

SUB2024-0016: List of Attachments

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

- Attachment A Architectural and Civil Plans including Landscaping Plans dated 6/19/24
- Attachment B Consolidated Design Review/Critical Area Permit and SEPA review (DR2024-0004/CAP2024-0021/SEP2024-0010)
- Attachment C Vicinity Map
- Attachment D Zoning and Comprehensive Plan Designation Map
- Attachment E Land Use Application materials
 - E1 Land Use Application
 - E2 Response to Subdivision Performance & Decision Criteria
- Attachment F Request for Information (RFI) dated 5/20/24
- Attachment G Applicant's response to RFI dated 6/25/24
- Attachment H Notice of Application/Mailing List
- Attachment I SEPA Determination of Non-significance dated 11/6/24
- Attachment J Notice of Public Hearing
- Attachment K Aerial Map
- Attachment L Wetland and Fish and Wildlife Habitat Assessment Report prepared by Soundview Consultants dated February 2024.
- Attachment M Wetland Buffer Mitigation Plan prepared by Soundview Consultants dated February 2024.
- Attachment N Preliminary Stormwater Plan prepared by Freeland & Associates dated February 2024
- Attachment O Map of schools in the vicinity

CITY OF BELLINGHAM

**PLANNING AND COMMUNITY DEVELOPMENT
STAFF REPORT**

HEARING EXAMINER

November 13, 2024

PROJECT NO.: Northwest Drive Infill Toolkit Townhouse Development Cluster Preliminary Plat (SUB2024-0016)

APPLICANT: AVT Consulting LLC, 1708 F St., Bellingham WA 98225

OWNER: Chay & Christina Tan & Ethan & Kelli Potts, 220 W Champion St STE 200, Bellingham WA 98225

I. OVERVIEW

A. PROPOSAL - Attachment A

Development of 34 infill toolkit townhouses and retention of an existing single family residence subdivided on fee simple lots through a cluster preliminary plat (**Attachment A**). All townhouses will be 3-stories in a combination of 4-unit, 5-unit and 6-unit buildings. Access will be provided from a new private driveway/lane off Northwest Ave. On-site parking will be provided for the townhouses within two car garages, driveways and guest parking provided off the newly constructed driveway. Private pedestrian pathways will be provided throughout the site including a connection to Talus Way. No direct or indirect wetland impacts are proposed however limited wetland buffer reductions are proposed and will be mitigated through buffer enhancement and restoration. Frontage improvements will be provided along Northwest Ave. abutting the property with a new bicycle lane, curb & gutter and sidewalk.

The subject property is a legal lot of record which was created through a plat recorded prior to the adoption of the City's Subdivision Ordinance. The subject property is developed with an existing single family residence and driveway from Northwest Ave.

The proposed townhouses will be served by existing water and stormwater utilities located on the western abutting property with sewer being extended eastward through Talus Way and into the site. There is an existing water main located in Northwest Ave. The preliminary plat will require the applicant to provide orderly extension of utilities within Northwest Ave. for future development, including a dry sewer main abutting the site in Northwest Ave. unless otherwise determined by the Public Works Department.

Stormwater management is proposed to utilize the North End Regional Pond (NERP) as the project site is within the service area. The proposal will be required to ensure hydrology is maintained for the wetlands on and abutting the subject property. Emergency access will be

provided on site with approved emergency turnarounds. The proposal includes dedication of right of way abutting Northwest Ave. to facilitate future arterial street improvements.

The proposal requires a Type II consolidated permit for the review of infill toolkit/multifamily design review, critical areas permit and State Environmental Policy Act (SEPA) review. The preliminary plat is under concurrent review through the Type III review process with a final decision issued by the hearing examiner. The applicant chose not to consolidate the Type II and III decisions.

The Proposal is accessed from Northwest Ave. which is required to be improved to meet arterial street standards. The applicant has proposed installation of a 5' bike lane, curb & gutter and a 5' sidewalk abutting the property to meet arterial street standards. Stormwater management is proposed pursuant to Chapter 15.42 BMC.

