

BOARD OF MASON COUNTY COMMISSIONERS' PROCEEDINGS

January 10, 2012

1. Call to Order – The Chairperson called the regular meeting to order at 9:00 a.m.
2. Pledge of Allegiance – Tom Davis led the flag salute.
3. Roll Call – Present: Commissioner District 1 - Lynda Ring Erickson; Commissioner District 2 – Tim Sheldon; Commissioner District 3 – Steve Bloomfield.
4. Correspondence and Organizational Business
 - 4.1 Correspondence - None.
 - 4.2 Cmmr. Bloomfield read a news release announcing that Mason County is seeking general tourism management Lodging Tax grant applications.
 - 4.3 Barbara Adkins, Department of Community Development, read a news release announcing that the Commissioners would hold a public hearing to consider participation in the Voluntary Stewardship Program.
 - 4.4 Cmmr. Ring Erickson read a proclamation declaring January 21, 2012 as Cassandra Hoffman day in Mason County.
5. Open Forum for Citizen Input –
 - 5.1 John Gunter noted that there was currently no agenda for the fifth Tuesday meeting in Belfair. He suggested that the Belfair Urban Growth Area advisory committee could be added as a topic for discussion.
 - 5.2 Tom Davis discussed the citizen advisory committees. He encouraged the Board not to limit citizens to just one committee. He also encouraged the Commissioners to look again at the League of Women Voters' recommendations regarding the committees. He would like to see the website updated to show all of the committees and membership.

Cmmr. Ring Erickson noted that she did not spearhead the idea of having one committee per person. The Board had discussed it for years. She supported the decision and wanted to let people know about it to be fair and consistent.

Cmmr. Sheldon agreed that citizens should only serve on one committee at a time. He noted that geographic location was one of the considerations to ensure equal representation of all of the areas.

Cmmr. Bloomfield also thought there needed to be a clear policy and encouraged citizen participation on the committees.
6. Adoption of Agenda - **Cmmr. Sheldon/Bloomfield moved and seconded to adopt the agenda as published. Motion carried unanimously. RE-aye; S-aye; B-aye.**
7. Approval of Minutes – December 6, 2011 and December 20, 2011 regular meeting minutes and December 12, 2011 briefing meeting minutes.

Cmmr. Bloomfield/Sheldon moved and seconded to approve the December 6, 2011 and December 20, 2011 regular meeting minutes and December 12, 2011 briefing meeting minutes. Motion carried unanimously. RE-aye; S-aye; B-aye.

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8. Approval of Action Agenda:

- 8.1 Approval to accept the bid received from Contech Construction Products of Portland, Oregon for culvert items #1, #3, and #4, for a total of \$19,699.53 including sales tax, and the bid received from Pacific Corrugated Pipe of Eugene Oregon for culvert items #2, #5, #6, #7, #8 and #9, for a total of \$28,815.67 including sales tax. Total cost of all culvert supplies is \$48,515.20.
- 8.2 Approval of Coordinated Prevention Grant Agreement G1200321 between Department of Ecology and Mason County Public Health. This provides revenue to support the Mason County solid waste program and is for \$138,885.33 of which \$34,721.33 is a required local match. The matching amount of this contract is already secured and no County General Funds will be used.
- 8.3 Approval of Consolidated Contract C16893 between Washington State Department of Health and Mason County for a total of \$370,964.
- 8.4 Approval of the professional services contract between Mason County and Patti Sells for services related to the Mason County Homeless Plan and the annual mandated Homeless Count.
- 8.5 Approval of the Memorandum of Agreement Appendix A between Mason County and Washington State University Extension that provides funding for WSU Extension to provide programs in Mason County based upon the 2012 budget in the amount of \$127,363.
- 8.6 Approval of the Veterans Assistance Fund application for: Elroy J. VanAlstine, Jr. – Utilities \$217.55; Dennis A. Clark – Utilities \$260.88; Nolan D. Roach – Food \$150.00 for a total of \$628.43 as recommended by the Veterans Assistance Fund Screening Committee.
- 8.7 Approval of negotiated Memorandum of Agreement between Mason County and the Mason County Engineers' Guild, increasing the employer contribution towards employee health insurance up to \$900 per month, effective January 1, 2012, and no general wage increase during 2012.
- 8.8 Approval of Warrants
- | | | |
|----------------------|--------------------------|----------------|
| Claims Clearing Fund | Warrant #s 196200-197226 | \$3,445,143.81 |
| Salary Clearing Fund | Warrant #s 5344-5428 | \$ 538,845.45 |
| Direct Deposit Fund | Deposit #s 34520-35239 | \$1,170,780.95 |
- 8.9 Approval to call for bids and authorize the Utilities & Waste Management Department to award the bid for the Belfair Sanitary Sewer Lateral Improvements County Hook Up Program – Group #2. This is for construction of lateral side sewers for 17 residential and commercial properties to the Belfair Sewer System. The bid opening date will be Wednesday, February 1, 2012 at 3 p.m. and the bid award will be announced a regular Commission meeting.
- 8.10 Approval to set a public hearing for January 17, 2012 at 9:30 a.m. to consider a electing to participate in the Voluntary Stewardship Program for protection of critical areas as adopted under RCW 36.70a.705.

Cmmr. Sheldon commented on item 8.4. He noted that there was over \$100,000 in the homelessness prevention fund. He wanted to see the money spent to help with homelessness.

Vicki Kirkpatrick, Public Health, explained that the process had begun with the Mason County Housing Coalition to look at the requests for funding. The review process was finishing up and more allocations would come up by the end of the month.

Cmmr. Sheldon wanted to see the money go out of the fund more quickly.

Ms. Kirkpatrick stated that the Housing Coalition had made a deliberate decision to maintain some reserve funding to fund requests that come in later in the year.

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Bob Harris had asked if there would be three groups for the connection program in item 8.9.

Tom Moore, Utilities & Waste Management, explained that there might be more than three groups as sewer lines are installed, providing that there is enough money.

Cmmr. Sheldon/Bloomfield moved and seconded to approve Action items 8.1 through 8.10. Motion carried unanimously. RE-aye; S-aye; B-aye.

9. 9:30 a.m. Public Hearings and Items Set for a Certain Time –

- 9.1 Public hearing continued from December 20, 2011 to consider the final sewer regulations and establish the monthly sewer charge at \$96 per Equivalent Residential Unit (ERU) for the Belfair Sewer.

John Cunningham, Utilities and Waste Management, explained that the resolution before the Board was same that had been out for public review since December 27th. The changes since the December 20th meeting were highlighted. He mentioned that at the December 20th meeting there was a woman concerned that she had not received notice of the sewer. He worked with her and found that she was in phase two so she was not affected at the moment. He gave an update on the connection fees. There have been 149 accounts established so far, representing 310.9 ERUs. Just over \$858,000 in connection fees had been paid. He noted that one of the proposed changes in the code would be to extend the lesser connection charge to the end of January 2012. There also have been some concerns about the "whereas" statements in the resolution. He compared the statements to those that were adopted the interim code and they were the same. He explained that if the Commissioners adopted the resolution, the first bills would go out in early February. Staff recommended that the Commissioners take testimony, close the hearing and adopt the resolution.

Gordon Wilson, FCS Group, went over the changes in the resolution from the December 20th version. One change had to do with the connection requirement. It was changed to be consistent with the existing Mason County Code 17.03.030. It now states that all new development within the Belfair UGA must connect to the sewer. The potential exemption from the connection was removed because it conflicted with current code. The deadline was also changed for the \$3,000 reduced rate to January 31, 2012. There were also deadline extensions for the get connected areas. It would apply to properties that were newly within the 500 feet. The initial connection period at the \$3,000 rate for those properties was extended to the end of April. There was also a case-by-case deadline extension for existing structures. The \$3,000 rate could be extended, but not beyond the connection period. It would be at the discretion of the Director.

He explained that the other changes referred to the low-pressure areas that required grinder pumps. There is now a table that shows the division of responsibilities between the property owners and the County. There is a paragraph in that section that would allow the County to enter into maintenance agreements with small commercial owners. It would be at the discretion of the Director and under certain conditions. The property owner could be charged for time and materials spent by the County if the County needed to recover costs.

