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Drafted by:	Proebsting
Sponsors:	
Attachments:	None

1 ..Title

2 AN ORDINANCE relating to water systems, water system
3 plans, and general sewer plans and amending Ordinance
4 1710, Section 6, as amended, and K.C.C. 6.27.060,
5 Ordinance 10095, Section 2, as amended, and K.C.C.
6 13.24.005, Ordinance 11616, Sections 16-19, and K.C.C.
7 13.24.007, Ordinance 1709, Section 1, as amended, and
8 K.C.C.13.24.010, Ordinance 13625, Section 22, as
9 amended, and K.C.C. 13.24.035, Ordinance 1709, Section
10 4, as amended, and K.C.C. 13.24.050, Ordinance 1709,
11 Section 5, as amended, and K.C.C. 13.24.060, Ordinance
12 1709, Section 7, as amended, and K.C.C. 13.24.090,
13 Ordinance 1709, Section 8, as amended, and K.C.C.
14 13.24.100, Ordinance 11616, Section 10, as amended, and
15 K.C.C. 13.24.132, Ordinance 11616, Section 11, as
16 amended, and K.C.C. 13.24.134, Ordinance 11616, Section
17 13, as amended, and K.C.C. 13.24.138, Ordinance 11616,
18 Section 15, as amended, and K.C.C. 13.24.140, Ordinance
19 11210, Section 23, and K.C.C. 21A.06.057, adding a new

20 section to K.C.C. chapter 13.24, and repealing Ordinance
21 10095, Section 3, and K.C.C. 13.24.015.

22 ..Body

23 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

24 SECTION 1. Ordinance 1710, Section 6, as amended, and K.C.C. 6.27.060 are
25 hereby amended to read as follows:

26 A. All franchises shall be consistent with the following criteria:

27 1. A previously approved (~~(comprehensive plan)~~) general sewer or water system
28 plan for the applicant; if required to have such a plan by K.C.C. 13.24.010;

29 2. The county Comprehensive Plan;

30 3. The standards of good practice regarding accommodation of utilities on
31 county road right-of-way as stated in the King County Road Standards, under chapter
32 136-40 WAC;

33 4. The franchise shall include provisions requiring the grantee of a franchise to
34 carry out a program acceptable to the county for the grantee to remove or relocate at its
35 cost its facilities in the right-of-way that pose a hazard to the general public; and

36 5. The franchise shall include provisions acceptable to the county requiring the
37 grantee of the franchise to indemnify, defend and hold harmless the county against
38 damages, including environmental damages, caused by, arising out of, or incidental to the
39 grantee's exercise of rights and obligations set forth in the franchise agreement.

40 B. All franchises granted for electric, gas, water and sewer utilities shall include a
41 requirement that the grantee provide the county with franchise compensation under
42 K.C.C. 6.27.080 in return for the right to use the right-of-way.

43 C. In addition, all franchises granted for water and sewer utilities shall be
44 consistent with the following criteria:

45 1. Health and sanitation regulations of the Seattle-King County department of
46 public health and the state;

47 2. County standards for water mains and fire hydrants, and other fire
48 suppression water facilities and services as defined in chapter 70.315 RCW. Consistent
49 with the authority in chapter 70.315 RCW, except when the county is acting as a
50 customer or as a purveyor, the grantee of a water utility franchise shall, at no expense to
51 the county, provide fire suppression water facilities and services required by applicable
52 law and shall indemnify, defend and hold harmless the county against damages arising
53 from fire suppression activities during fire events. The costs incurred by the grantee for
54 such fire suppression water facilities and services shall be credited against any franchise
55 compensation required by K.C.C. 6.27.060.B;

56 3. The grantee of the franchise shall, at no expense to the county, repair all
57 existing facilities that it owns within county road rights-of-way, including all appurtenant
58 facilities and service lines connecting its system to users, if the repair is required by the
59 county for any reasonable purpose;

60 4. The grantee of the franchise shall, at no expense to the county, adjust, remove
61 or relocate existing facilities with county road rights-of-way, including all appurtenant
62 facilities and service lines connecting its system to users, if the county determines the
63 adjustment, removal or relocation is reasonably necessary to allow for an improvement or
64 alteration planned by the county in the road right-of-way. The county shall give the
65 grantee written notice of the requirement as soon as practicable, with the goal to provide

66 the notice at the beginning of the predesign stage for projects that are part of the county's
67 capital improvement program, including the available information as is reasonably
68 necessary for the grantee to plan for such adjustment, removal or relocation;

69 5. For projects that are a part of the county's capital improvement program, in
70 addition to any other notice given to the grantee of the franchise, the county shall provide
71 a vertical and horizontal profile of the roadway and drainage facilities within it, both
72 existing and as proposed by the county, and the proposed construction schedule;
73 notwithstanding any permit conditions that may later be applied to the county project, this
74 initial design information shall be given at least one hundred eighty days before
75 construction is scheduled to begin, except in cases of urgent construction or
76 emergencies. The grantee shall respond to this notice, and to any later notices of revised
77 designs based on permit conditions, within no more than thirty days by providing to the
78 county the best available information as to the location of all of the grantee's facilities,
79 including all appurtenant facilities and service lines connecting its system to users and all
80 facilities that it has abandoned, within the area proposed for the public works project.
81 The county shall offer the grantee the opportunity to participate in the preparation of bid
82 documents for the selection of a contractor to perform the public works project as well as
83 all required adjustments, removals or relocations of the grantee's facilities. The bid
84 documents shall provide for an appropriate cost allocation between the parties. The
85 county shall have sole authority to choose the contractor to perform the work. The
86 grantee and the county may negotiate an agreement for the grantee to pay the county for
87 its allocation of costs, but neither party shall be bound to enter into such an agreement.
88 Under such an agreement, in addition to the grantee's allocation of contractor costs, the

