

ORDINANCE NO. 98-02-001

AN ORDINANCE RELATING TO LAND USE PLANNING AND TO ANNEXATION OF APPROXIMATELY 412 ACRES OF UNINCORPORATED PROPERTY ADJACENT TO THE NORTHERN BOUNDARY OF BELLINGHAM CITY LIMITS, GENERALLY LOCATED BETWEEN MERIDIAN STREET AND ALDRICH ROAD, COMMONLY REFERRED TO AS THE CORDATA STAGE II/WEST GUIDE ANNEXATION, PROVIDING FOR CITY LAND USE DESIGNATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the owners of certain property situated within the area herein proposed for annexation have filed a proper and sufficient notice of intent to commence annexation proceedings pursuant to RCW 35.13.125 in early October 1997; and

WHEREAS, the City Council held a public meeting on October 13, 1997 and thereafter initiated the annexation request, subject to adopting land use designations and assumption of existing City indebtedness; and

WHEREAS, a proper and sufficient 75% petition was filed with the City Clerk, accompanied by a map specifying the boundaries of the proposed annexation as provided by RCW 35.13.130; and

WHEREAS, The Whatcom County Assessor certified on October 29, 1997 that the annexation petition contained valid signatures of property owners of not less than seventy-five percent (75%) in value according to the assessed valuation for general taxation of the property for which annexation is petitioned as required by RCW 35.13.130; and

WHEREAS, as part of a 1985 agreement between Whatcom County, the City of Bellingham, and the Trillium Corporation, Stage II of the Cordata Business Park, PUD is to be considered for annexation to Bellingham in 1997; and

WHEREAS, in order to create logical and identifiable boundaries, it is appropriate to consider annexing industrially zoned property located between the eastern boundary of Cordata Stage II and Guide Meridian identified as West Guide; and

WHEREAS, in January, 1996, the Whatcom County Council approved an amendment to the Cordata PUD, Stage II, allowing a land use change from industrial to residential for some portions of the area; and allowing a preliminary subdivision and general binding site plan subject to special conditions recommended by the County Hearings Examiner; and

WHEREAS, as part of the Urban Fringe Subarea Plan update process, Whatcom County and the City of Bellingham reaffirmed the position that this annexation area is appropriate for urban development; on September 9, 1997, the Whatcom County Council adopted zoning for the Urban Fringe Subarea Comprehensive Plan applicable to Bellingham's Northern Urban Growth Area (UGA), establishing zoning for the annexation area including Cordata Business Park, Stage II, allowing a mix of uses as part of a Planned Unit Development (PUD), including residential, industrial, and commercial uses, and adopting industrial zoning for the West Guide portion of the annexation; and

WHEREAS, due to the City Council's schedule and the complex nature of existing and planned developments, property ownerships, and zoning in the area, the annexation process took longer than anticipated to meet the March 1, 1998 deadline for the City to receive revenues in a timely manner; and

WHEREAS, the east/west alignment connecting Slater Road with Meridian Street has been the subject of discussions during the annexation process, alternative connections east of Cordata Parkway will be considered through a public hearing process; and

WHEREAS, on December 23, 1997, the City of Bellingham requested a public hearing before the Boundary Review Board pursuant to RCW 36.93.100; and

WHEREAS, the Whatcom County Boundary Review Board, held a public hearing on January 29, 1998, and thereafter voted to approve the annexation request; and

WHEREAS, on February 9, 1998, the Bellingham City Council held a public hearing on the annexation;

WHEREAS, the City Council held a public hearing to consider a Development Agreement for approximately 14 acres located immediately west of Meridian Street and north of Horton Road, and referred to as McGavin Properties, Inc., (See Exhibit D.) and subsequently entered into the Development Agreement for the purpose of establishing a Site Plan and development standards for said property in accordance with Bellingham Planned Development Ordinance and state law;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN THAT:

Section 1: The property located adjacent to the northern boundary of the City, generally between Guide Meridian on the east, Aldrich Road on the west, and Horton Road on the south, and extending approximately 812 feet north of Kline Road along Meridian Road, extending west along the northern boundary of property lines including Cordata Stage II property as depicted in Exhibit "A", is hereby annexed to the City of Bellingham.

Section 2: The area annexed herein shall assume its proportional share of the existing indebtedness of the City of Bellingham.

Section 3: The area herein annexed shall become part of the Guide Meridian Neighborhood, as shown on Exhibit "B", resulting in the creation of Areas 24, 24a, 24b, 24c, 25, and 25a.

Section 4: The following land use classifications are hereby adopted for the subject property as the designations most closely coinciding with Whatcom County zoning:

GUIDE MERIDIAN NEIGHBORHOOD

AREA 24 Amendment #2 Area of the Cordata Business Park, Stage II, Planned Unit Development (PUD)

This area is approximately 239 acres identified as the Amendment #2 area of the Cordata Business Park, Stage II, Planned Unit Development (PUD). This area allows a mix of residential, industrial, commercial, and institutional uses. The Cordata Master Plan, Conditions, Protective Covenants, and Development and Design Guidelines as amended provide the criteria, procedures and standards for development. A Design Review Committee, made up of City, County, Trillium representatives, and other property owners, review all development proposals for compliance with the Cordata Master Plan as amended, and associated design and development guidelines. Future division of properties should be governed by Bellingham's Binding Site Plan and Subdivision Ordinance.

The area is relatively flat with predominately pasture and grass land. With elevations ranging from 130 feet to 190 feet, the undulating terrain creates multiple and complex drainage areas. One predominant drainage course, a tributary to Bear Creek is on the site and drains to the northwest. Natural features such as creeks, ponds, trees and ravines have been incorporated into the open space system that connects uses and activity areas throughout the site. Wetlands have been identified and will be left undisturbed except in the areas of road construction.

Cordata Business Park has City sewer and water with lines in the Meridian, Horton, and Cordata Parkway rights-of-way. A water pump station is located adjacent to Horton Road just west of Cordata Parkway. The water system for the this area was originally designed to serve primarily industrial uses. With the approval of Amendment #2, land uses will be predominately residential. As a result of the change in land use, a more detailed analysis needs to occur before developments can be guaranteed the same level of water service as outlined in the Cordata Master Plan. At a minimum, there must be an upgrade of the existing Pump Station B at Horton Road to accommodate the residential developments in the Amendment II area.

Storm water and detention system improvements are designed to meet City requirements. The system has been designed to respond to the opportunities offered by the drainage patterns on site and to creates a system of open space and recreation areas. Utility extensions and transportation/circulation improvements are addressed in the Cordata Master Plan, Conditions, and Restrictive Covenants as amended.

Transportation facilities serving the surrounding area include the proposed Slater Connector. This roadway will eventually connect from Northwest Avenue to Meridian Street. Alternative alignments have been considered at its eastern terminus at Meridian, including a terminus at Waldron Road and a terminus at Kline Road. Additional planning and public involvement will be required to determine a final alignment.

The Cordata Business Park Master Plan, associated Environmental Impact Statement, Cordata Business Park Development and Design Guidelines and the documents that make up the Cordata PUD Amendment #2 shall function as the Planned Unit Development or Planned Development approval for that portion of Cordata located north of Horton Road, except as modified herein or subsequently modified through the procedures in the City's Planned Development Ordinance or through other applicable ordinances. Until a Planned Unit Development ordinance is adopted by the City, the procedures of Planned Development shall be used to consider any proposed amendments.

General Use Type: Residential (mixed) commercial, industrial

Use Qualifier: Planned, Cordata Business Park, Stage II, PUD Amendment #2. (See Exhibit "C") for a list of document and conditions that comprise the PUD Amendment #2.

Density: Density as specified in the Cordata Master Plan, Development and Design Guidelines and the PUD conditions in Exhibit "C"

Special Conditions: All development shall comply with the Cordata Master Plan, Conditions adapted for the area by the City of Bellingham, (Exhibit "C") Protective Covenants, the Design and Development Guidelines, and Bellingham's Wetland and Stream Ordinance; The Design Review Committee shall review all proposed development and shall give final approval prior to issuance of a building permit

Prerequisite Considerations: All Conditions of the Cordata Master Plan as amended and shown in Amendment #2 shall be met as required in the phasing schedule, provided that the appropriate alignment of the east-west Slater Connector arterial route with the intersection at Meridian Street shall be determined.

AREA 24a

This area is approximately 15.15 acres located west of Cordata Parkway and adjacent to Horton Road.

General Use Type: Residential

Use Qualifier: Planned; Cordata Business Park, Stage II, PUD, (See Exhibit "C")

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

Density: Density as specified in the Cordata Master Plan, Development and Design Guidelines and the PUD conditions in *Exhibit "C"*

Special Conditions: All development shall comply with the Cordata Master Plan, Conditions adapted for the area by the City of Bellingham, *Exhibit "C"* Protective Covenants, the Design and Development Guidelines, and Bellingham's Wetland and Stream Ordinance. The Design Review Committee shall review all proposed development and shall give final approval prior to issuance of a building permit;

Prerequisite Considerations: All Conditions of the Cordata Master Plan as amended shall be met as required in the phasing schedule

AREA 24b

This area is approximately 14.49 acres located immediately west of Cordata Parkway and adjacent to Horton Road.

General Use Type: Institutional / Residential

Use Qualifier: Planned; Cordata Business Park, Stage II, PUD, (*See Exhibit "C"*)

Density: Density as specified in the Cordata Master Plan, Development and Design Guidelines and the PUD conditions in *Exhibit "C"*

Special Conditions: All development shall comply with the Cordata Master Plan, Conditions adapted for the area by the City of Bellingham, *Exhibit "C"* Protective Covenants, the Design and Development Guidelines, and Bellingham's Wetland and Stream Ordinance. The Design Review Committee shall review all proposed development and shall give final approval prior to issuance of a building permit

Prerequisite Considerations: All Conditions of the Cordata Master Plan as amended shall be met as required in the phasing schedule

AREA 24c

This area is approximately 10.36 acres located immediately east of Cordata Parkway and adjacent to Horton Road.

General Use Type: Industrial

Use Qualifier: Planned, Cordata Business Park, Stage II, PUD, (See Exhibit "C")

Density: Density as specified in the Cordata Master Plan for Light Impact Industrial zoning; Design and Development Guidelines and the PUD conditions in Exhibit "C"

Special Conditions: All development shall comply with the Cordata Master Plan, Conditions adapted for the area by the City of Bellingham, Exhibit "C" Protective Covenants, the Design and Development Guidelines, and Bellingham's Wetland and Stream Ordinance. The Design Review Committee shall review all proposed development and shall give final approval prior to issuance of a building permit

Prerequisite Considerations: All Stage II Conditions of the Cordata Master Plan as amended shall be met as required in the phasing schedule

AREA 25

This area is approximately 136 acres and is identified as the West Guide portion of the Cordata Stage II/West Guide annexation. Located generally between the eastern boundary of Cordata Stage II and Meridian Street, Horton Road forms the area's southern boundary, and its northern boundary extends approximately 812 feet north of Kline Road (unimproved) along Guide Meridian. The northern boundary follows property lines abutting Allans Road (unimproved) and the eastern edge of Cordata Stage II. The topography is relatively flat with gentle hummock and swale features and a mix of woodland, grass, and pasture vegetation. Deciduous and evergreen trees are found in this area, including alder, birch, willows and cedar, along with shrubs, buttercup, skunk cabbage, and reed canary grass. A tributary of Baker Creek extends in a north/south direction along parcels fronting on Meridian Street. The creek drains to the south and southeast of the area. Stream and wetland buffers, setbacks, and drainage should be addressed as development occurs.

The area along Horton Road and Meridian Street is currently developed with a mix of single family dwellings, industrial uses, warehousing, and businesses. Access to the area is from Meridian Street and Horton Road. Waldron Road provides access to interior parcels located adjacent to Cordata Business Park, Stage II. Water and sewer mains extend in the Horton Road right-of-way, and in the Meridian Street right-of-way south of Horton Road. Storm water and detention system improvements should be designed to meet City requirements.

Permitted uses are limited to those permitted and accessory uses allowed in Whatcom County's Light Impact Industrial (LII) zone as of the date of the annexation. Retail development not associated with industrial uses is prohibited. Retail sale of merchandise manufactured, assembled or stored on site consistent with the definition of accessory uses as defined in Whatcom County Title 20, Chapter 20.97 WCC(Definitions) is allowed. Residential development limited to nursing homes, assisted living, and other residential uses associated with a church campus is allowed. Conditional uses allowed in Whatcom County's Light Impact Industrial (LII) zone as of the date of annexation may be allowed in this area as part of the Planned Development Process. (See Attachment #1, *list of allowed uses for Area 25*)

Transportation facilities serving the surrounding area include the proposed Slater Connector. This roadway will eventually connect from Northwest Avenue to Meridian Street. Alternative alignments have been considered at its eastern terminus at Meridian, including a terminus at Waldron Road, at Kline Road, or at Kelly Road north of this area. Additional planning and public involvement will be required to determine a final alignment.

General Use Type:

Industrial

Use Qualifier:

Planned, mixed commercial, and residential, except that 1) permitted uses shall be limited to those permitted and accessory uses allowed in Whatcom County's Light Impact Industrial (LII) zone as of the date of annexation; 2) retail development not associated with industrial uses is prohibited; 3) retail sales of merchandise manufactured, assembled or stored on site consistent with the definition of accessory uses as defined in Whatcom County Title 20, Chapter 20.97 WCC(Definitions) is allowed; and 4) residential development limited to nursing homes, assisted living, and other residential uses associated with a church campus is allowed. Conditional uses allowed in Whatcom County's Light Impact Industrial

(LII) zone as of the date of annexation may be allowed in this area as part of the Planned Development Process. (See Attachment #1, list of allowed uses for Area 25)

Density: 2,500 square feet per unit for residential

Special Conditions: Limited access; joint driveways; internal circulation; Wetland and Stream Ordinance

Prerequisite Conditions: Road improvements on Meridian Street including curbs, gutters, sidewalks, street lighting; adequate right-of-way to accommodate 5 lanes on Meridian Street; appropriate alignment of the east-west Slater Connector arterial route with the intersection at Meridian Street shall be determined.

