CITY OF LYNDEN

TECHNICAL REVIEW COMMITTEE
Development Project Report

Date Issued:	September 18, 2020
Project Name:	Kamm Creek MPRD #20-02
Applicant:	Bob Libolt, Agent for Kamm Creek Investments LLC
Property Owner:	Kamm Creek Investments LLC
Site Address:	8585 Northwood Road
Parcel Number:	40031524816500004, 4003151831630000
Zoning Designation:	RS-100
Application Type:	Step 1 of 2 of a Master Planned Residential Development
Parcel Size:	20 Acres
Hearing Type:	Quasi - Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposal meets the requirements found within Chapter 19.29 of the Lynden Municipal Code regarding Planned Residential Developments.
Date application determined complete:	August 28, 2020
Date of Publication:	September 2, 2020
SEPA Determination:	August 28, 2020
Project Description:	Step 1 of 2 for a Master Planned Residential Development. Project includes the subdivision of approximately 20 acres in 40 single family residential lots with the RS-100 zone.

In accordance with Chapter 17.15 LMC, the proposed action was reviewed for concurrency and should the conditions listed within this report be met, a finding of concurrency will be made in accordance with Section 17.15.060(C)(3).

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Kamm Creek proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards.

The overall intent of the Kamm Creek MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010.

Minimum Lot Size: Per LMC 19.29.060(I) the minimum lot size for single family homes within a PRD is 5,000 square feet. The lots proposed in this PRD exceed this minimum. As proposed, the residential parcels range from 5,237 square feet to 10,228 square feet with ten parcels exceeding 9,000 square feet. In addition, the PRD provides common open space. Due to critical areas on the subject property the average area per residence, when divided equally is over 21,000 square feet per home.

Specific Project Comments from the Technical Review Committee:

The application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and the comments generated have been included below.

Applicant Response Required: Applicant will be required to provide written responses to each staff comment below. Advisory comments should be acknowledged or confirmed.

Planning Department

1. *Approval Process:* Staff understands the Cedarbrook project is seeking a one step approval process as outlined in LMC 19.29.100 in that the project concept and site details are included in the application. The process for this approval includes staff review, a public hearing before the Planning Commission and a decision by the City Council. Please note that a decision by the City Council is equivalent to the preliminary approval of a long plat. When given, this initial approval would authorize the applicant to move forward with infrastructure improvements but return to the Council for final approval. Be advised, per LMC 19.29.100 the final development contract, with all exhibits including the final Covenants, Conditions and Restrictions for the Cedarbrook development must be presented to the Planning Commission for review and the City Council for approval. Final approval by the City Council and completion of any associated punch lists and as-built drawings would then authorize the property to be officially divided, recorded and lot numbers assigned. ***A preliminary copy of the C,C & Rs has been submitted. Prior to application for Final Plat approval the final version of the documents will be submitted for approval and will be referenced in the final development contract and the recorded plat mylars.***

2. *Density:* LMC 19.29.060(1) states that floodplain shall not be included in the gross land area for the calculation of density in a PRD. The project narrative indicates that of the 20 acres on the subject property, 5.2 are within the

floodplain. This means that the final density of the PRD is 2.7 units per acre when up to 4 units per acre are permitted (consistent with the underlying RS-100 zoning). Please provide the break-down of these density calculations in table form on the final drawings. ***See the attached density calculations.***

3. *Maps:* On the Kamm Creek PRD Existing Conditions Map, and Project Layout Map please provide information as to the location of the neighboring property lines and adjacent zoning categories. ***See the attached vicinity map with neighboring properties and zoning.***

4. *Critical Areas:* The applicant has submitted a Critical Areas Detailed Study that analyzes proposed impacts to the wetlands and regulated streams and their buffers. The Critical Areas Report dated June 29, 2020 is considered preliminary and subject to necessary revisions based on requested information, subsequent plat design alterations, and Army Corps and WDFW permits. ***Upon Preliminary Plat approval application will be made with the Army Corps and WDFW for the necessary permits.***

   Proposed wetland fill will require Army Corps permits. Stream crossing work will require a WDFW HPA permit. Staff expects that details of the proposed mitigation plan will require revisions subject to these permits prior to final plat approval. ***Upon Preliminary Plat approval application will be made with the Army Corps and WDFW for the necessary permits.***

5. *Floodplain:* The FEMA designated floodplain and elevation for the Nooksack River shall be indicated on the final plat. Applicant shall confirm the BFE for the subject property and locate and adequately delineate that elevation on the ground. Any approved alterations that would change the on-site location of the BFE will require a LOMA and/or a LOMR-F prior to final plat approval. ***BFE under current FEMA maps has been surveyed on the site. No fill is anticipated that will change the floodplain volumes however if that changes LOMA applications will be submitted.***

   Proposed development of the floodplain shall comply with FEMA regulations and LMC 16.12 Floodplain Management. Approval of floodplain development is subject to cut and fill analysis, compensatory storage, and a biological assessment. ***BFE under current FEMA maps has been surveyed on the site. No fill is anticipated that will change the floodplain volumes however if that changes LOMA applications will be submitted.***

6. Future parcels that contact the floodplain or that are directly adjacent to the floodplain will require an elevation certificate at final occupancy to ensure 2 feet of freeboard above BFE.***A note will be included on the Final Plat Mylars for each lot that requires floodplain certification.*** *Open Space Standards:* An

MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area or 4,000 square feet, whichever is greater, for active recreational uses. The percentage of area set aside for active uses may be reduced per LMC 19.29.080(D)(2) in association with environmentally sensitive areas. While it is obvious that the proposed development the minimum standards for area that is set aside as open space, please address LMC 19.29.080(A-D) and the active use component. ***Over 10 (50%+) acres of the site will be set aside as open space. This area includes critical areas and buffers some of which are in the floodplain and other floodplain areas that are not within the critical areas and buffers and areas that are not impacted by either critical areas or floodplain. (See attached Land Use Calculations chart)***

LMC 19.29.080

A. Location. The open space areas are distributed throughout the site with nearly every lot having some frontage on these areas. Open space area south of Lot 18 and west of Lot 10 provide easily accessed usable areas for active recreational use. The area adjacent to Lot 18 would exceed the one-half acre requirement calculated as 30% of the total required open space.

B. Access. All open space areas have access from the private roadways throughout the project. The private roadways will be owned by the Homeowners Association providing access to all lot owners.

C. Types of Open Space. The proposed open space areas will include greenbelts comprised of buffer areas that have been densely planted and buffer areas that remain as grass land. A paved trail will be located in the greenbelts connecting the two areas of homes.

D. Use of Open Space. The open space greenbelt areas will provide protection for the critical areas. The trail will provide access to these common areas and will offer opportunity for active exercise.

7. *Open Space Covenant:* Be advised that to comply with LMC 19.29 open space shall require a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner's association. ***A deed restriction will be included in the Final Plat documents restricting the use of these open space areas in perpetuity.***

8. *Pedestrian Connections*: As noted in LMC 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent

to open space areas. Staff recognizes that the applicant has proposed, rather than sidewalks, alternate pedestrian paths through the development. However, staff is concerned about lack of pedestrian connection to Kamm and Northwood Roads. ***The applicant has added proposed sidewalks on one side of the street in the location of the homes. These sidewalks will be connected to the trails. See the attached map for the location and cross section design for these pedestrian connections.***

Staff will recommend to the Planning Commission and Council that the development include the construction of an asphalt pedestrian path and public access easement (if outside of the ROW) parallel to Northwood Road but west of the existing ditch. A path of this nature is preferred as it will be some time before full roadway improvements will occur on Northwood Road – especially since the property to the east is not within the City's Urban Growth Area. ***The applicant has added a path along Northwood Road. This path connects to the trail system. See attached map.***

Additionally, this development must accommodate the construction of and/or dedication of property for future public use connections to the East Lynden Loop Trail with access provided to the west. ***The applicant agrees to dedicate an easement for future trail connection to the west in the location of the existing sewer easement***

9. *Mineral Rights:* A 1962 real estate contract on the property appears to show that CV Wilder and Ella Wilder maintained ½ of all oil, gas and mineral rights on the subject property. Be advised, prior to commencement of construction the developer must demonstrate that the title has been cleaned of this claim. ***The applicant will investigate the possibility of clearing these rights from the title. These rights exist on nearly all property in Whatcom County and Lynden. There may be no reasonable way to have the title cleared of the claim.***

10. *Residential Design Standards:* Be advised, the homes proposed within the MPRD will be subject to the design standards of LMC 19.22. These also include articulations on building elevations that face toward public streets or shared green spaces, exterior finish details, porches and stoops, and the screening of mechanical equipment. ***Applicant acknowledges the requirement of these design standards along with the additional standards contained in the C,C,&Rs.***

11. *On-Street Parking*: Minimum standards of PRD design call for on-street parking on one side of private streets. The Kamm Road PRD requests a deviation from this standard per LMC 19.29.060(J). The PRD also requests reduced driveway

lengths (garage door setbacks) to 20 feet rather than 25 feet. Staff is concerned that with no on-street parking available on Northwood Road or within the PRD, and relatively short driveways, the neighborhood may suffer from a lack of sufficient parking. Please provide a parking plan which addresses the daily needs of residents as well as guest parking within the Kamm Creek PRD. Staff recommends that the applicant explore a minimum parking requirement that meets the City's parking code for typical RS-100 development. And, that the applicant create pockets of guest parking within the PRD. ***The parking proposed includes 2 enclosed and 2 driveway parking spaces for each home. This meets the RS-100 and MPRD parking requirements. The applicant is also proposing a wider street section with a flush sidewalk on one side of the street and parking on the opposite side. See attached plan.***

12. *Street Section:* The application makes reference to a street section, but one could not be located by staff. Please provide a section of the proposed street. Include plans for curbs, pavement material, etc and dimensions of each element. Staff is concerned about the requested reduction in pavement width from private street standard 30 feet curb-to-curb with sidewalk to 24 feet of pavement. The PRD code standard details a street width of 30 feet curb-to-curb with sidewalks on both sides. The narrow width will not allow for on-street parking which many property owners prefer – this could be somewhat mitigated by longer driveways however shorter driveways have been proposed. Lack of sidewalks or other pedestrian pathways are also a concern (see comment above regarding pedestrian connections). ***The project has proposed all private streets to minimize the impacts on critical areas, buffers and floodplain areas. The applicant in response to this concern has amended the street section in the area of the homes to provide sidewalk on one side in addition to the 24 feet of pavement. See the attached drawing of Street Section. With parking on the side opposite the sidewalk the clear diving lane would be 17 to 18 feet plus the 5-foot flush sidewalk width if needed for emergency vehicle access. Further the applicant is willing to lengthen the driveways adjacent to sidewalks to 24 feet. City of Lynden Project Manual for Engineering Design and Development Standards allows private streets within a PRD with 30 foot ROW and 10 foot driving lanes.***

13. *Street Design – Hydrant Access:* If a 24 foot wide roadway is approved in any section of the development, it is important to note that it must be expanded to a minimum of 26 feet in width for a minimum distance of 20 feet at the hydrant location. Specifically, for 10 feet on each side of the hydrant. No parking is permitted adjacent to fire hydrants. This restriction must be adequately signed and/or painted on the pavement. ***Final engineering and construction drawings will include the required 26 feet of width at all fire hydrant locations.***

14. *Area Break-down*: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all plats and lot line adjustments will be required to provide supporting data. Please provide on the face of the drawing a table which breaks down the total area of the plat drawing after the lot line adjustment into the categories shown below. Note that in some instances the area may be zero and that "other infrastructure" could refer to area used for sewer pump station, stormwater ponds, etc.

	Plat Area (in sq ft)
Gross plat area	
Reserve tracts	
Critical areas (including buffers)	
Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

Applicant has provided a Land Use Calculation sheet with this information included.

15. *Utility Easements:* Per 18.14.075, of the LMC requires 5-foot utility easements around the interior property line of all residential lots. If a deviation to this requirement is requested, it must be included in the future development agreement. ***The 5-foot easements will be included on every lot.***

16. *Street Trees:* Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street. Without blocking view triangles, there shall be a minimum of one tree per lot with a maximum of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner or, if indicated in the CC&Rs, the homeowners association. Please address in CC&R's. ***Street trees are indicated on the submitted Landscape Plan. Maintenance responsibility of the trees will be added to the CC&Rs.***

17. *Homeowners Association Required:* Be advised, per LMC 19.29.130 the MPRD shall have a homeowner's association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Within one year of preliminary approval the final development contract and the community's covenants, conditions and restrictions (CC&R's) must be presented to the Planning Commission for review and City council for approval. CC&R's must include a management plan for common open space, trails, alleys, mitigated areas, and conservations easements if utilized. ***Draft HOA formation documents and CC&Rs have been submitted and revised to include any items required in the Preliminary Plat approval.***

18. *Document Organization:* The draft CC&Rs and the Articles of Incorporation make reference to exhibits that don't always correspond with the documents provided. Please revise as need to ensure consistency. As submitted it appears the exhibits may include:

    Exhibit A – Legal Description
    Exhibit B – Bylaws
    Exhibit C – Budget
    Exhibit D – Use & Design Guidelines
    Exhibit E – Fence Plan

    See the attached documents with the appropriate Exhibit titles.

Public Works

19. *Public Improvements:* Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process. A Development Agreement and Agreement to construct will be required prior to any construction. This will require Council approval. ***I don't understand this timing. If we receive Council approval of the Preliminary Plat and related requirements should the Final Development Agreement not be part of the Final Plat approval by Council or be part of the Preliminary Plat approval?***

20. *Plat/Interior Street Improvements*: If the applicant proposes an alternate frontage improvement plan different than City standard for approval it must provide adequate turn-around within public right-of-way and address the needs of the proposed development (ex. parking, life safety, delivery, waste collection etc.) Any proposed alley shall be private with a minimum clear width of 24-feet. The City's PRD code standard is a street width of 30 feet curb-to-curb with sidewalks

on both sides. Staff is concerned that proposed street layout indicates access will be limited to one access during flood events. Please respond. ***The internal street layout is looped and allows for proper circulation. The floodplain impact on the second access is the top 2 to 3 feet of the 100-year flood event. Obviously an extremely rare event and hardly a legitimate concern for safety. City of Lynden Project Manual for Engineering Design and Development Standards allows private streets within a PRD with 30 foot ROW and 10 foot driving lanes. The project also incudes a turnaround at the far westerly end of the plat.***

21. *Off-site Street Improvements*: Proponents traffic study must address all phases/impacts of the proposed project. Traffic study must meet requirements of City standards. Additional right-of-way may be needed to address west bound right turn movements. 10 feet of right-of-way shall be dedicated to the City along the full frontage of Northwood Road. A 10-foot utility easement behind the right-of-way shall be dedicated. Northwood frontage improvements are required to the extent they provide for safe ingress and egress from the project. This will also include street lighting and pedestrian connections (see pedestrian connection comment above). ***A traffic study has been submitted addressing all the impacts from the project. Applicant agrees to provide additional ROW for Northwood Road to make the ROW 30 feet from centerline to the plat. Ingress and Egress design will be provided for approval with the construction drawings.***

22. *Stormwater*

    a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. This must also address any impacts from seasonal high groundwater and flooding. Prior to site plan and/or preliminary plat approval, a Stormwater Site Plan Narrative per the City's Manual for Engineering Design and Development Standards. addressing all Stormwater minimum requirements shall be submitted. An erosion control plan must be included in the drainage plan and construction plans as necessary. ***A stormwater narrative from Freeland and Associates Engineering and soils study by Geo Engineers have been submitted. Engineered drawings for stormwater management and erosion control will be submitted with the construction drawings.***

    b. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development

Standards. ***All stormwater plans will be designed to comply with all Department of Ecology standards.***

c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, if approved/accepted by the City, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree. ***Applicant acknowledges this requirement but would note that the intent is to use pervious pavements that do effectively infiltrate stormwater within the ROW.***

d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed. ***Will be obtained if project requires based on DOE standards.***

e. Proposed lot sizes may make it difficult for any form of onsite facilities to be installed on the lots. ***A soils study has been submitted and indicates the infiltration rates that would accommodate onsite infiltration for all lots.***

23. *Water*

a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards. ***Agreed.***

b. As per LMC 18.14.150, the main water line shall be extended to the furthest extent of all properties of this PRD unless it is determined that services, including life-safety are adequately provided elsewhere. ***Applicant requests that the water main on Northwood Road end at the project entrance. Extending it beyond that point leaves a dead end pipe with no purpose and no possibility of future extension with all land to the south in the floodplain, zoned AG and not part of the City UGA.***

c. A 20-foot utility easement is required if only water is located within it. If two public utilities are in an easement the minimum width is 30 feet equally spaced. ***Agreed.***

d. Each house and/or unit within this plat must be individually metered. Water meters must be located within the City right-of-way or unit / access easement. ***Agreed.***

e. Due to proximity of the Nooksack Floodplain water services shall have backflow prevention to protect the City system. ***Applicant does not agree with this requirement unless water service is located in the floodplain.***

f. Twelve (12) inch water shall be extended from the current deadend location on Kamm Road east to Northwood and then south on North to the edge of the plat. Water line looping may be necessary to meet fire flow requirements (1500 gpm) ***Agreed.***

24. *Sanitary Sewer*

a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards. ***Agreed.***

b. The sewer line must be extended to the furthest extend of all properties per City development standards of the proposed development unless it is determined that services are adequately provided elsewhere. ***Agreed.***

c. A sewer easement of 20 feet is required for all public systems. If more than one public utility is within the easement the easement shall be 30 feet. ***Agreed.***

d. The existing sewer easement shall not be impacted. Any changes to the current sewer access road shall provide an equal or greater access. ***Agreed.***

e. Proposal has more units that was anticipated per sewer comprehensive plan and will need to be reviewed for impacts that may require offsite improvements. ***Not sure about where this issue supported. Will review when that is provided.***

Fire and Life Safety

25. *Minimum Street Width:* The private roadway must be expanded to a minimum of 26 feet in width for a minimum distance of 20 feet at the hydrant location. Specifically, for 10 feet on each side of the hydrant. ***Agreed.***

26. *Hydrant Requirements:* The installation of fire hydrants will be required. Code requires that fire hydrants be installed at intervals not to exceed 500-feet in single family areas and 300-feet in multi-family areas. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department. ***Agreed.***

27. *Street Addressing:* Addresses that cannot be seen from the city street must be posted at both the access easement and on the house. ***Agreed.***

28. *Fire Code*: Future Development will require full compliance with the Fire Code. ***Agreed.***

29. *Fire Impact Fees:* Be advised, half of fire impact fees will be due at the time of final development approval (subdivision and half of the fire impact fee will be due at the time of building permit. The current rate of this fee is $389.00 per multi-family unit and $517.00 per single family home. ***Agreed.***

Parks and Recreation

30. *Trail Dedication*: Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval. ***Agreed.***

31. *Park Impact Fees:* Be advised, park impact fees will be due at the time of permit. The current rate of this fee is $546.00 per multi-family unit and $936.00 for single family home. ***Agreed.***

Advisory Requirements

32. *Civil Drawings:* The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards. ***Agreed.***

33. *Civil Review Deposit Required*: Be advised, a review deposit of $200 per lot, $2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of $350 per lot, $5,000 minimum, is due prior to review and construction respectively. ***Agreed.***

34. *Bonding Requirements*: A post construction maintenance bond in the amount of 10% of the construction costs for public facilities will be required prior to final plat approval. A Performance Bond is required for all work within City right of way. This bond shall be for 150 % of the approved engineer's estimate for the work. ***Agreed.***

35. *Surveying*: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use. ***Agreed.***

36. *Expiration of Preliminary Approval*: Petitioner shall record the final subdivision, PRD and Development Agreement with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within five (5) years of the date this preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council. ***Agreed.***

37. *Property Addressing*: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final PRD approval. ***Agreed.***

City of Lynden

Planned Residential Development Application

General Information:

Property Owner

Name: Kamm Creek Investments LLC

Address: 125 Rosemary Way Lynden, WA 98264

Telephone Number: 360 319 8357 Fax Number: _____

E-mail Address: boblibolt@gmail.com

Applicant (Agent, Land Surveyor or Engineer)

Name: Robert Libolt

Address: 125 Rosemary Way Lynden WA 98264

Telephone Number: 360 319 8357 Fax Number: _____

E-mail Address: boblibolt@gmail.com

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner ☒ Applicant ☒

Property Information:

Project Location (street address / block range): Township 40N Range 3E Section 15

Legal Description (attach if necessary): _____

Description of Property:

Total Acreage: 20 acres Zoning Classification: RS-100

Total Number of Units: 36

Designated Open Space (square footage/ acreage) _____

Attach master plan narrative

****

By signing this application, I certify that all the information submitted is true and correct.

SUBMITTED BY: Robert Libolt DATE: 6/10/2020

PROPERTY OWNER SIGNATURE: [signature] DATE: 6/10/2020

PROPERTY OWNER PRINTED NAME Robert Libolt DATE: 6/10/2020

☐ PRE-APPLICATION MEETING DATE: _____ HEARING DATE: _____

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT A PRE-APPLICATION MEETING)

☐ FEE'S (PLANNED RESIDENTIAL DEVELOPMENT ($600.00 +$100.00 PER LOT) DATE PAID: _____ RECEIPT # _____

City of Lynden

Critical Areas Checklist

SECTION: 15 *TOWNSHIP:* 40N *RANGE:* 3E *PARCEL NUMBER:* _____

Site Address: _____

Proposed Uses: residential

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area:*

a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).
☐ Yes ☐ No ☐ Unknown

b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?
☒ Yes ☐ No ☐ Unknown

c. Is there vegetation that is associated with wetlands?
☒ Yes ☐ No ☐ Unknown

d. Have any wetlands been identified?
☒ Yes ☐ No ☐ Unknown

e. Are there areas where the ground is consistently inundated or saturated with water?
☒ Yes ☐ No ☐ Unknown

f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?
☐ Yes ☐ No ☒ Unknown

g. Are there slopes of 15% or greater?
☐ Yes ☒ No ☐ Unknown

h. Is the project located within a Flood Hazard Zone?
☒ Yes ☐ No ☐ Unknown

i. Do you know of any landslide hazard areas?
☐ Yes ☒ No ☐ Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.

_____ _____

Applicant's Signature *Date*

KAMM CREEK PLANNED RESIDENTIAL DEVELOPMENT

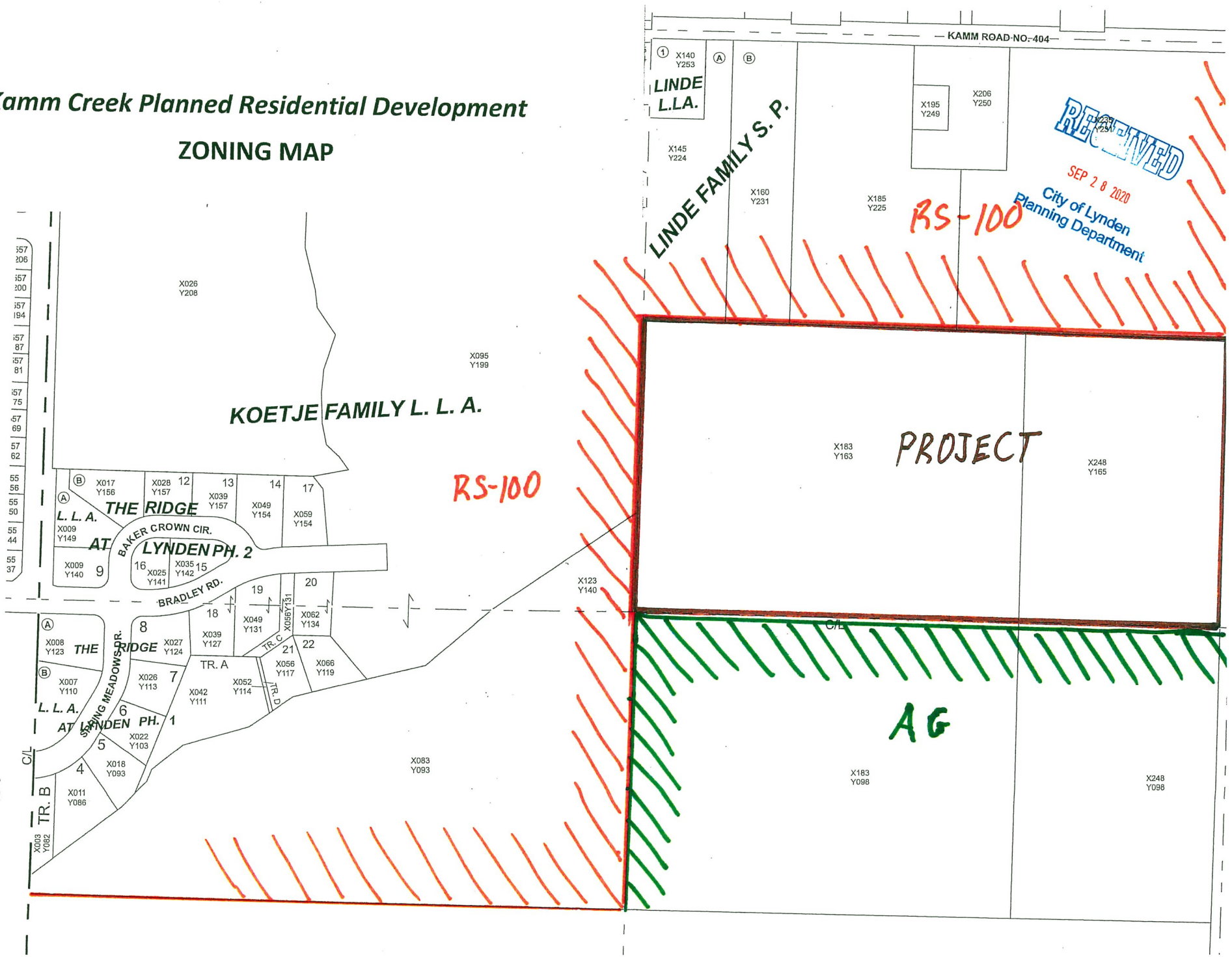
PROJECT NARRATIVE

Kamm Creek MPRD ("Project") is a Master Planned Residential Development of a 20-acre property in the southeast area of the City of Lynden. The Project is a 40-lot residential subdivision of a unique property that includes areas within the 100-year flood-plain and two regulated streams. These undevelopable areas create a highly desirable open space abutting nearly all the lots. The 5.2 acres within the flood plain leaves a 14.8 acres area for the development which under the RS100 zoning allows up to 59 lots. However substantial critical areas and related buffers create the need to cluster the lots within the remaining buildable areas of the Project leaving extensive undeveloped areas. This open space makes this great place to implement the MPRD method of development under the City of Lynden subdivision code. The Project will also implement as much as possible Low Impact Development design and methods. This will include pervious paving and required use of solar power.

The goal is to develop a highly desirable, pedestrian friendly, neighborhood that offers a variety of lot sizes allowing construction of homes of different sizes and prices. A paved trail connecting both clusters of homes will provide opportunity for the residents to exercise and socialize. The private streets are designed to enhance the rural character of the project and help minimize the unavoidable impacts to critical areas. Streetscape will be designed to calm vehicular traffic while inviting pedestrian activity. A pedestrian loop of over one-half mile including the trail and private streets will be an important part in encouraging neighbors to experience a sense of community and to enjoy the natural beauty of this special setting.

Kamm Creek Planned Residential Development

ZONING MAP



Kamm Creek PRD

Development Schedule

Preliminary Plat (PRD) Approval	10/08/2020
Infrastructure Construction	4/01/2020 – 6/30/2021
Final Plat Approval	7/31/2021
All Open Space Dedicated	7/31/2021
Home Construction	8/10/2021 – 12/31/2022

Kamm Creek Planned Residential Development

Land Use Calculations

Land Use Breakdown

	Square Feet	Acres	% of Total
Property Gross Area	841,750	19.32	100.00%
Reserve Tracts	0	0	0.00%
Critical Areas (including buffers)	315,454	7.24	37.48%
Flood Plain (not included in Critical Areas or buffers)	119,456	2.74	14.19%
Net Developable Area	**406,840**	**9.34**	48.33%
Right of Ways (ROWs)	86,750	1.99	10.31%
Other Infrastructure (trails)	14,208	0.33	1.69%

Density Calculation

	Square Feet	Acres
Property Gross Area	841,750	19.32
Flood Plain (located in Critical Areas or buffers)	84,070	1.93
Flood Plain (not located in Critical Areas or buffers)	119,456	2.74
Flood Plain Total	203,526	4.67
Net Density Area	638,224	14.65
RS-100 Density Factor per Acre		4
Allowable Total Residential Units		**58**

Open Space Calculation

	Square Feet	Acres	% of Total
Property Gross Area	841,750	19.32	100.00%
Critical Areas (including buffers)	315,454	7.24	37.48%
Open Space (in Flood Plain)	119,456	2.74	14.19%
Other Open Space	103,680	2.38	12.32%
Net Lot Area	**303,160**	**6.96**	**36.02%**

19.29.110 - Criteria for approval.

In addition to the findings of fact required for approval within Section 17.09.040, the following criteria shall be met for approval of a PRD or MPRD.

