

ORDINANCE NO. 1344

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING KALAMA MUNICIPAL CODE CHAPTER 12.04 SEWER CONNECTIONS TO UPDATE THE CODE TO CONFORM WITH THE NEW ESTATE LOT FLOATING ZONING

WHEREAS, the Kalama Planning Commission has drafted a new Kalama Municipal Code to be adopted as Chapter 17.20 Estate Lot Floating Zone which requires updates to connected code sections in other chapters of the KMC including Chapter 12;

WHEREAS, the Kalama Planning Commission held a public hearing on September 11, 2014 to take testimony on the new code and the related code amendments and now recommend adoption by the Kalama City Council;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code 12.04.030 Sewer Connections is amended to read as follows:

12.04.030 Exceptions to connection requirement—No sewer line or lateral shown in city's recent sewer comprehensive plan.

A. The public works director may approve an exception to the connection requirements of KMC Sections 12.04.010 and 12.04.020 above to address the on-site sewer needs of individual lots if all of the following limited circumstances exist:

1. The subject lot is not located in an area planned to be served by the city's sewer system, as shown in the most current versions of the city's six year capital improvement plan and sewer comprehensive plan;
2. The alternative system proposed by the property owner will serve no more than one dwelling unit on the lot meeting the criteria of this subsection; and
3. The property owner agrees to record a notice against the lot, in a form approved by the city attorney, providing notice to all subsequent purchasers that the city's approval of an alternative system under these procedures will not affect the city's ability to enforce KMC Section 12.04.010 or 12.04.020 (or any subsequent amendment to the same) to require a connection to the city's sewerage system at any time in the future.

B. Alternative Systems. An application for an exception shall be submitted by the property owner, which shall include an inspection fee and information regarding all of the following factors:

1. Whether the alternative system involves connection to the city's sewerage system (the exception process shall not be used to obtain a connection to the city's sewerage system while a moratorium on sewer connections is in effect);
2. Whether the property owner has obtained all necessary approvals and permits from agencies with jurisdiction for the alternative system;

- 3. The efficacy of the alternative system; and
 - 4. The duration of time that the alternative system will be in effect.
- C. Appeals. The public works director's decision to grant to deny an exception shall be appealable within fifteen days of issuance, under the procedures set forth in KMC Sections 12.20.070 and 12.20.080.
- D. Fee-in-Lieu of Public Sewerage Connection. A fee in lieu of the public sewerage system connection shall be required in accordance with RCW 82.02.020 and such fee shall be paid prior to issuance of the occupancy permit, unless otherwise authorized by the City. If fee-in-lieu is paid to the City and at a later date the public sewerage system is extended and the property is connected, the property owner at that time will be credited thirty-three percent of the connection fee then in effect.

Section 2. 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 3. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 15th of October, 2014

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed: _____

Published: _____

Effective: _____