AREA 25a

This area, located immediately west of Meridian Street and north of Horton Road is approximately 14 acres. The terrain is relatively flat with a mix of deciduous trees, shrubs, and grass. The area is about 75% developed with a mini-storage facility, including one office and an attached apartment for a caretaker. The area takes access from Meridian Street and Horton Road.

A Development Agreement between the City of Bellingham and the property owner establishes a site plan and development standards for construction of industrial/commercial buildings in Area 25a in accordance with Bellingham Planned Development Ordinance and state law. All permitted and accessory uses allowed in Whatcom County's Light Impact Industrial (LII) zoning district may be allowed in this area. (See Attachment #2, list of allowed uses for Area 25a.)

Special Conditions include limited access and joint driveways on Meridian Street and Horton Road and internal circulation of the site. Prerequisite Considerations address road improvements on Meridian Street adjacent to the property including curbs, gutters, sidewalks, street lighting and adequate right-of-way to accommodate 5 lanes on Meridian Street.

General Use Type: Industrial

Use Qualifier: Planned, mixed commercial, 1) permitted uses shall be limited to those permitted and accessory uses allowed in Whatcom County's Light Impact Industrial (LII) zone as of the

date of the annexation; 2) retail development not associated with industrial uses is prohibited; 3) retail sales of merchandise manufactured, assembled or stored on site consistent with the definition of accessory uses as defined in Whatcom County Title 20, Chapter 20.97 WCC(Definitions) is allowed. (See Attachment #2, list of allowed uses for Area 25a)

Density: N/A

Special Conditions: Controlled access; joint driveways; internal circulation (*Development Agreement DA98-1*)

Prerequisite Considerations: Road improvements on Meridian Street including curb, gutters, sidewalks, street lighting; adequate right of way to accommodate 5 lanes on Meridian Street;

Section 5.

A Development Agreement (herein "Agreement") between the City of Bellingham and the property owner of Area 25a (see attached Exhibit D) is hereby authorized, pursuant to the authority granted in RCW 36.70B.170-.220

Section 6.

For the reasons stated herein, an emergency exists in that it is necessary to implement the annexation prior to March 1, 1998, in order to protect the health, safety and welfare of the citizens of Bellingham and ensure adequate revenues to provide urban services to the annexation area. This ordinance shall take effect immediately upon passage.

Passed by the Council this 23RD day of FEBRUARY, 1998.


Bob Ryan
Council President

Approved by me this 23RD day of FEBRUARY, 1998

Mark Henderson
Mayor

Attest: 
Finance Director

Approved as to Form:


Office of the City Attorney

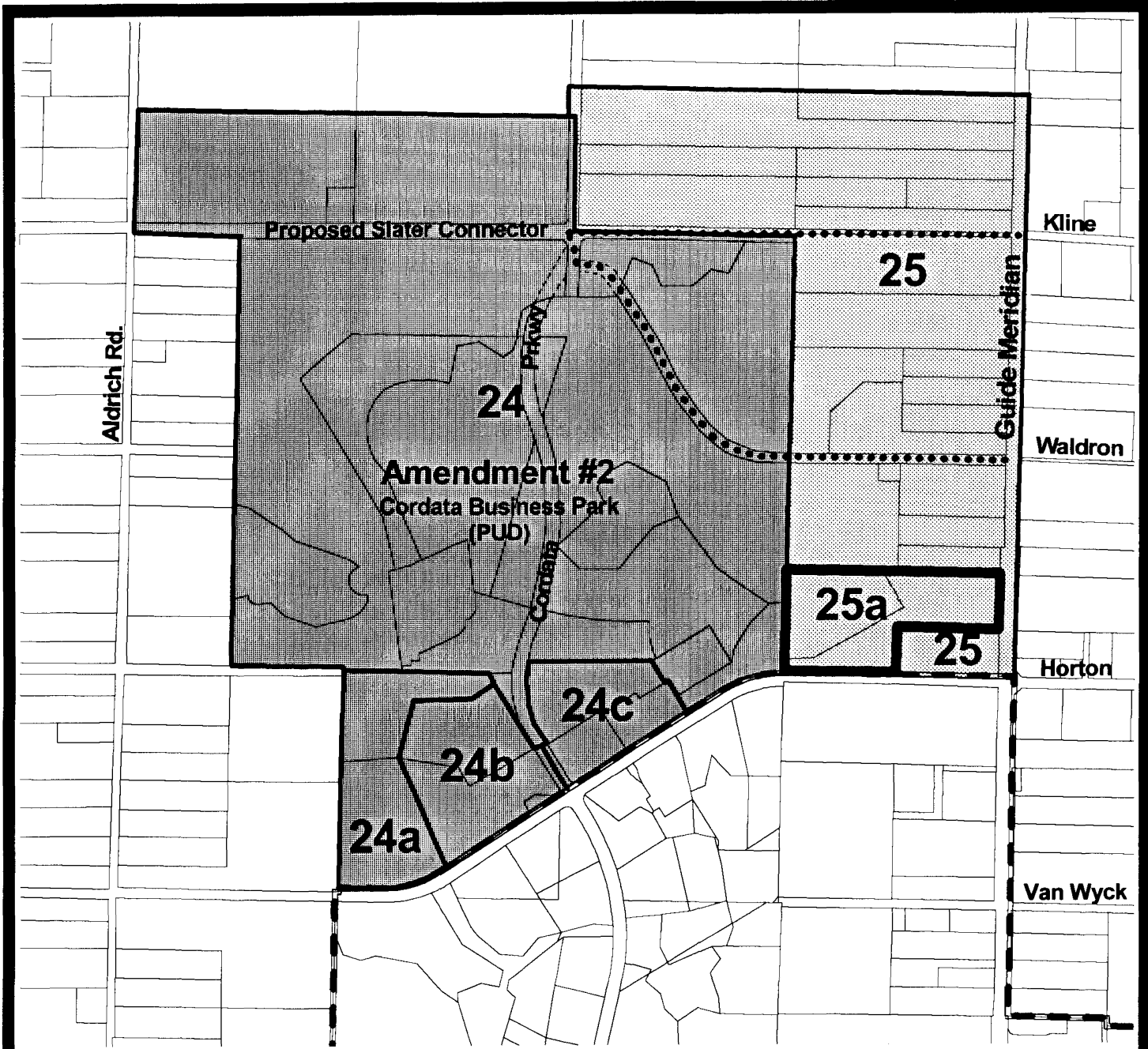
Published: 2-26-98

CITY OF BELLINGHAM
NORTH OF HORTON ROAD & VICINITY

LEGAL DESCRIPTION






Beginning at the intersection of the North line of Horton Road with the East line of Block 72, BAKERVIEW ADDITION TO BELLINGHAM, being an angle point in the existing North City Limits of the City of Bellingham; thence Northerly to the Southeast corner of said Block 73; thence Westerly along the South line of said Block 73 to the Southwest corner of Lot 4 of said Block; thence Northerly along the West line of Lots 4 and 13 of said Block 73 and along the West line of Lots 4 and 13 to the Northeast corner of Lot 12 of Block 80 of said Plat; thence Westerly along the North line of said Lot 12 of said Block 80 and West projection thereof to the East line of Aldrich Road; thence Northerly along said East line to the West projection of the East and West centerline of Block 81 of said Plat; thence Easterly along said projection and the East and West centerline of Blocks 81 and 82 to the East line of said Block 82 of said Plat; thence Northerly along the East line of said Block to the West projection of the North line of the South 1/2 of the South 1/2 of the North 1/2 of Block 83 of said Plat, being a portion of land under Tax Parcel No. 380201 379463; thence Easterly along said Projection and North line to the Northeast corner of said portion of land and the East line of said Block 83 and the Northwest corner of the South 1/2, of the South 1/2, of the North 1/2, of the Northeast 1/4, of the Northeast 1/4, of Section 1, Township 38 North, Range 2 East, of W.M., being a portion of land under Tax Parcel No. 380201 469476; thence Easterly along the North line of said portion of land and the East projection thereof to the East line of Guide Meridian Road; thence Southerly along said East line to the East projection of the North line of Horton Road and existing City Limits of the City of Bellingham; thence Westerly along said East projection thereof and North line of Horton Road to the POINT OF BEGINNING.

rlo
01-28-98



LAND USE

Cordata Stage II / West Guide Annexation

-  Cordata Stage II
-  West Guide
-  McGavin Properties, Inc.
-  City Limits
-  Alternative Alignments



City of Bellingham
 Planning and Community Development
 January 1998



EXHIBIT A

ATTACHMENT 1
List of allowed uses for Area 25
Whatcom County Light Impact Industrial Uses

CITY OF BELLINGHAM
PLANNED INDUSTRIAL (MIXED)

AREA 25
Cordata Stage II/West Guide Annexation

Permitted uses.

Manufacturing, processing, fabrication

The manufacturing and processing of food of a nature that meets the purpose and performance standards of this district excluding primary processing of meat and fish products.

Fabrication of office, computing and accounting machine.

Manufacture of miscellaneous textile goods and fabrication of apparel including clothing, hats, caps, millinery fur products; and miscellaneous fabricated textile products.

Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.

Fabrication of paper products including paperboard containers, boxes, carton boxes and paper containers.

Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.

Fabrication of leather products including belting; packing; cut stock and findings for shoes and boots; shoes; footwear; gloves and mittens; luggage; personal leather goods and handbags.

Fabrication of glass products including glass products from prepared materials; stone cutting; and monuments.

Processing and packaging of drug, pharmaceuticals, perfumes and cosmetics.

Fabrication of electrical equipment including industrial apparatus and household appliances, radio and television sets; communications equipment; electrical components and accessories; and electric lighting equipment and lamps.

Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.

Manufacture and fabrication of jewelry, silverware, plated ware, musical instruments and parts, toys, sporting and athletic goods; pens, pencils and other office and artistic supplies; novelties, buttons and notions; and miscellaneous manufacture.

Manufacture, processing, treatment or fabrication of metal products and machinery; provided that smelters and remelting mills, and the manufacturing of turbines, oil machinery, mining machinery, industrial process ovens, paper, and textile or rolling mill machinery shall be prohibited.

Manufacture, processing, treatment and fabrication of lumber, millwork, mobile homes, travel trailers, campers, miscellaneous wood products and other buildings, roofing and construction materials; provided that all odor and noise producing processes shall be conducted within an enclosed structure equipped with such scrubbing, filtering equipment or noise reduction equipment as is necessary to mitigate the odor and/or noise produced.

Fabrication of rubber products from finished rubber only and manufacture of miscellaneous plastic products from purchased resins only.

Manufacture of glass, glass products, pottery and related products, and cutting and shaping of stone products.

Bottling plants.

Transportation / communication facilities / offices

Rail, truck and freight terminals; warehousing and storage; parcel delivery service; freight forwarding; inspection weighing services; and packaging and crating.

Communications including telephone exchanges, and radio and television broadcasting stations and transmitting towers.

Business firm headquarters and professional offices.

Other uses allowed

Boat building and repair.

Construction contractors' business offices and storage and equipment yards.

Wholesale trade or storage of durable and nondurable goods including automobile parts and supplies; tires and tubes; furniture and home furnishings; lumber and other construction materials; sporting goods, toys and hobby goods; metal service centers and offices; electrical goods; hardware, plumbing and heating equipment; machinery equipment and supplies; jewelry, watches and precious stones; other durable goods; paper and paper products; drugs, proprietaries and sundries; apparel, piece goods and notions; groceries and related products; beer, wine and distilled beverages; waste bottles; waste boxes; rags; waste paper; wiping rags and miscellaneous nondurable goods; provided, however, that trade, storage or processing of sulphur shall be prohibited.

Building material yards, if screened by a fence and/or vegetation provided that screening shall not be required between two contiguous yards where the operator of each yard agrees that such screening is unnecessary.

Eating establishments, convenience grocery stores, cafes and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:

- (1) Maximum floor area is 3,000 square feet per use;
- (2) No more than two pump islands for each gas station;
- (3) Centrally located within the district to primarily serve the industrial uses of this district and not to primarily serve adjacent nonindustrial uses.

Public uses and community facilities

Churches.

Residential development limited to nursing homes, assisted living, and other residential uses associated with a church campus is allowed.

Public uses and community facilities including police and fire stations, libraries, community centers, recreation facilities and other similar noncommercial uses.

Similar uses allowed

Other uses similar in nature to the uses listed above which are consistent with the purpose and intent of the district to be approved through the planned development process

Accessory uses.

Employee recreation facilities and play areas.

Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

Testing and experimentation in connection with a principally permitted use.

Other accessory uses and buildings, including security and caretaker residences, customarily appurtenant to a principally permitted use.

Retail sales of merchandise manufactured, assembled or stored on the site and consistent with the definition of accessory uses as defined in Chapter 20.97 WCC (Definitions).*

On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses

* WCC 20.97.005 Accessory Use:

Accessory use means a use customarily incidental to a permitted use; provided that such use shall be located on the same lot as the permitted use except where specifically permitted elsewhere in zoning district regulations.

Billboards, subject to the provisions of this ordinance, and only within the Bellingham Overlay Zones delineated by Bellingham Municipal code 20.08.020, Figure 15

Consistent with the Meridian Neighborhood, the following uses are prohibited: permanent facilities for live or performing arts, and government offices except Armed Forces recruiting offices, branch post offices, and branch libraries or public safety facilities (such as fire stations)

Conditional uses.

Conditional uses may be considered through the Planned Development Process.

Manufacture of hydraulic cement; concrete gypsum and plaster products; and abrasive asbestos and miscellaneous nonmetallic mineral products.

Manufacture of sands.

Repair, service and accessory sales for motor vehicles, boats and farm implements

Solid waste disposal facilities and sites of a permanent nature including, but not limited to, landfills, incinerators, and transfer stations, excluding sewage sludge

Transitory solid waste facilities for treatment, storage, or collection, including, but not limited to: recycle centers and drop boxes for household materials excluding large items such as automobiles or major appliances; noncommercial composting and mulching facilities; and including but not limited to the type of facilities operated by neighborhood or public service organizations.

Golf courses and commercial recreation facilities related to golf courses.

ATTACHMENT 2

List of allowed uses for Area 25a Whatcom County Light Impact Industrial Uses

CITY OF BELLINGHAM PLANNED INDUSTRIAL (MIXED)

AREA 25a

**McGavin Properties, Inc.
Cordata Stage II/West Guide Annexation**

Permitted uses.

