13625

7/15/99

Introduced By: Larry Phillips

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Proposed No.: **98-500**

ORDINANCE NO. 13625

AN ORDINANCE relating to comprehensive planning and sewer and water system utility planning; amending Ordinance 1710, Section 6, as amended, and K.C.C. 6.27.060, Ordinance 10095, Section 2, and K.C.C. 13.24.005, Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010, Ordinance 10095, Section 3, and K.C.C. 13.24.015, Ordinance 4307, Section 2, and K.C.C. 13.24.020, Ordinance 1709, Section 4, as amended, and K.C.C. 13.24.050, Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, Ordinance 2638, Section 5, and K.C.C. 13.24.070, Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, Ordinance 1709, Section 7, and K.C.C. 13.24.090 as amended, Ordinance 1709, Section 8, as amended, and K.C.C. 13.24.100, Ordinance 11616, Section 11, and K.C.C. 13.24.134, Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136, Ordinance 11616, Section 15, and K.C.C. 13.24.142, Ordinance 7025, Section 3, as amended, and K.C.C. 14.44.045, Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015, Ordinance 4461, Section 1, as amended, and K.C.C. 20.24.070, Ordinance 4461, Section 2, as amended, and K.C.C. 20.24.080, Ordinance 263, Article 5, Section 18, as amended, and K.C.C. 20.24.230, Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030 and Ordinance 11034, Section 5, as amended, and K.C.C. 28.84.050, adding a new section to K.C.C. chapter 13.24 and repealing Ordinance 1709, Section 2, as amended, and K.C.C. 13.24.030, Ordinance 1709, Section 3, as amended, and K.C.C. 13.24.040, Ordinance 3579, Section 4, as amended, and K.C.C. 13.24.110, Ordinance 10095, Section 5, and K.C.C. 13.24.130 and Ordinance 2707, Section 1, as amended, and K.C.C. 20.12.160.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

Criteria for approval. A. All franchises granted for county rights-of-way shall be consistent with the following criteria:

1. A previously approved comprehensive plan for the applicant, if required to have such a plan by K.C.C. 13.24.010;

2. The county comprehensive plan;

3. The standards of good practice regarding accommodation of utilities on county road right-of-way as stated in the King County Road Standards, pursuant to Washington Administrative Code, Chapter 136-40.

B. In addition, all franchises granted for water and sewer ((~~districts and water distributors~~)) utilities shall be consistent with the following criteria:

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

2. County standards for water mains and fire hydrants,

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

4. The grantee of the franchise shall, at no expense to the county, adjust, remove or relocate existing facilities with county road rights-of-way, including all appurtenant facilities and service lines connecting its system to users, if the county determines such adjustment, removal or relocation is reasonably necessary to allow for an

improvement or alteration planned by the county in such road right-of-way. The county shall give the grantee written notice of such requirement as soon as practicable, at the beginning of the pre-design stage for projects that are part of the county's capital improvement program, including such available information as is reasonably necessary for the grantee to plan for such adjustment, removal or relocation;

5. For projects that are a part of the county's capital improvement program, in addition to any other notice given to the grantee of the franchise, the county shall provide a vertical and horizontal profile of the roadway and drainage facilities within it, both existing and as proposed by the county, and the proposed construction schedule; notwithstanding any permit conditions that may later be applied to the county project, this initial design information shall be given at least 180 days before construction is scheduled to begin, except in cases of urgent construction or emergencies. The grantee shall respond to this notice, and to any later notices of revised designs based on permit conditions, within no more than 30 days by providing to the county the best available information as to the location of all of the grantee's facilities, including all appurtenant facilities and service lines connecting its system to users and all facilities that it has abandoned, within the area proposed for the public works project. The county shall offer the grantee the opportunity to participate in the preparation of bid documents for the selection of a contractor to perform the public works project as well as all required adjustments, removals or relocations of the grantee's facilities. Such bid documents shall provide for an appropriate cost allocation between the parties. The county shall have sole authority to choose the contractor to perform such work. The grantee and the county may negotiate an agreement for the grantee to pay the county for its allocation of costs, but neither party shall be bound to enter

into such an agreement. Under such an agreement, in addition to the grantee's allocation of contractor costs, the grantee shall reimburse the county for costs, such as for inspections or soils testing, related to the grantee's work and reasonably incurred by the county in the administration of such joint construction contracts. Such costs shall be calculated as the direct salary cost of the time of county professional and technical personnel spent productively engaged in such work, plus overhead costs at the standard rate charged by the county on other similar projects, including joint projects with other county agencies.

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

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

b. In the event that the county determines emergency repair of such facilities is necessary to halt or prevent significant damage to county road rights-of-way or significant threats to the health, safety or welfare of parties other than the owner or the occupants of

the building served by such facilities, the grantee shall take prompt remedial action to correct the emergency to the county's approval, which the county shall not unreasonably withhold;

c. When the county or its contractor provides notice to the grantee, pursuant to ((~~RCW~~)) chapter 19.122 RCW, of its intent to excavate with county road rights-of-way, the grantee shall provide to the county or its contractor the best information available from the grantee's records or, where reasonable, from the use of locating equipment as to the location of such facilities, including surface markings where these would reasonably be of use in the excavation. If the grantee fails to make good faith efforts to provide the above information within the deadlines provided by ((~~RCW~~)) chapter 19.122 RCW, the grantee shall hold the county harmless for all reasonable costs that result from damage to such facilities if such damage occurs as a result of the failure to provide such information. Nothing in this subsection is intended or shall be construed to create any rights in any third party or to form the basis for any obligation or liability on the part of the county or the grantee toward any third party, nor is anything in this subsection intended or to be construed to alter the rights and responsibilities of the parties under ((~~RCW~~)) chapter 19.122 RCW, as amended.

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

Purpose. The purpose of this chapter is to accomplish the following:

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

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

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

D. To fulfill the county's responsibilities set forth in ((~~RCW~~)) chapters 90.54 (Water Resources Act of 1971), ((~~RCW~~)) 36.70 ((~~(State)~~))(Planning Enabling Act of the state of Washington), 36.70A, ((~~RCW~~)) 36.94, ((~~RCW 56.02, RCW~~)) 57.02 and 70.116 RCW and chapters 173-240 and ((~~WAC 248.54.065~~)) 246-290 WAC.

SECTION 3. Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010 are each hereby amended to read as follows:

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

1. Operating in unincorporated King County;

2. Approval of annexation proposals;

3. Granting of new right-of-way franchises and right-of-way franchise renewals; and

4. Approval of right-of-way construction permits, except for emergency permits issued under K.C.C. 14.44.055.

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

C. Only plans consistent with the King County Comprehensive Plan adopted in K.C.C. Title 20 shall be approved. The infrastructure system for the existing service area, and for the area anticipated to be served in the future shall be based on the adopted ((~~L~~))land ((~~U~~))use ((~~M~~))map of the Comprehensive Plan.

D. A new, fully updated plan shall be submitted every six years, or in conformance with the cycle of updates required by the state Department of Health or Department of Ecology, whichever is sooner, except that water comprehensive plans shall not be required for Group A water systems that are not expanding public water systems as defined in WAC 246-290-010.

E. King County may require an updated plan, plan amendment, or other documentation whenever conditions for water or sewer availability have changed significantly within a water or sewer utility service area. Water and sewer utilities required to plan under this chapter shall promptly notify King County of any significant changes affecting service provision.

F. Water and sewer comprehensive plans shall include information sufficient to demonstrate the ability to provide service consistent with the requirements of all applicable statutes, codes, rules and regulations.

G. Water comprehensive plans shall be consistent with the planning criteria identified by the state Department of Health in its "Water System Planning Handbook or its successor document.

H. Sewer comprehensive plans shall be consistent with WAC 173-240-050. In addition, the plans shall discuss the following:

1. Existing and planned flows, both average and peak; and

2. Existing and planned flows for any basin discharging into King County's sewage conveyance and treatment system; and

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

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

I. The utilities technical review committee may require additional information to be included as part of a water or sewer comprehensive plan.

SECTION 4. Ordinance 10095, Section 3, and K.C.C. 13.24.015 are each hereby amended to read as follows:

Exemption from council approval of Group B water systems. As provided by ((~~RCW~~)) chapter 43.20 RCW ((~~and WAC 248.54~~)), chapter 246-291 WAC and ((~~K.C.C.~~)) Title 12 of the Seattle-King County board of health regulations, plans for Group B water systems in unincorporated King County shall be reviewed and approved by the Seattle-King County health department. Plans for Group B water systems shall not require approval of the county council pursuant to this chapter unless a right-of-way construction permit is required. The health department shall prepare and regularly update a list of those Group B systems that have been approved. Included in the list shall be the important characteristics of the systems such as water quality, water quantity, reliability, the operator or manager((,)) and the capacity

of the system to serve existing and additional customers. The list shall be provided annually to the utilities technical review committee and shall be consulted when preparing recommendations for, but not limited to, franchises, other water plans((,)) and new developments.

