

**CITY COUNCIL AGENDA**  
**City Hall, 833 South Spruce Street**  
**7:00 p.m. August 10, 2017**

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**CALL TO ORDER:**

Mayor Sexton  
Council Members: Aslett, Bieche, J. DeGloria, R. DeGloria, Edmundson, Loving and Montgomery  
Staff: Berner, Blaine, Dempsey, Erickson, Harrison, Hawes, Brad Johnson, Brittany Johnson, L. Johnson, Jongsma, Luvera, Moser, Peterson, Pulst, Rabenstein, Schwetz, Sinclair, Toth, Ward, Yengoyan

**MINUTES:**

City Council Meeting July 27, 2017

**AUDIT OF BILLS:**

**PUBLIC COMMENTS:**

**COUNCIL COMMENTS:**

**MAYOR'S UPDATE:**

**PROCLAMATION:**

**SPECIAL PRESENTATION:**

**OFFICERS REPORTS:**

TBD

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**UNFINISHED BUSINESS:**

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**CONSENT AGENDA:**

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**NEW BUSINESS:**

- 1) Approval of Preliminary Subdivision Application LUP 3-17/SUB 1-17 – River's Edge
- 2) Memorandum of Agreement between Washington State Patrol and the City of Burlington Police Department
- 3) YMCA Funding Discussion

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**FUTURE WORKSHOP:**

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**EXECUTIVE SESSION:**

- An Executive Session may be held to discuss Personnel, Litigation, and/or Land Acquisition.

**ADJOURNMENT:**

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**MEETING**

- |  |  |
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| 1) <u>PUBLIC SAFETY COMMITTEE:</u>       | Tuesday <b>August 8, 2017</b> 4:00 p.m.<br>Public Safety Building, 311 Cedar Street      |
| 2) <u>AUDIT &amp; FINANCE COMMITTEE:</u> | Thursday <b>August 10, 2017</b> 4:00 p.m.<br>City Hall, 833 S Spruce Street              |
| 4) <u>PUBLIC WORKS COMMITTEE:</u>        | Tuesday <b>August 15, 2017</b> 4:00 p.m.<br>Engineering Conference Room, 833 S Spruce St |
| 5) <u>SKAGIT TRANSIT BOARD:</u>          | Wednesday <b>August 16, 2017</b> 1:00 p.m.<br>City Council Chambers, 833 S Spruce St     |
| 6) <u>PLANNING COMMISSION:</u>           | Wednesday <b>August 16, 2017</b> 7:00 p.m.<br>City Council Chambers, 833 S Spruce St     |

# August 2017

September 2017

August 2017

Su	Mo	Tu	We	Th	Fr	Sa
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17	18	19	20	21	22	23
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27	28	29	30	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jul 30	31	Aug 1	2	3	4	5
		6:00pm Library Board (Library)				
6	7	8	9	10	11	12
		4:00pm Public Safety Committee (Public Safety Building)		4:00pm Audit & Finance Committee (City Hall) 7:00pm Council Meeting		
13	14	15	16	17	18	19
		4:00pm Public Works Committee (Engineering Conf Room)	1:00pm SKAT Board (Burlington City Hall) 7:00pm 9:00pm Planning Commission (City Council Chambers)			
20	21	22	23	24	25	26
			9:00am 10:00am Downtown Burlington Association (Visitor Information Center/Chamber of	4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting		
27	28	29	30	31	Sep 1	2

Jul 30 - Aug 5

Aug 6 - 12

Aug 13 - 19

Aug 20 - 26

Aug 27 - Sep 2

# September 2017

September 2017

October 2017

Su	Mo	Tu	We	Th	Fr	Sa
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Su	Mo	Tu	We	Th	Fr	Sa
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<b>Aug 27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>Sep 1</b>	<b>2</b>
<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
	5:30pm Parks Board (Parks & Rec Dept) - Judy Sheahan	6:00pm Library Board (Library)				
<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
		4:00pm Public Safety Committee (Public Safety Building)		4:00pm Audit & Finance Committee (City Hall) 7:00pm Council Meeting		
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<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
			9:00am 10:00am Downtown Burlington Association (Visitor Information Center/Chamber of	4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting		

Aug 27 - Sep 2

Sep 3 - 9

Sep 10 - 16

Sep 17 - 23

Sep 24 - 30

July 27, 2017

**CALL TO ORDER:**

**Mayor Steve Sexton** called the meeting to order at 7:02 p.m., with the Pledge of Allegiance. Council members present: Joe DeGloria, Rick DeGloria, Edie Edmundson, Chris Loving, and Ted Montgomery. Staff present: Jennifer Berner, Bryan Harrison, Geoff Hawes, Brad Johnson, Brittany Johnson, Leif Johnson, Michael Luvera, Jim Rabenstein, Renee Sinclair, and Sarah Ward.

A motion was made to excuse **Councilors Aslett/Bieche** from the meeting by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

**MINUTES:**

A motion was made to approve the minutes of the July 13, 2017 council meeting by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

**AUDIT OF BILLS:**

A motion was made by **Councilors J. DeGloria/R. DeGloria** to approve Accounts Payable checks numbered 5195 – 5309 in the amount of \$211,400.14; and July 14 payroll checks numbered 36922 – 36937 in the amount of \$370,238.01. All in favor; motion carried.

**PUBLIC COMMENTS:**

No Public Comments.

**COUNCIL COMMENTS:**

No Council Comments.

**MAYOR COMMENTS:**

No Mayor Comments.

**SPECIAL PRESENTATION:**

**Parks & Recreation Director Jennifer Berner** presented certificates to all contributors and volunteers who participated in the Maiben House project. Thanked everyone involved in the successful project.

**PROCLAMATION:**

**Mayor Sexton** read a proclamation declaring July 27<sup>th</sup>, 2017 Kendall Gentry Day in the City of Burlington.

**OFFICER REPORTS**

**Public Works Director Marv Pulst** informed the council that there was a sewer line break this morning on Anacortes Street. The cause of the break is still being

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investigated. **Pulst** thanked ICI Construction for their assistance and also thanked the City of Burlington Sewer and Street Departments for their effort. The repairs were completed at 6:00 p.m. and the final repairs will be completed when materials are received.

**Parks & Recreation Director** and **Parks Supervisor Jim Rabenstein** updated council on the status of the Parks Department new Turf Maintenance Program. Staff is beginning maintenance on the east playfields at Skagit River Park, has aerated 26.5 acres, and applied lime to the east playfields. **Rabenstein** reviewed the next steps in the maintenance program.

**Library Director Sarah Ward** introduced **Children's Librarian Jennifer Bell** to review the details of the Quidditch Festival for council. **Bell** reviewed the event details, shared a couple of the thank you notes the Library received for hosting the event, and expressed gratitude to the entire City Staff and council for their participation in making this event a success. **Bell** added that nearly 2,000 people attended Quidditch Festival.

#### **UNFINISHED BUSINESS:**

##### **FIBER CONTRACTOR AMENDMENT FOR .09 GRANT – INTEGRITY NETWORKS & DIVERSIFIED NORTHWEST**

**IT Manager Geoff Hawes** requested that council increase the amounts of two fiber contractor agreements to \$80,000. **Hawes** stated that increase is in response to receiving grant money from Skagit County to extend the fiber network. There are two contracts being amended due to the demand of fiber contractors and scheduling.

A motion was made to approve the amended agreements with Diversified Northwest and Integrity Networks and authorize the Mayor's signature by **Councilors Loving/J. DeGloria**. All in favor; motion carried.

#### **NEW BUSINESS:**

##### **BURLINGTON MUNICIPAL CODE UPDATE**

**City Attorney Leif Johnson** stated that this is an informational agenda item regarding the general nature and scope of the proposed changes to the municipal code which are substantial. **L. Johnson** thanked the City departments for their efforts on the code update and thanked **Senior Planner Brad Johnson** for his effort in assisting with the code update. **L. Johnson** introduced outside counsel Mike Connelly to review the proposed changes to the City's code. **Mike Connelly** stated that codes need to be constructive, clear, consistent, easily understood, easily enforced, and organized.

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**Connelly** reviewed the timeline of the project, the process, and the changes that were made and to what chapters. Discussion ensued regarding need for changes, how often code updates would need to be done, and when adoption would occur. **Senior Planner Brad Johnson** clarified that the adoption of the code changes will occur after the Comprehensive Plan has been updated.

#### **HOTEL/MOTEL ORDINANCE**

**City Attorney Leif Johnson** stated that the current code does not include specific guidelines for overnight accommodations. The attempt to enforce restrictions on an overnight accommodation last year highlighted the need for this ordinance. **Johnson** reviewed the details of the ordinance and highlighted the duration of stay being no more than thirty (30) days in one unit.

**Kevin Todd, Manager – Cocusa Motel** read a letter to the council from the business owner and himself stating their concerns with the ordinance and how this ordinance would negatively affect their business.

Discussion followed regarding the length of stay and what is necessary and the state's guidelines for overnight accommodations regarding the length of stay, and the effect on the City's revenue if this ordinance were to be approved.

A motion was made to approve the proposed ordinance regarding transient accommodations and authorize the Mayor's signature by **Councilors Loving/Montgomery**. All in favor; motion carried.

#### **BURLINGTON POLICE EMPLOYEES' GUILD 2017 – 2019 COLLECTIVE BARGAINING AGREEMENT**

**City Administrator Bryan Harrison** requested the council enter into Executive Session to discuss the details of the collective bargaining agreement.

#### **EXECUTIVE SESSION:**

**City Attorney Leif Johnson** stated that an Executive Session will be held Per RCW 42.30.110 to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The executive session should take approximately fifteen minutes and action is expected as a result of the executive session. Council and city staff adjourned for Executive Session at 8:30 p.m.

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Council and city staff returned from executive session at 8:50 p.m.

A motion was made to approve the proposed 2017 -2019 Collective Bargaining Agreement between the Burlington Police Employees' Guild and the City of Burlington and authorize the Mayor and appropriate city representatives to sign by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

**AMENDED 2017 SALARY RESOLUTION**

**City Administrator Bryan Harrison** stated that the proposed amended salary resolution reflects the changes made to the Police Officer and Sergeant wages due to the ratification of the Burlington Police Employees' Guild 2017 – 2019 Collective Bargaining Agreement.

A motion was made to adopt the amended 2017 Salary Resolution and authorize the Mayor's signature by **Councilors Loving/Montgomery**. All in favor; motion carried.

