

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

**THE HEARING EXAMINER OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

IN RE:	HE-23-PL-016
BEN DIAMAND and PRISCILLA HUNT, Applicants	FINDINGS, CONCLUSIONS, AND DECISION
4056 Deemer Road	SHARON A. RICE
SUB2023-0032 / Cluster Preliminary Plat with Density Bonus	HEARING EXAMINER

SUMMARY OF DECISION

The request for an eight-lot cluster preliminary plat is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

Ali Taysi of AVT Consulting LLC, on behalf of Ben Diamand and Priscilla Hunt, requested approval of a cluster preliminary plat to subdivide one acre into eight lots, including one detached single-family residential lot, four infill townhouse lots, and three infill small lots (with each of the small lot units having an attached accessory dwelling unit). The property is addressed as 4056 Deemer Road, Bellingham, Washington.

Hearing Date:

The Bellingham Hearing Examiner conducted a hybrid open record hearing on the request on August 28, 2024. The record was held open two business days to allow for post-hearing written public comment, with additional days for responses by the parties. The record was also held open for the parties to submit additional documents identified at the hearing. No post-hearing comments were submitted, and the requested documents were timely submitted and are admitted. The record closed on August 30, 2024.

1 **Testimony:**

2 At the hearing, the following individuals presented testimony under oath:

3 Kathy Bell, Senior Planner

4 Ali Taysi, AVT Consulting LLC, Applicants' Representative

5 **Exhibits:**

6 At the open record hearing, the following exhibits were admitted in the record:

7 Exhibit 1 Planning and Community Development Department Staff Report, including
8 the following Attachments:

9 A. Cluster preliminary plat application, including:

10 A1. Preliminary plat map

11 A2. Preliminary plat decision criteria responses

12 A3. Application materials, received January 24, 2024

13 A4. Transportation Concurrency

14 B. Type II consolidated permit (DR2024-0001/CAP2024-0010/ADU2024-
15 0018, -0019, and -0020)

16 C. Meridian Neighborhood Zoning Map, Table, and Area 20 description

17 D. Notices, including:

18 D1. Notice of Application, issued March 7, 2024

19 D2. Notice of Public Hearing, issued August 13, 2024

20 E. Public comment, Rochelle Wallis email, dated March 11, 2024

21 F. Whatcom Transit Authority (WTA) transit routes

22 G. Park and Trail facilities

23 H. Bellingham School District attendance areas

24 I. Affidavit of Posted Notice of Application, with photo

25 J. Notice of Decision for Consolidated Type II permits (Exhibit 1.B),
26 issued August 16, 2024

27 Exhibit 2 Email from Kathy Bell confirming the City did not receive a timely appeal
28 of the Consolidated Type II permit decisions, dated September 6, 2024

1 After considering the admitted testimony and exhibits, the Hearing Examiner enters the
2 following findings and conclusions.

3
4 **FINDINGS**

5 1. Ali Taysi of AVT Consulting LLC, on behalf of Ben Diamand and Priscilla
6 Hunt (Applicants), requested approval of a cluster preliminary plat to subdivide
7 one acre into eight lots, including one detached single-family residential lot,
8 four infill townhouse lots, and three infill small lots with attached accessory
dwelling units (ADUs). The property is addressed as 4056 Deemer Road,
Bellingham, Washington.¹ *Exhibits 1, 1.A, 1.A1, 1.A2, and 1.A3.*

9 2. The subject property is located in Area 20 of the Meridian Neighborhood and
10 has a Residential Single, Planned zoning designation, requiring a minimum lot
11 area of 10,000 square feet for single-family detached lots and a maximum
12 density of 6,200 square feet per dwelling unit with cluster development.
13 *Exhibits 1 and 1.C.* Pursuant to Bellingham Municipal Code (BMC)
14 23.16.010.D, infill toolkit housing forms are permitted in cluster preliminary
plats in those single-family zones with a “planned” use qualifier. *BMC*
23.16.010.F.

15 3. The parcel north of the subject property is within the same zoning designation
16 as the subject property and is developed with Bellingham Fire District Station
17 No. 6. Parcels to the east and south are also within the same zoning designation
18 as the subject property and are developed with single-family residences. The
19 properties to the west of the subject property across Deemer Road are within the
20 Residential, Multi zone of Area 19 of the Meridian Neighborhood and are
developed with multifamily residences. *Exhibits 1 and 1.A3; Google Maps site*
view.

