

RESOLUTION NO. 509

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM
COUNTY, WASHINGTON, ADDING A NEW CHAPTER
TO THE BIRCH BAY WATER AND SEWER DISTRICT CODE

BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: There is added to Chapter 12.04 of the Birch Bay Water and Sewer District Code a new section regarding the State Environmental Protection Act (SEPA) as follows:

12.04.055 Threshold Determination - Time Limits.

A. By Washington State law and District policy, the applicant must receive a determination of significance or non-significance within 90 days of receipt by the District of a completed application.

B. Adequate information must be presented before a decision can be made. The District will not accept, nor commence processing SEPA Checklists which are incomplete.

C. A SEPA Checklist will not be processed nor be accepted as complete until the District's SEPA responsible official reviews it and determines that it is complete. A certificate of SEPA Checklist completeness, or a request for further information, indicating incompleteness, will be mailed to the project applicant within ten (10) working days of submittal of the application.

D. When additional information is requested, a certificate of completeness or a request for further information will be forwarded to the applicant within ten (10) days of submittal of the additional information.

E. A final determination shall be made within ninety (90) days from the receipt of the applicant's response for additional information, unless the applicant requests an additional thirty (30) days for the District to evaluate mitigation measures proposed by the applicant. The District shall grant such extension, if requested.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 3: 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 Council hereby declares 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.

SIMONARSON, VISSER, ZENDER & THURSTON
1610 GROVER STREET
P.O. BOX 631
LYNDEN, WA 98264

Section 4: This Resolution shall be in full force and effect on November 19, 1992.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 19th day of November, 1992.

Carl F. Reichhardt
COMMISSIONER

COMMISSIONER

Peter Lewis
COMMISSIONER

Dominic Kunes
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 509 of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on November 19, 1992.

Dominic Kunes
SECRETARY