

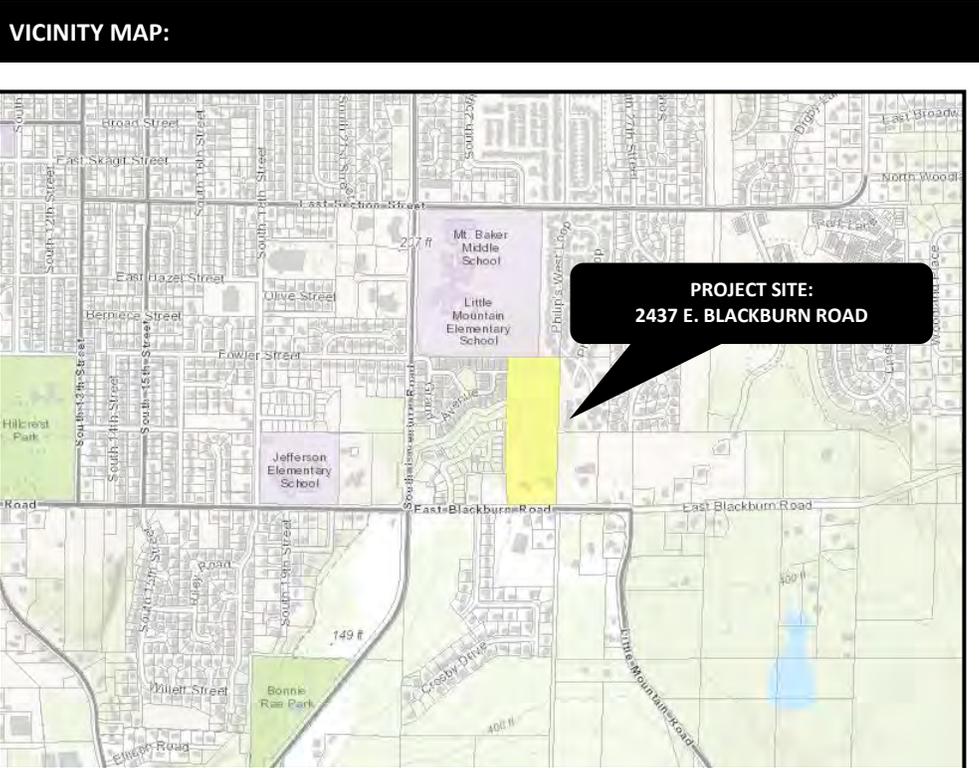
## STAFF REPORT *for* SHORT PLAT, DEFERRAL OF STREET FRONTAGE IMPROVEMENTS & SEPA APPEAL

### STAFF REPORT SUMMARY & CONTENTS

<b>STAFF RECOMMENDATION:</b>	APPROVE the short plat and deferral of street frontage improvements with the conditions found on page 30 of this staff report; and AFFIRM the SEPA decision being appealed.
<b>PROJECT DESCRIPTION:</b>	Proposed is a short plat of an approximate 13.4± acre site that will create seven (7) single-family residential lots, a tract for a future stormwater facility and a lot that will contain the existing residential structures on the site. A private road will be extended to provide access. The project site contains wetlands and a fish bearing stream.

<b>ADDRESS:</b>	2437 East Blackburn Road	<b>¼ SEC.</b>	<b>SEC.</b>	<b>TWP.</b>	<b>RGE.</b>
<b>PARCEL #:</b>	P28003	NW	28	34N	04E

<b>PROPERTY OWNER:</b>	<b>APPLICANT:</b>
Mary Margaret Kiesel	Samish Bay Land Company, LLC - Dave Prutzman



<b>REPORT CONTENTS:</b>	
Staff Report Summary & Contents	1
Project Description & Location	2-4
Exhibit List	5
Existing Conditions/Findings of Fact	6-23
Approval Criteria & Staff Analysis	24-27
SEPA Analysis Response	28-29
Staff Recommendation	30
Notes to the Applicant and Parties of Record	31

## PROJECT DESCRIPTION & LOCATION

**PROJECT DESCRIPTION:**

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

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

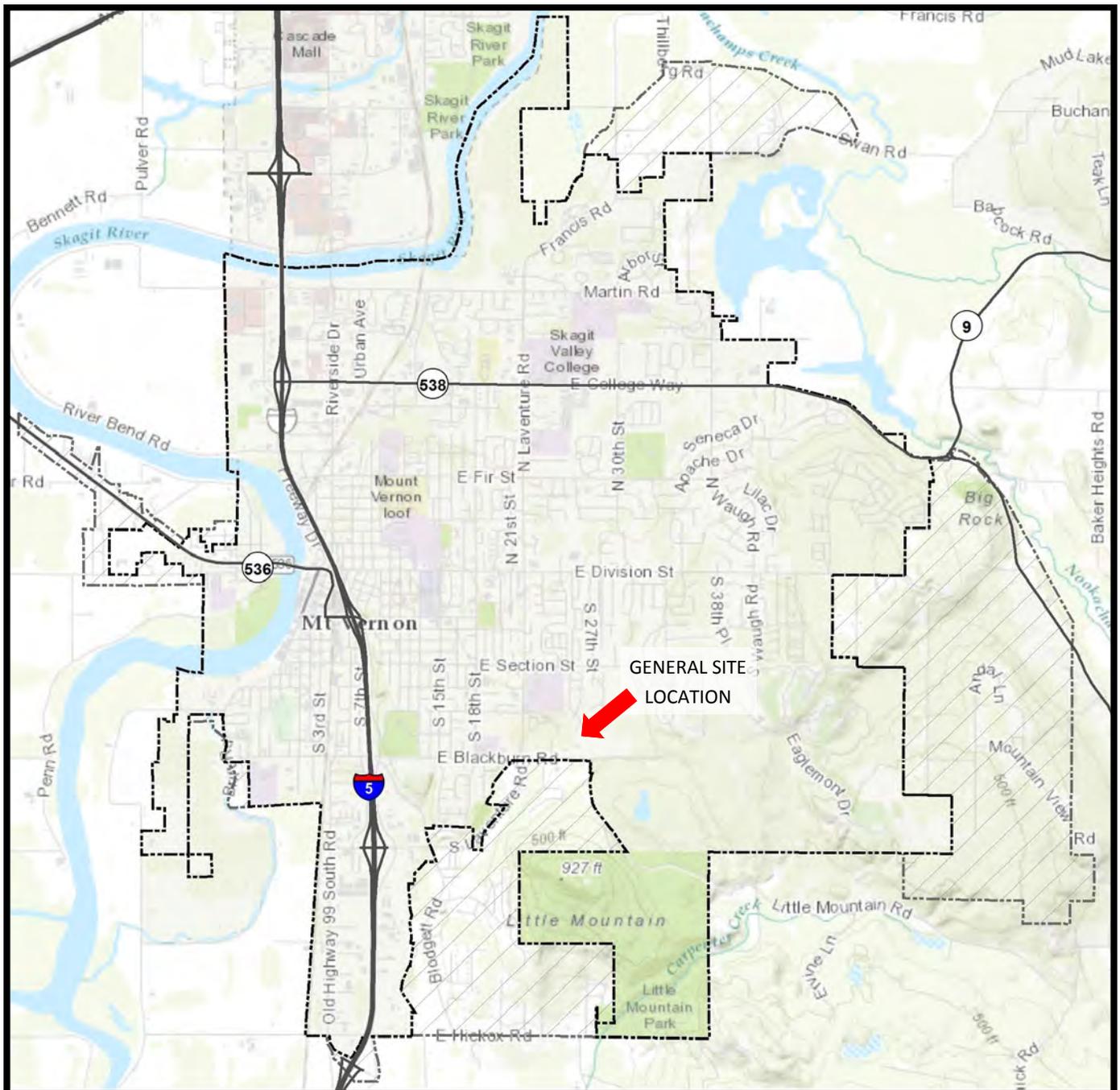
Following preliminary short plat approval the applicant will be required to install infrastructure (roads and utilities) to serve this site. The infrastructure installation will require approximately 1,300 cubic yards of excavation and approximately 121 cubic yards of fill. Utility lines greater than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

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

**PROJECT LOCATION:**

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

**Maps 1.0 and 2.0**, that follow, identify the location of the project site.



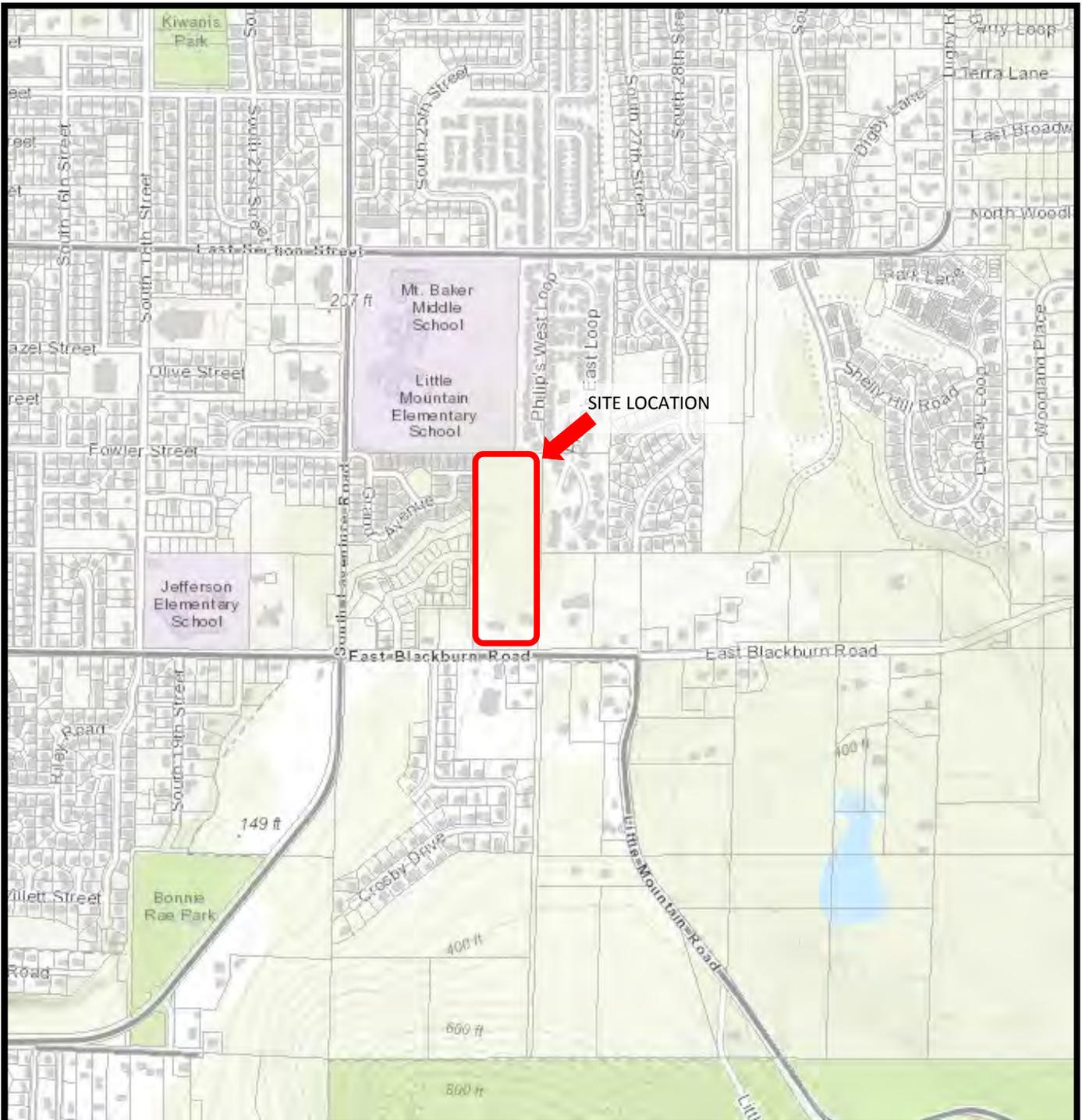
**MAP 1.0, EAST VILLAGE SHORT PLAT, PROJECT SETTING**

- City Boundary
- Urban Growth Area
- State Highway
- Skagit County Boundary

0 1 2  
Miles

Basemap and data courtesy of ESRI, Skagit County, WSDOT, City of Mount Vernon

Map by MV GIS 7/5/2016



**MAP 2.0, EAST VILLAGE SHORT PLAT VICINITY MAP**  
Not to Scale



## EXHIBIT LIST:

1. Master Land Use Application, Legal Description, and Ledger for Payment
2. Project Narrative, Request for Waiver of Requirements, Justification for Proposal, and Construction Mitigation Description
3. Density Worksheet
4. City's Notices and Correspondence:
  - 4a. Pre-application Submittal and Materials Provided to the Applicant by Staff at the Pre-Application Meeting held on 9.15.15
  - 4b. Technically Compete Letter dated 12.30.16
  - 4c. Routing Memo dated 1.13.17
  - 4d. Notice of Application and Proposed Optional MDNS issued 1.17.17 with an Affidavit for Land Use Sign Posting, an Affidavit of Mailing and proof of publication
  - 4e. Notice of Decision for an Administrative Determination dated 2.1.17
  - 4f. Letter from R. Lowell to B. Furlong dated 2.16.17 with its noted attachments
  - 4g. Letter from R. Lowell to D. Prutzman dated 2.22.17
  - 4h. MDNS, Notice of Public Hearing, and the SEPA Environmental Staff Report issued 5.5.17 with an Affidavit of Mailing and proof of publication
  - 4i. Notice of Re-Scheduled Public Hearing issued 5.23.17 with an Affidavit of Mailing and proof of publication
5. Letter from D. Prutzman to R. Lowell dated 2.27.17
6. Letter from B. Furlong to R. Lowell and E. Bell dated 5.3.17
7. Drainage Analysis dated 12.22.2016 prepared by Dale Herrigstad, P.E.
8. Critical Area Site Assessment dated 12.21.2016 prepared by Graham-Bunting Associates
9. Completed SEPA Checklist dated 12.27.2016
10. Title Report from Chicago Title Insurance Company with an effective date of 12.14.16
11. Short Plat Maps with Sheet Nos: C1, C2 and C3
12. Letter from Esco Bell, Public Works Director and Ana Chesterfield, Development Services Engineering Manager, recommending approval of the deferral of street improvements along Blackburn Road
13. Comments received by the City in response to the MDNS that was issued on 5.5.17
14. Notice of Appeal filed by B. Furlong dated 5.30.17 with its associated attachments, ledger for Payment and the cover page of a Master Land Use Application Form
15. Plat of Big Fir North recorded under Auditor's File #: 200703230073 and 200707250053, the plat's recorded Codes, Covenants, and Restrictions recorded under Auditor's File #: 200703230074, and as-built records
16. Plat of Big Fir South recorded under Auditor's File #: 201405290037 with its recorded Codes, Covenants, and Restrictions recorded under Auditor's File #: 201405290038, and as-built records
17. Portions of the MVMC applicable to the subject short plat

## EXISTING CONDITIONS/FINDINGS OF FACT

<b>PROPERTY OWNER</b>	Mary Margaret Kiesel 2437 E. Blackburn Road Mount Vernon, WA 98274		<b>PROJECT APPLICANT</b>	Samish Bay Land Company, LLC Contact: Dave Prutzman 4215 Montgomery Place Mount Vernon, WA 98274	
<b>PROJECT ENGINEER</b>	Herrigstad Engineering Dale Herrigstad 4320 Whistle Lake Road Anacortes, WA 98221		<b>PROJECT BIOLOGIST</b>	Graham-Bunting Associates Patricia Bunting and Oscar Graham 3643 Legg Road Bow, WA 98232	
<b>SITE ACREAGE</b>	13.39 acres	<b>SITE ZONING</b>	Single-Family Residential (R-1, 4.0)	<b>SITE COMPREHENSIVE PLAN DESIGNATION</b>	Single-Family Medium Density (SF-MED)
<b>EXISTING SITE USE &amp; IMPROVEMENTS</b>	<p>The Skagit County Assessor provided the below listed information with regard to the existing improvements on the subject site:</p> <ul style="list-style-type: none"> <li>• A single-family residential structure consisting of 968± s.f. of living area with a carport and attached garage</li> <li>• A multi-purpose shed that is 80± s.f.</li> <li>• A single-family residential structure consisting of 2,216± s.f. of living area with an attached garage</li> <li>• A multi-purpose shed that is 120± s.f. in size</li> <li>• A machine shed that is 264± s.f. in size</li> </ul>				
<b>PROPOSED SHORT PLAT</b>	<p>The subject short plat proposes the creation of seven single-family residential lots that will range in size from 10,002 to 13,185 s.f in size with an average lot size of 11,318 s.f.</p> <p>The proposed short plat lots will be conditioned such that they comply with standard building setbacks found in MVMC Chapter 17.15 that consists of front and rear yards having 20-foot setbacks and the side yards having no less than 5-foot setbacks and needing to total no less than 15 feet (for example, one side yard could be 10 feet with the opposite side yard being 5 feet to total 15 feet). Lot coverage of no more than 35% will also be required.</p>				
<b>SURROUNDING LAND USES</b>	<p>Abutting the site to the north is Mt. Baker Middle School and Little Mountain Elementary School and a mobile home park named Little Mountain Estates.</p> <p>Abutting the site to the east is an extension of the Little Mountain Estates mobile home park and an approximate 5.3 acre property developed with an approximate 2,789 square foot single-family residential home, a general purpose building, and a lean to.</p> <p>Abutting the site to the south is a portion of East Blackburn Road consisting of 2 through lanes with shoulders within a 60-foot City right-of-way. The City's Transportation Element of the Comprehensive Plan identifies this portion of East Blackburn Road as part of the City's Arterial Street Plan and classifies it was an Existing Minor Arterial.</p> <p>Abutting the site to the west are two Planned Unit Developments named Big Fir North and Big Fir South. Big Fir North contains lots that range in size from 5,246 to 8,988 square feet with an average lot size of 6,152 s.f. Big Fir South contains lots that range in size from 4,640 to 7,603 square feet with an average lot size of 5,611 s.f. Also abutting the site to the west is an approximate 1.5 acre property developed with an approximate 1,512 square foot single-family residential structure with a multi-purpose shed.</p>				

**ROADS TO SERVE THE SITE**

The Applicant proposes the construction of a private road to extend off of Balsam Lane. Balsam Lane is a public road that was dedicated to the City with the plat of Big Fir North, Phase II. The City right-of-way of Balsam Lane extends to the east boundary of the Big Fir North plat abutting the subject short plat property. The Balsam Lane right-of-way is 30 feet in width. Balsam Lane consists of two 12-foot wide through lanes, curbs, and a sidewalk on its north side.

