

09/23/97

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Introduced By:

sub 6/12/98 kn

Proposed No.:

97-602

MOTION NO. **10496**

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A MOTION regarding concurrence with the recommendations contained in the Issaquah Creek Valley 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 Issaquah Creek Valley 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, forestry companies, industry and environmental organizations, and

6 WHEREAS, the Issaquah Creek Valley ground water advisory committee has
7 overseen the development of the Issaquah Creek Valley 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 plans are technically and functionally sound and verifying that
12 the proposed plan is technically and functionally sound and verifying that the proposed
13 plan is consistent with Washington state laws and authorities of affected agencies, WAC
14 173-100-090, and

15 WHEREAS the city of Issaquah and the Sammamish Plateau Water and Sewer
16 District are required to implement some of the recommendations in the Issaquah Creek
17 Valley Ground Water Management Plan and have issued letters of concurrence, and

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

22 WHEREAS, following the Department of Ecology's certification of the Issaquah
23 Creek Valley 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:

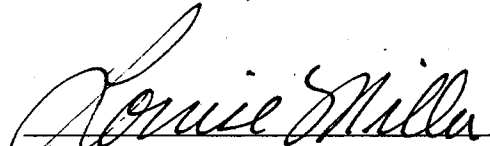
4 The King County executive is hereby requested to transmit to the Issaquah Creek
5 Valley Ground Water Advisory Committee a letter, substantially in the form attached,
6 identifying the county's findings and indicating areas of county concurrence and non-
7 concurrence with recommendations contained in the Issaquah Creek Valley 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.

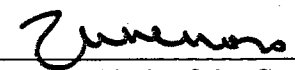
13 PASSED by a vote of 11 to 0 this 6th day of July,

14 1998.

15 KING COUNTY COUNCIL
16 KING COUNTY, WASHINGTON

17 
18 Chair

19 ATTEST:

20 
21 Clerk of the Council

22 Attachments: Concurrence Letter

23

104964

June 12, 1998

Catherine Moody
Chair, Issaquah Ground Water Advisory Committee
10817 176th Circle NE
Redmond, WA 98052

Dear Ms. Moody:

King County generally agrees with the goals and objectives of the Issaquah Creek Valley Ground Water Management Plan, yet makes a statement of nonconcurrence based on its finding of inconsistency between the recommendations contained in the Plan and the intent of RCW ch. 90.44 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 nonconcurrence 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 SA-1C, Management Strategy SG-3B, Management Strategy HM-3, Section 3.3, Funding, Section 3.5, Ground Water Management Committee and Section 3.8, Implementation. A summary of the basis for non-consistency and the changes necessary for King County concurrence follows.

King County does not concur with the "import" language currently included in Management Strategy SA-1C. This finding of inconsistency is based upon the fact that that the strategy:

1. is inconsistent with County Wide Planning Policy CA-6;
2. is inconsistent with King County Comprehensive Plan Policy NE-335;
3. is inconsistent with King Count Comprehensive Plan Policy F-304; and
4. would affect portions of the Issaquah Creek Ground Water Management Area that are within the Urban Growth Area; water importing may be necessary to support urban development within the UGA.

King County can make a finding of consistency only if the text of Management Strategy SA-1C is amended as follows: "While protection and sustainable use of ground water based drinking supplies in the Issaquah Creek Valley Ground Water Management Area is preferred over importing water from sources outside of the Ground Water Management Area, importing water will not be prohibited if necessary to support urban development within the Urban Growth Area."

King County does not concur with Management Strategy SG-3B (Reclamation Plans) as it is currently written. This finding of inconsistency is based upon the fact that the State DNR has regulatory authority over mine reclamation plans. King County's regulatory authority is limited to offering comments on proposed reclamation plans to DNR for consideration.

King County can make a finding of consistency only if the text of Management Strategy SG-3B is amended as follows: "King County will provide comments to the State DNR on mine reclamation plans proposed within the Issaquah Creek Valley Ground Water Management Area. Additionally, consistent with KCCP Policy NE-333, King County will develop with affected jurisdictions, Best Management Practices for mining operations."

King County does not concur with the recommendation of Management Strategy HM-3 to designate zones for hazardous waste storage and treatment. This finding of inconsistency is based upon the fact that the strategy:

1. is redundant; these issues are currently regulated by the Model Toxic Control Act; and
2. does not reflect King County's current use of industrial zoning, which is where King County allows hazardous wastes to be stored and treated.

King County can make a finding of consistency only if Management Strategy HM-3 is deleted.

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 understands that establishment of an Aquifer Protection Area is supported by the city of Issaquah for funding ground water activities. Therefore, King County concurrence with the GWMP is subject to the expansion of Section 2.5, Unfinished Agenda, to include an explanation of why the Aquifer Protection Area remains an unresolved issue that will be address by the Issaquah Creek Ground Water Management Committee at a later date.

King County does not concur with the recommendations of Section 3.5 as they are currently written. King County can concur with the Issaquah Creek Valley Ground Water

Management Plan if a statement is added to Section 3.5 which states: "The Management Committee shall be established by motion by the Metropolitan King County Council with members appointed by the Council, 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. Once the Council adopts a long-term funding option, the County would start to undertake other implementation activities. Such activities would include 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 Issaquah Creek Valley 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 this work.

Sincerely,

Ron Sims
King County Executive