

RESOLUTION 2008-30

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR SAMISH GLENN, LOCATED IN AREA 4, SAMISH NEIGHBORHOOD, GENERALLY LOCATED BETWEEN SOUTH AND HARRISON AVENUES AND 34TH AND 36TH STREETS.

WHEREAS, the City has received a request to finalize the Samish Glenn Preliminary Plat, consisting of 13 single-family detached lots, two open space tracts, and stormwater detention tract (Attachment 1), said preliminary plat having received Hearing Examiner approval on February 22, 2007 by Order No. HE-07-PL-004; and

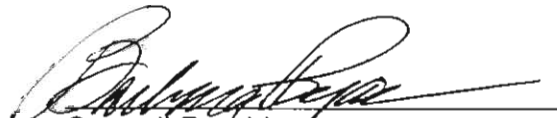
WHEREAS, the public improvement requirements associated with the Plat have been installed or bonded for at time of approval; and,

WHEREAS, the Council has reviewed the Samish Glenn Preliminary Plat and finds that the public use and interest will be served and that the 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 Hearing Examiner's Order, February 22, 2007 (Attachment 2),

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

Samish Glenn Preliminary Plat, consisting of 13 single family lots, open space tracts, and a stormwater detention tract (Attachment 1), has been presented for acceptance, approval, and filing, and is hereby accepted, approved, and ordered filed, subject to the Hearing Examiner Order HE-07-PL-004, dated February 22, 2007, 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 all of vacated Block 8, Plat of Balck's Addition to Fairhaven together with vacated alley within said block.

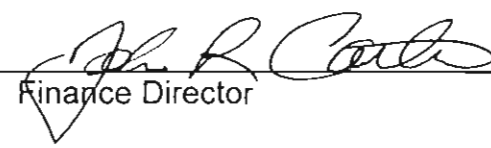
PASSED by the Council this 11th day of August, 2008.

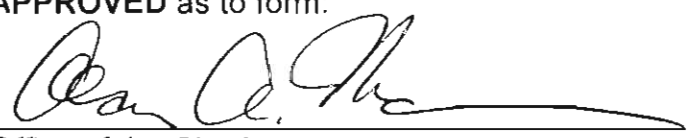

Council President

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360)676-6903

APPROVED by me this 14th day of August, 2008.


Mayor

ATTEST: 
Finance Director

APPROVED as to form:

Office of the City Attorney

City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360)676-6903

ATTACHMENT 1

EX 00XX

PLAT OF SAMISH GLENN

PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 31 NORTH, RANGE 3 EAST, W.M. CITY OF BELLINGHAM & WHATCOM COUNTY, WASHINGTON

LEGAL DESCRIPTION

ALL OF VACATED BLOCK & PLAT OF BLACK'S ADDITION TO FARMHAYEN, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGE 22, RECORDS OF WHATCOM COUNTY WASHINGTON, TOGETHER WITH VACATED ALLEY WITHIN SAID BLOCK, SITUATE IN WHATCOM COUNTY, WASHINGTON

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "SAMISH GLENN" IS BASED UPON AN ACTUAL SURVEY AND UPON OBSERVED MONUMENT LOCATIONS CONTROLLING THE SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 31 NORTH, RANGE 3 EAST OF W.M. CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, AND THAT THE COURSES AND DISTANCES ARE CORRECTLY SHOWN HEREON, AND THAT THE MONUMENTS HAVE BEEN SET, AND LOT AND BLOCK CORNERS STAKED CORRECTLY ON THE GROUND, AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE STATUTES AND SUBDIVISION REGULATIONS OF THE CITY OF BELLINGHAM, COUNTY OF WHATCOM, AND THE STATE OF WASHINGTON.

LARRY STEELE & ASSOCIATES, INC.

CAROLINE W. STEELE P.L.C. CERTIFICATE NO. _____

SURVEYOR'S NOTES

- REFER TO BELLINGHAM CITY COUNCIL RESOLUTION NO. 08-058 FOR PRELIMINARY PLAT APPROVAL AND CONDITIONS OF APPROVAL.
- A NON-EXCLUSIVE TEN FOOT WIDE EASEMENT ADJACENT TO ALL DESIGNATED RIGHTS-OF-WAY ON THIS PLAT IS GRANTED FOR SERVICE UTILITIES AS REQUIRED BY CITY OF BELLINGHAM MUNICIPAL CODE TITLE 18.8.090.
- FIELD SURVEYS WERE ACCOMPLISHED BY FIELD TRASMERE USING A LEICA TOTAL STATION.
- SURVEY PRECISION: 1:25,000 PROBABLE POSITION ERROR WITH RESPECT TO CONTROLLING MONUMENTATION IS 0.10 FEET.