**BID & CONTRACT AWARD – SEWER PUMP STATION #10**

**Public Works Director Marv Pulst** stated that six bids were received on June 29, 2017 to upgrade Sanitary Sewer Pump Station #10. The lowest, responsive bidder is Gary Harper, Inc. located in Snohomish, WA, with a total bid amount of \$707,691.25. **Pulst** reviewed the details of the project.

A motion was made to award the bid to Gary Harper Construction, Inc. for upgrade to Sewer Pump Station #10 and authorize the Mayor's signature by **Councilors Montgomery/Loving**. All in favor; motion carried.

**REQUEST FOR PARTIAL WAIVER OF SEWER AND/OR STORM WATER UTILITY BILLS: 650 MCCORQUEDALE RD**

**City Administrator Bryan Harrison** stated that Mr. James Sweeney is requesting adjustment of sewer and storm water utility bills for his property located at 650 W McCorquedale Rd. The property was purchased in 2015 and contains an existing structure and sewer connection, but has unoccupied since his purchase. The Finance Department was not notified of the change of ownership by either the seller or the purchaser. As a result, sewer and storm water bills have not been paid. Mr. Sweeney recently became aware of these unpaid bills and is requesting that charges predating his ownership and any interest or late charges that have accrued during his ownership to be removed. The amount being requested is \$304.90 charge from December 2014 and past due charges in the amount of \$197.29.

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A motion was made to waive the sewer and storm water fees assigned to 650W McCorquedale Road that predate the present owner and waive associated interest charges and late fees, contingent upon the present owner paying the remaining sewer and storm water fees and charges that are currently pending by **Councilors Montgomery/Loving**. All in favor; motion carried.

**ADDITION OF WORK HOURS TO THE BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER POSITION IN RESPONSE TO PERMIT REVIEW DEMANDS**

**City Administrator Bryan Harrison** stated that the Community Development Department is experiencing increasing demand for development permit application review. The number and intensity of development projects is such that current staff is not meeting the demand for plan review and/or inspection. Staff would like to expand the hours of the part time Building Inspector/Code Enforcement Officer to address the additional demand for service.

A motion was made to authorize the expansion of the works hours of the part time Building Inspector/Code Enforcement Officer to meet land use permit review demands by **Councilors R. DeGloria/Montgomery**. All in favor; motion carried.

**REQUEST FOR CAPITAL/FACILITY FUNDING FROM THE SKAGIT COUNTY YMCA: DISCUSSION OF REVIEW PROCESS AND DECISION TIMELINE**

**City Administrator Bryan Harrison** stated this is a discussion regarding the revised capital funding request from the Skagit Valley YMCA for the proposed new YMCA facility in Mount Vernon. Previous discussions have led staff to understand that council prefers to review this request in conjunction with other city capital priorities during the consideration of the City of Burlington 2018 – 2023 Capital Improvement Plan (CIP) and the 2018 budget, both of which will occur in the fall. Representatives from the YMCA have indicated to staff that they would prefer to hear a response from council earlier than the 2018 budget adoption. Staff awaits your decision and/or direction regarding this process.

**Councilor Edmundson** stated that she discussed this topic with a state representative and she was under the impression that when the state passes the capital budget they will be donating \$3 million to the project. **Edmundson** stated that she is not comfortable discussing outside the budget process as there are many needs city wide that need to be discussed.

Discussion was held regarding amount of donation, what the timeline and process should be, what donating the money will add to the citizens in Burlington in regards to details of use of the YMCA, number of Burlington residents who currently utilize the



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YMCA, the timeline of donating in relation to a matching donor, concerns with State Auditor requirements, and terms of an agreement if council wishes to donate.

Council requested that more quantitative information be brought back to the next council meeting on Thursday, August 27, 2017.

**ADJOURNMENT:**

**Mayor Sexton** adjourned the meeting at 9:30 p.m.

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Renee Sinclair  
Director of Budget & Accounting

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Steve Sexton  
Mayor



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS.       

## AGENDA ITEM

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Council Date: August 10, 2017 Subject: Approval of Preliminary Subdivision Application LUP  
Brad Johnson, Senior Planner 3-17/SUB 1-17 (River's Edge)

Attachments: Planning Commission Recommendation & Staff Report Public Hearing Required: YES ( ) NO ( X )  
Resolution approving preliminary subdivision  
application

### SUMMARY

The Burlington Planning Commission has reviewed, and recommended approval of, an application for preliminary subdivision approval to divide a 14 acre site into 35 building lots. The proposal utilizes the cluster development provisions of the Burlington Municipal Code.

### RECOMMENDATION

Move to adopt the Planning Commission's recommendation.



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## **PLANNING COMMISSION RECOMMENDATION**

**DATE:** July 19, 2017

**PROJECT:** River's Edge Subdivision (LUP 3-17/SUB 1-17)

**LOCATION:** 1802 East Rio Vista Avenue (approximate)

**PARCELS:** P62693, P92713, & PP62736

**APPLICANT:** River's Edge LLC, Tim Woodmansee

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### **REQUEST:**

On June 5, 2017 the Planning Department received an application for preliminary plat approval to subdivide three parcels totaling 14 acres into 35 building lots. The application utilizes the cluster development provisions of the Burlington Municipal Code. Future construction on the resulting lots may include up to 34 single-family homes and one six-unit multi-family building. This proposed subdivision will require clearing, grading, and the construction of roads, sidewalks, and utilities. The project will result in approximately 3.87 acres of new impervious surface coverage.

### **FINDINGS OF FACT:**

The Planning Commission hereby adopts the findings of fact enumerated in the attached Staff Report and Recommendation produced by the City's Planning Department and dated July 14, 2017 (see exhibit "1").

### **CONCLUSIONS OF LAW:**

1. Based on applicable Burlington Municipal Code requirements and the findings presented in the attached Staff Report and Recommendation, the Planning Commission concludes that it is authorized to forward a recommendation to the City Council on this application pursuant to BMC 17.68.030.D and BMC 17.68.090.D.
2. Based on applicable Burlington Municipal Code requirements and the findings presented in the attached Staff Report and Recommendation, the Planning Commission concludes that

the public notification and procedural requirements of chapters 15.16, 17.68, and 17.76 BMC, and chapter 36.70B RCW have been addressed.

3. Based on applicable Burlington Municipal Code requirements and the findings presented in the attached Staff Report and Recommendation, the Planning Commission concludes, that provided the conditions of approval identified in this recommendation are fully implemented, the applicant's proposal will comply with the zoning code requirements identified in title 17 BMC.
4. The Planning Commission has reviewed the SEPA checklist prepared by the applicant and the Mitigated Determination of Non-Significance issued by the City's SEPA Responsible Official on July 14, 2017, and concludes that the requirements of chapter 43.21C RCW, chapter 197.11 WAC, and chapter 15.12 BMC have been addressed.
5. Based on the finding presented in the attached Staff Report and Recommendation the Planning Commission concludes that provided the conditions of approval identified in this recommendation are fully implemented, that adequate provisions have been made for the facilities and improvements identified in RCW 58.17.110(1) and 58.17.110(2).
6. Based on the finding presented in the attached Staff Report and Recommendation the Planning Commission concludes that provided the conditions of approval identified in this recommendation are fully implemented, that the approval criteria identified in RCW 58.17.110(1) and 58.17.110(2) have been adequately addressed.
7. The Planning Commission has reviewed the recommended conditions of permit approval identified in the attached Staff Report and Recommendation and concludes they are necessary to ensure full compliance with applicable Burlington Municipal Code requirements.

#### **RECOMMENDATION:**

Based on a thorough review of the record associated with this proposal, the applicable regulatory requirements, and the findings and conclusions presented above, the Planning Commission hereby recommends the City Council *approve* Preliminary Subdivision application LUP 3-17/SUB 1-17 *subject to* the following conditions:

#### **CONDITIONS OF APPROVAL:**

The Planning Commission has concluded that conditions of approval identified in the attached Staff Report and Recommendation dated July 14, 2017 (see attached exhibit "1") are necessary to ensure compliance with applicable Burlington Municipal Code requirements. Therefore, the Planning Commission recommends the City Council require that the proposed development

activities be subject to, and comply with, the conditions of permit approval enumerated in the attached Staff Report and Recommendation prepared by the Planning Department. **EXCEPT**

DATED this 26<sup>th</sup> day of July 2017

AS FOLLOWS:

(a) CONDITION # 13 ~~SHOULD~~ <sup>ALL</sup> BE DELETED.

Maureen Ale  
Chair, City of Burlington Planning Commission

(b) PLAN REVIEW AND LANDSCAPE PLAN REVIEW SHALL BE REQUIRED PRIOR TO APPROVAL OF THE MULTI-FAMILY STRUCTURE(S).

(c) THE TRAIL EASEMENT SHALL BE ACCESSIBLE FROM THE ADJOINING OPEN SPACE TRACT OR LOTS OUTSIDE THE PLAT BOUNDARY.

Exhibits:

"1" Staff Report and Recommendation



EXHIBIT "1"

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## PERMIT RECOMMENDATION AND SEPA DECISION

**DATE:** July 14, 2017

**PROJECT:** River's Edge Subdivision (LUP 3-17/SUB 1-17)

**LOCATION:** 1802 East Rio Vista Avenue (approximate)

**PARCELS:** P62693, P92713, & PP62736

**APPLICANT:** River's Edge LLC, Tim Woodmansee

**STAFF:** Brad Johnson, Senior Planner

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### REQUEST:

On June 5, 2017 the Planning Department received an application for preliminary plat approval to subdivide three parcels totaling 14 acres into 35 building lots. The application utilizes the cluster development provisions of the Burlington Municipal Code. Future construction on the resulting lots may include up to 34 single-family homes and one six-unit multi-family building. This proposed subdivision will require clearing, grading, and the construction of roads, sidewalks, and utilities. The project will result in approximately 3.87 acres of new impervious surface coverage.

### FINDINGS:

#### Permit Process

1. The applicant is proposing to divide a 14 acre site into 35 lots for future development. Under Washington State law (RCW 58.17.020(1) & RCW 58.17.040) and Burlington Municipal Code (BMC 16.04.030.A and BMC 16.04.020) the division of land into ten or more lots requires approval through a "subdivision" process. Because the applicant is proposing to create 35 lots, this proposal has been reviewed using the standards and procedures for preliminary subdivision approval identified in chapter 16.08 BMC.
2. Preliminary subdivision approvals are classified as a type III decision (BMC 17.68.030.D) and must be approved by the City Council following a recommendation from the Planning

Commission (BMC 17.68.090.D). Therefore the Planning Commission is authorized to review this proposal and forward a recommendation to the City Council.