The new vehicle trips anticipated to be generated by the proposed seven (7) short plat lots are estimated at 67 trips per weekday, with five (5) trips during the morning peak hour and seven (7) trips during the evening peak hour.

**UTILITIES TO SERVE THE SITE**

Sanitary sewer service from the City and water service from the Public Utility District No. 1 of Skagit County are available to the site. The Applicant will be required to extend the lines to these utilities in a manner that satisfies all applicable City codes.

A stormwater facility is proposed to be constructed to clean, treat and attenuate stormwater from new impervious surfaces created by the subject short plat. Stormwater leaving the site from the proposed stormwater facility will be released at pre-development flow rates through a dispersion pipe upslope of Maddox Creek.

Electrical service from Puget Sound Energy and natural gas service from Cascade Natural Gas are both available to serve the site. The Applicant will extend these services in a manner that complies with City codes.

**ON SITE CRITICAL AREAS**

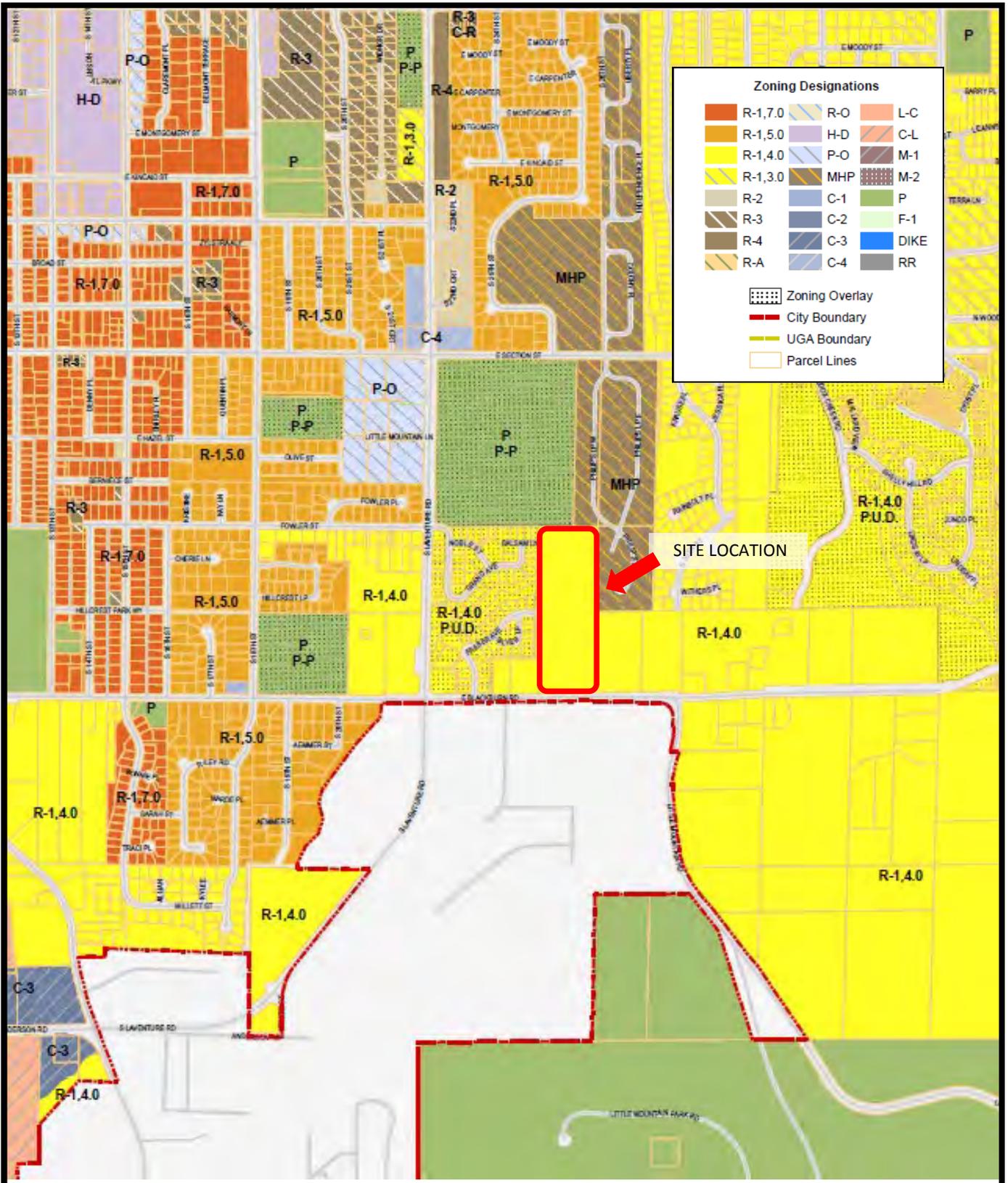
The project site contains three (3) wetlands and one fish bearing stream. The Critical Area Site Assessment submitted by the Applicant provides the following details with regard to these critical areas:

Identification	Acreage	Typing	Proposed Mitigation
Wetland A	2.1 acres	III – depressional	Wetland buffer of 75-feet to avoid project impacts
Wetland B	220 s.f.	IV – depressional	Wetland buffer averaging to minimize impacts. Buffer reduced to 37.5 feet and increased by 12.5 feet along the forested portion of the buffer of Wetland A.
Wetland C	10,101 s.f.	III - depressional	Wetland will be filled and unavoidable impacts will be minimized through the purchase of mitigation credits at an authorized wetland mitigation bank.
Maddox Creek	NA	Type F (Fish Habitat) water	Stream buffer of 150 feet from the ordinary high water line landward on each side of the stream will be applied to avoid project impacts.

In addition, wetlands A and B and Maddox Creek with their associated buffers will be required to be designated as native growth protection areas (NGPA) on the face of the final short plat. The City will require that permanent fencing and signage be installed with NGPA along the edges of the NGPA areas prior to final short plat approval.

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

- Zoning and Comprehensive Plan Maps of the Subject Site and Surrounding areas (**Maps 3.0 and 4.0**);
- Aerial mapping from Different Directions of the Subject Site and Surrounding areas (**Maps 5.0 to 9.0**);
- Existing Arterial Road Network (**Map 10.0**); and,
- Existing Sanitary and Storm Sewers and their Associated Facilities (**Maps 11.0 and 12.0**).



