

December 27, 1985

INTRODUCED BY GARY GRANT

PROPOSED NO. 85-700

ORDINANCE NO. 7511

1 AN ORDINANCE approving the Tacoma Public
2 Utilities' Water System Plan under the provisions
3 of K.C.C. 13.24; stating county policies on
4 regional water management; and specifying conditions
5 of approval.

6 PREAMBLE:

7 The City of Tacoma, Department of Public Utilities (Tacoma), has pre-
8 pared a Water System Plan (Plan) in order to plan future capital facili-
9 ties, establish water supply policies, integrate results of all water
10 related studies into one plan, meet the State Department of Social and
11 Health Services' requirements, and to meet King County requirements
12 for franchises and permits.

13 The Tacoma Department of Public Utilities compiled four volumes of
14 material as the Plan and its supporting documents, as follows:

15 Volume I: Water System Plan, December 1980

16 Volume II: FEIS, Tacoma Water System Plan, December 1980

17 Volume III: FEIS, Pipeline No. 5 Project, December 1980

18 Volume IV: Green River Flow and Yield Analysis, December 1980.

19 The Plan was adopted by the City of Tacoma by Ordinance 26841 and
20 the Department of Public Utilities by Resolution U-6139.

21 The Tacoma Department of Public Utilities submitted the Plan to King
22 County on February 24, 1981.

23 In addition to serving incorporated Tacoma, the Tacoma Water Division
24 has extended direct service outside the city, has absorbed and now
25 operates some former water systems in unincorporated areas, is a sup-
26 plier to other cities, water districts and private water purveyors, and
27 has established relationships with the City of Seattle. As such, the
28 Tacoma Water Division serves as the regional water supplier for most of
29 Pierce County and portions of south King County.

30 King County review and approval is required by K.C.C. 13.24; King
31 County review is guided by the criteria established by the King County
32 Comprehensive Plan, K.C.C. 13.24.050, W.A.C. 248-54, and R.C.W.
90.54.

Tacoma has entered into a contractual agreement with the South King
County Regional Water Association to supply 15 million gallons per day
from the proposed Pipeline 5 to south King County water purveyors,
and to jointly finance capital improvement to provide this supply.

Tacoma has settled, through a negotiated settlement with appellants,
litigation over water rights claims to the 100 cfs diversion for Pipeline
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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. GOAL. It is the goal of King County to assure that the
fundamentals of the Water Resources Act (R.C.W. 90.54) are achieved

1 in the approval and implementation of the Tacoma Public Utilities' Water
2 System Plan (the Plan), and to assure that the Plan provides the greatest
3 possible benefit to King County citizens.

4 SECTION 2. POLICIES. The review and approval of the Tacoma Water
5 System Plan is guided by King County policies, including those in the adopt-
6 ed comprehensive plan and others which relate to land use objectives, recom-
7 mendations contained in studies such as the Water Resource Management
8 Study of the River Basin Coordinating Council, and the county's responsi-
9 bility to assure that coordinated public facilities and services are provided in
10 an efficient manner. Some of these policies which are relevant to the Plan
11 are summarized in the following statements:

12 A. Area-wide management is preferred over fragmented management,
13 and decision making should be shared among those affected.

14 B. Public and private community service providers should be encour-
15 aged to share or re-use facilities when appropriate to reduce costs, conserve
16 land and provide convenience or amenity to the public.

17 C. Proposed regional facilities under the jurisdiction of King County
18 should be reviewed from a countywide perspective through a process involv-
19 ing public hearings and formal action by elected officials.

20 D. King County should encourage water purveyors to:

21 1. Include in their plans conservation measures, as well as develop-
22 ment of new sources,

23 2. Support planned land uses with reliable service at minimum cost,

24 3. Assure maximum net benefits in allocating water for fisheries,
25 navigation, hydroelectric power and recreation, as well as for municipal and
26 industrial uses.

