

**AN ORDINANCE AMENDING THE SAN JUAN COUNTY COMPREHENSIVE PLAN
CAPITAL FACILITIES ELEMENT AND APPENDIX 7 TO ADDRESS SEWER
SYSTEM CAPITAL FACILITIES IN THE LOPEZ VILLAGE URBAN GROWTH AREA**

BACKGROUND

A. The San Juan County Comprehensive Plan provides for an urban growth area on Lopez Island known as the Lopez Village Urban Growth Area ("Lopez Village UGA"). On July 26, 2005, San Juan County adopted Ordinance 9-2005 to amend the San Juan County Comprehensive Plan, Official Map, and Unified Development Code with the purpose of bringing San Juan County into compliance with an order of the Western Washington Growth Management Hearings Board (Growth Board) regarding the Lopez Village UGA.

B. On April 19, 2006, the Growth Board ruled in its Compliance Order/Final Decision and Order ("Order") in case no. 05-2-0019c that the Lopez Village UGA does not comply with the Growth Management Act. The Growth Board's April 2006 Order included the following conclusion regarding capital facilities planning:

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. However, because 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), and because no agreement exists with the private water and sewer purveyors to provide service to the entire UGA, the Lopez Village UGA capital facilities planning is clearly erroneous pursuant to RCW 36.70A.320(3) and remains non compliant with RCW 36.70A.070(3)(a), (b), (c), (d) and RCW 36.70A.020(12).

C. The County desires to comply with the Growth Board's April 2006 Order and amend the Comprehensive Plan to make adequate provision for sewer facilities in the Lopez Village UGA by referencing the Fisherman Bay Sewer District Wastewater System Master Plan (August 2008) and by taking all other steps necessary bring the Lopez Village UGA into compliance with the Growth Management Act.

D. The Fisherman Bay Sewer District Wastewater System Master Plan (August 2008) indicates an intent to serve areas outside of the Lopez Village UGA but inside Utility Local Improvement Districts ("ULIDs").

E. The Fisherman Bay Sewer District has contractual commitments to serve parcels which are located outside of the Lopez Village UGA but within ULIDs which were created in 1979 and 1985. Assessments were made and improvements constructed for these ULIDs.

F. The County Council makes the following findings:

1. The Fisherman Bay Sewer District Wastewater System Master Plan (Aug 2008), including the Capital Improvements Plan for Scenario 1, contains an inventory of existing facilities; a forecast of future needs for capital facilities; projected locations of new or expanded capital facilities; and a six-year plan showing how such facilities will be financed.
2. The designation of the Lopez Village UGA brings urban growth and urban services together in a location already characterized by urban growth.
3. The required 60-day notice for adoption of this ordinance was delivered to the Washington State Dept. of Community, Trade and Economic Development in April 2008, and given the material ID #11362.
4. A draft of this ordinance was considered by the San Juan County Planning Commission at a properly noticed public hearing held on April 17, 2009.
5. After considering the evidence in the record, the Planning Commission issued a recommendation to approve the adoption by reference of portions of the Fisherman Bay Sewer District Wastewater System Master Plan (August 2008), excluding those references to parcels outside of the UGA and not included in the documented pre-existing ULIDs.
6. This ordinance was considered by the County Council during a properly noticed public hearing held on May 19, 2009, at which time the public had the opportunity to comment.
7. The Council finds that changes to the ordinance as reviewed by the Planning Commission are necessary to clarify the proposed changes and assure that the comprehensive plan meets the requirements of the GMA. These changes are included in this ordinance.
8. After considering the evidence in the record, the County Council decided to approve this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Council of San Juan County, Washington, as follows:

Section 1. Amendment to Comprehensive Plan Section B, Element 7.
Comprehensive Plan Section B, Element 7, subsection 7.3.C is amended to read as follows:

7.3.C Community Sewage Treatment Facilities That Serve UGAs, AMIRDs, and MPR Activity Centers

Goal: To ensure that designated urban growth areas, AMIRDs (areas of more intensive rural development), or Master Planned Resort activity centers are served by community sewage treatment facilities and that plans for serving future development are in place.

