

Chapter 13-24
Rules and Regulations of the
Department of Development and Environmental Services

Utilities Technical Review Committee

Effective Date: May 23, 1980

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Amended: May 4, 1984, October 29, 1995

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13-24-001 Purpose. The purpose of these rules and regulations is to implement the provisions of K.C.C. 13.24 and to clearly specify the procedures and criteria by which the King County Utilities Technical Review Committee (UTRC) operates. The UTRC serves as a technical review body for water and sewer utilities' comprehensive plans and franchise applications. The UTRC reviews comprehensive plans, plan updates and franchise applications or franchise renewals and recommends approval or denial to the King County Council, which takes action by ordinance. The UTRC also shall hear appeals on the creation of new public water systems and extension of existing public water services within a critical water supply service area, as provided in K.C.C. 13.24.090. The UTRC's action on such an appeal shall be the final action by King County.

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13-24-002 Plan Content. Any plan submitted to the UTRC must be in compliance with K.C.C. 13.24 and either RCW 56.08.020 or RCW 57.16.010 (if applicable).

13-24-003 SEPA. Unless lead agency status is assumed by another agency pursuant to WAC 197-10-345, King County assumes a district or city to be the lead agency under SEPA. Since County action will be by ordinance which, in turn, is subject to SEPA, evidence of compliance (including documents) must accompany the original submittal. Those water purveyors that are not cities or utility districts must complete and submit a SEPA checklist. King County will be lead agency for actions involving such water purveyors.

13-24-004 Meetings. The UTRC shall hold regular meetings unless canceled with notice to all members by the Chair. The regular meetings are normally held on the second Wednesday of the month at 1:30 p.m. in the 7th Floor Conference Room of the Smith Tower, located at 506 Second Avenue in Seattle, Washington, but may be moved to other County meeting rooms if required. Special meetings may be called by the Chair with notice to all members and to any interested parties.

13-24-005 Quorum. A quorum for purposes of making a final UTRC recommendation to the Council on a proposed comprehensive plan or franchise application or to hear an appeal as provided in K.C.C. 13.24.090 is a majority of the Committee. A quorum for all other purposes of review and recommendations is not required, provided all members are queried for comments before such review or recommendations become final.

13-24-006 Agenda and Notice. Notice of the meeting at which the UTRC will first consider a plan, or plan amendment or franchise application or an appeal as provided in K.C.C. 13.24.090 will be given in the acknowledging receipt of a complete submittal, and distributed to the applicant and

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neighboring purveyors, or appellants, in addition to UTRC members and any other interested parties who have made themselves known to the Chair. Proposed agendas will be distributed to UTRC members, affected jurisdictions and other interested parties prior to meetings. Agendas for meetings may be seen at DDES prior to a UTRC meeting. Matters may be continued to another meeting, either regular or special, without new notice being given.

13-24-007 Franchise Application Requirements.

Applications for right-of-way franchises for construction of utility facilities in King County rights-of-way shall be submitted in compliance with K.C.C. 6.27, to the Clerk of the King County Council. The application package shall include a set of documents meeting the requirements of the King County Property and Purchasing Division for review by the UTRC. The UTRC is required by K.C.C. 6.27.050 to review all franchise applications prior to their submittal for approval by the King County Council. The UTRC action on each application for a franchise, or franchise renewal, shall be in the form of a recommendation to the Council for approval of the application if it meets the criteria set forth in K.C.C. 6.27.060.

13-24-008 Plan Submission Requirements and Review Factors.

A. New or updated sewer and water comprehensive plans shall be submitted to the UTRC every six years, or in conformance with the cycle of updates required by the Washington State Departments of Health or Ecology. In lieu of a new or updated comprehensive plan, a sewer or water district operating under a plan it believes is still current may submit a report and UTRC Checklist demonstrating how its plan is adequate to meet its needs for the next six years or for the stated duration of its most current plan approval by the state of Washington. The UTRC will review the report using the steps set forth in Rule 13-24-009, except that the UTRC will take final action, unless the UTRC's action is

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appealed to the King County Council in accordance with the procedures set forth in K.C.C. 20.24. If the schedule for submitting a new or updated comprehensive plan or report coincides with expiration of a utility's sewer or water franchise, the franchise application should be submitted simultaneously with the plan or report.

B. By March 31, 1996, and thereafter within one year of being notified by King County of the adoption of any amendment to the 1994 King County Comprehensive Plan, or any subarea or neighborhood land use plan that affects the purveyor's service area, each utility with a comprehensive plan currently approved by King County shall submit for UTRC review either:

1. a letter demonstrating how its current adopted comprehensive plan is consistent with the 1994 King County Comprehensive Plan as amended, or with the appropriate subarea or neighborhood land use plan or plan amendment; or

2. an addendum or update to its comprehensive plan which brings it into consistency with the 1994 King County Comprehensive Plan as amended, or with the appropriate subarea or neighborhood land use plan. The UTRC will review the addendum or update and an updated UTRC checklist using the same steps set forth in Rule 13-24-009 for review and King County Council adoption of a new comprehensive plan.

C. It is understood that a change to the 1994 King County Comprehensive Plan or a subarea or neighborhood land use plan may not necessarily require changes to a utility's current adopted comprehensive plan. The UTRC will review reports demonstrating consistency of current adopted utility plans using the steps set forth in Rule 13-24-009, except that a recommendation to the Council concurring with a report that a current adopted plan meets current requirements shall not require adoption by ordinance.

