

November 21, 1994

Introduced by ~~CHRISTOPHER WANCE~~

Proposed No. 94-775

ORDINANCE NO.

11616

AN ORDINANCE relating to sewer and water utilities code, adopting and amending Title 13 to be consistent with and implement the Comprehensive Plan as required by the Washington State Growth Management Act; amending Ordinance 931, Sections 8 and 13, Ordinance 1709, Sections 1-5, Ordinance 3579, Section 4; amending K.C.C. 13.08.060, 13.08.120, 13.24.010, 13.24.030, 13.24.040, 13.24.050, 13.24.060, 13.24.110; and adding new sections to K.C.C. Chapter and 13.24.

PREAMBLE:

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

1. King County has adopted the 1994 King County Comprehensive Plan, to meet the requirements of the Washington State Growth Management Act (GMA).
2. The GMA requires King County to adopt development regulations, which include standards for planning and construction of sewer and water systems, to be consistent with and implement its Comprehensive Plan by December 31, 1994.
3. The changes to the King County Title 13 contained in this Ordinance are needed to bring Title 13 into conformance with the 1994 King County Comprehensive Plan, as required by the GMA. As such they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Title 13 (Water and Sewer Systems) of the King County Code is hereby enacted to be consistent with and implement the comprehensive plan in accordance with RCW 36.

SECTION 2. Ordinance 931, Section 8, as amended and K.C.C. 13.08.060 are each hereby amended to read as follows:

Location of systems. In Full Service Areas of the Urban Growth Area, no new on-site sewage systems shall be allowed.

New on-site sewage systems may be installed on lots located in:

1. rural and resource areas of King County as a permanent system; and
2. the Service Planning Areas of the Urban Growth Area as an interim sewage system for new construction and subdivisions, provided that prior to the issuance of a final plat for subdivisions or building permit for new construction, the developer

1 shall provide a Certificate of Future Connection from the
 2 appropriate sewer purveyor which certifies that an irrevocable
 3 agreement has been entered into with the purveyor for the property
 4 owner to pay all known and projected costs of connection. This
 5 certificate shall be noticed on the title of the property and shall
 6 be a permanent condition on the property until such time as the
 7 costs for connection are fully paid to the purveyor.

8 Sewage (~~(disposal)~~) systems shall be located on the same lot
 9 as the building they are designed to serve, or, may be approved by
 10 the director of public health on another property if an easement
 11 (~~(therefore)~~) is obtained and recorded(~~(, on other property if~~
 12 approved by the director of public health)).

13 SECTION 3. Ordinance 931, Section 13, as amended and K.C.C.
 14 13.08.120 are each hereby amended to read as follows:

15 Maintenance of system. On-site (~~(S)~~)sewage (~~(disposal)~~)
 16 systems shall be considered permanent facilities in rural areas and
 17 interim temporary facilities in the Urban Growth Area. All sewage
 18 disposal systems shall be maintained in accordance with this
 19 chapter and the rules and regulations of the director of public
 20 health adopted pursuant to the ordinance codified herein(~~(, and~~
 21 n)). No on-site sewage (~~(disposal)~~)system shall be used which
 22 directly or indirectly discharges upon the surface of the ground or
 23 into any waters within the county (~~(unless the contents of such~~
 24 system have been subjected to approved purification and
 25 bactericidal treatment)).

26 SECTION 4. Ordinance 1709, Section 1, as amended and K.C.C.
 27 13.24.010 are each hereby amended to read as follows:

28 Water and sewer system comprehensive plans. A. Comprehensive
 29 plans for water and sewer districts or any other public or private
 30 entities which distribute or obtain water or provide sewer
 31 collection or treatment (~~(, except for the Municipality of~~
 32 Metropolitan Seattle))in unincorporated areas of King County,
 33 Washington, shall be adopted by each such entity and approved by
 34 the King County council as a prerequisite for the following:

- 35 1. Operating in unincorporated King County;
- 36 2. Approval of annexation proposals;
- 37 3. Granting of new right-of-way franchises and right-of-way
- 38 franchise renewals; and
- 39 4. Approval of right-of-way construction permits.

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

44 C. Only plans consistent with the King County comprehensive
 45 plan adopted in K.C.C. Title 20 shall be approved. The
 46 infrastructure system for the existing service area, and for the

1 area anticipated to be served in the future shall be based on the
 2 adopted Land Use Map of the comprehensive plan.

3 SECTION 5. Ordinance 1709, Section 2, as amended and K.C.C.
 4 13.24.030 are each hereby amended to read as follows:

5 Comprehensive plans - Water purveyors. Water district and
 6 distributor comprehensive plans for water systems shall contain the
 7 following:

8 A. A narrative report which provides the following
 9 information:

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

11 2. Population projection for the existing service area, and
 12 for the area anticipated to be served in the future (~~as described~~
 13 ~~in paragraph 8 of this subsection,~~) together with the source or
 14 basis of the projection,;

15 3. An inventory description of the existing water sources and
 16 applicable water rights, storage and distribution facilities, and
 17 the physical, chemical and bacteriological quality of the supply.
 18 An application for a water right to the Washington State Department
 19 of Ecology shall not be adequate proof of a valid water source.

20 4. For those systems utilizing surface supplies, with
 21 disinfection only, the purveyor shall include a report identifying
 22 all facilities, conditions and activities within its watershed,
 23 together with a proposed program for necessary surveillance,
 24 limitation and control to ensure protection of drinking water
 25 quality standards,

26 5. Based on the population projection for the existing and
 27 anticipated service area, a forecast of future needs for capital
 28 facilities including the proposed locations and capacities of
 29 expanded or new facilities.

