

**DATE:** December 14, 2016

**TO:** Mayor Boudreau and City Council

**FROM:** Rebecca Lowell, Senior Planner

**SUBJECT:** PRELIMINARY BINDING SITE PLAN APPROVAL 3-YEAR EXTENSION REQUEST, LAND USE NO. PL16-115 SKAGIT I-5 BUSINESS PARK

**RECOMMENDED ACTION:**

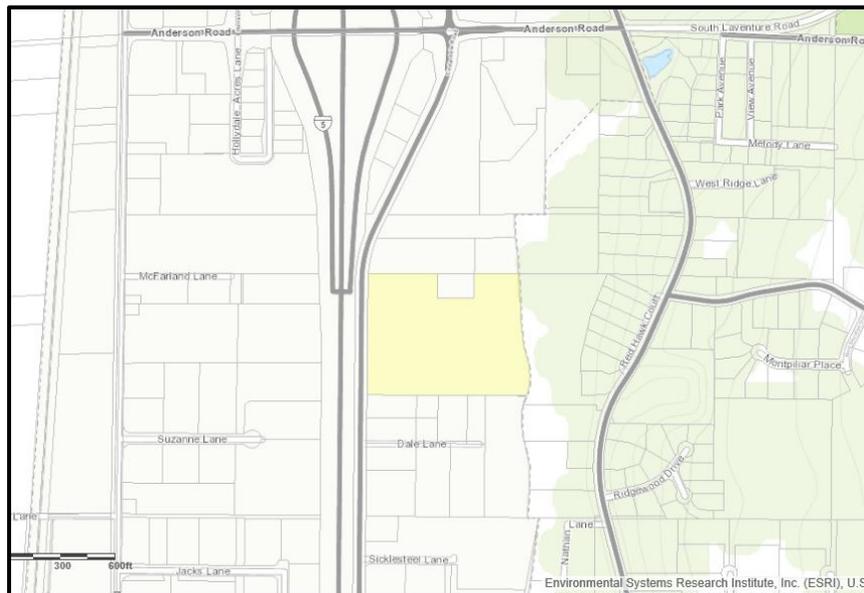
Staff recommends that Council make a motion to authorize the Mayor to sign the accompanying Resolution regarding the Skagit I-5 Business Park preliminary binding site plan three (3) year extension.

**INTRODUCTION/BACKGROUND:**

The preliminary Binding Site Plan (BSP) for Skagit I-5 Business Park was approved by CEDD on November 3, 2006. Please recall that the State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of November 3, 2016 for this BSP.

The development was approved for seven (7) commercial lots over an approximate 12.2 acre site. Five (5) of the seven (7) proposed lots have been developed with buildings and uses ranging from retail, office, distribution, church, and medical services. The first four buildings were approved in 1994 and the fifth was approved in 1998. The Binding Site Plan approval anticipates another 80,000 square feet of building space to be developed on the two remaining lots on the eastern portion of the site (Lots 6 and 7). Skagit I-5 Business Park is located at 3302 Cedardale Road; and is shown on the vicinity map below.

**VICINITY MAP**



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

**TABLE 1.1:**

	<b>EXISTING INFRASTRUCTURE CONSTRUCTED/INSTALLED AND BUFFERS OBSERVED</b>	<b>CURRENT CODE REQUIREMENTS</b>
<b>Cedardale Road</b>	30 <sup>th</sup> Street is an arterial street that serves as the primary access to the site. Cedardale is an improved City street no improvements beyond maintenance are required.	The approved requirements are the same as or exceed current requirements.
<b>Critical Areas – Stream:</b>	Maddox Creek and a larger associated wetland complex are located at the eastern edge of the property. At the time the BSP was vested the City required a 50 foot buffer on Maddox Creek. This buffer was the larger of the buffers that would have applied to the creek/wetland complex.	The City’s current code would require significantly larger buffers on the creek/wetland complex. Complying with the current buffers would be difficult and would prove problematic for providing required stormwater management for the existing buildings. Additionally even if the standard buffers were applied much of the area within those buffers has been disturbed. It would not be feasible or practical to apply the current buffers.
<b>Stormwater Facilities:</b>	The proposed Skagit I-5 Business Park Binding Site Plan drainage system is designed to the standard and requirements of the 1992 DOE Stormwater Management Manual	In 2010, the City adopted the DOE’s 2005 Stormwater Management Manual.  The proposed stormwater management system is consistent with and follows the 1992 Stormwater Manual. The applicant and the city worked together to come up with the approved stormwater management system. It was incorporated into the 2010 BSP extension agreement that was approved by the City. The agreement requires the stormwater facilities to be constructed prior to final approval of the BSP and revisions to easements and maintenance responsibilities. (see attached Engineering review memo dated April 7, 2010)
<b>Sanitary Sewer Facilities</b>	The City of Mount Vernon has approved an alternative sanitary sewer for the Binding Site Plan. It includes an on-site force main instead of the standard gravity feed system. Maintenance responsibility falls to the owners of the BSP Lots.	Approval of an alternative sanitary sewer system is still an option for developments. The provisions of the approved alternative would remain unchanged. (See attached Engineering review memo dated April 7, 2010)

