



**CITY OF MOUNT VERNON
COUNCIL MEETING
AGENDA**

January 14, 2026, 7:00 p.m.

Police Court Campus, 1805 Continental Place

To virtually attend the meeting, the public may:

1. **Watch the meeting live on TV10:** Comcast/Xfinity Channel 10
2. **Watch the meeting live, online:**
https://www.youtube.com/channel/UCUJob_hcQUmd4S93YkletdrA

1. OPENING CEREMONIES

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call of Councilmembers

2. APPROVAL OF AGENDA

3. COMMUNITY COMMENTS

(This is an opportunity for Mount Vernon residents to address their City Council. Please provide your information on the guest sign-in sheet located on the table near the entrance to the Council Chambers prior to speaking, and limit comments to three minutes or less. Under normal circumstances, the Mayor and Council will not respond immediately to Community Comments. If you would like someone to follow up with you regarding the topic of your comments, please leave your name and contact information on the form at the entrance of the Council Chambers. If you are unable to attend the meeting and would like to make your comments via Zoom, please submit a request to speak via email to communitycomments@mountvernonwa.gov or by telephone at 360-336-6211. Requests must be received by 4 p.m. on the meeting date.)

Interpretation services for Community Comments are available on request. Please contact the City at mvmayor@mountvernonwa.gov or 360-336-6211 at least two business days prior to the meeting if you would like an interpreter to share your comments with City Council.

4. CONSENT AGENDA

- A. Approval of December 17, 2025, Regular Council Meeting minutes
- B. Approval of December 15, 2025, Payroll checks numbered 113244 – 113256, direct deposit checks numbered 110471 – 110728, and wire transfers numbered 1524 – 1528, in the amount of \$1,813,873.05
- C. Approval of January 5, 2026, Payroll checks numbered 113257 - 113272 – 113256, direct deposit checks numbered 110729 - 110991, and wire transfers numbered 1529 – 1533, in the amount of \$1,436,480.09
- D. Approval of December 24, 2025, Claims numbered 32321 – 32484 in the amount of \$1,036,688.77

- E. Approval of January 14, 2026, Claims numbered 32494 – 32670 in the amount of \$3,802,198.86
- F. Approval of Agreement – Skagit County
- G. Approval of Agreement Supplement No 1 – Washington State Department of Transportation
- H. Approval of Agreement – Pacific Surveying & Engineering, Inc.
- I. Approval of Agreement – Welcome Home Skagit
- J. Approval of Agreement – Helping Hands of Sedro-Woolley

5. NEW BUSINESS

- A. Approval of Appointment to Library Board – Joan Gordon
(Staff is requesting the reappointment of Joan Gordon to the Mount Vernon Library Board.)
(required action – motion)
(staff contact – Isaac Huffman)

- B. Approval of Appointment to Planning Commission – LuAnne Burkhardt
(Staff is requesting the reappointment of LuAnne Burkhardt to the Mount Vernon Planning Commission.)
(required action – motion)
(staff contact – Steve Sexton)

- C. Public Hearing and Approval of Ordinance – Rezone PLAN21-0506
(This is a closed record public hearing and request for approval of the rezone of Parcels P137379 and P137381, 4400 McLaughlin Road from Public (P) to Multi-Family Residential (R4) with Ordinance 3933. The rezone is necessary to make the parcels consistent with their Comprehensive Plan Designation of Medium High Density Multi-Family (MH MF).)
(required action – ordinance)
(staff contact – Marianne Manville-Ailles)

- D. Approval of Agreement – Washington State Department of Ecology (WSDOE)
(Staff is requesting approval of an agreement with WSDOE for the FY2025-27 Water Quality Stormwater Capacity Grant No. WQSWCAP-2525-MOUVER-00208.)
(required action – motion)
(staff contact – Blaine Chesterfield)

- E. Approval of Ordinance – Additional Sales and Use Tax
(Staff is requesting approval of Ordinance 3934 expanding funding for public safety with an additional sales and use tax for criminal justice purposes as allowed by ESHB2015.)
(required action – ordinance)
(staff contact – Kevin Rogerson)

- F. Election of Mayor Pro Tempore
(Mount Vernon Municipal Code Chapter 2.08.040 requires members of City Council to elect a Mayor Pro Tempore to serve in the case of absence, death, or disability of the Mayor after each general election or whenever a vacancy occurs.)
(required action – motion)
(staff contact – Kevin Rogerson)

6. EXECUTIVE SESSION

7. ADJOURNMENT



**City of Mount Vernon
City Council Meeting Minutes
December 17 2025
Police Court Campus, 1805 Continental Place**

The December 10, 2025, Council meeting reconvened and Mayor Donovan called the meeting to order at 7:00 p.m.

Present

Councilmembers: Beaton, Brocksmith, Carías, Hudson, Molenaar, Tercero, Vander Stoep

Staff: Finance Director Volesky, City Attorney Rogerson, Fire Chief Harris, Library Director Huffman, City Clerk Jensen, Public Works Director Phillips, IT Director Thomas

Citizens: 19

APPROVAL OF AGENDA

The agenda was approved as presented.

COMMUNITY COMMENTS

- Callie Lowenstein, Mount Vernon resident, spoke about Flock camera data and levy lid lift funds.

CONSENT AGENDA

- A. Approval of November 12, 2025, Regular Council Meeting minutes
- B. Approval of November 19, 2025, Special Meeting minutes
- C. Approval of November 20, 2025, Payroll checks numbered 113217 - 113228, direct deposit checks numbered 109950 - 110210, and wire transfers numbered 1514 - 1518 in the amount of \$1,534,407.68
- D. Approval of December 5, 2025, Payroll checks numbered 113229 - 113242 direct deposit checks numbered 110211 - 110470 and wire transfers numbered 1519 - 1523 in the amount of \$1,235,946.18
- E. Approval of November 26, 2025, Claims numbered 32182 - 32032, in the amount of \$2,406,532.93
- F. Approval of December 10, 2025, Claims numbered 32191 - 32312, in the amount of \$1,068,280.62

- G. Approval of Agreement – Family Promise of Skagit County
- H. Approval of Agreement – Skagit County
- I. Approval of Agreement – Skagit County
- J. Approval of Agreement – Skagit County
- K. Approval of Agreement – Mount Vernon School District
- L. Approval of Street Closure – Chabad of Skagit County
- M. Mayoral Proclamation of Civil Emergency

Councilmember Tercero moved to approve Consent Agenda Items A – M Motion seconded by Councilmember Hudson. Motion passed 7-0.

REPORTS

A. Councilmember Comments

- Councilmember Tercero thanked staff for work during the flood incident. Mayor Donovan acknowledged Chief Harris as the incident commander.
- Councilmember Brocksmith spoke about his time on council. He expressed frustration with lack of progress on affordable housing and the comprehensive plan update and. He also encouraged future councils to take more control of the policy making role. He thanked elected officials and staff for their work.
- Councilmember Carías spoke about her time on council and thanked fellow the community, councilmembers and Mayor for their support. She encouraged new Councilmembers to work as a team and to continue advocating for families.
- Councilmember Molenaar spoke about his time on council. He recalled many accomplishments of the City including the floodwall and Library Commons. He thanked staff, councilmembers, and his family for their support.

B. Mayor's Report

- Mayor Donovan recognized retiring Library Foundation Executive Board Members Suzanne Butler and Marija Anderson, then presented them with a gift.

NEW BUSINESS

- A. Approval of Agreement – Cities of Anacortes, Burlington, Mount Vernon, Sedro-Woolley, and Skagit County: Mr. Rogerson recommended approval of an interlocal agreement with the Cities of Anacortes, Burlington, Mount Vernon, Sedro-Woolley, and Skagit County to formally establish The North Star Leadership Team. This advisory team is comprised of the chief executive elected officials of each jurisdiction working to re-examine current systems of care in Skagit County and

work collaboratively as allowed under RCW 39.34.030(4).

Councilmember Hudson moved to approve an agreement with the Cities of Anacortes, Burlington, Mount Vernon, Sedro-Woolley, and Skagit County to establish the North Star Leadership Team. Motion seconded by Councilmember Beaton. Motion passed 7-0.

- B. Approval of Agreement Resolution – Opioid Settlement Funds: Mr. Rogerson requested approval of Resolution 1088 directing a portion of opioid settlement funds to be administered by North Star Collaborative.

Councilmember Tercero moved to approve Resolution 1088 directing 80% of opioid settlement funds to be administered by North Star Collaborative. Motion seconded by Councilmember Carías. Motion passed 7-0.

- C. Approval of Ordinance – Municipal Code Chapter 8.24 Fireworks: Mr. Rogerson requested approval of Ordinance 3928, updating Municipal Code Chapter 8.24 Fireworks, prohibiting the sale and discharge of fireworks within the City. The ordinance will repeal and re-adopt the fireworks ban previously adopted with Ordinance 3879 with the following changes: 1) Remove the sunset term, keeping the ban in effect unless further action is taken by Council; 2) Add a provision to make it unlawful for any owner, renter, or lessee of any property within the city to knowingly permit on that property, the use or discharge of fireworks.

Councilmember Beaton moved to repeal Ordinance 3879 and adopt Ordinance 3928 amending Chapter 8.24 Fireworks, of the Municipal Code. Motion seconded by Councilmember Hudson. Motion passed 6-0.

- D. Approval of Ordinance – Interfund Loan: Mr. Volesky requested approval of an ordinance authorizing a short-term interfund loan from the Equipment Rental Fund to the Fire Capital Project Fund for fire capital projects and capital equipment and vehicles, until funding is received from GEMT and Washington State Department of Treasury Local Program.

Councilmember Vander Stoep moved to adopt Ordinance 3929 authorizing an interfund loan from the Equipment Rental Fund to the Fire Capital Project

Fund in the amount of \$975,621. Motion seconded by Councilmember Molenaar. Motion passed 7-0.

- E. Approval of Ordinance – Budget Amendment: Mr. Volesky requested approval of an ordinance authorizing an amendment to the 2025 Adopted Budget in the amount of \$2,655,895.

Councilmember Vander Stoep moved to adopt Ordinance 3930 authorizing an amendment of the 2025 Adopted Budget. Motion seconded by Councilmember Tercero. Motion passed 7-0.

- F. Approval of Ordinance – Local Agency Financing Contract: Mr. Volesky requested approval of an ordinance approving a Local Agency Funding Contract with State of Washington to finance an Aerial Ladder Fire Truck.

Councilmember Vander Stoep moved to adopt Ordinance 3931 approving a Local Agency Funding Contract in the amount of \$975,621.30. Motion seconded by Councilmember Tercero. Motion passed 7-0.

- G. Approval of Resolution – Local Program Funding: Mr. Volesky requested approval of a resolution stating the City will use the proceeds of the Local Agency Financing Contract to reimburse payment of the Aerial Ladder Fire Truck.

Councilmember Hudson moved to approve Resolution 1089 for use of proceeds of the Local Agency Financing Contract. Motion seconded by Councilmember Brocksmith. Motion passed 7-0.

- H. Approval of Ordinance – 2026 Business License Model: Mr. Volesky adopting of Ordinance 3932, modifying Municipal Code Chapter 5.04, updating the 2026 Business License Model Threshold to \$4,000 for out-of-city businesses from the current \$2,000 threshold. This is a requirement of the State Department of Revenue, the administrator of city business licensing. Includes a cpi increase.

Councilmember Vander Stoep moved to adopt Ordinance 3932 modifying the 2026 Business License Model Threshold. Motion seconded by Councilmember Carías. Motion passed 7-0.

I. Meeting Cancellation – December 24, 2025

Councilmember Carias moved to cancel the December 24, 2025 City Council Meeting. Motion seconded by Councilmember Molenaar. Motion passed 7-0.

Mayor Donovan spoke about outgoing City Councilmembers Brocksmith, Carias, and Molenaar and presented each with a gift.

Councilmember Beaton was asked to speak about Councilmember Carias at an event on Saturday, however due to the flood the event was cancelled. She presented her speech, thanking her for all she has done for the community.

ADJOURNMENT:

The meeting adjourned at 7:58 p.m.

Submitted by: Becky Jensen, City Clerk

Approved: January 14, 2025



DATE: January 14, 2026

TO: Mayor Donovan and City Council

FROM: Doug Volesky, Finance Director

SUBJECT: INTERLOCAL AGREEMENT WITH SKAGIT COUNTY FOR THE PROVISION OF SENIOR SERVICES FOR THE YEAR 2026.

RECOMMENDED ACTION:

Staff recommend Council authorize the Mayor to enter into an interlocal agreement with Skagit County for the provision of senior services.

INTRODUCTION/BACKGROUND:

Each year the City of Mount Vernon budgets for and provides funding to Skagit County for their Senior Services Program within the Department of Public Health for services provided to our senior community. These services include:

- Nutrition services that include nutritionally balanced noon-time meals at the Mount Vernon Senior Center and home-delivered meals to seniors over the age of 60 and meals served at the senior center over the noon hour.
- Operational support of the Mount Vernon Senior Center which provides senior center program services to our senior community.

FINDINGS/CONCLUSIONS:

The City has committed \$66,382 of financial support to Skagit County for the provision of services to our senior community for 2026 which is included in the adopted 2026 City budget. An interlocal agreement between our two agencies needs to be approved to confirm the City's funding commitment. Currently the County only has a six-month contract with Meals on Wheels, so the term of this agreement is only from January 1, 2026, through June 30th, 2026, and in the amount of \$33,028.

RECOMMENDATION:

Staff recommend Council authorize the Mayor to enter into this agreement with Skagit County for the Senior Services Program in the amount of \$33,028.

ATTACHED:

Interlocal Cooperative Agreement between Skagit County Senior Services and the City of Mount Vernon.

INTERLOCAL COOPERATIVE AGREEMENT

BETWEEN

Skagit County

AND

The City of Mount Vernon

THIS AGREEMENT is made and entered into by and between City of Mount Vernon ("City") and Skagit County, Washington ("County") pursuant to the authority granted by Chapter 39.34 RCW, INTERLOCAL COOPERATION ACT.

1. PURPOSE: The County operates a Senior Services Program, within the Skagit County Public Health Department, and employs a staff of qualified and professional personnel to develop, direct and coordinate a comprehensive system for the delivery of services to seniors. For the purpose of this Agreement, a senior will be defined as any person 55 years of age or older. As a result of other contractual Agreements, some services may be limited to those over 60 years of age.

The City desires to enter into an Agreement whereby the County will provide to the City certain administrative and professional services, and the City will pay for the services so performed. This Agreement is general in nature and reflects the broad responsibilities the County has for the provision of services to seniors.

2. RESPONSIBILITIES:

A. Nutritional Services

1. Congregate meals: Hot, nutritionally balanced noontime meals are served at the Senior Center.
2. Home-delivered meals: Individuals over the age of 60 who are homebound and unable to prepare meals for themselves or attend a Senior Center congregate meal service may have meals delivered to their homes. Volunteers deliver hot and frozen meals to homebound seniors on weekdays. Meal delivery can be a temporary or an on-going service especially helpful to individuals with disabilities or individuals recovering from illnesses. Staff members from the Skagit Nutrition Program make initial home visits to assess the extent of the need for home-delivered meal service, along with providing nutrition intervention when applicable. Meal delivery can be a temporary or on-going service, based on individual client needs. Annual assessments are conducted to re-evaluate eligibility.

B. Senior Center Program Services

1. The County provides comprehensive Senior Service programs at community focal points where older adults can conveniently access services and activities which support their independence, enhance their dignity, and encourage their involvement in and with their community. As part of a comprehensive community strategy to meet the needs of older persons, coordinated Senior Services programs will take place within and emanate from this facility. The coordinator shall utilize local Senior

Advisory Boards to assess needs and interests of local senior citizens in the formulation of programs.

C. Senior Center Operating Hours: 8:00 a.m. - 4:00 p.m. (Monday - Friday)

3. TERM OF AGREEMENT: The term of this Agreement shall be from January 1st, 2026 through June 30th, 2026.

4. MANNER OF FINANCING: The City shall pay for the services provided in this Agreement the sum of **Thirty-Three thousand and twenty-eight dollars (\$33,028.00)**. The County has established the following GL code(s) 118-various, and any other GL codes necessary, which shall be included on all billings or correspondence in connection therewith. One half of the amount shall be due at the end of each of the first two quarters, that being March 31, June 30, 2026 and payable after submission of a voucher and processing in the manner provided by the City for processing voucher and issuing warrants thereon. The total amount may be paid at the first quarter as desired by the City.

5. ADMINISTRATION: The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.

5.1 The County's representative shall be Senior Services Manager.

5.2 City's representative shall be Finance Director.

6. TREATMENT OF ASSETS AND PROPERTY: No fixed assets or personal or real property will be jointly or cooperatively, acquired, held, used, or disposed of pursuant to this Agreement.

7. INDEMNIFICATION: Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to save, indemnify, defend, and hold the other party harmless from any such liability. It is further provided that no liability shall attach to the County by reason of entering into this contract except as expressly provided herein.

8. TERMINATION: Any party hereto may terminate this Agreement upon thirty (30) days notice in writing either personally delivered or mailed postage-prepaid by certified mail, return receipt requested, to the party's last known address for the purposes of giving notice under this paragraph. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

9. CHANGES, MODIFICATIONS, AMENDMENTS AND WAIVERS: The Agreement may be changed, modified, amended or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

10. SEVERABILITY: In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term,

condition, or application. To this end the terms and conditions of this Agreement are declared severable.

11. ENTIRE AGREEMENT: This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

12. OTHER PROVISIONS:

- A. REPORTS: County reports will be provided to the City on a quarterly basis. These reports will contain statistical information regarding the participation levels in senior service programs.
- B. AUDITS: The City may audit the records to assure that it will receive full value in services for the consideration of services recited herein.

The City of Mount Vernon:

Peter Donovan
Mayor, City of Mount Vernon
Date _____

Print Name of Signatory

Budget Finance Director

DATED this ____ day of _____, 2025.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Lisa Janicki, Chair

Ron Wesen, Commissioner

Attest:

Peter Browning, Commissioner

Clerk of the Board

For contracts under \$5,000:
Authorization per Resolution R20030146

Recommended:

County Administrator

Department Head

Approved as to form:

Civil Deputy Prosecuting Attorney

Approved as to indemnification:

Risk Manager

Approved as to budget:

Budget & Finance Director



DATE: January 14, 2026

TO: Mayor Donovan and City Council

FROM: Frank Reinart, PE – City Engineer

SUBJECT: SUPPLEMENT NO 1 TO LOCAL AGENCY AGREEMENT WITH WSDOT FOR KULSHAN TRAIL LIGHTING PHASE 3 PROJECT

RECOMMENDED ACTION:

Staff recommends authorizing Mayor to execute Supplement Number 1 to the Local Agency Agreement with the Washington State Department of Transportation (WSDOT) for the Kulshan Trail Lighting Phase 3 Project.

INTRODUCTION/BACKGROUND:

The City of Mount Vernon (City) is commencing the design/preliminary engineering stage of the Kulshan Trail Lighting Phase 3 Project. This project is partially funded through a federal transportation grant from the Transportation Alternatives program (Federal Aid Number TAPUM 0820(014)). This program awards federal transportation funding to projects prioritized and programmed by the Skagit Council of Governments (SCOG) as our regional-level Metropolitan Planning Organization supporting transportation projects.

As an approved Certified Agency to receive federal transportation funding, the City of Mount Vernon is required to use WSDOT forms for both the original Local Agency Agreement (LAA) and all future supplements to the LAA to comply with applicable federal codes and regulations. The requirements and procedures for administering federal transportation aid are established in WSDOT’s Local Agency Guidelines (LAG Manual).

The City executed an LAA for this project’s grant funding with WSDOT on April 30, 2025.

FINDINGS/CONCLUSIONS:

Advertisement for preliminary engineering/design consultant services took place during the first half of November. Subsequently, the combination of the Skagit River flooding emergency with the holidays postponed the consultant selection process into January of 2026. Consultant selection activities are expected to be complete by mid-January, with contract negotiations and approvals anticipated to be complete in February.

While not a substantial schedule delay, the terms of the LAA for this grant program require the City to begin invoicing expenses to the grant within nine (9) months of the execution date of the LAA. Unfortunately, the project will not incur consultant expenses for reimbursement within that timeframe.

As a consequence, and with guidance from WSDOT Local Programs, the City needs to amend this project's LAA to allow billing of City staff time and expenses to the federal grant. It is not permissible to bill consultant expenses incurred during negotiation of a professional services agreement to the federal grant. However, billing City staff time incurred during consultant selection and contract negotiations to the federal grant is allowed. In order to avoid this project's federal aid grant being declared "inactive" and potentially defunded, it is imperative for the City to begin regular billing submittals to the grant program by the end of January.

This supplement will re-apportion \$ 2,000 of the federal award (comprising both federal funds and local agency match funds), previously designated for the Consultant, and instead apportion that amount for City staff use (indicated in the WSDOT supplement form as "Agency").

RECOMMENDATION:

Motion to authorize the Mayor to execute Supplement Number 1 to the Local Agency Agreement with the Washington State Department of Transportation (WSDOT) for the Kulshan Trail Lighting Phase 3 Project.

ATTACHED:

1. Mount Vernon_TAPUM 0820(014) Form 140-041 for Supplement No 1



Agency Mount Vernon		Supplement Number 1
Project Number TAPUM-0820(014)	Agreement Number LA-11136	ALN. 20.205 - Highway Planning and Construction

All provisions in the basic agreement remain in effect except as modified by this supplement.
The Local Agency certifies that it is not excluded from receiving Federal funds by a Federal suspension or debarment (2 CFR Part 180). Additional changes to the agreement are as follows:

Project Description

Name Kulshan Trail Safety Lighting - Phase 3 Length 0.49 miles

Termini Laventure Road to 30th Street

Description of Work ✓ No Change

Reason for Supplement

Redistribute preliminary engineering funds from Consultant to Agency.

Indirect Cost Rate Yes No

Project Agreement End Date 12/31/2028

Advertisement Date

Type of Work		Estimate of Funding				
		(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated Federal Funds
PE 86.5 %	a. Agency		2,000.00	2,000.00	270.00	1,730.00
	b. Other Consultant	31,000.00	-2,000.00	29,000.00	3,915.00	25,085.00
Federal Aid Participation Ratio(s) for PE	c. Other Consultant Additional	23,000.00		23,000.00	23,000.00	
	d. State Services	1,000.00		1,000.00	135.00	865.00
	e. Total PE Cost Estimate	55,000.00	0.00	55,000.00	27,320.00	27,680.00
Right of Way %	f. Agency			0.00		
	g. Other			0.00		
Federal Aid Participation Ratio(s) for RW	h. Other			0.00		
	i. State Services			0.00		
	j. Total R/W Cost Estimate	0.00	0.00	0.00	0.00	0.00
Construction %	k. Contract			0.00		
	l. Other			0.00		
Federal Aid Participation Ratio(s) for CN	m. Other			0.00		
	n. Other			0.00		
	o. Agency			0.00		
	p. State Services			0.00		
	q. Total CN Cost Estimate	0.00	0.00	0.00	0.00	0.00
r. Total Project Cost Estimate		55,000.00	0.00	55,000.00	27,320.00	27,680.00

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

Agency Official

By
Title Mayor, City of Mount Vernon
Agency Date

Washington State Department of Transportation

By
Director, Local Programs
Date Executed

Agency Mount Vernon		Supplement Number 1
Project Number TAPUM-0820(014)	Agreement Number LA-11136	ALN 20.205 - Highway Planning and Construction

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$1,000,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

XVII. Assurances

Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).

Instructions

1. **Agency** – Enter the agency name as entered on the original agreement.
2. **Supplemental Number** – Enter the number of the supplement. Supplement numbers will be assigned in sequence beginning with Number 1 for the first supplement.
3. **Project Number** – Enter the federal aid project number assigned by WSDOT on the original agreement.
4. **Agreement Number** – Enter the agreement number assigned by WSDOT on the original agreement.
5. **Project Description** – Enter the project name, length, and termini.
6. **Description of Work** – Clearly describe if there is a change in work such as the addition or deletion of work elements and/or changes to the termini. If the work has not changed, put a check mark in the “No Change” box.
7. **Reason for Supplement** – Enter the reason for this supplement, i.e., increase PE funding to cover design changes presented in the revised prospectus; request funding of construction phase; decrease construction funding to the contract bid amount. If the supplement is authorizing a construction phase, the project’s proposed advertisement date must be included in the space provided.
8. **Indirect Cost Rate** – Check the Yes box if the agency will be claiming indirect costs on the project. For those projects claiming indirect costs, supporting documentation that clearly shows the indirect cost rate being utilized must be provided with the supplement. Indirect cost rate approval by your cognizant agency or through your agency’s self-certification and supporting documentation is required to be available for review by FHWA, WSDOT and /or State Auditor. Check the No box if the agency will not be claiming indirect costs on the project. See Section 23.5 for additional guidance.
9. **Project Agreement End Date** – Enter your previously established Project Agreement End Date. If authorizing a new phase of the project, update the Project Agreement End Date based on the following guidance:
 - a. **For PE and RW** – WSDOT recommends agencies estimate when the phase will be completed and add three years to determine the “Project Agreement End Date”.
 - b. **For Construction** – WSDOT recommends agencies estimate when construction will be completed and add three years to determine the “Project Agreement End Date”.
 - c. If an extension to a Project Agreement End Date is required between phase authorizations, the need for the extension must be described in the Reason for Supplement. Adequate justification to approve the extension must be submitted with the supplement. See Section 22.3 for additional guidance.
10. **Advertisement Date** - At construction authorization only, enter the proposed project advertisement date (mm/dd/yy).
11. **Type of Work and Funding (Round all amounts to the nearest whole dollar).**
 - a. **Column 1** – Enter the amounts from column 1 of the original local agency agreement. If the agreement has already been supplemented, enter the amounts by type of work from column 3 of the last supplemental agreement.
 - b. **Column 2** – Enter increase/decrease to total amounts requested by type of work.
 - c. **Column 3** – Add the amounts in columns 1 and 2.
 - d. **Columns 4 and 5** – Enter the appropriate amounts based on the participation ratio recorded on the original agreement.
 - e. **State Services** – All authorized phases must have funding for state services. Enter the estimated amounts in columns 1 through 5 as described above.
12. **Signatures** – An authorized official of the local agency signs the Supplemental Agreement and enters their title and date of signature (mm/dd/yy). **Note:** Do NOT enter a date on the Date Executed line.



DATE: January 5, 2026
TO: Peter Donovan and City Council
FROM: Chris Phillips, Public Works Director
SUBJECT: PACIFIC SURVEY & ENGINEERING – 2026 PARCEL AND UTILITY ACCURACY CONTRACT

RECOMMENDED ACTION:

City Staff recommends the City Council authorize the Mayor to enter into an agreement with Pacific Survey and Engineering (PSE) to continue the City’s Parcel and Utility Accuracy Improvement Program in 2026. The scope of work includes parcel and right-of-way correction within *Zone 1* and *completion of stormwater and wastewater utility mapping in the Southwest (SW) Pilot Area*, in an amount not to exceed \$80,000 (plus tax).

INTRODUCTION/BACKGROUND:

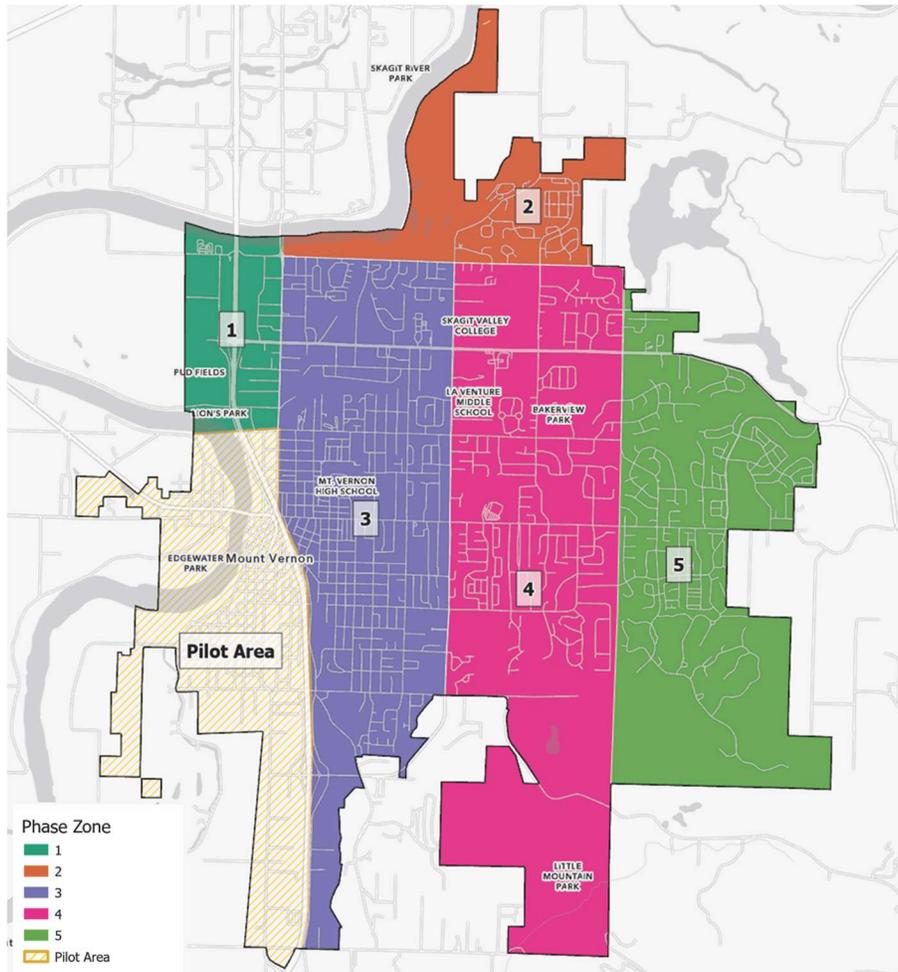
The City of Mount Vernon is addressing known inaccuracies in parcel, right-of-way, and utility location data across multiple areas of the city. In some locations, mapped features deviate by several dozen feet to 100 feet from true ground conditions, complicating development review, capital project design, paving, and utility work.

In 2025, the City began corrections in South Mount Vernon, building on Skagit County monumentation. While parcel and right-of-way updates were completed, stormwater and wastewater mapping in the Southwest Pilot Area remains incomplete. To address these issues in a structured manner, the City has established a multi-year, phased Parcel and Utility Accuracy Improvement Program, continued through the proposed 2026 contract.

FINDINGS/CONCLUSIONS:

City staff recommends proceeding with this contract in 2026 will continue improving the accuracy of foundational parcel and utility data relied upon across multiple departments. This work supports capital improvement planning, utility operations, and long-range land use planning, while reducing risk, rework, and inefficiencies associated with inaccurate base data.

The project will be funded through 2026 budget allocations from Development Services (\$20,000), Wastewater Utility (\$30,000), and Surface Water Utility (\$30,000), for a total not-to-exceed amount of \$80,000. Public Works will provide quarterly progress updates to City Council.



RECOMMENDATION:

City staff recommends that the City Council authorize the Mayor to enter into an agreement with Pacific Survey and Engineering to continue parcel and right-of-way correction in *Zone 1* and *complete stormwater and wastewater utility mapping in the Southwest Pilot Area* as part of the City's multi-year Parcel and Utility Accuracy Improvement Program, in an amount not to exceed \$80,000 (plus tax).

ATTACHED:

Contract Attached.

CITY OF MOUNT VERNON

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT made and entered into on this ____ day of _____, 2026, by and between the **CITY OF MOUNT VERNON**, a municipal corporation under the laws of the State of Washington, hereinafter referred to as the "City," and **Pacific Surveying & Engineering, Inc**, whose address is 909 Squalicum Way, Suite 111, Bellingham, WA 98225 hereinafter referred to as the "Contractor."

WHEREAS, the City desires to engage the Contractor to assist with surveying and engineering services provided in detail in Exhibit A; and

WHEREAS, Contractor represented, and by entering into this Agreement now represents, that it is fully qualified to perform the work to be performed hereunder in a competent and professional manner;

NOW, THEREFORE, the parties herein do mutually agree as follows:

1. **Engagement of Contractor.** The City hereby agrees to engage the Contractor, and the Contractor hereby agrees to perform the work in a competent and professional manner and provide the services described in the attached "Exhibit A - Scope of Work". The Scope of Work so identified is hereafter referred to as "Work". Without a written directive of an authorized representative of the City, the Contractor shall not perform any services that are in addition to, or beyond the scope of, the Work. If the Contractor's proposal is attached as an exhibit, and if such proposal contains or incorporates any conditions or terms in addition to or different from the terms of this Agreement, then the Contractor expressly agrees that such conditions or terms are neither incorporated nor included into this Agreement between the City and Contractor. If, and to the extent, the Work includes the design of a public work or improvement, in whole or in part, Contractor's design shall be reasonably accurate, adequate and suitable for its intended purpose.
2. **Intellectual Property Rights.** Reports, drawings, plans, specifications and any other intangible property created in furtherance of the Work are property of the City for all purposes, whether the project for which they are made is executed or not, and may be used by the City for any purpose. Unless otherwise expressly agreed in writing, all intellectual property rights in such documents or intangible property created pursuant to this Agreement, or for the City of Mount Vernon, belong to the City of Mount Vernon. Contractor retains any intellectual property rights in documents and intangible property created by Contractor prior to engagement, or not created by Contractor for its performance of this Agreement.
3. **Time of Beginning and Completion of Performance.** This Agreement shall be effective as of January/February **XX**, 2026 and shall be completed by December 31, 2026.
4. **Compensation.**
 - A. The City shall pay the Contractor only for completed Work and for services actually rendered which are described herein. Such payment shall be full compensation for Work performed or services rendered, including, but not limited to, all labor, materials, supplies, equipment and incidentals necessary to complete the Work.
 - B. The Contractor shall be paid such amounts and in such manner as described in Exhibit B.

C. Contractor may receive payment as reimbursement for Eligible Expenses actually incurred. “Eligible Expenses” means those types and amounts of expenses either listed in Exhibit C or such expenses as are approved for reimbursement by the City in writing prior to the expense being incurred. If Exhibit C is either blank or not attached, expenses may not be reimbursed unless prior written approval was obtained from the City. An expense shall not be reimbursed if: (1) the expense is not identified in Exhibit C; (2) the expense exceeds the per item or cumulative limits for such expense if it is identified in Exhibit C; or (3) the expense was not approved in writing by an authorized City representative prior to the Contractor incurring the expense. If, and to the extent, overnight lodging in western Washington is authorized, Contractor is strongly encouraged to lodge within the corporate limits of City. When authorized, Contractor will be reimbursed 100% of lodging expense, if lodged within the corporate limits of the City, but Contractor will be reimbursed 50% of lodging expense when lodged outside the corporate limits of the City. If authorized, the City may (at its sole option) obtain or arrange air travel for the Contractor.

D. Total compensation, including all services and expenses, shall not exceed a maximum of **Eighty Thousand Dollars** (\$80,000.00).

E. If Contractor fails or refuses to correct its work when so directed by the City, the City may withhold from any payment otherwise due an amount that the City in good faith believes is equal to the cost to the City of correcting, re-procuring, or remedying any damage caused by Contractor’s conduct.

5. **Method of Payment.**

A. To obtain payment, the Contractor shall (a) file its request for payment, accompanied by evidence satisfactory to the City justifying the request for payment; (b) submit a report of Work accomplished and hours of all tasks completed; (c) to the extent reimbursement of Eligible Expenses is sought, submit itemization of such expenses and, if requested by the City, copies of receipts and invoices; and (d) comply with all applicable provisions of this Agreement. Contractor shall be paid no more often than once every thirty days.

B. All requests for payment should be sent to:

City of Mount Vernon
Development Services Department
Attention: Steve Sexton
910 Cleveland Avenue
Mount Vernon, WA 98273

If request is sent via email, send to both:
Steve Sexton (ssexton@mountvernonwa.gov); and
Erika Boisvert (erikab@mountvernonwa.gov).

6. **Submission of Reports and Other Documents.** The Contractor shall submit all reports and other documents as and when specified in Exhibit A. Said information shall be subject to review by the City, and if found to be unacceptable, Contractor shall correct and deliver to the City any deficient Work at Contractor’s expense with all practical dispatch. Contractor shall abide by the City’s determinations concerning acceptability of Work.

7. **Termination of Contract.** City reserves the right to terminate this Agreement at any time by sending written notice of termination to Contractor (“Notice”). The Notice shall specify a termination date (“Termination Date”) at least fourteen (14) days after the date the Notice is issued. The Notice shall be effective (“Notice Date”) upon the earlier of either actual receipt by Contractor (whether by fax, mail,

delivery or other method reasonably calculated to be received by Contractor in a reasonably prompt manner) or three calendar days after issuance of the Notice. Upon the Notice Date, Contractor shall immediately commence to end the Work in a reasonable and orderly manner. Unless terminated for Contractor's material breach, the Contractor shall be paid or reimbursed for: (a) all hours worked and Eligible Expenses incurred up to the Notice Date, less all payments previously made; and (b) those hours worked and Eligible Expenses incurred after the Notice Date, but prior to the Termination Date, that were reasonably necessary to terminate the Work in an orderly manner. The Notice shall be sent by the United States Mail to Contractor's address provided herein, postage prepaid, certified or registered mail, return receipt requested, or by delivery. In addition, the Notice may also be sent by any other method reasonably believed to provide Contractor actual notice in a timely manner, such as fax. The City does not by this section waive, release or forego any legal remedy for any violation, breach or non-performance of any of the provision of this Agreement. At its sole option, City may deduct from the final payment due the Contractor (a) any damages, expenses or costs arising out of any such violations, breaches, or non-performance and (b) any other backcharges or credits.

8. **Changes.** The City may, from time to time, unilaterally change the scope of the services of the Contractor to be performed hereunder. Such changes, including any increase or decrease in the scope of work (and resulting increase or decrease in compensation), shall: (a) be made only in writing and signed by an authorized City representative, (b) be explicitly identified as a Change Order and (c) become a part of this Agreement.

9. **Subletting/Assignment of Contracts.** Contractor shall not sublet or assign any of the Work without the express, prior written consent of the City.

10. **Indemnification.** Except as otherwise provided in this paragraph, the Contractor hereby agrees to defend and indemnify the City from any and all Claims arising out of, in connection with, or incident to any acts, errors, omissions, or conduct by Contractor (or its employees, agents, representatives subcontractors/subconsultants) relating to this Agreement. The Contractor is obligated to defend and indemnify the City pursuant to this paragraph whether a Claim is asserted directly against the City, or whether it is asserted indirectly against the City, e.g., a Claim is asserted against someone else who then seeks contribution or indemnity from the City. The Contractor's duty to defend and indemnify pursuant to this paragraph is not in any way limited to, or by the extent of, insurance obtained by, obtainable by, or required of the Contractor. The Contractor shall not indemnify the City for Claims caused solely by the negligence of the City. If (1) RCW 4.24.115 applies to a particular Claim, and (2) the bodily injury or damage to property for which the Contractor is to indemnify the City is caused by or results from the concurrent negligence of (a) the Contractor, its employees, subcontractors/subconsultants or agents and (b) the City, then the Contractor's duty to indemnify shall be valid and enforceable only to the extent allowed by RCW 4.24.115. Solely and expressly for the purpose of its duties to indemnify and defend the City, the Contractor specifically waives any immunity it may have under the State Industrial Insurance Law, Title 51 RCW. The Contractor recognizes that this waiver of immunity under Title 51 RCW was specifically entered into pursuant to the provisions of RCW 4.24.115 and was the subject of mutual negotiation. As used in this paragraph: (1) "City" includes the City's officers, employees, agents, and representatives and (2) "Claims" include, but is not limited to, any and all losses, claims, demands, expenses (including, but not limited to, attorney's fees and litigation expenses), suits, judgments, or damage, irrespective of the type of relief sought or demanded, such as money or injunctive relief, and irrespective of whether the damage alleged is bodily injury, damage to property, economic loss, general damages, special damages, or punitive damages. If, and to the extent, Contractor employs or engages subconsultants or subcontractors, then Contractor shall ensure that each such subconsultant and subcontractor (and subsequent tiers of subconsultants and subcontractors) shall expressly agree to defend and indemnify the City to the extent and on the same terms and conditions as the Contractor pursuant to this paragraph.

11. Insurance.

A. Contractor shall comply with the following conditions and procure and keep in force during the term of this Agreement, at Contractor's own cost and expense, the following policies of insurance with companies authorized to do business in the State of Washington, which are rated at least "A" or better and with a numerical rating of no less than seven (7), by A.M. Best Company and which are acceptable to the City.

1. Workers' Compensation Insurance as required by Washington law and Employer's Liability Insurance with limits not less than \$1,000,000 per occurrence. If the City authorizes sublet work, the Contractor shall require each subcontractor to provide Workers' Compensation Insurance for its employees, unless the Contractor covers such employees.

2. Commercial General Liability Insurance on an occurrence basis in an amount not less than \$1,000,000 per occurrence and at least \$2,000,000 in the annual aggregate, including but not limited to: premises/operations (including off-site operations), blanket contractual liability and broad form property damage.

3. Business Automobile Liability Insurance in an amount not less than \$1,000,000 per occurrence, extending to any automobile. A statement certifying that no vehicle will be used in accomplishing this Agreement may be substituted for this insurance requirement.

4. Professional Errors and Omissions Insurance in an amount not less than \$1,000,000 per occurrence and \$1,000,000 in the annual aggregate. Such coverage may be written on a claims made basis. If both parties agree that the Work does not warrant Contractor providing Professional Errors and Omissions Insurance, this paragraph may be stricken and initialed by both parties.

B. The above liability policies shall contain a provision that the policy shall not be canceled or materially changed without 30 days prior written notice to the City. No cancellation provision in any insurance policy shall be construed in derogation of the continuous duty of the Contractor to furnish the required insurance during the term of this Agreement.

C. Upon written request by the City, the insurer or his/her agent will furnish, prior to or during any Work being performed, a copy of any policy cited above, certified to be a true and complete copy of the original.

D. Prior to the Contractor performing any Work, Contractor shall provide the City with a Certificate of Insurance acceptable to the City Attorney evidencing the required insurance. Contractor shall provide the City with either (1) a true copy of an endorsement naming the City of Mount Vernon, its officers, employees and agents as Additional Insureds on the Commercial General Liability Insurance policy and the Business Automobile Liability Insurance policy with respect to the operations performed and services provided under this Agreement and that such insurance shall apply as primary insurance on behalf of such Additional Insureds or (2) a true copy of the blanket additional insured clause from the policies. Receipt by the City of any certificate showing less coverage than required is not a waiver of the Contractor's obligations to fulfill the requirements.

E. If the policy listed in paragraph 11.A.4. above, Professional Errors and Omissions Insurance, is on a claims made policy form, the retroactive date on the policy shall be the effective date of this Agreement or prior. The retroactive date of any subsequent renewal of such policy shall be the same as the original policy provided. The extended reporting or discovery period on a claims made policy form shall not be less than 36 months following expiration of the policy. (This paragraph shall not apply if paragraph 11.A.4. above is stricken.)

F. Contractor certifies that it is aware of the provisions of Title 51 of the Revised Code of Washington that requires every employer to be insured against liability of Workers' Compensation, or to undertake self-insurance in accordance with the provisions of that Title. Contractor shall comply with the provisions of Title 51 of the Revised Code of Washington before commencing the performance of the Work. Contractor shall provide the City with evidence of Workers' Compensation Insurance (or evidence of qualified self-insurance) before any Work is commenced.

G. In case of the breach of any provision of this section, the City may, at its option and with no obligation to do so, provide and maintain at the expense of Contractor, such types of insurance in the name of the Contractor, and with such insurers, as the City may deem proper, and may deduct the cost of providing and maintaining such insurance from any sums which may be found or become due to Contractor under this Agreement or may demand Contractor to promptly reimburse the City for such cost.

12. **Independent Contractor.**

A. It is further agreed by and between the parties that because this Agreement shall not constitute nor create an employer-employee relationship, and since the Contractor is an independent contractor, Contractor shall be responsible for all obligations relating to federal income tax, self-employment FICA taxes and contributions, and all other so called employer taxes and contributions, including, but not limited to, industrial insurance (Workmen's Compensation), and that the Contractor agrees to indemnify, defend and hold the City harmless from any claims, valid or otherwise, made to the City, because of these obligations.

B. Any and all employees of the Contractor, while engaged in the performance of any Work, shall be considered employees of only the Contractor and not employees of the City. The Contractor shall be solely liable for any and all claims that may or might arise under the Worker's Compensation Act on behalf of said employees or Contractor, while so engaged and for any and all claims made by a third party as a consequence of any negligent act or omission on the part of the Contractor's employees, while so engaged on any of the Work

C. Contractor shall comply with all applicable provisions of the Fair Labor Standards Act and other legislation affecting its employees and the rules and regulations issued thereunder insofar as applicable to its employees and shall at all times save the City free, clear and harmless from all actions, claims, demands and expenses arising out of said act, and rules and regulations that are or may be promulgated in connection therewith.

D. Contractor assumes full responsibility for the payment of all payroll taxes, use, sales, income, or other form of taxes (such as state and, city business and occupation taxes), fees, licenses, excises or payments required by any city, federal or state legislation which are now or may during the term of the Agreement be enacted as to all persons employed by the Contractor and as to all duties, activities and requirements by the Contractor in performance of the Work and Contractor shall assume exclusive liability therefore, and meet all requirements thereunder pursuant to any rules or regulations that are now or may be promulgated in connection therewith.

13. **Employment**. The Contractor warrants that he had not employed or retained any company or person, other than a bona fide employee working solely for the Contractor, to solicit or secure this Agreement and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

14. **Audits and Inspections**. At any time during normal business hours and as often as the City may deem necessary, the Contractor shall make available to the City for the City's examination all of the Contractor's records and documents with respect to all matters covered by this Agreement and, furthermore, the Contractor will permit the City to audit, examine and make copies, excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.

15. **City of Mount Vernon Business License**. Contractor agrees to obtain a City of Mount Vernon business license prior to performing any work pursuant to this Agreement.

16. **State of Washington Requirements**. Contractor agrees to register and obtain any State of Washington business licenses, Department of Revenue account and/or unified business identifier number as required by RCW 50.04.140 and 51.08.195 prior to performing any work pursuant to this Agreement.

17. **Compliance with Federal, State and Local Laws**. Contractor shall comply with and obey all federal, state and local laws, regulations, and ordinances applicable to the operation of its business and to its performance of work hereunder.

18. **Compliance with Grant Terms and Conditions**. Contractor shall comply with any and all conditions, terms and requirements of any federal, state or other grant that wholly or partially funds Contractor's work hereunder.

19. **Waiver**. Any waiver by the Contractor or the City or the breach of any provision of this Agreement by the other party will not operate, or be construed, as a waiver of any subsequent breach by either party or prevent either party from thereafter enforcing any such provisions.

20. **Complete Agreement**. This Agreement contains the complete and integrated understanding and Agreement between the parties and supersedes any understanding, Agreement or negotiation whether oral or written not set forth herein.

21. **Modification of Agreement**. This Agreement may be modified as provided in ¶8, or by a writing explicitly identified as a modification of this Agreement that is signed by authorized representatives of the City and the Contractor.

22. **Severability**. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, the remainder of the Agreement shall remain in full force and effect.

23. **Notices.**

A. Notices to the City of Mount Vernon shall be sent to the following address:

City of Mount Vernon
Development Services Department
Steve Sexton
910 Cleveland Ave
Mount Vernon, WA 98273

B. Notices to the Contractor shall be sent to the following address:

Pacific Surveying and Engineering, Inc.
909 Squalicum Way, Suite 111
Bellingham, WA 98225
(360) 671-7387
amorrow@psurvey.com

24. **Venue.** It is agreed that venue for any lawsuit arising out of this Agreement shall be Skagit County.

IN WITNESS WHEREOF, the City and Contractor have executed this Agreement as of the date first above written

Peter Donovan, Mayor

DATE: _____

ATTEST:

Becky Jensen, City Clerk

DATE: _____

APPROVED AS TO FORM:

Kevin Rogerson, City Attorney

DATE: _____

CONTRACTOR: Please fill in the spaces and sign in the box appropriate for your business entity.

CORPORATION	Complete Legal Name:			
	Signature:			
	Typed/Printed Name:			
	Title		Date:	

PARTNERSHIP (GENERAL)	Complete Legal Name:			
	A Washington general partnership			
	Signature:			
	Typed/Printed Name:			
	Title		Date:	

PARTNERSHIP (LIMITED)	Complete Legal Name:			
	A Washington limited partnership			
	Signature:			
	Typed/Printed Name:			
	Title		Date:	
	Date:			

**SOLE
PROPRIETOR**

Complete Legal Name:			
Signature:			
Typed/Printed Name:			
Title		Date:	

**LIMITED
LIABILITY
COMPANY**

Complete Legal Name:			
Signature:			
Typed/Printed Name:			
Title	Managing Member	Date:	

EXHIBIT A

SCOPE OF WORK:

The City of Mount Vernon is undertaking a multi-year Parcel and Utility Accuracy Improvement Program to systematically correct parcel boundaries, rights-of-way, and City-owned stormwater and wastewater utility data throughout the City.

This work builds upon prior monumentation and parcel reconciliation efforts completed by Pacific Surveying & Engineering, Inc. (PSE) for the City of Mount Vernon and Skagit County and is intended to produce legally defensible, survey-based geometry that aligns with Skagit County's authoritative parcel framework.

The corrected parcel, right-of-way, and utility data produced will support City GIS operations, asset management, capital planning, development review, and long-range planning.

Area as defined in the attached map:

The project area includes Zone 1 and the Southwest (SW) Pilot Area, as depicted in the attached map. The work includes:

- Parcel, right-of-way, stormwater and wastewater utility correction within Zone 1; and
- Completion of stormwater and wastewater utility mapping within the Southwest (SW) Pilot Area, where parcel work was previously completed.

Zone 1

- Generally, bound by W. Fir Street and Riverside Drive, extending west to the City limits and north to the City limits.
- The northern and western boundaries are defined by the Skagit River and/or the Mount Vernon–Skagit County jurisdictional boundary.
- Zone 1 falls within portions of PLSS Township 34; Range 4; Sections 7 and 18.

Southwest Pilot Area

- The Southwest Pilot Area includes the geographic area previously addressed under earlier parcel reconciliation efforts.

The City has divided Mount Vernon into Phase Zones (Zones 1–5) for long-term implementation. This phase focuses on Zone 1 parcel and right-of-way work and completion of utilities in the SW Pilot Area.

PSE WILL PERFORM THE FOLLOWING:

1. Project Approach & Anticipated Phasing:

- a. PSE will begin with records & digital data inventory & analysis (as provided by the City of Mount Vernon and supplemented from available in-house, local, County, and State records).
- b. An initial survey effort will utilize geodetic survey control from the Skagit County Spatial Data Improvement Project (2017–current, NAD 83 horizontal and NAVD88 vertical datums) to locate controlling monuments and develop PLSS section subdivisions, government lots, and major controlling rights-of-way (e.g., Interstate 5).
- c. Current aerial photogrammetry will be utilized to locate and position physical feature boundaries (e.g., the Skagit River).

- d. A secondary survey effort will locate monumentation needed to establish rights-of-way and parcels, based on the density of available record survey and plat information within each section or area.
 - e. Final right-of-way and parcel lines will be established to create the spatial framework from which easements and utilities will be positioned. Updated linework will be edge-matched to existing GIS data at project boundaries, acknowledging that adjacent areas may be corrected in future phases.
 - f. Once parcel and right-of-way lines are established, associated City utility easements and utility lines/structures will be input based on record information, plans, as-builts, and datum translations where feasible.
 - g. A tertiary survey effort will include field locations and measurements on selected stormwater and sewer utilities to accurately reflect their locations, elevations, and alignments, including completion of unfinished utilities within the SW Pilot Area.
2. Records & Survey Information:
- a. The City will provide all relevant plats, survey maps, and records.
 - b. The City will provide the most current web application map (<https://arcg.is/1G9yr51>), including plats, short plats, binding site plans, condominiums, surveys, boundary line adjustments, unrecorded site plans (e.g., mobile home parks), CC&Rs, and infrastructure construction documents.
 - c. Skagit County GIS will provide monument data received from PSE and other relevant County records applicable to the project area.
 - d. Current digital aerial photogrammetry (NAD 83 projection).
3. Spatial Accuracy:
- a. The City desires that PSE, where feasible, provide one-foot (1') spatial accuracy. Where control density, site conditions, or record limitations pose challenges, the City is amenable to three-foot (3') accuracy.
4. Datum Confirmation:
- a. The City desires PSE to ensure seamless integration with Skagit County control using NAD 83 Washington State Plane North Zone, so that Mount Vernon GIS data aligns with the County's authoritative dataset.

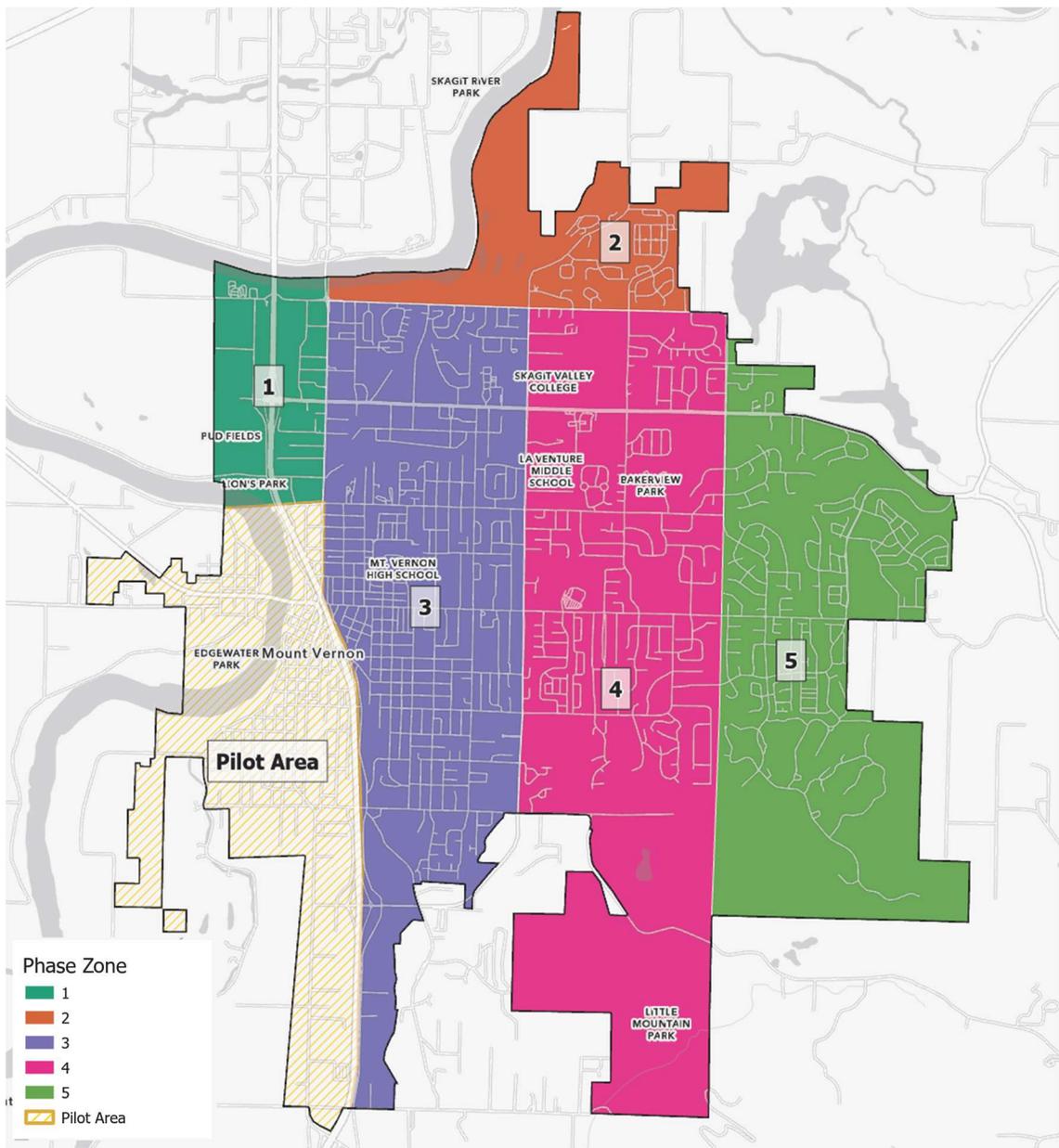
MEANS, METHODS AND DELIVERABLES:

1. Defined Deliverables:
- a. AutoCAD (DWG) files with corrected parcel geometry and utility locations and elevations.
 - i. Linework and structure elevations for stormwater and sewer lines/structures derived from translated record information and supplemental field survey (as feasible).
 - ii. Locations and elevations of upstream and downstream pipes within structures from translated record information and supplemental field survey (as feasible).
 - b. Grouped block files.
 - c. Documentation of methodology and source materials.
 - d. Metadata ReadMe file(s) included with each deliverable package summarizing survey control used, data sources, methodologies applied (e.g., COGO techniques), file naming and layer structure, corrected areas, and known limitations.
 - e. GIS-ready exports, where feasible.

2. CAD Standards & GIS Compatibility:
 - a. All AutoCAD deliverables shall adhere to Skagit County CAD layer naming conventions, including standardized layer names for parcels, roads, rights-of-way, easements, and boundary features, as provided by the County.

3. Topology & Quality Control:
 - a. PSE shall perform topological cleanup and edge-matching prior to delivery to avoid gaps, overlaps, and other errors and to ensure GIS-readiness.
 - b. Parcel adjustments shall not be based solely on visual alignment or reshaping using GIS software; geometry must be based on legal documentation and AutoCAD-based COGO drafting principles.

OVERALL MAP – PHASE ZONE BOUNDARY

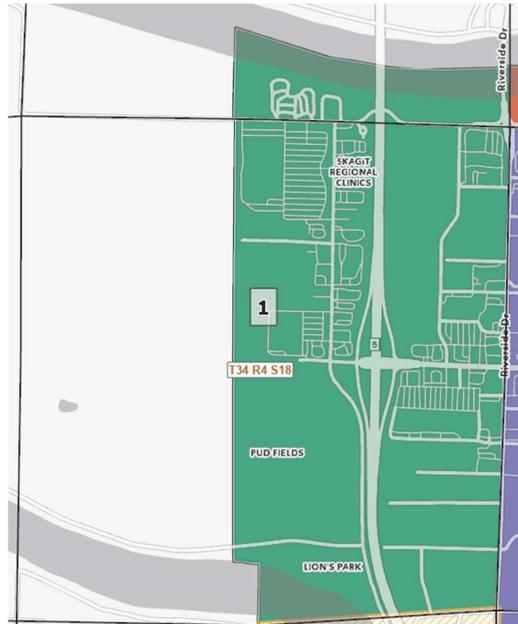


Phase Zone Boundary Definitions

Phase Zones are generally defined as follows and are depicted on maps provided by the City.

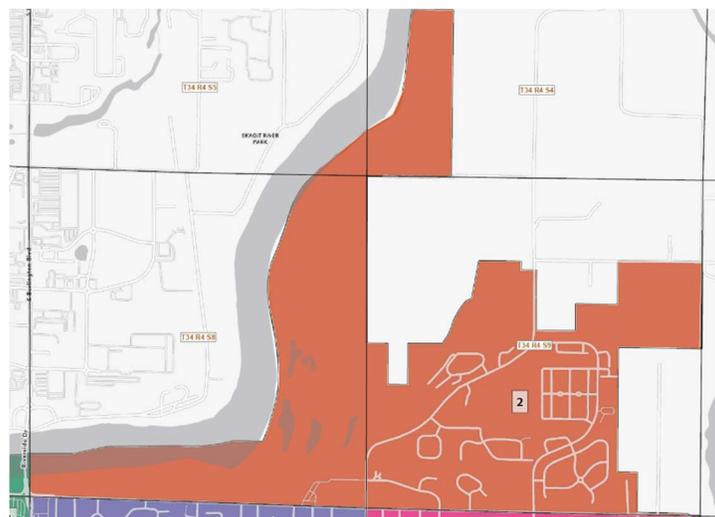
Zone 1

- Zone 1 is generally bounded by W. Fir Street and Riverside Drive, extending west to the City limits and north to the City limits.
- The northern and western boundaries are defined by the Skagit River and/or the Mount Vernon–Skagit County jurisdictional boundary.
- Zone 1 falls within portions of PLSS Township 34; Range 4; Sections 7 and 18.



Zone 2

- Zone 2 is bounded by Riverside Drive and Hoag Road / Martin Road, continuing east to the City boundary.
- The northern boundary is defined by the City limits.
- Zone 2 includes portions of PLSS Sections 4, 5, 8, and 9.

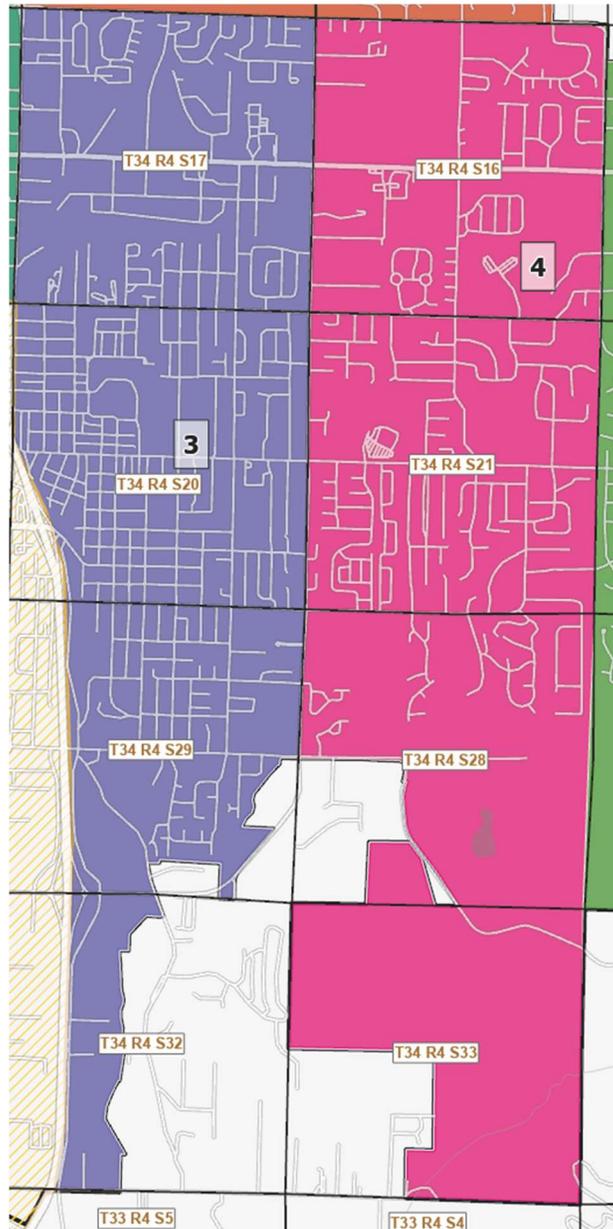


Zone 3

- Zone 3 is bounded by Martin Road to the north, LaVenture Road to the east, E. Hickox Road to the south, and Riverside Drive / 4th Street, transitioning to Interstate 5, to the west.
- The southern boundary is defined by the Skagit River and/or the Mount Vernon–Skagit County jurisdictional boundary.
- PLSS: Township 34; Range 4; Sections 17, 20, 29, 32 & Township 33; Range 4; Section 5 fall within Zone 3

Zone 4

- Zone 4 includes full or parts PLSS Township 34; Range 4; Sections 16, 21, 28, 33 & Township 33; Range 4; Section 4.
- Boundaries include Martin Road (north), LaVenture Road (west), Martin Road / Waugh Road (east), and E. Hickox Road (south).



Zone 5

- PLSS Township 34; Range 4; Sections 15, 22, 27, and 26 fall within Zone 5
- The western boundary is Waugh Road.
- The northern boundary is defined by the Skagit River and/or the Mount Vernon–Skagit County jurisdictional boundary, and the eastern boundary generally follows E. College Way and City limits.

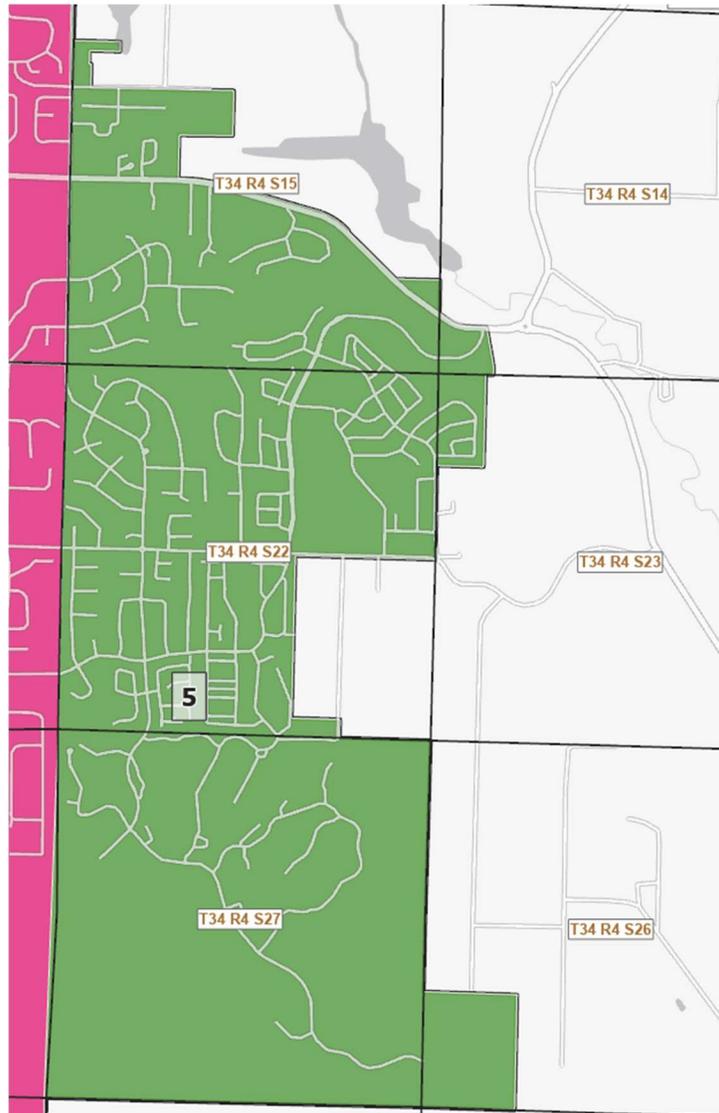


EXHIBIT B

ALTERNATE A [HOURLY RATE UP TO A MAXIMUM AMOUNT]

The City shall pay the Contractor a sum equal to the number of hours actually worked multiplied by the rate identified herein for the staff performing the Work, subject to the maximum stated in ¶4(D) of this Agreement.

The City shall pay the Contractor a sum not to exceed \$80,000, if costs for the project exceed \$80,000, city staff will ascertain an accurate Plan of Action and Milestones and process any change orders for City Council approval.

EXHIBIT C
REIMBURSABLE EXPENSES



PACIFIC SURVEYING & ENGINEERING SERVICES, INC.
2025 FEE SCHEDULE

OFFICE

STANDARD

Hourly

PRINCIPAL ENGINEER	\$210
SENIOR ENGINEER	\$190
PROJECT ENGINEER	\$175
PRINCIPAL LAND SURVEYOR	\$210
SENIOR LAND SURVEYOR	\$190
PROJECT LAND SURVEYOR	\$175
PRINCIPAL SCIENTIST	\$210
SENIOR SCIENTIST	\$190
PROJECT SCIENTIST	\$175
STAFF SCIENTIST	\$140
PROJECT MANAGER	\$205
SENIOR CAD / GIS TECHNICIAN	\$155
CAD / GIS TECHNICIAN	\$125
SENIOR ENGINEERING TECHNICIAN	\$155
ENGINEERING TECHNICIAN	\$135
SENIOR SURVEY TECHNICIAN	\$160
SURVEY TECHNICIAN	\$135
OFFICE / CLERICAL	\$95
EXPERT WITNESS / COURT PREPARATION & APPEARANCE	\$400

FIELD

SENIOR FIELD SCIENTIST / L.E.G.	\$160
LICENSED GEOLOGIST / ENVIRONMENTAL PROFESSIONAL	\$140
FIELD SCIENTIST	\$130
CONSTRUCTION INSPECTOR	\$130
SURVEY CREW LEAD	\$140
1-PERSON SURVEY CREW	\$195
2-PERSON SURVEY CREW	\$260
3-PERSON SURVEY CREW	\$325
HYDROGRAPHIC SURVEY CREW	\$320
UAV (DRONE) LICENSED PILOT	\$205

OTHER

FIELD SUPPLIES	DIRECT COSTS – PLUS 15%
REPRODUCTION / COURIER	DIRECT COSTS – PLUS 15%
SUB-CONSULTANTS	DIRECT COSTS – PLUS 15%
SIGNAGE / TRAFFIC CONTROL	DIRECT COSTS – PLUS 15%
RENTAL EQUIPMENT	DIRECT COSTS – PLUS 15%
PER DIEM / TRAVEL	STANDARD RATE
MILEAGE	STANDARD RATE

The above hourly rates are based on an eight (8) hour workday. Hours beyond eight (8) per day, as well as work performed on nights and weekends, will be billed at 1.5 times the standard hourly rate. Work performed on federal holidays will be billed at 2.0 times the standard hourly rate. For prevailing wage projects, see applicable prevailing wage fee schedule.



DATE: January 14, 2026
TO: Mount Vernon City Council
FROM: Steve Sexton, Special Projects Manager
SUBJECT: CDBG Subrecipient agreement with Welcome Home Skagit

RECOMMENDED ACTION:

Approval

INTRODUCTION/BACKGROUND:

Attached is the Sub-Recipient agreement for the Community Development Block Grant awarded to Welcome Home Skagit by the City of Mount Vernon.

FINDINGS/CONCLUSIONS:

Staff requests the Council approve and authorize the Mayor to sign the CDBG Subrecipient agreement with Welcome Home Skagit.

RECOMMENDATION:

Approval of the Funding Agreement and authorize the Mayor's signature.

ATTACHED:

WHS CDBG Sub-Recipient Agreement

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Title

Signature

Date

X

form HUD-50070 (3/98)

ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

FINANCIAL MANAGEMENT RIDER

Organization Name:

Please refer to the current 2 CFR 200 Super-Circular regulations as needed to respond to the following questions:

1. Does your organization have financial management systems that are kept in accordance with 2 CFR 302(b)? If not, please explain how you will comply with this regulation?

2. Does your organization have a system to keep appropriate time distribution records for the use of CDBG funds, if applicable?

3. Does your organization have a system or methodology in place to comply with the procurement and/or subcontracting requirements of 2 CFR 200.318 to 2 CFR 200.326.

4. Does your organization maintain and retain adequate records to comply with the program requirements as well as any documentation required by the subrecipient agreement or project activity type as identified in 2 CFR 200.333?

5. Does your organization have procedures in place to adequately identify CDBG property and assets and maintain the appropriate property records as required by CFR 200.313(d)(1)?

6. Does your organization have procedures in place to ensure adequate safeguards for preventing loss, damage, or theft of its property per CFR 200.313(d)(3)?

7. Does your organization plan to provide all financial audits to the grantee (the City) within 120 days of the end of each fiscal year for review?

8. Does your organization plan on providing accurate supporting documentation to receive reimbursement of CDBG funds in a timely manner (monthly) as indicated in the subrecipient agreement?

I certify that the aforementioned is true and accurate.

Printed Name


Signature

Date

ORGANIZATIONAL CAPACITY STATEMENT

Organization Name:

CDBG Regulations require grantees (the City) and subrecipients (the organization provided with funding) to collect and report demographic information, as well as to document income.

How will your organization collect the required information?

1. Describe your agency's experience in administering Federal, State, Local and/or private grants.
2. Identify the contact information for the person or persons responsible for planning, implementation, follow-up and reporting.
3. Describe staff positions, qualifications, and rate of pay for employees who will be compensated using CDBG funds.
4. Identify the contact information for the person who will be responsible for record keeping.

5. Identify the contact information for the person who will be responsible for financial management.

6. Briefly describe how your organization uses volunteers – or – indicate “Not Applicable.”

PERFORMANCE MEASURES

Organization Name:

HUD grantees (City) and subrecipients (Organization receiving funding) are required to report measurable outcomes for all projects funded.

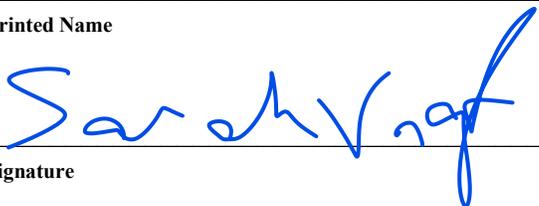
1. What are the proposed outcomes of your project and how will you measure them?
2. What populations/area would your proposed activity serve? Check all that apply.

Children age 17 and younger	Other (describe)
Young adults age 18-24	
Adults age 25-61	
Elderly age 62 and older	
Families with children	Region or area (define boundaries)
Victims of domestic abuse	
Persons with disabilities	
Homeless	

3. How many unduplicated persons do you expect to serve with your activity?
4. What are the eligibility requirements (if any) for your project?

I certify that the aforementioned is true and accurate.

Printed Name



Signature

Date

STATEMENT ON FAITH-BASED ORGANIZATIONS

Organization Name:

Church-State issues notwithstanding, religious institutions are frequently involved in the delivery of public services. On December 12, 2002, President George W. Bush issued Executive Order 13279 “to ensure equal protection of the laws for faith-based and community organizations, to further the national effort to expand opportunities for, and strengthen the capacity of, faith-based and other community organizations so that they may better meet the social needs in America’s communities.”

The next year, HUD issued a final rule covering eight HUD programs administered by its Office of Community Planning and Development – including CDBG – to implement the Executive Order. The following associated regulations apply:

24 CFR 570.200(j) Equal participation of faith-based organizations.

The HUD program requirements in § 5.109 of this title (see below) apply to the CDBG program, including the requirements regarding disposition and change in use of real property by a faith-based organization.

24 CFR 570.109 Equal participation of faith-based organizations in HUD programs and activities.

(a) Purpose. Consistent with Executive Order 13279 (issued on December 12, 2002, 67 FR 77141), entitled “Equal Protection of the Laws for Faith-Based and Community Organizations,” as amended by Executive Order 13559 (issued on November 17, 2010, 75 FR 71319), entitled “Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations,” this section describes requirements for ensuring the equal participation of faith-based organizations in HUD programs and activities. These requirements apply to all HUD programs and activities, including all of HUD's Native American Programs, except as may be otherwise noted in the respective program regulations in title 24 of the Code of Federal Regulations (CFR), or unless inconsistent with certain HUD program authorizing statutes.

(b) Definitions. The following definitions apply to this section:

Direct Federal financial assistance means Federal financial assistance provided when a Federal Government agency or an intermediary, as defined in this section, selects the provider and either purchases services from that provider (i.e., via a contract) or awards funds to that provider to carry out an activity (e.g., via grant, sub-grant, sub-award, or cooperative agreement). The recipients of sub-grants or sub-awards that receive Federal financial assistance through State-administered programs (e.g., flow-through programs) are considered recipients of direct Federal financial assistance. In general, Federal financial assistance shall be treated as direct, unless it meets the definition of indirect Federal financial assistance.

Federal financial assistance means assistance that non-Federal entities receive or administer in the forms of grants, contracts, loans, loan guarantees, property, cooperative agreements, food commodities, direct appropriations, or other assistance, but does not include a tax credit, deduction, or exemption.

Indirect Federal financial assistance means Federal financial assistance provided when the choice of the provider is placed in the hands of the beneficiary, and the cost of that service is paid through a voucher, certificate, or other similar means of Government-funded payment. Federal financial assistance provided to an organization is considered indirect when the Government program through which the beneficiary receives the voucher, certificate, or other similar means of Government-funded payment is neutral toward religion; the organization receives the assistance as a result of a decision of the beneficiary, not a decision of the Government; and the

beneficiary has at least one adequate secular option for the use of the voucher, certificate, or other similar means of Government-funded payment.

Intermediary means an entity, including a nongovernmental organization, acting under a contract, grant, or other agreement with the Federal Government or with a State, tribal or local government that accepts Federal financial assistance and distributes that assistance to other entities that, in turn, carry out activities under HUD programs.

(c) Equal participation of faith-based organizations in HUD programs and activities. Faith-based organizations are eligible, on the same basis as any other organization, to participate in HUD programs and activities. Neither the Federal Government, nor a State, tribal or local government, nor any other entity that administers any HUD program or activity, shall discriminate against an organization on the basis of the organization's religious character or affiliation, or lack thereof. In addition, decisions about awards of Federal financial assistance must be free from political interference or even the appearance of such interference and must be made on the basis of merit, not based on the religious character or affiliation, or lack thereof, of an organization.

(d) Separation of explicitly religious activities from direct Federal financial assistance.

(1) A faith-based organization that applies for, or participates in, a HUD program or activity supported with Federal financial assistance retains its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use direct Federal financial assistance that it receives (e.g., via contract, grant, sub-grant, sub-award or cooperative agreement) to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), or in any other manner prohibited by law.

(2) A faith-based organization that receives direct Federal financial assistance may use space (including a sanctuary, chapel, prayer hall, or other space) in its facilities (including a temple, synagogue, church, mosque, or other place of worship) to carry out activities under a HUD program without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization participating in a HUD program or activity retains its authority over its internal governance, and may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

(e) Explicitly religious activities. If an organization engages in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), the explicitly religious activities must be offered separately, in time or location, from the programs or activities supported by direct Federal financial assistance and participation must be voluntary for the beneficiaries of the programs or activities that receive direct Federal financial assistance.

(f) Intermediary responsibilities to ensure equal participation of faith-based organizations in HUD programs. If an intermediary - acting under a contract, grant, or other agreement with the Federal Government or with a State, tribal or local government that is administering a program supported by Federal financial assistance - is given the authority to select a nongovernmental organization to receive Federal financial assistance under a contract, grant, sub-grant, sub-award, or cooperative agreement, the intermediary must ensure that such organization complies with the requirements of this section. If the intermediary is a nongovernmental organization, it retains all other rights of a nongovernmental organization under the program's statutory and regulatory provisions.

(g) Beneficiary protections. Faith-based organizations that carry out programs or activities with direct Federal financial assistance from HUD must give written notice to beneficiaries and prospective beneficiaries of the programs or activities describing certain protections available to them, as provided in this subsection. In addition, if a beneficiary or prospective beneficiary objects to the religious character of the organization carrying out the programs or activities, that organization must promptly undertake reasonable efforts to identify and refer the

beneficiary or prospective beneficiary to an alternative provider to which the beneficiary or prospective beneficiary has no such objection.

(1) Written notice. The written notice must state that:

(i) The organization may not discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;

(ii) The organization may not require beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries in such activities must be purely voluntary;

(iii) The organization must separate, in time or location, any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;

(iv) If a beneficiary objects to the religious character of the organization, the organization must undertake reasonable efforts to identify and refer the beneficiary to an alternative provider to which the beneficiary has no such objection; and

(v) Beneficiaries or prospective beneficiaries may report an organization's violation of these protections, including any denial of services or benefits by an organization, by contacting or filing a written complaint to HUD or the intermediary, if applicable.

(2) Timing of Notice. The written notice must be given to prospective beneficiaries before they enroll in any HUD program or activity. When the nature of the program or activity or exigent circumstances make it impracticable to provide the written notice in advance, the organization must provide written notice to beneficiaries of their protections at the earliest available opportunity.

(3) Referral requirements.

(i) If a beneficiary or prospective beneficiary of a program or activity that receives direct Federal financial assistance from HUD objects to the religious character of an organization that carries out the program or activity, that organization must promptly undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider to which the beneficiary or prospective beneficiary has no such objection.

(ii) A referral may be made to another faith-based organization, if the beneficiary or prospective beneficiary has no objection to that provider based on the provider's religious character. But if the beneficiary or prospective beneficiary requests a secular provider, and a secular provider is available, then a referral must be made to that provider.

(iii) Except for activities carried out by telephone, Internet, or similar means, the referral must be to an alternative provider that is in reasonable geographic proximity to the organization making the referral and that carries out activities that are similar in substance and quality to those offered by the organization. The alternative provider also must have the capacity to accept additional beneficiaries.

(iv) If the organization determines that it is unable to identify an alternative provider, the organization shall promptly notify the intermediary or, if there is no intermediary, HUD. If HUD or an intermediary is notified that an organization is unable to identify an alternative provider, HUD or the intermediary, as appropriate, shall promptly determine whether there is any other suitable alternative provider to which the beneficiary or prospective beneficiary may be referred. An intermediary that receives a request for assistance in identifying an alternative provider may request assistance from HUD.

(4) Recordkeeping. A faith-based organization providing a referral under paragraph (g)(3) of this section must document a beneficiary or prospective beneficiary's request for a referral, whether the beneficiary or

prospective beneficiary was referred to another provider, to which provider the beneficiary or prospective beneficiary was referred, and if the beneficiary or prospective beneficiary contacted the alternative provider, unless the beneficiary or prospective beneficiary requests no follow up.

(h) Nondiscrimination requirements. Any organization that receives Federal financial assistance under a HUD program or activity shall not, in providing services or carrying out activities with such assistance, discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. However, this section does not require any organization that only receives indirect Federal financial assistance to modify its program or activities to accommodate a beneficiary that selects the organization to receive indirect aid.

(i) Exemption from Title VII employment discrimination requirements. A religious organization's exemption from the Federal prohibition on employment discrimination on the basis of religion, set forth in section 702(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1), is not forfeited when the organization participates in a HUD program. Some HUD programs, however, contain independent statutory provisions that impose certain nondiscrimination requirements on all grantees. Accordingly, grantees should consult with the appropriate HUD program office to determine the scope of applicable requirements.

(j) Acquisition, construction, and rehabilitation of structures. Direct Federal financial assistance may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under a HUD program or activity. Where a structure is used for both eligible and explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), direct Federal financial assistance may not exceed the cost of the share of acquisition, construction, or rehabilitation attributable to eligible activities in accordance with the cost accounting requirements applicable to the HUD program or activity. However, acquisition, construction, or rehabilitation of sanctuaries, chapels, or other rooms that a HUD-funded faith-based organization uses as its principal place of worship, may not be paid with direct Federal financial assistance. Disposition of real property by a faith-based organization after its use for an authorized purpose, or any change in use of the property from an authorized purpose, is subject to Government-wide regulations governing real property disposition (2 CFR part 200, subpart D) and the HUD program regulations, as directed by HUD.

(k) Commingling of Federal and State, tribal, and local funds. If a State, tribal, or local government voluntarily contributes its own funds to supplement direct Federal financial assistance for an activity, the State, tribal or local government has the option to segregate those funds or commingle them with the direct Federal financial assistance. However, if the funds are commingled, the requirements of this section apply to all of the commingled funds. Further, if a State, tribal, or local government is required to contribute matching funds to supplement direct Federal financial assistance for an activity, the matching funds are considered commingled with the direct Federal financial assistance and, therefore, subject to the requirements of this section. Some HUD programs' requirements govern any activity assisted under those programs. Accordingly, recipients should consult with the appropriate HUD program office to determine the scope of applicable requirements.

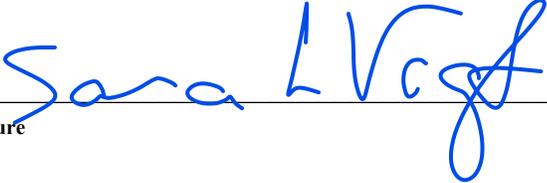
Based on review of the aforementioned two regulations, please respond to the following questions:

Is your organization faith-based?

If you selected "Yes," briefly explain how your agency will demonstrate compliance with 2 CFR 570.200(j) which prohibits inherently religious activities.

I certify that this statement is true and accurate.

Printed Name

Signature 

Date

SUBPART K REQUIREMENTS

Organization Name:

1. How does your organization identify prospective clients and make them aware your services are available to all eligible persons, including those with disabilities, on a non-discriminatory basis?

211, word of mouth, community partners, online platforms, referrals,
outreach events and walk-ins.

2. Does your have written policies and procedures in place to ensure that no person otherwise eligible for service shall solely by reason of their disability be excluded from participation of be denied benefits offered by your program?

Yes, we serve All eligible ac

3. Does your organization have written policies and procedures in place to ensure meaningful access to programs and activities for persons with Limited English Proficiency (LEP)?

Yes, we serve All eligible ac

4. Does your organization have a formal process for a client to file a grievance? If yes, please provide this policy.

Yes

5. Does your organization have a formal process for the termination of assistance to a client, including a process that recognizes the right of the individual(s) to a hearing?

Yes, but no hearing.

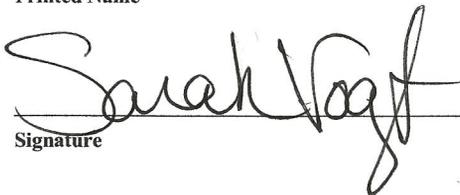
6. Does your organization provide a terminated client the reason in writing?

Upon request

I certify that the aforementioned is true and accurate.

Sarah Vogt

Printed Name



Signature

12/23/2025

Date

SUPER-CIRCULAR MANDATED AUDIT REQUIREMENTS

Organization Name:

As part of the pre-award assessment, the City as Grantee of HUD funding is required to determine whether prospective subrecipients are subject to the Federal Single Audit requirement as covered in 2 CFR 501, which states:

2 § 200.501 Audit requirements.

(a) Audit required. A non-Federal entity that expends \$1,000,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) Single audit. A non-Federal entity that expends \$1,000,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

(d) Exemption when Federal awards expended are less than \$1,000,000. A non-Federal entity that expends less than \$1,000,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

(e) Federally Funded Research and Development Centers (FFRDC). Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.

(f) Subrecipients and Contractors. An auditee may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Subrecipient and contractor determinations should be considered in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.

