

SUB2023-0011: List of Attachments

EXHIBIT 1 Planning and Community Development Department Staff Report including the following Attachments:

Attachment A	Cluster short subdivision application, including:
A1	Project Narrative and Decision Criteria responses
A2	Preliminary Plat Map
Attachment B	Whatcom Falls Zoning Map, Table and Area 7 description
Attachment C	Consolidated Permit (DR2023-0008/CAP2023-0008)
Attachment D	Map of Onsite Critical Areas
Attachment E	Public comment
Attachment F	SEPA Threshold Determination
Attachment G	Tree Retention Plan
Attachment H	Tree Inventory & Tree Protection Plan
Attachment I	Bellingham School District attendance areas
Attachment J	WTA transit routes
EXHIBIT 2	Notices, including Notice of Complete Application, Request for Information, Notice of Application with Affidavit of Posting, Transportation Concurrency Certificate, and Notice of Hybrid Public Hearing with Affidavit of Posting.
EXHIBIT 3	Preliminary Stormwater Site Plan
EXHIBIT 4	Stormwater Downstream Analysis
EXHIBIT 5	Geotechnical Engineering Report

CITY OF BELLINGHAM
PLANNING AND COMMUNITY DEVELOPMENT
STAFF REPORT

HEARING EXAMINER

November 29, 2023

PROJECT NO.: Wellington Cluster Short Subdivision (SUB2023-0011)
APPLICANT: Darcy Jones, JEI; 4164 Meridian Street, Suite 304, Bellingham, WA 98226
OWNERS: Bradley and Kristina Widman, 1615 Old Samish Road, Bellingham, WA 98229

I. OVERVIEW

A. PROPOSAL - Attachment A

Application review of a 10-lot cluster preliminary plat on a 2.5-acre site, known as the Wellington Cluster Preliminary Plat, that includes 7 single-family cluster lots and 3 infill Small Lots. Retention of the existing residence is proposed.

B. LOCATION

1204 Yew Street/ Area 7 of the Whatcom Falls Neighborhood

Assessor's parcel number: 380333 0384410000

Land use and comprehensive plan designations: Land Use: Residential-Single, Detached/Cluster with 10,000 square-foot density and 7,200 square-foot cluster minimum lot size; Comprehensive plan: Single Family Residential, Low Density. **Attachment B**

C. APPLICATION REVIEW PROCEDURES

The Proposal, inclusive of the preliminary plat, design review, and critical areas applications, requires approval of Type I and III land use decisions. As allowed per BMC 21.10.050, the applicant did not consolidate the review of these applications.

The cluster preliminary plat is a Type III application that requires approval by the Hearing Examiner and is the subject of this staff report.

The remaining Type I applications require administrative decisions and were reviewed concurrently through the Type I process. These applications were decided in a single Consolidated Permit (DR2023-0008/CAP2023-0008), granting approval for design review of the Small Lots pursuant to Chapters 20.25 and 20.28 BMC and critical areas pursuant to Chapter 16.55 BMC. The Consolidated Permit was issued on November 22, 2023.

D. CONSOLIDATED PERMIT – Attachment C

The Consolidated Permit conditionally approved the Type I land use applications for design review approval for the infill housing Small Lots, Lots 5A, 5B and 5C, and impacts to reduce the buffer of the onsite wetland.

Critical areas include one on-site wetland in the eastern portion of the site, requiring critical area review under BMC 16.55. **Attachment D** The proposed development will impact approximately 600 square feet of wetland buffer. Proposed compensatory mitigation includes 5,900 square feet of buffer enhancement through on-site native planting between the proposed development and the wetland. The planting will be at a ratio greater than 1:1 to compensate for impacts to wetland buffer and functional uplift to existing low quality wetland buffer conditions.

This staff report and recommendation was prepared in response to the approved Consolidated Permit. Staff believes compliance with Consolidated Permit's conditions should not impact staff's recommendation of the preliminary plat application included in this staff report nor result in any significant changes as to the number or location of lots or the infrastructure necessary to serve the lots.

