

## Kate Blystone - RE: Fwd: UGA Update and Final EIS Availability

---

**From:** David Stalheim  
**To:** Council; Rebecca Craven  
**Date:** 10/30/2009 4:30 PM  
**Subject:** RE: Fwd: UGA Update and Final EIS Availability  
**CC:** Kate Blystone  
**Attachments:** Letter to County - Final.pdf

---

>>> "Keith Dearborn" <kdearborn@dearbornmoss.com> 10/30/2009 3:50 PM >>>

Thank you David for the courtesy and help you have extended the Wilson/Kilkelly Family. Here is our comment letter on the PC proposal. I have put a paper copy in the mail. Would you please make sure it is forwarded to the Council for the Tuesday committee meeting and is included in the County's Record for the UGA action and the Rural update. Thanks....Keith Dearborn

---

**From:** David Stalheim [mailto:DStalhei@co.whatcom.wa.us]  
**Sent:** Friday, October 30, 2009 12:25 PM  
**To:** Jeff Tate  
**Cc:** Keith Dearborn  
**Subject:** Re: Fwd: UGA Update and Final EIS Availability

Yes, but the meeting has moved up to start at 9 a.m., and there will be 1.5 hours of testimony accepted.

>>> Jeff Tate <tate@polymerlandconsultants.com> 10/30/2009 10:46 AM >>>  
David,

Just confirming that the November 3rd meeting of the Council Planning and Development Committee is still on. Also, based on the wording below it sounds like the public input portion will occur at the beginning of the meeting - is that true?

Thanks.

Jeff Tate  
 Polymer Land Consultants  
 425-377-5012

On Fri, 23 Oct 2009 23:54:45 +0000 (UTC), k.cordi@comcast.net wrote:  
 > ----- Forwarded Message -----

# DEARBORN & MOSS P.L.L.C.

Attorneys at Law

October 30, 2009

Whatcom County Planning & Development Services  
Attn: David Stalheim, Director  
5280 Northwest Drive  
Bellingham, WA 98226

RE: Kilkelly/Wilson property – Blaine UGA – TDR's  
Parcel 400117-072423-0000 (58 acres)  
Parcel 400117-034302-0000 (11 acres)  
Parcel 400118-507416-0000 (5 acres)  
Parcel 400118-515386-0000 (8.1 acres)

Mr. Stalheim,

The Kilkelly/Wilson family wishes to thank the County for the attention given to date to the family's concerns regarding the UGA proposal. The following additional comments are offered for staff and Council consideration. These comments supplement our June 21<sup>st</sup> and September 17<sup>th</sup> letters as well as emails sent to staff during the Planning Commission review of the UGA proposal.

## Urban Separators

The October 1, 2009 memo from staff to the Planning Commission indicates that the "zoning of this property was not proposed in order to establish an urban separator as proposed by the City of Blaine, but to protect sensitive areas and the Drayton Harbor watershed from dense development." The County's rationale for removal of our property from the UGA is not supported by the record (See "Mapping Whatcom County's Biodiversity: Data and Methods" prepared by Regan Smith, Conservation Northwest") and does nothing to enhance or further protect the environment or watershed. Low density zoning does not equate to environmental protection. Why are the County's adopted critical area and site development regulations inadequate to protect these resources?

It was the City of Blaine's recommendation (Resolution No. 1520-09) for an urban separator that prompted our suggestion to expand the County's TDR program. Permanent green space between Blaine and Birch Bay is a realistic and attainable outcome. A well structured TDR program can be instrumental in making the desired urban separator permanent.

## TDR Policy

We appreciate staff's work in drafting a TDR policy that will result in the establishment of a Drayton Harbor TDR sending area and presenting it to the Planning Commission. We also appreciate the Planning Commission's support of the concept. However, the policy statement does

not go far enough. We urge the County to adopt additional language that ensures that this policy will be carried out successfully and in a timely manner.

