



**DATE:** August 17, 2016

**TO:** Mayor Boudreau and City Council

**FROM:** Rebecca Lowell, Senior Planner

**SUBJECT:** PUBLIC HEARING FOR PRELIMINARY PLAT APPROVAL 3 YEAR EXTENSION REQUEST – LAND USE NO. PL16-054 HIGHLAND GREENS

**RECOMMENDED ACTION:**

Staff recommends that Council make a motion to authorize the Mayor to sign the accompanying Resolution regarding the Highland Greens Divisions 1-B, 2, 3, 6, and 7 preliminary plat three (3) year extension.

**INTRODUCTION/BACKGROUND:**

The preliminary plat/PUD for Highland Greens was approved by City Council on May 25, 2005 with Resolution 685. On May 26, 2010 the City Council approved a one year extension for the Preliminary Plat. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of May 25, 2016.

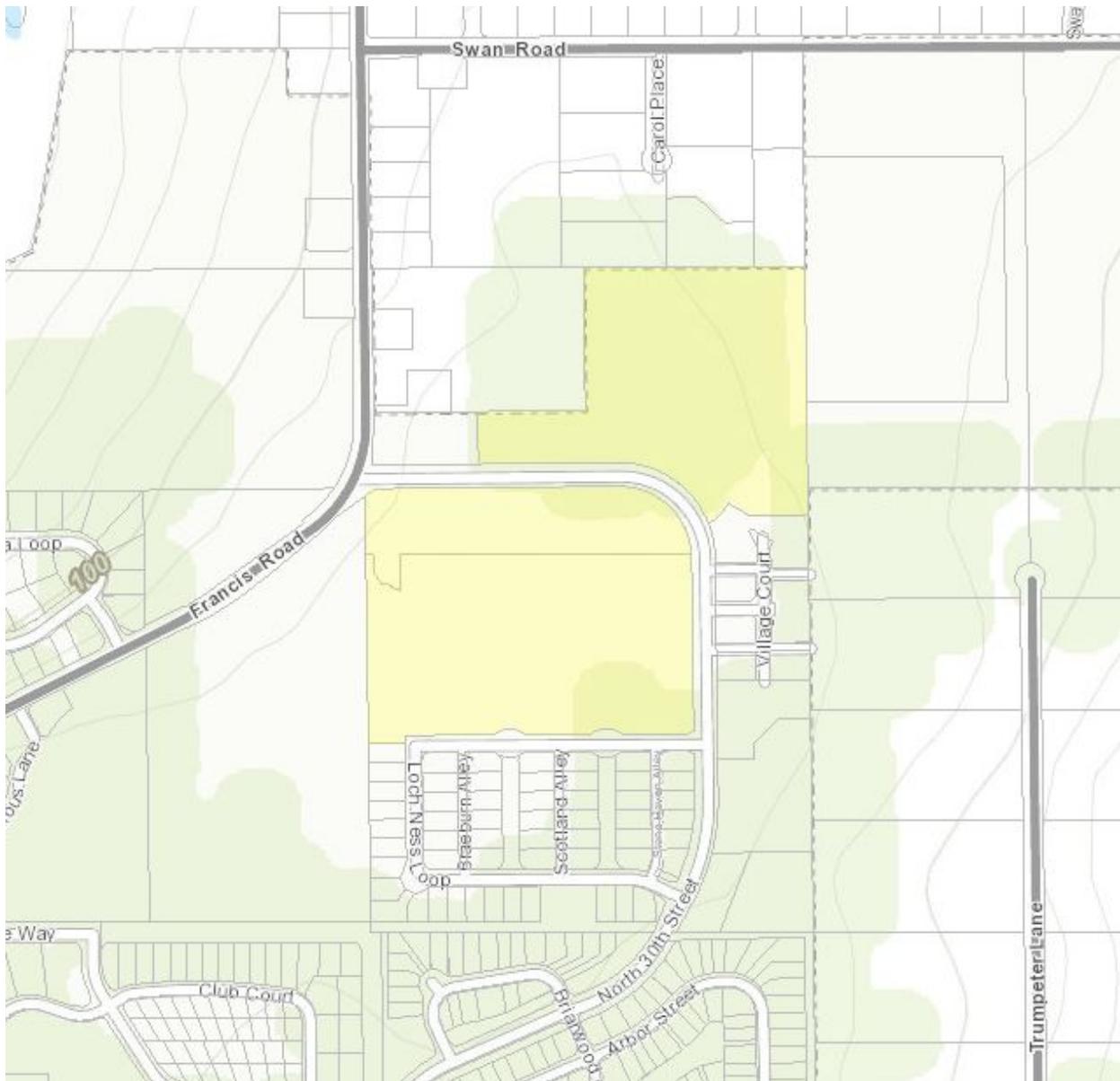
The overall Highland Greens development was approved for 184 single family dwelling units, 78 multifamily units, and a +/- one acre neighborhood commercial area on approximately 52 acres. The PUD is proposed to be developed as 7 Divisions.

