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## Community Development Memo

**To:** City of Burlington Hearing Examiner

**From:** Miranda Sires, Planner

**Project:** Supplement to LUP Recommendation (LUP 5-25)

**Date:** December 5, 2025

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### Summary:

On October 28, 2025, the Burlington Community Development Department issued a recommendation approval for the subdivision of LUP 5-25. This document was subsequently transmitted to the Hearing Examiner. Before the subdivision was sent in, a CUP application for a development of 54 townhomes was sent in to the Community Development Department on March 27, 2023. The CUP 3-23 was approved by the hearing examiner on September 5, 2023, for the townhome development only. The hearing examiner for the subdivision project on November 21, 2025, has asked staff to prepare a supplemental memo going over a question raised by the applicant, a question raised by the public and to review the subdivision criteria more thoroughly.

The Community Development Department has reviewed the questions and concerns raised by the permit applicant and the public and has reviewed the subdivision criteria more thoroughly. Based on this review, the Community Development Department has prepared the following clarifications and responses.

### Questions and Clarifications:

The questions raised by the permit applicant before the hearing on November 21, 2025, and questions raised by the public are addressed individually below. Where appropriate, Community Development has provided clarification or recommended corrections.

1. *Condition "10" raised by the applicant –Before the hearing on November 21, 2025, the applicant called City Staff and asked for this condition to be removed and to obtain building permits before the final plat is submitted and approved.*

The condition states: “No building permits shall be issued until a final plat has been recorded with the Skagit County Auditor’s Office”. After carefully considering the Hearing Examiner’s comments and conducting further review of the application materials and RCW 58.17, the Community Development Department recommends that this condition remains in place. Maintaining this requirement ensures compliance with state subdivision law and protects the City from issuing permits on properties that have not yet been legally created.

In addition, the Community Development Department also notes that zero lot-line projects require careful attention to easements, access arrangements, and the provision of utilities. Ensuring the plat process is carried out in advance of issuing building permits will provide for a thorough review process, help avoid errors, and ensure adequate provisions are made for utilities, access, and common areas as required by Chapter 58.17 RCW and Title 16 BMC.

2. *A member of the public inquired whether the units would be low-income housing and expressed concerns about potential traffic impacts.*

The City does not restrict housing based on occupant income levels; however, the application materials for this project suggest the units will be sold at market rates.

The City’s engineering staff have reviewed the plan set at the land use permitting stage and at the grading stage which involves the civil plans, and they had no significant concerns regarding traffic. Traffic calming and pedestrian safety measures that will be included are crosswalk improvements at the intersection of East Sharon Avenue and South Alder Street; this will include pavement markings and approved signage by the City engineer. The crosswalks at the intersection of Cedar Street and South Alder Street will be improved also with signage and pavement markings. Both sidewalks along Alder Street and Cedar Street will be made into ADA compliance and there will be a solar powered rapid flashing beacon (RFB) crossing the street from Cedar Street to Alder Street. Two streetlights will be installed to illuminate the pedestrian crossing on Cedar Street.

The project site will also have a private road 20 feet in width, with two travel lanes of 10 feet, going through the development. The proposed private road will provide access through the site from Sharon Avenue and from Cedar Street. As well as a 5 foot in width sidewalk to the west of the proposed road through the projects site. All of these measures will help with pedestrian safety and traffic calming measures.

3. *Community Development Department would like to go through the subdivision requirements of RCW 58.17 for this project.*  
*“A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made*

*for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW [82.02.050](#) through [82.02.090](#) shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners” (RCW.58.17.110).*

The Community Development Department has addressed each of the relevant criteria in Chapter 58.17 RCW below:

- a) *The use will have no more adverse effect on the health, safety or comfort of persons living or working in the area, and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area, than would any use generally permitted in the district.*
- Each townhome will have a back porch thus creating open space. To the West of the project site there is an alley that is 16 feet in width that the public will have access to.
  - There will be adequate drainage on site, the civil plans on page C7 show a drainage plan and a stormwater report and a stormwater site plan was submitted as well on December 22, 2023, and April 4, 2024. The report states that catch basins and infiltration trenches will be onsite for stormwater runoff. All stormwater runoff from the shared driveway, roof areas, walkways and landscaping will be collected and routed to the infiltration trenches along the shared driveway for treatment and flow.
  - The project site will be using water from Skagit Public Utility District (PUD), and each townhome will be connected to the City’s sanitary sewer system.
  - As mentioned earlier in this memo, the project site will have a new road built in the middle of the project site that will have access from both

Sharon Avenue and Cedar Street. The project will also have improvements along Cedar Street, Alder Street and Sharon Avenue.

- There are two transit stops nearby along Burlington Boulevard and once the project site has been developed a school bus will come to the development or stop nearby. There is Burlington Edison High school to the Northwest of the project site and Lucille Ubmarger Elementary to the East of the project site. By developing this project, there will be significant improvements to the sidewalks and pedestrian safety enhancements will be provided as well making it easier for children to walk to school if needed.
- The site is zoned MUC-2 which currently allows for a variety of commercial and multiunit residential development types. The areas to the west and south of the site are also zoned MUC-2. The area to the north of the site is zoned RA-1. The RA-1 zones allows lower density multiunit residential development, such as townhomes, duplexes, and small multiunit buildings. The property to the east of the site is owned by the City of Burlington and is zoned PFT-1. The PFT-1 zone allows for public facilities with a commercial or institutional character, such as offices, emergency services, and public housing. The proposed residential development is allowed outright in the MUC-2 zone. Similar residential development types are also permitted in the RA-1 zone. Because the proposed use is allowed outright in the MUC-2 and RA-1 zones which surround the site, the use will have similar impacts to other uses permitted in the surrounding area.
- The impact fees for this project are parks, fire, and transportation.