30 ((5))6. A proposed plan and time schedule for constructing
 31 improvements required to correct any existing deficiencies of
 32 supply, storage, distribution or quality, including any treatment
 33 facilities not in compliance with state or local health
 34 requirements,

35 ((6))7. Proposed schedule for covering any open distribution
 36 reservoirs. Interim facilities, including chlorination, may be
 37 considered in the plans for covering,

38 ((7))8. A water conservation plan consisting of a water
 39 shortage response element dealing with seasonal drought conditions
 40 and shortages caused by high turbidity; and a long-range resource
 41 conservation element, which includes re-use where appropriate, to
 42 reduce overall water usage per capita which will use the
 43 geographically relevant coordinated water system plan and the
 44 percentages and deadlines contained in the approval legislation as
 45 the standard. For those purveyors not included as part of a
 46 coordinated water system plan, the conservation element standard
 47 will be that of the nearest critical water supply service area.

1 ((8))9. A list of anticipated system improvements for at
 2 least ten years into the future for water systems having more than
 3 one thousand services; or a list of anticipated system improvements
 4 for at least six (~~(five)~~) years in the future for all other water
 5 systems,

6 ((9))10. A proposed construction schedule to meet projected
 7 system needs and (~~(a plan setting forth the means for financing the~~
 8 ~~proposed improvements,)~~) and six-year plan that will finance the
 9 expanded or new facilities;

10 ((10))11. A description of any agreements, or any attempts to
 11 reach agreements, with neighboring sewer and water districts,
 12 municipalities or special districts,

13 ((11))12. A list of minimum criteria and standards for
 14 developer extension agreements required by the purveyor to be met
 15 by developers,

16 ((12))13. A description of the satellite management program,
 17 including sample agreements and conditions for service

18 ((13))14. An explanation of the relationship between the
 19 purveyor's existing and proposed system and the basinwide water
 20 and/or sewerage plan as approved by the State Department of Ecology
 21 and the State Department of Health,

22 ((14))15. A discussion of the consistency between the
 23 purveyor's comprehensive system plan and county adopted plans,
 24 policies, and land use controls,

25 16. For purveyors serving rural areas, a discussion of how
 26 the facilities proposed in such areas are financially supportable
 27 at rural residential densities and will not encourage urban
 28 development,

29 17. For purveyors with service facilities within and adjacent
 30 to Agricultural Production Districts (APDs), a discussion of how
 31 such facilities will be designed to minimize adverse impacts on
 32 agriculture, to maintain total farmland acreage and to respect the
 33 area's historic agricultural character by:

34 a. Not locating facilities in or across the APDs, whenever
 35 feasible;

36 b. Timing the installation of facilities to minimize
 37 impacts on seasonal agricultural practices; and

38 c. Building and locating facilities to minimize disruption
 39 of agricultural activity, in cases where facilities meeting
 40 regional needs must intrude into the APDs,

41 B. Maps which depict the following requirements:

42 1. Existing and proposed mains, and existing and proposed
 43 fire hydrants, with documentation demonstrating that such system
 44 meets county standards,

45 2. Critical elevation and pressure zones,

46 3. Storage and pumping facilities, with capacities noted,

1 4. Existing corporate boundaries and (~~service area~~
 2 ~~boundaries and proposed~~) future service area (planning area)
 3 (~~boundaries consistent with the relevant coordinated water system~~
 4 ~~plans~~) as assigned to the purveyor through a King County adopted
 5 Water Utility Comprehensive Plan (RCW 70.116) where applicable.

6 5. Existing zoning,

7 6. Existing land use,

8 7. Future land use as adopted in the King County
 9 Comprehensive Plan adopted in K.C.C. Title 20.

10 SECTION 6. Ordinance 1709, Section 3, as amended and K.C.C.
 11 13.24.040 are each hereby amended to read as follows:

12 Comprehensive plans - Sewer districts. Sewer district
 13 comprehensive plans shall consist of the following:

14 A. A narrative report which provides the following
 15 information:

16 1. A short history of the district, including its
 17 authorization, purpose, objectives and a description of its service
 18 area,

19 2. A description of physical and natural features such as,
 20 but not limited to, topography, drainage basin characteristics, and
 21 land use, and the relationship to sewer system planning by the
 22 district,

23 3. A population projection for the existing service area of
 24 the district, and for any area anticipated to be served in the
 25 future by the district, in ten years, together with the source or
 26 basis of the projection,

27 4. Established district sewerage facility design criteria,
 28 together with explanation and justification of such criteria,

29 5. An inventory (~~description~~) of existing disposal systems
 30 and facilities,

31 6. Based on this population projection, a forecast of future
 32 needs for capital facilities including the proposed locations and
 33 capacities of expanded or new facilities.

34 ((6)) 7. A time schedule for improvements required to meet
 35 any existing deficiencies, or to meet federal, state or local
 36 treatment standards,

37 ((7)) 8. A proposed construction schedule to meet projected
 38 system needs and (~~a plan setting forth the means for financing the~~
 39 ~~proposed improvements,~~) and six-year plan that will finance the
 40 expanded or new facilities;

41 ((8)) 9. A description of developer extension plans and/or a
 42 statement of minimum criteria and standards required by the
 43 district to be met by developers,

44 ((9)) 10. A description of any agreements, or any attempts to
 45 reach agreements, with neighboring sewer and water districts, water
 46 distributors, municipalities or special districts,

1 ~~((10))~~11. An explanation of the relationship between the
 2 district's existing and proposed system and the basinwide water
 3 and/or sewerage plan as approved by the State Department of Ecology
 4 and the State Department of Social and Health Services,

5 ~~((11))~~12. A discussion of the(~~relationship~~) consistency
 6 between the district comprehensive plan and county adopted plans,
 7 policies, and land use controls,