Division 5, a multifamily division consisting of 51 units, was approved in April of 2008. Division 4, a multifamily division consisting of 27 lots in 9 buildings, was approved in October of 2008. Division 1-A was approved in May 2014 and includes 55 lots.

Construction plans for Division 1-B (which includes 59 single family lots) are currently being reviewed by the City. It is anticipated that the remaining residential Divisions will be developed over the next three years. Highland Greens Divisions 2, 3 and 7 include 38, 28, and 9 lots respectively. The applicant has indicated that it is unlikely that Division 6 (the Commercial Division) will be completed until such time as there is additional residential development in the northern portion of the City's UGA.

Highland Greens is located on the east side of Francis Road on the northern edge of the City's UGA as shown on the vicinity map below.

The following Table 1.1 summarizes the physical characteristics of the roads, critical areas, and stormwater facilities that the applicant has, or plans to, install/construct and compares these facilities to what would be required with currently adopted codes.



**VICINITY MAP**

**TABLE 1.1:**

	<p align="center"><b>EXISTING INFRASTRUCTURE CONSTRUCTED/INSTALLED AND BUFFERS OBSERVED</b></p>	<p align="center"><b>CURRENT CODE REQUIREMENTS</b></p>
<p><b>30<sup>th</sup> Street</b></p>	<p>30<sup>th</sup> Street is an arterial street that serves as the primary internal through street for the development. It is a 70 foot right of way with curb, gutter, planting strip, and sidewalks on both sides.</p> <p>There is no parking along 30<sup>th</sup> Street except in limited areas where parking pockets have been designed.</p>	<p>The approved requirements are the same as or exceed current requirements.</p>
<p><b>Internal Plat Roads: Loch Ness Loop Green Way And Unnamed Plat Roads</b></p>	<p>The development includes a unique combination of interior plat roads. They include right of way that varies from 40 to 50 feet in width. The streets include a variety of configurations including sidewalk easements: areas of no parking, parking on one side, and parking on both sides; landscape strips; and traffic calming circles with landscaping.</p> <p>Over ½ of the total length of Loch Ness Loop has been constructed with Division 1-A. Green Way was completed to just over ¾ improvements as part of Division 1-A.</p>	<p>These street sections could only be approved through a street design standard modification process under the current code. It would be difficult for the applicant to show that that are “unique and unusual circumstances” that would warrant the approval of a modification to allow this road section.</p> <p>It is likely that all of these interior plat roads would be required to be 32 feet in width with 4-foot landscape strips and 5-foot sidewalks on both sides of these roads – all within a 51-foot wide right-of-way.</p> <p>Since significant portions of the internal roadway system have already been completed with previous divisions, it would not be feasible or practical to apply the current road standards</p>

<p><b>Alleys</b></p>	<p>Three alleys serve Divisions 1-A and 1-B (Braeburn Alley, Scotland Alley, and Stonehaven Alley) They are 25 foot right of way with seven foot utility easements on each side. Roughly half of the alleys have been constructed as part of Division 1-A.</p>	<p>The approved requirements are the same as or exceed current requirements.</p>
<p><b>Critical Areas – Stream:</b></p>	<p>Several wetland areas associated were identified within the development within Division 5 and Division 1-a. A Native Growth Protection Area Easement was established over the wetlands when each of the divisions were approved. The NGPAs include only the identified wetlands no buffers were included.</p>	<p>The City’s current code would require buffers on the wetlands and that those buffers be included in the established NGPAs. It would be difficult for the project to comply with the current standards at this point the critical areas are located entirely within divisions of the development that have already been completed. Even if the standard buffers were applied much of the area within those buffers has been disturbed as a result of construction of infrastructure to serve the development and the multifamily units and single family residences that have already been constructed. It would not be feasible or practical to apply the current buffers.</p>
<p><b>Stormwater Facilities:</b></p>	<p>The proposed Highland Greens drainage system is designed to the standard and requirements of the 1992 DOE Stormwater Management Manual</p>	<p>In 2010, the City adopted the DOE’s 2005 Stormwater Management Manual.</p> <p>The proposed stormwater management system is consistent with and follows the 1992 Stormwater Manual. The system was constructed as part of the divisions that have been completed. It would not be feasible or practical to reconfigure the designed and constructed stormwater system to apply current regulations.</p>

All of the multifamily divisions within this development have been approved and 55 of the single family lots have been approved. The majority of the approved lots have been constructed. The applicant has submitted construction plans for review on Division 1-B that will include an additional 59 single family lots. The applicant plans to begin construction on those improvements this construction season and submit the final plat upon completion of the improvements. The remaining Divisions are closely related to those that have already been completed and recorded. They share infrastructure and many design characteristics. These features would not necessarily be able to be replicated if the preliminary plat were to expire and have to begin anew.

**FINDINGS:**

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

*MVMC 16.08.060:*

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

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

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

1. A majority of the shared infrastructure improvements have been, or are actively being constructed.
2. Three of the six residential divisions comprising all of the multifamily lots and roughly 30 percent of the single family lots were completed within the original timeframe for the project.
3. Changing the development standards at this stage would have significant impacts for already completed divisions which would not be feasible or practical since many of the completed lots have homes built on them and have new owners.

