

CLEARANCES		Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	dlg		09/14/07	<b>RECEIVED</b>  <b>SEP 18 2007</b>  <b>WHATCOM COUNTY COUNCIL</b>	9/25/07	Finance/Council
Division Head:						
Dept. Head:	<i>JMA</i>		9/14/07			
Prosecutor	dlg		09/14/07			
Purchasing/Budget:						
Executive:	<i>Rendy</i>	<i>PR</i>	9-18-07			

**SUBJECT:** Resolution setting public hearing on proposal to sell easement over County property to Bay Horizons for stormwater outflow area

**ATTACHMENTS:** Memo, proposed resolution setting public hearing

SEPA review required? ( ) Yes (  ) NO  
 SEPA review completed? ( ) Yes ( ) NO

Should Clerk schedule a hearing? (  ) Yes ( ) NO  
 Requested Date: October 9, 2007

**SUMMARY STATEMENT:**

Bay Horizons development desires to purchase an easement from Whatcom County over a portion of property along Birch Bay Drive in which the County has a significant ownership interest. The applicant's purpose in acquiring the easement is to develop a stormwater outflow area over a portion of the parcel for the discharge of stormwater from upland areas into Birch Bay under the permit requirements imposed for such an outflow and discharge by the Department of Ecology. The hearing on this proposal would serve the purpose of receiving public comment on the propriety of such a sale of easement. The applicant is proposing a purchase price for the easement over a portion of the parcel that matches the assessed value of the County's interest in the entire parcel.

Committee Action Taken:  
 9/25/2007: Forwarded to Council for approval

**COUNCIL ACTION TAKEN:**

9/25/2007: Council Approved 7-0  
 Res. 2007-050

**Distribution Request**

Indicate those who should receive a copy after Council action. List specific names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	
Hearing Examiner	
Jail	
Juvenile	
Parks	
Planning	
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

ated County Contract #:

File Numbers:

**Ordinance or Resolution Number**  
 (this item): Res. 2007-050

SPONSORED BY: Consent

PROPOSED BY: Executive/Public Works

INTRODUCTION DATE: 9/25/2007

RESOLUTION NO. 2007-050

SETTING A PUBLIC HEARING REGARDING A PROPOSED PURCHASE OF AN  
EASEMENT FROM THE COUNTY ON ITS UNDIVIDED INTEREST IN A PARCEL IN  
THE BIRCH BAY AREA BY BAY HORIZONS FOR THE PURPOSE OF A  
STORMWATER OUTFLOW

WHEREAS, Whatcom County owns a 69/93rds undivided interest in Reserve Tract A of Birch Bay West End Estates, a parcel (Assessor's Parcel #405124 047226) located along the north edge of Birch Bay, between Birch Bay Drive and the tidelands; and

WHEREAS, the parcel in question is not a practical site for building commercial or residential structures because of the physical nature of the property, its location relative to the shoreline, and the regulatory prohibitions and requirements that accompany land with these natural features; and

WHEREAS, significant residential development has occurred and is occurring on the uplands to the north of Birch Bay in the vicinity of this parcel; and

WHEREAS, development of this nature results in the potential of greater stormwater runoff due to the increase in impervious and semi-pervious surfaces that constitute and accompany such development; and

WHEREAS, there is a growing need to address stormwater management in this area on a regional basis; and

WHEREAS, the Bay Horizons residential development located northwesterly of the County's tract of land needs to develop a suitable means of and place for discharging stormwater that flows from its development; and

WHEREAS, Bay Horizons proposes to purchase an easement over a portion of the County's tract for purposes of establishing and maintaining a stormwater outflow area; and

WHEREAS, Bay Horizons is proposing, if it acquires the easement from the County, to contribute without cost, upon request of the County, its stormwater facilities at this location and


its interest in the easement to either Whatcom County or such other governmental entity as may in the future assume the responsibility for stormwater management and disposal in this area; and

WHEREAS, Bay Horizons, if it is granted an easement, must acquire the necessary permits from various government agencies to construct and operate its facilities and outflow at this location; and

WHEREAS, while the County Code does not specifically address the procedure for conveying a limited interest such as an easement in County property, this matter has been reviewed by the County's Property Management Committee, resulting in its recommendation for approval of negotiating such a conveyance, and has been presented to the Council for its review and decision on the request; and

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that a public hearing on the proposal of Bay Horizons that the County sell it an easement over a portion of the County property designated by Assessor's Parcel No. 405124 047226, located on Birch Bay Drive, on which it desires to site a stormwater outflow area, be held on the 9<sup>th</sup> day of October, 2007, at the regularly scheduled Council meeting on that date at the Council Chambers in the Whatcom County Courthouse at 311 Grand Avenue, Bellingham, Washington.

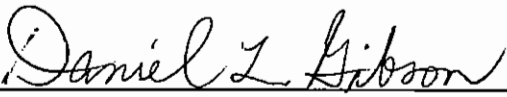
APPROVED this 25<sup>th</sup> day of September, 2007.

ATTEST  
The seal of the Whatcom County Council is circular with a dotted border. The text "COUNTY COUNCIL" is at the top, "OF WHATCOM COUNTY" is in the middle, and "STATE OF WASHINGTON" is at the bottom. There are three stars and arrows in the center. A signature is written across the seal.  
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Carl Weimer, Council Chair

APPROVED AS TO FORM:

  
Civil Deputy Prosecutor