

Exhibit "4"

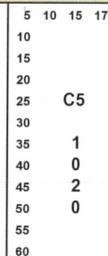
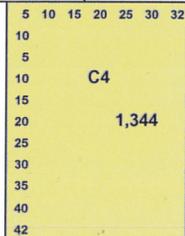
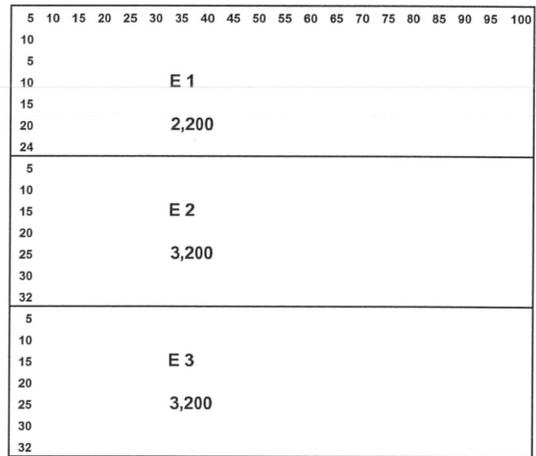
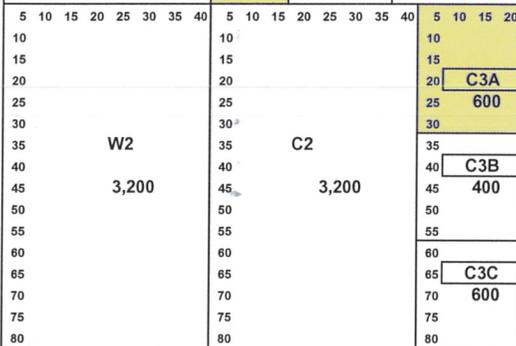
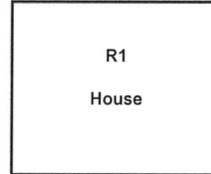
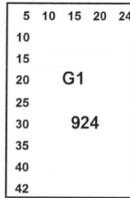
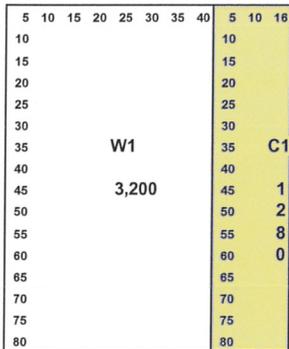
SHARON ALDER, LLC
Timeline of Delahunt Property
Prepared May 23, 2022

8/1/2013	Purchase P62688, P62736 and P62713 from Delahunt FLP			15.09
	P62688		10.00	
	P62736		4.54	
	P62713		0.55	
11/26/2013	Contractor Yard Storage Rental started.			
12/16/2014	Purchase P62693 from DD12			1.45
10/23/2015	Record BLA's			
	Lot A P62693	384,454		8.83
	Lot B P62688	81,121		1.86
	Lot C P62713	40,860		0.94
	Lot d P62736	225,413		5.17
		<u>731,848</u>	<u>16.54</u>	<u>16.80</u>
7/23/2015	Annexation to COB. Ordinance 1818 Recorded 01-06-2016			
11/12/2015	Establish Zoning. COB Ordinance 1822			
2/4/2016	5 Lot Subdivision of Lot C			
	Lot 1 Delahunt House			
	Lot 2 Sold to BYK			
	Lot 3 Sold to BYK			
	Lot 4 Sold to BYK			
	Lot 5 Sold to BYK			
4/10/2017	Sold Lot B, P62688 to RIO VISTA SHOP, LLC			

A

SHARON ALDER, LLC
1724 E Rio Vista, Burlington Washington 98233

E. RIO VISTA AVENUE



LEASE RATES

TENANT	Base Rent	Utilities	Monthly Total
W1 <input type="text" value="Eric Burress"/>	450.00	50.00	500.00
W2 <input type="text" value="Rosario Ibanez"/>	350.00	50.00	400.00
C1 <input type="text"/>	100.00	25.00	125.00
C2 <input type="text" value="Morris PM LLC"/>	300.00	50.00	350.00
C3A <input type="text"/>	150.00	25.00	175.00
C3B <input type="text" value="Restrooms/Common"/>	-	-	-
C3C <input type="text" value="Musicians"/>	275.00	25.00	300.00
C4 <input type="text"/>	100.00	10.00	110.00
C5 <input type="text" value="Steve Ferris"/>	180.00	30.00	210.00
E1 <input type="text" value="Adam/Kim Johnson"/>	225.00	25.00	250.00
E2 <input type="text" value="Alan Holtzheimer"/>	400.00	50.00	450.00
E3 <input type="text" value="Steve Perry"/>	400.00	50.00	450.00

SHARON ALDER, LLC
1724 E. RIO VISTA RENT ROLE
UPDATED AS OF 05-01-14

Unit	Tenant	Area (Sq Ft)	Total	Utilities	Base Lease (05-01-14)	Revise 01-01-15	Monthly Per Sq Ft	2014 Improvements			
								To Date	Budget	Total	
R1	BA Morris	Bernie Morris	661-1751	1,306	700.00	700.00	750.00	300.00		300.00	
G1	BA Morris	Bernie Morris	661-1751	924	150.00	150.00	150.00				
C1				1,280							
C2	Morris P.M. LLC	Bernie Morris	661-1751	3,200	300.00	50.00	300.00	400.00	0.13	300.00	300.00
C3A				600	-			250.00	0.42	300.00	500.00
C3B	Restrooms/Common Area			400	-					-	3,000.00
C3B	Musicians			600	275.00	25.00	275.00	275.00	0.46	320.00	320.00
C4				1,344	-						
C5	Integrity Electric	Steve Ferris	420-6642	1,020	180.00	30.00	180.00	200.00	0.20	600.00	600.00
E1	Cascade Plumbing Inc	Adam & Kim Johnson	661-7403	2,200	225.00	25.00	225.00	275.00	0.13	300.00	300.00
E2	Silver Bell Winery	Alan Holtzheimer	757-9463	3,200	350.00	50.00	350.00	400.00	0.13		
E3	SP General Contracting	Steve Perry	661-5551	3,200	350.00	50.00	350.00	400.00	0.13		
W1	Eric Burress		661-2545	3,200	450.00	50.00	450.00	450.00	0.14	-	600.00
W2	Clear Lawn Maintenance	Rosalio Ibanez		3,200	350.00	50.00	350.00	400.00	0.13	200.00	1,000.00
			25,674	3,330.00	330.00	3,330.00	3,950.00			2,320.00	5,100.00
Monthly Income						<u>3,330.00</u>	<u>3,950.00</u>				
						<u>12.00</u>	<u>12.00</u>				
Annual Income						<u>39,960.00</u>	<u>47,400.00</u>				
Real Estate Taxes (Building & 2 Acres)						(2,207.00)	(2,207.00)				
Insurance						(2,000.00)	(2,000.00)				
Repairs						(3,600.00)	(4,800.00)				
Net Rental Income						<u>32,153.00</u>	<u>38,393.00</u>				
Estimated Value (ROI of)											
8.00%						401,913	479,913				
9.00%						357,256	426,589				
10.00%						321,530	383,930				

