

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

ORDINANCE NO. 2023 - 005

**AN ORDINANCE TO AMEND CHAPTERS 13.03, 13.20, 13.25, 13.30, 13.35, AND
13.40 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 13.03, 13.20, 13.25, 13.30, 13.35, 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 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

WHEREAS: a public hearing was held on June 15, 2023 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 Chapters 13.03, 13.20, 13.25, 13.30, 13.35, and 13.40 of the Kittitas County Code be amended to read as follows:

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](#)⁽¹¹⁾ Dwelling Unit.

[13.03.060](#)⁽²⁾ Fill.

[13.03.070](#)⁽³⁾ Four-Hour Draw Down Test.

[13.03.080](#)⁽⁴⁾ Group A Public Water System.

[13.03.090](#)⁽⁵⁾ Group B Public Water System.

[13.03.100](#)⁽⁶⁾ Health Officer.

[13.03.110](#)⁽⁷⁾ Individual Water System.

[13.03.120](#)⁽⁸⁾ KCPHD.

[13.03.130](#)⁽⁹⁾ KCPHDFS.

[13.03.140](#) Parcel.

[13.03.150](#)⁽¹⁰⁾ Person.

[13.03.160](#)⁽¹¹⁾ Premises.

[13.03.170](#) Proximate.

[13.03.180](#)⁽¹²⁾ Shared Water System.

[13.03.190](#)⁽¹³⁾ Storage Unit.

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

[13.03.210](#)⁽¹⁴⁾ Treatment System.

[13.03.220](#)⁽¹⁵⁾ Water Distribution System.

[13.03.230](#)⁽¹⁶⁾ Water Quality Test.

[13.03.240](#)⁽¹⁷⁾ Water Source.

[13.03.250](#)⁽¹⁸⁾ 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. 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 residential dwelling unit. KCPHD has the final authority to determine what qualifies as a individual water system. ([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)

13.03.130 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 country, state or federal right of way 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.

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. 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;
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. 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)

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
2. 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.
3. Notification of Drilling. The well driller shall:

- a. Complete an application and submit fees prior to drilling
- 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. ([Ord. 2011-006](#), 2011)
- d. Have obtained an approved Individual Well Site Review prior to drilling.

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. 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)

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. 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:
 - 0. Verified that the filling station has a meter.
 - 1. 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:

- iv. Potable water is supplied via a cistern system on the property;
- v. The number of people the dwelling unit is designed for;
- vi. The gallons per day that will be available to each person;
- vii. 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. 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:
 - . Submittal of a complete as-built drawing to KCPHD;
 - i. A passing water quality test collected by KCPHD (see [Section 13.03.130 KCC](#));
 - ii. 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)

Chapter 13.30

GROUP B WATER SYSTEM REQUIREMENTS

Sections

[13.30.010](#) Adoption by Reference.

[13.30.020](#) Applicability.

[13.30.030](#) Installation.^[1]

[13.30.040](#) Pump Test Duration.

[13.30.050](#) General Administration.

[13.30.060](#) Group B Water System Operations and Maintenance.^[2]

[13.30.070](#) Compliance and Enforcement.

[13.30.080](#) Group B Water Systems - Bonding.^[3]

[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.
 - . **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.
 - a. **Water Source.** The Group B water source shall meet the following requirements:
 1. If the Group B public water system includes groundwater wells, then the wells are sited and constructed according to all state and local law.

2. Well construction is complete prior to approval of Group B system.
 3. The source shall meet minimum flow or quantity requirements for the planned Group B public water supply system per [Chapter 246-291 WAC](#).
 4. Source water shall meet [Chapter 246-291 WAC](#) water quality requirements and pass any other water quality tests determined necessary by KCPHD.
- b. **Water Distribution System:** The Group B water distribution system shall meet the following requirements:
1. Group B Public Water Systems ([Chapter 246-291 WAC](#));
 2. 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.
 3. 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: 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: An updated Water Facilities Inventory Form; and 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:
 - i. Two unsatisfactory bacteriological samples are drawn;
 - ii. KCPHD receives a request for a loan certification;
 - iii. A Group B Water System changes ownership or the purveyor;
or
 - iv. 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.

