Draft Proposed Regulations Regarding Adequate Provision of Potable Water

Chapter 13.03
Definitions

13.03.060 Four-Hour Draw Down Test. A four-hour draw down test is defined as a pump test that determines the maximum system design rate with a duration of at least four hours to establish information related to performance and efficiency of the well to demonstrate adequacy of water quantity to meet design criteria while not leading to water quality problems. A four-hour draw down test submitted to Kittitas County Public Health Department (KCPHD) shall encompass pump flow data at least every 30 minutes throughout the entire four hour duration that includes, but is not limited to: GPM measured, static level measured, and pumping level. A four-hour draw down test can be performed by a licensed well driller or pump installer, or KCPHD staff if available.

13.03.125 New Use. A new use is any use or any additional use not existing upon the property prior to November 1, 2013.

Chapter 13.30
GROUP B WATER SYSTEM REQUIREMENTS

13.30.030 Group B Water System Operations and Maintenance
1. The owner or purveyor of a Group B Water System that has not entered into a valid Satellite Management Agreement (SMA) shall submit the following monitoring and financial information to KCPHD:
   a. On an annual basis:
      i. At least one passing bacteriological test meeting the standards of Chapter 246-291 WAC performed in the last twelve (12) months.
   b. Every three years:
      i. An updated Water Facilities Inventory Form;
      ii. At least one passing nitrate test meeting the standards of Chapter 246-291 WAC performed in the last thirty six (36) months; and
      iii. Updated financial information.
2. KCPHD may conduct a sanitary survey of a Group B Water System whenever:
   i. KCPHD receives a complaint;
   ii. KCPHD receives a request for a loan certification;
   iii. A Group B Water System changes ownership or the purveyor; or
   iv. There is a system approved post January 1, 2006 and there is an absence of a satellite management agency. Routine sanitary surveys in this capacity will not occur more often than once every three (3) years; or
   v. KCPHD determines a public health threat exists or is suspected.
3. All Group B Water System owners and purveyors shall comply with Chapter 246-291 WAC when performing planning, maintenance, monitoring and reporting for a Group B Water System. This
includes the planning and notice requirements in Section 246-291-140 WAC. (Ord. 2011-006, 2011)

Chapter 13.35
ADEQUATE WATER SUPPLY DETERMINATION FOR BUILDING PERMITS

Sections
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13.35.010 Authority.
The Health Officer of the Kittitas County Public Health Department has the authority, on behalf of the County, to ascertain whether there is evidence of an adequate water supply per Section 19.27.097 RCW, including whether proposed water systems comply with all state and local engineering, design and construction standards as set forth in the Joint Plan of Responsibility between the State of Washington Department of Health and the Kittitas County Public Health Department. (Ord. 2011-006, 2011)

13.35.020 Applicability.
(1) An Adequate Water Supply Determination is required of all persons who are: applying for a building permit with either:
   a) a proposed new structure which will have potable water or
   b) proposing extensive changes to the old water system where the changes have the potential to negatively impact the water systems flow a new use (as defined in 13.03.125) of an existing parcel or structure or
   bc) a proposed change in the number of dwelling units for any existing structures (such as making a single family structure into a duplex)
   d) proposing a new or supplemental water system (2) all applications, including but not limited to, long plats, short plats, binding site plans, large lot subdivisions, conditional uses that require water.

(2) An Adequate Water Supply Determination shall not be required for building permits that do not require a change in the water system or structures which will not have potable water plumbing. (Ord. 2011-006, 2011)

13.35.025 Required Submissions
All applications to which this chapter is applicable shall submit either:

(1) a letter from a water purveyor stating that the purveyor has adequate water rights and will provide such water for the applicant’s project;

(2) an adequate water right for the proposed project;
(3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank; or

(4) proof of an exempt well that is not subject to Ch. 173-539A WAC, meets the provisions of County Code and all other applicable regulations, and can be used solely by the applicant or as a shared or group system.

An applicant relying on subsection (4) of this section shall also submit information on “proximate parcels” held in “common ownership” as are defined in WAC 173-539A-030 and otherwise demonstrate how the proposed use of an exempt well will not violate RCW 90.44.050 as currently existing or hereafter amended. No project, proposal, or activity to which this chapter is applicable shall occur or be approved without one of these required submissions.

