



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 16, 2014

Ordinance 17890

Proposed No. 2014-0219.2

Sponsors Dembowski

1 AN ORDINANCE relating to the utilities technical review
2 committee's process of determining timely and reasonable
3 water and sewer service and creating an appeal process in
4 the office of the hearing examiner; and amending
5 Ordinance 2638, Section 5, as amended, and K.C.C.
6 13.24.070, Ordinance 1709, Section 6, as amended, and
7 K.C.C. 13.24.080, Ordinance 1709, Section 7, as amended,
8 and K.C.C. 13.24.090, Ordinance 11616, Section 10, as
9 amended, and K.C.C. 13.24.132 and Ordinance 11616,
10 Section 12, as amended, and K.C.C. 13.24.136 and adding
11 a new chapter to K.C.C. Title 4A.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Ordinance 2638, Section 5 as amended, and K.C.C. 13.24.070 are
14 hereby amended to read as follows:

15 Each plan submitted by a public agency for utilities technical review committee
16 review shall be accompanied by one copy of the documentation required by chapter ((197
17 -10)) 197-11 WAC, as follows:

18 A. A statement explaining the basis of categorical exemption from state
19 Environmental Policy Act requirements;

20 B. An environmental assessment, together with the agency's threshold
21 determination; or

22 C. An environmental impact statement.

23 SECTION 2. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are
24 hereby amended to read as follows:

25 A utilities technical review committee is created consisting of the following
26 representatives:

27 A. Two representatives from the department of natural resources and parks, one
28 to be appointed by the department's director and one to be the director or the director's
29 designee;

30 B. The director of the department of transportation or the director's designee;

31 C. The director of the department of permitting and environmental review or the
32 director's designee;

33 D. The director of the Seattle-King County department of public health or the
34 director's designee;

35 E. The director of the facilities management division of the department of
36 executive services or the director's designee;

37 F. One representative from the King County council staff; and

38 G. The county demographer.

39 SECTION 3. Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090 are
40 hereby amended to read as follows:

41 A. The utilities technical review committee shall ensure that the provisions of
42 K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be

43 responsible for providing the notification to tribal governments provided for in K.C.C.
44 13.20.020 for actions under that section that fall within the authority of the committee.

45 B. The utilities technical review committee shall:

46 1. Review and make recommendations to the King County executive and the
47 King County council on the adequacy of all sewer and water system comprehensive plans
48 and related matters, and determine their consistency with the King County
49 Comprehensive Plan;

50 2. Have the authority to approve, without referral to the council, additions and
51 betterments to council-approved sewer and water comprehensive plans in order to serve
52 developments that have received preliminary approval from the King County council;

53 ~~((2-))~~ 3.a. Serve as ~~((an))~~ the appeal~~((s))~~ body to determine issues relating to the
54 creation of new public water systems and the extension of existing public water service
55 within the boundaries of a critical water supply service area as provided for in the utility
56 service review procedures contained in the coordinated water system plans, based on
57 whether an existing water purveyor can provide service in a timely and reasonable
58 manner (WAC 246-293-190).

59 b. An appeal under subsection B.3.a. of this section is subject to all of the
60 following:

61 (1) A notice of appeal or request to find that water service is or is not
62 available in a timely and reasonable manner shall be filed with the utilities technical
63 review committee and shall be accompanied by a nonrefundable fee as prescribed in
64 section 5 of this ordinance;

65 (2) Written materials from the appellant and the water purveyor and any
66 interested parties may be submitted on forms developed by the utilities technical review
67 committee. The committee shall evaluate such submittals and any other submitted
68 written materials in light of applicable state laws, regulations and policies. The
69 committee shall issue a final written determination, including findings and conclusions,
70 within thirty days of the date that the written record is complete;

71 (3) The utilities technical review committee shall provide its written
72 determination together with the procedures for administrative appeals, to the appellant, to
73 the water purveyor, and to any person, who, before the determination, has requested
74 notice of the determination; and

75 (4) The written determination by the utilities technical review committee shall
76 be the final county action, unless further appeal is made to the office of the hearing
77 examiner, in accordance with K.C.C. 20.24.080 and 20.24.090. In such an appeal to the
78 hearing examiner, the written determination shall constitute the department report for the
79 purposes of K.C.C. 20.24.150.

80 c. The utilities technical review committee is authorized to establish by rule the
81 procedures and timeframes for submittal to the committee of any requests for an appeal
82 as provided for under this chapter and chapter 13.28; and

83 4. Issue the findings required under K.C.C. 13.24.132, 13.24.134 and 13.24.136
84 relative to sewer expansion in rural and resource areas. The determination that sewer
85 expansion in rural and resource areas is necessary shall be based on information
86 concerning the feasibility of alternative treatment technologies as provided by the Seattle-
87 King County department of public health.

88 SECTION 4. Section 5 of this ordinance should constitute a new chapter in
89 K.C.C. Title 4A.

90 NEW SECTION. SECTION 5. The nonrefundable fee for an appeal or request to
91 find that water service is not available in a timely and reasonable manner under K.C.C.
92 13.24.090.B.3.b.(1) is two hundred fifty dollars.

