



SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 98-049

ADDING A NEW CHAPTER TO SCC TITLE 32  
RELATING TO SEWERAGE REGULATION

WHEREAS, the County Council adopted a comprehensive plan under the Growth Management Act (GMA) on June 28, 1995 (GMACP); and

WHEREAS, the GMA requires the county to adopt development regulations that are consistent with the GMACP; and

WHEREAS, the General Policy Plan (GPP) of the GMACP at Implementation Measure UT 3.c directs planning staff to study interim development techniques for parcels within urban growth areas (UGAs) that will not have access to public sewers for several years, such as "shadow platting" with septic, which will not inhibit later development at urban densities when sewers become available; and

WHEREAS, GPP Utility Policy UT 3.B.2 states that except as provided under Implementation Measure UT 3.c, the county shall only permit new individual wastewater treatment systems (such as septic systems) within UGAs to serve single-family homes on legal lots in existence at the effective date of the plan; and

WHEREAS, the Planning Commission held a hearing on September 23, 1997 on draft code amendments to adopt interim development techniques in furtherance of Implementation Measure UT 3c and to implement Utility Policy UT 3.B.2 of the GPP; and


WHEREAS, the County Council held a public hearing on July 8, 1998 to consider this ordinance and the Planning Commission's recommendation introduced as proposed Ordinance 98-048; and

WHEREAS, the County Council considered the entire hearing record including the Planning Commission's recommendation, and written and oral testimony submitted during the Council hearing.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1:** The County Council makes the following findings of fact and conclusions:

1. The county conducted a balanced public/private sector stakeholders' input process, including participation by member cities of Snohomish County Tomorrow and various special districts, to develop a proposed sewerage regulation ordinance.

- 
2. This ordinance implements the GMACP, the Countywide Planning Policies, and the GMA by promoting urban growth within the urban growth areas, allowing timely and coordinated extension of urban services and utilities for new development, and encouraging the orderly transition of unincorporated areas within UGAs into urban areas, while providing opportunity for development within urban growth areas prior to provision of sewer service and in areas in which sewer cannot feasibly be provided.
  3. The Planning Commission held a public work session on August 26, 1997, for the purpose of receiving an initial informational briefing on the proposed sewerage regulation ordinance (which incorporates key aspects of the shadow platting ordinance considered by the commission last year), and its relationship to implementation of the GMACP. It held a public hearing on September 23, 1997, to obtain public input on the proposed sewerage regulation ordinance along with related ordinances to maintain consistency with the GMACP and development regulations, and thereafter made a recommendation to the County Council on the proposed ordinances.
  4. The county has studied the issue of sewerage regulation for more than a year and conducted extensive public outreach. In studying this issue, the Planning Commission and County Council have determined that additional policy direction is necessary in the GMACP to appropriately implement the county's policy with respect to sewerage regulation. The proposed development regulations and other amendments to Snohomish County Code carry out the intent of Utility Policy UT 3.B.2 and related Implementation Measure UT 3c. These proposed amendments maintain consistency between the GPP and development regulations.
  5. Amending Snohomish County's codes to establish and clarify the conditions, requirements and exceptions for public sewer connection by new development is necessary and appropriate at this time to permit implementation of the GMACP, maintain consistency with the Countywide Planning Policies and comply with the GMA.
  6. The county has conducted its public participation process for amending its codes and comprehensive plan in accordance with the requirements of state law and county code.
  7. Notices of public hearings were given in accordance with state law, county code, and the bylaws of the Planning Commission.

**Section 2.** A new chapter added to Title 32 of the Snohomish County Code to read:

**Chapter 32.08  
SEWERAGE REGULATIONS**

**32.08.100 Purpose.**

The purpose of this chapter is to protect the public health by providing rules establishing when connection to public sewers is required or prohibited as

a condition of development. Nothing in this chapter shall be construed to permit violation of regulations for on-site sewage disposal systems promulgated by the State Department of Health or the Snohomish Health District.

**32.08.105 Intent.**

The intent of this chapter is to

(1) Implement the comprehensive plan's requirement that development within urban growth areas occur on public sewer, with limited exceptions;

(2) Allow limited subdivision within urban growth areas prior to the provision of public sewer and in those areas in which public sewer is not economically or technically feasible, in a manner which does not conflict with GMA plans, policies and development regulations addressing future urbanization; and

(3) Prohibit extension of public sewer outside an urban growth area except as specified by this chapter.

**32.08.110 Definitions.**

(1) "Director" means the director of planning and development services or that person's designee.

(2) "District" means the Snohomish Health District.

(3) "Public sewage system" means a system of sanitary sewage collection, treatment and/or disposal operated by a public sewer purveyor designated by the state of Washington.

(4) "Public sewer" means extension of a public sewage system operated by a public entity or, where such extension is impractical, connection to an alternative public sewage system operated by a public sewer purveyor designated by the state of Washington.

(5) "Unsewered urban enclave" means an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers although public sewer may have been extended near such area, and for which the sewer purveyor has certified that it cannot reasonably provide sewer service because of such barriers.