8 13. For purveyors with facilities which cross through rural
 9 areas, a discussion of how the facilities will comply with
 10 requirements of Section 10 of this ordinance,

11 14. For purveyors with service facilities which are adjacent
 12 to or cross through Agricultural Production Districts (APDs), a
 13 discussion of how such facilities will be designed to minimize
 14 adverse impacts on agriculture, to maintain total farmland acreage
 15 and to respect the area's historic agricultural character by:

16 a. Not locating facilities in or across the APDs, whenever
 17 feasible;

18 b. Timing the installation of facilities to minimize
 19 impacts on seasonal agricultural practices; and

20 c. Building and locating facilities to minimize disruption
 21 of agricultural activity, in cases where facilities meeting
 22 regional needs must intrude into the APDs,

23 B. Maps of the plan area which depict the following
 24 requirements:

- 25 1. Existing system, with capacities noted,
- 26 2. Proposed future system, with capacities noted,
- 27 3. Location of pump stations, trunk interceptors, major
 28 facilities, etc.,
- 29 4. Existing boundary and anticipated boundary or service area
 30 expansion,
- 31 5. (~~The relationship~~) Consistency between the district
 32 system and the county comprehensive(~~sewer~~)plan adopted in K.C.C.
 33 Title 20,
- 34 6. State Department of Ecology or Department of Social and
 35 Health Services identified health hazard area, if any,
- 36 7. Potential health hazard area,
- 37 8. Existing zoning,
- 38 9. Existing land use.
- 39 10. Future land uses adopted in the King County Comprehensive
 40 Plan (K.C.C. Title 20).

41 SECTION 7. Ordinance 1709, Section 4, as amended and K.C.C.
 42 13.24.050 are each hereby amended to read as follows:

43 Comprehensive plans - Modification of requirements.

44 A. The utilities technical review committee may require
 45 information and material additional to that required in the
 46 sections above, as necessary.

1 B. For the purpose of satisfying the requirements of Section
 2 13.24.010, a sewer comprehensive plan covering a subarea of a sewer
 3 district or any other public or private provider of sewage services
 4 shall be eligible for consideration provided that it:

5 1. Covers a system of sewer facilities, existing or proposed,
 6 having no connection to any other portion of the purveyor's system
 7 and discharging directly into a ((METRO)) department of
 8 metropolitan services facility;

9 2. Contains the plan elements required by Section 13.24.040
 10 as applied to conditions within the subarea only, and

11 3. Satisfies the consistency requirements of Section
 12 13.24.060.

13 SECTION 8. Ordinance 1709, Section 5, as amended and K.C.C.
 14 13.24.060 are each hereby amended to read as follows:

15 Comprehensive plans - Approval requirements. Comprehensive plans
 16 approved by the county shall contain the elements listed in
 17 Sections 13.24.030 or 13.24.040 and shall not be inconsistent with
 18 the following:

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

21 B. State and local health standards;

22 C. The creation and maintenance of logical service areas
 23 consistent with the relevant coordinated water system plan (RCW
 24 70.116);

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

26 E. The promotion of the most reliable and healthful service to
 27 the public;

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

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

32 H. County comprehensive plan(~~(+ adopted community plans)~~) and
 33 other pertinent county adopted plans and policies;

34 I. Coordinated water system plans RCW 70.116;

35 J. The basinwide water and/or sewerage plan when approved by
 36 the State Department of Ecology and the State Department of Health;

37 K. Applicable state water quality and waste management
 38 standards;

39 L. The State Water Resources Act, RCW 90.554;

40 M. The ((~~King County Sewerage General Plan~~)) State Growth
 41 Management Act; and

42 N. Adopted ground water management plans pursuant to RCW
 43 90.44.400 and WAC 173-100.

44 SECTION 9. Ordinance 3579, Section 4, and K.C.C. 13.24.110 are
 45 each hereby amended to read as follows:

46 Approval of certain sewer and water district comprehensive
 47 plans. A. The King County council approves those comprehensive

1 plans not previously approved by the council for the sewer and
 2 water districts listed in "Exhibits A" and "B" (attached to
 3 Ordinance 3579, copies of which are on file in the council clerk's
 4 office) to the extent that such plans are not inconsistent with
 5 (~~(an adopted community)~~) the King County comprehensive plan and on
 6 the condition that the board of commissioners for said districts
 7 provide to the King County council administrator-clerk
 8 certification that such plans have been duly adopted by the
 9 district pursuant to state law.

10 B. The King County council approves (~~(that portion of any)~~) a
 11 sewer or water district comprehensive plan (~~(not previously~~
 12 ~~approved,)~~) which will provide public sewer service or water
 13 service to areas within districts encompassing the criteria for
 14 plat approval under Section 19.08.250 or Section 19.08.260 on
 15 condition that the board of commissioners for such districts
 16 provides to the King County council clerk certification that said
 17 plan has been duly adopted by the district pursuant to state law.

18 C. All sewer and water district comprehensive plans affected
 19 by this section shall also be subject to the (~~(county sewerage~~
 20 ~~general plan, as amended by the county council, consistent with~~
 21 ~~Motion No. 3221.)~~) King County comprehensive plan adopted in K.C.C.
 22 Title 20.

23 D. Sewer and water comprehensive plans shall be updated as
 24 follows:

25 1. Within one year of the adoption of the 1994 King County
 26 Comprehensive Plan; and

27 2. Within one year of the adoption of any subarea or
 28 neighborhood plan, which affects the district's service area.

29 3. The proposed six-year construction schedule and financing
 30 plan shall be submitted by the utility annually to the county.