A. Design Criteria: The design of the PRD or MPRD shall achieve two or more of the following results:

1. High quality architectural design, placement, relationship or orientation of the structures;

The Project is located on a site that has two elevated knolls where homes can be constructed in clusters above the flood plain and allowing strategic buffer areas to the critical areas. The homesites are carefully oriented to benefit from the views of the valley and farmlands and to enjoy the spaciousness afforded by these open space areas. Nearly every lot abuts an open space area.

2. Achieving the allowable density for the subject property;

While the RS100 zoning would allow up to 4 units per acre it is more typical to get a yield of about 3 units per acre when using a standard subdivision with a minimum 10,000 square foot lots and full 60-foot rights of way. Based on the 14.77 acres net of the flood plain the maximum allowable would be 59 units but typical subdivision in RS100 would yield 45 lots. The proposed 40 lots is a density somewhat less that that allowing under the current zoning but a reasonable yield for a property with this amount of critical area impacts.

3. Providing housing types that effectively serve the affordable housing needs of the community;

The project includes 15 lots that are somewhat smaller and will provide opportunity for new homes at the lower end of the Lynden real estate market.

4. Improving circulation patterns;

The project is isolated from all directions by wetlands except to the east. And being at the edge of the City limits and rural flood-plain there is no opportunity for a regional improved vehicular circulation.

5. Minimizing the use of impervious surfacing materials;

The proposed smaller paved private lanes substantially reduce the impervious surface area.

6. Increasing open space or recreational facilities on-site;

The project protects and improves a substantial open space area in the avoidance of the flood-plain and establishment of critical area buffers that are currently being farmed. The proposed trail will offer a pleasant option for the residents to exercise and socialize.

7. Preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands, or critical areas;

The two streams are being preserved with substantial buffers and enhanced buffer planting. A large wooded wetland area in the northwest corner of the property will be also be preserved.

B. Perimeter Design. The perimeter of a PRD or MPRD shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.

The project has minimal development on the perimeter with most of it left as open space. The easterly portion of the north perimeter, being the only location entirely above the flood plain, will provide the primary access to the west portion of the project. The westerly portion of the north perimeter will be mostly set aside as buffer and critical area preservation. The easterly perimeter fronting Northwood Road will have both access points and two lots fronting the road with the rest left as open space area. The south perimeter except for three lots will be mostly open space with a community trail. The west perimeter of the project will be left undisturbed as a natural stream corridor

C. Streets and Sidewalks. Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 18.14 LMC.

The proposal provides a redundant access with two entry streets, one entirely above the 100-year flood plain and the other having a portion slightly within the flood plain. The streets will be private to minimize the width and unavoidable impacts to the critical areas. The rural character of the project is enhanced by minimizing the pavement, using soft edges and providing a trail for pedestrian use instead of sidewalks. A Traffic Study by Gibson Traffic Consultants demonstrates the proposed street improvements and existing area streets are adequate and will serve the project well.

19.29.060 - Minimum development standards for PRD or MPRD.

While development under a PRD or MPRD provides measures for flexibility and creativity in the development of new home sites, there are certain minimum standards that must be met to protect Lynden's character, aesthetic values and health and safety. Additional conditions or requirements more stringent than these minimum standards may be imposed as a condition of approval. The following are minimum standards applicable to all PRD and MPRD proposals; provided that, said minimum standards may be reduced for an MPRD subject to subsection J herein:

A. Density: The density shall be the same as the density for the underlying zone; except where the application qualifies for a density bonus under Section 19.29.070. The area included in a floodplain or floodway identified by FEMA shall not be included in the gross land area for the calculation of density. The base density for projects that include land in two or more zoning designations shall be calculated for the land area in each zone and added together for the total number of units.

The Project proposed 40 homes is a density below that allowed in the underlying zoning RS100. The 20-acre property has 14.77 acres above the floodplain which would allow up to 59 units.

B. Height: Maximum height of structures when the underlying zoning is a single family or mixed density zone is thirty-five feet. The maximum height of structures when the underlying zone is a multi-family zone is forty-five feet. Building height may be extended above these limits under a master planned residential development when approved in the master plan. Considerations for approval of extension of the height limit include the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.

No structures will be allowed over 32 feet in height.

C. Parking requirements: Two parking stalls are required for each residential unit. Each twelve feet x twenty-five feet space, whether inside or outside the garage shall count as a parking stall. These are the minimum requirements and additional parking may be required as a condition of approval.

Each home will have a 2 or 3 car garage and two parking spaces in the driveway in front of the garage.

D. Building setbacks: All PRD's and MPRD's are subject to the following minimum setbacks:

1. 15-feet between the front of the house and the front property line;

   No modification proposed.

2. 25-feet between garage doors and the front property line;

   The Project proposes a minimum garage door setback of 20 feet. This modification is consistent with Section J factors 3 & 4 by reducing the depth of the lots minimizing encroachment into buffers and flood plain. Also without a sidewalk behind the parked vehicle the risk of parking across the sidewalk is not applicable.

3. A setback of twenty-five feet around the perimeter of the development;

The Project is a unique site that has large perimeter setbacks in most areas mandated by critical areas and buffers as well as the 100-year floodplain. A reduced perimeter setback of 10 feet is requested for Lot 11 along Northwood Road and Lot 27 adjacent to the undevelopable floodplain areas to the south. This modification is consistent with Section J factors 2. and 3 by maintaining a reasonable density goal while protecting the critical areas by clustering the homes in the areas that will not impact the critical areas and limit the need for excessive buffer reduction.

4. There is no minimum building separation, except as provided by the International Building and Fire Codes, but such separation may be required as a condition of approval.

No modification proposed.

5. Other setbacks may be required as a condition of approval.

For purposes of this section, where the "front property line" borders on a public right-of-way, said "front property line" shall be the edge of the public right-of-way.

No modification proposed.

E. Street widths: Arterial or collector streets or streets shown within the transportation plan must be constructed to full city standards. Within a PRD or MPRD, a reduced street section for a residential access street that is not included in the transportation plan may be permitted as follows

1. Thirty feet from face of curb to face of curb, allowing two driving lanes and room for on-street parking.
2. A minimum five-foot sidewalk fronting all residences with a four-foot buffer or planting strip between the curb and sidewalk.
3. Rolled curbs are not allowed.

All proposed streets within the Project are private with a 30-foot wide easement and 24 feet of paved surface. See the attached Private Street Cross Section drawing. This modification is consistent with Section J factors 1. 2. and 3. The main access from Northwood Road along the northeastern part of the property is the only location allowing access above the flood-plain but it requires filling of some wetland area. This reduced width is necessary to minimize this impact. The unique rural character of the site makes the less formal lanes more appropriate.

F. Pedestrian Connectivity: In addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including trails within or adjacent to open space areas.

The project includes a trail as shown on the plat map connecting east and west ends of the Project. The applicant encourages the City to expand the East Lynden trail plan to require future development to include connection to this trail system to the west to the east end of Bradley Road. This would provide a strategic pedestrian link from the project for school children. Sidewalks are not included in the Project to minimize the street corridor. This is consistent with Section J factors 1. 2. and 3. allowing less impact on wetlands and buffers and to be consistent with the rural character of the site. The buildable portions of the site have a critical width and a wider street corridor pushes the homes more in the flood plain or the critical area buffers.

G. Maximum lot coverage: There is no maximum lot coverage established by this overlay zone; provided that, a maximum lot coverage limitation may be imposed as a condition of approval based on consideration of the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.

Lot coverages are expected to be less than 40%

H. Unit Distribution: When a PRD or MPRD is used in a single family zone for development of single family residences, at least twenty-five percent of the dwelling units must be detached single family units.

All lots in the Project are single family detached.

I. Minimum lot size: For detached single family residences within a PRD or MPRD, the minimum lot size shall be no less than five thousand square feet; provided that, smaller lots or detached condominiums may be approved under a MPRD subject to consideration of the factors identified in subsection J herein.

All lots in the Project are 5200 square feet or larger. The average size is 7,573 square feet.

J. Where the applicant seeks to depart from the above minimum standards in the MPRD process, the planning commission and council shall consider the following factors and the council may in its sole discretion approve departure from one or more of said minimum standards upon finding that the MPRD proposal clearly satisfies one or more of these factors:

1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services;
2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed;
3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses;
4. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection A herein;
5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development.

KAMM CREEK PRD

PORTION OF THE NE 1/4, SW 1/4,SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

LAND DESCRIPTION:
THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO: THIS CONVEYANCE IS SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, AFFECTING TITLE, WHICH MAY APPEAR IN THE PUBLIC RECORD, INCLUDING THOSE SHOWN ON ANY RECORDED PLAT OR SURVEY.

DECLARATION:
KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED DO HEREBY DECLARE THIS PRD IS MADE WITH MY FREE CONSENT AND IN ACCORDANCE WITH MY WISHES AND DO HEREBY GRANT, RESERVE AND AMEND ANY EASEMENTS SHOWN HEREON FOR THE USES INDICATED HEREON.

_____
ROBERT D. LIBOLT, AUTHORIZED MEMBER
KAMM CREEK INVESTMENTS, LLC.

ACKNOWLEDGMENT:
STATE OF WASHINGTON)
)
COUNTY OF WHATCOM)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT ROBERT D. LIBOLT IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE IS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS AUTHORIZED MEMBER OF NORTH PRAIRIE LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTIES FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

THIS _____ DAY OF _____ , 2019.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON.

RESIDING AT _____ WASHINGTON. MY COMMISSION EXPIRES _____

SURVEYOR'S NOTES:

1. * * DENOTES 5/8 INCH REBAR WITH PLASTIC CAP MARKED "CPS PLS 53687" SET BY THIS SURVEY IN XXXX OF 2020.

2. * * DENOTES 5/8 INCH REBAR WITH PLASTIC CAP MARKED "XXXXXXX" OR OTHERWISE NOTED FOUND BY THIS SURVEY IN XXXX OF 2020.

3. * * DENOTES BRASS DISC IN CONCRETE FOUND BY THIS SURVEY IN XXXX OF 2019 AND HELD FOR STREET INTERSECTION MONUMENTS.

4. * * DENOTES HUB AND LATH SET ON PROPERTY LINE BY THIS SURVEY IN XXXXX OF 2020.

5. * * DENOTES CALCULATED POINT ONLY.

6. THIS SURVEY WAS PERFORMED BY STANDARD FIELD TRAVERSE USING A GEOMAX ZOOM 90 TOTAL STATION WITH A CARLSON SURVEYOR 2 DATA COLLECTOR/FIELD COMPUTER IN XXXXX OF 2020.

7. THIS SURVEY WAS PERFORMED USING A LEICA RX1250T GPS SYSTEM IN XXXX OF 2020.

8. THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE TAX PARCEL No. 4003151831630000 AND 4003152481650000. COMPASS POINT SURVEY, LLC ASSUMES NO LIABILITY IF THIS SURVEY IS USED FOR ANY PURPOSE OTHER THAN STATED ABOVE.

9. THIS SURVEY TIED INTO SECTION MONUMENTATION AS SHOWN. THE BASIS OF BEARINGS FOR THIS SURVEY IS XXXXXXXXXX FILED UNDER A.F. NO. XXXXXXXXXX. THIS SURVEY RELIED UPON SAID SURVEY FOR SECTION SUBDIVISION.

10. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS THAT A CURRENT TITLE REPORT MIGHT REVEAL.

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON AN ACTUAL SURVEY MADE IN COMPLIANCE WITH STATE LAWS.

_____ DATE _____
DAVID G. LEIGHTON, CERTIFICATE NO. 53687
COMPASS POINT SURVEY, LLC. 523 FRONT STREET, LYNDEN, WA 98264

DAVID G. LEIGHTON — STATE OF WASHINGTON — 53687 — REGISTERED — PROFESSIONAL LAND SURVEYOR

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 REQUEST OF COMPASS POINT SURVEY, LLC.

THIS _____ DAY OF _____, 2020 AT _____ M, AND THAT IT IS RECORDED

UNDER WHATCOM COUNTY AUDITOR'S FILE No._____ RECORDS OF WHATCOM COUNTY, WASHINGTON.

_____
COUNTY AUDITOR BY DEPUTY

PUBLIC WORKS DEPARTMENT APPROVAL:
EXAMINED AND APPROVED BY THE LYNDEN PUBLIC WORKS DEPARTMENT AS TO THE LAYOUT OF ROADS AND RIGHTS-OF-WAY AND ACCEPTANCE OF THE DEDICATION AND/OR EASEMENTS ON BEHALF OF THE CITY OF LYNDEN IN ACCORDANCE WITH THE CITY OF LYNDEN DEVELOPMENT STANDARDS.

THIS _____ DAY OF _____, 2020.

_____
STEVE BANHAM, P.E., CITY OF LYNDEN PUBLIC WORKS DIRECTOR

CITY PLANNING APPROVAL:
I HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT FOR CONFORMANCE WITH APPLICABLE STATE STATUES AND CITY SUBDIVISION AND ZONING ORDINANCES AND HEREBY APPROVE THE SAME.

THIS _____ DAY OF _____, 2020.

_____
HEIDI GUDDE, AICP, CITY OF LYNDEN PLANNING DIRECTOR

CITY PLANNING COMMISSION APPROVAL:
EXAMINED AND APPROVED BY THE CITY OF LYNDEN PLANNING COMMISSION.

THIS _____ DAY OF _____, 2020.

_____
CHAIRMAN, CITY OF LYNDEN PLANNING COMMISSION

CITY COUNCIL APPROVAL:
APPROVED BY THE ORDER OF THE CITY OF LYNDEN, WASHINGTON, BY AN ORDER MADE AND ENTERED ON

THIS _____ DAY OF _____, 2020.

_____ _____
SCOTT KORTHUIS, MAYOR, CITY OF LYNDEN ATTEST: CITY CLERK

FINANCE DIRECTOR APPROVAL:
I, ANTHONY BURROWS, FINANCE DIRECTOR OF THE CITY OF LYNDEN, WASHINGTON, DO HEREBY CERTIFY THAT I AM THE OFFICER IN CHARGE OF COLLECTIONS OF SPECIAL ASSESSMENTS LEVIED BY THE CITY OF LYNDEN ON ALL LAND EMBRACED IN THIS PLAT AND THAT ALL CITY ASSESSMENTS FOR WHICH THE PROPERTY EMBRACED IN THIS PLAT MAY BE LIABLE AT THIS DATE AND THAT ALL SPECIAL CITY OF LYNDEN ASSESSMENTS ASSESSED AGAINST THE PROPERTY IN THIS PLAT WHICH UNDER SAID PLAT BECOMES STREETS, ALLEYS AND OTHER PUBLIC PLACES, HAVE BEEN PAID.

_____ _____
ANTHONY BURROWS, CITY OF LYNDEN FINANCE DIRECTOR DATE

WHATCOM COUNTY TREASURER'S CERTIFICATE:

I, _____, WHATCOM COUNTY TREASURER, WHATCOM COUNTY, WASHINGTON, DO HEREBY CERTIFY THAT ALL TAXES REQUIRED BY LAW TO BE PAID UPON THAT PORTION OF REAL ESTATE EMBRACED WITHIN THIS PLAT ENTITLED "KAMM CREEK PRD" AND ALL DELINQUENT ASSESSMENTS HAVE BEEN FULLY PAID, SATISFIED OR DISCHARGED AS SHOWN IN THE RECORDS OF MY OFFICE.

DATED THIS ____ DAY OF _____, 2020.

_____
TREASURER, WHATCOM COUNTY, WASHINGTON

MAINTENANCE OF PRIVATE STORMWATER FACILITIES:
THE PROPERTY OWNER(S) OR COMMUNITY ASSOCIATION HAS THE RESPONSIBILITY TO PROPERLY MAINTAIN ALL STORMWATER FACILITIES NOT WITHIN CITY RIGHTS-OF-WAY. THE CITY MAY ACCESS AND INSPECT ALL STORMWATER FACILITIES AND COMMUNITY ASSOCIATION INSPECTION RECORDS. IF THE PROPERTY OWNER(S) OR COMMUNITY ASSOCIATION HAS FAILED TO MAINTAIN THE STORMWATER FACILITIES, THE CITY CAN ISSUE WRITTEN NOTICE SPECIFYING THE REQUIRED ACTIONS. IF THE ACTIONS ARE NOT CORRECTED IN A TIMELY MANNER OR IN THE EVENT OF A PUBLIC HAZARD, THE CITY MAY ENTER THE PROPERTY TO PERFORM THE ACTIONS NEEDED AND BILL THE PROPERTY OWNER(S) OR COMMUNITY ASSOCIATION. ANY ACTION TAKEN BY THE CITY OF LYNDEN SHALL NOT RELIEVE THE PROPERTY OWNER(S) OR COMMUNITY ASSOCIATION FROM ITS RESPONSIBILITY TO MAINTAIN THE STORMWATER FACILITIES.

RIGHT TO FARM DISCLOSURE STATEMENT:
THE SUBJECT PROPERTY IS WITHIN OR NEAR DESIGNATED AGRICULTURE LANDS ON WHICH A VARIETY OF COMMERCIAL ACTIVITIES MAY OCCUR THAT ARE NOT COMPATIBLE WITH RESIDENTIAL DEVELOPMENT FOR CERTAIN PERIODS OF LIMITED DURATION. YOU MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM SUCH OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, INSECTS, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND DURING ANY 24-HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND APPLICATION OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE CITY OF LYNDEN AND WHATCOM COUNTY HAS DETERMINED THAT THE USE OF REAL PROPERTY FOR AGRICULTURAL OPERATIONS IS A HIGH PRIORITY AND FAVORED USE AND WILL NOT CONSIDER TO BE A NUISANCE THOSE INCONVENIENCES OR DISCOMFORTS ARISING FROM FARM OPERATIONS, IF SUCH OPERATIONS ARE CONSISTENT WITH COMMONLY ACCEPTED GOOD MANAGEMENT PRACTICES AND OTHERWISE COMPLY WITH LOCAL, STATE, AND FEDERAL LAWS.

RIGHT TO FARM COVENANT:
THIS PROPERTY IS LOCATED WITHIN ONE-HALF MILE OF AN OPERATING FARM, AGRICULTURE OR RURAL DISTRICT. THE DEVELOPER AND ANY SUBSEQUENT PURCHASER OR SUCCESSORS IN INTEREST OF ALL OF THE LOTS WITHIN THIS SHORT PLAT WILL REFRAIN FROM ANY LEGAL ACTION TO RESTRAIN OR COLLECT DAMAGES FROM OWNERS OR OPERATORS OF SUCH SAID AGRICULTURAL LANDS; FROM THE CITY OF LYNDEN; OR FROM WHATCOM COUNTY, ARISING OUT OF ANY REASONABLE AND LAWFUL FARM OPERATIONS ON SAID AGRICULTURAL LANDS WHICH OCCURS IN THE NORMAL COURSE OF THEIR ESTABLISHED USE. UPON SALE OF EACH LOT, THE SELLER SHALL REQUIRE THAT THE "DISCLOSURE STATEMENT" AS SET FORTH IN CHAPTER 17.23.040 SECTION B, LYNDEN MUNICIPAL CODE BE SIGNED BY THE PURCHASER AND RECORDED IN THE COUNTY AUDITOR'S OFFICE IN CONJUNCTION WITH THE DEED CONVEYING SAID LOT. THIS COVENANT SHALL RUN WITH THE LAND.

PLAT NOTES AND CONDITIONS:
1. FOR ADDITIONAL PLAT RESTRICTIONS SEE THAT CERTAIN DECLARATION OF COVENANTS, RESTRICTIONS AND ARCHITECTURAL STANDARDS RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. _____.

2. ALL LOTS SHALL HAVE ONSITE DOWNSPOUT INFILTRATION PER APPROVED PLAT DRAINAGE PLAN.

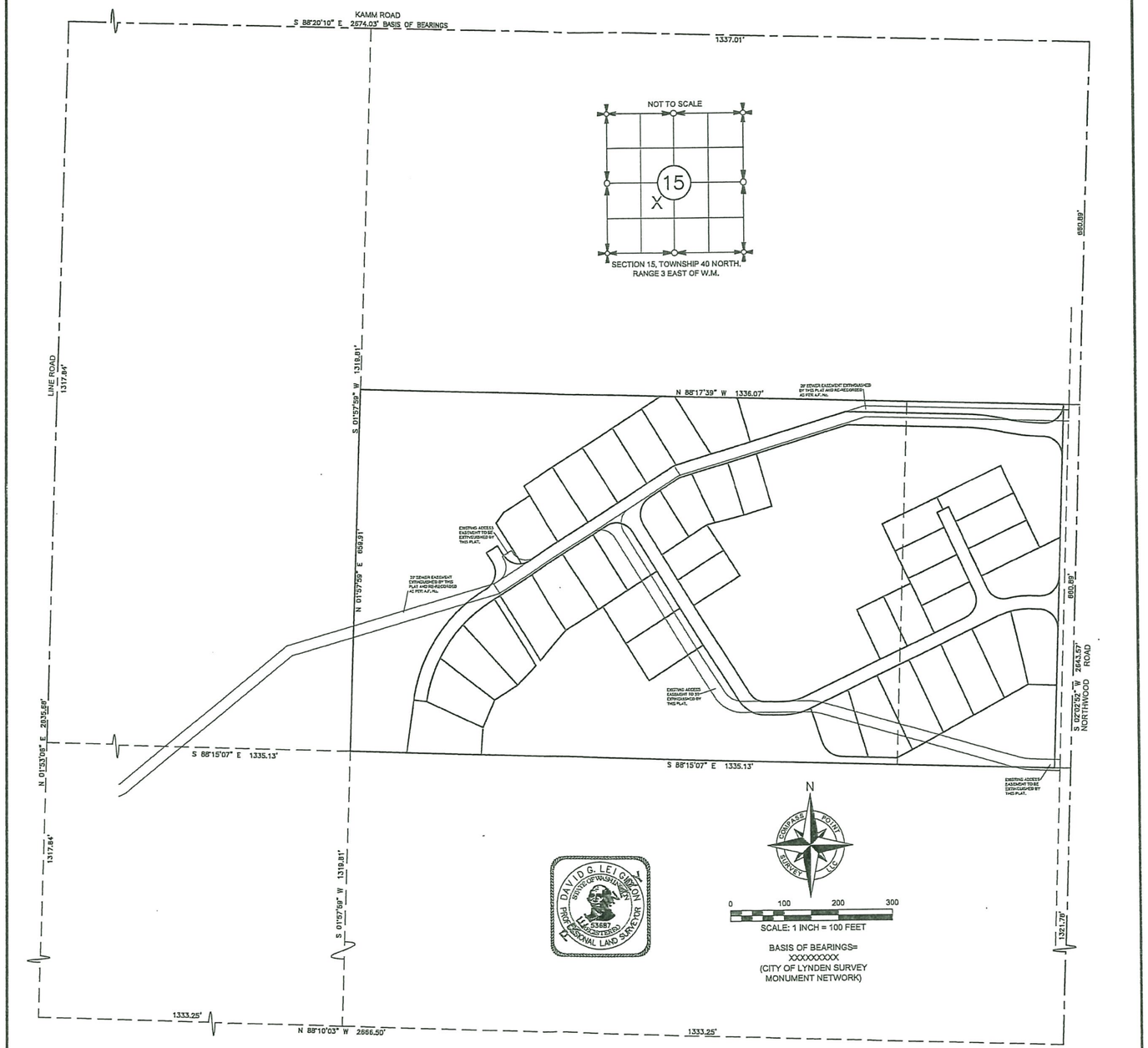
PRIVATE STREET NOTE:

SEE A.F.No._____ (P.R.D. DEVELOPMENT AGREEMENT) AND A.F.No._____(DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS) FOR MAINTENANCE AGREEMENTS FOR PRIVATE STREETS AND UTILITIES IN TRACT A.

SHEET: 1 OF 4	DATE: 04/22/20 08/10/20	S:\154003-DS CRD: 154003-DSSOUTH.CRD	COMPASS POINT SURVEY, LLC 523 FRONT STREET, LYNDEN, WA 98264 PH. 360-354-8330 FAX. 360-354-8331
DRAWN BY: RL	REVIEWED BY: DL	DRAWING: KAMM CREEK PRD.DWG	

KAMM CREEK PRD

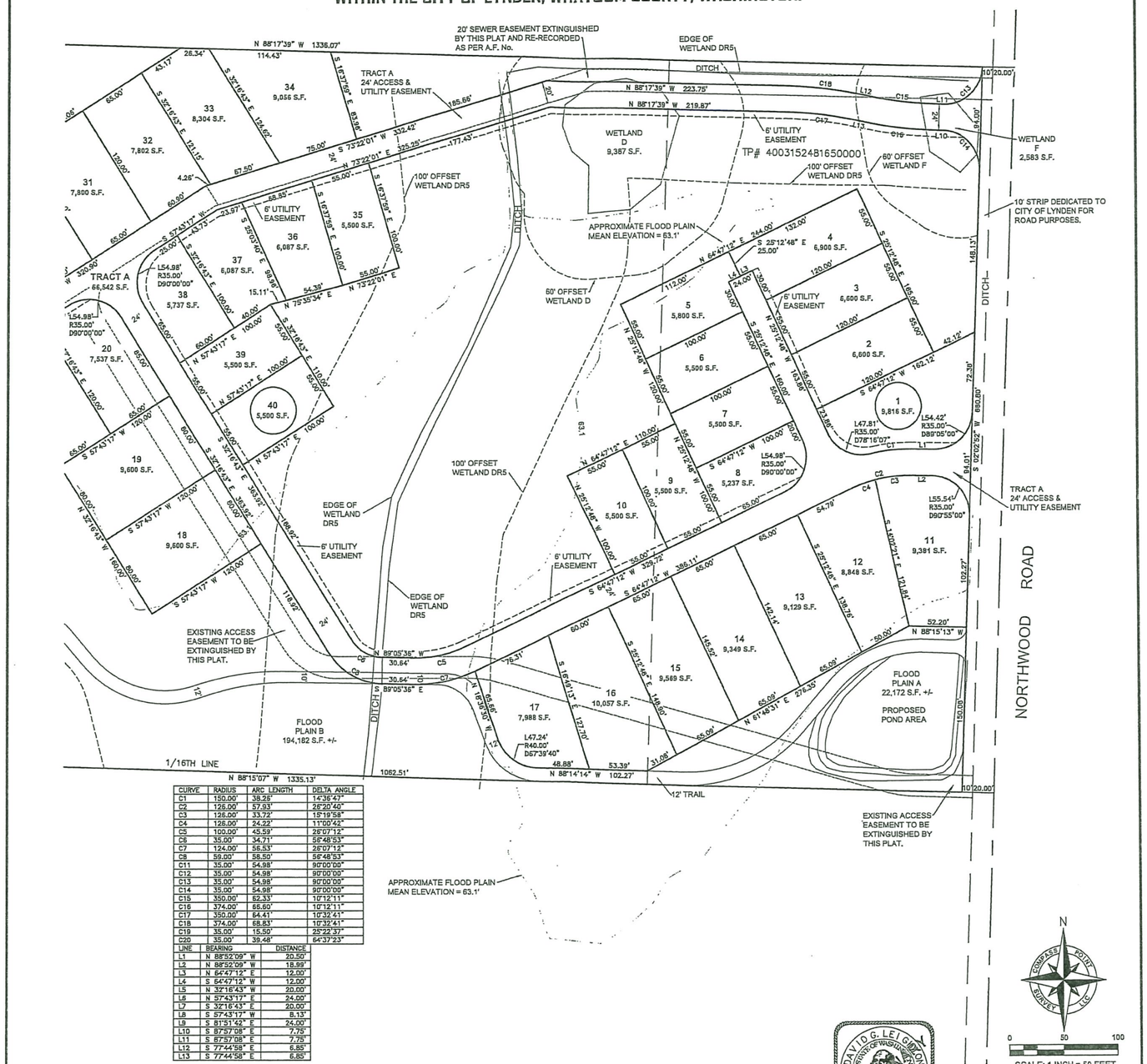
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON.



SHEET: 2 OF 4	DATE: 04/22/20 06/10/20	F:\154003-06 PRD\ 154003-DESOUTH.CRD	COMPASS POINT SURVEY, LLC 523 FRONT STREET, LYNDEN, WA 98264 PH. 360-354-8320 FAX. 360-354-8321
DRAWN BY: RL	REVIEWED BY: DL	DRAWING: KAMM CREEK PRD.DWG	

KAMM CREEK PRD

WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON.



