FINDINGS OF FACT

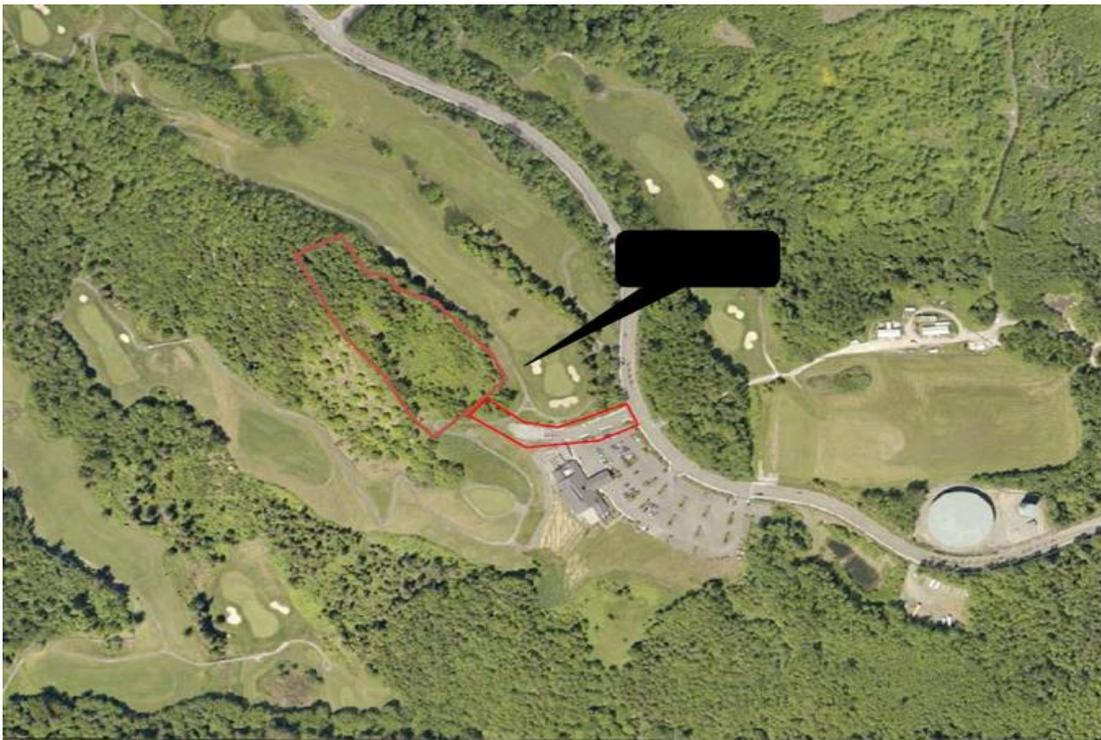
27 Procedural:

- 28 1. Applicant and Property Owner. The Applicant is Polyield Summit, LLC
29 Contact: Ed Young, 4800 Eaglemont Drive, Mount Vernon, WA 98274.
- 30 2. Hearing. A hearing on the application was held on December 18, 2020 in
31 the Chinook Room of December 18, 2019.

32 Substantive:

Preliminary Plat p. 3 Findings, Conclusions and Recommendation

1 3. Site/Proposal Description. The Applicant has requested approval of an
2 eighteen-lot preliminary plat for a 3.7-acre site located within the Eaglemont Planned
3 Community, located approximately 1,550 linear feet southeast of the intersection of
4 Eaglemont Drive and Beaver Pond Drive South within the southern half of the
5 Eaglemont Golf Course. A 900± linear foot public road will be constructed off of
6 Eaglemont Drive to access the proposed lots. Proposed lots will range in size from
7 4,656 square feet to 7,197 square feet. Sanitary and storm sewers, potable water, and
8 associated dry utilities will be installed to serve the proposed new lots. The project site
9 is outlined in red in the aerial photograph below copied from the staff report (project
10 site caption did not copy).



20 4. Characteristics of the Area. The project is surrounded by the Eaglemont
21 Golf Course. The Eaglemont Clubhouse (with its associated facilities) is located south
22 of the future plat.