LOCATION

4241 Northwest Ave., Bellingham WA 98226. Area 20, Cordata Neighborhood; Residential-Single, Detached/Cluster/Cluster Attached; Density 4,300 to 7,200 sf per unit (**Attachment C**). Infill housing forms are permitted under the special regulations.

Assessor's parcel number: 380211-435186-0000

Land use and comprehensive plan designations: Land use: Residential-Single, Detached/Cluster/Cluster Attached; Comprehensive plan: Residential Single Medium Density. (**Attachment D**)

II. STAFF RECOMMENDATION

Approve the Northwest Drive Infill Toolkit Townhouse Development Cluster Preliminary Plat (**Attachment E1 & E2**) with the recommended conditions in Section XI of this report.

III. JURISDICTION

The Hearing Examiner is granted authority to hold hearings and make decisions on cluster preliminary plats pursuant BMC 23.08.040.

IV. BACKGROUND

A pre-application meeting with staff was held on 7/11/23.

A neighborhood meeting was held on 9/12/23.

The subject property is a legal lot of record created prior to the City's Subdivision Ordinance.

3/11/24: The City issued a Multimodal Transportation Concurrency Certificate.

4/3/24: A Preliminary Plat Subdivision Application (SUB2024-0016), Infill Toolkit/Multifamily Design Review Permit (DR2024-0004), State Environmental Policy Act (SEPA) review (SEP2024-0010) and Critical Area Permit (CAP2024-0021) Applications were submitted.

5/20/24: Staff issued a Request for Information (RFI) (**Attachment F**). The RFI included revisions and/or minor modification requests to comply with infill toolkit and multifamily design review requirements. Additionally, staff requested the applicant incorporate greater tree preservation into the project.

6/25/24: The applicant responded to the information requested by staff which included revisions to the proposal to comply with infill toolkit and multifamily design review requirements (**Attachment G**). Following review of the applicant's response to the RFI, the City determined the information was sufficient to continue review of the applications.

7/12/24: A Notice of Application and Notice of Public Hearing was issued (**Attachment H**). No public comments were received regarding the proposal as of the date of writing this staff report (11/5/24).

11/6/24: The city issued a SEPA threshold determination of non-significance (SEP2024-0010 **Attachment I**).

10/29/24: The Public Hearing notice was issued by the Hearing Examiner's department staff and mailed in accordance with BMC 21.10.200(D) (**Attachment J**).

V. EXISTING SITE CHARACTERISTICS

A. LAND USE AND ZONING DESIGNATION

The property is located in Area 20 of the Cordata Neighborhood and zoned Residential-Single with a Detached/Cluster/Cluster Attached use qualifier and medium density designation. The land use designation of the subject site is Residential Single, Medium Density.

Area 20 of the Cordata Neighborhood (BMC 20.00.045) contains special conditions for critical areas, neighborhood park, public trails, limited/shared access on arterial streets.

B. EXISTING CONDITIONS

The Proposal includes a request to subdivide a 164,883 sf lot into 35 lots for development of individual townhouses on fee simple lots (**Attachment A**).

The property to the north, east, south and west is located within the same Residential Single Cluster zoning designation which allows infill toolkit units as a permitted use. The property to the west is developed with infill toolkit units. The property to the north has undergone a pre-application meeting for development of single family and/or infill toolkit units. The property to the east is developed with existing single family residences.

The Whatcom Transit Authority provides bus service in Northwest Ave. abutting the subject property.

Northwest Ave. is an arterial street which requires the applicant to construct sidewalks, curb, gutter and stormwater infrastructure abutting the subject property in order to meet the required arterial street standard. A public water main and combination of stormwater mains and ditches are located in Northwest Ave. abutting the site. The applicant will be required to install a dry sewer main abutting the subject property in Northwest Ave. unless determined otherwise from

the Public Works Department. Currently sewer service within Northwest Ave. abutting the subject property is not feasible which will require installation of a future sewer lift station to provide service.

VI. CRITICAL AREAS

Based on the information provided by the applicant in **Exhibit B**, mature trees are scattered across the site and some trees will require removal, however the majority of trees will be avoided and preserved in the critical areas and opens space areas. The project is not subject to the interim Landmark Tree Ordinance, however staff requested the applicant incorporate additional tree preservation into the project in order to be complaint with the Clearing chapter (BMC 16.60) and the Performance Standards (BMC 23.08.030 C). The applicant revised the tree preservation plan to incorporate preservation of 4 additional trees taking into account necessary cut/fill for grading due to site topography. Mitigation for unavoidable tree removal will occur onsite at ratios exceeding 1:1.