31 4. The Utility Technical Review Committee shall develop
 32 administrative rules for making a determination that utility
 33 comprehensive plans and six-year facility construction and finance
 34 plans substantially comply with adopted King County comprehensive
 35 plan (K.C.C. Title 20) for the purposes of updating.

36 (~~(D. All sewer and water comprehensive plans affected by~~
 37 ~~subsection B. of this section shall be required to obtain approval~~
 38 ~~by the council, pursuant to this chapter, for authorization of~~
 39 ~~sewer and water service improvements beyond the limited areas~~
 40 ~~authorized by subsection B. of this section.)~~)

41 E. No right-of-way construction permits for sewer or water
 42 facility construction shall be issued to the water or sewer
 43 districts whose plans are approved in whole or part by subsections
 44 A. and B. of this section, unless the division of real property
 45 receives certification from the (~~(division of building and land~~
 46 ~~development)) department of development and environmental services
 47 that such construction is consistent with said approval.~~

1 NEW SECTION. SECTION 10. There is added to K.C.C. 13.24 a new
2 section to read as follows:

3 New Sewer Facilities in Rural Areas. New sewer facilities
4 shall be allowed to cross the rural areas only if such facilities
5 are:

6 A. Limited to serving areas within an Urban Growth Area, rural
7 city or town;

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

10 C. Identified in a King County-adopted comprehensive sewage
11 system plan or by the Utilities Technical Review Committee as
12 technically necessary.

13 NEW SECTION. SECTION 11. There is added to K.C.C. 13.24 a new
14 section to read as follows:

15 Expansions of Sewer Service in Rural and Natural Resource
16 Areas. Sewer service shall be expanded to serve uses in the rural
17 and natural resource areas only if such facilities are:

18 A. Needed to address:

19 1. Specific health and safety problems threatening
20 structures permitted prior to the effective date of this ordinance,
21 or

22 2. The needs of public facilities such as schools; and

23 B. Tightlined; and

24 C. Found to be the only technologically feasible alternative.

25 NEW SECTION. SECTION 12. There is added to K.C.C. 13.24 a new
26 section to read as follows:

27 Interim on-site sewage systems in Service Planning Areas.
28 Interim on-site sewage systems shall be permitted for new
29 construction and subdivisions located in the Service Planning Area
30 of the Urban Growth Area only as follows:

31 A. For an individual on-site system, such system shall be:

32 1. Designed, installed and operated to King County board of
33 health standards, and

34 2. Connected to public sewers upon availability of such
35 sewers and

36 3. Prior to the issuance of a final plat for subdivisions or
37 building permit for new construction, the developer shall provide a
38 Certificate of Future Connection from the appropriate sewer
39 purveyor which certifies that an irrevocable agreement has been
40 entered into with the purveyor for the property owner to pay all
41 known and projected costs of connection. This certificate shall be
42 noticed on the title of the property and shall be a permanent
43 condition on the property until such time as the costs for
44 connection are fully paid to the purveyor.

45 B. For community on-site systems:

46 1. Collection lines to each building site or lot shall be
47 designed to urban standards and be compatible with the sewer

1 utility most likely to provide public sewer service in the future,
2 and

3 2. Management of the system shall be by an authorized public
4 agency, and

5 3. Prior to the issuance of a final plat for subdivisions or
6 building permit for new construction, the developer shall provide a
7 Certificate of Future Connection from the appropriate sewer
8 purveyor which certifies that an irrevocable agreement has been
9 entered into with the purveyor for the property owner to pay all
10 known and projected costs of connection. This certificate shall be
11 noticed on the title of the property and shall be a permanent
12 condition on the property until such time as the costs for
13 connection are fully paid to the purveyor.

14 NEW SECTION. SECTION 13. There is added to K.C.C. 13.24 a new
15 section to read as follows:

16 Water Facilities in Rural Areas. A. Standards and plans for
17 utility services in rural areas shall be consistent with the needs
18 of long-term low density residential development and resources
19 industries. New water facilities that serve the Urban Growth Area
20 but must be located in the rural area shall be designed and scaled
21 to primarily serve areas within an Urban Growth Area.

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

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

32 D. Establishment of new Group A water systems or the
33 expansions of existing Group A water systems may be allowed only
34 if:

35 1. Private wells or Group B water systems existing as of
36 December 31, 1994 have quality or quantity problems that threaten
37 public health and which can best be solved by Group A service, or

38 2. The area has been assigned to a water purveyor through a
39 King County-adopted coordinated water system plan, and

40 3. Prior to approval of the new system or system extension,
41 the maximum number of connections has been specified based on the
42 number of previously platted (or otherwise legally divided) lots
43 and the zoning approved for the total rural area being served, and
44 Group A service is financially feasible at the resulting density.

45 NEW SECTION. SECTION 14. There is added to K.C.C. 13.24 a new
46 section to read as follows:

1 Water Facilities in Urban Growth Areas. In the urban growth
2 area:

3 A. Existing wells and/or Group B water systems may continue to
4 serve the lots which such systems are ultimately designed to serve
5 and shall be managed in compliance with applicable health
6 regulations.

7 B. In the Full Service Area, new construction on existing lots
8 are preferably served by Group A water systems but may be served by
9 private wells or Group B water systems. All new subdivisions shall
10 be served by a Group A water system.

11 C. In the Service Planning Areas, private wells and Group B
12 water systems are allowed for new construction on existing lots and
13 for new subdivisions. Group A water systems are preferred.

14 D. For all new construction and subdivisions, eventual
15 connection shall be required to the water purveyor identified in a
16 county-adopted Coordinated Water System Plan as the service
17 provider, or if no such purveyor is identified, by the most logical
18 existing Group A water purveyor.

19 E. New public water systems shall be operated through
20 satellite management.

21 F. New public water systems shall be built to the design
22 standards of the applicable purveyor to which it will be connected.

