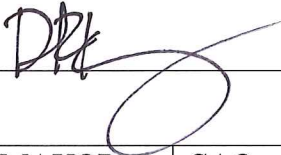


**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: January 11, 2016**

AGENDA ITEM: Harvest Heights subdivision (ZA06-128064SD), located at 4918 83 <sup>rd</sup> Avenue NE.	AGENDA SECTION: New business	
PREPARED BY: Angela Gemmer, Associate Planner	APPROVED BY: 	
ATTACHMENTS: 1. Sno. Co. Hearing Examiner's Decision dated 6/5/07 2. Vicinity map 3. Legal description 4. Final plat checklist 5. Final plat map	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

**DESCRIPTION:**

The Snohomish County Hearing Examiner granted preliminary subdivision approval for a 20-lot subdivision known as "Harvest Heights" on June 5, 2007. This plat was annexed into the City on December 1, 2006, and is located on the west side of 83<sup>rd</sup> Avenue NE between 49<sup>th</sup> Street NE and 50<sup>th</sup> Street NE at a site address of 4918 83<sup>rd</sup> Avenue NE.

The subject plat includes two half streets (49<sup>th</sup> Street NE and 50<sup>th</sup> Street NE) which connect to the adjacent plats to the west and were constructed over the Public Utility District (PUD) utility corridor. As a condition of final plat approval, the land upon which the two half streets were constructed was required to be conveyed from PUD to the City. On July 13, 2015, City Council authorized the City to acquire this land from PUD subject to reimbursement from the developer of the acquisition cost. This transaction was finalized in November 2015. The applicant has met all plat conditions of approval.

**RECOMMENDED ACTION:**

Staff recommends that the City Council approve and authorize the Mayor to sign the final plat of Harvest Heights.

**COUNCIL ACTION:**



**Snohomish County**

**REPORT and DECISION of the SNOHOMISH  
COUNTY HEARING EXAMINER PRO TEM**

**Hearing Examiner's Office**

Email: [Hearing.Examiner@co.snohomish.wa.us](mailto:Hearing.Examiner@co.snohomish.wa.us)

**Ed Good**

Deputy Hearing Examiner

M/S 405

3000 Rockefeller Ave.  
Everett, WA 98201

(425) 388-3538

FAX (425) 388-3201

DATE OF DECISION: June 5, 2007

PLAT/PROJECT NAME: *HARVEST HEIGHTS*

APPLICANT/  
LANDOWNER: Harvest Heights LLC

FILE NO.: 06 128064 SD

TYPE OF REQUEST: 20 lot subdivision utilizing lot size averaging

DECISION (SUMMARY): APPROVED

**BASIC INFORMATION**

GENERAL LOCATION: The property is located on the west side of 83<sup>rd</sup> Avenue, between 49<sup>th</sup> Street NE and 50<sup>th</sup> Street NE, Marysville, Washington

ACREAGE: 4.66 acres

NUMBER OF LOTS: 20

AVERAGE LOT SIZE: 6,683 square feet

MINIMUM LOT SIZE: 6,457 square feet

DENSITY: 4.3 du/ac (gross)  
5.95 du/ac (net)

ZONING: Residential-7200 (R-7200)

OPEN SPACE: 12,615 square feet

**COMPREHENSIVE PLAN DESIGNATION:**

General Policy Plan Designation: Urban Low Density Residential – Limited  
(5-6 du/ac Marysville UGA Only)

**UTILITIES:**

Water/Sewer: City of Marysville Public System

06128064.doc

SCHOOL DISTRICT: Lake Stevens

## INTRODUCTION

The applicant filed the Master Application on September 28, 2006. (Exhibit 1)

The Department of Planning and Development Services (PDS) gave proper public notice of the open record hearing as required by the county code. (Exhibits 19, 20 and 21)

A SEPA determination was made on April 26, 2007. (Exhibit 18) No appeal was filed.

The Examiner held an open record hearing on May 29, 2007, the 82<sup>nd</sup> day of the 120-day decision making period. Witnesses were sworn, testimony was presented, and exhibits were entered at the hearing.

The area has been annexed to the City of Marysville, which will take over administration of plat development.

## PUBLIC HEARING

The public hearing commenced on May 29, 2007 at 11:01 a.m.

1. The Examiner announced that he had read the PDS staff report, reviewed the file and viewed the area and therefore was generally apprised of the particular request involved.
2. The applicant, Harvest Heights, LLC, was represented by Debbie Rothfus, Peak Engineering. Snohomish County was represented by Bob Pemberton of the Department of Planning and Development Services.

The hearing concluded at 11:10 a.m.

**NOTE:** For a complete record, an electronic recording of this hearing is available in the Office of the Hearing Examiner.

## FINDINGS, CONCLUSIONS AND DECISION

### FINDINGS OF FACT

Based on all the evidence of record, the following findings of fact are entered.