BMC 20.28.070 requires the development of each Small Lot to be on a fee simple lot and therefore, the Consolidated Permit is conditioned requiring approval of the preliminary plat application that is the subject of this staff report.

II. STAFF RECOMMENDATION

Approve the cluster subdivision application (**Attachment A**) with the recommended conditions in Section XI of this report.

III. JURISDICTION

BMC 2.56.050(A)

The decision of the hearing examiner on the following matters which shall be within the jurisdiction of the hearing examiner, notwithstanding any other provision of the Bellingham Municipal Code, shall be final unless such decision is appealed to the city council as provided in this chapter:

1. Applications for preliminary plat approval for subdivisions exceeding nine lots under Chapter 23.16 BMC.

IV. BACKGROUND

1. The required pre-application conference with city staff and neighborhood meeting were held on August 2, 2022, and December 19, 2022, respectively. Comments raised at the neighborhood meeting included concerns regarding the loss of habitat as a result of developing the site, drainage, traffic and clearing.
2. February 15, 2023: Applications for this proposal, including infill housing, design review and preliminary plat, land division variance, critical areas and a SEPA checklist, were submitted.
3. March 21, 2023: The City deemed the land use applications complete. **Exhibit 2**
4. March 23, 2023: The City issued a Request for Information (RFI) (**Exhibit 2**) for additional information specific to compliance with stormwater, street and utility requirements, emergency access, access, infill housing and critical areas.
5. July 26, 2023: The City issued a 30-day extension to allow the applicant additional time to provide a response to the RFI. (**Exhibit 2**)
6. August 18, 2023: The applicant submitted a response to this RFI. The City determined the information sufficient to continue review of the application and have included this information as an amendment to the application materials submitted on February 15, 2023. NOTE: The RFI response included a redesign of the infrastructure that no longer required a land division variance. This application was withdrawn by the applicant.
7. September 5, 2023: The City issued a Notice of Application and Option DNS (**Exhibit 2**) establishing a public comment period through September 19, 2023. The City received one public comment in response to this notice concerning the anticipated grading necessary to develop the site, clearing of the site's evergreen trees, and loss of habitat resulting from development . **Attachment E**

In response to the issues raised in the public comment letter, staff shares the same concerns regarding clearing, grading and tree retention as it relates to the loss of habitat. The preliminary plat application proposed to retain much of the site's significant trees and as proposed by staff, the grading should also be limited to ensure maximum retention of the significant trees proposed for retention.

8. November 14, 2023: The City issued a Temporary Certificate of Multimodal Transportation Concurrency (CON2023-0001) for the proposal. (**Exhibit 2**)
9. November 17: The Public Hearing notice for the preliminary plat was issued by the Hearing Examiner's department staff and mailed in accordance with BMC 21.10.200(D). (**Exhibit 2**)
10. November 21, 2023 The City issued an environmental SEPA threshold Determination of Nonsignificance. **Attachment F**

V. EXISTING SITE CHARACTERISTICS

A. LAND USE AND ZONING DESIGNATION (Attachment B)

The subject site is in Area 7 of the Whatcom Falls Neighborhood and zoned Residential-Single, Detached/Cluster with a minimum 10,000 square-foot detached lot size and density and a minimum cluster lot size of 7,200 square feet.

This zoning designation allows residential uses including infill housing units pursuant to BMC 20.28.020. Seven single-family cluster lots and 3 infill housing lots are proposed.

Area 7 of the Whatcom Falls Neighborhood (BMC 20.00.230) contains special conditions for clearing and access considerations. This zoning subarea does not have any prerequisite considerations or special regulations.

B. EXISTING CONDITIONS

The subject site is approximately 2.47 acres and is developed with a single-family residence accessed from Yew Street. Vegetation consists of typical trees, shrubs and grasses near the residence that are typical of an established residential lot. The remainder of the lot is characterized by many large, mature trees with a typical understory of vegetation. Many of these trees are defined as significant trees and regulated by BMC 16.60.080(B)(4).

The site has an elevation gain of approximately 50 feet from Yew Street to the residence.

