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Title: AN ORDINANCE relating to sewer and water management; and amending Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010, Ordinance 4307, Section 2, as amended, and K.C.C. 13.24.020, Ordinance 13625, Section 22, as amended, and K.C.C. 13.24.035, Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, Ordinance 11481, Section 7, as amended, and K.C.C. 13.24.075, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090, Ordinance 1709, Section 8, as amended, and K.C.C. 13.24.100, Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134, Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136, Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138 and Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140.

Sponsors: Larry Gossett

Indexes: Comprehensive Plan, Sewer Districts, Water

Code sections: 13.24.010 -, 13.24.020 -, 13.24.035 -, 13.24.060 -, 13.24.075 -, 13.24.080 -, 13.24.090 -, 13.24.100 -, 13.24.136 -, 13.24.138 -, 13.24.140 -

Attachments: 1. 16265.pdf, 2. 2008-0124---0128 Notice of Adoption.doc, 3. 2008-0124--2008-0128 hearing notice.doc, 4. 2008-0126 Fiscal Note.xls, 5. 2008-0126 Regulatory Note--Checklist of Criteria.doc, 6. 2008-0126 Transmittal Letter.pdf

Date	Ver.	Action By	Action	Result
10/6/2008	1	Metropolitan King County Council	Passed as Amended	Pass
9/29/2008	1	Metropolitan King County Council	Hearing Held	
9/29/2008	1	Metropolitan King County Council	Deferred	
8/5/2008	1	Growth Management and Natural Resources Committee		
3/10/2008	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/08/2008

AN ORDINANCE relating to sewer and water management; and amending Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010, Ordinance 4307, Section 2, as amended, and K.C.C. 13.24.020, Ordinance 13625, Section 22, as amended, and K.C.C. 13.24.035, Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, Ordinance 11481, Section 7, as amended, and K.C.C. 13.24.075, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080,

Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090, Ordinance 1709, Section 8, as amended, and K.C.C. 13.24.100, Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134, Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136, Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138 and Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010, are each hereby amended to read as follows:

A. Comprehensive plans for water and sewer districts or any other public or private entities that distribute or obtain water or provide sewer collection or treatment in unincorporated areas of King County shall be adopted by that entity and approved by the King County council as a prerequisite for the following:

1. Operating in unincorporated King County;
2. Approval of annexation proposals;
3. Granting of new right-of-way franchises and right-of-way franchise renewals; and
4. Approval of right-of-way construction permits, except for emergency permits issued under K.C.C.

14.44.055.

B.1. Except as provided in K.C.C. 13.24.015, such plans shall be reviewed by a utilities technical review committee established by this chapter before submission to the King County council for approval by ordinance.

2. When reviewing proposals for modified and expanded service area boundaries for municipal water suppliers, the utilities technical review committee shall consider whether:

a. the municipal water system is in compliance with its comprehensive plan, including water conservation elements; and

b. the municipal water system can meet its duty to provide timely and reasonable service within its service area as required under chapters 43.20 and 70.116 RCW.

C. Only plans consistent with the King County Comprehensive Plan adopted in K.C.C. Title 20 and corresponding development regulations shall be approved. The infrastructure system for the existing service area and for the area anticipated to be served in the future shall be based on the adopted land use map of the Comprehensive Plan. For the purposes of this subsection C., plans include updated plans, amended plans and other documentation that may be required under subsection E. of this section.

D. A new, fully updated plan shall be submitted every six years, or in conformance with the cycle of updates required by the state Department of Health or Department of Ecology, whichever is sooner. Except for water systems proposing a changed service area, as authorized under RCW 90.03.386, water comprehensive plans shall not be required for Group A water systems that are not expanding public water systems as defined in WAC 246-290-010.

E. The utilities technical review committee may require an updated plan, plan amendment or other documentation whenever conditions for water or sewer availability have changed significantly within a water or sewer utility service area. Water and sewer utilities required to plan under this chapter shall promptly notify King County of any significant changes affecting service provision.

F. Water and sewer comprehensive plans shall include information sufficient to demonstrate the ability to provide service consistent with the requirements of all applicable statutes, codes, rules and regulations.