(g) Compliance responsibility for contractors. In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these

procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

(h) For-profit subrecipient. Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient should describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits.

Based on review of the 2 CFR 501 regulation, I anticipate the following:

Yes, my organization will expend more than \$1,000,000 in federal funds during one or more of the fiscal years involved in the use of the funding being provided by City. I understand that I am responsible for providing all applicable Single Audit(s) for the fiscal year involved in the use of this funding.

No, I do not anticipate that my organization will expend more than \$1,000,000 in federal funds during one or more of the fiscal years involved in the use of the funding being provided by City. I understand that I am responsible for providing all applicable Single Audit(s) if my organization expends more than \$1,000,000 in federal funds during any fiscal year involved in the use of this funding.

I certify that the aforementioned is true and accurate.

Printed Name

Signature

Date



DATE: January 14, 2026
TO: Mount Vernon City Council
FROM: Steve Sexton, Special Projects Manager
SUBJECT: CDBG Subrecipient agreement with Helping Hands of Sedro-Woolley

RECOMMENDED ACTION:

Approval

INTRODUCTION/BACKGROUND:

Attached is the Sub-Recipient agreement for the Community Development Block Grant awarded to Helping Hands of Sedro-Woolley by the City of Mount Vernon.

FINDINGS/CONCLUSIONS:

Staff requests the Council approve and authorize the Mayor to sign the CDBG Subrecipient agreement with Helping Hands of Sedro-Woolley.

RECOMMENDATION:

Approval of the Funding Agreement and authorize the Mayor's signature.

ATTACHED:

Helping Hands CDBG Sub-Recipient Agreement

**CITY OF MOUNT VERNON HELPING HANDS FOOD BANK OF SEDRO-WOOLLEY WA
AGREEMENT**

THIS AGREEMENT made and entered into by and between the City of Mount Vernon, a municipal corporation under the laws of the State of Washington (hereinafter referred to as the City or Grantee) and Helping Hands Food Bank of Sedro-Woolley WA, a Washington nonprofit corporation (hereinafter referred to as Provider or Subrecipient)

WITNESSES THAT:

WHEREAS, a significant number of Mount Vernon citizens are in need of social and health services, and WHEREAS, the City has a legal right to participate in the care of its less fortunate residents, and

WHEREAS, the Provider is a nonprofit organization formed for the express purpose of providing social services for the needy, and

WHEREAS, the City has secured an on-going Community Development Block Grant (CDBG) from the United States Department of Housing and Urban Development, identified as CFDA 14.218, in the total amount of \$377,614.00 for program year 2025-26; and

WHEREAS, the City has agreed to provide the Provider with a percentage of the CDBG Program funds in the amount of \$18,881.00; to deliver public services to low and moderate income individuals; and

WHEREAS, the City and the Provider are desirous of entering into a contract to formalize their relationship.

1. Services to be Provided by the Parties:

- a. The Provider shall complete in a satisfactory and proper manner as determined by the City the work activities described in the Scope of Work.
- b. The City will provide such assistance and guidance as may be required to support the objectives set forth in the Scope of Work and will provide funding for the services and activities as set forth below.

2. Scope of Work:

- a. **Activities** - The Provider will be responsible for administering a CDBG Year 2025-26 Public Services program in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the activity eligible under the Community Development Block Grant program described in Exhibit A.
- b. **National Objectives** - The subrecipient certifies that the activities carried out under this agreement will meet CDBG National Objectives, as outlined below:

Activity: Senior Service activities meet the CDBG National Objective to principally benefit low and very low-income persons. The activity meets the limited clientele criteria by exclusively serving seniors aged 62 and older are presumed to meet the low mod benefit by HUD. 100% of those served have been assessed for need and screened to verify eligibility. Critical Needs/Referral activities meet the CDBG National Objective to principally benefit low and very low-income persons. The activity meets the limited clientele criteria by Subrecipient documentation of data showing the age of the person receiving benefit and that those served

are low and moderate income.

c. Activity Budgets

Activity budgets are outlined in Exhibit B "Proposed Project Budget" attached hereto and incorporated herein and made a part hereof.

d. Levels of Accomplishment – Goals and Performance Measures

Activity goals are outlined in Exhibit A.

Estimated activity beneficiaries are outlined in Exhibit C "Project Beneficiaries Estimate" attached hereto and incorporated herein and made a part hereof. Unduplicated number of persons served and defined total units of service have been forecast by the Provider as performance measures.

It is expected that client services and related City cost reimbursement will be on an even basis throughout the budget year 2025-26, and that beneficiary reporting will show approximately 50% of clients served during each semi-annual period.

e. Staffing

Staff assigned to listed activities will be competent to perform assigned duties. Any changes in the Key Personnel assigned or their general responsibilities under this project are subject to notification to the Grantee.

f. Performance Monitoring

The grantee will monitor the performance of the Subrecipient against goals and performance standards as stated above, on an annual basis. Substandard performance as determined by the Grantee will constitute non-compliance with this Agreement. If action to correct such substandard performance is not taken by the subrecipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated.

g. Compliance with Federal Regulations as stated herein and amended or revised hereafter. (See attached Addendum 1. Policy Requirements attached hereto).

Administration of program and activities are subject to Federal Housing and Urban Development regulations.

The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart K of these regulations, except that (1) the Subrecipient does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) the Subrecipient does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR 52. The Subrecipient also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

3. Time of Performance:

All activities described under Scope of Work shall be conducted over the course of the current budget year, **July 1, 2025, through June 30, 2026.**

4. Consideration:

The City shall contribute **\$18,881** to the Provider to accomplish the scope of work as detailed in Section 2.

5. Administration:

The Subrecipient shall appoint a liaison who shall be responsible for overall administration of the CDBG funded project/activities and coordination with the Grantee. The Subrecipient shall also designate one or more representatives who shall be authorized to sign invoices. The names of the liaison and representatives shall be specified by letter to the Grantee.

6. Reimbursement

- a. The City of Mount Vernon shall reimburse the Subrecipient only for activities specified in Attached Exhibits A, and only for incurred cost. Reimbursement shall be based on a properly executed invoice, submitted and signed by the Subrecipient's authorized representative. The invoice shall include substantiating documentation for all expenses. Drawdowns for the payment of eligible expenses shall be made against the line-item budgets specified in Exhibits B, and in accordance with performance.
- b. Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in 24 CFR Part 570 and 2 CFR 200.
- c. The City will make timely payments to the Subrecipient after said reimbursement request is received and approved by City personnel.
- d. The Subrecipient shall submit a monthly activity report providing CDBG Beneficiary and Outcomes Report to the City with a monthly request for reimbursement form. Reimbursements will be withheld if reports are missing or incomplete.

7. Relationship:

The City and Provider intend that an independent contractual relationship be created by this contract. Provider is not considered to be an employee of the City for any purpose, and neither the Provider nor any employee of the Provider shall be entitled to any of the benefits the City provides for the City's employees, including but not limited to health insurance, sick or annual leave, or worker's compensation. Provider specifically represents and stipulates that the Provider is engaged in the business of providing the services set forth in this contract, whether or not for profit, and that Provider is fully registered and legally authorized to conduct such business, and pays all necessary taxes and assessments levied against such business.

8. Suspension and Termination:

- a. If the Provider fails to comply with the terms and conditions of this contract, the City may pursue such remedies as are legally available, including, but not limited to, the suspension or termination of this contract.
- b. In accordance with 2 CFR 200, the Grantee may suspend or terminate this Agreement if the Subrecipient materially fails to comply with any terms of this Agreement, which include (but are

not limited to) the following:

1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;
 2. Failure, for any reason, of the Subrecipient to fulfill in a timely and proper manner its obligations under this Agreement;
 3. Ineffective or improper use of funds provided under this Agreement; or
 4. Submission by the Subrecipient to the Grantee reports that are incorrect or incomplete in any material respect.
- c. In accordance with 2 CFR 200, this Agreement may also be terminated for convenience by either the Grantee or the Subrecipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Grantee determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Grantee may terminate the award in its entirety.

9. Changes, Amendments, Modifications:

The City may, from time to time, require changes or modifications in the Scope of Work to be performed here-under. Such changes, including any decrease or increase in the amount of compensation therefore, which are mutually agreed upon by the City and the Provider shall be incorporated in written amendments to this contract.

10. Assignability:

The Provider shall not assign any interest on this contract and shall not transfer any interest on the contract (whether by assignment or novation), without prior written consent of the City.

11. Reports and Information:

See Section 6. The Provider, at such time as and in such form as the City may require, shall furnish the City such periodic reports and information as it may request pertaining to the work or services undertaken pursuant to this contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.

12. Compliance with Local Laws:

The Provider shall comply with all applicable laws, ordinances, and codes of the state and local government and the Provider shall hold and save the City harmless with respect to any damages arising from any tort done in performing any of the work embraced by this contract.

13. Audits and Inspections:

The City or their delegates shall have the right to review and monitor the financial and other components of the work and services provided and undertaken as part of the contract by whatever legal and reasonable means are deemed expedient by the City. All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, and the Comptroller General of the United States or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or

transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The Subrecipient hereby agrees to have an annual agency audit with current Grantee policy concerning subrecipient audits and 2 CFR 200.

14. Hold Harmless:

The Provider agrees to indemnify and hold harmless the City, its appointed and elective officers and employees, from and against all loss and expense, including attorney's fees and costs by reason of any and all claims and demands upon the City, its elected and appointed officers and employees from damages sustained by any person or persons, arising out of or in consequence of the Provider's and its agents' negligent performance of work associated with this agreement.

15. Workers' Compensation:

The Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

16. Insurance & Bonding:

The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage. The Subrecipient shall comply with the bonding and insurance requirements of 2 CFR 200, Bonding and Insurance.

17. Grantee Recognition:

The Subrecipient shall insure recognition of the role of the Grantee in providing services through this Agreement. All activities, facilities and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

18. Administrative Requirements:

a. Financial Management

1. Accounting Standards – The Subrecipient agrees to comply with 2 CFR 200 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.
2. Cost Principles – The Subrecipient shall administer its program in conformance with 2 CFR 200 as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

b. Documentation and Record Keeping

1. Records to be Maintained – The Subrecipient shall maintain all records required by the Federal regulations specified in 24 CFR 570.506, that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:
 - Records providing a full description of each activity undertaken;
 - Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;

- Records required to determine the eligibility of activities:
 - Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
 - Financial records are required by 24 CFR 570.502, and 2 CFR 200; and
 - Other records necessary to document compliance with Subpart K of 24 CFR 570.
2. Retention – The Subrecipient shall retain all financial records, supporting documents, statistical records, and all other records pertinent to the Agreement for a period of four (4) years. The retention period begins on the date of the submission of the Grantee’s annual performance and evaluation report to HUD in which the activities assisted under the Agreement are reported on for the final time. Notwithstanding the above, if there is litigation, claims, audits, negotiations, or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.
 3. Client Data - The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to Grantee monitors or their designee for review upon request.
 4. Disclosure – The Subrecipient understands that client information collected under this contract is private and the use or disclosure of such information, when not directly connected with the administration of the Grantee’s or Subrecipient’s responsibilities with respect to services provided under this contract, is prohibited by the [insert applicable State or Federal law] unless written consent is obtained from such person receiving service and, in the case of a minor, that of a responsible parent/guardian.
 5. Close-outs - The Subrecipient’s obligation to the Grantee shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the Grantee), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that the Subrecipient has control over CDBG funds, including program income.

c. Reporting and Payment Procedures

1. Program Income – The subrecipient shall report monthly all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this contract. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unexpended program income shall be returned to the Grantee at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted

promptly to the Grantee.

2. **Indirect Costs** – If indirect costs are charged, the Subrecipient will develop an indirect cost allocation plan determining the appropriate Subrecipient's share of administrative costs and shall submit such plan to the Grantee for approval, in a form specified by the Grantee.
3. **Payment Procedures** - The Grantee will pay to the Subrecipient funds available under this Agreement based upon information submitted by the Subrecipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, the Grantee reserves the right to liquidate funds available under this contract for costs incurred by the Grantee on behalf of the Subrecipient.

d. Procurement

1. **Compliance** – The Subrecipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this Agreement.
2. **OMB Standards** – Unless specified otherwise within this agreement, the Subrecipient shall at a minimum procure all materials, property, or services in accordance with the requirements of 2 CFR 200.
3. **Travel**– The Subrecipient shall obtain written approval from the Grantee for any travel costs for travel outside the metropolitan area with funds provided under this Agreement.

e. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 2 CFR 200 and 24 CFR 570.502, 570.503, and 570.504, as applicable, which include but are not limited to the following:

1. The Subrecipient shall transfer to the Grantee any CDBG funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.
2. Real property under the Subrecipient's control that was acquired or improved, in whole or in part, with funds under this Agreement in excess of \$25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement [or such longer period of time as the Grantee deems appropriate]. If the Subrecipient fails to use CDBG-assisted real property in a manner that meets a CDBG National Objective for the prescribed period of time, the Subrecipient shall pay the Grantee an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payment shall constitute program income to the Grantee. The Subrecipient may retain real property acquired or improved under this Agreement after the

expiration of the five-year period [or such longer period of time as the Grantee deems appropriate].

3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be program income (prorated to reflect the extent to that funds received under this Agreement were used to acquire the equipment). Equipment not needed by the Subrecipient for activities under this Agreement shall be (a) transferred to the Grantee for the CDBG program or (b) retained after compensating the Grantee [an amount equal to the current fair market value of the equipment less the percentage of non-CDBG funds used to acquire the equipment].

19. Relocation, Real Property Acquisition and one-for one Housing Replacement

The Subrecipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in 24 CFR 570.606(d) governing optional relocation policies. [The Grantee may preempt the optional policies.] The Subrecipient shall provide relocation assistance to displaced persons as defined by 24 CFR 570.606(b)(2) that are displaced as a direct result of acquisition, rehabilitation, demolition, or conversion for a CDBG-assisted project. The Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions, and policies concerning the displacement of persons from their residences.

20. Personnel & Participant Conditions

a. Civil Rights

1. Compliance - The Subrecipient agrees to comply with [fill in local and state civil rights ordinances here] and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.
2. Nondiscrimination - The Subrecipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 1570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCDA are still applicable.

3. Land Covenants

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared, or improved with assistance provided under this contract, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to

carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Subrecipient agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against individuals with disabilities or handicaps in any Federally assisted program. The Grantee shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

b. Affirmative Action

1. The Subrecipient agrees that it shall be committed to carry out their programs provided in President's Executive Order 11246 of September 24, 1966.
2. **Women and Minority Owned Businesses (W/MBE)** – The Subrecipient will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in this contract, the terms "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. The Subrecipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.
3. **Access to Records** - The Subrecipient shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations, and provisions stated herein.
4. **Notifications** - The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Subrecipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
5. **Equal Employment Opportunity and Affirmative Action (EE)/AA Statements** – The Subrecipient will, in all solicitations or advertisements for employees, place by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.
6. **Subcontract Provisions** – The Subrecipient will include the provisions of Civil Rights, and Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

c. Employment Restrictions

1. Prohibited Activity - The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.
2. Labor Standards -The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) and all other applicable Federal, state, and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Subrecipient agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 et seq.) and its implementing regulations of the U.S. Department of Labor at 29 CFR 5. The Subrecipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000.00 for construction, renovation, or repair work financed in whole or in part with assistance provided under this contract, shall comply with Federal requirements adopted by the Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. "Section 3" Clause

- a. Compliance - Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 75, and all applicable rules and orders issued hereunder prior to the execution of this contract shall be a condition of the Federal financial assistance provided under this contract and binding upon the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Subrecipient, and any of the Subrecipient's sub-recipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities

for low- and very low-income persons residing in the metropolitan area in which the project is located.”

The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Subrecipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

b. Notifications

The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts

The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Subrecipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 75 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

4. Conduct

a. Assignability

The Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Grantee under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

b. Subcontracts

1. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.

2. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

3. Content

The Subrecipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

4. Selection Process

The Subrecipient shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

c. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.

d. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 2 CFR 200 and 570.611, which include (but are not limited to) the following:

1. The Subrecipient shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees, or agents engaged in the award and administration of contracts supported by Federal funds.
2. No employee, officer, or agent of the Subrecipient shall participate in the selection, or in the award, or administration of, a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.
3. No covered persons who exercise or have exercised any functions or responsibilities with respect to CDBG-assisted activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the CDBG-assisted activity, or with respect to the proceeds from the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this paragraph, a "covered

person” includes any person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee, the Subrecipient, or any designated public agency.

e. Lobbying

The Subrecipient hereby certifies that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and
3. It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly:

4. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

f. Copyright

If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use, the work or materials for governmental purposes.

g. Religious Activities

The Subrecipient agrees that funds provided under this Agreement will not be utilized for inherently religious activities prohibited by 24 CFR 570.200(j), such as worship, religious instruction, or proselytization.

- h.** Build America, Buy American – for infrastructure projects, subrecipient agrees to comply with the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended.
- i.** Waste, Fraud, Abuse, and Whistleblower Protections. Any person who becomes aware of the existence or apparent existence of fraud, waste or abuse of any HUD award must report such incidents to both the HUD official responsible for the award and to HUD's Office of Inspector General (OIG). HUD OIG is available to receive allegations of fraud, waste, and abuse related to HUD programs via its hotline number (1-800-347-3735) and its online hotline form. You must comply with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a government contractor, subcontractor, grantee, and subgrantee—as well as a personal services contractor—who make a protected disclosure about a Federal grant or contract cannot be discharged, demoted, or otherwise discriminated against as long as they reasonably believe the information they disclose is evidence of: 1. Gross mismanagement of a Federal contract or grant; 2. Waste of Federal funds; 3. Abuse of authority relating to a Federal contract or grant; 4. Substantial and specific danger to public health and safety; or 5. Violations of law, rule, or regulation related to a Federal contract or grant.
- j.** The Subrecipient will comply with the right to report crime and emergencies protections at 34 U.S.C. 12495 of the Violence Against Women Act.

21. Environmental Conditions

a. Air and Water

The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

Clean Air Act, 42 U.S.C., 7401, et seq.;

Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, et seq., as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder;

Environmental Protection Agency (EPA) regulations pursuant to 40 CFR 50, as amended.

b. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001), the Subrecipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

HUD's regulations in 24 CFR Part 55 outline procedure for complying with the Floodplain Management Executive Orders 11988 and 13690.

c. Lead-Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR 35, Subpart B. Such regulations pertain to all CDBG-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment, and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment, and/or abatement may be conducted.

d. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

22. Severability

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

23. Section Heading and Subheadings

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

24. Waiver

The Grantee's failure to act with respect to a breach by the Subrecipients does not waive its right to act with respect to subsequent or similar breaches. The failure of the Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

25. Entire Agreement

This Agreement constitutes the entire agreement between the Grantee and the Subrecipient for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Grantee and the Subrecipient with respect to this Agreement.

26. Notices

Notices required by this Agreement shall be in writing and delivered via mail, commercial courier, or personal deliver or sent by fax or other electronic means. Any notice delivered or sent as aforesaid shall be effective on the date of delivery or sending. All notices and other written communications under this Agreement shall be address to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice.

Communication and details concerning this contract shall be directed to the following contract representatives:

Grantee

Peter Donovan, Mayor

910 Cleveland Ave
Address

Mount Vernon, WA 98273
City, State, Zip

(360) 336-6207
Telephone

mvmayor@mountvernonwa.gov
Email

Subrecipient

Rebecca Skrinde, CEO

9386 Fruitdale Rd
Address

Sedro-Woolley, WA 98284
City, State, Zip

(360)232-1349
Telephone

rebeccas@helpinghandsfoodbank.org
Email

This agreement contains all terms and conditions agreed to by the City and the Provider.

IN WITNESS WHEREOF, the City and the Provider have executed this agreement as of the date and year last written below:

CITY OF MOUNT VERNON

PROVIDER

Peter Donovan, Mayor



Rebecca Skrinde

Title: Chief Executive Officer

Date: _____

Date: 1/7/25

Attest:

Becky Jensen, City Clerk

Approved as to form:

Kevin Rogerson, City Attorney

Exhibit A

Scope of Work Program Year 2025-26 Helping Hands Food Bank of Sedro-Woolley WA

Brief description of project with site location and/or area to be served:

This project will focus on keeping the low-income seniors and disabled residents of the City of Mount Vernon in their homes. Our Senior Support Navigator will identify vulnerable individuals in need and work with them to find solutions to their housing issues. This funding will be used to help fill gaps in the participants' needs as the navigator works with the participant to relieve the pressures and stresses that are causing the housing instability. This could include:

- Rental Assistance
- Utility Assistance
- Food Assistance
- other resources as needed by the participant

Population served: i.e., disabled, low/moderate income, elderly.

The population served will include senior residents of Mount Vernon.

Summary of problem:

The cost of living in Mount Vernon has skyrocketed over the last few years. From rental costs to utilities, medical, and food costs, and even property taxes have exponentially increased. At the same time, for those living on a fixed income, the income has not kept pace. This has created a very unstable situation for most of the low-income residents in Mount Vernon. A good percentage of those participant households we currently serve are having to make some very tough and damaging financial decisions. These individuals have stated that most of the time, they need to choose what to pay out of their extremely limited income. We have had several individuals who have chosen food over rent and utilities. Even with the assistance of the local food banks, they state their food bills are higher than ever before. This situation is dire.

Project solution:

The very limited funding provided by this contract will allow us to provide extremely limited, temporary, short-term services to the participants we will see. We will utilize this funding to provide small one-time assistance to these households based on the limits of the funding and expectations of individuals served.

Project Goals:

Our goal is to provide temporary short-term housing assistance to as many low-income seniors located in the Mount Vernon city limits as this very limited funding will allow.

Project Activities/Tasks:

The activities and tasks for this project will include:

- Our Senior Support Navigator will be identifying and contacting those families in need.
- Work with them on a housing stability plan
- Identify where the limited funding we will have per household will do the most good

- Continue to follow up and work with the participant to support them in their journey
- Identify other resources they qualify for and need, and assist them in registering
- Other activities as needed

Project Outcomes:

The Mount Vernon Senior Support Program aims to serve at least 18 unduplicated persons over the 2025-26 contract year.

Personnel/Costs to be funded with this grant: There will be no personnel costs funded by this grant

Agency/Program: Mount Vernon Senior Support Program EXHIBIT B-1

Date: 11/14/2025

PROPOSED PROJECT BUDGET CALENDAR YEAR 2025

	A	B	A+B	SAME TOTAL AS COLUMN B		
BUDGET ITEM	CDBG SERVICES \$ PROPOSED	OTHER EXPENSES DIRECTLY RELATED TO PROPOSED PROJECT	TOTAL	OTHER SOURCES OF FUNDING /AMOUNT (Note dollar amount and fund type using criteria below) Fund Types: F=Federal, S=State, L=Local, P=Private	STATUS OF FUNDING - Confirmed - Enter Yes Or No	CONTINGENT ON CITY FUNDING? (Yes or No)
Direct Client Assistance	\$18,881	\$1500	\$20,381	\$1,500 P	Yes	No
Salary		\$17,290	\$17,290	\$17,290 P	Yes	No
TOTAL	\$18,881.00	\$ 18,790	\$37,671			

No indirect cost will be charged to the CDBG grant funds.

EXHIBIT C

PROJECT BENEFICIARIES ESTIMATE LOW AND MODERATE INCOME

Please estimate the beneficiaries to be served by your program for ONE year, expressed in units of service and number of unduplicated people served.

Agency/Program: Helping Hands Food Bank of Sedro-Woolley WA

Date Submitted: 11/18/25

For fiscal year: 2025-26

	TOTAL UNITS OF SERVICE* (DEFINE:)	UNDUPLICATED SERVED (FAMILY MEMBERS)
VERY LOW INCOME (30% OF MEDIAN)	Housing Assistance	6
LOW INCOME (50% OF MEDIAN)	Housing Assistance	8
MODERATE INCOME (80% OF MEDIAN)	Housing Assistance	4
TOTAL BENEFICIARIES		18
FEMALE HEAD OF HOUSEHOLD	Housing Assistance	3

** UNIT OF SERVICE = a quantity of service in the smallest logical measurement for the particular program (e.g., one bed night, one day of day care, one hour of counseling)*

Use the following income limits to provide this breakdown.

Effective April 1, 2025

FY 2025 Income Limits Summary

FY 2025 Income Limit Area	Median Family Income Click for More Detail	FY 2025 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Mount Vernon-Anacortes, WA MSA	\$111,600	Very Low (50%) Income Limits (\$) Click for More Detail	38,250	43,750	49,250	54,700	59,050	63,450	67,850	72,250
		Extremely Low Income Limits (\$)* Click for More Detail	23,000	26,250	29,550	32,800	37,650	43,150	48,650	54,150
		Low (80%) Income Limits (\$) Click for More Detail	61,250	70,000	78,750	87,500	94,500	101,500	108,500	115,500

The Mount Vernon-Anacortes, WA MSA contains the following areas: Skagit County, WA;

U.S. Department of Housing and Urban Development — Federal Award Agreement

[14.218, 14.225, 14.228, CDBG, FY 2025]

ADDENDUM 1. POLICY REQUIREMENTS

If applicable:

1. The Recipient shall not use grant funds to promote “gender ideology,” as defined in Executive Order (E.O.) 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government;
2. The Recipient agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the U.S. Government’s payment decisions for purposes of section 3729(b)(4) of title 31, United States Code;
3. The Recipient certifies that it does not operate any programs that violate any applicable Federal anti-discrimination laws, including Title VI of the Civil Rights Act of 1964;
4. The Recipient shall not use any grant funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment; and that,
5. Notwithstanding anything in the NOFO or Application, this Grant shall not be governed by Executive Orders revoked by E.O. 14154, including E.O. 14008, or NOFO requirements implementing Executive Orders that have been revoked.
6. The Recipient must administer its grant in accordance with all applicable immigration restrictions and requirements, including the eligibility and verification requirements that apply under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended (8 U.S.C. 1601-1646) (PRWORA) and any applicable requirements that HUD, the Attorney General, or the U.S. Citizenship and Immigration Services may establish from time to time to comply with PRWORA, Executive Order 14218, or other Executive Orders or immigration laws.
7. No state or unit of general local government that receives funding under this grant may use that funding in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or shields illegal aliens from deportation, including by maintaining policies or practices that materially impede enforcement of federal immigration statutes and regulations.
8. The Recipient must use SAVE, or an equivalent verification system approved by the Federal government, to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.
9. Faith-based organizations may be subrecipients for funds on the same basis as any other organization. Recipients may not, in the selection of subrecipients, discriminate against an organization based on the organization’s religious character, affiliation, or exercise.

Certification for a Drug-Free Workplace

U.S. Department of Housing
and Urban Development

Applicant Name

Helping Hands Food Bank of Sedro-Woolley

Program/Activity Receiving Federal Grant Funding

Helping Hands Mount Vernon Senior Assistance Program

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

*Helping Hands Food Bank of Sedro - Woolley
9386 Fruitdale Rd.
Sedro-Woolley, Wa 98284*

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Rebecca Skrinde

Title

Chief Executive Officer

Signature

X

Rebecca Skrinde

Date

1/5/2025

FINANCIAL MANAGEMENT RIDER

Organization Name:

Please refer to the current 2 CFR 200 Super-Circular regulations as needed to respond to the following questions:

1. Does your organization have financial management systems that are kept in accordance with 2 CFR 302(b)? If not, please explain how you will comply with this regulation?

Yes

2. Does your organization have a system to keep appropriate time distribution records for the use of CDBG funds, if applicable?

Yes

3. Does your organization have a system or methodology in place to comply with the procurement and/or subcontracting requirements of 2 CFR 200.318 to 2 CFR 200.326.

Yes

4. Does your organization maintain and retain adequate records to comply with the program requirements as well as any documentation required by the subrecipient agreement or project activity type as identified in 2 CFR 200.333?

Yes

5. Does your organization have procedures in place to adequately identify CDBG property and assets and maintain the appropriate property records as required by CFR 200.313(d)(1)?

Yes

6. Does your organization have procedures in place to ensure adequate safeguards for preventing loss, damage, or theft of its property per CFR 200.313(d)(3)?

Yes

7. Does your organization plan to provide all financial audits to the grantee (the City) within 120 days of the end of each fiscal year for review?

Yes

8. Does your organization plan on providing accurate supporting documentation to receive reimbursement of CDBG funds in a timely manner (monthly) as indicated in the subrecipient agreement?

Yes

I certify that the aforementioned is true and accurate.

Rebecca Skrinde

Printed Name



Signature

1/5/2025

Date

ORGANIZATIONAL CAPACITY STATEMENT

Organization Name: Helping Hands Food Bank of Sedro-Woolley

CDBG Regulations require grantees (the City) and subrecipients (the organization provided with funding) to collect and report demographic information, as well as to document income.

How will your organization collect the required information? Using our secure tracking system

1. Describe your agency's experience in administering Federal, State, Local and/or private grants.

Helping Hands has decades of experience in administering State funding programs.

Starting with the Emergency Food Assistance Program, to numerous other state grants through WSDA, and the Department of commerce we have the tools necessary to administer this grant.

2. Identify the contact information for the person or persons responsible for planning, implementation, follow-up and reporting.

erik@helpinghandsfoodbank.org

3. Describe staff positions, qualifications, and rate of pay for employees who will be compensated using CDBG funds.

No staff costs will be submitted for reimbursement on this grant

4. Identify the contact information for the person who will be responsible for record keeping.
solutionsadmin@helpinghandsfoodbank.org

5. Identify the contact information for the person who will be responsible for financial management.

erik@helpinghandsfoodbank.org

6. Briefly describe how your organization uses volunteers – or – indicate “Not Applicable.”

N/A

PERFORMANCE MEASURES

Organization Name:

HUD grantees (City) and subrecipients (Organization receiving funding) are required to report measurable outcomes for all projects funded.

1. What are the proposed outcomes of your project and how will you measure them?

We expect to be able to serve 18 Individuals with this funding

2. What populations/area would your proposed activity serve? Check all that apply.

<input type="checkbox"/> Children age 17 and younger	Other (describe) Region or area (define boundaries) Mount Vernon
<input type="checkbox"/> Young adults age 18-24	
<input type="checkbox"/> Adults age 25-61	
<input checked="" type="checkbox"/> Elderly age 62 and older	
<input type="checkbox"/> Families with children	
<input type="checkbox"/> Victims of domestic abuse	
<input type="checkbox"/> Persons with disabilities	
<input type="checkbox"/> Homeless	

3. How many unduplicated persons do you expect to serve with your activity?

18

4. What are the eligibility requirements (if any) for your project?

As required by the Contract

I certify that the aforementioned is true and accurate.

Rebecca Skrinde

Printed Name



Signature

1/5/2025

Date

STATEMENT ON FAITH-BASED ORGANIZATIONS

Organization Name:

Church-State issues notwithstanding, religious institutions are frequently involved in the delivery of public services. On December 12, 2002, President George W. Bush issued Executive Order 13279 “to ensure equal protection of the laws for faith-based and community organizations, to further the national effort to expand opportunities for, and strengthen the capacity of, faith-based and other community organizations so that they may better meet the social needs in America’s communities.”

The next year, HUD issued a final rule covering eight HUD programs administered by its Office of Community Planning and Development – including CDBG – to implement the Executive Order. The following associated regulations apply:

24 CFR 570.200(j) Equal participation of faith-based organizations.

The HUD program requirements in § 5.109 of this title (see below) apply to the CDBG program, including the requirements regarding disposition and change in use of real property by a faith-based organization.

24 CFR 570.109 Equal participation of faith-based organizations in HUD programs and activities.

(a) Purpose. Consistent with Executive Order 13279 (issued on December 12, 2002, 67 FR 77141), entitled “Equal Protection of the Laws for Faith-Based and Community Organizations,” as amended by Executive Order 13559 (issued on November 17, 2010, 75 FR 71319), entitled “Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations,” this section describes requirements for ensuring the equal participation of faith-based organizations in HUD programs and activities. These requirements apply to all HUD programs and activities, including all of HUD’s Native American Programs, except as may be otherwise noted in the respective program regulations in title 24 of the Code of Federal Regulations (CFR), or unless inconsistent with certain HUD program authorizing statutes.

(b) Definitions. The following definitions apply to this section:

Direct Federal financial assistance means Federal financial assistance provided when a Federal Government agency or an intermediary, as defined in this section, selects the provider and either purchases services from that provider (i.e., via a contract) or awards funds to that provider to carry out an activity (e.g., via grant, sub-grant, sub-award, or cooperative agreement). The recipients of sub-grants or sub-awards that receive Federal financial assistance through State-administered programs (e.g., flow-through programs) are considered recipients of direct Federal financial assistance. In general, Federal financial assistance shall be treated as direct, unless it meets the definition of indirect Federal financial assistance.

Federal financial assistance means assistance that non-Federal entities receive or administer in the forms of grants, contracts, loans, loan guarantees, property, cooperative agreements, food commodities, direct appropriations, or other assistance, but does not include a tax credit, deduction, or exemption.

Indirect Federal financial assistance means Federal financial assistance provided when the choice of the provider is placed in the hands of the beneficiary, and the cost of that service is paid through a voucher, certificate, or other similar means of Government-funded payment. Federal financial assistance provided to an organization is considered indirect when the Government program through which the beneficiary receives the voucher, certificate, or other similar means of Government-funded payment is neutral toward religion; the organization receives the assistance as a result of a decision of the beneficiary, not a decision of the Government; and the

beneficiary has at least one adequate secular option for the use of the voucher, certificate, or other similar means of Government-funded payment.

Intermediary means an entity, including a nongovernmental organization, acting under a contract, grant, or other agreement with the Federal Government or with a State, tribal or local government that accepts Federal financial assistance and distributes that assistance to other entities that, in turn, carry out activities under HUD programs.

(c) Equal participation of faith-based organizations in HUD programs and activities. Faith-based organizations are eligible, on the same basis as any other organization, to participate in HUD programs and activities. Neither the Federal Government, nor a State, tribal or local government, nor any other entity that administers any HUD program or activity, shall discriminate against an organization on the basis of the organization's religious character or affiliation, or lack thereof. In addition, decisions about awards of Federal financial assistance must be free from political interference or even the appearance of such interference and must be made on the basis of merit, not based on the religious character or affiliation, or lack thereof, of an organization.

(d) Separation of explicitly religious activities from direct Federal financial assistance.

(1) A faith-based organization that applies for, or participates in, a HUD program or activity supported with Federal financial assistance retains its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use direct Federal financial assistance that it receives (e.g., via contract, grant, sub-grant, sub-award or cooperative agreement) to support or engage in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), or in any other manner prohibited by law.

(2) A faith-based organization that receives direct Federal financial assistance may use space (including a sanctuary, chapel, prayer hall, or other space) in its facilities (including a temple, synagogue, church, mosque, or other place of worship) to carry out activities under a HUD program without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization participating in a HUD program or activity retains its authority over its internal governance, and may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.

(e) Explicitly religious activities. If an organization engages in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), the explicitly religious activities must be offered separately, in time or location, from the programs or activities supported by direct Federal financial assistance and participation must be voluntary for the beneficiaries of the programs or activities that receive direct Federal financial assistance.

(f) Intermediary responsibilities to ensure equal participation of faith-based organizations in HUD programs. If an intermediary - acting under a contract, grant, or other agreement with the Federal Government or with a State, tribal or local government that is administering a program supported by Federal financial assistance - is given the authority to select a nongovernmental organization to receive Federal financial assistance under a contract, grant, sub-grant, sub-award, or cooperative agreement, the intermediary must ensure that such organization complies with the requirements of this section. If the intermediary is a nongovernmental organization, it retains all other rights of a nongovernmental organization under the program's statutory and regulatory provisions.

(g) Beneficiary protections. Faith-based organizations that carry out programs or activities with direct Federal financial assistance from HUD must give written notice to beneficiaries and prospective beneficiaries of the programs or activities describing certain protections available to them, as provided in this subsection. In addition, if a beneficiary or prospective beneficiary objects to the religious character of the organization carrying out the programs or activities, that organization must promptly undertake reasonable efforts to identify and refer the

beneficiary or prospective beneficiary to an alternative provider to which the beneficiary or prospective beneficiary has no such objection.

(1) Written notice. The written notice must state that:

(i) The organization may not discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;

(ii) The organization may not require beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries in such activities must be purely voluntary;

(iii) The organization must separate, in time or location, any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;

(iv) If a beneficiary objects to the religious character of the organization, the organization must undertake reasonable efforts to identify and refer the beneficiary to an alternative provider to which the beneficiary has no such objection; and

(v) Beneficiaries or prospective beneficiaries may report an organization's violation of these protections, including any denial of services or benefits by an organization, by contacting or filing a written complaint to HUD or the intermediary, if applicable.

(2) Timing of Notice. The written notice must be given to prospective beneficiaries before they enroll in any HUD program or activity. When the nature of the program or activity or exigent circumstances make it impracticable to provide the written notice in advance, the organization must provide written notice to beneficiaries of their protections at the earliest available opportunity.

(3) Referral requirements.

(i) If a beneficiary or prospective beneficiary of a program or activity that receives direct Federal financial assistance from HUD objects to the religious character of an organization that carries out the program or activity, that organization must promptly undertake reasonable efforts to identify and refer the beneficiary or prospective beneficiary to an alternative provider to which the beneficiary or prospective beneficiary has no such objection.

(ii) A referral may be made to another faith-based organization, if the beneficiary or prospective beneficiary has no objection to that provider based on the provider's religious character. But if the beneficiary or prospective beneficiary requests a secular provider, and a secular provider is available, then a referral must be made to that provider.

(iii) Except for activities carried out by telephone, Internet, or similar means, the referral must be to an alternative provider that is in reasonable geographic proximity to the organization making the referral and that carries out activities that are similar in substance and quality to those offered by the organization. The alternative provider also must have the capacity to accept additional beneficiaries.

(iv) If the organization determines that it is unable to identify an alternative provider, the organization shall promptly notify the intermediary or, if there is no intermediary, HUD. If HUD or an intermediary is notified that an organization is unable to identify an alternative provider, HUD or the intermediary, as appropriate, shall promptly determine whether there is any other suitable alternative provider to which the beneficiary or prospective beneficiary may be referred. An intermediary that receives a request for assistance in identifying an alternative provider may request assistance from HUD.

(4) Recordkeeping. A faith-based organization providing a referral under paragraph (g)(3) of this section must document a beneficiary or prospective beneficiary's request for a referral, whether the beneficiary or

prospective beneficiary was referred to another provider, to which provider the beneficiary or prospective beneficiary was referred, and if the beneficiary or prospective beneficiary contacted the alternative provider, unless the beneficiary or prospective beneficiary requests no follow up.

(h) Nondiscrimination requirements. Any organization that receives Federal financial assistance under a HUD program or activity shall not, in providing services or carrying out activities with such assistance, discriminate against a beneficiary or prospective beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice. However, this section does not require any organization that only receives indirect Federal financial assistance to modify its program or activities to accommodate a beneficiary that selects the organization to receive indirect aid.

(i) Exemption from Title VII employment discrimination requirements. A religious organization's exemption from the Federal prohibition on employment discrimination on the basis of religion, set forth in section 702(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1), is not forfeited when the organization participates in a HUD program. Some HUD programs, however, contain independent statutory provisions that impose certain nondiscrimination requirements on all grantees. Accordingly, grantees should consult with the appropriate HUD program office to determine the scope of applicable requirements.

(j) Acquisition, construction, and rehabilitation of structures. Direct Federal financial assistance may be used for the acquisition, construction, or rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under a HUD program or activity. Where a structure is used for both eligible and explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization), direct Federal financial assistance may not exceed the cost of the share of acquisition, construction, or rehabilitation attributable to eligible activities in accordance with the cost accounting requirements applicable to the HUD program or activity. However, acquisition, construction, or rehabilitation of sanctuaries, chapels, or other rooms that a HUD-funded faith-based organization uses as its principal place of worship, may not be paid with direct Federal financial assistance. Disposition of real property by a faith-based organization after its use for an authorized purpose, or any change in use of the property from an authorized purpose, is subject to Government-wide regulations governing real property disposition (2 CFR part 200, subpart D) and the HUD program regulations, as directed by HUD.

(k) Commingling of Federal and State, tribal, and local funds. If a State, tribal, or local government voluntarily contributes its own funds to supplement direct Federal financial assistance for an activity, the State, tribal or local government has the option to segregate those funds or commingle them with the direct Federal financial assistance. However, if the funds are commingled, the requirements of this section apply to all of the commingled funds. Further, if a State, tribal, or local government is required to contribute matching funds to supplement direct Federal financial assistance for an activity, the matching funds are considered commingled with the direct Federal financial assistance and, therefore, subject to the requirements of this section. Some HUD programs' requirements govern any activity assisted under those programs. Accordingly, recipients should consult with the appropriate HUD program office to determine the scope of applicable requirements.

Based on review of the aforementioned two regulations, please respond to the following questions:

Is your organization faith-based? no

If you selected "Yes," briefly explain how your agency will demonstrate compliance with 2 CFR 570.200(j) which prohibits inherently religious activities.

N/A

I certify that this statement is true and accurate.

Rebecca Skrinde

Printed Name



Signature

1/5/2025

Date

SUBPART K REQUIREMENTS

Organization Name:

1. How does your organization identify prospective clients and make them aware your services are available to all eligible persons, including those with disabilities, on a non-discriminatory basis?

For this program we will be receiving referrals from our partner agencies.

2. Does your have written policies and procedures in place to ensure that no person otherwise eligible for service shall solely by reason of their disability be excluded from participation of be denied benefits offered by your program?

Yes

3. Does your organization have written policies and procedures in place to ensure meaningful access to programs and activities for persons with Limited English Proficiency (LEP)?

Yes

4. Does your organization have a formal process for a client to file a grievance? If yes, please provide this policy.

Yes

5. Does your organization have a formal process for the termination of assistance to a client, including a process that recognizes the right of the individual(s) to a hearing?

Yes

6. Does your organization provide a terminated client the reason in writing?

Yes

I certify that the aforementioned is true and accurate.

Rebecca Skrinde

Printed Name



Signature

1/5/2025

Date

SUPER-CIRCULAR MANDATED AUDIT REQUIREMENTS

Organization Name:

As part of the pre-award assessment, the City as Grantee of HUD funding is required to determine whether prospective subrecipients are subject to the Federal Single Audit requirement as covered in 2 CFR 501, which states:

2 § 200.501 Audit requirements.

(a) Audit required. A non-Federal entity that expends \$1,000,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) Single audit. A non-Federal entity that expends \$1,000,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

(d) Exemption when Federal awards expended are less than \$1,000,000. A non-Federal entity that expends less than \$1,000,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

(e) Federally Funded Research and Development Centers (FFRDC). Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.

(f) Subrecipients and Contractors. An auditee may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Subrecipient and contractor determinations should be considered in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.

(g) Compliance responsibility for contractors. In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these

procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

(h) For-profit subrecipient. Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient should describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits.

Based on review of the 2 CFR 501 regulation, I anticipate the following:

Yes, my organization will expend more than \$1,000,000 in federal funds during one or more of the fiscal years involved in the use of the funding being provided by City. I understand that I am responsible for providing all applicable Single Audit(s) for the fiscal year involved in the use of this funding.

✓ No, I do not anticipate that my organization will expend more than \$1,000,000 in federal funds during one or more of the fiscal years involved in the use of the funding being provided by City. I understand that I am responsible for providing all applicable Single Audit(s) if my organization expends more than \$1,000,000 in federal funds during any fiscal year involved in the use of this funding.

I certify that the aforementioned is true and accurate.

Rebecca Skirinde

Printed Name



Signature

1/5/2025

Date



DATE: January 14, 2026
TO: Mayor Donovan and City Council
FROM: Isaac Huffman, Library Director
SUBJECT: LIBRARY BOARD MEMBER REAPPOINTMENT – JOAN GORDON

RECOMMENDED ACTION:

The Library Board of Directors and the Library Staff recommend the reappointment of Joan Gordon to the Library Board.

INTRODUCTION/BACKGROUND:

In December 2020, Margret Redfern's term on the library board ended. After a search, Joan Gordon was selected as a replacement. Originally from Seattle, Joan has lived in Mount Vernon since 2019. She enjoys Mount Vernon, so much she even created the 5 Cedars vacation retreat to encourage others to visit Mount Vernon.

Joan is currently an executive assistant at Community Health Plans of WA. She holds an M.S. from Pacific University in Forest Grove, Oregon, and has a long history of not-for-profit service. Joan has done a great job on the library board to date.

FINDINGS/CONCLUSIONS:

Joan Gordon looks like a good fit for the library board.

RECOMMENDATION:

We recommend that Joan Gordon be reappointed to the Library Board for a term of five years.

ATTACHED:

NEW BUSINESS ITEM: B



DATE: January 14, 2026
TO: Mount Vernon City Council
FROM: Steve Sexton, Development Services Director
SUBJECT: Planning Commissioner LuAnne Burkhart swearing in

RECOMMENDED ACTION:

INTRODUCTION/BACKGROUND:

Planning Commissioner LuAnne Burkhart has agreed to continue serving on the Mount Vernon Planning Commission for another four years. The staff appreciates her ongoing commitment to shaping the future of Mount Vernon.

FINDINGS/CONCLUSIONS:

RECOMMENDATION:

Approve reappointment

ATTACHED:

None.



DATE: January 14, 2026
TO: Mayor Donovan and City Council
FROM: Marianne Manville-Ailles, Development Services
SUBJECT: CLOSED RECORD HEARING FOR REZONE PLAN21-0506

RECOMMENDED ACTION:

Staff recommends that Council hold a closed record public hearing and make a motion to accept the Hearing Examiner recommendation and authorize the Mayor to sign the accompanying ordinance approving the McLaughlin Road Rezone.

INTRODUCTION/BACKGROUND:

On October 30, 2025, an open record hearing was held before the Hearing Examiner for the subject rezoning. The applicant, Paul Woodmansee, on behalf of the property owners McLaughlin Road LLC, proposes to rezone approximately 8.3 acres from a zoning designation of Public (P) to Multifamily Residential (R-4). The proposed zoning designation is necessary to make the parcel consistent with the site's Comprehensive Plan designation of Medium High Density Multifamily.

The proposal property P137379 and P137381 (4400 McLaughlin Road) is located on the south side of McLaughlin Road at the easternmost portion of the City. It is within the Northwest ¼ of Section 15, Township 34 N, Range 04 E, W.M.

FINDINGS/CONCLUSIONS:

City Council approved a Comprehensive Plan redesignation for the property in December 2020 (Ordinance 3823). City Council's Findings of Fact indicated that a Rezone was required and that prior to the Rezone being implemented a subdivision was required to avoid creating a split zoned parcel.

The Applicant applied for a rezone and a subdivision in early 2021. Critical areas on the property proved challenging and it took several years to work through that process. In early 2025, the critical area challenges were resolved with input from USACE, EPA and WADOE. The short plat was recorded on September 4, 2025, allowing the processing of the rezone to be completed.

RCW 36.70A.040(3) and 36.70A.120(1) require development regulations to be consistent with and implement the comprehensive plan. In this case the zoning designation is a development regulation. The purpose of this rezone is to bring the zoning into compliance with the Comprehensive Plan designation as required by state law.

The Hearing Examiner issued a recommendation for approval of the proposed rezone on December 12, 2025, and the recommendation was distributed to the applicant and parties of record on December 16, 2025.

Parties of record had until December 29, 2025, to submit requests for reconsideration of the Hearing Examiner's recommendation. No requests were received.

RECOMMENDATION:

Staff recommends that Council hold a closed record public hearing and make a motion to accept the Hearing Examiner recommendation and authorize the Mayor to sign the accompanying ordinance approving the McLaughlin Road Rezone.

ATTACHED:

Proposed Ordinance

Hearing Examiner Recommendation (included as Exhibit A to proposed Ordinance)

Staff Report to Hearing Examiner with exhibits

ORDINANCE NO. 3933

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, PURSUANT TO CHAPTER 17.111 AMENDMENTS AND RECLASSIFICATIONS OF THE MOUNT VERNON MUNICIPAL CODE, REZONING A CERTAIN AREA:

WHEREAS, a rezone application has been submitted to the Hearing Examiner in compliance with Chapter 17.111 of the Mount Vernon Municipal Code, and said rezone requests a classification of the below described area from the existing land use designation(s) to the requested land use designation(s); and

WHEREAS, all requirements provided in the Mount Vernon Municipal Code Chapters 17.111 and 14.05 for reclassification of property within the City Limits of Mount Vernon have been met; and

WHEREAS, the Hearing Examiner has recommended that such area be reclassified as per petitioner's request.

NOW, THEREFORE, THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The City Council adopts the above listed recitals as set forth fully herein.

SECTION 2. The City Council adopts the Hearing Examiner's recommendations, findings of fact and conclusions of law found in the accompanying **Exhibit A**.

SECTION 3. The City Council adopts the below listed Findings of Fact and Conclusions of Law.

- A. The City has followed SEPA requirements and those requirements for public notification and participation outlined in MVMC Chapter 14.05.
- B. 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 proposed amendments. 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, has 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 the amendments 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).
- C. On **January 14, 2026**, the City Council held a closed record public hearing to consider the subject rezone application. At this hearing Council took testimony from parties of record, reviewed the written materials provided by City staff, and listened to staff analysis respective to the application before Council.
- D. The below-described property **P137379 and P137381** be rezoned from **Public (P)** to **Multifamily Residential (R-4)**. Attached to this ordinance labeled as **Exhibit B**, is the legal description and illustrative exhibit map for the subject rezone.

PASSED AND ADOPTED THIS 14th day of January, 2026

SIGNED AND APPROVED THIS ___ day of January 2026

Peter Donovan, Mayor

Attest:

Becky Jensen, City Clerk

Approved as to form:

Kevin Rogerson, City Attorney

Published January 17, 2026

EXHIBIT A
HEARING EXAMINER'S RECOMMENDATION

Exhibit A

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BEFORE THE HEARING EXAMINER FOR THE CITY OF MOUNT VERNON

Phil Olbrechts, Hearing Examiner

RE: McLaughlin Rezone PLAN21-0506	FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION
-------------------------------------------------	---------------------------------------------------------------------

INTRODUCTION

McLaughlin Road LLC requests approval of a rezone from Public (P) to Multifamily Residential District (R-4) for an 8.3-acre lot located at 4400 McLaughlin Road. It is recommended that the City Council approve the rezone.

The rezone under review is necessary to make the parcel’s zoning consistent with the underlying comprehensive plan map designation of Medium High Density Multi Family (MH MF). The City Council adopted that comprehensive plan designation in 2020. The R-3 and R-4 districts are the only zones that are consistent with and implement the MH MF comprehensive plan designation. Since RCW 36.70A.120 requires that the City Council’s activities be in conformity with its comprehensive plan, the City Council is required to adopt either the R-3 or R-4 designations.

The higher density R-4 zone as requested by the Applicant is recommended because higher density development meets the development objectives of the property owner and facilitates Growth Management Act goals of providing middle housing and directing growth into urban growth areas. The location is well suited for high density development because it is buffered from single-family development by the adjoining church development, critical areas and agricultural uses.

One major point against the higher density zoning is that the rezone area is in a mapped flood hazard area. Flooding was a major concern raised in seven public comment letters from neighboring property owners. Those letters often referenced a flood in 2021 that resulted in flood waters a foot in depth along Autumn Way. The neighbors identified that the floodwaters overwhelmed the wetlands at the rezone site on their way to the single-family homes to the west.

Exhibit A

1 The Applicant has prepared a flood rise study that establishes that development of the
2 rezone size will have immaterial impact on flood levels. Since the rezone area is within
3 a flood hazard area the buildings will have to be elevated to allow for free passage of
4 flood waters underneath. A potentially more compelling argument against the higher
5 density rezone is that densities should be minimized in flood hazard areas to minimize
6 the number of dwellings that could be affected by the flooding. This recommendation
7 concludes that construction within flood hazard areas is sufficiently addressed by the
8 City's adopted flood plain management standards, Chapter 15.36 MVMC. If the
9 Council has any doubts as to the effectiveness of these regulations, then it may wish to
10 consider adopting the R-3 zone instead of the R-4 zone to minimize potential damage.

11 A photograph provided by one of the neighbors depicting the 2021 flood, Ex. 4a, is
12 copied below:



Exhibit A

ORAL TESTIMONY

1
2 A computer-generated transcript of the hearing has been prepared to provide an
3 overview of the hearing testimony. Four members of the public testified. The transcript
4 is provided for informational purposes only as Appendix A. Since the transcript is
computer generated, it is not 100% accurate, but does provide a useful indication of
what testimony was presented during the hearing.

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EXHIBITS

The staff report along with its eight exhibits listed at page 2 of the report were admitted into the record during the October 30, 2025 public hearing. During the hearing three additional exhibits were admitted as follows;

- Exhibit 4i: 10/29/25 letter from Dunlaps
- Exhibit 4j: 10/28/25 letter from Madison Bowman
- Exhibit 4k: 10/27/25 letter from Alan Danforth
- Exhibit 9: 6/25/21 McLaughlin Road Cumulative Flood Rise Analysis
- Exhibit 10: Site layout with wetlands

FINDINGS OF FACT

Procedural:

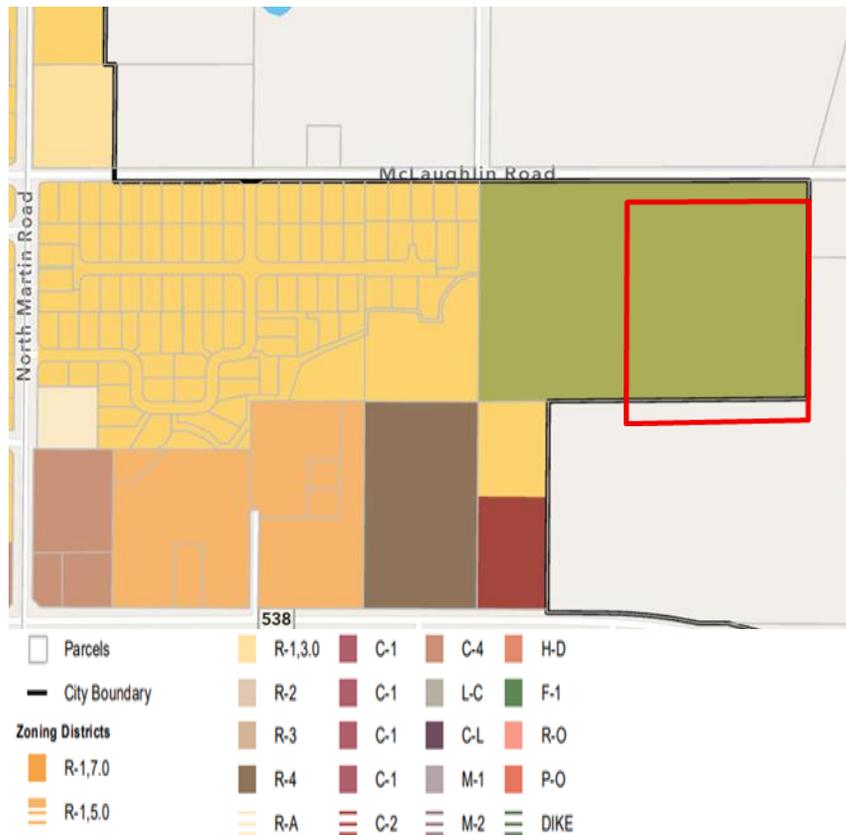
- 1. Applicant. McLaughlin Road LLC, PO Box 619, Sedro-Wooley, WA 98284.
- 2. Hearing. A virtual Microsoft Teams hearing for the rezone application was held at 1:00 pm on October 30, 2025.

Substantive:

- 3. Site/Proposal Description. McLaughlin Road LLC requests approval of a rezone from Public (P) to Multifamily Residential District (R-4) for an 8.3-acre lot located at 4400 McLaughlin Road. The site is currently vacant.
- 4. Characteristics of the Area. The rezone area is surrounded by unincorporated Skagit County farmland on the north and east, a Public zoned parcel to the west that will be developed into a church and a Skagit County critical area restoration area to the south.

Exhibit A

Figure 1, Zoning Map (rezone area approximately in red):



5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. Pertinent impacts are addressed more specifically as follows:

A. Compatibility. The proposal is compatible with surrounding development. It will be separated from single-family residential development to the west by an approved but yet to be constructed church development on the adjoining west parcel. It is surrounded by agricultural uses on the north and east. There is somewhat of a reverse compatibility problem with having agricultural uses that may impair enjoyment of the on-site residential uses due to odor and perhaps noise. However, the project site is buffered from all surrounding agricultural uses by critical areas and their buffers on the east and south and McLaughlin Road to the north.

B. Public Utilities and Services. Adequate and appropriate public services and utilities can be provided to accommodate the proposed upzone as follows;

i. Police and Fire. The Mount Vernon Police Department and Mount Vernon Fire Department serve the project site. The Fire Department will impose code requirements for development of the site and the

Exhibit A

1 applicant will be required to pay fire impact fees to the City of Mount
2 Vernon as part of the building permit process.

- 3 ii. Recreation/Schools. Development regulations related to Parks and
4 Schools will be imposed as part of development review for any
5 project specific development proposals. The applicant will be
6 required to pay appropriate Parks and School impact fees to the City
7 of Mount Vernon as part of the building permit process.
- 8 iii. Stormwater. The City’s comprehensive stormwater regulations
9 assure that the proposal will not create any adverse stormwater
10 impacts, whether it be through any available City facilities or through
11 improvements required of the developer.
- 12 iv. Water. Water service in the City is provided through Public Utility
13 District #1 (PUD). The Applicant will be required to verify water
14 availability for the future development with PUD. Any relocation,
15 extension or connection of utilities will be done at the owner’s
16 expense.
- 17 v. Sewer. According to the staff report, the City of Mount Vernon
18 Wastewater Treatment Plant has sufficient capacity to treat the
19 effluent from development of the site. Any relocation, extension or
20 connection of utilities will be done at the owner’s expense.
- 21 vi. Streets. At a minimum, three quarter street improvements will be
22 required to McLaughlin Road for future development as indicated in
23 the Transportation Concurrency review conducted for this proposal
24 (see Exhibit 7). Future development will be reviewed to determine
25 if additional street improvements are required at the time
development is proposed. Since McLaughlin Road is a County
Road, public works review will be conducted jointly by the City and
the County.

Several of the public comment letters expressed concern that
McLaughlin was not adequate to accommodate additional traffic
generated by high density development of the rezone area. However,
traffic concurrency was conducted for the parcel assuming full
development at the requested densities. No level of service
deficiencies were identified. The concurrency review identified
improvements that were necessary for McLaughlin Road.
Improvements identified in the concurrency review will be required
to be implemented at the time development was proposed. The
review also identified required impact fees that will be assessed
during the building permit process.

Exhibit A

1 C. Flood. Numerous letters were written expressing concern over flooding
2 impacts. See Ex. 4a-4g. Residents were particularly concerned about a flood
3 event that occurred on November 22, 2021, asserting that flood waters reached
4 a depth of a foot along Autumn Way. Residents identified that flood waters
5 overcame the carrying capacity of the wetlands at the project site and extended
6 into their single-family neighborhood to the west.

7
8 As noted in the Applicant’s flood rise study, Ex. 9, the rezone is in a mapped
9 flood hazard area. As required by the City’s flood plain management standards,
10 Chapter 15.36 MVMC, the proposed church and multifamily building designs
11 allow for flood waters to flow underneath the buildings. As testified at the
12 rezone hearing, the Applicant’s flood rise study encompassed maximum
13 development of both the adjoining church lot and the subject rezone lot. Tr. 6.
14 That analysis found that the proposal would result in no significant rise in flood
15 levels, limited to a range of 0.01 to a few scattered points of 0.07 feet.

16 In sum, there is no question that the residents to the west of the project site have
17 been exposed to flood events. It’s also very plausible that those flood events
18 may increase as a result of climate change. However, there’s no evidence in
19 the record that development of the rezone site will increase the flooding impacts
20 to those residents. To the contrary, the evidence in the record shows that those
21 impacts will be negligible as determined in the Applicant’s flood rise study, Ex.
22 9. Further, as noted by the Applicant, development of the 8.3-acre project site
23 will be limited to a 2.5-acre area. With the critical areas and buffers, the
24 development potential is already highly limited.

25 One neighbor raised the issue of flood impacts to the rezone area itself, asserting
that development shouldn’t be allowed in flood prone areas. However, the
City’s flood plain management standards specifically contemplate and regulate
development in flood hazard areas. The City Council’s adoption of these
standards is determinative as to the acceptability of developing in flood prone
areas.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. The hearing examiner has authority to hold
hearings and make recommendations to the City Council on requests for site specific
rezones. See MVMC 17.111.010.

Substantive:

2. Zoning/Comprehensive Plan Designation. The project site is zoned Public
(P). The comprehensive plan land use map designation is Medium High Density Multi

Exhibit A

1 Family (MH MF). R-3 and R-4 are both implementing zones of the MH MF
2 comprehensive plan designation according to the staff report.

3 3. Review Criteria. Rezone criteria are governed by MVMC 17.111.070,
4 which are quoted below in italics and applied through corresponding conclusions of
5 law.

6 **MVMC 17.111.070:** *When the planning commission or hearing examiner is*
7 *considering recommendations for reclassifications, or when the city council is*
8 *considering approval of reclassifications, the planning commission or hearing*
9 *examiner or the city council shall investigate the request for reclassification and shall*
10 *consider, among other questions, the following:*

11 *A. Is the request compatible with the city’s comprehensive plan and development*
12 *goals?*

13 4. The criterion is met. The proposal is compatible with the Comprehensive Plan for
14 the reasons identified at Pages 7-10 of the staff report. The proposed R4 zoning is
15 consistent with the MH MF comprehensive plan map designation. The reasons for
16 compliance of applicable comprehensive plan policies include providing for variety
17 and affordability in housing types and maximizing infill. As encouraged by the
18 Comprehensive Plan the proposed higher density will be compatible with surrounding
19 development and environment for the reasons identified in Finding of Fact No. 5A and
20 5C.

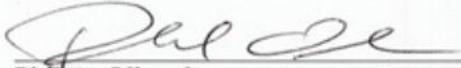
21 **MVMC 17.111.070B:** *Are public utilities, public facilities and other services currently*
22 *adequate to serve the proposed district?*

23 5. As determined in Finding of Fact No. 5B, the proposal will be served by adequate
24 public utilities, facilities and services.

25 **Recommendation**

The proposal complies with all rezone criteria. For these reasons it is recommended
that the City Council approve the rezone request from P to R4 subject to the staff
recommended condition that the Applicant comply with all applicable provisions of the
Mount Vernon Municipal Code.

Dated this 12th day of December 2025.


Phil A. Olbrechts

City of Mount Vernon Hearing Examiner

EXHIBIT B
LEGAL DESCRIPTION AND ILLUSTRATIVE MAP:

Lot 2 and Tract C Mount Vernon Short Plat No. PLAN25-0303, recorded under AF#202509040057.

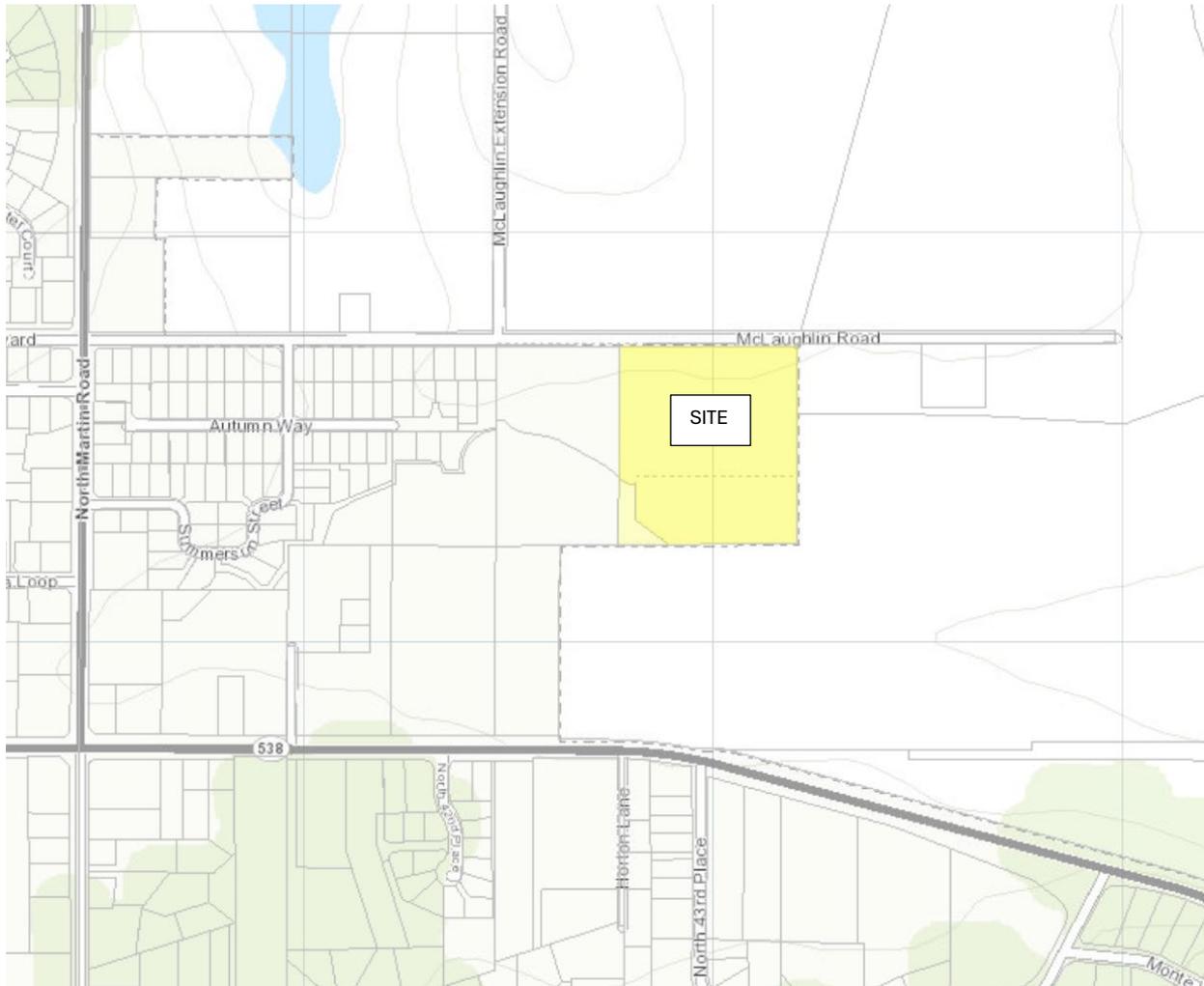
TOGETHERWITH Tract B Mount Vernon Short Plat No. PLAN25-0303, recorded under AF#202509040057

Being a portion of the Southeast quarter of the Northwest quarter of Section 15, Township 34 North, Range 4 East, W.M.

Situate in Skagit County, Washington.

ILLUSTRATIVE MAP

The existing zoning designation of the subject site is Public (P). The new zoning designation is MULTIFAMILY RESIDENTIAL (R-4).



STAFF REPORT SUMMARY & CONTENTS

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the McLaughlin Rezone application File No. PLAN22- 0506 subject to compliance with Mount Vernon Municipal Code Provisions.

PROJECT SUMMARY: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). The rezone is necessary to make the site consistent with its Comprehensive Plan designation of Medium High Density Multi Family (MH MF).

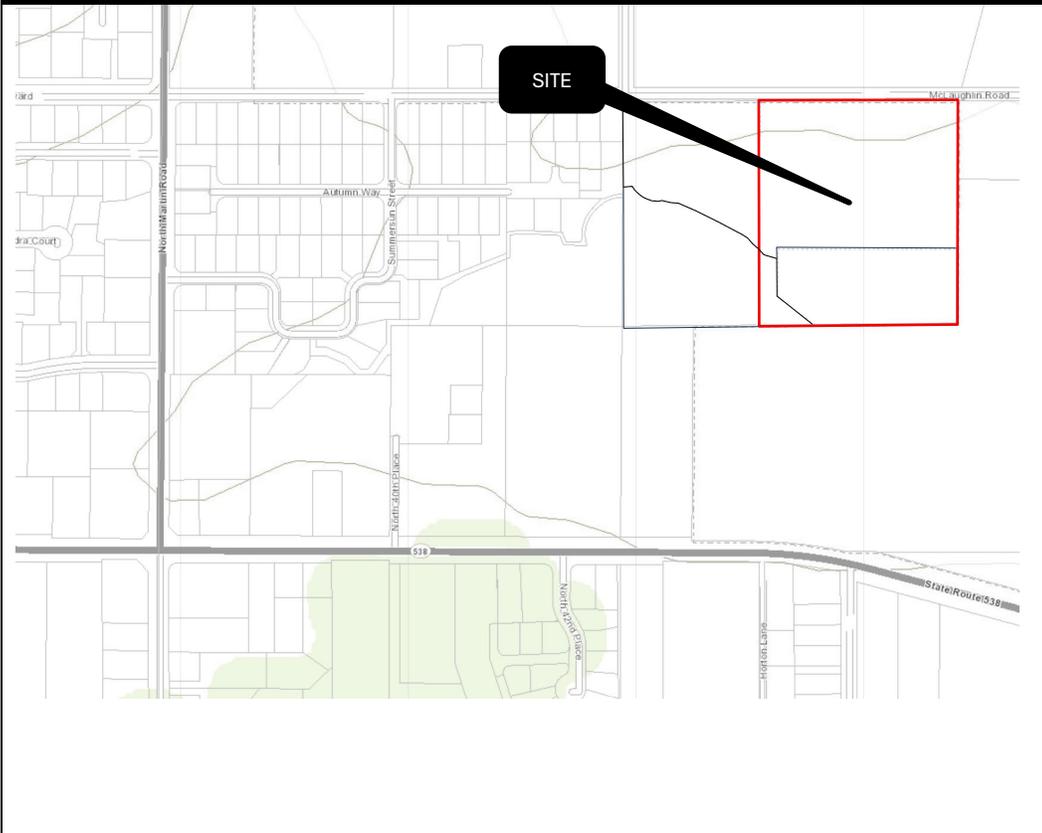
PROJECT ADDRESS: 4400 McLaughlin Road

PARCEL NUMBERS: Eastern Portion of Parcel P24856 (Assessor has not yet assigned parcel numbers to reflect plat that was recorded September 4, 2025)

PROPERTY OWNER: McLaughlin Road LLC
PO Box 619
Sedro-Woolley, WA 98284

APPLICANT: Paul Woodmansee
PO Box 619
Sedro-Woolley, WA 98284

VICINITY MAP:



REPORT CONTENTS:

Staff Report Summary & Contents
A. Project Description & Location
B. Exhibit List
C. Existing Conditions & Findings of Fact
D. Approval Criteria, Findings, and Staff Analysis
E. Decision
F. Notes to the Applicant and Parties of Record

A. PROJECT DESCRIPTION & LOCATION:

PROJECT DESCRIPTION: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). The rezone is necessary to make the site consistent with its Comprehensive Plan designation of Medium High Density Multi Family (MH MF).

PERMITS: Rezone

ADDRESS: 4400 McLaughlin Road

PARCEL NUMBERS: Eastern Portion of Parcel P24856 (Assessor has not yet assigned parcel numbers to reflect plat that was recorded September 4, 2025)

SEC/TWP/RGE: ¼ **SEC:** SE ¼ of the NW ¼ of Section 15 **TWP:** 34N **RGE:** 04E

B. EXHIBIT LIST:

The below-listed exhibits are hereby incorporated into this Staff Report as if they were fully set forth herein.

1. Master Land Use Application and Rezone Application
2. Site Exhibits from Applicant
3. City Noticing
 - 3a. Notice of Application and associated affidavits and confirmations
 - 3b. Notice of Public Hearing and associated affidavits and confirmations
4. Public Comments
 - 4a Alan Parsons 11-29-2021; Letter Flooding & Stormwater concerns primarily associated with short plat, church, and multifamily development.
 - 4b Brenda Cunningham 11-29-2021 Letter; Flooding concerns associated with development of church, multifamily homes, and parking lots; Concerns about putting affordable housing in flood prone areas.
 - 4c Ellen Anderson 11-29-2021 Letter; Flooding concerns; Concerns about putting affordable housing in flood prone areas and impacts on vulnerable population.
 - 4d John & Marie Paxton 11-29-2021 Letter; Flooding concerns associated with development and inadequacy of McLaughlin Road for increased traffic.
 - 4e Kent Turner 11-29-2021 Letter; Flooding, Conservation Areas, and Stormwater concerns especially for future development of church and multifamily housing.
 - 4f Timothy Manns 11-29-21 Letter; Flooding concerns associated with development of a church and multifamily homes.
 - 4g Ursula Bassolino 11-29-2021 Letter; Concerns regarding nature preserve next to multifamily, adequacy of McLaughlin Road, Flooding, inadequate notice, and too short of comment periods.
 - 4h Norm Barber 10-23-2025 Letter; Concerns regarding inadequacy of Traffic Concurrency review for rezone.
 - 4i Madison Bowman, BYK Construction Inc; 10-28-2025; Applicant Response Letter
 - 4j Jack & Patricia Dunlap; 10-29-2025; Letter; Concerns regarding traffic.
 - 4k Alan Danforth, Development Review Engineering Manager; 10-27-2025; City Response to Citizen Concerns.
5. Comprehensive Plan Amendment Ordinance 3823
6. Short Plat
7. Traffic Concurrency Report from TSI

- 8. Comprehensive Plan Amendment Request Staff Report November 17, 2020
- 9. Cumulative Rise Analysis; dated June 25, 2025; prepared by Northwest Hydraulic Consultants (NHC) and Cumulative Rise Analysis Phase 2; dated July 10, 2024; prepared by Northwest Hydraulic Consultants (NHC).
- 10. Developed Conditions Wetland Exhibit provided by applicant to illustrate limited development area of rezoned parcel.

C. EXISTING CONDITIONS/FINDINGS OF FACT

COMPREHENSIVE PLAN DESIGNATION: Medium High Density Multi Family (MH MF)

ZONING: Current Public (P); Proposed Multi-Family Residential (R-4)

ACREAGE: 8.3 acres

EXISTING STRUCTURES: None

EXISTING IMPROVEMENTS: None

SURROUNDING LAND USES:

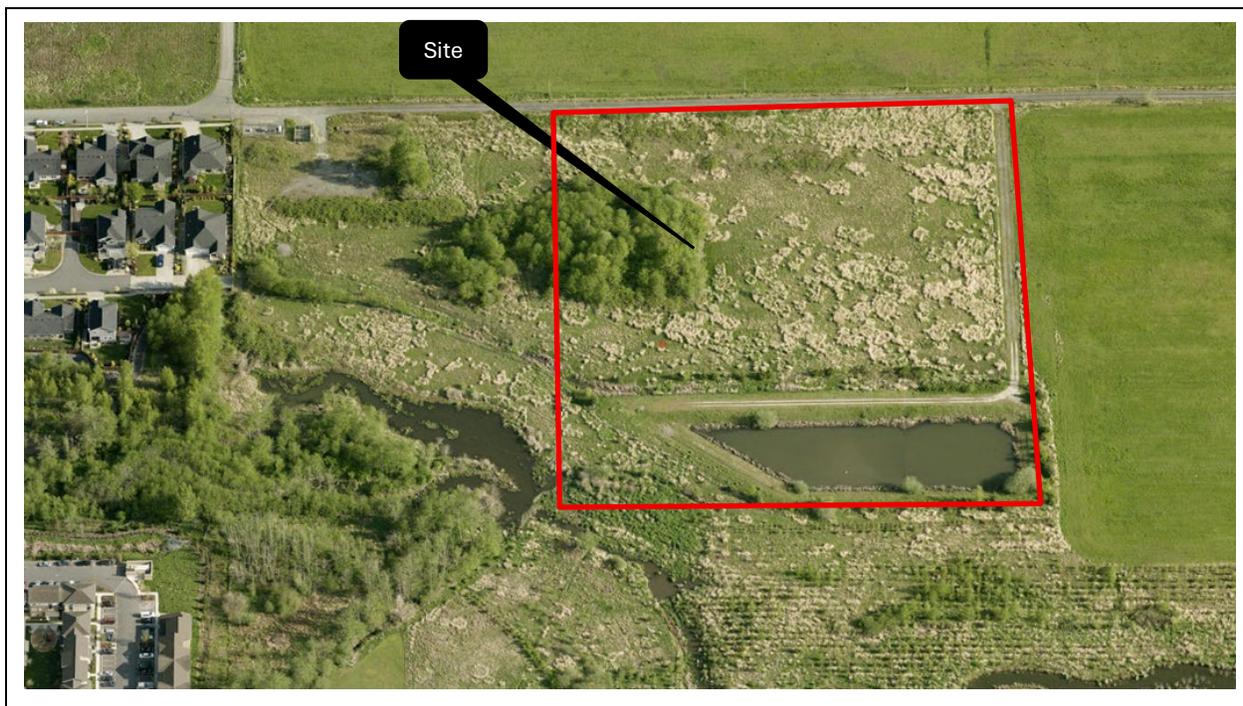
NORTH: McLaughlin Road & Skagit County farmland

EAST: Skagit County farmland

SOUTH: Skagit County critical area restoration area

WEST: Vacant

The following maps and photos are included to supplement the existing conditions and findings of fact provided herein.



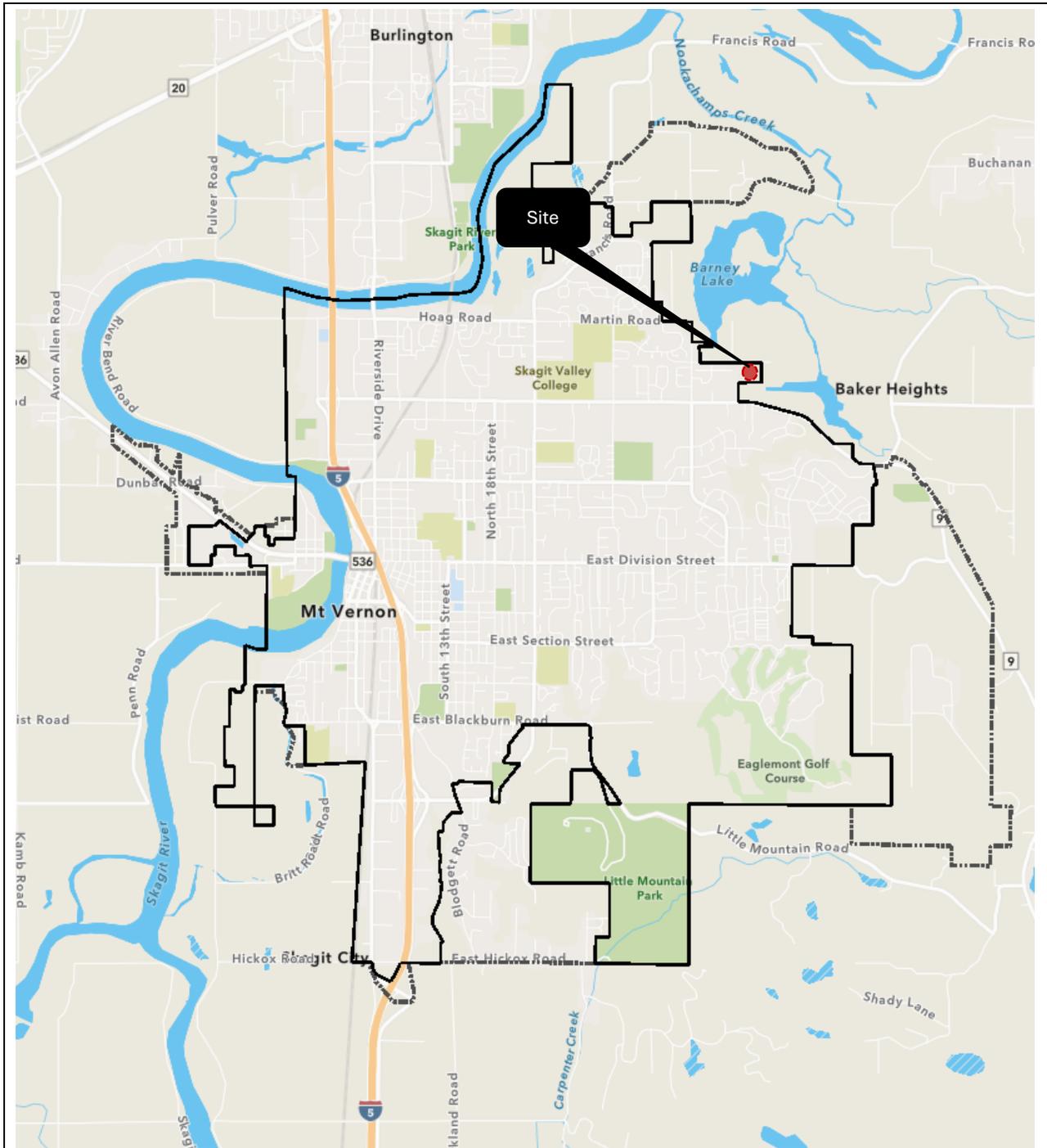
L PHOTO



ximate Site Boundaries



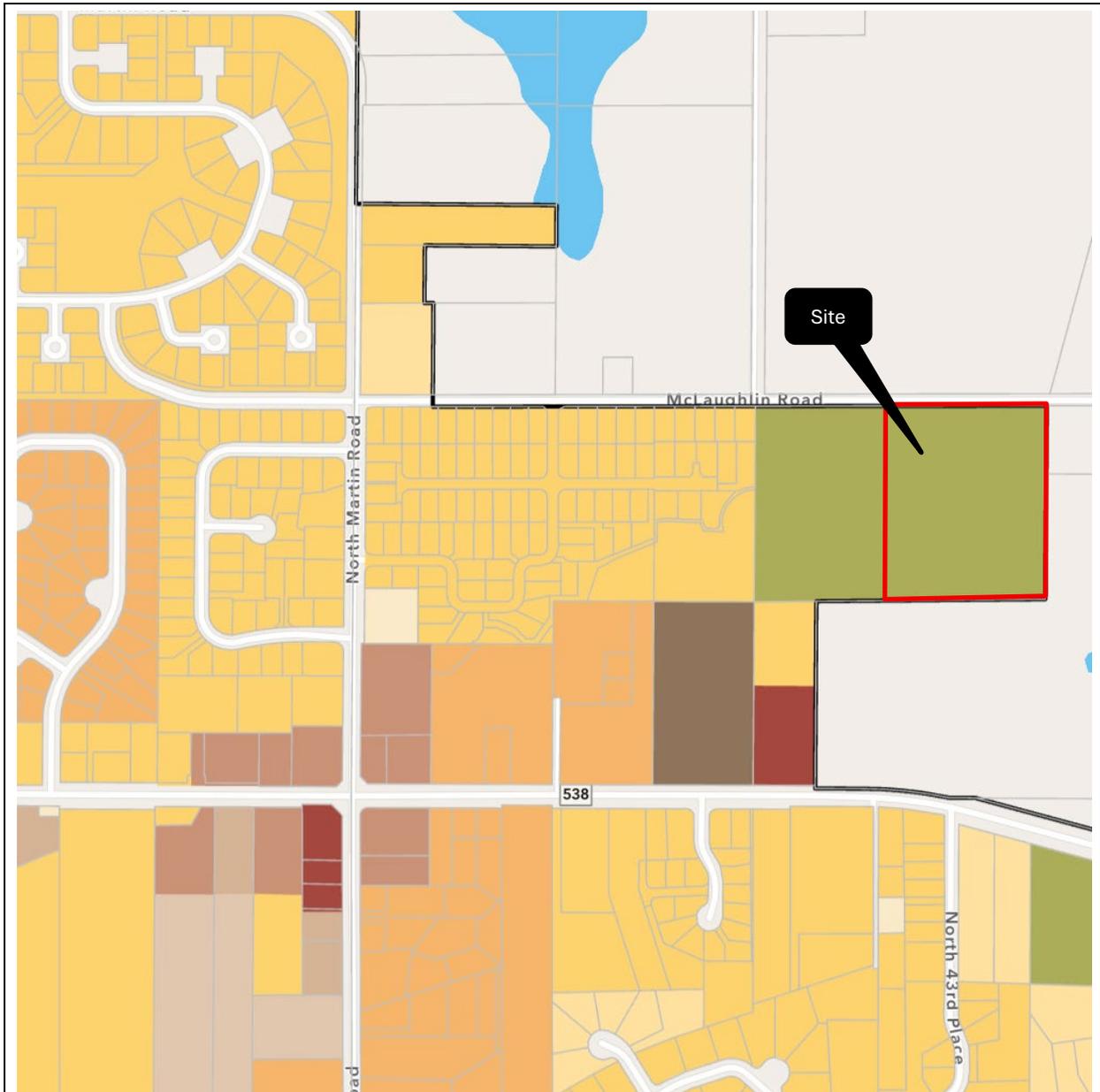
Scale, Spring 2025 Photography



SITE LOCATION WITHIN CITY BOUNDARIES



- City Limits
- - - Urban Growth Boundaries
- ↑ N Not to Scale



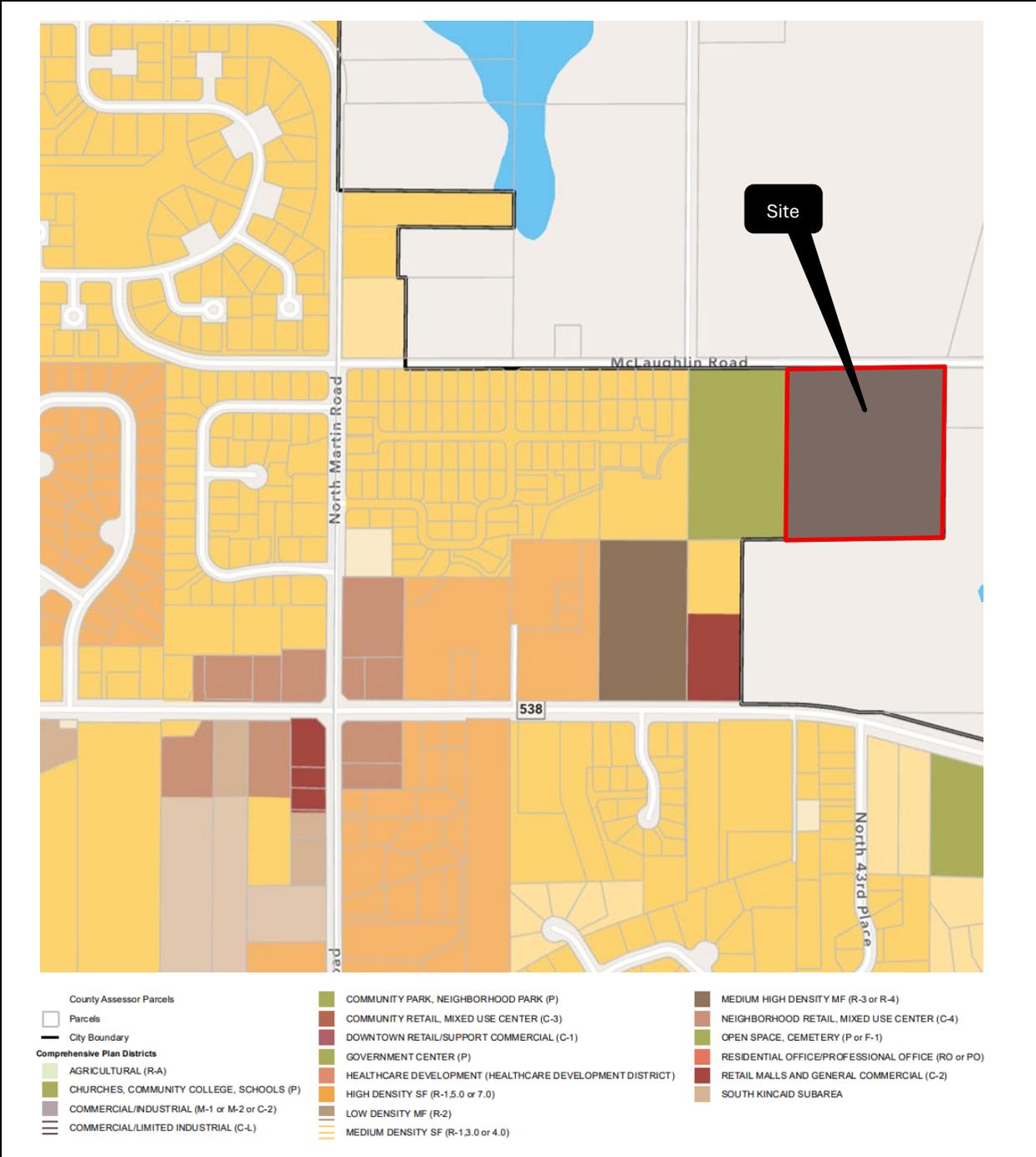
County Assessor Parcels	R-1,4.0	MHP	C-3	P	RR
Parcels	R-1,3.0	C-1	C-4	H-D	
City Boundary	R-2	C-1	L-C	F-1	
Zoning Districts	R-3	C-1	C-L	R-O	
	R-1,7.0	C-1	M-1	P-O	
	R-1,5.0	R-4	C-2	M-2	DIKE
		R-A			

ZONING MAP OF SITE AND SURROUNDING AREAS



Approximate Site Boundaries

Not to Scale



COMPREHENSIVE PLAN MAP OF SITE AND SURROUNDING AREAS



— Approximate Site Boundaries

↑ Not to Scale

**MVMC APPLICABLE TO THE
PROPOSED PROJECT:**

Title 14 Land Use and Development

Chapter 14.05 Administration of Development Regulations
Chapter 14.10 Concurrency

Title 17 Zoning

Chapter 17.111 Amendments and Reclassifications

COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES

On September 14, 2016, the Mount Vernon City Council approved Ordinance 3690 adopting a revised and updated Comprehensive Plan for the City consistent with RCW 36.70A.

