

ORDINANCE 2002-01-007

**AN ORDINANCE RELATING TO LAND USE PLANNING AND TO THE ANNEXATION OF APPROXIMATELY SEVENTY-FIVE (75) ACRES OF UNINCORPORATED PROPERTY ADJACENT TO THE NORTHERN BOUNDARY OF BELLINGHAM CITY LIMITS. THE DEEMER ROAD – SPRING CREEK ANNEXATION AREA IS GENERALLY LOCATED BETWEEN EAST BAKERVIEW ROAD ON THE SOUTH, THE EXISTING CITY LIMITS ON THE WEST, THE EXISTING URBAN GROWTH AREA (UGA) BOUNDARY ON THE NORTH; LANDON AVENUE AND UGA LAND ZONED URMX ON THE EAST. THE ORDINANCE ASSIGNS CITY LAND USE DESIGNATIONS AND ESTABLISHES AN EFFECTIVE DATE.**

**WHEREAS**, the owners of certain property situated within the area herein proposed for annexation filed a proper and sufficient Notice of Intent to commence annexation proceedings pursuant to RCW 35.13.125 on or about July 20, 2001; and

**WHEREAS**, this property is within Bellingham's northern Urban Growth Area (UGA) established in 1997, and is identified as an area appropriate for urban development in Whatcom County's Urban Fringe Subarea Plan applicable to Bellingham's northern Urban Growth Area; and

**WHEREAS**, the Whatcom County Council adopted zoning for the Urban Fringe Subarea Comprehensive Plan for Bellingham's northern Urban Growth Area on September 9, 1997; and

**WHEREAS**, the Whatcom County Council adopted comparable future City zoning of Residential Multi, 2,500 square feet per unit for Map 11: East Guide High Density area of Bellingham's northern Urban Growth Area on September 9, 1997; and

**WHEREAS**, the City Council held a public meeting on August 20, 2001, and thereafter initiated the annexation request, subject to adopting land use designations and assumption of existing City indebtedness, and

**WHEREAS**, the petitioners filed with the City of Bellingham a proper and sufficient seventy-five (75%) petition accompanied by a map specifying the boundaries of the proposed annexation as provided by RCW 35.13.130, and

**WHEREAS**, the Whatcom County Assessor certified on September 26, 2001 that the annexation petition contained valid signatures of property owners of not less than seventy-five (75%) in value according to the assessed valuation for general taxation of the property for which annexation is petitioned as required by RCW 35.21.005, and

**WHEREAS**, Whatcom County and Fire District #4 were sent notice of the 45-day review period for the Boundary Review Board for the Deemer Road – Spring Creek Annexation on October 4, 2001; and

**WHEREAS**, an amendment to Interlocal Agreement 1997-0454 for the Deemer Road – Spring Creek Annexation was approved by Whatcom County and the City of Bellingham prior to the close of the 45-day review period by the Boundary Review Board; and

**WHEREAS**, the 45 day time period for the Boundary Review Board to invoke jurisdiction of the Deemer Road – Spring Creek Annexation, File BRB2001-06 expired on November 22, 2001, and the annexation is thereby, considered approved by the Board, and;

**WHEREAS**, on December 10, 2001, the Bellingham City Council held a public hearing to receive public comment on the annexation;

**WHEREAS**, professional offices are conditionally allowed under the current county Urban Residential Medium zoning, but not under the proposed city planned residential zoning; and

**WHEREAS**, a conditional use permit application seeking approval to construct two 10,000 square foot office buildings has been filed with the county for Lots 1 and 2 of the Dillon Short Plat adjacent to the Deemer/Bakerview intersection; and

**WHEREAS**, the city has determined that professional offices are an inappropriate land use in the Deemer Annexation area, and will convey to Whatcom County our opposition to the conditional use permit application on the Dillon Short Plat; and

**WHEREAS**, the City Council will proceed with this annexation recognizing that the current conditional use permit application for professional offices on the Dillon Short Plat may be approved; and

**WHEREAS**, the City Council has conditioned this annexation to become void if, prior to the effective date of this ordinance, any other property owners in the annexation area file complete conditional use permit applications with the county seeking office or other land uses not permitted under the proposed city zoning.