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	150.00'	38.26'	14°36'47"
C2	126.00'	57.33'	26°20'40"
C3	126.00'	33.72'	15°19'58"
C4	126.00'	24.22'	11°00'42"
C5	100.00'	45.59'	26°07'12"
C6	35.00'	34.71'	56°48'53"
C7	124.00'	56.53'	26°07'12"
C8	59.00'	58.50'	56°48'53"
C11	35.00'	54.98'	90°00'00"
C12	35.00'	54.98'	90°00'00"
C13	35.00'	54.98'	90°00'00"
C14	35.00'	54.98'	90°00'00"
C15	350.00'	62.33'	10°12'11"
C16	374.00'	66.60'	10°12'11"
C17	350.00'	64.41'	10°32'41"
C18	374.00'	68.83'	10°32'41"
C19	35.00'	15.50'	25°22'37"
C20	35.00'	39.48'	64°37'23"

LINE	BEARING	DISTANCE
L1	N 88°52'09" W	20.50'
L2	N 88°52'09" W	18.99'
L3	N 64°47'12" E	12.00'
L4	S 64°47'12" W	12.00'
L5	N 32°16'43" W	20.00'
L6	N 57°43'17" E	24.00'
L7	S 32°16'43" E	20.00'
L8	S 57°43'17" W	8.13'
L9	S 81°51'42" E	24.00'
L10	S 87°57'08" E	7.75'
L11	S 87°57'08" E	7.75'
L12	S 77°44'58" E	6.85'
L13	S 77°44'58" E	6.85'

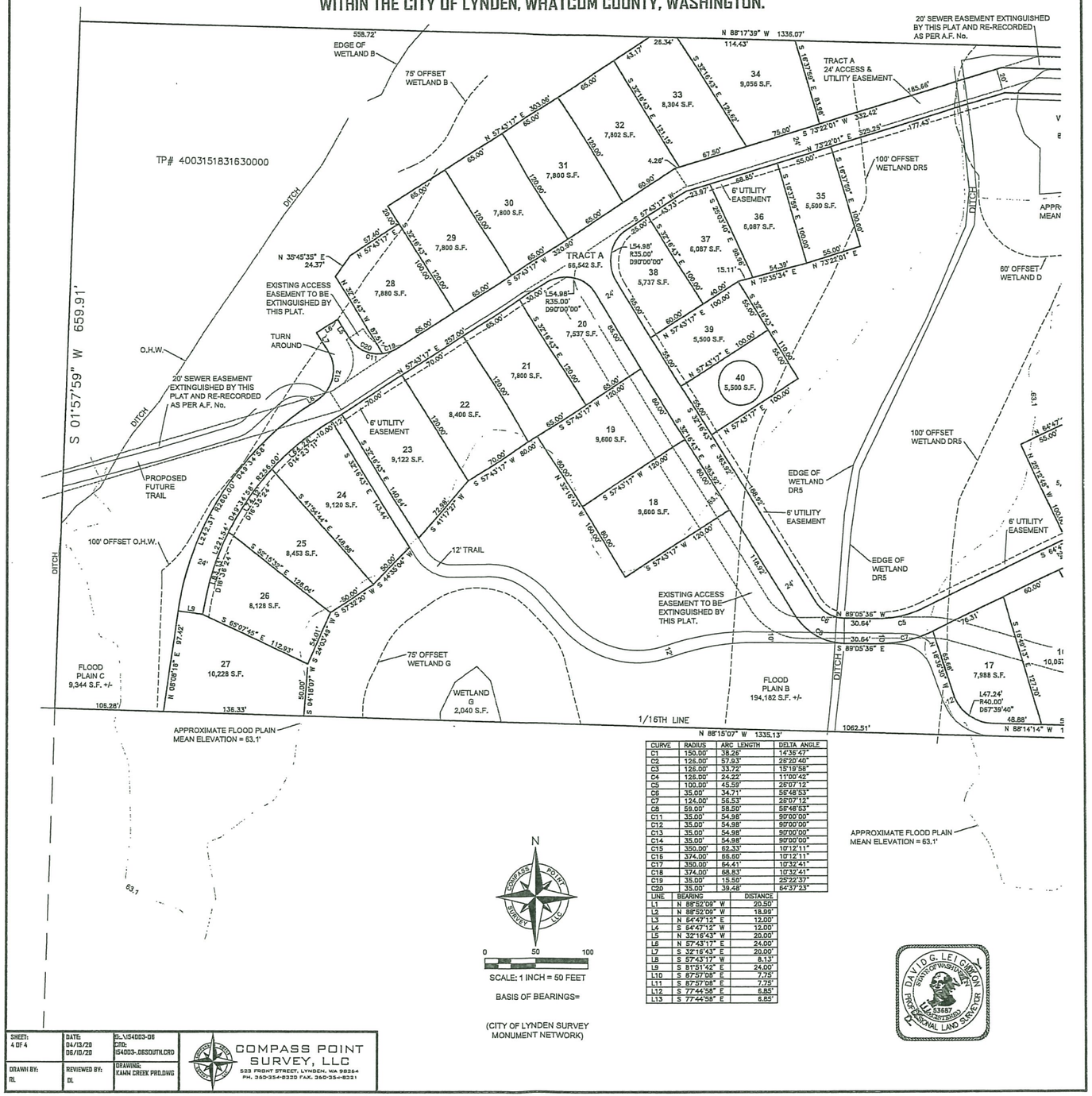
DAVID G. LEIGHTON
STATE OF WASHINGTON
23687
REGISTERED PROFESSIONAL LAND SURVEYOR

SHEET: 2 OF 4	DATE: 04/13/20 05/15/20	C:\...\154003-DS CAD: 154003-DSSOUTH.CAD
DRAWN BY: RL	REVIEWED BY: DL	DRAWING: KAMM CREEK PRD.DWG

COMPASS POINT SURVEY, LLC
523 FRONT STREET, LYNDEN, WA 98264
PH. 360-354-6330 FAX. 360-354-6321

KAMM CREEK PRD

WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON.



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
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C4	126.00'	24.22'	11°00'42"
C5	100.00'	45.59'	26°07'12"
C6	35.00'	34.71'	56°48'53"
C7	124.00'	56.53'	26°07'12"
C8	59.00'	58.50'	56°48'53"
C11	35.00'	54.98'	90°00'00"
C12	35.00'	54.98'	90°00'00"
C13	35.00'	54.98'	90°00'00"
C14	35.00'	54.98'	90°00'00"
C15	350.00'	62.33'	10°12'11"
C16	374.00'	66.60'	10°12'11"
C17	350.00'	64.41'	10°32'41"
C18	374.00'	68.83'	10°32'41"
C19	35.00'	15.50'	25°22'37"
C20	35.00'	39.48'	64°37'23"

LINE	BEARING	DISTANCE
L1	N 88°52'09" W	20.50'
L2	N 88°52'09" W	18.99'
L3	N 64°47'12" E	12.00'
L4	S 64°47'12" W	12.00'
L5	N 32°16'43" W	20.00'
L6	N 57°43'17" E	24.00'
L7	S 32°16'43" E	20.00'
L8	S 57°43'17" W	8.13'
L9	S 81°51'42" E	24.00'
L10	S 87°57'08" E	7.75'
L11	S 87°57'08" E	7.75'
L12	S 77°44'58" E	6.85'
L13	S 77°44'58" E	6.85'

SCALE: 1 INCH = 50 FEET

BASIS OF BEARINGS=

(CITY OF LYNDEN SURVEY MONUMENT NETWORK)

SHEET: 4 OF 4	DATE: 04/03/20 06/10/20	S:\...\S4003-06 CRD: S4003-.06SOUTH.CRD
DRAWN BY: DL	REVIEWED BY: DL	DRAWING: KAMM CREEK PRD.DWG

COMPASS POINT SURVEY, LLC
523 FRONT STREET, LYNDEN, WA 98264
PH. 360-354-8320 FAX. 360-354-8321

KAMM CREEK PRD - EXISTING CONDITIONS

WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON.

LAND DESCRIPTIONS:

T.P.N. 4003152481650000
E 5 ACRES OF S 1/2 NE SW-LESS RD

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

T.P.N. 4003151831630000
S 1/2 NE SW-EXC E 5 ACRES THEREOF

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

SURVEYOR'S NOTES:

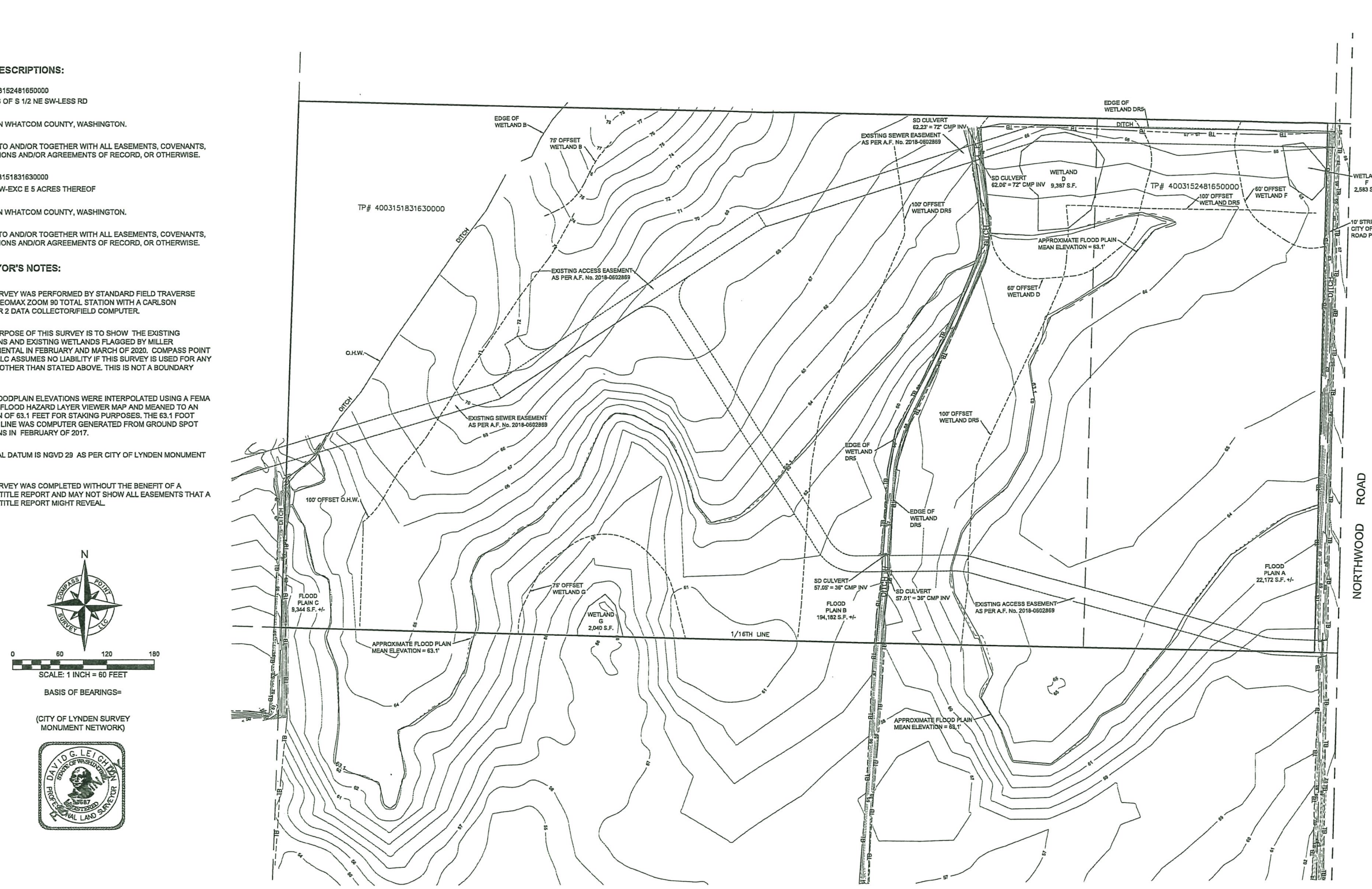
1. THIS SURVEY WAS PERFORMED BY STANDARD FIELD TRAVERSE USING A GEOMAX ZOOM 90 TOTAL STATION WITH A CARLSON SURVEYOR 2 DATA COLLECTOR/FIELD COMPUTER.

2. THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING CONDITIONS AND EXISTING WETLANDS FLAGGED BY MILLER ENVIRONMENTAL IN FEBRUARY AND MARCH OF 2020. COMPASS POINT SURVEY, LLC ASSUMES NO LIABILITY IF THIS SURVEY IS USED FOR ANY PURPOSE OTHER THAN STATED ABOVE. THIS IS NOT A BOUNDARY SURVEY.

3. THE FLOODPLAIN ELEVATIONS WERE INTERPOLATED USING A FEMA NATIONAL FLOOD HAZARD LAYER VIEWER MAP AND MEANED TO AN ELEVATION OF 63.1 FEET FOR STAKING PURPOSES. THE 63.1 FOOT CONTOUR LINE WAS COMPUTER GENERATED FROM GROUND SPOT ELEVATIONS IN FEBRUARY OF 2017.

4. VERTICAL DATUM IS NGVD 29 AS PER CITY OF LYNDEN MONUMENT NETWORK

5. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ALL EASEMENTS THAT A CURRENT TITLE REPORT MIGHT REVEAL.



BASIS OF BEARINGS=

(CITY OF LYNDEN SURVEY MONUMENT NETWORK)

DAVID G. LEIGHTON
STATE OF WASHINGTON
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NUMBER
20587

Date: 06/08/20
Dir: E:\154003-06
Crd: 154003-06 SOUTH
Drawing: KAMM CREEK PRD

COMPASS POINT SURVEY, LLC
523 FRONT STREET, LYNDEN, WA 98264
PH. 360-354-8320 FAX. 360-354-8321

Drawn by: RL
Reviewed by: DL
Sheet: 1 of 1

KAMM CREEK PRD - PROJECT LAYOUT & IMPACTS

WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON.

LAND DESCRIPTIONS:

T.P.N. 4003152481650000
E 5 ACRES OF S 1/2 NE SW-LESS RD

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

T.P.N. 4003151831630000
S 1/2 NE SW-EXC E 5 ACRES THEREOF

SITUATE IN WHATCOM COUNTY, WASHINGTON.

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4. VERTICAL DATUM IS NGVD 29 AS PER CITY OF LYNDEN MONUMENT NETWORK

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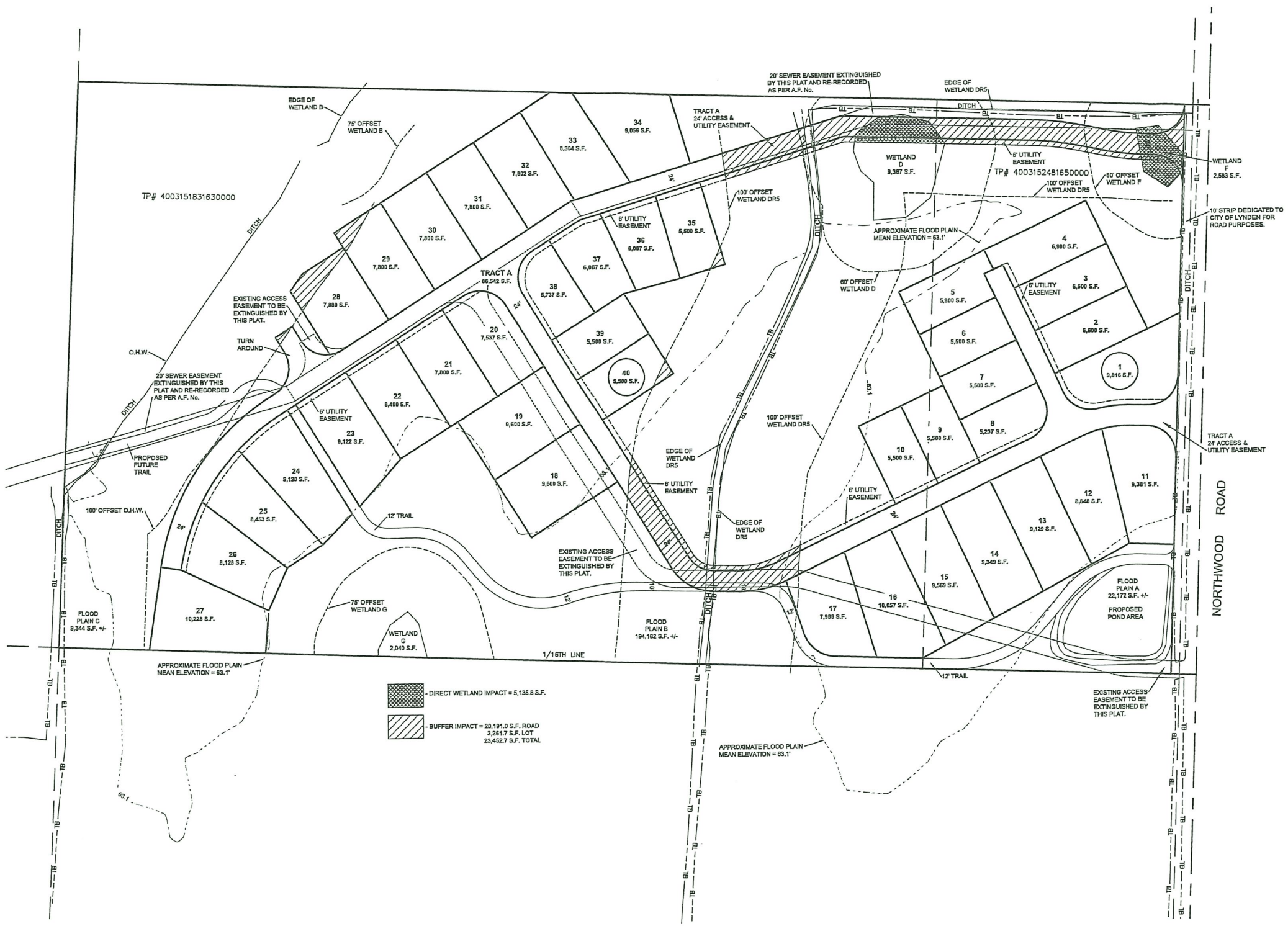
SCALE: 1 INCH = 60 FEET

BASIS OF BEARINGS=

(CITY OF LYNDEN SURVEY MONUMENT NETWORK)



COMPASS POINT SURVEY, LLC
523 FRONT STREET, LYNDEN, WA 98264
PH. 360-354-8320 FAX. 360-354-8321

Date: 05/08/20
Dir: G:\154003-05
Crd: 154003-05 SOUTH
Drawing: KAMM CREEK PRD

Drawn by: RL
Reviewed by: DL
Sheet: 1 of 1

KAMM CREEK PRD - MITIGATION

WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON.

LAND DESCRIPTIONS:

T.P.N. 4003152481650000
E 5 ACRES OF S 1/2 NE SW-LESS RD

SITUATE IN WHATCOM COUNTY, WASHINGTON.

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S 1/2 NE SW-EXC E 5 ACRES THEREOF

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N

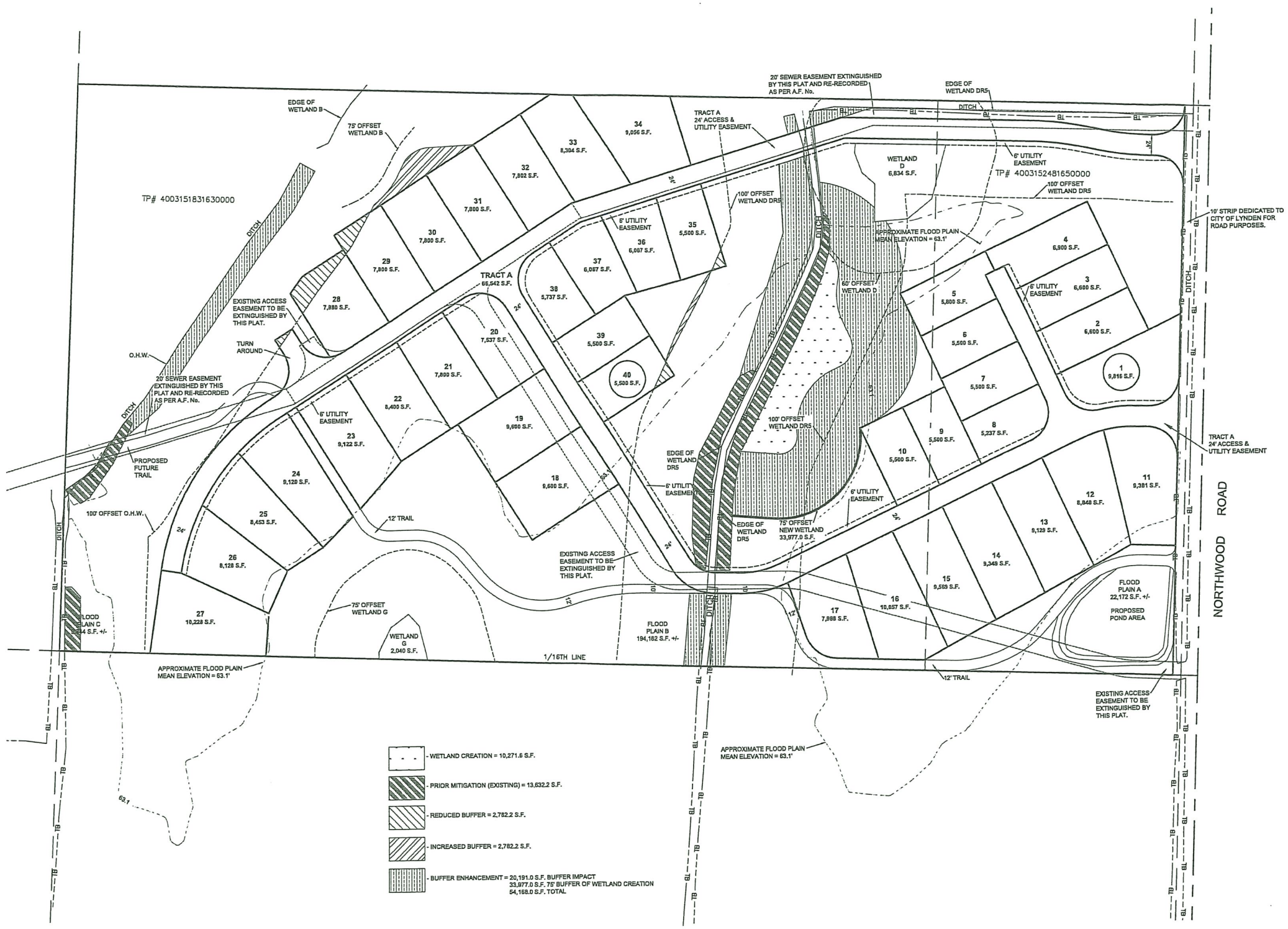
0 60 120 180

SCALE: 1 INCH = 60 FEET

BASIS OF BEARINGS=

(CITY OF LYNDEN SURVEY MONUMENT NETWORK)

DAVID G. LEIGHTON — STATE OF WASHINGTON — 22567 — REGISTERED PROFESSIONAL LAND SURVEYOR



Date: 06/08/20
Dir: E:\154003-06
Crd: 154003-06 SOUTH
Drawing: KAMM CREEK PRD

COMPASS POINT SURVEY, LLC
523 FRONT STREET, LYNDEN, WA 98264
PH. 360-354-8320 FAX. 360-354-8321

Drawn by: RL
Reviewed by: DL
Sheet: 1 of 1

KAMM CREEK PRD - MITIGATION

WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON.

LAND DESCRIPTIONS:

T.P.N. 4003152481650000
E 5 ACRES OF S 1/2 NE SW-LESS RD

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

T.P.N. 4003151831630000
S 1/2 NE SW-EXC E 5 ACRES THEREOF

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N

0 60 120 180

SCALE: 1 INCH = 60 FEET

BASIS OF BEARINGS=

(CITY OF LYNDEN SURVEY MONUMENT NETWORK)

DAVID G. LEITCHEN — STATE OF WASHINGTON — 22667 — REGISTERED PROFESSIONAL LAND SURVEYOR — PRELIMINARY

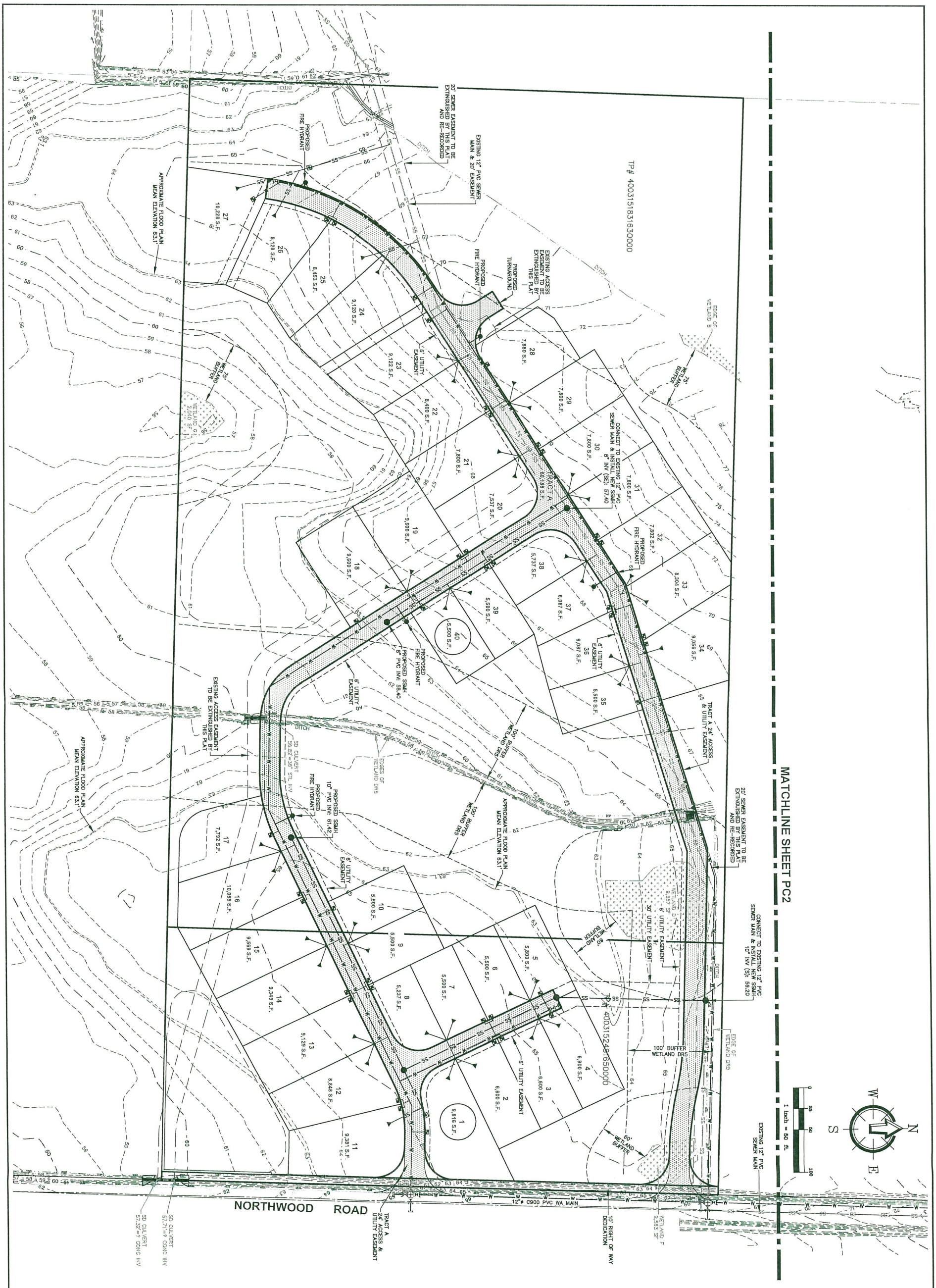
Date: 05/12/20
Dir: G:\154003-08
Crd: 154003-08 SOUTH
Drawing: KAMM CREEK PRD

COMPASS POINT SURVEY, LLC
523 FRONT STREET, LYNDEN, WA 98264
PH. 360-354-8320 FAX. 360-354-8321

Drawn by: RL
Reviewed by: DL
Sheet: 1 of 1

KAMM CREEK PRD PLANTING PLAN

MATCHLINE SHEET PC2



JOB #: 20024	DATE: 05-25-2020		
SCALE: HORIZ: 1"=50' VERT: N/A	SHEET: PC1B		

PRELIMINARY — MICHAEL DIRK NELSON — STATE OF WASHINGTON — 24343 — REGISTERED PROFESSIONAL ENGINEER — 5/25/2020

SHEET CONTENTS:

PRELIMINARY SEWER & WATER SITE PLAN

PROJECT LOCATION:

KAMM CREEK PRD
NORTHWOOD ROAD
LYNDEN, WA 98264

DRAWING #:	DRAWN BY:
20024SP2.DWG	MDB
DESIGNED BY: MDB	CHECKED BY: HAF

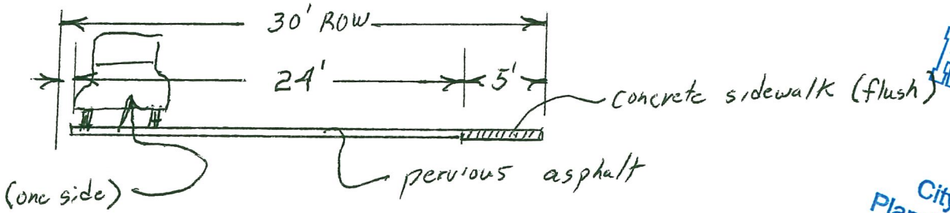
CLIENT:

BOB LIBOLT
125 ROSEMARY WAY
LYNDEN, WA 98264

CALL BEFORE YOU DIG FOR BURIED UTILITY LOCATIONS 1-800-424-5555

REV:	DATE:	DESCRIPTION:	BY:

FRELAND & ASSOCIATES



RECEIVED
SEP 28 2020
City of Lynden
Planning Department

Driveways: w/sidewalks 24'
w/o sidewalks 20'

Sidewalks (5') concrete flush with asphalt
Path (6') asphalt
Trail (12') asphalt

TP# 4003151831630000

TP# 4003152481650000

S 01°57'59" W 659.91'

N 88°17'39" W 1336.07'

N 88°15'07" W 1335.13'

EDGE OF WETLAND B

75' OFFSET WETLAND B

20' SEWER EASEMENT EXTINGUISHED BY THIS PLAT AND RE-RECORDED AS PER A.F. No.

