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Title: AN ORDINANCE relating to sewer and water comprehensive plans; and amending Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010, Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138, Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140 and Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136.

Sponsors: Dow Constantine, Carolyn Edmonds, Larry Phillips

Indexes: Comprehensive Plan, Water and Sewer Districts

Code sections: 13.24.010 -, 13.24.060 -, 13.24.136 -, 13.24.138 -, 13.24.140 -

Attachments: 1. 15029.pdf, 2. 2004-0114--0118 Notice of Enactment.doc, 3. 2004-0115 Hearing Notice.doc, 4. 2004-0115 Transmittal Letter.doc, 5. Staff Report 6-22-04

Date	Ver.	Action By	Action	Result
9/27/2004	2	Metropolitan King County Council	Passed as Amended	Pass
9/20/2004	2	Metropolitan King County Council	Hearing Held	
9/20/2004	2	Metropolitan King County Council	Deferred	
7/20/2004	1	Growth Management and Unincorporated Areas Committee	Recommended Do Pass Substitute	Pass
7/13/2004	1	Growth Management and Unincorporated Areas Committee	Deferred	
6/22/2004	1	Growth Management and Unincorporated Areas Committee	Deferred	
6/15/2004	1	Growth Management and Unincorporated Areas Committee	Deferred	
3/8/2004	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to sewer and water comprehensive plans; and

amending Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010,

Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, Ordinance 11616,

Section 13, as amended, and K.C.C. 13.24.138, Ordinance 11616, Section 14, as

amended, and K.C.C. 13.24.140 and Ordinance 11616, Section 12, as amended,

and K.C.C. 13.24.136.

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:

Water and sewer system comprehensive plans.

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 ~~((each such))~~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 ~~((the provisions of))~~ 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 ~~((prior to))~~ 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 service within its service area as required under RCW chapter 43.20.

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 purpose 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 that))~~). 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. (~~(King County)~~) 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 requirement 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 ((identified by the state Department of Health)) 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; ~~((and))~~
2. Existing and planned flows for any basin discharging into King County's sewage conveyance and treatment system; ~~((and))~~
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; ~~((and))~~
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 1709, Section 5, as amended, and K.C.C. 13.24.060 are each hereby amended to read as follows:

Comprehensive plans - approval requirements. 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;
- ~~((E:))~~ F. The promotion of the most reliable and healthful services to the public, including the delivery

of potable water by existing public water systems on a permanent or interim basis whenever feasible;

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

~~((G.))~~ H. The reduction of the number of entities providing sewer ~~((and/))~~ 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;

~~((H.))~~ I. The King County Comprehensive Plan and other pertinent county adopted plans and policies;

~~((I.))~~ J. Coordinated water system plans under chapter 70.116 RCW;

~~((J.))~~ K. ~~((The b))~~ 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;

~~((K.))~~ L. Applicable state water quality, water conservation and waste management standards;

~~((L.))~~ M. The state Water Resources Act, chapter 90.54 RCW;

~~((M.))~~ N. The state Growth Management Act, chapter 36.70A RCW;

~~((N.))~~ O. Adopted ground water management plans ~~((pursuant to))~~ under RCW 90.44.400 and chapter 173-100 WAC; ~~((and~~

~~O. Adopted habitat conservation plans developed pursuant to the Endangered Species Act))~~ 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 3. Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138 are each hereby

amended to read as follows:

Water facilities in rural areas.

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. New development in the rural area may be served by individual ~~((P))~~ private wells, ~~((and))~~ Group A water systems or Group B water systems ~~((may be allowed in rural areas.))~~ as follows:

~~((If the area for a new public water system is included in the planning area of an existing water purveyor as identified in a Coordinated Water System Plan, the water system should be operated by the purveyor through either satellite management or direct service.))~~

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

2. If the proposed development is included in an area currently served by a water system that the county has determined has known quality or quantity problems that threaten public health, or if direct service cannot be provided in a timely and reasonable manner, then the county may authorize the creation of a new public water system only if the new system is owned and operated either by the existing system or by a satellite management agency as provided in RCW 70.119A.060 until direct service can be provided; or

3. If the proposed development is included in an area that has been assigned to Group A water system through a King County-approved coordinated water system plan and is not within the service area in an individual water system plan of a Group A water system that has been reviewed by the county and approved by the state, the county may require the new development to connect to an existing system able and willing to

provide safe and reliable potable water when it may be done with reasonable economy and efficiency. If such a connection cannot be made, the county may authorize the creation of a new Group B water system, but only if it otherwise meets relevant land use and public health requirements, and the provisions of subsection E of this section, if applicable.

