

## 1991-1998

### **RECORD OF THE PROCEEDINGS, SKAGIT COUNTY BOARD OF COMMISSIONERS INVOLVING DISCLOSURE REQUIREMENTS, MINERAL RESOURCE LANDS DESIGNATION, AND GMA URBAN GROWTH REQUIREMENTS, WITH THE CITY OF BURLINGTON'S PLANNER MARGARET FLEEK PRESENT; EXCERPTS AS FOLLOWS:**

#### JANUARY 15, 1991

#### **RECORD OF THE PROCEEDINGS SKAGIT COUNTY BOARD OF COMMISSIONERS Pages 1, 2, 4**

***REPORT ON USE OF COUNTY LIBRARY GRANT*** - Doug Everhart, Anacortes Public Library/Bud Southworth. Mount Vernon Public Library.

Doug Everhart of the Anacortes Public Library and Bud Southworth of the Mount Vernon Public Library were present to discuss with the Board the use of the County library grant.

Mr. Everhart reported that the libraries within Skagit County have received the money provided by the County for three years. Anacortes has been involved in a massive project of reconverting records of all the books and tapes to machine readable form. They are digitalizing maps and information. it is a one-time project. This will allow the library to link in with other libraries so there will be one catalog. They will then be able to provide better service to the public. Mr. Everhart said that Burlington has also used funds for automation.

Mr. Southworth of the Mount Vernon Public Library said that in Mount Vernon is automating by putting a description of each book and piece of material they have into their computer. Once this is done it will allow better access to materials. Mr. Southworth emphasized that they are looking forward to linking their computer with other libraries as it will save money in duplication.

#### **DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT- SCOTT KIRKPATRICK. DIRECTOR:**

1) Referral from Skagit County Planning Commission - Right to Farm Ordinance, Craig Olsen, Associate Planner, reviewed concerns identified by the Board at the last discussion of the Planning Commission referral. He stated that, regarding the distribution of the disclosure statement information in the Treasurer's tax statement, he has received permission to add the information in a small area on the back of the statement. It will be mailed with next year's tax statement and sales updates.

He stated that the County Auditor can add the disclosure statement to his list of materials which must accompany the recording of a property deed. For those whose taxes are automatically paid by a bank, mortgage company, etc., the Planning Department will do target mailing.

Commissioner Wylie suggested that a simple disclosure form be developed for use by the public and by banking and mortgage institutions.

Chairman Vaux, addressing the audience, explained that this item was recommended for approval on a 74 vote of the planning Commission. He stated that on the recommendation of the Planning Department, the Board of Commissioners requested the study of this issue by the Planning Commission. He stated that he has received a "couple" of calls supporting the ordinance from the real estate community. Chairman Vaux stated that the Board, on finding concerns regarding the disclosure statement, requested a continuance of the discussion on the matter from last week's session.

John Roozen asked if it would be possible to put the disclosure information on a small card and do a County-wide, one time mailing.

Commissioner Wylie stated that the Treasurer has indicated that any small additional item of even a fraction of an ounce could overweight the tax statements, causing the need to add an additional stamp, at a cost of approximately \$11,000.

## **OCTOBER 6, 1992**

### **RECORD OF THE PROCEEDINGS SKAGIT COUNTY BOARD OF COMMISSIONERS**

Pages 2, 3

Ms. Fleek distributed a handout showing District 12 boundaries, proposed Urban Growth Area Boundary and Pending annexation requests, in the Burlington area. A letter will be written to Water District #12 regarding available hookups, capacity,

2. Discussion - Resolution for Evaluating Burlington Urban Growth Boundary Proposal. Mr. Kirkpatrick addressed the Board regarding the resolution prepared by the City of Burlington for evaluating the Burlington Urban Growth Area Boundary proposal. Mr. Kirkpatrick stated that the resolution provides for agreement between the City of Burlington and the County to cooperatively work on Urban Growth issues. With this resolution, the County would hire a consultant to review the proposal and make recommendations on agreed upon criteria. He said that it is desired to have a consultant hired before the end of the year. Approximately three months of evaluation time will pass before a formal public hearing process on the Proposed Urban Growth Boundaries is scheduled. A portion of the resolution allows for the Board to notify the City which proposed annexations will go unopposed. The resolution was drafted by Ms. Fleek and she and Mr. Kirkpatrick worked together to find agreement on the content.

Area maps of the Burlington Urban Growth Boundaries were reviewed. Ms. Fleek stated that the City of Burlington is proposing modest Urban Growth areas, basically straightening out the city limits and keeping sewer service areas as separate spheres of influence. Ms. Fleek felt that the proposed resolution of agreement will be beneficial to the City and the County. Ms. Fleek stated that the City's concern is that several proposed annexations have been pending for four years, and the City has the legal obligation to go forward with them. They are desiring pre-annexation agreements with the County so that the pending annexations can be cleared up as soon as possible. It is important to move quickly as the sewer system is being installed on the west side of 1-5 and if the annexations are completed before the final assessment role, the annexed areas can benefit from the sewer system and will lower the cost of sewer installation.

