



State of Washington
DEPARTMENT OF HEALTH

NORTHWEST DRINKING WATER REGIONAL OPERATIONS
20425 72nd Avenue South, Suite 310 • Kent Washington 98032-2388

September 10, 2020

MICHAEL SOWERS
BIRCH BAY WATER & SEWER DISTRICT
7096 PT WHITEHORN RD
BIRCH BAY WA 98230-9675

RE: Birch Bay Water & Sewer District, ID# 95904
Whatcom County
Water System Plan – 2019 APPROVAL
Submittal #19-0712

Dear Mr. Sowers:

The Birch Bay Water & Sewer District (the District) water system plan (WSP) received in this office on July 22, 2019, with a subsequent submittal on August 3, 2020, has been reviewed and in accordance with the provisions of WAC 246-290-100, is hereby **APPROVED**.

Approval of this WSP is valid as it relates to current standards outlined in Washington Administrative Code (WAC) 246-290 revised January 2017, WAC 246-293 revised September, 1997 and is subject to the qualifications herein. Future revisions in the rules and statutes may be more stringent and require facility modification or corrective action. An approved update of this WSP is required on or before **September 11, 2030**, unless ODW requests an update or plan amendment pursuant to WAC 246-290-100(9).

APPROVED NUMBER OF CONNECTIONS

The analysis provided in this WSP shows the water system has sufficient capacity to meet the growth projections during this planning period. Birch Bay’s water system can support an “**unspecified**” designation for its approved number of connections. A specific number of approved connections will not be applied at this time. Development may occur in compliance with the schedule and information provided in this WSP. This designation may be rescinded (and replaced with a specified number of approved connections) if ODW determines that the WSP is no longer representative of system activities.

LOCAL GOVERNMENT CONSISTENCY

This document meets local government consistency requirements for WSP approval pursuant to RCW 90.03.386 and RCW 43.20.

SERVICE AREA AND DUTY TO SERVE

Pursuant to RCW 90.03.386(2), the service area identified in this WSP service area map may now represent an expanded “place of use” for this system’s water rights. Changes in service area should be made through a WSP amendment.



Birch Bay has a duty to provide new water service within its retail service area. This WSP includes service policies to describe how your system plans to provide new service within your retail service area.

CONSTRUCTION WAIVERS

Standard Construction Specifications for distribution main extensions in this WSP are approved. Consistent with WAC 246-290-125(2), this system may proceed with the installation of distribution main extensions provided this system completes and keeps on file the enclosed construction completion report form in accordance with WAC 246-290-125(2) and WAC 246-290-120(5) and makes it available for review upon request by ODW.

WATER RESOURCES

Below is the general regulatory language that applies to all water system approvals:

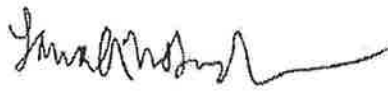
The department's review of your water system plan will not confer or guarantee any right to a specific quantity of water. The approved number of service connections is based on your representation of available water quantity. If the Washington Department of Ecology, a local planning agency, or other authority responsible for determining water rights and water system adequacy determines that you have use of less water than you represented, the number of approved connections may be reduced commensurate with the actual amount of water and your legal right to use it.

Thank you for your cooperation. Whatcom County is being notified of the terms and requirements of this approval and the determination of the approved number of connections. If you have any questions or wish to check our records, you may contact either of us at the numbers listed below.

Sincerely,



Richard Rodriguez
WSDOH Regional Planner
253 395-6771



Laura McLaughlin, P.E.
WSDOH Regional Engineer
253 395-6764

Encl: Construction Completion Report

cc: Ria Birns, WSDOE-NWRO
Darin Klein, Whatcom Co. Health
Matt Aamot, Whatcom Co. Planning & Development Services
Rodney Langer, P.E., David Evans and Associates

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Jon Hutchings
Director



James P. Karcher, P. E.
County Engineer
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

September 1, 2020

Mr. Rodney Langer, P.E.
David Evans & Associates, Inc.
14432 South East Eastgate Way, Ste 400
Bellevue, WA 98007

Subject: Birch Bay Water and Sewer District - 2020 Comprehensive Water System Plan

Dear Mr. Langer:

In reply to your letter dated July 15, 2020, I do hereby approve the subject 2020 Comprehensive Water System Plan for Birch Bay Water and Sewer District (BBWSD).

Please also note the following related to this approval:

- 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. Rodney Vandersypen 360-778-6269, is the County's Permit coordinator.
- Depending on the scope of work of any given BBWSD planned water system facilities project, the County might require:
 - Other permits (e.g., building, conditional use, land disturbance, shoreline) as a prerequisite to project execution, and
 - 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 water system facilities outside the existing pavement of any improved County roadways.
- We encourage the BBWSD to accomplish, to the maximum extent feasible, its planned water 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.

Sincerely,

A handwritten signature in black ink that reads "James P. Karcher".

James P. Karcher, P.E.
County Engineer

cc: County Council
County Executive
Public Works Director
Engineering Services Development Division Manager
Engineering Services Traffic Division Senior Engineering Technician

WATER AND SEWER

WHATCOM COUNTY
Health Department



Erika Lautenbach, Director
Greg Stern, M.D., Health Officer

September 22, 2020

Rodney Langer, PE
David Evans and Associates Inc.
14432 South East Eastgate Way, Suite 400
Bellevue, WA 98007

Dear Rodney,

The Whatcom County Health Department has received and reviewed the Birch Bay Water and Sewer Districts updated 2020 Comprehensive Water and Sewer System Plan. We have completed our review in accordance with the provisions in WAC 246-290, RCW 57.16.010, and based on addressing the Washington State Department of Health list of items, hereby approve your updated plan.

Sincerely,

John J. Wolpers III RS/REHS
Whatcom County Environmental Health Manager

Cc: Clerk of the Whatcom County Council
Whatcom County Engineer
Whatcom County Planning
Washington State Department of Health, Northwest Regional Office



From: Matt Aamot <MAamot@co.whatcom.wa.us>
Sent: Monday, August 10, 2020 10:11 AM
To: Rodney Langer
Cc: 'Dan Eisses'; Mark Personius
Subject: BBWSD Water System Plan (Revised June 2020) - Local Government Consistency - Declaration Needed

Hi Rodney:

Whatcom County Planning and Development Services received the Birch Bay Water and Sewer District's Comprehensive Water System Plan (Revised June 2020) on August 3, 2020. Condition # 1 of the "Local Government Consistency Form" (issued October 23, 2019) requires the Birch Bay Water and Sewer District to submit a "Declaration of Water Utility Service Areas" so that the service area in the Coordinated Water System Plan matches the service area in the District's Water System Plan. You mentioned on the phone that the Declaration is in process. The other conditions in the Local Government Consistency Determination have been satisfied by the District's Water System Plan (Revised June 2020).

County Planning made a number of recommendations in our e-mail of October 23, 2019 relating to coordination of land use and utility planning. Appendix A of the Birch Bay Water and Sewer District Comprehensive Water System Plan (Revised June 2020) addresses these comments, noting the challenges the District faces in implementing the recommendations prior to the Growth Management Act's mandated update to the Whatcom County Comprehensive Plan (the State legislature recently changed the update deadline from 2024 to 2025). We appreciate the District's willingness, as expressed in Appendix A, to work with the County to coordinate land use/capital facility planning in the 2025 County Comp Plan update process.

Thanks,

Matt

From: Rodney Langer [<mailto:rodney@chsengineers.com>]
Sent: Wednesday, October 23, 2019 11:13 AM
To: Matt Aamot
Cc: 'Dan Eisses'; Mark Personius
Subject: RE: Whatcom County - Draft BBWSD Water System Plan - Local Government Consistency

Thanks Matt!

From: Matt Aamot

Sent: Wednesday, October 23, 2019 11:04 AM

To: Rodney Langer, CHS Engineers <rodneyl@chsenineers.com>

Cc: Dan Eisses (deisses@bbwsd.com) <deisses@bbwsd.com>; Mark Personius <MPersoni@co.whatcom.wa.us>

Subject: Whatcom County - Draft BBWSD Water System Plan - Local Government Consistency

Hi Rodney:

Please find attached the signed "Local Government Consistency Determination" for the draft Birch Bay Water and Sewer District Comprehensive Water System Plan (June 2019), which the County received on July 22, 2019 (and previously e-mailed you about on September 20, 2019). In addition, we have the following comments/recommendations:

1. **Water Plan Update** – The Water System Plan indicates the next update of the Plan will be in 2028 (Chapter 8, Table 8.1).

As mentioned with the sewer plan comments (sent to you on October 11, 2019), one of our on-going issues with implementation of the Growth Management Act (GMA) is coordinating land use planning with capital facility planning. The GMA requires the County and cities to update our comprehensive plans by June 30, 2024. However, there is no corresponding requirement to update water and sewer plans on this timeline. The Growth Hearings Board has ruled that there must be adequate capital facility plans for urban growth area (UGA) expansions. The County Council will ultimately decide whether or not to expand the Birch Bay UGA in the 2024 update. However, it limits their options if there are not water and sewer plans that plan for projected growth through the new planning period, which will run through 2044. The County does not yet have preliminary 2044 growth projections for the Birch Bay UGA (or any other UGA). Therefore, we would not be able to supply such projections to the District at this time, when the District is ready to update the water plan. This creates a problematic situation that makes coordination between land use planning and water planning difficult.

Having said that, we would ask the next water plan update (or perhaps an amendment to the water plan) be moved up so it could coincide with the 2024 Comp Plan update.

2. **Water Planning/UGA Reserve** – It appears that three parcels in the UGA Reserve were left out of the water service area boundary. As mentioned, the County's next Comprehensive Plan update is due by June 2024. The County will evaluate whether the existing UGA can accommodate projected growth over the new planning period (through the year 2044). At that time, the County Council will decide whether or not to expand the UGA into the UGA Reserve Area based upon a number of factors. However, if there has been

no water planning for a portion of the UGA Reserve, the Council's options will be limited for this area.

3. **Population Growth Projections** – The draft Water System Plan contains population projections through the year 2038 (p. 2-13). The projections in the current County Comprehensive Plan only go through the year 2036. The County projection for Birch Bay Water and Sewer is 14,414 in the year 2036 (Whatcom County 20-Year Capital Facilities Plan, Appendix E of the Whatcom County Comprehensive Plan, Chp. 11 Water Systems, p. 32). The draft Water Plan shows a projection of 14,663 in the year 2038. Since this is very close to the County Comp Plan, we have no objections to this projection.

However, in the next update (or amendment), we would request that the District insert a population projection for the year 2044 that is consistent with the County's updated projection.

4. **Capital Improvement Plan** – Chapter 8, Improvement Plan, states that "Table 8.2 presents those projects anticipated for completion within the next ten years. . ." (p. 8-5). The projects in Table 8.2 only go through the year 2028. We would note that Table 8.1 includes several longer term projects, but the Water System Plan states that "Table 8.1 is for general information only" (p. 8-5). The GMA requires local comprehensive plans to contain (or adopt by reference) ". . . at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes . . ." (RCW 36.70A.070(3)). Presumably, the six years would run from the 2024 deadline for updating comprehensive plans, meaning it would go through 2030. It would be preferable for the water capital facility plan to include projects through at least 2030.

It should be noted that the Growth Hearings Board has required a 20-year capital facilities plan (through the end of the planning period) when UGAs are being expanded. Again, at this point, we do not know if there will be a proposal to expand the Birch Bay UGA.

Please review and, as appropriate, address these comments before submitting the Plan to the County Council for review and approval under RCW 57.16.010(7).

Thanks,

Matt



This email has been checked for viruses by AVG antivirus software.
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