

**CITY OF ILWACO
ORDINANCE NO. 872**

**AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING
CHAPTER 14.06 OF THE ILWACO MUNICIPAL CODE TO ENABLE SEWER
CONNECTION EXCEPTIONS**

WHEREAS, the City of Ilwaco is a jurisdiction fully planning under the Washington State Growth Management Act (GMA), set forth in Chapter 36.70A of the Revised Code of Washington (RCW); and

WHEREAS, the GMA, in RCW 36.70A.190, tasks the state Department of Commerce with adopting, by rule, procedural criteria that reflect regional and local variations to assist local governments in adopting plans and regulations that meet the GMA’s goals and requirements; and

WHEREAS, the state Department of Commerce has promulgated rules associated with the GMA within Chapter 365-196 of the Washington Administrative Code (WAC); and

WHEREAS, WAC 365-196-200 and -320 define sanitary sewer systems as being among “urban governmental services or urban services...associated with urban areas and not normally associated with rural areas”; and

WHEREAS, WAC 365-196-320 enables the use of on-site sewer systems (OSS) within cities “in limited circumstances where there is no negative effect on basic public health, safety and the environment; and the use of [OSS] does not preclude development at urban densities” which may include:

- “(i) Use of on-site sewer systems as a transitional strategy where there is a development phasing plan in place (see WAC 365-196-330) or
- (ii) To serve isolated pockets of urban land difficult to serve due to terrain, critical areas or where the benefit of providing an urban level of service is cost-prohibitive; or
- (iii) Where on-site systems are the best available technology for the circumstances and are designed to serve urban densities”; and

WHEREAS, OSS are defined in WAC 246-272A-0010 as “an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component”; and

WHEREAS, the location, design, installation, operation, maintenance, and monitoring of OSS are regulated by the state Board of Health under Chapter 246-272A, 272B, and 272C WAC which, in turn, assign administration of all but the largest OSS to local public health officers; and

WHEREAS, review and regulation of OSS in Pacific County is conducted by the Pacific County Department of Community Development’s Environmental Health Division; and

WHEREAS, Sections 14.06.070 and 14.06.080 of the Ilwaco Municipal Code require public sewer connection for all uses and developments without exception; and

WHEREAS, the City Council of the City of Ilwaco desires to allow for exceptions to sewer connection requirements in limited circumstances as allowed under and consistent with state rules;

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

Section 1. Section 14.02.020 of the Ilwaco Municipal Code is amended to read as follows:

14.02.020 Definitions.

For the purpose of this chapter and the city of Ilwaco development standards, the following terms, in addition to their common meaning, are defined:

- A. “City engineer” shall mean an engineer employed or contracted by the city on either a part-time or full-time basis.
- B. “Side sewer” means a privately owned and maintained sewer connection between a building’s city approved wastewater outlet, or other city approved facility, to the nearest or most reasonable sewer system main line, public or private, or other approved discharge point.
- C. “Private sewer main” means a privately owned and maintained sewer main which has all of the following characteristics: (1) running generally in or along a city street or platted city street right-of-way or in an established public or private utility easement whether improved or not; (2) connected or connectable to receive wastewater from other sewer mains or adjacent parcel side sewers whether improved or not improved; and (3) discharges either directly or indirectly into an established city sewer main or other approved discharge point.
- D. “On-site sewer system” or “OSS” means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component.
(Ord. 842 § 1 (part), 2015; Ord. 841 § 1 (part), 2015; Ord. 832 § 1 (part), 2014)

Section 2. A new section of the Ilwaco Municipal Code is established to read as follows:

14.02.035 Variances.

A. General. Except for minor revisions authorized under IMC 14.02.035, the City Council shall have the authority to grant a variance from the requirements of the development standards adopted by reference under IMC 14.02.010 and from the requirements set forth in Title 14 IMC in keeping with the procedural requirements set forth in Chapter 15.52 IMC. The City Council shall not grant a variance unless it finds:

- 1. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography, or location, which are not applicable to other lands in the same neighborhood, and that literal interpretation of the development standards or applicable

provisions of Title 14 IMC would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same neighborhood;

2. That the special conditions and circumstances do not result from the actions of the developer and are not self-imposed hardships;
3. That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same neighborhood;
4. That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the subject property is situated;
5. That granting the variance will be in harmony with the general purpose and intent of the development standards, other applicable provisions of Title 14 IMC, and with any other applicable portions of the municipal code; and
6. That the purpose of the variance is not merely to permit the subject property to be utilized more profitably by the owner or to economize on the cost of improving the property.