Ms. Fleek clarified for the Board where the existing city limits are.

Mr. Kirkpatrick stated that the resolution doesn't obligate the County to agree with the City's proposed Urban Growth Boundaries, it just allows the process to get started. Commissioner Vaux asked Ms. Fleek whether there is an agricultural zone in Burlington.

Ms. Fleek stated that there is Reserve Agricultural in which the minimum lot size is 13,500 square feet. She said that it is desired to process all of the proposed annexations in one big package. They will automatically revert to Reserve Agricultural Zoning and, the city will have six months to set the permanent Comprehensive Plan designations. The City Council proposed a program for current Agriculture land conservation. They will pay a set price per acre to provide for purchase of development rights. They have been working with Skagit Conservation District and Skagit Systems Cooperative to develop the plan, and have agreement on it. The proposed Knutzen annexation is the only one that there is concern over by Skagit Conservation District.

Commissioner Vaux stated that he felt that the proposed boundaries were reasonable.

Commissioner Vaux asked what would happen if the Board or the Mayor didn't agree with the consultant.

Mr. Kirkpatrick stated that the Board could make changes.

Commissioner Vaux questioned the need for a consultant if the County and City agreed with proposals.

Mr. Kirkpatrick stated that in agreeing to County-wide policies there are details that will come out of that. The staff will work with day-today issues, the consultant would work with the policy details.

Commissioner Vaux stated that the resolution did not address annexations, it only refers to the Urban Growth Boundaries. He said that it states that Burlington will present Urban Growth Area Boundaries, and the County will have to hire a consultant. Why hire a consultant if there is agreement?

Mr. Kirkpatrick stated that the consultant use needs to be defined Commissioner Vaux felt that the Urban Growth Boundaries should come before annexations.

Mr. Kirkpatrick stated that it is not necessary, that the annexation agreement makes it possible to proceed with those annexations that the City and County agree to. Those for which agreement is not reached may require the services of a consultant.

Commissioner Vaux stated that the Board in 1993 may not agree with the proposed annexations. There may be Urban Growth Boundaries In place but it should remain flexible whether to annex or not.

**MARCH 26, 1996**

**RECORD OF THE PROCEEDINGS SKAGIT COUNTY BOARD OF COMMISSIONERS**

Pages 1, 2

**Miscellaneous.**

1. The City of Burlington Planner, Margaret Fleek, presented an update in regard to Burlington's proposed Urban Growth Area plan. Ms. Fleek stated that it is Burlington's intention to straighten out the boundary and address transportation, flooding and drainage problems rather than develop. Ms. Fleek presented a map which illustrated the proposed plan, stating that 387 acres will be returning to the population pool. Commissioner Hart expressed his concern regarding the order from the Growth Hearings Board to finish the Resource Lands designation and stated that this process would be held up at this time. Ms. Fleek mentioned that all critical areas should be retained as resource lands.

Ms. Fleek reported that there will be a second Public Hearing held on April 25th on interim controls.

Commissioner Wolden inquired as to whether Burlington had looked at the area of Gardner Road on Highway 20. Ms. Fleek responded by saying that the results from a earlier survey resulted in little or no interest in annexing that area and that based on that information an Environmental Impact Study was done and it was determined that since this was in the 100 year flood plain, straightening the boundaries and less development would be better.

Commissioner Wolden proceeded to discuss the flooding issue and examining the danger the City of Burlington could face. Commissioner Wolden suggested looking at the upper end of Burlington as resource land.

Commissioner Hart discussed the effects of channeling and managing flooding over the dikes, rather than dealing with a breach of a dike and the damages of such a breach. Commissioner Hart discussed the potential of using Gages Slough to dwell flood water and reiterated that it was crucial that Burlington get a plan in place.

Chairman Anderson commended the City of Burlington on taking a step in the right direction and felt the plan should minimize flooding on Highway 20.

Mayor Gus Tjeerdsma stated that Burlington is not prepared to take some water to benefit other parts of the County and expressed his hope that other Cities would do the same.

A brief discussion ensued In regard to ballfields and parks being built behind the dikes to gain use of this land and the concern of the railroad bridge being kept clean to prevent a major dike blowout.

The Board concurred that this was a good proposal brought forth by the City of Burlington.

**APRIL 23, 1996**

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**PLANNING & PERMIT CENTER - Roxanne Michael, Director,**

1. Introduction - New Permit Technician,

Roxanne Michael, introduced Brandon Black, as the new Permit Technician.

2. Discussion - Resource Lands Ordinance Update.

Gary Christenson, Planning, presented the weekly update on the Natural Resource Lands. Mr. Christenson reviewed the process as an attempt is made to comply with the Growth Management Act (GMA) and the Growth Hearings Board order. Mr. Christenson presented a map illustrating Skagit County Potential Natural Resource Lands and stated that approximately 131,000 acres in the County are in potential Natural Resource Lands, which amounts to approximately 10% of the County land, stating that the outlined areas be designated as Resource Conservation.

