



Legislation Text

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Clerk 7/5/07

AN ORDINANCE relating to the Washington State Public Water System Coordination Act, chapter 70.116 RCW; proposing the alteration of external boundaries for existing critical water supply service areas to establish a single critical water supply service area for Cascade Water Alliance; reconvening water utilities in existing critical water supply service areas to initiate alteration of existing boundaries; appointing the revised Skyway Water Utility Coordinating Committee to update the coordinated water system plan for Cascade Water Alliance only; and providing a preliminary brief report on the boundaries of the altered Skyway critical water supply service area.

STATEMENT OF FACTS:

1. Under the authority of chapter 70.116 RCW, the Public Water System Coordination Act of 1977 ("Water Coordination Act"), county governments may amend the external boundaries of critical water supply service areas in order to accomplish the purposes of the Water Coordination Act.
2. Pursuant to chapter 70.116 RCW, King County adopted K.C.C. 13.28.010, which designated four critical water supply service areas as preliminarily mapped in the Preliminary Assessment approved by Motion 6407 in 1985 and Ordinance 7893 in 1986. These four areas are designated Skyway, South King County, Vashon and East King County. RCW 70.116.050 provides for the development of coordinated water system plans ("CWSPs") to identify present and future needs

of the public water systems within a designated critical water supply service area and to set forth means for meeting those needs in the most efficient manner possible.

3. Pursuant to chapter 70.116 RCW, King County has ratified by ordinance and codified in K.C.C. chapter 13.28 approval of four CWSPs and their subsequent updates: Skyway (ratified in 1990, and updated and amended in 2000); Vashon (ratified in 1991); East King County (ratified in 1990, and updated and amended in 1994 and 1998); and South King County (ratified in 1990, without subsequent update or amendment). These four CWSPs were subsequently approved by the Washington State Department of Health ("DOH").

4. DOH rules, WAC 246-293-210 and 246-293-280, require that the boundaries of critical water supply areas and the critical water supply plans themselves be reviewed and updated as necessary at a minimum of every five years.

5. A report has been prepared that recommends altering external boundaries for the Skyway critical water supply service area to be coextensive with the boundaries of the service areas of only Cascade Water Alliance's ("Cascade") members, at the same time removing Cascade members from the other two existing critical water supply service areas in which they are currently included, i.e., the South King County and East King County critical water supply areas. This report, prepared by the executive and titled Preliminary Brief Report on Alteration of Existing External Critical Water Supply Service Area Boundaries to Create a Single CWSSA for Cascade Water Alliance Members ("the report") is Attachment A to this ordinance. In particular, the report demonstrates the unique planning needs of Cascade. Cascade and its members are prepared to participate in the process described in this ordinance.

6. Cascade is an intergovernmental organization formed in 1999 through an interlocal agreement ("ILA") under the authority of the Interlocal Cooperation Act, chapter 39.34 RCW, by five general purpose local governments, which are the cities of Bellevue, Issaquah, Kirkland,

Redmond and Tukwila, and three special purpose districts, which are Covington Water District, Sammamish Plateau Water and Sewer District and Skyway Water and Sewer District, in King County. Cascade is incorporated as a public nonprofit corporation that is obligated under the ILA to provide a wholesale water supply needed in excess of its members' own supplies in the combined service areas of its members.

7. Cascade and King County share a longstanding commitment to assure adequate long-term regional water supplies necessary for meeting the demands of growth while protecting our natural resources. Toward that end, both Cascade and King County support the implementation of regional water supply planning, and the best management of our water resources, particularly in light of expected impacts of climate change, through such means as water supply sharing, water use efficiency and conservation, and the wise use of reclaimed water for non-potable demand. Cascade has been and continues to be a leader in advancing these shared objectives.

8. Cascade is a regional water supplier to each of its members, which combined serve a population in excess of three hundred thousand in service areas that include some of the fastest growing residential areas in King County. Under the ILA, Cascade is obligated to meet all current and future wholesale water supply needs of its members, after accounting for the individual supplies of each member. In addition to its current contracts with Seattle Public Utilities and Tacoma Public Utilities for both term-limited and permanent sources of supply, Cascade is also pursuing long-term permanent sources of supply for its members. In its Transmission and Supply Plan recently approved by King County and DOH, Cascade forecasts Lake Tapps as a potential water supply source twenty years in the future and also considers reclaimed water as a potential source for non-potable uses. Lake Tapps is not currently included in any approved King County CWSP as a water supply source.

