

RESOLUTION NO. 622

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 1991 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 numerous locations; and

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

WHEREAS, the District issued a Determination of Nonsignificance ("DNS") for proposed changes to its WSA, published and distributed notice thereof, and received no comments; and

WHEREAS, the District advertised for a public hearing regarding proposed changes to the WSA scheduled for October 24, 2002; and

WHEREAS, on October 24, 2002, the District opened and closed a public hearing regarding the proposed changes to its WSA – no one attended the hearing or submitted written comments; and

WHEREAS, upon consideration of the proposed revisions 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. The District's revised WSA is intended to eliminate some of its overlapping service area boundaries with other public water purveyors and thereby promote efficiency and reduce potential duplication of services. This intent is consistent with the policies of the CWSP.
4. In 1997, Whatcom County adopted its first comprehensive plan pursuant to the Growth Management Act, Chapter 36.70A RCW ("GMA").
5. 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.

6. 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.
7. 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.
8. 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:

City of Blaine

1. In the early 1990's, the City of Blaine annexed the Southwest quarter of Section 14, Township 40 North, Range 1 West.
2. The City of Blaine is a public water service purveyor and generally serves customers within its city limits.
3. It is in the best interest of the District to reduce its previous WSA to exclude all areas within the current Blaine city limits, except for several small parcels immediately contiguous to the Blaine city limits which are immediately adjacent to or include existing District water system facilities at the west end of Bayvue Road.

Bell Bay Jackson Water Association and Eastern Service Area

4. The previous District WSA included substantial overlap with the service area of Bell Bay Jackson Water Association ("BBJWA").
5. BBWJA is a public water purveyor currently capable of serving most customers within its service area.
6. A property owner/buyer of the two parcels (approximately 40 acres total) in the Southeast quarter of the Southwest quarter of Section 31, Township 40 North, Range 1 East, intends to relinquish membership in the BBJWA in favor of water service from the District. Including these two parcels in the District WSA provides a logical and uniform service area boundary.
7. In addition, the current County Comprehensive Plan does not reflect water or sewer service by the District to the area at and north of Interstate 5 "Exit 270," between Interstate 5 and Portal Way. A private water system was developed to serve the property at Exit 270 in the mid-1990's.

8. The area between the District's previous WSA boundary and Portal Way at the east terminus of Hall Road would provide a logical service boundary for the District along Portal Way.
9. It is in the best interest of the District to revise the WSA as follows:
 - a. Exclude all of the proposed WSA of BBJWA, except developed parcels on the west side of Jackson Road, north of Bay Road; and
 - b. Include the two parcels (approximately 40 acres total) in the Southeast quarter of the Southwest quarter of Section 31, Township 40 North, Range 1 East, presently within but proposed to be excluded from the BBJWA service area; and
 - c. Exclude all area east of the proposed WSA of BBJWA, with the exception of five parcels along Loomis Trail Road east of Kickerville Road, which parcels are already served by the District and are outside BBJWA; and
 - d. Exclude the area south of the proposed WSA of BBJWA and east of Jackson Road (includes WSA of BP Refinery water system); and
 - e. Include the area between the previous District WSA and Portal Way, at the east terminus of Hall Road.

Southwesterly Service Area

10. The area south of Grandview Road between Point Whitehorn and Koehn Road is designated for Heavy Impact Industrial use in the current County Comprehensive Plan and zoning code.
11. Heavy industrial uses generally use untreated water for industrial processing.
12. As a potable water purveyor with finite water resources available, the District is not a likely purveyor of untreated water for industrial processing, except perhaps with reclaimed water in the future.
13. Also in this area to the southwest, the District's service area overlaps the service area of the Grandview Beach Water Association.
14. It is in the best interest of the District to take into account current County land use designations, to eliminate overlapping service areas, and to maintain logical service area boundaries by revising the WSA as follows:

- a. Exclude the area designated for heavy industry south of Grandview Road between Point Whitehorn and Koehn Roads.
- b. Exclude the area within the Grandview Beach Water Association along Maple Way.

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~~^{Special} meeting held the 7th day of March, 2003.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. ~~603~~⁶²² of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on March 7, 2003.


