



Planning and Community Development Department
210 Lottie Street, Bellingham, WA 98225
Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382
Email: planning@cob.org Web: www.cob.org

PLANNED DEVELOPMENT PERMIT DECISION
PDP2024-0002
3236, 3240 and 3300 Northwest Avenue
Type II Decision

I. SUMMARY OF DECISION

Proposal: Proposal to remove three (3) properties from an existing Planned Contract #93-09 (AF 940428147) and establish a new Planned Development Permit to govern the properties. The only regulatory change proposed for the new Planned Development Permit is the removal of the 8-unit residential density limit and application of underlying zoning regulations for commercial, planned which do not specify residential density limitations.

Applicant(s): Steve Rohrbacher, 1120 Raymond Street, Bellingham WA 98229

Owner(s): NW Avenue LLC

Decision: Approved with conditions

Date: **March 11, 2024**

II. PROPERTY DESCRIPTION

Location: 3236, 3240 and 3300 Northwest Avenue. Birchwood Area 10, zoned Commercial, Planned, density not specified. Parcel No's 380213307008, 380213316017, and 380213309029.

Abbreviated Legal Description: Lots A and B of the M & R Short Plat Lot Line Adjustment (AF No. 940502010), and the following property legally described by metes and bounds: SWLY 130 FT OF EACH OF TR DAF-BEAP 2433.17 FT S-1465.75 FT E OF PT OF INTERS OF S LI OF MCLEOD RD-NELY LI OF NW DIAG RD-TH S 26 DEG 35'00" E 25 FT-TH S 63 DEG 25'00" W 238.2 FT-TH NWLY ALG (**Exhibit B**).

III. PERMIT PLANS AND EXHIBITS

This approval includes the following documents, subject to any modifications and conditions contained in **Section V** of this permit:

Exhibit A – Planned Contract #93-09 (AF 940428147)

Exhibit B – Legal Description and M&R Short Plat Lot Line Adjustment (AF 940502010)

Exhibit C – Land Use Application and Title Report

Exhibit D – NOC, NOA, and Planning Commission Memo

Exhibit E – Applicant Request to Modify Proposal, dated 3/4/24

Exhibit F – Unsigned Waiver, Release and Termination of Planned Contract #PDC 93-09 form

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Applicable Zoning, Standards, and Surrounding Context

1. The subject site is comprised of three (3) properties, 3236, 3240 and 3300 Northwest Avenue (AVE) totaling approximately 80,387 square feet (sf).
2. The subject site abuts Northwest AVE, a fully improved arterial street with two traffic lanes, a center turn lane, bike lanes, curb, gutter, and sidewalk.
3. The site is developed with a restaurant (3236 Northwest AVE), a methadone clinic (3240 Northwest AVE), and a parking lot (3300 Northwest AVE). The properties are accessed from Northwest AVE through 3300 Northwest AVE and 3250 Northwest AVE. An existing access and utility easement (AF No. 9402244146) provides cross access through the properties.
4. Site topography is flat. The properties are mapped within a critical area coal mine hazard having a severe potential for subsidence. The proposal does not include development or alterations to the critical area; therefore, a critical area permit is not required per BMC 16.55.060 (A).
5. The site is in Area 10 of the Birchwood Neighborhood, zoned Commercial, Planned. Density is not specified in the zoning table and special conditions pertain to shoreline, clearing, and screen. Prerequisite considerations include, "Improvement of W. Maplewood to recommended standards should occur before additional development is allowed on properties fronting the street. The adequacy of the reclamation of the coal mine site as it relates to public safety should be proven before any development is allowed."
6. Properties to the north, south, and west are under the same zoning designation as the subject site and are developed with commercial uses. Property east of the subject site is in Area 5 of the Birchwood Neighborhood, zoned Residential Multi Planned, and developed with a golf course.
7. The proposed scope of work, described in **Section I** above, will require a Planned Development Permit and termination of the existing Planned Contract (#93-09, AF 940428147) (**Exhibit A**).
8. The proposal is categorically exempt from SEPA review per WAC 197-11-800(6). Future (re)development of the site may require additional SEPA review.
9. Applicable procedures and development regulations are found in BMC 20.00.020, BMC 20.33, BMC 20.38, and Title 21 (BMC).

B. Pre-Application

10. On 2/15/24, City staff approved a pre-application conference waiver for the proposal (PRE2024-0009).
11. On 2/15/24, City staff approved a pre-application neighborhood meeting waiver for the proposal (PRE2024-0010).

C. Applications and Process

12. On 2/14/24, the applicant applied for a Planned Development Permit (PDP2024-0002) (**Exhibits A and C**). The proposed scope included four (4) properties (3236, 3240, 3300, and 3250 Northwest AVE). The proposal was to amend the existing planned contract and replace it with a new planned permit that removed the 8-unit density restriction for all properties.
13. On 2/20/24, the City issued a Notice of Complete Application and Notice of Application (**Exhibit D**). Notice was given in accordance with Title 21 of the Bellingham Municipal Code.
14. On 2/20/24, the City provided notice to the Planning Commission Chair of the proposal in accordance with BMC 21.10.110(E)(2)(b)(i) (**Exhibit D**).

- 15. On 3/8/24, the Planning Commission Chairperson and the Planning and Community Development Director determined a Planning Commission meeting was not required.
- 16. On 3/4/24, the applicant emailed City staff requesting 3250 Northwest AVE be excluded from the proposal. The applicant requested a new planned permit for only 3236, 3240, 3300 Northwest AVE properties (**Exhibit B**) and for the density to be regulated by the underlying zoning (**Exhibit E**).
- 17. City staff received no public comments during the 14-day public comment period, ending on 3/5/2024.

D. Planned Development

- 18. The requirements and procedures for Planned Development are contained in BMC 20.38 and 21.10.
- 19. The proposed rescindment of the existing Planned Contract for the properties described in **Exhibit B** requires its replacement with a new Planned Development Permit per BMC 20.38.030(A). Development is not proposed with this application.
- 20. Commercial Planned Development Standards are contained in BMC 20.33.
- 21. The application proposes incorporating all regulations (Sections 1-17) of the existing Planned Contract (#93-09 / AF 940428147) into the new Planned Development Permit, except for revising Section 3 to remove the 8-unit density restriction and defer to BMC 20.00.020 and BMC 20.33.040.
- 22. The application (**Exhibits A and C**) does not include requested exceptions from BMC 20.38 nor BMC 20.33.
- 23. The application satisfies the minimum standards established in BMC 20.38 and BMC 20.33.
- 24. A Planned Development Permit should be granted.

V. DECISION AND CONDITIONS OF APPROVAL

Based upon the Findings of Fact and Conclusions, the Director of the Planning and Community Development Department (PCDD), or designee, approves this Planned Development Permit (PDP2024-0002) which replaces all regulatory sections of Planned Contract #93-09 (**Exhibit A**) in their entirety except as amended herein and conditioned as follows:

- 1. PDP2024-0002 shall be subject to Sections 1-17 of Planned Contract #93-09 and include the following changes:

Section 1 – Legal Description: Exhibit B

Section 2 – Permitted Uses: *No change.*

Section 3 – Density: Density shall comply with the underlying zoning regulations codified in BMC 20.00.020 and BMC 20.30.040 as amended.

Section 4 – Height: *No change.*

Section 5 – Yards: *No change.*

Section 6 – Usable Space: *No change.*

Section 7 – Parking: *No change.*

Section 8 – Landscaping: *No change.*

Section 9 – Signage: *No change.*

Section 10 – Streets, Utilities and Access: *No change.*

Section 11 – Drainage: *No change.*

Section 12 – Fire Department Requirements: *No change.*

Section 13 – Building Permit Requirements: *No change.*

Section 14 – Occupancy: *No change.*

Section 15 – Amendment: *No change.*

Section 16 – Subsequent Changes in Land Use Ordinance: *No change.*

Section 17 – Requirements Binding on Successors: *No change.*

2. Planned Contract #93-09 (AF 940428147) shall be removed from the titles of the subject properties, 3226, 3240, and 3300 Northwest AVE (**Exhibit B**). The applicant shall record a Release and Termination form (**Exhibit F**) with the Whatcom County Auditor's Office.

VI. EFFECTIVE DATE

Pursuant to BMC 21.10.240(B), this decision is presumed valid and in effect on the issuance date in Section I of this permit.

VII. APPEAL

Pursuant to BMC 21.10.110 (K) and 21.10.250 (C), this list the permits may be appealed within 14-days from the date of the Notice of Decision to the City's Hearing Examiner. Procedures for appeal to the Hearing Examiner are contained within BMC 21.10.250. Any appeal must be filed with the Planning and Community Development Department prior to the end of the appeal period on the appropriate forms and be accompanied by a filing fee as established by the City Council.

Prepared by:



Sara Ullman, Planner II

Departmental Approval:



Kurt Nabbefeld, Planning Development Services Manager

PLANNED CONTRACT # 93-09
Tedford Redevelopment

THIS IS A PLANNED DEVELOPMENT CONTRACT, ENTERED INTO BETWEEN **CLYDE AND MARCIANNE MOLLER**, (HEREINAFTER "DEVELOPER") AND THE **CITY OF BELLINGHAM** (HEREINAFTER "CITY") IN CONJUNCTION WITH DEVELOPER'S APPLICATION FOR SITE PLAN APPROVAL.

WITNESSETH:

WHATCOM COUNTY
BELLINGHAM, WA
04/28/94 2:23 PM
REQUEST OF: /COB
Shirley Forslof, AUDITOR
BY: TRR, DEPUTY
\$14.00 CONTR

WHEREAS, Developers are the owners of record of 2.15 acres at 3302 Northwest Avenue and have made application for a planned commercial contract; and

WHEREAS, The City has reviewed the application pursuant to procedures of Bellingham Municipal Code 20.38.040, and the Planning and Community Development Department has issued a Determination of Nonsignificant Environmental Impact under the State Environmental Policy Act;

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NOW THEREFORE, in recognition of the foregoing, the Developer enters into this Agreement with the City and agrees to adhere to the following terms and conditions:

Section 1 -- Legal Description: The land use restrictions incorporated herein, and the approved site plan, Exhibit "A" attached hereto, shall apply to subsequent development of the property legally described in Exhibit "B".

Section 2 -- Permitted Uses: Permitted uses shall be those specified in Bellingham Municipal Code 20.38.050 C2.

Section 3 -- Density: There shall be no more than 8 residential units.

Section 4 -- Height: Height restrictions shall be those specified in Bellingham Municipal Code Chapter 20.38.050 C4. No structure shall exceed thirty five feet (35') under height definition #1.

Section 5 -- Yards: There shall be a twenty foot structural setback from the northeast property line (adjacent to the Bellingham Golf and Country Club).

Section 6 -- Usable Space: Usable space shall be provided in an amount equal to that required for a proposal of the same number of residential units under Bellingham Municipal Code Chapter 20.32.040 F.

Section 7 -- Parking: Parking and loading regulations shall be those specified in Bellingham Municipal Code 20.38.050(C)(6) as amended. The parking located on the south side of the existing North Side Restaurant is required parking for the restaurant. The documentation of a parking easement is provided in the legal description, as specified in Exhibit "B".

Section 8 -- Landscaping: Landscaping regulations shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. A screen shall be installed between any residential use and any non-residential use. This screen shall be installed prior to the residential uses receive a certificate of final occupancy. The screen shall be installed at the expense of the commercial uses on-site.

Prior to land clearing, this site contained many mature conifers, reaching heights in excess of thirty feet (30'), giving this site a unique character for commercial development. Redevelopment of this site requires replacement of the trees (conifers) to maintain a similar character for the site. Mature conifers are consistent with the patterns of vegetation along Northwest Avenue.

A landscape plan shall be required with each building permit submitted for this site. The landscaping plan shall be approved by the Planning and Community Development

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City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (206) 676-6903

Director. The landscaping plan shall provide location, species, and size of proposed landscaping. The species shall be consistent with the previous character, specifically conifers, which reach a minimum of thirty feet (30') in height at maturity.

The residential portion of the site shall provide at least one conifer per unit. There shall be at least one conifer required for every ten open parking spaces for the other uses.

The size of all required trees at the time of installation shall be a minimum of ten feet (10') in height, measured from root ball to top of tree, and no less than two and one half inches (2 1/2") measured one foot above grade. The trees shall be installed around the perimeter of each site.