Policies (7.3.C.1-10):

1. Community sewage treatment facilities which serve urban growth areas, AMIRDs (areas of more intensive rural development), or Master Planned Resort activity centers should be considered essential public facilities.

County septage collection and treatment facilities should also be considered essential public facilities.

2. Land *development* within urban growth areas, Master Planned Resort activity centers, or Village activity centers which is expected to have an impact equal to or greater than a single family residence should be served by community sewage treatment facilities.
3. Community sewage treatment service providers should develop capital improvement plans which:
 - a. Delineate service area boundaries;
 - b. Inventory existing and approved development within service area boundaries;
 - c. Inventory potential development within service area boundaries under the County *Comprehensive Plan* and other applicable plan designations;
 - d. Establish the available community sewage treatment facility service capacity;
 - e. Adopt LOS standards and response mechanisms;
 - f. Contain a schedule of capital improvements necessary to maintain the community sewage treatment facility at the adopted LOS, including project, timing, cost, and funding source.

Facility and Service providers are responsible for reporting their facility capacities to the County, and for fulfilling the concurrency responsibilities of Policy 7.2.B.2(a)(4). In addition, those providers not controlled by the County but who require a

membership or other commitment as a condition of service shall account for their available capacity in both of the following ways:

- (1) “Available Capacity”. The existing capacity of the concurrency facility, plus the planned capacity, reduced by the capacity that is already used or that is reserved or committed for use in the future; and
 - (2) “Available Capacity Minus Potential Demand by Approved Projects”. The available capacity, minus the capacity that potentially would be used by approved new development projects, in order to reflect the potential additional demand that will be made by the developments when they subsequently apply for memberships and/or meet the conditions of service prior to the time of occupancy or use.
4. The following general sewer plans have been adopted and included in this *Plan* by reference:
- a. *General Sewer Plan—Roche Harbor Area* (Ordinance No. 1–1995)
 - b. *Eastsound Sewer and Water District 2008 Update of 2003–2023 General Sewer Plan* (2008), except for any references in that plan to the development of a sewer line extension outside of the Eastsound UGA.
 - c. Those portions of the Fisherman Bay Sewer District Wastewater System Master Plan (August 2008) attached as Addendum 1 to Appendix 7 of this *Plan*
5. The County and independent sewer districts should work cooperatively to develop fair and consistent policies and incentives to phase out private sewer/septic systems in areas served by community sewage treatment facilities.
6. The LOS measurement for community sewage treatment facilities will be based on system capacity and calculated as follows:
- $$EC / AC = OC$$
- Where
- EC = Existing Connections (expressed in Equivalent Residential Units. Existing connections include those memberships that are purchased but not yet connected)
- AC = Approved Connections and planned capacity (or the system capacity, expressed in Equivalent Residential Units. Approved connections include the total number of connections approved for the system by the County or State)
- OC = Operating Capacity (the portion of total system capacity that is committed to serving existing connections and memberships)

7. LOS standards for community sewage treatment facilities which serve Village activity centers are listed in Table 5, *below*.
8. Establish LOS F as adequate for community sewage treatment facilities in Table 5. This means that, for County planning purposes, the community sewage treatment facilities listed above are considered to have adequate treatment capacity if they have sufficient existing capacity or planned capacity as defined by the San Juan County Code. (For providers who are not controlled by the County and who require a membership or other commitment as a condition of service, available capacity should be reduced by the potential additional demand of approved projects.)

When sewage 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. These plans will be submitted to the County for review. If a community sewage treatment system does not plan to expand or provide additional service then additional development will not be permitted to occur for that system or service area once the system reaches 100 percent capacity.

Table 5. LOS for Community Sewage Treatment Facilities.