9. Under the ILA, Cascade is obligated to plan for its members' wholesale water supply needs,

such planning to be compatible with the requirements of state law, including the Growth Management Act ("GMA"), DOH water supply planning requirements for cities and special districts, and the Water Coordination Act. The members of Cascade are obligated to actively participate in the planning process, and each member's plan is required to be consistent with any plan adopted by Cascade and not inconsistent with applicable requirements of the GMA and relevant comprehensive plans.

10. In a February 2005 memorandum of understanding ("MOU") with King County, Cascade acknowledged that the existing CWSPs were outdated, and stated its support for initiation of planning under the Water Coordination Act, as well as its support and willingness to participate in a process for updating the CWSPs. Initiation of planning under the Water Coordination Act, and the completion of a new plan or updated plans within two years of initiation will meet this objective.

11. Under the MOU, Cascade partnered with King County as the co-conveners of the current regional water supply planning process that is and will be addressing some long-term water resource, supply, climate change, and planning issues. On October 31, 2005, the scoping committee for the regional water planning process adopted a Planning Framework ("framework") for the scope and structure of the regional planning efforts. The framework includes recognition that the King County council would initiate a process for updating existing CWSPs. The framework also recognizes that Cascade and King County intend to develop or update relevant CWSP or CWSPs for Cascade that would be limited to key elements of Cascade's proposed system, including Lake Tapps as a potential new water supply source, and the incorporation of reclaimed water as a non-potable supply source. In subsequent meetings among DOH, Cascade, and King County, DOH agreed that Cascade and King County could initiate and pursue planning under the Water Coordination Act by either amending the

boundaries of existing coordinated water system plans in which Cascade members provide service, or by creating a new critical water supply service area for Cascade that would include all member service areas even though their boundaries are not all contiguous. DOH confirmed this interpretation by letter in July 2006.

12. Recent international and regional reports have provided scientific evidence that climate change will have a major impact on water supplies in King County and the Pacific Northwest, increasing flows in the rainy winter months and decreasing flows in the dry summer months. The executive finds that it is critical to conduct long-term regional planning to ensure adequacy of water supplies.

13. King County adopted Ordinance 15643 in November 2006, approving the Cascade Water Alliance Transmission and Supply Plan as a comprehensive water system plan, subject to specified conditions. One condition is participation with King County in planning efforts under the Water Coordination Act by completing within a two-year period from the county's initiation of the planning process either:

- a. Revisions to existing critical water system plans ("CWSPs") in which Cascade members have service areas; or
- b. Creation of a new critical water supply service area and CWSP for Cascade and its members that includes all members and covers all member service areas.

14. The ordinance also contains information on the planning and permitting requirements that Cascade will need to meet before it can use Lake Tapps as a water supply source.

15. The Cascade Board has previously approved a resolution expressing support for the County's initiation of planning under the Water Coordination Act. A copy of this resolution is attached as Attachment B to this ordinance.

16. In accordance with the terms of WAC 246-293-200, Steps to Update the Skyway CWSSA,

Attachment C to this ordinance, provides a process to seek comments on the report from public water systems in the three affected critical water supply service areas ("CWSSAs"). A planning committee consisting of representatives from DOH, Seattle-King County department of public health, King County department of natural Resources and parks, Cascade Water Alliance and interested utilities that currently have service areas within the Skyway CWSSA will be convened to finalize the report and respond to the council on the report's recommendations that the external boundaries of the existing CWSSAs be altered to remove the service areas of Cascade's members from the existing East King and South King CWSSAs, that the existing Skyway CWSSA be altered to encompass only and completely the service areas of Cascade members, as well as any public water systems as defined in RCW 70.116.030(3) that are within the boundaries of the service areas of Cascade members, and that the non-Cascade members be removed from the Skyway CWSSA since only a relatively small portion of their current respective service areas are located there. The final version of the report will contain a map and a narrative statement outlining the reasons for the recommended boundary location, the criteria used, and the relative importance of each, in accordance with WAC 246-293-170(1). It may also consider effects of the boundary alteration on the East King County and South King County CWSSAs. The final version of the report will be presented to the executive and council.

