

ORDINANCE NO. 2000-01-001

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF 1530 E. BAKERVIEW RD., TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 246 PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, Bellingham Covenant Church 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, 1530 E. Bakerview Rd., the legal description of said parcel being as follows:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38, NORTH, RANGE 3 EAST OF W.M.,

EXCEPT FOR THE WEST ONE-HALF OF THE FOREGOING DESCRIBED PROPERTY,

EXCEPT EAST BAKERVIEW AND COUGER ROAD.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

Assessor's Property Tax Parcel/Account Number: 380308 113035

THE WEST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M., EXCEPT ROADS.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

Assessor's Property Tax Parcel/Account Number: 380308 080035.

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. Water mains will be sized and designed in accordance with City of Bellingham's Public Works Department Comprehensive Water Plan and the Bellingham Development Guidelines and Improvement Standards. Any improvements necessary off-site to provide adequate flow and circulation shall be made by the developer. Extension of water to the far edge of property is a requirement to service future development within the Urban Growth Area.
2. Sanitary sewer mains shall be designed in accordance with City of Bellingham's Development Guidelines and Improvement Standards. Sanitary sewer shall be extended to the far edge of property or, if determined not to have any clear benefit, the sewer can be terminated at some other location which best serves the remaining property within the Urban Growth Area. Sanitary sewer service is for the proposed church facility; any additional developments require City Council review and approval.
3. This development is subject to collection of stormwater fees equivalent to that which would be collected if the property were 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 this development.

4. A Stormwater Management Plan must be submitted to the Bellingham Public Works Department for review. A water quality treatment facility and water quantity control facility shall be designed by the developer to comply with the current Bellingham Municipal Code or Whatcom County Guidelines, whichever is greater.

5. 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.

**6. Street Improvements**

**Bakerview Road**

Sign an agreement to participate in a fair pro rata share of the construction of E. Bakerview Road to full standard as described in the Bellingham Development Guidelines and Improvement Standards at the time of annexation to the City of Bellingham.

**Cougar Road**

Improve Cougar Road between Bakerview Road and the driveway to the facility. The improvement standard shall be 24 feet of pavement with concrete curb, gutter and 5' wide sidewalk adjacent to the property.

Agree to complete Cougar Road to the north end of the property (with the above standard) when surrounding property is developed and the road is required for access.

7. An amount equivalent to the Transportation Impact Fees (TIF) which would be required by the City if the property were inside the City limits 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. Dedication of 15' of right-of-way along East Bakerview Road and dedication of 10' of right-of-way along Cougar Road for the full frontage of property. The dedication shall occur prior to any issuance of a water or sewer service permit by the City of Bellingham's Public Works Department.

**9. Access to the Property**

**Primary Access**


Primary access to the site shall be from Cougar Road. Spot widening at the intersection of E. Bakerview Road and Cougar Road shall be designed and constructed to include a left turn lane with 120' storage pocket. Any roadside hazards within 10' of the traveled way along #. Bakerview Road shall be removed or sufficient mitigation shall be provided as approved by the Public Works Department.

**Secondary Access**

Secondary access to the property will be allowed from E. Bakerview Road from a restricted (right turn in / right turn out) driveway located approximately at the mid-point of the property. In the event Washington Street is developed as a requirement of property(s) to the west of the church, the driveway shall be closed and secondary access relocated to Washington Street.

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 24th day of JANUARY, 2000.

  
\_\_\_\_\_  
Council President

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

  
\_\_\_\_\_  
Mayor

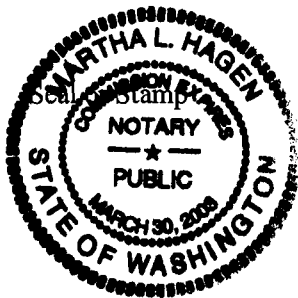
Attest:   
Finance Director

Approved as to Form:  
  
Office of the City Attorney

Published: 01/27/00

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.



2/10/00  
DATED:

Martha L. Hagen  
SIGNATURE OF NOTARY PUBLIC:

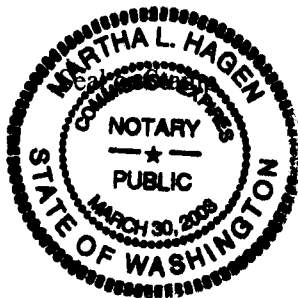
MARTHA L. HAGEN  
Name Printed:

Notary Public  
TITLE:

30 March 2003  
MY APPOINTMENT EXPIRES:

STATE OF WASHINGTON )  
COUNTY OF WHATCOM ) ss

I CERTIFY that I know or have satisfactory evidence that **THERESE HOLM** 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.



2/10/00  
DATED:

Martha L. Hagen  
SIGNATURE OF NOTARY PUBLIC:

MARTHA L. HAGEN  
Name Printed:

Notary Public  
TITLE:

30 March 2003  
MY APPOINTMENT EXPIRES: