

ORDINANCE NO. 16-2891

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF BLAINE, WASHINGTON, APPROVING A
PLANNED UNIT DEVELOPMENT AND PRELIMINARY
PLAT FOR SEMIAHMOO ZONE 3 - SEAMOKE.**

WHEREAS, on August 25, 2016, after publication of legal notice in a newspaper of general circulation and posting the required notice, the Planning Commission conducted a public hearing on the proposed Planned Unit Development and Preliminary Plat; and

WHEREAS, on September 22, 2016, after deliberating and considering the recommendations of staff and carefully reviewing all information in the public record, the Planning Commission voted to recommend approval of the proposed Planned Unit Development and Preliminary Plat; and

WHEREAS, On October 10, 2016, the City Council held a public meeting to review and discuss the record and found the proposed Planned Unit Development and Preliminary Plat to be substantially compliant with the City of Blaine Comprehensive and consistent with the City of Blaine Municipal Code; and

WHEREAS, the City Council found the proposed Planned Unit Development and Preliminary Plat to promote the public good and to not be detrimental to the public health, safety and welfare; and

WHEREAS, the City Council found the proposed Planned Unit Development and Preliminary Plat to further the goals of the Resort Semiahmoo Master Plan; and

WHEREAS, on October 10, 2016, the City Council voted to approve the Semiahmoo Zone 3 – Seasmoke Planned Unit Development and Preliminary Plat based on the findings of fact and conclusions of law and subject to the conditions of approval contained herein;

NOW, THEREFORE, The City Council of the City of Blaine, Washington do ordain as follows:

SECTION 1: The following **Findings of Fact** are hereby adopted:

Any of the following findings of fact which may be determined to be conclusions of law shall be considered as such for purposes of legal review.

1. The Semiahmoo Zone 3-Seasmoke Preliminary Plat and Planned Unit Development is a mixed-use development containing detached single family residential and attached single family residential housing, multi-family housing in a mixed use commercial/residential building(s), a personal storage facility, a public or private park, open space, private roads, infrastructure and other appurtenant facilities.

2. The project design was reviewed in a pre-application meeting by the City's Technical Review Committee on April 7, 2016.
3. A community conference was held by the applicant on April 21, 2016.
4. The Preliminary Plat and Planned Unit Development applications were determined complete on July 20, 2016.
5. The project design was reviewed by the City's Technical Review Committee on January 14, 2016 and July 28, 2016.
6. Notice of Application was distributed by first class mail on July 20, 2016 and by registered mail on August 10, 2016.
7. Notice of Application was posted in the Northern Light on July 20, 2016 and in the Bellingham Herald on August 10, 2016, and on the City's website on the same dates.
8. The project has undergone environmental review. A Mitigated Determination of Non-Significance was issued August 12, 2016 and subsequently withdrawn. A revised Mitigated Determination of Non-Significance was issued on September 19, 2016.
9. Notice of Public Hearing was posted on the City website, distributed to interested parties, and published in the Bellingham Herald on August 15, 2016.
10. The Planning Commission held a public hearing for the project on August 25, 2016 and continued the hearing for further testimony until September 8, 2016. On September 8, 2016 the record was closed with an exception to allow submittal of the final SEPA threshold determination.
11. The project site is within the geographic area of the Resort Semiahmoo Master Plan, Appendix C of the City's Comprehensive Plan.
12. The Resort Semiahmoo Master Plan calls for the site to be developed with 114-136 dwelling units at 10-12 dwelling units per acre in a multi-family configuration. The Resort Semiahmoo Master plan also allows for reducing density, reducing unit count, and converting multi-family sites to single-family development.
13. The Resort Semiahmoo Master Plan calls for the site to be developed with up to 400 parking spaces to support uses on Semiahmoo Spit, and to be developed for recreational vehicle parking and storage.
14. The Resort Semiahmoo Master Plan calls for the site to be developed with a variety of neighborhood commercial uses, and allows flexibility in determining the specific uses.
15. The application complies with lot and plat design standards as required under Blaine Municipal Code Chapter 17.74 Subdivision Design Standards, except where varied through the Planned Unit Development process included in Chapter 17.68.