1. The master list of exhibits and witnesses which is a part of this file and which exhibits were considered by the Examiner, is hereby made a part of this file, as if set forth in full herein.
2. The DPW reviewed the request with regard to traffic mitigation and road design standards. That review covered Title 13 SCC and Chapter 30.66B SCC as to road system capacity, concurrency, inadequate road conditions, frontage improvements, access and circulation, and dedication/deeding of right-of-way, state highway impacts, impacts on other streets and roads, and Transportation Demand Management. As a result of that review, the DPW has determined that the development is concurrent and has no objection to the requests subject to various conditions.

3. The project would comply with park mitigation requirements under Chapter 30.66A SCC by the payment of \$35.75 for each new single-family home.
4. School mitigation requirements under Chapter 30.66C SCC have been reviewed and set forth in the conditions.
5. One small Category 3 wetland exists on the eastern boundary, which will be preserved with buffer enhancement to mitigate impacts of road widening.
6. The PDS Engineering Division has reviewed the concept of the proposed grading and drainage and recommends approval of the project subject to conditions, which would be imposed during full detailed drainage plan review pursuant to Chapter 30.63A SCC.
7. The Snohomish County Health District has no objection to this proposal provided that public water and sewer are furnished. Public water and sewer service and electrical power will be available for this development.
8. The request complies with the Snohomish County Subdivision Code, Chapter 30.41A SCC as well as the State Subdivision Code, RCW 58.17. The proposed plat complies with the established criteria therein and makes the appropriate provisions for public, health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and other planning features including safe walking conditions for students.
9. The request is consistent with Section 30.70.100 SCC, which requires, pursuant to RCW 36.70B.040, that all project permit applications be consistent with the GMACP and GMA-based county codes.
10. Any finding of fact in this decision which should be deemed a conclusion is hereby adopted as such.

### CONCLUSIONS OF LAW

Based on the findings of fact entered above, the following conclusions of law are entered.

1. The Examiner having fully reviewed the PDS staff report, hereby adopts said staff report as properly setting forth the issues, the land use requests, consistency with the existing regulations, policies, principles, conditions and their relationship to the request. It is therefore hereby adopted by the Examiner as a conclusion as if set forth in full herein, in order to avoid needless repetition.
2. The Department of Public Works recommends that the request be approved as to traffic use subject to conditions specified below herein.
3. The request is consistent with the (1) GMACP, GMA-based County codes, (2) the type and character of land use permitted on the site, (3) the permitted density, and (4) the applicable design and development standards.
4. Any conclusion in this decision which should be deemed a finding of fact is hereby adopted as such.

## DECISION

Based on the findings of fact and conclusions of law entered above, the decision of the Hearing Examiner on the application is as follows:

The request for a 20 lot PRELIMINARY PLAT on 4.66 acres is hereby **CONDITIONALLY APPROVED**, subject to the following conditions:

## CONDITIONS

- A. Preliminary plat received by PDS on March 28, 2007 (Exhibit 12) shall be the approved plat configuration. Changes to the approved plat are governed by SCC 30.41A.330.
- B. Prior to initiation of any further site work; and/or prior to issuance of any development/construction permits by the county:
  - i. All site development work shall comply with the requirements of the plans and permits approved pursuant to Condition A, above.
  - ii. The platlor shall mark with temporary markers in the field the boundary of all Native Growth Protection Areas (NGPA) required by Chapter 30.62 SCC, or the limits of the proposed site disturbance outside of the NGPA, using methods and materials acceptable to the county.
  - iii. A final mitigation plan based on the *Critical Areas Study and Wetland Mitigation Plan for Harvest Heights* prepared by Wetland Resources dated revised November 30, 2007 (Exhibit 11) shall be submitted for review and approval during the construction review phase of this project.
- C. The following additional restrictions and/or items shall be indicated on the face of the final plat:
  - i. "The lots within this subdivision will be subject to school impact mitigation fees for the Lake Stevens School District No.4 to be determined by the certified amount within the Base Fee Schedule in effect at the time of building permit application, and to be collected prior to building permit issuance, in accordance with the provisions of SCC 30.66C.010. Credit shall be given for one existing parcel. Lot 1 shall receive credit."
  - ii. Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each single-family residential building permit:

\$2,090.15 per lot for mitigation of impacts on county roads paid to the county,  
\$2,413 per lot for mitigation of impacts on the City of Marysville streets paid to the city.  
\$637.45 per lot for mitigation of impacts on the City of Arlington streets paid to the city.

Notice of these mitigation payment obligations shall be contained in any deeds involving this subdivision or the lots therein. Once building permit has been issued all mitigation payments shall be deemed paid.
  - iii. All Critical Areas shall be designated Native Growth Protection Areas (NGPA) (unless other agreements have been made) with the following language on the face of the plat:

"All NATIVE GROWTH PROTECTION AREAS shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur, except removal of hazardous trees. The activities as set forth in SCC 30.91N.010 are allowed when approved by the County."

- iv. The developer shall pay the County \$35.75 per new dwelling unit as mitigation for parks and recreation impacts in accordance with Chapter 30.66A SCC; provided, however, the developer may elect to postpone payment of the mitigation requirement until issuance of a building permit for that lot. The election to postpone payment shall be noted by a covenant placed on the face of the recorded plat and included in the deed for each affected lot within the subdivision.