5. **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.
6. **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. 2008-05, 2008; [Ord. 2011-006](#), 2011)

Publisher's note: Section 13.30.080 numbering is with [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](#) 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:

7. applying for a building permit with either:
 - i. a proposed new structure which will have potable water or
 - ii. a proposed change in the number of dwelling units for any existing structures (such as making a single family structure into a duplex); or
 - iii. a replacement or rebuild of a building with potable water; or
 - iv. changes to a pre-existing water system that adds fixtures; or
8. 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 AWSD prior to submitting a building permit application.

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

9. 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
10. On lots that do not require a change in the water system; or
11. 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.](#)

[2018-001](#), 2018; [Ord. 2017-007](#), 2017; [Ord. 2015-010](#), 2015; [Ord. 2015-007](#), 2015; [Ord. 2014-005](#), 2014; [Ord. 2011-006](#), 2011)

* Publisher's note: Corrected a grammatical error.

13.35.025 Interim Measures

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

13.35.027 Permanent Measures

12. Effective Date 12/2/15-onward and applicable to all areas in the Yakima River drainage.
13. 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.
14. 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.
15. Failure to obtain mitigation before commencement of an activity requiring mitigation shall be a code violation subject to enforcement under [Title 18 KCC](#).
16. 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.
17. 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.
18. 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:

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

21. 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:

22. A completed application signed by the water purveyor along with any applicable fees;
23. The final water system identification number from the Department of Health; and
24. 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:

25. Application. Submit a completed application with any applicable fees to KCPHD.
26. 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.
 - i. Water Quality. The water produced by the water source shall either:
 1. Pass a water quality test with results submitted to KCPHD; or
 2. If the water fails the water quality test, then applicant shall
 - I. 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
 - II. File a notice with the County Auditor describing the treatment system.
 - ii. Water Quantity.
 1. All wells to be used in an individual water system shall be constructed prior to the issuance of an Adequate Water Supply Determination.
 2. 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.

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

3. 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.

27. 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:

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

28. 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:

29. 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.

30. 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.

- i. Water Quality. The water produced by the water source shall either:
 1. Pass a water quality test with passing results submitted to KCPHD; or

2. If the water fails the water quality test, then applicant shall:
 - I. 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
 - II. File a notice with the County Auditor describing the treatment system.
 - ii. Water Quantity.
 1. All wells to be used in a shared water supply system shall be constructed prior to the issuance of an Adequate Water Supply Determination.
 2. 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.
 - I. 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.
 - II. A well log that was recorded more than ten (10) years ago may be accepted at the discretion of the Health Officer.
 3. The minimum acceptable production level for a shared water supply system is seven hundred (700) gallons per day.
31. 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:
- i. 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.
 - ii. 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)

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

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:

32. Be located within an area in which the Kittitas County Water Bank can provide adequate water mitigation, and

33. Require a quantity of water consistent with available mitigation packages available, and

34. Submit an application for a residential building permit. Commercial uses are not eligible; or.

35. Submit a short plat application. Commercial uses are not edible.

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

Special Use Program

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:

- a. 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;
- b. Whether the proposed use of water is consistent with and advances the Kittitas County Comprehensive Plan;
- c. 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;
- d. Cost-reimbursement;
- e. Temporary authorizations for drought or emergency response.

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 of 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:

36. The meter must be installed on the mainline prior to any residential lateral connections, or spigots.
37. Meters must be accessible.

38. The meter must be installed according to manufacturer specifications despite varying pipefitting, pipe size, well locations and landscape conditions
39. Meter installation must have an even velocity profile. Installer must ensure proper design and installation.
40. 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. 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:

41. 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
42. Wells must be drilled past the first consolidated layer or formation and into a water-bearing zone; and
43. 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 15th day of June 2023.


**BOARD OF COUNTY COMMISSIONERS
KITTTAS COUNTY, WASHINGTON**



Commissioner Cory Wright, Chairman

ABSENT

Commissioner Brett Wachsmith, Vice Chairman



Commissioner Laura Osiadacz



ATTEST:

CLERK OF THE BOARD



- Julie Kjorsvik
- Mandy Buchholz