93 SECTION 6. Ordinance 11616, Section 10, as amended, and K.C.C. 13.24.132
94 are hereby amended to read as follows:

95 New sewer facilities shall be allowed to cross the rural areas only if the facilities
96 are:

97 A. Limited to serving areas within an (~~(u)~~)Urban (~~(g)~~)Growth (~~(a)~~)Area, rural city
98 or a rural town approved for public sewer service;

99 B. Tightly lined or otherwise subject to access restrictions precluding service to
100 adjacent rural areas; and

101 C. Identified in a King County-approved comprehensive sewage system plan and
102 upon a finding by the utilities technical review committee that it is technically necessary.

103 SECTION 7. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136
104 are amended to read as follows:

105 All new development within the Urban Growth Area shall be served by an
106 adequate public or private sewage disposal system, including both collection and
107 treatment facilities, as required by K.C.C. 21A.28.030. On-site sewage treatment and
108 disposal systems shall be permitted in the Urban Growth Area only for single-family
109 residences or for short subdivisions only on an interim basis and only as follows:

110 A. For existing individual lots, the director of the department of permitting and
111 environmental review may authorize individual on-site sewage treatment and disposal
112 systems given the following findings:

113 1. Application of the requirement of K.C.C. 13.24.035 that all development in
114 the urban growth area be served by public sewers, would deny all reasonable use of an
115 individual lot;

116 2. The applicant has submitted a certificate of sewer availability from the most
117 logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the
118 director that the requirement to receive public sewer service from the utility is
119 unreasonable or infeasible at the time of construction; and

120 3. The applicant has provided a certificate of future connection from the
121 appropriate utility that certifies that an irrevocable agreement has been entered into with
122 the utility providing that the property shall be connected to public sewers upon
123 availability of such sewers and that the property owner shall pay all costs of connection
124 to the sewer (~~and connection of the roof drainage either to the abandoned on-site sewage~~
125 ~~drainfield or to septic tank only if completely cleaned out prior to connection)). This
126 certificate shall stipulate that the applicant and the applicant's successor's and interest
127 agree to participate in and not protest the formation of a utility local improvement district
128 or local improvement district or utility project that is designed to provide public sewer
129 services to the property. This certificate shall be recorded in the real property records of
130 King County and shall be a permanent condition on the property running with the land
131 until such time as the costs for connection are fully paid to the utility((;~~

132 ~~4. The abandoned on-site sewage system shall be connected to receive all~~
133 ~~rooftop runoff once the property is connected to the public sewer;)).~~

134 B. For short subdivisions, if:

135 1. The utilities technical review committee determines that sewer service is not
136 available in a timely and reasonable manner for property located within the urban growth
137 area. In making its determination, the utilities technical review committee shall follow
138 the procedures applicable to its determinations on whether water service is available from
139 an existing purveyor in a timely and reasonable manner. However, in lieu of the process
140 provided for in 13.24.090.B.3.b.(4), any appeal of the determination by the utilities
141 technical review committee regarding the availability of timely and reasonable sewer
142 service shall be consolidated with and is subject to the same appeal process as the
143 underlying short plat application;

144 2. These on-site systems shall be managed by one of the following entities, in
145 order of preference:

146 a. The sewer utility whose service area encompasses the proposed short
147 subdivision; ~~((or))~~

148 b. The provider most likely to serve the area; or

149 c. An Onsite Sewage System Maintainer certified by the Seattle-King County
150 department of health;

151 3. The approved short subdivision indicates how additional lots to satisfy the
152 minimum density requirements of K.C.C. Title 21A will be located on the subject
153 property if sewers become available in the future;

154 4. There is no further subdivision or short subdivision of lots created under this
155 section unless the additional lots are served by public sewers; and

156 5. The applicant has provided a certificate of future connection as required by
157 subsection A.3. of this section.

158 C. The applicant has received approval for an on-site sewage treatment and
159 disposal system design from the department of public health-Seattle and King County in

165 accordance with the rules and regulations of the King County board of health, ((K.C.C.))

166 BOH Title 13.

167

Ordinance 17890 was introduced on 6/16/2014 and passed by the Metropolitan King County Council on 9/15/2014, by the following vote:

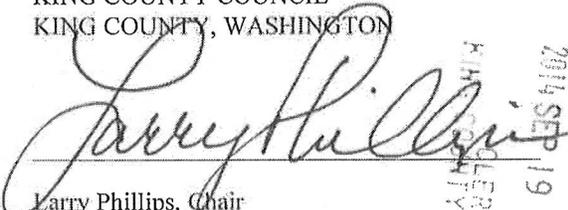
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Yes: 9 – Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, and
Mr. Upthegrove

No: 0

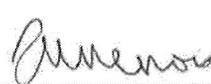
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

RECEIVED
2014 SEP 19 PM 3:44
KING COUNTY CLERK
KING COUNTY COUNCIL

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 18 day of SEPTEMBER, 2014.


Dow Constantine, County Executive

Attachments: None
