

COPY

ORDINANCE NO. 2004-2

A GRAYS HARBOR COUNTY BOARD OF HEALTH ORDINANCE REPEALING BOARD OF HEALTH ORDINANCES 202 AND 251, AND RE-ADOPTING A WATER AVAILABILITY PROGRAM FOR NEW DEVELOPMENT

WHEREAS, the Grays Harbor County Board of Health ("the Board") adopted Ordinance 202 on December 5, 1994, implementing a Grays Harbor County water availability program for development of water supplies pursuant to RCW 19.27.097 and RCW 58.17.110; and

WHEREAS, the Board subsequently adopted Ordinance 251 to amend Ordinance 202 to more clearly delineate decision-making authority relating to water availability issues in new development within Grays Harbor County; and

WHEREAS, the Board finds that some confusion continues to arise in the proper application and terms of Ordinance 251, and that it is prudent to streamline and clarify the procedures and criteria to be applied in implementing the Grays Harbor County water availability program for new development; and

WHEREAS, the Board finds that streamlining and clarifying water availability program procedures can be accomplished without requiring any commitment by the applicant to agree to annex his or her property to a municipality and that such a requirement is inappropriate and unreasonable; and

WHEREAS, the Board finds that the most effective way to streamline and clarify the procedures and criteria to be applied in implementing the Grays Harbor County water availability program is to repeal Ordinances 202 and 251, and re-adopt a clearer, more usable and effective ordinance implementing a water development program for new development, now therefore

BE IT ORDAINED by the Board of Health of Grays Harbor County, state of Washington:

Section 1. Grays Harbor County Board of Health Ordinances 202 and 251 are repealed.

Section 2. This ordinance re-adopts, as modified, Grays Harbor County Board of Health Water Availability Program regulations applicable to all new development requiring a potable water supply.

Section 3. Definitions. For purposes of this ordinance, the following terms mean:

"Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger rigs.

"Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

"Dug well" is a well generally excavated with hand tools or by mechanical methods. The sidewalls may be supported by material other than standard weight steel casing.

"Potable" means suitable for drinking.

"Public water supply" means any system, excluding a system serving only a single-family residence or farm serving four or less connections, all of which residences on the same farm, providing piped water for human consumption in compliance with the State Board of Health Drinking Water Regulations, WAC 246-290 and WAC 246-291.

"Right-of-way" means that property occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer components or channels, or for another special use. Rights-of-way intended for maintenance

by a public agency shall be dedicated to public use by the maker of the plat, site plan, or map on which such right-of-way is established.

"Surface water sources" means any body of water, whether fresh or marine, including streams, springs, ponds, lakes, swamps, marshes and tidal waters.

"Water availability verification application" means a form, when completed by the appropriate public water purveyor or by an individual for a single residence, is reviewed by the Grays Harbor County environmental health division.

Section 4. State regulations adopted by reference.

The current edition of the Washington State Department of Ecology and Washington State Department of Health Joint Guidelines for Determining Water Availability for New Buildings, or its successor is adopted by reference except where in conflict with this ordinance.

Section 5. Connection to approved water source required.

Every new building required by its occupancy to provide water shall be connected to an approved source of potable water. Development and use of springs and dug wells for single-family residences is discouraged. Approval shall take one of the following forms:

A. For parcels of land served by a public water supply, the applicant shall provide a water availability verification application, which is signed and dated by the water purveyor. The system shall be reviewed by the health department for substantial compliance with the State Drinking Water Regulations (WAC 246-290 and WAC 246-291).

B. For parcels of land served by a private drilled well, the applicant shall provide a water availability verification application, which is signed and dated by the applicant along with the required information listed on the form. This information shall be reviewed by the health department using the guidelines adopted in Section 4.

C. For parcels of land served by dug or driven wells, the applicant shall provide documentation for the following requirements:

1. Continuous disinfection;
2. Tests for bacteriological quality;
3. An operation and maintenance manual for the treatment system;
4. A notice attached to the property title which states the requirement for a treatment system;

5. Construction design in accordance with the minimum sealing requirements of the Water Well Construction Standards (Chapter 173-160 WAC);

6. A water availability verification application which is signed and dated by the applicant. This information is reviewed by the health department using the guidelines adopted in Section 4.

