



San Juan County Community Development & Planning

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Staff Report

TO: PLANNING COMMISSION

FROM: COLIN MAYCOCK, SENIOR PLANNER

MEETING DATE: MAY 19, 2008

SUBJECT: AMENDING THE SAN JUAN COMPREHENSIVE PLAN TO INCLUDE A NEW APPENDIX 10 TITLED "LONG RANGE DRAINAGE PLAN FOR EASTSOUND VILLAGE URBAN GROWTH AREA WITH UPDATED 6 AND 20 YEAR CAPITAL IMPROVEMENT PLANS.

ISSUE:

To recommend the approval of an amendment to the County Comprehensive Plan so that a new Appendix 10, titled "Long Range Drainage Plan for Eastsound Village Urban Growth Area" and updated 6 and 20 Year Capital Improvement Plans.

EXECUTIVE SUMMARY:

The Western Washington Growth Management Hearings Board (GMHB) Final Decision and Order (FDO), Case No. 05-2-022c, June 20th, 2006 regarding the Eastsound UGA found that in order to be considered compliant, the county would need, in part, to;

1. To include in its capital facilities element a six year financing plan for its stormwater drainage plan for the Eastsound UGA.
2. To include in its capital facilities element demonstrable proof that urban levels of service are planned for the entire UGA over the 20 year planning period.
3. To include in its capital facilities element a clear statement of expected problems, potential projects that would address these problems and a projection of expected facility requirements as well as the means by which such improvements would be funded.

BACKGROUND:

The Eastsound UGA was first adopted by San Juan County in October 2000. It covered approximately 1,263 acres and was entirely within the 1,767 acre Eastsound Planning Area. Following the initial appeal, the Eastsound UGA was revised and the 2005 Eastsound UGA, covering approximately 786 acres, was adopted by Ordinance 13-2005.

The compact Eastsound UGA was appealed to the GMHB and on June 20, 2006 an FDO was published that detailed the reasons why the current UGA boundary was not compliant with the Growth Management Act (GMA).

Among the findings of fact, the GMHB held that the current Capital Facilities element in the San Juan Comprehensive plan lacked sufficient detail to show that there were plans and provisions in place to show that urban levels of service were planned for the planning horizon. Additionally the GMHB noted that the San Juan County Comprehensive Plan's Capital Facilities element lacked a compliant 6 year Capital Improvement Plan that would not only delineate specific projects and expected costs within the stormwater management plan, but also detail the timeframe for the initiation and completion of those projects. The GMHB held that the absence of these elements meant that the County failed to meet the minimum standards set by RCW 36.70A.070 (3) (d).

RCW 36.70A.070 (3) states;

A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities for the capital facilities; (b) a forecast of the future needs for 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 the 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 are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities element.

In the discussion of the capital facilities element, as it relates to the Eastsound UGA, the Board noted that the absence of an adopted plan showing precisely the elements listed above, particularly the six-year capital improvement plan showing the sources of funding, was 'clearly erroneous.'

Prior to the adoption of the 2005 Eastsound UGA, the County hired a consultant to analyze the stormwater issues facing Eastsound, inventory existing facilities, forecast future facility needs, identify specific projects to ameliorate those issues and the expected costs of those projects. The Long Range Drainage Plan for Eastsound Village Urban Growth Area, written by Gerald P. Rasmussen, P.E., was completed in May, 2005 and the draft version of it was submitted to the GMHB as part of the 2005 compliance submission. The Long Range Drainage Plan for

Eastsound Village Urban Growth Area contains the all of the required elements, premised on the contemporary build out scenarios for a larger UGA, (inventory, forecast of future needs as well as the proposed locations and capacities for expanded or new capital facilities), bar six and twenty year capital improvement plans that shows the sources of the financing for those projects. The plan actually forecasts costs and projects from 2005 to 2044, however, these capital improvement plans do not show any funding sources and so fail to meet the requirements of RCW 36.70A.070 (3) (d).

