



## Exhibit "1"

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### Land Use Permit Decision

**Date:** October 28, 2025

**Project:** Sharon Townhomes Preliminary Plat (LUP 5-25)

**Location:** 204 & 224 East Sharon Avenue

**Parcel(s):** P72722, P72723, P133618, P133619, P133620, P133621, P133622, P133623, P133624, P133625, P133626, P133627

**Applicant:** John Semrau

**Staff:** Miranda Sires MS

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### Summary:

On April 24, 2023, the City originally received an application to build 54 townhomes that would be rented out. The applicant has received their land use permit and grading permit and are now wanting to build the horizontally attached townhouse units for individual sale, resulting in a subdivision. Community Development has approved the preliminary plat subdivision subject to the conditions of approval identified in this report.

### Findings:

1. The Sharon townhome project is located on East Sharon Avenue in the City of Burlington. The subject property is approximately 2.95 acres. The proposed development of the site includes construction of 54 units, with associated access roads and driveways as well as landscaping, bioretention facilities, and infiltration trenches. The site will be subdivided with each unit on a separate lot. The resulting residential lots will be developed with horizontally attached townhouse units for individual sale.
2. Under Washington State law (RCW 58.17.020(1) & RCW 58.17.040) and Burlington Municipal Code (BMC 16.01.020.B and 16.01.060) the division of land into ten or more lots requires approval through a "subdivision" process. Because the application involves the

creation of ten or more lots, this proposal has been reviewed using the standards and procedures for preliminary subdivision approval identified in chapter 16.10 BMC.

3. Subdivisions require both a preliminary approval and a final approval (BMC 16.10.020 and 16.10.110). The purpose of the preliminary plat approval process is to verify compliance with zoning and development regulations, and to identify any necessary improvements, conditions, or restrictions (BMC 16.10.030). A preliminary plat must be approved before an application for final plat approval may be submitted (BMC 16.10.110 and 16.20.060). Preliminary subdivision approvals are classified as “type III” permits (BMC 16.10.050.B and 14A.05.060.C.5). Type III permit decisions must be made by the City Hearing Examiner (BMC 14A.05.060.C).
4. Preliminary subdivision applications that comply, or that can, in the Hearing Examiner’s opinion, be made to comply with all applicable Burlington Municipal code requirements shall be approved (BMC 16.10.080). Preliminary subdivision approvals may be conditioned to ensure compliance with applicable municipal code requirements and Washington State law. Conditions shall also be used to identify any specific improvements or actions which must be taken prior to final plat approval (BMC 16.10.080).
5. The application for this permit was submitted on June 26, 2025, and was deemed complete on July 16, 2025. However, after deeming the application as complete and going through the plans, a few additional items were needed on the plans to continue with the approval which the applicant has since provided.
6. All subdivisions are subject to the survey and design standards identified in Chapter 16.40 BMC (BMC 16.40.020). The proposed 54-townhome development has completed the conditional use permitting and grading review processes, with civil plans approved in compliance with the platting requirements of BMC 16.40. The applicant’s original design anticipated the potential incorporation of zero-lot line townhomes in the future.
7. All land divisions in the City of Burlington are subject to the City’s land division regulations (BMC 16.01.020.A). Land divisions are classified as either “exempt” or “non-exempt”. A non-exempt land division requires “platting review” (BMC 16.01.020.B). The proposed land division is not consistent with any of the listed exemptions identified in BMC 16.01.050; therefore, it is classified as non-exempt and platting review is required.
8. Under BMC 16.10.090, no lot may be created that lacks an adequate building site unencumbered by critical areas or critical area buffers, unless restrictive notes are included on the face of the plat permanently prohibit development of the encumbered lots or tracts. None of the residential lots will be constrained by critical areas or critical area buffers.

9. The Hearing Examiner’s decision approving the original (rental format) development included an analysis of relevant Burlington Municipal Code requirements (CUP 3-23). This analysis included code provisions related to site layout, access and parking, utilities, frontage and offsite improvements, permitted uses, allowed densities, outdoor lighting, landscaping, and the conditional use approval criteria. The Community Development Department finds this analysis, and the resulting conditions of approval, adequately addresses the criteria for subdivision approval. Therefore, all requirements in the original Staff report CUP 3-23 and the hearing examiner’s decision are required and must be implicated and applied to the final plat (see condition “7”).

