

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF KITTITAS  
STATE OF WASHINGTON**

**ORDINANCE NO. 2024 - 007**

**AN ORDINANCE TO AMEND CHAPTERS 13.04, 13.12 OF THE KITTITAS COUNTY  
CODE**

- WHEREAS: the Kittitas County Board of Commissioners (BOCC) hereby adopts this Ordinance pursuant to and by the authority of Chapter 70.05 of the Revised Code of Washington and Article 11, § 11 of the Washington Constitution to enact regulatory measures to preserve, promote, and improve the public health; and
- WHEREAS: the purpose of this Ordinance is to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by this Ordinance; and
- WHEREAS: the provisions of this Ordinance shall be liberally construed for the accomplishment of its purpose; and
- WHEREAS: nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of the Board of Health, Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Chapter 13.04, 13.12 of the Kittitas County Code to comply with this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of the above referenced Chapter on the part of the Board of Health, Kittitas County, or any of its officers, employees, or agents; and
- WHEREAS: the BOCC wishes to update the County Code concerning Onsite Sewage Disposal Systems and Solid Waste Disposal Sites; and

WHEREAS: a public hearing was held on April 15, 2024 and the public was provided due notice and opportunity to provide testimony on the proposed ordinance; and

WHEREAS: the BOCC believes that adopting this Ordinance would be in the best interest of Kittitas County; and

NOW, THEREFORE BE IT ORDAINED: by the Board of Health of Kittitas County that Chapter section 13.04.030, and Chapter 13.12 of the Kittitas County Code be amended to read as follows:

## Kittitas County Code

### Title 13 | WATER AND SEWERS

#### Chapters

[13.02 Purpose](#)

[13.03 Definitions](#)

[13.04 On-Site Sewage Disposal Systems](#)

[13.08 Private Sewage Disposal Systems in Plats](#)

[13.09 Group B Water Systems - Bonding](#) (renumbered as 13.30.020 per [Ord. 2011-006](#), 2011)

[13.12 Solid Waste Disposal Sites](#)

[13.20 Well Construction, Reconstruction and Decommissioning Requirements](#)

[13.25 Cistern Water System Requirements](#)

[13.30 Group B Water System Requirements](#)

[13.35 Adequate Water Supply Determination](#)

[13.40 Mitigation and Metering Program](#)

[13.50 Severability](#)

[13.55 Liability](#)

[13.60 Fees](#)

[13.65 Public Health Emergency](#)

[13.70 Enforcement](#)

[13.75 Health Order](#)

[13.80 Right of Entry](#)

[13.85 Appeals](#)

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## Chapter 13.02

### PURPOSE

It is expressly the purpose of this Title to provide for and promote the health, safety and welfare of the general public and the environment. This Title is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by its terms. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.02 was not enumerated in the ordinance.

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## Chapter 13.03

### DEFINITIONS

#### Sections

[13.03.010](#) Adequate Water Supply Determination.

[13.03.020](#) Cistern System.

[13.03.030](#) Cistern Source.

[13.03.040](#) Common Ownership.

[13.03.050](#)<sup>[1]</sup> Dwelling Unit.

[13.03.060](#)<sup>[2]</sup> Fill.

[13.03.070](#)<sup>[3]</sup> Four-Hour Draw Down Test.

[13.03.080](#)<sup>[4]</sup> Group A Public Water System.

[13.03.090](#)<sup>[5]</sup> Group B Public Water System.

[13.03.100](#)<sup>[6]</sup> Health Officer.

[13.03.110](#)<sup>[7]</sup> Individual Water System.

[13.03.120](#)<sup>[8]</sup> KCPHD.

[13.03.130](#)<sup>[9]</sup> KCPHDFS.

[13.03.140](#) Parcel.

[13.03.150](#)<sup>[10]</sup> Person.

[13.03.160](#)<sup>[11]</sup> Premises.

[13.03.170](#) Proximate.

[13.03.175](#) Road.

[13.03.180](#)<sup>[12]</sup> Shared Water System.

[13.03.190](#)<sup>[13]</sup> Storage Unit.

[13.03.200](#) Total Water Supply Available (TWSA).

[13.03.210](#)<sup>[14]</sup> Treatment System.

[13.03.220](#)<sup>[15]</sup> Water Distribution System.

[13.03.230](#)<sup>[16]</sup> Water Quality Test.

[13.03.240](#)<sup>[17]</sup> Water Source.

[13.03.250](#)<sup>[18]</sup> Water System.

[1] Formerly 13.03.040, renumbered by [Ord. 2018-009](#), 2018

[2] Formerly 13.03.050, renumbered by [Ord. 2018-009](#), 2018

- [3] Formerly 13.03.060, renumbered by [Ord. 2018-009](#), 2018
- [4] Formerly 13.03.070, renumbered by [Ord. 2018-009](#), 2018
- [5] Formerly 13.03.080, renumbered by [Ord. 2018-009](#), 2018
- [6] Formerly 13.03.090, renumbered by [Ord. 2018-009](#), 2018
- [7] Formerly 13.03.100, renumbered by [Ord. 2018-009](#), 2018
- [8] Formerly 13.03.110, renumbered by [Ord. 2018-009](#), 2018
- [9] Formerly 13.03.120, renumbered by [Ord. 2018-009](#), 2018
- [10] Formerly 13.03.130, renumbered by [Ord. 2018-009](#), 2018
- [11] Formerly 13.03.140, renumbered by [Ord. 2018-009](#), 2018
- [12] Formerly 13.03.150, renumbered by [Ord. 2018-009](#), 2018
- [13] Formerly 13.03.160, renumbered by [Ord. 2018-009](#), 2018
- [14] Formerly 13.03.170, renumbered by [Ord. 2018-009](#), 2018
- [15] Formerly 13.03.180, renumbered by [Ord. 2018-009](#), 2018
- [16] Formerly 13.03.190, renumbered by [Ord. 2018-009](#), 2018
- [17] Formerly 13.03.200, renumbered by [Ord. 2018-009](#), 2018
- [18] Formerly 13.03.210, renumbered by [Ord. 2018-009](#), 2018

### **13.03.010 Adequate Water Supply Determination.**

An Adequate Water Supply Determination is performed by KCPHD to determine if the water system being proposed is adequate in the ability to supply potable water and protect health and safety of the users of the water system. ([Ord. 2011-006](#), 2011)

### **13.03.020 Cistern System.**

A cistern system is an individual water system designed to receive trucked potable water (which may be supplemented with rainwater) that is stored in a cistern or water storage tank until delivery of the water through a treatment system to the tap or other end use in a dwelling unit. ([Ord. 2011-006](#), 2011)

### **13.03.030 Cistern Source.**

The potable water to be placed in a Cistern System shall be transported from a community-Group A water system with a green or yellow operating permit from the WA State Department of Health. This potable water may also be supplemented with rainwater. ([Ord. 2023-005](#), 2023; [Ord. 2011-006](#), 2011)

### **13.03.040 Common Ownership.**

"Common ownership" means any type or degree of legal or equitable property interest held by an applicant in any proximate parcel. Common ownership also includes a joint development arrangement between an applicant and any owner of a proximate parcel. A joint development arrangement is defined as involving significant voluntary joint activity and cooperation between the applicant and the owner(s) of one or more proximate parcels with respect to the development of parcels in question. Joint activity and cooperation that is customary or required by land use or other legal requirements does not itself constitute a joint development arrangement. A joint development arrangement may be evidenced by, but is not limited to, agreements for coordinated development and shared use of services or materials for permitting, design, engineering, architecture, plat or legal documents, financing, marketing, environmental review, clearing or preparing land, or construction (including road construction); covenants; agreements for common use of building materials, equipment, structures, facilities, lands, water, sewer, or other infrastructure. ([Ord. 2018-009](#), 2018)

### **13.03.050 Dwelling Unit.**

A dwelling unit is defined as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking or sanitation that use potable water. Examples of a dwelling unit include, but are not limited to: a single family home, a guest cabin with potable water, studio apartment, converted garage with potable water added, etc. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.060 Fill.**

Soil materials that have been displaced from their original location. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.070 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 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 shall be performed by a licensed well driller or pump installer. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.080 Group A Public Water System.**

A Group A public water system is defined by [RCW 70.119.020](#) as having fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections; or a system serving one thousand or more people for two or more consecutive days. The Washington State Department of Health has the final authority to determine what qualifies as a Group A public water system. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.090 Group B Public Water System.**

A Group B public water system is defined by [RCW 70.119A.020](#) and the Joint Plan of Responsibility. A Group B water supply system serves fewer than 15 connections and serves fewer than twenty-five people. A water supply system serving three to nine dwelling units and other non-residential small systems serving fewer than 10 service connections and fewer than 25 people are under KCPHD approval authority. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.100 Health Officer.**

"Health Officer" means the Health Officer of the Kittitas County Public Health Department or the Health Officer's authorized representative. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.110 Individual Water System.**

A water system that serves 1 or 2 single residential dwelling unit. KCPHD has the final authority to determine what qualifies as an individual water system. ([Ord. 2023-005](#), 2023; [Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.120 KCPHD.**

Kittitas County Public Health Department. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.130 KCPHDFS.**

Kittitas County Public Health Department Fee Schedule, as most recently proposed by the Board of Health and then set by resolution of the Board of County Commissioners. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.140 Parcel.**

"Parcel" means any parcel, land, lot, tract or other unit of land. ([Ord. 2018-009](#), 2018)

**13.03.150 Person.**

Person means a natural person, joint venture, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, officer, or employee of any of them. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)



**13.03.160 Premises.**

The building or accompanying land of a lot, tract, or parcel. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.170 Proximate.**

"Proximate" means all parcels that have at least one of the following attributes:

- Share any common boundary; or
- Are separated only by roads, easements, or parcels in common ownership; or
- Are within five hundred feet of each other at the nearest point. ([Ord. 2018-009](#), 2018)

**13.03.175 Road.**

The meaning of road for this Chapter shall include but is not limited to, any county, state or federal right of ways and any private road in accordance with Kittitas County Code [Chapter 12.2 Definitions and Abbreviations](#). Driveways as defined in Kittitas County Code Chapter 12.2 are not considered roads under this Chapter. ([Ord. 2023-005](#), 2023)

**13.03.180 Shared Water System.**

An individual water system that serves two residential dwelling units. KCPHD has the final authority to determine what qualifies as a shared water supply system. ([Ord. 2023-005](#), 2023; [Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.190 Storage Unit.**

A storage unit is designed by a licensed engineer to hold water until needed for use in a dwelling unit. A storage unit can include, but is not limited to, a cistern, water storage tank and a flow equalization tank. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.200 Storage Unit.**

The amount of water available in any year from natural flow of the Yakima River and its tributaries, from storage in various government reservoirs on the Yakima watershed and from other sources to supply the contract obligations of the United States to deliver water and to supply claimed rights to the use of water on the Yakima River, and its tributaries, heretofore recognized by the United States. ([Ord. 2018-009](#), 2018)

**13.03.210 Treatment System.**

A treatment system is designed by a licensed engineer to remove contaminants from water to ensure that the water is potable prior to use. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.220 Water Distribution System.**

The water distribution system is the system that delivers water from the water source throughout the building until use in the building or at the faucet. It includes but is not limited to pipes, pumps, flow equalization tanks, cisterns or water storage tanks, water treatment systems, and appurtenances. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

**13.03.230 Water Quality Test.**

A Water Quality Test is a test performed on a drinking water sample to determine if the water is considered potable by KCPHD. The following standards are adopted as passing water quality tests:

1. Group A water supply systems shall meet the standards in [Chapter 246-290 WAC](#) for testing, water quality standards and monitoring; and
2. Group B water supply systems shall meet the standards in [Chapter 246-291 WAC](#) for testing, water quality standards and monitoring; and
3. Individual water systems serving 1 or 2 residences on separate parcels and water haulers shall meet the standards in [Chapter 246-291 WAC](#) for water quality standards. At a

minimum, a water quality test for individual water systems, shared water systems and water haulers shall include a nitrate and bacteriological test, and KCPHD may require additional tests to ensure water is potable. ([Ord. 2023-005](#), 2023; [Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

#### **13.03.240 Water Source.**

The water source is the origin of the water to be used as a potable water supply. An allowed water source is a direct connection to a Group A public water system in green or yellow status, a direct connection to an approved Group B public water system, a groundwater well that is not under the influence of surface water, or a cistern supplied from a Group A water system with optional supplemental rainwater collection. The method of constructing the water source and the use of the water source shall comply with any applicable federal, state, and local requirements. KCPHD has the final authority to determine what an allowed water source is. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

#### **13.03.250 Water System.**

A water system is a water source connected to a water distribution system for one or more dwelling units or commercial businesses. ([Ord. 2018-009](#), 2018; [Ord. 2011-006](#), 2011)

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## **Chapter 13.04**

### **ON-SITE SEWAGE DISPOSAL SYSTEMS**

#### **Sections**

[13.04.010](#) State regulations adopted by reference.

#### **13.04.010 State regulations adopted by reference.**

1. The Washington State Administrative Code Relating to Minimum Functional Standards for On-Site Sewage Systems (WAC 246-272A) is adopted by reference.

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## **Chapter 13.08**

### **PRIVATE SEWAGE DISPOSAL SYSTEMS IN PLATS**

#### **Sections**

[13.08.010](#) Plats - Filing fees.

[13.08.020](#) Preliminary plat map and preliminary application submission.

[13.08.030](#) Preliminary plat map - Data required.

[13.08.040](#) Soil logs - Number and depth.

[13.08.050](#) Use with community water supply - Lot area.

[13.08.060](#) Lots below minimum area - Public system required.

[13.08.070](#) Wells and septic tanks on same lot - Lot size.

[13.08.080](#) Low mean ground water level unacceptable.

[13.08.090](#) Recording plat - Conditions precedent.

**13.08.010 Plats - Filing fees.**

Plats submitted to the health department with homes to be connected to septic tanks and drain fields require a filing fee of one dollar per lot. For plats with homes to be connected to sewers with one hundred lots or less, the fee is fifty cents per lot; one hundred lots or more, the maximum fee is fifty dollars. The fee is payable to the county health department and must be paid at the time of submitting the subdivision map for consideration. (Res. 72-69 Reg. 11 § 1, 1972).

**13.08.020 Preliminary plat map and preliminary application submission.**

Preliminary plat map and preliminary application shall be submitted to the health department on or before the same deadline date as required by the planning commission. (Res. 72-69 Reg. 11 § 2, 1972).

**13.08.030 Preliminary plat map - Data required.**

Each preliminary plat map shall show the contour lines and approximate location of soil log holes. These holes must be flagged for easy location. (Res. 72-69 Reg. 11 § 3, 1972).

**13.08.040 Soil logs - Number and depth.**

A minimum of one soil log for each five acres shall be dug to a depth of seven feet. (Use separate sheet to report data.) This work shall be done by a soil tester-designer licensed in Kittitas County. (Res. 72-69 Reg. 11 § 4, 1972).

**13.08.050 Use with community water supply - Lot area.**

When a private septic tank system is planned in conjunction with a community water system, each lot supporting a single-family dwelling shall have a minimum of twenty-two thousand square feet (approximately one-half acre). (Res. 72-69 Reg. 11 § 5, 1972).

**13.08.060 Lots below minimum area - Public system required.**

Any lot less than twenty-two thousand square feet (approximately one-half acre) must be serviced by an active public sewer system or other sewage disposal system approved by the health department. (Res. 72-69 Reg. 11 § 6, 1972).

**13.08.070 Wells and septic tanks on same lot - Lot size.**

The minimum lot size shall be forty-three thousand five hundred sixty square feet (approximately one acre) where individual wells and septic tank systems are located on the same lot. Exception to this requirement shall be limited to zoning districts which allow one residential lot per gross acre in a platted subdivision. (Res. 72-69 Reg. 11 § 7, 1972).

**13.08.080 Low mean ground water level unacceptable.**

Areas in which the mean ground water level is less than four feet from the top of the ground shall not be considered satisfactory for individual sewage disposal systems. (Res. 72-69 Reg. 11 § 8, 1972).

**13.08.090 Recording plat - Conditions precedent.**

Prior to recording of a plat, the following shall apply:

1. Where public water is available within one-half mile or less of any proposed plat, water shall be provided by this means. A letter from the water district, city or other stating that arrangements have been made to supply the plat must be attached. This provision shall not apply to the Airport Overlay.
2. When a community water supply is to be provided, detailed drawings of a water distribution system shall be submitted. A well shall be constructed, a pump and storage tank shall be installed, and a letter from the Washington State Department of Health stating that plans and specifications have been approved shall be attached.



3. When an individual well is to be constructed on each lot, well sites shall be located on the plat map.
4. There shall be one soil log hole to a depth of forty-eight inches on each lot located in the approximate drainfield area. When percolation tests are requested (use separate sheet), test holes must be at a depth of thirty-six inches. Larger lot sizes may be required when percolation rates are over twenty minutes per inch. This work shall be done by a registered engineer or licensed designer.
5. Where septic tanks are to be used, there shall be a minimum depth of three feet of porous soil above hardpan, clay, or ground water. Fill material more than eighteen inches shall require approval by the health department. Each test hole shall be clearly marked for easy identification by a stick or flag. If the test holes cannot be properly identified, it may result in the plat not being considered for recording.
6. If natural growth prevents the health department from making an adequate evaluation of the proposed plat, then clearing and grubbing may be specified for those areas of the plat that are in question.
7. Lots must be numbered and staked.
8. Submit a copy of the final linen that will be filed for recording.
9. Notify this department seven days prior to date of recording for a site inspection.
10. It is the design engineer's responsibility to see that the sponsor or owner has complied with the above items pertinent to recording his plat, before the health department can give approval to the planning department for acceptance.
11. Any variances from the platting requirements of this regulation shall require approval by the health officer prior to submission for platting. ([Ord. 2019-013](#), 2019; Res. 72-69 Reg. 11 § 9, 1972).

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## Chapter 13.12

### SOLID WASTE DISPOSAL SITES

#### Sections

[13.12.010](#) State regulations adopted by reference.

#### **13.12.010 State regulations adopted by reference.**

2. The Washington State Administrative Code Relating to Minimum Functional Standards for Solid Waste Handling (WAC 173-304) is adopted by reference.
3. The Washington State Administrative Code Relating to Solid Waste Handling Standards (WAC Chapter 173-350) is adopted by reference.
4. The Washington State Administrative Code Relating to Criteria for Municipal Solid Waste Landfills (WAC Chapter 173-351) is adopted by reference.

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## Chapter 13.20

# WELL CONSTRUCTION, RECONSTRUCTION AND DECOMMISSIONING REQUIREMENTS

### Sections

[13.20.010](#) Authority.

[13.20.020](#) Applicability.

[13.20.030](#) Notification.

[13.20.040](#) Well Location.

[13.20.050](#) Well Construction.

[13.20.060](#) Appeals.

#### **13.20.010 Authority.**

The following Chapter is adopted per [Chapter 70.05 RCW](#), [Section 18.104.043 RCW](#), the Joint Plan of Responsibility between Washington State Department of Health and Kittitas County Public Health Department (KCPHD), and the Interagency Agreement between the Department of Ecology and the KCPHD in order for KCPHD to inspect and enforce well construction, reconstruction and decommissioning pursuant to state and local laws. ([Ord. 2011-006](#), 2011)

#### **13.20.020 Applicability.**

This Chapter applies to all well construction, reconstruction and decommissioning activities in Kittitas County. ([Ord. 2011-006](#), 2011)

#### **13.20.030 Notification.**

Adequate notice shall be given to KCPHD prior to any well construction, reconstruction or decommissioning activities.

1. Well Site Review. The owner or authorized agent shall:
  - a. Submit a completed application for an individual/shared well site review with any applicable fees to KCPHD at least 72 hours in advance of any well construction or reconstruction activities; and
  - b. Arrange a well site inspection with KCPHD to determine the well location if the well will supply a Group A or Group B public water system.
2. Notification of Drilling. The well driller shall:
  - a. Complete an application and submit fees prior to drilling; and
  - b. Notify KCPHD at least 72 hours in advance of any well construction, reconstruction, or decommissioning activities; and
  - c. Re-submit an updated and complete Individual Well Site Review form if the well construction, reconstruction or decommissioning activity date changes from the original submission; and
  - d. Have obtained an approved Individual Well Site Review prior to drilling.  
([Ord. 2023-005](#), 2023; [Ord. 2011-006](#), 2011)

#### **13.20.040 Well Location and Access.**

1. All wells shall be located in accordance with the following rules:
  - a. Minimum Standards for Construction and Maintenance of Wells ([Chapter 173-160 WAC](#));

- b. Developments, Subdivisions and Minimum Land Area Requirement rules for Positioning of On-Site Sewage Systems ([Chapter 246-272A WAC](#));
  - c. The Joint Plan of Responsibility;
  - d. The site's unique physical features and structures so that the well is protected from contamination; and
  - e. Any other applicable federal, state or local law.
- 2. A well for a Group A Water System shall also be located:
  - a. In accordance with Source Water Protection rules for Group A Water Systems ([Section 246-290-135 WAC](#));
- 3. A well for a Group B Water System shall also be located:
  - a. In accordance with Ground Water Source Approval and Protection Rules for Group B Water Systems ([Chapter 246-291 WAC](#)), including but not limited to a minimum one hundred foot sanitary control area and a duly recorded restrictive covenant;
  - b. So that all properties within the well's sanitary control area are being served by the well; and
  - c. So that no road is within the sanitary control area. The meaning of road for this Chapter shall include but is not limited to, any county, state or federal right of ways and any private road. Driveways are not considered roads under this Chapter.
- 4. A well for a Shared or Group B Water System shall have a recorded easement granting access to the well, pump house and pipeline to the future owners of the water system.
- 5. A well for an individual/shared water system shall also be located:
  - a. All individual and shared wells must be placed a minimum of fifty feet from all roads and property lines.
  - b. Setbacks not meeting Kittitas County Code may be allowed at the discretion of the health officer.

