

**SAMMAMISH PLATEAU WATER AND SEWER DISTRICT
KING COUNTY, WASHINGTON**

RESOLUTION NO. 5018

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, KING
COUNTY, WASHINGTON, DECLARING AND IMPOSING A
MORATORIUM ON THE ISSUANCE OF CERTIFICATES OF SEWER
AVAILABILITY AND APPROVAL OF NEW SEWER SERVICE
CONNECTIONS FOR CERTAIN DEVELOPMENT ACTIVITIES
OCCURRING WITHIN THE SAMMAMISH PLATEAU NORTH SEWER
SERVICE AREA AND ASSOCIATED SEWER BASINS.**

WHEREAS, Sammamish Plateau Water and Sewer District (“District”) is a water-sewer district formed and existing under authority of Title 57 RCW providing water and sewer service to customers located in portions of the cities of Issaquah and Sammamish, as well as in areas of unincorporated King County; and

WHEREAS, pursuant to RCW 57.08.005(5) the District has the power and authority to construct, maintain and operate systems of sewers for the purpose of furnishing the District, the inhabitants thereof, and persons outside the District with an adequate system of sewers for all uses and purposes, and the District has the full authority to regulate the use and operation of its sewer system; and

WHEREAS, the District has contracted with the Municipality of Metropolitan Seattle (METRO), and its successor, King County, through its Wastewater Treatment Division (“WTD”), to send its wastewater to King County’s regional facilities for treatment and disposal since 1973, and the current contract is valid until 2036; and

WHEREAS, because the District contracts with King County for sewage treatment and disposal services, the District is required by King County to align its long-term sewage system plans with those of King County so the District can send its wastewater flows to King County’s regional sewer conveyance system; and

WHEREAS, to meet the needs of the District’s growing service area, and comply with King County’s regulations promulgated pursuant to the Growth Management Act, the District is required to provide water and sewer service to those areas of growth; and

WHEREAS, since the District began providing sewer service, King County has planned for and has required the District to align its local sewer system plan with that of King County’s to recognize the sewer flow from the Sammamish Plateau Water and Sewer District to be separated

and divided between the District's existing wastewater connection flowing to the south around the south end of Lake Sammamish, and for sewer flows from the northerly sewer basins of the District being diverted to flow north through a future-planned northern connection generally referred to as the Sammamish Plateau Diversion (also referred to as the "North Diversion" or "Northern Diversion"); and

WHEREAS, the District requires the Sammamish Plateau Diversion, a second connection in the north, to meet capacity needs and to serve its current and future customer base; and

WHEREAS, the District has designed and constructed its local sewer infrastructure anticipating a northern connection since 1970 and has given King County notice that the District's sewer facilities would be reaching capacity if the wastewater flows continue to be conveyed to the one southerly regional connection; and

WHEREAS, the second connection to King County's regional sewer conveyance system referred to as the Sammamish Plateau Diversion is a critical component of both King County's and the District's long-term planning, and is key to implementing the District's Wastewater Comprehensive Plan which has been reviewed and approved by King County as mandated by the County routinely on multiple occasions over the years; and

WHEREAS, in 2013, the District advised King County staff of the urgent need to construct the long-planned expansion referred to as the Sammamish Plateau Diversion and the timing for this project was authorized by King County due to the rapid development and growth in the City of Sammamish and the District was regularly assured by King County that the Sammamish Plateau Diversion had been programmed into the County's conveyance system improvement capital plans and was funded; and

WHEREAS, in 2016 King County advised the District that the Sammamish Plateau Diversion project planning was underway which was consistent with the decades of planning engaged in by both the District and King County; and

WHEREAS, in 2018 the District was informed that construction of the Sammamish Plateau Diversion had been deferred by King County due to funding limitations relating to the operational failure of King County's West Point Treatment Plant during a storm event in February 2017, and no time for reinstatement and completion of the Sammamish Plateau Diversion was provided; and

WHEREAS, King County's action in postponing the Sammamish Plateau Diversion was taken with no prior notice or consultation with the District, and the District was not provided any opportunity to express its concerns that King County's actions severely undermines the District's ability to serve its rapidly growing customer base with said growth being mandated by King County under the Growth Management Act; and

WHEREAS, in lieu of funding and constructing the Sammamish Plateau Diversion, King County proposed to address the effects of deferring the Sammamish Plateau Diversion project by having the District complete an “interim improvement evaluation,” on behalf of King County to consider improvements to the District’s local sewer system which would meet the District’s conveyance needs and benefit the local and regional sewer systems and would alleviate the consequences resulting from King County’s unilateral action to delay the Sammamish Plateau Diversion project; and

WHEREAS, the interim improvement evaluation concluded there are no simple solutions to meet the District’s regional sewage conveyance needs, and until the completion of the Sammamish Plateau Diversion, the available options are costly and time consuming to implement; and

WHEREAS, the District’s 2013 Wastewater Comprehensive Plan included Sammamish Plateau Diversion project planning criteria which established flow rates for the sewer basins requiring connection to the Sammamish Plateau Diversion. This planning criteria was intended to be used to develop prioritization and timing (“triggers”) for improvement projects, such as lift station and force main upgrades and the construction of the Sammamish Plateau Diversion; and

WHEREAS, on multiple occasions in 2019 and 2020 one of the Sammamish Plateau Diversion project triggers established for wastewater flows at the North Lake Sammamish Lift Station was exceeded during storm events that reinforces the critical need for King County to plan, design and construct the Sammamish Plateau Diversion, as well as for King County and the District to review the interim improvement options that might mitigate and provide relief to the capacity issues being experienced by the District pending completion of the Sammamish Plateau Diversion; and

