

April 8, 2008

To: Interested Parties
From: Steven Hasson, AICP

Subject: Text amendment for qualifying use of septic tank or septic system in lieu of public sewer connection

The Kuna City Council amended the City's subdivision ordinance in February of 2007 for purpose of prohibiting the installation of new septic tanks or septic systems within City limits.

Recently, the City Council revisited that action, and after further consideration, has determined there may be certain limited circumstances where it is appropriate to install new septic tanks or septic systems in lieu of public sewer connection on residentially zoned lands.

Accordingly, the Council requested that staff identify these possible circumstances, craft them in the form of a zoning text amendment and schedule them for public hearing.

As part of constructing this text amendment, staff relocated the City's septic tank policies from the subdivision section of City code to the special development section (Chapter 16) because that section of code is more in keeping with the nature of this land use application.

Staff also relocated sewer policies from other sections of City code to ensure consistency of infrastructure and public health application. Kuna City Code 6-2-5 was also modified to provide for a septic tank inspection review process.

Below is the suggested text amendment.

6-3-10: LOTS:

Lots shall conform to the following:

- A. Zoning: The lot width, depth and total area shall not be less than the requirements of any applicable zoning regulations.
- ~~B. New Septic Tanks/Systems: Installation of new septic tanks or septic systems are not allowed within city limits.~~
- ~~C. Existing Septic Tanks/Systems: Existing septic tanks or septic systems must follow current regulations from the appropriate agencies regarding system failures.~~
- ~~D. Removal Or Abandonment Of Failed Septic Tanks/Systems: Failure of current septic tanks or septic systems must be removed or abandoned. Abandonment of septic tanks or systems must be filled with compacted earth. (Ord. 2007-02, 2-20-2007)~~

Chapter 16 Special Developments

Section 5-16-4:

Section A. Septic tanks/systems:

Use of septic tanks or septic systems is allowed in the following circumstances:

1. Septic tank failure:

If an existing residence on a property zoned residential experiences septic system failure, and the closest public sewer connection point is located a distance of more than 300 feet from the property (as measured at the property line), and the City has no plans to extend public sewer to the subject property within ninety days, it is eligible for septic tank replacement. Central District Health may grant the property owner a permit for replacement of the septic system.

The replacement of a septic system under this circumstance shall not be considered an enlargement or an expansion of a nonconforming use.

If, however, public sewer is available within 300 feet distance of the property (as measured at the property line) and capable of serving the residence, the property owner shall immediately dismantle the septic system according to the provisions of section "C" noted below. The property owner shall connect to the City's sewer system according to provisions of subsection "4" below.

Potable water issues will be evaluated separate from wastewater issues.

Septic tank failure associated with existing non-residential properties shall be addressed on a case by case basis.

2. Constraints make it unlikely the residentially zoned land will ever be connected to public sewer:

When a property owner applies for permits to construct a single family residence on a lot, tract or parcel where the City Engineer determines it is unlikely the land will ever receive public sewer service due to some extraordinary constraint, the property owner may install a septic system. An example of an extraordinary constraint would be extension of a public sewer line across Indian Creek where benefit is limited to a single family residential property.

The septic tank installation shall comply with Central District Health standards.

The single family lot shall be of sufficient size to accommodate septic tank placement and the accompanying drainage lines, while also meeting the statutory distance separation requirements for public or private potable water facilities, including future public facilities such as those noted in the City's Water Master Plan.

Potable water issues will be evaluated separate from wastewater issues.

3. Replacement of a single-family dwelling reliant upon a viable septic system.

If a property owner submits an application to replace a single-family dwelling served by an existing septic system with another single-family dwelling that is constructed to City codes, the existing septic system may be relied upon under the following conditions:

The dwelling's replacement does not require additional land use actions.

The property owner shall demonstrate to the City's satisfaction that the septic system is viable and the availability of public sewer is more than 300 feet from the property (as measured at the property line). Additionally, the City engineer shall determine that there are no publicly initiated plans to extend sewer to the property within three years.

Central Health District shall qualify the continuance of the septic system does not pose a health concern. If the property is reliant upon a well for potable water use, the property owners shall demonstrate to the City's satisfaction that the distance separation between on and offsite wells and the septic system is according to statutory distance separation requirements.

Only one residence may be connected to a septic tank system per lot, tract or parcel and/or only one septic system is allowed per lot, tract or parcel.

The replacement of a septic system under this circumstance shall not be considered an enlargement or an expansion of a nonconforming use.