**RECOMMENDATION:**

Council move to authorize the Mayor to sign the accompanying Resolution that will extend the preliminary plat expiration period for three (3) years (i.e., from May 25, 2016 to May 25, 2019) for the Highland Green Preliminary Plat/PUD, LU04-093.

**ATTACHED:**

- Proposed Resolution for Council Consideration
- Proposed Development Agreement
  - Exhibit A: Legal Description of the overall property
  - Exhibit B Highland Greens PUD map
  - Exhibit C: Preliminary Plat Resolution 685

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MOUNT VERNON, WASHINGTON; ACCEPTING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MOUNT VERNON AND HANSELL MITZEL LLC TO EXTEND PRELIMINARY PLAT APPROVAL FOR THE HIGHLAND GREENS PLAT/PUD IDENTIFIED BY THE CITY AS PROJECT LU04-093 FOR DIVISIONS 1-B, 2, 3, 6, & 7**

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

**WHEREAS**, this Development Agreement by and between the City of Mount and the Developer (hereinafter the “Development Agreement”), relates to the development known as Highland Greens Divisions 1-B, 2, 3, 6, & 7, File No. LU04-093; and

**WHEREAS**, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary plat approvals such as the Highland Greens Divisions 1-B, 2, 3, 6, & 7; and

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

**WHEREAS**, the City held a public hearing regarding the approval of this Development Agreement on August 17, 2016; and

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

**NOW, THEREFORE,**

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

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

**ADOPTED by the City Council of the City of Mount Vernon, Washington, and APPROVED by its Mayor, following a public hearing on the 17<sup>th</sup> day of August, 2016.**

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

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

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

Approved as to form:

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

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

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF MOUNT VERNON  
AND HANSELL MITZEL, LLC TO EXTEND THE PRELIMINARY PLAT  
VALIDITY TIMEFRAME FOR THE HIGHLAND GREENS  
DIVISIONS 1-B, 2, 3, 6, AND 7 PRELIMINARY PLAT/PUD**

THIS DEVELOPMENT AGREEMENT is made and entered into this \_\_\_\_ day of August, 2016, by and between the City of Mount Vernon, a noncharter, optional code Washington municipal corporation, hereinafter the “City,” and Hansell Mitzel LLC a Washington Limited Liability Corporation with Dan R. Mitzel as Managing Member and is organized under the laws of the State of Washington hereinafter the “Developer.”

**RECITALS**

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

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

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

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

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

WHEREAS, this Development Agreement by and between the City of Mount Vernon and the Developer (hereinafter the “Development Agreement”), relates to the development known as Highland Greens Division 1-B, 2, 3, 6, and 7 Preliminary Plat/PUD, File No. LU04-093; and

WHEREAS, the Highland Greens Division 1-B, 2, 3, 6, and 7 Preliminary Plat/PUD development is located on the east side of Francis Road along the City's northern UGA. The Skagit County Assessor identifies the site with the following parcel numbers: P124125, P124127, P131952 (hereinafter referred to as the "Property"); and

WHEREAS, the proposed Highland Greens development received preliminary plat approval in May of 2005 with City Resolution 685. On May 26, 2010 the City Council approved a one year extension for the Preliminary Plat. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of May 25, 2016. The development consists of 184 single family residences, 78 multifamily residences and one roughly one acre commercial division being created over the approximate 52 acre site. The development is being developed as seven (7) divisions. Division 5, a multifamily division consisting of 51 units, was approved in April of 2008. Division 4, a multifamily division consisting of 27 lots in 9 buildings, was approved in October of 2008. Division 1-A was approved in May 2014 and includes 55 lots. Highland Greens Divisions 1-B, 2, 3, and 7 include 59, 33, 28, and 9 lots respectively and Division 6 includes one commercial area and are and are the subject of this agreement; and

WHEREAS, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary plat approvals such as the Highland Greens Division 1-B, 2, 3, 6, and 7 Preliminary Plat/PUD; and

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

NOW, THEREFORE, the parties hereto agree as follows:

## **GENERAL PROVISIONS**

**Section 1. *The Development.*** The development named Highland Greens Division 1-B, 2, 3, 6, and 7 Preliminary Plat/PUD received preliminary plat approval in May of 2005 with City Resolution 685. On May 26, 2010 the City Council approved a one year extension for the Preliminary Plat. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of May 25, 2016. The development consists of 184 single family residences, 78 multifamily residences and one roughly one acre commercial division being created over the approximate 52 acre site. The development is being developed as seven (7) divisions. . Division 5, a multifamily division consisting of 51 units, was approved in April of 2008. Division 4, a multifamily division consisting of 27 lots in 9 buildings, was approved in October of 2008. Division 1-A was approved in May 2014 and includes 55 lots. Highland Greens Divisions 1-B, 2, 3, and 7 include 59, 33, 28, and 9 lots respectively and Division 6 includes one commercial area.

