

**CITY OF SULTAN  
WASHINGTON  
ORDINANCE NO. 1115-11**

**AN ORDINANCE OF THE CITY OF SULTAN REPEALING THE  
2005 GENERAL SEWER PLAN; ADOPTING THE CITY OF  
SULTAN 2010 GENERAL SEWER PLAN FOR SUBMITTAL TO  
THE DEPARTMENT OF ECOLOGY; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Sultan operates a wastewater treatment plan and conveyance system with a current NPDES permit issued by the Department of Ecology; and

WHEREAS, on December 14, 2005, the City Council approved Ordinance No. 897-05 adopting the City of Sultan 2005 General Sewer Plan; and

WHEREAS, on June 8, 2006, the City Council approved Ordinance No. 925-06 adopting Amendment No. 1 to the City of Sultan General Sewer Plan to amend the population projections, projected sewer system demand, and projected impacts to the capital facilities plan to be consistent with the City of Sultan 2004 Comprehensive Plan; and

WHEREAS, on September 25, 2008, the City Council approved Ordinance 995-08 adopting Amendment No. 2 to the City of Sultan 2005 General Sewer 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 General Sewer 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 General Sewer 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 2010 General Sewer 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 the 2010 General Sewer 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 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, the Planning Board considered written comments from Gerry Gibson, Kay George and Judy Heydrick for the public hearing on the 2010 General Sewer Plan prior to preparing a State Environmental Policy Act Environmental Checklist and Determination of Non-Significance; and

WHEREAS, a State Environmental Policy Act (SEPA) Environmental Checklist was prepared for the 2010 General Sewer 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 General Sewer 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 General Sewer 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 General Sewer 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 General Sewer Plan documents how the sewer system will be upgraded to be consistent with the Comprehensive Plan; and

WHEREAS, Chapter 173-240-050 WAC, adopted in part pursuant to the authority of Chapter 90.48.110 RCW, requires amendments to be submitted to and approved by the Department of Ecology (DOE) before implementing the plan; and

WHEREAS, the City Council finds that adoption of the 2010 Sultan General Sewer Plan is consistent with and implements the City's Sewer 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. On December 14, 2005, the City adopted the 2005 General Sewer Plan with the passage of Ordinance No. 897-05. The 2005 General Sewer Plan was further amended by Ordinance No. 925-06 on June 8, 2006 and Ordinance No. 995-08 on September 25, 2008.
- C. Adoption of the Comprehensive Plan is an essential prerequisite to adoption of a General Sewer 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 sewer system service areas.
- D. The adoption of this Ordinance is necessary to ensure consistency between the General Sewer Plan and Comprehensive Plan.
- E. Chapter 90.48.110 RCW, authorizes the State Department of Ecology to review plans and reports for public wastewater facilities.
- 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. The 2010 General Sewer Plan contains goals, policies, system maps and design standards intended to guide the development of sewer system facilities. Important components of the Plan include: Goals and Policies, Design Standards, Population Projections, Water Demand Projections, Capital Improvements, and Financial Implications.

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

**Section 3. Preparation of Final General Sewer Plan Copies.** Copies of the 2010 General Sewer Plan approved by the City Council shall be prepared by the Sultan Department of Public Works staff and made available for public inspection following final approval by the State Department of Ecology. The Final Plan shall include as necessary all grammatical and numerical revisions and revisions.



**Section 4. Filing.** The Final General Sewer 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.** In the event there is any inconsistency between the General Sewer Plan as accepted and approved by the Department of Ecology, and the City's Comprehensive Plan, the City shall undertake a public participation process and amend the General Sewer Plan to be consistent with the Comprehensive Plan.

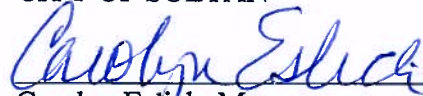
**Section 6. Effect Of Amended General Sewer Plan(s).** Upon the approval of the 2010 General Sewer Plan by the Department of Ecology any previously drafted and adopted General Sewer Plan(s) shall be superseded by the 2010 General Sewer Plan.

**Section 7. 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.

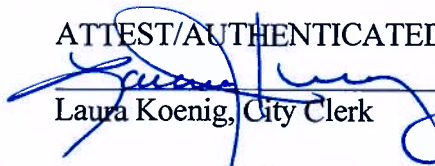
**Section 8. Effective Date.** This Ordinance shall be effective on the date on which the Department of Ecology approves in writing the 2010 General Sewer Plan, which date is more than five days following publication of this Ordinance or a summary thereof. If DOE does not approve the Plan in its entirety, then those portions approved by DOE shall be effective, and the portions not approved by DOE shall not be included in this adoption.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 10<sup>th</sup> DAY OF NOVEMBER, 2011

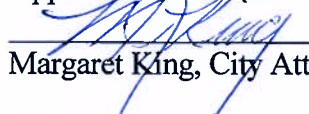
CITY OF SULTAN

  
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