23 5. Adverse Impacts. There are no significant adverse impacts created by the
24 proposal. Environmental impacts were assessed in detail and subject to more than 27
25 mitigation measures in an October 8, 2007 State Environmental Policy Act
Determination of Non-Significance, Ex. 3, for an earlier phase of master plan
development encompassing 139 lots. Pertinent impacts not already addressed for
project infrastructure in Finding of Fact No. 6 are more specifically addressed as
follows:

1 A. Critical Areas. The only critical areas on site is a small area with steep slopes.
2 There are no wetlands or streams the subject plat. The site includes areas where
3 slopes exceed 15% and is adjacent to a much larger area with steep slopes. A
4 Geotechnical Report was reviewed and approved with the clearing permit that
5 was obtained for this property. That report includes recommendations for
6 stormwater management, roadway, utility, and home construction. In addition,
7 a small NGPA has been identified and set aside on the proposed plat map.

8 Staff determined that by following the recommendations included in the
9 Geotechnical report (included as plat conditions) and the provisions applicable
10 to the identified NGPA (appropriate plat notes discussing the protection of that
11 area will be included on the final plat map) the Applicant will be in compliance
12 with the portions of the MVMC related to critical areas thus demonstrating
13 appropriate provisions for critical areas have been met.

14 B. Compatibility. The proposal is fully compatible with surrounding uses. The
15 subdivision is bounded on the south, east and west with the Eaglemont Golf
16 Course. The aerial photograph in the staff report shows vacant, heavily treed
17 land to the north.

18 6. Adequacy of Infrastructure and Public Services. As conditioned by this decision,
19 adequate and appropriate infrastructure and public services will serve development as
20 follows:

21 A. Drainage: The city's drainage standards impose detailed requirements that mandate
22 that the development maintain pre-development off-site stormwater flow volumes
23 and velocities. *See Stormwater Management Manual for Western Washington*,
24 prepared and published by the Washington State Department of Ecology that is
25 adopted as part of Chapter 13.33 MVMC. Consequently, no adverse impacts to
adjoining properties are anticipated. A preliminary drainage assessment has been
completed for the project and reviewed by engineering staff. This preliminary
assessment helps assure that the general preliminary plat design can accommodate
the stormwater facilities necessary to control drainage and more detailed
engineering and construction of required improvements will be installed prior to
approval of the final plat.

26 B. Transportation: Proposed streets and transportation facilities have been reviewed
27 by the City's Public Works staff and found to be in conformance with the City's
28 street standards, specifically Chapters 14.10 (Concurrency Management), Chapter
29 12.04 (Public Works Specifications), and 16.16, (Design Standards for Nonarterial
30 streets). On this basis, it is determined that the proposal makes adequate and
31 appropriate provision for transportation facilities.

1 Concurrency review was completed by the City’s traffic consultants, TSI, who
2 found the following:

- 3 1. The Project will generate 5.7 new PM peak hour trips, which is within the
4 “Phase I – Golf Course” trip reservation identified in the Eaglemont Gold Course
5 and Residential Community Master Plan.
- 6 2. All new and modified sidewalks, curb ramps, and driveway aprons must
7 satisfy current Americans with Disabilities Act (ADA) Standards.
- 8 3. The Applicant will be responsible for paying transportation impact fees.

9 The City’s development regulations require that developers pay traffic impact fees
10 per MVMC Chapter 3.40. This impact fee will be required to be paid prior to
11 building permit issuance. Impact fees pay for a proportionate share of the cost of
12 public streets and roads needed to serve the development.

13 A part of the project, the Development Services Director has approved the
14 following modifications to City street standards (See Ex. 6):

15 APPROVED MODIFICATIONS	
16 Right-of-Way	42 feet from 51 feet required by MVMC
17 Total Lane Width	28 feet (2, 14-foot lanes) from 32 feet required by MVMC
18 Sidewalks	5-foot (sidewalk on one side of the road) from 10 feet 19 required by MVMC (5-foot sidewalks on both sides of 20 street)

21 C. Parks and Open Space: The MVMC does not require any specific open space for
22 subdivisions and there is no substantial evidence in the record establishing general
23 open space needs, so none can be required from the Applicant. See *Isla Verde Int’l
24 Holdings v. City of Camas*, 146 Wn.2d 740 (2002)(If a municipality wishes to
25 make a developer set aside land for park purposes, the municipality has the burden
of proof in establishing the need for that park space.).

The City’s development regulations require that developers pay impact fees for
Parks, Open Space and Recreation Facilities per MVMC Chapter 3.40. This impact
fee will be required to be paid prior to building permit issuance. Park impact fees
pay for a proportionate share of the cost of new parks, open space and recreation
facilities needed to serve the development.