A regulated wetland is located on site between the existing residence and the eastern property line as shown on **Attachment D**. The established buffer for this wetland is 80 feet. The site contains buildable area outside of the onsite critical area and therefore, a critical area variance is not required.

The abutting properties to the north, south and east are in the same subarea as the Proposal and developed with single-family residences.

The subject property abuts Yew Street, which is an arterial. Public water, sewer and stormwater mains abut the site. The city has determined this infrastructure has sufficient capacity to serve the Proposal.

VI. APPLICATION

Please refer to **Attachment A** for the submitted cluster preliminary plat application and supporting information from the applicant.

VII. CLUSTER PRELIMINARY PLAT – Chapter 23.16 BMC

Pursuant to BMC 23.16.010(A)(2), any action which will result in the division of any lot that utilizes the cluster subdivision provisions for five or more lots shall require preliminary plat

approval based on the criteria and procedures pursuant to BMC 23.16.030 and be subject to approval by the City Hearing Examiner. Pursuant to BMC 23.16.010(C), the cluster provisions may be utilized for residential-single zoned areas containing a cluster use qualifier.

VIII. CLUSTER PRELIMINARY PLAT CRITERIA AND ANALYSIS

Pursuant to BMC 23.16.030, preliminary plats shall be given approval, including preliminary plat approval subject to conditions, upon finding by the hearing examiner that all of the following have been satisfied:

1. It is consistent with the applicable provisions of this title (Title 23 Land Division), the Bellingham comprehensive plan and the Bellingham Municipal Code (BMC).

Applicant's response: **See Attachment A.**

Staff analysis: The provisions in Title 23-Land Division are SEPA compliant regulations and through the adoption of these regulations they were determined to be consistent with the City's comprehensive plan. Additionally, approval of the Consolidated Permit demonstrates that development of the proposed lots will be compliant with the Bellingham comprehensive plan and the BMC.

The zoning's Special Conditions are applicable to this proposal and will be addressed through code compliance of access management on arterials (Chapter 13.52 BMC) and the Critical Area Ordinance (Chapter 16.55 BMC).

Further, the Proposal satisfies the intent of the land use, housing, capital facilities and utilities and environmental chapters of the comprehensive plan by furthering the following goals and policies:

Land Use

GOAL LU-5 Support the Growth Management Act's goal to encourage growth in urban areas.

Policy LU-66 Encourage design flexibility (e.g., clustering and low impact development) to preserve existing site features, including trees, wetlands, streams, natural topography, and similar features.

Housing

Policy H-3 Encourage well-designed infill development on vacant or underutilized properties.

Capital Facilities and Utilities

GOAL CF-8 Promote the delivery of adequate utilities and encourage the design and siting of private utility facilities in a manner that minimizes impacts on adjacent land uses and the environment.

Policy CF-3 Encourage and support development in areas where adequate public facilities and services exist or can be provided in an efficient manner.

Environment

- Policy EV-23 Protect habitat and habitat corridors used by wildlife, fish, and pollinators from the impacts of development, where feasible.
- Policy EV-26 Limit public and pet access and their impacts to the most sensitive and unique habitats and employ measures to minimize impacts from public access.
- Policy EV-27 Minimize light and noise impacts on fish and wildlife habitat.

2. It is consistent with the applicable provisions of Chapter 23.08 BMC.

Applicant's response: **See Attachment A.**

Staff analysis: The following is staff's code compliance review of Chapter 23.08 BMC.

23.08.020 Purpose. The Proposal satisfies the general purpose statements of this code section by:

- a. Adding infill development opportunities to a neighborhood that contains a network of walkable facilities that connects the Proposal to adjacent residential neighborhoods and recreational areas in the vicinity,
- b. Having an overall design that efficiently utilizes the land while maximizing the overall unit yield,
- c. Adding 'eyes on the street' through the development of pedestrian oriented development, and
- d. Proposes lot designs that integrate the site's natural features to the maximum extent feasible.