([Ord. 2023-005](#), 2023; [Ord. 2014-015](#), 2014; [Ord. 2011-006](#), 2011)

### **13.20.050 Well Construction.**

- 1. Wells shall be constructed in accordance with:
  - a. Well Tagging, Sealing and Decommissioning sections of Water Well Construction ([Chapter 18.104 RCW](#));
  - b. Well Tagging, Sealing and Decommissioning sections of Minimum Standards for Construction and Maintenance of Wells ([Chapter 173-160 WAC](#)); and
  - c. Any other applicable state or local law.
- 2. If any wells are constructed in violation of the state or local law that is applicable at the time of construction, KCPHD may require decommissioning the violating well and installation of a complying well at the expense of the owner.
- 3. If any existing wells are included as part of a subdivision or building permit application, the well shall comply with all current state and local regulations, or the well shall receive approval from KCPHD to be exempt from current regulations. ([Ord. 2011-006](#), 2011)

### **13.20.060 Appeals.**

Any applicant who is aggrieved by a decision by KCPHD regarding well tagging, sealing and decommissioning shall appeal the decision to the Department of Ecology through the Pollution Control Hearing Board per [Chapter 43.21 B RCW](#). ([Ord. 2011-006](#), 2011)

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## Chapter 13.25

### CISTERN WATER SYSTEM REQUIREMENTS

#### Sections

[13.25.010](#) Authority.

[13.25.020](#) Applicability.

[13.25.030](#) Licensing of Commercial Potable Water Haulers.

[13.25.040](#) Water Hauler Equipment and Treatment Requirements.

[13.25.050](#) Initial Water Hauler License Period.

[13.25.060](#) Ongoing Water Hauler License Requirements.

[13.25.070](#) Suspension, Revocation, and Denial of Water Hauler License.

[13.25.080](#) Cistern System: Source Requirements.

[13.25.090](#) Cistern System: Design and Treatment Requirements.

#### **13.25.010 Authority.**

The following Chapter is adopted per [Chapter 70.05 RCW](#) and [Chapter 19.27 RCW](#). ([Ord. 2011-006](#), 2011)

#### **13.25.020 Applicability.**

[Chapter 13.25 KCC](#) applies to all truck transportation of bulk potable water, and cistern-system construction and maintenance in Kittitas County. Cistern systems are only permissible as a water source for a single dwelling unit in a designated location that is unable to provide water through physical, or legal means. Proof of inadequate physical means will need to be provided to the health officer for consideration prior to cistern approval. No potable water hauling or cistern system shall be permitted for two or more dwelling units served by a common storage and piping system, and no potable water hauling or cistern system shall be permitted for any commercial use, including use of a single dwelling unit for day care, bed and breakfast, group home, hair stylist, food producer under a Washington State Department of Agriculture license, or other commercial use. An application for subdivision cannot use cisterns to demonstrate suitable provision of water supply. This code does not restrict the potential for well use if future water regulations allow. ([Ord. 2023-005](#), 2023; [Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.030 Licensing of Commercial Potable Water Haulers.**

1. License Requirements. All persons engaged in the commercial transporting of bulk potable water shall obtain a license every two years from Kittitas County Public Health Department (KCPHD). In order to receive a license, the following shall be submitted to KCPHD:
  - a. A completed application and fee, including a notarized signed statement that:
    - i. The equipment to be used meets the requirements in this Section;
    - ii. The applicant understands and will comply with the treatment requirements in this Section; and

- iii. The applicant understands that the source for all water storage systems is a Group A public water system in green or yellow operating permit status.
  - b. Proof of Insurance:
    - i. Commercial general liability and auto insurance in the amount of one million per incident and two million per incident and two million dollars aggregate.
  - c. A passing inspection by KCPHD of the equipment within 60 days of the submission date of the completed water hauler application. A passing inspection includes but is not limited to: a passing water quality test collected by KCPHD after the initial holding tank disinfection, passing equipment test, and the ability to fill a truck container through an air gap or a backflow prevention device.
- 2. A license is not required of any person who performs labor or services under the direct supervision of a licensed potable water hauler, any private water system owner who performs work on the private water system serving his or her dwelling house, or any person who aids the owner with this work without compensation. However, persons exempt from licensing under this paragraph shall comply with all applicable sections of this Chapter. For purposes of this Chapter, "direct supervision" means that a licensed potable water hauler instructs and controls the person claimed to be supervised and that the licensed water system contractor is responsible for the actions of that person and is reasonably available if and when needed, even though such licensed potable water hauler may not be physically present at the work site.
- 3. Every licensee shall maintain and submit to KCPHD such complete and accurate records as may be required for determining compliance with all applicable rules of this Chapter. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.040 Water Hauler Equipment and Treatment Requirements.**

All potable water haulers shall comply with the requirements of this rule, regardless of the licensing requirement in [Section 13.25.030 KCC](#).

- 1. Equipment.
  - a. The holding tank on the truck to be utilized shall only be used to transport potable water and shall not have been used to transport any other substance. The holding tank shall not have been previously used to transport a noxious, hazardous, or a toxic substance or liquid;
  - b. Each holding tank shall display the name, water hauler license number and telephone number of the licensed water hauler (does not apply to self-haulers);
  - c. The holding tank shall be completely enclosed and tightly sealed, with lockable hatches or lids. The inlet or opening to every holding tank shall be so constructed to prevent the entrance of insects, rodents or other foreign material that may cause contamination of water. With the exceptions of cleaning or filling the tank, the inlet openings shall be kept closed at all times;
  - d. All holding tanks shall be filled or emptied through an air gap or approved double-check valve assembly, in accordance with [Section 246-290-490 WAC](#);



- e. All equipment used in this distribution of water shall be clean and sanitary and protected from contamination at all times; and
- f. Flexible connector ends shall be protected and capped at all times except during filling or emptying of the transportation equipment.

2. Initial Truck Disinfection.

- a. All equipment that is being used for the first time to transport potable water shall be disinfected using the procedures in this section.
- b. The holding tank shall be scrubbed.
- c. All rust and sediment shall be rinsed or flushed from the holding tank.
- d. The holding tank shall be visually inspected to ensure that the tank is clean, in good condition and free of contaminants.
- e. The holding tank shall be completely filled with water containing at least 50 parts per million (ppm) of chlorine (disinfection solution). The chlorine shall be added to the tank in proportion to the water in order to ensure adequate mixing.
- f. The disinfection solution shall be held in the holding tank for at least twenty-four contiguous hours. All hoses, pumps and other equipment used in handling water shall be disinfected the same way.
- g. It is the responsibility of the water hauler to ensure that the disinfecting solution is disposed of according to state and local waste disposal regulations.
- h. Once the holding tank is empty of the initial disinfecting solution, the tank shall be refilled with the water to be transported and tested for coliform bacteria. If coliforms are present, the tank shall not be used unless the disinfection process is completed again, and a test result free of coliforms is provided.

3. Potable Water Treatment.

- a. Each tank load of water shall be dosed with a sufficient amount of chlorine to produce a minimum chlorine residual of two tenths parts per million at delivery of the water and shall not exceed a maximum chlorine residual of one ppm at delivery of the water.
- b. A water hauler shall keep equipment to test the free residual of chlorine in the tank and shall test the tanks of water that are delivered. If less than two tenths ppm is detected then the hauler shall add sufficient chlorine to obtain the residual chlorine concentration required by [Section 13.25.040 \(3\)\(a\) KCC](#).

4. Handling Equipment.

- a. All handling equipment used in the operation shall be stored off the ground at all times.
- b. All handling equipment shall be thoroughly flushed, disinfected with the procedures in [Section 13.25.040\(2\) KCC](#), and then flushed again with the source water prior to each use.
- c. All hoses shall be capped at both ends when not in use.
- d. All handling equipment shall be regularly inspected and disinfected or replaced as needed.

- e. All handling equipment shall be designed for potable water and shall be capable of being disinfected.
- 5. Records.
  - a. Both the licensed water hauler and owner of the receiving cistern system shall keep a record of all deliveries of water. The records shall be made available to KCPHD upon request. Records shall include:
    - i. The quantity delivered per trip;
    - ii. The approved water source(s) used;
    - iii. Dates and times of delivery and free chlorine residual at point of delivery;
    - iv. The chlorine dose at the fill point and the free chlorine residual after filling; and
    - v. Any notes regarding the receiving cistern system.
  - b. Licensed water haulers shall keep the following records in all trucks approved for water hauling at all times, including:
    - i. A record of any current water in the tank, including the community Group A public water system where the water originated from, the destination of the water, and the free chlorine residual directly after filling the tank; and a record of the date the holding tank and handling equipment was last disinfected using the procedures in [Section 13.25.040\(2\) KCC](#), and the coliform test results after disinfection.
- 6. Ongoing Equipment Maintenance.
  - a. The water contact surfaces and equipment shall be cleaned and disinfected:
    - i. Before it is put into use;
    - ii. When the system or any of its parts have been dismantled or replaced for purpose of repair, maintenance or alteration;
    - iii. Any time contamination is suspected; and
    - iv. Prior to license renewal.
- 7. Reporting Requirements.
  - a. At the beginning of every quarter, all licensed water haulers shall submit to KCPHD:
    - i. The passing results of a coliform test performed that month for each delivery vehicle used to transport water; and
    - ii. All delivery records maintained per [Section 13.25.040\(5\) KCC](#).
- 8. KCPHD may order any water hauler to receive additional inspections, cease water deliveries, or cease the use of any water transportation equipment for violation of this rule or if KCPHD suspects contamination of the water hauling equipment or the hauled water. Applicable inspection fees may apply. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.050 Water Hauler License Period.**

The license is valid for two years, and will automatically lapse at the end of the period unless the water hauler follows the ongoing license requirements in [Section 13.25.060 KCC](#). ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.060 Ongoing Water Hauler License Requirements.**

In order to maintain a potable water hauler license, a renewal application is due every two years

along with a fee and passing KCPHD inspection. for all equipment shall be submitted to KCPHD. A passing inspection includes but is not limited to: a passing water quality test collected by KCPHD ([Section 13.03.190 KCC](#)) after the initial tank disinfection, passing equipment test, and the ability to fill a truck container through an air gap or a backflow prevention device. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.070 Suspension, Revocation, and Denial of Water Hauler License.**

1. KCPHD may suspend, revoke, or deny any potable water hauler license for violation of the requirements of this chapter.
2. Grounds for suspension, revocation, or denial of a potable water hauler's license shall include, but not be limited to:
  - a. A material misstatement or falsification of facts in the application for a license or obtaining a license through fraud or misrepresentation;
  - b. A material misstatement or falsification of facts in any records kept for the purposes of complying with Kittitas County Code;
  - c. A violation of the conditions of the potable water hauler's license;
  - d. A violation of any applicable rule of this chapter;
  - e. Failure to maintain a valid commercial driver's license;
  - f. Failure to maintain insurance as required under this rule;
  - g. Conviction in any criminal proceeding or failure to comply with a judgment or order that is issued by the court in any civil proceeding in connection with a private cistern system;
  - h. Aiding or abetting an unpermitted business or person to evade the requirements of this Chapter, allowing one's permit to be used by an unpermitted person, or acting as an agent, partner or associate of an unpermitted person with the intent to evade the provisions of this Chapter;
  - i. The transportation of water from a source other than a Group A public water system.
3. Upon the revocation, suspension, or denial of a license, the water hauler may appeal through the appeal process in [Chapter 13.85 KCC](#). ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.080 Cistern System: Source Requirements.**

1. Prior to approval for an Adequate Water Supply Determination for a proposed cistern system, the applicant shall provide proof of the following:
  - a. Mitigation for the new use of ground water consistent with [Section 13.35.027\(b\) KCC](#) that verifies the volume of water recommended by the design engineer is available to the cistern user.
  - b. A statement from the water purveyor of the community Group A public water system in which the water purveyor:
    - i. Agrees to supply the minimum amount of water per month as determined in [Section 13.25.090\(1\)\(c\) KCC](#); and
    - ii. Verifies capability of supplying water to cisterns because the water purveyor has:
      1. Verified that the filling station has a meter.
      2. Verified that the filling station has an air-gap or double check valve assembly.

- iii. Verifies that the water to be transported to the cistern system shall originate from a community Group A public water system that is in green or yellow status with the Washington State Department of Health (DOH).
  - c. A Notice of an Alternative (Non-standard) Water Source is filed with the County Auditor's office for the property where the cistern system will be located. The Notice shall include the following details:
    - i. Potable water is supplied via a cistern system on the property;
    - ii. The number of people the dwelling unit is designed for;
    - iii. The gallons per day that will be available to each person;
    - iv. The estimated number of days between storage unit refills if the cistern system is used as designed and the dwelling unit is used as a primary residence; and
  - d. That the owner of the property is required to maintain the cistern according to the Operations and Maintenance Plan filed by the system operator with the County Auditor's office. This includes but is not limited to annual bacteria test and delivery records and fee submitted to KCPHD annually on the date of initial system approval.
2. Rainwater. Rainwater is an acceptable supplemental source of water when the requirements in [Section 13.25.080\(1\) KCC](#) are met. Rainwater is not permitted as the sole water source for a property. ([Ord. 2023-005](#), 2023; [Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

### **13.25.090 Cistern System: Design and Treatment Requirements.**

#### **1. Design Standards.**

- a. All applications for an Adequate Water Supply Determination that includes a cistern system shall be submitted by a professional engineer and bear the engineer's seal and signature. This includes all rainwater components of a cistern water system.
- b. The capacity of the booster pump and storage tank for the cistern water system shall be adequate to meet the intended needs of the household and shall be designed by a licensed engineer.
- c. The minimum amount of water that is needed by the dwelling unit on a monthly basis shall be determined by the Washington State Licensed Professional Engineer's design. The minimum amount is not required to be delivered by truck to the dwelling unit; however, the water purveyor shall agree to provide at least that amount to the dwelling unit.
- d. Water obtained from cistern water systems shall be continuously treated as prescribed in [Section 13.25.090\(2\) KCC](#).
- e. Prior to approval of Adequate Water Supply Determination, an Operations and Maintenance Plan with specific schedules based on manufacturers' recommendations shall be recorded with the County Auditor by the applicant. The schedules shall include potable water quality testing, operations and maintenance, equipment testing, and equipment replacement.
- f. Any rainwater components of the cistern water system shall be designed in accordance with all State and local policies, rules and regulations regarding

rainwater use for potable water. Rainwater is a surface water for the purposes of determining treatment standards.

- g. KCPHD may require outdoor signage denoting the location of the cistern dependent on where the cistern is located and other site specific factors.

2. **Potable Water Treatment Requirements.** Cistern water systems shall be provided with continuous treatment, as provided in this Section.

- a. All treatment systems and Operations and Maintenance Plans shall be submitted by a professional engineer and bear the engineer's seal and signature and conform to all applicable treatment standards necessary for potable water. Possible treatment systems may include, but are not limited to chlorination, iodination, ultraviolet, ozone, filtration or reverse osmosis. All water withdrawn from the cistern for use inside the dwelling shall be suitably treated.
- b. All treatment systems shall ensure the protection of the health of the persons served by that system.
- c. An owner of a cistern system that has treatment shall maintain a test kit or appropriate testing equipment to determine the treatment residuals and shall periodically test the water for residual levels after treatment has occurred. With all treatment systems, the owner shall also test for total coliforms on an annual basis and submit those test results to KCPHD. The testing schedules shall be documented in the Operations and Maintenance Plan recorded with the County Auditor.

3. **Signage Requirements.** In all situations where water is supplied from a cistern system, a permanent sign shall be posed in a prominent position inside the dwelling in close proximity to the main water faucet that:

- a. Describes the type of water source;
- b. Describes the type of continuous treatment system; and
- c. Warns users of the possible health risks.

4. **Record Keeping.** All owners of a cistern system shall keep the following records and submit the records to KCPHD annually.

- a. Records of all maintenance performed on the cistern system, including the storage and treatment portions;
- b. Records of all potable water deliveries, including the date, the water hauler who made the delivery, the amount of water delivered, the source of the water, and the chlorine residual in the storage unit after delivery.
- c. An annual passing water quality test (see [Section 13.03.130 KCC](#)).

5. **Inspections.**

- a. Prior to use, a cistern system shall be inspected by KCPHD. At a minimum, the inspection will require:
  - i. Submittal of a complete as-built drawing to KCPHD;
  - ii. A passing water quality test collected by KCPHD (see [Section 13.03.130 KCC](#));
  - iii. A passing physical inspection of the system.
- b. After the initial inspection, all cistern systems shall be inspected by KCPHD if an annual bacteria test result is positive for Total Coliform in two consecutive samples. It is the responsibility of the owner to report the



annual test result of presence or absence of Total Coliform immediately after receiving lab results. After receipt of a failed bacteria test, the system owner must collect a second sample from a different faucet in the house to confirm the presence or verify absence of Total Coliform. If two tests show presence of Total Coliform, KCPHD will schedule a system inspection with the system owner to identify any potential sources of contamination. Failure to obtain an inspection and pay the inspection fee may result in KCPHD closing the system from use. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

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## **Chapter 13.30**

### **GROUP B WATER SYSTEM REQUIREMENTS**

#### **Sections**

[13.30.010](#) Adoption by Reference.

[13.30.020](#) Applicability.

[13.30.030](#) Installation.<sup>[1]</sup>

[13.30.040](#) Pump Test Duration.

[13.30.050](#) General Administration.

[13.30.060](#) Group B Water System Operations and Maintenance.<sup>[2]</sup>

[13.30.070](#) Compliance and Enforcement.

[13.30.080](#) Group B Water Systems - Bonding.<sup>[3]</sup>

[1] Formerly 13.30.010, renumbered by [Ord. 2018-011](#), 2018

[2] Formerly 13.30.030, renumbered by [Ord. 2018-011](#), 2018

[3] Formerly 13.30.020, renumbered by [Ord. 2018-011](#), 2018

#### **13.30.010 Adoption by Reference.**

The Board of County Commissioners hereby adopts by reference the Washington Administrative Code for Group B Public Water Systems (Chapter 246-291 WAC), excluding section 246-291-005, effective (Insert Date), and as hereafter amended. ([Ord.2018-011](#), 2018)

#### **13.30.020 Applicability.**

- I. The rules of this code apply to a Group B public water system that provides drinking water to three to fourteen service connections; and
  - a. Fewer than twenty-five people per day; or
  - b. Twenty-five or more people per day for fewer than sixty days per year, provided the system does not serve one thousand or more people for two or more consecutive days.
- II. The rules of this code do not apply to a Group B system that:
  - a. Consists only of distribution or storage facilities and does not have any source or treatment facilities;
  - b. Obtains all water from, but is not owned by, a public water system where the rules of this code or Chapter 246-290 WAC apply; and
  - c. Does not sell water directly to any person.

- III. A proposed Group B system shall meet planning, engineering, and design requirements under [WAC 246-290-100 through 246-290-250](#) if:
- a. The design submitted under [WAC 246-291-120](#) proposes to supply water to another public water system and the combined number of service connections or total population served meets the definition of a Group A public water system; or
  - b. The proposed system is being designed to serve ten to fourteen residential connections using average household population standards as required under [WAC 246-291-200\(2\)](#). ([Ord.2018-011](#), 2018; [Ord. 2011-006](#), 2011; Ord. 2008-05, 2008)

**13.30.030 Group B Public Water System Installation.**

1. All applicants for a Group B water system serving fewer than 10 connections and fewer than 25 people shall meet the following requirements.

- a. **Application.**

1. Submit completed application materials to KCPHD, including:
      - a. A completed application, including a completed Group B workbook that complies with [Chapter 246-291 WAC](#);
      - b. A valid Satellite Management Agency (SMA) agreement; and
      - c. Any applicable fees.
    2. The application shall be submitted by a licensed engineer and bear the engineer's seal and signature when required by [Section 246-291-040 WAC](#).
    3. Incomplete application materials will be returned to the applicant.

- b. **Water Source.** The Group B water source shall meet the following requirements:

- i. If the Group B public water system includes groundwater wells, then the wells are sited and constructed according to all state and local law.
    - ii. Well construction is complete prior to approval of Group B system.
    - iii. The source shall meet minimum flow or quantity requirements for the planned Group B public water supply system per [Chapter 246-291 WAC](#).
    - iv. Source water shall meet [Chapter 246-291 WAC](#) water quality requirements and pass any other water quality tests determined necessary by KCPHD.

