

LAKE WHATCOM WATER AND SEWER DISTRICT**RESOLUTION No 705****A Resolution of the Board of Commissioners**

WHEREAS, the District has received a request from Bill Sygitowicz of Vineyard Development Group, LLC, to provide water and sewer service to property north of the District's existing boundary,

WHEREAS, Vineyard Development Group, LLC represents Bill Sygitowicz and he and other members of the LLC own 684 acres outside of the District boundary and is in the process of acquiring 136 acres inside the District boundary,

WHEREAS, Mr. Sygitowicz has proposed clustering between 37 and 64 residential lots on parcels of between 1.5 and 2 acres, with no cluster bonus lots, leaving the rest (about 600-700 acres) in open space,

WHEREAS, this particular clustered development will move the residential lots dramatically farther away from Lake Whatcom than an un-clustered development, and will result in none of the 27 potential residential units being built upon the 136 acres of property which are located within existing District boundaries,

WHEREAS, none of the potential residential units will be located within any other water or sewer district.

WHEREAS, all of the District's existing North Shore service area and the Vineyard Development properties are outside of any Whatcom County Urban Growth Area boundaries,

WHEREAS, domestic water systems are included in the Growth Management Act's definition of "rural services" according to the Department of Health's Interim Planning Guidance for the Municipal Water Law (DOH Pub. #331-256) Attachment 8,

WHEREAS, RCW 36.70A.110 provides for extending sewer service outside of the UGA "in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development",

WHEREAS, Whatcom County's comprehensive planning goals recognize that permitting septic systems in the Lake Whatcom watershed pose a threat to basic public health and safety and the environment, and the Western Washington Growth Management Hearings Board has found that the County has a legitimate planning objective in reducing density of future development within the Lake Whatcom Watershed.

WHEREAS, the District has analyzed the operational costs versus revenues for the water and sewer extensions and determined that a water-only extension is not in the

best interest of the District, and that extension of sewer to this property would be environmentally preferable to protect Lake Whatcom from the risk of failing septic systems and can be engineered in a fashion which will not create pressure for additional development within the watershed, and


WHEREAS, Whatcom County Planning and Development has verbally indicated support for this project including the extension of sewer service and

WHEREAS, under existing District policy, the Developer is responsible for the costs associated with securing approval of the District's comprehensive plan amendment, which will be required for this project, for any costs associated with Growth Management Act compliance, and for the costs associated with development of the infrastructure,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The District authorizes the General Manager to enter into negotiations for an agreement with Vineyard Development LLC for extension of water and sewer service to the 684 acres of Vineyard Development property which lie outside existing District boundaries only. Actual approval of service shall be in the form of a subsequent approval of the developer extension agreement between the District and Vineyard Development LLC.
2. Final provision of service is conditioned upon Whatcom County's determination that the provision of water and sewer service to the proposed development complies with the Washington State Growth Management Act, Ch. 36.70A RCW.
3. Final provision of service is also conditioned upon the successful adoption of water and sewer Comprehensive Plan Amendment(s) to include serving the Vineyard Development property.
4. Final provision of service is also conditioned upon Vineyard's 136 acres within existing District boundaries being restricted from future development by Whatcom County.
5. This authorization is unique to the circumstances presented and shall not serve as a precedent for any further extensions of utilities outside District boundaries.

ADOPTED by the Board of Commissioners of Lake Whatcom Water and Sewer District, Whatcom County, Washington, at a Regular Meeting thereof, on the 23rd day of November, 2005.



Todd Citron, President



Thomas L. Hadd, Secretary



Blair Ford, Commissioner



Leslie McRoberts, Commissioner

Deborah Kingsley-Lambert, Commissioner