The applicant provided a Critical Area Report (**Exhibit L**) and Mitigation Plan (**Exhibit M**) for the subject property prepared by Soundview Consultants dated 2/24 for compliance with BMC 16.55 for regulated wetlands and associated buffers on-site. Based on the information provided by a qualified professional in **Exhibits L & M**, there are two category III wetlands with required 80' buffers on site. The proposed development incorporates buffer reductions as allowed under BMC 16.55.340.C.2. As designed the proposal includes frontage improvements to Northwest Ave. within the existing roadway footprint. The proposal results in 510 sf of permanent impacts to the buffer of Wetland A and 1,892 sf of permanent impact to the buffer of Wetland B. The project also requires minor intrusion into the 15' building setback from the buffer, however the design ensures there will not be damage to the critical root zones of trees within the wetland buffer. Pursuant to BMC 16.55.310, regulated activities such as trail construction and utility installation are not outright prohibited in wetland buffers provided the activity obtains appropriate permits and is offset with mitigation. In order to compensate for the proposed wetland buffer impacts the applicant proposes 4,496 sf of wetland buffer to be created in excess of the 1:1 ratio required under BMC 16.55.340.E. Approximately 2,450 sf of buffer creation is proposed in areas currently degraded by nonconforming land uses and the remaining 41,366 sf buffer onsite will be enhanced. The areas will be fully restored by removing non-native invasive species and planting a dense assortment of native trees, shrubs and groundcover. Based on the information provided by the qualified professional the proposed mitigation plan will ensure there is no net loss of buffer functions onsite as a result of the proposed wetland buffer impacts.

VII. APPLICATION

Please refer to **Attachment E1 & E2** for the submitted land use application.

VIII. PRELIMINARY PLAT – Chapter 23.16 BMC

Pursuant to BMC 23.16.010(A), any action which will result in the division of any lot that utilizes creation of 10 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 23.48.010, any action which will result in the subdivision of any lot, tract, parcel, or plot of land including a request to modify a requirement of Title 23 shall be processed as an administrative departure or variance under BMC 23.48 subject to a Type IIIA process.

Pursuant to BMC 23.08, preliminary plats shall be given approval, upon finding by the Hearing Examiner that all of the following have been satisfied:

23.08.030 Performance standards

Staff analysis: Staff concurs with the applicant's analysis and would like to add the following information to the record. The following is staff's code compliance review of Chapter 23.08 BMC.

The proposed design incorporates 34 infill toolkit townhouse units, private lanes, surface parking, landscaping and open space areas on a portion of land underutilized by the existing single family residence. The proposal retains the existing residence utilizing the general location of the existing driveway. Due to the critical areas and associated buffers the proposed townhouse units are primarily oriented internal to the site towards the private lane.

The subject property is partially forested and the proposal includes removal of 57 deciduous trees with less than 10" DBH and removal of 53 evergreen trees with less than 10" DBH. Overall, the proposal includes removal of 8 trees with a DBH greater than 30". The subject land use applications (4/3/24) were submitted prior to the City Council adoption of the Landmark Tree Ordinance on 5/20/24. The proposed wetland mitigation planting plan includes installation of 175 trees on site for buffer restoration and enhancement to mitigate for the impact of the removed 110 trees.

Staff issued a Request for Information on 5/20/24 (**Attachment F**), which included a request the applicant revise the tree removal plan to maximize tree preservation associated with the project. The applicant responded to the RFI on 6/35/24 (**Attachment G**) with a revised tree removal plan to include preservation of 4 additional trees maximizing tree retention considering required critical areas and buffer avoidance and necessary cut/fill for grading due to site topography.

In addition to incorporating tree preservation into the design the applicant has incorporated tree replacement planting within the wetland mitigation planting plan of the proposal which is supported by ratios under the BMC.