D. Water and Sewer: Water service in the City is provided through Public Utility
District #1 (PUD) of Skagit County.

1 Sanitary wastes are regulated by MVMC Chapters 13.08, 13.12, 13.16, and 13.32.
2 The Applicant will be required to design and install sanitary sewers to serve each
3 of the proposed residential lots. The Applicant's site plans submitted as part of the
4 short plat show where the sanitary sewers are proposed to be located. The
5 Applicant will pay connection chargers per MVMC 13.32 once the final plat is
6 finalized and building permits are issued for the new residential structures to be
7 built on what are currently proposed lots.

8 E. Schools: The City's development regulations require that developers pay impact
9 fees for School Facilities per MVMC 3.36. The impact fees will be required to be
10 paid prior to building permit issuance. School impact fees pay for a proportionate
11 share of the cost of new school facilities needed for the development. Should the
12 Applicant choose to restrict the age of the future residents within this plat to those
13 that are 55 and over the Mount Vernon School District could waive or reduce the
14 required school impact fees. According to City staff testimony during the hearing,
15 no schools are within walking distance from the project site and the projects internal
16 sidewalks connect to off-site sidewalk all the way to Division Street, so off-site
17 walking conditions do not need to be further assessed.

11 CONCLUSIONS OF LAW

12 Procedural:

13 1. Authority of Hearing Examiner. MVMC 14.05.060 designates preliminary
14 plat review as a Type IV process. MVMC 14.05.070 requires the hearing examiner to
15 hold an open record hearing and make a recommendation to the City Council on
16 Process IV applications.

17 Substantive:

18 2. Zoning Designation. Eaglemont Planned Unit Development (PUD) overlay
19 with underlying zoning of R-A.

20 3. Review Criteria and Application. MVMC 16.08.040 governs the review
21 criteria for preliminary plats. Relevant criteria are quoted below and applied through
22 corresponding conclusions of law.

23 **MVMC 16.08.040:** *At the open record pre-decision hearing, the hearing examiner shall*
24 *inquire into the public interest to be served by the establishment of the subdivision and*
25 *dedication. The hearing examiner shall determine if appropriate provisions have been*
included in the preliminary 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 hearing examiner finds that the public use and interest will be served by the*
platting of such subdivision, then the hearing examiner shall recommend approval. If the

1 *hearing examiner finds that the proposed plat does not make such appropriate provisions*
2 *or that the public use and interest will not be served, then the hearing examiner may*
3 *recommend disapproval of the preliminary plat.*

4 *B. Dedication of land to any public body; and/or dedication of easements to abutting*
5 *property owners may be required as a condition of subdivision approval and shall be*
6 *clearly shown on the final plat. The hearing examiner shall not require, as a condition of*
7 *the approval of any plat, that a release of liability be procured from other property owners.*

8 4. Criterion is satisfied. The proposal serves the public use and interest and makes
9 appropriate provisions for the public health, safety and welfare because it enables the
10 reasonable exercise of property rights without adversely affecting other properties or
11 creating any significant adverse impacts as determined in Finding of Fact No. 5. The
12 public interest is further ensured by the proposal's compliance with all applicable zoning
13 and critical area standards as outlined in the staff report. The proposal makes adequate
14 provision for public infrastructure and facilities identified in MVMC 16.08.040 as
15 determined in Finding of Fact No. 6.

11 **Recommendation**

12 All preliminary plat criteria are met for the reasons identified in the Conclusions of
13 Law above and it is recommended that the City Council approve the preliminary plat
14 subject to the following conditions of approval:

- 15 1. All applicable SEPA conditions from City Files LU07-006 and PL18-
16 054 (attached as **Exhibit 3**) shall be complied with.
- 17 2. Detailed plans for the disposal of excess excavated materials will be
18 required as part of the grading permit for the project.
- 19 3. Final construction plans must include a landscape plan that conforms to
20 the City of Mount Vernon requirements including plant list, planting
21 details, standard landscape notes and approval block. A conceptual
22 landscape proposal was included in the approved preliminary plat but is
23 not the approved landscape plan.
- 24 4. A 2-year financial security guaranteeing two years of maintenance of the
25 landscaped areas is required. To facilitate preparation of this financial
security the following will be required to be submitted:
 - a. The landscape inspection report.
 - b. The as built landscape plan.
 - c. Copy of the receipts for the improvements broken down by plant
type and quantity.
 - d. Copy of contract for maintenance.
5. Geotechnical recommendations for construction shall be as follows:
 - a. Upon stripping, all organic materials should be verified as
removed from the remaining roadbed. The exposed road base
material shall be inspected for suitability and recompacted.