He stated that there was also an area regarding sewer building permit fees that was changed. The fee was identified as \$150 for single family residential. Commercial and multi-family would be \$75 per hour, plus out of pocket costs, with a \$150 minimum. Existing structures would not pay the permit fees. There was also a sewer design permit fee added at \$75 per hour, plus out of pocket costs, with a \$150 minimum. If the County repaired a

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grinder pump that was the responsibility of the property owner there would be the same charge. The charges have the effect of putting off the cost burdens that are specific to a property owner. It is to reduce the effect on rates over time.

He noted that there was also a change in the tentative ERU procedure. After twelve months of valid water data the true ERU could either go up or down. If it was determined to be less, the additional rates and connection fee would be refunded, plus interest. If it were determined to be higher, the property owner would pay the change. The other change was that if a property went vacant the sewer charge could go down to the minimum level. Language was added regarding changes in vacancy, but there would need to be timely notification to qualify.

Questions for Staff

Cmmr. Sheldon asked if the definition of development could be added. He didn't agree that any new development in the UGA should have to connect.

Mr. Cunningham understood that the current development code for the Belfair UGA already had that requirement.

Cmmr. Sheldon noted that if the sewer wasn't available it would affect the property. He wanted to know if both codes could be altered so no one would be precluded from development.

Cmmr. Ring Erickson agreed that text should be developed to clarify that people are required to connect when sewer becomes available.

Mr. Wilson explained that the intent wasn't a policy recommendation. It was just making the codes consistent. If the Board wanted the change they would have to change both codes.

Mr. Cunningham added that allowing exemptions put the sewer code in conflict with the development code. The code also says that the strictest code prevails. They would need to work with Community Development to come up with a pair of code revisions that would take care of the issue.

Cmmr. Ring Erickson asked if language code be added to the resolution today and then the development code could be revised at a later time.

Mr. Cunningham wasn't sure if it would affect other parts of the sewer code.

Mr. Wilson thought it would be better to set a target date for the development code changes.

Cmmr. Ring Erickson wanted to know how to change the text so it could be voted on today.

Cmmr. Sheldon suggested that Ms. Adkins could come up with something to harmonize the codes.

Ms. Adkins explained that the zoning regulations were adopted to bring the County into compliance with GMA. She didn't know how she could craft the language to allow development before the sewer when it is specifically disallowed. It is in essence a moratorium on development.

Cmmr. Sheldon asked how Rite Aid and other new businesses were able to develop with holding tanks.

Mr. Moore noted that they applied prior to the code.

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Mr. Wilson explained that the resolution was just the taking existing code that was already in effect.

Cmmr. Ring Erickson asked if it was the only option available under the current Growth Management decisions.

Ms. Adkins replied that it could be addressed at a later time to see if it would work. They were just making the codes compatible.

Cmmr. Sheldon didn't want a situation that created a moratorium.

Mr. Gunter asked if there was a local advisory committee that the consultants met with before writing the code.

Mr. Cunningham replied that there was not.

Mr. Gunter asked if the possibly of connection only when current septic systems fail was in the code.

Mr. Cunningham answered that the current code requires that any existing development within 500 feet must connect.

Randy Neatherlin asked if forced easements were addressed in the resolution.

Mr. Cunningham explained that there was nothing in the code that provided an exemption for a property that had another property between itself and the sewer.

Mr. Neatherlin asked how the situation would be addressed.

Mr. Cunningham stated that the County couldn't compel a private property owner to allow an easement.

Mr. Wilson agreed that it could be one of the things to be considered if the County chose to revise the development code that requires the connection. It is the same situation.

Mr. Harris asked if all new development would have to pay to have the sewer extended to them.

Mr. Wilson responded that that was correct under the current development code.

Mr. Harris asked if the development code would be looked at and changed.

Cmmr. Ring Erickson replied that the Commissioners would have to look at the development code and the Growth Management hearing orders to find out what could be done.

Mr. Harris asked if a large development could put in holding tanks and pay for the sewer assessment, and then connect when the County extended the sewer.

Mr. Cunningham stated that it would have to be part of the development code discussion. He noted that it was done that way in other municipalities.

Cmmr. Ring Erickson asked if that was the understanding with Rite Aid and Harrison.

Mr. Moore stated that was correct, but that window of opportunity would close with the adoption of the sewer code.

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Mr. Wilson added that there are a variety of ways to deal with the extension development that are not addressed in the current resolution.

Rob Drexler asked if the new fees apply to all of the UGA.

Mr. Wilson answered that they do, although it is waived for any existing properties.

Arla Shepard asked for a clarification of the case-by-case deadline extension.

Mr. Wilson replied it could not be extended past March 15th.

Public Testimony

Doug White testified that he owns in a lot in Clifton Ridge that is under a development moratorium. He wanted to know if the code could be changed. He wanted to build soon and he hoped something could be done. He talked to the Director of Growth Management Services for the State and asked if it was their intent to have something like this happen. The Director said no and noted that the same thing happened in Thurston County. Thurston County came up with a solution to allow a septic system while still locking in the hook up to the sewer system. He thought it was the common sense thing to do. The other option was to change the boundaries of the UGA. He hoped that effort was still going forward.

John Gunter addressed the issue of the 500 foot connection requirement. He noted that other counties and State law require a 200 foot connection. He provided a handout showing other jurisdictions' connection requirements. He didn't think the County wanted to give the impression of being extortionists. He thought Title 17 needed to change. He had heard that the 500 foot connection was an arbitrary number. He wanted to make it clear from all of the codes he read that not everyone requires a hook up. Several counties allow hook up upon the failure of a septic.

Alisha Harrison spoke on behalf of the Advocates for Responsible Government. They appreciated the changes thus far but they still had several questions. She provided the list of questions and written testimony for the record. They requested that the vote on the resolution be delayed until a public advisory committee was established to review the resolution. She noted that the Advocates for Responsible Government would hold Mason County fiscally responsible for any future costs associated with the planning of the sewer.

Bob Harris commented on the commercial ERU section. He wanted a better definition of a minimum ERU for vacant commercial buildings. He suggested that an administrative fee be added instead of a minimum ERU. He also discussed the enforcement section. He stated that it refers to Case Inlet's enforcement. It bothered him that a person could be subject to a lien on their property, foreclosure, fines and imprisonment if they didn't pay their sewer bill or hook up charge. He asked that the adoption of the ordinance be postponed until that section could be clarified. He would like to see the section included as a whole instead of just a reference to Case Inlet's code.

Jack Johnson thought that the 500 foot connection should be changed to 200 feet. He discussed the planning goals of the Growth Management Act. He noted that none of the goals require the connection of sewer or would support a moratorium of development. He asked the Board to consider appealing the GMA Board to do what is right for the citizens in the Belfair Urban Growth Area.

Randy Neatherlin stated that the community was uniting over the sewer and he doesn't want to see the Board end up with a bad legacy. If the development code were changed the sewer code would need to be changed too, so he thought it needed to be changed now. He understood that the Board needed to make the decisions but the citizens were also involved and studying the issue. There is debt that has to

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be paid for but there are other ways to do it. He hoped the citizens could have some input because the liability issues could affect the county as a whole. He thought there was an issue of something being taken without just compensation. There were constituents with land taken from them without authorizations or easements. Some easements were allowed under duress, which was also a problem. He thought it could be a class action lawsuit. He wanted the Board to consider the constituents that were already present, not future constituents. He urged the Board to postpone action until an advisory board could be put together. He also thanked the Board for addressing the moratorium issue.

Cmmr. Sheldon thought that there had been a lot of difficulty working through the issue in the community and with the Commission. The primary driver in working through the Growth Management issues was to get in compliance with the Growth Management Act. The County was challenged by environmental groups and the current development regulations were what was negotiated. It happened at a time when people thought that Hood Canal was polluted. That issue was debated and it was found that some of the issues at Hood Canal were due to natural occurrences. It also took place at a time when Mason County was growing quickly. The County worked through the GMA issues and created a large UGA and then the recession happened. It all took place when people were concerned about too much development and now everyone is working to encourage development. He was reluctant to vote for the sewer ordinance until the development requirements were also changed. He didn't want to create conflicting regulations that need to be corrected later on. He asked what the downside would be to waiting to harmonize the two codes. He didn't think the Growth Management Board would object in this economy.

