

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF BAKER CREEK ESTATES AT 1780 E. BAKERVIEW RD., TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 241 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, William Kramer have submitted an application for inclusion in the City's water and sewer service zone as prescribed by BMC Chapter 15.36; and

WHEREAS, the City's Public Works Department, in accordance with BMC Section 15.36.100, has prepared a feasibility report in conjunction with the request for inclusion submitted by the applicants, recommending that the application for inclusion within the direct service zone be granted; and

WHEREAS, the City's Department of Planning and Community Development, in accordance with BMC Sections 15.36.100 and 15.36.120, has prepared an impact report recommending that the application for inclusion within the direct service zone be granted subject to certain conditions; and

WHEREAS, the Whatcom County Boundary Review Board has not prohibited the action; and

WHEREAS, the matter was thereafter considered by the City Council and the said Council hereby finds that the best interests of the City would be served by authorizing such service if certain conditions to development are imposed;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Description of the Parcel. The City of Bellingham hereby annexes into its water and sewer service zone as defined in BMC Section 15.36.030 or 15.36.040, as the case may be,

**City of Bellingham**  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
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Baker Creek Estates at 1780 E. Bakerview Rd., the legal description of said parcel being as follows:

Lots 1 to 7, inclusive Block 1, and Lots 1 to 7, inclusive Block 2, "Conway's Addition to Whatcom, W.T., "Whatcom County, Washington, as per the map thereof, recorded in Book 1 of Plats, Page 81, in the Auditor's office of said county and state. Also the West half of the Northeast quarter of the Southeast quarter of the Southwest quarter, and the West half of the North half of the Southeast quarter of the Southeast quarter of the Southwest quarter, except a strip of land 16 feet in width off the West side, all in Section 8, Township 38 North, Range 3 East of W.M., Less Roads, situate in Whatcom County, Washington.

Section 2. Compliance with Conditions by Contract. Prior to the effective date of this ordinance, a contract shall be prepared, setting forth the terms and conditions upon which service is granted, and the Mayor is hereby authorized and directed to execute such contract on behalf of the City, provided that the said contract incorporates the terms and conditions set forth below.

Section 3. Terms to be Included within Contract. The city of Bellingham shall be under no obligation whatsoever to accept into its service zone the system betterments which the applicant intends to install unless the applicant executes a contract which shall constitute a covenant running with the land and which shall include the following conditions:

1. Utility service is granted for up to 43 single family stick built units. Any other types or increased number of service connections must be approved by the Bellingham City Council.
2. Sanitary sewer shall abut each lot. The sewer system will be sized and designed with City of Bellingham Development Standards and Guidelines. Gravity service will be provided to all service connections, lots or individual structures allowed under the current zoning or any future zoning configurations.

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3. A water main shall abut each lot. The water mains will be sized and designed with City of Bellingham Development Standards and guidelines. Any improvements necessary off site to provide adequate flow and circulation shall be made by the development.
4. Streets within the development shall comply with City of Bellingham Development Standards and Subdivision requirements. This includes positive lot drainage, sidewalks, curbs, gutters, and street lighting at intersections.
5. A left turn lane shall be installed along E. Bakerview Road as approved by the Bellingham public Works - Traffic Section and coordinated through the Whatcom County Engineering Department.
6. The applicant shall dedicate 10' of right-of-way along the north side of E. Bakerview for the full frontage of the property.
7. Transportation Impact Fees (TIF) shall be paid in accordance with adopted ordinances within the City of Bellingham. All fees shall be collected at the time of sewer permit issuance from the Public Works Department.
8. A Clearing Management Plan must be submitted to and approved by the City of Bellingham Department of Planning and Community Development prior to any land disturbance. A Stormwater Management Plan must be submitted in conjunction with the Clearing Plan and must be approved by the Bellingham Planning and Community Development Department as well as the Bellingham Public Works Department.
9. All lots created in future development(s) shall have a provision for piping on-site runoff to the stormwater collection system in a public street.

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10. A water quality treatment facility and water quantity control facility shall be designed to comply with the City of Bellingham Standards and shall be approved by the Department of Public Works. A means for maintaining this facility shall also be determined.
11. A stormwater fee shall be levied and collected for each lot created by the development. The amount and timing of collection shall be the same as in effect within the City of Bellingham at the time of sewer permit issuance.
12. Any subdivision in this service zone boundary will be subject to requirements provided in Bellingham Municipal Code Chapters 13, 18, and 20, and will conform to the attachment Exhibit "A".
13. The applicant or developer shall sign an annexation agreement. This agreement shall run with the land and is therefore, binding on the applicant and its successors in interest in the property.