89 grantee shall reimburse the county for costs, such as for inspections or soils testing,
90 related to the grantee's work and reasonably incurred by the county in the administration
91 of the joint construction contract. The costs shall be calculated as the direct salary cost of
92 the time of county professional and technical personnel spent productively engaged in the
93 work, plus overhead costs at the standard rate charged by the county on other similar
94 projects, including joint projects with other county agencies; and

95 6. The grantee of the franchise shall, at no expense to the county, assume the
96 following obligations with respect to facilities connected to its system that are within
97 county road rights-of-way and that it does not own, including appurtenant facilities and
98 service lines connecting its system to users:

99 a. The grantee shall apply for, upon request and on behalf of the owner of the
100 facilities, a county right-of-way construction permit for any repairs required for the
101 facilities, but only if the owner agrees to reimburse the grantee for all costs incurred by
102 the grantee and any other reasonable conditions the grantee requires as a precondition to
103 applying for the permit. All work to be performed in the county right-of-way shall
104 comply with all conditions of the county permit and all applicable county requirements.
105 The grantee may at its option perform any part of the repair with its own forces or require
106 the owner to employ a contractor for that purpose, but only if the contractor is approved
107 by the county;

108 b. In the event that the county determines emergency repair of the owner's
109 facilities is necessary to halt or prevent significant damage to county road rights-of-way
110 or significant threats to the health, safety or welfare of parties other than the owner or the
111 occupants of the building served by the facilities, the grantee shall take prompt remedial

112 action to correct the emergency to the county's approval, which the county shall not
113 unreasonably withhold; and

114 c. When the county or its contractor provides notice to the grantee, in
115 accordance with chapter 19.122 RCW, of its intent to excavate with county road rights-
116 of-way, the grantee shall provide to the county or its contractor the best information
117 available from the grantee's records or, where reasonable, from the use of locating
118 equipment as to the location of the facilities, including surface markings where these
119 would reasonably be of use in the excavation. If the grantee fails to make good faith
120 efforts to provide the information required in this subsection C.6.c. within the deadlines
121 provided by chapter 19.122 RCW, the grantee shall defend, indemnify and hold the
122 county harmless for all claims and reasonable costs that result from damage to the
123 facilities if the damage occurs as a result of the failure to provide the information.
124 Nothing in this subsection is intended or shall be construed to create any rights in any
125 third party or to form the basis for any obligation or liability on the part of the county or
126 the grantee toward any third party, nor is anything in this subsection intended or to be
127 construed to alter the rights and responsibilities of the parties under chapter 19.122 RCW,
128 as amended.

129 SECTION 2. Ordinance 10095, Section 2, as amended, and K.C.C. 13.24.005 are
130 hereby amended to read as follows:

131 A. Assure that ((~~sewer and water system comprehensive~~)) general sewer and
132 water system plans are consistent with adopted county plans, policies and land use
133 controls;

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

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

138 D. To fulfill the county's responsibilities set forth in chapters 90.54 (Water
139 Resources Act of 1971), 36.70 (Planning Enabling Act of the state of Washington),
140 36.70A, 36.94, 57.02 and 70.116 RCW and chapters 173-240 and 246-290 WAC.

141 SECTION 3. Ordinance 11616, Sections 16-19, and K.C.C. 13.24.007 are hereby
142 amended to read as follows:

143 A. General sewer plan: Plan for the construction, improvement, or extension of
144 sewer service, sewage treatment or disposal plants or systems containing the information
145 in WAC 173-240-050(3).

146 B. Group A water system: a public water system with ~~((15))~~ fifteen or more
147 service connections, regardless of the number of people served, or a system serving an
148 average of ~~((25))~~ twenty-five or more people per day for ~~((60))~~ sixty or more days within
149 a calendar year, regardless of the number of service connections.

150 ~~((B))~~ C. Group B water system: a public water system ~~((which))~~ that is not a
151 Group A system, with ~~((less))~~ fewer than ~~((15))~~ fifteen service connections and serving
152 an average of ~~((less))~~ fewer than ~~((25))~~ twenty-five people for ~~((60))~~ sixty or more days
153 within a calendar year, or any number of people for ~~((less))~~ fewer than sixty days within a
154 calendar year.

155 ~~((C))~~ D. Permit-exempt well: private well or well serving a public water system
156 that does not require Washington state Department of Ecology approval to withdraw

157 groundwater for domestic, stock water, irrigation, or industrial use in accordance with
158 RCW 90.44.050.

159 E. (~~Individual water system~~) Private well: a potable water system serving only
160 one single (~~family~~) detached residence and associated accessory dwelling units and
161 temporary medical hardship residences that are legally established.

162 (~~D~~) F. Public water system: any potable water system except (~~one~~) a private
163 well as defined in subsection D of this section (~~serving only one single family~~
164 residence)).

165 G. Satellite Management Agency plan: A plan for an agency authorized by the
166 Washington state Department of Health to own or operate more than one public water
167 system.