The architectural forms proposed in the townhouses are consistent with the bulk, mass and architectural character of the properties recently developed to the west and recently approved infill toolkit projects on the south side of Mahogany Ave. abutting Northwest Ave.

Northwest Ave. is a designated arterial street which has access spacing limitations under Title 13 of the BMC. The applicant was unable to acquire an access easement with the western abutting property owner and due to the critical areas and buffers the proposed driveway location results in the least negative impact to critical areas.

23.08.040 Maximum number of lots:

The zoning of the property supports medium density residential development in the form of infill toolkit development. The maximum density allowed under the infill toolkit is 4,300 sf or 38 units under the Table of Zoning for Area 20 of the Cordata Neighborhood. The proposed development results in a total of 35 residential units. Given approximately half of the site is encumbered by wetlands and associated buffers the proposal maximizes the density on the site by utilizing the cluster preliminary plat provisions and infill toolkit housing forms.

23.08.050 Minimum lot size:

There are no minimum lot dimensions, lot sizes or minimum street frontage requirements for infill toolkit projects in accordance with BMC 20.28.050.C.

23.08.060 Lot design standards:

(A & B) Logical Boundaries/Reasonable Use. The proposal provides logical boundaries and accommodates reasonable use of the property.

(C) Alley Access. The Proposal is undeveloped land and does not contain platted rights-of-way.

(D) Building Envelope. Infill toolkit housing forms are exempt from building envelope requirements.

(E) Abutment – Public Infrastructure. Infill toolkit uses shall provide access to a public right of way whether directly or by easement or other means acceptable to the Planning Director in accordance with BMC 20.28.050.C.

The subject property abuts a water main and a combination of stormwater mains and ditches in Northwest Ave. As conditioned the applicant shall be required to install a dry sewer main abutting the subject property in Northwest Ave. unless otherwise determined by the Public Works Department.

The proposed preliminary plat is required to be a cluster plat in order to utilize the infill toolkit development regulations for townhouses. Lots created through a cluster land division shall provide a transition of lot size when abutting property with a residential single detached zoning designation that is developed with single family uses on fee simple lots. The property located north and south of the proposal are undeveloped and anticipated to be developed with uses consistent with the proposed infill toolkit units. The property to the west is developed with infill toolkit units similar to the proposal. The proposal is not required to comply with cluster plat lot size transition requirements based on the existing surrounding land uses. The proposal complies with the minimum 15% open space requirement for cluster plats.

23.08.070 Public infrastructure, dedications and improvement requirements:

(A) Dedication. The Proposal is located adjacent to the existing platted right-of-way in Northwest Ave. Northwest Ave. is a 60 foot wide right of way and is developed with two travel lanes and a shoulder on each side of the street.

(B) Street standards. There are no sidewalks on either side of Northwest Ave. abutting the subject property. The preliminary plat regulations require the applicant to install sidewalks, bicycle lanes, stormwater, curb and gutters and street trees abutting the subject property to comply with the arterial street standards.

(C) Access. The proposal includes utilizing the general location of the existing driveway which is relatively equal distance between the northern and southern abutting properties. The BMC limits access points on an arterial street and encourages use of combined access points where appropriate to ensure safety unless there are extraordinary circumstances such as direct wetland impacts.

(E) Water, Sewer and Stormwater management. The subject property abuts water and a combination of stormwater mains and ditches in Northwest Ave. As conditioned the applicant shall be required to install a dry sewer main abutting the subject property in Northwest Ave. unless otherwise determined by the Public Works Department. The applicant provided a Preliminary Stormwater Report from Freeland and Associates dated February 2024 (**Attachment N**) for the proposed development which was reviewed by City staff. The applicant is required to provide a Final Stormwater Report identifying compliance with BMC 15.42 for Public Works' review and approval prior to final plat approval.

(F) Street Naming and Addressing. This provision will be met with the recording of the final plat and this decision should be appropriately conditioned to require compliance with this provision as a condition of final subdivision approval.

(G) Electrical and Communication Facilities. 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.

(H) Parks and Recreation. There is a public park proposed in the vicinity west of the subject proposal within walking distance from the subject property. Additionally, the subject property is located relatively close to Cordata Elementary School and Whatcom Community College. There are no proposed public amenities on or adjacent to the subject property in the adopted Bellingham Parks, Recreation and Open Space Plan. The proposal includes a pedestrian facility along the western property line that will connect to the sidewalks in Talus Way offering access to the public park.

