

ORDINANCE No. 395-2007

**AMENDMENTS TO THE KITSAP COUNTY COMPREHENSIVE PLAN, KINGSTON
SUB-AREA PLAN, 6-YEAR CAPITAL FACILITY PLAN & KINGSTON WASTEWATER
FACILITY PLAN AS IT RELATES TO AN ORDER OF CONTINUING NON-
COMPLIANCE FOR CAPITAL FACILITY PLANNING AND FUTURE WASTEWATER
CONVENYANCE FOR THE KINGSTON URBAN GROWTH AREA**

BE IT ORDAINED:

Section 1. General Findings. The Kitsap County Board of Commissioners (Board) makes the following findings:

1. The Growth Management Act (GMA), pursuant to RCW 36.70A.130(3), requires Kitsap County to “review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area.” Additionally, “[t]he county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.”
2. On December 21, 2005, Kitsap County adopted and expanded the Kingston urban growth area (UGA) to accommodate population and employment projections for the 2025 planning horizon.
3. On February 17, 2006, an appeal was filed with the Central Puget Sound Growth Management Hearings Board (Hearings Board) on the Kingston Sub-Area Plan update.
4. On July 26, 2006, the Hearings Board issued an order of non-compliance with the GMA and remanded the Kingston Sub-Area Plan back to Kitsap County to resolve the following items:
 - i. Complete a countywide 10-Year Update for all unincorporated UGAs;
 - ii. Address reasonable measures prior to expanding UGAs;
 - iii. Remove the sewer-reduction factor from the land capacity analysis; and
 - iv. Complete a capital facility plan consistent GMA goals and requirements.
5. On December 11, 2006, Kitsap County completed its 10-Year Update to the Comprehensive Plan pursuant to RCW 36.70A.130(3) and enacted Ordinance 367-2006, Ordinance 368-2006, Ordinance 369-2006 and Ordinance 370-2006 adopting the 2006 10-year Comprehensive Plan Update, the Draft and Final Environmental Impact Statements, and amendments to Kitsap County Code

Titles 17, 18, and 21. Within these Ordinances, Kitsap County included a countywide capital facilities inventory and needs analysis for the 2025 planning horizon, as well as 6-Year capital facility plan. Within the 10-Year Update the County also addressed all four Kingston Sub-Area Plan remand issues.

6. On March 16, 2007, the Hearing Board declared partial compliance and continuing non-compliance with GMA for the Kingston Sub-Area Plan, as it relates to capital facility provision for 20-Year wastewater conveyance infrastructure within the Kingston UGA. The Hearings Board also ordered that Kitsap County must take legislative action to resolve this non-compliance issue no later than September 17, 2007.
7. In compliance with the Hearings Board's order, Kitsap County has prepared an Addendum to the Kingston Wastewater Facilities Plan ("the Addendum") that plans for additional pump stations and force mains throughout the Kingston UGA. The County expended \$43,450 for the preparation of this Addendum. In addition, the County shall adopt the revisions herein to its comprehensive plan.
8. The Board and County staff have reviewed the existing Capital Facilities Plan (CFP). The Board finds that the existing 6-Year Capital Facility Plan wastewater projects is sufficient in that it identifies secured funding for maintenance and operation of countywide wastewater systems that are directed towards existing and projected growth and development. It should also be noted that the County intends to modify its 6-Year Capital Facility Plan for future major sewer collection system upgrades within the 2025 planning horizon.
9. The Board finds that the implementation of the plans set forth in the Addendum will facilitate and accelerate the provision of public sewer service within the Kingston UGA. In addition, the impending development of Arborwood in the southwest area of the Kingston UGA will lead to additional public sewer lines in that area of the UGA and facilitate connection of other areas.
10. The County intends to continue to research funding mechanisms for the implementation of the plans set forth in the Addendum and anticipates that all properties in the Kingston UGA will be served with urban levels of sewer service by 2025.
11. On August 17, 2007, notice of intent to adopt was submitted to the Department of Community, Trade, and Economic Development.
12. On August 18, 2007, Kitsap County published, with the newspaper of record, a Statement Environmental Policy Act (SEPA) Determination of Non-significance, and a notice of intent to adopt and public hearing. These notices were mailed to interested parties of record, agencies, and affected tribes.
13. On September 3, 2007, the SEPA comment and appeal period closed.

14. On September 10, 2007, the Board, following a timely and effective notice, held a public hearing to consider testimony on the proposed Comprehensive Plan and Kingston Sub-Area Plan policy, 6-Year Capital Facilities Plan, Kingston Wastewater Facility Plan revisions.

Section 2. NOW THEREFORE, BE IT FURTHER ORDAINED, that the Kitsap County Board of Commissioners, based on the foregoing findings, hereby provides amendments to the Kitsap County Comprehensive Plan, 6-Year Capital Facility Plan and Kingston Sub-Area Plan as follows:

1. Comprehensive Plan, Chapter One, related to the Land Use Chapter is amended herein:

Renumber existing policies and include new Policy LU-12 as follows:

Policy LU-12 Kitsap County should monitor, along with its Buildable Lands Program, the rate of new wastewater infrastructure expansion within its UGAs.