21
22 4. The subject property is one acre in area and is developed with a single-family
23 residence that is accessed from Deemer Road, which forms the site’s west

24
25 ¹ The legal description of the subject property is: “The south 200 feet of the west 120 feet and the south
26 200 feet of the west 372 feet of the east 662 feet of the following described tract: Beginning at a point on
27 the north and south center line of Section 18, Township 38 North, Range 3 East of W.M., 566.18 feet due
28 south from the quarter section corner on the north side of said Section 18; and running thence south along
29 the north and south center line of said Section 18, 288 feet; thence west 782 feet parallel to the north line
of said section; thence north parallel to the said center line of said section 288 feet; thence east 782 feet to
the place of beginning; Less roads; and except the east 274.20 feet thereof. Situate in Whatcom County,
Washington.” It is also known as Tax Assessor Parcel Number 380318 195488 0000. *Exhibits 1.A. and*
1.A3.

1 boundary. The proposal would retain the single-family residence on proposed
2 Lot 8, which would be 18,843 square feet in area, and divide the remainder of
3 the subject property into four townhouse lots ranging from 2,133 to 3,244
4 square feet in area (Lots 4, 5, 6, and 7) and three small lots ranging from 1,938
5 to 2,080 square feet in area (Lots 1, 2, and 3). Pursuant to BMC 20.28.050.C
6 and BMC 20.28.070.B, infill housing is not subject to minimum lot size, lot
7 dimension, or street frontage requirements, but small lots may not exceed 5,000
8 square feet in area. The proposed small lots would comply with these standards.
Proposed Lot 8 would comply with the minimum lot area standard of 4,000
square feet for detached cluster subdivision lots specified in BMC
23.08.050.A(3). *Exhibits 1, 1.A1, and 1.A3.*

9 5. Pursuant to BMC 20.28.050.B and the calculation methodology of BMC
10 23.08.040, the allowed project density is seven dwelling units. The project is
11 eligible for a 50% density bonus per BMC 23.08.040.C(1), because more than
12 one-half of the total lots would be developed with infill toolkit housing types.
13 The proposed eight lots therefore comply with the applicable density standards.
14 Pursuant to BMC 20.10.036.B(5), ADUs do not count towards the density
15 limitation of the zone. *Exhibit 1.*

16 6. Each small lot residence would have two stories, with the primary dwelling unit
17 on the ground floor and the ADU on the second floor.² The primary and
18 accessory dwelling units would be identical, with each having an area of
19 approximately 880 square feet. *Exhibits 1.A2 and 1.B; Ali Taysi Testimony.*

20 7. Consistent with the applicable lot design standards of BMC 23.08.060, Lot 8
21 would have logical boundaries, with lot lines approaching the new internal
22 driveway at right angles. Lot 8 would satisfy requirements for buildability,
23 including having sufficient size and dimensions to meet the building envelope
24 requirement of BMC 23.08.060.D. Through a previously completed design
25 review, critical areas review, and accessory dwelling unit review process, the
26 Applicant demonstrated that the townhouse and small lots would be buildable
27 consistent with applicable standards. Infill housing is exempt from the building
28 envelope (i.e., width and depth) requirements of BMC 23.08.060.D. All lots
29 would abut public infrastructure, either directly (as in the case of those adjacent
30 to Deemer Road) or through the internal access easement. There are water,
sewer, and stormwater mains in Deemer Road, and service would be extended
to each lot in an 8,464 square foot common area tract in the center of the site

² Planning Staff noted that it does not matter which unit is the primary unit and which is the ADU for purposes of compliance with the applicable standards. *Kathy Bell Testimony.*

1 that would also provide surface parking and vehicular access to each lot, over
2 which required easement(s) would be recorded and which would be maintained
3 by a homeowners association. *Exhibits 1, 1.A, and 1.B; Ali Taysi Testimony.*

