ORDINANCE 005/2013

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, RELATING TO THE CITY'S SANITARY SEWER SYSTEM REGULATIONS; AMENDING CHAPTER 13.08 OF THE MONROE MUNICIPAL CODE; DESIGNATING THE CITY'S URBAN GROWTH AREA (UGA) AS THE SERVICE AREA FOR PURPOSES OF SAID REGULATIONS; UPDATING AND CLARIFYING THE STANDARDS AND PROCEDURES GOVERNING SEWER SYSTEM EXTENSIONS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Monroe provides sanitary sewer service and regulates the sanitary sewer system through chapter 13.08 of the Monroe Municipal Code; and

WHEREAS, the City Council has determined that it is in the community interest to review and revise the existing sewer system regulations; and

WHEREAS, the City provided notice of the proposed municipal code amendments on the City's webpage and publication of hearing notices in the Monroe Monitor; and

WHEREAS, the Monroe Planning Commission held a duly advertised public hearing to consider the proposed municipal code amendments on March 25, 2013; and

WHEREAS, the Monroe Planning Commission forwarded a recommendation for approval of the municipal code amendment to the City Council; and

WHEREAS, the Monroe City Council, after considering all information received, has determined to adopt the proposed municipal code amendments as provided in this ordinance; and

WHEREAS, the City Council finds that the proposed code amendments are in the public interest and are further consistent with the Comprehensive Plan; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. The Monroe City Council adopts the above recitals, together with the Findings and Conclusions contained in the Staff Report dated April 3, 2013, hereto attached as Exhibit 1, recommended by City Staff and adopted by the Monroe Planning Commission in support of the amendments set forth herein.

Section 2. Amendment of Section 13.08.240. Section 13.08.240 of the Monroe Municipal Code is hereby amended to read:

> **13.08.240 Sanitary sewer service area.**
> The Service Area for the City of Monroe Sanitary Sewer System shall be the Monroe Urban Growth Area.

Section 3. Amendment of Section 13.08.295. Section 13.08.295 of the Monroe Municipal Code is hereby amended to read:

13.08.295 Construction of extensions.

A. A main extension is required whenever property within the sanitary sewer service area desires to connect to the City of Monroe Sanitary Sewer System and that property does not fully abut a sewer main, or when existing abutting or downstream sewer mains do not have adequate capacity. When the property is the last developable lot that can be served, the Public Works Director is authorized to waive this requirement administratively. If an existing lot is more than 200' from an existing gravity sewer main, a septic tank may be used in lieu of a sewer main extension if the design is approved by the Snohomish Health District.

1. The person desiring a main extension shall petition the Public Works Director requesting permission to extend the city's sewer system.
2. The Public Works Director shall review the request, and if the requested extension is determined to be a desirable extension of the sewer system, shall provide the petitioner with the design requirements for the extension. If the requested main extension is determined to be an undesirable extension of the sewer system, the petition shall be denied.
3. Upon receipt of the design requirements from the Public Works Department, the petitioner shall, at the petitioner's sole expense, cause the plans and specifications for the extension to be prepared. All design and construction drawings and specifications shall be in accordance with engineering standards adopted by the Public Works Department. The completed design and specifications, having a valid professional engineer's seal and endorsement, shall be submitted to the Public Works Department for review and approval.
4. The project for main construction will be carried out in accordance with the provisions of a contract entered into between the city and the petitioner. In the discretion of the Public Works Director, appropriate security may be required covering construction performance and guaranteeing the construction after completion for a period of one year.
5. After approval of the design and construction details, the Public Works Department shall provide the petitioner with an estimate of the construction inspection fee. A permit for construction will be issued after the inspection fees have been deposited with the Finance Director.
6. The petitioner shall extend sanitary sewer at no expense to the City of Monroe, including construction and sizing of sanitary sewer mains as specified in the current City of Monroe Sanitary Sewer System Plan.

7. The petitioner shall contract with a contractor to install the main extension as approved by the Public Works Department. The contractor shall be licensed to perform the construction.
8. The Public Works Department shall inspect the installation of the sewer main to insure compliance with the specifications. The charges for such inspection, including administrative and overhead charges, shall be withdrawn from the construction inspection fee deposited with the Finance Director. At such time as the Public Works Director determines the remaining funds are not adequate to provide necessary inspection for the project, the petitioner shall be notified and an estimate of additional inspection fee required will be provided. The additional fees shall be deposited with the Finance Director prior to depletion of the funds on deposit. The city reserves the right to reject any installation not inspected and approved by the Public Works Department. Any moneys unexpended from the inspection fee upon completion of the project shall be returned to the petitioner.
9. Individual services shall be installed by the developer to serve each proposed building site. These services shall be installed to city standards. All connection fees and charges shall be paid prior to connection.
10. Upon completion of a main extension, the petitioner shall provide the Department of Public Works a reproducible mylar drawing that accurately indicates the main extension and appurtenances as actually installed, in plan and profile ("Record Construction Drawing").
11. No main extension will be accepted until satisfactory Record Construction Drawings are provided to and approved by the Director of Public Works or his designee.

B. The minimum standards for construction of extensions to the city sanitary sewer system shall be prepared by the city engineer and updated periodically as required. A copy of these standards shall be available for purchase by anyone requesting a copy.

C Length of Side Sewers.

1. All side sewers shorter than one hundred feet shall be four inches or larger.

2. All side sewers one hundred feet and longer but shorter than three hundred feet shall be six inches or larger.

3. All side sewers longer than three hundred feet shall be constructed as mainline additions to the sanitary sewer systems, eight-inch pipe size, deeded to the city for operation and maintenance on a public easement right-of-way.

4. All eight-inch sewer mains shall terminate with an approved cleanout if the

length is less than two hundred feet. If the length is greater than two hundred feet, it shall terminate in a manhole.

Section 4. Repealer. Ordinance No. 004/2013 is hereby repealed in its entirety.

Section 5. Copy to Department of Commerce. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within 10 days of adoption.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 23rd day of April 2013.

1st Reading: 05/07/2013
2nd Reading Waived
Published: 5/14/2013
Effective: 5/19/2013

CITY OF MONROE, WASHINGTON

Robert G. Zimmerman, Mayor

ATTEST/AUTHENTICATED:

Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:

J. Zachary Lell, City Attorney

Exhibit 1

STAFF REPORT AND RECOMMENDATION
Sewer System regulations CA2013-01
April 3, 2013

TO: CITY OF MONROE PLANNING COMMISSION

FROM: BRAD FEILBERG, PUBLIC WORKS DIRECTOR

SUBJECT: AMENDMENT TO MONROE MUNICIPAL CODE CHAPTER 13.08 – SEWER SYSTEM REGULATIONS

A. PURPOSE:

The proposed non-project legislative action amends Chapter 13.08 of the Monroe Municipal Code. Specifically, it amends Section 13.08.240 to establish the City of Monroe Sanitary Sewer Service Area as the Monroe Urban Growth Area and includes amendments to clarify the process for requesting the extension of sewer mains to serve property within the sanitary sewer service area.

B. INFORMATION:

Applicant:
Design & Construction Division
City of Monroe
806 West Main Street
Monroe, Washington 98272
360-794-7400

C. DISCUSSION/HISTORY

Currently, Section 13.08.240 of the Monroe Municipal Code (see attached) discourages the extension of sanitary sewer service outside of City Limits, but does allow it if certain conditions are met. However, in 2007, the Washington State Division 1 Court of Appeals issued a decision in *MT Development, LLC v. City of Renton* regarding the provision of sewer service beyond the City's limits. The decision rendered one of the City's existing development regulations (MMC 13.08.240) unenforceable and required the City review all policies and development regulations relating to the extension of sewer service beyond the City limits. The City had two options to choose from: 1) allow sewer service beyond the City limits without requirements for compliance with City regulations, or 2) restrict sewer service to the City's corporate limits.

In 2008, the Monroe City Council adopted an interim emergency ordinance (#011/2008) that prohibited the extension outside of City Limits except for health emergencies and the fairgrounds/district court. This ordinance was extended twice until October 22, 2010, at which time the current regulations again became effective, but still unenforceable.

Areas within urban growth areas are supposed to be provided with urban services in order to support higher density development. For example, the Roosevelt Ridge Area is currently zoned R-7,200 in unincorporated Snohomish County. However, this area cannot be developed to this density

because sewer is not currently available. As development activity picks back up, the City should provide sanitary sewer service to the areas within the unincorporated urban growth area to avoid having those areas develop at rural densities.

The provision of sanitary sewer service to the entire UGA will assist with the accommodation of the allocated population without expanding the urban growth area or increasing the density within city limits.

The currently adopted Sewer System Plan includes the entire Monroe UGA as the service area for the utility. In 2010, there were 9,267 ERUs connected to the wastewater treatment plant. The system plan estimates a total of 14,847 ERUs by 2025, with a total build out of 23,524 ERUs.

The draft population and employment projections for 2035 estimate a total of 14,633 ERUs.

At the February 12, 2013 Monroe City Council Meeting, staff and the Planning Commission were directed to: "to prepare an ordinance allowing for the City of Monroe to provide sanitary sewer service within the Monroe Urban Growth Area by April 16, 2013."

This issue was introduced to the Planning Commission on February 25, 2013. The Planning Commission discussed policy issues of annexation, development standards, and eventual annexation of areas after development.

A public hearing was duly advertised and held on March 25, 2013. No substantive comments were made at the public hearing.

D. FINDINGS AND CONCLUSIONS

1. Consistency with the city of Monroe 2005-2025 Comprehensive Plan:

- Staff has listed several applicable goals and policies from the Land Use, Housing, and Economic Development elements from the current Monroe Comprehensive Plan.

  General Goal Statements

  - Capital Facilities – Provide public facilities and services at an acceptable level-of-service, approved by the city, in a fiscally responsible manner by anticipating the impacts of future growth and development on potable water, sanitary sewer, and stormwater management systems; police, fire, and emergency services; parks and recreation facilities; schools; and the transportation system.
  - Utilities – Provide for the extension of public utilities (such as electricity, natural gas, communication systems and infrastructure, solid waste and recycling service) to new development in a timely manner, encouraging upgrades of existing utilities within the entire Monroe UGA when financially feasible, and ensure that utility extensions are consistent with the Monroe Comprehensive Land Use Plan and coordinated with adjacent jurisdictions to minimize service interruptions to customers.

  Land Use Element

  - LUG1 - To pursue well managed orderly expansion of the City and actively influence the character of the City by managing land use change and by developing City regulations, facilities, and services in a manner that directs and controls land use patterns and intensities.

- LUG-3 - Accommodate the city's expected growth in a way that enhances its character, quality of life and economic vitality.
- LUG-4 - Accommodate the city's expected growth in a way that enhances its character, quality of life and economic vitality.
- LUP-4.2 - Review zoning regulations and existing development to see where higher density additional residential development should be allowed and encouraged.
- LUG-8 - Encourage development both within and outside the corporate limits of Monroe to be consistent with the goals and policies of the Comprehensive Plan.

Capital Facilities Element

Capital Facilities - Goal CFG1 - To ensure that decisions to provide, extend, or expand capital facilities are coordinated with the goals and policies of the land use element and are in place concurrent with the impacts of new development warranting such capital facilities.

Capital Facilities - Policy CFP2 - Expand community utilities and facilities in a manner that will most efficiently and effectively serve the needs of the public and implement the policies of the Comprehensive Plan.

Capital Facilities - Policy CFP7 - Phase in development of sewer and water services according to future land use needs and to meet GMA concurrency requirements. Extension of city-operated capital facilities and public services should not occur beyond the urban growth boundary during the planning period, unless accepted by update to the comprehensive plan, for emergency reasons, to remedy a health hazard, or to provide urban service to an essential public facility.

Capital Facilities - Policy CFP8 - Monroe's water, sanitary sewer and stormwater management plans (and future updates and amendments to those plans) are incorporated by reference, as part of this comprehensive plan.

Conclusions: The proposed code amendment is consistent with applicable elements, policies, and goals of the Comprehensive Plan.

2. Consistency with Chapter 20.04 MMC (SEPA)

Findings:

- An environmental checklist and supplemental non-project review sheet were submitted for environmental review on February 25, 2013.
- The Determination of Non-significance and SEPA checklist were sent to the Department of Ecology on February 27, 2013.
- The Determination of Non-significance and SEPA checklist were sent to the Tulalip Tribes, Snohomish County PDS, and Roosevelt Water Association on February 27, 2013.
- The SEPA Responsible Official issued Determination of Non-significance on February 28, 2013.
- Threshold determination notice was published in the Monroe Monitor on March 5, 2013.
- The comment period expired on March 14, 2013 – no comments were received.
- The appeal period ended on March 21, 2013 – no appeals were received.

Conclusions: ***The proposal is consistent with Chapter 20.04 MMC and Chapter 197-11 WAC.***

3. **Consistency with Chapter 36.70A (Growth Management Act):**

Findings:

- The proposal addresses the following Planning Goals listed in RCW 36.70A.020: Urban Growth, Reduce Sprawl, Housing, Economic Development, Environment, and Public Facilities and Services.
- Staff requested a Expedited Review of the proposal from the Department of Commerce on February 28, 2013.
- No agency comments were received.
- Expedited review was granted by the Department of Commerce on March 12, 2013.

Conclusions: ***The proposal has met Growth Management Act requirements.***

4. **Public notice:**

Findings:

- The Determination of Non-significance and SEPA checklist were sent to the Department of Ecology on February 27, 2013.
- The Determination of Non-significance and SEPA checklist were sent to the Tulalip Tribes, Snohomish County PDS, and Roosevelt Water Association on February 27, 2013.
- The threshold determination was placed on the City's website and emailed to the Planning & Permitting distribution list on February 28, 2013.
- The threshold determination notice was published in the Monroe Monitor on March 5, 2013.

Conclusions: ***The proposal has met noticing requirements.***

5. **Consistency with Chapter 21.50 MMC**

Findings:

- The proposal is consistent with the comprehensive plan and meets the intent of this code.
- The proposal is beneficial to the public health, safety and welfare and is in the public interest..

Conclusions: ***The proposal complies with Chapter 21.50 MMC.***

E. RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation to the City Council to **APPROVE** CA2013-01 Sewer System Regulations, as the proposal complies with the Monroe Municipal Code, the Comprehensive Plan, and other State and Federal Regulations.