Five of the seven BSP Lots are fully developed and have businesses that have been operating for decades. The remaining two lots are closely related to those that have already been constructed. They share infrastructure and many design characteristics. These features would not necessarily be able to be replicated if the preliminary BSP approval were to expire and have to begin anew.

**FINDINGS:**

In June of 2015, City Council approved Ordinance 3651 that provides a way for preliminary BSP approvals to be extended for either one or three years – with conditions. The part of Ordinance 3651 that allows Skagit I-5 Business Park, LLC to request a three-year preliminary plat extension reads as follows:

MVMC 16.40.100(C):

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

*2. An applicant who files a written request to the office of the Community & Economic Development Department may be granted up to a three-year extension for preliminary binding site plan approvals granted on or before December 31, 2010. There shall be allowed only one three year extension; and this extension shall not be combined with the one year extension allowed within sub-section (1), above. In granting this extension a development agreement consistent with the requirements of RCW 36.70B.170 shall be prepared and approved by the City Council. In granting this extension the Council can require that a development comply with any of the development regulations in effect at the time the extension is requested should these regulations be different than the ones the development is vested to.*

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

1. Much of the shared infrastructure improvements for the developed and undeveloped lots have been installed. The applicant has agreements with the City of Mount Vernon for stormwater and sanitary sewer improvements that are to be completed prior to final approval. Those improvements are necessary and will replace the systems that are currently serving the existing development.
2. Five of the seven lots have been fully developed and businesses have operated there for decades.
3. Changing the development standards at this stage would have significant impacts for already developed lots which would not be feasible or practical.

**RECOMMENDATION:**

Council move to authorize the Mayor to sign the accompanying Resolution that will extend the preliminary approval expiration period for three (3) years (i.e., from November 3, 2016 to November 4, 2019) for the Skagit I-5 Business Park Binding Site Plan, LU06-069.

**ATTACHED:**

- Proposed Resolution for Council Consideration
- Proposed Development Agreement
  - Exhibit A: Legal Description of the overall property
  - Exhibit B Skagit I-5 Business Park BSP maps
  - Exhibit C: Preliminary BSP Staff Report, LU06-069
- Engineering Review Comments dated April 7, 2010

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF MOUNT VERNON, WASHINGTON; ACCEPTING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MOUNT VERNON AND SKAGIT I-5 BUSINESS PARK LLC. TO EXTEND THE PRELIMINARY BINDING SITE PLAN APPROVAL FOR THE SKAGIT I-5 BUSINESS PARK (LU06-069)**

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

**WHEREAS**, this Development Agreement by and between the City of Mount and the Developer (hereinafter the "Development Agreement"), relates to the development known as Skagit I-5 Business Park Binding Site Plan, File No. LU06-069; and

**WHEREAS**, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary approvals such as the Skagit I-5 Business Park Binding Site Plan; and

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

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

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

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

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

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

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

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Alicia D. Huschka, Finance Director

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Jill Boudreau, Mayor

Approved as to form:

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Kevin Rogerson, City Attorney

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

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN THE CITY OF MOUNT VERNON  
AND SKAGIT I-5 BUSINESS PARK, LLC. TO EXTEND THE PRELIMINARY BINDING SITE  
PLAN VALIDITY TIMEFRAME FOR THE SKAGIT I-5 BUSINESS PARK BINDING SITE  
PLAN**

THIS DEVELOPMENT AGREEMENT is made and entered into this \_\_\_\_ day of December, 2016, by and between the City of Mount Vernon, a non-charter, optional code Washington municipal corporation, hereinafter the “City,” and Skagit I-5 Business Park LLC a Washington Limited Liability Corporation with William J Youngsman as Managing Member and is organized under the laws of the State of Washington hereinafter the “Developer.”