23 G. In all cases, if direct service by purveyor is not provided
24 prior to the issuance of a final plat or a building permit, the
25 developer shall provide a Certificate of Future Connection from the
26 appropriate water purveyor prior to the issuance of a final plat or
27 building permit. This certificate that an irrevocable agreement
28 has been entered into with the purveyor for the property owner to
29 pay all known and projected costs of connection to the purveyor's
30 water system. This certificate shall be noticed on the title of the
31 property and shall be a permanent condition on the property until
32 such time as the costs for connection are fully paid to the
33 purveyor.

34 NEW SECTION. SECTION 15. There is added to K.C.C. 13.24 a new
35 section to read as follows:

36 Operation of new Group A Water Systems in rural areas. All new
37 Group A water systems in rural areas shall be operated by a
38 certified water system operator, except when the area for the new
39 water system is included in the planning area of an existing water
40 purveyor identified in a Coordinated Water System Plan. In which
41 case, the water system shall be operated by the purveyor through
42 satellite management.

43 NEW SECTION. SECTION 16. There is added to K.C.C. 13.24 a new
44 section to read as follows:

45 Water system, Group A. Group A water system: a public water
46 system with 15 or more service connections, regardless of the
47 number of people served, or a system serving an average of 25 or

1 more people per day for 60 or more days within a calendar year,
2 regardless of the number of service connections.

3 NEW SECTION. SECTION 17. There is added to K.C.C. 13.24 a new
4 section to read as follows:

5 Water system, Group B. Group B water system: a public water
6 system which is not a Group A system, with less than 15 service
7 connections and serving an average of less than 25 people for 60 or
8 more days within a calendar year, or any number of people for less
9 than sixty days within a calendar year.

10 NEW SECTION. SECTION 18. There is added to K.C.C. 13.24 a new
11 section to read as follows:

12 Water system, individual. Individual water system: a water
13 system serving only one single family residence.

14 NEW SECTION. SECTION 19. There is added to K.C.C. 13.24 a new
15 section to read as follows:

16 Water system, public. Public water system: any water system
17 except one serving only one single family residence.

18 NEW SECTION. SECTION 20. Amendments to this ordinance as
19 passed by the council on December 19, 1994 are set forth in
20 Attachment A to this ordinance and are incorporated by reference
21 herein. Due to the number and length of the ordinances required by
22 the Growth Management Act to be passed by the end of the year to
23 amend county development regulations and the unavailability of a
24 reliable electronic text version of the proposed ordinance as
25 introduced, it may not be possible to prepare an ordinance that
26 incorporates amendments within each section prior to the charter
27 deadline for transmitting the adopted ordinance to the executive.
28 The clerk is hereby authorized to transmit the ordinance with
29 amendments set forth in an attachment, or, if time allows, to
30 incorporate the amendments within each section.

31 INTRODUCED AND READ for the first time this 28th day of
32 November, 19 94.

33 PASSED by a vote of 13 to 0 this 19th day of
34 December, 1994.

35 KING COUNTY COUNCIL
36 KING COUNTY, WASHINGTON

37 Kent Pullen
38
39 Chair

40 ATTEST:

41 Gerald A. Petron
42 Clerk of the Council

43 APPROVED this 30th day of December, 1994.

44 Bing Loh
45
46 King County Executive

47 Attachments: Attachment A: Amendments passed by the Council on 12/19/94.

Clerk 12/20/94

11616

ATTACHMENT A

AMENDMENTS PASSED BY THE KING COUNTY COUNCIL

DECEMBER 19, 1994

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

1 Executive Proposed Ordinance 94-775
2 to Adopt Sewer and Water Service Provisions

3
4
5 AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775 TO ADOPT
6 SEWER AND WATER SERVICE PROVISIONS (TITLE 13) - AS PRESENTED
7 IN LEGISLATIVE FORMAT
8

9
10 Page 2 lines 50-61, Page 3 lines 1-7, delete new language as shown in bold:

11
12 Amend text as follows:

13
14 **SECTION 2.** Ordinance 931, Section 8, as amended and K.C.C. 13.08.060 are
15 each hereby amended to read as follows:

16 Location of systems. In Full Service Areas of the Urban Growth Area, no
17 new on-site sewage systems shall be allowed.

18 New on-site sewage systems may be installed on lots located in:

19 1 rural and resource areas of King County as a permanent system;
20 and

21 2 the Service Planning Areas of the Urban Growth Area as an interim
22 sewage system for new construction and subdivisions, provided that prior to the
23 issuance of a final plat for subdivisions or building permit for new
24 construction, the developer shall provide a Certificate of Future Connection
25 from the appropriate sewer purveyor which certifies that an irrevocable
26 agreement has been entered into with the purveyor for the property owner to
27 pay all known and projected costs of connection. This certificate shall be
28 noticed on the title of the property and shall be a permanent condition on the
29 property until such time as the costs for connection are fully paid to the
30 purveyor.

