

**INTERLOCAL AGREEMENT
CLALLAM COUNTY - CITY OF SEQUIM
SEQUIM URBAN GROWTH AREA**

THIS AGREEMENT is entered into and between CLALLAM COUNTY, a political subdivision of the State of Washington, herein referred to as COUNTY, and the CITY OF SEQUIM, a municipal corporation, herein after referred to as the CITY.

WHEREAS, the County and City have agreed to the designation of a Sequim Urban Growth Area;

WHEREAS, the County and City have agreed to jointly prepare and adopt a comprehensive plan under the requirements of the Growth Management Act of 1990 (Chapter 36.70A RCW) for the Sequim Urban Growth Area;

WHEREAS, the City of Sequim has adopted a Comprehensive Plan to guide the character of future development within the Sequim Urban Growth Area;

WHEREAS, the County adopted the City of Sequim Comprehensive Plan for the unincorporated Sequim Urban Growth Area subject to twenty-eight (28) amendments under Ordinance No. 628, 1997;

WHEREAS, the City of Sequim Comprehensive Plan directs the County and City to prepare an interlocal agreement for the review and processing of development proposals and development of a System Expansion Review Process for the extension of utilities.

WHEREAS, the County adopted, in agreement with the City the County-Wide Planning Policies (CWPP) to guide joint planning of urban growth areas; and

WHEREAS, the CWPP advise the County and the City to develop procedures for the administration of land use regulations, review of development proposals, and extension of urban services for the unincorporated portions of the Sequim Urban Growth Area.

NOW THEREFORE, the County and City make the following agreement:

- Section 1 Purpose. The purpose of this Agreement between Clallam County and the City of Sequim is to establish a procedure to ensure the orderly development of the unincorporated Sequim Urban Growth Area and to ensure the appropriate provision of urban services to such development consistent with the comprehensive plan. To implement the purpose stated above, it is the intent of this Agreement to accomplish the following:
- i. Allow for the orderly development of the Sequim Urban Growth Area consistent with the comprehensive plan and the Washington State Growth Management Act, Chapter 36.70A RCW.
 - ii. Provide for joint coordination related to permit review and processing within the unincorporated Sequim Urban Growth Area.
 - iii. Establish the administration of development regulations for the unincorporated Sequim Urban Growth Area consistent with the comprehensive plan.

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Section 2 Applicability. The Agreement applies to the unincorporated portions of the Sequim Urban Growth Area as designated on the Official Clallam County Comprehensive Plan Map for the Sequim-Dungeness Regional Comprehensive Plan, Title 31, Chapter 31.03 Clallam County Code. Nothing contained in this Service Agreement alters the land use powers of Clallam County and the City of Sequim.

Section 3 Definitions.

- i. Comprehensive plan means a generalized coordinated land use policy statement of the county adopted pursuant to the Clallam County Charter, Growth Management Act of 1990 (Chapter 36.70A RCW) and the Planning Enabling Act (Chapter 36.70 RCW). For the purposes of this Agreement, the comprehensive plan is the joint comprehensive plan agreed upon between the County and the City.
- ii. Development regulations means any controls placed on development or land use activities by the county, including but not limited to, zoning ordinances, land division ordinances, critical or sensitive area ordinances, and binding site plan ordinances.

Section 4 Comprehensive Plan. The County shall maintain administration of the comprehensive plan governing the unincorporated portions of the Sequim Urban Growth Area.

Section 5 Development Regulations. The County shall maintain administration of all its current development regulations within the unincorporated portions of the Sequim Urban Growth Area consistent with this Agreement.

Section 6 SEPA. The City agrees to assume lead agency status only for those public proposals within the unincorporated portions of the Sequim Urban Growth Area that the City initiates consistent with WAC 197-11-926. The County agrees to provide the City the opportunity to review all application materials associated with proposed actions within the Sequim Urban Growth Area prior to the issuance of a Threshold Determination pursuant to the State Environmental Policy Act (SEPA).

Section 7 Development Review Process. The County and City agree to jointly develop a development review process for land use permits and approvals in order to facilitate processing of land use applications in a timely matter and to assist applicants through the land use permit/approval process. This joint application review process shall be consistent with the comprehensive plan and the Consolidated Development Permit Process to be adopted under Chapter 26.10, Clallam County Code. The County agrees to incorporate joint application review processes as part of the adoption of development standards consistent with this Interlocal Agreement and the comprehensive plan. At a minimum, the joint application review process shall establish procedures for:

- i. City participation in Clallam County pre-application meetings.
- ii. Forwarding of land use applications to the City for review and comment including but not limited to: type of permits/approvals forwarded to the City for review; minimum content of forwarded application materials; length of comment period; and minimum scope of City review.
- iii. The level of technical assistance and support the City will provide to the County for implementing City development standards including, but not limited to, civil

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engineering plan review and inspections of facilities to be part of or connected to City infrastructure.

