

1 SNOHOMISH COUNTY BOARD OF HEALTH
2 Snohomish County, Washington

3
4 ORDINANCE NO. BOH26-01
5

6 RELATING TO PUBLIC SEWER CONNECTION REQUIREMENTS; ADDING A NEW
7 DEFINITION AND NEW SECTION TO CHAPTER 5.05 OF THE BOARD OF HEALTH
8 CODE
9

10 WHEREAS, WAC 246-272A-0025(3) provides that local boards of health may
11 require a new development to connect to a public sewer system to protect public health;
12 and

13 WHEREAS, WAC 246-272A-0025(4) provides that local boards of health shall
14 require new development or a development with a failing on-site sewage system to
15 connect to a public sewer system if it is required by the comprehensive land use plan or
16 development regulations; and
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18 WHEREAS, as the Washington State Legislature recognized in the Growth
19 Management Act, chapter 36.70A RCW (GMA), that generally cities are the units of
20 government most appropriate to provide urban governmental services; and
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22 WHEREAS, the State Legislature also recognized in RCW 36.70A.110(4) and
23 implementing regulations in WAC 365-196-320(1)(c), that the extension of urban
24 governmental services, such as sanitary sewer systems, to rural areas, is allowed in
25 those limited circumstances necessary to protect basic public health, safety, and the
26 environment, and only when such services are financially supportable at rural densities
27 and do not permit urban development; and
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29 WHEREAS, the Snohomish County Code in Section 30.29.110 recognizes that
30 connection to a public sewer is generally prohibited outside of an Urban Growth Area
31 except when required by the Snohomish County Health Department or a state agency;
32 and
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34 WHEREAS, the Snohomish County Board of Health ("Board of Health") aims to
35 ensure that any requirement for new development or a development with a failing on-
36 site sewage system to connect to public sewer systems, whether inside or outside of
37 urban growth areas, is consistent with applicable state and local rules and regulations;
38 and
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40 WHEREAS, delegating the authority granted to the Board of Health under WAC
41 246-272A-0025(3) and (4) to the Snohomish County Health Officer or their
42 representative, allows for timely and consistent public health decision making based on
43 established criteria and unique elements of each development proposal; and
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1 WHEREAS, under RCW 70.05.060(3) the Board of Health has authority to enact
2 such local rules and regulations as necessary in order to preserve, promote, and
3 improve the public health and provide for the enforcement thereof; and
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5 WHEREAS, the Board of Health has determined that updating the existing
6 Snohomish County Board of Health Code to formally delegate this authority to the
7 Health Officer, or their representative, and to adopt criteria for when a public sewer
8 connection may be required for new development outside of the urban growth areas, is
9 necessary to effectively communicate the local rules and regulations to the people of
10 Snohomish County;

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12 NOW, THEREFORE, BE IT ORDAINED:

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14 Section 1. A new section is added to Chapter 5.05 of the Snohomish County
15 Board of Health Code to read:

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17 **5.05.050 Definitions.**
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19 In addition to the definitions found in WAC 246-272A-0010, the following shall apply to
20 this title:

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22 "Urban Growth Areas" or "UGAs" means those areas designated by the county after
23 consultation with cities, where urban growth will be encouraged and supported
24 by public facilities and services. The urban growth areas include areas and densities
25 sufficient to permit the urban growth that is projected to occur in the county for a 20-
26 year period. Urban growth refers to growth that makes intensive use of land for the
27 location of buildings, structures, and impermeable surfaces to such a degree as to be
28 incompatible with the primary use of such land for the production of food, other
29 agricultural products or fiber, or the extraction of mineral resources.
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31 Section 2. A new section is added to Chapter 5.05 of the Snohomish County
32 Board of Health Code to read:

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34 **5.05.100 Connection to public sewer system.**
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36 A. *Purpose.* The purpose of this section is to delegate authority from the board of
37 health to the health officer, under WAC 246-272A-0025, and establish criteria
38 under which the health officer may require new development located outside of
39 the urban growth area to connect to a public sewer system.
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41 B. *Authority delegated.*

42 1. The board of health delegates its authority under WAC 246-272A-0025(3) to
43 the health officer to decide when to require a new development to connect to a
44 public sewer system when necessary to protect public health, safety, and the

1 environment. The health officer may only allow connection upon finding that the
2 criteria in subsection (C) have been met.

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4 2. The board of health delegates its authority under WAC 246-272A-0025(4) to
5 the health officer to require new development or development with a failing on-
6 site sewage system to connect to a public sewer system when required by the
7 Snohomish County comprehensive land use plan or development regulations.

8
9 C. *Criteria for requiring public sewer connection for new development (OSS) outside*
10 *of an urban growth area when necessary to protect public health, safety, and the*
11 *environment.* The health officer may require a new development located outside
12 of the urban growth area to connect to a public sewer system upon finding all of
13 the following criteria have been met:

- 14 1. the connection is necessary to protect basic public health and safety;
- 15 2. the connection is necessary to protect the environment;
- 16 3. public sewer system services are financially supportable and will not permit
17 urban development in conflict with the Snohomish County comprehensive
18 land use plan or development regulations;
- 19 4. the public sewer provider allows the sewer connection and has adequate
20 public sewer services available within 200 feet from where the existing
21 building drain connects to the existing building sewer, or where no building
22 drain exists, within 200 feet from where the sewer line begins, as measured
23 along the usual or most feasible route of access;
- 24 5. the real property upon which the new development is proposed abuts an
25 urban growth area; and
- 26 6. an on-site sewage system (OSS) fully conforming to the requirements of this
27 title cannot be designed and/or installed.

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29 D. *Issuance of health officer decision.* Any decision of the health officer under this
30 section shall be in writing and shall demonstrate how the requirements of this
31 section have been met.

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33 E. *Independence of agency decisions.* A decision by the health officer requiring
34 connection to a public sewer system does not guarantee, imply, or influence any
35 decision made by the Snohomish County Department of Planning and
36 Development Services or any other applicable local, state, tribal or federal
37 agency with permitting or regulatory authority.

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39 Section 3. Severability. If any provision of this ordinance or its application to any
40 person or circumstance is held invalid, the remainder of the ordinance or the application
41 of the provision to other persons or circumstances is not affected.

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PASSED this ____ day of _____, 2026.

SNOHOMISH COUNTY BOARD OF HEALTH
Snohomish County, Washington

Chairperson

ATTEST:

Clerk of the Board

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

Approved as to form only:

Deputy Prosecuting Attorney