DECLARATION & 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 "SAMISH GLENN" AND DEDICATE TO THE PUBLIC FOREVER ALL ROADS, PUBLIC EASEMENTS, AND PUBLIC SITES SHOWN ON THIS PLAT, ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUT AND FILL UPON LOTS, BLOCKS AND TRACTS IN ANY REASONABLE GRADING OF ROADS, ALLEYS AND EASEMENTS, 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. THE OPEN SPACE PARCELS IS HEREBY DEDICATED AS COMMON PROPERTY TO THE SAMISH GLENN COMMUNITY ASSOCIATION.

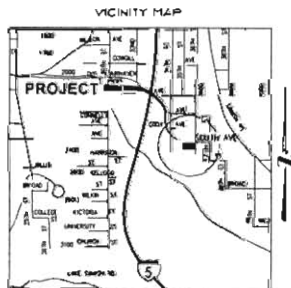
KENNETH D. VANWINKLE, OLIVER H. CRIBBS
CRIBBS AND VAN WINKLE, L.L.C. CRIBBS AND VAN WINKLE, L.L.C.

COVENANTS

THE AMENDED DECLARATION OF COVENANTS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS FOR SAMISH HIGHLANDS DIVISION NO. 1, AS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2010202371, AS AMENDED, SHALL APPLY AND BE BINDING UPON ALL PROPERTY WITHIN SAMISH GLENN. THE DECLARATION OF COVENANTS, CONDITIONS, RESERVATIONS & RESTRICTIONS OF THE PLAT OF SAMISH GLENN FILED FOR RECORD WITH THE WHATCOM COUNTY AUDITOR UNDER AUDITOR'S FILE NUMBER _____.

COVENANTS

- THE USE OF ANY PORTION OF OPEN SPACE OR AN UNIMPROVED RIGHT-OF-WAY BY A RESIDENTIAL LOT IS PROHIBITED.
- ALL LOTS ARE SUBJECT TO THE CONDITIONS STATED IN HEARING EXAMINER ORDER NO. HE-07-PL-004.



ACKNOWLEDGMENT

STATE OF WASHINGTON
COUNTY OF WHATCOM
ON THIS ____ DAY OF _____, 2008, BEFORE ME PERSONALLY

I CERTIFY THAT KENNETH VANWINKLE AND OLIVER CRIBBS ARE THE PERSONS WHO APPEARED BEFORE ME AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT ON DATE STATED THAT THEY WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGE IT AS PARTNERS OF SAMISH HILLS ASSOCIATES A WASHINGTON JOINT VENTURE, TO BE A VOLUNTARY ACT OF SUCH PARTY FOR THE PURPOSES MENTIONED IN THE INSTRUMENT.

DATE _____, 2008
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING IN _____
BY APPOINTMENT COMES: _____

CITY OF BELLINGHAM DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

EXAMINED AND APPROVED BY THE CITY OF BELLINGHAM DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT THIS ____ DAY OF _____, 2008.

DEPARTMENT OF PLANNING AND PUBLIC WORKS TITLE _____

CITY OF BELLINGHAM DEPARTMENT OF PUBLIC WORKS

EXAMINED AND APPROVED BY THE CITY OF BELLINGHAM DEPARTMENT OF PUBLIC WORKS THIS ____ DAY OF _____, 2008.

CITY ENGINEER, CITY OF BELLINGHAM TITLE _____

CITY OF BELLINGHAM PARKS DEPARTMENT

EXAMINED AND APPROVED BY THE CITY OF BELLINGHAM PARKS DEPARTMENT THIS ____ DAY OF _____, 2008.

