



SEMRAU ENGINEERING & SURVEYING, P.L.L.C.

MEMORANDUM

TO: City of Burlington Hearing Examiner
FROM: John B. Semrau, P.E. & P.L.S.
SUBJECT: Preliminary Plat of Sharon Townhomes
Supplement to LUP Recommendation (LUP 5-25)
CC: John Piazza, JR
DATE: December 29, 2025

This is a unique plat project, and this approval process is the opportunity to take those differences and make this a better-than-normal project. This is a plat project that has 12 lots of record that already have the necessary access and utility easements to serve those twelve lots. There is also an approved construction utility plan for 54 multi-family units on the existing twelve lots of record.

The proposal before you is better for the community because it gives 54 families the opportunity to invest in homeownership instead of just renting. This is also the second approval process for this project, and all the code and community issues have already been reviewed and addressed.

The Applicant continues to request that Condition "10" be removed or conditioned for the City to issue up to 12 building permits before the final plat is submitted and approved. RCW 36.70B and RCW 58.17 are what Cities and Counties use to develop model home ordinances, and specifically, RCW 58.17.210 is used to allow building permits up to the number of legal lots of record. If this plat only included one (1) legal lot of record instead of twelve (12), we understand our request would not be as reasonable. We do not believe the public interest will be affected if the City issues up to 12 building permits before the final plat is recorded for this project. To issue permits for building on Lot A and Lot B, both 5 unit, would require 10 building permits. A simple remedy for a plat that does not get recorded is a boundary line adjustment. Issuing some building permits before the final plat will allow normal construction phasing and financing of this multi-family type development. Issuing building permits before the final plat in this situation lowers the risk of the development to all parties involved and can get housing units on the market 2 to 3 months faster. It also allows the City to receive the fees from 10 building permits prior to final plat approval.

The existing private road and utility easements were created by deed, which is the most appropriate way to create, maintain and transfer the private rights. Because they were created

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by deed, they can be changed by deed before final plat. The water easement changes by Skagit PUD and Puget Sound Energy will all occur by deed before final plat. All twelve lots are owned by one entity. All the necessary easements to support the final plat can also be revised and recorded before the final plat.

The final effect of the dedication statement on the plat will be to place the City in control of any future changes to those private rights. The City will be in the driver's seat during the utility permit, building permit, and final plat processes, as is always expected, even if Condition 10 is dropped or revised.

After consideration of the Hearing Examiners comments at the beginning of this hearing, the Applicant would like to revise the legal description for the plat to only include the property, parcels A, B, C, D, E, F, G, H, I, J, K and L, and not include the private access and utility easements parcels A-1, B-1, C-1, D-1, E-1, F-1, G-1, H-1, I-1, J-1, K-1, and L-1. This plat does not require the easements to be included in the legal description. This does not change the boundary of the plat; all the existing easements are within the proposed plat boundary. The necessary revisions to these access and utility easements can be accomplished in many different ways. If the easement descriptions remain in the legal description, there is only one method to revise through the final plat. The best way to handle these is to relinquish them entirely before final plat by deed and modify them by deed before the final plat. This was not fully understood at the time of the preliminary plat application, which was before the City review of the utility plan was complete. We are submitting a revised Sheet 1 of 3, dated December 29, 2025, (6139P-Sht 1 of 3 (R2).pdf) to be considered for the preliminary plat map set.

We also discovered a Scribner's error on the June 2025 version of the map that has been corrected, 6139P-Sht 1 of 3 (R1).pdf.

Thank you for your review and consideration.