

**RESOLUTION NO. \_\_\_\_\_**

**APPROVING THE BIRCH BAY WATER AND SEWER DISTRICT  
COMPREHENSIVE SEWER PLAN 2020 UPDATE**

**WHEREAS**, the Birch Bay Water and Sewer District (BBWSD) Comprehensive Sewer System Plan 2020 Update (Plan Update) was prepared at the request of the District Board of Commissioners; and

**WHEREAS**, a determination of non-significance was issued for the Plan Update on June 26, 2019, pursuant to the State Environmental Policy Act; and

**WHEREAS**, per RCW 57.16.010, Whatcom County Public Works approved the Plan Update on September 1, 2020, with the following notations:

- All work performed in a county right-of-way requires a Revocable Encroachment Permit as a prerequisite. See Whatcom County Code (WCC) 12.16 for additional information.
- Depending on the scope of work of any given BBWSD planned sewer system facilities project, the County might require: Other permits (e.g., building, conditional use, land disturbance, shoreline) as a prerequisite to project execution; stormwater management documentation, with possible consequent engineered stormwater management system design.
- To accommodate our desire to minimize disturbance to County roadway surfaces, we encourage the BBWSD to locate, where feasible, new or reworked sewer system facilities outside the existing pavement of any improved County roadways.
- We encourage the BBWSD to accomplish, to the maximum extent feasible, its planned sewer system projects that will involve work in County rights-of-way in advance of our planned road projects to minimize roadway patching that would otherwise occur if not coordinated.

**WHEREAS**, per RCW 57.16.010, the Whatcom County Health Department approved the Plan Update on September 22, 2020; and

**WHEREAS**, Planning and Development Services has reviewed the Plan Update and made recommendation; and

**WHEREAS**, RCW 57.16.010(7) requires the County Council approve, conditionally approve, or reject comprehensive sewer system plans; and

**WHEREAS**, the Birch Bay Water and Sewer District has submitted a final version of the Plan Update (revised to address agency comments) to the County Council for review and approval; and

**WHEREAS**, under the provisions of state law, the Whatcom County Comprehensive Plan, and County-Wide Planning Policies, sewer service in rural areas must be at rural levels and should not be used as a basis for rezoning property; and

**WHEREAS**, the County Council has reviewed the Birch Water and Sewer District Comprehensive Sewer System Plan 2020 Update for compliance with the approval criteria set forth in RCW 57.16.010(7)) and RCW 57.02.040 and finds that the plan satisfies these criteria, subject to certain conditions.

**NOW, THEREFORE, BE IT RESOLVED** that the County Council hereby approves the Birch Bay Water and Sewer District Comprehensive Sewer System Plan 2020 update, subject to the following conditions:

1. New sewer lines shall not be extended outside the Urban Growth Area, except as provided by Whatcom County Code 20.82.030(4).

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2. Provision of sewer to land outside the Urban Growth Area shall not serve as the basis for rezoning properties.

**APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.**

**ATTEST**

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

\_\_\_\_\_  
**Dana Brown-Davis, Clerk of the Council**

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**Barry Buchanan, Council Chair**

**APPROVED AS TO FORM:**

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**Civil Deputy Prosecutor**