- c. **Water Distribution System:** The Group B water distribution system shall meet the following requirements:

- i. Group B Public Water Systems ([Chapter 246-291 WAC](#));
    - ii. Any requirements set forth by the Washington State Department of Health and KCPHD, including but not limited to: Group B Water System Approval Guideline, DOH Pump Test

Policy, and Hypochlorination Facilities for Small Systems  
Approval Checklist.

- iii. Any other applicable federal, state or local regulations.
2. All applicants for a Group B water system with 10 or more connections shall meet the application requirements as determined by the Washington State Department of Health. ([Ord. 2018-011](#), 2018; [Ord. 2011-006](#), 2011)

Publisher's note: Section 13.30.030(1)(a) numbering is consistent with [Ord. 2011-006](#), 2011.

**13.30.040 Pump Test Duration.**

The pump test referred to in WAC 246-291-125(4)(b) must extend over a four (4) hour period.

**13.30.050 General Administration.**

The General Administration provisions referenced in WAC 246-291-030 shall include the following additional requirements:

1. Operations and Maintenance: Within 30 days of a new purveyor taking over a Group B water system, the new purveyor shall provide updated information to both the Washington State Department of Health and the Kittitas County Public Health Department by completing and submitting a Water Facilities Inventory (WFI) form.
2. Ongoing water quality and water use monitoring: Coliform sampling shall be done annually and nitrate sampling shall be done every 3 years.
3. Water quality monitoring: Results shall be submitted to Kittitas County Public Health Department (KCPHD) within 30 days of testing. ([Ord. 2018-011](#), 2018)

**13.30.060 Group B Water System Operations and Maintenance.**

1. The owner or purveyor of a Group B Water System shall submit the following monitoring 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; and
    - ii. At least one passing nitrate test meeting the standards of [Chapter 246-291 WAC](#) performed in the last thirty-six (36) months
  - c. Failure to comply with the requirements listed herein may result in sample collection and testing by KCPHD, or their designee. All costs associated with sample collection and testing shall remain the responsibility of the water system owner or purveyor and will be assessed in accordance with the applicable fee schedule.
  - d. 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. 2018-011](#), 2018; [Ord. 2011-006](#), 2011)

**13.30.070 Compliance and Enforcement.**

1. KCPHD may conduct a sanitary survey of a Group B water system whenever:
  - a. Two unsatisfactory bacteriological samples are drawn;
  - b. KCPHD receives a request for a loan certification;

- c. A Group B Water System changes ownership or the purveyor; or
  - d. KCPHD determines a public health threat exists or is suspected.
- 2. If maximum contaminant level (MCL) in nitrate samples is exceeded, then the purveyor shall install treatment.
- 3. The Health Officer may require a purveyor to install treatment to resolve unsatisfactory coliform bacteria samples when other methods of decontamination are unsuccessful.
- 4. Any costs associated with sanitary surveys conducted by KCPHD or their designee shall remain the responsibility of the water system owner or purveyor and will be assessed in accordance with the applicable fee schedule.

#### **13.30.080 Group B Water Systems - Bonding.**

##### **I. Authority of the Health Officer.**

The Health Officer, or the Health Officer's designee, shall have the authority, on behalf of the County, to ascertain whether proposed Group B water systems comply with all state and local engineering, design and construction standards.

##### **II. Cost Estimates and Construction Bonds.**

Failure to comply with all state and local engineering, design and construction standards may result in denial of plan or development permit approval, revocation of prior approvals, or legal action for forfeiture of performance guarantee.

In lieu of the completion of any Group B water system prior to approval of a final plat, short plat or other land-use action, the developer shall complete the Washington State Department of Health design workbook and submit it for review, and approval of the design for Group B the group B water system which includes drilling and testing of the well(s) per [Chapter 246-291 WAC](#). Developer shall provide a performance guarantee in an amount and with satisfactory surety and conditions providing for and securing to Kittitas County the actual engineering, design and construction and installation of the Group B Water System within a period specified by the Health Officer. The Health Officer will enforce the guarantee through appropriate legal and equitable remedies. If a surety bond is provided, the amount of the bond shall equal one hundred thirty-five percent (135%) of the estimated engineering, design, and construction cost. When a letter of escrow or cash is used, the amount covered shall be for one hundred fifteen percent (115%) of the estimated engineering, design, and construction cost as reviewed and concurred with by the Public Health Department.

The amount of the financial guarantee may be reduced during construction proportionally to the amount of work completed, as said work is approved by the Public Health Department.

Group B water system applications shall be submitted by a professional engineer licensed in the State of Washington whenever the application calls for an atmospheric storage tank, more than one well, more than one pressure zone, fire flow requirements, or treatment other than simple hypochlorination prior to acceptance by the Public Health Department.

Building permits will not be issued until construction of Group B water system is completed, and approved by KCPHD, WA State Department of Health, and all

requirements from [KCC 13.35](#) have been completed and approved by KCPHD. The developer is legally and financially responsible for ensuring all Group B water systems are engineered, designed, and constructed in accordance with state and local requirements. ([Ord. 2023-005](#), 2023; [Ord. 2011-006](#), 2011; Ord. 2008-05, 2008;)

Publisher's note: Section 13.30.080 numbering is with [Ord. 2011-006](#), 2011.

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## Chapter 13.35

### ADEQUATE WATER SUPPLY DETERMINATION

([Ord. 2015-007](#), 2015)

#### Sections

[13.35.010](#) Authority.

[13.35.020](#) Applicability.

[13.35.025](#) Repealed.

[13.35.027](#) Permanent Measures.

[13.35.028](#) Applicability Outside Yakima River Drainage.

[13.35.030](#) Group A Public Water System Requirements.

[13.35.040](#) Group B Water System Requirements.

[13.35.050](#) Individual Water System Requirements.

[13.35.060](#) Shared Water System Requirements.

[13.35.070](#) Cistern System.

#### **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.**

All new uses of water must comply with KCC [13.35.027](#) Permanent Measures. An Adequate Water Supply Determination is required of all persons who are:

1. Applying for a building permit with either:
  - a. A proposed new structure which will have potable water or
  - b. A proposed change in the number of dwelling units for any existing structures (such as making a single family structure into a duplex); or
  - c. A replacement or rebuild of a building with potable water; or
  - d. Changes to a pre-existing water system that adds fixtures; or
2. Making applications for land uses that require water, including but not limited to, long plats, short plats, binding site plans, large lot subdivisions, or conditional uses. However, an adequate water supply determination is not required for long plats, short plats, binding site plans and/or large lot subdivisions when applications for such are being submitted by a government or quasi-government agency or by another party when the property being utilized to create new parcels as part of the long plat, short plat, binding



site plan or large lot subdivision is included in a purchase contract between the party and a government or quasi-government agency and the new parcels will not require water. Evidence that the new parcels will not require water may be provided in the form of a conservation easement, plat notes which do not allow development which requires water, or another form satisfactory to the county health officer and planning official that water will not be required for the resulting land use. Adequate water supply determinations made for land uses application does not replace requirements for AWSO prior to submitting a building permit application.

An Adequate Water Supply Determination shall not be required for building permits:

1. On lots created through formal platting and utilizing an approved Group A water system operated within an incorporated areas or Master Planned Resort of Kittitas County; or
2. On lots that do not require a change in the water system; or
3. On structures which will not have potable water plumbing.

Kittitas County hereby finds that new uses of groundwater that are not mitigated in the Yakima River drainage basin threaten to interfere with senior water rights and stream flows creating a public health and safety threat that warrants elimination of all vesting under [RCW 58.17.170\(3\)](#) for this chapter. Kittitas County hereby eliminates all such vesting pursuant to the authority granted in [RCW 58.17.170\(3\)](#) for this chapter. ([Ord. 2023-005](#), 2023; [Ord. 2018-001](#), 2018; [Ord. 2017-007](#), 2017; [Ord. 2015-010](#), 2015; [Ord. 2015-007](#), 2015; [Ord. 2014-005](#), 2014; [Ord. 2011-006](#), 2011)

#### **13.35.025 Interim Measures**

Repealed by [Ord. 2017-007](#). ([Ord. 2017-007](#), 2017; [Ord. 2014-005](#), 2014)

#### **13.35.027 Permanent Measures**

1. Effective Date 12/2/15-onward and applicable to all areas in the Yakima River drainage.
2. All new uses of ground water shall require either: 1) a letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use; 2) an adequate water right for the proposed new use; or 3) a certificate of water budget neutrality or other adequate interest in water rights from a water bank. No new use to which this chapter is applicable shall be approved without one of these required submissions.
3. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" and otherwise demonstrate how the proposed new use will not violate [RCW 90.44.050](#) as currently existing or hereafter amended.
4. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under [Title 18 KCC](#).
5. Violation of water limits involved in the mitigation agreement shall be a matter between the land owner and the provider of mitigation and enforceable as provided in said mitigation agreements.
6. All mitigated water uses shall also demonstrate that they are metered and monitored annually in accord with the agreement between the land owner and the mitigation provider.
7. All mitigation during the Permanent Measures shall be Total water supply available (TWSA), as measured at the Parker gauge on the Yakima River, and local tributary impairment.

([Ord. 2018-009](#), 2018; [Ord. 2015-007](#), 2015; [Ord. 2014-005](#), 2014)

### **13.35.028 Applicability Outside Yakima River Drainage**

Applicants for land divisions within Kittitas County and outside the Yakima River drainage will need to comply with [KCC 13.35.027\(3\)](#) regardless of the date of project application. ([Ord. 2017-007](#), 2017; [Ord. 2014-005](#), 2014)

### **13.35.030 Group A Public Water System.**

Applicants for an Adequate Water Supply Determination where the source is a Group A public water system shall provide to KCPHD:

1. A completed water adequacy application signed by the water purveyor along with any applicable fees;
2. The final water system identification number from the Department of Health; and
3. 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)

### **13.35.040 Group B Public Water System.**

Applicants for an Adequate Water Supply Determination where the source is a Group B public water system shall provide to KCPHD:

1. A completed application signed by the water purveyor along with any applicable fees;
2. The final water system identification number from the Department of Health; and
3. 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)

### **13.35.050 Individual Water System.**

Applicants for an Adequate Water Supply Determination with an individual water system shall meet the following requirements:

1. Application. Submit a completed application with any applicable fees to KCPHD.
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 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. 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 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 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.
3. Water Distribution System. When the water source is a well and produces less than two 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 meet the following requirements:
  - a. Flow equalization tank requirements shall be determined by the following:  
 $(150)(2-X \text{ gpm}) = \text{gallons of tank capacity needed (where } X = \text{gallons per minute produced as determined by the four-hour draw down test)}$ . The required tank capacity could be as much as 263 gallons depending on the flow of the well.
  - b. A booster pump and pressure tank shall be included in the water distribution system.
4. 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. 2014-015](#), 2014; [Ord. 2014-005](#), 2014; [Ord. 2011-006](#), 2011)

#### **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. 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 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.
  - iii. 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 (5) gallons per minute according to the well log, 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:  
 $(150)(5-X \text{ gpm}) = \text{gallons of tank capacity needed (where X = gallons per minute produced as determined by the four-hour draw down test)}$ . The required tank capacity could be as much as 675 gallons depending on the flow of the well.
  - b. A booster pump and pressure tank shall be included in the water distribution system. ([Ord. 2014-005](#), 2014; [Ord. 2011-006](#), 2011)

### **13.35.070 Cistern System**

Applicants for an Adequate Water Supply Determination with a cistern system shall meet the requirements set forth in KCC [13.25.080](#) and [13.25.090](#). ([Ord. 2017-007](#), 2017)

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## **Chapter 13.40**

## **MITIGATION AND METERING PROGRAM**

### **Sections**

[13.40.010](#) Eligibility.

[13.40.020](#) Water Usage Packages.

[13.40.030](#) Metering Requirements.

[13.40.040](#) Well Requirements.

[13.40.050](#) Septic Requirements.

[13.40.060](#) Monitoring and Enforcement.

### **13.40.010 Eligibility**

## 1. **Standard Program**

- a. Applicants for short-plat subdivisions and residential building permits requiring mitigation may use the publicly-operated Kittitas County Water Bank if certain qualifications are met. To be eligible to mitigate through the Kittitas County Water Bank, an applicant must meet the following requirements:
  - i. Be located within an area in which the Kittitas County Water Bank can provide adequate water mitigation, and
  - ii. Require a quantity of water consistent with available mitigation packages, and
  - iii. Submit an application for a residential building permit within two (2) years of issuance of the mitigation certificate. Commercial uses are not eligible; or
  - iv. Submit a short plat application. Commercial uses are not eligible.
- b. Applicants must submit a mitigation application, all applicable documentation, and all applicable fees to Kittitas County Public Works prior to submitting an Adequate Water Supply Determination application. Applicants will also be required to legally record the mitigation certificate and any applicable agreements on the title record associated with the property parcel.

## 2. **Special Use Program**

- a. Whenever it is in best interests of the county and its people that water rights be allocated to mitigate water uses outside the terms of the standard program, the Board of County Commissioners may authorize the permanent or temporary use of water rights managed through the publicly-operated Kittitas County Water Bank. Board approval for uses program under the Special Use Program shall consider:
  - i. Current water right holdings and the ability for the water bank to serve the long-term needs under the standard program and fulfill the transfer proposed in the special use program;
  - ii. Whether the proposed use of water is consistent with and advances the Kittitas County Comprehensive Plan;
  - iii. Whether the proposed use of water permits local governmental entities to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage;
  - iv. Cost-reimbursement;
  - v. Temporary authorizations for drought or emergency response.

([Ord. 2023-005](#), 2023; [Ord. 2018-009](#), 2018; [Ord. 2017-007](#), 2017; [Ord. 2015-007](#), 2015)

### **13.40.020 Water Usage Packages**

Applicants with access to outdoor irrigation (as determined by a signed affidavit) will be required to purchase mitigation Package A, which consists of an annual average of 275 gallons per day of indoor domestic use only. The daily maximum withdrawal allowed on any given day is 825 gallons per day, as long as the annual average is not exceeded.



Applicants without access to outdoor irrigation (as determined by a signed affidavit) will be required to purchase mitigation Package B which consists of an annual average of 275 gallons per day or indoor domestic use only and up to an annual average of 25 gallons per day for outdoor irrigation of up to 500 square feet. The daily maximum withdrawal allowed on any given day is 900 gallons per day, as long as the annual average is not exceeded.

Applicants using a cistern water system as the potable water source will be allowed to purchase mitigation Package C, which consists of an annual average of 150 gallons per day of indoor domestic use only. Cistern users may purchase other water use packages as per design specifications as submitted and signed by a licensed engineer. ([Ord. 2017-007](#), 2017 [Ord. 2015-007](#), 2015)

#### **13.40.030 Metering Requirements**

All new uses of groundwater for domestic purposes in Kittitas County (within the Yakima River Basin) using wells as their potable water source will be required to meter their mitigated water usage and pay an annual fee associated with the administration of a metering and monitoring program.

Participants will be responsible for the installation of meters and metering equipment and any associated costs as determined by the County's specifications. Meter installation must meet the following specifications and will be subject to inspection and applicable inspection fees:

1. The meter must be installed on the mainline prior to any residential lateral connections, or spigots.
2. Meters must be accessible.
3. The meter must be installed according to manufacturer specifications despite varying pipe-fitting, pipe size, well locations and landscape conditions
4. Meter installation must have an even velocity profile. Installer must insure proper design and installation.
5. Meter must be installed in an accessible, weather resistant, meter structure, such as a meter box or equivalent, and be appropriate for location and geographic area.

Proper installation of metering equipment and functional water flow must be complete prior to the inspection and issuance of the Certificate of Occupancy.

If metering equipment requires maintenance, repair, and/or replacement, the property owner is responsible for ensuring proper equipment functionality. If the property owner does not comply with any needed maintenance, repair, and/or replacement of the metering equipment, Kittitas County shall perform the necessary maintenance, repair, or replacement of the water meter at the cost of the property owner through either an invoice for costs or a lien on the property.

Participants in the Kittitas County Water Bank using a cistern water system will submit records of all potable water deliveries to Kittitas County Public Health Department as referenced in [KCC 13.25.090](#). ([Ord. 2023-005](#), 2023; [Ord. 2018-009](#), 2018; [Ord. 2017-007](#), 2017; [Ord. 2015-007](#), 2015)

#### **13.40.040 Well Requirements**

Wells being mitigated through the Kittitas County Water Bank that are drilled after 12/2/15 must meet the following conditions:

For wells 600 feet or closer to Type 1 and Type 2 stream and rivers, and natural wetlands, creeks, lakes, and ponds. Wells must be set back 100 feet or more from the surface water body when feasible and adhere to the following:

1. Well must be cased a minimum depth of 5 feet into the first consolidated layer or formation, or until the casing is refused by the formation (casing refusal); and
2. Wells must be drilled past the first consolidated layer or formation and into a water-bearing zone; and
3. Wells shall have a minimum bentonite or other equivalent seal of 18 feet, or be constructed in an equivalent manner consistent with Chapter 173-160 WAC.

In instances where the 100 foot minimum set back requirement cannot be met, in addition to (1) and (2), the well shall have a bentonite or other equivalent seal down to the first consolidated layer. ([Ord. 2015-007](#), 2015)

#### **13.40.050 Septic Requirements**

Kittitas County Water Bank applicants must record with the Kittitas County Auditor's Office a property covenant that restricts or prohibits trees or shrubs over a septic drain field on the parcel. ([Ord. 2015-007](#), 2015)

#### **13.40.060 Monitoring and Enforcement**

Water usage will be monitored for annual average daily use, maximum daily use, outdoor usage, and intentional violations such as meter tampering, falsifying documents, etc. Violations of water usage restrictions may result in enforcement actions such as Orders to Correct Violations, Notices of Violation and Abatement, and/or Notices of Infraction per [KCC Chapter 18](#). ([Ord. 2015-007](#), 2015)

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## **Chapter 13.50**

### **SEVERABILITY**

If any provision of this Title or its application to any person or circumstance is held invalid or unconstitutional, the remainder of this Title or the application of the provisions to other persons or circumstances is not affected. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.50 was not enumerated in the ordinance.

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## **Chapter 13.55**

### **LIABILITY**

It is the specific intent of this Title to place the obligation of complying with its requirements upon those parties regulated thereunder, and no provision of nor term used in this code is intended to impose any duty whatsoever upon Kittitas County or any of its officers or employees. Nothing in this

code is intended to be nor shall be construed to create or form the basis for any liability on the part of Kittitas County, on its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this code to comply with this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code on the part of Kittitas County by its officers, employees or agents. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.55 was not enumerated in the ordinance.

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## **Chapter 13.60**

### **FEES**

The KCPHDFS for all applications, permits, licenses, inspections, and appeals required by this Title shall be proposed by the Board of Health and then set by resolution of the Board of County Commissioners. Failure to pay any required fee may result in denial of application, permit, license or inspection, and/or revocation of license, and/or closure of any water system, septic system or well for which fees are unpaid. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.60 was not enumerated in the ordinance.

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## **Chapter 13.65**

### **PUBLIC HEALTH EMERGENCY**

Nothing in this Title shall be construed to circumscribe the authority and power of the Health Officer to act in an emergency situation to control and prevent any health hazard which immediately threatens the public health of the inhabitants of the county and its municipalities which power and authority is governed by state law. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.65 was not enumerated in the ordinance.

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## **Chapter 13.70**

### **ENFORCEMENT**

Violations of this Title may be enforced through [Chapter 13.75 KCC](#) and/or [Title 18 KCC](#). Penalties shall be as defined within [Title 18 KCC](#). ([Ord. 2011-006](#), 2011)

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## Chapter 13.75

### HEALTH ORDER

#### Sections

[13.75.010](#) Initiation of enforcement action.

[13.75.020](#) Service of Health Order.

[13.75.030](#) Supplemental Health Order.

[13.75.040](#) Finality of Health Order.

[13.75.050](#) Enforcement of Final Health Order.

[13.75.060](#) Abatement.

[13.75.070](#) Appeal of Health Order.

[13.75.075](#) Appeal of Enforcements Costs.

[13.75.080](#)

Publisher's notes: Section numbers in Chapter 13.75 were padded with a leading zero for numbering consistency. Section 13.75.080 was not given a title in [Ord. 2011-006](#), 2011.