13.35.027 Meter Requirements

(1) Any new use (as defined in 13.03.125) satisfying the requirements of KCC 13.35.025(4) on or after November 1, 2013 shall be metered except for the following water uses:

a) Replacement wells;
b) Replacement of a dwelling unit with a pre-existing water source;
c) Parcels that already have a complete building permit submitted prior November 1, 2013;
d) Existing residential/domestic uses prior to November 1, 2013;
e) Stock watering and industrial uses per RCW 90.44.050;
f) Existing exempt use of half acre irrigation of non-commercial lawn or garden prior to November 1, 2013.

(2) Meter purchase and installation is the responsibility of the homeowner or property owner. The homeowner or property owner is also responsible for scheduling the installation of the Automatic Meter Reading System (AMRS) unit and inspection with the Kittitas County Public Health Department. The meter and installation of the meter shall meet the following specifications:

a) The meter must be compatible with the AMRS unit.
b) The meter must measure total water flow with a sweep hand, and have a minimum inlet/outlet of ¾ inch diameter. The meter must be installed on the mainline prior to any lateral connections, spigots or pressure tanks in a well house. Meters will not be permitted in secured structures and must be accessible.
c) The meter must be installed according to manufacturer specifications despite varying pipe-fitting, pipe size, well locations and landscape conditions.
d) Meter installation must assure an even velocity profile. Installer must insure proper design and installation.
e) Meter must be installed in an accessible, weather resistant, meter box, and be appropriate for location and geographic area.
f) Meters used to measure water use under this section must comply with American Water Works Association (AWWA) standard C700, latest revision, and must comply with AWWA and National Institute of Standards and Technology (NIST) standards for cold water meters, as tested under guarantee by the manufacturer.

(3) KCPHD staff shall conduct a site visit to verify proper installation of the meter and to install and program AMRS unit. If the meter is not properly installed or water flow is not functional at the time of AMRS unit installation, the cost of a second site visit shall be required to be paid in full prior to site revisit. Final certificate of occupancy will not be granted from Kittitas County Community Development Services until proper installation of the meter and AMRS unit has been verified by KCPHD staff.
(4) It is the homeowner or property owner’s responsibility to maintain the meter and meter box in good working order. If the meter does not meet specifications or does not function correctly, the property owner must assure the equipment is replaced, reinstalled or repaired as necessary. Kittitas County may require the replacement of the AMRS units and meters as deemed necessary.

(5) Applicable fees for the AMRS unit, installation, and on-going annual fees to pay for the exempt well metering program will be based on a cost recovery model and shall be determined by the Kittitas County Public Health Department fee schedule. Applicable fees for the AMRS unit, installation, and the annual fee shall be paid prior to installation of the AMRS unit and issuance of the certificate of occupancy.

13.35.028 Water Use Limitations

(1) Any new use whose application is seeking to satisfy the requirements of KCC 13.35.025(4), shall be limited to an average of 350 gallons per day for rural indoor domestic use and irrigation of up to 500 square feet of outdoor land. All other outdoor water use shall be “water-budget neutral” or possess an existing water right prior to November 1, 2013. This 350 gallon average per day limit shall not be exceeded annually nor shall the withdrawal exceed 1050 gallons on any given day.

(2) All applications for subdivision of land into lots less than one (1) acre in size within the Urban Growth Areas (UGA) shall utilize municipal water services if the applicant’s project is within 100 feet of an existing water line. Building permits on lots one-half (1/2) acre or larger which existed prior to November 1, 2013 shall be permitted without connecting to existing water systems.

(3) KCPHD will first seek voluntary compliance in the case that violations of 13.35.028 occur. If voluntary compliance is not achieved, enforcement of 13.35.28 will follow the corrective orders and penalties in Kittitas County Title 18 (Code Enforcement) and/or Chapter 13.75. Violations of water use limitations shall constitute the following:

a) An excess usage of more than 1050 gallons of water on any given day as evidenced by meter readings.
b) An excess usage of more than an annual average of 350 gallons per day as evidenced by meter readings.
c) Overuse of water in excess of the maximum amount stated in a declaration of pro-rationing of surface water uses specific to the Yakima or Columbia River Basin as evidenced by meter readings.
d) Active outdoor irrigation in excess of 500 square feet

e) Intentionally tampering with or altering the functionality of the water meter or AMRS as evidenced by KCPHD staff observation and investigation. Violations of intentional tampering or alteration of meter equipment shall be enforced through the provisions of KCC Chapter 18 (Code Enforcement).