Additional policy and regulatory detail is needed. The proposed TDR policy simply states that a sending area will be established which implies that the only action needed is to amend the County map to define the geographic extent of the sending area. We are seeking a more detailed series of policy and regulatory amendments that will accomplish the following:

1. **Identifying receiving areas.** At present there are only two receiving areas (Birch Bay and the Bellingham Sub Area). Both are in unincorporated areas. Designation of additional receiving areas is needed for a viable TDR program. The supply and demand relationship between sending and receiving areas needs to be balanced carefully. Too many sending areas can result in an oversupply of TDR's.
2. **Defining the relationship between specific sending and receiving areas.** The current TDR program suffers from a lack of nexus in the relationship between designated sending and receiving areas. For example, those who live in the Bellingham Sub Area may not understand the benefit of removing development potential in a more remote area of the County. This is difficult but we have found it is critical to a successful program. When TDR's are utilized, the receiving area residents should be able to see the direct benefits of removing development rights elsewhere within their community. Establishing an urban separator sending area between Blaine and Birch Bay, and designating portions of Blaine and Birch Bay as receiving areas, allows everyone within those communities to visualize and realize the benefits of such a program.
3. **Establishing TDR value.** As staff indicated during the October 1, 2009 Planning Commission discussion, designating a low density rural area as a TDR sending area would be somewhat unique in that the underlying 10 acre density will not generate very few TDR's. In order to add more value to each TDR generated within a low density sending area, the County should allow one TDR to be used to develop multiple dwelling units within the receiving area. WCC 20.24.252(2) already establishes a precedent for this concept. It states that a single TDR, generated within the specifically defined Lake Whatcom watershed sending area, can be used to develop three dwelling units within a specific zone of the UGA. A similar approach is needed for the proposed Drayton Harbor sending area.

As we have stated in earlier letters and emails, the Wilson/Kilkelly Family is willing to accept the proposed designations if a TDR Program is adopted which will benefit the Family property. However, TDR receiving areas, nexus and value are critical features that need to be included in the proposal.

### **Rural Designation**

As our September 17<sup>th</sup> letter states, our property does not meet the GMA definition of rural. The County has begun a process of updating the Rural Element of the Comprehensive Plan for which draft language has been released for public review. The draft language does not include a

list of designation criteria for the Rural land use designations that is specific to Whatcom County. Rather, it relies upon the 7 descriptors found in the GMA and a series of general goals for protecting rural character. When applying the existing or proposed Comprehensive Plan language for rural land use designations to our property it is obvious that both are inapplicable to the Wilson/Kilkelly property. Classifying our property as Rural is inconsistent with the County's adopted and/or proposed Comprehensive Plan policies. Here are some examples why the Wilson/Kilkelly property does not fit.

1. Page 4 of the draft amendments to the Rural Element describe rural as "peaceful, quiet, low density development with a preserved natural environment." While our property may be characterized as undeveloped, peaceful and quiet, the activities that occur on all sides are hardly peaceful, quiet and low density. In excess of 5,000 cars drive by our property each day on the adjacent highway, there is busy commercial activity across the street, it is surrounded by existing high density development, and there an adjacent destination golf course. Our decision to not develop the property has resulted in the creation of an island surrounded by urban development to the north, south, east and west. Our property does not meet this characterization of rural land offered in the draft amendments.
2. Page 4 of the draft amendments state that rural lands "will continue to provide an important transition between the urban areas and the resource areas of the County." Our land is currently located within a UGA and, even if it is removed, it will continue to be situated between two existing urban areas and surrounded by development that is certainly not rural in character. It does not provide a transition between urban and resource lands. Our property does not meet this characterization of rural land included in the proposed amendments.
3. Page 4 of the draft amendments site the 7 descriptors that are provided in the GMA definition of rural character to help guide the designation of rural lands. As we previously indicated in our September 17, 2009 letter, our land does not meet any of the 7 descriptors; it is therefore inconsistent with GMA to designate our land as rural.
4. Page 5 of the draft amendments characterize rural development and establish goals and policies to help define appropriate development in the rural land use designations. The amendments discuss threats to rural character and the need to reduce those threats by encouraging development in urban areas. We agree with this general characterization and that it is an intelligent policy to encourage development in areas where infrastructure is either already available or where it can be efficiently provided. We also believe that an urban designation for our property is consistent. An urban designation on our property will allow for infill opportunity between existing urban areas. Allowing this type of infill reduces sprawl within areas that do meet the definition of rural.
5. A number of descriptions, policies and goals that are intended to help protect rural character are provided in the existing Rural Element and the draft amendments. A common theme stated in the Rural Element is its role in preserving the natural environment. While our property may be perceived as a refuge for wildlife, the existing land use pattern that surrounds our property dramatically reduces its environmental value.