3. Following the submittal of a land use application the City is required to determine whether or not the application constitutes a "complete" application (BMC 15.16.020.A and RCW 36.70B.070). The subdivision subject to this review was submitted on June 5, 2017. On June 9, 2017 the City deemed the application complete for purposes of processing.
4. Burlington Municipal Code requires public notice of all complete applications requiring environmental review under SEPA (BMC 17.68.070.A and 17.68.070.D.4.a). This application is subject to SEPA requirements. In accordance with applicable code requirements, a notice was published in the Skagit Herald, distributed to adjoining property owners, and sent to the Washington State Department of Ecology SEPA registry. A large sign was also posted on the property.
5. Following the notification described above a public comment period was provided. This comment period began on June 9, 2017 and ended on June 26, 2017. During this period the Planning Department received four comments. Two comments were also received after the close of the comment period. Copies of the public comments are attached to this report (see exhibit "C").

#### Zoning Compliance

6. The property subject to this review is zoned R1-7.6. The R1-7.6 zone specifies that newly created lots must have an area of at least 7,600 square feet, and be at least 60 feet wide and 80 feet deep (BMC 17.15.020 and 17.15.060.A.3). In addition, only one single family home is permitted on each lot in the R1-7.6 zone (BMC 17.15.030.A). However, the City's code provisions also allow "cluster developments" to be created as an alternative to the rigid application of the standards outlined above (BMC 17.15.060.G).
7. The City's cluster development code allows the City to grant deviations from the normally applicable requirements for lot dimensions, coverage, and area (BMC 17.15.060.G). In addition, the City may also allow a variety of housing types to be constructed in a cluster development, including, attached townhomes, apartments, and other higher density housing types, provided the overall density of the development does not exceed the density that would normally be allowed under a strict application of the zoning code. Essentially this provision allows density to be averaged across the entire site.
8. The applicant has asked to utilize the cluster development code provisions outlined above. In order to approve a cluster development the City must find that the proposal sets aside a "substantial area of continuous, publicly accessible open space, wetlands, areas adjacent to wetlands, lakes, bluffs, ravines, steep slopes, wildlife habitat, or other critical areas". Cluster developments may also be approved if "the resulting open space area is used for

non-structural low impact development (LID) features, such as bio-retention areas, which mimic natural environmental or hydrologic processes”, provided the LID features are extensively landscaped using native vegetation (BMC 17.15.060.G.4).

9. As shown on the preliminary plat (exhibit “A”), the applicant is proposing to set aside between 5 and 5.5 acres of open space. This area includes a special flood hazard area and will be publicly accessible by a continuous walking path extending through the site from Gardner Road to Section Street. A portion of the proposed open space will be used as a bio-retention area to treat and infiltrate storm-water. The landscaping plan provided with the application (exhibit “B”) indicates this LID feature will be extensively landscaped with native species. Because the proposed development includes a substantial area of publicly accessible open space it qualifies for consideration under the cluster development provisions of the Burlington Municipal Code. Also, because the storm-water infiltration area is non-structural, designed in accordance with LID standards, and will be extensively landscaped with native vegetation, it may be located in the proposed open space tract.
10. The cluster development code requires that open space areas be placed in separate tracts and that restrictive notes be included on the face of the final plat identifying the uses permitted in the open space areas (BMC 17.15.060.G.8 and 17.15.060.G.9). In order to ensure compliance with this requirement, the final plat shall clearly delineate the open space areas as separate tracts and include restrictive notes identifying the uses permitted in the open space areas (see conditions “25” and “26”).
11. In exchange for providing the open space areas and public access described above, and required by the City’s cluster development code, the applicant is proposing to create a number of lots which deviate from the lot width requirements applicable to the R1-7.6 zone (lot 18 and lots 23 – 34) and construct a six unit multifamily structure on one of the resulting lots (lot 22). The City’s cluster development code allows townhomes, apartments, and other types of attached housing to be constructed in a cluster subdivision, provided the overall density of the development, including any open spaces tracts, does not exceed the density that would normally be allowed on the site. Based on the survey provided by the applicant, the total area of the site is 14 acres (609,840 sq. ft.). Under a strict application of the zoning code, each lot in the subdivision would need an area of 7,600 sq. ft. and only one dwelling unit would be permitted on each lot, resulting in a total of 80 dwelling units. The applicant is proposing to construct 34 single-family homes and a six unit multi-family building for a total of 40 dwelling units; therefore, the density of the proposed development is less the density that would be permitted under a strict application of the zoning code.
12. Because the density of the proposed development does not exceed the density that would normally be allowed based on the zoning code, and because the proposal includes a continuous tract of publicly accessible open space as required by the cluster development



code, the proposed multi-family lot and lot width reductions may be permitted in accordance with the provisions of BMC 17.15.060.G.

13. In order to ensure that subsequent developments or lot line adjustments don't alter the circumstances on which this decision is based, restrictive notes should be included on the face of the plat that (a) specify the lot to be used for multi-family development, (b) identify the lots with reduced widths, and (c) restricting future division, development, or alternation of the proposed open space areas (see conditions "25" and "26").
14. The maximum permitted building coverage, per lot, allowed in the R1-7.6 zone is 35 percent (BMC 17.15.060.C.1). In order to ensure subsequent development is consistent with this requirement each building permit site plan will be reviewed by Planning Department staff.
15. The maximum impervious surface coverage permitted in the R1-7.6 zone is 40 percent (BMC 17.15.060.C.2). The maximum impervious surface coverage may be addressed on a lot by lot basis, or by averaging the impervious surface coverage across all of the resulting lots (BMC 17.15.060.G.3). As a condition of final plat approval the applicant should specify which method they will be using and include restrictive notes on the face of the plat which identify the maximum impervious surface coverage permitted for each lot (see condition "32").

#### Storm-Water and Low Impact Development

16. All development applications must be reviewed by the City engineer for compliance with the City's storm-water regulations (BMC 17.45.110.A). A preliminary storm-water plan was provided with the application and reviewed by City's Public Works Department. Provided a fully engineered storm-water plan is submitted, and approved, the proposal can comply with the requirements of Title 14 BMC (see condition "8").
17. Low Impact Development (LID) techniques and methods must be incorporated into the design and construction of all new subdivisions (BMC 17.45.110.C). The proposed subdivision is utilizing a clustered design which sets aside a significant tract of open space. Storm-water run-off from the individual lots will be infiltrated or dispersed on-site. All other storm-water will drain to a bio-retention area which will be extensively landscaped using native vegetation. Because these techniques mimic natural, pre-development, environmental and hydrologic processes, the Planning Department finds that the LID requirement discussed above has been met.
18. All subdivision applications must include a soils report prepared by a licensed engineer or geologist which identifies areas of the site suitable for storm-water infiltration and LID features (BMC 17.68.150.B.12). The application subject to this review included a soils

report prepared by Dan Sorenson, a licensed Engineering Geologist; therefore, the Planning Department finds the applicant has met this requirement.

#### Critical Areas and Flood Hazards

19. The applicant provided two reports prepared by critical areas specialists. Neither of these reports identified any wetlands or other critical areas on the development site. The site is however, located within a regulated floodplain and the southern portion of the site is encumbered by a designated “dike setback area” which extends inland 100 feet from the toe of the Skagit River Dike (BMC 15.15.620.F.2). The site is also subject to a “special flood risk zone” which extends inland 300 feet from the toe of the Skagit River Dike (BMC 15.15.025). Both of these areas are depicted on the preliminary plat (see attached exhibit “A”).
20. With very limited exceptions all development is prohibited within the dike setback area. Therefore, the dike setback area should be included within the proposed open space tract and a restrictive note should be included on the face of the final plat prohibiting development in this area (see conditions “25” and “26”).
21. Minor, non-structural, development is permitted within the special flood risk zone. The proposed subdivision includes several improvements located in this area, including underground utilities, a bio-retention cell, a gravel walking path, landscaping, and a gravel service road which provides access to the retention cell. All of these improvements are allowed in the special flood risk zone. Specifically, the code permits underground improvements, and excavation and filling which does not raise the level of the land above the surrounding, pre-development, grade (BMC 15.15.620.A.2 and 15.15.620.A.4). Based on the preliminary survey and plans, the bio-retention cell will be built below the surrounding pre-development grade and excavation spoils will be removed from the special flood risk zone and deposited elsewhere in the subdivision. Therefore, the Planning Department finds that the proposed improvements may be permitted in the special flood risk zone.
22. Pursuant to BMC 15.15.620.D.3 new subdivision lots may extend into the special flood risk zone provided that the area of the lot which extends into the special flood risk zone is used only for residential landscaping. The preliminary plat indicates that lots 22 – 35 will extend into the special flood risk zone; therefore, this area should be identified on the final plat and a restrictive note should be included prohibiting development in this area (see conditions “26” and “34”).
23. Drainage systems and utilities serving subdivisions in floodplains must be designed to minimize flood damage (BMC 15.15.610.F.1 and 15.15.610.F.2). As a condition of final plat approval the project engineer should submit a statement summarizing the measures taken

to minimize the potential for flood damage to the utilities serving the plat (see condition "35").

24. All subdivisions are required to provide floodplain elevation data (BMC 15.15.610.F.3). The preliminary plat includes surveyed contour lines and elevation data. As condition of final plat approval base flood elevations data should be provided on the final plat (see condition "37").
25. With limited exceptions a floodplain development permit is required for all development activities occurring in a floodplain (BMC 15.15.100.N). The applicant should be required to obtain a floodplain development permit prior to beginning any clearing, grading, or construction activities (see condition "7").
26. When new storm-water facilities or LID features are provided to serve a plat, an easement must be conveyed to the City for access, maintenance, and inspection purposes (BMC 16.080.052.G). In order to comply with this requirement the appropriate easement language should be included on the face of the final plat (see condition "36").

#### Landscaping

27. The City of Burlington has adopted landscaping standards which apply to all developments except for the construction of individual homes on existing lots (BMC 17.50.020.A). These requirements specify that a landscaping plan, prepared by a licensed landscape architect be included with all development applications (BMC 17.50.050.D and 17.50.030.A). A landscaping plan prepared by Patrik Dylan, a licensed landscape architect was included with the application.
28. A landscaping strip is required along the street frontage of all lots. Ordinarily the width of this strip is required to be ten feet; however, for lots that are less than 200 feet deep the strip may be reduced to five percent of the lot depth, or six feet, whichever is greater (BMC 17.50.060.A). The lot depths in the proposed plat range from approximately 90 feet to 240 feet. The preliminary plat includes a utility easement, seven feet in width, along the edge public right-of-way. Because it's not feasible to provide a landscaping strip that varies in width, the Planning Department finds that by converting the utility easement to a "utility and landscaping easement" this requirement will be adequately addressed (see conditions "12" and "22").
29. One street tree is required for every 30 feet of street frontage (BMC 17.50.060.B). The preliminary landscaping plan shows street trees planted at intervals of approximately 30 feet along the internal road frontages and along the northern portion of the South Gardner Road frontage. Street trees are also provided where the property extends to South Section Street. The landscaping plan generally complies with the City's street tree planting requirements; however, no trees are provided along the southern portion of the South

Gardner Road frontage. Provided the final landscaping plan is amended to include additional trees the plan will fully comply with the street tree requirements (see conditions “12” and “26”).