#### **13.75.010 Initiation of enforcement action.**

1. Whenever the Health Officer has reason to believe that a use or condition exists in violation of any public health rules and regulations of this title or the use or condition may cause immediate and irreparable harm to public health or the environment, the Health Officer may issue an administrative Health Order under this chapter to cause:
  - a. The abatement pursuant to [Section 13.75.060 KCC](#); or
  - b. The cessation of work, activity or use; or
  - c. Suspension and revocation of any permits or licenses issued pursuant to this title.
2. The effect of the Health Order shall be to require the immediate cessation of such work or activity until authorized by the Health Officer to proceed.
3. The Health Order shall contain:
  - a. The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;
  - b. A statement that the Health Officer has found the person to be in violation of public health rules and regulations with a brief and concise description of the conditions found to be in violation;
  - c. A statement of the corrective action required to be taken, if necessary;
  - d. A statement advising that if any corrective action is not commenced or completed within the time specified, the Health Officer will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation;

- e. A statement advising that the Health Order shall become final unless, no later than ten (10) days after the Health Order is served, any person aggrieved by the order requests in writing an appeal before the Board of Health;
- f. A statement advising that the costs incurred by any Kittitas County Department involved in enforcing a final Health Order will be assessed and charged as a joint and separate personal obligation of any person in violation;
- g. A statement advising that imposed enforcement costs may be appealed directly to the Board of County Commissioners, in writing, no later than ten (10) days after receipt of an invoice for costs.

([Ord. 2017-009](#), 2017; [Ord. 2011-006](#), 2011)

#### **13.75.020 Service of Health Order.**

1. The Health Order shall be served upon one or more of the following parties:
  - a. The owner or operator of the property where the violation is located;
  - b. The person in possession of the property where the violation is located; or
  - c. The person otherwise causing or responsible for the violation.
2. The Health Order shall be served by anyone or combination of the following methods upon all persons identified in the Health Order:
  - a. By both first-class and certified mail with a 5-day return receipt requested to the last known address of the person identified; or
  - b. By posting the Health Order in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or
  - c. By personal service upon the person identified.
3. The failure of any such person to receive such Health Order shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the third day after the date of postmark.
4. It is unlawful and a violation of this title for any person, firm, or corporation found guilty of having created or suffering to exist on premises either owned or leased by them any violation defined herein. Owners remain liable for violations of duties imposed by this chapter even though an obligation is also imposed on the occupants of the premises, and even though the owner has, by agreement, imposed on the occupant the duty of complying with this chapter. Successive property owners are liable for abatement of violations created by their predecessors in interest. No right can be acquired to continue a violation by virtue of its longtime existence. It shall not be necessary to show that the owner participated in, or was even aware of, the code violation in order to hold him/her liable. ([Ord. 2011-006](#), 2011)

#### **13.75.030 Supplemental Health Order.**

The Health Officer may at any time add to, rescind in part, or otherwise modify a Health Order by issuing a supplemental Health Order. The supplemental Health Order shall be governed by the same procedures applicable to all Health Orders contained in this chapter. ([Ord. 2011-006](#), 2011)

#### **13.75.040 Finality of Health Order.**

1. Any Health Order duly issued by the Health Officer pursuant to the procedures contained in this chapter shall become final ten (10) days after service of the notice and order unless a written request for hearing is received by KCPHD within the ten (10) day period.

2. An order which is subjected to the appeal procedure shall become final twenty (20) days after mailing of the Board of Health's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Kittitas County Superior Court. ([Ord. 2011-006](#), 2011)

#### **13.75.050 Enforcement of Final Health Order.**

1. If, after any Health Order duly issued by the Health Officer has become final, the person to whom such Health Order is directed fails, neglects or refuses to obey such Health Order, the Health Officer may:
  - a. Cause such person to be prosecuted under [Chapter 13.70 KCC](#); and/or
  - b. Abate the health violation using the procedures of this chapter; and/or
  - c. File in the county Auditor's Office a notice describing the property and the violation and stating that the owner has been so notified; and/or
  - d. Impose and charge the costs incurred by any Kittitas County Department involved in enforcing the Health Order against the property as a joint and separate personal obligation of any person in violation.
  - e. Pursue any other appropriate remedy at law or equity under this chapter.
2. Enforcement of any Health Order of the Health Officer pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter, except when the Health Officer determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.
3. An invoice for enforcement costs shall be served in the same manner as detailed in section [13.75.020](#) for Health Orders
4. Enforcement costs may be appealed directly to the Kittitas County Board of County Commissioners, in writing, no later than ten (10) days after receipt of an invoice for costs.

([Ord.2011-009](#), 2017; [Ord.2011-006](#), 2011)

#### **13.75.060 Abatement.**

In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter or by law or other rules and regulations, the Health Officer may order a public health rules and regulations violation of this title to be abated. The Health Officer may order any person who creates or maintains a violation of this title to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. He or she may charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. ([Ord. 2011-006](#), 2011)

#### **13.75.070 Appeal of Health Order.**

1. Any person aggrieved by a Health Order of the Health Officer may request in writing within ten (10) days of the service of the Health Order an appeal hearing before the Kittitas County Board of Health. The request shall be submitted to KCPHD, and shall include:
  - a. The Health Order being appealed;
  - b. The name and address of the appellant and his or her interest(s) in the matter;
  - c. The specific reasons why the appellant believes the decision to be wrong;
  - d. The desired outcome or changes to the decision; and



- e. The appeals fee.
- 2. Notice of Hearing.
  - a. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, KCPHD shall issue and serve a Notice of Hearing to the appellants. Requests from multiple parties concerning the same Health Order may be consolidated.
  - b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in [Section 13.75.20 KCC](#).
  - c. The Notice of Hearing shall contain the date, time, and location of the hearing.
- 3. Evidence.
  - a. Evidence, including hearsay evidence, is admissible if in the judgment of the Board of Health it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.
  - b. All testimony of parties and witnesses shall be made under oath or affirmation.
  - c. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
  - d. Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.
- 4. Each party shall have the following rights:
  - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - b. To introduce document and physical evidence;
  - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - d. To impeach any witness;
  - e. To rebut evidence against him;
  - f. To represent himself or be represented by an attorney of his or her own choosing.
- 5. Hearing
  - a. The appeal hearing shall be conducted on the record and the Kittitas County Board of Health shall have such rulemaking and other powers necessary for conduct of the hearing.
  - b. The burden is on KCPHD to prove the alleged factual basis set forth in the Health Order. The burden is a preponderance of the evidence.
  - c. The observation of a violation on different dates shall be prima facie evidence that the violation continued to exist on intervening dates.

- d. Following review of the evidence submitted, the Kittitas County Board of Health shall make written findings and conclusions and shall affirm or modify the order previously issued if the Board of Health finds that a violation has occurred. The Board of Health shall reverse the order if they find that no violation occurred. The written decision of the Board of Health shall be mailed by certified mail and first class mail, five day return receipt requested, to the appealing party. ([Ord. 2011-006](#), 2011)

#### **13.75.075 Appeal of Enforcements Costs.**

1. The imposition of enforcement costs may be appealed, by the aggrieved party, directly to the Kittitas County Board of County Commissioners. A request for appeal must be made within ten (10) days of the service of the invoice for costs. The request shall include:
  - a. The Health Order that initiated the enforcement costs assessment.
  - b. The name and address of the appellant and his or her interest(s) in the matter;
  - c. The specific reasons why the appellant believes the enforcement costs should not be imposed; and
  - d. The appeal fee.
2. Notice of Hearing.
  - a. Not later than fifteen (15) calendar days after the receipt of one or more timely Notices of Appeal, the Kittitas County Board of County Commissioners shall issue and serve a Notice of Hearing to the appellant(s). Requests from multiple parties concerning the same invoice may be consolidated.
  - b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in Section [13.75.020](#) KCC.
  - c. The Notice of Hearing shall contain the date, time, and location of the hearing.
3. Evidence.
  - a. Evidence, including hearsay evidence, is admissible if in the judgment of the Board of Commissioners it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs
  - b. All testimony of parties and witnesses shall be made under oath or affirmation.
  - c. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
  - d. Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the Board's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

4. Each party shall have the following rights:
  - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - b. To introduce document and physical evidence;
  - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - d. To impeach any witness;
  - e. To rebut evidence against him;
  - f. To represent himself or be represented by an attorney of his or her own choosing
5. Hearing
  - a. The appeal hearing shall be conducted on the record and the Kittitas County Board of County Commissioners shall have such rulemaking and other powers necessary for conducting the hearing.
  - b. The Board must find that the facts that allege that the enforcement costs are due and owing by the appellant(s) are true and accurate by a preponderance of the evidence.
  - c. The existence of a valid and final Health Order shall be prima facia evidence that enforcement costs may be imposed.
  - d. Following review of the evidence submitted, the Kittitas County Board of County Commissioners shall make written findings and conclusions and shall affirm or modify the enforcement costs issued if the Board finds that they were properly imposed. The Board shall revoke the imposition of costs if they find that they were improperly imposed. The written decision of the Board shall be mailed by certified mail and first class mail, five day return receipt requested, to the appealing party.

([Ord. 2017-009](#), 2017)

### **13.75.080**

Nothing in this Chapter shall limit the authority of the Health Officer to enforce this Title pursuant to [Chapter 13.70 KCC](#) or any other applicable regulations. ([Ord. 2011-006](#), 2011)

Publisher's note: Section 13.75.080 was not given a title in [Ord. 2011-006](#), 2011.

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## **Chapter 13.80**

### **RIGHT OF ENTRY**

1. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of any public health rules and regulations, or whenever the Health Officer has cause to believe that a violation of any public health rules and regulations has been or is being committed or whenever the Health Officer has cause to believe there is a health threat that will cause immediate and irreparable harm to human health or the environment, the Health Officer may enter any building, structure, property or portion thereof at reasonable times to inspect the same.

- a. If such building, structure, property or portion thereof is occupied, the Health Officer shall present identification credentials, state the reason for the inspection, and demand entry.
- b. If such building, structure, property or portion thereof is unoccupied, the Health Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the Health Officer is unable to locate the owner or such other persons and the Health Officer has reason to believe that conditions therewith create an immediate and irreparable health hazard, then the Health Officer shall make entry.
- c. Unless entry is consented to by the owner or person in control of any building, structure, property or portion thereof or conditions are believed to exist which create an immediate and irreparable health hazard, the Health Officer prior to entry shall obtain a search warrant as authorized by the laws of the state. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.80 was not enumerated in the ordinance.

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## Chapter 13.85

### APPEALS

#### Sections

[13.85.010](#) Appeal of Administrative Determination or Decision.

#### **13.85.010 Appeal of Administrative Determination or Decision.**

1. Except as provided elsewhere in this Title, a party aggrieved by a determination made by the Health Officer pursuant to this Title may appeal the decision to the Kittitas County Hearings Examiner.
2. Notice of Appeal.
  - a. Within 10 working days of the final administrative decision, the aggrieved party may submit a written Notice of Appeal to KCPHD, along with the required appeal fee, to appeal the administrative decision.
  - b. The notice of appeal shall contain a written, concise statement identifying:
    1. The decision being appealed;
    2. The name and address of the appellant and his interest(s) in the matter;
    3. The specific reasons why the appellant believes the decision to be wrong;
    4. The desired outcome or changes to the decision; and
    5. The appeals fee.
3. Notice of Hearing.
  - a. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, KCPHD shall issue and serve a Notice of Hearing to the

appellants. Requests from multiple parties concerning the same administrative decision may be consolidated.

- b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in [Section 13.75.020 KCC](#).
- c. The Notice of Hearing shall contain the date, time, and location of the hearing.

4. Hearing.

- a. The appeal hearing shall be conducted on the record and the Hearings Examiner shall have such rulemaking and other powers necessary for conduct of the hearing.
- b. Unless otherwise provided herein, the provisions of [Chapters 1.10](#) and [2.11 KCC](#) shall govern the hearing process.
- c. In all cases involving an application for license, permit, Group B water system or Adequate Water Determination, the burden shall be on the applicant to establish that the application meets all applicable criteria. In all other cases the burden is on KCPHD to prove the alleged factual basis set forth in the initiating document. The burden in all cases is a preponderance of the evidence.
- d. The observation of a violation on different dates shall be prima facie evidence that the violation continued to exist on intervening dates.

5. Order of the Hearing Examiner.

- a. Unless mutually agreed to by the appellant and the Hearing Examiner, the order of the Hearing Examiner shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by KCPHD.
- b. The appellant may file a request for reconsideration of the Hearing Examiner's decision within seven working days of the date of the Hearing Examiner's written decision, based on anyone of the following grounds materially affecting the substantial rights of said party or person:
  - 1. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
  - 2. Irregularity in the proceedings before the Hearing Examiner by which such party was prevented from having a fair hearing.
  - 3. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Examiner's decision on the matter.
- c. Upon receipt of a request for reconsideration, the Hearing Examiner shall review said request in light of the record and take such further action as is deemed proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised decision. The decision of the Hearing Examiner shall be subject to reconsideration only one time, even if the Hearing Examiner reverses or modifies the original decision.
- d. If no written request for reconsideration has been received by the authorized official within seven working days of service of the order of the

Hearing Examiner, the order shall be considered final unless appealed to Kittitas Superior Court. ([Ord. 2011-006](#), 2011)



([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 2, 1979)

**13.04.020 Applicability.**

1. These regulations shall not apply to a new OSDS or repair of an existing OSDS for which a permit was issued prior to the effective date of these rules and regulations.
2. These regulations shall not apply to facilities constructed or operated in accordance with a permit issued by the Washington State Department of Ecology or where they may be in conflict with Chapter [90.48 RCW](#). ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 3, 1979)

**13.04.030 Permit - Requirements.**

1. No person shall install a new OSDS, nor perform alterations, repairs, extensions, or relocations of an existing OSDS, without a valid permit issued by KCPHD. Application for a permit shall be submitted to KCPHD with applicable fees. All permits expire one year from the date of issuance. Application for permit renewal may be submitted to KCPHD prior to expiration if no changes in design, location, or other factors are necessary to meet the requirements of these rules and regulations. Renewal OSS permits are valid for one year from the date of issuance.
2. Permits are non-transferable from person to person or property to property.
3. Applicants for a new OSDS shall meet the following requirements:
  - a. Site Evaluation. Submit a completed application with any applicable fees to KCPHD. Conducted site evaluations are valid for 5 years from the date conducted.
  - b. Design submittal and installation permit. Submit an OSS design prepared by a Washington State licensed designer or homeowner and a completed permit installation application and supporting documents with any applicable fees to KCPHD.
    - i. The OSS system design shall conform to design requirements outlined by [WAC 246-272A](#) or as amended hereafter. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 10, 1979)

**13.04.040 License - On-Site Sewage Disposal System Designer.**

1. Any person designing an OSDS must be licensed under Chapter [18.43 RCW](#) or Chapter [18.210 RCW](#). A parcel owner not adjacent to a marine shoreline is authorized to design a system for that residence. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 22, 1979)

**13.04.050 License - On-Site Sewage Disposal System Installer.**

1. Any person engaged in installing or repairing an OSDS must first obtain an installer's license from KCPHD. Said license shall be issued annually and expire one year from the date of issuance. Said license shall also be revocable by KCPHD for failure to comply with the standards of these rules and regulations.
2. A license shall be issued by the KCPHD only after the applicant has:
  - a. Satisfactorily completed an oral and/or written competency examination.
  - b. Demonstrated and secured financial responsibility in the amount determined by the Washington State's Labor and Industries Minimum Bond Requirements. Such financial security shall extend at least one year beyond the expiration date of the license issued under this section.
  - c. Provided a copy of their valid contractor's license and certificate of liability insurance. Liability insurance policy requirements are determined by Washington State Labor and Industries.

- d. Submitted a completed OSS system installer application and applicable fee to KCPHD.
3. The license issued under this section is not required for person(s) constructing or repairing an OSDS on his/her own property of residence or intended residence when the work is totally and completely performed by the property owner. Under this subsection, any person may only construct or install one new OSDS in any twelve-month period. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 21, 1979)

#### **13.04.060 Connection to Public Sewer System.**

1. Connection of any premises where sewage originates shall be made to a public sewer system where there is an adequate public sewer system within two hundred feet of the premises, and such connection is permitted by the sewer utility. Such connection shall be made and use of the OSDS discontinued when repair or replacement of the OSDS is required or as directed by local ordinance. This requirement may be waived if the Health Officer determines that such connection is not feasible.
2. If the distance between the premises to be served and an adequate public sewer is greater than two hundred feet, and where the anticipated sewage flow is greater than one thousand gallons per day, connection shall be made to the public sewer system if KCPHD determines that a connection is feasible and such connection is permitted by the sewer utility. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 7, 1979)

#### **13.04.070 Minimum Lot Sizes.**

An OSDS shall be installed on lots, parcels, or tracts that have area with proper soils in which sewage can be retained and treated properly on-site: one-half acre, twenty-one thousand seven hundred eighty square feet with an approved community water supply and an OSDS; one acre, forty-three thousand five hundred sixty square feet with a private water supply and an OSDS. Exceptions to the acreage limitations may be made by the Health Officer for recorded plats existing prior to the effective date of these regulations; provided, that adequate area with proper soils are present in which sewage can be retained and treated properly onsite and describes how the proposed septic system will mitigate for excessive nitrates and meet treatment level N standards as determined by [WAC-246-272A-0110](#). ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 11, 1979)

#### **13.04.080 Location.**

1. An OSDS shall be located on the same lot as the premises being served, or if an easement is obtained and recorded, on other property if approved by the Health Officer.
2. Persons shall design and install an OSS system to meet the minimum horizontal separations shown in table IV, Minimum Horizontal Separations in [WAC 246-272A-0210](#) or amendments hereafter.
3. The area to be used for the subsurface disposal field shall be selected and maintained so that it is free from encroachment by buildings or other structures. The area shall not be subject to vehicular traffic, nor compaction by large animals, and shall not be covered with a water-impervious surface.
4. The OSDS shall not be located in an area where surface water will accumulate nor an area subject to flooding. Provisions shall be made to minimize flow or accumulation of surface water over the OSDS. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 13, 1979)

#### **13.04.090 Determination of Soil Characteristics.**

1. Preliminary tests for subdivisions shall be made in accordance with department standards, including but not limited to the following:
  - a. A sketch of the parcel of land to be subdivided with its location indicated;

- b. Dimensions of each lot with proposed lot and block numbers;
  - c. Elevations shown by contour lines at intervals of five feet or less. If individual sewage disposal systems are contemplated;
  - d. Approximate location of all natural features such as rock outcroppings, wooded areas, marshes, area subject to flooding and the location, width, name and direction of flow of all watercourses including those which are seasonal or periodic;
  - e. Existing and proposed uses of the property, including the use of all existing structures which will remain on the property after platting, including buildings, ditches, buried conduits, etc.;
  - f. At least one soil log be dug to a depth of six feet on each proposed lot. Additional tests may be required where the soil structure varies, if large disposal areas are required or if groundwater or impermeable soils are within five feet of ground surface.
2. At least one soil log to a depth of six feet shall be performed at the site of each disposal area. This requirement may be waived by the Health Officer if adequate soil information is available. Additional tests may be required if the soil structure varies or if large disposal areas are required.
  3. Percolation tests may be required by KCPHD if soil logs yield unconfirming results.
  4. All percolation tests and soil logs shall be conducted by KCPHD.
  5. If a sufficient amount of information is not available on groundwater conditions, KCPHD may require that additional testing be conducted during the months of suspected high groundwater conditions.
  6. All soil tests shall be conducted using a uniform procedure developed by KCPHD. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 12, 1979)

#### **13.04.100 Designer Program.**

1. Each OSDS intended to serve a single-family residence, duplex, or where anticipated daily flows are less than one thousand two hundred gallons per day, shall be designed and certified by a designer possessing a valid license per [Chapter 246-272A WAC](#).
2. Each OSDS intended to serve facilities where anticipated sewage flows are three thousand five hundred gallons per day or greater shall be designed by a sanitary, civil, or professional engineer, and be permitted by Washington State Department of Health. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 15, 1979)

#### **13.04.110 Design and Construction - Generally.**

1. The detailed design and construction of each OSDS shall conform to the Recommended Standards and Guidance for Performance, Application, Design, and Operation & Maintenance from the Washington State Department of Health or any succeeding edition, except where modified by, or in conflict with, these rules and regulations.
2. The OSDS shall be designed to receive all sewage from the premises served. Footing or roof drains shall not be connected to the OSDS.
3. Backwashes from water softeners and other such treatment devices shall not enter an OSDS where the disposal component is an evapotranspiration bed. Utilization of units such as water softeners where backwashes occur shall require additional sizing of the septic tank and disposal area.
4. The OSDS shall service a single premises and shall not have additional residences or premises connected to it unless approved by KCPHD.

