

**MONROE CITY COUNCIL**

*Agenda Item Cover Sheet*

<b>TITLE:</b>	<i>Ordinance Amending MMC 13.08 Sewer System Regulations/ 2<sup>nd</sup> &amp; Final Reading</i>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
4/23/13	Public Works		Brad Feilberg	<b>Final Action #3</b>

<b>COUNCIL GOAL:</b>	<i>N/A</i>
<b>OBJECTIVE:</b>	<i>N/A</i>

**Discussion:** 12/11/2002, 12/18/2002, 11/05/2003, 01/28/2004, 02/04/2004, 03/16/2004, 09/05/2006, 09/19/2006, 10/24/2006, 11/21/2006, 04/03/2007, 05/01/2007, 05/15/2007, 09/18/2007, 01/22/2008, 04/15/2008, 04/22/2008, 05/06/2008, 06/17/2008, 07/01/2008, 09/23/2008, 10/21/2008, 12/09/2008, 10/06/2009, 11/03/2009, 04/05/2011, 04/19/2011, 02/12/2013, 04/16/2013

**Public Hearing – Plan. Com.:** 03/25/2013

**Public Hearing – Council:**

**First Reading:** 4/16/13

**Attachments:** 1. Proposed Ordinance

**DESCRIPTION/BACKGROUND**

Currently, Section 13.08.240 of the Monroe Municipal Code (see attached) discourages the extension of sanitary sewer service outside of City Limits, but does allow it if certain conditions are met. However, in 2007, the Washington State Division 1 Court of Appeals issued a decision in *MT Development, LLC v. City of Renton* regarding the provision of sewer service beyond the City’s limits. The decision rendered one of the City’s existing development regulations (MMC 13.08.240) unenforceable and required the City review all policies and development regulations relating to the extension of sewer service beyond the City limits. The City had two options to choose from: 1) allow sewer service beyond the City limits without requirements for compliance with City regulations, or 2) restrict sewer service to the City’s corporate limits.

In 2008, the Monroe City Council adopted an interim emergency ordinance (#011/2008) that prohibited the extension outside of City Limits except for health emergencies and the fairgrounds/district court. This ordinance was extended twice until October 22, 2010, at which time the current regulations again became effective, but still unenforceable.

Areas within urban growth areas are supposed to be provided with urban services in order to support higher density development. For example, the Roosevelt Ridge Area is currently zoned R-7,200 in unincorporated Snohomish County. However, this area cannot be developed to this density because sewer is not currently available. As development activity picks back up, the City should provide sanitary sewer service to the areas within the unincorporated urban growth area to avoid having those areas develop at rural densities.

The provision of sanitary sewer service to the entire UGA will assist with the accommodation of the allocated population without expanding the urban growth area or increasing the density within city limits.

The currently adopted Sewer System Plan includes the entire Monroe UGA as the service area for the utility. In 2010, there were 9,267 ERUs connected to the wastewater treatment plant. The system plan estimates a total of 14,847 ERUs by 2025, with a total build out of 23,524 ERUs.

The draft population and employment projections for 2035 estimate a total of 14,633 ERUs.

At the February 12, 2013 Monroe City Council Meeting, staff and the Planning Commission were directed to: “to prepare an ordinance allowing for the City of Monroe to provide sanitary sewer service within the Monroe Urban Growth Area by April 16, 2013.”

This issue was introduced to the Planning Commission on February 25, 2013. The Planning Commission discussed policy issues of annexation, development standards, and eventual annexation of areas after development.

A public hearing was duly advertised and held on March 25, 2013. No substantive comments were made at the public hearing.

At their April 8, 2013 meeting the Planning Commission adopted the findings and conclusions contained in the Staff Report (Attachment 2) and recommended approval of the proposed amendments to Chapter 13.08 of the Monroe Municipal Code.

#### **IMPACT – BUDGET**

#### **IMPACT – SERVICE DELIVERY**

#### **TIME CONSTRAINTS**

#### **RECOMMENDED ACTION**

Motion to accept as second and final reading Ordinance 004/2013 amending Monroe Municipal Code Chapter 13.08 – Sewer System Regulations.

#### **ALTERNATIVES TO STAFF RECOMMENDATION**