31
32
33 Rationale Original language duplicated provisions in Section 12 and was
34 unnecessary in this Section

December 12, 1994

Introduced By: Vance

For: Development Reg Team

1

Executive Proposed Ordinance 94-775 -- Title 13

2

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775 - TITLE 13,
3 PROPOSED ORDINANCE 94-775, AS PRESENTED IN LEGISLATIVE FORMAT

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6

Page 3, lines 13 through 25, strike existing language and insert the following:

7

8

SECTION 3. Ordinance 931, Section 13, as amended and K.C.C. 13.08.120 are

9

each hereby amended to read as follows:

10

Maintenance of system. All on-site sewage ~~((disposal))~~ systems shall be

11

maintained in accordance with this chapter and the rules and regulations of the director of

12

public health adopted pursuant to the ordinance codified herein ~~((, and n))~~ No on-site

13

sewage ~~((disposal))~~ system shall be used which directly or indirectly discharges upon the

14

surface of the ground or into any waters within the county ~~((unless the contents of such~~

15

~~system have been subjected to approved purification and bactericidal treatment.))~~

16

Rationale The new code will already note, in the preceding section, that new on-site

17

systems shall be considered permanent in the rural and resource areas and temporary in the

18

Service Planning Areas of the Urban Growth Area. Repetition of this distinction in the

19

maintenance section implies that there might be a different maintenance standard to which

20

permanent and temporary systems would be upheld. Health regulations do not contain

21

different standards for systems considered temporary and the Health Department does not

22

support any such change in these standards.

December 16, 1994

Introduced By: Christopher Vance

1 AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775 TO ADOPT
2 SEWER AND WATER UTILITIES (TITLE 13) AS PRESENTED IN LEGISLATIVE
3 FORMAT

4 Page 10, line 13, amend Section 11 as shown in bold:

5 Section 11

6 SECTION 11. There is added to K.C.C. 13.24 a new section to read as follows:

7 Expansion of Sewer Services in Rural and Natural Resource Areas. Sewer services
8 shall be expanded to serve uses in the rural and natural resources areas only if such
9 facilities are:

10 A. Needed to address:

11 1. Specific Health and safety problems threatening structures permitted prior
12 to the effective date of this ordinance, or

13 2. The needs of public facilities such as schools; and

14 B. Tightlined: and

15 C. **A finding is made that no cost effective alternative technologies are**
16 **feasible.** ~~((Found to be the only technologically feasible alternative.))~~

17 Rationale: This is a technical amendment which harmonizes this regulation with the
18 Zoning Code by utilizing the identical language contained in the new Zoning Code, K.C.C.
19 21A.08.050B (15), and in the existing Zoning Code, K.C.C. 21.21A.050 (H) & (I).

Mr. Vance moved Amendment 13.3. The motion PASSED
8-3, Mr. Phillips, Mr. Sims, Ms. Miller voting "NO"
Ms. Sullivan, Mr. Nickels excused.

13.3

11618

December 12, 1994

Introduced By: Vance
For: Development Reg Team

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Executive Proposed Ordinance 94-775 to Title 13

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775- TITLE 13,
RELATING TO SEWER AND WATER SERVICE PROVISION AS PRESENTED IN
LEGISLATIVE FORMAT

Page 6, lines 1 through 5, strike existing language and insert the following:

4. Existing corporate boundaries and ~~((service area boundaries and proposed))~~ future service area (planning area) ~~((boundaries consistent with the relevant coordinated water system plans))~~ as assigned to the purveyor through a King County adopted Coordinated Water System Plan (RCW 70.116) where applicable.

Rationale: The correction. RCW 70.116 concerns Coordinated Water System Plans, not utility comprehensive plans.

December 12, 1994

Introduced By: Vance
For: Development Reg Team

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Executive Proposed Ordinance 94-775 to Title 13

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775- TITLE 13,
RELATING TO SEWER AND WATER SERVICE PROVISION AS PRESENTED IN
LEGISLATIVE FORMAT

Page 9, lines 23 through 35, strike existing language and replace with the following:

D. Sewer and water comprehensive plans shall be submitted to and reviewed by King County, pursuant to administrative rules developed by the Utilities Technical Review Committee, as follows:

1. A new fully updated plan shall be submitted every six years, or in conformance with the cycle of updates required by the State Departments of Health or Ecology, whichever is sooner; and

2. An appropriately updated plan or other documentation that demonstrates consistency with the 1994 King County Comprehensive Plan shall be submitted within one year of the adoption of the 1994 King County Comprehensive Plan; and

3. An appropriately updated plan or other documentation shall be submitted within one year of the adoption of any subarea or neighborhood plan that the county determines affects the purveyor's service area; and

4. An appropriately updated plan or other documentation shall be submitted whenever the conditions for water or sewer availability, as defined in the King County Comprehensive Plan, have changed significantly within the purveyor's planning area.

Rationale. The requirement that all districts submit six-year CIPs on an annual basis is unduly burdensome, since the purpose of the information is for the county to amend full service and service planning area designations and few districts are likely to provide information in any one year that would change these designations significantly.

Mr. Vance moved Amendment 13.6.
Mr. Derdowski moved to strike Subsection 4, p.2, ln28-30 and p.3, ln1-2. The motion FAILED 2-9, Mr. Derdowski, Mr. Pullen voting "YES", Mr. Nickels and Ms. Hague excused.
Mr. Derdowski moved to insert "reasonable" at p.2, l.4, after 'the' and before 'formation' and at p.3, l.7, after 'the' and before 'formation'. Mr. Derdowski WITHDREW his motion.
The amendment PASSED 11-0, Ms. Hague and Mr. Nickels excused.