23.08.030 Performance standards: Staff concurs with the applicant's analysis.

The application materials included a Tree Retention Plan (Plan) (**Attachment G**) and Tree Inventory & Tree Protection Plan (**Attachment H**) that quantified the site contains 123 significant trees, some of which are proposed for removal, and the methods that should be used during construction to protect the trees. These two plans were based on a previously submitted plat design and, therefore, should be updated to reflect the current plat layout.

The performance standard specific to natural features has been appropriately evaluated through the issuance of the Consolidated Permit and as conditioned requires the applicant to submit a revised Tree Retention Plan that maximizes retention of the onsite significant trees and where necessary, provide mitigation to replace the onsite significant trees. Further, the Consolidated Permit prohibits the removal of significant trees in the wetland buffers.

The revised Plan should account for site grading and limit grading in a manner that would result in the removal of significant trees that would otherwise be a candidate for retention. The performance standard for grading is met only if the preliminary plat is appropriately conditioned to evaluate and limit grading concurrently as necessary to

maximize the retention of significant trees associated with the revised Tree Retention Plan.

23.08.040 Maximum number of lots/units:

Density is based on a gross land area calculation. The 107,453 square-foot site area yields a maximum of 10 units. Ten single-family lots, consisting of 7 single-family cluster lots and 3 infill Small Lots, are proposed and this provision is met.

23.08.050 Minimum lot size:

(A)(3) Cluster Subdivisions. The zoning prescribes a minimum lot size requirement of 7,200 square feet for cluster lots. BMC 23.08.050(A)(6) allows averaging of lot sizes when a lot has sufficient area to subdivide under the specified zoning requirements. As stated above, the proposal is consistent with the underlying density requirement.

BMC 23.08.050(A)(6) states that when lot averaging is used, no lot may have a site area less than 90% of the minimum lot size requirement when the designated zoning is 10,000 square foot or less, which is applicable to this proposal. The proposed single-family cluster lots are designed with lot areas of at least 6,480 square feet, which is 90% of the 7,200 square-foot minimum lot size requirement for cluster lots. This provision is met.

(A)(4) Infill Toolkit. When the provisions of the infill housing chapter, Chapter 20.28 BMC, conflict with any other provision of Title 20 BMC, the provisions of the infill housing chapter apply. The 5,000 square-foot lot size requirement for a Small Lot and the zoning's 7,200 square-foot minimum lot size requirement conflict and therefore, the 5,000 square-foot applies to the infill Small Lots. The Small Lots are designed to comply with site areas no greater than 5,000 square feet.

This provision is met if the proposal is properly conditioned to require the development of the Small Lots compliant with the applicable infill provisions of Chapter 20.28 BMC.

23.08.060 Lot design standards:

(A) and (B) Logical Boundaries and Reasonable Use. The proposed lots meet this provision. This provision does not apply to the infill housing lots. These provisions are met.

(C) Alley Access. This provision is not applicable.

(D) Building Envelope. The single-family cluster lots are designed with a 40'X40' building envelope. BMC 20.28.050(C) provides the authority exempting the Small Lots from minimum lot design requirements.

This code provision is met.

(E) Abutment – Public Infrastructure. All lots are proposed to provide abutment on public infrastructure either through direct abutment on the newly dedicated right of way or via abutment by a general ‘blanket’ easement. Lots 1 and 8 will be served directly through abutment on the newly dedicated right of way.

Lots providing abutment by easement shall comply with the provisions of BMC 23.08.060(E)(2). Pursuant to subsection (E)(2)(a-c), a maximum of 4 lots may be served by a private access easement. This access provision is met with one driveway serving Lot 2-4 and 5C and the other driveway serving Lots 5A, 5B, 6 and 7.

Separate access and utility easements are required for the proposed accesses to Lots 2-7 and therefore, the City should review the necessary legal documents as to form and content as determined necessary to provide each lot with abutment on public infrastructure, including street, water, sewer and stormwater.

A single driveway providing access to each lot grouping is proposed and meets the provisions of this code section. The driveway serving Lots 5A, 5B, 6 and 7 is not required for emergency access and meets the minimum driveway standards pursuant to subsection (E)(3).

