

ORDINANCE NO. 2197

ORDINANCE AMENDING CHAPTER 9.10 AND TITLE 20 OF THE SELAH MUNICIPAL CODE; ESTABLISHING A CRUSHER CANYON SEWER CONNECTION CHARGE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Selah recently constructed a new 12-inch sewer line beneath Crusher Canyon Road in a location that previously did not have any municipal sewer line, approximately from such roadway's intersection with South 12<sup>th</sup> Street to approximately its intersection with Mapleway Road and Lookout Point Road; and

WHEREAS, physical work on such project began on or about June 13, 2022, and concluded on or about February 14, 2023; and

WHEREAS, the total cost of such project was \$1,483,098.73, and the City directly paid \$513,098.73 of such total; and

WHEREAS, this new 12-inch sewer line will enable sewer connections for parcels that previously had no possibility of connecting to a sewer and thus will promote future development along Crusher Canyon Road in areas within the City's urban growth boundary, and a minimum of 338 dwellings can be potentially constructed on those parcels and potentially served by this new sewer line with a pipe capacity of 990 gallons-per-minute (at 50% full); and

WHEREAS, RCW 35.92.025 authorizes municipalities to charge property owners seeking to connect to a municipal sewer system a reasonable wastewater connection charge –as established by the municipal legislative body – as a condition to connecting, to thereby ensure that property owners bear their equitable shares of the costs of such improvements including the construction costs for recently-installed extensions; and

WHEREAS, the City Council desires to amend Selah Municipal Code Chapter 9.10 and Title 20 so as to establish a Crusher Canyon Sewer Connection Charge as a location-specific connection charge for properties abutting Crusher Canyon Road, which will apply in addition to the typical city-wide sewer connection charge that applies whenever a connection occurs at any location (per already-existing Selah Municipal Code section 9.10.060A), because the properties abutting Crusher Canyon Road are differently situated from other properties in regards to the City's sewerage system; and

WHEREAS, City staff recommends that the amount of the Crusher Canyon Sewer Connection Charge be established \$1,518.04 per Equivalent Residential Unit (ERU); and

WHEREAS, such charge will be charged for each connection that occurs for any now-existing or later-created lot or parcel that abuts Crusher Canyon Road and lies at or between the two roadway intersections mentioned above, which location will be known as the Connection Fee Area and is depicted on the map appended hereto as "Exhibit A"; and

WHEREAS, by contrast, the same sewer usage rates that the City charges to lots and parcels in other locations will also be charged to lots and parcels abutting Crusher Canyon Road; and

WHEREAS, the City Council finds that good cause exists;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Selah Municipal Code Amended.

A. Chapter 9.10 Amended.

Chapter 9.10 of the Selah Municipal Code is amended so as to add a new section 9.10.060B, which new section is adopted, it is entitled "Crusher Canyon Sewer Connection Charge", and it reads as follows:

- (a) *Purpose.* The purpose of this location-specific connection charge, which shall be known as the Crusher Canyon Sewer Connection Charge, is to ensure that property owners bear their equitable shares of the costs of the City's sewerage improvements including the construction costs for recently-installed extensions beneath Crusher Canyon Road. The lots and parcels within the Connection Fee Area are shown on the map that is appended as "Exhibit A" to the Ordinance that enacted this SMC section. Those lots and parcels are differently situated in regards to the City's sewerage system than lots and parcels existing elsewhere.
- (b) *Connection Fee Imposed.* The Crusher Canyon Sewer Connection Charge is imposed on the owner of any facility within the Connection Fee Area when such facility will be connected to the sewerage system, subject to the provisions below. Payment of such charge does not convey any ownership interest in the sewerage system. Payment of such charge authorizes connection only to the designated lot and is not transferable to any other lot.
- (c) *Fee Amount.* The Crusher Canyon Sewer Connection Charge shall apply in addition to any costs or fees already in existence, including but not limited to the typical city-wide connection charge that applies whenever a connection occurs at any location per SMC 9.10.060A. The amount of the charge shall be \$1,518.04 per Equivalent Residential Unit (ERU = 0.0003 MGD/Dwelling).

B. Title 20 Amended.

Title 20 of the Selah Municipal Code is amended so as to add a new Chapter 20.100, which new Chapter is adopted, it is entitled "Crusher Canyon Sewer Connection Charge", and it reads as follows:

20.100.010. A charge of \$1,518.04 per Equivalent Residential Unit (ERU = 0.0003 MGD/Dwelling) shall be assessed for any connection made to the City's wastewater system by any facility within the Connection Fee Area as shown on the map that is appended as "Exhibit A" to the Ordinance that enacted this SMC section. Said charge, as set forth in Selah Municipal Code 9.10.060B, is assessed for the purpose of ensuring that property owners bear their equitable

shares of the costs of the City's sewerage improvements.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

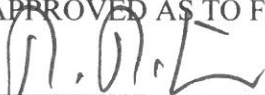
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON this 13<sup>th</sup> day of June, 2023.

