

August 5, 1991
WS-COMP.ORD HK:clt

Introduced by: Ron Sims

Proposed No.: 91 - 578

10095

ORDINANCE NO.

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AN ORDINANCE relating to water and sewer comprehensive plans; clarifying review authority and purpose, reducing the size of the Utilities Technical Review Committee (UTRC); establishing the UTRC as the appeals body hearing issues relating to the creation of new public water systems within the boundaries of a Critical Water Supply Service Area; and requiring consistency with coordinated water system plans (RCW 70.116); amending Ordinance 1709, Sections 1, 2, 5, 6 and 7 as amended; and KCC 13.24.010, 13.24.030, 13.24.060; 13.24.080, and 13.24.090; and adding new sections to KCC 13.24.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

~~((District))~~ Water and sewer system comprehensive plans.

A. Comprehensive plans for water and sewer districts ~~((and))~~ or any other public or private entities which distribute or obtain water or provide sewer ~~((service))~~ collection or treatment, except for the Municipality of Metropolitan Seattle, in unincorporated areas of King County, Washington, shall be adopted by each such ~~((district, or))~~ entity and approved by the King County council as a prerequisite for the following: ~~((granting of new right-of-way franchises and right-of-way construction permits and right-of-way franchise renewals.))~~

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.

B. Except as provided in Section 3 of this ordinance, ~~((S))~~ such plans shall be reviewed by a utilities technical review committee established by this chapter prior to submission to the King County council for approval. ~~((T~~

1 ~~provided, that sewer and water comprehensive plans approved by~~
2 ~~the county prior to July 1, 1973 will not require further~~
3 ~~approval for the purposes of this chapter until December 30,~~
4 ~~1976.)~~

5 NEW SECTION. SECTION 2. The purpose of this chapter is
6 to accomplish the following:

7 A. Assure that sewer and water system comprehensive plans
8 are consistent with adopted county plans, policies and land use
9 controls;

10 B. Provide information to assist in the preparation of
11 future county plans and policies;

12 C. Provide information to assist in the review of new
13 development proposals and right-of-way construction permits;
14 and

15 D. To fulfill the county's responsibilities set forth in
16 RCW 90.54 (Water Resources Act of 1971), RCW 36.70 (State
17 Planning Enabling Act), RCW 36.94, RCW 56.02, RCW 57.02, and
18 WAC 248.54.065.

19 NEW SECTION. SECTION 3. Exemption from council approval
20 of Group B water systems. As provided by RCW 43.20 and WAC
21 248.54 and KCC Title 12, plans for Group B water systems in
22 unincorporated King County shall be reviewed and approved by
23 the Seattle-King County health department. Plans for Group B
24 water systems shall not require approval of the county council
25 pursuant to this chapter unless a right-of-way construction
26 permit is required. The health department shall prepare and
27 regularly update a list of those Group B systems that have been
28 approved. Included in the list shall be the important
29 characteristics of the systems such as water quality, water
30 quantity, reliability, the operator or manager, and the
31 capacity of the system to serve existing and additional
32 customers. The list shall be provided annually to the
33 utilities technical review committee and shall be consulted
34 when preparing recommendations for, but not limited to,
35 franchises, other water plans, and new developments.

1 SECTION 4. Ordinance 1709, Section 2 as amended and
2 KCC 13.24.030 are amended as follows:

3 Comprehensive plans - water purveyors. Water district and
4 distributor comprehensive plans for water systems shall
5 ~~((consist of))~~ contain the following:

6 A. A narrative report which provides the following
7 information:

8 1. A short history of the district or company,

9 2. Population projection for the ~~((distribution))~~

10 existing service area ~~((or district,))~~ and for the area

11 anticipated to be served in the future as described in

12 ~~((subdivision 7))~~ paragraph 8 of this subsection, together with

13 the source or basis of the projection,

14 3. A description of the existing water sources, storage
15 and distribution facilities, and the physical, chemical, and
16 bacteriological quality of the supply ~~((7))~~. An application
17 for a water right to the Washington State Department of Ecology
18 shall not be adequate proof of a valid water source.