**MAP 3.0, EAST VILLAGE SHORT PLAT ZONING**

Not to Scale

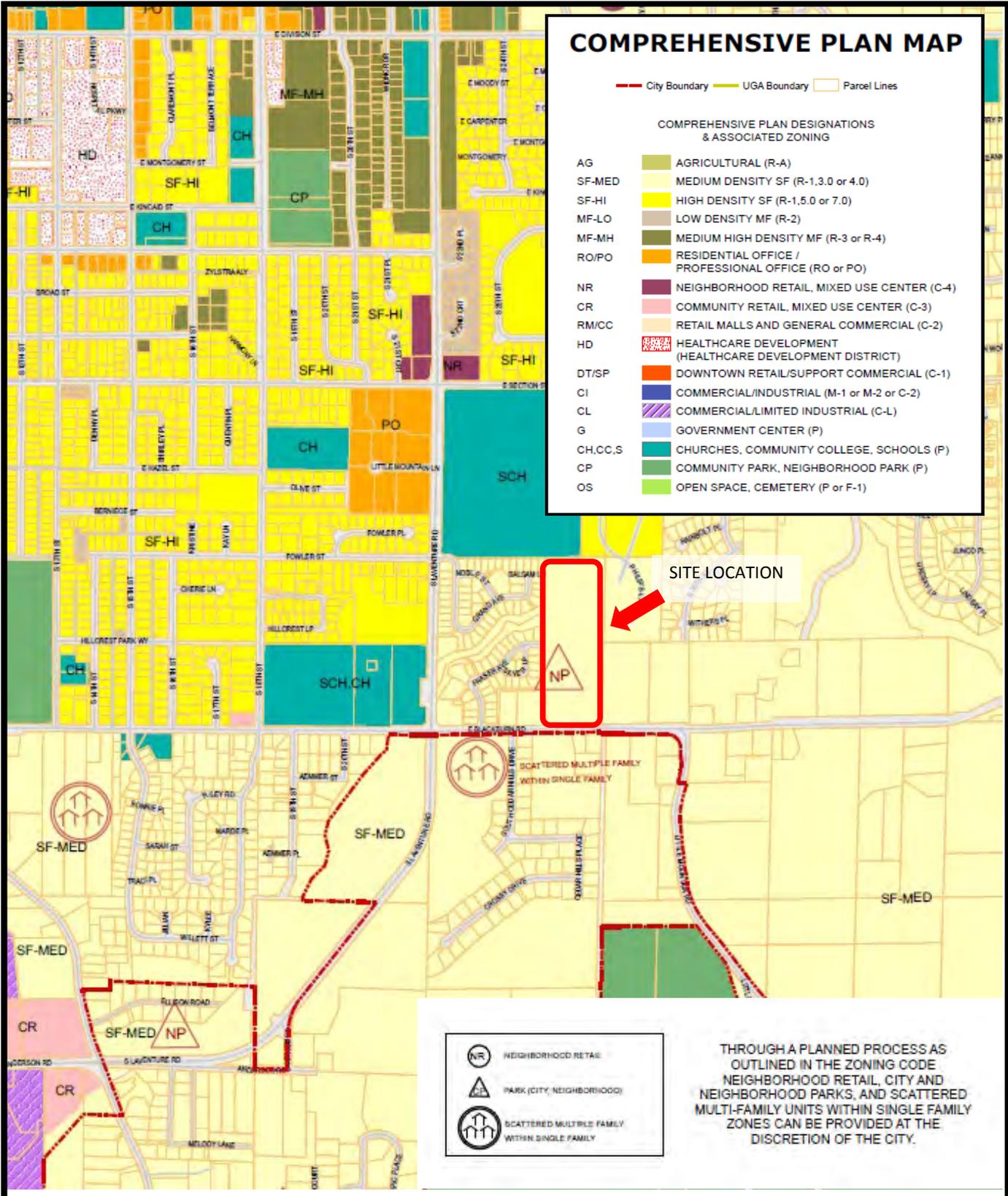


# COMPREHENSIVE PLAN MAP

City Boundary UGA Boundary Parcel Lines

## COMPREHENSIVE PLAN DESIGNATIONS & ASSOCIATED ZONING

- AG AGRICULTURAL (R-A)
- SF-MED MEDIUM DENSITY SF (R-1,3.0 or 4.0)
- SF-HI HIGH DENSITY SF (R-1,5.0 or 7.0)
- MF-LO LOW DENSITY MF (R-2)
- MF-MH MEDIUM HIGH DENSITY MF (R-3 or R-4)
- RO/PO RESIDENTIAL OFFICE / PROFESSIONAL OFFICE (RO or PO)
- NR NEIGHBORHOOD RETAIL, MIXED USE CENTER (C-4)
- CR COMMUNITY RETAIL, MIXED USE CENTER (C-3)
- RM/CC RETAIL MALLS AND GENERAL COMMERCIAL (C-2)
- HD HEALTHCARE DEVELOPMENT (HEALTHCARE DEVELOPMENT DISTRICT)
- DT/SP DOWNTOWN RETAIL/SUPPORT COMMERCIAL (C-1)
- CI COMMERCIAL/INDUSTRIAL (M-1 or M-2 or C-2)
- CL COMMERCIAL/LIMITED INDUSTRIAL (C-L)
- G GOVERNMENT CENTER (P)
- CH,CC,S CHURCHES, COMMUNITY COLLEGE, SCHOOLS (P)
- CP COMMUNITY PARK, NEIGHBORHOOD PARK (P)
- OS OPEN SPACE, CEMETERY (P or F-1)



SITE LOCATION

- NEIGHBORHOOD RETAIL
- PARK (CITY, NEIGHBORHOOD)
- SCATTERED MULTIPLE FAMILY WITHIN SINGLE FAMILY

THROUGH A PLANNED PROCESS AS OUTLINED IN THE ZONING CODE, NEIGHBORHOOD RETAIL, CITY AND NEIGHBORHOOD PARKS, AND SCATTERED MULTI-FAMILY UNITS WITHIN SINGLE FAMILY ZONES CAN BE PROVIDED AT THE DISCRETION OF THE CITY.



## MAP 4.0, EAST VILLAGE SHORT PLAT COMPREHENSIVE PLAN DESIGNATIONS

Not to Scale





**MAP 5.0, EAST VILLAGE SHORT PLAT  
AERIAL MAPPING**

Aerial map from Google Map data dated 2014 (retrieved in 2017) - Not to Scale





 The approximate East Village Short Plat boundary is shown with dashed red lines on this oblique aerial to illustrate nearby land uses



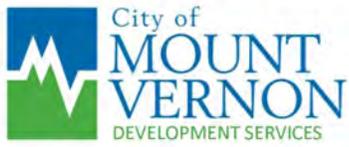
**MAP 6.0, EAST VILLAGE SHORT PLAT  
AERIAL MAPPING**

Aerial map from Google Map data dated 2014 (retrieved in 2017) - Not to Scale



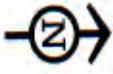


 The approximate East Village Short Plat boundary is shown with dashed red lines on this oblique aerial to illustrate nearby land uses



**MAP 7.0, EAST VILLAGE SHORT PLAT  
AERIAL MAPPING**

Aerial map from Google Map data dated 2014 (retrieved in 2017) - Not to Scale





The approximate East Village Short Plat boundary is shown with dashed red lines on this oblique aerial to illustrate nearby land uses



**MAP 8.0, EAST VILLAGE SHORT PLAT**  
**AERIAL MAPPING**

Aerial map from Google Map data dated 2014 (retrieved in 2017) - Not to Scale



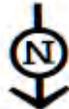


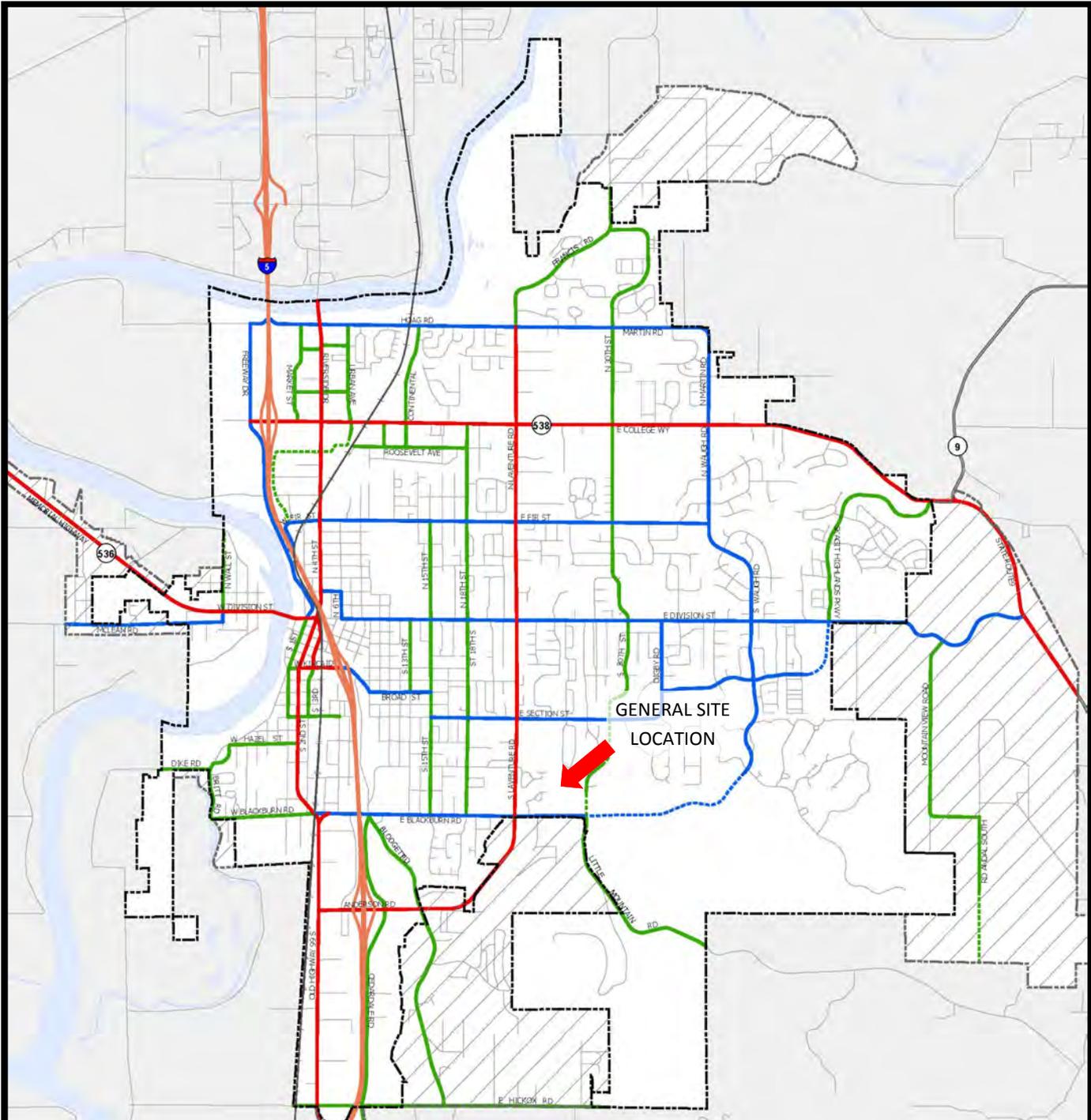
The approximate East Village Short Plat boundary is shown with dashed red lines on this oblique aerial to illustrate nearby land uses



