

09/23/97

PETE VON REICHAUER
JANE HAGUE
LARRY PHILLIPS
Greg Nickels

sub 6/12/98 kn

Introduced By:

Proposed No.:

97-594

MOTION NO. **10493**

A MOTION regarding concurrence with the recommendations contained in the Vashon-Maury Island Ground Water Management Plan.

WHEREAS, the Washington State Growth Management Act requires jurisdictions to designate critical areas, including areas with a critical recharging effect on aquifers used for potable water, RCW 36.70A.050, and

WHEREAS, Policy C-5 of the Countywide Planning Policies states that all jurisdictions that are included in ground water management plans shall support the development, adoption and implementation of the plans, Ordinance 11446, and

WHEREAS, Policy NE-333 of the King County Comprehensive Plan states that King County should protect the quality and quantity of the ground water countywide by placing a priority on implementation of ground water management plans, and

WHEREAS, the Washington State Department of Ecology has designated King County as the lead agency responsible for coordinating and undertaking the activities necessary for development of ground water management programs in the county, WAC 173-100-080, and

1 WHEREAS, a ground water advisory committee has been established for the
2 Vashon-Maury Island ground water management area, and

3 WHEREAS, the ground water advisory committee contained representatives of
4 local governments, special purpose districts, water associations, agricultural interests, well
5 drilling firms, industry and environmental organizations, and

6 WHEREAS, the Vashon-Maury Island ground water advisory committee has
7 overseen the development of the Vashon-Maury Island Ground Water Management Plan,
8 and

9 WHEREAS, the oversight provided by the ground water advisory committee has
10 included reviewing the work plan, schedule and budget for development of the plan,
11 assuring that the proposed plan is technically and functionally sound and verifying that the
12 proposed plan is consistent with Washington state laws and authorities of affected
13 agencies, WAC 173-100-090, and

14 WHEREAS the Washington State Department of Ecology and the King
15 Conservation District are required to implement some of the recommendations in the
16 Vashon-Maury Island Ground Water Management Plan and have issued letters of
17 concurrence, and

18 WHEREAS, following the King County council's review and comment on the
19 plan's recommendations, the Vashon-Maury Island Ground Water Management Plan will
20 be submitted to the Washington State Department of Ecology for certification in
21 accordance with WAC 173-100-120, and

22 WHEREAS, following the Department of Ecology's certification of the Vashon-
23 Maury Island Ground Water Management Plan, the metropolitan King County council will

1 be responsible for implementing those portions of the Plan which are within their
2 jurisdictional authority to implement;

3 NOW, THEREFORE BE IT MOVED by the Council of King County:

4 The King County executive is hereby requested to transmit to the Vashon-Maury
5 Island Ground Water Advisory Committee a letter, substantially in the form attached,
6 identifying the county's findings and indicating areas of county concurrence and non-
7 concurrence with recommendations contained in the Vashon-Maury Island Ground Water
8 Management Plan. This letter should contain the following:

- 9 1. a clear statement of concurrence or nonconcurrence;
- 10 2. a statement of agreement with the goals and objectives of the ground water
11 program; and
- 12 3. specific revisions necessary for county concurrence.

13 PASSED by a vote of 12 to 0 this 6th day of July,
14 1998.

15 KING COUNTY COUNCIL
16 KING COUNTY, WASHINGTON

17 Ronise Miller
18 Chair

19 ATTEST:

20 [Signature]
21 Clerk of the Council

22 Attachments:
23 Concurrence Letter

104934

June 12, 1998

Dan Chasan
Chair, Vashon Ground Water Advisory Committee
17228 Westside Highway SW
Vashon, WA 98070

Dear Mr. Chasan:

King County generally agrees with the goals and objectives of the Vashon-Maury Island Ground Water Management Plan, yet makes a statement of nonconcurrency based on its finding of inconsistency between the recommendations contained in the Plan and the intent of chapter 90.44 RCW and other federal, state and local laws. The County recognizes the importance of the Plan's recommendations to preserve and protect ground water, a highly valued natural resource. The County's role in implementing the recommendations of this Plan reflects the County's responsibility as a resource manager, a land development regulator, and the permitting authority for the unincorporated areas of King County.

King County's statement of nonconcurrency is based on its finding of inconsistency between several recommendations included in the Plan and adopted county comprehensive planning policies and county laws. These recommendations must be modified as set forth below to achieve consistency and to allow county concurrence with the Draft Ground Water Management Plan. These recommendations include Management Strategy LU-3, Management Strategy UST-2, Section 3.3, Funding, Section 3.5, Ground Water Management Committee and Section 3.8, Plan Implementation. A summary of the basis for inconsistency and the changes necessary for King County concurrence follows.