30. A perimeter landscaping strip at least five feet in width is also required (BMC 17.50.070.A). Burlington Municipal Code requires that one tree be provided for every 150 square feet of perimeter landscaping area (BMC 17.50.070.C). When applied to the perimeter of the plat, this requirement results in a need for approximately two trees per lot. Therefore, as a condition of approval two trees will need to be planted at the rear of each perimeter lot (see condition “26”).

### Streets and Pedestrian Access

31. Residential developments are required to provide pedestrian access connections to adjoining developments, parks, common tracts, open space areas, and schools (BMC 17.54.090.2). The eastward extension of the site abuts South Section Street and a public park and school are located on the opposite side of the street. The property also includes a large open space tract and adjoins the Skagit River Boat Launch.
32. The applicant is proposing a significant network of pedestrian amenities, including sidewalks along both sides of the internal access road and along the northern half of the Gardner Road frontage. The plans also show a gravel walking path extending through the open space tract and providing a continuous connection between South Gardner Road and South Section Street. However, a sidewalk is needed along the southern half of the Gardner Road frontage and cross walk should be provided where the pedestrian path abuts Section Street in order to provide a safe walking route from the development to Lucille Umbarger Elementary School in accordance with RCW 58.17.110(1). Also, the pedestrian path should be connected to the existing pedestrian path which extends south from Reanna Place (see conditions “18”, “19” and “20”).
33. Improved right-of-way is required for all new construction projects and all right-of-way improvements shall be consistent with the design standards identified in Chapter 12.28 BMC (BMC 12.28.010.A and 12.28.010.C). The proposed development will necessitate street frontage improvements along South Gardner Road. In addition, a new local access street will be constructed to serve the subdivision.
34. In accordance with BMC 17.15.060.A.4, access to all lots in a proposed subdivision must be from a street dedicated to the public. Exceptions may be granted to this requirement, in limited circumstances, when the City finds that a public street is not necessary to provide utility access, or for public health and safety reasons. In such circumstances access may be provided by a private easement with a minimum width of 30 feet (BMC 17.15.060.A.4.f). The applicant is proposing to construct, and dedicate to the public, a new street and each of the lots in the proposed development will have frontage on this street, with the

exception of lots 13 and 14. The applicant is proposing to provide access to lots 13 and 14 through an easement crossing lots 11 and 12. The proposed easement is shown as having a width of 20 feet which does not meet the minimum width requirement described above. The Planning Department finds that a private easement may be used to provide access to lots 13 and 14, provided the easement is at least 30 feet wide (see condition "21").

35. The new street serving the subdivision is consistent with the definition of an "access street" (BMC 12.28.070). In accordance with the City's geometric design standards this street requires a total right-of-way width of 50 feet (BMC 12.28.150.C). Two travel lanes, with minimum width of ten feet, and two parking lanes, with a minimum width of 8 feet, must be provided (BMC 12.28.150.D and BMC 12.28.150.E), and sidewalks are required on both sides of the street (BMC 17.54.090.A). The internal access street shown on the preliminary plans is consistent with all of these requirements. Provided the street is constructed in accordance with the preliminary plat the new street will comply with all applicable code requirements (see condition "14").
36. South Gardner Road is not consistent with current City standards where it abuts the subject property. Accordingly, "half-width" right-of-way improvements should be required along the entire property frontage and should include at least one traffic lane, with a minimum width of 11 feet, one parking lane, with a minimum width of 8 feet, and a sidewalk (BMC 12.28.140.D and 12.28.140.K) (see condition "15").

#### Utilities

37. All new development that involves work within the public right-of-way requires the installation of fiber optic conduit (BMC 12.28.095.A). The applicant will be constructing improvements along several street frontages and constructing a new public right-of-way; therefore, the final engineered plans should include fiber optic conduit and vaults as required by Burlington Municipal Code (see condition "17").
38. New subdivisions must provide sewer and water connections to each building site in the plat (BMC 16.08.102.C); therefore, the applicant should be required to provide public sewer and water connections as a condition of final plat approval (see condition "23").
39. Water service mains and fire hydrants must be installed in accordance with applicable public works and fire code standards (BMC 16.080.102.D). This application has been reviewed by the City's Fire Marshall (exhibit "D") and a number of conditions of approval should be included to ensure compliance with applicable fire code requirements (see conditions "10", "11" and "24").

40. All utilities serving the proposed subdivision must be underground (BMC 16.080.100.F). A condition is included to insure compliance with this requirement (see condition "27").

#### **SEPA DETERMINATION:**

##### Mitigated Determination of No-Significance (MDNS)

The lead agency for this proposal has determined that it does not have a probable significant impact on the environment subject to the mitigating conditions of approval identified below. An environmental impact statement (EIS) is not required under RCW 43.21C.0330(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This MDNS was issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

1. With the exception of the impacts identified below, all of the impacts associated with this proposal will be adequately mitigated through the application of Burlington Municipal Code requirements. Therefore, all construction, work, clearing, grading, filling, excavation, and other development activities shall be in full compliance with applicable Burlington Municipal Code requirements and the conditions identified below under the "Permit Recommendation" heading.
2. Because the proposed subdivision will include street lights, and because the City lacks regulations addressing glare from outdoor lighting fixtures and street lights, a street lighting plan shall be provided to the City Engineer for review prior to final plat approval. The required street lighting plan shall demonstrate that all reasonable and appropriate measures have been taken to control lighting and glare impacts from the street lights.
3. The proposed subdivision adjoins a City of Burlington sewage treatment plant. The sewage treatment plant operates at all hours of the day and night and has the potential to produce odor, noise, and lighting impacts which may affect the proposed development. In order to mitigate for these existing impacts, the following notice shall be included on the face of the final plat: *"This subdivision adjoins a City of Burlington wastewater treatment plant. Property owners and buyers are advised that the facility operates at all hours and may produce lighting, noise, and odor impacts".*
4. This project is located in a floodplain. The National Marine Fisheries Service has determined that development in floodplains can negatively impact species protected by the Endangered Species Act (ESA). In order to mitigate any fish and wildlife impacts the applicant has provided a habitat assessment and mitigation plan. This plan was prepared in accordance with the guidelines and recommendations identified in the "Floodplain Habitat Assessment and Mitigation" guidance prepared by FEMA Region 10. Because the subdivision will retain significant open spaces areas and will include LID features that

mimic natural, pre-development, environmental and hydrologic functions, the subdivision shall be constructed in accordance with the approved preliminary plat and any design specifications, management recommendations, or other mitigation measures identified in the habitat assessment.

5. The Skagit River Boat Launch, a City owned park, is located immediately south of the proposed development at the end of South Gardner Road. A gate used to control access to the park is currently located near the intersection of South Gardner Road and East Rio Vista Avenue. In order to permit unimpeded access to the development the gate will need to be relocated. In order to mitigate this impact to public infrastructure, the applicant shall relocate or reconstruct the gate as shown on the preliminary plat.

#### **PERMIT RECOMMENDATION:**

The Planning Department has reviewed the applicant's proposal and determined that it can comply with applicable Burlington Municipal Code requirements provided the recommended conditions of approval are fully implemented. Therefore, the Planning Department recommends the Planning Commission forward a recommendation for approval of preliminary subdivision application LUP 3-17/SUB 1-17 to the City Council *subject to* the following conditions of approval:

1. This approval shall not be construed to authorize any development or site modifications beyond those described in the application and shown on the approved plans. The approved plans shall be the plans and other project documents attached to, or referenced in, the Planning Commission's recommendation.
2. Except as otherwise required by the conditions of approval identified in this decision and the associated SEPA threshold determination, all work, construction, and development activities shall conform to the approved plans. The approved plans shall be the plans and other project documents attached to the Planning Commission's recommendation. Minor modifications necessary to implement any changes requested by the Building Official, Fire Marshall, or Public Works department are permitted.
3. In accordance with BMC 17.68.120 this approval shall expire seven years from the date of approval. The date of approval shall be the date the Planning Commission's decision is signed. An approved final plat meeting all of the requirements of Title 16 BMC and Chapter 58.17 RCW shall be recorded with the Skagit County Auditor prior to the expiration date identified above.
4. The final plat submitted to the City of Burlington for approval shall be consistent with any standards or requirements established by the Skagit County Auditor for recorded documents.

5. Final plat approval shall not be granted unless the final plat is fully consistent with the approved preliminary plat and the conditions of approval identified in this report and the associated SEPA threshold determination.
6. This permit does not authorize the location, design, construction or installation of any signs. No signs may be installed unless authorized by an approved City sign permit.
7. Prior to beginning any construction activities, grading, excavation, filling, or utility work, the applicant shall apply for, and obtain, a grading permit and a flood development permit.
8. No grading permit shall be issued until the applicant has submitted engineered plans, and any other supporting documents required by the City Engineer, demonstrating compliance with titles 12, 13, 14, and 15 of the Burlington Municipal Code. These plans must be reviewed and approved by the City Engineer prior to approval of the grading permit.
9. All streets, roads, utilities, sewer system components, and other public improvements shall be designed and constructed in accordance with the applicable standards identified in Burlington Municipal Code.
10. No grading permit shall be issued until the applicant has submitted a fire hydrant plan and flow calculations to the Fire Marshall for review. These plans and calculations shall demonstrate compliance with all applicable fire code requirements and must be reviewed and approved by the Fire Marshall prior to approval of the grading permit.
11. All of the Fire Marshall conditions enumerated in the attached memo from Kelly Blain shall be addressed (see exhibit "D").
12. No grading permit shall be issued until a final landscaping plan has been submitted to the Planning Department and approved. The final landscaping plan shall be consistent with the approved preliminary landscaping plan (see exhibit "B") except that it shall be signed and stamped by a licensed landscape architect and shall include additional street trees installed at intervals of 30 feet along the entire South Gardner Road property frontage. The final landscaping plan submitted for approval shall also be revised to include at least two trees along the rear property lines of each perimeter lot.
13. No grading permit shall be issued until a lot combination combining the three parcels which comprise the development site has been recorded with the Skagit County Auditor and a copy of the recorded lot combination has been submitted to the Planning Department.