23.08.080 Landscaping and design of infrastructure:

The proposed development intends to utilize the NERP for stormwater management from the proposal. The applicant has provided preliminary documentation indicating there is adequate capacity for the NERP to service the subject site. The applicant will be required to provide documentation to the City for stormwater discharge from the proposal has been acquired by the appropriate parties or an alternative design in compliance with BMC 15.42 reviewed and approved by the Public Works Department has been achieved. If on site stormwater management is proposed in the future the applicant shall be required to incorporate landscaping, minimize height of retaining walls and/or incorporate texturing to minimize aesthetic impacts.

23.16.30 Preliminary Plat Decision Criteria

Staff analysis: The following is staff's code compliance review of Chapter 23.16 BMC.

1. The Proposal satisfies the intent of the land use, housing, capital facilities and utilities, environmental and economic development 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.

Policy CF-4 Protect public health, enhance environmental quality, and promote conservation of natural resources through appropriate design and installation of new public facilities.

Policy CF-17 New development should pay its proportional share of the cost of new public facilities that serve the subject development.

Economic Development

Policy ED-40 Identify and remove barriers to redeveloping underutilized and/or vacant land and buildings.

Environment

Policy EV-34 Encourage the preservation and planting of street trees and trees on private property using the "right tree, right place" concept.

2. The proposal is consistent with the applicable provisions of BMC 23.08 as identified above.
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 E2.**

Staff analysis: Based on staff's review of the proposal, the project provides public infrastructure in the form of street improvements (bicycle lanes, sidewalks & curb/gutter) and a dry sewer main extension to facilitate future development of adjoining properties. The area in the vicinity of the subject property has been experiencing significant redevelopment recently and the proposed improvements will assist with the orderly extension of public utility and infrastructure services.

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 E2.**

Staff analysis: The application materials provide sufficient information to conclude this provision is met and development of the proposed lots will not require approval of future variances not already included in the subject application.

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; and

Applicant's response: **See Attachment E2.**

Staff analysis: The proposal will involve utility main extensions and street improvements to meet requirements. Additionally, the proposal includes a private trail for the proposal to access Arctic Ave/Talus Way which provides a more direct connection to the Fred Meyer Neighborhood Shopping Center and public park amenities to the west of the subject site.

Based on the Bellingham School District website the subject site will be served by Alderwood Elementary School, Shuksan Middle School and Squalicum High School (**Attachment O**). The subject property does not appear to be within a reasonable walking distance to the schools.

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 E2.**

Staff analysis: Compliance with the current zoning and the City's subdivision regulations for preliminary plats ensures that appropriate provisions are made for open spaces, drainage ways, streets and alleys, potable water supplies, and sanitary wastes.

Staff finds that the provisions of RCW 58.17 are met and the public's use and interest will be served by the proposal with the recommended conditions through the addition of 34 infill housing units.

IX. ENVIRONMENTAL REVIEW AND EVALUATION

The Land Division Ordinance contains performance standards which state natural features including trees should be incorporated into the overall land division design through preservation to the extent feasible. The applicant considered proposed revisions to the project to provide greater tree retention following the Pre-Application Meeting with staff and request for information from staff. The applicant has provided a tree survey for the subject property that identifies trees proposed for preservation, removal and replanting. The applicant provided a wetland mitigation planting plan that incorporates planting of 175 trees on site to mitigate for impacts from the removed trees. Based on the aforementioned information, staff believes natural features specifically trees on the subject property have been incorporated into the overall land division design through preservation to the extent feasible given the maximum density for the site and critical areas and associated buffers encumbering development on the site. See Section VI for review and analysis of the proposal's compliance with the Critical Areas Ordinance.

The city reviewed the Proposal for compliance with Chapter 16.20. The SEPA threshold determination was issued based on the environmental checklist prepared by the applicant, submitted technical documents and the revised project description.

A SEPA threshold determination of non-significance was issued on 11/6/24 (**Attachment I**).