C

**Sharon Alder, LLC
Transactions by Account**

As of December 31, 2013

Type	Date	Num	Name	Memo	Debit	Credit	Balance
305.00 · Rental Income							
Deposit	01/08/2013		Deposit	139 & 143 Sharon Avenue		1,000.00	1,000.00
Deposit	01/22/2013		Deposit	January 2013 rent - 133 Sharon St.	1,050.00		2,050.00
Deposit	01/22/2013		Deposit	January 2013 rent - 135 Sharon St.	1,200.00		3,250.00
Deposit	02/12/2013		Deposit	February 2013 rent - 133 Sharon Street	1,050.00		4,300.00
Deposit	02/12/2013		Deposit	February 2013 rent - 135 Sharon Street	1,200.00		5,500.00
Deposit	02/26/2013		Deposit	139 & 143 Sharon Avenue	1,500.00		7,000.00
Deposit	03/12/2013		Deposit	March 2013 rent - 133 Sharon Street	1,050.00		8,050.00
Deposit	03/21/2013		Deposit	March 2013 rent - 135 Sharon Street	1,200.00		9,250.00
Deposit	04/02/2013		Deposit	139 & 143 Sharon Avenue	1,500.00		10,750.00
Deposit	04/16/2013		Deposit	139 & 143 Sharon Avenue	1,500.00		12,250.00
Deposit	04/16/2013		Deposit	April 2013 rent - 133 Sharon Avenue	1,050.00		13,300.00
Deposit	04/16/2013		Deposit	April 2013 rent - 135 Sharon Avenue	1,200.00		14,500.00
Deposit	05/21/2013		Deposit	May 2013 rent - 133 E. Sharon Ave.	1,050.00		15,550.00
Deposit	05/21/2013		Deposit	May 2013 rent - 135 E. Sharon Ave.	1,200.00		16,750.00
Deposit	05/21/2013		Deposit	139 & 143 Sharon Avenue	1,500.00		18,250.00
Deposit	06/18/2013		Deposit	139 & 143 Sharon Avenue	1,500.00		19,750.00
Deposit	06/18/2013		Deposit	June 2013 rent - 133 E. Sharon Ave.	1,050.00		20,800.00
Deposit	06/18/2013		Deposit	June 2013 rent - 135 E. Sharon Ave.	1,200.00		22,000.00
Deposit	07/16/2013		Deposit	July 2013 rent - 133 E. Sharon Ave.	1,050.00		23,050.00
Deposit	07/16/2013		Deposit	July 2013 rent - 135 E. Sharon Ave.	1,225.00		24,275.00
Deposit	07/17/2013		Deposit	139 & 143 Sharon Avenue	1,500.00		25,775.00
Deposit	08/13/2013		Deposit	August 2013 rent - 133 E. Sharon Avenue	1,050.00		26,825.00
Deposit	08/13/2013		Deposit	August 2013 rent - 135 E. Sharon Avenue	1,225.00		28,050.00
Deposit	08/19/2013		Deposit	139 & 143 Sharon Avenue	1,500.00		29,550.00
Deposit	09/17/2013		Deposit	September 2013 rent - 133 E. Sharon Avenue	1,050.00		30,600.00
Deposit	09/17/2013		Deposit	September 2013 rent - 135 E. Sharon Avenue	1,225.00		31,825.00
Deposit	09/30/2013		Deposit	139 & 143 Sharon Ave. - September	1,500.00		33,325.00
Deposit	10/08/2013		Deposit	1724 Rio Vista - house rent - October	850.00		34,175.00
Deposit	10/08/2013		Deposit	1724 Rio Vista - shop rent - October	350.00		34,525.00
Deposit	10/10/2013		Deposit	October 2013 rent - 133 Sharon Ave.	1,050.00		35,575.00
Deposit	10/10/2013		Deposit	October 2013 rent - 135 Sharon Ave.	1,225.00		36,800.00
Deposit	10/15/2013		Deposit	139 & 143 Sharon Ave. - October rent	1,500.00		38,300.00
Deposit	11/05/2013		Deposit	From Sterling Hill LLC	291.67		38,591.67
Deposit	11/12/2013		Deposit	133 E. Sharon - November 2013 rent	1,050.00		39,641.67
Deposit	11/12/2013		Deposit	135 E. Sharon - November 2013 rent	1,225.00		40,866.67
Deposit	11/19/2013		Deposit	139 & 143 Sharon Ave. - November 2013 rent	1,500.00		42,366.67
Deposit	11/19/2013		Deposit	1724 Rio Vista - November 2013 rent	1,200.00		43,566.67
Deposit	11/26/2013		Deposit	November & December 2013 rent - SP General Contracting	800.00		44,366.67
Deposit	12/17/2013		Deposit	135 & 143 Sharon Ave. - December 2013 rent	1,500.00		45,866.67
Deposit	12/17/2013		Deposit	1724 Rio Vista - December 2013 rent	1,200.00		47,066.67
Deposit	12/17/2013		Deposit	133 E. Sharon - December 2013 rent	1,050.00		48,116.67
Deposit	12/17/2013		Deposit	135 E. Sharon - December 2013 rent	1,225.00		49,341.67
Total 305.00 · Rental Income					0.00	49,341.67	49,341.67
TOTAL					0.00	49,341.67	49,341.67



Michael Fohn

From: Michael Fohn
Sent: Wednesday, September 18, 2013 2:33 PM
To: 'Margaret Fleek'
Subject: RE: Annexation

Margaret,

Thank you for time today.

Based on our discussion I understood :

- 1) You plan to report to the planning commission tonight that the City and Sharon Alder LLC are discussing annexing the Delahunt property and that the proposed zoning for the northern portion of P62688 would be MR-NB and the southern portion of P62688 and all of P62736 would be C-1 AA Trailer Park, which is in accordance with the City Comprehensive Plan. P62713 and DD12 parcel 62693 would be R-2.
- 2) You plan on reporting to the City Council at the 09-26-13 meeting that you are discussing annexation of the Delahunt property and the area to the north on Gardner road through a City sponsored annexation.
- 3) After you have a chance to review the city codes you will report back to me what Sharon Alder LLC's share of the annexation and zoning costs will be.
- 4) The City and Sharon Alder LLC will continue to discuss the zoning issues to insure that there are no surprises relating to the zoning that will be assigned to the Delahunt property after annexation.
- 5) Please let me know when a convenient time to meet with City officials regarding the Sewer Department land would be.

We appreciate your help moving through this process. It is important to us that the zoning issues be resolved prior to the approval of the annexation.

Please let me know if my understanding above is not correct.

Thanks again

Mike

From: Margaret Fleek [mailto:mfleek@ci.burlington.wa.us]
Sent: Wednesday, September 18, 2013 9:53 AM
To: Michael Fohn
Subject: RE: Annexation

See you then!

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Wednesday, September 18, 2013 9:46 AM
To: Margaret Fleek
Subject: RE: Annexation

Margaret,

I will stop by at 1 PM today.

Thanks

Mike

From: Margaret Fleek [<mailto:mfleek@ci.burlington.wa.us>]
Sent: Wednesday, September 18, 2013 9:43 AM
To: Michael Fohn
Subject: RE: Annexation

Today anytime between 12:30 and 3:45; tomorrow morning at 8, afternoon anytime after 2.

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Wednesday, September 18, 2013 9:41 AM
To: Margaret Fleek
Subject: Annexation

Hello Margaret,

Would you have time to meet today or tomorrow?

Thanks

Mike

Michael Fohn

From: Michael Fohn
Sent: Thursday, September 19, 2013 11:16 AM
To: 'Margaret Fleek'
Subject: RE: Annexation

Thanks Margaret.

Please keep me posted.

Mike

From: Margaret Fleek [mailto:mfleek@ci.burlington.wa.us]
Sent: Thursday, September 19, 2013 10:35 AM
To: Michael Fohn
Subject: RE: Annexation

Hello Mike,

After our meeting, your concept proposals have been discussed with appropriate staff. There are many issues that require internal discussion, so we will be meeting before setting up a followup meeting with you.

Let me know if you have any questions.