168 H. Small water system management program: A plan for a Group A
169 noncommunity system or community system meeting the criteria in WAC 246-290-105.

170 I. Water system plan: A plan for a Group A community public water system
171 meeting the criteria in WAC 246-290-100(2).

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

174 A. (~~Comprehensive plans for water and sewer districts or any other public or~~
175 private e))Entities that distribute or obtain water or provide sewer collection or treatment
176 in unincorporated areas of King County and are required to submit a general sewer or
177 water system plan pursuant to subsection B of this section shall have said plans (~~shall~~
178 be)) adopted by that entity and approved by (~~the~~) King County (~~council~~) by ordinance
179 as a prerequisite for the following:

- 180 1. Operating in unincorporated King County;
- 181 2. Approval of annexation proposals to change the corporate boundary of an
- 182 entity described in subsection A of this section;
- 183 3. Granting of new right-of-way franchises and right-of-way franchise renewals,
- 184 except in cases where a utility is solely seeking conveyance through unincorporated King
- 185 County right-of-way; and
- 186 4. Approval of right-of-way construction permits, except:
- 187 a. for emergency permits issued under K.C.C. 14.44.055; or
- 188 b. when a utility is solely seeking conveyance through unincorporated King
- 189 County right-of-way.
- 190 ~~((B.1. Except as provided in K.C.C. 13.24.015, such plans shall be reviewed by a~~
- 191 ~~utilities technical review committee established by this chapter before submission to the~~
- 192 ~~King County council for approval by ordinance.~~
- 193 ~~2. When reviewing proposals for modified and expanded service area~~
- 194 ~~boundaries for municipal water suppliers, the utilities technical review committee shall~~
- 195 ~~consider whether:~~
- 196 a. ~~the municipal water system is in compliance with its comprehensive plan,~~
- 197 ~~including water conservation elements; and~~
- 198 b. ~~the municipal water system can meet its duty to provide timely and~~
- 199 ~~reasonable service within its service area as required under chapters 43.20 and 70.116~~
- 200 ~~RCW.~~
- 201 ~~C. Only plans consistent with the King County Comprehensive Plan adopted in~~
- 202 ~~K.C.C. Title 20 and corresponding development regulations shall be approved. The~~

203 infrastructure system for the existing service area and for the area anticipated to be served
204 in the future shall be based on the adopted land use map of the Comprehensive Plan. For
205 the purposes of this subsection C., plans include updated plans, amended plans, and other
206 documentation that may be required under subsection E. of this section.)

207 ~~((D.))~~ B. A new, fully updated plan shall be submitted;

208 1. ~~((every six))~~ Every ten years or when required by the Washington state
209 Department of Health for Group A water system plans that:

210 a. serve one thousand or more connections;

211 b. are increasing the number of approved connections; or

212 c. are changing their service areas. ~~((, or in conformance with the cycle of~~
213 ~~updates required by the state Department of Health or Department of Ecology, whichever~~
214 ~~is sooner. Except for water systems proposing a changed service area, as authorized~~
215 ~~under RCW 90.03.386, water comprehensive plans shall not be required for Group A~~
216 ~~water systems that are not expanding public water systems as defined in WAC 246-290-~~
217 ~~010.))~~

218 2. For Group A water system plans not described in subsection C.1. of this
219 section, when the plan is updated; or

220 3. For general sewer plans, when the plan is adopted.

221 ~~((E.))~~ C. The utilities technical review committee may require an updated plan,
222 plan amendment, or other documentation whenever conditions for water or sewer
223 availability have changed significantly within a water or sewer ~~((utility))~~ service area.

224 Water and sewer utilities required to plan under this chapter shall promptly notify ~~((King~~

225 ~~County~~) utilities technical review committee of any significant changes affecting service
226 provision.

227 ~~((F.))~~ D. Water system plans and general sewer ~~((comprehensive))~~ plans shall
228 include information sufficient to demonstrate the ability to provide service consistent
229 with the requirements of all applicable statutes, codes, rules, and regulations.

230 ~~((G.))~~ E.1. Water ~~((comprehensive))~~ system plans shall be consistent with the
231 Washington state Department of Health planning requirements under chapter 246-290
232 WAC and with the planning criteria in its "Water System Planning Handbook" or its
233 successor document. Water ~~((comprehensive))~~ system plans shall also include an
234 evaluation of reclaimed water opportunities, as required by RCW 90.46.120.

235 2. The county shall not approve a water system plan with a proposed service
236 area where the water system is unable to provide service for one or more of the reasons
237 identified in RCW 43.20.260. Nothing in this subsection ~~((G))~~ F. prohibits the county
238 from approving a modified or expanded service area boundary for the water system to
239 correct problems and provide reliable potable water service within the proposed modified
240 service area.

241 ~~((H.))~~ F. General ~~((S))~~ sewer ~~((comprehensive))~~ plans shall be consistent with
242 WAC 173-240-050. In addition, the plans shall ~~((discuss))~~ include the following:

- 243 1. Existing and planned flows, both average and peak;
244 2. Existing and planned flows for any basin discharging into King County's
245 sewage conveyance and treatment system;

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

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

251 5. Opportunities for reclaimed water as required under RCW 90.48.112 and
252 90.48.495.

253 ~~((F.))~~ G. The utilities technical review committee may require additional
254 information to be included as part of a water system plan or general sewer
255 ~~((comprehensive))~~ plan to ensure that the requirements of this chapter are met.