Manufacturing, processing, fabrication

The manufacturing and processing of food of a nature that meets the purpose and performance standards of this district excluding primary processing of meat and fish products.

Fabrication of office, computing and accounting machine.

Manufacture of miscellaneous textile goods and fabrication of apparel including clothing, hats, caps, millinery fur products; and miscellaneous fabricated textile products.

Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.

Fabrication of paper products including paperboard containers, boxes, carton boxes and paper containers.

Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.

Fabrication of leather products including belting; packing; cut stock and findings for shoes and boots; shoes; footwear; gloves and mittens; luggage; personal leather goods and handbags.

Fabrication of glass products including glass products from prepared materials; stone cutting; and monuments.

Processing and packaging of drug, pharmaceuticals, perfumes and cosmetics.

Fabrication of electrical equipment including industrial apparatus and household appliances, radio and television sets; communications equipment; electrical components and accessories; and electric lighting equipment and lamps.

Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.

Manufacture and fabrication of jewelry, silverware, plated ware, musical instruments and parts, toys, sporting and athletic goods; pens, pencils and other office and artistic supplies; novelties, buttons and notions; and miscellaneous manufacture.

Manufacture, processing, treatment or fabrication of metal products and machinery; provided that smelters and remelting mills, and the manufacturing of turbines, oil machinery, mining machinery, industrial process ovens, paper, and textile or rolling mill machinery shall be prohibited.

Manufacture, processing, treatment and fabrication of lumber, millwork, mobile homes, travel trailers, campers, miscellaneous wood products and other buildings, roofing and construction materials; provided that all odor and noise producing processes shall be conducted within an enclosed structure equipped with such scrubbing, filtering equipment or noise reduction equipment as is necessary to mitigate the odor and/or noise produced.

Fabrication of rubber products from finished rubber only and manufacture of miscellaneous plastic products from purchased resins only.

Manufacture of glass, glass products, pottery and related products, and cutting and shaping of stone products.

Bottling plants.

Transportation / communication facilities / offices

Rail, truck and freight terminals; warehousing and storage; parcel delivery service; freight forwarding; inspection weighing services; and packaging and crating.

Communications including telephone exchanges, and radio and television broadcasting stations and transmitting towers.

Business firm headquarters and professional offices.

Boat building and repair.

Construction contractors' business offices and storage and equipment yards.

Wholesale trade or storage of durable and nondurable goods including automobile parts and supplies; tires and tubes; furniture and home furnishings; lumber and other construction materials; sporting goods, toys and hobby goods; metal service centers and offices; electrical goods; hardware, plumbing and heating equipment; machinery equipment and supplies; jewelry, watches and precious stones; other durable goods; paper and paper products; drugs, proprietaries and sundries; apparel, piece goods and notions; groceries and related products; beer, wine and distilled beverages; waste bottles; waste boxes; rags; waste paper; wiping rags and miscellaneous nondurable goods; provided, however, that trade, storage or processing of sulphur shall be prohibited.

Building material yards, if screened by a fence and/or vegetation; provided that screening shall not be required between two contiguous yards where the operator of each yard agrees that such screening is unnecessary.

Eating establishments, convenience grocery stores, cafes and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:

- (1) Maximum floor area is 3,000 square feet per use;
- (2) No more than two pump islands for each gas station;
- (3) Centrally located within the district to primarily serve the industrial uses of this district and not to primarily serve adjacent nonindustrial uses.

Public uses and community facilities

police and fire stations, libraries, community centers, recreation facilities and other similar noncommercial uses.

Churches.

Similar uses

Other uses similar in nature to the uses listed above which are consistent with the purpose and intent of the Light Impact Industrial District to be approved through the planned development process

Accessory uses

Employee recreation facilities and play areas.

Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

Testing and experimentation in connection with a principally permitted use.

Other accessory uses and buildings, including security and caretaker residences, customarily appurtenant to a principally permitted use.

Retail sales of merchandise manufactured, assembled or stored on the site and consistent with the definition of accessory uses as defined in Chapter 20.97 WCC (Definitions). *

On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses

Billboards, subject to the provisions of this ordinance, and only within the Billboard Overlay Zones delineated by Bellingham Municipal code 20.08.020, Figure 15

Consistent with the Meridian Neighborhood the following uses are prohibited permanent facilities for live or performing arts, and government offices except Armed Forces recruiting offices, branch post offices, and branch libraries or public safety facilities (such as fire stations)

* WCC 20.97.005 Accessory Use:

Accessory use means a use customarily incidental to a permitted use; provided that such use shall be located on the same lot as the permitted use except where specifically permitted elsewhere in zoning district regulations.

EXHIBIT C

CORDATA ANNEXATION NORTH OF HORTON ROAD

The documents and conditions included in the Cordata Business Park Master Plan, associated Environmental Impact Statement, Cordata Business Park Development and Design Guidelines and the documents that make up the Cordata PUD Amendment #2 (the PUD amendment application, EIS documents and Conceptual Site Plan and Open Space Concept dated August 28, 1995) shall function as the Planned Unit Development or Planned Development approval for that portion of Cordata located north of Horton Road. This approval may be amended through procedures contained in the City's Planned Unit Development regulations or other applicable ordinances. Prior to adoption of a Planned Unit Development ordinance by the City, the procedures of Planned Development shall be used to consider any proposed amendments.

The following represents the Cordata PUD conditions of approval as adopted by Whatcom County that are generally applicable to the section of Cordata north of Horton Road. Some conditions also apply to the whole of Cordata, both south and north of Horton Rd., and were associated with the first approval of Cordata in 1986 (PUD 1-84.) Other conditions were added during the 1996 Cordata PUD Amendment #2 for the majority of the Cordata site north of Horton Rd. The condition language has been modified to 1) reflect conditions that have already been satisfied, 2) adapt the language to City of Bellingham codes and procedures and 3) eliminate conditions no longer applicable.

Trillium Corp., as developer, or its successors and assigns in interest to Cordata and all persons owning or developing property within Cordata shall comply with the provisions of the approved PUD as referenced above and the following conditions:

(Condition numbers reference the County documents from which they were taken. The "A.I" and "A.II" conditions are from the 1986 PUD 1-84. The "B" conditions are from the 1996 Cordata PUD Amendment #2.)

General Provisions

- B(Note 1) Approval of Cordata PUD Amendment #2 does not nullify the original conditions of PUD1-84.
- A.I(1) All construction activities, including but not limited to road, drainage, and land alteration improvements, shall follow the design standards and construction procedures outlined in City of Bellingham development standards.
- A.I(3) Whenever public agency regulations, policies, or other requirements are applicable to development under the Cordata PUD, definitions found in public documents shall prevail over those found herein or in the

documents provided by the developer in cases of conflict or to resolve ambiguities that may arise.

- A.I(4) All division of land for sale or lease shall require approval by the City through binding site plan, subdivision, short plat or other appropriate procedures consistent with City codes. Property that has received general binding site plan approval but not specific binding site plan approval from the County shall obtain specific binding site plan approval from the City prior to the issuance of building permits on that site.

All construction or development on the site must secure a certificate of consistency from the Cordata Design Review Committee (DRC) and approval by the Planning and Community Development Department prior to permit issuance. Development proposals shall be reviewed by the City Technical Review Committee for conformance with the Cordata PUD prior to approval of the Planning and Community Development Department.

A.I(6,7,
36-38,40)

The City of Bellingham acceptance of the PUD as zoning for the site relies on the County record that the development has complied with the following PUD conditions:

- a) The Development and Design Guidelines, protective Covenants, and Design Review Committee Regulations were to be reviewed by the appropriate County departments for compliance with the PUD ordinance, the conditions within the PUD permit, and any other applicable laws,
- b) Recording of the approved Restrictive Covenants,
- c) Amending the building height and grade definitions in the Development Design Guidelines to conform to County zoning definitions,
- d) Addition of the following statement to the Protective Covenants:
"No relaxation granted by the DRC shall be interpreted as a variance from the minimum standards of official Whatcom County regulations or City of Bellingham regulations unless such minimum standard regulations have already been altered by flexibility authorized by the PUD ordinance and permit approval,"

- e) Amendment to the Protective Covenants, Section 20, EXEMPTION, shall limit the developer's actions to require minor improvements for marketing purposes, not for building construction and the like, and
- f) Plan Review Submission Requirements, Section B on Page 8 of Design Review Procedures, shall be supplemented with a note that these requirements are supplemental to WCC 20.80.
- g) The definitions of Section A(1)(f) and section B.6 in the Development and Design Guidelines for building height and building grade shall be amended to conform to those of Title 20.85, Whatcom County Zoning Ordinance.

All future or amended Design Review Committee Guidelines must be consistent with the PUD permit and existing laws and regulations at the time of the creation or modification of the Design Review Committee Guidelines.

- A.I(34) The developer shall comply with the applicable state and local laws of any other governmental entity which has jurisdiction over a portion of the site, to ensure that all requirements of each of the governmental entities will be met.
- A.I(44) All future development, building, uses or other changes to the site must conform to the conditions in this PUD permit, to any Binding Site Plans approved for the appropriate phase of the development, and any other conditions imposed by law in order to comply with this PUD permit. All future development shall further conform to the guidelines issued by the Design Review Committee at the time of the development and shall comply with the requirements set out in the final Environmental Impact Statement.
- A.I(45) The chief executives of the City and County shall appoint the public sector members of their respective jurisdictions to the Design Review Committee. The composition of the Design Review Committee should include three members from the City of Bellingham departments associated with development review, one member from Whatcom County, two from the Cordata Business Park Association, one from the Trillium Corporation, or its heirs and assigns, and one member at large to be appointed by the other members of the DRC.

- A.I(39) Protective Covenants shall allow periodic review of the terms of the covenants to allow minor changes to meet changing conditions. Major changes to the covenants, as determined by the Planning and Community Development Director shall require review of the TRC. Covenants shall be consistent with the approved PUD. The covenants shall remain in effect until termination is approved by the City of Bellingham.
- A.I(40) Design Review Committee plan submittal requirements are supplemental to City of Bellingham permit application submittal requirements.
- A.I(15) Recycling of waste materials shall be encouraged under Section 8.10 Refuse, of the Protective Covenants.
- B(21) A system of signs for identifying the location of each residential unit and other uses on the site shall be established, based on considerations of crime prevention and the needs of emergency vehicles.
- A.I(29) The parking space requirements set forth in the Cordata Development and Design Guidelines in Section 2.8.2 are hereby approved as minimum parking standards. The Design Review Committee, however, has the authority to increase these requirements for a particular use under review if the minimums do not prove adequate with concurrence and approval of the City Technical Review Committee.
- A.I(8) All buildings, signs, or other improvements to the property must obtain proper building permits and comply with all applicable City, County, State or Federal regulations and the appropriate design management documents, which are part of the PUD approval and any other laws which may be applicable at the time of construction.

Permitted Uses

- B(27) Land uses on the 239 acre Cordata Amendment #2 site shall conform to the PUD application and the "Cordata Business Park P.U.D. Amendment North of Horton Road" Conceptual Site Plan and Open Space Concept dated 8-28-95. Additionally, no uses shall be permitted which are not allowed in the following Whatcom County Zoning Districts: Urban Residential - four dwellings/acre (UR-4), Urban Residential Medium Density - 12 dwellings/acre (URM-12), Urban Residential medium Density - 18 dwellings/acre (URM-18), Rural - one dwelling/five acres

(R5A), Rural - one dwelling/ten acres (R-10A) and General Commercial (GC) zoning districts, except as provided for in the "industrial land use option" specified in condition 28 below. A list of the uses allowed in the referenced County zoning districts is attached as Appendix "A."

- B(28) The PUD Amendment #2 provides for an "industrial land use option." The PUD amendment authorizes the construction of 1,779 residential units, along with the other commercial, institutional, and recreational development described in the application, on the northern 239 acres of the Cordata Business Park. It also recognizes that areas A1 and H1 (SFEIS, p. 20), which total 19.7 acres, will be developed with industrial uses, as contemplated under the original PUD approval, without a reduction in the 1,779 residential units approved herein. However, the applicant shall also have the right to exercise an "industrial land use option" requested by the City of Bellingham. This option permits the applicant to develop areas A2, H2, F, and G (SFEIS, p. 20), which total 47.8 acres, with industrial uses as approved under the original PUD (PUD 1-84), in lieu of developing these areas with residential uses. Areas A2, H2, F, and G are planned for "medium to high density" residential development of 7 to 18 units per acre under the amendment application. If the applicant chooses to revert back to the industrial uses authorized on these parcels under the original PUD approval (PUD 1-84), such industrial uses shall be subject only to the original conditions of PUD 1-84, with the understanding that the Design Review Committee shall give particular attention to buffering these industrial uses when they are adjacent to non-industrial uses and non-industrial zones. Additionally, if the applicant chooses to develop these areas with industrial uses, 7 residential units shall be eliminated for every acre of land in areas A2, H2, F, and G that is devoted to industrial use.

Density

- B(32) The maximum number of dwelling units in the entire 626.7 acre Cordata Business Park site shall be limited to 2,651. No more than 1,779 of the total 2,651 residential units are planned for the 239 acre amendment site.

Streets and Access

- A.II (1-4, 22) The City acknowledges the following requirements of the PUD have been completed:

- a) Construction of Kellogg Road.
- b) Installation of a traffic control signals at the Kellogg/Meridian intersection, the Cordata Parkway/W. Bakerview Road intersection and the Meridian/Westerly Rd. intersection.
- c) Improvement of the Cordata Parkway/Bakerview intersection consisting of a left turn lane and upgraded right turning movements.
- d) Construction of Horton Road.

A.I(20) The primary on-site public road system for the entire Cordata site shall include the following four-lane wide routes:

Cordata Parkway (north/south spine road extended) from Kellogg Rd. to the Kline Road (all but the north section has been completed);

Horton Road east of Cordata Parkway to Guide Meridian (this section has been completed);

Stuart Road east of Cordata Parkway to Guide Meridian;

Kline Road east of Cordata Parkway to Guide Meridian;

Left turn lanes shall be provided at major intersections. Two-lane routes shall include: Horton/Thomas; Stuart/Kellogg loop; Allans Road and June Road. The access road system shall either be comprised of private or public roads which shall be decided at the engineering alignment plan approval stage of each road facility.

