

**CITY OF BINGEN
ORDINANCE NO. 2013-08-618**

**AN ORDINANCE ADOPTING BINGEN MUNICIPAL CODE 13.14
SEWER CONNECTIONS EXCEPTIONS PROCESS**

WHEREAS, the City of Bingen has determined that an exceptions process for sewer connections is necessary; and

NOW, THEREFORE, the City Council of the City of Bingen do ordain as follows:

Section 1. Bingen Municipal Code 13.14, Sewer Connections Exceptions Process is hereby adopted to read as follows:

Chapter 13.14

Sewer Connections Exceptions Process

Sections

13.14.010	Purpose
13.14.020	Approval Criteria
13.14.030	Administration
13.14.040	Submittal Requirements
13.14.050	Staff Report

13.14.010 Purpose

The purpose of this chapter is to provide standards for the granting of an exception from the applicable standards of Bingen Municipal Codes 13.40.050 and 13.12.100 where it can be shown that, owing to special and unusual circumstances, the literal interpretation of these provisions would cause an undue or unnecessary hardship without a corresponding public benefit.

13.14.020 Approval Criteria

An exception to the sewer connection requirements shall only be approved or approved with conditions when the City Council finds that all of the following criteria have been satisfied:

- A. The exception to be granted provides for environmental protection equivalent to compliance with the sewer connection requirements and is in the overriding public interest; and that the objectives of safety, function, environmental protection and facility maintenance, based upon sound engineering, are fully met;
- B. That there are special circumstances or conditions affecting the property such that the strict application of the sewer connections requirements would deprive the developer of all reasonable use of the parcel of land in question, and every effort to find creative ways to meet the intent of the requirements has been made;
- C. The requirement to be varied is not mandated by state or federal law;
- D. An easement and maintenance agreement with affected parties is developed and recorded with Klickitat County;
- E. The exception to be granted varies as little as possible from the letter and intent of the sewer connection requirements sought to be varied or avoided.

13.14.030 Administration

Exceptions applications shall be administered by staff and reviewed by the City Council.

13.14.040 Submittal Requirements

- A. The applicant for an exception(s) shall submit an application form that shall include the following information:
 - 1. Applicant name;
 - 2. Separate legal description of all properties which are to be served by the building sewer line;
 - 3. The name and address of each property to be served by the building sewer line;and

4. Map that identifies each property to be served by the building sewer line, drawn to scale, showing existing structures and water and sewer lines on said properties.

B. In addition, to the above information, the following shall be submitted with the application:

1. Proposed exception(s).
2. A narrative that explains how the proposed exception(s) satisfies the approval criteria in Section 13.14.020.
3. An engineer's report, with calculations, that demonstrates that the proposed size of building sewer line is capable of handling the wastewater to be generated by the structures that will be served by the building sewer line.
4. Statements with signatures of all property owners demonstrating the property owners are aware of the proposed exception and the implications of having multiple structures on a single building sewer line.
5. Draft easement and maintenance agreement with affected parties.

C. The appropriate application fee, per fee schedule as adopted by the City Council.

13.14.050 Staff Report


- A. A staff report will be provided to the City Council. The staff report shall be made available no later than 7 calendar days before the exceptions request is scheduled before the City Council.
- B. Staff may solicit comments and recommendations from other individuals or agencies including but not limited to other staff, building officials, and engineers.
- C. Notwithstanding the above, the staff report may be amended as necessary to address issues or information not reasonably known at the time the report is due.

D. If staff submits additional evidence or an amended staff report regarding the application, any party shall be entitled to a continuance of the hearing before the City Council.

Section 2. This Ordinance shall take affect and be in force five (5) days after its publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN, at a regular meeting thereof and approved by the Mayor the 20th day of August, 2013.

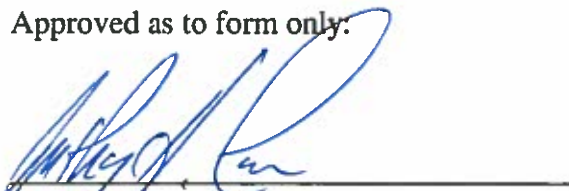
ATTEST:



Mayor Betty J. Barnes

Jan Brending, City Clerk

Approved as to form only:



Anthony H. Connors
City Attorney