4 8. Consistent with the access special condition of Area 20, no lots would take
5 direct vehicular access from Deemer Road. Access to all eight lots would be
6 from a new shared driveway onto Deemer Road that would align with the
7 intersection of E. Bellis Fair Parkway at the northwest corner of the site. The
8 existing driveway serving the existing single-family residence would be
9 removed and the sidewalk restored. The small lot units would face Deemer
10 Road, and the townhouses would face a critical area tract to the east. Pedestrian
11 paths would connect the fronts of the units to the internal driveway/parking area
12 and to Deemer Road. Deemer Road is classified as an arterial street and is fully
13 improved to City standards along the property frontage, including sidewalks and
14 bicycle lanes. *Exhibits 1, 1.A2, 1.A3, and 1.C; Ali Taysi Testimony.*

15 9. The subject property contains portions of a Category III wetland (Wetland A).
16 Wetland A has a habitat score of 4, requiring an 80-foot high-intensity buffer
17 pursuant to BMC Table 16.55.340.C. In addition, a Category IV wetland
18 (Wetland B) is located to the south of the southwest corner of the subject
19 property. Wetland B has a habitat score of 3, requiring a 50-foot high-intensity
20 buffer pursuant to BMC Table 16.55.340.C. The wetlands and buffers cover the
21 southern and eastern portions of the subject property, leaving only the northwest
22 quadrant of the property unencumbered; these critical areas were the main factor
23 driving design of the subdivision. *Exhibits 1.A3 and 1.B (see Exhibit C).*

24 10. There would be no direct impacts to wetlands as a result of the project, but to
25 make site development feasible the Applicant proposes to reduce the width of
26 the Wetland A buffer to a minimum of 60 feet for new development as
27 authorized by BMC 16.55.340.C(2)(c). The existing residence encroaches into
28 the reduced buffer. The total area of new buffer impact would be 2,900 square
29 feet. As mitigation for this impact, the Applicant proposes to enhance 10,360
30 square feet of wetland buffer by removing non-native vegetation and planting
native trees, shrubs, and/or herbaceous material. An additional 3,700 square
feet of buffer at the southwest and northeast corners of the site would be
enhanced by planting trees and shrubs to bring those areas to a forested
condition. The wetlands and buffers would be protected through a conservation
easement and through fencing and signage installed between the buffers and the
development area. The mitigation would exceed the 1:1 mitigation ratio
required by BMC 16.55.340.E because it was calculated to also offset impacts
associated with the existing residence. The proposed wetland buffer impacts

1 and mitigation have been conditionally approved through the administrative
2 critical area permit process. The conditions of the consolidated Type II permit
3 approval address, among other things, conservation easement, financial surety,
and monitoring requirements. *Exhibit 1.B.*

- 4 11. Tree retention and landscaping, including compliance with green factor
5 requirements, were reviewed during the administrative design review process.
6 Approval was granted to remove existing significant trees outside of critical
7 areas and retained buffers to allow a reasonable development envelope. This
8 impact would be mitigated through new plantings. With respect to street trees,
9 the submitted landscape plan depicts the planting of street trees along Deemer
10 Road. Planning Staff recommended as a condition of subdivision approval that
11 the Applicant obtain a street tree permit prior to installation. *Exhibits 1 and 1.B.*
- 12 12. Sufficient off-street parking would be provided to meet City standards. Because
13 each of the small lot primary dwelling units would be less than 1,000 square feet
14 in area, one parking stall per unit is required per BMC 20.28.050.H(1). Each
15 ADU also requires one parking stall per BMC 20.10.036.B(9). Instead of
16 providing parking on the individual small lots, the Applicant proposes a
17 common parking area of seven parking stalls, with six addressing the infill
18 development and ADU parking standards and one to serve as a guest parking
19 stall. The parking area would be located immediately east of the units within
20 the same tract as the driveway, and six of the parking stalls would be assigned
21 to specific units. Parking for the townhouse units would be provided through
22 two-car garages on each of the lots. *Exhibits 1.A2, 1.A3, and 1.B; Ali Taysi
23 Testimony.*
- 24 13. The subject property is on the Whatcom Transit Authority “gold line” bus route,
25 with the nearest stops located within one-quarter mile of the subject property on
26 Deemer Road and E. Bellis Fair Parkway. Pedestrian facilities are available
27 between the subject property and these bus stops. *Exhibits 1 and 1.F.*
- 28 14. All lots would be connected to the municipal water and sewer systems through
29 water and sewer main extensions into the site from Deemer Road, along the
internal driveway corridor. The existing infrastructure has sufficient capacity to
serve the proposed development. No other improvements are needed to provide
for the extension of public utilities to adjacent properties. *Exhibits 1, 1.A2, and
1.A3.*
- 30 15. Stormwater runoff from new impervious surfaces would be collected into a
vault that would be located beneath the internal driveway/access easement. The

1 stormwater would discharge from the vault into a control structure and then into
2 an underground water quality treatment module. The treated stormwater would
3 be released into the existing public stormwater infrastructure in Deemer Road.
Exhibits 1.A2 and 1.A3.