Category-A Capital Facility	Level of Service (LOS) Standards (Operating Capacity, in percent) ¹					
	A	B	C	D	E	F
Eastsound Sewer District	<80	80	85	90	95	>95
Orcas Landing Sewer System	<80	80	85	90	95	>95
Roche Harbor Sewer System	<80	80	85	90	95	>95
Rosario Sewer System	<80	80	85	90	95	>95
Fisherman Bay Sewer System	<80	80	85	90	95	>95

¹ Operating Capacity = Percent of system capacity committed to serving existing connections and memberships.

9. When community sewage treatment facilities fall below LOS C, the County and individual service providers should initiate response mechanisms as follows:

- a. The County should re-evaluate the LOS standard to determine if it is appropriate. If it is no longer considered appropriate, revise the LOS standards in Policy 8, *above*.
 - b. Facility and service providers may increase community sewage treatment facility capacity by:
 - (1) Remodeling and/or expanding existing community sewage treatment facilities; or
 - (2) Constructing new community sewage treatment facilities.
 - c. The County may decrease demand for community sewage treatment facilities and services by:
 - (1) Evaluating 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;
 - (2) Re-evaluating the concurrency policies contained in this Element and revise the concurrency standards if appropriate; or
 - (3) Implementing a moratorium on new development within community sewage treatment facility service boundaries until capacity can be expanded.
10. Adopt and enforce a concurrency management ordinance which would prohibit development approval if the development causes the LOS for community sewage treatment facilities to decline below the LOS in Policy 8, *above*, unless improvements or strategies to accommodate the impacts of development are made concurrently with the development.

Section 2. Amendment to Comprehensive Plan Appendix 7.
Comprehensive Plan Appendix 7, Section II.A.3 is hereby amended to read as follows:

3. *COMMUNITY SEWAGE TREATMENT SYSTEMS - ACTIVITY CENTERS*

San Juan County does not provide sewage collection or treatment services. Friday Harbor residents are served by the Town's municipal sewer system and wastewater treatment plant. The Eastsound and Orcas Landing populations are served by the Eastsound Sewer and Water District, and Lopez Village residents and some surrounding areas are served

by Fisherman Bay Sewer District. Other smaller private sewer systems sewer treatment for residents of Roche Harbor, Deer Harbor, and Rosario Resort. Property owners living in other unincorporated areas rely on individual sewage disposal systems.

State law requires that private utilities may operate sewer systems if there is an enforceable contract with a public agency for the assumption of operation under certain conditions. In order for the county to enter such a contract it must comply with RCW 36.94.030 by adopting a general sewer plan as an element of the Comprehensive Plan. RCW 36.94 also requires a recommendation from a committee appointed by the Board of County Commissioners and a public hearing by the Board, followed by submittal to the state Departments of Health and Ecology. The General Sewer Plan for Roche Harbor has been adopted in this manner and is included in this Plan by reference.

Friday Harbor

The Town of Friday Harbor wastewater system currently serves approximately 880 service connections, with 12 connections located out-of-town, including the University of Washington Friday Harbor Laboratories. Wastewater facilities include a conveyance system, wastewater treatment facility, biosolids processing, and effluent disposal with an outfall in the marine waters of Friday Harbor. The majority of Town residents are served by the wastewater collection system, with the exception of 11 households that are still on septic systems. As the Town allows for the addition of seepage to its wastewater system, the waste from these residences receive treatment at the time of pumping. The Town's *General Sewer Plan* (updated in 2001) provides detailed descriptions of the existing system and its needs.

Conveyance System. The collection system collects and transports wastewater from households and businesses to the wastewater treatment plan, and includes over 40,000 linear feet of sewer pipeline. As with many systems in Western Washington, the major issue influencing the system's capacity is infiltration and inflow (I/I) which refers to groundwater that enters the collection system through cracks in pipes and loose connections (infiltration) and surface water that enters the system (inflow) through cross connections with storm drains and downspouts, area drains, or ponding over manhole covers. I/I uses up required capacity within the collection system and treatment plant that could otherwise accommodate growth. I/I is seasonal, with peak flows occurring during winter months.