27 E. Public watersheds should be managed primarily for the protection of
28 drinking water, but should allow for multiple uses, including recreation,
29 when such uses do not jeopardize drinking water standards.

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1 SECTION 3. APPROVAL. The Tacoma Water System Plan, Volume I
2 (attached, Exhibit A) as adopted by Tacoma Ordinance 2684I and Tacoma
3 Utility Board Resolution U-6139, is hereby approved subject to the conditions
4 of Section 4 of this ordinance. As required by K.C.C. 13.24, the Utilities
5 Technical Review Committee (UTRC) reviewed the Tacoma Water System Plan
6 and prepared a report and recommendation to the county executive and
7 county council. The UTRC recommended approval of the Plan subject to a
8 series of conditions, which have been revised as set forth in Section 4.

9 SECTION 4. CONDITIONS OF APPROVAL.

10 A. Direct water service by the City of Tacoma within King County
11 within the area of former King County Water District No. 106 is approved.
12 Distribution system improvements to Tacoma Water Division direct service
13 areas shall be designed in accordance with standards detailed in the Plan,
14 K.C.C. 17.08, and Washington State Department of Social and Health Ser-
15 vices' regulations, and shall not require further amendments or additions and
16 betterments to the Plan.

17 B. Tacoma shall provide no water to any system or purveyor within
18 King County which does not have a comprehensive water plan approved by
19 King County.

20 C. By December 31, 1986, Tacoma shall submit a revised comprehen-
21 sive water system plan which, in addition to those elements contained in the
22 1980 Water System Plan, shall contain the following:

23 1. An element which: describes the proposed intertie with the City
24 of Seattle, (between the Cedar/Tolt and Green River water supply systems);
25 describes the feasibility of the inter-tie; sets forth the benefits and costs of
26 establishing the inter-tie; establishes procedures for water exchanges and
27 construction of the inter-tie project; and includes contingency provisions to
28 become effective in the event projects are delayed or exchanges cannot be
29 carried out. This element shall include documentation of an agreement with
30 the City of Seattle regarding the above provisions.
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1 2.a. An endorsement, in principle, by Tacoma of the use of the
2 Pipeline No. 5 right-of-way as a non-motorized recreational trail, consistent
3 with policy F-119 of the King County Comprehensive Plan;

4 b. Given Tacoma Water Division's possession of pertinent informa-
5 tion, it will provide King County with an assessment of the legal and finan-
6 cial obstacles to utilizing all or parts of the Pipeline No. 5 right-of-way as a
7 recreational trail;

8 c. An assessment of the cost-effectiveness of trail planning and
9 development activities; and

10 d. Should King County elect to plan and develop a trail along the
11 Pipeline no. 5 right-of-way, Tacoma will agree to support such planning and
12 use.

13 3. A watershed management element which:

14 a. Outlines a process for evaluating the provision of further
15 controlled access for dispersed recreational uses to watershed areas cur-
16 rently managed by Tacoma. This section will be developed in consultation
17 with King County, the Washington State Department of Social and Health
18 Services and watershed land owners. Additionally, the element shall include
19 measures to accommodate further recreational and anadromous fish use if
20 filtration of surface water supplies is otherwise required by state or federal
21 authorities.

22 b. Identifies sensitive areas within the watershed in which timber
23 harvesting or road-building activities will not occur or need to be closely
24 controlled, and demonstrates the steps Tacoma has taken or will take (agree-
25 ments, contracts, etc.) to ensure these sensitive areas will be protected.

26 c. Includes a section which describes and proposes improvements,
27 where necessary, in activities relating to: sediment control; water regimen
28 control; game management; and herbicide, pesticide and fertilizer control
29 undertaken in the watershed by Tacoma and other land owners and agencies.

30 d. Includes a land control - consolidation, acquisition or trade -
31 program which clearly defines the process Tacoma intends to follow to control
32 the land in the watershed.

