



CITY OF BELLINGHAM SUBDIVISION ORDINANCE

JUNE, 1997

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

TABLE OF CONTENTS

	<u>PAGES</u>
18.04.000-TITLE, ENACTING CLAUSE, PURPOSE AND SCOPE	5-7
.010 - Title	
.020 - Purpose of Provisions	
.030 - Administrative Officer	
.040 - Scope	
.050 - Compliance - Subdivisions Generally	
.060 - Compliance - Nine or Fewer Lots	
.070 - Sale Restrictions	
.080 - Building Permit Issuance Restrictions	
.090 - Exceptions	
.100 - Expiration of Application	
18.08.000 - DEFINITIONS	8-15
.010 - Generally	
.020 - Tense and number	
.030 - Word interpretation	
.035 - Specific definitions (.035 to .510)	
18.10.000 - LOT LINE ADJUSTMENTS	16-17
.010 - Approval required	16
.015 - Scope	16
.020 - Procedure	16
.030 - Mylar	17
.040 - Fees	17
18.12.000 - SHORT SUBDIVISIONS	18-22
.010 - Approval required	18
.015 - Scope	18
.020 - Approval procedure	18
.030 - Lot Requirements - Design standards	20
.040 - Required Improvements	20
.050 - Resubdivision restricted	22
.060 - Fees	22
18.16.000 - PRELIMINARY PLATS	23-28
.010 - General Procedure	23
.020 - Contents	23
.030 - Preparation specifications	24
.035 - Neighborhood Meeting	24
.037 - Pre-application Conference	24
.040 - Submission time limitation	24
.043 - Notice of Application	25
.045 - Posting	25
.050 - Public hearing	25
.060 - Notification of affected agencies	25
.070 - Technical Review Committee	26
.080 - Commission action	26
.090 - Council review and approval	26

.100	- Notice of Decision	27
.110	- Time Limits	27
.120	- Modification of standards - Purpose	27
.130	- Modification of standards - Procedure	28
.140	- Modification of standards - Limitation	28
18.20.000	- FINAL PLAT	29-31
.010	- Conformance with Title Required	29
.020	- Conformance with preliminary plat	29
.030	- Legal description	29
.040	- Covenants	29
.050	- Plat Certificate/Subdivision Guarantee	29
.060	- Dedication of public lands	29
.070	- Land surveyor seal	30
.080	- Health Department approval	30
.090	- City Engineer approval	30
.095	- Parks and Recreation Department approval	30
.110	- Finance Director approval	30
.120	- Planning and Economic Development Director review	30
.130	- Council review and approval	31
.135	- Inspection Fee	31
.140	- County auditor	31
.150	- Copy Furnished by Subdivider	31
18.24.000	- BINDING SITE PLANS	32-40
.010	- Applicability	32
.015	- Purpose	32
.020	- Binding Site Plan Review Procedures	32
.030	- General Binding Site Plan Submission Requirements	32
.040	- General Binding Site Plan Review Procedure	33
.050	- Specific Binding Site Plan Submission Requirements	36
.060	- Specific Binding Site Plan Review Procedure	37
.070	- Certifications and Dedications	38
.080	- Infrastructure Improvements	39
.090	- Modifications	40
.100	- Binding Site Plan Fees	40
18.28.000	- IMPROVEMENT STANDARDS	41-44
.010	- Drawings required	41
.020	- Installation Prior to Final Plat Approval	41
.030	- Contract for dedicated improvements	41
.040	- Street and roadway standards	41
.050	- Sidewalks	41
.060	- Pedestrian ways	42
.070	- Driveway entrances	42
.080	- Utility Installation Generally	42
.090	- Easements	42
.100	- Water system	42
.110	- Sanitary sewer	42
.120	- Storm drainage	43
.130	- Electrical and communication facilities	43

.140	- Street Lights and Street Name Signs	43
.150	- Street naming	43
.160	- Flood control	44
.170	- Erosion and slide corrective measures	44
.180	- Monumentation	44
.190	- Connection to accepted street	44
.200	- Street trees	44
.210	- Preservation of existing vegetation	44
18.32.000	- CLUSTER AND SHORT CLUSTER SUBDIVISIONS	45-47
.010	- Applicability of Chapter	45
.020	- Purpose of Chapter	45
.030	- Maximum Number of Lots	45
.040	- Minimum Cluster Performance Criteria	45
.050	- Density Bonus Earned	46
.060	- Administrative Approval of 1-4 Lot Cluster Short Subdivision	47
18.36.000	- LOTS AND BLOCKS	48-52
.010	- Through lots	48
.020	- Lot design	48
.030	- Block design	52
18.40.000	- STREETS	53
.010	- Minimum Rights of Way and Pavement Widths	
.020	- Cul-de-sacs	
.030	- Grades	
.040	- Curves	
.050	- Alleys	
18.44.000	- PARKS, OPEN SPACE, AND PUBLIC AREAS	54
.010	- Provisions for Parklands - Methods	
.020	- Substitution of Greenbelts for Required Park Lands	
18.48.000	- VARIANCES AND AMENDMENTS	55
.010	- Variance	
.015	- Appeals	
.018	- Notice	
.020	- Amendments	56
18.52.000	- PENALTY	57
.010	- Violation - Penalty	
.020	- Validity	

ORDINANCE NO. 10833

AN ORDINANCE REGULATING THE DIVISION, SUBDIVISION, OR RESUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF BELLINGHAM, AMENDING BMC TITLE 18.

THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Title 18 of the Bellingham Municipal Code is hereby amended to read as follows:

TITLE 18: SUBDIVISIONS

18.04.000 TITLE, ENACTING CLAUSE, PURPOSE AND SCOPE

.010 TITLE

This ordinance codified in this title shall be known as "The Subdivision Ordinance" of the City of Bellingham, Washington.

.020 PURPOSE OF PROVISIONS

The purpose of this title is to regulate the subdivision of land and promote the public health, safety and general welfare in accordance with the standards established by the City of Bellingham; to further the goals and policies of the 1995 Bellingham Comprehensive Plan and prevent the overcrowding of land; provide for orderly growth and development; conserve and enhance property values; lessen congestion in the streets and on the highways; provide for adequate light and air; facilitate adequate provisions for water, sewerage, parks, and recreation areas; sites for schools and school grounds and other public requirements; provide for proper traffic circulation; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

Further, these regulations are established to effectuate the policy of the prescribed State law referring to the platting and dedication of lands and shall not preclude full compliance thereto.

.030 ADMINISTRATIVE OFFICER

The Director of Planning and Community Development is designated and assigned the administrative and coordinating responsibility for approval or disapproval of plats and subdivisions within the city.

.040 SCOPE

The provisions of this ordinance shall apply to all division, subdivision, short subdivision, binding site plans and lot line adjustments of land within the corporate limits of the City of Bellingham.

.050 COMPLIANCE - SUBDIVISIONS GENERALLY

Hereafter, all division, subdivision or resubdivision of land within the corporate limits of the City of Bellingham into lots, tracts, parcels, sites or divisions for any purpose whatsoever shall be in full compliance with the provisions and specifications of this title.

.060 COMPLIANCE

Division of land into nine (9) or fewer lots shall be in compliance with the regulations and standards of this title governing "short subdivision" as set forth in Chapter 18.12. Division of land into ten (10) or more lots shall comply with regulations and standards dealing with subdivision and must follow the preliminary and final platting procedures as set forth in Chapter 18.16 and Chapter 18.20 of this ordinance.

.070 SALE RESTRICTIONS

Sale of land is prohibited unless it is a duly platted parcel of land or lot, or is a tract of record [established prior to] February 5, 1973 or is a parcel of land approved under short subdivisions, Chapter 18.12, or is approved for sale under a specific binding site plan approved under Chapter 18.24.

.080 BUILDING PERMIT ISSUANCE RESTRICTIONS

A. No Building Permit shall be issued for construction of any kind unless:

1. Such lot was of record prior to August 17, 1964, or
2. Such lot is a division of a recorded subdivision, or
3. Such lot was created with approval of the City in accordance with Ordinances 7483 and/or 7995, or
4. Such lot was created in compliance with the provisions of this title.

B. It shall be the responsibility of the property owner to establish the status of the lot as it pertains to Subsection "A" of this section.

.090 EXCEPTIONS

The provisions of this ordinance shall not apply to the following:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Division of land into lots or tracts where the smallest lot is twenty (20) acres or more and not containing a dedication of a public right-of-way.
- C. Divisions made by testamentary provisions or the laws of descent.
- D. Divisions of land into four or fewer lots, tracts, or parcels by the City of Bellingham for public purposes such as parks, trails, open space, drainage, street, and utility purposes provided that a mylar depicting the division, meeting the requirements of B.M.C. 18.10.030, shall be filed for record. The remaining lot(s) shall comply with the provisions set forth in the Bellingham Subdivision Ordinance and Land Use Development Ordinance and shall constitute a legal building site(s). Non-residential structures constructed for public purposes shall be allowed on lots created for the City of Bellingham. (ORD 10527)

.100 EXPIRATION OF APPLICATION

An application for a lot line adjustment, short subdivision, subdivision, or binding site plan shall expire by limitation 3 years after the date of written preliminary approval unless an extension, not to exceed 1 year is granted, in writing, by the Director. If preliminary approval is not given, the application shall expire by limitation 3 years after the date of application.

Any period of time which an administrative or judicial appeal is pending shall not be counted in the 3 years or 1 year period. If an application is remanded to the city for action at the conclusion of an appeal, a 1 year extension shall automatically be granted.

18.08.000 DEFINITIONS

.010 GENERALLY

For the purpose of this title, unless it is clearly evident from the context that a different meaning is intended, certain words and terms are as defined in this chapter.

.020 TENSE AND NUMBER

The present tense includes the future and the future includes the present. The singular number includes the plural and the plural includes the singular.

.030 WORD INTERPRETATION

- A. "May" is permissive and "shall" is mandatory. "Lot" includes "plot," "parcel," "tract" or "site".

.035 ADMINISTRATIVE OFFICER

"Administrative Officer" is the Director of the Planning and Community Development Department charged with administering this ordinance.

.040 ALLEY

"Alley" means a public right-of-way, less than thirty feet (30') in width, but greater than 10 feet for use by pedestrians, vehicles, public utilities, and/or other necessary public functions, but which affords only a secondary means of access to abutting property.]

.042 BICYCLE LANE

"Bicycle Lane" is a lane at the edge of a roadway reserved and marked for the use of bicycles.

.045 BINDING SITE PLAN

"Binding Site Plan" means a drawing to scale of a division of land into lots or tracts classified for industrial or commercial use for the purpose of sale, transfer or lease pursuant to RCW 58.17.035 and containing all the elements set forth in Chapter 18.24 of this ordinance.

.050 BLOCK

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

.060 BUILDING SETBACK LINE

"Building setback line" means a line parallel to the front property line in front of which no structure shall be erected. The location of such line is determined from the regulations of Title 20, the Land Use Development Ordinance.

.070 CITY ENGINEER

"City Engineer" means the duly appointed City Engineer for the City of Bellingham.

.080 CITY FINANCE DIRECTOR

"City Finance Director" means the duly elected Finance Director for the City of Bellingham.

.090 CLUSTER SUBDIVISION

"Cluster subdivision" means a subdivision into 5 or more lots in which standard requirements may be modified in order to provide desirable open space, recreational opportunity or achieve other significant public benefits without increasing the overall density of dwelling units per acre as provided in this ordinance and the applicable neighborhood plan.

.095 CLUSTER SHORT SUBDIVISION

"Cluster short subdivision" means a subdivision into 4 or fewer lots in which standard requirements may be modified in order to provide desirable open space, recreational opportunity or achieve other significant public benefits without increasing the overall density of dwelling units per acre as provided in this ordinance and the applicable neighborhood plan.

.100 COMMISSION

"Commission" means the Bellingham City Planning and Development Commission.

.105 COMPREHENSIVE PLAN

"Comprehensive Plan" refers to the 1995 Bellingham Comprehensive Plan, including subsequent amendments, adopted by the City of Bellingham as a guide to the growth and improvement of the city.

.110 CONTROLLING CORNER

"Controlling corner" means all angle points of the perimeter of a subdivision or separate divisions of a subdivision.

.120 COUNCIL

"Council" means the City Council of the City of Bellingham.

.130 COUNTY ASSESSOR

"County Assessor" means the duly elected County Assessor for Whatcom County.

.140 COUNTY AUDITOR

"County Auditor" means the duly elected County Auditor for Whatcom County.

