

ORDINANCE NO. 2000-03-004

AN ORDINANCE RELATING TO UTILITY SERVICE EXTENSIONS, PURSUANT TO MUNICIPAL CODE CHAPTER 15.36 AND PROVIDING FOR THE ANNEXATION OF HILLSIDE ESTATES P.U.D., TO THE CITY'S WATER AND SEWER SERVICE ZONE AS EXTENSION NO. 242A PURSUANT TO CERTAIN TERMS AND CONDITIONS MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, Sebulon Werre 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, Hillside Estates P.U.D., the legal description of said parcel being as follows:

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

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST
QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 38
NORTH, RANGE 3 EAST OF W.M., LYING SOUTHEASTERLY OF THE MT.
BAKER HIGHWAY (NORTHEAST DIAGONAL ROAD). ALSO, THE NORTH
HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER SECTION 10, TOWNSHIP 38 NORTH, RANGE 3 EAST
OF W.M., EXCEPT THAT PORTION LYING NORTHWESTERLY OF THE MT.
BAKER HIGHWAY (NORTHEAST DIAGONAL ROAD). EXCEPT RIGHT OF WAY
FOR MT. BAKER HIGHWAY LYING ALONG THE WESTERLY LINE THEREOF,
AND EXCEPT RIGHT OF WAY FOR BRITTON ROAD LYING ALONG THE EAST
LINE THEREOF,

EXCEPT THAT PORTION DEEDED TO RANDY A. MEZO AND SUZANNE MEZO,
HUSBAND AND WIFE AND BERT W. HANSEN AND COREEN G. HANSEN,

HUSBAND AND WIFE UNDER BOUNDARY LINE AGREEMENT RECORDED ON
MARCH 18, 1992 UNDER AUDITOR'S FILE NO. 920318094.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON

ABBREVIATED LEGAL (FOR USE WHEN A STANDARDIZED COVER SHEET IS
REQUIRED FOR RECORDING):

PTN NE SW SW SEC 10, T 38 N, R 3 E.

Section 2. Compliance with Conditions by Contract. After 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 60 lots including three (3) 4-plex lots and one (1) 6-plex lot. 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 Standards and Guidelines. Gravity service shall be provided to all service connections. The sanitary sewer shall be extended

to the eastern boundary on Britton Loop Rd and extended along the full frontage on Mt. Baker Highway.

3. A water main shall abut each lot. The water mains will be sized and designed in accordance with City of Bellingham Development Guidelines and Improvement Standards. Any off site improvements needed to provide adequate flow and circulation of water for domestic and fireflow purposes 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 28' of pavement for through streets and 24' of pavement for cul-de-sacs, including sidewalks, curbs, gutters, and street lights. Positive lot drainage shall serve all lots and impervious surfaces must be routed to an enclosed drainage system. Each lot shall have a minimum of 30 feet of frontage for those with access from a cul-de-sac. Lots 59 and 60 shall take access from Britton Loop Road. No landscape island shall be allowed in a cul-de-sac. All right-of-way shall be developed to the City Fire Department standards.
5. All rights-of-way internal to the plat shall be 60' wide and recorded on the final plat, except that rights-of-way for cul-de-sacs shall be 50' wide and recorded on the final plat.
6. The applicant will dedicate 15' of right-of-way along the Mt. Baker Highway for the full frontage of the property. This dedication shall be recorded on the final plat.

7. 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 curbing, gutters, 5' wide sidewalk, 26' of paving and other amenities consistent with the above mentioned standards.
8. An amount equivalent to the Transportation Impact Fees (TIF) which would be required if the property were inside the City shall be paid to the City in accordance with adopted ordinances within the City of Bellingham. The current TIF zone that is applicable for this development is No. 4 per the 2000 rate map. All fees shall be paid at the time of sewer permit issuance from the Public Works Department.
9. A stormwater Management Plan must be submitted to the Bellingham Public Works and Planning and Community Development Departments 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 more stringent.
10. 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 paid prior to connection or utilization of City water/sewer service.
11. 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.
12. The preliminary plat shall be consistent with the design approved by the City as shown in Exhibit A and with the intent of Bellingham's Subdivision Ordinance.