The County shall consider and give substantial weight to City of Sequim comments prior to issuing a decision.

- Section 8 Zoning. The County agrees to seek to amend the Clallam County Zoning Code, Title 33 Clallam County Code, and Official Clallam County Zoning Map by adopting zoning land use designations and development standards that are consistent with the comprehensive plan.
- Section 9 Land Divisions. Pursuant to CCC 29.30.150, Clallam County adopted the City of Sequim subdivision improvement requirements for land divisions within the unincorporated portions of the Sequim Urban Growth Area. The City agrees that any amendments to City subdivision improvement standards that will apply to land divisions within the unincorporated Sequim UGA must be jointly agreed upon by the County. The County and City agree to jointly review land division improvement requirements and adopt amended standards where appropriate for land divisions creating lot sizes equal to or greater than one-half (1/2) acre in order to preserve future redevelopment opportunities to higher urban densities.
- Section 10 Sewer and Water Utilities. The County and City agree that the provision of adequate public facilities for potable water and wastewater treatment for the unincorporated portions of the Sequim Urban Growth Area shall be provided for consistent with the attached Service and Extension Review Process (Attachment A). The City shall not apply additional requirements as a condition of utility connection.
- Section 11 Through the adoption of this Agreement, Clallam County shall adopt by reference the provisions of City of Sequim Resolution No. 93-9 or other mutually acceptable legislation to allow City administration of "late-comer" agreements for the installation of utility services within the unincorporated portions of the Sequim Urban Growth Area.
- Section 12 Park and Recreation Level of Service (LOS) standards. The City of Sequim Comprehensive Plan has established a LOS standard for Parks and Recreation facilities located within the urban growth area. The Clallam County Countywide Planning Policies require that Parks and Recreation public facilities be established consistent with these standards to meet the needs of new development. In order to provide guidance on the establishment of these new facilities, the City shall develop a parks plan for the urban growth area which specifically addresses identified deficiencies and reconciles any identified discrepancies between both jurisdiction's Parks and Recreation LOS. The County shall participate in the preparation of this plan. The Plan shall incorporate existing and proposed regional facilities such as the Robin Hill Farm County Park, Olympic Discovery Trail, and Carrie Blake Park, and shall evaluate the location and type of neighborhood recreation facilities which are needed within the urban growth area. The resulting Plan shall be adopted by both jurisdictions. The adopted Plan shall include a joint implementation strategy and shall require the amendment of both jurisdictions capital facility plan's, as applicable. All new development or redevelopment shall provide for facilities consistent with the adopted joint Parks and Recreation Plan.
- Section 13 Operation and Maintenance Pilot Program. The County agrees to initiate within one year of the adoption of this Agreement a pilot operation and maintenance program for on-site sewage systems within the Sequim Urban Growth Area. The City shall participate in the

technical development of this program. The purpose of this pilot program shall be to protect groundwater quality by encouraging property owners served by pre-existing and new on-site systems (as permitted by Section 10) to maintain and operate their systems in the most efficacious manner. The pilot program shall consider and evaluate (at a minimum) the following techniques to enhance on-site system performance:

- i. The development of public information materials on best management practices associated with the operation and maintenance of on-site systems.
- ii. The development of an on-site system inspection program.
- iii. The creation of a data base and notification system for on-site system owners to ensure timely maintenance.
- iv. The establishment of alternative and/or contract maintenance programs to be administered by the County, City, or a contracted private business.

Applicable grant funding sources to support these and other activities shall be evaluated by both the City and the County and, where appropriate jointly applied for.

Section 14

In order to better protect groundwater resources, the County and the City agree to jointly evaluate and develop an incentive program which encourages the voluntary connection of pre-existing, established development served by on-site water and/or sewer utilities to City services in areas where such services are available. The pilot program shall consider and evaluate (at a minimum) the following incentives:

- i. A possible reduction in system connection charges based on the type of system.
- ii. Extended financing terms for the payment of system connection charges and/or the establishment of a revolving loan program to address material and labor costs directly associated with making the connection.
- iii. The establishment of jurisdictionally initiated and administered local improvement districts.