14. The internal access road serving the plat shall be dedicated to the public and shall be consistent with all of the following specifications:
  - a. The minimum right-of-way width shall be 50 feet;
  - b. The minimum pavement width shall be 36 feet;
  - c. The road shall include two travel lanes and each travel lane shall be at least 10 feet wide;
  - d. The road shall include two parking lanes and each parking land shall be at least 8 feet wide;
  - e. Sidewalks shall be provided on both sides the road and the minimum sidewalk width shall be five feet.
15. The westerly half of South Gardner Road shall be improved from the intersection of East Rio Vista Avenue to the relocated access gate and sign as shown on the preliminary plat. The improvements shall be consistent with all of the following specifications:
  - a. The minimum right-of-way width shall be 60 feet;
  - b. The minimum pavement width shall be 19 feet;
  - c. The road shall include one newly improved travel lane in the westerly half of the right-of-way and the travel lane shall be at least 11 feet wide;
  - d. The road shall include one newly improved parking lane in the westerly half of the right-of-way and the parking lane shall be at least 8 feet wide;
  - e. A sidewalk shall be provided on the westerly side of the road and the minimum sidewalk width shall be five feet.
16. Minor deviations from the road design standards specified above may be authorized by the City Engineer provided that any such modifications shall be consistent with Burlington Municipal Code.
17. The plans submitted to the City Engineer for approval shall include details for fiber optic conduit and vaults in accordance with BMC 12.28.095 and any required fiber optic conduit and vaults shall be installed or constructed prior to final plat approval.
18. A crosswalk shall be provided at South Section Street where the project site abuts South Section Street.

19. A gravel pedestrian path with a minimum width of eight feet shall be provided as shown on the preliminary plat and shall provide a continuous connection between South Gardner Road and South Section Street. The path shall also be connected to the existing pedestrian path extending south from Reanna Place and to the terminus of the sidewalk shown on the preliminary plat along the easterly edge of lot 21.
20. A public access trail easement with a minimum width of 10 feet shall be provided along the full length of the path and connections required by condition 19 above. This easement shall be clearly indicated on the face of the final plat.
21. The access easement serving lots 13 and 14 shall be at least 30 feet in width.
22. A utility and landscaping easement shall be provided on the final plat in place of the 7 foot utility easement shown along the road frontages on the preliminary plat.
23. Public sewer and water connections shall be provided to each lot in the plat. These connections shall be installed or constructed prior to final plat approval. Water and sewer connections are not required for any open space tracts or other areas where development is prohibited.
24. All required fire hydrants and fire safety improvements shall be installed, tested, and inspected by the Fire Marshall prior to final plat approval.
25. The open space areas shown on the preliminary plat shall be delineated and labeled as separate tracts on the final plat submitted to the City for approval and restrictive notes shall be included identifying the intended use of each tract.
26. The following restrictive notes shall be included on the face of the final plat:
  - a. *"The open space tracts shown on this plat are intended to remain as open, undeveloped, space. Use of these tracts is limited to passive recreation, unpaved walking paths, public access, underground utilities, and non-structural storm-water improvements. Flood control structures and developments owned or maintained by a public agency shall also be permitted."*
  - b. *"This subdivision has been approved using the cluster development provisions identified in Burlington Municipal Code. The open space tracts shown on the face of this plat may not be further divided or adjusted."*
  - c. *"All development on lots within this plat shall be consistent with the uses and development types permitted in the R1-7.6 zone, except that a six unit multifamily building may be constructed on lot 22."*

- d. *"No development, except dikes and levees owned or maintained by a public agency, shall be permitted in the dike setback area shown on this plat."*
  - e. *"Development within the special flood risk zone shown on this plat shall be limited to the following: (1) minor grading, filling, or excavation activities which do not raise the level of land above the surrounding, natural, pre-development grade; (2) underground utilities; (3) maintenance and repair of existing improvements; and (4) normal residential landscaping and landscaping materials which do not raise the level of the ground above the natural predevelopment grade."*
  - f. *"The landscaping in the bio-retention cell shall not be removed or altered without written approval from the City of Burlington."*
  - g. *"Prior to approval of the final inspection for the construction of each home within this plat, the street trees and perimeter landscaping trees shown on the approved landscaping plan shall be installed."*
  - h. *"Property owners shall be responsible for maintaining the street trees located in the utility and landscaping easement. Trees shall not be removed unless they are diseased, pose a hazard, or must be removed to allow utility work, in which case they replaced immediately with a tree of the same species."*
- 27. All utilities installed within the plat boundaries or within the boundaries of right-of-way improved as a condition of this decision shall be underground.
  - 28. All sidewalks, paths, or other pedestrian access improvements shown on the approved preliminary plat or required by this decision shall be constructed or installed prior to final plat approval.
  - 29. All streets, roads, utilities, sewer system components, and other public improvements shown on the approved preliminary plat or required by this decision shall be constructed or installed prior to final plat approval.
  - 30. Prior to final plat approval the City Engineer shall verify that all of the utilities and improvements required by this decision have been constructed or installed in accordance any applicable Burlington Municipal Code requirements.
  - 31. Prior to final plat approval the Fire Marshall shall verify that all fire hydrants and other fire safety improvements have been constructed or installed in accordance with any applicable fire code requirements.

32. The total impervious surface coverage of the entire development authorized by this decision shall not exceed 40 percent. For purposes of interpreting this condition the definition of "impervious surface" shall be the definition provided in BMC 17.06.455. The total quantity of impervious surface coverage permitted on each individual lot shall be clearly noted on the face of the plat and this amount shall not exceed the amount assumed in the development of the approved storm-water plan.
33. Sidewalks and pedestrian paths adjacent to landscaping or infiltration areas shall be graded and sloped to drain to such features.
34. No fill is permitted in the special flood risk zone if the fill would have the effect of raising the level of the ground above the natural pre-development grade.
35. No grading permit shall be issued until the project engineer submits a statement summarizing the design measures taken to protect utilities from flood damage.
36. The final plat shall include easements allowing the City to access all storm-water management facilities and LID features for the purposes of maintenance, inspection, repair, or replacement.
37. Base flood elevation data shall be provided on the face of the final plat.

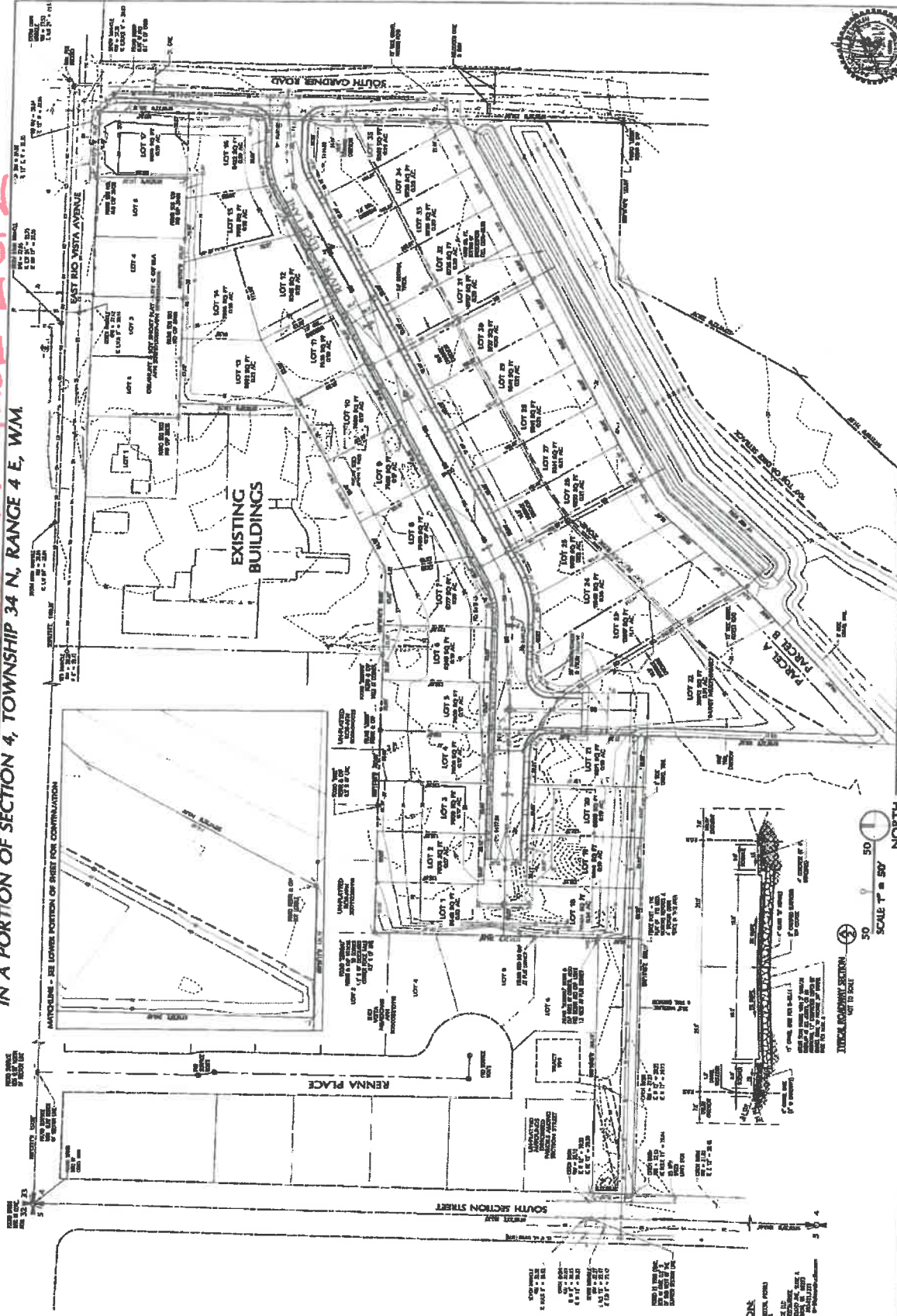
Exhibits:

- A – Preliminary Plat
- B – Preliminary Landscaping Plan
- C – Public Comments
- D – Fire Marshal Conditions



PRELIMINARY PLAT EXHIBIT "A" PAGE 2 OF 2

IN A PORTION OF SECTION 4, TOWNSHIP 34 N, RANGE 4 E, WM



<b>Sound Development Group</b> ENGINEERING, SURVEYING & LAND DEVELOPMENT SERVICES 10000 Highway 100, Suite 200 Austin, Texas 78758 Tel: 380-4000-5010 Fax: 380-4000-5013		<b>PRELIMINARY CLUSTER PLAT</b>		<b>RIVER'S EDGE PRELIMINARY PLAT</b> FOR <b>RIVER'S EDGE, LLC</b> BY A PORTION OF SECTION 4, TOWNSHIP 34 N, RANGE 4 E, WM	
DATE	2/2/2013	SCALE	AS SHOWN	BY	W. J. RIVER'S
REVISION	1	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	2	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	3	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	4	DATE	2/2/2013	BY	W. J. RIVER'S
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REVISION	83	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	84	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	85	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	86	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	87	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	88	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	89	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	90	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	91	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	92	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	93	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	94	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	95	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	96	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	97	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	98	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	99	DATE	2/2/2013	BY	W. J. RIVER'S
REVISION	100	DATE	2/2/2013	BY	W. J. RIVER'S

**NOTE INFORMATION:**  
1. THIS PLAT IS A PRELIMINARY PLAT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.  
2. THE PLAT IS SUBJECT TO THE APPROVAL OF THE TOWNSHIP CLERK.  
3. THE PLAT IS SUBJECT TO THE APPROVAL OF THE COUNTY CLERK.  
4. THE PLAT IS SUBJECT TO THE APPROVAL OF THE STATE CLERK.  
5. THE PLAT IS SUBJECT TO THE APPROVAL OF THE FEDERAL CLERK.

