

**ORDINANCE NO. 2009-08-048**

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 15.08.040 – WATER SERVICE CONNECTIONS, SECTION 15.12.040 SEWER SERVICE CONNECTIONS, SECTION 18.12.040 SHORT SUBDIVISIONS REQUIRED IMPROVEMENTS, SECTION 18.28.020 INSTALLATION PRIOR TO FINAL PLAT APPROVAL, SECTION 18.28.100 WATER SYSTEM AND 18.28.110 SANITARY SEWER TO ACCOMMODATE INFILL HOUSING FORMS AND UPDATE OBSOLETE PROVISIONS.**

**WHEREAS**, the City of Bellingham has proposed new standards in BMC Chapter 20.28 for infill housing forms in accordance with Bellingham Comprehensive Plan goals and policies; and

**WHEREAS**, several of the infill housing forms allow division into individual lots fronting on private lanes or other configurations where lots may not abut a public street; and

**WHEREAS**, current regulations require all premises to abut a City water main and a City sewer main in order to obtain water and sewer service; and

**WHEREAS**, in order to facilitate design of the proposed infill housing forms, alternatives to water and sewer main abutment should be available for infill housing; and

**WHEREAS**, the proposed amendments will not have a negative impact on the City water and sewer system; and

**WHEREAS**, the proposed amendments comply with, and implement the goals and policies of the Comprehensive Plan; and

**WHEREAS**, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance; and

**WHEREAS**, after published notice the City Council held a public hearing on the proposed code amendment on June 29, 2009; and

**WHEREAS**, the City Council has considered the staff report and public comment;

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

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**Section 1.** A new Subsection G. is hereby added to Bellingham Municipal Code 15.08.040 as follows:

G. Infill housing sites developed under BMC 20.28 may be divided into lots that do not abut a water main provided:

1. The parent site meets the requirements of this Section 15.08.040;
2. A separate private water service line is installed to City standards from a main to each lot prior to final plat approval;
3. The Public Works Director determines that no main extension is necessary for the orderly extension or efficient looping of the public water system.

**Section 2.** A new Subsection F. is hereby added to Bellingham Municipal Code 15.12.040 as follows:

F. Infill housing sites developed under BMC 20.28 may be divided into lots that do not abut a sewer main provided:

1. The parent site meets the requirements of this Section 15.12.040;
2. A separate private sewer service line is installed to City standards from a main to each lot prior to final plat approval;
3. The Public Works Director determines that no main extension is necessary for the orderly extension of the public sewer system.

**Section 3.** Bellingham Municipal Code Subsection 18.12.040.C regarding short subdivisions is hereby amended as follows:

C. Appropriate security to ensure completion may be accepted in lieu of actual installation of the required improvements, if acceptable to the Director of Public Works. This provision shall not apply to required private access and private water and sewer service lines for Infill Housing lots approved under Chapter BMC 20.28.

**Section 4.** Bellingham Municipal Code Section 18.28.020 regarding final plats is hereby amended as follows:

**18.28.020 - Installation Prior To Final Plat Approval**

Prior to the submission of a final plat for approval, all streets, alleys, sidewalks, storm drainage, utilities, monumentation, street lights, street trees, and any other improvements

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specified hereunder shall be installed and completed by the subdivider to the satisfaction of the Public Works Director. Such improvements shall meet the standards specified in this ordinance.

A performance bond in the amount of 150% of the value of the incomplete required improvements may be posted in lieu of installation of improvements if such bond is recommended by the Public Works Director and approved by the City Council. The performance bond shall specify exactly what improvements are covered and a time schedule for completion; however, at no time should the bond be for more than a one year period. A performance bond shall not be accepted in lieu of installation of required private access and private water and sewer service lines for Infill Housing lots approved under Chapter BMC 20.28.

**Section 5.** Bellingham Municipal Code Section 18.28.100 regarding water systems for subdivisions is hereby amended as follows:

**18.28.100 - Water System**

- A. A complete water distribution system shall be installed. Such system shall be adequate to serve the area being platted. The connection to each lot from the meter box to the main shall be maintained by and kept within the exclusive control of the City. All water mains in the subdivision shall be constructed in conformance with all appropriate codes and standards.
  
- B. All water lines and services shall be placed prior to improvement of the streets and constructed in accordance with the appropriate codes and standards of the City of Bellingham.

**Section 6.** Bellingham Municipal Code Section 18.28.110 regarding sewer service for subdivisions is hereby amended as follows:

**18.28.110 - Sanitary Sewer**

A sanitary sewer system shall be installed in such a manner where each and every building in which people live, congregate, or are employed shall have a separate connection to the public sewer. All sewer mains in the subdivision shall be constructed in conformance with all appropriate codes and standards.

**PASSED** by the Council this 10th day of August, 2009.

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Ray A. Buche  
Council President

APPROVED by me this 19<sup>th</sup> day of August, 2009.

David V. Ph  
Mayor

ATTEST: Linda D. Anderson  
for Finance Director

APPROVED AS TO FORM:

Jean Hoisington  
Office of the City Attorney

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