

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Author: Matt W. Aamot	MA	11/10/99	RECEIVED NOV 16 1999 WHATCOM COUNTY COUNCIL	11-23-99	Council Introduction
Division Head: Sylvia Goodwin	SG	11/10/99		12-7-99	Public Works & Capital Projects Committee
Dept. Head: Michael T. Knapp	MA	11/10/99			
Prosecutor: Dave Grant	RDW	11/14/99			
Purchasing/Budget:					
Executive: Pete Kremen	PK	11-16-99			

SUBJECT: Resolution approving Point Roberts Water District No. 4 Comprehensive Water System Plan.

ATTACHMENTS:

(1) Proposed Resolution

(2) Staff Report

Note: The Point Roberts Water District No. 4 Comprehensive Water System Plan is on file at the Council Office

SEPA review required? (x) Yes () NO
 SEPA review completed? (x) Yes () NO

Should Clerk schedule a hearing? () Yes (x) NO
 Requested Date:

SUMMARY STATEMENT:

RCW 57.16.010(6) indicates that the County legislative authority must approve, conditionally approve or reject a comprehensive water system plan. The request is to approve the Point Roberts Water District No. 4 Comprehensive Water System Plan.

Distribution Request

Indicate those who should receive a copy after Council action. List specific names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	Paul Chudek
Hearing Examiner	
Jail	
Juvenile	
Parks	
Planning	Michael T. Knapp
Prosecutor	
Public Works	Bruce Mills
Sheriff	
Superior Court	
Treasurer	
Other	

COUNCIL ACTION TAKEN:

1999 - 458 11/23/99: Introduced
 12/7/99: Approved 7-0, Res. #99-066

R:

Related File Numbers:

Ordinance or Resolution Number (this item): RES. #99-066

Sponsored by: Planning
Proposed by: Planning & Development Services
Introduction date: 11/23/99

RESOLUTION NO. 99-066

APPROVING POINT ROBERTS WATER DISTRICT NO. 4
COMPREHENSIVE WATER SYSTEM PLAN

WHEREAS, State law (RCW 57.16.010(6)) requires the County Council to approve, conditionally approve, or reject comprehensive water system plans; and

WHEREAS, Point Roberts Water District No. 4 submitted an amended Comprehensive Water System Plan for final approval on October 1, 1999; and

WHEREAS, a determination of non-significance was issued pursuant to the State Environmental Policy Act; and

WHEREAS, Pursuant to RCW 57.16010(6), the Point Roberts Water District No. 4 Comprehensive Water System Plan has been approved by the Whatcom County Division of Engineering; and

WHEREAS, the Whatcom County Health & Human Services Department defers approval of Group A water systems to State Department of Health; and


WHEREAS, the State Department of Health has approved the Point Roberts Water District No. 4 Comprehensive Plan; and

WHEREAS, the County Council reviewed the Point Roberts Water District No. 4 Comprehensive Plan for compliance with the approval criteria set forth in RCW 57.16.010(6)) and RCW 57.02.040 and finds that the plan satisfies these criteria;


NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby approves the Point Roberts Water District No. 4 Comprehensive Water System Plan dated November 1998, with September 1999 Amendments.

APPROVED this 7 day of December, 1999.

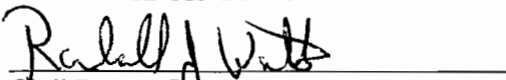
ATTEST


Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY,
WASHINGTON


Marlene Dawson, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor

**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT**

I. BACKGROUND INFORMATION

Subject: Water System Plan Approval

Applicant: Point Roberts Water District No. 4

Summary of Request: County Council approval of Point Roberts Water District No.4 Comprehensive Water System Plan as required by RCW 57.16.010(6).

SEPA: The Deputy SEPA Official for Whatcom County issued a determination of non-significance on January 29, 1999.

County Division of Engineering Approval: February 19, 1999.

County Health and Human Services Review: In a memo of October 14, 1999, County Health & Human Services indicated that they defer approval of Group A water systems to the State Department of Health under a "Joint Plan of Operation."

State Department of Health Approval: September 17, 1999.

Water Source: Point Roberts Water District No. 4 purchases water from the Greater Vancouver Water District (GVWD). A maximum of 840,000 U.S. gallons per day may be purchased under the current contract.

