

ORDINANCE NO. 27xx

AN ORDINANCE of the City Council of the City of Enumclaw, Washington, amending Enumclaw Municipal Code (EMC) Section 14.08.140 to update requirements for provision of sewer service outside the City.

Whereas, City 2016 General Sewer Plan (GSP) Section 1.2.2 policies and EMC Section 14.08.140 prohibit sewer service outside of the City's corporate limits unless specific criteria is met; and

Whereas, these provisions conflict with King County Code 13.24.136 and County planning policies which require all developments within the urban growth area (UGA) to be served by a public sewer system unless an on-site system is temporarily allowed; and

Whereas, GSP Amendment 3, adopted by separate ordinance as part of the comprehensive plan update, amends GPS policies to be consistent with County provisions regarding sewer service in the UGA; and

Whereas, EMC 14.08.140 must also be revised to be consistent with the County provisions.

Now, therefore, the City Council of the City of Enumclaw, King County, Washington do ordain as follows:

Section 1: That EMC Section 14.08.140 shall be replaced with the following:

14.08.140 ~~Domestic~~ Wastewater from outside the city.

The control authority may allow ~~domestic~~ wastewater from premises located outside of the city to be discharged to the POTW only as allowed under ~~Ordinance 1794~~ and in accordance with applicable requirements established in state laws and regulations, **county and local policies and** ordinances, agreements, and such policies, procedures, guidance, requirements, and manuals as may be promulgated by the director.

Section 2: Ordinance 1794 is hereby repealed in its entirety.

Section 3: Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 4: Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 5: Effective Date. This ordinance shall take effect and be in full force five days after its passage, approval and publication as required by law.

Mayor Jan Molinaro

INTRODUCED _____
PASSED _____
APPROVED _____
PUBLISHED _____

Attested:

Jessica Rose
City Clerk

Approved as to form:

Brett C. Vinson
City Attorney

FINDINGS AND CONCLUSIONS:

Sewer Code Amendments (Chapter 14.08)

Title 15 outlines the findings required to approve comprehensive plan amendments/code amendments. EMC section 15.32.038 outlines three general requirements and six consistency statements to be used when evaluating the merits of the proposals.

1. The amendment will not result in development that will adversely affect the public health, safety and general welfare.

Staff response: Staff and the Planning Commission find that the amendments will not adversely affect the public health, safety and general welfare.

2. The amendment is based upon new information that was not available at the time of adoption of the comprehensive plan, or that circumstances have changed since the adoption of the plan that warrant an amendment to the plan.

Staff response: Staff and the Planning Commission find that circumstances have changed in that King County and the city have determined that the amendments are necessary to comply with county code for sewer systems located outside of the city limits.

3. The amendment[s] is consistent with other goals and policies of the comprehensive plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities element of the plan.

Staff response: Staff and the Planning Commission find that the amendment is consistent with the goals and policies within the Appendix E from the General Sewer Plan Amendment 3, which states:

1.2.2 Service Area

1. The City comprehensive planning includes the provision for future sewer service to all properties located within its current city limits and Urban Growth Area (potential annexation area). Sewer expansions or connections shall not occur outside the Urban Growth Area (UGA) except where needed to address specific health and safety problems threatening existing structures, or as allowed by King County Countywide Planning Policy (KCCPP) DP-479, or as provided in Appendix 5 to the KCCPPs related to school siting. Approval by King County through a sewer plan amendment is required to allow sewer facilities or service outside of the UGA.

1. All development within the UGA outside of the city limits shall be served by public sewer service except on-site sewage systems may be allowed temporarily in some parts of the UGA in accordance with King County Code 13.24.

As a condition of sewer service by the City, the property owner(s) shall execute a covenant to annex for each parcel served within the UGA.

B. The administrator, planning commission and council shall use the following detailed criteria in evaluating the merit of a proposal.

1. The amendment[s] should address an existing, significant need for a public necessity or convenience.

Staff response: Staff and the Planning Commission find that the amendment is necessary to address the need for installation of the sewer lift station outside of the city limits and located within the rural area.

2. The amendment[s] should be in the public's best interest.

Staff response: Staff and the Planning Commission find the amendment is in the public's best interest as this would allow the city's project for the sewer lift station and makes the code more clear about city regulations and policy for sewer services and installations outside of the city limits.

3. The amendment should be compatible with all adjacent comprehensive plan and zoning map designations.

Staff response: Staff and the Planning Commission find that the amendment is not a land use or zoning map amendment and is therefore not applicable.

4. The amendment should be compatible with all elements of the comprehensive plan and zoning code.

Staff response: Staff and the Planning Commission find that the amendment is compatible with the city's comprehensive plan and zoning code.

5. The amendment[s] should be compatible with and should not adversely impact related ordinances, regulations and development standards.

Staff response: Staff and the Planning Commission find that the amendment will not adversely impact any existing ordinances, regulations or conflict with existing development standards. The amendment is necessary to align with county policy for sewer installations outside of city.

6. The amendment should not adversely impact the health, safety and general welfare of the public; the city design; development interests; neighborhoods; environmentally sensitive areas; and historic areas.

Staff response: Staff and the Planning Commission find that the proposed amendment should not adversely impact the health, safety and general welfare of the public; the city design; development interests; neighborhoods; environmentally sensitive or historic areas. The amendment will ensure that the city and county regulations and policy are aligned for properties outside of the city limits.