There is a wide range of scientific literature that ranks busy roads, such as Blaine Road, as one of the biggest factors in diminishing wildlife value. This physical barrier for wildlife migration is planned to be widened to four lanes within the 20 year planning period. To the north and east is 1-5 which creates an even greater barrier for wildlife migration. To the east is a developed golf course that has dramatically altered the natural environment. To the south is a high density residential subdivision with most of its native vegetation removed, as well as Loomis Trail Road and a portion of Blaine Road. The trees on our property may create a sense that there is a remaining pocket of high quality wildlife habitat. However, the reality is that our land is a grouping of trees that are cut off from other rural areas. There is very little terrestrial wildlife habitat value as a result of prior land use decisions, residential developments, and road construction that have occurred over the years. Our property has no unique or consequential habitat value.

## Urban Services

In addition to our property not meeting the existing or proposed criteria for rural lands, the property is serviced by a number of urban services. Water, sewer, electricity, natural gas, fire and rescue, roads, transit, garbage and recycling services are all provided at an urban level of service.

1. **Water and Sewer.** The property is located within the Birch Bay Water and Sewer District (BBWSD) service area and an existing 18-inch water main runs along the Blaine Road frontage of the property that serves the City of Blaine and Blaine UGA and that is available to serve the property. In addition to this existing urban level of water service, the BBWSD is currently seeking to widen and expand the use of an existing water line easement along our property to allow for construction of a 3-inch force main sewer line that will connect a proposed new 50 home development (Harbor Shores) north of our property to a lift station south of our property at the Loomis Trails Pump Station (see Attachment 1). This pump station is proposed to be expanded to accommodate 300 homes as part of this upgrade. In addition to this imminent new infrastructure along our west property line, the BBWSD's updated and approved May 2009 capital improvement plan specifically identifies two projects (Project #28 and Project #29, Table 7.2 – Capital Projects, May 2009) that will provide urban sanitary sewer to our property and those around us. Project #28 proposes construction of 3,000 feet of 10-inch sewer line beginning at Blaine Road and Loomis Trail Road then north and northwest along Blaine Road to Drayton Harbor Road, which would place the line directly abutting our property. Project #29 includes the construction of 226 feet of eight-inch parallel sewer lines between manholes near the Loomis Trail Pump Station (see Attachment 2) to better serve the area. Clearly these planned improvements, which could be initiated at any time with sufficient funding, are neither consistent with nor characteristic of a rural area, but instead are intended to provide urban levels of service to our property. The water and sewer improvements are illustrated in Attachments 3 and 4.
2. **Electrical Power.** Puget Sound Energy provides electrical service. PSE is nearing completion of the construction of a new electrical substation and installation of new transmission lines in the immediate vicinity of our property. The substation itself is

located along Birch Bay/Lynden Road just to the south of our property. This substantial investment includes the installation of one 25 megavolt ampere transformer with room to add another one within the same facility thereby doubling capacity. PSE made this investment based on historical growth and the need to meet future growth demands as defined by established UGA's of Birch Bay and Blaine. On July 21, 2009 Whatcom County approved Conditional Use application CUP2009-0005 which authorized construction of the PSE power substation at Birch Bay/Lynden Road. The Hearing Examiner's staff report states that "[t]he need for an additional electrical substation in this area has been recognized by Whatcom County's Comprehensive Plan for approximately fifteen years." It also states that "[t]he economic vitality of the community requires adequate utility service and the need for this substation has been long recognized."