The City's Comprehensive Plan provides a general framework within which the City's development regulations are created and administered. The Land Use Element of the Comprehensive Plan outlines the zoning regulations associated with all the Comprehensive Plan designations within the City. In essence the Comprehensive Plan sets the broad policy goals and establishes the land use map, and the zoning code includes the tools to execute those policies and implement the map.

The subject site has a Comprehensive Plan designation of Medium High Density Multi Family and is currently zoned Public (P). The Public zoning designation is inconsistent with the current Comprehensive Plan designation. Zoning designations that are consistent with the Comprehensive Plan designation of Medium High Density Multi Family include Multi Family Residential (R-3 and R-4). The applicant has requested a zoning designation of R-4 which is consistent with the Comprehensive Plan designation approved by City Council for this property.

RCW 36.70A.040(3) and 36.70A.120(1) require development regulations to be consistent with and implement the comprehensive plan. In this case, zoning designation is a development regulation. The purpose of this rezone is to bring the zoning into compliance with the new Comprehensive Plan designation as required by state law.

The following Goals, Objectives and Policies from the Land Use and Housing elements of the Comprehensive Plan were included during the review of the Comprehensive Plan amendment request in 2020 and are still relevant to the non-project Rezone request:

Land Use Goal 2 is to provide for the orderly development within the City of Mount Vernon that is consistent with adopted plans and development regulations. Objective 2.1 is to implement the Comprehensive Plan Land Use Map. Policy 2.1.4 indicates that annually the City should evaluate newly approved public uses (conditional or special uses) and redesignate them to the appropriate Comprehensive Plan and Zoning designation. By the same token the City should periodically evaluate existing public uses to ensure that they are still appropriately designated. The surrounding neighborhood is a mix of designations including: Single Family High Density (SF-HI), Single Family Medium Density (SF-MED), Medium High Density Multi Family (MF-MH), Retail Mall and General Commercial, and Neighborhood Retail Mixed Use Center. The portion of the site that would remain as church designation would be located between the Single Family Medium Density (SF-MED) designation and the proposed Medium High Density Multi Family designation thus providing a buffer/transition between the lower density and higher density residential uses.

In addition to Land Use Goal 2 that specifically addresses the church designation, the request is compatible with the City's Comprehensive Plan and development goals, particularly the Land Use Element and Housing

Element. The following are Goals, Objectives and Policies that are specific to and support the requested amendments:

“Goal LU-51: Enhance and improve the quality of multi-family living environments throughout the City that provide areas that offer a larger range of housing options in the form of multi-family units.”

“Housing Goal 1: Achieve a mix of housing styles in Mount Vernon that are appealing and affordable to a diversity of ages, incomes and cultural backgrounds.”

Additional housing options will be available with approval of the requested amendment. The area is characterized by a mix of different residential uses and the proposal would allow for additional density in an area already characterized by many housing types. Furthermore, the City Comprehensive Plan recognizes that scattered multifamily use will exist within single family areas. The amendment will allow the development of a multi-family project in a mixed density neighborhood, thereby assisting in achieving a mix of housing styles.

“Objective LU-51-1 Ensure that development in the multi-family residential designations are designed to provide quality homes and neighborhoods for residents and to mitigate impacts to existing neighborhoods as new ones develop.”

“Objective HO-1.1 In City plans and zoning regulations, accommodate a variety of housing types, attractive and compatible in design, and available to all economic segments of the community.”

“Objective HO-1.2 Promote infill housing that is compatible with abutting housing styles and with the character of the existing neighborhood.”

The City’s zoning standards (e.g., building height) and design standards will ensure that the future multi-family development will be constructed with quality site and home design. The City’s standards will ensure that the overall housing design is based on a consistent, compatible and aesthetic architecture. Amending the comprehensive plan to allow additional multi-family residential use in a mixed use neighborhood, will ensure that additional housing options are available and will contribute to housing affordability.

“Policy LU-51.1.6 New multi-family residential projects should demonstrate provisions for an environment that contributes to a high quality of life for future residents, regardless of income level.”

As a multi-family infill project subject to the City’s design standards, the amendments will provide for additional housing options available to lower income levels.

“Policy HO-1.2.1 The City should encourage infill housing on vacant or underutilized parcels having adequate serves, and ensure that the infill development is compatible with surrounding neighborhoods.”

The site is currently vacant and designated for church use. The applicant has indicated that the site is too large for the church use now envisions. The site is underutilized but has urban services. As a multi-family infill project subject to the City’s design standards, the amendments will provide for high quality housing that is compatible with the surrounding neighborhood.

Public comments received on this proposal (see Exhibit 4h) include numerous transportation policies that the commentor believed were not considered as part of the review of this proposal those policies and staff analysis follow.

Policy 1.1.1: Access management, such as restricting left turns and excessive use of driveways, should be coordinated with design standards and land use plans to enhance public safety and preserve traffic carrying capacity.

The proposal is for a non-project rezone of an 8.3-acre parcel. While no specific development proposal has been made for the property, Traffic Concurrency was conducted for the parcel assuming full development at the requested densities. No level of service deficiencies were identified. The concurrency review identified improvements that were necessary for McLaughlin Road. Those improvements were required to be implemented at the time development was proposed. Specific traffic impacts of proposed development will be evaluated at the time project specific proposals are submitted and may require additional improvements. The review also identified required impact fees that will be assessed during the building permit process.

Policy 1.1.2: Each street in the City should be assigned a functional classification based on factors including traffic volumes, type of service provided, land use, and preservation of neighborhoods.

Each street in the City has been assigned a functional classification based on the factors included in the policy. The City's consulting traffic engineer maintains the traffic model for the City and all development is added to and evaluated in that model. To date the model has not indicated a need to redesignate the functional classification of the streets serving the property.

Policy 1.1.3: Streets and pedestrian paths in residential neighborhoods should be arranged as an interconnecting network that serves local traffic and facilitates pedestrian circulation.

The proposal is for a non-project rezone of property. At the time development is proposed, pedestrian circulation will be required.

Policy 1.1.4: Provide a balance between protecting neighborhoods from increased through traffic while maintaining access to neighborhoods.

The proposal is for a non-project rezone of property. At the time development is proposed, traffic circulation will be evaluated.

Policy 1.1.5: Phase implementation of transportation plans concurrently with growth to allow adequate transportation facilities and services to be in place concurrent with development; or, if the transportation network cannot be feasibly expanded to accommodate the adopted land use plan and the adopted level-of-service, for financial, geographic, or other reasons, re-examine land use, level-of-service, and economic inputs to establish a balance.

The proposal is for a non-project rezone of property. At the time development is proposed it will be reviewed for concurrency and appropriate street improvements will be identified and made conditions of the development proposal. Appropriate impact fees will be assessed with building permits.

Policy 1.2.2: Manage access along all principal and minor arterial corridors, and access points to residential, commercial, and industrial development. Utilize adopted Access Management techniques to preserve the flow of traffic on the road system while providing adequate access to adjacent land uses. These could include: limit the number of driveways (usually one per parcel); locate driveways away from intersections; and connect parking lots and consolidate driveways to create more pedestrian-oriented street design and encourage efficiency of both land uses and the adjacent transportation system.

The proposal is for a non-project rezone of property. At the time development is proposed, access along principal and minor arterials will be evaluated. The nearest minor arterial to the proposal is Martin Road and none of the access points to or from the property would be located on that roadway. No driveways entering the property would be located close to the intersection of Martin and McLaughlin. For purposes of this proposal this policy is not relevant.

Policy 1.5.3: Continue to apply mitigation strategies to reduce the traffic impact of new development.

New development is required to undergo concurrency and engineering review and in cases of larger projects (or projects with associated critical areas), SEPA review. As a result of that review, mitigation strategies are implemented to reduce impacts from new development including but not limited to street improvements and traffic impact fees.

Based on the above, the subject rezone has been found to be consistent with the City’s Comprehensive Plan.

PROCEDURAL REQUIREMENTS COMPLETED LEADING UP TO THIS STAFF RECOMMENDATION:

DATE	DESCRIPTION
10-04-2021	Technically Complete
11-4-2020	SEPA for this proposal was completed with the Comprehensive Plan Amendment. Final DNS was issued November 4, 2020.
11-12-2021	Notice of Application (NOA)
11-29-2021	Comment Period Expires for NOA
10-14-2025	Notice of Hearing Issued

D. APPROVAL CRITERIA & STAFF ANALYSIS

Mount Vernon Municipal Code Chapter 17.111, Amendments and Reclassifications contains the below listed criteria that must be satisfied for the subject rezone. Following each of the criteria listed staff has provided their analysis and findings.

The Hearing Examiner considers requests for reclassifications at a public hearing and forwards his recommendation to the Mount Vernon City Council for approval or disapproval at a closed record public hearing. The Hearing Examiner and the City Council shall consider, at a minimum, the following criteria provided in Chapter 17.111.070:

- 1. Is the request compatible with the City’s Comprehensive Plan and development goals?**
 City Council approved a Comprehensive Plan redesignation for the property in December 2020 (see Exhibit 5 Ordinance 3823). City Council’s Findings of Fact indicated that a Rezone was required and that prior to the Rezone being implemented a subdivision was required to avoid creating a split zoned parcel.

The Applicant applied for a rezone and a subdivision in early 2021. Critical areas on the property proved challenging and it took several years to work through that process. Earlier this year, the critical area challenges were resolved with input from USACE, EPA and WADOE. The short plat was recorded on September 4, 2025, allowing the processing of the rezone to be completed.

As indicated previously, RCW 36.70A.040(3) and 36.70A.120(1) require development regulations to be consistent with and implement the comprehensive plan. In this case zoning designation is a development regulation. The purpose of this rezone is to bring the zoning into compliance with the new Comprehensive Plan designation as required by state law.

Section C—COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES above provides a more detailed discussion of compatibility with the City’s Comprehensive Plan.

2. Are public utilities, public facilities and other services currently adequate to serve the proposed district?

Police and Fire

The Fire Department will impose code requirements for the proposed development, and the applicant will be required to pay fire impact fees to the City of Mount Vernon as part of the building permit process.

Recreation/Schools

Development regulations related to Parks and Schools will be imposed as part of development review for any project specific development proposals. The applicant will be required to pay appropriate Parks and School impact fees to the City of Mount Vernon as part of the building permit process.

Stormwater

As part of development review the project will be required to show that it complies with the City’s stormwater development regulations.

Water

Water service in the City is provided through Public Utility District #1 (PUD) of Skagit County that is a municipal corporation of the State of Washington, established to supply public utility service in the form of potable water per RCW 54. The applicant will be required to verify water availability for the future development with Skagit County Public Utility District. Any relocation, extension or connection of utilities will be done at the owner’s expense.

Sewer

The City of Mount Vernon Wastewater Treatment Plant has sufficient capacity to treat the effluent from the proposed development. Any relocation, extension or connection of utilities will be done at the owner’s expense.

Streets

At a minimum, three quarter street improvements will be required to McLaughlin Road as indicated in the Transportation Concurrency review conducted for this proposal (see Exhibit 7). Future development will be reviewed to determine if additional street improvements are required at the time development is proposed. Since McLaughlin Road is a County Road not a City Street review of requirements will be conducted jointly by the City and the County.

3. A reclassification to a PUD overlay zone is governed by Chapter 17.69 MVMC, not this chapter.

This is not applicable to the proposal.

STAFF RECOMMENDATION

Staff makes the following findings as part of the recommendation to the Hearing Examiner:

- The procedural requirements set forth in MVMC 14.05 and 15.06 have been satisfied.
- The approval criteria for rezones found in MVMC 17.111 have been satisfied.
- The rezone will be conditioned such that compliance with the City's development regulations will be satisfied.

Based on the above staff findings, staff recommends:

1. That the subject Rezone associated with Mount Vernon **File No. PLAN21-0506**, be **RECOMMENDED FOR APPROVAL** subject to the following specific requirements:
 - a. The applicant will be required to comply with all applicable provisions of the Mount Vernon Municipal Code (MVMC).

SIGNATURE:

10/23/2025

Date

NOTES TO THE APPLICANT AND PARTIES OF RECORD

1. This rezone application requires the City's Hearing Examiner make a recommendation, at an open record public hearing that will be forwarded to the City Council, who will make a final decision at a closed record public hearing.
2. The written recommendation for this project will be issued by the Hearing Examiner within 10 days after the date the record closes unless this timeframe is extended per MVMC 14.05.110(H)(2).
3. The Hearing Examiner shall reconsider his/her recommendation if a written request is properly filed by the applicant or a party of record within 10 days of the date of the initial recommendation. A party wishing to file a request for reconsideration of the Hearing Examiner's recommendation shall follow the process outlined within MVMC 14.05.110(H)(4). A copy of this portion of the MVMC can be obtained by contacting the Development Services Department; or it can be downloaded on the City's web site at: <http://www.mountvernonwa.gov>



MASTER LAND USE APPLICATION FORM

① PROPERTY WHERE WORK IS OCCURRING

ADDRESS:			
PARCEL NUMBER(S):			

② PROPERTY OWNER INFORMATION

NAME:				
ADDRESS:	HOUSE # AND STREET	CITY	STATE	ZIP
TELEPHONE:		CELL:	EMAIL:	

③ CONTACT PERSON

SELECT THE **ONE** PERSON THE CITY WILL CONTACT FOR ANYTHING RELATED TO THIS PERMIT? Applicant Property Owner Contractor Other (list below)

NAME:				
ADDRESS:	HOUSE # AND STREET	CITY	STATE	ZIP
TELEPHONE:		CELL:	EMAIL:	

④ PERMITS & APPROVALS BEING SUBMITTED

TYPE OF PROJECT (CHECK ALL THAT APPLY):

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Accessory Dwelling Unit (ADU) Boundary Line Adjustment Comprehensive Plan Amendment Conditional Use Permit (Administrative) Conditional Use Permit (Hearing Examiner) Critical Area Permit Design Review (Administrative) Design Review (Design Review Board) Design Review (Hearing Examiner) Environmental Review (SEPA) Major Modification Master Plan for Public Zoned Properties Model Home permit Non-Conforming Use - Special Permission | <ul style="list-style-type: none"> Preliminary Plat (> 9 lots/tracts) Preliminary Short Plat (< 9 lots/tracts) Preliminary Binding Site Plan Rezone Shoreline Exemption Shoreline Substantial Development Permit Shoreline Conditional Use Shoreline Variance Special Use Permit Street Vacation per MVMC Chapter 12.40 Variance (Hearing Examiner) Variance (Administrative) Other, list here: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Exhibit 1

⑤ SITE AND PROJECT INFORMATION

EXISTING ZONING DESIGNATION:	
EXISTING COMPREHENSIVE PLAN DESIGNATION:	
SITE AREA (IN SQUARE FEET AND ACRES):	
PROJECT DESCRIPTION: (ATTACH ADDITIONAL SHEETS FOR THE PROJECT DESCRIPTION, IF NECESSARY)	

A. IS WORK WITHIN THE CITY’S RIGHT-OF-WAY PROPOSED? IF YES, YOU WILL BE REQUIRED TO SUBMIT A RIGHT-OF-WAY APPLICATION.	YES	NO
B. IS THE PROPERTY LOCATED IN A FLOOD ZONE?	YES	NO
C. ARE THERE SLOPES IN EXCESS OF 15% ON OR ABUTTING THE SITE? IF YES, A GEOTECHNICAL REPORT WILL LIKELY NEED TO BE SUBMITTED.	YES	NO
D. ARE THERE CRITICAL AREAS OR BUFFERS ON OR ABUTTING THE PROJECT SITE? IF YES, CRITICAL AREA REPORTS WILL LIKELY NEED TO BE SUBMITTED.	YES	NO
E. WILL MORE THAN 2-ACRES BE CLEARED AND/OR MORE THAN 5,000 BOARD FEET OF TIMBER BE HARVESTED? IF YES, YOU WILL BE REQUIRED TO SUBMIT A LAND CLEARING PERMIT.	YES	NO
F. IS THIS PROJECT SUBJECT TO THE SEPA PROCESS? IF YES, YOU WILL BE REQUIRED TO SUBMIT A SEPA CHECKLIST.	YES	NO
G. IS THE PROJECT SUBJECT TO DESIGN REVIEW? IF YES, YOU WILL NEED TO PROVIDE PLANS AND OTHER MATERIALS TO COMPLY WITH DESIGN REVIEW.	YES	NO

Exhibit 1

⑥ READ, INITIAL AND SIGN WHERE INDICATED

Read and initial each of the following statements prior to signing this application:

I understand that land use and/or planning permits do not authorize earth disturbing activities, the removal of vegetation, or the construction of buildings. I understand that additional permits will be required after my land use and/or planning permitting process is completed. I understand that no earth disturbing activities (including the removal of vegetation) may take place until after my land use and/or planning process is complete, and only after I have received additional permits such as Fill & Grade, Building Utility, or Right-of-Way permit(s).

PW

I understand that if critical areas (wetlands, streams, steep slopes, et cetera) are found on or near my property I am not authorized to impact these areas in any way and will be required to leave an undisturbed buffer area around the critical area. I also understand that depending upon the size and scope of my project that I may be required to enhance a critical area buffer.

PW

I understand that depending upon the size and scope of my project, I may be required to provide maintenance and/or performance bonds for items such as landscaping, critical areas, public roads and/or public utilities that I construct or install.

PW

I understand that I am solely responsible for providing complete and accurate information to the City. I understand that if my application is missing information or if inaccurate materials are submitted, my permits will be delayed. I understand that depending on how inaccurate and how incomplete my application is or becomes, the Development Services Department could require an entirely new application be submitted. I understand that when and if conditions change from that which my application originally represented, I am responsible for letting the City staff person assigned to my project know.

PW

I understand that I am applying for permits from the City of Mount Vernon only; and that additional permits from other Federal and State agencies could be required. I understand that the City of Mount Vernon cannot advise me of permits that are required from other agencies, and that I must contact these agencies to make sure I comply with their requirements. These agencies include (but are in no way limited to): Corps of Engineers, Department of Natural Resources, Department of Ecology, and Northwest Clean Air Agency.

PW

I understand that I may be required to properly and timely post a pink land use sign on my property during land use and/or planning permitting process. I understand that I am responsible for making sure that this sign continues to be posted on my property until my land use and/or planning process is completed; and I understand that I am responsible for removing and disposing of this sign once my land use process is completed.

PW

I understand that I will be responsible for paying consultants that the City may deem necessary to review certain aspects of my application. I understand that these consultant reviews could include special inspections, traffic concurrency, critical area, landscaping, et cetera.

PW

By affixing my signature hereto, I certify that I am the owner, or am acting as the Owner's authorized agent, and that the application and documents contained with this submittal are complete and accurate to the best of my knowledge and abilities. If your title report lists a company, partnership or other owners you must submit evidence that you are authorized to sign on behalf of the entity or others that are listed.

If you are an authorized representative you must download, complete and submit an **AGENT AUTHORIZATION FORM**.

Please attach additional signature sheets if there is more than one owner.

UNDER PENALTY OF PERJURY I SWEAR THAT ALL INFORMATION PROVIDED IS TRUE AND CORRECT.



Signature

8.10.21

Date

Paul Woodmansee

Printed Name

Exhibit 1

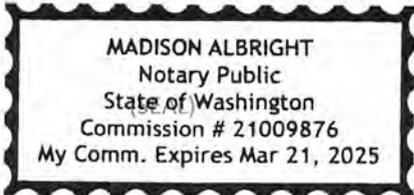
STATE OF WASHINGTON

COUNTY OF SKAGIT

} ss.

I certify that I know or have satisfactory evidence that Paul Woodmansee 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 Applicant to be the free and voluntary act and deed of said property, for the uses and purposes therein mentioned.

Given under my hand and official seal this 8 day of August, 20 21

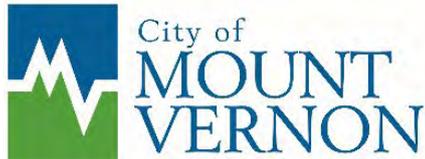


Madison Albright
Notary Public

Residing at Sealco Woolley, WA

My appointment expires March 21, 2025

Notary Public

**DEVELOPMENT SERVICES DEPARTMENT**

910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214 | PermitTech@mountvernonwa.gov

REZONE APPLICATIONS

GENERAL INFORMATION AND REQUIREMENTS

Rezoning proposals seek to change the zoning designation of a site or an area. A rezoning can change the zoning of property only when the zone that is requested is consistent with the existing Comprehensive Plan designation of the subject property. Mount Vernon Municipal Code 17.09.010 has a list of the Comprehensive Plan and Zoning Districts within the City and it lists which zones are consistent with the different Comprehensive Plan designations.

If the zoning an applicant is applying for is not consistent with the existing Comprehensive Plan designation of a site; an applicant must apply for a Comprehensive Plan amendment before applying for a rezoning.

Rezoning is a Type IV process, which means the City's Hearing Examiner will hold an open record public hearing and will issue a recommendation to the City Council. The Hearing Examiner's recommendation will be forwarded to the City Council for their review, final recommendation, and adoption (if approved) by ordinance.

Copies of the Mount Vernon Municipal Code, the zoning map, and the Comprehensive Plan map can be viewed and downloaded on/from the City's web site at: <http://www.mountvernonwa.gov>

The City utilizes web based software and electronic plan review software that necessitates submittals in specific electronic formats. See the attached handouts that provide details with regard to how your permit submittals will need to be formatted and named. Your submittal cannot be accepted for review unless these requirements are met.

When you have completed all of the required forms and have copies of the required submittals (listed below) contact the City at: PermitTech@mountvernonwa.gov or 360-336-6214 to receive a link to our FTP site where you will upload all of your submittal items.

EARLY CONSULTATION

Prior to submitting an application for a Rezoning Applicants are required to apply for a Pre-application meeting through the Development Services Department (Department) to discuss the proposed project. The Department will provide assistance and detailed information on the City's land use permitting requirements and standards.

An applicant may ask for a waiver of any of the application materials outlined on the attached Submittal Requirements at their pre-application meeting; and the Department will review the applicant's request, and either approve or disallow the waiver, in writing.

COMPLETE APPLICATION REQUIRED

The City is not able to accept an application that does not have all of the required items listed on the following pages. To accept your application, each of the items must be submitted at the same time. However, if you have received a prior written waiver of a submittal item(s), please provide the signed waiver form in lieu of any submittal item not provided.

Please note that a pre-submittal meeting with a staff planner is necessary before the items in the submittal checklist (below) can be accepted by the Development Services Department. In addition, the items listed below are only for the Land Use review of a project. Most projects will need other permits that will require separate submittals.

SUBMITTAL REQUIREMENTS FOR REZONES

An applicant may ask for a waiver of any of the following submittal application materials at their pre-application meeting; and the Development Services Department will review the applicant’s request, and either approve or disallow the waiver, in writing.

A copy in an electronic format (complying with the City’s Electronic Document Requirements outlined on the accompanying handout) of each of the below-listed submittal items is required to be submitted to the City **AT THE SAME TIME**.

Application fees are required to be paid when an application is submitted to the City. The total fee amount will be determined at the pre-submittal meeting with a staff planner.

FORMS REQUIRED TO BE COMPLETED

The below listed forms are required to be downloaded from the City’s permit portal at:
<https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>

MASTER LAND USE & AGENT AUTHORIZATION (IF APPLICABLE) FORMS

These are forms 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. The current owner(s) of the land must provide their notarized signatures on this form.

An Agent Authorization is only required when an Applicant appoints someone else to act on their behalf through the Rezone application process.

REZONE APPLICATION FORM

A series of questions required to be completed by the Applicant providing information necessary to determine code compliance and to justify the proposed rezone.

NON-PROJECT SEPA CHECKLIST

Unless the SEPA process was completed previously, a non-project SEPA checklist is required to be submitted with rezone applications.

OTHER ITEMS

TITLE REPORT

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.**

LEGAL DESCRIPTION

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).

MAP OF EXISTING CONDITIONS

A map, drawn at a scale of one inch equals one hundred feet (1" = 100') or other scale pre-approved by staff that includes existing topography at five foot contours or less, all structural improvements and natural features. The plan shall include major trees, shrubs, large rocks, creeks and watersheds, floodplains, buildings, roadways and trails.

ATTACHED

Below is a list of items attached to this handout:

- Rezone Application Form
- Electronic Document Submittal Requirements
- Instructions for using the City’s Permit Portal
- Pre-Submittal Reminders for Applicants

Exhibit 1



REZONE APPLICATION FORM

READING THE FOLLOWING INSTRUCTIONS BEFORE YOU FILL OUT THIS FROM WILL LIKELY SAVE YOU TIME AND WILL SAFEGUARD FROM HAVING TO COMPLETE THIS FORM MORE THAN ONCE AND RESUBMIT IT.

This form is a fillable PDF that allows you to type the requested information into the spaces provided on your computer. The City requires use of forms like this because our software system is able to extract needed data and it allows quicker, more efficient archiving that is required by State law.

If you are using an older version of Adobe, or any other type of non-Adobe software you will likely experience issues. If you do not have Adobe Reader, you need to install it prior to opening and using this form. Click HERE to get the free download. Not all internet browsers are compatible with fillable PDF forms. We recommend you use Internet Explorer or Mozilla.

DO NOT complete this form online in your web browser using a built-in PDF viewer and DO NOT insert text boxes into this form. Instead, save this form in its PDF format to a drive or location on your computer named Rezone Application Form. Once saved on your computer fill out the form and save it again. Please be advised that fillable PDF forms will not automatically save; and as such, we strongly recommended you periodically save data entered into this form.

If you are having issues filling out this form contact our office at 360-336-6214 or PermitTech@mountvernonwa.gov and we will do our best to resolve your issue.

1 APPLICANT INFORMATION				
NAME:				
ADDRESS:	NUMBER AND STREET	CITY	STATE	ZIP
TELEPHONE:		CELL:	EMAIL:	
2 SITE IDENTIFICATION				
ADDRESS:				
PARCEL NUMBER(S):		SITE SIZE:		
3 SITE INFORMATION				
A. LIST ALL STREETS (PUBLIC, PRIVATE, HIGHWAY) THAT ABUT THE SITE:				

Exhibit 1

B. DESCRIBE ACCESS TO THE SITE:

C. WHICH OF THE BELOW-LISTED UTILITIES ALREADY PROVIDE SERVICE TO THE SITE:

ELECTRICITY NATURAL GAS POTABLE WATER SANITARY SEWER STORM SEWER SEPTIC SYSTEM

PROVIDE ADDITIONAL UTILITY INFORMATION (IF APPLICABLE) BELOW:

D. ARE THERE WETLANDS, STREAMS, OR OTHER OPEN WATER AREA ON OR NEAR THE SUBJECT SITE?

YES NO I DON'T KNOW

PROVIDE ADDITIONAL CRITICAL AREA INFORMATION (IF APPLICABLE) BELOW:

E. ARE THERE SLOPES IN EXCESS OF 15% ON OR NEAR THE SUBJECT SITE?

YES NO I DON'T KNOW

PROVIDE ADDITIONAL INFORMATION REGARDING STEEP SLOPES (IF APPLICABLE) BELOW:

F. LIST THE SIZE AND USE OF ALL EXISTING STRUCTURES ON THE SITE BELOW:

④ REZONE JUSTIFICATION

A. EXPLAIN HOW YOUR REQUEST FOR A REZONE IS COMPATIBLE WITH THE CITY'S COMPREHENSIVE PLAN AND DEVELOPMENT GOALS:

Exhibit 1

The undeveloped site is currently zoned Public (P). The two-phase project would include a partial rezone in concurrence with a short plat of the existing site to Multifamily Residential (R-4), with part of the site retaining the existing Public zoning.

A church is proposed in the public zoning portion of the parcel and the Multifamily Residential zoning would allow for affordable multifamily housing above retail spaces. This rezone request coincides with the following goals, objectives, and policies expressed in the City's comprehensive plan:

LAND USE GOAL 1: ENHANCE THE QUALITY OF LIFE FOUND IN THE CITY OF MOUNT VERNON AS A PLACE TO WORK, LIVE AND RECREATE.

OBJECTIVE 1.1: Balance residential, commercial, industrial and public land uses within the City.

Policy 1.1.5: Integrate non-residential uses such as parks, social and religious uses, where appropriate, into residential neighborhoods to create communities that have a full range of public facilities and services. These non-residential uses shall be sited, designed, and scaled to be compatible with the existing residential character.

-> Rezoning this parcel will allow for a balance of residential/multifamily and public land use and allows for the proposed church to be built and integrated into a residential area creating a versatile community.

Policy 1.1.6: Encourage infill development on vacant properties with existing public services and public utilities.

-> The existing vacant property has public utilities available.

Policy 1.1.8: Consider adopting new zoning designations or amending the development regulations associated with existing zones to encourage the development of affordable housing in residential and commercial areas of the City.

-> Rezoning this parcel would allow for affordable housing multifamily units to be built.

LAND USE GOAL 6: ENHANCE AND IMPROVE THE QUALITY OF MULTI-FAMILY LIVING ENVIRONMENTS THROUGHOUT THE CITY THAT PROVIDE AREAS THAT OFFER A LARGER RANGE OF HOUSING OPTIONS IN THE FORM OF MULTI-FAMILY UNITS.

OBJECTIVE 6.1: Ensure that development in the multi-family residential designations are designed to provide quality homes and neighborhoods for residents and to mitigate impacts to existing neighborhoods as new ones develop.

Policy 6.1.5: New multi-family residential projects should demonstrate provisions for an environment that contributes to a high quality of life for future residents, regardless of income level.

-> The proposed multifamily zoning would allow for new affordable housing units to be built to the City's design standards that are in place to ensure attractive and quality built buildings.

LAND USE GOAL 16: RETAIN AND ENHANCE THE EXISTING NATURAL FEATURES AND SENSITIVE AREAS THAT ARE ESSENTIAL TO A HIGH QUALITY OF LIFE IN THE COMMUNITY OF MOUNT VERNON.

OBJECTIVE 16.1: Meet GMA requirements for designation and protection of critical areas in the context of Mount Vernon's community vision for growth management.

Policy 16.1.3: With development regulations, support retention of natural areas and include design criteria to achieve subdivision and site layouts which will be sensitive to the environmental constraints and optimize open space and views.

-> The site has critical areas located in the south west area that will be protected and unharmed while allowing for multi family and public projects.

LAND USE GOAL 24: PROTECT, ENHANCE, AND RESTORE EXISTING FLOOD STORAGE AND CONVEYANCE FUNCTIONS AND ECOLOGICAL VALUES OF FLOODPLAINS.

OBJECTIVE 24.1: Implement strategies to prevent property damage from flooding.

Policy 24.1.1: Prevent property damage from flooding by implementing the following development regulations: • Require adequate peak flow controls for new development. • Perform the necessary analysis and recommend solutions for existing flooding problems. • Employ management strategies in flood prone areas to

ensure that new development is not exposed to significant impact

-> The proposed church and multifamily building designs allow for flood waters to flow through the ground levels reducing significant impact.

Exhibit 1

B. ARE PUBLIC UTILITIES, PUBLIC FACILITIES AND OTHER SERVICES CURRENTLY ADEQUATE TO SERVE YOUR PROPERTY SHOULD IT BE REZONED AS YOU HAVE REQUESTED.

Exhibit 1

5 PROJECT INFORMATION

It is imperative for the City to know all of the people involved with your application so that decision makers can act without any conflict of interest charges or violations of the appearance of fairness doctrine. Therefore, the following information **MUST** be complete and **MUST** be updated when new companies or individuals become involved with your project. The following persons are associated with this project. Attach additional pages as necessary to ensure complete disclosure:

ARCHITECT:	Address:	Phone and Email Address:

ENGINEER:	Address:	Phone and Email Address:

SURVEYOR:	Address:	Phone and Email Address:

TITLE COMPANY:	Address:	Phone and Email Address:

ATTORNEY:	Address:	Phone and Email Address:

CONTRACTORS:	Address:	Phone and Email Address:

INVESTORS:	Address:	Phone and Email Address:

OTHER:	Address:	Phone and Email Address:

Exhibit 1

⑥ ACKNOWLEDGEMENTS FROM APPLICANT

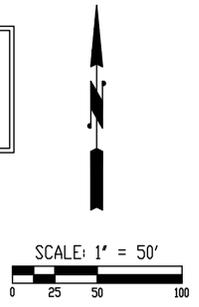
By typing your name below you are swearing under penalty of perjury that all information provided on this form, and any additional supplemental items, are true, correct, and complete to the best of your knowledge.

Type Your Name Here

Date Form Filled Out



CALL TWO BUSINESS DAYS BEFORE YOU DIG '811'



- BMP'S APPLICABLE TO EROSION AND SEDIMENTATION CONTROLS**
- BMP C103 - HIGH VISIBILITY FENCE, ORANGE MESH FENCE SHALL BE INSTALLED ON THE COMMON PROPERTY LINE ADJOINING OTHER PRIVATE PROPERTIES WHERE THE EXISTING FENCE DOES NOT ACCURATELY REPRESENT THE PROPERTY LINE AND WHERE NO FENCE EXISTS.**
 - BMP C105 - STABILIZED CONSTRUCTION ENTRANCE/EXIT. PROVIDE A QUARRY-SHALL ARMORED SURFACE AT ALL LOCATIONS WHERE CONSTRUCTION VEHICLES WILL BE EXITING THE SITE.**
 - BMP C106 - WHEEL WASH. ONLY TO BE IMPLEMENTED IF THE ONSITE PROVISIONS ARE NOT SUCCESSFUL IN REMOVING DEBRIS FROM VEHICLES EXITING THE SITE.**
 - BMP C108 - CONSTRUCTION ROAD/PARKING AREA STABILIZATION. PROVIDE A STABILIZED AREA FOR THE PARKING OF CONSTRUCTION VEHICLES.**
 - BMP C120, C121, C122, C123 - TEMPORARY & PERMANENT SEEDING, MULCHING, NETS & BLANKETS, PLASTIC COVERING. PROVIDE MEASURES TO LIMIT SURFACE EROSION BY PLANTED STABILIZATION OR TEMPORARY COVERS.**
 - BMP C125 - TOPSOIL/COMPOSTING. RETAIN CLEAN NATIVE ORGANIC SOILS TO PROVIDE A MINIMUM 12 INCH DEPTH IN LANDSCAPED AREAS.**
 - BMP C140 - DUST CONTROL. DURING PERIODS OF DRY WEATHER, HAVE WATER-APPLICATION EQUIPMENT AVAILABLE TO DAMPEN SURFACES AND REDUCE DUST.**
 - BMP C152 - SAW CUTTING AND SURFACE POLLUTION PREVENTION. IF WATER-COOLED SAW CUTTING IS PERFORMED, WATER SHALL BE FILTERED BEFORE ENTERING A DRAINAGE SYSTEM.**
 - BMP C154 - CONCRETE WASHOUT AREA. PROVIDE A DESIGNATED AREA LINED WITH AN IMPERMEABLE FABRIC, TO RECEIVE AND CONTAIN WASHOUT WATERS.**
 - BMP C160 - CERTIFIED EROSION AND SEDIMENT CONTROL LEAD (CESCL). THIS PERSON SHALL MONITOR, INSPECT, & MAINTAIN ALL EROSION AND SEDIMENT CONTROL FACILITIES AND SHALL PERFORM MONTHLY REPORTING TO D.O.E.**
 - BMP C205, 241 - SUBSURFACE DRAINS AND TEMPORARY SEDIMENT POND. PER THE GEOTECHNICAL INVESTIGATION FOR SOILS AT AN APPROXIMATE DEPTH OF 3 FEET, THERE EXISTS AN UNCORRECTED INFILTRATION RATE OF 3 - 4 INCHES PER HOUR. TEMPORARY PONDS SHOULD BE CONSIDERED TO RECEIVE, CONTAIN, & INFILTRATE RAIN FALL. POND CLEANINGS WILL BE NECESSARY TO MAINTAIN THE SOIL'S INFILTRATION CAPACITY.**
 - BMP C220 - STORM DRAIN INLET PROTECTION. SILT SACKS SHALL BE INSTALLED UNDER EXISTING CATCH BASIN GRATES THAT MAY POTENTIALLY RECEIVE DIRTY RUNOFF BEFORE CONSTRUCTION BEGINS, AND UNDER THE GRATE OF NEW CATCH BASINS AS THEY ARE INSTALLED.**
 - BMP C233 - SILT FENCE. INSTALLED AT ALL SURROUNDING PROPERTY LINES WHERE THE GROUND SLOPES DOWNHILL OUT OF THE PROJECT.**

ENGINEER _____ 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. 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 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.

REV. NO.	REVISION	DATE	BY	APPROVED

Ravnik & Associates, Inc.
 CIVIL ENGINEERING & LAND-USE PLANNING
 1633 LINDAMOOD LANE/P.O. BOX 361
 BURLINGTON, WA 98233
 PH: (360) 707-2048 FAX: (360) 707-2216

SHEET DESCRIPTION:
EXISTING CONDITIONS

PLAN STATUS:
 SCALE: 1" = 50'
 DRAWN BY: D. REMSEN
 CHECKED BY: J. RAVNIK
 DATE: 08.05.21

SHEET TITLE:
MCLAUGHLIN ROAD SHORT PLAT FOR MCLAUGHLIN ROAD, LLC SECTION 15, T. 34 N., R. 4 E., W.M.

DRAWING NO. 21007.SEPA.dwg
 JOB NO. 21007
 SHEET NO. 2 OF 7

EXHIBIT A

LEGAL DESCRIPTION AND ILLUSTRATIVE MAP FOR:

McLaughlin Road LLC, the existing Comprehensive Plan designation of the subject site is Churches (CH). The new Comprehensive Plan designation is Multi Family Medium High Density (MF MH).

LEGAL DESCRIPTION:

That portion of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 34 North, Range 4 East, W.M., described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section;
thence South along the West line thereof 20 feet to the Southerly line of McLaughlin Road and the TRUE POINT OF BEGINNING;
thence continuing South along said West line 666.63 feet to the Northwest corner of that certain parcel described in real estate contract in favor of Kenneth Moore and Phyllis Marie Moore and recorded under Auditor's File No. 8305270054;
thence East along the North line of said Moore parcel and said line extended 980.15 feet; thence North parallel to the West line of said Southeast 1/4 of the Northwest 1/4 666.36 feet, more or less, to the South line of McLaughlin Road;
thence West along the South line to the POINT OF BEGINNING.

EXCEPT the West 400.00 feet (as measured perpendicular to the West line).

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record

Situate in the City of Mount Vernon, County of Skagit, State of Washington

Containing 383,196 sq ft, 8.80 acres

Ordinance 3823

Exhibit 2

EXHIBIT MAP
(Provided for illustrative purposes only)





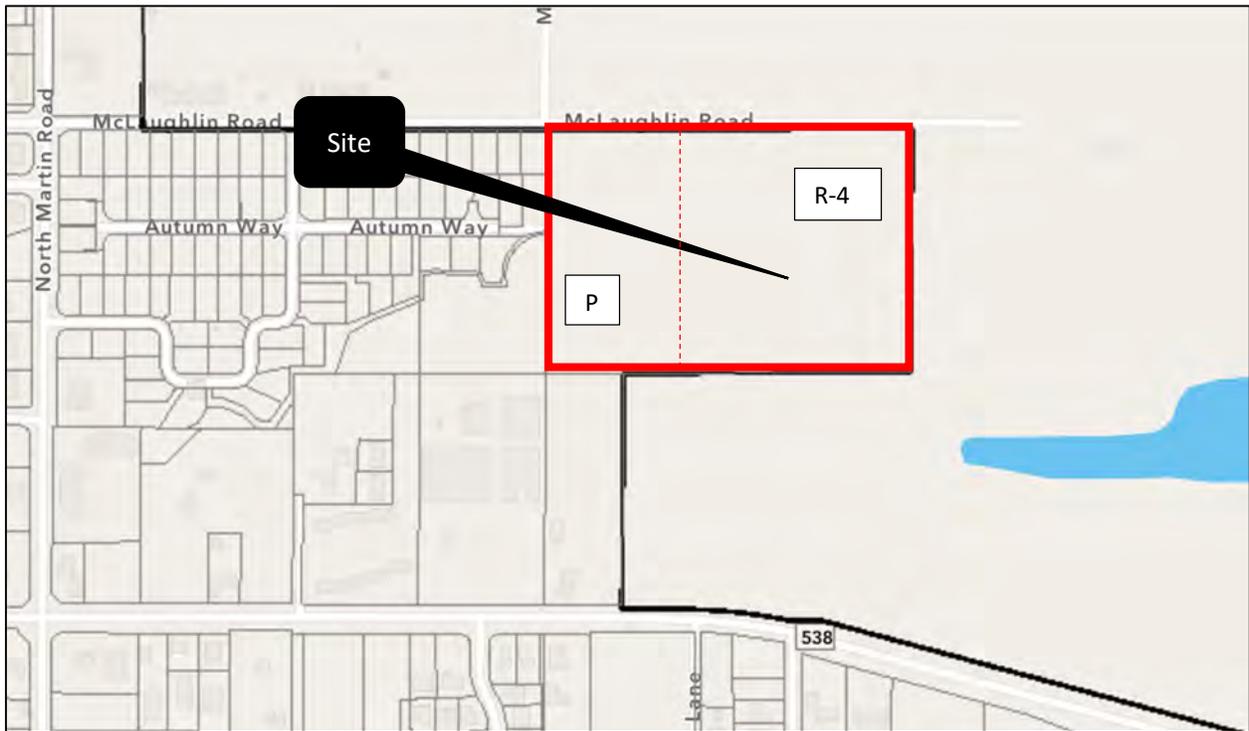
NOTICE OF APPLICATION

APPLICATION NAME/NUMBER: PLAN21-0506 McLaughlin Road Rezone

PROJECT DESCRIPTION: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). It should be noted that a short plat separating the two portions of the site is being processed concurrently.

PROJECT LOCATION: The property has not been addressed yet. It is located on the south side of McLaughlin Road on the eastern boundary of the City. The assessor parcel number is P24856, and it is a portion of the SE ¼ of the NW ¼ of Section 15, Township 34 N, Range 04 E W.M.

APPLICANT:	OWNER:	STAFF CONTACT:
Paul Woodmansee PO Box 619 Sedro-Woolley, WA 98284	McLaughlin Road LLC PO Box 619 Sedro-Woolley, WA 98284	Marianne Manville-Ailles Development Services Department City of Mount Vernon 910 Cleveland Avenue, Mount Vernon WA 98273 Telephone - 360-336-6214



ADDITIONAL PERMIT DETAILS:

APPLICATION SUBMITTED TO THE CITY ON: 8/27/2021

APPLICATION DEEMED COUNTER COMPLETE ON: 9/7/2021

Exhibit 3a

APPLICATION DEEMED TECHNICALLY COMPLETE ON: 10/4/2021

PERMITS REQUESTED: Rezone

OTHER PERMITS THAT MAY BE REQUIRED: Short Plat

EXISTING ENVIRONMENTAL DOCUMENTS THAT EVALUATE THE PROPOSED PROJECT: SEPA for the proposal was completed for the property as part of the Comprehensive Plan redesignation that was done in 2020.

PUBLIC COMMENT PERIOD: Comments on the Notice of Application must be submitted, in writing, no later than **November 29, 2021**. Comments should be as specific as possible and those submitting comments are required to comply with the following:

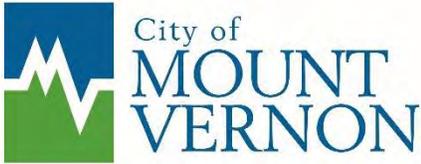
- All comments must include: (1) your full name, (2) your mailing address, and (3) the name of the proposal you are commenting on.
- If you wish to submit comments electronically you must upload your comments into the city's online permit portal because comments are NOT accepted via email. To upload comments into the City's permit portal navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>, once on this page you must create a user account by clicking "Sign Up" located at the upper right corner of the webpage. Once you have created and verified your user account log into the system and click on "Go" in the My Portal box, and then on the next page that appears click on "Apply" in the Apply Online box. On the new page that appears under Step 1 select "Public Comments" and on Step 2 select "Public Comments for Land Use Permits"
- Comments submitted on paper are required to be mailed to the address provided for the Staff Person listed within this notice.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Items submitted not meeting the requirements of this section are considered as not being received by the city. Any person may comment on the application, receive notice, and request a copy of the decision once it is made. To receive additional information regarding this project, contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's permit portal where the site plans, technical reports, and other pertinent information can be viewed by following these directions: navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home> once on this webpage click on the blue "GO" link under the heading "My Portal". Type in the project number identified in this notice into the search bar near the top of the screen. Click on the project number listed below the search bar when it appears.

ISSUED/PUBLISHED: November 12, 2021

DISTRIBUTED TO: NW Clean Air, Skagit PUD #1, PSE, Ziplly, CNG, Port of Skagit, Skagit County PDS, Skagit Council of Governments, MVSD #320, Skagit Valley College, Skagit County Assessor, WSDOT, Dike and Drainage Districts



AFFIDAVIT OF MAILING

I, **Shawna Gossett**, hereby declare as follows:

I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.

On **November 9, 2021** I mailed to property owners on the attached lists and email to the agencies on the attached list.

PROJECT DESCRIPTION: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). It should be noted that a short plat separating the two portions of the site is being processed concurrently. (PLAN21-0506)

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed in Mount Vernon this **9th** day of **November, 2021**.

A handwritten signature in blue ink that reads "Shawna Gossett".

Name



AFFIDAVIT OF POSTING LAND USE CHANGE SIGN(S)

PERMIT NUMBER: _____

① IDENTIFICATION OF PROPERTY WHERE LAND USE SIGN WAS POSTED:

ADDRESS:	PARCEL NUMBER(S):
----------	-------------------

② ACKNOWLEDGEMENT OF POSTING:

I hereby certify that I have posted the above-identified property with Land Use Change Sign(s) according to the following posting instructions:

SIGN POSTING INFORMATION AND INSTRUCTIONS

The proponent shall be responsible for posting sign(s) in a conspicuous location on each street frontage bordering the subject property. Each sign shall be visible and accessible for inspection by members of the public. This means that signs need to be posted such that a person does not have to walk more than a few feet onto a property to read the posted notice. In cases of unusual property location, configuration, size, etc., the Development Services (DS) Department shall determine the placement and number of signs required.

The sign(s) shall be posted by the proponent as required on the subject property at the direction of City staff. The proponent shall be responsible for removing the sign(s) within seven (7) calendar days after completion of the public hearing process. Place a copy of the Notice in the plastic bag, tape or staple the bag to each sign in the appropriate place, and post the sign(s) on the property as required.

- The sign shall be mounted on backing material (plywood, particleboard, or equivalent) and supported by at least two posts.
- Signs shall not be located where they may cause a traffic or pedestrian hazard.
- Signs shall not be attached to trees or other landscaping.

The date upon which I posted the Land Use Change sign(s) was: _____

Signature

Date

STATE OF WASHINGTON }
 COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she/they signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the, _____ 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

PLACE NOTARY SEAL HERE

 Notary Public
 Residing at: _____
 My appointment expires: _____

ADVERTISING PROOF

1215 Anderson Rd,
 Mount Vernon, WA 98274
 Ph. Fax: (907) 452-5054



BILLING DATE:	ACCOUNT NO:
11/09/21	46751

CITY OF MOUNT VERNON NOTICE OF APPLICATION

CITY OF MOUNT VERNON
 910 CLEVELAND AVE
 MOUNT VERNON, WA 98273

APPLICATION NAME/ NUMBER: PLAN21-0506
 McLaughlin Road Rezone

PROJECT DESCRIPTION: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). It should be noted that a short plat separating the two portions of the site is being processed concurrently.

PROJECT LOCATION: The property has not been addressed yet. It is located on the south side of McLaughlin Road on the eastern boundary of the City. The assessor parcel number is P24856, and it is a portion of the SE ¼ of the NW ¼ of Section 15, Township 34 N, Range 04 E W.M.

APPLICANT: Paul Woodmansee; PO Box 619; Sedro-Woolley, WA 98284
OWNER: McLaughlin Road LLC; PO Box 619; Sedro-Woolley, WA 98284
STAFF CONTACT: Marianne Manville-Ailles; Development Services Department; City of Mount Vernon 910 Cleveland Avenue, Mount Vernon WA 98273; Telephone - 360-336-6214

PUBLIC COMMENT PERIOD: Comments on the Notice of Application must be submitted, in writing, no later than **November 29, 2021**. Comments should be as specific as possible and those submitting comments are required to comply with the following:
 - All comments must include: (1) your full name, (2) your mailing address, and (3) the name of the proposal you are commenting on.
 - If you wish to submit comments electronically you must upload your comments into the city's

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
168842	CITY OF MOUNT VERNON	11/12/21	11/12/21	2	\$199.06

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
Discount:					\$0.00
Surcharge:					\$0.00
Credits:					\$0.00

Gross: **\$199.06**
 Paid Amount: **\$0.00**

Amount Due: **\$199.06**

We Appreciate Your Business!

Exhibit 3a

online permit portal because comments are NOT accepted via email. To upload comments into the City's permit portal navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>, once on this page you must create a user account by clicking "Sign Up" located at the upper right corner of the webpage. Once you have created and verified your user account log into the system and click on "Go" in the My Portal box, and then on the next page that appears click on "Apply" in the Apply Online box. On the new page that appears under Step 1 select "Public Comments" and on Step 2 select "Public Comments for Land Use Permits"

· Comments submitted on paper are required to be mailed to the address provided for the Staff Person listed within this notice.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Items submitted not meeting the requirements of this section are considered as not being received by the city. Any person may comment on the application, receive notice, and request a copy of the decision once it is made. To receive additional information regarding this project, contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's permit portal where the site plans, technical reports, and other pertinent information can be viewed by following these directions: navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home> once on this webpage click on the blue "GO" link under the heading "My Portal". Type in the project number identified in this notice into the search bar near the top of the screen. Click on the project number listed below the search bar when it appears.

**Published
November 12, 2021
SVH-168842**



Exhibit 3b

NOTICE OF PUBLIC HEARING

APPLICATION NAME & NUMBER: PLAN21-0506 McLaughlin Road Rezone

PROJECT DESCRIPTION: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). The rezone is necessary to make the site consistent with its Comprehensive Plan designation of Medium High Density Multi Family (MH MF).

PROJECT LOCATION: The site address is 4400 McLaughlin Road, Mount Vernon It is located on the south side of McLaughlin Road on the eastern boundary of the City. It is the eastern portion of assessor parcel number P24856, and it is a portion of the SE ¼ of the NW ¼ of Section 15, Township 34 N, Range 04 E W.M.

PROJECT APPLICANT:
Paul Woodmansee
PO Box 619
Sedro-Woolley, WA 98284

PROPERTY OWNER:
McLaughlin Road LLC
PO Box 619
Sedro-Woolley, WA 98284

PUBLIC HEARING: A public hearing on the above-described project will be held by the Mount Vernon Hearing Examiner on **THURSDAY, OCTOBER 30, 2025**, starting at 1 pm via video conferencing software. Those wishing to participate in this virtual hearing must call 360-336-6214 or email: PermitTech@mountvernonwa.gov no later than **12 PM ON OCTOBER 29, 2025** to receive information needed to participate in this virtual hearing.

Any person may comment on the application, receive notice, participate in hearing(s) if there are any, and request a copy of the decision or recommendation once it is made. The decision of the Hearing Examiner is a recommendation to City Council. Final decisions on the permits described in this Notice will be made by City Council at a future hearing. The final decision can be appealed. To receive additional information regarding this project – including how, when, and the time limitations should you wish to submit an appeal - contact the Development Services Department and ask to become a party of record

DOCUMENT COPIES:

The technical reports, plans, and other materials are available for public viewing by following the directions below:

1. Navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>
2. Click on the brown “GO” link under the heading “Public Notices”
3. Accept the Disclaimer
4. Type the project number (PLAN21-0506) into the search bar at the top of the screen
5. Click on the project number below the search bar

The project materials are also available by emailing the City at PermitTech@mountvernonwa.gov or calling (360) 336-6214 and requesting copies of these documents.

CITY CONTACT:

City of Mount Vernon, Development Services Department
Contact: Marianne Manville-Ailles
910 Cleveland Ave.
Mount Vernon, WA 98273
(360) 336-6214, PermitTech@mountvernonwa.gov

ISSUED & PUBLISHED: October 14, 2025

• NOTICE. OF LAND USE CHANGE

FOR INFORMATION CALL 360-336-6214

CITY OF MOUNT VERNON
NOTICE OF PUBLIC HEARING

APPLICATION NAME & NUMBER: PLAN21-0506 McLaughlin Road Rezone

PROJECT DESCRIPTION: The proposal is the rezoning of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (M-4). The rezone is necessary to make the site consistent with its Comprehensive Plan designation of Medium High Density Multi Family (MH MF).

PROJECT LOCATION: The site address is 1400 McLaughlin Road, Mount Vernon It is located on the south side of McLaughlin Road on the eastern boundary of the City. It is the eastern portion of assessor parcel number P34858, and it is a portion of the SE ¼ of the NW ¼ of Section 15, Township 34 N, Range 04 E W M.

PROJECT APPLICANT: Paul Woodmansee, PO Box 519, Sedro-Woolley, WA 98284

PROPERTY OWNER: McLaughlin Road LLC, PO Box 619, Sedro-Woolley, WA 98284

PUBLIC HEARING: A public hearing on the above-described project will be held by the Mount Vernon Hearing Examiner on **THURSDAY, OCTOBER 30, 2025**, starting at 9 pm via video conferencing software. Those wishing to participate in this virtual hearing must call 360-336-6214 or email: permits@mountvernonwa.gov, no later than 12 PM ON **OCTOBER 29, 2025** to receive information needed to participate in this virtual hearing.

Any person may comment on the application, receive notice, participate in hearing(s) if there are any, and request a copy of the decision or recommendation once it is made. The decision of the Hearing Examiner is a recommendation to City Council. Final decisions on the permits described in this Notice will be made by City Council at a future hearing. The final decision can be appealed. To receive additional information regarding this project - including how, when, and the time limitations should you wish to submit an appeal - contact the Development Services Department and ask to become a party of record.

DOCUMENT COPIES:
The technical reports, plans, and other materials are available for public viewing by following the directions below:

1. Navigate to: <https://www.mountvernon-wa.org/development-services/PublicHome>
2. Click on the screen "CITY" link under the heading "Public Notices"
3. Accept the Disclaimer
4. Type the project number (PLAN21-0506) into the search bar at the top of the screen
5. Click on the project number below the search bar

The online materials are also available by emailing the City of Mount Vernon at permits@mountvernonwa.gov or calling 360-336-6214 and requesting copies of these documents.

DEVELOPMENT CONTACT:
City of Mount Vernon, Development Services Department
Counselor: Melissa Harlow-Allen
810 Cleveland Ave.
Mount Vernon, WA 98275
(360) 336-6214, permits@mountvernonwa.gov



•NOTICE•
OF LAND USE CHANGE
FOR
INFORMATION
CALL
360-336-6214





**AFFIDAVIT OF POSTING
LAND USE CHANGE SIGN(S)**

PERMIT NUMBER: _____

① IDENTIFICATION OF PROPERTY WHERE LAND USE SIGN WAS POSTED:

ADDRESS:	PARCEL NUMBER(S):
----------	-------------------

② ACKNOWLEDGEMENT OF POSTING:

I hereby certify that I have posted the above-identified property with Land Use Change Sign(s) according to the following posting instructions:

SIGN POSTING INFORMATION AND INSTRUCTIONS

The proponent shall be responsible for posting sign(s) in a conspicuous location on each street frontage bordering the subject property. Each sign shall be visible and accessible for inspection by members of the public. This means that signs need to be posted such that a person does not have to walk more than a few feet onto a property to read the posted notice. In cases of unusual property location, configuration, size, etc., the Development Services (DS) Department shall determine the placement and number of signs required.

The sign(s) shall be posted by the proponent as required on the subject property at the direction of City staff. The proponent shall be responsible for removing the sign(s) within seven (7) calendar days after completion of the public hearing process. Place a copy of the Notice in the plastic bag, tape or staple the bag to each sign in the appropriate place, and post the sign(s) on the property as required.

- The sign shall be mounted on backing material (plywood, particleboard, or equivalent) and supported by at least two posts.
- Signs shall not be located where they may cause a traffic or pedestrian hazard.
- Signs shall not be attached to trees or other landscaping.

The date upon which I posted the Land Use Change sign(s) was: _____

Signature

Date

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 he/she/they signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the, _____ 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

PLACE NOTARY SEAL HERE

Notary Public
Residing at: _____
My appointment expires: _____

ADVERTISING PROOF

1215 Anderson Rd,
Mount Vernon, WA 98274
Ph. 360-424-4567



BILLING DATE:	ACCOUNT NO:
10/10/25	46309

**CITY OF
MOUNT VERNON
NOTICE OF PUBLIC
HEARING**

City of Mount Vernon Public Works
910 CLEVELAND AVE
MOUNT VERNON, WA 98273

APPLICATION NAME & NUMBER: PLAN21-0506
McLaughlin Road Rezone

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
682806	SVH-682806 PLAN21-05	10/14/25	10/14/25	2	\$182.92

PROJECT DESCRIPTION: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). The rezone is necessary to make the site consistent with its Comprehensive Plan designation of Medium High Density Multi Family (MH MF).

PROJECT LOCATION: The site address is 4400 McLaughlin Road, Mount Vernon It is located on the south side of McLaughlin Road on the eastern boundary of the City. It is the eastern portion of assessor parcel number P24856, and it is a portion of the SE ¼ of the NW ¼ of Section 15, Township 34 N, Range 04 E W.M.

PROJECT APPLICANT: Paul Woodmansee; PO Box 619; Sedro-Woolley, WA 98284

PROPERTY OWNER: McLaughlin Road LLC; PO Box 619; Sedro-Woolley, WA 98284

PUBLIC HEARING: A public hearing on the above-described project will be held by the Mount Vernon Hearing Examiner on THURSDAY, OCTOBER 30, 2025, starting at 1 pm via video conferencing software. Those wishing to participate in this virtual hearing must call 360-336-6214 or email: PermitTech@mountvernonwa.gov no later than 12 PM ON OCTOBER 29, 2025 to receive information needed to participate in this virtual hearing.

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
Discount:					\$0.00
Surcharge:					\$0.00
Credits:					\$0.00

Gross: **\$182.92**
Paid Amount: **\$0.00**

Amount Due: \$182.92

We Appreciate Your Business!

Any person may comment on the application, receive notice, participate in hearing(s) if there are any, and

Exhibit 3b

request a copy of the decision or recommendation once it is made. The decision of the Hearing Examiner is a recommendation to City Council. Final decisions on the permits described in this Notice will be made by City Council at a future hearing. The final decision can be appealed. To receive additional information regarding this project – including how, when, and the time limitations should you wish to submit an appeal - contact the Development Services Department and ask to become a party of record

DOCUMENT COPIES:

The technical reports, plans, and other materials are available for public viewing by following the directions below:

1. Navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>
2. Click on the brown “GO” link under the heading “Public Notices”
3. Accept the Disclaimer
4. Type the project number (PLAN21-0506) into the search bar at the top of the screen
5. Click on the project number below the search bar

The project materials are also available by emailing the City at PermitTech@mountvernonwa.gov or calling (360) 336-6214 and requesting copies of these documents.

CITY CONTACT:

City of Mount Vernon, Development Services Department
Contact: Marianne Manville-Ailles
910 Cleveland Ave.
Mount Vernon, WA 98273
(360) 336-6214, PermitTech@mountvernonwa.gov

**Published
October 14, 2025
SVH-682806**

Delaney Knox

From: Delaney Knox
Sent: Friday, October 10, 2025 3:37 PM
To: SVH Classified
Cc: Permit Tech; Marianne Manville-Ailles
Subject: City of Mount Vernon, Legal Notice (PLAN25-0506) Notice of Public Hearing
Attachments: PLAN21-0506 Mclaughlin Rd Rezone NPH PUBLISHED.docx

Hello:

Please publish the attached on Tuesday, October 14, 2025.

Thank you,

Delaney Boudreau-Knox

Senior Permit Technician



Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 | **WEB:** www.mountvernonwa.gov

PERMIT PORTAL: <https://ci-mountvernon-wa.smartgovcommunity.com>



WARNING: Please be advised the City of Mount Vernon is required to comply with Chapter 42.56 RCW, Public Records Act. This means that information you submit to the City via email (including personal information) is likely subject to disclosure as a public record.



AFFIDAVIT OF MAILING & EMAILING

I Delaney Knox, hereby declare as follows:

1. I am an employee of the City of Mount Vernon, Mount Vernon, Washington, a United States citizen, over the age of eighteen years, and am competent to testify to the matters set forth herein.
2. I scheduled mailing to the parties contained on the attached list and verified this mailing was postmarked on: 10/14/2025
3. I emailed the parties contained on the attached list a copy of the materials accompanying this Affidavit.
4. Attached to this notice is a copy of the items mailed and emailed to the attached lists.

By signing my name below I am certifying under penalty of perjury under the laws of the State of Washington that the statements and attachments contained in/to this Affidavit are true and correct.

This Affidavit was signed on 10/13/2025

A handwritten signature in blue ink that reads "Delaney Knox".

Delaney Knox

After you created a PDF of this Affidavit complete the below-listed steps:

1. Attach a copy of the notice being mailed and emailed.
2. Attach a copy of the names and addresses the subject notice was mailed and emailed to.
3. Attach a copy of the email that was sent out.



Exhibit 3b

NOTICE OF PUBLIC HEARING

APPLICATION NAME & NUMBER: PLAN21-0506 McLaughlin Road Rezone

PROJECT DESCRIPTION: The proposal is the redesignation of the eastern portion of the site FROM Public (P) TO Multi-Family Residential (R-4). The rezone is necessary to make the site consistent with its Comprehensive Plan designation of Medium High Density Multi Family (MH MF).

PROJECT LOCATION: The site address is 4400 McLaughlin Road, Mount Vernon It is located on the south side of McLaughlin Road on the eastern boundary of the City. It is the eastern portion of assessor parcel number P24856, and it is a portion of the SE ¼ of the NW ¼ of Section 15, Township 34 N, Range 04 E W.M.

PROJECT APPLICANT:
Paul Woodmansee
PO Box 619
Sedro-Woolley, WA 98284

PROPERTY OWNER:
McLaughlin Road LLC
PO Box 619
Sedro-Woolley, WA 98284

PUBLIC HEARING: A public hearing on the above-described project will be held by the Mount Vernon Hearing Examiner on **THURSDAY, OCTOBER 30, 2025**, starting at 1 pm via video conferencing software. Those wishing to participate in this virtual hearing must call 360-336-6214 or email: PermitTech@mountvernonwa.gov no later than **12 PM ON OCTOBER 29, 2025** to receive information needed to participate in this virtual hearing.

Any person may comment on the application, receive notice, participate in hearing(s) if there are any, and request a copy of the decision or recommendation once it is made. The decision of the Hearing Examiner is a recommendation to City Council. Final decisions on the permits described in this Notice will be made by City Council at a future hearing. The final decision can be appealed. To receive additional information regarding this project – including how, when, and the time limitations should you wish to submit an appeal - contact the Development Services Department and ask to become a party of record

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CITY CONTACT:

City of Mount Vernon, Development Services Department
Contact: Marianne Manville-Ailles
910 Cleveland Ave.
Mount Vernon, WA 98273
(360) 336-6214, PermitTech@mountvernonwa.gov

ISSUED & PUBLISHED: October 14, 2025

Exhibit 3b

OwnerName	PERMIT NUMBER	OwnerAdd2	OwnerCity	OwnerStat	OwnerZip
CURRENT OCCUPANT/OWNER	PLAN25-0173	4120 MCLAUGHLIN ROAD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4138 MCLAUGHLIN RD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	12618 20TH PLACE WEST	EVERETT	WA	98204
CURRENT OCCUPANT/OWNER	PLAN25-0173	4176 MCLAUGHLN ROAD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	PO BOX 2723	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4119 AUTUMN WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4137 AUTUMN WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4155 AUTUMN WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	1118 HILTY LANE	BOW	WA	98232
CURRENT OCCUPANT/OWNER	PLAN25-0173	4191 AUTUMN WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4122 AUTUMN WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4140 AUTUMN WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4156 AUTUMN WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	1003 CLEVELAND AVE	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	1111 CLEVELAND AVE STE 203	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	PO BOX 1017	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	21147 MCLAUGHLIN RD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	1650 PORT DR	BURLINGTON	WA	98233
CURRENT OCCUPANT/OWNER	PLAN25-0173	PO BOX 619	SEDRO WOOLLEY	WA	98284
CURRENT OCCUPANT/OWNER	PLAN25-0173	4205 EAST COLLEGE WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	14063 MCLAUGHLIN EXTENSION ROAD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	14067 MCLAUGHLIN EXTENSION ROAD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	21131 MCLAUGHLIN ROAD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, A, 101	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, A, 201	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, A, 203	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, A, 301	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, A, 303	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 1	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 104	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 106	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 108	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 110	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 112	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 114	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 202	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 204	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 206	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 208	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 210	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, B, 212	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 101	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 103	MOUNT VERNON	WA	98273

Exhibit 3b

CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 105	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 107	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 201	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 203	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 205	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 207	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 301	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 303	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 305	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, C, 307	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 102	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 104	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 106	MOUNT VERNON	WA	98273
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CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 204	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 206	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 302	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 304	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, D, 306	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 102	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 104	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 106	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 108	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 202	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 204	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 206	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 208	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 302	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 304	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 306	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 EAST COLLEGE WAY, E, 308	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4103 E COLLEGE WAY	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4156 MCLAUGHLING ROAD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4192 MCLAUGHLIN ROAD	MOUNT VERNON	WA	98273
CURRENT OCCUPANT/OWNER	PLAN25-0173	4173 AUTUMN WAY	MOUNT VERNON	WA	98273
Alexis Elliott	PLAN25-0173	3828 McLaughlin Rd	Mount Vernon	WA	98273
Monty & Patricia McCormick	PLAN25-0173	4008 Summersun St	Mount Vernon	WA	98273
James & Elette Ferguson	PLAN25-0173	3933 Summersun St	Mount Vernon	WA	98273
Kathleen & Alfred Kolar	PLAN25-0173	3915 Autumn Way	Mount Vernon	WA	98273
Alice Smith	PLAN25-0173	3872 Summersun St	Mount Vernon	WA	98273
Marcelline Reynolds	PLAN25-0173	3884 Summersun St	Mount Vernon	WA	98273
John & Mary Lucas	PLAN25-0173	3941 Summersun St	Mount Vernon	WA	98273
Robert Dodson	PLAN25-0173	3928 McLaughlin Rd	Mount Vernon	WA	98273
Robert K. Porter	PLAN25-0173	3812 McLaughlin Rd	Mount Vernon	WA	98273

Exhibit 3b

Joan M. Porter	PLAN25-0173	3812 McLaughlin Rd	Mount Vernon	WA	98273
David Malone	PLAN25-0173	3938 Autumn Way	Mount Vernon	WA	98273
David Sloat	PLAN25-0173	3938 Autumn Way	Mount Vernon	WA	98273
Ellen Anderson & Kent Turner	PLAN25-0173	3820 McLaughlin Rd	Mount Vernon	WA	98273
Timothy Manns	PLAN25-0173	1218 S 13th St	Mount Vernon	WA	98274
Bryan Fauchald	PLAN25-0173	4000 Summersun St	Mount Vernon	WA	98273
Norm Barber	PLAN25-0173	3811 Autumn Way	Mount Vernon	WA	98273
Christie Caldwell (Dept. Fish & Wildlife)	PLAN25-0173	16018 Mill Creek Blvd	Mill Creek	WA	98012
Molly Dorn (Skagit Land Trust)	PLAN25-0173	PO Box 1017	Mount Vernon	WA	98273
Max Morange (Skagit Land Trust)	PLAN25-0173	PO Box 1017	Mount Vernon	WA	98273
Rick Koglin	PLAN25-0173	4010 McLaughlin Rd	Mount Vernon	WA	98273
Steve Squires	PLAN25-0173	4138 McLaughlin Rd	Mount Vernon	WA	98273
Tim Ferguson	PLAN25-0173	4032 Summersun St	Mount Vernon	WA	98273

COMMENT REGARDING McLAUGHLIN ROAD SHORT PLAT PLAN 21-0552

Submitted 11/29/2021 by Alan L. Parsons, residing at 4063 Autumn Way, Mt. Vernon 98273

My home is in the Summersun Estates development in east Mount Vernon. During the flooding on Nov. 22, 2021, there was a foot of water on the street in front of my house on Autumn Way, and the water level was 1/4 of the way up my driveway.

It appears that the storm water system was simply unable to handle the volume, and water backed up through the storm drains on Autumn Way.

The retention pond intended to handle the storm water is located offsite, in wetlands to the east of our development. The retention pond was completely submerged during this event on Nov. 22.

In addition, there is a walking path bordering wetland areas on the south side of the subdivision. The water was within inches of the top of the rock wall on the north side of the walking path.

Had water breached this rock wall, it would likely have continued north and run down onto Autumn Way, further flooding Autumn Way and endangering homes with flooding and likely creating restricted access to homes.

See pictures below:



Exhibit 4a



Exhibit 4a

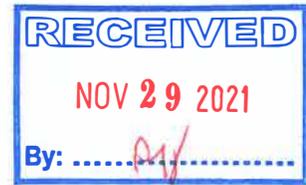
My concern regarding the McLaughlin Road Short Plat (Plan 21-0552), and the proposed improvements of a church and multi-family housing, is simply how the stormwater will be handled. Based on the water level observed on Nov. 22, 2021 it would appear that the wetland was "full" and any further runoff being drained into or pumped into the area would have resulted in higher flooding levels on Autumn Way.

My question is: what provisions for stormwater runoff have been incorporated into the proposed design of the church and multi-family improvements? And are they still considered to be adequate based on the Nov. 22 flooding event?

Before proceeding, couldn't/shouldn't the wetland analysis and calculations be updated with the actual results of the Nov. 22 flooding event and the project re-evaluated accordingly ?

A handwritten signature in black ink, appearing to read "Alan Sparrow". The signature is written in a cursive style with a horizontal line underneath the name.

Exhibit 4b



November 29, 2021

To: Mount Vernon Planning Department

Re: Public Comment, McLaughlin Road Short Plat, PLAN 21-0552

Thank you for the opportunity to comment on the proposed rezoning of a portion of parcel 24856, along McLaughlin Road. I applaud the city's efforts to find places for affordable housing but am concerned that we are relegating the least fortunate in our community to live in the poorest sites. The recent flooding has made it clear that this parcel is subject to significant flooding and putting people in harms way by placing houses and parking spaces on this parcel will put residents at risk every time there is a moderate flood. And it is very likely to get worse (see Skagit Climate Science Consortium model: <http://www.skagitclimatescience.org/flood-scenario-map/>). People will have to evacuate repeatedly, move vehicles and it is likely that there will be repeated property damage to their homes and their belongings. As a community we should not be siting housing in these areas.

I am also concerned about water quality and the impact of putting both a church, with an associated parking lot and multifamily housing, with parking, in an area that floods frequently. Building with floods running through the buildings and parking areas by design is short-sighted and cannot but lead to contamination of the river and surrounding properties.

Please consider the impacts to water quality and to the lives of those who would be living in these homes before you rezone.

Thank you,

A handwritten signature in blue ink that reads "Brenda Cunningham".

Brenda Cunningham

1218 South 13th St

Mount Vernon

Exhibit 4c



To: Mount Vernon Planning Department Public Comment
Re: Public Comment-McLaughlin Road Short Plat PLAN21-0552

I am deeply concerned about this project plan as it relates to an area that has recently experienced severe flooding. I feel that to build affordable housing in a known flood area with potential for future floods is not only environmentally irresponsible, but does not support the city's goal of providing low cost housing in secure environments. In light of all the economic injustices that have been exposed through our collective covid experience, it's disheartening to me that housing for those that can least afford it would have a good chance of facing the extreme financial burdens, displacement, and trauma that flooding causes. I have no objection to affordable housing in my neighborhood, it is needed, more than ever, but I do object to building it in an area that will flood and impact many who are already financially stressed and will have limited resources for recovery.

A handwritten signature in black ink that reads "Ellen Anderson".

Ellen Anderson
3820 McLaughlin Rd
Mount Vernon
11-29-21

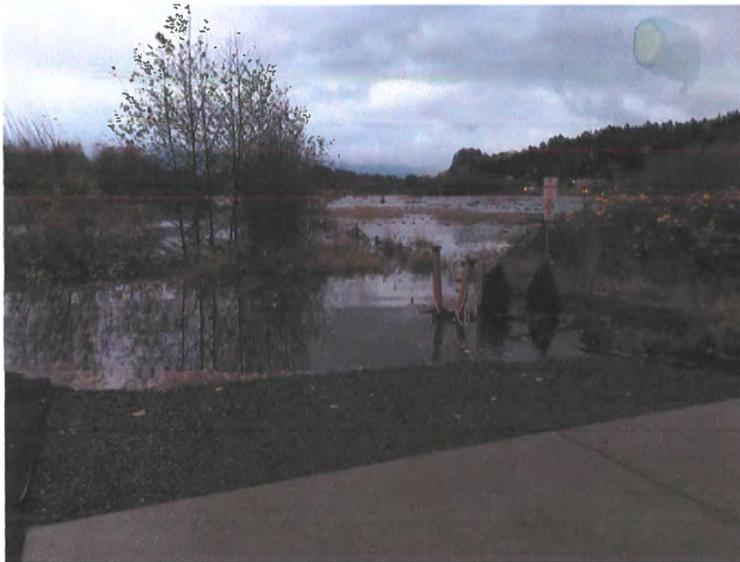
Exhibit 4d

Comments on McLaughlin Road
Rezone plan 21-0506
Short plat 21-0552



November 29, 2021

John and Marie Paxson
4191 Autumn Way
Mount Vernon, Wa 98273



The flooding of November 22 sharpened our concern for the wetlands adjacent to our property. The development of a church and multi-family residential structure in this location is a disaster in the making. The new structures will definitely be flooded and will displace water currently absorbed by the open wetland area which can make the water level higher in SummerSun.

Exhibit 4d



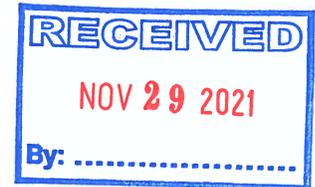
McLaughlin Road and Autumn Way both had water over the roadway. Autumn Way was inaccessible to lower clearance vehicles for a period of time. The water level on the walking path was very close to the top of the rock retaining wall and did displace some of the large rockery rocks, if it had breached the wall-the low section on Autumn Way would have flooded significantly more.

How can you mitigate something like this? Climate change is going to make this a regular occurrence according to the experts.

Our other concern is that McLaughlin Road is inadequate for the increased traffic flow.

Exhibit 4e

To: Mount Vernon Planning Department
Re: Public Comment, McLaughlin Road Short Plat, PLAN 21-0552, Parcel P24856



I appreciate the opportunity to comment on the application for planning rezone to accommodate multi-family affordable housing on one parcel and a partnered church on a second parcel to remain in public use.

While I support the idea of affordable high-density housing in the area and in the neighborhood, I do have concerns related to the advisability of significant development in the proposed location. Substantial portions of each parcel were flooded by several feet of water during the recent November 16, 2021 floods (see photos 1,2). The area is within the 100 year floodplain. Many recent reports have stated that having a 1% chance of flooding annually actually provides a 26% probability of flooding within a standard 30 year mortgage (USGS website, floods and recurrence intervals). Equally important, the area is adjacent to significant conservation lands.

Conservation Context

The adjacent areas to the south and east contain several hundred acres of lands within the Trumpeter Creek and Nookachamps Basin conserved as Skagit Land Trust's Barney Lake Conservation Area to protect critical open water, wetland and working resource lands. Over-wintering populations of waterfowl, including Canada geese, trumpeter swans, and many other species find refuge in the area. Skagit Environmental Wetland Mitigation Bank is nearby. Both Trumpeter Creek, which flows through the subject property, and Nookachamps Creek nearby provide important habitat for salmon.

Potential for Flooding – and Associated Water Quality Impacts

The November 16, 2021 Skagit River flood event inundated within approximately 160 to 220 feet of the McLaughlin Road for the entire northern frontage of both parcels (see photos 2, 3, 4,5). The Summersun development detention pond was entirely submerged, with water surface reaching to the tops of small trees along the dike of the pond (see photo 1). Any development in this area would seem to need significant planning and mitigation to prevent routine surface runoff from degrading water quality by reaching the nearby ditch tributaries of Trumpeter Creek, as well as the wetland areas of the greater Nookachamps basin. Any development would seem to need significantly more pond retention on site than the already existing Summersun pond, to prevent runoff in significant rainfall periods as well as flood events and loss of the retention area. A large church (see website for the proposed 18,000 square foot structure and many scores of parking spaces) will have significant impervious surfaces, requiring even greater need to control surface runoff from degrading water quality in significant wetland conservation areas.

Planning Context

The applicant references several city land use goals in support of the rezone. I think three of these are highly pertinent. The application references land use objective 1.1 which is to balance residential public land uses such as parks, social and religious uses, where appropriate, into residential neighborhoods . . . uses shall be sited, designed, and scaled to be compatible with the existing residential character." In relation to this goal the applicant states, "rezoning this parcel will allow for balance of residential/multifamily use and public land use and allows for proposed church to be built and

Exhibit 4e

integrated into a residential area creating a versatile community.” I refer back to the policy language that the “uses shall be sited, designed and scaled to be compatible with the existing residential character.” I refer to the Citipoint Church website, <http://www.citipointchurch.com/building-for-the-future.html>, which provides a rendering of the proposed church. A two story 18,000 square foot facility does not seem to be designed or scaled to be compatible with either the existing residential community, single entry traffic patterns, nor the high scenic and environmental value of the surrounding conservation lands.

The applicant references goal 16 to retain and enhance existing natural features and protection of critical areas . . . site layouts which will be sensitive to the environmental constraints and optimize open space and views.” In reference to this goal the applicant states, “the site has critical areas located in the southwest area that will be protected and unharmed while allowing for multi-family and public projects.” The spirit of this goal 16 “to retain and enhance existing natural features and protection of critical area . . . and optimize open space and views” would seem to suggest planning to protect more than the identified core creek and riparian restrictions but consider the entire context of the regional conservation lands. While the application does state that the southwest section significant areas will be protected, it does not seem that an 18,000 square foot two story facility with large impervious parking areas will be sensitive to existing natural features and critical areas nor optimize open space and views.

The application cites land use goal 24 to protect, enhance, restore existing flood storage and conveyance functions and ecological values of floodplains. My two largest concerns related to development in the area is whether the retention infrastructure planned will 1) be able to retain the impervious surface runoff, particularly from large surface parking areas; and 2) whether the area will withstand the high probability of flooding without impairing local water quality in the significant adjacent conservation areas. I believe any zoning decision should reflect careful deliberations and adequate assurance of that mitigation.

Autumn Way within Summersun neighborhood flooded during the November 16, 2021 for about 100 feet of the road at the lowest point where there are two storm drains, one on either side of the road. (See photo 6). This flooding was not directly tied to surface waters; a reasonable conclusion is that the storm drains backed up, due to the detention basin being under water, as was the entire Trumpeter Creek watershed and basins to the east and south of Autumn Way. This would seem an indication that there are already issues associated with removing water from the area during high flood events, even with curbs and a storm drainage system. It would seem likely that the parcels in question would face and potentially worsen the same issues. It also is worth considering if the greater area of impervious surfaces and berms associated with the new neighborhood may affect storm flow on adjacent properties.

The Skagit River water level gage at Mount Vernon shows that ten of the highest thirty recorded levels recorded since 1906 have occurred since 2000 (the 36.79 event November 21, 2021 is the fifth highest). Climate models for western Washington suggest that it is the potential for greater intensity within the fall low pressure storms that generally produces flooding. The Mclaughlin Road Short Plat gives elevations for the property. During the recent flooding event, it was clear that the water level along the gravel road to the detention pond matched the elevation of the river’s flood crest. (See photo 1 below) It does not seem prudent to build affordable higher density multi-family housing in such a high probability flood zone.

Exhibit 4e

In summary, the parcels contain portions of the Trumpeter Creek floodplain and are adjacent to significant conservation areas, including wetland mitigation bank areas, salmon recovery areas, and significant bird and waterfowl areas. Any plans approved for rezone or development should show the capacity for retaining surface waters on the property, the potential of flood event impacts on surface drainage infrastructure, and mitigation to protect water quality within the creeks and conservation wetlands.

Kent Turner

Kent Turner, 3820 McLaughlin Road, Mount Vernon



Photo 1. November 16, 2021 Kent Turner. Looking south down detention pond road. Tree tops in water in mid-range are tops of trees along retention pond dike path.

Exhibit 4e



Photo 2. November 16, 2021. Kent Turner. Looking east from end of Autumn Way, Summersun. This split rail fence is visible in application “existing conditions” graphic, in southwest quadrant of retained public use parcel. Note several feet of water still extending to north or left in this photo.

Exhibit 4e



Photo 3. November 16, 2021. Kent Turner. Looking south from detention pond road towards last house on McLaughlin Road. Note flooding slightly uphill of large tree on south side of that property. That tree is visible and flood distance from road measureable, on google earth; approximately 180 feet.

Exhibit 4e



Photo 4. November 16, 2021. Kent Turner. Looking ESE along split rail fence from end of Autumn Way. Note water visible through tall trees on left margin.

Exhibit 4e

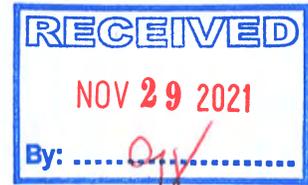


Photo 5. November 16, 2021. Kent Turner. Looking SE from end of Autumn Way. Split rail fence is visible in application “existing conditions” site map in southwest quadrant of public use remain parcel.

Exhibit 4e



Photo 6. November 16,2021. Kent Turner. Looking east down Autumn Way. Note flooding in road and on sidewalks at low point in road in vicinity of two storm drains. This flooding was not contiguous with the adjacent flooded areas.



November 29, 2021

City of Mount Vernon
Development Services
910 Cleveland Avenue
Mount Vernon, WA 98273

Re: Proposed rezone of parcel P24856 along McLaughlin Road

To Whom It May Concern:

I am writing to comment on the proposed rezone of Parcel P24856 on McLaughlin Road into two parcels, one to be the site of a large church (P), the other for construction of multifamily residences (R-4). I appreciate the opportunity to comment.

