



STAFF REPORT

Meeting Type: City Council
Meeting Date: November 4, 2024
From: Kelly O'Neill Jr., Development Services Director
Subject: Options for Alternative Wastewater Treatment Systems During the Development Moratorium

PURPOSE / OBJECTIVE:

The purpose of this agenda item is to introduce the idea of alternative treatment systems during current or future sanitary sewer moratoria. City staff would like the City Council to provide direction.

BACKGROUND / CONTEXT:

The City of Sandy has been under a series of sanitary sewer moratoria since October 3, 2022. Over the past two years the City has made remarkable progress in obtaining additional capacity/equivalent residential units (ERUs) from EPA/DEQ. However, at this time the City still cannot accept any new land use applications that propose a new sanitary sewer connection or produce increased flows in accordance with the [consent decree](#).

Since October 3, 2022, the anticipated timeline for these development restrictions has become clearer. It is anticipated that restrictions will likely continue for at least two (2) more years. While we have allocated the majority of the available ERUs to properties with existing land use approvals, we do not have any ERUs to allocate for new housing or new commercial/industrial projects. City staff has been contacted by two industrial property owners at the intersection of Industrial Way and Champion Way that want to construct structures. The two industrial properties are:

- Property at the southwest corner of the intersection that is owned by Joey Gambino. He wants to construct a structure for his expanding manufacturing business, [Rogue Fabrication](#).
- Property at the southeast corner of the intersection is owned by Brad Picking. He wants to construct a structure for an industrial tenant, yet to be identified.

Both of the sites would provide living wage jobs in Sandy and at least one of the sites would align with a desired growth sector as identified in Goal 3 of the [Economic Development Strategic Plan](#) (metals manufacturing). Without consideration of alternative treatment systems during the sanitary sewer moratoria we will have several sites, such as the two mentioned above, that cannot be developed that would otherwise provide living wage jobs in Sandy.

In the past, the City of Sandy has primarily allowed alternative treatment systems in the form of septic tanks and drain fields in areas of Sandy without practical availability to sanitary sewer. This has been

the case with houses along Bluff Road to the north of Agnes Street. One church, the Kingdom Hall Jehovah's Witnesses at 14665 Bluff Road, and one automotive fueling station, the Space Age Gas Station at 15585 Orient Drive, are both on septic systems with drain fields as both facilities do not have practical access to the sanitary sewer system. In the case of the Space Age Gas Station, the City of Sandy required the owner of the gas station to obtain a variance to the Sandy Development Code to not connect to the sanitary sewer system.

KEY CONSIDERATIONS / ANALYSIS:

Without allowing for alternative treatment systems, the City of Sandy runs the risk of losing employment opportunities and businesses. Uses that do not create significant sanitary sewer flow could be considered for temporary service with alternative treatment systems such as:

- Septic tanks and drain fields (\$26,000 to \$36,000 per system)
- Temporary restrooms (i.e. porta potties)
- Graywater systems
- Composting toilets
- Holding tanks

The above systems have advantages and disadvantages over one another, but they offer alternative paths to allow development to occur. Both proposed structures at the intersection of Industrial Way and Champion Way would likely not produce much sanitary sewer flow and would be good candidates for alternative treatment systems. The alternative treatment system those two development sites would use would need to be determined by the property owners. Higher sanitary sewer producers such as subdivisions, multifamily development, breweries, restaurants, etc. would likely not be good land use candidates for utilizing alternative treatment systems.

If staff is instructed to move forward with considering alternative treatment systems, the proposal brought forth to the City Council would include the following:

- A draft ordinance specifying the land uses that could apply for an alternative system;
- Specifications that a variance process to waive the sanitary sewer requirements in the Sandy Development Code would still be required; and,
- A draft mechanism requiring abandonment of the alternative system and connection to the sanitary sewer system once more ERUs are available.

With approval of an alternative treatment system for a business, such as those at the intersection of Industrial Way and Champion Way, the City would essentially be spending ERUs before they're earned (i.e. incurring an ERU debt), but staff feels this is a worthy debt to support the economy during the moratorium and create more living wage jobs in city limits. Once the eventual sanitary sewer connection is made the property owner would pay appropriate SDCs and incur a monthly utility bill.

BUDGET IMPACT:

None identified except for staff salary and attorney compensation. Once the City has more ERUs the property owner would have to abandon the alternative treatment system and connect to the sanitary sewer system, pay SDCs, and pay a monthly utility bill.

RECOMMENDATION:

Staff recommends that the City Council explore alternative treatment systems for certain land uses during the sanitary sewer moratorium.

SUGGESTED MOTION LANGUAGE:

“I move to authorize City staff and the City Attorney to draft an ordinance and other mechanisms to enable and regulate alternative treatment systems for select land uses during the current wastewater development moratorium.”