A.I(21) The Trillium Corporation, as developer, or its successors and assigns, acting as developer, shall share the cost of the following improvements, in proportion and manner to be determined after reaching a threshold of building construction build-out of 3.25 million square feet. No further building permits beyond the 3.25 million square feet shall be issued until an agreement is approved between the Trillium Corporation as the developer, the City and the County as to the method of construction and financing of the following road sections:

- a. Stuart Road between the Guide Meridian and east property boundary. The improvement shall be a four-lane arterial

constructed at the same time the connection is underway in an easterly direction within the development site.

- b. Thomas Road (an extension of Horton Rd. westerly) between the west property boundary and Aldrich Road. This facility shall be a minor collector.
- c. Allans Road (Eliza Ave.) between the south property boundary and Bakerview Road. This facility shall be a minor collector.
- d. June Road between the west property boundary and Aldrich Road. This facility shall be a minor collector.

A.I(23)

When Cordata reaches twenty-five (25%) build-out (3.25 million square feet), as determined by building permit tally, a transportation study will be prepared in which The Trillium Corporation will participate in a proportionate share to determine the comprehensive sources of impacts to the City and County road systems and alternative methods of mitigating such impacts. Specifically, off-site roads to be included in such study will include the following:

- A. Kline Road between the west boundary of the project and Aldrich Road. This facility shall be a major collector.
- B. Aldrich Road reconstruction between Northwest Road and Kline Road. This facility shall be a major collector constructed either in stages as the east/west collectors are built or a full length project.

The City acknowledges that the following improvements have been completed:

- C. Aldrich Road/Northwest Drive intersection alignment. This project will include right-of-way and roadway construction. Left turn lanes will be provided as needed.
- D. W. Bakerview Road between I-5 and Cordata Parkway.

A.I(24)

In the event that the developer of Cordata is eligible for off-site road improvements reimbursement from other property owners in accordance with RCW 35.72, upon a request for an approval by the City of Bellingham or Whatcom County, as appropriate, the developer shall be responsible for the information gathering in formulating such

reimbursement contracts as directed by the County or City Engineer, as appropriate.

- A.I(25) Internal road and off-site roads shall be constructed to an all weather standard in order to avoid weight limit restrictions during certain weather conditions. This will apply to the truck routes as designated in the Master Plan (Plan No. 6.01).
- A.I(28) For internal road construction, the City of Bellingham standards shall apply.
- A.I (35) Private roads, drainage facilities, and other community facilities which will be privately maintained under an owner or community association or similar type entity shall require plans to be submitted to the City of Bellingham Public Works Dept. which detail the maintenance program, and said program shall be approved by the City Engineer prior to implementation.
- A.II(5) Access points along Kellogg Road between Cordata Parkway and Guide Meridian shall be limited to one mid-block 30 foot wide driveway or roadway on each side of the street. Street lighting shall not be placed in the road median. Two additional right in, right out accesses along this section of road shall be permitted with appropriate curb cuts.
- A.II(6) The Whatcom Transportation Authority shall be consulted for incorporation of bus pull outs along bus routes within Cordata if deemed appropriate by said Authority. The developer shall be responsible for the installation of such improvements.
- B(1) All streets, drainage and utilities shall be designed to City standards and be consistent with the Cordata Development and Design Guidelines, where applicable.
- B(2) Transportation impact fees shall be paid to the City of Bellingham at building permit issuance. Additionally, the developer shall participate on a fair share basis in the funding of traffic signals at Horton Road and Guide Meridian, and at Cordata Parkway and Kellogg Road. The City of Bellingham shall determine the timing of the installation of these signals based on signal warrants. Payment of the developer's proportionate share shall be made at the time of signal construction.

- B(3) The applicant shall construct Cordata Parkway to secondary arterial standards. Cordata Parkway shall have left turn bays at major intersections, for both public and private streets. Cordata Parkway may be constructed in phases, if approved by the Public Works Director.
- B(4) The east-west connector (in the vicinity of the Kline Road/Waldron Road alignment) shall be constructed to principal urban arterial standards within the City and to rural major collector standards in the County. Phasing of the development shall be coordinated with construction of the east-west connector, as follows:
- a. Construction of Cordata PUD Amendment #2 Phase II shall not commence until the east-west connector has been constructed between Cordata Parkway and the Guide Meridian.
 - b. Construction of Cordata PUD Amendment #2 Phase III shall not commence until the east-west connector has been constructed between Cordata Parkway and Northwest Drive.

B(Note #2) For purposes of administering the conditions of Cordata, Phase I, II and III of the Cordata PUD Amendment #2 site shall be defined as follows:

Phase I - consists of approximately 187 single-family units, 188 duplex units, 375 multi-family units, a congregate care facility, a 10,000 square foot recreation building, and 7,500 square feet of convenience retail/office space, a community center building, an athletic facility and a 100-seat restaurant. When total daily trips from the 239 acre amendment site reach 7,400, the project shall be deemed to have completed Phase I (see SFEIS, Appendix A, Transportation Impact Study, Table 4, Projected Trip Generation Estimates - Phase I, p. 23).

Phase II - consists of 150 single-family units, 150 duplex units, 300 multi-family units, and 2,500 square feet of convenience retail/office space. Total daily trips for the uses specified in Phase II will be determined in the traffic study required by recommended condition 6. When total daily trips reach the number calculated for Phase II, the project shall be deemed to have completed Phase II.

Phase III - consists of 65 single-family units, 64 duplex units, and 300 multi-family units.

- B(5) The developer's financial participation in construction of the east-west connector roadway shall be as follows:
- a. In the event that Whatcom County and/or the City of Bellingham construct the east-west connector prior to the time the road is required to develop Phase II and/or Phase III of Cordata PUD Amendment #2, the developer shall contribute a pro-rata share to facilitate construction of this road.
 - b. In the event that the east-west connector is not constructed prior to the time the road is required to develop said Phase II and/or Phase III, the developer may either construct the east-west connector in phases as specified in conditions B(4) a. and B(4) b. above or delay development until the east-west connector is constructed.
- B(6) Prior to any construction of Cordata PUD Amendment #2 Phase II, the developer shall provide an updated traffic study, to be reviewed by both the Whatcom County Division of Engineering and the City of Bellingham Public Works Dept. The purpose of the traffic study shall be to re-evaluate traffic impacts and to determine the applicant's level of financial participation in off-site road improvements. The study shall specifically address the following road improvements:
- a. Constructing the east-west connector (in the vicinity of the Kline/Waldron Road alignments), from Guide Meridian to Northwest Drive;
 - b. Widening Guide Meridian (SR 539) to a minimum 4-lane configuration (5 lanes at major intersection) to Smith Road;
 - c. Signalizing the intersection of Northwest Drive and Smith Road;
 - d. Signalizing the intersection of Northwest Drive and Slater Road;
 - e. Re-channeling and widening eastbound and westbound intersection approaches at the intersection of Guide Meridian (SR 539) and Smith Road. Providing protected left-turn movements on all legs of the intersection;
 - f. Providing a three-lane approach eastbound (left, through, and right turn lanes) at the intersection of Guide Meridian and the east/west connector roadway;

- g. Signalizing the intersection of Aldrich Road and the east/west connector roadway; and
- h. Any other intersection or road improvement identified by Whatcom County or the City of Bellingham.

If the developer, the Whatcom County Division of Engineering, and the City of Bellingham Public Works Dept. cannot agree on the applicant's level of financial participation in road improvements recommended by the above referenced traffic study, then the matter shall be referred to a joint Bellingham City Council and Whatcom County Council meeting, who shall decide the applicant's level of financial participation. The above referenced study shall also calculate the daily trips associated with Cordata PUD Amendment #2 Phase II, in order to define when Phase II has been completed.

- B(7) Private roads with an average daily traffic of 1,000 vehicles or more shall have vertical curbs and gutters to provide an added measure of safety for pedestrians.
- B(8) All signing and striping shall be installed per MUTCD standards at the applicant's expense.
- A.I(32) Public transportation access should be encouraged. The Developer shall take into consideration the access requirements of Whatcom Transportation Authority, including special transportation, in designing roads and driveways.
- A.I(26) Before existing rights-of-way are vacated on the Cordata site, the substitute right-of-way shall be dedicated.

Drainage and Wetlands

- B(9,22) All development shall comply with the provisions of BMC 16.50 (wetlands and streams) and BMC 15.42 (storm water). Provisions for maintenance of the stormwater system shall be submitted and approved.
- B(10) Fill and Grade Permits, Clearing Permits, and Revocable Encroachment Permits shall be obtained when required. Clearing and grading activities

shall comply with the provisions of BMC 16.60 (clearing), BMC 16.70 (grading).

- B(11) Erosion control plans shall be submitted and approved prior to any clearing or grading on the site.
- A.I(13) The Trillium Corporation or Cordata Business Park Association shall submit a bi-annual drainage maintenance program to the City Engineer for approval. The City shall have the right to bill the Association for any maintenance work done under City authorization that the Association fails to perform after a reasonable time beyond written notification by the county.
- A.I(14) There shall be no outside storage of potentially polluting materials and no toxic wastes shall be allowed to enter the sewer system in compliance with the protective Covenants, Development Guidelines, local, state, and federal laws.
- A.I(16) Oil and grease separators shall be required at collection points of water from parking lots, garages, and similar places where oils are likely to accompany surface water drainage.
- A.I(17) Cordata Business Park Association shall be responsible for developing a program for containment and recovery of spills of toxic or dangerous materials that have a potential for entering the drainage system in compliance with the protective Covenants, Development Guidelines, local, state and federal laws.
- A.II(11) Storm water run-off shall be managed to mitigate post development runoff rates and impacts to adjacent building sites or properties by implementation of storm detention, retention, and surface collection systems. Orifice to the outflow control structures shall be calibrated based upon the allowable discharge rate of 0.2 cfs per acre. On-site drainage systems shall collect run-off and transmit such to management facilities and prevent site drainage from impacting adjacent developments or properties.
- A.II(12) Downstream drainage facilities shall be evaluated and up-sized by the developer, if necessary, to carry the designed outflow from the development.

- A.II(13) Storm water collection devices shall provide oil/water and floatable solids separation. A structured maintenance management program for collection devices shall be approved by the appropriate governing body.
- A.I(11) The developer shall provide to the City all comprehensive drainage studies and plans (including location, size and type of detention facilities and location and size of major drainage pipe systems) that were submitted to the County under the conditions of the PUD. Further drainage studies may be required for individual subareas of the site. An adequate drainage plan shall be demonstrated for each drainage area before any binding site plan or building permit is approved for that area.
- A.I(12) A drainage study on the downstream impacts on the Silver Creek drainage basin was required to be submitted to the County Engineer prior to the issuance of any building permits. The Developer shall provide a copy of this information to the City Engineer.
- A.I(18) The developer was required to provide the following information to the County and Dept. of Game: Surface water quality base-line information shall be collected and provided for all site discharge points of surface water drainage prior to final PUD approval (issuance of building permits) in compliance with the Protective Covenants, Development Guidelines, local, state, and federal laws. The Developer shall provide a copy of this information to the City.

Binding Site Plans and Subdivisions

- B(12) All fences along the property lines and easements shall be shown on the final mylar along with the standard fence disclaimer note if a discrepancy exists.
- B(13) Road name proposals for unnamed new roads must be submitted for approval.
- B(14) All road, drainage facilities, and grading plans shall be designed and stamped by a state licensed engineer and submitted for approval prior to construction. As-built road plans and a letter of certification from a licensed engineer must be submitted to the County Engineer prior to acceptance of any roads into the County Road System.

- B(15) The developer shall consult with the post office for the location of mail boxes.
- B(16) Addressing shall be coordinated with the City Building Services Division.
- B(18) The Cordata Parkway and east-west connector rights-of-way shall be vacated and re-dedicated in the proposed alignment on the General Binding site Plan and Final Plat.
- B(24) The school mitigation/impact fee requirement shall be disclosed on the face of each Final Plat, General Binding Site Plan, and Specific Binding Site Plan.
- B(26) Development shall take place consistent with the "Cordata Business Park development and Design Guidelines". Additionally, in order to provide flexibility from underlying zoning requirements, the developer shall propose minimum setbacks, maximum height limits, and minimum lot sizes when each Final Plat and/or Specific Binding site plan is submitted for approval. The City shall review and approve setbacks, height limits, and lot sizes. The approved setbacks, height limits and lot sizes shall be disclosed on the face of the Final Plat or Specific Binding Site Plan, as appropriate.
- B.(30) Binding site plans developed with condominiums shall contain thereon the following statement:
- All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the City, town or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' association have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.
- B.(35) Approval of the preliminary long plat shall become invalid unless a final plat is submitted in proper form for final approval within three years of the date of preliminary plat approval, except if extended pursuant to

applicable City codes. Re-division of the three tracts in the long plat that are intended for residential uses shall be accomplished through the standard preliminary/final plat procedure and/or the general/specific binding site plan procedure, whichever is appropriate.

- B(34) The general binding site plan has been approved by Whatcom County. The last specific binding site plan shall be filed no later than 15 years after recordation of the general binding site plan with the possibility of a one-year extension if requested in writing within 30 days of the date the binding site plan is scheduled to expire. The one-year extension may be granted upon a finding by the administrator that the applicants have been diligent in their attempt to finish by the expiration date and that the extension would not be detrimental to the public interest.

Fire Department Requirements

- A.II (7) The PUD requires pump facilities to be installed as necessary to provide a minimum base level of fire flow. Any such facilities shall be installed prior to the issuance of building permits for the subject development.
- B(19) Fire suppression water (fire flow) and hydrant placement shall be provided in accordance with the City of Bellingham Public Works standards and approved by the City of Bellingham Fire Department.
- B(33) Condition 33 of the original PUD approval requires the developer to deed to Whatcom County Fire District #8 a site for a fire station within the Cordata boundaries. As a condition of this amendment, the timing for compliance with this previous condition shall be as follows: The fire station site shall be deeded to Fire District #8 prior to issuance of any building permit for development authorized pursuant to this PUD amendment approval, unless waived in writing by the Chief of Fire District #8. An October 21, 1996 memo from the Fire Chief of Whatcom County Fire District #8 states, "Whatcom County Fire District 8 does not need or require the property set aside and located in the Cordata North area for a future fire station. We would request that you touch base with the Chief of the Bellingham Fire Department since this area is scheduled to be annexed into the city in the near future." The final determination of whether a fire station site shall be dedicated to the City shall be deferred until the completion of a fire protection services master plan to be developed between the Bellingham Fire Department and the rural fire districts. (See 12/97 Interlocal Agreement.) This provision shall not be

construed to prohibit development of sites within the PUD prior to completion of the fire protection services master plan.

