

When recorded return to:

Mr. and Mrs. David Harris  
2617 Fir Crest Boulevard  
Anacortes, WA 98221



201203140052  
Skagit County Auditor

3/14/2012 Page 1 of 9 11:50AM

Filed for Record at Request of  
Wells Fargo Escrow Company  
Escrow Number: 05-00093-11

Grantor: Ryan K Weber and Marcy R Weber  
Grantee: David Frederick Harris and Monica Harris

Tax Parcel Number(s): 4843-000-015-0000 P121968

Abbreviated Legal:

LAND TITLE OF SKAGIT COUNTY

### Statutory Warranty Deed

THE GRANTORS Ryan K Weber and Marcy R Weber, Husband and Wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to David Frederick Harris and Monica Harris, Husband and Wife the following described real estate, situated in the County of Skagit, State of Washington

Abbreviated Legal:

Lot 15, Fir Crest PUD

Lot 15, "FIR CREST PLANNED UNIT DEVELOPMENT," as per plat recorded on August 31, 2004, under Auditor's File No. 200408310219, records of Skagit County. Situate in the City of Anacortes, County of Skagit, State of Washington.

SUBJECT TO: SEE EXHIBIT "B-1" ATTACHED

Dated March 7, 2012

Ryan K Weber  
Ryan K Weber

Marcy R Weber  
Marcy R Weber

State of Texas }  
County of Bell } SS:

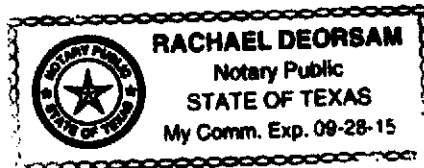
I certify that I know or have satisfactory evidence that Ryan K Weber and Marcy R Weber is/are the person(s) who appeared before me, and said person(s) acknowledged that he / she / they signed this instrument and acknowledge it to be his / her / their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 3/12/12 [Signature]

Notary Public in and for the State of Texas  
Residing at Bell County  
My appointment expires: 9/28/2015

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX  
20120314  
MAR 14 2012

Amount Paid \$ 10235.00  
By MG Skagit Co. Treasurer Deputy



## EXCEPTIONS:

## A. PLAT CONDITIONS AS SET FORTH ON THE FACE OF THE PLAT AND AS FOLLOWS:

- 1.) The 14 acres shown on the application shall be deeded to the Anacortes Community Forest Lands, as proposed by the applicant.
- 2.) No more than 40 single-family residences shall be built on the 26.89-acre project site as shown on Drawing Revision A/August 22, 2002.
- 3.) The project shall comply with the City of Anacortes construction standards as required by the City Director of Public Works for water, sewer, street access and storm drainage, including access to these facilities.
- 4.) This project is subject to applicable water, sewer, and stormwater general facility and hookup fees and transportation, fire, school, and park impact fees. These fees are payable at levels in effect at the time of acceptance of a complete building permit application and may differ from those fee levels currently in effect; sewer and water latecomer charges may be payable.
- 5.) Prior to clearing or fill and grade beginning, both a large parcel stormwater plan and a water quality control plan, as spelled out in the City's Storm Drainage Ordinance #2441, shall be prepared by the applicant, approved by the City Department of Public Works, and implemented. This Plan shall be directed at ensuring that existing wetland hydrology is maintained. The water quality control plan shall address permanent best management practices to be incorporated in the project to control pollution of stormwater runoff after construction and/or land clearing activities are completed. All off-site stormwater improvements shall be made before construction or vegetation removal begins. Bioswales shall be located in the public tract and not the City right-of-way.
- 6.) A temporary erosion sedimentation control plan shall be prepared and submitted with the grading plan for approval by the City Director of Public Works. The plan shall identify the potential for erosion and downstream sedimentation during construction and describe the measures that will be used to mitigate impacts of erosion. Measures that will likely be employed include sedimentation ponds, silt fences, hay bail filters, and restricting the amount of excavation until conditions are favorable.
- 7.) Dust control techniques will be employed as required by the City Engineer; such measures would include watering haul roads and/or restricting the amount of excavation until conditions are more favorable and shall be detailed in the final development plan along with a construction access plan.
- 8.) The final development plan design shall be based on actual field surveys and not on existing topographical maps.
- 9.) Prior to any construction activity beginning, the proponent shall post a performance bond in an amount acceptable to the City Public Works Director, and this bond will be available to the City of Anacortes for twelve months after final plat approval to ensure that the project's drainage system operates as designed; no mechanical equipment shall be operated on site prior to final Development Plan approval.



