

September 20, 2023

Dear Friends,

Does Stevenson have an elected water-sewer district with three commissioners who have the powers (**RCW 47.08.005**) given to districts such as “(9) to compel all property owners within the district to connect their private drain and septic systems to the districts sewer system”?

RCW 57.12.030 mandates that a water-sewer district have an election as to whether a district shall be formed. Three commissioners will be elected at the same election with six-year terms.

RCW 35A.63.220 cited in the **Findings of Fact** is a zoning law. **RCW 35A.63.100 Municipal authority**-gives the City of Stevenson authority regulating the use of land such private and public land, buildings, and structures as well as parks and yards. **RCW 35A.63.061 in the Finding of Fact** cited as “The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies...” **RCW 35A.63.061** continues to say, “and shall review drainage, flooding, and storm water runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.” This groundwater citation is specific to Puget Sound not the rest of Washington State. Again, **RCW 47.08.005 (7) (a) (b) (c)** give the water sewer district the power to “construct, condemn and purchase...to...operate systems of drainage...”...for storm or surface water...for the treatment and disposal of storm and surface and underground waters”...There is absolutely no zoning law authority or legal basis to regulate water-sewer issues as other RCWs and WAC’s have jurisdiction over water-sewer issues.

I will review the RCWs and WACs:

RCW 70.05.160 Moratorium on water, sewer hookups or septic systems...”A local board of health that adopts a moratorium affecting water hookups, sewer hookups, or septic systems...shall hold a public hearing...a moratorium adopted under this section may be effective for not longer than six months.

The Skamania Board of Health is not involved in the City moratorium and it’s the Board of Health that makes the determination for the moratorium.

RCW 43.20.065 Onsite sewage system failures and inspections – Rule making.

(1) Rules adopted by the state board under RCW 43.20.050 (3) regarding failures of on-site sewage systems must:

- (a) Give first priority to allowing repair and second priority to allowing replacement of an existing conventional on-site sewage system, consisting of a septic tank and drain field, with a similar conventional system.
- (b) Not impose or allow the imposition of more stringent performance requirements of equivalent on-site sewage systems on private entities than public entities; and
- (c) Allow a system to be repaired using the least expensive alternative that meets standards and is likely to provide comparable or better long-term sewage treatment and effluent dispersal outcomes.

Finding—Intent—2019 c 21: “The legislature finds that properly functioning on-site sewage systems are an important component of the state’s wastewater treatment infrastructure. In order to ensure that on-site sewage systems remain a wastewater treatment option that is economically accessible to a wide sector of the state’s population, it is the intent of the legislature to ensure that only requirements that

are reasonable, appropriately tailored, and necessary are imposed on the installation, operation, maintenance, or repair of on-site sewage systems.” [2019 c 21 1.1]

WAC 246-272A-0025 Connection to public sewer system.

- (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the local health officer, upon the failure of an existing on-site sewage system may:
 - (a) Require hook-up to a public sewer system; or only if a conforming system can be designed and installed.
 - (b) Permit the repair or replacement of the on-site sewage system only if a conforming system can be designed and installed.
- (2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the OSS under WAC 246-272A-0399 and connect the residence or other facility to a public sewer system when:
 - (a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access:
and
 - (b) The sewer utility allows the sewer connection.
- (3) The owner of a residence or other facility...(shall) connect the residence or other facility to a public sewer system when:
 - (a) Connection is deemed necessary to protect public health by the local health officer;
 - (b) An adequate public sewer becomes available within two hundred feet of the residence or other facility as measured along the usual or most economically feasible route of access; and
 - (c) The sewer utility allows the sewer connection...

This Washington Administrative Code rule making requires the local health officer to determine sewer connection is necessary to protect public health.

Also, it is clear that two hundred feet is the limit on the sewer connection mandate. Stevenson Municipal Code 13.08.070 stated “that such public sewer is available to or on the property and/or at a property line of such property and the structures or buildings are within 300 feet of the public sewer.”

This statement requires “the public sewer is available to or on the property and /or at a property line of such property” meaning the sewer is on the city street where the property is located.

It adds “and the structures or buildings are withing 300 feet of the public sewer” meaning a large acreage property which has a house away from the street has to be connected if within 300 feet of the sewer on the street at the popery line. Code 13.08.070 has never been applied to a Stevenson property owner to my knowledge in my 48 years living in Stevenson.

RCW 70.05.060 Powers and duties of local board of health Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people withing it’s jurisdiction and shall; ...

- (2) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction.

The Skamania County Board of Health has not been involved in the moratorium or the required sewer connection.

You are shifting the financial responsibility for providing a city utility onto private property owners who are not public works contractors.

Tearing up city streets, putting in 8-inch utility grade sewer lines and repaving city streets for the benefit of the city to charge \$116 a month to homeowners along the 300 foot or much more of city streets puts private property owners in the public utility business.

We are not public utility contractors and cannot be expected to pay for a city responsibility.

Property values in the "Urban Reserve and Low-Density Residential Area" will be destroyed because no prospective buyer wants to pay potentially \$500 or more a running foot plus hookup fees in the event a septic system fails or \$150,000 for 300 feet plus \$8000 hookup fee.

Private property owners who do not have an existing septic system and want to build would have to pay much more depending on how far they are from the sewer line.

I believe there is a better solution to the City of Stevenson's financial sewer problem than a primarily negative approach.

I would like to be part of the solution using creative financial instruments, new sewerage technologies for homeowners, community suggestions or any other means to solve the City's sewerage financial problem. Please let me know if I can be of help in any way,

Thank you for your consideration,
Rick Jessel