19 4. For those systems utilizing surface supplies, with
20 disinfection only, the purveyor shall include a report
21 identifying all facilities, conditions and activities within
22 its watershed, together with a proposed program for necessary
23 surveillance, limitation and control,

24 5. A proposed time schedule for constructing
25 improvements required to ~~((meet))~~ correct any existing
26 deficiencies of supply, storage, distribution or quality,
27 including any treatment facilities not in compliance with state
28 or local health requirements,

29 6. Proposed ~~((plans))~~ schedule for covering any open
30 distribution reservoirs. Interim facilities, including
31 chlorination, may be considered in the plans for covering,

32 7. A water conservation plan consisting of a water
33 shortage response element dealing with seasonal drought
34 conditions and shortages caused by high turbidity; and a long-
35 range resource conservation element to reduce overall water

1 usage per capita which will use the geographically relevant
 2 coordinated water system plan and the percentages and deadlines
 3 contained in the approval legislation as the standard. For
 4 those purveyors not included as part of a coordinated water
 5 ~~((supply))~~ system plan, the conservation element standard will
 6 be that of the nearest critical water supply service area.

7 8. A ~~((projection))~~ list of anticipated system
 8 ~~((needs))~~ improvements for at least ten years into the future
 9 for ~~((districts and distributors))~~ water systems having more
 10 than one thousand services; or a ~~((projection))~~ list of
 11 anticipated system ~~((needs))~~ improvements for at least five
 12 years in the future for all other ~~((districts and~~
 13 ~~distributors))~~ water systems,

14 9. A proposed construction schedule to meet projected
 15 system needs and a plan setting forth the means for financing
 16 the proposed improvements,

17 10. A description of any agreements, or any attempts
 18 to reach agreements, with neighboring sewer and water
 19 districts, municipalities or special districts,

20 11. A ~~((description of developer extension plans~~
 21 ~~and/or a statement))~~ list of minimum criteria and standards for
 22 developer extension agreements required by the ~~((district))~~
 23 purveyor to be met by developers,

24 12. A description of the satellite management
 25 program, including sample agreements and conditions for
 26 service.

27 13. An explanation of the relationship between the
 28 ~~((district's or distributor's))~~ purveyor's existing and
 29 proposed system and the basinwide water and/or sewerage plan as
 30 approved by the State Department of Ecology and the State
 31 Department of ~~((Social and))~~ Health ~~((Services))~~,

32 ~~((13-))~~ 14. A discussion of the ~~((relationship))~~
 33 consistency between the ~~((district))~~ purveyor's comprehensive
 34 system plan and county adopted plans, policies, and land use
 35 controls;

1 B. (~~A map~~) Maps (~~of the plan area~~) which depict(s)
 2 the following requirements:

3 1. Existing and proposed mains, and existing and
 4 proposed fire hydrants, with documentation demonstrating that
 5 such system meets county standards,

6 2. Critical elevation and pressure zones,

7 3. Storage and pumping facilities, with capacities
 8 noted,

9 4. Existing corporate and service areas boundaries and
 10 proposed future service area (planning area) boundaries,
 11 consistent with the relevant coordinated water system plan (RCW
 12 70.116) where applicable.

13 5. Existing zoning,

14 6. Existing land use.

15 NEW SECTION. SECTION 5. Water system plans shall be
 16 revised every five years from the date of the last approval of
 17 the county council.

18 SECTION 6. Ordinance 1709, Section 5 as amended and KCC
 19 13.24.060 are each amended to read as follows:

20 Comprehensive plans - Approval requirements.

21 Comprehensive plans approved by the county shall contain the
 22 elements listed in Sections 13.24.030 or 13.24.040 and shall
 23 not be inconsistent with the following:

24 A. King County Code Chapter 17.08 relating to the
 25 installation of fire hydrants and water mains;

26 B. State and local health standards;

27 C. The creation and maintenance of logical service areas
 28 consistent with the relevant coordinated water system plan (RCW
 29 70.116).