D. Prior to recording of the final plat:

- i. Native Growth Protection Area boundaries (NGPA) shall have been permanently marked on the site prior to final inspection by the county, with both NGPA signs and adjacent markers which can be magnetically located (e.g.: rebar, pipe, 20 penny nails, etc.). The platlor may use other permanent methods and materials provided they are first approved by the county. Where an NGPA boundary crosses another boundary (e.g.: lot, tract, plat, road, etc.), a rebar marker with surveyors' cap and license number must be placed at the line crossing.

NGPA signs shall have been placed no greater than 100 feet apart around the perimeter of the NGPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the NGPA, unless otherwise approved by the county biologist. The design and proposed locations for the NGPA signs shall be submitted to the Land Use Division for review and approval prior to installation.

- ii. The final wetland mitigation plan (additional buffer, wetland and buffer enhancement) shall be completely implemented.

E. In conformity with applicable standards and timing requirements:

- i. The preliminary landscape plan (Exhibit 7) shall be implemented. All required detention facility landscaping shall be installed in accordance with the approved landscape plan.

F. All development activity shall conform to the requirements of Chapter 30.63A SCC.

Nothing in this permit/approval excuses the applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project.

Preliminary plats which are approved by the county are valid for five (5) years from the date of approval and must be recorded within that time period unless an extension has been properly requested and granted pursuant to SCC 30.41A.300.

Decision issued this 5<sup>th</sup> day of June, 2007.

  
Gordon Crandall, Hearing Examiner Pro Tem

## EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

The decision of the Hearing Examiner is final and conclusive with right of appeal to the County Council. However, reconsideration by the Examiner may also be sought by one or more parties of record. The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.72 SCC and the respective Examiner and Council Rules of Procedure.

### Reconsideration

Any party of record may request reconsideration by the Examiner. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2<sup>nd</sup> Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S #405, 3000 Rockefeller Avenue, Everett WA 98201) on or before **June 15, 2007**. There is no fee for filing a petition for reconsideration. **"The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing."** [SCC 30.72.065]

A petition for reconsideration does not have to be in a special form but must: contain the name, mailing address and daytime telephone number of the petitioner, together with the signature of the petitioner or of the petitioner's attorney, if any; identify the specific findings, conclusions, actions and/or conditions for which reconsideration is requested; state the relief requested; and, where applicable, identify the specific nature of any newly discovered evidence and/or changes proposed by the applicant.

The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner's decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record;
- (e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or
- (f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.72.065. Please include the County file number in any correspondence regarding this case.

### Appeal

An appeal to the County Council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the County Council shall be limited to those issues raised in the petition for reconsideration. Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with

the Department of Planning and Development Services, 2<sup>nd</sup> Floor, County Administration-East Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before **June 19, 2007** and shall be accompanied by a filing fee in the amount of five hundred dollars (\$500.00); PROVIDED, that the filing fee shall not be charged to a department of the County or to other than the first appellant; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect. [SCC 30.72.070]

An appeal must contain the following items in order to be complete: a detailed statement of the grounds for appeal; a detailed statement of the facts upon which the appeal is based, including citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; written arguments in support of the appeal; the name, mailing address and daytime telephone number of each appellant, together with the signature of at least one of the appellants or of the attorney for the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the appellant's agent or representative, if any; and the required filing fee.

The grounds for filing an appeal shall be limited to the following:

- (a) The decision exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- (c) The Hearing Examiner committed an error of law; or
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by substantial evidence in the record. [SCC 30.72.080]

Appeals will be processed and considered by the County Council pursuant to the provisions of Chapter 30.72 SCC. Please include the County file number in any correspondence regarding the case.

