

**ORDINANCE NO. 1999-08-049**

**AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF WARE PROPERTY FORMALLY KNOWN AS THE KRAFT PROPERTY - E/O JAMES ST. OFF TELEGRAPH RD., TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 239A PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.**

**WHEREAS, PAUL WARE has 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, Ware Property formally known as the Kraft Property - e/o James St. Off Telegraph Rd., the legal description of said parcel being as follows:

IN A PORTION OF SECTION 17, TOWNSHIP 38N, RANGE 3E MORE  
THOROUGHLY DESCRIBED AS: MCMILLANS ADD TO WHATCOM LOTS 13-  
14-TOG WI VAC FOURTH ST ABTG CP VOL 46 PG 642-TOG WI VAC N 1/2  
THIRD ST ABTG LOT 14 AS VAC CVL 86-2-01371-3 (PARCEL 380317104397)

LOTS 13 AND 14, MAP OF MCMILLAN'S ADDITION TO THE TOWN OF  
WHATCOM, WHATCOM COUNTY, W.T., ACCORDING TO THE PLAT  
THEREOF, RECORDED IN VOLUME 1 OR PLATS, PAGE 28, RECORDS OF  
WHATCOM COUNTY, WASHINGTON;

TOGETHER WITH THE VACATED 4TH STREET BETWEEN LOTS 13 AND 14.  
AND TOGETHER WITH VACATED WASHINGTON STREET ABUTTING SAID  
LOT 14.

SITUATE IN COUNTY OF WHATCOM, STATE OF 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. Sanitary sewer shall abut each lot. The sewer system will be sized and designed in accordance 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.
2. Sewer and water service is granted for a total of 118 units. The total unit count shall be comprised of 49 single family units and a 68-unit retirement home and one (1) clubhouse. Any other service connections need approval by the City Council.
3. A water main shall abut each lot. Water mains will be sized and designed in accordance 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. All 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.
5. All streets adjacent to the development-shall be improved to a  $\frac{3}{4}$  standard including a full width pavement on the development side with concrete curbs and gutters, a 5 foot

sidewalk, enclosed drainage collection system and a minimum of 10 feet of pavement on the non-development side. Telegraph Road shall be improved to  $\frac{3}{4}$  of a 28' full standard street with provision for a left turn lane at James Street. Any variances to these standards must be approved by the City Council.

6. Property owner shall dedicate 10' of right-of-way along the full frontage of James Street south of Telegraph Road.

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 shall have a provision for piping on-site runoff to a stormwater collection system.

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 established and become part of the covenants regulating the development. A maintenance manual shall be written and approved by the Public Works Department.

11. Downstream stormwater facilities shall be identified and their capacities determined in order to evaluate the drainage management plan for the area. Downstream facilities shall be improved if not already adequate to accommodate the proposed development.

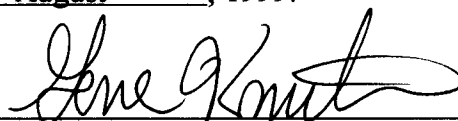
12. A stormwater fee shall be levied and collected for each lot created by the development. The amount and timing of collection shall be the same as in effect within the City of Bellingham at the time of sewer permit issuance.

13. The applicant or developer shall sign a annexation agreement. This agreement shall run with the land and is therefore, binding on the applicant and its successors in interest in the property.

14. The proposed development shall be serviced by a publicly-owned and maintained sanitary sewer lift station. The station shall be designed and sized in accordance with City of Bellingham Development Standards and Guidelines. The station will support future development in the area as well as installation of all necessary telemetry with Bellingham's SCADA system.


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 16th day of August, 1999.

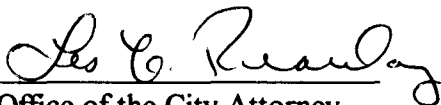
  
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Council President

Approved by me this 24<sup>th</sup> day of August, 1999

  
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Mayor

Attest   
Finance Director

Approved as to Form:

  
Office of the City Attorney

Published: 8/20/99