.150 COVENANT

"Covenant" means a binding and solemn agreement made by two (2) or more individuals, parties, etc., to do or keep from doing a specified thing or things.

.175 CUL-DE-SAC

"Cul-de-sac" means a street right of way intersecting another street right of way at one end and which terminates with a permanent vehicular turn around at the other end. Dead end streets or rights of way planned for future extension shall not be considered a cul-de-sac.

.180 DEDICATION

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses reserving to himself no other rights such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a short plat showing the dedication thereon; and the acceptance by the public is evidenced by the approval of such plat for filing by the appropriate governmental unit.

.182 DENSITY BONUS

"Density bonus" means an incentive used with the cluster option, at the discretion of the City Council, that rewards the creation of significant public benefit(s), such as additional open space, recreational facilities, affordable housing, density transfers from environmentally sensitive areas or other features deemed desirable by the Council.

.185 DEVELOPMENT REGULATION

"Development regulation" means zoning, SEPA, subdivision, clearing, grading, wetland and stream, stormwater or other governmental regulation of the use and development of land.

.190 EASEMENT

"Easement" means a grant by the property owner for use by the public, a corporation, or person(s) of a parcel of land for specified purposes, such as, without limitation, vehicular access, pedestrian paths, bicycle paths, utility easements, or drainage facilities and within which the owner is prohibited from placing any permanent structures.

.195 ENVIRONMENTALLY SENSITIVE AREAS

"Environmentally sensitive areas" means areas covered by water, shorelines, flood plains, wetlands, streams, designated aquifer recharge areas, steep slopes over 30%, geologically hazardous or contaminated areas, fish and wildlife habitat for state listed priority species, and identified archeological, historical and culturally significant areas that may be sensitive to development impacts.

.200 ENVIRONMENTAL IMPACT STATEMENT

"Environmental Impact Statement" means a written statement prepared in accordance with R.C.W. 43.21C and BMC Chapter 16.04 which contains a determination of environmental significance and a detailed review of the environmental impacts of a proposed project.

.210 EXISTING STREET

"Existing street" means a presently traveled way with a minimum width of eighteen feet (18') of hard surfacing irrespective of whether it has been accepted by the City for maintenance. A "hard surfaced street" is a street consisting of either portland cement or asphaltic concrete as a wearing surface.

.215 FINAL PLAT

"Final plat" means all or a portion of a subdivision presented for final approval after all requirements of this ordinance and those conditions placed on the preliminary plat have been completed and all improvements installed and accepted or guarantees properly posted for their completion.

.220 GREENBELT

"Greenbelt" means a parcel of land usually of strip or ribbon shape left in an undeveloped and natural state, excluding all development except recreation.

.230 HEALTH DEPARTMENT

"Health Department" means the Bellingham/Whatcom County Department of Health.

.235 LAKE WHATCOM WATERSHED

"Lake Whatcom Watershed" means any area that by virtue of topography drains into Lake Whatcom.

.240 LOT

"Lot" means a fractional part of subdivided lands having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. "Lot" includes tracts or parcels of land.

.245 LOT AREA

"Lot area" means the total horizontal area within the boundary of the lot lines of a parcel and expressed in terms of square feet or acres. For the purposes of determining the area of a "pipestem lot", the area shall be defined as the square footage of the lot exclusive of the pipestem portion of the lot.

.250 LOT, CORNER

"Corner lot" means a lot which abuts on two (2) or more intersecting streets or cul-de-sacs at their point of intersection.

.260 LOT, INTERIOR

"Interior lot" means a lot which has frontage on one (1) street or cul-de-sac only.

.265 LOT LINE ADJUSTMENT (ORD. 9135)

"Lot line adjustment" means a revision made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

.267 LOT OF RECORD

"Lot of record" means a lot shown as an officially approved and recorded plat, short plat, or subdivision, or a parcel of land recorded with the County Auditor prior to August 17, 1964.

.270 LOT, THROUGH

"Through lot" means a lot other than a corner lot abutting on more than one (1) street in which the streets do not intersect at the lot.

.275 LOT, PIPE STEM (ORD. 9550)

"Pipestem lot" -- sometimes called a flag or panhandle lot -- means a lot with a parallel extension (pipestem), straight or compound, created for the sole purpose of providing such lot with frontage on a public street. The total area of the pipestem shall not be used in calculating the lot area.

.277 LOT, WIDTH

"Lot Width" means the horizontal distance between side lot lines at the point of the building setback line.

.278 LOT, DEPTH

"Lot depth" means the horizontal distance between front and rear lot lines. For lots that do not have a rear lot line, the depth shall be measured from the intersecting point of the side yards and the front property line.

.280 METES AND BOUNDS

"Metes and bounds" means a description of real property which starts at a known point and describes the bearings and distances of the line forming the boundaries of the property and is completed when the description returns to the point of beginning.

.290 MONUMENT

"Monument" means an object used to permanently mark a surveyed location. The size, shape and design of the monument is to be in accordance with standards specified by the Washington State Department of Natural Resources as authorized by R.C.W. 58.17.

.295 NEIGHBORHOOD STANDARDS (ORD. 9390)

"Neighborhood standards" means the street standards specified in the applicable neighborhood plan of the Bellingham Comprehensive Plan.

.300 OPEN SPACE

"Open space" means any undeveloped parcel or tract of land designated, dedicated or otherwise reserved for public and/or private use and benefit as a natural area, greenway corridor or for recreational purposes as may be specified upon creation of said tract.

.310 PAVEMENT WIDTH

"Pavement width" means the actual paved surface measured between faces of curbs of streets or from edge to edge of alley road surface.

.330 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT (ORD. 9352)

"Planning and Community Development Department" means the City of Bellingham Department of Planning and Community Development.

.340 PLAT

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other division and dedications.

.350 PLAT CERTIFICATE

"Plat certificate" means a title report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of the land being subdivided.

.360 PRELIMINARY PLAT

"Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants applicable to the subdivision, and other elements of a plat or subdivision which furnish a basis for the approval or disapproval of the general layout of a subdivision.

.390 PUBLIC HEALTH OFFICIAL

"Public health official" means the District Health Officer, Bellingham/Whatcom County Department of Health.

.400 PUBLIC WORKS DIRECTOR

"Public Works Director" means the duly appointed Director of the City of Bellingham Public Works Department.

.410 RIGHT-OF-WAY

"Right of way" means a strip or parcel of land dedicated to the City for public uses including street, mass transit, bicycle, and pedestrian uses as well as emergency access, utility, drainage, vegetation management, view corridor or other necessary public uses on a portion of which a street is built.

.412 SEPA

"SEPA" means the State Environmental Policy Act requiring review of potential environmental impacts, alternatives and mitigation for certain public and private projects.

.415 SHORT PLAT

"Short plat" is the map of representation of a short subdivision.

.420 STREET

"Street" means a right of way having a width of 30 feet or more which provides the principal means of access to abutting property.

.430 STREET, ACCEPTED

"Accepted street" means a street that has been accepted for maintenance. Usually any street that has or had been improved to the prevailing minimum City standard is regarded as an accepted street.

.440 STREET, ARTERIAL

"Arterial street" means an existing or proposed roadway designated an arterial by City ordinances.

.450 STREET, COLLECTOR

"Collector street" means a roadway designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.

.470 STREET, LOCAL OR MINOR ACCESS

"Local or minor access street" means a street providing vehicular access to abutting properties.

.480 STREET, MARGINAL ACCESS

"Marginal access street" means a street parallel to and adjacent to a major arterial; which provides access to the properties abutting it and which separates the abutting properties from high speed vehicular traffic.

.490 SUBDIVIDER

"Subdivider" means any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as defined in Section 18.08.490.

.500 SUBDIVISION

"Subdivision" means a division of land into ten (10) or more lots, tracts, parcels, sites or divisions.

.505 SUBDIVISION GUARANTEE

"Subdivision guarantee" means a title report by a title insurance company certifying the ownership, deed restrictions, covenants, etc., of the land being subdivided.

.510 SUBDIVISION, SHORT (ORD. 9550)

"Short subdivision" means a division of land into nine (9) or fewer lots, tracts, parcels, sites or subdivisions.

18.10.000 LOT LINE ADJUSTMENTS

.010 APPROVAL REQUIRED

Any action which will result in a lot line adjustment as defined in this title shall be submitted to the Planning and Community Development Department for administrative approval prior to recording.

.015 SCOPE

The lot line adjustment process shall only be used to alter the location of a boundary line between existing lots. Such alteration shall not increase the number of lots.

.020 PROCEDURE

- A. The proposal shall be submitted to the Department of Planning and Community Development for review on forms provided by that department. Two copies of a scaled and dimensioned drawing showing the existing and proposed lot lines and structures on the property shall accompany the application.
- B. The Department of Planning and Community Development shall give written preliminary approval to the applicant within 30 days of the date of application if it finds that:

- 1. No new lots are created;
- 2. Each parcel as proposed meets minimum lot standards as specified in Chapter 18.36, or that each parcel if already less than the required minimum is not further reduced as a result of the proposed lot line adjustment;
- 3. The lot line adjustment does not further infringe on any applicable section of the City Land Use Development Ordinance; and
- 4. The lot line adjustment improves the overall function and utility of the existing lots.

If the application is denied, a notice specifying the reasons for the denial shall be sent to the applicant within 30 days of application.

- C. Upon receiving preliminary approval, the applicant(s) shall have prepared a mylar as described in Section 18.10.030. Five blue-line copies of the mylar (checkprints) shall be submitted to the Planning and Community Development Department for review along with a plat certificate or subdivision guarantee to verify legal ownership and lot closures. Review comments shall be returned to the surveyor for final mylar preparation.
- D. After final approval and signature by the City, the mylars shall be recorded with the County Auditor at the applicant's expense.
- E. A mylar copy of the recorded lot line adjustment shall be submitted to the City within one day after recording.

.030 MYLAR

A document of mylar quality or better shall be prepared by a Washington State licensed land surveyor based upon a record of survey recorded at the County Auditor's Office after the adoption of state subdivision regulations in August, 1964. The mylar shall be eighteen inches by twenty-four inches (18" X 24") in size and shall clearly indicate the previous and new lot lines, all structures in the property, and shall be signed by all property owners in whom title is vested and shall be notarized. A space shall be reserved for legal descriptions, and authorized signatures of the land surveyor, Planning and Community Development Department and Auditor's office. In the event a utility extension or relocation is required - a Public Works signature block shall be included on the mylar. A reproducible copy of the recorded mylar shall be submitted to the city for their records on the day of recording.

.040 FEES

A nonrefundable application fee established by City Council resolution shall be submitted to the Finance Director with applications for lot line adjustment. The per lot filing fee shall also be paid to the Finance Director prior to recording the lot line adjustment with the County Auditor.

18.12.000 SHORT SUBDIVISIONS

.010 APPROVAL REQUIRED

Any action which will result in a short subdivision of any lot, tract, parcel, or plot of land for any reason whatsoever shall be subject to approval by the Planning and Community Development Department. Approval shall be based on standards and conditions set forth in this chapter.

.015 SCOPE

The short subdivision process shall only be used to create a division of property into 9 or fewer lots and short cluster subdivisions which have 4 or fewer lots and do not utilize any cluster bonus provisions. Cluster short subdivisions must comply with Chapter 18.32.

.020 APPROVAL PROCEDURE

- A. All short subdivisions shall be submitted to the Planning and Community Development Department for review and preliminary action. Action, with specified alterations, or disapproving the application will be taken by the Director of Planning and Community Development within thirty (30) days of the submission date (of a complete application), exclusive of any public comment period, unless the applicant consents to a time extension.
- B. An application for approval of a short subdivision shall be accompanied by two copies of an accurately scaled and dimensioned drawing of the proposed subdivision. Such drawing shall be on a minimum of eight and one half by eleven (8.5" x 11") paper. Additional copies of the plat proposal shall be submitted upon request of the Planning and Community Development Department.
- C. An Environmental Checklist shall be completed and submitted with any application for short subdivision of property within Shoreline jurisdiction or when the property includes any other environmentally sensitive area as defined by this ordinance.
- D. In the event a parcel to be subdivided contains an environmentally sensitive area, all environmentally sensitive areas must be accurately identified and located on the submittal drawing.
- E. The application shall contain an accurate legal description of the area involved in the subdivision. In the event the boundaries are described by metes and bounds, a deed dated prior to August 17, 1964 shall be submitted with the application containing the same legal description as the subject property along with a copy of the most current deed. Basis of bearings shall be stated.
- F. The total property owned by the applicant which is contiguous to the parcel being subdivided shall be accurately indicated on the drawing. All contiguous property under common ownership shall be included in the plat. All existing buildings on the property being subdivided must be accurately illustrated on the drawing with setbacks to new property lines identified. In addition, all adjacent property must be clearly shown on the drawing.
- G. In the event the proposed subdivision is not sewered, a recommendation for approval from the Health Department shall be obtained prior to Planning and Community Development Director approval.