3. **Natural Gas.** Our property is located within the service area for Cascade Natural Gas.
4. **North Whatcom Fire and Rescue (NWFR).** Our property is located nearly equidistant from two NWFR fire stations - the Headquarters station located to the south on Birch Bay/Lynden Road and the downtown Blaine station located to the north. In August, the NWFR released a draft capital facilities plan that was prepared to identify future fire and rescue needs. NWFR provides services for fire suppression, fire protection, fire extinguishment, hazardous materials response, basic life support, and rescue. Both stations are equipped with two ambulances and engines. NWFR's proposed capital facility plan establishes four tiers of acceptable response times depending upon a location's designation as urban, suburban, rural, or remote. Our property is designated as a Tier 1 response area which establishes an urban level of response time. Our property is serviced at an urban level of fire protection.
5. **Whatcom County Road Improvements.** The 2009 Whatcom County Transportation Plan identifies levels of service for different roads within the County and locations where needed improvements are a priority. The Transportation Plan specifically identifies the widening of Blaine Road (a.k.a. SR 548) from 2 lanes to 4 lanes from Birch Bay/Lynden Road to I-5 as a priority improvement. The Plan also references the Washington State Highway System Plan 2003-2022 which highlights the need to widen SR 548 (a.k.a. Blaine Rd.) from I-5 to Blaine. Part of the rationale for the Blaine Road/SR 548 expansion is due to the volume of vehicles that travel on it each day. Map 14 of the Transportation Plan classifies each major road in the County into one of three categories - those with fewer than 1,000 vehicle trips per day, those with between 1,000 and 5,000 trips per day, and those with more than 5,000 trips per day. The stretch of Blaine Road that is adjacent to our property is shown as a road that experiences more than 5,000 trips per day. This is the same designation given to Guide Meridian.
6. **Transit Service.** The Whatcom County Transit Authority provides bus service along the portion of Blaine Road that is adjacent to our property.

7. **Waste Collection and Curbside Recycling.** Whatcom County contracts services to a private company that provides waste collection and curbside recycling to this area. The Wilson/Kilkelly property was added to the service area in 2007.

Urban electrical service from PSE, urban emergency response times by NWFR, planned urban highway expansion from 2 lanes to 4 lanes, public transit service, waste collection, and curbside recycling are all indicative of urban governmental services. Furthermore, our property is located within the Birch Bay Water and Sewer District Service Area with easements and water and sewer infrastructure already in the ground.

**In summary, the Wilson/Kilkelly Family remains adamantly opposed to a rural designation. Its property is located within an urbanizing area and has urban services. The property and the surrounding area are not correctly classified as rural under the GMA. The Family is willing however, to have its property treated as an urban separator and permanent open space if a viable TDR Program is established.**

Once again, we thank you for this opportunity to provide comments to the County. We appreciate the effort and complexity of this endeavor and hope that you will give consideration to our comments.

Very Truly Yours,



Keith W Dearborn

Attachments



# Birch Bay Water and Sewer District

*Serving the Greater Birch Bay Area Since 1968*

7096 POINT WHITEHORN ROAD  
BIRCH BAY, WASHINGTON 98230-9675

E-MAIL: office@bbwsd.com

PHONE: (360) 371-7100 (24 hrs)  
FAX: (360) 371-2806

## COMMISSIONERS

Carl Reichhardt  
Don Montfort  
Patrick Alesse

## GENERAL MANAGER

Roger M. Brown

August 17, 2009

Mr. Keith Dearborn  
Dearborn & Moss, PLLC  
2183 Sunset Avenue SW  
Seattle, WA 98116

**Subject: Water and Sewer Easement Request for Parcel No. 400118515386**

Dear Mr. Dearborn,

As you may be aware, Birch Bay Water & Sewer District (the District) operates an extensive network of water and sewer mains throughout the greater Birch Bay area within Whatcom County, Washington.