256 SECTION 5. Ordinance 13625, Section 22, as amended, and K.C.C. 13.24.035
257 are hereby amended to read as follows:

258 A. All development within the Urban Growth Area shall be served by public
259 sewer service except on-site sewage systems may be allowed temporarily in some parts
260 of the Urban Growth Area in accordance with K.C.C. 13.24.136.

261 B.1. Public sewer service shall also be provided in rural towns when the service
262 provision has been approved by King County. As of May 17, 2021, Vashon and
263 Snoqualmie Pass are the only rural towns that have been approved for public sewer
264 service.

265 2. The boundary of the Vashon sewer local service area is the boundary of the
266 rural town of Vashon as adopted in the King County Comprehensive Plan Land Use Map
267 in Attachment A to Ordinance 19881*.

268 3. The boundary of the Snoqualmie Pass sewer local service area is the
269 boundary of the rural town of Snoqualmie Pass as adopted in the King County
270 Comprehensive Plan Land Use Map in Attachment A to Ordinance 19146*.

271 C. Public sewer service shall not be provided outside the Urban Growth Area or
272 any rural town designated to receive the service, except as described in K.C.C. 13.24.134.

273 D. Sewer extensions under subsections A. and C. of this section shall be
274 approved by the council, if it is determined that the extension meets the criteria in this
275 section and is consistent with all other adopted King County policies and regulations.
276 Decisions on sewer extensions in the rural area or natural resource lands shall be made by
277 the council in the form of a general sewer (~~((comprehensive))~~) plan or an amendment to a
278 general sewer (~~((comprehensive))~~) plan.

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

282 SECTION 6. Ordinance 1709, Section 4, as amended, and K.C.C. 13.24.050 are
283 hereby amended to read as follows:

284 For the purpose of satisfying K.C.C. 13.24.010, a general sewer
285 (~~((comprehensive))~~) plan covering a subarea of a sewer district or any other public or
286 private provider of sewage services shall be eligible for consideration provided that it:

287 ~~((+))~~ A. Covers a system of sewer facilities, existing or proposed, having no
288 connection to any other portion of the utility's system and discharging directly into a
289 King County wastewater treatment or conveyance facility;

290 ~~((2.))~~ B. Contains the required plan elements as applied to conditions within the
291 subarea only; and

292 ~~((3.))~~ C. Satisfies the consistency requirements of K.C.C. 13.24.060.

293 SECTION 7. Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060 are
294 hereby amended to read as follows:

295 A. ~~((Comprehensive))~~ Water system plans approved by the county shall be
296 consistent with the following:

297 ~~((A.))~~ 1. K.C.C. chapter 17.08 relating to the installation of fire hydrants and
298 water mains;

299 ~~((B. State and local health standards;))~~

300 ~~((C.))~~ 2. The creation and maintenance of logical service areas consistent with
301 the relevant coordinated water system plans approved under chapters 43.20 and
302 ~~((70.116))~~ 70A.100 RCW and the duty to serve under RCW 43.20.260;

303 ~~((D.))~~ 3. Service area boundary requirements as identified in RCW 90.03.386;

304 ~~((E.))~~ 4. The elimination or prevention ~~((, or both,))~~ of duplicate facilities;

305 ~~((F.))~~ 5. The promotion of the most reliable and healthful service to the public,
306 including the delivery of potable water by existing public water systems on a permanent
307 or interim basis whenever feasible;

308 6. Coordinated water system plans under chapter 70A.100 RCW;

309 B. Water system plans and general sewer plans shall be consistent with the
310 following:

311 1. State and local health standards;

312 ~~((G-))~~ 2. The provision of service at a reasonable cost and maximization of the
313 use of existing public facilities;

314 ~~((H-))~~ 3. The reduction of the number of entities providing sewer or water
315 service in King County that may be achieved through the use of satellite ownership and
316 management and conditional approvals for new water systems under RCW
317 ~~((70.119A.060))~~ 70A.125.060;

318 ~~((I-))~~ 4. The King County Comprehensive Plan, including but not limited to
319 ensuring the infrastructure system for the service area is based on the adopted land use
320 map of the Comprehensive Plan;

321 5. ~~((and e))~~ Other pertinent county adopted plans and policies, including, but not
322 limited to, the King County Flood Management Plan ~~((and the King County Emergency~~
323 ~~Response Plan))~~;

324 ~~((J- Coordinated water system plans under chapter 70.116 RCW;))~~

325 ~~((K-))~~ 6. Basinwide or multibasin water plans, sewerage plans, or water and
326 sewerage plans, when approved by the Washington state Department of Ecology and the
327 Washington state Department of Health;

328 ~~((L-))~~ 7. Applicable state water quality, water conservation, and waste
329 management standards;

330 ~~((M-))~~ 8. The state Water Resources Act, chapter 90.54 RCW;

331 ~~((N-))~~ 9. The state Growth Management Act, chapter 36.70A RCW;

332 ~~((O-))~~ 10. Adopted ground water management plans under RCW 90.44.400 and
333 chapter 173-100 WAC;

334 ~~(P-)~~ 11. Federally approved habitat conservation plans and recovery plans
335 approved in accordance with the Endangered Species Act;

336 ~~(Q)~~ 12. Requirements under chapter 77.85 RCW for salmon recovery, water
337 resource plans adopted in accordance with chapter 90.54 RCW, watershed plans
338 approved in accordance with chapter 90.82 RCW and regional water supply or water
339 resource management plans; and

340 ~~(R-)~~ 13. Applicable requirements to evaluate opportunities for the use of
341 reclaimed water under chapter 90.46 RCW.

