

RESOLUTION NO. 2018-08

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR DIVISION 3 OF THE E8-E9 PRELIMINARY PLAT CONSISTING OF 41 SINGLE-FAMILY, ATTACHED LOTS, A RESERVE TRACT FOR FUTURE DEVELOPMENT, AND TRACTS FOR OPEN SPACE PURPOSES; LOCATED IN AREA 1, CORDATA NEIGHBORHOOD, GENERALLY SOUTH OF KLINE ROAD BETWEEN CORDATA PARKWAY AND ALDRICH ROAD.

WHEREAS, the City has received a request to finalize Division 3 of the E8-E9 Preliminary Plat, consisting of 41 single-family, detached lots, a reserve tract for future development, and tracts for open space purposes (Final Plat map attached as Attachment 1), said plat having received preliminary plat approval by the Hearing Examiner on April 28, 2008, by Findings of Fact, Conclusions of Law and Order No. HE-07-PL-005 (Attachment 2); and

WHEREAS, Division 1A, consisting of 42 single-family attached lots and a multifamily tract, received final approval on March 16, 2015; and

WHEREAS, Division 2, consisting of 39 single-family detached lots, received final approval on May 15, 2017; and

WHEREAS, the public improvement requirements associated with Division 3 have been installed or bonded for at time of approval; and,

WHEREAS, in May 2016, the city and the property owner, Larrabee Springs, Inc., entered into a development agreement for the purpose of defining the property owner's proportionate responsibility for transportation mitigation. Financial payment of the required mitigation for this division will be paid prior to the filing of the final plat at the auditor's office; and


WHEREAS, the Council has reviewed said plat and finds that the public use and interest will be served by this phase of the plat and that said plat meets the requirements of the City Subdivision Ordinance and other State or Local Ordinances pertaining thereto, and conforms to the preliminary plat design and the plat conditions as set out in the Hearing Examiner's Findings of Fact, Conclusions of Law and Order No. No. HE-07-PL-005 (Attachment 2),

NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL THAT:

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360)778-8270

Division 3 of the E8-E9 Preliminary Plat, attached hereto as Attachment 1, consisting of 41 single-family detached lots has been presented for acceptance, approval, and filing, and is hereby accepted, approved, and ordered filed, subject to Hearing Examiner Order No. HE-07-PL-005, dated April 28, 2008, attached hereto as Attachment 2, and made a part hereof by reference as though set forth fully herein. The property is in the City of Bellingham on property legally described as the Remainder Reserve Tract B, The Plat of Cordata E8-E9 Phase 2, commonly known as Larrabee Springs South Division No. 2.

PASSED by the Council this 7th day of May, 2018.


Roxanne Murphy, Council Resident

APPROVED by me this 17th day of May, 2018.


Kelli Linville, Mayor

ATTEST: 
Brian Henshaw, Finance Director

APPROVED as to form:


Office of the City Attorney

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360)778-8270

**THE PLAT OF CORDATA E8-E9 PHASE 3
COMMONLY KNOWN AS LARRABEE SPRINGS SOUTH DIV. 3**
SE 1/4 NW 1/4 & SW 1/4 NW 1/4 SECTION 1, T38N R2E, W.M.
CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON STATE

PFC2017-0003
SUB2018-0002

LEGAL DESCRIPTION PLAT OF LARRABEE SPRINGS SOUTH DIVISION 3

REMAINDER RESERVE TRACT A, AS DELINEATED ON THE PLAT OF CORDATA E8-E9 PHASE 2, COMMONLY KNOWN AS LARRABEE SPRINGS SOUTH DIVISION NO. 2, RECORDED MAY 18, 2017, UNDER AUDITOR'S FILE NO. 2017-0501700.
SITUATE IN WHATCOM COUNTY, WASHINGTON.

SURVEYOR'S NOTES

1. FIELD SURVEYS FOR THIS PLAT PERFORMED FROM NOVEMBER TO DECEMBER 2017.
2. EQUIPMENT USED:
TOPCON 075-300W TOTAL STATION- DISTANCE MEASURING 2 MM + 2 PPM, ANGLE MEASUREMENT: 5" OF ARC.
3. THE SURVEY COMPLIES WITH THE MINIMUM SURVEY PRECISION FOR FIELD TRIANGULAR SET FORTH IN BAG 332-130-090.
4. REFERENCE THE PLAT OF LARRABEE SPRINGS SOUTH DIV. 2 RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2017-0501700.

EASEMENT NOTES

SEE SHEET 2 FOR EASEMENT NOTES

MINERAL RIGHTS

THE WARRANTY DEED RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 739481 RESERVES TO THE GRANTOR, ITS SUCCESSORS AND ASSIGNEE A INTEREST INTEREST IN THE OIL AND NATURAL GAS IN OR UPON THE PROPERTY AND FURTHER RESERVES ALL MINERALS INCLUDING COAL. SAID RESERVATIONS WERE AMENDED AS DESCRIBE UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2007070017, AND ASSIGNED AS DESCRIBED IN WHATCOM AUDITOR'S FILES NO. 1507218, 1860336, AND 2081201713.

OTHER TITLE REPORT EASEMENTS AND NOTES

- A. EASEMENTS FOR BLOCS FOR CUTS AND FILL ALONG ROADWAYS AS DEDICATED ON THE FACE OF THE PLAT OF "BAKEMEN ADDITION TO BELLINGHAM" AS RECORDED UNDER VOL. 7 OF PLATS AT PAGES 40-45.
- B. EASEMENTS FOR BLOCS FOR CUTS AND FILL ALONG ROADWAYS AS DEDICATED ON THE FACE OF THE PLAT OF "THE CORDATA BUSINESS PARK, DIV. NO. 1 AS RECORDED UNDER # 190803402.
- C. AN EASEMENT FOR ELECTRICAL TRANSMISSION AND/OR DISTRIBUTION LINES TOGETHER WITH NECESSARY APPURTENANCES RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 214100218.
- D. DEVELOPMENT AGREEMENT BETWEEN LARRABEE SPRINGS, INC. AND THE CITY OF BELLINGHAM RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2018-080502.

SETBACK REQUIREMENTS

SEE SHEET 3 FOR SETBACK REQUIREMENTS

HEARING EXAMINER APPROVAL

REFERENCE BELLINGHAM HEARING EXAMINER'S DECISION #E-07-PL-005 FOR PRELIMINARY PLAT APPROVAL AND CONDITIONS OF APPROVAL.