**MAP 9.0, EAST VILLAGE SHORT PLAT**  
**AERIAL MAPPING**

Aerial map from Google Map data dated 2014 (retrieved in 2017) - Not to Scale



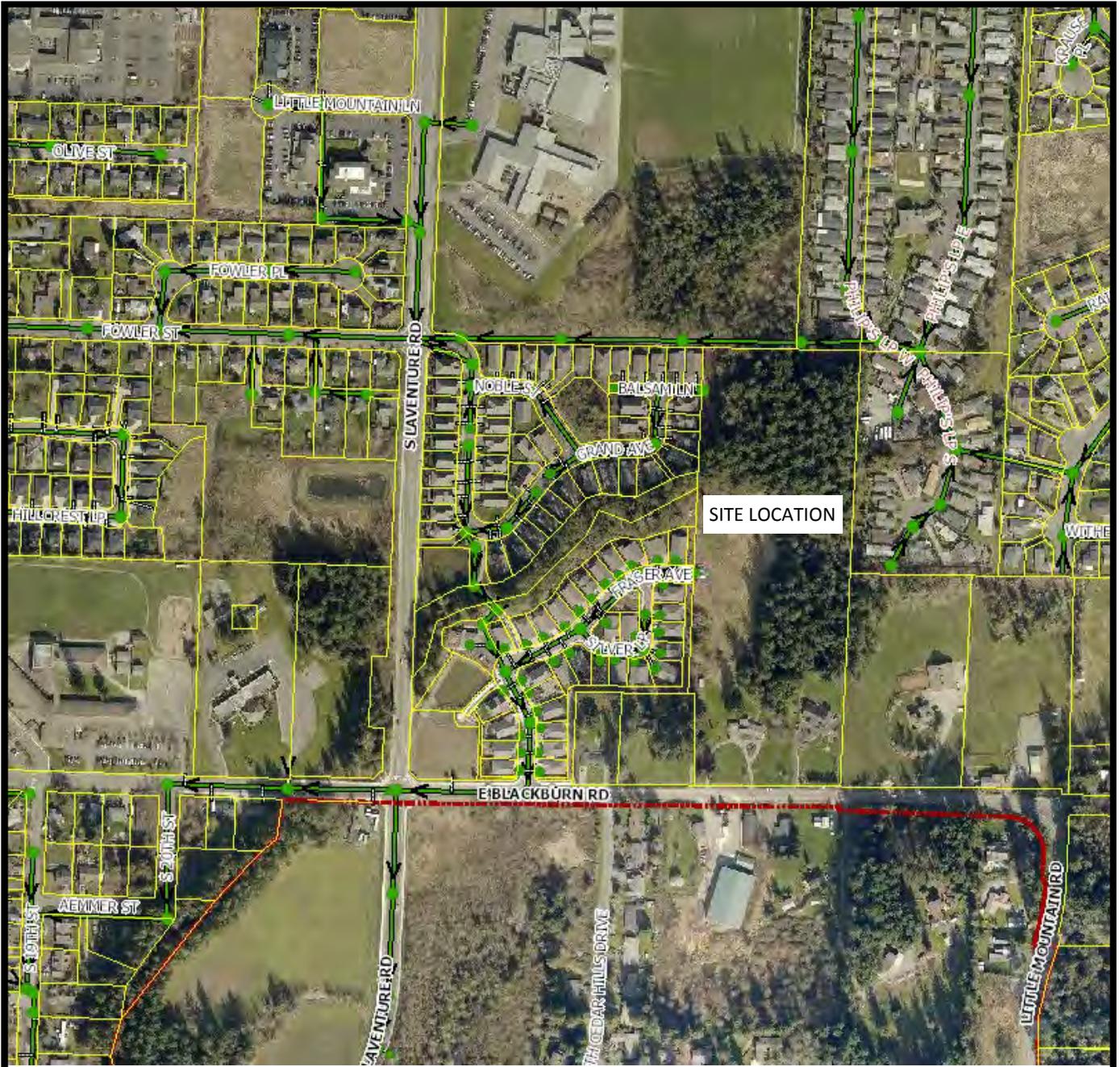


Street Classification, Status					
	Principal Arterial, Existing		Principal Arterial, Proposed		Other Street
	Minor Arterial, Existing		Minor Arterial, Proposed		Railroad
	Urban Collector, Existing		Urban Collector, Proposed		City Boundary
					Urban Growth Area
					Water Body

City of  
**MOUNT VERNON**  
DEVELOPMENT SERVICES

### MAP 10.0, EAST VILLAGE SHORT PLAT TRANSPORTATION NETWORK

Not to Scale



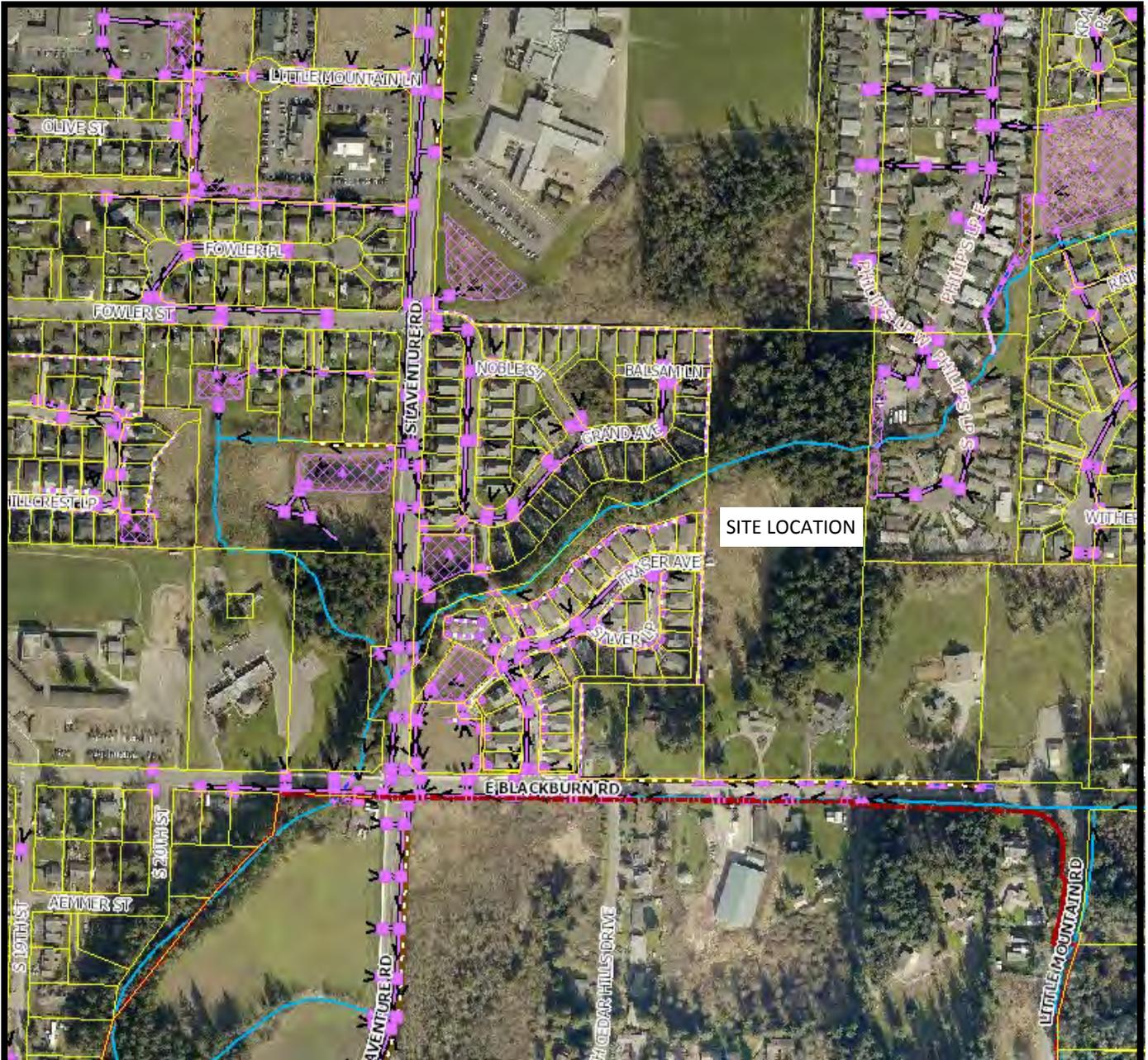
-  Existing sanitary sewer conveyance lines with direction of effluent indicated
-  Existing sanitary sewer manhole locations