342 C. Any water system plan that includes service areas within the Vashon
343 Coordinated Water System Planning area designated in K.C.C. 13.28.035, the following
344 shall also be addressed:

345 1. Analysis of the anticipated impacts of climate change on Vashon-Maury
346 Island's water supply, and actions that can be taken in the short- and long-term to increase
347 the resilience of water systems to anticipated impacts and to mitigate associated risks to
348 public health and safety;

349 2. Actions that can be taken to further encourage the use of greywater systems
350 on Vashon-Maury Island and remove barriers to installation of such systems;

351 3. Analysis of whether there is sufficient groundwater capacity to support the
352 creation of additional water shares;

353 4. Methods to prioritize any additional water shares for housing that:

354 a. includes houseplexes, apartments, manufactured home communities, cottage
355 housing, congregate residences, permanent supportive housing, or senior assisted
356 housing;

357 b. develops and utilizes an affirmative marketing plan designed to inform and
358 attract potential housing applicants most likely to experience barriers to fair housing
359 choices as outlined in the King County Consortium's most recently adopted Analysis of
360 Impediments to Fair Housing Choice; and

361 c. provides affordable dwelling units restricted to households with incomes at
362 or below sixty percent of area median income for rental units and at or below eighty
363 percent of area median income for owner-occupied units; and

364 5. Information about the water purveyor's efforts to collaborate with Group B
365 water systems that share the same aquifer.

366 D. Proposals for modified and expanded service area boundaries for municipal
367 water suppliers shall demonstrate that the municipal water system:

368 1. complies with its comprehensive plan, including water conservation
369 elements; and

370 2. can meet its duty to provide timely and reasonable service within its service
371 area as required under chapters 43.20 and 70A.100 RCW.

372 SECTION 8. Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090 are
373 hereby amended to read as follows:

374 A. The utilities technical review committee shall ensure that ~~((the provisions of~~
375 ~~K.C.C. 13.24.005 regarding))~~ the purposes of this chapter stated in K.C.C. 13.24.005 are
376 carried out~~((,))~~ and shall ~~((be responsible for providing))~~ provide the notification to tribal
377 governments ~~((provided for in))~~ required by K.C.C. ~~((13.20.020))~~ 13.02.020 for actions
378 ~~((under that section))~~ that fall within ~~((the authority of))~~ the committee's authority.

379 B. The utilities technical review committee shall:

380 1. Review and make recommendations to the King County executive and the
381 King County council on the adequacy of all general sewer and water system
382 ~~((comprehensive))~~ plans and related matters~~((, and determine their consistency with the~~
383 ~~King County Comprehensive Plan))~~;

384 2. Have the authority to approve ~~((additions and betterments))~~ amendments to
385 council-approved general sewer and water ~~((comprehensive))~~ system plans ~~((without~~
386 ~~referral to the council))~~ approved by ordinance in order to serve developments that have
387 received preliminary approval from the King County council;

388 3.a. Serve as the appeal body to hear all issues relating to the creation of new
389 public water systems and the extension of existing public water service within the
390 boundaries of a critical water supply service area, based on whether an existing water
391 purveyor can provide service in a timely and reasonable manner ~~((f))~~, in accordance with
392 WAC 246-293-190((f)).

393 b. An appeal under subsection B.3.a. of this section is subject to all of the
394 following:

395 (1) A notice of appeal or request to find that water service is or is not
396 available in a timely and reasonable manner shall be filed with the utilities technical
397 review committee and shall be accompanied by a nonrefundable fee as prescribed in
398 K.C.C. 4A.710.100;

399 (2) Written materials from the appellant and the water purveyor and any
400 interested parties may be submitted on forms developed by the utilities technical review
401 committee. The committee shall evaluate such submittals and any other submitted
402 written materials in light of applicable state laws, regulations, and policies. The

403 committee shall issue a final written determination, including findings and conclusions,
404 within thirty days of the date that the written record is complete;

405 (3) The utilities technical review committee shall provide its written
406 determination together with the procedures for administrative appeals, to the appellant, to
407 the water purveyor, and to any person((;)) who(~~(, before the determination, has)~~)
408 requested notice of the determination; and

409 (4) The written determination by the utilities technical review committee
410 shall be the final county action, unless further appeal is made to the office of the hearing
411 examiner, in accordance with K.C.C. 20.22.040 and 20.22.080. In such an appeal to the
412 hearing examiner, the written determination shall constitute the department report for the
413 purposes of K.C.C. 20.22.130.

414 c. The utilities technical review committee is authorized to establish by rule the
415 procedures and timeframes for submittal to the committee of any requests for an appeal
416 as provided for under this chapter and K.C.C. chapter 13.28; and

417 4. Issue the findings required under K.C.C. 13.24.132, 13.24.134, and 13.24.136
418 relative to sewer expansion in the rural area and natural resource lands. The
419 determination that sewer expansion in rural and natural resource ~~((areas))~~ lands is
420 necessary shall be based on information concerning the feasibility of alternative treatment
421 technologies as provided by public health - Seattle & King County.

422 5. Review small water system management programs and satellite management
423 agency plans when requested to do so by the Washington state Department of Health.