COVENANTS

1. PROTECTIVE COVENANTS FOR CORDATA PLANNED UNIT DEVELOPMENT MASTER PLAN FILED FOR RECORD UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1548328 AS AMENDED BY THE DOCUMENT FILED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1602068.
2. RESTRICTIVE COVENANTS FOR THE PROPERTY KNOWN AS CORDATA FILED FOR RECORD UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1548278.
3. AMENDMENT NO. 3 TO INTERLOCAL AGREEMENT BETWEEN CITY OF BELLINGHAM AND WHATCOM COUNTY CONCERNING ANNEXATION AS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 198030503.
4. THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESTRICTIONS OF THE PLAT OF "CORDATA E8-E9 PHASE 1A" AS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 215040017.
5. FIRST AMENDMENT TO THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS OF BELLINGHAM PLAT OF CORDATA E8-E9 "LARRABEE SPRINGS SOUTH" ASSOCIATION AS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2017-0401502.
6. SECOND AMENDMENT TO THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR PHASE 1A AND PHASE 2 OF BELLINGHAM PLAT OF CORDATA E8-E9 "LARRABEE SPRINGS SOUTH" ASSOCIATION AS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2017-0501702.
7. THIRD AMENDMENT TO THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR PHASE 1A, AND PHASE 2 OF BELLINGHAM PLAT OF CORDATA E8-E9 "LARRABEE SPRINGS SOUTH" ASSOCIATION AS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2018-0300187.
8. FOURTH AMENDMENT TO THE DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR PHASE 1A, PHASE 2 AND PHASE 3 OF BELLINGHAM PLAT OF CORDATA E8-E9 "LARRABEE SPRINGS SOUTH" ASSOCIATION AS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. _____.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF LARRABEE SPRINGS, INC. BETWEEN NOVEMBER, 2017, AND DECEMBER 2017.

DARCY JONES, PLS #41303
JONES ENGINEERS, INC.



DECLARATION AND DEDICATION

KNOW TO ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED, BEING OWNERS IN FEE SIMPLE OF THE LAND HEREIN PLATTED, HEREBY DECLARE AND ACKNOWLEDGE THIS PLAT OF "LARRABEE SPRINGS SOUTH, DIV. 3" AND DEDICATE TO THE PUBLIC FOREVER ALL ROADS, ALLEYS, PUBLIC TRACTS AND PUBLIC EASEMENTS SHOWN ON THIS PLAT; ALSO, THE RIGHT TO MAKE ALL NECESSARY BLOCS FOR CUT AND FILL UPON LOTS, BLOCS AND TRACTS IN ANY REASONABLE GRADING OF ROADS, ALLEYS AND ESCARPMENTS, AND HEREBY WAIVER ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AUTHORITY WHICH MAY BE OCCASIONED TO ADJACENT LAND BY ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROADS AND EASEMENTS.

NATYORTSHE, VICE PRESIDENT
LARRABEE SPRINGS, INC.
A WASHINGTON CORPORATION

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF WHATCOM) SS.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT NATURELSON, SIGNED THIS INSTRUMENT, ON DAUM STATED THAT HE WAS ALPHEMIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE VICE PRESIDENT OF LARRABEE SPRINGS, INC., TO BE THE FREE AND VOLUNTARY ACT OF SAID PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____
SIGNATURE OF NOTARY PUBLIC _____
PRINTED NAME _____
RESIDING IN _____
MY APPOINTMENT EXPIRES _____



CITY OF BELLINGHAM DEPT. OF PARKS AND RECREATION

EXAMINED AND APPROVED BY THE CITY OF BELLINGHAM DEPARTMENT OF PARKS AND RECREATION THIS _____ DAY OF _____, 2018.

DEPARTMENT OF PARKS AND RECREATION TITLE _____

CITY OF BELLINGHAM DEPT. OF PLANNING AND COMMUNITY DEVELOPMENT

EXAMINED AND APPROVED BY THE CITY OF BELLINGHAM DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT THIS _____ DAY OF _____, 2018.

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TITLE _____

CITY OF BELLINGHAM DEPARTMENT OF PUBLIC WORKS

EXAMINED AND APPROVED BY THE CITY OF BELLINGHAM DEPARTMENT OF PUBLIC WORKS THIS _____ DAY OF _____, 2018.

CITY ENGINEER, CITY OF BELLINGHAM _____

CITY OF BELLINGHAM FINANCE DIRECTOR'S CERTIFICATE

I, BRIAN HENSHAW, FINANCE DIRECTOR OF THE CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT I AM THE OFFICER IN CHARGE OF THE COLLECTION OF SPECIAL ASSESSMENTS LEVIED BY THE CITY OF BELLINGHAM ON ALL LAND EMBRACED WITHIN THE PLAT OF "LARRABEE SPRINGS SOUTH, DIV. 3", AND THAT ALL DELINQUENT SPECIAL ASSESSMENTS FOR WHICH THE PROPERTY EMBRACED IN THIS PLAT MAY BE LIABLE AT THIS DATE HAVE BEEN PAID, AND THAT ALL SPECIAL ASSESSMENTS AGAINST THE PROPERTY IN THIS PLAT WHICH UNDER SAID PLAT BECOMES STREETS AND RECREATION AREAS HAVE BEEN PAID IN FULL THIS _____ DAY OF _____, 2018.

BRIAN HENSHAW, FINANCE DIRECTOR
CITY OF BELLINGHAM

CITY OF BELLINGHAM MAYOR

I HEREBY CERTIFY THAT THE PLAT OF "LARRABEE SPRINGS SOUTH, DIV. 3" IS DULY APPROVED BY THE CITY OF BELLINGHAM CITY COUNCIL THIS _____ DAY OF _____, 2018.

BELLI LINDLE, MAYOR ATTEST: BRIAN HENSHAW, FINANCE DIRECTOR
CITY OF BELLINGHAM CITY OF BELLINGHAM

WHATCOM COUNTY TREASURER'S CERTIFICATE

I, STEVEN H. OLIVER, TREASURER OF WHATCOM COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT ALL TAXES REQUIRED BY LAW TO BE PAID UPON THAT PORTION OF REAL ESTATE EMBRACED WITHIN THIS PLAT OF "LARRABEE SPRINGS SOUTH, DIV. 3" AND ALL DELINQUENT ASSESSMENTS HAVE BEEN FULLY PAID AS SHOWN IN RECORDS OF MY OFFICE THIS _____ DAY OF _____, 2018.

