



San Juan County Community Development & Planning

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DATE: July 7, 2008

Staff Report

TO: SAN JUAN COUNTY PLANNING COMMISSION

FROM: COLIN MAYCOCK, SENIOR PLANNER

SUBJECT: CAPITAL FACILITY PLANNING FOR EASTSOUND UGA

MEETING DATE: JULY 18, 2008

ISSUE:

Adopting the Eastsound Sewer and Water District 2008 Update of 2003-2023 General Sewer Plan into the San Juan County Comprehensive Plan and making the appropriate amendments to Element 7 Capital Facilities portion of the Comprehensive Plan along with the appropriate changes to Appendix 7.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission recommend the adoption of the Eastsound Sewer and Water District's (ESSWD) General Sewer Plan and making the appropriate changes to the San Juan County Comprehensive plan.

EXECUTIVE SUMMARY:

The Western Washington Growth Management Hearings Board (GMHB) Final Decision and Order Case No. 05-2-022c, June 20th, 2006 regarding the Eastsound UGA made Conclusions of law that held:

- A. The County's capital facilities element fails to incorporate a capital facilities plan for sewer in the Eastsound UGA that includes a 6-year financing plan into its comprehensive plan is clearly erroneous and not compliant with RCW 36.70A.070(3)...
- F. The failure of the capital facilities element for the Eastsound UGA to demonstrate that urban levels of service are planned for the entire UGA during the 20-year planning period is clearly erroneous and causes the

boundaries of the UGA not to comply with RCW 36.70A.110(3) and RCW 36.70A.020(12).¹

The above conclusions followed from a combination of events that ensured that neither Eastsound Sewer and Water District (ESSWD) nor County adopted sewer and stormwater plans that contained 6 and 20 year capital improvement plans that would meet the requirements of the GMA.

As one of the final strides along the long road to Eastsound GMA compliance, the attached General Sewer Plan approved and adopted by the ESSWD on June 26, 2008, meets the requirements of the act.

BACKGROUND:

The GMHB's conclusions of law cited 3 specific sections of the GMA, the provisions of which, the County failed to meet, RCW 36.70A.-020 (12), -070 (3) and -110 (3). These provisions detail the expected elements of a compliant capital facilities plan, the GMA's goal of ensuring that there is sufficient capacity in public facilities to handle projected population growth and a three tiered matrix for determining where future urban growth should occur.

The GMA gives clear instructions regarding the necessary and expected elements of a viable capital facilities plan. RCW 36.70A.070 (3) states that:

A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by the public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs of such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities should be included in the capital facilities plan element.²

RCW 36.70A.110 (3) states that:

Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be serviced adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban

¹ GMHB, FDO Case # 05-2-0019c, June 20, 2006. P. 34.

² Growth Management Act and Related Laws, October 2007 Update.

growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.³

RCW 36.70A.020 (12) states that:

Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.⁴

ANALYSIS:

The 2008 Update of the 2003-2023 General Sewer Plan meets the criteria detailed in RCW 36.70A.070 (3) for a capital facilities plan. Specifically, Figure 1 and 2 show the locations, sizes and types of both existing and proposed sewer facilities thereby meeting RCW 36.70A.070 (3) a. Pages 5 and 8 detail the district's projected demand for sewer facilities and a clear analysis of the current capacity to meet that expected demand thereby meeting the requirement of RCW 36.70A.070 (3) b. As noted above, Figure 2 details the projected locations and capacities of expected new sewer lines, thereby meeting the requirements of RCW 36.70A.070 (3) c.

Figure 2, illustrates the District's commitment to serving the UGA and meeting the requirements laid out above in RCW 36.70A.020 (12) and RCW 36.70A.110 (3) by showing that urban services and growth will occur in areas already characterized by urban growth. In addition, Figure 2, in combination with Table 11, show that the District is already thinking about the necessary steps to expand their treatment capacity to ensure that service will be maintained without any serious degradation in level of service.

Table 11, Eastsound Sewer and Water District Capital Facilities; Six Year Financial Plan – For Years 2008 – 2013, pages 20-22, details both the projects that will be undertaken within the short term but also shows the specific funding sources for those projects, thereby meeting the requirements of RCW 36.70A.070 (3) d. In addition, the 2008 Update of the 2003-2023 of the General Sewer Plan includes a Capital Facilities Financial Plan for 2014-2023 which delineates expected costs of specific projects that are expected to be necessary to meet the increased demand fostered by the population growth in the Eastsound UGA.

Table 11 shows that the ESSWD is expecting to reach 85% of their capacity in 2014. The Districts' National Pollutant Discharge Elimination System Waste Discharge Permit (NPDES) and the San Juan County Comprehensive Plan requires that upon reaching this threshold the District must begin formal planning to expand their capacity.⁵ The inclusion of the 20 year capital facility program

³ Growth Management Act and Related Laws, October 2007 Update

⁴ Growth Management Act and Related Laws, October 2007 Update

⁵ S4. Facility Loading, B. National Pollutant Discharge Elimination System Waste Discharge Permit No. WA-003057-1. Pg. 10 and San Juan County Comprehensive Plan, Element 7, subsection 7.3.C 8, which states that "When sewage

exceeds the requirements of RCW 36.70A.070 (3) and shows that, in the short term there is sufficient capacity to meet the projected growth and that over the long term there are plans in place to expand the district's treatment capacity and to serve the entire UGA.

The commitment of the ESSWD to serve the entire UGA is stated clearly on page 8 in the sentence that reads, "The District's Capital Facilities Plan as required by RCW, Title 57.16 of the Stat of Washington, as herein presented provides for wastewater treatment facilities and service sufficient for all parcels of land within the UGA boundaries of the Eastsound area during the planning period."

The adoption of the Eastsound Sewer and Water District's 2008 Update of 2003-2023 General Sewer Plan into the County's comprehensive plan, while not, on its own, sufficient to guarantee the UGA's compliance with the GMA, it will increase the likelihood of achieving compliance this year.

FINDINGS:

- A. That the Eastsound Sewer and Water District's 2008 Update of 2003-2023 General Sewer Plan contains both 6 and 20 year Capital Facilities Improvement programs.
- B. That the Eastsound Sewer and Water District's 2008 Update of the 2003-2023 General Sewer Plan contains an inventory of existing facilities.
- C. That the Eastsound Sewer and Water District's 2008 Update of the 2003-2023 General Sewer Plan contains a forecast of future needs of capital facilities.
- D. That the Eastsound Sewer and Water District's 2008 Update of the 2003-2023 General Sewer Plan contains projected locations of new or expanded capital facilities.
- E. That urban growth and services are being brought together in an area characterized by urban growth.

ALTERNATIVES:

- A. The Planning Commission could choose to recommend denial of adoption to the County Council.
- B. The Planning Commission could choose to recommend additional changes to the comprehensive plan.

treatment facilities reach 85 percent of system capacity the service provider will be required to develop formal plans addressing how additional treatment capacity will be provided."

MOTION:

I move to recommend the adoption of Eastsound Sewer and Water District's 2008 Update of the 2003-2023 General Sewer Plan into the San Juan County Comprehensive and to make the necessary changes to Element 7 and Appendix 7.