Treatment Facilities. The treatment (secondary) plant is located at the southwest corner of Harbor Street and Tucker Avenue and was upgraded in 2001. The upgraded system utilizes an extended aeration activated sludge process with sequencing batch reactors and ultraviolet lighting for effluent solids and disinfection control. Waste solids are temporarily held in an aerated basin, then run through a sludge dryer system, and the resulting solids are hauled off-island. The Town's plant design capacity is (1) 690,000

average GPD (gallons per day) with 2.6 million GPD peak capacity; and (2) 690 pounds average BOD (bio-chemical oxygen demand) waste solids per day and 1,600 pounds BOD with per day peak capacity.

Roche Harbor

The Roche Harbor sewage collection system consists of two main trunk lines serving the hotel and marina area along Waterfront Drive and the condominium units along West Point Drive. Both of these lines are gravity lines, however, two lift stations are necessary to pump sewage to the treatment plant. The sewage treatment plant consists of a surge tank, an extended aeration activated sludge plant, and effluent polishing pond. The sewage treatment plant's hydraulic capacity is 20,000 gpd. Effluent from the sewage treatment plant is pumped parallel to the West Point collection system and is discharged via an 800-foot pressurized outfall into Roche Harbor. According to the *Roche Harbor Area General Sewer Plan*, the sewage treatment plant is operating at satisfactory levels, but any expansion or upgrade of existing sewer facilities will require reissuing the NPDES permit.

The residential area surrounding the resort is served by individual septic systems. The *Roche Harbor Master Planned Resort Activity Center Plan* reflects potential patterns of development for the next 20 years and beyond. The 20-year improvement plan for the Roche Harbor wastewater system calls for an expanded collection system and an increase in treatment plant capacity by 80,000 gpd to serve new resort and residential development.

Eastsound

Eastsound Sewer and Water District (ESWD) provides sewer collection and treatment service to approximately one square mile of the central Eastsound area lying within a Utility Local Improvement District (ULID). ESWD also serves the Orcas Landing area through a contract. The actual service area boundary of the ESWD covers approximately six square miles of Eastsound.

The ESWD has a Septic Tank Effluent Pumping (STEP) pressure collection system, with a 160,000-gpd extended aeration plant with a ten-inch-diameter outfall. Each residence and business has a District-owned individual septic tank system with an attached sump with its own small electric sump pump. The pumps send effluent through the sewer system to the secondary treatment plant. The plant then discharges the treated effluent into Puget Sound. The District pumps and disposes of sludge from all of the tanks in the District as part of its regular service to customers. The District also owned a 10,000-gallon septic tank at the Smuggler's Cove condominiums, which was recently replaced with ten 1,000-gallon tanks, including vaults and pumps, in order to more efficient service with several smaller vacuum pumps used for smaller tanks.

The district is authorized by charter to provide sewer service throughout the Eastsound subarea and is currently providing sewer collection and treatment for some residents within the Eastsound subarea. As of January 2008, ESWD is serving approximately 520 residential ERUs¹ and 250 Commercial ERUs. Currently the ESWD has a total capacity of 1142 ERUs. The General Sewer Plan 2003-2023 contains a twenty year Capital Improvement Program which shows that the construction of additional treatment capacity, sufficient to meet 2020 population projections in Eastsound will begin in 2014 or as soon as the plant is operating at 85% capacity. The District has a long-range plan to expand this treatment capacity when the existing plant facility reaches 972 ERUs.