G.1. Water comprehensive plans shall be consistent with the Washington state Department of Health planning requirements under chapter 246-290 WAC and with the planning criteria in its "Water System Planning Handbook" or its successor document. Water comprehensive plans shall also include an evaluation of reclaimed water opportunities, as required by RCW 90.46.120.

2. The county shall not approve a water system plan with a proposed service area where the water system is unable to provide service for one or more of the reasons identified in RCW 43.20.260. Nothing in this subsection G. prohibits the county from approving a modified or expanded service area boundary for the water system to correct problems and provide reliable potable water service within the proposed modified

service area.

H. Sewer comprehensive plans shall be consistent with WAC 173-240-050. In addition, the plans shall discuss the following:

1. Existing and planned flows, both average and peak;
2. Existing and planned flows for any basin discharging into King County's sewage conveyance and treatment system;
3. Amounts of inflow and infiltration to the system, a comparison of those amounts with King County's one-thousand-one-hundred-gallons-per-acre-per-day-standard, and steps being taken to reduce the inflow and infiltration;
4. Areas of concern with respect to corrosion and odor control and steps being taken to reduce their occurrence; and
5. Opportunities for reclaimed water as required under RCW 90.48.112 and 90.48.495.

I. The utilities technical review committee may require additional information to be included as part of a water or sewer comprehensive plan.

SECTION 2. Ordinance 4307, Section 2, as amended, and K.C.C. 13.24.020, are each hereby amended to read as follows:

The director of the department of natural resources and parks, or the director's authorized designee, shall be the official designated by King County for the approvals required by RCW 57.16.010. Director approval shall be based on recommendations provided by department (~~(engineers)~~) staff and the utilities technical review committee.

SECTION 3. Ordinance 13625, Section 22, as amended, and K.C.C. 13.24.035, are each hereby amended to read as follows:

A. All development within the urban growth area shall be served by public sewer service except on-site sewage systems may be allowed temporarily in some parts of the urban growth area in accordance with K.C.C.

13.24.136 ((and 13.08.070)).

B. Public sewer service shall also be provided in rural towns when the service provision has been approved by King County. As of the effective date of this section, only the rural town of Vashon has been approved for public sewer service.

C. Public sewer service shall not be provided outside the urban growth area or any rural town designated to receive the service, except as described in K.C.C. 13.24.134.

D. Sewer extensions under subsections A.((2)) and C₂ of this section shall be approved by the council, if it is determined that the extension meets the criteria in this section and is consistent with all other adopted King County policies and regulations. Decisions on sewer extensions in rural or resource areas shall be made by the council in the form of a sewer comprehensive plan or an amendment to a sewer comprehensive plan.

E. The required elements of a sewerage general plan in RCW 36.94.010(3) are included in the 1994 King County Comprehensive Plan and its technical appendix, as adopted in K.C.C. Title 20.

SECTION 4. Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, are each hereby amended to read as follows:

Comprehensive plans approved by the county shall be consistent with the following:

- A. K.C.C. chapter 17.08 relating to the installation of fire hydrants and water mains;
- B. State and local health standards;
- C. The creation and maintenance of logical service areas consistent with the relevant coordinated water system plans approved under chapters 43.20 and 70.116 RCW and the duty to serve under RCW 43.20.260;
- D. Service area boundary requirements as identified in RCW 90.03.386;
- E. The elimination or prevention, or both, of duplicate facilities;
- F. The promotion of the most reliable and healthful service to the public, including the delivery of potable water by existing public water systems on a permanent or interim basis whenever feasible;

G. The provision of service at a reasonable cost and maximization of the use of existing public facilities;

H. The reduction of the number of entities providing sewer or water service in King County that may be achieved through the use of satellite ownership and management and conditional approvals for new water systems under RCW 70.119A.060;

I. The King County Comprehensive Plan and other pertinent county adopted plans and policies, including, but not limited to, the King County Flood Hazard Reduction Plan and the King County Emergency Response Plan;

J. Coordinated water system plans under chapter 70.116 RCW;

K. Basinwide or multibasin water plans, sewerage plans or water and sewerage plans, when approved by the state Department of Ecology and the state Department of Health;