Utilities

- B(17) Public water and sewer shall be provided to all sites. On-site septic systems shall not be permitted. The developer shall upgrade the Horton Road sewer pump station, as required by the City of Bellingham.
- B(20) and A.I(42) All utilities shall be underground.
- A.II(8) Water mains shall be sized in accordance with City of Bellingham standards with minimum fire flow conveyance to far reaches of the site accomplished.
- A.II(9) Hydrants which meet the City standards shall be spaced and located along streets as the streets are constructed according to a plan approved by the Bellingham Fire Department.
- A.II(10) Sanitary sewer shall be extended in accordance with City of Bellingham standards.

School Impact Fees

- B(23) The developer has provided the mitigation agreements required in the following PUD Amendment #2 condition. These agreements are attached as Appendix "B."

"Prior to recording either the Plat or General Binding Site Plan, the developer shall enter into mitigation agreements with the Ferndale School District and the Meridian School District to provide temporary space in portable classrooms and other school facilities as needed in order to house or otherwise accommodate the students that may reside in the proposed development. Unless other terms are mutually agreed to by the School District(s) and the developer, the agreement shall contain substantially the same terms as the Draft Mitigation Agreement example included in the record. The mitigation fee shall be set at \$850 per single family residence, \$850 for each unit in a duplex, and \$450 per multifamily unit; provided that the mitigation agreement shall specify that the amount of the mitigation fee shall be subject to review upon request of either the developer or the school district at intervals of no less than five years and

may be adjusted upward or downward based on such economic and social factors as inflation, need for classroom space, and family size. The mitigation fee shall mitigate the significant adverse environmental impacts as identified in the SEPA process as specified in Chapter 43.21 C RCW and Chapter 197-11 WAC. The fee for each unit shall be paid prior to the issuance of a building permit for that unit. Units located within the Ferndale School District area shall pay the mitigation fee to the Ferndale School District. Units located in the Meridian School District area shall pay the mitigation fee to the Meridian School District. Any units in the Cordata Business Park Amendment #2 area restricted to "seniors only" through enforceable covenants that have been approved by Whatcom County or the City of Bellingham shall not be required to pay the mitigation fee. However, said covenants restricting units to "seniors only" may only be removed if prior notice is given to the City of Bellingham, Meridian School District, and Ferndale School District. Additionally, said covenants shall specify that the mitigation fee in effect at the time the covenant is removed shall be immediately paid to the appropriate school district at such time as the "seniors only" covenant is removed for those units which have not paid the fee. The covenant shall also specify who is responsible for paying the fee. In the event that the City of Bellingham were to adopt a school impact fee based on Chapter 82.02 RCW, that applies to the subject property, the developer agrees to pay to the school districts the impact fees based on Chapter 82.02. Payments made to the school districts under the provisions of Chapter 82.02 shall be in lieu of the payments under the provisions of SEPA, Chapter 43.21C RCW, set forth above, to mitigate significant adverse impacts to schools as identified through the SEPA environmental review process."

Development within the Bellingham School District shall be subject to the payment of school impact fees as required by Bellingham Ordinance No. 10333 or in accordance with any subsequent ordinance in effect at the time fee payment is due. School impact fees shall be paid prior to building permit issuance.

- B(25) Prior to the issuance of any building permit for a single family residence, duplex or multifamily residential structure (defined as triplex or larger) outside the Bellingham School District, the applicant for the building permit shall submit proof from the School District that the school mitigation fees have been paid or that the residential unit is exempt from the fee because it is a "senior only" unit, as set out above.

Landscaping, Open Space, Parks and Buffers

- B(29) Perimeter buffering shall be provided as required in the Cordata Business Park Development and Design Guidelines.
- B(31) A minimum of 103 acres of open space shall be designated on binding site plans and/or plats (both long and short) in the overall 626.7 acre Cordata Business Park PUD. A minimum of 42 acres of open space shall be designated on binding site plans and/or plats in the northern 239 acre PUD Amendment #2 site, including a six-acre park. Open space designated under the terms of this condition shall remain open space in perpetuity and be maintained as such.
- A.I(19) Map #6.04 of the Master Plan shall serve as guideline for the preservation of the open space network within the Cordata PUD. At such time that applications are submitted to the DRC, a site plan shall be presented that designates common open space area to be deeded to the Cordata Business Park Association. The dedication of the open space to the Business Park Association shall occur through the submittal of a survey to be consistent with the survey requirements associated with the Binding Site Plan provisions of City code.

APPENDIX "A" - USES ALLOWED IN WHATCOM COUNTY URBAN RESIDENTIAL, URBAN RESIDENTIAL MEDIUM DENSITY, RURAL AND GENERAL COMMERCIAL DISTRICTS

Uses in Cordata must be consistent with the uses specified and allowed in the Planned Unit Development approval. Additionally, in no case may the uses exceed those listed below, except that certain areas as identified in the PUD conditions may be developed with industrial uses as provided by the Cordata Master Plan approved under PUD 1-84.

1. Automobile, motorcycle, marine and farm implement sales, repair and service; provided that all repair services are conducted within an enclosed building.
2. Automobile service stations, car washes and public garages.
3. Mobile home and recreational vehicle sales.
4. Eating and drinking establishments.
5. Rental agencies.
6. Indoor commercial recreation facilities limited to bowling alleys, skating rinks, indoor theaters and physical fitness centers.
7. Passenger terminal facilities.
8. Service establishment including but not limited to barber and beauty shops, laundries, dry cleaners, furniture repair, frozen food lockers, funeral parlors, animal hospitals, auction houses, financial institutions, fraternal organizations and professional offices.
9. Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music and pet stores.
10. Printing and publishing establishments.
11. Public utilities.
12. Rental storage establishments.
13. Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses.
14. Hotels and motels.
15. Dwelling units consisting of single family, duplex or multi-family units.
16. Agriculture.
17. Public parks and recreational facilities.
18. Plant nurseries and greenhouses.
19. Uses incidental to the primary permitted uses.
20. Accessory on-site treatment and storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under Chapter 173-303 WAC.
21. Home occupations.

22. A temporary second dwelling unit of no more than 1,248 square feet in area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:
 - a) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require daily supervision and care where such care is provided by members of the family who reside on the property; or
 - b) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs daily supervision and care as described in (a) above.
23. Accessory dwelling units
25. Commercial wholesaling.
26. Churches and cemeteries
27. Amusement parks, outdoor theaters and other outdoor commercial recreation, including golf courses.
28. Recreational vehicle parks for transient motor homes and tourist trailers.
29. Animal kennels and stables.
30. Commercial truck service facilities including truck fueling, repair and storage operations, overnight accommodations and restaurants.
31. Public schools and private schools approved by the state superintendent of public instruction.
32. Churches, educational and religious training institutions, summer camps and cemeteries.
33. Retirement, boarding and convalescent homes, social and health rehabilitation centers, children and adult care centers and other health related services.
34. Golf courses and commercial recreation facilities related to the golf course.
35. Bed and breakfast business in a residence.
36. Rooming houses.
37. Mobile home parks.
38. Transitory solid waste facilities for the treatment, storage or collection, including, but not limited to: recycle centers and drop boxes for household materials excluding large items such as automobiles or major appliances; noncommercial composting and mulching facilities; and including but not limited to the type of facilities operated by neighborhood or public service organizations.

APPENDIX "B"

FERNDALE AND MERIDIAN SCHOOL DISTRICT IMPACT FEE
AGREEMENTS

CORDATA PUD AMENDMENT #2

COPY

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MERIDIAN PUBLIC SCHOOLS
Whatcom County, Washington

Planning & Development Services

SEPA MITIGATION AGREEMENT

SEP 23 1996

RECEIVED

THIS AGREEMENT is made and entered into this 6th day of June 1996, by and between MERIDIAN SCHOOL DISTRICT NO. 505 ("District") and Trillium Corporation ("Developer") in Washington State.

Recitals

A. Developer has applied for preliminary plat and binding site plan approval together with an amendment to that portion of the Cordata Business Park Planned Unit Development in Whatcom County, Washington (the "Project") on land located East of the Guide Meridian and North of Horton Road more fully describe in Exhibit A.

B. The State Environmental Policy Act (SEPA) provides processes and procedures whereby major actions by state and local agencies, including, but not limited to, the approval of plats and binding site plans, may be reviewed to determine the nature and extent of their impact on the environment. Impacts on public services, including schools, are environmental impacts for the purposes of SEPA.

C. The Project will be located in an area where school children residing therein will be served by the District. The District has projected impacts that will be a direct result of the construction of residences in the Project. The identified impacts, based on current enrollment forecasts, includes the projected addition of 821 students to the District. The District projects that schools serving the Project will be over capacity when students generated by the Project enter school. As a result, the District will have to provide temporary space in portable classrooms and other school facilities in order to house and otherwise accommodate these students.

D. The Developer and the District have reviewed mitigation measures reasonably necessary to mitigate the impacts directly resulting from the Project and have concluded that the provision set forth below in the Agreement constitute complete and appropriate provisions for full mitigation by the Developer of the identified impacts from the project on the District. Neither the impacts identified nor the mitigation offered herein affect, reduce, or enlarge any other obligation of the Developer or the Project to comply with other conditions of the plat or binding site plan, including without limitation, bus turnouts, sidewalks, or pedestrian rights-of-way that benefit school children.

Agreement

NOW THEREFORE, for mutual benefits and obligations contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Developer and District agree as follows:

1. Developer agrees to mitigate the impacts caused by the proposed development of the Project by the payment of EIGHT HUNDRED AND FIFTY AND NO/100 DOLLARS (\$850.00) per single family residence, including duplexes, and FOUR HUNDRED AND FIFTY AND NO/100 DOLLARS (\$450.00) per multi-family residence to the District. The payment is based upon the approximate cost per student to provide temporary classroom space to house or otherwise accommodate the expected number of students.

2. Developer agrees to pay the aforestated per unit amounts prior to issuance of the building permit for each such unit covered by this agreement. Payment shall be made directly to the District, who shall provide proof of payment in a form acceptable to Whatcom County.

3. Units designated as "Seniors Only" unit by the Developer at the time of building permit application shall be exempt from the payment of the mitigation fee provided that:

a. Occupancy of the "Seniors Only" unit by seniors only is legally enforceable by covenant; AND

b. A covenant is recorded with the sale of the unit as a "Seniors Only" unit that requires payment to the District of the fees set forth in Paragraph 1 above by the new owner if the unit is converted from a "Seniors Only" unit to a family unit, or such other unit as would permit school age children to reside there.

4. The payment required by this section shall constitute full and complete mitigation for the direct impacts to the District of the Project.

5. Funds generated from the Project shall be maintained in a separate account and utilized solely for the purchase and development of additional classrooms.

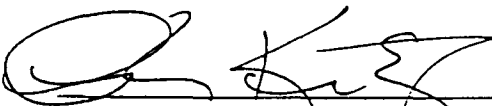
6. At intervals of five (5) years from the date of this Agreement, either party may require that the Agreement be modified to conform to mitigation policies/practices of the District that are in effect at such time. To exercise this right to adjust the Agreement, the party exercising it's right must provide written notice to the other party no later than thirty (30) days after the end of the applicable five (5) year period. Adjustments shall be made as follows:

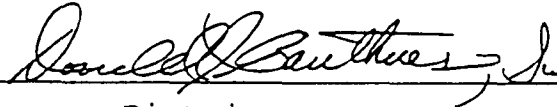
a. If at such five (5) year intervals (i) the District has entered into any agreement with any developer for mitigation of impacts caused by development proposed by such developer pursuant to which such developer has agreed to make mitigation payments in amounts per residence (or specified unit classification) that are less than those set forth in this Paragraph 1, or (ii) the District eliminated any requirement for

developers to make mitigation payments (altogether, or for specified unit classification), Developer may require the District to amend this Agreement to afford Developer the benefit of such lesser payment amounts for those units not yet charged with mitigation payments.

b. Conversely, if at such time(s) the District has entered into any agreement with any developer for mitigation of impacts caused by development proposed by such developer pursuant to which such developer has agreed to make mitigation payments in amounts per residence (or for specified unit classification) that are greater than those set forth in the Paragraph 1, the District may require Developer to amend the Agreement to afford District the benefit of such greater payment amounts for those units not yet charged with mitigation payments.

7. In the event that either the City of Bellingham or Whatcom County adopts school impact mitigation fees as currently authorized under Chapter 82.02 RCW, or as may be authorized in the future under some other Chapter; and said fees are applicable to the subject property as described in Exhibit A; then Developer shall pay the school mitigation fee adopted by the City or County in the manner set forth in the adopting legislation in lieu of the school mitigation payments set forth in this agreement and this agreement shall become null and void.