Orcas Landing

The existing Orcas Landing sewage treatment facility is managed by the ESWD, and operates within a gravel filter process with a current operating capacity of 15,000 gpd. According to ESWD, the treatment plant facility current does not need any further expansion. During 2005, operating capacity at the treatment plant represents 33% of total design capacity

Lopez Village

Fisherman Bay Sewer District (FBSD) provides sewage treatment service to residents of Lopez Village and Eastshore North. Currently the district is serving 309.2 ERU's or between 80-90% of their permitted capacity; however, preliminary studies indicate the actual capacities of the existing plant far exceed the permit and steps are being taken to have the facility re-rated. Treatment is through an aerated lagoon with an average flow capacity of 27,700 gpd and a design population of 275 Equivalent Residential Units (ERU). One ERU equals 100 gpd during the summer months and 93 gpd during the winter months 150 gpd for this district. The FBSD has a Septic Tank Effluent Pumping (STEP) pressure collection system with an anaerobic pretreatment cell, two aerated cells, with a 27,700 gpd extended an aeration plant, a constructed wetland to polish the effluent, and a chlorine disinfection system with a fourteen-inch-diameter outfall pipe that stretches half a mile out into the San Juan Channel and has a diffuser.

Each residence and business has a District-owned individual septic tank system with an attached sump with its own small electric sump pump. The pumps send effluent through the sewer system to the secondary treatment plant. The plant then discharges the treated effluent into Puget Sound. The District pumps and disposes of sludge from all of the tanks in the District as part of its regular service to customers.

¹ Equivalent Residential Unit (approximately 130 Gpd @ 266 BOD).

The 2008 Fisherman Bay Sewer District Wastewater Master Plan shows that the District's service area now includes all of the parcels within the proposed 2008 Lopez Village UGA. The District has retained the right to serve parcels outside of the UGA that had been part of Utility Local Improvement Districts (ULIDs) prior to the establishment of the GMA. The Master Plan contains three alternative scenarios for meeting the projected demands of future growth.

Table 3

Community Sewage Treatment Facilities Serving Activity Centers

Sewer System	Activity Center	System Capacity (ERUs) ²		Operating Capacity (%)	Available Capacity (%)
		Active	Design		
Town of Friday Harbor	Friday Harbor	880	1,020	84	16
Eastsound Sewer and Water District (ESWD)	Eastsound Village	770	1142	67	33
Orcas Landing Sewer	Orcas Village	63	190	33	67
Fisherman Bay Sewer District	Lopez Village	<u>309.2244</u>	<u>350275</u>	<u>8889</u>	<u>1244</u>
Rosario	Rosario Resort				
Roche Harbor Area— General Sewer Plan	Roche Harbor MPR	See footnote ³			

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² ERUs = Equivalent Residential Units

³ Serves resorts and condos only.

NEW SECTION. Section 3. Addendum to Comprehensive Plan Appendix 7.

A new section is added as an addendum to Comprehensive Plan Appendix 7 to read as shown on attached Exhibit 1.

Section 4. 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 5. 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 6. Effective Date.

This ordinance shall take effect on the tenth working day after adoption.

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ADOPTED this 19th day of May 2009.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: Ann Larson
Ann Larson, Clerk
Date: 5/19/2009