CITY OF BELLINGHAM PARKS DEPARTMENT TITLE _____

CITY OF BELLINGHAM FINANCE DIRECTOR'S CERTIFICATE

I, JOHN R. CARTER, FINANCE DIRECTOR OF THE CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON DO HEREBY CERTIFY THAT I AM THE OFFICER IN CHARGE OF COLLECTION OF SPECIAL ASSESSMENTS LEVIED BY THE CITY OF BELLINGHAM ON ALL LAND ENBRACED WITHIN THE PLAT OF "SAMISH GLENN", AND THAT ALL DELINQUENT SPECIAL ASSESSMENTS FOR WHICH THE PROPERTY ENBRACED 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 THIS ____ DAY OF _____, 2008.

JOHN R. CARTER, FINANCE DIRECTOR
CITY OF BELLINGHAM

CITY OF BELLINGHAM MAYOR

I HEREBY CERTIFY THAT THE PLAT OF "SAMISH GLENN" IS DULY APPROVED BY THE CITY OF BELLINGHAM CITY COUNCIL THIS ____ DAY OF _____, 2008.

DANIEL V. PINE, MAYOR
CITY OF BELLINGHAM TITLE _____

WHATCOM COUNTY TREASURER'S CERTIFICATE

I, BARBARA J. CORY, TREASURER OF WHATCOM COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT ALL TAXES REQUIRED BY LAW TO BE PAID UPON THAT PORTION OF REAL ESTATE ENBRACED WITHIN THIS PLAT OF "SAMISH GLENN" AND ALL DELINQUENT ASSESSMENTS HAVE BEEN FULLY PAID AS SHOWN IN THE RECORDS OF MY OFFICE THIS ____ DAY OF _____, 2008.

BARBARA J. CORY
TREASURER, WHATCOM COUNTY, WASHINGTON TITLE _____

WHATCOM COUNTY AUDITOR'S OFFICE

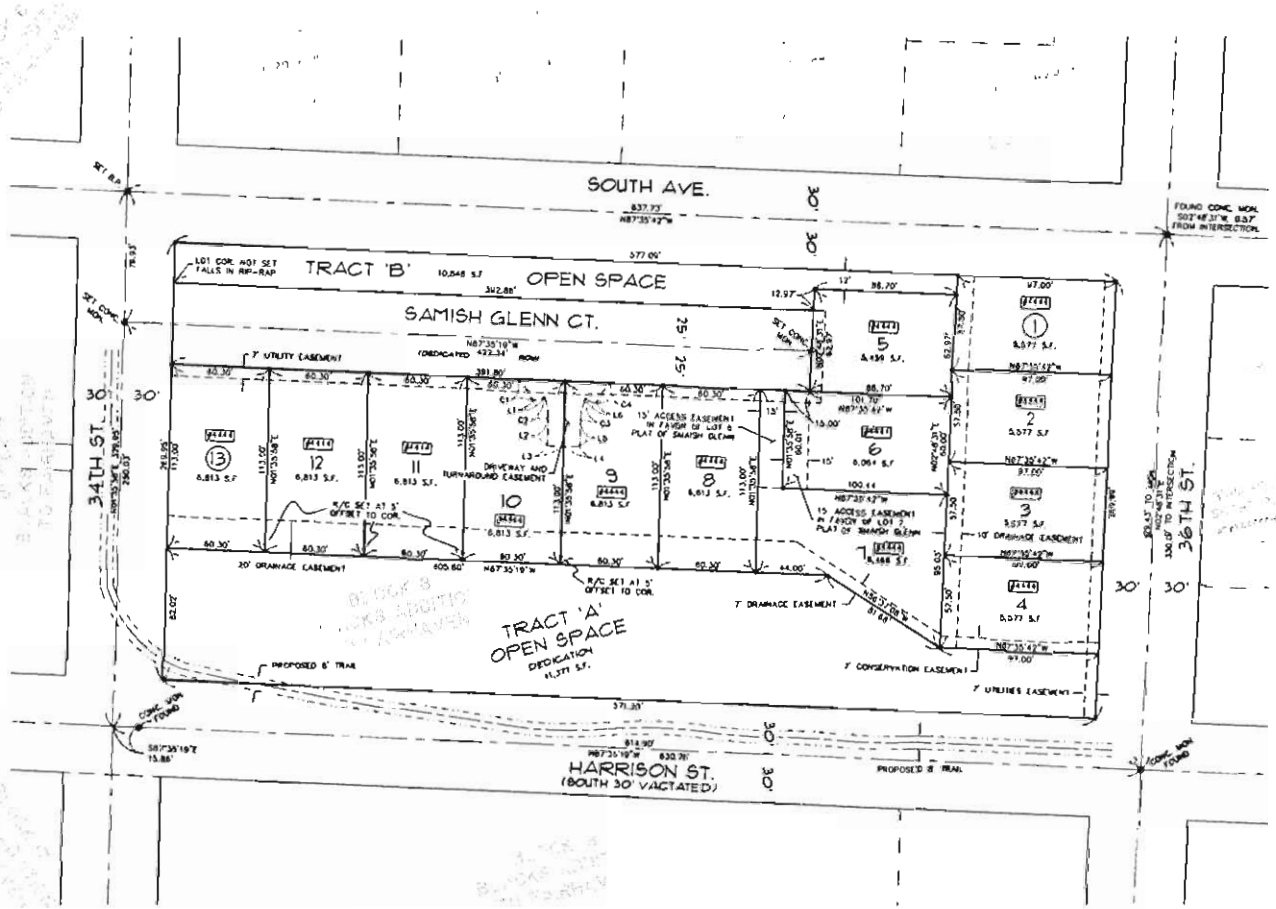
I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY, WASHINGTON, AT THE REQUEST OF _____ ON THIS ____ DAY OF _____, 2008 AT ____ O'CLOCK ____ M. AND THAT THIS IS RECORDED UNDER AUDITOR'S FILE NUMBER _____ RECORDS OF WHATCOM COUNTY, WASHINGTON.