X. CONCLUSION

Based upon staff's analysis of the subdivision application and all supporting materials referenced in this staff report, staff finds the subdivision application compliant with the municipal code if properly conditioned and recommends the Hearing Examiner issue an approval, with conditions.

The Proposal furthers the goals and policies of the Comprehensive Plan by providing an infill development opportunity in an area where existing infrastructure and services can be adequately provided to service the proposal. The Proposal is consistent with the current zoning and applicable regulations, as such preliminary plat approval should be granted. An approval would 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. CONDITIONS

Based upon staff's analysis above, staff recommends the Hearing Examiner approve the subdivision for the Proposal as described herein and as provided in **Attachments A, B, E, G, H, I, L, M, & N** subject to the following conditions:

A. GENERAL REQUIREMENTS

1. The plat shall be developed generally consistent with the lot layout on **Attachment A** as conditioned.
2. Preliminary plat approval is contingent upon the approval of a Consolidated Permit for Type II land use decisions for infill toolkit/multifamily design review, critical areas and SEPA review in accordance with Chapters 20.25, 16.55 and 16.20 BMC 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 23.12.080.
 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.
 5. Development of the property shall be consistent with the provisions of BMC Title 23, and with the description of the Proposal contained in the Determination of Non-significance, except as otherwise provided herein.
 6. The applicant shall be required to apply for a street name application from the Fire Department for the proposed new private road. The owner shall submit a letter of No Contest for the required change of address for the existing residence.
 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 23.16.070.

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 23.12 BMC.

1. Access to the site shall be limited to one driveway off Northwest Ave. as shown on **Attachment A**.
2. The applicant shall be required to dedicate 10' of right of way abutting Northwest Ave. as depicted on the plan set in **Attachment A** to facilitate future public right of way needs for the City.
3. The applicant shall be required to obtain Public Facility Construction Agreement approval from the Public Works Department for the construction of bicycle lanes, sidewalks, curb and gutter, stormwater infrastructure and a dry sewer main (unless otherwise determined by the Public Works Department) abutting the subject property and Northwest Ave. Additionally, the applicant shall be required to extend water/sewer/stormwater mains in accordance with Public Works Department requirements within the subject property. The public utility main extensions shall require public utility easements reviewed and approved by the City and recorded with the Whatcom County Auditor prior to final plat approval. The required public infrastructure construction shall be completed and accepted by the City prior to final plat approval.
4. In order to comply with Fire Department requirements all units shall be equipped with NFPA 13D sprinkler systems and building elevations shall be generally consistent with the plans shown in **Attachment A**. All units constructed under the International Residential Code are allowed to be equipped with NFPA 13D sprinkler systems. Dwelling units for buildings constructed under the International Building Code shall be sprinklered per NFPA 13 or 13R standards.
5. The applicant shall be required to submit private covenants, conditions and restrictions (CC&Rs) for vehicular/pedestrian access, parking, utilities, open space amenities, waste/recycling, mail service, etc. for City review and approval prior to final plat approval. The private CC&Rs shall be recorded with the Whatcom County Auditor with the recording of the final plat.
6. 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.

7. Mailboxes shall be installed as approved by the United States Postal Service.
8. The applicant shall be responsible to obtain any and all necessary Federal and/or State approvals associated with the proposal.
9. The following shall be shown on the face of the plat, as applicable:
 - a. All existing, required, and proposed easements.
 - b. 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.
 - c. A note referencing any existing private covenants and any covenants specific to the proposed lots.
 - d. The applicant shall be required to provide a final stormwater report prepared by a qualified professional identifying compliance with BMC 15.42 for Public Works Department review and approval prior to final plat approval.
 - e. The proposal is required to provide street trees for every 50' of street frontage.
10. Pursuant to BMC 16.60.080.A.1, no clearing is permitted on an undeveloped lot without a valid Building Permit or Public Facility Construction Agreement.
11. Prior to the issuance of a building permit and/or any site disturbance, the applicant shall schedule a site visit with the planning project manager to inspect the clearing limits and tree/critical root zone protection.
12. The applicant shall be required to adhere to best management practices on protection of critical root zones of preserved trees.

Prepared By:



Ryan Nelson
Planner II

Approved By:



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Planning and Community
Development Department