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

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

- A. "Adopting Resolution" means the Resolution which approves this Development Agreement, as required by RCW 36.70B.200.
- B. "Council" means the duly elected legislative body governing the City of Mount Vernon.

- C. “Director” means the City’s Community and Economic Development Director or Public Works Director.
- D. “Effective Date” means the effective date of the Adopting Resolution.
- E. “Existing Land Use Regulations” means the ordinances adopted by the City Council of Mount Vernon in effect on the Effective Date, including the adopting ordinances that govern the permitted uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Subject Property, including, but not limited to the Comprehensive Plan, the City’s Official Zoning Map and development standards, the Design Manual, the Public Works Standards, SEPA, Concurrency Ordinance, and all other ordinances, codes, rules and regulations of the City establishing subdivision standards, park regulations, building standards. Existing Land Use Regulation does not include non-land use regulations, which includes taxes and impact fees.
- F. “Landowner” means the party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement. The “Developer” is identified in Section 5 of this Agreement.
- G. “Project” means the anticipated development of the Subject Property, as specified in Section 1 and as provided for in all associated permits/approvals, and all incorporated exhibits.

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

Exhibit A – Legal description of the Subject Property.

Exhibit B – Map showing the proposed Highland Greens Division 1-B, 2, 3, 6, and 7 Preliminary Plat/PUD

Exhibit C – Resolution 685.

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

- A. The “City” is the City of Mount Vernon, PO Box 809, 910 Cleveland Avenue, Mount Vernon, WA 98273.
- B. The “Developer” or Owner is a private enterprise which owns the Subject Property in fee, and whose principal office is located at 1111 Cleveland Ave, Suite 2 Mount Vernon, WA 98273, (360) 404-2090.
- C. The “Landowner.” From time to time, as provided in this Agreement, the Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.
- D. Project is a Private Undertaking. It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

**Section 6.** *Term of Agreement.* This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and shall continue in force as outlined within Section 10; or unless terminated as provided herein. Following termination or expiration, this Agreement shall have no force and effect.

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

- A. Preliminary Plat Time Limitations. RCW 58.17.140(3) (b) states that: “a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007 ...”. The development received preliminary plat approval on April 25, 2005. On May 26, 2010 the City Council approved a one year extension for the Preliminary Plat. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of May 25, 2016.
- B. 2015 MVMC Amendment Related to Preliminary Plat Timeframes. In June of 2015, the Mount Vernon City Council approved amendments to Mount Vernon Municipal Code (MVMC) 16.08.060(C)(2) providing a way that preliminary plat approvals can be extended for three-years “upon a showing that they have attempted in good faith to submit the final plat within the required period...” In granting an extension the Council can require that a development comply with any of the development regulations in effect at the time the extension is requested should these regulations be different than the ones the development is vested to”.
- C. Considerations for Preliminary Plat Extension. The City has determined, with the approval of this Development Agreement, that the development regulations that the development is currently subject to shall remain the same until this Agreement is terminated, as outlined in Section 9, below.
- D. Newly Authorized Preliminary Plat Expiration Date. The City Council with the approval of Resolution \_\_\_\_\_ concurs with the staff findings outlined above in subsection (C) and is extending the preliminary plat validity timeline **from** May 25, 2016 **to** May 25, 2019.
- E. All Other Requirements Not Modified. This development agreement does not change or alter any other approval that the development is subject to; including, but not limited to: the conditions of Resolution 685 or the mitigation measures imposed through the SEPA process.

**Section 8. Default.**

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

**Section 9. Termination.** This Agreement shall expire and/or terminate and be of no further force at such time as the final division of the Highland Greens PUD is approved by City Council and recorded with the Skagit County Auditor or **May 25, 2019** whichever comes first.

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

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

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

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

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

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

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

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

**OWNER/DEVELOPER:**  
Hansell Mitzel.,

\_\_\_\_\_  
Dan R. Mitzel

\_\_\_\_\_

**CITY OF MOUNT VERNON:**

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

Attest:

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

Approved as to form:

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

STATE OF WASHINGTON }  
COUNTY OF SKAGIT } ss.

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

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

(SEAL)

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

**EXHIBIT A**

**Legal Description of Property**

**(TO BE INSERTED)**

**EXHIBIT B**

Maps showing the proposed Highland Greens Division 1-B, 2, 3, 6, and 7  
Preliminary Plat/PUD development  
(for illustrative purposes only)

FOUND 2" BRASS DISK W /  
"X", IN CONC. MON. IN  
CASE 6-13-02, 68/1

N0°16'26"E 2627.55'