Parcel No. 400118515386 contains an existing 10-foot wide District easement adjacent to Blaine Road. This easement currently allows for the installation, operation and maintenance of a watermain by the District, and currently contains abandoned sections of an eight-inch diameter watermain. The District is requesting a replacement, wider easement which would add sanitary sewer to the allowed usage. This would allow installation of a sanitary sewer forcemain within the easement – placed within the abandoned watermain where possible. A draft replacement easement is attached for your review.

The purpose of installing this small diameter sanitary sewer forcemain (approximately three inches diameter) is to convey sanitary sewage from a new lift station (with a service area located near Blaine Road between approximately Drayton Harbor Road and Shipyard Road) to the existing Loomis Trail Lift Station (near the intersection of Blaine and Loomis Trail Roads), which ultimately conveys the flow to the District's wastewater treatment plant.

Due to the nature of this project, only minor construction activity is anticipated to take place within the easement – with the majority of the forcemain threaded into the abandoned watermain from small holes spaced hundreds of feet apart. If the abandoned watermain is found to be damaged in certain areas, the forcemain may have to be installed within open cut trenches (approximately three feet wide or less) at those locations.

These improvements (in conjunction with gravity sewer improvements north of Drayton Harbor Road) will allow residences or commercial facilities in those areas to connect to the District's sanitary sewer system rather than to individual septic systems. By eventually reducing the number of septic systems, this in turn will help protect the overall water quality of Drayton Harbor.

*Attachment 1*



# Birch Bay Water and Sewer District

*Serving the Greater Birch Bay Area Since 1968*

7096 POINT WHITEHORN ROAD  
BIRCH BAY, WASHINGTON 98230-9675

E-MAIL: office@bbwsd.com

PHONE: (360) 371-7100 (24 hrs)  
FAX: (360) 371-2806

COMMISSIONERS

Carl Reichhardt  
Don Montfort  
Patrick Alesse


GENERAL MANAGER

Roger M. Brown

Please contact Rodney at CHS (425-637-3693) at your earliest convenience to discuss this matter, and thank you for your cooperation.

Sincerely,

**Birch Bay Water and Sewer District**

*for* 

Dan Eisses, P.E.  
Engineering Services Manager

Encl: Proposed Easement Documents

C: Rodney Langer, P.E., CHS Engineers, LLC

# PRELIMINARY

## EXHIBIT A

### LEGAL DESCRIPTION

#### WATER AND SEWER EASEMENT

THE WESTERLY 10 FEET OF A TRACT OF LAND IN GOVERNMENT LOT 2, SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., LYING EASTERLY OF BLAINE ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., AND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 36 RODS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M.; THENCE WEST TO THE BLAINE-FERNDALE ROAD; THENCE NORTH, ALONG SAID BLAINE-FERNDALE ROAD, 36 RODS; THENCE EAST TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE NORTH 80 RODS; THENCE EAST 80 RODS; THENCE SOUTH 116 RODS TO THE PLACE OF BEGINNING;

EXCEPT RIGHT-OF-WAY FOR BLAINE ROAD ALONG THE WESTERLY LINE THEREOF;

AND EXCEPT THE NORTH 300 FEET OF THE WEST 726 FEET OF THAT PORTION OF GOVERNMENT LOT 2 LYING EAST OF BLAINE ROAD (COUNTY ROAD NO. 40), ALL IN SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN.

LESS ROADS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON.

SEE EXHIBIT "B"

# **PRELIMINARY**

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **WATER AND SEWER EASEMENT**

THE WESTERLY 10 FEET OF A TRACT OF LAND IN GOVERNMENT LOT 2, SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., LYING EASTERLY OF BLAINE ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 300 FEET OF THE WEST 726 FEET OF THAT PORTION OF GOVERNMENT LOT 2 LYING EAST OF BLAINE ROAD (COUNTY ROAD NO. 40), ALL IN SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN.

LESS ROADS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON.

