

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

ORDINANCE NO. 2017 - 007

**AN ORDINANCE TO AMEND CHAPTERS 13.25, 13.35, AND 13.40 OF THE KITTITAS
COUNTY CODE**

WHEREAS, the Board of Commissioners of Kittitas County 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 person 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 Commissioners, Kittitas County, or any of its officers, employees, or agents, for any injury or damage resulting from the failure of any person subject to Chapters 13.25, 13.35, and or 13.40 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 Chapters on the part of the Board of Commissioners, Kittitas County, or any of its officers, employees, or agents; and

WHEREAS, the Board of Commissioners wish to update the County Code concerning cistern regulations, adequate water supply determinations, and metering and mitigation requirements; and

WHEREAS, a public hearing was held on Thursday September 21, 2017 and the public was provided due notice and opportunity to provide testimony on the proposed ordinance; and

WHEREAS, the Kittitas County Board of Commissioners believes that adopting this ordinance would be in the best interest of Kittitas County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Kittitas County that Chapters 13.25, 13.35, and 13.40 of the Kittitas County Code are hereby amended to read as follows:

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. 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. 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 delivered to 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. 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

- ii. 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 quarter 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. 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. 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. . 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. 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. 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. A recorded mitigation certificate from a water bank verifying the volume of water recommended by the design engineer is available to the cistern user and associated with the parcel in perpetuity.
 - 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. 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. 2015-003, 2015; Ord. 2015-002, 2015; Ord. 2011-006, 2011)

Chapter 13.35
ADEQUATE WATER SUPPLY DETERMINATION

(Ord. 2015-007, 2015)

Sections

- 13.35.010 Authority.
- 13.35.020 Applicability.
- 13.35.025 Interim Measures.
- 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.

13.35.010 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.*

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. 2015-010, 2015; Ord. 2015-007, 2015; Ord. 2014-005, 2014; Ord. 2011-006, 2011)

* Publisher's note: Corrected a grammatical error.

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 from the Department of Ecology 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" as those terms are defined in WAC 173-539A-030 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. Adequacy of mitigation shall be determined by the Department of Ecology and a letter to the purchasing applicant attesting to the adequacy of the mitigation purchased shall issue and be presented to Kittitas County.
7. 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.
8. All mitigation during the Permanent Measures shall be for TWSA Parker and local tributary impairment.

(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. 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 = 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.

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

Applicants for 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:

1. Be located within an area in which the Kittitas County Water Bank can provide adequate water mitigation, and
2. Submit an application for a residential building permit within two (2) years of issuance of the mitigation certificate. Commercial uses are not eligible.

Applicants must submit a project eligibility application, mitigation application, all applicable documentation, and all applicable fees (according to the Kittitas County Public Health Department fee schedule) to the Kittitas County Public Health Department (KCPHD) 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.

(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. 2015-007, 2015)

13.40.030 Metering Requirements

Participants in the Kittitas County Water Bank using wells as their potable water source will be required to meter their mitigated water usage and pay an annual fee (according to the Kittitas County Public Health Department fee schedule) associated with the administration of a metering and monitoring program.

Participants will be responsible for the purchase and installation of all metering equipment 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, spigots, or pressure tanks in a well house.
2. Meters will not be permitted in secured structures and 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 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 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. 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)

ADOPTED this 21st day of September 2017.

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


Paul Jewell, Chairman


Laura Osiadacz, Vice-Chairman


Obie O'Brien, Commissioner



ATTEST:



Clerk of the Board- Julie Kjorsvik

Deputy Clerk of the Board- Mandy Buchholz