TRACT A EXISTING SEWER EASEMENT AS PER A.F. No. 2018-0602869

SD CULVERT 62.23' = 72" CMP INV

SD CULVERT 62.08' = 72" CMP INV

EDGE OF WETLAND DR5

WETLAND D 6,883 S.F.

6' UTILITY EASEMENT

100' OFFSET WETLAND DR5

60' OFFSET WETLAND F

WETLAND F 2,583 S

10' STRIP CITY OF ROAD PL

EXISTING ACCESS EASEMENT AS PER A.F. No. 2018-0602869

EXISTING ACCESS EASEMENT TO BE EXTINGUISHED BY THIS PLAT.

TURN AROUND

O.H.W.

20' SEWER EASEMENT EXTINGUISHED BY THIS PLAT AND RE-RECORDED AS PER A.F. No.

EXISTING SEWER EASEMENT AS PER A.F. No. 2018-0602869

PROPOSED FUTURE TRAIL

100' OFFSET O.H.W.

12' TRAIL

asphalt path

TRACT A 66,542 S.F.

APPROXIMATE FLOOD PLAIN MEAN ELEVATION = 63.1'

APPROXIMATE FLOOD PLAIN MEAN ELEVATION = 63.1'

60' OFFSET WETLAND D

NEW WETLAND CREATION 10,271.6 S.F.

100' OFFSET WETLAND DR5

75' OFFSET NEW WETLAND 30,570.4 S.F.

EDGE OF WETLAND DR5

6' UTILITY EASEMENT

SD CULVERT 57.05' = 36" CMP INV

SD CULVERT 57.01' = 36" CMP INV

FLOOD PLAIN B 194,182 S.F. +/-

FLOOD PLAIN C 9,344 S.F. +/-

FLOOD PLAIN A 22,172 S.F. +/-

PROPOSED POND AREA

75' OFFSET WETLAND G

WETLAND G 2,040 S.F.

1/16TH LINE

- DIRECT WETLAND IMPACT = 5,135.8 S.F.

EXISTING ACCESS EASEMENT AS PER A.F. No. 2018-0602869

7,988 S.F.

EXISTING ACCESS EASEMENT TO BE

DRAINAGE 3

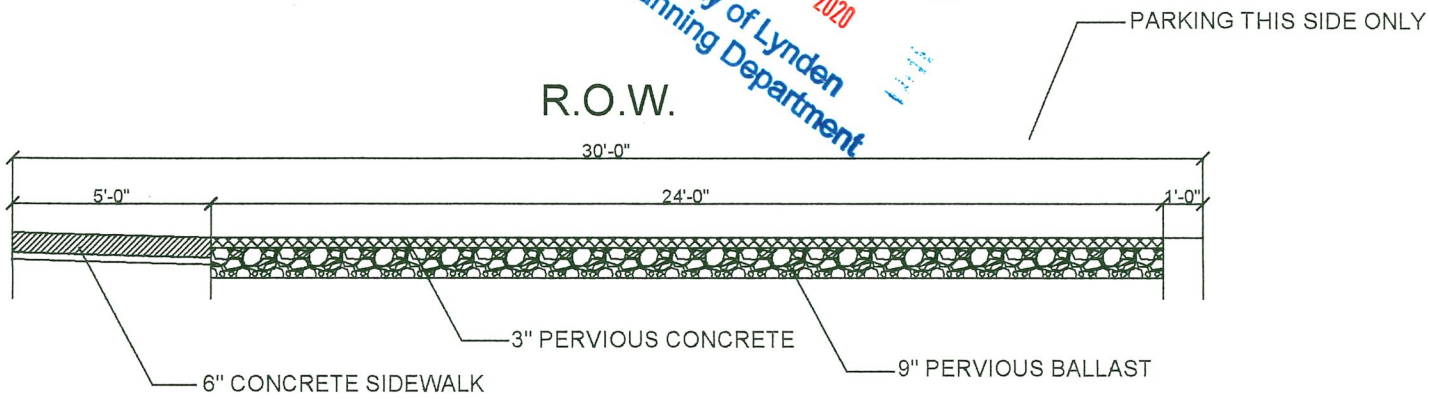
DRAINAGE 5

NORTHWOOD ROAD

asphalt path

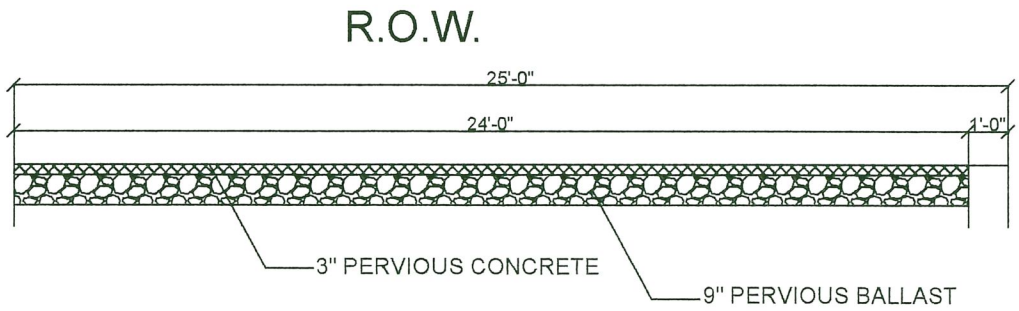
TRACT A 24' ACCES UTILITY EA

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	150.00'	38.26'	14°36'47"
C2	126.00'	57.93'	26°20'40"
C3	126.00'	33.72'	15°19'58"
C4	126.00'	24.22'	11°00'42"



STREET SECTION

FOR LOT FRONTAGES

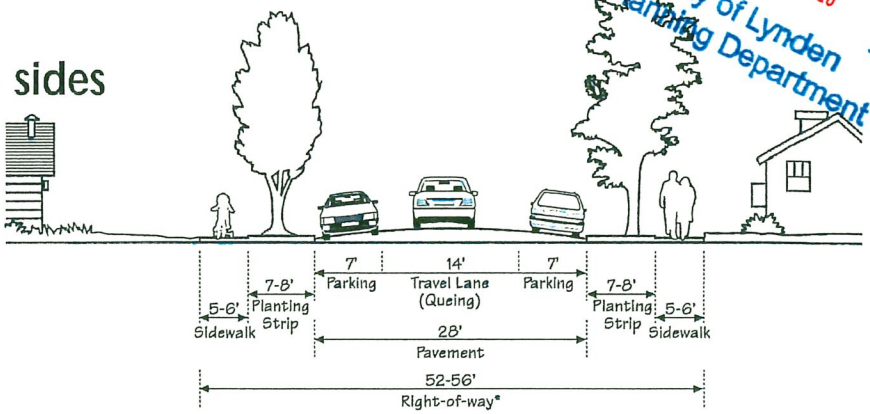


STREET SECTION

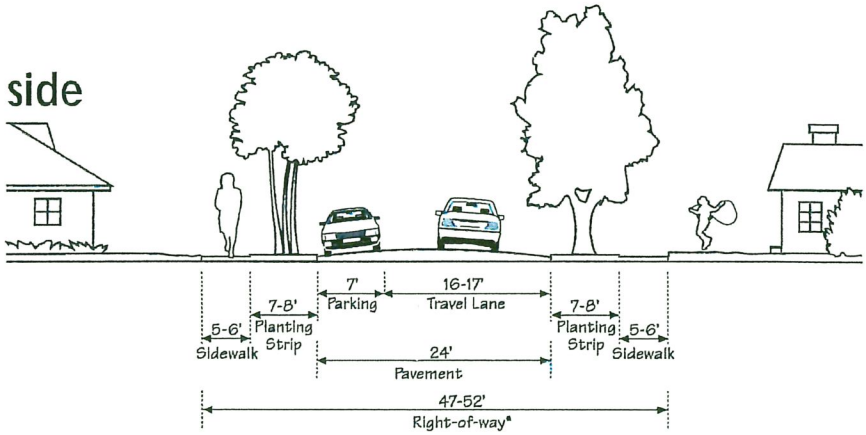
FOR AREAS WITHOUT LOT FRONTAGES

Summary of Three Potential Scenarios

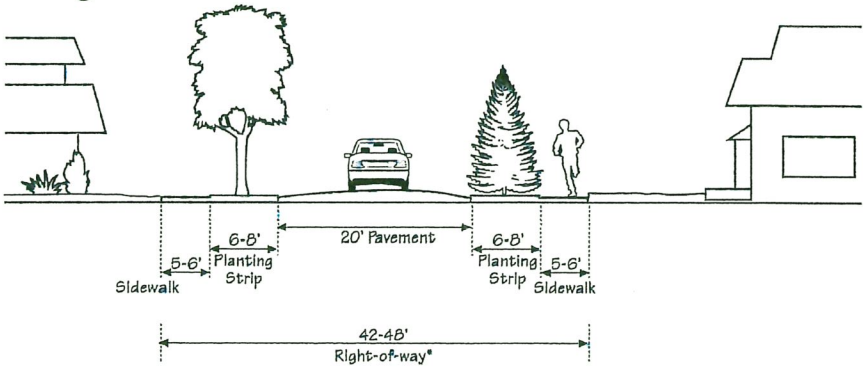
28 Ft Street
Parking on both sides



24 Ft Street
Parking on one side

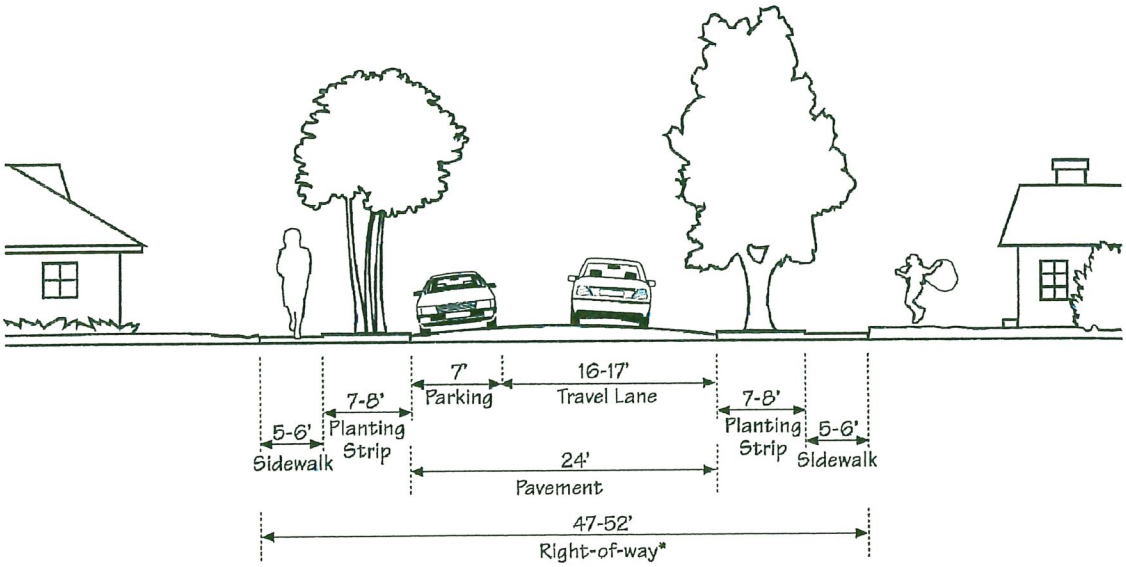


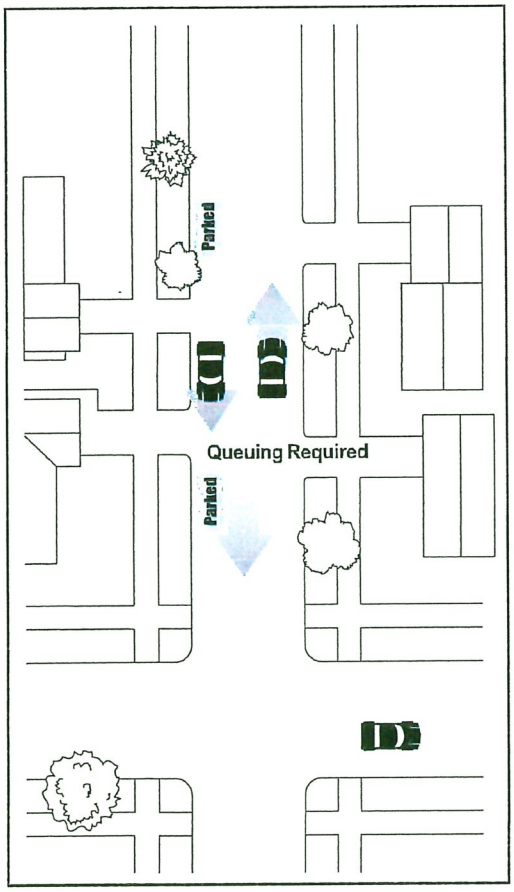
20 Ft Street
No on-street parking allowed



Scenario 2

24 Ft. Streets
Parking on one side only





Appendix A - References and Resources

Annotated References

AASHTO - The *Policy on Geometric Design of Highways and Streets*, also known as the "*Green Book*," is published by the American Association of State Highway and Transportation Officials (AASHTO) and is considered to be the principle authority on street geometrics. Narrow streets are sometimes cited as being contrary to traffic engineering practices because they may hinder the free-flowing movement of vehicular traffic. However, the *Green Book* supports the notion of using narrow residential streets. For example, the *Green Book* states: "On residential streets in areas where the primary function is to provide land service and foster a safe and pleasant environment, at least one unobstructed moving lane must be ensured even where parking occurs on both sides. The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low in areas where single-family units prevail...In many residential areas a 26-ft.-wide roadway is typical. This curb-face-to-curb-face width provides for a 12-ft. center travel lane and two 7-ft. parking lanes. Opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass."

Residential Streets – *Residential Streets* is published jointly by the American Society of Civil Engineers, the National Association of Homebuilders, and the Urban Land Institute. This book was published to encourage a flexible approach to designing residential streets to respond to the street's function in the transportation system as well as part of the community's living environment. *Residential Streets* is a hierarchy of residential streets, including 22'-24' access streets with parking on both sides, 26' subcollector street with parking on both sides, and a 28' subcollector with parking on both sides where "on-street parking lines both sides of the street continuously."

ITE – The Institute of Transportation Engineers (ITE) has published several documents that refer to the recommended width of neighborhood streets. The 1993 publication *Guidelines for Residential Subdivision Street Design* states that a 28-foot curbed street with parking on both sides is an acceptable standard "based upon the assumption that the community has required adequate off-street parking at each dwelling unit." In addition, the 1994 publication *Traffic Engineering for Neo-Traditional Neighborhood Design, (NTND)*, states that the recommended width of a basic NTND residential street "may be as narrow as 28 to 30 feet."

Street Design Guidelines for Healthy Neighborhoods – Published by the Local Government Commission's Center for Livable Communities, *Street Design Guidelines for Healthy Neighborhoods* was developed by a multi-disciplinary team based upon field visits to over 80 traditional and 16 neo-traditional neighborhoods. When combined with other features of traditional neighborhoods, the guidelines recommend neighborhood streets ranging from 16-26 feet in width. The team found 26-foot-wide roadways to be the most desirable, but also "measured numerous 24-foot and even 22-foot wide roadways, which had parking on both sides of the street and allowed delivery, sanitation and fire trucks to pass through unobstructed."

Oregon Resources

Fairview Village. Holt & Haugh, Inc., phone: 503-222-5522, fax: 503-222-6649, www.fairviewvillage.com

West Bend Village. Tennant Developments, 516 SW 13th St., Suite A, Bend, Oregon 97702, phone: 541-388-0086

Orenco Station. Mike Mehaffy, Pac Trust, 15350 SW Sequoia Pkwy, Suite 300, Portland, Oregon 97224, 503-624-6300, www.orencostation.com

Street Standard Modification Process. The City of Beaverton has a modification process similar to an administrative variance procedure. If you would like information on this process contact: Margaret Middleton, City of Beaverton, Engineering Department, P.O. Box 4755, Beaverton, Oregon 97076-4755, 503-526-2424, mmiddleton@ci.beaverton.or.us

Additional References

Street Design Guidelines for Healthy Neighborhoods. Dan Burden with Michael Wallwork, P.E., Ken Sides, P.E., and Harrison Bright Rue for Local Government Commission Center for Livable Communities, 1999.

A Policy on Geometric Design of Highways and Streets. American Association of State Highway and Transportation Officials (ASSHTO), 1994.

Guidelines for Residential Subdivision Street Design. Institute of Transportation Engineers (ITE), 1993.

Traffic Engineering for Neo-Traditional Neighborhood Design. Institute of Transportation Engineers (ITE), 1994.

Residential Streets. American Society of Civil Engineers (ASCE), National Association of Home Builders (NAHB), Urban Land Institute (ULI), 1990.

A Handbook for Planning and Designing Streets. City of Ashland, 1999.

Eugene Local Street Plan. City of Eugene, 1996.

Skinny Streets, Better Streets for Livable Communities. Livable Oregon, Inc. and the Transportation and Growth Management Program, 1996.

The Technique of Town Planning, Operating System of the New Urbanism. Duany Plater-Zyberk & Company, 1997.

Narrow Streets Database. A Congress for the New Urbanism. Alan B. Cohen AIA, CNU, Updated 1998.

Washington County Local Street Standards. Revision Project No. 2455. McKeever/Morris, Inc., Kittleson & Associates, Inc. and Kurahashi & Associates, Inc., 1995.

Washington County Uniform Road Improvement Design Standards. Washington County Department of Land Use and Transportation, 1998.

Livable Neighborhoods Community Design Code. A Western Australian Government Sustainable Cities Initiative. Ministry for Planning.

Woonerf. Royal Dutch Touring Club, 1980.

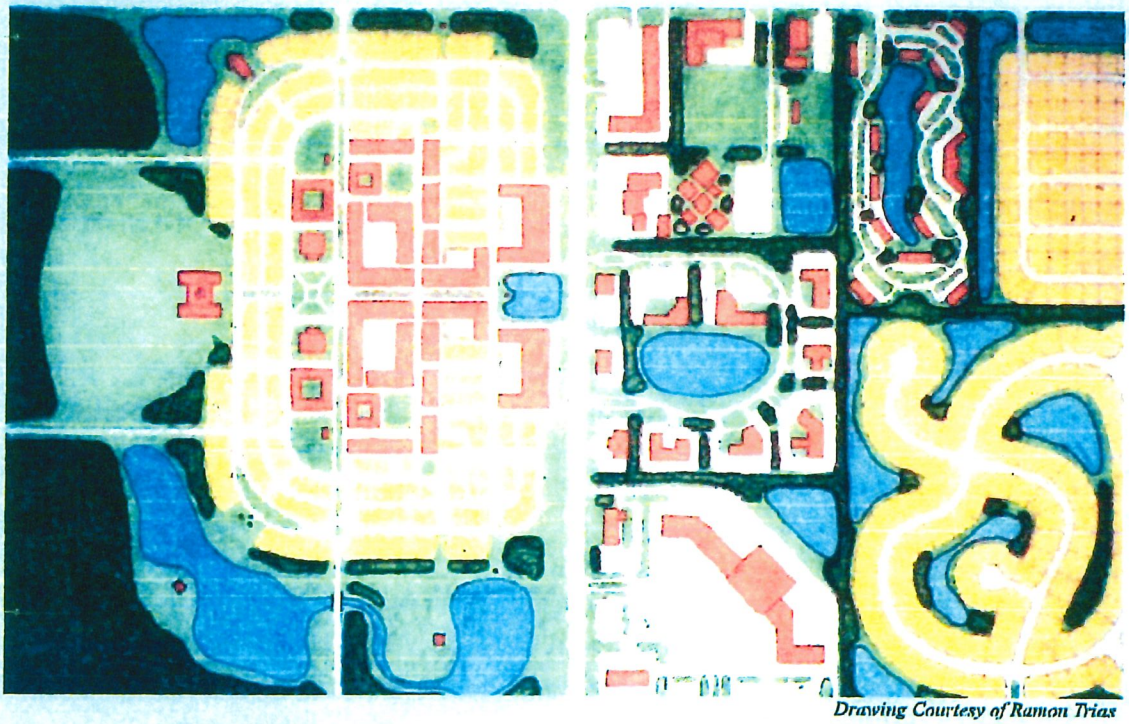
Creating Livable Streets: Street Design Guidelines for 2040. Prepared by Fehr & Peers Associates, Inc. Calthorpe Associates, Kurahashi & Associates, Julia Lundy & Associates for Metro, 1997.

Model Development Code & User's Guide for Small Cities. Transportation and Growth Management Program by Otak, 1999.

APA Recommendations for Pedestrians, Bicycle and Transit Friendly Development Ordinances. TPR Working Group Oregon Chapter APA, 1993.

Residential Street Typology and Injury Accident Frequency. Swift & Associates, Longmont, CO, Peter Swift, Swift and Associates, Longmont, CO., 1998.

PART THREE: TRADITIONAL NEIGHBORHOOD STREETS



Drawing Courtesy of Ramon Trias

Traditional **Conventional**

Lower speed roads, improved access

Emergency response times are often slowed in conventional sprawl pattern communities, especially with long cul-de-sac streets. Older, traditional neighhborhoods, and new smart growth communities offer far more links and approaches. Principal roadways are designed with similar high speed access, but local streets include tighter turning radii, reduced centerline curves, more on-street parking and narrower lanes and streets. Alleys are often provided, yielding two more points of access to properties. In a well-planned new traditional neighborhood, fire and medical access speeds can be kept the same, or improved. In contrast to the conventional pattern on the right, which has only a few points of access to more than 200 properties, the traditional pattern on the left has nine points of access to the same number of properties. Responders stay on main streets longer and are able to hold their speed. Multiple routes of approach help emergency responders in many ways.

Introduction to Traditional Neighborhood Development

Many planners and elected officials recognize we cannot build our way out of the traffic-spawning suburban development pattern. But what do we do? Increasingly, we are seeing the design of neotraditional or new urbanist neighborhoods that incorporate pre-suburban development features. These new neighborhoods are modeled to look a lot like historic neighborhoods with walking scale streets and lots of street connections.

Several real estate studies reveal that home buyers tend to like streets with low traffic volume, slow traffic speeds and minimal noise. Families with children want neighborhoods with nearby parks, schools and other activities while retired "baby boomers" are looking for sidewalks, trails, greenways and convenient services. The traditional pattern of development meets many of these requirements. It allows up to 40% of all trips to be made by walking, bicycling and transit. These new (old style) traditional neighborhoods also call for a new set of street standards. Blocks are shorter, streets and lanes are narrower, alleys are included, and on-street parking is encouraged.

In some towns, fire administrators sometimes oppose the traditional model because of their concern over narrower streets, tighter turning radii, on-street parking and other features. However, in order for these neighborhoods to work and insure the safety of their residents, it is critical that town officials, fire administrators and developers work in partnership to understand the proper combination of features.

A properly built traditional development has many added points of access to streets, more access to each home (with alleys, 4 points of access), and often better built homes that are less prone to fires. Most important, the streets in a traditional neighborhood will not require any traffic calming measures, since motorists will feel uncomfortable driving faster than 25 mph.

Fewer stop signs, greater number of access points and more direct routes of travel, aid residents and emergency responders to access properties in a timely and efficient manner. Meanwhile, design of these streets is becoming a more exact science. Designers must anticipate not only ways to keep traffic moving slowly, but to allow access by large equipment to all locations.

Metro Square, in Sacramento, California (top two photos) is an example of urban infill using a compact, village style design. While housing density (20 units per acre) is high, the quiet, low-speed street design supports all types of access. These units were sold in one day. The new style of streets in traditional village design must be more exact so that conventional fire and sanitation equipment is supported. The radii on this park in Mountain View, California (bottom photo) is too tight for this pumper truck to get through when a car is parked near the curve. A simple modification to the park design would have allowed the truck to turn.

Satisfying the Needs of Residents and Responders

Traditional Neighborhood Development (TND) streets must meet the needs of all those making use of them. Traditional streets require high levels of connectivity. Their performance must be measured on how well they provide multiple points of access, parking, room for fire operations and low speed travel.

Keeping in mind that alleys, lanes and streets are each local in purpose and character, speed is not the issue. To meet the many demands of the community the streets must generate low speeds and allow for on-street parking, while creating minimal delay.

A review of these four photos can help us think about parking access, operations and speed on older traditional and newly built TND streets.

1. San Luis Obispo, California. In the first TND street photo, the built street is 36 feet wide. Faced with over 30 feet of operating space motorists are inclined to speed.

2. Everett, Washington. Parking lanes are provided on each side of the street. The painted parking line keeps motorists operations confined to a 20-foot wide operating space. Speeds are a little high here. Removing the painted center line has the potential to reduce speeding.

3. Victorian Harbor. Suisun City, California. Photo three of a TND built in the mid-1990s shows a better solution. The street is 20 feet wide with curb and gutter. Parking is inset, with pockets on each side at various locations. Housing density runs about 8-10 units per acre. This neighborhood has alleys, so most resident parking is off the street. The proximity of trees and a roundabout that terminates a driver's view keep speeds to about 20 mph. Fire operations have the necessary 20 feet. Hydrants are protected from intrusions by parked cars by locating them on curb extensions.

4. Orenco Station. Hillsboro, Oregon. Photo four illustrates a new neighborhood that will have densities from 11-15 units per acre. Although this neighborhood also will have alleys, the higher densities call for more on-street parking. Note that the operating width is about 20-22 feet, with curb extensions to insure that no one will park at the hydrant.

Skinny Streets and How They Work

In a traditional neighborhood, skinny streets are sometimes found on short, low density residential streets. Instead of cul-de-sacs, two final driveways can be set across from one another in a hammerhead fashion to permit informal turning. Skinny streets by definition are very narrow, often as narrow as 20 feet in the U.S. and 10 feet in Australia and Europe.

Skinny streets are sensitive to people and to the environment, yet they allow a full 20 feet of operations for fire equipment. A street of 200 to 700 feet in length may serve from 20 to 70 homes.

Parking is not normally allowed on a skinny street. Informal parking may occur off the street. In the scene depicted in the top photo a skinny street in Palatka, Florida makes use of a shallow curb. The street dead-ends with a set of two driveways to permit turning. Water percolates through brickwork, or runs off the roadway into the sandy soil. Due to the very low number of houses (20) traffic remains very light, hence sidewalks are not used.

While the traditional skinny streets shown above are quite narrow and keep cars from speeding, they are designed to provide access to emergency responders. Blocks are relatively short in traditional grid pattern neighborhoods and emergency responders often have multiple points of access.

In contrast, looking from the above street across the 2-lane arterial road we see that the same width street is used. However, a higher number of households calls for a double set of sidewalks. The street remains skinny. Parking is still not permitted. Just as with the brick section, water runs off the asphalt across the low curb and percolates into the sandy Florida soil.

Skinny streets should be seen as long driveways that provide good access to the few properties served. Designs are for low speed travel of 15-20 mph. Skinny streets are especially popular in semi-rural areas, but can be found in highly developed urban areas such as in Portland, OR.

Skinny streets make it possible to upgrade older dirt or crushed stone travelways with a more permanent and structurally sound base at an affordable cost and with minimal environmental impact.

Skinny streets should be 20 feet wide, or have a solid walkway that can support the occasional need for an aerial ladder truck and related fire fighting operations. Skinny streets are not built in locations where long or even moderate distances must be traversed.

In Australia and Europe skinny streets are common. Ten foot wide streets are popular and built in many locations. These streets have short blocks and often have inset parking, and appropriately spaced locations for fire operations.

Traditional Neighborhood Travelway Vocabulary

Traditional streets allow timely response. This response is based on the proximity of the lane or street to avenues and boulevards that permit higher speeds of between 30 and 45 mph.

Traditional streets contrast sharply with conventional streets that often end in cul-de-sacs. Quite often, responders making their way through a conventional neighborhood must travel on one, or several, long or very long local streets. These streets often take the responder up to half-a-mile away from a collector street.

This plan of Fairview Village, a new traditional neighborhood in the Portland, Oregon region shows a mix of uses, a variety of street types, and multiple connections.