D. When a plan is updated in accordance with a schedule required by the Washington State Departments of Health or Ecology, it shall be revised to include any satellite system under management by the utility. When a plan is updated in accordance with a schedule required by

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the Washington State Departments of Health or Ecology, it also shall be revised to include any water system emerging from receivership, as provided in RCW 43.70, which the utility has accepted for long-term management.

E. The UTRC shall review comprehensive plans and plan amendments using the following factors to supplement those set forth in K.C.C. 13.24.030:

1. consistency with the King County Comprehensive Plan and with subarea and local land use plans, as applicable. Utilities' existing and planned service will be evaluated for consistency with adopted land uses and densities. Evaluation of sewer utility plans will include consistency of local service areas with designated urban growth areas and unincorporated rural town boundaries;

2. consistency of population projections and needs assessments with adopted land use plans and adopted growth forecasts [utilities should use growth targets adopted by jurisdictions in compliance with the Growth Management Act when possible; if utility boundaries make it necessary, small-area forecasts prepared by the Puget Sound Regional Council (PSRC) may be used];

3. water utility comprehensive plans must be consistent or compatible with the Coordinated Water System Plan.

F. It shall be the ongoing responsibility of all utilities to inform the UTRC Chair whenever the conditions of water or sewer availability, as identified in the King County Comprehensive Plan, have significantly changed in all or part of their planning areas. For purposes of this paragraph, a "significant change" shall mean that for a water utility, that projected supply has changed from being either greater than or less than projected demand through 2000, as shown on Tables 1 and 2 of Appendix A to the King County Comprehensive Plan; for a sewer utility, it shall mean that the designation of a portion of its planning area as unsewered or a capital improvement program area, as shown on the Sewer Facilities Map of Appendix A to the King County Comprehensive Plan, has changed. To assist utilities in

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this responsibility, the UTRC Chair shall inform the utilities of the information included in Appendix A that relates to them.

13-24-009 Plan Application and Review Process, Schedule and Time Limits. The UTRC process for reviewing utility comprehensive plans shall consist of the following steps:

A. The utility shall submit a draft comprehensive plan, including SEPA compliance documents, and a completed UTRC Checklist, to the UTRC Chair for preliminary review. The UTRC Checklist is designed to assist utilities and the UTRC in verifying that all elements required by K.C.C. 13.24 have been addressed in proposed plans, and to help utilities in developing their comprehensive plans.

B. At the same time or before the utility sends the draft plan to the UTRC, the utility shall send copies of the draft plan to the sewage treatment provider or water source provider, if said provider is a different entity, to any adjacent purveyor, and to the Washington State Department of Health or Department of Ecology as appropriate, for review and comment. Any comments received from these agencies shall be forwarded to the UTRC for consideration in reviewing the draft plan.

C. The UTRC Chair shall review the draft plan and send a letter to the utility outlining any deficiencies.

D. The utility shall correct deficiencies and send its final proposed plan (and the number of duplicate copies specified by the UTRC Chair in its preliminary review letter), with adopting resolution, to DDES for circulation to the UTRC.

E. The UTRC Chair shall send a notice to the applicant agency acknowledging the receipt date and giving notice of the UTRC meeting on the plan at which the transmittal recommendation is scheduled to be made. The UTRC shall review the plan and either transmit it with a recommendation to approve to the King County Council, or identify additional deficiencies for correction by the utility.

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Other parties of interest, including neighboring jurisdictions and state agencies with jurisdiction, shall be notified and invited to attend UTRC meetings. If deficiencies are identified, the Chair shall send a letter outlining them and stating if the corrected plan will be transmitted with a conditional recommendation for approval to the Council or will require additional UTRC review.

F. The utility shall correct deficiencies and send the corrected plan to DDES for either transmittal to the Council or additional review by the UTRC.

G. DDES shall prepare an ordinance and transmittal package and send the final plan to the Council for its review.

H. The King County Council will review the plan for adoption, after which DDES shall notify the utility in writing of the Council's action.

I. RCW 56.08.020 and RCW 57.16.010 require that County action on district plans be accomplished within certain time limits. These time limits shall apply to the UTRC and King County Council's review of final proposed plans. The UTRC's objective is to review draft plans and assist utilities in finalizing them for transmittal to the King County Council as expeditiously as possible. The UTRC Chair shall verify final proposed plan content before its submittal to the Clerk of the Council, which will be the start of the County review period. The time limits cited above are considered not to apply to preliminary plans, and not to be in effect during any period when a plan has been remanded to the proposing utility for corrections.

13-24-010 Minutes. Minutes of the UTRC meetings at which final action will be taken on a comprehensive plan, report or franchise application, or at which an appeal will be heard as provided in K.C.C. 13.24.090 shall be kept and shall constitute the official record of UTRC consideration. Minutes may be supplemented by UTRC reports or proposed ordinances.

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13-24-011 Records. The UTRC Chair will maintain a record of plan submittals and County actions by the UTRC.

13-24-012 Severability. If a provision of the rules contained herein or its applicability to any person or circumstance is held invalid, the remainder of the provisions of these rules or the application of the provision to other persons or circumstances shall not be affected.