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- b. New imported gravel base material meeting project specifications may then be applied and compacted to restore final base grade before placing CSTC and paving.
- c. Final gravel base grade shall be compaction tested to verify suitable installation and/or recompaction is attained.
- d. A proof roll shall be completed on all areas of the prepared roadway prior to placement of CSTC to assess for any localized soft or yielding areas remaining that require full removal and replacement of the base section. A proof roll prior to preparations may also be used to identify areas of concern to be over excavated initially prior to other efforts.
- e. Where possible, excavations made within about one foot of finished subgrade level should be performed with smooth edged buckets to minimize subgrade disturbance and the potential for softening to the greatest extent practical.
- f. After excavations have been completed to the planned subgrade elevations, but before placing fill or structural elements, the exposed subgrade soils should be evaluated.
- g. Plans indicate that a dispersion trench is to be located to outfall near the northeastern corner of this facility near steep bedrock slopes. We recommend avoiding dispersion within this area as discharge of water within areas of high gradients and shallow cover soils over bedrock may increase the risk for erosion in this area. During our field investigation we observed a lower gradient flow path that exits the northwest corner of the stormwater tract that would be more suitable for dispersion per DoE SMMWW regulations.
- h. Where appropriate, the subgrade should be proof-rolled with a minimum of two passes with a fully loaded dump truck, water truck or scraper.
- i. Any loose soil should be compacted to a firm and unyielding condition and at least to 95 percent of the modified Proctor maximum dry density per ASTM D1557. Any areas that are identified as being soft or yielding during subgrade evaluation should be over-excavated to a firm and unyielding condition or to the depth determined by the geotechnical engineer. Where over-excavation is performed below a structure, the over-excavation area should extend beyond the outside of the footing a distance equal to the depth of the over-excavation below the footing. The over-excavated areas should be backfilled with properly compacted structural fill.
- j. During wet weather, the contractor should take measures to protect exposed subgrades and limit construction traffic during earthwork activities.
- k. Measures should be implemented to prevent degradation or disturbance of the subgrade. These measures could include, but are not limited to, placing a layer of crushed rock or lean concrete on the exposed subgrade, or covering the exposed subgrade with a plastic tarp and keeping construction traffic off the subgrade.

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- l. During wet weather, earthen berms or other methods should be used to prevent runoff from draining into excavations. All runoff should be collected and disposed of properly. Measures may also be required to reduce the moisture content of on-site soils in the event of wet weather. These measures can include, but are not limited to, air drying and soil amendment, etc.
- m. Because frozen soil is not suitable for use as structural fill, it is recommended that earthwork activities generally take place in late spring, summer or early fall.
- n. Dewatering efforts may be required locally if work occurs during the wet winter months or during heavy storm events, depending on actual soils encountered and weather conditions during earthwork. It is recommended that major earthwork activities take place during the dry season or shoulder seasons if possible, to minimize the potential for stormwater inundation or seepage within excavations.
- o. All material placed below structures or pavement areas should be considered structural fill. Structural fill material shall be free of deleterious material, have a maximum particle size of 4 inches, and be compactable to the required compaction level.
- p. Excavated shallow native glacial till soils may be potentially suitable for limited re-use, such as for utility trench backfill outside of roadways and general non-structural site grading, depending on moisture conditions, season of use, and project specifications. Excavated native soils considered for reuse should be carefully removed and stockpiled to prevent sediment cross-contamination, visually confirmed prior to placement, properly moisture-conditioned and placed in accordance with the recommendations described below (See condition “u”). During warm, dry weather, it will likely be necessary to add water to these soils after residing in stockpiles. The condition and suitability of stockpiled on-site materials should be verified prior to reuse as controlled fill. Material properties of re-used native soils shall meet project specifications for the intended use.
- q. Imported structural fill material should conform to Section 9-03.14(1), Gravel Borrow, of the most recent edition (at the time of construction) of the State of Washington Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction (WSDOT Standard Specifications).
- r. Controlled-density fill (CDF) or lean mix concrete can be used as an alternative to structural fill materials, except in areas where free-draining materials are required or specified.
- s. Prior to placement and compaction, structural fill should be moisture conditioned to within 3 percent of its optimum moisture content. Loose lifts of structural fill shall not exceed 12 inches in thickness; thinner lifts will be required for walk-behind or hand operated equipment.
- t. All structural fill shall be compacted to a dense and unyielding condition and to a minimum percent compaction based on its

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modified Proctor maximum dry density as determined per ASTM D1557.