Section 9 -- Signage: Signage regulations shall be as follows:

- A. All signage must be an integral coordinated part of a sign design plan for the entire complex.
- B. Roof signs are prohibited. Vol: 386 Page: 624
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- C. All signs shall be flush against the side of the building except as provided below.
- D. One free standing sign not higher than twenty-five feet (25') shall be permitted at the main entrance. The driveway at the north end of the site shall be defined as the main entrance. Said sign may be lighted, but the message shall be limited to the name of the complex and its occupants. Sign area on any one face shall not exceed two hundred seventy-five (275) square feet.

Section 10 -- Streets, Utilities and Access: The following street design and access standards shall be met:

- A. Curb Cuts: Curb cut locations and width shall be limited as shown on Exhibit "A".
 - 1. A curb cut shall be installed at the most northern end of the property. This curb cut shall be limited to 30 feet in width.
 - 2. The curb cut located in the intersection of Maplewood Avenue and Northwest Avenue shall be limited to right turn in and right turn out. The curb cut shall be constructed with a "pork chop" per Public Works improvement standards.

3. In the event the intersection of West Maplewood and Northwest Avenue is signalized, the property owner shall be required to participate in converting the curb cut to a signalized leg of the intersection and the right in and right out restrictions will be removed.

- B. Pedestrian Access: A pedestrian walkway shall be provided from Lot 2, as specified on Exhibit A, to Northwest Avenue.
- C. Transportation Impact Fees: Transportation Impact Fees shall be levied upon developments at the time of building permit issuance or if no building permit is required Transportation Impact Fees will be collected upon approval of the development by the Department of Public Works.

Section 11 -- Drainage: A Storm Water Plan must be submitted to the Public Works Department that includes an analysis of the downstream impacts as related to quantity, a temporary erosion and sedimentation control plan and a permanent water quality facility to treat site runoff prior to discharge. Plans and calculations are to be submitted to and approved by the Public Works Department prior to building permit issuance. Calculations and designs shall be per the City of Bellingham Improvement Standards and the Department of Ecology Stormwater Technical Manual. All erosion and sedimentation measures are to be installed at the beginning of construction and are to be maintained throughout the project. The permanent water quality facility shall be inspected and approved by the Public Works Department prior to Final Occupancy.

Section 12-- Fire Department Requirements: The development shall meet all applicable fire flow and fire code standards as adopted by the City of Bellingham and shall be subject to the approval of the Fire Marshall.

Section 13 -- Building Permit Requirements: Prior to the issuance of a Building Permit, plans in conformance with the restrictions of this agreement and Exhibit "A" attached hereto, as well as any other applicable City code, shall be submitted and approved.

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Section 14 -- Occupancy: Prior to the issuance of any Certificate of Occupancy, all terms and requirements of this agreement shall be met.

Section 15 -- Amendment: This agreement shall become effective immediately upon signature. Modifications to this agreement and the attached exhibits shall be reviewed and considered in the same manner as a request for plan approval, with the exception that minor changes to the site plan attached as Exhibit "A" that do not violate the specific terms and requirements of this agreement or other applicable codes may be approved by the Planning and Community Development Department.

Section 16 -- Subsequent Changes in Land Use Ordinance: All references to the Bellingham Municipal Code are intended to adopt sections of the code as of the date of the agreement and as subsequently amended.

Section 17 -- Requirements Binding on Successors: The covenants, agreements restrictions and requirements contained herein shall run with the land and be binding upon all subsequent owners, successors, and assigns of Developers. This contract expires in five (5) years from the date of the signature of the Mayor of Bellingham unless construction or establishment of the use has begun on any parcel as described in Section 1 of this document.

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EXHIBIT A

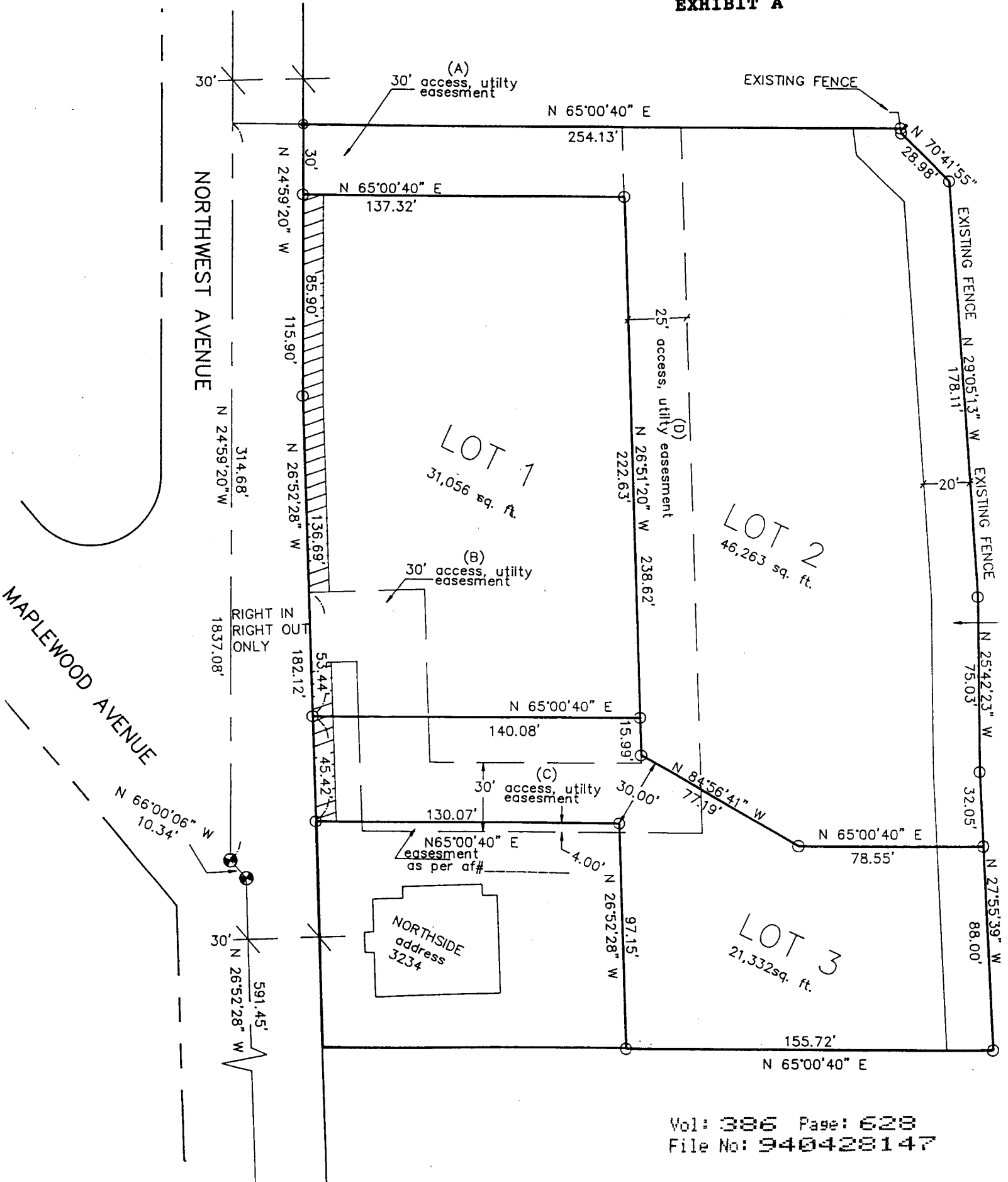


EXHIBIT B

LEGAL DESCRIPTION

Lots 1-3, M & R Short Plat, and

THE SOUTHWESTERLY 130 FEET OF EACH OF THE TWO FOLLOWING DESCRIBED TRACTS:

THE FOLLOWING DESCRIBED TRACTS OF LAND LOCATED IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 2433.17 FEET SOUTH AND 1465.75 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF MCLEOD ROAD AND NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD; THENCE SOUTH 26°35' EAST 25 FEET; THENCE SOUTH 63°25' WEST 238.2 FEET; THENCE NORTHWESTERLY ALONG NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD 25 FEET; THENCE NORTH 63°25' EAST 239 FEET TO THE POINT OF BEGINNING, IN THIS DESCRIPTION THE LINES OF MCLEOD ROAD ARE ASSUMED TO BE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES, ALSO BEGINNING AT A POINT 2520 FEET SOUTH AND 1509.2 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF MCLEOD ROAD AND THE NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M.; THENCE NORTH 26°35' WEST 72.1 FEET; THENCE SOUTH 63°25' WEST 238 FEET, MORE OR LESS TO THE NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD; THENCE SOUTHEASTERLY ALONG SAID ROAD LINE 73 FEET, MORE OR LESS; THENCE NORTH 63°16' EAST 236.43 FEET TO THE POINT OF BEGINNING. IN THIS DESCRIPTION THE LINES OF THE MCLEOD ROAD ARE ASSUMED TO BE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

TOGETHER WITH AN EASEMENT FOR PARKING CARS, 40 FEET IN WIDTH, ALONG THE SOUTHERLY SIDE OF THE FOLLOWING DESCRIBED PROPERTY, AND EXTENDING 75 FEET NORTHEASTERLY FROM THE NORTHWEST DIAGONAL ROAD:

A TRACT OF LAND IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 2343.74 FEET SOUTH AND 1421 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE MCLEOD ROAD AND THE NORTHEASTERLY LINE OF THE NORTHWEST DIAGONAL ROAD; THENCE SOUTH 28°35' EAST 100 FEET; THENCE SOUTH 63°25' WEST 238.2 FEET TO THE NORTHEASTERLY LINE OF THE NORTHWEST DIAGONAL ROAD THENCE NORTHWESTERLY ALONG SAID ROAD LINE 100 FEET; THENCE NORTH 63°25' EAST 240.8 FEET TO THE POINT OF BEGINNING. IN THIS DESCRIPTION THE LINES OF THE MCLEOD ROAD ARE ASSUMED TO THE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

Legal Description:

Lots A and B of the M & R Short Plat Lot Line Adjustment (AF 940502010), and

THE SOUTHWESTERLY 130 FEET OF EACH OF THE TWO FOLLOWING DESCRIBED TRACTS:

THE FOLLOWING DESCRIBED TRACTS OF LAND LOCATED IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 2433.17 FEET SOUTH AND 1465.75 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF MCLEOD ROAD AND NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD; THENCE SOUTH 26°35' EAST 25 FEET; THENCE SOUTH 63°25' WEST 238.2 FEET; THENCE NORTHWESTERLY ALONG NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD 25 FEET; THENCE NORTH 63°25' EAST 239 FEET TO THE POINT OF BEGINNING, IN THIS DESCRIPTION THE LINES OF MCLEOD ROAD ARE ASSUMED TO BE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES, ALSO BEGINNING AT A POINT 2520 FEET SOUTH AND 1509.2 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF MCLEOD ROAD AND THE NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M.; THENCE NORTH 26°35' WEST 72.1 FEET; THENCE SOUTH 63°25' WEST 238 FEET, MORE OR LESS TO THE NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD; THENCE SOUTHEASTERLY ALONG SAID ROAD LINE 73 FEET, MORE OR LESS; THENCE NORTH 63°16' EAST 236.43 FEET TO THE POINT OF BEGINNING. IN THIS DESCRIPTION THE LINES OF THE MCLEOD ROAD ARE ASSUMED TO BE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

TOGETHER WITH AN EASEMENT FOR PARKING CARS, 40 FEET IN WIDTH, ALONG THE SOUTHERLY SIDE OF THE FOLLOWING DESCRIBED PROPERTY, AND EXTENDING 75 FEET NORTHEASTERLY FROM THE NORTHWEST DIAGONAL ROAD:

A TRACT OF LAND IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., DESCRIBED AS FOLLOWS:

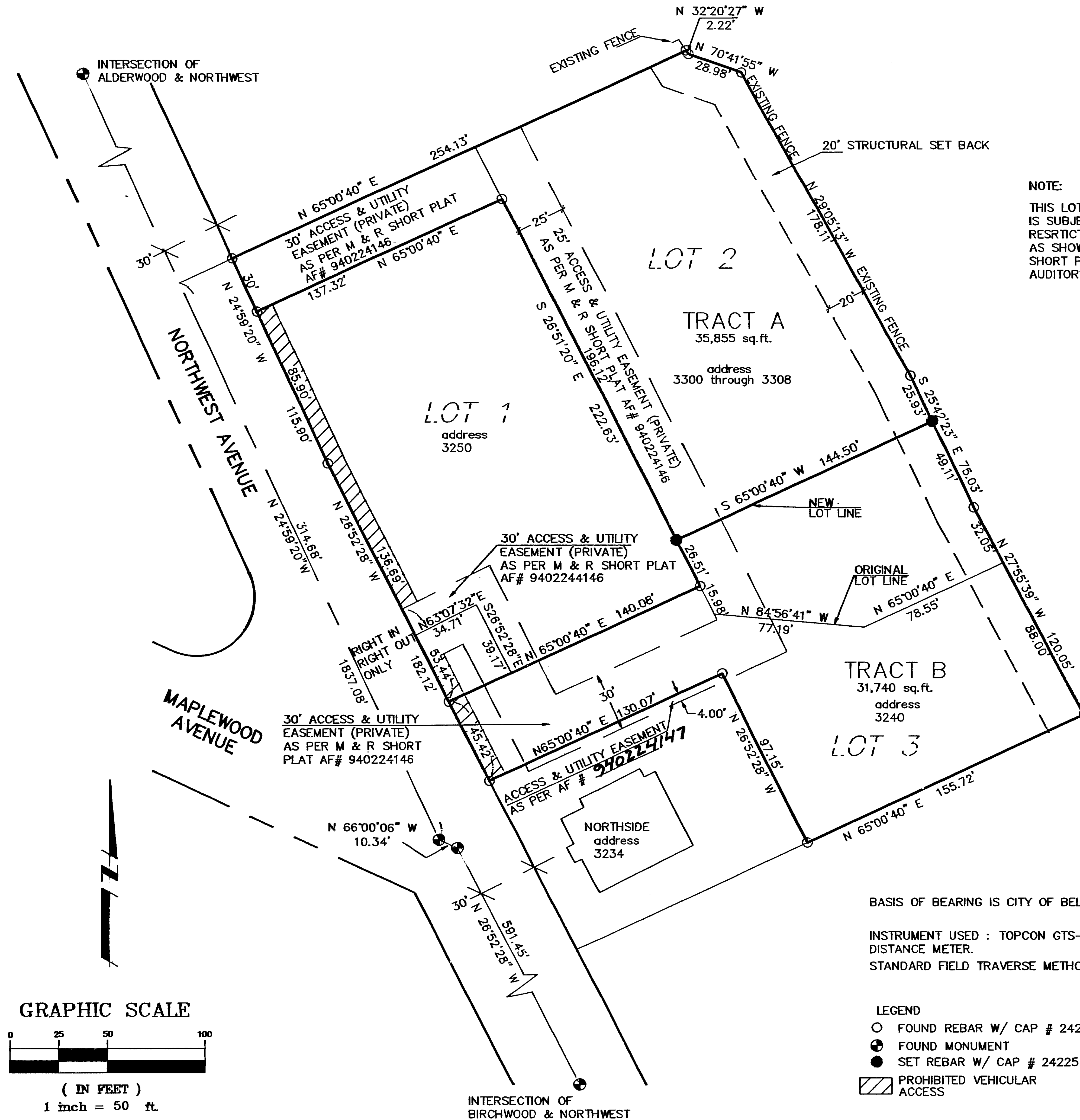
BEGINNING AT A POINT 2343.74 FEET SOUTH AND 1421 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE MCLEOD ROAD AND THE NORTHEASTERLY LINE OF THE NORTHWEST DIAGONAL ROAD; THENCE SOUTH 28°35' EAST 100 FEET; THENCE SOUTH 63°25' WEST 238.2 FEET TO THE NORTHEASTERLY LINE OF THE NORTHWEST DIAGONAL ROAD THENCE NORTHWESTERLY ALONG SAID ROAD LINE 100 FEET; THENCE NORTH 63°25' EAST 240.8 FEET TO THE POINT OF BEGINNING. IN THIS DESCRIPTION THE LINES OF THE MCLEOD ROAD ARE ASSUMED TO BE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

M&R SHORT PLAT LOT LINE ADJUSTMENT

SHORT PLAT NO. 1399-A

A PORTION OF THE SW 1/4 & SE 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST, W.M. CITY OF BELLINGHAM, WASHINGTON



NOTE:
 THIS LOT LINE ADJUSTMENT IS SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS AS SHOWN ON THE "M & R SHORT PLAT" FILED UNDER AUDITOR'S NO 940224146.

ORIGINAL LEGAL DESCRIPTION

LOTS 2 AND 3 OF THE M&R SHORT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 29 OF SHORT PLATS, PAGES 85 AND 86, UNDER AUDITOR'S FILE NO. 940224146, RECORDS OF WHATCOM COUNTY, WASHINGTON.

NEW LEGAL DESCRIPTION

TRACT A

LOT 2 OF "M&R SHORT PLAT", RECORDED IN VOLUME 29 OF SHORT PLATS, PAGES 85 AND 86, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 940224146, RECORDS OF WHATCOM COUNTY, WASHINGTON.

EXCEPT THAT PORTION OF LOT 2 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 27 DEGREES 55' 39" WEST ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 32.05 FEET; THENCE NORTH 25 DEGREES 42' 23" WEST ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 49.11 FEET; THENCE SOUTH 65 DEGREES 00' 40" WEST TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 144.50 FEET; THENCE SOUTH 26 DEGREES 51' 20" EAST ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 42.49 FEET; THENCE SOUTH 84 DEGREES 56' 41" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 77.19 FEET; THENCE NORTH 65 DEGREES 00' 40" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 78.55 FEET TO THE POINT OF BEGINNING.

TRACT B

LOT 3 OF "M&R SHORT PLAT", RECORDED IN VOLUME 29 OF SHORT PLATS, PAGES 85 AND 86, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 940224146, RECORDS OF WHATCOM COUNTY, WASHINGTON.

AND THAT PORTION OF LOT 2 OF SAID M&R SHORT PLAT DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 27 DEGREES 55' 39" WEST ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 32.05 FEET; THENCE NORTH 25 DEGREES 42' 23" WEST ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 49.11 FEET; THENCE SOUTH 65 DEGREES 00' 40" WEST TO A POINT ON THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 144.50 FEET; THENCE SOUTH 26 DEGREES 51' 20" EAST ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 42.49 FEET; THENCE SOUTH 84 DEGREES 56' 41" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 77.19 FEET; THENCE NORTH 65 DEGREES 00' 40" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 2, A DISTANCE OF 78.55 FEET TO THE POINT OF BEGINNING.

DECLARATION:

WE THE UNDERSIGNED OWNERS OF RECORD OF THE LAND HEREIN PLATTED, HERBY DECLARE THIS SHORT PLAT TITLED "M & R LOT LINE ADJUSTMENT" IS MADE WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR WISHES ON THIS 28 DAY OF April, 1994.

Charles P. Smay
 Charles P. Smay

ACKNOWLEDGEMENT:

STATE OF WASHINGTON }
 COUNTY OF WHATCOM } SS

ON THIS DAY PERSONALLY APPEARED BEFORE ME CLYDE H. E. MARCIANNE MOLLER TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING DECLARATION AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED, GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 28 DAY OF April, 1994.

Charles P. Smay
 Charles P. Smay

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING AT BELLINGHAM

ACKNOWLEDGEMENT:

STATE OF WASHINGTON }
 COUNTY OF _____ } SS

ON THIS DAY PERSONALLY APPEARED BEFORE ME TO ME KNOWN TO BE TH INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING DECLARATION AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED, GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 1994.

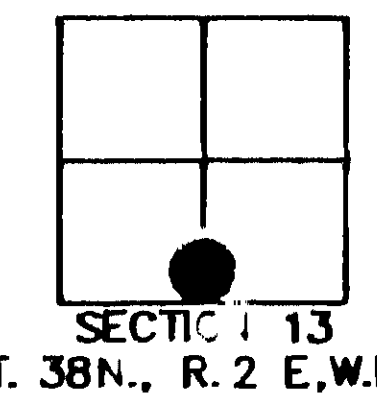
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING AT _____

DEPARTMENT OF PLANNING:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS SHORT PLAT ON THIS 2nd DAY OF MAY, 1994, FOR CONFORMANCE WITH APPLICATION STATE STATUTES AND CITY ORDANCES TOGETHER WITH A REVIEW OF THE TECHNICAL INFORMATION SHOWN THEREON.

Charles P. Smay
 Charles P. Smay
 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TITLE

3111LA1A 04/19/94 07:15



AUDITOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SHORT PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY, WASHINGTON, AT THE REQUEST OF Weden Engineering ON THIS 2nd DAY OF May, 1994 AT 10:40 O'CLOCK A.M., AND THAT IT IS RECORDED IN BOOK 30 OF SHORT PLATS ON PAGE 16 OF THE RECORDS OF WHATCOM COUNTY.

Shirley Foster by Conda Robinson
 WHATCOM COUNTY AUDITOR BY

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF Clyde Moller IN April, 1994.

Charles P. Smay
 CHARLES P. SMAY P.L.S. 24225

- LEGEND**
- FOUND REBAR W/ CAP # 24225
 - FOUND MONUMENT
 - SET REBAR W/ CAP # 24225
 - ▨ PROHIBITED VEHICULAR ACCESS

BASIS OF BEARING IS CITY OF BELLINGHAM CADASTRAL

INSTRUMENT USED : TOPCON GTS-3C ELECTRONIC DISTANCE METER.
 STANDARD FIELD TRAVERSE METHODS USED.

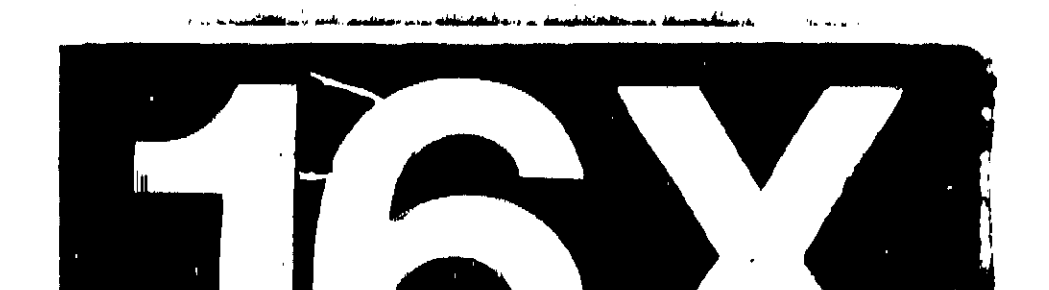
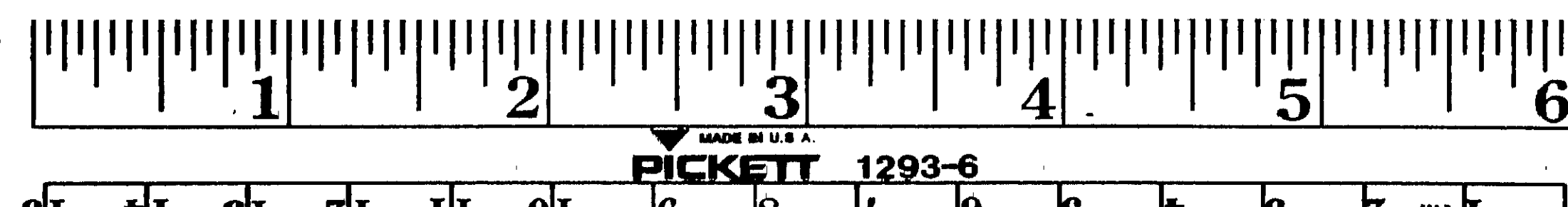
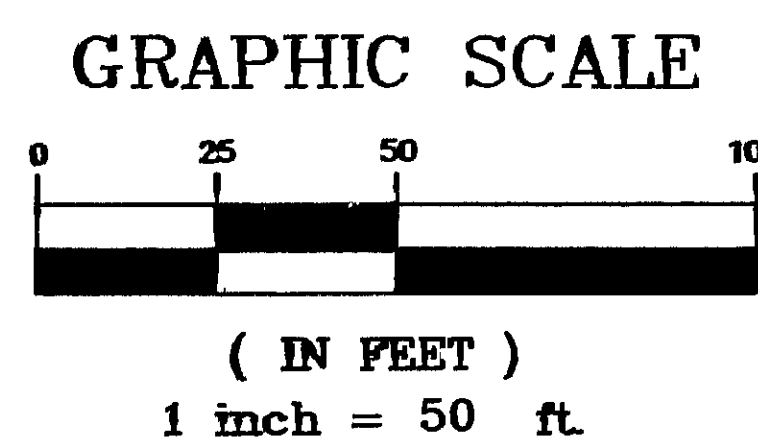
SHORT PLAT M&R LOT LINE ADJUSTMENT

BELLINGHAM, WASHINGTON

DRAWN M.D.C.	DATE 4/19/94	REC. NO. 93111A
CHECKED C.P.S.	SCALE 1" = 50'	SHEET 1 OF 1

WEDEN ENGINEERING, INC.