Existing Service Connections (1998 A.D.): 1,765

Future Service Connections (2004 A.D.): 1,928

County Council Timeframe: The Point Roberts Water District No. 4 Water System Plan was submitted for final approval on October 1, 1999. Pursuant to RCW 57.16.010(6), County Council approval, conditional approval or rejection of water system plans is to occur within 90 days of submission of the plan or within 30 days of a hearing (if the hearing is held within 90 days of submission of the plan). The Council may extend the time frame up to 90 days if there is insufficient time to adequately review the plan.

II. ANALYSIS OF THE PROPOSED AMENDMENT

The factors that are to be considered in evaluating a proposed water system plan are set forth in RCW 57.16.010(6) and RCW 57.02.040(3). These factors are addressed below.

- (A) **Whether the proposed action in the area under consideration is in compliance with the *development program* that is outlined in the county comprehensive plan, or city or town comprehensive plan where appropriate, and its supporting documents.**

The Whatcom County Comprehensive Plan designates Point Roberts as Resort/Recreational Subdivisions, Rural, and Public/Recreation. The following zoning districts implement these three Comprehensive Plan designations in Point Roberts:

Rural Comprehensive Plan Designation

- ✓ Rural one dwelling/five acre zoning
- ✓ Rural one dwelling/ten acre zoning

Resort/Recreational Subdivisions Comprehensive Plan designation

- ✓ Urban Residential three dwellings/acre zoning
- ✓ Urban Residential four dwellings/acre zoning
- ✓ Urban Residential Medium Density six dwellings/acre zoning
- ✓ Resort Commercial zoning
- ✓ General Commercial zoning
- ✓ Light Impact Industrial zoning

Public/Recreation Comprehensive Plan designation

- ✓ Recreation and Open Space zoning

Point Roberts has areas ultimately intended for higher density development and areas intended for lower density rural development. However, it should be noted that most of the zoning districts that allow higher density development require public sewer before such development can occur.

Staff has reviewed the Point Roberts Water District No. 4 Comprehensive Water System Plan and finds that it is generally consistent with the Whatcom County Comprehensive Plan and Zoning. However, we do have several comments relating to specific projects planned at Point Roberts, requests for future rezones, and population projections.

Specific Projects Planned at Point Roberts

The Water System Plan identifies four potential large-scale development projects at Point Roberts. These projects are listed below:

- The Resort at Lily Point.
- Point Roberts Golf Course/a.k.a. Gulf View Golf Course.
- Additional development at the Point Roberts Marina.
- A hotel in the northwestern portion of Point Roberts.

The Point Roberts Water District No. 4 Water System Plan indicates “. . . combining the ongoing low rate of development trends in the District with the four major developments, the peak day water demand will exceed the GVWD [Greater Vancouver Water District] maximum metered water delivery rate. These major projects have significant effect, and may require either water reuse, development of new sources, or revision to the GVWD service contract . . .” (p. 28). Therefore, it is important for the County to monitor this situation and assure that adequate water service will be provided prior to issuing any more permits for large developments in Point Roberts. However, the concurrency provisions added to the zoning ordinance in 1998 require that subdivisions, commercial developments and conditional uses can not be approved unless the water purveyor has issued a letter that adequate capacity exists or arrangements have been made to provide adequate service (WCC 20.80.212). This concurrency requirement should assure coordination between land use permitting and the availability of utility service for new developments.

Future Rezones

Several of the proposed new water lines extend through Rural one dwelling/five acres (R5A) and Rural one dwelling/ten acres (R10A) zones. Staff spoke with Point Roberts Water District No. 4 manager Dan Bourks on 11/4/99. Mr. Bourks indicated that the main reason for installing the new lines is to improve fire flow. Additionally, the lines would “loop” instead of dead-end for better water circulation and quality. Finally, the lines would provide service at zoned densities for properties in the northwestern portion of Point Roberts (some of these lines may be constructed through developer extension agreements).

The Whatcom County Comprehensive Plan indicates:

. . . Outside of Urban Growth Areas, cities and other public and private utilities may extend water only at rural levels of service. If rural levels of service are extended, availability of pipeline capacity to meet local supply needs shall not be used to justify development counter to county-wide land development patterns and shall not be considered in conversions of agriculture land, forestry, or rural lands . . . (p. 5-3).