SECRETARY

Exhibit A

DECLARATION OF WATER UTILITY SERVICE AREA

For

WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN

This Declaration, submitted by Birch Bay Water and Sewer District, confirms that the attached map accurately identifies the service area that the water utility is willing and able to serve unless regulatory constraints do not enable the utility to do so.

The intent of this declaration is to define service areas in a manner which assures that time, effort, and money are best used by avoiding any unnecessary duplication of service. In the absence of overlapping boundaries, the Whatcom County Health and Human Services along with the Washington State Department of Health (DOH) will recognize these boundaries as the exclusive service area of the undersigned utility, giving the utility right of first refusal for serving future customers.

As a condition of being granted this designated service area, the utility will be required to ensure that the same boundary is utilized for preparation of its individual water system plan. The utility will also need to provide service in a manner consistent with its own individual water system plan and service policies. The utility also fully recognizes that this declaration is developed in fulfillment of the Whatcom County Coordinated Water System Plan (CWSP).

The person signing below assures that he or she has been authorized to sign the Declaration on behalf of the utility.

Date

Birch Bay Water and Sewer District

Authorized Representative

Title

Pt. Whistler



GEORGIA STRAIT

TITLE 20 ZONING DESIGNATIONS

Legend

- INDUSTRIAL**
 - HI Heavy Industrial
 - LI Light Industrial
 - BI Biotech/Manufacturing
 - SI Specialty Industrial
- COMMERCIAL**
 - CC General Commercial
 - TC Tourist Commercial
 - NC Neighborhood Commercial
 - ETC Small Town Commercial
 - RC Resort Commercial
- URBAN RESIDENTIAL**
 - URM2 Urban Residential Medium Density 2 Units/Acre
 - URM4 Urban Residential Medium Density 4 Units/Acre
 - URM6 Urban Residential Medium Density 6 Units/Acre
 - URM8 Urban Residential Medium Density 8 Units/Acre
 - URM10 Urban Residential Medium Density 10 Units/Acre
 - URM12 Urban Residential Medium Density 12 Units/Acre
 - URM14 Urban Residential Medium Density 14 Units/Acre
 - URM16 Urban Residential Medium Density 16 Units/Acre
 - URM18 Urban Residential Medium Density 18 Units/Acre
 - URM20 Urban Residential Medium Density 20 Units/Acre
- RURAL RESIDENTIAL**
 - R1 Single-Family Residential 1 Unit/Acre
 - R2 Single-Family Residential 2 Units/Acre
 - R3 Single-Family Residential 3 Units/Acre
 - R4 Single-Family Residential 4 Units/Acre
 - R5 Single-Family Residential 5 Units/Acre
 - R6 Single-Family Residential 6 Units/Acre
 - R7 Single-Family Residential 7 Units/Acre
 - R8 Single-Family Residential 8 Units/Acre
 - R9 Single-Family Residential 9 Units/Acre
 - R10 Single-Family Residential 10 Units/Acre
 - R11 Single-Family Residential 11 Units/Acre
 - R12 Single-Family Residential 12 Units/Acre
 - R13 Single-Family Residential 13 Units/Acre
 - R14 Single-Family Residential 14 Units/Acre
 - R15 Single-Family Residential 15 Units/Acre
 - R16 Single-Family Residential 16 Units/Acre
 - R17 Single-Family Residential 17 Units/Acre
 - R18 Single-Family Residential 18 Units/Acre
 - R19 Single-Family Residential 19 Units/Acre
 - R20 Single-Family Residential 20 Units/Acre

- RURAL**
 - R1A Rural 1 Unit/Acre
 - R2A Rural 2 Units/Acre
 - R3A Rural 3 Units/Acre
 - R4A Rural 4 Units/Acre
 - R5A Rural 5 Units/Acre
 - R6A Rural 6 Units/Acre
 - R7A Rural 7 Units/Acre
 - R8A Rural 8 Units/Acre
 - R9A Rural 9 Units/Acre
 - R10A Rural 10 Units/Acre
 - R11A Rural 11 Units/Acre
 - R12A Rural 12 Units/Acre
 - R13A Rural 13 Units/Acre
 - R14A Rural 14 Units/Acre
 - R15A Rural 15 Units/Acre
 - R16A Rural 16 Units/Acre
 - R17A Rural 17 Units/Acre
 - R18A Rural 18 Units/Acre
 - R19A Rural 19 Units/Acre
 - R20A Rural 20 Units/Acre
- RESOURCES**
 - AG Agriculture
 - CF Commercial Forest
 - RF Rural Forest
 - MRL Mineral Resource Lands (Cherry Zone)
- OTHER**
 - RCS Recreation Open Space
 - ELI Ecological
 - PUD Planned Unit Development
- Zoning Line**
 - Subarea Boundary
 - MRL Overlay Zone
 - Short Term UGA's
 - Provisional Short Term UGA's
 - UGA's
- Combinable Agreements & Contract Review (CR)**