SHIRLEY FORSLÖF, AUDITOR, WHATCOM COUNTY, WASHINGTON TITLE _____

PLAT OF SAMISH GLENN

EX 00XX

PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 31 NORTH,
RANGE 3 EAST, W.M. CITY OF BELLINGHAM & WHATCOM COUNTY, WASHINGTON



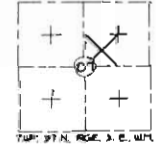
LINE	LENGTH	BEARING
L1	7.50'	N87°30'42\"
L2	17.00'	N87°30'42\"
L3	30.00'	N87°30'42\"
L4	40.00'	N87°30'42\"
L5	17.00'	N87°30'42\"
L6	7.50'	N87°30'42\"

CURVE	LENGTH	DELTA	RADIUS
C1	18.99'	33°43'32\"	28.50'
C2	13.52'	27°30'54\"	36.00'
C3	13.52'	21°30'04\"	36.00'
C4	19.28'	20°52'42\"	28.50'

- LEGEND**
- BRASS PLUG SET 15/1/2128
 - PREVIOUSLY SET CONCRETE MONUMENT
 - FOUND REBAR WITH CHAIN LEASING
 - NEAR WITH CAP SET 15/1/2128

SETBACK REQUIREMENTS

- FRONT: 15 FEET MEASURED FROM THE PROPERTY LINE ABUTTING A HIGHWAY OR EDGE OF ACCESS EASEMENT. A MINIMUM 20-FOOT SETBACK SHALL BE PROVIDED FROM THE BACK OF SIDEWALK TO ANY GARAGE FACE.
- SIDE YARD: 5 FEET MEASURED FROM THE PROPERTY LINE.
- SIDE YARD ON FLANKING STREET: 10 FEET MEASURED FROM THE PROPERTY LINE.
- REAR: 18 FEET MEASURED FROM THE PROPERTY LINE.



SHEET 2 OF 2
JOB# 08207

ATTACHMENT 2

Hearing Examiner Summary and Decision

Hearing Examiner No.	HE-07-PL-004
Planning No.	
Incident No.	
Filing Date	01/10/2007
City Contact	Kathy Bell
Hearing Date	02/14/2007
Description	Subdivision request of Cribbs & VanWinkle LL re the Preliminary Plat of Samish Glenn
Decision Date	02/22/2007
Decision Summary	Approved with conditions.

THE HEARING EXAMINER OF THE CITY OF BELLINGHAM

WHATCOM COUNTY, WASHINGTON

IN RE:

CRIBBS & VAN WINKLE LLC, APPLICANT
between 34th and 36th Streets south of Harrison
Avenue

SUB2005-00087 & VAR2005-00023 / Preliminary
Plat of Samish Glenn

HE-07-PL-004

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

Dawn Sturwold, Hearing Examiner

Hearing Date:

This matter came before the Bellingham Hearing Examiner for hearing on the 14th day of February 2007 on the application of Cribbs and Van Winkle, LLC for Preliminary Plat approval for a 13-lot cluster plat known as Samish Glenn on a parcel bound by 34th Street, 36th Street, South Avenue and Harrison Avenue.

