

DRAFT – 5/06/08

Ordinance No. _____ - 2008

**Ordinance to Amend the Comprehensive Plan to Provide for an
Adaptive Management Program to Avoid Seawater Intrusion in the Water
Supply in the Lopez Village Urban Growth Area**

WHEREAS, on July 26, 2005, Ordinance 9-2005 was adopted to amend San Juan County Code sections pertaining to the Lopez Village Urban Growth Area (“UGA”) and the official map with the purpose of bringing San Juan County into compliance with an order of the Western Washington Growth Management Hearings Board (“Growth Board”); and

WHEREAS, on April 19, 2006, the Growth Board ruled in its Final Decision and Order/ Compliance Order (“Order”) that the County must adopt an adaptive management program to respond to any signs of seawater intrusion into the Lopez Village UGA water supply to comply with RCW 36.70A.070(1) and 36.70A.020(10); and

WHEREAS, the June 2003 Lopez Village Groundwater Model Report (“2003 Report”) prepared by Pacific Groundwater Group found that the effects of development would be minimal with regard to seawater intrusion and would not impact any additional wells in the Lopez Village UGA;

WHEREAS, the July 2003 Lopez Village Water Supply Report and Recommendations & Lopez Village Coordinated Water System Plan recommended implementation of an adaptive management program which would review and evaluation monitoring data every five years and modify the groundwater model if it is not simulating aquifer conditions correctly; and,

WHEREAS, the County desires to protect the quality and quantity of water used for public water supplies and bring the Lopez Village UGA into compliance with the Growth Management Act; and

WHEREAS, on June 25, 2007, the County Board of Health adopted Ordinance 20-2007, which includes regulations pertaining to seawater intrusion; and

WHEREAS, much of the Lopez Village UGA is within a Seawater Intrusion Risk Area as defined by Ordinance 20-2007 and the regulatory requirements of that Ordinance apply to both project and non-project actions within the Lopez Village UGA; and

WHEREAS, the County has installed data loggers on a network of wells in and around the Lopez Village UGA and is collecting water samples from those wells to provide data which will assist the County in evaluating seawater intrusion; and

WHEREAS, the County has obtained grant money to fund a County hydrogeologist; and

WHEREAS, the County has hired a hydrogeologist to review and analyze the data collected in the County's monitoring efforts; and

[WHEREAS, the County has considered the use of a model which is more sophisticated than that used in the 2003 Report and concluded that ____; and]

WHEREAS, the required 60-day notice was delivered to the Washington State Dept. of Community, Trade and Economic Development on ____, and a response [**was received on ____/has not been received**]; and

WHEREAS, on ____, 2008, the Water Resources Committee held a public hearing on the proposed ordinance; and

WHEREAS, after considering the evidence in the record the Water Resources Committee issued a recommendation to ____; and

WHEREAS, on ____, 2008, notice of a Planning Commission public hearing was published in the County's official newspapers; and

WHEREAS, on ____, 2008, the Planning Commission held a public hearing on the proposed ordinance; and

WHEREAS, after considering the evidence in the record the Planning Commission issued a recommendation to ____; and

WHEREAS, notice of a Council public hearing and this ordinance were published in the County's official newspapers on ____; and

WHEREAS, on ____, 2008, the Council held a public hearing on this matter; and

WHEREAS, after considering the evidence in the record, the County Council ____; and

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section 1. Comprehensive Plan Section 2.3.A is hereby amended to read as follows:

2.3.A Growth Areas

Goal: To recognize and provide for areas of compact urban development which offer diverse employment opportunities, a variety of residential densities and housing types which will eventually achieve urban-level densities in most locations, *general commercial, general*

industrial, institutional, recreational, and community uses in a concentrated, development pattern that includes urban-level and uses and intensities of use.

Policies (2.3.A.1-14-13):

1. Establish different urban growth areas, each of which has a mix of land uses with housing, businesses, and services appropriate to its character, size, and location, as described in a. and b., *below*.