Index Map



NOTE: The property boundaries on this map were digitized by Planning Commission Staff in 1998 and 1999. Any subsequent acquisition, or in the adjustment of boundaries, have not been reflected on these maps. For current property lines, please refer to the parcel maps maintained by the County Assessor's Office. ALL ZONING INFORMATION IS CURRENT AS OF THE PRINTING DATE ON THE LOWER RIGHT CORNER OF THIS MAP.

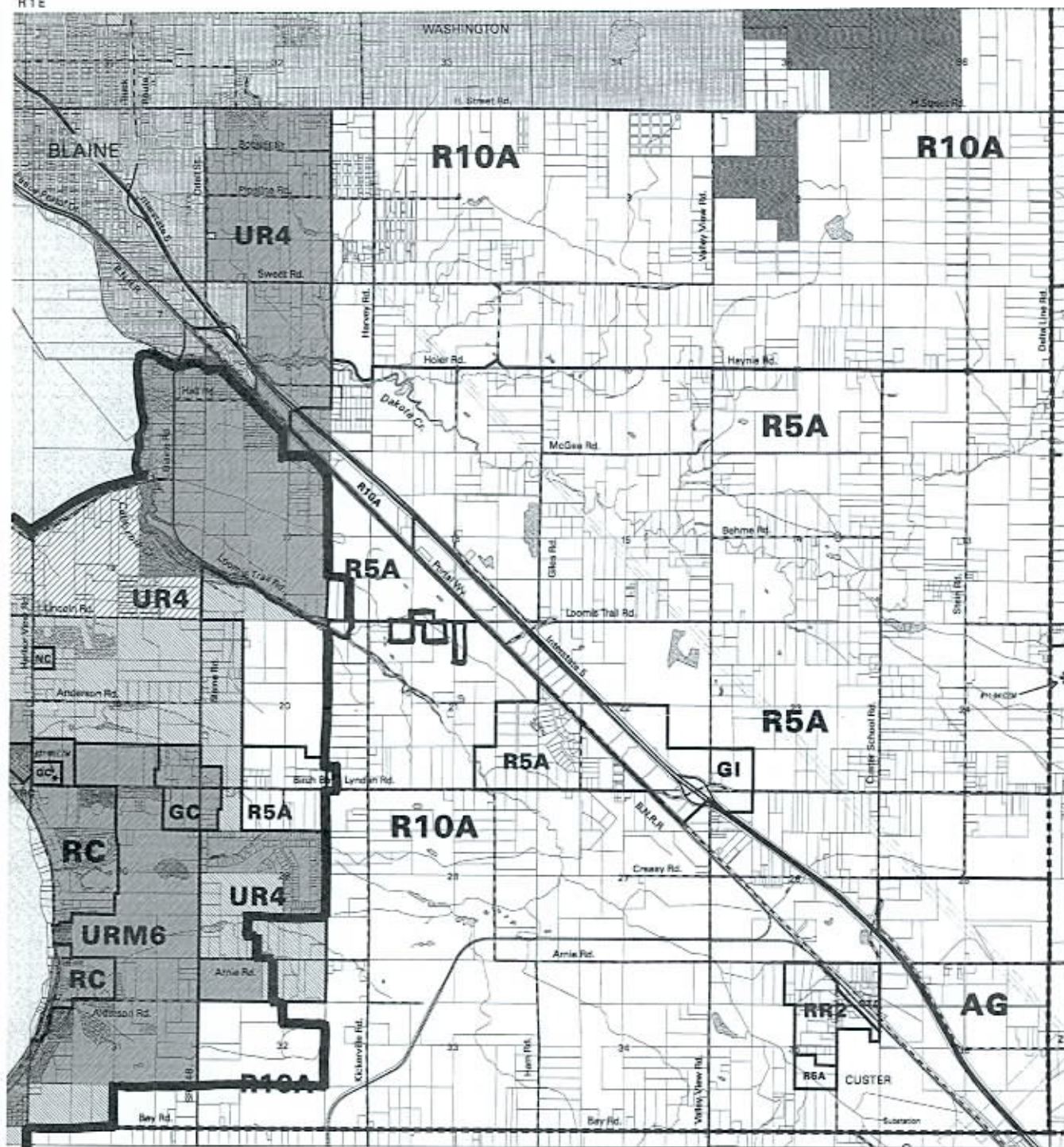
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T39N - R1W



