

Ordinance 811

An ordinance creating a chapter titled "Port Angeles Eastern Urban Growth Area (EUGA) Sewer System" in the Clallam County Code governing ownership, use, and fees

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .010, Definitions, is created to read as follows:

The following words and phrases as used in this Chapter have the following meanings:

- (1) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- (2) "Building sewer" or "side sewer" means the extension from the building drain beginning two feet from the foundation wall of the building or structure, extending to the public sewer, and including the connection to the public sewer.
- (3) "City" means the City of Port Angeles.
- (4) "Commercial unit" means any establishment or place of business not a single-family or duplex residential unit or an industrial unit. Any structure containing three or more residential units shall be considered a commercial unit.
- (5) "County" means Clallam County.
- (6) "Department" means the Public Works Department of Clallam County.
- (7) "Director" means the Director of Public Works of Clallam County or his/her authorized deputy, agent, or representative.
- (8) "Equivalent water meter" means a water service connection to a residential unit, commercial use, or industrial use, consisting of a ¾" or 1" diameter service line with a ⅝" meter.
- (9) "EUGA sewer system" means that portion of the City of Port Angeles sanitary sewer, including all present and future public interceptors, pump stations, trunk lines, collector sewers, appurtenances, easements and rights of way, located in the Urban Growth Area of the City and east of the City limits.
- (10) "PAMC" means City of Port Angeles Municipal Code.
- (11) "Public sewer" means any portion of the sewers of the City, which is owned and accepted for maintenance by the City and which collects and transmits sewage from more than one separate building connection to the City's Wastewater Treatment Plant, including lateral sewers, trunk sewers, and force mains, and excluding sewer connections from buildings thereto.
- (12) "Residential unit" means any structure, including a mobile home, manufactured home, or modular unit, which is designed for single family or duplex occupancy and has one or more sinks and/or showers, and/or bathing facilities, and/or laundry facilities, and/or toilets, and shall not include garages, or sheds not having any of the above appurtenances.
- (13) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (14) "Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.
- (15) "Sewer Service Rates" means the monthly or annual charges imposed by the City for the use of the public sewers.
- (16) "Shall" means mandatory; "May" means permissive.

(17) "Storm drain" or "Storm sewer" means a pipe which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(18) "Urban Growth Area" means the Urban Growth Area established by the County pursuant to the Growth Management Act, RCW 36.70A, for the City of Port Angeles.

Section 2. Section .020, Adoption of EUGA sewerage general plan, is created to read as follows:

Pursuant to the requirements of RCW 36.94.030, the County hereby adopts a Sewer General Plan for the EUGA. This plan consists of those elements of the General Sewer Plan, dated June 2006 as prepared by Brown and Caldwell for the City of Port Angeles, and as amended and approved by the Washington State Department of Ecology, that address and/or impact the EUGA Sewer System.

Section 3. Section .030, Ownership, is created to read as follows:

The EUGA sewer system is an extension and expansion of the Port Angeles Sewer System, and as such, ownership; including present and future sewer lines, pump stations, manholes, appurtenances, and easements, is vested with the City of Port Angeles.

Section 4. Section .040, Operation and management, is created to read as follows:

(1) Pursuant to RCW 35.92.020, the City of Port Angeles has full authority to manage, regulate, operate, control, and, set the price of service for the EUGA Sewer System. The City will operate and manage the EUGA Sewer System pursuant to chapters 13.60, 13.61.010-080, 13.61.100-230, 13.62, 13.65 (except 13.65.040), 13.68, and 13.69 of the Port Angeles Municipal Code (PAMC) as currently enacted or as hereafter amended. In accordance with these provisions, all properties within the EUGA are required to connect to the EUGA Sewer System, unless exempt under sub-sections (2) or (3) below.

(2) Existing private wastewater disposal systems may continue in operation for as long as the County Health Officer determines that the system meets state and county requirements and does not cause any sanitary or other health problems. All existing buildings connected to such systems are exempt from connection to the EUGA Sewer System.

(3) Effective July 1, 2007 all new construction or expansion of use within the EUGA requiring a building permit, shall be required to obtain a permit for connection to the EUGA Sewer System pursuant to PAMC Sections 13.61.100 through 13.61.160, unless an exemption is obtained pursuant to Section .050 below.

Section 5. Section .050, Exemption from requirement to connect, is created to read as follows:

(1) Either prior to approval by the County of a building permit for construction on a legally created lot within the EUGA, or when the County Health Officer determines that a private wastewater disposal system authorized by sub-section (2) above no longer meets state or county requirements, or when applying for a short subdivision where all the lots are one-half acre or greater in area, the owner or owners may apply to the County Public Works Director for an exemption from the requirement that the property be served by the EUGA Sewer System. The exemption shall be granted only if all the following requirements are met:

(a) The lot is more than 200 feet from the EUGA Sewer System or a lateral thereof, or the cost of extending the EUGA Sewer System would be an economic hardship on the owner or owners in that the estimated cost of a sewer extension would be over 125 percent of the cost of an approved septic or other private wastewater disposal system; and,

(b) The owner or owners have signed a non-protest agreement for an LID to extend the EUGA Sewer System to the area; and,

(c) The exemption will not be effective until a written permit for the septic or other private wastewater disposal system is obtained from the Clallam County Health Officer.