REVIEWED BY COUNTY
ADMINISTRATOR

Pete Rose
Pete Rose
Date: 5-11-09

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: [Signature]
Date: 4/30/09

[Signature]
Lovel Pratt, Member
District 1, San Juan South

[Signature]
Rich Peterson, Chair
District 2, San Juan North

[Signature]
Howard Rosenfeld, Member
District 3, Friday Harbor

[Signature]
Richard Fralick, Vice Chair
District 4, Orcas West/Waldron

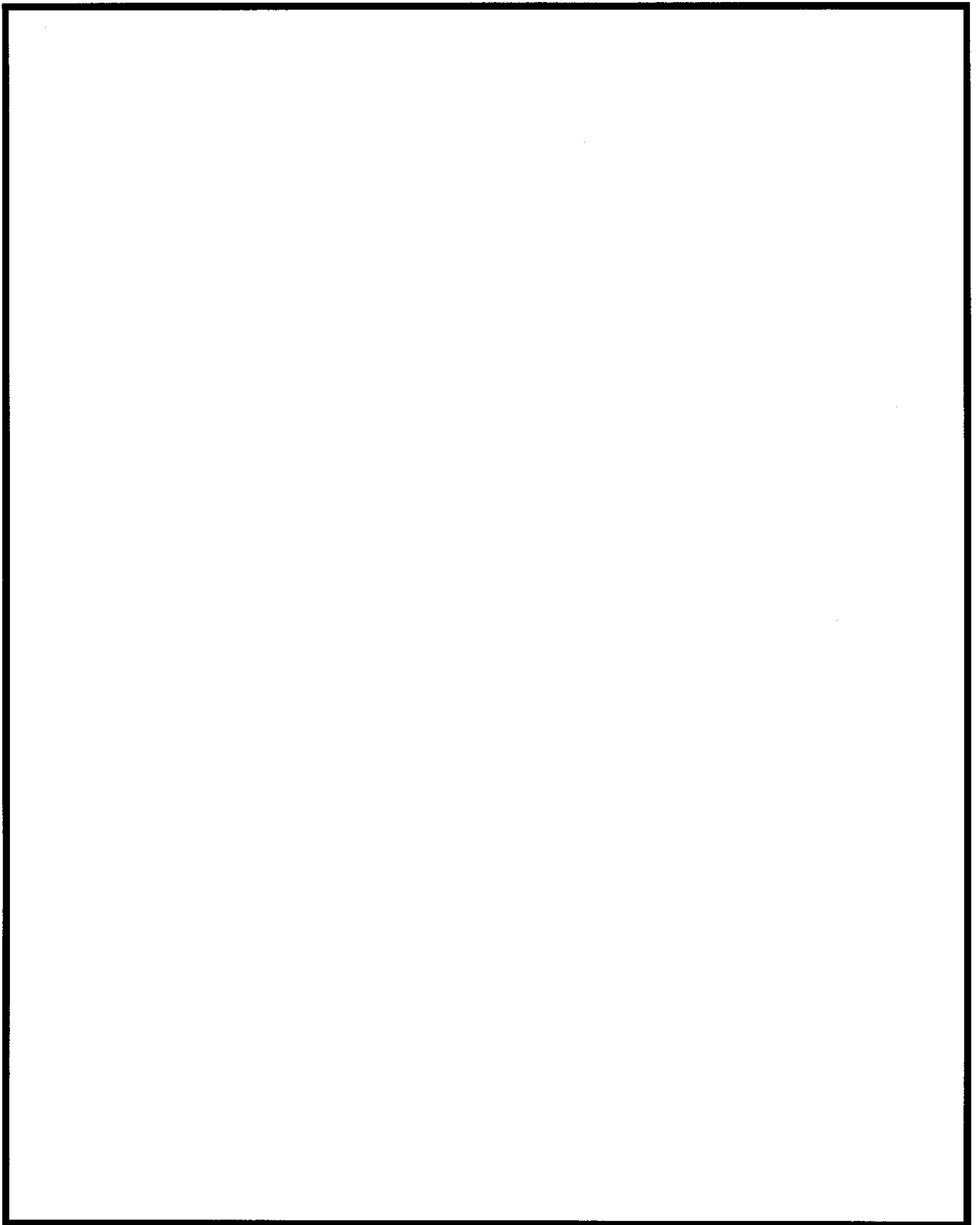
EXCUSED ABSENT

[Signature]
Gene Knapp, Member
District 5, Orcas East

[Signature]
Bob Myhr, Member
District 6, Lopez/Shaw

Addendum 1
Incorporating portions of the Fisherman Bay Sewer
District's Wastewater Master Plan (2008)

Appendix 7
Capital Facilities



1. To meet the requirements of 36.70A.070 (3) (a) – (d) the County has adopted particular sections of the Fisherman Bay Sewer District's Wastewater System Master Plan. Table 1 below shows the specific sections of the Fisherman Bay Sewer District's Wastewater System Master Plan (2008) that are included in this addendum.

Table 1.