STEVEN H. OLIVER
TREASURER, WHATCOM COUNTY, WASHINGTON



WHATCOM COUNTY AUDITOR'S OFFICE

I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY, WASHINGTON, AT THE REQUEST OF _____ ON THIS _____ DAY OF _____, 2018 AT _____ MINUTES PAST _____ O'CLOCK _____, AND THAT THIS IS RECORDED UNDER AUDITOR'S FILE NUMBER _____, RECORDS OF WHATCOM COUNTY, WASHINGTON.



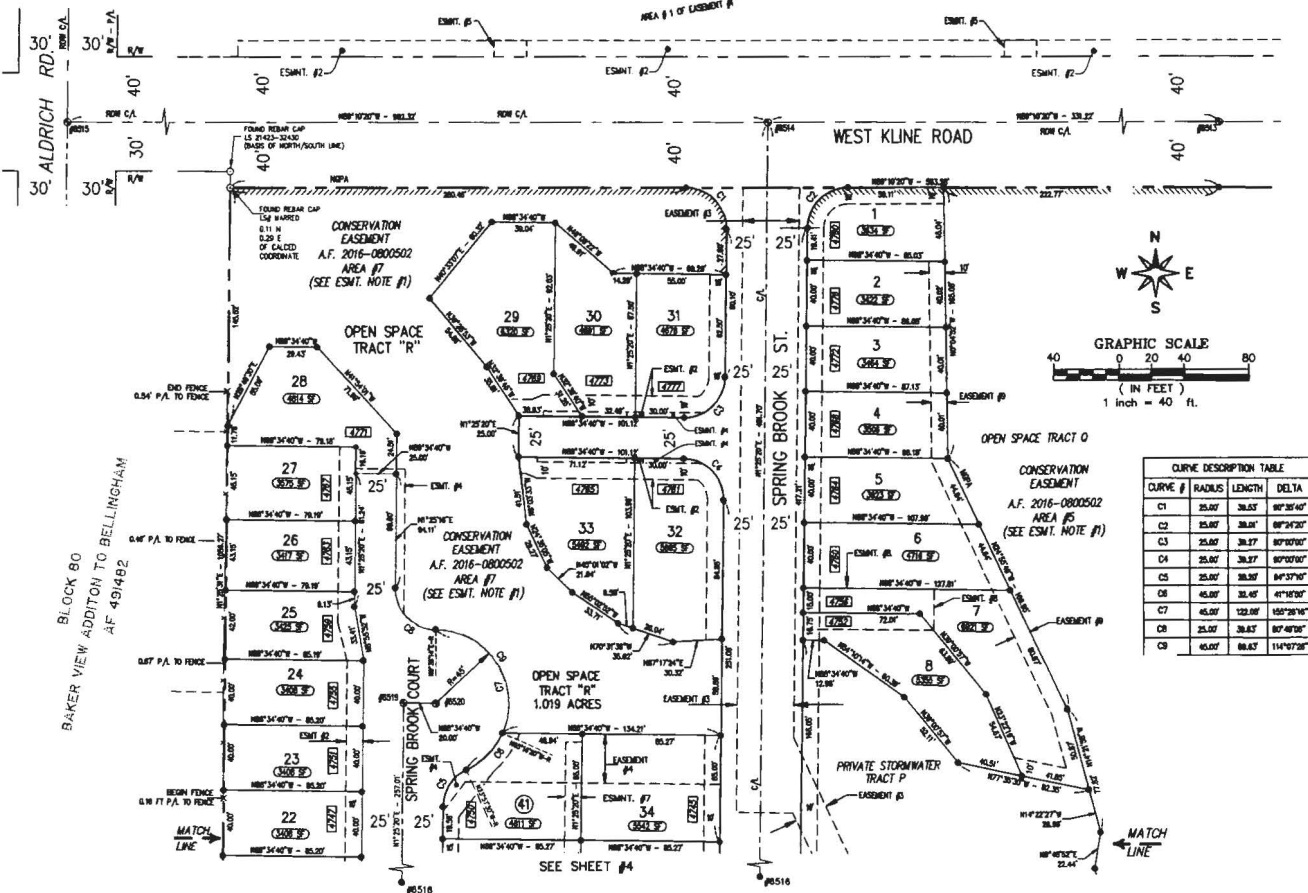
4164 Meridian Street - Suite 304 - Bellingham, WA 98226

SHEET
1
OF
4

THE PLAT OF CORDATA E8-E9 PHASE 3 COMMONLY KNOWN AS LARRABEE SPRINGS SOUTH DIV. 3

PFC2017-0003
SUB2018-0002

SE 1/4 NW 1/4 & SW 1/4 NW 1/4 SECTION 1, T38N R2E, W.M.
CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON STATE



CURVE #	RADIUS	LENGTH	DELTA
C1	25.00'	38.63'	89°35'40"
C2	25.00'	38.63'	89°35'30"
C3	25.00'	38.63'	89°35'20"
C4	25.00'	38.63'	89°35'10"
C5	25.00'	38.63'	89°35'00"
C6	45.00'	38.45'	41°16'50"
C7	45.00'	122.00'	150°28'16"
C8	25.00'	38.63'	89°40'30"
C9	45.00'	88.63'	114°07'38"

- EASEMENTS DEPICTED ON FACE OF PLAT**
1. A CONSERVATION EASEMENT IN FAVOR OF THE CITY OF BELLINGHAM AS RECORDED UNDER AF #2016-0800502, WHICH REPLACED AF #2140802405.
 2. A NON-EXCLUSIVE TEN FOOT WIDE EASEMENT ADJACENT TO ALL DEDICATED RIGHTS-OF-WAY IN THIS PLAT IS GRANTED FOR SERVICE UTILITIES AS REQUIRED BY CITY OF BELLINGHAM MUNICIPAL CODE TITLE 18.28.090.
 3. AN EASEMENT FOR PUBLIC STORM DRAINAGE UTILITIES IN FAVOR OF THE CITY OF BELLINGHAM AS RECORDED UNDER AF # 2017-0501700.
 4. AN EASEMENT FOR PUBLIC SANITARY SEWER, WATER & STORM ORNAGE UTILITIES IN FAVOR OF THE CITY OF BELLINGHAM AS RECORDED UNDER AF # _____.
 5. AN EASEMENT FOR PUBLIC STORM DRAINAGE IN FAVOR OF THE CITY OF BELLINGHAM AS RECORDED UNDER AF # _____.
 6. AN EASEMENT FOR A PUBLIC TRAIL IN FAVOR OF THE CITY OF BELLINGHAM AS RECORDED UNDER AF # _____.
 7. AN EASEMENT FOR PRIVATE DRAINAGE AS RECORDED UNDER AF # _____.
 8. AN EASEMENT FOR PRIVATE ACCESS AND UTILITIES AS RECORDED UNDER AF # _____.
 9. AN EASEMENT FOR PRIVATE DRAINAGE AS RECORDED UNDER AF # _____.
 10. AN EASEMENT FOR PRIVATE DRAINAGE AS RECORDED UNDER AF # _____.

