



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

February 21, 2001

Ordinance 14049

Proposed No. 2000-0191.3

Sponsors Sullivan

1 AN ORDINANCE relating to comprehensive planning and
2 sewer and water system utility planning; amending
3 Ordinance 931, Section 8, as amended, and K.C.C.
4 13.08.070, Ordinance 13625, Section 22, and K.C.C.
5 13.24.035, Ordinance 10095, Section 9, and K.C.C.
6 13.24.120, Ordinance 11616, Section 10, as amended, and
7 K.C.C. 13.24.132, Ordinance 11616, Section 11, as
8 amended, and K.C.C. 13.24.134, Ordinance 11616, Section
9 12, as amended, and K.C.C. 13.24.136, Ordinance 11616,
10 Section 13, and K.C.C. 13.24.138 and Ordinance 11616,
11 Section 14, and K.C.C. 13.24.140.

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14 **PREAMBLE:**

15 For the purposes of effective land use planning and regulation, the King
16 County Council makes the following legislative findings:

17 1. King County has adopted the 1994 King County Comprehensive Plan
18 to meet the requirements of the Washington state Growth Management
19 Act (GMA).

20 2. The GMA requires that the Comprehensive Plan and development
21 regulations be subject to continuing review and evaluation by the county.

22 3. King County has approved annual amendments to correct technical
23 errors, and to make changes that do not require a substantive policy
24 change or alter the urban growth line.

25 4. King County has performed its first comprehensive four-year cycle
26 review of the Comprehensive Plan and development regulations. As a
27 result of the review, King County is amending the 1994 Comprehensive
28 through passage of the 2000 King County Comprehensive Plan.

29 5. The changes to K.C.C. Title 13 contained in this ordinance are needed
30 to bring K.C.C. Title 13 into conformance with the 2000 King County
31 Comprehensive Plan, as required by the GMA. As such they bear a
32 substantial relationship to, and are necessary for, the public health, safety
33 and general welfare of King County and its residents.

34 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

35 SECTION 1. Ordinance 931, Section 8, as amended, and K.C.C. 13.08.070 are
36 each hereby amended to read as follows:

37 **Location of systems.** In ~~((Full Service Areas of))~~ the Urban Growth Area, no new
38 on-site sewage systems shall be allowed, except as specifically permitted under K.C.C.

39 13.24.136. New on-site sewage systems may be installed as a permanent system on lots
40 located in(~~(:~~
41 ~~———— 1. R))~~ rural and resource areas of King County (~~(as a permanent system; and~~
42 ~~2. The Service Planning Areas of the Urban Growth Area as an interim sewage~~
43 ~~system for new construction and subdivisions))~~, including all rural towns except Vashon.
44 In the rural town of Vashon new on-site systems are not allowed and all new development
45 must be served by the Vashon sewer district as consistent with RCW Title 57.

46 On-site ((S))sewage systems shall be located on the same lot as the buildings they
47 are designed to serve, or, may be approved by the director of public health on another
48 property if an easement is obtained and recorded.

49 SECTION 2. Ordinance 13625, Section 22, and K.C.C. 13.24.035 are each
50 hereby amended to read as follows:

51 **Public sewer service.** A. All development within the urban growth area shall be
52 served by public sewer service(~~(- Exceptions may be made only in the following cases:~~
53 ~~———— 1.)~~ except ((O))on-site sewage systems may be allowed temporarily in some parts
54 of the urban growth area in accordance with K.C.C. 13.24.136 and 13.08.070(~~(; and~~
55 ~~———— 2. No public sewers shall be allowed on lands zoned for agriculture, which are~~
56 ~~zoning designation A-10 or A-35, within the urban growth area unless the following~~
57 ~~occurs:~~
58 ~~———— a. The property's development rights have been transferred to and accepted by~~
59 King County; and

60 ~~_____ b. The development to be served is consistent with recorded restrictive~~
61 ~~covenants prepared by the real property division limiting the use of the land for agricultural~~
62 ~~and open space uses)).~~

63 B. Public sewer service shall also be provided in rural towns when the service
64 provision has been approved by King County ~~((through a King County Comprehensive~~
65 ~~Plan designation)).~~ As of the effective date of this section, only the rural town of Vashon
66 has been approved for public sewer service.