B. Conditions. In granting any variance, the City Council may prescribe appropriate conditions and safeguards that will ensure that the purpose and intent of the development standards are met. Further, the City Council may require a developer to post a performance bond guaranteeing compliance with such conditions.

C. Special Considerations. The City Council may grant a variance for an exception to sewer connection requirements to allow use of an on-site sewage system (OSS) after considering the following aspects of the proposal in addition to the required findings:

1. Whether the OSS would serve an isolated pocket of urban land difficult to serve due to terrain or critical areas; or
2. Whether providing sanitary sewer service to an isolated pocket of urban land is cost prohibitive; or
3. Whether an OSS constitutes the best available technology for the circumstances and is designed to serve urban densities.

If the proposal satisfies any one of these considerations, it may be approved as long as it does not pose a negative effect on basic public health, safety, and the environment and does not preclude development at urban densities.

Section 3. Section 14.06.030 of the Ilwaco Municipal Code is amended to read as follows:

14.06.030 Plan approval required.

- A. Before any new sewer system or water system pipes are installed, a developer must provide plans to the city for review.
- B. The plans provided to the city for review must be prepared by a licensed engineer or licensed OSS designer.
- C. Before use of any new OSS is approved, a developer must provide to the City Engineer a copy of the OSS permit from the Pacific County Environmental Health Division.
(Ord. 832 § 1 (part), 2014; Ord. 627 (part), 1999. Formerly 15.76.030)

Section 4. Section 14.06.070 of the Ilwaco Municipal Code is amended to read as follows:

14.06.070 ~~Serving lots with sewage disposal systems~~ Each lot to have individual sewer connection, unless exception granted.

A. If a lot is to have a use on it which requires sewage disposal, then the property owner or developer must install a connecting line to the city sewer line, except as may be authorized by an approved variance allowing exception.

B. A sewer connection exception is contingent on the developer's written agreement to connect to a public sewer system subject to the requirements in WAC 246-272A-0025. This agreement shall be written and binding on successors and heirs. The developer must:

1. Record the agreement with the county auditor; and
2. Provide a copy to the City.

(Ord. 832 § 1 (part), 2014; Ord. 627 (part), 1999. Formerly 15.76.070)

Section 5. Section 14.06.080 of the Ilwaco Municipal Code is amended to read as follows:

14.06.080 Sewage disposal facilities required before construction is complete.

A building or structure requiring sewage disposal must be connected to a city sewer line or, if authorized by variance, OSS, before the completion of the construction of a building or structure. (Ord. 832 § 1 (part), 2014; Ord. 627 (part), 1999. Formerly 15.76.080)

Section 6. Section 2.2, Variances, is hereby deleted from the City of Ilwaco Development Standards adopted by reference under IMC 14.02.010 and shall be replaced by the codified process, terms, and conditions delineated under other provisions of this ordinance.

Section 7. Section 6.1.E. of the City of Ilwaco Development Standards adopted by reference under IMC 14.020.010 is hereby amended to read as follows:

E. Except as may be authorized by an approved variance allowing exception, if a lot is to have a use on it which requires sewage disposal, the property owner or developer must install a connecting line to the City sewer line.

Section 8. Section 6.1.F. of the City of Ilwaco Development Standards adopted by reference under IMC 14.020.010 is hereby amended to read as follows:

F. A building or structure requiring sewage disposal must be connected to a City sewer line or, if authorized by variance, OSS, before the completion of the construction of a building or structure.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 10. Referendum and Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 12TH DAY OF JUNE, 2017.

Mike Cassinelli, Mayor

ATTEST:

Stephanie Stresing, Deputy City Clerk

VOTE	Jensen	Karnofski	Marshall	Lessnau	Fornier	Cassinelli
Ayes	X	X	X	X	X	
Nays						
Abstentions						
Absent						

PUBLISHED: June 28, 2017

EFFECTIVE: July 3, 2017