Additionally, RCW 57.16.140 states that “The construction of or existence of sewer capacity or water supply in excess of the needs of the density allowed by zoning shall not be grounds for any legal challenge to any zoning decision by the county.” Finally, the Point Roberts Subarea Plan indicates that the level of service for provision of water should be consistent with planned land uses (Community Utilities and Services Policy 1.01, p. 43). Water districts have historically provided service to development in rural areas of Whatcom County, including Point Roberts. Therefore, as long as the extension of these lines is not used as justification for rezoning rural properties to higher densities, we have no objection to placing additional lines in rural zones in order to increase fire flow, improve water quality and provide service at planned densities.

Population Projections

The Point Roberts Water District No. 4 Comprehensive Water System Plan states that “. . . The permanent population growth (in Point Roberts) was projected at a no growth rate . . .” (p. 11). The 1990 census figure for permanent population is given at 923 and this is projected to stay the same until 2010 (p. 12). However, seasonal populations are projected to grow (p. 12). The Whatcom

County Comprehensive Plan is projecting overall growth at 2% per year in Whatcom County during the 20-year planning period (1995-2015). While Point Roberts is influenced by the Canadian economy, staff is cautious about the Water System Plan's no-growth projection for Point Roberts over the 20-year period from 1990-2010. However, the water district is projecting future water needs based upon past water usage trends, rather than on population projections. Therefore, while the upcoming census will provide additional clarity, the population projection issue does not appear to be critical to the Water System Plan.

(B) Whether the proposed action in the area under consideration is in compliance with the basin-wide water and/or sewage plan as approved by the State Department of Ecology and the State Department of Health (formerly Social and Health Services).

The Water Utility Coordinating Committee and Whatcom County are currently in the process of reviewing the Coordinated Water System Plan (CWSP) update. Although the CWSP update has not been approved by the County Council or the State Department of Health (DOH) yet, the DOH has reviewed the Point Roberts Water District No. 4 Comprehensive Water System Plan for compliance with the *draft* CWSP. In a letter of September 17, 1999, the DOH concluded "... This water system plan is consistent with the *Public Water System Coordination Act* (70.116 RCW) and the *draft Whatcom County Coordinated Water System Plan* ..." Therefore, staff concludes that this criterion is satisfied.

(C) Whether the proposed action is in compliance with the *policies* expressed in the county plan for water and/or sewage facilities.

Whatcom County Comprehensive Plan

Whatcom County Comprehensive Plan policies relating to utilities are found in chapter 5. Specifically, goals and policies that govern the provision of water include:

- Policy 5M-5: The County should work closely with purveyors and the State Department of Health in the development and review of Comprehensive Water Plans to ensure consistency with land use and urban growth area needs.
- GOAL 5N: Ensure that potable water supplies required to serve development are available at the time the development is available for occupancy and use.
- Policy 5N-1: Building permit applicants, new subdivisions and binding site plans will be required to provide evidence that adequate supplies of water are available prior to their approval by the County.
- Policy 5N-2: Work with provider agencies to assist them in modifying their system as required to support the land use element of the comprehensive plan.

County-Wide Planning Policies

County-Wide Planning Policy K-1 states:

As part of the comprehensive planning process, the county and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as schools, recreation, transportation and utility corridors . . .

Interlocal Agreements

Staff is not aware of any inter-local agreements involving Whatcom County that relate to water supply at Point Roberts (although Point Roberts Water District No. 4 has an agreement with the Greater Vancouver Water District, which supplies water to Point Roberts).

It appears that the proposed Water System Plan is generally consistent with the County's land use planning efforts. It does not appear that the Water System Plan is intended to facilitate urban development of rural zones. Rather, it increases fire flow and allows development at planned densities.

(D) The comprehensive water system plan shall not provide for the extension or location of facilities that are inconsistent with the requirements of RCW 36.70A.110.

RCW 36.70A.110 contains the urban growth area provisions of the Growth Management Act. RCW 36.70A.110(4) indicates:

. . . In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

Point Roberts is not designated as an urban growth area. However, RCW 36.70A.030(16) indicates that "rural services" include domestic water systems and fire protection. The only services that are specifically excluded from the definition of "rural services" are storm and sanitary sewers. It has been the practice of Point Roberts Water District No. 4, along with other water districts in the County, to provide public water to rural areas of the County for many years. Therefore, it does not appear that the proposed Water System Plan violates RCW 36.70A.110.

III. RECOMMENDATION

Based upon the above analysis, staff recommends that the County Council approve the proposed Point Roberts Water District No. 4 Comprehensive Plan.