Traditional streets are designed for 20 mph travel. They have short blocks, multiple connections, tight corner turning radii, and tight centerline curves. These streets are close to the primary route of entry and higher speed roadways so very little time is lost. Thus, most traditional street patterns allow the responder to reach most houses faster than with higher speed roads in conventional suburban neighborhoods.The building blocks for these traditional neighborhood travelways include:

1. Trails: Connections to other neighborhoods and avenues that are designed primarily for walking and bicycling, but can provide additional access for emergency responders. Maximum speed 15 mph.

2. Alleys: Alleys add two additional points of access, but cannot be traversed at more than 15 mph. Two-way access is provided to all properties. Some parking may be included. In traditional neighborhoods, houses may have additional rooms or dwelling units overlooking the alley.

3. Lanes: Lanes can accommodate one-way or, more typically, two way travel, with parking on one side only. Lanes are designed for 15-20 mph speeds.

4. Streets: Traditional streets provide two-way travel and at least two points of access on all but the last block of a corridor. Speeds are designed for travel at 20 mph. Parking is provided on both sides of the street. Since most cars are parked in the garage or driveway, only a few cars will typically park on the street. Streets would be less effective if parking were restricted to one side. If parking on only one side of the street is desired, lanes should be used instead.

5. Avenues: Added width allows for turning lanes, medians or a combination of turning lanes and refuge islands. Bicycle lanes are essential to the success of avenues, allowing motorists to pull out of the way of emergency responders. Avenues can be designed with or without on-street parking. Design speed is set at 30-35 mph.

6. Boulevards: Multi-laned two-way streets providing emergency response speeds up to 45 mph. Boulevards take advantage of medians, well designed intersections and easy access to neighborhoods.

7. Parkways: Multi-laned highways with medians and highly restricted turning movements. Emergency responders have high levels of access into neighborhoods, and high speed access to these locations.

In the section that follows we discuss these different travelways and their impact on emergency response in more detail.

1 Trails, Links

Trails reduce auto trips, increase access

Multi-use trails and protected open space are highly desired elements in today's neighborhoods. Although everyone wants these trails and open space, not everyone is sure that they want them in "their backyard." Hence, it is easier to design new neighborhoods that incorporate these elements than to retrofit existing suburban neighborhoods. When these new points of access are provided, insist that they complete vital responder links to properties that may be hard to get to.

Environmentally sensitive communities like Village Homes in Davis, California (above) are seeking ways to build added bicycle, walking and emergency access. This is easily accomplished in new neighborhoods by requiring these added links. In older suburban neighborhoods such links can sometimes be made through easements. If necessary, surfaces of trails can be stabilized for emergency responders.

Disadvantage to Responders: None.

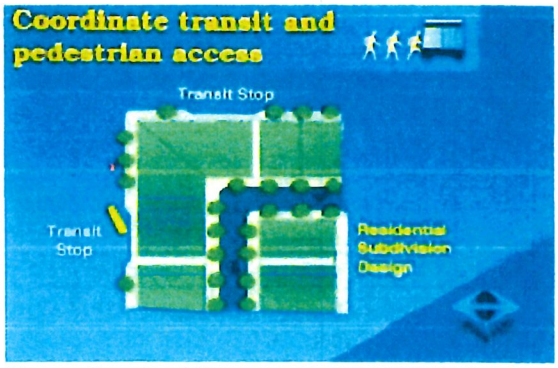
Trails add new connections, and in some cases allow additional operations space for hard-to-reach buildings.

Comments:

1. In most settings it is possible to gain access through short links of 100 to 300 feet. Porous materials such as open block, finely crushed stone or other pavers, can be used to alow water infiltration.
2. In some cases, bollards are used to prevent motorist access. However, bollards are rarely needed. A sign and low curbing keeps motorists from attempting illegal entries.

Appropriate locations for trails:

Trails and links serve as vital connections to schools, parks, libraries and other civic buildings, as well as connection points to stores and neighborhoods. Although trails are built to structural loads of small maintenance vehicles only, short sections can be enhanced for large emergency response vehicles. A good selection of trails and links can reduce residents' dependence on motor vehicles for many trips. Added benefits include protection of open space, access to recreation for residents of all ages and increased property values.



Every effort should be made to provide links from residential areas to nearby amenities such as parks, shopping centers, schools and transit stops.

2 Alleys

Alleys increase access and parking

The modern alley is designed to get the garage off the front of the house. This allows houses to be closer to the street and to include neighborhood-friendly features like a front porch. A well designed alley is clean and attractive and provides options for parking, underground utilities, and trash pickup. Alleys also create opportunities for affordable housing by allowing the developer or owner to build an accessory unit above the garage.

Disadvantages to Responders: None.

Alleys add two additional points of access to each property. Distances to carry equipment are reduced. Alleys can also provide more direct access to kitchen fires and other hard-to-reach points located in the rear of the home.

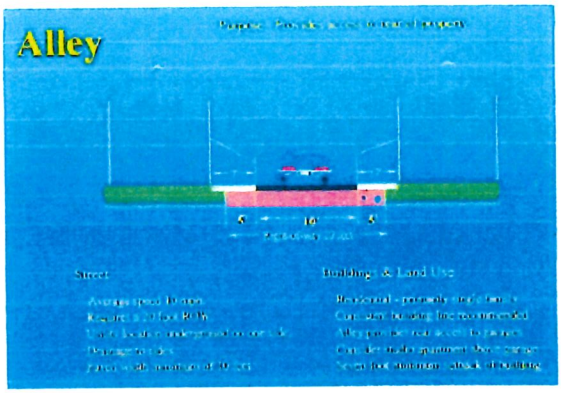
Comments:

1. Widths of ten feet (paved or unpaved) are common for alleys. Short paved drives into garages with setbacks of 7 feet allow the responder nearly 24 feet of operations.
2. Parking should be allowed only in acceptable locations, both in the garage, in narrow spaces between garages, and in some specially dedicated open lots. Random parking should be discouraged through design.

Appropriate locations for alleys:

Alleys are generally found on short blocks of 200 to 400 feet. They become less practical on long blocks. Alleys are ideal in most traditional and neotraditional neighborhoods, and in many portions of these neighborhoods. Alleys allow two-way travel. Although in some cases it is possible to have two alleys meet as a tee intersection, these need to be wide enough for truck turns. Terminating an alley at a tee intersection of a street works best when there are curb extensions to prohibit parking on the street. More often, alleys are part of the traditional grid street pattern.

Smart Growth communities are seeking ways to reduce the impact of driveways, locate useful places for utilities, and add low cost housing. Modern alleys make it possible to have more functional streets. Trees can be planted on streets and lanes without impacting utilities. Alleys are a boon to emergency responders, giving them more options for access and operations. Alleys can range from a width of 10 to 20 feet. Narrow widths call for garage setbacks of seven to ten feet to allow motorists to turn into garages.



3 Lanes

Lanes provide low speed access

Lanes are 18 feet wide, two feet below the desired operating space for fire fighting operations. Parking in a lane is restricted to one side. The added space needed to extended aerial operations may be addressed in several ways. Some responders say that they can operate in the slightly reduced width of 18 feet. Others state that they can operate with an occassional double set of driveways. This assures a solid base of more than 20 feet of street width and at least 30 feet of width between structures. And some fire departments report that a sidewalk that is attached to the curb or a reinforced driveway provide enough structural support for heavy equipment

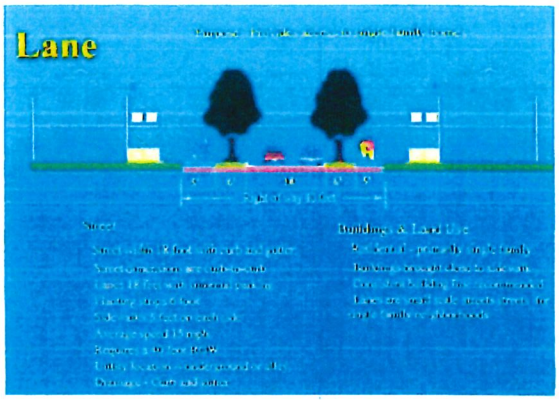
Lanes are short access ways with parking. *Lanes are 18 feet wide, or slightly narrower. Parking is always restricted to one side of the street. Sidewalks are often included. Traffic volumes are very low, due to the short block lengths of 500 feet or less and the short number of blocks (2-3 maximum before a collector category roadway). Fire administrators should seek a protected no parking space every 200-300 feet. The best way to assure this operations space is to have the developer commit to a double set of driveways at those locations.*

Disadvantages to Responders: Low speed.

Lanes are considered the safest street type available because travel speeds are kept below 20 mph. Hence they are very popular in traditional neighborhoods. To allow fast response, lanes are always limited to several blocks in length, and can be easily reached through faster collector and sometimes arterial streets. As a result, most or all homes on a lane can be reached quickly.

Comments:

1. Lanes are not generally permitted in conventional neighborhoods
2. Lanes are not permitted in difficult to access locations, such as the interior of a large neighborhood.
3. Parking is restricted to one side of the street. Developers should build double sets of driveways every 200-300 feet to permit sufficient operations space.



Appropriate locations for lanes:

Lanes are permitted in portions of a traditional neighborhood that are easily accessible from a principal travel way. Since most traditional neighborhoods, by definition, have multiple points of entry, lanes may be found in most locations of the neighborhood. Lanes are not as appropriate for conventional suburban development, especially if they are in locations that are difficult to access.

4 Streets

Streets provide access, more parking

Streets in traditional neighborhoods are typically 26 feet wide, curb to curb, with parking on both sides of the street. Motorists must share the travel way. Streets and lanes have proven to have the highest safety levels of any travel way. Speeds of 20 mph are common. Just as with lanes, streets must establish an operations area for emergency responders every 200 to 300 feet. This can be done by placing a tree well 6 feet wide and 30 feet long on one side of the street and a double set of driveways on the other. The hydrant can be placed in the extended tree well (see pages 15 and 37 for samples and details).

Disadvantages to Responders: Low speed.

Streets, like lanes, are designed for slow speed travel, so speeds will have to drop as responders enter a neighborhood. However, because streets and lanes are short and have multiple points of access, delays are often minimal. Overall response times to streets can be maintained through a well designed site plan.

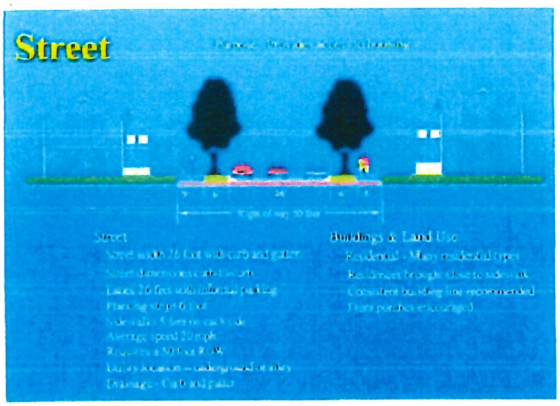
Comments:

1. Traditional narrow streets are not generally permitted in conventional neighborhoods
2. Traditional streets are not permitted in difficult to access locations, such as the interior section of a large neighborhood.
3. Parking is restricted every 200 to 300 feet to allow for emergency operations. Developers can package double sets of driveways and tree wells every 200-300 feet to permit sufficient space for emergency operations.
4. Provide alleys in the design to absorb most of the parking for residents. In that way, on-street parking will typically only be used by guests and overflow parking.

Appropriate locations for streets:

Streets are permitted in portions of a traditional neighborhood that are easily accessible from a principal travel way. Since most traditional neighborhoods, by definition, have multiple points of entry, streets may be found in most locations of the neighborhood. Traditional streets are not as appropriate for conventional development, especially in isolated locations.

Smart Growth communities are seeking ways to build low speed streets with abundant on-street parking, thus minimizing off-street parking and auto storage. The emergency responder requires a 20-foot wide space for fire fighting operations every 200-300 feet, and preferably on entry corners and at a mid-block location. A double set of driveways across from a tree well assures no parking in these areas. This neo-traditional Seattle street (below) provides a "no parking" space next to the tree well.



5 Avenues

Avenues keep traffic moving

Avenues are higher speed travel ways servicing streets and lanes in traditional and conventional neighborhoods. Avenues have sufficient width and storage space to keep traffic moving. To maximize capacity, avenues should be designed to keep speeds at 30-35 mph. Avenues often support higher density housing like townhouses, apartments and other multiple family dwellings, as well as retail and other commercial mixed use buildings. Entry streets to new traditional neighborhoods are often designed as avenues. Avenues often have gateways and can have tremendous carrying capacity, often moving 10-20,000 vehicles daily.

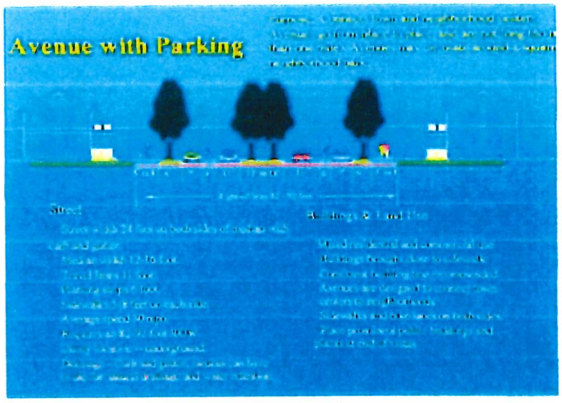
Faster speeds (30-35 mph) on avenues are assured with appropriate design. A typical section has two lanes, a median with left turning pockets or a third lane. Bike lanes are essential if medians are more than 150 feet long. Bike lanes create more turning radii, better sight distance and allow motorists to pull into them to let the responder pass. Avenues are often well landscaped to create a sense of place. When used as gateways into a neighborhood center they provide a sense of arrival. Avenues owe their success to well-designed intersections that keep traffic moving.

Disadvantages to Responders: None.

Avenues add new connections, keep traffic moving and in some cases allow additional operations space for hard to reach buildings. In traditional development, avenues may have only two lanes, with either a third lane for turning movements, or a median, turning pockets and bike lanes.

Comments:

1. Avenues provide essential speed and movement for responders. They are well connected to other avenues and boulevards, with some streets and lanes branching from appropriate locations.
2. When roundabouts are used on avenues, speeds can be kept to proper levels and corridor travel times can be improved by reducing congestion typically found at signalized intersections.



Appropriate locations for avenues:

Avenues are the engines that permit streets and lanes to be workable. Avenues should be placed every 8 blocks, or more frequently, to permit easy and efficient access to lanes and streets. Avenues can have on-street parking and bike lanes and also serve as transit corridors. As a general rule, a resident should not have to walk more than four blocks to reach transit service.

6 Boulevards

Boulevards are one of the big traffic engines

Boulevards can include up to six lanes, but typically are four lanes, with extra lanes at intersections. Boulevards often carry 20-40,000 vehicles per day, and at times up to 60,000. New boulevards are designed to be bicycle- and pedestrian-friendly, and include medians, refuge islands, bike lanes and transit. Boulevards easily manage traffic at 30, 35, 40 and 45 mph, based on adjacent land uses. Well-designed boulevards have limited access, so as to maintain roadway efficiency and improve safety.

Boulevards can allow for movement of 20-40,000 vehicles daily, and sometimes more. A good network of boulevards is needed to give higher speed access to distant destinations. Boulevards should not be overbuilt. They need to move cars, trucks, bicycles, pedestrians, and transit vehicles. As with avenues, boulevards require well-designed intersections to keep traffic in motion. Medians add to capacity and safety (often doubling safety of roads with five or more lanes) and make it possible for pedestrians and bicyclists to cross at important points.

Disadvantages to Responders: None.

Boulevards provide essential speed and movement for responders. They are well connected to avenues, with some streets and lanes branching off from appropriate locations.

Comments:

1. Stopped conditions on boulevards are minimized. Stop sign controls are never used. If signals are used, fire truck activated signal controls (Opticom style) will help keep responders moving.
2. Roundabouts may be a preferred intersection treatment to keep the traffic queues empty at most or all times.
3. If continuous medians are used, bike lanes are essential, to provide a space for motorists to pull into to let responders pass.

Appropriate locations for boulevards:

Boulevards are often laid out on a classic one mile grid, and in challenging geography often follow river valleys or lake shores or ridge lines, and provide high levels of connectivity to avenues and other streets. Used in this fashion the boulevard often becomes a corner or border for traditional and conventional neighborhoods. It is essential that roadway investments go into keeping these facilities strong and healthy. Building boulevards with too many lanes can create new problems, so the general rule is to widen intersections and keep the main portions to only those lanes that are needed. Bike lanes are essential. In some cases medians can be reinforced to permit responder vehicle crossover to avoid strangled signalized intersections.

7 Parkways

Parkways are lower impact highways

Parkways have the potential to move far more traffic than a boulevard. Parkways have few intersections and carry traffic long distances without interruption. It is possible to move 40-80,000 vehicles per day on a well designed parkway. There are no driveways, and very few left hand turns permitted in a parkway. Parkways can be designed to allow emergency responders to jump the median island at key locations. Motorists are forced to turn right in and right out. Special U-turn pockets can be included to allow vehicles to double back.

Disadvantages to Responders: None.

Parkways assure high speed 40-60 mph travel. Parkways provide access to regional destinations. Access to avenues, lanes, streets, and even some trail connections, can be built into the system.

Comments:

1. Parkways must be designed to permit the responder to jump the median at all access entries.
2. In some cases bollards are used to prevent motorist access. However, the bollards are rarely needed. A sign and low curbing will keep motorists from attempting illegal entries.

Appropriate locations for parkways:

Parkways should only be located in suburban and semi-rural areas. Freeways can be designed with parkway elements. Some locations for future freeway corridors should be designed as parkways to reduce the environmental, social and other impacts associated with freeway design.

Parkways are the powerhouse of movement. Think of a parkway as a wholesome, highly efficient form of a freeway without the land consumption of on and off ramps. Only a few towns have them. New portions of towns and cities have the opportunity of using these efficient movers of vehicles, while accommodating bicyclists and pedestrians along parallel trails. This parkway in Bellevue, Washington (above), has been on the ground for 20 years. It easily moves 41,000 vehicles per day, using 4-lanes and limited traffic signals. Access, even to side streets, is highly restricted. No left turns are permitted into or out of most side streets. Instead, U-turn pockets are provided. Meanwhile, emergency responders are given additional access by crossing over on specially lowered median sections (below).

8 Intersections

Efficient intersections move all modes

Intersections are places to safely orchestrate the conflict between cars, cyclists and pedestrians and to provide for efficient movement of all modes.

Disadvantages to Responders: None.

Well built intersections are needed to keep responders in motion. In some settings, activated signal controls (Opticom style) allow the fastest and most uniform flow of traffic. In others cases, roundabouts are a superior tool, keeping the intersection free of traffic build-up more hours a day than through conventional signal controls. Traffic modeling can be used to determine which tool is likely to perform the best.

Comments:

1. In most settings, signal systems can be refined to allow an emptying of traffic queues while responders are approaching.
2. In some settings, 4-way stop controls are effective. However, as roadway volumes increase, signals or roundabouts perform best.
3. Two-lane roundabouts can be effective at dealing with volumes as high as 50,000 cars per day, keeping traffic queues to a minimum most times of the day.
4. Intersections can be designed to work efficiently by keeping driveways several hundred feet away from the intersection, adding medians with turning pockets, and right turn lanes with pork chop islands (as seen in the lower right corner of the top photo).

Pedestrian friendly intersections are built at a scale to keep traffic in motion. Overly wide intersections complicate safety, access and pedestrian issues. The above intersection at Connecticut and "K" Streets in Washington, D.C. is an excellent example of a top performing intersection that is not overly wide and accomodates pedestrians. Clearwater, Florida collapsed three nonsignalized and three signalized intersections into one roundabout intersection (below). The alteration allows another 20,000 vehicles to move (40,000 to 60,000), plus it also accomodates 6-8,000 pedestrians on special weekend days at the beach.

9 On-Street Parking

On-Street Parking should not get in the way

An important goal of traditional and environmentally sensitive, smart growth neighborhoods is to reduce the number of driveways, off-street parking and other permeable surfaces that lead to water runoff, heat gain and other ill effects. On-street parking is an important resource. However, when we combine more compact development with reduced off-street parking, the increased number of people parking on-street can create an operations problem. There are several ways to maintain open spaces for fire-fighting operations short of restricting parking altogether.

Signs and painted curbs have some effect in preventing illegal and problematic parking. A surer measure is to have the developer build double sets of driveways and crosswalks to create a no-parking zone that is visually obvious and will be enforced by the neighborhood. Similar treatments are created through placement of alleys, tree wells, curb extensions and combinations of other treatments. Where dwelling unit densities are low, parking is not likely to be an issue. In the bottom photo the double driveways located across from a driveway and hydrant create space for emergency operations.

Create "No Parking" Spaces by Design

People find it difficult to park in the following locations: At driveways, marked crosswalks, at mail pick-up stations, alleyways, tee intersections and other places where such illegal parking would not go unnoticed. Although in many locations drivers will obey "no parking" or "no standing" signs and red curbs, design constraints often work best.

Comments:

1. Place a double set of driveways every 200 or 300 feet, or at other distances prescribed by the fire department or fire marshall.
2. Place alleys on short connector blocks across from one another to achieve the same goal.
3. Place mail box clusters, curb extensions or other treatments at locations where residents and guests will find it inappropriate to park.
4. Since police rarely have a chance to notice and correct inappropriate parking behavior, ask neighborhood leaders to take charge of notifying illegal parkers or to alert police of ongoing problems.

Appropriate placement:

Protected open street space is appropriate at regular intervals set by the fire department or fire marshall. Generally, space is needed every 200-300 feet, or at each mid-block hydrant location.

10 Other Techniques

GIS-aided response

Many cities are purchasing improved vehicle computer systems to aid in their response to greatly increased traffic and a need to get diverse equipment to difficult neighborhood locations. In-vehicle display systems can map the best route choice, indicate the locations of all traffic calming measures, identify traffic buildup locations and show the routes of travel of other responders who are on their way and already at the site.

These systems have become commonplace in enforcement. Communities should consider their high rate of return for medical and fire response. With more and more challenges being placed in and around neighhborhoods, these systems can prove to be a highly valuable, if not essential, tool to achieve community goals.

Neighborhood fire stations

Fire administrators and city management must continue to measure the value and importance of new or relocated stations to provide rapid response.

Smaller, appropriate size equipment

Emergency response administrators in historic towns with tight street geometry know the importance of using equipment that gives the fastest response times. Why should it be different in towns with wider streets? Big equipment is often not as desirable as lighter-weight, faster-accelerating equipment.

Unfortunately, the decision on what equipment to purchase and operate is not always simple. Pressures to purchase the largest piece of emergency equipment must be measured against the end goal of getting teams to the emergency in a timely manner.

Many Australian fire departments are critical of U.S. practices. They are purchasing less and less equipment from our country, opting instead to go with Swedish and other equipment that give them improved response and improved insurance and performance ratings. It is likely that, in time, our manufacturers will provide more options. But, until such equipment becomes readily available administrators should look for the equipment best suited to the mission.

Stations in revitalized downtowns, near new traditional neighborhoods and other locations provide faster response times. Efficient response times should be a widely held community value. In some cases, changes in streets, traffic patterns, land uses and other changes will lead to an evaluation of station locations, size of units, better emergency equipment and computer-aided response equipment. More than ever, responders must rely on new technologies. Just as systems are adapting to change, so must our ability to plan and place new types of streets and treatments.

Reference Material and Additional Resources

Resources on Traffic Calming and Emergency Response

The following list of references provides added background on this emerging topic. While we do not agree with all of the claims made in these documents, we believe they are helpful in gaining a better understanding of the issues. In the final analysis, it is essential that this material be balanced with a holistic approach that applies the information in this manual along with other sources to fit local conditions.

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Calthorpe, Peter. *The Next American Metropolis: Ecology, Community, and the American Dream.* Princeton Architectural Press. 1993.

Duany, Andres; Plater-Zyberk, Elizabeth and Speck, Jeff. *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream.* North Point Press. New York. 2000.

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Katz, Peter. *The New Urbanism: Toward an Architecture of Community.* McGraw Hill. 1993.

Leccese, Michael and McCormick, Kathleen, editors. *Charter of the New Urbanism.* McGraw Hill. 2000.

Additional Resources

For those interested in reading more about street design issues, the following books and documents may be of interest:

A Guidebook for Residential Traffic Management. Washington DOT. 1994.

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Appleyard, Donald. *Livable Streets.* University of California Press. 1981.

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Flexibility in Highway Design. Federal Highway Administration. (FHWA-PD-97-062). 1997.

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Jacobs, Jane. *The Death and Life of Great American Cities.* Random House, Inc. 1961.

Kobza, Kim Patrick. *There Goes the Neighborhood, Protecting Your Home and Community From Poor Development Choices.* Neighborhood America Press. 1998.

Ramati, Raquel. *How To Save Your Own Street.* Doubleday and Co.,

Residential Streets, Second Edition. American Society of Civil Engineers (ASCE) and Institute of Transportation Engineers (ITE). 1990.

Residential Street Design and Traffic Control. Institute of Transportation Engineers. 1989.

Southworth, Michael and Ben-Joseph, Eran. *Streets and the Shaping of Towns and Cities.* McGraw-Hill. 1997.

"Streets: Old Paradigm, New Investment." Places magazine. Volume 11, No. 2. Summer 1997.

Taking Back Your Streets. Conservation Law Foundation. 1995.

Traffic Engineering Handbook, Fifth Edition. Institute of Transportation Engineers.

Vernez Moudon, Anne. *Public Streets for Public Use.* Columbia University Press. 1991.

Appendix

Speed Reduction Saves Lives

How effective is traffic calming in reducing crashes and crash severity? Extensive work in Europe and America reveals substantial improvement in safety at speeds appropriate to neighborhoods. Most traffic calming and traffic management programs reduce crashes in neighborhoods by 20% to over 90%.

How is this so? As the top graph illustrates, casualty rates grow exponentially as speed increases. There is a high survival rate when pedestrians or bicyclists are hit at speeds of 15-20 mph.

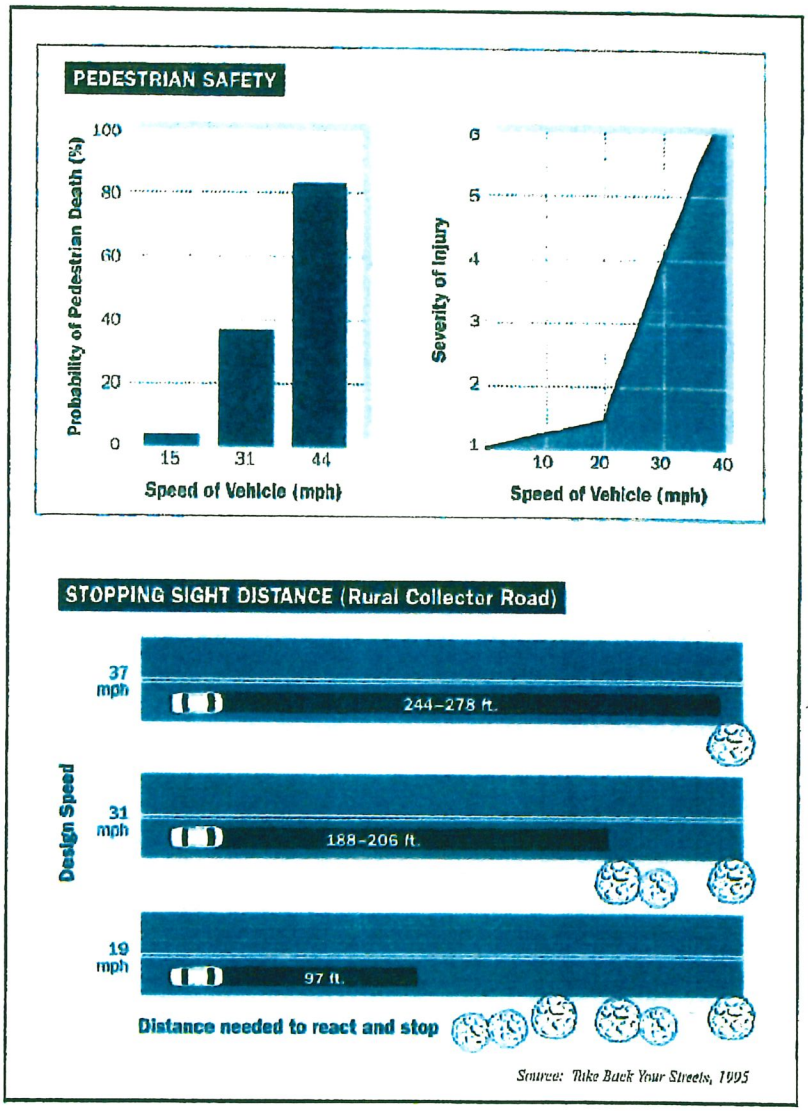
Injuries become quite severe at 30 mph, and catastrophic at speeds of 40 mph and higher. High speeds (above 25 mph) have never been appropriate to a neighborhood. Yet current designs induce higher-end speeds.

Some studies reveal that children, and especially teenagers in suburban neighborhoods, are at greater risk of losing their lives in traffic crashes than their counterparts in inner city locations who often deal with gang-related violence.

The lower graphic illustrates how critical reaction time drops dramatically as speeds increase.

Today the greatest source of danger in modern neighborhoods for people of all ages is not the house fire, but traffic.