- H. All short subdivisions shall comply with the provisions of the ordinances of the City relating to development of land within flood plains, shorelines, wetlands and streams, land clearing, grading and stormwater management.
- I. In the event the land to be subdivided has a slope or slopes of more than twenty percent (20%) and/or has rock or unstable soil conditions, the subdivider shall furnish soils data to the City Engineer. If conditions warrant control measures to correct slide, erosion or other similar problems, the subdivider shall be responsible for the design, installation and expense of any device or corrective measure, subject to approval of the City Engineer.
- J. After preliminary approval, 5 blue line copies of the mylar (checkprint), lot closures, and a subdivision guarantee or plat certificate shall be submitted to the Planning and Community Development Department for review prior to submittal of mylars.
- K. After preliminary approval is received from the City, the applicant shall provide a document of mylar quality or better which has been prepared by a Washington State licensed land surveyor based upon a record of survey recorded at the County Auditor's Office after the adoption of state subdivision regulation on August 17, 1964. Said mylar shall be eighteen inches by twenty-four inches (18" X 24"), clearly indicate the new lot lines, be signed by all property owners in whom title is vested and shall be notarized. A space shall be reserved for legal descriptions, and authorized signatures of the land surveyor, Public Works Department, Planning and Community Development Department, Whatcom County Health Department if necessary and Auditor's office. A reproducible copy of the recorded mylar shall be submitted to the City for their records on the day of recording.
- L. Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided, and in the centers of all intersecting streets. Additional monuments shall be installed if requested.
- M. For short subdivisions consisting of five (5) or more lots, the application shall be accompanied by a notarized list of all property owners and their mailing address who own land within three hundred feet (300') of the boundaries of the property being proposed to be subdivided. The list of all such property owners shall be obtained from the latest available records of the Whatcom County Assessor's Office. No responsibility will be assumed by the applicant in the event the County Assessor's records contain inaccurate or incomplete information. Said site shall be posted by the applicant with a notice of proposed action provided by the Planning and Community Development Department within five days of written preliminary review.
- The Planning and Community Development Department shall send notice to all persons on the list informing them of the proposed short subdivision and inviting comments to be made in writing within twenty (20) calendar days of said notice.
- N. For short subdivisions adjacent to the right-of-way of a State highway or within two (2) miles of the boundary of a State or Municipal airport, written notice including a legal description of the short subdivision and a location map shall be sent to the Secretary of Transportation. The Secretary shall respond within fifteen (15) days of said notice as to the effect that the proposed subdivision will have on the State highway or the State or Municipal airport. Notice of Intent to short subdivide shall also be sent to the local airport authority.

- O. Final approval of a short subdivision shall be accompanied by written findings that appropriate provisions have been made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, play grounds, schools and school grounds and all other relevant facts including sidewalks and planning features that assure safe walking conditions for students who walk to and from school; and the public use and interest will be served by the platting of such subdivision and dedication.

.030 LOT REQUIREMENTS - DESIGN STANDARDS

- A. All lots created by a short subdivision shall abut upon a dedicated or deeded street and such street to have no less than sixty feet (60') of right-of-way width if a through street, or fifty feet (50') of width if a cul-de-sac; in the event the abutting street does not meet these minimum width standards, additional right-of-way shall be required prior to approval of a short subdivision provided that this requirement may be waived if, in the opinion of the Planning and Community Development Director and City Engineer, such additional right-of-way will not be necessary for the future traffic circulation of the City.

The Technical Review Committee may approve a reduction in the cul-de-sac right-of-way width to forty feet (40') if in the opinion of the TRC the applicant can demonstrate:

1. That utilities, safety clear zones, storm water management and other intended functions of the right-of-way can be met within the reduced right-of-way area.
2. The reduced right-of-way is consistent with the overall plat design and does not compromise legitimate functions.
3. The reduced right-of-way does not result in an increase in total dwelling unit count.

Short subdivisions that contain a dedication of land to the public shall be surveyed, monumented and recorded with the County Auditor. The monumentation requirement may be waived, if the center line of the right-of-way is already monumented.

.040 REQUIRED IMPROVEMENTS

- A. Before final approval may be granted for any short subdivision, the following improvements shall have been made or installed for each parcel created by the division of land:
 1. City water.
 2. Sanitary sewer. In the event that there is no public benefit by extending sewer facilities to serve property, a septic tank may be used if the design is approved by the Whatcom County Health Department.
 3. Appropriate dedications or easements made if required.

4. Streets, curbs, gutter, sidewalk:

For short subdivisions consisting of four (4) or fewer lots.

- a) When the principal frontage street providing access to a newly created lot is below the standard for an existing street, the installation of a minimum standard street is required prior to approval of a short subdivision. The newly installed street shall have a minimum traveled way brought to line and grade of not less than twenty feet (20') of width with four foot (4') shoulders on each side. The surface shall be at least of asphaltic concrete quality and there shall be adequate provision for storm drainage.
- b) In the event the principal frontage street is not currently improved and is being created by full width dedication by the short division then a street constructed to minimum neighborhood standards shall be required.

For short subdivisions consisting of five (5) to nine (9) lots.

- a) All abutting street rights-of-way shall be constructed to neighborhood standards or 3/4 full City standards, whichever is the lesser standard.
- b) All interior streets shall be constructed to full neighborhood standards.
- c) At least one (1) street providing access to the short subdivision shall be improved to minimum City standards to the nearest arterial street [street improved to at least minimum standard.

- B. All improvements shall be constructed in accordance with a contract between the subdivider and the City, providing at least:
 - 1. Terms and conditions satisfactory to the City, including design and construction standards;
 - 2. Requiring a permit to be issued before commencement of construction, and
 - 3. In the discretion of the Director of Public Works, appropriate security may be required, covering construction performance and guaranteeing the construction after completion for a period of one (1) year.
- D. Appropriate security to ensure completion may be accepted in lieu of actual installation of the required improvements, if acceptable to the Director of Public Works.
- E. For all short subdivisions, when an extension to electric power and communication facilities is necessary all such extensions shall be placed underground.
- F. For all short subdivisions, staff and the Technical Review Committee shall have the authority to require reasonable improvements and conditions to control storm drainage run-off, preserve regulated wetlands, and to address any matters identified under prerequisite considerations and special conditions in the applicable section of the Neighborhood Plan may be required.

.050 RESUBDIVISION RESTRICTED

Any short subdivision or land involved in a short subdivision shall not be resubdivided for a period of five (5) years from the date of approval of the short subdivision without the submission and approval of a final plat done in accordance with Chapter 18.20 of this ordinance. In instances where the original short plat contains fewer than four lots, nothing in this ordinance shall prevent the owner(s) of all property within the short plat from filing an alteration within the five year period to create up to a total of four lots within the original short plat boundaries.

.060 FEES

Any person making application for a Short Subdivision, shall at the time of application pay a base fee as established by Council resolution. A filing fee shall be paid prior to recording the short plat with the County Auditor. Such fees shall be nonrefundable, unless such obligation is specifically waived by the City Council.

18.16.000 PRELIMINARY PLATS

.010 GENERAL PROCEDURE

Any property owner who wishes to divide land into ten (10) or more lots or utilize the cluster subdivision provisions for five (5) or more lots or four (4) lots or fewer if utilizing the cluster bonus provisions shall conform to the regulations hereafter stated as they pertain to preliminary plats, subdivision design, improvements and final plats. These regulations also pertain to land that has had an approved short subdivision during the previous five (5) years and also to lots being replatted due to street vacations.

.020 CONTENTS

A preliminary plat submitted for approval shall contain the following items and information:

- A. Name of plat;
- B. Name, address and phone number of subdivider (owner) and the land surveyor/engineer;
- C. All lots, rights-of-way, open space, existing easements, and other features affecting the design of the plat;
- D. Topography lines at an interval of five feet (5');;
- E. All parcels of land intended to be dedicated or temporarily reserved for public use and the conditions attached thereto accurately indicated.
- F. A vicinity sketch at a scale of not more than eight hundred feet (800') to the inch showing the proposed plat in relation to surrounding land; all platted rights-of-way for a distance of at least a quarter (1/4) of a mile, and additional area, if necessary, to show connecting streets or arterials. The plat shall include all contiguous land held in common ownership.
- G. An accurate and complete legal description of the area being platted;
- H. Source of water supply, method of sewage disposal and method of surface water disposal;
- I. The land use classification, both present and proposed;
- J. All existing conditions shall be delineated. The location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, and section and Municipal corporation lines within or adjacent to the tract shall be shown. In the case of a replat, the lots, blocks, streets, alleys, easements, and parks, of the original plat being vacated, shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat; the new plat being clearly shown in solid lines so as to avoid ambiguity. Existing sewers and water lines, culverts or other underground facilities within the tract indicating pipe sizes, grades and exact location as obtained from public records shall be shown. Boundary lines of adjacent tracts of unsubdivided and subdivided land showing owners shall be indicated by dotted lines for a distance of three hundred feet (300'). Existing zoning of the proposed subdivision and adjacent tracts shall be shown.

K. An Environmental Checklist shall be required in accordance with R.C.W. 43.21C ~~upon~~ with the submittal of a preliminary plat application.

L. Identification of any environmentally sensitive areas.

.030 PREPARATION SPECIFICATIONS

A. The plat shall be prepared, drawn and certified by a land surveyor registered by the State of Washington.

B. The horizontal scale shall be no less than one hundred feet (100') to the inch.

C. The plat shall conform with the design standards governing plats as required by this ordinance.

D. Six (6) full size (24"x36") and two reduced (8 1/2"x11") copies of the plat shall accompany the application for plat approval to permit distribution to the necessary persons, agencies, and organizations.

E. Any person making application for a preliminary plat approval shall at the time application is made pay a fee as established by Council resolution. The fee shall be nonrefundable, unless such obligation is specifically waived by the City Council.

.035 NEIGHBORHOOD MEETING

Prior to the submission of a preliminary plat to the Department of Planning and Community Development the applicant shall conduct a neighborhood meeting to discuss the proposed plat for the purpose of receiving neighborhood input and suggestions. Notice of the date, time and location of the neighborhood meeting shall be provided by the applicant to the Department of Planning and Community Development, the representative(s) to the Mayor's Advisory Commission for the applicable neighborhood(s), neighborhood and media organizations which have filed a written request for such notices with the Department of Planning and Community Development for the area involved, and to the same persons and in the same manner as the notice required in section 18.16.050, not less than ten days prior to the meeting. The notice shall be on a form provided by the Department of Planning and Community Development and shall briefly describe the proposal and its location and it shall include the name, address and telephone number of a representative of the applicant who may be contacted for additional information about the proposal. Notice to the Department of Planning and Community Development shall include a list of the persons and addresses notified of the neighborhood meeting. The application shall be accompanied by the submission of information regarding the date, time and list of persons notified for the neighborhood meeting.

.037 PRE-APPLICATION CONFERENCE

A pre-application conference is encouraged with the Planning and Community Development Department staff. [may be used as described in BMC 21.01.050 A.] delete

.040 SUBMISSION TIME LIMITATION

Preliminary plats containing all of the information required by Sections 18.16.020 and 18.16.030 must be submitted to the Planning and Community Development Department no less than six (6) weeks prior to the Planning Commission hearing at which consideration is sought.

.043 NOTICE OF APPLICATION

The procedures contained in BMC 21.01.050 C. shall apply. The Planning and Community Development Department shall mail the notice to the applicant, agencies with jurisdiction and all property owners within three hundred (300) feet of any portion of the proposed plat or any other land owned by the applicant that is adjacent to the proposed plat. The date of the notice of application shall be the date the notice is mailed.

.045 POSTING

The applicant shall post public notice sign(s) within five (5) days after the notice of complete application is sent to the applicant. The sign(s) shall be of a size, material and content as specified by the Planning and Community Development Department. The sign(s) shall be posted at an area of the site adjoining public right-of-way, where the signs will be most visible to the public. Larger sites may require more than one sign as determined by the department. The applicant shall be responsible for posting and maintaining the sign(s) at the site until the City has completed action and for removing the sign(s) thereafter.