Ms. Adkins explained that the Planning Advisory Committee would have to meet to consider the changes. The revisions wouldn't be sent to the Growth Management Hearings Board, but they would be advertised and subject challenge by the same group that challenged the County before. She agreed that the development code was adopted in a more lucrative time and there could be a different perspective on the regulations now.

Mr. Cunningham commented that the way that the sewer code was currently proposed was in harmony with the development code. It was the development code that didn't say what people wanted it to say. He noted that people were hooking up to the sewer in the next week and there needed to be a mechanism to charge those who connect their monthly sewer rate. There was nothing in the interim ordinance for monthly charges.

Cmmr. Bloomfield agreed that both codes needed to be brought together to be correct. The corrections had to happen to get the County out of the recession. He wanted to find a mechanism to allow development to happen.

Cmmr. Sheldon thought the sewer regulations could be passed with a correction to 13.31.030 under new development to read: *Pursuant to Mason County Ordinance No. 91-07 and Section 17.03.030, all new development located within the Belfair UGA on property within 500 feet of the alignment of the Belfair wastewater reclamation facility's pipeline shall be connected to public sewer facilities.* It would treat new development the same as existing development. A date could then be set to look at changes to the development code and the idea to change the connection to 200 feet.

Cmmr. Ring Erickson was more conformable with a correction than delaying the approval. She noted that the North Bay sewer had a requirement to connect. That issue went to court and the County prevailed. She also noted that the enforcement portion was consistent with other utilities in the County. She was comfortable with Commissioner Sheldon's proposed language. She suggested that a motion be brought forward to adopt the corrected resolution and instruct staff to align the sewer resolutions and

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17.03.030 within 60 days. She commented that the Board has listened to the citizens and there haven't always been easy answers.

Cmmr. Sheldon/Bloomfield moved and seconded to close the public hearing and adopt the resolution amending the Mason County Code, Chapter 13.31, Belfair Sanitary Sewer Code and establishing the monthly sewer charge at \$96 per Equivalent Residential Unit (ERU), with an addition to 13.31.030 A to read: *Pursuant to Mason County Ordinance No. 91-07 and Section 17.03.030, all new development located within the Belfair UGA on property within 500 feet of the alignment of the Belfair wastewater reclamation facility's pipeline shall be connected to public sewer facilities*, and instruct staff to review and align Mason County Code 17.03.030 for review by the Commission within 60 days. Motion carried unanimously. RE-aye; S-aye; B-aye. Resolution No. 04-12 (Exhibit A)

Cmmr. Sheldon suggested that when the alignment of the two codes was addressed the 500-foot connection could also be addressed. An appropriate and uniform distance should be established whether it is 500 or 200 feet.

10. Other Business (Department Heads and Elected Officials) –

- 10.1 Cmmr. Sheldon commented on the congressional redistricting proposal. He noted that Mason County would have a large area in the new tenth congressional district. Some of the county's voting precincts would have to be reconfigured as well.

Cmmr. Ring Erickson added that Mason County only has one city and now that city would be in a different congressional district from the rest of the county. It could present very different challenges.

11. Board's Reports and Calendar - The Commissioners reported on meetings attended the past week and announced their upcoming weekly meetings.

12. Adjournment – The meeting adjourned at 11:21 a.m.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chair


Tim Sheldon, Commissioner

ATTEST:


Shannon Goudy, Clerk of the Board


Steve Bloomfield, Commissioner

RESOLUTION NO. 04-12

A RESOLUTION amending Title 13 of the Mason County Code to revise Chapter 13.31, the Belfair Sanitary Sewer Code

WHEREAS, the Board of County Commissioners (Board) of Mason County (County) approved the wastewater treatment and water reclamation system project (Project) for the Belfair Urban Growth Area (UGA); and

WHEREAS, on a long-term basis the Project will be the backbone for urban infrastructure in Belfair as mandated by the Growth Management Act; and

WHEREAS, the Project is intended to build a safe, efficient and environmentally friendly sewer system within key areas of the Belfair UGA, in compliance with the Growth Management Act; and

WHEREAS, the Project is important for future economic development in the Belfair UGA both from near term construction activity and long-term employment associated with improved infrastructure; and

WHEREAS, Hood Canal supports a vibrant commercial shellfish industry, as well as recreational shell-fishing opportunities that attract many tourists year-round; and

WHEREAS, in Lower Hood Canal, where Belfair is located, water quality has deteriorated due to high levels of fecal coliform bacteria and increased nutrient loading; and

WHEREAS, septic systems have been identified as one of the causes of nitrogen pollution in Hood Canal; and

WHEREAS, the Board acknowledges that wastewater facilities are needed to provide a sustainable approach to water management that protects Hood Canal and treats wastewater to Class A standards for water reuse; and

WHEREAS, this system will use flat plate membrane technology, which is seen as a pivotal element vital to the health of Hood Canal; and

WHEREAS, the Board declares that the primary means of sewage collection and disposal in the Belfair UGA area shall be through construction and connection to the County's permanent sewer collection system and treatment facilities; and

WHEREAS, the Board adopted Ordinance No. 91-07, which required that all new and existing developed parcels of property located within the Belfair UGA and within 500 feet of the alignment of the Belfair wastewater and reclamation facility's pipeline connect to public sewer facilities as soon as sewer service is available; and

WHEREAS, the Board has established the County Sewer Hook-up Program to assist property owners in Belfair with existing structures with the construction and financing related to connection to the Belfair sewer facilities; and

WHEREAS, grant funding has been used to offset much of the capital facilities charge for existing structures within the Phase 1 area, provided that such charges are paid by the appropriate deadline; and

WHEREAS, the Board intends that all sewer systems owned and operated by the County shall be constructed and maintained in accordance with uniform standards; and

WHEREAS, the Board amended Title 13 of the Mason County Code on August 2, 2011 to adopt a new Chapter 13.31, entitled "Belfair Sanitary Sewer Code" to provide uniform regulations for the construction, connection and operation of the Belfair sewer system facilities; and

WHEREAS, the Belfair Sanitary Sewer Code, adopted on August 2, 2011, was designed to provide interim sewer regulations necessary for initial connections to public sewer facilities, but the Board intended to replace the same with final sewer regulations before the end of 2011; and

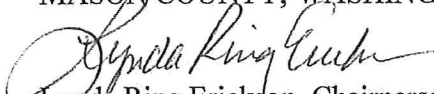
WHEREAS, final sewer regulations are needed in order to add monthly sewer charges to fund the operating, capital, and debt service costs of the Belfair sewer system, and to incorporate other changes to the interim regulations; and


WHEREAS, the Board now desires to revise Chapter 13.31 of the Mason County Code to provide final sanitary sewer regulations for the Belfair UGA;

NOW THEREFORE, BE IT RESOLVED, that the Board of Mason County Commissioners hereby amends Title 13 of the Mason County Code, "Utilities", by revising Chapter 13.31 of the Mason County Code, entitled "Belfair Sanitary Sewer Code", to read as set forth on Exhibit 1, attached hereto and incorporated by reference.

PASSED this 10th day of JANUARY, ²⁰¹² 2011.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Lynda Ring Erickson, Chairperson



Tim Sheldon, Commissioner


Steve Bloomfield, Commissioner

ATTEST:


Shannon Goudy, Clerk of the Board

APPROVED AS TO FORM:


Chief Deputy Prosecuting Attorney
Tim Whitehead, WSBA #37621

cc: Elected Officials
Dept. Heads

RESOLUTION

CHAPTER 13.31 BELFAIR SANITARY SEWER CODE

Sections:

- 13.31.010 Purpose and intent.
- 13.31.020 Definitions.
- 13.31.030 Connections to public sewer required.
- 13.31.040 Administration.
- 13.31.050 Permits.
- 13.31.051 Grinder Pumps in Designated Low Pressure Sewer Areas.
- 13.31.060 Permit fees, connection charges (CFC), ERUs, monthly sewer charge.
- 13.31.070 County Sewer Hook-up Program.
- 13.31.080 ERU updates, capacity charges, strength charges.
- 13.31.090 Billing.
- 13.31.100 Unlawful use of public sewer system.
- 13.31.110 Enforcement.
- 13.31.120 Phase Description - Figure D

13.31.010 Purpose and intent.

A. Purpose. The purpose of this Chapter is to establish a sanitary sewage code for the Belfair Urban Growth Area. It is the intent and purpose of the board of county commissioners that sewer systems under its responsibility be constructed and maintained in accordance with uniform standards.