4 16. Although there are currently no public parks in the immediate vicinity of the
5 subject property, the City is in the planning process for developing a public park
6 on the south side of Bakerview Road to the east of the subject property. There
7 are also proposed future trails in the vicinity of the subject property that would
8 connect to Bakerview Park. The City's Parks, Recreation & Open Space Plan
9 does not identify any public recreation facilities on the subject property.
Exhibits 1 and 1.G.

10 17. The subject property is within the service area of Cordata Elementary School,
11 Whatcom Middle School, and Squalicum High School. Students would be
12 bussed to school at all three levels. *Exhibits 1, 1.A2, and 1.H.*

13 18. The project is expected to add 9.61 daily PM peak hour trips to the local street
14 system. The City issued a Multimodal Transportation Concurrency Certificate
15 for the project on January 23, 2024. The project's traffic impacts would be
16 mitigated through payment of multimodal transportation impact fees at the time
17 of building permit issuance. *Exhibit 1.A4.*

18 19. The City of Bellingham Comprehensive Plan land use map designates the
19 subject property as Residential Single, Low Density. Planning Staff submitted
20 that the following goals and policies of the Bellingham Comprehensive Plan are
21 applicable:

22 Land Use

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

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

29 Housing

30 Policy H-2 Encourage mixed housing types for new development on
greenfield sites, a benefit of which is the integration of
people from various socioeconomic backgrounds.

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

3 Capital Facilities and Utilities

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

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

11 Environment

12 Policy EV-23 Protect habitat and habitat corridors used by wildlife, fish,
13 and pollinators from the impacts of development, where
14 feasible.

15 Policy EV-26 Limit public and pet access and their impacts to the most
16 sensitive and unique habitats and employ measures to
17 minimize impacts from public access.

18 Policy EV-27 Minimize light and noise impacts on fish and wildlife habitat.

19 Staff submitted that the project would be consistent with the intent of the land
20 use, housing, capital facilities, and environment chapters of the Comprehensive
21 Plan by furthering the listed goals and policies. *Exhibit 1.*

22 *Procedural Findings*

23 20. On January 24, 2024, the Applicant submitted applications for a preliminary
24 cluster subdivision, design review permit, critical areas permit, and accessory
25 dwelling units. The City determined the applications to be complete on
26 February 21, 2024 and issued a notice of application on March 7, 2024. One
27 written public comment was received during the notice of application comment
28 period, which questioned the adequacy of the proposed parking. Staff
29 determined that no additional mitigation is necessary because the parking
30 proposed would comply with applicable ordinances. *Exhibits 1, 1.A, 1.D1, and
1.E.*

21. The proposal is exempt from environmental review for compliance with
requirements of the State Environmental Policy Act pursuant to BMC
16.20.090.A because fewer than nine dwelling units are proposed. *Exhibit 1;
BMC 16.20.090; Kathy Bell Testimony.*

Findings, Conclusions, and Decision

page 8 of 13

H:/DATA/HEARING EXAMINER/DECISIONS/Diamand Hunt 4056 Deemer Rd SUB Decision

OFFICE OF THE HEARING EXAMINER

CITY OF BELLINGHAM

210 LOTTIE STREET

BELLINGHAM, WA 98225

(360) 778-8399

- 1 22. On August 16, 2024, the City issued a Type I and II Consolidated Permit for
2 design review, critical areas, and accessory dwelling units. The decision was to
3 approve, with conditions, the project design under the City’s Multifamily
4 Residential Design Handbook, the infill housing standards of BMC 20.28, the
5 critical areas ordinance, and the ADU standards of BMC 20.10. The
6 Consolidated Permit decision was not appealed. *Exhibits 1, 1.B, and 2; Kathy
7 Bell Testimony.*
- 8 23. Notice of the open record hearing was issued on August 16, 2024. *Exhibit
9 1.D2.* No public comment was submitted at hearing or through the post-hearing
10 schedule.
- 11 24. Having reviewed the complete materials and heard all testimony at hearing,
12 Planning Staff maintained their recommendation for approval subject to the
13 conditions in the staff report. *Exhibit 1; Kathy Bell Testimony.* The Applicant
14 waived objection to the recommended conditions. *Ali Taysi Testimony.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is granted authority to hear and decide applications for cluster subdivisions of five or more lots pursuant to BMC 2.56.050.A(2) and BMC 23.16.010.A(2).