201203140052  
Skagit County Auditor

## EXCEPTIONS CONTINUED:

## A. (continued):

- 10.) Within a maximum of three years following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in a final detailed form the information required in part e.(1) of Section 16.40 of the City of Anacortes Subdivision Ordinance. At its discretion and for good cause, the Planning Commission may extend for one year the period for filing of the final development plan. Draft project covenants shall be submitted with the final development plan for Planning Commission review and approval as being consistent with the preliminary development plan conditions.
- 11.) If the applicant fails to apply for final approval for any reason, the preliminary approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to the zoning and subdivision ordinances otherwise applicable thereto.
- 12.) Engineering review and inspection fees are payable on or before any actual construction work begins. They are based on engineering estimates of construction or actual quotes for the work. The engineering review fee is .5% and the inspection fee is 1.5% plus \$500.00.
- 13.) The road to the North of Fir Crest Place shall be 28' wide with a curb and gutter on both sides and a sidewalk on one side. Lighting shall be as outlined in Condition #16.
- 14.) Fir Crest Place is to be a public road; the cul-de-sac at the North end of Fir Crest Place shall be a public road; the private drives off of Fir Crest Place, designated as Tract A shall be private.
- 15.) The CC&R's shall be submitted to the Planning Commission for approval with the Final Development Plan.
- 16.) Street lighting shall be energy efficient and shall limit glare and/or emission of light downward to the street and front yard areas. Street lighting will be installed per PSE Schedule 52, Option "B". Lighting fixtures and design to be as approved by the Public Works Director.
- 17.) The Building Department shall assign and confirm project street name.
- 18.) A channelization and signage plan shall be submitted, approved by the City Engineer, and installed by the developer.
- 19.) A Home Owner's Association shall manage the common areas.
- 20.) The sanitary sewer pump station is to be designed to City standards and dedicated to the City.
- 21.) A biofiltration system shall be built in this project to meet City Stormwater Ordinance standards; the Covenants shall contain condition(s) approved by the Planning Commission relative to pesticide management and control such that the highest standards of water quality are maintained.
- 22.) The storm sewer pump station shall meet standards set by the City Engineer.



201203140052  
Skagit County Auditor

## EXCEPTIONS CONTINUED:

## A. (continued):

- 23.) A geotechnical engineering report that identifies subsurface conditions and makes specific recommendations for grading and road and utility construction shall be submitted with the Final Development Plan.
- 24.) The storm detention system shall be designed in the following way: All road, roof, and footing drains will flow through a tight lined storm system to a catch basin at the bottom of Fir Crest Place. This water will then sheet flow across a large grassy bio swale. The water will then be recaptured in a catch basin and spread out through a series of perforated pipes and drain rock.
- 25.) Street trees shall have a root containment system as approved by the City Public Works Department.
- 26.) Trees to be planted shall be sized as required by Ordinance.
- 27.) A 25' utility easement shall be granted to the City in the Northeast direction from the cul-de-sac at the Northwest corner of the development following approximately the 400' contour line to the North end of the property line to provide utilities to future adjacent development.
- 28.) There shall be a trail along the length of the projects' Southerly boundary; the trail location(s) shall be approved by the City Parks Directors.
- a) Development of the ACFL trail and plantings on the South side of the development will be done in coordination with the Anacortes Parks and Recreation Department.
- b.) The City reserves the right to relocate the trail to the South as necessary.
- c.) The developer will grade the trail.
- 29.) School bus waiting area(s) and mailbox locations shall be as determined by the City Engineer.
- 30.) All lots created under this PUD shall be subject to all City of Anacortes charges for utility services uniformly charged throughout the City of Anacortes including applicable General Facilities Charges.
- 31.) Street and sidewalk design shall meet "AASHTO" and City Public Work construction standards and ADA standards; driveways shall not exceed a 15% grade.
- 32.) Erosion Control and Clearing Plans shall be reviewed, approved, and implemented as required by the City Engineer.
- 33.) City water quality standards shall be met as required by the City Engineer.
- 34.) Structural alteration necessary to develop this plat shall not encroach into adjacent land parcels without recorded easements for such encroachment.
- 35.) A disclosure will be required to homebuyers that the City will use the adjacent property to the South of the development for material and debris storage.
- 36.) No modifications beyond those approved herein are authorized.