- u. Structural fill placed beneath each of the following shall be compacted to the indicated percent compaction:
Pavement Subgrades (upper 2 feet): 95 Percent
Pavement Subgrades (below 2 feet): 90 Percent
Utility Trenches (upper 4 feet): 95 Percent
Utility Trenches (below 4 feet): 90 Percent
 - v. It is recommend that fill placed on slopes steeper than 3:1 (H:V) be ‘benched’ in accordance with hillside terraces entry of section 2-03.3(14) of the WSDOT Standard Specifications.
 - w. Temporary excavation slopes in the native silty and sandy soils should be inclined no steeper than 2H:1V. Heavy construction equipment, building materials, excavated soil, and vehicular traffic should not be allowed near the top of any excavation.
 - x. Temporary excavations and slopes should be protected from the elements by covering with plastic sheeting or some other similar impermeable material. Sheeting sections should overlap by at least 12 inches and be tightly secured with sandbags, tires, staking, or other means to prevent wind from exposing the soils under the sheeting.
 - y. It is recommended that new areas of permanent slopes including fill embankments be inclined no greater than 3H:1V. Permanent slopes should be planted with a deep-rooted, rapid-growth vegetative cover as soon as possible after completion of slope construction. Alternatively, the slope should be covered with plastic, straw, etc. until it can be landscaped.
 - z. It is recommend that all utility trenches, but particularly those greater than 4 feet in depth, be supported in accordance with state and federal safety regulations.
 - aa. Pipe bedding material should conform to the manufacturer’s recommendations and be worked around the pipe to provide uniform support. Cobbles or boulders, if encountered, exposed in the bottom of utility excavations should be covered with pipe bedding or removed to avoid inducing concentrated stresses on the pipe.
 - bb. Particular care should be taken to insure bedding or fill material is properly compacted to provide adequate support to the pipe. Jetting or flooding is not a substitute for mechanical compaction and should not be allowed.
6. The future NGPA tract shall be delineated with high visibility construction fencing prior to earth moving activities occurring. This construction fencing shall remain in place for the duration of the construction of site infrastructure.
7. A Final Plat Map meeting all of the requirements of RCW 58.17 and MVMC 16.12.030 must be submitted. The drawings submitted for preliminary approval are not adequate for Final Plat approval and must meet the Survey Recording Act and include at a minimum all of the standard plat notes, dedications, and certificates as required by the City of Mount Vernon.

- 1 8. Final construction plans must include an exhibit demonstrating that the
2 plat includes no less than 19, code compliant, on-street parking spaces.
3 This may be accomplished by utilizing the existing road that extends
4 from Eaglemont Drive to the SE corner of lot 12.
- 5 9. PUD does not own or operate a water pipeline fronting the above-
6 referenced property. In order to serve proposed plat with water, a
7 waterline extension is required. PUD maps indicate the shortest required
8 extension is 700 feet in length from southwest of the clubhouse on
9 Eaglemont Drive. Costs related to the design and construction of
10 waterline extensions are the responsibility of the customer.
- 11 10. Waterline extensions through private property require the granting of a
12 20-foot wide utility easement to the PUD for operation, maintenance,
13 and replacement purposes.
- 14 11. The following setback and lot coverage requirements shall be placed on
15 the face of the final plat: Front Yard Setback. Front yard setback may be
16 reduced not less than 10 feet from property line, access easement, or back
17 of sidewalk. The front of private garages shall maintain at least 20 feet
18 from the back of sidewalk, property line, or access easement.
 - 19 a. Rear yard setback: not less than 10 feet.
 - 20 b. Side yard setback: not less than five feet for single-story homes;
21 provided, that nothing (e.g., eaves, bay windows, enclosed stair
22 landings, chimneys, etc.) will be allowed to project into this
23 reduced side yard setback area. For structures that have more than
24 one story the side yard setback shall be a minimum of five feet
25 with the total of the two side yards being not less than 15 feet.
Where the side yard setback is six feet or more the eaves of a
structure may project no more than 12 inches into the side yard.
 - c. To protect privacy, windows facing the side yard shall be offset
from the adjacent residence. The installation of fences, walls or
hedges shall be required.
 - d. Lot Coverage. For detached single-family residential lots of any
size the land covered by buildings shall be no more than 50
percent.
12. A Homeowner's Association shall be created that includes all future
building lots that shall be responsible for the maintenance of all
landscape areas, fencing around the perimeter of the plat and around the
stormwater ponds, sidewalks, street trees installed adjacent to sidewalks,
and all Tracts that do not attenuate or treat stormwater from the to-be
constructed public road. The City will not be maintaining any of the areas
the homeowner's association is required to maintain.
13. Codes, Covenants & Restrictions (CC&Rs) for this development shall be
submitted to the Development Services Department for review and
approval prior to final plat approval. The CC&Rs shall include a map
that clearly shows the areas within the plat that the homeowner's
association is responsible for maintaining. Evidence that sufficient funds
will be collected from each of the future residents shall be supplied to
the City to ensure proper maintenance of these areas. The City approved
CC&Rs shall be recorded with, and cross-referenced on, the face of the
final plat.