Thus, one of the greatest ways the fire, police and other safety partners in a community can address community safety needs is to advocate low-speed, efficient neighborhood streets.



Traffic related deaths and injuries of children is a growing national concern. *The Centers for Disease Control and Prevention and the "Let Kids Live" coalition, have learned that young children are more likely to die as a result of traffic crashes than through all childhood diseases combined. Reduction in traffic deaths and injuries is best handled through an aggressive campaign for seat belt and child restraint compliance, and by reducing vehicle speeds in neighborhoods where children spend much of their time. Only through better designed traditional neighborhoods, and aggressive efforts at traffic calming conventional neighborhoods, will these important community and national goals be achieved.*

Local Government Commission
www.lgc.org

A nonprofit, nonpartisan, membership organization, the Local Government Commission is composed of forward-thinking, locally elected officials, city/county staff, and other interested individuals. The LGC inspires and promotes the leadership of local elected officials to address the problems facing our communities by implementing innovative policies and programs that lead to efficient use of civic, environmental and economic resources.

The LGC has produced additional street design and safety publications, including *Street Design Guidelines for Healthy Neighborhoods; Streets and Sidewalks, People and Cars—The Citizens' Guide to Traffic Calming, Designing Safe Streets and Neighborhoods,* and *Land Use Planning for Safe, Crime-Free Neighborhoods.*

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After Recording Return To:
Kamm Creek Investments, LLC
125 Rosemary Way
Lynden, WA 98264

Document Title: Covenants Conditions & Restrictions
GRANTOR: Kamm Creek, LLC
GRANTEE: Kamm Creek, LLC
Legal Description: 1. E 5 AC S1/2 NE1/4 SW1/4, S15, T40N, R3E
2. S ½ NE1/4 SW1/4, S15, T40N, R3E
Full Legal Description of Property per Exhibit A
Assessor's Tax Parcel #
1. 400315183163 0000
2. 400315248165 0000

KAMM CREEK
PLANNED RESIDENTIAL DEVELOPMENT

INTRODUCTION TO COVENANTS, CONDITIONS AND RESTRICTIONS AND ARCHITECTURAL CONTROL STANDARDS

Building a new home can be a very exciting and enjoyable experience. Those of you who have been through the process before know what a busy, sometimes crazy, but ultimately satisfying process it can be. There are meetings with your designers and builders, plans to review and revise and lots of details to consider and shop for—items that will make your new home reflect your own individual taste and style.

As with most other privately developed residential communities, the building of homes at Kamm Creek PRD is controlled by a set of general guidelines and rules, called the Covenants, Conditions and Restrictions (CC&Rs) and a set of Architectural Control Standards (ACSs).

The purpose of these CC&Rs and ACSs is to help ensure that all the homes and yards are designed in a way which preserves the natural beauty of its attractive surroundings, to establish and maintain a consistent set of design guidelines for the community, to promote an orderly construction process and to allow your community to be operated in an organized and harmonious way on an ongoing basis thereafter.

The objective of these provisions is not to make every house look similar but to encourage attractive designs and a high standard of detailing and finishes. Your cooperation will help eliminate undesirable inconsistencies and your close attention to good design will protect and enhance not only your own property, but all property values at Kamm Creek PRD—surely a worthwhile goal which will be to everyone's direct benefit!

We encourage you to read the attached pages carefully, to provide a copy to your designer and contractor and to keep them close at hand for a reference guide to your design decisions. Many misunderstandings, expenses and disappointments can be avoided by carefully following these guidelines.

With the assistance of you and your design and construction teams, these CC&Rs and ACSs will help ensure that Kamm Creek, PRD becomes a very distinctive and attractive residential community in Lynden.

KAMM CREEK PLANNED RESIDENTAL DEVELOPMENT

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS & ARCHITECTURAL CONTROL STANDARDS FOR KAMM CREEK, PRD COMMUNITY

THIS DECLARATION is made and entered in to on the date last below written by the undersigned Developer, Kamm Creek Investments, LLC, a Washington limited liability company (hereinafter referred to as the "Developer"), for the purpose of establishing certain covenants, conditions and restrictions (hereinafter referred to as the "CC&Rs") and certain architectural control standards (hereinafter referred to as the "ACSs") affecting certain real property situated in Lynden, Whatcom County, Washington, and more particularly described on Exhibit A which exhibit is attached hereto and incorporated herein and referred to herein as the "Property". Kamm Creek, PRD is referred to herein as the "Plat". These CC&R's and ACS's are subject to any overriding requirements of the City of Lynden regarding development or building codes or standards and the conditions of approval of the Kamm Creek Planned Residential Development Agreement ("PRD Agreement")..

NOW THEREFORE, the Developer hereby grants, reserves and declares that the CC&Rs and ACSs herein set forth shall inure to the benefit of and be binding upon the respective owners of each lot, tract or parcel of the Property, any lots created by subdivision of the Property and

any real property annexed thereto, and further grants, reserves and declares that all of the Property is held, and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the following CC&Rs and ACSs for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property and every part thereof. All of the CC&Rs and ACSs expressed herein shall run with the land and be binding upon the parties having any right, title or interest in the Property, and any real property annexed thereto, or any part thereof.

1. CONSTRUCTION STANDARDS

1.1 General Considerations

These construction guidelines are primarily designed to maintain a safe and appealing neighborhood environment for existing residents and potential buyers during construction of homes in the Plat. The guidelines are not intended to overly constrain contractors but simply to provide enough control to ensure an orderly construction process.

1.2 Permitted Working Hours

Construction activity will be permitted from 7:00 a.m. to 7:30 p.m. on weekdays and from 8:00 a.m. to 6:30 p.m. on Saturdays and Sundays.

1.3 Completion Schedule for Houses

Construction of all buildings on a lot shall be carried out diligently from commencement of the work until the exteriors are fully completed (including painting, weather permitting). The maximum time limit for construction, excluding landscaping, is eighteen (18) months from the date of commencement of site work.

No occupancy of a house may occur until after full completion of construction of its exterior.

If a lot owner does not commence construction of a house or has not planted the entire lot with a lawn and permitted landscaping by the later of one (1) year after final plat approval is received by Shea Street Homes, PRD or six (6) months after the closing of the lot purchase, he/she will be required to hydroseed the entire lot with two (2) ounces per one hundred (100) square feet of coverage of the following grass/wildflower mix:

thirty percent (30%) Northwest Wildflower Mix and seventy percent (70%) Spartan Hard Fescue.

1.4 Completion Schedule for Landscaping

Completion of all landscaping work and exterior lighting installation on a lot shall be carried out diligently from commencement of the work until full completion, which must occur within sixty (60) days of issuance by the City of Lynden of the occupancy permit for the house. Exceptions will be granted in the case of snow cover or frozen ground conditions or other substantial inclement weather.

1.5 Environmentally Sound Building Materials

Designers and contractors are strongly encouraged to specify and utilize building products and systems that are environmentally sound, provided such materials are of sufficient quality and are cost competitive. Such products may fall in to a number of categories:

- they contain recycled content;
- they consume less raw material resources to achieve the same purpose;
- they are energy efficient; or
- they are safe for the installer and the residents in terms of potential toxicity.

Energy efficiency may come in to play at many levels such as the embodied energy (that is, the energy necessary to produce the product itself) being relatively low, or the product acting to reduce the energy necessary to heat or cool the home.

Products that fall within the above parameters are many and their numbers are growing daily. For example, many products contain recycled content such as quarry tile made from windshields, cellulose insulation made from recycled paper and "Meadow Board', an interior wallboard made from rice straw (otherwise a waste product which is slash-burned). Non-toxic paints and coatings give off no harmful gases and generate far less hazardous waste in their manufacture. Pre-engineered wood web joists use less wood than their solid sawn counterparts.

Further information on these and many other environmentally sound building materials can be obtained through environmental information services such as Environmental Resource Services, Suite 623, 1155 North State Street, Bellingham, Washington 98225, (206) 676-5723 (a free service affiliated with the Whatcom County Recycling Program) and the Third Arrow Project at (206) 671-2365.

1.6 Compliance with Governmental Codes

All construction work at Kamm Creek, PRD shall be carried out in a first class, professional manner and must fully comply with all federal, state and municipal requirements, development agreements, ordinances, by-laws and building codes.

2. CONSTRUCTION METHODS

2.1 Excavation Near Trees and Survey Stakes

Extreme care shall be taken when working and excavating close to trees. Damage to roots, contact of the tree with construction equipment or changing the grade of the land immediately around the base of trees should be avoided where reasonably possible. If the owner or the owner's contractor determines that damage to a tree or trees on a lot or in the street boulevards cannot be avoided as a result of required construction activities, the affected tree(s) may be removed or damaged in a careful and workmanlike manner after obtaining all proper permits and approvals.

Survey stakes lost or moved by the lot owner or lot owner's contractor must be reinstalled by the project surveyor at the expense of the owner.

2.2 Erosion Control

Provisions shall be made at each construction site as may be reasonably required to control erosion such as straw bales, seeding and shielding excavations through the use of material such as ground fabric.

2.3 Construction Debris and Site Clean-Up

Owners and their contractors shall take all normal steps to keep the streets, and neighboring lots free of trailers, job toilets, construction materials, mud, dirt and construction debris. The construction site and surrounding areas should be regularly monitored for unnecessary construction debris and for drainage and mud slides onto neighboring lots and into storm drains. During construction the road in front of the lot should be kept broom clean and the catch basin kept clear of debris and in working order at all times.

2.4 Storage and Disposal of Construction Materials

Construction materials should be neatly stored on site at the end of each construction day. Construction waste and garbage should be disposed of in a large on-site temporary trash receptacle or removed from the site as required to prevent an unsightly build-up of waste materials.

Contractors are encouraged to recycle their waste materials. In many cases, recycling can turn out to be less costly than conventional disposal. Many materials can now be picked up for recycling on job sites, such as: cardboard, kraft paper, sheetrock scrap, lumber and plywood, scrap metal, and pallets and other wood wastes.

Further information can be provided by environmental information services such as Environmental Resource Services, Suite 623, 1155 North State Street, Bellingham, Washington 98225, (206) 676-5723 (a free service affiliated with the Whatcom County Recycling Program) and the Third Arrow Project at (206) 671-2365.

2.5 Construction Equipment

Lot owners and their contractors shall take normal precautions to prevent damage to installed roadways, curbs, sidewalks, services and trees and vegetation in the road

right-of-way. In particular they shall adequately protect sidewalks and curbs when it is necessary to drive construction vehicles across them. Lot owners and their contractors shall be responsible for the repair of damage to public or private improvements if the damage is caused by their activities, even if:

a) the cause of damage is unknown;
b) the identity of the party causing the damage is unknown; and/or
c) the party causing the damage does not pay for the repair for any reason.

2.6 Conduct of Workers

The impact of construction activities on neighboring residents must be kept to a reasonable minimum by treating neighbors in a courteous manner. Issues including parking, use of job toilets, construction crew pets (which must be kept on a leash at all times), loud music, speeding, use of profanity, and the borrowing of power, water or phone services from neighbors.

3. SERVICE CONNECTIONS

Upon final plat approval, each lot will be serviced with water, sanitary sewer, storm sewer, electricity, gas, telephone and cablevision. All services are underground and all connections to homes similarly must be built below grade. The suppliers of the services are as follows:

Water:	City of Lynden
Sanitary Sewer:	City of Lynden
Electricity:	Puget Sound Energy
Gas:	Cascade Natural Gas
Cablevision:	Comcast

Connections to water mains, sanitary sewers and storm sewers shall be made in accordance with City of Lynden regulations and the development agreement which governs the Kamm Creek, PRD. Authority for such connections must be obtained by making the necessary application for a Building Permit to the City of Lynden and by paying all applicable hook-up and related fees.

Arrangements shall be made with the above suppliers of electrical, gas, telephone and cablevision services for the supply of these services by means of underground connections to the owner's home and for the payment of any fees charged in relation to such connections.

It is acknowledged that the Developer shall have no liability for any costs initiated by the lot owner related to the installation, servicing or maintenance of any services or products supplied by any of the aforementioned utilities and service suppliers. The developer reserves the right to recover any and all amounts that are refundable for the initial installation of utility services.

4. GENERAL CONSIDERATIONS

4.1 Compliance with CC&Rs and ACSs

All construction and landscaping work carried out on any lot located within the Property must be in complete conformity with these CC&Rs and with the ACSs related to such lot as such may be amended from time to time, and must be in strict compliance with the plans which have been approved in accordance with such standards.

4.2 Enforcement

Each lot owner, including the Developer, individually or any group of lot owners acting together has the right to enforce the provisions set out in these CC&R's and ACS's. The City of Lynden shall also have the right to enforce the provisions set out in these CC&R's and ACS's. If any owner of a lot shall violate or allow the violation of any of the provisions of these CC&Rs or the ACSs, it shall be lawful for any owner(s) of any other lot(s) or the City of Lynden where applicable, to prosecute and proceed at law or in equity against such violating owner to correct the violation or to recover damages related thereto, notwithstanding the fact that such errant owner may have subsequently ceased to hold title to a lot located within the Property.

4.3 Amendments and Expiration

These CC&Rs and ACSs will expire and cease to have any force and effect on December 31, 2070 unless the owners of at least 50.1% of the lots located within the Property vote to extend these CC&Rs and ACSs, in which case they will remain in full force and effect for ten (10) year intervals thereafter. At the end of each ten (10) year interval, expiring on December 31, 2080, December 31, 2090 and so on, a 50.1% vote will be required to maintain these CC&Rs and ACSs in full force and effect; otherwise they will automatically expire.

Any provisions of these CC&Rs and ACSs can be terminated or amended at any time upon the vote of the owners of at least sixty-six and two-thirds percent (66 2/3 %) of the lots located within the Property and the filing of such amendment(s) as legally required. At the scheduled termination dates as set out in the preceding paragraph, amendment will require the vote of owners of only 50.1% of the lots located within the

Property. Any costs associated with such amendment(s) will be borne equally by each lot owner.

4.4 Intentionally left blank

In the event of any legal action or any formal dispute resolution proceedings that arise out of the enforcement of any of the provisions of these CC&Rs and/or ACSs the substantially prevailing party shall be entitled to reimbursement from the breaching or offending party for the reasonable legal fees and dispute resolution costs incurred by the substantially prevailing party.

At any time prior to the effective termination date for these CC&Rs and ACSs, upon the vote of the owners of at least sixty-six and two-thirds percent (66 2/3 %) of the lots located within the Property, a homeowners association comprised of the Kamm Creek, PRD Plat lots will be formed under Washington law. All costs associated with the ongoing activities of the homeowners association shall be borne equally by each lot owner. Upon formation, said homeowners association shall have the right to enforce all the provisions of these CC&Rs and ACSs and to assess any costs thereof equally among each lot owner.

4.5 Grantee's Acceptance

The grantee of any lot located within the Property by acceptance of a deed conveying title thereof, or the execution of a contract for the purchase thereof, whether from the Developer or a subsequent owner of such lot, shall accept such deed or contract upon and subject to each and all of the provisions contained in these CC&Rs and the ACSs as they pertain to such lot, and by such acceptance shall for himself/herself, his/her heirs, personal representatives, successors and assigns, consent and agree to keep, observe, comply with and perform all the provisions of these CC&Rs and the ACSs pertaining to such lot.

4.6 Protection of Holder of Mortgage or Deed of Trust

No violation or breach of any provision contained in these CC&Rs and the ACSs and no action to enforce the same shall defeat, render invalid or impair in any way the lien of any mortgage or deed of trust held on any lot located within the Property, or the title or interest of the holder thereof, or the title acquired by any purchaser upon foreclosure of any such mortgage or deed of trust. Any such purchaser shall, however, acquire title to any such lot subject to the provisions of these CC&Rs and the ACSs as pertains to such lot.

4.7 Sales Office/Model Home

The Developer reserves the right to maintain a sales office/model home on a lot or lots within the Property for the purpose of selling and re-selling lots within the Property or within neighboring plats. The Developer reserves the right to place and maintain "for

sale" signs on any lot within the Property until such time as the sale of such lot by the Developer has closed.

4.8 Easements

Easements for drainage, sewers, water pipes and utilities, facilities and service (including, but not limited to water supply, electricity, gas, telephone, cable and television) are hereby reserved over, under, upon and through all roadways, walkways and certain portions of lots as shown on the final plat maps of all plats located within the Property in which to install, repair, renew, operate, maintain and inspect underground pipes, sewers, conduits, cables, wires and all necessary facilities and equipment for the purpose of serving such plats, together with the right to enter upon said easement areas for or pertaining to the aforesaid.

4.9 Damages

Each owner agrees that being in violation of the restrictions herein set forth may constitute an injury or damage to some or all of the other owners, which damage shall be deemed to be impossible to quantitatively measure. As a result, any or all of the other owners, in addition to all of the other remedies at law and at equity, will be entitled to a decree or order restraining or legally prohibiting any breach of any of the provisions of these CC&Rs and the governing ACSs, and any owner in breach of any such provisions hereby agrees that he/she will not plead in defense thereto that there would be an adequate remedy in law.

4.10 No Waiver of Other Laws

The provisions contained in these CC&Rs and the ACSs shall not relieve any owner of the requirement to observe the by-laws, ordinances and other requirements of the City of Lynden, all development agreements between the Developer and the City, and the obligations and liabilities imposed by statute or common law on the owners and occupants of the lots, all of which must be duly observed and complied with.

4.11 Failure to Enforce Not a Waiver

Failure to enforce any provision of these CC&Rs or the ACSs shall not operate as a waiver of any such provision or of any other provisions contained herein.

4.12 Severability

If any provision of these CC&Rs or the ACSs is determined to be void or unenforceable in whole or in part, it shall not be deemed to affect or impair the validity or enforceability of any other provision contained herein.

4.13 Time of Essence

Time shall be of the essence of these CC&Rs and ACSs.

Special Requirements

A. USE OF PROPERTY/QUIET ENJOYMENT

a.1 Use of Property

All lots located within the Property shall be used exclusively for permanent residential purposes. No commercial sale of goods is permitted to be carried on from any lot. Provided such use is permitted by the City of Lynden, the above restrictions will not prohibit physicians, lawyers, accountants, architects, writers, artists or other professional men or women from having their offices or studios in their house, or any other traditional home business that employs no more than two (2) individuals who are not living in the house.

a.1.1 Further Subdivision

Any further subdivision of lots from that shown in the Plat is subject to compliance with applicable subdivision law and the approval of all governmental bodies having jurisdiction.

a1.2 Disturbance of Neighbors

No owner or occupant of any lot shall allow any act of nuisance to originate from his/her lot. No rubbish, debris or unsightly materials of any kind shall be placed or be permitted to accumulate on any portion of a lot, nor shall any odors or loud noises be allowed to emanate from any lot that are offensive or detrimental to any persons occupying any other lots located within the Property. The emission of airborne particulate matter from a lot is also not permitted in sufficient quantities so as to be injurious to human health or property or objectionable to neighboring residents, acting reasonably. No exterior speakers, horns, whistles, bells or other sound devices except security and fire alarm devices used exclusively for such purposes, and no plant, animal, device or other thing whose normal activity or existence is in any way noxious, dangerous, unsightly, or unpleasant or the nature of which might significantly diminish the enjoyment of neighboring residents shall be maintained on any lot.

a1.3 Pets and Livestock

No owner or occupant of any lot shall keep or permit to be kept any livestock or other animals of any kind except for domesticated household pets, which pets shall not be permitted to run wild or uncontrolled within the Property. No pet shall be allowed to make an unreasonable amount of noise or to become a

significant nuisance. No premises on any lot shall be used for the breeding or boarding of household pets.

a.2 KEY DESIGN CONSIDERATIONS

a.2.1 Preferred Architectural Design

a.2.1.1 Overall Form and Style

Each lot within the Kamm Creek, PRD may be used only for residential purposes (except home offices as permitted above in Section a.1.1 and as allowed by the City of Lynden). "Residential purposes" shall mean the construction of a single family dwelling on each lot as allowed in the plat conditions for Kamm Creek, PRD.

Traditional and contemporary forms of architecture are acceptable. Home designs incorporating generous uses of front porches, gables and dormers are encouraged.

a.2.1.2 Elevations and Decks

All sides of houses fronting streets on corner lots require full elevational treatment. On street-fronting elevations and large areas of non-articulated wall are discouraged.

a.2.1.3 Entries

Front entry doors shall be visible from the street, prominently featured, well covered and well lit. Large useable front porches are encouraged.

a.2.1.4 Garages

All houses will be built with enclosed two or three car garages, integrated architecturally with the residence. Detached garages are permitted subject to City of Lynden zoning code. Garage doors should not dominate the street side of the house. No garage doors over eight (8) feet in height are allowed.

a.2.2 Building Envelopes

Lot coverage and setbacks are according to the City of Lynden approved Kamm Creek PRD Development Agreement attached as Exhibit C.

a.2.3 House Heights and Changes to Existing Grade

Houses are to be designed to respond to existing lot grade conditions. Extensive filling or recontouring of building sites should be minimized. No fill shall be added to any area within the lots that are designated as Flood Plain on the Building height limits are

according to the City of Lynden approved Kamm Creek, PRD Development Agreement attached as exhibit C.

a.2.4 House Colors

Exterior colors shall be varied from house to house with the same color not repeated in neighboring houses. A variety of colors is encouraged but overly bright or dramatic colors should be avoided.

a.2.5 Exterior Wall Materials

All exterior faces of the houses must be finished in either stone or brick, solid wood, fiber cement siding or stucco. Architectural metals are allowed except aluminum, steel, or vinyl lap siding. Exposed concrete foundations must be limited to a height of 12 inches above the finished grade, except for steeply sloping sites where slightly greater exposures are permitted. Any use of masonry requires the transition from masonry to other siding materials to occur only at inside corner locations to prevent the "edge" of masonry showing.

a.3. EXTERIOR DESIGN CONSIDERATIONS

a.3.1 Ancillary Buildings

Any ancillary buildings to be built on any lot such as tool or storage sheds, regardless of when they are built, are subject to all of the same design parameters set out in these CC&Rs and ACGs governing house design. The size and design, including materials and colors, of any ancillary building on a lot must be complimentary to the house.

a.3.2 Roof Design

Roof design is an important element in house design. Roofs with intersecting and varied slopes and gables, and deep roof fascias are encouraged. Roof pitches can vary, but shall be consistent with the style or design of the house. Roof penetrations including dormers and clerestories create interesting, attractive interior spaces and are strongly encouraged. Their location on the roof is important in avoiding an over-decorated, visually confusing appearance. Rooftop access stairways, vent shafts, mechanical equipment and utility structures shall be screened from view where possible.

a.3.3 Roof Materials

Roof materials are limited to natural cedar shakes or shingles, concrete or clay tiles, slate or textured 30 year-plus mineral surfaced composition shingles or concealed fastener standing seam metals.

a.3.4 Window Design and Materials

Window sizes and styles shall be consistent with the overall architectural style of the home. Window frames must be constructed of wood, vinyl, fiberglass or aluminum. Window mounted HVAC units are not permitted.

a.3.5 Screening of Antennae

No television, radio or satellite antennae, receivers, dishes or other telecommunications devices shall be installed on any portion of any lot unless contained entirely within the interior of a building or in the backyard, if installed on the roof the device shall be hidden from the neighboring streetscape as much as possible.

a.3.6 Chimney Design

Exterior chimneys visible from the street in front of the house are to be continuous to grade, not cantilevered. Exposed metal chimneys are not permitted below the roof. Decorative or corbelled caps are encouraged.

a.4. LANDSCAPING

a.4.1 General Landscaping Considerations

The specific provisions of these CC&R's and ACSs govern landscaping of only the front yards and side yards abutting flanking streets. The front yard is defined as that area of the lot lying between the front wall of the house (as "extended" in a straight line to the side property lines) and the street right-of-way. The landscape design of the front yard is an integral part of the overall attractiveness of the community. As a result, it is important to all homeowners that a minimum standard of quality be maintained. However, the following guidelines are not intended to control personal expression or limit design in the development of front yards.

The front yard landscape plan shall incorporate generous plantings of trees and shrubs, both coniferous and deciduous in "natural" groupings. Large expanses of lawn, uninterrupted by plantings, are not acceptable. Street trees of a minimum two (2) inch caliper shall be included at not greater than sixty (60) foot spacing along street frontage.

Accents such as hanging baskets, perennials and annuals are encouraged. Flowering plants should be clustered to maximize their visual effect. Artificial features such as statuary and precast ornaments are not encouraged in the front yards.

Front yards shall be well maintained by the owner at all times. Each owner's maintenance responsibility will include the strip of vegetation lying between his front property line and the concrete curb of the roadway. Owner is responsible to maintain street trees located within City Right of Way along their lot frontage. Maintenance shall include necessary watering and pruning.

At a minimum, the rear yard and side yards of each lot will be planted and maintained with grass to eliminate the possibility of soil erosion and mud run-off onto neighboring lots.

a.4.2 Tree Removal

Existing trees that are greater than six (6) inches in diameter shall not be removed from a lot unless such removal is unavoidable because the tree is dead, the tree is in danger of falling or the existing tree or its primary roots are located within the proposed footprint of the home to be constructed.

a.5. YARD DESIGN

a.5.1 Access Easements

All access streets within the Kamm Creek PRD are private and owned by the Kamm Creek HomeOwners Association. Maintenance and control of vehicular use shall be shared by the HOA. The HOA shall include funds in the dues to cover the costs for maintenance including cleaning repairing and snow removal for these access streets and the stormwater system within these streets.

a.5.2 Driveways and Walkways

Width of driveways and walkways will not exceed 22 feet and 5.5 feet, respectively, except in the case of a house with a three-car garage, where the driveway as it approaches the house can widen outward to a maximum of 32 feet. Walkways and stairways should follow the natural contours of the lot. Long, straight walkways and stairways are to be avoided. Driveways and walkways are to be constructed of concrete, brick pavers or paving stones. Paving stones and brick pavers or exposed concrete strips are encouraged to break up large areas of broomed concrete.

a.5.3 Patios and Decks

Patios and decks are to be constructed of concrete brick pavers, paving stones, stone or wood. If wood is utilized, dimensional cedar, treated lumber, or duradeck or similar material is permitted to be used as a surface material. Deck walls and railings shall be constructed of materials consistent with those used on the exterior of the deck itself and on the exterior of the house. Planters and other edge details located around the perimeter of decks and patios are encouraged. Patios and decks shall be integrated into the house design to avoid "added on" appearance.

a.5.4 Retaining Walls/Foundation Plans

Retaining walls shall not exceed a height of 4 feet and shall be constructed only of the following materials: stone, heavy timber, concrete with brick, stone or wood facing or

concrete with an exposed aggregate finish. Railroad ties or similar prefabricated wood products are discouraged.

a.5.5 Fencing

No fencing is allowed in the front yard except for landscape borders not to exceed 24 inches in height. Rear yard fencing is strictly limited to the existing fence as installed by the Developer on the lot or within the Common Area adjacent to the rear lot line. And shall be constructed according to the design attached as Exhibit E. Any side yard fencing from the rear yard fence to a point even with the rear wall of the house shall be the same design as the rear yard fence and as attached in Exhibit E Any gates in the rear yard fencing installed by the homeowner shall not affect the stability of the existing fence and shall be constructed according to the Gate Design attached as Exhibit E. Privacy fencing up to 6 feet in height is allowed on side yards from the rear wall to the front wall of the house. Trees and other landscape plants are allowed for privacy screening.

a.5.6 Address Marker at Access Easement Entrances

Home Addresses for Lots shall be displayed in a location and size to be visible from the street.

a.5.7 Exterior Lighting

Indirect lighting (defined as having the light source itself shielded and not directly visible from adjoining properties or the street) is permitted provided the intensity and number of sources are not excessive.

a.5.8 Sign Restrictions

Homeowners are permitted to erect one small, professionally designed permanent sign in their front yard containing their last name and/or street address.

On a temporary basis, homeowners are also permitted to erect in their front yard or display from their house, one sign at any given time advertising their property for sale or for rent provided such sign does not exceed six (6) square feet in size. During house construction only, up to four (4) signs may be posted on an individual lot provided that each such sign does not exceed six (6) square feet in size.
See 9.7 for sign restrictions applicable to the Developer.

a.5.9 Clotheslines Restrictions

Clotheslines are only permitted in the backyard of a lot completely screened from view at any point along the street. Clotheslines are restricted to forty (40) feet in length.

a.5.10 Screening of Vehicles and Other Objects

All automobiles and other permitted vehicles, if kept or parked on the Property, shall be in good order and working condition. The following types of vehicles and other items shall not be parked or kept on any lot unless enclosed in a garage, ancillary building or located in the backyard completely screened from view with landscaping or fencing from the street or from any neighbors: recreational vehicles, trucks or commercial vehicles of more than one ton capacity, utility trailers, campers, travel trailers, buses, boats, partially wrecked, disrepaired or discarded automobiles, fuel tanks, service yards, firewood, trash and other unsightly vehicles and objects.

a.5.11 Mailboxes

Installation of cluster mailboxes is the responsibility of the Developer based on requirements of the US Postal Service. No individual mailboxes are required or permitted.