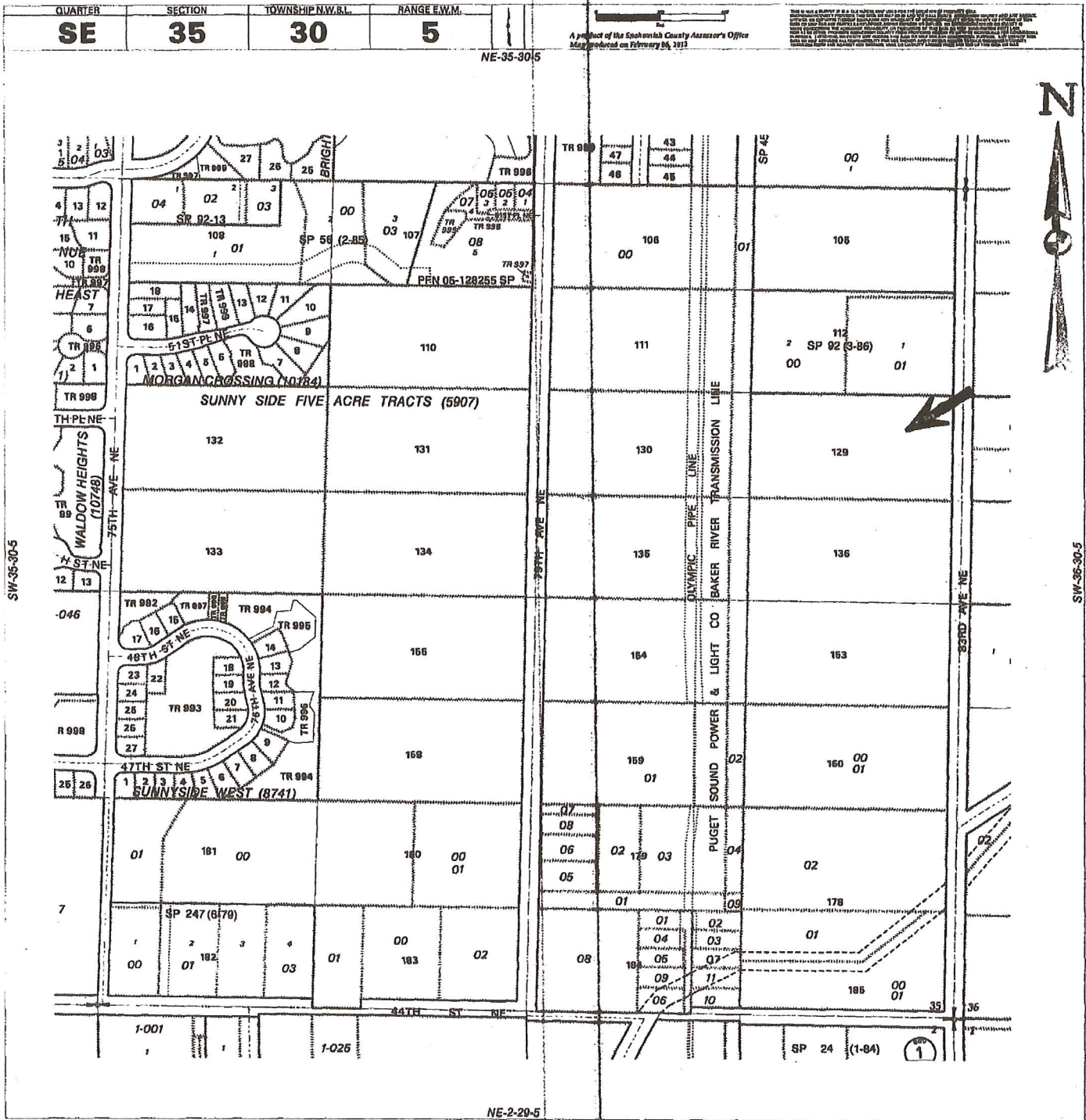
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Staff Distribution:

Department of Planning and Development Services: Bob Pemberton

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.





This sketch is for the purpose of showing this approximate general location of the premises without actual survey and Chicago Title assumes no liability in connection with the same.

**EXHIBIT A**

**LEGAL DESCRIPTION**

TRACT 129, SUNNYSIDE FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS AT PAGE 19, IN SNOHOMISH COUNTY, STATE OF WASHINGTON.



# FINAL PLAT INTERNAL ROUTING CHECKLIST

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270  
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Monday - Friday 7:30 AM - 4:00 PM

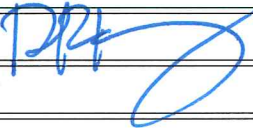
Plat Name:	Harvest Heights	File number:	ZA06-128064SD
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Item	Department	Initials	Date
1. Plat Map- Checked & Approved	Land Dev.	SAS	11/11/15
	Planning	ADG	11/9/15
2. Letter of Segregation to Assessor	Planning	ADG	10/6/15
3. Water System/Sewer System			
Letter of Acceptance	Const. Insp.	SAS	11/13/15
Asbuilts – Including Digital Files	Const. Insp.	SAS	11/13/15
Bill(s) of Sale	Const. Insp.	SAS	9/9/15
Maintenance and Warranty Funding	Const. Insp.	SAS	11/19/15
4. Road/Storm Sewer			
Letter of Acceptance	Const. Insp.	SAS	11/13/15
Asbuilts – Including Digital Files	Const. Insp.	SAS	11/13/15
Bill(s) of Sale	Const. Insp.	SAS	11/9/15
Maintenance and Warranty Funding	Const. Insp.	SAS	11/19/15
5. Performance Bond – Submitted/Approved		SAS	12/9/15
(If Required - Road and Storm Drain Only)	Const. Insp.		
6. Inspection Fees - Calculated and Paid	Const. Insp.	SAS	11/9/15
7. Final Plat Fee - Calculated and Paid \$3,000.00	Planning	ADG	
8. TIP Fees: <i>to be paid prior to building permit issuance</i>	Planning	ADG	
9. Parks Mitigation Fees: <i>to be paid prior to building permit issuance</i>	Planning	ADG	
10. School District Mitigation Fees: <i>to be paid prior to building permit issuance</i>	Planning	ADG	

			12/9/15
11. Signage and Striping Installed	Const. Insp.	SAS	
12. Final Grading and TESC Inspection	Const. Insp.	SAS	11/9/15
13. Satisfied Hearing Examiner's Conditions of Approval	Planning	ADG	12/10/15
14. Utility/Recovery/Main Fees	Land Dev.	N/A	SAS

**Plat Approved for Recording:**

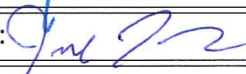
Community Development Director:



Date:

12/10/2015

City Engineer:



Date:

12/10/15

Note: The final plat will not be scheduled before the City Council until this checklist is complete.