16. The creation of a new private road system, on tract(s) held by the homeowners association, has been reviewed by the Public Works Director for street and utility design, and will be further reviewed for technical detail in subsequent administrative permitting.
17. Gated entrances are permitted on Semiahmoo Parkway and Semiahmoo Drive for the residential development and on Semiahmoo Drive for the commercial storage facility, which will be further reviewed for technical detail in subsequent administrative permitting.
18. The Transportation Impact Analysis and supplemental memos and analyses prepared by The Transpo Group demonstrate that traffic impacts at the newly created intersections, including the modified intersection with Gleneagles Drive, and at the Semiahmoo Drive/Semiahmoo Parkway/Drayton Harbor Road intersection do not create significant adverse effects and will not cause traffic level of service standards to be exceeded.
19. The Transportation Impact Analysis and supplemental memos and analyses prepared by The Transpo Group demonstrate that traffic impacts at other intersections not included above may be adversely impacted to a degree that mitigation is appropriate, and the revised SEPA Mitigated Determination of Non-Significance addresses those impacts.
20. Testimony by Assistant Public Works Director, Bill Bullock P.E., indicated that Semiahmoo Parkway and Semiahmoo Drive are designed for the prevailing speed measured by the City and have sight distances and stopping distances that allow for creation of the new entrance road(s).
21. All existing neighborhoods with frontage on Semiahmoo Parkway have been granted permission for an access road on the Parkway.
22. Some existing neighborhoods with frontage on both Semiahmoo Parkway and Semiahmoo Drive have used Semiahmoo Parkway for access, exclusively.
23. Pursuant to the Transportation Impact Analysis, traffic volumes are not high enough on either Semiahmoo Parkway or Semiahmoo Drive to warrant precluding access for traffic flow reasons, and having two points of access on two different major streets will distribute traffic more evenly and will spread the impacts more evenly.
24. Data entered into the record on accidents indicate that the Semiahmoo Drive/Semiahmoo Parkway/Drayton Harbor Road intersection has been the site of two documented accidents.
25. Data entered into the record on accidents indicate that the Semiahmoo Parkway/Shearwater Way/Mallard Road intersection has had no multi-vehicle accidents.
26. The Planning Commission solicited and considered public input on the project prior to making a recommendation to the City Council. The small lot size and smaller home size allows for a density that would typically only be available through multi-family development, thereby creating a different unit type and diversifying the area housing stock.

27. By not further reducing the density of the project site, the development helps to accommodate some of the City's increasing population without spreading over larger land area and supports the City's significant investments in utility infrastructure to serve the area.

SECTION 2: The following **Conclusions of Law** are hereby adopted:

Any of the following conclusions of law which may be determined to be findings of fact shall be considered as such for purposes of legal review.

1. The project, as conditioned, meets the approval criteria of a Preliminary Plat as defined by the Blaine Municipal Code, and appropriate provisions are made for, but not limited to, open spaces and drainage ways; roads, streets, potable water supply, sanitary sewer, electricity and franchise utilities; parks and recreation; sidewalks and other pedestrian corridors; and facilities that preserve the quality of the neighborhood.
2. The subdivision will serve the public interest, and will not be detrimental to the public health, safety and general welfare.
3. That all applicable requirements of Chapter 58.17 RCW et seq., not included above, have been met.
4. The project, as conditioned, meets the approval criteria of a Planned Unit Development as defined by the Blaine Municipal Code.
5. The City has met the notification and procedural requirements for review of a Preliminary Plat and Planned Unit Development.
6. The proposed mix of uses is generally consistent with the goals and policies of the Comprehensive Plan, with particular attention to general consistency with the Resort Semiahmoo Master Plan, an appendix to the City of Blaine Comprehensive Plan.
7. The project is consistent with the City of Blaine Municipal Code applicable zoning and critical areas regulations.
8. The development helps to accommodate some of the City's increasing population without spreading over larger land area, thus it is consistent with, and furthers the goals of, the Growth Management Act.
9. The project was processed and reviewed consistent with the State Environmental Policy Act regulations.
10. The strip of land lying east of the project adjacent to Semiahmoo Parkway is nearly unbuildable and would very likely be retained as open space when the remainder of the property develops.
11. Granting the buffer exception allows greater use of the subject property. There is not significant community benefit gained by strict adherence to the standard. There is not significant adverse impact to that adjacent property by granting the exception. PUD approval allows for variation from standards.
12. The Resort Semiahmoo Master Plan calls for commercial uses on the project site.

