

RESOLUTION NO. 680

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, REVISING THE DISTRICT'S WATER SERVICE AREA

WHEREAS, the Birch Bay Water & Sewer District ("District") last adopted a Water Service Area ("WSA") in 2003 with the adoption of its Water System Comprehensive Plan; and

WHEREAS, for reasons set forth herein, the District determined that its WSA should be revised in one location; and

WHEREAS, the District consultant prepared an environmental checklist pursuant to the State Environmental Policy Act ("SEPA") regarding the proposed change to the District WSA; and

WHEREAS, the District issued a DNS for the proposed change to its WSA, published and distributed notice thereof on March 26, 2009, and received no comments; and

WHEREAS, the District advertised for a public hearing regarding the proposed change to the WSA scheduled for April 9, 2009; and

WHEREAS, on April 9, 2009, the District opened and closed a public hearing regarding the proposed change to its WSA – no one attended the hearing or submitted written comments; and

WHEREAS, upon consideration of the proposed revision to its WSA, the District enters the following general findings:

1. Pursuant to the Whatcom County Coordinated Water System Plan ("CWSP"), the District must declare a water service area within which it will provide water utility service.
2. One of the purposes of formally declaring a water service area is so that service areas may be defined in a manner which assures that resources are efficiently utilized and unnecessary duplication of services is avoided.
3. In 1997, Whatcom County adopted its first comprehensive plan pursuant to the Growth Management Act, Chapter 36.70A RCW ("GMA").
4. The GMA and the 1997 County Comprehensive Plan clarified where and how public potable water service should be provided, particularly with respect to designated urban growth areas and land outside urban growth areas.
5. Among designated urban growth areas, the GMA and the current County Comprehensive Plan also distinguished between areas authorizing urban residential development and areas authorizing heavy industrial development.

6. Potable water services of the nature required for residential development is best served by the District; water required for heavy industrial development may primarily be supplied with untreated water from other sources.
7. It is in the best interest of the District for its WSA to be consistent with and reflect the intent of the CWSP, GMA, and the current County Comprehensive Plan. Moreover, logical and uniform water service area boundaries are desirable.

WHEREAS, based upon the foregoing recitals and general findings, the District hereby enters the following specific findings in support of the revised WSA:

Bell Bay Jackson Water Association

1. Bell Bay Jackson Water Association is a public water purveyor currently capable of serving most customers within its service area.
2. It is in the best interest of the District to revise the WSA to exclude five parcels along Loomis Trail Road east of Kickerville Road, which parcels are no longer served by the District.

WHEREAS, the District must authorize submittal of its Declaration of Water Utility Service Area ("Declaration") for the CWSP; and

WHEREAS, the District Board desires to authorize execution and submission of the Declaration by either the General Manager or by any one Commissioner on behalf of the District, substantially in conformance with Exhibit A, attached hereto and incorporated herein; and

WHEREAS, a map of the revised District WSA is attached as Exhibit B hereto and incorporated by reference; and

WHEREAS, the District Board intends that in the event of any discrepancy or inconsistency between the descriptions of revisions herein and the WSP boundaries as shown on the Exhibit B map, the Exhibit B map shall take precedence; and

WHEREAS, the foregoing recitals and findings are a material part of this Resolution,

NOW, THEREFORE, be it resolved by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: The District hereby adopts the revised Water Service Area ("WSA"), as depicted on the map attached hereto as Exhibit B, as the official WSA of the District.

Section 2: The District hereby authorizes signature of a Declaration substantially in conformance with Exhibit A by the District General Manager or by any one District

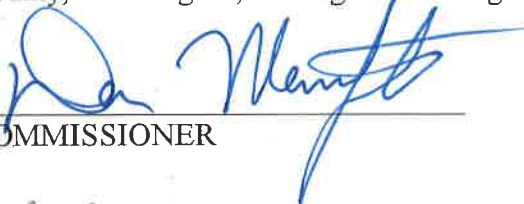
Commissioner and submittal of same to Whatcom County for purposes of CWSP compliance. A copy of Exhibit B shall accompany any such submittal.

Section 3: In the event of any discrepancy or inconsistency between the District WSA as depicted on Exhibit B and other terms or land area descriptions herein, Exhibit B shall take precedence.

Section 4: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 5: This Resolution shall be effective immediately.

ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 9th day of April, 2009.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 680 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on April 9th, 2009.


SECRETARY