4. If water service cannot be provided under subsection B.1 through B.3. of this section, the county may authorize the creation of a private well, only if the well otherwise meets relevant land use and public health requirements and the provisions of subsection E of this section, if applicable. If the proposed development to be served by the private well is in an 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 service area in an 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 (~~((may be allowed to remain and))~~) shall not be expanded beyond the total number of lots (~~((which such))~~) that the system is ultimately designed to serve, except as (~~((may be))~~) otherwise provided in subsection D. of this section.

D. (~~((Establishment of new))~~) A Group A water system((s)) may be established or (~~((the expansions of existing Group A water systems may also be allowed))~~) expanded if:

1. (~~((a. Water systems have quality or quantity problems that threaten public health and which can best be solved by Group A service; or~~

~~b.))~~) 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.

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 subdivision and that uses an exempt well under RCW 90.44.050 shall meet the following standards:

1. The public water system may serve no more than six lots;
2. Only one public water system may be created to serve the subdivision;
3. The public water system may have only one exempt well, unless more than one exempt well is required to meet water flow requirements; and
4. The private well or public water system shall allow no more than one-half acre of irrigation.

SECTION 4. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140 are each hereby amended to read as follows:

Water facilities in urban areas - ((F))interim alternative water service.

A. All new development in the ((u))Urban ((g))Growth ((a))Area ((may)) shall be served by the appropriate existing Group A water purveyor, unless service cannot be provided in a timely and reasonable manner as provided in RCW 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:

((A-)) 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 ((given)) after making the following findings;

((1-)) a. The applicant has submitted a certificate of water availability from the appropriate Group A water purveyor accompanied by a letter from the same purveyor ((which)) 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 70.116.060(3)(b) or with reasonable economy and efficiency as provided in RCW 19.27.097;

((2-)) b. 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 ~~((King County board of health Title 12))~~ Title 12 of the Seattle-King County board of health;

((3-)) c. The applicant has provided a ~~((€))~~certificate of ~~((£))~~future ~~((€))~~connection from the appropriate Group A water purveyor ~~((which))~~ 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. 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

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

((B-)) 2. For subdivisions and short subdivisions, interim water service from a new or existing ~~((Group B))~~ public water system may be approved as follows:

((1-)) a. The applicant has received approval for the creation of a new ~~((Group B))~~ public system in accordance with the applicable ~~((€))~~coordinated ~~((W))~~water ~~((S))~~system ~~((P))~~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 ~~((Group B))~~ public water system; and

((2-)) b. The director of the department of development and environmental services makes the

following findings:

~~((a-))~~ (1) ~~((t))~~ The applicant has provided a ~~((c))~~ certificate of ~~((f))~~ future ~~((c))~~ connection from the appropriate Group A water purveyor ~~((which))~~ 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. 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;

~~((b- a new Group B public water system formed in the planning area of an existing water purveyor as identified in a Coordinated Water System Plan shall be operated through satellite system management))~~ (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

~~((c-))~~ (3) ~~((a))~~ Any new ~~((Group B))~~ public water system ~~((shall))~~ 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 5. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136 are each hereby amended to read as follows:

On-site sewage treatment and disposal systems in the urban growth area. On-site sewage treatment

and disposal systems shall be permitted in the urban growth area only for single-family residences ~~((or on land in the North Bend urban growth area with actual or potential commercial or industrial zoning or on land where there is a proposal to redevelop or expand an existing use subject to a vested land use application,))~~ only on an interim basis and only as follows:

A. For 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; ~~((or))~~ and

B. ~~((For a proposal located in the North Bend urban growth area or for a parcel that has a vested land use application for the redevelopment or expansion of an existing use, the director of the department of development and environmental services may authorize on-site sewage treatment and disposal systems given the following findings:~~

~~1. The property in the North Bend urban growth area has actual or potential commercial or industrial zoning;~~

~~2. The proposed uses for those properties in the North Bend urban growth area are non-retail, resource-based shipping, distributing, and trucking-related uses or highway-oriented uses, that do not require sewers; and~~

~~3. The applicant provides an agreement, binding on the applicant and the applicant's successors, that the property shall be connected to public sewers upon availability of such sewers within 200 hundred feet of the property, that the property owner shall pay all costs of connection to the sewer, and that applicant agrees 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; and~~

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.