1 4. An element which clearly describes the effects of development of
2 Tacoma's proposed hydroelectric project on the Upper Green River on the
3 Plan, flood control, downstream recreational facilities and instream flows.

4 5. A description of the elements of and a schedule for developing
5 and implementing a revised water supply management program similar to that
6 identified in the 1980 plan.

7 6. A south King County water supply element which clearly sets
8 forth how Tacoma will interact with south King County purveyors in meeting
9 the projected demand of south King County residents through reliable pro-
10 vision of high quality water at a reasonable cost and with fair representa-
11 tion.

12 D. Tacoma shall promptly provide the King County executive and
13 council copies of any request to the Washington State Department of Ecology
14 to declare a critical period or year pursuant to W.A.C. 173-509.

15 SECTION 5. CONTINGENCIES

16 A. This approval is contingent upon implementation of the terms and
17 conditions of the September 23, 1985 Stipulated Judgment of Thurston
18 County Superior Court (Northwest Steelhead and Salmon Council vs. Tacoma,
19 cause No. 83-2-01104-1, Exhibit B, attached) which granted Tacoma water
20 rights to the 100 cubic feet per second to be diverted into Pipeline No. 5.

21 B. This approval is contingent upon implementation of the terms and
22 conditions of the July 29, 1985 contract between the City of Tacoma and the
23 Regional Water Association of South King County, which is by this reference
24 incorporated into this ordinance (Exhibit C, attached).

25 C. The U.S. District Court for the Western District of Washington has
26 continuing jurisdiction over northwest Indian fisheries litigation. In the
27 event that, as a result of King County approval of this Plan, the Court
28 imposes upon King County or Tacoma any affirmative duty to protect or
29 rehabilitate the fisheries resource as related to the Green River, a source
30 from which Tacoma proposes to obtain water under the Water System Plan,
31 such mitigation measures shall be deemed additional conditions of approval of
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1 the Plan. By its approval of the Plan, King County does not intend to
2 assume any liability for damages which may result from Plan implementation.

3 SECTION 6. LIMITATIONS.

4 A. King County's approval of the Plan shall not be construed to mean
5 that King County supports or opposes any future additional diversions of
6 Green River water for municipal and industrial uses. King County's ap-
7 proval of the Plan shall also not be construed to mean that King County
8 supports or opposes utilization of any additional storage behind Howard
9 Hanson Dam or any other upstream storage site, or changes in the operation
10 of Howard Hanson Dam for the benefit of municipal and industrial water
11 uses.

12 B. Nothing in this approval shall be construed as releasing Tacoma
13 from its obligations under the July 29, 1985 contract with the Regional Water
14 Association of South King County or under the Thurston County Superior
15 Court Stipulated Judgment of September 23, 1985 (Northwest Steelhead and
16 Salmon Council vs. Tacoma).

17 C. This approval shall not be construed as granting or issuing any
18 permit, franchise, or other requirement necessary for Plan implementation,
19 such as pertain to Shorelines Management Master Program, building permits,
20 SEPA impact analysis, etc. Processing of such permits shall be governed by
21 applicable state and county statutes.

22 SECTION 7. TERM OF APPROVAL.

23 Upon adoption of this ordinance, this Plan shall be considered approved
24 for purposes of project planning, permits and construction and valid until
25 December 31, 1987. If the revised plan required in Section 4C is not sub-
26 mitted by December 31, 1986 then this approval shall be deemed revoked.

27 SECTION 8. SEVERABILITY. Should any section, subsection, para-
28 graph, sentence, clause or phrase of this ordinance be declared unconstitu-
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tional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance.

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INTRODUCED AND READ for the first time this 21st day of

January, 1986

PASSED this 24th day of February, 1986.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Audrey Inger
Chair

ATTEST:

Janet M. Owens
Clerk of the Council

APPROVED this 6th day of March, 1986

[Signature]
King County Executive