WHEREAS, although the District and King County have been engaged in discussions during 2020 and 2021 regarding the Sammamish Plateau Diversion and possible interim improvements to address the capacity issues being experienced by the District, to date King County has not made any firm commitments regarding the Sammamish Plateau Diversion or King County’s participation in the necessary interim improvements; and

WHEREAS, given the uncertainties involved relating to King County’s funding and construction of the Sammamish Plateau Diversion and the interim improvements that might help address the capacity issues, the District Board of Commissioners believes it is prudent for the District to declare and impose a moratorium on the issuance of Certificates of Availability and the approval of new sewer service connections for certain development activities occurring within portions of the Sammamish Plateau service area and the associated sewer basins which would avoid further connections to the District’s sewer system that increase wastewater flows within the District’s sewer system experiencing capacity issues due to the lack of the Sammamish Plateau Diversion; and

WHEREAS, the District Board of Commissioners believes that an initial short term moratorium of ninety (90) days would allow the District to engage King County in further discussions on potential solutions, both interim and long term, and might lead to firm commitments by King County to participate in the necessary efforts to address the capacity issues currently impacting the District, such moratorium being subject to further extension as deemed necessary and appropriate by the District Board of Commissioners; and

WHEREAS, in addition to engaging with King County, during the moratorium the District staff and consultants can continue to explore the alternatives and schedule a public hearing for the purpose of receiving public comments from the residents, businesses and cities impacted by the capacity issues and the moratorium; and

WHEREAS, the District Board of Commissioners finds that it is necessary and appropriate to impose this moratorium in order to protect the public health, safety and welfare of the District's customers and public residing within or adjacent to portions of the Sammamish Plateau service area as described herein; now therefore,

BE IT RESOLVED by the Board of Commissioners of Sammamish Plateau Water and Sewer District, King County, Washington, as follows:

1. Incorporation of Recitals. The recitals set forth above are incorporated herein in full by this reference.
2. Declaration of Moratorium. A moratorium on the issuance of Certificates of Sewer Availability and the approval of new sewer service connections for certain development activities occurring within the Sammamish Plateau service area, including the Northeast Plateau, Beaver Dam, Inglewood East, Tiburon, North Lake Sammamish, and Central Lake Sammamish sewer basins shown on **Exhibit A** attached hereto (referred to herein collectively as the "Sammamish Plateau North Sewer Service Area") is hereby declared. Service areas located outside of the Sammamish Plateau North Sewer Service Area are not subject to this moratorium. The specific terms of the moratorium imposed by the District are described herein.
3. Effective Date and Initial Term of Moratorium. The policies and procedures set forth in this Resolution shall be effective immediately. Unless terminated, modified or extended by the Board of Commissioners, the moratorium shall continue for a period of ninety (90) days and shall expire at midnight on May 24, 2021.
4. Development Activities Subject to Moratorium. The moratorium imposed by this Resolution shall apply to the following described development activities.

A. Issuance of Certificates of Sewer Availability. No new Certificates of Sewer Availability will be issued for the following types of development activities:

(1) Individual single-family residence building permits (new home, remodel) that have not previously paid a full Sewer General Facility Charge for the level of service proposed by equivalent residential unit (ERU).

(2) New development proposals where there are not prepaid full Sewer General Facility Charges for the level of service proposed.

B. Issuance of Approvals for New Sewer Services. No new Side Sewer Permits will be issued for the following types of development activities:

(1) Existing houses that are not a sewer customer, and are requesting to transition from use of a septic system to sewer service, except as otherwise provided in subparagraph (2) below.

(2) Existing houses seeking to connect to the District public sewer system due to a failing septic system as verified by the King County Health Department will not be subject to this moratorium.

5. Scheduling of Public Hearing. The Board of Commissioners shall hold a public hearing on this matter at a regular public meeting of the Board of Commissioners which shall be scheduled for March 29, 2021 in order to take public comment regarding the moratorium and to discuss and consider the facts and circumstances relating to the sewer capacity issues and associated moratorium, and whether the Board of Commissioners will need to extend the moratorium for an additional time period. The Board hereby directs District staff to provide notice to the public of the scheduling of this public hearing.
6. Amendment of Existing Resolutions and Policies. This Resolution shall supersede and modify all prior District resolutions, policies and procedures to the extent such resolutions, policies and procedures are inconsistent with this Resolution.

ADOPTED by the Board of Commissioners, Sammamish Plateau Water and Sewer District, King County, Washington, at a regular open public meeting held on the 22nd day of February, 2021.

***Individual Commissioner's
Vote on this Resolution:***

Approved:
Opposed: _____
Abstained: _____
Absent: _____


Ryika Hooshangi (Feb 22, 2021 19:11 PST)

Ryika Hooshangi
President and Commissioner


Lloyd Warren (Feb 22, 2021 19:13 PST)

Lloyd Warren
Vice President and Commissioner


Mary Shustov (Feb 22, 2021 19:33 PST)

Mary Shustov
Secretary and Commissioner



Thomas C. Harman
Commissioner


Nav Otal (Feb 22, 2021 19:32 PST)

Nav Otal
Commissioner

**EXHIBIT A
SAMMAMISH PLATEAU NORTH SEWER SERVICE AREA**