UNDEVELOPED

SHEET 4  
SHEET 7

FRANCIS ROAD

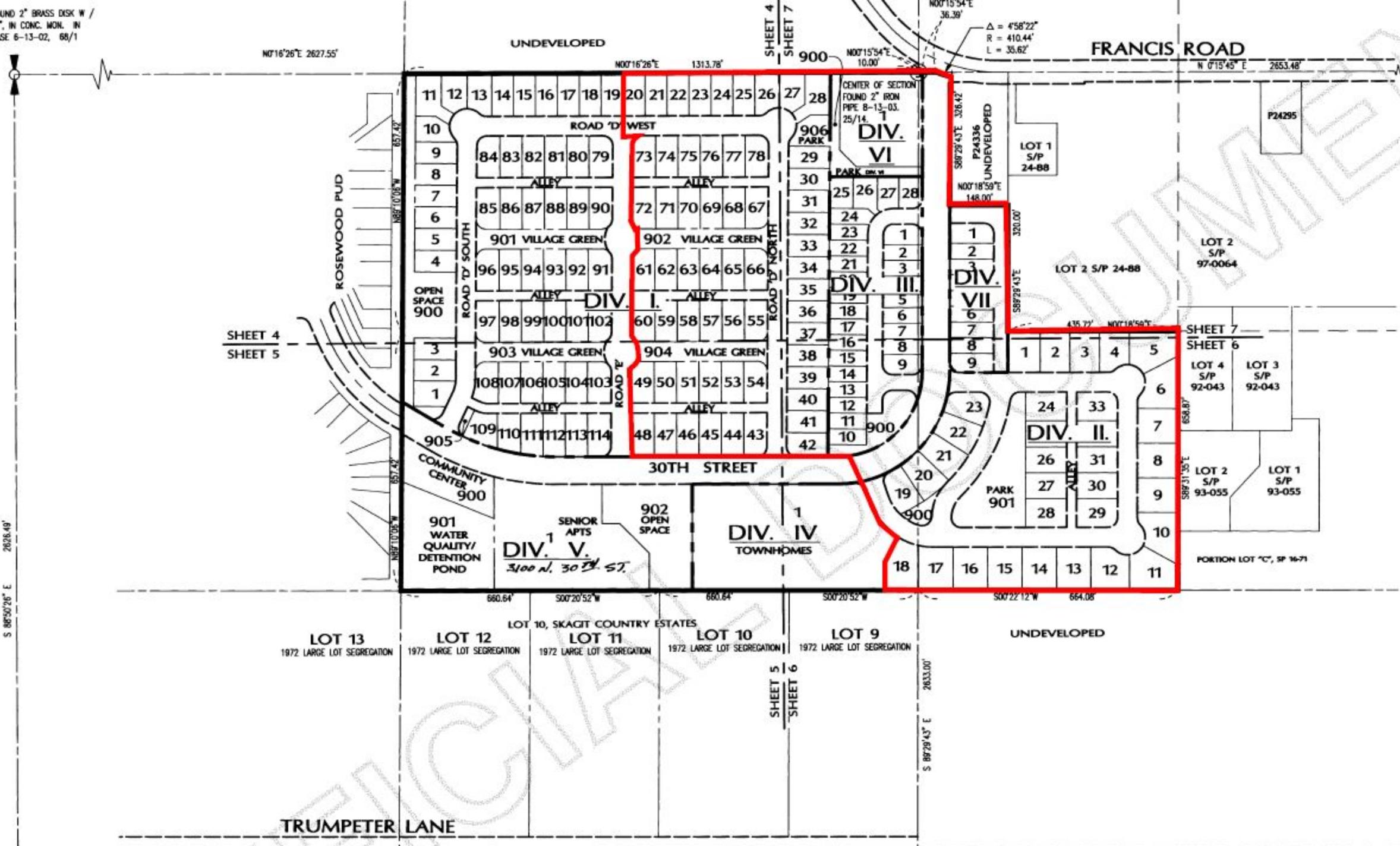
FOUND 1 1/2" IP W/  
PLUG-TACK IN CONCRETE  
MON IN CASE MARCH, 2000

SHEET 4  
SHEET 5

SHEET 7  
SHEET 6

S 88°37'01" E 2642.94'

S 88°50'26" E 2626.49'



TRUMPETER LANE

SHEET 5  
SHEET 6

S 88°29'43" E 2633.00'

LOT 13  
1972 LARGE LOT SEGREGATION

LOT 12  
1972 LARGE LOT SEGREGATION

LOT 11  
1972 LARGE LOT SEGREGATION

LOT 10  
1972 LARGE LOT SEGREGATION

LOT 9  
1972 LARGE LOT SEGREGATION

UNDEVELOPED

PORTION LOT "C", SP 16-71

S 88°31'35" E 658.87'

S 88°29'43" E 320.00'

S 88°29'43" E 320.42'

N00°18'59"E 148.00'

N00°15'54"E 10.00'

N00°15'54"E 36.39'

$\Delta = 4'58"22"$   
 $R = 410.44'$   
 $L = 35.62'$

P24295

LOT 1  
S/P  
24-88

LOT 2  
S/P  
97-0064

LOT 2 S/P 24-88

LOT 4  
S/P  
92-043

LOT 3  
S/P  
92-043

LOT 2  
S/P  
93-055

LOT 1  
S/P  
93-055

CENTER OF SECTION  
FOUND 2" IRON  
PIPE 8-13-03.  
25/14.