CALL 48 HOURS  
BEFORE YOU DIG  
1-800-424-5555

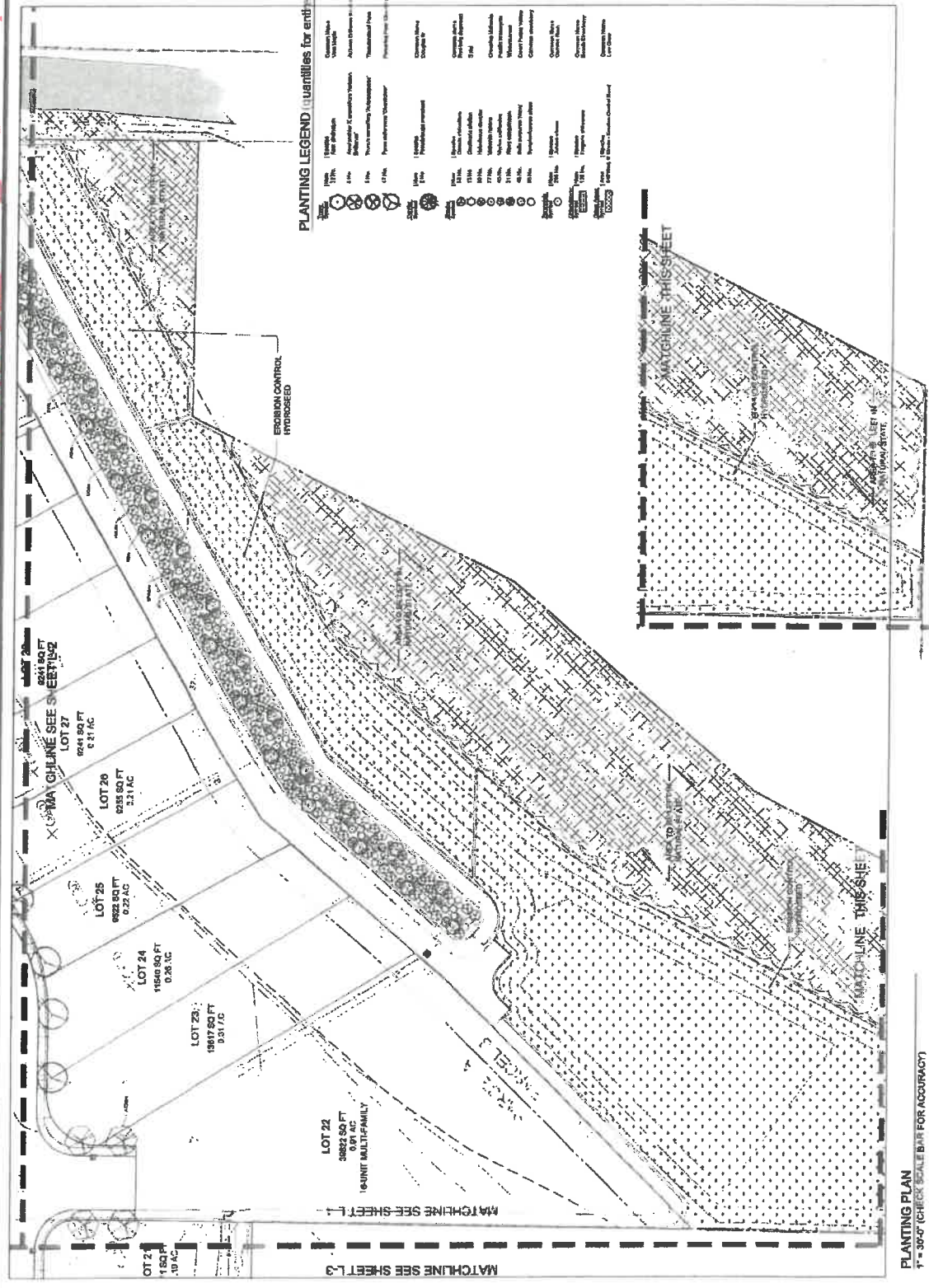








EXHIBIT "B" 3 OF 4



PLANTING LEGEND quantities for entire project

Symbol	Plant Name	Quantity
Circle with cross	1.0000 Tree (Shrub)	1000
Circle with dot	2.0000 Tree (Shrub)	1000
Circle with cross	3.0000 Tree (Shrub)	1000
Circle with dot	4.0000 Tree (Shrub)	1000
Circle with cross	5.0000 Tree (Shrub)	1000
Circle with dot	6.0000 Tree (Shrub)	1000
Circle with cross	7.0000 Tree (Shrub)	1000
Circle with dot	8.0000 Tree (Shrub)	1000
Circle with cross	9.0000 Tree (Shrub)	1000
Circle with dot	10.0000 Tree (Shrub)	1000
Circle with cross	11.0000 Tree (Shrub)	1000
Circle with dot	12.0000 Tree (Shrub)	1000
Circle with cross	13.0000 Tree (Shrub)	1000
Circle with dot	14.0000 Tree (Shrub)	1000
Circle with cross	15.0000 Tree (Shrub)	1000
Circle with dot	16.0000 Tree (Shrub)	1000
Circle with cross	17.0000 Tree (Shrub)	1000
Circle with dot	18.0000 Tree (Shrub)	1000
Circle with cross	19.0000 Tree (Shrub)	1000
Circle with dot	20.0000 Tree (Shrub)	1000
Circle with cross	21.0000 Tree (Shrub)	1000
Circle with dot	22.0000 Tree (Shrub)	1000
Circle with cross	23.0000 Tree (Shrub)	1000
Circle with dot	24.0000 Tree (Shrub)	1000
Circle with cross	25.0000 Tree (Shrub)	1000
Circle with dot	26.0000 Tree (Shrub)	1000
Circle with cross	27.0000 Tree (Shrub)	1000
Circle with dot	28.0000 Tree (Shrub)	1000
Circle with cross	29.0000 Tree (Shrub)	1000
Circle with dot	30.0000 Tree (Shrub)	1000
Circle with cross	31.0000 Tree (Shrub)	1000
Circle with dot	32.0000 Tree (Shrub)	1000
Circle with cross	33.0000 Tree (Shrub)	1000
Circle with dot	34.0000 Tree (Shrub)	1000
Circle with cross	35.0000 Tree (Shrub)	1000
Circle with dot	36.0000 Tree (Shrub)	1000
Circle with cross	37.0000 Tree (Shrub)	1000
Circle with dot	38.0000 Tree (Shrub)	1000
Circle with cross	39.0000 Tree (Shrub)	1000
Circle with dot	40.0000 Tree (Shrub)	1000
Circle with cross	41.0000 Tree (Shrub)	1000
Circle with dot	42.0000 Tree (Shrub)	1000
Circle with cross	43.0000 Tree (Shrub)	1000
Circle with dot	44.0000 Tree (Shrub)	1000
Circle with cross	45.0000 Tree (Shrub)	1000
Circle with dot	46.0000 Tree (Shrub)	1000
Circle with cross	47.0000 Tree (Shrub)	1000
Circle with dot	48.0000 Tree (Shrub)	1000
Circle with cross	49.0000 Tree (Shrub)	1000
Circle with dot	50.0000 Tree (Shrub)	1000

PLANTING PLAN

1" = 30'-0" (CHECK SCALE BAR FOR ACCURACY)

NO. DATE REVISION

REVIEWER: [Signature]

DATE: 5/20/17

PROJECT: RIVERS EDGE PLAT

SHEET: L-3

REVIEWER: [Signature]

DATE: 5/20/17

PROJECT: RIVERS EDGE PLAT

SHEET: L-3

PLANTING PLAN

1" = 30'-0" (CHECK SCALE BAR FOR ACCURACY)

NO. DATE REVISION

REVIEWER: [Signature]

DATE: 5/20/17

PROJECT: RIVERS EDGE PLAT

SHEET: L-3

REVIEWER: [Signature]

DATE: 5/20/17

PROJECT: RIVERS EDGE PLAT

SHEET: L-3

**PLANTING LEGEND (quantities for entire project)**



Year	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000
Year	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344</																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																

LANDSCAPE OUTSIDE OF  
HOLD-RETENTION AREA VAPORS.

LINE COMPOUND BELOW

2 MIN MIN BOULDERS: SEE PLANS FOR LOCATIONS. CONTRACTOR TO STOCKPILE BOULDERS FOUND ON SITE FOR USE IN TERRAZZAS/GARDENS. "EXTRA" BOULDERS MAY BE PLACED ON TOP OF SLAB/STAIRS.

ATOM OF BIO-RETENTION CELL.