**DEDICATION**

KNOW ALL PERSONS BY THESE PRESENTS THAT **PACIFIC RIDGE-DRH, LLC**, A DELAWARE LIMITED LIABILITY COMPANY, THE UNDERSIGNED OWNERS, IN FEE SIMPLE OF THE LAND HEREBY PLATTED DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT, EXCEPT PRIVATE ROAD TRACT 996, AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, BLOCKS, TRACTS, ETC., SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL THE STREETS, AVENUES, PLACES, ETC., SHOWN HEREON. ALSO, THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALSO, ALL CLAIMS FOR DAMAGE AGAINST ANY GOVERNMENTAL AUTHORITY ARE WAIVED WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE, AND MAINTENANCE OF SAID ROADS.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY TO HAMPER PROPER ROAD DRAINAGE. THE OWNER OF ANY LOT OR LOTS, PRIOR TO MAKING AN ALTERATION IN THE DRAINAGE SYSTEM AFTER THE RECORDING OF THE PLAT, MUST MAKE APPLICATION TO AND RECEIVE APPROVAL FROM THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS FOR SAID ALTERATION. ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF ANY LOT SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER AFTER ACQUIRING A CULVERT PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS, IF REQUIRED, AND SUBJECT TO ANY OTHER EXISTING PERMITTING REQUIREMENTS THEREFOR.

TRACT 999 IS FOR STORMWATER DETENTION AND IS HEREBY CONVEYED TO THE CITY OF MARYSVILLE UPON RECORDING OF THIS PLAT.

TRACT 998 IS HEREBY GRANTED AND CONVEYED TOGETHER WITH ALL MAINTENANCE OBLIGATIONS TO THE HARVEST HEIGHTS HOMEOWNERS ASSOCIATION. USE OF SAID TRACT IS RESTRICTED TO THAT SPECIFIED IN THE APPROVED FINAL PLAT. THE HOA SHALL REMAIN IN EXISTENCE UNLESS AND UNTIL ALL LOTS WITHIN THIS SUBDIVISION HAVE ASSUMED COMMON OWNERSHIP OF SAID TRACT. IN THE EVENT THE HOA SHOULD BE DISSOLVED, THEN EACH LOT SHALL HAVE AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN THE TRACT PREVIOUSLY OWNED BY THE HOA AS WELL AS RESPONSIBILITY FOR MAINTAINING THE TRACT. THIS TRACT SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT. THIS COVENANT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HOA, THE OWNERS OF ALL LOTS WITHIN THE SUBDIVISION AND ALL OTHERS HAVING AN INTEREST IN THE TRACTS OR LOTS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.  
**PACIFIC RIDGE-DRH, LLC, A DELAWARE LIMITED LIABILITY COMPANY**

BY: \_\_\_\_\_  
**LYNN ESHLEMAN**

**ACKNOWLEDGMENTS**

STATE OF WASHINGTON )  
                                  )ss  
COUNTY OF SNOHOMISH )

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON OATH STATING THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF **PACIFIC RIDGE-DRH, LLC, A DELAWARE LIMITED LIABILITY COMPANY**, TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

\_\_\_\_\_  
NOTARY SIGNATURE  
\_\_\_\_\_  
(PRINT NAME)  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON  
RESIDING AT \_\_\_\_\_  
MY APPOINTMENT EXPIRES: \_\_\_\_\_

**LEGAL DESCRIPTION**

LOT(S) 129, SUNNYSIDE FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 19, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

**EASEMENTS, RESTRICTIONS AND COVENANTS**

1. THE LOTS WITHIN THIS SUBDIVISION WILL BE SUBJECT TO SCHOOL IMPACT MITIGATION FEES FOR THE LAKE STEVENS SCHOOL DISTRICT NO. 4 TO BE DETERMINED BY THE CERTIFIED AMOUNT WITHIN THE BASE FEE SCHEDULE IN EFFECT AT THE TIME OF BUILDING PERMIT APPLICATION, AND TO BE COLLECTED PRIOR TO BUILDING PERMIT ISSUANCE, IN ACCORDANCE WITH THE PROVISIONS OF SCC 30.66C.010. CREDIT SHALL BE GIVEN FOR ONE EXISTING PARCEL. LOT 1 SHALL RECEIVE CREDIT.