13. Developing commercial uses will enhance the Semiahmoo area by increasing the number of services and products available.
14. Developing commercial uses may reduce the need for area residents to drive out of the neighborhood to access certain services.
15. Access to services and recreation within walking distance (i.e. walkability) is a desirable residential amenity that has been shown to increase marketability of residential properties.
16. The design of the commercial site and building(s) will be dictated by the PUD Guidebook and subject to administrative approval by the City thereby ensuring compatibility with the environs.
17. The 50-foot height limit guidance in the Resort Semiahmoo Master Plan was drafted in the context of the original RSMP which includes multi-family residential uses surrounding this site. Those areas have primarily developed at low-density single-family resulting in an overall lower building height in the area.
18. The 50-foot height limit guidance in the Resort Semiahmoo Master Plan is appropriate to a denser, and more commercially oriented area such as Semiahmoo Spit, but is not compatible with the lower density Uplands area.
19. The Resort Semiahmoo Master Plan identifies this site as a location for recreational vehicle parking and storage, and the personal storage use is similar in nature and effect to the “recreational vehicle parking and storage” use described in the Resort Semiahmoo Master Plan.
20. With appropriate design, lighting, and buffering the personal storage use can be compatible with nearby uses.
21. The proposed residential unit count is within the range of 114-136 units permitted by the Resort Semiahmoo Master Plan.
22. The Resort Semiahmoo Master Plan allows for reducing residential density.
23. The Resort Semiahmoo Master Plan allows for conversion of multi-family areas to single family areas.

SECTION 3: The Planned Unit Development and Preliminary Plat are hereby approved and subject to the conditions of approval as stipulated herein.

CONDITIONS OF APPROVAL

General Conditions

- G1. SEPA mitigation measures, as identified in the project SEPA checklist and SEPA Mitigated Determination of Non-Significance (9/19/16), shall be reflected in the project design and civil construction plans, and are hereby made conditions of this approval.

- G2. A complete set of civil engineering plans for the development shall be prepared by a licensed Washington State professional engineer for all required publically served utilities (i.e. sewer, water, stormwater, and electric), public and private streets and sidewalks, rights of way and easements, and any required analysis and reports for the site. The civil engineering plans will be submitted to the City, and reviewed and approved by the City Public Works Department prior to issuance of a land disturbance permit.
- G3. The applicant shall obtain a land disturbance permit prior to conducting site work on private property subject to the limitations of the BMC.
- G4. The applicant shall obtain a Right-of-Way Excavation Permit and/or Public Facilities Construction Agreement and post a performance bond for any work on City utilities and infrastructure to the satisfaction of the Public Works Director prior to initiating work on said facilities.
- G5. Any drainage facilities, including required off-site construction, must be designed and installed to the satisfaction of the Public Works Director, and in accordance with current Department of Ecology guidelines, where applicable.
- G6. After construction of infrastructure improvements, as-built drawings shall be submitted to the Public Works Department. The Public Works Department may reject incomplete or inaccurate drawings. In such case, revised submittals will be required.
- G7. The applicant shall post a maintenance bond for any public infrastructure to the satisfaction of the Public Works Director prior to acceptance of public infrastructure by the City.
- G8. Any applicable impact fees shall be paid at the time of Building Permit issuance or as otherwise required by the BMC. (A note to this effect shall be shown on the face of the revised preliminary plat).
- G9. The PUD approval shall be valid for the term of the associated preliminary plat. Construction on a PUD must have commenced prior to the expiration of the associated preliminary plat approval. Once construction of a PUD has been initiated, the PUD master plan, and any approved PUD site plan, shall be binding on the property in perpetuity, unless a PUD amendment is processed and approved by the city.
- G10. Revise the preliminary plat and PUD plans to reflect all of the conditions of approval that require a physical change to the plans. Submit four (4) full size copies of the revised plans and one (1) 11" x 17" size copy to Community Development Services for final review, approval, and stamping. Copies of the stamped approved plans will be distributed to City departments, one copy will be provided to the Fire District and one copy will be returned to the applicant.