**MAP 11.0, EAST VILLAGE SHORT PLAT  
EXISTING SANITARY SEWERS**

Not to Scale





-  Existing storm sewer conveyance lines with direction of stormwater indicated
-  Existing storm sewer manhole locations
-  Existing stormwater treatment facilities



**MAP 12.0, EAST VILLAGE SHORT PLAT  
EXISTING STORM SEWERS AND FACILITIES**

Not to Scale



**MVMC APPLICABLE TO THE  
PROPOSED PROJECT:**

**Title 2 Administration and Personnel**

Chapter 2.34 Hearing Examiner  
Chapter 2.35 Development Services Department  
Chapter 2.38 Public Works Director

**Title 3 Revenue and Finance**

Chapter 3.36 Impact Fees for School Facilities  
Chapter 3.40 Impact Fees for Public Streets, Roads, Parks, Open Space and Recreation  
Facilities and Fire Protection

**Title 12 Streets, Sidewalks and Public Works**

Chapter 12.04 Public Works Specifications

**Title 13 Sewers**

Chapter 13.08 Public Sewers  
Chapter 13.16 Building Sewers and Connections  
Chapter 13.33 Storm Water Drainage Utility

**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 15.08 International Fire Code and Fire Prevention Bureau  
Chapter 15.16 Grading, Excavation and Fill  
Chapter 15.18 Land Clearing  
Chapter 15.40 Critical Areas

**Title 16: Subdivisions**

Chapter 16.16 Design Standards  
Chapter 16.20 Improvements  
Chapter 16.32 Short Plats and Subdivisions

**Title 17 Zoning**

Chapter 17.15 R-1 Single-Family Detached Residential District

**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 subject short plat has been found to be consistent with the City’s Comprehensive Plan. Additionally, the following Goals, Objectives and Policies from the Land Use, Housing, and Transportation Elements of the Comprehensive Plan are provided because they directly relate to the subject project.

**CHAPTER 2, LAND USE ELEMENT OF THE COMPREHENSIVE PLAN**

	<p><b>Policy LU-1.1.6</b> Encourage infill development on vacant properties with existing public services and public utilities.</p>
<p><b>GOAL LU-2</b> PROVIDE FOR ORDERLY DEVELOPMENT WITHIN THE CITY OF MOUNT VERNON THAT IS CONSISTENT WITH ADOPTED PLANS AND DEVELOPMENT REGULATIONS.</p>	
<p><b>OBJECTIVE LU-2.1</b></p>	<p>Implement the Comprehensive Plan Land Use Map.</p>
<p><b>OBJECTIVE LU-5.1</b></p>	<p>Ensure that new development in the single-family residential designations are designed to provide quality homes and neighborhoods for residents and take care to mitigate impacts of new development on existing neighborhoods.</p>
	<p><b>Policy LU-5.1.1</b> A minimum net density of 4.0 dwelling units per acre for Single Family Residential neighborhoods shall be implemented unless: sensitive areas are documented on the site, it can be shown that sensitive areas near the site will be adversely affected with the proposed development, where designated resources lands exist, where areas are designated as special flood risk areas, where access is restricted, where other physical site constraints limit the number of lots that could be created, or where the existing neighborhoods identified on Map LU-5 would be negatively impacted. The neighborhoods identified on Map LU-5 shall not have a net density of greater than 3.23 dwelling units per acre.</p>
	<p><b>Policy LU-5.1.3</b> Support site plans for new residential developments that transition to and blend with existing development patterns using techniques such as lot size, depth and width, access points, building location setbacks, and landscaping. Sensitivity to unique features and differences among established neighborhoods should be reflected in site plan design. Interpret development standards to support coordinated structural design, private yards and substantial common space areas.</p>
	<p><b>Policy LU-5.1.8</b> Interpret development standards to support plats designed to incorporate vehicular and pedestrian connections between plats and neighborhoods.</p>

**Policy LU-5.1.10**

Support residential development incorporating a hierarchy of streets. Street networks should connect through the development to existing streets, avoid “cul-de-sac” or dead end streets, and be arranged in a grid street pattern (or a flexible grid street system if there are environmental constraints).

**GOAL LU-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 LU-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 LU-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. Key areas of consideration and emphasis for development include:

- Steep slopes;
- Streams with associated wetlands;
- Habitat areas; and,
- Natural vegetation.

Programs should be expanded for non-detrimental access to these areas and opportunities for interpretation and education be provided.

**OBJECTIVE LU-16.2**

Preserve open space, sensitive resources and maintain varied uses.

**Policy LU-17.1.2**

Consider the best available science to determine critical area buffers and maintain achievable ecological functions of those buffers. Use easements or equivalent protective measures to protect critical areas and critical area buffers that are not protected through public ownership.

**Policy LU-17.1.4**

Consider allowing alterations to critical areas, after all ecological functions are evaluated, the least harmful and reasonable alternatives are identified, and affected significant functions are appropriately mitigated, to:

- Maintain and improve a critical area; or,
- Avoid denial of reasonable use of the property; or
- Meet other priority growth management goals and programs consistent with GMA and the City Comprehensive Plan.

**Policy LU-17.1.5**

Establish mitigation priorities such as impact avoidance, impact minimization, and compensation in critical area regulations. Mitigation sites should be located strategically to alleviate habitat fragmentation.

**Policy LU-17.1.8**

Grading and construction activities should implement erosion control Best Management Practices and other development controls as necessary to reduce sediment and pollution discharge from construction sites to minimal levels.

**GOAL LU-18** MAINTAIN, AND IMPROVE WHERE POSSIBLE, WATER QUALITY.

**Policy LU-18.1.1**

Require adequate erosion and sedimentation controls from new construction sites.

**Policy LU-18.1.2**

Require adequate water controls for new development.

**GOAL LU-21** PRESERVE, PROTECT, AND WHERE POSSIBLE, RESTORE NATURAL HABITAT FOR THE CONSERVATION OF SALMONID SPECIES LISTED UNDER THE FEDERAL ESA, THROUGH THE USE OF MANAGEMENT ZONES, DEVELOPMENT REGULATIONS, INCENTIVES FOR VOLUNTARY EFFORT OF PRIVATE LANDOWNERS AND DEVELOPERS, LAND USE CLASSIFICATIONS OR DESIGNATIONS, HABITAT ACQUISITION PROGRAMS OR HABITAT RESTORATION PROJECTS.

**OBJECTIVE LU-21.1:**

Preserve fish and wildlife habitat, where appropriate.

**GOAL LU-22** PRESERVE AND PROTECT, WHERE POSSIBLE, IDENTIFIED WETLANDS WITHIN THE CITY.

**OBJECTIVE LU-22.1**

Preserve wetlands and implement a wetlands management strategy.

**Policy LU-22.1.1**

Determine wetland boundaries using the procedures provided in the following manuals: U.S. Army Corps of Engineers. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center. And all applicable guidance not superseded by more recent guidance in: Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Or the scientifically accepted replacement methodology based on better technical criteria and field indicators as directed by the City following consultation with the WA State Department of Ecology and U.S. Corps of Engineers.

**Policy LU-22.1.3**

Promote mitigation projects that create or restore wetland areas or enhance existing wetland areas. Ensure wetland mitigation projects in the City attain the same ecological functions as natural wetlands of equivalent quality. Preserve land used for wetland mitigation in perpetuity. Monitoring and maintenance should be provided until the success of the site is established.

**CHAPTER 3, HOUSING ELEMENT OF THE COMPREHENSIVE PLAN**

	<b>Policy HO-1.1.1</b>	The Comprehensive Plan shall provide housing capacity for all market segments to meet the growth targets identified for the City of Mount Vernon in the Skagit County Population and Employment Allocation adopted by County-Wide Planning Policies.
	<b>Policy HO-1.1.4</b>	Continue to promote plans and policies that encourage in-fill residential projects in close proximity to neighborhood centers, shopping and retail facilities, parks, transit routes and other service uses.
<b>Objective HO-2.1</b>	Promote infill housing that is compatible with abutting housing styles and with the character of the existing neighborhood.	
	<b>Policy HO-2.1.1</b>	Encourage infill housing on vacant or underutilized parcels having adequate services, and ensure that the infill development is compatible with surrounding neighborhoods.

**CHAPTER 5, TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN**

**TRANSPORTATION GOAL 1:** CONTRIBUTE TO A WELL-DESIGNED TRANSPORTATION SYSTEM THROUGH REASONABLE, PLANNED, ECONOMICALLY FEASIBLE TRANSPORTATION IMPROVEMENTS THAT SUPPORT ADOPTED LAND USE PLANS, PROTECT OR IMPROVE BUSINESS ACCESS, AND PROTECT THE CITY’S NEIGHBORHOODS.

<b>OBJECTIVE 1.1:</b>	Create a comprehensive street system that provides reasonable vehicular circulation throughout the City while enhancing the safety and function of the local transportation system.	
	<b>Policy 1.1.3</b>	Streets and pedestrian paths in residential neighborhoods should be arranged as an interconnecting network that serves local traffic and facilitates pedestrian circulation.
	<b>Policy 1.1.4</b>	Provide a balance between protecting neighborhoods from increased through traffic while maintaining access to neighborhoods.
<b>OBJECTIVE 1.2:</b>	Coordinate land use and transportation planning to meet the needs of the City.	
<b>OBJECTIVE 1.4:</b>	Design transportation facilities to preserve and to be consistent with the natural and built environments.	
	<b>Policy 1.4.3</b>	Foster connectivity of new development with the surrounding neighborhood, allowing cul-de-sacs only where it can be clearly demonstrated that a future connection will not be necessary.