DATE 6-6-96
Developer
VICE PRESIDENT - MARKETING - SALES
TRILLUM CORPORATION


DATE 6-6-96
District

SEPTEMBER 1, 1994
REC. NO. 94049

LEGAL DESCRIPTION

ALL THAT PORTION OF THE "AMENDED GENERAL BINDING SITE PLAN - TRACT" FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 1610692 IN VOLUME 1 OF BINDING SITE PLANS, PAGES 20 THROUGH 26, RECORDS OF WHATCOM COUNTY, WASHINGTON, LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., ALSO BEING THE NORTHWEST CORNER OF "SPECIFIC BINDING SITE PLAN NUMBER 11" FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 900914189 IN VOLUME 1 OF BINDING SITE PLANS, PAGES 77 AND 78, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 89 DEGREES 12' 59" EAST, ALONG THE NORTH LINE OF SAID SPECIFIC BINDING SITE PLAN NO. 11, A DISTANCE OF 891.20 FEET TO A POINT ON A CURVE WHOSE CENTER BEARS NORTH 66 DEGREES 00' 53" EAST, HAVING A RADIUS OF 690.00 FEET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SPECIFIC BINDING SITE PLAN NO. 11; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 100.96 FEET; THENCE SOUTH 32 DEGREES 22' 06" EAST, ALONG THE EASTERLY LINE OF SAID "SPECIFIC BINDING SITE PLAN NO. 11", A DISTANCE OF 456.32, TO THE NORTHERLY LINE OF "SPECIFIC BINDING SITE PLAN NO. 7", FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 1638795 IN VOLUME 1 OF BINDING SITE PLANS, PAGE 44, RECORDS OF WHATCOM COUNTY, WASHINGTON, EXTENDED; THENCE NORTH 57 DEGREES 37' 54" EAST, ALONG SAID NORTHERLY LINE EXTENDED, A DISTANCE OF 40.00 FEET TO A POINT ON A CURVE WHOSE CENTER BEARS NORTH 57 DEGREES 37' 54" EAST, HAVING A RADIUS OF 610.00 FEET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID "SPECIFIC BINDING SITE PLAN NO. 7"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 490.55 FEET TO A POINT ON A COMPOUND CURVE WHOSE CENTER BEARS SOUTH 76 DEGREES 17' 30" EAST, HAVING A RADIUS OF 35.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 53.97 FEET TO A POINT ON A REVERSE CURVE WHOSE CENTER BEARS NORTH 12 DEGREES 3' 43" EAST, HAVING A RADIUS OF 920.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 638.94 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF "SPECIFIC BINDING SITE PLAN NO. 4" FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 1630709 IN VOLUME 1 OF BINDING SITE PLANS, PAGES 39 AND 40, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 32 DEGREES 22' 06" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 423.42 FEET TO A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF HORTON ROAD; THENCE ALONG SAID

NORTHERLY RIGHT OF WAY NORTH 57 DEGREES 37' 54" EAST, A DISTANCE OF 218.58 FEET TO A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 670.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 391.17 FEET; THENCE SOUTH 88 DEGREES 55' 00" EAST, A DISTANCE OF 3.79 FEET TO THE EAST BOUNDARY OF SAID "AMENDED GENERAL BINDING SITE PLAN - TRACT" AND TERMINUS OF THE HEREIN DESCRIBED LINE.

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SEP 23 1996

FERNDAL PUBLIC SCHOOLS
Whatcom County, Washington
SEPA MITIGATION AGREEMENT

RECEIVED

THIS AGREEMENT is made and entered into this 27th day of June, 1996, by and between FERNDAL SCHOOL DISTRICT NO. 502 ("District") and TRILLIUM CORPORATION ("Developer") in Washington State.

Recitals

A. Developer has applied for preliminary plat and binding site plan approval together with an amendment to that portion of the Cordata Business Park Planned Unit Development in Whatcom County, Washington (the "Project") on land located East of the Guide Meridian and North of Horton Road more fully described in Exhibit A.

B. The State Environmental Policy Act (SEPA) provides processes and procedures whereby major actions by state and local agencies, including, but not limited to, the approval of plats and binding site plans, may be reviewed to determine the nature and extent of their impact on the environment. Impacts on public services, including schools, are environmental impacts for the purposes of SEPA.

C. The Project will be located in an area where school children residing therein will be served by the District. The District has projected impacts that will be a direct result of the construction of residences in the Project. The identified impacts, based on current enrollment forecasts, includes the projected addition of 43 students to the District. The District projects that schools serving the Project will be over capacity when students generated by the Project enter school. As a result, the District will have to provide temporary space in portable classrooms and other school facilities in order to house and otherwise accommodate these students.

D. The Developer and the District have reviewed mitigation measures reasonably necessary to mitigate the impacts directly resulting from the Project and have concluded that the provisions set forth below in the Agreement constitute complete and appropriate provisions for full mitigation by the Developer of the identified impacts from the project on the District. Neither the impacts identified nor the mitigation offered herein affect, reduce, or enlarge any other obligation of the Developer or the Project to comply with other conditions of the plat or binding site plan, including without limitation, bus turnouts, sidewalks, or pedestrian rights-of-way that benefit school children.

Agreement

NOW THEREFORE, for mutual benefits and obligations contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Developer and District agree as follows:

1. Developer agrees to mitigate the impacts caused by the proposed development of the Project by the payment of EIGHT HUNDRED AND FIFTY AND NO/100 DOLLARS (\$850.00) per single family residence and FOUR HUNDRED AND FIFTY AND NO/100 DOLLARS (\$450.00) per multi-family residence to the district. The payment is based upon the approximate cost per student to provide temporary classroom space to house or otherwise accommodate the expected number of students.

2. Developer agrees to pay the aforesaid per unit amounts prior to issuance of the building permit for each such unit covered by this agreement. Payment shall be made directly to the District, who shall provide proof of payment in a form acceptable to Whatcom County.

3. Units designated as "Seniors Only" unit by the Developer at the time of building permit application shall be exempt from the payment of the mitigation fee provided that:

a. Occupancy of the "Seniors Only" unit by seniors only is legally enforceable by covenant; AND

b. A covenant is recorded with the sale of the unit as a "Seniors Only" unit that requires payment to the District of the fees set forth in Paragraph 1 above by the new owner if the unit is converted from a "Seniors Only" unit to a family unit, or such other unit as would permit school age children to reside there.

4. The payment required by this section shall constitute full and complete mitigation for the direct impacts to the District of the Project.

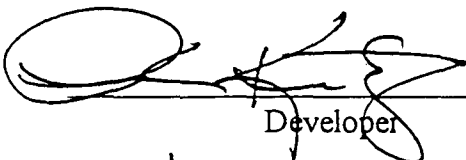
5. Funds generated from the Project shall be maintained in a separate account and utilized solely for the purchase and development of additional classrooms.

6. At intervals of five (5) years from the date of this Agreement, either party may require that the Agreement be modified to conform to mitigation policies/practices of the District that are in effect at such time. To exercise this right to adjust the Agreement, the party, exercising its right must provide written notice to the other party no later than thirty (30) days after the end of the applicable five (5) year period. Adjustments shall be made as follows:

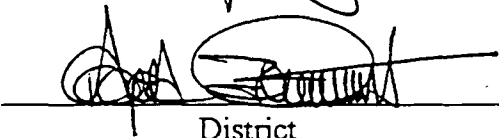
a. If at such five (5) year intervals (i) the District has entered into any agreement with any developer for mitigation of impacts caused by development proposed by such developer pursuant to which such developer has agreed to make mitigation payments in amounts per residence (or specified unit classification) that are less than those set forth in Paragraph 1, or (ii) the District eliminated any requirement for developers to make mitigation payments (altogether, or for specified unit classification), Developer may require the District to amend this Agreement to afford Developer the benefit of such lesser payment amounts for those units not yet charged with mitigation payments.

b. Conversely, if at such time(s) the District has entered into any agreement with any developer for mitigation of impacts caused by development proposed by such developer pursuant to which such developer has agreed to make mitigation payments in amounts per residence (or for specified unit classification) that are greater than those set forth in Paragraph 1, the District may require Developer to amend the Agreement to afford District the benefit of such greater payment amounts for those units not yet charged with mitigation payments.

7. In the event that either the City of Bellingham or Whatcom County adopts school impact mitigation fees as currently authorized under Chapter 82.02 RCW, or as may be authorized in the future under some other Chapter; AND said fees are applicable to the subject property as described in Exhibit A ; THEN Developer shall pay the school mitigation fee adopted by the City or County in the manner set forth in the adopting legislation in lieu of the school mitigation payments set forth in this agreement and this agreement shall become null and void.



Developer DATE 6/25/96



District DATE 6/27/96

SEPTEMBER 1, 1994
REC. NO. 94049

LEGAL DESCRIPTION

ALL THAT PORTION OF THE "AMENDED GENERAL BINDING SITE PLAN - TRACT" FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 1610692 IN VOLUME 1 OF BINDING SITE PLANS, PAGES 20 THROUGH 26, RECORDS OF WHATCOM COUNTY, WASHINGTON, LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., ALSO BEING THE NORTHWEST CORNER OF "SPECIFIC BINDING SITE PLAN NUMBER 11" FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 900914189 IN VOLUME 1 OF BINDING SITE PLANS, PAGES 77 AND 78, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 89 DEGREES 12' 59" EAST, ALONG THE NORTH LINE OF SAID SPECIFIC BINDING SITE PLAN NO. 11, A DISTANCE OF 891.20 FEET TO A POINT ON A CURVE WHOSE CENTER BEARS NORTH 66 DEGREES 00' 53" EAST, HAVING A RADIUS OF 690.00 FEET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SPECIFIC BINDING SITE PLAN NO. 11; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 100.96 FEET; THENCE SOUTH 32 DEGREES 22' 06" EAST, ALONG THE EASTERLY LINE OF SAID "SPECIFIC BINDING SITE PLAN NO. 11", A DISTANCE OF 456.32, TO THE NORTHERLY LINE OF "SPECIFIC BINDING SITE PLAN NO. 7", FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 1638795 IN VOLUME 1 OF BINDING SITE PLANS, PAGE 44, RECORDS OF WHATCOM COUNTY, WASHINGTON, EXTENDED; THENCE NORTH 57 DEGREES 37' 54" EAST, ALONG SAID NORTHERLY LINE EXTENDED, A DISTANCE OF 40.00 FEET TO A POINT ON A CURVE WHOSE CENTER BEARS NORTH 57 DEGREES 37' 54" EAST, HAVING A RADIUS OF 610.00 FEET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID "SPECIFIC BINDING SITE PLAN NO. 7"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 490.55 FEET TO A POINT ON A COMPOUND CURVE WHOSE CENTER BEARS SOUTH 76 DEGREES 17' 30" EAST, HAVING A RADIUS OF 35.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 53.97 FEET TO A POINT ON A REVERSE CURVE WHOSE CENTER BEARS NORTH 12 DEGREES 3' 43" EAST, HAVING A RADIUS OF 920.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 638.94 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF "SPECIFIC BINDING SITE PLAN NO. 4" FILED FOR RECORD UNDER AUDITOR'S FILE NUMBER 1630709 IN VOLUME 1 OF BINDING SITE PLANS, PAGES 39 AND 40, RECORDS OF WHATCOM COUNTY, WASHINGTON; THENCE SOUTH 32 DEGREES 22' 06" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 423.42 FEET TO A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF HORTON ROAD; THENCE ALONG SAID

NORTHERLY RIGHT OF WAY NORTH 57 DEGREES 37' 54" EAST, A DISTANCE OF 218.58 FEET TO A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 670.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 391.17 FEET; THENCE SOUTH 88 DEGREES 55' 00" EAST, A DISTANCE OF 3.79 FEET TO THE EAST BOUNDARY OF SAID "AMENDED GENERAL BINDING SITE PLAN - TRACT" AND TERMINUS OF THE HEREIN DESCRIBED LINE.

EXHIBIT "D"

WHEN RECORDED RETURN TO:

JACK O. SWANSON
BELCHER, SWANSON, LACKEY, DORAN,
LEWIS & ROBERTSON, P.L.L.C.
1200 HARRIS AVENUE, SUITE 307
BELLINGHAM, WA 98225

| | |
|-------------------------------|--|
| Document Title: | Development Agreement |
| Grantor/borrower: | 1) City of Bellingham |
| Grantee/assignee/beneficiary: | 1) McGavin Properties, Inc. |
| Legal Description: | Portion of Lots 13 & 14, & Tract A in Block 76 of "Baker View Addition to the City of Bellingham," and Tract A, Except N 630.10 Feet, & All of Lots 13 & 14, Block 76, "Plat of Baker View Addition to the City of Bellingham," Whatcom County, Washington. All part of Section 1, Township 38 North, Range 3 East. Additional on Exhibit "C" |
| Assessor's Tax Parcel ID#: | 380201 451151 and 380201 431179 |

DEVELOPMENT AGREEMENT
(DA98-1)

THIS DEVELOPMENT AGREEMENT (herein "Agreement") is between the City of Bellingham, a municipal corporation, (herein "City") and McGavin Properties, Inc., (herein "Owner"). This Agreement is effective upon adoption of the ordinance approving this Agreement by the City (herein "Effective Date").

R E C I T A L S

1. The City has proposed annexation of approximately 412 acres known as the Cordate Stage II/West Guide Annexation (herein the "Annexation Area") and which are depicted on Exhibit "A," and more particularly described on Exhibit "B," which are attached hereto and incorporated herein.
2. The Owner owns a development parcel located within the Annexation Area, referred to herein as the "Property," which is more particularly described on Exhibit "C," which is attached hereto and incorporated herein, as Parcels "A" and "B," respectively.
3. The parties desire to enter into a long term agreement which would provide for

the planning and development of the Property in a comprehensive and predictable manner.

4. Chapter 347 Washington Laws, 1995, Part V, Sections 501-506, inclusive, authorizes this Agreement.

5. The provisions of this Agreement are consistent with applicable development regulations adopted pursuant to Chapter 36.70A RCW.

6. The City Council held a public hearing on February 9, 1998, to consider this Agreement.

7. Compliance with the provisions of the State Environmental Policy Act (SEPA) has been achieved.

NOW, THEREFORE, the parties covenant and agree, as follows:

1. Annexation. Subject to the terms and conditions of this Agreement, the Owner agrees to annexation of the Property as part of the City's annexation of the Annexation Area.

2. Zoning and Neighborhood Plan Designation. At the time of annexation, the Property shall be zoned Planned Industrial, Mixed Commercial, and established in a new Area 25A in the Guide Meridian Neighborhood Plan with text as indicated on Exhibit "D," which is attached hereto and incorporated herein. The list of uses indicated on Exhibit "D" shall be allowed on the Property and shall not be limited by BMC Chapter 20.38.

3. Site Plan Approved. The Site Plan on Exhibit "E", which is attached hereto and incorporated herein, together with the conditions stated on Exhibit "F," which shall apply to further development of the Property is hereby approved. No additional approval under the "Planned" qualifier of Area 25A shall be required unless material changes to the site plan are proposed. If a new proposal is made, then that proposal must meet standards existing at the time of submission of the proposal and further comply with the planned procedures.

4. Term. The term of this Agreement is ten (10) years from the Effective Date. The parties intend that the Effective Date shall be the date utilized for purposes of vesting their respective rights pursuant to Chapter 347, Washington Laws 1995, Part V.