5. No connections instead of or in addition to that for which the system was originally designed to accommodate may be made to an OSDS without written approval of KCPHD.
6. Where any portion of the OSDS, except the subsurface disposal area, is subject to compaction due to vehicular traffic or large animals, the method and materials used in the construction of the OSDS must be capable of withstanding these conditions without impairing the function of the OSDS. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 14(1) - (6), 1979)

#### **13.04.120 Design and Construction - Building Sewer.**

1. Pipe used for construction of a building sewer beyond the building plumbing shall be a minimum of three inches inside diameter and of cast iron, vitrified clay, concrete, or plastic which complies with the current U.S. Department of Commerce Commercial Standards for the pipe involved or of asbestos cement or plastic approved by the department.
2. Construction of the building sewer line shall be such as to secure watertight joints and it shall have a slope of not less than two percent.
3. No "T's" or ninety-degree ells shall be permitted in a building sewer line. All forty-five-degree ells must have accessible cleanouts.
4. Three to six-inch lines shall have cleanouts installed at intervals of not more than fifty feet. Larger than six-inch diameter lines shall have cleanouts installed at intervals of not more than one hundred feet. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 14(7), 1979)

#### **13.04.130 Design and Construction - Septic Tanks.**

1. Septic tanks sold for installation within the county must meet the Washington State Department of Health's proprietary products standards through certification and registration per [Chapter 246-272A WAC](#). Plans must be submitted to and approved by KCPHD prior to installation.
2. No septic tanks shall be installed or constructed except those approved.
3. All septic tanks shall have a minimum of two compartments; however, two single compartment tanks may be used in series.
4. Liquid capacity:
  - a. All septic tanks must be designed according to waste load and in no case shall have a total capacity of less than one thousand gallons.
  - b. The first compartment or tank shall be one-half to two-thirds of the total septic tank capacity.
5. The outlet of the septic tank shall be so positioned as to be three inches below the level of the inlet.
6. On each septic tank or septic tank compartment, the inlet baffle or inlet "T" shall extend approximately six inches below the bottom of the level of the septic tank outlet and above the bottom of the septic tank outlet to at least the crown of the inlet sewer.
7. In each septic tank or septic tank compartment, the outlet baffle or outlet "T" shall extend below the bottom of the level of the septic tank outlet a distance approximately equal to twenty-eight to forty percent of the liquid depth below the bottom of the outlet. These baffles or "T's" shall extend at least six inches above the bottom of the outlet level to provide storage for floating materials.

8. Septic tanks shall have at least one inch between the underside of the top of the tank and top of the inlet and outlet pipe or baffles to allow the required ventilation of the tank and disposal field through the premises building vent stacks.
9. Sewage holding tanks shall not be used as a permanent method of sewage disposal. The Health Officer may allow holding tanks on an interim use basis to handle emergency situations or to correct existing problem systems. The Health Officer also may allow holding tanks for controlled, part-time use situations such as recreational vehicle parks and trailer dump stations; provided, that an approved on-site sewage disposal system management program as provided in [Section 13.04.180](#) is in effect.
10. Septic tank installation:
  - a. No septic tank shall be covered with an impervious surface unless the manhole and inspection holes are extended up through the impervious surface and the manhole cover is equipped with a locking-type cover;
  - b. No septic tank manhole shall be located more than eighteen inches below the finished grade. If it is necessary to place the septic tank more than eighteen inches below the finished grade, manholes shall be built up to within eighteen inches of the finished grade. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 14(8), 1979)

#### **13.04.140 Design and Construction.**

1. No OSDS shall be constructed or installed that does not provide at the head of each disposal field a distribution device which allows effluent to be distributed equally to all disposal lines.
2. No distribution device shall be installed that is not constructed of durable, watertight materials.
3. No distribution device shall be constructed or installed that does not provide equal flow of effluent to all outlets. The distribution device shall be set on stable soil or otherwise supported to prevent misalignment.
4. No pump, siphon, or other effluent lifting or dosing device shall be installed that is not approved by KCPHD. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 14(9), 1979)

#### **13.04.150 Design and Construction - Subsurface Disposal Field.**

1. All effluent from a septic tank shall be disposed of by means of a subsurface disposal system except when special approval has been granted by the Health Officer for an alternate system as described in [Sections 13.04.210](#) and [13.04.230](#).
2. The installation and use of cesspools is prohibited.
3. Seepage pits shall not be used.
4. The subsurface disposal system shall not be installed in fill. This restriction may be waived when the Health Officer determines that the type of fill, the method of placement, and the stabilization period has or will allow full compliance with these rules and regulations.
5. Installation of an OSDS shall not be permitted in areas where the ground slope exceeds thirty percent. Installation on slopes in excess of fifteen percent, but not greater than thirty percent, may be allowed provided that subsoil profiles indicate no restrictive layers of soil and an appropriate design is provided.
6. No subsurface disposal field shall be installed in which all trenches are not of the same approximate length.



7. The maximum length of any individual line shall not exceed one hundred feet unless written approval is granted by the Health Officer.
8. Minimum width of the bottom of all disposal trenches shall be twenty-four inches. Disposal trench width in excess of thirty-six inches may not be used in computing absorption area.
9. The sides and bottom of all disposal trenches shall be scored to eliminate smearing and compaction of the trench-soil interface.
10. The bottom of the disposal trenches shall be constructed on a grade of not more than two inches fall per one hundred lineal feet.
11. The grade of the disposal lines shall be zero to six inches per one hundred lineal feet.
12. Filter material shall be uncrushed, washed gravel, three-eighths inch to two and one-half inches in diameter.
13. The maximum depth of cover over the disposal lines, including the minimum of two inches of filter material required of this section, shall be twenty-four inches except by special permission of the Health Officer.
14. Minimum depth of cover over the filter drainfield material shall be six inches.
15. Minimum depth of filter material over the disposal lines shall be two inches.
16. Minimum depth of filter material below disposal lines shall be six inches.
17. The maximum depth of the bottom of the trench shall be thirty-six inches below ground surface.
18. The minimum distances between disposal lines shall be six feet.
19. The minimum diameter of gravity flow disposal line pipe shall be four inches.
20. No disposal field shall be installed unless adequate measures are taken to ensure that proper grades on all disposal lines are maintained while backfilling.
21. All trenches, after having filter material placed over the disposal lines and before backfilling, shall have placed over the filter material, a layer of newspaper, straw, untreated building paper, or other approved materials which will allow moisture transmission, but not soil particle migration.
22. Where PVC, polyethylene, plastic pipe is used, the ends of the pipe must be capped.
23. There shall be a minimum of two trenches in all systems. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 14(10), 1979)

#### **13.04.160 Inspection.**

1. Any work done on an OSDS and any material used may be inspected by KCPHD at any reasonable time, and if KCPHD finds that any work done or material used, is not in accordance with these rules and regulations, KCPHD may revoke the permit or notify the owner or installer to make such changes as KCPHD shall specify. If such changes are not made within a reasonable time, KCPHD shall revoke the permit and it shall be unlawful to use such OSDS.
2. The following conditions must exist before a final inspection is made:
  - a. Installation and/or construction of the septic tank must be complete;
  - b. Installation of the building sewer, distribution device, disposal area, and all other OSDS components must be completed and operational except for backfilling.
3. The OSDS shall be left open and uncovered until approved by KCPHD.
4. KCPHD shall be notified when an OSDS is ready for inspection. KCPHD must approve any modifications to an OSDS design prior to the changes being made.



5. KCPHD shall make a final inspection of all OSDS repairs.
6. When KCPHD is notified that an OSDS is ready for inspection, KCPHD will schedule and confirm scheduled inspection time with the permit contact person. Upon completion and approval of the OSDS, KCPHD shall notify the building department and OSDS permit contact that the OSDS has been approved. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 16, 1979)

#### **13.04.170 Maintenance.**

Each OSDS shall be maintained in such a manner as to ensure compliance with these rules and regulations. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 17, 1979)

#### **13.04.180 Management.**

1. When subdivisions, mobile home parks, multiple housing units, or other commercial or residential developments are designed to have gross densities that exceed three and one-half residential units or twelve people per acre or waste flows of one thousand two hundred gallons per acre per day, an OSDS shall not be permitted unless the perpetual maintenance and management of the OSDS are under the responsibility of an approved management system by the local health department.
2. A proposed OSDS to be located within the boundary of any operating public sewer utility shall be approved by the sewer utility prior to the issuance of a permit. If the proposed system serves a density greater than that identified in subsection (a) of this section, the maintenance of the OSDS shall be the responsibility of the sewer utility or dry sewers shall be provided as approved by the Washington State Department of Ecology and the sewer utility having jurisdiction in accordance with an approved sewage drainage basin plan.
3. An OSDS serving housing densities and/or flows exceeding that identified in subsection (1) of this section and not located within the boundaries of an operating public sewer utility shall have an approved perpetual maintenance and management system as established under the guidelines developed by the DOH, the Washington State Department of Ecology, and the local entity responsible for public utilities. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 8, 1979)

#### **13.04.190 Prohibited Discharges.**

1. Effluent from any OSDS shall not be discharged to surface water, groundwater, or upon the surface of the ground. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 6, 1979)

#### **13.04.200 Disposal of Septic Tank Waste.**

1. It is unlawful for any person to engage in the business of pumping or cleaning any septic tank, cesspool, sump, holding tank, or any other receptacle or device for collection of sewage or waste without first having received a license from the KCPHD.
2. Applicants for a license under this section shall file an application and remit fees per the KCPHDFS at KCPHD.
3. Upon receipt of such application, the KCPHD shall conduct a competency exam with the applicant of public health laws, local regulations, function of an OSDS, and knowledge other sewage collection systems, and adequacy of the applicant's equipment. If any of these areas are found to be inadequate, the application shall be denied. If found to be satisfactory, a license shall be issued. Licenses shall be renewed annually and require documentation as described on the applicable application form.

4. Every person issued a license under this section shall make a report once each month to the KCPHD on all services performed the preceding month. Such reports shall contain all information requested by and on forms supplied by KCPHD.
5. It is unlawful to dump or dispose of the contents removed from septic tanks, cesspools, sumps, holding tanks, or other sewage collection receptacles or devices except at locations approved by KCPHD. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 18, 1979)

#### **13.04.210 Alternate Devices and Methods.**

Approval authority for the application, installation, or use of any alternate device or method is vested with KCPHD; provided, that the device or method has been approved by the Washington State Department of Health. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 5, 1979)

#### **13.04.220 Larger Systems.**

Until such time as guidelines governing the review, approval procedure, and authority for larger systems are developed between the Washington State Department of Health, local health department, Ecology, and municipal sewer utilities, the following shall apply:

All cases where the maximum design flow of any OSDS is greater than three thousand five hundred gallons per day, per parcel prior to construction of the system, the construction plans shall be submitted to the Washington State Department of Health for approval of engineering and to ensure the system will not create a health hazard. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 9, 1979)

#### **13.04.230 Other Types of Disposal Units.**

Units other than septic tanks or devices that can function as septic tanks with subsurface disposal systems may be used but only with the prior approval of KCPHD in accordance with the procedure established in [Section 13.04.210](#). ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 4, 1979)

#### **13.04.240 Sanitary Privy.**

1. The construction material for the sanitary privy must be approved by KCPHD and a minimum of 1000 gallon capacity.
2. Sanitary privies may be used in areas where no suitable domestic water supply is available subject to the following criteria:
  - a. In areas of high precipitation (greater than twenty-five inches annual average) and/or shallow, poor percolating soils, the waste receptacle must be sealed from exfiltration and infiltration;
  - b. In areas where good percolating soil exists and the seasonal high water table is deeper than four feet below the proposed bottom of the waste receptacle and less than an average annual precipitation of twenty-five inches occurs and lots or tracts are greater than five acres.
  - c. In areas subject to flooding, high groundwater (closer than four feet to ground surface), or less than four feet of suitable soil exists, privies are not permitted.
3. All sanitary privies shall be constructed and maintained to have the waste receptacle contents inaccessible to rodents, vermin and vectors.
4. No privy may be constructed and/or located on any property without having first obtained a written permit from KCPHD prior to such construction and/or location.
5. Chemical toilets may be used around construction sites as a temporary means of sewage disposal. Chemical toilets may also be used in all situations where sanitary privies may be used. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 19, 1979)

#### **13.04.250 Health Hazard Described.**

An OSDS shall be considered a health hazard if it does not meet the standards of construction or location as provided in this chapter. KCPHD shall have the authority to prohibit its use pending completion of necessary alterations to reasonably ensure proper and safe operation. It is a violation of these rules and regulations for any person to continue to use or to permit any person to use any OSDS after having been directed by the KCPHD to suspend said use. It shall be considered prima facie evidence that an OSDS is being used upon showing that the premises served by such OSDS is occupied as a residence or business. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 20, 1979)

#### **13.04.260 Administration.**

KCPHD shall administer these regulations under the authority and requirements of [RCW Chapters 70.05, 43.20](#), and [WAC 248-96-015](#). ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 1, 1979)

#### **13.04.270 Waiver.**

Whenever a strict interpretation of these rules and regulations would result in extreme hardship, the Health Officer may waive such rule, regulation, or portion thereof; provided, that the waiver is consistent with the intent of these rules and regulations and that no public health hazard or nuisance will result and as long as the waiver is consistent with other state and local rules, regulations, laws, or ordinances. Any person that applies for a waiver must follow the process outlined by KCPHD. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 23, 1979)

#### **13.04.280 Appeal.**

1. Any person aggrieved by a decision of the Health Officer may request in writing within ten (10) days of the decision an appeal hearing before the Kittitas County Board of Health. The request shall be submitted to KCPHD, and shall include:
  - a. The decision being appealed;
  - b. The name and address of the appellant and his or her interest(s) in the matter;
  - c. The specific reasons why the appellant believes the decision to be wrong;
  - d. The desired outcome or changes to the decision; and
  - e. The appeals fee as determined by the KCPHDFS.
2. Notice of Hearing.
  - a. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, KCPHD shall issue and serve a Notice of Hearing to the appellants. Requests from multiple parties concerning the same decision may be consolidated.
  - b. The Notice of Hearing shall be served by both first-class and certified mail with a 5-day return receipt requested to the last known address of the appellant; or by personal service upon the appellant.
  - c. The Notice of Hearing shall contain the date, time, and location of the hearing.
3. Evidence.
  - a. Evidence, including hearsay evidence, is admissible if in the judgment of the Board of Health it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.
  - b. All testimony of parties and witnesses shall be made under oath or affirmation.
  - c. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

- d. Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.
- 4. Each party shall have the following rights:
  - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - b. To introduce document and physical evidence;
  - c. To cross-examine opposing witnesses on any matter relevant on the issues of the hearing;
  - d. To impeach any witness;
  - e. To rebut evidence against him;
  - f. To represent himself or be represented by an attorney of his or her own choosing.
- 5. Hearing
  - a. The appeal hearing shall be conducted on the record and the Kittitas County Board of Health shall have such rulemaking and other powers necessary for conduct of the hearing.
  - b. The burden is on KCPHD to prove the alleged factual basis set forth in the decision. The burden is a preponderance of the evidence.
  - c. The observation of a violation on different dates shall be prima facie evidence that the violation continued to exist on intervening dates.
  - d. Following review of the evidence submitted, the Kittitas County Board of Health shall make written findings and conclusions and shall affirm or modify the decision previously issued if the Board of Health finds that a violation has occurred. The Board of Health shall reverse the decision if they find that no violation occurred. The written decision of the Board of Health shall be mailed by certified mail and first-class mail, five day return receipt requested, to the appealing party. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 24 - 25, 1979)

#### **13.04.290 Health Officer Enforcement Authority.**

Nothing in this Chapter shall limit the authority of the Health Officer, or his or her designee, to enforce this Title pursuant to [Chapter 13.70 KCC](#) or any other applicable regulations. ([Ord. 2022-007](#), 2022)

#### **13.04.300 Health Emergency.**

Nothing in these rules and regulations shall be construed to circumscribe the authority and power of the Health Officer to act in an emergency situation to control and prevent any health hazard which immediately threatens the public health of the inhabitants of the county and its municipalities which power and authority is governed by state law. ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 27, 1979)

#### **13.04.310 Violation - Penalty.**

Violations may result in enforcement actions such as Orders to Correct Violations, Notices of Violation and Abatement, and/or Notices of Infraction per [KCC Chapter 18](#). ([Ord. 2022-007](#), 2022; Vol. 6, p. 697 § 26, 1979)

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## Chapter 13.08

### PRIVATE SEWAGE DISPOSAL SYSTEMS IN PLATS

#### Sections

[13.08.010](#) Plats - Filing fees.

[13.08.020](#) Preliminary plat map and preliminary application submission.

[13.08.030](#) Preliminary plat map - Data required.

[13.08.040](#) Soil logs - Number and depth.

[13.08.050](#) Use with community water supply - Lot area.

[13.08.060](#) Lots below minimum area - Public system required.

[13.08.070](#) Wells and septic tanks on same lot - Lot size.

[13.08.080](#) Low mean ground water level unacceptable.

[13.08.090](#) Recording plat - Conditions precedent.

#### **13.08.010 Plats - Filing fees.**

Plats submitted to the health department with homes to be connected to septic tanks and drain fields require a filing fee of one dollar per lot. For plats with homes to be connected to sewers with one hundred lots or less, the fee is fifty cents per lot; one hundred lots or more, the maximum fee is fifty dollars. The fee is payable to the county health department and must be paid at the time of submitting the subdivision map for consideration. (Res. 72-69 Reg. 11 § 1, 1972).

#### **13.08.020 Preliminary plat map and preliminary application submission.**

Preliminary plat map and preliminary application shall be submitted to the health department on or before the same deadline date as required by the planning commission. (Res. 72-69 Reg. 11 § 2, 1972).

#### **13.08.030 Preliminary plat map - Data required.**

Each preliminary plat map shall show the contour lines and approximate location of soil log holes. These holes must be flagged for easy location. (Res. 72-69 Reg. 11 § 3, 1972).

#### **13.08.040 Soil logs - Number and depth.**

A minimum of one soil log for each five acres shall be dug to a depth of seven feet. (Use separate sheet to report data.) This work shall be done by a soil tester-designer licensed in Kittitas County. (Res. 72-69 Reg. 11 § 4, 1972).

#### **13.08.050 Use with community water supply - Lot area.**

When a private septic tank system is planned in conjunction with a community water system, each lot supporting a single-family dwelling shall have a minimum of twenty-two thousand square feet (approximately one-half acre). (Res. 72-69 Reg. 11 § 5, 1972).

#### **13.08.060 Lots below minimum area - Public system required.**

Any lot less than twenty-two thousand square feet (approximately one-half acre) must be serviced by an active public sewer system or other sewage disposal system approved by the health department. (Res. 72-69 Reg. 11 § 6, 1972).



**13.08.070 Wells and septic tanks on same lot - Lot size.**

The minimum lot size shall be forty-three thousand five hundred sixty square feet (approximately one acre) where individual wells and septic tank systems are located on the same lot. Exception to this requirement shall be limited to zoning districts which allow one residential lot per gross acre in a platted subdivision. (Res. 72-69 Reg. 11 § 7, 1972).

**13.08.080 Low mean ground water level unacceptable.**

Areas in which the mean ground water level is less than four feet from the top of the ground shall not be considered satisfactory for individual sewage disposal systems. (Res. 72-69 Reg. 11 § 8, 1972).

**13.08.090 Recording plat - Conditions precedent.**

Prior to recording of a plat, the following shall apply:

12. Where public water is available within one-half mile or less of any proposed plat, water shall be provided by this means. A letter from the water district, city or other stating that arrangements have been made to supply the plat must be attached. This provision shall not apply to the Airport Overlay.
  13. When a community water supply is to be provided, detailed drawings of a water distribution system shall be submitted. A well shall be constructed, a pump and storage tank shall be installed, and a letter from the Washington State Department of Health stating that plans and specifications have been approved shall be attached.
  14. When an individual well is to be constructed on each lot, well sites shall be located on the plat map.
  15. There shall be one soil log hole to a depth of forty-eight inches on each lot located in the approximate drainfield area. When percolation tests are requested (use separate sheet), test holes must be at a depth of thirty-six inches. Larger lot sizes may be required when percolation rates are over twenty minutes per inch. This work shall be done by a registered engineer or licensed designer.
  16. Where septic tanks are to be used, there shall be a minimum depth of three feet of porous soil above hardpan, clay, or ground water. Fill material more than eighteen inches shall require approval by the health department. Each test hole shall be clearly marked for easy identification by a stick or flag. If the test holes cannot be properly identified, it may result in the plat not being considered for recording.
  17. If natural growth prevents the health department from making an adequate evaluation of the proposed plat, then clearing and grubbing may be specified for those areas of the plat that are in question.
  18. Lots must be numbered and staked.
  19. Submit a copy of the final linen that will be filed for recording.
  20. Notify this department seven days prior to date of recording for a site inspection.
  21. It is the design engineer's responsibility to see that the sponsor or owner has complied with the above items pertinent to recording his plat, before the health department can give approval to the planning department for acceptance.
  22. Any variances from the platting requirements of this regulation shall require approval by the health officer prior to submission for platting. ([Ord. 2019-013](#), 2019; Res. 72-69 Reg. 11 § 9, 1972).
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## Chapter 13.12

### SOLID WASTE DISPOSAL SITES

#### Sections

[13.12.010](#) Purpose and authority.

[13.12.020](#) Definitions.

[13.12.030](#) State regulations adopted by reference.

[13.12.040](#) Disposal site permit - Required.

[13.12.050](#) Disposal site permit - Application.

[13.12.060](#) Disposal site permit - Renewals.

[13.12.070](#) Disposal site permit - Suspension.

[13.12.080](#) Hearing and appeals.

[13.12.090](#) Transportation of hazardous, industrial, and solid waste.