SECTION 5. Ordinance 4307, Section 2, and K.C.C. 13.24.020 are each hereby amended to read as follows:

Approving ((~~engineer~~)) official. The director of the department of ((~~public works~~)) natural resources, or ((~~his~~)) the director's authorized designee, shall be the ((~~engineer~~)) official designated by King County for the approvals required by RCW ((~~56.08.020 and~~)) 57.16.010. Director approval shall be based on recommendations provided by department engineers and the Utilities Technical Review Committee.

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

Comprehensive plans - ((~~M~~))modification of requirements. ((~~A. The utilities technical review committee may require information and material additional to that required in the sections above, as necessary.~~

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

1. Covers a system of sewer facilities, existing or proposed, having no connection to any other portion of the ((~~purveyor's~~)) utility's system and discharging directly into a ((~~department of metropolitan services~~)) King County wastewater treatment or conveyance facility;

2. Contains the required plan elements ((~~required by Section 13.24.040~~)) as applied to conditions within the subarea only((~~,~~)); and

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

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

Comprehensive plans - ((~~A~~))approval requirements. Comprehensive plans approved by the county ((~~shall contain the elements listed in Sections 13.24.030 or 13.24.040 and~~)) shall ((~~not be inconsistent~~)) be consistent with the following:

A. ((~~King County Code~~)) K.C.C. ((~~C~~))chapter 17.08 relating to the installation of fire hydrants and water mains;

B. State and local health standards;

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

D. The elimination ((~~and/~~))or prevention, or both, of duplicate facilities;

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

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

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

H. County ((~~c~~))Comprehensive ((~~p~~))Plan and other pertinent county adopted plans and policies;

I. Coordinated water system plans ((~~RCW~~)), chapter 70.116 RCW;

J. The basinwide water ((~~and/or~~)) plan, sewerage plan or water and sewerage plan, when approved by the ((~~S~~))state Department of Ecology and the ((~~S~~))state Department of Health;

K. Applicable state water quality and waste management standards;

L. The ((~~S~~))state Water Resources Act, ((~~RCW 90.554~~)) chapter 90.54 RCW;

M. The ((~~S~~))state Growth Management Act;((~~and~~))

N. Adopted ground water management plans pursuant to RCW 90.44.400 and ((~~WAC~~)) chapter 173-100 WAC; and

O. Adopted habitat conservation plans developed pursuant to the Endangered Species Act.

SECTION 8. Ordinance 2638, Section 5, and K.C.C. 13.24.070 are each hereby amended to read as follows:

Comprehensive plans - ((~~E~~))environmental review. Each plan submitted by a public agency for utilities technical review committee review shall be accompanied by ((~~four copies each~~)) one copy of the documentation required by ((~~Washington Administrative Code C~~))chapter 197-10 WAC, as follows:

A. A statement explaining the basis of categorical exemption from ((~~S~~))state Environmental Policy Act requirements; ((~~or~~))

B. An environmental assessment, together with the agency's threshold determination; or

C. An environmental impact statement.

SECTION 9. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080 are each hereby amended to read as follows:

Utilities technical review committee - ((~~C~~))creation and composition. A utilities technical review committee is created consisting of ((~~one representative each from the department of parks, planning and resources, the divisions of planning and community development and building and land development; department of executive administration, the real property division; the department of public works; the Seattle-King County department of public health; the King County fire marshal and a King County council staff member. Such representatives shall be~~)) the following representatives as appointed by the director of each department:

A. Two representatives from the department of natural resources, one from the water and land resources division and one from the wastewater treatment division;

B. One representative from the department of transportation;

C. One representative from the department of development and environmental services;

D. One representative from the Seattle-King County department of public health;

E. One representative from the office of regional policy and planning;

F. One representative from the department of construction and facility management, property services division; and

G. One representative from the King County council staff.

SECTION 10. Ordinance 1709, Section 7, and K.C.C. 13.24.090, are each hereby amended to read as follows:

Authority. The utilities technical review committee shall 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

determination of their consistency with the King County comprehensive plan; provided, further, that the committee shall have the authority to approve additions and betterments to council-approved sewer and water comprehensive plans without referral to the council in order to serve developments which have received preliminary approval from the King County council. The utilities technical review committee shall serve as an appeals body to hear 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; the key determinant is whether an existing water purveyor can provide service in a timely and reasonable manner. The utilities technical review committee shall issue the findings required under K.C.C. 13.24.134, 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 11. Ordinance 1709, Section 8, as amended, and K.C.C. 13.24.100 are each hereby amended to read as follows:

Procedures. A. Required copies of all sewer and water comprehensive plans shall be submitted to the King County division of ((~~building and land development~~)) water and land resources. The division of ((~~building and land development~~)) water and land resources shall have the major responsibility for coordination and support for the utilities technical review committee.

B. Notice of the time and place of the utilities technical review committee meeting shall be provided to the applicant for comprehensive plan approval prior to the meeting.

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

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

Expansion of sewer service in rural and natural resource areas. Sewer service shall be expanded to serve uses in the rural and natural resource areas only if ((~~such~~)) the facilities are:

A. Needed to address:

1. Specific health and safety problems threatening the existing uses of structures permitted ((~~prior to the effective date of Ordinance 11616,~~)) before January 9, 1995; or

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

B. Tightlined; and

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

D. Decisions on sewer service expansions in rural or resource areas shall be made by the Council in the form of a sewer comprehensive plan or an amendment to a sewer comprehensive plan.

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

On-site ((S))sewage treatment and disposal systems in the urban growth area. ((~~All development in the urban growth area shall be served by public sewers. Alternative~~))

On-site sewage treatment and disposal systems shall be permitted in the urban growth area on an interim basis, only as follows:

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

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

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

3. The applicant has provided a ((~~C~~))certificate of ((~~F~~))future ((~~C~~))connection from the appropriate ((~~purveyor which~~)) utility that certifies that an irrevocable agreement has been entered into with the ((~~purveyor~~)) 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 to the abandoned on-site sewage drainfield (to septic tank only if completely cleaned out prior to connection). This certificate shall stipulate that the applicant and ((~~his~~)) the applicant's grantees agree to participate in and not protest the formation of a ((~~U~~))utility ((~~L~~)local ((~~I~~))improvement ((~~D~~))district ((~~(ULID)~~))) or ((~~L~~))local ((~~I~~))improvement ((~~D~~))district ((~~(LID)~~))) or utility ((~~purveyor~~)) project ((~~which~~)) 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 ((~~purveyor~~)) 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; and

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

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

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

2. The applicant has received an approved pre((-))application for a community on-site sewage treatment and disposal system from the Seattle-King County department of public health in accordance with the rules and regulations of the King County board of health, K.C.C. Title 13, and the ((~~S~~))state ((~~b~~))Board of ((~~h~~))Health, chapter 246-272 WAC;

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

4. The sanitary sewage collection system within the subdivision or short subdivision necessary to connect the subdivision or short subdivision to the public sewers including collection lines to each building site or lot shall be installed to the specifications of

the appropriate provider of sewer service and shall be a condition of preliminary approval; and

5. The applicant has provided a ((~~C~~))certificate of ((~~F~~))future ((~~C~~))connection from the appropriate ((~~purveyor which~~)) utility that certifies that an irrevocable agreement has been entered into with the ((~~purveyor~~)) utility for the property owner to pay all known and projected costs of connection. This certificate shall stipulate that the applicant and ((~~his~~)) the applicant's grantees agree to participate in and not protest the formation of a ((~~U~~))utility ((~~L~~)local ((~~I~~))improvement ((~~D~~))district ((~~(ULID)~~))) or ((~~L~~))local ((~~I~~))improvement ((~~D~~))district ((~~(LID)~~))) utility ((~~purveyor that~~)) project that is designed to provide public utility services to the property. This certificate shall be noticed on the title of the property and shall be a permanent condition on the property until such time as the costs for connection are fully paid to the ((~~purveyor~~)) utility.

SECTION 14. Ordinance 11616, Section 15, and K.C.C. 13.24.142 are each hereby amended to read as follows:

Operation of new Group A water systems in rural areas. All new Group A water systems in rural areas shall be operated by a certified water system operator, except when the area for the new water system is included in the planning area of an existing water ((~~purveyor~~)) utility identified in a ((~~C~~))coordinated ((~~W~~))water ((~~S~~))system ((~~P~~))plan. ((~~In which case~~)) When the area for the new water system is included in the planning area of an existing water utility identified in a coordinated water system plan, the water system shall be operated by the ((~~purveyor~~)) utility through satellite management.