Printed on 1/13/01

TITLE 20 ZONING DESIGNATIONS

Legend

- INDUSTRIAL**
 Heavy Impact Industrial
 Light Impact Industrial
 General Manufacturing
 General Industrial
- COMMERCIAL**
 General Commercial
 Town Center Commercial
 Neighborhood Commercial
 Urban Town Center
 Resort Commercial
- URBAN RESIDENTIAL**
 Urban Residential Mixed Use
 Urban Residential Medium Density 15 Units/Acre
 Urban Residential Medium Density 12 Units/Acre
 Urban Residential Medium Density 8 Units/Acre
 Urban Residential 4 Units/Acre
 Urban Residential 3 Units/Acre
- RURAL RESIDENTIAL**
 Rural Residential 2 Units/Acre
 Rural Residential 1 Unit/Acre
 Rural Residential 1 Unit/Acre
 Rural Residential 1 Unit/Acre

- RURAL**
 Rural 1 Unit/2 Acres
 Rural 1 Unit/4 Acres
 Rural 1 Unit/16 Acres
- RECREATION**
 Agriculture
 Commercial Forestry
 Rural Forestry
 Mineral Resource Lands
 (Overlay Zone)
- OTHER**
 Recreation Open Space
 Flood Hazard
 Planned Unit Development
- Zoning Line**
 Subarea Boundary
 MRL Overlay Zone
 Short Term UGA's
 Provisional Short Term UGA's
 UGA's
 Comment Agreement & Consent Record (C&C)

Index Map



NOTE: The property boundaries on this map were digitized by Planning Department staff in 1998 and 1999. Any subsequent acquisition, or to the subdivisions occurring since then, have not been recorded on these maps. The current property maps please refer to the current maps maintained by the County Assessor's Office. All zoning information is current as of the printing date on the lower right corner of this map.