2. NEW LOT MITIGATION PAYMENTS ARE REQUIRED IN THE AMOUNTS SHOWN BELOW FOR EACH SINGLE-FAMILY RESIDENTIAL BUILDING PERMIT:

**\$4,503.15 PER LOT FOR MITIGATION OF IMPACTS ON THE CITY OF MARYSVILLE STREETS PAID TO THE CITY OF MARYSVILLE.**

**\$637.45 PER LOT FOR MITIGATION OF IMPACTS ON THE CITY OF ARLINGTON STREETS PAID TO THE CITY OF ARLINGTON.**

NOTICE OF THESE MITIGATION PAYMENT OBLIGATIONS SHALL BE CONTAINED IN ANY DEEDS INVOLVING THIS SUBDIVISION OR THE LOTS THEREIN. ONCE BUILDING PERMIT HAS BEEN ISSUED ALL MITIGATION PAYMENTS SHALL BE DEEMED PAID.

3. ALL NATIVE GROWTH PROTECTION AREAS SHALL BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES. THE ACTIVITIES AS SET FORTH IN MMC CHAPTER 22E.010 ARE ALLOWED WHEN APPROVED BY THE CITY.

4. PARK MITIGATION FEES SHALL BE ASSESSED ON INDIVIDUAL LOTS AT THE TIME OF BUILDING PERMIT APPLICATION BASED ON THE FEE AMOUNTS AT THE TIME, AND ARE PAID TO THE CITY PRIOR TO ISSUANCE OF BUILDING PERMITS.

5. NO FURTHER SUBDIVISION OF ANY LOT WITHOUT RESUBMITTING FOR FORMAL PLAT PROCEDURE.

6. THE SALE OR LEASE OF LESS THAN A WHOLE LOT IN ANY SUBDIVISION PLATTED AND FILED UNDER TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE IS EXPRESSLY PROHIBITED EXCEPT IN COMPLIANCE WITH TITLE 22 OF THE MARYSVILLE MUNICIPAL CODE.

7. ALL LANDSCAPED AREAS IN PUBLIC RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE DEVELOPER AND HIS SUCCESSOR(S) AND MAY BE REDUCED OR ELIMINATED IF DEEMED NECESSARY FOR OR DETRIMENTAL TO CITY ROAD PURPOSES.

8. THE LOCATION AND HEIGHT OF ALL FENCES AND OTHER OBSTRUCTIONS WITHIN AN EASEMENT AS DEDICATED ON THIS PLAT SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE.

9. SUBJECT TO EASEMENT TO PUBLIC UTILITY DISTRICT NO. 1 FOR THE PURPOSES OF TREE TRIMMING ONLY AS RECORDED UNDER RECORDING NUMBER 1933259.

10. SUBJECT TO CITY OF MARYSVILLE RECOVERY CONTRACT NO. 233 AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN AS RECORDED UNDER RECORDING NUMBER 200105300299.

11. SUBJECT TO CITY OF MARYSVILLE RECOVERY CONTRACT NO. 251 AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN AS RECORDED UNDER RECORDING NUMBER 200304240256.

12. SUBJECT TO CITY OF MARYSVILLE RECOVERY CONTRACT NO. 253 AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN AS RECORDED UNDER RECORDING NUMBER 200304240268.

**EASEMENT PROVISIONS**

NATIVE GROWTH PROTECTION AREA

ALL NATIVE GROWTH PROTECTION AREAS SHALL BE LEFT PERMANENTLY UNDISTURBED IN A SUBSTANTIALLY NATURAL STATE, INCLUDING TRACT 998. NO CLEARING, GRADING, FILLING, BUILDING CONSTRUCTION OR PLACEMENT, OR ROAD CONSTRUCTION OF ANY KIND SHALL OCCUR, EXCEPT REMOVAL OF HAZARDOUS TREES. THE ACTIVITIES AS SET FORTH IN MMC CHAPTER 22E.010 ARE ALLOWED WHEN APPROVED BY THE CITY.

ALL NGPA AND OPEN SPACE TRACTS SHOWN HEREON ARE TO REMAIN IN THE OWNERSHIP OF THE HOME OWNERS ASSOCIATION FOR THIS PLAT.

UTILITY EASEMENTS

A UTILITY EASEMENT, TOGETHER WITH INGRESS, EGRESS AND MAINTENANCE RIGHTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING THE STORMWATER SYSTEMS AND ASSOCIATED APPURTENANCES IS HEREBY GRANTED TO THE CITY OF MARYSVILLE, OVER, UNDER, ACROSS AND THROUGH THAT PORTION OF LOT 10, AS SHOWN TOGETHER WITH TRACT 999 IN IT'S ENTIRETY.

PRIVATE DRAINAGE EASEMENTS (PDE)

AN EASEMENT FOR THE PURPOSE OF CONVEYING LOCAL STORM WATER RUNOFF IS HEREBY GRANTED IN THE AREA DESIGNATED AS PRIVATE DRAINAGE EASEMENT (PDE). THE MAINTENANCE OF THE PRIVATE DRAINAGE EASEMENT ESTABLISHED AND GRANTED HEREIN SHALL BE THE RESPONSIBILITY OF AND THE COST THEREOF SHALL BE BORNE EQUALLY BY, THE PRESENT AND FUTURE OWNERS OF THE LOTS SERVED BY SAID EASEMENT, THEIR HEIRS, PERSONAL REPRESENTATIVES, AND ASSIGNS.