D. For parcels of land served by surface water sources (see Section 3, Definitions) the applicant shall provide documentation for the following requirements:

1. A water right permit or covered by a valid registered water right claim;
2. Ownership of a protective zone of two hundred (200) feet around a spring. Recorded restrictive covenant if not owned by the applicant;
3. Continuous disinfection to be designed by a licensed professional engineer and installed in accordance with the approved design;
4. An operation and maintenance manual for the treatment system;
5. A notice attached to the property title which states the requirement for a treatment system and that a surface water source is utilized;
6. Volume capacity measurements performed on springs during August through October;
7. Tests for bacteriological quality and nitrates.

Section 6. Water availability verification application--Expiration.

Once approved, water availability verification applications have an expiration date of one year from date of approval.

Section 7. Small public water systems and private well systems.

Grays Harbor County policy discourages proliferation of small public water systems and private individual wells for domestic consumption within the service area of county or municipal water purveyors under circumstances where the county or municipal water service is immediately available to the property. "Immediately available" means the county or municipal public water supply is located directly adjacent to a property site and provides sufficient water quality, transmission line capacity, volume and quantity to assure water service considering permitted zoning density.

Private well systems shall not be installed on lots that are subdivided subject to a condition that a public water supply be provided.

A small public water system or private well system comprised of an one or more wells may be installed only in the event the county environmental health division director finds that:

1. The public water supply purveyor cannot currently serve the property based on quantity of available water or if the existing public water supply transmission lines are of insufficient size requiring either replacement of existing lines with greater diameter lines or pump surcharging to increase available water service to acceptable levels; and

2. The property can support a proposed small public water system or private well system installation and comply with all applicable regulations for an on-site water source; and

3. The installation of a small public water system or private well system does not constitute a probable significant adverse impact to a county or municipal aquifer or other water source; and

4. Public water supply availability, in the county's sole discretion, requires water utility system improvements that render the proposed project not financially feasible based on a cost-to-benefit analysis.

Section 8. Two-party well system requirement. All parties to a two-party well system shall execute and record in the office of the county auditor a written agreement regarding the rights and responsibilities of the parties, including provisions for system maintenance, operation, termination and transfer. No two-party well system shall be approved in the absence of such written agreement and any revocation of such agreement may be grounds for revocation of two-party well system approval.

Section 9. Potable water source--Surface water prohibited.

Surface water sources are prohibited as the source of potable water for new public water supplies.

Section 10. Intent of provisions--Warranty not implied.

The policies, regulations and standards herein are intended to promote potable water development in accordance with the State Board of Health Drinking Water Regulations (WAC 246-290 and WAC 246-291). There is no warranty implied or expressed that wells installed under these policies, regulations and standards will not fail or become contaminated.

Section 11. Variances.

In the event conditions described in Section 7 are found to exist, the county environmental health director may grant a variance from the provisions of this ordinance, provided that all variances granted shall be subject to such written conditions necessary to assure the variance does not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity of the subject property, within the same zoning district and situated within an unincorporated area of the county.

Section 12. Appeals.

Any order or decision by the county environmental health division director may be appealed by an applicant or any aggrieved person provided that all appeals shall be filed and adjudicated as provided by Grays Harbor County Code chapter 18.08, the terms of which are adopted by reference by the board to the extent its terms are not in conflict with this ordinance.

Section 13. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

APPROVED AND ADOPTED this 15 day of July, 2004.

GRAYS HARBOR COUNTY
BOARD OF HEALTH

absent

Dennis Morrisette, Chairman

Bob Beerbower

Bob Beerbower, Commissioner

Albert A. Carter

Albert A. Carter, Commissioner

ATTEST:

Donna Caton
Clerk of the Board

APPROVED AS TO FORM:

H. STEWARD MENEFEE
PROSECUTING ATTORNEY

By: *James D. Baker*

Senior Deputy Prosecuting Attorney