

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

**ADOPTING CHANGES TO WCC 100.07 BIRCH BAY WATERSHED AND AQUATIC  
RESOURCES MANAGEMENT DISTRICT FUNDING MECHANISM, BY ADDING AN  
EXEMPTION FOR THE BIRCH BAY WATER AND SEWER DISTRICT**

**(Council acting as the Whatcom County Flood Control Zone District Board of  
Supervisors)**

**WHEREAS**, on March 13, 2007, the Whatcom County Flood Control Zone District Board of Supervisors adopted Ordinance 2007-019 which created the Birch Bay Watershed and Aquatic Resources Management (BBWARM) District pursuant to RCW 86.15; and,

**WHEREAS**, RCW 86.15.160 (4) authorizes a charge for the furnishing of service to those who are receiving or will receive benefits from stormwater control facilities and programs and who are contributing to an increase in surface water runoff (Res 2008-049 & Res 2008-050); and,

**WHEREAS**, implementation of the Birch Bay Comprehensive Stormwater Plan is needed to solve many of the current stormwater management problems in the Birch Bay Watershed; and,

**WHEREAS**, the Birch Bay Water and Sewer District (BBWSD) works regularly with BBWARM and both districts share the same goals of protecting Birch Bay's water quality, managing stormwater and providing critical utility services to rate payers in the districts; and,

**WHEREAS**, the majority of BBWARM rate payers are also BBWSD rate payers; and,

**WHEREAS**, collaborative efforts between the districts that seek to improve stormwater drainage options often result in reduced quantities of stormwater entering the systems, which can reduce the amount of effluent requiring treatment and subsequent treatment costs; and,

**WHEREAS**, in 2011, an interlocal agreement was signed by the two districts that describes the relationship between the two agencies, common areas of concern and shared goals; and,

**WHEREAS**, this interlocal agreement also provides a rationale for dispensing with charging fees by either party and emphasizes the types of planning, programming, and collaborative projects that would be undertaken; and,

**WHEREAS**, while endeavoring to renew the expired interlocal agreement, it was suggested by the County's attorney that the resolution establishing the BBWARM rates and exemptions criteria be amended to provide a provision for not charging the BBWSD,

1           **NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Flood Control Zone  
2 District Board of Supervisors that Whatcom County Code 100.07 Birch Bay Watershed and  
3 Aquatic Resources Management District Funding Mechanism is hereby amended as outlined  
4 in Exhibit A of this resolution. The new text appears as underlined.  
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6           **APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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9  
10 ATTEST:


WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

11  
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13 \_\_\_\_\_  
14 Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Rud Browne, Council Chair

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17 APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

18  9/26/19  
19 \_\_\_\_\_

\_\_\_\_\_

20  
21 Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved      ( ) Denied

Date Signed: \_\_\_\_\_

## EXHIBIT A

**New language appears as underlined.**

### 100.07.080 Exemptions.

A. Property that is owned by, and is the personal residence of, a person or persons approved by the county assessor for a senior citizen or disabled persons property tax exemption under RCW 84.36.381 shall be exempt from the service charge. Any person eligible for this low-income, senior citizen, or disabled persons exemption shall be provided a refund of annual service charges for the subject property for the first year the exemption is sought and for up to three prior years; provided, that eligibility for each year has been approved by the assessor's office; and provided further, that refunds shall not be approved for any year prior to 2009. (Res. 2009-015 § 1 (Exh. A); Res. 2008-049 § 1 (Exh. A § 8)).

B. Properties owned by BBWSD are exempted from BBWARM stormwater fees provided an interlocal agreement is in effect between BBWSD and WCFCZD.