17. The Water Utility Coordinating Committees ("WUCCs") for the South King County and East King County CWSSAs will be reconvened so that they may be presented the report and respond to the council on the report's recommendation that the external boundaries of the existing East King and South King CWSSAs be altered to remove the service areas of Cascade's members from these CWSSAs. As part of its review, each WUCC will conduct at least one informational meeting to solicit public input, in accordance with WAC 246-293-170(2), and then will recommend external boundaries for its respective CWSSA to the council.

Upon receipt of responses from the newly appointed planning committee and the two existing WUCCs on the alteration of the boundaries of their respective existing CWSSAs, the council will consider altering the existing boundaries and authorizing the initiation of amendments and updates to the three affected existing CWSPs.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The Preliminary Brief Report on Alteration of Existing External Critical Water Supply Service Area Boundaries to Create a Single CWSSA for Cascade Water Alliance Members ("the report"), Attachment A to this ordinance, is hereby approved by the council.

SECTION 2. Based on the recommendations contained in the report, the council hereby proposes altering the existing Skyway Critical Water Supply Service Area to encompass only the service areas of each of the members of the Cascade Water Alliance, such areas including the service areas of the cities of Bellevue, Issaquah, Kirkland, Redmond and Tukwila and of the three special purpose districts of Covington Water District, Sammamish Plateau Water and Sewer District and Skyway Water and Sewer District, as well as any public water systems as defined in RCW 70.116.030(3) that are within the boundaries of the service areas of Cascade members, in a separate critical water supply service area ("CWSSA"), with proposed external boundaries coextensive with the boundaries of the service areas of Cascade Water Alliance's members. The remaining Skyway CWSSA members, which are small areas of the cities of Renton and Seattle and a small area of King County Water District 125, are proposed to be withdrawn.

SECTION 3. The following actions are hereby approved and authorized:

- A. A planning committee is convened consisting of:
1. A representative designated by chair of the King County council;
 2. A representative designated by the King County department of natural resources and parks;
 3. A representative designated by Public Health -- Seattle and King County;
 4. A representative designated by the Washington State Department of Health;

5. A representative designated by the city of Bellevue;
6. A representative designated by the city of Issaquah;
7. A representative designated by the city of Kirkland;
8. A representative designated by the city of Redmond;
9. A representative designated by the city of Tukwila;
10. A representative designated by the Covington Water District;
11. A representative designated by the Sammamish Plateau Water and Sewer District;
12. A representative designated by the Skyway Water and Sewer District;
13. A representative designated by the Cascade Water Alliance;
14. Representatives from any public water systems as defined in RCW 70.116.030(3) that are within the service areas of Cascade Water Alliance members; and
15. If interested, a representative from each of the three members of the current Skyway CWSSA that are not members of Cascade Water Alliance, as follows:
 - a. the city of Renton;
 - b. the city of Seattle; and
 - c. King County Water District 125.

B. The planning committee convened under subsection A. of this section is requested to simultaneously finalize the report and respond to the council on the report's recommendations that the external boundaries of the existing CWSSAs be altered to remove the service areas of Cascade's members from the existing East King and South King CWSSAs, that the existing Skyway CWSSA be altered to encompass only and completely the service areas of Cascade members as well as any public water systems as defined in RCW 70.116.030(3) that are within the boundaries of the service areas of Cascade members, and that the non-Cascade members be removed from the Skyway CWSSA since only a relatively small portion of their current respective service areas are located there. The final version of the report should contain a map and a narrative statement outlining the

reasons for the recommended boundary location, the criteria used, and the relative importance of each, in accordance with WAC 246-293-170(1). It may also consider effects of the boundary alteration on the East King County and South King County CWSSAs. The final version of the report should be presented to the executive and council.

C. Public water systems as defined in RCW 70.116.030(3) in each of the South King County and East King County CWSSAs and critical water system plans ("CWSPs") are hereby reconvened as water utility coordinating committees for each respective CWSSA and CWSP for the purposes of considering the recommendation of the report that the external boundaries of the East King and South King CWSSAs be altered to remove the service areas of the members of the Cascade Water Alliance from these CWSSAs.

D. The planning committee and the water utility coordinating committees referred to in subsections A., B., and C. of this section shall in a timely manner, and in accordance with the applicable provisions of RCW 70.116.040 and chapter 246-293

WAC, provide to the council each committee's response to the report's recommendation on the alteration of the boundaries of their respective CWSSA.

official paper 10 days prior, notice to local planning agencies, affected water purveyors, local news media