Applicable grant funding sources to support these and other activities shall be evaluated by both the City and the County and, where appropriate jointly applied for.

Section 15

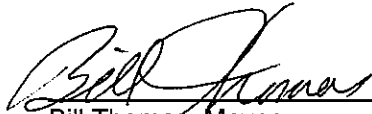
The City agrees to provide the County maps in a mutually agreeable format which describe existing or planned City sewer and water utilities. The City agrees to update such maps within sixty (60) days of an amendment to the City of Sequim 6-year Capital Facilities Plan, or after installation of new water and sewer lines.

Section 16

The County and City agree to adopt development regulations necessary to implement this interlocal agreement.

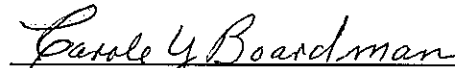
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The City of Sequim

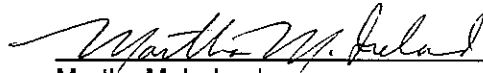


Bill Thomas, Mayor
on behalf of the City Council
Date: 4/ - April 13, 1998

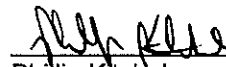
Board of Clallam County Commissioners



Carole Y. Boardman, Chair
Date: 3-23, 1998



Martha M. Ireland
Date: 3-23, 1998

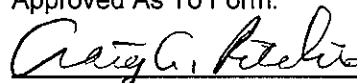


Phillip Kitchel
Date: 3-23, 1998

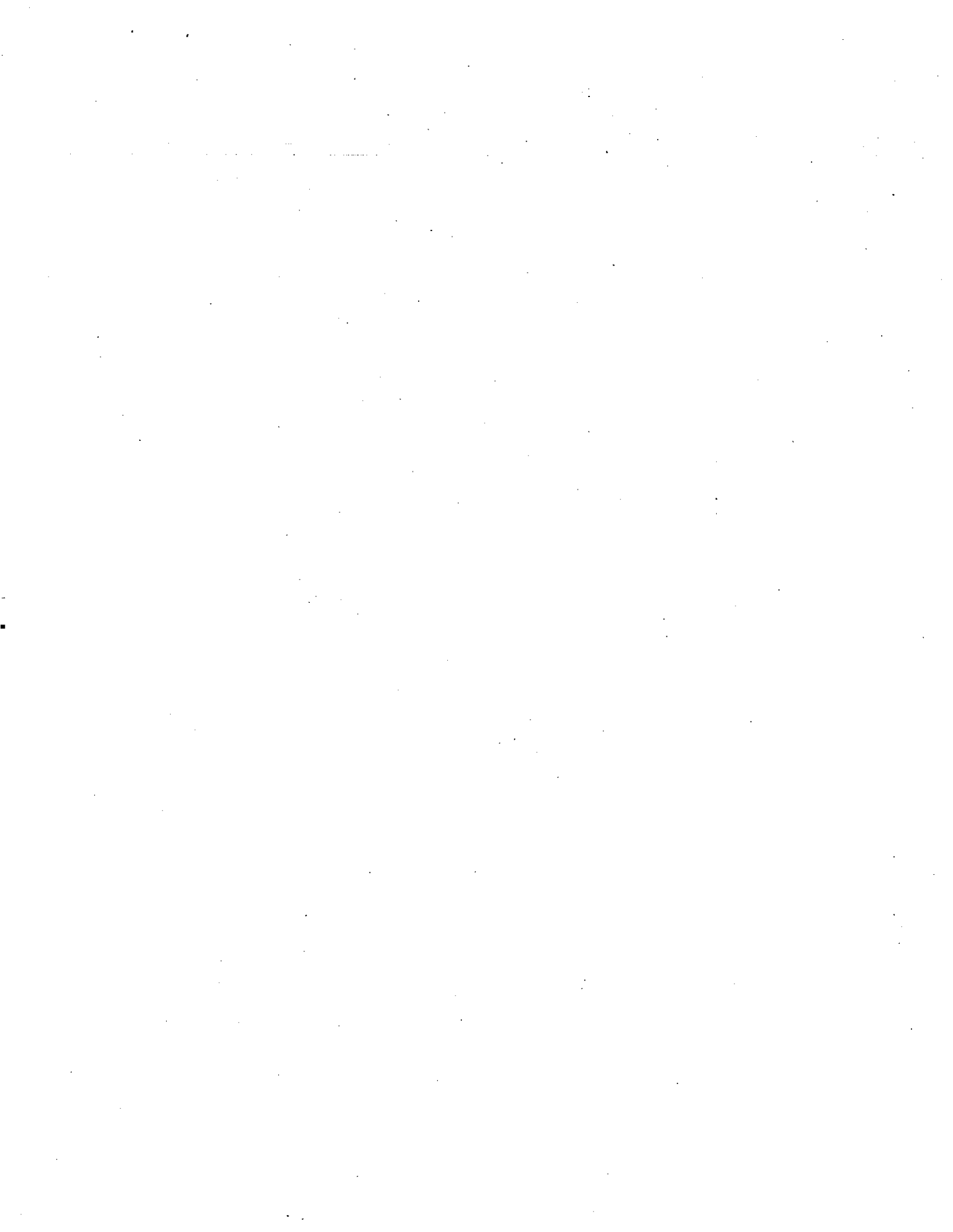
ATTEST:



Karen Flores
Clerk of the Board

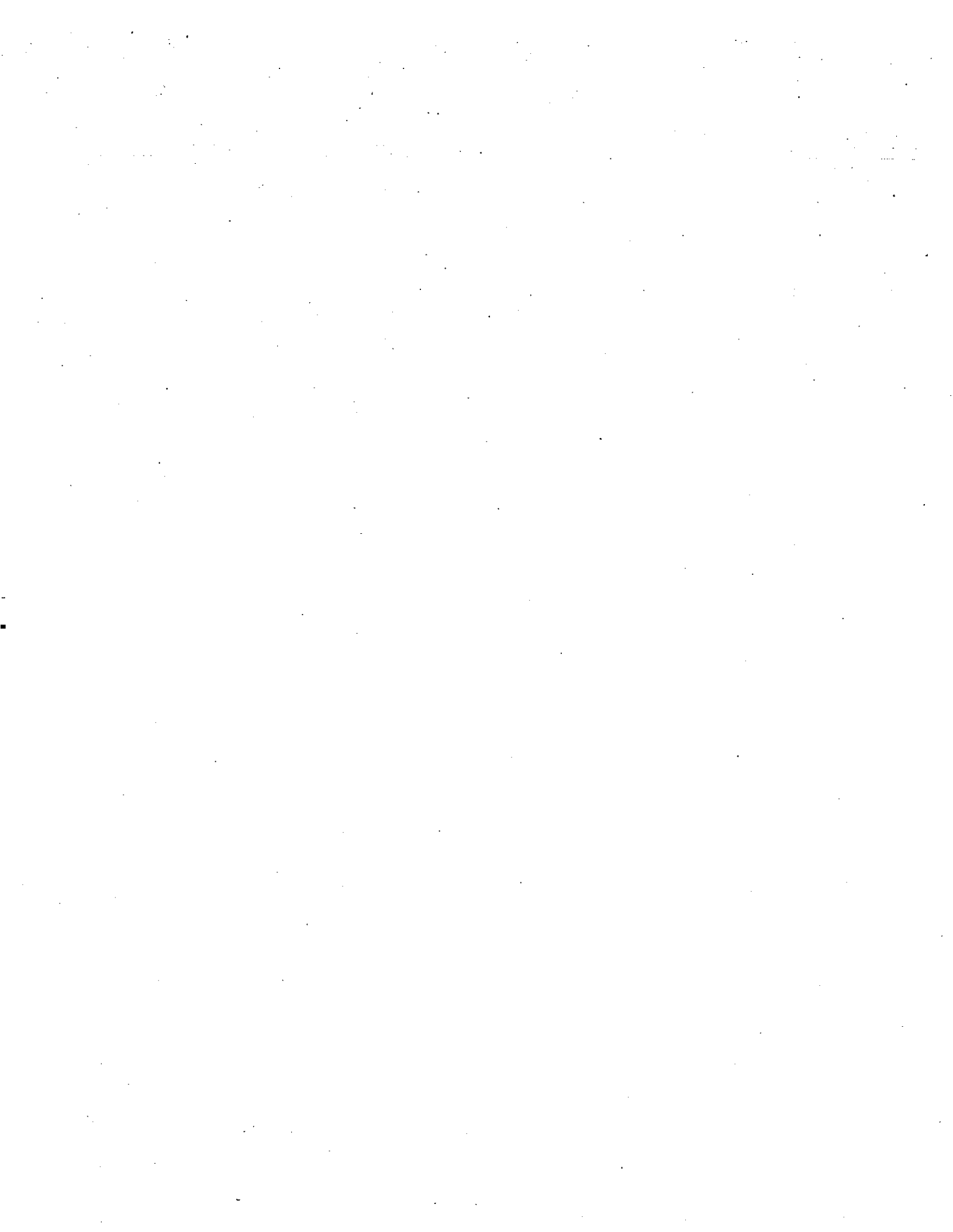
Approved As To Form:


City Attorney
Date: April 13, 1998



ATTACHMENT A

**Clallam County/City of Sequim
Service Extension Review Process (SERP)**



Clallam County - City of Sequim Service Extension Review Process

Section 1 **Purpose:** The purpose of this Service and Extension Review Process (SERP) is to set forth an agreement between Clallam County and the City of Sequim on the provisions for sewer and water services within the unincorporated areas of the Sequim Urban Growth Area. The intent of the SERP is to ensure that adequate public facilities for potable water and wastewater treatment are provided in an efficient and coordinated manner within the Sequim Urban Growth Area.

Section 2 **Applicability and Process.** The SERP contains the requirements for the provision of municipal and non-municipal sewer and water utilities within the unincorporated Sequim Urban Growth Area. All development which requires a Clallam County permit or approval of sewage disposal and/or water supply utilities shall comply with the provisions of this SERP. The City of Sequim and Clallam County shall provide the public reference information (e.g., flowcharts) and amend development application procedures as necessary to facilitate the SERP.

Section 3 **Definitions.**

Accessory Dwelling Unit. A separate dwelling unit within a single family dwelling or a separate structure associated with a single family dwelling which is incidental and subordinate to the primary use of the property [CCC 33.03.010 (1)].

Administrator. The director of the Department of Community Development of Clallam County or his/her designee.

Available Municipal Utility, Sewer Utility, Water Utility. An existing municipal sewer and/or water utility main located within two hundred (200) feet of a property line or approved dryline utility, as measured along the public right-of-way or any public easement granted to municipal utilities, at the time of receipt by Clallam County of a complete application. Privately-owned utility connections to a municipal sewer and/or water public utility main are not considered available municipal utilities.

Community On-Site Sewage Disposal System. An on-site sewage disposal system as defined under Chapter 246-272 WAC, that serves two or more dwelling units.

Connection. The physical linking or "hook-up" of municipal sewer and/or water services to a subject use or property. Connection includes all buildings, habitable structures, plumbing outlets, and domestic water lines requiring municipal sewer and/or water services.

Development. For the purposes of the SERP, development means any activity located within the unincorporated Sequim Urban Growth Area which requires a permit or approval of existing or new sewage disposal and/or water supply utilities from Clallam County, including, but not limited to, land divisions, building permits, and on-site sewage permits.

Dryline Utilities. Dryline utilities includes any of a number of methods of installing utilities at the time of development for connection to a municipal distribution system at a later time.

Duplex. Two dwelling units having a common roof. [CCC 33.03.010(20)]

Dwelling Unit. Any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements. [CCC 33.03.010(21)]

Effective Date. Ten (10) calendar days following the date Clallam County and the City of Sequim adopt the Interlocal Agreement and the Service Extension Review Process (SERP).

Existing Municipal Utility. An installed municipal water or sewer main located in the public right-of-way or public utility easement that is available for connection.

Final Plat. As set forth under Title 29 Clallam County Code.

Group Home. A facility licensed by the state which is located in a single building utilized for the full-time shelter and care of a group of unrelated people.

Land Divisions. Any applications for division of land which is subject to the Clallam County Land Division Code, Title 29, Clallam County Code, including a subdivision, Planned Unit Development, Binding Site Plan, short subdivision, or large lot subdivision.

Lot, Parcel, Tract. A lot, parcel or tract shall be an ownership of land in which the boundary is defined by a deed recorded in the County Auditor's Office and assigned a tax parcel number by the County Assessor; or a lot which has been defined by a survey recorded pursuant to Washington State surveying or platting laws and is assigned a tax parcel number by the County Assessor; or parcels recognized by resolution of the Board of County Commissioners adopted prior to the effective date of the SERP.

Municipal Services or Utilities. Sewer and water services provided by the City of Sequim. For the purposes of the SERP, municipal water services may also include the Evergreen Public Utility District water system or other public water systems that have entered into an Urban Growth Area Service Agreement with the City of Sequim.

Multiple-Family Dwelling. A building containing two or more dwelling units. For the purposes of this SERP, a group home is considered to be a multiple-family dwelling when it is occupied by thirteen or more residents, including resident staff.

Non-Municipal Utilities. Sewer and water services not defined as municipal services or utilities. Non-municipal utilities include on-site sewage systems, community on-site sewage systems, individual water supply wells, and public water systems.