**RECITALS**

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

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

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

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

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

WHEREAS, this Development Agreement by and between the City of Mount Vernon and the Developer (hereinafter the “Development Agreement”), relates to the development known as Skagit I-5 Business Park Binding Site Plan, File No. LU06-069; and

WHEREAS, the Skagit I-5 Business Park development is located at 3302 Cedardale Road. The Skagit County Assessor identifies the site with the following parcel number: P116856 (hereinafter referred to as the “Property”); and

WHEREAS, the City Council approved Ordinance 3651 in June of 2015 providing a mechanism for the possible extension of preliminary approvals such as the Skagit I-5 Business Park Binding Site Plan; and

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

NOW, THEREFORE, the parties hereto agree as follows:

## **GENERAL PROVISIONS**

**Section 1.** *The Development.* The development named Skagit I-5 Business Park received preliminary binding site plan approval in November of 2006. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of November 3, 2016. The development consists of 7 commercial binding site plan lots over an approximate 12.2 acre site. Five of the seven proposed lots have been developed with buildings and uses ranging from retail, office, distribution, church, and medical services. The first four buildings were approved in 1994 and the fifth was approved in 1998. The Binding Site Plan approval anticipates another 80,000 square feet of building space to be developed on the two remaining lots on the eastern portion of the site.

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

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

- A. “Adopting Resolution” means the Resolution which approves this Development Agreement, as required by RCW 36.70B.200.
- B. “Council” means the duly elected legislative body governing the City of Mount Vernon.
- C. “Director” means the City’s Community and Economic Development Director or Public Works Director.
- D. “Effective Date” means the effective date of the Adopting Resolution.
- E. “Existing Land Use Regulations” means the ordinances adopted by the City Council of Mount Vernon in effect on the Effective Date, including the adopting ordinances that govern the permitted uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Subject Property, including, but not limited to the Comprehensive Plan, the City’s Official Zoning Map and development standards, the Design Manual, the Public Works Standards, SEPA, Concurrency Ordinance, and all other ordinances, codes, rules and regulations of the City establishing subdivision standards, park regulations, building standards. Existing Land Use Regulation does not include non-land use regulations, which includes taxes and impact fees.

- F. “Landowner” means the party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement. The “Developer” is identified in Section 5 of this Agreement.
- G. “Project” means the anticipated development of the Subject Property, as specified in Section 1 and as provided for in all associated permits/approvals, and all incorporated exhibits.

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

- Exhibit A – Legal description of the Subject Property.
- Exhibit B – Map showing the proposed Skagit I-5 Business Park Binding Site Plan
- Exhibit C – Administrative Report and Decision Skagit I-5 Business Park Preliminary Binding Site Plan (LU06-069).

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

- A. The “City” is the City of Mount Vernon, PO Box 809, 910 Cleveland Avenue, Mount Vernon, WA 98273.
- B. The “Developer” or Owner is a private enterprise which owns the Subject Property in fee, and whose principal office is located at 2248 NW190 Place, Shoreline, WA 98177.
- C. The “Landowner.” From time to time, as provided in this Agreement, the Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.
- D. Project is a Private Undertaking. It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

**Section 6.** *Term of Agreement.* This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and shall continue in force as outlined within Section 9; or unless terminated as provided herein. Following termination or expiration, this Agreement shall have no force and effect.

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

- A. **Preliminary Plat Time Limitations.** RCW 58.17.140(3) (b) states that: “a final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007 ...”. The development received preliminary plat approval on November 3, 2006. The State Legislature amended the RCWs pertaining to preliminary plat expiration a number of times. The net effect of all of these actions was an expiration date of November 3, 2016.

- B. 2015 MVMC Amendment Related to Preliminary Plat Timeframes. In June of 2015, the Mount Vernon City Council approved amendments to Mount Vernon Municipal Code (MVMC) 16.40.100(C)(2) providing a way that preliminary plat approvals can be extended for three-years “upon a showing that they have attempted in good faith to submit the final plat within the required period...” In granting an extension the Council can require that a development comply with any of the development regulations in effect at the time the extension is requested should these regulations be different than the ones the development is vested to”.
- C. Considerations for Preliminary Plat Extension. The City has determined, with the approval of this Development Agreement, that the development regulations that the development is currently subject to shall remain the same until this Agreement is terminated, as outlined in Section 9, below.
- D. Newly Authorized Preliminary Plat Expiration Date. The City Council with the approval of Resolution \_\_\_\_\_ concurs with the staff findings outlined above in subsection (C) and is extending the preliminary plat validity timeline **from** November 3, 2016 **to** November 4, 2019.
- E. All Other Requirements Not Modified. This development agreement does not change or alter any other approval that the development is subject to; including, but not limited to: the conditions of the Administrative Report and Decision or the mitigation measures imposed through the SEPA process.