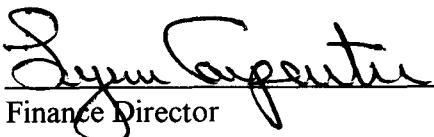
Section 4. In the event any provision of this ordinance or the agreement referred to in Section 2 hereof is declared unenforceable, the City shall be under no obligation to provide service.


Passed by the Council this 11th day of May, 1998.

Bob Ryan  
Council President

Approved by me this 21st day of May, 1998.

Mark Anderson  
Mayor

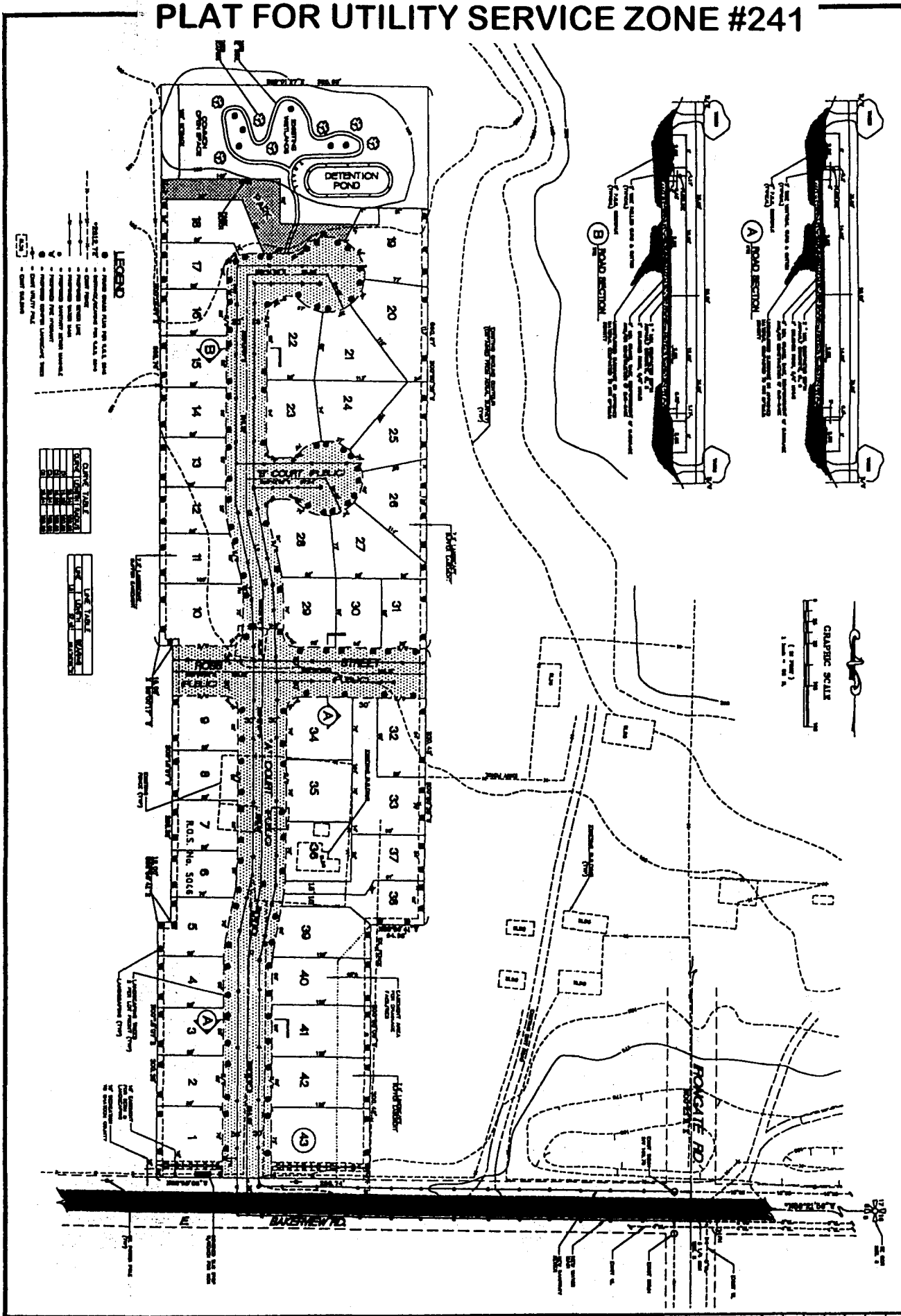
Attest:   
Finance Director

Approved as to Form:  
  