Margaret

From: Michael Fohn [mailto:Michael@fohn.co]
Sent: Wednesday, September 18, 2013 2:33 PM
To: Margaret Fleek
Subject: RE: Annexation

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Mike

Michael Fohn

From: Michael Fohn
Sent: Tuesday, October 1, 2013 9:54 AM
To: 'Margaret Fleek'
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)
Subject: RE: Annexation

Margaret

Thanks for the report

Mike

From: Margaret Fleek [mailto:mfleek@ci.burlington.wa.us]
Sent: Monday, September 30, 2013 4:57 PM
To: Michael Fohn
Subject: RE: Annexation

Hello Mike,

A meeting of key staff was held last week to consider your plans for the Delahunt property.

Following up on your request to consider swapping the land on the north side of the vacant property adjacent to the Wastewater Treatment Plant, and straightening out the property line adjacent to the levee next to the site, the reason for the acquisition of the WWTP site in the first place was discussed. The purpose of acquiring the site was to ensure that there is long term availability for plant expansion in the future, and to protect the residents of the area from odors to the maximum extent practical. The Sewer Department is not interested in proceeding with a land swap.

The request for C-1 General Commercial Zoning to allow a non-transient accommodation was also discussed. The proposal to construct a Trailer Park directly adjacent the levee, complying with the conditions for that location, met with grave concerns. You indicated that this would be a similar installation to the one on Whitmarsh Road. Concerns were expressed about the fact that this idea was one that FEMA put forward years ago, and for Burlington, which already has MAJOR issues with evacuation in flood events, this particular site is a very bad location for a long term housing location for trailers. This specific site is located at a dangerous area relative to the river, with frequent closures of the road to the boat launch ramp. Evacuation would be complicated because there is no direct route to a safe area. Because of the location, it is very likely that there would be a more frequent need to evacuate and that is a major issue, with a proposal for 200 units.

At least, the Whitmarsh Road site is in the 3-bridge corridor, so the evacuation conditions are much more straight forward, with a direct route to the evacuation location. Even there, as we prepare for the annual inspection of the units to be sure that the hitches are in place and tires are inflated, along with a contract with the Towing Company for those without an adequate vehicle, and no major junk stored in the yard, we really hope we do NOT have to evacuate. It is a MAJOR hassle for all concerned, as we did evacuate the place in 2003. Based on that experience, we now begin evacuation at a much lower river elevation. No additional facilities are planned anyplace in Burlington, and there are no locations available with the potential for development. The Parks Department plan was for a seasonal only camping area with a maximum stay of 4 days.

Sewer connection fees were charged at the same rate as for a single family dwelling, which is \$3130 per unit, FYI.

The City supports the idea of MR-NB zoning for the site, because it would permit medium density residential and neighborhood business uses, and maintain flexibility relative to the use of the existing buildings on the site. Higher density residential uses are currently allowed in several zoning districts, including MR-NB, through the Burlington Agricultural Heritage Credit Program.

X

FYI, the existing zoning at the site is URR, Urban Reserve Residential, which has a five acre minimum lot size.

Please let me know if you have questions or need additional information, as well as whether you wish to proceed with annexation.

Margaret Fleek

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Wednesday, September 18, 2013 9:46 AM
To: Margaret Fleek
Subject: RE: Annexation

Margaret,

I will stop by at 1 PM today.

Thanks

Mike

From: Margaret Fleek [<mailto:mfleek@ci.burlington.wa.us>]
Sent: Wednesday, September 18, 2013 9:43 AM
To: Michael Fohn
Subject: RE: Annexation

Today anytime between 12:30 and 3:45; tomorrow morning at 8, afternoon anytime after 2.

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Wednesday, September 18, 2013 9:41 AM
To: Margaret Fleek
Subject: Annexation

Hello Margaret,

Would you have time to meet today or tomorrow?

Thanks

Mike

Michael Fohn

From: Michael Fohn
Sent: Monday, December 9, 2013 8:34 AM
To: 'Margaret Fleek'
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu); Bryan W. Harrison
Subject: RE: Zoning & annexation Question

Thanks Margaret.

We will contact you when additional questions arise.
Please keep us posted as to your progress.

If we can assist in anyway, please let me know.

Thanks for your help

Mike

From: Margaret Fleek [mailto:mfleek@ci.burlington.wa.us]
Sent: Friday, December 06, 2013 8:43 AM
To: Michael Fohn
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu); Bryan W. Harrison
Subject: RE: Zoning & annexation Question

Hello Mike et al,

Here is the process as it appears in the Municipal Research Annexation Handbook:

On December 12, I will ask the City Council (staff report only, not on agenda) if they wish to proceed with the annexation of the two unincorporated islands. If so, then we will proceed to get the process moving. First step is to identify all the voters, notify all property owners, let them know that is proposed for zoning and that they are being asked to annex into the city and to determine if there are any problems with the "short process" because the city will NOT pay for a referendum vote. If there are problems, we abandon the short route and go with the petition process.

If this looks acceptable, then we move ahead to the procedure for adoption of comprehensive plans and zoning regulations for future annexation areas, including SEPA review. This requires 600 foot mailed notice and two public hearings at least 30 days apart. Typically, you cannot zone until you annex, so we will very likely be adopting the comp plan and zoning by Resolution until after the Annexation Ordinance is adopted.

It remains to be determined whether the timeline for this can be integrated with the process required for the annexation of unincorporated islands. State law is a screwed up mess on this stuff, and we will be figuring this out with the assistance of MRSC and the city attorney.

If all goes well, we do an annexation resolution, have a public hearing, then annex by ordinance and file several pounds of paperwork with the Boundary Review Board. You will be asked to provide the legal description for your property.

Also, you will need a contract rezone, since you are asking for a mixture of regulations.

As far as your zoning request goes, you can already use the entire site for getting density, not an issue with the 300 foot behind the levees.

The zoning ordinance will be on the same agenda as the annexation ordinance, but after it. Neither ordinance can be effective for 45 days, because of the potential for a referendum request.

With respect to the existing buildings, IF there is a substantial redo, more than 50% of the value, then the FLOOD CODE requires that you bring it up to flood standards, and I do not have any idea what the issues might be. That is the code we really care most about because the entire ability of the city to get flood insurance and to keep our 25% flood insurance rate reduction under the FEMA CRS program would be down the toilet. The other codes are the standard construction codes, and they are what they are, basic for fire and life safety; you already know how that works.



Clear as mud? Perfect!

Let me know if you have additional questions and I will do the research.

Thanks!

Margaret

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Thursday, December 05, 2013 3:51 PM
To: Margaret Fleek
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)
Subject: RE: Zoning & annexation Question

Margaret,

Sorry for the delayed response. I have talked with Chad and Joe and we would like to proceed with the annexation of the Delahunt property provided:

- 1) Zoning is established first.
- 2) Regarding the zoning, based on prior discussions, we understand the City of Burlington would be agreeable to:
 - A) MR-NB zoning for all 15 acres
 - B) The existing buildings would be grandfathered into for all development and building codes *
 - C) New commercial buildings of up to 12,000 square feet would be allowed
 - D) Multifamily buildings with more than 8 units would be a permitted use
 - E) The portion of the property within 300' of toe of dike can be used to compute density for multifamily dwellings at one unit per 3,000 square feet.
 - F) Maximum building height allowed would be three stories, but not more than 40'.

Please let me know if you have questions or comments. If we can help please let me know.

Thanks for you help

Mike

From: Margaret Fleek [<mailto:mfleek@ci.burlington.wa.us>]
Sent: Tuesday, November 12, 2013 3:03 PM
To: Michael Fohn
Cc: 'Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com)'
Subject: Zoning & annexation Question

Hello Mike and Chad,

Do you want me to go ahead and ask the City Council if they are interested in moving ahead with annexing the two "unincorporated islands" of land?