L. Applicable state water quality, water conservation and waste management standards;

M. The state Water Resources Act, chapter 90.54 RCW;

N. The state Growth Management Act, chapter 36.70A RCW;

O. Adopted ground water management plans under RCW 90.44.400 and chapter 173-100 WAC;

P. Federally approved habitat conservation plans and recovery plans approved in accordance with the Endangered Species Act;

Q Requirements under chapter 77.85 RCW for salmon recovery, water resource plans adopted in accordance with chapter 90.54 RCW, watershed plans approved in accordance with chapter 90.82 RCW and regional water supply or water resource management plans; and

R. Applicable requirements to evaluate opportunities for the use of reclaimed water under chapter 90.46 RCW.

SECTION 5. Ordinance 11481, Section 7, as amended, and K.C.C. 13.24.075, are each hereby amended to read as follows:

The department of natural resources and parks may evaluate measures proposed in utility comprehensive plans and recommend measures to the utilities technical review committee to implement, as appropriate, ground water management plans and wellhead protection programs to further protect ground water resources.

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

A utilities technical review committee is created consisting of the following representatives (~~as appointed by the director of each department~~):

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

B. (~~One representative from~~) The director of the department of transportation or the director's designee;

C. (~~One representative from~~) The director of the department of development and environmental services or the director's designee;

D. (~~One representative from~~) The director of the Seattle-King County department of public health or the director's designee;

E. (~~One representative from~~) The director of the facilities management division of the department of executive services or the director's designee; (~~and~~)

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

G. The county demographer.

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

A. The utilities technical review committee shall ensure that the provisions of K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be responsible for providing the notification to

tribal governments provided for in K.C.C. 13.20.020 for actions under that section that fall within the authority of the committee.

B. The utilities technical review committee shall:

1. ~~((f))~~ Review and make recommendations to the King County executive and the King County council on the adequacy of all sewer and water system comprehensive plans and related matters, and ~~((determination of))~~ determine their consistency with the King County comprehensive plan; ~~((provided, further, that the committee shall h))~~

2. Have the authority to approve additions and betterments to council-approved sewer and water comprehensive plans without referral to the council in order to serve developments ~~((which))~~ that have received preliminary approval from the King County council~~((The utilities technical review committee shall s))~~;

3. Serve as an appeals body to hear issues relating to the creation of new public water systems and the extension of existing public water service within the boundaries of a critical water supply service area as provided for in the utility service review procedures contained in the coordinated water system plans~~((; the key determinant is))~~, based on whether an existing water purveyor can provide service in a timely and reasonable manner (WAC ~~((2248-56-620))~~~~The utilities technical review committee shall i))~~ 246-293-190); and

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

SECTION 8. Ordinance 1709, Section 8, as amended, and K.C.C. 13.24.100, are each hereby amended to read as follows:

A. The director of the department of natural resources and parks shall designate a representative of the department of natural resources and parks as the chair of the utilities technical review committee.

B. Required copies of all sewer and water comprehensive plans shall be submitted to the King County

department of natural resources and parks. The department of natural resources and parks shall have the major responsibility for coordination and support for the utilities technical review committee.

~~((B-))~~ C. Notice of the time and place of the utilities technical review committee meeting shall be provided to the applicant for comprehensive plan approval prior to the meeting.

~~((C-))~~ D. The applicant shall have the right to attend or be represented at any and all meetings upon request.

E. The chair may invite the participation of representatives from the Washington state Department of Health and the Washington state Department of Ecology on an ex officio basis as appropriate.

SECTION 9. Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134 are each hereby amended to read as follows:

Expansion of sewer service in rural and natural resource areas.

A. Sewer service shall be expanded to serve uses in the rural and natural resource areas only if the facilities are:

1. Needed to address:

a. Specific health and safety problems threatening the existing uses of structures; or

b. The needs of public school((s)) systems with design daily average flows of more than three thousand five hundred gallons per day; and

2. Tightlined; and

3. A finding is made by the utilities technical review committee that no cost-effective alternative technologies are feasible and that an on-site sewer disposal system for the public school or public school facility would not protect basic public health, safety, and the environment during the use of this site for a school or school facility.