I have lived in Mount Vernon for 29 years and value the fact that our city accommodates housing for a wide range of income levels and also has ecologically significant areas protected by both public and private entities. I strongly support the need for building additional affordable housing in Mount Vernon, and I appreciate the significant role BYK is apparently playing in building such housing in Skagit County's towns and cities. However, the recent flooding here has dramatically shown that P24856 is not an appropriate location for large structures of any type, whether a church or an apartment building. For this reason, I urge that the rezoning request not be granted. I also note the fact that within Mount Vernon and its Urban Growth Area there are many potential building locations without flooding risk. The need for affordable housing can be met without putting financially disadvantaged residents in harm's way.

At the height of the recent flooding I drove to the gate along College Way which opens onto Skagit Land Trust's Barney Lake Conservation Area. Water occupied the entire area from the gate and across Trumpeter Creek to within a short distance of McLaughlin Road, extending well onto the property proposed for rezone. I learned that the stormwater retention pond on that property had been completely overwhelmed and water backed onto an adjacent street.

The parking area of the proposed church and multi-family building or buildings will add very significantly to the runoff already not being adequately handled. Clearly, flood waters would flood up to and around structures not built very close to McLaughlin Road. Contaminated water from parking areas and flooded cars will flow to salmon-bearing Trumpeter Creek, which crosses the corner of P24856 and continues across Skagit Land Trust property to Nookachamps Creek, also, of course, salmon-bearing.

In reviewing the Master Land Use Application Form for this proposed rezone I was surprised to see a "Yes" check mark next to the question of whether the property is in a flood zone. Is this alone not sufficient to prohibit development? The second surprise was seeing the applicant's statement in the Rezone Application Form (page 10 of the pdf), citing Land Use Goal 24, that,

Exhibit 4f

“The proposed church and multifamily building designs allow for flood waters to flow through the ground levels reducing significant impact.” I realize I am perhaps being naïve in asking if our city is deliberately allowing additional construction in flood-prone areas. We should be taking an immediate lesson from this month’s floods and not imagining that in a time of climate change this was a one off.

The recent flooding has shown that the delineation of wetlands on P24856, assuming that includes areas potentially subject to flooding, is inaccurate. I would venture to bet that the best supported climate change scenarios are not predicting a drier future for Nookachamps Basin, including this site. I suggest that if the City approves the proposed rezone it be with the proviso that only those parts of P24856 which did not flood in the recent event can be considered for development of any sort.

I appreciate the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Manns", written in a cursive style.

Timothy Manns
1218 South 13th Street
Mount Vernon, WA 98274



PLAN 21-0506 and PLAN 21-0552: McLaughlin Rd Re-Zoning

These comments are from my earlier comment letter, but I have added more toward the end, since what I wrote before has not changed, the road conditions are still not good, but now there also is flooding in the proposed areas.

I live on McLaughlin Road and there is an issue with the intersection of McLaughlin and Martin Roads. The turn lane on McLaughlin presents some risk because the owners are allowed to park their vehicles along the curb in front of their homes in the subdivision, and that lane of cars basically extends to Martin, leading to a crush at the junction.

In addition the older homes to the north side of McLaughlin have multiple cars parked in front, well into the road at times, leading to almost an obstacle course down the road.

Adding traffic from multiple housing and a church will create more dangerous situations since the McLaughlin entrance to the development is more convenient for some homes inside the development than the twisty Summersun entrance closer to College Way.

Plus we have a lot of 9-5 traffic on McLaughlin up to the properties on the McLaughlin extension, so a great deal of congestion will be created on a street that is already periodically busy.

Building high-density multi-family housing next to a nature preserve also seems like poor planning. How will the preserve be protected from over-usage by tenants wishing to get into more open space?

I understand that there is a plot plan for a street from the development area to College Way, which would mitigate some of the pressure on McLaughlin, but there would still be traffic from anyone wishing to get into Burlington more quickly.

Plus, building both multiple structures and a road on or close by the preserve also seems counter-productive, since spots like this along the Western Flyway should be left as quiet as possible for the migrating and resident wildlife.

It would seem to be more prudent, if it's felt that open land should be developed, to continue with single housing to cut down on the impact, and keep multi-

Exhibit 4g

housing along the busier College Way area, leaving more protection for the nature preserve.

There was an announcement of low-income housing at the old Summersun entrance, and it would seem more prudent to add multi-housing in the same area of that development and keep the open area more protected.

Currently, from the last storms, the areas involved have been impacted by water accumulation, since basically the whole nature preserve area and beyond became a new lake. This obviously will lead to further issues in the future if built upon.

I also understand that the church plans include an underground garage, again, the current flooding situation will definitely impact a hole deeper than land level, which seems like poor engineering to me.

I still am concerned that these plans have already reached this point without more notice to impacted residents, late notices and early response dates again do not seem to be the best way to honor the thoughts of local residents, who will be most impacted by developing beautiful natural open space.

Skagit County is noted for its' lovely natural vistas and wildlife, please don't make the environment even worse for wildlife.



Ursula M. Bassolino

4192 McLaughlin Road

Mount Vernon, WA 98373-9157

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October 22, 2025

Marianne Manville-Ailles
Senior Planner, Development Services Department
City of Mount Vernon
910 Cleveland Avenue
Mount Vernon, WA 98273

Subject: PLAN21-0506 McLaughlin Road Rezone

Ms. Manville-Ailles,

While the Subject proposal may be considered as an administrative procedure just to align the proposed zoning change (Multi-Family Residential R-4) with the previous Comprehensive Plan redesignation (Medium High Density Multi Family) of Parcel P24856 Lot 2, there remain significant concerns the City Council should consider before approving the Subject proposal.

Among these concerns for the residents of SummerSun Estates in Ward 2 and for the City of Mount Vernon more broadly are the following:

- A focus only on Housing and Land Use Elements of the Comprehensive Plan, critical as they are, without a balanced look at the Transportation Elements of the Comprehensive Plan.
- A gap of well over four years since the Comprehensive Plan redesignation decision (December 28, 2020) raising questions about the currency of the rezoning filing.
- ITE data (Appendix B) indicates the cumulative impact of this multi-family development added to the current volume and approved church will exceed McLaughlin Road capacity.
- A piecemeal development since 2020 (Appendix A) has masked the cumulative traffic impact that will negatively impact the current residents of SummerSun Estates.
- Dependency on a Level of Service (LOS), macro-level traffic volume analysis from over five years ago that is not sufficient as a site-specific, future traffic impact assessment.
- Challenges for mitigating risks and properly maintaining McLaughlin Road given the varied street classifications and jurisdictions along its length.
- Potential development of over (90) acres in Skagit County on the North side of McLaughlin Road (Appendix A) will exceed the traffic capacity even with widening and improvements.
- Exacerbation of safety concerns related to the Citipoint Church Master Plan (PLAN25-0173) that led to a traffic review as part of the Approved with Conditions determination.

This 3-page letter and Appendices A through C form the basis of my objections to this rezoning proposal and serve as my input to the Public Hearing on October 30, 2025. I strongly urge the Hearing Examiner and Mount Vernon City Council to disapprove.

At a minimum, a detailed traffic study (consistent with the traffic study approach referenced in Appendix C) of the cumulative traffic impact McLaughlin Road developments will have within Transportation Analysis Zone (TAZ) 329 should be required prior to any approval.

Comprehensive Plan Concerns

As noted on the City of Mount Vernon’s website, and assumed to be front-of-mind for the City Council, Mount Vernon's Comprehensive Plan is “*the city's fundamental policy document that will guide growth from 2016 to 2036*”, and it is being updated for 2025 – 2045.

The Housing, Land Use, and Transportation Elements can be viewed as a strong and stable three-legged platform on which to address the serious housing challenges in Mount Vernon.

These housing challenges, along with the Comprehensive Plan Housing and Land Use Elements to address them, have been cited in support of this rezoning and its associated redesignation in various planning documents.¹

However, there does not appear to have been any specific or significant consideration of the Comprehensive Plan Transportation Element, what the Plan cites as forming, “the backbone of the citywide planning model which is used for the City’s Transportation Element update.”

Appendix A provides (15) specific concerns where Transportation Element Policies have either not been considered or the development along McLaughlin Road is at odds with these policies.

Traffic Volume Increase Concerns

Beyond the negative impact of this development on these Transportation Element policies outlined in Appendix A along with other traffic-related concerns, there could well be a significant increase in the volume of traffic using McLaughlin Road. That will exacerbate the complex traffic flow where McLaughlin Road, Martin Road, and Trumpeter Boulevard intersect.

As outlined in Appendix B, the addition of this Multi Family development of upwards of (156) dwellings² to the already increasing volume due to the approval of the Citipoint Church development will negatively impact the immediate area of SummerSun Estates, and more broadly Transportation Analysis Zone 329.

The results of this significant cumulative impact on the residents of SummerSun Estates and on those living in Skagit County on the North side of McLaughlin Road, as outlined in Appendix B, are highly concerning and could be as high as a:

- 151% increase in Weekday Trips (136% of the “Neighborhood Road” capacity)
- 125% increase in Weekday Peak Hour Trips.

Even at a lower Multi Family number of (78) dwellings³, the impact could be as high as a:

- 92% increase in Weekday Trips (equal to the “Neighborhood Road” capacity)
- 80% increase in Weekday Peak Hour Trips.

¹ Staff Report for 2020 Comprehensive Plan Amendments dated November 17, 2020; the applicant’s Master Land Use Application Form received by the City of Mount Vernon on August 27, 2021; and the Staff Report for Preliminary Short Plat signed April 10, 2025.

² Transportation Concurrency Determination (August 14, 2020)

³ Transportation Concurrency Determination (August 14, 2020)

In addition to this significant weekday impact, Sunday Trips from Citipoint Church could add another 378 trips just from its Sunday peak hour alone.

Conclusion

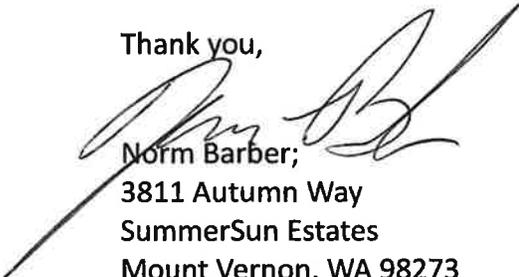
The *Notice of Hearing Examiner Decision* regarding PLAN25-0173 4206 McLaughlin Road Master Plan & SEPA issued on October 13, 2025 states that there is *“no indication in the record that impacts to the intersection have been considered by traffic professionals of either the Applicant or City staff.”*

That is the point. No specific traffic analysis has been completed on any aspect of Parcel P24856. Not now and not in 2020.

As a senior technical professional I have more than 40 years dealing with complex technical data. What the data in Appendix B, summarized above, suggest to me is that, as related to the cumulative traffic volume and the impact to the Comprehensive Plan Transportation Elements, this rezoning proposal has a very significant problem.

That problem should be acknowledged by the Hearing Examiner and Mount Vernon City Council by requiring any final recommendation in support of *PLAN21-0506 McLaughlin Road Rezone* be accompanied by a current, granular, and cumulative traffic study regarding McLaughlin Road as the transportation “backbone” for this proposed development and any future development.

Thank you,



Norm Barber;
3811 Autumn Way
SummerSun Estates
Mount Vernon, WA 98273
(917) 902-9780

Attachments:

- Appendix A - Comprehensive Plan and Transportation Analysis Zone 329 Impacts
- Appendix B - Traffic Impact and Data Analysis
- Appendix C – Kindred Community Church (LUC 560) Traffic Study

Appendix A – Comprehensive Plan and Transportation Analysis Zone 329 Impacts

This appendix provides concerns regarding PLAN21-0506 McLaughlin Road Rezone related to:

- Impacts to the Comprehensive Plan Transportation Element policies.
- Development challenges within Transportation Analysis Zone (TAZ) 329.
- Use of traffic Level of Service as an analytic foundation for site-specific traffic analysis.
- Realities of McLaughlin Road to be the transportation “backbone” for development.
- Traffic-related concerns about future Skagit County development impacting TAZ 329.

Comprehensive Plan Transportation Element Policy Impacts

Among the Comprehensive Plan Transportation Elements that should be considered are the policies, below. These policies are presented along with the concerns (underlined with areas of applicability) associated with this proposal for rezoning under PLAN21-0506.

- Policy 1.1.1: Access management, such as restricting left turns and excessive use of driveways, should be coordinated with design standards and land use plans to enhance public safety and preserve traffic carrying capacity.
 - The section of Martin Road as a Minor Arterial roadway narrows at the critical intersection with cross streets McLaughlin Road and Trumpeter Boulevard. There is no room for needed left or right turn lanes onto McLaughlin restricting access management.
 - The safety of this intersection will be reviewed as a condition of the related Citipoint Church Master Plan approval, however that review is only based on Citipoint Church not the cumulative impact on public safety. It is the cumulative impact that is critical.
 - Potential future land use of over 90 acres on the North side of McLaughlin Road in Skagit County could negatively impact public safety and road carrying capacity. This possibility should be factored into any cumulative traffic impact study.
- Policy 1.1.2: Each street in the City should be assigned a functional classification based on factors including traffic volumes, type of service provided, land use, and preservation of neighborhoods.
 - Only a short length of McLaughlin Road is fully in the jurisdiction of Mount Vernon with the remainder shared with Skagit County making any remediation or improvements due to future volume from developments a challenge.
 - As a dead-end, posted “No Outlet” street, McLaughlin Road is not fully classified as a “Neighborhood Street” while other parts are classified as “Other (Outside City).”
 - The piecemeal development along McLaughlin Road with varied land uses is negatively impacting the preservation of the SummerSun Estates neighborhood.

Exhibit 4h
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- Policy 1.1.3: Streets and pedestrian paths in residential neighborhoods should be arranged as an interconnecting network that serves local traffic and facilitates pedestrian circulation.
 - Local traffic exiting Summersun Street as one of only two exits from SummerSun Estates will experience increased traffic from both the (now approved) Citipoint Church and future Multi Family development when congestion occurs.
 - With significantly increased volume through the already challenged intersection of Martin Road, McLaughlin Road, and Trumpeter Boulevard lacking proper turn lanes from the minor arterial will make the current pedestrian crossings more dangerous.
- Policy 1.1.4: Provide a balance between protecting neighborhoods from increased through traffic while maintaining access to neighborhoods.
 - With anticipated congestion at the Martin Road / McLaughlin Road intersection, cut-through travel is expected despite the winding Summersun Street and parked cars.
 - The anticipated cumulative increased traffic volume from both the Citipoint Church and the future Multi Family development will come close to, if not exceed, the 1,500 daily trip capacity of McLaughlin Street.
- Policy 1.1.5: Phase implementation of transportation plans concurrently with growth to allow adequate transportation facilities and services to be in place concurrent with development; or, if the transportation network cannot be feasibly expanded to accommodate the adopted land use plan and the adopted level-of-service, for financial, geographic, or other reasons, re-examine land use, level-of-service, and economic inputs to establish a balance.
 - The development of the Citipoint Church (approved on October 13, 2025) quickly followed by the rezoning proposal hearing (published on October 14, 2025) and developers stated desire to make road improvements on McLaughlin road across the entirety of Parcel P24856 frontage at the same time confirms the developer's plans are not a phased approach and the traffic increase will be more of a step function.
- Policy 1.2.2: Manage access along all principal and minor arterial corridors, and access points to residential, commercial, and industrial development. Utilize adopted Access Management techniques to preserve the flow of traffic on the road system while providing adequate access to adjacent land uses. These could include: limit the number of driveways (usually one per parcel); locate driveways away from intersections; and connect parking lots and consolidate driveways to create more pedestrian-oriented street design and encourage efficiency of both land uses and the adjacent transportation system.
 - Martin Road as a Minor Arterial roadway has no turning lanes in either direction onto McLaughlin Road or Trumpeter Boulevard causing road access and traffic flow to be compromised and traffic safety jeopardized.
 - Compounding this compromised access condition, this intersection is the point where Martin Road is dramatically narrowed. This condition has been identified in the Comprehensive Plan Transportation Element for improvement.

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- **Policy 1.5.3: Continue to apply mitigation strategies to reduce the traffic impact of new development.**
 - Other than the over five-year-old *Transportation Concurrency Determination* (August 14, 2020) neither applicant nor Mount Vernon have submitted further traffic analysis to develop any mitigation strategies.
 - While outside the purview of Mount Vernon to approve development, a combination of parcels totaling over (90) acres will potentially have access to the widened and improved McLaughlin Road.

Development Within Traffic Analysis Zone 329

Within the Traffic Analysis Zone (TAZ) 329 outlined in the Comprehensive Plan Transportation Element, Exhibit 1, are the following roadways:

- Martin Road classified as a “Minor Arterial” roadway with a right turning lane to McLaughlin Road, but no left turning lane to McLaughlin Road.
- Trumpeter Boulevard classified as a “Neighborhood Street” with a median strip.
- McLaughlin Road including various portions classified as a “Neighborhood Street” and “Other (Outside City)” under jurisdictions that vary with Skagit County.
- The current SummerSun Estates, developed in two phases, with Autumn Way and Summersun Street both classified as a “Neighborhood Street.”
- The intersection of Martin Road, McLaughlin Road, Trumpeter Boulevard the safety of which is to be reviewed as condition of the Citipoint Church Master Plan approval.

Exhibit 1



Source: Transportation Element - Figure 4.0 Transportation Analysis Zones

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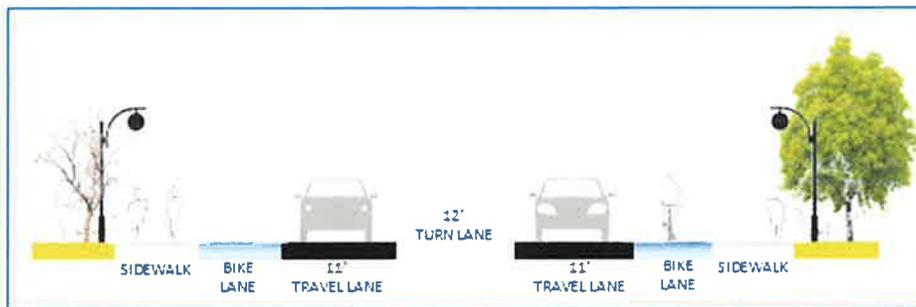
From the Comprehensive Plan Transportation Element Section 3.2 Roadway Classifications, the above roadway classification definitions are:

- Minor arterials serve as connecting roads between neighborhoods, provide for some through trips, with additional provisions for local access. Minor arterials also provide access to major community-wide traffic generators, such as hospitals and high schools.
- Neighborhood streets provide access to adjacent properties with limited provision for through traffic.

As to the capacity of a Neighborhood Street with 2 lanes, a typical Right-of-Way of 50 – 60 feet and speed limit of 20 – 35 mph, the *Finding of Facts* section of the *Notice of Hearing Examiner Decision* regarding PLAN25-0173 states, “*The City’s congestion standards don’t apply to neighborhood streets such as McLaughlin Road. Nonetheless, as noted in City responses to public comment, neighborhood streets have a capacity of 1,500 trips.*”

The profile of a Minor Arterial, such as Martin Road, is depicted in Exhibit 2. It should be noted that Martin Road at the intersection with McLaughlin Street has neither a right turn lane nor left turn lane. There also is no left turn lane from Martin Road on to Trumpeter Boulevard.

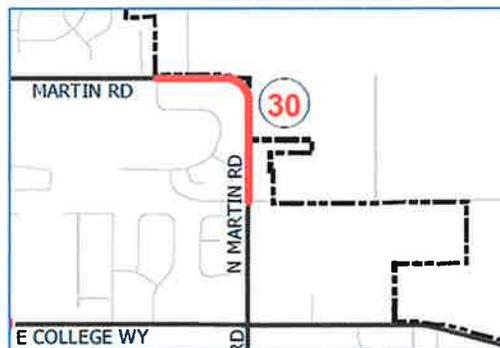
Exhibit 2



Source: Comprehensive Plan Transportation Element Section 3.2 Roadway Classifications

This intersection also is the point where a significant narrowing of Martin Road occurs that continues to 34th Place. This narrow section of Martin Road has been identified for improvement as depicted in Exhibit 3 from *Transportation Element - Figure 4.1*.

Exhibit 3



The point is that the intersection where increased traffic using McLaughlin Road turning from and onto Martin Road will be facing increasing risks of back up and potential accidents.

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Part of the concern with the development of Parcel P24856 within TAZ 329 (Lot 1 as a church and Lot 2 as multi-family dwellings – this rezoning proposal), has been the inconsistency in granularity regarding the development studies and filings.

At times studies supporting the now approved church development, like the *Transportation Concurrency Determination* (August 14, 2020), the *Critical Areas Assessment Report* (April 8, 2024 - Revised), and the *Cumulative Rise Analysis* (June 25, 2021), the lens has been set at the parcel level, including the Multi Family Lot 2.

At other times, the lens has zoomed in to the Lot level only as with the *Staff Report for Citipoint Church Master Plan Hearing Examiner Recommendation* (September 17, 2025). An example of the SummerSun Estates resident frustration is noted in the hearing transcript regarding the Citipoint Master Plan (PLAN25-0173) on page 21 of 27 from the *Notice of Hearing Examiner Decision* issued on October 13, 2025.

Regarding concerns about the lack of specifics about the Multi Family development on Lot 2, the city's response was, "...the city can't review projects that we don't have an application for. I don't know what's going to happen over here. We know that the developer has some ideas about it."

It should be noted that the *Notice of Public Hearing* regarding this rezoning (PLAN21-0506 McLaughlin Road Rezone) was issued and published on October 14, 2025. Literally the next day following the publishing of the Citipoint Church Master Plan decision.

More concerning, however, is that the lens has not zoomed fully back out to look at the cumulative impact of traffic volume and safety. The purpose of the *Transportation Concurrency Determination* (August 14, 2020) was, "findings and recommendations associated with the non-project transportation concurrency review for the proposed 2020 Mount Vernon Comprehensive Plan amendments."

It was a macro-level study, with certain inherent drawbacks to be used as a site-specific traffic study as will be discussed in the Limitations of LOS for Specific Traffic Impact Studies section further below.

Development Challenges

The development along McLaughlin Road has resulted from a set of piecemeal filings from two development LLCs, under the same leadership, to implement a long-term vision since 2004 resulting from the acquisition of the Summersun Greenhouse property.

This vision was described in detail during the public hearing related to the Citipoint Church Master Plan – PLAN25-0173 (see *Notice of Hearing Examiner Decision* issued October 13, 2025; testimony of Marco Martinez on behalf of Paul Woodmansee on page 9 of 27).

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In Appendix B there is *pro forma* analysis of how these developments impact traffic volume within TAZ 329 as individual Elements and the cumulative effect which individual filings by the developer make less clear.

Further, since McLaughlin Road has become a “backbone” of development in TAZ 329, the land on its North side cannot be ignored...even if it is not in the purview of the City of Mount Vernon.

Limitations of LOS for Specific Traffic Impact Studies

One anticipated response to the issues raised in this zoning change objection might be that this has already been studied as part of the *Transportation Concurrency Review*, dated August 8, 2020 developed by Transportation Systems Inc. (TSI), now over five-years old. The trip generation from that report is shown below as “Table 2 Trip Generation.”

Land Use Number	Description	ITE LUC	Quantity ¹	Trip Rate	% In	PM Pk Hr Trips		
						In	Out	Total
ENGR19-0018	Low-Rise Multifamily	220	156 DU	0.56	63%	55	32	87
	Church	560	40 ksf	0.40	45%	7	9	16
<i>ENGR19-0018 Subtotal</i>						62	42	103

Source: Page 2; *Transportation Concurrency Review*, TSI; 8/14/2020

TSI also developed the Level of Service (LOS) analysis that was part of the *Comprehensive Plan Transportation Element* using a PM Peak Hour trip measurement (see Exhibit 5), below.

Exhibit 5



Given the purpose of a macro-level analysis across the entirety of Mount Vernon with roadways ranging from I-5 down to Private Roads, having a common reference (i.e., PM Peak Hour trips) is a logical approach. However, when evaluating a specific set of developments with very different traffic patterns this LOS approach has some drawbacks the City Council should consider.

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As noted by TSI in *Appendix B of the Comprehensive Plan Transportation Element* in a letter regarding *Traffic Forecasting Technical Memorandum* dated December 14, 2015, “*The accuracy of a travel demand model depends on the underlying land use data, i.e. the location, quantity, and nature of housing and employment.*”

Using a macro-level LOS model for a site-specific analysis with very diverse land uses—such as single-family homes, a church, and a multi-family development all served by a single (even widened and improved) Neighborhood Street - can introduce several limitations. Some of these limitations include the following:

- **Oversimplification of Traffic Patterns**
 - Macro LOS models often aggregate traffic data across broad areas or corridors, which can mask localized variations in traffic generation and peak demand.
 - For example, churches may have intense but infrequent peak traffic (e.g., Sunday mornings), while multi-family housing generates more consistent daily flows.
- **Inadequate Temporal Resolution**
 - These models typically use average daily traffic (ADT) or peak hour volumes, which may not capture the unique temporal spikes from land uses like churches.
 - This can lead to underestimating congestion during specific time windows.
- **Limited Sensitivity to Land Use Diversity**
 - Macro models may not differentiate well between trip generation rates, modal splits, or parking demand across land use codes.
 - Trip generation rates can vary significantly when using the Institute of Transportation Engineers (ITE) Trip Generation Manual and its Land Use Codes (LUCs).
 - LUC 210 (single-family) has different trip profiles than LUC 220 (multi-family), which may include more transit or shared trips.
- **Neglect of Local Context and Behavior**
 - Cities often have unique travel behaviors, such as higher pedestrian or bicycle use, or different vehicle occupancy rates, which macro models may not reflect.
 - Churches might attract regional visitors, while housing developments serve residents—this affects trip length and distribution.
- **Potential Misalignment with Infrastructure Needs**
 - Macro LOS may suggest improvements based on generalized congestion thresholds, potentially leading to overbuilt or misaligned infrastructure.
 - For example, widening roads based on a macro-LOS model might conflict with local goals for walkability or traffic calming.

Exhibit 4h
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- Inflexibility for Scenario Testing
 - Evaluating future development scenarios or policy interventions (e.g., adding a bike lane on McLaughlin Road) is harder with macro models, which lack granularity.

As depicted in Exhibit 5, above, a PM Peak Hour trip measurement is only a one-hour slice of the 24-hour traffic pattern.

Evaluating the PM Peak Hour trip volume does not mean traffic volume does not exist in a meaningful way at other points during the day. The weekly pattern of a neighborhood consisting of single-family houses, a large church facility, and multi-family dwellings can have multiple peaks – not just on weekday, but throughout the entire week.

A better alternative for developments within TAZ 329 is a micro-level analysis that offers finer-grain resolution and can incorporate land use-specific trip generation, turning movements, and multimodal impacts. An example of this finer-grain resolution analysis is included in Appendix C.

Further, as noted in the Approval with Conditions of the Citipoint Church Master Plan (PLAN25-0173), there remain concerns requiring the review of, *“the safety and circulation impacts of added traffic at the McLaughlin/Martin intersection. There is no indication in the record that impacts to the intersection have been considered by traffic professionals of either the Applicant or City staff.”*

Skagit County Development Impacting TAZ 329

Along the North side of McLaughlin Road are (3) parcels, circled in red (Exhibit 6), in Skagit County with over 90 acres in as follows:

- Parcel P24819 (14.24 acres).
- Parcel P24802 (42.35 acres).
- Parcel P24807 (33.85 acres).

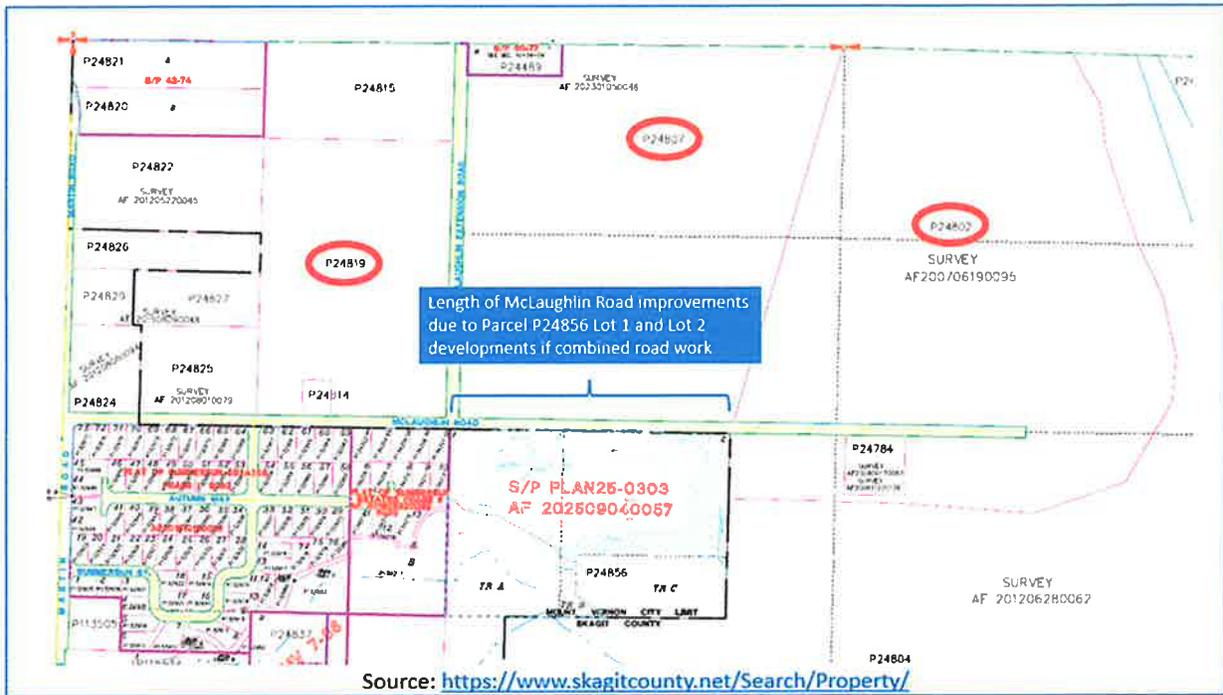
Any development of these parcels in Skagit County would add an unsupportable load on McLaughlin Road and the intersection of Martin Road, McLaughlin Road, and Trumpeter Boulevard that would be well above capacity.

It should be noted that development analysis has already been undertaken by BYK Construction in the form of a *Limited Geotechnical Evaluation* dated March 11, 2022 submitted as part of the public record associated with the Citipoint Master Plan (PLAN25-0173).

It is a reasonable assumption that, given the value of this land and the need for additional housing as part of both the City of Mount Vernon and Skagit County comprehensive plans, development along McLaughlin Road will occur.

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Exhibit 6



Appendix B – Traffic Data Analysis and Rezoning Impact

This appendix focuses on the use of data from the Institute of Transportation Engineers (ITE) Trip Generation Manual 12th Edition. It also calculates specific trip values for Land Use Codes (LUCs) from similar studies and publicly available information related to the cumulative analysis. The individual analyses are as follows:

- Baseline of current trip estimates for SummerSun Estates (LUC 210)
- Additional future trip estimates for Citipoint Church (LUC 560)
- Additional future trip estimate for the proposed Multi-Family (LUC 220)

ITE Trip Generation Manual Data Analysis Background

The August 14, 2020 *Transportation Concurrency Determination* used in the Master Plan Staff Recommendation for Approval is over five years old. It was based on old data from the 10th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. As of August 2025, that manual is now in its 12th edition. The latest version has addressed:

- Data Refinement. Pre-1990 data removed in the 12th Edition to improve accuracy and relevance. This means older trip rates that may have skewed averages—especially from outdated suburban or rural settings—are no longer influencing the results.
- Expanded Sample Size. The 12th Edition includes more recent study sites for churches, increasing the reliability of trip estimates. These sites span urban, suburban, and rural contexts, offering a broader view of how churches generate trips today.
- Multimodal Trip Data. The 12th Edition introduces pedestrian, bicycle, and transit trip estimates for churches, which were not included in the 10th Edition. This is especially useful for urban planners considering non-auto access to places of worship.
- Updated Independent Variables. While the 10th Edition primarily used gross floor area (GFA) as the independent variable, the 12th Edition includes additional variables like seating capacity or congregation size, depending on the data available. This allows for more tailored trip generation estimates based on how churches operate.
- Time-of-Day and Pass-By Trip Data. The 12th Edition provides time-of-day distributions and pass-by trip data, helping planners better understand peak traffic periods—especially for Sunday services or special events.
- Practical Implications. Traffic impact studies for new or expanded churches will now reflect more realistic trip volumes, especially in post-pandemic contexts. Multimodal planning is easier with the inclusion of non-vehicle trips.

Baseline Traffic Volume

As of the date of this filing of objection, most of the traffic impacting McLaughlin Road is generated in relation to the (86) single-family medium density dwellings in SummerSun Estates from both the Phase I and Phase II developments.

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Using publicly available ITE data the resulting trip estimates are as follows:

ITE Trip Generation Manual – 12th Edition

- **Land Use Code:** 210 – Single-Family Detached Housing
- **Unit of Measure:** Number of dwellings
- **Trip Rate from Generator and Result:**
 - Average Daily Trips: 9.5 trips per dwelling = (@86 dwellings) 817 trips
 - Peak Hour Trips: 0.75 trips per dwelling = (@86 dwellings) 65 trips

These results are close to the city’s staff response in the *Staff Report for Citipoint Church Master Plan Hearing Examiner Recommendation (PLAN25-0173)*, page 9 of 12, where the city staff stated “the 86-home located in Summersun would generate approximately 860 trips per day.”

Given this similarity to the rates discovered through publicly available data and studies and those used by the city, the same sources are considered as reasonable for the cumulative impact of the approved Citipoint Church Master Plan and the Multi Family development related to this rezoning proposal.

It should be noted that the 2020 *Transportation Concurrency Determination* was studied for the entirety of Parcel P24856. It, therefore, creates foundation for this analysis.

The unit of measure used in the 2020 *Transportation Concurrency Determination* for Land Use Code 560 (Church) was 1,000 square feet of gross floor area (ksf GFA). Likewise, the unit of measure for Land Use Code 220 (Low Rise Multi Dwelling) was the number of dwelling units.

To maintain an “apples-to-apples” comparison, that units of measure used for this analysis along with their values used in the 2020 *Transportation Concurrency Determination* were “40” (for 40,000 sq. ft.) and “156” for dwelling units. An additional analysis is offered using a lower number of dwelling units as referenced in the 2020 *Transportation Concurrency Determination*.

Additional Traffic Volume – Citipoint Church

As of the date of this filing of objection, the *Citipoint Church Master Plan (PLAN25-0173)* has been Approved with Conditions. The building proposed under that plan has a 17,040 sq. ft. footprint and two stories high or approximately 34,000 sq. ft. As noted above, for consistency in comparison purposes, the 40,000 sq. ft. estimate from the 2020 *Transportation Concurrency Determination* is used.

Using publicly available ITE data the resulting trip estimates are as follows:

ITE Trip Generation Manual – 12th Edition

- **Land Use Code:** 560 – Church
- **Unit of Measure:** 1,000 square feet of gross floor area (ksf GFA)
- **Trip Rate from Generator and Result:**
 - Sunday Peak Hour: 9.44 trips per ksf = (@40 ksf) 378 trips
 - Weekday PM Peak Hour: 0.55 trips per ksf = (@40 ksf) 22 trips
 - Average Weekday Daily Trips (1): 6.95 trips per ksf = (@40 ksf) 278 trips

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Additional Traffic Volume – Multi Family

As of the date of this filing of objection, the Multi Family remains in its planning stage that has included the following:

- Redesignation of a portion of the site from Church to Medium High Density Multi-Family (PLAN20-0028/PLAN20-0030). Notice of Decision was issued on December 28, 2020.
- A two-lot Short Plat (PLAN21-0552). Transmitted to applicant on April 10, 2025.
- Proposal to align zoning to Comprehensive Plan designation (PLAN21-0506), the Subject property.

As noted above, for consistency in comparison purposes, the (156) dwelling value from the 2020 *Transportation Concurrency Determination* is used. A second estimate is calculated using the (78) dwelling value also referenced in the 2020 *Transportation Concurrency Determination*.

ITE Trip Generation Manual – 12th Edition

- **Land Use Code:** 220 – Low Rise Multi Dwelling
- **Unit of Measure:** Number of dwellings
- **Trip Rate from Generator and Result:**
 - Average Daily Trips: 6.1 trips per dwelling = (@156 dwellings) 952 trips
 - AM Peak Hour Trips: 0.38 trips per dwelling = (@156 dwellings) 59 trips

ITE Trip Generation Manual – 12th Edition

- **Land Use Code:** 220 – Low Rise Multi Dwelling
- **Unit of Measure:** Number of dwellings
- **Trip Rate from Generator and Result:**
 - Average Daily Trips: 6.1 trips per dwelling = (@78 dwellings) 476 trips
 - AM Peak Hour Trips: 0.38 trips per dwelling = (@78 dwellings) 30 trips

Cumulative Impact

Appendix A cites the *Finding of Facts* section of the *Notice of Examiner Decision* regarding PLAN25-0173 that states, “neighborhood streets have a capacity of 1,500 trips,” which is attributed to Mount Vernon Public Works.

The results of this potential cumulative impact on the residents of SummerSun Estates and to those living in Skagit County on the North side of McLaughlin Road could be as high as a:

- 151% increase in Weekday Trips (136% of the “Neighborhood Road” capacity)
- 125% increase in Weekday Peak Hour Trips.

Even at the lower dwelling estimate of (78), the cumulative impact could be as high as a:

- 92% increase in Weekday Trips (equal to the “Neighborhood Road” capacity)
- 80% increase in Weekday Peak Hour Trips.

In addition to this significant weekday impact, Sunday Trips from Citipoint Church could add another 378 trips just in its peak hour alone.

Additional Traffic Impact - Other Factors

In addition to the data analysis above, that indicates a significant traffic congestion risk to the Mount Vernon citizens living along, or within SummerSun Estates adjacent to, McLaughlin Road, there are other factors that amplify this risk as follows:

- Concentration of Traffic at Access Points
 - With only one access point to Martin Road (other than cutting through SummerSun Estates), all trips funnel through this location.
 - This can lead to higher peak-hour volumes, queuing, and delays at the McLaughlin Road and Martin Road intersection.
- No Through Traffic – SummerSun Estates
 - A “closed” community (even without gates) typically experiences less cut-through traffic, which can reduce conflict points and improve internal safety.
 - However, any backup on McLaughlin Road leaving Citipoint Church / Multi Family dwellings or on Martin Road heading to these properties may increase cut-through traffic despite the curves on Summersun Street.
- Increased vehicle flow during peak periods
 - Can result in shorter gaps in traffic for backing out leading to a higher likelihood of hesitation or delays resulting in the potential for near misses if visibility is limited.
- Emergency Access and Circulation
 - Access challenges to SummerSun Estates and additionally Citipoint Church and the Muti Family dwellings can limit access for emergency response, evacuation planning, and internal circulation, especially during peak hours or special events.

McLaughlin Road Complex Mitigation and Maintenance

The varied designations by the Mount Vernon Transportation Map (MVTP) and jurisdiction lines between the City of Mount Vernon and Skagit County regarding McLaughlin Road will make any mitigation or maintenance complexities a concern:

- The length of McLaughlin Road from the corner of Martin Road (considered as a Minor Arterial roadway by the MVTP) to a point across from SummerSun Phase I, Lot 70 (3828 McLaughlin Road), is a curbed city road, is considered a “Neighborhood Road” by the MVTP, and under the jurisdiction of the City of Mount Vernon.
- The next length of McLaughlin Road from that point at SummerSun Phase II, Lot 70 (3828 McLaughlin Road) to the Eastern end of SummerSun Phase II, Lot 5 (4192 McLaughlin Road) remains a curbed road, is considered as Other (Outside of City) by the MVTP, and the jurisdiction is shared between the City of Mount Vernon (Southern half) and Skagit County (Northern half).

Exhibit 4h
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- The next length of McLaughlin Road including the intersection with McLaughlin Road Extension is the frontage associated with the Citipoint Church Master Plan that will be *“improved to include a 28-foot driving surface, curb, gutter, planting strip and sidewalk on the south side of the road.”* It would also be considered as Other (Outside of City) by the MVTP, and the jurisdiction is shared between the City of Mount Vernon (Southern half) and Skagit County (Northern half).
- The final length that will support any future development on Lot 2 of Parcel P24856 or development on the North side on McLaughlin Road governed by Skagit County remains an unimproved rural road classified as Other (Outside of City) by the MVTP. The jurisdiction is shared between the City of Mount Vernon and Skagit County as noted above.

If this road continues to be expanded on a lot or development at-a time-basis due to filing technicalities, the cumulative impact on the current residents living along McLaughlin Road and those living in SummerSun Estates using McLaughlin Road as one of only two exits from the development will be missed. That growing impact makes this a dire situation traffic-wise.

Appendix C – Kindred Community Church (LUC 560) Traffic Study

Summary: This study is provided as an example of a site-specific traffic study using data from the Institute of Transportation Engineers (ITE) Trip Generation Manual for Land Use Code 560 (churches). This objection regarding PLAN21-0506 McLaughlin Road Rezone recommends a study scope similar to this be required.

Source: <https://www.anaheim.net/DocumentCenter/View/43235/Appendix-H>

February 11, 2021

Steven Camp, AIA
Elements Architecture
6B Liberty, #100
Aliso Viejo, CA 92656

RE: Trip Generation Evaluation for the Kindred Community Church Improvement Project

Dear Mr. Camp:

AGA Engineers, Inc. (AGA) is pleased to present to you the summary of the trip generation evaluation regarding the proposed improvement project for the Kindred Community Church, located at 8712 E. Santa Ana Canyon Road in the City of Anaheim. This analysis is based on the proposed improvements which involve four additional modular structures and improvements to the main church building. The proposed total additional square footage is 9,813 square feet and the seating capacity will be increased by 180 seats. The project is expected to be completed in Year 2022. The analysis evaluated how many new trips are expected based on the proposed improvements utilizing both the additional square footage and number of new seats. Although the proposed project is providing an increase in building size and parking, the weekday operations will be moved offsite and therefore there will be significantly less weekday church traffic. Attached are the proposed site plans.

Trip Generation

The Institute of Transportation Engineers (ITE) *Trip Generation Manual 10th Edition* uses thousands of studies across the nation to determine common trip generation characteristics by land use, assigning both inbound and outbound trips throughout the weekday AM and PM peak hours and Saturday/Sunday peak periods by proportion. Each vehicle accessing the project site would therefore be considered to generate two trips: one inbound trip when arriving and one outbound trip when departing. Using the *Manual*, the anticipated project trip generation was determined using parameters given by ITE Land Use Code #560, *Church*.

The project's trip generation was analyzed based on both the proposed additional square footage and number of new seats for both weekday and Sunday peak periods. Although the weekday operations will be moved offsite, the weekday trip generation was still evaluated. The trip generation calculation per square footage showed that there will be an additional three weekday AM peak hour trips, six weekday PM peak hour trips, and 99 Sunday peak hour trips. Tables 1a/1b show the trip generation analyses utilizing the additional square footage.

**Exhibit 4h
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Mr. Steven Camp
February 11, 2021
Page 2 of 4

**Table 1a – Weekday Project Trip Generation
(per 1,000 square feet)**

ITE Trip Generation Rates¹ - Weekday								
ITE Code 560: Church	Daily	AM Peak Hour			PM Peak Hour			
		In	Out	Total	In	Out	Total	
<i>Trip rates per 1,000 square feet</i>	6.95	0.198	0.132	0.330	0.221	0.270	0.490	
<i>Percentages</i>	100%	60%	40%	100%	45%	55%	100%	
Project Trip Generation - Weekday								
ITE Code 560: Church	Additional Square Footage	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Trip Generation	9,813	69	2	1	3	3	3	6
New Project Trips		69	2	1	3	3	3	6

¹ Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Ed. (2017)

**Table 1b – Sunday Project Trip Generation
(per 1,000 square feet)**

ITE Trip Generation Rates¹ - Sunday					
ITE Code 560: Church	Daily	Sunday Peak Period			
		In	Out	Total	
<i>Trip rates per 1,000 square feet</i>	27.63	4.80	5.19	9.99	
<i>Percentages</i>	100%	48%	52%	100%	
Project Trip Generation - Sunday					
ITE Code 560: Church	Additional Square Footage	Daily	Sunday Peak Period		
			In	Out	Total
Trip Generation	9,813	272	48	51	99
New Project Trips		272	48	51	99

¹ Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Ed. (2017)

**Exhibit 4h
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Mr. Steven Camp
February 11, 2021
Page 3 of 4

The trip generation calculation per seat showed that there will be an additional two weekday AM peak hour trips, six weekday PM peak hour trips, and 98 Sunday peak hour trips. Tables 2a/2b show the trip generation analyses utilizing the additional number of seats.

**Table 2a – Weekday Project Trip Generation
(per seats)**

ITE Trip Generation Rates ¹ - Weekday								
ITE Code 560: Church	Daily	AM Peak Hour			PM Peak Hour			
		In	Out	Total	In	Out	Total	
<i>Trip rates per seat</i>	0.44	0.005	0.005	0.010	0.012	0.018	0.030	
<i>Percentages</i>	100%	50%	50%	100%	40%	60%	100%	
Project Trip Generation - Weekday								
ITE Code 560: Church	New Seats	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Trip Generation	180	80	1	1	2	3	3	6
New Project Trips		80	1	1	2	3	3	6

¹ Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Ed. (2017)

**Table 2b – Sunday Project Trip Generation
(per seat)**

ITE Trip Generation Rates ¹ - Sunday					
ITE Code 560: Church	Daily	Sunday Peak Period			
		In	Out	Total	
<i>Trip rates per seat</i>	1.21	0.265	0.275	0.540	
<i>Percentages</i>	100%	49%	51%	100%	
Project Trip Generation - Sunday					
ITE Code 560: Church	New Seats	Daily	Sunday Peak Period		
			In	Out	Total
Trip Generation	180	218	48	50	98
New Project Trips		218	48	50	98

¹ Institute of Transportation Engineers (ITE), Trip Generation Manual, 10th Ed. (2017)

Exhibit 4h
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Mr. Steven Camp
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The project's maximum Sunday peak hour trip generation based on the additional square footage is expected to be 99 trips, which is just less than the City of Anaheim's threshold of 100 AM or PM peak hour trips. It should be noted that the City's threshold typically accounts for weekday AM or PM peak hour where traffic conditions are significantly higher along the City's arterials. This project is expected to actually generate less weekday traffic as the weekday operations will be moved offsite. City of Anaheim engineering staff have already evaluated the estimated trip generation analysis and stated that a traffic study will not be required. Per City staff, if any street improvements are conducted as part of this project and/or the project size will increase, then a traffic study may be required. The email from the City stating that a traffic study is not required is attached.

Should you have any questions, please me or at the following email address.

Greg@agaengineersinc.com,

Respectfully submitted,

ALBERT GROVER & ASSOCIATES



Greg Wong, P.E.
Vice President

ATTACHMENTS – Proposed Site Plans and City Email
Armed Community Church - Trip Generation Evaluation (2-11-21).docx

Exhibit 4i

Madison Bowman

Development Planner, BYK Construction Inc.

702A Metcalf Street

Sedro-Woolley, WA 98284

360-755-3101

October 28, 2025

City of Mount Vernon

Department of Community & Economic Development

910 Cleveland Avenue

Mount Vernon, WA 98273

Developer Response to Public Comments – PLAN21-0506 McLaughlin Road Rezone

Dear Hearing Examiner and Community Members,

Thank you for the opportunity to respond to the public comments submitted regarding the proposed rezone on McLaughlin Road. We appreciate the thoughtful input from residents and acknowledge the concerns raised, particularly those related to traffic, infrastructure, and neighborhood impacts.

While the City is responsible for contracting with traffic consultants, conducting traffic concurrency reviews, and determining compliance with the Comprehensive Plan, we as the developer recognize our role in supporting responsible growth and community well-being. In response to the key concerns:

- **Rezone History:** In 2020, a comprehensive plan amendment was submitted to initiate the rezone of the subject property to support future multifamily development. While the amendment was approved, the rezone could not be formally enacted until the property was legally subdivided. This subdivision process experienced delays due to unforeseen permitting challenges, including extended review timelines and coordination with multiple agencies.

Exhibit 4i

As of this submission, BYK Construction does not have any active development proposals for the multifamily-designated lot. However, we recognize the importance of proactive planning and responsible growth. To that end, we recommend that a new traffic impact analysis be conducted at the time a formal development application is submitted. This will ensure that any future project is evaluated under current traffic conditions and projected growth patterns, allowing for appropriate mitigation measures to be identified and implemented. The goal is to maintain safe and efficient access for both existing and future residents, while supporting the city's long-term transportation and land use objectives.

- **Traffic and Safety:** We understand the importance of evaluating cumulative traffic impacts. Although concurrency is managed by the city, we are committed to coordinating with staff to ensure that our frontage improvements and development plans support safe and efficient circulation and encourage the city to analyze safety and congestion concerns near the Martin Road/McLaughlin Road intersection.
- **Infrastructure Phasing:** Our current development plans include frontage improvements along McLaughlin Road, and we are committed to coordinating with both the City and Skagit County to ensure these upgrades are consistent, safe, and beneficial to the broader transportation network.
- **Jurisdictional Coordination:** We acknowledge the complexity of McLaughlin Road's shared jurisdiction and are moving through the permitting process with both the City and Skagit County to ensure our street frontage improvements are consistent and maintainable.
- **Emergency Access and Neighborhood Preservation:** Emergency access and internal circulation have been thoughtfully integrated into the future site planning of multifamily development to ensure safe and efficient movement for first responders. BYK has reviewed the emergency access circulation for both the Citipoint Church project and any anticipated development of Lot 2. An emergency access easement, designated for city vehicles only, is recorded under AF#201905150035 on parcels P134211 and P134212. A continuation of the emergency access easement through Lot 1 of Short Plat No. PLAN25-0303, as recorded under AF#202510280020, will provide future emergency access, if required by the city, for any multifamily development on Lot 2.
- **Flooding and Environmental Suitability:** We are aware of the concerns regarding seasonal flooding and drainage. All development will comply with applicable critical areas regulations and stormwater management standards to ensure environmental suitability and resilience. Two cumulative rise analyses have been completed by

Exhibit 4i

Northwest Hydraulic Consultants to evaluate the impact of both Citipoint Church and any potential multifamily development on flood water levels. The findings of those studies resulted in no measurable rise in flood levels due to development on these two lots.

We value community input and remain committed to transparency and collaboration throughout the planning and development process. Please feel free to reach out with any questions or requests for further information.

Sincerely,

A handwritten signature in cursive script that reads "Madison Bowman". The signature is written in black ink on a light-colored background.

Madison Bowman

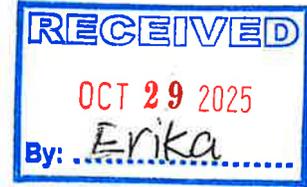
Development Planner

BYK Construction, Inc.

J Dunlap
PermitTech@mountvernonwa.gov
Tue, Oct 28, 2025, 5:21PM

*Hand delivered
10/29/25*

Marianne Manville-Allies,
Senior Planner
Development Services Department
City of Mount Vernon WA



Plan 21-0506
McLaughlin Road Rezone

Public Hearing
Thursday 10/30/2025 1:00 PM
----- 0 -----

Relevant to the rezone:

Imagine you are in your home, but now going by are

"1687 new car trips per day
On a narrow road with only a single sidewalk"
not made for that many trips.

Changing the zoning on this property will
add up to 150 units
Or 1500 new car trips per day.

Plus the already church approved
187 new car trips per day.

How do you expect residential home owners of Summersun
To get onto McLaughlin Road?
And then on to Martin Road?

Neither planners, nor one of the biggest builders in the county, has suggested a single migration to
ease the extreme double increase in traffic for Summersun.

Do we hear speed bumps,

do we hear traffic circles,
do we hear 4 way stops?
No, we hear nothing, except
Something might come later.

Does that sound like pass the buck?

Isn't it part of the planning department's job to mitigate for the neighboring homeowners too?

*"We believe this rezone
should be kept at the
lowest number of units possible to mitigate its residential
single-family neighborhood."*

Jack and Patricia Dunlap
3922 Autumn Way
Mount Vernon WA 98273
(360) 899-5242

Get [Outlook for iOS](#)



DATE: 10/27/2025

TO: Marianne Manville Ailles
Senior Planner

FROM: Alan Danforth – Development Review Engineering Manager

SUBJECT: PLAN21-0506 – Response to Citizen concerns

Purpose

This memo addresses the subject line re-zone in relation to traffic concerns that citizens have expressed during the comment period for the hearing.

Existing Conditions

- McLaughlin Road is classified as a Type 3 Neighborhood Street.
- North Martin Road is classified as a Minor Arterial.
- Both roads have a posted speed limit of 25 mph.
- The intersection of North Martin Road and McLaughlin operate under two-way stop control.
- Sight distance at the intersection is adequate on both roads.
 - Engineers from Development Services and Public Works conducted an on-site review and found no significant concerns with the current intersection configuration or general operation.

Concurrency Study Summary

A licensed transportation engineer modeled cumulative traffic impacts associated with the re-zone. The analysis, provided in the staff report (Exhibit 7) and detailed in concurrency report (ENGR19-0018), incorporated the highest anticipated use of the property into the citywide traffic network model.

Results:

- The proposed re-zone does not create new Level of Service (LOS) deficiencies within the city's transportation network.

Current Western Parcel Development

The western parcel has applied for land use and building permits for a 23,666 sq. ft. church, representing approximately 60% of the maximum use evaluated in the concurrency study. As part of project approval:

Exhibit 4k

- The applicant must construct $\frac{3}{4}$ street improvements along McLaughlin Road to the eastern boundary of the church site.
- Improvements include roadway widening, curb, gutter, and sidewalk on the south side of McLaughlin Road.
- Skagit County is coordinating with the City to implement the $\frac{3}{4}$ street neighborhood roadway standard along the project frontage.

Future Eastern Parcel Development

If the eastern parcel is proposed for development (e.g., multi-family housing), a new transportation concurrency review will be required. This review will specifically address:

- The Martin Road / McLaughlin Road intersection.
- Traffic volumes on McLaughlin relative to its neighborhood street classification; and
- Additional requirements outlined in Mount Vernon Municipal Code (MVMC) 14.10.

If projected trips exceed 75 PM peak-hour trips (MVMC 14.10.090), the concurrency permit will require City Council approval, providing another opportunity for public comment and review regarding the specific proposal, which will be determined at a later date.



Alan Danforth,
Engineering Manager



City of
**MOUNT
VERNON**

Development Services
910 Cleveland Ave
Mount Vernon, WA 98273

PHONE: (360) 336-6214 |

ORDINANCE NO. 3823

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON AMENDING THE CITY'S COMPREHENSIVE PLAN MAPPING IN ACCORDANCE WITH AND PURSUANT TO THE GROWTH MANAGEMENT ACT (GMA) 36.70A RCW

WHEREAS, the GMA requires that the City's Comprehensive Plan and development regulations be subject to continuing review and evaluation; and

WHEREAS, the City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments; and

WHEREAS, a rezone will be processed for each request following the subject Comprehensive Plan amendment outlined within this Ordinance to provide consistency in compliance with Chapter 17.111 of the Mount Vernon Municipal Code; and

WHEREAS, all procedural requirements provided in Chapters 14.05, 15.06, and 17.111 of the Mount Vernon Municipal Code for reclassification of property within the City Limits have been met; and

WHEREAS, the Planning Commission, after fully, fairly and carefully considering the public input and staff materials relevant to the amendments, forwarded to the Council its recommendation to approve the subject amendments; and

WHEREAS, the Mount Vernon City Council has reviewed the proposed mapping revisions to the Comprehensive Plan contained in **SECTION 4** and the recommendations, findings of fact and conclusion of law forwarded to the Council by the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION 2. The City Council adopts the following Planning Commission's recommendations, findings of fact and conclusions of law as follows:

A. PLANNING COMMISSION RECOMMENDATIONS:

The Planning Commission made the following recommendations to the City Council for the subject applications:

1. McLaughlin Road LLC Comprehensive Plan Amendment, Project File No. PLAN20-0028/PLAN20-0030 – the Planning Commission made a unanimous motion to **APPROVE** this application.
2. Optimum Properties Comprehensive Plan Amendment, Project File No. PLAN20-0029/PLAN20-0031 – the Planning Commission made a unanimous motion to **APPROVE** this application.

Exhibit 5

B. FINDINGS OF FACT:

1. On November 24, 2020 the City of Mount Vernon Planning Commission held an open-record public hearing to consider amendments to the Comprehensive Plan. The meeting was held via zoom. All persons wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.
2. The Planning Commission's hearing was preceded with appropriate notice, issued on November 4, 2020, distributed via mail on November 4, 2020, and published on November 4, 2020. Revised Hearing Notice/Notice of Special Meeting was issued on November 17, 2020, distributed via mail on November 17, 2020, and published on November 20, 2020.
3. Notice of adoption of the proposed amendments has been duly transmitted in compliance with RCW 36.70A.106 (1).
4. A Final SEPA threshold Determination of Non-Significance for the Comprehensive Plan Amendments PLAN20-0028/PLAN20-0030 and PLAN20-29/PLAN20-31 was issued on November 4, 2020, published on November 4, 2020, and was also mailed to property owners within 300 feet of the site on November 4, 2020. The comment period (for the Notice of Application/ Proposed DNS) expired on October 30, 2020. A 10-day appeal period (for the Final DNS) ended on November 13, 2020 with no appeals filed.

C. CONCLUSIONS OF LAW:

1. 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.
2. The proposed amendments are found to be in compliance with the State Growth Management Act.
3. The Mount Vernon Comprehensive Plan has consistently been maintained in compliance with the Growth Management Act as amended since the initial adoption in 1995.
4. 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 proposed amendments. 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, has 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 the amendments 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).
5. Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon develop a Comprehensive Plan, which is a generalized, coordinated land use policy statement of the City.

Exhibit 5

6. The GMA requires plans and development regulations to be consistent; and also requires comprehensive plans to be both internally and externally consistent.

SECTION 3. The City Council also adopts further Findings of Fact as follows.

1. On December 9, 2020 the City Council held a public hearing to consider amendments to the Comprehensive Plan. At this hearing Council took testimony from those attending via zoom, reviewed the written materials provided by City staff, and listened to staff analysis respective to the application before Council.
2. The City Council's hearing on December 09, 2020 was preceded with appropriate notice, issued on November 17, 2020, distributed via mail on November 17, 2020, and published on November 20, 2020.
3. The City Council adopts the Planning Commission's Recommendations for approval for the McLaughlin Road LLC request PLAN20-0028/PLAN20-0030 and the Optimum Properties request PLAN20-0029/PLAN20-0031.
4. Rezones will be processed for each request following the subject Comprehensive Plan amendments outlined within this Ordinance to provide consistency in compliance with Chapter 17.111 of the Mount Vernon Municipal Code.
5. To avoid the creation of a split zoned lot, the McLaughlin Road LLC, PLAN20-0028/PLAN20-0030 rezone application that will be processed after this Comprehensive Plan amendment application will need to be conditioned such that a short plat be completed before the rezone can be effective.

SECTION 4. The below described properties shall have their Comprehensive Plan designations changed as indicated. Attached to this ordinance labeled as **Exhibit A and Exhibit B**, that are hereby incorporated into this Ordinance with this reference, are the legal description and illustrative exhibit maps for the requested site specific Comprehensive Plan amendments:

1. **McLaughlin Road LLC, PLAN20-0028/PLAN20-0030**, this proposal is to amend the Comprehensive Plan designation from Churches (CH) to Multi Family Medium High Density (MF MH). The proposed property is located South of Mclaughlin Road just east of the Summersun Subdivision. It is identified by the Skagit County Assessor as parcel number P24856 located within a portion of Section 15, Township 34 north, Range 4 East, W.M.
2. **Optimum Properties PLAN20-0029/PLAN20-0031**, this proposal is to amend the Comprehensive Plan designation from Health District (HD) to Multi Family Medium High Density (MF MH). The proposed property is located at 1800 E Division Street. It is identified by the Skagit County Assessor as parcel numbers P83257 and P26688 and is located within a portion of Section 20, Township 34 north, Range 4 East, W.M.

SECTION 5. City staff is hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

SECTION 6. In the event any term or condition of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this ordinance which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this ordinance are declared severable.

Exhibit 5

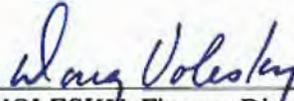
SECTION 7. The Comprehensive Plan designation changes approved within this Ordinance shall be effective only after the City approves the site specific rezone application associated with the subject property described herein. As such, consistent with law, this Ordinance shall be in full force five days after passage and publication following the effective date of the site-specific rezone application associated with the property described in this Ordinance that is anticipated to be approved by the City in 2021.

PASSED AND ADOPTED this 9th day of December, 2020

SIGNED AND APPROVED THIS _____ day of _____, 2020



JILL BOUDREAU, Mayor



DOUG VOLESKY, Finance Director

Approved as to form:



KEVIN ROGERSON, City Attorney

Published _____

Exhibit 5

**EXHIBIT A
LEGAL DESCRIPTION AND ILLUSTRATIVE MAP FOR:**

McLaughlin Road LLC, the existing Comprehensive Plan designation of the subject site is Churches (CH). The new Comprehensive Plan designation is Multi Family Medium High Density (MF MH).

LEGAL DESCRIPTION:

That portion of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 34 North, Range 4 East, W.M., described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section;
thence South along the West line thereof 20 feet to the Southerly line of McLaughlin Road and the TRUE POINT OF BEGINNING;
thence continuing South along said West line 666.63 feet to the Northwest corner of that certain parcel described in real estate contract in favor of Kenneth Moore and Phyllis Marie Moore and recorded under Auditor's File No. 8305270054;
thence East along the North line of said Moore parcel and said line extended 980.15 feet;
thence North parallel to the West line of said Southeast 1/4 of the Northwest 1/4 666.36 feet, more or less, to the South line of McLaughlin Road;
thence West along the South line to the POINT OF BEGINNING.

EXCEPT the West 400.00 feet (as measured perpendicular to the West line).

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record

Situate in the City of Mount Vernon, County of Skagit, State of Washington

Containing 383,196 sq ft, 8.80 acres

Exhibit 5

EXHIBIT MAP
(Provided for illustrative purposes only)



Exhibit 5

**EXHIBIT B
LEGAL DESCRIPTION AND ILLUSTRATIVE MAP FOR:**

Optimum Properties, the existing Comprehensive Plan designation of the subject site is Health District (HD). The new Comprehensive Plan designation is Multi Family Medium High Density (MF MH).

LEGAL DESCRIPTION:

PARCEL "A":

Unit 1, "MIRA VISTA, INC.," as per plat recorded in Volume 14 of Plats, page 16, records of Skagit County, Washington.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

PARCEL "B":

That portion of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ in Section 20, Township 34 North, Range 4 East W.M., described as follows:

Beginning at the intersection of the South line of the County Road (Mount Vernon-Big Lake Road) and the West line of said subdivision;

thence East along said road 40 feet, to the true point of beginning;

thence East 65 feet;

thence South 415 feet;

thence West 65 feet;

thence North 415 feet to the point of beginning.

TOGETHER WITH that portion of Lot 1-A of the LES and ALVINA HOLTE SHORT PLAT NO. MV-2-82 as recorded on April 21, 1982, in Book 5 of Short Plats at page 183, under Auditor's File No. 8204210024, described as follows:

Beginning at the most Northwesterly corner of said Lot 1-A;

thence South $0^{\circ}57'37''$ West along the West line of said Lot 1-A, a distance of 190.00 feet to the true point of beginning of this property description;

thence South $0^{\circ}57'37''$ West along said West line of Lot 1-A, a distance of 120.00 feet;

thence South $88^{\circ}13'10''$ East, a distance of 55.00 feet;

thence North $0^{\circ}57'37''$ East, a distance of 120.00 feet;

thence North $88^{\circ}13'10''$ West, a distance of 55.00 feet to the true point of beginning.

AND EXCEPT that property conveyed to Lester O. Holte and Alvina G. Holte, husband and wife pursuant to that certain Statutory Warranty Deed dated October 19, 1984 and recorded under Skagit County Auditor's File No. 8410250009.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

Exhibit 5

EXHIBIT MAP
(provided for illustrative purposes only)



Exhibit 6

DESCRIPTION

THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTH-EAST 1/4 OF SECTION 15, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION;
 THENCE SOUTH ALONG THE WEST LINE THEREOF 20 FEET TO THE SOUTHERLY LINE OF MCLAUGHLIN ROAD AND THE TRUE POINT OF BEGINNING;
 THENCE CONTINUE SOUTH ALONG SAID WEST LINE 666.63 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN REAL ESTATE CONTRACT IN FAVOR OF KENNETH MOORE AND PHYLLIS MARIE MOORE AND RECORDED UNDER AUDITOR'S FILE NO. 8305210054;
 THENCE EAST ALONG THE NORTH LINE OF SAID MOORE PARCEL AND SAID LINE EXTENDED 480.15 FEET;
 THENCE NORTH PARALLEL TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4 666.36 FEET, MORE OR LESS, TO THE SOUTH LINE OF MCLAUGHLIN ROAD;
 THENCE WEST ALONG THE SOUTH LINE TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD.

SITUATED IN THE CITY OF MOUNT VERNON, COUNTY OF SKAGIT, STATE OF WASHINGTON.

OWNER'S CONSENT AND DEDICATION

MCLAUGHLIN ROAD LLC, A WASHINGTON LIMITED LIABILITY COMPANY, THE UNDERSIGNED OWNER IN THE FEE SIMPLE OR CONTRACT PURCHASER AND MORTGAGE HOLDER OF THE LAND HEREBY PLATTED, DECLARE THIS SHORT PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER, THE STREETS AND AVENUES SHOWN HEREON AND THE USE THEREOF FOR ALL PUBLIC PURPOSES CONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, TOGETHER WITH THE RIGHT TO MAKE ALL NECESSARY SLOPES 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, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 26th DAY OF August, 2025.

MCLAUGHLIN ROAD LLC,
 A WASHINGTON LIMITED LIABILITY COMPANY

BY: [Signature]
 TITLE: Managing Member

ACKNOWLEDGEMENT

STATE OF WASHINGTON
 COUNTY OF SKAGIT

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT PAUL WOODMANSEE SIGNED THIS INSTRUMENT, ON OATH, STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGE IT AS THE MANAGING MEMBER OF MCLAUGHLIN ROAD, 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.

IN WITNESS WHEREOF I HAVE SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

DATE: 8-26-25

[Signature]
 KEVIN G. LISSER
 NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
 RESIDING AT: MOUNT VERNON, WA
 MY COMMISSION EXPIRES: 3-15-26

Notary Public
 State of Washington
 KEVIN GORDON LISSER
 MY COM. EXPIRES MARCH 15, 2026
 COM. NO. 22013205

CITY APPROVALS

EXAMINED AND APPROVED THIS 30th DAY OF September, 2025.

PUBLIC WORKS DIRECTOR [Signature]

ADMINISTRATIVELY APPROVED UNDER CITY FILE NO.: PLAN25-0303

MAYOR: [Signature]

ATTEN: FINANCIAL DIRECTOR [Signature]

EXAMINED AND FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS AND APPROVED THIS DAY 3rd OF September, 2025.

[Signature]
 DEVELOPMENT SERVICES DIRECTOR

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, ALLEYS, OR FOR OTHER PUBLIC USE, ARE PAID IN FULL THIS 3rd DAY OF September, 2025.

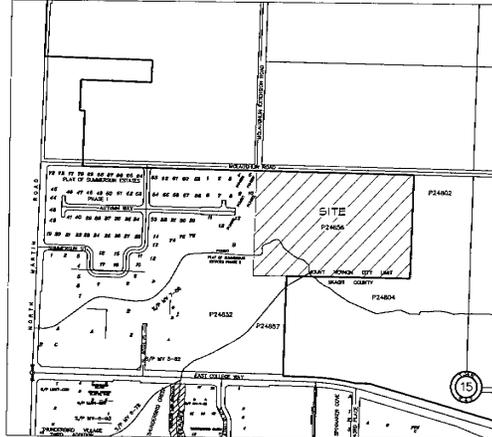
[Signature]
 CITY FINANCE DIRECTOR

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 2025.

THIS 29th DAY OF August, 2025.

[Signature] on behalf of Jackie Brinson
 SKAGIT COUNTY TREASURER Chief Deputy



VICINITY MAP (SKAGIT COUNTY ASSESSOR'S MAP)
 SCALE: 1"=500'

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 4 DAY OF Sept, 2025 AT 5:53 MINUTES PAST 12 O'CLOCK A.M. IN VOLUME OF SHORT PLATS ON PAGE(S) UNDER AUDITOR'S FILE NO. 202509040057 RECORDS OF SKAGIT COUNTY, WASHINGTON.

[Signature]
 SKAGIT COUNTY AUDITOR

[Signature]
 DEPUTY

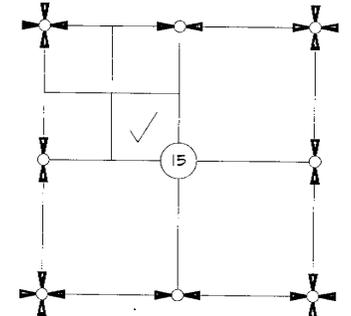
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SHORT PLAT SUBDIVISION IS BASED ON AN ACTUAL SURVEY, WHICH IS RETRACEABLE AND BASED ON A TRUE SUBDIVISION OF THE SECTION. THAT THE DISTANCES, COURSES, AND ANGLES ARE SHOWN HEREON CORRECTLY, AND THAT LOT CORNERS HAVE BEEN SET ON THE GROUND AS SHOWN ON THE SHORT PLAT SUBDIVISION IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN CHAPTER 332-120-WAC.

[Signature] 8-26-25
 KEVIN G. LISSER, P.L.S., CERTIFICATE NO. 2023169 DATE
 LISSER & ASSOCIATES, PLLC
 320 MILWAUKEE ST, PO BOX 1109
 MOUNT VERNON, WA 98273
 PHONE (360) 419-1442
 E-MAIL KEVIN@LISSER.COM



8-26-25



SECTION 15, TOWNSHIP 34 NORTH, RANGE 4 EAST, W.M.
 VICINITY MAP
 N.T.S.

SHEET 1 OF 5

DATE: 8/26/25

MOUNT VERNON SHORT PLAT NO. PLAN25-0303

SURVEY IN A PORTION OF THE
 SE 1/4 OF THE NW 1/4 OF
 SECTION 15, T. 34 N., R. 4 E., W.M.
 MOUNT VERNON, WASHINGTON
 FOR: MCLAUGHLIN ROAD, LLC

PREPARED BY: LISSER & ASSOCIATES, PLLC SCALE:
 SURVEYING & LAND-USE CONSULTATION
 MOUNT VERNON, WA 98273 360-419-1442 DWS: 19-151

202509040057
 Skagit County, WA, 98273
 Pages: 1 of 5 Fees: \$413.00

Exhibit 6

NOTES

1. GROSS SITE AREA: 646,295 SQ FT, 14.84 ACRES
2. SHORT PLAT NUMBER AND DATE OF APPROVAL SHALL BE INCLUDED IN ALL DEEDS AND CONTRACTS
3. ZONING DESIGNATION: P - PUBLIC AND R-4 MULT-FAMILY COMPREHENSIVE PLAN; CHURCHES, COMMUNITY COLLEGE, SCHOOLS (P) MEDIUM HIGH DENSITY MULT-FAMILY (MF-MH)
4. UTILITY PROVIDERS:
 SANITARY SEWER: CITY OF MOUNT VERNON
 STORM SEWER: CITY OF MOUNT VERNON
 GARBAGE COLLECTION: CITY OF MOUNT VERNON
 FIBER: CITY OF MOUNT VERNON
 POTABLE WATER: PUBLIC UTILITY DISTRICT #1
 POWER: PJNET SOUND ENERGY
 NATURAL GAS: CASCADE NATURAL GAS
 TELEPHONE: FRONTIER, VERIZON, ZIFLY FIBER
 CABLE TV: COMCAST
5. SKAGIT COUNTY ASSESSOR PARCEL NUMBER FOR SITE BEFORE THIS PLAT WAS RECORDED: P-24956
6. ● INDICATES REBAR SET AND CAPPED WITH YELLOW CAP INSCRIBED LISSER 2012316P
 ○ INDICATES EXISTING PIPE OR REBAR FOUND AS NOTED
7. MERIDIAN: ASSUMED
8. BASIS OF BEARING: MONUMENTED WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 34 NORTH, RANGE 4 EAST, N.M. BEARING IS NORTH 0°44'25" EAST
9. FOR ADDITIONAL SURVEY AND SUBDIVISION INFORMATION SEE PLAT OF SUMMERGLEN ESTATES NO. 3 RECORDED UNDER AUDITOR'S FILE NO. 2018092200059 AND RECORD OF SURVEY MAPS RECORDED UNDER AUDITOR'S FILE NUMBERS 2017081900045 AND 202101200037, ALL IN RECORDS OF SKAGIT COUNTY, WASHINGTON.
10. SURVEY DESCRIPTION IS FROM CHICAGO TITLE INSURANCE COMPANY, TITLE REPORT ORDER NO. 62004146, DATED MARCH 3, 2021 AND UPDATED NO. 1 DATED AUGUST 16, 2021.
11. THIS PROPERTY IS SUBJECT TO AND TOGETHER WITH EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, LIENS, LEASES, COURT CAUSES AND OTHER INSTRUMENTS OF RECORD INCLUDING BUT NOT LIMITED TO THOSE INSTRUMENTS SHOWN ON THE ABOVE REFERENCED TITLE REPORT AND RECORDED UNDER AUDITOR'S FILE NUMBERS 8305210054, 545054, 86434, 841300044, 980820071, 841300034, 87831, 0608040066, 8105280072, 200802010055, 2050615014, 20150615015, 20150615016, 201508250011, 201809220059, 20181210107, 20190550034 AND 201208210139.
12. INSTRUMENTATION: TRIMBLE S-5 TOTAL STATION
13. SURVEY PROCEDURE: FIELD TRAVERSE
14. OWNER: MCLAUGHLIN ROAD, LLC,
 A WASHINGTON LIMITED LIABILITY COMPANY
 PO BOX 613
 SEDRO-MOOLLEY WA 98204
15. IMPACT FEES ARE REQUIRED IN THE CITY OF MOUNT VERNON AT THE TIME BUILDING PERMITS ARE ISSUED.
16. UTILITIES SHOWN HEREON ARE BASED UPON CIVIL ENGINEERING DRAWINGS PREPARED BY HLN ENGINEERING T L DED MCLAUGHLIN ROAD SHORT PLAT. PRIOR TO CONSTRUCTION UTILITIES SHOULD BE MARKED TO CONFIRM THE LOCATION OF THE MAPPED UTILITY LINES SHOWN HEREON AS WELL AS IDENTIFY ANY ADDITIONAL UTILITY LINES THAT MAY HAVE BEEN ADDED OR NOT OBSERVED SINCE THIS WORK WAS PERFORMED.
17. DISTANCES SHOWN HEREON ARE IN FEET.
18. SILTATION CONTROL DEVICES MAY BE REQUIRED FOR EACH LOT DURING BUILDING CONSTRUCTION OR SUBSEQUENT SOIL DISTURBANCES. SEE CITY OF MOUNT VERNON DEVELOPMENT SERVICES FOR DETAILS.
19. LANDSCAPING REQUIREMENTS FOR LOTS WITHIN THIS SHORT PLAT MAY BE REQUIRED AT THE TIME OF LOT DEVELOPMENT. CONTACT CITY OF MOUNT VERNON DEVELOPMENT SERVICES FOR INFORMATION.

20. BUILDING SETBACKS ARE REQUIRED TO BE OBSERVED WHEN STRUCTURES ARE BUILT WITHIN THIS PLAT. SETBACKS ARE THE HORIZONTAL DISTANCE FROM THE PROPERTY LINE, EASEMENT IDENTIFIED ON THE PLAT, OR STREET OR VEHICULAR ACCESS EASEMENT OR TRACT TO THE BUILDING LINE OF THE STRUCTURE. IN DETERMINING WHETHER A FRONT, REAR, OR SIDE YARD SETBACK APPLIES TO DIFFERENT PORTIONS OF A LOT THE FOLLOWING SHALL BE OBSERVED.

BUILDING SETBACK REQUIREMENTS FOR EACH LOT SHALL CONFORM TO THE CITY OF MOUNT VERNON CODE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION. CURRENT SETBACKS PER CITY OF MOUNT VERNON CODES 17.30.060 PUBLIC ZONE AND 17.21.060 R-4 ZONE ARE AS FOLLOWS:

SETBACKS 17.30.060 PUBLIC MINIMUM SETBACK REQUIREMENTS ARE AS FOLLOWS:
 A. FRONT YARD: 10 FEET. BUILDINGS ON CORNER LOTS AND THROUGH LOTS SHALL OBSERVE THE MINIMUM SETBACK ON BOTH STREETS. FOR PROPERTIES THAT FRONT ON AN ARTERIAL, THE MINIMUM SETBACK FROM THE RIGHT-OF-WAY SHALL BE 25 FEET. THE COMMUNITY AND ECONOMIC DEVELOPMENT AND PUBLIC WORKS DIRECTORS CAN THROUGH A TYPE I DECISION PROCESS ADMINISTRATIVELY REDUCE FOR GOOD CAUSE SHOWN THIS SETBACK.
 B. SIDE AND REAR YARDS: NONE, EXCEPT ALONG ANY PROPERTY LINE ADJOINING A RESIDENTIALLY ZONED DISTRICT, WITH NO INTERVENING STREET OR ALLEY, THERE SHALL BE A SETBACK OF 20 FEET.

SETBACKS 17.21.060 R-4 MULTI-FAMILY RESIDENTIAL 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 SHALL OBSERVE THE MINIMUM SETBACK ON BOTH STREETS.
 B. SIDE YARD: 10 FEET ON EACH SIDE. NO PORTION OF A SECOND-STORY WALL SHALL BE CLOSER THAN 15 FEET TO THE SIDE YARD LINE. NO PORTION OF A THIRD-STORY WALL SHALL BE CLOSER THAN 20 FEET TO THE SIDE YARD LINE.
 C. REAR YARD: 20 FEET.
 D. FOR STRUCTURES SUBJECT TO DESIGN REVIEW PER CHAPTER 17.70 MVMC SETBACKS ARE FOUND IN MVMC 17.70.070(A).

21. THIS PLAT IS LOCATED IN THE FLOODPLAIN OF THE SKAGIT RIVER WHICH MEANS THAT NEW STRUCTURES AND DEVELOPMENT WILL BE REQUIRED TO COMPLY WITH THE CITY'S FLOODPLAIN REGULATIONS CODIFIED WITHIN CHAPTER 15.36 MVMC AND ANY FEDERAL AND/OR STATE FLOODPLAIN REGULATIONS, AS APPLICABLE. CONTACT CITY OF MOUNT VERNON DEVELOPMENT SERVICES DEPARTMENT FOR MINIMUM BUILDING ELEVATION AND OTHER FLOODPLAIN REQUIREMENTS THAT WILL BE APPLICABLE TO NEW CONSTRUCTION WITHIN THIS PLAT.

THIS PROPERTY IS IDENTIFIED AS BEING WITHIN FLOOD ZONE A-1, ELEVATION 43, AS SHOWN ON FIRM FLOOD INSURANCE RATE MAP 530151/0250-C DATED JANUARY 3, 1985.

22. IMPACT AND CONNECTION FEES WILL BE REQUIRED TO BE PAID TO THE CITY BEFORE BUILDING PERMITS ARE ISSUED.
 23. THIS NOTE WAS INTENTIONALLY REMOVED.

24. NSPA 1A (WITHIN LOT 1) SHALL BE ELIMINATED UPON FILLING OF WETLANDS D, E, F, AND I. SEE HAMMER ENVIRONMENTAL REPORT DATED JANUARY 8, 2025 FOR ADDITIONAL INFORMATION.

25. NSPA 1B (WITHIN LOT 2) SHALL BE ELIMINATED UPON FILLING OF WETLANDS D, E, F, AND I. SEE HAMMER ENVIRONMENTAL REPORT DATED JANUARY 8, 2025 FOR ADDITIONAL INFORMATION.

26. NSPA 2 (WITHIN LOT 2) MAY BE ELIMINATED OR REVISED UPON FILLING OF A PORTION OF WETLAND C/G/H. SEE HAMMER ENVIRONMENTAL REPORT DATED JANUARY 8, 2025 FOR ADDITIONAL INFORMATION.

27. NSPA 2A (WITHIN LOT 1) SHALL BE ELIMINATED UPON FILLING OF A PORTION OF WETLAND C/G/H. SEE HAMMER ENVIRONMENTAL REPORT DATED JANUARY 8, 2025 FOR ADDITIONAL INFORMATION.

28. NSPA 2B (WITHIN LOT 2) SHALL BE ELIMINATED UPON FILLING OF A PORTION OF WETLAND C/G/H. SEE HAMMER ENVIRONMENTAL REPORT DATED JANUARY 8, 2025 FOR ADDITIONAL INFORMATION.

29. NSPA 3 (WITHIN LOT 1) IS ADDITIONAL BUFFER AREA FOR WETLAND "A" PER HAMMER ENVIRONMENTAL REPORT DATED JANUARY 8, 2025. THE SOUTHERLY LIMITS OF THIS AREA CONFORM TO THE BUFFER AREA AS SHOWN ON AF NO. 20150615014.

30. THE ABOVE MENTIONED NSPAs (NOTE NUMBERS 24 THROUGH 29) ARE SUBJECT TO ALL THE NSPA REQUIREMENTS LISTED ON SHEET 3 OF 5 UNDER THE HEADING "TRACTS 'A' AND 'B' NATIVE GROWTH PROTECTION AREAS UNTIL SUCH TIME AS SAID NSPAs ARE ELIMINATED OR EXTINGUISHED.

LOT AREA AND ADDRESS INFORMATION

LOT 1	4280 MCLAUGHLIN ROAD	130,179 SQ FT, 2.99 ACRES
LOT 2	4400 MCLAUGHLIN ROAD	362,272 SQ FT, 8.32 ACRES
(INCLUSIVE OF TRACT "C" STORMWATER TRACT)		
TRACT "A" NSPA		128,921 SQ FT, 2.96 ACRES
TRACT "B" NSPA		9,121 SQ FT, 0.21 ACRES
RIGHT OF WAY TO CITY		9,802 SQ FT, 0.22 ACRES
TOTAL PROJECT AREA		646,295 SQ FT, 14.84 ACRES
TRACT "C"		109,990 SQ FT, 2.5 ACRES

SANITARY SEWER EASEMENT

A 20' EASEMENT FOR SANITARY SEWER PURPOSES TO BENEFIT LOTS 1 AND 2, IS HEREBY GRANTED INTO THE CITY OF MOUNT VERNON, WITH RIGHT, PRIVILEGE AND AUTHORITY, TO SAID CITY TO CONSTRUCT, OR CAUSE TO CONSTRUCT, MAINTAIN, REPLACE, RECONSTRUCT, AND REMOVE SANITARY SEWER FACILITIES, WITH ALL APPURTENANCES INCIDENT THERETO OR NECESSARY THEREIN, 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 FLAGGING ANY BUILDINGS 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.



SHEET 2 OF 5 DATE: 8/26/25

MOUNT VERNON SHORT PLAT NO. PLAN25-0303

SURVEY IN A PORTION OF THE SE 1/4 OF THE NW 1/4 OF SECTION 15, T. 34 N., R. 4 E., N.M. MOUNT VERNON, WASHINGTON FOR: MCLAUGHLIN ROAD, LLC

FB:	PG:	LISSNER & ASSOCIATES, PLLC	SCALE:
MERIDIAN:		SURVEYING & LAND-USE CONSULTATION MOUNT VERNON, WA 98275	DWG: 19-151

Exhibit 6

202509040057
09/04/2025 12:53 PM Page 3 of 6

PUBLIC / PRIVATE DRAINAGE EASEMENT AND MAINTENANCE RESPONSIBILITY

AN EASEMENT FOR THE PURPOSE OF CONVEYING ON-SITE STORMWATER RUNOFF IS HEREBY GRANTED IN FAVOR OF ALL ADJACENT 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 ADJACENT PROPERTY AND THEIR HEIRS, PERSONAL REPRESENTATIVES, ASSIGNS, RESUCCESSORS AND ASSIGNS, AT A MINIMUM, ANNUAL INSPECTION OF THE STORMWATER DRAINAGE SYSTEM, AND MAINTENANCE FREQUENCIES AND THRESHOLD PER THE FACILITY MAINTENANCE STANDARDS, IF ANY, PROVIDED TO THE OWNERS OF LOTS 1 AND 2.

THE CITY OF MOUNT VERNON IS HEREBY GRANTED THE PERPETUAL RIGHT OF ENTRY ACROSS DRAINAGE EASEMENTS AND ADJACENT LANDS OF THE GRANTOR AND 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.

ALSO SEE EASEMENT DOCUMENT TO THE CITY OF MOUNT VERNON RECORDED UNDER AUDITOR'S FILE NO. 20150615015.

GENERAL EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MOUNT VERNON, PUBLIC UTILITIES DISTRICT NO. 1 OF SKAGIT COUNTY, PRIGET SOUND ENERGY, CASCADE NATURAL GAS CORPORATION, FRONTIER COMMUNICATIONS, INC, ZIFLY FIBER, AND COMCAST CABLEVISION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON THE EXTERIOR TEN (10) FEET OF FRONT BOUNDARY LINE OF ALL LOTS AND TRACTS AS SHOWN ON THE FACE OF THIS PLAT, 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 FOR ALL UNNECESSARY DAMAGE IT CAUSES TO ANY REAL PROPERTY OWNER IN THE SUBDIVISION BY THE EXERCISE OF RIGHTS AND PRIVILEGES HEREIN GRANTED.

STORMWATER FACILITIES MAINTENANCE

PURSUANT TO THE AMENDED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR SUMMERSUN ESTATES 1 AND 2, RECORDED UNDER AUDITOR'S FILE NO. 201605220056, THE STORMWATER FACILITY WITHIN AREA IDENTIFIED AS STORM DRAINAGE EASEMENT A.F. NO. 20150615015 IS TO BE MAINTAINED BY THE CITY OF MOUNT VERNON AND INSPECTED ONCE PER YEAR FOR DEFECTS OUTLINED IN VOLUME V OF DEPARTMENT OF ECOLOGY'S STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON, CHAPTER 4.6 TABLE 4.6, NO 1 - DETENTION PONDS AND NO 2 - 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.

ALSO SEE EASEMENT TO CITY OF MOUNT VERNON RECORDED UNDER AUDITOR'S FILE NO. 20150615015.

FOR SPECIFIC MAINTENANCE INFORMATION, SEE DRAINAGE MAINTENANCE MANUAL FOR COMBINED DRAINAGE SYSTEM SERVING THE SUMMERSUN PLAT PHASE 1 AND 2 PREPARED BY RAVNIK & ASSOCIATES, INC, DATED FEBRUARY 2, 2018 AND AVAILABLE AT THE CITY OF MOUNT VERNON DEVELOPMENT SERVICES DEPARTMENT.

ALSO WITHIN SAID STORM EASEMENT AREA A.F. NO. 20150615015 ARE THE CONVEYANCE DITCHES TO THE POND THAT WILL FALL WITHIN THE SAME MAINTENANCE REQUIREMENT.

THE NEW STORM DRAINAGE IMPROVEMENTS FOR THIS SHORT PLAT, PER THE CIVIL DESIGNS PREPARED BY RAVNIK & ASSOCIATES, INC, DO NOT CONVEY ANY NEW STORMWATER TO THE EXISTING POND.

FUTURE DEVELOPMENT IN LOTS 1 AND 2 WILL REQUIRE NEW STORM POND DESIGN AND CONSTRUCTION.

TRACTS "A" AND "B" NATIVE GROWTH PROTECTION AREAS (NSGA)

A NATIVE GROWTH PROTECTION AREA (NSGA) IS HEREBY CREATED OVER, UNDER AND ACROSS TRACTS "A" AND "B" WITHIN THIS SHORT PLAT. THE NSGAS ARE 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 NSGAS ESTABLISH AND CREATE AN OBLIGATION TO MAINTAIN AND PROTECT THE NSGA TRACT(S) AND 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 ANY ENHANCEMENT PLAN REQUIRED AND/OR APPROVED BY THE CITY. ANY WORK IN THE NSGA, INCLUDING REMOVAL OF DEAD, DISEASED OR DYING VEGETATION, SHALL NOT OCCUR UNLESS THE EXPRESS WRITTEN AUTHORIZATION OF THE CITY HAS BEEN RECEIVED. THE COST ASSOCIATED WITH THE EVALUATION, REMOVAL AND REPLANTING OF ANY VEGETATION SHALL NOT BE THE RESPONSIBILITY OF THE CITY EXCEPT AS GRANTED TO THE CITY BY EASEMENT DOCUMENT RECORDED UNDER AUDITOR'S FILE NO. 20150615014. THE RIGHTS AND OBLIGATIONS SET FORTH HEREIN FOR THIS NSGA SHALL INURE TO AND BE BINDING UPON ALL THE PARTIES, THEIR HEIRS, SUCCESSORS AND ASSIGNS, AND SHALL RUN WITH THE LAND.

IN ADDITION TO THE PREVIOUSLY MENTIONED EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 20150615014, THE CITY OF MOUNT VERNON IS HEREBY GRANTED AN IRREVOCABLE EASEMENT OVER, ALONG AND ACROSS THE AREA DESIGNATED AS A NSGA, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE NSGA FOR THE PURPOSE OF MONITORING AND ENFORCING PROPER OPERATION AND MAINTENANCE OF THE NSGA DESCRIBED HEREIN. 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 NSGA ARE MET IS THE RESPONSIBILITY OF THE CITY PER SAID EASEMENT RECORDED UNDER AUDITOR'S FILE NO. 20150615014.

THE CITY AND THE OWNERS OF LOTS 1 AND 2 SHALL HEREAFTER BE RESPONSIBLE FOR PROTECTING, MAINTAINING, AND REPAIRING THE NSGA TRACTS AND ARE HEREBY REQUIRED TO LEAVE NSGA AREAS UNDISTURBED IN A NATURAL STATE. SAID OWNERS AND THE CITY ARE ALSO RESPONSIBLE FOR KEEPING SPLIT RAIL FENCING AND CRITICAL AREA SIGNAGE ALONG THE BOUNDARIES OF THE NSGA TRACT. OVER TIME THE OWNERS OR THEIR DESIGNEES WILL NEED TO REPAIR AND/OR REPLACE THE SPLIT RAIL FENCING AND/OR CRITICAL AREA SIGNS, AS NECESSARY. MAINTENANCE INCLUDES ENSURING THAT NO ALTERATIONS OCCUR WITHIN THE TRACT AND THE ALL VEGETATION REMAINS UNDISTURBED UNLESS THE EXPRESS WRITTEN AUTHORIZATION OF THE CITY OF MOUNT VERNON HAS BEEN RECEIVED. SHOULD ANY DISTURBANCE OF THE NSGA OCCUR, THE OWNERS SHALL HAVE THE OBLIGATION TO RESTORE AND RETURN THE AFFECTED AREA TO ITS NATURAL STATE IMMEDIATELY, UNDER THE PROVISIONS OF A CITY APPROVED MITIGATION PLAN.

NSGA AREAS 1A, 1B, 2, 2A, 2B, AND 3, AS SHOWN HEREON, MAY BE MODIFIED AND/OR REINQUISHED WITH APPROVED FILL PLACEMENT. MODIFIED NSGA DOCUMENTS MAY BE REQUIRED TO BE RECORDED. A PLAT ALTERATION WILL NOT BE REQUIRED TO AMEND THE NSGAS. CONTACT THE CITY OF MOUNT VERNON PLANNING AND DEVELOPMENT SERVICES FOR ADDITIONAL INFORMATION.

TRACT "C" STORMWATER TRACT

STORMWATER TRACT "C" SHALL BE CONVEYED FROM MCLAUGHLIN ROAD, LLC, ITS HEIRS OR ASSIGNS, TO THE CITY OF MOUNT VERNON UPON RECEIPT OF THE CERTIFICATES OF OCCUPANCY FOR ALL MULTI-FAMILY DEVELOPMENT WITHIN LOT 2 FROM THE CITY OF MOUNT VERNON DEVELOPMENT SERVICES DEPARTMENT.

FUD UTILITY EASEMENT

EASEMENT AREAS NO. 1 AND 2 SHOWN HEREON ARE HEREBY 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, 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 ON THIS PLAT TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FROM SAID LANDS OF THE GRANTOR(S). THE GRANTOR(S) ALSO GIVES 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.

MCLAUGHLIN ROAD FRONTAGE IMPROVEMENTS

AS PART OF ANY DEVELOPMENT PERMIT APPLIED FOR IN THE FUTURE, EACH LOT OWNER SHALL BE RESPONSIBLE TO CONSTRUCT OR CAUSE TO CONSTRUCT 3/4 STREET FRONTAGE IMPROVEMENTS ALONG THE RESPECTIVE LOT FRONTAGES, SEE CITY RESOLUTION 075 FOR MORE INFORMATION REGARDING THIS REQUIREMENT.



8-26-25

SHEET 3 OF 5

DATE: 8/26/25

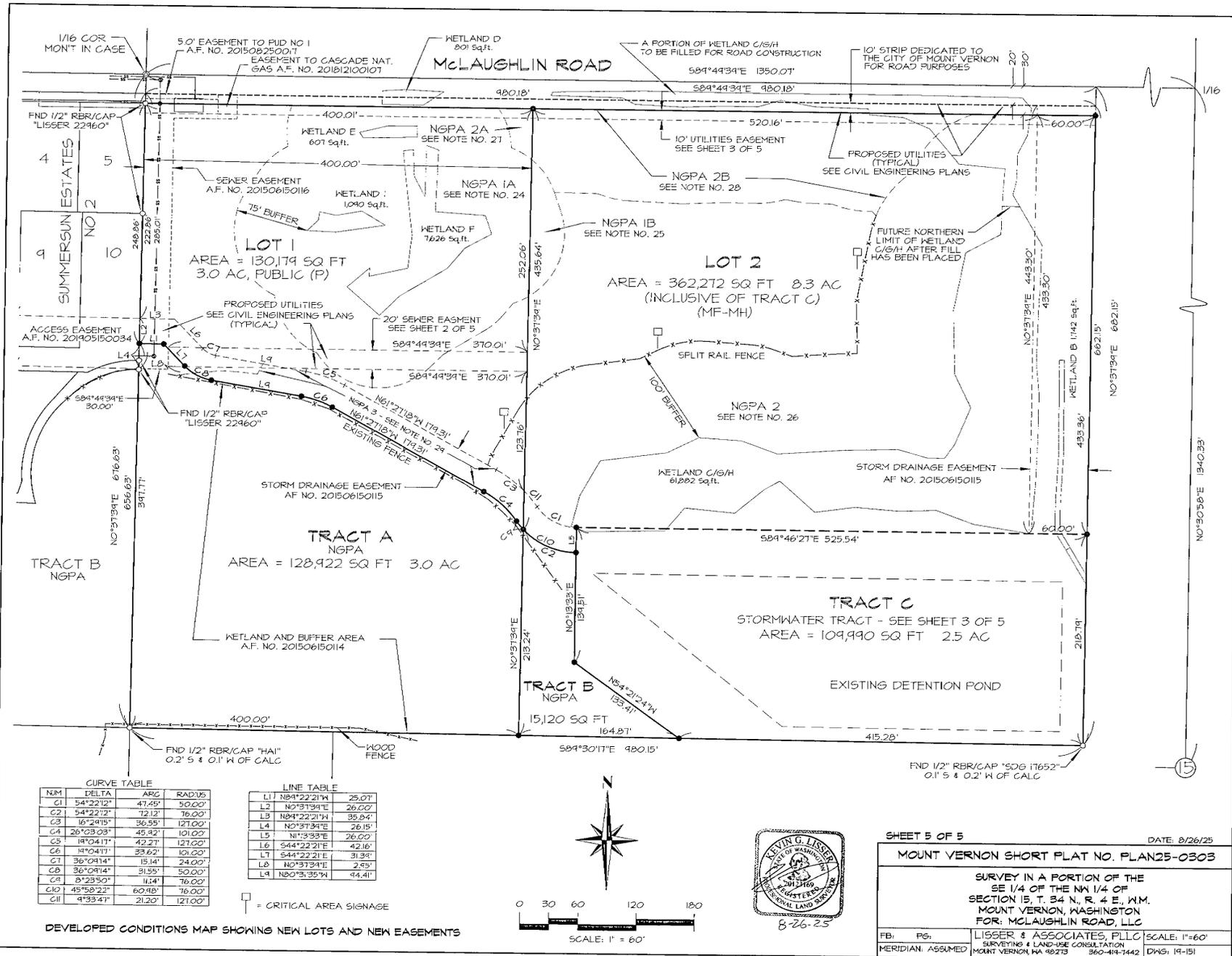
MOUNT VERNON SHORT PLAT NO. PLAN25-0303

SURVEY IN A PORTION OF THE
SE 1/4 OF THE NW 1/4 OF
SECTION 15, T. 34 N., R. 4 E., W.M.
MOUNT VERNON, WASHINGTON
FOR MCLAUGHLIN ROAD, LLC

FB:	FG:	LISSER & ASSOCIATES, PLLC	SCALE:
MERIDIAN:		SURVEYS & LAND-USE CONSULTATION MOUNT VERNON, WA 98278	360-414-7442
			DWG: 19-151

Exhibit 6

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CURVE TABLE

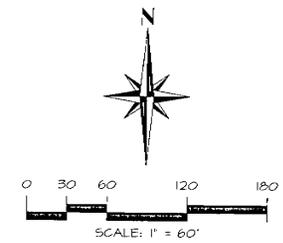
NM	DELTA	ARC	RADIUS
C1	54°22'12"	47.25'	50.00'
C2	54°22'12"	72.12'	76.00'
C3	16°24'15"	36.55'	127.00'
C4	26°03'03"	45.42'	101.00'
C5	18°04'11"	42.27'	127.00'
C6	17°04'11"	35.62'	101.00'
C7	36°04'14"	15.14'	24.00'
C8	36°04'14"	31.55'	50.00'
C9	0°23'50"	11.14'	76.00'
C10	45°58'22"	60.48'	76.00'
C11	4°33'41"	21.20'	121.00'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N84°22'21"W	25.07'
L2	N0°31'39"E	26.00'
L3	N84°22'21"W	35.94'
L4	N0°31'39"E	26.15'
L5	N1°33'33"E	26.00'
L6	S44°22'21"E	42.16'
L7	S44°22'21"E	31.33'
L8	N0°31'39"E	2.85'
L9	N80°51'35"W	94.41'

□ = CRITICAL AREA SIGNAGE

DEVELOPED CONDITIONS MAP SHOWING NEW LOTS AND NEW EASEMENTS



SHEET 5 OF 5 DATE: 8/26/25

MOUNT VERNON SHORT PLAT NO. PLAN 25-0303

SURVEY IN A PORTION OF THE
SE 1/4 OF THE NW 1/4 OF
SECTION 15, T. 34 N., R. 4 E., W.M.
MOUNT VERNON, WASHINGTON
FOR: MCLAUGHLIN ROAD, LLC

FB:	Pg:	LISSEY & ASSOCIATES, PLLC	SCALE: 1"=60'
MERIDIAN: ASSUMED		SURVEYING & LAND-USE CONSULTATION MOUNT VERNON WA 98273 360-444-1442	DWS: 19-151



8250 - 165th Avenue NE
 Suite 100
 Redmond, WA 98052-6628
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 F 425-867-0898
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August 14, 2020

TO: Rebecca Lowell, Senior Planner
 Planning Coordinator
 City of Mount Vernon

FROM: Andrew L. Bratlien, PE
 Daniel B. Hodun, EIT

SUBJECT: 2020 Comprehensive Plan Amendments
 Non-Project Transportation Concurrency Review

INTRODUCTION

This memorandum describes the findings and recommendations associated with the non-project transportation concurrency review for the proposed 2020 Mount Vernon Comprehensive Plan amendments.

PROJECT DESCRIPTION

This review consists of a concurrency analysis for two Comprehensive Plan amendment requests that require a cumulative analysis of traffic impacts per SEPA regulations. Likely development scenarios for each of the amendment requests were identified by the applicants and are summarized in **Table 1**. A vicinity map is shown in **Figure 1**.

Table 1. Comprehensive Plan Amendment Request Summary

Land Use Number	Parcel	Comprehensive Plan		Zoning		Description ¹
		Existing	Proposed	Existing	Proposed	
ENGR19-0018	P24856	Churches, Community College, Schools (P)	Medium-High Density Multifamily (MH-MF)	Public (P)	Multifamily Residential (R-4), Public (P) (partial)	40 ksf church; 156 multifamily DU
ENGR20-0019	P26688, P83257	Healthcare Development (HD)	Medium-High Density Multifamily (MH-MF)	Healthcare Development (HD)	Multifamily Residential (R-4)	75 multifamily DU

¹Maximum allowable use, per applicant description

Land use number ENGR19-0018 includes a rezone of Skagit County parcel P24856, located on the south side of McLaughlin Rd. The undeveloped site is currently zoned Public (P). The two-phase project would include a partial rezone of the existing site to Multifamily Residential (R-4), with part of the site retaining the existing Public zoning. The site would support up to 78 apartments under the R-4 designation, or up to 156 apartments if a density bonus is granted per the Mount Vernon Affordable Housing Development Code. The site would also include a church consisting of up to 40,000 square feet of enclosed floor area.

Land use number ENGR20-0019 will rezone parcels P26688 and P83257, located at the southeast corner of E Division St and S 18th St in Mount Vernon. The area is currently zoned Healthcare Development (HD) and includes two single-family detached units. The proposal includes a rezone to Multifamily Residential (R-4), which would support up to 75 apartments in the future. The proposal assumes the removal of the existing 2 single-family homes on-site.

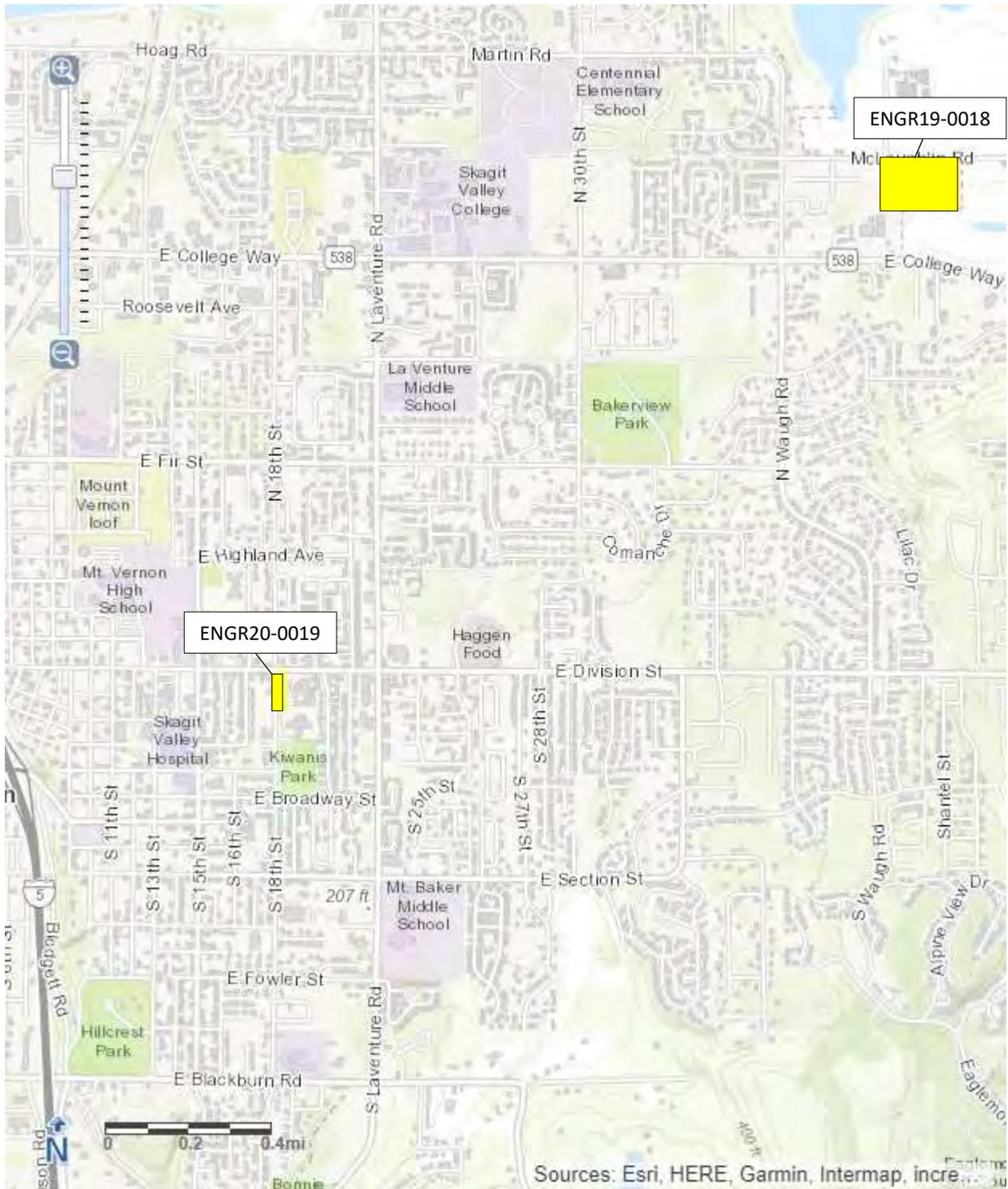


Figure 1. Vicinity Map



PROJECT TRIP GENERATION

PM peak hour trip generation forecasts were calculated for each of the proposed land using data published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. Trip generation rates and results are summarized in **Table 2**. This analysis assumed the highest use for each project, including the maximum 156 dwelling units allowable under the affordable housing density bonus for project ENGR19-0018.

Table 2. Trip Generation

Land Use Number	Description	ITE LUC	Quantity ¹	Trip Rate	% In	PM Pk Hr Trips		
						In	Out	Total
ENGR19-0018	Low-Rise Multifamily	220	156 DU	0.56	63%	55	32	87
	Church	560	40 ksf	0.40	45%	7	9	16
<i>ENGR19-0018 Subtotal</i>						62	42	103
ENGR20-0019	Low-Rise Multifamily	220	75 DU	0.56	63%	26	16	42
	Single-Family Detached (removed)	210	-1 DU	0.99	63%	-1	0	-1
<i>ENGR20-0019 Subtotal</i>						25	16	41
New PM Peak Hour Trips, Total						87	58	144

¹DU = dwelling units; ksf = 1,000 square feet

The two amendments will generate a total of 144 new PM peak hour trips, split 87 in and 58 out.

PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

Project-generated trips were input to the Mount Vernon citywide travel demand model and distributed to Transportation Analysis Zones in and around the City. They were then assigned to the transportation network using a travel time equilibrium algorithm. The resulting project trip assignment is shown in **Figure 2**. Assigned trips were added to the citywide intersection operations model for traffic capacity LOS evaluation.

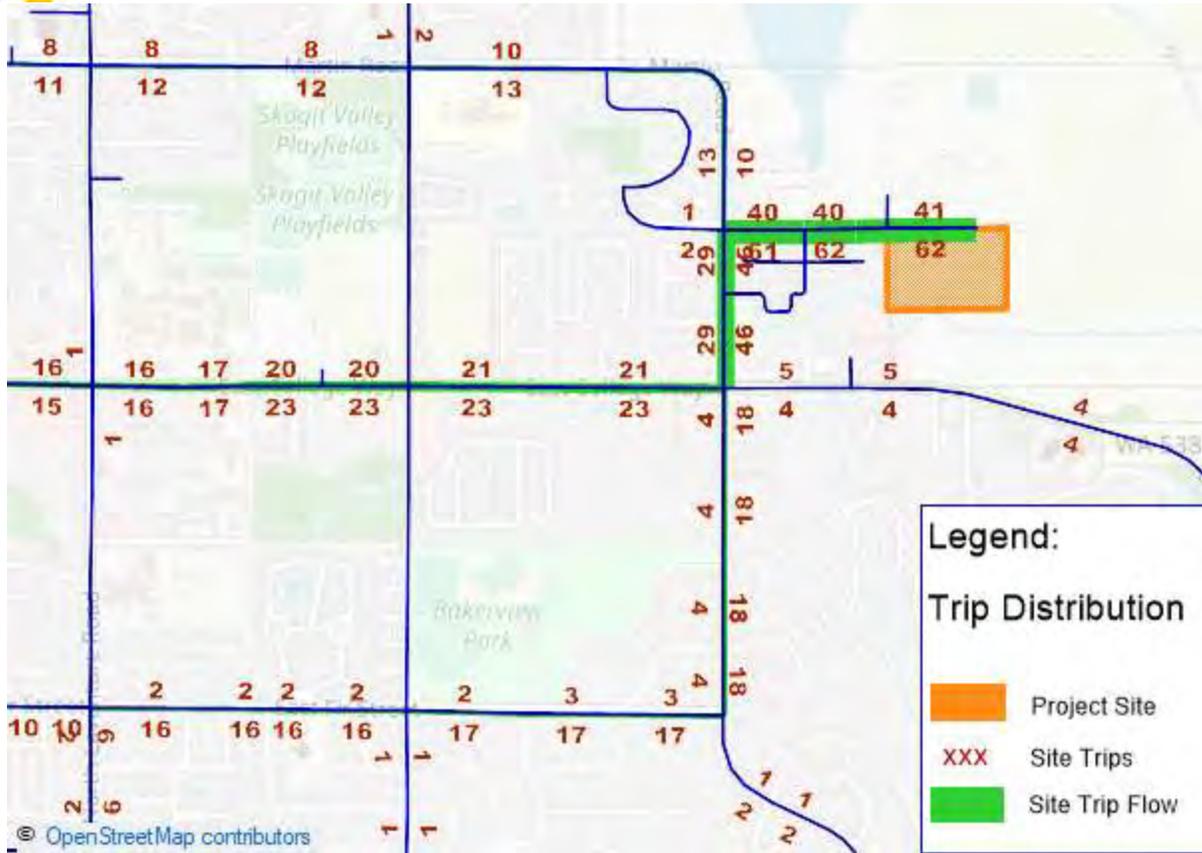


Figure 2. ENGR19-0018 Trip Assignment

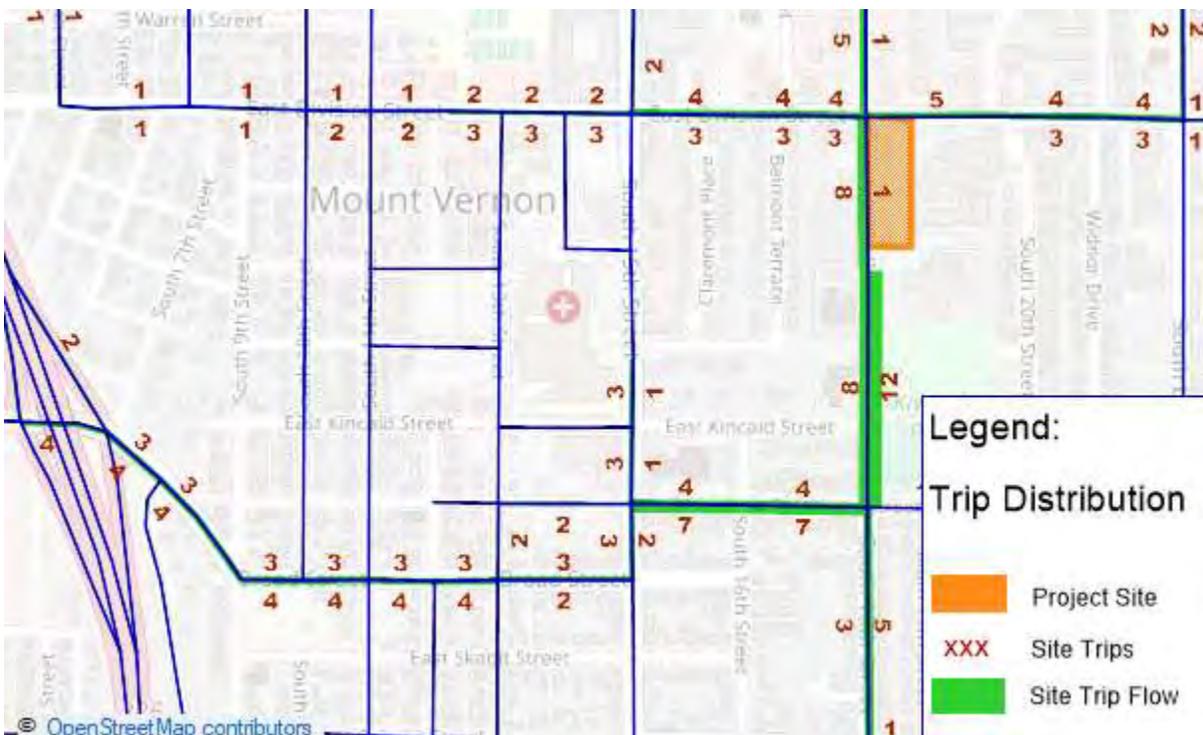


Figure 3. ENGR20-0019 Trip Assignment



TRANSPORTATION CONCURRENCY STANDARDS

This transportation concurrency review is based on Mount Vernon Municipal Code (MVMC) concurrency and Level of Service (LOS) standards, including:

- Level of service standards stated in MVMC 14.10.080
- Level of service exemptions stated in MVMC 14.10.060
- Concurrency requirements for “Category C: Thirty to 75 Peak Hour Trips” stated in MVMC 14.10.090
- Concurrency requirements for “Category D: More than 75 Peak Hour Trips” stated in MVMC 14.10.090

Traffic Capacity LOS

Segment Levels of Service (LOS) were analyzed using Mount Vernon segment capacity and LOS policy. Project-generated trips impact three segments with pipeline LOS deficiency, as shown in **Table 3**.

Table 3. Project-Impacted Street Segments with 2036 LOS Deficiencies

ID	Segment	Functional Class	Project Trips	v/c ¹	LOS ²	CIP #	Recommended Mitigation
2001	Division St (Freeway Dr to Ball)	Principal Arterial	2	1.42	F		LOS exempt per MVMC 14.10.060
2002	Division St (Ball St to Wall St)	Principal Arterial	2	1.14	F		LOS exempt per MVMC 14.10.060
3044	Anderson Rd (I-5 NB to Cedardale)	Principal Arterial	3	1.24	F	Comp Plan #19	Multi-use path or sidewalk & bike lane

¹v/c: volume-to-capacity ratio

²Segment Level of Service, per 2016 Comprehensive Plan definitions

Each of the LOS-deficient segments operate below LOS standards before and after the Comprehensive Plan amendments.

The Division St Skagit River crossing and approaches are exempt from LOS standards, per MVMC 14.10.060. Anderson Rd from the I-5 northbound ramps to Cedardale Rd will satisfy minimum capacity LOS, assuming the construction of Comprehensive Plan Project #19 which includes nonmotorized facilities on the segment.

Intersection delay and LOS were analyzed with Synchro 9 software using Highway Capacity Manual 2010 (HCM2010) methodologies. Intersection LOS at Project-impacted LOS-deficient intersections are summarized in **Table 4**.

Table 4. Project-Impacted Long-Range (2036) Intersection LOS Deficiencies

ID	Intersection	Control Type ¹	w/o Projects		Project Trips	w/ Projects		Recommended Mitigation
			Delay ² (s/veh)	LOS		Delay ² (s/veh)	LOS	
741	N Laventure Rd & E College Way	Signal	59.7	E	4	59.7	E	Signal timing optimization
789	S 1st St/Freeway Dr & W Division St	Signal	154	F	2	154	F	Modify left turn treatments (T-09-01)
828	S 13th St & Broad St	TWSC	67.4	F	7	70.5	F	Right-out only turn restriction
855	Blodgett Rd & Blackburn Rd	TWSC	75.7	F	6	79.6	F	Tolerate due to low volume (<100vph)
857	S 15th St & Blackburn Rd	TWSC	187	F	6	200	F	AWSC or roundabout
871	I-5 SB Ramp & Anderson Rd	TWSC	311	F	2	315	F	Roundabout (Comp Plan #40)
1058	Blodgett Rd & Broad St	TWSC	70.6	F	6	71.7	F	Add LT lanes (Comp Plan #4)
1344	10th St & E Division St	TWSC	47.2	E	3	47.2	E	Right-out only turn restriction

¹TWSC = Two-way stop control; AWSC = All-way stop control; RAB = Roundabout; Signal = Signalized

²Two-way stop controlled intersection delay is expressed as average worst (i.e. highest delay) movement delay

The intersection of Laventure Rd & College Way will operate at LOS E by 2036 in the Without Project and With Project conditions. LOS D can be maintained by optimizing signal timings while retaining minimum phase intervals.

The intersection of First Street and Division Street is identified for improvement as project T-09-01 in the 2020-2025 CIP. Improvements may include realignment to support protected-permissive left-turns.

The intersection of 13th St & Broad St will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of seven new trips will not significantly impact intersection operations. Intersection LOS may be maintained in the long-range planning horizon by restricting left-turn movements out of 13th St during the 4-6 PM peak period of travel.

The intersection of Blodgett Rd & Blackburn Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The LOS deficiency is the result of southbound (Blodgett Rd) approach delay and is experienced by fewer than 100 vehicles in the 2036 PM peak hour. It is recommended that the City monitor intersection LOS with continued growth and identify possible improvements as minor approach demand increases.

The intersection of S 15th St & Blackburn Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The Mount Vernon Capital Improvement Program and Mount Vernon Transportation Element do not identify improvements at this location. Long-range improvements are recommended to include all-way stop control or a single-lane roundabout.

The intersection of I-5 southbound ramps and Anderson Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection



operations. The 2016 Transportation Element identifies future capacity improvements at the Anderson Rd interchange.

The intersection of Blodgett Rd & Broad St will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The 2016 Transportation Element identifies the intersection for capacity improvements to include left-turn lanes which will allow the intersection to satisfy minimum LOS through 2036.

The intersection of 10th St & E Division St will operate at LOS E by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. Minimum intersection LOS may be maintained in 2036 by restricting left-turns out from 10th St during the weekday 4-6 PM peak period.

Intersection LOS for project driveways should be evaluated at the time of project permit application.

ENGR19-0018: Churches, Community College & School (P) to Medium-High Density Multifamily (MH-MF)

Pedestrian Safety LOS

Curb, gutter, and sidewalk will be required on McLaughlin Rd at the project frontage and on all internal circulating roadways. All new or modified sidewalks, curb ramps and driveway pads must comply with current Americans with Disabilities Act (ADA) standards.

Street Design LOS

McLaughlin Rd at the parcel frontage is currently a one-lane rural section and will require upgrades to three-quarter street LOS per MVMC 14.10.080.C.2.

On-Site LOS

On-site LOS should be evaluated upon submittal of a project site plan. All new and modified sidewalks, curb ramps, and driveway aprons must satisfy Americans with Disabilities Act (ADA) Standards.

Transit LOS

The proposed land use will not significantly impact transit routes or ridership in the area. Skagit Transit Route 207 includes a stop on Martin Rd south of McLaughlin Rd, approximately 1,500 feet to the west of the parcel. Route 207 connects downtown Mount Vernon, the YMCA, Sea Mar Clinic, and the Skagit Valley Playfields. Transit LOS is satisfied.

Nonmotorized Transportation LOS

Nonmotorized LOS will be satisfied, assuming improvement of McLaughlin Rd to three-quarter street standards to connect the parcel frontage to the existing three-quarter street section from McLaughlin Extension Rd to Martin Rd.

Pavement Condition LOS

Pavement on McLaughlin Rd is in good condition and should be maintained.

ENGR20-0019: Healthcare Development (HD) to Medium-High Density Residential (MH-MF)

Pedestrian Safety LOS

Curb, gutter, and six-foot sidewalks currently exist on the southern side of Division Street and on the eastern side of S 18th Street at the project frontage. Pedestrian safety LOS is satisfied.

Street Design LOS

E Division St consists of a 44-foot paved width with 11-foot travel lanes, a 12-foot center turn lane, and two 5-foot bike lanes. The street includes curb, gutter, and six-foot sidewalks on both sides at the project frontage. Three-quarter minor arterial street design LOS is satisfied for E Division St.



S 18th Street at the south end of the project frontage consists of a 36-foot paved width with two 11-foot travel lanes and paved shoulders on both sides. Curb, gutter, and concrete sidewalk exist on the eastern side of the street. S 18th St transitions along the frontage to include a 38-foot paved width with two 12-foot travel lanes and northbound left-turn lane at E Division St. Curb, gutter, and sidewalk exist on both sides.

Ultimate street design standard for two-lane urban collector streets includes 40-foot paved width, two 12-foot travel lanes, and two 8-foot shoulders. To satisfy three-quarter street design LOS, S 18th St must include a minimum 34-foot width and curb, gutter, and sidewalks on the project side of the street. Three-quarter street design LOS is satisfied for S 18th St.

On-Site LOS

On-site LOS should be evaluated upon submittal of a project site plan. All new and modified sidewalks, curb ramps, and driveway aprons must satisfy Americans with Disabilities Act (ADA) Standards.

Transit LOS

Skagit Transit Route 206 includes stops at S 18th St and E Division St, both on the project frontage. The proposed land uses will not significantly impact Skagit Transit ridership or routes.

Nonmotorized Transportation LOS

S 18th St and E Division St are both designated bicycle routes at the parcel frontage, per the Mount Vernon Transportation Element. Paved shoulders and sidewalks are present on the project side of both streets. Nonmotorized LOS is satisfied.

Pavement Condition LOS

Pavement on Division Street and on E 18th Street at the project frontage appears to be in good condition and should be maintained.

TRANSPORTATION IMPACT FEES

Impact fees are generally adjusted annually by the City of Mount Vernon to account for inflation. The current adopted transportation impact fee rates are attached. Preliminary transportation impact fee calculations are shown in **Table 4** for each of the proposed land uses. The fee calculations shown below are provided for reference only.

Table 4. Preliminary Transportation Impact Fee Calculations

Land Use Number	Description	Quantity		PM Trips	Fee Rate	Transportation Impact Fee
ENGR19-0018	Apartments	156	DU	87	\$3,211 / DU	\$500,916
	Church	40	ksf	16	\$1,125 / trip	\$18,000
ENGR19-0018 Subtotal						\$518,916
ENGR20-0019	Apartments	75	DU	42	\$3,211 / DU	\$240,825
	Single-Family Housing	-1	DU	-1	\$5,232 / DU	-\$5,232
ENGR20-0019 Subtotal						\$235,593



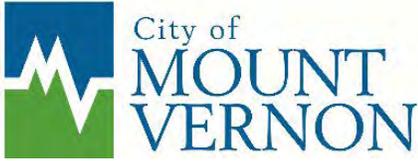
FINDINGS AND RECOMMENDATIONS

Findings and recommendations of this transportation concurrency review are summarized below.

- ENGR19-0018 (P24856):
 - The rezone will generate up to 103 new PM peak hour trips (62 in; 42 out)
 - McLaughlin Rd will require improvement to satisfy three-quarter street design standard
 - On-site LOS and driveway LOS should be evaluated after submittal of project site plan.
 - The amendment will not result in any new traffic capacity LOS deficiencies.
 - Transportation impact fee will be approximately \$518,916
- ENGR19-0019 (P26688, P83257):
 - The rezone will generate up to 41 new PM peak hour trips (25 in; 16 out)
 - On-site LOS and driveway LOS should be evaluated after submittal of project site plan.
 - The amendment will not result in any new traffic capacity LOS deficiencies.
 - Transportation impact fee will be \$518,916

Attachment: Impact and Sewer Connection Fee Summary - 2020

Exhibit 7



DEVELOPMENT SERVICES DEPARTMENT

910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214 | PermitTech@mountvernonwa.gov

IMPACT FEE SUMMARY - 2020

IMPACT FEES: Impact fees are one-time charges imposed for development projects that are impacting the City’s transportation systems, parks, or fire protection facilities. Impact fees collected by the City are used to help pay for new or expanded public facilities (i.e. roads, fire protection or parks). The fees collected directly and proportionally address the increased demand for these facilities created by the new development.

CITY IMPACT FEES

	SINGLE FAMILY & DUPLEX (Per Unit)	MULTI-FAMILY (Per Unit)	NON-RESIDENTIAL¹
PARKS	\$855.00	\$789.00	N/A
FIRE	\$152.00	\$152.00	\$0.22/sq. ft.
TRAFFIC	\$5,232.00 ²	\$5,232.00 per unit (3 to 50 units) ² \$3,211.00 per unit (51 + units) ²	\$1,125.00/PM peak hr. trip
ADMINISTRATION ³	\$105.00 per unit	\$210.00 per m.f. permit	1% of total impact fee with a \$35.00 min.

¹ Transportation & Fire Impact Fees apply to all new non-residential buildings, and additions to existing buildings. Transportation impact fees will also be calculated for a change of use on an existing non-residential building. The number of average trips per peak P.M. hours are calculated by a traffic engineer which the city has contracted with to review all commercial projects for trip generation.

² See page 2 of this handout for discounts to traffic impact fees for developments restricted to those 62 and older (and other related populations), certain types of mixed use buildings, and certain development located in the C-1 zoning district.

³ The administrative fee changes from \$105.00 per s.f. or duplex unit and \$210.00 per m.f. permit to \$150.00 per s.f. or duplex unit and \$200.00 per m.f. permit 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.

MOUNT VERNON SCHOOL DISTRICT IMPACT FEES

The Mount Vernon School District (District) determines the below-listed impact fees. Because State law prohibits the District from collecting impact fees themselves, the City collects these fees and remits the funds to the District. Questions or concerns about school impact fees should be addressed to the District, not the City. The District can be contact at: (360) 428-6110.

	SINGLE FAMILY & DUPLEX (Per Unit)	MULTI-FAMILY (Per Unit)
SCHOOL	\$9,421.00	\$1,134.00
ADMINISTRATION ⁴	\$35.00 per unit	\$70.00 per m.f. permit

⁴ The administrative fee changes from \$35.00 per s.f. or duplex unit and \$70.00 per m.f. permit to \$150.00 s.f. or duplex unit and \$200.00 per m.f. permit 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.

The purpose of this handout is to assist the public in complying with detailed permit submittal requirements. It is NOT a complete list of permit or code requirements and should NOT be used as a substitute for applicable laws and regulations. It is the responsibility of the owner/design professional to review the submittal for completeness and applicability to other codes. Only complete applications can be accepted by the City for review.

TRAFFIC IMPACT FEES

LAND USE GROUP <i>(Definitions for these land use groups are provided following this table)</i>	IMPACT FEE
Residential Groups:	
Single Family Dwelling Units, Duplex, and Any Type of Multi-Family Structure with 50 Dwelling Units or Less	\$5,232.00 per each dwelling unit
Multi-Family Dwelling Units With 51 Units or More	\$3,211.00 per each dwelling unit
Multi-Family Dwelling Units constructed within the C-1(A) and (C) zones; and, Multi-Family Dwelling Units constructed in structures where at least 25% of the gross floor area is devoted to retail uses.	\$1,991.00 per each dwelling unit
Single Family Dwelling Units, Duplex, and Any Type of Multi-Family Structure with 50 Dwelling Units or Less That are restricted to those individuals that are defined as senior citizens	\$1,347.00 per each dwelling unit
Multi-Family Dwelling Units With 51 Units or More that are restricted to those individuals that are defined as senior citizens	\$568.00 per each dwelling unit
Congregate Care Facility and Nursing Homes	\$879.00 per bed
Assisted Living Facilities	\$1,138.00 per bed
Commercial and Industrial Groups:	
All uses that are not identified within the Residential Groups above, but excluding private or public schools.	\$1,125.00 per PM peak hour trip

- A Single-Family Dwelling Unit is a detached building containing but one kitchen, designed for and occupied exclusively by one family and the household employees of that family.
- A Dwelling Unit is defined as a building or portion thereof providing complete housekeeping facilities for one family.
- A Duplex is a building that contains two (2) one-family dwellings attached by a common wall and designed to be occupied by two families living independently of each other.
- A Multi-Family Structure means a building designed to house three or more families living independently of each other attached by common walls.
- Restricting a residential group to those individuals that are defined as senior citizens means that an applicant shall file with the Skagit County Auditor a covenant that will run with the land that restricts the age of the occupants within a dwelling unit. The age restriction shall be no younger than 62.
- Congregate Care Facilities and Nursing Homes are licensed facilities that provide constant nursing care of elderly or disabled individuals who do not require hospitalization, but who cannot be cared for at home.
- Assisted Living Facilities are used by individuals living separately from others, in a structure designed for the needs of elderly people. These establishments provide services such as the supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of an elderly person. This generally includes the provision of personal care, supervision of self-administered medication, limited health facilities, communal dining facilities and services such as housekeeping, organized social and recreational activities and transportation services.
- Having any of the residential groups condominimized shall have no bearing on how the structure is defined. The number of dwelling units and whether or not they are attached by common walls shall be the bases in defining the residential groups.
- Commercial and Industrial Groups include all uses not specifically listed within the Residential Group, excluding public and private schools. Commercial and Industrial Groups include, but are not limited to: all commercial, retail, office, industrial, church, governmental, healthcare facilities, hotels and bed and breakfasts, recreational facilities, banks, and eating and drinking establishments.
- Impact fees shall be adjusted each January to provide for inflation. The Engineering News Record Construction Cost index for 20 cities shall be used.

Exhibit 8



STAFF REPORT *for* 2020 COMPREHENSIVE PLAN AMENDMENTS

PUBLIC HEARING DATE: November 17, 2020

APPLICATION NUMBERS & NAMES: PLAN20-0028/PLAN20-0030 McLaughlin Road LLC Comprehensive Plan Amendment and PLAN20-0029/PLAN20-0031 Optimum Comprehensive Plan Amendment

CITY CONTACT PERSON: Marianne Manville-Ailles; Planning Consultant

A. BACKGROUND

The Washington State Growth Management Act (GMA) mandates that the City of Mount Vernon have a Comprehensive Plan, which is a generalized, coordinated land use policy guidance document. The objectives and policies of the Mount Vernon Comprehensive Plan are based on the City's goals, Objectives, and Policies outlined within the Comprehensive Plan and as expressed through the City's Mission and Vision Statements.

The GMA mandates the following requirements, which have been adopted procedurally by the City:

- The Comprehensive Plan shall be subject to continuing review and evaluation;
- A process must be in place to allow citizens to propose Comprehensive Plan amendments;
- An analysis of the cumulative impacts of proposed amendments is required;
- The Comprehensive Plan must be internally and externally consistent; and,
- The Comprehensive Plan must be consistent with adopted development regulations.

The City of Mount Vernon provides a procedure whereby amendments to the City's Comprehensive Plan may be proposed by members of the community or by City of Mount Vernon staff on behalf of the City. By state law, non-emergency amendments may only occur once a year.

B. BASIS FOR ANALYSIS

This report is the analysis of the proposed 2020 Comprehensive Plan amendments for site-specific requests. The purpose of this report is to:

- Prepare for a legislative review of the proposed site specific amendments;
- Assure consistency and conformance between the proposed amendments and the current Comprehensive Plan;
- Provide a basis for open record hearings before the Planning Commission; and,
- Provide background and analysis to the City Council for decision-making.

The proposed amendments are non-project actions; and as such, representatives of various departments have reviewed the application materials to identify and address *non-project* issues associated with the CPA requests.

Exhibit 8

Comprehensive Plan goals, objectives and policies are implemented by development regulations associated with zoning districts. As Comprehensive Plan amendments are proposed, the corresponding reclassification of land must meet certain criteria (MVMC 17.111.070, “Approval or denial of application – Standards”) to receive a recommendation for approval. The following must be demonstrated:

1. Is the request compatible with the City’s Comprehensive Plan and development goals?
2. Are public utilities, public facilities, and other services currently adequate to serve the proposed district?

If the amendments are approved, subsequent project proposals would be reviewed for compliance with relevant land use regulations.

C. EXHIBITS

1. Procedural Notices and Correspondence:
 - 1a. Docketing Resolution
 - 1b. Department of Commerce Acknowledgement
 - 1c. Notice of Application and Final SEPA Determination/Notice of Public Hearing
 - 1d. Transportation Concurrency Staff Report
2. Project Narrative, Master Land Use Application from Applicant
 - 2a. Master Land Use Application
 - 2b. Narrative
3. Comment Letters
 - 3a. Letter from Alexis K. Elliott 3828 McLaughlin Rd Dated October 26, 2020—Concerned about traffic and road width
 - 3b. Letter from Ursula M Bassolino 4192 McLaughlin Rd Dated October 30, 2020—Concerned about traffic, parking; too much density next to “nature preserve”; late notice of project.

D. COMPREHENSIVE PLAN AMENDMENTS

1. APPLICATION NAME: PLAN20-0028/PLAN20-0030 McLaughlin Road LLC Comprehensive Plan Amendment Request

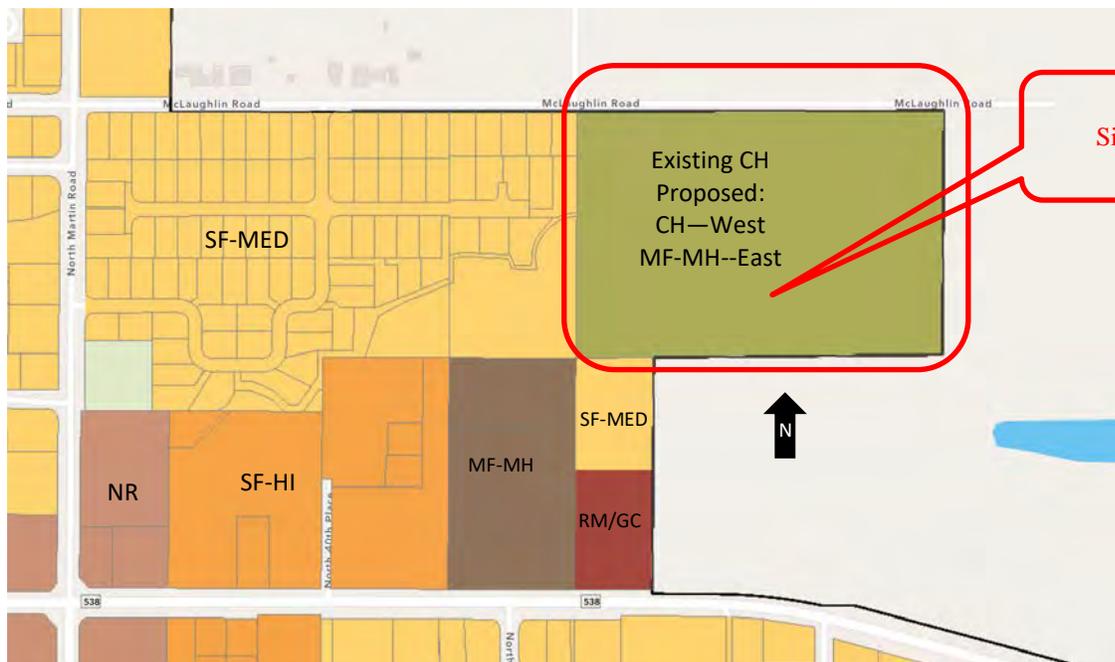
PROJECT DESCRIPTION: The proposal is the redesignation of a portion of the site FROM Church (CH) TO Medium High Density Multi-Family (MF-MH). It should be noted that before the redesignation could become effective a short plat separating the two portions of the site will be necessary. .

PROJECT LOCATION: The proposed property is located South of McLaughlin Road just east of the Summersun Subdivision. It is identified by the Skagit County Assessor as parcel number P24856 located within a portion of Section 15, Township 34 north, Range 4 East, W.M.

APPLICANT/OWNER: McLaughlin Road, LLC; Paul Woodmansee; PO Box 619; Sedro-Woolley, WA 98284



VICINITY MAP



ZONING

Exhibit 8

REVIEW CRITERIA:

1. Is the request compatible with the City's Comprehensive Plan and development goals?

In 2005 the church designation was placed on the property as part of a larger Comprehensive Plan Amendment request. Prior to the church designation the property was designated Residential Agriculture. The 2005 amendment was approved and the owners at the time applied for a Master Plan for the site that included a large church and associated private school. That Master Plan was never completed and the ownership of the property has changed. The current owners of the property have indicated that they no longer require all of the property for church purposes and they would like to designate the excess property in the church designation to an appropriate residential designation.

Land Use Goal 2 is to provide for the orderly development within the City of Mount Vernon that is consistent with adopted plans and development regulations. Objective 2.1 is to implement the Comprehensive Plan Land Use Map. Policy 2.1.4 indicates that annually the City should evaluate newly approved public uses (conditional or special uses) and redesignate them to the appropriate Comprehensive Plan and Zoning designation. By the same token the City should periodically evaluate existing public uses to ensure that they are still appropriately designated. The surrounding neighborhood is a mix of designations including: Single Family High Density (SF-HI), Single Family Medium Density (SF-MED), Medium High Density Multi Family (MF-MH), Retail Mall and General Commercial, and Neighborhood Retail Mixed Use Center. The portion of the site that would remain as church designation would be located between the Single Family Medium Density (SF-MED) designation and the proposed Medium High Density Multi Family designation thus providing a buffer/transition between the lower density and higher density residential uses.

In addition to Land Use Goal 2 that specifically addresses the church designation, the request is compatible with the City's Comprehensive Plan and development goals, particularly the Land Use Element and Housing Element. The following are Goals, Objectives and Policies that are specific to and support the requested amendments:

"Goal LU-51: Enhance and improve the quality of multi-family living environments throughout the City that provide areas that offer a larger range of housing options in the form of multi-family units. "

"Housing Goal 1: Achieve a mix of housing styles in Mount Vernon that are appealing and affordable to a diversity of ages, incomes and cultural backgrounds."

Additional housing options will be available with approval of the requested amendment. The area is characterized by a mix of different residential uses and the proposal would allow for additional density in an area already characterized by many housing types. Furthermore, the City Comprehensive Plan recognizes that scattered multifamily use will exist within single family areas. The amendment will allow the development of a multi-family project in a mixed density neighborhood, thereby assisting in achieving a mix of housing styles.

"Objective LU-51-1 Ensure that development in the multi-family residential designations are designed to provide quality homes and neighborhoods for residents and to mitigate impacts to existing neighborhoods as new ones develop."

"Objective HO-1.1 In City plans and zoning regulations, accommodate a variety of housing types, attractive and compatible in design, and available to all economic segments of the community."

"Objective HO-1.2 Promote infill housing that is compatible with abutting housing styles and with the character of the existing neighborhood."

The City's zoning standards (e.g., building height) and design standards will ensure that the future multi-family development will be constructed with quality site and home design. The City's standards will ensure that the overall housing design is based on a consistent, compatible and aesthetic architecture. Amending the

Exhibit 8

comprehensive plan to allow additional multi-family residential use in a mixed use neighborhood, will ensure that additional housing options are available and will contribute to housing affordability.

“Policy LU-51.1.6 New multi-family residential projects should demonstrate provisions for an environment that contributes to a high quality of life for future residents, regardless of income level.”

As a multi-family infill project subject to the City’s design standards, the amendments will provide for additional housing options available to lower income levels.

“Policy HO-1.2.1 The City should encourage infill housing on vacant or underutilized parcels having adequate serves, and ensure that the infill development is compatible with surrounding neighborhoods.”

The site is currently vacant and designated for church use. The applicant has indicated that the site is too large for the church use now envisions. The site is underutilized, but has urban services. As a multi-family infill project subject to the City’s design standards, the amendments will provide for high quality housing that is compatible with the surrounding neighborhood.

2. Are public utilities, public facilities, and other services currently adequate to serve the proposed district?

Urban services are currently available to the site; and could be extended by the applicant to serve new development.

Exhibit 8

2. APPLICATION NAME: PLAN20-0029/PLAN20-0031 Optimum Properties Comprehensive Plan Amendment Request

PROJECT DESCRIPTION: The proposal is to redesignate the site FROM Health District (HD) TO Medium High Density Multi-Family (MF-MH).

PROJECT LOCATION: The proposed property is located at 1800 E Division Street. It is identified by the Skagit County Assessor as parcel numbers P83257 and P26688 and is located within a portion of Section 20, Township 34 north, Range 4 East, W.M.

APPLICANT/OWNER: Optimum Properties, LLC; Craig Cammock; PO Box 836; Mount Vernon, WA 9827



VICINITY MAP



ZONING

Exhibit 8

REVIEW CRITERIA:

1. Is the request compatible with the City's Comprehensive Plan and development goals?

In 2009 the property was redesignated to healthcare development from multifamily medium high density. The current proposal would change the designation back to its original designation consistent with the surrounding neighborhood.

The request is compatible with the City's Comprehensive Plan and development goals, particularly the Land Use Element and Housing Element. The following are Goals, Objectives and Policies that are specific to and support the requested amendments:

"Goal LU-51: Enhance and improve the quality of multi-family living environments throughout the City that provide areas that offer a larger range of housing options in the form of multi-family units. "

"Housing Goal 1: Achieve a mix of housing styles in Mount Vernon that are appealing and affordable to a diversity of ages, incomes and cultural backgrounds."

Additional housing options will be available with approval of the requested amendment. The area is characterized MF-MH Comprehensive Plan Designation. The amendment will allow the development of a multi-family project in neighborhood similarly designated, thereby assisting the City in achieving increased multi-family units and its affordable housing goals.

"Objective LU-51-1 Ensure that development in the multi-family residential designations are designed to provide quality homes and neighborhoods for residents and to mitigate impacts to existing neighborhoods as new ones develop."

"Objective HO-1.1 In City plans and zoning regulations, accommodate a variety of housing types, attractive and compatible in design, and available to all economic segments of the community."

"Objective HO-1.2 Promote infill housing that is compatible with abutting housing styles and with the character of the existing neighborhood."

The City's zoning standards (e.g., building height) and design standards will ensure that the future multi-family development will be constructed with quality site and home design. The City's standards will ensure that the overall housing design is based on a consistent, compatible and aesthetic architecture. Amending the comprehensive plan to allow additional multi-family residential use in this neighborhood, will ensure that additional housing options are available and will contribute to housing affordability.

"Policy LU-51.1.6 New multi-family residential projects should demonstrate provisions for an environment that contributes to a high quality of life for future residents, regardless of income level."

As a multi-family project subject to the City's design standards, the amendment will allow for increased housing options available to lower income levels.

"Policy HO-1.2.1 The City should encourage infill housing on vacant or underutilized parcels having adequate serves, and ensure that the infill development is compatible with surrounding neighborhoods."

The site is currently vacant and designated healthcare use. The site is underutilized, but has urban services. As a multi-family project subject to the City's design standards, the amendments will provide for high quality housing that is compatible with the surrounding neighborhood.

Exhibit 8

2. Are public utilities, public facilities, and other services currently adequate to serve the proposed district?

Urban services are currently available to the site; and could be extended by the applicant to serve new development.

COMMENTS RECEIVED?

Two comment letters were received from a neighbors (See **Exhibit 3a and 3b**) with concerns regarding future development of the site—specifically, traffic, parking; too much density next to “nature preserve”. Since this is a non-project action, the applicant has no specific development proposal. Project specific concerns are addressed by the City’s development regulations and will be fully implemented at the time a development request is submitted. One of the letters also expressed concern regarding late notification. The comments were sent in response to the first SEPA notice. While the applications were submitted in January as the author noted, the SEPA review is the first step in the process and there are other opportunities for comment and participation including the hearing that the Planning Commission is holding.

E. PROCESS

BENCHMARK:	DATE:	AUTHORITY:
City Council Docket 2020 Comprehensive Plan Amendments	Adopted: July 8, 2020	RCW 36.70A130 (1)(a) and (2)(a)
Department of Commerce Notification and Acknowledgement	May 26, 2020	RCW 36.70A.106 WAC 365-196-630
NOA Issued	October 15, 2020	MVMC 14.05.150(A) RCW 36.70B.110 WAC 197-11-355
NOA Comment Period Ended	October 30, 2020	MVMC 15.06.120 WAC 197-11-355 RCW 43.21C.110
DNS Issued with Appeal Period	November 4, 2020	MVMC 15.06.215 WAC 197-11-355(4)
Open Record Public Hearing before Planning Commission	Scheduled November 17, 2020	14.05.080 RCW 36.70B.120
Open Record Public Hearing before City Council	Scheduled December 9, 2020	14.05.050(A) and (C) RCW 36.70B.120

Environmental Review: A threshold environmental determination (Determination of Non-significance) was issued on November 4, 2020 and the notice was published November 4, 2019. The appeal period ends on November 13, 2020.

Department of Commerce Review: The Washington State Department of Commerce was notified of the proposed site specific amendments, rezones, and revisions on May 26, 2020; Commerce acknowledged receipt of these materials May 27, 2020. The State Agency 60-day review expired July 25, 2020 with no comments.

Accompanying this staff report, labeled as **Exhibit 1**, are copies of the notices outlined above.

F. STAFF RECOMMENDATIONS

Staff requests the following Findings of Fact, Conclusions of Law, and recommendations be approved by the Planning Commission.

FINDINGS OF FACT:

1. On November 17, 2020 the City of Mount Vernon Planning Commission held an open-record public hearing to consider amendments to the Comprehensive Plan. All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.
2. The hearing on November 17, 2020, was preceded with appropriate notice, issued on November, distributed via mail/email on November 4, 2020, and published on November 4, 2020.
3. Notice of adoption of the proposed amendments has been duly transmitted in compliance with RCW 36.70A.106 (1).
4. A Final SEPA threshold Determination of Non-Significance for the Comprehensive Plan Amendment was issued on November 4, 2020, published on November 4, 2020, and was also mailed to property owners within 300 feet of the site on November 4, 2020. The comment period (for the Notice of Application/ Proposed DNS) expired on October 30, 2020. A 10-day appeal period (for the Final DNS) ends on November 13, 2020.

CONCLUSIONS OF LAW:

1. 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.
2. The proposed amendments are found to be in compliance with the State Growth Management Act.
3. The Mount Vernon Comprehensive Plan has consistently been maintained in compliance with the Growth Management Act as amended since the initial adoption in 1995.
4. 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 proposed amendments. 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, has 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 the amendments 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); and,
5. Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon develop a Comprehensive Plan, which is a generalized, coordinated land use policy statement of the City.
6. The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation.
7. The City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments.

Exhibit 8

8. The GMA requires plans and development regulations to be consistent; and also requires comprehensive plans to be both internally and externally consistent.

STAFF RECOMMENDATIONS

1. That the McLaughlin Road LLC Comprehensive Plan Amendment, Project File No. PLAN20-0028/PLAN20-0030 is recommended for **APPROVAL** of the request to change the designation of the parcel from Churches (CH) to Medium High Density Multi Family (MF-MH).
2. That the Optimum Properties Comprehensive Plan Amendment, Project File No. PLAN19-0021 is recommended for **APPROVAL** of the request to change the designation of the parcel from Healthcare Development(HD) to Medium High Density Multi Family (MF-MH).

Exhibit 8

Exhibit 1a

RESOLUTION NO. 978

**A RESOLUTION PERTAINING TO THE COMPREHENSIVE PLAN DOCKET FOR 2020
PURSUANT TO RESOLUTION 491 AND RCW 36.70A**

WHEREAS, the City's public participation program that was adopted with Resolution 491 outlines the process by which the City receives and docketed proposed Comprehensive Plan amendments; and

WHEREAS, the City's public participation program, GMA docketing process and the ultimate GMA process for reviewing and deciding Comprehensive Plan amendment requests are discretionary, legislative decisions involving City Council policy decisions; and

WHEREAS, consistent with Resolution 491 two (2) site specific amendment applications were submitted to the City before January the 31, 2020 deadline; and

WHEREAS, on March 6, 2020 a public hearing notice was published in the *Skagit Valley Herald* providing notice of a hearing before the Mount Vernon City Council scheduled for March 25, 2020. However, this hearing was cancelled due to the COVID-19 pandemic and orders from the WA State Governor limiting activities where the spread of COVID-19 could occur; and

WHEREAS, on June 17, 2020 a second public hearing notice was published in the *Skagit Valley Herald* providing notice of a hearing before the Mount Vernon City Council scheduled for June 24, 2020. However, this hearing was cancelled due to the COVID-19 pandemic and orders from the WA State Governor limiting activities where the spread of COVID-19 could occur; and

WHEREAS, on June 23, 2020 a third public hearing notice was published in the *Skagit Valley Herald* providing notice of a virtual hearing before the Mount Vernon City Council scheduled for July 8, 2020.

WHEREAS, on July 8, 2020, the City Council held a virtual public hearing to review proposed 2020 Comprehensive Plan Amendments and Mount Vernon Municipal Code Amendments as necessary; and

WHEREAS, at the July 8, 2020 public hearing City Council reviewed the proposed amendments to be docketed for 2020, considered the relative importance of the proposed amendments, the relationship they may have to other proposed amendments, whether or not there is need for prompt review, how long amendments have been on the docket for review, and ability of staff and Planning Commission to review the proposed amendments; and

WHEREAS, at the public hearing, the Council approved the docketing for the 2020 cycle of site specific and legislative work plan items listed on the attached **Exhibit A**; and

NOW, THEREFORE,

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

SECTION ONE. The City Council does hereby adopt the above listed recitals as set forth fully herein.

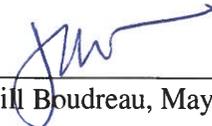
Exhibit 8

SECTION TWO. That the City of Mount Vernon will accept for docketing and review the proposed Comprehensive Plan Amendments and Mount Vernon Municipal Code Amendments, as described in the attached **Exhibit 'A'**, incorporated herein by this reference. Any associated rezone set forth herein shall require submittal of a separate permit and shall not be considered until legislative action of the Comprehensive Plan amendment process has been taken by the City Council.

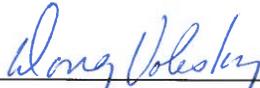
Passed this 8th day of July, 2020

Signed in Authentication this _____ day of _____, 2020

BY:



Jill Boudreau, Mayor



Doug Volesky, Finance Director

Approved as to form:



Kevin Rogerson, City Attorney

Exhibit 8

EXHIBIT A – 2020 DOCKET

1. Land Use Number: PLAN20-0028

Proponent: McLaughlin Road LLC; Paul Woodmansee; PO Box 619
Sedro-Woolley, WA 98284

Parcel: P24856

Comprehensive Plan: FROM: Church (CH) TO Medium High
Density Multi-Family (MF-MH)



Exhibit 8

2. Land Use Number: PLAN20-0029

Proponent: Optimum Properties, LLC; Craig Cammock; PO Box 836, Mount Vernon, WA 98273

Parcels: P26688, P83257

Comprehensive Plan: FROM Health District (HD) TO Medium High Density Multi-Family(MF-MH)



3. MVMC Chapter 14.10: Interim and final regulations to extend timeframes due to COVID-19
4. MVMC Chapter 17.210: Interim and final regulations for Temporary homeless encampments
5. MVMC Chapter 8.50: Interim and final regulations for emergency weather shelters
6. Shoreline Management Master Plan, updates
7. Amendments to Chapter 17, Zoning to incorporate additional affordable housing tools and a draft Planning Action for future residential development in the Historic Downtown
8. Park and Recreation Comprehensive Plan, updates
9. Park Impact Fees, updates
10. Amendments to zoning code definitions creating a length of stay allowed for Hotels and Motels, new regulations
11. Updating Development Services Permit and License Fees
12. MVMC 15.18: Land Clearing, amendments
13. MVMC 17.100: Wireless towers and Antennas, amendments
14. Updated Fire Impact Fees, updates
15. MVMC 17.87: Sign Code, amendments
16. Work to become a Certified Local Government, new regulations

The following pages (5 to 8) contain additional details regarding the above-listed legislative work program items.

Exhibit 8

3. INTERIM AND FINAL REGULATIONS TO ALLOWING EXTENSIONS OF TIME TO DEVELOPMENT REGULATIONS DUE TO THE COVID-19 PANDEMIC

BACKGROUND AND REASON: to extend the expiration timeframes associated with development regulations to account for the length of time within which certain activities, services and construction were not allowed, or were limited, due to the COVID-19 pandemic. The extension is proposed to be the number of days between Governor Enslee's proclamation of a State of Emergency and when Skagit County was recognized by the State as being within Phase 2 of the Governor's Safe State proclamation.

4. INTERIM AND FINAL REGULATIONS FOR TEMPORARY HOMELESS ENCAMPMENTS, MVMC CHAPTER 17.210

BACKGROUND: Council has adopted interim regulations for Temporary Homeless Encampments (otherwise known as Safe Parking) with the adoption of Ordinances 3791 and 3793. Due to the COVID-19 shut down the interim regulations that were in place for these regulations have expired. This means that interim regulations need to be adopted first, followed by final, permanent regulations. Additionally, new State regulations (ESHB 1754) have been adopted that will need to be taken into consideration with these regulations.

REASON FOR WORK PLAN ITEM: Council has set this code amendment in process and provided staff with direction to move forward in adoption of permanent regulations.

5. FINAL REGULATIONS FOR EMERGENCY WEATHER SHELTERS, MVMC CHAPTER 8.50

BACKGROUND: Council has adopted interim regulations for Emergency Weather Shelters with the adoption of Ordinances 3780, 3783 and 3794. A work plan was adopted with Ordinance 3794 and the Department. Due to the COVID-19 shut down the interim regulations that were in place for these regulations have expired. This means that interim regulations need to be adopted first, followed by final, permanent regulations. Additionally, new State regulations (ESHB 1754) have been adopted that will need to be taken into consideration with these regulations.

REASON FOR WORK PLAN ITEM: Council has set this code amendment in process and provided staff with direction to move forward in adoption of permanent regulations.

6. UPDATE TO SHORELINE MANAGEMENT MASTER PLAN & MVMC CHAPTER 15.07

BACKGROUND: The Shoreline Management Act (SMA) requires the City to review and revised/update our SMA in 2020.

REASON FOR WORK PLAN ITEM: To comply with State law.

Exhibit 8

7. AFFORDABLE HOUSING WORK PLAN, MVMC TITLE 17 AND DRAFT PLANNED ACTION FOR HOUSING IN HISTORIC DOWNTOWN

Work anticipated to commence in Q3/Q4 of 2020

BACKGROUND: Following adoption of the City's 2016 Comprehensive Plan an Affordable Housing Work Plan was created to prioritize legislative work necessary to encourage the creation of affordable housing throughout the City.

REASON FOR WORK PLAN ITEM: To continue with the adoption of regulations to encourage the creation of affordable housing.

8. UPDATED PARK & RECREATION COMPREHENSIVE PLAN

Work anticipated to commence in Q3/Q4 of 2020

BACKGROUND: State law requires the City's Comprehensive Plan be updated every eight years. During the last required update in 2016 the Park and Recreation Plan received minimal attention due to the scope of other update work required. This element needs to be updated to match the other elements of the plan.

REASON FOR WORK PLAN ITEM: There are projects listed in the CIP that need to be incorporated into the Comprehensive Plan; and to make this element consistent with the other elements of the Comprehensive Plan.

9. UPDATED PARK IMPACT FEES (MVMC CHAPTER 3.40)

Work anticipated to commence in Q3/Q4 of 2020

BACKGROUND: The City's Park impact fees have not been updated since 1998 and are due to be updated.

REASON FOR WORK PLAN ITEM: To ensure impact fees collected are consistent with adopted Capital Facility and Capital Improvement Plans.

10. ADDING A MAXIMUM ALLOWABLE STAY INTO THE DEFINITION OF HOTELS/MOTELS WITHIN MVMC TITLE 17

BACKGROUND AND REASON: The City's zoning code, MVMC Title 17, does not currently specify a maximum number of days that someone is allowed stay at a hotel or motel. The current definition of hotel/motel is, "*means a building or portion thereof designed or used for the transient rental of five or more units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.*" The City has at least one motel where the City is concerned about life/safety measures related to the areas people are living and sleeping where it appears that people are permanently residing versus using the facility as a transitory accommodation.

2020 WORK PLAN – TIME ALLOWING

11. UPDATING DEVELOPMENT SERVICES PERMIT/LICENSE FEES (MVMC CHAPTER 14.15)

Unlikely to be started in 2020

BACKGROUND: Currently collected Development Services fees pay for approximately 40% of the actual cost to process and issue the permits the Department is tasked with processing.

REASON FOR WORK PLAN ITEM: To minimize the extent that public funds are used to pay for work the Department completes on behalf of developers, builders, etc.

12. AMENDMENTS TO MVMC CHAPTER 15.18, LAND CLEARING

Unlikely to be started in 2020

BACKGROUND: Several developers have requested amendments to MVMC Chapter 15.18, Land Clearing. Should Council choose to place these amendments on the Department's 2020 Docket staff will commence the work necessary to amend this Chapter of the MVMC.

REASON FOR WORK PLAN ITEM: To address concerns raised by Developers.

13. AMENDMENTS TO WIRELESS TOWERS/ANTENNAS REGULATIONS (MVMC CHAPTER 17.100) **

Unlikely to be started in 2020

BACKGROUND: Federal and State regulatory frameworks are rapidly changing in response to the demand for wireless services. National infrastructure is being prepared for 5G (the fifth generation wireless technology for digital cellular networks that began wide deployment in 2019); which means that the City will need to adopt regulations to respond to new Federal and State laws. The timing for this work plan item will vary; however, the City will need to rapidly respond to new regulations when necessary.

REASON FOR WORK PLAN ITEM: To comply with Federal and State laws while taking into account local circumstances and needs.

*** Please note that this item may need to be actioned sooner depending on federal and/or state regulations that could be adopted at any time*

14. UPDATED FIRE IMPACT FEES (MVMC CHAPTER 3.40)

Unlikely to be started in 2020

BACKGROUND: The City's Fire impact fees have not been updated since 1998 and are due to be updated.

REASON FOR WORK PLAN ITEM: To ensure impact fees collected are consistent with adopted Capital Facility and Capital Improvement Plans.

Exhibit 8

15. AMENDMENTS TO SIGN CODE (MVMC CHAPTER 17.87)

BACKGROUND AND STATUS: staff started a process to update the City's Chapter of the MVMC that regulates signage in 2012. Since 2012 staff has completed many small updates to the Sign Code; however, a complete overhaul of this code needs to be completed at some point in time. Unlikely to be started in 2020

16. BECOMING A CERTIFIED LOCAL GOVERNMENT

BACKGROUND AND STATUS: Certified Local Governments (CLGs) can help the City to encourage, develop, and maintain local preservation efforts and can apply for special grants from the State. In addition CLGs can offer Special Tax Valuation to locally listed properties, receive certain State and Federal recognitions, and participate in many other preservation programs. Unlikely to be started in 2020.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

05/27/2020

Ms. Marianne Manville-Ailles
Planning Consultant
City of Mount Vernon
8405 S Main Street
Post Office Box 1248
Lyman, WA 98263

Sent Via Electronic Mail

Re: City of Mount Vernon--2020-S-1414--60-day Notice of Intent to Adopt Amendment

Dear Ms. Manville-Ailles:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

2020 Site Specific Comprehensive Plan Amendment requests.

We received your submittal on 05/26/2020 and processed it with the Submittal ID 2020-S-1414. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 07/25/2020.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Valerie Smith, (360) 725-3062.

Sincerely,

Review Team
Growth Management Services



NOTICE OF APPLICATION & PROPOSED OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS)

APPLICATION NAME & NUMBER: PLAN0-0030 McLaughlin Road LLC Comprehensive Plan Amendment Request

PROJECT DESCRIPTION: The proposal is the redesignation of a portion of the site FROM Church (CH) TO Medium High Density Multi-Family (MF-MH). It should be noted that before the redesignation could become effective a short plat separating the two portions of the site will be necessary.

PROJECT LOCATION: The proposed property is located South of McLaughlin Road just east of the Summersun Subdivision. It is identified by the Skagit County Assessor as parcel number P24856 located within a portion of Section 15, Township 34 north, Range 4 East, W.M..



EXISTING/PROPOSED COMP PLAN DESIGNATION



AERIAL PHOTO

Exhibit 8

APPLICANT/OWNER:

McLaughlin Road, LLC
Paul Woodmansee
PO Box 619
Sedro-Woolley, WA 98284

STAFF CONTACT:

Marianne Manville-Ailles, Planning Consultant
Development Services Department
910 Cleveland Avenue, Mount Vernon WA 98273
360-336-6214

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS): As the Lead Agency, the City of Mount Vernon has determined that significant environmental impacts are unlikely to result from the proposed project. Therefore, as permitted under the RCW 43.21C.110, the City of Mount Vernon is using the Optional DNS process to give notice that a DNS is likely to be issued. Comment periods for the project and the proposed DNS are integrated into a single comment period. There will be no comment period following the issuance of the Threshold Determination of Non-Significance (DNS). A 10-day appeal period will follow the issuance of the DNS.

DETAILS:

Permit Application Date: 1/24/2020 **Counter Complete:** 1/24/2020

Technically Complete: 2/4/2020

Permits/Review Requested: Site specific Comprehensive Plan Amendment Request

Other Permits that may be Required: Rezone, Development Permits

CONSISTENCY OVERVIEW:

Zoning: Public **Comprehensive Plan:** Existing: Churches
Requested: Medium High Density Multi Family (MF-MH)

Environmental Documents that Evaluate the Proposed Project: SEPA Checklist dated January 9, 2020.

Development Regulations Used for Project Mitigation: Not applicable. The proposal is a non-project request for Comprehensive Plan redesignation. Any future development would be subject to all applicable development regulations.

Comments on the Notice of Application and Proposed Determination of Non-Significance (DNS) must be submitted, in writing, no later than **October 30, 2020**. Comments should be as specific as possible and those submitting comments are required to comply with the following:

- All comments must include: (1) your full name, (2) your mailing address, and (3) the name of the proposal you are commenting on.
- If you wish to submit comments electronically you must upload your comments into the city's online permit portal because comments are NOT accepted via email. To upload comments into the City's permit portal navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>, once on this page you must create a user account by clicking "Sign Up" located at the upper right corner of the webpage. Once you have created and verified your user account log into the system and click on "Go" in the My Portal box, and then on the next page that appears click on "Apply" in the Apply Online box. On the new page that appears under Step 1 select "Public Comments" and on Step 2 select "Public Comments for Land Use Permits"
- Comments submitted on paper are required to be mailed to the address provided for the Staff Person listed within this notice.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Items submitted not meeting the requirements of this section are considered as not being received by the city. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

Exhibit 8

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 <https://mountvernonwa.gov/132/NEWS-and-Notices> then scroll down the page to find the project name/number.

RESPONSIBLE PERSON: Rebecca S. Bradley-Lowell, Principal Planner (signature on file)

ISSUED AND PUBLISHED: October 15, 2020

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES, SKAGIT PUD, PSE, FRONTIER, CNG AND COMCAST

**DETERMINATION OF NON-SIGNIFICANCE (DNS)
& NOTICE OF PUBLIC HEARING**

APPLICATION NAME & NUMBER: PLAN0-0030 McLaughlin Road LLC Comprehensive Plan Amendment Request

PROJECT DESCRIPTION: The proposal is the redesignation of a portion of the site FROM Church (CH) TO Medium High Density Multi-Family (MF-MH). It should be noted that before the redesignation could become effective a short plat separating the two portions of the site will be necessary.

PROJECT LOCATION: The proposed property is located South of McLaughlin Road just east of the Summersun Subdivision. It is identified by the Skagit County Assessor as parcel number P24856 located within a portion of Section 15, Township 34 north, Range 4 East, W.M..

APPLICANT/OWNER:
McLaughlin Road, LLC
Paul Woodmansee
PO Box 619
Sedro-Woolley, WA 98284

STAFF CONTACT:
Marianne Manville-Ailles, Planning Consultant
Development Services Department
910 Cleveland Avenue, Mount Vernon WA 98273
360-336-6214

ENVIRONMENTAL DETERMINATION: The Mount Vernon Development Services Department (the lead agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal will be clarified and changed through the development review process to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This decision was made after review of a completed environmental checklist and other information on file (and available to the public) with the lead agency. The lead agency has determined that the requirements for environmental analysis, protection; in conjunction with, the City's existing 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.

PUBLIC HEARING: A public hearing to consider the above-described proposal is scheduled before the Mount Vernon Planning Commission at 6 p.m. on **Tuesday, November 17, 2020**; and before the City Council at 6 p.m. on **Wednesday, December 9, 2020**.

Both the Planning Commission and City Council public hearings on these code amendments will be held virtually by means of the Zoom video conferencing web application which includes a phone-in option. Those wishing to participate in either hearing must contact the Development Services Department (by telephone at: 360-336-6214 or via email at: PermitTech@mountvernonwa.gov) no later than 5PM on the day of the hearings and request the log in and/or telephone numbers that will allow participation in these hearings.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **November 13, 2020**. Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, 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 above; or by downloading a copy of the referenced MVMC at www.mountvernonwa.gov.

The application and supporting documentation are available for review upon request. Copies will be provided upon request at the cost of reproduction. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. **PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.** Comments submitted on paper are required to be mailed or delivered to the Development Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

Exhibit 8

Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's permit portal where the site plans, technical reports, and other pertinent information can be viewed by following these directions: navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home> once on this webpage click on the blue "GO" link under the heading "My Portal". Type in the project number identified in this notice into the search bar near the top of the screen. Click on the project number listed below the search bar when it appears.

RESPONSIBLE PERSON: Rebecca S. Bradley-Lowell, Principal Planner (signature on file)

ISSUED AND PUBLISHED: November 4, 2020

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES, SKAGIT PUD, PSE, FRONTIER, CNG AND COMCAST

Exhibit 8



NOTICE OF APPLICATION & PROPOSED OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS)

APPLICATION NAME & NUMBER: Optimum Properties Comprehensive Plan Amendment – PLAN20-0031

PROJECT DESCRIPTION: The proposal is to redesignate the site FROM Health District (HD) TO Medium High Density Multi-Family (MF-MH).

PROJECT LOCATION: The proposed property is located at 1800 E Division Street. It is identified by the Skagit County Assessor as parcel numbers P83257 and P26688 and is located within a portion of Section 20, Township 34 north, Range 4 East, W.M..



EXISTING/PROPOSED COMP PLAN DESIGNATION



AERIAL PHOTO

Exhibit 8

APPLICANT/OWNER:

Optium Properties, LLC
Craig Cammock
PO Box 836
Mount Vernon, WA 98273

STAFF CONTACT:

Marianne Manville-Ailles, Planning Consultant
Development Services Department
910 Cleveland Avenue, Mount Vernon WA 98273
360-336-6214

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS): As the Lead Agency, the City of Mount Vernon has determined that significant environmental impacts are unlikely to result from the proposed project. Therefore, as permitted under the RCW 43.21C.110, the City of Mount Vernon is using the Optional DNS process to give notice that a DNS is likely to be issued. Comment periods for the project and the proposed DNS are integrated into a single comment period. There will be no comment period following the issuance of the Threshold Determination of Non-Significance (DNS). A 10-day appeal period will follow the issuance of the DNS.

DETAILS:

Permit Application Date: 1/24/2020 **Counter Complete:** 1/24/2020

Technically Complete: 2/4/2020

Permits/Review Requested: Site specific Comprehensive Plan Amendment Request

Other Permits that may be Required: Rezone, Development Permits

CONSISTENCY OVERVIEW:

Zoning: Public **Comprehensive Plan:** Existing: Health District
Requested: Medium High Density Multi Family (MF-MH)

Environmental Documents that Evaluate the Proposed Project: SEPA Checklist dated January 17, 2020.

Development Regulations Used for Project Mitigation: Not applicable. The proposal is a non-project request for Comprehensive Plan redesignation. Any future development would be subject to all applicable development regulations.

Comments on the Notice of Application and Proposed Determination of Non-Significance (DNS) must be submitted, in writing, no later than **October 30, 2020**. Comments should be as specific as possible and those submitting comments are required to comply with the following:

- All comments must include: (1) your full name, (2) your mailing address, and (3) the name of the proposal you are commenting on.
- If you wish to submit comments electronically you must upload your comments into the city's online permit portal because comments are NOT accepted via email. To upload comments into the City's permit portal navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>, once on this page you must create a user account by clicking "Sign Up" located at the upper right corner of the webpage. Once you have created and verified your user account log into the system and click on "Go" in the My Portal box, and then on the next page that appears click on "Apply" in the Apply Online box. On the new page that appears under Step 1 select "Public Comments" and on Step 2 select "Public Comments for Land Use Permits"
- Comments submitted on paper are required to be mailed to the address provided for the Staff Person listed within this notice.

PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL. Items submitted not meeting the requirements of this section are considered as not being received by the city. Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

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RESPONSIBLE PERSON: Rebecca S. Bradley-Lowell, Principal Planner (signature on file)

ISSUED AND PUBLISHED: October 15, 2020

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES, SKAGIT PUD, PSE, FRONTIER, CNG AND COMCAST



DETERMINATION OF NON-SIGNIFICANCE (DNS) & NOTICE OF PUBLIC HEARING

APPLICATION NAME & NUMBER: Optimum Properties Comprehensive Plan Amendment – PLAN20-0031

PROJECT DESCRIPTION: The proposal is to redesignate the site FROM Health District (HD) TO Medium High Density Multi-Family (MF-MH).

PROJECT LOCATION: The proposed property is located at 1800 E Division Street. It is identified by the Skagit County Assessor as parcel numbers P83257 and P26688 and is located within a portion of Section 20, Township 34 north, Range 4 East, W.M..

APPLICANT/OWNER:
Optimum Properties, LLC
Craig Cammock
PO Box 836
Mount Vernon, WA 98273

STAFF CONTACT:
Marianne Manville-Ailles, Planning Consultant
Development Services Department
910 Cleveland Avenue, Mount Vernon WA 98273
360-336-6214

ENVIRONMENTAL DETERMINATION: The Mount Vernon Development Services Department (the lead agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal will be clarified and changed through the development review process to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This decision was made after review of a completed environmental checklist and other information on file (and available to the public) with the lead agency. The lead agency has determined that the requirements for environmental analysis, protection; in conjunction with, the City's existing 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.

PUBLIC HEARING: A public hearing to consider the above-described proposal is scheduled before the Mount Vernon Planning Commission at 6 p.m. on **Tuesday, November 17, 2020**; and before the City Council at 6 p.m. on **Wednesday, December 9, 2020**.

Both the Planning Commission and City Council public hearings on these code amendments will be held virtually by means of the Zoom video conferencing web application which includes a phone-in option. Those wishing to participate in either hearing must contact the Development Services Department (by telephone at: 360-336-6214 or via email at: PermitTech@mountvernonwa.gov) no later than 5PM on the day of the hearings and request the log in and/or telephone numbers that will allow participation in these hearings.

Environmental Determination Appeal Process: Appeals of the environmental determination must be filed in writing on or before 5:00 PM on **November 13, 2020**. Appeals must be filed in writing together with the required \$100.00 application fee to: Hearing Examiner, City of Mount Vernon, 910 Cleveland Ave, 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 above; or by downloading a copy of the referenced MVMC at www.mountvernonwa.gov

The application and supporting documentation are available for review upon request. Copies will be provided upon request at the cost of reproduction. If you wish to comment on the proposed amendments, you may provide verbal or written comment at the public hearings. **PUBLIC COMMENTS ARE NOT ACCEPTED BY THE DEPARTMENT THROUGH EMAIL.** Comments submitted on paper are required to be mailed or delivered to the Development

Exhibit 8

Services Department at the address listed above. Comments not meeting the requirements of this section are considered as not being received by the city.

Any person may comment on the application, receive notice and request a copy of the decision once it is made. To receive additional information regarding this project contact the Development Services Department and ask to become a party of record.

City staff has created a page on the City's permit portal where the site plans, technical reports, and other pertinent information can be viewed by following these directions: navigate to: <https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home> once on this webpage click on the blue "GO" link under the heading "My Portal". Type in the project number identified in this notice into the search bar near the top of the screen. Click on the project number listed below the search bar when it appears.

SEPA RESPONSIBLE OFFICIAL: Rebecca S. Bradley-Lowell, Principal Planner (signature on file)

ISSUED AND PUBLISHED: November 4, 2020

SENT TO: CORPS OF ENGINEERS, WA AGRICULTURE, DAHP, WA COMMERCE, WA CORRECTIONS, WA EFSEC, WDFW, WA HEALTH, DNR, STATE PARKS, PARKS COMMISSION, PSP, PSRC, WA DOT, DOE, DSHS, NW CLEAN AIR, SEPA REGISTER, SEPA UNIT, SKAT, COUNTY PDS, COUNTY ASSESSOR, DIKE AND DRAINAGE DISTRICT, SCOG, PORT OF SKAGIT, MVSD, SVC, SKAGIT COOP, SWINOMISH, UPPER SKAGIT, SAMISH, SAUK-SUIATTLE, TULALIP, AND STILLAGUAMISH TRIBES, SKAGIT PUD, PSE, FRONTIER, CNG AND COMCAST

Exhibit 8



DEVELOPMENT SERVICES

910 Cleveland Avenue
Mount Vernon, WA 98273
(360) 336-6214 - Office

PermitTech@mountvernonwa.gov - Email

Exhibit 1d

TRANSPORTATION CONCURRENCY DETERMINATION

ISSUE DATE: 08/14/2020 PERMIT #: ENGR20-0018

SITE ADDRESS: UNKNOWN PARCEL #: P24856

OWNER NAME AND CONTACT: MCLAUGHLIN ROAD LLC
PO BOX 619
SEDRO WOOLLEY, WA 98284
(360) 661-5325
NEW PM PEAK HOURS TRIPS GENERATED:
103

PROJECT DESCRIPTION:
Comprehensive plan amendment to change the eastern portion of a lot from public to high density multifamily.

All development subject to concurrency requirements per Mount Vernon Municipal Code (MVMC) Chapter 14.10 must 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. The peak hour volume has been established with the accompanying traffic analysis. Compliance with the concurrency LOS standards will be based on the number of peak hour trips generated by the subject development as determined in MVMC Chapter 14.10.

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.

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. Any aggrieved party may appeal a concurrency decision based on the grounds of a technical error.

An estimate of traffic impact fees is provided in the accompanying report. However, traffic impact fees are collected when a building permit is issued - or through a deferral process - at final inspection of certain structures. Impact fees do not vest like other development regulations do. As such, the traffic impact fee amount can be different than what is outlined in the accompanying report.

THIS TRAFFIC CONCURRENCY DETERMINATION WILL NEED TO BE AMENDED IF THE SCOPE OF THE PROJECT UNDER WHICH THIS DETERMINATION WAS MADE CHANGES.

Development Review Engineer Signature 08/14/2020
Date



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

August 14, 2020

TO: Rebecca Lowell, Senior Planner
 Planning Coordinator
 City of Mount Vernon

FROM: Andrew L. Bratlien, PE
 Daniel B. Hodun, EIT

SUBJECT: 2020 Comprehensive Plan Amendments
 Non-Project Transportation Concurrency Review

INTRODUCTION

This memorandum describes the findings and recommendations associated with the non-project transportation concurrency review for the proposed 2020 Mount Vernon Comprehensive Plan amendments.

PROJECT DESCRIPTION

This review consists of a concurrency analysis for two Comprehensive Plan amendment requests that require a cumulative analysis of traffic impacts per SEPA regulations. Likely development scenarios for each of the amendment requests were identified by the applicants and are summarized in **Table 1**. A vicinity map is shown in **Figure 1**.

Table 1. Comprehensive Plan Amendment Request Summary

Land Use Number	Parcel	Comprehensive Plan		Zoning		Description ¹
		Existing	Proposed	Existing	Proposed	
ENGR19-0018	P24856	Churches, Community College, Schools (P)	Medium-High Density Multifamily (MH-MF)	Public (P)	Multifamily Residential (R-4), Public (P) (partial)	40 ksf church; 156 multifamily DU
ENGR20-0019	P26688, P83257	Healthcare Development (HD)	Medium-High Density Multifamily (MH-MF)	Healthcare Development (HD)	Multifamily Residential (R-4)	75 multifamily DU

¹Maximum allowable use, per applicant description

Land use number ENGR19-0018 includes a rezone of Skagit County parcel P24856, located on the south side of McLaughlin Rd. The undeveloped site is currently zoned Public (P). The two-phase project would include a partial rezone of the existing site to Multifamily Residential (R-4), with part of the site retaining the existing Public zoning. The site would support up to 78 apartments under the R-4 designation, or up to 156 apartments if a density bonus is granted per the Mount Vernon Affordable Housing Development Code. The site would also include a church consisting of up to 40,000 square feet of enclosed floor area.



Land use number ENGR20-0019 will rezone parcels P26688 and P83257, located at the southeast corner of E Division St and S 18th St in Mount Vernon. The area is currently zoned Healthcare Development (HD) and includes two single-family detached units. The proposal includes a rezone to Multifamily Residential (R-4), which would support up to 75 apartments in the future. The proposal assumes the removal of the existing 2 single-family homes on-site.

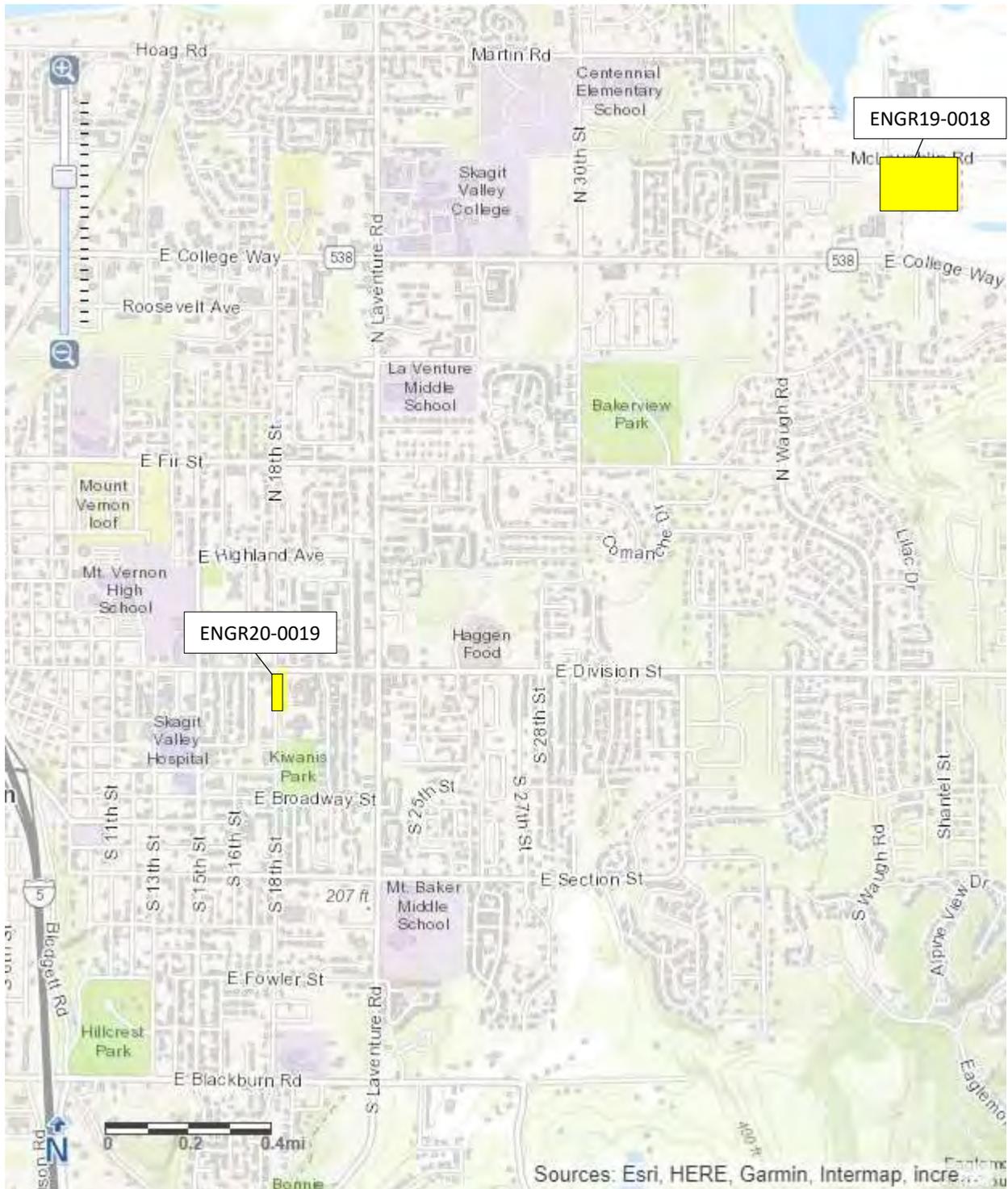


Figure 1. Vicinity Map



PROJECT TRIP GENERATION

PM peak hour trip generation forecasts were calculated for each of the proposed land using data published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. Trip generation rates and results are summarized in **Table 2**. This analysis assumed the highest use for each project, including the maximum 156 dwelling units allowable under the affordable housing density bonus for project ENGR19-0018.

Table 2. Trip Generation

Land Use Number	Description	ITE LUC	Quantity ¹	Trip Rate	% In	PM Pk Hr Trips		
						In	Out	Total
ENGR19-0018	Low-Rise Multifamily	220	156 DU	0.56	63%	55	32	87
	Church	560	40 ksf	0.40	45%	7	9	16
<i>ENGR19-0018 Subtotal</i>						62	42	103
ENGR20-0019	Low-Rise Multifamily	220	75 DU	0.56	63%	26	16	42
	Single-Family Detached (removed)	210	-1 DU	0.99	63%	-1	0	-1
<i>ENGR20-0019 Subtotal</i>						25	16	41
New PM Peak Hour Trips, Total						87	58	144

¹DU = dwelling units; ksf = 1,000 square feet

The two amendments will generate a total of 144 new PM peak hour trips, split 87 in and 58 out.

PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

Project-generated trips were input to the Mount Vernon citywide travel demand model and distributed to Transportation Analysis Zones in and around the City. They were then assigned to the transportation network using a travel time equilibrium algorithm. The resulting project trip assignment is shown in **Figure 2**. Assigned trips were added to the citywide intersection operations model for traffic capacity LOS evaluation.

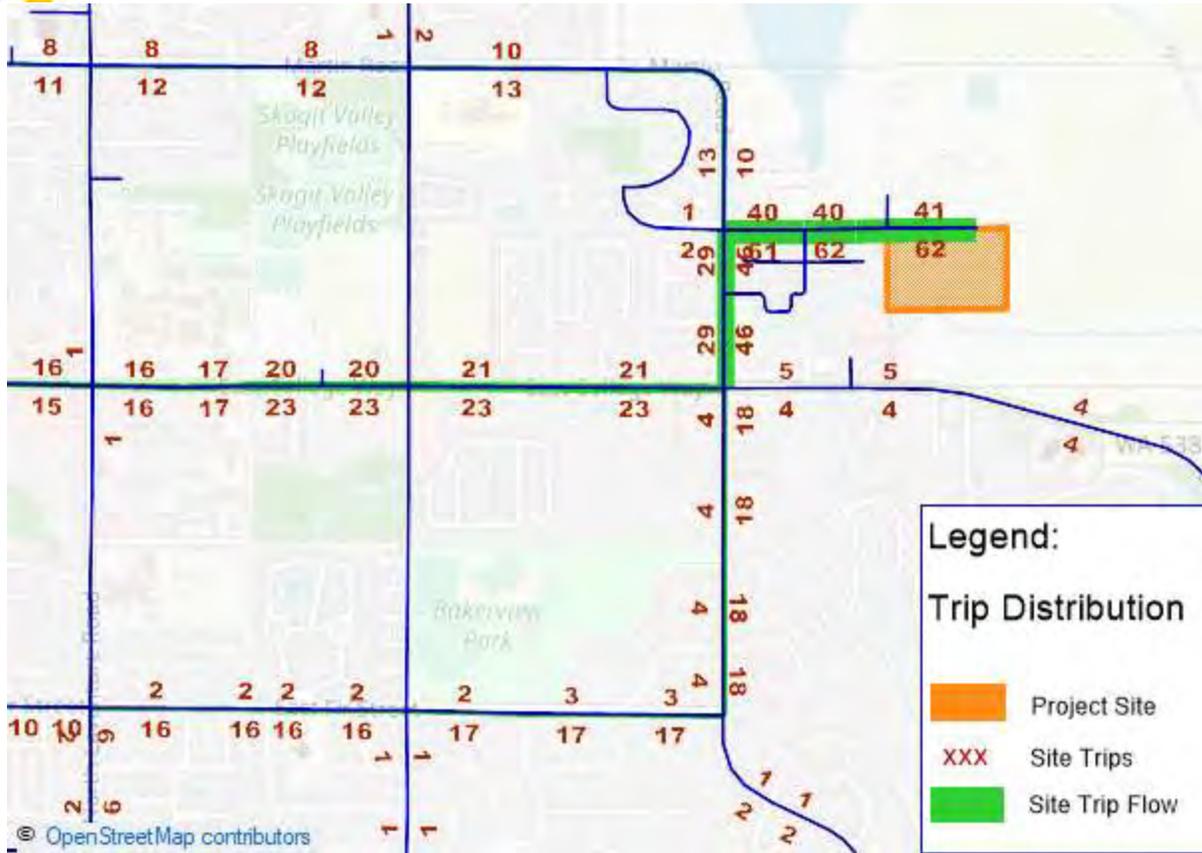


Figure 2. ENGR19-0018 Trip Assignment

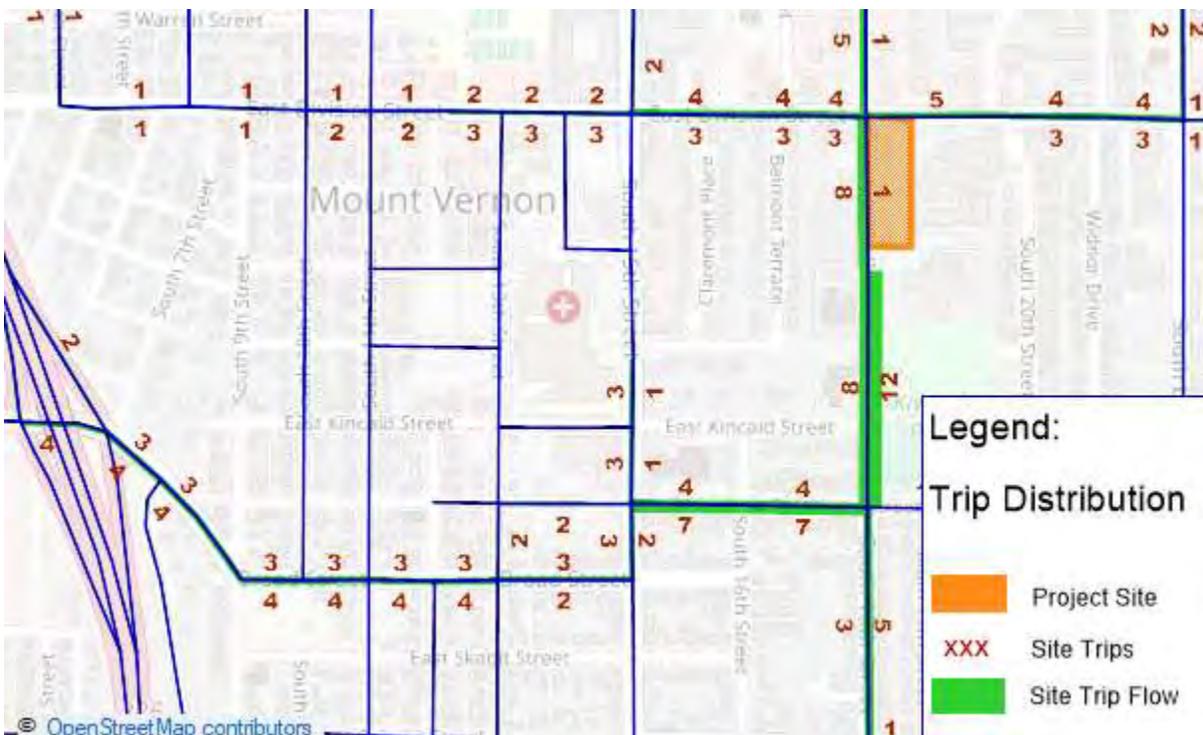


Figure 3. ENGR20-0019 Trip Assignment



TRANSPORTATION CONCURRENCY STANDARDS

This transportation concurrency review is based on Mount Vernon Municipal Code (MVMC) concurrency and Level of Service (LOS) standards, including:

- Level of service standards stated in MVMC 14.10.080
- Level of service exemptions stated in MVMC 14.10.060
- Concurrency requirements for “Category C: Thirty to 75 Peak Hour Trips” stated in MVMC 14.10.090
- Concurrency requirements for “Category D: More than 75 Peak Hour Trips” stated in MVMC 14.10.090

Traffic Capacity LOS

Segment Levels of Service (LOS) were analyzed using Mount Vernon segment capacity and LOS policy. Project-generated trips impact three segments with pipeline LOS deficiency, as shown in **Table 3.**

Table 3. Project-Impacted Street Segments with 2036 LOS Deficiencies

ID	Segment	Functional Class	Project Trips	v/c ¹	LOS ²	CIP #	Recommended Mitigation
2001	Division St (Freeway Dr to Ball)	Principal Arterial	2	1.42	F		LOS exempt per MVMC 14.10.060
2002	Division St (Ball St to Wall St)	Principal Arterial	2	1.14	F		LOS exempt per MVMC 14.10.060
3044	Anderson Rd (I-5 NB to Cedardale)	Principal Arterial	3	1.24	F	Comp Plan #19	Multi-use path or sidewalk & bike lane

¹v/c: volume-to-capacity ratio

²Segment Level of Service, per 2016 Comprehensive Plan definitions

Each of the LOS-deficient segments operate below LOS standards before and after the Comprehensive Plan amendments.

The Division St Skagit River crossing and approaches are exempt from LOS standards, per MVMC 14.10.060. Anderson Rd from the I-5 northbound ramps to Cedardale Rd will satisfy minimum capacity LOS, assuming the construction of Comprehensive Plan Project #19 which includes nonmotorized facilities on the segment.

Intersection delay and LOS were analyzed with Synchro 9 software using Highway Capacity Manual 2010 (HCM2010) methodologies. Intersection LOS at Project-impacted LOS-deficient intersections are summarized in **Table 4.**

Table 4. Project-Impacted Long-Range (2036) Intersection LOS Deficiencies

ID	Intersection	Control Type ¹	w/o Projects		Project Trips	w/ Projects		Recommended Mitigation
			Delay ² (s/veh)	LOS		Delay ² (s/veh)	LOS	
741	N Laventure Rd & E College Way	Signal	59.7	E	4	59.7	E	Signal timing optimization
789	S 1st St/Freeway Dr & W Division St	Signal	154	F	2	154	F	Modify left turn treatments (T-09-01)
828	S 13th St & Broad St	TWSC	67.4	F	7	70.5	F	Right-out only turn restriction
855	Blodgett Rd & Blackburn Rd	TWSC	75.7	F	6	79.6	F	Tolerate due to low volume (<100vph)
857	S 15th St & Blackburn Rd	TWSC	187	F	6	200	F	AWSC or roundabout
871	I-5 SB Ramp & Anderson Rd	TWSC	311	F	2	315	F	Roundabout (Comp Plan #40)
1058	Blodgett Rd & Broad St	TWSC	70.6	F	6	71.7	F	Add LT lanes (Comp Plan #4)
1344	10th St & E Division St	TWSC	47.2	E	3	47.2	E	Right-out only turn restriction

¹TWSC = Two-way stop control; AWSC = All-way stop control; RAB = Roundabout; Signal = Signalized

²Two-way stop controlled intersection delay is expressed as average worst (i.e. highest delay) movement delay

The intersection of Laventure Rd & College Way will operate at LOS E by 2036 in the Without Project and With Project conditions. LOS D can be maintained by optimizing signal timings while retaining minimum phase intervals.

The intersection of First Street and Division Street is identified for improvement as project T-09-01 in the 2020-2025 CIP. Improvements may include realignment to support protected-permissive left-turns.

The intersection of 13th St & Broad St will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of seven new trips will not significantly impact intersection operations. Intersection LOS may be maintained in the long-range planning horizon by restricting left-turn movements out of 13th St during the 4-6 PM peak period of travel.

The intersection of Blodgett Rd & Blackburn Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The LOS deficiency is the result of southbound (Blodgett Rd) approach delay and is experienced by fewer than 100 vehicles in the 2036 PM peak hour. It is recommended that the City monitor intersection LOS with continued growth and identify possible improvements as minor approach demand increases.

The intersection of S 15th St & Blackburn Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The Mount Vernon Capital Improvement Program and Mount Vernon Transportation Element do not identify improvements at this location. Long-range improvements are recommended to include all-way stop control or a single-lane roundabout.

The intersection of I-5 southbound ramps and Anderson Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection



operations. The 2016 Transportation Element identifies future capacity improvements at the Anderson Rd interchange.

The intersection of Blodgett Rd & Broad St will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The 2016 Transportation Element identifies the intersection for capacity improvements to include left-turn lanes which will allow the intersection to satisfy minimum LOS through 2036.

The intersection of 10th St & E Division St will operate at LOS E by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. Minimum intersection LOS may be maintained in 2036 by restricting left-turns out from 10th St during the weekday 4-6 PM peak period.

Intersection LOS for project driveways should be evaluated at the time of project permit application.

ENGR19-0018: Churches, Community College & School (P) to Medium-High Density Multifamily (MH-MF)

Pedestrian Safety LOS

Curb, gutter, and sidewalk will be required on McLaughlin Rd at the project frontage and on all internal circulating roadways. All new or modified sidewalks, curb ramps and driveway pads must comply with current Americans with Disabilities Act (ADA) standards.

Street Design LOS

McLaughlin Rd at the parcel frontage is currently a one-lane rural section and will require upgrades to three-quarter street LOS per MVMC 14.10.080.C.2.

On-Site LOS

On-site LOS should be evaluated upon submittal of a project site plan. All new and modified sidewalks, curb ramps, and driveway aprons must satisfy Americans with Disabilities Act (ADA) Standards.

Transit LOS

The proposed land use will not significantly impact transit routes or ridership in the area. Skagit Transit Route 207 includes a stop on Martin Rd south of McLaughlin Rd, approximately 1,500 feet to the west of the parcel. Route 207 connects downtown Mount Vernon, the YMCA, Sea Mar Clinic, and the Skagit Valley Playfields. Transit LOS is satisfied.

Nonmotorized Transportation LOS

Nonmotorized LOS will be satisfied, assuming improvement of McLaughlin Rd to three-quarter street standards to connect the parcel frontage to the existing three-quarter street section from McLaughlin Extension Rd to Martin Rd.

Pavement Condition LOS

Pavement on McLaughlin Rd is in good condition and should be maintained.

ENGR20-0019: Healthcare Development (HD) to Medium-High Density Residential (MH-MF)

Pedestrian Safety LOS

Curb, gutter, and six-foot sidewalks currently exist on the southern side of Division Street and on the eastern side of S 18th Street at the project frontage. Pedestrian safety LOS is satisfied.

Street Design LOS

E Division St consists of a 44-foot paved width with 11-foot travel lanes, a 12-foot center turn lane, and two 5-foot bike lanes. The street includes curb, gutter, and six-foot sidewalks on both sides at the project frontage. Three-quarter minor arterial street design LOS is satisfied for E Division St.



S 18th Street at the south end of the project frontage consists of a 36-foot paved width with two 11-foot travel lanes and paved shoulders on both sides. Curb, gutter, and concrete sidewalk exist on the eastern side of the street. S 18th St transitions along the frontage to include a 38-foot paved width with two 12-foot travel lanes and northbound left-turn lane at E Division St. Curb, gutter, and sidewalk exist on both sides.

Ultimate street design standard for two-lane urban collector streets includes 40-foot paved width, two 12-foot travel lanes, and two 8-foot shoulders. To satisfy three-quarter street design LOS, S 18th St must include a minimum 34-foot width and curb, gutter, and sidewalks on the project side of the street. Three-quarter street design LOS is satisfied for S 18th St.

On-Site LOS

On-site LOS should be evaluated upon submittal of a project site plan. All new and modified sidewalks, curb ramps, and driveway aprons must satisfy Americans with Disabilities Act (ADA) Standards.

Transit LOS

Skagit Transit Route 206 includes stops at S 18th St and E Division St, both on the project frontage. The proposed land uses will not significantly impact Skagit Transit ridership or routes.

Nonmotorized Transportation LOS

S 18th St and E Division St are both designated bicycle routes at the parcel frontage, per the Mount Vernon Transportation Element. Paved shoulders and sidewalks are present on the project side of both streets. Nonmotorized LOS is satisfied.

Pavement Condition LOS

Pavement on Division Street and on E 18th Street at the project frontage appears to be in good condition and should be maintained.

TRANSPORTATION IMPACT FEES

Impact fees are generally adjusted annually by the City of Mount Vernon to account for inflation. The current adopted transportation impact fee rates are attached. Preliminary transportation impact fee calculations are shown in **Table 4** for each of the proposed land uses. The fee calculations shown below are provided for reference only.

Table 4. Preliminary Transportation Impact Fee Calculations

Land Use Number	Description	Quantity		PM Trips	Fee Rate	Transportation Impact Fee
ENGR19-0018	Apartments	156	DU	87	\$3,211 / DU	\$500,916
	Church	40	ksf	16	\$1,125 / trip	\$18,000
ENGR19-0018 Subtotal						\$518,916
ENGR20-0019	Apartments	75	DU	42	\$3,211 / DU	\$240,825
	Single-Family Housing	-1	DU	-1	\$5,232 / DU	-\$5,232
ENGR20-0019 Subtotal						\$235,593



FINDINGS AND RECOMMENDATIONS

Findings and recommendations of this transportation concurrency review are summarized below.

- ENGR19-0018 (P24856):
 - The rezone will generate up to 103 new PM peak hour trips (62 in; 42 out)
 - McLaughlin Rd will require improvement to satisfy three-quarter street design standard
 - On-site LOS and driveway LOS should be evaluated after submittal of project site plan.
 - The amendment will not result in any new traffic capacity LOS deficiencies.
 - Transportation impact fee will be approximately \$518,916
- ENGR19-0019 (P26688, P83257):
 - The rezone will generate up to 41 new PM peak hour trips (25 in; 16 out)
 - On-site LOS and driveway LOS should be evaluated after submittal of project site plan.
 - The amendment will not result in any new traffic capacity LOS deficiencies.
 - Transportation impact fee will be \$518,916

Attachment: Impact and Sewer Connection Fee Summary - 2020

Exhibit 8



DEVELOPMENT SERVICES DEPARTMENT

910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214 | PermitTech@mountvernonwa.gov

IMPACT FEE SUMMARY - 2020

IMPACT FEES: Impact fees are one-time charges imposed for development projects that are impacting the City’s transportation systems, parks, or fire protection facilities. Impact fees collected by the City are used to help pay for new or expanded public facilities (i.e. roads, fire protection or parks). The fees collected directly and proportionally address the increased demand for these facilities created by the new development.

CITY IMPACT FEES

	SINGLE FAMILY & DUPLEX (Per Unit)	MULTI-FAMILY (Per Unit)	NON-RESIDENTIAL¹
PARKS	\$855.00	\$789.00	N/A
FIRE	\$152.00	\$152.00	\$0.22/sq. ft.
TRAFFIC	\$5,232.00 ²	\$5,232.00 per unit (3 to 50 units) ² \$3,211.00 per unit (51 + units) ²	\$1,125.00/PM peak hr. trip
ADMINISTRATION ³	\$105.00 per unit	\$210.00 per m.f. permit	1% of total impact fee with a \$35.00 min.

¹ Transportation & Fire Impact Fees apply to all new non-residential buildings, and additions to existing buildings. Transportation impact fees will also be calculated for a change of use on an existing non-residential building. The number of average trips per peak P.M. hours are calculated by a traffic engineer which the city has contracted with to review all commercial projects for trip generation.

² See page 2 of this handout for discounts to traffic impact fees for developments restricted to those 62 and older (and other related populations), certain types of mixed use buildings, and certain development located in the C-1 zoning district.

³ The administrative fee changes from \$105.00 per s.f. or duplex unit and \$210.00 per m.f. permit to \$150.00 per s.f. or duplex unit and \$200.00 per m.f. permit 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.

MOUNT VERNON SCHOOL DISTRICT IMPACT FEES

The Mount Vernon School District (District) determines the below-listed impact fees. Because State law prohibits the District from collecting impact fees themselves, the City collects these fees and remits the funds to the District. Questions or concerns about school impact fees should be addressed to the District, not the City. The District can be contact at: (360) 428-6110.

	SINGLE FAMILY & DUPLEX (Per Unit)	MULTI-FAMILY (Per Unit)
SCHOOL	\$9,421.00	\$1,134.00
ADMINISTRATION ⁴	\$35.00 per unit	\$70.00 per m.f. permit

⁴ The administrative fee changes from \$35.00 per s.f. or duplex unit and \$70.00 per m.f. permit to \$150.00 s.f. or duplex unit and \$200.00 per m.f. permit 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.

The purpose of this handout is to assist the public in complying with detailed permit submittal requirements. It is NOT a complete list of permit or code requirements and should NOT be used as a substitute for applicable laws and regulations. It is the responsibility of the owner/design professional to review the submittal for completeness and applicability to other codes. Only complete applications can be accepted by the City for review.

TRAFFIC IMPACT FEES

LAND USE GROUP <i>(Definitions for these land use groups are provided following this table)</i>	IMPACT FEE
Residential Groups:	
Single Family Dwelling Units, Duplex, and Any Type of Multi-Family Structure with 50 Dwelling Units or Less	\$5,232.00 per each dwelling unit
Multi-Family Dwelling Units With 51 Units or More	\$3,211.00 per each dwelling unit
Multi-Family Dwelling Units constructed within the C-1(A) and (C) zones; and, Multi-Family Dwelling Units constructed in structures where at least 25% of the gross floor area is devoted to retail uses.	\$1,991.00 per each dwelling unit
Single Family Dwelling Units, Duplex, and Any Type of Multi-Family Structure with 50 Dwelling Units or Less That are restricted to those individuals that are defined as senior citizens	\$1,347.00 per each dwelling unit
Multi-Family Dwelling Units With 51 Units or More that are restricted to those individuals that are defined as senior citizens	\$568.00 per each dwelling unit
Congregate Care Facility and Nursing Homes	\$879.00 per bed
Assisted Living Facilities	\$1,138.00 per bed
Commercial and Industrial Groups:	
All uses that are not identified within the Residential Groups above, but excluding private or public schools.	\$1,125.00 per PM peak hour trip

- A Single-Family Dwelling Unit is a detached building containing but one kitchen, designed for and occupied exclusively by one family and the household employees of that family.
- A Dwelling Unit is defined as a building or portion thereof providing complete housekeeping facilities for one family.
- A Duplex is a building that contains two (2) one-family dwellings attached by a common wall and designed to be occupied by two families living independently of each other.
- A Multi-Family Structure means a building designed to house three or more families living independently of each other attached by common walls.
- Restricting a residential group to those individuals that are defined as senior citizens means that an applicant shall file with the Skagit County Auditor a covenant that will run with the land that restricts the age of the occupants within a dwelling unit. The age restriction shall be no younger than 62.
- Congregate Care Facilities and Nursing Homes are licensed facilities that provide constant nursing care of elderly or disabled individuals who do not require hospitalization, but who cannot be cared for at home.
- Assisted Living Facilities are used by individuals living separately from others, in a structure designed for the needs of elderly people. These establishments provide services such as the supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of an elderly person. This generally includes the provision of personal care, supervision of self-administered medication, limited health facilities, communal dining facilities and services such as housekeeping, organized social and recreational activities and transportation services.
- Having any of the residential groups condominized shall have no bearing on how the structure is defined. The number of dwelling units and whether or not they are attached by common walls shall be the bases in defining the residential groups.
- Commercial and Industrial Groups include all uses not specifically listed within the Residential Group, excluding public and private schools. Commercial and Industrial Groups include, but are not limited to: all commercial, retail, office, industrial, church, governmental, healthcare facilities, hotels and bed and breakfasts, recreational facilities, banks, and eating and drinking establishments.
- Impact fees shall be adjusted each January to provide for inflation. The Engineering News Record Construction Cost index for 20 cities shall be used.

Exhibit 8



DEVELOPMENT SERVICES

910 Cleveland Avenue
Mount Vernon, WA 98273
(360) 336-6214 - Office
PermitTech@mountvernonwa.gov

TRANSPORTATION CONCURRENCY DETERMINATION

ISSUE DATE:	PERMIT #: ENGR20-0019		
SITE ADDRESS: 1800 E DIVISION ST	PARCEL #:	P26688	
OWNER NAME AND CONTACT: OPTIMUM PROPERTIES LLC PO BOX 836 MOUNT VERNON, WA 98273 (360) 336-1000	NEW PM PEAK HOURS TRIPS GENERATED: 41		
PROJECT DESCRIPTION: Traffic Concurrence for Optimum Comp. Plan Amendment (HD to Multi-Family)			
CONDITIONS AND COMMENTS APPLICABLE TO THIS PERMIT: 1. Engineering approval is subject to the findings of the Transportation Concurrence Review accompanying this permit. All development subject to concurrency requirements per Mount Vernon Municipal Code (MVMC) Chapter 14.10 must 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. The peak hour volume has been established with the accompanying traffic analysis. Compliance with the concurrency LOS standards will be based on the number of peak hour trips generated by the subject development as determined in MVMC Chapter 14.10. 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. 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. Any aggrieved party may appeal a concurrency decision based on the grounds of a technical error. An estimate of traffic impact fees is provided in the accompanying report. However, traffic impact fees are collected when a building permit is issued - or through a deferral process - at final inspection of certain structures. Impact fees do not vest like other development regulations do. As such, the traffic impact fee amount can be different than what is outlined in the accompanying report. THIS TRAFFIC CONCURRENCY DETERMINATION WILL NEED TO BE AMENDED IF THE SCOPE OF THE PROJECT UNDER WHICH THIS DETERMINATION WAS MADE CHANGES.			

A handwritten signature in blue ink, appearing to be "M. J. ...".

Development Review Engineer Signature

08/14/2020

Date



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 F 425-867-0898
 www.tsinw.com

August 14, 2020

TO: Rebecca Lowell, Senior Planner
 Planning Coordinator
 City of Mount Vernon

FROM: Andrew L. Bratlien, PE
 Daniel B. Hodun, EIT

SUBJECT: 2020 Comprehensive Plan Amendments
 Non-Project Transportation Concurrency Review

INTRODUCTION

This memorandum describes the findings and recommendations associated with the non-project transportation concurrency review for the proposed 2020 Mount Vernon Comprehensive Plan amendments.

PROJECT DESCRIPTION

This review consists of a concurrency analysis for two Comprehensive Plan amendment requests that require a cumulative analysis of traffic impacts per SEPA regulations. Likely development scenarios for each of the amendment requests were identified by the applicants and are summarized in **Table 1**. A vicinity map is shown in **Figure 1**.

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Land Use Number	Parcel	Comprehensive Plan		Zoning		Description ¹
		Existing	Proposed	Existing	Proposed	
ENGR19-0018	P24856	Churches, Community College, Schools (P)	Medium-High Density Multifamily (MH-MF)	Public (P)	Multifamily Residential (R-4), Public (P) (partial)	40 ksf church; 156 multifamily DU
ENGR20-0019	P26688, P83257	Healthcare Development (HD)	Medium-High Density Multifamily (MH-MF)	Healthcare Development (HD)	Multifamily Residential (R-4)	75 multifamily DU

¹Maximum allowable use, per applicant description

Land use number ENGR19-0018 includes a rezone of Skagit County parcel P24856, located on the south side of McLaughlin Rd. The undeveloped site is currently zoned Public (P). The two-phase project would include a partial rezone of the existing site to Multifamily Residential (R-4), with part of the site retaining the existing Public zoning. The site would support up to 78 apartments under the R-4 designation, or up to 156 apartments if a density bonus is granted per the Mount Vernon Affordable Housing Development Code. The site would also include a church consisting of up to 40,000 square feet of enclosed floor area.



Land use number ENGR20-0019 will rezone parcels P26688 and P83257, located at the southeast corner of E Division St and S 18th St in Mount Vernon. The area is currently zoned Healthcare Development (HD) and includes two single-family detached units. The proposal includes a rezone to Multifamily Residential (R-4), which would support up to 75 apartments in the future. The proposal assumes the removal of the existing 2 single-family homes on-site.

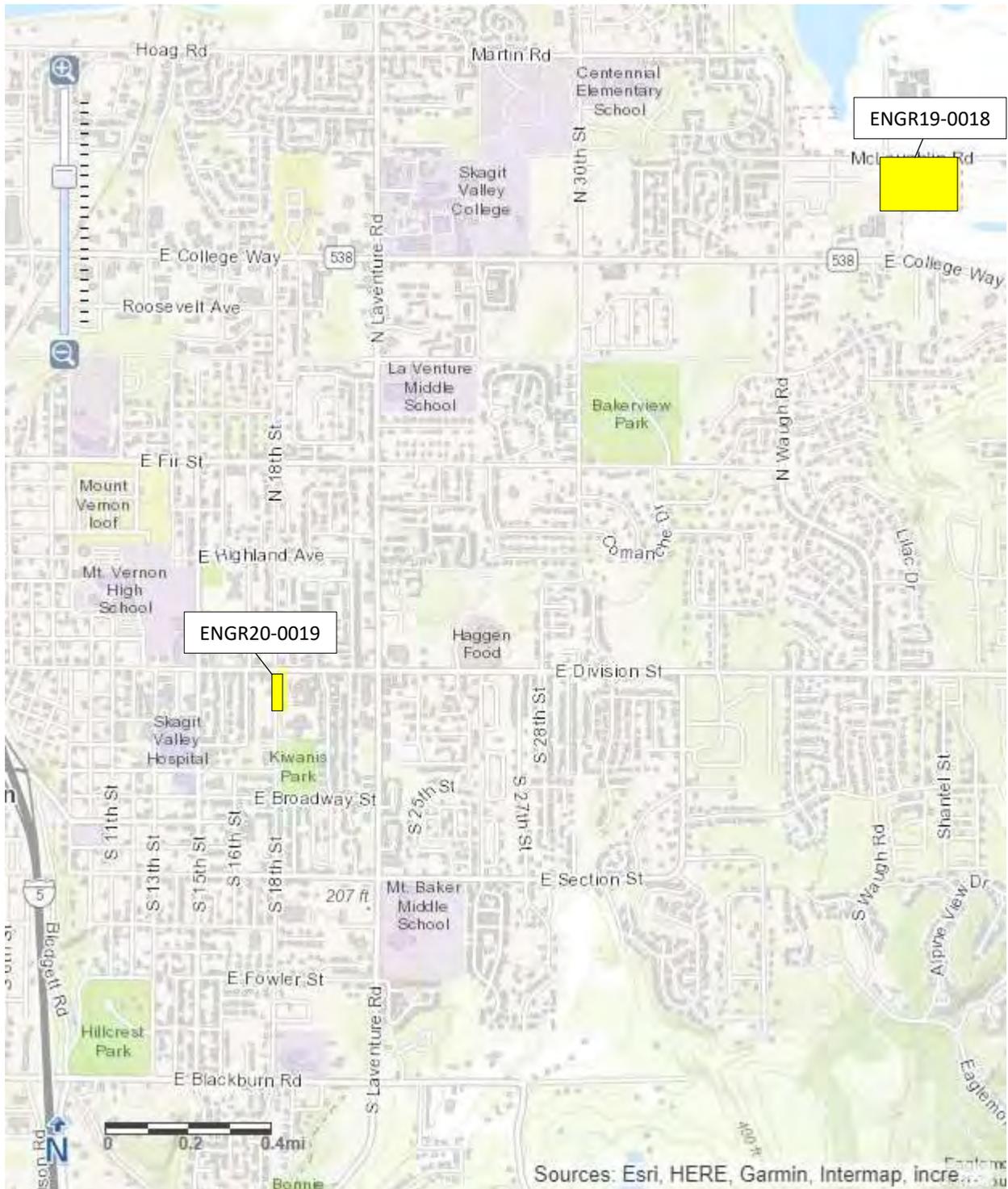


Figure 1. Vicinity Map



PROJECT TRIP GENERATION

PM peak hour trip generation forecasts were calculated for each of the proposed land using data published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. Trip generation rates and results are summarized in **Table 2**. This analysis assumed the highest use for each project, including the maximum 156 dwelling units allowable under the affordable housing density bonus for project ENGR19-0018.

Table 2. Trip Generation

Land Use Number	Description	ITE LUC	Quantity ¹	Trip Rate	% In	PM Pk Hr Trips		
						In	Out	Total
ENGR19-0018	Low-Rise Multifamily	220	156 DU	0.56	63%	55	32	87
	Church	560	40 ksf	0.40	45%	7	9	16
<i>ENGR19-0018 Subtotal</i>						62	42	103
ENGR20-0019	Low-Rise Multifamily	220	75 DU	0.56	63%	26	16	42
	Single-Family Detached (removed)	210	-1 DU	0.99	63%	-1	0	-1
<i>ENGR20-0019 Subtotal</i>						25	16	41
New PM Peak Hour Trips, Total						87	58	144

¹DU = dwelling units; ksf = 1,000 square feet

The two amendments will generate a total of 144 new PM peak hour trips, split 87 in and 58 out.

PROJECT TRIP DISTRIBUTION AND ASSIGNMENT

Project-generated trips were input to the Mount Vernon citywide travel demand model and distributed to Transportation Analysis Zones in and around the City. They were then assigned to the transportation network using a travel time equilibrium algorithm. The resulting project trip assignment is shown in **Figure 2**. Assigned trips were added to the citywide intersection operations model for traffic capacity LOS evaluation.

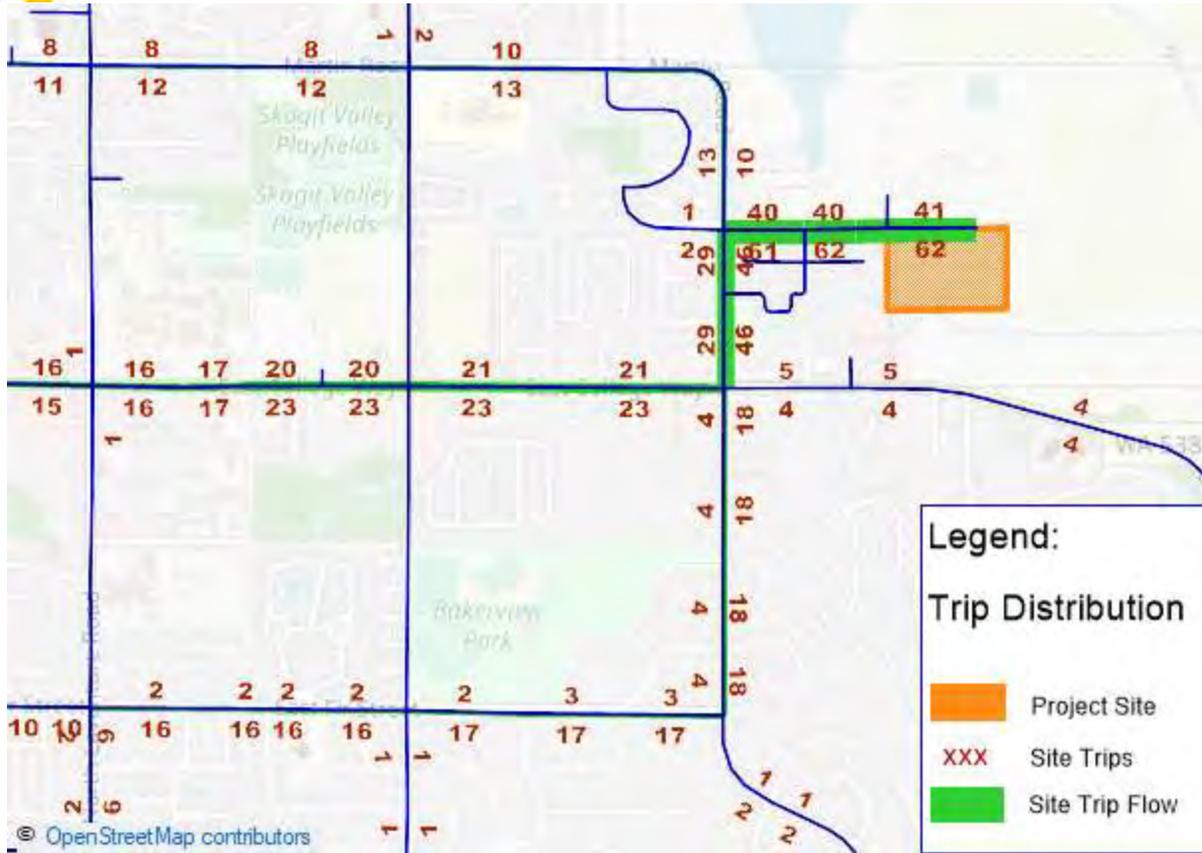


Figure 2. ENGR19-0018 Trip Assignment

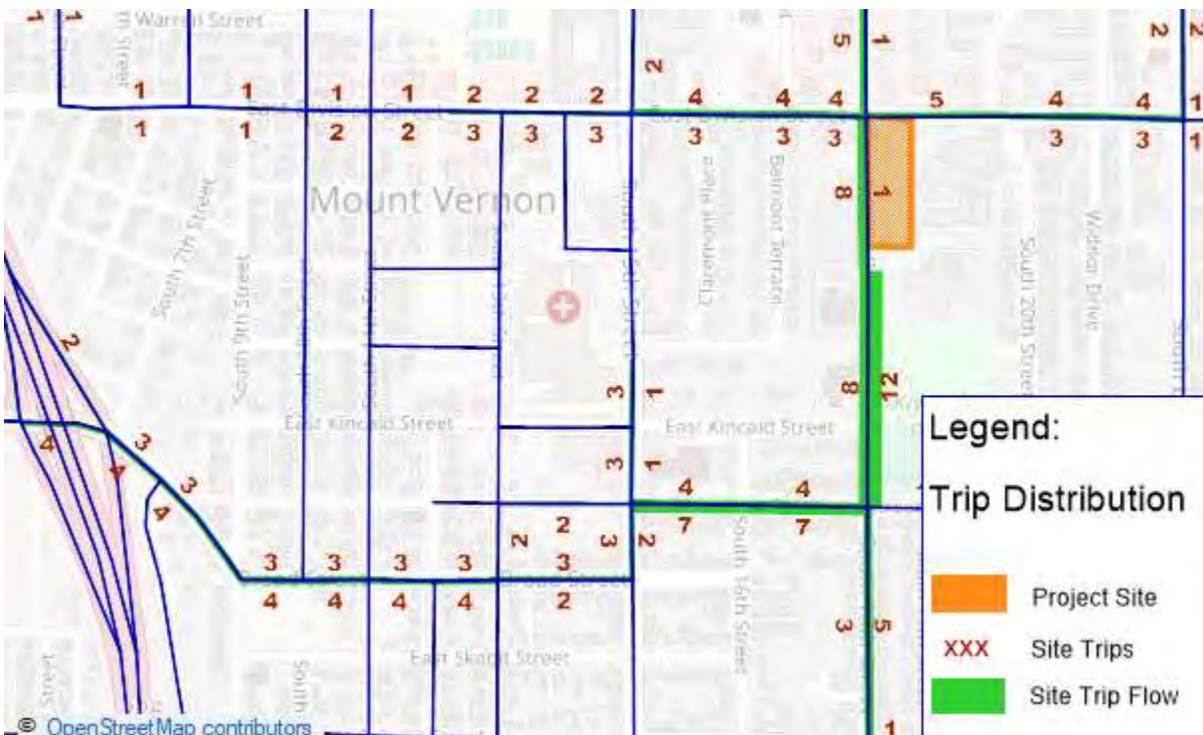


Figure 3. ENGR20-0019 Trip Assignment



TRANSPORTATION CONCURRENCY STANDARDS

This transportation concurrency review is based on Mount Vernon Municipal Code (MVMC) concurrency and Level of Service (LOS) standards, including:

- Level of service standards stated in MVMC 14.10.080
- Level of service exemptions stated in MVMC 14.10.060
- Concurrency requirements for “Category C: Thirty to 75 Peak Hour Trips” stated in MVMC 14.10.090
- Concurrency requirements for “Category D: More than 75 Peak Hour Trips” stated in MVMC 14.10.090

Traffic Capacity LOS

Segment Levels of Service (LOS) were analyzed using Mount Vernon segment capacity and LOS policy. Project-generated trips impact three segments with pipeline LOS deficiency, as shown in **Table 3.**

Table 3. Project-Impacted Street Segments with 2036 LOS Deficiencies

ID	Segment	Functional Class	Project Trips	v/c ¹	LOS ²	CIP #	Recommended Mitigation
2001	Division St (Freeway Dr to Ball)	Principal Arterial	2	1.42	F		LOS exempt per MVMC 14.10.060
2002	Division St (Ball St to Wall St)	Principal Arterial	2	1.14	F		LOS exempt per MVMC 14.10.060
3044	Anderson Rd (I-5 NB to Cedardale)	Principal Arterial	3	1.24	F	Comp Plan #19	Multi-use path or sidewalk & bike lane

¹v/c: volume-to-capacity ratio

²Segment Level of Service, per 2016 Comprehensive Plan definitions

Each of the LOS-deficient segments operate below LOS standards before and after the Comprehensive Plan amendments.

The Division St Skagit River crossing and approaches are exempt from LOS standards, per MVMC 14.10.060. Anderson Rd from the I-5 northbound ramps to Cedardale Rd will satisfy minimum capacity LOS, assuming the construction of Comprehensive Plan Project #19 which includes nonmotorized facilities on the segment.

Intersection delay and LOS were analyzed with Synchro 9 software using Highway Capacity Manual 2010 (HCM2010) methodologies. Intersection LOS at Project-impacted LOS-deficient intersections are summarized in **Table 4.**

Table 4. Project-Impacted Long-Range (2036) Intersection LOS Deficiencies

ID	Intersection	Control Type ¹	w/o Projects		Project Trips	w/ Projects		Recommended Mitigation
			Delay ² (s/veh)	LOS		Delay ² (s/veh)	LOS	
741	N Laventure Rd & E College Way	Signal	59.7	E	4	59.7	E	Signal timing optimization
789	S 1st St/Freeway Dr & W Division St	Signal	154	F	2	154	F	Modify left turn treatments (T-09-01)
828	S 13th St & Broad St	TWSC	67.4	F	7	70.5	F	Right-out only turn restriction
855	Blodgett Rd & Blackburn Rd	TWSC	75.7	F	6	79.6	F	Tolerate due to low volume (<100vph)
857	S 15th St & Blackburn Rd	TWSC	187	F	6	200	F	AWSC or roundabout
871	I-5 SB Ramp & Anderson Rd	TWSC	311	F	2	315	F	Roundabout (Comp Plan #40)
1058	Blodgett Rd & Broad St	TWSC	70.6	F	6	71.7	F	Add LT lanes (Comp Plan #4)
1344	10th St & E Division St	TWSC	47.2	E	3	47.2	E	Right-out only turn restriction

¹TWSC = Two-way stop control; AWSC = All-way stop control; RAB = Roundabout; Signal = Signalized

²Two-way stop controlled intersection delay is expressed as average worst (i.e. highest delay) movement delay

The intersection of Laventure Rd & College Way will operate at LOS E by 2036 in the Without Project and With Project conditions. LOS D can be maintained by optimizing signal timings while retaining minimum phase intervals.

The intersection of First Street and Division Street is identified for improvement as project T-09-01 in the 2020-2025 CIP. Improvements may include realignment to support protected-permissive left-turns.

The intersection of 13th St & Broad St will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of seven new trips will not significantly impact intersection operations. Intersection LOS may be maintained in the long-range planning horizon by restricting left-turn movements out of 13th St during the 4-6 PM peak period of travel.

The intersection of Blodgett Rd & Blackburn Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The LOS deficiency is the result of southbound (Blodgett Rd) approach delay and is experienced by fewer than 100 vehicles in the 2036 PM peak hour. It is recommended that the City monitor intersection LOS with continued growth and identify possible improvements as minor approach demand increases.

The intersection of S 15th St & Blackburn Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The Mount Vernon Capital Improvement Program and Mount Vernon Transportation Element do not identify improvements at this location. Long-range improvements are recommended to include all-way stop control or a single-lane roundabout.

The intersection of I-5 southbound ramps and Anderson Rd will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection



operations. The 2016 Transportation Element identifies future capacity improvements at the Anderson Rd interchange.

The intersection of Blodgett Rd & Broad St will operate at LOS F by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. The 2016 Transportation Element identifies the intersection for capacity improvements to include left-turn lanes which will allow the intersection to satisfy minimum LOS through 2036.

The intersection of 10th St & E Division St will operate at LOS E by 2036 in the Without Project and With Project scenarios. The addition of six new trips will not significantly impact intersection operations. Minimum intersection LOS may be maintained in 2036 by restricting left-turns out from 10th St during the weekday 4-6 PM peak period.

Intersection LOS for project driveways should be evaluated at the time of project permit application.

ENGR19-0018: Churches, Community College & School (P) to Medium-High Density Multifamily (MH-MF)

Pedestrian Safety LOS

Curb, gutter, and sidewalk will be required on McLaughlin Rd at the project frontage and on all internal circulating roadways. All new or modified sidewalks, curb ramps and driveway pads must comply with current Americans with Disabilities Act (ADA) standards.

Street Design LOS

McLaughlin Rd at the parcel frontage is currently a one-lane rural section and will require upgrades to three-quarter street LOS per MVMC 14.10.080.C.2.

On-Site LOS

On-site LOS should be evaluated upon submittal of a project site plan. All new and modified sidewalks, curb ramps, and driveway aprons must satisfy Americans with Disabilities Act (ADA) Standards.

Transit LOS

The proposed land use will not significantly impact transit routes or ridership in the area. Skagit Transit Route 207 includes a stop on Martin Rd south of McLaughlin Rd, approximately 1,500 feet to the west of the parcel. Route 207 connects downtown Mount Vernon, the YMCA, Sea Mar Clinic, and the Skagit Valley Playfields. Transit LOS is satisfied.

Nonmotorized Transportation LOS

Nonmotorized LOS will be satisfied, assuming improvement of McLaughlin Rd to three-quarter street standards to connect the parcel frontage to the existing three-quarter street section from McLaughlin Extension Rd to Martin Rd.

Pavement Condition LOS

Pavement on McLaughlin Rd is in good condition and should be maintained.

ENGR20-0019: Healthcare Development (HD) to Medium-High Density Residential (MH-MF)

Pedestrian Safety LOS

Curb, gutter, and six-foot sidewalks currently exist on the southern side of Division Street and on the eastern side of S 18th Street at the project frontage. Pedestrian safety LOS is satisfied.

Street Design LOS

E Division St consists of a 44-foot paved width with 11-foot travel lanes, a 12-foot center turn lane, and two 5-foot bike lanes. The street includes curb, gutter, and six-foot sidewalks on both sides at the project frontage. Three-quarter minor arterial street design LOS is satisfied for E Division St.



S 18th Street at the south end of the project frontage consists of a 36-foot paved width with two 11-foot travel lanes and paved shoulders on both sides. Curb, gutter, and concrete sidewalk exist on the eastern side of the street. S 18th St transitions along the frontage to include a 38-foot paved width with two 12-foot travel lanes and northbound left-turn lane at E Division St. Curb, gutter, and sidewalk exist on both sides.

Ultimate street design standard for two-lane urban collector streets includes 40-foot paved width, two 12-foot travel lanes, and two 8-foot shoulders. To satisfy three-quarter street design LOS, S 18th St must include a minimum 34-foot width and curb, gutter, and sidewalks on the project side of the street. Three-quarter street design LOS is satisfied for S 18th St.

On-Site LOS

On-site LOS should be evaluated upon submittal of a project site plan. All new and modified sidewalks, curb ramps, and driveway aprons must satisfy Americans with Disabilities Act (ADA) Standards.

Transit LOS

Skagit Transit Route 206 includes stops at S 18th St and E Division St, both on the project frontage. The proposed land uses will not significantly impact Skagit Transit ridership or routes.

Nonmotorized Transportation LOS

S 18th St and E Division St are both designated bicycle routes at the parcel frontage, per the Mount Vernon Transportation Element. Paved shoulders and sidewalks are present on the project side of both streets. Nonmotorized LOS is satisfied.

Pavement Condition LOS

Pavement on Division Street and on E 18th Street at the project frontage appears to be in good condition and should be maintained.

TRANSPORTATION IMPACT FEES

Impact fees are generally adjusted annually by the City of Mount Vernon to account for inflation. The current adopted transportation impact fee rates are attached. Preliminary transportation impact fee calculations are shown in **Table 4** for each of the proposed land uses. The fee calculations shown below are provided for reference only.

Table 4. Preliminary Transportation Impact Fee Calculations

Land Use Number	Description	Quantity		PM Trips	Fee Rate	Transportation Impact Fee
ENGR19-0018	Apartments	156	DU	87	\$3,211 / DU	\$500,916
	Church	40	ksf	16	\$1,125 / trip	\$18,000
ENGR19-0018 Subtotal						\$518,916
ENGR20-0019	Apartments	75	DU	42	\$3,211 / DU	\$240,825
	Single-Family Housing	-1	DU	-1	\$5,232 / DU	-\$5,232
ENGR20-0019 Subtotal						\$235,593



FINDINGS AND RECOMMENDATIONS

Findings and recommendations of this transportation concurrency review are summarized below.

- ENGR19-0018 (P24856):
 - The rezone will generate up to 103 new PM peak hour trips (62 in; 42 out)
 - McLaughlin Rd will require improvement to satisfy three-quarter street design standard
 - On-site LOS and driveway LOS should be evaluated after submittal of project site plan.
 - The amendment will not result in any new traffic capacity LOS deficiencies.
 - Transportation impact fee will be approximately \$518,916
- ENGR19-0019 (P26688, P83257):
 - The rezone will generate up to 41 new PM peak hour trips (25 in; 16 out)
 - On-site LOS and driveway LOS should be evaluated after submittal of project site plan.
 - The amendment will not result in any new traffic capacity LOS deficiencies.
 - Transportation impact fee will be \$518,916

Attachment: Impact and Sewer Connection Fee Summary - 2020

Exhibit 8



DEVELOPMENT SERVICES DEPARTMENT

910 Cleveland Ave, Mount Vernon, WA 98273
360-336-6214 | PermitTech@mountvernonwa.gov

IMPACT FEE SUMMARY - 2020

IMPACT FEES: Impact fees are one-time charges imposed for development projects that are impacting the City’s transportation systems, parks, or fire protection facilities. Impact fees collected by the City are used to help pay for new or expanded public facilities (i.e. roads, fire protection or parks). The fees collected directly and proportionally address the increased demand for these facilities created by the new development.

CITY IMPACT FEES

	SINGLE FAMILY & DUPLEX (Per Unit)	MULTI-FAMILY (Per Unit)	NON-RESIDENTIAL ¹
PARKS	\$855.00	\$789.00	N/A
FIRE	\$152.00	\$152.00	\$0.22/sq. ft.
TRAFFIC	\$5,232.00 ²	\$5,232.00 per unit (3 to 50 units) ² \$3,211.00 per unit (51 + units) ²	\$1,125.00/PM peak hr. trip
ADMINISTRATION ³	\$105.00 per unit	\$210.00 per m.f. permit	1% of total impact fee with a \$35.00 min.

¹ Transportation & Fire Impact Fees apply to all new non-residential buildings, and additions to existing buildings. Transportation impact fees will also be calculated for a change of use on an existing non-residential building. The number of average trips per peak P.M. hours are calculated by a traffic engineer which the city has contracted with to review all commercial projects for trip generation.

² See page 2 of this handout for discounts to traffic impact fees for developments restricted to those 62 and older (and other related populations), certain types of mixed use buildings, and certain development located in the C-1 zoning district.

³ The administrative fee changes from \$105.00 per s.f. or duplex unit and \$210.00 per m.f. permit to \$150.00 per s.f. or duplex unit and \$200.00 per m.f. permit 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.

MOUNT VERNON SCHOOL DISTRICT IMPACT FEES

The Mount Vernon School District (District) determines the below-listed impact fees. Because State law prohibits the District from collecting impact fees themselves, the City collects these fees and remits the funds to the District. Questions or concerns about school impact fees should be addressed to the District, not the City. The District can be contact at: (360) 428-6110.

	SINGLE FAMILY & DUPLEX (Per Unit)	MULTI-FAMILY (Per Unit)
SCHOOL	\$9,421.00	\$1,134.00
ADMINISTRATION ⁴	\$35.00 per unit	\$70.00 per m.f. permit

⁴ The administrative fee changes from \$35.00 per s.f. or duplex unit and \$70.00 per m.f. permit to \$150.00 s.f. or duplex unit and \$200.00 per m.f. permit 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.

The purpose of this handout is to assist the public in complying with detailed permit submittal requirements. It is NOT a complete list of permit or code requirements and should NOT be used as a substitute for applicable laws and regulations. It is the responsibility of the owner/design professional to review the submittal for completeness and applicability to other codes. Only complete applications can be accepted by the City for review.

TRAFFIC IMPACT FEES

LAND USE GROUP <i>(Definitions for these land use groups are provided following this table)</i>	IMPACT FEE
Residential Groups:	
Single Family Dwelling Units, Duplex, and Any Type of Multi-Family Structure with 50 Dwelling Units or Less	\$5,232.00 per each dwelling unit
Multi-Family Dwelling Units With 51 Units or More	\$3,211.00 per each dwelling unit
Multi-Family Dwelling Units constructed within the C-1(A) and (C) zones; and, Multi-Family Dwelling Units constructed in structures where at least 25% of the gross floor area is devoted to retail uses.	\$1,991.00 per each dwelling unit
Single Family Dwelling Units, Duplex, and Any Type of Multi-Family Structure with 50 Dwelling Units or Less That are restricted to those individuals that are defined as senior citizens	\$1,347.00 per each dwelling unit
Multi-Family Dwelling Units With 51 Units or More that are restricted to those individuals that are defined as senior citizens	\$568.00 per each dwelling unit
Congregate Care Facility and Nursing Homes	\$879.00 per bed
Assisted Living Facilities	\$1,138.00 per bed
Commercial and Industrial Groups:	
All uses that are not identified within the Residential Groups above, but excluding private or public schools.	\$1,125.00 per PM peak hour trip

- A Single-Family Dwelling Unit is a detached building containing but one kitchen, designed for and occupied exclusively by one family and the household employees of that family.
- A Dwelling Unit is defined as a building or portion thereof providing complete housekeeping facilities for one family.
- A Duplex is a building that contains two (2) one-family dwellings attached by a common wall and designed to be occupied by two families living independently of each other.
- A Multi-Family Structure means a building designed to house three or more families living independently of each other attached by common walls.
- Restricting a residential group to those individuals that are defined as senior citizens means that an applicant shall file with the Skagit County Auditor a covenant that will run with the land that restricts the age of the occupants within a dwelling unit. The age restriction shall be no younger than 62.
- Congregate Care Facilities and Nursing Homes are licensed facilities that provide constant nursing care of elderly or disabled individuals who do not require hospitalization, but who cannot be cared for at home.
- Assisted Living Facilities are used by individuals living separately from others, in a structure designed for the needs of elderly people. These establishments provide services such as the supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of an elderly person. This generally includes the provision of personal care, supervision of self-administered medication, limited health facilities, communal dining facilities and services such as housekeeping, organized social and recreational activities and transportation services.
- Having any of the residential groups condominized shall have no bearing on how the structure is defined. The number of dwelling units and whether or not they are attached by common walls shall be the bases in defining the residential groups.
- Commercial and Industrial Groups include all uses not specifically listed within the Residential Group, excluding public and private schools. Commercial and Industrial Groups include, but are not limited to: all commercial, retail, office, industrial, church, governmental, healthcare facilities, hotels and bed and breakfasts, recreational facilities, banks, and eating and drinking establishments.
- Impact fees shall be adjusted each January to provide for inflation. The Engineering News Record Construction Cost index for 20 cities shall be used.



MASTER LAND USE APPLICATION FORM

Exhibit 2a

FILE NUMBER:

① PROPERTY WHERE PROJECT IS PROPOSED

ADDRESS:	PARCEL NUMBER(S):
----------	-------------------

② PROPERTY OWNER INFORMATION

NAME:			
ADDRESS:	CITY	STATE	ZIP
TELEPHONE:	CELL:	EMAIL:	

③ APPLICANT INFORMATION

NAME:			
ADDRESS:	CITY	STATE	ZIP
TELEPHONE:	CELL:	EMAIL:	

④ CONTACT PERSON

SELECT THE ONE PERSON THE CITY WILL CONTACT FOR ANYTHING RELATED TO THIS PERMIT APPLICANT PROPERTY OWNER CONTRACTOR OTHER (LIST BELOW)

NAME:			
ADDRESS:	CITY	STATE	ZIP
TELEPHONE:	CELL:	EMAIL:	

⑤ OTHER INFORMATION

BRIEF PROJECT DESCRIPTION:			
EXISTING ZONING DESIGNATION:	REQUESTING A REZONE:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
EXISTING COMPREHENSIVE PLAN DESIGNATION:	REQUESTING A COMPREHENSIVE PLAN AMENDMENT?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SITE AREA (IN SQUARE FEET & ACRES):			

Exhibit 8

IS THE PROPERTY LOCATED IN A FLOOD ZONE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NOTE: If yes, a Flood Area Development Permit may be required.
ARE THERE SLOPES IN EXCESS OF 15% ON OR ABUTTING THE SITE?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NOTE: If yes, make sure these area are clearly shown on the plans being submitted and provide a geotechnical report.
ARE THERE CRITICAL AREAS OR BUFFERS ON OR ABUTTING THE PROJECT SITE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a copy of the critical areas report(s) must be submitted with this application. In addition, the critical area and its associated buffer must be clearly shown on the plans being submitted.
WILL MORE THAN 2-ACRES BE CLEARED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NOTE: If yes, a Land Clearing Permit must be submitted.
WILL MORE THAN 5,000 BOARD FEET OF TIMBER BE HARVESTED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NOTE: If yes, a Land Clearing Permit must be submitted.
ARE YOU CONSTRUCTING STORMWATER FACILITIES?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	ADDITIONAL INFORMATION NEEDED: If yes, list the DOE Manual used to design facility:
ARE YOU WORKING WITHIN AN EXISTING CITY RIGHT-OF-WAY?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NOTE: If yes, a Right-of-Way Permit must be submitted.
HAS A PRE-APPLICATION MEETING BEEN HELD THAT INCLUDES THIS PROJECT?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NOTE: If no, you may be required to schedule this meeting. ADDITIONAL INFORMATION NEEDED: If yes, provide it's City File Number:
IS THIS PROJECT SUBJECT TO THE SEPA PROCESS?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a SEPA Checklist and its associated materials must be submitted. ADDITIONAL INFORMATION NEEDED: If yes, provide it's City File Number:

6 ACKNOWLEDGEMENTS & SIGNATURE

Read and initial each of the following statements prior to signing this application:

	I understand that land use and/or planning permits do not authorize earth disturbing activities, the removal of vegetation, or the construction of buildings. I understand that additional permits will be required after my land use and/or planning permitting process is completed. I understand that no earth disturbing activities (including the removal vegetation) may take place until after my land use and/or planning process is complete, and only after I have received additional permits such as Fill & Grade, Building Utility, or Right-of-Way permit(s).
	I understand that if critical areas (wetlands, streams, steep slopes, et cetera) are found on or near my property I am not authorized to impact these areas in any way and will be required to leave an undisturbed buffer area around the critical area. I also understand that depending upon the size and scope of my project that I may be required to enhance a critical area buffer.
	I understand that depending upon the size and scope of my project, I may be required to provide maintenance and/or performance bonds for items such as landscaping, critical areas, public roads and/or public utilities that I construct or install.
	I understand that I am solely responsible for providing complete and accurate information to the City. I understand that if my application is missing information or if inaccurate materials are submitted, my permits will be delayed. I understand that depending on how inaccurate and how incomplete my application is or becomes, the Development Services Department could require an entirely new application be submitted. I understand that when and if conditions change from that which my application originally represented, I am responsible for letting the City staff person assigned to my project know.
	I understand that I am applying for permits from the City of Mount Vernon only; and that additional permits from other Federal and State agencies could be required. I understand that the City of Mount Vernon cannot advise me of permits that are required from other agencies, and that I must contact these agencies to make sure I comply with their requirements. These agencies include (but are in no way limited to): Corps of Engineers, Department of Natural Resources, Department of Ecology, and Northwest Clean Air Agency.
	I understand that I may be required to properly and timely post a pink land use sign on my property during land use and/or planning permitting process. I understand that I am responsible for making sure that this sign continues to be posted on my property until my land use and/or planning process is completed; and I understand that I am responsible for removing and disposing of this sign once my land use process is completed.
	I understand that I will be responsible for paying consultants that the City may deem necessary to review certain aspects of my application. I understand that these consultant reviews could include special inspections, traffic concurrency, critical area, landscaping, et cetera.

Exhibit 8

By affixing my signature hereto, I certify that I am the owner, or am acting as the Owner's authorized agent, and that the application and documents contained with this submittal are complete and accurate to the best of my knowledge and abilities. If your title report lists a company, partnership or other owners you must submit evidence that you are authorized to sign on behalf of the entity or others that are listed.

If you are an authorized representative you must submit an AGENT AUTHORIZATION FORM.

Please attach additional signature sheets if there is more than one owner.

Under penalty of perjury I swear that all information provided is true and correct.

[Handwritten Signature]
Signature

1-22-2020
Date

Craig Cammock, managing member
Printed Name

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that Craig Cammock 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 Managing Member to be the free and voluntary act and deed of said Optimum Properties, LLC, for the uses and purposes therein mentioned.

Given under my hand and official seal this 22nd day of January, 2020



[Handwritten Signature]
Notary Public
Residing at Ancurtes
My appointment expires 11-09-2021



AGENT AUTHORIZATION FORM

Use this form to authorize someone other than the property owner to apply for permits for the subject property.

Project Name: Optimum Properties, LLC Comp Plan Amendment / Rezone
Property Address: 1800 E Division St and 210 S 18th ST
City, State, Zip: Mount Vernon, WA 98273

AUTHORIZATION STATEMENT

I/we, as the owners of the property identified above, authorize the below listed individual to act as our agent to submit applications, receive correspondence regarding the above-listed application, and sign to receive notices on my/our behalf.

DESIGNATED AGENT

Agent Name: Bruce G. Lisser c/o Lisser & Associates, PLLC
Agent Address: P.O. Box 1109
Agent City, State, Zip: Mount Vernon, WA 98273

PROPERTY OWNER SIGNATURE(S)**

Signature: [Handwritten Signature] Printed Name: Craig Cammock Title: Managing Member Company: Optimum Properties, LLC
Signature: [Handwritten Signature] Printed Name: Title: Company: Date: Date:

**Each property owner listed above must have their signature notarized

Exhibit 8

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that Craig Cammock 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 Manging Member to be the free and voluntary act and deed of said Optimum Properties, LLC, for the uses and purposes therein mentioned.

Given under my hand and official seal this 20th day of January, 2020



[Signature]
Notary Public

Residing at Anacortes

My appointment expires 11-09-2021

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ 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 _____ to be the free and voluntary act and deed of said _____, for the uses and purposes therein mentioned.

Given under my hand and official seal this _____ day of _____, 20____

(SEAL)

Notary Public

Residing at _____

My appointment expires _____



MASTER LAND USE APPLICATION FORM

FILE NUMBER: _____

① PROPERTY WHERE PROJECT IS PROPOSED

ADDRESS:	PARCEL NUMBER(S):
----------	-------------------

② PROPERTY OWNER INFORMATION

NAME:			
ADDRESS:	CITY	STATE	ZIP
TELEPHONE:	CELL:	EMAIL:	

③ APPLICANT INFORMATION

NAME:			
ADDRESS:	CITY	STATE	ZIP
TELEPHONE:	CELL:	EMAIL:	

④ CONTACT PERSON

SELECT THE ONE PERSON THE CITY WILL CONTACT FOR ANYTHING RELATED TO THIS PERMIT APPLICANT PROPERTY OWNER CONTRACTOR OTHER (LIST BELOW)

NAME:			
ADDRESS:	CITY	STATE	ZIP
TELEPHONE:	CELL:	EMAIL:	

⑤ OTHER INFORMATION

BRIEF PROJECT DESCRIPTION:			
EXISTING ZONING DESIGNATION:	REQUESTING A REZONE:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
EXISTING COMPREHENSIVE PLAN DESIGNATION:	REQUESTING A COMPREHENSIVE PLAN AMENDMENT?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
SITE AREA (IN SQUARE FEET & ACRES):			

Exhibit 8

IS THE PROPERTY LOCATED IN A FLOOD ZONE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a Flood Area Development Permit may be required.
ARE THERE SLOPES IN EXCESS OF 15% ON OR ABUTTING THE SITE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, make sure these area are clearly shown on the plans being submitted and provide a geotechnical report.
ARE THERE CRITICAL AREAS OR BUFFERS ON OR ABUTTING THE PROJECT SITE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a copy of the critical areas report(s) must be submitted with this application. In addition, the critical area and its associated buffer must be clearly shown on the plans being submitted.
WILL MORE THAN 2-ACRES BE CLEARED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a Land Clearing Permit must be submitted.
WILL MORE THAN 5,000 BOARD FEET OF TIMBER BE HARVESTED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a Land Clearing Permit must be submitted.
ARE YOU CONSTRUCTING STORMWATER FACILITIES?	<input type="checkbox"/> YES <input type="checkbox"/> NO	ADDITIONAL INFORMATION NEEDED: If yes, list the DOE Manual used to design facility:
ARE YOU WORKING WITHIN AN EXISTING CITY RIGHT-OF-WAY?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a Right-of-Way Permit must be submitted.
HAS A PRE-APPLICATION MEETING BEEN HELD THAT INCLUDES THIS PROJECT?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If no, you may be required to schedule this meeting.
		ADDITIONAL INFORMATION NEEDED: If yes, provide it's City File Number:
IS THIS PROJECT SUBJECT TO THE SEPA PROCESS?	<input type="checkbox"/> YES <input type="checkbox"/> NO	NOTE: If yes, a SEPA Checklist and its associated materials must be submitted.
		ADDITIONAL INFORMATION NEEDED: If yes, provide it's City File Number:

⑥ ACKNOWLEDGEMENTS & SIGNATURE

Read and initial each of the following statements prior to signing this application:

	I understand that land use and/or planning permits do not authorize earth disturbing activities, the removal of vegetation, or the construction of buildings. I understand that additional permits will be required after my land use and/or planning permitting process is completed. I understand that no earth disturbing activities (including the removal vegetation) may take place until after my land use and/or planning process is complete, and only after I have received additional permits such as Fill & Grade, Building Utility, or Right-of-Way permit(s).
	I understand that if critical areas (wetlands, streams, steep slopes, et cetera) are found on or near my property I am not authorized to impact these areas in any way and will be required to leave an undisturbed buffer area around the critical area. I also understand that depending upon the size and scope of my project that I may be required to enhance a critical area buffer.
	I understand that depending upon the size and scope of my project, I may be required to provide maintenance and/or performance bonds for items such as landscaping, critical areas, public roads and/or public utilities that I construct or install.
	I understand that I am solely responsible for providing complete and accurate information to the City. I understand that if my application is missing information or if inaccurate materials are submitted, my permits will be delayed. I understand that depending on how inaccurate and how incomplete my application is or becomes, the Development Services Department could require an entirely new application be submitted. I understand that when and if conditions change from that which my application originally represented, I am responsible for letting the City staff person assigned to my project know.
	I understand that I am applying for permits from the City of Mount Vernon only; and that additional permits from other Federal and State agencies could be required. I understand that the City of Mount Vernon cannot advise me of permits that are required from other agencies, and that I must contact these agencies to make sure I comply with their requirements. These agencies include (but are in no way limited to): Corps of Engineers, Department of Natural Resources, Department of Ecology, and Northwest Clean Air Agency.
	I understand that I may be required to properly and timely post a pink land use sign on my property during land use and/or planning permitting process. I understand that I am responsible for making sure that this sign continues to be posted on my property until my land use and/or planning process is completed; and I understand that I am responsible for removing and disposing of this sign once my land use process is completed.
	I understand that I will be responsible for paying consultants that the City may deem necessary to review certain aspects of my application. I understand that these consultant reviews could include special inspections, traffic concurrency, critical area, landscaping, et cetera.

Exhibit 8

By affixing my signature hereto, I certify that I am the owner, or am acting as the Owner’s authorized agent, and that the application and documents contained with this submittal are complete and accurate to the best of my knowledge and abilities. If your title report lists a company, partnership or other owners you must submit evidence that you are authorized to sign on behalf of the entity or others that are listed.

If you are an authorized representative you must submit an AGENT AUTHORIZATION FORM.

Please attach additional signature sheets if there is more than one owner.

Under penalty of perjury I swear that all information provided is true and correct.

Signature

Date

Printed Name

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 he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the _____ to be the free and voluntary act and deed of said _____, for the uses and purposes therein mentioned.

Given under my hand and official seal this ____ day of _____, 20____

(SEAL)

Notary Public

Residing at _____

My appointment expires _____



AGENT AUTHORIZATION FORM

Use this form to authorize someone other than the property owner to apply for permits for the subject property.

Project Name: _____

Property Address: _____

City, State, Zip: _____

AUTHORIZATION STATEMENT

I/we, as the owners of the property identified above, authorize the below listed individual to act as our agent to submit applications, receive correspondence regarding the above-listed application, and sign to receive notices on my/our behalf.

DESIGNATED AGENT

Agent Name: _____

Agent Address: _____

Agent City, State, Zip: _____

PROPERTY OWNER SIGNATURE(S)**

Signature: _____ **Signature:** _____

Printed Name: _____ **Printed Name:** _____

Title: _____ **Title:** _____

Company: _____ **Company:** _____

Date: _____ **Date:** _____

**Each property owner listed above must have their signature notarized

Exhibit 8

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ 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 _____ to be the free and voluntary act and deed of said _____, for the uses and purposes therein mentioned.

Given under my hand and official seal this ____ day of _____, 20____

(SEAL)

Notary Public

Residing at _____

My appointment expires _____

STATE OF WASHINGTON }
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that _____ 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 _____ to be the free and voluntary act and deed of said _____, for the uses and purposes therein mentioned.

Given under my hand and official seal this ____ day of _____, 20____

(SEAL)

Notary Public

Residing at _____

My appointment expires _____

Optimum Properties, LLC
Comprehensive Plan Amendment/Property Re-zone
Portion of the Northeast 1/4 of the Southeast 1/4 of Section 20, Township 34 North,
Range 4 East, W.M.
City of Mount Vernon WA

Project Narrative

A detailed statement describing the requested change to the Comprehensive plan and/or Zoning Map, and/or Text Amendments, and the reasons for the change:

The subject property is located south of East Division Street and East of South 18th Street in the City of Mount Vernon.

The property is identified by Skagit County Assessor's Parcel Numbers P-26688 and P-83257. The current land owner is Optimum Properties, LLC, PO Box 836, Mount Vernon WA 98273. The area of the subject property is 71,094 sq ft, 1.63 acres.

The applicant is requesting a change to the comprehensive plan for the property from the current designation of H-D to a designation of Medium High Density Multi-Family. The current zoning designation is H-D and the requested zoning is R-4, with a fallback to R-3.

Property to the west is zoned R-3, to the east is R-3 to the south is R-3. This request takes that land use designation back to what it was prior to the requested change to the current land use in 2010.

Based upon conversations with planning staff there was no concern with this request.

The R-4 designation makes sense as it provides the opportunity to provide an affordable housing solution in the city. The property is in an area that is close to all urban services and healthcare facilities, is accessible to public transit and all utilities are available without any need for extension. There are no critical areas known to encumber the property and the site will be a nice infill project.

Based upon current trends in housing, there is a definite underserved need for affordable multi-family residences in the city, it is our hope that the city staff, planning and council will support the requested R-4 designation for this site.

A) Current zoning and Comprehensive Plan Designation

H-D (See attached maps)

B) Current use of the site and any existing improvements

The site is made up of two separate lots each having a single family residential structure.

Exhibit 8

C) Specific site features (wetlands, etc)

The site is in lawn, landscaping around the residences and a large area of un-maintained blackberries.

D) Soils/Drainage

On-site soils are identified by the USDA Soil Survey of Skagit County as being Bow Urban Complex Silt Loam 3-8% soil.

The property slopes from south to north (see attached maps).

E) Proposed use of property after change from Public to Multi-Family

Multi-family affordable apartments. This development will include on-site improvements for parking, storm drainage and utility service extension.

F) Proposed off-site improvements

Not known at this time, but may include road improvements, but unknown at this time as there are no specific plans nor has there been any discussions with City staff.

G) Total estimated construction cost/market value of the proposed project

Total construction cost is not known at this time as any design will be based upon the approval of the comprehensive plan change and the associated zoning to R-4.

H) Estimated quantities and type of materials involved if any fill or excavation is proposed.

Not known

I) Number, type and size of trees to be removed

At the time of development the entire site will be cleared and prepared for development.

J) Explanation of any land to be dedicated to the City

Not Applicable at this time, with development, additional rights-of-way may be dedicated along the south side of East Division and the East side of South 18th Street.

K) Shorelines:

Not Applicable

L) Subdivision Applications

Not Applicable

M) Flood Zone Hazard

Not applicable

Exhibit 8

A statement of anticipated impacts that may be caused by the change, including geographic areas affected and issues presented:

Since the site is currently used for single family residential there will be substantial changes to the property upon development.

The site will need to be designed to meet density requirements for the R-4 zone.

All of these will be addressed with a future development application.

A demonstration of why an existing comprehensive plan policy, plan or recommendation should not continue to be in effect, or why an existing policy, plan or recommendation no longer applies; a statement of how the amendment complies with the comprehensive plan's community vision statements, goals, objectives and policy directives:

The existing land use of H-D has proven to be a designation that has not garnered any interest.

The re-designation of the property to multi-family is appropriate for the area, the City is in desperate need of affordable housing. The benefit of multi-family zoning is the ability to construct to a higher density at a lower cost.

Placing the site back to MH/R-4 will eliminate the island of H-D and be consistent with adjacent zoning.

A statement of how the change affects land use regulations (i.e. zoning, subdivision, etc), and the necessary text changes to bring the land use regulations into compliance with the plan:

This request is a significant change from the current H-D designation, but in actuality is a reversion to its previous land use designation.

Multi-family makes sense on this site, as previously mentioned it is close to urban services and fits the original intent for the area.

Specific responses to the following decision criteria:

- **The comprehensive plan amendment (and any associated rezone) bears a substantial relation to the public health, safety, or welfare;**
The City of Mount Vernon has a current high level of homelessness with its population as well as a high percentage of poverty. It is the hope that the approval of this request will allow for the construction of higher density units which in turn will help with the needed housing stock and help reduce the per unit rental costs. With the City's new incentive for providing units for low income tenants, this project looks promising.
- **The comprehensive plan amendment (and any associated rezone)**

Exhibit 8

addresses changing circumstances or the needs of the city as a whole;

As previously stated, the City needs more affordable housing for its residents. Affordable housing also helps attract businesses who are looking to house a workforce. Affordable housing is a first step in this process.

- **The comprehensive plan amendment (and any associated rezone) is compatible with the provisions of the comprehensive plan or other goals or policies of the city;**

Housing Goal 1 – Enhance Mount Vernon's cultural and economic vitality by encouraging the development of housing solutions of all types that provide for varied densities, sizes, costs and locations that are safe, decent, accessible, attractive, appealing and affordable to a diversity of ages, incomes, and cultural backgrounds.

This request is in line with the City's vision.

Housing Goal 4 – Encourage safe, decent, accessible, attractive and affordable housing development that meets community needs and is integrated into, and throughout, the community including areas of higher land cost where greater subsidies may be needed.

This request further meets the City's goals for affordable housing.

Land-Use Goal 6 – Enhance and improve the quality of multi-family living environments throughout the city that provide areas that offer a large range of housing options in the form of multi-family units.

This proposal fits not only the multi-family comprehensive plan goals, but also the objectives. The site is accessed via public roads and all utilities are currently available. Based upon the intent of the Growth Management Act to infill existing sites within the city limits.

- **The comprehensive plan amendment (and any associated rezone) is compatible and not materially detrimental to adjacent land uses and surrounding neighborhoods;**
As previously mentioned, this proposal will fit well within the City and is the originally intended land use at the site.
- **The comprehensive plan amendment (and any associated rezone) will not result in development which will adversely impact community facilities, including but not limited to utilities, transportation, parks, or schools;**
This change should result in a benefit to the community. It has been shown that providing affordable housing for a population has had a beneficial impact to the health of the population being served as well as a positive savings due to reduction in social service costs.

Exhibit 8

Generally multi-family developments provide on-site recreation (playground areas), laundry facilities and meeting rooms, all of which can reduce the impact to neighboring parks.

- **The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification**
The site is well suited for multi-family apartment development

This request is appropriate for the area and will provide a much needed opportunity for the construction of affordable housing in the City.



Received

01/24/2020

**McLaughlin Road, LLC
Comprehensive Plan Amendment/Property Re-zone
Portion of the Southeast 1/4 of the Northwest 1/4 of Section 15, Township 34 North,
Range 4 East, W.M.
City of Mount Vernon WA**

Project Narrative

A detailed statement describing the requested change to the Comprehensive plan and/or Zoning Map, and/or Text Amendments, and the reasons for the change:

The subject property is located south of McLaughlin Road and east of Martin Road in the eastern portion of the City of Mount Vernon.