[13.12.100](#) Waiver.

[13.12.105](#) Disposal fees.

[13.12.110](#) Violation - Penalty.

#### **13.12.010 Purpose and authority.**

The purpose of these rules and regulations is to provide for the proper facilities and handling for wastes. The rules and regulations are adopted pursuant to authority granted this board of health by [RCW 70.95.160](#) and [70.05.060](#)(3). (Vol. 3, p. 373-1 § 1, 1979).

#### **13.12.020 Definitions.**

The definitions as found in WAC 173-301 shall apply except as modified under this section:

##### **Health officer**

The duly appointed health officer of the county health department or his/her authorized representative.

##### **Transfer station**

A fixed, supplemental, collection/transportation/disposal facility, used by persons and/or route collection vehicles to deposit wastes for transport to another disposal site.

(Vol. 3, p. 373-1 § 2, 1979).

#### **13.12.030 State regulations adopted by reference.**

The Washington State Department of Ecology Regulation Relating to Minimum Functional Standards for Solid Waste Handling (WAC 173-301) is adopted by reference. (Vol. 3, p. 373-1 § 3, 1979).

#### **13.12.040 Disposal site permit - Required.**

1. Every person shall obtain and have in possession a valid permit from the health officer, prior to establishing, constructing, and/or operating, a waste disposal site. A permit for a site not conforming to WAC 173301-180 to -500 may be issued upon concurrence of the health officer and the board of health as provided in WAC 173-301-610.
2. The permit shall be valid for a period of one year from the date of issue unless otherwise stated.
3. Permits are not transferable from person to person or site to site. (Vol. 3, p. 373-1 § 4, 1979).

#### **13.12.050 Disposal site permit - Application.**

1. An application for a disposal site permit shall be submitted in writing to the health officer on forms approved by the State Department of Ecology. All applications shall

indicate how the proposed site, facilities, and operational procedures will assure compliance with WAC 173-301, the Cooperative Countywide Solid Waste Management Plan for Kittitas County and its municipalities, The Washington State Environmental Policy Act, and other applicable laws or regulations. Such detailed plans shall be prepared by an individual competent in the area of waste system designs.

2. Prior to the issuance of a permit, the appropriate fee, as established by the environmental health comprehensive fee schedule, adopted May 16, 1977, or hereafter amended, must be remitted to the health department. (Vol. 3, p. 373-1 § 5, 1979).

#### **13.12.060 Disposal site permit - Renewals.**

Renewal of a permit shall be accomplished by payment of the disposal site permit fee and a satisfactory review of the site's operation and facilities by the health officer. (Vol. 3, p. 373-1 § 6, 1979).

#### **13.12.070 Disposal site permit - Suspension.**

A disposal site permit may be suspended by the health officer in accordance with [RCW 70.95.200](#). (Vol. 3, p. 373-1 § 7, 1979).

#### **13.12.080 Hearing and appeals.**

1. Any decision by the health officer to deny issuance or renewal of, or to suspend, a disposal site permit may be appealed to the board of health in accordance with [RCW 70.95.210](#).
2. Upon receipt of a written appeal, the board of health shall hold a hearing as outlined in [RCW 70.95.210](#). (Vol. 3, p. 373-1 § 8, 1979).

#### **13.12.090 Transportation of hazardous, industrial, and solid waste.**

No hazardous, industrial, or solid wastes may be transported from outside the county and its incorporated municipalities to disposal sites within the county or its incorporated municipalities without approval from the board of health. (Vol. 3, p. 373-1 § 9, 1979).

#### **13.12.100 Waiver.**

The board of health may grant waivers to this chapter, provided the waivers are consistent with the intent of this chapter and state law. (Vol. 3, p. 373-1 § 10, 1979).

#### **13.12.105 Disposal fees.**

1. Fees shall be set by resolution.
2. A copy of the fee schedule shall be made open to the public at the Kittitas County solid waste department.
3. All fee schedules shall include a date on which the schedule becomes effective. (Ord. 955, 1995: Res. 81-4, 1981: Res. 80-9, 1980).

#### **13.12.110 Violation - Penalty.**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty dollars for the first conviction, not less than one hundred fifty dollars for the second conviction, and not less than three hundred dollars for the third and each subsequent conviction and/or imprisoned in the county jail for not more than ninety days for each conviction. Each day a violation occurs shall constitute a separate violation. (Vol. 3, p. 373-1 § 11, 1979).

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## Chapter 13.20

# WELL CONSTRUCTION, RECONSTRUCTION AND DECOMMISSIONING REQUIREMENTS

### Sections

[13.20.010](#) Authority.

[13.20.020](#) Applicability.

[13.20.030](#) Notification.

[13.20.040](#) Well Location.

[13.20.050](#) Well Construction.

[13.20.060](#) Appeals.

#### **13.20.010 Authority.**

The following Chapter is adopted per [Chapter 70.05 RCW](#), [Section 18.104.043 RCW](#), the Joint Plan of Responsibility between Washington State Department of Health and Kittitas County Public Health Department (KCPHD), and the Interagency Agreement between the Department of Ecology and the KCPHD in order for KCPHD to inspect and enforce well construction, reconstruction and decommissioning pursuant to state and local laws. ([Ord. 2011-006](#), 2011)

#### **13.20.020 Applicability.**

This Chapter applies to all well construction, reconstruction and decommissioning activities in Kittitas County. ([Ord. 2011-006](#), 2011)

#### **13.20.030 Notification.**

Adequate notice shall be given to KCPHD prior to any well construction, reconstruction or decommissioning activities.

3. Well Site Review. The owner or authorized agent shall:
    - a. Submit a completed application for an individual/shared well site review with any applicable fees to KCPHD at least 72 hours in advance of any well construction or reconstruction activities; and
    - b. Arrange a well site inspection with KCPHD to determine the well location if the well will supply a Group A or Group B public water system.
  4. Notification of Drilling. The well driller shall:
    - a. Complete an application and submit fees prior to drilling; and
    - b. Notify KCPHD at least 72 hours in advance of any well construction, reconstruction, or decommissioning activities; and
    - c. Re-submit an updated and complete Individual Well Site Review form if the well construction, reconstruction or decommissioning activity date changes from the original submission; and
    - d. Have obtained an approved Individual Well Site Review prior to drilling.
- ([Ord. 2023-005](#), 2023; [Ord. 2011-006](#), 2011)

#### **13.20.040 Well Location and Access.**

6. All wells shall be located in accordance with the following rules:
  - a. Minimum Standards for Construction and Maintenance of Wells ([Chapter 173-160 WAC](#));
  - b. Developments, Subdivisions and Minimum Land Area Requirement rules for Positioning of On-Site Sewage Systems ([Chapter 246-272A WAC](#));
  - c. The Joint Plan of Responsibility;

- d. The site's unique physical features and structures so that the well is protected from contamination; and
  - e. Any other applicable federal, state or local law.
- 7. A well for a Group A Water System shall also be located:
  - a. In accordance with Source Water Protection rules for Group A Water Systems ([Section 246-290-135 WAC](#));
- 8. A well for a Group B Water System shall also be located:
  - a. In accordance with Ground Water Source Approval and Protection Rules for Group B Water Systems ([Chapter 246-291 WAC](#)), including but not limited to a minimum one hundred foot sanitary control area and a duly recorded restrictive covenant;
  - b. So that all properties within the well's sanitary control area are being served by the well; and
  - c. So that no road is within the sanitary control area. The meaning of road for this Chapter shall include but is not limited to, any county, state or federal right of ways and any private road. Driveways are not considered roads under this Chapter.
- 9. A well for a Shared or Group B Water System shall have a recorded easement granting access to the well, pump house and pipeline to the future owners of the water system.
- 10. A well for an individual/shared water system shall also be located:
  - a. All individual and shared wells must be placed a minimum of fifty feet from all roads and property lines.
  - b. Setbacks not meeting Kittitas County Code may be allowed at the discretion of the health officer.

([Ord. 2023-005](#), 2023; [Ord. 2014-015](#), 2014; [Ord. 2011-006](#), 2011)

#### **13.20.050 Well Construction.**

- 4. Wells shall be constructed in accordance with:
  - a. Well Tagging, Sealing and Decommissioning sections of Water Well Construction ([Chapter 18.104 RCW](#));
  - b. Well Tagging, Sealing and Decommissioning sections of Minimum Standards for Construction and Maintenance of Wells ([Chapter 173-160 WAC](#)); and
  - c. Any other applicable state or local law.
- 5. If any wells are constructed in violation of the state or local law that is applicable at the time of construction, KCPHD may require decommissioning the violating well and installation of a complying well at the expense of the owner.
- 6. If any existing wells are included as part of a subdivision or building permit application, the well shall comply with all current state and local regulations, or the well shall receive approval from KCPHD to be exempt from current regulations. ([Ord. 2011-006](#), 2011)

#### **13.20.060 Appeals.**

Any applicant who is aggrieved by a decision by KCPHD regarding well tagging, sealing and decommissioning shall appeal the decision to the Department of Ecology through the Pollution Control Hearing Board per [Chapter 43.21 B RCW](#). ([Ord. 2011-006](#), 2011)

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## Chapter 13.25

### CISTERN WATER SYSTEM REQUIREMENTS

#### Sections

[13.25.010](#) Authority.

[13.25.020](#) Applicability.

[13.25.030](#) Licensing of Commercial Potable Water Haulers.

[13.25.040](#) Water Hauler Equipment and Treatment Requirements.

[13.25.050](#) Initial Water Hauler License Period.

[13.25.060](#) Ongoing Water Hauler License Requirements.

[13.25.070](#) Suspension, Revocation, and Denial of Water Hauler License.

[13.25.080](#) Cistern System: Source Requirements.

[13.25.090](#) Cistern System: Design and Treatment Requirements.

#### **13.25.010 Authority.**

The following Chapter is adopted per [Chapter 70.05 RCW](#) and [Chapter 19.27 RCW](#). ([Ord. 2011-006](#), 2011)

#### **13.25.020 Applicability.**

[Chapter 13.25 KCC](#) applies to all truck transportation of bulk potable water, and cistern system construction and maintenance in Kittitas County. Cistern systems are only permissible as a water source for a single dwelling unit in a designated location that is unable to provide water through physical, or legal means. Proof of inadequate physical means will need to be provided to the health officer for consideration prior to cistern approval. No potable water hauling or cistern system shall be permitted for two or more dwelling units served by a common storage and piping system, and no potable water hauling or cistern system shall be permitted for any commercial use, including use of a single dwelling unit for day care, bed and breakfast, group home, hair stylist, food producer under a Washington State Department of Agriculture license, or other commercial use. An application for subdivision cannot use cisterns to demonstrate suitable provision of water supply. This code does not restrict the potential for well use if future water regulations allow. ([Ord. 2023-005](#), 2023; [Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.030 Licensing of Commercial Potable Water Haulers.**

4. License Requirements. All persons engaged in the commercial transporting of bulk potable water shall obtain a license every two years from Kittitas County Public Health Department (KCPHD). In order to receive a license, the following shall be submitted to KCPHD:
  - a. A completed application and fee, including a notarized signed statement that:
    - i. The equipment to be used meets the requirements in this Section;
    - ii. The applicant understands and will comply with the treatment requirements in this Section; and
    - iii. The applicant understands that the source for all water storage systems is a Group A public water system in green or yellow operating permit status.
  - b. Proof of Insurance:

- i. Commercial general liability and auto insurance in the amount of one million per incident and two million per incident and two million dollars aggregate.
- c. A passing inspection by KCPHD of the equipment within 60 days of the submission date of the completed water hauler application. A passing inspection includes but is not limited to: a passing water quality test collected by KCPHD after the initial holding tank disinfection, passing equipment test, and the ability to fill a truck container through an air gap or a backflow prevention device.
- 5. A license is not required of any person who performs labor or services under the direct supervision of a licensed potable water hauler, any private water system owner who performs work on the private water system serving his or her dwelling house, or any person who aids the owner with this work without compensation. However, persons exempt from licensing under this paragraph shall comply with all applicable sections of this Chapter. For purposes of this Chapter, "direct supervision" means that a licensed potable water hauler instructs and controls the person claimed to be supervised and that the licensed water system contractor is responsible for the actions of that person and is reasonably available if and when needed, even though such licensed potable water hauler may not be physically present at the work site.
- 6. Every licensee shall maintain and submit to KCPHD such complete and accurate records as may be required for determining compliance with all applicable rules of this Chapter. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.040 Water Hauler Equipment and Treatment Requirements.**

All potable water haulers shall comply with the requirements of this rule, regardless of the licensing requirement in [Section 13.25.030 KCC](#).

- 9. Equipment.
  - a. The holding tank on the truck to be utilized shall only be used to transport potable water and shall not have been used to transport any other substance. The holding tank shall not have been previously used to transport a noxious, hazardous, or a toxic substance or liquid;
  - b. Each holding tank shall display the name, water hauler license number and telephone number of the licensed water hauler (does not apply to self-haulers);
  - c. The holding tank shall be completely enclosed and tightly sealed, with lockable hatches or lids. The inlet or opening to every holding tank shall be so constructed to prevent the entrance of insects, rodents or other foreign material that may cause contamination of water. With the exceptions of cleaning or filling the tank, the inlet openings shall be kept closed at all times;
  - d. All holding tanks shall be filled or emptied through an air gap or approved double-check valve assembly, in accordance with [Section 246-290-490 WAC](#);
  - e. All equipment used in this distribution of water shall be clean and sanitary and protected from contamination at all times; and
  - f. Flexible connector ends shall be protected and capped at all times except during filling or emptying of the transportation equipment.



#### 10. Initial Truck Disinfection.

- a. All equipment that is being used for the first time to transport potable water shall be disinfected using the procedures in this section.
- b. The holding tank shall be scrubbed.
- c. All rust and sediment shall be rinsed or flushed from the holding tank.
- d. The holding tank shall be visually inspected to ensure that the tank is clean, in good condition and free of contaminants.
- e. The holding tank shall be completely filled with water containing at least 50 parts per million (ppm) of chlorine (disinfection solution). The chlorine shall be added to the tank in proportion to the water in order to ensure adequate mixing.
- f. The disinfection solution shall be held in the holding tank for at least twenty-four contiguous hours. All hoses, pumps and other equipment used in handling water shall be disinfected the same way.
- g. It is the responsibility of the water hauler to ensure that the disinfecting solution is disposed of according to state and local waste disposal regulations.
- h. Once the holding tank is empty of the initial disinfecting solution, the tank shall be refilled with the water to be transported and tested for coliform bacteria. If coliforms are present, the tank shall not be used unless the disinfection process is completed again, and a test result free of coliforms is provided.

#### 11. Potable Water Treatment.

- a. Each tank load of water shall be dosed with a sufficient amount of chlorine to produce a minimum chlorine residual of two tenths parts per million at delivery of the water and shall not exceed a maximum chlorine residual of one ppm at delivery of the water.
- b. A water hauler shall keep equipment to test the free residual of chlorine in the tank and shall test the tanks of water that are delivered. If less than two tenths ppm is detected then the hauler shall add sufficient chlorine to obtain the residual chlorine concentration required by [Section 13.25.040 \(3\)\(a\) KCC](#).

#### 12. Handling Equipment.

- a. All handling equipment used in the operation shall be stored off the ground at all times.
- b. All handling equipment shall be thoroughly flushed, disinfected with the procedures in [Section 13.25.040\(2\) KCC](#), and then flushed again with the source water prior to each use.
- c. All hoses shall be capped at both ends when not in use.
- d. All handling equipment shall be regularly inspected and disinfected or replaced as needed.
- e. All handling equipment shall be designed for potable water and shall be capable of being disinfected.

#### 13. Records.

- a. Both the licensed water hauler and owner of the receiving cistern system shall keep a record of all deliveries of water. The records shall be made available to KCPHD upon request. Records shall include:
  - i. The quantity delivered per trip;
  - ii. The approved water source(s) used;
  - iii. Dates and times of delivery and free chlorine residual at point of delivery;
  - iv. The chlorine dose at the fill point and the free chlorine residual after filling; and
  - v. Any notes regarding the receiving cistern system.
- b. Licensed water haulers shall keep the following records in all trucks approved for water hauling at all times, including:
  - i. A record of any current water in the tank, including the community Group A public water system where the water originated from, the destination of the water, and the free chlorine residual directly after filling the tank; and a record of the date the holding tank and handling equipment was last disinfected using the procedures in [Section 13.25.040\(2\) KCC](#), and the coliform test results after disinfection.

14. Ongoing Equipment Maintenance.

- a. The water contact surfaces and equipment shall be cleaned and disinfected:
  - i. Before it is put into use;
  - ii. When the system or any of its parts have been dismantled or replaced for purpose of repair, maintenance or alteration;
  - iii. Any time contamination is suspected; and
  - iv. Prior to license renewal.

15. Reporting Requirements.

- a. At the beginning of every quarter, all licensed water haulers shall submit to KCPHD:
  - i. The passing results of a coliform test performed that month for each delivery vehicle used to transport water; and
  - ii. All delivery records maintained per [Section 13.25.040\(5\) KCC](#).

- 16. KCPHD may order any water hauler to receive additional inspections, cease water deliveries, or cease the use of any water transportation equipment for violation of this rule or if KCPHD suspects contamination of the water hauling equipment or the hauled water. Applicable inspection fees may apply. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2011-006](#), 2011)

**13.25.050 Water Hauler License Period.**

The license is valid for two years, and will automatically lapse at the end of the period unless the water hauler follows the ongoing license requirements in [Section 13.25.060 KCC](#). ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

**13.25.060 Ongoing Water Hauler License Requirements.**

In order to maintain a potable water hauler license, a renewal application is due every two years along with a fee and passing KCPHD inspection. For all equipment shall be submitted to KCPHD. A passing inspection includes but is not limited to: a passing water quality test collected by KCPHD ([Section 13.03.190 KCC](#)) after the initial tank disinfection, passing equipment test, and the ability to

fill a truck container through an air gap or a backflow prevention device. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

**13.25.070 Suspension, Revocation, and Denial of Water Hauler License.**

4. KCPHD may suspend, revoke, or deny any potable water hauler license for violation of the requirements of this chapter.
5. Grounds for suspension, revocation, or denial of a potable water hauler's license shall include, but not be limited to:
  - a. A material misstatement or falsification of facts in the application for a license or obtaining a license through fraud or misrepresentation;
  - b. A material misstatement or falsification of facts in any records kept for the purposes of complying with Kittitas County Code;
  - c. A violation of the conditions of the potable water hauler's license;
  - d. A violation of any applicable rule of this chapter;
  - e. Failure to maintain a valid commercial driver's license;
  - f. Failure to maintain insurance as required under this rule;
  - g. Conviction in any criminal proceeding or failure to comply with a judgment or order that is issued by the court in any civil proceeding in connection with a private cistern system;
  - h. Aiding or abetting an unpermitted business or person to evade the requirements of this Chapter, allowing one's permit to be used by an unpermitted person, or acting as an agent, partner or associate of an unpermitted person with the intent to evade the provisions of this Chapter;
  - i. The transportation of water from a source other than a Group A public water system.
6. Upon the revocation, suspension, or denial of a license, the water hauler may appeal through the appeal process in [Chapter 13.85 KCC](#). ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

**13.25.080 Cistern System: Source Requirements.**

3. Prior to approval for an Adequate Water Supply Determination for a proposed cistern system, the applicant shall provide proof of the following:
  - a. Mitigation for the new use of ground water consistent with [Section 13.35.027\(b\) KCC](#) that verifies the volume of water recommended by the design engineer is available to the cistern user.
  - b. A statement from the water purveyor of the community Group A public water system in which the water purveyor:
    - i. Agrees to supply the minimum amount of water per month as determined in [Section 13.25.090\(1\)\(c\) KCC](#); and
    - ii. Verifies capability of supplying water to cisterns because the water purveyor has:
      1. Verified that the filling station has a meter.
      2. Verified that the filling station has an air-gap or double check valve assembly.
    - iii. Verifies that the water to be transported to the cistern system shall originate from a community Group A public water system that is in green or yellow status with the Washington State Department of Health (DOH).