DIV. VI

DIV. III

DIV. VII

DIV. II

DIV. IV  
TOWNHOMES

DIV. V  
SENIOR APTS  
3100 N. 30th ST.

901  
WATER  
QUALITY/  
DETENTION  
POND

COMMUNITY  
CENTER  
900

OPEN  
SPACE  
900

901 VILLAGE GREEN

902 VILLAGE GREEN

84 83 82 81 80 79

73 74 75 76 77 78

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

29 30 31 32 33 34 35 36 37 38 39 40 41 42

906  
PARK

25 26 27 28

1 2 3 4 5 6 7 8 9

10 11 12 13 14 15 16 17 18 19

20 21 22 23 24 25 26 27 28 29 30 31 32 33

34 35 36 37 38 39 40 41 42

18 17 16 15 14 13 12 11

ROAD 'D' SOUTH

ROAD 'D' WEST

ROAD 'D' NORTH

ROSEWOOD PUD

UNDEVELOPED

**EXHIBIT C**  
Resolution 685

**RESOLUTION NO: 685**

A RESOLUTION PERTAINING TO SUBDIVISION CONTROL AND ACCEPTING THE PRELIMINARY PLAT/PRELIMINARY PUD OF **HIGHLAND GREENS** PURSUANT TO CHAPTER 16.08 & CHAPTER 17.69 OF THE MOUNT VERNON MUNICIPAL CODE.

WHEREAS, an application for approval of a 262 unit Preliminary Plat/Preliminary PUD has been made pursuant to Chapters 16.08 & 17.69 of the Mount Vernon Municipal Code by the owner of the real property described in Exhibit "1" which comprises approximately 52 acres in Mount Vernon, Washington; and

WHEREAS, notices of the time, location and purpose of a public hearing for the purpose of giving approval, conditional approval or disapproval of the Preliminary Plat/Preliminary PUD were sent pursuant to Chapters 16.08 and 17.69; and

WHEREAS, pursuant to Chapters 16.08 and 17.69 of the Mount Vernon Municipal Code, a public hearing was conducted before the Mount Vernon Hearing Examiner on March 21 and April 11, 2005; and

WHEREAS, a Preliminary Plat/Preliminary PUD map, Exhibit "1A", has been reviewed and approved by the Hearing Examiner; and

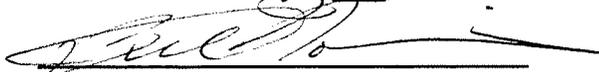
WHEREAS, the City of Mount Vernon issued a Mitigated Determination of Non-Significance (MDNS) February 15, 2005; and

WHEREAS, the Hearing Examiner recommends, based on Findings of Fact, Conclusions of Law and Recommendations listed in File No. LU 04-093, Preliminary Plat/Preliminary PUD approval with conditions and restrictions listed in Exhibit "2".

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

That said Preliminary Plat/Preliminary PUD known and described as **HIGHLAND GREENS** has been presented for acceptance, approval and filing and is hereby accepted, approved and ordered filed subject to the restrictions and conditions listed in Exhibit "2", attached hereto and made a part hereof by reference as though fully set forth herein. The real property comprising such plat is hereby described in Exhibit "1", attached hereto and made a part hereof by reference as though fully set forth.

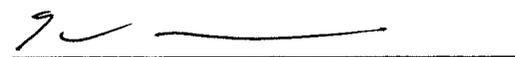
Dated this 25th day of May, 2005:

  
\_\_\_\_\_  
Bud Norris, Mayor

Attest:

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

Approved as to form:

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

**EXHIBIT "1"**

**PARCEL "A"**

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM; EXCEPT THE SOUTH 20 FEET OF THE WEST 20 FEET THEREOF.

**PARCEL "B"**

THE NORTH 60 FEET OF THE SOUTH 80 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM; EXCEPT THE WEST 25 FEET THEREOF FOR COUNTY ROAD.

**PARCEL "C"**

THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THAT PORTION OF THE SOUTH 20 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 LYING EAST OF THE COUNTY ROAD; AND THE SOUTH 20 FEET OF THE WEST 20 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4; ALL IN SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM.

**PARCEL "D"**

THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM; EXCEPT THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9.

**PARCEL "E"**

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THE WEST 60 FEET OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE WEST 60 FEET OF THE SOUTH 20 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM, EXCEPT THAT PORTION LYING WITHIN THE BOUNDARIES OF THE COUNTY ROAD KNOWN AS FRANCIS ROAD.

(LEGAL DESCRIPTION IS BASED ON TITLE REPORT FROM 1ST AMERICAN TITLE, POLICY NO. H-713581, DATED JUNE 11, 2003 AND AMENDED JANUARY 20, 2004)

**PARCEL "A" (ORDER NO. B80490)**

THE NORTH 148 FEET OF THE SOUTH 228 FEET OF THE EAST 320 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM;

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND UTILITIES OVER AND ACROSS THE NORTH 60 FEET OF THE SOUTH 80 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 34 NORTH, RANGE 4 EAST, WM; EXCEPT THE WEST 25 FEET THEREOF.