Planned Municipal Utility. Are those future municipal sewer and water utilities identified and mapped in the current version of the City of Sequim wastewater and water service plans.

Pre-existing Lot. Any lot, parcel or tract established prior to the effective date of the SERP.

Public Water System. As defined and referenced under WAC 246-290-020

Residential use. For the purposes of the SERP, residential uses shall mean single-family, multi-family, and accessory dwelling units.

SERP. The Service Extension Review Process (SERP) jointly adopted by the City of Sequim and Clallam County for the provision of sewage disposal and water within the unincorporated Sequim Urban Growth Area.

Single-Family Dwelling. A dwelling unit detached from any other dwelling unit and intended for occupation by one family and including accessory improvements and uses. This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit [CCC 33.03.010 (68)]. For the purposes of this SERP, a group home is considered to be a single-family dwelling when it is occupied by twelve (12) or fewer residents, including resident staff.

STEP System - A Septic Tank Effluent Pump (STEP) system consisting of a tank or tanks for settling and digesting wastewater solids and a pressure piping system for conveying the supernatant liquid into the municipal sewer system. STEP systems permit only sanitary wastewater to be discharged into the tank. Roof drains and other stormwater sources shall be strictly excluded.

Urban Growth Area Service Agreement. An agreement between the City and a private utility provider which establishes a defined geographic service area within the boundaries of the urban growth area. The private utility provider agrees to serve upon request by the individual property owners all parcels located within this area. The boundaries of the agreed upon service area may be located outside of the boundaries of an approved development, provided that appropriate water rights and approvals are obtained. The Urban Growth Area Service Agreement may be for sewer and/or water service.

Utilities - Private and municipal water and sewage disposal systems located within the Sequim Urban Growth Area.

Section 4

Development Exempt from Municipal Connection. The County and City agree that connection to municipal water and/or sewer utilities shall not be required for the types of development listed below; PROVIDED that such development is otherwise consistent with the provisions of the SERP and all other applicable County and State regulations. Development exempt from municipal service connection may request municipal services to comply with County and State requirements for sewage disposal and potable water. The County shall consider connection to municipal services to comply with public health and sanitation requirements.

- i. Development not requiring approval of water supply and sewage disposal systems.
- ii. One individual, detached single-family or duplex residential dwelling on a lot that is one (1) acre or greater.
- iii. Any development that was connected to and served by a non-municipal utility prior to the effective date.
- iv. Non-municipal water utilities that are used solely for agricultural or non-human consumption.
- v. Any development issued an applicable and valid building permit prior to the effective date; provided that the permit remains applicable and valid pursuant to the Clallam County Building Code, Chapter 21.01 C.C.C; provided further, that this exemption does not apply to any lot required to be served by a municipal utility as a condition of

preliminary or final plat approval pursuant to the Clallam County Land Division Code, Title 29 C.C.C.

- vi. Any development on a pre-existing lot that will be served by a public water system where such service was approved for such development as a condition of final plat approval shall not be required to connect to municipal water services.
- vii. Any development on a pre-existing lot that will be served by a community on-site sewage system where such service was approved for such development as a condition of final plat approval shall not be required to connect to municipal sewer services.
- viii. Accessory dwelling units allowed under the Clallam County Zoning Code, Title 33, Clallam County Code, on lots one (1) acre or larger, except where the primary residential use on the lot is connected or required to connect to municipal utilities under the SERP.
- ix. Home enterprises and home based businesses permitted under the Clallam County Zoning Code, Title 33, Clallam County Code, that do not require potable water and sewage disposal beyond what could be normally expected of a single-family residence, except where the primary residential use on the property is connected or required to connect to municipal utilities under the SERP.
- x. Any expansion, remodeling, or reconstruction activity of an existing structure or use that does not involve drilling of a new well or cause wastewater flows to exceed the treatment or disposal capability of the existing on-site sewage system.
- xi. Development on pre-existing lots of record approved for connection to non-municipal utilities for a period of five years from the date of final plat approval.