5. Binding Effect. After recording with the Whatcom County Auditor, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their

respective successors.

6. Reserved Authority. The City expressly reserves the authority to impose new or different regulations on this Property to the extent required by a serious threat to public health and safety.

7. Notices. All notices or demands to be given by each party to the other pursuant to this Agreement shall be in writing and either personally delivered or deposited in the United States mails, postage prepaid, and addressed, as follows:

CITY OF BELLINGHAM
CITY HALL
210 LOTTIE STREET
BELLINGHAM, WA 98225

MCGAVIN PROPERTIES, INC.
C/O PANTEC MINI STORAGE
4653 GUIDE MERIDIAN
BELLINGHAM, WA 98226

8. Entire Agreement. This Agreement may be the result of extended negotiations and series of proposals and counter-proposals. Each party may be represented by legal counsel. Each party agrees that this Agreement constitutes the entire agreement between the parties with respect to subject matter hereof. This Agreement may be amended and modified by a subsequent written agreement and is not the subject of oral modifications.

9. Severability. If any provision of this Agreement shall be deemed to be null and void or unenforceable by the action of a court of law, such provision shall be severable and not effect the balance of this Agreement, which shall remain in full force and effect.

10. Applicable Law. This Agreement shall be construed, interpreted and enforced pursuant to the laws of the State of Washington and the parties agree that the Superior Court of Whatcom County shall be the appropriate venue of any suit or proceeding brought with respect to this Agreement.

DATED this _____ day of _____ 1998.

CITY OF BELLINGHAM,

MARK ASMUNDSON, Mayor
210 Lottie Street
Bellingham, WA 98225

Approved as to form:

Dawn Sturwold
Office of the City Attorney

Attest:

Finance Director

MCGAVIN PROPERTIES, INC.,

By: _____
Title: _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that MARK ASMUNDSON is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Mayor of the City of Bellingham to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of January, 1998.

Notary Public for the State of Washington.
Residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that Dawn Sturwold is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument, and acknowledged it as the City Attorney for the City of Bellingham to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of January, 1998.

Notary Public for the State of Washington.
Residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the City of Bellingham Finance Director to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of January, 1998.

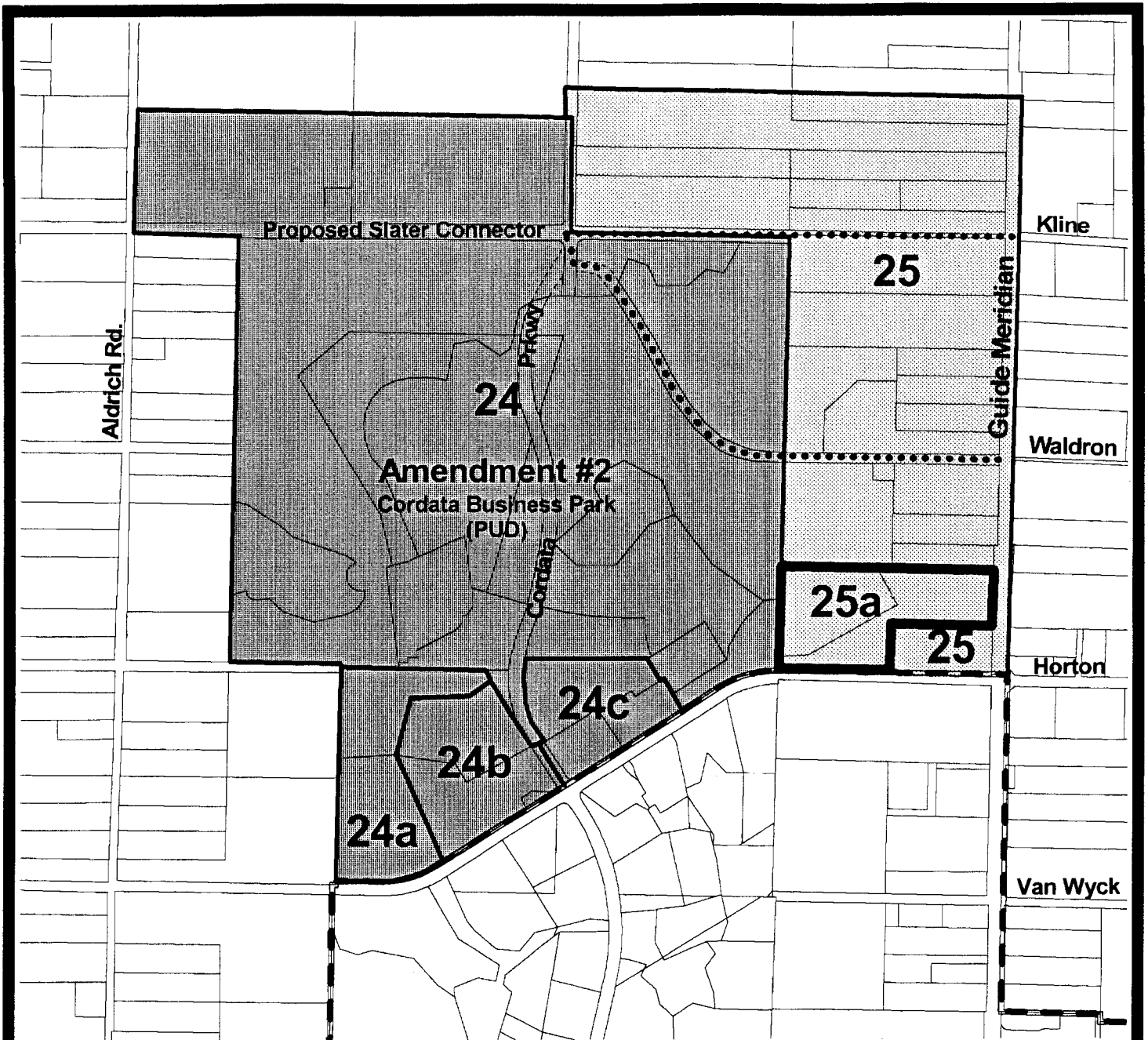
Notary Public for the State of Washington.
Residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the _____ of McGavin Properties, Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.






Dated this _____ day of January, 1998.

Notary Public for the State of Washington.
Residing at _____
My commission expires _____



LAND USE

Cordata Stage II / West Guide Annexation

-  Cordata Stage II
-  West Guide
-  McGavin Properties, Inc.
-  City Limits
-  Alternative Alignments



City of Bellingham
 Planning and Community Development
 January 1998



EXHIBIT A

CITY OF BELLINGHAM
NORTH OF HORTON ROAD & VICINITY

LEGAL DESCRIPTION

Beginning at the intersection of the North line of Horton Road with the East line of Block 72, BAKERVIEW ADDITION TO BELLINGHAM, being an angle point in the existing North City Limits of the City of Bellingham; thence Northerly to the Southeast corner of said Block 73; thence Westerly along the South line of said Block 73 to the Southwest corner of Lot 4 of said Block; thence Northerly along the West line of Lots 4 and 13 of said Block 73 and along the West line of Lots 4 and 13 to the Northeast corner of Lot 12 of Block 80 of said Plat; thence Westerly along the North line of said Lot 12 of said Block 80 and West projection thereof to the East line of Aldrich Road; thence Northerly along said East line to the West projection of the East and West centerline of Block 81 of said Plat; thence Easterly along said projection and the East and West centerline of Blocks 81 and 82 to the East line of said Block 82 of said Plat; thence Northerly along the East line of said Block to the West projection of the North line of the South 1/2 of the South 1/2 of the North 1/2 of Block 83 of said Plat, being a portion of land under Tax Parcel No. 380201 379463; thence Easterly along said Projection and North line to the Northeast corner of said portion of land and the East line of said Block 83 and the Northwest corner of the South 1/2, of the South 1/2, of the North 1/2, of the Northeast 1/4, of the Northeast 1/4, of Section 1, Township 38 North, Range 2 East, of W.M., being a portion of land under Tax Parcel No. 380201 469476; thence Easterly along the North line of said portion of land and the East projection thereof to the East line of Guide Meridian Road; thence Southerly along said East line to the East projection of the North line of Horton Road and existing City Limits of the City of Bellingham; thence Westerly along said East projection thereof and North line of Horton Road to the POINT OF BEGINNING.

rlo
01-28-98

EXHIBIT "C"

THE LAND REFERRED TO IS SITUATED IN THE STATE OF WASHINGTON, COUNTY OF WHATCOM AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PORTION OF LOTS 13 AND 14, AND TRACT A IN BLOCK 76 OF THE "BAKER VIEW ADDITION TO THE CITY OF BELLINGHAM," WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 7 OF PLATS, PAGES 40 TO 45, INCLUSIVE, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT A; THENCE NORTH $0^{\circ}14'18''$ EAST ALONG THE WEST LINE OF SAID TRACT A, FOR A DISTANCE OF 90.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH $0^{\circ}14'18''$ EAST ALONG THE WEST LINE OF SAID TRACT A, FOR A DISTANCE OF 538.65 FEET TO THE SOUTH LINE OF THE NORTH 630.19 FEET OF SAID TRACT A; THENCE NORTH $89^{\circ}46'54''$ EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 588.44 FEET; THENCE SOUTH $80^{\circ}14'07''$ EAST A DISTANCE OF 282.00 FEET; THENCE SOUTH $59^{\circ}45'53''$ WEST A DISTANCE OF 510.00 FEET; THENCE SOUTH $88^{\circ}50'55''$ WEST FOR A DISTANCE OF 174.82 FEET TO THE WEST LINE OF SAID TRACT A AND THE TRUE POINT OF BEGINNING. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER, UNDER AND ACROSS THE NORTH 50 FEET OF LOT 14 AND LOT 13, IN BLOCK 76 OF THE "BAKER VIEW ADDITION TO THE CITY OF BELLINGHAM," WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 7 OF PLATS, PAGES 40 TO 45, INCLUSIVE, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

PARCEL B:

TRACT A, EXCEPT THE NORTH 630.19 FEET THEREOF, AND ALL OF LOTS 13 AND 14, BLOCK 76, "PLAT OF BAKER VIEW ADDITION TO THE CITY OF BELLINGHAM," WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 7 OF PLATS, PAGES 40 TO 45, INCLUSIVE, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE. EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

THAT PORTION OF LOTS 13 AND 14, AND TRACT A IN BLOCK 76 OF THE "BAKER VIEW ADDITION TO THE CITY OF BELLINGHAM," WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN BOOK 7 OF PLATS, PAGES 40 TO 45, INCLUSIVE, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT A; THENCE NORTH $0^{\circ}14'18''$ EAST ALONG THE WEST LINE OF SAID TRACT A, FOR A DISTANCE OF 90.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH $0^{\circ}14'18''$ EAST ALONG THE WEST LINE OF SAID TRACT A, FOR A DISTANCE OF 538.65 FEET TO THE SOUTH LINE OF THE NORTH 630.19 FEET OF SAID TRACT A;

EXHIBIT "D"
(CONTINUED)

PARCEL B-CONTINUED

THENCE NORTH $29^{\circ}45'54''$ EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 588.44 FEET; THENCE SOUTH $30^{\circ}14'07''$ EAST A DISTANCE OF 255.00 FEET; THENCE SOUTH $89^{\circ}45'21''$ WEST A DISTANCE OF 630.00 FEET; THENCE SOUTH $88^{\circ}50'55''$ WEST FOR A DISTANCE OF 174.82 FEET TO THE WEST LINE OF SAID TRACT A AND THE TRUE POINT OF BEGINNING, EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON UNDER AUDITOR'S FILE NO. 1551781

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

EXHIBIT "D"

AREA 25a

This area, located immediately west of Meridian Street and north of Horton Road is approximately 14 acres. The terrain is relatively flat with a mix of deciduous trees, shrubs, and grass. The area is about 75% developed with a mini-storage facility, including one office and an attached apartment for a caretaker. The area takes access from Meridian Street and Horton Road.

A Development Agreement between the City of Bellingham and the property owner establishes a site plan and development standards for construction of industrial/commercial buildings in Area 25a in accordance with Bellingham Planned Development Ordinance and state law. All permitted and accessory uses allowed in Whatcom County's Light Impact Industrial (LII) zoning district may be allowed in this area. (See Attachment #2, list of allowed uses for Area 25a.)

Special Conditions include limited access and joint driveways on Meridian Street and Horton Road and internal circulation of the site. Prerequisite Considerations address road improvements on Meridian Street adjacent to the property including curbs, gutters, sidewalks, street lighting and adequate right-of-way to accommodate 5 lanes on Meridian Street.

| | |
|------------------------------|--|
| General Use Type: | Industrial |
| Use Qualifier: | Planned, mixed commercial, 1) permitted uses shall be limited to those permitted and accessory uses allowed in Whatcom County's Light Impact Industrial (LII) zone as of the date of the annexation; 2) retail development not associated with industrial uses is prohibited; 3) retail sales of merchandise manufactured, assembled or stored on site consistent with the definition of accessory uses as defined in Whatcom County Title 20, Chapter 20.97 WCC(Definitions) is allowed. (See Attachment #2, list of allowed uses for Area 25a) |
| Density: | N/A |
| Special Conditions: | Controlled access; joint driveways; internal circulation (Development Agreement DA98-1) |
| Prerequisite Considerations: | Road improvements on Meridian Street including curb, gutters, sidewalks, street lighting; adequate right of way to accommodate 5 lanes on Meridian Street; |

ATTACHMENT 2
List of allowed uses for Area 25a
Whatcom County Light Impact Industrial Uses

CITY OF BELLINGHAM
PLANNED INDUSTRIAL (MIXED)

AREA 25a
McGavin Properties, Inc.
Cordata Stage II/West Guide Annexation

Permitted uses.

Manufacturing, processing, fabrication

The manufacturing and processing of food of a nature that meets the purpose and performance standards of this district excluding primary processing of meat and fish products.

Fabrication of office, computing and accounting machine.

Manufacture of miscellaneous textile goods and fabrication of apparel including clothing, hats, caps, millinery fur products; and miscellaneous fabricated textile products.

Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.

Fabrication of paper products including paperboard containers, boxes, carton boxes and paper containers.

Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.

Fabrication of leather products including belting; packing; cut stock and findings for shoes and boots; shoes; footwear; gloves and mittens; luggage; personal leather goods and handbags.