201203140052  
Skagit County Auditor

## EXCEPTIONS CONTINUED:

## A. (continued):

- 37.) Pages 11-15 of these Findings of Fact and Conclusions of Law shall be recorded with the Final Plat Drawing.
- 38.) The Eastern side of the wetland shall be protected by a minimum 50 foot NGPE buffer administered by the City of Anacortes according to the standard specifications, subject to the following exceptions:
- a.) Minimal easements for the necessary storm drainage facilities as shown on the approved site plan.
  - b.) Trail easements as approved by the City.
  - c.) The property lines and lot areas of Lots 18, 35, and 38 as shown on the approved site plan.
  - d.) During construction disturbed areas in the buffer may be re-contoured, graded and seeded with grass to reduce erosion.
- 39.) The western 25 feet of said 50-foot wetland buffer shall be transferred to the City of Anacortes ACFL so that ACFL management has direct control over the Eastern edge of the wetland. The remaining buffer would belong to the homeowners of Fir Crest.
- 40.) The sanitary sewer pump station shall be bermed so that accidental overflows do not drain down slope into the wetland.
- 41.) The CCR's shall restrict the use of pesticides, herbicides and excessive fertilizer, unless otherwise approved by the ACFL management.
- 42.) The last and lowest catch basin on the cul-de-sac shall be designed as an oil-water separator to contain accidental hydrocarbon spills. This catch basin will be maintained by the City of Anacortes. The design of this accidental hydrocarbon spills. This catch basin will be maintained by the City of Anacortes. The design of this separator is to be of the low-tech inexpensive variety due to the length of the bio swale already proposed.
- 43.) The storm drainage bio swale and infiltration system shall have an overflow piped directly to the wetland with a level spreader discharge; location and design shall be approved by ACFL management.
- 44.) The property transferred to the City to become part of the ACFL shall be named Welch Woods.
- 45.) Setbacks shall be as follows: A 10-foot setback from Fir Crest and a 10-foot setback from the property line abutting the private access roads: A 20-foot setback from the property line in what may be considered the side yard abutting other 4-lot clusters; a 5 foot setback in the back yards and side yards abutting other homes in the same cluster.
- 46.) The lot coverage may be increased to 50% for single story residences.
- 47.) A 6-foot fence is allowed in the yards facing Fir Crest Way with a minimum setback of 10-feet from the property line along Fir Crest Way as shown in the application drawings.



201203140052  
Skagit County Auditor

## EXCEPTIONS CONTINUED:

## B. EASEMENT RECITALS AS SET FORTH ON THE FACE OF THE PLAT AND AS FOLLOWS:

- 1.) An easement is hereby reserved for an conveyed to the City of Anacortes, Puget Sound Energy Inc., Verizon Telephone Company, Cascade Natural Gas Company, and Comcast Cable Television Company and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots, tracts and spaces within the plat lying parallel with and adjoining all street(s) and adjacent to "A" Avenue as shown in which to construct, operate, maintain, repair, replace, and enlarge underground pipes, conduits, cabled and wires all necessary or convenient underground or ground mounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, gas, telephone, and other utility service, together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated.
- 2.) A 25'-0" easement is hereby granted to the City of Anacortes on and across Tract B and Lot 40 and a 10'-0" easement for Lot 29 and Lot 30 as shown on the Plat for the same purposes as stated in item 1. The easement shall be restored to its prior conditions after construction by those utilizing the easement.
- 3.) All 4", 6" and 8" storm drain pipe located in the street right-of-way and with-in utility easements for all lots will remain private and the responsibility of the property owners.
- 4.) The 10'-0" Private Storm Easements on and across Lots 5, 8, 12, 16, 24, 27, 31, 35, 36, 37, and 38, as shown on the plat will remain private and shall be operated, maintained and restored to prior condition following any maintenance by the property owners which they serve.
- 5.) A private 10' water easement is hereby granted to Rich Johnson and respective successors across Tract C for the purposes of extending a water service to his property. The easement is for the purpose in which to constrict, operate, maintain, repair, replace, and enlarge underground pipes for the purpose of serving the property owned. The easement shall be restored to its prior condition after construction by those utilizing the easement.
- 6.) This property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record including but not limited to those instruments referred above. Said report lists documents recorded under Auditor's File Number 9501120049 (10' PSE easement to be abandoned), 20040301010128 (10' PSE easement to be abandoned), and 200304240060 (Boundary Adjustment survey). Deeds of trust recorded under Auditor's File Number 200302210171, 200302210173 and 200302210172.
- 7.) Sidewalk and Pedestrian Easement  
A 10' road, sidewalk and pedestrian easement is hereby conveyed to the City of Anacortes across the South side of Lot 37 for the purpose of pedestrian access and sidewalk & road encroachment. In addition a 10' road easement is hereby conveyed to the City of Anacortes across the West side of Lots 32, 33, 34 and 39 for the purpose of a road encroachment. In the event of road or sidewalk replacement the home owners are responsible for the replacement of lots property corners.