Criteria for Review:

Pursuant to BMC 23.16.030.A, 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, the Bellingham comprehensive plan and the Bellingham Municipal Code;
- 2. It is consistent with the applicable provisions of Chapter 23.08 BMC;
- 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;
- 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;

- 1 5. There are adequate provisions for open spaces, drainage ways, rights-of-way,
2 sidewalks, and other planning features that assure safe walking conditions for
3 pedestrians, including students who walk to and from school, easements, water
4 supplies, sanitary waste, fire protection, power service, parks, playgrounds, and
5 schools; and
6 6. It will serve the public use and interest and is consistent with the public health,
7 safety, and welfare. The director shall be guided by the policy and standards
8 and may exercise the powers and authority set forth in Chapter 58.17 RCW, as
9 amended.

8 **Conclusions Based on Findings:**

- 9 1. As conditioned, the proposal is consistent with the applicable provisions of
10 BMC Title 23, the Bellingham Comprehensive Plan, and the Bellingham
11 Municipal Code. Many aspects of compliance were addressed through the Type
12 I and II Consolidated Permit, including compliance with the infill development
13 standards of BMC 20.28 and the critical areas code; this decision was not
14 appealed. The proposal is consistent with Comprehensive Plan policies
15 supporting infill development, mixed housing types, and design flexibility,
16 encouraging development where adequate public facilities and services exist,
17 and protecting habitat. *Findings 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 19, and 22.*
18
19 2. As conditioned, the proposal is consistent with the applicable provisions of
20 BMC Chapter 23.08. Consistent with the purposes of the chapter to encourage
21 compact and walkable neighborhoods, promote the efficient use of land, and to
22 preserve environmentally sensitive features, the proposal would provide
23 pedestrian connections to Deemer Road, maximize the number of units through
24 use of infill toolkit housing types and ADUs, and preserve wetlands and buffers
25 within a conservation easement. These features are also consistent with the
26 subdivision performance standards of BMC 23.08.030. The proposed single
27 point of access is appropriate due to the small number of lots and the presence
28 of critical areas, which would prevent the extension of streets to the east and
29 south. Street trees would be provided along Deemer Road. The project density
30 would be consistent with the density limitation of Area 20 of the Meridian
Neighborhood, as modified through the infill development density bonus
provisions. Proposed Lot 8, containing the existing single-family residence,
would comply with the minimum lot size for cluster subdivisions. The lots
would comply with the lot design standards of BMC 23.08.060, as applicable.
In the common area tract, all lots would abut public infrastructure, would be
served by public water and sewer, and would be served by a stormwater
management system. *Findings 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, and 16.*

- 1 3. No improvements were identified as needed to provide for coordinated
2 development. Utilities are available to adjacent properties in Deemer Road.
3 Because the property to the north is developed with a fire station and there are
4 critical areas to the south, it would not be feasible to establish shared vehicular
5 access for properties beyond the project boundaries. The new point of access
6 realigns the site entrance with E. Bellis Fair Parkway for a safer intersection
7 condition. *Findings 3, 7, 8, 9, 14, and 15.*
- 8 4. As evidenced by the materials submitted for subdivision review and the
9 approved Type I and II Consolidated Permit, each lot could reasonably be
10 developed in conformance with applicable provisions of the BMC. A common
11 parking area would be provided for the small lots. All other lots would each
12 have at least two parking spaces. *Findings 7, 12, 20, and 22.*
- 13 5. As conditioned, adequate provision would be made for open spaces, drainage,
14 rights-of-way, sidewalks, safe walking conditions for pedestrians, easements,
15 water, sewer, fire protection, power, parks, playgrounds, and schools. Open
16 space would be provided in the form of protected wetlands and buffers, which
17 would be delineated through fencing and signage. A public park is planned to
18 the east of the subject property. Sidewalks are present along Deemer Road and
19 would be constructed within the site. Students would be bussed to schools.
20 Public transit is available. Public water and sewer would be extended to each
21 lot. School, park, and transportation impact fees would be paid on a per-lot
22 basis at time of building permit per BMC Title 19. *Findings 8, 9, 10, 13, 14, 15,
23 16, 17, and 18.*
- 24 6. As conditioned, the proposal would serve the public use and interest and would
25 be consistent with the public health, safety, and welfare. The public interest
26 would be served by the creation of the proposed infill lots where urban services
27 are available. The density of the project would be consistent with code
28 requirements. The project has been reviewed for compliance with design
29 review requirements. Off-site traffic impacts would be mitigated. *Findings 1,
30 2, 3, 4, 5, 7, 11, 14, 18, 19, and 22.*

