



# MONROE PLANNING COMMISSION

<b>SUBJECT:</b>	<b><i>DISCUSSION - Proposed Amendments to Chapter 13.08 MMC, Sewer System Regulations, regarding Extension of Sewer outside of City Limits</i></b>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
08/12/2019	Community Development	Ben Swanson Shana Restall	Shana Restall	<b>New Business # 2</b>

**Discussion:** 08/12/2019  
**Public Hearing:**

- Attachments:**
1. DRAFT Sewer Code (Clean)
  2. DRAFT Sewer Code (Track Changes Version)

**REQUESTED ACTION:** None, this meeting is informational only. A public hearing on this topic will take place at a later date.

## POLICY CONSIDERATIONS

*Cities are authorized by state law, including Chapter 35.67 RCW, to own and operate sanitary sewer utilities, and to adopt local regulations governing permit connections located outside the City Limits. There is no statutory duty in Washington State requiring cities to extend sewer service beyond City Limits. Extending sewer services outside of City Limits allows for a higher density of development than would otherwise be allowed with septic systems. When this higher density development occurs in a City's Urban Growth Area:*

1. *The development that occurs is not normally consistent with a City's vision, comprehensive plan policies, or development regulations.*
2. *There is less of an incentive for property owners in urban growth areas and for cities to incorporate areas that counties intend for cities to annex.*

*Statements in the Monroe Comprehensive Plan currently intend to prohibit sewer extension outside of City Limits. The Monroe Municipal Code currently prohibits the extension of sewer outside of City Limits except as otherwise required by law, however the code also provides a process for sewer extensions to occur through a development agreement with the property owner. The City is proposing amendments to Chapter 13.08 MMC, Sewer System Regulations, to ensure consistency with the City's adopted Comprehensive Plan.*

## DESCRIPTION/BACKGROUND

The City has approximately six hundred acres of developable area within the Urban Growth Area (UGA). The intent under the Growth Management Act is to incorporate property within the Urban Growth Area into the City limits and provide for urban levels of development. Sanitary sewer extension allows for urban levels of development in the UGA prior to annexation.

The City of Monroe has historically prohibited the extension of sanitary sewer service to property located outside the City Limits. The City's policy was changed in 2013 to allow the extension of sanitary sewer service to property located outside the City Limits. The intent during the recession was to encourage residential development within the UGA to support the City's retail and commercial businesses.

On October 24, 2017, the City Council adopted amendments to Appendix H of the City of Monroe 2015-2035 Comprehensive Plan to clarify the City's policy regarding the conditions under which sanitary sewer service would be extended outside the City boundaries. The intent of the City's Comprehensive Plan and the City's policy is to "refrain from extending new sanitary sewer service to properties located beyond the City boundaries, including those within the Urban Growth Area, prior to annexation..."

In 2018, the City Council amended the City's sewer regulations by the adoption of Ordinance No. 001/2018, which generally prohibited extension of sanitary sewer service to property located outside the City limits, except to the extent required by state law. The ordinance prescribed various terms and conditions for such extensions and required the landowner/applicant requesting such extension to support and/or waive objection to annexation of the subject property (i.e. "no protest annexation agreement"). Under a no-protest agreement, property within the UGA is developed through Snohomish County under County standards and remains in the County until the city initiates an annexation effort. A no-protest annexation agreement shifts the expense and responsibility for annexation from the property owner/developer to City taxpayers.

Since adopting Ordinance No. 001/2018, the City has received one request to annex a one-acre parcel (MainVue/Stahl), and two requests for developer agreements under MMC 13.08.240 to extend sanitary sewer beyond the City Limits to the Urban Growth Areas in exchange for signing "no protest annexation agreements." The two "no-protest" annexation areas encompass approximately one hundred and forty acres.

#### **FISCAL IMPACT**

Extension of sanitary sewer service to property located outside the City Limits has numerous potentially significant impacts to the City, including impacts to the City's law enforcement resources, roadway network, storm drainage infrastructure, and parks and recreational facilities. Because these properties are located in proximately to the City limits, residents in these developments use city roadway networks, storm drainage facilities, and parks without contributing taxes to support these services.

#### **TIME CONSTRAINTS**

On June 11, 2019, the City adopted Ordinance No. 011/2019, which established interim provisions to regulate the extension of sanitary sewer service outside of municipal limits. The interim ordinance is in effect for no longer than six months per RCW 35A.63.220, Moratoria, Interim Zoning Controls—Public Hearing—Limitation on Length.

**Amendment of MMC 13.08.240**

**13.08.240 Sanitary Sewer Service outside the City Limits Prohibited.**

The city will not extend sanitary sewer service to areas located beyond the city limits unless and until such areas have been annexed to the city. In the event of any inconsistency between the provisions of this section and any other provision(s) of this title, the provisions of this section shall control to the extent of such inconsistency.

Amendment of MMC 13.08.240

**13.08.240 Sanitary sewer service outside the city limits prohibited.**

~~((A.))~~ The city will not extend sanitary sewer service to areas located beyond the city limits ~~((except to the extent required by law))~~ unless and until such areas have been annexed to the city. In the event of any inconsistency between the provisions of this section and any other provision(s) of this title, the provisions of this section shall control to the extent of such inconsistency.

~~((B. Where sanitary sewer service is extended to areas located beyond the city limits, the applicant/landowner must first execute an outside utility extension agreement in a form provided by the city and containing the following provisions:~~

- ~~1. The applicant/landowner shall consent and waive objection to annexation of the subject property, including without limitation the applicant's/landowner's signature on an annexation petition if so requested by the city;~~
- ~~2. The applicant/landowner shall secure and obtain, at its sole expense, all permits, easements, licenses and other real property interests necessary to construct and install the requested sewer extension;~~
- ~~3. The applicant/landowner shall reimburse the city's administrative, legal, and other professional costs;~~
- ~~4. The applicant/landowner shall bear all costs of completing the requested sewer extension, including without limitation all design, engineering, construction and installation costs;~~
- ~~5. The applicant/landowner shall design, construct and install the requested sewer extension in full compliance with all applicable city codes, standards, policies and rules;~~
- ~~6. The applicant/landowner shall design, construct and install the requested sewer extension in a manner that allows for reasonable future connections by other properties, including without limitation through the installation of stubs, utility access corridors and/or similar features as may be required by the city;~~
- ~~7. The applicant/landowner shall convey and dedicate to the city all property interests and sewer utility infrastructure comprising the requested sewer extension following the city's approval and acceptance thereof, using forms and instruments approved by the city;~~
- ~~8. The applicant/landowner shall post a maintenance bond or other security, in a form approved by the city attorney, ensuring the workmanship of the sewer utility infrastructure for a period of two years;~~
- ~~9. The applicant/landowner shall agree to pay all applicable connection charges, fees and utility service charges;~~
- ~~10. The applicant/landowner shall comply fully with all applicable city of Monroe regulations;~~
- ~~11. Any other conditions determined appropriate by the city; and~~
- ~~12. The outside utility extension agreement shall be subject to approval by the Monroe city council, shall be recorded against the title of the applicant's/landowner's property, shall run with the land, and shall bind future owners.~~

~~C. Sanitary sewer service shall not be extended to areas located beyond the city's boundaries unless the city's sewer system has sufficient capacity to accept, convey and process the additional demand created by such extension. Prior to executing an outside utility extension agreement pursuant to this section, the applicant/landowner shall submit to the city a written documentation, from a professional engineer licensed in Washington State, confirming the volume and extent of the additional demand.~~

~~D. The extension of sanitary sewer service beyond the city's boundaries shall be at no expense to the city.))~~