Then, if they say go ahead, I will notify property owners in the two annexation areas to ask if they would consider annexation under the simplified approach and to find out if there are any concerns, since Burlington is not going to pay for a referendum election???? If there are concerns, we will investigate further and likely go for the petition method.

Also, the notice to the property owners will ask about the future zoning, because we will definitely need to complete that process prior to annexation. For your site it would be MR-NB unless you change your position in the interim, for the other site, it would be R-1-8.4.

If there is general concurrence on proceeding, we would do an MDNS on the overall two sites and set the two public hearings for zoning, to be followed by the annexation procedure. No fees anticipated by taking this more regional approach to straighten out the City Limits on the east side.

Please advise.

Margaret

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Tuesday, October 15, 2013 4:03 PM
To: Margaret Fleek
Cc: 'Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com)'
Subject: RE: Meeting to discuss annexation

Margaret,

Would 10 AM Tuesday 10-29-13 at your office work for you?

Thanks

Mike

From: Michael Fohn
Sent: Tuesday, October 15, 2013 11:19 AM
To: 'Margaret Fleek'
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com)
Subject: RE: Meeting to discuss annexation

Thanks Margaret,

I will check with Chad and report back.

Mike

From: Margaret Fleek [<mailto:mfleek@ci.burlington.wa.us>]

Sent: Tuesday, October 15, 2013 11:14 AM

To: Michael Fohn

Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)

Subject: RE: Meeting to discuss annexation

You name it except for 11-2 on the 30th.

From: Michael Fohn [<mailto:Michael@fohn.co>]

Sent: Tuesday, October 15, 2013 11:13 AM

To: Margaret Fleek

Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)

Subject: Meeting to discuss annexation

Margaret,

I am going to be away for a few days.

Would you have time to meet with us the week of the 28th.

Possibly the 29th, 30th or 31st?

If you could provide us with a couple of times you would be available we would appreciate it.

Thanks

Mike

Michael Fohn

From: Margaret Fleek <mfleek@ci.burlington.wa.us>
Sent: Thursday, January 16, 2014 8:38 AM
To: Michael Fohn
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu); Bryan W. Harrison; Kim Ohara
Subject: RE: Zoning & annexation Question

Hello Mike et al,

Update on annexation process:

After sending out the initial correspondence on the annexation of the unincorporated islands, things are looking very vague and long term with respect to the "island" to the north of your site. Results of the survey are "mixed" at best! Your site will need to be handled separately as a result.

Whenever you wish to proceed, you will have to pay for SEPA and the Rezone process which should be done before annexation. It can be done after annexation, but you will have no zoning if you wait for annexation.

If it makes you feel any better, the simplified annexation process will not cost you anything. The SEPA and rezone process will carry you through to construction over any period of time.

The upgrade of Rio Vista will **only be able to proceed if you are annexed**, because the right-of-way is split down the middle of the street (many many years ago!). The street will be improved with sewer and street upgrades, at no cost to the property owners. Design will be this year, construction in 2015. This will save you a bunch of money in frontage improvements whenever you move forward with development.

Fees: SEPA is \$550 + \$50/Acre over 5
Zoning is \$1650 (+providing the 600' list)

Thank you.
Margaret Fleek

From: Michael Fohn [mailto:Michael@fohn.co]
Sent: Monday, December 09, 2013 8:34 AM
To: Margaret Fleek
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu); Bryan W. Harrison
Subject: RE: Zoning & annexation Question

Thanks Margaret.

We will contact you when additional questions arise.
Please keep us posted as to your progress.

If we can assist in anyway, please let me know.

Thanks for your help

Mike

From: Margaret Fleek [mailto:mfleek@ci.burlington.wa.us]

Sent: Friday, December 06, 2013 8:43 AM

To: Michael Fohn

Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu); Bryan W. Harrison

Subject: RE: Zoning & annexation Question

Hello Mike et al,

Here is the process as it appears in the Municipal Research Annexation Handbook:

On December 12, I will ask the City Council (staff report only, not on agenda) if they wish to proceed with the annexation of the two unincorporated islands. If so, then we will proceed to get the process moving. First step is to identify all the voters, notify all property owners, let them know that is proposed for zoning and that they are being asked to annex into the city and to determine if there are any problems with the "short process" because the city will NOT pay for a referendum vote. If there are problems, we abandon the short route and go with the petition process.

If this looks acceptable, then we move ahead to the procedure for adoption of comprehensive plans and zoning regulations for future annexation areas, including SEPA review. This requires 600 foot mailed notice and two public hearings at least 30 days apart. Typically, you cannot zone until you annex, so we will very likely be adopting the comp plan and zoning by Resolution until after the Annexation Ordinance is adopted.

It remains to be determined whether the timeline for this can be integrated with the process required for the annexation of unincorporated islands. State law is a screwed up mess on this stuff, and we will be figuring this out with the assistance of MRSC and the city attorney.

If all goes well, we do an annexation resolution, have a public hearing, then annex by ordinance and file several pounds of paperwork with the Boundary Review Board. You will be asked to provide the legal description for your property.

Also, you will need a contract rezone, since you are asking for a mixture of regulations.

As far as your zoning request goes, you can already use the entire site for getting density, not an issue with the 300 foot behind the levees.

The zoning ordinance will be on the same agenda as the annexation ordinance, but after it. Neither ordinance can be effective for 45 days, because of the potential for a referendum request.

With respect to the existing buildings, IF there is a substantial redo, more than 50% of the value, then the FLOOD CODE requires that you bring it up to flood standards, and I do not have any idea what the issues might be. That is the code we really care most about because the entire ability of the city to get flood insurance and to keep our 25% flood insurance rate reduction under the FEMA CRS program would be down the toilet. The other codes are the standard construction codes, and they are what they are, basic for fire and life safety; you already know how that works.

Clear as mud? Perfect!

Let me know if you have additional questions and I will do the research.

Thanks!

Margaret

From: Michael Fohn [mailto:Michael@fohn.co]
Sent: Thursday, December 05, 2013 3:51 PM
To: Margaret Fleek
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)
Subject: RE: Zoning & annexation Question

Margaret,

Sorry for the delayed response. I have talked with Chad and Joe and we would like to proceed with the annexation of the Delahunt property provided:

- 1) Zoning is established first.
- 2) Regarding the zoning, based on prior discussions, we understand the City of Burlington would be agreeable to:
 - A) MR-NB zoning for all 15 acres
 - B) The existing buildings would be grandfathered into for all development and building codes
 - C) New commercial buildings of up to 12,000 square feet would be allowed
 - D) Multifamily buildings with more than 8 units would be a permitted use
 - E) The portion of the property within 300' of toe of dike can be used to compute density for multifamily dwellings at one unit per 3,000 square feet.
 - F) Maximum building height allowed would be three stories, but not more than 40'.



Please let me know if you have questions or comments. If we can help please let me know.

Thanks for you help

Mike

From: Margaret Fleek [mailto:mfleek@ci.burlington.wa.us]
Sent: Tuesday, November 12, 2013 3:03 PM
To: Michael Fohn
Cc: 'Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com)'
Subject: Zoning & annexation Question

Hello Mike and Chad,

Do you want me to go ahead and ask the City Council if they are interested in moving ahead with annexing the two "unincorporated islands" of land?

Then, if they say go ahead, I will notify property owners in the two annexation areas to ask if they would consider annexation under the simplified approach and to find out if there are any concerns, since Burlington is not going to pay for a referendum election???? If there are concerns, we will investigate further and likely go for the petition method.