DECISION

Based on the preceding findings and conclusions, the request for an eight-lot cluster preliminary plat is **GRANTED**, subject to the following conditions:

A. General Requirements.

1. The plat shall be developed generally consistent with the application materials

1 and lot layout as shown in Exhibits A1-A4.

- 2 2. Preliminary plat approval is subject to the approved Consolidated Permit
3 (Exhibit 1.B), and all conditions of that permit shall be deemed conditions of
4 approval of this preliminary plat approval.
- 5 3. Modifications to this decision shall be processed in accordance with BMC
6 23.16.090.
- 7 4. A clearing and grading plan for the property, including rights-of-way, shall be
8 submitted for review and approval by the Planning and Public Works
9 Departments concurrent with review of civil drawings for the infrastructure.
- 10 5. Development of the property shall be consistent with the provisions of Title 23
11 BMC.
- 12 6. Heavy equipment and construction work shall be compliant with Chapter 10.24
13 BMC, except that no exterior work shall occur after 7:00 pm.
- 14 7. Impact fees for transportation, schools, and parks shall be paid in accordance
15 with applicable BMC requirements.
- 16 8. Preliminary plat approval shall expire as provided in BMC 23.16.080.

17 **B. Conditions for Final Plat Approval.**

18 The Applicants shall obtain all necessary permits and/or approvals from the City
19 necessary to satisfy the following conditions prior to final plat approval pursuant to
20 Chapter 23.20 BMC.

- 21 1. Access to the site shall be limited to one driveway off Deemer Road as shown
22 on Exhibit B.
- 23 2. The extension of public water and sewer mains to serve each lot shall be
24 installed as determined necessary by the City Engineer through a public
25 facilities construction agreement.
- 26 3. Stormwater management shall be provided in accordance with Chapter 15.42
27 BMC, and all stormwater facilities shall be dedicated to the City unless
28 determined otherwise by the City Engineer.
- 29 4. A street tree permit application shall be submitted, and street trees shall be
30 installed consistent with BMC 23.08.080.G(5) and BMC 23.08.080.C.

Findings, Conclusions, and Decision

page 12 of 13

H:/DATA/HEARING EXAMINER/DECISIONS/Diamand Hunt 4056 Deemer Rd SUB Decision

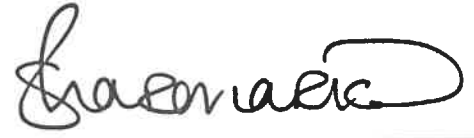
OFFICE OF THE HEARING EXAMINER
CITY OF BELLINGHAM
210 LOTTIE STREET
BELLINGHAM, WA 98225
(360) 778-8399

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

5. 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 recorded concurrently with the final plat. Required easements include, but are not limited to, common wall, conservation, private access, parking, and public utilities.
6. The Applicants shall provide evidence to demonstrate compliance with BMC 23.08.070.E and .070.F.
7. Mailboxes shall be installed as approved by the United States Postal Service.
8. Monumentation shall be as required in BMC 18.28.180.
9. The following shall be shown on the final plat, as applicable:
 - a. All existing and required easements.
 - b. A 10-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. Stormwater limitations.
10. 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 the maintenance obligation of these elements and a cost sharing mechanism for each.

DECIDED September 9, 2024.

BELLINGHAM HEARING EXAMINER



Sharon A. Rice