

(Effective until April 1, 2025)

WAC 246-272A-0320 Developments, subdivisions, and minimum land area requirements. (1) A person proposing a subdivision where the use of OSS is planned shall obtain a recommendation for approval from the local health officer as required by RCW 58.17.150.

(2) The local health officer shall require the following prior to approving any development:

(a) Site evaluations as required under WAC 246-272A-0220, excluding subsections (3)(a)(i) and (4)(d);

(b) Where a subdivision with individual wells is proposed:

(i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or

(ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;

(c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;

(d) Determination of the minimum lot size or minimum land area required for the development using Method I and/or Method II:

METHOD I. Table X, Single-Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single-family residence. For developments other than single-family residences, the minimum land areas shown are required for each unit volume of sewage. However, the local health officer may require larger lot sizes where the local health officer has identified nitrogen as a concern either through planning activities described in WAC 246-272A-0015 or another process.

**TABLE X
Minimum Land Area Requirement
Single-Family Residence or Unit Volume of Sewage**

Type of Water Supply	Soil Type (defined by WAC 246-272A-0220)					
	1	2	3	4	5	6
Public	0.5 acre	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
	2.5 acre ¹					
Individual, on each lot	1.0 acre	1 acre	1 acre	1 acre	2 acres	2 acres
	2.5 acres ¹					

¹See WAC 246-272A-0234(6).

METHOD II. A minimum land area proposal using Method II is acceptable only when the applicant:

(i) Justifies the proposal through a written analysis of the:

(A) Soil type and depth;

(B) Area drainage, and/or lot drainage;

(C) Public health impact on ground and surface water quality;

(D) Setbacks from property lines, water supplies, etc.;

(E) Source of domestic water;

(F) Topography, geology, and ground cover;

(G) Climatic conditions;

(H) Availability of public sewers;

(I) Activity or land use, present, and anticipated;

(J) Growth patterns;

(K) Reserve areas for additional subsurface treatment and dispersal;

- (L) Anticipated sewage volume;
 - (M) Compliance with current planning and zoning requirements;
 - (N) Types of proposed systems or designs, including the use of systems designed for removal of nitrogen;
 - (O) Existing encumbrances, such as those listed in WAC 246-272A-0200 (1)(c)(v) and 246-272A-0220 (2)(a)(vii); and
 - (P) Estimated nitrogen loading from OSS effluent to existing ground and surface water;
 - (Q) Any other information required by the local health officer.
- (ii) Shows development with public water supplies having:
 - (A) At least twelve thousand five hundred square feet lot sizes per single-family residence;
 - (B) No more than 3.5 unit volumes of sewage per day per acre for developments other than single-family residences; and
 - (iii) Shows development with individual water supplies having at least one acre per unit volume of sewage; and
 - (iv) Shows land area under surface water is not included in the minimum land area calculation; and
 - (e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:
 - (i) Install conforming OSS;
 - (ii) Assure preservation of reserve areas for proposed and existing OSS;
 - (iii) Properly treat and dispose of the sewage; and
 - (iv) Minimize public health effects from the accumulation of contaminants in surface and groundwater.
 - (3) The department shall develop guidelines for the application of Method II by (*insert date one year from the effective date*).
 - (4) The local health officer shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:
 - (a) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or
 - (b) A planned unit development with:
 - (i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of subsection (2)(d) of this section;
 - (ii) A public entity responsible for operation and maintenance of the OSS, or a single individual owning the OSS;
 - (iii) Management requirements under chapter 246-272B WAC when installing a LOSS; and
 - (iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.
 - (5) The local health officer may:
 - (a) Allow inclusion of the area to the centerline of a road or street right of way in a Method II determination under subsection (2)(d) of this section to be included in the minimum land area calculation if:
 - (i) The dedicated road or street right of ways are along the perimeter of the development;
 - (ii) The road or street right of ways are dedicated as part of the proposed development; and
 - (iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and OSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection;

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not protect public health by meeting requirements of these regulations; and

(e) Permit the installation of an OSS, where the minimum land area requirements or lot sizes cannot be met, only when all of the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of this chapter;

(ii) The lot is outside an area identified by the local plan developed under WAC 246-272A-0015 where minimum land area has been listed as a design parameter necessary for public health protection; and

(iii) The proposed system meets all requirements of these regulations other than minimum land area.

(6) The use of a reduced-sized SSAS does not provide for a reduction in the minimum land area requirements established in this section. Site development incorporating reduced-sized SSAS must meet the minimum land area requirements established in state and local codes.

[Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0320, filed 7/18/05, effective 7/1/07.]