13.6

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

1 **Executive Proposed Ordinance 94-775 -**
 2 **to Adopt Sewer and Water Service Provisions**
 3
 4 **AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775 TO ADOPT**
 5 **SEWER AND WATER SERVICE PROVISIONS (TITLE 13) - AS PRESENTED**
 6 **IN LEGISLATIVE FORMAT**
 7
 8
 9 Page 10 Lines 27 to 47, Page 11 lines 1 to 13: delete existing language and
 10 insert the following:
 11
 12 **NEW SECTION. SECTION 12.** There is added to K.C.C. 13.24 a new section to
 13 read as follows:
 14 *Sewage disposal systems in the Urban Growth Area. All development in*
 15 *the Urban Growth Area shall be served by public sewers. Alternative sewage*
 16 *systems shall be permitted on an interim basis, only as follows:*
 17 *A For individual lots in the Full Service Area or Service Planning Area,*
 18 *The Director of the Department of Development and Environmental Services*
 19 *may authorize individual on-site sewage systems given the following findings:*
 20 *1. The applicant has submitted a certificate of sewer availability*
 21 *from the most logical sewer purveyor accompanied by a letter which*
 22 *demonstrates to the satisfaction of the director that the requirement to receive*
 23 *sewer service from the purveyor is unreasonable or infeasible at the time of*
 24 *construction and*
 25 *2. The applicant has received approval for an on-site sewage*
 26 *system design from the Seattle-King County Department of Public Health in*
 27 *accordance with the rules and regulations of the King County Board of Health.*
 28 *Title 13. and*
 29 *3. The applicant has provided a Certificate of Future Connection*
 30 *from the appropriate purveyor which certifies that an irrevocable agreement has*

1 been entered into with the purveyor providing that the property shall be
2 connected to public sewers upon availability of such sewers and that the
3 property owner shall pay all costs of connection. This certificate shall stipulate
4 that the applicant and his grantees agree to participate in and not protest the
5 formation of a Utility Local Improvement District (ULID) or Local Improvement
6 District (LID) or utility purveyor project which is designed to provide public sewer
7 services to the property. This certificate shall be recorded in the real property
8 records of King County and shall be a permanent condition on the property
9 running with the land until such time as the costs for connection are fully paid to
10 the purveyor, and

11 4. Application of the standards of this title would otherwise
12 preclude reasonable use of the property.

13 B. For subdivisions and short subdivisions In the Service Planning Areas
14 only, the Director of the Department of Development and Environmental Services
15 may authorize community on-site systems given the following findings::

16 1. The applicant has submitted a certificate of sewer availability
17 from the most logical sewer purveyor accompanied by a letter which
18 demonstrates to the satisfaction of the director that the requirement to receive
19 sewer service from the purveyor is unreasonable or infeasible at the time of
20 construction, and

21 2. The applicant has received an approved pre-application for a
22 community on-site sewage disposal system from the Seattle-King County
23 Department of Public Health in accordance with the rules and regulations of the
24 King County Board of Health. Title 13. State Board of Health 246-272 WAC, and

25 3 The applicant has provided a certificate that the system will be
26 managed by the purveyor or other authorized public agency as defined by
27 R.C.W 39.24.020. and

28 4 The sanitary sewage collection system within the subdivision or
29 short subdivision necessary to connect the subdivision or short subdivision to the
30 public sewers including collection lines to each building site or lot, shall be

1 installed to the specifications of the appropriate provider of sewer service and
2 shall be a conditions of preliminary approval, and

3 5. The applicant has provided a Certificate of Future Connection
4 from the appropriate purveyor which certifies that an irrevocable agreement has
5 been entered into with the purveyor for the property owner to pay all known and
6 projected costs of connection. This certificate shall stipulate that the applicant
7 and his grantees agree to participate in and not protest the formation of a Utility
8 Local Improvement District (ULID) or Local Improvement District (LID) utility
9 purveyor project which is designed to provide public utility services to the
10 property. This certificate shall be noticed on the title of the property and shall be
11 a permanent condition on the property until such time as the costs for connection
12 are fully paid to the purveyor.

13
14 Note: Entire section is new

15
16 Rationale:

17
18 These changes clarify when individual and community on-site systems
19 may be used in the urban growth areas. This change would allow the use
20 of on-site systems when they are required to allow reasonable use of the
21 property.

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

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Executive Proposed Ordinance 94-775 -
to Adopt Sewer and Water Service Provisions

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775 TO ADOPT
SEWER AND WATER SERVICE PROVISIONS (TITLE 13) - AS PRESENTED IN
LEGISLATIVE FORMAT

Page 12 Lines 1-33, strike existing language and insert the following:

NEW SECTION. SECTION 14. There is added to K.C.C. 13.24 a new section to read
as follows:

**All development in the urban growth area shall be served by the appropriate existing
Group A water purveyor. Alternative water service shall be permitted on an interim basis,
only as follows:**

**A. For individual lots in the Full Service Area or the Service Planning Area, the
Director of the Department of Development and Environmental Services may authorize
interim water service from an existing public water purveyor or the development of an
individual well given the following findings :**

**1. The applicant has submitted a certificate of water availability from the
appropriate Group A water purveyor accompanied by a letter which 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, and**

**2. The applicant has received a water availability certificate from an existing
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, and**

**3. The applicant has provided a Certificate of Future Connection from the
appropriate Group A water purveyor which 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 which is designed to provide public water services to the property. This**

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-775

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AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775- RELATING TO SEWER AND WATER UTILITIES CODE, ADOPTING AND AMENDING TITLE 13 TO BE CONSISTENT WITH AND IMPLEMENT THE COMPREHENSIVE PLAN AS REQUIRED BY THE WASHINGTON STATE GROWTH MANAGEMENT ACT- AS PRESENTED IN LEGISLATIVE FORMAT

Page 13, Line 18

Add a new section to read as follows:

SECTION 20. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance or its application to other persons or circumstances.

Rationale:

Each ordinance needs to contain a severability clause for the ordinance.

1 certificate shall be recorded in the real property records of King County and shall be a 12 /
2 permanent condition on the property running with the land until such time as the costs for
3 connection are fully paid to the purveyor, and 11615

4 4. Application of the standards of this Title would otherwise preclude
5 reasonable use of the property.