.050 PUBLIC HEARING

Upon receipt of determination of Complete Application, a proposed preliminary plat, a public hearing before the Commission shall be scheduled. Notice of such hearing shall be given by publication of at least one (1) notice not less than ten (10) days prior to the hearing in a newspaper in general circulation in the City. Individual notice shall be mailed to all property owners within three hundred feet (300') of any portion of the proposed plat or any other land owned by the applicant that is adjacent to the proposed plat not less than ten (10) days prior to the hearing. The actual cost of public notice, mailing and publication shall be borne by the applicant.

If the threshold determination requires public notice under Chapter 43.21C RCW, the City shall issue its threshold determination at least fifteen days prior to the Commission hearing.

.060 NOTIFICATION OF AFFECTED AGENCIES

Upon receipt of a preliminary plat for approval, the following agencies and organizations shall be notified of the date, place and hour of the public hearing and such notifications shall be accompanied by a copy of the proposed plat:

- A. Department of Public Works and Utilities
- B. Fire Department
- C. Police Department
- D. Parks Department
- E. The electrical distribution company
- F. The telephone company
- G. The gas company
- H. Whatcom County (if plat adjoins City limits)

- I. The television cable company
- J. For preliminary plats adjacent to the right-of-way of a State highway or within two (2) miles of the boundary of a State or Municipal airport, written notice including a legal description of the short subdivision and a location map shall be sent to the Secretary of Transportation. The Secretary shall respond within fifteen (15) days of said notice as to the effect that the proposed subdivision will have on the State highway or the State or Municipal airport. Notice of intent to short subdivide shall also be sent to the local airport authority.

.070 TECHNICAL REVIEW COMMITTEE

Upon receipt of a preliminary plat, the Technical Review Committee consisting of the Planning and Community Development Director as Chair, Public Works Director, Assistant Public Works Director, Engineering, City Attorney, Fire Chief, Police Chief, Parks and Recreation Director or an authorized representative of each and other administrative staff as determined by the Mayor, shall, after receipt of a complete application for a preliminary plat, conduct an informal meeting with the developer(s) for the purpose of reviewing and pointing out what, if any, corrections, additions, deletions, etc., should be made to the preliminary plat prior to the Commission public hearing. The recommendation of the Technical Review Committee shall be forwarded to the Commission, City Council, and developer(s).

.080 COMMISSION ACTION

- A. The Commission shall hold a public hearing on each preliminary plat and shall review such plat to assure conformance with the policies as reflected by the Comprehensive Plan and with the planning standards and specification of the City, including the Comprehensive Utility Plan. The Commission shall make a recommendation to the City Council as to their findings with regard to determining if appropriate provisions have been made for drainage, streets, alleys, other public ways, water, sewer, parks, playgrounds, sites for schools, and any other relevant features necessary to serve the public interest. Such recommendation shall be advisory only.
- B. The recommendation of the Commission on a preliminary plat shall be submitted to the Council not later than fourteen (14) days following the recommending action.

.090 COUNCIL REVIEW AND APPROVAL

- A. Upon the receipt of the preliminary plat, the Council shall at its next regular public meeting set the date for a public meeting to be held to adopt, modify, or reject the recommendation of the Commission.
- B. After considering the preliminary plat at the public meeting, the Council may adopt, change or reject the recommendation of the Commission based on the record established at the public hearing. If the Council adopts the recommendation of the Commission, no further action is required of the Council or Commission relative to the Preliminary Plat. However, if the Council deems it necessary to change or reject the Commission's recommendation, the City Council shall adopt its own recommendations and approve or disapprove the preliminary plat.
- C. Acting on the recommendations of the Commission, the Council shall determine if appropriate provisions have been made for drainage, streets, alleys and other public ways, water, sewer, parks, playgrounds, sites for schools and any other relevant features necessary to serve the public interest. They shall determine that the plat makes adequate provisions for the public health, safety and general welfare. After making the above determinations the Council may then approve the plat.

.100 NOTICE OF DECISION

The procedures contained in BMC 21.01.050 C. shall apply.

.110 TIME LIMITS

- A. Approval of a preliminary plat shall expire five (5) years from the date of Council approval, provided that it may be extended in the following ways.
1. Upon application by the subdivider, the Director of Planning and Community Development with approval of the City Council, shall have the authority to grant an extension for one (1) additional year. The applicant must file a written request with the Director at least thirty (30) days before the expiration of the five (5) year period. A one (1) year extension shall be granted upon a showing that the applicant has attempted in good faith to submit the final plat within the five (5) year period.
 2. Upon application by the subdivider, the Director of Planning and Community Development, with approval of the Council, may, at any time within one year of the end of the five year period, grant an extension for one year from the date the preliminary plat would have expired, even though the applicant has not filed a timely written request for extension as provided in subsection A.1.. Such an extension may be granted if it is shown that the proposed plat is still in conformance with the City's Comprehensive Plan, that the plat will meet all subdivision requirements and environmental regulations which are in effect at the time the extension is granted, and that the applicant has attempted in good faith to submit the final plat within the five (5) year period.
 3. The subdivider may apply for subsequent one (1) year extensions. In approving subsequent extension requests, the City Council, after receiving the recommendation of the Director, shall find that the proposed plat is still in conformance with the City's Comprehensive Plan. The extension shall be conditional upon the plat meeting all subdivision requirements and environmental regulations which are in effect at the time the extension is granted.
- B. The Preliminary Plat shall be extended for a period of one (1) year each time a division or phase of a subdivision is filed in accordance with a plan approved by the City.
- C. In the event a portion of an approved preliminary plat is developed and recorded as a final plat and the remainder of the overall plat is left undeveloped for a period of five (5) years from the date of the recording of the divisions, then the approval of the preliminary plat shall expire. The time limit may be extended as provided for in Subsection "A" of this section.

.120 MODIFICATION OF STANDARDS - PURPOSE

It is hereby recognized that circumstances may exist so as to justify modification of established subdivision development standards where application is made in conjunction with the platting of innovative subdivisions and in particular cluster subdivisions as provided for pursuant to Chapter 18.32. Such modification shall only be authorized where it is found that the interests of the immediate community will be better served by the modification of such standards through the utilization of alternative land development and utilization techniques.

.130 MODIFICATION OF STANDARDS - PROCEDURE

In the event the Technical Review Committee, in its review of the preliminary plat proposed as provided for in 18.16.050 below, finds that variances from the literal requirements of Chapter 18.28.040 "Street Standards" and Chapter 18.28.200 "Street Trees" would better serve the needs of the ultimate occupants of the subdivision, as well as the adjacent community and the City generally, it shall make a specific finding thereof specifying the alternative standard to be met and the reasons for such proposal. Such condition shall thereafter become part of the preliminary plat proposal and unless modified by the Planning Commission or City Council, shall become a part of the preliminary plat.

.140 MODIFICATION OF STANDARDS - LIMITATION

- A. In no event shall the street standards contained in Chapter 13.04 be modified so as to diminish the quality of required streets. Where an applicant is authorized to reduce the width of a proposed street, such street shall nevertheless be placed in the standard width right-of-way. Where such a proposal contains a request for street standard modification, it shall further be the responsibility of the applicant to prepare for the Planning Commission and City Council consideration a diagram showing a cross section of the roadway as proposed.
- B. In the event the Technical Review Committee proposes some alternative to standard sidewalks, adequate provision shall nevertheless be made for the movement of pedestrians within the plat.

18.20.000 FINAL PLAT

.010 CONFORMANCE WITH TITLE REQUIRED

Prior to submission of a final plat for approval, the plat shall conform in all respects to the design standards and improvements requirements specified in this ordinance. Submission of the final plat, together with all required data in 18.20.030 through 18.20.120 shall be submitted to the Planning and Community Development Director at least one (1) month prior to the date of consideration by the City Council.

.020 CONFORMANCE WITH PRELIMINARY PLAT

The final plat shall conform to the preliminary plat design; however, slight deviations may be allowed by the Technical Review Committee if they determine such deviations are necessary because of unforeseen technical problems and that the change will result in a better plat.

.030 LEGAL DESCRIPTION

A complete legal description shall be shown in its entirety on the face of the plat. The plat shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections, and showing relationship to abutting plats and properties. The plat and section survey shall be submitted with descriptions of the same and the actual traverse showing errors of closure and method of balancing. A work sheet showing all distances, bearings, and other related calculations required to determine corners and distances of the plat shall accompany this data. The allowable plat map error of closure shall not exceed one foot (1') in ten thousand feet (10,000'). Basis of bearing shall be shown based upon a line between two (2) found monuments, and they shall be shown on the plat, together with description of found monuments and bearing distance between them. Bearings shall be listed to nearest second (01") and distances to be listed to nearest hundredth of a foot (0.01').

For every existing monument used in control for plat boundary, and new plat monuments on existing street rights-of-way, there shall be a minimum of three (3) direct measurement distances to substantial reference points (nail and shiner, iron pipe, etc.) These measurements may be submitted on three inch by five inch (3" x 5") tie cards furnished by the City.

.040 COVENANTS

A copy of any covenants which are drafted in conjunction with, or as a result of a plat, shall accompany the final plat and shall become a part of it. Said covenants shall be recorded with the final plat. A recorded copy of the covenant shall be submitted to the Department of Planning and Community Development.

.050 PLAT CERTIFICATE/SUBDIVISION GUARANTEE

A current plat certificate or subdivision guarantee by a recognized title company shall accompany the final plat upon submission to the City Council for approval. Current shall be construed as no older than seven (7) days.

.060 DEDICATION OF PUBLIC LANDS

The face of the plat shall contain a dedication of all lands to be conveyed to the public, which shall be signed by the legal property owners. The signatures of the owners shall be acknowledged by a notary public.

.070 LAND SURVEYOR SEAL

The survey of the proposed subdivision and preparation of the plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.

.080 HEALTH DEPARTMENT APPROVAL

The plat shall be accompanied by a recommendation from the Local Health Department and/or the City Public Works Department as to the adequacy of the proposed means of sewage disposal and water supply.

.090 CITY ENGINEER APPROVAL

Each final plat shall be checked and approved by the City Engineer. If the final plat contains more than one (1) sheet, there shall be a City Engineer's certificate on each sheet.

.095 PARKS AND RECREATION DEPARTMENT APPROVAL

Each final plat shall contain a signature block for the Director of the Parks and Recreation Department when land within the subdivision is being dedicated to the City of Bellingham Parks and Recreation Department.

.110 FINANCE DIRECTOR APPROVAL

Each plat shall contain the certification of the City Finance Director that all filing fees, City taxes, and assessments and other fees for which the property may be liable have been paid. Applicable Segregation of Local Improvement District applications must be submitted prior to Finance Director approval. Also, in order to keep the capital improvements costs of the City's Utility Systems current, the following estimated or actual costs will be submitted to the City's Accounting Division before the City Treasurer shall approve the final plat:

- A. Water mains - total costs, labor, equipment, materials with size and number of feet.
- B. Hydrants - give number put in, size and cost.
- C. Storm sewer - total cost of size and number of feet.
- D. Sanitary sewer - total cost with size and number of feet.
- E. Streets - total cost and number of feet put in.
- F. Sidewalks and curbs - total cost.

.120 DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT ACTION

The Planning and Community Development Director shall review the final plat for conformance with the approved preliminary plat, for completion of all the requirements contained in this ordinance, and for conformance with other standards or codes which pertain to the plat. Upon determination that platting requirements have been satisfied, the Planning and Community Development Director shall approve the plat and forward the plat to the City Council for action.

.130 COUNCIL REVIEW AND APPROVAL

The City Council shall review the final plat and if the Council finds that the public use and interest will be served by the proposed plat, and that said plat meets the requirements of this ordinance and any other State or Local ordinances pertaining thereto, it shall approve the plat.

.135 INSPECTION FEE

A basic fee as established by Council resolution is hereby imposed to defray the City's costs of field checking, plan review, and public service inspection of sewer mains, water mains, street installation, and other required public work improvements.

.140 FILING WITH COUNTY AUDITOR

The final approved plat shall be filed for record with the County Auditor in compliance with State and County laws and regulations.

.150 COPY FURNISHED BY SUBDIVIDER

In accordance with the State law and with regulations of this title the subdivider shall, without cost to the City, furnish the City with one permanent reproducible copy, mylar or better quality, of the final plat as filed.

18.24.000 BINDING SITE PLANS

.010 APPLICABILITY

The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes, or the division of land for lease when used as a mobile home park, recreational vehicle park, or trailer court.

.015 PURPOSE

The purpose of this section is to provide an alternative to the traditional "platting" process for the division of land in commercial and industrial zones, to allow for the sale or lease of parcels in mobile home parks, and to allow flexibility where appropriate in the timing of required infrastructure improvements. In addition, it is the intent of this ordinance to encourage simultaneous construction of required infrastructure and private structures.