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- 14. The future homes that will be constructed following final plat approval will be subject to the City’s Design Review Standards that are codified within Mount Vernon Municipal Code Chapter 17.70.
- 15. The future lots that are part of this preliminary plat approval are part of a Planned Unit Development (PUD). The homes, open spaces, landscaping, and Native Growth Protection Areas (NGPAs), as applicable, 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 denser development with a mix of lot characteristics different than those allowed under standard zoning requirements. All future permits for uses and structures within this PUD are required to comply with the PUD requirements, the City’s Design Standards, and all other applicable chapters of the Mount Vernon Municipal Code. The Applicant will be required to create PUD documents that will be recorded and cross-referenced on the final plat documents.
- 16. The portion of the NGPA tract abutting future lots 1 – 11 shall have fencing and signage installed consistent with MVMC 15.40.040 prior to final plat approval. The type of fence and its installation will be subject to design review.
- 17. The 10-foot wide drainage easements shown across the rear yards of lots 1 to 16 will not be required to be located in separate tracts; however, a note shall be added to the face of the final plat stating that structures cannot be placed within these drainage easement areas.
- 18. Prior to final plat approval, the detention ponds with side slopes greater than 5:1 shall be screened with fence with no less than a 7-foot wide landscaping strip outside of the fence that includes 2-inch caliper street trees and evergreen trees that are a minimum of 7 feet in height installed 15 feet on center with minimum 5-gallon shrubs and 2-gallon ground cover. The shrubs and ground cover shall be installed at a density that will fill eight-five percent (85%) of the 5-foot wide landscaping strip within two (2) years.
- 19. The mailbox location and the requisite architectural feature around the mailbox shall be shown on the construction plans submitted following preliminary plat approval and shall be installed prior to final plat approval.
- 20. “No Parking” signs shall be mounted on decorative posts that are a maximum of three (3) feet in height, prior to final plat approval.
- 21. Automatic fire sprinkler systems shall be installed within each of the residential structures to be built after final plat approval.
- 22. Consistent with Resolution 808 revised and updated Master Plan maps shall be submitted to the City for approval prior to final plat approval.
- 23. The conditions of approval of the street modification request processed as City File ENGR19-0212 shall be complied with prior to final plat approval. This preliminary plat approval shall modify the conditions of approval of permit ENGR19-0212 such that 18 code compliant, on-street parking spaces shall be identified and created prior to final plat approval (versus the 19 spaces that were originally required).

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24. Prior to final plat approval the Applicant shall submit to the City supplemental information as follows:
- a. The area of each lot.
 - b. The maximum area of each lot to be covered by structures as defined in MVMC Chapter 17.06, S Definitions.
 - c. The maximum area of each lot to be covered by impervious surfaces as defined in MVMC Chapter 13.33.020.
- In addition, the Applicant must verify that the drainage analysis conducted includes all of the impervious surface for each lot where those lots exceed 50 percent impervious surface (i.e. lot coverage plus other impervious surfaces). If the drainage analysis does not include the actual amount of impervious surface a revised drainage analysis must be submitted and approved by the City prior to construction permits being issued to construct site infrastructure following preliminary plat approval.

Dated this 4th day of January, 2020.



Phil A. Olbrechts

City of Mount Vernon Hearing Examiner