**SEPA Determination:**

A SEPA Mitigated Determination of Non-Significance (MDNS) was issued for this project on June 8, 2023. The MDNS was associated with Conditional Use Permit CUP 3-23. No further environmental review is required for this project under SEPA. All conditions and analysis associated with the MDNS issued on June 8, 2023, shall continue to apply to the proposed development and subdivision.

**Permit Recommendation:**

The Community Development Department has reviewed the applicant’s proposal and determined that it can comply with applicable Burlington Municipal Code requirements subject to the conditions of approval identified below. The Community Development Department recommends the Hearing Examiner approve the Preliminary Plat Amendment application LUP 5-25 *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, this decision.
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, or referenced in, this decision. Minor modifications necessary to implement any changes requested by the Building Official, Fire Marshall, or City Engineer are permitted when necessary to ensure compliance with established regulatory requirements.

3. This approval shall expire if a fully complete final plat is not submitted within timeframe specified by Chapter 58.17 RCW. The date of approval for this decision shall be the date the Hearing Examiner’s decision is signed. A fully complete final plat shall be submitted to the City of Burlington prior to the expiration of this approval. Except as explicitly modified by this decision, the final plat shall be consistent with the preliminary plat approved by the Hearing Examiner. In addition, except as explicitly modified by this decision, the final plat shall address the conditions required by the Hearing Examiner’s preliminary plat approval.
4. This permit does not authorize the location, design, construction or installation of any signs. No signs may be installed unless authorized by a sign permit.
5. The property owner, developer, and all contractors shall be responsible for complying with all applicable laws and regulations pertaining to erosion control and water quality, including obtaining a Washington State Department of Ecology Construction Storm-Water General Permit. Any additional erosion control or construction management practices prescribed by the City Engineer or Building Official shall be immediately implemented.
6. Revised civil engineering plans shall be submitted to address any aspect of the project design that has changed as a result of the proposed subdivision process. At a minimum, the revised civil engineering drawings shall clearly illustrate how each individual dwelling unit has been provided with its own utility connections.
7. A fully complete application for final plat approval shall be submitted prior to the expiration of the preliminary plat approval. The final plat shall be consistent with the conditions of CUP 3-23, the conditions of this permit and shall fully address the requirements of Title 16 BMC and Chapter 58.17 RCW. In addition, the final plat shall be consistent with the following:
  - a. An access and utility easement shall encompass the full width of the proposed private street, sidewalks, and utility corridors.
  - b. Appropriate easements shall be provided wherever utilities cross property lines.
  - c. A plat note referencing the approved LOMA shall be provided.
  - d. An easement allowing City of Burlington staff and contractors to access stormwater, fiber optic, and sewer infrastructure and improvements shall be provided. The easement shall allow city staff and contractors access for purposes of inspecting, maintaining, repairing, replacing, or altering sewer, fiber optic, and stormwater improvements and infrastructure.
8. Final civil engineering as built drawings shall be submitted to the City Engineer for approval. No final as built drawings shall be approved until all onsite and offsite improvements including but not limited to utilities, infrastructure, sidewalks, traffic

calming measures, crosswalks, lighting improvements, frontage improvements, and signage required by the conditions of this decision, CUP 3-23 or the associated SEPA MDNS, or the Burlington Municipal Code have been completed and inspected by City Engineer.

9. No final plat shall be approved until the final civil engineering as built drawings have been submitted to, and approved by, the City Engineer.
10. No building permits shall be issued until a final plat has been recorded with the Skagit County Auditor's office.
11. All the landscaping and landscape plantings shown on the approved landscaping plans shall be installed prior to approval of a final building permit or occupancy inspection. The "approved landscaping plan" shall be the landscaping plan signed by the Community Development Department.
12. No final occupancy or final building permit inspections shall be approved for any residential unit until documentation has been provided showing the finished floor elevations of the unit is one foot or more above the base flood elevation. This documentation can be provided in the form of a letter from a licensed surveyor. This is a City of Burlington requirement and not a requirement of the National Flood Insurance Program. Therefore, formal FEMA flood elevation certificates are *not* required.
13. All fire and life safety requirements identified by the Building Official and Fire Marshal shall be fully addressed.
14. All conditions associated with the CUP 3-23 shall continue to apply.

**Appeals:**

This is a type III decision and may be appealed in accordance with the applicable procedures identified in Title 14A of the Burlington Municipal Code. For information on appeal procedures please contact the Community Development Department.