

**POINT ROBERTS WATER DISTRICT NO. 4
79 TYEE DRIVE, SUITE A
POINT ROBERTS, WA 98281**

RESOLUTION NO. 584

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF POINT ROBERTS WATER DISTRICT NO. 4 OF WHATCOM COUNTY, WASHINGTON, EXTENDING THE TEMPORARY MORATORIUM ON THE ISSUANCE OF WHATCOM COUNTY WATER AVAILABILITY NOTIFICATIONS AND WATER SERVICE CONNECTIONS; DIRECTING DISTRICT STAFF AND CONSULTANTS TO IDENTIFY PRESENT AND PROJECTED DEMAND FOR DISTRICT WATER SUPPLY AND WATER AVAILABILITY NOTIFICATIONS, AND WATER SUPPLY AVAILABLE AND IMPROVEMENTS NECESSARY TO MEET THE PRESENT AND PROJECTED DEMAND FOR DISTRICT WATER SUPPLY AND WATER AVAILABILITY NOTIFICATIONS TO PROMOTE THE PUBLIC HEALTH, WELFARE AND SAFETY; AND SUPERSEDING RESOLUTION NO. 580.

WHEREAS, Point Roberts Water District No. 4 ("District"), as a special purpose water district, is authorized to provide water supply within its municipal corporate and service area boundaries pursuant to Title 57 RCW; and

WHEREAS, when acting under Title 57 RCW the District exercises the police power of the State of Washington which has been delegated to it to provide for the public health, safety and welfare by providing potable water to its customers; and

WHEREAS, in furtherance of the delegation of the police power of the State of Washington, RCW 57.08.005(4) and other statutory authority, the District entered into a long-term wholesale water supply agreement dated the 28th day of August, 1987 ("Water Supply Agreement") with the Greater Vancouver Water District ("GVWD") to provide potable water supply to the District to enable the District to serve its customers; and

WHEREAS, pursuant to the Water Supply Agreement, GVWD agreed to provide the District with water supply not exceeding 3,182.2 cubic meters (700,000 Imperial gallons) per day ("M3D") as the District may require; and District staff have advised the District Board of Commissioners that the Water Supply Agreement provides water supply sufficient for the District to serve up to 2,050 single family units or equivalent residential units

("ERU"), an ERU being defined as average unit consumption of 410 gallons (US) of water per day ("gpd"); and

WHEREAS, the State of Washington Department of Health (DOH"), a public agency vested with approval authority of the District's Water System Plan ("Plan"), approved the District's Plan and determined that, based on the maximum water supply source from the GVWD, the total number of connections to the District's water system may not exceed 2,050 ERUs; and

WHEREAS, DOH on February 1, 2006 further approved an interim water system analysis prepared by Hammond Collier Wade Livingstone, the District's consulting engineer ("Consulting Engineer"), which evaluated the District's water consumption and redefined an ERU as an average unit consumption of 380 gpd, and determined that, based on the maximum water supply source from the GVWD, the total number of connections to the District's water system could be increased to, but not exceed 2212 ERUs; provided that DOH also advised that it may rescind such additional ERUs if it has not approved an updated Plan by January 31, 2007; and

WHEREAS, Whatcom County requires parties undertaking certain land use development approvals and permits, to provide evidence that adequate water supply is available to serve such new development and that the water system facilities necessary to adequately provide service to such new development have been designed, approved and installed, and such evidence must be in the form of a Water Availability Notification ("Availability Notification") from a public purveyor of such water service; and

WHEREAS, the District, as a provider of water supply, receives requests from property owners and developers seeking to connect their property and development to the District water system to provide Whatcom County in the form of Availability Notifications with evidence of adequate water supply and existence of water system facilities to serve their property and development; and

WHEREAS, the District has experienced significant growth during the last three years and because its ability to provide water supply is limited by the maximum amount it can purchase from GVWD under the Water Supply Agreement, the District is concerned that its commitments and allocations to provide water supply not exceed the maximum amount of water it may purchase from GVWD; and

WHEREAS, the District has allocated water supply to its existing customers and to certain properties identified by the District through service applications, previously issued Availability Notifications, developer extension agreements and other service agreements; and

WHEREAS, District staff have reported to the District Board of Commissioners that the demand on the District's water supply from its existing customers and allocations and commitments to provide future water service may be close to the maximum amount of water supply it can purchase from GVWD; and