SECTION 15. Ordinance 1711, Section 5, as amended, and K.C.C. 14.44.050 are each hereby amended to read as follows:

Construction permit – ((~~A~~))application – ((~~R~~))review.

A. The ((~~real~~)) property services division shall coordinate the review by all departments of right-of-way construction permit applications and shall determine whether the proposed construction is consistent with the applicant's right-of-way franchise from the county.

B. The department of ((~~public works~~)) transportation shall review and evaluate applications in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of the proposed construction.

C. The ((~~building and land development division~~)) water and land resources division shall review and evaluate all applications for right-of-way construction permits for sewer and water main extensions to determine whether the proposed construction is consistent with the sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24. If the facility is not consistent with an approved comprehensive plan, then the construction permit shall not be issued. Applications for those water utilities with Group A non-expanding public water systems that are not required to prepare comprehensive plans for approval by the county council pursuant to K.C.C. 13.24.010 shall be approved if all other conditions of this chapter are met.

SECTION 16. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015 are each hereby amended to read as follows:

Relationship of ((~~c~~))Comprehensive ((~~p~~))Plan to previously adopted plans, policies((~~,~~)) and land use regulations. The 1994 King County Comprehensive Plan shall relate to previously adopted plans, policies and land use regulations as follows:

A. The previously adopted White Center Action Plan and West Hill Community Plan are consistent with the 1994 King County Comprehensive Plan and are adopted as elements of the ((e))Comprehensive ((p))Plan((.));

B. Where conflicts exist between community plans and the ((e))Comprehensive ((p))Plan, the ((e))Comprehensive ((p))Plan shall prevail((.));

C. Pending or proposed subarea plans or plan revisions and amendments to adopted land use regulations, ((~~which~~)) that are adopted on or after November 21, 1994, shall conform to all applicable policies and land use designations of the 1994 King County Comprehensive Plan((.));

D. Unclassified use permits and zone reclassifications((~~, which~~)) that are pending or proposed on or after November 21, 1994, shall conform to the ((e))Comprehensive ((p))Plan and applicable adopted community plans as follows:

1. For aspects of proposals where both the ((e))Comprehensive ((p))Plan and a previously adopted community plan have applicable policies or land use plan map designations ((~~which~~)) that do not conflict, ((~~and~~)) both the ((e))Comprehensive ((p))Plan and the community plan shall govern((.));

2. For aspects of proposals where both the ((e))Comprehensive ((p))Plan and a previously adopted community plan have applicable policies or plan map designations ((~~which~~)) that conflict, the ((e))Comprehensive ((p))Plan shall govern((.)); and

3. For aspects of proposals where either the ((e))Comprehensive ((p))Plan or a previously adopted community plan, but not both, has applicable policies or plan map designations, the plan with the applicable policies or designations shall govern((.));

E. Vested applications for subdivisions, short subdivisions and conditional uses for which significant adverse environmental impacts have not been identified may rely on existing zoning to govern proposed uses and densities((;)). ((s))Subdivisions, short subdivisions and conditional uses also may rely on specific facility improvement standards adopted by ordinance, including but not limited to street improvement, sewage disposal and water supply standards, ((~~which~~)) that conflict with the ((c))Comprehensive ((p))Plan but shall be conditioned to conform to all applicable ((c))Comprehensive ((p))Plan policies on environmental protection, open space, design, site planning((,)) and adequacy of on-site and off-site public facilities and services, in cases where specific standards have not been adopted((.));

F. Vested permit applications for proposed buildings and grading and applications for variances, when categorically exempt from the procedural requirements of the state Environmental Policy Act, may rely on existing zoning and specific facility improvement standards adopted by ordinance((.)); and

G. Nothing in this section shall limit the county's authority to approve, deny or condition proposals in accordance with the state Environmental Policy Act.

SECTION 17. Ordinance 4461, Section 1, as amended, and K.C.C. 20.24.070 are each hereby amended to read as follows:

Recommendations to the council. A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the council based on the issues and evidence in the record in the following cases:

1. ((~~or new fully contained community permits;~~

~~2~~)) All Type 4 land use decisions;

((~~3. Applications to extend sewer service pursuant to K.C.C. 13.24;~~

~~4.~~))2. Applications for agricultural land variances;

((~~5.~~)) 3. Applications for public benefit rating system assessed valuation on open space land and current use assessment on timber lands except as provided in K.C.C. 20.36.090;

((~~6.~~)) 4. Appeals from denials by the county assessor of applications for current use assessments on farm and agricultural lands;

((~~7.~~)) 5. Applications for the vacation of county roads;

((~~8.~~)) 6. Appeals of a recommendation by the department of ((~~public works~~)) transportation to deny the petition for vacation of a county road;

((~~9.~~)) 7. Appeals of a recommendation by the department of ((~~public works~~)) transportation of the compensation amount to be paid for vacation of a county road;

((~~10.~~)) 8. Proposals for establishment or modification of cable system rates; and

((~~11.~~)) 9. Other applications or appeals ((~~which~~)) that the council may prescribe by ordinance.

B. The examiner's recommendation may be to grant or deny the application or appeal, or the examiner may recommend that the council adopt the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the ((~~c~~))Comprehensive ((~~p~~))Plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between

the King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern.

SECTION 18. Ordinance 4461, Section 2, as amended, and K.C.C. 20.24.080 are each hereby amended to read as follows:

Final decisions by the examiner. A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court as provided by K.C.C. 20.24.240, or to other designated authority in the following cases:

1. Appeals from the decisions of the administrator for short subdivisions, including those variance decisions of the road engineer made pursuant to K.C.C. 14.42.060 with regard to road circulation in the subject short divisions;

2. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses which are appealable to the state ((~~s~~))Shoreline ((~~H~~))hearings ((~~B~~))board;

3. Appeals from citations, notices and orders and stop work orders issued pursuant to K.C.C. Title 23 ((~~of this code~~)) or ((~~the Rules and Regulations VII of the King County department of public health~~)) Title 1.08 of the rules and regulations of the King County board of health;

4. Appeals from decisions regarding the abatement of a nonconformance;

5. Appeals from decisions of the director of the department of ((~~public works~~)) natural resources on requests for rate adjustments to surface and storm water management rates and charges;

6. Appeals from department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of that department as provided in RCW 69.50.505;

7. Appeals from notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

8. Appeals from the department's final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of K.C.C. Title 14;

9. Other applications or appeals which the council may prescribe by ordinance

B. The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the ((c))Comprehensive ((p))Plan, the community plans, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the ((c))Comprehensive ((p))Plan shall govern.

SECTION 19. Ordinance 263, Article 5, Section 18, as amended, and K.C.C. 20.24.230 are each hereby amended to read as follows:

Council action. The council shall take final action on any recommendation of the examiner or appeal from a decision by the examiner by ordinance and when so doing, it shall make and enter findings of fact and conclusions from the record of the public hearing

conducted by the examiner. ((~~Said~~)) The findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the ((~~c~~))Comprehensive ((~~p~~))Plan, the community plans, ((~~the sewerage general plan,~~)) the zoning code, the subdivision code and other official laws, policies and objectives for the development of King County. The council may adopt as its own all or portions of the examiner's findings and conclusions.

Any ordinance may contain conditions regarding the manner of development or other aspects regarding use of the property including but not limited to dedication of land, provision of public improvements to serve the subdivision, and/or impact fees authorized by ((~~RCW~~)) chapter 82.02 RCW.

Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, ((~~which~~)) that must be satisfied before the ordinance becomes effective and the official zoning maps shall not be amended until ((~~said~~)) the conditions have been satisfied; provided, the ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of ((~~said~~)) the conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted; provided, the council may extend the period for satisfaction of ((~~said~~)) the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period. As an alternative to the adoption of an ordinance containing conditions, the council may adopt an ordinance subject to the execution of a concomitant agreement between the

county and the applicant regarding the manner of development of the property, any required improvements or any aspect regarding use of the property.

SECTION 20. Ordinance 10870, Section 513, as amended, and K.C.C. 21A.28.030 are each hereby amended to read as follows:

Adequate sewage disposal. All new development shall be served by an adequate public or private sewage disposal system, including both collection and treatment facilities as follows:

A. A public sewage disposal system is adequate for a development proposal provided that:

1. For the issuance of a building permit, preliminary plat or short plat approval or other land use approval, the site of the proposed development is or can be served by an existing disposal system consistent with ((~~the Sewerage General Plan~~)) K.C.C. Title 13, and the disposal system has been approved by the department as being consistent with applicable state and local design and operating guidelines;

2. For the issuance of a certificate of occupancy for a building or change of use permit, the approved public sewage disposal system as set forth in subsection A.1 of this section is installed to serve each building or lot;

3. For recording a final plat, final short plat or binding site plan, the approved public sewage disposal system set forth in subsection A.1 of this section shall be installed to serve each lot respectively; or a bond or similar security shall be deposited with King County for the future installation of an adequate sewage disposal system. The bond may be assigned to a ((~~purveyor~~)) utility to assure the construction of ((~~such~~)) the facilities within two years of recording; and

4. For a zone reclassification or urban planned development permit, the timing of installation of required sewerage improvements shall be contained in the approving ordinance as specified in K.C.C. 20.24.230; and

B. A private individual sewage system is adequate, if an on-site sewage disposal system for each individual building or lot is installed to meet the requirements and standards of the department of public health as to lot size, soils((,)) and system design prior to issuance of a certificate of occupancy for a building or change of use permit.