Office of the City Attorney

Published: 5/24/98

# EXHIBIT 'A'

## PLAT FOR UTILITY SERVICE ZONE #241

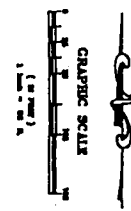
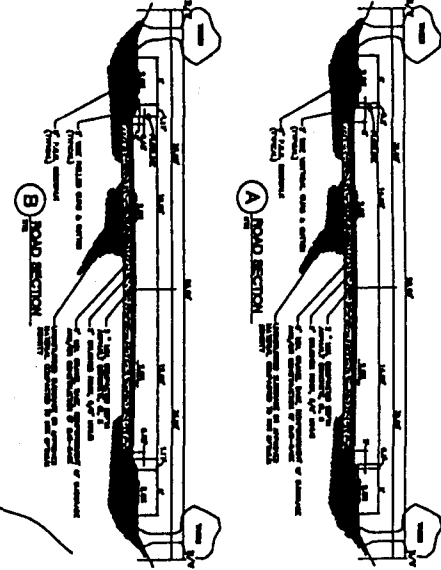


**LEGEND**

- 1. Proposed Water Main
- 2. Proposed Sewer Main
- 3. Proposed Gas Main
- 4. Proposed Storm Sewer Main
- 5. Proposed Water Main
- 6. Proposed Sewer Main
- 7. Proposed Gas Main
- 8. Proposed Storm Sewer Main
- 9. Proposed Water Main
- 10. Proposed Sewer Main
- 11. Proposed Gas Main
- 12. Proposed Storm Sewer Main
- 13. Proposed Water Main
- 14. Proposed Sewer Main
- 15. Proposed Gas Main
- 16. Proposed Storm Sewer Main
- 17. Proposed Water Main
- 18. Proposed Sewer Main
- 19. Proposed Gas Main
- 20. Proposed Storm Sewer Main
- 21. Proposed Water Main
- 22. Proposed Sewer Main
- 23. Proposed Gas Main
- 24. Proposed Storm Sewer Main
- 25. Proposed Water Main
- 26. Proposed Sewer Main
- 27. Proposed Gas Main
- 28. Proposed Storm Sewer Main
- 29. Proposed Water Main
- 30. Proposed Sewer Main
- 31. Proposed Gas Main
- 32. Proposed Storm Sewer Main
- 33. Proposed Water Main
- 34. Proposed Sewer Main
- 35. Proposed Gas Main
- 36. Proposed Storm Sewer Main
- 37. Proposed Water Main
- 38. Proposed Sewer Main
- 39. Proposed Gas Main
- 40. Proposed Storm Sewer Main
- 41. Proposed Water Main
- 42. Proposed Sewer Main
- 43. Proposed Gas Main
- 44. Proposed Storm Sewer Main

DATE	DESCRIPTION
10/1/00	PRELIMINARY PLAT
10/1/00	REVISION 1
10/1/00	REVISION 2
10/1/00	REVISION 3
10/1/00	REVISION 4
10/1/00	REVISION 5
10/1/00	REVISION 6
10/1/00	REVISION 7
10/1/00	REVISION 8
10/1/00	REVISION 9
10/1/00	REVISION 10

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10/1/00	REVISION 6
10/1/00	REVISION 7
10/1/00	REVISION 8
10/1/00	REVISION 9
10/1/00	REVISION 10



CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER: 1998-05-030

COUNCIL BILL NUMBER: 12359

AGENDA BILL NUMBER: 13546

AGENDA BILL INTRODUCED: 3/16/98 (93444)

FIRST & SECOND READINGS: 3/16/98

THIRD & FINAL READING: 5/11/98

PUBLISHED: 5/24/98

CC: LEG, COU, & SMYTH/PW,  
ISD(SCDN)

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