

ORDINANCE NO. 8 - 2014

**AN ORDINANCE REGARDING SOLID WASTE DISPOSAL IN SAN JUAN COUNTY;  
AMENDING SAN JUAN COUNTY CODE SECTION 8.12.010(A) AND (B).**

**BACKGROUND**

- A. San Juan County has effectively transitioned out of its historical role as the solid waste facility operator on the islands of San Juan, Orcas and Lopez over the past several years.
- B. Solid waste facilities in San Juan County for the foreseeable future will be operated pursuant to vendor contract or separate solid waste disposal district.
- C. The San Juan County Code requirement 8.12.010(B) that solid waste be collected and deposited at County owned and operated solid waste handling facility is no longer valid in light of the newly formed Lopez Solid Waste Disposal District and the operating agreements with vendors entered into by the County.
- D. Revising San Juan County Code is necessary to allow solid waste to be disposed at any permitted solid waste handling facility that exists in the County, and to clarify that solid waste generated in the County may be deposited out of County at a permitted solid waste handling facility.
- E. The County conducted a duly advertised public hearing and has received public testimony.

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

Section 1. Amendment.

SJCC Section 8.12.010(A) Definitions is amended to read as follows:

“Controlled solid waste” means all solid waste generated and/or collected within or brought into the unincorporated areas of San Juan County.

Section 2. Amendment.

SJCC Section 8.12.010(B)(2) System of Disposal is amended to read as follows:

B. System of Disposal.

2. Disposal in San Juan County. ~~It is unlawful for any person to dispose of controlled solid waste in San Juan County except at County authorized disposal sites and in a manner authorized by San Juan County; except that nothing herein shall prohibit a person from dumping or depositing solid waste resulting from his~~

~~or her own activities onto or under the surface of ground owned or leased by him or her when such action does not violate any statute, ordinance or regulation, or create a nuisance.~~

a. Except as provided for by paragraph 2(b) or by the terms and conditions of any written agreement to which the county is a party, it is unlawful for any person to dispose of controlled solid waste within San Juan County except at either (1) a county owned and operated solid waste handling facility, (2) a permitted solid waste handling facility operated pursuant to a contract between operator and the county, or (3) a permitted solid waste handling facility operated by a solid waste disposal district.

b. This section shall not prohibit the storage of solid waste or recyclable materials in public or private receptacles, in solid waste containers or other approved receptacle or in securely tied bundles when the receptacles or bundles are for immediate or approved periodic disposal; nor shall this section prohibit either:

1. The use of a compost pile or bin shall not be prohibited if the use and maintenance thereof is in such a manner as to prevent attraction, breeding, harboring, or any combination thereof, of insects and rodents;

2. The application of a waste derived soil amendment that has been approved by the Washington Department of Ecology under RCW 70.95.205;

3. The application of commercial fertilizer that has been registered with the Washington Department of Agriculture as provided in RCW 15.54.325, and that is applied in accordance with the standards established in RCW 15.54.800(3);

4. Any recycling operation if it is operated in accordance with all applicable rules, laws and other permits; and

5. Any dumping or depositing of solid waste resulting from a person's own activities onto or under the surface of property owned or leased by such person on any island on which there exists no solid waste handling facility able to receive such solid waste and on which no solid waste collection is available, but only if such solid waste is generated on the property onto or under which is dumped or deposited, and such action does not violate any statute, ordinance, or regulation, and does not create a nuisance.

c. It is unlawful for any person to haul solid waste on publicly maintained streets, roads or highways in San Juan County unless the load is secured.

d. Nothing in this chapter is intended to preclude the delivery of collected or self-hauled solid waste to any out-of-County solid waste handling facility that is permitted to receive such solid waste.

3. Establishment of County Solid Waste Facilities.

a. The Lopez Solid Waste Facility, 2419-B Fisherman Bay Road, is established on the following described real estate owned by San Juan County: the north 300 feet of the south 500 feet of the west 400 feet of the NW 1/4 of the NW 1/4 of Section 23, T35N, R2W, W.M.

b. The Orcas Solid Waste Facility, 3398 Orcas Road, is established on the following described real estate owned by San Juan County: Lot 5 of Johnstone's Home Tracts, Long Plat #1-46; and the west 1/2 of the SE 1/4 of the SW 1/4 of Section 27, T37N, R2W, W.M., except that portion of said west 1/2 described in Exhibit A to deed from Daniel R. Smith and Berenese R. Smith to San Juan County recorded in Volume 73, page 21.

c. The San Juan Island Solid Waste Facility, 212 Sutton Road is established on the following described real estate owned by the Town of Friday Harbor: SW 1/4 of Section 2, T35N, R3W, W.M. described in Friday Harbor Ordinance No. 422 dated April 11, 1976, together with the adjacent real property owned by San Juan County commonly known as the Sutton Road Parcel, which property is more fully described as a portion of the NW 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4 of Section 2, T35N, R3W, W.M., San Juan County of San Juan, State of Washington, consisting of 6.84 acres, more or less, and legally described in San Juan County council Resolution No. 47-2003.

C. Acquisition of Solid Waste Disposal Sites/Transfer Stations. The County may acquire by purchase, lease, contract with private parties or other necessary means, disposal sites which are needed for disposal of solid waste generated and collected in San Juan County. Selection of such disposal sites shall be consistent with the San Juan County Comprehensive Solid Waste Plan and all federal, state, and local requirements, including, but not limited to, comprehensive land use plan and regulations, fire protection, water quality, and air quality. The County may acquire disposal sites on a continuing basis, as is required by the volume of solid waste generated and collected within the County. (Ord. 19-2012 § 2; Ord. 11-2012 § 1; Ord. 9-2012 § 1; Ord. 17-1996)

Section 3. Remaining Provisions

All remaining provisions of SJCC 8.12 not amended remain in full force and effect.

Section 4. Effective Date.

This Ordinance is effective on the 10<sup>th</sup> working day after adoption.

Section 5. Codification.

Section 1 and 2 shall be codified.

ADOPTED this 17<sup>th</sup> day of June 2014.

ATTEST: Clerk of the Council

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

Ingrid Gabriel      6-17-2014  
Ingrid Gabriel, Clerk      Date

Rick Hughes  
Rick Hughes, Chair  
District 2

REVIEWED BY COUNTY MANAGER

Michael J. Thomas      6/17/14  
Michael J. Thomas      Date

Bob Jarman  
Bob Jarman, Vice-Chair  
District 1

RANDALL K. GAYLORD  
APPROVED AS TO FORM ONLY

By: Randall K. Gaylord  
Date 6/17/2014

Jamie Stephens  
Jamie Stephens, Member  
District 3