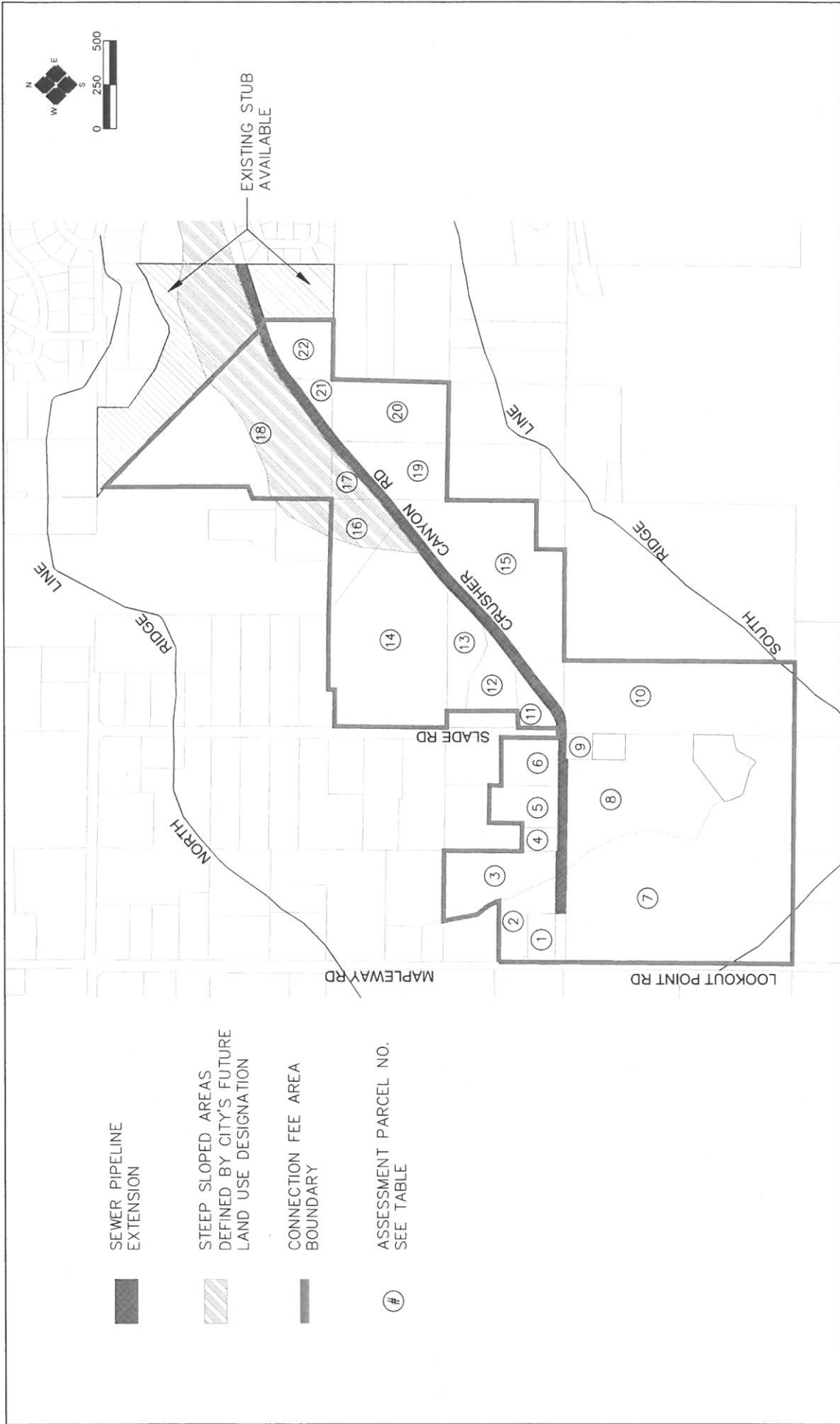
  
\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

  
\_\_\_\_\_  
Dale Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

  
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Rob Case, City Attorney



SEWER PIPELINE EXTENSION

STEEP SLOPED AREAS DEFINED BY CITY'S FUTURE LAND USE DESIGNATION

CONNECTION FEE AREA BOUNDARY

# ASSESSMENT PARCEL NO. SEE TABLE

2803 River Road  
Yakima, WA 98902  
509.966.7000  
Fax. 509.965.3800  
www.hla civil.com



**CITY OF SELAH**  
CRUSHER CANYON SANITARY SEWER  
ASSESSMENT CONNECTION FEE AREA

JOB NUMBER: 22006  
DATE: 5-15-23  
FILE NAME: ccreimb.dwg  
DRAWING: CJK/7/L

DESIGNED BY: SSH  
ENTERED BY: CJK/7/L

CONNECTION FEE AREA MAP

SHEET 1 of 1