HEARING EXAMINER ORDER
ALL LOTS IN THIS PLAT ARE SUBJECT TO THE CONDITIONS SET FORTH IN CITY OF BELLINGHAM HEARING EXAMINER ORDER #FC-07-PL-005.

SETBACK REQUIREMENTS
PER THE HEARING EXAMINER ORDER SETBACK REQUIREMENTS FOR INDIVIDUAL LOTS SHALL BE AS FOLLOWS:

- 1) FRONT: 15 FEET MEASURED FROM THE PROPERTY LINE ADJUTING A RIGHT-OF-WAY OR EDGE OF ACCESS EASEMENT. A MINIMUM 20-FOOT SETBACK SHALL BE PROVIDED FROM THE BACK OF SIDEWALK TO ANY GARAGE FACIL.
- 2) SIDE: 5 FEET MEASURED FROM THE PROPERTY LINE AND 0 FEET ALONG THE COMMON PROPERTY LINES FOR ATTACHED LOTS.
- 3) SIDE ON FLANKING STREET: 10 FEET MEASURED FROM THE PROPERTY LINE.

CONTROL DATUM
REFERENCE: FDS 2071002449 CITY OF BELLINGHAM HORIZONTAL CONTROL NETWORK

REFERENCE CITY OF BELLINGHAM RECORD OF SURVEY MARK HAD83/98 DATA BASE

POSITION: IRON PIPE MON AT NW COR SEC 1, T38N R2E W4
N 507.362 425
E 1.236.962.365

MERIDIAN: NORTH LINE NW 1/4 SEC 1
N 88°40'51" E -- 2646.17'

BENCHMARK: WALKER IRON PIPE AT MON NW COR SEC 1
ELEVATION = 149.14, NAVD 83 DATUM

LEGEND

- SECTION QUARTER CORNER
- FOUND CONCRETE MON
- SET CONCRETE MON. LS 41300
- FOUND BRASS DISK
- SET BRASS DISK LS 41300
- CITY MONUMENT NUMBER
- FOUND IRON PIPE OR BENCH
- SET REBAR W/ CAP LS 41300
- SET NAIL/PINNER LS 41300
- PERPENDICULAR LINES

NOTE: MONUMENTS AND CORNERS SET NOV. 2017 - DEC. 2017

- CENTERLINE
- PLAT BOUNDARY
- LOT LINE (ON SITE)
- NO VEHICULAR ACCESS
- PROPERTY LINE (OTHER)
- EXISTING FENCE (OTHER)
- EXISTING FENCE
- 6 LOT NUMBER
- 6,100 SF LOT AREA (SQUARE FEET)
- 1234 ADDRESS
- C2 CURVE GEOMETRY REF. NUMBER



JONES ENGINEERS

4164 Meridian Street • Suite 304 • Bellingham, WA 98226

Hearing Examiner #: HE-07-PL-005
Planning #: SUB2005-00065 / VAR2005-00018
Incident #:
Filing Date: 01/10/2007
City Contact: Kathy Bell
Hearing Date: 04/09/2008
Description: Preliminary Plat request of D.R. Horton known as E8-E9
Decision Date: 04/28/2008
Decision Summary: Approved with conditions.

This matter came before the Bellingham Hearing Examiner for hearing on the 9th day of April 2008 on the Application of D. R. Horton for Preliminary Plat Approval and Subdivision Variances for property located at Kline Road and Cordata Parkway.

Testimony was received from Kathy Bell, Planning and Community Development Department; Brent Baldwin, Public Works Department; John Nelson, Applicant's representative; Garth Cray, Applicant's Engineer; Ben Bengen, 4765 Corona Court; Paul Sorsensen, 415 Buena Vista Place; Jim Zander, 4763 Corona Court; Fred Haskins, 4754 Aldrich Road; Ralph Wenning, 5010 Festival Boulevard #2B; Julie Guy, 4559 El Dorado Way; LuAnne Alton, 4790 Aldrich Road; and Chris Hampton, 428 Buena Vista Place.

In addition to the Bellingham Municipal Code and Comprehensive Plan, the following documents were considered as part of the record: See Exhibit List. The Record was left open until April 16, 2008 for the receipt of the Cordata Master Plan and Amendments, full-scale plans and additional comments included in the Planning Department file. An e-mail with attachments from Jim Zander was received after the public hearing closed and not considered as part of the record.