B. Uniformity. The board further declares that the primary means of sewage collection and disposal in the Belfair Urban Growth Area (UGA) sewer service area shall be through the construction and extension of permanent sanitary sewers and connection of all septic systems and other on-site wastewater treatment systems to permanent sewer collection systems and sewage treatment facilities. The construction of sewer systems shall be in accordance with any applicable wastewater facility plan, or engineering report, rules and regulations governing the use of utilities for development and with all other rules, regulations and requirements as may be prescribed from time to time by the respective agencies of Mason County and the state of Washington.

C. Other applicable codes. In the event that federal, state or other applicable laws impose a standard or regulation that is in conflict with any provision of this code or any standard or regulations that the county may adopt pursuant to this code, then the most restrictive standard shall prevail.

13.31.020 Definitions.

A. Adoption. The words, terms and phrases used in this chapter shall have the same meanings as provided in Section 13.28.020 of this title, entitled "Definitions" for the North Bay - Case Inlet Sanitary Sewer Utility Administrative Code, which is adopted and incorporated by

reference herein. For purposes of this chapter, any reference to North Bay - Case Inlet in Section 13.28.020 shall be replaced with "Belfair Urban Growth Area".

B. Amendments. For purposes of this chapter, the definitions in Section 13.28.020 applicable to the Belfair Urban Growth Area are amended, deleted or supplemented as follows:

1. "Connection charges" means charges assessed by the "county" against a property owner for connection to "public sewer facilities" owned by the "county". Throughout this chapter, the terms "connection charges" and "Capital Facilities Charges ("CFC") mean the same thing and may be used interchangeably.
2. "County Sewer Hook-up Program" means the county program where owners of existing developed properties in Phase 1 may elect to contract with the county to install any lateral side sewer lines necessary to connect their property to the public sewer system and disconnect their septic systems. Under the program, the property owners shall be responsible for the costs of this service.
3. "Department" means the Mason County department of Utilities and Waste Management, whether used in MCC Chapter 13.28 or 13.31.
4. "Director" means the director of the department of Utilities and Waste Management.
5. Phase 1 means the geographic area identified and depicted on Figure D as Phase 1 referenced in Section 13.31.120.
6. "Residential equivalent unit (R.E.)" as defined in Section 13.28.020 shall be deleted and not apply to this chapter. The term "Equivalent Residential Units" (ERU) shall be used in this chapter, and unless otherwise defined elsewhere, means a measure of the estimated average volume of sewage flowing from a given parcel into the sewer system in relation to the estimated flow from an average single-family residential account.
7. "Standard water consumption" means the amount of annual water consumption defined as one ERU. The standard water consumption shall mean one hundred fifty five (155) gallons per day, equivalent to seven thousand five hundred sixty four (7,564) cubic feet of water per year.

13.31.030 Connections to public sewer required.

A. New development must connect. Pursuant to Mason County Ordinance No. 91-07 and Section 17.03.030, all new development located within the Belfair UGA on property within 500 feet of the alignment of the Belfair wastewater reclamation facility's pipeline shall be connected to public sewer facilities.

B. Existing structures or buildings must connect. Pursuant to Mason County Ordinance No. 91-07 and Section 17.03.030, all existing development located within the Belfair UGA on property within 500 feet of the alignment of the Belfair Wastewater and Reclamation Facilities pipeline shall be connected to public sewer facilities during the initial connection period specified in Section 13.31.030.E. Such connection shall be consistent with Section 17.03.030 and shall occur if: (a) the structure is served by or has historically been served by a septic system or other on-site wastewater disposal system; (b) it receives water service or relies on well water for

non-irrigation purposes; or (c) it generates stormwater that fails to meet state standards for stormwater quality. If any provisions of this subsection conflict with Section 17.03.030, then the most restrictive provisions shall apply.

C. Permanent connections, construction standards. All connections to the public sewer facilities of the county shall be made in a permanent and sanitary manner in accordance with the provisions of this chapter and shall be sufficient to carry all wastewater of every kind from the building or structure into the public sewer. All connections to public sewer facilities shall be made in the manner prescribed in Article 5, Construction of Sanitary Sewer Systems of the North Bay/Case Inlet (Mason County) sanitary sewer administrative code, or in the discretion of the Director, with other standards necessary for the Belfair Urban Growth Area. In Article 5, Construction of Sanitary Sewer Systems of the North Bay/Case Inlet sanitary sewer administration code, any references to state construction standards are understood to refer to the most recent guidelines published by the State Department of Ecology.

D. Disconnection of septic system or other on-site wastewater treatment system. All property owners that connect to the public sewer system shall disconnect and decommission their septic systems or other on-site wastewater treatment systems at the time of connection to the public sewer facilities in a manner consistent with all laws, rules and regulations.

E. Initial Connection Period. For existing structures on properties located in the Phase 1 area (as shown on Figure D attached hereto and incorporated herein by reference) that are within 500 feet of the alignment of the Belfair Wastewater and Reclamation Facilities pipeline, except as provided in 13.31.030.F Deadline Extensions, the "Initial Connection Period" is defined as December 31, 2011 through March 15, 2012. Properties with structures not connected during the Initial Connection Period will be considered out of compliance with the connection requirement described in Section 13.31.030.B and shall be subject to the non-connection procedures and penalties as provided for in MCC Chapter 13.28 North Bay-Case Inlet Sanitary Sewer Utility Code. Except as provided in 13.31.030.F Deadline Extensions, in order for a property owner to qualify for the exemption established under Section 13.13.060.H, the property owner must pay the \$3,000 capital facilities charge (CFC) to the county by January 31, 2012.

F. Deadline Extensions.

1. Properties Subject to Connection Requirement Due to "Get Connected" Grant. As a result of the "Get Connected" grant, sewer lines will be extended along certain side streets in Phase 1 during the fall and winter of 2011-2012, which means that certain properties with existing structures that previously were more than 500 feet from the Belfair Wastewater and Reclamation Facility's sewer lines are now within 500 feet and therefore now required to connect. The County has identified those properties that are newly required to be connected due to the "Get Connected" grant and notified said property owners. In order for owners of property in these areas to have adequate time to meet the connection requirement, the initial connection period for the "Get Connected" properties is defined as December 31, 2011 to April 30, 2012 ("Get Connected" Connection Period). In order for these properties to qualify for the \$3,000 CFC established in 13.30.060.H, payment of the CFC must be made during the "Get Connected" Connection Period.

2. Case-by-case Deadline Extensions. For structures existing as of December 31, 2011, based on case-by-case consideration of extenuating circumstances, the Director is authorized to extend the deadline within which the \$3,000 CFC applies beyond January 31, 2012; however, the deadline may not be extended beyond the Initial Connection Period, nor may it be extended beyond the date the property is physically connected to the system. The extenuating circumstances taken into account may include economic hardship, the timing of private financing arrangements, misunderstanding or miscommunication of connection requirements, or other circumstances that, in the Director's judgment, indicate that the property owner is making a good faith effort to meet the initial connection requirements.

13.31.040 Administration.

A. Administering department. The Department has been established as a department within the government of the county. The Department is under the management of the Director. The Department has the responsibility for the construction, maintenance and operation of the public sewer facilities, which are owned by the county, serving the Belfair Urban Growth Area.

B. Authority. The Department shall construct, operate and maintain the public sewer system facilities servicing the Belfair Urban Growth Area, including collection systems and water reclamation facilities, for the collection, treatment, and beneficial use of wastewater.

C. Sewer fund. The county shall by separate resolution or ordinance create a sewer utility fund to properly account for any and all revenues received for the use of sewers as set forth in this chapter. All expenses for administration, development, construction, operation, maintenance and repair of the Belfair wastewater and water reclamation facilities and sewer system shall be charged to such fund.

