



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2020-416

File ID:	AB2020-416	Version:	1	Status:	Approved
File Created:	09/23/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Resolution		
Assigned to:	Council Public Works & Health Committee			Final Action:	09/29/2020
Agenda Date:	09/29/2020			Enactment #:	RES 2020-036

Primary Contact Email: DBrown@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution approving the Birch Bay Water and Sewer District Comprehensive Sewer System Plan Update

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution approving the Birch Bay Water and Sewer District Comprehensive Sewer System Plan Update

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
09/29/2020	Council Public Works & Health Committee	RECOMMENDED FOR APPROVAL	
	Aye: 3	Frazey, Donovan, and Kershner	
	Nay: 0		
	Absent: 0		
09/29/2020	Council	APPROVED	
	Aye: 6	Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner	
	Nay: 0		
	Absent: 0		
	Temp Absent: 1	Byrd	

Attachments: Proposed Resolution, BBWS Comprehensive Sewer Plan Update, Approval Letters, BBWS District Resolution, RCW Language

RESOLUTION NO. 2020-036

**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).

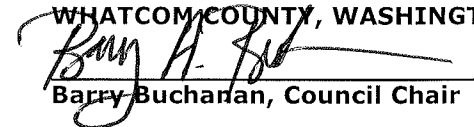
1 2. Provision of sewer to land outside the Urban Growth Area shall not serve as the basis for
2 rezoning properties.

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4 APPROVED this 29th day of September 2020.

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7 ATTEST

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10 
11 Dana Brown-Davis, Clerk of the Council

12
13
14 WHATCOM COUNTY COUNCIL
15 WHATCOM COUNTY, WASHINGTON

16 
17 Barry Buchanan, Council Chair

18 APPROVED AS TO FORM:

19 Approved by Karen Frakes via Email /LB
20 Civil Deputy Prosecutor