(2) This Section shall not be construed to interfere with any additional requirements that may be imposed by the Clallam County Health Officer.

Section 6. Section .060, System development charge, is created to read as follows:

(1) Purpose. The Board of Commissioners has determined that it is reasonable and in the public interest to enact and impose a “system development charge” pursuant to RCW 36.94.020 for the purpose of recovering a proportionate share of the actual capital costs of public sewer facilities from those properties within the EUGA which, as a part of their development and use, create needs for those facilities. This fee shall be collected for all new connections in the EUGA through 2026 irrespective of any intervening annexations by the City of Port Angeles.

(2) Sewer system development charge.

(a) The Board of Commissioners hereby finds and determines that the capital cost of the EUGA Sewer System including collection lines, pump stations, rights of ways and easements, has been financed by County loans from the Opportunity Fund and other County sources. The Board further finds that it is appropriate that future users of the system bear an equitable share in the repayment of these funds.

(b) The Board further determines that beginning 2007, \$3,000 per equivalent water meter represents a reasonable basis for a fair sewer system development charge that property owners newly connecting to the EUGA Sewer System should bear as their equitable share of the cost of financing the system.

(c) In addition to other fees imposed by City or County ordinance or pursuant to agreements upon the owners of property seeking to provide sewer service to their property by connecting to the EUGA Sewer System, they shall pay to the County a sewer system development charge determined by multiplying the total number of equivalent water meter factors for the water service, which contributes to sewer system loadings, to be installed by the amount specified in paragraph 2(b) above.

(3) Equivalent Water Meter Factors. The equivalent water meter factors for determining the proportional equivalent of various sizes of water meters to a ¾” or 1” diameter service line with a ⅝” meter shall be in accordance with the following data:

Meter Size (in)	Operating Capacity (gpm)	Equivalent Water Meter Factor
5/8	20	1
3/4	30	1.5
1	50	2.5
1-½	100	5
2	160	8
3	300	15
4	500	25
6	1,000	50
8	1,600	80

If the actual water meter size installed is increased to provide for fire sprinkler installation, then the Director shall determine the appropriate equivalent water meter factor based upon a standard installation for the use without fire sprinklers.

(5) Collection of system development charges. The system development charges imposed in this Chapter shall be payable at the time application for a sanitary sewer service is made to the City of Port Angeles. Charges so collected shall be considered County revenue and used solely for the repayment of the financing of the system or for new capital improvements for the system.

(6) Credit for inclusion of property in local improvement district. If the property for which a system development charge has been paid is subsequently included in a local improvement district for the construction of sewers, the amount so paid shall be credited to the assessment against such property.

(7) Adjustment of system development charge rate. The system development charge shall be \$3,000 until January 1, 2008. Effective January 1, 2008 and on each subsequent January 1 for a period of 10 years, the System Development fee shall be adjusted by the percent change in the September Seattle Consumer Price Index (CPI) between the two preceding years. The County System Development Charge shall not be changed further after the tenth such adjustment.

Section 7. Section .070, Discharge of storm water to sanitary sewer prohibited, is created to read as follows:

No person shall make connection of roof downspouts, exterior foundation drains, area drains, or other sources of storm water surface runoff or groundwater to a building sewer or building drain which in turn is connected directly to a public sanitary sewer, unless such connection is otherwise approved in writing by the City of Port Angeles Director of Public Works and Utilities, and shall only be based on lack of feasible alternatives or other appropriate factors.

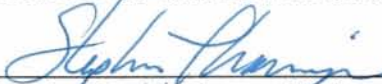
Storm drainage from hard-surfaced or graded areas, such as parking lots, service station yards, and storage yards, shall not be connected to or enter a sanitary sewer, unless otherwise approved in writing by the City of Port Angeles Director of Public Works and Utilities and shall only be based on lack of feasible alternatives or other appropriate factors.

Section 8, Section .080, Severability, is created to read as follows:

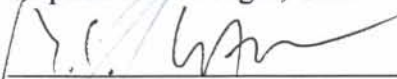
If any provision of this ordinance is determined to be invalid, the remaining provisions shall continue in full force and effect.

PASSED AND ADOPTED this twenty-seventh day of March 2007


BOARD OF CLALLAM COUNTY COMMISSIONERS



Stephen P. Tharinger, Chair



Michael C. Chapman



Howard V. Doherty, Jr.

ATTEST:




Trish Holden, CMC, Clerk of the Board