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

**Section 1.** The 75-acres of property bounded by East Bakerview Road on the south, the existing City limits on the west, the existing UGA boundary on the north, and Landon Avenue and UGA land zoned URMX on the east, depicted on the map in Exhibit "A" and legally described as the Deemer Road – Spring Creek Annexation in Exhibit "B", is hereby annexed to the City of Bellingham.

**Section 2.** This annexation shall be voided if any applications for development are filed with Whatcom County prior to the effective date of this ordinance for any use that is not permitted in the proposed City of Bellingham zoning, with the exception of Lots 1 and 2 of the Dillon Short Plat located immediately north of the Deemer and East Bakerview Roads intersection.

**Section 3.** The area annexed herein shall assume its proportional share of the existing indebtedness of the City of Bellingham.

**Section 4.** The portion of the area herein annexed north of Kellogg Road shall be added to the Guide Meridian Neighborhood and designated as Area 24A. The land use map for the neighborhood shall be revised as shown on Exhibit "C."

**Section 5.** The following land use classification is hereby adopted for Area 24A of the Guide Meridian Neighborhood as the designation most closely coinciding with the Whatcom County Urban Fringe Subarea Plan as adopted by Whatcom County Council on September 9, 1997:

## **GUIDE MERIDIAN NEIGHBORHOOD**

### **AREA 24A**

This area is approximately 34 acres generally located between the UGA boundary on the north, Area 24 on the west, East Kellogg Road on the south, and UGA land zoned URMX to the east. Existing County zoning, proximity to commercial and employment centers, and access to major transportation corridors make this area appropriate for higher density residential development. Area 24A provides a transition between the intense commercial development along the Meridian Street corridor and the predominantly single-family residential character of the URMX zone in the Urban Growth Area to the east. Area 24 to the west is characterized by existing multi-family development and property on the south side of East Kellogg Road is zoned for multi-family development. Sewer and water service lines are located in the Meridian Street and Kellogg Road rights-of-way. As development occurs, utility services will be extended to individual properties as governed by Chapter 15 of the Bellingham Municipal Code.

The terrain is generally flat to gentle rolling hills with forest cover and some wetlands associated with Spring Creek, a major tributary of Baker Creek that runs north/south through a fairly wide ravine in the northern portion of Area 24A. Spring Creek has a FEMA designated flood plain in Area 24A and residential development of vacant portions of the area should not occur within the low, wet ravine of Spring Creek. The creek and its adjacent wetlands and vegetation buffer should be retained in a natural condition and no development is to occur within 15 feet upland of the top of the bank. Particular attention should be paid to retaining existing trees six inches in diameter or more wherever possible. Stream and wetland buffers, setbacks, and drainage will be addressed at the time of development. Open space and natural vegetation should be retained along streams consistent with City code. Natural topographical features and amenities including but not limited to stream, open space and trail corridors should be integrated into site designs whenever possible.

Internal traffic circulation must be improved to provide access to interior parcels in Area 24A. An east/west internal access road connected to a north/south road in Area 24 shall be provided to serve the interior parcel located on the west bank of Spring Creek. A north/south internal access road shall be provided from East Kellogg Road to serve the interior parcel

located on the east bank of Spring Creek. East Kellogg Road shall be improved to arterial standards consistent with the Bellingham Comprehensive Plan.

GENERAL USE TYPE	Residential, Multi
USE QUALIFIER	Planned
DENSITY	2,500 square feet per unit.
SPECIAL CONDITIONS	Clearing, flood, drainage, wetlands, buffer, protection of Spring Creek corridor, storm water management, transportation, and access.
PREREQUISITE CONSIDERATIONS	Road improvements on East Kellogg Road, internal access roads to property west and east of Spring Creek, and adequate sanitary sewer capacity.