SECTION 21. Ordinance 11034, Section 5, as amended, and K.C.C. 28.84.050 are each hereby amended to read as follows:

Sewage disposal rules and regulations. A. The director shall administer and implement the following rules and regulations for the disposal of sewage into the metropolitan sewerage system. ((~~1.~~))The rules and regulations ((~~hereinafter set forth~~)) in this section shall be applicable to water pollution abatement activities, including the disposal of sewage into the metropolitan sewer system, whether delivered from within or from without the county.

B. The director is hereby authorized to develop and implement such procedures and to take any other actions as may be necessary to insure that local public sewers and private sewers discharging or proposing to discharge into the metropolitan sewer system are constructed and developed in accordance with applicable laws, regulations and plans and with the provisions of federal grant agreements ((~~which~~)) that may be applicable thereto.

C. The procedures for certification for extensions and connections shall be as follows:

1. A request by a local public agency, person((~~,~~)) or state or federal agency for an extension to an existing department interceptor or trunk shall not be considered by the department for funding of planning, design or construction, and agreements therefor shall not be considered for approval by the council unless the director has received written certification from the legislative bodies of all cities and counties ((~~which~~)) that have zoning jurisdiction over((~~:~~)) any portion of the area proposed by the requesting party to be served, or determined by the director as being capable of being served by such extension; and any other area in or through which the facility is proposed to be constructed((~~; which~~)). The certification shall state that such service and construction are consistent with the adopted land use plans and policies of such local governments. If a city or county cannot so certify, it shall issue a written statement to the director that the service or construction is not consistent with ((~~said~~)) its adopted plans and policies, or that action on the application for certification must be deferred pending receipt by the city or county of such additional, specified information and data as may be reasonably required for the consideration of ((~~said~~)) the application((~~.~~));

2. Requests by a local public agency, person((~~,~~)) or state or federal agency for approval of a local public sewer facility connection to an existing interceptor or trunk shall be considered by the department only if the director has received a written certification as described ((~~herein, provided, that~~)) in this section, but a connection involving service by a local public sewer facility ((~~which~~)) that is located wholly within the boundaries of a city and has a potential service area contained wholly within ((~~such~~)) those boundaries shall require only the written certification of that city((~~.~~));

3. The certification may be made by either the legislative body of the city or county or by such department or division thereof as the legislative body may designate. The issuance of the certification may be preceded by a reasonable analysis and consideration, by a city or county having zoning authority, of alternatives to the proposed connection or extension.

a. If the director has not received a certification or other statement from a city or county as described herein within ninety (((~~90~~))) days of receipt by a city or county of a written application for certification, ((~~said~~)) the city or county shall be deemed, for purposes of this section only, to have certified the proposal as consistent with adopted land use plans and policies; provided, that if ((~~such~~)) the certification has not been received by the director within sixty (((~~60~~))) days of receipt by a city or county of a written application for certification, the director shall notify the chief executive and chair of the legislative body of ((~~said~~)) the city or county of the certification deadline.

b. The director is authorized to develop such additional rules, procedures and forms as may be required to implement this section, to notify local public agencies, cities, counties and interested persons of the certification process((~~,~~)) and to assist ((~~such~~)) the local public agencies, cities, counties and persons in compliance with this section.

c. Any questions concerning the applicability or scope of certification requirements shall be referred to the director for final resolution. Nothing contained ((~~herein shall~~)) in K.C.C. 28.84.050C precludes the department from providing staff assistance to a local public agency, city, county or state or federal agency concerning waterborne pollutant removal, water quality improvements or sewage disposal alternatives((~~.~~)); and

4. The certification provisions of this section shall not apply where an extension of or connection to an interceptor or trunk is required by formal order or directive of a state or federal agency with regulatory powers over ((~~said~~)) the extension, connection or the metropolitan sewer system, or to the following ((~~I~~))interceptor extensions: ((~~T~~))that portion of the Phase 1 May Creek Interceptor System, as defined in the Environmental Protection Agency Project No. C-530749 Negative Declaration dated November 29, 1977, which includes the Honeydew Interceptor and a section of the May Creek Interceptor between existing Metro Manhole B and the confluence of May and Honey Creeks; SLW 14 in the Comprehensive Plan, also known as the Madsen Creek Trunk; and GR 25 and GR 26 of the Comprehensive Plan, extending from 11th Avenue in Algona to Main Street in the ((~~C~~))city of Auburn. Copies of any formal orders or directives as referred to ((~~herein~~)) in this subsection C.4 shall be immediately forwarded to every city, county((~~,~~)) and other local public agencies within the county.

D. The following local public agency regulations and standards shall apply:

1. Local public agency design and construction standards and standard specifications and local public agency ordinances and resolutions directly relating to the planning or construction of local public sewers or regulating the use of local public sewers or side sewers shall be consistent with this section((~~.~~));

2. Two copies of any such documents ((~~which~~)) that are in effect on the date of adoption of this section and ((~~which~~)) that have not ((~~heretofore~~)) previously been submitted to the department shall be submitted to the director within six (((~~6~~))) months following such date. Two copies of any of such documents adopted or placed in use after the date of this section, including any changes in or amendments of documents previously

in effect, shall be submitted to the director within sixty (((~~60~~))) days of their adoption((~~.~~)); and

3. The following provisions shall apply to review and approval of such submittal documents:

a. The director shall review design and construction standards and standard specifications submitted by a ((~~L~~))local ((~~P~~))public ((~~A~~))agency and, within thirty days (((~~30~~))) following receipt thereof, shall either approve them in writing or return one set of each disapproved document with written reasons for disapproval((~~.~~));

b. The director shall review ordinances and resolutions submitted by a local public agency and, within thirty (((~~30~~))) days following receipt thereof, shall notify the local public agency in writing of any inconsistencies with the department's rules and regulations((~~.~~)); and

c. Within sixty (((~~60~~))) days following receipt from the director of a disapproval or a statement of inconsistencies with the department's rules and regulations, the local public agency shall take such action as may be necessary to correct ((~~such~~)) the inconsistencies and shall resubmit the corrected or amended documents as provided for their original submittal.

E. ((~~The following provisions shall govern:~~))Local system plans ((~~:~~)) shall be prepared and approved subject to the requirements defined in K.C.C. chapter 13.24 and the departmental policies and procedures that implement the code.

((~~1. Local public agencies connected to the metropolitan sewer system or who have signed contracts for connection to such system shall prepare, at their own expense, a map plan of existing and proposed local public sewers as provided herein. Plans of~~

~~proposed sewerage facilities shall be called "Preliminary System Plans." Plans of existing and newly constructed sewerage facilities shall be called "Completed System Plans." Preliminary system plans and completed system plans shall contain the detailed information set forth in this section. The preliminary system plan shall be prepared under the supervision of a professional engineer registered in the state of Washington.~~

~~2. Submittal.~~

~~a. Local public agencies shall submit to the director three sets of preliminary system plans of proposed sewerage facilities at the earliest possible time which is consistent with the planning and development of the local area and in any event prior to the preparation of construction plans and call for bids. If changes have been made in the preliminary system plan, the plan shall be resubmitted during January of each year with the changes shown thereon.~~

~~b. Local public agencies owning or operating local sewers at the time of the adoption of this section shall submit to the director within six (6) months after the adoption of this section two (2) sets of a plan or plans of the existing local system unless such plan or plans are already on file with the department. Local public agencies who shall construct or acquire local public sewers after the adoption of this section shall submit to the director two (2) sets of the plan of such new facilities within six (6) months after their completion or at the end of each calendar year at the option of the local public agency.~~

~~3. Unless otherwise approved by the director, preliminary and completed system plans shall include the details required by this section.~~

~~a. Both preliminary and completed system plans shall include a title, including the name of the local public agency, an identifying map number or numbers, the scale to~~

~~which the map is drawn, the direction of due north, the local public agency's boundary, and the datum plane of any elevations indicated on the plan. If the datum plane differs from the Metro datum plane, the equation to the Metro datum plane shall be shown.~~