- c. A Notice of an Alternative (Non-standard) Water Source is filed with the County Auditor's office for the property where the cistern system will be located. The Notice shall include the following details:
    - i. Potable water is supplied via a cistern system on the property;
    - ii. The number of people the dwelling unit is designed for;
    - iii. The gallons per day that will be available to each person;
    - iv. The estimated number of days between storage unit refills if the cistern system is used as designed and the dwelling unit is used as a primary residence; and
  - d. That the owner of the property is required to maintain the cistern according to the Operations and Maintenance Plan filed by the system operator with the County Auditor's office. This includes but is not limited to annual bacteria test and delivery records and fee submitted to KCPHD annually on the date of initial system approval.
4. Rainwater. Rainwater is an acceptable supplemental source of water when the requirements in [Section 13.25.080\(1\) KCC](#) are met. Rainwater is not permitted as the sole water source for a property. ([Ord. 2023-005](#), 2023; [Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

#### **13.25.090 Cistern System: Design and Treatment Requirements.**

##### **6. Design Standards.**

- a. All applications for an Adequate Water Supply Determination that includes a cistern system shall be submitted by a professional engineer and bear the engineer's seal and signature. This includes all rainwater components of a cistern water system.
- b. The capacity of the booster pump and storage tank for the cistern water system shall be adequate to meet the intended needs of the household and shall be designed by a licensed engineer.
- c. The minimum amount of water that is needed by the dwelling unit on a monthly basis shall be determined by the Washington State Licensed Professional Engineer's design. The minimum amount is not required to be delivered by truck to the dwelling unit; however, the water purveyor shall agree to provide at least that amount to the dwelling unit.
- d. Water obtained from cistern water systems shall be continuously treated as prescribed in [Section 13.25.090\(2\) KCC](#).
- e. Prior to approval of Adequate Water Supply Determination, an Operations and Maintenance Plan with specific schedules based on manufacturers' recommendations shall be recorded with the County Auditor by the applicant. The schedules shall include potable water quality testing, operations and maintenance, equipment testing, and equipment replacement.
- f. Any rainwater components of the cistern water system shall be designed in accordance with all State and local policies, rules and regulations regarding rainwater use for potable water. Rainwater is a surface water for the purposes of determining treatment standards.
- g. KCPHD may require outdoor signage denoting the location of the cistern dependent on where the cistern is located and other site specific factors.

7. **Potable Water Treatment Requirements.** Cistern water systems shall be provided with continuous treatment, as provided in this Section.
  - a. All treatment systems and Operations and Maintenance Plans shall be submitted by a professional engineer and bear the engineer's seal and signature and conform to all applicable treatment standards necessary for potable water. Possible treatment systems may include, but are not limited to chlorination, iodination, ultraviolet, ozone, filtration or reverse osmosis. All water withdrawn from the cistern for use inside the dwelling shall be suitably treated.
  - b. All treatment systems shall ensure the protection of the health of the persons served by that system.
  - c. An owner of a cistern system that has treatment shall maintain a test kit or appropriate testing equipment to determine the treatment residuals and shall periodically test the water for residual levels after treatment has occurred. With all treatment systems, the owner shall also test for total coliforms on an annual basis and submit those test results to KCPHD. The testing schedules shall be documented in the Operations and Maintenance Plan recorded with the County Auditor.
8. **Signage Requirements.** In all situations where water is supplied from a cistern system, a permanent sign shall be posted in a prominent position inside the dwelling in close proximity to the main water faucet that:
  - a. Describes the type of water source;
  - b. Describes the type of continuous treatment system; and
  - c. Warns users of the possible health risks.
9. **Record Keeping.** All owners of a cistern system shall keep the following records and submit the records to KCPHD annually.
  - a. Records of all maintenance performed on the cistern system, including the storage and treatment portions;
  - b. Records of all potable water deliveries, including the date, the water hauler who made the delivery, the amount of water delivered, the source of the water, and the chlorine residual in the storage unit after delivery.
  - c. An annual passing water quality test (see [Section 13.03.130 KCC](#)).
10. **Inspections.**
  - a. Prior to use, a cistern system shall be inspected by KCPHD. At a minimum, the inspection will require:
    - i. Submittal of a complete as-built drawing to KCPHD;
    - ii. A passing water quality test collected by KCPHD (see [Section 13.03.130 KCC](#));
    - iii. A passing physical inspection of the system.
  - b. After the initial inspection, all cistern systems shall be inspected by KCPHD if an annual bacteria test result is positive for Total Coliform in two consecutive samples. It is the responsibility of the owner to report the annual test result of presence or absence of Total Coliform immediately after receiving lab results. After receipt of a failed bacteria test, the system owner must collect a second sample from a different faucet in the house to confirm the presence or verify absence of Total Coliform. If two tests show

presence of Total Coliform, KCPHD will schedule a system inspection with the system owner to identify any potential sources of contamination. Failure to obtain an inspection and pay the inspection fee may result in KCPHD closing the system from use. ([Ord. 2017-007](#), 2017; [Ord. 2015-003](#), 2015; [Ord. 2015-002](#), 2015; [Ord. 2011-006](#), 2011)

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## **Chapter 13.30**

### **GROUP B WATER SYSTEM REQUIREMENTS**

#### **Sections**

[13.30.010](#) Adoption by Reference.

[13.30.020](#) Applicability.

[13.30.030](#) Installation.<sup>[1]</sup>

[13.30.040](#) Pump Test Duration.

[13.30.050](#) General Administration.

[13.30.060](#) Group B Water System Operations and Maintenance.<sup>[2]</sup>

[13.30.070](#) Compliance and Enforcement.

[13.30.080](#) Group B Water Systems - Bonding.<sup>[3]</sup>

[1] Formerly 13.30.010, renumbered by [Ord. 2018-011](#), 2018

[2] Formerly 13.30.030, renumbered by [Ord. 2018-011](#), 2018

[3] Formerly 13.30.020, renumbered by [Ord. 2018-011](#), 2018

#### **13.30.010 Adoption by Reference.**

The Board of County Commissioners hereby adopts by reference the Washington Administrative Code for Group B Public Water Systems (Chapter 246-291 WAC), excluding section 246-291-005, effective (Insert Date), and as hereafter amended. ([Ord.2018-011](#), 2018)

#### **13.30.020 Applicability.**

- IV. The rules of this code apply to a Group B public water system that provides drinking water to three to fourteen service connections; and
  - a. Fewer than twenty-five people per day; or
  - b. Twenty-five or more people per day for fewer than sixty days per year, provided the system does not serve one thousand or more people for two or more consecutive days.
- V. The rules of this code do not apply to a Group B system that:
  - a. Consists only of distribution or storage facilities and does not have any source or treatment facilities;
  - b. Obtains all water from, but is not owned by, a public water system where the rules of this code or Chapter 246-290 WAC apply; and
  - c. Does not sell water directly to any person.
- VI. A proposed Group B system shall meet planning, engineering, and design requirements under [WAC 246-290-100 through 246-290-250](#) if:
  - a. The design submitted under [WAC 246-291-120](#) proposes to supply water to another public water system and the combined number of service



- connections or total population served meets the definition of a Group A public water system; or
- b. The proposed system is being designed to serve ten to fourteen residential connections using average household population standards as required under [WAC 246-291-200\(2\)](#). ([Ord. 2018-011](#), 2018; [Ord. 2011-006](#), 2011; Ord. 2008-05, 2008)

**13.30.030 Group B Public Water System Installation.**

3. All applicants for a Group B water system serving fewer than 10 connections and fewer than 25 people shall meet the following requirements.

a. **Application.**

1. Submit completed application materials to KCPHD, including:
  - a. A completed application, including a completed Group B workbook that complies with [Chapter 246-291 WAC](#);
  - b. A valid Satellite Management Agency (SMA) agreement; and
  - c. Any applicable fees.
2. The application shall be submitted by a licensed engineer and bear the engineer's seal and signature when required by [Section 246-291-040 WAC](#).
3. Incomplete application materials will be returned to the applicant.

b. **Water Source.** The Group B water source shall meet the following requirements:

- i. If the Group B public water system includes groundwater wells, then the wells are sited and constructed according to all state and local law.
- ii. Well construction is complete prior to approval of Group B system.
- iii. The source shall meet minimum flow or quantity requirements for the planned Group B public water supply system per [Chapter 246-291 WAC](#).
- iv. Source water shall meet [Chapter 246-291 WAC](#) water quality requirements and pass any other water quality tests determined necessary by KCPHD.

c. **Water Distribution System:** The Group B water distribution system shall meet the following requirements:

- i. Group B Public Water Systems ([Chapter 246-291 WAC](#));
- ii. Any requirements set forth by the Washington State Department of Health and KCPHD, including but not limited to: Group B Water System Approval Guideline, DOH Pump Test Policy, and Hypochlorination Facilities for Small Systems Approval Checklist.
- iii. Any other applicable federal, state or local regulations.

4. All applicants for a Group B water system with 10 or more connections shall meet the application requirements as determined by the Washington State Department of Health. ([Ord. 2018-011](#), 2018; [Ord. 2011-006](#), 2011)

Publisher's note: Section 13.30.030(1)(a) numbering is consistent with [Ord. 2011-006](#), 2011.

#### **13.30.040 Pump Test Duration.**

The pump test referred to in WAC 246-291-125(4)(b) must extend over a four (4) hour period.

#### **13.30.050 General Administration.**

The General Administration provisions referenced in WAC 246-291-030 shall include the following additional requirements:

4. Operations and Maintenance: Within 30 days of a new purveyor taking over a Group B water system, the new purveyor shall provide updated information to both the Washington State Department of Health and the Kittitas County Public Health Department by completing and submitting a Water Facilities Inventory (WFI) form.
5. Ongoing water quality and water use monitoring: Coliform sampling shall be done annually and nitrate sampling shall be done every 3 years.
6. Water quality monitoring: Results shall be submitted to Kittitas County Public Health Department (KCPHD) within 30 days of testing. ([Ord. 2018-011](#), 2018)

#### **13.30.060 Group B Water System Operations and Maintenance.**

2. The owner or purveyor of a Group B Water System shall submit the following monitoring 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; and
    - ii. At least one passing nitrate test meeting the standards of [Chapter 246-291 WAC](#) performed in the last thirty-six (36) months
  - c. Failure to comply with the requirements listed herein may result in sample collection and testing by KCPHD, or their designee. All costs associated with sample collection and testing shall remain the responsibility of the water system owner or purveyor and will be assessed in accordance with the applicable fee schedule.
  - d. 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. 2018-011](#), 2018; [Ord. 2011-006](#), 2011)

#### **13.30.070 Compliance and Enforcement.**

5. KCPHD may conduct a sanitary survey of a Group B water system whenever:
  - a. Two unsatisfactory bacteriological samples are drawn;
  - b. KCPHD receives a request for a loan certification;
  - c. A Group B Water System changes ownership or the purveyor; or
  - d. KCPHD determines a public health threat exists or is suspected.

6. If maximum contaminant level (MCL) in nitrate samples is exceeded, then the purveyor shall install treatment.
7. The Health Officer may require a purveyor to install treatment to resolve unsatisfactory coliform bacteria samples when other methods of decontamination are unsuccessful.
8. Any costs associated with sanitary surveys conducted by KCPHD or their designee shall remain the responsibility of the water system owner or purveyor and will be assessed in accordance with the applicable fee schedule.

#### **13.30.080 Group B Water Systems - Bonding.**

##### **III. Authority of the Health Officer.**

The Health Officer, or the Health Officer's designee, shall have the authority, on behalf of the County, to ascertain whether proposed Group B water systems comply with all state and local engineering, design and construction standards.

##### **IV. Cost Estimates and Construction Bonds.**

Failure to comply with all state and local engineering, design and construction standards may result in denial of plan or development permit approval, revocation of prior approvals, or legal action for forfeiture of performance guarantee.

In lieu of the completion of any Group B water system prior to approval of a final plat, short plat or other land-use action, the developer shall complete the Washington State Department of Health design workbook and submit it for review, and approval of the design for Group B the group B water system which includes drilling and testing of the well(s) per [Chapter 246-291 WAC](#). Developer shall provide a performance guarantee in an amount and with satisfactory surety and conditions providing for and securing to Kittitas County the actual engineering, design and construction and installation of the Group B Water System within a period specified by the Health Officer. The Health Officer will enforce the guarantee through appropriate legal and equitable remedies. If a surety bond is provided, the amount of the bond shall equal one hundred thirty-five percent (135%) of the estimated engineering, design, and construction cost. When a letter of escrow or cash is used, the amount covered shall be for one hundred fifteen percent (115%) of the estimated engineering, design, and construction cost as reviewed and concurred with by the Public Health Department.

The amount of the financial guarantee may be reduced during construction proportionally to the amount of work completed, as said work is approved by the Public Health Department.

Group B water system applications shall be submitted by a professional engineer licensed in the State of Washington whenever the application calls for an atmospheric storage tank, more than one well, more than one pressure zone, fire flow requirements, or treatment other than simple hypochlorination prior to acceptance by the Public Health Department.

Building permits will not be issued until construction of Group B water system is completed, and approved by KCPHD, WA State Department of Health, and all requirements from [KCC 13.35](#) have been completed and approved by KCPHD. The developer is legally and financially responsible for ensuring all Group B water systems

are engineered, designed, and constructed in accordance with state and local requirements. ([Ord. 2023-005](#), 2023; [Ord. 2011-006](#), 2011; Ord. 2008-05, 2008;)  
Publisher's note: Section 13.30.080 numbering is with [Ord. 2011-006](#), 2011.

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## Chapter 13.35

### ADEQUATE WATER SUPPLY DETERMINATION

([Ord. 2015-007](#), 2015)

#### Sections

[13.35.010](#) Authority.

[13.35.020](#) Applicability.

[13.35.025](#) Repealed.

[13.35.027](#) Permanent Measures.

[13.35.028](#) Applicability Outside Yakima River Drainage.

[13.35.030](#) Group A Public Water System Requirements.

[13.35.040](#) Group B Water System Requirements.

[13.35.050](#) Individual Water System Requirements.

[13.35.060](#) Shared Water System Requirements.

[13.35.070](#) Cistern System.

#### **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.**

All new uses of water must comply with KCC [13.35.027](#) Permanent Measures. An Adequate Water Supply Determination is required of all persons who are:

3. Applying for a building permit with either:
  - a. A proposed new structure which will have potable water or
  - b. A proposed change in the number of dwelling units for any existing structures (such as making a single family structure into a duplex); or
  - c. A replacement or rebuild of a building with potable water; or
  - d. Changes to a pre-existing water system that adds fixtures; or
4. Making applications for land uses that require water, including but not limited to, long plats, short plats, binding site plans, large lot subdivisions, or conditional uses. However, an adequate water supply determination is not required for long plats, short plats, binding site plans and/or large lot subdivisions when applications for such are being submitted by a government or quasi-government agency or by another party when the property being utilized to create new parcels as part of the long plat, short plat, binding site plan or large lot subdivision is included in a purchase contract between the party and a government or quasi-government agency and the new parcels will not require

water. Evidence that the new parcels will not require water may be provided in the form of a conservation easement, plat notes which do not allow development which requires water, or another form satisfactory to the county health officer and planning official that water will not be required for the resulting land use. Adequate water supply determinations made for land uses application does not replace requirements for AWSO prior to submitting a building permit application.

An Adequate Water Supply Determination shall not be required for building permits:

4. On lots created through formal platting and utilizing an approved Group A water system operated within an incorporated areas or Master Planned Resort of Kittitas County; or
5. On lots that do not require a change in the water system; or
6. On structures which will not have potable water plumbing.

Kittitas County hereby finds that new uses of groundwater that are not mitigated in the Yakima River drainage basin threaten to interfere with senior water rights and stream flows creating a public health and safety threat that warrants elimination of all vesting under [RCW 58.17.170\(3\)](#) for this chapter. Kittitas County hereby eliminates all such vesting pursuant to the authority granted in [RCW 58.17.170\(3\)](#) for this chapter. ([Ord. 2023-005](#), 2023; [Ord. 2018-001](#), 2018; [Ord. 2017-007](#), 2017; [Ord. 2015-010](#), 2015; [Ord. 2015-007](#), 2015; [Ord. 2014-005](#), 2014; [Ord. 2011-006](#), 2011)

#### **13.35.025 Interim Measures**

Repealed by [Ord. 2017-007](#). ([Ord. 2017-007](#), 2017; [Ord. 2014-005](#), 2014)

#### **13.35.027 Permanent Measures**

8. Effective Date 12/2/15-onward and applicable to all areas in the Yakima River drainage.
9. All new uses of ground water shall require either: 1) a letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use; 2) an adequate water right for the proposed new use; or 3) a certificate of water budget neutrality or other adequate interest in water rights from a water bank. No new use to which this chapter is applicable shall be approved without one of these required submissions.
10. All applicants for land divisions shall also submit information on "proximate parcels" held in "common ownership" and otherwise demonstrate how the proposed new use will not violate [RCW 90.44.050](#) as currently existing or hereafter amended.
11. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under [Title 18 KCC](#).
12. Violation of water limits involved in the mitigation agreement shall be a matter between the land owner and the provider of mitigation and enforceable as provided in said mitigation agreements.
13. All mitigated water uses shall also demonstrate that they are metered and monitored annually in accord with the agreement between the land owner and the mitigation provider.
14. All mitigation during the Permanent Measures shall be Total water supply available (TWSA), as measured at the Parker gauge on the Yakima River, and local tributary impairment.

([Ord. 2018-009](#), 2018; [Ord. 2015-007](#), 2015; [Ord. 2014-005](#), 2014)

#### **13.35.028 Applicability Outside Yakima River Drainage**

Applicants for land divisions within Kittitas County and outside the Yakima River drainage will need

to comply with [KCC 13.35.027\(3\)](#) regardless of the date of project application. ([Ord. 2017-007](#), 2017; [Ord. 2014-005](#), 2014)

**13.35.030 Group A Public Water System.**

Applicants for an Adequate Water Supply Determination where the source is a Group A public water system shall provide to KCPHD:

4. A completed water adequacy application signed by the water purveyor along with any applicable fees;
5. The final water system identification number from the Department of Health; and
6. 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)

**13.35.040 Group B Public Water System.**

Applicants for an Adequate Water Supply Determination where the source is a Group B public water system shall provide to KCPHD:

4. A completed application signed by the water purveyor along with any applicable fees;
5. The final water system identification number from the Department of Health; and
6. 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)

**13.35.050 Individual Water System.**

Applicants for an Adequate Water Supply Determination with an individual water system shall meet the following requirements:

5. Application. Submit a completed application with any applicable fees to KCPHD.
6. 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 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. 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 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 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.
7. Water Distribution System. When the water source is a well and produces less than two 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 meet the following requirements:
  - a. Flow equalization tank requirements shall be determined by the following:  
 $(150)(2-X \text{ gpm}) = \text{gallons of tank capacity needed (where X = gallons per minute produced as determined by the four-hour draw down test)}$ . The required tank capacity could be as much as 263 gallons depending on the flow of the well.
  - b. A booster pump and pressure tank shall be included in the water distribution system.
8. 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. 2014-015](#), 2014; [Ord. 2014-005](#), 2014; [Ord. 2011-006](#), 2011)

### **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:

4. 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.
5. 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. 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 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.
  - iii. The minimum acceptable production level for a shared water supply system is seven hundred (700) gallons per day.
- 6. Water Distribution System. When the water source produces less than five (5) gallons per minute according to the well log, 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:  
 $(150)(5-X \text{ gpm}) = \text{gallons of tank capacity needed (where X = gallons per minute produced as determined by the four-hour draw down test)}$ . The required tank capacity could be as much as 675 gallons depending on the flow of the well.
  - b. A booster pump and pressure tank shall be included in the water distribution system. ([Ord. 2014-005](#), 2014; [Ord. 2011-006](#), 2011)

### **13.35.070 Cistern System**

Applicants for an Adequate Water Supply Determination with a cistern system shall meet the requirements set forth in KCC [13.25.080](#) and [13.25.090](#). ([Ord. 2017-007](#), 2017)

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## **Chapter 13.40**

### **MITIGATION AND METERING PROGRAM**

#### **Sections**

- [13.40.010](#) Eligibility.
- [13.40.020](#) Water Usage Packages.
- [13.40.030](#) Metering Requirements.
- [13.40.040](#) Well Requirements.
- [13.40.050](#) Septic Requirements.
- [13.40.060](#) Monitoring and Enforcement.

#### **13.40.010 Eligibility**

### 3. **Standard Program**

- a. Applicants for short-plat subdivisions and residential building permits requiring mitigation may use the publicly-operated Kittitas County Water Bank if certain qualifications are met. To be eligible to mitigate through the Kittitas County Water Bank, an applicant must meet the following requirements:
  - i. Be located within an area in which the Kittitas County Water Bank can provide adequate water mitigation, and
  - ii. Require a quantity of water consistent with available mitigation packages, and
  - iii. Submit an application for a residential building permit within two (2) years of issuance of the mitigation certificate. Commercial uses are not eligible; or
  - iv. Submit a short plat application. Commercial uses are not eligible.
- b. Applicants must submit a mitigation application, all applicable documentation, and all applicable fees to Kittitas County Public Works prior to submitting an Adequate Water Supply Determination application. Applicants will also be required to legally record the mitigation certificate and any applicable agreements on the title record associated with the property parcel.

### 4. **Special Use Program**

- a. Whenever it is in best interests of the county and its people that water rights be allocated to mitigate water uses outside the terms of the standard program, the Board of County Commissioners may authorize the permanent or temporary use of water rights managed through the publicly-operated Kittitas County Water Bank. Board approval for uses program under the Special Use Program shall consider:
  - i. Current water right holdings and the ability for the water bank to serve the long-term needs under the standard program and fulfill the transfer proposed in the special use program;
  - ii. Whether the proposed use of water is consistent with and advances the Kittitas County Comprehensive Plan;
  - iii. Whether the proposed use of water permits local governmental entities to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage;
  - iv. Cost-reimbursement;
  - v. Temporary authorizations for drought or emergency response.