A conceptual site design consistent with City of Bellingham Residential Multi development standards for the multi-family lots shall be submitted and approved prior to the issuance of a sewer permit.

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 20th day of March, 2000.



Council President

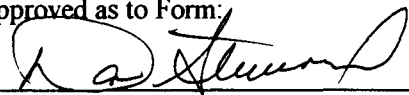
Approved by me this 6th day of April, 2000.



Mayor

Attest: 

Finance Director

Approved as to Form:


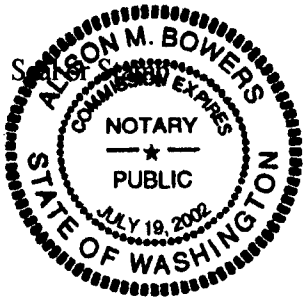
Office of the City Attorney

Published: 03/24/00

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.

April 6, 2000
DATED:



A. M. Bowers
SIGNATURE OF NOTARY PUBLIC:

ALISON M. BOWERS
Name Printed:

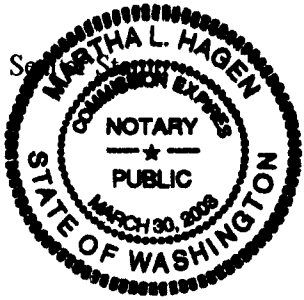
Notary Public
TITLE:

7/19/2002
MY APPOINTMENT EXPIRES:

STATE OF WASHINGTON)
COUNTY OF WHATCOM) ss

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

April 6, 2000
DATED:

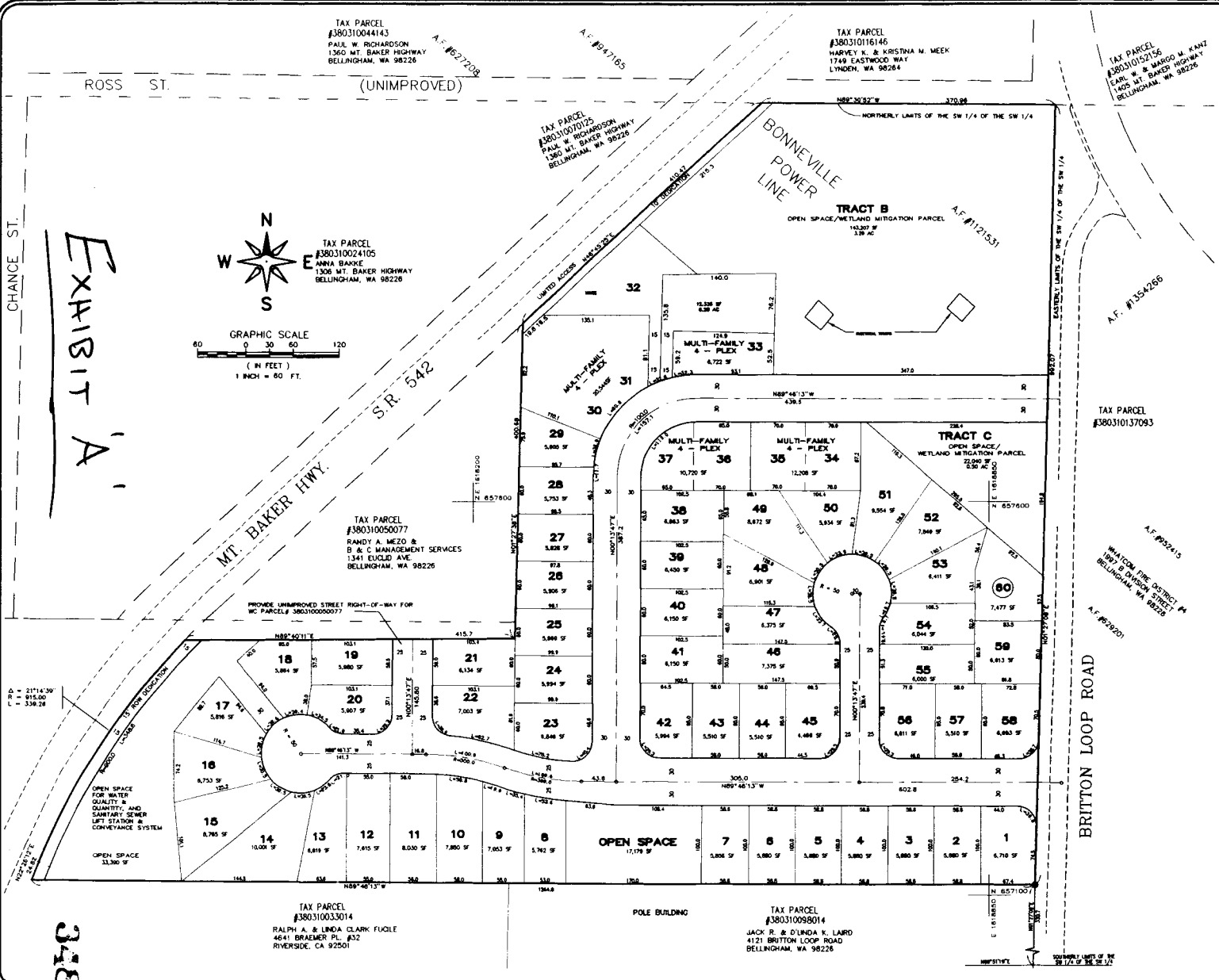


Martha L. Hagen
SIGNATURE OF NOTARY PUBLIC:

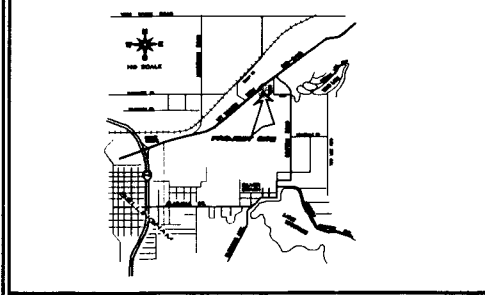
Martha L. HAGEN
Name Printed:

Notary Public
TITLE:

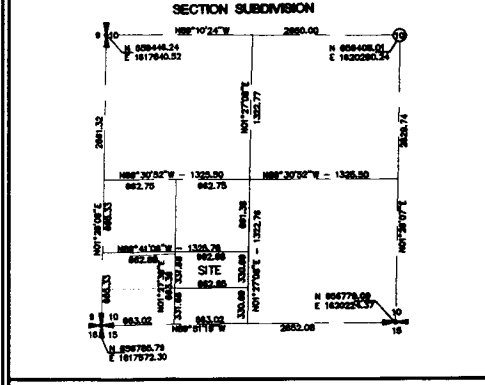
30 March 2003
MY APPOINTMENT EXPIRES:



PRELIMINARY SUBDIVISION DESIGN JOB NO. 99063



A PORTION OF THE SW 1/4 OF SW 1/4 SEC 10, TWP 36N RG 3E, WMA



PROJECT DATA:

ZONING: UR-MX	17,880 ACRES
PARCEL SIZE:	322,128 SF (18.0 ACRES) (ALL 8 EXISTING FAMILY LOTS)
AREA IN LOTS:	158,800 SF (3.64 ACRES)
AREA IN OPEN SPACE:	22,348 SF (0.51 ACRES)
ALLOWED DENSITY:	49 LOTS (7 MULTI-FAMILY, 2 EXISTING HOMES, 41 SINGLE-FAMILY UNITS)
NUMBER OF UNITS PROPOSED:	49 UNITS (7 MULTI-FAMILY, 2 EXISTING HOMES, 41 SINGLE-FAMILY UNITS)
MAXIMUM PUD DENSITY ALLOWED:	71.48 X 1.35 = 96
SINGLE FAMILY:	
AVERAGE LOT SIZE:	4,330 SF
LARGEST LOT SIZE:	14,000 SF
SMALLEST LOT SIZE:	5,310 SF
MIXED FAMILY:	
AVERAGE LOT SIZE:	12,548 SF
LARGEST LOT SIZE:	29,544 SF
SMALLEST LOT SIZE:	6,722 SF

REVISIONS			CONTROL DRAWN
NO	DATE	BY	NOTE
1			
2			
3			
4			
5			

LEGEND

CENTRERLINE	ABBREVIATED LAMBERT GRID COORDINATES
LOT LINES	
PROPERTY/ROW LINE	
EASEMENT	