SEE EXHIBIT "B"

**After Recording Please Return To:**

Attn:  
Birch Bay Water and Sewer District  
7096 Point Whitehorn Road  
Birch Bay, Washington 98230-9675  
(360) 371-7100

**Document Title(s):** Water and Sewer Easement

**Reference Number(s) of Documents Assigned or Released:** N/A

Additional on page \_\_\_\_\_ of document.

**Grantor(s): (Print Last name, First name, and Initials)**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Additional on page \_\_\_\_\_ of document.

**Grantee(s):** Birch Bay Water and Sewer District

**Legal Description (abbreviated: i.e. lot, block, plat of section, township, range):**

Section 18, Township 40 North, Range 1 East, W.M.

Additional legal description is on page two of document.

**Assessor's Property Tax Parcel / Account Number:** 4400118515386

Additional Parcel Numbers for additional legals are on page \_\_\_\_ of document.

**WATER AND SEWER EASEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
by and between the BIRCH BAY WATER AND SEWER DISTRICT, a municipal  
corporation of Whatcom County, Washington, hereinafter termed "Grantee" and **New**  
**Century Partners, LLC**, hereinafter termed "Grantor".

WITNESSETH:

That the said Grantor for valuable consideration does by these presents grant  
unto the Grantee a perpetual right-of-way or easement for water, sewer and/or sewer  
force mains with the necessary appurtenances through, over and across the following  
described property situated in Whatcom County, Washington, more particularly  
described as follows:

THE WESTERLY 20 FEET OF A TRACT OF LAND IN GOVERNMENT LOT 2,  
SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., LYING  
EASTERLY OF BLAINE ROAD, MORE PARTICULARLY DESCRIBED AS

FOLLOWS:

A TRACT OF LAND IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., AND IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 36 RODS SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M.; THENCE WEST TO THE BLAINE-FERNDALE ROAD; THENCE NORTH, ALONG SAID BLAINEFERNDALE ROAD, 36 RODS; THENCE EAST TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE NORTH 80 RODS; THENCE EAST 80 RODS; THENCE SOUTH 116 RODS TO THE PLACE OF BEGINNING;

EXCEPT RIGHT-OF-WAY FOR BLAINE ROAD ALONG THE WESTERLY LINE THEREOF;

AND EXCEPT THE NORTH 300 FEET OF THE WEST 726 FEET OF THAT PORTION OF GOVERNMENT LOT 2 LYING EAST OF BLAINE ROAD (COUNTY ROAD NO. 40), ALL IN SECTION 18, TOWNSHIP 40 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN.