#### **Section 8. Default.**

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

**Section 9. Termination.** This Agreement shall expire and/or terminate and be of no further force at such time as the final Binding Site Plan for the I-5 Business Park is approved by the City of Mount Vernon and recorded with the Skagit County Auditor or **November 4, 2019** whichever comes first.

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

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

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

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

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

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

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

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

**OWNER/DEVELOPER:**  
William J. Youngsman,

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

**CITY OF MOUNT VERNON:**

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

Attest:

Alicia D. Huschka, Finance Director

\_\_\_\_\_

Approved as to form:

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

STATE OF WASHINGTON }  
COUNTY OF SKAGIT } ss.

I certify that I know or have satisfactory evidence that **William J Youngsman** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of **Skagit I-5 Business Park, LLC.**, to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned.

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

(SEAL)

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

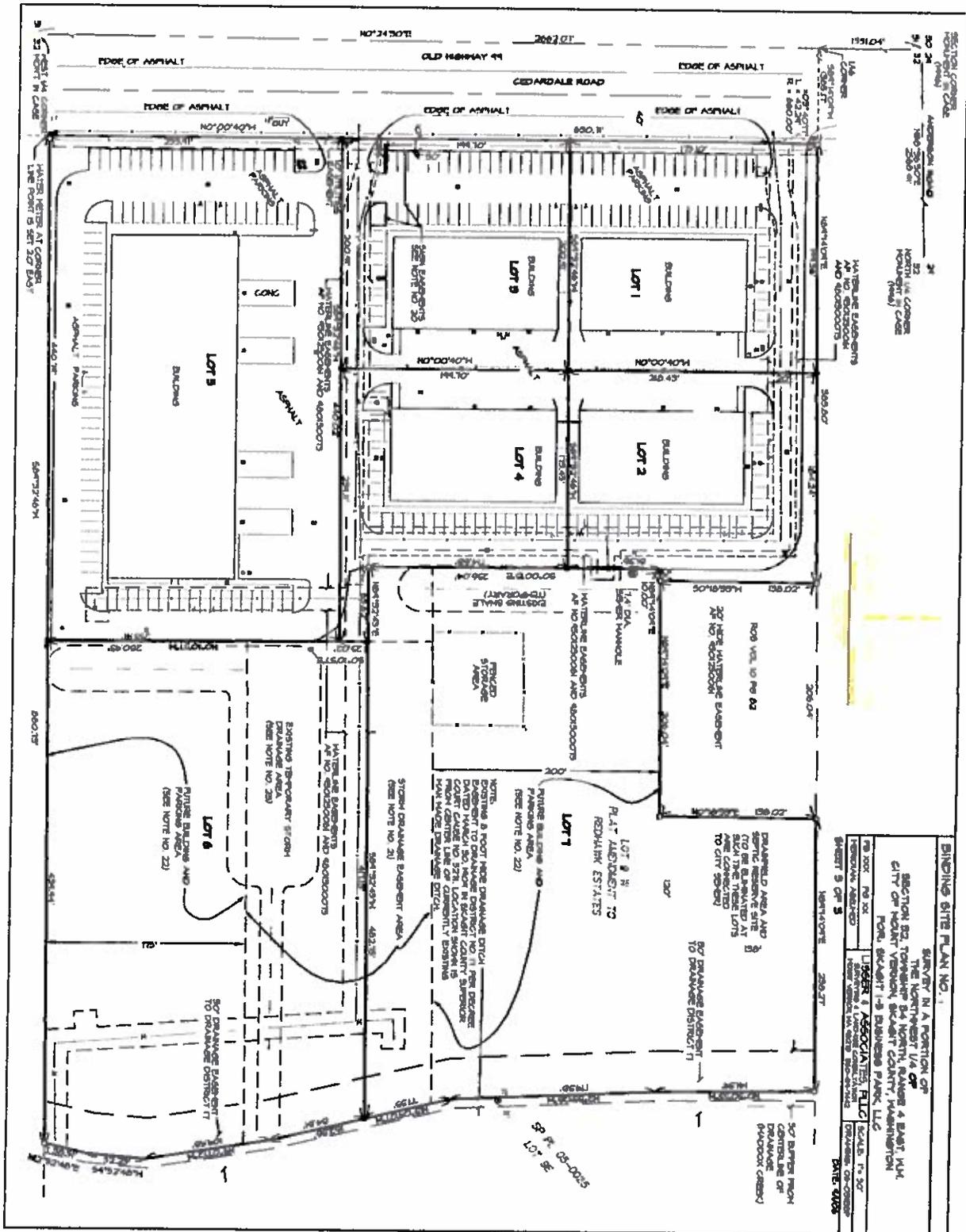
**EXHIBIT A**

**Legal Description of Property**

Lot 9W, "AMENDMENT TO RED HAWK ESTATES", as recorded July 26, 2005, under Skagit County Auditor's File No. 200507260199.