IV. ATTACHMENTS

1. Whatcom County Division of Engineering Letter
2. Whatcom County Health and Human Services Letter
3. Washington State Department of Health Letter

WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT

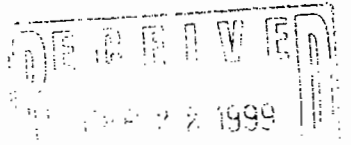
JEFFREY M. MONSEN, P.E.
Director

ATTACHMENT # 1



DIVISION OF ENGINEERING

5280 Northwest Drive, Suite C
Bellingham, WA 98226
(360) 676-6730/380-8110
FAX (360) 676-6558



Whatcom Co. Planning

Edwin R. Henken, P.E. - Assistant Director - Engineering

February 19, 1999

Hammond, Collier & Wade-Livingstone
Consulting Engineers
Attn: Robert E. Bergstrom, P.E.
4010 Stone Way North, Suite 300
Seattle, WA 98103-8090

Subject: Point Roberts Water District No. 4 Comprehensive Water system Plan

Dear Mr. Bergstrom:

In accordance with RCW 57.16.010(6), we have reviewed your Comprehensive Water System Plan of November, 1998 and are pleased to approve said plan. This approval is made with the understanding that the overall concepts are satisfactory, and any work within the right-of-way will be performed in accordance with the District's Whatcom County franchise. Certain details, however, do need correcting or clarifying. Some of these that are readily apparent are:

The waterline Capital Improvement Plan is variously described as being 8" or 10" in the Executive summary, Chapter 5, Figure 13, Exhibit B, Chapter 6, and Table 3 for projects A through F. Project J is also alternately shown as being McLaren or Larson Roads. It should be uniformly described as McLaren.

Chapter 1, page 1, last paragraph, references to 644 gpm per connection to increase to 690 gpm per connection appears to be erroneous.

Chapter 4, page 28, ignores possible irrigation usage with requests having already been received for up to 400,000 gal. per day on peak days. Such a request is of course unrealistic; but we believe that it would be well for the District to have a consultant recommended policy for dealing with such requests.

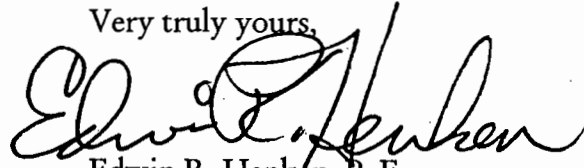
Chapter 5, pages 47 ff. doesn't discuss basis or reasoning for the capital and on-going expenses of converting from gas to liquid chlorine disinfectant.

Hammond, Collier & Wade-Livingstone
February 19, 1999
Page 2

Chapter 6 fails to reflect the distinct possibility of the District's passing on significant cost increases, such as the 8-percent increase received by the District this past January.

It is our understanding that the above items will be addressed by the State Dept. of Health in their review.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Edwin R. Henken".

Edwin R. Henken, P. E.
Assistant Director

cc: Dan Bourks, Water Dist. 4 Manager
Matt Aamot, Sr. Planner - Planning & Development Services
John Thielemann, Regional Engineer - Washington State Dept. of Health

**WHATCOM COUNTY
HEALTH & HUMAN SERVICES**

P.O. Box 935
Bellingham, WA 98227-0935

ATTACHMENT # 2



CHARLES R. BENJAMIN

Director

GREG STERN, M.D.

Health Officer

TO: Matt Aamot
From: Paul Chudek
Date: October 14, 1999
RE: Point Roberts Water District No. 4 Comprehensive Water Plan

OCT 15 1999

ADMINISTRATION
(360) 676-6720
384-1528

COMMUNICABLE DISEASE
REPORTING LINE
(360) 738-2503

CHILDREN WITH SPECIAL
HEALTH CARE NEEDS
(360) 738-2522
384-0574

COMMUNICABLE DISEASE
IMMUNIZATIONS
(360) 738-2508
384-1336

DEVELOPMENTAL
DISABILITIES
(360) 676-6829
398-1310

ENVIRONMENTAL HEALTH
(360) 676-6724
384-1565

MATERNAL/INFANT
(360) 647-2329
380-4017

MENTAL HEALTH
(360) 676-6829
398-1310

STD/AIDS/HIV
(360) 676-4593
384-5848

SUBSTANCE ABUSE
(360) 676-6829
398-1310

TRAVEL CLINIC
(360) 676-4593
384-5848

VITAL RECORDS
(360) 676-6720
384-1528

WIC CLINIC
(360) 738-2505
384-1633

Whatcom County Health and Human Services (HHS) staff have reviewed the Point Roberts Water District No. 4 Comprehensive Water System Plan. This water system is a Group A Public Water System and is under the jurisdiction of Washington State Department of Health (DOH). The Joint Plan of Operation signed between DOH and HHS defers approval of water system plans for Group A systems to DOH.