Goal 5. Provide public services and capital facilities necessary to support planned urban growth at adopted levels of service for the 2025 planning horizon.

Policy LU-14 Require urban-level sanitary sewer service or equivalent wastewater service in all UGAs. Update county-owned and -operated wastewater facility plans to include, not only capacity demand and needs, but also future major collection or conveyance systems for the 2025 planning horizon (existing and projected).

Policy LU-15 Encourage the use of alternative sanitary sewer techniques within UGAs, such as package plants, membrane and drip systems and/or community drainfields, in areas where other sewer provision is not financially feasible. Specifically, evaluate the use of these techniques in areas within the UGA that contain a significant concentration of critical areas, topographic challenges or critical aquifer recharge areas.

Renumber existing policies and include new Policy LU-16 as follows:

Policy LU-16 Coordinate with cities, special purpose districts and service providers to establish future capital facility needs and establish priority areas for funding, as well as define regional and local services through the development of a UGAMA or inter-local agreement. Through these agreements, the County should develop financing partnerships, whether

public or private, for areas of the UGAs that provide urban-level of services and infrastructure development.

Renumber existing policies and include new Policy LU-17 as follows:

Policy LU-17 If area-wide capital facility deficiency is identified, Kitsap County and other applicable service providers shall remedy the deficiency by addressing capital facility planning and long-term funding strategies.

2. Comprehensive Plan, Chapter 11, related to the Capital Facilities Chapter is amended herein:

Policy CF-7 Kitsap County, along with cities and special purpose districts, should develop long-term funding strategies that include, ~~Both but not limited to, the following funding options: existing and future development pay for the costs of needed capital improvements.~~

1. Existing development (1) pays for the capital improvements that reduce or eliminate existing deficiencies, some or all of the replacement of obsolete or worn out facilities, and may pay a portion of the cost of capital improvements needed by future development, and (2) payments may take the form of user fees, charges for services, special assessments and taxes.
2. Future development pays its fair share of the capital improvements needed to address the impact of its development, and may pay a portion of the cost of the replacement of obsolete or worn out facilities. Upon completion of construction, "future" development becomes "existing" development and contributes to paying the costs of the replacement of obsolete or worn out facilities as described in paragraph 1 of this policy.
3. Future development's payments may take the form of, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, mitigation payments, capacity fees, dedications of land, provision of public facilities, future payments of user fees, charges for services special assessments and taxes. Future development does not pay impact fees for the portion of any public facility that reduces or eliminates deficiencies existing at the time of approval.
4. Both existing and future development may have part of their costs paid by grants, entitlements or public facilities from other levels of government and independent districts.

5. Reassess the allocation of existing funding sources and prioritize capital facility expenditures.
6. If steps one thru five do not remedy the deficiency of capital facility provision, Kitsap County should evaluate Policy LU-19.

Renumber existing policies and include new Policy CF-21 as follows:

Policy CF-21 In UGAs, Kitsap County, cities, Kitsap County Health District and special purpose districts should jointly prioritize the replacement of on-site systems that serve existing development with sewer or alternative wastewater technologies and should be based upon the risk of failure. Kitsap County, cities, Kitsap County Health District and special purpose districts should analyze public funding options for such conversion and should prepare conversion plans that will enable quick and cost-effective local response to health and pollution problems that may occur when many on-site systems fail in an area.

Renumber existing policies and include new Policy CF-22 as follows:

Policy CF-22 Kitsap County shall develop regulations for development that promote sewer connectivity between UGA parcels or tracts.

3. Comprehensive Plan, Chapter 12, related to the Kingston Sub-Area Plan is amended herein:

Include new Goal 60 as follows:

Goal 60. Within the Kingston UGA, provide public services and capital facilities necessary to support planned urban growth at adopted levels of service for the 2025 planning horizon.

Include new Policy King-70 as follows:

Policy King-70 Require urban-level sanitary sewer service or equivalent wastewater service in the Kingston UGA. When appropriate, consult the Kingston Wastewater Facilities Plan Addendum for possible locations of future wastewater conveyance systems within UGAs.

Include new Policy King-71 as follows:

Policy King-71 Encourage the use of alternative sanitary sewer techniques within the Kingston UGA in areas where other sewer provision may not be financially feasible. Specifically, utilize alternative sanitary sewer

techniques in areas within the UGA that contain a high concentration of critical-areas, topographic challenges or critical aquifer recharge areas.

4. Comprehensive Plan, Appendix A, 6-Year Capital Facility Plan is amended as follows:

Current Facilities Inventory

An inventory of the existing municipal, county and private wastewater facilities located in Kitsap County is presented in this section. Kitsap County also incorporates by reference the Kingston, Suguamish, Central Kitsap, and Manchester Wastewater Facility Plans and any subsequent amendments herein. This inventory is summarized in Table SS.1. Columns (4) – (6) show the LOS mgd flow design capacity, 2005 existing flow capacity, and corresponding 2005 flow capacity surpluses or deficits for each of the 10 major wastewater management systems in the County. Column (7) shows the existing populations served within each wastewater system.

