

CITY OF SULTAN, WASHINGTON
Ordinance NO. 1114-11

**AN ORDINANCE OF THE CITY OF SULTAN REPEALING
THE 2005 WATER SYSTEM PLAN AS AMENDED,
ADOPTING THE CITY OF SULTAN 2010 WATER
SYSTEM PLAN; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Sultan operates a water system and is a purveyor of water; and

WHEREAS, on December 14, 2005, the City Council approved Ordinance No. 895-05 adopting the City of Sultan 2005 Water System Plan; and

WHEREAS, on June 8, 2006, the City Council approved Ordinance No. 926-06 adopting Amendment No. 1 to the City of Sultan Water System Plan to amend the population projections, projected water demand, and projected impacts to the capital facilities plan to be consistent with the City of Sultan 2004 Comprehensive Plan; and

WHEREAS, Chapter 246-290 WAC, adopted in part pursuant to the authority of Chapter 43.20 RCW, requires revision to a purveyor's water system plan every six years; and

WHEREAS, on September 25, 2008, the City Council approved Ordinance 994-08 adopting Amendment No. 2 to the City of Sultan Water System Plan to be consistent with the 2008 Revision to the 2004 Comprehensive Plan; and

WHEREAS, the City Council and Planning Board began working together in September 2009 to update the 2004 Comprehensive Plan (2011 Comprehensive Plan Update) and appendices including the 2005 City of Sultan Water System Plan; and

WHEREAS, the City Council and Planning Board began working together in January 2010 to make the necessary changes to the 2005 City of Sultan Water System Plan providing for early and continuous public involvement under the GMA, RCW 36.70A.140; and

WHEREAS, the City Council public works subcommittee reviewed the primary policy chapters of the water system plan and general sewer plan at the subcommittee meeting on February 3, 2011; and

WHEREAS, the City Council reviewed the primary policy chapters of the water system plan at the regular council meeting on February 24, 2011; and

WHEREAS, the city council reviewed the financial analysis and utility rate comparisons prepared by FCS Group at the Council Retreat on February 26, 2011.

WHEREAS, the city council held a special council meeting on March 3, 2011 to further consider the financial analysis and utility rate comparison and directed staff to prepare two financial analyses for each plan. The first analysis is consistent with the population allocation of 11,119 people by 2025. The second analysis evaluates a low growth scenario based on more recent growth rates. The city council also directed staff to use debt service as needed to minimize the impacts to utility rates; and

WHEREAS, the planning board reviewed the above material presented to the city council at its meeting on March 15, 2011; and

WHEREAS, the planning board held a public hearing on April 19, 2011 to review the Agency Draft of the 2010 Water System Plan and the city council held a public hearing on April 28, 2011 to provide for additional opportunities for public comment prior to completing the State Environmental Policy Act (SEPA) Environmental Checklist; and

WHEREAS, a State Environmental Policy Act (SEPA) Environmental Checklist was prepared for the 2010 Water System Plan and a threshold Determination of Non-Significance was issued on April 26, 2011 for the required 14-day comment period pursuant to WAC 197-11-340(2); and

WHEREAS, the City did not receive an appeal of the City's Determination of Non-Significance on the 2010 Water System Plan prior to expiration of the 14-day SEPA comment period on June 1, 2011; and

WHEREAS, the Planning Board conducted a second public hearing on the 2010 Water System Plan on September 6, 2011 in accordance with Sultan Municipal Code 17.04.170, and provided an opportunity for citizens to comment regarding proposed amendment; and

WHEREAS, the City Council conducted a final public hearing on the 2010 Water System Plan on September 22, 2011 in accordance with Sultan Municipal Code 17.04.170, and provided an opportunity for citizens to comment regarding proposed regulatory changes; and

WHEREAS, the 2010 Water System Plan is consistent with the 2011 Comprehensive Plan Update; and

WHEREAS, the City Council finds that adoption of the 2010 Sultan Water System Plan is consistent with and implements the City's Water System Policies, the requirements of Washington law, and serves and advances the public health, safety and welfare of Sultan citizens.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO RESOLVE AS FOLLOWS:

Section 1. Findings. The City Council makes the following findings:

- A. The City Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.
- B. The adoption of this Ordinance is necessary in accordance with Chapter 246-290 WAC and to be consistent with the 2011 Comprehensive Plan Update.
- C. The State Board of Health Code, Chapter 43.20 RCW, authorizes the State Department of Health to adopt rules and standards for public water systems, including mandatory planning and system development requirements. In accordance with Chapter 43.20 RCW, and for the purpose of protection of public health and safety, the Department of Health, through WAC 246-290, requires all public water utilities to prepare comprehensive water system plans consistent with the provisions of state law. In accordance with Washington law, and for the protection of public health and safety, the City has the authority to undertake necessary planning and regulatory activities regarding the City's municipal water utility.
- D. On December 14, 2005, the City adopted the 2005 Water System Plan with the passage of Ordinance No. 895-05. The Washington State Department of Health requires that water system plans be updated every six years.
- E. The City of Sultan adopted its 2011 Growth Management Act Comprehensive Plan in accordance with the Washington State Growth Management Act (GMA) on November 10, 2011 Ordinance No. 1113-11. All findings, recitals and other provisions of Ordinance No. 1113-11 and all provisions of the Comprehensive Plan and the public record supporting the Comprehensive Plan are incorporated herein by this reference. Adoption of the Comprehensive Plan is an essential prerequisite to adoption of a Water System Plan, in that the GMA Comprehensive Plan provides the City with analysis and guidance in assessing and anticipating population growth and infrastructure needs for the present and future residents within the City's water system service areas.
- F. In accordance with Chapter 43.21C RCW, the State Environmental Policy Act (SEPA), on April 26, 2011 and after timely public notice, the City's SEPA Responsible Official issued a threshold Determination of Non-Significance (DNS). There were no appeals to the DNS
- G. In accordance with Washington law, following City Council approval of Ordinance No. 1114-11 the 2010 Water System Plan will be submitted to the Department of Health for their final approval.
- H. The 2010 Water System Plan contains goals, policies, system maps and design standards intended to guide the development of water system facilities. Important components of the Plan include: Goals and Policies, Design Standards, Population Projections, Water Demand Projections, Capital Improvements, and Financial Implications.
- I. The Sultan Water System Plan has been prepared in conformance with the requirements of Chapter 43.20 RCW and WAC 246-290, and is consistent with

and compatible with the Snohomish County Coordinated Water System Plan, adopted in accordance with Chapter 70.116 RCW.

Section 2. Repeal and Adoption. The 2005 Water System Plan, supporting appendices and approved amendments are hereby repealed. The 2010 Sultan Water System Plan is approved in its entirety. The Council declares that the adoption of the 2010 Water System Plan through this Ordinance is necessary for the protection of public health and public safety.

Section 3. Preparation of Final Water System Plan Copies. Copies of the City of Sultan 2010 Water System Plan approved by the City Council shall be prepared by the Sultan Department of Public Works staff and shall be made available for public inspection within 30 days of final approval by the State Department of Health. The Final Plan shall include as necessary all grammatical and numerical revisions and revisions.

Section 4. Filing. The Final 2010 Water System Plan as approved by the City Council shall be filed with the City Clerk and shall be available for public inspection upon the effective date of this Ordinance.

Section 5. Transmittal To Department Of Health. Upon completion of all final revisions, the Department of Public Works shall promptly transmit a copy of the final Sultan Water System Plan to the State Department of Health.

Section 6. In the event there is any inconsistency between the Water System Plan as accepted and approved by the Department of Health and the City's Comprehensive Plan, the City shall undertake a public participation process and amend the Water System Plan to be consistent with the Comprehensive Plan.

Section 7. Effect Of Adopted Amendments. Upon the approval of the 2010 Water System Plan by the State Department of Health, any previously drafted and adopted Water Plan(s) shall be repealed and replaced by the 2010 Water System Plan, EXHIBIT A.

Section 8. Severability. If any clause, sentence, paragraph, section or part of this Ordinance or the Plan adopted herein, or their application to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect the validity or constitutionality of the remainder of any part of this Ordinance or Plan. To this end, the provisions of each clause, sentence, paragraph, section or part of this Ordinance and Plan are declared severable.

Section 9. Effective Date. This Ordinance shall be the date on which the State Department of Health (DOH) approves in writing the 2010 Water System Plan, which date is more than five days following publication of this Ordinance or a summary thereof. If DOH does not approve the Plan in its entirety, then those portions approved by DOH shall be effective, and the portions not approved by DOH shall not be included in this adoption.

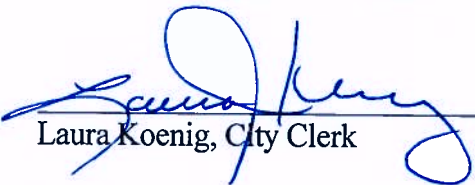
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10th
DAY OF NOVEMBER, 2011.

CITY OF SULTAN



Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:



Laura Koenig, City Clerk

Approved as to form:



Margaret King, City Attorney

Passed by the City Council: 11-10-11

Date of Publication: 11-17-11

Effective Date: 11-22-11