~~b. Preliminary system plans shall also include the boundary of the land to be served by the proposed sewerage facilities and the area, in acres, within this boundary; the boundary of any additional land which is not served by, but is tributary to the facilities indicated on the plan and the area, in acres, within this boundary; areas which are proposed to be annexed that are tributary to the proposed sewerage facilities; the general location, approximate size and direction of flow of each trunk and interceptor; the point of connection of any local public sewer to the metropolitan sewerage system and the boundaries, area, in acres, and estimated future population of the land to be served by each such connection; the boundaries and area, in acres, of land which is zoned for industry at the time of submittal of the preliminary system plan; the engineering design criteria used in preparation of the preliminary system plan including flow allowances; a description of known unusual conditions such as unstable foundations, wet ground conditions or unusual installations which might affect the design or construction of the local public sewers as relating to quality and quantity of flow; the estimated dates of commencement and completion of construction; and the estimated number of residential customers and residential customer equivalents, as defined in the Sewage Disposal Agreements, to be built or served by the proposed facilities within one year after completion of construction.~~

~~c. Completed system plans shall also include the approximate location, the size and the direction of flow of each local public sewer shown on the plan.~~

~~d. Whenever required by federal grant agreement for the construction~~

~~of a department facility, a local public agency or private party applying for preliminary system plan approval or a local public sewer or private sewer proposed to discharge into said facility shall certify that the local public sewer or private sewer will be constructed and developed in accordance with applicable laws, regulations and plans and shall provide such assurances as the director may require that said local public sewer or private sewer will be developed in accordance with approved service area boundaries and applicable statutory or regulatory environmental and zoning requirements. The form of the certification shall be as provided by the director.~~

~~e. Following submission of a preliminary system plan to the director, the local public agency shall not change the proposed points of connection to a department trunk, make major size changes in trunks, major relocations of trunks, or changes in design criteria without first submitting such revisions or changes to the director and securing approval thereof from the director.~~))

F. Detailed construction plans and specifications for proposed local public sewers shall be subject to review and approval by the director only when the director deems such review to be necessary. Each local public agency shall notify the director in writing of its intention to prepare ((~~such~~)) the construction plans and specifications delineating the boundaries of the areas to be sewered by map or sketch, and the estimated date for bid advertisement. Within ten ((~~(10)~~)) days following receipt of ((~~such~~)) the notice, if determined necessary, the director shall make written request for the submission of construction plans and specifications. If required to do so, the local public agency shall submit two sets of plans and specifications and shall obtain approval ((~~thereof prior to~~)) of the plans and specifications before advertising for bids. Within fifteen ((~~(15)~~)) days

following receipt of such plans and specifications, the director shall review ((~~same~~)) the plans and specifications and return one set thereof to the local public agency with approval, or with required changes indicated. If ((~~said~~)) the plans and specifications are disapproved, the required changes shall be made by the local public agency, and all required revisions of plans and specifications resubmitted in the same manner as provided for the initial submittal. ((~~In the event~~)) If no communication is received from the director by the local public agency within fifteen (((~~15~~))) days of the date of receipt by the director of ((~~such~~)) the plans and specifications, it shall be deemed that the director has approved ((~~such~~)) the plans and specifications.

G. The following provisions shall govern sewerage standards:

1. New local public sewers or private sewers and extensions of existing sewers shall be designed as separate sewers and storm drains, except where the local public agency can demonstrate the necessity for a combined sewer extension((~~.~~)); and

2. The design of sewers by local agencies and persons and the method of construction and materials used and the operation and maintenance of sewers and side sewers owned by local public agencies and persons shall be such that flow other than sewage and industrial waste (wastewater) will not exceed ((~~3.06~~)) three and six one-hundredths cubic feet per acre in any thirty-minute period. Flow volumes of other than wastewater for any thirty-minute period ((~~which~~)) that exceeds this amount will be called excess flow.

H. The following provisions shall apply regarding inspection of new construction:

1. Local public agencies shall be responsible for ((~~I~~))inspection of construction of local public sewers as required to insure compliance with this section and with local

standards. The director, however, shall have the right to spot inspect local public sewer and ((~~S~~))side sewer construction and to notify the local public agencies when, in the opinion of the director, the construction work does not comply with this section. Each local public agency shall notify the director by letter or send a copy of the "Contractor's Notice to Proceed" letter to the director in advance of the start of any public sewer construction.

a. ((~~Such~~)) The letter shall include the name of the organization responsible for contract administration and the name of the individual the director should contact during construction.

b. Upon receipt of notification from the director that any local public sewer construction work is not being performed in compliance with the plans and specifications therefor, the local public agency shall immediately take such action as may be necessary to insure compliance.

c. The construction of private sewers shall be subject to inspection by the director((~~.~~));

2. A leakage test shall be made of every section of local public sewer after completion of backfill by an internal hydrostatic pressure or air test method; provided, that if the ground water table is so high as to preclude a proper exfiltration test, an infiltration test may be used. Other methods of testing must be specifically authorized by the director.

a. Allowable exfiltration leakage shall be no greater than five-tenths gallon per hour per inch of diameter per ((~~100~~)) one hundred feet of sewer pipe with a minimum test pressure of six feet of water column above the crown at the upper end of the pipe. For each increase in pressure of two feet above a basic six feet of water column measured

above the crown at the lower end of the test section, the allowable leakage shall be increased ((~~10%~~)) ten percent. Allowable infiltration leakage shall be no greater than four-tenths gallon per hour per inch of diameter per ((~~100~~)) one hundred feet of sewer pipe, with no allowance for external hydrostatic head.

b. Air testing shall be in conformance with the latest edition of "Standard Specifications for Municipal Public Works Construction" prepared by the Washington State Chapter, American Public Works Association.

c. A record of leakage tests containing the location of the local public sewer tested, the date of test and the results thereof((~~,~~)) shall be submitted to the director prior to acceptance of each contract by the local public agency.

d. Side sewers shall also be tested for their entire length from the public sewer in the street to the connection with the building plumbing. The method of testing side sewers shall be determined by the local public agency, but in no case shall it be less thorough than filling the pipe with water before backfill and visually inspecting the exterior for leakage((~~.~~)); and

3. Ground water or other water related to local public agency sewer construction, other than water used for leakage test, shall not be admitted into a public sewer without the written permission of the director.

I. The following provisions shall govern connections to the metropolitan sewer system:

1. No connection shall be made to the metropolitan sewer system without the prior approval of the director((~~.~~));

2. Local public sewers shall be planned so as to require the minimum practical number of points of connection to the metropolitan sewerage system. At each point of connection to the metropolitan sewerage system, the department shall timely construct, at its expense, such special manholes or chambers as are required, including the intervening connection from ((~~such~~)) the manhole or chamber to the department trunk.

With the written approval of the director, the special manhole or chamber and intervening connection from ((~~such~~)) the manhole or chamber to the department trunk may be designed and constructed by the local public agency at the expense of the department but subject to inspection and approval by the director. It shall be the responsibility of the local public agency to connect local public sewers to ((~~said~~))the manhole or chamber at its expense and in a manner approved by the director((~~.~~));

3. Each local public sewer connection to a department special manhole or chamber shall be hydraulically designed so as not to interfere with the measuring and sampling of flow((~~.~~));

Upon its completion, each such a structure and connection shall be owned, operated and maintained by the department, provided that the local public agency may use ((~~said~~)) the chamber for measuring and sampling flows at reasonable times with the concurrence of the director((~~.~~)); and

4. The director may require a metering manhole or chamber on extensions constructed after January 1, 1961, to local public sewers in existence on that date. The manhole or chamber shall be located on the extension near its connection with the local public sewer. The department shall construct and pay for any manhole or chamber required for extensions constructed prior to April 17, 1969. The local public agency shall construct

any required manhole or chamber for any local public sewer extension constructed after the adoption of this section. ((~~Such~~)) The construction shall be performed in accordance with plans and specifications prepared or approved by the director and the department shall pay the additional cost of ((~~such~~)) the manhole or chamber as follows:

a. For pipe sizes eight inches in diameter through twenty-one inches in diameter, and with the measuring device placed in a department standard ((~~(~~)), four-foot diameter((~~)~~)), manhole, the department shall pay one hundred ((~~and~~)) fifty ((~~($150)~~)) dollars per each such measuring manhole.

b. For special chambers and pipe sizes larger than twenty-one inches in diameter, the department shall pay as per agreement for each specific case. Upon its completion, each such manhole or chamber shall be owned, operated((~~,~~)) and maintained by the local public agency, provided that the department may use ((~~such~~)) the chamber for measuring and sampling flows at reasonable times with the concurrence of the local public agency.