13.35.030 Group A Public Water System.
(1) Applicants for an Adequate Water Supply Determination where the source is a Group A public water system shall provide to KCPHD:

a) A completed water adequacy application signed by the water purveyor along with any applicable fees;
b) The final water system identification number from the Department of Health;
c) Verification that the Department of Health operating permit is either in Yellow or Green status. Applicants for a building permit expecting to be supplied with drinking water from a purveyor with an operating permit in Red status (inadequate) or in Blue status (operating
without design approval, or exceeded number of DOH-approved connections) will not be approved by KCPHD; (Ord. 2011-006, 2011)

(2) Applicants for a subdivision where the proposed water source is a Group A public water system shall provide to KCPHD:

a) A signed letter of agreement between the public water system purveyor or official and the land developer/owner granting delivery of potable water for the entire development,

b) Approval by the Washington State Department of Health (DOH) of any water system being developed to serve a proposed to serve a subdivision/plat, including the issued public water system ID number. Section 16.24.210 of the Kittitas County Code is not considered to be applicable for Group A public water systems as a Group A water system is held to a higher standard under Washington Administrative Code.

13.35.040 Group B Public Water System.
(1) Applicants for an Adequate Water Supply Determination where the source is a Group B public water system shall provide to KCPHD:

a) A completed application signed by the water purveyor along with any applicable fees;

b) The final water system identification number from the Department of Health;

c) Certification that the Group B public water system has been constructed and maintained in accordance with the KCPHD or DOH approved plans and specifications, including up to date monitoring and financial information; (Ord. 2011-006, 2011)

(2) Applications for a subdivision where the proposed water source is a Group B public water system shall provide to KCPHD:

a) A well site inspection performed by KCPHD staff;

b) a Group B Public Water System Workbook to either KCPHD for water systems with 3-9 connections or a Workbook approved by Washington State Department of Health (DOH) for water systems with 10-14 connections, or as amended by DOH

c) a copy of an agreement with an approved Satellite Management Agency after the well has been drilled.

d) In addition to these requirements all infrastructure for the Group B Water System including, but not limited to the well/pump house and storage tanks must be completed and water budget neutrality determination(s) from Washington State Department of Ecology (DOE) referencing the relevant subdivision and proposed parcels within the subdivision (if required by Chapter 173-539A WAC) must be provided to KCPHD prior to final approval.

e) Final approval of the Group B Public Water System including issuance of the public water system ID number from DOH and wellhead protection areas shall be required on final mylars prior to recommendation by KCPHD for final plat approval.

f) Section 16.24.210 KCC is not considered to be applicable for Group B public water systems as a Group B water system is held to a higher standard under Washington Administrative Code.

13.35.050 Individual Water System.
(1) Applicants for an Adequate Water Supply Determination with an individual water system shall meet the following requirements:

a) Application. Submit a completed application with any applicable fees to KCPHD.

b) Groundwater Well as Water Source. The water quality and quantity of the groundwater well shall be evaluated for an Adequate Water Supply Determination by KCPHD.

c) Water Quality. The water produced by the water source shall either:
i. Pass a water quality test with results submitted to KCPHD; or
ii. If the water fails the water quality test, then applicant shall
   1. Add a treatment system to raise the water quality to potable standards. All treatment system designs shall be submitted by a professional engineer and bear the engineer’s seal and signature. The treatment system shall comply with all applicable federal, state and local regulations and shall protect the health and safety of the users of the system; and
   2. File a notice with the County Auditor describing the treatment system.

   d) Water Quantity.

      i. All wells to be used in an individual water system shall be constructed prior to the issuance of an Adequate Water Supply Determination.

      ii. A well log recorded within the last ten (10) years demonstrating a minimum flow of five (5) two (2) gallons per minute (GPM) for at least a two (2) hour period shall be submitted to KCPHD.

         1. If a well log is not available or the well log indicates a flow of less than two (2) GPM for a two (2) hour period, then a four-hour draw down test shall be submitted to KCPHD.

         2. A well log that was recorded more than ten (10) years ago may be accepted at the discretion of the Health Officer.

      iii. The minimum acceptable production level where the water source is a well is three hundred fifty (350) gallons per day for an individual water system.

   e) Water Distribution System. When the water source is a well and produces less than five (5) two (2) gallons per minute (2 GPM) according to the well log or four-hour draw down test, adequate flow equalization is required for periods of higher use within the dwelling unit. The water distribution system design shall be submitted by a licensed engineer, bear the engineer’s seal and signature, and meet the following requirements:

      i. Flow equalization tank requirements shall be determined by the following: 
         \[(150)(5 \text{ gpm}) = \text{gallons of tank capacity needed (where } X = \text{gallons per minute produced as determined by the four-hour draw down test).}\]

         The required tank capacity could be as much as 265 to 715 gallons depending on the flow of the well.

      ii. A booster pump and pressure tank shall be included in the water distribution system.