B. Decisions on sewer service expansions in rural or resource areas shall be made by King County in the form of approval of a sewer comprehensive plan or approval of an amendment to a sewer comprehensive

plan.

SECTION 10. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136, are each hereby amended to read as follows:

All new development within the Urban Growth Area shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities, as required by K.C.C. 21A.28.030.

On-site sewage treatment and disposal systems shall be permitted in the Urban Growth Area only for single-family residences or for short subdivisions only on an interim basis and only as follows:

A. For existing individual lots, the director of the department of development and environmental services may authorize individual on-site sewage treatment and disposal systems given the following findings:

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

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

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

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

B. For short subdivisions, if:

1. The utilities and technical review committee determines that sewer service is not available in a timely and reasonable manner for property located within the urban growth area;
2. These on-site systems shall be managed by one of the following entities, in order of preference:
 - a. The sewer utility whose service area encompasses the proposed short subdivision; or
 - b. The provider most likely to serve the area; or
 - c. an Onsite Sewage System Maintainer certified by the Seattle-King County department of health;
3. The approved short subdivision indicates how additional lots to satisfy the minimum density requirements of K.C.C. Title 21A will be located on the subject property if sewers become available in the future;
4. There is no further subdivision or short subdivision of lots created under this section unless the additional lots are served by public sewers; and
5. The applicant has provided a certificate of future connection as required by subsection A.3. of this section.

C. The applicant has received approval for an on-site sewage treatment and disposal system design from the department of public health-Seattle and King County in accordance with the rules and regulations of the King County board of health, K.C.C. Title 13.

SECTION 11. Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138, are each hereby amended to read as follows:

A. Standards and plans for utility services in rural areas and the design and scale of new water facilities that serve the Urban Growth Area but must be located in the rural area shall be consistent with the needs of long-term low-density residential development and resource industries in the rural area.

B. Consistent with RCW 90.54.020, 70.116((7)) and 70.119A, existing Group A and Group B water systems with approved water system plans are the preferred means of water service within the Rural Area. New development in the rural area must be served by Group A water systems, Group B water systems or individual private wells in the following priority order:

1. By a Group A water system through direct service, if the proposed development is in an approved service area that has been assigned to a Group A water system through a King County-approved coordinated water system plan or is within the approved service area in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state and direct service can be provided by that system in a timely and reasonable manner;

2. By a new public water system owned and operated by a Group A water system or by a satellite management agency as provided in RCW 70.119A.060, until direct service can be provided by a Group A water system, if:

a. the proposed development is within the approved service area of a Group A water system, as described in subsection B.1. of this section, and direct service cannot be provided by that system in a timely and reasonable manner; or

b. the proposed development is in the service area of a water system that the county has determined has known quality or quantity problems that threaten public health;

3. By an existing Group A or Group B water system able and willing to provide safe and reliable potable water when it may be done with reasonable economy and efficiency, if the proposed development is not in an approved service area that has been assigned to a Group A water system through a King County-approved coordinated water system plan, and is not within the approved service area identified in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state;

4. By a new Group A or Group B water system that meets relevant land use and public health requirements and, if applicable, the provisions of subsection E. of this section; or

5. By a private well that meets relevant land use and public health requirements and, if applicable, the provisions of subsection E. of this section. If the proposed development to be served by the private well is in an approved service area that has been assigned to a Group A water system through a coordinated water system plan approved by the King County council or is within the approved service area in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state, the county shall condition its approval upon the future connection of the development to the water system when service from that system becomes available.

C. Existing Group A water systems shall not be expanded beyond the total number of lots that the system is ultimately designed to serve, except as otherwise provided in subsection D. of this section.

D. A Group A water system may be established or expanded if:

1. The area has been assigned to a water purveyor through a King County-adopted coordinated water system plan; and
2. Before approval of the new system or system extension, the maximum number of connections has been specified based on the number of previously platted, or otherwise legally divided, lots and the zoning approved for the total rural area being served, and Group A service is financially feasible at the resulting density, as described in an approved water system plan.