Testimony was received from Kathy Bell and Chris Spens, Planning and Community Development Department; Ken Van Winkle and Glenn Cribbs, Applicants; Charmie Gilcrease, P.O. Box 28212; Steve Hood, 3558 Cody Avenue; Tim Wynn, 4004 Wildwood Drive; Eric Weight, 2218 36th Street; Rick Chartrand, 3510 Cody Avenue; and Dave Grinstead, 2400 36th Street.

In addition to the Bellingham Municipal Code and Comprehensive Plan, the following documents were considered as part of the record: See Exhibit List.

I. FINDINGS OF FACT

1. Cribbs and Van Winkle, LLC applied for Preliminary Plat approval for a 13-lot preliminary

cluster plat on property located between 34th and 36th Streets and Harrison and South Avenues.

2. The subject property is located in Area 4 of the Samish Neighborhood. This area is designated Residential Single, Cluster, 12,000 square feet per unit. Special Conditions include traffic, view, clearing, Connelly/34th/Harrison arterial route, and buffer I-5.

3. The property contains approximately 155,018 square feet of gross area. It is currently vacant, with mature trees and stream/drainage channels throughout the site.

4. The proposal includes 13 single-family lots with Lots 5 - 13 accessed by an extension of 34th Street and a new internal street south of the South Avenue right-of-way, and Lots 1 - 4 fronting on 36th Street.

5. Variances are requested from street construction requirements to allow South Avenue, Harrison Avenue, and most of 34th Street abutting the parcel to remain undeveloped.

6. The Applicant also seeks a density bonus to allow one lot in addition to the 12 lots permitted under the density provisions of the zoning code.

7. The proposal includes approximately 59,987 square feet of open space, about 39% of the total area. Most of the open space is located on the south side of the parcel, between the lots and Harrison Avenue. Another open space tract is located on the northern property line between South Avenue and the new access street.

8. A Mitigated Determination of Non-Significance was issued for the proposal pursuant to the State Environmental Policy Act. This MDNS requires that seasonal streams on the site be preserved in their natural state with a 30-foot minimum buffer for each. Any stream relocation must comply with an approved stream relocation and wetland buffer mitigation plan and an approved stormwater site plan, as well as a hydrogeological report, a native plant landscaping plan and Army Corps of Engineers approval. A hazard tree assessment is required and a City Wetland/Stream permit is required prior to site disturbance.

9. The Applicant initially submitted a proposal for a 13-lot preliminary plat that was accessed by a cul-de-sac off of 34th Street, with three lots on 36th Street. This proposal included lots of approximately 8,000 square feet and a smaller open space tract along the southern boundary of the site.

10. Neighborhood meetings were conducted for the proposal on November 1st and November 10, 2005. At those meetings the neighbors supported a plat design that did not include a through road and that maximized preservation of vegetation on the site.

11. The current plat design includes lots averaging about 5,970 square feet.

12. To the north of the site are single-family residences on 12,000 square foot lots, taking access from Cody Street. To the south is a single-family residence with access from 36th Street and vacant land. The Padden Trails Preliminary Plat is also located south of the proposal. To the east of the site are single-family residences on 12,000 square foot lots, accessed from 36th Street. To the west is vacant land zoned Residential Single 20,000 square feet per unit.

13. The streams on the site flow generally along the north and south sides of the property.

Water flowing through the site discharges into Padden Creek which is located approximately 240 feet from the property.

14. Significant removal of vegetation in the stream buffer areas would alter the drainage volumes and patterns and could create erosion and flooding problems.

15. Two wetland areas are located in the Harrison Avenue right-of-way. Another wetland area is located directly west of the site. Wetland buffers are located in the 34th Street right-of-way.

16. The site slopes from about elevation 334 in the northeast corner to about elevation 256 in the northwest corner of the site. The property is approximately 575 feet from east to west and approximately 270 feet from north to south.