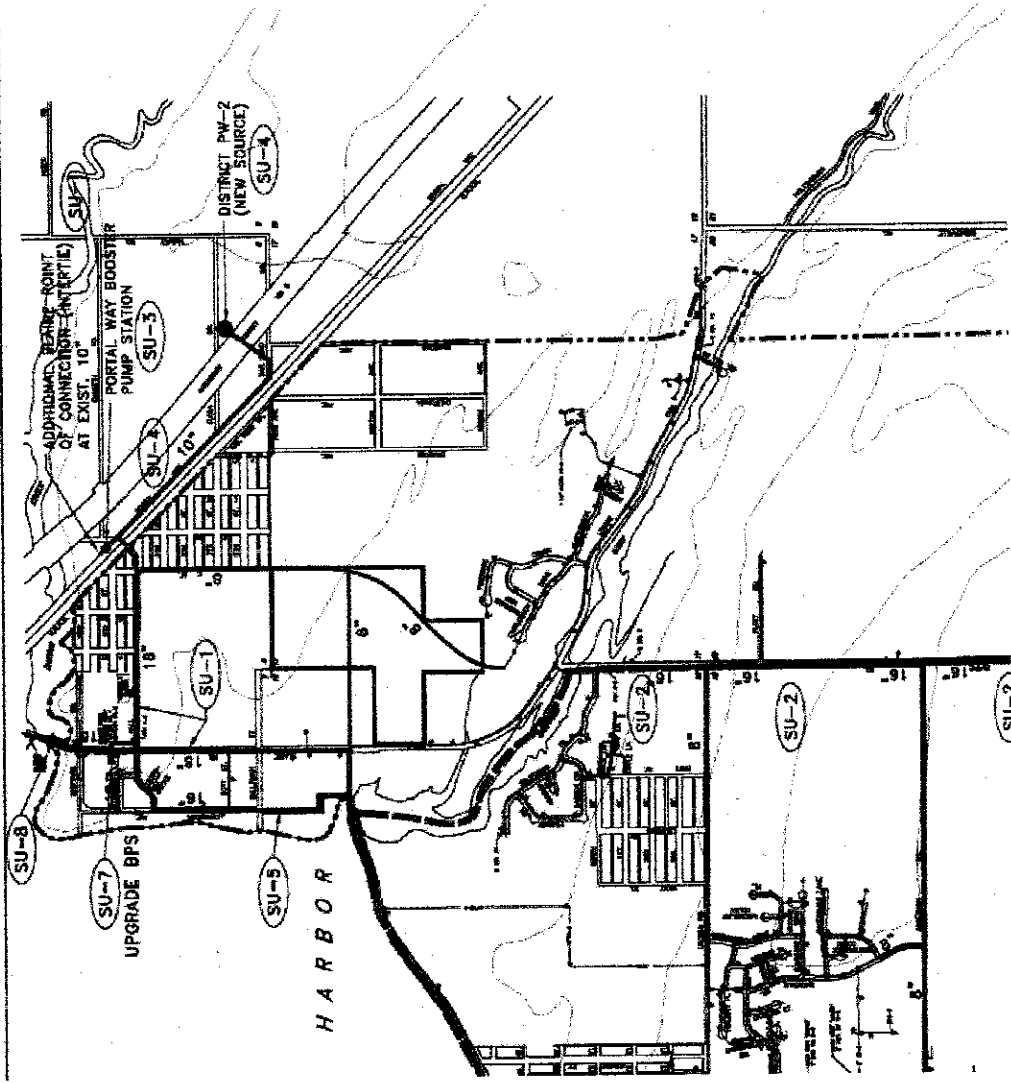
LESS ROADS.

SITUATE IN COUNTY OF WHATCOM, STATE OF WASHINGTON.

That said Grantee shall have the right without prior institution of any suit or proceeding at law, at such times as may be necessary, to enter upon said property for the purpose of constructing, repairing, altering, or reconstructing said water, sewer and/or sewer force mains, or making any connections therewith, without incurring any legal obligation or liability therefor; provided that such constructing, repairing, altering, or reconstructing of said water, sewer and/or sewer force mains shall be accomplished in such a manner that the private improvements existing in this right-of-way shall not be disturbed or destroyed, or in the event they are disturbed or destroyed, they will be replaced in as good a condition as they were immediately before the property was entered upon by the Grantee.

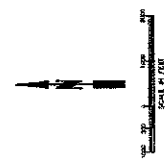
The Grantor shall retain the right to use the surface of said easement, so long as said use does not interfere with the installation and maintenance of the water, sewer and/or sewer force mains and so long as no permanent buildings or structures are erected on said easement.

This easement shall be a covenant running with the land and shall be binding on the successors, heirs, and assigns of both parties hereto.



- LEGEND**
- DISTRICT BOUNDARY
  - - - FUTURE WATER SERVICE AREA
  - /// BLAINE CITY LIMITS
  - 6" EXISTING WATER LINE
  - ▼ EXISTING FIRE HYDRANT
  - EXISTING WATER VALVE
  - EXISTING RESERVOIR
  - EXISTING SAMPLE STATION
  - EXISTING BOOSTER PUMP STATION
  - PROPOSED PRV STATION
  - PROPOSED PUMP STATION
  - 8" PROPOSED WATER MAINS
  - ST-1 SEE TABLE 6.1 FOR PROJECT DESCRIPTIONS

POINT WHITE



BIRCH BAY  
WATER & SEWER DISTRICT  
WATER SYSTEM PLAN

FIGURE 6.1  
CAPITAL IMPROVEMENT PLAN