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

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

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

77 SECTION 3. Ordinance 10095, Section 9, and K.C.C. 13.24.120 are each hereby
78 amended to read as follows:

79 **Certificates of water availability.** The issuance of a certificate of water
80 availability by a water utility is required to document that adequate water service is
81 available to proposed development projects within King County. ~~((Water availability shall~~
82 ~~be consistent with a system's supply, provided, that a district shall not issue certificates of~~

83 ~~water availability which when added to existing connections, exceed the system's supply by~~
84 ~~two percent.))~~ Certificates of water availability shall document that the water utility's
85 service capability is adequate for the proposed development consistent with criteria or
86 standards of the Department of Health, Department of Ecology, and the Seattle-King
87 Health Department, as appropriate to the development. King County shall not accept a
88 certificate of water availability if information provided on the certificate is not complete or
89 not consistent with the intent of K.C.C. Title 13 or K.C.C. Title 6.

90 SECTION 4. Ordinance 11616, Section 10, as amended, and K.C.C. 13.24.132
91 are each hereby amended to read as follows:

92 **New sewer facilities in rural areas.** New sewer facilities shall be allowed to cross
93 the rural areas only if ~~((such))~~ the facilities are:

94 A. Limited to serving areas within an urban growth area, rural city or a rural town
95 approved for public sewer service;

96 B. Tightlined or otherwise subject to access restrictions precluding service to
97 adjacent rural areas; and

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

100 SECTION 5. Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134
101 are each hereby amended to read as follows:

102 **Expansion of sewer service in rural and natural resource areas.** A. Sewer
103 service shall be expanded to serve uses in the rural and natural resource areas only if the
104 facilities are:

105 ~~((A.))~~ 1. Needed to address:

106 ~~((1-))~~ a. Specific health and safety problems threatening the existing uses of
107 structures ~~((permitted before January 9, 1995))~~; or

108 ~~((2-))~~ b. The needs of public ~~((facilities such as))~~ schools; ~~((and~~
109 ~~——B-))~~ 2. Tightlined; and

110 ~~((C-))~~ 3. A finding is made by the utilities technical review committee that no cost-
111 effective alternative technologies are feasible.

112 ~~((D-))~~ B. Decisions on sewer service expansions in rural or resource areas shall be
113 made by ~~((the council))~~ King County in the form of approval of a sewer comprehensive
114 plan or approval of an amendment to a sewer comprehensive plan.

115 SECTION 6. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136
116 are each hereby amended to read as follows:

117 **On-site sewage treatment and disposal systems in the urban growth area.** On-
118 site sewage treatment and disposal systems shall be permitted in the urban growth area only
119 for single-family residences or on land in the North Bend urban growth area with actual or
120 potential commercial or industrial zoning, or on land where there is a proposal to redevelop
121 or expand an existing use subject to a vested land use application, only on an interim
122 basis~~((;))~~ and only as follows:

123 A. For individual lots ~~((in the full service area or service planning area))~~, the
124 director of the department of development and environmental services may authorize
125 individual on-site sewage treatment and disposal systems given the following findings:

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

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

133 ~~((2. The applicant has received approval for an on-site sewage treatment and
134 disposal system design from the Seattle King County department of public health in
135 accordance with the rules and regulations of the King County board of health, K.C.C. Title
136 13;))~~

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

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

151 ~~5. Application of the standards of this title would otherwise preclude reasonable~~
152 ~~use of the property; and)); or~~

153 ~~B. ((For subdivisions and short subdivisions in the service planning areas only, the~~
154 ~~director of the department of development and environmental services may authorize~~
155 ~~community on-site sewage treatment and disposal systems given the following findings:~~

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

160 ~~2. The applicant has received an approved preapplication for a community on-site~~
161 ~~sewage treatment and disposal system from the Seattle King County department of public~~
162 ~~health in accordance with the rules and regulations of the King County board of health,~~
163 ~~K.C.C. Title 13, and the state board of health, chapter 246-272 WAC;~~

164 ~~3. The applicant has provided a certificate that the system will be managed by the~~
165 ~~utility or other authorized public agency as defined by RCW 39.24.020;~~