**MLA**

OF ORIENTATION CELL  
IN THE HUMAN

— EDGE OF LANDSCAPE

FORGET WOOD CHIP MULCH  
GIVE POND:ING DEPTH



**RUBSON**

AM 09 28 00

one inch

DATE: 03.20.17  
THRU: 1715 dms  
CUB NO: 1715  
SHEET: L-4

PLANTING PLAN and  
DETAILS

SCALES:  
 HORIZONTAL : 1" = 30'  
 VERTICAL : N/A

DESIGNED: PD  
 DRAWING: PD

Rivers Edge Plat  
Burlington, WA[illegible]

0000-0000-0000-0000

Area	Alt
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[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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NO

PREVIOUS

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DATE \_\_\_\_\_

EXHIBIT "C"  
1 OF 6

**From:** [linvan56@comcast.net](mailto:linvan56@comcast.net)  
**To:** [Brad Johnson](#)  
**Subject:** NOTICE OF PERMIT APPLICATION & PUBLIC COMMENT PERIOD  
**Date:** Sunday, June 18, 2017 5:51:17 PM

Dear Mr. Johnson:

I would like to be notified of any future meetings and information regarding the permit application by River's Edge LLC to develop the land at 851 South Gardner Road in Burlington, WA, (parcels numbers P62693, P62713, and P62736).

At this time, I would also like to express my concern with changes to the 2016 proposal brought before and voted on by the Burlington Planning Committee, especially changes such as the South Gardner Road access to the development.

I am concerned that neighborhood residents must spend another summer maintaining vigilance over the development of this area. Is it the intention of the developers to restructure their LLCs and proposals until they wear down community resistance through persistence and minutiae?

Sincerely,

Linda  
Linda A. Smith  
1901 Sunset Drive  
Burlington, WA 98233  
(360) 757-6733  
[linvan56@comcast.net](mailto:linvan56@comcast.net)

EXHIBIT "C"  
2 OF 6

**From:** Michael Fohn  
**To:** Brad Johnson  
**Cc:** Kim Ohara  
**Subject:** SUB 1-17  
**Date:** Wednesday, June 21, 2017 9:58:24 AM

Hello Brad and Kim,

I would like to receive further notices regarding the River's Edge Subdivision.

Thank you

Mike Fohn  
P.O. Box 650  
Burlington WA 98233

**Office 360-899-5300**  
**Cell 360-708-0245**

**PRIVILEGED AND CONFIDENTIAL**

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client, accountant-client, or other privileges as to this communication or otherwise. If you have received this communication in error, please contact me at the above email address. Thank you.

EXHIBIT "C"  
3 OF 6

**From:** Paul & Laurie Johnson  
**To:** Brad Johnson  
**Subject:** planning commission news for the Delahunt property  
**Date:** Wednesday, June 21, 2017 8:26:14 PM

Please keep us on the notification list for any activity relevant to the development West of Gardner Road (boat ramp) and south of Rio Vista.

We are concerned about the traffic flow of the development that funnels the traffic for all 36(?) units out on to the boat ramp access road and the lack of safe walking provisions on Gardner between Rio Vista and Fairhaven.

Kind regards,  
Paul & Laurie Johnson  
1902 Sparrs Lane  
Burlington, WA

Whitejohn1@comcast.net

EXHIBIT "C"

4 OF 6

6/26/17

To: City of Burlington, Planning Dept.

Re: River's Edge LLC  
851 S. Gardner Rd.  
Burlington, WA

RECEIVED  
CITY OF BURLINGTON  
PLANNING DEPT.

Concerns:

In the process of developing this property, a small green belt with some large trees will be cleared. This green belt with large trees has helped mitigate excess water during the rainy season and assisted with excess noise. It has also provided shade from some of the morning sun during the hot months of summer.

My biggest concern is drainage from that property. My lot is at the NW corner, with about 18 feet of my lot (SE portion) next to that property. However, I am lower by 6 to 8 inches than that property across the back of my lot. I do not want drainage in my yard.

I do want to ~~receive~~ receive further notices and information concerning this proposal. Also, notify me when the hearing will be held.

Thank you

Mailing Address  
P.O. Box 583  
Burlington, WA 98233

Jill A Robertson  
734 Reanna Pl  
Burlington, WA 98233  
Phone: 360 155-1611

EXHIBIT "C"  
5 OF 6

RECEIVED  
CITY OF BURLINGTON  
PLANNING DEPT.

Jeanne K. Mahoney  
8002 Thomle Road  
Stanwood, WA 98292

Bred Johnson, Senior Planner  
City of Burlington  
883 S. Spruce Street  
Burlington, WA 98233

June 27, 2017

Dear Mr. Johnson:

I would like to be on the list to receive  
further notices concerning the proposed  
development by River's Edge LLC at  
851 South Gardner Road in Burlington.

Thank you.

Sincerely

Jeanne K. Mahoney



EXHIBIT "C"

6 OF 6

RECEIVED

JUL 10 2017

CITY OF BURLINGTON  
PLANNING DEPT

**TO:** City of Burlington Planning Commission  
**FROM:** Don and Pat Vandlac, neighborhood residents for 50+ years  
**DATE:** July 5, 2017  
**SUBJECT:** City of Burlington letter and map concerning RIVERS EDGE LLC development

We recently received a letter of a public hearing and map from the Planning Department. In reviewing the latest map, we have found changes to the River's Edge addition different from what was presented at earlier meetings, when the RIO VISTA PLAT was originally discussed. The outcome of this discussion became different from what we were previously told, for example putting two two-story homes on Rio Vista. Now this new plan shows an outlet from the development onto South Gardner Road only. The previous LLC proposed an outlet onto Section Street which met with the majority of community approval.

We are against the Gardner Road outlet for a number of reasons. It would overload the four-way stop at Gardner and Rio Vista. It is already difficult to safely merge onto Gardner Road from Sparrs Lane. The outlet would also create a school bus mess, even if the bus goes into the new addition, not to mention additional traffic during fishing season and with the dike walkers. Section Street would be a much better outlet because it provides the best access to Burlington Blvd. and the posted evacuation routes.

I have heard that the River's Edge LLC represents a change in ownership which makes it easy to change past decisions. However, even with the new revisions shown on this map, we, the current community, will most likely lose.

Enclosed you will find the recently provided map with the Section Street outlet drawn in. We would strongly recommend using this outlet rather than the one proposed by River's Edge LLC.



DV

DP



# EXHIBIT "D"

**From:** Kelly J. Blaine  
**To:** Brad Johnson  
**Subject:** RE: Permit Application - Request for Comments  
**Date:** Friday, June 30, 2017 8:06:06 AM

Brad,

Here are my comments:

Project: 851 South Gardner Road, Long Card 35 Building Lots.

The City of Burlington Fire Marshal Office will need to inspect or witness the following items prior to any final approval.

Underground:

1. Hydrant spacing and locations will need to comply with Fire Hydrant locations and distribution **Appendix C of the International Fire Code.**
2. The entire underground fire line will require a full hydro-test at 200 psi for 2 hours.
3. Each fire hydrant and riser on the system will be require a 1 minute flush from the pumper port or manifold with a diffuser or until there are no particulates in the system.
4. The pumper port on the hydrants shall have a 5 inch Storz hard faced coupler installed prior to final approval.
5. I will need a copy of NFPA U form filled out prior to final.
6. All fittings and piping from the vault to the building will need to be inspected prior to cove.
7. Three sets of plans, material cut sheets and fire flow calculations will need to be approved prior to any work being done.
8. All work being done from the single check to the riser will need to be installed by a U licensed contractor.
9. FDC will need vehicle impact protection installed to code. (IFC Section 312)
10. Access needs to comply with, Fire Apparatus Access Road Standards 503 of the International Fire Code.

Please feel free to contact this office at 360-757-6684 if we can be of any assistance in helping you.

**Kelly Blaine**  
**Fire Marshal**  
**City of Burlington**  
**833 South Spruce Street**  
**Burlington, Washington 98233**  
**360-757-6684**  
**[kellyib@burlingtonwa.gov](mailto:kellyib@burlingtonwa.gov)**

**RESOLUTION NO. 07-2017**

**A RESOLUTION OF THE CITY OF BURLINGTON, WASHINGTON IN THE MATTER OF APPROVING PRELIMINARY SUBDIVISION APPLICATION LUP 3-17/SUB 1-17**

**WHEREAS**, the City received an application for preliminary subdivision approval on June 5, 2017; and

**WHEREAS**, in accordance with BMC 17.68.030.D decisions on applications for preliminary subdivision approval are classified as “type III” land use decisions; and

**WHEREAS**, in accordance with BMC 17.68.030.D type III land use decisions are made by City Council following a recommendation from the Planning Commission; and

**WHEREAS**, the City’s Planning Commission held a public hearing to consider the preliminary subdivision proposal and accept comments on July 19, 2017; and

**WHEREAS**, the City’s Planning Commission held an additional public meeting on July 26, 2017 to further consider the preliminary subdivision proposal; and

**WHEREAS**, the Planning Commission voted to recommend approval of the preliminary subdivision proposal on July 26, 2017, and

**WHEREAS**, the Planning Commission adopted written findings of fact, conclusions, and conditions of approval in support of their recommendation; and

**WHEREAS**, the City Council has reviewed the recommendation, findings of fact, conclusions, and conditions adopted by the Planning Commission;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby accepts the recommendation, findings of fact, conclusions, and conditions of approval adopted and signed by the Planning Commission on July 26, 2017; and

**BE IT FURTHER RESOLVED**, that Preliminary Subdivision application LUP 3-17/SUB 1-17 is hereby approved; and

**BE IT FURTHER RESOLVED**, that Preliminary Subdivision application LUP 3-17/SUB 1-17 shall be subject to the conditions of approval identified or referenced in the Planning Commission’s recommendation.

**INTRODUCED AND PASSED** at a regular meeting of the City Council of the City of Burlington on this 10<sup>th</sup> day of August, 2017.

**THE CITY OF BURLINGTON**

\_\_\_\_\_  
Steve Sexton, Mayor

ATTEST:

\_\_\_\_\_  
Renee Sinclair  
Director of Budget & Accounting

APPROVED AS TO FORM:

\_\_\_\_\_  
Leif Johnson, City Attorney

Published: \_\_\_\_\_



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS.       

## AGENDA ITEM

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Council Date: August 10, 2017 Subject: MOA between Washington State Patrol and the City of Burlington Police Department  
Mike Luvera, Police Chief

Attachments: Proposed MOA Public Hearing Required: YES ( ) NO (X)  
(Memorandum of Agreement)  
      

### SUMMARY

The City of Burlington invites certain assistance and cooperation from the Washington State Patrol to complete investigations arising from suspected impaired driving offenses which occur within the boundaries of the City of Burlington and we seek to have a mutual commitment to timely and effective law enforcement and public safety to serve those interest.

### RECOMMENDATION

Move to approve the Memorandum of Agreement between the City of Burlington and the Washington State Patrol and authorize the Mayor's signature.