17. Harrison Avenue has 30 feet of right-of-way. The plat to the south of Harrison Avenue was vacated, eliminating the remainder of the right-of-way. A water main is located in Harrison Avenue.

18. Construction of South Avenue is not needed to serve any other properties. There are other undeveloped properties abutting 34th Street and Harrison Avenue. It is not known whether all of these properties are developable given the environmental constraints of the properties. It appears that all of the abutting properties are owned in conjunction with abutting property that may provide access from other streets. The property owners to the south have expressed concerns that their access to the undeveloped portion of their property not be compromised by the proposed plat and variances.

19. Neighbors to the north of the proposal expressed concern that the northerly buffer did not extend to 36th Street so that a stand of mature trees would not be preserved. They requested that the buffer be extended across the property.

20. Comment was received regarding the process for this proposal. The initial proposal was discussed at neighborhood meetings in late 2005. The application and review process continued through 2006. Neighbors received the notice of hearing about 12 days prior to the hearing date. They were concerned that this time period did not provide sufficient time for them to review and comment upon the revised proposal.

21. BMC 21.10.120 provides that notice of hearing for preliminary plat applications must be mailed at least 10 days prior to the hearing. The notice was issued on February 2, 2007 for the February 14, 2007 hearing.

22. Concerns were also expressed regarding the smaller size of the lots.

23. One of the conditions imposed on the Padden Trails preliminary plat is the reconfiguration of the 34th Street/Connelly Avenue intersection. The proposed plat will also obtain access from this intersection.

24. BMC 18.32.050 permits cluster subdivisions to achieve a density bonus of up to 15% for the provision of additional open space and enhancement of degraded natural area. The Applicant proposes to provide 24% of the site as open space in addition to the required 15% open space

and to install native vegetation plantings in the unimproved rights-of-way to earn the additional lot, less than a 10% density bonus.

25. Additional environmental analysis is required to determine appropriate stormwater management, in addition to the studies required if stream disturbance is proposed.

26. City staff recommends approval of the preliminary plat and variances subject to the conditions set forth in the staff report and *Exhibit B* to the staff report.

27. Cluster plat regulations provide for a minimum lot size of 4,000 square feet.

28. Variances may be granted from subdivision regulations as provided in BMC 18.48.010.

29. The environmental constraints present in the unimproved rights-of-way of Harrison and South Avenues and 34th Street, including streams and wetland buffers, as well as the mature trees, cause difficulties in satisfying the subdivision requirement to construct streets in these rights-of-way without resulting environmental degradation. The proposed plat can be adequately served by improvement of 36th Street and an extension of 34th Street to the entrance of the plat and the new internal street.

30. Granting the proposed variances from street construction will not be unduly detrimental to the surrounding properties provided each of the other properties abutting these streets is able to obtain access from other streets.

31. The proposal provides for open space in addition to that required by the cluster regulations and vegetation enhancement within the unimproved rights-of-way consistent with the requirements of BMC 18.32.050 to earn a density bonus for one additional lot.

32. Subject to the conditions set forth below the proposed plat makes appropriate provisions for the public health, safety and welfare, including provisions for open space, streets, transit, water, drainage, sanitary sewer, parks and schools.

II. CONCLUSIONS OF LAW

1. The proposed plat is consistent with the Bellingham Comprehensive Plan, the Bellingham Municipal Code, and RCW 58.17, subject to the conditions set forth below.

2. The proposed plat, density bonus and variances from street construction requirements should be approved subject to the conditions set forth below.

3. The notice requirements of BMC 21.10.120 were satisfied prior to the February 14, 2007 hearing in this matter.

4. 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 Cluster Plat of Samish Glenn is approved, with a variance from street

construction requirements, and a density bonus, subject to the conditions set forth below:

GENERAL PLAT REQUIREMENTS

1. The plat shall be generally as shown on *Exhibit A*, a copy of which is attached hereto, and as described in the materials submitted in support of the application, except as otherwise set forth herein. No more than 13 single-family residential lots are permitted. Minor amendments may be approved by the Technical Review Committee as provided in BMC 18.20.020. Any substantial changes to the plat shall require amendment of the Preliminary Plat approval.
2. Development of the property shall be consistent with the provisions of BMC Titles 13, 14, 15, 16, 18, 20 and all other provisions of the Bellingham Municipal Code, and this Order, except that Variances from the requirement to improve South Avenue, Harrison Avenue and that portion of 34th Street beyond the intersection with the new access street for the plat are granted subject to the conditions set forth herein.
3. Building permit applications for lot development may not be accepted by the City until the plat has received final approval and has been recorded with the Whatcom County Auditor.
4. Preliminary Plat approval shall expire as provided in BMC 18.16.010.
5. Heavy equipment work shall be limited to the hours between 7:00 a.m. and 7:00 p.m.
6. Impact fees for transportation, schools and parks shall be paid in accordance with Bellingham Municipal Code requirements.