Section 5

Land Divisions (New Lots). Clallam County agrees to process and condition applications for land divisions that are accepted as complete on or after the effective date as follows:

- A. Non-Residential Lot. Any lot where the planned use of the lot is for a commercial, industrial, or other non-residential use shall be connected to municipal sewer and water utilities prior to final plat approval. A note shall be placed on the face of the plat that indicates what municipal services are provided and that all future development requiring such services shall be required to connect to such services prior to development approval.
- B. Multi-Family Residential Lot. Any lot where the planned use of the lot is for a multi-family dwelling shall be connected to municipal sewer and water utilities prior to final plat approval. A note shall be placed on the face of the plat that indicates what municipal services are provided and that all future development requiring such services shall be required to connect to such services prior to development approval.
- C. Single-Family Residential Lot Less Than 1/2 Acre. Any lot less than one-half (1/2) acre where the planned use of the lot is for a single-family dwelling shall be connected to municipal sewer and water utilities prior to final plat approval. A note shall be placed on the face of the plat that indicates what municipal services are provided and that all future development requiring such services shall be required to connect to such services prior to development approval.

- D. Single-Family Residential Lot Between 1/2 and 1 Acre. Any lot between one-half (1/2) acre and one (1) acre where the planned use of the lot is for a single-family dwelling shall be connected to municipal sewer and water utilities prior to final plat approval. Land divisions that are not located within two hundred (200) feet of an available municipal utility, may be approved without connection to municipal utilities provided that all of the following criteria are met prior to final plat approval:
- i. The County Health Official determines that the use of non-municipal utilities complies with all County and State requirements pertaining to sewage disposal and potable water.
 - ii. Non-municipal utilities are otherwise provided consistent with the SERP.
 - iii. A dry sanitary sewer main and water main is installed within the land division and side line sewer and water mains are provided to any lot between one-half (1/2) acre and one (1) acre. Common utility facilities associated with a public water system or community on-site sewage system shall be allowed in lieu of dryline utilities where such facilities meet the same design requirements for municipal utilities.
 - iv. Any lot less than one (1) acre shall connect to municipal utilities within one (1) year of notification by the City of Sequim that an existing municipal sewer and/or water utility is determined to be available as defined in Section 3. A note shall be placed on the face of the plat that cites which lots are subject to connection and which states the requirements for future connection when municipal services become available. Connection shall not be required where water services are provided by a public water system that is otherwise consistent with the SERP.
- E. Single-Family Residential Lot 1 Acre or Greater. Any lot that is one (1) acre or greater where the planned use of the lot is for a single-family dwelling must obtain approval from the County Health Officer that the lot has met all State and County requirements pertaining to sewage disposal and potable water. Connection to municipal utilities is not required. Lots connected to municipal services shall be considered to comply with all State and County requirements pertaining to sewage disposal and potable water.

Any lot not connected to municipal utilities shall demonstrate that adequate accommodations have been provided for the future provision of municipal utilities. Accommodations for the future provision of municipal utilities may be demonstrated by one or more of the following methods: 1) extension of municipal services to the property line; 2) provision of dryline utilities; and/or 3) provision of municipal utility easements and right-of-ways. Notice shall be recorded on the face of the plat as follows:

All lots [or specify individual lot numbers] shown on this [specify land division type (e.g., short plat)] have not been required to connect to [specify applicable municipal utilities]. Future development or subdivision of this property may require the provision of municipal sanitary sewer and/or domestic water services. For information on municipal utility connection standards, contact the City of Sequim for lots located within the city limits and the Clallam County Department of Community Development for lots located outside of the Sequim city limits.

- Section 6 Individual Lot Development (Pre-Existing Lot).** Unless exempted under Section 4 of the SERP, Clallam County agrees to require provisions for connection to municipal services consistent with this Section for the following types of development on a pre-existing lot of record:
- i. Non-residential development;
 - ii. Multi-family residential development consisting of a total of three (3) or more dwelling units; and
 - iii. Single-family and associated accessory dwelling unit (if applicable) and duplex residential development on lots less than one (1) acre.
- A. **Available Municipal Utility.** Where the municipal utility is an available municipal utility, connection to such utility shall be required prior to final approval of the development by Clallam County.
- B. **Municipal Utility Not Available.** Where the municipal utility is not available, the provision for connection shall be met by either:
- i. extension of and connection to municipal utilities prior to final approval of the development by Clallam County; or
 - ii. Installation of non-municipal utilities that are otherwise consistent with the provisions of the SERP; provided that, connection shall be required within one (1) year of notification by the City of Sequim that an existing municipal sewer and/or water utility is determined to be available as defined in Section 3.
- Section 7 Individual Lot Development (New Lot).** Development on any lot created after the effective date shall provide for connection to available municipal utilities as conditioned at the time the lot was legally established under the Clallam County Land Division Code, Title 29, Clallam County Code, or as otherwise required under the SERP.
- Section 8 STEP Systems.** Existing or new development required to connect to a municipal sewer utility, may be permitted to establish a Septic Tank Effluent Pump (STEP) wastewater system in lieu of conventional connection where consistent with the other provisions of the SERP and the below standards:
- i. The STEP system shall consist of a tank or tanks for settling and digesting wastewater solids, and a pressure piping system for conveying the supernatant liquid into the City of Sequim sewer system.
 - ii. The STEP system shall only allow sanitary wastewater to be discharged into the tank. Roof drains and other stormwater sources shall be prohibited.
 - iii. Property owners will be responsible for the maintenance of all laterals and side (or building) sewer lines associated with STEP systems.
- Section 9 Non-Municipal Utilities.** Non-municipal utilities shall comply with all applicable state and local regulations. In addition, non-municipal utilities shall meet the following requirements:
- i. Existing public water systems and/or community on-site sewage disposal systems shall not be allowed to expand their services to lots less than one (1) acre unless