166 ~~4. The sanitary sewage collection system within the subdivision or short~~
167 ~~subdivision necessary to connect the subdivision or short subdivision to the public sewers~~
168 ~~including collection lines to each building site or lot shall be installed to the specifications~~
169 ~~of the appropriate provider of sewer service and shall be a condition of preliminary~~
170 ~~approval;~~

171 ~~5. The applicant has provided a certificate of future connection from the~~
172 ~~appropriate utility that certifies that an irrevocable agreement has been entered into with the~~
173 ~~utility for the property owner to pay all known and projected costs of connection. This~~

174 ~~certificate shall stipulate that the applicant and the applicant's grantees agree to participate~~
175 ~~in and not protest the formation of a utility local improvement or local improvement district~~
176 ~~utility project that is designed to provide public utility services to the property. This~~
177 ~~certificate shall be noticed on the title of the property and shall be a permanent condition on~~
178 ~~the property until such time as the costs for connection are fully paid to the utility.))~~ For a
179 proposal located in the North Bend urban growth area or for a parcel that has a vested land
180 use application for the redevelopment or expansion of an existing use, the director of the
181 department of development and environmental services may authorize on-site sewage
182 treatment and disposal systems given the following findings:

- 183 1. The property in the North Bend urban growth area has actual or potential
184 commercial or industrial zoning;
- 185 2. The proposed uses for those properties in the North Bend urban growth area are
186 non-retail, resource-based shipping, distributing, and trucking-related uses or highway-
187 oriented uses, that do not require sewers; and
- 188 3. The applicant provides an agreement, binding on the applicant and the
189 applicant's successors, that the property shall be connected to public sewers upon
190 availability of such sewers within 200 feet of the property, that the property owner shall
191 pay all costs of connection to the sewer, and that applicant agrees to participate in and not
192 protest the formation of a utility local improvement district or local improvement district or
193 utility project that is designed to provide public sewer services to the property. This
194 certificate shall be recorded in the real property records of King County and shall be a
195 permanent condition on the property running with the land until such time as the costs for
196 connection are fully paid to the utility; and

197 C. The applicant has received approval for an on-site sewage treatment and
198 disposal system design from the department of public health-Seattle and King County in
199 accordance with the rules and regulations of the King County board of health, K.C.C. Title
200 13.

201 SECTION 7. Ordinance 11616, Section 13, and K.C.C. 13.24.138 are each
202 hereby amended to read as follows:

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

207 B. Private wells and Group B water systems may be allowed in rural areas. If the
208 area for a new public water system is included in the planning area of an existing water
209 purveyor as identified in a Coordinated Water System Plan, the water system should be
210 operated by the purveyor through either satellite management or direct service.

211 C. Existing Group A water systems may be allowed to remain and shall not be
212 expanded beyond the total number of lots which such system is ultimately designed to
213 serve, except as may be provided in subsection D of this section.

214 D. Establishment of new Group A water systems or the expansions of existing
215 Group A water systems may also be allowed if:

216 1.a. Water systems (~~existing as of December 31, 1994~~) have quality or quantity
217 problems that threaten public health and which can best be solved by Group A service(());
218 or

219 ~~((2-))~~ b. The area has been assigned to a water purveyor through a King County-
220 adopted coordinated water system plan~~((s))~~; and

221 ~~((3. Prior to))~~ 2. Before approval of the new system or system extension, the
222 maximum number of connections has been specified based on the number of previously
223 platted ~~((t))~~, or otherwise legally divided~~((t))~~, lots and the zoning approved for the total
224 rural area being served, and Group A service is financially feasible at the resulting
225 density.

226 SECTION 8. Ordinance 11616, Section 14, and K.C.C. 13.24.140 are each
227 hereby amended to read as follows:

228 **Interim alternative water service.** All development in the urban growth area
229 ~~((shall))~~may be served by the appropriate existing Group A water purveyor. Alternative
230 water service shall be permitted on an interim basis, only as follows:

231 A. For individual lots ~~((in the Full Service Area or the Service Planning Area))~~, the
232 director of the department of development and environmental services may authorize
233 interim water service from an existing Group B public water purveyor or the development
234 of an individual well given the following findings;