**MEMORANDUM OF AGREEMENT BETWEEN THE WASHINGTON STATE PATROL AND  
THE CITY OF BURLINGTON POLICE DEPARTMENT**

**WHEREAS**, the City of Burlington Police Department is a general authority Washington law enforcement agency and the agency with primary territorial jurisdiction and has responsibility with regard to police activity within the boundaries of the City of Burlington; and

**WHEREAS**, the Washington State Patrol is a general authority Washington law enforcement agency with expertise in investigating and enforcing impaired driving laws; and

**WHEREAS**, the City of Burlington Police Department invites certain assistance and cooperation from the Washington State Patrol to complete investigations arising from suspected impaired driving offenses which occur within the boundaries of the City of Burlington; and

**WHEREAS**, the City of Burlington has adopted the Washington Model Traffic Ordinance by reference in its city ordinances, Burlington Municipal Code 10.04.010; and

**WHEREAS**, the signatories to this Memorandum of Agreement ("Agreement") have a mutual commitment to timely and effective law enforcement and public safety, and cooperation among themselves to serve those interests; and

**WHEREAS**, the City of Burlington Police Department and Washington State Patrol enter into this Agreement pursuant to the authority granted to each agency under the laws of the State of Washington including but not limited to the Interlocal Cooperation Act, chapter 39.34 RCW, and the Mutual Aid Peace Officers Powers Act, chapter 10.93 RCW;

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF BURLINGTON POLICE DEPARTMENT AND THE WASHINGTON STATE PATROL AGREE AS FOLLOWS:**

**I. DEFINITIONS**

For the purposes of this Agreement, the following definitions apply:

A. "Officer" means an individual employed by one of the signatories to this Agreement, who is authorized to act as a general authority Washington peace officer under RCW 10.93.020 or RCW 43.43.030.

B. "Employing agency" means the law enforcement agency that employs the officer.

C. "City" means the City of Burlington.

## **II. LAW ENFORCEMENT AND PROSECUTION**

A City police officer may request a Washington State Patrol officer to assist with a suspected violation of RCW 46.61.502, 46.61.503, or 46.61.504, and any other civil infractions or misdemeanors or gross misdemeanors arising from that incident, which occurs within the City's boundaries. This Agreement constitutes the Chief of the City Police Department's written consent and authorization for Washington State Patrol officers to take the following actions based on such a request for assistance.

When a Washington State Patrol officer responds to a City police officer's request for assistance with a suspected violation of RCW 46.61.502, 46.61.503, or 46.61.504, and any other civil infractions or misdemeanors or gross misdemeanors arising from that incident, the Washington State Patrol officer may investigate whether there is probable cause to arrest the subject. In these circumstances, if the Washington State Patrol officer determines that there is probable cause to arrest or cite the subject for any misdemeanor, gross misdemeanor, or civil infraction arising from the incident, the Washington State Patrol officer will complete a report and a citation. The citation supported by the officer's probable cause statement and all other necessary filings (including related traffic offenses arising from the same event) will be filed in the Burlington Municipal Court.

## **III. GENERAL PROVISIONS**

### **A. Chain of Command, Status and Supervision of Officers.**

The chain of command for the officers and employees of the Parties to this Agreement are unchanged by this Agreement. Officers and employees will continue to report to, and be accountable to, the superiors, direction, control, training, regulations, and policies of their employing agency exclusively.

Pursuant to RCW 10.93.050, each officer acting under this Agreement remains the employee of the Party who hired the officer (the officer's employing agency), and is not an employee of any other Party to this Agreement.

### **B. Liabilities and Immunities**

1. Pursuant to RCW 10.93.040, it is understood and agreed that each Party to this Agreement, its agents, employees, and insureds do not, by virtue of this Agreement, assume any responsibility or liability for the actions of another agency's officers.

2. The Parties to this Agreement agree to indemnify and hold each other harmless from any and all liability, loss, damage, or claims, of any description, which result from the actions, inactions, negligence of their employees, officers, and/or agents, that each may suffer out of, or in connection with, this Agreement.

**C. Amendments**

This Agreement may not be altered, changed, or amended, except by written instrument executed by all parties and attached hereto. This Agreement may be amended at any time provided the amendment(s) are in writing and signed by all Parties to the Agreement.

**D. Effective Date and Term**

This Agreement becomes effective upon the execution by the Parties. The Agreement is for a term of four (4) years unless earlier terminated as herein provided. Prior to the expiration of the Agreement, or upon its termination, the Parties may agree to the renewal of the Agreement for a term agreed upon by the Parties.

**E. Termination**

This Agreement may be terminated, without cause, at any time by either Party upon written notice to the other Party by certified mail at least fourteen (14) calendar days prior to termination.

**F. Notices**

All notice and other communications required to be given hereunder by the Parties to this Agreement must be in writing, with return receipt provided, but may include electronic, US Mail, or other reputable delivery service.

**G. Independent Status of the Parties**

The Parties to this Agreement, in the performance of it, will be acting in their individual capacities, and not as agents, employees, partners, joint ventures, or associates of one another. The employees or agents of one Party shall not be considered or construed to be the employees or agents of any other Party for any purpose whatsoever.

**H. No Third Party Benefits**

This Agreement does not create any substantive or procedural right or benefit, civil or criminal, in favor of any person or entity not a Party hereto; nor does it create a duty to respond not otherwise imposed by applicable law. Failure to follow the provisions of

this Agreement shall not, or itself, constitute a defense, ground for suppression of evidence, or basis for dismissal of any criminal action.

**I. Filing Requirements**

Executed copies of this Agreement shall be filed with the appropriate Parties in accordance with RCW 39.34.040.

**J. Savings Clause**

The provisions of this Agreement are severable and should any provision be held invalid or unenforceable, the remainder of the Agreement is to remain in effect, unless terminated as provided in paragraph III. E.

**K. Integration**

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understanding, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to bind any of the Parties.

**CITY OF BURLINGTON**

**WASHINGTON STATE PATROL**

\_\_\_\_\_  
Steve Sexton, Mayor

\_\_\_\_\_  
Jason G. Berry, Assistant Chief

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Mike Luvera, Police Chief

Attest:

\_\_\_\_\_  
Renee Sinclair, Director of Budget & Accounting

Approved as to form:

\_\_\_\_\_  
Leif Johnson, City Attorney





ITEM #: 3

CHECK ONE:

NEW BUS. X

OLD BUS.           

## AGENDA ITEM

Council Date: August 10, 2017 Subject: YMCA Funding Discussion  
Jennifer Berner,  
Parks & Recreation Director

Attachments: #1) YMCA Modified 5-Year Funding Proposal Request Public Hearing Required: YES ( ) NO (X)  
#2) Pool Layout & Rendering

### SUMMARY

The Skagit Valley YMCA contacted City Staff and modified the capital funding request for the proposed new YMCA facility. The modified request is attached. Prior to the July 27, 2017 City Council meeting Council intended to consider this request during the 2018 City of Burlington budget review process. At the July 27, 2017 City Council meeting Council requested the YMCA funding request be a discussion item on the August 10, 2017 agenda.

The YMCA's capital funding campaign closes on August 15, 2017, which means all community partners need to be committed by this date to support the building of the YMCA capital campaign. If money comes in after August 15, 2017 it would be considered an operational agreement only.

The discussion at the July 27, 2017 Council meeting was around the potential use of the pool for Burlington residents one night a month. The YMCA's proposal is \$10,000 a year for five years (\$50,000) and the YMCA will host one free Family Swim Night per month. The pool will be exclusively for Burlington residents one Friday a month for a two hour time frame (i.e. 6pm-8pm).

Staff worked with the YMCA to help quantify the \$10,000 per year. The breakdown is below:

- Use will include: one night per month the use of the family pool with a lazy river feature, play area with slides and buckets and lap swim area; hot tub, steam rooms and locker rooms. (See attached layout and rendering.)
- \$10,000 divided by 12 months = \$833 per month
- YMCA family pool will rent for \$400 an hour x 2 hours = \$800 per monthly use of the pool

- The additional \$33 will cover the costs for use of the facility beyond the family pool (i.e. locker rooms, hot tub, and steam rooms).

The five years of funding will be 2018-2022, however the five-year service agreement will be 2019-2023. The first \$10,000 payment is due in 2018 with subsequent payments each year through 2022. No services will be rendered in 2018, due to the pool will not be built. The service for this payment will be rendered in 2023.

If Council approves a level of funding for the proposed new YMCA project an agreement will be created and brought back to Council for approval.

#### **RECOMMENDATION**

Move to enter into a five-year agreement with the Skagit Valley YMCA for \$10,000 per year for five years totaling \$50,000 with funding from 2018-2022 and services rendered 2019-2023.



## 5 YEAR FUNDING PROPOSAL

We are excited to be able to build the new Skagit Valley Family YMCA to better serve the entire Skagit County. Burlington residents are currently the primary user of the Y, after Mount Vernon residents. We value our partnership and see this as a new opportunity to invest in our youth. The five years of funding will be 2018-2022, the five year service agreement will be 2019-2023.

<b>Funding Year</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Family Swim Nights	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Financial Assistance/ Membership Vouchers		\$25,000	\$25,000	\$25,000	\$25,000
Partnership with Residents' Parks & Rec Needs		\$25,000	\$25,000	\$25,000	\$25,000
<b>Annual Total</b>	<b>\$10,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$60,000</b>
<b>Total Contribution</b>					<b>\$50,000</b>
<b>Total Possible Contribution*</b>					<b>\$250,000</b>

## FEE FOR SERVICE OPTIONS

<b>Service</b>	<b>Annual Fee</b>
<b>Family Swim Nights</b> The Y will host one free Family Swim Night per month to Burlington residents.	\$10,000
<b>Financial Assistance/Membership Vouchers*</b> The Y does not turn anyone away due to lack of ability to pay. Our scholarship program allows us to serve everyone in our community.	\$25,000
<b>City of Burlington &amp; Y Partnership*</b> Identifying the areas the Y can support the City of Burlington to meet the needs of the residents' recreational needs.	\$25,000
<b>Group Membership Discount*</b> All City of Burlington employees will receive 10% off a Y Membership.	10%

\*To be discussed and developed mid 2018 after the Parks & Recreation department has conducted a survey to the residents to identify the community needs.

SKAGIT VALLEY YMCA

MOUNT VERNON, WA

REVISION SCHEDULE		
NO.	DESCRIPTION	DATE

DATE: 2017.06.23  
 PROJECT NO: 16080-01  
 DRAWN BY: JWH  
 CHECKED BY: MTH

CONCEPT  
**C**