Potable water issues will be evaluated separate from wastewater issues.

4. A single family dwelling constructed on vacant land zoned residential and not requiring other land use actions.

A property owner possessing a vacant land parcel that is zoned and comprehensive plan map designated for single family use may install a septic tank system where the closest public sewer connection point is more than 300 feet from the property (as measured at the property line) and the City Engineer determines there are no publicly initiated plans to extend public sewer to the property contemplated within three years.

Septic tank installation shall be limited to a single family lot, tract or parcel, not a part of an existing subdivision, where the installation does not require additional land use actions. Only one residence may be connected to a septic tank system per lot, tract or parcel and only one septic system is allowed per lot, tract or parcel. The septic tank installation shall be according to Central District Health standards.

The septic system shall not be placed within a 100 year flood plain. The single family lot shall be of a size and configuration to accommodate septic tank placement and accompanying drainage lines, while also meeting statutory on or off-site well-to-septic tank distance separation requirements. The single family

residence shall be installed according to all applicable zoning, building and other statutory requirements.

The property owner shall pay the City's standard sewer connection fee at time of septic tank installation and enter into an agreement to connect to public sewer when it becomes available within 300 feet of the property (as measured at the property line). This agreement will be recorded and run with the land. The City Engineer may require the residence to be double plumbed to facilitate future public sewer connection, participate in an LID petition and provide necessary easements.

At time of public sewer availability, the property owner shall immediately dismantle the septic system according to the provisions of section "C" noted below.

Potable water issues will be evaluated separate from wastewater issues.

The property owner shall acknowledge that in the event they do not connect to public sewer when it is available and within ninety days of being informed of that fact in writing, the City shall designate the land and structure as nonconforming and file a notice of sewer connection non-compliance violation with the Ada County Recorders Office. This enforcement document will be recorded and follow the land until public sewer is installed according to the provisions of this section.

Septic system installation in Kuna is subject to a city-wide septic tank threshold limit, whereby no more than two (2) single-family septic systems shall be installed and functioning, at any given time, from the date of this ordinance's adoption within each of Kuna's township quarter sections. Accordingly, septic tanks will be allowed within each township quarter section on a first-come first-served basis until the two dwelling threshold is achieved; the area septic tank limitation shall apply only to this subsection.

The City's planning staff shall be responsible for monitoring septic tank replacement processes. Septic tanks in current use will not be included as part of this quarter section septic tank limitation unless they experience failure and are replaced with another septic system according to the provisions of subsection "1".

The intent of the cap is to minimize contamination of ground water, lessen the formation of septic system enclaves that may discourage future public sewer installation and to protect the City's public sewer rate base.

- B. Existing Septic Tanks/Systems Failure: septic tanks or septic systems that fail are subject to the regulations of all agencies with oversight authority.
- C. Removal or Abandonment of Failed Septic Tanks/Systems: The property owner shall dismantle the septic system, by pumping the tank, collapsing the lid, backfilling and compacting it with earth according to the State of Idaho Plumbing Bureau inspection processes and in compliance with Central District Health requirements. Septic systems that accommodate more than one household or non-residential

septic systems shall be abandoned as determined by the City Engineer in consultation with Central District Health.

- D. No person shall discharge or cause to be discharged any storm water, surface water, runoff, subsurface drainage, cooling water, heating water, water from swimming pools, or industrial process water through a septic system.
- E. Septic systems shall not be placed within one hundred fifty feet (150') of a wellhead see Kuna City Code (KCC) 8-3-5.
- F. Septic tanks are not to be permitted in manufactured home parks, recreation vehicle (RV) parks or campgrounds (see KCC 4 - 2A - 2 and 4 - 2B - 11).
- G. A recreational vehicle or trailer used as a temporary dwelling must be placed on private property and cannot be connected to a septic system.
- H. Septic tank setbacks shall be in accordance with DEQ setback standards found on their website.
- I. Where individual septic tanks are authorized sufficient area shall be provided for a replacement sewage disposal system (KCC 6-3-10 C).

6-2-5: CONDITIONS FOR ISSUANCE OF BUILDING PERMIT:

No lots shall be sold, transferred, or constructed upon until the plat has been recorded in the office of the county recorder and a certified copy thereof has been returned to the city.

In addition, no building permit will be issued until the following conditions are met:

- B. Written acceptance of all installed water, public sewer, septic system, pressure irrigation is provided by the city.