**Section 6.** The portion of the area herein annexed south of Kellogg Road shall be added to the Meridian Neighborhood and designated as Area 3A. The land use map for the neighborhood shall be revised as shown on Exhibit "D."

**Section 7.** The following land use classification is hereby adopted for Area 3A of the Meridian Neighborhood as the designation most closely coinciding with the Whatcom County Urban Fringe Subarea Plan as adopted by Whatcom County Council on September 9, 1997:

## **MERIDIAN NEIGHBORHOOD**

### **AREA 3A**

This area is approximately 38 acres in size, and is bounded on the north by Kellogg Road, on the south by East Bakerview Road, by the centerline of vacated Cory Street on the west, and by the eastern edge of the Landon Avenue right-of-way on the east. Area 3A provides a transition between the intense commercial development along the Meridian Street corridor and the predominantly single-family residential character of the URMX zone in the Urban Growth Area to the east.

Except for one single-family dwelling unit, the area adjacent to vacated Cory Street is vacant land with some existing groves of trees. Development in this area will be required to improve Kellogg Road and Prince Avenue adjacent to property boundaries, dedicate 30' of right-of-way for Cory Street between Prince Avenue and Kellogg Road, and improve Cory Street to 1/2 street standard as a collector arterial.

Deemer Road plays a key role in the development of Area 3A. Development will be required to finance and build a new arterial section between the East Bakerview Road/Deemer Road intersection and the Cory Street/Prince Avenue intersection. When completed, the Deemer

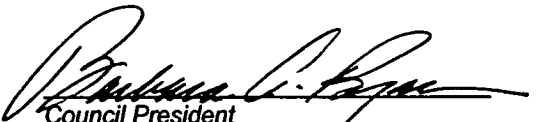
Road arterial will serve multi-family residential development in the eastern portions of the Meridian and Guide Meridian Neighborhoods and provide an alternative north/south route to the Meridian Street corridor.

GENERAL USE TYPE	Residential, Multi
USE QUALIFIER	Planned
DENSITY	2,500 square feet per unit.
SPECIAL CONDITIONS	Clearing, flood, drainage, wetlands, buffer, protection of Spring Creek corridor, storm water management, transportation, and access.
PREREQUISITE CONSIDERATIONS	Development between the Deemer/East Bakerview and Cory/Prince intersections shall dedicate 60' of right-of-way and build Deemer Road to arterial standards between East Bakerview Road and Cory Street. Development along the east side of Cory Street will require dedication of 30' of right-of-way and improvement of Cory Street to ½ street standard as an arterial between Prince Avenue and East Kellogg Road. Improvements to East Kellogg Road and Prince Avenue shall also be made as development occurs. Internal access roads shall be provided to property west and east of Spring Creek.


**Section 8.**

This ordinance shall be effective on February 15, 2002.


**PASSED** by the Council this 22ND day of JANUARY, 2002.

  
Council President

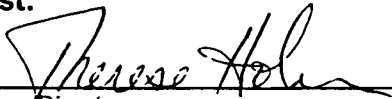
**APPROVED** by me this 11th day of February, 2002.

  
Mayor

**Approved as to Form:**

  
Office of the City Attorney

**Attest:**

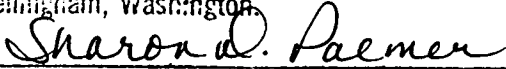
  
Finance Director

**Published:**

1/31/2002

**CERTIFICATE**

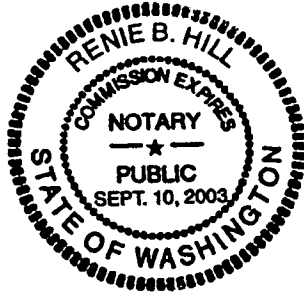
I hereby certify that the foregoing is a full, true and complete copy of Ord 2002-01-007 as the same appears on record in the Office of the City Clerk/ Finance Department of the City of Bellingham, Washington.