The property is identified by Skagit County Assessor's Parcel Number P-24856. The current land owner is McLaughlin Road, LLC, PO Box 619, Sedro-Woolley WA 98284. The area of the subject property is 646,297 sq ft, 14.84 acres.

The applicant is requesting a change to the comprehensive plan for the eastern portion of the property from the current designation of church to a designation of Medium High Density Multi-Family. The current zoning designation is public and the requested zoning is R-4.

Property to the west is zoned R-1, 4.0, to the southwest is R-4 to the south is R-1, 4.0. Additionally the property is bordered to the north, east and south by unincorporated Skagit County with a land use designation of Natural Resources/Agricultural.

Based upon conversations with planning staff, it was agreed that maintaining a portion of the property in Public (for a future church site) would provide a good transitional buffer between the R-1 to the west and the proposed R-4 to the east.

The R-4 designation makes sense as it provides the opportunity to provide an affordable housing solution in the eastern portion of the city. The property is in the floodplain the use of lower floor parking could be a good way to build in the floodplain without a negative impact to the buildings as well as limiting the amount of fill in the floodplain. Using conventional single-family construction methods would require a foundation of 8 feet from the existing grade (by the north end of the pond) to achieve a floor elevation of 44 feet. While height would be unfeasible for single-family residential construction, it is exactly what should be utilized for a proposed multi-family building with parking below the habitable stories. The construction methodology not only fits the new guidelines with R-4 construction, but is also a best practice in the floodplain. The northern portion of the property is not as constrained and could utilize more conventional construction.

Exhibit 8

Additionally, the property is encumbered by critical areas, storm drainage ditch and a storm pond, which impacts the net buildable area and density, using the multi-family zone there will be a greater opportunity to develop residential units than under a single-family development proposal.

The site is very compatible for a multi-family use, the impact will be very minimal as the site is located at the eastern limits of the city, surrounded on three sides by undevelopable farm land as well as a stream along the south, which will act as a natural buffer.

Based upon current trends in housing, there is a definite underserved need for affordable multi-family residences in the city, it is our hope that the city staff, planning and council will support the requested R-4 designation for this site.

A) Current zoning and Comprehensive Plan Designation

Public/Church (See attached maps)

B) Current use of the site and any existing improvements

The site is undeveloped, but has a regional storm system on the south and southeast portion of the site. There is also a stream that runs through a portion of the site. (See attached maps and aerial photography).

C) Specific site features (wetlands, etc)

The site is primarily undeveloped pasture that slopes from north to south 3%+/- . There is a storm drainage system that was constructed in support of residential development to the west. The pond was originally designed to accommodate development on this site as well. Along the southern edge of the property there is a stream, which has been the subject of enhancement to improve the stream quality for spawning purposes. The property is encumbered by buffer easements to accommodate the stream and wetland to the south. The site also has a sanitary sewer pump station located at the northwest corner of the property.

D) Soils/Drainage

On-site soils are identified by the USDA Soil Survey of Skagit County as being Skipopa Silt Loam 3-8% a very deep, poorly drained soil.

The property slopes from north to south (see attached maps).

E) Proposed use of property after change from Public to Multi-Family

Multi-family affordable apartments. This development will include on-site improvements for roads, storm drainage and water extension.

As previously mentioned, since the property is located in the floodplain, utilizing parking below the residential floors may be a way to avoid impacts to buildings due to flooding.

Exhibit 8

F) Proposed off-site improvements

Not known at this time, but may include widening of McLaughlin Road to City Standards along with a turn around to meet emergency vehicle requirements.

G) Total estimated construction cost/market value of the proposed project

Total construction cost is not known at this time as any design will be based upon the approval of the comprehensive plan change and the associated zoning to R-4.

H) Estimated quantities and type of materials involved if any fill or excavation is proposed.

Not known

I) Number, type and size of trees to be removed

Not known, all trees within the stream buffer area will remain, which will probably represent all of the trees on site.

J) Explanation of any land to be dedicated to the City

Not Applicable at this time, with development, additional rights-of-way will be dedicated along the south side of McLaughlin Road.

K) Shorelines:

Not Applicable

L) Subdivision Applications

Not Applicable

M) Flood Zone Hazard

A-7, elevation 43 FIRM Panel No. 530151/0250/C dated January 3, 1985

A statement of anticipated impacts that may be caused by the change, including geographic areas affected and issues presented:

Since the site is currently undeveloped pasture land, once the property is re-zoned there will be substantial changes to the developable portion of the property. McLaughlin Road will be upgraded to City Standards, new road, driveways, parking areas, open space, buildings, etc will need to be constructed.

There may also be a need to modify the existing storm pond due to new design standards.

All of these will be addressed with a future development application.

A demonstration of why an existing comprehensive plan policy, plan or recommendation should not continue to be in effect, or why an existing policy, plan or recommendation no longer applies; a statement of how the amendment complies with the comprehensive plan's community vision statements, goals, objectives and

Exhibit 8

policy directives:

The existing land use of Church/Public is not consistent with appropriate land use for the entire site.

The re-designation of a portion of the property to multi-family is appropriate for the area, the City is in desperate need of affordable housing. The benefit of multi-family zoning is the ability to construct to a higher density at a lower cost.

A statement of how the change affects land use regulations (i.e. zoning, subdivision, etc), and the necessary text changes to bring the land use regulations into compliance with the plan:

This request is a significant change from the current Church/Public designation.

Multi-family makes sense on this site, there can be no expansion with respect to additional multi-family units due to the fact that it is in unincorporated Skagit County and will be consistent with the city's desire to spread multi-family projects throughout the city. The City approved a re-zone to the southwest of this site which will be nicely buffered by the protected critical areas between the developments. Also, as previously mentioned, the western portion of the property will be retained with the current Public zone. It is still the intent of the landowner to work with a local church to build a sanctuary on the property. The Public zone will provide a soft transition between the R-1 and R-4 zones.

No development will be able to take place until after the zoning change is approved for the property and it is subdivided along the zoning boundary line as two zoning designations are not allowed on a single parcel.

Specific responses to the following decision criteria:

- **The comprehensive plan amendment (and any associated rezone) bears a substantial relation to the public health, safety, or welfare;**
The City of Mount Vernon has a current high level of homelessness with its population as well as a high percentage of poverty. It is the hope that the approval of this request will allow for the construction of higher density units which in turn will help with the needed housing stock and help reduce the per unit rental costs. With the City's new incentive for providing units for low income tenants, this project looks promising.
- **The comprehensive plan amendment (and any associated rezone) addresses changing circumstances or the needs of the city as a whole;**
As previously stated, the City needs more affordable housing for its residents. Affordable housing also helps attract businesses who are looking to house a workforce. Affordable housing is a first step in this process.
- **The comprehensive plan amendment (and any associated rezone) is compatible with the provisions of the comprehensive plan or other goals or policies of the city;**

Exhibit 8

Housing Goal 1 – Enhance Mount Vernon's cultural and economic vitality by encouraging the development of housing solutions of all types that provide for varied densities, sizes, costs and locations that are safe, decent, accessible, attractive, appealing and affordable to a diversity of ages, incomes, and cultural backgrounds.

This request is in line with the City's vision.

Housing Goal 4 – Encourage safe, decent, accessible, attractive and affordable housing development that meets community needs and is integrated into, and throughout, the community including areas of higher land cost where greater subsidies may be needed.

This request further meets the City's goals for affordable housing.

Land-Use Goal 6 – Enhance and improve the quality of multi-family living environments throughout the city that provide areas that offer a large range of housing options in the form of multi-family units.

This proposal fits not only the multi-family comprehensive plan goals, but also the objectives. The site is accessed via a public trail to the west, which can be expanded, open spaces that are protected from development, access to all utilities and will provide a housing option close to other neighborhoods.

- **The comprehensive plan amendment (and any associated rezone) is compatible and not materially detrimental to adjacent land uses and surrounding neighborhoods;**

As previously mentioned, this proposal will fit well within the City. It is located at the east end of the city, is buffered to the south by critical areas and to the north and east by unincorporated Skagit County.

- **The comprehensive plan amendment (and any associated rezone) will not result in development which will adversely impact community facilities, including but not limited to utilities, transportation, parks, or schools;** This change should result in a benefit to the community. It has been shown that providing affordable housing for a population has had a beneficial impact to the health of the population being served as well as a positive savings due to reduction in social service costs.

Generally multi-family developments provide on-site recreation (playground areas), laundry facilities and meeting rooms, all of which can reduce the impact to neighboring parks.

- **The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification**
The site is well suited for multi-family apartment development

Exhibit 8

This request is appropriate for the area and will provide a much needed opportunity for the construction of affordable housing in the City.

Exhibit 8



October 26, 2020

Exhibit 3a

City of Mount Vernon Development Services Department
910 Cleveland Avenue
Mount Vernon, WA 98273

RE: Plano-0030 McLaughlin Rd LLC Comprehensive Plan Amendment Request

My residence is located at the West end of McLaughlin Rd. The development would increase the traffic and getting onto McLaughlin Rd. from the current residences would be a hazard. Currently the west end of McLaughlin Rd. is not wide enough for the current traffic let alone the additional vehicles that would be using McLaughlin.

Thank you for your time.

A handwritten signature in black ink, appearing to read "Alexis K. Elliott", is positioned above the typed name.

Alexis K. Elliott
3828 McLaughlin Rd.
Mt. Vernon, WA 98273

Exhibit 8

Exhibit b

To: City of Mount Vernon Development Services

Re: McLaughlin Rd Re-Zoning PLAN20-0030



I live on McLaughlin Road and there is an issue with the intersection of McLaughlin and Martin Roads. The turn lane on McLaughlin presents some risk because the owners are allowed to park their vehicles along the curb in front of their homes in the subdivision, and that lane of cars basically extends almost to Martin, leading to a crush at the junction.

In addition the older homes to the north side of McLaughlin have multiple cars parked in front, well into the road at times, leading to almost an obstacle course down the road. Many vehicles passing through use the center of the road in order to clear everything, creating more hazard.

Adding traffic from multiple housing will create more dangerous situations since the McLaughlin entrance to the development is more convenient for some homes inside the development than the twisty Summersun entrance closer to College Way.

Plus we have a lot of 9AM-5PM traffic on McLaughlin up to the properties on the McLaughlin Extension, so a great deal of congestion will be created on a street that is already periodically busy.

Building high-density multi-family housing next to a nature preserve also seems like poor planning. How will the preserve be protected from over-usage by tenants wishing to get into more open space?

I understand that there is a plot plan for a street from the development area to College Way, which would mitigate some of the pressure on McLaughlin, but there would still be traffic from anyone wishing to get into Burlington more quickly.

Plus, building a road on or close by the preserve also seems counter-productive, since spots like this along the western flyway should be left as quiet as possible for the migrating and resident wildlife.

It would seem to be more prudent, if it's felt that open land should be developed, to continue with single housing to cut down on the impact, and keep multi-

Exhibit 8

housing along the busier College Way area, leaving more protection for the nature preserve.

There was an announcement of low-income housing at the old Summersun Nursery entrance, and it would seem more prudent to add multi-housing in the same area of that development and keep the open area more protected.

I'm concerned that this plan has already reached this point, I notice it was started in January, 2020, without more notice to impacted residents.

A late notice and an early response date do not seem to be the best way to honor the thoughts of local residents, who will be most impacted by developing beautiful natural open space.

Ursula M. Bassolino

Ursula M. Bassolino

4192 McLaughlin Road

Mount Vernon

360-424-4768

Exhibit 9



June 25, 2021

NHC Reference 2006690

McLaughlin Rd, LLC
PO Box 619
Sedro Woolley, WA 98284

Attention: Paul Woodmansee
Via email: paul@bykconstruction.com

Re: McLaughlin Road Development - Cumulative Rise Analysis

Northwest Hydraulic Consultants (NHC) was retained by McLaughlin Rd, LLC to evaluate the impact that the development of a church and several multifamily buildings may have on the 100-year flood water surface elevation in the City of Mount Vernon (City). This letter documents the assumptions, methods, and results of the analysis. The principal conclusion from the analysis is that the proposed development will have a small impact on flood levels in the Nookachamps Creek portion of the Skagit River floodplain, and an even lesser impact on the mainstem Skagit River flood levels. The cumulative rise in flood levels from all development within the City since 1985, including the proposed project, remains below the 1-foot regulatory rise criteria.

1 Project Overview

The proposed development is located near the eastern boundary of the City limits. The parcel number is P24856 and has a total area of 14.88 acres. Figure 1 shows the parcel location, located along the south side of McLaughlin Road, east of downtown Mount Vernon and south of Barney Lake.

Exhibit 9

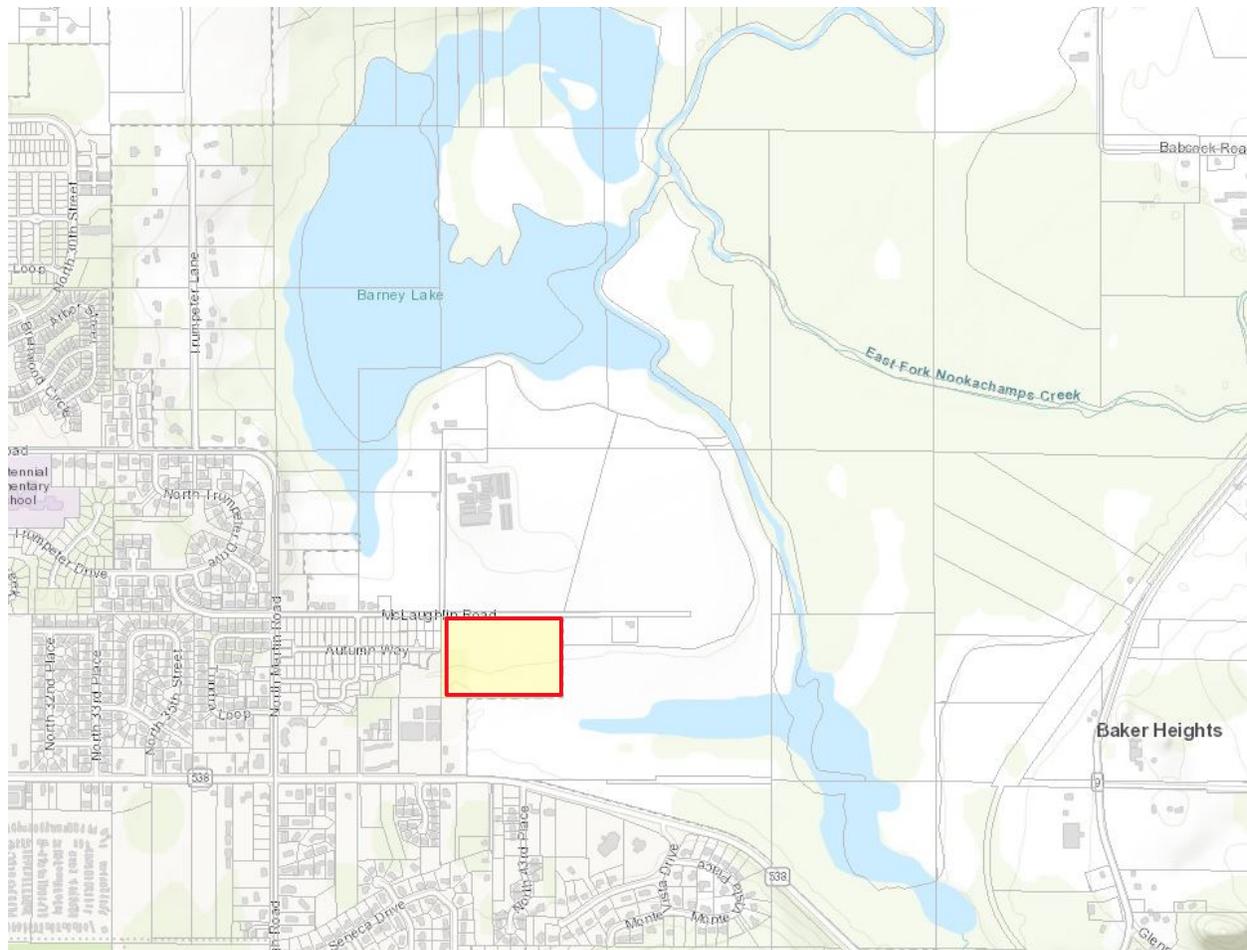


Figure 1: Subject parcel is highlighted by red border (image from Skagit County iMap <https://www.skagitcounty.net/Maps/iMap/>).

The project entails construction of several new buildings and parking areas. The western portion of the site will be developed into a 26,695 sq. ft church, while the eastern portion will contain several multifamily residential buildings totaling approximately 60,000 sq. ft. Parking lots for the buildings will also be developed, included underground garages below the multifamily buildings. A pond is proposed for stormwater purposes. The site is currently vacant land.

The existing topography of the site includes a gradual slope from approximately 48 feet (NAVD88) along McLaughlin Road (north boundary) to approximately 40 feet at the southern boundary. Site plans as received by NHC are included in Appendix A. The client also provided a CAD file of the proposed site grading, as well as tabulated cut and fill volumes by elevation.

2 Regulatory Setting

The Skagit River does not have a delineated floodway through Mount Vernon. Because of this, in 2018 FEMA required the City to conduct a floodplain development analysis pursuant to 44 CFR 60.3(c)(10), to determine the amount of “rise” that had resulted from development since the adoption of the area’s

Exhibit 9

first Flood Insurance Study (FIS) in 1985 (FEMA, 1984). NHC completed this analysis (NHC, 2018) on behalf of the City and found varying levels of rise throughout the City, but nowhere in the City had exceeded 1-foot of rise.

To ensure the cumulative rise from development remains below 1-foot going forward, FEMA further directed the City to adopt code changes requiring analyses of any new development.

2.1 Effective Flood Insurance Study

The effective floodplain maps and flood levels today date back to the FIS published in 1985. According to this study, the site is located in flood hazard zone A7, with a 100-year base flood elevation of 46.82 feet NAVD88¹. Figure 2 shows the effective Flood Insurance Rate Map (FIRM) with the approximate project location indicated in red.

¹ At this location, NAVD88 = NGVD29 + 3.82 feet. Source: <https://www.ngs.noaa.gov/NCAT/>

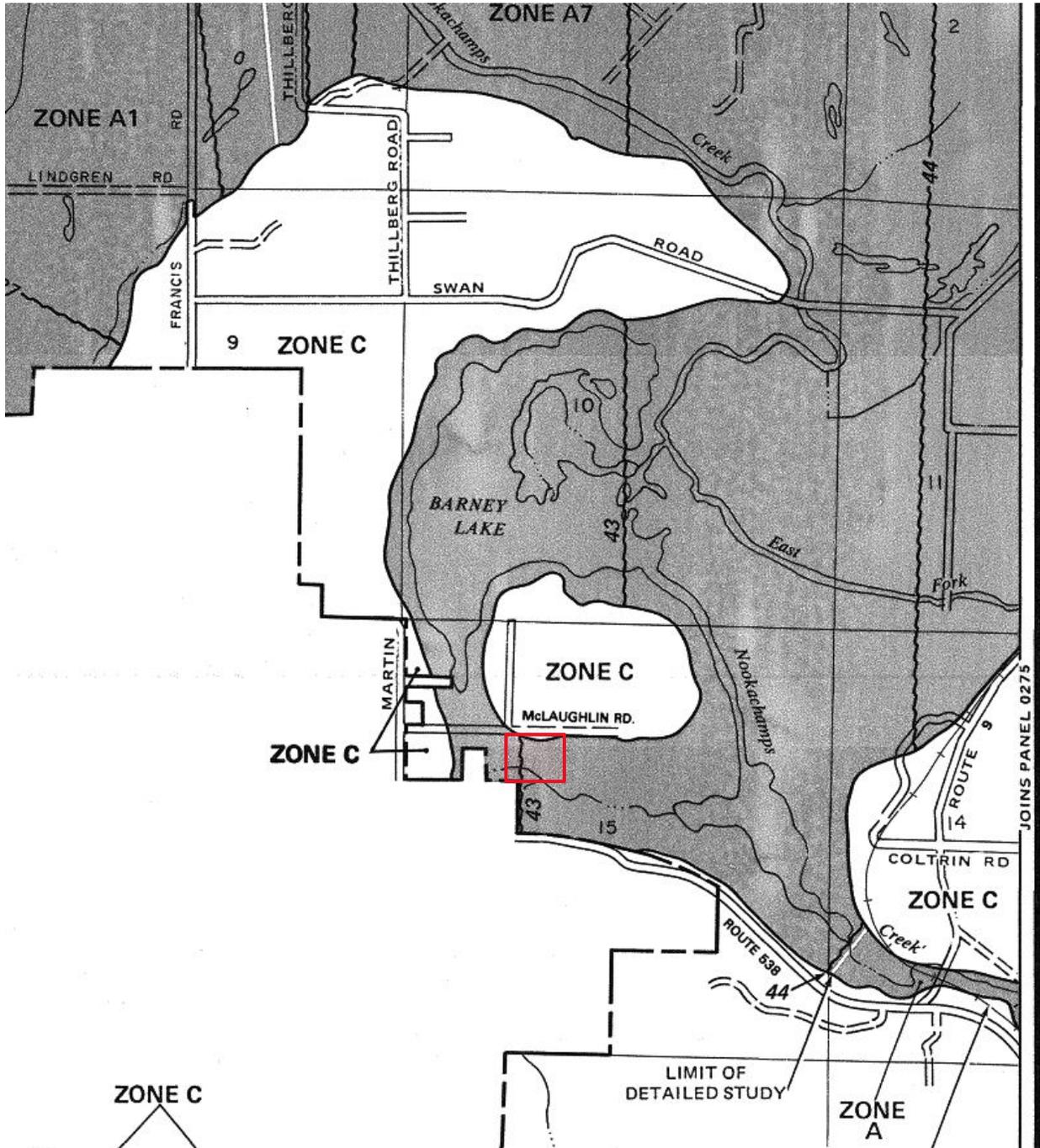


Figure 2: Effective FIRM with approximate project location indicated in red box. Note elevations shown on this map are in relation to the NGVD29 vertical datum.

2.2 Draft Flood Insurance Study

Exhibit 9

An updated FIS for the area, including new FIRMs, was completed in 2009. The updated study has not yet been adopted and the timeline for adoption is uncertain, so is referred to as the Draft FIS in this memorandum. In the Draft FIS maps, the project is located in flood hazard zone AE, with a base flood elevation of approximately 49 feet NAVD88 at the project site. Figure 3 shows the project location on the Draft FIRM.



Figure 3: Draft FIRM (2009) with approximate location of project in red box. Note elevations shown on this map are in relation to the NAVD88 vertical datum.

The 2009 Draft FIS provided the hydraulic modeling tools necessary to perform the 2018 cumulative rise assessment, as well as this assessment of the McLaughlin Rd development. A Flo2D model of the Skagit River and floodplain was developed as part of that study. This modeling tool allows simulation of complex flow patterns on the overbank, over and around various blockages. Differing levee failure assumptions were included in the Draft FIS and simulated with the Flo2D model. These different scenarios were then combined into a single Draft FIRM, a composite map that shows the highest water level at each location from among the many water levels produced by the different levee failure

Exhibit 9

assumptions. The levee failure assumption that results in the highest water level in each region of the Draft FIRM is shown in Figure 4.

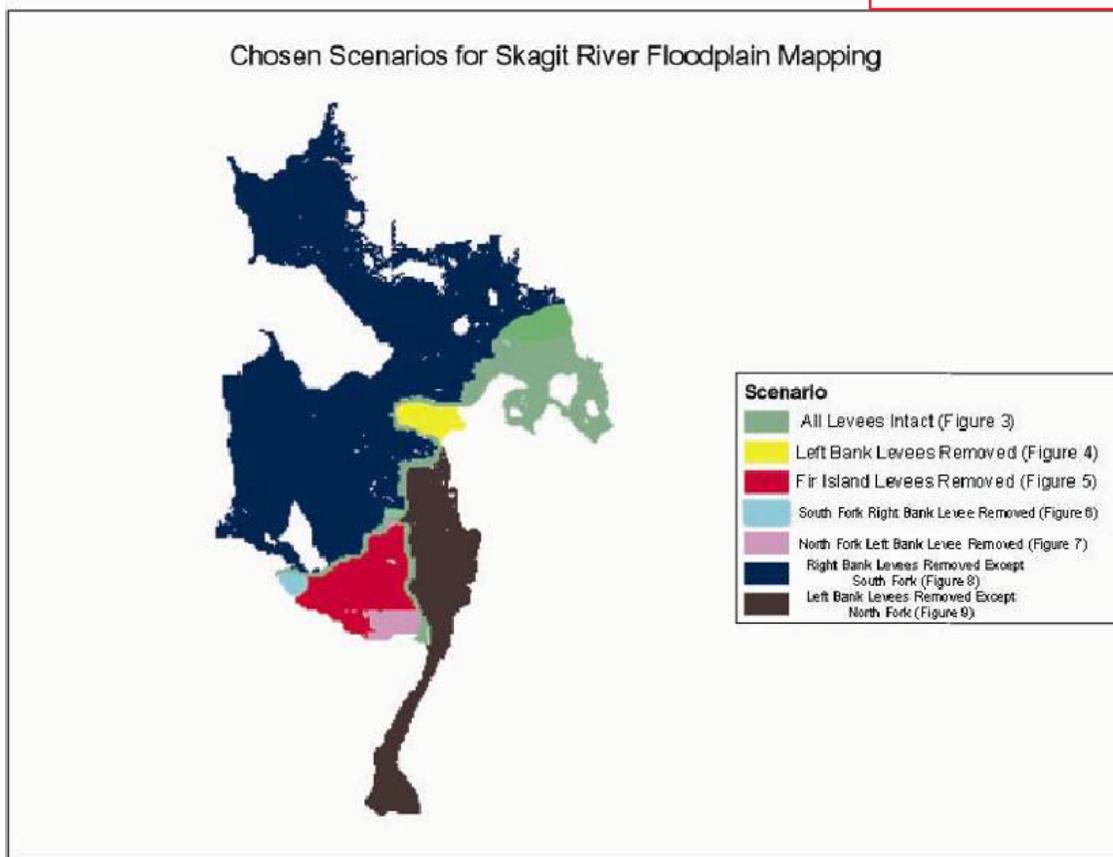


Figure 4: Areas mapped by each levee failure scenario in the Draft FIS (Figure 11 from USACE, 2009).

3 Study Methods

The McLaughlin Rd development is located in an area where the "All Levees Intact" Flo2D model scenario governed the Draft FIRM development. This scenario is therefore the applicable levee condition scenario in which to analyze the hydraulic impacts of the project. The underlying assumption with this approach is that the Draft FIS, while not yet formally adopted, represents the most up-to-date and sophisticated representation of Skagit River flood patterns, and is thus a good basis to use for analyzing the cumulative impacts of development.

The starting point for this assessment was the Flo2D model developed by NHC in 2018 (based on the Draft FIS model) to assess the cumulative rise that had resulted from development within the City since adoption of the effective FIS in 1985 and up to that point in time. NHC added the McLaughlin Rd project to the model, re-simulated the governing All Levees Intact scenario, and recomputed rise results compared to a baseline (pre-FIS) condition. The 100-year Skagit River flow from the Draft FIS (215,270 cfs) provided the inflow boundary condition for this assessment. Nookachamps Creek inflows are also included, unchanged from the Draft FIS.

Exhibit 9

Representation of the project in the Flo2D model was done by adjusting model grid cell elevations to reflect the proposed fill to be placed on the site. A conservative assumption was made in tabulating the fill to not include the volume excavated for the underground parking garages. Flow blocking factors (area reduction factors and width reduction factors, refer to NHC (2018) for details) were also adjusted to reflect the new buildings proposed. A screenshot of the model grid is shown in Figure 5.

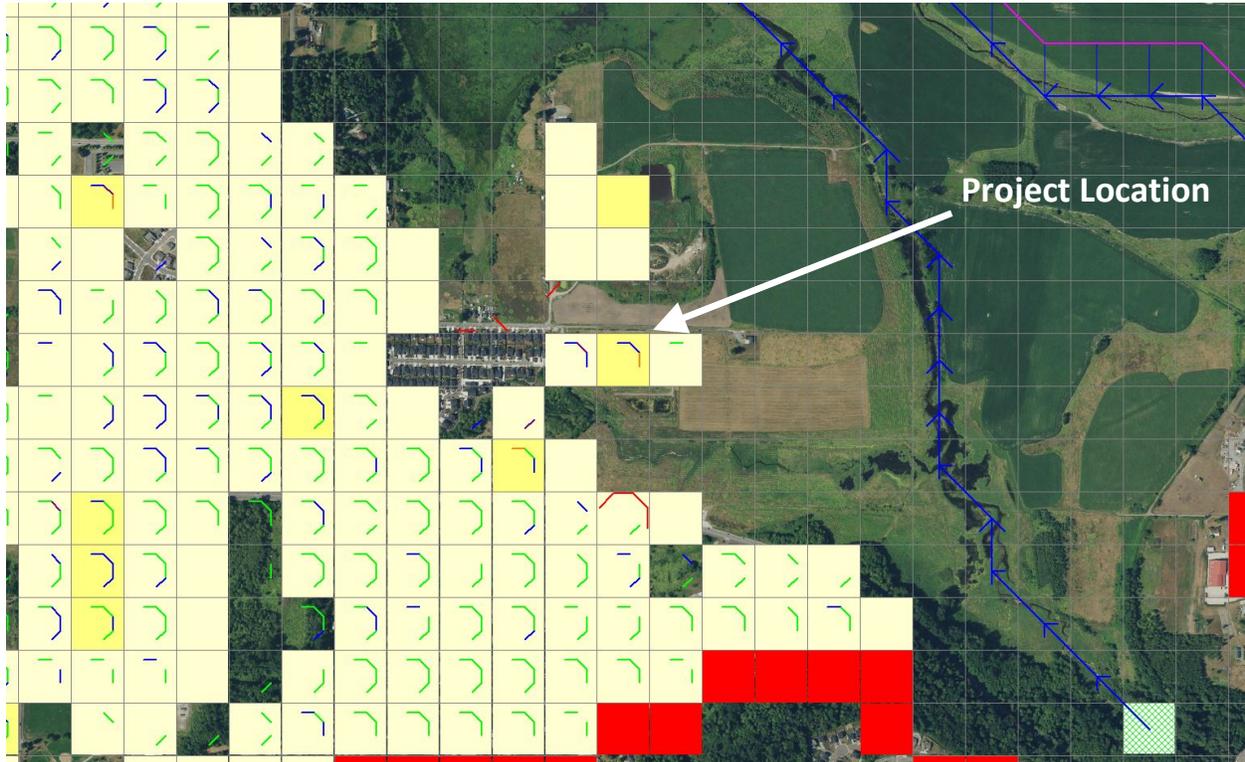


Figure 5: Flo2D model mesh in vicinity of McLaughlin Rd.

4 Results

Figure 6 shows the change in 100-year flood levels resulting from the proposed McLaughlin Rd development. In general, the project slightly increases flood levels in the Nookachamps Creek portion of the Skagit floodplain by approximately 0.01 - 0.04 feet. There is a lesser impact on the main channel with increases of 0.01 – 0.02 feet from the BNSF railway bridge to the Division Street bridge, and only scattered 0.01 ft increases downstream of Division Street. The mainstem channel area between Burlington and Sedro-Woolley has an increase similar to that of the Nookachamps region, though with a few scattered points of up to 0.07 ft rise- these larger increases are attributed to numerical noise, as they are surrounded by points with 0.01-0.04 ft increases.

Exhibit 9

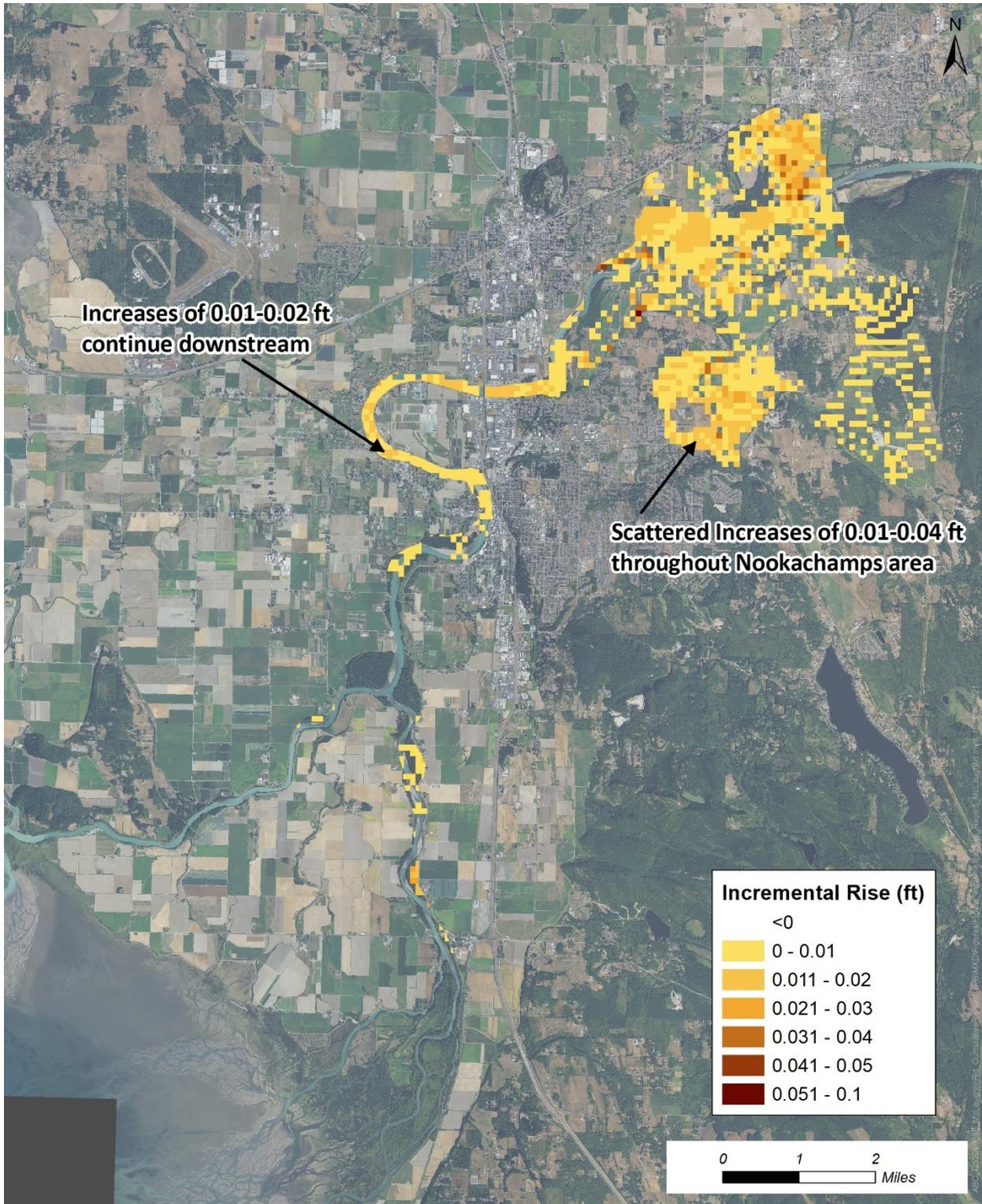


Figure 6: Incremental rise associated with the proposed project along McLaughlin Rd.

Figure 7 shows the cumulative rise on the floodplain due to all development since 1985, including the proposed project. The cumulative rise continues to peak at 0.7 feet in the main channel adjacent to the

Exhibit 9

City's floodwall. As indicated in Figure 6, the impact of the McLaughlin Rd project is 0.01 feet at most downstream of Division Street, where the City is closest to the 1-foot cumulative rise limitation. It is notable that the proposed development occupies one of the last remaining undeveloped parcels within the City that is also in the "All Levees Intact" mapping region. The other significant undeveloped area within the City and this levee scenario is the Nookachamps Wetland Mitigation Bank. Therefore, future developments that would add further to the cumulative rise in this region are expected to be limited.

Note that the cumulative rise shown in Figure 7 is in some areas less than the incremental impact of this project- this is because the cumulative rise was slightly negative in these area prior to the project. In addition, note that the cumulative rise presented in this memorandum is the result of development in Mount Vernon only- structures outside the City are included in the model as they were in the Draft FIS, which was published in 2009, with no attempt to separate pre-FIS development from more recent development.

Exhibit 9

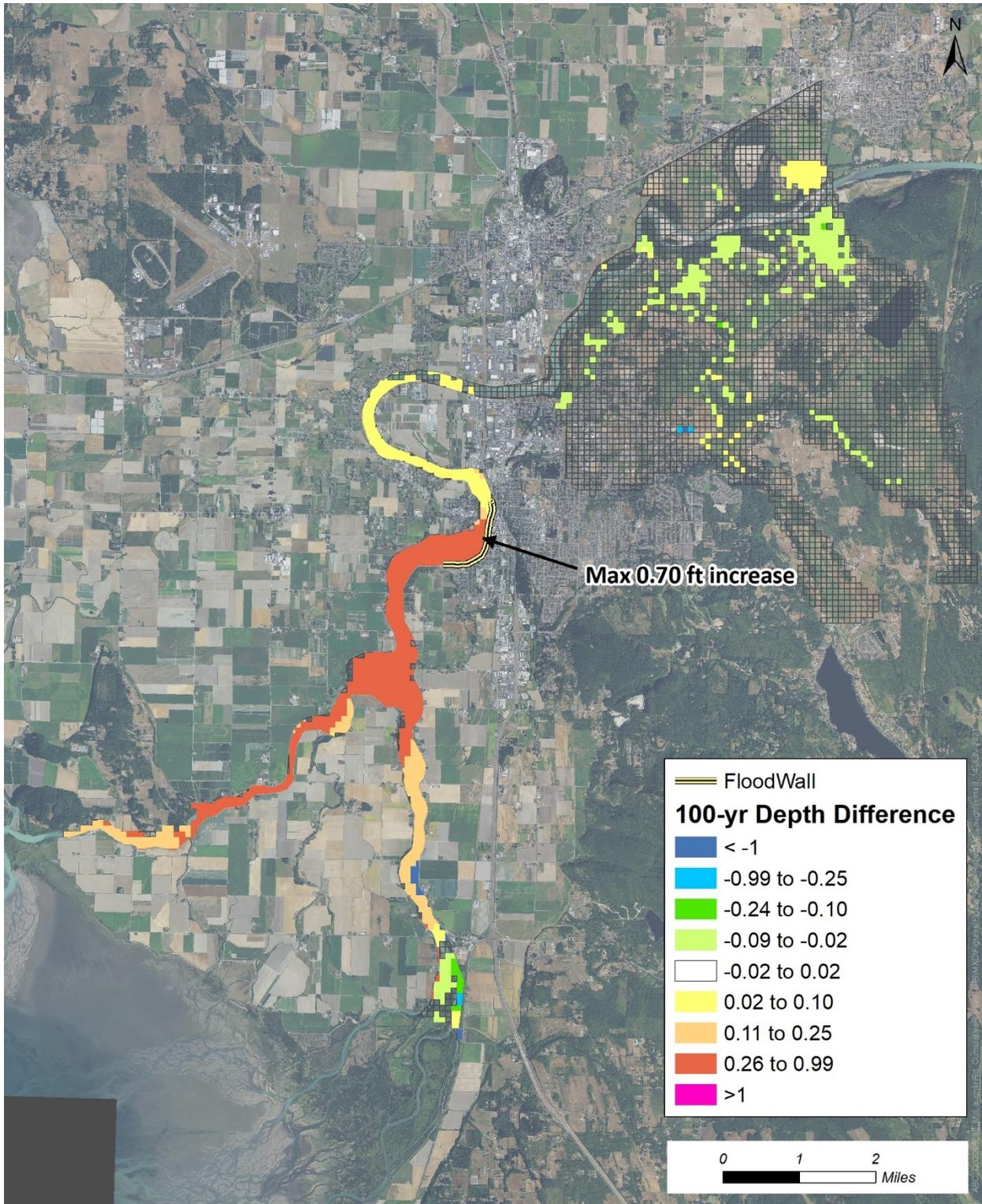


Figure 7: Cumulative rise in the portion of the floodplain governed by the "All Levees Intact" scenario.

Exhibit 9

DISCLAIMER

This report has been prepared by Northwest Hydraulic Consultants Inc. for the benefit of McLaughlin Rd, LLC for specific application to the McLaughlin Road Development - Cumulative Rise Analysis. The information and data contained herein represent Northwest Hydraulic Consultants Inc. best professional judgment in light of the knowledge and information available to Northwest Hydraulic Consultants Inc. at the time of preparation and was prepared in accordance with generally accepted engineering and geoscience practices.

Except as required by law, this report and the information and data contained herein are to be treated as confidential and may be used and relied upon only by McLaughlin Rd, LLC, its officers and employees. Northwest Hydraulic Consultants Inc. denies any liability whatsoever to other parties who may obtain access to this report for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this report or any of its contents.

Prepared by or under the direct supervision of:



Alex Anderson, P.E.
Senior Engineer
Modeling and Analysis

Vaughn Collins, PE, CFM
Principal
Reviewer

5 References

FEMA, 1984. *Flood Insurance Study - City of Mount Vernon, Washington*. July 3, 1984.

NHC, 2018. *Floodplain Development Cumulative Rise Analysis*. Prepared for City of Mount Vernon, Development Services Department. April 16, 2018.

United States Army Corps of Engineers Seattle District, 2009. *Skagit River Basin, Washington. Revised Flood Insurance Study Hydraulics Summary*. Prepared for the Federal Emergency Management Agency. June 2009.



northwest hydraulic consultants

Exhibit 9

July 10, 2024



NHC Reference 2006690

McLaughlin Rd, LLC

PO Box 619

Sedro Woolley, WA 98284

Attention: Paul Woodmansee

Via email: paul@bykconstruction.com

Re: McLaughlin Road Development Phase 2 - Cumulative Rise Analysis

Northwest Hydraulic Consultants (NHC) was retained by McLaughlin Rd, LLC in 2021 to evaluate the impact that the development of a church and several multifamily buildings may have on the 100-year flood water surface elevation in the City of Mount Vernon (City). NHC was retained again in 2024 to analyze a revised development plan. This letter documents the assumptions, methods, and results of the revised analysis, herein referenced as Phase 2. The principal conclusion from the Phase 2 analysis is that the proposed development will have a small impact on flood levels in the Nookachamps Creek portion of the Skagit River floodplain, and an even lesser impact on the mainstem Skagit River flood levels. The cumulative rise in flood levels from all development within the City since 1985, including the proposed project, remains below the 1-foot regulatory rise criteria.

1 Project Overview

The proposed development is located near the eastern boundary of the City limits. The parcel number is P24856 and has a total area of 14.88 acres. Figure 1 shows the parcel location, located along the south side of McLaughlin Road, east of downtown Mount Vernon and south of Barney Lake.

first Flood Insurance Study (FIS) in 1985 (FEMA, 1984). NHC completed this analysis (NHC, 2018) on behalf of the City and found varying levels of rise throughout the City, but nowhere in the City had exceeded 1-foot of rise.

To ensure the cumulative rise from development remains below 1-foot going forward, FEMA further directed the City to adopt code changes requiring analyses of any new development.

2.1 Effective Flood Insurance Study

The effective floodplain maps and flood levels today date back to the FIS published in 1985. According to this study, the site is located in flood hazard zone A7, with a 100-year base flood elevation of 46.82 feet NAVD88¹. Figure 2 shows the effective Flood Insurance Rate Map (FIRM) with the approximate project location indicated in red.

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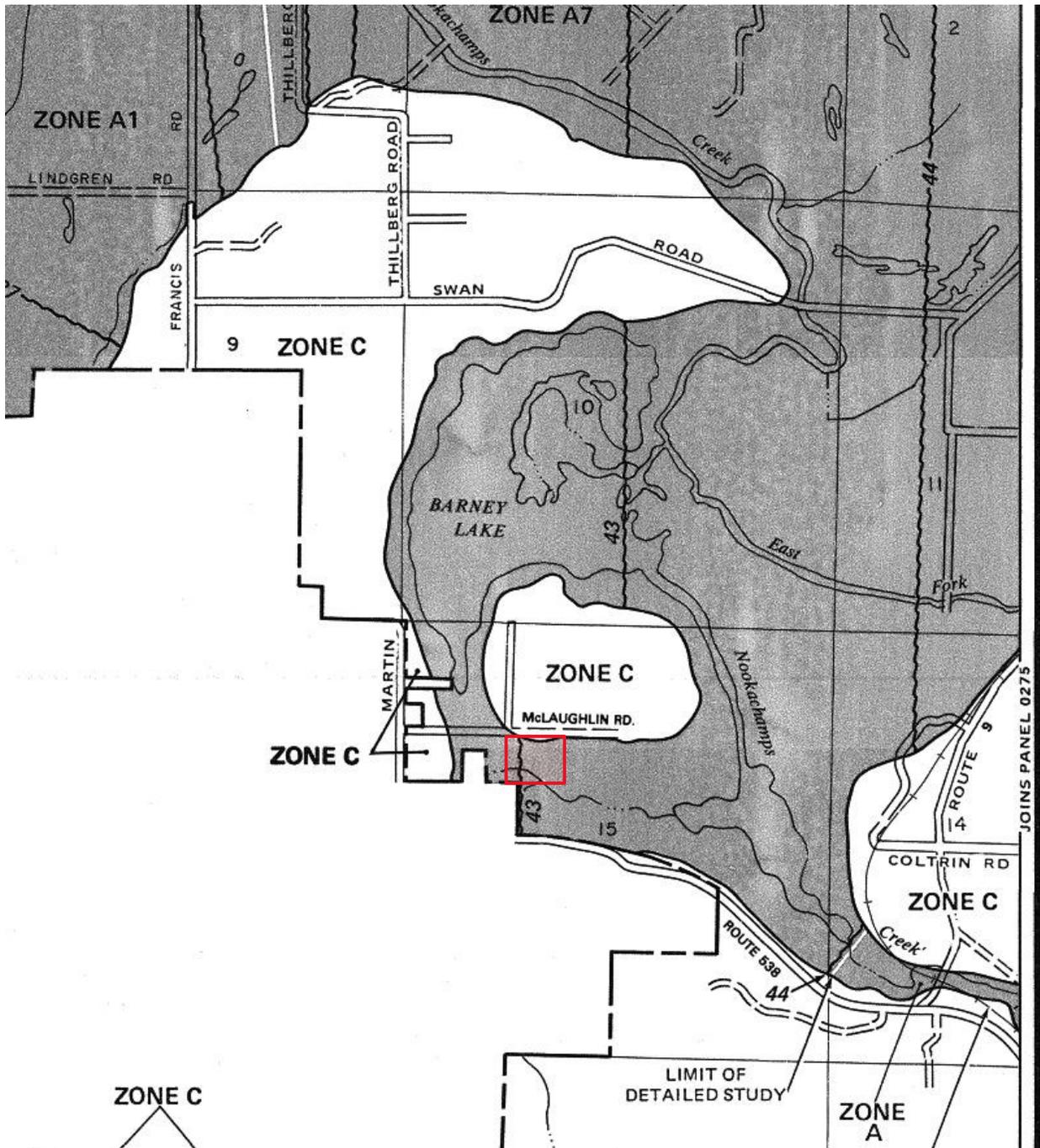


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level at each location from among the many water levels produced by the different levee failure assumptions. The levee failure assumption that results in the highest water level in each region of the Draft FIRM is shown in Figure 4.

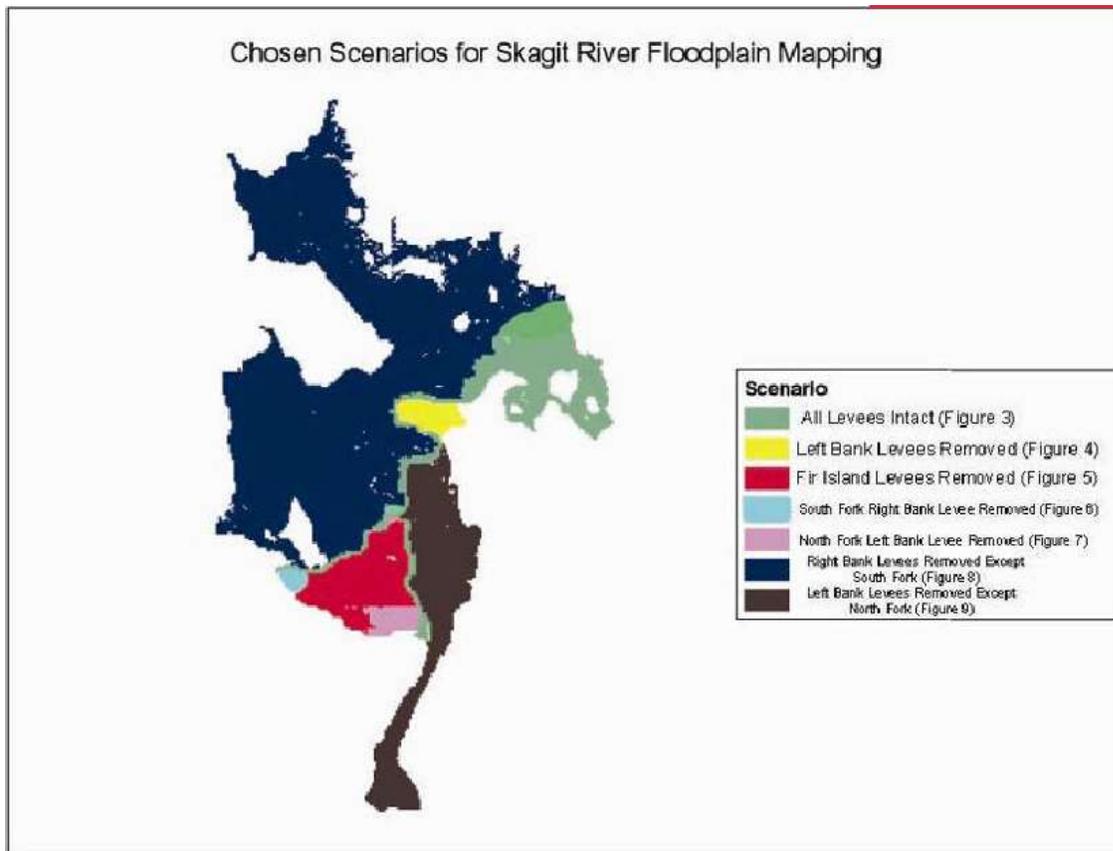


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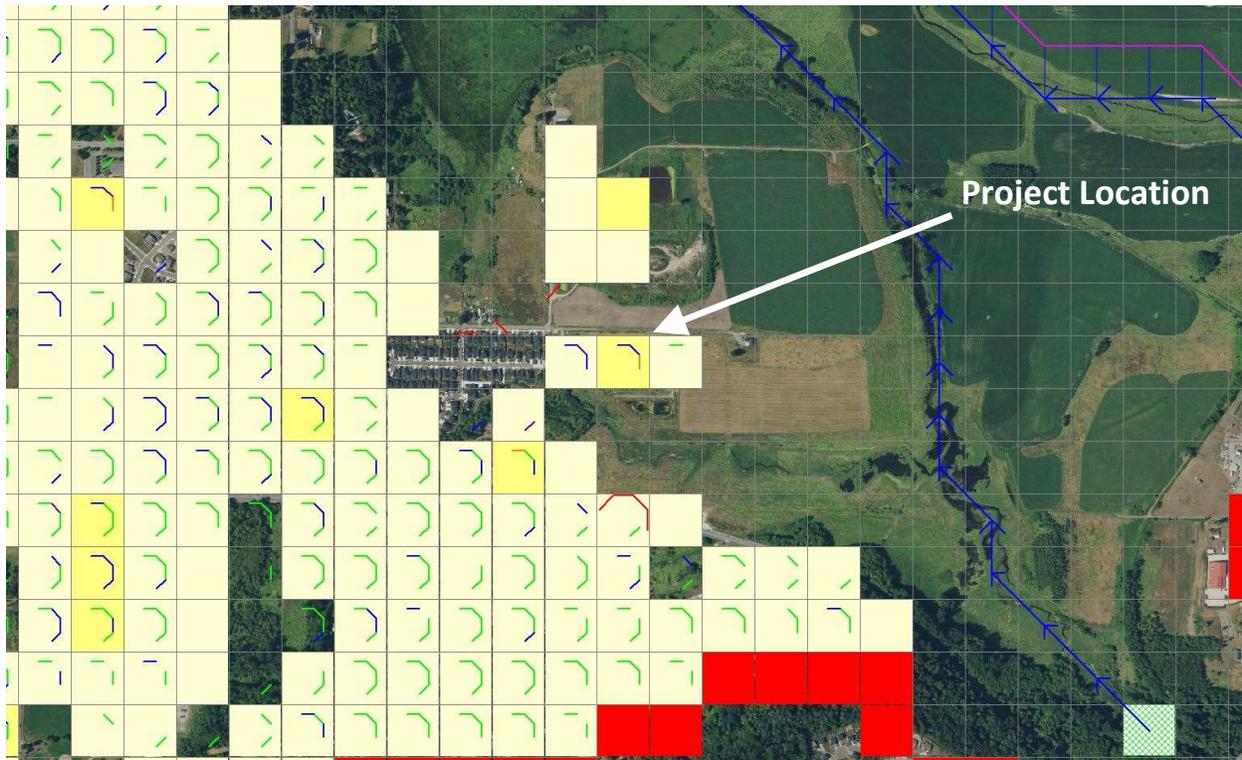


Figure 5: Flo2D model mesh in vicinity of McLaughlin Rd.

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Figure 6 shows the change in 100-year flood levels resulting from the proposed McLaughlin Rd development. In general, the project slightly increases flood levels in the Nookachamps Creek portion of the Skagit floodplain by approximately 0.01 foot. Elsewhere in the floodplain there are localized increases between 0.01 and 0.14 feet. These larger increases are attributed to numerical noise, as they are surrounded by points with 0.01 to 0.04 foot increases.

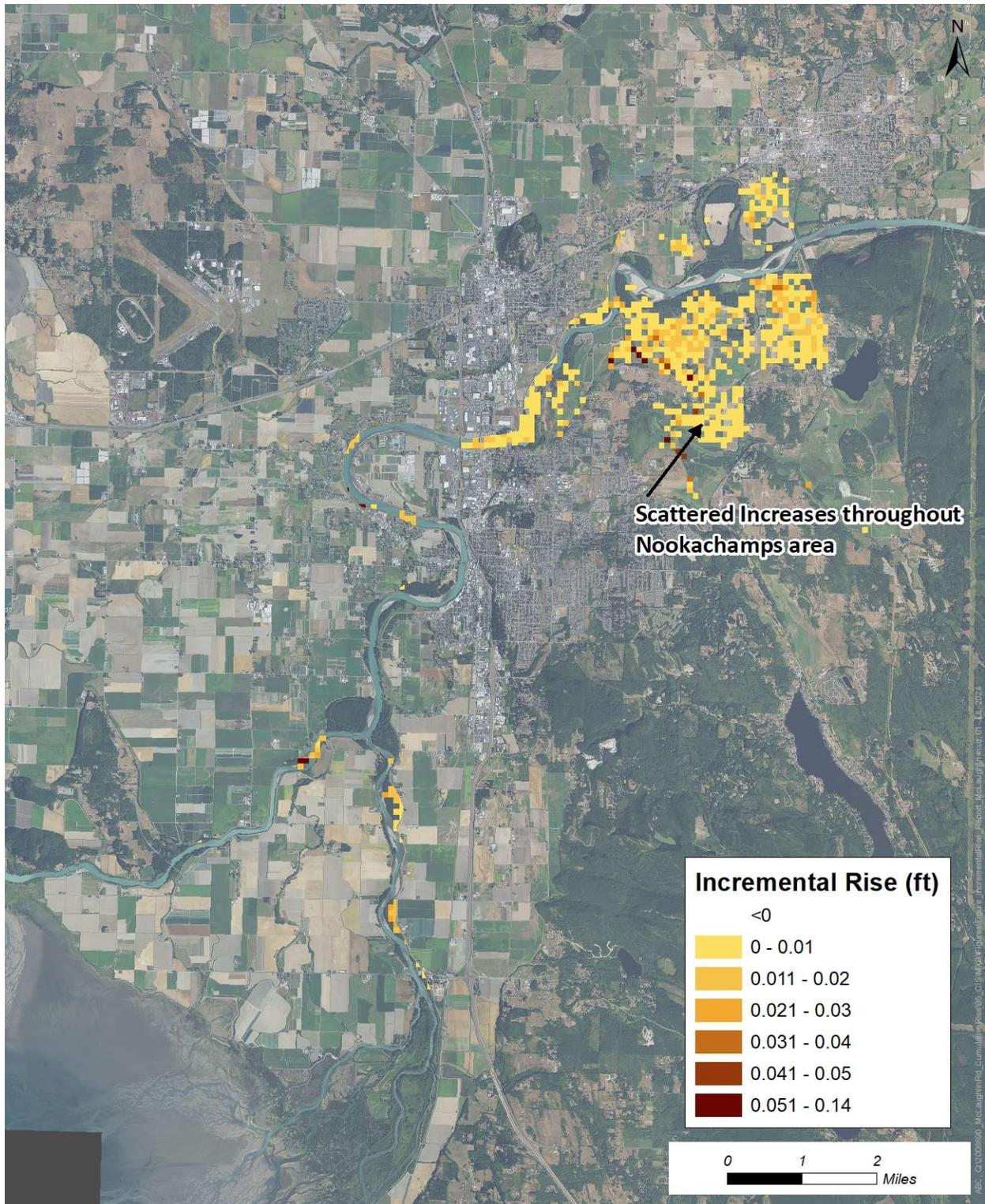


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Figure 7 shows the cumulative rise on the floodplain due to all development since 1985, including the proposed project. The cumulative rise continues to peak at approximately 0.7 feet in the main channel

adjacent to the City's floodwall. As indicated in Figure 6, the impact of the McLaughlin Rd project is 0.01 feet at most downstream of Division Street, where the City is closest to the 1-foot cumulative rise limitation. It is notable that the proposed development occupies one of the last remaining undeveloped parcels within the City that is also in the "All Levees Intact" mapping region. The other significant undeveloped area within the City and this levee scenario is the Nookachamps Wetland Mitigation Bank. Therefore, future developments that would add further to the cumulative rise in this region are expected to be limited.

Note that the cumulative rise shown in Figure 7 is in some areas less than the incremental impact of this project- this is because the cumulative rise was slightly negative in these area prior to the project. In addition, note that the cumulative rise presented in this memorandum is the result of development in Mount Vernon only- structures outside the City are included in the model as they were in the Draft FIS, which was published in 2009, with no attempt to separate pre-FIS development from more recent development.

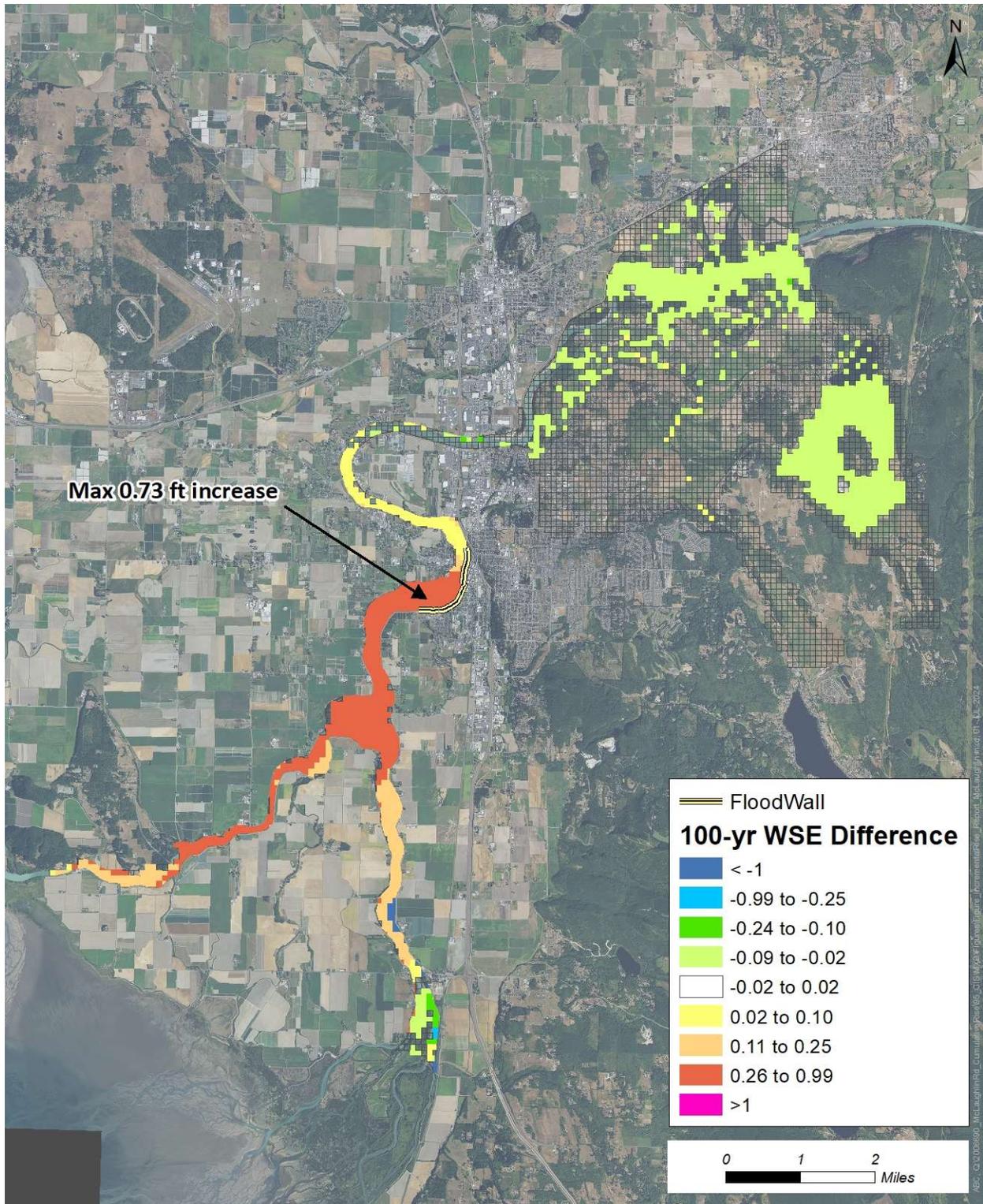


Figure 7: Cumulative rise in the portion of the floodplain governed by the “All Levees Intact” scenario.

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This report has been prepared by Northwest Hydraulic Consultants Inc. for the benefit of McLaughlin Rd, LLC for specific application to the McLaughlin Road Development Phase 2 - Cumulative Rise Analysis. The information and data contained herein represent Northwest Hydraulic Consultants Inc. best professional judgment in light of the knowledge and information available to Northwest Hydraulic Consultants Inc. at the time of preparation and was prepared in accordance with generally accepted engineering and geoscience practices.

Except as required by law, this report and the information and data contained herein are to be treated as confidential and may be used and relied upon only by McLaughlin Rd, LLC, its officers and employees. Northwest Hydraulic Consultants Inc. denies any liability whatsoever to other parties who may obtain access to this report for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this report or any of its contents.

Prepared by or under the direct supervision of:



Rebecca Roberts, PE
Hydraulic Engineer
Modeling and Analysis

Alex Anderson, PE, CFM
Senior Engineer
Reviewer

5 References

FEMA, 1984. *Flood Insurance Study - City of Mount Vernon, Washington*. July 3, 1984.

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Limited Geotechnical Evaluation
McLaughlin Road Compensatory Flood Storage
McLaughlin Road (Parcel No. P24802)
Mount Vernon, Washington

Prepared For:
BYK Construction, Inc.
702-A Metcalf Street
Sedro-Woolley, WA 98284

Attn: Mr. Paul Woodmansee





March 11, 2022
Project No. 22-0269

BYK Construction, Inc.
702-A Metcalf Street
Sedro-Woolley, WA 98284

Attention: Mr. Paul Woodmansee

Regarding: Limited Geotechnical Evaluation
McLaughlin Road (Parcel No. P24802)
Mount Vernon, Washington

Dear Mr. Woodmansee:

As requested, GeoTest Services, Inc. (GeoTest) is pleased to submit the following report summarizing the results of our limited geotechnical evaluation for the proposed McLaughlin Road Compensatory Flood Storage located on the north side of McLaughlin Road (Parcel No. P24802) in Mount Vernon, Washington (*Vicinity Map*, Figure 1). This report has been prepared in general accordance with the terms and conditions established in our services agreement (22-147G) dated January 27, 2022.

We appreciate the opportunity to provide geotechnical services on this project and look forward to assisting you during further geotechnical, design, and construction phases. Should you have any questions regarding the information contained within the report, or if we may be of service in other regards, please contact the undersigned.



Respectfully,
GeoTest Services, Inc.



3/11/2022

Cassidy W. Dimitroff

Cass Dimitroff, L.E.G.
Geotechnical Project Manager

Enclosure: Limited Geotechnical Evaluation



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PURPOSE AND SCOPE OF SERVICES

The purpose of this investigation is to establish general subsurface conditions beneath the site from which recommendations for potential material reuse pertaining to project design can be formulated. Specifically, our scope of services includes the following tasks:

- Exploration of soil and groundwater conditions underlying the project site by excavating 10 test pits with a client provided tracked excavator.
- Perform laboratory testing on representative samples to classify and evaluate the engineering characteristics of the soils encountered.
- Provide a written limited geotechnical report containing a description of surface and subsurface conditions, exploration logs, with findings and recommendations pertaining to the feasibility of site soils reuse as fill materials.

PROJECT DESCRIPTION

It is our understanding that the client will be developing a parcel on the southern end of McLaughlin Road and will be using the subject parcel for the flood water storage area. We have been requested to perform subsurface investigation of the future flood water storage area to determine the potential for reuse of the native soils as grade fill within the proposed development of the nearby parcel on McLaughlin Road.

SITE CONDITIONS

This section includes a description of the general surface and subsurface conditions observed at the project site during the time of our field investigation. Interpretations of site conditions are based on the results and review of available information, site reconnaissance, and previous experience in the project vicinity. Field work was performed by a GeoTest Staff Geologist on February 4, 2022.

Surface Conditions

The irregular-shaped 42.35-acre subject property (Parcel No. P24802) is located at the east end of McLaughlin Road beginning approximately 1/2 mile east of the intersection with Martin Road in Mount Vernon, Washington. In general, the site is surrounded by agricultural farmlands to the east, residential and commercial development to the south and west, and Barney Lake to the north. More specifically, the site is bounded to the north and south by privately owned agricultural land and a localized developed highland to the west. Nookachamps Creek and associated buffer areas are run along the site's eastern boundary.

The parcel generally slopes downward to the east/southeast with approximately 20 feet of vertical elevation change over approximately 1,200 lineal feet. The site surface conditions consisted of previously tilled topsoil topped with low lying field grass. At the time of visit in early February of 2022, ponded surface water was observed throughout the subject property.



Image 1 – Overview of the subject property. Perspective is facing east from the central portion of the site.

Subsurface Conditions

Subsurface soil conditions were explored by advancing 10 exploratory test pits (TP-1 through TP-10) on January 4, 2022. Soils were classified according to the American Society for Testing and Materials (ASTM) D2487 and D2488. Explorations were performed under the direction of a GeoTest Staff Geologist. The approximate locations of these explorations have been plotted on the *Site and Exploration Plan* – Figure 2. A *Soil Classification System and Key* can be found as Figure 3, detailed test pit exploration logs can be found in Figures 4 through 8 – *Test Pit Logs*, with laboratory results presented as Figures 9 through 11.

Test pit explorations consisted of the excavation of shallow open pits with the use of a rubber tracked excavator and operator provided by the client. Select grab samples were obtained based on the encountered changes in the soil stratum. Test pit exploration were advanced to an approximate depth of 7.5 feet below ground surface (BGS). Test pits were not advanced further due to the limitations of onsite equipment.



Image 2 – Typical subsurface soil profile showing 1-foot of topsoil overlying native soils. TP-2 shown in photo.

The subsurface soils generally consisted of surficial topsoil overlying native clay. The thickness of topsoil ranged from approximately 0.5 to 1.7 feet, and typically consisted of soft, dark brown, moist, sandy silt with rootlets. Below the topsoil, GeoTest encountered very stiff to hard, light gray to brownish gray, moist, clay with varying amounts of sand and occasional pebbles or cobbles noted. This unit is interpreted as Everson Interstade glaciomarine drift (GMD). The GMD was observed to exhibit moderate to strong mottling in the upper 1 foot. Based on Atterberg Limits testing, the onsite GMD soils exhibit moderate plasticity, including lean clay (CL) and fat clay (CH).

General Geologic Conditions

Geologic information for the project site was obtained from the geologic map entitled *Surficial geologic map of the Port Townsend 30- by 60-minute quadrangle, Puget Sound Region, Washington* (Pessl et. al, 1989), published by the U.S. Geological Survey. According to Pessl, the subject property is mapped as glacial recessional to marine drift deposits from the Everson Interstade of the Frasier Glaciation (Unit Qvrm) depending on location. According to geologic resources, the glaciomarine drift in the vicinity of the subject site generally consists of unsorted, unstratified pebbly, sandy silt and clay with common dropstones up to boulder size. Glaciomarine drift soils are derived from rock debris melted out of floating ice and deposited in still ocean waters. Locally, the glaciomarine drift displays a stiff to hard upper “crust” section of light brown, semi-consolidated sandy silt to sandy clay before transitioning to lower consistency

blue-gray sandy silt and sandy clay soils at depth. Maximum depths of this unit in the type location is up to 70 feet. Our on-site explorations indicate that the encountered subsurface soil conditions are generally in accordance with the mapped GMD soil unit. The soils encountered in our subsurface explorations are generally consistent with the published geological information and our experience on projects in the nearby vicinity.

South of the project site subsurface geology is mapped as Holocene-aged alluvium – clay and silt facies (Unit Qyal), potentially sourced from the Skagit River which is currently located approximately 2.5 miles north. The author describes this alluvium unit as including horizontally layered, moderate to well-sorted silt, clay, and fine sand as well as moderately sorted sand and gravel with local deposits of sand, silt, and clay. Thickness of this unit is said to range from 3 to 30 feet.

Faults are mapped by the Washington State Department of Natural Resources (DNR) *Geologic Information Portal* approximately 0.9 miles to the southeast and 3.16 miles to the northeast of the project site. The faults trend west-northwest to northwest by west and are described as concealed with an unknown offset, and not considered active by the DNR. The site is approximately 4.0 miles north of the Devil’s Mountain Fault Zone (DMFZ), a left-lateral oblique slip fault system which is considered active by the DNR. According to the published literature, the DMFZ has been active as recent as 100 to 500 years ago and has the potential for a magnitude 7.5 earthquake or greater (Barrie, 2017).

Web Soil Survey

According to the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) *Web Soil Survey* website, soils within the subject property are classified as Skipopa silt loam. These soils are derived from a parent material of alluvium, volcanic ash deposits and glaciolacustrine deposits, are somewhat poorly drained to poorly drained, and are rated as having a high erosion susceptibility with an erosion K factor of 0.43. Values of K range from 0.02 to 0.69; the higher the value, the more susceptible the soil is to sheet and rill erosion by water. Please reference Table 1 below for a summary of the soil parameters found on the USDA Web Soil Survey.

Table 1 USDA Web Soil Survey Soil Classifications	
Map Unit Symbol	125
Map Unit Name	Skipopa silt loam, 3 to 8 percent slopes
Soil Description	Ashy silt loam to silty clay
Landform	Terraces
Parent Material	Volcanic Ash and Loess over Glaciolacustrine deposits
Land Capability Classification	4w
Erosion K Factor, Whole Soil	0.43

Groundwater

Groundwater seepage was not observed in any of the test pits at the time of our study. A review of the Washington State Department of Ecology *Well Report Viewer* website indicates that wells in the vicinity of the project site record static groundwater levels at approximately 20 to 30 feet BGS at the time of installation.

The groundwater conditions reported on the exploration logs are for the specific locations and dates indicated, and therefore may not be indicative of other locations and/or times. Groundwater levels are variable and groundwater conditions will fluctuate depending on local subsurface conditions, precipitation, and changes in on-site and off-site use.

CONCLUSIONS AND RECOMMENDATIONS

GeoTest performed laboratory analysis on samples of the native glaciomarine drift from multiple test pit locations and depths. Laboratory tests included Atterberg Limits (Plasticity Index) and Gradation tests. These tests were used to evaluate the suitability of the native soil as structural fill to be incorporated into the adjacent development project to the south of the subject parcel.

Within the samples tested, total fines content was observed to range from 69.6 to 97.4 percent by weight with a plasticity index ranging from 11 to 32 percent. These results indicate that the site at large contains a variable proportion of moderate-plasticity clays. Some of the clayey soils onsite are expansive (fat clays) and have the potential for swelling in the presence of moisture. Such swelling can lead to the potential for differential settlement and/or heave of structural elements if not properly mitigated or reused.

It is GeoTest’s opinion that native glaciomarine drift soil underlying the site may be suitable for reuse as grade fill with the development area provided the following recommendations guidelines are followed. In order to achieve optimal soil conditions, significant moisture

conditioning will be required. As such, excavation and stockpiling of site soils should take place during dry weather conditions, ideally in the months of late July to early October. The soils should be reworked and exposed to dry weather until optimum moisture content has been reached.

Given the recorded natural moisture content of the native soils of up to 32 percent, the client should expect extensive soil drying procedures prior to use. Based on our experience with similar soils, we anticipate an optimum moisture content between 10 and 15 percent to achieve compaction. GeoTest has collected samples during field work that can be analyzed if the client elects to use the native soil as fill material. GeoTest is able to perform Modified Proctor (ASTM D1557) on select representative samples to determine the moisture-density relationship of the native soils, upon request.

Placement of the native soils will also require specific preparation and compaction efforts following the drying process. We recommend that material be placed in less than 6-inch loose lifts. A sheep's-foot drum roller is commonly used in the compaction of clayey or fine-grained soils. Another common method of compacting and spreading these soils includes the use of large grade scraper/spreaders. It is likely that the compaction testing and efforts will be an iterative process that includes field-correction of methods for compaction and drying.

Due to the presence of sensitive clays (moderate to high plasticity), we recommend that structural elements not be placed directly over native fill materials. We recommend that a minimum of 18 inches of imported structural fill be placed directly below footing in areas where native clay soils are used for grade fill. Additionally, we recommend the use of separation fabric between imported structural fill and reused native soils when used below structures. The recommendations herein are not intended to supersede prior recommendations for site development on McLaughlin Rd (GeoTest Report No. 21-0497). These recommendations are specific to the feasibility of soil reuse as grade fill materials following the excavation of the compensatory flood storage at the subject site.

Geotechnical Consultation and Construction Monitoring

GeoTest recommends that we be involved in the project design review process. The purpose of the review is to verify that the recommendations presented in this report are understood and incorporated in the design and specifications.

We also recommend that geotechnical construction monitoring services be provided. These services should include observation by GeoTest personnel during structural fill placement, compaction activities and subgrade preparation operations to confirm that design subgrade conditions are obtained beneath the areas of improvement.

Periodic field density testing should be performed to verify that the appropriate degree of compaction is obtained. The purpose of these services is to observe compliance with the design

concepts, specifications, and recommendations of this report. In the event that subsurface conditions differ from those anticipated before the start of construction, GeoTest Services would be pleased to provide revised recommendations appropriate to the conditions revealed during construction.

USE OF THIS REPORT

GeoTest has prepared this report for the exclusive use of BYK Construction, Inc. and their design consultants for specific application to the design of the proposed McLaughlin Road Compensatory Flood Storage located at McLaughlin Road (Parcel # P24856) in Mount Vernon, WA. Use of this report by others is at the user’s sole risk. This report is not applicable to other site locations. Our services are conducted in accordance with accepted practices of the geotechnical engineering profession; no other warranty, express or implied, is made as to the professional advice included in this report.

Our site explorations indicate subsurface conditions at the dates and locations indicated. It is not warranted that these conditions are representative of conditions at other locations and times. The analyses, conclusions, and recommendations contained in this report are based on site conditions to the limited depth and time of our explorations, a geological reconnaissance of the area, and a review of previously published geological information for the site. If variations in subsurface conditions are encountered during construction that differ from those contained within this report, GeoTest should be allowed to review the recommendations and, if necessary, make revisions. If there is a substantial lapse of time between submission of this report and the start of construction, or if conditions change due to construction operations at or adjacent to the project site, we recommend that we review this report to determine the applicability of the conclusions and recommendations contained herein.

The earthwork contractor is responsible to perform all work in conformance with all applicable WISHA/OSHA regulations. GeoTest Services, Inc. is not responsible for job site safety on this project, and this responsibility is specifically disclaimed.

Attachments: Figure 1	Vicinity Map
Figure 2	Site and Exploration Plan
Figure 3	Soil Classification System and Key
Figures 4 - 8	Test Pit Logs
Figures 9 - 11	Laboratory Data
Attached	Report Limitations and Guidelines for Use (4 Pages)



REFERENCES

ASTM D1557-07, *Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Modified Effort* (56,000 ft-lbf/ft³ (2,700 kN-m/m³)), ASTM International, West Conshohocken, PA, 2007, www.astm.org.

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Pessl, Fred, Dethier, D.P., Booth, D.B., and Minard, J.P., 1989, *Surficial geologic map of the Port Townsend 30- by 60-minute quadrangle, Puget Sound region, Washington, U.S. Geological Survey, Miscellaneous Investigations Series Map I-1198-F, 1:100,000*.

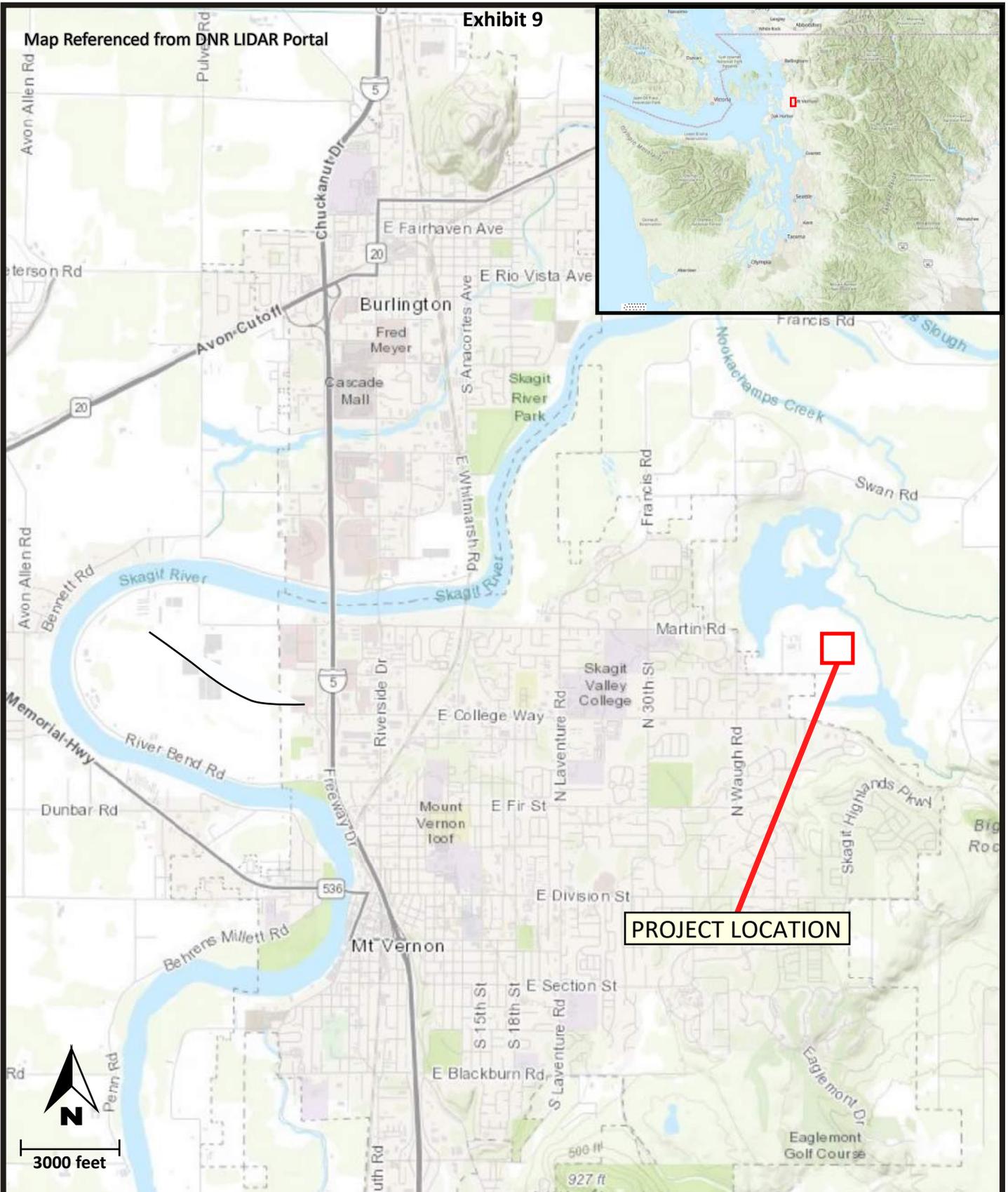
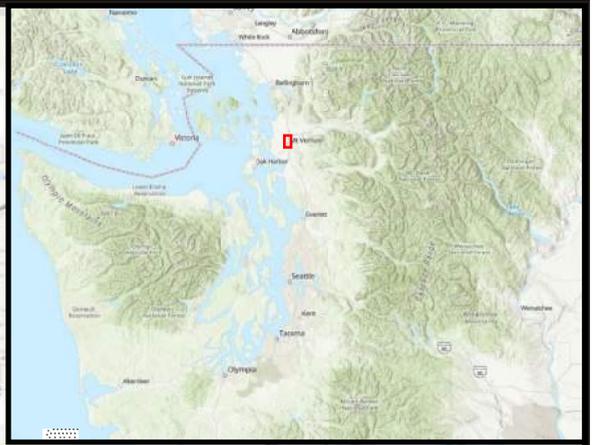
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Washington State Department of Natural Resources. *Geologic Information Portal*. (n.d.). Retrieved March 2022, from <https://geologyportal.dnr.wa.gov/>.

Washington State Department of Transportation. 2020. *Standard for Road, Bridge, and Municipal Construction*. Publication No. M41-10.

Exhibit 9

Map Referenced from DNR LIDAR Portal



PROJECT LOCATION



3000 feet



Date: 2-25-22

By: DM

Scale: As Shown

Project

VICINITY MAP
McLAUGHLIN ROAD COMPENSATORY FLOOD STORAGE
McLAUGHLIN ROAD
MOUNT VERNON, WA

22-0269

Figure

1

Exhibit 9



Image Sourced Via Google Satellite Imagery

☒ TP-# = Approximate Test Pit Location



Date: 2-25-22

By: DM

Scale: As Shown

Project

22-0269

SITE AND EXPLORATION PLAN
McLAUGHLIN ROAD COMPENSATORY FLOOD STORAGE
McLAUGHLIN ROAD
MOUNT VERNON, WA

Figure

2

Exhibit 9

Soil Classification System

	MAJOR DIVISIONS	GRAPHIC SYMBOL	USCS LETTER SYMBOL	TYPICAL DESCRIPTIONS ⁽¹⁾⁽²⁾
COARSE-GRAINED SOIL (More than 50% of material is larger than No. 200 sieve size)	GRAVEL AND GRAVELLY SOIL (More than 50% of coarse fraction retained on No. 4 sieve)	CLEAN GRAVEL (Little or no fines)		GW Well-graded gravel; gravel/sand mixture(s); little or no fines
		GRAVEL WITH FINES (Appreciable amount of fines)		GP Poorly graded gravel; gravel/sand mixture(s); little or no fines
	SAND AND SANDY SOIL (More than 50% of coarse fraction passed through No. 4 sieve)	CLEAN SAND (Little or no fines)		SW Well-graded sand; gravelly sand; little or no fines
		SAND WITH FINES (Appreciable amount of fines)		SP Poorly graded sand; gravelly sand; little or no fines
				SM Silty sand; sand/silt mixture(s)
				SC Clayey sand; sand/clay mixture(s)
FINE-GRAINED SOIL (More than 50% of material is smaller than No. 200 sieve size)	SILT AND CLAY (Liquid limit less than 50)		ML Inorganic silt and very fine sand; rock flour; silty or clayey fine sand or clayey silt with slight plasticity	
			CL Inorganic clay of low to medium plasticity; gravelly clay; sandy clay; silty clay; lean clay	
			OL Organic silt; organic, silty clay of low plasticity	
	SILT AND CLAY (Liquid limit greater than 50)		MH Inorganic silt; micaceous or diatomaceous fine sand	
			CH Inorganic clay of high plasticity; fat clay	
			OH Organic clay of medium to high plasticity; organic silt	
HIGHLY ORGANIC SOIL		PT Peat; humus; swamp soil with high organic content		

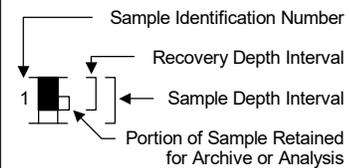
OTHER MATERIALS	GRAPHIC SYMBOL	LETTER SYMBOL	TYPICAL DESCRIPTIONS
PAVEMENT		AC or PC	Asphalt concrete pavement or Portland cement pavement
ROCK		RK	Rock (See Rock Classification)
WOOD		WD	Wood, lumber, wood chips
DEBRIS		DB	Construction debris, garbage

Notes: 1. Soil descriptions are based on the general approach presented in the *Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)*, as outlined in ASTM D 2488. Where laboratory index testing has been conducted, soil classifications are based on the *Standard Test Method for Classification of Soils for Engineering Purposes*, as outlined in ASTM D 2487.
 2. Soil description terminology is based on visual estimates (in the absence of laboratory test data) of the percentages of each soil type and is defined as follows:

- Primary Constituent: > 50% - "GRAVEL," "SAND," "SILT," "CLAY," etc.
- Secondary Constituents: > 30% and ≤ 50% - "very gravelly," "very sandy," "very silty," etc.
 > 12% and ≤ 30% - "gravelly," "sandy," "silty," etc.
- Additional Constituents: > 5% and ≤ 12% - "slightly gravelly," "slightly sandy," "slightly silty," etc.
 ≤ 5% - "trace gravel," "trace sand," "trace silt," etc., or not noted.