424 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 13.24 a
425 new section to read as follows:

426 Satellite management agency plans provided for county approval shall be
427 consistent with WAC 246-295-050 and WAC 246-295-060. In addition, such plans shall
428 include a list of local contractors who are available to respond to emergencies if the
429 agency does not have a physical office located in King County.

430 SECTION 10. Ordinance 1709, Section 8, as amended, and K.C.C. 13.24.100 are
431 hereby amended to read as follows:

432 A. The director of the department of local services shall designate a
433 representative of the department of local services as the chair of the utilities and technical
434 review committee.

435 B. Required copies of all general sewer and water system (~~comprehensive~~)
436 plans shall be submitted to the King County department of local services. The
437 department of local services shall have the major responsibility for coordination and
438 support for the utilities technical review committee.

439 C. Notice of the time and place of the utilities technical review committee
440 meeting shall be provided to the applicant for (~~comprehensive~~) general sewer and water
441 system plan approval prior to the meeting.

442 D. The applicant shall have the right to attend or be represented at any and all
443 meetings upon request.

444 E. The chair may invite the participation of representatives from the Washington
445 state Department of Health and the Washington state Department of Ecology on an ex
446 officio basis as appropriate.

447 SECTION 11. Ordinance 11616, Section 10, as amended, and K.C.C. 13.24.132
448 are hereby amended to read as follows:

449 New sewer facilities shall be allowed to cross rural and natural resource lands
450 only if the facilities are:

451 A. Limited to serving areas within the Urban Growth Area or a rural town
452 approved for public sewer service;

453 B. Tightlined or otherwise subject to access restrictions precluding service to
454 adjacent rural or natural resource lands; and

455 C. Identified in a King County-approved ~~((comprehensive sewage system))~~
456 general sewer plan and upon a finding by the utilities technical review committee that it
457 is technically necessary.

458 SECTION 12. Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134
459 are hereby amended to read as follows:

460 A. Except as otherwise provided in this subsection B. of this section, sewer
461 services is prohibited in the rural and natural resource areas.

462 B. Sewer service may be expanded to serve uses in the rural and natural resource
463 areas only if:

464 1. The facilities are:

465 a. needed to address:

466 ~~((i))~~ (1) specific health and safety problems threatening the use of existing
467 structures; or

468 ~~((ii))~~ (2) to serve a new school authorized to be located in the RA zone by
469 King County comprehensive plan policies; and

470 b. tightlined; and

471 2. A finding is made by the utilities technical review committee that no cost-
472 effective alternative technologies are feasible

473 C. Decisions on sewer service expansions in rural or resource areas shall be made
474 by King County in the form of approval of a general sewer (~~(comprehensive)~~) plan or
475 approval of an amendment to a general sewer (~~(comprehensive)~~) plan.

476 SECTION 13. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136
477 are hereby amended to read as follows:

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

483 A. For existing individual lots, the department of local services permitting
484 division manager or designee may authorize individual on-site sewage treatment and
485 disposal systems given the following findings:

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

489 2. The applicant has submitted a certificate of sewer availability from the most
490 logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the
491 department of local services permitting division manager or designee that the requirement
492 to receive public sewer service from the utility is unreasonable or infeasible at the time of
493 construction; and

494 3. The applicant has provided a certificate of future connection from the
495 appropriate utility that certifies that an irrevocable agreement has been entered into with
496 the utility providing that the property shall be connected to public sewers upon
497 availability of such sewers and that the property owner shall pay all costs of connection
498 to the sewer. This certificate shall stipulate that the applicant and the applicant's
499 successor's and interest agree to participate in and not protest the formation of a utility
500 local improvement district or local improvement district or utility project that is designed
501 to provide public sewer services to the property. This certificate shall be recorded (~~in~~
502 ~~the real property records of King County~~) on the title of the affected property and shall
503 be a permanent condition on the property running with the land until (~~such time as~~) the
504 costs for connection are fully paid to the utility;

505 B. For short subdivisions, if:

506 1. The utilities and technical review committee determines that sewer service is
507 not available in a timely and reasonable manner for property located within the urban
508 growth area. In making its determination, the utilities technical review committee shall
509 follow the procedures applicable to its determinations on whether water service is
510 available from an existing purveyor in a timely and reasonable manner. However, in lieu
511 of the process provided for in 13.24.090.B.3.b.(4), any appeal of the determination by the
512 utilities technical review committee regarding the availability of timely and reasonable
513 sewer service shall be consolidated with and is subject to the same appeal process as the
514 underlying short plat application;

515 2. These on-site systems shall be managed by one of the following entities, in
516 order of preference:

- 517 a. the sewer utility whose service area encompasses the proposed short
518 subdivision; or
- 519 b. the provider most likely to serve the area; or
- 520 c. an Onsite Sewage System Maintainer certified by ~~((the Seattle King County~~
521 ~~department of health)) public health - Seattle & King County;~~

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

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

527 5. The applicant has provided a certificate of future connection as required by
528 subsection A.3. of this section.

529 C. The applicant has received approval for an on-site sewage treatment and
530 disposal system design from the department of public health-Seattle and King County in
531 accordance with ~~((the rules and regulations of the))~~ King County board of health(~~(~~
532 ~~BOH))~~ code Title 13.