Also, the notice to the property owners will ask about the future zoning, because we will definitely need to complete that process prior to annexation. For your site it would be MR-NB unless you change your position in the interim, for the other site, it would be R-1-8.4.

If there is general concurrence on proceeding, we would do an MDNS on the overall two sites and set the two public hearings for zoning, to be followed by the annexation procedure. No fees anticipated by taking this more regional approach to straighten out the City Limits on the east side.

Please advise.

Margaret

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Tuesday, October 15, 2013 4:03 PM
To: Margaret Fleek
Cc: 'Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com)'
Subject: RE: Meeting to discuss annexation

Margaret,

Would 10 AM Tuesday 10-29-13 at your office work for you?

Thanks

Mike

From: Michael Fohn
Sent: Tuesday, October 15, 2013 11:19 AM
To: 'Margaret Fleek'
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com)
Subject: RE: Meeting to discuss annexation

Thanks Margaret,

I will check with Chad and report back.

Mike

From: Margaret Fleek [<mailto:mfleek@ci.burlington.wa.us>]
Sent: Tuesday, October 15, 2013 11:14 AM
To: Michael Fohn
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)
Subject: RE: Meeting to discuss annexation

You name it except for 11-2 on the 30th.

From: Michael Fohn [<mailto:Michael@fohn.co>]
Sent: Tuesday, October 15, 2013 11:13 AM
To: Margaret Fleek
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)
Subject: Meeting to discuss annexation

Margaret,

I am going to be away for a few days.

Would you have time to meet with us the week of the 28th.

Possibly the 29th, 30th or 31st?

If you could provide us with a couple of times you would be available we would appreciate it.

Thanks

Mike

Michael Fohn

From: Michael Fohn
Sent: Monday, July 14, 2014 11:07 AM
To: 'Margaret Fleek'
Cc: Chad Fisher <chadf@cfisherconstruction.com> (chadf@cfisherconstruction.com); Shirley Scott (scottsh@onid.orst.edu)
Subject: RE: Notice of application

Margaret,

Thanks for the information.

After reading the information below, Sharon Alder would like to proceed with as stated in the draft notice:

The portion of the site that is roughly 5-7 acres is proposed to be designated MR-NB for a mixture of residential uses including duplex and multifamily dwellings. Considering the unique characteristics of the site the conceptual plan is for duplex's along Rio Vista and higher density between street front lots and the special flood risk zone, proposed in the range of 21 to 34 units per acre with the option of three stories (not to exceed 45 feet in height) and buildings with a foot print of larger than 8,000 square feet. This portion of the site is considered a contract rezone area to allow an additional story and larger size. Development of this portion of the site shall comply with the MR-NB zoning (as modified by contract rezone) requirements.

Thanks

Mike

From: Margaret Fleek [mailto:mfleek@burlingtonwa.gov]
Sent: Friday, July 11, 2014 2:32 PM
To: Michael Fohn
Subject: Notice of application

Hello Mike,

I am working on the Notice of Application.

DRAFT FOR YOUR EDITS/COMMENTS:

CITY OF BURLINGTON - NOTICE OF APPLICATION FOR ENVIRONMENTAL REVIEW AND REQUEST FOR COMMENTS BEFORE A THRESHOLD DETERMINATION OF SIGNIFICANCE OR NONSIGNIFICANCE IS PREPARED

Description of Proposal: Establish Zoning and Comprehensive Plan designations and Annex 15+ acre site into Burlington City Limits
Proponent: Sharon Alder LLC
Location of Proposal: Rio Vista Avenue and Gardner Road
Lead agency: City of Burlington

Background: This site is included in the Burlington Urban Growth Area and it is classified by state annexation statute as an “unincorporated island” because the site is more than 80% surrounded by City Limits. Once the Comprehensive Plan and Zoning designations are established for the site the annexation process is simplified and there is no appeal to the Boundary Review Board.

The site contains several existing buildings that have existing commercial/business type uses and that portion of the site is proposed to be designated MR-NB, which is “medium residential and neighborhood business” zoning.



There is an area of roughly 5-7 acres that is proposed for a mixture of residential uses including duplex and multifamily dwellings. The concept is duplexes along Rio Vista Avenue and higher density between the street front lots and the special flood risk zone, proposed in the range of 21-34 units per acre with the option of three stories and buildings with a footprint larger than 8,000 square feet. This portion of the site is considered a contract rezone area to allow an additional story and larger building size.

The area lying within 300’ of the landward toe of the levee is classified as special flood risk which allows for open space type uses only within 100’ of the levee, and very limited uses in the next 200’.

The lead agency for this proposal has NOT yet made a threshold determination of whether or not the proposed project has a probable significant adverse impact on the environment. An environmental impact statement (EIS) may be required under RCW 43.21C.030(2)(c), or it may be possible to prepare a Mitigated Determination of Nonsignificance. If a Mitigated Determination of Nonsignificance is prepared, it would be subject to the following conditions, along with others you recommend in your comments:

1. Final design review of plans.
2. Construction shall be subject to Best Management Practices per Department of Ecology Manual.
3. Other?

Comments must be submitted by August 4, 2014 on environmental concerns.

Responsible Official: Margaret Fleek, City of Burlington
Position/Title: Planning Director
Address for comments: 833 S. Spruce Street, Burlington, Washington 98233
Comments may also be sent by e-mail to mfleek@burlingtonwa.gov or phone at 360-755-9717
Date: July 14, 2014

DECISIONS UP TO YOU!!!!!!

If you are looking for 3 story, large buildings in the “middle area” of the site, we need to call it out for a contract rezone if you want to end up with the zoning that will do that OR go with current MR-NB and see how we update the code over the next 6-12 months as part of the GMA update process. We are definitely looking at higher density, height to bring more people living downtown.

A “variance” would be issued for a relief from dimensional standards and it is required to show a “property related hardship”, typically for a very specific proposal at the time of a building permit – no guarantees.

You could go with standard MR-NB zoning for the preannexation zoning/comp plan and at the time of a specific development, you would request the contract rezone, or a variance with the “property related hardship” being the 300’ of unusable land (other than parking, recreation).



**NOTICE OF APPLICATION FOR ENVIRONMENTAL REVIEW AND
REQUEST FOR COMMENTS BEFORE A THRESHOLD
DETERMINATION OF SIGNIFICANCE OR NONSIGNIFICANCE IS PREPARED**

Description of Proposal: Establish Zoning and Comprehensive Plan designations and Annex 15+ acre site into Burlington City Limits
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The site contains several existing buildings that have existing commercial/business type uses and that portion of the site is proposed to be designated MR-NB, which is "medium residential and neighborhood business" zoning.



The portion of the site that is roughly 5-7 acres is proposed to be designated MR-NB for a mixture of residential uses including duplex and multifamily dwellings. Considering the unique characteristics of the site the conceptual plan is for duplex's along Rio Vista and higher density between street front lots and the special flood risk zone, proposed in the range of 21 to 34 units per acre with the option of three stories (not to exceed 45 feet in height) and buildings with a foot print of larger than 8,000 square feet. This portion of the site is considered a contract rezone area to allow an additional story and larger size. Development of this portion of the site shall comply with the MR-NB zoning (as modified by contract rezone) requirements.

The area lying within 300' of the landward toe of the levee is classified as special flood risk which allows for open space type uses only within 100' of the levee, and very limited uses in the next 200'.

The lead agency for this proposal has NOT yet made a threshold determination of whether or not the proposed project has a probable significant adverse impact on the environment. An environmental impact statement (EIS) may be required under RCW 43.21C.030(2)(c), or it may be possible to prepare a Mitigated Determination of Nonsignificance. If a Mitigated Determination of Nonsignificance is prepared, it would be subject to the following conditions, along with others you recommend in your comments:

1. Final design review of plans.
2. Construction shall be subject to Best Management Practices per Department of Ecology Manual.
3. Other?