(PARCEL "A" ABOVE IS BASED ON TITLE REPORT FROM FIRST AMERICAN TITLE, POLICY NO. B80490, DATED APRIL 2, 2004)

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

**EXHIBIT "1A"**

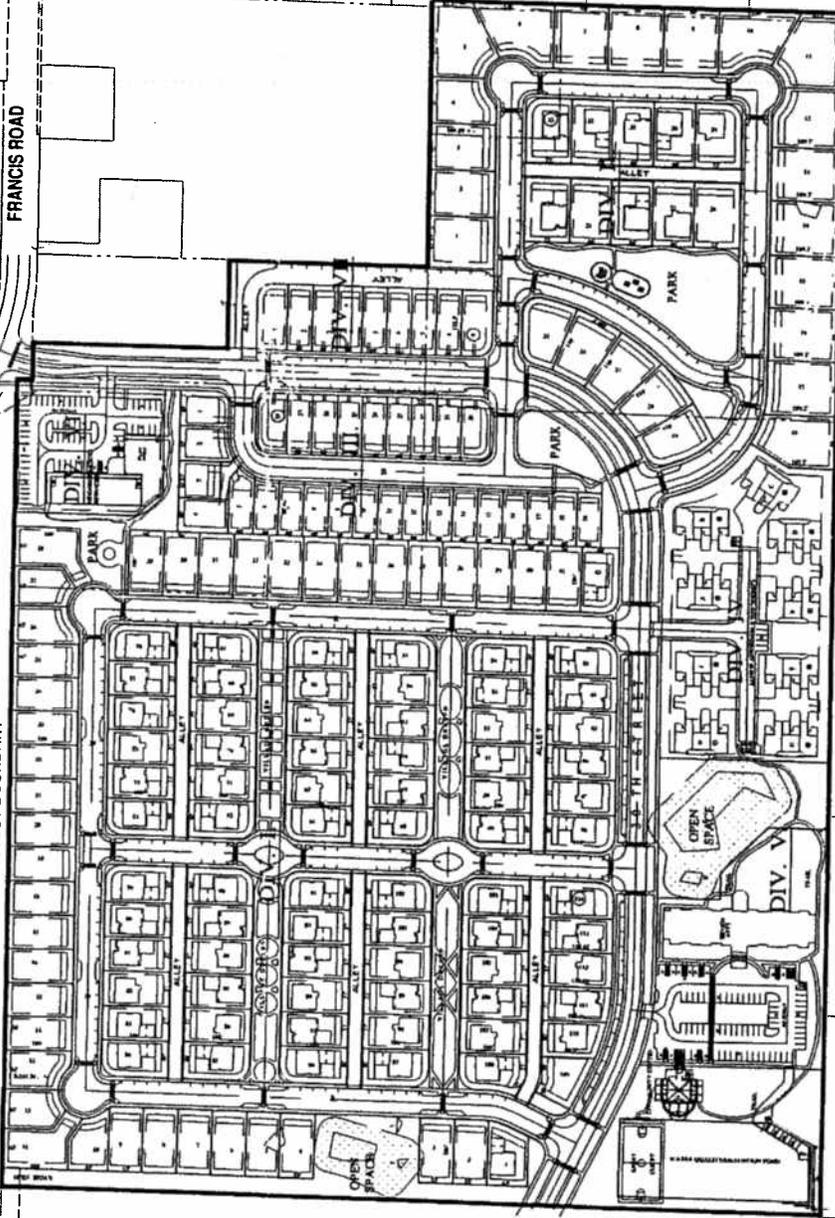
**HIGHLAND GREENS  
PRELIMINARY PLAT/PRELIMINARY PUD MAP  
(Attached)**

# HIGHLAND GREENS

## PRELIMINARY PLAT & PUD

PROJECT BOUNDARY

FRANCIS ROAD



S/P 16-71

S/P 16-71

THIS PLAN IS CONCEPTUAL IN NATURE AND IS  
INTENDED TO SHOW DEVELOPMENT CHARACTER AND  
GENERAL LAYOUT. THE EXACT CONSTRUCTION DETAILS  
AND MATERIALS SHALL BE DETERMINED BY THE  
PROJECT APPROVALS (E.G. FINAL CIVIL  
ENGINEERING, FINAL PLAT, BUILDING PERMITS).