Types of Growth Areas

a. **Towns** are incorporated *Urban Growth Areas* with a full range of urban facilities and services, including *high-density residential*, general commercial, and general industrial uses, schools, and neighborhood and community parks. Towns offer a variety of housing types and are pedestrian-oriented with compact development patterns. They have municipal sewage treatment facilities, municipal water systems and provide other *urban governmental services*. Towns are incorporated.

b. **Unincorporated Urban Growth Areas (UGAs)** are: 1) adjacent to incorporated towns, are or can be served by municipal water systems and municipal sewage treatment facilities, and contain or are appropriate for a mixture of uses including general commercial and general industrial and high density residential. All or a portion of these areas may be annexed into a town within the twenty year planning time frame; or 2) are non-municipal urban growth areas. I.e, they provide *community sewage treatment facilities* and *community water systems* services at non-rural or urban levels of service, and provide some other services similar to towns but have no incorporated core at present. UGAs provide a variety of housing types and residential densities, some of which are at urban-level densities, with the remainder conditioned to not preclude future upzoning. The UGAs are pedestrian-oriented with a compact village core.

2. Growth Areas should be designated on the *Comprehensive Plan* Official Maps where existing or proposed uses and services will meet the above definitions. Growth Areas designated on the *Comprehensive Plan* Official Maps are identified in Table 1, *below*.

[Table 1 Omitted]

3. New urban-level residential, *general commercial* and *general industrial* uses, and urban-level facilities and services should be located only in growth areas, except as explicitly provided by this *Plan* and in compliance with the GMA, in order to avoid incompatible land uses and protect the character and values of the rural areas. Rural industries and heavy industrial types of activities will generally be located in Island Center activity centers and the Rural Industrial areas (*see* Rural areas, *below*).

4. Consider the local knowledge, experience, and preferences of community residents, in addition to the directives of the GMA and this *Plan*, when establishing the type, size, character, and boundaries of a growth area, deciding appropriate uses and their location, determining community *infrastructure* requirements, and establishing standards and design guidelines to protect and retain important features which the community values.
5. Subarea plans or location-specific designations and standards for growth areas should be adopted to guide land use and development in these areas. Residential, commercial, industrial, and open space and park areas should be identified in each growth area. Land use districts and development standards for areas should be consistent with GMA direction to develop compact urban areas and to retain and enhance community character and values. Environmentally sensitive areas within growth areas should be preserved and enhanced.
6. Land use districts, densities and standards for growth areas should be consistent with GMA direction to develop compact urban areas and for most areas to ultimately achieve urban-level densities. Densities and development should be phased so as to be compatible in the near term with existing development patterns. Standards should also be developed to prohibit new development during the phasing period that would physically preclude eventual higher densities.
7. All new development in growth areas should be connected to and served by public or private community water and sewage treatment systems. Long-range sewer and water system plans should be developed or updated by the utility providers in cooperation with the county so that the plans are consistent with the growth projections, land use regulations, and subdivision patterns in each area.
8. Residential development should include a full range of single- and multi-family housing types. New areas added to a growth area should have densities no lower than 4 units per acre in order to be high enough to support efficient public services and provide a full range of affordable housing opportunities in the future.
9. Open space design standards should be established to maintain the rural character at the borders of growth areas. Open space areas, in the form of squares, green spaces, and parks within growth areas, should be an integral part of these areas to provide settings for recreation and public gatherings, and to protect environmentally sensitive areas, scenic qualities, and historic features.
10. The county should investigate storm drainage impacts of current and future development for each growth area, and develop additional design and building standards for land development projects, capital projects, and establishment of a utility if appropriate, to control storm water runoff and associated impacts.