J. The following provisions shall govern relating to private sewers:

1. The department shall not directly accept wastewater from the facilities of any person ((~~which~~)) that are located within the boundaries of, or discharge wastewater into the local sewerage facilities of, any local public agency without the prior written consent of ((~~such~~)) the local public agency((~~.~~)),

2. Connection of private sewers may be made at the discretion of the director, either by the director or by others subject to inspection and approval by the director. Whenever a local public sewer becomes available, the private sewer shall be disconnected from the metropolitan sewerage system under the inspection of and in a manner approved

by the director((~~,~~)) and shall be connected to the available local public sewer in accordance with the requirements of the local public agency. All work of making connections, disconnections and reconnections of private sewers to the metropolitan sewerage system shall be at the expense of the owner or developer of ((~~such~~)) the private sewers((~~.~~));

3. Two sets of plans and specifications for proposed private sewers shall be submitted to the department for review and approval. Written approval must be obtained prior to advertising for bids or proceeding with the work if bids are not called((~~.~~)); and

4. The provisions of this section applying to local public sewers of local public agencies shall also apply to private sewers and to owners of private sewers.

K. The following regulations shall apply to the use of local public sewers:

1. The discharge into any sewer by direct or indirect means of any of the following is hereby prohibited: subsoil foundation, footing, window-well, yard((~~,~~)) or unroofed basement floor drains; overflows from clean water storage facilities; clear water from refrigeration, reverse-cycle heat pumps and cooling or air-conditioning equipment installed hereafter, except for the periodic draining and cleaning of ((~~such~~)) the systems; roof drains or downspouts from areas exposed to rainfall or other precipitation; and surface or underground waters from any source((~~.~~));

2. Where manholes in sewers have open, perforated((~~,~~)) or grating covers resulting in surface waters entering the manhole, the director may require the local public agency to adjust or modify the manholes, at the expense of the local public agency so that the entry of surface water is reduced to a minimum. Openings in manholes for new construction shall be limited to not more than three one-inch diameter holes((~~.~~)); and

3. An additional charge will be made for quantities of water other than ((~~S~~))sewage and ((~~I~~))industrial ((~~W~~))waste hereafter entering those sewers constructed after January 1, 1961, in excess of the volume established for design purposes in this section. Any charge made in addition to the regular charge shall be based on metered records of flow taken and compiled by the department. If the director elects to meter and record flow from such sewers, the local public agency will be given at least five days' notice in advance of such metering. Metering periods shall continue until excessive flow conditions are corrected.

a. The allowable volume of flow for any thirty-minute period shall be determined by taking the sum of the following items, subsection K.3.a. (1) to (3) of this section, inclusive:

(1) ((~~M~~))maximum dry-weather wastewater flow as measured in the preceding August-September period. ((~~Such~~)) The flow shall be determined as follows:

(a) ((~~M~~))meter and record all flow for the ((~~above~~)) period((~~.~~));

(b) ((~~D~~))discard all flow records for each day containing measurable rainfall and discard the flow records of the succeeding days((~~.~~));

(c) ((~~D~~))determine the maximum flow volume occurring in a thirty minute period for each day's metering((~~.~~)); and

(d) ((~~A~~))average all of ((~~such~~)) the maximum flow volumes to arrive at a maximum dry-weather wastewater flow((~~.~~));

(2) ((~~A~~))additional dry-weather flow resulting from new customers or equivalents added after the measured August-September period. ((~~Such~~)) The flow shall be determined as follows:

(a) ((~~D~~))determine the number of added residential customers and equivalents((~~.~~));

(b) ((~~M~~))multiply each such a customer and equivalent by the departmental allowance of ((~~750~~)) seven hundred fifty cubic feet per month((~~.~~)); and

(c) ((~~R~~))reduce (b) from a monthly to a thirty-minute allowance by the formula:

cubic feet per month divided by [30 days x 24 hrs. x 2] = additional dry weather flow; and

(3) ((~~F~~))flow allowance for ground water infiltration and storm water inflow on which the metropolitan sewerage system was designed. ((~~Such~~)) The flow shall be determined as follows:

(a) ((~~D~~))determine the sewered area being metered in acres((~~.~~)); and

(b) ((~~F~~))flow allowance = 3.06 cubic feet per acre x sewered area in acres.

b. Flow volumes for any thirty-minute period ((~~which~~)) that exceed the ((~~above~~))allowable volume of flow, as determined in subsection K.3.a of this section, will be considered to be excess flow.

c. Since excess flow is based upon a thirty-minute period((~~of time~~)), the volume so measured will be small. In order that the surcharge for excess flow will more nearly approach the cost of providing additional capacity in the metropolitan sewerage system, excess flow will be adjusted as though it were occurring for a ((~~24~~)) twenty-four hour period. ((~~Such~~)) The flow will be called adjusted excess flow. Adjusted excess flow = Excess flow x 24 x 2.

d. Daily surcharges for adjusted excess flow will be the department current rate for each ((~~750~~)) seven hundred fifty cubic feet of ((~~such~~)) the adjusted excess flow. ((~~Such~~)) The daily surcharges shall remain in effect for ten days. ((~~In the event~~)) If excess flow occurs again during ((~~said~~)) the ten-day period, and the new excess flow exceeds the former, the more recent excess flow will be used in lieu of the former and continue for ten days from date of its measurement.

e. ((~~In the event~~)) If the new excess flow does not exceed the former excess flow, the former will be used for ten days from time of its measurement, at which time the new excess flow will be used for as many days as will complete ten days from the time of measurement of ((~~such~~)) the new excess flow.

f. Amounts due the department as monthly surcharges for excess flows shall be shown as a separate item on the department's normal monthly billing to the local public agency, accompanied by appropriate records and calculations, and shall include only the surcharges for the previous month.

g. ((~~Such~~)) The surcharges for excess flows shall be paid to the department by local public agencies in the same manner and at the same times as regular sewer service charges; provided that a local public agency may offset against ((~~such~~)) the surcharges amounts actually expended on local sewerage facility improvements or modifications ((~~which~~)) that have been constructed by the local public agency for the purpose of reducing ((~~said~~)) the excess flows and the plans for which shall have been approved by the director. ((~~In the event~~)) If the local public agency elects to construct ((~~such~~)) the improvements, it shall so signify in writing to the director within thirty (((~~30~~))) days of receipt of the department's first billing of each specific excess flow surcharge. Upon receipt of ((~~such~~))

the notice, the department will allow the local public agency one (((~~1~~))) year to prepare approved plans and specifications and let a contract for the corrective work. Failure to meet the one-year deadline shall result in the original surcharge, as well as any intervening surcharges, becoming immediately due and payable.

h. Metering and metered records may be checked at reasonable time intervals by local public agency personnel accompanied by department personnel upon at least one (((~~1~~))) day's notice to the department.

i. In the event of excessive infiltration/inflow under applicable regulations of the Environmental Protection Agency, such that the department will be denied federal grants in the absence of correction, the director may elect to do the corrective work utilizing therefor solely surcharges collected from the local public agency.

L. The following provisions shall apply to disposal of materials from septic tanks and chemical toilets:

1. The discharge of materials from cesspools, septic tanks((~~,~~)) and privies into local sewer systems is prohibited((~~.~~));

2. Chemical toilet waste may be discharged into the local public sewer or private sewer system through a side sewer connection at the place of business.

a. ((~~Such~~)) The means of disposal shall be approved by the director, the local public agency((~~,~~)) and the Seattle-King County health department.

b. If the ((~~above~~))conditions in subsection L.2.a of this section cannot be met, chemical toilet wastes may be discharged directly into the metropolitan sewer system in accordance with the provisions of this section((~~.~~));

3. No person engaged in the collection and disposal of materials from cesspools, septic tanks, chemical toilets, portable toilets and privies, as a business or commercial enterprise, may discharge into the metropolitan sewer system any of the materials so collected without having first obtained from the director a written permit to do so. This permit shall be in addition to all other permits and((~~/or~~)) licenses required by law((~~,~~)) and shall be issued only to the holder of a proper registration and inspection certificate issued by the Seattle-King County health department to carry on or engage in the business of cleaning septic tanks and cesspools((~~.~~));

4. Any person required to obtain such a permit shall submit to the director an application ((~~therefor~~)) for the permit on forms approved by the director.

a. A separate permit shall be obtained for each vehicle so used, which permit shall thereafter be carried in the vehicle at all times. No permit may be transferred from one vehicle to another except in the event of loss, destruction or replacement of the original vehicle, and then only with the approval of the director.

b. The name of the person and the permit number shall be prominently displayed in numbers and letters at least three ((~~(3)~~)) inches high, in contrasting color on both sides of the vehicle((~~.~~));

5. The annual fee for a permit to discharge materials from cesspools, septic tanks, chemical toilets((~~,~~)) and privies into the metropolitan sewerage system, unless exempted in this section, is hereby fixed and determined to be the sum of ((~~$200.00~~)) two hundred dollars for each vehicle employed or used by the permit holder for the hauling and discharge of such materials. At the time of issuance of each discharge permit, there will also be issued an entrance control identification card for each truck under permit. No

person may discharge into the metropolitan sewer system any materials collected from cesspools, septic tanks, chemical toilets((~~,~~)) and privies without first paying ((~~such~~))the permit fee, and registering with the proper entrance control identification card at the point of discharge into the metropolitan sewer system for each load dumped.