- G11. Responsibility for compliance with other agency requirements shall be solely the applicant's.
- G12. Open space areas, or other tracts of land not suitable as building lots, together with associated facilities and equipment shall be privately owned and maintained by the Homeowner's Association.
- G13. The CC&R's shall be subject to approval by the City prior to Final Plat approval. The CC&R's shall identify responsibilities for maintenance of the wetland/open space areas, water detention and treatment facilities, private drainage infrastructure, private drives and parking areas, landscaping, and other common infrastructure or open space elements of the project. The CC&R's shall contain specific language insuring annual inspection and certification to the city by a registered engineer of the adequacy of the storm water treatment and conveyance system. Any required repair or maintenance shall be the responsibility of the Homeowner's Association.
- G14. The plat survey shall be tied to the City of Blaine "Survey Monument Network" established in June 2001. If no suitable monuments exist from the aforementioned network then coordinates from the City of Blaine "Existing Monument Location Survey" shall be utilized. If no monumentation from either of the aforementioned surveys can be reasonably utilized, the surveyor may use the best available information as approved by the city. The applicant's engineer/surveyor shall contact the city's GIS/Mapping Specialist to determine which monuments shall be utilized based on the location of the project.

Specific Conditions

- S1. Develop a PUD Master Plan responsive to the conditions of project approval and submit it to the Planning Commission for review and approval within 180-days of City Council approval of the PUD as per BMC 17.68.090.
- S2. Provide a typical landscape schematic for front and side yards illustrating plant density, mix of trees, shrubs and ground covers and the degree to which landscapes will be wooded versus turf-focused. Incorporate it into the PUD Master Plan making it clear it is an illustrative example and not prescriptive for future landscape plans.
- S3. The community garden shall be added to plans and shall be more clearly defined. Incorporate it into the PUD Master Plan and or the CC&R's explaining its purpose, use and management.
- S4. Include a detailed description of the architectural standards in the PUD Master Plan for use by the City in approving future development. These do not need to be identical or as specific as may be found in the CC&R's, but they must be compatible.

- S5. Include a trail standard in the PUD Guidebook for trails in the open space and park areas to be a minimum of 5 feet wide, with appropriate subbase added as needed, and a minimum of 4 inches of crushed rock surfacing, 5/8" minus or smaller.
- S6. For buffer landscaping areas the applicant shall prescribe a density of planting and/or amount of obscuring vegetation, and shall incorporate that into the PUD Master Plan.
- S7. The applicant is encouraged to coordinate with the City to install the interpretive signs adjacent to the public trail on the Semiahmoo Parkway/Drive ROW along the property frontage so as to maximize visibility and benefit.
- S8. The bioretention area on Tract E shall be designed and landscaped to be naturalized in appearance, meaning it shall be of a shape and character to appear to be a natural depression, meadow or forest understory, not an excavated basin. It shall be landscaped with native species and ornamentals. It shall not be fenced. A feature that is designed to not pond water at the surface except in extreme events is preferred.
- S9. The stormwater pond on Tract J shall be setback 20 feet from the Semiahmoo Drive ROW to allow installation of the landscape buffer. A gently sloped pond that does not require fencing is preferred. Any required fencing around the pond shall be coated in a dark color and shall be set behind the landscape buffer so as to be screened.
- S10. Clearing shall be phased with project construction. Phase 1 and necessary utility corridors may be cleared subject to this approval, with preservation of trees outside infrastructure corridors and building footprints. Future clearing shall proceed only after approval of a site plan review or preliminary plat for those areas.
- S11. Buffer enhancement planting installation shall occur concurrent to or prior to development of adjacent land uses. This shall occur prior to final plat approval of individual residential lots, or prior to occupancy for multi-family, mixed-use and commercial lots. This may be bonded dependent upon season and weather.
- S12. The CC&R's shall include the 12 design elements in BMC 17.38.050.B.
- S13. The CC&R's shall be subject to approval by the City prior to Final Plat approval. The CC&R's shall identify responsibilities for maintenance of the wetland/open space areas, water detention and treatment facilities, private drainage infrastructure, private drives and parking areas, landscaping, and other common infrastructure or open space elements of the project. The CC&R's shall contain specific language insuring annual inspection and

certification to the city by a registered engineer of the adequacy of the storm water treatment and conveyance system. Any required repair or maintenance shall be the responsibility of the Homeowner's Association. Finalize CC&R's and submit them for review and approval by the Community Development Director prior to recording.