Comments must be submitted by August 12, 2014 on environmental concerns.

Responsible Official: Margaret Fleek, City of Burlington
Position/Title: Planning Director
Address for comments: 833 S. Spruce Street, Burlington, Washington 98233
Date: July 29, 2014
Comments may also be sent by e-mail to mfleek@burlingtonwa.gov or phone at 360-755-9717

**CITY OF BURLINGTON
DETERMINATION OF SIGNIFICANCE AND
REQUEST FOR COMMENTS ON SCOPE OF EIS**

Description of proposal: This is a Determination of Significance that requires preparation of limited scope environmental impact statement to evaluate the proposal to take the following actions:

- Amend the Comprehensive Plan designation from Open Space Parks and Agriculture (OSPA) to Commercial Business (C-B) on two sites, the 15.09 acre unincorporated parcel and the 2.1 acre parcel to the west that has a 50 foot wide connection to Section Street.
- Establish zoning for the 15.09 acre site as Medium Residential and Neighborhood Business (MR-NB) and annex the site into the Burlington City Limits.
- Rezone the 2.1 acre site from Open Space (OSPA) to Medium Residential and Neighborhood Business (MR-NB).
- Comply with Special Flood Risk Zone standards for area within 300' of the landward toe of the levee, which prohibits development within 100' and restricts development in the next 200'.
- Add contract rezone conditions as follows:
 - a. Single family development along Rio Vista Avenue and the west side of the 2.1-acre parcel
 - b. Construct connecting street from Section Street to Gardner Road
 - c. Landscape screening between multi-family or commercial sites and single family residences
 - d. Three story buildings allowed with a maximum height of 35' except in single family area.
 - e. Total number of apartment units shall be not more than 150.
 - f. Maximum building footprint increased from 6,500 square feet to 8,000 square feet.
 - g. Minimum 3 acres of open space.

Proponent: Sharon Alder LLC
Location of Proposal: SW corner of Rio Vista Avenue and Gardner Road
Lead agency: City of Burlington

EIS Required: The lead agency has determined this proposal is likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.030(2)(c) and will be prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our office.

The lead agency has identified the following areas for discussion in the EIS:

- Impact of development of vacant land on traffic on E. Rio Vista Avenue, Gardner Road and S. Section Street
- Change in character of the area
- Alternatives that meet the project objectives and/or mitigate environmental impacts including the following:

- a. Rezone the area occupied by the existing buildings on the site to Medium Residential and Neighborhood Business (MR-NB) and rezone the remainder of the site to single family (R-1-8.4) and/or duplex (R-2) .
- b. Rezone entire site to MR-NB, without the third story or increased building size.
- c. Do not develop a through street access to Section Street and Gardner Road, but only provide limited access driveways.
- d. Develop overflow parking for boat launch for displaced Gardner Road parking.

Scoping. Agencies, affected tribes, and members of the public are invited to comment on the scope of the EIS. You may comment on alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required. *The method and deadline for giving us your comments is: written comments by December 12, 2014 to the Burlington Planning Department, 833 S. Spruce Street, Burlington WA 98233.*

Responsible official: Margaret Fleek

Position/title: Planning Director, City of Burlington

Phone: 360-755-9717 for more information

Address: 833 S. Spruce Street, Burlington, Washington 98233

Date: November 18, 2014

Signature: Margaret Fleek

There is no agency appeal.



MINUTES OF THE
PLANNING COMMISSION

JUNE 17, 2015

*Council Chambers, City Hall
833 S. Spruce Street, Burlington, WA*

MEMBERS: Marianne Manville-Ailles, Chair; Ken Frye, Jana Vater, Sally Straathof, Rock White, Brian Hanson. Jeff Anderson excused.

STAFF: Margaret Fleek

Motion by *Vater/Straathof* to approve the minutes of May 20, 2015 Planning Commission meeting were approved as written. Motion carried.

WALK ON

**REQUEST FOR FURTHER CONSIDERATION OF ZONING
RECOMMENDATION FOR THE 17.19 ACRE ANNEXATION
AND DEVELOPMENT OF THE SITE BY THE
BURLINGTON CITY COUNCIL**

**SW CORNER OF E. RIO VISTA AVENUE & GARDNER ROAD
(AKA DELAHUNT PROPERTY) SHARON ALDER LLC, APPLICANT**

Proposal to recommend a comprehensive plan designation and zoning prior to annexation for a 17.19 acre site, following circulation of an environmental impact statement that evaluated a range of alternatives and public comments, to include reconsideration proposal for duplex zoning and require single family zoning on the entire site except for the existing farm buildings, at the request of the City Council. They were concerned that any other zoning designation would not be compatible with the existing single family neighborhood.

Fleek stated the Planning Commission conducted a public hearing on April 15, 2015 and May 20, 2015 regarding the application to establish a comprehensive plan designation and zoning prior to annexation for a 17.19 acre site and recommended the following zoning for the site:

Alternative 5 with single family and duplex as the permitted residential uses as follows:

- Amend the Comprehensive Plan to C-B Commercial/Business for existing farm building site and set zoning for that portion as MR-NB Medium Residential-Neighborhood Business to allow commercial uses to continue with no redevelopment as apartments; and,
- Amend the Comprehensive Plan to SF-D Single Family/Duplex for the remainder of the site and set zoning as R-1-7.6 Single Family and R-2 Duplex with a minimum of 7,600 square foot lot size.

Fleek indicated that the zoning is set at time of annexation and that is tentatively scheduled for July 23, 2015. Redraft of Findings of Fact Request for Further Consideration. *Fleek* stated the City Council has full authority to change without Planning Commission approval, but wanted the Planning Commission to review again. *White* any rationale for remand? *Manville-Ailles* looked at the minutes and it looks like it was remanded because of the neighbor's concerns. We can stand with what we decided and let them override us.

Mike Fohn, applicant, 225 E. George Hopper Road, Burlington – stated this is a waste of time; I implored the City Council to make a decision but for some reason they want it to come back to Planning Commission. We have been painted with a broad brush in that neighborhood and there will be no other residential solution approved by the City Council. I offer two choices: 1) take no action and let the City Council make the decision. 2) In our single family proposal we are asking for 6,000 square foot lots that would allow us more flexibility for the site. We will have to build 1,400 to 1,500 feet of road; the cost will exceed the market value of the property. **Manville-Ailles** in exchange for no duplex lots you are asking that we reduce the single family lots from 7,600 to 6,000 square foot lots.

Hanson asked if we have a choice to send it back with no action. **Manville-Ailles** stated yes, or change to Single Family 6,000 square foot lot size as Mr. Fohn requested, or all to single family.

White noted that 6,000 square foot lot sizes will be stacked on top of each other and it is not going to look nice. I am frustrated, but there are duplexes all over town, and there people who cannot afford to buy single family homes and those people have a right to live somewhere too. We should send it back to them the way we submitted to start with and with an explanation point saying we wouldn't have made that decision if we didn't

Fleek – our code provides cluster subdivision which allows for a combination of townhouses, single family and duplex with a variety of housing types. If you you agree with rezoning to all single family it could be subject to a cluster subdivision at a later date.

Fohn stated they have four parcels; one is in the city and we did a map showing how we would do a boundary line adjustment. At some point we will have a discussion on what the ratio will be for R-2 Duplex/Single Family will be; how much will be single family and how much will be duplex.

Manville-Ailles is inclined to send it back to the City Council as we voted; we here sat two months in a row listening to two public hearings and we worked on balancing our decision. What we came up with is a good decision.