Annual fees shall be payable in advance and permit holders shall renew their permits on or before the annual expiration date ((~~thereof~~)) of the permits. Fees for permits issued for less than a full year shall be prorated to the nearest full month. No refund of any permit fee shall be granted for cessation of operations prior to the expiration of the permit((~~.~~));

6. In addition to the permit fee, each permit holder shall pay to the department a gallonage fee. ((~~Said~~)) The gallonage fee shall be determined by the director and shall be adjusted at such times as ((~~he or she~~)) the director may deem to be in the best interest of the department.

a. The director may waive the gallonage fee to permit holders dumping septic tank sludge from residences and businesses paying the department sewerage charges to local agencies. Claims for exemption of gallonage fees shall be made on forms provided by the department and shall be accomplished in the manner described thereon. The department shall bill each permit holder for the accumulated gallonage fee monthly. This billing shall provide for the subtraction of all volumes declared on valid gallonage fee exemption claims. Payment of gallonage fees shall be made within ((~~30~~)) thirty days from the date of invoice by the department.

b. A late charge of ((~~12%~~)) twelve percent per ((~~annum~~)) year shall be assessed upon and added to any charge or portion thereof that remains unpaid after ((~~30~~))

thirty days from the date of invoice. Failure to pay all charges due within ((~~60~~)) sixty days from the date of invoice shall be considered a breach of the terms of the permit and shall result in revocation of the permit((~~.~~));

7. Wastes discharged into the metropolitan sewer system ((~~pursuant to~~)) in accordance with this section shall be discharged only at such points as are designated by the director and in a clean, inoffensive manner satisfactory to the director. Equipment and methods used by the permittee to discharge shall be subject to inspection by and approval of the director as a condition of granting the permit((~~.~~));

8. The discharge of industrial waste, or any waste other than domestic septage and chemical toilet waste, into a designated septage disposal site is prohibited unless specifically approved by the director((~~.~~));

9. A permittee hereunder shall be liable for the costs of any damages to property or personal injury caused by reason of his operations. In addition, failure to pay ((~~such~~)) the costs upon demand shall be cause for revocation of ((~~said~~)) the permit((~~.~~));

10. A permit may be revoked or suspended by the department for failure to discharge at designated points, for any discharge ((~~which~~)) that is in violation of the provisions of this section, or for the reasons set forth in this section((~~.~~));

11. Each permittee shall be required to obtain liability insurance in such amount and in such form as shall be determined by the director. ((~~Such~~)) The insurance shall afford bodily injury limits of liability of ((~~$500,000.00~~)) five hundred thousand dollars for each person and ((~~$1,000,000.00~~)) one million dollars for each occurrence. Evidence of ((~~such~~))the insurance coverage shall be provided to the director. Nothing ((~~herein~~)) in this subsection L.11 shall in any manner preclude any applicant from obtaining such additional

insurance coverage as the applicant may deem necessary for his or her own protection((.)); and

12. The director is hereby authorized to designate the points of disposal of materials collected by the permittees, the places where permits may be obtained((,)) and the persons authorized to sign ((~~such~~)) the permits on behalf of the department.

The director is further authorized to revoke or suspend permits for failure to comply with the provisions of this chapter, subject to the right of persons affected to appeal from ((~~such~~)) the revocation or suspension as provided in this chapter.

M. The following practices shall be prohibited:

1. No person shall discharge, directly or indirectly, into a sewer any material or substance ((~~which~~)) that is prohibited by any county ordinance, rule established by the director, local agency rule or regulation((,)) or other applicable requirement.

2. No unauthorized person shall enter any department sewer, manhole, pumping station, treatment plant((,)) or appurtenant facility. No person shall maliciously, willfully or negligently break, damage, destroy, deface((,)) or tamper with any structure, appurtenance((,)) or equipment ((~~which~~)) that is part of the metropolitan sewerage system.

3. No person, other than an authorized employee or agent of the department, shall operate or change the operation of any department sewer, pumping station, treatment plant, outfall structure((,)) or appurtenant facility.

N. The following provisions shall apply to user charges:

1. As required by federal regulations, each local public agency shall adopt and maintain a system of user charges to assure that each recipient of waste treatment services within the department's service area will pay its proportionate share of the costs of

operation and maintenance, including replacement, of all waste treatment provided by the department.

Notwithstanding the obligation of the local public agency to collect ((~~such~~)) the charges, the director shall have authority directly to assess, when in the opinion of the director it is necessary in order to comply with federal regulations, a user surcharge directly against industrial users within a local public agency in an amount determined by the director to be necessary to assure that ((~~said~~)) the industrial users pay their proportionate share of the costs of operation and maintenance, including replacement, of waste treatment provided by the department. Any such surcharge is distinct from and in addition to sums to be paid by industries as industrial cost recovery, pursuant to provisions contained in this section or under such provisions as may be adopted by the council, regarding the control and disposal of industrial waste into the metropolitan sewage system((~~.~~));

2. Each local public agency shall charge each recipient of waste treatment services within its jurisdiction, in addition to any surcharge to be assessed by the local public agency against an industrial user in an amount to be determined by the director to be necessary under federal regulations ((~~(~~))and separate from and in addition to any sums paid by industry pursuant to this section((~~)~~)), a sum to be paid to the department for its waste treatment services to be determined as follows:

a. The local public agency shall determine, on a quarterly basis((~~,~~)): the number of residential customers billed by the local public agency for local sewage charges; the total number of all customers so billed; and the total water consumption billed other than residential customers. The quarterly water consumption report shall be taken from

water meter records and may be adjusted to exclude water not entering the sanitary facilities of a customer.

(1) Where actual sewage flow from an individual customer is metered, metered sewage flows shall be reported in lieu of adjusted water consumption. Total quarterly water consumption in cubic feet shall be divided by ((~~2,250~~)) two thousand two hundred fifty to determine the number of residential customer equivalents for which each non((-))residential customer shall be billed.

(2) The director shall develop such additional instructions and rules for preparation of the quarterly water consumption report as may be necessary to implement the requirements of this section((~~.~~)); and

b. The director will establish a monthly user charge for each component agency based upon a rate for each residential customer or residential customer equivalent ((~~which~~)) that the local public agency shall collect from its residential customers and equivalents((~~.~~));

3. Each local public agency shall charge each industrial recipient of waste treatment services within its jurisdiction as required by the department, in addition to the user charge, a surcharge in an amount to be determined by the director based on the average annual strength and volume of discharge by the industry. For the purpose of computing average annual strength, all wastes shall be assumed to have a minimum strength equivalent to that of domestic sewage.

Each local public agency shall provide the director each quarter with a listing of the water consumption of each surcharged industry((~~.~~)); and

4. Each local public agency shall maintain such records as are necessary to document compliance with the user charge system ((~~herein~~)) established under this subsection N.

O. The following provisions shall apply regarding capacity charges:

1. All customers of a public or private sewage facility who connect, reconnect or establish a new service ((~~which~~)) that uses metropolitan sewage facilities after February 1, 1990, shall pay a capacity charge in an amount established annually by the council in accordance with state law. Users of metropolitan sewage facilities shall be subject to the capacity charge upon connection or reconnection to public or private sewage facilities and/or establishment of a new sewer service.

a. "Reconnection," for purposes of this subsection, shall mean reconnection of an existing structure following physical disconnection and abandonment of prior sewer service.

b. "Establishment of a new service" shall mean((~~:~~)) change of property use from single family residential to other than single family residential, or reuse of an existing sewer connection by a new structure following demolition of an existing structure and abandonment of sewer service((~~.~~));

2. The capacity charge shall be a fixed rate per residential customer or residential customer equivalent determined annually by the council. The number of residential customer equivalents (RCEs) for multi((-))family customers shall be determined using the following scale:

((~~2—4~~))two to four units	0.8 RCEs per unit
((~~5~~))five or more units	0.64 RCEs per unit

Senior citizen, low income and special purpose housing	0.32 RCEs per unit
Mobile home space	1.0 RCE per space

a. Senior citizen housing shall be multi((-))family structures of two or more dwelling units within which each dwelling unit shall consist of a room or a suite of two or more rooms, of which not more than one is a bedroom, for which occupancy has been limited to two persons, at least one of whom is age fifty-five or older. ((~~In the case of~~)) For privately owned senior citizen multi((-))family housing, ((~~said~~)) the requirements shall be contained in a permit, covenant or deed restriction in which the county or a local government is granted enforcement authority.

b. Low income housing shall be multi((-))family structures of two or more dwelling units within which each dwelling unit shall consist of one room and a bathroom, totaling not more than ((~~360~~)) three hundred sixty square feet, for which occupancy has been restricted, in at least ((~~51%~~)) fifty-one percent of the units, to persons with incomes not more than ((~~80%~~)) eighty percent of the median income of the county within which ((~~said~~)) the housing is constructed, and for which rent is restricted.

c. Special purpose housing shall consist of dwelling units, that may be part of a larger care facility, consisting of a room or a suite of rooms, of which not more than one is a bedroom for which occupancy is limited to one person who is physically or mentally disabled.