**EXHIBIT B**

Maps showing the proposed Skagit I-5 Business Park  
Binding Site Plan development  
(for illustrative purposes only)



**BINDING SITE PLAN NO. 1**

SUBJECT: IN A PORTION OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 24 NORTH, RANGE 4 EAST, 14th CITY OF MOUNT VERNON, SHERMAN COUNTY, WASHINGTON.

FOR: SKANSKI I-S BUSINESS PARK, LLC

DESIGNER: I-S ASSOCIATES, PLLC

DATE: 11-10-17

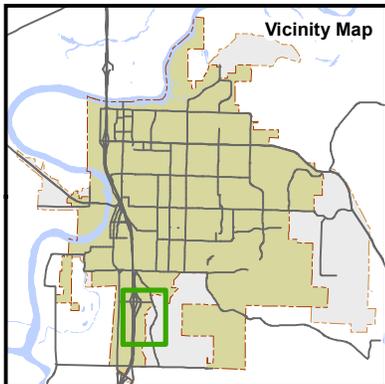
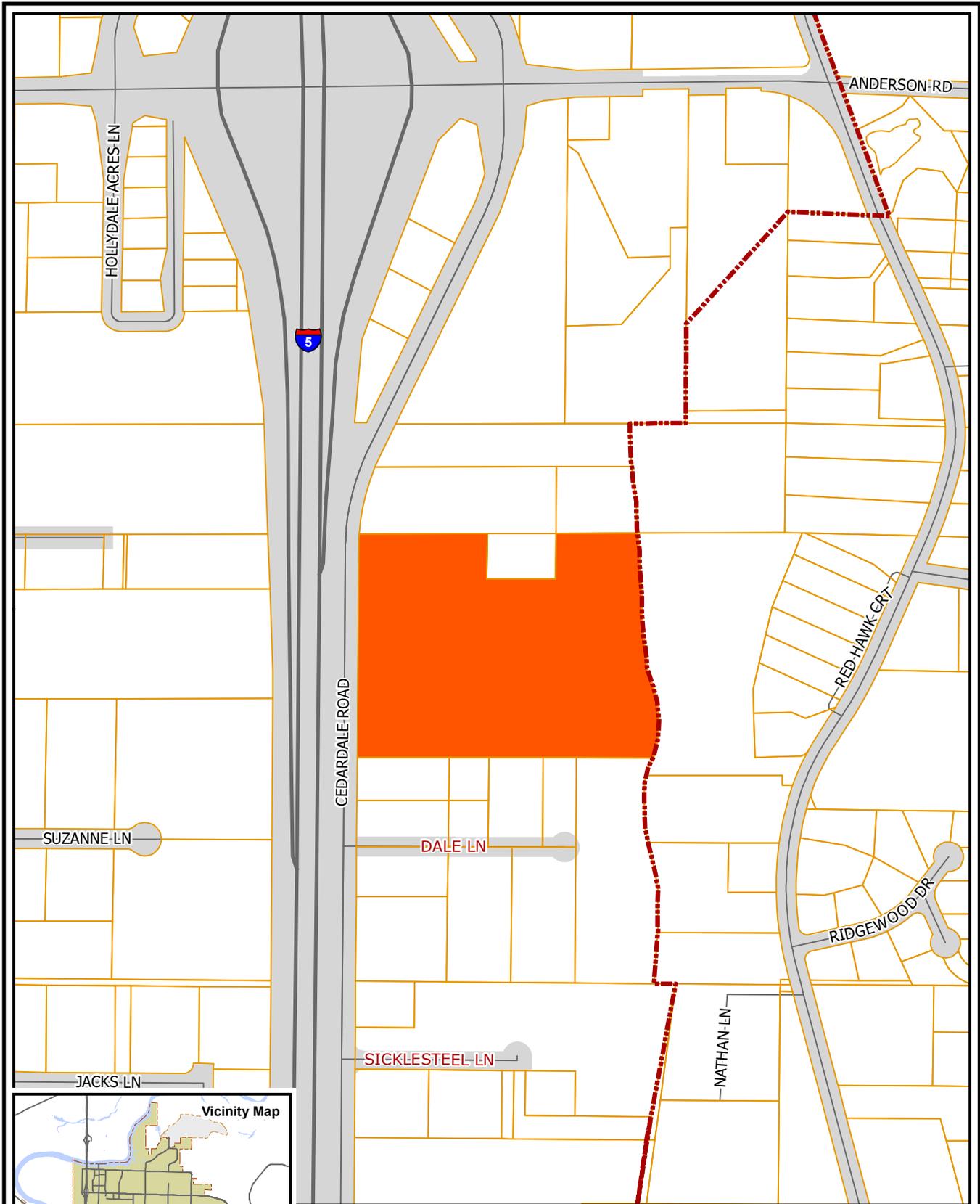
PROJECT NO: 17-00000001