.020 BINDING SITE PLAN REVIEW PROCEDURES

The review and approval of a binding site plan is a two step process: General and Specific. No sale of land divided through a binding site plan process shall be allowed prior to final approval of a specific binding site plan providing for such sale.

.030 GENERAL BINDING SITE PLAN SUBMISSION REQUIREMENTS

- A. The applicant shall submit five (5) copies of the general binding site plan, or more upon request by the City. Each sheet of the plan shall be eighteen inches by twenty-four inches (18" x 24"). The horizontal scale of the plan shall be at least 1" = 100' but not more than 1" = 20'. The plan shall be prepared by a registered civil engineer, or land surveyor who shall certify that the general binding site plan is a true and correct representation of survey or record information. Each general binding site plan shall have a distinct name, and a number assigned by the city. The plan shall clearly show the following information:
1. An accurate and complete legal description with area in acres together with a plat certificate or subdivision guarantee dated within seven (7) days of the general binding site plan submittal. Copies of all deeds and easements referred to in the plat certificate shall be furnished with the submittal;
 2. The name, address, and telephone number of the owner and the professional preparing the plan;
 3. The topography of the site at five foot (5') contour intervals (based on City datum), identification of the existing drainage pattern and any creeks or other drainage facilities;
 4. All existing and proposed rights-of-way which provide primary access to the site, easements, utilities, and other existing and proposed public improvements;
 5. All parcels of land intended to be dedicated or reserved for public use;
 6. The location and dimension of all common areas adjacent to and on the subject site, and a description of the purpose of the common area;

7. The map shall include the property in the proposed plan and adjacent lands for a distance of three hundred feet (300').
8. If the general binding site plan contains a dedication, a certificate or separate written instrument shall provide wording for dedication of the street and/or other areas shown on the site plan to the public.
9. A completed Environmental (SEPA) Checklist as supplied by the Department of Planning and Community Development if required under State and/or City of Bellingham SEPA ordinances.

.040 GENERAL BINDING SITE PLAN REVIEW PROCEDURE

- A. Purpose: To establish necessary requirements for site development which will include but are not limited to:
 1. Allowed range of uses and approximate number of tenants.
 2. Required infrastructure improvements and phasing of improvements.
 3. Identification of environmentally sensitive areas and buffers, and future wetland enhancement/restoration requirements.
- B. Prior to submittal of a general binding site plan application for consideration by the city, the applicant is encouraged to meet with representatives of the Planning and Community Development, Public Works, and Parks and Recreation Departments. The city and the applicant may discuss the general goals and objectives of the proposal, the overall design possibilities, the general character of the site, potential environmental constraints and standards of development. The focus of the meeting shall be general in nature and none of the discussions shall be interpreted as a commitment by the city or applicant.
- C. Neighborhood Meeting: Prior to the submission of a general binding site plan application to the Department of Planning and Community Development, the applicant shall conduct a neighborhood meeting to discuss the proposed general binding site plan for the purpose of receiving neighborhood input and suggestions. This requirement may be waived by the Director of Planning and Community Development upon request of the applicant for minor amendments to existing binding site plans, and for projects which do not abut or have significant impact on residential areas, so long as such amendments or binding site plan proposals do not, in the discretion of the Director, involve significant planning issues.

Notice of the date, time and location of the neighborhood meeting shall be provided by the applicant to the Department of Planning and Community Development, the representative(s) to the Mayor's Advisory Commission for the applicable neighborhood(s), neighborhood and media organizations which have filed a written request for such notices with the Department of Planning and Community Development for the area involved, and to the same persons and in the same manner as the notice required in section 18.16.050, not less than ten days prior to the meeting. The notice shall be on a form provided by the Department of Planning and Community Development and shall briefly describe the proposal and its location and it shall include the name, address and telephone number of a representative of the applicant who may be contacted for additional information about the proposal. Notice to the Department of Planning and

Community Development shall include a list of the persons and addresses notified of the neighborhood meeting. The application shall be accompanied by the submission of information regarding the date, time and list of persons notified for the neighborhood meeting.

- D. The determination of completeness procedures contained in BMC 21.01.050 B. shall apply.
- E. Applications for general binding site plans shall comply with the notice of application procedures contained in BMC 21.01.050 C. Notification of application shall be sent to property owners within 300 feet of the site plan boundary.
- F. The applicant for a general binding site plan shall post public notice signs, as provided by the Department of Planning and Community Development, within five (5) days after a notice of complete application has been sent to the applicant. The signs shall be posted at an area of the site adjoining public right-of-way where the signs will be most visible to the public. Larger sites may require more than one sign as determined by the department. The applicant shall be responsible for posting and maintaining the signs at the site until the City has completed action and for removing the signs thereafter.
- G. Technical Review Committee: Upon receipt of a complete general binding site plan application, the Technical Review Committee consisting of the Planning and Community Development Director as Chair, Public Works Director, Fire Chief, Assistant Public Works Director, Engineering, and other administrative staff as determined by the Mayor, or an authorized representative of each, shall conduct an informal meeting with the developer(s) for the purpose of reviewing and pointing out what, if any, corrections, additions, deletions, etc., should be made to the preliminary plan. The recommendation of the Technical Review Committee shall be forwarded to the applicant(s).
- H. An environmental determination shall be rendered by the Department of Planning and Community Development prior to final action on the application by the Department. Additional SEPA review may be required at the time a specific site plan is submitted under a phased SEPA review scenario or if required by state and local SEPA ordinances.
- I. General binding site plans with a site area of five (5) acres or less shall be reviewed administratively by the Director of Planning and Community Development Department.
- J. The following process shall apply to general binding site plans with site areas greater than five (5) acres:
 - 1. Except as provided below, applications for general binding site plan approval in excess of 5 acres shall be considered administratively by the Department.
 - 2. The Director of the Planning and Community Development Department or the Planning Commission Chair can request a public meeting on a proposed general binding site plan application if it is believed the project is likely to raise significant planning issues or is a matter of public interest. If a public meeting is requested, notification of the meeting shall be given to all property owners within 300 feet of the boundaries of the project. The notice shall include the time, date and location of the meeting and shall be mailed by the department no less than ten (10) days prior to the meeting. The notice shall include a description of the proposed general binding site plan, its location, and a copy of the site plan. After the public meeting, the Planning Commission shall submit any

recommendations to the Planning and Community Development Director.

- K. After receipt of TRC recommendations if processed administratively or Planning Commission recommendations if a hearing is required, the Director shall have the authority to approve, condition or deny the general binding site plan. The decision to approve and/or condition shall be in the form of a development contract approved by the Director and sent to the applicant for their signature. The contract shall include infrastructure requirements, special building restrictions (if any), general land use regulations, a phasing plan with appropriate provisions for known parcels not abutting a public street right-of-way, buffers and/or setbacks requirements, and the minimum level of services and access requirements that must be in place prior to the approval of a specific binding site plan. In those areas designated "planned" and when the applicant utilizes the binding site plan process, the binding site plan contract shall supersede the need for a planned development contract. Any decision to deny a binding site plan shall be in the form of a letter sent to applicant which outlines the reasons for the denial and provides information regarding the appeal process.
- L. Once the contract has been properly signed by the property owner(s), the Director shall route the contract to the City Attorney's office and the Mayor for final signature and attesting. When fully authorized, the contract shall constitute the approved general binding site plan for the property unless an appeal is filed. Unless appealed, the contract shall become effective upon the signature of the Mayor.
- M. Within ten (10) days of approval of the contract by the Director as described in subsection 3 above, a notice of decision shall a) be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application and b) sent for publication. The time frames for making decisions on permit applications set forth in BMC 21.01.050 D. shall apply.

The notice of decision shall include a copy of the contract, a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal. Any party aggrieved by the Planning Director's decision may file an appeal within fourteen (14) days of the notice of decision. Appeals shall be submitted to the Planning and Community Development Department on forms provided by the Department. Appeals of an administrative decision shall be reviewed by the City Council.
- N. Upon approval of a general binding site plan contract, the applicant shall prepare a general binding site plan consistent with the requirements of this chapter and the contract. The general binding site plan shall be prepared by a registered civil engineer or land surveyor who shall certify that the general binding site plan is a true and correct representation of the land surveyed. Both the general binding site plan and the contract shall be filed with the Whatcom County Auditor's Office.
- O. Time limitation: If no specific binding site plans have been approved within five (5) years of the date of recording of the general binding site plan and contract, the general binding site plan and contract shall expire. The applicant may obtain an extension of the general binding site plan not to exceed two (2) years by filing a written request with the Planning and Community Development Director prior to the expiration of the five year period.

.050 SPECIFIC BINDING SITE PLAN SUBMISSION REQUIREMENTS

- A.** Each specific binding site plan shall include a map prepared by a licensed civil engineer or land surveyor based on a complete survey. The applicant shall submit five (5) copies of the specific binding site plan, or more upon request by the City, which clearly shows all items set forth below:
1. An accurate and complete legal description with area in acres together with a plat certificate or subdivision guarantee dated within seven (7) days of the preliminary plat submittal. Copies of all deeds and easements referred to in the plat certificate shall be furnished with the submittal. The horizontal scale of the plan shall be at least 1" = 100' but not larger than 1" = 20'. The size of each sheet shall be eighteen inches by twenty-four inches (18" x 24"). A border line shall be drawn around each sheet, with a blank margin of one inch on each edge. Each specific binding site plan shall have a distinct name, and a number assigned by the city. The map shall also include the boundaries of the subject general binding site plan and names or numbers of adjacent divisions;
 2. The name, address, and telephone number of the owner and the professional preparing the plan;
 3. The location of all monuments or other evidence including data for all supplemental control points used to establish parcel boundaries and the location of all permanent control monuments found and established at the controlling corners of each parcel;
 4. The topography of the site at five foot (5') contour intervals (based on City datum) and identification of the existing drainage pattern;
 5. All existing and proposed rights-of-way, easements, utilities, and other existing public improvements. Proper street names, and right-of-way widths and adjacent block lines shall be shown. If street dedications, or additional right-of-way purchases have been made after the original general binding site plan filing date, the Auditor's File Number or Deed Number shall be shown in the area of the affected street right-of-way. If the binding site plan includes a portion of a vacated street, the City Vacation Ordinance Number shall be shown within the vacated portion of the street;
 6. The location and dimension of all existing and proposed common areas and a description of the purpose thereof;
 7. All parcels of land intended to be dedicated or reserved for public use, proposed public and/or private streets and open spaces;
 8. A statement on the face of the map that requires all construction to conform with the requirements of the general binding site plan contract;
 9. Certification that the specific binding site plan is a true and correct representation of the land actually surveyed, and that permanent control monuments have been established at each controlling corner of the parcel;
 10. The Auditor's file number of the applicable general binding site plan.

B. In addition to the map or maps, every application for specific binding site plan shall include the following information:

1. A general stormwater management plan including but not limited to:

a. Stormwater quality and quantity management;

b. Erosion and sedimentation control.

Detailed stormwater management plans will be required with individual building permits.

2. A completed Environmental (SEPA) Checklist as supplied by the Department of Planning and Community Development if required under the provisions of a phased SEPA review process initiated in the review of the general binding site plan or by State and/or City of Bellingham SEPA ordinances;

3. Attachment of covenants, limitations and conditions. A copy of any and all covenants, limitations and conditions which are drafted in conjunction with, or as a result of a binding site plan, shall accompany the binding site plan. Said covenants, limitations and conditions shall either be shown on the face of the plan, or shall be recorded at the County Auditor's office with the binding site plan.

.060 SPECIFIC BINDING SITE PLAN REVIEW PROCEDURE

A. The purpose of the specific binding site plan is to provide an expeditious staff review of site plan divisions; ensure appropriate conditions and requirements have been met; and provide proper recording of divisions for sale or transfer. No occupancy permit or use of the parcel or lease area(s) being created by a specific binding site plan shall be issued or allowed until all necessary improvements and requirements as specified by this Title and the general binding site plan contract have been met. Unless modified by a time limit extension request or condition by previous permit, the first specific binding site plan shall be filed within five (5) years of the date of the general binding site plan contract or the binding site plan will expire.

B. Technical Review Committee: Upon receipt of a complete specific binding site plan application, the Technical Review Committee consisting of the Planning and Community Development Director as Chairman, Public Works Director, Fire Chief, Parks Director, Police Chief, Building Official, or an authorized representative of each, shall conduct an informal meeting with the developer(s) for the purpose of reviewing and pointing out what, if any, corrections, additions, deletions, etc., should be made to the site plan. The recommendation of the Technical Review Committee shall be forwarded to the applicant(s).

