

**From:** [Kim Ohara](#)  
**To:** [Alex Sidles](#)  
**Subject:** LUP 6-23 Public Hearing - corrections and additional exhibits  
**Date:** Thursday, January 18, 2024 8:53:00 AM  
**Attachments:** [37 Plat boundary CORE ltr 11-20-23.pdf](#)  
[38 RR Buffer Planting exhibit.pdf](#)  
[39 Storm Drainage Exhibit 1-17-24.pdf](#)  
[36 Impact Fee Credit-Staff Report clarification.pdf](#)  
**Importance:** High

---

Alex – please see below the following corrections to the Staff Report. Also, attached is a revised Exhibit List and three additional documents provided by the applicant, requesting they be included in the record.

Corrections to Staff Recommendation (Exhibit “1”):

- 1. Procedural Note: The City anticipates working with the applicant on a development agreement covering impact and sewer fees, and the application of park and transportation impact fee credits in exchange for dedicating wetland tracts and for offsite transportation improvements that exceed a proportional share of the impacts attributable to the proposed project. Because the assessment of impacts fees is an administrative process not covered by the CUP, this should not impact the recommended permit conditions or the Hearing Examiner decision. The proposed development agreement may be approved in conjunction with the final plat.
- 2. Finding “18” – The labels used to identify the special purpose tracts are different on several of the exhibits. For example, the east-west street tracts shown on the preliminary plat (exhibit “20”) are labeled as tracts “E”, “F”, and “G”. However, the preliminary civil plans (exhibit “6”) identify these tracts as “B”, “C”, and “D”. For clarity, the City asks that the Hearing Examiner use the preliminary plat (exhibit “20”) as the basis for any references to special purpose tracts. Also, Finding “36-d” should be corrected to references tracts “E”, “F”, “G” and NOT tracts “B”, “C”, and “D”.
- 3. Finding “34” – Regarding the required “Type IV” landscaping buffer along the BNSF ROW, the required buffer width should be 25 feet, not 30 feet as stated in the staff recommendation.
- 4. Finding “36-g”, which refers to the stormwater should cross reference finding “29” rather than finding “19” as stated in the staff recommendation.
- 5. Finding “38” – should references exhibit “22” (bored water line design plans).
- 6. Permit Recommendation heading on page 21 of the staff recommendation – The last sentence should be corrected to delete the reference to a conditional use permit. “... Conditional Use Permit...” should be deleted and replaced with “....Preliminary Plat and Shoreline Substantial Development Permit application...”.
- 7. Condition “3” which include a permit expiration timeline should be amended to cross reference the expiration timelines for preliminary subdivision approvals identified in Chapter 58.17 RCW, which the City has adopted by reference (see BMC 16.10.110.D.1).

8. Condition "14-e" should have an additional condition provision added stating that "in addition to any mitigation planting work identified in the mitigation plan, all remaining undeveloped areas of the wetland buffer shall be completely replanted with suitable native species". This is required by BMC 14.15.185.1.a.

Thanks,

**Brad Johnson**

Community Development Director

City of Burlington

360-755-9717 (7201)

[bradmj@burlingtonwa.gov](mailto:bradmj@burlingtonwa.gov)

Thank you,

*Kim O'Hara*

Permit Center Manager

**Direct (360) 755-1371**

Office (360) 755-9717