(1) In the case of privately owned senior citizen, low income or special purpose multi((-))family housing, ((~~said~~)) the requirements shall be contained in a permit,

agreement, covenant or deed restriction in which the county, a local government, an agency of state government or the United States government is granted enforcement authority.

(2) In the case of such a senior citizen, low income and special purpose housing owned by a government or non((-))profit corporation, ((~~said~~)) the requirements shall be integral to the establishment of the corporation as a legal entity or a legally enforceable condition of construction and operation of the housing.

(3) If use of a multi((-))family structure that initially qualifies as senior citizen, low income or special purpose housing changes so that it no longer meets the ((~~above~~)) criteria in subsection O.2. a, b and c (1) and (2) of this section, residential customer equivalents shall then be calculated in the same manner as multi-family customers and the department will collect the incremental difference then due.

d. The number of residential customer equivalents for customers other than residential customers shall be projected using estimated hydraulic capacities or loading values of plumbing fixtures and/or estimates of wastewater flow acceptable to the department from other than plumbing fixtures. An appropriate schedule of hydraulic capacity or loading values equating to residential customers shall be determined by the director((~~.~~));

3. The capacity charge shall be collected by the department directly from the customer. The charge may be established as a monthly charge for ((~~15~~)) fifteen years. The total amount of the charge shall be due and payable at the time of the initial billing. The customer may, however, elect to pay the charge over the ((~~15~~)) fifteen-year period.

Each customer subject to the charge shall be billed by the department semi((-))annually or at such frequency as may be determined by the director. The total amount of

the charge, hereinafter the "total amount due,"((~~, can~~)) may be paid at any time. The total amount due shall be the sum of all remaining payments discounted at the rate of ((~~8%~~)) eight percent annually((~~.~~));

4. The following shall apply to capacity charge billing:

a. Capacity charge billing to a customer shall commence as soon as possible and practical after the effective date of the sewer service provided by a local public agency served by the department in accordance with the billing frequency determined by the director((~~.~~)); and

b. Late notice to the department of commencement of sewer service to a customer or failure of a customer to receive a capacity charge bill does not relieve a property owner of the responsibility for payment of charges and interest((~~.~~));

5. Delinquent ((~~C~~))capacity ((~~C~~))charge ((~~A~~))accounts.

a. If a customer elects to pay over time and fails to make a payment when due, all remaining payments shall become due and owing. An interest charge computed at an annual rate of twelve percent (((~~12~~))) of the delinquent amount and a one-time penalty not more than ten percent (((~~10%~~))) of the remainder due shall be added to the account balance((~~.~~)); and

b. Whenever the capacity charge for an account plus interest charges are delinquent for more than ((~~30~~)) thirty days, the department shall send a ((~~N~~))notice of ((~~I~~))intention to ((~~F~~))file ((~~L~~))lien to the property owner, or representative((~~,~~)) and the mortgagee, directing the property owner or representative to pay the total amount due, as described in this section, no later than ((~~15~~)) fifteen days from the date of ((~~said~~)) the letter or to make suitable arrangements to bring the account current. If ((~~such~~)) the payment is

not made within ((~~15~~)) fifteen days or suitable arrangements have not been made, the total amount due will be certified as delinquent and a lien will be filed against the property with the treasurer of the county. A lien charge to cover the cost of preparing and filing the lien in the amount of ((~~$150.00~~)) one hundred fifty dollars will be added to the delinquent amount on the date of certification of the lien to the treasurer of the county. Action may be taken by the department to enforce collection of the delinquent amount at any time after ((~~said~~)) the charges have been delinquent for a period of ((~~60~~)) sixty days.

(((~~1~~))) The department is authorized to request the prosecuting attorney to bring suit for foreclosure by civil action in the ((~~S~~))superior ((~~C~~))court of the county in which the real property is located and to request payment of its costs and disbursements as provided by statute, as well as reasonable attorneys' fees. Each account ((~~which~~)) that has been submitted to the prosecuting attorney for foreclosure shall be charged for legal fees incurred in connection with the foreclosure, even when court proceedings are unnecessary((~~.~~));

6. Local public agencies shall, at the director's request, provide such information regarding new residential customers and residential customer equivalents as may be reasonable and appropriate for purposes of implementing the capacity charge((~~.~~)); and

7. The director is authorized to develop and implement such additional policies and requirements and to take such actions as may be necessary and appropriate for collection of the capacity charge and administration of the capacity charge program as described in this section.

P. No person may connect a local public or private sewer to the metropolitan sewerage system unless ((~~such~~)) the local public agency or person shall then be in compliance with this section.

1. If any local public agency or person shall construct a local public sewer, private sewer or side sewer in violation of this section, the department may issue an order to ((~~such~~)) the local public agency or person to stop work in progress ((~~which~~)) that is not then in compliance with this section or the department may issue an order to correct work ((~~which~~)) that has been performed. ((~~Such~~)) The local public agency or person shall ((~~forthwith~~)) immediately take such action as may be necessary to comply with ((~~such~~)) the order and with this section, all at the expense of ((~~such~~)) the local public agency or person.

2. Other ((~~P~~))penalties.

a. Any person failing to comply with or violating ((~~any of the provisions of~~)) this section or rules and regulations developed by the director ((~~hereunder~~)) under this section shall, for each such a failure or violation, be subject to a fine in an amount not exceeding ((~~$2,000.00~~)) two thousand dollars for each separate failure or violation ((~~hereunder~~)) under this section.

b. The director may order the owner of any property from which prohibited discharges are entering any sewer to correct ((~~such~~)) the condition, provided that if the property of such owner lies within a local public agency, the director shall first give written notice of ((~~such~~)) the prohibited discharge to the local public agency, and only if ((~~such~~)) the local public agency fails to correct ((~~such~~)) the condition within ninety days after receipt of ((~~such~~)) the notice, may the director directly order ((~~such~~)) the owner to correct ((~~such~~)) the condition.

((~~(1)~~)) If any owner shall not cause ((~~such~~)) the condition to be corrected within thirty days following receipt of ((~~such~~)) the department order, the department may proceed to enter upon ((~~such~~)) the property and correct ((~~such~~)) the condition, and the cost thereof together with a penalty of ((~~$50.00~~)) fifty dollars shall be a lien upon the property to be enforced in the manner provided by law for liens for local sewage charges.

c. Any person who shall damage, destroy or deface any structure, appurtenance, equipment or property of the metropolitan sewerage system shall be fined in an amount not exceeding ((~~$300.00~~)) three hundred dollars, and ((~~in addition,~~)) shall be liable for double the actual cost of restoration or repair or double the actual amount of any irreparable damage.

NEW SECTION. SECTION 22. There is hereby added to K.C.C. 13.24 a new section to read as follows:

Public sewer service. A. All development within the urban growth area shall be served by public sewer service. Exceptions may be made only in the following cases:

1. On-site sewage systems may be allowed temporarily in some parts of the urban growth area in accordance with K.C.C. 13.24.136; and

2. No public sewers shall be allowed on lands zoned for agriculture, which are zoning designation A-10 or A-35, within the urban growth area unless the following occurs:

a. The property's development rights have been transferred to and accepted by King County; and

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

B. Public sewer service shall also be provided in rural towns when the service provision has been approved by King County through a King County Comprehensive Plan designation.

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

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

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

SECTION 23. Ordinance 1709, Section 2, as amended, and K.C.C. 13.24.030 are each hereby repealed.

SECTION 24. Ordinance 1709, Section 3, as amended, and K.C.C. 13.24.040 are each hereby repealed.

SECTION 25. Ordinance 3579, Section 4, as amended, and K.C.C. 13.24.110 are each hereby repealed.

SECTION 26. Ordinance 10095, Section 5, and K.C.C. 13.24.130 are each hereby repealed.

SECTION 27. Ordinance 2707, Section 1, as amended, and K.C.C. 20.12.160 are each hereby repealed.

INTRODUCED AND READ for the first time this 24th day of August, 1998.

PASSED by a vote of 12 to 0 this 7th day of September, 1999.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Louise Miller
Chair

ATTEST:

Clerk of the Council

APPROVED this 17 day of September, 1999.

King County Executive

Attachments: None