10 FOOT FRONTAGE UTILITY EASEMENT

AN EASEMENT SHALL BE RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR (10) FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPE AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, AND UTILITY SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. DRAINAGE EASEMENTS DESIGNATED ON THE PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF MARYSVILLE, EXCEPT THOSE DESIGNATED ON THE PLAT AS PRIVATE EASEMENTS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAVATE, CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND/OR REBUILD AN ENCLOSED OR OPEN-CHANNEL STORM WATER CONVEYANCE SYSTEM AND/OR OTHER DRAINAGE FACILITIES, UNDER, UPON OR THROUGH THE DRAINAGE EASEMENT.

**CITY OF MARYSVILLE APPROVALS**

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
CITY ENGINEER, CITY OF MARYSVILLE

EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR, CITY OF MARYSVILLE

EXAMINED, FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS, AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
MAYOR, CITY OF MARYSVILLE

\_\_\_\_\_  
ATTEST: CITY CLERK

**TREASURER'S CERTIFICATE**

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING \_\_\_\_\_ TAXES.

\_\_\_\_\_  
TREASURER, SNOHOMISH COUNTY

BY: \_\_\_\_\_  
DEPUTY COUNTY TREASURER

**AUDITOR'S CERTIFICATE**

FILED FOR RECORD AT THE REQUEST OF PACIFIC COAST SURVEYS, INC. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ M, AND RECORDED IN VOLUME \_\_\_\_\_ OF PLATS, PAGES \_\_\_\_\_, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

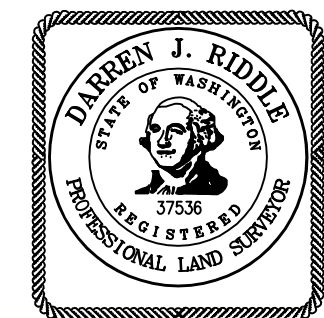
\_\_\_\_\_  
AUDITOR, SNOHOMISH COUNTY

BY: \_\_\_\_\_  
DEPUTY COUNTY AUDITOR

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE PLAT OF HARVEST HEIGHTS IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 35, TOWNSHIP 30 NORTH, RANGE 5 EAST, W.M. AS REQUIRED BY THE STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN HEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND THE LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

\_\_\_\_\_  
DARREN J. RIDDLE  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 37536