C. Upon compliance with all necessary requirements, the specific binding site plan shall be signed by the property owners and others identified in Section .070 below. Once properly signed, the specific binding site plan shall be filed for record with the Whatcom County Auditor's Office.

D. Within ten (10) days of approval of the specific binding site plan by the Planning Director, a notice of decision shall be mailed to the applicant and to any other person who requested notice of the decision. The notice of decision shall contain the procedures for administrative appeal.

reviewed by the City Council.

.070 CERTIFICATIONS AND DEDICATIONS

The following certificates and information shall appear on every general and specific binding site plan:

A. Land Surveyor Certification

I hereby certify that this binding site plan was prepared under my direction, and is based upon an actual field survey at the request of _____ on _____, 19__; that the technical data is correctly shown thereon, and that all required monuments and/or parcel corner markers will be set at the designated points shown on the plan prior to issuance of any and all Building Permits.

(Name printed) P.L.S. Number
(Seal to be affixed)

B. Department of Public Works

I hereby certify that this binding site plan has been examined and that all of the requirements and conditions of the Technical Review Committee have been provided for and is hereby approved by the Department of Public Works this ____ day of _____ 19__.

Public Works, Bellingham

C. Department of Planning and Community Development

I hereby certify that this binding site plan has been examined for conformance with applicable State statutes and City ordinances together with a review of the technical information shown thereon and is hereby approved by the Department of Planning and Community Development this ____ day of _____ 19__.

Planning and Community Development, Bellingham.

D. Covenants, Limitations and Conditions

All parcels within this binding site plan are subject to the restrictive covenants, limitations and conditions as recorded in Whatcom County Auditor's office, Volume _____ of _____, at Page _____.

E. County Auditor's Certificate

I hereby certify that this binding site plan was filed for record in the office of the Auditor of Whatcom County, Washington, at the request of _____ on this _____ day of _____, 19____, in Volume _____ of Short Plats at Page _____, Whatcom County records.

Auditor, Whatcom County, Washington

F. Copies Required

In accordance with State statutes, and regulations of this ordinance the land surveyor shall, at no cost to the City, furnish the Department of Planning and Community Development with one (1) permanent mylar original of the recorded binding site plan the same day as recording. The land surveyor shall also furnish one (1) reduced vellum or mylar copy of the binding site plan at a scale ratio of 1:2400 (1" = 200').

.080 INFRASTRUCTURE IMPROVEMENTS

It is the intent of this section to allow the required Infrastructure improvements to be installed prior to or concurrently with building construction.

A. Before approval may be granted for any specific binding site plan, the following improvements have been provided or will be provided at the time of building construction under the conditions specified in the binding site plan contract:

1. Street Improvements
2. Stormwater Management
3. City Water
4. Sanitary Sewer
5. Appropriate dedications or easements as required.

No final Certificate of Occupancy shall be issued until all improvement requirements have been completed.

B. If the development of the site is to be done in phases, the applicant shall submit a schedule of installation of required improvements to coincide with development phasing. Such improvement schedule is subject to approval of the Director of Public Works.

C. The principal frontage street providing access to the general binding site plan shall be improved to a full standard street (consistent with the requirements specified in the general binding site plan contract). The surface shall be at least of asphalt concrete quality and there shall be adequate provision for storm drainage. Alternatively, the applicant may be required

to sign a commitment to support a Local Improvement District (L.I.D.) for the future installation of a full standard street.

- D. All principal frontage streets providing access to the general binding site plan shall have a right-of-way width of no less than sixty feet (60'), if a through street, or fifty feet (50') if a cul-de-sac. In the event the abutting street does not meet these minimum standards additional right-of-way shall be required. This requirement may be waived if, in the opinion of the Planning and Economic Development Director and the City Engineer, such additional right-of-way is not necessary for the future traffic circulation of the City.
- E. Streets providing access to specific binding site plan developments may be either public or private and shall be built to standards adequate for access to the site based on the proposed use of the property.
- F. Contract required for dedicated improvements.

All improvements constructed for a project under this chapter which are to be dedicated to the City shall be constructed in accordance with a contract between the applicant and the City, providing at least:

1. Terms and conditions satisfactory to the City, including design and construction standards.
2. Requiring a permit to be issued before commencement of construction, and
3. In the discretion of the Director of Public Works, appropriate security may be required, covering construction performance and guaranteeing the construction after completion for a period of one (1) year.

.090 MODIFICATIONS

Any modification to a general or specific binding site plan shall be considered by the Technical Review Committee. The Technical Review Committee may allow minor modifications to the contract without modifying said instrument. Major modifications shall require amendment to the general binding site plan contract. An amendment shall be processed in the same manner as an original application.

.100 BINDING SITE PLAN FEES:

Applications for general and specific site plans shall be submitted with applicable application fees as determined by Council resolution.

18.28.000 IMPROVEMENTS STANDARDS GENERALLY

.010 DRAWINGS REQUIRED

The developer shall submit to the City Engineer profiles of the proposed streets, drainage plans, and right-of-way section drawings, including utility line placement, for approval before any ground work is begun. All design drawings shall be prepared by a State of Washington registered professional engineer. Because "as built" underground utility locations sometimes differ significantly from original designs, the developer shall submit to the City Engineer "as built" drawings of all underground utility placements upon completed installations of said utilities.

.020 INSTALLATION PRIOR TO FINAL PLAT APPROVAL

Prior to the submission of a final plat for approval, all streets, alleys, sidewalks, storm drainage, utilities, monumentation, street lights, street trees, and any other improvements specified hereunder shall be installed and completed by the subdivider to the satisfaction of the Public Works Director. Such improvements shall meet the standards specified in this ordinance; provided that a performance bond in the amount of one hundred fifty percent (150%) of the value of the incomplete required improvements may be posted in lieu of installation of improvements, and further provided that such bond is recommended by the Public Works Director and approved by the City Council. The performance bond shall specify exactly what improvements are covered and a time schedule for completion; however, at no time should the bond be for more than a one (1) year period.

.030 CONTRACT REQUIRED FOR DEDICATED IMPROVEMENTS (ORD. 8792 AMENDED)

All improvements constructed by a subdivider, which are to be dedicated to the City, shall be constructed in accordance with a contract between the subdivider and the City, providing at least:

- A. Terms and conditions satisfactory to the City, including design and construction standards;
- B. Requiring a permit to be issued before commencement of construction; and,
- C. In the discretion of the Director of Public Works, appropriate security may be required, covering construction performance and guaranteeing the construction after completion for a period of one (1) year. The security requirement cannot be waived, however, if lots are to be sold before the construction is completed.

.040 STREET AND ROADWAY STANDARDS

All existing streets adjacent to a subdivision shall be brought to no less than the "three-quarter" (3/4) standard specified in Chapter 13.04, as amended. All new streets and alleys within the subdivision shall be of the width and quality to meet the full standards of the City.

.050 SIDEWALKS

The minimum sidewalk width shall be five feet (5').

.060 PEDESTRIAN/BICYCLE WAYS

Pedestrian/bicycle ways may be required where blocks are exceptionally large or where there is a need for pedestrian/bicycle access in areas other than along streets. Such ways shall be at least three feet (3') in width and shall be surfaced with hard, dust-free, level material acceptable for walking and biking.

.070 DRIVEWAY ENTRANCES

The subdivider and/or developer shall predetermine the location of all driveway entrances prior to approval of construction plans and driveway indentations shall be made at the same time the sidewalks are constructed. Predetermined driveway location may not be necessary when rolled curbs are used, but the Public Works Department reserves the right to prohibit driveway locations which are too close to an intersection street.

.080 UTILITY INSTALLATION GENERALLY

All utilities (water, sewer, electrical, gas, and cable) shall be installed to the property line prior to acceptance of public improvements.

.090 EASEMENTS

The subdivider shall reserve a strip of land seven feet (7') in width lying adjacent to each exterior side of all dedicated public rights-of-way included in any plat. Said lands shall be recorded as public easements and shall be used primarily for the installation of required service utilities. Any and all franchised utilities, including City utilities, shall rightfully have access to and may use easements. Exclusive use rights cannot be granted to any single or combination of utilities.

.100 WATER SYSTEM

- A. A complete water distribution system shall be installed. Such system shall be adequate to serve the area being platted. Each lot shall be connected to the water main by a service pipe extending at right angles from the main to the property line and including a stopcock placed on the street side five feet (5') out from the property line. The connection to each lot shall be maintained by and kept within the exclusive control of the City.
- B. All water lines and services shall be placed prior to improvement of the streets and shall be constructed in accordance with the appropriate codes and standards of the City of Bellingham. The developer shall pay the flat rate charge for water services at the time the completed services are installed.

.110 SANITARY SEWER

A sanitary sewer system shall be installed in such a manner where each and every building in which people live, congregate, or are employed shall have a separate connection to the public sewer. Each connection and each fixture emptying into and through the connection shall be installed in the manner prescribed in the Plumbing Code of the City of Bellingham. All sewer mains in the subdivision shall be constructed in conformance with all appropriate codes and standards.

.120 STORM DRAINAGE AND SURFACE WATER RUNOFF (ORD. 8827)

Drainage facilities for controlling storm drainage and surface water run-off and associated erosion shall comply with the ordinances of the City relating to drainage, including but not limited to the submission and approval of plans, and the construction of said drainage facilities. (ORD. 10633)

.130 ELECTRICAL AND COMMUNICATION FACILITIES

In all subdivisions, adequate and satisfactory installation of electric power and communication facilities shall be required. All such facilities shall be installed underground except for the following:

- A. Electric utility substations, pad mounted transformers and switching facilities.
- B. Electric transmission systems of a voltage of fifty-five (55) KV or more.
- C. TV cable amplifiers.
- D. Telephone pedestals, cross connect terminals, repeaters and cable warning signs.
- E. Street lighting standards.
- F. Traffic control equipment.
- G. Temporary services for construction.

.140 STREET LIGHTS AND STREET NAME SIGNS

The subdivider shall install at his expense street lights and street name signs to the satisfaction of the Technical Committee, and such facilities shall conform to the standards of the City of Bellingham.

.150 STREET NAMING

The Commission shall approve a list of street names that are recommended by the 911 Dispatch, Police and Fire Departments, and the Technical Review Committee. A developer may incorporate an approved street name into the plat design. The Commission shall name all streets individually until such time that the street name list is approved.

The Commission shall have authority to name any street name which has not been previously approved on the street name list. The applicant shall complete and submit a Street Name application to the Planning Department. The application shall be routed to 911 Dispatch and the Police and Fire Departments. If the emergency service providers reject a street name, the application shall not proceed to the Commission for final approval. The emergency service provider's recommendation shall be forwarded along with a Staff/Technical Review Recommendation to the Commission for consideration.

Private rights of way shall not be named by the Commission. A proposed street name for a private road shall follow the above Street Name application process with the Director of Planning and Community Development having the sole authority to name the private right of way. The Planning Director shall take into consideration the recommendations of 911 Dispatch and the Police and Fire Departments.

.160 FLOOD CONTROL

Land which the Commission has found to be unsuitable due to flooding, bad drainage or swamp conditions likely to be harmful to the safety, welfare and general health of future residents, and the Commission considers inappropriate for development, shall not be subdivided unless adequate means of control have been formulated by the subdivider and approved by the City Engineer.

.170 EROSION AND SLIDE CORRECTIVE MEASURES

In the event the land to be subdivided has a slope or slopes of more than twenty percent (20%) and/or has rock or unstable soil conditions, the subdivider shall furnish soils data to the City Engineer. If conditions warrant control measures to correct slide, erosion or other similar problems, the subdivider shall be responsible for the design, installation and expense of any device or corrective measure subject to approval of the City Engineer.

.180 MONUMENTATION

Permanent control monuments shall be established at each and every controlling corner on the boundaries of the parcel of land being subdivided, and in the centers of all intersecting streets. Additional monuments shall be installed if requested by the City Engineer.

.190 CONNECTION TO ACCEPTED STREET

All subdivisions shall be required to be connected to an accepted City street.

.200 STREET TREES

Street trees shall be provided by the subdivider in all subdivisions within the dedicated public utility easements adjacent to the street. There shall be a minimum of two (2) trees per lot and street trees shall be selected, installed and maintained in accordance with the standard engineering specifications.