D. Review, inspection and construction of sewer facilities. Prior to the construction, installation and operation of any public sewer facility or any private sewer facility governed by the provision of this chapter, property owners or their agents who are responsible for the construction shall be required to obtain a building sewer permit, as specified in 13.31.050, and pay all required fees and charges.

E. Defects. The Department may require the party or entity responsible for the construction to demonstrate satisfactory completion of all sewer lines installed by or on behalf of the owner. If defects are discovered by the county, the party responsible for the construction shall undertake and will be responsible for incurring all costs for repairing all defects.

F. Inspection.

1. For approval of the permit required by this chapter, the Director or his/her designee shall be authorized to enter upon easement premises served by any building sewer or grinder pump installation or connected with any public sewer at all reasonable hours to ascertain, inspect or make necessary tests to determine whether the provisions of local, state and federal laws relative to sewerage have been complied with. In the event entry is refused, the Department may apply for a search warrant to accomplish the appropriate inspection. Regardless of whether a search warrant can be obtained, if the Director has reason to believe that a

violation of applicable provisions of local, state or federal laws relative to sewerage may exist, the Department shall have the right to terminate the connection of the property to the public sewer facilities.

2. If such sewer, or its attachments, are in conflict with the provisions of any law or resolution in regard thereto, the property owner or his/her her agent shall be notified to cause such sewer or its attachments to be so altered, repaired or reconstructed at the owner's expense, so as to make them conform to the requirements of the laws and resolutions within a reasonable time limit established by the Director from the time of receipt of such notice.

3. Every employee of the Department being authorized to enter upon private property to inspect or have charge or maintaining the public sewer facilities of the Department shall be furnished with means of identification and shall carry such identification at all times when engaged upon the duties of his/her position and produce and exhibit the same upon request.

13.31.050 Permits.

A. Permits required. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer facilities or appurtenance thereof or construct any sewer disposal system without first obtaining a written permit from the Department or other responsible agency. This article covers both permits for gravity sewer connections and grinder pump installation for the service area.

B. Building sewer permits. There shall be two classes of building sewer permits: (a) for single-family residential service; and (b) for multi-family or nonresidential service. In either case, the property owner or his/her agent shall make application on a form furnished by the county. A building sewer permit shall be required of any owner of the lots, parcel of real estate or structure(s) either required or electing to make a connection to a public sewer or make a modification, repair, disconnection, inspection or addition to an existing building sewer. The appropriate permit fees shall be paid to the county at the time the application is filed. Upon acquisition of the building sewer permit and payment of the connection fee, the owner shall receive a "blue card" authorizing construction and connection.

C. Building sewer permit - Term. A building sewer permit is valid for twelve months from the date of issuance. The building sewer permit may be extended an additional twelve months at the discretion of the Director. If after twenty-four months, the building sewer permit expires but the owner still wishes to connect owner's property to a sewer, the owner must obtain a new permit and pay the county another full permit fee unless circumstances, in the judgment of the Director, warrant an exception. If a building sewer permit is cancelled by the owner, the permit fee shall not be refunded, but forfeited. In addition, the owner shall pay the difference between the originally paid CFC and the CFC in affect at the time the new building sewer permit fee is obtained.

D. Building sewer permit requirements. A building sewer permit shall be obtained in the following manner:

1. Permits shall be issued only upon proper application to the Mason County department of Utilities and Waste Management.

2. A permit which authorizes work in a public right-of-way or easement dedicated to Mason County or the connection with or opening into any public sewer other than through the normal opening of a wye, tee or side sewer stub shall be issued to a licensed contractor.
3. A permit which authorizes building sewer work may be issued to the owner of the property. For building sewer as defined in Section 13.28.020 of this code, the owner may perform only that portion of the connection located on private property and not in public right-of-way or easement dedicated to the county.
4. Building sewer permits shall not be transferable. Except as provided in Section 13.31.070, County Sewer Hook-Up Program, no person shall lay any pipe pursuant to any other person's or contractor's permit.
5. A permit shall be issued prior to commencement of construction and only after all applicable charges and fees have been paid to the department by the owner or developer.
6. No permit allowing connection to the public sewer shall be issued before the main sewer is accepted by the Director, and the property owner so notified. An interim approval allowing building sewer construction without connection to a non-operational sewer may be issued at the discretion of the Director.
7. The permit card must be posted on the job prior to commencing the work and must be readily accessible to the Director.

13.31.051 Grinder Pumps in Designated Low Pressure Sewer Areas.

A. Low Pressure Sewer Installations in Designated Areas. The sewer system has been designed for properties in designated areas to be served by low pressure sewers for the convenience and economy of the overall system. Because of this design, properties in these areas are required to have a grinder pump in order to pump sewage from the property to the sewer mains. The Department will notify property owners if their properties are in a designated low pressure sewer area and are required to have a grinder pump for the convenience and economy of the overall system.

B. Responsibility for Grinder Pumps. The provisions in this section shall apply only to properties in designated low pressure sewer areas for which grinder pumps are required for the convenience and economy of the overall system. A summary of this division of responsibilities is shown in Figure A (below).

1. **For single-family residential structures existing as of December 31, 2011:** the county will be responsible to provide the appropriate grinder pump and maintain it as a part of the overall system. The property owner will be responsible to install the pump and provide access to county personnel for pump maintenance. The property owner will also be responsible to provide at their own cost a separate 240-volt electrical circuit that is accessible and dedicated to the operation of the grinder pump. The county will provide a \$300 credit against other fees or charges, in recognition of the cost incurred by the property owner in providing a dedicated electrical circuit.

2. **For single-family residential structures built after December 31, 2011:** the property owner shall be responsible for acquiring and installing an approved grinder pump with the appropriate electrical circuit, subject to the inspection and approval of the county. The county will maintain the pump as part of the overall system. Appropriate grinder pumps may be purchased from the County by the property owner.
3. **For multi-family or commercial structures existing as of December 31, 2011:** the property owner is responsible to design, install, and maintain a grinder pump that meets county standards and specifications. The county will provide a \$3,800 credit against other fees or charges to each existing, developed multi-family or commercial property required to install a grinder pump, or such other amount determined by the Director to be the average purchase cost of a grinder pump for a single-family residential structure. In addition, the county will provide a \$300 credit against other fees or charges, in recognition of the cost incurred by the property owner in providing a dedicated electrical circuit.
4. **For multi-family or commercial structures built after December 31, 2011:** the property owner shall be responsible for providing, installing, and maintaining an approved grinder pump with the appropriate electrical circuit, subject to the inspection and approval of the county.
5. **In all cases:** property owners shall be responsible for the cost of electricity serving the grinder pump. Property owners shall also provide the county with right-of-entry documents for any properties served with a grinder pump to allow the county to properly inspect and (when applicable) maintain the pump.

Figure A: Division of Responsibilities for Grinder Pumps in Designated Low Pressure Sewer Areas

	Structures Existing as of 12/31/2011		New Development	
	Single-Family	Multi-family or Commercial	Single-Family	Multi-family or Commercial
Who pays for the pump?	County	Property owner; County gives \$3,800 credit	Property owner	Property owner
Who pays for the installation?	Property owner	Property owner	Property owner	Property owner
Who arranges for the installation?	Property owner	Property owner	Property owner	Property owner
Who pays for the dedicated circuit for the pump?	Property owner; County gives \$300 credit	Property owner; County gives \$300 credit	Property owner	Property owner
Who maintains the pump?	County	Property owner	County	Property owner
Who pays for the maintenance of the pump?	County	Property owner	County	Property owner
Who pays for the electricity to operate the pump?	Property owner	Property owner	Property owner	Property owner

Outside of designated low-pressure sewer areas, the property owner pays all costs associated with any grinder pumps.

C. Maintenance agreements for grinder pumps serving commercial properties. At the Director's discretion, the County may enter into an agreement with a multi-family or commercial property owner for the County to maintain the grinder pump serving a given property, provided that: (a) the property is in a designated low pressure sewer area; (b) the structure served by the grinder pump is 2.0 ERUs or less; (c) the property owner agrees that the County shall have no liability for business losses in the event of pump failure; and (d) the agreement may be terminated at any time by either party. Multi-family or commercial properties receiving grinder pump maintenance service from the County may be charged for the time and materials spent by the County in providing the service.