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 as allowed in BMC 18.28.020.

- A. SEPA
 1. All conditions of the MDNS (SEP2005-00091) shall be satisfied.
- B. Wetlands and Streams
 1. A City of Bellingham Wetland/Stream Permit shall be obtained prior to any site disturbance.
 2. The conditions in the MDNS shall be met in advance of issuance of the Wetland/Stream Permit.
 3. Approvals from the Army Corps of Engineers and the Washington Department of Fish and Wildlife shall be obtained prior to any site disturbance.
- C. Public Infrastructure
 1. A 50-foot wide strip of land shall be dedicated to the City for right-of-way purposes for the internal access street.
 2. 36th Street shall be constructed to $\frac{3}{4}$ City standard of a 28-foot street abutting the plat and to minimum standard to the nearest minimum standard street.

3. 34th Street shall be widened to a 24-foot pavement width from the plat entrance to Connelly Avenue. The 34th Street/Connelly Avenue intersection improvements should be coordinated with the Padden Trails development.
4. The internal access street for Lots 5 - 13 shall be constructed within the 50-foot wide dedicated right-of-way to full City standard of a 24-foot street with vertical curbs and sidewalk on one side abutting the lots.
5. Sidewalks shall have a minimum width of five feet.
6. All street improvements shall be installed in accordance with plans and specifications approved by the Public Works and Fire Departments.
7. The driveway serving Lots 6 and 7 shall be constructed to Fire Department standards.
8. All utilities (public water and sewer, electrical, gas, phone, and cable) shall be installed in accordance with plans and specifications approved by the Public Works Department. All utilities shall be installed underground. If feasible without undue damage to wetlands or other environmentally sensitive areas public sewer shall be installed in 34th Street to the Harrison Avenue intersection to continue the orderly progression of services to the south. Other utilities shall be installed abutting the plat unless it is determined by the Public Works Department that extension to the plat boundaries will not serve any other property.
9. Street lights and street signs shall be installed in accordance with BMC and Public Works Department standards. Street lighting shall provide 1 - 1.5 foot candle power adjacent to the newly constructed rights-of-way within the plat and adjacent to 36th Street.
10. A clearing and grading plan for the property, including rights-of-way, shall be submitted for review and approval of the City concurrent with or prior to approval of civil drawings for the infrastructure.
11. A Stormwater Site Plan (SSP) shall be submitted for review and approval of the Planning and Public Works Departments concurrent with review of civil drawings for the necessary infrastructure. The SSP shall include mitigation for stormwater quality to a standard compliant with the 2005 Washington State Department of Ecology Stormwater Management Manual and BMC 15.42 and shall include additional on-site filtration testing in accordance with the Pilot Infiltration test method outlined in the Manual. An open pond design shall provide a minimum 10-foot setback from property line for landscape/buffer purposes described below in the Landscaping section. Vaults proposed in the public right-of-way shall be accessible outside of any travel lane. Enhanced treatment due to high intensity use of roadways is required.

12. The design of any retaining wall supporting public or private infrastructure constructed of concrete or block material exposed greater than two feet above grade shall be submitted for review and approval of the Public Works Department. 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.

D. Lot Design

1. Lots shall comply with the design standards in BMC 18.32 and 18.36.
2. Lots 6 and 7 may provide street frontage with 15-foot wide side-by-side pipestems.