Kingston Wastewater Facilities

Sewer service in the Kingston area is owned and maintained by Kitsap County. The existing Kingston collection system consists of approximately 38,300 feet of gravity sewer pipe ranging in size from 8 to 12 inches in diameter and approximately 21,650 feet of force main ranging from 4 to 6 inches in diameter. Five pump stations serve the Kingston area. With the scheduled completion of the new Kingston High School in 2007~~6~~, an additional pump station and force main pipe will be added to the system. Completed in May 2005, the new Kingston wastewater treatment facility is designed to treat an average daily flow of 292,000 gallons per day. This is a 95% increase in capacity from the previous facility, and will accommodate residential and commercial growth in the Kingston area for the next 20 years. The plant utilizes an oxidation ditch, with two rotating stainless steel brushes, for biological treatment. Two oxidation ditches were constructed; one for current flows and one to accommodate future growth (500,000 gallons per day). Only the active ditch contains rotating brushes. Built in conjunction with the new treatment plant and located on the old plant grounds, Pump Station #71 pumps all of the sewage generated in Kingston approximately 1.8 miles to the new plant. Construction of a new outfall into Puget Sound was included in the improvements. Since the previous outfall was damaged during dredging operations by the State ferry system, the new pipe was located well outside the ferry corridor and extended to 165 feet below sea level to limit impacts on shellfish harvesting areas. Waste sludge from the Kingston WWTP is currently trucked to the Central Kitsap WWTP for digestion and treatment. As Table SS.1 (Column 9) shows, the Kingston wastewater system has a current (2005) surplus of 1,280 ERUs (2,925 additional people) which has enough capacity to accommodate the projected 2012 growth population. Future wastewater collection systems, as described in the 2007 Kingston Wastewater Facilities Plan Addendum, include a total of eight new pumping stations, with 47,000 feet of new gravity sewer and force mains, ranging from 4-10 inches in diameter to complete the major sewer collection system for the Kingston UGA.

Sewer Systems Population Allocation

Table SS.2 shows forecasted populations for the sewer service areas, which are defined on the proposed land use plan (FEIS Preferred Alternative) and overall population allocation determined by the Kitsap County Regional Coordinating Council. The forecast provides sewer purveyors with a population to plan for during the 20-year planning period determine future demand for sewer facilities and capital improvement costs. Wastewater systems expansions for the UGAs to accommodate 2025 growth can be accomplished through a combination of additional developer extensions, ULIDs, UGAMAs, and other infrastructure financing alternatives. ~~Note that not all residents located within sewer district boundaries will be sewerred. This is consistent with the current practice and practices in other communities.~~ In general, the unsewered population as a percentage of the total population decreases over the 20-year planning horizon time.

Table SS.2 Kitsap County Sewer Systems Population Allocation Estimates

SEWER FACILITIES	2003	2012	2025
<u>Kingston Service Area</u>			
Sewered	1,530	2,162 <u>2,204</u>	4,342 <u>5,006</u>
Unsewered ⁽³⁾	1,105	829	622 <u>0</u>

⁽³⁾ Estimate based upon comprehensive plan policy direction and implementation over time, that as density increases and properties are converted from septic systems to sewer /alternative wastewater technology at one quarter of existing septic systems in UGA/LAMIRD's will connect to sewer by 2012 and remaining population one quarter by 2025. These population sewerred estimates, however, are projections and cannot be construed to require each existing residence to be connected. Nevertheless, the County is proactively planning and developing strategies for sewer service for the entire area by 2025.

Section 3. NOW THEREFORE, BE IT FURTHER ORDAINED, that the Kitsap County Board of Commissioners, based on the foregoing findings, hereby adopts Attachment A as an addendum to the 1995 Kitsap County Kingston Wastewater Facilities Plan.

Section 4. This ordinance is in response to an order filed with the Central Puget Sound Growth Management Hearings Board and is enacted as an exception to the schedule set forth in RCW 36.70A.130 and Kitsap County Code Chapter 21.08.

Section 5. Should any amendment to Comprehensive Plan and associated Land Use map that was passed by the Board during its deliberations on September 10, 2007 be inadvertently left out upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

Effective Date: This Ordinance shall take effect immediately.

Severability: If any sentence, section, provision, or clause of this ordinance or its application to any person, entity or circumstance is for any reason held invalid or unconstitutional, the remainder of the ordinance, or the application of the provision to other persons, entities, or circumstances is not affected.

DATED this _____ day of _____, 2007.

**KITSAP COUNTY BOARD OF
COMMISSIONERS**

Josh Brown, Chair

Jan Angel, Commissioner

ATTEST:

Opal Robertson
Clerk of the Board

Steve Bauer, Commissioner

Approved as to Form:

Lisa J. Nickel
Deputy Prosecuting Attorney