



San Juan County Community Development & Planning

135 Rhone Street P.O. Box 947 Friday Harbor, WA 98250
(360) 378-2354 (360) 378-2116 Fax (360) 378-3922
www.sanjuanco.com

DATE: November 5, 2008

Staff Report

TO: SAN JUAN COUNTY PLANNING COMMISSION
FROM: COLIN MAYCOCK, SENIOR PLANNER
SUBJECT: CAPITAL FACILITY PLANNING FOR EASTSOUND UGA
MEETING DATE: November 21, 2008

ISSUE:

Adopting the Fisherman Bay Water Association's 2006 Water System plan and Updated Capital Improvement 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 Fisherman's Bay Water Association's 2006 Water System Plan and Updated Capital Improvement 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. 05-2-0019c, noted that the County's 2005 UGA compliance submission was "clearly erroneous" because while "Reliance upon private purveyors of sewer and water utilities within the UGA is an acceptable means of bringing urban levels of service to the Lopez Village UGA,".... "the capital facilities plans of the private providers have not been incorporated into the County's comprehensive Plan in a manner that fulfills the requirements of RCW 36.70A.070 (3) (a)-(d)."¹

In order to address this shortcoming, the County proposes to amend the comprehensive plan to incorporate the 2006 Fisherman Bay Water Association's Plan and Updated Six Year Capital Improvement plan.

¹ Western Washington Growth Management Hearings Board. Final Decision and Order and Compliance Order (Lopez Village UGA) Case No. 05-2-0019c. P. 18.

BACKGROUND:

The GMHB's conclusions of law cited 2 specific sections of the GMA, the provisions of which, the County failed to meet, RCW 36.70A.-020 (12), -070 (3) (a)-(d). These provisions detail the expected elements of a compliant capital facilities plan and the GMA's goal of ensuring that there is sufficient capacity in public facilities to handle projected population growth.

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.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.³

In order for the county to become compliant with these two elements of the GMA with regard to water capital facilities, the county must show how the Fisherman Bay Water System Plan and Updated Capital Improvement Plan meet the requirements of the GMA.

ANALYSIS:

The Plan meets the criteria detailed in RCW 36.70A.070 (3) (a)-(d) for a capital facilities plan. Specifically, Figure 2-1 (as amended⁴) show the total service area and locations of existing capital facilities. Table 2-1, page 2-4, summarizes the existing capital facilities illustrated in figure 2-2 thereby meeting the requirements of RCW 36.70A.070 (3) (a).

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

³ Growth Management Act and Related Laws, October 2007 Update

⁴ The Fisherman Bay Water Association Service Area Boundary was amended to include all the parcels in the UGA not currently served by a different service provider by the FBW Association in March of 2008. Please see Exhibit 2

Pages 3-1 through 3-4 detail Fisherman Bay Water Association's projected future demand and the Association's capacity to serve the projected demand over the planning horizon, thereby meeting the requirement of RCW 36.70A.070 (3) (b). Pages 4-5 through 4-7, Chapter 9, including Table 9-1, and Appendix J detail the locations, where known⁵, and the capacities of the proposed new and improved capital facilities, thereby meeting the requirements of RCW 36.70A.070 (3) (c).

The updated Capital Improvement Plan⁶ shows the expected improvements, the projected costs, the sources of funding and, ultimately, the expected benefits, in terms of Equivalent Residential Units, of these improvements. The updated Capital Improvement Plan clearly meets the requirements of RCW 36.70A.070 (3) d.

The San Juan County Comprehensive Plan Element 2, Land Use, 2.2A (13) states;

Future review and revision of the Land Use Element, its land use designations, and the Official Maps should be based in part on the sufficiency of capital facilities as provided in the Capital Facilities Element and six-year plan , review of development patterns, projected needs, the availability and adequacy of water resources, the ability to control and mitigate impacts of development, and the retention and protection of resource lands, special districts, critical areas and water quality.

This policy implicitly supports the requirement detailed in RCW 36.70A.070 (3) e to reassess the land use element if funding falls short of meeting the existing and projected needs. In addition to this policy of the land use element, the San Juan County Comprehensive Plan Element 7, Capital Facilities states that in the event of a failure to plan or if the LOS drops below the expected "C" the county may re-evaluate the "goals and policies contained in the Land Use Element and Shoreline Master Program that affect the rate and amount of residential, commercial, recreational and industrial growth allowed."⁷ Also, this section states that the County may impose a moratorium on new development within the 'community water service boundaries'.

FINDINGS:

- A. That the updated 2006 Fisherman Bay Water System Plan Capital Improvement Program shows that there are sufficient funds in place to meet the water system's requirements over the next 6 years.

- B. That the updated 2006 Fisherman Bay Water System Plan contains an inventory of existing facilities.

⁵ The Water Association recognizes that in order to serve the UGA over the planning horizon, it will be necessary to develop at least one new source well, if not two. (Pages 3-4, 4-5) The location of this source well has yet to be determined although financing the purchase of the location of a new well and the application for a water right is built into the long range capital plan.

⁶ Attached as Exhibit 1

⁷ Element 7, Capital Facilities. 7.3.B.8.c.1.

- C. That the updated 2006 Fisherman Bay Water System Plan contains a forecast of future needs of capital facilities.
- D. That the updated 2006 Fisherman Bay Water System 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.

MOTION:

I move to recommend the adoption of the Fisherman Bay Water Association's updated 2006 Water System Plan into the San Juan County Comprehensive and to make the necessary changes to Element 7 and Appendix 7.