IN WITNESS WHEREOF, the undersigned Owner has executed the within declaration as of the ___ day of _____, 201__.

OWNER:

KAMM CREEK INVESTMENTS, LLC,
a Washington limited liability company

By: _____
Its: Authorized Member

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, Robert D. Libolt, to me known to be an authorized member of KAMM CREEK INVESTMENTS, LLC personally appeared and acknowledged the foregoing instrument to be the free and voluntary act and deed of said

limited liability company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the foregoing instrument on behalf of such limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

_____
{Print Name}
Notary Public in and for the State of Washington

SEAL

My commission expires: _____

Exhibit A

Legal Description of the Property

PARCEL 1:

THE EAST 5 ACRES OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., EXCEPT NORTHWOOD ROAD ALONG EASTERLY BOUNDARY THEREOF.
SITUATE IN WHATCOM COUNTY, WASHIGTON

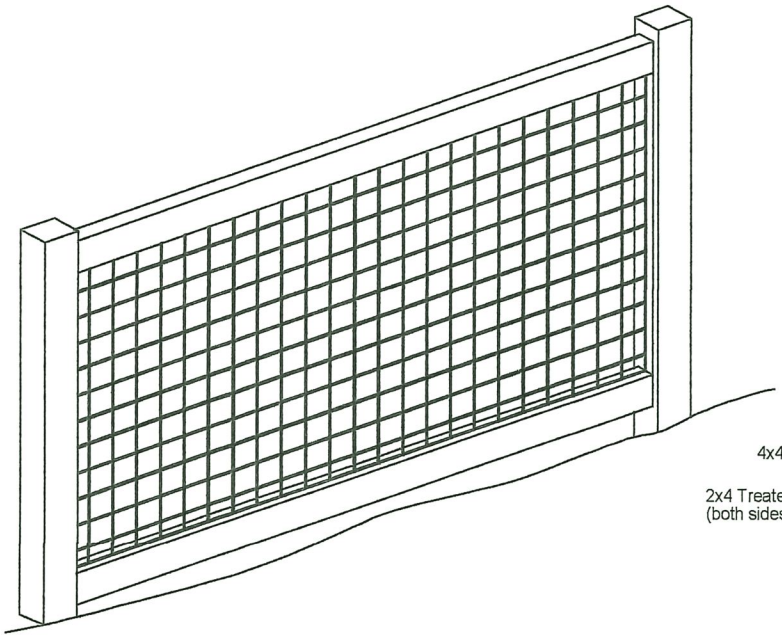
PARCEL 2:

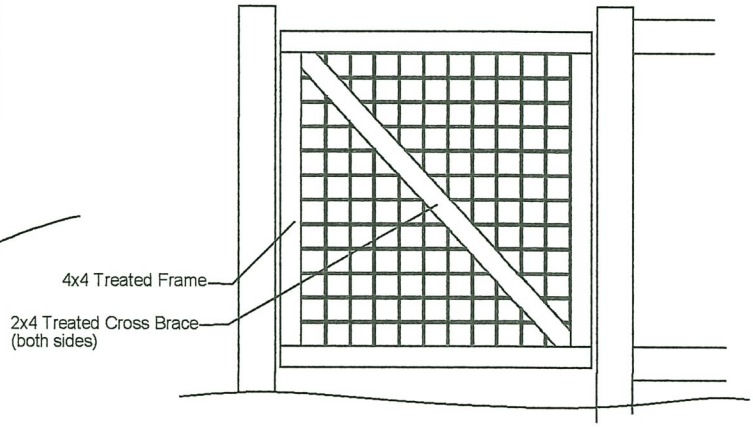
THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.
SITUATE IN WHATCOM COUNTY, WASHIGTON

EXHIBIT E

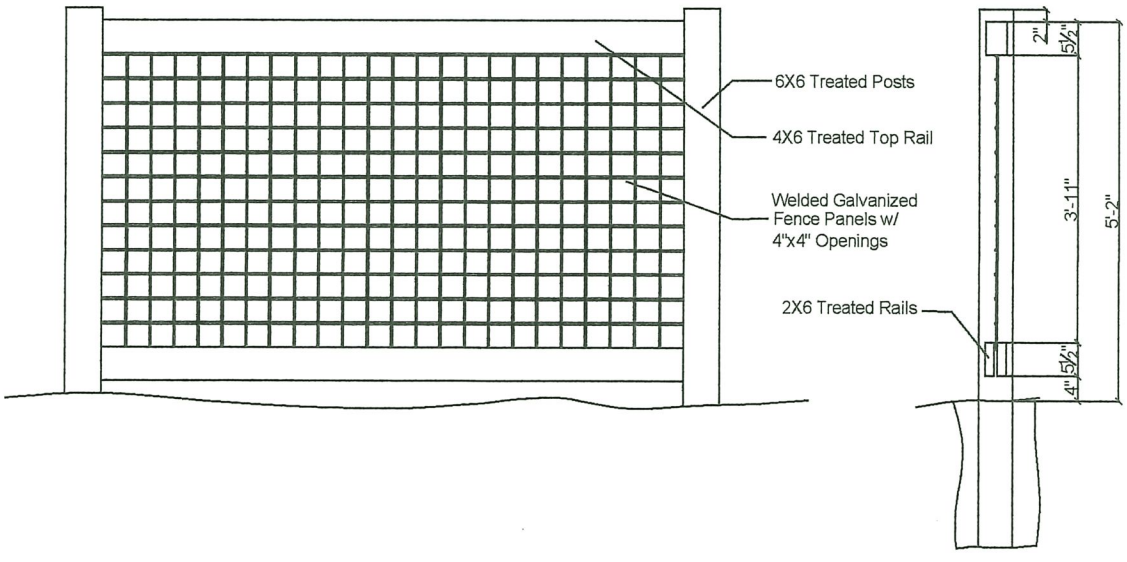
KAMM CREEK PRD

Rear Yard Fence Detail





Gate Detail



ARTICLES OF INCORPORATION
OF
KAMM CREEK HOMEOWNERS ASSOCIATION

The undersigned, acting as Incorporator of a corporation under the Washington Nonprofit Corporation Act, adopts the following Articles of Incorporation for the Corporation:

ARTICLE I
Name

The name of this Corporation is KAMM CREEK HOMEOWNERS ASSOCIATION (the "Corporation").

ARTICLE II
Duration

The Corporation shall have a period of duration which is perpetual.

ARTICLE III
Purpose

The Corporation is organized to provide an entity to operate and govern the Kamm Creek Planned Residential Development (PRD), a housing development located in Lynden, Whatcom County, Washington, as more particularly described on Exhibit A attached hereto, and to engage in all such activities as are incidental or conducive to the attainment of the objectives of the Corporation and all activities which are permitted to be done by a nonprofit corporation under any laws that may now or hereafter be applicable or available to this Corporation.

ARTICLE IV
Nonprofit Corporation

The Corporation is not organized for profit. No member, member of the Board of Directors or person from whom the Corporation may receive any property or funds shall receive or be lawfully entitled to receive any pecuniary profit from the operations thereof, and in no event shall any part of the funds or assets of the Corporation be paid as salary or compensation to, or distributed to, or inure to the benefit of any members of the Board of Directors. The foregoing, however, shall neither prevent nor restrict the following: (I) reasonable compensation may be paid to any member or manager while acting as an agent or employee of the Corporation for services rendered in effecting one or more purposes of the Corporation; and (2) any member or Board member may, from time to time, be reimbursed for his or her actual and reasonable expenses incurred in connection with the administration of the affairs of the Corporation.

ARTICLE V
Members

The Corporation shall have one (1) class of members, which shall consist of the owners of the subdivided lots comprising Kamm Creek PRD. Each lot shall have a single membership vote.

ARTICLE VI
Registered Office and Agent

The address of the initial registered agent of this Corporation is 125 Rosemary Way, Lynden, WA, 98264, and the name of its initial registered agent at such address is Robert Libolt.

ARTICLE VII
No Capital Stock

The Corporation shall not be authorized to issue capital stock of any kind.

ARTICLE VIII
Board of Directors

Initial Directors. The number of directors of this Corporation shall be fixed by the Bylaws and may be increased or decreased from time to time in the manner specified therein. The initial Board of Directors of this Corporation consists of one (1) director. The names and addresses of such directors are as follows:

Robert Libolt	125 Rosemary Way Lynden, WA 98264

ARTICLE IX
Director Liability

A director of the Corporation shall not be personally liable to the Corporation or its members for monetary damages for conduct as a director, except for liability of the director for; (i) acts or omissions that involve intentional misconduct or a knowing violation of law by the director, or (ii) any transaction from which the director will personally receive a benefit in money, property, or services to which the director is not legally entitled. If applicable law is amended to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the Corporation shall be eliminated or limited to the fullest extent permitted by law, as so amended. Any repeal or modification of the foregoing paragraph by the members of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification.

ARTICLEX
Indemnification

The Corporation shall indemnify its directors against all liability, damage, or expense resulting from the fact that such person is or was a director, to the maximum extent and under all circumstances permitted by law.

ARTICLE XI
Distributions upon Dissolution

Upon dissolution or final winding up of the Corporation under the laws of the State of Washington, all of its assets remaining after payment of creditors will be distributed, or sold and the sales proceeds distributed, in accordance with the provisions of RCW 24.03.271.

Article XII
Amendments

The Corporation reserves the right to amend, alter, change or repeal any provision contained in these Articles of Incorporation by the affirmative vote of a majority of the directors present at a meeting of the Board of Directors.

ARTICLE XIV
Incorporator

The name and address of the incorporator of the Corporation is as follows:

Robert Libolt 125 Rosemary
Lynden, WA 98264

DATED this __ day of _____ - , 2020.

_____
ROBERT LIBOLT
Incorporator

CONSENT TO APPOINTMENT AS REGISTERED AGENT

I, ROBERT LIBOLT, hereby consent to serve as registered agent, in the State of Washington, for the following Corporation: KAMM CREEK HOMEOWNERS ASSOCIATION. I understand that as agent for the Corporation, it will be my responsibility to accept service of process in the name of the Corporation; to forward all mail and license renewals to the appropriate officer(s) of the Corporation; and to immediately notify the Office of the Secretary of State of my resignation or of any changes in the address of the registered office of the Corporation for which I am agent.

Dated this_____day of_____2020.

_____

ROBERT LIBOLT
125 Rosemary Way
Lynden, WA 98264

EXHIBIT A
LEGAL DESCRIPTION OF SUBDIVISION
(Not Yet Segregated)

That portion of the Northwest quarter of the Northwest quarter, Section 15, Township 40 North, Range 3 East of W.M., Whatcom County, Washington, described as follows:

PARCEL 1:

THE EAST 5 ACRES OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., EXCEPT NORTHWOOD ROAD ALONG EASTERLY BOUNDARY THEREOF.
SITUATE IN WHATCOM COUNTY, WASHIGTON

PARCEL 2:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.
SITUATE IN WHATCOM COUNTY, WASHIGTON

Situate in Whatcom County, Washington.

Subject to and together with all covenants, conditions, restrictions and easements, if any, affecting title which may appear in the public record, including those shown on any recorded plat map or survey.

EXHIBIT B

BYLAWS OF
KAMM CREEK HOMEOWNERS ASSOCIATION

SECTION 1
NAME AND LOCATION

1.1 Name. The name of the Association is KAMM CREEK HOMEOWNERS ASSOCIATION (the "Association").

1.2 Location. The principal office of the Association shall be in Whatcom County, Washington.

SECTION2
PURPOSE

The Association shall be conducted as a nonprofit corporation for the purposes set forth in the Articles of Incorporation, as may be amended from time to time (the "Articles") and in the Declaration of Covenants, Conditions, Restrictions and Architectural Control Standards for Kamm Creek PRD, as the same may be amended from time to time (the "Declaration"). The purposes may be changed by a vote of the Board of Directors as required by the Articles.

SECTION3
DEFINITIONS

Unless otherwise defined herein, the following definitions are incorporated in these Bylaws:

3.1 Property. Property shall be the real property located in Whatcom County, Washington described as follows (not yet segregated):

That portion of the Northeast quarter of the Southwest quarter, Section 15, Township 40 North, Range 3 East o fW.M, Whatcom County, Washington, described as follows:

PARCEL 1:

THE EAST 5 ACRES OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., EXCEPT NORTHWOOD ROAD ALONG EASTERLY BOUNDARY THEREOF.
SITUATE IN WHATCOM COUNTY, WASHIGTON

PARCEL 2:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.
SITUATE IN WHATCOM COUNTY, WASHIGTON

Situate in Whatcom County, Washington.

Subject to and together with all covenants, conditions, restrictions and easements, if any, affecting title which may appear in the public record, including those shown on any recorded plat map or survey.

3.2 Member. Member shall mean and refer to the record owner, or holder of fee or equitable title to a lot within the Property. This shall include any person having a fee simple title to any lot, but shall exclude persons or entities having any interest merely as security for the performance of any obligation. Further, if a lot is sold under a contract of sale (which contract or notice thereof is recorded), the contract purchaser, rather than the fee owner, shall be considered the Member.

3.3 Lot. Any separately numbered parcel of land shown on the plat as a buildable parcel, intended for sale to and use and enjoyment by an owner (excluding areas designated on the plat as Common Area).

3.4 Common Areas. Common Areas shall mean and refer to the private roads, common utility lines, pipes, poles and appurtenances together with any improvements constructed, or to be constructed thereon, as may be set forth on the plat of the Property. Common Areas shall included any community building or improvements constructed for the benefit of all Lotowners.

3.5 Covenants. Covenants shall mean and include the Declaration of Covenants, Conditions, Restrictions and Architectural Control Standards as recorded under Whatcom County Auditor's File No. _____and all duly adopted and recorded amendments and addendums thereto.

SECTION 4
MEMBERSHIP, MEETINGS AND VOTING RIGHTS

4.1 One Class of Membership. The Association shall have one (1) class of voting membership, with voting power being as described herein and in the Articles.

4.2 Voting Rights. Each Member in good standing (whose assessments are fully paid) shall be entitled to vote on all matters, which duly come before the Members for consideration. Each Member is entitled to one (1) vote for each Lot owned in the Property. In all cases,joint ownership shall not entitle Members to more votes than if each tax parcel was owned by a single Member. In any case of joint ownership of a Lot, the joint owners will need to determine how their single Lot vote shall be cast amongst themselves and the Association shall have no liability whatsoever for any disagreement among joint owners of a Lot.

4.3 Quorum. The presence in person or by proxy of at least twenty-five percent (25%) of the Members in good standing shall constitute a quorum. Persons voting by mail or by electronic transmission shall be deemed present for all purposes of a quorum, count of votes, and percentages of total voting power.

4.4 Voting/Proxies. At all meetings of the Members, each Member may vote in person, by mail, by electronic transmission, or by proxy. All proxies shall be in writing and filed with the Secretary. All proxies shall be valid only for the meeting for which the proxies are given (including any reconvened meeting in the event of an adjournment), unless provided otherwise in the proxy (but in no event for a period exceeding eleven (11) months from the date of execution).

4.5 Membership Meetings. Annual and special meetings of Members of the Association shall be held with the frequency, at the time and place and in accordance with the provision of these Bylaws and as set from time to time by the Board of Directors.

4.6 Annual Meeting. The annual meeting of the Association shall be held at such time and place as determined by the Board of Directors.

4.7 Special Meetings. Special meetings of the Members of the Association may be called by the President or by a majority of the Board of Directors. A special meeting may also be called by the Board of Directors upon receipt of a written request therefore signed by Members representing not less than ten percent (10%) of the voting Members of the Association. Only business within the purpose or purposes described in the meeting notice may be conducted at a special meeting.

4.8 Notice. Written notice, or notice given by electronic transmission, stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than fourteen (14) nor more than sixty (60) days before the date of the meeting, either personally, by mail, or by electronic transmission, by or at the direction of the President, Secretary

or Board of Directors, to each Member entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail, addressed to the Member at his or her address as it appears on the records of the Association, with postage thereon prepaid. If sent by electronic transmission, the notice is deemed to be delivered when sent, addressed to the Member at his or her electronic transmission address as it appears on the records of the Association.

4.9 Membership Action. Any action required by the Membership under these Bylaws must be taken pursuant to duly held meetings. A vote of the majority of the Members voting, with not less than a quorum voting, shall constitute action by the Members, unless a greater percentage of votes is required by the Articles, these Bylaws or by law.

SECTIONS
BOARD OF DIRECTORS

5.1 Number of Directors. The affairs of the Association shall be managed by a Board of Directors who shall be Members of the Association. The number of directors constituting the Board of Directors shall consist of a minimum of three (3) to a maximum of five (5) directors. The initial Board of Directors shall be as follows:

Robert Libolt

5.2 Term of Office/Election. All directors shall be elected for a two (2) year term by the Members at the annual meeting of the Members, and such term shall commence on the first day of the month following the annual meeting and shall expire two (2) years later, unless a director position is filled by the Board of Directors as a result of a resignation.

5.3 Election and Ballots. The election of the Board of Directors shall be by written ballot or by any method acceptable to the Membership, within the provisions of Section 4.4. The persons receiving the largest number of votes shall be elected as directors of the Association.

5.4 Resignations or Removal. A director of the Association may resign at any time by giving written notice to the Board of Directors or any officer of the Association. Any such resignation is effective when the notice is delivered, unless the notice specifies a later date. The Board of Directors and/or Members by a majority vote of the voting power in the Association present in person, by proxy or voting by mail and entitled to vote at a Membership meeting, at which a quorum is present, may remove any member of the Board of Directors with reasonable cause.

5.5 Vacancies. In the event of death, resignation or removal of a director, the remaining members of the Board shall select a successor to serve the remaining term.

SECTION6
POWERS AND DUTIES OF THE BOARD OF DIRECTORS

The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association. Without limitation on the generality of the foregoing powers and duties, the Board shall be vested with, and responsible for, the following powers and duties:

6.1 To select, appoint, hire, supervise and remove all officers, agents and employees of the Association, to prescribe such powers and duties for them as may be consistent with law and with the Articles, the Declaration and these Bylaws.

6.2 To enforce the applicable provisions of the Articles, Declaration and these Bylaws, and other instruments relating to the ownership, management, architecture and control of the Property, and to provide for the operation, improvement, maintenance, repair and replacement of the Common Areas.

6.3 To contract for casualty, liability, and other insurance on behalf of the Association as required or permitted in the Declaration.

6.4 To keep or cause to be kept, complete and accurate books and records of the receipts and expenditures of the Association, specifying and itemizing the maintenance and repair expenses incurred, and to prepare budgets and financial reports for the Association as required in these Bylaws in accordance with good accounting procedures.

6.5 To borrow money and incur indebtedness for purposes of the Association and to cause to be executed and delivered therefore, in the Association's name, promissory notes or other evidences of debt, subject to the approval requirements of the Articles, these Bylaws, or the law.

6.6 To approve all expenditures of $2,000.00 or more.

6.7 To fix and collect assessments according to the Covenants and these Bylaws.

6.8 To prepare and file annual tax returns with the federal government as required by law.

6.9 No compensation shall be paid to the Board of Directors or officers of the Association for services rendered for or on behalf of the Association, except reimbursement for actual sums spent on behalf of the Association to the extent authorized by the Board.

SECTION7
DIRECTORS, MEETINGS AND VOTING

7.1 Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by a majority of the directors but at least two (2) such meetings shall be held during each fiscal year. A written schedule of regular meetings of the Board of Directors shall be given to the directors personally, by mail or electronic transmission and no further notice of regular meetings shall be required.

7.2 Special Meetings. Special meetings of the Board of Directors may be called by the President or two (2) directors on twenty-four (24) hour notice given to each director personally, by mail, electronic transmission or telephone, which notice shall state the time, place and purpose of themeeting.

7.3 Meetings by Audio Conference. Directors may participate in a regular or special meeting or conduct the meeting through the use of any means of communication by which all directors participating can hear each other during the meeting, provided that any interested Member may hear the conference call at a noticed place. A director participating in a meeting by this means is deemed to be present in person at the meeting.

7.4 Waiver. Any director may, at any time, waive notice of any meeting of the Board of Directors in writing, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a director at any meeting of the Board of Directors in person or by audio conference shall constitute a waiver of notice by him or her of the time and place thereof. If all the directors are present in person or by audio

conference at any meeting of the Board of Directors, no notice shall be required and any business may be transacted at such meeting.

7.5 Quorum. At all meetings of the Board of Directors, a majority of the directors shall constitute a quorum for the transaction of business. The vote of a majority of the directors present at a meeting at which a quorum is present shall constitute the act of the Board of Directors, unless the act of a greater number is required by the Articles, these Bylaws or by law. If there is not a quorum present the board may discuss issues but no vote or action may be taken.

7.6 Action without a Meeting. Any action required to be taken at a meeting of the directors or, any action which may be taken at a meeting of the directors, may be taken without a meeting by electronic transmission or if consent in writing setting forth the action so taken is signed by all directors. The Secretary of the Association shall retain copies of all electronic transmission discussion, motions and votes within the minutes of the Association. Directors voting by electronic transmission shall be deemed present for all purposes of quorum and count of votes.

7.7 Adjournments: Closed Executive Session. The Board of Directors may, with the approval of a majority of a quorum of the directors, adjourn a meeting and reconvene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the Association, and matters involving the possible liability of a Member to the Association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The Board of Directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion or other action adopted, passed, or agreed to in closed session may become effective unless the Board of Directors following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified.

7.8 Board Meetings Open to Members. Regular and special meetings of the Board shall be open for observation by all Members and their authorized agents. Provided, however, that Association Members who are not on the Board may not participate in any deliberation or discussion unless expressly so authorized by the unanimous vote of the Board.

SECTIONS
OFFICERS

8.1 Enumeration and Term. The officers of this Association shall be a President, Vice-President, Secretary and Treasurer, and such other officers as the Board may, from time to time, by resolution create. Each officer shall hold office for one (1) year unless he or she shall sooner resign, shall be removed, or otherwise disqualified to serve.

8.2 Election of Officers. The Board of Directors shall elect the officers annually at the first meeting of the Board of Directors following each annual meeting of the Members.

8.3 Resignation and Removal. Any officer may be removed from office by a majority vote of the Board of Directors at any given time with reasonable cause. Any officer may resign at any time by giving written notice to the Board of Directors, the President, or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

8.4 Vacancies. A vacancy in any office may be filled by appointment by the Board of Directors. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he or she replaces.

8.5 Duties. The duties ofthe officers shall be as follows:

A. President: The President shall preside at all meetings of the Association and the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all written instruments, agreements, and orders of the Board; and shall co-sign all checks.

B. Vice President: The Vice President, if elected, shall act in the place and stead of the President in the event of his or her absence, inability, or refusal to act and shall exercise and discharge such other duties as may be required of him or her by the Board.

C. Secretary: The Secretary shall record the votes and keep minutes of all meetings and proceedings of the Board and of the Members, serve notice of meetings of the Board and of the Members, keep appropriate current records showing the Members of the Association, together with their addresses, and shall perform such other duties as required by the Board. In addition, the Secretary may prepare, execute, certify and record amendments to these Bylaws, the Articles or Declaration of the Association.

D. Treasurer: The Treasurer shall handle all bookkeeping records, issue annual financial reports at the yearly general Membership meeting, pay all bills authorized by the President, bill the general membership for annual maintenance and water assessments and follow through on the collection of such bills.

SECTION9
ASSOCIATION RECORDS

9.1 Financial Reports. The Association or its designated agent shall keep financial and other records sufficiently detailed to enable the Association to fully declare to each Member the true statement of its financial status. All financial and other records of the Association, including but not limited to checks, bank records, and invoices in whatever form they are kept, are the property of the Association. At least annually, the Association shall prepare a financial report of the Association.

9.2 Budget. Within thirty (30) days after adoption by the Board of Directors of a regular or special budget of the Association, the Board will make available said budget to the Members for review.

9.3 Member and Owner Records. All records of the Association, including the names and addresses of Members and other occupants of the Lots, shall be available for examination by all Members, holders of mortgages on the Lots, and their respective authorized agents for proper purpose, on reasonable advance notice during normal working hours at the offices of the Association or its designated agent. The Association shall not release email addresses and unlisted telephone numbers of any Member. The Association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the Association in providing access to records.

9.4 Association Bank Accounts. The funds of the Association shall be kept in accounts in the name of the Association and shall not be commingled with the funds of any other association, or with the funds of any manager of the Association or any other person responsible for the custody of such funds.

SECTION 10
ASSESSMENTS, PAYMENT AND LIENS

10.I Assessments. The Board of Directors shall from time to time, and at least annually, prepare a regular budget for the Association, and determine the amount of the common charges payable by the Members to meet the common expenses of the Association and allocate and assess such common charges as annual assessments among the Members provided that an additional amount may be levied as set by the Board, or as approved by the Membership for capital improvement assessments.

A. Regular Assessments. The Association will assess each lot monthly, quarterly or annual dues for the common expenses of the Association The common expenses shall include, among other things, real and personal property taxes on Common Areas, the cost of premiums on all policies of insurance which have been obtained by the Board of Directors, professional fees, road maintenance and repair and snow removal costs, and costs of maintenance, operation and repair of the Association water system, and any common utilities, and all costs and expenses associated with any community building or improvements constructed for the benefit of all the Members that are owned by the Association. The Common Expenses shall also include maintenance of all common areas and Open Space areas including mowing, pruning and other necessary maintenance to protect and preserve these areas. Common expenses may include the operation and maintenance of street lights and stormwater facilities owned by the Association. Common expenses may also include an amount for working capital of the Association, for general operating reserve, for reserve funds for replacements, and to make up any deficit in the common expenses for any prior year. The common expenses shall also be used for the purposes set out in the Articles and as provided in the Declaration.

B. Special Assessments. In the event of extraordinary expenses, the Board may approve equal special assessments for the purposes therein set forth. The Board of Directors shall advise all Members promptly in writing of the amount of the special assessments, as determined by the Board and shall furnish copies of such budget on which such charges are based, to all Members.

10.2 Payment of Assessments. Members shall be required to make payment in full of the annual assessments for which they are liable, within thirty (30) days after mailing of notice of such annual assessments to each Member. Members shall be required to make payment in full of any special assessments authorized within sixty (60) days after mailing of statements therefore by the Board or its authorized agent for such purpose.

10.3 Nonpayment of Association Assessments. In the event that any Member shall fail to pay such Member's annual or special assessment when due, or any additional authorized capital improvement assessment as required by Membership vote, then the Board shall have the authority to impose interest and collect late charges and fines

10.4 Liens. The Board shall be authorized by vote thereof, to file a lien in form and manner as set forth in RCW, Chapter 60.04, for filing of mechanic's and materialman's liens upon the property of such delinquent Member, and such lien shall be enforced and foreclosed upon in the same manner as provided in RCW Chapter 60.04, except that the time limitations for filing and foreclosing upon the liens as set forth in said Chapter shall not apply. All costs and expenses of collection or of lien filing or foreclosure incurred by the Association, including attorneys' fees, whether such collection is by court action or not, shall be paid by the delinquent Member and may be added to the amount of the lien. No Member who is delinquent in payment of any assessment shall be entitled to vote at any meeting of Members, or sit on an advisory committee of the Board during the period of any such delinquency as shown on the books of the Association. Assessments shall also be personal obligations of the Member against whom they are assessed and may be collected as such.

SECTION 11

AMENDMENT TO BYLAWS

These Bylaws may be modified or amended by a majority vote of the Board of Directors, or by sixty six and two-thirds percent (66 2/3%) of the total number of votes entitled to be cast by Members at a membership meeting held for such purpose, with not less than a quorum of Members present at such membership meeting.

SECTION 12
LIABILITIES OF OFFICERS AND DIRECTORS

12.1 Indemnification. Each director, officer and employee of the Association shall be indemnified by the Association against expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding in which he or she is made a party by reason of being or having been such director or officer except for acts or omissions that:

1) Involve intentional misconduct

2) Involve a knowing violation of law by the director, officer or employee

3) Involve a transaction from which the director, officer or employee will personally receive a benefit in money, property, or services to which the director, officer or employee is not legally entitled.

12.2 Exculpation. No director, officer or employee of the Association shall be liable for acts or defaults of any other officer or director for any loss sustained by the Association unless the same has resulted from his or her own willful misconduct or gross negligence.

SECTION 13
MISCELLANEOUS

13.1 Regulations. All Members, tenants, guests, invitees, and their employees and agents, and any other person that might use the Property in any manner, are subject to the regulations set forth in these Bylaws and to all reasonable rules and regulations enacted pursuant to the Declaration. Acquisition, rental or occupancy of any Property shall constitute acceptance and ratification of the provisions of all such rules and regulations.

ADOPTION

The undersigned Secretary of the Association does hereby certify that the Board of Directors adopted the above and foregoing Bylaws as the Bylaws of the Association, and that the same do now constitute the Bylaws of this Association.

DATED effective the ____ day of _____, 2020.