   f) Cistern as Water Source. When the proposed water source is a cistern, the applicant for a Water Supply Determination shall comply with Chapter 13.25 KCC. (Ord. 2011-006, 2011)

(2) Applicants for a subdivision proposing individual wells for the water supply shall meet the following requirements:

   a) Applicants shall submit a well log(s) if available, and a four hour draw down test from each proposed parcel with the subdivision, that does not have a pre-existing residential groundwater withdrawal.

   b) Applicant must submit water budget neutrality determination(s) from Department of Ecology (DOE), if required by WAC 173-539A.

   c) Applicant must submit passing bacteriological and nitrate water quality test from an accredited lab from each well within the subdivision, unless the parcel has a pre-existing residential groundwater withdrawal.

13.35.060 Shared Water System.
Applicants for an Adequate Water Supply Determination with a connection to a shared water system shall meet the following requirements:
(1) Application. Submit a completed application with any applicable fees to KCPHD. This includes a valid Shared Well Users Agreement signed by both users of the well that is recorded with the County Auditor.

(2) Groundwater Well as Water Source. The water quality and quantity of the groundwater well shall be evaluated for an Adequate Water Supply Determination by KCPHD.

   a) Water Quality. The water produced by the water source shall either:
      i. Pass a water quality test with passing results submitted to KCPHD; or
      ii. If the water fails the water quality test, then applicant shall:
         1. Add a treatment system to raise the water quality to potable standards. All treatment system designs shall be submitted by a professional engineer and bear the engineer’s seal and signature. The treatment system shall comply with all applicable federal, state and local regulations and shall protect the health and safety of the users of the system; and
         2. File a notice with the County Auditor describing the treatment system.

   b) Water Quantity.
      i. All wells to be used in a shared water supply system shall be constructed prior to the issuance of an Adequate Water Supply Determination.
      ii. A well log recorded within the last ten (10) years demonstrating a minimum flow of seventeen (17) five (5) gallons per minute (GPM) for at least a two (2) hour period shall be submitted to KCPHD.
         1. If a well log is not available or the well log indicates a flow of less than five (5) GPM for the two (2) hour period, then a four-hour draw down test shall be submitted to KCPHD.
         2. A well log that was recorded more than ten (10) years ago may be accepted at the discretion of the Health Officer.

   The minimum acceptable production level for a shared water supply system is seven hundred (700) gallons per day.

(3) Water Distribution System. When the water source produces less than five gallons per minute according to the well log or four-hour draw down test, adequate flow equalization is required for periods of higher use within the two dwelling units. The water distribution system design shall be submitted by a licensed engineer, bear the engineer's seal and signature, and meet the following requirements:

   a) Flow equalization tank requirements shall be determined by the following: \((150)(5.17-X \text{ gpm}) = \text{gallons of tank capacity needed} \) (where \(X = \text{gallons per minute produced as determined by the four-hour draw down test}\)). The required tank capacity could be as much as 715 2500 gallons depending on the flow of the well.

   b) A booster pump and pressure tank shall be included in the water distribution system. (Ord. 2011-006, 2011)

(4) Applicants for a subdivision proposing shared water wells for the water supply shall meet the following requirements:

   a) Applicants shall submit a well log(s) if available, and a four hour draw down test from each proposed shared well within the subdivision. If a proposed parcel has a pre-existing residential groundwater withdrawal, and is not proposed to be a shared well with any other parcel with in the subdivision, then that parcel and well are exempt from the requirements of subsection (4) a) of this chapter.

   b) Applicant must submit water budget neutrality determination(s) from Department of Ecology (DOE), if required by WAC 173-539A.
c) Applicant must submit passing bacteriological and nitrate water quality test from an accredited lab from each well within the subdivision, unless the parcel has a pre-existing residential groundwater withdrawal.
d) Applicant must submit a copy of the shared well users agreement(s) that has been recorded at the Kittitas County Auditor’s office for each proposed shared well and parcels they are to serve with in the subdivision.

Title 16
SUBDIVISIONS

16.05.20 Requirements.

(1) Whenever a binding site plan for an eligible project is proposed on a parcel of land for which neither a planned unit development or a building permit has been approved for the entire parcel, the following must be satisfied prior to recording: A conceptual site plan shall be prepared in a form prescribed by the director which includes the following information (if appropriate to the project type):
   a) Maximum number of dwelling units permitted;
   b) Approximate size and location of all proposed buildings;
   c) Approximate layout of an internal vehicular circulation system, including proposed ingress and egress;
   d) Approximate location of proposed open space, including required landscaped areas, if any;
   e) Approximate location of parking areas;
   f) Location and size of utility trunk lines serving the site;
   g) Topography detailed to five-foot intervals;
   h) Location of water storage and fire hydrant location; and
   i) Demonstrate that the requirements of Chapter 13.35, Kittitas County Code, Adequate Water Supply Determination, can be met.