.210 PRESERVATION OF EXISTING VEGETATION

The subdivision shall be so designed as to preserve the greatest amount of existing on-site vegetation, including trees with trunk diameter of six inches (6") or greater, and other natural ground cover. Trees removed shall be replaced where practical. All plats shall comply with the provisions of the Land Clearing Chapter 16.60 BMC.

18.32.000 CLUSTER AND SHORT CLUSTER SUBDIVISIONS

.010 APPLICABILITY OF CHAPTER

This chapter is applicable and can be utilized at the subdivider's option in Residential Single areas which have a "cluster," "cluster detached," "cluster attached," or "Planned" use qualifier as part of the land use classification of the City's Comprehensive Plan.

.020 PURPOSE OF CHAPTER

The purpose of this chapter is to allow variation in the required minimum lot size, provided the same overall density is maintained, so as to preserve open space, tree cover, recreation areas or scenic vistas; or to reduce the amount of streets and utilities where appropriate.

.030 MAXIMUM NUMBER OF LOTS

The maximum number of lots which can be created utilizing this procedure can be determined by dividing the total property size by the specified density found in the land use classification within the Neighborhood Plan. A density bonus may be earned in addition to the underlying density specified in the neighborhood plan in accordance with section 18.32.050 of this ordinance.

.040 MINIMUM CLUSTER PERFORMANCE CRITERIA

The Cluster Subdivision Development Option may be utilized if all of the following parameters that may apply are satisfied:

- 1) The proposed design addresses any special conditions, prerequisite considerations or significant environmental elements identified in the relevant Neighborhood Plan.
- 2) The proposed design is compatible with the existing topography and preserves natural resources such as mature trees or wooded areas, significant wetlands, streams and wildlife habitat.
- 3) Connecting links between existing parks and open spaces are provided along streams, ridgelines, ravines, shorelines, hillsides, and wooded areas whenever possible.
- 4) 15% of the total site area shall be set aside as open space.

5) Minimum Design Criteria*

Minimum Lot Area: 4000 sq. feet total

Minimum Lot Width: 40 feet, detached
30 feet, attached

Minimum Lot Depth: 60 feet

Minimum Yards:

Front 15 feet

Sides 5 feet, detached

0 feet, attached (only on common property line)

Rear 15 feet

*Lot area, width and depth requirements are for 100% usable area. Larger lot area may be required if portions of the lot are unusable.

All lots shall contain the necessary area to provide required parking, buildable area with appropriate setbacks, and private usable space. Setbacks shall be determined prior to final approval of the plat.

6) Parking:

- a. Tandem parking and required parking in the front yard setback (driveway) shall be allowed outright in cluster subdivisions.
- b. Additional public parking areas, as determined by the Technical Review Committee, may be required within subdivisions having lots smaller than 6,000 square feet.

7) Transition of smaller lot sizes: When developing in an established neighborhood, lot sizes should best represent existing neighborhood patterns adjacent to existing development, and transition to smaller lot sizes within the plat.

.050 DENSITY BONUS EARNED

A density bonus of up to a 50% maximum may be earned, at the discretion of the City Council, if the options listed below are provided in addition to the minimum cluster performance criteria listed in .040 #1 through #4 above. The minimum lot area requirement may be waived by the City Council if any of the following are achieved:

Bonuses up to the amount listed below may be granted by the Council based on the quality of the features offered, the extent to which the development exceeds the minimum level which qualifies for a bonus and extent to which the public will benefit from the offered option. The Council may impose conditions to ensure a public benefit of approved bonuses.

- A. Up to a 50% bonus for the purchase and transfer of all or part of the development rights of a parcel identified as meeting any of the following criteria:
 1. A parcel, tract or land area declared as a suitable density donor by City Council Resolution.
 2. A parcel with a valid Planned Development Contract which provides for a development right transfer.
 3. A parcel previously zoned for residential uses that, due to the adoption of subsequent governmental regulations and as determined by City Council, is unlikely to achieve even 50% of the original allowable density, resulting in the loss of the City's potential infill capacity.
- B. Up to a 50% bonus when a project is able to provide at least one half of the total unit count of the project as affordable housing, as defined by City Council Resolution, inclusive of a provision to maintain said housing as such for a reasonable duration determined by City Council.

- C. Up to a 50% bonus for the redevelopment of an area considered in need of revitalization as declared by City Council Resolution.
- D. Up to a 25% bonus for the development of a neighborhood park and related improvements that satisfies the needs of the immediate neighborhood as determined by the Parks and Recreation Department and the City Council.
- E. Up to a 15% bonus for providing at least 15% additional open space that is not otherwise restricted from development by environmental regulations.
- F. Up to a 15% bonus for restoring a degraded natural area which would provide significant public enjoyment if enhanced.
- G. Up to a 10% bonus for providing enhanced perimeter buffering of adjacent, less compatible uses that the Council determines would make a cluster subdivision a more compatible neighbor.

.060 ADMINISTRATIVE APPROVAL OF 1-4 LOT CLUSTER SHORT SUBDIVISIONS

- A. Cluster short subdivision proposals with four (4) or fewer lots shall be considered and approved administratively. Said proposals shall be consistent with cluster subdivision criteria outlined in Chapter 18.32.040 and follow the approval procedure of Chapter 18.12.000 and as provided below.
- B. Notification of the proposal shall be sent to property owners within 300 feet of the project boundary, the Planning Commission, and the City Council. (A City Council public hearing shall be scheduled if it is determined there are significant planning issues or significant neighborhood opposition in which case the proposal shall be approved by the City Council.)
- C. Appeals of an administrative decision for approval of a cluster short subdivision shall be forwarded to the City Council and a public hearing shall be scheduled to consider the matter.
- D. Any bonus requested in a 4 or fewer lot cluster subdivision shall require Council approval.

18.36.000 LOTS AND BLOCKS

.010 THROUGH LOTS

Through lots shall not be allowed; however, if the short subdivision or subdivision abuts an arterial street, the lots on such streets may be through lots provided access is prohibited onto the arterial and access is taken from the secondary street and it is determined that such a layout is in the best interest of safety and general welfare.

.020 LOT DESIGN

- A. All lots shall be of sufficient size to meet the site area requirements specified within the area's land use designation under "density" found within the applicable Neighborhood Plan in which the property is located; provided, however, that this minimum shall not be required in the following instances:
1. When there exists no specified minimum lot size in the subject area land use designation, in which case the lot size shall be determined by the subdivider subject to any other applicable codes or requirements;
 2. Cluster lots which meet the requirements specified in Chapter 18.32;
 3. Lot line adjustments pursuant to Section 18.10.010 for lots presently having less site area than the required minimum lot size;
 4. For existing lots of record not located in the Lake Whatcom Watershed and under single ownership having a total site area in excess of the required neighborhood density in which case the number of possible lots shall be determined by dividing the total amount of site area by the specified neighborhood density. Property which contains existing structures that straddles common property lines shall be consolidated and considered on lot of record.
 - a. Proposals with a fraction of less than one-half ($1/2$) shall be rounded down to the next lower whole number.
 - b. Proposals with a fraction of three-quarters ($3/4$) or greater shall be rounded to the next higher whole number and can be approved administratively.
 - c. Proposals with a fraction equal to one-half ($1/2$) and less than three-quarters ($3/4$) may be rounded to the next higher whole number upon site plan approval by the City Council provided all of the following criteria are met:
 - i. Be harmonious with the general policies and specific objectives of the Comprehensive Plan.
 - ii. Enable the continued orderly and reasonable use of adjacent properties by providing a means for expansion of public roads, utilities, and services.
 - iii. Be designed so as to be compatible with the essential character of the neighborhood.
 - iv. Be adequately served by public facilities and utilities including drainage provisions.

- v. Not result in the destruction, loss, or damage to any natural, scenic, or historic feature of major consequence.
- 5. In the event the proposed subdivision results in lots smaller than the required density in the relevant neighborhood plan, the Planning and Community Development Director has the authority to approve the short subdivision if the resulting new lots are larger than those previously existing and results in a more functional lot design, provided that the overall property satisfies the density requirement specified in the applicable neighborhood plan. All newly created lots shall comply with the provisions of Chapter 18.36.
- 6. LOT AVERAGING: As long as the parent parcel [subject property] has sufficient land area to short subdivide and meet density requirements as specified in the neighborhood plan, a lot averaging mechanism may be utilized for the creation of more functional and desirable lot designs. However, no lot shall be less than 90 percent (90%) of the minimum area required per lot based on the maximum density or allowable dwelling unit calculation. All newly created lots shall comply with the provisions of Chapter 18.36.
- 7. All lots created by a short subdivision shall meet the design standards specified in 18.36 of this ordinance. However, the Planning and Community Development Director may approve a division of land less than the required standards, provided such division of property results in better lot design than previously existed. Better lot design is defined as meaning such items as larger in area, more practical site design because of topography, wetland or other environmental constraints, or the lot design will result in lots nearer to conformance to required standards.
- 8. Single family attached duplex lots as provided in subsection 18.36.020 E (ORD 10469).
- B. Each lot shall have a consistent width of not less than thirty feet (30') of frontage on a deeded or dedicated right-of-way, except as provided in C, below. Pipestem width less than 30 feet shall not be allowed in either the Birchwood or Columbia Neighborhoods. The minimum lot width at the building setback line shall be consistent with that specified in E, below. Cul-de-sac lots utilizing less than a forty foot (40') frontage standard, shall have the front yard setback line increased to thirty feet (30') from the property line. (ORD. 9550)
- C. Lots having a pipestem width of less than 30 feet shall only be permitted in a residential subdivision and short subdivision if the following are met:
 - 1. The minimum width of the minor or access portion of the lot shall not be less than twenty feet (20'). A 15 foot (15') setback shall be provided from the edge of any new driveway to any existing adjacent residential dwelling unit.
 - 2. The access portion (pipestem) of the lot shall not be included in computations for meeting minimum density requirements of the Neighborhood Plans;
 - 3. A five foot (5') setback from the improved driveway surface to abutting property lines shall be provided and recorded on the face of the plat unless, in the judgment of the Planning and Economic Development Director, such a requirement would not be feasible due to topographical conditions;

4. No pipestem lot shall be permitted in short subdivisions where the ownership is common with adjacent property;
 5. Not more than two side by side pipestems shall be allowed unless determined by the Technical Review Committee that the design is necessary due to site conditions.
 6. Joint access for pipestem and adjacent lots under common ownership at the time of division of property may be required. An access easement shall be recorded on the face of the plat. (ORD. 9550)
- D. Pipestem lots in commercial and industrial subdivisions shall be permitted only if the following are met:
1. The minimum width of the minor or access portion of the lot shall be forty feet (30'); the lot width standard is sixty feet (60'). Minimum width of the minor or access portion may be decreased to thirty feet (30') if joint access with adjacent property is maintained and in the judgment of the City Engineer, no adverse traffic impacts will result.
 2. The access portion of the lot shall not abut property with a Residential land use designation.
 3. No pipestem lot shall be permitted in short subdivisions where the ownership is common with adjacent property.
 4. Side by side pipestems are permitted only if joint access is granted. Joint access for pipestem and adjacent lots under common ownership at the time of division of property shall be required. An access easement shall be recorded on the face of the plat. (ORD. 9550)

E. The following lot design criteria shall apply to newly created lots:

ZONING	MIN. LOT SIZE (SQ.FT.)	MINIMUM INTERIOR LOT WIDTH	*MINIMUM CORNER LOT WIDTH	MINIMUM LOT DEPTH	** MINIMUM STREET FRONTAGE
Residential Single & Duplex	7,200 or >	60'	70'	60'	30'
	6,875	55'	65'	60'	30'
	6,000	50'	65'	60'	30'
	5,000 ***	50'	60'	60'	30'
	5,000 and less	40'	50'	60'	30'

* Required only when abutting a designated arterial.

** 15 feet for side-by-side pipestems with common driveways, joint access easement and maintenance agreement. Street frontage may be reduced as allowed in 18.36.020 C, above. A minimum of 30' of street frontage shall be provided for all properties located in the Birchwood and Columbia Neighborhoods. (Side-by-side pipestem designs are subject to Technical Review Committee approval.)

*** Interior lot width can be reduced to 40 feet in existing blocks platted with lots 40' X 125'.
Corner lot width shall increase to 50 when abutting an arterial street.

ZONING	MINIMUM INTERIOR LOT WIDTH	*MINIMUM CORNER LOT WIDTH	MINIMUM LOT DEPTH	**MINIMUM STREET FRONTAGE
Residential Multi- Multiple	60'	60'	60'	30'

* Required only when abutting a designated arterial.