I. FINDINGS OF FACT

1. SSHI, LLC, dba D. R. Horton, applied for Preliminary Plat Approval and Subdivision Variances for approximately 72 acres of land it owns at the intersection of Kline Road and Cordata Parkway.
2. The subject property is legally described as Lot 1, Cordata Business Park Specific Binding Site Plan No. 30.
3. The property is located in Area 27 of the Guide Meridian Neighborhood. It is designated Residential (mixed) commercial, industrial, Planned, Cordata Business Park, Stage II, PUD Amendment No. 2. Density is allowed as specified in the Cordata Master Plan, Development and Design Guidelines and the PUD conditions in *Exhibit "C"*. Special Conditions provide that all development shall comply with the Cordata Master Plan, Conditions adapted for the area by the City of Bellingham in *Exhibit "C"*, Protective Covenants, the Design and Development Guidelines, and Bellingham's Wetland and Stream Ordinance. The Design Review Committee shall review all proposed development and give final approval prior to issuance of a building permit. Prerequisite Considerations include all Conditions of the Cordata Master Plan as amended and shown in Amendment No. 2 shall be met as required in the phasing schedule, provided that the appropriate alignment of the east-west Slater Connector arterial route with the intersection at Meridian Street shall be determined.
4. Amendment No. 4 to the Cordata PUD amended conditions relating to street improvements in the Amendment No. 2 area.
5. Property to the north and west of the site is outside the city limits, in unincorporated Whatcom County. The northern property is zoned R5A and is the site of a proposed PUD. The property to the west is zoned R2A and is developed with 2.5 acre single-family lots. Property to the south is also located within the Cordata PUD and is developed with single and multi family uses. The property to the east is zoned for Planned Industrial uses and is vacant.
6. The proposed plat consists of 428 units, including 171 detached single-family lots, 20 attached duplex lots, 90 attached triplex lots and 147 multifamily units, as well as open space, recreation and stormwater tracts.
7. The Applicant requests Variances from street frontage and lot width and depth requirements for some of the proposed lots.
8. The Cordata Business Park PUD was approved in 1986 by Whatcom County and amended in 1988. Amendment No. 2 was approved by Whatcom County in 1995. The property was annexed to the City of Bellingham in 1998. The City incorporated the PUD conditions into the zoning designation for the property.
9. A Final Environmental Impact Statement was completed for the PUD prior to approval and in 1995 a

Supplemental Environmental Impact Statement was completed for Amendment No. 2 which applies to this property. 10. Additional environmental information was requested by the City in response to the Preliminary Plat application. This request was resolved through litigation filed by the Applicant and a Settlement Agreement entered into by the City and the Applicant on June 13, 2007. This agreement is *Exhibit C* to the Staff Report. No additional environmental review pursuant to the State Environmental Policy Act was prepared.

11. The Applicant submitted a revised application on September 28, 2007 with a new wetland delineation of the property and incorporating the requirements of the Settlement Agreement.

12. A Revised Notice of Application and Pending Action was issued for the revised application on October 15, 2007.

13. A Wetland/Stream Permit was issued for the proposal on February 29, 2008. No appeal has been submitted relating to this permit.

14. The Cordata Design Review Committee approved the proposed plat layout, including infrastructure, housing types and open space plan on February 21, 2008. Design Review Committee approval is still required for building design and landscaping.

15. The Cordata PUD and Amendment No. 2 conditions require a traffic study and a determination of necessary road improvements prior to any construction within the Amendment No. 2 area after total daily trips from this area reach 7,400. Build-out of other property within this area may cause this threshold to be reached prior to or during construction of the proposed plat. Planning and Community Development Director, Tim Stewart, has determined that any construction of the proposed plat buildings or infrastructure would be subject to a building moratorium if the threshold was reached and the traffic study/road improvement determination requirement was not yet satisfied. The Director's determination is set forth in *Exhibit D* to the Staff Report.

16. Amendment No. 4 of the Cordata PUD provides that the transportation study required when the Amendment No. 2 area exceeds 7,400 daily trips will determine whether any portion of Kline Road between Aldrich Road and Meridian Street is needed to mitigate traffic impacts of the PUD. If the study determines that the road is needed it is required to be constructed to arterial standards according to a phasing schedule provided in Amendment No. 4. If the study determines that this road is not needed to mitigate impacts of the PUD construction of Kline Road is subject to the City's development regulations relating to abutting properties.

17. Pursuant to the Cordata PUD conditions residential development is allowed on the subject property in the range of four to six units per acre. The proposal includes 428 units. The maximum allowable number of units for this site is 429. The maximum number of units allowed on a site is determined by dividing the gross area of the site by the allowed density.

18. The proposed lots range in size from 2,454 square feet to 16,049 square feet. The average lot size is 4,140 square feet.

19. The multi-family tracts are located on the southeast and northwest corners of the Cordata Parkway/Kline Road intersection (six-plexes), and in the center of the plat on the north side of Kline Road (triplexes), separated from the six-plexes to the east by a wetland corridor. Attached duplex and triplex lots are located to the north of the multi-family tracts and in the southwest corner of the Cordata Parkway/Kline Road intersection. Detached single-family lots are located on the remainder of the site, to the west of the easterly wetland corridor and the attached duplex and triplex lots. A majority of the detached single-family lots to the north of Kline Road have a proposed lot width of 35 feet. Those to the south of Kline Road have a proposed lot width of 40 feet or greater. The westerly portion of the site also contains a wetland corridor and abutting open space. Smaller open space tracts are located adjacent to the multi-family and attached triplex tracts and lots.

20. The Settlement Agreement entered into by the City and the Applicant, and the proposed plat, provide for the construction of Kline Road to full arterial standards, including curbs, gutters, setback sidewalks, five-foot bike lanes, and turn lanes at intersections (except for the intersection with one of the minor access roads). They also provide for the extension of Cordata Parkway to Kline Road and the contribution of the cost to improve Aldrich Road abutting the property to $\frac{3}{4}$ arterial standard in lieu of actual road construction.

21. Streets internal to the plat are proposed to be improved to full residential street standard. The Applicant requests a Variance from street frontage requirements for approximately 67 lots which have less than the required street frontage or are proposed to front on alleys that do not satisfy the requirements for a minimum standard street.

22. The Applicant proposes phased development of the plat, beginning with the area adjacent to Cordata Parkway as Phase I and moving to the west with Phases II and III. Kline Road would be constructed across the frontage of each of the phases as they occur.

23. Approximately 1,069,034 square feet of the property (about 24.6 acres) is set aside as wetland and buffer area. Another 17,416 feet of recreational open space is included in the plat.

24. There are no areas included within the boundaries of the plat that are identified in the City's Park and Open

Space Plan as potential public parks or open space. The residential developments within the plat will be required to pay Park Impact Fees to help fund their share of public parks to serve the area. The Applicant also proposes some trails through the property, including a trail connection to a planned public trail at the southeast corner of the site.

25. Stormwater tracts are located primarily in the area south of Kline Road, and adjacent to wetland/buffer areas. A Stormwater Site Plan has been prepared for the property.

26. School impact fees are required pursuant to a 1996 agreement between the Meridian School District and the Applicant's predecessor in interest prior to issuance of building permits for residential units.

27. The Applicant proposes a Variance to allow approximately 52 single-family detached lots with a lot width of 35 feet. BMC 18.36.020E requires a minimum lot width of 40 feet for these lots.