13.31.060 Permit fees, CFCs, ERUs, monthly sewer charge.

A. Permit fees & costs.

1. At the time of application for a building sewer permit, or if an applicant seeks to connect to the sewer system, the applicant shall apply for a building sewer permit (blue card) and shall pay to the county a permit fee together with connection charges and/or other applicable charges (including grinder pump charges), if any, required by this chapter. If the permit is not issued, the permit fee, grinder pump charge and connection charges shall be refunded.
 - a. For structures existing as of December 31, 2011, the building sewer permit fee shall be waived.
 - b. For single-family residential structures built after December 31, 2011, the building sewer permit fee shall be \$150.
 - c. For multi-family or commercial structures built after December 31, 2011, the building sewer permit fee shall be \$75 per hour of staff time plus the out-of-pocket costs incurred by the Department in reviewing, inspecting, and meeting about the permit application. The minimum fee is \$150, which must be paid at the time of application. After the actual amount of the fee is determined, the additional charge must be paid before the permit is issued.
2. A Sewer Design Review Fee shall be charged for design review services provided by Department staff when an application is submitted for a large subdivision, short subdivision, or boundary line adjustment. The sewer design review fee shall be \$75 per hour of staff time plus the out-of-pocket costs incurred by the Department in reviewing, inspecting, and meeting about the application. The minimum fee is \$150, which must be paid at the time of application. After the actual amount of the fee is determined, the additional charge must be paid before the subdivision or boundary line adjustment is approved.
3. Except as provided in Section 13.31.051 Grinder Pumps in Designated Low Pressure Sewer Areas, all costs and expenses incidental to the installation and connection to the sanitary sewer system whether it be gravity or grinder pump connection, shall be borne by the property owner, including costs associated with decommissioning the existing septic tank or other on-site wastewater treatment system.
4. If sewer service by grinder pump is not required by the county, but desirable for the convenience and economy of the property owner, and if it is allowed by the Director, the property owner shall either purchase a grinder pump approved by the county or purchase the pump directly from the county. If the pump is purchased from the county, the cost to the owner shall be the actual costs paid by the county for the grinder pump, including tax. The owner shall be responsible for the cost of installing and maintaining the pump and for the cost of electrical power to serve the pump. Owners shall be required to provide right-of-entry documents for any properties served with a grinder pump.
5. If Department personnel or resources are required to repair or assist in the repair of a grinder pump whose maintenance is not the responsibility of the county, the Department shall charge the property owner \$75 per hour of staff time plus out-of-pocket costs. If a pump whose maintenance is the responsibility of the county is damaged due to the

actions or negligence of the property owner, the property owner shall reimburse the Department for all repair or replacement costs, including \$75 per hour for applicable employee time.

6. A re-inspection fee of \$35 per additional visit shall be charged when more than one inspection is required for the county to determine if the property is properly connected to the public sewer system, and if the septic system or other on-site wastewater treatment facilities has been properly disconnected.

B. Capital Facilities Charge (CFC) - intent. Consistent with RCW 36.94.140, and subject to the exceptions stated in this section, the intent of the capital facilities charge is to recover the full cost of capacity, which is defined as the projected total capital cost of the sewer system at full build-out, net of grants and property owner capital contributions (such as Utility Local Improvement District assessments or the value of sewer infrastructure paid for by developers and donated to the system), divided by the number of ERUs projected to be served by the system at full build-out. The calculation of the CFC shall only include capital costs to develop or expand the system, not to renovate or repair an existing system. The estimated full cost of capacity is expected to be updated periodically in order to reflect updated cost and ERU growth projections and to incorporate accrued interest for up to ten years for infrastructure already built.

C. Capital Facilities Charge required. A capital facilities charge shall be paid to the county before any structure is connected to public sewer facilities. No building sewer permit shall be issued prior to the application for a building permit. No building permit shall be issued until all capital facilities charges have been paid in full, except as otherwise provided in this chapter. The capital facilities charge per ERU for a given parcel shall be the amounts set forth in Sections 13.31.060.G and 13.31.060.H.

D. Residential ERUs.

1. The amount of annual water consumption defined as an ERU shall be referred to as the standard water consumption. The standard water consumption shall be one hundred fifty five (155) gallons per day, equivalent to seven thousand five hundred sixty four (7,564) cubic feet of water per year.
2. Subject to the exceptions stated in this section, each free-standing single-family residential structure shall be charged one (1) ERU for sewer service.
3. Subject to the exceptions stated in this section, if more than one free-standing single-family residential structure is located on one tax parcel, each structure shall count as one (1) ERU.
4. Multi-family uses are defined as two or more dwelling units in one structure. The number of ERUs for a multi-family structure shall be defined as the number of dwelling units multiplied by 0.7.
5. Where a legally permitted home occupation takes place within a residence, the structure shall be treated as a residential use for the purposes of determining ERUs, and not as a commercial use.
6. Where an ancillary residential structure depends on a primary residence for access to bathroom and/or kitchen plumbing fixtures, the Director or his designee shall consider

the ancillary structure to be part of the primary residence for the purpose of determining ERUs.

7. Where a single-family structure of 400 square feet or less (exterior dimensions) is located on a parcel with another residential or commercial structure, the single-family structure of 400 square feet or less shall be counted as a multi-family dwelling unit. Where common ownership and a shared water meter exist, the Director or his designee may consider adjacent parcels to be functionally equivalent to one parcel for the purpose of determining the applicability of this provision.
8. A manufactured housing community, as defined in RCW 59.20.030, may elect to have its residential structures treated as a group, even if the manufactured homes are located on separate parcels and/or have separate water meters. If the manufactured housing community elects to be treated as a group, upon written notice of such election, it shall be billed as a single customer, and its residential structures shall be counted as multi-family dwelling units. If the manufactured housing community as a whole becomes delinquent, as defined by Section 13.31.090.C, the Director may revoke the group status, and upon written notice of such determination, each manufactured home will be counted and billed as a single-family residential structure going forward.

E. Commercial ERUs.

1. The minimum number of ERUs for commercial accounts shall be one (1) ERU for each seweried structure. Where a given commercial structure has multiple leasable tenant spaces with separate plumbing fixtures, the minimum number of ERUs shall be one (1) ERU for each leasable tenant space.
2. For a multiple-tenant commercial structure in which all leasable tenant spaces share common plumbing fixtures (such as an office building with shared restrooms and shared kitchen facilities), the minimum number of ERUs is defined as 0.5 multiplied by the number of leasable tenant spaces. For a multiple-tenant commercial structure in which some leasable tenant spaces have separate plumbing fixtures and others rely entirely on shared plumbing fixtures, the minimum number of ERUs is defined as the number of leasable tenant spaces with any separate plumbing fixtures, plus 0.5 multiplied by the number of leasable tenant spaces relying entirely on shared plumbing fixtures.
3. Where water consumption data can be obtained, the number of ERUs for an account shall be defined as the greater of (a) the minimum ERUs for that account, or (b) the account's total water consumption for the previous year divided by the standard water consumption for single-family residential accounts, rounded off to the nearest 1/10th of an ERU.
4. If actual monthly water consumption for a commercial account is not available, the number of ERUs for a commercial account shall be based on the type and scale of business(es) occupying the parcel, applying the categories shown in Figure B (below). The estimates in Figure B (below) may be updated as necessary by the Director to reflect actual experience with similar types of businesses in Belfair or updated guidelines from state or federal governments, professional associations, or other utilities about standard water consumption by property use. If Figure B is updated, the updated version will be published on the County web site.

