



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 6/16/2014      **In control:** Transportation, Economy, and Environment Committee

**On agenda:**      **Final action:** 9/15/2014

**Enactment date:** 9/18/2014      **Enactment #:** 17890

**Title:** AN ORDINANCE relating to the utilities technical review committee's process of determining timely and reasonable water and sewer service and creating an appeal process in the office of the hearing examiner; and amending Ordinance 2638, Section 5, as amended, and K.C.C. 13.24.070, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090, Ordinance 11616, Section 10, as amended, and K.C.C. 13.24.132 and Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136 and adding a new chapter to K.C.C. Title 4A.

**Sponsors:** Rod Dembowski

**Indexes:** Hearing Examiner

**Code sections:** 13.24.070 - , 13.24.080 - , 13.24.090 - , 13.24.132 - , 13.24.136 - , 4A - .

**Attachments:** 1. Ordinance 17890.pdf, 2. 2014-0219 legislative review form.pdf, 3. 2014-0219 transmittal letter.doc, 4. 2014-0219 fiscal note.xls, 5. Staff Report Proposed Ordinance 2014-0219 UTRC.docx, 6. Attachment 4 Striking Amendment.docx, 7. Attachment 5 Title Amendment.docx, 8. REVISED STAFF REPORT 2014-0219.docx

Date	Ver.	Action By	Action	Result
9/15/2014	2	Metropolitan King County Council	Hearing Held	
9/15/2014	2	Metropolitan King County Council	Passed	Pass
9/10/2014	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute Consent	Pass
6/16/2014	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to the utilities technical review committee's process of determining timely and reasonable water and sewer service and creating an appeal process in the office of the hearing examiner; and amending Ordinance 2638, Section 5, as amended, and K.C.C. 13.24.070, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090, Ordinance 11616, Section 10, as amended, and K.C.C. 13.24.132 and Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136 and adding a new chapter to K.C.C. Title 4A.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 2638, Section 5 as amended, and K.C.C. 13.24.070 are hereby amended to read as follows:

Each plan submitted by a public agency for utilities technical review committee review shall be accompanied by one copy of the documentation required by chapter ((197-10)) 197-11 WAC, as follows:

- A. A statement explaining the basis of categorical exemption from state Environmental Policy Act requirements;
- B. An environmental assessment, together with the agency's threshold determination; or
- C. An environmental impact statement.

SECTION 2. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are hereby amended to read as follows:

A utilities technical review committee is created consisting of the following representatives:

- A. Two representatives from the department of natural resources and parks, one to be appointed by the department's director and one to be the director or the director's designee;
- B. The director of the department of transportation or the director's designee;
- C. The director of the department of permitting and environmental review or the director's designee;
- D. The director of the Seattle-King County department of public health or the director's designee;
- E. The director of the facilities management division of the department of executive services or the director's designee;
- F. One representative from the King County council staff; and
- G. The county demographer.

SECTION 3. Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090 are hereby amended to read as follows:

- A. The utilities technical review committee shall ensure that the provisions of K.C.C. 13.24.005

regarding the purposes of this chapter are carried out, and shall be responsible for providing the notification to tribal governments provided for in K.C.C. 13.20.020 for actions under that section that fall within the authority of the committee.

B. The utilities technical review committee shall:

1. Review and make recommendations to the King County executive and the King County council on the adequacy of all sewer and water system comprehensive plans and related matters, and determine their consistency with the King County Comprehensive Plan;

2. Have the authority to approve, without referral to the council, additions and betterments to council-approved sewer and water comprehensive plans in order to serve developments that have received preliminary approval from the King County council;

~~((2-))~~ 3.a. Serve as ~~((an))~~ the appeal~~((s))~~ body to determine issues relating to the creation of new public water systems and the extension of existing public water service within the boundaries of a critical water supply service area as provided for in the utility service review procedures contained in the coordinated water system plans, based on whether an existing water purveyor can provide service in a timely and reasonable manner (WAC 246-293-190).

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

(1) A notice of appeal or request to find that water service is or is not available in a timely and reasonable manner shall be filed with the utilities technical review committee and shall be accompanied by a nonrefundable fee as prescribed in section 5 of this ordinance;

(2) Written materials from the appellant and the water purveyor and any interested parties may be submitted on forms developed by the utilities technical review committee. The committee shall evaluate such submittals and any other submitted written materials in light of applicable state laws, regulations and policies. The committee shall issue a final written determination, including findings and conclusions, within thirty days of the date that the written record is complete;

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

(4) The written determination by the utilities technical review committee shall be the final county action, unless further appeal is made to the office of the hearing examiner, in accordance with K.C.C. 20.24.080 and 20.24.090. In such an appeal to the hearing examiner, the written determination shall constitute the department report for the purposes of K.C.C. 20.24.150.

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

4. Issue the findings required under K.C.C. 13.24.132, 13.24.134 and 13.24.136 relative to sewer expansion in rural and resource areas. The determination that sewer expansion in rural and resource areas is necessary shall be based on information concerning the feasibility of alternative treatment technologies as provided by the Seattle-King County department of public health.

SECTION 4. Section 5 of this ordinance should constitute a new chapter in K.C.C. Title 4A.

NEW SECTION. SECTION 5. The nonrefundable fee for an appeal or request to find that water service is not available in a timely and reasonable manner under K.C.C. 13.24.090.B.3.b.(1) is two hundred fifty dollars.

SECTION 6. Ordinance 11616, Section 10, as amended, and K.C.C. 13.24.132 are hereby amended to read as follows:

New sewer facilities shall be allowed to cross the rural areas only if the facilities are:

A. Limited to serving areas within an ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Area, rural city or a rural town approved for public sewer service;

B. Tightly lined or otherwise subject to access restrictions precluding service to adjacent rural areas; and

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

SECTION 7. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136 are amended to read as follows:

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

A. For existing individual lots, the director of the department of permitting and environmental review may authorize individual on-site sewage treatment and disposal systems given the following findings:

1. Application of the requirement of K.C.C. 13.24.035 that all development in the urban growth area be served by public sewers, would deny all reasonable use of an individual lot;
2. The applicant has submitted a certificate of sewer availability from the most logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the director that the requirement to receive public sewer service from the utility is unreasonable or infeasible at the time of construction; and
3. The applicant has provided a certificate of future connection from the appropriate utility that certifies that an irrevocable agreement has been entered into with the utility providing that the property shall be connected to public sewers upon availability of such sewers and that the property owner shall pay all costs of connection to the sewer (~~((and connection of the roof drainage either to the abandoned on-site sewage drainfield or to septic tank only if completely cleaned out prior to connection))~~). This certificate shall stipulate that the applicant and the applicant's successor's and interest agree to participate in and not protest the formation of a utility local improvement district or local improvement district or utility project that is designed to provide public sewer services to the property. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for

connection are fully paid to the utility((;

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

B. For short subdivisions, if:

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

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

a. The sewer utility whose service area encompasses the proposed short subdivision; ((~~or~~))

b. The provider most likely to serve the area; or

c. An Onsite Sewage System Maintainer certified by the Seattle-King County department of health;

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

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

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

C. The applicant has received approval for an on-site sewage treatment and disposal system design from the department of public health-Seattle and King County in

accordance with the rules and regulations of the King County board of health, (~~K.C.C.~~) BOH Title 13.