([Ord. 2023-005](#), 2023; [Ord. 2018-009](#), 2018; [Ord. 2017-007](#), 2017; [Ord. 2015-007](#), 2015)

#### **13.40.020 Water Usage Packages**

Applicants with access to outdoor irrigation (as determined by a signed affidavit) will be required to purchase mitigation Package A, which consists of an annual average of 275 gallons per day of indoor domestic use only. The daily maximum withdrawal allowed on any given day is 825 gallons per day, as long as the annual average is not exceeded.

Applicants without access to outdoor irrigation (as determined by a signed affidavit) will be required to purchase mitigation Package B which consists of an annual average of 275 gallons per day or indoor domestic use only and up to an annual average of 25 gallons per day for outdoor irrigation of up to 500 square feet. The daily maximum withdrawal allowed on any given day is 900 gallons per day, as long as the annual average is not exceeded.

Applicants using a cistern water system as the potable water source will be allowed to purchase mitigation Package C, which consists of an annual average of 150 gallons per day of indoor domestic use only. Cistern users may purchase other water use packages as per design specifications as submitted and signed by a licensed engineer. ([Ord. 2017-007](#), 2017 [Ord. 2015-007](#), 2015)

#### **13.40.030 Metering Requirements**

All new uses of groundwater for domestic purposes in Kittitas County (within the Yakima River Basin) using wells as their potable water source will be required to meter their mitigated water usage and pay an annual fee associated with the administration of a metering and monitoring program.

Participants will be responsible for the installation of meters and metering equipment and any associated costs as determined by the County's specifications. Meter installation must meet the following specifications and will be subject to inspection and applicable inspection fees:

6. The meter must be installed on the mainline prior to any residential lateral connections, or spigots.
7. Meters must be accessible.
8. The meter must be installed according to manufacturer specifications despite varying pipe-fitting, pipe size, well locations and landscape conditions
9. Meter installation must have an even velocity profile. Installer must insure proper design and installation.
10. Meter must be installed in an accessible, weather resistant, meter structure, such as a meter box or equivalent, and be appropriate for location and geographic area.

Proper installation of metering equipment and functional water flow must be complete prior to the inspection and issuance of the Certificate of Occupancy.

If metering equipment requires maintenance, repair, and/or replacement, the property owner is responsible for ensuring proper equipment functionality. If the property owner does not comply with any needed maintenance, repair, and/or replacement of the metering equipment, Kittitas County shall perform the necessary maintenance, repair, or replacement of the water meter at the cost of the property owner through either an invoice for costs or a lien on the property.

Participants in the Kittitas County Water Bank using a cistern water system will submit records of all potable water deliveries to Kittitas County Public Health Department as referenced in [KCC 13.25.090](#). ([Ord. 2023-005](#), 2023; [Ord. 2018-009](#), 2018; [Ord. 2017-007](#), 2017; [Ord. 2015-007](#), 2015)

#### **13.40.040 Well Requirements**

Wells being mitigated through the Kittitas County Water Bank that are drilled after 12/2/15 must meet the following conditions:

For wells 600 feet or closer to Type 1 and Type 2 stream and rivers, and natural wetlands, creeks, lakes, and ponds. Wells must be set back 100 feet or more from the surface water body when feasible and adhere to the following:

4. Well must be cased a minimum depth of 5 feet into the first consolidated layer or formation, or until the casing is refused by the formation (casing refusal); and
5. Wells must be drilled past the first consolidated layer or formation and into a water-bearing zone; and
6. Wells shall have a minimum bentonite or other equivalent seal of 18 feet, or be constructed in an equivalent manner consistent with Chapter 173-160 WAC.

In instances where the 100 foot minimum set back requirement cannot be met, in addition to (1) and (2), the well shall have a bentonite or other equivalent seal down to the first consolidated layer. ([Ord. 2015-007](#), 2015)

#### **13.40.050 Septic Requirements**

Kittitas County Water Bank applicants must record with the Kittitas County Auditor's Office a property covenant that restricts or prohibits trees or shrubs over a septic drain field on the parcel. ([Ord. 2015-007](#), 2015)

#### **13.40.060 Monitoring and Enforcement**

Water usage will be monitored for annual average daily use, maximum daily use, outdoor usage, and intentional violations such as meter tampering, falsifying documents, etc. Violations of water usage restrictions may result in enforcement actions such as Orders to Correct Violations, Notices of Violation and Abatement, and/or Notices of Infraction per [KCC Chapter 18](#). ([Ord. 2015-007](#), 2015)

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## **Chapter 13.50 SEVERABILITY**

If any provision of this Title or its application to any person or circumstance is held invalid or unconstitutional, the remainder of this Title or the application of the provisions to other persons or circumstances is not affected. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.50 was not enumerated in the ordinance.

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## **Chapter 13.55 LIABILITY**

It is the specific intent of this Title to place the obligation of complying with its requirements upon those parties regulated thereunder, and no provision of nor term used in this code is intended to impose any duty whatsoever upon Kittitas County or any of its officers or employees. Nothing in this

code is intended to be nor shall be construed to create or form the basis for any liability on the part of Kittitas County, on its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to this code to comply with this code, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this code on the part of Kittitas County by its officers, employees or agents. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.55 was not enumerated in the ordinance.

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## **Chapter 13.60**

### **FEES**

The KCPHDFS for all applications, permits, licenses, inspections, and appeals required by this Title shall be proposed by the Board of Health and then set by resolution of the Board of County Commissioners. Failure to pay any required fee may result in denial of application, permit, license or inspection, and/or revocation of license, and/or closure of any water system, septic system or well for which fees are unpaid. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.60 was not enumerated in the ordinance.

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## **Chapter 13.65**

### **PUBLIC HEALTH EMERGENCY**

Nothing in this Title shall be construed to circumscribe the authority and power of the Health Officer to act in an emergency situation to control and prevent any health hazard which immediately threatens the public health of the inhabitants of the county and its municipalities which power and authority is governed by state law. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.65 was not enumerated in the ordinance.

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## **Chapter 13.70**

### **ENFORCEMENT**

Violations of this Title may be enforced through [Chapter 13.75 KCC](#) and/or [Title 18 KCC](#). Penalties shall be as defined within [Title 18 KCC](#). ([Ord. 2011-006](#), 2011)



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## Chapter 13.75

### HEALTH ORDER

#### Sections

[13.75.010](#) Initiation of enforcement action.

[13.75.020](#) Service of Health Order.

[13.75.030](#) Supplemental Health Order.

[13.75.040](#) Finality of Health Order.

[13.75.050](#) Enforcement of Final Health Order.

[13.75.060](#) Abatement.

[13.75.070](#) Appeal of Health Order.

[13.75.075](#) Appeal of Enforcements Costs.

[13.75.080](#)

Publisher's notes: Section numbers in Chapter 13.75 were padded with a leading zero for numbering consistency. Section 13.75.080 was not given a title in [Ord. 2011-006](#), 2011.

#### **13.75.010 Initiation of enforcement action.**

4. Whenever the Health Officer has reason to believe that a use or condition exists in violation of any public health rules and regulations of this title or the use or condition may cause immediate and irreparable harm to public health or the environment, the Health Officer may issue an administrative Health Order under this chapter to cause:
  - a. The abatement pursuant to [Section 13.75.060 KCC](#); or
  - b. The cessation of work, activity or use; or
  - c. Suspension and revocation of any permits or licenses issued pursuant to this title.
5. The effect of the Health Order shall be to require the immediate cessation of such work or activity until authorized by the Health Officer to proceed.
6. The Health Order shall contain:
  - a. The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;
  - b. A statement that the Health Officer has found the person to be in violation of public health rules and regulations with a brief and concise description of the conditions found to be in violation;
  - c. A statement of the corrective action required to be taken, if necessary;
  - d. A statement advising that if any corrective action is not commenced or completed within the time specified, the Health Officer will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation;

- e. A statement advising that the Health Order shall become final unless, no later than ten (10) days after the Health Order is served, any person aggrieved by the order requests in writing an appeal before the Board of Health;
- f. A statement advising that the costs incurred by any Kittitas County Department involved in enforcing a final Health Order will be assessed and charged as a joint and separate personal obligation of any person in violation;
- g. A statement advising that imposed enforcement costs may be appealed directly to the Board of County Commissioners, in writing, no later than ten (10) days after receipt of an invoice for costs.

([Ord. 2017-009](#), 2017; [Ord. 2011-006](#), 2011)

#### **13.75.020 Service of Health Order.**

- 5. The Health Order shall be served upon one or more of the following parties:
  - a. The owner or operator of the property where the violation is located;
  - b. The person in possession of the property where the violation is located; or
  - c. The person otherwise causing or responsible for the violation.
- 6. The Health Order shall be served by anyone or combination of the following methods upon all persons identified in the Health Order:
  - a. By both first-class and certified mail with a 5-day return receipt requested to the last known address of the person identified; or
  - b. By posting the Health Order in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or
  - c. By personal service upon the person identified.
- 7. The failure of any such person to receive such Health Order shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the third day after the date of postmark.
- 8. It is unlawful and a violation of this title for any person, firm, or corporation found guilty of having created or suffering to exist on premises either owned or leased by them any violation defined herein. Owners remain liable for violations of duties imposed by this chapter even though an obligation is also imposed on the occupants of the premises, and even though the owner has, by agreement, imposed on the occupant the duty of complying with this chapter. Successive property owners are liable for abatement of violations created by their predecessors in interest. No right can be acquired to continue a violation by virtue of its longtime existence. It shall not be necessary to show that the owner participated in, or was even aware of, the code violation in order to hold him/her liable. ([Ord. 2011-006](#), 2011)

#### **13.75.030 Supplemental Health Order.**

The Health Officer may at any time add to, rescind in part, or otherwise modify a Health Order by issuing a supplemental Health Order. The supplemental Health Order shall be governed by the same procedures applicable to all Health Orders contained in this chapter. ([Ord. 2011-006](#), 2011)

#### **13.75.040 Finality of Health Order.**

- 3. Any Health Order duly issued by the Health Officer pursuant to the procedures contained in this chapter shall become final ten (10) days after service of the notice and order unless a written request for hearing is received by KCPHD within the ten (10) day period.

4. An order which is subjected to the appeal procedure shall become final twenty (20) days after mailing of the Board of Health's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Kittitas County Superior Court. ([Ord. 2011-006](#), 2011)

#### **13.75.050 Enforcement of Final Health Order.**

5. If, after any Health Order duly issued by the Health Officer has become final, the person to whom such Health Order is directed fails, neglects or refuses to obey such Health Order, the Health Officer may:
  - a. Cause such person to be prosecuted under [Chapter 13.70 KCC](#); and/or
  - b. Abate the health violation using the procedures of this chapter; and/or
  - c. File in the county Auditor's Office a notice describing the property and the violation and stating that the owner has been so notified; and/or
  - d. Impose and charge the costs incurred by any Kittitas County Department involved in enforcing the Health Order against the property as a joint and separate personal obligation of any person in violation.
  - e. Pursue any other appropriate remedy at law or equity under this chapter.
6. Enforcement of any Health Order of the Health Officer pursuant to this chapter shall be stayed during the pendency of any appeal under this chapter, except when the Health Officer determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.
7. An invoice for enforcement costs shall be served in the same manner as detailed in section [13.75.020](#) for Health Orders
8. Enforcement costs may be appealed directly to the Kittitas County Board of County Commissioners, in writing, no later than ten (10) days after receipt of an invoice for costs.

([Ord.2011-009](#), 2017; [Ord.2011-006](#), 2011)

#### **13.75.060 Abatement.**

In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter or by law or other rules and regulations, the Health Officer may order a public health rules and regulations violation of this title to be abated. The Health Officer may order any person who creates or maintains a violation of this title to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. He or she may charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. ([Ord. 2011-006](#), 2011)

#### **13.75.070 Appeal of Health Order.**

6. Any person aggrieved by a Health Order of the Health Officer may request in writing within ten (10) days of the service of the Health Order an appeal hearing before the Kittitas County Board of Health. The request shall be submitted to KCPHD, and shall include:
  - a. The Health Order being appealed;
  - b. The name and address of the appellant and his or her interest(s) in the matter;
  - c. The specific reasons why the appellant believes the decision to be wrong;
  - d. The desired outcome or changes to the decision; and

- e. The appeals fee.
- 7. Notice of Hearing.
  - a. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, KCPHD shall issue and serve a Notice of Hearing to the appellants. Requests from multiple parties concerning the same Health Order may be consolidated.
  - b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in [Section 13.75.20 KCC](#).
  - c. The Notice of Hearing shall contain the date, time, and location of the hearing.
- 8. Evidence.
  - a. Evidence, including hearsay evidence, is admissible if in the judgment of the Board of Health it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.
  - b. All testimony of parties and witnesses shall be made under oath or affirmation.
  - c. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
  - d. Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.
- 9. Each party shall have the following rights:
  - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - b. To introduce document and physical evidence;
  - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - d. To impeach any witness;
  - e. To rebut evidence against him;
  - f. To represent himself or be represented by an attorney of his or her own choosing.
- 10. Hearing
  - a. The appeal hearing shall be conducted on the record and the Kittitas County Board of Health shall have such rulemaking and other powers necessary for conduct of the hearing.
  - b. The burden is on KCPHD to prove the alleged factual basis set forth in the Health Order. The burden is a preponderance of the evidence.
  - c. The observation of a violation on different dates shall be prima facie evidence that the violation continued to exist on intervening dates.

- d. Following review of the evidence submitted, the Kittitas County Board of Health shall make written findings and conclusions and shall affirm or modify the order previously issued if the Board of Health finds that a violation has occurred. The Board of Health shall reverse the order if they find that no violation occurred. The written decision of the Board of Health shall be mailed by certified mail and first class mail, five day return receipt requested, to the appealing party. ([Ord. 2011-006](#), 2011)

#### **13.75.075 Appeal of Enforcements Costs.**

6. The imposition of enforcement costs may be appealed, by the aggrieved party, directly to the Kittitas County Board of County Commissioners. A request for appeal must be made within ten (10) days of the service of the invoice for costs. The request shall include:
  - a. The Health Order that initiated the enforcement costs assessment.
  - b. The name and address of the appellant and his or her interest(s) in the matter;
  - c. The specific reasons why the appellant believes the enforcement costs should not be imposed; and
  - d. The appeal fee.
7. Notice of Hearing.
  - a. Not later than fifteen (15) calendar days after the receipt of one or more timely Notices of Appeal, the Kittitas County Board of County Commissioners shall issue and serve a Notice of Hearing to the appellant(s). Requests from multiple parties concerning the same invoice may be consolidated.
  - b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in Section [13.75.020](#) KCC.
  - c. The Notice of Hearing shall contain the date, time, and location of the hearing.
8. Evidence.
  - a. Evidence, including hearsay evidence, is admissible if in the judgment of the Board of Commissioners it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs
  - b. All testimony of parties and witnesses shall be made under oath or affirmation.
  - c. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.
  - d. Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the Board's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

9. Each party shall have the following rights:
  - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
  - b. To introduce document and physical evidence;
  - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
  - d. To impeach any witness;
  - e. To rebut evidence against him;
  - f. To represent himself or be represented by an attorney of his or her own choosing
10. Hearing
  - a. The appeal hearing shall be conducted on the record and the Kittitas County Board of County Commissioners shall have such rulemaking and other powers necessary for conducting the hearing.
  - b. The Board must find that the facts that allege that the enforcement costs are due and owing by the appellant(s) are true and accurate by a preponderance of the evidence.
  - c. The existence of a valid and final Health Order shall be prima facie evidence that enforcement costs may be imposed.
  - d. Following review of the evidence submitted, the Kittitas County Board of County Commissioners shall make written findings and conclusions and shall affirm or modify the enforcement costs issued if the Board finds that they were properly imposed. The Board shall revoke the imposition of costs if they find that they were improperly imposed. The written decision of the Board shall be mailed by certified mail and first class mail, five day return receipt requested, to the appealing party.

([Ord. 2017-009](#), 2017)

#### **13.75.080**

Nothing in this Chapter shall limit the authority of the Health Officer to enforce this Title pursuant to [Chapter 13.70 KCC](#) or any other applicable regulations. ([Ord. 2011-006](#), 2011)

Publisher's note: Section 13.75.080 was not given a title in [Ord. 2011-006](#), 2011.

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## **Chapter 13.80**

### **RIGHT OF ENTRY**

2. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of any public health rules and regulations, or whenever the Health Officer has cause to believe that a violation of any public health rules and regulations has been or is being committed or whenever the Health Officer has cause to believe there is a health threat that will cause immediate and irreparable harm to human health or the environment, the Health Officer may enter any building, structure, property or portion thereof at reasonable times to inspect the same.



- a. If such building, structure, property or portion thereof is occupied, the Health Officer shall present identification credentials, state the reason for the inspection, and demand entry.
- b. If such building, structure, property or portion thereof is unoccupied, the Health Officer shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the Health Officer is unable to locate the owner or such other persons and the Health Officer has reason to believe that conditions therewith create an immediate and irreparable health hazard, then the Health Officer shall make entry.
- c. Unless entry is consented to by the owner or person in control of any building, structure, property or portion thereof or conditions are believed to exist which create an immediate and irreparable health hazard, the Health Officer prior to entry shall obtain a search warrant as authorized by the laws of the state. ([Ord. 2011-006](#), 2011)

Publisher's note: the section within Chapter 13.80 was not enumerated in the ordinance.

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## Chapter 13.85

### APPEALS

#### Sections

[13.85.010](#) Appeal of Administrative Determination or Decision.

#### **13.85.010 Appeal of Administrative Determination or Decision.**

6. Except as provided elsewhere in this Title, a party aggrieved by a determination made by the Health Officer pursuant to this Title may appeal the decision to the Kittitas County Hearings Examiner.
7. Notice of Appeal.
  - a. Within 10 working days of the final administrative decision, the aggrieved party may submit a written Notice of Appeal to KGPHD, along with the required appeal fee, to appeal the administrative decision.
  - b. The notice of appeal shall contain a written, concise statement identifying:
    1. The decision being appealed;
    2. The name and address of the appellant and his interest(s) in the matter;
    3. The specific reasons why the appellant believes the decision to be wrong;
    4. The desired outcome or changes to the decision; and
    5. The appeals fee.
8. Notice of Hearing.
  - a. Not later than the 15 calendar days after the receipt of one or more timely Notices of Appeal, KCPHD shall issue and serve a Notice of Hearing to the

appellants. Requests from multiple parties concerning the same administrative decision may be consolidated.

- b. The Notice of Hearing shall be served by the same means as a Health Order as detailed in [Section 13.75.020 KCC](#).
- c. The Notice of Hearing shall contain the date, time, and location of the hearing.

9. Hearing.

- a. The appeal hearing shall be conducted on the record and the Hearings Examiner shall have such rulemaking and other powers necessary for conduct of the hearing.
- b. Unless otherwise provided herein, the provisions of [Chapters 1.10](#) and [2.11 KCC](#) shall govern the hearing process.
- c. In all cases involving an application for license, permit, Group B water system or Adequate Water Determination, the burden shall be on the applicant to establish that the application meets all applicable criteria. In all other cases the burden is on KCPHD to prove the alleged factual basis set forth in the initiating document. The burden in all cases is a preponderance of the evidence.
- d. The observation of a violation on different dates shall be prima facie evidence that the violation continued to exist on intervening dates.

10. Order of the Hearing Examiner.

- a. Unless mutually agreed to by the appellant and the Hearing Examiner, the order of the Hearing Examiner shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to such person at his/her last known address as determined by KCPHD.
- b. The appellant may file a request for reconsideration of the Hearing Examiner's decision within seven working days of the date of the Hearing Examiner's written decision, based on anyone of the following grounds materially affecting the substantial rights of said party or person:
  - 1. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
  - 2. Irregularity in the proceedings before the Hearing Examiner by which such party was prevented from having a fair hearing.
  - 3. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Examiner's decision on the matter.
- c. Upon receipt of a request for reconsideration, the Hearing Examiner shall review said request in light of the record and take such further action as is deemed proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised decision. The decision of the Hearing Examiner shall be subject to reconsideration only one time, even if the Hearing Examiner reverses or modifies the original decision.
- d. If no written request for reconsideration has been received by the authorized official within seven working days of service of the order of the

Hearing Examiner, the order shall be considered final unless appealed to Kittitas Superior Court. ([Ord. 2011-006](#), 2011)

ADOPTED this 20<sup>th</sup> day of June 2024.

**BOARD OF COUNTY COMMISSIONERS  
KITITAS COUNTY, WASHINGTON**

**ABSENT**

\_\_\_\_\_  
Commissioner Brett Wachsmith, Chairman

\_\_\_\_\_  
Commissioner Laura Osiadacz, Vice Chairman

\_\_\_\_\_  
Commissioner Cory Wright



ATTEST:

CLERK OF THE BOARD

\_\_\_\_\_  
*[Signature]*

☒ Julie Kjorsvik

☐ Mandy Buchholz