Fabrication of glass products including glass products from prepared materials; stone cutting; and monuments.

Processing and packaging of drug, pharmaceuticals, perfumes and cosmetics.

Fabrication of electrical equipment including industrial apparatus and household appliances, radio and television sets; communications equipment; electrical components and accessories; and electric lighting equipment and lamps.

Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.

Manufacture and fabrication of jewelry, silverware, plated ware, musical instruments and parts, toys, sporting and athletic goods; pens, pencils and other office and artistic supplies; novelties, buttons and notions; and miscellaneous manufacture.

Manufacture, processing, treatment or fabrication of metal products and machinery; provided that smelters and remelting mills, and the manufacturing of turbines, oil machinery, mining machinery, industrial process ovens, paper, and textile or rolling mill machinery shall be prohibited.

Manufacture, processing, treatment and fabrication of lumber, millwork, mobile homes, travel trailers, campers, miscellaneous wood products and other buildings, roofing and construction materials; provided that all odor and noise producing processes shall be conducted within an enclosed structure equipped with such scrubbing, filtering equipment or noise reduction equipment as is necessary to mitigate the odor and/or noise produced.

Fabrication of rubber products from finished rubber only and manufacture of miscellaneous plastic products from purchased resins only.

Manufacture of glass, glass products, pottery and related products, and cutting and shaping of stone products.

Bottling plants.

Transportation / communication facilities / offices

Rail, truck and freight terminals; warehousing and storage; parcel delivery service; freight forwarding; inspection weighing services; and packaging and crating.

Communications including telephone exchanges, and radio and television broadcasting stations and transmitting towers.

Business firm headquarters and professional offices.

Boat building and repair.

Construction contractors' business offices and storage and equipment yards.

Wholesale trade or storage of durable and nondurable goods including automobile parts and supplies; tires and tubes; furniture and home furnishings; lumber and other construction materials; sporting goods, toys and hobby goods; metal service centers and offices; electrical goods; hardware, plumbing and heating equipment; machinery equipment and supplies; jewelry, watches and precious stones; other durable goods; paper and paper products; drugs, proprietaries and sundries; apparel, piece goods and notions; groceries and related products; beer, wine and distilled beverages; waste bottles; waste boxes; rags; waste paper; wiping rags and miscellaneous nondurable goods; provided, however, that trade, storage or processing of sulphur shall be prohibited.

Building material yards, if screened by a fence and/or vegetation; provided that screening shall not be required between two contiguous yards where the operator of each yard agrees that such screening is unnecessary.

Eating establishments, convenience grocery stores, cafes and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:

- (1) Maximum floor area is 3,000 square feet per use;
- (2) No more than two pump islands for each gas station;
- (3) Centrally located within the district to primarily serve the industrial uses of this district and not to primarily serve adjacent nonindustrial uses.

Public uses and community facilities

police and fire stations, libraries, community centers, recreation facilities and other similar noncommercial uses.

Churches.

Similar uses

Other uses similar in nature to the uses listed above which are consistent with the purpose and intent of the Light Impact Industrial District to be approved through the planned development process

Accessory uses

Employee recreation facilities and play areas.

Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

Testing and experimentation in connection with a principally permitted use.

Other accessory uses and buildings, including security and caretaker residences, customarily appurtenant to a principally permitted use.

Retail sales of merchandise manufactured, assembled or stored on the site and consistent with the definition of accessory uses as defined in Chapter 20.97 WCC (Definitions). *

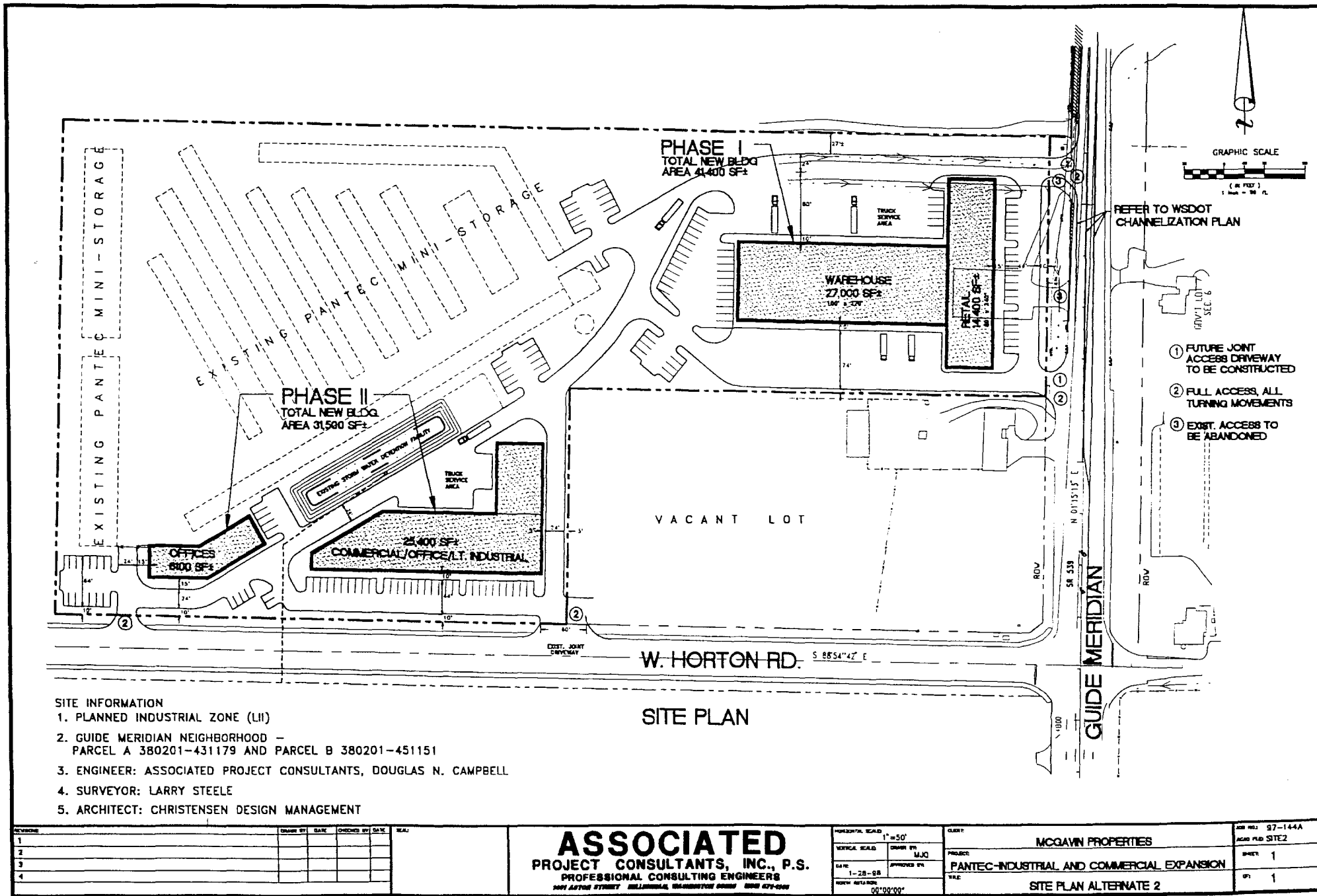
On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses

Billboards, subject to the provisions of this ordinance, and only within the Billboard Overlay Zones delineated by Bellingham Municipal code 20.08.020, Figure 15

Consistent with the Meridian Neighborhood the following uses are prohibited permanent facilities for live or performing arts, and government offices except Armed Forces recruiting offices, branch post offices, and branch libraries or public safety facilities (such as fire stations)

* WCC 20.97.005 Accessory Use:

Accessory use means a use customarily incidental to a permitted use; provided that such use shall be located on the same lot as the permitted use except where specifically permitted elsewhere in zoning district regulations.



SITE INFORMATION

1. PLANNED INDUSTRIAL ZONE (LI)
2. GUIDE MERIDIAN NEIGHBORHOOD -
PARCEL A 380201-431179 AND PARCEL B 380201-451151
3. ENGINEER: ASSOCIATED PROJECT CONSULTANTS, DOUGLAS N. CAMPBELL
4. SURVEYOR: LARRY STEELE
5. ARCHITECT: CHRISTENSEN DESIGN MANAGEMENT

ASSOCIATED
PROJECT CONSULTANTS, INC., P.S.
PROFESSIONAL CONSULTING ENGINEERS
1001 AUTUM STREET BELLINGHAM, WASHINGTON 98220 360-879-0200

| | | |
|-----------------------------------|---|----------------------|
| HORIZONTAL SCALE 1" = 50' | CLIENT MCGAVIN PROPERTIES | JOB NO. 97-144A |
| VERTICAL SCALE DRAWN BY MJJ | PROJECT PANTEC-INDUSTRIAL AND COMMERCIAL EXPANSION | SCALE PLAN SITE 2 |
| DATE 1-28-08 | APPROVED BY | SHEET 1 |
| NORTH ARROW 00°00'00" | TITLE SITE PLAN ALTERNATE 2 | SP 1 |

EXHIBIT "F" OF DEVELOPMENT AGREEMENT WITH McGAVIN PROPERTIES

The site plan attached to the agreement as Exhibit "E " is hereby conditioned and modified by the following:

1. Compliance with Local, State and Federal Laws: This agreement establishes a general site plan and development regulations for the property in accordance with the Planned Industrial Development standards contained in the Land Use Development Ordinance, BMC Chapter 20.38. The specific Bellingham Municipal Code sections in the following conditions and all other City, state and federal development regulations as they exist as of the date of this agreement and as subsequently adopted or amended shall apply to development on this site.

2. Height: No structure shall exceed 35 feet under height definition #1 in Bellingham Municipal Code Chapter 20.38.(3) when within 200 feet of any site plan boundary which lies adjacent to any residential general use type designation, and in no case shall structures exceed 55 feet in height.

3. Yards: No structure shall be located within 25 feet of any property line at the perimeter of the site. This provision is not intended to prohibit signs, fences, storm water facilities or similar features within required yards.

4. Parking: Parking and loading regulations shall be those specified in Bellingham Municipal Code 20.38 (5) Parking, and 20.12 as amended and shall be located generally as shown on Exhibit "E." No parking area shall be located within 15 feet of any property line. Berms are not required.

5. Walkways: Interior walkways shall be provided to connect the entrances of each new building to the public street/sidewalks. Walkways shall be provided to connect related buildings.

6. Landscaping: Landscaping regulations shall be those specified in Bellingham Municipal Code 20.12.030 for similar uses. One street tree shall be provided for every 50 feet of street frontage. Property between the developed areas and the public streets/sidewalks shall be landscaped with a combination of trees, shrubs and ground cover. Storm water treatment and detention facilities shall be incorporated into the site design by the use of landscaping, including screening of any security fencing. . A landscaping plan showing compliance with landscaping requirements shall be submitted with building permit applications.

7. Garbage bins and containers: Garbage and recycle bins/containers shall be screened on at least two sides and provided in accordance with state and city ordinances. Customer refuse containers shall be provided per BMC 10.60.290.

8. Signage: All signs shall comply with those regulations as specified in Bellingham Municipal Code 20.38.(7). There shall be no more than two (2) free-standing signs for the entire site (one on Horton Road and one on Meridian Street.) All signage shall be flush against the building except as provided above. It shall be the responsibility of the developer to determine tenant share of space on the free standing sign.

9. Streets and Access: The following street design and access standards shall be satisfied:

- (a) Driveway access on Meridian Street shall be as shown on the Exhibit "E" site plan. No other driveway curb cuts shall be permitted on Meridian Street.
- (b) Driveway access on Horton Road shall be as shown on the Exhibit "E" site plan. No other driveway curb cuts shall be permitted on Horton Road.
- (c) Sidewalk and street lighting shall be installed along the Meridian Street frontage of the property in a location consistent with a 5-lane Meridian Street standard. Sidewalk improvements shall be consistent with Public Works Standard Plan ST-15. This improvement shall be done with construction of any new buildings on the site.
- (d) Traffic impact fees at rates determined by BMC 13.60 shall be paid prior to building permit issuance.
- (e) Joint access easements shall be recorded for the applicable driveways referenced above prior to the issuance of building permits for new buildings. This requirement may be met by the applicant for permits granting joint access rights to the adjoining property subject to that grantee property owner being solely responsible for the improvement, and costs thereof, of the joint access on the grantee's property. The Public Works Director and Planning Director may jointly approve elimination or modification of a joint driveway requirement if they find that the joint driveway is not necessary for use by the abutting property.

10. Clearing, Grading, Storm Water and Wetlands: Clearing, grading and development activities shall comply with the provisions of BMC Chapter 16.60 (clearing), BMC 16.70 (grading), BMC 15.42 (storm water) and BMC 16.50 (wetlands and streams.) Storm water fees as required by BMC 15.16 shall be paid prior to the issuance of building permits.

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

12. Outdoor Storage: Outdoor storage areas shall be screened from public streets and from view by abutting properties.

13. Building Permit Requirements: Prior to the issuance of a building permit, plans in conformance with these conditions, the provisions of the development agreement and Exhibit "E" attached to the agreement, as well as any other applicable City code, shall be submitted and approved.

14. Land Division: Prior to issuance of approval for land division through plat or binding site plan, the application for division shall be reviewed by the Technical Review Committee. The Technical Review Committee may require internal access easements, parking agreements, landscaping areas and similar measures as needed to assure consistency with the agreement and City codes.

15. Occupancy: Prior to the issuance of any certificate of occupancy, all applicable terms and requirements of the development agreement shall be met.

16. Site Plan Conformance: Development on the site shall be generally consistent with the site plan attached to the agreement as Exhibit "E", however, minor changes to the site plan that do not violate the specific terms and requirements of this agreement or other applicable codes may be approved by the Planning Director.

CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER: 98-02-001

COUNCIL BILL NUMBER: EMERGENCY

AGENDA BILL NUMBER: AB 13404

AGENDA BILL INTRODUCED: 2-23-98

FIRST & SECOND READINGS: 2-23-98

THIRD & FINAL READING: 2-23-98

PUBLISHED: 2-26-98

cc: Kerry / Leg
Paula / Council
Pat / PCD
Jerry / PWE
Jackie / ITSD / SCAN