** Street frontage may be reduced as allowed in 18.36.020 8C, above. Side-by-side pipestems shall not be allowed unless approved by the Technical Review Committee.

Single family lots within a short subdivision or subdivision having a Planned Use Qualifier shall utilize the standards provided for Residential Single and Residential-Multi, Duplex as stated above. Multi-family tracts created in a short subdivision or subdivision having a Planned Use Qualifier shall conform with the Residential-Multi, Multiple standards as stated above.

ZONING	MINIMUM INTERIOR LOT WIDTH	*MINIMUM CORNER LOT WIDTH	MINIMUM LOT DEPTH	**MINIMUM STREET FRONTAGE
Industrial	60'	60'	60'	30'
Commercial	60'	60'	60'	30'

* Width requirements can be reduced if access can be provided in accordance with PW requirements.

** Frontage requirements can be reduced to zero if approved in a planned contract or a master plan where joint\common access is provided, utility easements are provided, and access design is approved by the Fire Marshal.

ZONING	MINIMUM INTERIOR LOT WIDTH	MINIMUM CORNER LOT WIDTH	MINIMUM LOT DEPTH	MINIMUM STREET FRONTAGE
Public, Buildable lot	0'	0'	0'	30'
Public, Non-buildable lot	0'	0'	0'	0'

F. Lot width exception, 300 foot rule

Exceptions from the minimum lot width requirements shall be approved by the Director of Planning and Community Development for property not located within the Lake Whatcom Watershed provided fifty percent (50%) or more of the total number of lots within or partly within 300 feet of the exterior boundary of the subject property have a lot width which is LESS than or EQUAL to that of the subject property. To be counted as one of the lots within 300 feet a parcel must be a developed lot or a buildable lot within the same zoning subarea as the subject property.

G. The following design standards shall apply to attached single family duplex lots:

1. Combined lot area shall satisfy the applicable neighborhood plan requirements. Each lot shall have a site area not less than one half (1/2) that of the applicable neighborhood plan requirement under "density".
2. Lot Width and frontage: Corner lot width and frontage shall not be less than 35 feet, Interior lot width and frontage shall not be less than 30 feet. Lot width shall be consistent for the entire length of the lot.
 - a. Exception: Side by side pipestem lots will be allowed provided each lot can provide a minimum of 15 feet of frontage. A reciprocal easement must be provided for access over the pipestem portion of the lot. Only one driveway will be allowed.

.030 BLOCK DESIGN

The maximum length of a block is one thousand three hundred twenty feet (1,320'). The maximum width is five hundred feet (500'). Where blocks exceed five hundred feet (500') in length, pedestrian easements may be required if deemed necessary.

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

18.40.000 STREETS

.010 MINIMUM RIGHTS-OF-WAY AND PAVEMENT WIDTHS

The minimum rights-of-way and pavement widths shall be those specified in Chapter 13.04.

.020 CUL-DE-SAC

Cul-de-sac requirements are as follows:

- A. The maximum length shall be six hundred feet (600').
- B. The minimum right-of-way (bulb) radius is thirty-five feet (35') or as specified in the Fire Protection Development Standards.

.030 GRADES

Grade requirements are as follows:

- A. Maximum roadway grade on arterial streets shall be six percent (6%).
- B. Maximum roadway grade on other streets and alleys shall be fourteen percent (14%), however, the optimum grade is no more than ten percent (10%) and shall not be exceeded unless in unusual cases.
- C. The minimum grade on all streets or alleys shall be no less than 0.5%.

.040 CURVES

Curve requirements shall be as follows:

- A. The minimum center line radii for horizontal curves shall be one hundred feet (100').
- B. The minimum vertical curves shall be fifty feet (50').

.050 ALLEYS

Alleys are not required but may be included in the short subdivision or subdivision at the subdivider's option. Alleys shall be improved to a standard consistent with the Bellingham Development Guidelines and Improvement Standards as approved by the Public Works Department.

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18.44.000 PARKS, OPEN SPACE, AND PUBLIC AREAS

.010 PROVISIONS FOR PARKLANDS - METHODS

In each subdivision hereafter approved, appropriate provisions shall be made for parks, playgrounds, open space and other public areas. Provision of such areas may be made in one of the two following ways:

- A. A minimum of one hundred (100) square feet of ground area per lot shall be provided in a location predetermined by the City Park Plan.
- B. In the event no proposed park or planned expansion of an existing park is located within the boundaries of a subdivision, then the developer shall pay into a Special Park Site Acquisition Fund in an amount as determined in the City's Park Impact Fee Ordinance or in the absence of such an ordinance, an amount equal to the assessed value of 100 square feet of ground area per lot in the subdivision as determined by Council. Such fund is to be used to acquire land for parks, playgrounds, open space or greenbelts in areas deemed appropriate by the City Council.

.020 SUBSTITUTION OF GREENBELTS FOR REQUIRED PARK LANDS

The developer may substitute open space or greenbelts for the above required park lands if, in the opinion of the City Council, such areas are necessary for public welfare or safety. Open spaces or greenbelts need not be dedicated to and maintained by the public and any substituted in lieu of park lands shall be a continuing obligation of the owners of the subdivision.

18.48.000 VARIANCES AND AMENDMENTS

.010 VARIANCES (ORD. 9550)

A. A modification of the terms of this title may be granted by the City Council when:

1. a. Because of unusual shape, exceptional topographic conditions, geological problems, environmental constraints or other extraordinary situation or condition in connection with a specific piece of property, the literal enforcement of this title would involve difficulties or result in an undesirable plat.

- OR -

- b. The granting of the variance results in better lot design than previously existed. Better lot design is defined as meaning such items as larger in area, more practical site design because of topography, wetland or other environmental constraints, or the lot design will result in lots nearer to conformance to required standards.

- AND -

2. The granting of any variance will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity and subarea in which the subject property is located.

B. Applicants seeking a variance shall detail their proposal and explain how the proposal meets the variance criteria. The notice area shall be three hundred feet (300') from the boundary of the subject property being divided, including adjacent property under same ownership. A nonrefundable filing fee in an amount determined by City Council shall accompany the variance application.

C. An approved variance shall expire after one year from the date of authorization unless either construction has been begun or complete permit applications have been submitted for the required plat improvements.

.015 APPEALS (ORD. 9550)

A. Any applicant for a short plat or lot line adjustment aggrieved by any decision made by the City in the administration of this title may appeal the decision to the City Council who shall determine after an advertised public hearing that said decision was made pursuant to the purpose and intent of this ordinance and that any discretionary power exercised is reasonably attributable to the impact generated by the subject short subdivision.

B. Any decision approving or disapproving any plat shall be reviewed under RCW Chapter 36.70(C).

.018 NOTICE (ORD. 9550)

Notice of any variance request or appeal shall be sent to adjacent property owners from the list of such names provided by the applicant at the time of short plat application. Said notice shall be sent at least ten (10) days prior to the scheduled public hearing. The actual cost of public notice, mailing and publication shall be borne by the applicant or appellant.

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.020 AMENDMENTS

The City Council shall be the sole authority to adopt, amend or repeal any or all parts of the subdivision regulations and ordinances.

18.52.000 PENALTY

.010 VIOLATION - PENALTY

Unless another penalty is prescribed by State Law, any person, firm, corporation, or association violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand five hundred dollars (\$1,500.00), and each person, as principal, agent, or otherwise, shall be deemed guilty of a separate offense for each day during any portion of which the violation of, or failure, neglect or refusal to comply with any provision of this ordinance is committed, continued, or permitted by such person.

.020 VALIDITY

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid or unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.


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210 Lottie Street
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PASSED by the **CITY COUNCIL** on this 2nd day of June, 1997:



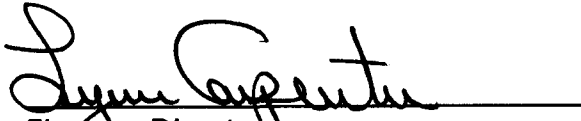
Council President

APPROVED by me this 5th day of June, 1997:



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



City Attorney's Office

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

TRANSMISSION VERIFICATION REPORT

TIME: 06/11/1997 15:23

NAME: CITY OF BELLINGHAM

FAX : 206-738-7351

TEL : 206-676-6978

DATE, TIME	06/11 15:23
FAX NO./NAME	97152225
DURATION	00:00:28
PAGE(S)	01
RESULT	OK
MODE	STANDARD

City of Bellingham

FINANCE DEPARTMENT

210 Lottie Street

Bellingham, WA 98225

(360) 676-6900

Fax: (360) 738-7351

FAX TRANSMISSION COVER SHEET

Date: June 11, 1997

To: The Bellingham Herald

Fax: (360) 715-2225

Re: Legal Notices

Sender: Tina M. Louveau

YOU SHOULD RECEIVE ONE PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (360) 676-6900.

Please publish the following on: **FRIDAY, JUNE 13, 1997**

ORDINANCE NO. 10833

AN ORDINANCE REGULATING THE DIVISION, SUBDIVISION, OR RESUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF BELLINGHAM, AMENDING BMC TITLE 18.

For full context of the ordinance, call the Finance Department @ (360) 676-6900.

LEGAL ADVERTISING INSERTION ORDER/INVOICE

THE BELLINGHAM HERALD

676-2600 • 384-0878 P.O. Box 1277 • Bellingham, WA 98227

Your Legal Advertising for the total month will be summarized on your monthly statement 676-6900

INCHES		TOTAL LINES <u>15</u> \$ \$		AFFIDAVIT CHARGE \$		TOTAL CHARGE \$ <u>11.77</u>	
DAY MON TUE WED THU <u>FRI</u> SAT SUN		<u>City of Bellingham</u> <u>Finance Dept.</u> <u>210 Lottie St.</u> <u>Bellingham, WA 98225</u>					
MONTH 1 2 3 4 5 <u>6</u> 7 8 9 10 11 12							
DATE							
1 2 3 4 5 6 7 8 9 10 11 12 <u>13</u> 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31							
AFFIDAVIT: <input type="checkbox"/> BLUE <input type="checkbox"/> WHITE <input type="checkbox"/> NO AFFIDAVIT		LEGAL NO. <u>L8124</u>		P.O. #		DAYS RUN <u>June 13</u>	
						* ACCOUNT NUMBER <u>034608</u>	
MAIL AFFIDAVIT TO:				AD CONTENTS: <u>Ordinance No. 10833</u>			

* PLEASE REFERENCE ACCOUNT NUMBER WHEN PAYING

STATE OF WASHINGTON, } ss **Affidavit of Publication**
COUNTY OF WHATCOM, }

ORDINANCE NO. 10833
AN ORDINANCE REGULATING THE DIVISION, SUBDIVISION, OR RESUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF BELLINGHAM, AMENDING BMC TITLE 18. For full context of the ordinance, call the Finance Department @ (360) 676-6900.

(L8124)

Jay Gottfried

being first duly sworn on oath says: That (s)he is the Public Notices Clerk of The Bellingham Herald, a daily newspaper of general circulation in said county and state and of Federated Publications, Inc., a Delaware Corporation (publisher of said newspaper), and authorized to make this affidavit; that the legal notice entitled in the cause and court named on the attached copy which is a true and correct copy of the original (and hereinafter referred to as "Notice") was published in the regular and entire issue, and not in supplement, of each number of said newspaper published and circulated on the following dates, to wit:

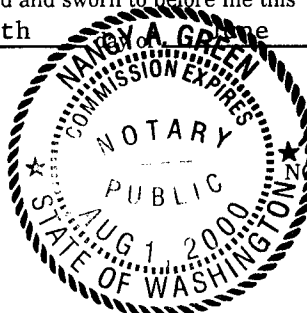
June 13, 1997

that for more than six months prior to the date of the first publication of said Notice, at all times since, and now, the said "The Bellingham Herald" has been established, published and circulated in the English language continuously and continually as a daily newspaper in the city of Bellingham, Whatcom County, Washington, the same being at all times printed either in whole or in part in an office maintained at said place of publication; that such newspaper has been approved as a legal newspaper by order of the Superior Court of Whatcom County, Washington; that the full amount of the fee charged for such publication is \$ 11.77

Jay Gottfried

Subscribed and sworn to before me this

16th day of June, 19 97



Nancy A. Green
NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham

CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER: 10833

COUNCIL BILL NUMBER: 12260

AGENDA BILL NUMBER: 13064

AGENDA BILL INTRODUCED: 5/19/97

FIRST & SECOND READINGS: 5/19/97

THIRD & FINAL READING: 6/2/97

PUBLISHED: 6/13/97

cc: Kerry/Planning 6-12-97 dml