The driveway serving Lots 2, 4 and 5C is required for emergency access purposes and therefore must meet the provisions of Title 17 BMC and not those of subsection (E)(3). The driveway as proposed is assumed to meet the minimum access requirements to provide emergency access but cannot be determined met until building permit application for the lots accessed by this driveway.

Subsection (E) is met if the preliminary plat is appropriately conditioned to require the construction of the private driveways as a condition of final plat and filing of separate private easement documents granting such access.

(F) Cluster Short and Cluster Preliminary Plats. The Proposal provides the required lot transition with lots having site areas of at least 90% of the 7,200 cluster minimum lot size and provides at least 15% of the site in open space. The infill housing lots, 5A, 5B and 5C, do not abut nor are located across the street from a developed single-family zoned neighborhood. This provision is met.

23.08.070 Public infrastructure, dedications and improvement requirements:

(A) Dedication. Dedication of land for right of way and utilities is necessary to serve the preliminary plat with public infrastructure. The proposed dedication meets the provision of this section. These dedications should be required as needed to service the individual lots and compliance with this provision should occur through the final subdivision approval process.

(B) Street standards. The newly dedicated right of way requires construction to full standard of a residential street. The proposal should be conditioned appropriately to demonstrate compliance with this street standard.

(C) Access. Chapter 13.52 BMC limits access to arterials. The new street meets this access limitation and provides abutment for the undeveloped lot to the north. The preliminary plat meets this code provision.

(D) Water, Sewer and Stormwater management. Public water and sewer mains are proposed to be extended, as necessary, in accordance with City code to serve the individual lots and will provide extensions capable of serving the abutting undeveloped lot to the north.

The application materials included a preliminary stormwater report (**Exhibit 3**), a stormwater downstream analysis (**Exhibit 4**) and a geotechnical report (**Exhibit 5**) that concludes the soils are not suitable to infiltrate stormwater. Stormwater management is proposed to comply with City code, Chapter 15.42 BMC with mitigation occurring on site.

The application materials provide sufficient information to evaluate the preliminary plat for general compliance with these provisions. The public facilities construction agreement will review for compliance after submittal of final engineered drawings to determine full compliance with this provision. The preliminary plat should be appropriately conditioned to require compliance with this provision as a condition of final subdivision approval.

(E) Street Naming and Addressing. The City will assign new street names and addresses. This provision will be met with the recording of the final plat. The decision should be appropriately conditioned to require compliance with this provision as a condition of final subdivision approval.

(F) Electrical and Communication Facilities. The proposal does not provide the standard 10-foot dedication adjacent to existing and proposed rights of way. The preliminary plat should be amended to comply with this provision unless it is determined, as allowed by this code provision, the private electric and communication providers do not need the additional dedication. This decision should be appropriately conditioned to require compliance with this provision as a condition of final subdivision approval.

(G) Parks and Recreation. The Parks, Recreation & Open Space (PRO) Plan does not identify any public recreation facilities on the subject site.

23.08.080 Landscaping and design of infrastructure:

This subsection is applicable to the Proposal only as it relates to street trees. A landscape plan for the design for the street trees was submitted for review with the Consolidated Permit. City staff anticipates that these provisions can be met with the proposed plat design and the preliminary plat should be appropriately conditioned to require approval of a street tree permit pursuant to this provision except as otherwise required by the Consolidated Permit.

The decision should be appropriately conditioned to require compliance with this provision as a condition of final subdivision approval in the event the overall utility design changes requiring compliance with these provisions.

3. The division of land provides for coordinated development with adjoining properties or future development of adjoining properties through, where appropriate, the extension of public infrastructure, shared vehicular and pedestrian access, and abutment of utilities.

Applicant's response: **See Attachment A.**

Staff analysis: To fulfill this provision, the newly dedicated right of way should provide access to the abutting undeveloped lot to the north, which appears to have the most development opportunity.