SHEET 9 OF 9

DRAWN BY: J. W. WILSON

CHECKED BY: J. W. WILSON

DATE: 08-08-17



**City of Mount Vernon**  
**LU06-069 - Skagit I-5 Business Park BSP Extension**

- Skagit I-5 Business Park
- City Boundary
- Parcel Lines
- UGA Boundary



**EXHIBIT C**

Administrative Report and Decision  
Skagit I-5 Business Park Binding Site Plan LU06-069

## ADMINISTRATIVE REPORT AND DECISION

### A. SUMMARY AND PURPOSE OF REQUEST:

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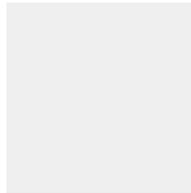
**Decision Date:** November 03, 2006

**Project Name/Number:** Skagit I-5 Business Park Binding Site Plan; File No. LU 06-069

**Project Planner:** Christina Katz, Senior Planner

**Applicant:** Skagit I-5 Business Park LLC, 2248 NW 190<sup>th</sup> Place, Shoreline, Washington 98177 The contact person is Bill Youngsman 206/542-0566.

**Agent:** Bruce Lisser. Lisser & Associates, 320 Milwaukee Street, Mount Vernon, WA 98273.



**Project Location:** The proposal property (P116856) is located at 1735 Cedardale Road within Section 32, Township 34 North, Range 04 EWM in Skagit County, Washington.

**Project Description:** The applicant proposes to create seven commercial lots through the binding site plan subdivision process. Five of the proposed lots are developed with existing buildings that house a variety of commercial uses. Two of the proposed lots are undeveloped at this time. Storm water generated by the existing/future development is/will be collected and conveyed to an on-site detention and water quality treatment facility. The existing and proposed lots will connect to the City’s sanitary sewer system and the on-site septic system and drainfield located on proposed Lot 6 will be decommissioned as part of this development. Maddox Creek, a Category II stream course, is located on the eastern boundary of the proposal property. No development is proposed within 200 feet of the stream; a minimum 50-foot buffer measured from the centerline of the stream is required by the municipal code.

***B. GENERAL INFORMATION:***

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**Zoning Designation:** Commercial Limited Industrial (C-L)

**Comprehensive Plan Designation:** Commercial Limited Industrial (C-L)

**Existing Site Use:** Commercial and light industrial uses in the existing buildings.

**Neighborhood characteristics:**

- North: Trucking company
- South: Fueling station
- East: Maddox Creek
- West: Cedardale Road

**Access:** Access to the existing lots/buildings is provided by a central and perimeter private drive and designated Fire Lane. Two points of ingress/egress from Cedardale Road are provided.

**Site Area:** The area of the parent parcel is 12.2 acres.

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

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**Title 13 Sewers**

**Title 14 Land Use And Development**

- Chapter 14.05 Administration of Development Regulations
- Chapter 14.10 Concurrency

**Title 15 Buildings And Construction**

- Chapter 15.06 Environmental Policies
- Chapter 15.40 Additional SEPA Guidelines

**Title 16 Subdivisions**

- Chapter 16.04 Title Purpose and Definitions
- Chapter 16.16 Design Standards

**I-5 Business Park Binding Site Plan**

Chapter 16.20 Improvements  
Chapter 16.40 Binding Site Plans

### **Title 17 Zoning**

Chapter 17.56 Commercial/Limited Industrial District

## ***D. APPLICABLE SECTIONS OF THE MOUNT VERNON COMPREHENSIVE PLAN:***

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### **Chapter Three**

- Land Use Element
- Commercial / Light Manufacturing Element

## ***E. DEPARTMENT ANALYSIS:***

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### **Project Description/Background:**

The applicant proposes to create seven commercial lots through the binding site plan subdivision process. Five of the proposed lots are developed with existing buildings that house a variety of commercial uses. Two of the proposed lots are undeveloped at this time. Storm water generated by the existing/future development is/will be collected and conveyed to an on-site detention and water quality treatment facility. The existing and proposed lots will connect to the City's sanitary sewer system and the on-site septic system and drainfield located on proposed Lot 6 will be decommissioned as part of this development. Maddox Creek, a Category II stream course, is located on the eastern boundary of the proposal property. No development is proposed within 200 feet of the stream; a minimum 50-foot buffer measured from the centerline of the stream is required by the municipal code.