533 SECTION 14. Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138
534 are hereby amended to read as follows:

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

539 B. Consistent with RCW 90.54.020, ~~((70.116))~~ 70A.100, and ~~((70.119A))~~
540 70A.125, existing Group A and Group B water systems with approved water system
541 plans are the preferred means of water service within the ~~((R))~~rural ~~((A))~~area. New
542 development in the rural area must be served by Group A water systems, Group B water
543 systems, or ~~((individual))~~ private wells in the following priority order:

544 1. By a Group A water system through direct service, if the proposed
545 development is in an approved service area ~~((that has been))~~ assigned to a Group A water
546 system through a King County-approved coordinated water system plan or is within the
547 approved service area ~~((in))~~ of the ~~((individual water system plan of a))~~ Group A water
548 system's water system plan that has been reviewed and approved by the county and
549 approved by the state and direct service can be provided by that system in a timely and
550 reasonable manner;

551 2. By a new public water system owned and operated by a Group A water
552 system or by a satellite management agency as provided in RCW ~~((70.119A.060))~~
553 70A.125.060, until direct service can be provided by a Group A water system, if:

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

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

560 3. By an existing Group A or Group B water system able and willing to provide
561 safe and reliable potable water when it may be done with reasonable economy and

562 efficiency, if the proposed development is not in an approved service area that has been
563 assigned to a Group A water system through a King County-approved coordinated water
564 system plan, and is not within the approved service area identified in the ~~((individual~~
565 ~~water system plan of a))~~ Group A water system's water system plan that has been
566 reviewed by the county and approved by the state;

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

570 5. By a private well that meets relevant land use and public health requirements
571 and, if applicable, the provisions of subsection E. and F. of this section. If the proposed
572 development to be served by the private well is in an approved service area that has been
573 assigned to a Group A water system through a coordinated water system plan approved
574 by ~~((the King County council))~~ ordinance or is within the approved service area ~~((in the~~
575 ~~individual water system plan))~~ of a Group A water system's water system plan that has
576 been reviewed by the county and approved by the state, the county shall condition its
577 approval upon the future connection of the development to ~~((the))~~ that water system when
578 service from that system becomes available.

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

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

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

585 2. Before approval of the new system or system extension, the maximum
586 number of connections has been specified based on the number of previously platted((;))
587 or otherwise legally divided((;)) lots and the zoning approved for the total rural area
588 being served, and Group A water system service is financially feasible at the resulting
589 density, as described in an approved water system plan.

590 E. ~~((In a closed basin, as defined by chapters 173-507, 173-508, 173-509, 173-~~
591 ~~510, and 173-515 WAC, or on Vashon Maury Island, a)) A private well or a public water
592 system created to provide domestic water for a proposed division or redivision of land
593 and that uses ~~((an))~~ a permit-exempt well ~~((under RCW 90.44.050))~~ shall meet the
594 following standards:~~

595 1. The proposed division or redivision of land shall ~~((be for no more than))~~ not
596 exceed six lots;

597 2. Only one public water system may ~~((be created to))~~ serve the existing lots
598 ~~((created by))~~ and those lots resulting from the proposed division or redivision of land;

599 3. Only one permit-exempt well may be created to serve the lots ~~((created by))~~
600 resulting from the proposed division or redivision of land, unless more than one permit-
601 exempt well is required to meet water flow requirements or each lot ~~((in))~~ resulting from
602 the proposed division or redivision of land is at least twenty acres in size; and

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

605 F. Development proposing to use a new permit-exempt well or a new connection
606 to an existing permit-exempt well for its potable water source shall comply with the
607 following:

- 608 1. The applicant shall pay the fees required by K.C.C. 27.10.510.I;
609 2. The applicant shall provide a copy of the Washington state Department of
610 Ecology Well Report for the subject permit-exempt well at permit application; and
611 3. Prior to permit issuance, the applicant shall record on the title of affected
612 properties requirements that the development will:
613 a. limit withdrawals to domestic use only, up to a maximum annual average of
614 nine hundred fifty gallons per day per connection, and up to a maximum of five thousand
615 gallons per day per well;
616 b. limit water withdrawals to three hundred fifty gallons per day for interior
617 use when a drought emergency order is issued;
618 c. require management of stormwater on-site to the extent practicable by
619 maximizing infiltration, including using low impact development techniques, or
620 following the surface water design manual, whichever is more stringent; and
621 d. for properties located within an approved water service area, require
622 connection to public water when service becomes available.

623 SECTION 15. Ordinance 11616, Section 15, as amended, and K.C.C. 13.24.140
624 are hereby amended to read as follows:

625 A. All new development and substantial improvements as defined by K.C.C.
626 21A.06.1270 in the Urban Growth Area shall be served by:

- 627 1. An adequate public or private water supply system, as required by K.C.C.
628 21A.28.040; and
629 2. The appropriate existing Group A water purveyor, unless service cannot be
630 provided in a timely and reasonable manner as provided in RCW 43.20.260 and

631 ~~((70.116.060))~~ 70A.100.060 or with reasonable economy and efficiency as provided in
632 RCW 19.27.097.