119 GRAND AVE., STE. D
 BELLINGHAM, WASHINGTON 98225
 PHONE 671-8200, 354-3723





Permit Center

210 Lottie Street, Bellingham, WA 98225
 Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382
 Email: permits@cob.org Web: www.cob.org/permits

Land Use Application

Check all permits you are applying for in the boxes provided. Submit this application form, the applicable materials listed in the corresponding permit application packet(s) and application fee payment.

<input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Binding Site Plan <input type="checkbox"/> Clearing Permit <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Critical Area Permit <input type="checkbox"/> Minor Critical Area Permit <input type="checkbox"/> Design Review <input type="checkbox"/> Grading Permit <input type="checkbox"/> Home Occupation <input type="checkbox"/> Institutional <input type="checkbox"/> Interpretation <input type="checkbox"/> Landmark – Historic Certificate of Alteration <input type="checkbox"/> Legal Lot Determination <input type="checkbox"/> Nonconforming Use Certificate	<input type="checkbox"/> Parking Adjustment Application <input checked="" type="checkbox"/> Planned Development <input type="checkbox"/> Rezone <input type="checkbox"/> SEPA <input type="checkbox"/> Shoreline Permit <input type="checkbox"/> Shoreline Exemption <input type="checkbox"/> Subdivision-Short Plat/Lot Line Adjustment <input type="checkbox"/> Subdivision-Preliminary Plat <input type="checkbox"/> Subdivision-Final Plat <input type="checkbox"/> Variance <input type="checkbox"/> Wireless Communication <input type="checkbox"/> Zoning Compliance Letter <input type="checkbox"/> Other: _____	Office Use Only Date Rcvd: _____ Case #: _____ Process Type: _____ Neighborhood: _____ Area Number: _____ Zone: _____ Pre-App. Meeting: _____ Concurrency: _____
---	--	---

Project Information

Project Address 3236-3300 Northwest Ave. Zip Code 98225
 Tax Assessor Parcel Number (s) 380213307008, 380213316017, 380213263025, 380213309029
 Project Description to change planned contract #93-09 to a planned permit with original density

Applicant / Agent

Primary Contact for Applicant

Name Steve Rohrbacher
 Mailing Address 1120 Raymond st
 City Bellingham State WA Zip Code 98229
 Phone _____ Email nwsteve70@gmail.com

Owner (s)

Applicant

Primary Contact for Applicant

Name NW Avenue LLC
 Mailing Address 1120 Raymond st
 City Bellingham State WA Zip Code 98229
 Phone _____ Email northwoodhall@gmail.com

Property Owner(s) I have informed North Coast CU that we are applying to return to the original density. There did not seem to be any objection. They have a board meeting on January 17, 2024 to formally approve.

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or inspection process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent *Steve Rohrbacher* Date 2-14-2024
 City and State where this application is signed: BELLINGHAM WA
 City State



Permit Center

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

Email: permits@cob.org Web: www.cob.org/permits

PLANNED DEVELOPMENT PROCEDURE AND REQUIREMENTS
(Process Type II)

PLEASE TYPE OR PRINT CLEARLY IN BLUE OR BLACK INK

Project Data:

1. Legal Description of Property see attached page

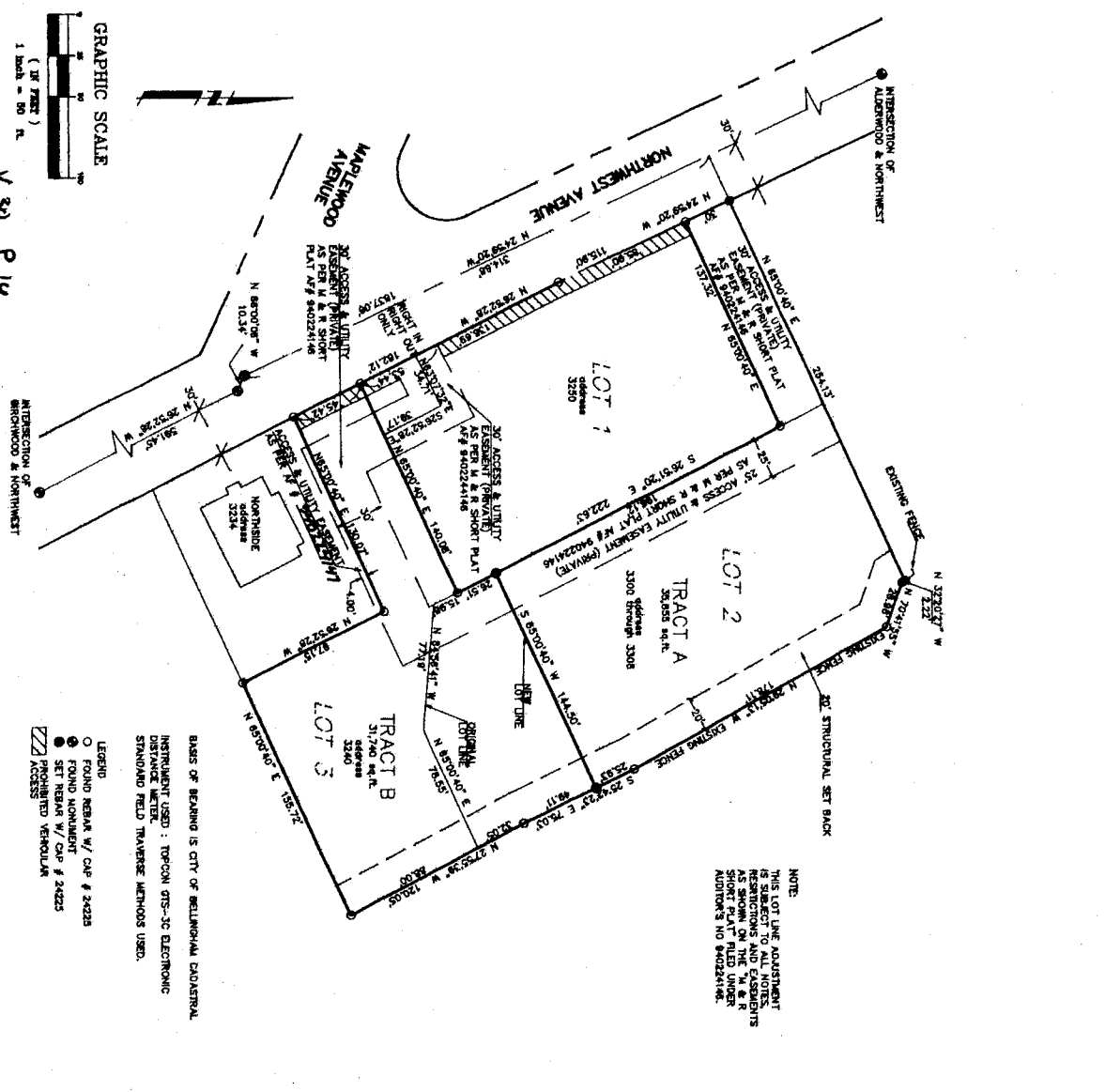
2. Size of subject property is 111,283 square feet.

Land Use Classification:

1. Neighborhood Plan Name Birchwood Neighborhood Area 10
2. Subarea Number 10 General Use Type and Use Qualifier Planned
3. Have you had a pre-application meeting with Planning Staff regarding this project? _____
Staff Contact: Sara Ullman
4. Description of the proposed project: _____
To amend the planned contract #93-90 to eliminate section 3 - density and
have a planned permit with the original density.

M&R SHORT PLAT LOT LINE ADJUSTMENT

A PORTION OF THE SW 1/4 & SE 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST, W.M. CITY OF BELLINGHAM, WASHINGTON



NOTE:
 THIS LOT LINE ADJUSTMENT IS BASED ON THE RECORDS OF THE CITY OF BELLINGHAM, WASHINGTON, AND THE RECORDS OF THE COUNTY OF WHATCOM, WASHINGTON. THE RECORDS OF THE CITY OF BELLINGHAM, WASHINGTON, SHOW THE ORIGINAL RECORDS AND EASEMENTS AS SHOWN ON THE ORIGINAL RECORDS. THE RECORDS OF THE COUNTY OF WHATCOM, WASHINGTON, SHOW THE ORIGINAL RECORDS AND EASEMENTS AS SHOWN ON THE ORIGINAL RECORDS. THE RECORDS OF THE CITY OF BELLINGHAM, WASHINGTON, SHOW THE ORIGINAL RECORDS AND EASEMENTS AS SHOWN ON THE ORIGINAL RECORDS. THE RECORDS OF THE COUNTY OF WHATCOM, WASHINGTON, SHOW THE ORIGINAL RECORDS AND EASEMENTS AS SHOWN ON THE ORIGINAL RECORDS.

LEGEND:
 O FOUND BEARS W/ CAP # 24223
 O FOUND UNMARKED
 ● SET BEARS W/ CAP # 24223
 ZZ ACCESS

BASE OF BEARING IS CITY OF BELLINGHAM DISTRICTAL INSTRUMENT USED: TOPCON GTS-35 ELECTRONIC DISTANCE METER. STANDARD FIELD TRAVERSE METHODS USED.

AUDITOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SHORT PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY, WASHINGTON, AT THE REQUEST OF CLIVE M. WILSON, SURVEYOR ON THIS DAY OF MAY 1984. AT THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY, WASHINGTON, ON THIS DAY OF MAY 1984. THE RECORDS OF SHORT PLATS ON FILE IN THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY, WASHINGTON, SHOW THE ORIGINAL RECORDS AND EASEMENTS AS SHOWN ON THE ORIGINAL RECORDS.

WHATCOM COUNTY AUDITOR BY: *Clive M. Wilson*

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF *Clive M. Wilson*. I AM A LICENSED SURVEYOR IN THE STATE OF WASHINGTON.

DATE: *May 1984*

BY: *Clive M. Wilson*

SHORT PLAT LOT LINE ADJUSTMENT

M&R LOT LINE ADJUSTMENT
 BELLENGHAM, WASHINGTON
 DRAWN: M.D.C. DATE: 4/19/94 REC. NO. 9311A
 CHECKED: C.P.S. SCALE: 1" = 50' SHEET 1 OF 1

WEDEN ENGINEERING, INC.

119 GRAND AVE., STE. D
 BELLENGHAM, WASHINGTON 98225
 PHONE 671-8200, 354-3723

ORIGINAL LEGAL DESCRIPTION
 LOTS 2 AND 3 OF THE M&R SHORT PLAT ACCORDING TO THE PLAT BEARING
 RECORDS OF THE CITY OF BELLINGHAM, WASHINGTON, AND THE RECORDS OF THE
 COUNTY OF WHATCOM, WASHINGTON, FILE NO. 94022146.
 NEW LEGAL DESCRIPTION
 TRACT A
 LOT 2 OF THE M&R SHORT PLAT, RECORDED IN VOLUME 28 OF SHORT PLAT
 RECORDS OF WHATCOM COUNTY, WASHINGTON.
 LOT 3 OF THE M&R SHORT PLAT, RECORDED IN VOLUME 28 OF SHORT PLAT
 RECORDS OF WHATCOM COUNTY, WASHINGTON.
 EXCEPT THAT PORTION OF LOT 2 DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 27
 DEGREES 59' WEST ALONG THE EASTLY LINE OF SAID LOT 2, A DISTANCE
 OF 144.50 FEET; THENCE SOUTH 28 DEGREES 59' WEST ALONG THE WESTLY
 LINE OF SAID LOT 2, A DISTANCE OF 44.31 FEET; THENCE SOUTH 88 DEGREES 00'
 WEST TO A POINT ON THE WESTLY LINE OF SAID LOT 2, A DISTANCE OF
 144.50 FEET; THENCE SOUTH 28 DEGREES 59' WEST ALONG THE WESTLY
 LINE OF SAID LOT 2, A DISTANCE OF 20 FEET; THENCE SOUTH 88 DEGREES 00'
 WEST TO A POINT ON THE SOUTHWEST CORNER OF SAID LOT 2, A DISTANCE OF 72.58
 FEET; THENCE NORTH 88 DEGREES 00' EAST ALONG THE SOUTHWESTLY LINE
 OF SAID LOT 2, A DISTANCE OF 72.58 FEET TO THE POINT OF BEGINNING.