Mr. Christenson described the methodology involved in addressing this issue and continued to discuss the soil testing procedure and current use taxation involved in arriving at these land designations. Mr. Christenson also discussed the concept of protecting the Resource Lands and reviewed the implementation of actual procedures of providing this protection.

A discussion followed in regard to the Growth Management Act property rights requirements.

Mr. Christenson stated that the anticipated ordinance leaves quite a bit of flexibility to the landowners and that Resource Land designation does not necessarily preclude landowners from building single family residences.

It was reported that various changes will occur after public participation and Planning Commission input before the document will come before the Board.

Mr. Christenson stated that completion is near on the methodology, ordinance language and mapping and that he anticipates the draft documents will be released next week to the public.

**SEPTEMBER 10, 1996**

**RECORD OF THE PROCEEDINGS SKAGIT COUNTY BOARD OF COMMISSIONERS**

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**PLANNING & PERMIT CENTER -Roxanne Michael, Director.**

1. Signatures - Resolution and Interlocal Agreements with Cities regarding Urban Growth Areas.

Tom Karsh, Assistant Planning Director, stated that the individual Cities involved, Burlington, Sedro Woolley, Mount Vernon and Port of Skagit County, have since this item being put on the agenda, encountered legal issues that have forced postponement of this item at this time. Legal counsel has advised Mr. Karsh that there are two items that must be reviewed further, one being the map that is labeled as Exhibit B, and the second item of concern is in regard to Mount Vernon and the language in the current draft where the County agrees to adopt certain city codes, which need to be better delineated. Rick Cisar, Mount Vernon Planner, stated that they would work through this with their own city council and the city attorney.

Commissioner Hart inquired as to what the ramifications could be if this is signed before the Natural Resource Lands Ordinance is adopted, based on the Growth Hearings Board directive and continued by stating that he has several concerns in regard to this agreement. Commissioner Wolden concurred that there needs to be some clarification on these agreements.

### **SEPTEMBER 23, 1997**

#### **RECORD OF THE PROCEEDINGS SKAGIT COUNTY BOARD OF COMMISSIONERS**

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Ms. Smith then discussed the agreement with Burlington.

Margaret Fleek, Burlington City Planner, stated that businesses are the major financial concern. She detailed several areas of minor concern, and stated that Burlington's main interest is in expeditiously adopting this Agreement so that the City can proceed with three pending annexations. She indicated the City's general agreement to the concepts proposed. Ms. Smith indicated her willingness to make the minor changes suggested by Ms. Fleek. These items included adding language concerning nuisances and dangerous dogs.

Ms. Smith indicated that work would continue on these agreements.

### **NOVEMBER 18, 1997**

Pages 1, 2

#### **2. Discussion and Possible Adoption of Memorandum of Understanding between Skagit County and the City of Burlington to implement the urban Growth Areas.**

Kendra Smith, Senior Planner explained the changes to the document that the Board received late last week. She detailed the indemnification clause.

Margaret Fleek, Burlington Planning Director, explained that Mayor Tjeerdsma had not signed the Agreement yet, but that the City Council had passed a resolution approving the execution of the document.

Ms. Fleek expressed her concern regarding the Growth Management Act and the need for a clear

letter regarding pending annexations by the City of Burlington. She made several comments on the Gages Slough area and the intent of the City to develop Best Management Practices for the clean-up of the slough. She indicated that the City wants to become full-time partners with the County to conserve shared resources. She further discussed related liability issues.

A discussion ensued regarding a wetlands management monitoring study on the slough. Ms. Fleek thanked the Planning Department for their assistance in the development of this interlocal agreement.

Commissioner Anderson moved to approve the Interlocal Agreement between Skagit County and the City of Burlington, subject to obtaining the signatures from the City of Burlington. Commissioner Hart seconded the motion, which passed unanimously. (Contract No. 036991)

**JULY 28, 1998**

**RECORD OF THE PROCEEDINGS SKAGIT COUNTY BOARD OF COMMISSIONERS**

**Miscellaneous**

**Page 5 of 6**

Tom Karsh, Director, Planning and Permit Center, advised the Commissioners that yesterday afternoon the Planning and Permit Center submitted two letters to the Boundary Review Board in support of two annexation proposals.

One of the matters is a hearing scheduled relating to the Burlington Hill annexation. Margaret Fleek, Planning Director for the City of Burlington, has advised the Planning and Permit Center of Burlington's wish to expand the area which has, historically, been a problem as an on-site sewage site.

It is the recommendation of the Planning and Permit Center that this annexation be approved. Record of the Proceedings Commissioner Hart indicated he did review the information and did not think that a position of opposition has been taken to this at any time. They do need to comply with the WAC'S and RCW's, which are statutes that are in place outside of the County's jurisdiction.

Margaret Fleek was present and thanked the Board for their support in this matter.

**In the *Friends of Skagit County v. Skagit County*, Case No. 95-2-0075:**

*The Western Washington Growth Management Hearings Board concluded that Natural Resource Lands must be designated before Inter Urban Growth Areas are established unless there are overriding reasons not to do so.*