\_\_\_\_\_  
DATE

A.F. NO. \_\_\_\_\_ SHEET 1 of 2

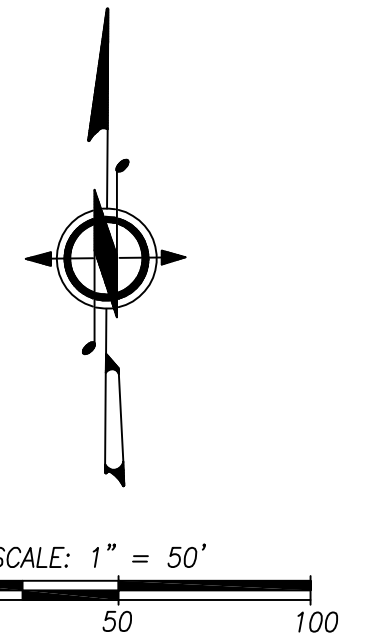
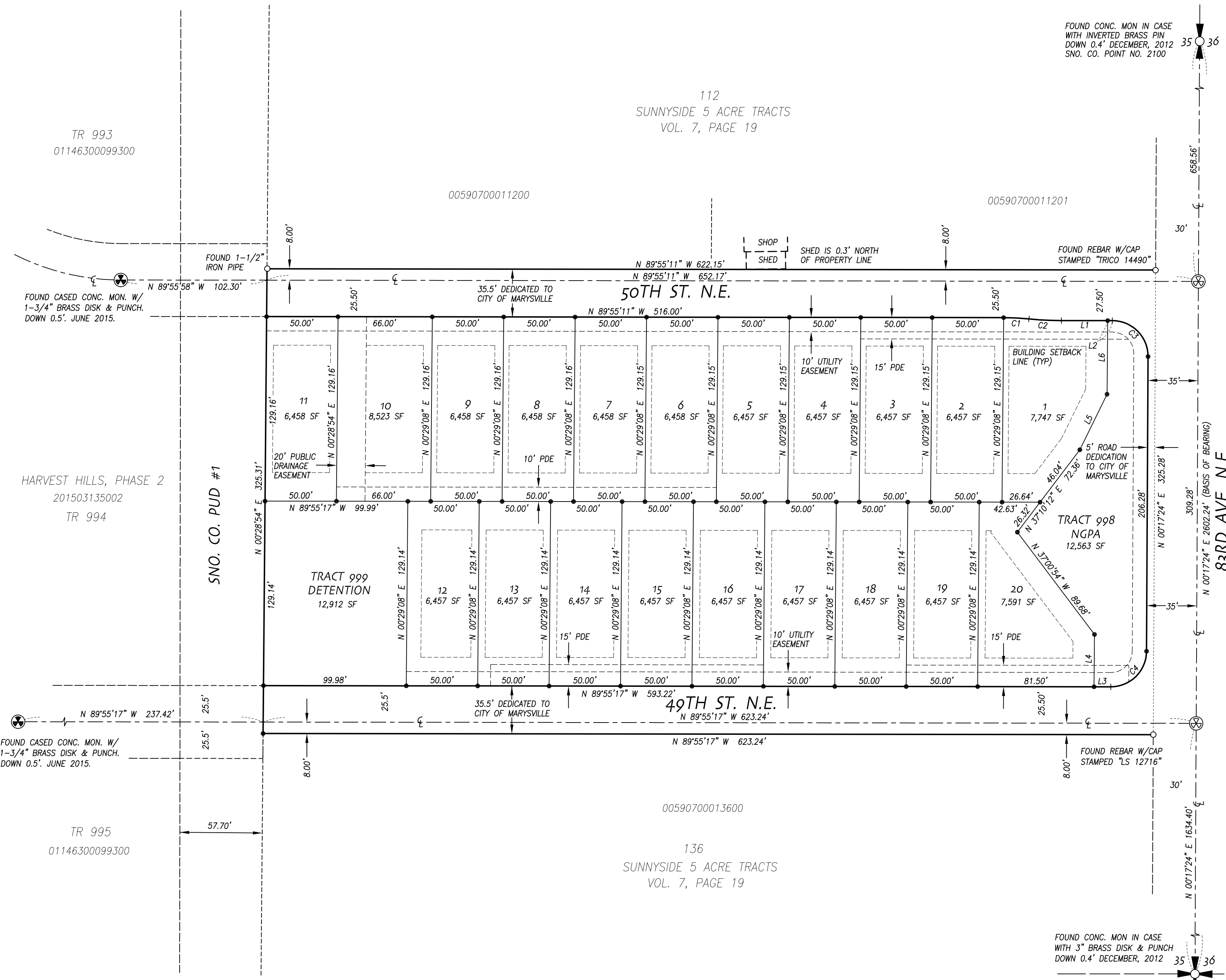
<b>Pacific Coast Surveys, Inc.</b> LAND SURVEYING & MAPPING P.O. BOX 13619 MILL CREEK, WA 98082 PH. 425.508.4951 FAX 425.357.3577 www.PCSurveys.net	<b>HARVEST HEIGHTS</b> FILE NO.: 06-128064 SD CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA NE 1/4, SE 1/4, SEC.35, T.30N., R.5E., W.M.				
	DRAWN BY	DATE	DRAWING FILE NAME	SCALE	JOB NO.
	NCM	10.07.15	12587FPM.DWG	1" = 50'	12-587

# HARVEST HEIGHTS

112  
SUNNYSIDE 5 ACRE TRACTS  
VOL. 7, PAGE 19

00590700013600

136  
SUNNYSIDE 5 ACRE TRACTS  
VOL. 7, PAGE 19



**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA
C1	17.80	180.00	5°39'57"
C2	22.76	230.00	5°40'13"
C3	39.36	25.00	90°12'51"
C4	39.18	25.00	89°47'19"

**LINE TABLE**

LINE	LENGTH	BEARING
L1	32.36	N 89°55'27" W
L2	3.30	N 89°55'27" W
L3	11.72	N 89°55'27" W
L4	36.61	N 00°29'08" E
L5	43.30	N 26°06'11" E
L6	51.51	N 00°29'08" E

## EQUIPMENT & PROCEDURES

**METHOD OF SURVEY:**  
SURVEY PERFORMED BY FIELD TRAVERSE

**INSTRUMENTATION:**  
LEICA TS15I ROBOTIC ELECTRONIC TOTAL STATION

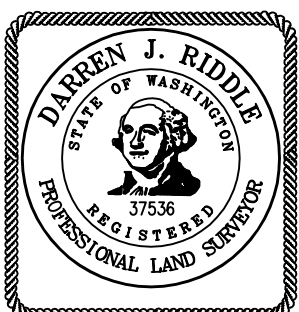
**PRECISION:**  
MEETS OR EXCEEDS STATE STANDARDS WAC 332-130-090

**BASIS OF BEARING:**  
THE MONUMENTED EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 35 AS THE BEARING OF NORTH 00°17'24" EAST.

## LEGEND

- SET 1/2" X 24" REBAR W/CAP STAMPED "L.S. 37536"
- FOUND REBAR/CAP AS NOTED
- ⊙ FOUND CONC. MONUMENT AS NOTED
- ⊗ SET CASED CONC. MON. STAMPED "PCS - 37536"
- ⊕ RIGHT OF WAY CENTERLINE
- PDE PRIVATE DRAINAGE EASEMENT

A.F. NO. \_\_\_\_\_ SHEET 2 of 2



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**HARVEST HEIGHTS**  
FILE NO.: 06-128064 SD  
CITY OF MARYSVILLE, SNOHOMISH COUNTY, WA  
NE 1/4, SE 1/4, SEC.35, T.30N., R.5E., W.M.

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