11. The Town of Friday Harbor and the County should prepare and maintain an Urban Growth Area Management Agreement in accordance with the San Juan County and Town of Friday Harbor Joint Planning Policy adopted in 1992, as amended.
12. If necessary to accommodate needed housing units, the Friday Harbor Urban Growth Boundary will be expanded in the future. In 2000, calculations of housing needs and land capacity for San Juan Island identified that 400 units of low- and very-low income housing units could not be accommodated in the areas outside of an urban growth area. At the same time, however, it was estimated that these units could potentially be accommodated as infill within the existing Friday Harbor UGA boundary. With or without expansion of the existing boundary, financing options for capital facilities improvements must be explored, including but not limited to developer agreements, utility local improvement districts, grants, service area agreements, and impact fees.
13. Establish development standards for planned unit developments (PUD) in growth areas to more effectively accomplish the goals and policies of this *Plan* and allow flexibility in site planning for sites characterized by special features of geography, topography, size and shape. PUD standards should include provisions for a mixture of housing types and residential densities, and preservation of open space and natural features, as well as concurrency requirements to address impacts on transportation and other capital facilities and services.
14. An adaptive management program regarding seawater intrusion into the Lopez Village UGA water supply is hereby established to evaluate whether existing regulatory and non-regulatory actions with regard to seawater intrusion are protecting the quality and quantity of groundwater used for public water supplies in the Lopez Village UGA. This program is intended to supplement the County's existing water quality protections in San Juan County Code Chapter 8.06.
 - a. Benchmarks. The program uses June 2002 well data and the groundwater model described in the June 2003 Lopez Village Groundwater Model Report ("2003 Report") prepared by Pacific Groundwater Group as a benchmark. The 2003 Report is hereby incorporated into the Comprehensive Plan by reference.
 - b. Monitoring network. A well monitoring network of eleven wells has been established in and around Lopez Village in partnership with the Washington State Department of Ecology. Data loggers have been installed on these wells and will measure elevation and static level at least hourly. Additionally, manual samples will be taken at least twice a year from the wells for chemical analysis. The analysis will test for alkalinity, calcium, chloride, conductivity, fluoride, magnesium, nitrate, potassium, sodium, and sulfate. **[Further testing of _____ will also be conducted in order to**

increase the accuracy of hydraulic conductivity data. Furthermore, the stratigraphy will be investigated by _____.]

- c. Review by County Hydrogeologist. A County Hydrogeologist will review and analyze data collected by the monitoring network by December 31, 2008, and every five years thereafter. The review will include:
 - i. Analysis of the collected data and comparison to the projections regarding pumpage and water levels in the model developed in the 2003 Report.
 - ii. Modification to the model in the 2003 Report if it is not simulating aquifer conditions correctly or if more accurate indicators of seawater intrusion are developed and can feasibly be integrated into the model.
 - iii. Analysis of the aquifer capacity compared to growth projections.
- d. Thresholds. Degradation of the aquifer will be considered to occur if the hydrogeologist's review indicates that development is having a greater impact on seawater intrusion than predicted in the groundwater model. If more accurate indicators of seawater intrusion are developed and integrated into the model, such indicators will be used to measure degradation in future analyses.
- e. Response to degradation of water quality. If degradation occurs, the County will immediately take action to cease the issuance of building permits in the Lopez Village UGA. The County will not resume issuing building permits in the Lopez Village UGA until such time as action which will prevent further seawater intrusion has been identified and implemented.

Section 2. Savings Clause.

This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. All rights and obligations existing prior to adoption of this ordinance shall continue in full force and effect.

Section 3. Severability.

If any provision of this ordinance or its application to any person is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the ordinance prior to removal of the portions declared invalid.

Section 4. Effective Date.

This ordinance shall take effect and be in full force and effect ten days after adoption by the County Council.

ADOPTED this ____ day of _____ 2008.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

Howard Rosenfeld, Chair
District 3, Friday Harbor

By: _____

Date:

Gene Knapp, Vice-Chair
District 5, Orcas East

REVIEWED BY COUNTY
ADMINISTRATOR

Kevin M. M. Ranker, Member
District 1, San Juan South

Pete Rose Date:

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

Rich Peterson, Member
District 2, San Juan North

By: _____

Date

Alan Lichter, Member
District 4, Orcas West

Bob Myhr, Member
District 6, Lopez/Shaw