DECLARATION:
 WE, THE UNDERSIGNED OWNERS OF RECORD OF THE LAND HEREIN PLATTED, HEREBY
 DECLARE THIS SHORT PLAT FILED IN THE CITY OF BELLINGHAM, WASHINGTON, IS A
 TRUE AND CORRECT STATEMENT OF THE REALITY AS SHOWN ON THE ORIGINAL
 RECORDS OF THE CITY OF BELLINGHAM, WASHINGTON, AND THE RECORDS OF THE
 COUNTY OF WHATCOM, WASHINGTON, FILE NO. 94022146.
 DATE OF RECORDING: *May 1984*

ACKNOWLEDGEMENT:
 STATE OF WASHINGTON)
 COUNTY OF WHATCOM)
 ON THIS DAY PERSONALLY APPEARED BEFORE ME *Clive M. Wilson* SURVEYOR
 TO THE WITHIN AND FOREGOING DECLARATION AND ACKNOWLEDGEMENT THAT
 THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR
 OFFICIAL USE. THE DAY OF *May* 1984.

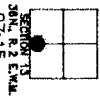
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING
 AT *Bellingham, WA*

ACKNOWLEDGEMENT:
 STATE OF WASHINGTON)
 COUNTY OF WHATCOM)
 ON THIS DAY PERSONALLY APPEARED BEFORE ME *Clive M. Wilson* SURVEYOR
 TO THE WITHIN AND FOREGOING DECLARATION AND ACKNOWLEDGEMENT THAT
 THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR
 OFFICIAL USE. THE DAY OF *May* 1984.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON RESIDING
 AT *Bellingham, WA*

DEPARTMENT OF PLANNING:
 I HEREBY CERTIFY THAT I HAVE EXAMINED THIS SHORT PLAT ON THIS *24th*
 DAY OF *May* 1984, FOR CONFORMANCE WITH APPLICATION STATE
 STATUTES AND CITY ORDINANCES TOGETHER WITH A REVIEW OF THE TECHNICAL
 INFORMATION SHOWN THEREON.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
 TITLE: *LOT LINE ADJUSTMENT*
 3111 LAI 04/19/94
 PREPARED BY: *Weden Engineering, Inc.*



SUBMITTAL CHECKLIST:

<input type="checkbox"/>	Pre-application neighborhood meeting notice	A pre-application neighborhood meeting must be completed unless a written waiver is obtained from the Planning & Community Development Department.
<input type="checkbox"/>	Pre-Application conference	A pre-application conference or written waiver is required.
<input type="checkbox"/>	Transportation Certificate of Concurrency	Submit if required. See Transportation Concurrency form.
<input checked="" type="checkbox"/>	Land Use application form	All requested information must be provided.
<input type="checkbox"/>	Filing fee	Applicable fee as calculated by Planning staff. See separate Fee Schedule.
<input checked="" type="checkbox"/>	Mailing list and labels	Complete the attached Names and Mailing Addresses of Surrounding Property Owners for property within 500 feet, including label format.
<input type="checkbox"/>	Environmental checklist (SEPA)	Submit if required.
<input checked="" type="checkbox"/>	Title Report	A current title report issued by a title company within 90 days on the subject property. Current shall mean within 90 days prior to the date of planned development application.
<input type="checkbox"/>	Vicinity map	Clearly show the location of the property.
<input type="checkbox"/>	Site Plan (6 copies)*	Provide all information required on the attached Site Plan Checklist.
<input type="checkbox"/>	Building Designs (6 copies)*	Provide building elevations and floor plans. * For minor alterations to existing developments, Planning staff may waive portions of submittal requirements not needed for project review.
<input type="checkbox"/>	Plan Reductions	Provide 8.5" x 11" reduction of site plan and building design.
<input type="checkbox"/>	Residential Plan Data Sheet	Complete the attached Multi-family Residential Plan Data Sheet for residential projects.
<input type="checkbox"/>	Associated Land Use Applications	All Type II land use applications required for the project must be submitted, unless separate submittal has been authorized.
<input type="checkbox"/>	TDR / PDR	Is the proposal utilizing Transfer of Development Rights (TDR) / Purchase of Development Rights (PDR)? _____ If yes, identify the number to be transferred or purchased. (Note: TDR / PDR may only be used within a City TDR / PDR receiving area.)



Address Information Verification

I / We Shannon Rohrbach, being duly sworn on oath, hereby certify that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, that the foregoing statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief, and that the list of names and addresses of property owners within 500' of the subject is complete and correct according to the records of the Whatcom Assessor's Office as of Dec 29, 2023. I understand that if this list does not contain accurate information as listed in the Assessor's Office, this application may be successfully challenged and result in the necessity to reapply.

Signature: Shannon Rohrbach

Date: Dec 29 2023

Signature: _____

Date: _____

STATE OF WASHINGTON)
) SS
COUNTY OF WHATCOM)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF December, 2023

Laura Martin
Signature of Notary Public:

Laura Martin
Name Printed

May 18, 2025
My appointment expires



MAILING LIST INSTRUCTIONS:

As you get ready to prepare your labels keep the following checklist in mind:

- The information was acquired from the Assessor's office or database
- Addresses for the following members have been included on the label sheet
 - Property Owner Applicant / Contact for Proposal Bellingham Herald
 - All property owners within the required 500' radius (100' for Home Occupation Applications)
 - Applicable Mayor's Neighborhood Advisory Commission Representatives
 - Applicable Neighborhood Association Representatives (This information can be found at <http://www.cob.org/documents/planning/applications-forms/nbrhd-media-notification-list.pdf>)
- Mailing information has been printed on Avery 5160 labels (*see attached example*)
- All of the information **completely fits** on a single label
- Notarized **Address Information Verification form** has been completed

NOTE: Errors in mailing labels may result in process delays and re-notice fees.

Obtain Property Ownership Information from the Whatcom County Assessor's Office

- The Assessor's Office is located on the first floor of the Whatcom County Courthouse, 311 Grand Avenue, Bellingham, 360-676-6790.
- Bring enough information to identify all of the property in the project site, such as tax parcel numbers, legal descriptions, address(es) or boundary on a plat map. Assessor's Office staff can help you find the Assessor's map(s) containing the project parcel(s).
- Utilize the Assessor's map to measure the required ownership notice distance (listed on the application) and record the parcel number for each property within or partially within the required distance of 500 feet (*100 feet for Home Occupation*) from the boundary of the project parcel. If the owner of the project property owns other property within the notice distance but not included in the project site, contact the Planning Division to determine whether the notice radius must be increased.
- Record the property owner's name and mailing address by accessing each parcel number via the computer terminals at the Assessor's Office or through the Internet by accessing the database under "Real Property Search" at www.whatcomcounty.us/assessor/index.jsp. Click on the parcel number in the first data screen to bring up a screen with the owner's full address and zip code. The maps are also available at this site if you wish to check a parcel number.
- If the site is a condominium, include the owner of each unit.

Print addresses on Avery 5160 labels

- Labels must include the address and fit on one Avery 5160 label:
- Please **DO NOT**
 - o **Repeat names** on the mailing list. If someone is listed as owning more than one property, only list the owner's name and address once on the mailing list.
 - o **List the tax parcel number** on the labels

Address Information Verification form:

Form must be notarized and include a copy of the parcel numbers and property owner's name and mailing address information attached.



48860™/MC

Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®Go to avery.com/templates
Use Avery Template 5160