Vater is questioning the current businesses on the site. **Fleek** stated the businesses are currently in the County; the Winery went to County for approval, but the other businesses did not. We do not have control at this time.

Hanson stated the Planning Commission did a good job laying out the zoning and it was responsible and reasonable. **White** stated Sharon Alder LLC had to have a feasibility study and know there were a certain number of people who needed housing. Duplexes allow for folks that cannot have a single family residence that is new and nice; it is not fair on behalf of the residents. **Frye** agrees, send it back to the City Council as we approved.

Motion by **Frye/Hanson** to deny the City Council request for reconsideration on the zoning to all single family except the existing farm buildings. The Planning Commission held two public hearings, listened to all the public comments and spent a lot of time working on setting the comprehensive plan designation and zoning recommendation for the site to Alternative 5 as follows:

Alternative 5 with single family and duplex as the permitted residential uses as follows:

- Amend the Comprehensive Plan to C-B Commercial/Business for existing farm building site and set zoning for that portion as MR-NB Medium Residential-Neighborhood Business to allow commercial uses to continue with no redevelopment as apartments; and,
- Amend the Comprehensive Plan to SF-D Single Family/Duplex for the remainder of the site and set zoning as R-1-7.6 Single Family and R-2 Duplex with a minimum of 7,600 square foot lot size.

The Planning Commission would appreciate it if the City Council would review and give it some weight. Motion carried.

24

Michael Fohn

From: Margaret Fleek <mfleek@burlingtonwa.gov>
Sent: Monday, November 2, 2015 4:06 PM
To: Michael Fohn
Subject: FW: Message from KMBT_C452
Attachments: SKMBT_C45215110217060.pdf

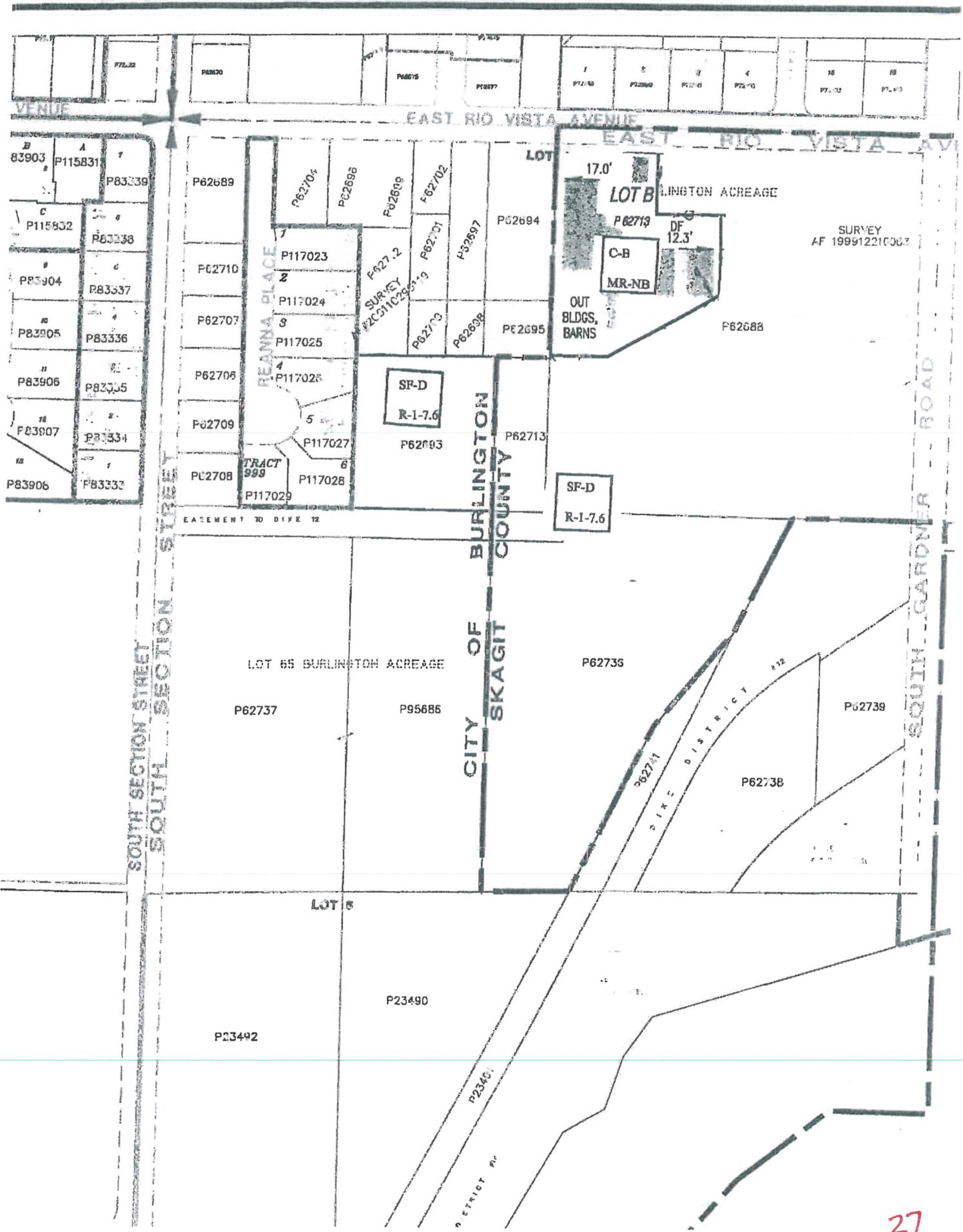
From: Badmin@ci.burlington.wa.us [mailto:Badmin@ci.burlington.wa.us]
Sent: Monday, November 02, 2015 9:07 AM
To: Margaret Fleek
Subject: Message from KMBT_C452

1. The first ordinance is for Parcel 62693; it is in the City Limits and is being redesignated on the Comprehensive Plan from Open Space Parks and Agriculture (OSPA) to Single Family and Duplex (SF-D) and rezoned to Single Family R-1-7.6.

2. The second ordinance has a specific legal description for the farm buildings that are presently in commercial use, prepared by a licensed surveyor and NOT including the farm house; a Comprehensive Plan designation of C-B Commercial Business is established and a zoning designation of MR-NB Medium Residential and neighborhood business.

3. Also in the second ordinance, the remainder of the site is designated as SF-D single family and duplex in the Comprehensive Plan, and zoned R-1-7,600 square foot minimum lot size. The legal description is all of the remainder of the site, except the portion described for the commercial farm buildings. The area located within 300 feet of the landward toe of the levee is classified in the Critical Areas Code as Special Flood Risk and the quick summary is that it cannot be built on or subdivided, so there is no specific need to set its zoning as open space, parks and agriculture (OSPA).

4. The surveyor prepared metes and bounds legal descriptions for the farm building area and that area is subtracted from the remainder of the portion of the site being annexed. *The alternative is to have the legal description redone for the portion of the site that is annexed to have a separate legal for the Special Flood Risk area, and a separate legal for the portion of the site that is single family, removing the piece that is already in the City Limits.*



From: [Michael Fohn](#)
To: [Brad Johnson](#)
Cc: [9 V Bar Construction LLC](#)
Subject: 1724 E Rio Vista Shops
Date: Friday, June 3, 2022 10:07:42 AM
Attachments: [06-02-2022 COB Email Attachment 1.pdf](#)
[06-02-2022 COB Email Attachment 2.pdf](#)

{ **Caution:** *This email originates outside of the City of Burlington* } >

Hello Brad,

Thank you for your email. As I noted in my 05-26-2022 email reviewing the history of the Delahunt property annexation will likely be helpful to all. I have looked through several of my files and have selected information to share with you in the hopes that this information will provide adequate documentation that at the time of annexation and comp plan amendment, all parties were in agreement that the existing farm buildings were being used for non-farm commercial uses and that upon annexation these existing buildings and existing uses would be considered preexisting non-conforming uses by all parties.