### **Environmental Review:**

Pursuant to the City of Mount Vernon's Environmental Ordinance (Chapter 15.06) and the State Environmental Policy Act (SEPA—RCW 43.21C), on October 10, 2006, the City of Mount Vernon (lead agency) issued a Determination of Non-Significance (DNS) following a combined Notice of Application/Proposed DNS for the WWTP Skagit I-5 Business Park. No appeals in regard to SEPA have been filed.

### **Staff Review Comments:**

Representatives from various City departments have received the application materials during the Notice of Application period to identify and address issues from the proposed development. Comments were received in response to the routed application materials from the Engineering Department. The comments are contained within the Land Use application file and are within this report, as applicable.

### **Consistency with Binding Site Plan Criteria:**

Approval of a binding site plan is based upon several factors. The following binding site plan review criteria has been established to assist decision makers in the review of the binding site plan:

### **Compliance With The Comprehensive Plan Designation:**

The property is designated Commercial/Limited Industrial on the Comprehensive Plan. The CL Comprehensive Plan designation promotes the development of retail, limited industrial/manufacturing and business office park developments in furtherance of the City's Overall Economic Development Plan (OEDP).

Compliance With The Underlying Zoning Designation:

The property is located within the C-L Commercial/Limited Industrial District. The C-L District codifies the development standards of the C-L Comprehensive Plan designation. The C-L District permits outright a variety of commercial and light industrial uses and activities.

Compliance With Binding Site Plan Standards (MVMC Title 16):

***Lots:***

1. Lots, parcels or tracts created through the binding site plan procedure shall be legal lots of record;
2. The number of lots, tracts, parcels, sites or divisions shall not exceed the number of lots allowed by zoning ordinance; and
3. Lots shall adhere to the dimensional area standards of the underlying zoning district.

***Streets:***

1. Unless otherwise approved, all lots shall provide ingress and egress over a public street or an easement 30 feet in width;
2. Where dedicated rights-of-way or easements are required for the public health, safety and general welfare, they shall be dedicated and improved by the subdivider; and
3. All public streets shall have no less than a 60-foot right-of-way width if a through street or a 50-foot width if a cul-de-sac.

***Minimum Improvements Required:***

1. Water supply and adequate fire flow;
2. Sanitary sewer;
3. Underground power, telephone, television cable and all other necessary utilities (including undergrounding the existing facilities);
4. Installation of an improved street shall be required if the principle street frontage providing access to the BSP parcel is below standard for its classification;
5. Storm drainage; and
6. Appropriate dedications of easements, if any.

Reasonableness Of Proposed Boundaries:

***Access:***

Access to the existing lots/buildings is provided by a central and perimeter private drive and designated Fire Lane. Two points of ingress/egress from Cedardale Road are provided.

***Topography:***

The property is relatively flat.

***Relationship to existing uses:***

The parent parcel is located in an area of commercial and light industrial type developments.

Availability And Impact On Public Services:

***Police and Fire:***

**I-5 Business Park Binding Site Plan**

The development is required to pay fire impact fees to the City of Mount Vernon.

***Storm water:***

Storm water generated by the existing/future development is/will be collected and conveyed to an on-site detention and water quality treatment facility. The facility shall be upgraded to current standard if it does not currently meet City requirements or at such time that future development renders the facility substandard.

***Water:***

The Skagit County Public Utility District presently provides water service to the existing development.

***Sanitary sewer:***

The existing and proposed lots will connect to the City's sanitary sewer system and the on-site septic system and drainfield located on proposed Lot 6 will be decommissioned as part of this development. A sanitary sewer service main exists in Cedardale Road; each lot and/or building shall connect to this main via a separate lateral service or an eight inch sewer line. Eight inch pipes within Cedardale Road are presently stubbed to the east for future development.

***Street Improvements:***

Cedardale is an improved City street; improvements may be required to maintain the required arterial street standard.