28. The Applicant also requests a Variance from the 30-foot lot width requirement for interior attached triplex lots. Some of these lots are proposed to be 24.5 feet in width. Each of these interior lots would be flanked by wider lots. The three-lot combinations are proposed to average 94.5 feet in width. BMC 18.36.020G requires a minimum width of 30 feet for these interior lots.

29. A Variance was also requested for lot depth for stacked triplex tracts. Revisions to the plat appear to have eliminated the necessity for this Variance.

30. Criteria for approval of subdivisions are set forth in BMC Title 18 and RCW Chapter 58.17. Zoning regulations for the subject property are set forth in BMC 20.00, Zoning Tables and Appendices for Area 27 of the Guide Meridian Neighborhood.

31. Variance criteria for variances from subdivision requirements are set forth in BMC 18.48.010.

32. City staff has recommended approval of the proposed plat and Variances subject to the conditions set forth in the Staff Report.

33. Comments were received from neighbors expressing concerns regarding the proposal. The principal concerns expressed included the lack of identified park and recreation space within the neighborhood and within the proposed plat; the impact of the proposed units and their associated traffic on the existing neighborhood; the necessity of connecting Kline Road to Meridian Street to alleviate traffic impacts of the proposal; the impacts of 428 residential units on the wetlands on the property; development of another 428 units in an area that still has many unsold new residences; small lots and reduced lot standards that are out of character with existing development to the south and west; determination of the number of possible units based on the gross area of the site instead of the developable area; protection from encroachment into the southerly ravine area and abutting properties; the use of easement area for the development of Kline Road; and view blockage from existing residences due to the proposed new units.

34. The subject property is not located within a "view" designated area, however, the Cordata Development and Design Guidelines and the Protective Covenants do address view protection for neighboring properties.

35. *Exhibit C* to the zoning regulations for Area 27 of the Guide Meridian Neighborhood, relating to the Amendment No. 2 area of Cordata, Section B(26), states that minimum setbacks and lot sizes, and maximum height limits shall be proposed by the developer of property within the area at the time of plat approval in order to provide flexibility from underlying zoning requirements.

36. Section B(29) of *Exhibit C* provides that perimeter buffering shall be provided as required in the Development and Design Guidelines.

37. Section B(31) of *Exhibit C* provides that a minimum of 42 acres of open space is required in the northern 239 acres of the PUD, including a six acre park.

38. BMC Title 18 requires that preliminary plats make appropriate provisions for drainage, streets and other public ways, water, sewer, parks, playgrounds, schools and other relevant features necessary to serve the public interest.

39. The proposed plat makes provisions for stormwater, public streets, sidewalks, and water and sewer utilities in accordance with Bellingham Municipal Code and Cordata PUD requirements. Prior to issuance of building permits the developer will be required to pay fees for parks, playgrounds, schools and off-site transportation system improvements, in accordance with the BMC and the PUD conditions.

40. With approximately one-third of the site consumed by wetlands and buffers there is insufficient area on the property to locate all of the lots permitted by the PUD if they are all required to satisfy minimum lot design and street frontage requirements. The Applicant could provide the same number and style of units in multi-family tracts and satisfy the code requirements. The proposed single-family lots present a better lot design and are more consistent with lots in the neighborhood. They also provide a greater opportunity for owner occupancy. The Development and Design Guidelines encourage flexibility in lot sizes and provide for the developer to propose minimum lot sizes. The irregular shape of the parcel, bordered on the south by a ravine, and location of the wetlands throughout the site make it difficult to provide standard street frontage for all of the lots. Those lots for which a width variance is proposed are separated from existing development by wetland corridors or rights-of-way. The attached triplex lots requiring a variance are located in the middle of the triplex structure. They will have a zero

setback on each side leaving the entire lot width available for location of the residence. Access alleys will be required to satisfy Fire Code requirements to ensure adequate emergency vehicle access.

II. CONCLUSIONS OF LAW

1. Subject to the conditions set forth below the proposed plat is consistent with the Bellingham Municipal Code, RCW 58.17, the Bellingham Comprehensive Plan, the Cordata PUD, as amended, and the Development and Design Guidelines.

2. Subject to conditions, the proposed plat makes appropriate provisions for drainage, streets, other public ways, water, sewer, parks, playgrounds, schools and other features.

3. The number of residential units allowed on the site is determined by dividing the gross area of the property by the density specified in the Cordata PUD. Undevelopable portions of the property, such as wetlands and buffers, are not subtracted from the area prior to the density calculation.

4. Criteria for granting Variances from lot width requirements have been satisfied. The variances allow the development to achieve the target density for the site, despite the fact that wetlands and buffer areas consume about one-third of the property, and triplex attached development in lieu of multi-family triplexes. Granting the Variances will not be unduly detrimental to surrounding properties. Those lots with substandard lot widths will be separated from existing development by wetland corridors or rights-of-way. The attached triplex units present a better lot design that is more consistent with the character of the existing neighborhood than multi-family units that would be permitted in the same space.

5. Criteria for granting Variances from street frontage requirements have been satisfied. The irregular shapes of the parcel and the developable areas left after the wetland corridors are set aside create difficulties in providing frontage for each lot on a standard width street. The variances allow a better lot design than would exist if the lots were platted to include abutting wetland/buffer areas in order to front on the street adjacent to the wetland area or if larger cul-de-sac bulbs were utilized to provide frontage to pie-shaped lots. The variances allow more functional, rectangular-shaped lots. Fire Code compliance will be required to ensure adequate emergency vehicle access.

6. Most of the major issues presented in this proposal have been addressed and resolved by approvals granted by Whatcom County and the Bellingham City Council. The PUD conditions, as amended, determine the number and type of residential units that may be developed and provide a schedule for road improvements, including the extension of Kline Road to Meridian Street. The PUD conditions are incorporated into the terms of the Settlement Agreement between the Applicant and the City of Bellingham. The Applicant is required to comply with the PUD conditions in developing the subject property.

7. The Development and Design Guidelines, and Protective Covenants, provide a mechanism for protection of existing views. The Design Review Committee reviews housing design for conformance with the Guidelines.

8. One of the neighbors to the south of the proposed plat requested that a fence be installed to prevent people from encroaching onto his property through the ravine that separates the property. Neither the PUD conditions nor the Bellingham Municipal Code require fencing between residential developments within the PUD. The ravine is a common open space that is regulated by the Cordata Protective Covenants.

