

09/23/97

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sub 6/12/98 kn

Introduced By:

Louise Miller

Proposed No.:

97-600

1  
2 MOTION NO. **10495**

3 A MOTION regarding concurrence with the recommendations  
4 contained in the Redmond-Bear Creek Valley Ground Water  
5 Management Plan.

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

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

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

15 WHEREAS, the Washington State Department of Ecology has designated King  
16 County as the lead agency responsible for coordinating and undertaking the activities  
17 necessary for development of ground water management programs in the county, WAC  
18 173-100-080, and

1           WHEREAS, a ground water advisory committee has been established for the  
2 Redmond-Bear 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, environmental organizations and industry, and

6           WHEREAS, the Redmond-Bear Creek Valley ground water advisory committee  
7 has overseen the development of the Redmond-Bear Creek Valley Ground Water  
8 Management Plan, 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 plan, assuring  
11 that the proposed plan is technically and functionally sound and verifying that the proposed  
12 plan is consistent with Washington state laws and authorities of affected agencies, WAC  
13 173-100-090, and

14           WHEREAS the city of Redmond and the Union Hill Water Association are  
15 required to implement some of the recommendations in the Redmond-Bear Creek Valley  
16 Ground Water Management Plan and have issued letters of concurrence, and

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

21           WHEREAS, following the Department of Ecology's certification of the Redmond-  
22 Bear Creek Valley Ground Water Management Plan, the Metropolitan King County

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

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

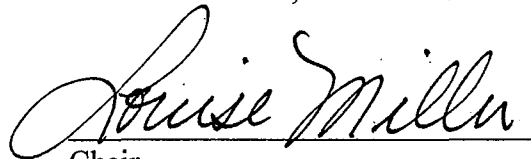
4 The King County executive is hereby requested to transmit to the Redmond-Bear  
5 Creek Valley Water Advisory Committee a letter, substantially in the form attached,  
6 identifying the county's findings and indicating areas of county concurrence and non-  
7 concurrence with recommendations contained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

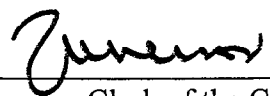
13 PASSED by a vote of 11 to 0 this 6<sup>th</sup> day of July,

14 19 98.

15 KING COUNTY COUNCIL  
16 KING COUNTY, WASHINGTON

17   
18 Chair

19 ATTEST:

20   
21 Clerk of the Council

22 Attachments: Concurrence Letter

June 12, 1998

Jack Davis  
Chair, Redmond-Bear Creek Valley Ground Water Advisory Committee  
29656 232 SE  
Renton, WA 98042

Dear Mr. Davis:

King County generally agrees with the goals and objectives of the Redmond-Bear Creek Valley 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 HM-2, Management Strategy SG-2B, Management Strategy SG-2C, Management Strategy PF-1A, Section 3.5, Ground Water Management Committee and Section 3.7, Lead Agency. A summary of the basis for inconsistency and the changes necessary for King County concurrence follows.

King County does not concur with the recommendation of Management Strategy HM-2 to designate zones for hazardous waste storage and treatment. This finding of inconsistency is based upon the fact that 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 the text of Management Strategy HM-2 is deleted.

King County does not concur with the recommendation of Management Strategy SG-2B which requires the King County Department of Natural Resources to propose an ordinance to the Council to require testing of fill used in sand and gravel mining sites undergoing reclamation. This finding of inconsistency is based upon the fact that the strategy:

1. is redundant; mines are required to meet DOE conditions, which include ground water protections; and
2. is inconsistent with King County Comprehensive Plan Policy RL-411; and
3. is inconsistent with King County Comprehensive Plan Policy NE-333.

King County can make a finding of consistency only if the text of Management Strategy SG-2B is deleted.

King County does not concur with Management Strategy SG-2C (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-2C is amended as follows: "King County will provide comments to the State DNR on mine reclamation plans proposed within the Redmond-Bear 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 PF-1A which requires King County to fund the King Conservation District. This 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 commit to fund the Conservation District.

King County can make a finding of consistency only if the text of Management Strategy PF-1A is amended as follows: "King County will encourage and support the development of Farm Plans using Best Management Practices for any agricultural user of pesticide and fertilizer in physically susceptible areas."

King County does not concur with the recommendations of Section 3.5 as they are currently written. King County can concur with the Redmond-Bear 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 3.7 regarding King County's role as lead agency to implement 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 3.7 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."

Although ground water impacts from the Novelty Hill UPD have been mitigated through master drainage plans, King County finds that all potential ground water impacts should be addressed in the Redmond-Bear Creek Valley Ground Water Management Plan. Thus, King County finds that consistent with Comprehensive Plan Policies RL-411, NE-333, NE-334, NE-335 and NE-336, the Plan should be amended to include a summary of the Hearing Examiner's findings and conditions of approval for Northridge.

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 Redmond-Bear 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