5. When the categories in Figure B (below) are used to estimate the commercial ERUs for a given commercial or mixed use parcel with more than one sewer structure or more than one leasable tenant space, the number of ERUs shall be the sum of the estimated ERUs for each leasable tenant space within each sewer structure. Commercial leasable tenant spaces relying entirely on shared plumbing fixtures shall be calculated as 0.5 times the number of ERUs shown in Figure B (below), with the total for the entire account rounded off to the nearest 1/10th of an ERU.
6. For mixed use parcels with both commercial and residential uses, where water consumption data is available, the number of commercial ERUs shall be the greater of: (a) the minimum number of commercial ERUs; or (b) the number of ERUs determined from the total water consumption for the entire parcel minus the number of residential ERUs.
7. If a commercial account relies on a well for drinking water in place of being connected to a water system, the categories in Figure B (below) shall be used to estimate its ERUs. If a commercial account relies partly on a well and partly on the water system, metered water consumption shall be the basis of the ERU calculation for those structures connected to the water system, and there shall be additional ERUs calculated for structures receiving drinking water from a well, using Figure B (below). If a well is used only for irrigation water, no ERUs will be assigned to water from that well.
8. Tentative ERUs. If water conservation improvements have been made to an existing structure that are expected to reduce its impact on the sewer system, but there has not been enough time to demonstrate the amount of the reduction, the Director may assign a tentative ERU figure based on estimated water use, provided that the property owner agrees to provide actual water consumption data for a long enough period to establish a final ERU figure. Tentative ERUs may also be used for new development in cases where, in the Director's judgment, there is substantial uncertainty about the impact that a given proposed development will have on the sewer system. The tentative ERU assignment shall be replaced by a final ERU assignment as soon as there is a full year of valid water consumption data with the structure at full occupancy. If the actual water consumption is greater than the level implied by the tentative ERU figure, the property shall be charged the difference in both CFC and monthly sewer charges, dating back to the month when the tentative ERU figure was first used, plus interest accrued at 5% per year. If the actual water consumption is less than the level implied by the tentative ERU figure, the property shall be refunded the difference in both CFC and monthly sewer charges, dating back to the month when the tentative ERU figure was first used, plus interest accrued at 5% per year.
9. Changes in Tenancy. If a commercial leasable tenant space becomes vacant, or its occupancy changes to a new tenant, the property owner shall notify the Department of the change within 30 days of the change. This notification shall use a form to be determined by the Department and shall include payment of the \$10 fee described in 13.31.090.D. The notification shall contain sufficient information about the new tenant for the Department to determine the ERUs applicable to the account, using Figure B (below). If the change in tenancy results in a changed ERU for the account, the change in monthly sewer charges shall take effect with the next monthly bill. Vacant tenant spaces shall be counted at the minimum ERU. If a property owner fails to notify the Department within

30 days of a change in tenancy that has the effect of increasing the ERUs for the account, the property owner shall be responsible for a \$150 penalty, plus the difference in monthly sewer charges dating to the change in tenancy, plus 5% interest per year on the outstanding difference in monthly sewer charges.

F. Figure B – Commercial ERUs by Property Use (to be used only when water usage data is not available):

Commercial ERUs by Property Use

Type of Use	ERU Assumption if Water Usage Data is Not Available
Service Station	1 ERU; convenience store (small retail) is additional 1 ERU
Church (with kitchen)	1.44 ERUs per 100 people
Restaurant (with seating)	1 ERU per 12 seats
Restaurant (to-go only)	2 ERUs
Espresso Drive-through	1 ERU
Hotel	100 gallons per day (gpd) per room (restaurant or banquet facilities are counted separately)
Large Office	2 ERUs
Small Office	1 ERU
Doctor Office	500 gpd per 1,000 square feet
Dentist Office	750 gpd per 1,000 square feet
Auto Service	40 gpd per service bay
Small Retail	1 ERU
General Retail	100 gpd per 1,000 square feet
Grocery Store (with deli/meat/produce)	100 gpd per 1,000 square feet
Salon	1 ERU plus 25 gpd
Laundromat	1 ERU per washer
Daycare	10 gpd per person
Animal Grooming	30 gpd per person, add 50 gpd per tub/stall
Animal Boarding	30 gpd per person, add 5 gpd per stall

Sources:

- Washington Dept. of Health, Criteria for Sewer Works Design
- King County Metro Equivalencies
- Clark County Washington, Commercial Flow Calculation
- California EPA, Wastewater Treatment Facilities Construction Revenue Program Guidelines
- New York State, Design Standard for Wastewater Treatment Works

All ERU calculations are rounded off to the nearest 1/10th of an ERU. The rounding applies to the total account, not to individual tenant spaces or structures within a given account.

G. CFC Schedule. The CFC schedule shall be as follows:

1. From July 1, 2011 through December 31, 2012, the CFC shall be \$5,000 per ERU.
2. From January 1, 2013 through December 31, 2013, the CFC shall be \$6,000 per ERU.
3. From January 1, 2014 through December 31, 2014, the CFC shall be \$7,900 per ERU.
4. From January 1, 2015 through December 31, 2015, the CFC shall be \$10,200 per ERU.

5. From January 1, 2016 through December 31, 2016, the CFC shall be \$13,000 per ERU.
6. After December 31, 2016, the CFC shall be \$16,300 per ERU.

H. Exceptions to CFC amounts. Exceptions to the CFC amounts established in Section 13.31.060.G are as follows:

1. From July 1, 2011 through January 31, 2012 (subject to the deadline exceptions set forth in Section 13.31.030.F Deadline Extensions), the CFC to connect existing structures located in Phase 1 to public sewer facilities shall be \$3,000 per ERU. Thereafter, the CFC amount for these structures shall be as established in Section 13.31.060.G CFC Schedule.

I. Monthly Sewer Charge. The county shall charge all parcels connected to the public sewer facilities, the following monthly sewer charge: \$96.00 per ERU. The county shall bill the monthly sewer charge in the manner set forth in Section 13.31.090 Billing.

13.31.070 County Sewer Hook-up Program.

A. Program. Under the County Sewer Hook-up Program ("Program"), owners of existing developed properties in Phase 1 may elect to contract with the County to install any side sewer lines necessary to connect the property to the sewer system, and disconnect the septic system. The property owner shall be responsible for the cost of this service. The County shall provide an estimate of the cost before performing the service. The cost of connecting a given property may vary depending on the characteristics of the site.

B. Financing. The cost of connection services under the program may be financed over a 10-year period at 4% interest.

C. CFC financing. The Phase 1 property owners electing to participate in the program may also finance up to one-half of their CFC for up to one ERU over a 10-year period at 4% interest.

D. Monthly bill. The interest and principal on the financed portion of the CFC and the connection services will be added to the monthly sewer bill of the account until the balance due and owing is paid in full.

E. Prepayment. Customers may elect to pay off the outstanding principal balance of their debt under the County Sewer Hook-up Program at any time without penalty.

F. Program contract. Property owners who elect to participate in the Program shall be required to execute agreements with the County providing for such participation in a form required by the Director.

13.31.080 ERU updates, capacity rental charges, strength charges.

A. Updating ERU estimates.

1. The number of ERUs used to calculate the monthly sewer charges for a given commercial or mixed use parcel will be updated on an annual basis, and based upon the most recent data available on water consumption.
2. If updated water consumption data is not available, historical metered water consumption data shall take precedence over the estimated ERUs in Section 13.31.060.F - Figure B, as

the basis of ERU calculations; provided that the property use or intensity of development has not changed. In general, absent a change in property use or intensity of development, the source of data of the commercial ERU calculation is intended to be, in priority order: (1) immediate past year's metered water consumption; (2) historical metered water consumption; and (3) Section 13.31.060.F - Figure B.

3. When property redevelopment or changes in tenant use increases the number of ERUs estimated for a given parcel, the property owner shall pay a CFC consisting of the number of incremental ERUs multiplied by the then-current CFC per ERU.

B. Capacity rental charges.

1. Regardless of whether there has been property redevelopment or changes in tenant use, if the most recent annual water consumption information for a given commercial or mixed use parcel is higher than the water consumption determined by the number of ERUs for which CFCs have been paid, and if the increase is at least the standard amount of water consumption currently defined as one ERU, then the county may calculate an additional monthly charge equivalent to a CFC on the incremental ERUs. This additional monthly charge shall be referred to as a "capacity rental charge."
2. Property owners may at any time elect to buy additional ERUs of capacity rights (thus foregoing the capacity rental charge) by paying a CFC at then-current rates for the incremental number of ERUs.
3. If the county adjusts the standard water consumption used to define one ERU, a "re-basing factor" will be calculated and applied to the original number of ERUs of CFCs paid in order to create an adjusted number of ERUs of CFCs paid for each property. The re-basing factor will be the old standard water consumption divided by the new standard water consumption. For the purpose of implementing the capacity rental charge, the number of ERUs for which a given property owner has purchased capacity rights shall be defined as the greater of (a) the number of ERUs of capacity rights after applying the adjustment factor, or (b) the number of ERUs of CFCs actually paid.
4. Except as provided in 13.03.060.E(8) Tentative ERUs, once a property has been connected to the sewer, refunds of CFCs may be given only if there have been technical errors in the original ERU calculation, and not for changes in water consumption.