Chapter 3 Sections	Chapter 5 Sections	Chapter 6 Sections	Chapter 7 Sections	Chapter 8 Sections	Misc
3.1	5.1.1	6.1	7.1	8.1 only those portions that refer to Scenario 1	
3.2	5.1.2* except Figure 5.2, Table 5.3 in its entirety, Table 5.4 and all but the first 3 columns of Table 5.5	6.2	7.2*	8.2.1*	
3.3	5.1.3* (only the top two lines of Table 5.6)	6.3.1	7.3*	8.2.2*	
		6.3.2	7.4*	8.2.3*	
		6.3.3 except Table 6.1, Table 6.2, Figure 6.5 and Figure 6.6	7.5*	8.2.4*	
		6.3.4		8.3.* except Tables 8.2, 8.3	
		6.3.5		8.4.1*	
		6.3.6 except Table 6.4 and Figure 6.8		8.4.2* only those elements of Table 8.4 that refer to Scenario 1	
		6.3.7 except Figure 6.10, Figure 6.11, Table 6.5, Table 6.6, Figure 6.12,		8.4.3* only those elements of Table 8.5 that refer to Scenario 1	

		Figure 6.13, Figure 6.14.			
		6.3.8 except Table 6.7, Figures 6.15, 6.16, 6.17, 6.18, 6.19, 6.20			
		6.3.9 except Figure 6.23, Figure 6.24			
		6.3.10			
		6.3.11			
		6.3.12			
		6.3.13			
		6.3.14			
		6.3.15			
		6.3.16			
		6.3.17 except Table 6.9, Figures 6.29, 6.30,6.31, 6.32			
		6.4			
		6.5			
		6.6*			
		6.7.1			
		6.7.2			

* Except for those sentences referencing or implying development outside of the UGA but within the areas covered by the preexisting ULID agreements at greater than rural densities.

2. Below are the sections of the Wastewater System Master Plan.

**FISHERMAN BAY SEWER DISTRICT
WASTEWATER SYSTEM MASTER PLAN (DRAFT)****3.0 Service Area**

3.1 PLANNING AND SERVICE AREAS

The Fisherman Bay Sewer District was established by San Juan County resolution 35-1974 and resulting special election. A draft Comprehensive Plan was prepared in July 1976, then scaled down in May 1977, and adopted by the Commission of the District in 1978. The General Sewer Plan and the Engineering Report were approved by the Department of Ecology (DOE) in August 1979. Amendment No. 1 to the Comprehensive Sewer Facilities Plan⁽⁵⁾ was prepared in April 1984 by James E. Wilson & Associates. When the original lagoon plant was expanded in 1994, an Engineering Report was prepared by Anne Symonds & Associates, Inc. and approved by the DOE.

Figure 3.1 depicted the original Planning Area from the 1976 Draft Comprehensive Plan. The Planning Area generally consists of three main areas: the Lopez Village, the Eastshore North (ESN) and the Eastshore South (ESS). The Planning Area shown on Figure 3.1 appears to be a general outline without specific references to a street, section lines or property lines, or detailed description of defining the planning area boundary.

The District's service area initially consisted of the Lopez Village area only. In August 1983, the Eastshore North area was annexed into the District. To this day, the service area is still limited to these two areas. Sewer service has not extended to the Eastshore South area at present.

The boundary of the service area is still evolving due to periodic annexation petitions by property owners. Currently the far north boundary of the service area is approximately ¼ mile north of the Sunset Lane. The San Juan Channel shoreline is generally the west boundary of the service area. The Whisky Hill Road is the far south boundary, and Fisherman Bay Road (County Road #103) and Charlie Lane are the east boundary. It is estimated that District's service area encompasses approximately 300 acres of land. Figure 3.2 shows the service area in the 1994 engineering report. Figure 3.3 shows the current service area.

The service area boundary shown on Figure 3.3 is delineated based on present available information. This boundary and the description for the District's service area in this report are not intended to be a legal description or to be used as such. For exact descriptions of the District's planning area and service area, readers shall contact the District or their representative.