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LIST OF WHATCOM COUNTY GIS DATA AVAILABLE TO THE USER
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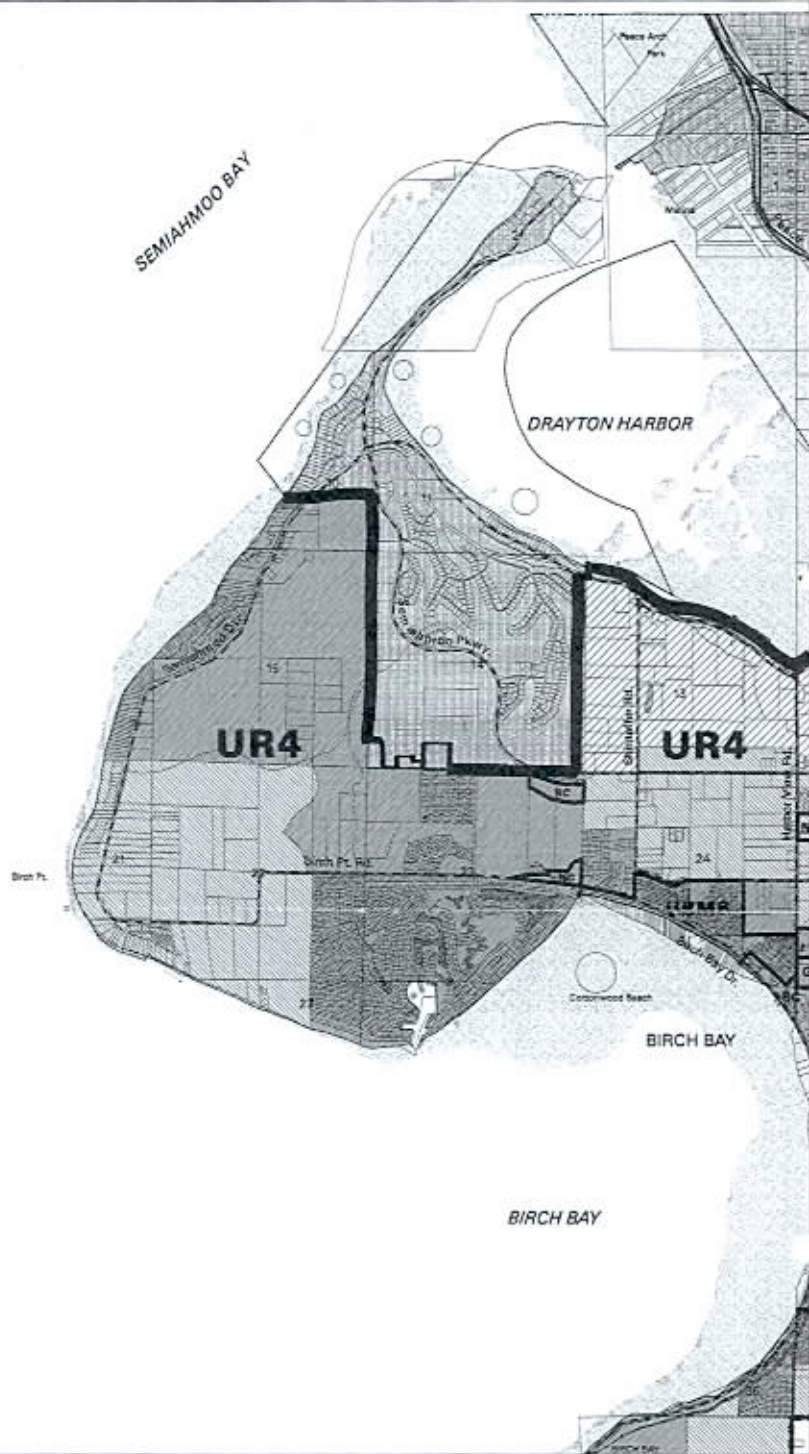
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SCALE 1:8000 (2.52"=1 mile)

0 0.5 1 MILES

T40 & 41N - R1E



TITLE 20 ZONING DESIGNATIONS

Legend

INDUSTRIAL	
HI	Heavy Impact Industrial
LI	Light Impact Industrial
GM	General Manufacturing
GI	Gateway Industrial
COMMERCIAL	
BC	General Commercial
TC	Town Center Commercial
NC	Neighborhood Commercial
ETC	Small Town Commercial
RC	Resort Commercial
URBAN RESIDENTIAL	
URMX	Urban Residential, Mixed Use
URM18	Urban Residential, Medium Density 18 Units/Acre
URM12	Urban Residential, Medium Density 12 Units/Acre
URM8	Urban Residential, Medium Density 8 Units/Acre
UR4	Urban Residential 4 Units/Acre
UR2	Urban Residential 2 Units/Acre
RURAL RESIDENTIAL	
R4S	Rural Residential 4 Units/Acre
R2S	Rural Residential 2 Units/Acre
R1S	Rural Residential 1 Unit/Acre
RI	Rural Residential Island

RURAL	
R2A	Rural 1 Unit/2 Acres
R1A	Rural 1 Unit/5 Acres
R1SA	Rural 1 Unit/12 Acres
RESOURCES	
AG	Agriculture
CF	Commercial Forestry
RF	Rural Forestry
MRL	Mineral Resource Lands (Overlay Zone)
OTHER	
PO	Preservation Open Space
ETD	ETD (SAND)
PUD	Planned Unit Development
Zoning Line	
---	Subarea Boundary
---	MPL Overlay Zone
---	Short-Term USA's
---	Provisional Short-Term USA's
---	USA's
*	Consistent Agreements & Contract Review (TRM)

Index Map



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SCALE 1:50,000 (0.5714 miles)

T40 & 41N - R1W