

ORDINANCE NO. 1999-12-080

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF TOAD CREEK VISTA AT 4121 BRITTON LOOP RD., TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 247 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, Jack Laird 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, Toad Creek Vista at 4121 Britton Loop Rd., the legal description of said parcel being as follows:

The south half of the southeast quarter of the southwest quarter of the southwest quarter, Section 10, Township 38 North, Range 3 East of the W.M. situated in Whatcom County, State of Washington. Assessor's Parcel Number 3803100980140000.

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 18-single family units. The Bellingham City Council must approve service for any other type of development or increase in the number of service connections.

2. Sanitary sewer shall abut each lot. Sanitary mains will be designed in accordance with City of Bellingham Development Guidelines and Improvement Standards. Gravity service shall be provided to all service connections. The sanitary sewer shall be extended to the far edge of the southern boundary for future service.
3. A water main shall abut each lot. The 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 of water for domestic and fireflow shall be made by the developer and become part of the basic requirement for service.
4. Streets within the development shall comply with City of Bellingham Development Guidelines and Improvement Standards. This includes 24' of paving, positive lot drainage, sidewalks, curbs, and gutters. All positive lot drainage shall include connections to impervious surfaces. Each lot shall have a minimum of 30 feet of frontage on the cul-de-sac. Lots 2 and 17 should take access from the new cul-de-sac. No landscape island shall be allowed in the cul-de-sac.
5. The right-of-way internal to the plat shall be 50' wide and shall be recorded on the final plat.
6. Britton Loop Rd. shall be constructed to 3/4 standard of a 28' full standard street for the full frontage of the property as defined within the Bellingham Development Guidelines and Improvement Standards. The road shall include concrete curbing, gutters, 5' wide sidewalk, 26' of paving and other amenities that comply with the above mentioned standards.

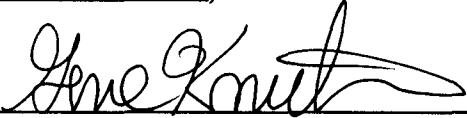
7. An amount equivalent to the Transportation Impact Fees (TIF), which would be required if the property was inside the City, shall be paid to the City in accordance with adopted ordinances within the City of Bellingham. The current TIF zone which is applicable for this development is No. 4 per the 1999 rate map. All fees shall be collected at the time of sewer permit issuance from the Public Works Department.
8. A stormwater Management Plan shall be submitted to the Bellingham Public Works Department for review. Stormwater plans shall be consistent with the City of Bellingham and Whatcom County regulations. Where the requirements may be in conflict, the more stringent shall prevail.
9. Lots created with this development are subject to collection of stormwater fees equivalent to that which would be collected within the City of Bellingham. Fees shall be collected prior to connection or utilization of City water/sewer service. In the event a monthly or annual stormwater utility fee is levied within the City of Bellingham like fees shall be required of each lot within the subdivision.
10. A landscape plan for the pond and open space area to buffer the abutting lots shall be required and must include a mix of predominately native trees and shrubs. The Plan shall be submitted to the Bellingham Planning and Community Development Department for review. Landscaping shall be consistent with the City of Bellingham and Whatcom County regulations. Where the requirements may be in conflict, the more stringent shall prevail.
11. No clearing, grading, or building shall be allowed for the area between the 320 foot contour line and the creek bed. A conservation easement shall be provided

for this area, shown on the plat, and recorded with Whatcom County Auditor's office.

12. The applicant 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.

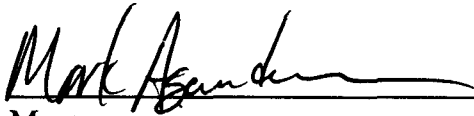
Section 4. In the event any provision of this ordinance or the agreement referred to in Section 2 hereof is declared unenforceable, the City shall be under no obligation to provide service.

Passed by the Council this 6th day of DECEMBER, 1999.

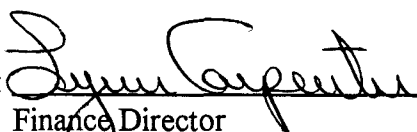


Council President

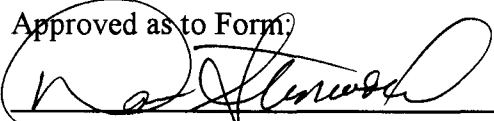
Approved by me this 14th day of December, 1999.



Mayor

Attest: 

Finance Director

Approved as to Form?


Office of the City Attorney

Published: 12/09/99

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

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.

December 13, 1999
DATED:



A.M. Bowers
SIGNATURE OF NOTARY PUBLIC:

ALISON M. BOWERS
Name Printed:

Notary Public
TITLE:

7/19/2002
MY APPOINTMENT EXPIRES:

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

I CERTIFY that I know or have satisfactory evidence that **LYNN CARPENTER** 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 Finance Director of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

14 December 1999
DATED:



Martha L. Hagen
SIGNATURE OF NOTARY PUBLIC:

Martha L. HAGEN
Name Printed:

Notary Public Finance
TITLE:

30 March 2003
MY APPOINTMENT EXPIRES: