

RESOLUTION 2009-46

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR PHASE 2A OF THE BIRCH STREET PRELIMINARY PLAT, CONSISTING OF 9 SINGLE FAMILY LOTS AND A PUBLIC OPEN SPACE TRACT, LOCATED IN AREA 11, WHATCOM FALL NEIGHBORHOOD, GENERALLY LOCATED OFF BIRCH FALLS DRIVE, SOUTH OF LAKEWAY DRIVE.

WHEREAS, the City has received a request to finalize Phase 2A of the Birch Street Preliminary Plat, consisting of 9 single family lots and a public open space tract (site plan attached as Attachment 1), said plat having received preliminary plat approval by City Council on December November 15, 1999, by Resolution No. 1999-50 (Attachment 2); and

WHEREAS, Phase 1, consisting of 36 single family lots and one open space/utility tract, received Final Plat approval on June 25, 2005; and,

WHEREAS, Phase 1A, consisting of 7 single family lots, received Final Plat approval on February 25, 2008; and,

WHEREAS, the public improvement requirements associated with Phase 2A have been installed or bonded for at time of approval; and,

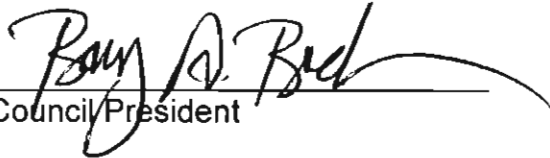
WHEREAS, the Council has reviewed said plat and finds that the public use and interest will be served by this phase of the plat and that said plat meets the requirements of the City Subdivision Ordinance and other State or Local Ordinances pertaining thereto, and conforms to the preliminary plat design and the plat conditions as set out in Resolution No. 1999-50 (Attachment 2),

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

Phase 2A of the single-family final plat known as Birch Street, consisting of 9 single-family lots and a public open space tract is hereby accepted, approved, and ordered filed, subject to the Preliminary Plat Resolution No. 1999-50, 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 in Attachment 3.

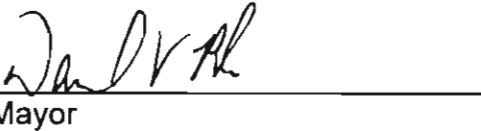
City of Bellingham
CITY ATTORNEY
210 Lottie Street
Bellingham, Washington 98225
Telephone (360)676-6903

PASSED by the Council this 14th day of December, 2009.



Council President

APPROVED by me this 23rd day of December, 2009.



Mayor

ATTEST: 

Finance Director

APPROVED as to form:



Office of the City Attorney

City of Bellingham
CITY ATTORNEY
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ATTACHMENT 1

BIRCH STREET PLAT PHASE 2A

EX 0109

PORTION OF THE E 1/2, NE 1/4, SEC. 33, T38N, R3E, W.M.
CITY OF BELLINGHAM & WHATCOM COUNTY, WASHINGTON

LEGAL DESCRIPTION OF PHASE 2A

THAT PORTION OF THE HERMANSON TRACT, BIRCH STREET PHASE 1, ACCORDING TO THE MAP THEREOF RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 208020218-18, WITHIN THE SOUTHWEST QUARTER OF THE NORTH-EAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST OF 3RD DISCREPANCY AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 18 IN THE BIRCH STREET PLAT PHASE 1, AS PER THE MAP THEREOF RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 208020218-18, RECORDS OF WHATCOM COUNTY, WASHINGTON, AND ALSO BEING THE NORTHERN POINT AND WESTERN POINT CORNER OF BIRCH STREET PLAT PHASE 2A AND POINT OF BEGINNING, THENCE SOUTH 89° 40' 14" EAST ALONG THE SOUTH LINE OF SAID LOT 18 FOR A DISTANCE OF 400.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18 AND ALSO BEING A POINT ON THE WESTERN RIGHT OF WAY LINE OF BIRCH FALLS DRIVE, THENCE SOUTH 0° 0' 0" WEST ALONG SAID WESTERN RIGHT OF WAY LINE FOR A DISTANCE OF 34.00 FEET, THENCE SOUTH 89° 40' 14" EAST PERPENDICULAR TO THE CENTERLINE OF BIRCH FALLS DRIVE ALONG THE SOUTH LINE OF SAID BIRCH STREET PLAT, PHASE 1 FOR A DISTANCE OF 80.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BIRCH FALLS DRIVE AND HENCE THE SOUTHWEST CORNER OF LOT 19 OF SAID BIRCH STREET PLAT, PHASE 1, THENCE SOUTH 89° 40' 14" EAST ALONG THE SOUTH LINE OF SAID LOT 19 AND TRACT 17 FOR A DISTANCE OF 248.33 FEET TO THE SOUTHWEST CORNER OF THE OPEN SPACE, TRACT 17 OF SAID PHASE 1 AND ALSO BEING THE NORTHERN POINT AND EASTERN POINT CORNER OF BIRCH STREET PLAT DIVISION 2A, THENCE SOUTH 89° 40' 14" WEST ALONG THE EAST LINE OF SAID PHASE 2A FOR A DISTANCE OF 84.84 FEET, THENCE CONTINUED ALONG SAID EAST LINE SOUTH 0° 0' 0" WEST FOR A DISTANCE OF 17.00 FEET TO THE SOUTHWEST CORNER OF SAID PHASE 2A, THENCE NORTH 89° 40' 14" WEST ALONG THE SOUTH LINE OF SAID PHASE 2A FOR A DISTANCE OF 80.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BIRCH FALLS DRIVE, THENCE SOUTH 0° 0' 0" WEST ALONG SAID WESTERN RIGHT OF WAY LINE FOR A DISTANCE OF 34.00 FEET, THENCE CONTINUED ALONG SAID WESTERN RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 108.00 FEET, THENCE SOUTHERLY AND WESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 108.00 FEET, THENCE SOUTH 89° 40' 14" EAST ALONG THE SOUTH LINE OF SAID PHASE 2A, THENCE NORTH 89° 40' 14" WEST ALONG THE SOUTH LINE OF SAID PHASE 2A FOR A DISTANCE OF 17.00 FEET TO THE SOUTHWEST CORNER OF SAID PHASE 2A, THENCE NORTH 89° 40' 14" WEST ALONG THE WEST LINE OF SAID PHASE 2A FOR A DISTANCE OF 348.33 FEET TO THE SOUTHWEST CORNER OF SAID PHASE 2A, THENCE NORTH 89° 40' 14" WEST ALONG THE WEST LINE OF SAID PHASE 2A FOR A DISTANCE OF 348.33 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18, PHASE 1 AND THE POINT OF BEGINNING.

CONTAINS 4.00 ACRES

STATE IN WHATCOM COUNTY, WASHINGTON

SUBJECT TO EASEMENTS, AGREEMENTS, COVENANTS, CONDITIONS, RESERVES AND RESTRICTIONS OF RECORD.

COVENANTS

SEE PLAT COVENANTS FILED FOR RECORD WITH THE AUDITOR'S OFFICE UNDER AUDITOR'S FILE NO. 208020218-18.

UTILITIES EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE PUBLIC A STRIP OF LAND TEN (10) FEET IN WIDTH LYING ADJACENT TO EACH EXTERIOR SIDE OF ALL DEDICATED PUBLIC RIGHTS OF WAY INCLUDED IN THIS PLAT. SAID EASEMENT SHALL BEGIN AT ALL EXISTING UTILITY EQUIPMENT LOCATIONS TO INCLUDE SAID SAID EQUIPMENT SURFACE(S) FOR INSTALLATION AND MAINTENANCE. SAID LANDS ARE HEREBY RECORDED AS PUBLIC EASEMENTS AND SHALL BE PRIMARILY FOR THE INSTALLATION OF REQUIRED SERVICE UTILITIES. ANY AND ALL IMPROVED UTILITIES, INCLUDING CITY UTILITIES AND PUBLIC ROAD SERVICE, SHALL HEREBY HAVE ACCESS TO AND MAY USE EASEMENTS EXCLUSIVE USE RIGHTS SHALL BE GRANTED TO ANY SHOULDER OR OVERLAP OF UTILITIES.

VICINITY MAP



DECLARATION & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED, BEING OWNER IN FEE SEVERAL OF THE LAND HEREIN PLATTED, HEREBY DECLARE AND ACKNOWLEDGE THAT BIRCH STREET PLAT PHASE 2A AND DEDICATE TO THE USE OF THE PUBLIC TOWNSHIP, ALL RIGHTS, TRACT 'A' AND PUBLIC EASEMENTS SHOWN ON THIS PLAT, ALSO THE RIGHT TO FORD ALL NECESSARY EASEMENTS FOR OFF AND ROLL UPON LOTS, BLOCKS AND TRACTS IN ANY REASONABLE EXTENT OF INDIVIDUAL, EASEMENTS AND PUBLIC UTILITIES AND HEREBY WAIVER ALL CLAIMS FOR DAMAGES AGAINST ANY GOVERNMENTAL AGENCY WHICH MAY BE OCCASIONED TO ADJACENT LAND BY ESTABLISHED CONSTRUCTION, DRAINAGE AND MAINTENANCE OF SAID ROAD.

HANNAH CRISKE PRESERVE, LLC,
RICHARD T. BOGREN, AUTHORIZED REPRESENTATIVE

ACKNOWLEDGMENT

STATE OF WASHINGTON)
COUNTY OF WHATCOM)

ON THIS _____ DAY OF OCTOBER, 2008, BEFORE ME PERSONALLY APPEARED RICHARD T. BOGREN, TO BE KNOWN TO BE AN AUTHORIZED REPRESENTATIVE OF HANNAH CRISKE PRESERVE, LLC, THE LIMITED LIABILITY COMPANY THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH, AND ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND OFFICIAL SEAL, THIS DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN & FOR THE STATE OF WASHINGTON,
RENEWAL AT BELLINGHAM,
BY _____

FINANCE DIRECTOR'S CERTIFICATE

I, JOHN R. CLAYTON, FINANCE DIRECTOR OF THE CITY OF BELLINGHAM, WHATCOM COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT I AM THE OFFICE IN CHARGE OF THE COLLECTION OF SPECIAL ASSESSMENTS LEVIED BY THE CITY OF BELLINGHAM ON ALL LAND EMPACED WITHIN THE BIRCH STREET PLAT PHASE 2A, AND THAT ALL DELINQUENT SPECIAL ASSESSMENTS FOR SAID PROPERTY EMPACED IN THIS PLAT MAY BE LIABLE AT THIS DATE, AND THAT ALL SPECIAL ASSESSMENTS AGAINST THE PROPERTY IN THIS PLAT WHICH UNDER SAID PLAT BECOME SPECIAL AND RECREATIONAL AREAS, HAVE BEEN PAID IN FULL THIS _____ DAY OF _____, 20____.

FINANCE DIRECTOR, CITY OF BELLINGHAM

CITY APPROVALS

I HEREBY CERTIFY THAT THE BIRCH STREET PLAT, PHASE 2A IS DULY APPROVED BY THE BELLINGHAM CITY COUNCIL THIS _____ DAY OF _____, 20____.

MAYOR, CITY OF BELLINGHAM _____ ATTEST: FINANCE DIRECTOR _____

EMPACED AND APPROVED BY THE CITY OF BELLINGHAM PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT THIS _____ DAY OF _____, 20____.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT TITLE _____

EMPACED AND APPROVED BY THE CITY OF BELLINGHAM PUBLIC WORKS DEPARTMENT THIS _____ DAY OF _____, 20____.

CITY ENGINEER, CITY OF BELLINGHAM _____

EMPACED AND APPROVED BY THE CITY OF BELLINGHAM PARKS AND RECREATION DEPARTMENT THIS _____ DAY OF _____, 20____.

DEPARTMENT OF PARKS AND RECREATION, CITY OF BELLINGHAM TITLE _____

COUNTY TREASURER'S CERTIFICATE

I, BARBARA J. CORY, TREASURER OF WHATCOM COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT ALL TAXES REQUIRED BY THE LAW TO BE PAID UPON THAT PORTION OF REAL ESTATE EMPACED WITHIN THE BIRCH STREET PLAT, PHASE 2A AND ALL DELINQUENT ASSESSMENTS HAVE BEEN FULLY PAID AS SHOWN IN THE RECORDS IN MY OFFICE THIS _____ DAY _____, 20____.

TREASURER, WHATCOM COUNTY, WASHINGTON

COUNTY AUDITOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE AUDITOR OF WHATCOM COUNTY,

WASHINGTON AT THE RESIDENCE OF _____ ON THIS _____ DAY OF _____, 20____,
AT _____ O'CLOCK _____ P.M. AND THAT IT IS
RECORDED IN VOLUME _____ OF PLATE PHASE 2A OF THE
RECORDS OF WHATCOM COUNTY, WASHINGTON.

AUDITOR, WHATCOM COUNTY, WASHINGTON

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT, AT THE REQUEST OF HANNAH CRISKE PRESERVE, LLC, IN DECEMBER, 2008.

LAWRENCE W. STUBBS _____ P.L.S. 01318
PLS. 01318

BIRCH STREET PLAT PHASE 2A

PORTION OF THE E 1/2, NE 1/4, SEC. 33, T38N, R3E, W.M.
CITY OF BELLINGHAM & WHATCOM COUNTY, WASHINGTON

EX 0109

BASIS OF BEARINGS

SECTION SUBDIVISION AS SHOWN ON BIRCH STREET PLAT PHASE 1 RECORDED UNDER WHATCOM COUNTY AUDITOR'S F.S.C. NUMBER 2009006443

NOTE

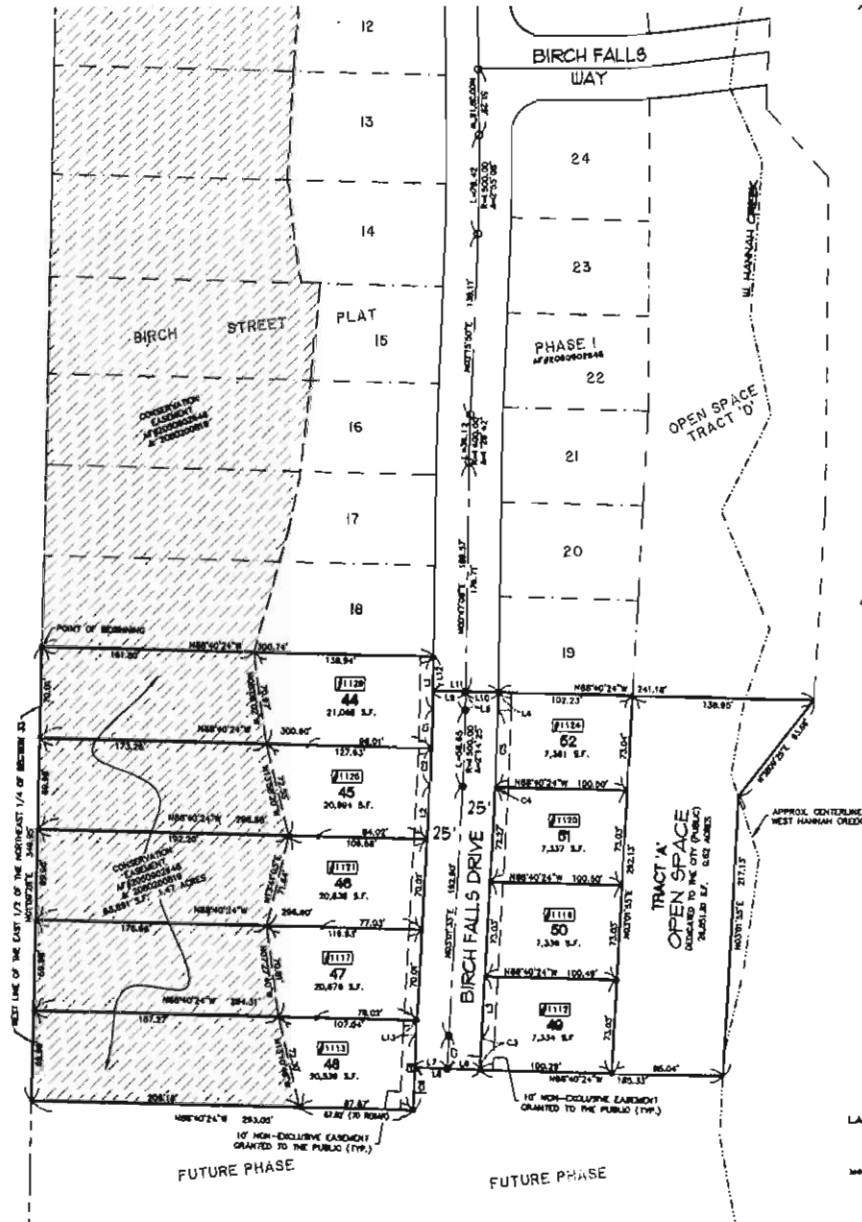
OPEN SPACE TRACTS AND CONSERVATION EASEMENTS ABSOLUTELY NO BUMPING, CLEARING OR STORAGE OF MATERIAL IS PERMITTED WITHIN PUBLIC OPEN SPACE TRACTS OR CONSERVATION EASEMENTS.

LEGEND

- BRASS SURFACE MONUMENT SET IN PREVIOUS PHASE
- SET BRASS SURFACE MONUMENT
- FOUND BRASS WITH CAP #12328
- SET BRASS WITH CAP #12328
- ▭ ARBITERS
- S.F. SQUARE FEET

LINE	BEARING	DISTANCE
L1	N00°47'08"E	46.27'
L2	N03°01'33"E	42.07'
L3	N03°01'33"E	47.80'
L4	N00°47'08"E	14.14'
L5	N00°47'08"E	14.14'
L6	N88°00'36"W	25.00'
L7	N88°00'36"W	25.00'
L8	N88°00'36"W	50.00'
L9	N88°00'36"W	25.00'
L10	N88°17'52"W	25.00'
L11	N88°17'52"W	90.00'
L12	N00°47'08"E	28.14'
L13	N03°01'33"E	10.81'

CURVE	RADIUS	DELTA	LENGTH
C1	1475.00'	210°18'	28.74'
C2	1475.00'	01°00'00"	77.93'
C3	1475.00'	00°52'12"	75.43'
C4	1523.00'	00°01'43"	0.79'
C5	1523.00'	02°17'42"	08.87'
C6	1728.00'	01°08'47"	33.01'
C7	1700.00'	00°52'12"	25.81'
C8	1728.00'	01°07'58"	08.18'



RESOLUTION NO. 1999-50

RESOLUTION ACCEPTING PRELIMINARY PLAT OF BIRCH STREET

WHEREAS, pursuant to Chapter 18.16 of the Bellingham Municipal Code, the Pennbrook Company, proponents (developer) for the Birch Street subdivision, comprising 79 acres and located generally south of Birch St., Portal Drive, Bonanza Way, and Scenic Avenue, Bellingham, has made application for approval of a preliminary plat containing 172 single family detached lots; and

WHEREAS, pursuant to Section 18.16.035, a neighborhood meeting was held on November 4, 1998 at 7:00pm at Kulshan Middle School; and

WHEREAS, pursuant to Section 18.16.070 of the Bellingham Municipal Code, the applicant met with the City's Technical Review Committee, and thereafter said Committee formulated certain conditions for consideration by the Planning Commission and City Council; and

WHEREAS, an Environmental Checklist and Environmental Assessment has been prepared and considered by the Responsible Official and a Determination of Non-significance was published on April 2nd, 1999; and

WHEREAS, the Planning and Development Commission held a public hearing on April 22nd, 1999 which was continued on May 6th, May 20th, and concluded on June 3rd, 1999 and made recommendation to Council that the Preliminary Plat, known as Birch Street be accepted; subject to certain restrictions; and

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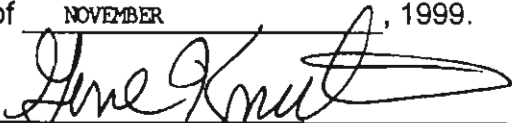
WHEREAS, the Bellingham City Council held a public meeting on June 28th, 1999 which was continued to July 26th, August 23rd, and September 29th, 1999 concerning the above Preliminary Plat; and

WHEREAS, the City Council has modified the Planning Commission recommendation based on the record established at the public hearing and revised the findings and conclusions, attached as Exhibit "D". The Council therefor finds that the conditions of Preliminary Plat approval will make adequate provision for the public health, safety and general welfare,

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

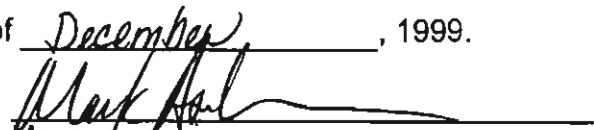
That said plat, known as Birch Street Preliminary Plat, has been presented for acceptance, approval, and filing, be and hereby is as conditioned herein, accepted, approved, and ordered filed, subject to the submission of a plat design which conforms to the restrictions listed in Exhibit "A", attached hereto, and made a part hereof by reference as though set forth fully herein. The property included in this plat is described legally as the east ½ of the northeast ¼ of Section 33, Township 38 North, Range 3 East, less a one-acre exception adjacent to Portal Drive.

PASSED by the Council this 15th day of NOVEMBER, 1999.

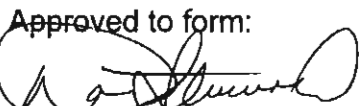


Council President

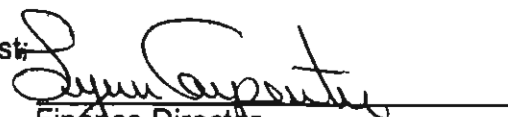
APPROVED by me this 16th day of December, 1999.



Mayor

Approved to form:


Office of the City Attorney

Attest: 

Finance Director

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EXHIBIT "A" PRELIMINARY PLAT CONDITIONS:

Birch Street Single Family Cluster Preliminary Plat

General:

1. The plat design has been modified from the attached Exhibit "B" to incorporate the design requirements contained within Exhibit "A", "Preliminary Plat Conditions". The revised plat design is now included herein as Exhibit "C". The TRC may consider additional minor design revisions that will simplify survey, minimize environmental impacts or otherwise improve the overall function prior to final plat approval.
2. The revised plat design shall incorporate the following requirements: The average lot size shall be not less than 10,000 sq.ft. The minimum net buildable area shall be not less than 7000 sq. ft. The minimum lot width measured between lot lines at the standard cluster 15' front and rear-building setbacks [B.M.C.18.32.040 (5)] shall be not less than 70 ft.
3. No clearing, except for surveying, or grading may occur within proposed rights of way, utility corridors, stormwater, trail or open space tracts until final approval of construction plans is issued for each street, utility, stormwater facility or trail section or phase. No clearing shall be permitted within any open space tract without written approval of the Planning and Community Development (Planning) and Parks and Recreation (Parks) departments. No clearing or grading shall be permitted on individual lots until approval of all abutting public facility plans is issued and a Clearing Management Plan is reviewed and approved by both the Planning and Public Works departments in accordance with B.M.C. Chapter 16.60, 16.70 and 15.42. A Clearing Management Plan shall attempt to retain existing native vegetation on individual lots where feasible. Emphasis shall be on retention of native vegetation along backs of lots and within side yard setbacks.
4. Construction management: The developer shall present a construction access, staging area and traffic management plan that will minimize offsite impacts to area residents, public and private property, facilities and environmental impact. Special consideration shall be directed to providing safe construction vehicle access at the intersection of Lakeway Drive and Birch Street. The traffic management plan shall address this issue in detail. It is the developer's responsibility to ensure that all public streets and drainage ways remain free of mud and debris, that private driveways are not blocked and that safe travel is

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maintained within all neighborhood access streets. No heavy equipment work, truck traffic, chainsaw use or other activity that generates nuisance noise, dust or vibration shall occur between the hours of 7:00pm to 7:00am seven days a week. The plan must be approved by Public Works.

Access:

- 1) Primary vehicle access to the plat shall be provided via Birch Street from Lakeway Drive. The developer shall signalize the intersection of Birch Street and Lakeway Drive in accordance with Public Works Department requirements. Improvements shall include a 36' wide curb to curb throat, with a curb radius approved by both Public Works and Planning departments on Birch Street south of Lakeway. Any right of way acquisition, utility relocation, replacement of privacy screening, driveway revisions and parking for adjacent corner-only residents shall be the responsibility of the developer. A design emphasis shall be placed on reducing loss of privacy, screening, parking and private property vehicle access impacts to the abutting properties and corner-only residents on the south side. The developer shall prepare a diagram for City Council review prior to approval of the final design. The developer shall not be required to make any street improvements, other than those that are necessary to accommodate the signal installation including support pole, arms, detector loops and protective curbing, on the north side of Lakeway Drive.
- 2) Birch Street from Lakeway Drive to the entrance of the plat shall be improved to 28' of pavement width with vertical curb, gutter and storm drains on both sides of the street. A 5' concrete sidewalk shall be placed on the east side only. Birch Street shall transition in width at its intersection with Lakeway Drive from a 36' wide throat to a 28' wide pavement section with sufficient room and taper for a turn lane, but not striped as such. Both signalization at Lakeway and Birch Street improvements shall be completed prior to final approval of the first phase of the plat.
- 3) A secondary emergency-only access shall be constructed at the end of Portal Drive prior to the final approval of the first phase of the plat. The Fire, Public Works and Planning departments shall review and approve all design, signage and operational elements of the emergency-only access prior to construction.
- 4) Satisfactory secondary and/or emergency access approved by the City Council is required prior to final approval of more than 100 lots. Birch Street shall be constructed as a ¾ standard 28' street south of the entrance to the plat and across the last abutting lot, and then as a minimum standard street south to Whatcom Street, prior to final approval of more than 100 lots. Provision for connection to Cedar Hills West is required. Cedar Hills West, Portal Drive or

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another adequate street facility may be considered secondary and/or emergency access, based on traffic conditions at the time and satisfactory performance of the Portal Drive emergency access as determined by the Fire Department. A 60' right of way shall be provided to allow the future connection of the plat to the vacant 8.35-acre property, adjacent to the northeast corner of the plat. A right of way "wedge" shall also be provided for the extension of Scenic Avenue to the 8.35-acre parcel.

- 5) Street ends presently shown at the southern end of the plat shall be connected generally along the power line easement for the purpose of providing internal circulation and emergency access from multiple directions. Street rights of way and street designs shall also provide for future connection to the adjacent 40-acre parcel to the south. At least one 28' wide street with sidewalk shall be made available to the south. The Fire, Public Works and Planning departments, shall approve right of way location and street design.

Streets:

- 1) All internal street rights of way shall be 50' wide. Any cul de sac shall have a minimum 50' radius right of way.
- 2) All internal through streets and the connection to Cedar Hills West shall be constructed as 28' wide pavement, with curb, gutter and storm drain both sides and sidewalk one side only, except as provided in #3 above (emergency access) and at stream crossings. Stream crossings (4 total) shall be located as approved by the Public Works, Fire and Planning departments and constructed as 22' wide pavement, with curb, gutter and storm drain both sides and sidewalk one side only. Any cul de sac less than 600' long may be constructed as 24' wide pavement, with a 44' paved cul de sac radius, with curb, gutter and storm drain both sides and sidewalk one side only.
- 3) Any temporary dead-end or street section created as a result of an approved phasing plan may be required to provide an adequate turn around as determined by the Fire Department.
- 4) The Whatcom Transit Authority (WTA) shall review the revised plat design and associated street improvements. WTA shall recommend and approve any proposed or required transit stop locations and facilities that might further the use and efficiency of public transportation.
- 5) Street trees (average of two per lot) shall be installed according to an approved street tree plan upon completion of residential construction of each abutting lot or reasonably thereafter in accordance with the plan.

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- 6) Street names shall be those as approved by Emergency Services and 911 dispatch.
- 7) Unless otherwise expressly stated herein, all street design and construction shall meet the adopted standards and practices of the City of Bellingham as administered by the Public Works Department.

Utilities:

- 1) A public water and sewer system shall be designed, approved and constructed which meets the adopted standards and practices of the City of Bellingham as administered by the Public Works and Fire departments. Said system shall be designed as an integral part of any regional or sub regional plan that is deemed appropriate for the service area as defined by geographical features and/or limited by existing infrastructure. The water and sewer plan shall provide for the orderly extension of services to adjacent property and anticipate build-out scenarios based on existing zoning. Any placement of utilities within any open space tract shall be reviewed and approved by the Planning and Parks departments.
- 2) A stormwater plan shall be reviewed and approved by the Public Works and Planning departments that meets the requirements of B.M.C. 15.42. In addition, no stormwater facilities shall be located closer than 50' from any existing property line abutting the north end of the plat, except for necessary connections or discharges within existing street rights of way. The intent of this requirement is to retain all existing safe and stable native vegetation within the 50' setback to provide a buffer for abutting residences. This provision does not preclude the construction of necessary pedestrian connections (trails) within the 50' buffer.
- 3) The Stormwater plan in #2 above must include a landscape plan sufficient to reasonably blend the detention facilities into the surrounding open space tracts. Any significant visual voids in the adjacent buffer should be filled with new conifer tree plantings sufficient to provide a visual screen from adjacent properties and minimize unauthorized entry into the facilities. Every reasonable effort should be made to avoid creation of detention facilities with steep sides that would require fencing for public safety. Side slopes of 3:1 are preferable. The desired outcome should be stormwater facilities that are safe, functional and visually compatible with natural open space. Any opportunity to provide static storage that would promote wetland conditions is encouraged. The final landscape plan must be reviewed and approved by the Public Works, Planning and Parks departments.

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- 4) All other private utilities and services shall be provided in accordance with the standards and practices of the private utility vendors. Any placement of private utilities within any public right of way or easement shall be subject to review and approval of the Public Works Department in accordance with existing franchise agreements.

Emergency Response and Fire Protection:

All emergency access and fire protection requirements shall be reviewed and approved by the Fire Department prior to issuance of any related development approvals or permits.

Parks and Open Space:

- 1) All open space shall be dedicated to the City of Bellingham as generally shown on the attached Exhibit "C" including the following. A 20' wide public access and conservation easement shall be provided to the east of, and parallel to, the westernmost ridge-line. The easement shall begin at the highest point located at the southern property line, then northward to a point on the ridge centerline where the existing ridge trail turns eastward and intersects the proposed main right of way entering the plat. The intent of this easement is to retain the existing trail and public use opportunity. The final alignment should provide separation between the trail and the edge of the access/conservation easement, thus including some adjacent native vegetation and retaining some route flexibility. The northernmost terminus may be modified by the TRC to achieve a smooth transition and connection of the trail and sidewalk systems. The proposed easement may overlay platted lots without reducing the calculated lot size for averaging or minimum lot size purposes. A non-motorized public access and utility easement shall also be provided, in addition to public right of way, within the boundary of the PSE power line easement, allowing an east-west corridor across the entire southern boundary of the plat. A uniform fencing strategy to separate all open space and conservation/access easements from abutting lots shall be applied along the entire length of each open space tract and conservation/access easement. The strategy must be approved by the Parks Department and follow crime prevention through environmental design (CPTED) guidelines for public safety.
- 2) A public multi-use trail system and parking facilities shall be constructed by the developer to provide at least one through route from the northern end of the plat to the southern end of the plat. The trail system shall provide connection to the existing ends of Birch Street, Portal Drive, Bonanza Way and Scenic Avenue. The trail system shall be constructed to Parks Department standards. The proposed route shall be reviewed and approved by the Parks and Planning

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departments. If the trail is combined all or in part with any utility corridor, the Public Works Department shall also review and approve the route. All trail sections must be completed within each phase of the plat prior to final plat approval of each phase.

- 3) A minimum of 15% of the gross area calculated for cluster platting (B.M.C.18.32.040) shall be dedicated to the city with each phase of final plat. Any area required for the construction and maintenance of necessary utilities shall not be counted as credit toward meeting the open space requirement..
- 4) The Planning and Parks departments must approve any open space revision.
- 5) All open space tracts and conservation/access easements shall be made free of any land clearing debris, fill, garbage or hazard (trees) as inspected and determined by the Parks Department prior to dedication and acceptance by the city. All open space tracts shall be marked as required by the Parks Department prior to final plat approval of any phase. The Parks Department shall provide markers.
- 6) A note shall be placed on the face of the plat stating "Absolutely no dumping, clearing, or storage of material is permitted within this public open space tract".

Wetlands and Streams:

- 1) The west fork of Hannah Creek shall have a 100' average buffer setback on both sides, except for the extension of the Portal Drive emergency access as depicted on Exhibit "C". The east fork of Hannah Creek shall have an 80' average buffer setback on both sides also as depicted on Exhibit "C". The Planning Department shall approve the final buffer setbacks.
- 2) A wetland/stream permit consistent with B.M.C. Chapter 16.50 shall be required prior to any disturbance to or within 50' of the onsite regulated streams or to or within 100' of any onsite regulated wetlands. The purpose of this permit shall be to condition the stream crossings and their post construction ground restoration, manage utilities in close proximity to wetlands and streams and to provide for adequate wetland buffer management. The small wetland within the southwestern portion of the site will be retained, but buffers will be reduced to 10' where they abut lots. Replanting and restoration of existing logging road impacts within the wetland and stream corridors will be required.

Impact Fees:

1. The applicant, or its successor in interest, shall provide mitigation for school

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impacts at the building permit stage. The amount shall be determined by the Bellingham School District and be based on the school impact fee ordinance in effect at the time. Fees shall be paid to the Bellingham School District prior to building permit issuance.

2. Traffic impact fees shall be paid in accordance with the traffic impact fee ordinance in effect at the time of building permit issuance.
3. Park fees as specified in Section 18.44.000 of the Subdivision Ordinance shall be waived in exchange for dedication of all open space tracts to the City of Bellingham.
4. Stormwater fees shall be paid in accordance with the Stormwater Ordinance in effect at the time.

Setbacks and Parking:

Shall be as specified for single family development within the Land Use Code.

Phasing:

Phasing may be reviewed, conditioned and approved by the TRC.

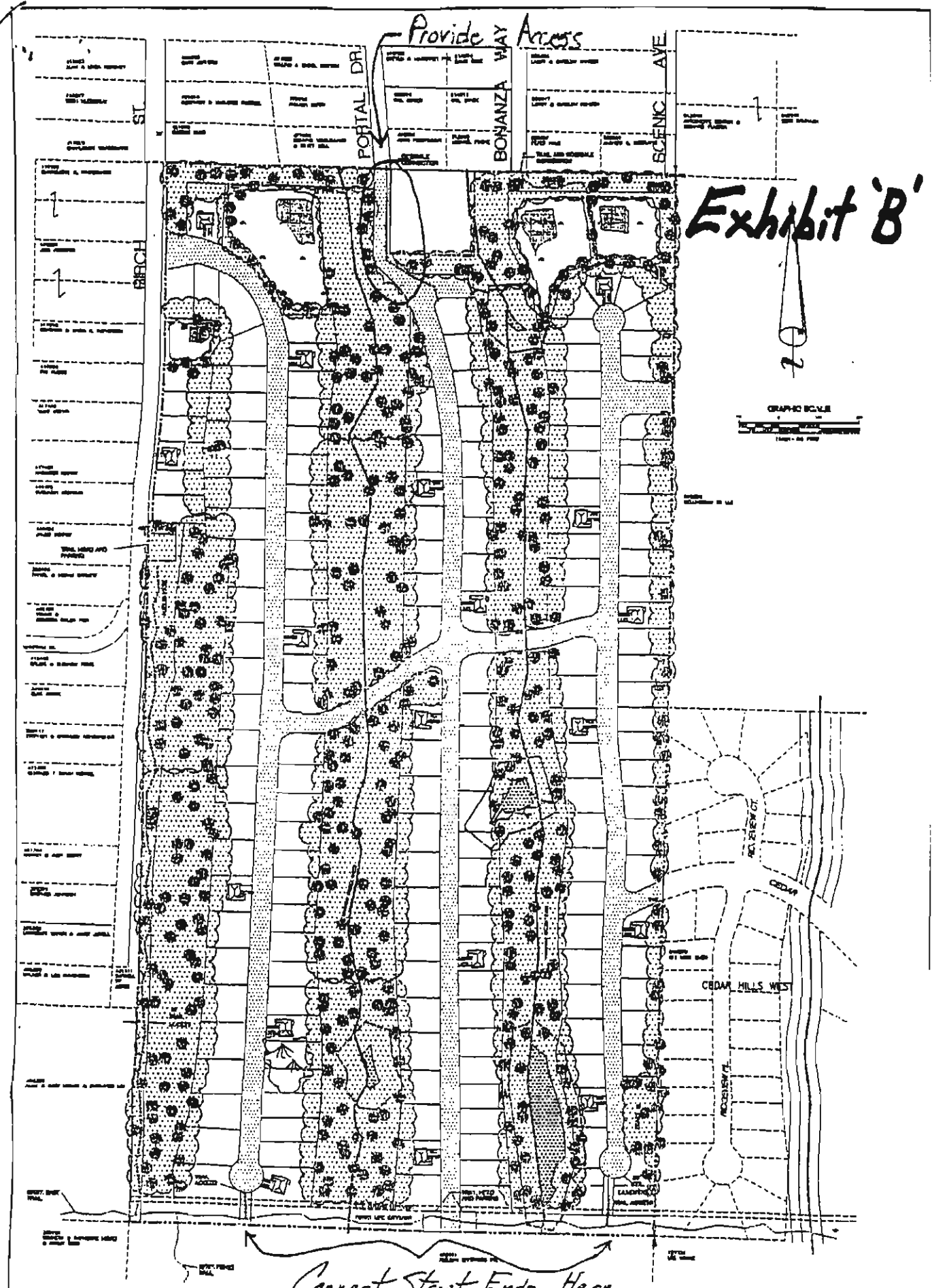
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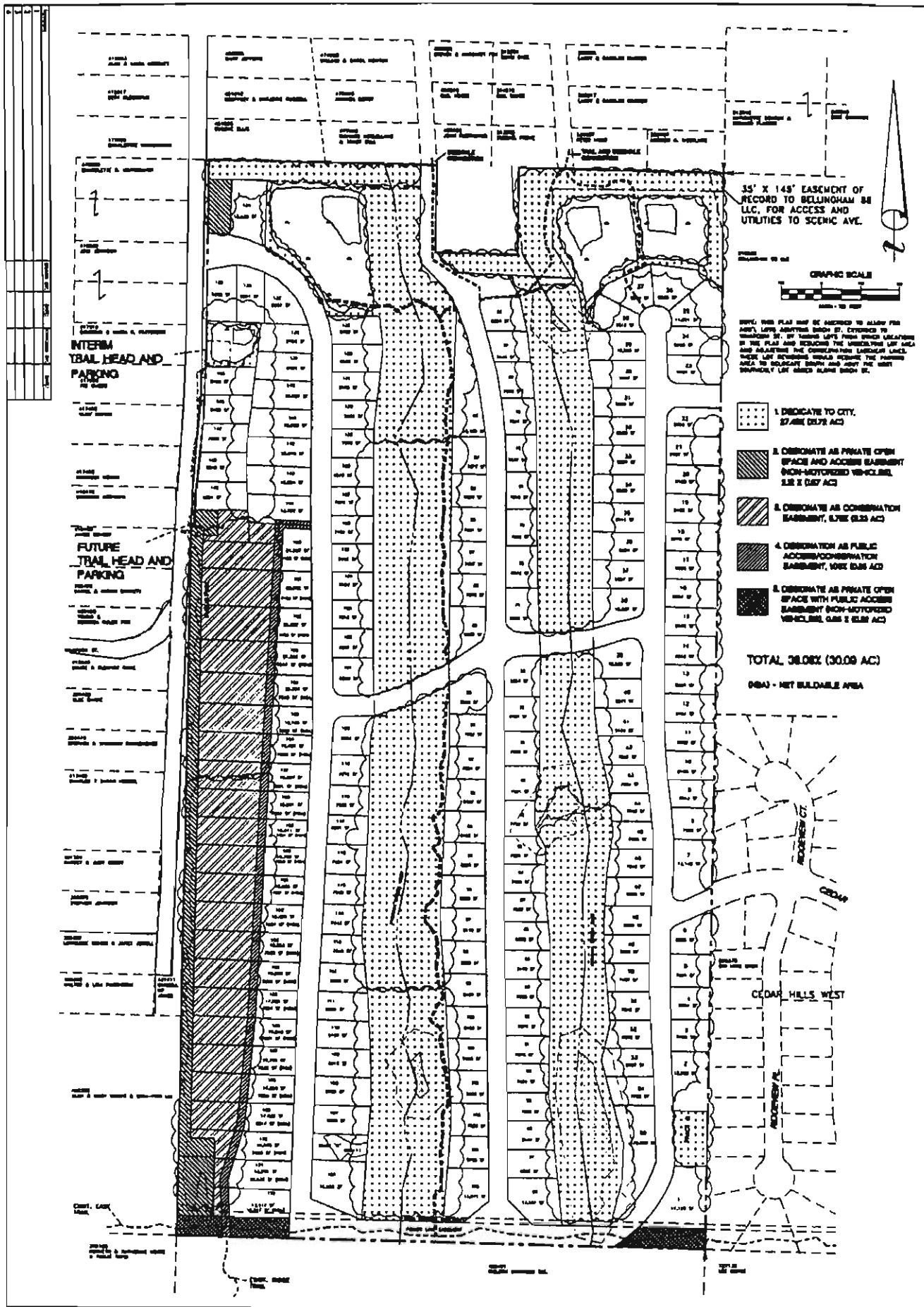
Provide Way Access

Exhibit 'B'



Connect Street Ends Here





NO. OF SHEETS	1
SHEET NO.	1

BIRCH STREET PLAT

NOVEMBER 15, 1999 7:00 PM

CITY COUNCIL RESOLUTION, EXHIBIT 'C'

SCALE	1" = 100'
DATE	11-15-99
BY	

EXHIBIT "D"
BELLINGHAM CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS
FOR THE PRELIMINARY PLAT OF BIRCH STREET
NOVEMBER 15, 1999

The City Council hereby adopts the June 3, 1999 Planning Commission Findings of Fact and Conclusions for the Birch Street Preliminary Plat except as modified by the following statements:

Birch Street will be the primary access to the site. The volume of traffic generated by the plat and the current traffic conditions on Lakeway Drive will require that the intersection of Lakeway Drive and Birch Street be signalized.

Birch Street will need to be widened to 28' of pavement with a sidewalk on one side to provide for adequate traffic capacity and public safety.

A secondary street access will be necessary to provide adequate emergency response. The connection of streets with adjacent properties is necessary for adequate emergency access and vehicle circulation.

The maximum number of lots that could be created as a conventional non-cluster subdivision, subject to all provisions of the Subdivision Ordinance, is 120 lots based on Alternative 1 as described in the Environmental Assessment for the Birch Street subdivision.

Due to the site topography and environmental features, which include a series of parallel ridges and stream corridors, reduced right of way widths and street standards are necessary to provide sufficient building area in-between the streams and ridges.

The east and west forks of Hannah Creek provide hydrologic and ecological support to Whatcom Creek, a salmon bearing stream. Tributaries to Whatcom Creek are important to the viability of salmon habitat. Stream buffers of 80' and 100' respectively will be necessary to preserve the ecological integrity of the east and west forks of Hannah Creek and help support the ecological restoration of Whatcom Creek.

A clustered site plan can improve the overall efficiency of public infrastructure and natural resource preservation. When combined with variances from conventional development standards, a cluster will result in the most desirable plat design with the greatest public benefit.

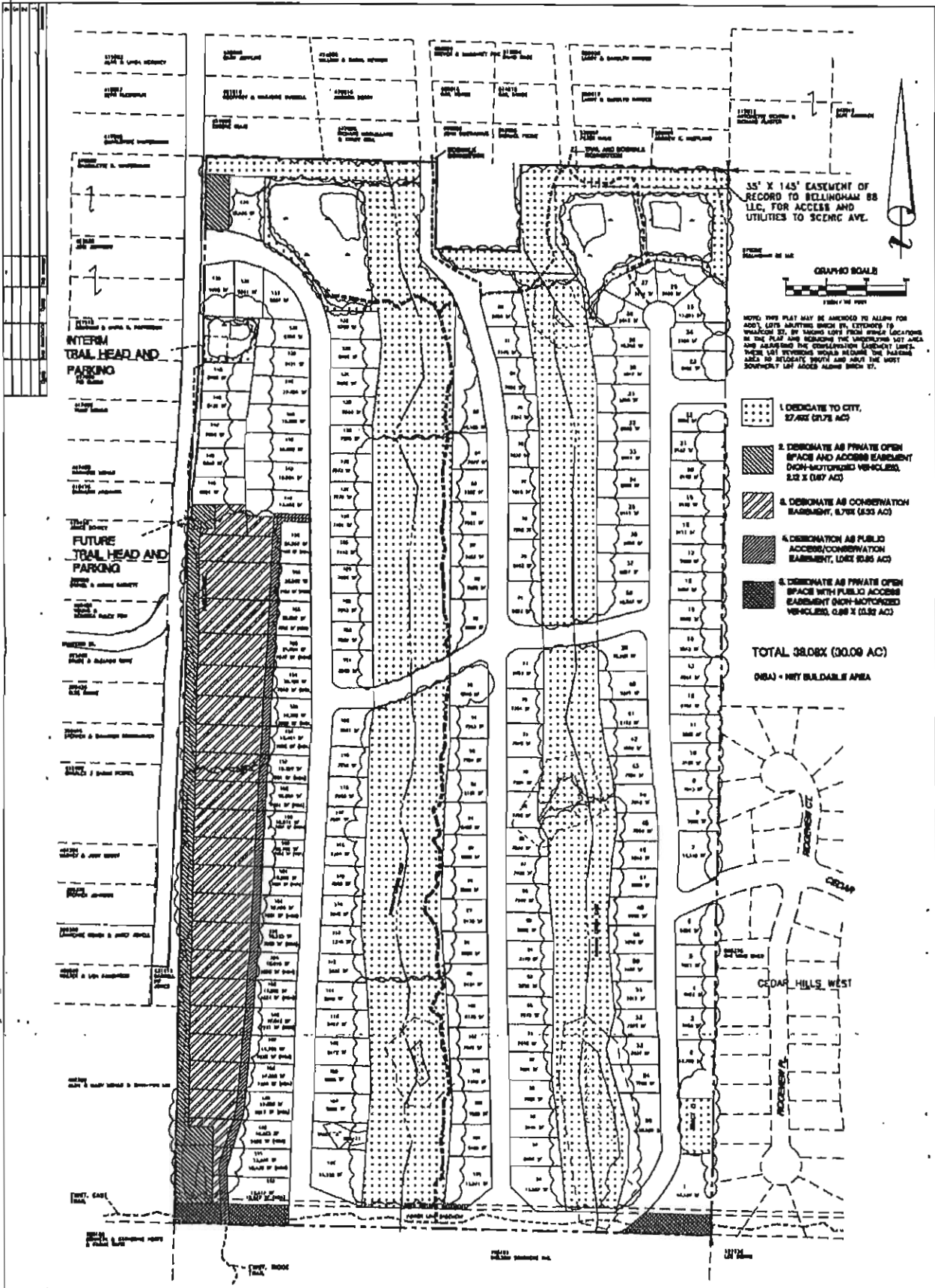
A clustered plat design will yield a greater number of building lots than a conventional subdivision. This is desirable for the purpose of efficient in-fill.