## EXHIBIT "2"

### CONDITIONS OF APPROVAL HIGHLAND GREENS PRELIMINARY PLAT/PRELIMINARY PUD

1. The final Planned Unit Development plan must present all of the information required for the preliminary PUD plan in a finalized, detailed form. This includes all PUD and supporting information, site plans sufficient for recording and engineering drawings. All schematic plans presented in the preliminary development plan stage, such as a landscape and open space plans, must be presented in their detailed form. To date, the applicant has only provided conceptual plans in regard to landscaping, open space and architectural detail for the buildings.
2. The final PUD plans shall demonstrate compliance with the City of Mount Vernon Design Review Guidelines, except that lots in Division II greater than 7,600 square feet are not required to demonstrate compliance with the City of Mount Vernon Design Review Guidelines as they will comply with the underlying zoning development standards for lot width, lot depth, lot coverage, setbacks and building height.
3. Modifications to PUD setbacks pursuant to Chapter 17.69.120(B) are approved as shown on the Modified Development Standards table (Exhibit 14b), except as may need to be modified during the final PUD review process to comply with the City of Mount Vernon Design Review Guidelines. During the final PUD review process, modification of the underlying zoning development standards for Division II lots greater than 7,600 square feet may be allowed if the applicant demonstrates compliance with the City of Mount Vernon Design Review Guidelines.
4. Final PUD and Building Permit plans shall demonstrate that the proposed neighborhood retail building in Division VI provides the minimum amount of parking required by the Mount Vernon Municipal Code.
5. Pedestrian connections shall be provided to the northeastern and western property line (one connection to the northeastern property line and two connections to the western property line). The specific location of these connections will be determined during the final PUD and final plat review process.
6. The on-site open space, parks and trails shall be owned and maintained by the Homeowner's Association, or their designee. Improvements and construction of facilities in these areas will be determined during the final PUD and final plat review process.
7. Prior to recording of the first final plat, channelization improvements shall be made to the intersection of Hoag Road and LaVenture Road to improve the overall level of service to LOS D or better.
8. The Applicant shall provide a traffic analysis with the final engineering plan submittal for each Division that demonstrates that the overall level of service at the intersection of Hoag Road and LaVenture Road is LOS D or better. Any Division that would result in a level of service condition of "E" or "F" at the intersection of Hoag Road and LaVenture Road shall not be recorded until the intersection is further improved to

LOS D or better (through installation of a signal or other improvements deemed appropriate by the City Engineer). A funding mechanism may be established for such improvement (e.g. latecomer's agreement).

9. SEPA Mitigation Measures:

9.1. A temporary storm drainage plan shall be approved by the City prior to commencing the clearing process.

9.2. A 20-foot soil buffer shall be maintained around the perimeter of the proposal properties. Tree stumps shall be left in place until such time that a wood chip layer, 6 inches in depth, may be placed over exposed soil or like measures that achieve the same result with City Engineer approval.

9.3. A truck route plan, indicating times of day and days of the week shall be submitted for review and approval by the City. Peak traffic hours are to be avoided at the intersection of Freeway Drive/College Way and the intersection of Francis/LaVenture.

9.4. Wetland delineation boundary must be flagged in the field and inspected by City prior to clearing activities. The flagged delineations must be maintained for the duration of the clearing and construction activities.

9.5. Best Management Practices shall be employed. Mitigation and Conservation measures, identified in the environmental documents, shall be implemented.

**STREETS**

1. The applicant shall be required to provide improvements in compliance with the Concurrency Code and Engineering Standards of the City of Mount Vernon.
2. 30<sup>th</sup> Street shall be extended through the project site to connect with Francis Road. The applicant shall be required to provide improvements to 30<sup>th</sup> Street in compliance with the Concurrency Code and Engineering Standards of the City of Mount Vernon.
3. The interior streets shall be designed to meet the standards and codes of the City of Mount Vernon, as modified and approved through the development review and PUD process. Each street and access way shall be designed to City construction and life / safety standards.
4. Mail box sites may require additional pavement width to provide for traffic and pedestrian safety.
5. The current design appears to satisfy interior site vehicular and pedestrian circulation requirements. However additional vehicular and pedestrian connections may be required to enhance cross circulation between existing and future surrounding neighborhoods.

**STORMWATER**

1. This project shall be required to meet current City stormwater codes and standards. Treatment will be provided for the project's easterly area by proposed treatment and detention facilities. Treatment for the westerly basin is provided by an existing treatment swale in the North Hill PUD. In order for the North Hill treatment swale to perform as designed, this project must provide detention for the westerly (Francis Road) basin. A copy of all permits, reports, and mitigation required by other agencies shall be provided to the City. All wetland buffers shall be field marked prior to clearing or any construction activity.

### **SANITARY SEWER SYSTEM**

1. Sanitary sewer mains exist in both Francis Road and 30<sup>th</sup> Street; this development shall be required to connect to and extend these main lines. The public sewer extensions shall be 8" mains.
2. The City's long range sewer service plan indicates that a sewer force main will be required to pass through this project, from the east and connect to the existing Francis Road system. This project will be required to accommodate this future system.

### **CONCURRENCY**

1. The developer shall provide signalization improvements to the intersection of Hoag Road/North Laventure Road, including appropriate turn and through lanes to assure restoration of an LOS rating of "B" or better. Design review by the City's traffic consultant shall be performed at the applicant's expense.

### **OTHER**

1. Civil plans showing all existing and proposed features of the site are required.
2. The location of utility connections shall be required.
3. A detailed erosion control plan is required with specific emphasis placed on the construction entrance and protection of existing streets and drainage structures.