(Effective April 1, 2025)

WAC 246-272A-0320 Developments, subdivisions, and minimum land area requirements. (1) Prior to approving any development, the local health officer shall:

(a) Require site evaluations under WAC 246-272A-0220;

(b) Require information consisting of field data, plans, and reports supporting a conclusion that the proposed land area is sufficient to:

(i) Install conforming OSS;

(ii) Preserve reserve areas for proposed and existing OSS; and

(iii) Properly treat and dispose of the sewage;

(c) Require information demonstrating that the proposed development will minimize adverse public health effects from the accumulation of contaminants in groundwater and surface water;

(d) Determine the minimum land area required for the development using Table XI of this section, or the alternative methodology in Table XII of this section. The local health officer may require larger lot sizes than the minimum standards established in Table XI or Table XII of this section;

Table XI

**Minimum Land Area Requirement For Each Single-Family Residence or Unit
Volume of Sewage and Minimum Usable Land Area**

		Soil Type (defined by WAC 246-272A-0220)					
		1	2	3	4	5	6
Minimum Land Area	Public Water Supply	21,780 sq. ft. (0.5 acre)	13,000 sq. ft.	16,000 sq. ft.	19,000 sq. ft.	21,000 sq. ft.	23,000 sq. ft.
		2.5 acres ¹					
	Nonpublic Water Supply	1.0 acre	1.0 acre	1.0 acre	1.0 acre	2.0 acres	2.0 acres
		2.5 acres ¹					
Minimum Usable Land Area		2,000 sq. ft.	2,000 sq. ft.	2,500 sq. ft.	3,333 sq. ft.	5,000 sq. ft.	10,000 sq. ft.

¹ OSS consisting of only sewage tanks and gravity SSAS must have a minimum land area of 2.5 acres per WAC 246-272A-0234(7).

**Table XII
Maximum Allowable Total Nitrogen (TN) Load Per Day by Type of Water Supply, Soil Type, and Land Area¹**

Water Supply Type	Maximum Daily TN Load	Soil Type ²					
		1	2	3	4	5	6
Public	mg per sq. ft.	3.8	6.3	5.1	4.3	3.9	3.6
	lb per acre	0.36	0.60	0.49	0.41	0.37	0.34
Nonpublic	mg per sq. ft.	1.9	1.9	1.9	1.9	0.9	0.9
	lb per acre	0.18	0.18	0.18	0.18	0.09	0.09

¹ Based on 60 mg/L TN and 360 gal/day OSS effluent.

² As defined in Table V in WAC 246-272A-0220.

(e) Require all proposals not meeting the minimum land area requirements in Table XI of this section to demonstrate the proposed development:

(i) Minimizes adverse impacts to public health, surface water, or groundwater quality;

(ii) Considers:

(A) Topography, geology, and ground cover;

(B) Climactic conditions;

(C) Availability of public sewers; and

(D) Present and anticipated land use and growth patterns;

(iii) Complies with current planning and zoning requirements;

(iv) Does not exceed the nitrogen limit per land area as identified in Table XII of this section; and

(v) Does not allow new lots smaller than 13,000 square feet if served by nonpublic water supplies;

(f) Require minimum land area of 13,000 square feet or larger, except when a proposal includes:

(i) OSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(ii) A planned unit development with a signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the overall density meeting the minimum land area requirements of (d) or (e) of this subsection in perpetuity or until the OSS is no longer needed as identified in WAC 246-272A-0200(6);

(g) Require that developments other than single-family residences:

(i) Meet the minimum land areas required for each unit's volume of sewage;

(ii) Do not exceed 3.35 unit volumes of sewage per day per acre if served by public water supplies; and

(iii) Do not exceed 1.0 unit volume of sewage per day per acre for nonpublic water supplies; and

(h) Require that the use of a reduced-sized dispersal component does not result in a reduction of the minimum land area requirements established in this section.

(2) The local health officer shall require the following prior to approving any subdivision:

(a) A recommendation for approval as required by RCW 58.17.150;

(b) Where a subdivision with nonpublic wells are proposed:

(i) Configuration of each lot line to allow a supply protection zone to fit within the lot lines; or

(ii) Water supply protection zones on more than one lot when the person proposing the subdivision or development provides a copy of a recorded restrictive covenant to each property that is sited partially or completely within the water supply protection zone;

(iii) Water supply protection zone of at least 100 foot radius for each existing or proposed well site.

(3) The local health officer may:

(a) Require detailed site plans and OSS designs prior to final approval of subdivision proposals;

(b) Require larger land areas or lot sizes to achieve public health protection;

(c) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed OSS design does not meet the requirements of this chapter; and

(d) Permit the installation of an OSS, where the minimum land area requirements or lot sizes in Table XI of this section or maximum total nitrogen in Table XII of this section cannot be met, only when the following criteria are met:

(i) The lot is registered as a legal lot of record created prior to the effective date of the rule;

(ii) The lot is not within an area identified in the local management plan developed under WAC 246-272A-0015 where minimum land area is listed as a design parameter necessary for public health protection; and

(iii) The proposed OSS meets all requirements of this chapter without the use of a waiver under WAC 246-272A-0420.

[Statutory Authority: RCW 43.20.050(3), 43.20.065, chapters 70A.105 and 70A.110 RCW. WSR 24-06-046, § 246-272A-0320, filed 3/1/24, effective 4/1/25. Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0320, filed 7/18/05, effective 7/1/07.]