E. Landscaping

1. A landscaping plan that includes all required mitigation plantings, in accordance with the conditions in the Wetland/Stream Permit and MDNS, street trees, and stormwater plantings, as required, shall be submitted for review and approval of the Planning Department. This plan shall be reviewed concurrent with the civil drawings for the plat.
2. All landscaping shall be installed in accordance with the approved plan.
3. Street trees shall be provided at the rate of two trees per lot, in accordance with an approved Street Tree Permit.
4. A surety, in the form of a bond or assignment of funds as approved by the Planning Department, for 150% of the total cost of implementing all landscaping shall be submitted. The amount of the surety shall be based on a current estimate for all work, including, but not limited to, plant materials, soil amendments and mulch, installation, maintenance for five years, oversight by a professional in ecological restoration, and any contingency requirements. The estimates shall be approved by the Planning Department prior to submission of the surety. The surety shall be approved by the Planning Department prior to any site disturbance.
5. Bonding may be accepted in lieu of installation of street trees for a time period of no more than one year, due to seasonal limitations.

F. Open Space

1. Open space shall be provided as shown on *Exhibit A*, provided that, if feasible, and approved by the Planning and Parks Departments, the Tract B open space may be extended to 36th Street in order to preserve additional mature trees, with a commensurate reduction in open space A. Conservation easements may be utilized to preserve additional mature forest in the northeast and southeast portions of the site without reduction in the size of Lots 1, 4 and 5.
2. Tract A shall be dedicated to the City.

3. Tract B shall be owned and maintained privately unless the Parks Department or City Council determines that dedication to the City would provide an overall public benefit.
4. A hazard tree assessment prepared by a certified arborist and any tree removal or maintenance called for in the assessment shall be completed for each tract to be dedicated and for any open space tract and/or right-of-way impacted by lot and infrastructure clearing prior to City acceptance of the tract(s) and infrastructure.
5. A trail designed to Parks Department standards shall be constructed from the end of the plat entrance in the 34th Street right-of-way through to 36th Street, generally via the Harrison Avenue right-of-way. Existing grade may necessitate the construction of concrete stairs to avoid exceeding the maximum allowable grade for trails. The trail design and location shall be approved by the Parks Department prior to construction.
6. The open space tracts and unimproved rights-of-way immediately abutting any lot shall be physically demarcated along the abutting property lines. This may include fencing, landscaping or a combination of the two. Fencing, not to exceed 4 feet in height, measured from the open space tract or easements is recommended. All fencing shall be reviewed by the Planning, Police and Parks Departments and shall meet CPTED standards.

G. General Requirements

1. Monumentation shall be provided as required in BMC 18.28.180.
2. Grouped, locking mailboxes shall be installed in a location approved by the Police Department.
3. A plat identification sign shall be installed consistent with BMC 20.30.090B(1).
4. The following shall be shown on the face of the plat:
 - a. Setback requirements consistent with BMC 18.32.040(5).
 - b. Note stating that the use of any portion of open space or an unimproved right-of-way by a residential lot is prohibited.
 - c. Joint access and utility easements for the common driveway for Lots 6 and 7.
 - d. Right-of-way dedications and all public easements necessary to support the plat.
 - e. A seven-foot wide easement adjacent to public rights-of-way shall be reserved for utility purposes.
 - f. A note stating that all lots are subject to the conditions stated in this Order.

H. Fire Department Requirements

An approved turn-around shall be provided within 150 feet of the dead end portion of the newly dedicated street. The turn-around shall be constructed to Fire Department standards having a minimum 20-foot width, 36-foot effective radius, and appropriate signage and curbing.

I. Impact Fees

Impact fees shall be paid at the time of building permit issuance as determined by City Ordinance. No reduction in the Park Impact Fee shall be allowed as a result of the construction of the trail required in Condition F (5). The trail construction is a condition of the street construction variance.

LOT DEVELOPMENT REQUIREMENTS

Individual lot development shall be subject to the following conditions:

A. Building Design

1. Each home shall have a main entry and front porch oriented toward the public sidewalk or, for Lots 6 and 7, the private driveway.
2. Garages shall be set back from the front porches.
3. Walkways shall be provided from the front porch to the abutting sidewalk.
4. Any portion of the home visible from the public street or other residence shall provide detailed architecture to avoid massing created by 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 yard: Five feet measured from the property line.
3. Side yard on Flanking Street: 10 feet measured from the property line.
4. Rear: 16 feet measured from the property line.

C. Parking

1. Tandem parking shall be allowed in the required front yard. All required parking shall be located on-site.
2. Two parking spaces are required for each lot.

ENTERED this 22nd day of February 2007.

Bellingham Hearing Examiner

Dawn Sturwold