9. Another neighbor expressed concern that a portion of the Kline Road extension would be constructed within an easement for utilities only. Any road construction would be required within dedicated right-of-way or easements for street purposes.

10. Demand or lack of demand for residential units in the Cordata area, or in the City as a whole, is not one of the criteria upon which a decision to approve or deny a Preliminary Plat may be based.

11. The Park Impact Fee Ordinance provides for the payment of substantial park fees prior to issuance of a building permit for each development. At the current rate the proposed development would pay approximately \$2,000,000 in park fees at full build-out. These funds are used to acquire and develop parkland within the neighborhood and the city. Dedication of parkland within a development in lieu of payment of fees is permitted when the development contains land designated in the City's Park and Open Space Plan for future park or open space. The subject property does not contain any areas designated for park or open space in the Plan. The 2006 Park Fee Ordinance represents a change in the manner of providing for park lands and improvements since the Cordata PUD and amendments were approved.

12. Any Finding of Fact that should be denominated a Conclusion of Law shall be deemed to be a Conclusion of Law. Any Conclusion of Law that should be denominated a Finding of Fact shall be deemed to be a Finding of Fact.

III. ORDER

The Preliminary Plat E8-E9 and Variances from lot width and street frontage requirements are approved, subject to the following conditions:

GENERAL

1. The plat shall contain no more than 429 residential units, generally consisting of approximately 171 single-family detached lots, 20 duplex attached lots, 90 triplex attached lots, 147 multifamily units in sixplexes, and tracts for open space, recreation and stormwater. The plat shall be generally as shown on *Exhibit A*, attached hereto and incorporated herein, and as described in the materials submitted in support of the revised application, except as otherwise required herein.
2. Development of the plat shall comply with the provisions of the Settlement Agreement between the City and the Applicant, *Exhibit C* to the Staff Report, including any amendments.
3. All development of the property shall be consistent with the Cordata Business Park Planned Unit Development Approval, the Cordata Business Park Master Plan, as amended, Cordata Business Park Development and Design Guidelines, Cordata Protective Covenants, and conditions of the Cordata Business Park Final and Supplemental Final Environmental Impact Statements, except as otherwise provided herein.
4. Development of the property shall comply with all provisions of the Bellingham Municipal Code, except for the Variances granted herein, and the conditions of approval of the Cordata Design Review Committee.
5. A Certificate of Consistency from the Cordata Design Review Committee shall be obtained for each building design and for landscaping prior to issuance of building permits.
6. Variances are approved as follows: Lot width for those single-family detached lots north of Kline Road shown in *Exhibit A* as 35 feet wide may be reduced to 35 feet. Lot width for the center lot in attached triplex clusters, as shown in *Exhibit A*, may be reduced to 24 feet. Street frontage for those single-family detached and duplex or triplex attached lots proposed without adequate street frontage may be reduced to zero feet, as shown in *Exhibit A*, provided each lot shall have access from an approved alley or street.
7. Minor amendments may be approved by the Technical Review Committee as provided in BMC 18.20.020.
8. Preliminary Plat approval shall expire as provided in BMC 18.16.010.
9. Heavy equipment work shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
10. Impact fees for transportation and parks shall be paid in accordance with Bellingham Municipal Code requirements. School impact fees shall be paid in accordance with the agreement between the Applicant or its predecessor in interest and the school district prior to release of building permits, or as otherwise specified by Bellingham Municipal Code at the time of building permit. Nothing contained in this Order shall be construed as an agreement to accept or approve any park or open space dedication or easement in lieu of payment of all or part of the required park impact fees.

CONDITIONS FOR FINAL PLAT APPROVAL

The following conditions shall be completed and accepted by the City prior to final plat approval. Financial surety may be accepted in lieu of completion as provided in BMC 18.28.020.

11. All conditions of the Wetland/Stream Permit (CAP2007-00006), as now or hereafter amended, shall be satisfied.
12. All conditions of the Settlement Agreement, *Exhibit C* to the Staff Report, as now or hereafter amended, shall be satisfied as provided herein and in the Agreement.
13. Development of the plat may be phased as proposed, provided the following improvements are completed prior to final approval of the specified phase:

Phase I, A and B

Kline Road shall be built to the standard specified in the Settlement Agreement, *Exhibit C* to the Staff Report, as now or hereafter amended, across the frontage of each Phase, IA and IB, as the phase is constructed. This agreement currently requires full arterial standard with curbs, gutters, setback sidewalks and five-foot bike lanes on each side, and turn lanes at intersections, along the frontage of the plat, except than no turn lane is required at one minor access road intersection.

Cordata Parkway shall be completed from its existing terminus to Kline Road to the same standard as the existing portion of Cordata Parkway to the south, and as provided in the Settlement Agreement.

A sewer lift station shall be completed for Phase IA. An upgrade to the Horton Road sewer lift station may also be required if this upgrade has not been completed by the City prior to final plat. The developer may be eligible for latecomer's reimbursement if it is required to upgrade the lift station.

All infrastructure and landscaping necessary to support the phase shall be completed.

All applicable conditions of the Wetland/Stream Permit shall be satisfied.

Conservation easements shall be provided for the entire regulated/preserved feature within or adjacent to the specific phase.

Phase II

Kline Road shall be completed as required by the Settlement Agreement across the frontage of the phase.
All infrastructure and landscaping necessary to support the phase shall be completed.
All applicable conditions of the Wetland/Stream Permit shall be satisfied.
Conservation easements shall be provided for the entire regulated/preserved feature within or adjacent to the specific phase.

Phase III

Kline Road shall be completed as required by the Settlement Agreement across the frontage of the phase.
All infrastructure and landscaping necessary to support the phase shall be completed.
Conservation easements shall be provided for the entire regulated/preserved feature within or adjacent to the specific phase.
The provisions of the Settlement Agreement, Paragraph 2, relating to payment for or construction of Aldrich Road and provision of easements, shall be satisfied.