30 D. The elimination and/or prevention of duplicate
 31 facilities;

32 E. The promotion of the most reliable and healthful
 33 service to the public;

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

1 G. The reduction of the number of entities providing sewer
 2 and/or water service in King County;

3 H. County comprehensive plan, adopted community plans, and
 4 other pertinent county adopted plans and policies; ((provided,
 5 that in those areas where a community plan has not been
 6 adopted, the approval of new significant general purpose
 7 improvements to water systems, including pumping, storage,
 8 source, or transmission mains, shall be limited to serve
 9 existing or permitted uses. Existing or permitted uses shall
 10 not be construed to mean new residential subdivisions, short
 11 subdivisions, or planned unit developments;))

12 ((D-)) I. Coordinated water system plans ((for areas
 13 designated as critical water supply service areas in K.C.C.
 14 13.23 pursuant to)) RCW 70.116;

15 ((E-)) J. The basinwide water and/or sewerage plan when
 16 approved by the State Department of Ecology and the State
 17 Department of ((Social and)) Health ((Services));

18 ((F-)) K. Applicable state water quality and waste
 19 management standards; ((and))

20 L. The State Water Resources Act, RCW 90.554; and

21 ((G-)) M. The King County Sewerage General Plan.

22 N. Adopted ground water management plans pursuant to RCW
 23 90.44.400 and WAC 173-100.

24 SECTION 7. Ordinance 1709, Section 6 as amended, and KCC
 25 13.24.080 are each amended to read as follows:

26 Utilities technical review committee - Creation and
 27 composition. A utilities technical review committee is created
 28 consisting of one representative each from the ((department of
 29 budget and program development, division of budgets,))
 30 department of parks, planning and resources ((community
 31 development)), the divisions of planning and community
 32 development and ((of)) building and land development;
 33 department of executive administration, the real property
 34 division; the department of public works ((and
 35 transportation)); the Seattle-King County department of public

1 health; ~~((and))~~ the King County fire marshal and a King County
 2 council staff member. Such representatives shall be appointed
 3 by the director of each department. ~~((The executive secretary~~
 4 ~~of the King County boundary review board and a King County~~
 5 ~~council staff member shall be ex-officio members of the~~
 6 ~~committee.))~~

7 SECTION 8. Ordinance 1709, Section 7, as amended and KCC
 8 13.24.090 are each amended to read as follows:

9 Utilities technical review committee - Authority. The
 10 utilities technical review committee shall review and make
 11 recommendations to the King County executive and ~~((to))~~ the
 12 King County council on the adequacy of all sewer and water
 13 system comprehensive plans and related matters, and
 14 determination of their consistency with the King County
 15 comprehensive plan; provided, further, that the committee shall
 16 have the authority to approve additions and betterments to
 17 council-approved sewer and water comprehensive plans without
 18 referral to the council in order to serve developments which
 19 have received preliminary approval from the King County
 20 council. The utilities technical review committee shall serve
 21 as an appeals body to hear issues relating to the creation of
 22 new public water systems and the extension of existing public
 23 water service within the boundaries of a critical water supply
 24 service area as provided for in the utility service review
 25 procedures contained in the coordinated water system plans; the
 26 key determinant is whether an existing water purveyor can
 27 provide service in a timely and reasonable manner (WAC 2248-56-
 28 620).

29 NEW SECTION. SECTION 9. Certificates of water
 30 availability. The issuance of a certificate of water
 31 availability is required to document that adequate water
 32 service is available to proposed development projects within
 33 King County. Water availability shall be consistent with a
 34 system's supply, provided, that a district shall not issue

1 certificates of water availability which when added to existing
2 connections, exceed the system's supply by two percent.

3 NEW SECTION. SECTION 10. Severability. Should any
4 section, subsection, paragraph, sentence, clause or phrase of
5 this ordinance be declared unconstitutional or invalid for any
6 reason, such decision shall not affect the validity of the
7 remaining portion of this ordinance.

8 INTRODUCED AND READ for the first time this 15th day
9 of July, 1991.

10 PASSED this 9th day of September, 1991.

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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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Lois North
Chair

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ATTEST:

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Gerald A. Peterson
Clerk of the Council

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APPROVED this 20th day of September, 1991.

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Jim Hill
King County Executive