From our review it appears the quality of the drinking water currently meets minimum standards. It appears that should extensive development occur in the future that quantity issues could become a problem. Water availability for building projects will continue to be evaluated on a case by case basis in concert with DOH to assure compliance with this plan.

ATTACHMENT # 3



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

1511 Third Ave., Suite 719 • Seattle, Washington 98101-1632

September 17, 1999

DAN BOURKS MANAGER
POINT ROBERTS WATER DISTRICT NO 4
79 TYEE DRIVE SUITE A
POINT ROBERTS WA 98281

Subject: Point Roberts Water District No. 4, ID # 95750T
Whatcom County
1999 Water System Plan
Submittal #96-0925

Dear Mr. Bourks:

With provisions listed below, the revised 1999 Point Roberts Water System Plan, which was submitted by your engineer, Robert Bergstrom, and received in this office on January 12, 1999, together with supplemental information and revisions received on September 28, 1998, February 3, 1999, and April 26, 1999, has been reviewed and in accordance with the provisions of WAC 246-290-100, is hereby APPROVED.

Provisions of Approval

1. A bilateral compliance agreement (BCA) pertaining to compliance with the *Surface Water Treatment Rule* and the *Lead & Copper Rule* must be finalized and executed between Point Roberts Water District No. 4 and WSDOH (revised BCA is enclosed).
2. The operations and maintenance manual must be updated and submitted to WSDOH for review and approval before the proposed improvements for disinfectant contact time (CT improvements) are put into operation.

Miscellaneous

Approval of this plan is valid as it relates to current standards outlined in WAC 246-290, revised April 1999. Future revisions in the rules may be more stringent and require facility modifications or corrective action. **Approval of the next update of this water system plan is required on or before December 31, 2005.**

This plan demonstrates how the Point Roberts Water System will maintain financial viability.

This water system plan is consistent with the *Public Water System Coordination Act* (70.116 RCW) and the draft *Whatcom County Coordinated Water System Plan* (CWSP).

A *Water Quality Monitoring* element, including a *Coliform Monitoring Program* in accordance with WAC 246-290-300, has also been approved as part of the Point Roberts Water System Plan.



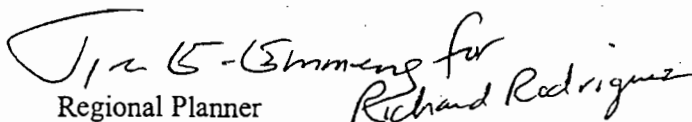
Point Roberts Water District No. 4
September 17, 1999
Page 2


Standard Construction Specifications for distribution main extensions have been approved as part of this water system plan. With this approval, the Point Roberts Water System is authorized to proceed with the installation of distribution main extensions provided that the enclosed *Construction Report Form* and *Pressure, Leakage, and Bacteriological Test Report* forms are completed and maintained on file for each project in accordance with WAC 246-290-040(1), WAC 246-290-110(2), WAC 246-290-120(2), and WAC 246-29-125(2).

Regulations establishing a schedule of fees for review of planning, engineering and construction documents have been adopted (WAC 246-290-990). An invoice in the amount of \$2730.00 was previously transmitted with our January 6, 1997, review comments and no additional fees have been assessed to this submittal.

Thank you for your cooperation. If you have any questions or wish to check our records, please contact Richard Rodriguez at 206-587-5619 or John Thielemann at 206-464-7071.

Sincerely,


Regional Planner
Northwest Drinking Water Operations


Regional Engineer
Northwest Drinking Water Operations

cc: Sarah Brozusky, Whatcom County Health Department
Bob Bergstrom, Hamon, Collier & Wade - Livingston Associates, Inc.
David Monthie, WSDOH - Drinking Water Headquarters, Olympia
Ethan Moseng, WSDOH - Drinking Water Operations, Olympia
Joye Emmens, WSDOH - Northwest Drinking Water Operations
Nancy Feagin, WSDOH - Northwest Drinking Water Operations
Ingrid Salmon, WSDOH - Northwest Drinking Water Operations
Shasta Quinn, WSDOH - Northwest Drinking Water Operations