The June 20th, 2006 FDO noted that;

As to the storm drainage plan, our examination shows that the plan contains a thorough analysis of the Eastsound UGA drainage problems and a good discussion of projects needed to address these problems. Even so, it does not contain a financing plan that identifies sources of funding for needed improvements...To assist with financing it [sic] storm drainage needs, the County has taken the difficult, but critical step of adopting a storm drainage utility. Ordinance 14-2005 shows that a mechanism to finance storm drainage projects has been established...However, the drainage plan does not show the extent that the storm drainage utility will support local projects and whether other sources of funding will be needed as required by RCW 36.70A.070 (d). Also because the storm drainage plan does not show how facilities will be provided in the 20 year planning period, it is clearly erroneous and does not comply with RCW 36.70A.020(12)¹ and RCW 36.70A.110 (3)² Emphasis in original (page 10-11).

The Board further noted that;

...the County has not adopted either the sewer plan or the drainage plan of ESSWD. The Board can find no evidence in the record showing that either of these plans have been adopted. Unless these plans are adopted (as a whole or in relevant part) and a County commitment made to pursuing them, they provide no actual planning support for the Eastsound UGA. Emphasis in Original, (page 11).

In this passage, it can be seen that despite the inclusion of the drainage plan in the compliance submission, the Board viewed it (and would continue to do so until officially adopted as county policy), as irrelevant to the central question as to whether or not plans were in place to provide urban level services throughout the UGA over the 20 year planning period.

¹ GMA Planning Goals, Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

² Comprehensive Plans—Urban growth areas. 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 served 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 growth areas.

In addition to the Long Range Drainage Plan for Eastsound Village Urban Growth Area, in order to gain compliance, the County must also adopt the Comprehensive Plan of the Eastsound Sewer and Water District as a further appendix to the County's Comprehensive Plan so that the County can show that there are plans in place to meet the capital facility needs of the UGA over the planning horizon.

ANALYSIS:

It is clear that in order to gain compliance for the Eastsound UGA, the capital facilities issues delineated by the GMHB must be addressed. The most direct method of tackling those issues is to adopt a new Appendix 10 to the San Juan County Comprehensive Plan along with the associated updated 6 and 20 year capital improvement plans. The Long Range Drainage Plan has already been reviewed by the GMHB and, had it been adopted in 2005 by the County Commissioners, along with 6 and 20 year capital improvement plans that identified sources of funding for the projects listed in the 6 year plan, it appears the GMHB is likely to have found it to be compliant.

The Long Range Drainage Plan for Eastsound Village Urban Growth Area is 3 years old and in some areas already obsolete, insofar as projects identified in the text have, despite the absence of a detailed funding mechanism, already been completed.

The updated 6 and 20 year capital improvement plan prepared by Public Works on April 15, 2008 details the projected costs of the projects identified in the Long Range Drainage Plan for Eastsound Village UGA, the ordinance that actually details the source of the financing will be considered by the County Council on May 20th, 2008 at which point, some of the projected cost figures may change, however, the identified projects will remain the same.

FINDINGS:

- A. The Long Range Drainage Plan for Eastsound UGA contains an inventory and analysis of existing public facilities and services.
- B. The Long Range Drainage Plan for Eastsound UGA contains a forecast of future needs as well as the proposed locations and capacities for expanded or new capital facilities and problem specific projects.
- C. The updated 6 year capital improvement plan details both costs and projects that are expected to be constructed within the next 6 years.
- D. The updated 20 year capital improvement plan details costs and projects that are expected to be constructed over the planning horizon.

EXHIBITS:

1. 6 year Capital Improvement Plan for Eastsound Stormwater Projects (dated April 15, 2008)
2. 20 year Capital Improvement Plan for Eastsound Stormwater Projects (dated April 15, 2008)

3. Long Range Drainage Plan for Eastsound Village Urban Growth Area (Rasmussen Plan, May 2005)

RECOMMENDATIONS:

Move to recommend the adoption of a new Appendix 10 to the San Juan County Comprehensive Plan titled “Long Range Drainage Plan for Eastsound Village Urban Growth Area” and associated updated 6 and 20 year Capital Improvement Plans.