_____

_____, Secretary

KAMM CREEK HOMEOWNERS ASSOCIATION

CONSENT IN LIEU OF ORGANIZATIONAL MEETING OF THE BOARD OF DIRECTORS

The undersigned, being all of the directors of KAMM CREEK HOMEOWNERS ASSOCIATION, a Washington nonprofit corporation (the "Corporation"), in lieu of holding an organizational meeting of the board of directors of the Corporation, hereby takes the following actions and adopts the following resolutions by written consent pursuant to the Non Profit Business Corporation Act of the State of Washington:

ARTICLES OF INCORPORATION

RESOLVED, that the Articles of Incorporation of the Corporation as filed with the Secretary of State of the state of Washington on_____, 2020 shall be, and the same hereby are, in all respects approved, confirmed, ratified and adopted as the Articles of Incorporation of the Corporation; and further

FURTHER RESOLVED, that all the actions of the Incorporator pertaining to the formation of the Corporation, and all obligations incurred by him in connection therewith, shall be, and the same hereby are, in all respects approved, confirmed, ratified and adopted as the actions of the Corporation.

BYLAWS

RESOLVED, that the Bylaws in the form attached to this Consent as Exhibit B are hereby approved and adopted as the Bylaws of the Corporation.

FURTHER RESOLVED, that the Secretary of the Corporation shall be, and hereby is, authorized, empowered and directed to detach the form of Bylaws referred to above, to date and sign the same, and enter the Bylaws in the Corporation's record book.

BOARD OF DIRECTORS

RESOLVED, that the Board of Directors shall initially consist of three (3) Directors.

APPOINTMENT OF OFFICERS

RESOLVED, that the following persons are hereby appointed to serve as officers of the Corporation in the capacities set forth opposite their name

below, to hold such office until their successor is duly elected and qualified or until their earlier death, resignation or removal:

Robert Libolt	President
	Vice President
	Secretary/Treasurer

BUDGET

RESOLVED, that the 2020 Budget for the Corporation attached hereto as Exhibit B and made a part hereof is in all respects, approved and adopted as the Budget of the Corporation for the calendar year 2020.

PAYMENT OF FEES, TAXES AND REIMBURSEMENTS

RESOLVED, that the proper officers of the Corporation be, and they hereby are, authorized and directed to pay and discharge all taxes, fees and other expenses heretofore incurred or hereafter to be incurred in the organization of the Corporation and to reimburse the officers of the Corporation and all other persons for all reasonable expenditures heretofore made by them.

DESIGN GUIDELINES

RESOLVED, that the Use and Design Guidelines attached hereto as Exhibit D and incorporated herein by this reference are approved and adopted as the Use and Design Guidelines for the cottages to be implemented and enforced by the Corporation.

BANKING RESOLUTIONS

RESOLVED:

(1) That the officers of the Corporation, or any one of them, is hereby authorized to designate any bank or trust company in any city of the United States (the "Bank") as a depository for the funds of the Corporation.

(2) That a bank account or accounts will be opened and kept with the Bank for the Corporation under any designation or designations which the President and Secretary deem necessary and proper.

(3) That endorsements for deposit may be made by the written or stamped endorsement of the Corporation without designation of the person making the endorsement.

(4) That the Bank is hereby authorized to honor and pay checks or other orders for the payment of money drawn in the name of the Corporation when signed any person designed by the Corporation's President.

FURTHER RESOLVED, that the officers of the Corporation, or any one of them, is hereby authorized, empowered, and directed to open the aforesaid accounts with the Bank using the standard form of banking resolution of each such Bank or trust company, each of which is hereby approved, confirmed, ratified and adopted; and

The actions taken by this consent shall have the same force and effect as if taken at an organizational meeting of the Board of Directors duly called and constituted pursuant to the Bylaws of the Corporation and the laws of the State of Washington.

IN WITNESS WHEREOF, the undersigned have executed this consent as of the ___ day of _____, 2020.

_____
Robert Libolt

_____

_____

Exhibit A
LEGAL DESCRIPTION

That portion of the Northwest quarter of the Northwest quarter, Section 15, Township 40 North, Range 3 East of W.M., Whatcom County, Washington, described as follows:

PARCEL 1:

THE EAST 5 ACRES OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., EXCEPT NORTHWOOD ROAD ALONG EASTERLY BOUNDARY THEREOF.
SITUATE IN WHATCOM COUNTY, WASHIGTON

PARCEL 2:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.
SITUATE IN WHATCOM COUNTY, WASHIGTON

Situate in Whatcom County, Washington.

Subject to and together with all covenants, conditions, restrictions and easements, if any, affecting title which may appear in the public record, including those shown on any recorded plat map or survey.

Exhibit B
BYLAWS

Exhibit C
INITIAL BUDGET

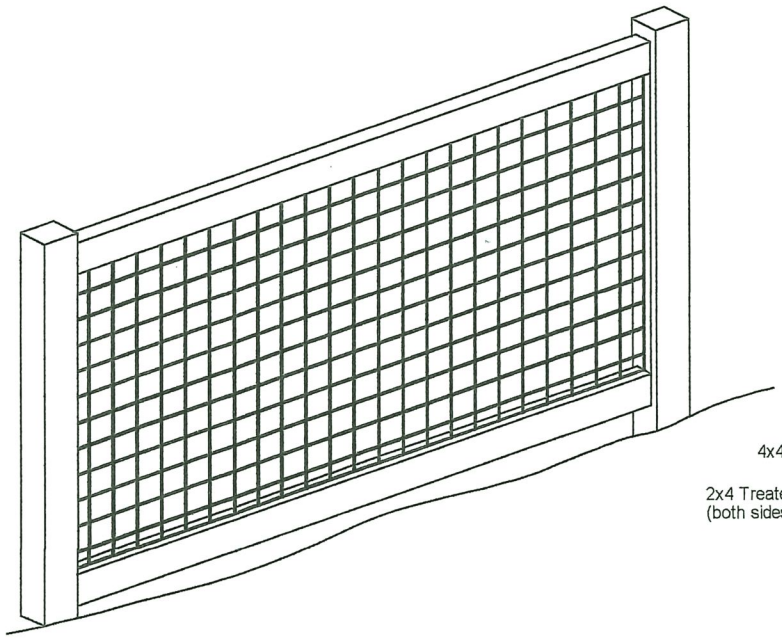
EXHIBIT D

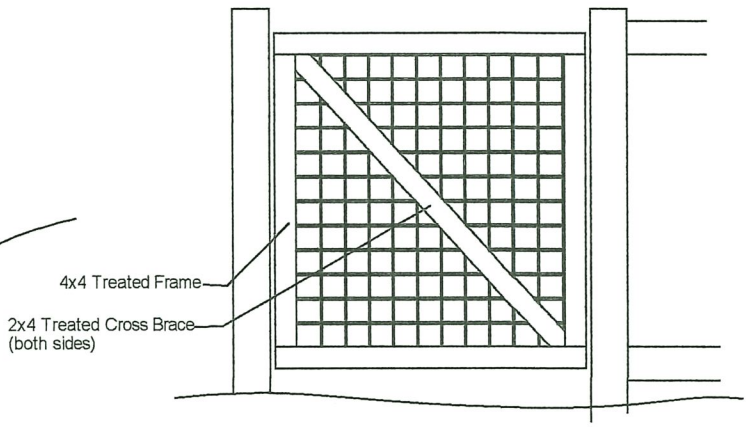
USE & DESIGN GUIDLINES

EXHIBIT E

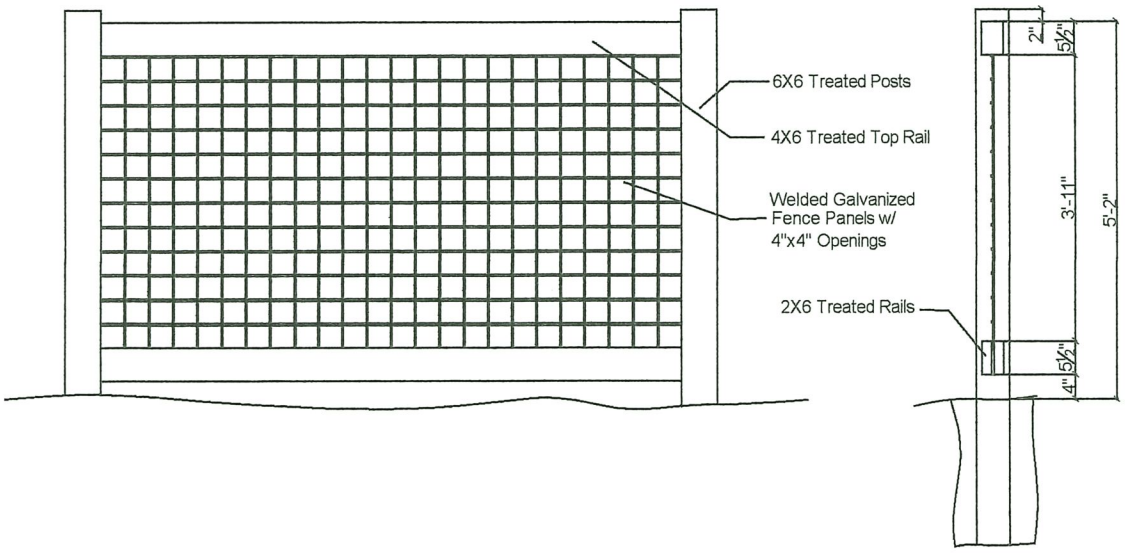
KAMM CREEK PRD

Rear Yard Fence Detail





Gate Detail



Freeland and Associates, Inc.

220 West Champion Street
Suite 200
Bellingham, Washington
(360) 650-1408

July 21, 2020

Bob Libolt
125 Rosemary Way
Lynden, WA 98264

Subject: **Kamm Creek PRD**
Preliminary Stormwater Design Letter
F&A Project No. 20024

Dear Bob,

This letter serves as a preliminary stormwater design narrative for the proposed residential development known as Kamm Creek PRD in Lynden, Washington. The proposed project will develop two existing parcels that are currently undeveloped and maintained as agricultural fields. These parcels lie along the west side of Northwood Road approximately 650 feet south of Kamm Road. Although undeveloped, a public sewer main and its associated gravel maintenance roads were recently installed through the property to serve other residential plats to the north and east of this site. Figure 2 provides an aerial photograph of the recent ground cover conditions on site.

The project site lies near the base of a slope between the Nooksack River and the City of Lynden. As such, this property is located near the northern boundary of the Nooksack River flood plain. Existing topography on site generally slopes gently to the south, although several agricultural ditches and wetlands run through the property. Wetlands and drainage channels generally are located within the lowest elevations on site and land between these water features is elevated roughly five to fifteen feet above the lowest welands and drainage ditches.

GeoEngineers, Inc. performed several subsurface explorations on site in early summer 2020. Although a formal report is unavailable at the time of this writing, GeoEngineers provided preliminary results of the explorations verbally. According to the initial verbal reporting, soils on site within the developable areas consist of topsoil over weathered silty sand over unweathered outwash sand. Groundwater was observed at depths that roughly matched the elevations of low points on site that contained isolated wetlands. Preliminary assessments by GeoEnginers indicate that shallow stormwater infiltration systems (e.g. permeable pavement, downspout infiltration, etc.) will be feasible. However, deeper infiltration trench

systems, similar to neighboring developments to the north (i.e. plats of North Prairie), will likely not be feasible due to the relatively shallow groundwater depth.

Proposed improvements include the creation of 40 new single-family residential lots within the existing parcels along with the associated streets and utilities needed to serve the new lots. As noted earlier, a public 12-inch sewer main was recently installed within the property and will generally run along one of the proposed road alignments. However, additional sewer mains will also be required in order to serve each lot. Public water mains will be installed within each street and will be looped to the existing mains in Northwood Road and Kamm Road. In addition, proposed earthwork and grading will be designed to balance cut and fill volumes on site in order to prevent net fill volumes within the Nooksack River flood plain. Closed depressions, such as detention or infiltration ponds, are not assumed to be feasible on this site because of flood plain restrictions.

Proposed improvements will exceed 10,000 square feet of new hard surfacing and 5,000 square feet of pollution-generating hard surfacing. As such, the project will be subject to all 9 Minimum Requirements in the 2014 Department of Ecology Stormwater Management Manual for Western Washington (2014 DOE Manual) as adopted by the City of Lynden. Due to favorable soil conditions, stormwater will be managed on site with shallow infiltration strategies. New streets will be paved with permeable pavement (BMP T5.15) for full infiltration within the street easements and future homes within the plat will be required to install downspout infiltration systems (BMP T5.10A). Combined, these facilities are expected to infiltrate 100% of the stormwater that falls on the proposed hard surfacing. Furthermore, all disturbed pervious surfaces will also be required to comply with BMP T5.13 Post-Construction Topsoil Quality and Depth. No further flow control or treatment facilities will be required. Minimum Requirements #1 through #9 in the 2014 DOE Manual are expected to be addressed as follows:

Minimum Requirement #1 Preparation of Stormwater Site Plans

This letter serves as a preliminary Stormwater Site Plan (SSP). All final stormwater management systems will be designed according to Department of Ecology (DOE) and City of Lynden standards. A construction Stormwater Pollution Prevention Plan (SWPPP) will also be prepared and incorporated in the construction documents.

Minimum Requirement #2 Construction Stormwater Pollution Prevention (SWPP)

A construction SWPPP will be prepared as part of the permitting documents and will address each of the 13 Elements identified in Section 2.5.2 of the 2014 DOE Manual. As required by the City of Lynden, the contractor will provide a Certified Erosion & Sediment Control Lead (CESCL) regardless of whether an NPDES permit is required by Department of Ecology.

Minimum Requirement #3 Source Control of Pollutants

The proposed residential project is not expected to create any unusual sources of stormwater pollutants. Pollutant sources include vehicular traffic, fertilizers, and other detergents or chemicals

typical to building maintenance activities. These sources will be controlled at the source to the maximum extent possible. All known, available, and reasonable source control BMPs have been applied to the design and layout of the site plans and stormwater plans. Per the DOE Manual, land use controls that emphasize prevention of water quality impacts are preferred over treatment strategies. Therefore, clearing areas will be limited to the minimum areas necessary for construction.

Minimum Requirement #4 Preservation of Natural Drainage Systems and Outfalls

Currently, the entire project site is contained within a single regional basin and stormwater appears to completely infiltrate within high points on site. In addition, existing agricultural ditches that run through the property ultimately combine south of the site and drain to the Nooksack River. No significant stormwater diversions are proposed as a part of this project. Natural drainage patterns will be maintained by discharging stormwater to the ground.

Minimum Requirement #5 On-Site Stormwater Management

As a project that is expected to trigger Minimum Requirements #1 through #9, this project will be required to demonstrate compliance with the LID Performance Standard or shall use BMPs from List #2 in the 2014 DOE Manual. This project is expected to comply with List #2.

Projects choosing to utilize List #2 of the 2014 DOE Manual to meet the requirements of Minimum Requirement #5 – On-site Stormwater Management must consider the BMPS in the order listed for each type of surface. The first BMP that is considered feasible must be used on the site. No other On-site Stormwater Management BMPs are necessary for that surface. The following table identifies all of the required BMPs in List #2 and if they are feasible or infeasible.

TABLE 1 - MINIMUM REQUIREMENT #5 LIST #2				
	Minimum Requirement	**Feasible**	**Infeasible**	**Criteria Comments**
#	**Lawn & Landscaped Area**			
1	Post-Construction Soil Quality and Depth - BMP T5.13	✓		This BMP will be applied to all areas outside of roofs or hard surfaces disturbed during construction. Areas that implement BMP T5.13 may be modeled as "pasture", which matches pre-development conditions.
#	**Roofs**			
1	Full Dispersion - BMP T5.30 Full Infiltration - BMP T5.10A	✓		BMP T5.10A downspout infiltration will be utilized for this project through plat requirements.
2	Bioretention – BMP T5.70		✓	Not necessary since an earlier BMP was selected in this list.
3	Downspout Dispersion BMP T5.10B		✓	Not necessary since an earlier BMP was selected in this list.
4	Perforated Stub-out Connection BMP T5.10C		✓	Not necessary since an earlier BMP was selected in this list.
#	**Other Hard Surfaces**			
1	Full Dispersion BMP T5.30		✓	Infeasible due to impervious surface limits, lot size, and the lack of suitable vegetated areas downstream from the proposed improvements.
2	Permeable Pavement - BMP T5.15	✓		Permeable pavement per BMP T5.15 will be utilized for this project.
3	Bioretention – BMP T5.70		✓	Not necessary since an earlier BMP was selected in this list.
4	Sheet Flow Dispersion BMP T5.12 Concentrated Flow Dispersion BMP T5.11		✓	Not necessary since an earlier BMP was selected in this list.

Stormwater runoff from the project will be managed on site with infiltration BMPs as shown in Table 1. Proposed streets will be created with permeable pavement surfacing per BMP T5.15, which will allows runoff to infiltrate within the footprint of the roadways. These permeable pavements are expected to be designed to receive flows from adjacent driveways in case the future driveways will be surfaced with conventional (i.e. non-pervious) pavement. Proposed roof areas will drain to drywells or infiltration trenches within each lot in accordance with sizing requirements in BMPT 5.10A. Combined, these facilities will infiltrate stormwater runoff from all proposed hard surfaces within the project. No further flow control or treatment facilities will be required.

Minimum Requirement #6 Runoff Treatment

New pollution-generating hard surface areas are limited to the proposed streets and driveways and are expected to exceed 5,00 square feet. As such, the proposed single-family residential project will be subject to basic treatment requirements in Section 3.5 of Volume V of the 2014 DOE Manual. Since the native outwash soils are not expected to be suitable for treatment, a layer of filter sand will be installed beneath permeable pavements to treat stormwater prior to discharging to the ground.

Minimum Requirement #7 Flow Control

Permeable pavement will be used to completely infiltrate stormwater runoff from proposed streets and adjacent driveways. Likewise, the plat will require all future homes to manage stormwater onsite per BMP T5.10A. Combined, these facilities are expected to infiltrate all of the stormwater that falls on them. Since all runoff will infiltrate on site, these surfaces are not considered to be effective hard surfaces. the proposed project will not create more than 10,000 square feet of hard surfacing. As such, no further flow control facilities are required.

Minimum Requirement #8 Wetlands Protection

Existing wetlands and drainage channels have been identified on site. Each wetland and drainage feature to be preserved will be protected with a vegetated buffer in accordance with current city codes. However, due to the existing sewer alignment and proposed street alignments, some impacts to existing wetlands and buffers will be unavoidable. A biologist is part of the project design team to prepare mitigation plans that will be required to accommodate the final site plan. Stormwater runoff patterns will be maintained within the project area by infiltrating stormwater where it lands on site. As such, the proposed design is not expected to create any diversions from existing wetland contributing basins.

Minimum Requirement #9 Operation and Maintenance

A separate operations and maintenance manual will be prepared for the proposed stormwater management facilities during permitting. The manual will contain a description of the facilities, what

the facilities do, and how they work. The manual will also identify and describe maintenance tasks for each component of the facilities and the required frequency of each task.

As shown above, this project can comply with current stormwater management requirements in place for the City of Lynden. Please contact us with any questions or concerns regarding these observations.

Sincerely,
Freeland and Associates, Inc.

Michael Bratt, PE
Associate Engineer

Attachments

Vicinity Map
Aerial Photograph of Site
Preliminary Site Plan

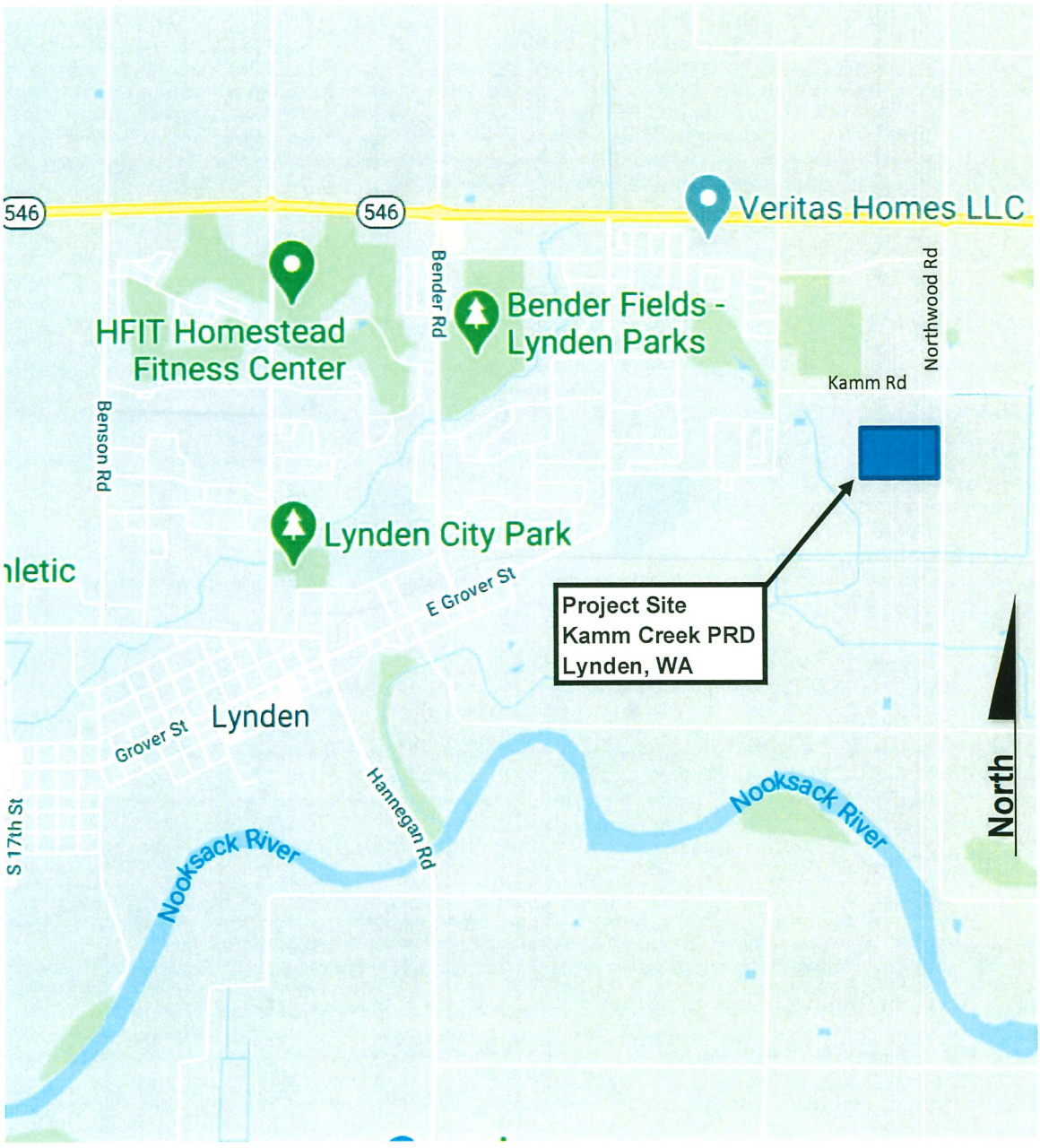


Image courtesy of Google Maps

	Vicinity Map	**Figure 1**

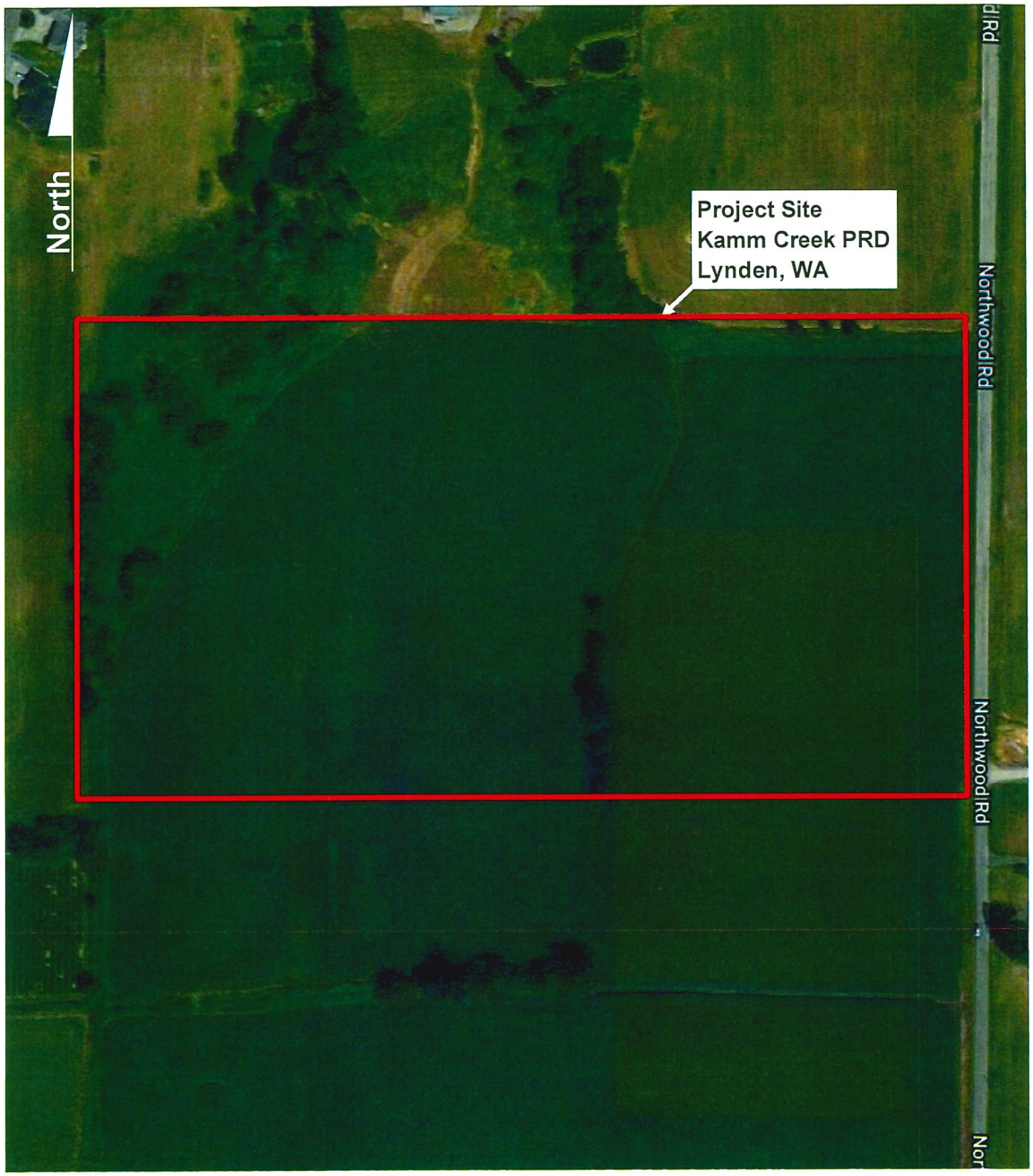


Image courtesy of Google Maps

Aerial Photograph of Site

Figure 2

N
W E
S
TP# 4003151831630000
0 50 100
1 inch = 100 ft.
DITCH
100'
ALL PROPOSED ROADWAYS TO BE PAVED WITH PERMEABLE PAVEMENT PER BMP T5.15 (TYP.)
EXISTING CULVERT
WETLAND D
TRACT A
66,188 S.F.
TP# 4003152431650000
60'
100'
100'
EXISTING DITCH
EXISTING CULVERT
75'
WETLAND G
APPROXIMATE FLOOD PLAIN
MEAN ELEVATION 63.1' (TYP.)
ALL FUTURE HOMES WITHIN THIS PLAT SHALL MANAGE STORMWATER RUNOFF WITHIN THE LOT PER BMP T5.10A (TYP.)
6' UTILITY EASEMENT (TYP.)
24' WIDE ROADWAY EASEMENT (TYP.)
NORTHWOOD ROAD

1	9,816 S.F.
2	6,600 S.F.
3	6,600 S.F.
4	6,900 S.F.
5	5,800 S.F.
6	5,500 S.F.
7	5,500 S.F.
8	5,237 S.F.
9	5,500 S.F.
10	5,500 S.F.
11	9,381 S.F.
12	8,848 S.F.
13	9,129 S.F.
14	9,349 S.F.
15	9,569 S.F.
16	10,059 S.F.
17	7,792 S.F.
18	9,600 S.F.
19	9,600 S.F.
20	7,537 S.F.
21	7,800 S.F.
22	8,400 S.F.
23	9,122 S.F.
24	9,120 S.F.
25	8,453 S.F.
26	8,128 S.F.
27	10,228 S.F.
28	7,880 S.F.
29	7,800 S.F.
30	7,800 S.F.
31	7,800 S.F.
32	7,802 S.F.
33	8,304 S.F.
34	9,056 S.F.
35	5,500 S.F.
36	6,087 S.F.
37	6,087 S.F.
38	5,737 S.F.
39	5,500 S.F.
40	5,500 S.F.

DATE 07-21-2020
SHEET NAME SD1
JOB # 20024
DRAWING # 20024SP4.DWG

SHEET CONTENTS

PRELIMINARY SITE PLAN

FREELAND & ASSOCIATES
220 W. Champion Street, Suite 200
Bellingham, WA 98225
t: 360.650.1408
f: 360.650.1401