E. In a closed basin, as defined by chapters 173-507, 173-508, 173-509, 173-510 and 173-515 WAC, or on Vashon-Maury Island, a private well or a public water system created to provide domestic water for a proposed division or redivision of land and that uses an exempt well under RCW 90.44.050 shall meet the following standards:

1. The proposed division or redivision of land shall be for no more than six lots;
2. Only one public water system may be created to serve the lots created by the proposed division or redivision of land;
3. Only one exempt well may be created to serve the lots created by the proposed division or

redivision of land, unless more than one exempt well is required to meet water flow requirements or each lot in the proposed division or redivision of land is at least twenty acres in size; and

4. The private well or public water system shall allow no more than one-half acre of irrigation.

SECTION 12. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140, are each hereby amended to read as follows:

A. All new development in the Urban Growth Area shall be served by:

1. An adequate public or private water supply system, as required by K.C.C. 21A.28.040; and

2. ~~((€))~~The appropriate existing Group A water purveyor, unless service cannot be provided in a timely and reasonable manner as provided in RCW 43.20.260 and 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

B. Alternative water service shall be permitted on an interim basis, only as follows:

1. For individual lots, the director of the department of development and environmental services may authorize interim water service from an existing Group B public water purveyor or the development of an individual well after making the following findings;

- a. The applicant has submitted a certificate of water availability from the appropriate Group A or Group B water purveyor accompanied by a letter from the same purveyor that demonstrates to the satisfaction of the director that the requirement to receive water service from the purveyor is unreasonable or infeasible at the time of construction, which means service cannot be provided in a timely and reasonable manner in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy and efficiency as provided in RCW 19.27.097;

- b. For connections to a Group B water purveyor, ~~((F))~~the applicant has received a water availability certificate from an existing Group B public water purveyor or has received pre-application approval for connection to a private well from the Seattle-King County department of public health in accordance with the rules and regulations of Title 12 of the Seattle-King County board of health;

c. For development of a new individual well, the applicant is unable to receive water service in a timely and reasonable manner or with reasonable economy and efficiency from any public water system;

d. The applicant has provided a certificate of future connection from the appropriate Group A water purveyor that certifies that an irrevocable agreement has been entered into with the purveyor providing that the property shall be connected to the purveyor's water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall stipulate that the applicant and his grantees agree to participate in and not protest the formation of a utility local improvement district (ULID) or local improvement district (LID) or utility purveyor project that is designed to provide public water services to the property and agree to decommission any well that is abandoned in the process of connection to a Group A water system in conformance with applicable state law. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the purveyor; and

~~((d.))~~ e. Application of the standards of this title would otherwise preclude reasonable use of the property.

2. For subdivisions and short subdivisions, interim water service from a new or existing public water system may be approved as follows:

a. The applicant has received approval for the creation of a new public system in accordance with the applicable coordinated water system plan or individual water system plan reviewed by the county and approved by the state, if any, or the applicant has received a water availability certificate from an existing public water system; and

b. The director of the department of development and environmental services makes the following findings:

(1) The applicant has provided a certificate of future connection from the appropriate Group A water purveyor that certifies that an irrevocable agreement has been entered into with the purveyor providing

that the property shall be connected to the purveyor's water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall stipulate that the applicant and his grantees agree to participate in and not protest the formation of a utility local improvement district (ULID) or local improvement district (LID) or utility purveyor project that is designed to provide public water services to the property and agree to decommission any well that is abandoned in the process of connection to a Group A water system in conformance with applicable state law. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the purveyor;

(2) The applicant provides a statement from the Group A public water system designated to assume the new public water system, or within whose service area the new system is proposed to be constructed, that it will provide satellite management of the system or that it has entered into an agreement or contract with a satellite management agency certified by the state Department of Health to provide water service until it can provide direct service, as required by RCW 70.119A.060; and

(3) Any new public water system will be built to the design standards of the appropriate Group A water purveyor to which it will be eventually connected.

C. Either existing wells or Group B water systems, or both, may serve the lots that the systems are ultimately designed to serve and shall be managed in compliance with applicable health regulations.

SECTION 13. If any provision of this ordinance or its application to any person

or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.