6 B. For subdivisions and short subdivisions in the Service Planning Area only,
7 interim water service from a new or existing public water system may be approved as
8 follows:

9 1. The applicant has received approval for the creation of a new public
10 system in accordance with the provisions of the applicable Coordinated Water System
11 Plan, if any, or the applicant has received a water availability certificate from an existing
12 public water system, and

13 2. The Director of the Department of Development and Environmental
14 Services makes the following findings:

15 a. The applicant has provided a Certificate of Future Connection from
16 the appropriate Group A water purveyor which certifies that an irrevocable agreement has
17 been entered into with the purveyor providing that the property shall be connected to the
18 purveyor's water system upon availability of such water service and that the property
19 owner shall pay all costs of connection. This certificate shall stipulate that the applicant
20 and his grantees agree to participate in and not protest the formation of a Utility Local
21 Improvement District (ULID) or Local Improvement District (LID) or utility purveyor
22 project which is designed to provide public water services to the property. This
23 certificate shall be recorded in the real property records of King County and shall be a
24 permanent condition on the property running with the land until such time as the costs for
25 connection are fully paid to the purveyor, and

26 b. A new public water system formed in the planning area of an
27 existing water purveyor as identified in a Coordinated Water System Plan shall be
28 operated through satellite system management; and

29 c. Any new public water system shall be built to the design
30 standards of the appropriate Group A water purveyor to which it will be eventually
31 connected.

32 C. Existing wells and/or Group B water systems may (~~continue to~~) serve the lots
33 which such systems are ultimately designed to serve and shall be managed in compliance with
34 applicable health regulations.

35 Rationale: The original language in this section conformed to Comprehensive Plan policy
36 states that Group A systems are preferable in the Urban Growth Area. This policy language
37 needed to be translated into clear, implementable code. This amendment clarifies the
38 hierarchy of service provision. A variance process has been included in Section 20 to permit
39 service by a new private well subject to certain criteria.

December 19, 1994

Introduced By: Miller

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**Executive Proposed Ordinance 94-775 -
to Adopt Sewer and Water Service Provisions**

**AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-775 TO ADOPT
SEWER AND WATER SERVICE PROVISIONS (TITLE 13) - AS PRESENTED IN
LEGISLATIVE FORMAT**

Page 11, lines 16 through 44, amend Section 13, Paragraph A, 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((s)) industries in the rural area. (~~New water facilities that serve the Urban Growth Area but must be located in the rural area shall be designed and sealed to primarily serve areas within an Urban Growth Area.~~)

B. Private wells and Group B water systems may be allowed in rural areas. 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.

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

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

1. (~~Private wells or Group B water~~) Water systems existing as of December 31, 1994 have quality or quantity problems that threaten public health and which can best be solved by Group A service, or

2. The area has been assigned to a water purveyor through a King County-adopted coordinated water system plan, and

3. Prior to 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.

1 Rationale: The amendment to subsection A clarifies the intent of the proposed second
2 sentence and ensures its consistency with the intent of subsections C and D, which was to
3 allow utilities to make the best engineering decisions to provide water service, consistent
4 with county land use policies. Policy R-112, which provides the policy basis for the second
5 sentence of subsection A proposed by the executive, cites the one example of "a pipeline
6 from a municipal watershed" as the type of new water facility to which it refers. Without
7 the proposed amendment, the language in the proposed ordinance could be interpreted
8 much more broadly. The amendment to subsection D precisely follows Policy F-304 and
9 ensures that health problems related to existing Group A systems can be solved in the same
10 manner as health problems related to existing private wells and Group B systems.

19 December, 1994

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EXECUTIVE PROPOSED KING COUNTY CODE
DEVELOPMENT REGULATIONS

AMENDMENT TO PROPOSED KING COUNTY CODE - TITLE 13, SECTION 1
(Water and Sewer Systems) AS PRESENTED IN LEGISLATIVE FORMAT

Section 1, page 1, line 49, add the following new language:

The County recognizes that many actions undertaken pursuant to Title 13, as amended, may impact treaty fishing rights of federally-recognized tribes. In order to honor and prevent interference with these treaty fishing rights and to provide for water quality and habitat preservation, the County shall provide notice to any federally-recognized tribes whose treaty fishing rights would be affected by an action undertaken pursuant to this title, including but not limited to: development of wetlands, stream and river banks, lakeshore habitat of water bodies, or development directly or indirectly affecting anadromous bearing water bodies, including the promulgation of plans, rules, regulations or ordinances implementing the provisions of this title, whether or not review of such actions is required under the State Environmental Policy Act (SEPA), RCW 43.21C.

Rationale: Federally recognized tribes such as the Muckleshoot Indian Tribe fish extensively in streams, rivers and lakes within King County. County land use decisions such as those covered in Title 13 (Water and Sewer Systems) will directly impact the tribes' ability to exercise those federally protected treaty fishing rights. The tribes should be notified at the earliest possible opportunity to work out conflicts and potential problems in advance of any final decisions being made on project and non-project actions.

Mr. Vance moved Amendment 13.11. The motion PASSED 11-0,
Ms. Hague and Mr. Nickels excused.

11613

Amendment to Proposed Ordinance 94-_____

Sponsored by: Vance

Insert just prior to the severability clause at the end of the ordinance the following new section:

SECTION: Amendments to this ordinance as passed by the council on December 19, 1994 are set forth in Attachment ___ to this ordinance and are incorporated by reference herein. Due to the number and length of the ordinances required by the Growth Management Act to be passed by the end of the year to amend county development regulations and the unavailability of a reliable electronic text version of the proposed ordinance as introduced, it may not be possible to prepare an ordinance that incorporates amendments within each section prior to the charter deadline for transmitting the adopted ordinance to the executive. The clerk is hereby authorized to transmit the ordinance with amendments set forth in a attachment, or, if time allows, to incorporate the amendments within each section.

NOTE:

This amendment has been incorporated into the ordinance.