PUBLIC INFRASTRUCTURE

14. Streets and utilities, including dedication of rights-of-way, necessary to support each phase of the plat shall be provided consistent with *Exhibit A* and as required by BMC Titles 13, 14, 15, 16, 18 and 20 and this Order.
15. Design, location and construction of all public infrastructure shall be subject to the review and approval of the Public Works Department.
16. Kline Road shall be constructed as required in the Settlement Agreement. Sidewalks may be brought to the curb face if the Technical Review Committee determines such location is necessary to minimize environmental impact.
17. All internal streets shall be constructed across the full frontage of each abutting lot and open space tract to full City standard of a residential access street.
18. Vehicular access to Aldrich, Kline and Cordata Parkway from individual lots is prohibited. This prohibition shall be shown on the face of the plat. Vehicular access to lots shall be approved by the Public Works Department.
19. Sidewalks shall have a minimum width of five feet.
20. Vertical curbs are required on Kline Road and Cordata Parkway. Rolled curb may be permitted within the plat in accordance with City of Bellingham Development Guidelines and Improvement Standards.
21. Street improvements shall be installed in accordance with plans and specifications approved by the Public Works and Fire Departments.
22. All utilities, including public water and sewer, electrical, gas, telephone, and cable, shall be installed in accordance with plans and specifications approved by the Public Works Department. Full abutment of utilities is not required if the Public Works Department determines property is the last lot served. All utilities shall be installed underground.
23. Street lights and street signs shall be installed as required by BMC Title 18. Lighting adjacent to wetland areas shall be shielded to minimize spillover and located as far as possible from the preserved wetland areas.
24. A clearing and grading plan for the property, including rights-of-way, shall be reviewed and approved by the City concurrent with approval of civil drawings for the infrastructure.
25. A final stormwater site plan (SSP) providing for the detailed design of all stormwater systems and facilities shall be submitted to the Public Works and Planning Departments for review and approval. The final design shall meet or exceed the standards proposed in the January 2007 preliminary stormwater site plan and the revised preliminary stormwater site plan provided in October 2007. The final SSP shall provide information including but not limited to facility plans, cross sections, volumes, discharge/storage calculations and details, conveyance system plans and capacity calculations, a Stormwater Pollution Prevention Plan with details and all supporting calculations, a maintenance manual shall be provided for the subdivision with detailed information for each stormwater facility that is part of the SSP, and all other information that is necessary to show conformance with BMC 15.42 and the agreed detention standard for the development. An open pond design shall comply with Department of Ecology Stormwater Manual recommendations for setbacks, including a minimum 10-foot setback from right-of-way lines for landscape/buffer purposes described in the Landscaping section.
26. Plans and specifications for any retaining wall supporting public or private infrastructure constructed of concrete or block material exposed greater than two feet above grade shall be submitted to the City for review and approval. Concrete walls shall be finished with a material that will hide form panel seams and tie holes and be designed to blend visually with the site. Any block wall shall be textured.

LANDSCAPING

27. A landscaping plan, including all required landscaping and mitigation plantings to comply with the conditions of

the Wetland/Stream Permit, stormwater plantings, street trees, and landscaping for individual lots and open space tracts, shall be submitted for review and approval of the City concurrent with review of civil drawings for the plat.

28. All landscaping shall be installed in accordance with the approved plan.

29. A Street Tree Permit shall be obtained. Street trees shall be provided at the rate of two trees per lot which shall be dispersed evenly along the street frontages.

30. Financial surety acceptable to the City may be accepted in lieu of installation of street trees for a time period of no more than four years from the date of civil construction plan approval to ensure the viability of plantings.

OPEN SPACE

31. The open space tracts shown on *Exhibit A* shall be provided within each designated phase. Trail sections shall be constructed with each respective phase. The design, construction and location of trails shall be subject to review and approval of the Parks and Recreation Department. Open space tracts shall be privately owned and maintained. Easements for public access shall be provided over trail sections.

GENERAL PLAT REQUIREMENTS

32. Monumentation shall be provided as required in BMC 18.28.180.

33. Grouped, locking mailboxes shall be installed.

34. The following shall be shown on the face of the plat:

- a. Setback requirements
- b. Right-of-way dedication and all public easements necessary to support the plat.
- c. A seven-foot wide easement adjacent to public rights-of-way shall be reserved for utility purposes.
- d. Vehicular access prohibition from Kline Rd. and Cordata Parkway.
- e. A note stating that all lots are subject to the conditions in this Order.

FIRE CODE REQUIREMENTS

35. All development in the plat shall conform to the standards specified in the International Fire Code, as adopted and amended by City Ordinance.

36. All streets and lots shall meet minimum fire apparatus access, loading and turnaround requirements. An access, turnaround and fire hydrant placement plan shall be submitted for the review and approval of the Fire Department. All water supply system specifications, hydrant spacing, and hydrant access requirements shall be in accordance with the BMC and the International Fire Code.

37. Sprinklers for dwelling units and additional emergency turnarounds or accesses may be required in accordance with the International Fire Code. Requirements will be determined during civil plan review or building permit review.

IMPACT FEES

38. All impact fees shall be paid prior to building permit issuance or as otherwise determined by the BMC.

39. The developer shall provide mitigation payment for school impacts pursuant to the SEPA mitigation agreement between the Trillium and the Meridian School District prior to building permit issuance, or as may be otherwise required by agreement or the BMC at the time of building permits.

LOT DEVELOPMENT REQUIREMENTS

40. Development of single-family lots shall comply with the requirements of BMC 20.30.040, except that front yard setbacks for structures may be a minimum of 15 feet and the side flanking setbacks shall be a minimum of 10 feet measured from the property lines. A minimum distance of 20 feet shall be provided from any garage door to the back of the abutting sidewalk or curb.

41. Individual lot development shall comply with BMC development standards for single-family residences and the following:

- a. **Building design**
 - 1) Each home shall have a main entry and front porch oriented toward the public street and a walkway from the porch to the street.
 - 2) Single-family residences shall be designed with front porches and garages setback from the porches.
 - 3) Any portion of the residence visible from the public street or any other residence shall provide detailed architecture to avoid massing created by unattractive blank walls.
- b. **Setbacks**
 - 1) Front: 15 feet measured from the property line abutting a right-of-way or edge of access easement. A minimum

20-foot setback shall be provided from the back of sidewalk to any garage face.

2) Side: 5 feet measured from the property line and 0 feet along the common property lines for attached lots.

3) Side on Flanking Street: 10 feet measured from the property line.

c. Parking

1) Tandem parking is allowed in the required front yard. All required parking shall be located on-site.

2) Two parking spaces are required for each lot.

d. Attached Units

1) Common wall agreements shall be provided for each attached lot.

ENTERED this 28th day of April 2008.

Bellingham Hearing Examiner

Dawn Sturwold