

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2205

**AN ORDINANCE OF THE CITY OF SNOHOMISH, ADOPTING THE
CITY'S 2010 GENERAL SEWER PLAN AND WASTEWATER
FACILITIES PLAN UPDATE**

WHEREAS, the City's existing General Sewer Plan and Wastewater Facilities Plan (GSP/WWFP), adopted by Ordinance 2108 on March 21, 2006, identified necessary capital improvements for the City's sewer system and treatment needs through the design year 2024, in order to meet the requirements of RCW 36.70A.070, 90.48.110, and other applicable law; and

WHEREAS, the City and the Washington State Department of Ecology ("Ecology") approved the 2005 GSP/WWFP after public, governmental, and environmental review, including a Notice of Adoption, dated October 14, 2005, and a Determination of Non-Significance, dated March 4, 2005, under the State Environmental Policy Act ("SEPA") (collectively, "2005 SEPA documents"); and

WHEREAS, on March 21, 2006, the City adopted and incorporated the 2005 GSP/WWFP into its Comprehensive Plan under Ordinance 2108; and

WHEREAS, in the course of designing wastewater system improvements under the 2005 GSP/WWFP, the City found that the cost of upgrading the City's wastewater treatment plant was substantially higher than previously estimated, and reexamined alternatives considered in the 2005 GSP/WWFP to determine if a more cost-effective and environmentally-preferable option exists; and

WHEREAS, on December 17, 2009, Ecology notified the City that Ecology would issue an enforcement order with an updated compliance schedule under the state Clean Water Act to the City to require the City to achieve compliance with its National Pollutant Discharge Elimination System ("NPDES") permit and invited the City to negotiate an Agreed Order based on the City's decision regarding its wastewater treatment system upgrade; and

WHEREAS, the City has prepared an update to the existing GSP/WWFP (the "2010 GSP/WWFP Update") to identify a suitable plan that will meet the wastewater treatment needs of the City in the short and long-term, consistent with the Clean Water Act ("CWA"), Growth Management Act ("GMA"), City Comprehensive Plan Goals, and other applicable plans, laws, and requirements; and

WHEREAS, starting with public notices on June 11, 2010, the City conducted an integrated scoping process under SEPA, CWA, and GMA to invite the public, Ecology, and other governmental entities to comment on alternatives and environmental impacts for the proposed 2010 GSP/WWFP Update and coordinated its proposed comprehensive plan update with other jurisdictions as required by GMA and SEPA; and

WHEREAS, on August 13, 2010, the City prepared and issued a draft 2010 GSP/WWFP Update, proposed Comprehensive Plan amendment, and accompanying draft SEPA Addendum (to the 2005 SEPA documents) for public and intergovernmental comment; and

WHEREAS, on September 10, 2010, the City and Ecology entered into Agreed Orders 7973 and 7974 for near-term and long-term wastewater system improvements, which require the City to meet tight schedules for planning and implementing improvements to achieve and remain in compliance with the Clean Water Act; and

WHEREAS, the draft 2010 GSP/WWFP Update was submitted for review to the State Department of Ecology and was revised in response to Department of Ecology comments; and

WHEREAS, on September 27, 2010, after consideration of comments and consultation with interested commenters, the City issued a final SEPA Addendum on the 2010 General Sewer Plan Update and Associated Comprehensive Plan Amendments and Implementing Actions; and

WHEREAS, the 2010 GSP/WWFP Update selects the Everett Conveyance Project as the City's long-term wastewater system plan, allowing removal of the discharge to the Snohomish River from the City's wastewater treatment plant; and

WHEREAS, the 2010 GSP/WWFP Update incorporates the Near-Term Wastewater Treatment Plant Improvement Project, commenced under the 2005 GSP/WWFP in order to achieve NPDES permit compliance in the shortest possible time, into the City's plans; and

WHEREAS, the 2010 GSP/WWFP Update and companion Comprehensive Plan amendments provide for funding of the facilities in the plan as required by RCW 36.70A, including funding of the Everett Conveyance Project; and

WHEREAS, it is the intent of City Council to authorize City staff to implement the Everett Conveyance Project; and

WHEREAS, at the plan level, the City has examined all reasonable, feasible, and practicable alternatives to achieve compliance and meet the schedules required by the Agreed Orders; determined that there are no reasonable, feasible, or practicable alternatives other than those identified in the 2010 GSP/WWTP Plan Update and companion Comprehensive Plan amendments; and has identified project-specific alternatives that are consistent with the type of land use permitted at the proposed locations and that will be further analyzed at the project level; and

WHEREAS, phased review is appropriate, necessary, and desirable for this plan decision and for subsequent implementation of specific projects under the plan, and the City is committed to further review as specified in the 2010 GSP/WWFP Update and final SEPA Addendum; and

WHEREAS, the City will continue to coordinate with other governmental agencies, including the City of Everett, Snohomish County, the Tulalip Tribes, the Marshland Flood Control District, the Natural Resources Conservation Service, and other interested parties in the design of the Everett Conveyance Project; and

WHEREAS, final Department of Ecology review and approval will occur after City adoption of the GSP/WWFP Update, which may include minor additional revisions; and

WHEREAS, on September 1, 2010 and October 6, 2010, the Planning Commission held public meetings and on November 16, 2010, the City Council held a public meeting to hear presentations from staff and expert consultants relating to the 2010 GSP/WWFP Update and companion Comprehensive Plan amendments and associated actions, including the funding and financing plan; and

WHEREAS, on December 7, 2010, the Snohomish City Council held a public hearing to accept public testimony and to review the proposed 2010 GSP/WWFP Update and associated actions; and

WHEREAS, pursuant to the Growth Management Act, all capital facilities plans are required to be incorporated as a subelement of the City's comprehensive plan, and companion Ordinance 2199 amends and supersedes Ordinance 2108 and incorporates the 2010 GSP/WWFP Update into the City's Comprehensive Plan including its capital facilities plan; and

WHEREAS, adoption of the 2010 GSP/WWFP Plan Update is in the public interest and will promote improved utility service, water quality, and restoration of the Snohomish River, and is necessary to comply with the Agreed Orders and enable the City to meet its long-term growth and water quality requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The City adopts the 2010 General Sewer Plan and Wastewater Facilities Plan Update and authorizes City staff to submit the final 2010 GSP/WWTP Update to Ecology, to make any minor revisions associated with Ecology's final approval, and to implement the proposed Everett Conveyance Project generally as described in the 2010 GSP/WWTP Update, including obtaining the necessary funding, to remove the current discharge to the river and convey flows to the City of Everett treatment plant for treatment and discharge.

Section 2. By adoption of the 2010 General Sewer Plan and Wastewater Facilities Plan Update, the City further ratifies the inclusion of Near-Term Wastewater Treatment Plant Improvement Project in the City's existing and updated GSP/WWFP and the actions taken to date to implement said Project to meet the compliance schedule in Agreed Order 7973.

Section 3. This ordinance shall become effective five days after publication. Pursuant to RCW 35A.13.200 this ordinance may be published in summary fashion.

ADOPTED by the City Council and **APPROVED** by the Mayor this ____ day of December, 2010.

CITY OF SNOHOMISH

By _____
Karen Guzak, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
Torchie Corey, City Clerk

By _____
Grant K. Weed, City Attorney

Date of Publication: _____

Effective Date (5 days after publication): _____