Drilling and Sampling Key

SAMPLE NUMBER & INTERVAL	SAMPLER TYPE
Code	Description
a	3.25-inch O.D., 2.42-inch I.D. Split Spoon
b	2.00-inch O.D., 1.50-inch I.D. Split Spoon
c	Shelby Tube
d	Grab Sample
e	Other - See text if applicable
1	300-lb Hammer, 30-inch Drop
2	140-lb Hammer, 30-inch Drop
3	Pushed
4	Other - See text if applicable



Field and Lab Test Data

Code	Description
PP = 1.0	Pocket Penetrometer, tsf
TV = 0.5	Torvane, tsf
PID = 100	Photoionization Detector VOC screening, ppm
W = 10	Moisture Content, %
D = 120	Dry Density, pcf
-200 = 60	Material smaller than No. 200 sieve, %
GS	Grain Size - See separate figure for data
AL	Atterberg Limits - See separate figure for data
GT	Other Geotechnical Testing
CA	Chemical Analysis

Groundwater

Approximate water elevation at time of drilling (ATD) or on date noted. Groundwater levels can fluctuate due to precipitation, seasonal conditions, and other factors.

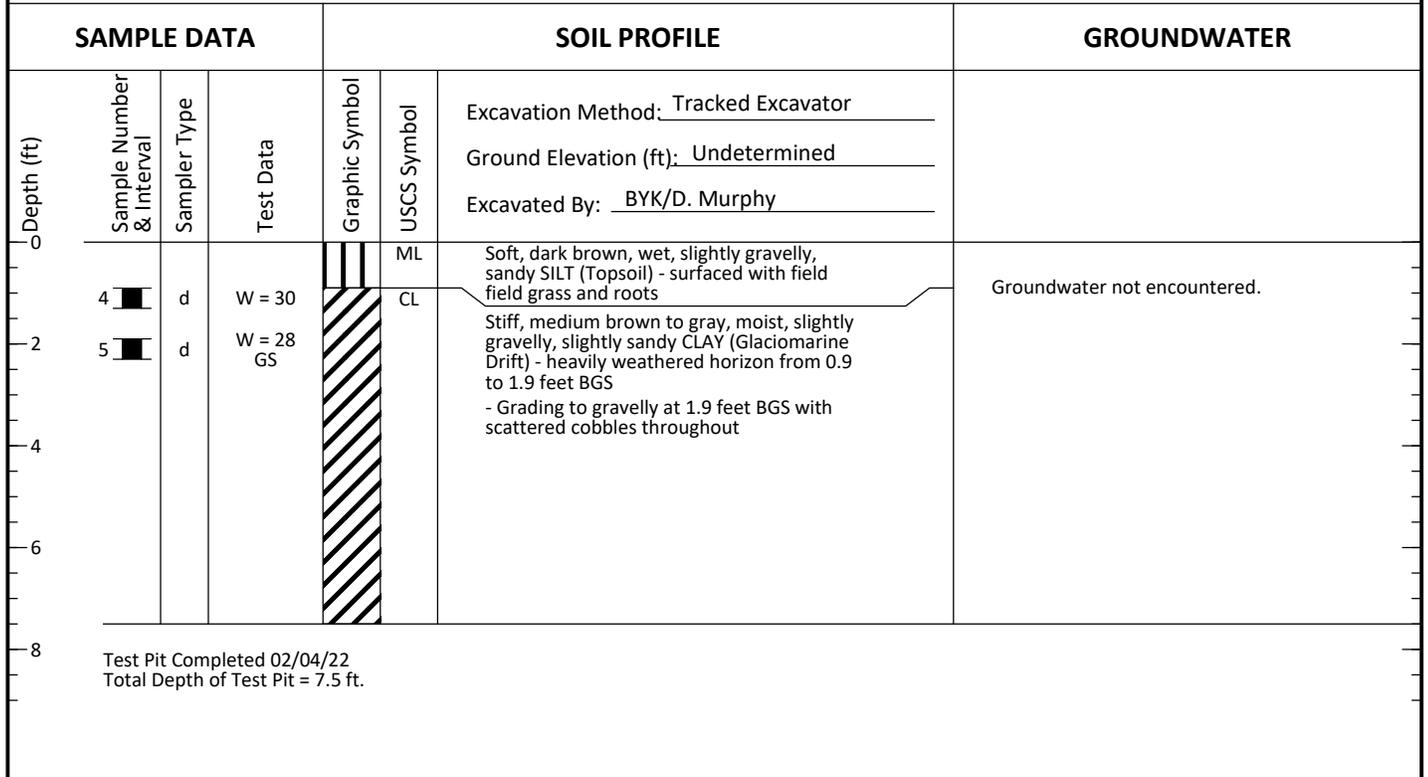
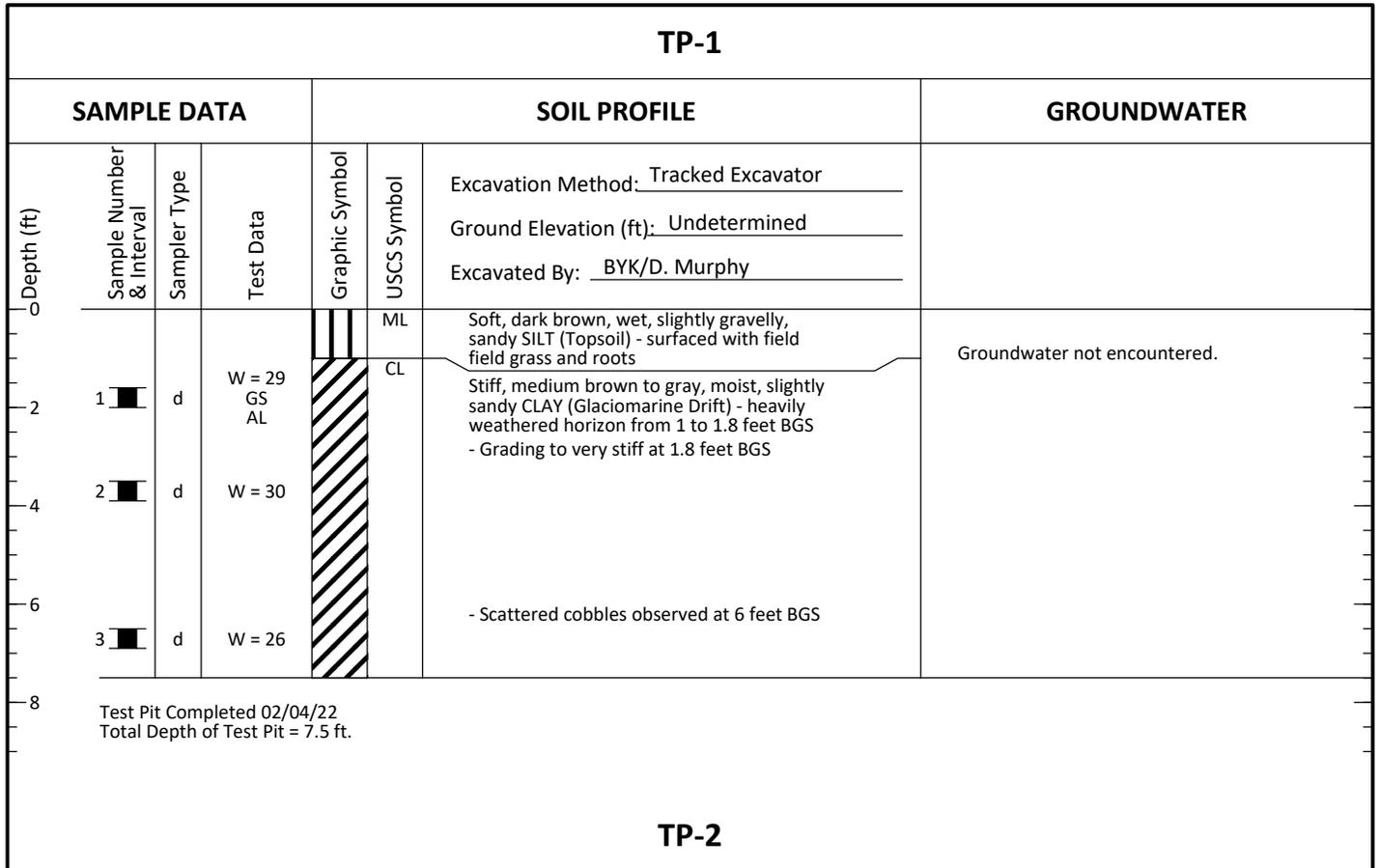


McLaughlin Road
Compensatory Flood Storage
McLaughlin Road
Mount Vernon, WA

Soil Classification System and Key

Figure
3

Exhibit 9



- Notes: 1. Stratigraphic contacts are based on field interpretations and are approximate.
2. Reference to the text of this report is necessary for a proper understanding of subsurface conditions.
3. Refer to "Soil Classification System and Key" figure for explanation of graphics and symbols.

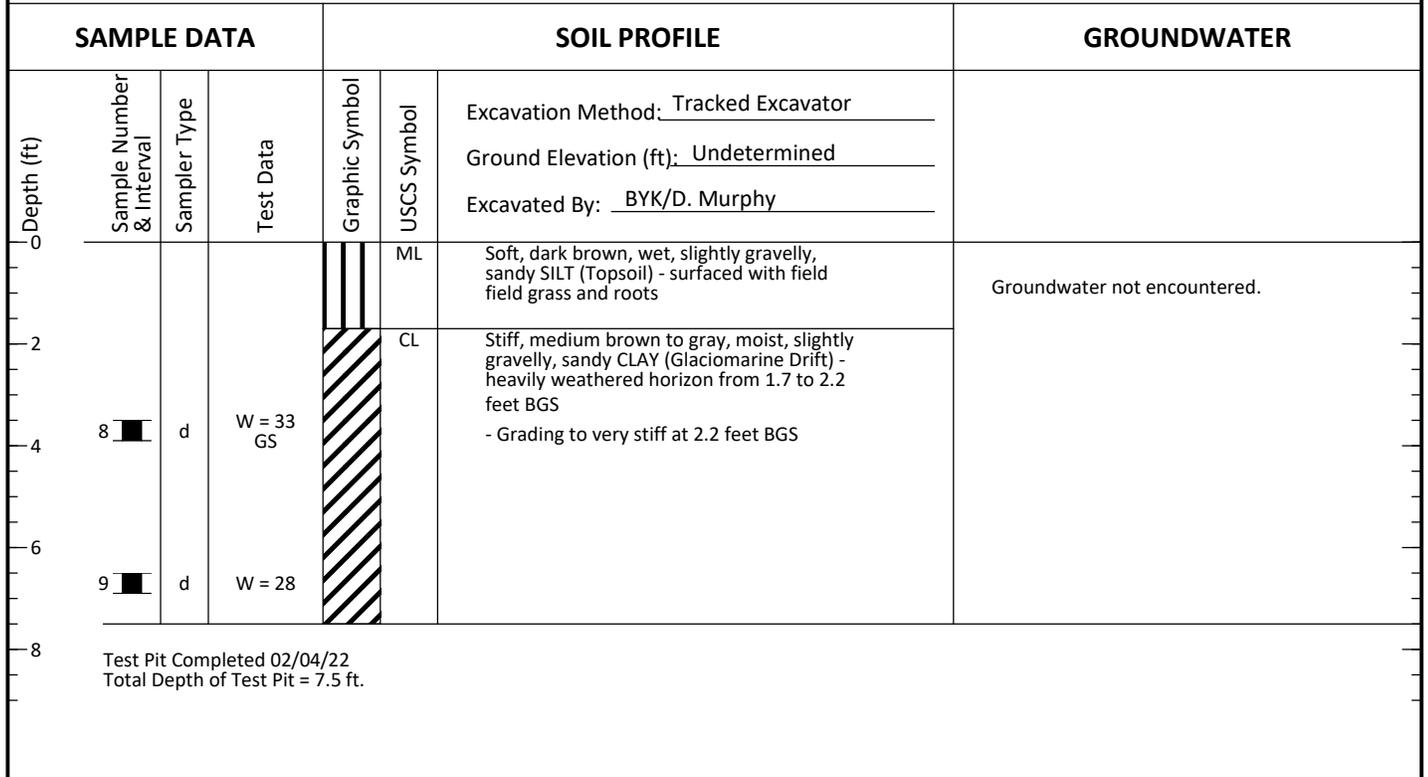
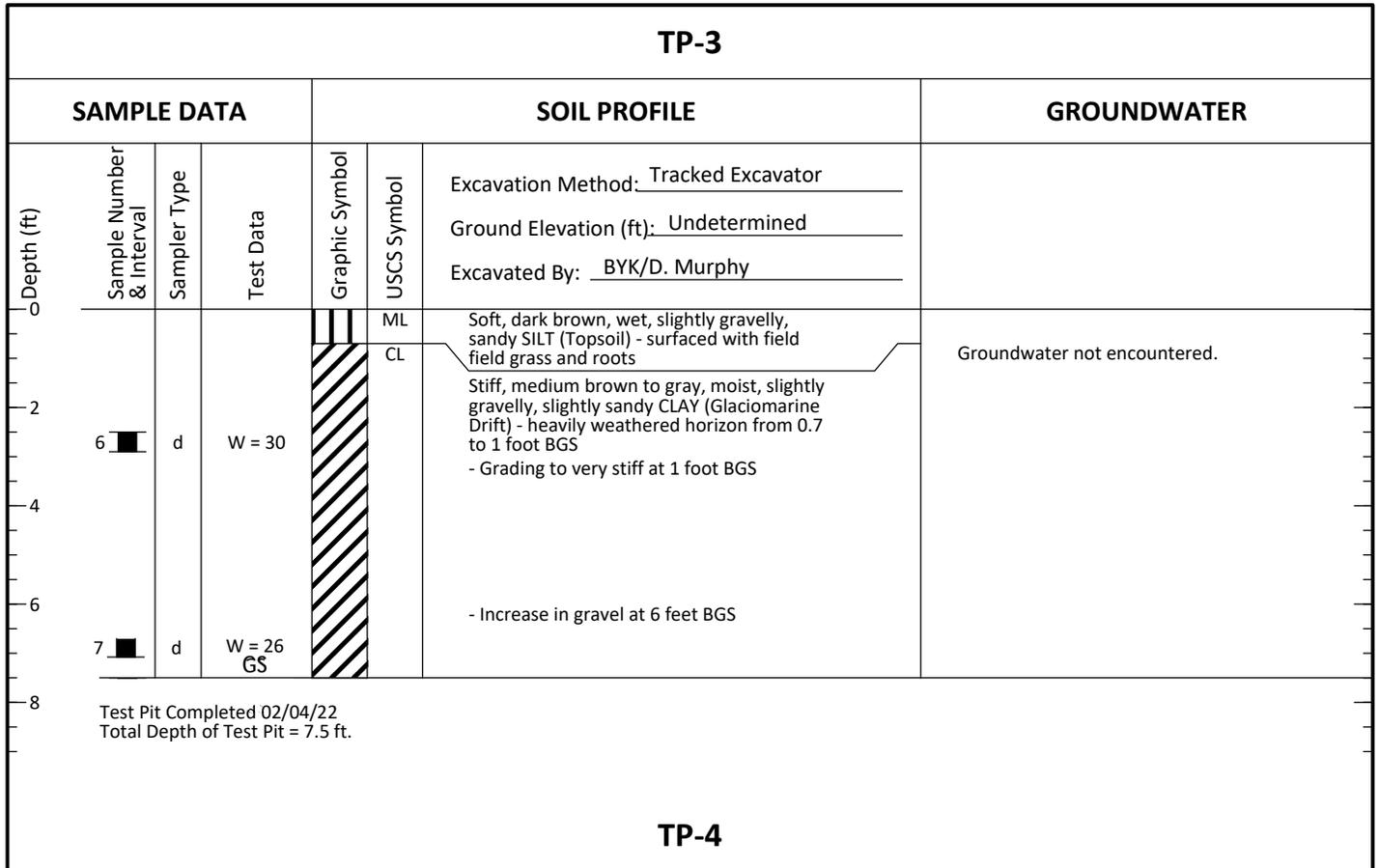


McLaughlin Road
Compensatory Flood Storage
McLaughlin Road
Mount Vernon, WA

Log of Test Pits

Figure
4

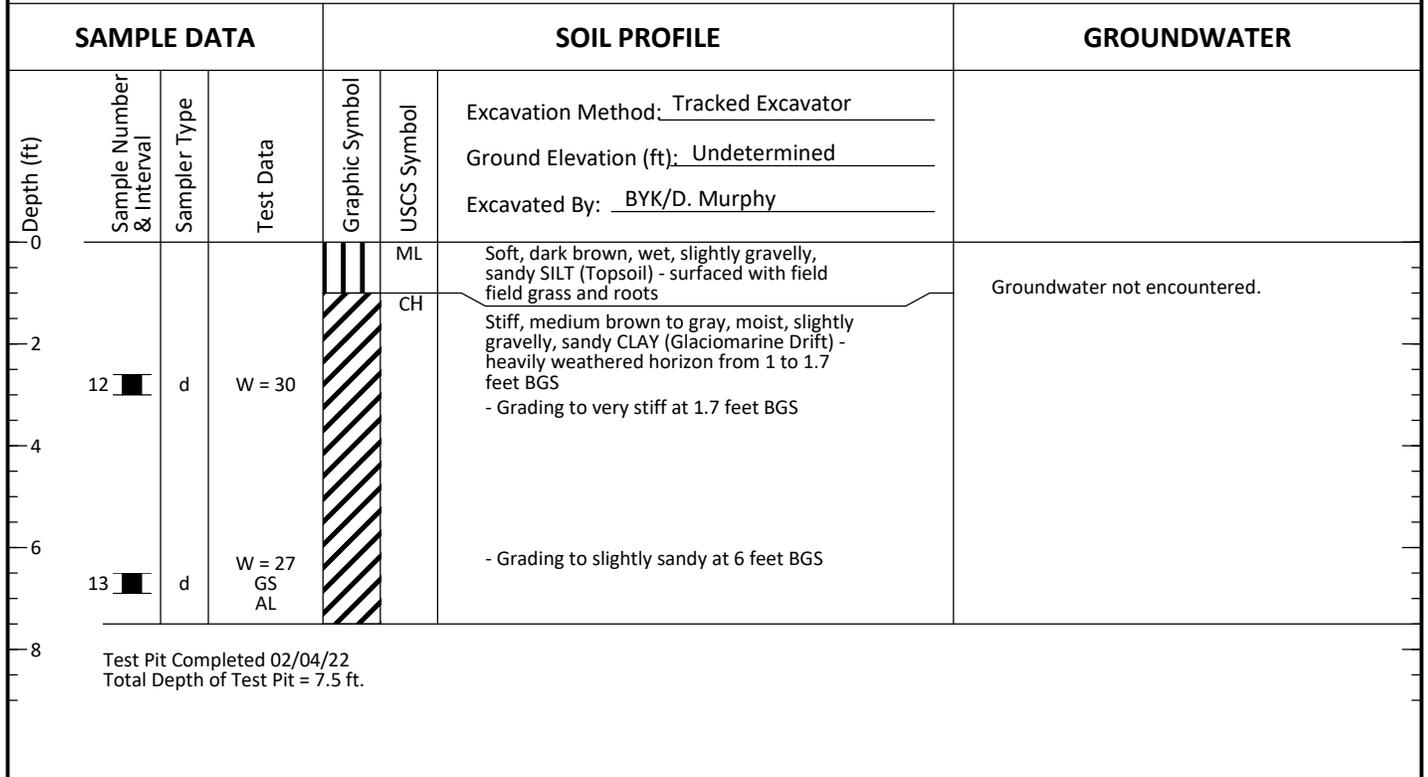
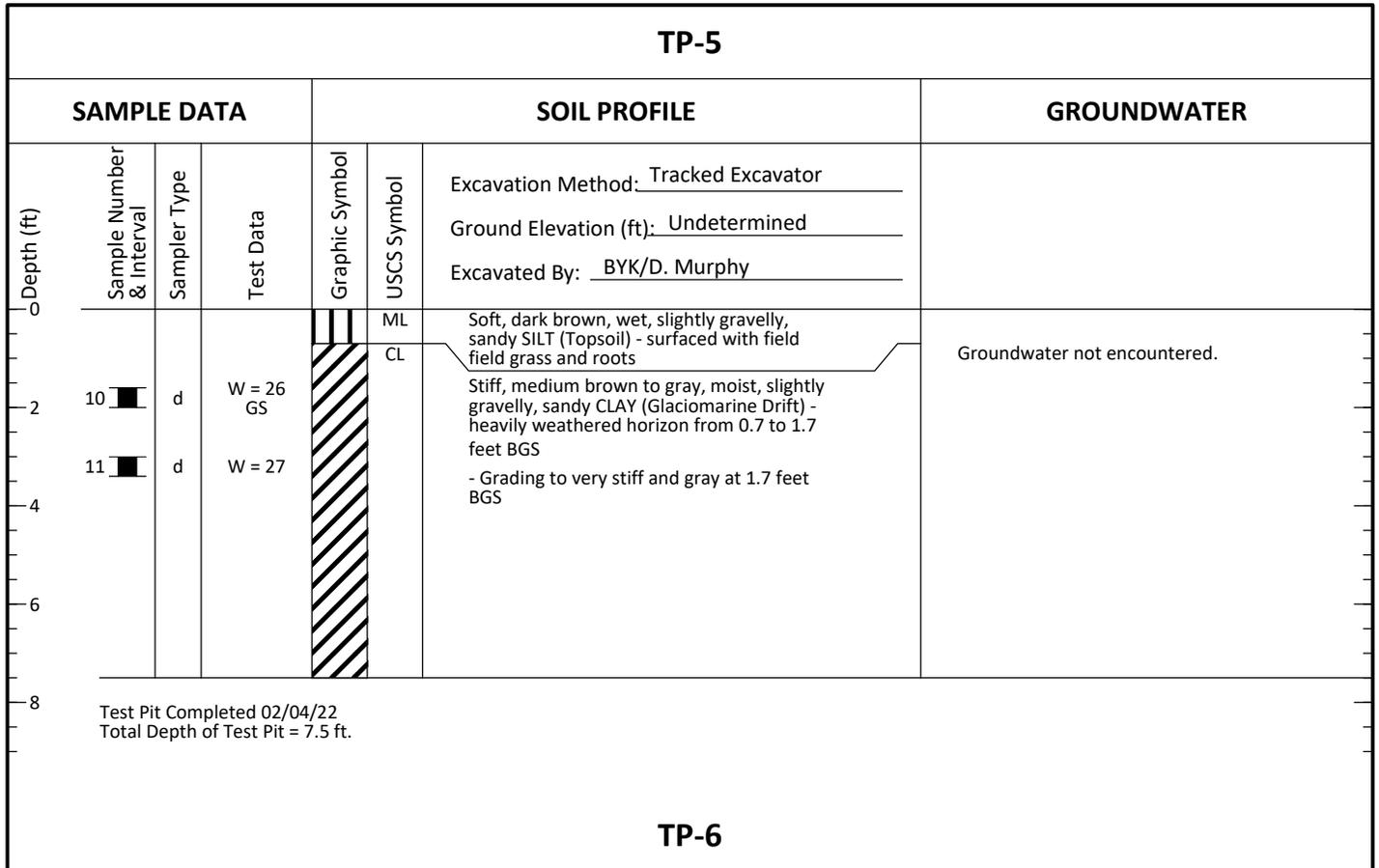
Exhibit 9



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3. Refer to "Soil Classification System and Key" figure for explanation of graphics and symbols.



Exhibit 9



- Notes:
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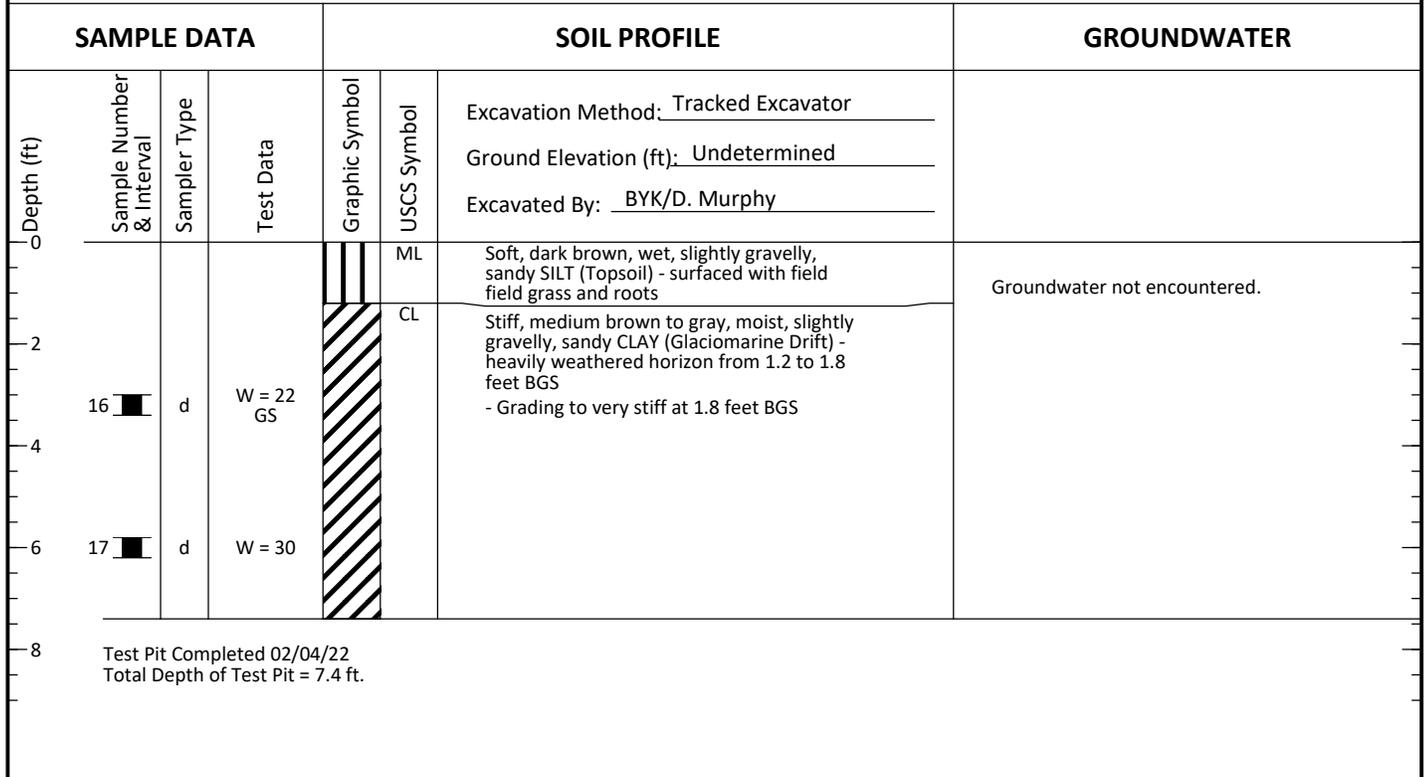
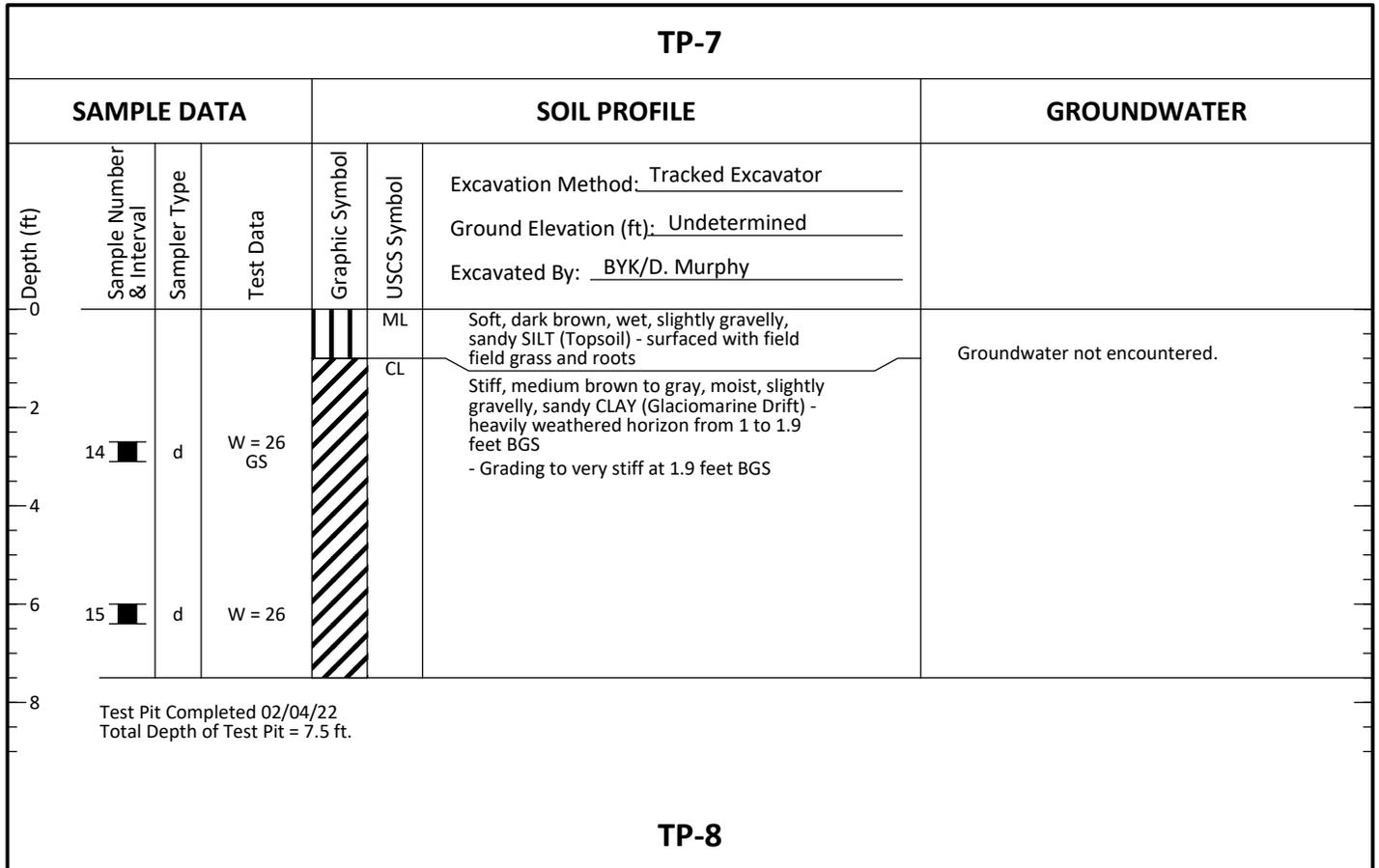


McLaughlin Road
Compensatory Flood Storage
McLaughlin Road
Mount Vernon, WA

Log of Test Pits

Figure
6

Exhibit 9



- Notes: 1. Stratigraphic contacts are based on field interpretations and are approximate.
 2. Reference to the text of this report is necessary for a proper understanding of subsurface conditions.
 3. Refer to "Soil Classification System and Key" figure for explanation of graphics and symbols.

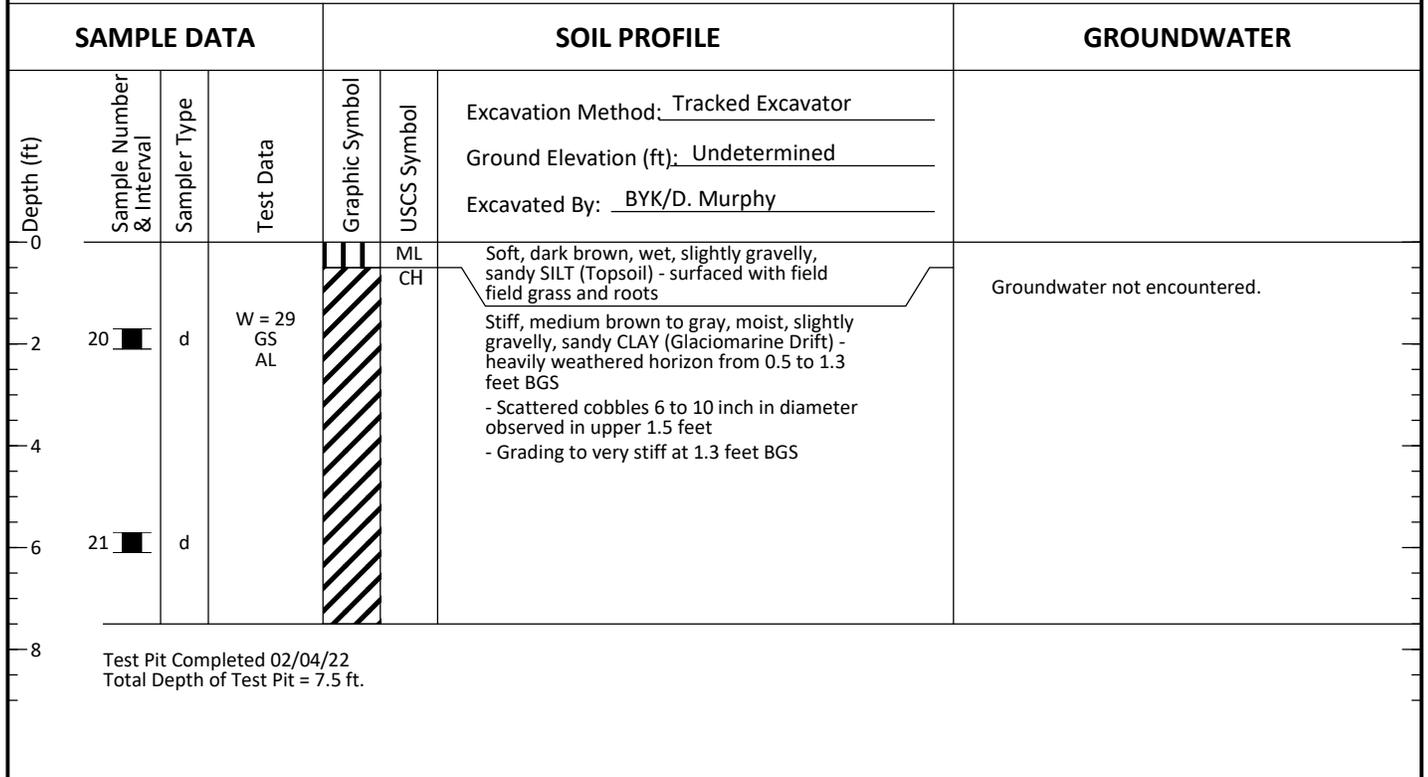
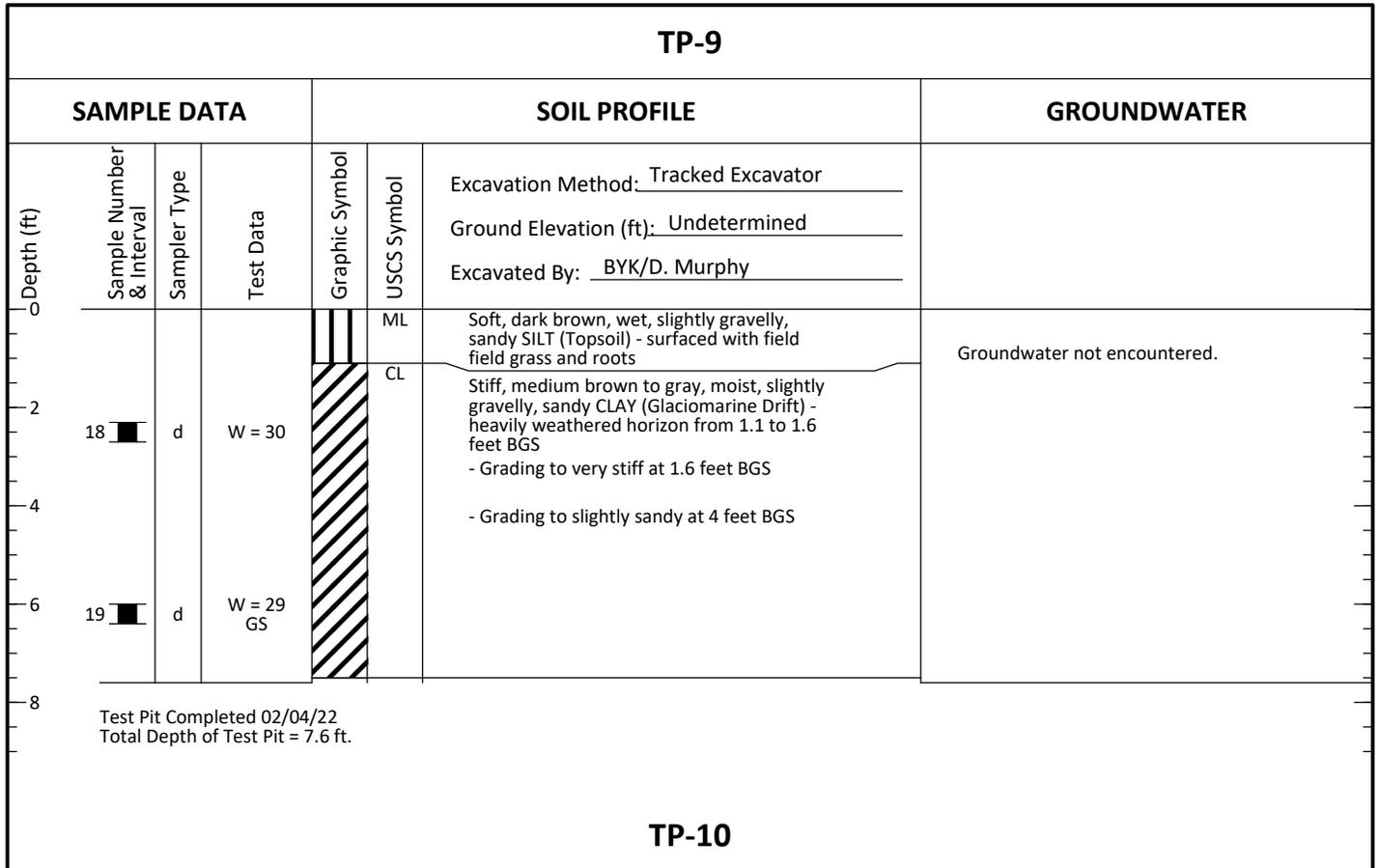


McLaughlin Road
 Compensatory Flood Storage
 McLaughlin Road
 Mount Vernon, WA

Log of Test Pits

Figure
7

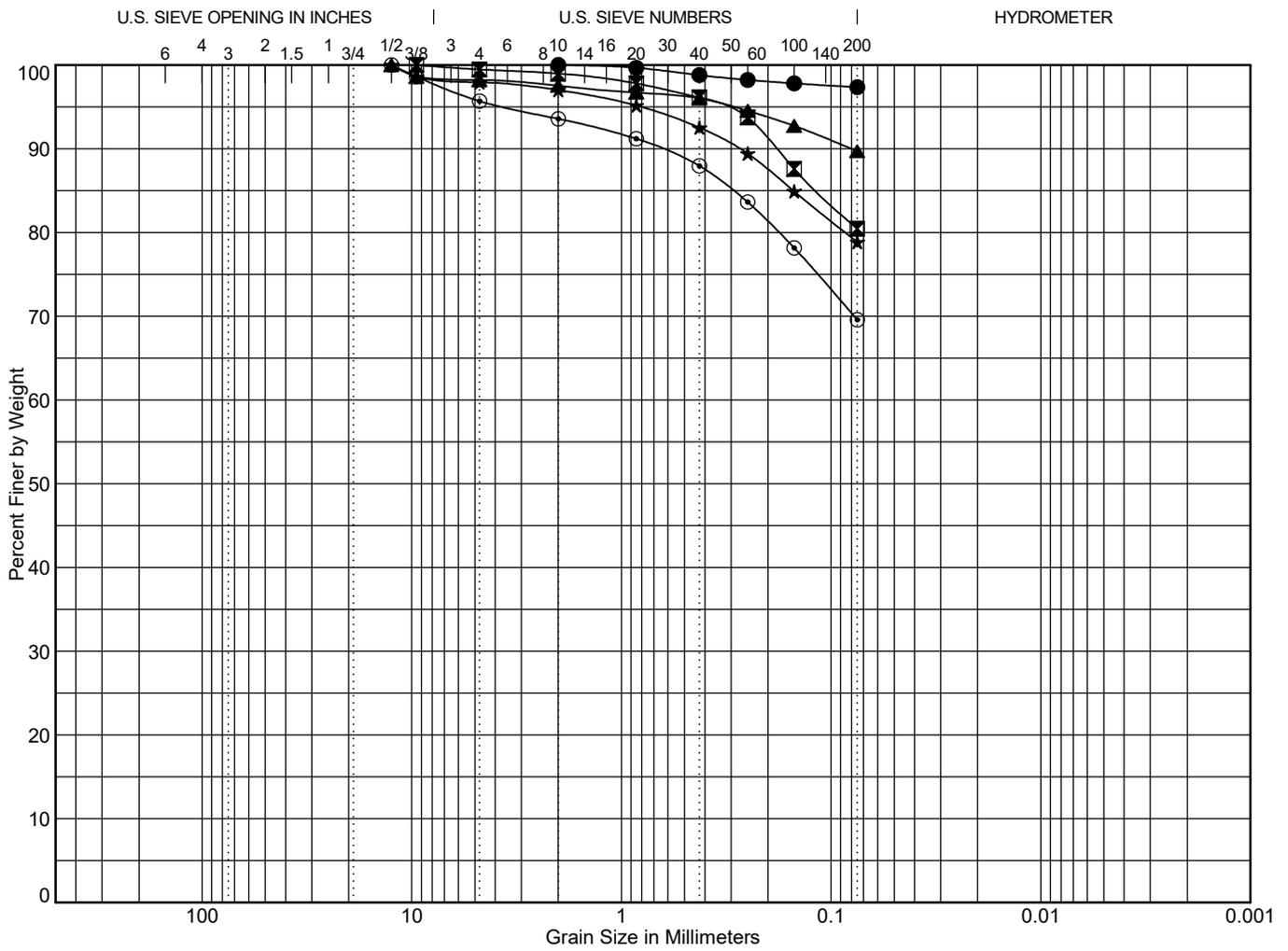
Exhibit 9



- Notes:
1. Stratigraphic contacts are based on field interpretations and are approximate.
 2. Reference to the text of this report is necessary for a proper understanding of subsurface conditions.
 3. Refer to "Soil Classification System and Key" figure for explanation of graphics and symbols.



Exhibit 9



Cobbles	Gravel		Sand			Silt or Clay
	coarse	fine	coarse	medium	fine	

Point	Depth	Classification	LL	PL	PI	C _c	C _u
●	TP-1	1.6	CLAY with trace sand (CL)	35	24	11	
☒	TP-2	1.9	Sandy CLAY (CL)				
▲	TP-3	7.5	Slightly sandy CLAY with trace gravel (CL)				
★	TP-4	3.5	Sandy CLAY with trace gravel (CL)				
◎	TP-5	1.6	Sandy CLAY with trace gravel (CL)				

Point	Depth	D ₉₀	D ₆₀	D ₅₀	D ₃₀	D ₁₀	% Coarse Gravel	% Fine Gravel	% Coarse Sand	% Medium Sand	% Fine Sand	% Fines
●	TP-1	1.6					0.0	0.0	0.0	1.2	1.4	97.4
☒	TP-2	1.9	0.183				0.0	0.5	0.5	2.9	15.7	80.5
▲	TP-3	7.5	0.08				0.0	1.8	0.7	1.5	6.3	89.7
★	TP-4	3.5	0.276				0.0	2.1	0.9	4.5	13.7	78.9
◎	TP-5	1.6	0.658				0.0	4.3	2.1	5.6	18.4	69.6

$$C_c = D_{30}^2 / (D_{60} * D_{10})$$

$$C_u = D_{60} / D_{10}$$

To be well graded: $1 < C_c < 3$ and $C_u > 4$ for GW or $C_u > 6$ for SW

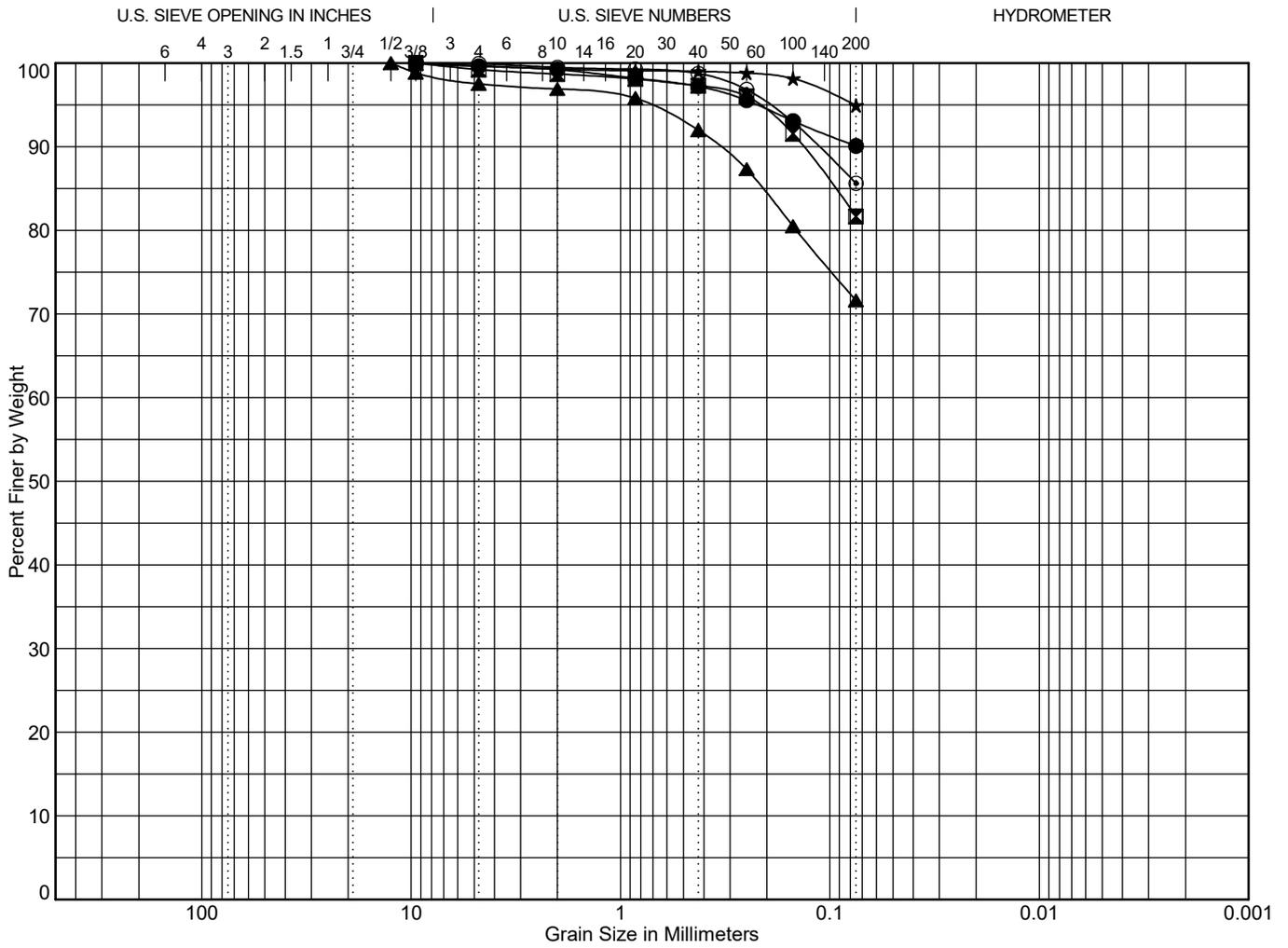


McLaughlin Road
Compensatory Flood Storage
McLaughlin Road
Mount Vernon, WA

Grain Size Test Data

Figure
9

Exhibit 9



Cobbles	Gravel		Sand			Silt or Clay
	coarse	fine	coarse	medium	fine	

Point	Depth	Classification										LL	PL	PI	C _c	C _u	
●	TP-6	6.5	Slightly sandy CLAY (CH)										56	24	32		
⊠	TP-7	2.7	Sandy CLAY (CL)														
▲	TP-8	3.0	Sandy CLAY with trace gravel (CL)														
★	TP-9	6.0	Slightly sandy CLAY (CL)														
⊙	TP-10	1.7	Slightly sandy CLAY (CH)										55	25	30		

Point	Depth	D ₉₀	D ₆₀	D ₅₀	D ₃₀	D ₁₀	% Coarse Gravel	% Fine Gravel	% Coarse Sand	% Medium Sand	% Fine Sand	% Fines
●	TP-6	6.5					0.0	0.4	0.4	2.0	7.1	90.1
⊠	TP-7	2.7	0.135				0.0	0.8	0.5	1.4	15.6	81.7
▲	TP-8	3.0	0.339				0.0	2.5	0.6	4.9	20.4	71.6
★	TP-9	6.0					0.0	0.3	0.4	0.3	4.1	94.9
⊙	TP-10	1.7	0.113				0.0	0.1	0.5	0.7	13.1	85.6

$C_c = D_{30}^2 / (D_{60} * D_{10})$ To be well graded: $1 < C_c < 3$ and
 $C_u = D_{60} / D_{10}$ $C_u > 4$ for GW or $C_u > 6$ for SW

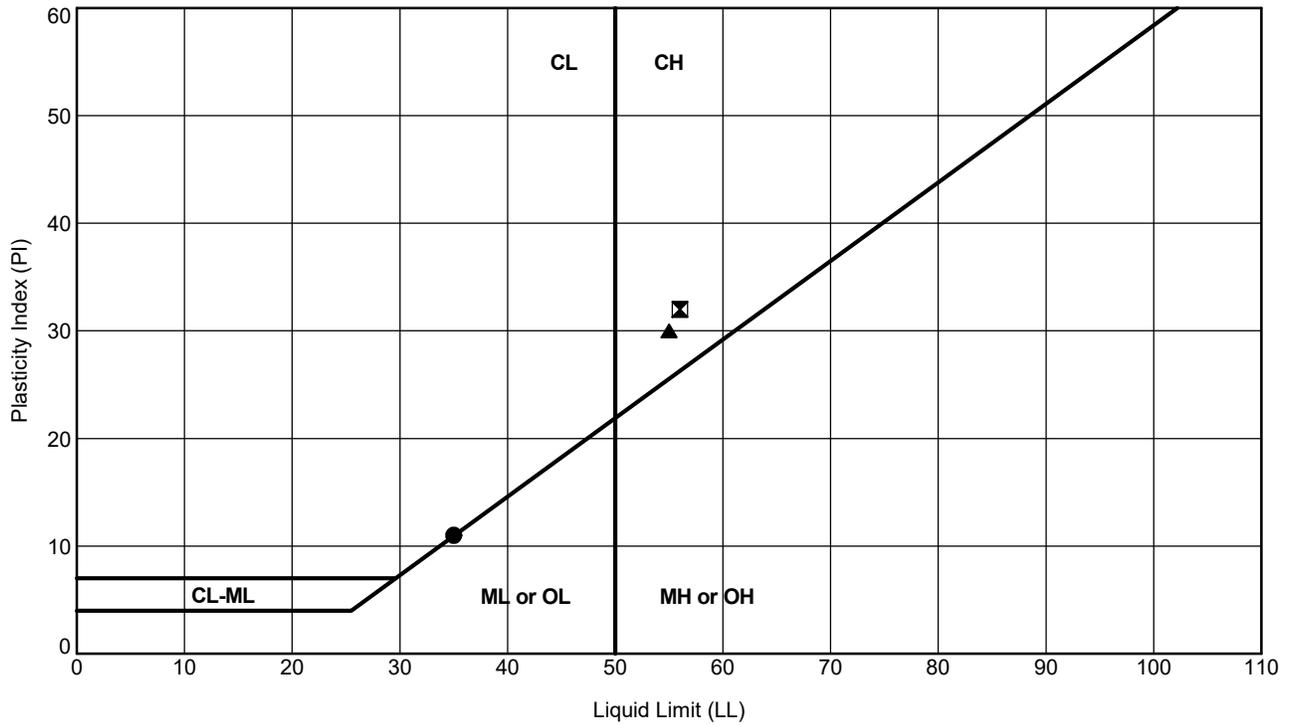


McLaughlin Road
 Compensatory Flood Storage
 McLaughlin Road
 Mount Vernon, WA

Grain Size Test Data

Figure
10

Exhibit 9



ATTERBERG LIMIT TEST RESULTS

Symbol	Exploration Number	Sample Number	Depth (ft)	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Natural Moisture (%)	Soil Description	Unified Soil Classification
●	TP-1		1.6	35	24	11	29	CLAY with trace sand	CL
⊠	TP-6		6.5	56	24	32	27	Slightly sandy CLAY	CH
▲	TP-10		1.7	55	25	30	29	Slightly sandy CLAY	CH

ASTM D 4318 Test Method



McLaughlin Road
Compensatory Flood Storage
McLaughlin Road
Mt. Vernon, WA

Plasticity Chart

Figure
11

REPORT LIMITATIONS AND GUIDELINES FOR ITS USE¹

Subsurface issues may cause construction delays, cost overruns, claims, and disputes. While you cannot eliminate all such risks, you can manage them. The following information is provided to help:

Geotechnical Services are Performed for Specific Purposes, Persons, and Projects

At GeoTest our geotechnical engineers and geologists structure their services to meet specific needs of our clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of an owner, a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared solely for the client. No one except you should rely on your geotechnical engineer who prepared it. And no one – not even you – should apply the report for any purpose or project except the one originally contemplated.

Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report is Based on a Unique Set of Project-Specific Factors

GeoTest's geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the clients goals, objectives, and risk management preferences; the general nature of the structure involved its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless GeoTest, who conducted the study specifically states otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Exhibit 9

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed, for example, from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,
- elevation, configuration, location, orientation, or weight of the proposed construction,
- alterations in drainage designs; or
- composition of the design team; the passage of time; man-made alterations and construction whether on or adjacent to the site; or by natural alterations and events, such as floods, earthquakes or groundwater fluctuations; or project ownership.

Always inform GeoTest's geotechnical engineer of project changes – even minor ones – and request an assessment of their impact. Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.

Subsurface Conditions Can Change

This geotechnical or geologic report is based on conditions that existed at the time the study was performed. Do not rely on the findings and conclusions of this report, whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. Always contact GeoTest before applying the report to determine if it is still relevant. A minor amount of additional testing or analysis will help determine if the report remains applicable.

Most Geotechnical and Geologic Findings are Professional Opinions

Our site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. GeoTest's engineers and geologists review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ – sometimes significantly – from those indicated in your report. Retaining GeoTest who developed this report to provide construction observation is the most effective method of managing the risks associated with anticipated or unanticipated conditions.

Exhibit 9

A Report's Recommendations are Not Final

Do not over-rely on the construction recommendations included in this report. Those recommendations are not final, because geotechnical engineers or geologists develop them principally from judgment and opinion. GeoTest's geotechnical engineers or geologists can finalize their recommendations only by observing actual subsurface conditions revealed during construction. GeoTest cannot assume responsibility or liability for the report's recommendations if our firm does not perform the construction observation.

A Geotechnical Engineering or Geologic Report may be Subject to Misinterpretation

Misinterpretation of this report by other design team members can result in costly problems. Lower that risk by having GeoTest confer with appropriate members of the design team after submitting the report. Also, we suggest retaining GeoTest to review pertinent elements of the design teams plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having GeoTest participate in pre-bid and preconstruction conferences, and by providing construction observation.

Do not Redraw the Exploration Logs

Our geotechnical engineers and geologists prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors of omissions, the logs included in this report should never be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable; but recognizes that separating logs from the report can elevate risk.

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, but preface it with a clearly written letter of transmittal. In that letter, consider advising the contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with GeoTest and/or to conduct additional study to obtain the specific types of information they need or prefer. A pre-bid conference can also be valuable. Be sure contractors have sufficient time to perform additional study. Only then might you be in a position to give contractors the best information available, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Exhibit 9

In addition, it is recommended that a contingency for unanticipated conditions be included in your project budget and schedule.

Read Responsibility Provisions Closely

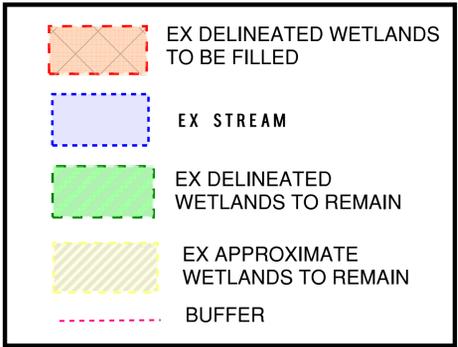
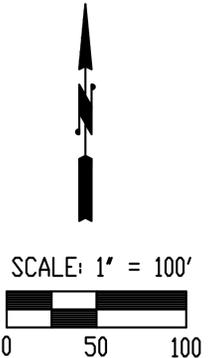
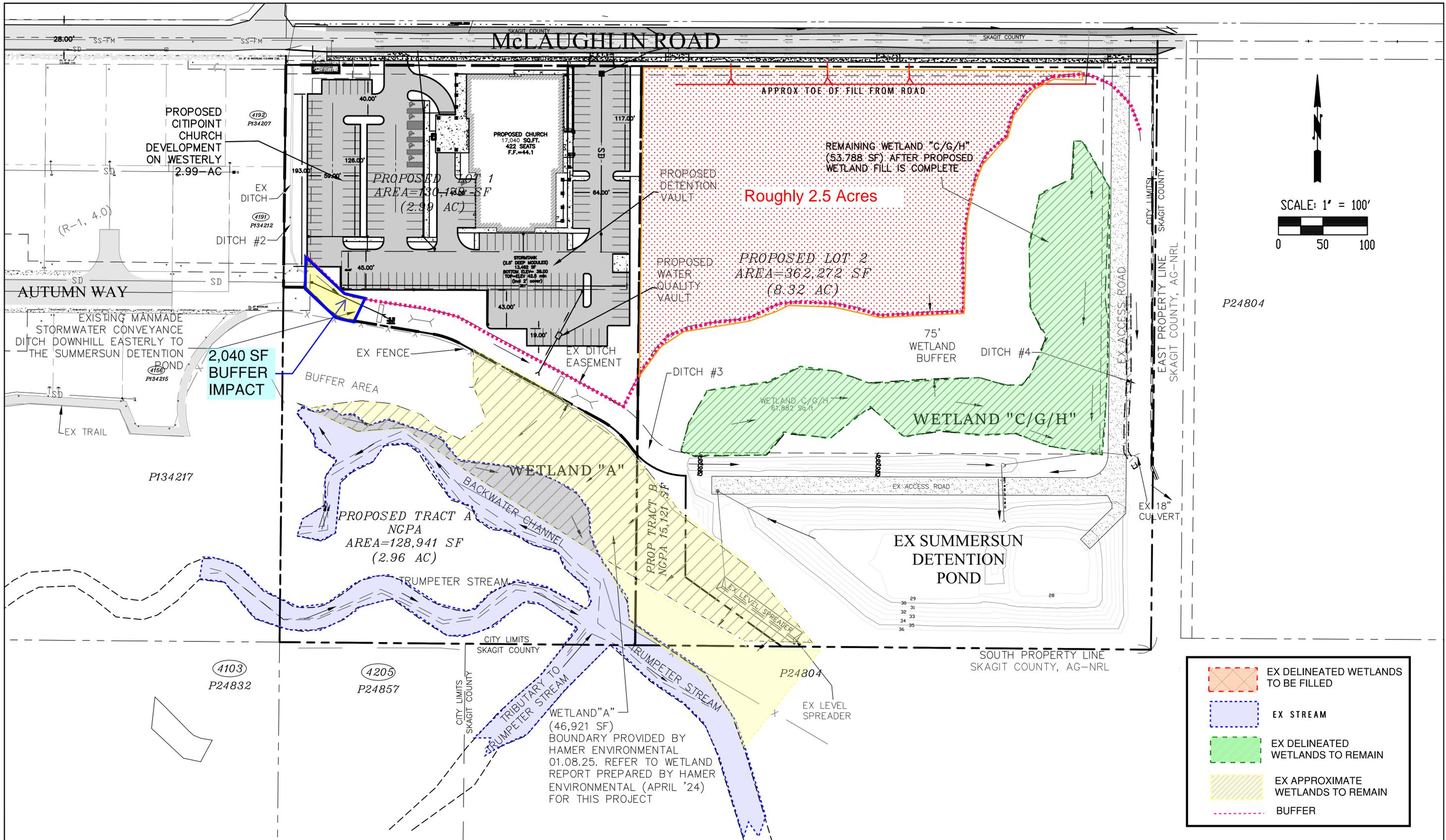
Some clients, design professionals, and contractors do not recognize that geotechnical engineering or geology is far less exact than other engineering disciplines. This lack of understanding can create unrealistic expectations that can lead to disappointments, claims, and disputes. To help reduce risk, GeoTest includes an explanatory limitations section in our reports. Read these provisions closely. Ask questions and we encourage our clients or their representative to contact our office if you are unclear as to how these provisions apply to your project.

Environmental Concerns Are Not Covered in this Geotechnical or Geologic Report

The equipment, techniques, and personnel used to perform an environmental study differ significantly from those used to perform a geotechnical or geologic study. For that reason, a geotechnical engineering or geologic report does not usually relate any environmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated containments, etc. If you have not yet obtained your own environmental information, ask your geotechnical consultant for risk management guidance. Do not rely on environmental report prepared for some one else.

Obtain Professional Assistance to Deal with Biological Pollutants

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts biological pollutants from growing on indoor surfaces. Biological pollutants includes but is not limited to molds, fungi, spores, bacteria and viruses. To be effective, all such strategies should be devised for the express purpose of prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional biological pollutant prevention consultant. Because just a small amount of water or moisture can lead to the development of severe biological infestations, a number of prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of this study, the geotechnical engineer or geologist in charge of this project is not a biological pollutant prevention consultant; none of the services performed in connection with this geotechnical engineering or geological study were designed or conducted for the purpose of preventing biological infestations.



HLN engineering, PLLC
 Civil Engineering & Stormwater Design
 109 FIRST STREET, SUITE #202
 PO BOX 560
 LA CONNER, WASHINGTON
 PH: (360) 503-7939
 EMAIL: HLNengineering@outlook.com

SCALE: 1"=100'
 DRAWN BY: HLN
 CHECKED BY: HLN
 DATE: 01.24.25

SHEET TITLE:
**DEVELOPED CONDITIONS
 WETLAND EXHIBIT**

DRAWING NO.
 22-002 WETLAND.DWG
 JOB NO.
 22-002
 SHEET NO.
 2 OF 2

SHEET DESCRIPTION:
CITIPPOINT CHURCH DEVELOPMENT
 4206 McLAUGHLIN ROAD
 MOUNT VERNON, WA
 SECTION 15, T. 34 N., R. 4 E., W.M.

NEW BUSINESS ITEM: D



DATE: January 14, 2026

TO: Mayor Donovan and City Council

FROM: Blaine Chesterfield, Surface Water Utility Manager

SUBJECT: FY2023-25 WATER QUALITY STORMWATER CAPACITY GRANT AGREEMENT NO. WQSWCAP-2325-MOUVER-00074

RECOMMENDED ACTION:

Staff requests that the Council authorize the Mayor to sign the FY 2025-27 Water Quality Stormwater Capacity Grant agreement. Execution of the agreement with the State Department of Ecology (Ecology) is required to use the \$120,000 of grant funds, which has been awarded to the City, for the implementation of the City's National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit

INTRODUCTION/BACKGROUND:

The U.S. Environmental Protection Agency's (EPA's) Stormwater Phase II Final Rule requires Cities whose population is less than 100,000 to obtain and fulfill the requirements of the NPDES Phase II Municipal Stormwater Permit.

The latest NPDES Municipal Stormwater Permit became effective on August 1, 2024. The City of Mount Vernon continues to remain in compliance by implementing the NPDES Municipal Stormwater Permit requirements and submitting the annual report to Ecology by March 31st of every year.

FINDINGS/CONCLUSIONS:

- The City has been in compliance with the permit since the effective date in February 2007.
- The City has been awarded the Capacity Grant for \$120,000 of funding for continuing NPDES Phase II Municipal Stormwater Permit implementation.
- These grant funds will be administered by Ecology.
- Approval of this grant agreement with Ecology is a requirement in order to obtain the awarded funds.
- The City is required to implement the NPDES permit whether Ecology provides funding or not.

- Once the agreement is fully signed any eligible costs incurred between July 1, 2025, to March 31, 2027, may be reimbursed to the City.

RECOMMENDATION:

Approval of the grant agreement is recommended and is an important step for the continued implementation of the City's NPDES Municipal Stormwater Permit.

ATTACHED:

Draft Agreement (final agreement to be electronic signature)



Agreement No. WQSWCAP-2527-MouVer-00208

WATER QUALITY STORMWATER CAPACITY AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF MOUNT VERNON

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and City of Mount Vernon, hereinafter referred to as the “RECIPIENT,” to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	2025-2027 Biennial Stormwater Capacity Grant
Total Cost:	\$120,000.00
Total Eligible Cost:	\$120,000.00
Ecology Share:	\$120,000.00
Recipient Share:	\$0.00
The Effective Date of this Agreement is:	07/01/2025
The Expiration Date of this Agreement is no later than:	03/31/2027
Project Type:	Capacity Grant

Project Short Description:

This project will assist Phase I and II Permittees in implementation or management of municipal stormwater programs.

Project Long Description:

N/A

Overall Goal:

This project will improve water quality in the State of Washington by reducing stormwater pollutants discharged to state water bodies.

Agreement No: WQSWCAP-2527-MouVer-00208
 Project Title: 2025-2027 Biennial Stormwater Capacity Grant
 Recipient Name: City of Mount Vernon

RECIPIENT INFORMATION

Organization Name: City of Mount Vernon

Federal Tax ID: 91-6001260
 UEI Number: VTK4JLDAR7M7

Mailing Address: 910 Cleveland Ave
 Mount Vernon, WA 98273-0809

Physical Address: 910 Cleveland Avenue
 Mount Vernon, Washington 98273-0809

Organization Email: blainec@mountvernonwa.gov
 Organization Fax: (360) 336-6283

Contacts

<p>Project Manager</p>	<p>Blaine Chesterfield Engineering Manager</p> <p>1024 Cleveland Avenue Mount Vernon, Washington 98273 Email: blainec@mountvernonwa.gov Phone: (360) 336-6204</p>
<p>Billing Contact</p>	<p>Dorothy Myers Office Manager</p> <p>910 Cleveland Avenue Mount Vernon, Washington 98273-0809 Email: michelem@mountvernonwa.gov Phone: (360) 336-6204</p>
<p>Authorized Signatory</p>	<p>Blaine Chesterfield Engineering Manager</p> <p>1024 Cleveland Avenue Mount Vernon, Washington 98273 Email: blainec@mountvernonwa.gov Phone: (360) 336-6204</p>

Agreement No: WQSWCAP-2527-MouVer-00208
 Project Title: 2025-2027 Biennial Stormwater Capacity Grant
 Recipient Name: City of Mount Vernon

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
 Water Quality
 PO BOX 47600
 Olympia, WA 98504-7600

Physical Address: Water Quality
 300 Desmond Drive SE
 Lacey, WA 98503

Contacts

<p>Project Manager</p>	<p>Kyle Graunke</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: kygr461@ecy.wa.gov Phone: (360) 628-3890</p>
<p>Financial Manager</p>	<p>Kyle Graunke</p> <p>PO Box 47600 Olympia, Washington 98504-7600 Email: kygr461@ecy.wa.gov Phone: (360) 628-3890</p>

AUTHORIZING SIGNATURES

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in this Agreement.

RECIPIENT acknowledges that they had the opportunity to review the entire Agreement, including all the terms and conditions of this Agreement, Scope of Work, attachments, and incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this Agreement. Furthermore, the RECIPIENT has read, understood, and accepts all requirements contained within this Agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

No subsequent modifications or amendments to this agreement will be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement. ECOLOGY and RECIPIENT may change their respective staff contacts without the concurrence of either party.

This Agreement shall be subject to the written approval of Ecology’s authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement and bind their respective organizations to this Agreement.

IN WITNESS WHEREOF: the parties hereto, having read this Agreement in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

City of Mount Vernon

By: _____

By: _____

Jon Kenning, PhD
Water Quality
Program Manager
Date

Blaine Chesterfield
Engineering Manager
Date

Template Approved to Form by
Attorney General's Office

Agreement No: WQSWCAP-2527-MouVer-00208
Project Title: 2025-2027 Biennial Stormwater Capacity Grant
Recipient Name: City of Mount Vernon

Peter Donovan

Mayor

Date

Becky Jensen

City Clerk

Date

Kevin Rogerson

City Attorney

Date

SCOPE OF WORK

Task Number: 1 **Task Cost: \$5,000.00**

Task Title: Project Administration/Management

Task Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: Maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; and the EAGL (Ecology Administration of Grants and Loans) recipient closeout report (including photos, if applicable). In the event that the RECIPIENT elects to use a contractor to complete project elements, the RECIPIENT shall retain responsibility for the oversight and management of this funding agreement.

B. The RECIPIENT shall keep documentation that demonstrates the project is in compliance with applicable procurement, contracting, and interlocal agreement requirements; permitting requirements, including application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items. This documentation shall be available upon request.

C. The RECIPIENT shall maintain effective communication with ECOLOGY and maintain up-to-date staff contact information in the EAGL system. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY’s grant and loan administrative requirements.

Task Expected Outcome:

- * Timely and complete submittal of requests for reimbursement, quarterly progress reports, and Recipient Closeout Report.
- * Properly maintained project documentation.

Project Administration/Management

Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges or changes in the project schedule. Submitted at least quarterly.	
1.2	Recipient Closeout Report (EAGL Form).	

SCOPE OF WORK

Task Number: 2 **Task Cost:** \$115,000.00

Task Title: Permit Implementation

Task Description:

Conduct work related to implementation of municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit requirements. If the RECIPIENT is out of compliance with the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) permit, the RECIPIENT will use funds to attain compliance where applicable. The following is a list of elements projects may include:

- 1) Public education and outreach activities, including stewardship activities.
- 2) Public involvement and participation activities.
- 3) Illicit discharge detection and elimination (IDDE) program activities, including:
 - a) Mapping of municipal separate storm sewer systems (MS4s).
 - b) Staff training.
 - c) Activities to identify and remove illicit stormwater discharges.
 - d) Field screening procedures.
 - e) Complaint hotline database or tracking system improvements.
- 4) Activities to support programs to control runoff from new development, redevelopment, and construction sites, including:
 - a) Development of an ordinance and associated technical manual or update of applicable codes.
 - b) Inspections before, during, and upon completion of construction, or for post-construction long-term maintenance.
 - c) Training for plan review or inspection staff.
 - d) Participation in applicable watershed planning effort.
- 5) Pollution prevention, good housekeeping, and operation and maintenance program activities, such as:
 - a) Inspecting and/or maintaining the MS4 infrastructure.
 - b) Developing and/or implementing policies, procedures, or stormwater pollution prevention plans at municipal properties or facilities.
- 6) Annual reporting activities.
- 7) Establishing and refining stormwater utilities, including stable rate structures.
- 8) Water quality monitoring to implement permit requirements for a Water Cleanup Plan (Total Maximum Daily Load (TMDL)). Note that any monitoring funded by this program requires submittal of a Quality Assurance Project Plan (QAPP) that ECOLOGY approves prior to awarding funding for monitoring. Monitoring must directly meet a Phase I or II permit requirement.
- 9) Structural stormwater controls program activities (Phase I permit requirement).
- 10) Source control for existing development (Phase I permit requirement), including:
 - a) Inventory and inspection program.
 - b) Technical assistance and enforcement.
 - c) Staff training.
- 11) Equipment purchases that result directly in improved permit compliance. Equipment purchases must be specific to implementing a permit requirement (such as a vactor truck) rather than general use (such as a pick-up truck). Equipment purchases over \$5,000.00 must be pre-approved by ECOLOGY.

Documentation of all tasks completed is required. Documentation may include field reports, dates and number of inspections conducted, dates of trainings held and participant lists, number of illicit discharges investigated and removed, summaries of planning, stormwater utility or procedural updates, annual reports, copies of approved QAPPs, summaries of structural or source control activities, summaries of how equipment purchases have increased or

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 Recipient Name: City of Mount Vernon

improved permit compliance.

Ineligible expenses include capital construction projects, incentives or give-a-ways, grant application preparation, Technology Assessment Protocol - Ecology (TAPE) review for proprietary treatment systems, or tasks that do not support Municipal Stormwater Permit implementation.

Task Goal Statement:

This task will improve water quality in the State of Washington by reducing the pollutants delivered by stormwater to lakes, streams, and the Puget Sound by implementing measures required by Phase I and II NPDES permits.

Task Expected Outcome:

RECIPIENTS will implement measures required by Phase I and II NPDES permits.

Permit Implementation

Deliverables

Number	Description	Due Date
2.1	Documentation of tasks completed	

BUDGET

Funding Distribution EG260265

NOTE: *The above funding distribution number is used to identify this specific agreement and budget on payment remittances and may be referenced on other communications from ECOLOGY. Your agreement may have multiple funding distribution numbers to identify each budget.*

Funding Title: 2025-2027 Stormwater Capacity Grant
 Funding Type: Grant
 Funding Effective Date: 07/01/2025 Funding Expiration Date: 03/31/2027
 Funding Source:

Title: Model Toxics Control Stormwater Account (MTCSA)
 Fund: FD
 Type: State
 Funding Source %: 100%
 Description: MTCSA

Approved Indirect Costs Rate: Approved State Indirect Rate: 30%
 Recipient Match %: 0%
 InKind Interlocal Allowed: No
 InKind Other Allowed: No
 Is this Funding Distribution used to match a federal grant? No

2025-2027 Stormwater Capacity Grant	Task Total
Grant and Loan Administration	\$ 5,000.00
Permit Implementation	\$ 115,000.00

Total: \$ 120,000.00

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
2025-2027 Stormwater Capacity Grant	0.00 %	\$ 0.00	\$ 120,000.00	\$ 120,000.00
Total		\$ 0.00	\$ 120,000.00	\$ 120,000.00

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY

EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled

Agreement No: WQSWCAP-2527-MouVer-00208
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 Recipient Name: City of Mount Vernon

“CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING REQUIREMENTS:

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$30,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form.

Ecology is required to report the FFATA information for federally funded agreements, including the required Unique Entity Identifier in www.sam.gov <http://www.sam.gov> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <http://www.usaspending.gov>.

For more details on FFATA requirements, see www.fsrc.gov <http://www.fsrc.gov>.

C. FEDERAL FUNDING PROHIBITION ON CERTAIN TELECOMMUNICATIONS OR VIDEO SURVEILLANCE SERVICES OR EQUIPMENT:

As required by 2 CFR 200.216, federal grant or loan recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment, video surveillance services or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf) <https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf>, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

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Recipients, subrecipients, and borrowers also may not use federal funds to purchase certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the [System for Award Management \(SAM\) <https://sam.gov/SAM/>](https://sam.gov/SAM/) exclusion list.

GENERAL TERMS AND CONDITIONS

Pertaining to Grant and Loan Agreements With the state of Washington, Department of Ecology

GENERAL TERMS AND CONDITIONS

For DEPARTMENT OF ECOLOGY GRANTS and LOANS

07/01/2023 Version

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/2301002.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

- a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:
 - Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.
 - * For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.
 - For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).

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b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.
 - Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff, volunteers, and contractors working at the project site.
 - Implement the IDP when Cultural Resources or human remains are found at the project site.
- c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.

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Recipient Name: City of Mount Vernon

j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the

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Recipient Name: City of Mount Vernon

review.

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at: <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

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Recipient Name: City of Mount Vernon

16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress

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reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.

b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.

c) RECIPIENT shall use ECOLOGY's provided progress report format.

d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.

e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.

b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.

c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.

d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.

e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.

f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:

1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.

2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.

g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

22. RECORDS, AUDITS, AND INSPECTIONS

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RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
- b) Be kept in a common file to facilitate audits and inspections.
- c) Clearly indicate total receipts and expenditures related to this Agreement.
- d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

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27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.

b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing,

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions.

ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments.

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If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

End of General Terms and Conditions

NEW BUSINESS ITEM: E



DATE: January 14, 2026

TO: Mayor Donovan and City Council

FROM: Kevin Rogerson, City Attorney

SUBJECT: RE: ORDINANCE IMPOSING AN ADDITIONAL SALES AND USE TAX OF ONE-TENTH
OF ONE PERCENT

RECOMMENDED ACTION:

Passage of the Proposed Ordinance

INTRODUCTION/BACKGROUND:

During the 2025 legislative session, Engrossed Substitute House Bill 2015 expanded funding for public safety in Washington by creating two new sources of funding, councilmanic one-tenth of one percent sales tax for criminal justice purposes and a local law enforcement grant program. This is now found in Sections 101 - 201, Chapter 350, Laws of Washington 2025

The new sales and use tax can be used for a broad range of public safety purposes, including law enforcement, domestic violence, public defenders, programs that help reduce the number of people interacting with the criminal justice system, and other related purposes.

This ordinance imposes a one-tenth of one percent sales tax for criminal justice purposes within the City of Mount Vernon. The revenue raised by this new sales and use tax will lessen the impacts of the City's continuing mismatch of declining revenues being outpaced by increasing expenses which is driving a General Fund deficit. Over the past five years (2020-2024) the consumer prices index, which measures inflation, has increased an average of 5% each year while over that same timeframe General Fund revenues have averaged 1% less than in 2020. In addition, the City's public safety and criminal justice components expenses continue to climb, increasing since 2020 by nearly 38 percent, or over 13.8 million dollars.

To implement the tax, the City must deliver to the Department of Revenue an ordinance imposing the tax and attesting that the City's Police Department meets the requirements of the legislation establishing the tax. The Police Department has completed the necessary training and is in full compliance with the requirements of the legislation.

FINDINGS/CONCLUSIONS:

That the City has met the eligibility requirements to impose the additional sales and use tax and that it is in the best interest of the City and its residents to impose the additional sales and use tax.

RECOMMENDATION:

Approval

ATTACHED:

Ordinance

ORDINANCE ____

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, IMPOSING A SALES AND USE TAX OF ONE-TENTH OF ONE PERCENT FOR CRIMINAL JUSTICE PURPOSES AS AUTHORIZED IN SECTION 201, CHAPTER 350, LAWS OF WASHINGTON 2025.

WHEREAS, an adequately funded public safety system is necessary to maintain safe and livable communities; and

WHEREAS, the City of Mount Vernon's General Fund tax revenues have not kept pace with inflation; and

WHEREAS, over the past five years (2020-2024) the consumer prices index, which measures inflation, has increased an average of 5% each year while over that same timeframe General Fund revenues have averaged 1% less than in 2020; and

WHEREAS, the City's public safety and criminal justice components expenses continue to climb, increasing since 2020 by nearly 38 percent, or over 13.8 million dollars; and

WHEREAS, this mismatch of declining real revenues and increasing expenses drives a General Fund deficit; and

WHEREAS, Section 201, Chapter 350, Laws of Washington 2025 authorizes qualified cities, towns, or counties to impose, by resolution or ordinance, a new sales and use tax of one-tenth of one percent (0.1%) for criminal justice purposes; and

WHEREAS, City Council finds that it is in the best interest of the City and its residents to impose an additional sales and use tax to adequately fund the City's public safety system and avoid significant disruptions to public safety levels of service.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

A. Under Section 201, Chapter 350, Laws of Washington 2025, the ordinance authorizing the new sales and use tax must include a finding that the City has met the requirements to receive a grant from the Local Law Enforcement Grant Program created through Section 101, Chapter 350, Laws of Washington 2025.

B. The City, through its law enforcement agency, the Mount Vernon Police Department, meets the requirements to receive a grant from the Local Law Enforcement Grant Program created in Section 101, Chapter 350, Laws of Washington 2025, having:

1. Issued and implemented policies consistent with RCW 43.17.425 and 10.93.160, and the office of the attorney general keep Washington working act guide, model policies, and training recommendations for state and local law enforcement agencies;
2. Participated in commission training as required by RCW 43.101.455 and 36.28A.445;
3. Issued and implemented policies and practices regarding use of force and de-escalation tactics consistent with RCW 10.120.030 and the office of the attorney general's model policies, and all other commission and attorney general model policies regarding use of force for law enforcement, including, but not limited to, duty to intervene and training and use of canine teams;
4. Implemented use of force data collection and reporting consistent with chapters 10.118 and 10.120 RCW when the program is operational, as confirmed by a notice from the attorney general's office to all police chiefs and sheriffs;
5. Issued and implemented policies and practices consistent with chapters 7.105 and 9.41 RCW and the commission model policies and training addressing firearm relinquishment pursuant to court orders;
6. A 25 percent officer completion rate with the commission's 40-hour crisis intervention team training;
7. A 100 percent officer compliance rate for those officers required to complete trauma-informed, gender-based violence interviewing, investigation, response, and case review training developed or approved by the commission pursuant to RCW 43.101.272 and 43.101.276, and if requested by the commission, participated in agency case reviews;
8. Received funding from a sales and used tax authorized pursuant to RCW 82.14.340 and 82.14.450;
9. A chief of police who is certified by the criminal justice training commission, and who has not been convicted of a felony anywhere in the United States or under foreign law, or been convicted of a gross misdemeanor involving moral turpitude, dishonesty, fraud, or corruption; and
10. Issued and implemented policies and practices that prohibit volunteers who assist with agency work from enforcing criminal laws, other than for assistance with special event traffic and parking, including engaging in pursuits, detention, arrests, the use of force, or the use of deadly force; carrying or the use of firearms or other weapons; or the use of dogs to track people or animals other than for purposes of search and rescue; and that set forth the required supervision of volunteers, including that they must be clearly identifiable by the public as distinguishable from peace officers and any identifying insignia must be officially issued by the agency and only used when on duty
11. Provided the criminal justice training commission with a detailed staffing plan specifying:
 - a. The total number of commissioned officers currently employed by the agency;

- b. The total number of specially commissioned officers currently employed by the agency;
- c. The total number of co-response teams established within the agency and what staffing are included in each co-response team;
- d. The total number of administrative staff currently employed by the agency;
- e. The number of officers on flexible work schedules;
- f. The average 911 response rate of the agency over the 12-month period immediately preceding the month in which the city submitted documentation to the criminal justice training commission; and
- g. The average case closure rate of the city over the 12-month period immediately preceding the month in which the city submitted documentation to the criminal justice training commission

Section 2. Authorization and Imposition of Sales Tax

A. Imposed.

There is hereby imposed an additional sales and use tax as authorized by Section 201, Chapter 350, Laws of Washington 2025 on all taxable events, as defined in RCW 82.14.020, occurring within the city. The tax shall be imposed upon and collected from those persons from whom sales tax or use tax is collected in accordance with chapter 82.08 or 82.12 RCW.

B. Rate.

The rate of the sales and use tax imposed by Ordinance shall be one-tenth of one percent (0.1%) of the selling price, in the case of a sales tax, or the value of the article used, in the case of a use tax.

C. Use of tax proceeds.

Moneys received from the tax imposed by this chapter shall be used solely for criminal justice purposes as authorized by Section 201, Chapter 350, Laws of Washington 2025, as presently constituted or hereafter amended.

D. Administration and Collection of Tax

1. The administration and collection of the tax imposed by this ordinance shall be in accordance with the provisions of RCW 82.14.050.

2. The mayor is authorized to enter into a contract with the Washington State Department of Revenue for the collection and administration of this tax.

3. The city consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330.

E. Reporting.

To the extent required by Section 201, Chapter 350, Laws of Washington 2025, the Mayor shall, within one calendar year of imposition of the tax and annually thereafter, make a report to the

Association of Washington Cities on how the moneys received from the tax were expended. A copy of such report shall be distributed to City Council.

Section 3. Severability. If any section, subsection, sentence, clause, chapter, provision, word, or phrase of this Ordinance or its application to any person or circumstance is found to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the chapter or the application or the provisions to other persons or circumstances.

Section 4. Effective date. The Ordinance shall be effective after its adoption at the earliest time as provided by operation of law and not less than five days after its publication date.

PASSED AND ADOPTED THIS 14th day of January, 2026.

SIGNED AND APPROVED this ____ day of January, 2026.

Peter Donovan Mayor

Attest:

Becky Jensen, City Clerk

Approved as to form:

Kevin Rogerson, City Attorney

Published January 17, 2026



DATE: January 14, 2026
TO: Mayor Donovan and City Council
FROM: Kevin Rogerson, City Attorney
SUBJECT: ELECTION OF MAYOR PRO TEMPORE

RECOMMENDED ACTION:

That the City Council elect from among their number a mayor pro tempore, who shall hold office at the pleasure of the Council, and in case of the absence, death or disability of the Mayor, shall perform the duties of mayor except that he/she shall not have the power to appoint or remove any officer or to veto any ordinance.

INTRODUCTION/BACKGROUND:

MVMC 2.08.040 requires members of the City Council, after each general municipal election, and thereafter whenever a vacancy occurs, to elect from among their number a mayor pro tempore. The duties of the Mayor Pro Tempore are in case of the absence, death or disability of the Mayor, to perform the duties of mayor except that he/she shall not have the power to appoint or remove any officer or to veto any ordinance. The appointment of a councilperson as Mayor Pro Tempore shall not in any way abridge his/her right to vote upon all questions coming before the council.

FINDINGS/CONCLUSIONS:

A general municipal election has concluded requiring the City Council to elect from their number a mayor pro tempore to serve until the conclusion of the next general election or until a vacancy occurs.

RECOMMENDATION:

NONE

ATTACHED:

None