  
Deputy City Clerk

STATE OF WASHINGTON )  
COUNTY OF WHATCOM )ss

I CERTIFY that I know or have satisfactory evidence that **MARK ASMUNDSON** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Mayor** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

FEB 11 2002



DATED

Renie B. Hill

SIGNATURE OF NOTARY PUBLIC

RENIE B. HILL

Name Printed

Notary Public

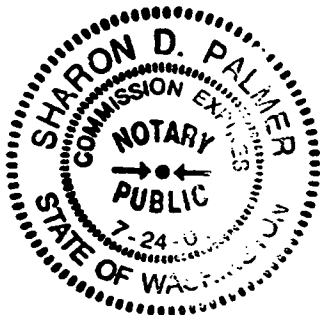
TITLE

10 Sept. 2003

MY APPOINTMENT EXPIRES

STATE OF WASHINGTON )  
COUNTY OF WHATCOM )ss

I CERTIFY that I know or have satisfactory evidence that **THERESE HOLM** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Finance Director** of the **CITY OF BELLINGHAM** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



DATED

February 11, 2002

SIGNATURE OF NOTARY PUBLIC

Sharon D. Palmer

Name Printed

Sharon D. Palmer

TITLE

Notary Public

MY APPOINTMENT EXPIRES

7/24/2004



**Christie and Christie**  
**Land Surveying, Inc.**

*Professional Land Surveying and Development Consultants*

LEGAL DESCRIPTION OF PROPERTIES WITHIN THE DEEMER ROAD - SPRING CREEK  
ANNEXATION AREA

THAT PORTION OF THE EAST HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 3  
EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 5, THE NORTH 295 FEET OF LOT 6, LOTS 10 AND 11 OF THE PLAT OF "D.  
KELLOGG'S ADDITION TO WHATCOM," WHATCOM COUNTY, WASHINGTON, AS PER  
THE MAP THEREOF, RECORDED IN BOOK 1 OF PLATS, PAGES 30, IN THE AUDITOR'S  
OFFICE OF SAID COUNTY AND STATE.

BLOCKS 1, 2, 3 AND 4 OF THE "SUPPLEMENTAL PLAT OF AYER'S ADDITION TO  
WHATCOM, WASH.", WHATCOM COUNTY, WASHINGTON, AS PER THE MAP  
THEREOF, RECORDED IN BOOK 2 OF PLATS, PAGE 50, IN THE AUDITOR'S OFFICE OF  
SAID COUNTY AND STATE.

LOTS 1 AND 2, OF THE "DILLON SHORT PLAT," WHATCOM COUNTY, WASHINGTON,  
AS PER THE MAP THEREOF, RECORDED IN VOLUME 8 OF SHORT PLATS, PAGE 6, IN  
THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE.

BLOCKS 22, 23, 24, 25, 26 AND 27 OF THE PLAT "D. KELLOGG'S 2ND ADDITION TO  
WHATCOM," WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF,  
RECORDED IN BOOK 1 OF PLATS, PAGE 53, IN THE AUDITOR'S OFFICE OF SAID  
COUNTY AND STATE.

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF  
SECTION 7, TOWNSHIP 38 NORTH, RANGE 3 EAST OF W.M.,

SITUATE IN WHATCOM COUNTY, WASHINGTON.

ALL ABOVE LEGALS ARE TOGETHER WITH THE ENTIRE WIDTH OF LONDON  
AVENUE, KELLOGG AVENUE, PRINCE AVENUE AND DIVISION AVENUE AND THOSE  
PORTIONS OF ABUTTING STREETS AS VACATED AND ATTACHED BY OPERATION OF  
LAW.

REVISED September 18, 2001

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