7-ELEVEN INC
1722 ROUTH ST #1000
DALLAS TX 75201-2504

**A-1 BUILDERS A WORKER OWNED
COOPERATIVE CO**
3310 NORTHWEST AVE
BELLINGHAM WA 98225-1209

BELLINGHAM GOLF & COUNTRY CLUB
3729 MERIDIAN ST
BELLINGHAM WA 98225-1798

CITY OF BELLINGHAM FINANCE DEPT
ASSET DIVISION
210 LOTTIE ST
BELLINGHAM WA 98225-4009

CR3 PROPERTIES LLC
512 NORTHSHORE DR
BELLINGHAM WA 98226-4417

GREATER HILANDS LLC
PO BOX 3165
HARRISBURG PA 17105-3165

INDUSTRIAL CREDIT UNION
PO BOX 1767
BELLINGHAM WA 98227-1767

JENIFER E GREEN
2618 BIRCHWOOD AVE
BELLINGHAM WA 98225-1402

JIM & SHARON CAMPBELL LLC
1785 NORTHSHORE RD
BELLINGHAM WA 98226-9446

JOLYN HOLYOAK
2618 1/2 BIRCHWOOD AVE
BELLINGHAM WA 98225-1402

KOLLIAS FAMILY LLC
923 POWELL AVE SW #101
RENTON WA 98057-2941

KULSHAN COMMUNITY LAND TRUST
1715 C ST # 201
BELLINGHAM WA 98225-4016

LAKE WHATCOM CENTER FOUNDATION
3600 MERIDIAN ST
BELLINGHAM WA 98225-1756

LESLEY E KEEFER
2620 BIRCHWOOD AVE
BELLINGHAM WA 98225-1402

**LYDIA PLACE & DOMESTIC VIOLENCE &
SEXUAL ASSAULT SERVICES OF
WHATCOM COUNTY**
PO BOX 28487
BELLINGHAM WA 98228-0487

MAINSTAY ALLIANCE LLC
808 GILBERT DR
BELLINGHAM WA 98226-7730

MAPLEWOOD PLACE LLC
6212 CASCADE DR
FERNDAL WA 98248-9642

MARY H SNOWDEN
13365 N GREEN ST
ANACORTES WA 98221-8663

MBM CENTER LLC
2618 W MAPLEWOOD AVE
BELLINGHAM WA 98225-1203

NHIEN VAN NGO
2625 W MAPLEWOOD AVE #8
BELLINGHAM WA 98225-8805

**NORMAN H & KAREN E CHAMBERLIN &
SKE-MP LLC**
PO BOX 28121
BELLINGHAM WA 98228-0121

NW AVENUE LLC
1120 RAYMOND ST
BELLINGHAM WA 98229-2418

P & G DEOL S CORP
3713 LEMON GROVE DR
BELLINGHAM WA 98226-7742

PACIFIC NORTHWEST CREDIT UNION
ATTN ACCOUNTING DEPT
1100 DUPONT ST
BELLINGHAM WA 98225-3190

PARBERRY FAMILY LP 1/16TH INT
PO BOX R
BELLINGHAM WA 98227-3906

PETRA APREZA
4140 MERIDIAN ST STE 100
BELLINGHAM WA 98226-5576

PETRA APREZA
PO BOX 560
EVERSON WA 98247-0560

PETRA SARABIA
7330 EVERSON GOSHEN RD
EVERSON WA 98247-9788

PETRA SARABIA
PO BOX 560
EVERSON WA 98247-0560

RAVI S SEKHON
2610 CEDARWOOD AVE
BELLINGHAM WA 98225-1407



48860™/MC

Easy Peel® Address Labels
Bend along line to expose Pop-up Edge®

Go to avery.com/templates
Use Avery Template 5160

RAVI S SEKHON & GURMINDER KAUR
2610 CEDARWOOD AVE
BELLINGHAM WA 98225-1407

ROGER D BRANDIS
2625 W MAPLEWOOD AVE #2
BELLINGHAM WA 98225-8805

ROOTS TO THE SEA LLC
1765 AQUILA CT
BELLINGHAM WA 98226-7879

ROWEN INVESTMENTS LLC
901 HARRIS AVE
BELLINGHAM WA 98225-7032

RYAN P & REBECCA M SCHMIDLKOFER
3325 NORTHWEST AVE
BELLINGHAM WA 98225-1208

S PHILIP & CAROLYN KAIREZ
PO BOX 1233
ANACORTES WA 98221-1233

URBAN EQUITIES PROPERTY LLC
333 MAMARONECK AVE #291
WHITE PLAINS NY 10605-1440

VALUE INVESTMENT GROUP INC
5561 BESSBOROUGH DR
BURNABY BC V5B 1E1 CAN

WENDY L PORTER
P O BOX 2324
FONTANA CA 92334-2324

**WHATCOM COUNTY ASSOCIATION OF
REALTORS**
3317 NORTHWEST AVE
BELLINGHAM WA 98225-1208

WHATCOM EDUCATIONAL CU
ATTN CORPORATE ACCOUNTING
PO BOX 9750
BELLINGHAM WA 98227-9750

WILLIAM E GARTRELL
2625 W MAPLEWOOD AVE #3
BELLINGHAM WA 98225-8805

**Bellingham Herald
Community News Department
1155 N. State St.
Bellingham, WA. 98225**

**Steve Rohrbacher
1120 Raymond St.
Bellingham, WA. 98229**

**Louise Bjornson
2829 Birchwood Ave
Bellingham, WA. 98225**

**Mary Lou White
2905 Birchwood Ave
Bellingham, WA. 98225**

**Sarah Gardner
3251 Laurelwood Ave
Bellingham, WA 98225**

Parcel Number	Site Address	Property Owner	Mailing Address
380213246089	3330 Northwest Ave	Mainstay Alliance LLC	808 Gilbert Dr 98226
380213247076	3326 Northwest Ave	S Philip + Carolyn Kairez	PO Box 1233 Anacortes WA 98221
380213247084	3324 Northwest Ave	S Philip + Carolyn Kairez	PO Box 1233 Anacortes WA 98221
380213250067	3322 Northwest Ave	Parberry Family LP YIU INT	PO Box R Bellingham WA 98227
380213252061	Northwest Ave	City of B'ham	Asset Division 210 Lottie st 98225
380213258055	3314 Northwest Ave	City of B'ham	Asset Division 210 Lottie st 98225
380213263047	3310 Northwest Ave	A.I Buildus a worker owned cooperative co	3310 Northwest Ave 98225
380213212077	3331 Northwest Ave	Norman H + Karen E Chamberlin + SKL-mp LLC	P.O. Box 28121 Bellingham WA 98228
380213219070	3327 Northwest Ave	Roots to the Sea LLC	1745 Aquila ct 98224
380213222064	3325 Northwest Ave	Ryan P + Rebecca M Schmidtkofer	3325 Northwest Ave 98225
380213227059	3323 Northwest Ave	Jim + Sharon Campbell LLC	1784 Northshore Rd 98226
380213231052	3321 Northwest Ave	CR3 Properties LLC	512 Northshore Dr 98226
380213235047	3317 Northwest Ave	Whatcom County Assn of Realtors	3317 Northwest Ave 98225
380213237044	3315 Northwest Ave	Wendy L Porter	P.O. Box 2324 Fontana CA 92334-2324
380213240040	3313 Northwest Ave	Petra Sarabia	7330 Everson Cashin Rd Everson WA 98247
380213244035	3311 Northwest Ave	Petra Sarabia	P.O. Box 560 Everson WA 98247.0560
380213251552	3333 3233 Northwest Ave	Industrial Credit Union	P.O. Box 1767 Bellingham, WA 98227-1767
380213237029	2606 W. Maplewood Ave	Petra Apreza	P.O. Box 560 Everson WA 98247.0560
380213230032	2612 W. Maplewood Ave	Petra Apreza	4140 Meridian st #100 98224
380213222040	2618 W. Maplewood Ave	MBM Center LLC	2618 W. Maplewood Ave 98225
380213203044	2626 W. Maplewood Ave	Lake Whatcom Center Foundation	3600 Meridian st 98225
380213244031	2631 W. Maplewood Ave	Maplewood Place LLC	6212 Cascade Dr Ferndale WA 98248
380213208010	2625 W. Maplewood Ave	Ravi S Sekhon + Gurinder Kaur	2610 Cedarwood Ave 98225
380213215008	2617 W. Maplewood Ave	Urban Equities Property LLC	333 Mamaroneck Ave #291 White Plains NY 10605-1440
380224225554	2605 W. Maplewood Ave	Urban Equities Property LLC	333 Mamaroneck Ave #291 White Plains NY 10605-1440
380224251552	3233 Northwest Ave	Industrial Credit Union	PO Box 1767 Bellingham WA 98227-1767
380224258531	3227 Northwest Ave	Greater Hillands LLC	P.O. Box 3165 Harrisburg PA 17105-3165



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY. WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a(n) Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within **180 days** after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
 - d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
 - e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
 - g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
 - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
 - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I-Requirements; and
 - f. Schedule B, Part II-Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.
 4. **COMPANY'S RIGHT TO AMEND**

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I-Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment

Condition 5.e.:

Issuing Agent: WHATCOM LAND TITLE COMPANY, INC.
 Issuing Office: 5616 THIRD AVENUE, FERNDALE, WA 98248
 Title Officer: MARK DETHLEFS (dethlefsm@whatcomtitle.com)
 Commitment No.: W-207792
 Settlement Office: WHATCOM LAND TITLE COMPANY, INC.
 Escrow Officer: MONICA PRATHER
 Escrow No.: W-207792
 Property Address: 3240 NORTHWEST AVENUE, BELLINGHAM, WA 98226
 Revision No.: SECOND COMMITMENT

SCHEDULE A

1. Commitment Date: November 16, 2023 at 12:00 AM
2. Policy to be issued:
 - a. ALTA Owners Policy (2021) Extended Coverage Homeowner's Standard Coverage

Proposed Insured: CITY OF BELLINGHAM, a first-class municipal corporation

Proposed Policy Amount:	\$1,200,000.00
Premium:	\$2,500.00
Sales Tax:	\$220.00
Total:	\$2,720.00

3. The estate or interest in the Land at the Commitment Date is: FEE SIMPLE
4. The Title is, at the Commitment Date, vested in: NW AVENUE, LLC
5. The Land is described as follows:
SEE SCHEDULE C ATTACHED HERETO

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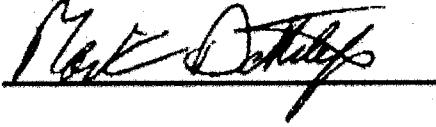
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SCHEDULE A
(Continued)

Whatcom Land Title Company, Inc.



Mark Dethlefs, Authorized Signatory

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607
(612) 371-1111 www.oldrepublictitle.com

By  President

Attest  Secretary

... END OF SCHEDULE A...

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B, PART I Requirements

All of the following Requirements must be met:

- A. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.
- B. Payment to or for the account of the grantor or mortgagors of the full consideration for the estate or interest to be insured.
- C. **IMPORTANT UPDATE:** Please note that while our office is able to electronically record most documents, in order to do so we require the ORIGINAL document(s) to be in our office PRIOR to recording.
- D. **NOTICE:** Please be aware that due to the conflict between Federal and State laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- E. **The Whatcom County Treasurer will be using the new assessed value(s) for the 2023-2024 tax year, which have been made available by the Whatcom County Assessor's office as of October 13, 2023, for determination of real estate excise tax due on the proposed transfer. The Treasurer will require the use of these values, and any necessary purchase and sale documents if the sale is less than the new total assessed value:**

Parcel No./PID: 380213 309029 0000 PID 47342
Improvements: \$14,483.00
Land: \$577,882.00
Total: \$592,365.00
Affects: Lot A
- F. **A copy of the Operating Agreement of NW AVENUE, LLC, and any amendments thereto, showing the identity and authorization of the individuals who will then execute the forthcoming documents must be provided.**

END OF REQUIREMENTS

NOTES

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Commitment for Title Insurance (07-01-2021)
Schedule BI



W-207792

SCHEDULE B, PART I

(Continued)

The following matters will not be listed as Special Exceptions in Schedule B of the policy. There will be no coverage for loss arising by reason of the matters listed below because these matters are either excepted or excluded from coverage or are not matters covered under the insuring provisions of the policy.

1. General Taxes for 2023, which have been paid;
Amount: \$4,514.43
Parcel No.: 380213 309029 0000 PID 47342
Improvements: \$13,047.00
Land: \$520,615.00
Total: \$533,662.00
Tax Code: 0100
Affects: Lot A

NOTE: New assessed values for the 2023-2024 tax year have been made available by the Whatcom County Assessor's office.

Improvements: \$14,483.00
Land: \$577,882.00
Total: \$592,365.00

2. As a result of the passing of House Bill 1474, effective January 1, 2024, recording fees for most documents will increase by \$100, increasing the cost of a one page document to \$303.50 (\$304.50 for the 1st page of Deeds of Trust). The passage of HB 1474 creates the covenant homeownership account & program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington State. If you have questions as to whether this surcharge will apply to documents to be recorded, please contact the Company's Recording Department at (360) 676-8484.
3. Where an abbreviated legal description is required on your documents, the following is to be included;

TRACT A, M & R SHORT PLAT LLA
PARCEL(S): 380213 309029 0000 PID 47342

END OF NOTES

END OF SCHEDULE B, PART I

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ALTA Commitment for Title Insurance (07-01-2021)
Schedule BI

AMERICAN
LAND TITLE
ASSOCIATION



W-207792



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B, PART II Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land, and that is not shown by the Public Records.
4. Easements or claims of easements not shown by the public records.
5. Any lien, or right to lien, for contributions to employee benefit funds, or for state workers' compensations or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. Any service, installation, connection, maintenance, tap, capacity or construction charges for sewer, water electricity, other utilities, or garbage collection and disposal.
8. Reservations or exceptions in patents or in Acts authorizing the issuance thereof; Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
9. Water rights, claims or title to water.

END OF GENERAL EXCEPTIONS

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ALTA Commitment for Title Insurance (07-01-2021)
Schedule BII



W-207792

SCHEDULE B, PART II
(Continued)

SPECIAL EXCEPTIONS

1. Lien of Real Estate Excise Sales Tax upon any sale of said premises, if unpaid.

GENERAL GRADUATED REET STRUCTURE FOR WHATCOM COUNTY:

- 1.6 percent if the selling price is equal to or less than \$525,000;
- 1.78 percent on the portion of the selling price that is greater than \$525,000, but equal to or less than \$1,525,000;
- 3.25 percent on the portion of the selling price that is greater than \$1,525,000, but equal to or less than \$3,025,000; and
- 3.5 percent on the portion of the selling price that is greater than \$3,025,000.

NOTE: The above stated rates include the local tax rates imposed by Whatcom County (.50%).

The Whatcom County Treasurer's Office **REQUIRES** a one-page laser printed copy of the Excise Tax Affidavit to accompany all documents requiring the payment of excise tax. This Affidavit must include the original signatures of Grantor/Grantee or Agent, and maintain a 1-inch bottom margin. Any additional legal descriptions must be on letter-sized paper (8.5" x 11"). This Affidavit may be downloaded from the Whatcom County Treasurer's website (www.whatcomcounty.us/treasurer/). Documents without the proper form may be rejected and not processed until the appropriate form is executed. The Affidavit **must** be the original legal-sized (8.5" x 14"), signed document.

2. Easement including the terms, covenants and provisions thereof, as granted by instrument;
Recorded: January 28, 1970
Recording No.: 1071637
Records of: Whatcom County, Washington
In favor of: GEORGE W. HOLMES and ROBERTA HOLMES, their heirs, successors and assigns
For: Parking cars
Affects: Portion of said premises
3. Matters disclosed by a Survey affecting said premises;
Recorded: January 29, 1981
Recording No.: 1379691
Records of: Whatcom County, Washington
4. Terms and conditions of Waiver and Forbearance;
Executed by: CHARLES ZORNES and RUTH ZORNES, et al.
Recorded: November 23, 1992
Recording No.: 921123025 and 921123026
Affects: Said premises
5. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, notes, dedications, agreements, encroachments, setback lines and statements, if any, as set forth or delineated on M&R Short Plat, recorded February 24, 1994, under Whatcom County Auditor's File No. 940224146.