- S14. Open space areas, or other tracts of land not suitable as building lots, together with associated facilities and equipment shall be privately owned and maintained by the Homeowner's Association.
- S15. The 3-foot gravel trail indicated in the project plans adjacent to the private drive(s) shall be widened to a minimum of 4 feet.
- S16. In front of Lots 1-4 and connecting to Semiahmoo Parkway, the 3-foot gravel trail indicated in the project plans adjacent to the private drive shall be widened to a minimum of 4 feet and shall be paved in asphalt or concrete.
- S17. Create a tract for the future private road to allow access to Semiahmoo Drive without requiring a land division, or expand Tract I for same purpose.
- S18. Tract F may be platted into single family and multifamily lots pursuant to this approval provided:
- Total unit count for the PUD may not exceed 119 units, except as specified herein
 - Multifamily tracts shall be designed for a density no greater than 12 units per acre
 - No detached single family lot may be less than 4,000 SF
 - All setbacks, buffering and design requirements of this approval and the PUD Guidebook shall apply to future development
- Such division of land shall require a preliminary plat processed under this PUD approval and shall be considered a PUD Modification provided the standards herein are maintained.
- S19. Install a 100% evergreen, native, site-obscuring vegetation buffer along the Semiahmoo Drive frontage adjacent to Tract A. Such buffer shall be a minimum of 6 feet tall at time of planting. Irrigation shall be provided to ensure health of the planting for the first 2 growing seasons (2 summers), minimum. Planting shall occur prior to issuance of any occupancy permit for the building(s).
- S20. Specific site design, such as the use of flush curbs, street widths, gate design, among other features, is subject to final review by City staff through subsequent permit approvals.
- S21. Clearing shall be phased and no clearing shall be permitted without a preliminary plat approval or site plan review approval for the specific

development area(s). All approved clearing shall be limited in scope with the intent of preserving trees outside of infrastructure and building footprint areas.

- S22. An arborist report and survey shall identify clusters of trees or individual larger, specimen quality trees, as well as large, vestige stumps from earlier logging, along the street corridors that can be preserved and augmented with landscaping to create the street tree clusters required by BMC 17.74.080.D, Subsection 2. The report shall include at least 15 feet on both sides of the curb line. The results of the report shall be incorporated into the civil construction plans in consultation with the City and trees shall be noted for preservation along the private road tracts and/or in easements on adjacent parcels. The report shall be provided to the City with the land disturbance permit application.
- S23. Phase 1 is permitted, consistent with Exhibit X, for 40 single family residential lots and units. Ten units and lots are paired to create 10 units in five buildings. Four units and lots are grouped to create four units in one building in a townhouse configuration. Variation of this arrangement is permitted through PUD modification or PUD amendment.
- S24. Tract A is permitted for 22,000 to 40,000 square feet of storage facilities in two to four buildings. Variation of this arrangement is permitted through PUD modification or PUD amendment. This shall be subject to a Site Plan Review administrative permit. Conversion of Tract A to residential use is permitted. Additional residential units at a density of 6.25 dwelling units per acre are permitted on Tract A if Tract A is developed with residential uses
- S25. Future phases may develop 29 single family lots and units in a mix of paired or detached units, 15 units in townhouse configuration, and additional units in a mixed-use commercial/residential building on Tract C which may not exceed the project total of 119 units consistent with Exhibit X without an additional Preliminary Plat approval, provided this initial approval has not expired. Variation of this arrangement is permitted through PUD modification or PUD amendment and/or other permits as may apply.
- S26. Tract D may be developed as a public park, private park, or private open space, consistent with Exhibit X, without an additional Preliminary Plat approval, provided this initial approval has not expired. Variation of this arrangement may be permitted through PUD modification or PUD amendment and/or other permits as may apply. Additional residential units at a density of 6.25 dwelling units per acre are permitted on Tract D if Tract D is developed with residential uses.
- S27. The PUD Guidebook shall include a list of uses permitted for Tract C which shall be subject to final review and approval by Planning Commission

when the final PUD Guidebook is submitted. A preliminary list shall include these uses (as adapted from the RSMP):

- Retail
- Restaurant/Food and Beverage Services
- Office
- Personal and Professional Services
- Civic and Community Services

The PUD Guidebook shall stipulate that uses other than those included in the Guidebook may only be permitted through a PUD Amendment.