633 B. If the appropriate Group A water purveyor cannot provide water in a timely
634 and reasonable manner, ~~((A))~~ alternative water service shall be permitted on an interim
635 basis, only as follows:

636 1. For individual lots, the department of local services permitting division
637 manager or designee may authorize interim water service from an existing Group B
638 public water purveyor or the development of an ~~((individual))~~ private well after making
639 the following findings~~((;))~~:

640 a. The applicant has submitted a certificate of water availability from the
641 appropriate Group A or Group B water purveyor accompanied by a letter from the same
642 purveyor that demonstrates to the satisfaction of the department of local services
643 permitting division manager or designee that the requirement to receive water service
644 from the purveyor is unreasonable or infeasible at the time of construction, which means
645 service cannot be provided in a timely and reasonable manner in accordance with RCW
646 43.20.260 and ~~((70.116.060(3)(b)))~~ 70A.100.060(3)(b) or with reasonable economy and
647 efficiency as provided in RCW 19.27.097;

648 b. For connections to a Group B water purveyor, the applicant has received a
649 water availability certificate from an existing Group B public water purveyor or has
650 received pre~~((-))~~ application approval for connection to a private well from ~~((the Seattle-~~
651 ~~King County department of public health))~~ public health - Seattle & King County in
652 accordance with ~~((the rules and regulations of))~~ Title 12 of the ~~((Seattle-))~~ King County
653 board of health code;

654 c. For development of a new ~~((individual))~~ private well, the applicant is unable
655 to receive water service in a timely and reasonable manner or with reasonable economy
656 and efficiency from any public water system;

657 d. The applicant has provided a certificate of future connection from the
658 appropriate Group A water purveyor that certifies that an irrevocable agreement has been
659 entered into with the purveyor ~~((providing that the property shall be connected))~~ requiring
660 the property owner to connect to the purveyor's water system upon availability of such
661 water service and ~~((that the property owner shall))~~ to pay all costs of connection. This
662 certificate shall stipulate that the applicant and the applicant's grantees agree to
663 participate in and not protest the formation of a utility local improvement district
664 ~~((ULID))~~ or local improvement district ~~((LID))~~ or utility purveyor project that is
665 designed to provide public water services to the property and agree to decommission any
666 well that is abandoned in the process of connection to a Group A water system in
667 conformance with applicable state law. This certificate shall be recorded ~~((in the real~~
668 ~~property records of King County))~~ on the title of the affected property and shall be a
669 permanent condition on the property running with the land until such time as the costs for
670 connection are fully paid to the purveyor; ~~((and))~~

671 e. Application of the standards of this title would otherwise preclude
672 reasonable use of the property; and

673 f. The requirements of subsection D. of this section are met.

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

676 a. The applicant has received approval for the creation of a new public system
677 in accordance with the applicable coordinated water system plan or ~~((individual))~~ water
678 system plan reviewed by the county and approved by the state, if any, or the applicant has
679 received a water availability certificate from an existing public water system; and

680 b. The department of local services permitting division manager or designee
681 makes the following findings:

682 (1) The applicant has provided a certificate of future connection from the
683 appropriate Group A water purveyor that certifies that an irrevocable agreement has been
684 entered into with the purveyor ~~((providing that))~~ requiring the property ~~((shall be
685 connected))~~ owner to connect to the purveyor's water system upon availability of such
686 water service and ~~((that the property owner shall))~~ to pay all costs of connection. This
687 certificate shall stipulate that the applicant and the applicant's grantees agree to
688 participate in and not protest the formation of a utility local improvement district
689 ~~((ULID))~~ or local improvement district ~~((LID))~~ or utility purveyor project that is
690 designed to provide public water services to the property and agree to decommission any
691 well that is abandoned in the process of connection to a Group A water system in
692 conformance with applicable state law. This certificate shall be recorded ~~((in the real
693 property records of King County))~~ on the title of the affected property and shall be a
694 permanent condition on the property running with the land until such time as the costs for
695 connection are fully paid to the purveyor;

696 (2) The applicant provides a statement from the Group A public water system
697 designated to assume the new public water system, or within whose service area the new
698 system is proposed to be constructed, that it will provide satellite management of the

699 system or that it has entered into an agreement or contract with a satellite management
700 agency certified by the Washington state Department of Health to provide water service
701 until it can provide direct service, as required by RCW (~~70.119A.060~~) 70A.125.060;
702 and

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

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

708 D. Developments proposing to use a new permit-exempt well or a new
709 connection to an existing permit-exempt well for its potable water source shall comply
710 with the following:

711 1. The applicant shall pay the fees required by K.C.C. 27.10.580.I;

712 2. The applicant shall provide a copy of the Washington state Department of
713 Ecology Well Report for this subject permit-exempt well at permit application; and

714 3. Prior to permit issuance, the applicant shall record on the title of the affected
715 properties requirements that the development will:

716 a. limit withdrawals to domestic use only, up to a maximum annual average of
717 nine hundred fifty gallons per day per connection, and up to a maximum of five thousand
718 gallons per day per well;

719 b. limit water withdrawals to three hundred fifty gallons per day for interior
720 use when a drought emergency order is issued;

721 c. require management of stormwater on-site to the extent practicable by
722 maximizing infiltration, including using low impact development techniques, or
723 following the surface water design manual, whichever is more stringent; and

724 d. for properties located within an approved water service area, require
725 connection to public water when service becomes available.

726 SECTION 16. Ordinance 11210, Section 23, and K.C.C. 21A.06.057 are hereby
727 amended to read as follows:

728 Alternative water sources: stored rainwater, or treated or recycled (~~((waste water))~~)
729 wastewater of a quality suitable for uses such as landscape irrigation. (~~((Such water is not~~
730 ~~considered potable.))~~)

731 SECTION 17. Ordinance 10095, Section 3, and K.C.C. 13.24.015 are hereby
732 repealed.