

**DRAFT Ordinance No. \_\_\_\_\_ - 2008**

**AN ORDINANCE AMENDING THE SAN JUAN COUNTY COMPREHENSIVE PLAN  
TO ADD A NEW APPENDIX TO THE COMPREHENSIVE PLAN TO ADDRESS  
SEWER FACILITIES IN EASTSOUND INCLUDING CAPITAL FACILITIES AND  
FINANCING OF PLANNED DEVELOPMENTS**

WHEREAS, on October 25, 2005, Ordinance 13-2005 was adopted to amend the San Juan County Comprehensive Plan and portions of the Eastsound Subarea Plan (SJCC Chapter 16.55) 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 Eastsound Urban Growth Area (“Eastsound UGA”); and

WHEREAS, on June 20, 2006, the Growth Board ruled in its Compliance Order/Final Decision and Order (“Order”) that the Eastsound UGA does not comply with the Growth Management Act; and

WHEREAS, the Growth Board’s June 20, 2006 Order found that, “The County has not adopted the ESSWD General Sewer Plan nor has it incorporated into its comprehensive plan the capital facilities information pertinent to the Eastsound UGA contained in the General Sewer Plan; and

WHEREAS, the Growth Board’s June 20, 2006 Order found that, “The ESSWD General Sewer Plan does not include a six-year financing plan for future facilities needed to serve the Eastsound UGA; and

WHEREAS, the Growth Board’s June 20, 2006 Order found that, “The ESSWD does not describe the facilities that will be needed during the 20-year planning period in some parts of the Urban Growth Area;” and

WHEREAS, the General Sewer Plan has not previously been adopted as part of, or incorporated by reference, into the Comprehensive Plan; and

WHEREAS, the County desires to comply with the Growth Board’s Order and amend the Comprehensive Plan to make adequate provision for storm drainage facilities in the Eastsound UGA to take all steps necessary bring the Eastsound UGA into compliance with the Growth Management Act; and

WHEREAS, the required 60-day notice for adoption of this ordinance was delivered to the Washington State Dept. of Community, Trade and Economic Development on April 23, 2008 and given the material ID # 12888; and

WHEREAS, a draft of this Ordinance \_\_\_ was considered by the San Juan County Planning Commission at a properly noticed public hearing held on July 18, 2008; and

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

WHEREAS, this ordinance was considered by the County Council during a properly noticed public hearing held on August 12, 2008 at which time the public had the opportunity to comment; and

WHEREAS, after considering the evidence in the record, the County Council decided to approve this ordinance; and

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

Section 1. Findings:

a.

Section 2. Comprehensive Plan, Element 7, Section 7.3.C is hereby 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:

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- (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.

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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. *General Sewer Plan*—Eastsound Sewer and Water District (Ordinance -2008)~~

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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.

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**Table 5. LOS for Community Sewage Treatment Facilities.**

Category-A Capital Facility	Level of Service (LOS) Standards (Operating Capacity, in percent) <sup>1</sup>					
	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

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<sup>1</sup> 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 3. Comprehensive Plan Appendix 7, Section II.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 plant, 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.

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The ESWD has a Septic Tank Effluent Pumping (STEP) pressure collection system, with an 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.

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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 ERU<sup>1</sup>s, 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.

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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 dos not need any further expansion. During 2005, operating capacity at the treatment plant represents 33% of total design capacity

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Lopez Village

<sup>1</sup> Equivalent Residential Unit (approximately 130 Gpd @ 266 BOD).

Fisherman Bay Sewer District (FBSD) provides sewage treatment service to residents of Lopez Village and Eastshore North. 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 150 gpd for this district. The FBSD has a Septic Tank Effluent Pumping (STEP) pressure collection system, with a 27,700 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.

A 2003 update to FBSD's 1994 Master Plan was approved in August 2003 by the Department of Ecology. FBSD boundaries include the Lopez Village core area and most of the remainder of the proposed 2005 Lopez Village UGA, would need to be expanded as appropriate to provide full service to the UGA. The District's projections include service to the eastshore of Fisherman Bay included in the UGA, and the District's planning area includes all of the UGA and surrounding rural lands.

**Table 3**

**Community Sewerage Treatment Facilities Serving Activity Centers**

Sewer System	Activity Center	System Capacity (ERUs) <sup>2</sup>		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	1,142	67	33
Orcas Landing Sewer	Orcas Village	63	190	33	67
Fisherman Bay Sewer District	Lopez Village	244	275	89	11
Rosario	Rosario Resort				
Roche Harbor Area— General Sewer Plan	Roche Harbor MPR	See footnote <sup>3</sup>			

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<sup>2</sup> ERUs = Equivalent Residential Units

<sup>3</sup> Serves resorts and condos only.

Section 4. Savings Clause.

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\_\_\_\_\_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 5. Effective Date.

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The table of Contents of the Comprehensive Plan shall be amended to show the establishment of Appendix 11.¶  
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This ordinance shall take effect on the tenth working day after adoption.

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ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2008.

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

\_\_\_\_\_  
Howard Rosenfeld, Chair  
District 3, Friday Harbor

By: \_\_\_\_\_  
Ann L. Larson - Clerk  
Date:

\_\_\_\_\_  
Gene Knapp, Vice-Chair  
District 5, Orcas East

REVIEWED BY COUNTY  
ADMINISTRATOR

\_\_\_\_\_  
Pete Rose

\_\_\_\_\_  
Date:

APPROVED AS TO FORM ONLY  
RANDALL K. GAYLORD

By: \_\_\_\_\_

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Rich Peterson, Member  
District 2, San Juan North

\_\_\_\_\_  
Alan Lichter, Member  
District 4, Orcas West

\_\_\_\_\_  
Bob Myhr, Member  
District 6, Lopez/Shaw