***F. DECISION***

The preliminary **Skagit I-5 Business Park Binding Site Plan, File No. LU 06-069**, is approved subject to compliance with the standards of the Mount Vernon Municipal Code and the following:

1. The developer shall comply with the memorandum dated September 29, 2006 by Dennis Carlson, Engineering Division Manager.
2. The developer shall provide a copy of CC & Rs that provides for the maintenance and responsibility of the private drives, detention facilities and landscaped areas within the Binding Site Plan boundaries.
3. The developer shall ensure that each use within each building on each proposed lot demonstrates the required amount of parking pursuant to MVMC 17.84.030. To that end, a shared parking agreement shall be recorded with the Skagit County Auditor prior to final BSP approval.

SIGNATURE:

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

\_\_\_\_\_  
*Date*

Appeals:

The decision of the Community & Economic Development Director is final unless an appeal to the Mount Vernon City Council is filed within fourteen (14) calendar days from the date of mailing of the written **I-5 Business Park Binding Site Plan**

decision. An appeal to the City Council is governed by MVMC 14.05.260. **Appeals must be made in writing on or before 4:30 PM November 20, 2006.** Any appeal must be accompanied by a \$100.00 fee and must state the appellant's reason(s) for the appeal based upon the provisions of the Mount Vernon Municipal Code.

TRANSMITTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006 to the applicant and agent.

TRANSMITTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006 to the parties of record.

April 7, 2010

To: Rebecca Bradley-Lowell, Senior Planner

From: Claudia Oates, Development Review Engineer

Re: LU06-069 Amendments to Skagit I-5 Business Park BSP, P116856

The applicant has submitted a revised SEPA, in part to vest to the stormwater standards in place prior to February 16, 2010. The revised SEPA dated January 29, 2010 specifies 17,600 cubic yards of excavated material and up to 62,000 cubic yards of imported fill. Engineering has the following comments:

- This project shall comply with all City codes and standards.
- As-built plans are required prior to final approval of the Binding Site Plan.

Engineering has reviewed the February 2, 2010 Ravnik & Associates Preliminary Drainage Analysis and approved the general stormwater concept which includes an open pond that gravity feeds to a pump system and then flows east to an existing channel located within the Maddox Creek's 50-foot buffer located on the east boundary of the subject property. The analysis indicates that there is no construction activity planned within the stream buffer. The design considers 90% impervious coverage. Maintenance of all on-site drainage facilities will be the responsibility of the owners of the lots within the Binding Site Plan. (as specified on Sheet 2 of Binding Site Plan) Additional review of the stormwater design will occur with the review of the F&G Permit application.

The applicant is advised that although Parcel P29333 was included in the stormwater design basin it is not vested to any particular stormwater standards. Any development on that lot will be required to comply with the standards in place at the time of development.

- The proposed stormwater facilities shall be constructed prior to final approval of the Binding Site Plan. The applicant shall obtain a F&G Permit for this work.
- The Private Drainage and Sewer Easements note on Sheet 2 shall be revised to better clarify that maintenance of sanitary and storm systems is the responsibility of the property owners within the Binding Site Plan and no others outside the land division.
- Sheet 3 of the Binding Site Plan shall be revised to provide an access easement to the detention pond for maintenance.

The City of Mount Vernon Public Works Director has approved an alternative sanitary sewer system for the Binding Site Plan. That approval includes an on-site force main in place of the standard gravity feed system. All maintenance responsibility shall be born by the owners of the lots within the Binding Site Plan. (as specified on Sheet 2)

- All existing septic tanks and drainfield facilities shall be decommissioned prior to final approval of the Binding Site Plan. The permit process for D08-329, originally applied for November 2008 for this purpose was not completed and has expired. The applicant shall obtain a F&G Permit for this work.
- All existing buildings on proposed Lots 1, 2, 3, 4, & 5 shall be connected to sanitary sewer prior to final approval of the Binding Site Plan. A Sewer Connection permit is required for each connection. Projects, such as this, that have on-site sewage systems as of February 1, 2005 are exempt from the wastewater connection charge until August 1, 2010. (Ordinance 3414)
- A sanitary sewer stub shall be provided to proposed Lots 7 & 8 prior to final approval of the Binding Site Plan.
- The note regarding the drainfield area shall be eliminated from Sheet 3 of the 01/29/10 BSP map as all improvements are required to be in place prior to final approval of the Binding Site Plan.

Cedardale Road frontage meets South Mount Vernon minimum LOS.

Regarding Note 15 on Sheet 2 – Are Lots 1 through 5 exempt from **all** (including future?) impact fees?