4. Each lot in the Proposal can reasonably be developed in conformance with applicable provisions of the BMC, including but not limited to critical areas, setbacks, and parking, without requiring a variance that is not processed concurrently with the subdivision application pursuant to Chapter 23.48 BMC.

Applicant's response: **See Attachment A.**

Staff analysis: The application materials provide sufficient information to conclude this provision is met. Retention of the single-family residence appears to comply with applicable development regulations in Chapter 20.30 BMC. The Consolidated Permit also demonstrates the Small Lots can be developed consistent with applicable code provisions in Chapters 20.25 and 20.28 BMC.

5. There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools.

Applicant's response: **See Attachment A.**

Staff analysis: See combined response to Criteria 5 and 6 below.

6. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW, as amended.

Applicant's response: **See Attachment A.**

Staff analysis Criteria 5 and 6: Compliance with the current zoning, land division regulations for preliminary plats and critical areas regulations ensures that appropriate provisions are made for open spaces, drainage ways, streets and alleys, potable water supplies, and sanitary wastes.

The residential developments in the vicinity of the site are not immediately served by public parks or trails for recreational purposes. It should be noted that a majority of the streets that provide access to these parks and trails have sidewalks, which provide adequate walking conditions.

Appropriate provisions for schools and schoolgrounds exist. School aged residents in the plat would attend Wade King Elementary, Kulshan Middle School, and Sehome High School as shown on **Attachment I**. The City has been working with the Bellingham School District (District) on capital development and can testify that the District is aware of the development potential of the vicinity. The school aged residents in the plat will rely on school district transportation and therefore, the provision to provide safe school routes is not applicable.

Transit serves the site with a route on Yew Street and Lakeway Drive. The nearest transit stops associated with this route are located on Yew Street, both north and south of the subject site and less than a 1/4 of a mile from the subject site. See **Attachment J**. Adequate pedestrian facilities are provided from the subject site to these transit stops.

Staff finds that the provisions of RCW 58.17 are met and the public's use and interest will be met if the preliminary plat is properly conditioned as recommended in this staff report.

BMC 23.12.030(B)

Notwithstanding the approval criteria set forth in subsection (A) of this section, in accordance with RCW 58.17.120, as amended, a proposed subdivision may be denied because of flood, inundation or presence of environmentally sensitive areas as regulated by Chapter 16.55 BMC. Where any portion of the proposed subdivision lies within both a flood control zone, as established pursuant to Chapter 86.15 RCW, and the area of special flood hazard, as defined in Chapter 17.76 BMC, the city shall not approve the preliminary plat unless it imposes a condition requiring the applicant to comply with the applicable regulations in Chapters 16.55 and 17.76 BMC and any written recommendations from the Washington Department of Ecology. In such cases, no development permit associated with the proposed subdivision shall be issued by the city until flood control problems have been resolved.

Staff analysis: This provision is not applicable to the Proposal.

IX. ENVIRONMENTAL EVALUATION

The SEPA Official issued an environmental determination of non-significance on November 21, 2023. **Attachment F**

Critical areas have been evaluated pursuant to Chapter 16.55 BMC in the Consolidated Permit. The proposal was found to comply with this chapter with appropriate conditions.

X. CONCLUSION

Based upon application materials and staff's analysis of the cluster preliminary plat application and all supporting materials referenced in this staff report, with specific reference to the issued Consolidated Permit, staff finds the decision criteria pursuant to BMC 23.16.030 have been met if properly conditioned and recommends the hearing

examiner issue preliminary approval with conditions.

The Proposal furthers the goals and policies of the Comprehensive Plan by allowing urban infill development in an area already served by municipal utilities. An approval should not excuse the applicant from complying with any other federal, state or local statutes, ordinances or regulations that may be applicable to this project.