such connection was approved prior to the effective date of the SERP by Clallam County and/or through an Urban Growth Area Service Area Agreement between the service provider and the City of Sequim, and such connection is otherwise consistent with the SERP.

- ii. Extension of services by existent public water systems and/or community on-site sewage disposal systems will be reviewed to ensure that all applicable state and local regulations have been met, and that no extension of a non-municipal service by an existing non-municipal utility creates an "unservable" condition within the Sequim Urban Growth Area.
- iii. Non-municipal sewage utilities allowed to serve development not otherwise exempted from connection under the SERP Agreement shall be designed and installed to be able to connect in the future to municipal sewer utilities. This may include drylining utilities for future connection or the provision of a STEP system.
- iv. New, non-municipal utilities shall not be located within two hundred (200) feet of the property boundary of a designated municipal wellfield area as identified on the current wellfield area map of the municipal provider.
- v. Non-municipal utilities that provide service to more than fifteen (15) connections that propose to extend services shall enter into an Urban Growth Area Service agreement between Clallam County and the City of Sequim. The Urban Growth Area Service Agreement shall be consistent with the guidelines and policies for such agreements under the Clallam County County-Wide Planning Policies, dated June 30, 1992, as amended.
- vi. Accessory dwelling units must be connected to the same sewer and water utility as the primary residential unit on lots that are less than one (1) acre in size.
- vii. Single-family and duplex residential development established after the effective date of the SERP on lots which are one (1) acre or greater shall provide for connection to municipal utilities consistent with this SERP when such lots are redivided pursuant to the Clallam County Land Division Code, Title 29 C.C.C. to less than one (1) acre.
- viii. Development served by a failing non-municipal sewage system shall connect to an existing municipal sewer utility in accordance with the Clallam County Health Rules, C.C.H.R. 4.040 and WAC 246-272-07001, as amended. The determination of whether an on-site sewage system is failing shall be made by the County based on the definition of failure, as amended, under the State On-Site Sewage System Rules, Chapter 246-272 WAC.

Section 10 **Connection and Design Standards.** All facilities intended to be connected to a municipal utility, including dryline utilities and STEP systems, shall be designed, installed, connected, and inspected as required by the municipal service provider.

Section 11 **Waivers.** The Administrator reserves the right to waive connection requirements to municipal services for lots created prior to the effective date of the SERP which are encumbered by topographic, environmental, and/or significant technical limitations associated with the provision of services which would require the construction of facilities which are disproportionate in size and capacity to the proposed scale of development. Waivers shall not be granted in cases where failure to provide municipal utilities would have a probable adverse environmental impact.

The Administrator shall only grant waivers based on adoption of appropriate findings and conclusions. Waivers cannot be granted unless jointly agreed upon by Clallam County and the City of Sequim.

Examples of circumstances supporting the granting of a waiver may include, but shall not be limited to, the unavoidable crossing of environmentally sensitive areas such as a wetland, or the provision of services in an area containing significant topographic variations which would require major improvements such as a municipal lift station with an ultimate service area of less than 10 connections, and/or connections which would require extensive revisions to existing infrastructure.

Section 12 Administration. The County and City shall jointly review development subject to this SERP Agreement consistent with the development review process adopted under Section 7 of the County/City Interlocal Agreement that adopts this SERP by reference. As part of this development review process, the City shall determine whether extension of municipal services is required subject to the SERP. Where connection to municipal sewer and water services is required, the written determination shall include a statement for service commitment from the City of Sequim. The SERP standards shall be included by Clallam County as a condition of approval of the underlying development application.

Section 13 Utility Connection and User Fees. Utility connection and user fees shall be established by the appropriate municipal provider.