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2 AN ORDINANCE relating to sewer and water
3 management; and amending Ordinance 1709, Section 1, as
4 amended, and K.C.C. 13.24.010, Ordinance 4307, Section
5 2, as amended, and K.C.C. 13.24.020, Ordinance 13625,
6 Section 22, as amended, and K.C.C. 13.24.035, Ordinance
7 1709, Section 5, as amended, and K.C.C. 13.24.060,
8 Ordinance 11481, Section 7, as amended, and K.C.C.
9 13.24.075, Ordinance 1709, Section 6, as amended, and
10 K.C.C. 13.24.080, Ordinance 1709, Section 7, as amended,
11 and K.C.C. 13.24.090, Ordinance 1709, Section 8, as
12 amended, and K.C.C. 13.24.100, Ordinance 11616, Section
13 12, as amended, and K.C.C. 13.24.136, Ordinance 11616,
14 Section 13, as amended, and K.C.C. 13.24.138 and
15 Ordinance 11616, Section 14, as amended, and K.C.C.
16 13.24.140.

17 ..body

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

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

- 24 1. Operating in unincorporated King County;
- 25 2. Approval of annexation proposals;
- 26 3. Granting of new right-of-way franchises and right-of-way franchise renewals;
- 27 and
- 28 4. Approval of right-of-way construction permits, except for emergency permits
- 29 issued under K.C.C. 14.44.055.

30 B.1. Except as provided in K.C.C. 13.24.015, such plans shall be reviewed by a

31 utilities technical review committee established by this chapter before submission to the

32 King County council for approval by ordinance.

33 2. When reviewing proposals for modified and expanded service area boundaries

34 for municipal water suppliers, the utilities technical review committee shall consider

35 whether:

36 a. the municipal water system is in compliance with its comprehensive plan,

37 including water conservation elements; and

38 b. the municipal water system can meet its duty to provide timely and reasonable

39 service within its service area as required under chapters 43.20 and 70.116 RCW.

40 C. Only plans consistent with the King County Comprehensive Plan adopted in

41 K.C.C. Title 20 and corresponding development regulations shall be approved. The

42 infrastructure system for the existing service area and for the area anticipated to be served

43 in the future shall be based on the adopted land use map of the Comprehensive Plan. For

44 the purposes of this subsection C, plans include updated plans, amended plans and other

45 documentation that may be required under subsection E of this section.

46 D. A new, fully updated plan shall be submitted every six years, or in conformance
47 with the cycle of updates required by the state Department of Health or Department of
48 Ecology, whichever is sooner. Except for water systems proposing a changed service area,
49 as authorized under RCW 90.03.386, water comprehensive plans shall not be required for
50 Group A water systems that are not expanding public water systems as defined in WAC
51 246-290-010.

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

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

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

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

69 problems and provide reliable potable water service within the proposed modified service
70 area.

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

73 1. Existing and planned flows, both average and peak;

74 2. Existing and planned flows for any basin discharging into King County's
75 sewage conveyance and treatment system;

76 3. Amounts of inflow and infiltration to the system, a comparison of those
77 amounts with King County's one-thousand-one-hundred-gallons-per-acre-per-day-
78 standard, and steps being taken to reduce the inflow and infiltration;

79 4. Areas of concern with respect to corrosion and odor control and steps being
80 taken to reduce their occurrence; and

81 5. Opportunities for reclaimed water as required under RCW 90.48.112 and
82 90.48.495.

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

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

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

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

93 A. All development within the urban growth area shall be served by public sewer
94 service except on-site sewage systems may be allowed temporarily in some parts of the
95 urban growth area in accordance with K.C.C. 13.24.136 (~~and 13.08.070~~).

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

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

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

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

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

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

- 114 A. K.C.C. chapter 17.08 relating to the installation of fire hydrants and water
115 mains;
- 116 B. State and local health standards;
- 117 C. The creation and maintenance of logical service areas consistent with
118 the relevant coordinated water system plans approved under chapters 43.20 and 70.116
119 RCW and the duty to serve under RCW 43.20.260;
- 120 D. Service area boundary requirements as identified in RCW 90.03.386;
- 121 E. The elimination or prevention, or both, of duplicate facilities;
- 122 F. The promotion of the most reliable and healthful service to the public,
123 including the delivery of potable water by existing public water systems on a permanent
124 or interim basis whenever feasible;
- 125 G. The provision of service at a reasonable cost and maximization of the use of
126 existing public facilities;
- 127 H. The reduction of the number of entities providing sewer or water service in
128 King County that may be achieved through the use of satellite ownership and
129 management and conditional approvals for new water systems under RCW 70.119A.060;
- 130 I. The King County Comprehensive Plan and other pertinent county adopted
131 plans and policies, including, but not limited to, the King County Flood Hazard
132 Reduction Plan and the King County Emergency Response Plan;
- 133 J. Coordinated water system plans under chapter 70.116 RCW;
- 134 K. Basinwide or multibasin water plans, sewerage plans or water and sewerage
135 plans, when approved by the state Department of Ecology and the state Department of
136 Health;