XI. RECOMMENDED CONDITIONS

Based upon staff's analysis above, staff recommends the hearing examiner approve the Wellington Cluster Preliminary Plat and density bonus, as described herein and as provided in **Attachments A through J**, with the following conditions:

A. GENERAL REQUIREMENTS

1. The plat shall be developed generally consistent with the application materials and lot layout as shown in **Attachments A**.
2. Preliminary plat approval is subject to the approved Consolidated Permit (**Attachment C**) and all conditions of that permit shall be deemed conditions of approval of this preliminary plat approval.
3. Modifications to this decision shall be processed in accordance with BMC 23.16.090.
4. A clearing and grading plan for the property, including rights-of-way, shall be submitted for review and approval by the Planning and Public Works Departments concurrent with review of civil drawings for the infrastructure. The clearing and grading limits shall demonstrate maximum retention of the onsite significant trees and comply with the following condition of the Consolidation Permit:

D. CLEARING AND TREE RETENTION

The application shall submit to the City for review and approval a revised Tree Retention Plan and arborist report prepared by an International Society of Arboriculture (ISA)-certified arborist that demonstrates maximum retention and protection of the onsite significant trees and identifies appropriate mitigation ratios for trees proposed for removal. This plan shall be submitted for concurrent review with the engineered drawings through the Public Facilities Construction Agreement review process. The Tree Retention Plan shall maximize retention of the site's significant trees by identifying buildable areas within each proposed lot that result in the maximum retention of existing significant trees, unless determined by the arborist that replacement is warranted.

When tree replacement is warranted, significant trees shall be replaced at a ratio no less than 1:1. The arborist shall recommend in the revised report the specie and location of the replacement trees based on the site's physical characteristics.

5. Development of the property shall be consistent with the provisions of Title 23 BMC.
6. Heavy equipment and construction work shall be compliant with Chapter 10.24 BMC, except that no exterior work shall occur after 7 P.M.
7. Impact fees for transportation, schools and parks shall be paid in accordance with applicable BMC requirements.
8. Preliminary plat approval shall expire as provided in BMC 23.16.080.

B. CONDITIONS FOR FINAL PLAT APPROVAL

The applicant shall obtain all necessary permits and/or approvals from the city necessary to satisfy the following conditions prior to final plat approval pursuant to Chapter 23.20 BMC.

1. Fifty feet (50') of land shall be dedicated to the city for right of way purposes for the proposed cul-de-sac in a location generally as shown on the approved preliminary plat map, **Attachment A.1**.
2. The newly dedicated right of way shall be constructed to full-standard of a residential street.
3. The extension of public water and sewer mains to serve each lot shall be installed as determined necessary by the City Engineer through a public facilities construction agreement.
4. Stormwater management shall be provided in accordance with Chapter 15.42 BMC and all stormwater facilities shall be dedicated to the city unless determined otherwise by the City Engineer.
5. Street trees. Street trees shall be installed pursuant to BMC 23.08.080(G)(5) and 23.08.080(C).
6. All required public and private easement documents as required by this approval and the Consolidated Permit shall be submitted to the city concurrently with checkprints for review and approval by the city departments and the Office of the City Attorney and recorded concurrently with the final plat. Required easements include, but are not limited to, private access, parking, and public utilities.
7. The applicant shall provide evidence to demonstrate compliance with BMC 23.08.070 (E and F).
8. Mailboxes shall be installed as approved by the United States Postal Service.
9. Monumentation shall be as required in BMC 18.28.180.
10. The following shall be shown on the final plat, as applicable:
 - a. All existing and required easements.
 - b. A ten-foot wide easement adjacent to public rights-of-way reserved for utility purposes, as determined necessary by the utility providers.
 - c. A note stating that all lots are subject to those conditions set forth in this Order, and as may be amended in accordance with the municipal code.
 - d. A note referencing any private covenants specific to the proposed lots.
 - e. A note stating Lots 5A, 5B and 5C are limited to development under Chapter 20.28 BMC, as may be amended.
 - f. Stormwater limitations.

11. Private covenants shall be recorded with the plat to specifically define the common, limited common, and private elements of the proposal. The covenants shall also include maintenance obligation of these elements and a cost sharing mechanism for each.

Prepared By:

Approved By:



Kathy Bell
Senior Planner

Kurt Nabbefeld
Development Services Manager
Planning and Community
Development Department