King County does not concur with the recommendations of Management Strategy LU-3 (Land Use Impacts to Ground Water) relating to accessory dwelling units and vegetative removal. This finding of inconsistency is based upon the fact that:

1. prohibition of accessory dwelling units in single family zones is inconsistent with KCCP policies H-104, H-302 and H-603 - H-605;
2. pursuant to changes adopted by the State Legislature in 1997 to the Forest Practices Act, a Memorandum of Agreement (MOA) between King County and the State DNR is no longer necessary and is no longer being pursued by either party; and
3. the recommendation to adopt a MOA with DNR is inconsistent with KCCP policies RL-209 and RL-210.

King County can make a finding of consistency only if the recommendations relating to accessory dwelling units and vegetative removal are deleted from Management Strategy LU-3.

King County does not concur with the recommendation of Management Strategy UST-2 (New Tank Prohibition) as it is currently written. This finding of inconsistency is based upon the fact that:

1. King County has limited regulatory authority for underground storage tanks. King County can implement UST-2 if the State DOE approves designation of the Vashon-Maury Island Ground Water Management Area as an Environmentally Sensitive Area and approves the proposed prohibition of new underground tanks in residential zones;
2. it is inconsistent with Countywide Planning Policy ED-10; and
3. it is inconsistent with KCCP Policy ED-101

King County can make a finding of consistency only if Management Strategy UST-2 is modified to read as follows: "If approved by the State DOE, King County will amend the King County Code to prohibit the installation of new underground fuel tanks in residential zones, on Vashon Island."

King County does not concur with the recommendation in Section 3.3, for the Metropolitan King County Council to authorize a ballot measure to establish an Aquifer Protection Area. This finding of inconsistency is based upon the Council's adoption of Ordinance 12926 which required the King County Executive to provide a proposal for long term funding of King County's ground water program. King County's funding efforts will focus on identification of a long term funding source, and establishment of an Aquifer Protection Area will not be authorized until after these efforts have been exhausted.

King County can make a finding of consistency only if the text of Section 3.3 is amended as follows: "King County is currently exploring approximately 6-8 long term funding alternatives for the purpose of implementing a ground water management program. If a regional funding source cannot be identified, the Vashon-Maury Island Ground Water Management Committee should assess the feasibility of establishing an Aquifer Protection Area to provide funding for implementation of the Plan."

The Draft Plan currently proposes that the Management Committee should consist of a core committee of five to seven members including representatives from the Ground Water Advisory Committee, King County Department of Natural Resources, a water purveyor, and a private citizen. This core group would apparently be supplemented to ensure that there are at least four members from the Ground Water Advisory Committee.

While the aforementioned membership categories are essential to future success, the County would like to ensure that the Management Committee (and the implementation process) benefits from a broader range of views and expertise. Thus, the County does not concur with the recommendations contained in Section 3.5 of the Draft Plan. King County concurs with a larger Management Committee of nine members constituted as follows: one representative of the Ground Water Advisory Committee, one representative

of the County's Department of Natural Resources, one representative of the Island's water purveyors, a representative of residential well users, one representative of the Vashon Chamber of Commerce, one representative of the Vashon-Maury Island Community Council, a representative of business owners, a representative of commercial agriculturists and a representative of a Vashon environmental organization. Members of the Management Committee would be appointed by motion by the Metropolitan King County Council with members serving staggered terms of three years.

King County does not concur with the recommendations contained in Section 3.8 regarding implementation of the Plan. A finding of inconsistency is based upon existing obligations imposed by federal, state and local laws related to county revenues and expenditures. These limitations restrict the county from being able to fully commit to Plan implementation following certification.

King County can make a finding of consistency only if the text of Section 3.8 is amended to include the following statement: "King County implementation efforts will be phased in over time and is dependent upon the availability of funding.

King County places a high priority on implementing the specific management strategies relating to wellhead protection, development of best management practices, education, and mapping of critical aquifer recharge areas. During the initial phases of implementation, the County would start to undertake other activities such as coordinating and staffing the anticipated interjurisdictional ground water management committees; developing a data collection and management program to monitor ground water quality and quantity; and enhancing education programs to promote ground water protection.

Thank you for the dedication and diligence of the Vashon-Maury Island Ground Water Advisory Committee on this lengthy project. Please contact Mark Isaacson, Department of Natural Resources, Water and Land Resources Division, at 206-296-8369 to discuss starting the next steps in this effort.

Sincerely,

Ron Sims
King County Executive