An average lot size of 10,000 sq. ft. is exactly half of the minimum lot size required for a conventional subdivision in this neighborhood. Much of the immediate neighborhood is characterized by large lots of 10,000 to 30,000 sq. ft. and contain significant mature native vegetation. An average lot size of 10,000 sq. ft. will be efficient, without compromising neighborhood character, and still allow building site plan flexibility with significant retention of native vegetation.

A minimum lot size of 7000 sq. ft. will allow design flexibility and space efficiency for irregular shaped areas of the plat, such as at ends of cul de sacs or in narrow corridors.

A minimum lot width of 70' will retain the linear spacing of homes in keeping with the design, streetscape and character of the neighborhood. This minimum width will also help retain mature native vegetation by providing building site flexibility.

The record demonstrates that the ridge trail on top of the westernmost ridge has been used informally by the public for decades and has provided an access corridor through the site for recreation purposes. The ridge trail should be retained as a neighborhood feature and amenity.



NO. THIS PLAT	1	DATE	NOVEMBER 15, 1999 7:00 PM	SCALE	1" = 100'
NO. SHEETS	1	PROJECT	BIRCH STREET PLAT	DATE	11-15-99
NO.	1	APPROVED BY	CITY COUNCIL RESOLUTION, EXHIBIT 'C'	DATE	

LEGAL DESCRIPTION OF PHASE 2A

THAT PORTION OF THE REMAINDER TRACT, BIRCH STREET PHASE 1, ACCORDING TO THE MAP THEREOF RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2050902645, WITHIN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 3 EAST OF WM, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 18 IN THE BIRCH STREET PLAT PHASE 1, AS PER THE MAP THEREOF RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2050902645, RECORDS OF WHATCOM COUNTY, WASHINGTON AND ALSO BEING THE NORTHERN MOST AND WESTERN MOST CORNER OF BIRCH STREET PLAT PHASE 2A AND POINT OF BEGINNING; THENCE SOUTH 88° 40'24" EAST ALONG THE SOUTH LINE OF SAID LOT 18 FOR A DISTANCE OF 300.74 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18 AND ALSO BEING A POINT ON THE WESTERLY RIGHT OF WAY LINE OF BIRCH FALLS DRIVE; THENCE SOUTH 00°47'08" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 26.14 FEET; THENCE SOUTH 89°12'52" EAST PERPENDICULAR TO THE CENTERLINE OF BIRCH FALLS DRIVE ALONG THE SOUTH LINE OF SAID BIRCH STREET PLAT, PHASE 1 FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BIRCH FALLS DRIVE AND MARKING THE SOUTHWEST CORNER OF LOT 19 OF SAID BIRCH STREET PLAT, PHASE 1; THENCE SOUTH 89° 40'24" EAST ALONG THE SOUTH LINE OF SAID LOT 19 AND TRACT 'D' FOR A DISTANCE OF 241.8 FEET TO THE SOUTHEAST CORNER OF THE OPEN SPACE, TRACT 'D' OF SAID PHASE 1 AND ALSO BEING THE NORTHERN MOST AND EASTERN MOST CORNER OF BIRCH STREET PLAT DIVISION 2A; THENCE SOUTH 38°09'25" WEST ALONG THE EAST LINE OF SAID PHASE 2A FOR A DISTANCE OF 93.66 FEET; THENCE CONTINUING ALONG SAID EAST LINE SOUTH 03°01'55" WEST FOR A DISTANCE OF 271.13 FEET TO THE SOUTHERN MOST AND EASTERN MOST CORNER OF SAID PHASE 2A; THENCE NORTH 88°40'24" WEST ALONG THE SOUTH LINE OF SAID PHASE 2A FOR A DISTANCE OF 185.33 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF BIRCH FALLS DRIVE; THENCE NORTH 87°50'38" WEST, PERPENDICULAR TO THE CENTERLINE OF BIRCH FALLS DRIVE FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BIRCH FALLS DRIVE, ALSO BEING A POINT ON A CURVE TO THE LEFT HAVING A RADIAL BEARING OF NORTH 87°50'38" WEST AND A RADIUS OF 1725.00 FEET; THENCE SOUTHERLY AND WESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 01°05'47", FOR A DISTANCE OF 33.01 FEET TO A POINT ON THE SOUTH LINE OF SAID PHASE 2A; THENCE NORTH 88°40'24" WEST ALONG SAID SOUTH LINE FOR A DISTANCE OF 293.05 FEET TO THE SOUTHERN MOST AND WESTERN MOST CORNER OF SAID PHASE 2A ALSO BEING A POINT ON THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST QUARTER OF SECTION 33; THENCE NORTH 01°09'28" EAST ALONG SAID WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST QUARTER FOR A DISTANCE OF 349.95 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18, PHASE 1 AND THE POINT OF BEGINNING.

CONTAINING 4.02 ACRES

SITUATE IN WHATCOM COUNTY, WASHINGTON

SUBJECT TO EASEMENTS, AGREEMENTS, COVENANTS, CONDITIONS, RIGHTS AND RESTRICTIONS OF RECORD.