

PROPOSED TEXT AMENDMENT

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5 CHAPTER 16, "SPECIAL DEVELOPMENTS" ADDING SECTION 5 TO ESTABLISH A NEW SEPTIC TANK/SYSTEMS PROCESS, FOUND THEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, discussions have been held by the Kuna City Council to amend the Special Developments requirements found in Title 5 Chapter 16 Section 4; and

WHEREAS, this amendment complies with the Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Section 4, Chapter 16, Title 5, "[Special Developments](#)"

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO that:

Section 4, Title 5, Chapter 16 of the Kuna City Code is amended, which shall read as follows:

5-16-4: Septic Tanks/Systems:

A. Septic Tank/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 (90) 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 separation distance between the replacement septic tank/drain field and an existing onsite well shall be according to Central District Health guidelines. The separation distance between the replacement septic/tank drain field and existing offsite wells shall be one hundred and fifty feet (150') in accordance with Kuna City Code 5-16-4(E).

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 subsection C of this section. The property owner shall connect to the City's sewer system according to provisions of subsection A4 of this section.

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.

The separation distance between the new septic tank/drain field and any on or offsite well shall be one hundred and fifty feet (150') in accordance with subsection E of this section.

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.

The separation distance between the existing septic tank/drain field and any onsite well shall be according to Central District Health guidelines. The separation distance between the septic tank/drain field and existing offsite wells shall be one hundred and fifty feet (150') in accordance with subsection E of this section.

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 (3) 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. The separation distance between the new septic tank/ drain field and any on or offsite well shall be one hundred and fifty feet (150') in accordance with subsection E of this section.

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 wastewater treatment and sewer interceptor fees ~~at time of building permit application at time of septic tank installation.~~ These fees are fixed in time and therefore not subject to inflation or other monetary adjustments, regardless when the subject property is connected to public sewer, unless the use or volumes increase beyond one EDU (equivalent dwelling unit). The property owner shall also 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 subsection C of this section.

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 Records 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 adoption hereof 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 A1 of this section.

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.

5. Public and Quasi Public Uses.

A property owner possessing a vacant land parcel that is zoned to allow and is intended to construct a public or quasi public use such as a school, administrative, public safety, cultural, church, college, hospital or similar type building or structure may install a septic tank system on the parcel 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 the cost of providing a public sewer extension from its present location(s) would be prohibitive and provided there are no immediate plans to publicly extend sewer to within 300 feet of the property.

The septic tank system installation shall be according to Central District Health standards or other regulatory agencies with oversight control.

Once public sewer is available within 300 feet distance of the property (as measured at the property line) and capable of serving the public or quasi public use, the property owner shall immediately extend the public sewer to the site, dismantle the on-site septic system and connect to the City's sewer system according to the provisions of the regulatory agencies with oversight control. ~~The property owner shall pay all public fees at time of sewer connection.~~ The property owner shall pay the City's standard wastewater treatment and sewer interceptor fees at time of building permit application according to the Equivalent Dwelling Unit (EDU) assignment for that type of use as identified in the City's sewer fee resolution. Should there be uncertainty about the EDU assignment and associated costs the City Engineer shall interpret the City's sewer fee resolution.

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. ~~If the property owner has entered into a development agreement with the City concerning the subject property – the agreement shall be amended to include provisions for sewer connection compliances.~~

The septic system shall not be placed within a 100 year flood plain. The land parcel shall be of a size and configuration to accommodate the septic system placement. The separation distance between the septic system and any on or onsite well shall be one hundred and fifty feet (150') in accordance with subsection E of this section.

- 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. Water Discharge: 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. Placement: New septic tank/drain field systems shall not be placed within one hundred fifty feet (150') of a wellhead (see section 8-3-5 of this code). The separation distance between a preexisting or replacement septic tank/drain field (due to failure) and an existing onsite well as noted in subsections A1 and A3 of this section, may be according to Central District Health guidelines.
- F. Prohibited: Septic tanks are not to be permitted in manufactured home parks, recreation vehicle (RV) parks or campgrounds (see sections 4-2A-25 and 4-2B-11 of this code).
- G. Temporary Dwellings: 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. Setbacks: Septic tank setbacks shall be in accordance with DEQ setback standards found on their website.
- I. Replacement System Area: Where individual septic tanks are authorized sufficient area shall be provided for a replacement sewage disposal system. (Ord.2008-23, 8-5-2008)