235 1. The applicant has submitted a certificate of water availability from the
236 appropriate Group A water purveyor accompanied by a letter from the same purveyor
237 which demonstrates to the satisfaction of the director that the requirement to receive water
238 service from the purveyor is unreasonable or infeasible at the time of construction, which
239 means service cannot be provided in a timely and reasonable manner in accordance with
240 RCW 70.116.060(3)(b)~~((, and))~~;

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

245 3. The applicant has provided a Certificate of Future Connection from the
246 appropriate Group A water purveyor which certifies that an irrevocable agreement has been
247 entered into with the purveyor providing that the property shall be connected to the
248 purveyor's water system upon availability of such water service and that the property owner
249 shall pay all costs of connection. This certificate shall stipulate that the applicant and his
250 grantees agree to participate in and not protest the formation of a ~~((U))~~ utility ~~((O))~~ local
251 ~~((I))~~ improvement ~~((D))~~ district (ULID) or ~~((L))~~ local ~~((I))~~ improvement ~~((D))~~ district (LID)
252 or utility purveyor project ~~((which))~~ that is designed to provide public water services to
253 the property. This certificate shall be recorded in the real property records of King
254 County and shall be a permanent condition on the property running with the land until
255 such time as the costs for connection are fully paid to the purveyor~~((,))~~; and

256 4. Application of the standards of this title would otherwise preclude reasonable
257 use of the property.

258 B. For subdivisions and short subdivisions ~~((in the Service Planning Area only))~~,
259 interim water service from a new or existing Group B public water system may be
260 approved as follows:

261 1. The applicant has received approval for the creation of a new Group B public
262 system in accordance with the ~~((provisions of the))~~ applicable Coordinated Water System

263 Plan, if any, or the applicant has received a water availability certificate from an existing
264 Group B public water system~~((;))~~; and

265 2. The director of the department of development and environmental services
266 makes the following findings:

267 a. the applicant has provided a Certificate of Future Connection from the
268 appropriate Group A water purveyor which certifies that an irrevocable agreement has been
269 entered into with the purveyor providing that the property shall be connected to the
270 purveyor's water system upon availability of such water service and that the property owner
271 shall pay all costs of connection. This certificate shall stipulate that the applicant and his
272 grantees agree to participate in and not protest the formation of a ~~((U))~~utility ~~((L))~~local
273 ~~((I))~~improvement ~~((D))~~district (ULID) or ~~((L))~~local ~~((I))~~improvement ~~((D))~~district (LID) or
274 utility purveyor project ~~((which))~~ that is designed to provide public water services to the
275 property. This certificate shall be recorded in the real property records of King County and
276 shall be a permanent condition on the property running with the land until such time as the
277 costs for connection are fully paid to the purveyor~~((; and))~~;

278 b. a new Group B public water system formed in the planning area of an existing
279 water purveyor as identified in a Coordinated Water System Plan shall be operated through
280 satellite system management; and

281 c. any new Group B public water system shall be built to the design standards of
282 the appropriate Group A water purveyor to which it will be eventually connected.

283 C. Either ~~((E))~~existing wells ~~((and))~~ or Group B water systems, or both, may serve
284 the lots ~~((which such))~~ that the systems are ultimately designed to serve and shall be
285 managed in compliance with applicable health regulations.

286 SECTION 9. Severability. If any provision of this ordinance or its application to
287 any person or circumstance is held invalid, the remainder of the ordinance or the
288 application of the provision to other persons or circumstances is not affected.

289 NOTE: This ordinance was passed on the 2/12/01 agenda although the final vote was not
290 taken until 2/20/01.

291

Ordinance 14049 was introduced on 3/6/00 and passed as amended by the Metropolitan King County Council on 2/12/01, by the following vote:

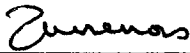
Yes: 12 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Gossett, Ms. Hague, Mr. Vance and Mr. Irons
No: 1 - Mr. Pullen
Excused: 0

KING COUNTY COUNCIL
KING COUNTY WASHINGTON



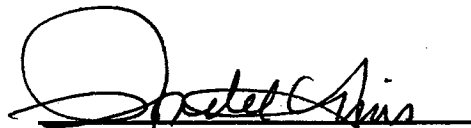
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 2 day of March, 2001.



Ron Sims, County Executive

Attachments None