**Policy 3.1.1**

Encourage pedestrian and bicycle connections between residential developments, neighborhood commercial centers, recreation areas. Use incentives or regulations to encourage new construction to promote pedestrian and bicycle connections to schools, parks, community centers, public transit services and facilities, neighborhoods and other services.

<b>PROCEDURAL REQUIREMENTS COMPLETED LEADING UP TO THE HEARING EXAMINER'S HEARING:</b>	<b>Date</b>	<b>Description</b>
	9.15.15	Applicant met with City staff at a pre-application meeting to ascertain City requirements to allow the subject short plat and deferral to be submitted
	12.29.16	Application materials were submitted to the City and deemed counter complete
	12.30.16	Application deemed technically complete for processing
	1.13.17	A copy of the applicant's site plans, technical reports and the NOA/Proposed Optional SEPA determination was distributed by city staff to other City Departments who were asked to provide comments on/before 1.30.17
	1.17.17	NOA/Proposed Optional MDNS was issued
	1.19.17	The applicant posted a land use sign with the NOA/Proposed Optional MDNS on the subject site
	1.20.17	This NOA/Proposed Optional MDNS was mailed to property owners within 300 feet of the subject site and was published in the Skagit Valley Herald
	2.1.17	Notice of Decision for an Administrative Determination is issued by the City outlining how the land use process the subject project will be subject to
	2.22.17	Project put on hold pending the submittal of information/studies requested by City staff
	2.27.17	D. Prutzman submits a letter to R. Lowell with regard to Lot/Building Product for East Village
	5.3.17	B. Furlong submits a letter to R. Lowell
	5.5.17	A Mitigated Determination of Non-Significance (MDNS) & Notice of Public Hearing was issued and was mailed to those property owners within 300 feet of the subject site along with all parties of record
	5.8.17	The MDNS and Notice of Public Hearing was published in the Skagit Valley Herald on 5.8.17
	5.23.17	A Notice of Re-Scheduled Public Hearing was issued
	5.26.17	The Notice of Re-Scheduled Public Hearing was mailed to those property owners within 300 feet of the subject site and to all parties of record and was also published in the classified section of the Skagit Valley Herald

## APPROVAL CRITERIA & STAFF ANALYSIS

The approval criteria found in the MVMC for Short Plats (16.32.050) and for the deferral of street frontage improvements (14.10.110) are provided below followed by staff's analysis of how the subject development complies with said approval criteria.

### SHORT PLAT APPROVAL CRITERIA

#### **16.32.050 Community and economic development and public works directors approval criteria**

*The community and economic development and public works directors shall determine if appropriate provisions have been included in the preliminary short plat for, but not limited to, the public health, safety and general welfare, open spaces, drainage ways, critical areas, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools.*

*A. If the community and economic development and public works directors find that the public use and interest will be served by the platting of such subdivision, then the directors shall recommend approval. If the directors find that the proposed short plat does not make such appropriate provisions or that the public use and interest will not be served, then the directors may recommend disapprove the preliminary short plat.*

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

<p><b>Appropriate provisions for: public health, safety and general welfare</b></p>	<p>MVMC Chapters 16.04, 16.32, 13.33, and 15.40 all have intent/purpose statements that specifically state they are to promote public health, safety and general welfare [see 16.04.010(B), 16.32.010, 13.33.010, 15.40.0140(A)(1)].</p> <p>The City ensures that projects are promoting public health, safety and general welfare by requiring compliance with these MVMC regulations.</p>
<p><b>Appropriate provisions for: open spaces</b></p>	<p>Open spaces are regulated within the MVMC with building setbacks and critical area buffer requirements.</p> <p>This short plat will be conditioned such that the building setbacks from MVMC 17.15.070 must be observed when structures are built following final short plat approval.</p> <p>This short plat complies with the buffer requirements found in MVMC 15.40.080(B) buffers for fish habitat waters, MVMC 15.40.090(F)(1) standard buffer requirements for wetlands, MVMC 15.40.090(F)(4) that regulates how buffer averaging can be completed, and 15.40.090(F)(8) that allows the use of wetland mitigation banks.</p> <p>The City's development regulations require that developers pay impact fees for Parks, Open Space and Recreation Facilities per MVMC Chapter 3.40. This impact fee will be required to be paid prior to building permits being issued by the City for new residential structures once final short plat approval is granted. Payment of this impact fee is intended to pay for a proportionate share of the cost of new parks, open space and recreation facilities needed to serve new growth and development.</p> <p>Compliance with the above-listed sections of the MVMC demonstrates that appropriate provisions have been included for open spaces.</p>

**Appropriate provisions for: drainage ways**

Drainage ways are regulated within the MVMC with stormwater and critical area requirements.

This short plat will be conditioned such that stormwater from new impervious surfaces will be cleaned and attenuated per the 'Stormwater Management Manual for Western Washington' prepared and published by the Washington State Department of Ecology in 2012 (Publication No. 14-10-055) that is adopted as part of MVMC Chapter 13.33.

This short plat will also be required to comply with MVMC Chapter 15.40 that regulates the identification, buffers, and conditions under which the on-site stream and wetlands can be altered.

The applicant has submitted a Drainage Analysis prepared by a registered professional engineer. This report shows that the short plat will be designed to attenuate and clean stormwater per code. The Critical Area Site Assessment submitted with the short plat shows that the short plat will comply with the City's adopted critical area code. Accompanying this Staff Report labeled as **Exhibits 7 and 8** are the referenced Drainage Analysis and Critical Area Site Assessment.

Staff finds that the applicant will be in compliance with the portions of the MVMC that regulate drainage ways thus demonstrating appropriate provisions for drainage ways have been provided.

**Appropriate provisions for: critical areas**

Critical areas are regulated with MVMC Chapter 15.40, Critical Areas.

The applicant has submitted a Critical Area Site Assessment (accompanying this Staff Report labeled as **Exhibit 8**). This Assessment identifies, categories and outlines the applicant's proposed mitigation related to the wetlands proposed to be filled and the wetland buffers proposed to be averaged.

Staff finds that the applicant will be in compliance with the portions of the MVMC related to critical areas thus demonstrating appropriate provisions for critical areas have been met.

**Appropriate provisions for: streets, alleys, other public ways**

Streets, alleys, and other public ways are regulated within the MVMC with Chapters 14.10 (Concurrency Management), Chapter 12.04 (Public Works Specifications), and 16.16, (Design Standards for Nonarterial streets).

MVMC 14.10.110 states that short plats are required to construct street improvements unless the city engineer recommends and the city council approves a waiver or deferral of the requirement. Accompanying this Staff Report labeled as **Exhibit 12** is a recommendation from the City's Engineer, Esco Bell, to defer the required street frontage improvements on Blackburn Road.

MVMC 16.16.040 provides the criteria by which Private streets can be approved within the City. All of the proposed lots within the subject short plat are larger than 10,000 s.f. in size which means per MVMC 16.16.040(A)(1) the private street can be approved to serve the proposed seven (7) residential lots and the detention pond tract. The private road that the applicant has proposed for the short plat consists of a 20-foot wide paved surface with a 36-foot wide access and utility easement and has an approved turnaround. This road does not exceed 10% grade and when construction permits are submitted following preliminary short plat approval the applicant will be required to construct the private road per the specifications found in the City's Engineering Standards adopted in Chapter 12.04 and Chapter 16.16.040. The short plat will be conditioned such that it is required to include the statement with regard to the maintenance of the private road outlined in MVMC 16.16.040(C) on the face of the recorded, final, short plat.

Per MVMC 16.16.040(B) the proposed private road does not conflict with the Comprehensive Plan, it is not needed for public circulation, it does not connect two public road, and it will not be allowed to be extended in the future to serve more than nine (9) lots.

The proposed short plat complies with MVMC 16.16.060(A) because there are two vehicular access routes that connect with LaVenture Road within the Big Fir North development. The proposed short plat road will connect to Balsam Lane. Balsam Lane connects with Noble Street and Grand Avenue. Grand Avenue connects with LaVenture Road near the NW corner of the Big Fir North development. The Big Fir North development also has open space tract 998 located immediately to the north of the detention pond that was designated on the fact of the Big Fir North plat map "to be used for emergency access and utility purposes". Accompanying this Staff Report labeled as **Exhibit 15** is a copy of the Big Fir North (Phases I and II) plat maps.

The City's development regulations require that developers pay traffic impact fees per MVMC Chapter 3.40. This impact fee will be required to be paid prior to building permits being issued by the City for new residential structures once final short plat approval is granted. Payment of this impact fee is intended to pay for a proportionate share of the cost of public streets and roads needed to serve new growth and development.