I do not know if you are aware that the easterly portion of Rio Vista was repaved and sidewalk and gutter added in 2015 or 2016. In order for this to occur the Delahunt Property needed to be annexed in the COB, see attached Page 12, and Sharon Alder, LLC, (Chad Fisher, Mike Fohn and Joe Peterson) were supportive of annexation, provided the zoning was agreed to prior to annexation.

This resulted in a long controversial process, which we can review in more detail, if you feel it is warranted, but as a first step, I would ask that you review the information I am providing and then possibly we can meet to discuss charting a path forward for the existing buildings and uses.

Please review the attached information and my notations below. Due to size of the attachments, I will need send the third attachment as a separate email.

I look forward to hearing from you.

From: Brad Johnson <bradmj@burlingtonwa.gov>
Sent: Wednesday, June 1, 2022 11:08 AM
To: Michael Fohn <michael@fohn.co>
Cc: Kim Ohara <kohara@burlingtonwa.gov>
Subject: RE: 1724 E Rio Vista Shops

Mike,

If you have any written documentation regarding the understanding that was in place please send it along.

Most of the uses occurring on this property are non-conforming with respect to our current zoning regulations. Bernie will need to provide a current list of tenants.

Attachment 1, page C lists the Tenants as of 05-01-2014. I believe many of these tenants are still leasing space today. Page D, reflects that the first rental income was collected by Sharon Alder LLC, from SP General Contracting on 11-26-2013 in the amount of \$ 800. Sharon Alder, LLC was very transparent and deliberate about leasing space to uses allowed under the MR-NB zone prior to annexation with the understanding that what existed as of the date of annexation would be considered preexisting non-conforming by the COB.

With respect to non-conforming uses the burden is on the applicant/occupant to demonstrate that the use was legally established prior to the adoption of the current regulations.

Please see Page 9 of attachment 2. In this 12-05-2013 email, I clearly lay out the conditions upon which Sharon Alder, LLC was willing to proceed with annexation of the Delahunt property. Please note 2 (B). Also please note Margaret's comment in upper portion of page 9, regarding the code requirements if there was a "substantial Redo". To my knowledge there has not been a major redo to the buildings that existed as of annexation.

Also please note page 18 and 19 of the third attachment (will be in separate email), ...several existing buildings that have existing commercial/business type uses....

See pages 23,24 and 26. I believe Page 26 is the Staff report to the City Council Ordinance 1822, comp plan amendment.

We can find no permit records authorizing the use of this site for non-agricultural purposes, have no history on how long each use has been on the site, and our B-1 zoning regulations have remained largely unchanged since the property was annexed.

Please see comments above. If more detail is needed please let me know.

During the course of two or three years of public hearings, (two Planning Commission and two City Council) the opponents to Sharon Alder, LLC proposals frequently went the on public record about the commercial uses then in place.

Over the past few years there seems to have been a change in how the property is being used. None of this has been authorized by the City and, as far as we can tell, does not comply with our zoning and development regulations.

Sharon Alder LLC sold the property in 2017, but to my knowledge several of the tenants that were there in 2017 are still there today. Steve Perry, Shaun DeVries, Steve Ferris Silver Bell Winery.

In addition to the potential zoning violations noted above, numerous unapproved building, electrical, and other modifications appear to have been made to the site and the site is not connected to the sanitary sewer system as required by the City's code. Our building and fire safety staff have visited the property and I understand they have raised significant public health and safety concerns.

It is my understanding that Bernie has tried to connect to the sewer, but has been unable to get a permit from the COB. Regarding the repairs that have been made, it is my understanding that “repairs” are allowable under BMC 17.100.080, but I am not sure what “modifications” you are referring to.

It's my understanding that the current property owner was made aware of the potential violations nearly a year ago, and since that time nothing has been done to address these issues. That being the case, unless concrete steps are made to bring this property into compliance and/or demonstrate legal non-conforming status soon, the City will begin pursuing a formal code enforcement process.

The last couple of years have been difficult for most people. Hopefully, things will improve going forward. I believe Bernie would welcome the opportunity to talk with you and other COB Staff.

Thank you for your time and consideration of the information I am providing.

Mike
360-708-0245

Thanks,

Brad

From: Kim Ohara
Sent: Wednesday, June 1, 2022 10:45 AM
To: Brad Johnson <bradmj@burlingtonwa.gov>
Subject: FW: 1724 E Rio Vista Shops

FYI

From: Michael Fohn [<mailto:michael@fohn.co>]
Sent: Thursday, May 26, 2022 12:51 PM
To: Kim Ohara <kohara@burlingtonwa.gov>; '9 V Bar Construction LLC' <9vbarconstruction@gmail.com>; Renee Diaz <reneediaz72@gmail.com>
Cc: Craig Cherryholmes <craigc@burlingtonwa.gov>
Subject: RE: 1724 E Rio Vista Shops

{ Caution: This email originates outside of the City of Burlington } >
Hello Kim,

A TRC meeting might be over kill at this point. Possibly a meeting with appropriate COB Staff, Bernie and I would be more productive.

A review of the history of the annexation and comp plan amendment of the Delahunt property would likely

be helpful to all.

The uses in place at the time of annexation were discussed in detail with Margaret prior to annexation, there was a clear understanding that these would be considered (and treated) as preexisting, non-conforming uses.

I have looked through my files and think this information would be helpful to the COB.

A meeting would likely resolve the current confusion, but I will leave it up to Bernie on how he would like to proceed.

Thank you

Mike

360-708-0245

From: Kim Ohara <kohara@burlingtonwa.gov>

Sent: Thursday, May 26, 2022 9:18 AM

To: '9 V Bar Construction LLC' <9vbarconstruction@gmail.com>; Michael Fohn <michael@fohn.co>;
Renee Diaz <reneediaz72@gmail.com>

Cc: Craig Cherryholmes <craigc@burlingtonwa.gov>

Subject: RE: 1724 E Rio Vista Shops

Bernie – it's not necessarily to give more time, but the TRC meeting was one of the options for you to provide a list of tenants, uses and a site plan and set up a meeting date/time that we can meet with you to review and discuss. To make the June 15, 2022 meeting we would need the materials and application no later than June 7.

Thank you,

Kim O'Hara

Permit Center Manager

Direct (360) 755-1371

Office (360) 755-9717



From: 9 V Bar Construction LLC [<mailto:9vbarconstruction@gmail.com>]

Sent: Wednesday, May 25, 2022 9:03 PM

To: Kim Ohara <kohara@burlingtonwa.gov>; michael@fohn.co; Renee Diaz <reneediaz72@gmail.com>

Subject: 1724 E Rio Vista Shops

{ **Caution:** *This email originates outside of the City of Burlington* } >

Kim,

Thank you for the Technical Review Meeting Request Application today,
Just to confirm You have given us additional time to come up with; site plan, list of tenants,
and uses.

We are to submit or return the application and info on or before the 7th of June 2022 for our
meeting on June 15th 2022 at 10:00 AM.

Bernie Morris,

From: [Michael Fohn](#)
To: [Brad Johnson](#)
Cc: [9 V Bar Construction LLC](#)
Subject: Third Attachments
Date: Friday, June 3, 2022 10:08:36 AM
Attachments: [06-02-2022 COB Email Attachment 3.pdf](#)

{ **Caution:** *This email originates outside of the City of Burlington* } >
Brad,

This is the third attachment referenced in my prior email.

Thank you

Mike