S28. All outdoor light fixtures on Tract C shall be shielded, full cut-off fixtures. The PUD Guidebook shall include the requirement. Compliance shall be determined through Site Plan Review.

S29. The maximum building height on Tract C shall be 40 feet. The PUD Guidebook shall stipulate the maximum height and define the height measurement to be calculated as currently described in Blaine Municipal Code.

S30. All outdoor light fixtures on Tract A shall be shielded, full cut-off fixtures. The PUD Guidebook shall include the requirement. Compliance shall be determined through Site Plan Review.

S31. Modify the project such that Tract A only includes storage units sized to accommodate recreational vehicles and/or boats, such that no unit is smaller than 12'x20'.

S32. For Tract A, the buffer along Semiahmoo Drive shall be increased to 30 feet in depth from the location of the driveway to the western corner of the site. This area buffer shall receive heavier planting of evergreen, native trees, specifically to create a solid vegetated screen over time. Minimum tree size at planting shall be 6-feet tall.

S33. For Tract A, no fencing shall be permitted at the rear of buildings facing towards Semiahmoo Drive or adjacent parcels. The site shall be designed such that the rear of the buildings is part of the security perimeter. Any fencing shall be dark colored (black, brown or green).

S34. The hours of operation/access of the commercial storage units shall be limited to 7:00 am to 10:00 pm. This shall be included in the PUD Guidebook and the project CC&R's.

- S35. Include an open space design in the PUD Site Plan and specific open space amenities in the PUD Master Plan. These include one major and two minor amenities.

MITIGATION MEASURES

Air Quality

Prior to commencing land disturbance activity, the Applicant shall prepare and submit a Dust Suppression Plan (DSP) as part of the Construction Stormwater Pollution Prevention Plan (SWPPP) to the City for review and approval by the City Public Works Director. The Applicant shall not commence land disturbance activity until the City approves a Final DSP. The DSP shall address methods to control dust generated on and off the site during construction.

Stormwater

Prior to approval of civil construction plans, the Applicant shall submit to the City a Final Stormwater Design Report consistent with the latest edition of the Stormwater Management Manual for Western Washington for review and approval by the Public Works Director. The Final Stormwater Design Report and associated stormwater site plan must respond to all relevant conditions attached to preliminary plat and PUD approval.

Prior to commencing land disturbance activity, the Applicant shall submit a SWPPP to the City for review and approval by the City Public Works Director. The final approved SWPPP shall demonstrate, in detail, how Applicant will manage the site during the time that land disturbing activity is taking place, including; measures to protect disturbed areas, control and direct storm water runoff through construction areas, and provide water quality treatment for runoff from the site. Best Management Practices (BMPs) associated with the SWPPP shall comply with the latest edition of the Washington State Department of Ecology's Stormwater Management Manual for Western Washington.

Cultural Resources

Inadvertent Discovery:

At any time during excavation, site clearing, or preparations, if archaeological resources (e.g. shell midden, faunal remains, stone tools) be observed during project activities, all work in the immediate vicinity should stop, and the area should be secured. The Washington State Department of Archaeology and Historic Preservation (Gretchen Kaehler, Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy Compliance Officer 360-312-2253); and the City of Blaine SEPA Official (Michael Jones, 360-543-9981) shall be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). In the event that the find includes human remains the Blaine Police Department shall be called immediately at 360-332-6769. Compliance with all applicable laws pertaining to archaeological resources is required. The Applicant shall ensure that all equipment operators and site managers are advised of the following archeological resources mitigation

Monitoring: The Applicant shall ensure that grading, excavating, and trenching within the utility corridors and private road tracts are monitored by a professional archaeologist, and that the archaeologist is present on-site at all times to monitor all

such activities. If the archaeologist observes any pre-contact or historic period archaeological deposits and/or human remains in any part of the project area, all work in the immediate vicinity shall stop, and the area shall be secured. The Washington State Department of Archaeology and Historic Preservation (Gretchen Kaehler, Local Government Archaeologist 360-586-3088) and the Lummi Nation Tribal Historic Preservation Office (Lena Tso, THPO 360-312-2257; Tamela Smart, Deputy Compliance Officer 360-312-2253); and the City of Blaine SEPA Official (Michael Jones, 360-543-9981) shall be contacted immediately in order to help assess the situation and to determine how to preserve the resource(s). In the event that the find includes human remains the Blaine Police Department shall be called immediately at 360-332-6769. Compliance with all applicable laws pertaining to archaeological resources is required.