Staff finds that the applicant will be in compliance with the portions of the MVMC that regulate streets, alleys, and other public ways thus demonstrating that appropriate provisions have been included for these facilities.

**Appropriate provisions for: water supplies**

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 subject short plat will be conditioned such that potable water from PUD must be provided to serve each of the proposed residential lots.

Staff finds that the applicant will be required to design, permit, and install potable water facilities per the requirements of Skagit PUD #1 and thus appropriate provisions for water supplies have been made.

**Appropriate provisions for: sanitary wastes**

Sanitary wastes are regulated with MVMC Chapters 13.08, 13.12, 13.16, and 13.32. The applicant will be required to design and install sanitary sewers to serve each of the proposed residential lots. The applicant's site plans submitted as part of the short plat show where the sanitary sewers are proposed to be located (see the accompanying **Exhibit 11**). The applicant will pay connection chargers per MVMC 13.32 once the short plat is finalized and building permits are issued for the new residential structures to be built on what are currently proposed lots.

Staff finds that the applicant will be in compliance with the portions of the MVMC that regulate sanitary wastes thus demonstrating that appropriate provisions have been included for sanitary wastes.

**Appropriate provisions for: parks, playgrounds and sites for schools**

The City's development regulations require that developers pay impact fees for Parks, Open Space and Recreation Facilities per MVMC Chapter 3.40 along with impact fees for School Facilities per MVMC 3.36. Both sets of impact fees will be required to be paid prior to building permits being issued by the City for new residential structures built after the short plat is finalized.

Payment of both the school and the Parks, Open Space and Recreation Facilities is intended per the referenced portions of the MMVC to pay for a proportionate share of the cost of new school facilities and new parks, open space and recreation facilities needed to serve new growth and development.

Staff finds that the applicant will be required to pay both school and parks, open space and recreational impact fees and with this required payment appropriate provisions will be included for parks, playgrounds and sites for schools.

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**DEFERRAL OF STREET FRONTAGE IMPROVEMENTS APPROVAL CRITERIA**

**14.10.110 Short plats**

*Short plats will be subject to the applicable subdivision codes. Currently they are required to construct street improvements unless the city engineer recommends and the city council approves a waiver or deferral of the requirement. Subsequent building permits and sequential building permit approvals within the short plat would be subject to concurrency requirements.*

*Statements shall be placed on the face of the short plat regarding future concurrency requirements.*

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The staff analysis with regard to the approval criteria found in MVMC 14.10.110 is provided as follows:

Accompanying this Staff Report labeled as **Exhibit 12** is a document from the City Engineer, Esco Bell, recommending that the City Council approve a deferral of the requirement to install frontage improvements along Blackburn Road.

The subject short plat will be conditioned such that statements will be placed on the face of the short plat regarding future concurrency requirements.

Staff finds that the City Engineer's recommendation to defer the Blackburn Road improvements in conjunction with the requirement to place notes on the face of the plat regarding future concurrency requirements demonstrates compliance with these approval criteria.

## SEPA APPEAL RESPONSE

MVMC 15.06.215(M) states the staff report on a SEPA appeal shall contain:

- a. The SEPA threshold determination.
- b. All written comments submitted to the responsible official.
- c. The letter of appeal.
- d. All written comments on the appeal received by the development services department from persons entitled to participate in the appeal and within the scope of the appeal.
- e. An analysis of the specific factual findings and conclusions disputed in the letter of appeal.

As such, staff has organized this portion of the Staff Report to respond to the required information in the same order that is listed in subsections a – e.

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### **a. The SEPA threshold determination.**

The SEPA threshold determination was a mitigated determination of non-significance (MDNS). The mitigation measures that were part of this determination are as follows:

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

Leading up to the issuance of this MDNS, on January 17, 2017, the City of Mount Vernon (lead agency) issued a Notice of Application (NOA) combined with a proposed Optional Mitigated Determination of Non-Significance (MDNS) for the subject short plat project. Following the NOA and proposed optional MDNS comment period a MDNS was issued for the project on May 5, 2017. The MDNS was issued with an additional comment period that tolled on May 18, 2017 and with an appeal period for the MDNS that tolled on May 30, 2017. Attached, labeled as **Exhibits 4d and 4h** are copies of the proposed MDNS, the MDNS and its associated Environmental Report.

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### **b. All written comments submitted to the responsible official.**

The written comments received following the issuance of the NOA/Optional MDNS are attached to this Staff Report labeled as **Exhibit 4h**.

The written comments received following the issuance of the threshold MDNS are attached to this Staff Report labeled as **Exhibit 13**.

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### **c. The letter of appeal.**

The letter of appeal is attached to this Staff Report labeled as **Exhibit 14**.

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### **d. All written comments on the appeal received by the development services department from persons entitled to participate in the appeal and within the scope of the appeal.**

All written comments on the appeal received by the development services department from persons entitled to participate in the appeal and within the scope of the appeal are attached to this Staff Report labeled as **Exhibits 4h, 13 and 14**.

**e. An analysis of the specific factual findings and conclusions disputed in the letter of appeal.**

The appellant asserts the MDNS issued by the City “fails to adequately mitigate the effects the proposed subdivision will have on the Big Fir Adult residential community through which all traffic entering or leaving the proposed subdivision must pass”. Further, the appellant states, “The proposed subdivision if not mitigated will cause dangerous traffic conflicts for the elderly residents of Big Fir, will disturb the peace and tranquility that typify the Big Fir over 55 community and depress property values for Big Fir residents’ properties”.

In response staff notes that before issuing the NOA/proposed Optional MDNS the responsible official reviewed all of the factual information and technical reports submitted for the project. This included the SEPA checklist (attached as **Exhibit 9**); the Critical Areas Site Assessment (attached as **Exhibit 8**), the Drainage Analysis (attached as **Exhibit 7**), and the Short Plat maps (attached as **Exhibit 11**). This information in combination with the City’s existing development regulations and the mitigation measure applied to this project in the MDNS (regarding historical and/or archeological materials) were analyzed together and the Responsible Official found that there would be no additional probable significant environmental impacts attributable to this project.

During the comment period following the issuance of the NOA/proposed Optional MDNS the responsible official received a number of comments. In response to the comments received the City reevaluated the validity of the “intent to issue” the MDNS under WAC 197-11-355(4) and required additional information prior to making the threshold determination. The additional information received included:

- Letter dated March 20, 2017, from Victor L. Salemann, PE, with Transportation Solutions, Inc (included as part of **Exhibit 4h**)
- Consulting Report Summary dated April 10, 2017, from Dan Hewitt, SRA (included as part of **Exhibit 4h**)

The MDNS was issued with amended supporting information and included a comment period pursuant to WAC 197-11-355(4)(b) so that everyone had the same benefit of reviewing the new information and an opportunity to comment.

The Environmental Staff Report that accompanied the final MDNS issued for this project (attached labeled as **Exhibit 4h**) includes an analysis of the environmental impacts, mitigation measures, the nexus to the listed mitigation measures, and provides responses to the comments received by the City following the issuance of the NOA/proposed Optional MDNS.

In addition to the analysis provided within the Environmental Staff Report (attached labeled as **Exhibit 4h**), staff offers the following:

- WAC 197-11-060(4)(a) states, “(a) SEPA's procedural provisions require the consideration of "environmental" impacts (see definition of "environment" in WAC 197-11-740 and of "impacts" in WAC 197-11-752), with attention to impacts that are likely, not merely speculative. (See definition of "probable" in WAC 197-11-782 and 197-11-080 on incomplete or unavailable information.) The appellant alleges that the subject short plat will, if not mitigated, depressed property values for Big Fir residents’ properties. Depressed property values is not an ‘environmental’ impact per WAC 197-11-444 requiring consideration by the responsible official.

## 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 short plats found in MVMC 16.32 have been satisfied.
- The approval criteria for the deferral of street frontage improvements found in MVMC 14.10 have been satisfied.
- The short plat 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 Hearing Examiner **AFFIRM THE SEPA DECISION BEING APPEALED**; and,
2. That the preliminary short plat and deferral of street frontage improvements associated with Mount Vernon **File No. PL16-150**, 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:



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Rebecca Lowell, Senior Planner

June 15, 2017

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Date

## NOTES TO THE APPLICANT AND PARTIES OF RECORD

1. The applicant will be required to complete the final short plat process before this short plat can be recorded. Please see MVMC 16.32.020(B) and 16.32.030(B).
2. The SEPA mitigation measure shall be complied with. Please see the accompanying **Exhibit 4d**.
3. The Hearing Examiner will make a final decision on the SEPA appeal. Within 10 working days after the public hearing, the hearing examiner will issue a written decision on the appeal. Within four (4) calendar days after the decision is issued, the decision will be distributed as outlined within MVMC 15.06.215(O)(2). The decision of the hearing examiner on the appeal will be the final decision. The judicial appeal process is outlined within 15.06.215(V). 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>
4. The short plat and deferral of street frontage improvements sought by the applicant require that 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. 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). 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>
5. Land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than nine parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of nine lots within the original short plat boundaries. The owner who files the original short plat may transfer this right to the subsequent owners with a statement on the face of the short plat.