(6) "UGA" means an urban growth area as defined in SCC 18.90.863.

(7) "Necessary public facility" means any public facility proposed for construction by a governmental agency which otherwise complies with the Snohomish County Code.

**32.08.120 New structures and land divisions within UGA - public sewer connection required - exceptions.**

(1) Inside a UGA, connection to a public sewer is required as a condition of building permit issuance for any new structure or the substantial modification of an existing structure, or as a condition of approval of any new land division, including but not limited to plat, short plat, binding site plan, boundary line adjustment and record of survey, unless one of the following exceptions applies:

(a) The new structure is an alteration, expansion, or replacement of an existing structure already utilizing an on-site sewage disposal system that has been tested and is certified to be functioning properly and the proposal does not require installation of a larger capacity on-site sewage disposal system;

(b) The new structure, consistent with the requirements of Title 17 SCC, lawfully incorporates no sewerage effluent facility;

(c) The new structure is within an unsewered urban enclave;

(d) The new structure is a necessary public facility and the sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, certifies that the proposed facility is located in an area in which public sewer connection will not be available according to the requirements established in paragraph (g) (iii) of this section;

(e) The new structure is for single-family residential use on a lot lawfully existing as of July 10, 1995;

(f) The land division application proposes creation of new lots from a lot lawfully existing as of July 10, 1995, where:

(i) The land division is within an unsewered urban enclave; and

(ii) The proposed new lots are no larger than the minimum lot size necessary, as determined by the director, to accommodate an on-site sewage treatment system with the reserve area required by the district; or

(g) The land division application proposes creation of no more than two lots from a lot lawfully existing as of July 10, 1995, and in addition meets each of the following conditions:

(i) The land division is planned and designed to be provided with a full range of urban level services consistent with the development regulations adopted by the adjacent jurisdiction likely to be the purveyor of future urban services;

(ii) The design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, at its discretion, may require dry sewers and side sewer stub outs;

(iii) The sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, certifies that either: the proposed land division is located in an area in which public sewer connection will not be available within the next six years, according to the purveyor's capital facilities plan; or that extension of public sewers to the proposed land division is not technically feasible within the next six years, as documented through standard civil engineering methods consistent with Criteria for Sewage Works Design, published by the Washington State Department of Ecology;

(iv) The land division is configured in a manner which, in the judgment of the director, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as defined in SCC 18.42.085(2) when public sewer becomes available. A site plan for subsequent redevelopment is not required, and application under this section shall not vest or bind the property owner to a specific redevelopment plan. Future redevelopment shall be consistent with the plans and ordinances in effect at the time of application;

(v) One of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the district; and

(vi) The director includes as a condition of plat approval a prohibition of further subdivision of the property until public sewer becomes available.

(2) Approval of any building permit or land division application utilizing one of the exceptions in SCC 32.08.120(1) is contingent upon submittal of a legally binding agreement with the sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, which must be recorded with the property records of the county and in a form acceptable to the director, in which the property owner and successors in interest agree to: annexation of the property by the future sewer purveyor, prompt connection with sanitary sewers when they become available, and participation without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the sewer purveyor, LID or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(3) Approval of any building permit or land division approval utilizing the exception in SCC 32.08.120(1)f) or (g) is contingent upon submittal of a legally binding agreement with the city most likely to annex the property which must be recorded with the property records of the county and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the city when proposed.

(4) This section shall not apply if the district or a state agency requires public sewer connection.

**32.08.130 Administrative rules - authority to promulgate.**

The director is authorized to adopt administrative rules governing procedure and interpretation of this chapter.

**32.08.140 Public sewer connection prohibited outside UGA - exceptions.**

Outside of a UGA, connection to public sewer is prohibited except as follows:

- (1) When required by the district or a state agency;
- (2) To provide public sewer to a necessary public facility, if the applicant demonstrates that it is not feasible to locate the necessary public facility within a UGA; or
- (3) Where the county has contractually committed to permit public sewer connection.

**32.08.160 Public sewage system construction prohibited outside UGA - exceptions.**

Construction of a public sewage system outside of a UGA is prohibited except as follows:

- (1) When required by the district; or
- (2) In accordance with an adopted public sewage system comprehensive plan which has been reviewed and approved by the county council.
- (3) When system improvements designed solely to serve urban development within the UGA must be located outside of a UGA due to engineering design requirements or limitations on site availability.

**Section 3. Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

**Section 4. Effective date.** The ordinance shall take effect Aug 31, 1998.

PASSED this 8<sup>th</sup> day of July, 1998.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Kiere Sevens  
Chair

Barbara Silvestri  
Clerk of the Council, *Asst.*

- (X) APPROVED
- ( ) EMERGENCY
- ( ) VETOED

DATE 7/10/98

Gary Weikel  
for Robert J. Dröwel  
County Executive

**GARY WEIKEL**  
Executive Director

ATTEST: Laura Nelson

Approved as to form only:

Barbara Dylis 5/28/98  
Deputy Prosecuting Attorney

D-8