201203140052  
Skagit County Auditor

## EXCEPTIONS CONTINUED:

## C. COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND DEDICATIONS FOR TRACTS A, B, C, AND D SHOWN ON THE FACE OF SAID PLAT AS FOLLOWS:

**TRACT A**

Tract A is dedicated to the homeowners for which they serve for the purposes of access and utility services. The common access driveway shall be maintained as stated in the Home Owners CC&R's. Utilities easement shall be granted to the utility companies as stated in #1 of Easement Recitals.

**POND AND OPEN SPACE TRACT B**

Tract B will remain in the common ownership of the Fir Crest Homeowners Association for Common open space, Water Quality Swale and Infiltration Pond is the responsibility of Homeowners Association for maintenance of the storm drainage system and pond located on said tract.

**TRACT C**

Tract C is hereby conveyed to the City of Anacortes for Construction, access and maintenance of a Sanitary Sewer Pump Station in addition to a public access parking and trail to the forest lands.

**NATIVE GROWTH PROTECTION EASEMENT TRACT D**

Condition #38. The eastern side of the wetland shall be protected by a minimum 50 foot NGPE buffer administered by the City of Anacortes according to the standard specifications, subject to the following exceptions:

- a.) Minimal easements for the necessary storm drainage facilities as shown on the approved site plan.
- b.) Trail easements as approved by the City.
- c.) The property lines and lot areas of Lots 18, 35, and 38 as shown on the approved site plan.
- d.) During construction disturbed areas in the buffer may be re-contoured, graded and seeded with grass to reduce erosion.

Given the above exceptions the Native Growth Protection Easement shall be left untouched with the following restrictions:

- 1.) Hand removal of non-native exotic or adventitious plants.
- 2.) Hazard trees shall be identified with concurrence of the City Forest Lands Manager. Hazard trees removed or blown down may be replaced by the City or the homeowner with 3' minimum appropriate native stock, which shall be maintained until able to survive without care.
- 3.) If the buffer has been degraded by previous site disturbances, the Forest Advisory Board may approve a replanting plan using appropriate native stock.

Before and during the course of any grading, building construction, or other development activity on a lot subject to the NGPE, the common boundary between the easement and the area of development activity must be fenced or otherwise marked to the satisfaction of the City of Anacortes.

- D. Right of the public to make necessary slopes for cuts or fills upon property herein described in the reasonable original grading of streets, avenues, alleys and roads, as dedicated in the plat.



201203140052

Skagit County Auditor

EXCEPTIONS CONTINUED:

E. EASEMENT SHOWN ON SHORT PLAT, AS FOLLOWS:

For: Bridle Trail and utilities  
Affects: As shown on Short Plat

F. LATECOMER'S AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:

Between: Woolworth Development  
And: City of Anacortes  
Recorded: January 10, 1992  
Auditor's No.: 9201100074  
Providing: Payment of certain sums before any water service or sewer side service is allowed as building permit issued

G. DECLARATION AND COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RESERVATIONS CONTAINED IN SAID PLAT AND IN DECLARATION OF PROTECTIVE RESTRICTIONS, AS HERETO ATTACHED

Declaration Dated: September 3, 2004  
Recorded: September 3, 2004  
Auditor's No.: 200409030133  
Executed By: Fir Crest Development NW, LLC

FIRST AMENDMENT:

Dated: January 10, 2010  
Recorded: January 17, 2010  
Auditor's No.: 201002170020

H. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Fircrest Homeowners Association, a Washington corporation  
Purpose: For the maintenance of landscaping, sprinkler system, power meter, and a sign identifying the Fir Crest Development  
Area Affected: Easterly portion of the following described real estate; Lots 1, 2 20 and 21, Fir Crest Planned Unit Development  
Dated: May 9, 2006  
Recorded: May 23, 2006  
Auditor's No.: 200605230081



201203140052  
Skagit County Auditor



I.

If your real property is adjacent to property used for agricultural operations or included within an area zoned for agricultural purposes, you may be subject to inconveniences or discomforts arising from such operations, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FLIES, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. Skagit County has determined that the use of real property for agricultural operations is a high priority and favored use to the county and will not consider to be a nuisance those inconveniences or discomforts arising from agricultural operations, if such operations are consistent with commonly accepted good management practices and comply with local, State and Federal laws.



201203140052  
Skagit County Auditor