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ALTA Commitment for Title Insurance (07-01-2021)
Schedule BII

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W-207792

SCHEDULE B, PART II

(Continued)

6. Easement including the terms, covenants and provisions thereof, as granted by instrument;
Recorded: February 24, 1994
Recording No.: 940224147
Records of: Whatcom County, Washington
In favor of: CLYDE H. MOLLER and MARCIANNE G. MOLLER
For: Ingress, egress and utilities
Affects: Said premises and other property
7. Terms and conditions of Planned Contract #93-09 Tedford Redevelopment;
Executed by: CLYDE and MARCIANNE MOLLER, and THE CITY OF BELLINGHAM
Recorded: April 28, 1994
Recording No.: 940428147
Affects: Said premises
8. Terms and conditions of Amended Declaration of Covenants, Conditions and Easements of M & R Short Plat and Restaurant Property;
Executed by: STEPHEN ROHRBACHER and SHANNON ROHRBACHER, and CLYDE H. MOLLER and MARCIANNE G. MOLLER
Recorded: April 29, 1994
Recording No.: 940429268
Affects: Said premises and other property
9. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, notes, dedications, agreements, encroachments, setback lines and statements, if any, as set forth or delineated on M&R Short Plat Lot Line Adjustment, recorded May 2, 1994, under Whatcom County Auditor's File No. 940502010.
10. Matters disclosed by a Survey affecting said premises;
Recorded: April 15, 2022
Recording No.: 2022-0401844
Records of: Whatcom County, Washington
11. Reservation by BELLINGHAM BAY IMPROVEMENT COMPANY, a corporation for itself, successors, or assigns, all coal deposits located at a greater depth than 200 feet below the surface, with the right reserved to mine said coal together with a perpetual easement to transport through the lands above-described any and all coal deposits located under said lands and adjoining lands, without interfering with the surface rights of the public or the owners of the property.

**END OF SPECIAL EXCEPTIONS
END OF SCHEDULE B**

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ALTA Commitment for Title Insurance (07-01-2021)
Schedule BII



W-207792



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE C

The Land is described as follows:

TRACT A, M & R SHORT PLAT LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF,
RECORDED MAY 2, 1994, IN BOOK 30 OF SHORT PLATS, PAGE 16, UNDER AUDITOR'S FILE NO.
940502010, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.



FACTS	WHAT DOES OLD REPUBLIC TITLE DO WITH YOUR PERSONAL INFORMATION?
--------------	--

Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
What?	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> Social Security number and employment information Mortgage rates and payments and account balances Checking account information and wire transfer instructions <p>When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p>
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Old Republic Title Share?	Can you limit this sharing?
For our everyday business purposes - such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes - to offer our products and services to you	No	We don't share
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes - information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes - information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For non-affiliates to market to you	No	We don't share

	Go to www.oldrepublic.com (Contact Us)
--	--

Who we are	
Who is providing this notice?	Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates.
What we do	
How does Old Republic Title protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit https://www.oldrepublictitle.com/privacy-policy .
How does Old Republic Title collect my personal information?	We collect your personal information, for example, when you: <ul style="list-style-type: none"> • Give us your contact information or show your driver's license • Show your government-issued ID or provide your mortgage information • Make a wire transfer We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.
Why can't I limit all sharing?	Federal law gives you the right to limit only: <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes - information about your creditworthiness • Affiliates from using your information to market to you • Sharing for non-affiliates to market to you State laws and individual companies may give you additional rights to limit sharing. See the State Privacy Rights section location at https://www.oldrepublictitle.com/privacy-policy for your rights under state law..
Definitions	
Affiliates	Companies related by common ownership or control. They can be financial and nonfinancial companies. <ul style="list-style-type: none"> • <i>Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., and Mississippi Valley Title Services Company.</i>
Non-affiliates	Companies not related by common ownership or control. They can be financial and non-financial companies. <ul style="list-style-type: none"> • <i>Old Republic Title does not share with non-affiliates so they can market to you</i>
Joint marketing	A formal agreement between non-affiliated financial companies that together market financial products or services to you. <ul style="list-style-type: none"> • <i>Old Republic Title doesn't jointly market.</i>

American First Title and Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.	eRecording Partners Network, LLC
Genesis Abstract, LLC	Guardian Consumer Services, Inc.	iMarc, Inc.	L.T. Service Corp	Lenders Inspection Company
Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mississippi Valley Title Services Company	National Title Agent's Services Company	Old Republic Branch Information Services, Inc.
Old Republic Diversified Services, Inc.	Old Republic Escrow of Vancouver, Inc.	Old Republic Exchange Company	Old Republic National Ancillary Services, Inc.	Old Republic Title and Escrow of Hawaii, Ltd.
Old Republic National Title Insurance Company	Old Republic Title Company	Old Republic Title Companies, Inc.	Old Republic Title Company of Conroe	Old Republic Title Company of Indiana
Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma	Old Republic Title Company of Oregon	Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee
Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.	Old Republic Title, Ltd.	RamQuest Software, Inc.	Republic Abstract and Settlement, LLC
Sentry Abstract Company	Surety Title Agency, Inc.	Trident Land Transfer Company, LLC		



WHATCOM LAND TITLE COMPANY

2011 YOUNG STREET, SUITE 102
 BELLINGHAM, WA 98225

Phone: (360)676-8484 • Toll Free: (800)334-6314

Fax: (360)671-0982

PRIVACY NOTICE

Financial companies like Whatcom Land Title Company (WLT) choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.

The types of personal information we collect and share depend on the product or service you have with us. This information can include:

- Social Security number and employment information
- Mortgage rates and payments and account balances
- Checking account information and wire transfer instructions

When you are *no longer* our customer, we continue to share your information as described in this notice.

All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information and the reasons WLT chooses to share information.

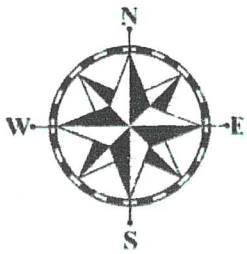
Reasons we can share your personal information	Does WLT share?
For our everyday business purposes - such as to process your transactions, maintain your account(s), handle a claim, or respond to court orders and legal investigations, or report to credit bureaus	Yes
For our marketing purposes - to offer our products and services to you	No
For joint marketing with other financial companies	No
For our affiliates' everyday business purposes - information about your transactions and experiences	No
For our affiliates' everyday business purposes - information about your creditworthiness	No
For our affiliates to market to you	No
For non-affiliates to market to you	No

Definitions:

Affiliates Are companies related by common ownership or control. They can be financial and nonfinancial companies. *WLT does not have affiliates; but does have several business locations and four underwriters. WLT shares information among its business locations and with the underwriter insuring your transaction - Old Republic National Title Insurance Company; Commonwealth Land Title Insurance Company; First American Title Insurance Company; Old Republic National Title Insurance Company; or Westcor Land Title Insurance Company.*

Non-affiliates Are companies not related by common ownership or control. They can be financial and non-financial companies. *WLT does not share with non-affiliates to market to you.*

Joint marketing Is a formal agreement between non-affiliated financial companies that together market financial products or services to you. *WLT does not jointly market.*



Whatcom Land Title Company, Inc.

2011 Young Street
Bellingham, Washington 98225
Phone (360) 676-8484 Toll Free 1-800-334-6314
Fax (360) 671-0982
Website www.whatcomtitle.com

W-207792

"Locally Owned and Operated since 1982"



THIS SKETCH IS FURNISHED FOR INFORMATION PURPOSES ONLY.

IT DOES NOT PURPORT TO SHOW ALL HIGHWAYS, ROADS, OR EASEMENTS AFFECTING THIS PROPERTY. NO LIABILITY IS ASSUMED FOR VARIATIONS IN DIMENSIONS AND LOCATIONS. THIS SKETCH IS NOT GUARANTEED AS TO ACCURACY AND THE COMPANY ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE THERON.

Name: WHATCOM LAND TITLE COMPANY, INC.
Attention: MONICA PRATHER
Customer No.: W-207792
RE: NW AVENUE LIMITED LIABILITY COMPANY / CITY OF BELLINGHAM
CC: WINDERMERE REAL ESTATE - BELLINGHAM, ATTN: JASON LOEB

Attached to Commitment No.: W-207792



ISSUED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SUPPLEMENTAL ENDORSEMENT

Supplemental No.: 1 to Second Commitment

Dated: December 12, 2023

The above numbered title commitment, including any supplementals or amendments thereto, is hereby modified and/or supplemented to reflect the following:

Paragraph 1 of Schedule A is hereby amended as follows:

The Commitment Date is hereby amended to be December 1, 2023 at 12:00 am.

Paragraph 4 of Schedule A is hereby amended as follows:

The Title is, at the Commitment Date, vested in:

NW AVENUE LIMITED LIABILITY COMPANY, which originally acquired title as NW AVENUE, LLC, a Washington limited liability company

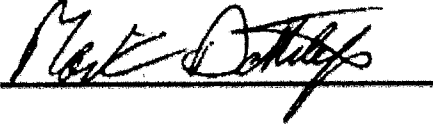
Paragraph F of Schedule B, Part I, Requirements, is hereby **deleted**.

Paragraph 4 of Schedule B, Part I, Notes, is hereby **added** as follows:

Information available to the Company, but not of public record, indicates that STEPHEN M. ROHRBACHER and SHANNON L. ROHRBACHER, as Managers, may sign on behalf of NW AVENUE LIMITED LIABILITY COMPANY. If there have been any changes in the corporate authorization, please notify your Title Officer prior to execution of the forthcoming instrument to be insured.

This supplemental endorsement is made part of said commitment, including any prior supplemental endorsements. Except to the extent expressly stated herein, this supplemental endorsement neither modifies any of the terms, provisions, conditions or stipulations of the commitment or prior supplementals, nor does it extend the effective date of the commitment or prior supplementals.

Whatcom Land Title Company, Inc.



Mark Dethlefs, Authorized Signatory

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Stock Company

1408 North Westshore Blvd., Suite 900, Tampa, Florida 33607

(813) 371-1111

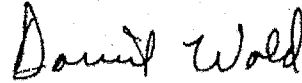
www.oldrepublictitle.com

By



President

Attest



Secretary



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: 711 (WA Relay)

Email: planning@cob.org Web: www.cob.org

TYPE II NOTICE OF COMPLETE APPLICATION

Date of Notice: 2/20/2024

Applicant: Steve Rohrbacher, 1120 Raymond Street, Bellingham WA 98229

Application Type: PDP2024-0002

Project Location: 3236, 3240, 3250, and 3300 Northwest Avenue. Birchwood Area 10, zoned Planned Commercial, density not specified.

The application listed above has been determined to be sufficiently complete to begin review. This determination does not preclude the City from requesting additional information or studies at a future date if new information is required.

The following additional government approvals or permits may be required for the project:

- NONE

It is your responsibility to identify and obtain all necessary permits and approvals. The information listed above is offered as assistance but does not necessarily represent all of the approvals required.

The enclosed posting notice must be posted on the site within 5 days of the date of this notice. Please return the enclosed Certificate of Posting to the staff contact listed below within 3 days of posting. Notices must be posted on signs that meet City specifications, such signs are available for purchase (\$5.50 each) at the Planning and Community Development Department. **FAILURE TO POST will cause a delay in the processing of your application.**

Please contact the staff member listed below if you have any questions.

Name: Sara Ullman, Planner E-mail / Phone: scullman@cob.org or 360-778-8366

Enclosures: Public Notice and Instructions



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: 711 (WA Relay)

Email: planning@cob.org Web: www.cob.org

TYPE II NOTICE OF APPLICATION PDP2024-0002

Notice is hereby given that the Planning and Community Development Department (PCDD) has received an application for a **planned permit minor amendment (PDP2024-0002)** for the following project:

Project Description: Proposed minor amendment to the existing planned contract (PC) #93-09 (AF 940428147) to remove the 8-unit residential density limit and defer to the underlying zoning regulations for planned commercial, which do not specify residential density limitations. Per Section 15 of PC #93-09, the proposed change is a modification of the agreement and must be processed as a planned *permit* amendment in accordance with BMC 20.38.040 and BMC Title 21.

Project Location: 3236, 3240, 3250, and 3300 Northwest Avenue. Birchwood Area 10, zoned Planned Commercial, density not specified.

Applicant: Steve Rohrbacher, 1120 Raymond Street, Bellingham WA 98229

Comments Due By: 3/5/2024

A site plan and associated documents are available for viewing at <http://www.cob.org/notices> or, in the Permit Center at City Hall. Anyone wishing to comment on this proposal, is invited to submit written comments by 5:00 p.m. on March 5, 2024.

The final decision on this proposal may be appealed in accordance with Bellingham Municipal Code 21.10.250.