C. Adjustments to Water Consumption Data.

1. If a property owner elects to install a deduct meter or an irrigation-only meter as approved by the Director at the property owner's own expense that measures irrigation-only use, the irrigation water shall be subtracted from the annual water consumption upon which the ERUs are calculated.
2. Until January 1, 2014, if a property owner requests an adjustment in the calculation of annual water consumption due to seasonal irrigation, and if the parcel does not experience a summer seasonal peak in indoor water consumption for that parcel, the county may, in its discretion, substitute the average off-peak water consumption for the measured peak-month consumption when calculating the ERUs. Unless usage patterns show otherwise, the peak season is assumed to be June-August. After January 1, 2014, only deduct meters or irrigation-only meters will serve as the basis for adjusting water consumption for irrigation.

3. In relying on the immediate past year's metered water consumption as the basis of ERUs for a given parcel, the intent is to estimate the relative sewage flows from that parcel for the upcoming year. To that end, the county may extrapolate from partial year data or use historical data when it appears that the recorded water use data for the immediate past year is anomalous or incorrect. This extrapolation is intended to address situations where there might have been leaks, stolen water, meter malfunctions, or capital improvements during the year that will reduce water consumption for the upcoming year.
4. For commercial laundry facilities, the Director may adjust the water consumption data used for calculating ERUs to account for the percentage of water used in the washing machines that evaporates in the dryers rather than being discharged to the sewer. This adjustment shall be based on the best available research for the washing machines in use by the facility.

D. Strength Charges.

1. Based on the property use, commercial accounts or mixed-use accounts shall be classified as domestic strength or high strength, using the estimates in Figure C (below). Residential accounts are estimated to have between 175-250 parts per million (ppm) of both biological oxygen demand (BOD) and total suspended solids (TSS). For commercial accounts or mixed-use accounts, "domestic strength" shall mean a concentration of BOD and TSS that is less than or equal to 500 ppm for both BOD and TSS. "High strength" shall mean a concentration of either BOD or TSS that is more than 500 ppm for either BOD or TSS.
2. After the Department develops standard Best Management Practices for minimizing Fats, Oils, and Greases (FOGs) and other components of high-strength sewage, commercial parcels that deliver high strength sewage shall be charged a "strength charge." The strength charge shall consist of 25% of the regular monthly sewer charge based on the number of ERUs of flow. The strength charge is intended to recover the additional system capacity and operating costs created by above-average concentrations of BOD and TSS.
3. Businesses that give satisfactory ongoing evidence of compliance with the Best Management Practices specified by the utility will be exempt from the strength charge.
4. If a parcel has multiple leasable tenant spaces, and some of the tenants are high strength, the strength charge shall be prorated in proportion to the number of ERUs estimated for each leasable tenant space. The sewer bill shall identify the strength charge and high-strength ERUs separately.
5. A business customer may appeal its strength classification to the county by paying for and providing to the county sampling and lab testing to determine site-specific BOD and TSS loadings. The sampling and testing shall be controlled and executed by the county at the time determined by the county, at the customer's cost and expense. If the testing shows the sewage from the site to be below the high-strength threshold for both BOD and TSS, then the strength charges shall be eliminated from future sewer bills, unless the Department determines in the future that circumstances have changed on the property to warrant strength charges.
6. Upon receipt of a strength classification appeal, the county shall notify the property owner of the estimated cost of the appeal. The property owner appealing the strength

classification shall pay the estimated appeal cost. Upon such payment, the county will conduct the testing and make a determination about the strength classification based on site-specific data. If the county determines that the property in question is a domestic strength account, then any strength charges paid prior to the date of the appeal will be refunded to the date of the appeal, and future strength charges will not be applied for a period not to exceed 12 months.

E. Figure C - Strength categories by property use:

Strength Categories by Property Use

Type of Use	BOD (ppm)	TSS (ppm)	Strength Category
Residential (varies with average water usage per capita)	175-250	175-250	Domestic
Auto steam cleaning	1,150	1,250	High
Bakery, wholesale	1,000	600	High
Bars without dining facilities	200	200	Domestic
Car wash	20	150	Domestic
Department and retail store	150	150	Domestic
Hospital and convalescent	250	100	Domestic
Hotel with dining facilities	500	600	High
Hotel/motel without dining	310	120	Domestic
Industrial laundry	370	680	High
Laundromat	150	110	Domestic
Laundry, commercial	450	240	Domestic
Grocery store with garbage grinders	800	800	High
Mortuary	800	800	High
Professional office	130	80	Domestic
Repair shop and service station	180	280	Domestic
Restaurant	1,000	600	High
School or college	130	100	Domestic

Definitions

BOD: Biological Oxygen Demand. TSS: Total Suspended Solids. Ppm: parts per million.

Domestic strength: Both BOD and TSS \leq 500 ppm.

High strength: Either BOD or TSS $>$ 500 ppm.

Source of BOD and TSS estimates by type of business:

California EPA, Wastewater Treatment Facilities Construction Revenue Program Guidelines

13.31.090 Billing.

A. Definition of Accounts – Sewer accounts shall be defined primarily by the tax parcel for which sewer service is to be provided. Where a given parcel has more than one water meter, service address, tenant, or structure, the Director or his designee may elect to treat the parcel as having more than one sewer account for billing purposes; however, the ultimate responsibility for paying all sewer charges still rests with the property owner. Where a given property owner

owns more than one adjacent parcel, then the Director or his designee may treat the commonly-owned parcels as one sewer account.

B. Timing of Billing - Billings shall be mailed prior to the tenth day of the month for which the monthly sewer charge applies. With new connections, the timing of the initial monthly sewer charges depends on the date of connection. If the property has been physically connected to the public sewer system as of the day the sewer bills are mailed, it shall be charged for the entire month. If the property is connected after the day the sewer bills are mailed, it shall not be charged until the following month.

C. Delinquent charges and liens. Delinquent charges and liens shall be defined and collected in the manner set forth in Article 9, Enforcement of the North Bay/Case Inlet sanitary sewer utility administrative code, which provisions are incorporated herein by reference.

D. Billings - To whom mailed. Billings may be mailed to the owner of the property, or his/her tenant, insofar as the county may reasonably ascertain the same. Failure to receive such bills shall not relieve any person liable therefore from the obligation to pay the same, nor the property receiving such service, or capable of receiving such service, from such lien therefore as may thereafter attach to the property in the manner provided by law. A fee of ten dollars shall be charged for any change in tenant, renter, ownership, or billing address.

E. When payments are due. Monthly sewer charges shall be due and payable by the last day of the month for which the bill is mailed.

F. Seasonal disconnections prohibited. Seasonal disconnections are prohibited. If a property disconnects its sewer service, then in order to be re-connected to public sewer facilities, the property owner shall pay the then-current CFC per Section 13.31.060.G and all other applicable county fees and charges for a new sewer service.

G. Payment priority. Payments received by the county shall be applied in the following order: (1) monthly sewer charges, including strength charges, capacity rental charges, and late penalties; (2) interest on the outstanding County Sewer Hook-up Program debt; and (3) outstanding principal from the County Sewer Hook-up Program.

13.31.100 - Unlawful use of public sewer system. All prohibited uses and unlawful acts relating to public sanitary sewers, as established by Article 8 of the North Bay/Case Inlet (Mason County) sanitary sewer administrative code, shall apply to this chapter, and said article is incorporated herein by reference.

13.31.110 - Enforcement. Enforcement of this chapter shall be according to Article 9 of the North Bay/Case Inlet (Mason County) sanitary sewer administrative code, and said article is incorporated herein by reference.

13.31.120 - Phase Description. Phase 1 is the geographic area identified and depicted on Figure D attached hereto and incorporated herein by reference.