

RESOLUTION NO. 705

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, AUTHORIZING APPLICATION TO THE BOUNDARY
REVIEW BOARD TO ANNEX AREA TO THE DISTRICT
("LOOMIS TRAIL" ANNEXATION)

WHEREAS, a petition to annex certain property as described in Exhibit A hereto ("Property") has been presented to the Board of Commissioners by the property owners; and

WHEREAS, the Birch Bay Water and Sewer District ("District") has the capacity and existing facilities to provide retail water and sewer service to the Property; and

WHEREAS, the Board of Commissioners wishes to comply with the provisions of RCW 57.24.070 et. seq., and RCW 36.93.010 et. seq.; and

WHEREAS, the petition for annexation of the Property was declared to comply with the requirements of law as provided to the satisfaction of the Board of Commissioners; and

WHEREAS, the Board of Commissioners acknowledged receipt of said petition and authorized further consideration thereof; and

WHEREAS, the District completed the required environmental review process under SEPA; and

WHEREAS, the District issued a final determination of non-significance ("DNS") for the proposed annexation of the Property on May 25, 2011; and

WHEREAS, notice of the June 9, 2011 public hearing on the petition to annex the Property was published in one issue of a newspaper of general circulation in the area to be annexed, as required by law; and

WHEREAS, the public hearing on said petition for annexation was held June 9, 2011, at the District Office; and

WHEREAS, the Property proposed for annexation is contiguous and will not result in abnormally irregular District boundaries; and

WHEREAS, the District already provides water and sewer services to properties within the Property proposed for annexation; and

WHEREAS, annexation of the Property will not result in sewer line extensions to properties that are zoned rural and not vested at urban density; and

WHEREAS, annexation of the Property will not result in extension of urban levels of water service to properties that are zoned rural and not vested at urban density; and

WHEREAS, annexation will eliminate an existing surcharge and thereby reduce rates for existing municipal water and sewer services delivered to property owners within the Property proposed for annexation; and

WHEREAS, annexation will enable the District, when necessary, to impose tax obligations on property owners within the Property to support the water and sewer services already made available to said property owners; and

WHEREAS, the annexation will produce no negative impacts to the public and environmental health; and

WHEREAS, RCW 36.93.090 requires that prior to actual annexation of the Property a notice of intention must be filed with the Boundary Review Board (“BRB”); and

WHEREAS, the foregoing recitals are findings of the Board of Commissioners of the Birch Bay Water and Sewer District and 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 resolves to file a notice of intention application with the BRB pursuant to Chapter 36.93 RCW to annex area to the District, such area being located in Whatcom County, Washington as described in Exhibit A hereto.

Section 2: BE IT FURTHER RESOLVED that any resolution 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 the 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 may be 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 the date of adoption set forth below.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting held the 9th day of June, 2011.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 705
of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the
regular meeting of the Board of Commissioners on June 9, 2011.


SECRETARY