

RESOLUTION NO. 672

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
WHATCOM COUNTY, WASHINGTON,  
AMENDING THE COMPREHENSIVE SEWER PLAN

WHEREAS, the District adopted its Comprehensive Sewer Plan on October 14, 1999; and

WHEREAS, on January 19, 2000, the Department of Ecology ("DOE") issued formal approval of the District's updated Comprehensive Sewer Plan; and

WHEREAS, on January 25, 2000, the county legislative authority approved the updated Comprehensive Sewer Plan; and

WHEREAS, on February 17, 2000, the District re-adopted its Comprehensive Sewer Plan to include additional text requested by DOE; and

WHEREAS, on March 12, 2002, the District entered into a Project and Services Agreement ("Contract") with BP West Coast Products LLC ("BP") pursuant to which the District agreed to provide domestic wastewater services to BP property as specified in Section 2 of the Contract; and

WHEREAS, on May 10, 2001, the District adopted Amendment No. 1 (per Resolution No. 607) to its Comprehensive Sewer Plan for consistency with the Contract; and

WHEREAS, on January 25, 2005, the District adopted Amendment No. 2 (per Resolution No. 641) to its Comprehensive Sewer Plan, to incorporate the District's decision to extend its sewer system to serve the Birch Bay View Community; and

WHEREAS, the District and BP intend to amend their Contract through entry of a First Amendment to Project and Services Agreement ("First Amendment") under which BP may extend its conveyance system for domestic wastewater to additional BP property, as set forth in the First Amendment; and

WHEREAS, for sake of consistency with the First Amendment, certain sections of the Comprehensive Sewer Plan will be updated, as set forth in Exhibit A hereto, effective upon execution of the First Amendment; and

WHEREAS, the District issued a final Determination of Nonsignificance ("DNS") on October 20, 2008, for the Comprehensive Sewer Plan amendment set forth in Exhibit A hereto, for execution of the First Amendment, and for a separate resolution authorizing application to the Boundary Review Board to allow for domestic wastewater service to the additional BP property; and

WHEREAS, the foregoing recitals 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 amendments, dated November, 2008, as set forth in Exhibit A hereto, to the Birch Bay Water and Sewer District Comprehensive Sewer Plan. The Comprehensive Sewer Plan and Amendments No. 1 and 2 thereto remain in full force and effect, except as modified by the amendments set forth in Exhibit A hereto.

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 Board 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.

Section 4: This Resolution shall be in full force and effect on date of adoption set forth below or upon the date of final execution by both parties of the First Amendment, whichever occurs last.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 13<sup>th</sup> day of November, 2008.

  
COMMISSIONER

  
COMMISSIONER

  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 672 of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on Nov 13, 2008.

  
SECRETARY