- 137 L. Applicable state water quality, water conservation and waste management
138 standards;
- 139 M. The state Water Resources Act, chapter 90.54 RCW;
- 140 N. The state Growth Management Act, chapter 36.70A RCW;
- 141 O. Adopted ground water management plans under RCW 90.44.400 and chapter
142 173-100 WAC;
- 143 P. Federally approved habitat conservation plans and recovery plans approved in
144 accordance with the Endangered Species Act;
- 145 Q Requirements under chapter 77.85 RCW for salmon recovery, water resource
146 plans adopted in accordance with chapter 90.54 RCW, watershed plans approved in
147 accordance with chapter 90.82 RCW and regional water supply or water resource
148 management plans; and
- 149 R. Applicable requirements to evaluate opportunities for the use of reclaimed
150 water under chapter 90.46 RCW.

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

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

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

159 A utilities technical review committee is created consisting of the following
160 representatives as appointed by the director of each department:

161 A. Two representatives from the department of natural resources and parks,
162 including the director or the director's designee;

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

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

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

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

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

172 G. The county demographer.

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

175 A. The utilities technical review committee shall ensure that the provisions of
176 K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be
177 responsible for providing the notification to tribal governments provided for in K.C.C.
178 13.20.020 for actions under that section that fall within the authority of the committee.

179 B. The utilities technical review committee shall:

180 1. ~~((#))~~Review and make recommendations to the King County executive and
181 the King County council on the adequacy of all sewer and water system comprehensive

182 plans and related matters, and ~~((determination of))~~ determine their consistency with the
183 King County comprehensive plan; ~~((provided, further, that the committee shall h))~~

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

188 3. Serve as an appeals body to hear issues relating to the creation of new public
189 water systems and the extension of existing public water service within the boundaries of
190 a critical water supply service area as provided for in the utility service review procedures
191 contained in the coordinated water system plans~~((; the key determinant is))~~, based on
192 whether an existing water purveyor can provide service in a timely and reasonable
193 manner (WAC ~~((2248-56-620))~~). ~~The utilities technical review committee shall i)~~ 246-
194 293-190); and

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

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

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

205 B. Required copies of all sewer and water comprehensive plans shall be
206 submitted to the King County department of natural resources and parks. The department
207 of natural resources and parks shall have the major responsibility for coordination and
208 support for the utilities technical review committee.

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

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

214 E. The chair may invite the participation of representatives from the Washington
215 state department of health and the Washington state department of ecology on an ex
216 officio basis as appropriate.

217 SECTION 9. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136,
218 are each hereby amended to read as follows:

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

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

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

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

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

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

248 B. For short subdivisions, if:

249 1. The utilities and technical review committee determines that sewer service is
250 not available in a timely and reasonable manner for property located within the urban
251 growth area that is adjacent to the Urban Growth Area boundary;

252 2. The on-site systems are managed by the sewer utility whose service area
253 encompasses the proposed short subdivision or the provider most likely to serve the area
254 and the systems meet all state and county approval requirements;

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

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

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

264 SECTION 10. Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138,
265 are each hereby amended to read as follows:

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

270 B. Consistent with RCW 90.54.020, 70.116, and 70.119A, existing Group A and
271 Group B water systems with approved water system plans are the preferred means of

272 water service within the Rural Area. New development in the rural area must be served
273 by Group A water systems, Group B water systems or individual private wells in the
274 following priority order:

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

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

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

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

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

295 system plan of a Group A water system that has been reviewed by the county and
296 approved by the state;

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

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

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

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

313 1. The area has been assigned to a water purveyor through a King County-
314 adopted coordinated water system plan; and

315 2. Before approval of the new system or system extension, the maximum
316 number of connections has been specified based on the number of previously platted, or
317 otherwise legally divided, lots and the zoning approved for the total rural area being

318 served, and Group A service is financially feasible at the resulting density, as described in
319 an approved water system plan.

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

324 1. The proposed division or redivision of land shall be for no more than six lots;

325 2. Only one public water system may be created to serve the lots created by the
326 proposed division or redivision of land;

327 3. Only one exempt well may be created to serve the lots created by the
328 proposed division or redivision of land, unless more than one exempt well is required to
329 meet water flow requirements or each lot in the proposed division or redivision of land is
330 at least twenty acres in size; and

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

333 SECTION 11. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140,
334 are each hereby amended to read as follows:

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

336 1. An adequate public or private water supply system, as required by K.C.C.
337 21A.28.040; and

338 2. ((†))The appropriate existing Group A water purveyor, unless service cannot
339 be provided in a timely and reasonable manner as provided in RCW 43.20.260 and
340 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

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

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

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

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

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

362 d. The applicant has provided a certificate of future connection from the
363 appropriate Group A water purveyor that certifies that an irrevocable agreement has been

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

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

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

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

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

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

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

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

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

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

409 SECTION 12. If any provision of this ordinance or its application to any person
410 or circumstance is held invalid, the remainder of the ordinance or the application of the
411 provision to other persons or circumstances is not affected.