Emergency Services

Capital Facilities: The project proponent shall pay emergency services mitigation fees to Fire District #21 according to a rate and schedule as determined by the North Whatcom Fire and Rescue Capital Facilities Plan and any associated, applicable mitigation fee schedule.

Traffic

Intersections in Whatcom County jurisdiction: Development on the project site shall contribute fair-share funding for off-site transportation improvements at the Lincoln Road/Harborview Road intersection, the Drayton Harbor Road/Blaine Road intersection, and the Birch Bay-Lynden Road/Blaine Road intersection as evaluated in the Transportation Impact Analysis Resort Semiahmoo Zone 3 (Transpo Group, September 2016) based on a percentage contribution of vehicle trips through the intersection in 2023 at the following peak hour vehicle trip rates:

- Lincoln Road/Harborview Road intersection at \$3.00 per trip
- Drayton Harbor Road/Blaine Road intersection at \$32.00 per trip
- Birch Bay-Lynden Road/Blaine Road intersection at \$174.00 per trip

The Developer/Applicant shall execute a voluntary mitigation agreement with either the City or Whatcom County in a form approved by the City and subject to RCW 82.02.020 prior to building permit issuance. The above fees shall be paid prior to building permit issuance for each dwelling unit or commercial space. The funds may only be used for a project approved by the City at one of the above intersections. The City and Whatcom County may by interlocal agreement provide for the payment of the funds towards a County project or agree to transfer funds to the County through interlocal agreement for a project at one of the above intersections approved by the City. In the event that the funds are transferred to the County, the funds will remain subject to RCW 82.02.020.

Bell Road/Blaine Road/Peace Portal Drive Intersection: Development on the project site shall contribute fair-share funding for off-site transportation improvements at the Bell Road/Blaine Road/Peace Portal Drive intersection as estimated in the City's 2016 Transportation Improvement Plan based on a percentage contribution of vehicle trips through the intersection in 2023. Fees shall be paid at the time of building permit issuance for each dwelling unit or commercial space at a \$135.20 per peak hour vehicle trip rate. Such funds shall be held by the City for improvements to the specific intersection and remain subject to RCW 82.02.020.

Aesthetics

Landscape Maintenance A landscape maintenance plan shall be created, which is an obligation of the homeowner's association and enforceable by the City through the development's Covenants, Conditions, and Restrictions (CC&Rs). The applicant shall include a section in the CC&R's for the project that specifically addresses the maintenance requirements of this Landscape Plan. The maintenance plan and CC&R's shall be reviewed and approved by the Department of Community Development Services prior to occupancy of the first dwelling unit.

Open Space: The land disturbance and clearing plans shall include preservation of all viable/non-hazardous trees and understory vegetation in the perimeter buffer and open space areas. A final landscape plan shall be developed for open space areas adjacent to and included in each phase prior to issuance of land disturbance permits for those phases. Said plan shall include an enhanced density of native vegetation, primarily evergreens, that will screen between approximately 50-percent and 75-percent of the view into residential lots on the site from Semiahmoo Parkway and Semiahmoo Drive, at a minimum.

Tree Preservation: Tree removal and clearing for Phase 1 in areas designated for residential lot development will be conducted after on-site consultation with the Community Development Director/SEPA Official with the intent to preserve trees and vegetation that are outside the future building and appurtenance development footprints. Tree removal and clearing for future phases will be conducted after approval of Site Plan Review or other development permits such that these areas are left in a forested state until time of development and are not prematurely cleared.

SECTION 3: Applicability. The conditions contained herein shall apply to future development and building permit applications.

SECTION 4: Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: Effective Date. This Ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise, as provided by law and five days after the date of posting for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON on the 10th day of October 2016, and approved by the Mayor.

CITY OF BLAINE, WASHINGTON

Harry Robinson
Mayor

ATTESTED:

Sheri Sanchez
City Clerk

DRAFT