Date Application Received: 2/14/2024

Date of Complete Application: 2/20/2024

Date of Notice of Application: 2/20/2024

Other Known Required Permits: NONE

Send written comments and requests for information to:

Name: Sara Ullman, Planner E-mail / Phone: scullman@cob.org or 360-778-8366

3300 Northwest AVE
PDP2024-0002

A decision will be made on the project following the comment period. If you want to receive notification of the action, please complete and return this section to the Planning and Community Development Department, City Hall, 210 Lottie Street, Bellingham, WA 98225.

Attn: Sara Ullman, Planner **Yes, I would like to know the action taken.**

Name _____

Address _____

(including City, Zip)

POSTING NOTICE

NOTICE OF APPLICATION

PDP2024-0002

Notice is hereby given that the Planning and Community Development Department (PCDD) has received an application for a **planned permit minor amendment (PDP2024-0002)** for the following project:

Project Description: Proposed minor amendment to the existing planned contract (PC) #93-09 (AF 940428147) to remove the 8-unit residential density limit and defer to the underlying zoning regulations for planned commercial, which do not specify residential density limitations. Per Section 15 of PC #93-09, the proposed change is a modification of the agreement and must be processed as a planned *permit* amendment in accordance with BMC 20.38.040 and BMC Title 21.

Project Location: 3236, 3240, 3250, and 3300 Northwest Avenue. Birchwood Area 10, zoned Planned Commercial, density not specified.

Applicant: Steve Rohrbacher, 1120 Raymond Street, Bellingham WA 98229

Comments Due By: 3/5/2024

A site plan and associated documents are available for viewing at <http://www.cob.org/notices> or, in the Permit Center at City Hall. Anyone wishing to comment on this proposal, is invited to submit written comments by 5:00 p.m. on February 20, 2024.

The final decision on this proposal may be appealed in accordance with Bellingham Municipal Code 21.10.250

Date Application Received:	2/14/2024
Date of Complete Application:	2/20/2024
Date of Notice of Application:	2/20/2024
Other Known Required Permits:	NONE

Send written comments and requests for information to:

Name: Sara Ullman, Planner E-mail / Phone: scullman@cob.org or 360-778-8366
Planning and Community Development Department - City Hall
210 Lottie Street - Bellingham, WA 98225 Fax: 360-778-8300



**Planning and Community Development
City of Bellingham**

MEMORANDUM

To: PLANNING COMMISSION CHAIR
From: SARA ULLMAN, PLANNER
Subject: PDP2024-0002
Date: 2/20/2024

Attached is the Notice of Application for the above referenced application. The Planning Director will make a decision on the application after the close of the public comment period listed in the notice.

The Planning Director or Commission Chair has the option to require Planning Commission review at a public meeting if the proposal raises substantial planning issues or is a matter of public interest. Please contact me by 3/1/2024 if you would like to request a Planning Commission meeting.

Please contact the staff member listed below if you have any questions.

Name: Sara Ullman, Planner
E-mail / Phone: scullman@cob.org or 360-778-8366

Planning
210 Lottie Street
Bellingham, WA 98225
Phone: (360) 778-8300
Fax: (360) 778-8302
TTY: (360) 778-8382
Email: planning@cob.org
www.cob.org/planning

Community Development
210 Lottie Street
Bellingham, WA 98225
Phone: (360) 778-8300
Fax: (360) 778-8302
TTY: (360) 778-8382
Email: cd@cob.org
www.cob.org/planning

Building Services / Permit Center
210 Lottie Street
Bellingham, WA 98225
Phone: (360) 778-8300
Fax: (360) 778-8301
TTY: (360) 778-8382
Email: permits@cob.org
www.cob.org/permits

Ullman, Sara C.

From: Ullman, Sara C.
Sent: Thursday, March 7, 2024 12:02 PM
To: Steve Rohrbacher
Subject: RE: Property extraction from planned contract and replacement with planned permit

Hi Steve,
Thanks for your patience in my response. This is my first day back from vacation.

Thank you for your email requesting that your properties, 3236, 3240 and 3300 Northwest AVE be removed from the planned contract. Per your request, the new planned permit to replace the contract can remove the 8-unit restriction.

I will begin drafting the contract termination and new permit.

Other updates, the public comment period closed on 3/5/24 and the City did not receive any public comments. Also, I received your notarized notice of posting. Thank you and I will save this to the file.

If you have any other questions, please let me know.

Best,

Sara Ullman
Planner II
City of Bellingham Planning and Community Development
210 Lottie Street
Bellingham, WA 98225
Phone: 360-778-8366
Email: scullman@cob.org



Sign up at our engagement site, [Engage Bellingham](#), to learn about projects, provide input and stay informed!

Please note: My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: Steve Rohrbacher <nwsteve70@gmail.com>
Sent: Monday, March 4, 2024 8:53 AM
To: Ullman, Sara C. <scullman@cob.org>
Subject:

You don't often get email from nwsteve70@gmail.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Hi Sara,
Hope you had a great trip. I saw you were cc'd on the email from Tara.

We were informed that we don't need the signature from NCCU. I would like to request that you remove the NCCU parcel from our application and proceed with eliminating the 8-unit restriction on 3236, 3240 and 3300 (vacant lot parcel).

Thanks,
Steve

AFTER RECORDING RETURN DOCUMENT TO:

City of Bellingham - Planning Department
210 Lottie Street
Bellingham, WA 98225

DOCUMENT TITLE: *Waiver, Release and Termination of Planned Contract #PDC 93-09*

REFERENCE NUMBER: *PDP2024-0002*

GRANTOR(S): *NW Avenue LLC*

GRANTEE(S): *City of Bellingham*

ABBREVIATED LEGAL DESCRIPTION: *Lots A and B of the M & R Short Plat Lot Line Adjustment (AF No. 940502010) and the following property legally described by metes and bounds: SWLY 130 FT OF EACH OF TR DAF-BEAP 2433.17 FT S-1465.75 FT E OF PT OF INTERS OF S LI OF MCLEOD RD-NELY LI OF NW DIAG RD-TH S 26 DEG 35'00" E 25 FT-TH S 63 DEG 25'00" W 238.2 FT-TH NWLY ALG*

ADDITIONAL LEGAL DESCRIPTION ON PAGE(S) 6 OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): *380213307008, 380213316017, and 380213309029*

WAIVER, RELEASE, AND TERMINATION OF PLANNED CONTRACT # 93-09 (AUDITOR'S FILE NO. 940428147).

THIS IS A WAIVER OF RIGHTS, RELEASE OF OBLIGATIONS, AND TERMINATION OF THE PLANNED DEVELOPMENT CONTRACT, BETWEEN NW AVENUE LLC, (HEREINAFTER "DEVELOPER") AND **THE CITY OF BELLINGHAM** (HEREINAFTER "CITY").

WHEREAS, City and Developer executed Planned Development Contract # 93-09 on April 27th, 1994, (AF# 940428147), for the properties addressed 3236, 3240 and 3300 Northwest Avenue, identified as Parcel Numbers 380213307008, 380213316017, and 380213309029, and legally described on Page 6 of the document; and

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

WHEREAS, City has amended its development regulations so that it is no longer authorized to enter into planned development contracts; and

WHEREAS, City now issues planned development permits instead of entering into planned development contracts; and

WHEREAS, City and Developer mutually agree that termination of Planned Development Contract # 93-09 along with mutual waiver and release from the obligations and rights of that contract is a necessary prerequisite to the City issuing a separate, superseding planned development permit for the property;

NOW THEREFORE, in recognition of the foregoing, the Developer enters into this agreement with the City to terminate Planned Development Contract #93-09 with mutual waiver and release of Developer and City from all rights and obligations arising under Planned Development Contract # 93-09.

APPROVED this ____ day of _____, 2024 for the Developer.

Stephen M. Rohrbacher
Name
Manager of NW Avenue LLC
Title

STATE OF WASHINGTON)
)ss
COUNTY OF WHATCOM)

I CERTIFY that I know or have satisfactory evidence that Stephen M. Rohrbacher is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Manager of NW Avenue LLC** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED

SIGNATURE OF NOTARY PUBLIC

NAME PRINTED

TITLE

MY APPOINTMENT EXPIRES

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

APPROVED this ____ day of _____, 2024 for the Developer.

Shannon L. Rohrbacher

Name

Manager of NW Avenue LLC

Title

STATE OF WASHINGTON)

)ss

COUNTY OF WHATCOM)

I CERTIFY that I know or have satisfactory evidence that Shannon L. Rohrbacher is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Manager of NW Avenue LLC** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED

SIGNATURE OF NOTARY PUBLIC

NAME PRINTED

TITLE

MY APPOINTMENT EXPIRES

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

APPROVED this _____
day of _____,
2024 for the CITY OF BELLINGHAM.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

DEPARTMENTAL APPROVAL:

Director, Department of Planning

Date

Department of Public Works

STATE OF WASHINGTON)
)ss
COUNTY OF WHATCOM)

I CERTIFY that I know or have satisfactory evidence that **Kim Lund** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the **Mayor** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED

SIGNATURE OF NOTARY PUBLIC

NAME PRINTED

TITLE

MY APPOINTMENT EXPIRES

STATE OF WASHINGTON)
)ss
COUNTY OF WHATCOM)

I CERTIFY that I know or have satisfactory evidence that **Andrew Asbjornsen** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Finance Director** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED

SIGNATURE OF NOTARY PUBLIC

NAME PRINTED

TITLE

MY APPOINTMENT EXPIRES

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360) 676-6903

LEGAL DESCRIPTION:

Lots A and B of the M & R Short Plat Lot Line Adjustment (AF 940502010), and

THE SOUTHWESTERLY 130 FEET OF EACH OF THE TWO FOLLOWING DESCRIBED TRACTS:

THE FOLLOWING DESCRIBED TRACTS OF LAND LOCATED IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 2433.17 FEET SOUTH AND 1465.75 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF MCLEOD ROAD AND NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD; THENCE SOUTH 26°35' EAST 25 FEET; THENCE SOUTH 63°25' WEST 238.2 FEET; THENCE NORTHWESTERLY ALONG NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD 25 FEET; THENCE NORTH 63°25' EAST 239 FEET TO THE POINT OF BEGINNING, IN THIS DESCRIPTION THE LINES OF MCLEOD ROAD ARE ASSUMED TO BE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES, ALSO BEGINNING AT A POINT 2520 FEET SOUTH AND 1509.2 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF MCLEOD ROAD AND THE NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD IN SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M.; THENCE NORTH 26°35' WEST 72.1 FEET; THENCE SOUTH 63°25' WEST 238 FEET, MORE OR LESS TO THE NORTHEASTERLY LINE OF NORTHWEST DIAGONAL ROAD; THENCE SOUTHEASTERLY ALONG SAID ROAD LINE 73 FEET, MORE OR LESS; THENCE NORTH 63°16' EAST 236.43 FEET TO THE POINT OF BEGINNING. IN THIS DESCRIPTION THE LINES OF THE MCLEOD ROAD ARE ASSUMED TO BE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

TOGETHER WITH AN EASEMENT FOR PARKING CARS, 40 FEET IN WIDTH, ALONG THE SOUTHERLY SIDE OF THE FOLLOWING DESCRIBED PROPERTY, AND EXTENDING 75 FEET NORTHEASTERLY FROM THE NORTHWEST DIAGONAL ROAD:

A TRACT OF LAND IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 2343.74 FEET SOUTH AND 1421 FEET EAST OF THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE MCLEOD ROAD AND THE NORTHEASTERLY LINE OF THE NORTHWEST DIAGONAL ROAD; THENCE SOUTH 28°35' EAST 100 FEET; THENCE SOUTH 63°25' WEST 238.2 FEET TO THE NORTHEASTERLY LINE OF THE NORTHWEST DIAGONAL ROAD THENCE NORTHWESTERLY ALONG SAID ROAD LINE 100 FEET; THENCE NORTH 63°25' EAST 240.8 FEET TO THE POINT OF BEGINNING. IN THIS DESCRIPTION THE LINES OF THE MCLEOD ROAD ARE ASSUMED TO THE EAST AND WEST, AND NORTH AND SOUTH EXACTLY AT RIGHT ANGLES TO SAID ROAD LINES.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

City of Bellingham

CITY ATTORNEY

210 Lottie Street

Bellingham, Washington 98225

Telephone (360) 676-6903