WHEREAS, District staff recommended that the District Board of Commissioners declare a temporary moratorium on the issuance of Availability Notifications, commitments to provide water service and developer extension agreements which would require new Availability Notifications until the demand on and allocation of the District's water supply is further studied and identified; and

WHEREAS, the District Board of Commissioners, by the adoption of Resolution No. 573 on the 20th day of July 2005, established a temporary moratorium on the issuance of new Whatcom County Availability Notifications and water service commitments by water service applications or otherwise, such temporary moratorium to expire at midnight on the 20th day of October, 2005 unless otherwise terminated, modified or extended by the District Board of Commissioners; and

WHEREAS, the District Board of Commissioners, by the adoption of Resolution No. 574 on the 13th day of October, 2005, extended the temporary moratorium to the 20th day of January, 2006, unless otherwise terminated, modified or extended sooner by the District Board of Commissioners; and

WHEREAS, the District Board of Commissioners, by the adoption of Resolution No. 577 on the 12th day of January, 2006, extended the temporary moratorium to the 20th day of July, 2006, unless otherwise terminated, modified or extended sooner by the District Board of Commissioners; and

WHEREAS, the District Board of Commissioners, by the adoption of Resolution No. 580 on the 13th day of July, 2006, extended the temporary moratorium to the 20th day of January, 2007, unless otherwise terminated, modified or extended sooner by the District Board of Commissioners; and directed District staff and it's consultants as set forth in such resolution to (a) analyze and determine the District's remaining water supply, if any, available for future water demand based on the District's existing customer demand and projected demand from valid and existing District Availability Notifications and other water service allocations and commitments; (b) analyze pending projects for which requests for Availability Notifications have not been received by the District to identify the nature of such projects and, in particular, to determine the number of public projects and the projected water supply needs of such projects; and (c) determine from other public agencies and municipalities serving within the District their plans for developing public services, either by reviewing their planning documents or by personal contact; and

WHEREAS, the District has solicited and received input regarding the District's water supply and methods for allocating available ERUs through a Public Hearing on May 9, 2006; and public input at the regular Board of Commissioner Meetings; and received an Interim 2006 Capital Improvement Program - Source Capacity Improvements Analysis dated July 12, 2006 prepared by the Consulting Engineer; and authorized and directed the Consulting Engineer to prepare an updated Water Comprehensive Plan ("Comprehensive Plan") pursuant to Chapter 57.16 RCW to, among other things, identify any additional water supply sources and water system improvements required to provide additional water supply to the District's service area; and the Consulting Engineer has advised that a draft of the Comprehensive Plan is expected to be completed and delivered to the District for review and consideration in February, 2007; and

WHEREAS, District staff and the Consulting Engineer have reported that they have not yet completed the directives regarding the District's water supply and present and future demand thereon as set forth in Resolution No. 580 and have not yet completed the Comprehensive Plan and have recommended that the temporary moratorium established by such resolution be extended to provide additional time to complete and perform such directives; and

WHEREAS, pursuant to RCW 57.08.005(3), the District possesses full authority to regulate the use, content, distribution and price of its water supply and water system; and

WHEREAS, the District in furtherance of its delegated authority and obligation to provide for the public health, safety and welfare needs to determine whether adequate water supply exists to provide for present and future water demand; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Point Roberts Water District No. 4 as follows:

1. The recitals set forth above are fully incorporated herein by this reference.
2. To promote the public health, welfare and safety of the District and to ensure the existence and provision of adequate water supply for District customers and holders of valid and existing Availability Notifications issued by the District, a temporary moratorium on the issuance of Availability Notifications and water service commitments by water service applications or otherwise as previously established by Resolution No. 580 is hereby extended to and shall terminate on the 20th day of July, 2007, unless otherwise terminated, modified or extended sooner by the District Board of Commissioners.
3. District staff and the District's consultants are hereby authorized and directed to perform and complete the directives set forth in this resolution and to report back to the Board prior to the termination of the temporary moratorium as established and extended by this resolution.

ADOPTED at a special open public meeting of the Board of Commissioners, Point Roberts Water District No. 4, Whatcom County, Washington, held on the 19th day of January, 2007.

N. Madeleine Anderson - Chairman and
Commissioner

Susan M. Johnson - Commissioner

Reneé Coe – Secretary