16.12.150 Road, Sewer, Water and Fire System Recommendations.

The Planning Official, county Public Works Director, county Health Officer, and the county Fire Marshal, shall certify to the Hearing Examiner, prior to the hearing, their respective recommendations as to the adequacy of the proposed road system; the proposed sewage disposal and potable water supply systems; compliance with Kittitas County Code Chapter 13.35, Adequate Water Supply Determination; and fire and life safety protection facilities within the subdivision.

16.32.050 Short plat review.

The planning official shall be vested with the responsibility of processing short plat applications. The county shall review and consider the proposed short subdivision with regard to:
   A. Its conformance with all county subdivision, zoning, health and sanitation, roads and bridges, and fire and life safety regulations and with laws adopted by the state of Washington.
   B. Its conformance to all standards and improvements required under this title.
   C. Potential hazards created by flood potential, landslides, etc.
   D. Provisions for all improvements and easements (roads, ditches, etc.) required by this title.
   E. Access for all proposed lots or parcels by way of a dedicated road right-of-way or easement.
   F. All other relevant facts which may determine whether the public interest will be served by approval of the proposed subdivision.
G. Lots or parcels created by the final platting of a subdivision or short subdivision may not be further divided within a five-year period without filing of a final plat; except as provided for in RCW 58.17.060 (Ord. 2011-013, 2011; Ord. 2005-31, 2005).


16.36.015 Criteria for eligibility as a large lot subdivision.
A. All large lot subdivisions shall conform to the county comprehensive plan and all zoning regulations in effect at the time the large lot subdivision is submitted.
B. Consistent with parcel creation by long and short subdivision provisions of this code, preliminary approval of large lot subdivisions shall mean that road and access requirements are identified and conformance with section 16.04 of this code has been met.
C. Proof that all lots or tracts created by large lot subdivision are approved for irrigation delivery by the appropriate irrigation entity or entities shall be provided.
D. Requirements for easements as set forth in Section 16.12.110 shall be met.
E. The appropriate dedication as provided for in 16.24.090 and 16.24.110, A dedication shall appear on the face of the large lot subdivision survey with the following statement:
   KNOWN ALL MEN BY THESE PRESENT: that the undersigned, owner(s) in fee simple of the described real property, does hereby grant forever unto all owners of lots in this survey and all future plats in this survey a common ownership interest in all private roads shown.
F. A note shall appear on the subdivision survey with the following statement:
   "NOTE: The lots in this survey are created through the large lot subdivision review process. As such there has been review for conformance with suitability for on-site sewage disposal and availability of potable water."
H. All large lot subdivisions shall meet requirements of Kittitas County Code Chapter 13.35, Adequate Water Supply Determination.

Chapter 17.60A
CONDITIONAL USES

17.60A.020 Conditions.
In permitting such uses the Board may impose in addition to the regulations specified herein, such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood or the county as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size, setback or yard dimensions;
2. Limiting the height of buildings or structures;
3. Controlling the number and location of vehicular access points (subject to approval by the reviewing authority with jurisdiction to issue approach or access permits);
4. Requiring the dedication of additional rights-of-way for future public street improvements;
5. Requiring the designation of public use easements;
6. Increasing or decreasing the number of required off-street parking and/or loading spaces as well as designating the location, screening, drainage, surfacing or other improvement of a parking area;
7. Requiring or limiting view-obscuring fencing, landscaping or other facilities to protect adjacent or nearby properties;
8. Limiting the number, size, height, shape, location and lighting of signs;
9. Designating sites for and/or the size of open space or recreational areas;
10. Requiring site reclamation upon discontinuance of use and/or expiration or revocation of the project permit;
11. Limiting hours and size of operation;
12. Controlling the siting of the use and/or structures on the property;
13. Requiring mitigation measures to effectively reduce the potential for land use conflicts with agricultural and resource lands, such as: landscape buffers, special setbacks, screening, and/or site design using physical features such as rock outcrops, ravines, and roads. (Ord. 2012-009, 2012; Ord. 2007-22, 2007; Ord. 88-4 § 11 (part), 1988)
14. Demonstrating that the requirements of Chapter 13.35, Kittitas County Code, Adequate Water Supply Determination, can be met.