



## Private Exempt Wells

by Peter Rimbos, Corresponding Secretary

On Monday, September 11 (one week later than usual due to the Labor Day Holiday), the Area Council held its regular monthly meeting. Topics discussed were: Exempt Wells; On-Site Septic Systems; Reserve Silica Water Banking; Townhouses; and Regional Economic Strategies.

### Private Exempt Wells

The subject of water rights is complex. Sometimes private wells are *exempt* from the State's groundwater permit system, if they do not expect to withdraw a lot of water (<5,000 gal/day) or do much irrigating. This is the case with most private wells in the Rural Area.

The recent State Supreme Court's *Hirst* decision clarified that the state's Growth Management Act requires counties to protect ground and surface waters by ensuring there is enough water *available* to accommodate growth *before* more development is authorized. It also stated private exempt wells are not currently managed to ensure protection of water resources. Each county is exploring its options in implementing this decision and to determine impacts of new wells on water *availability* - both physical and legal.

As part of its implementation of the *Hirst* decision, King County is conducting an 18-mo *Water Availability Study* and has not stopped issuing building permits. However, it is placing a *disclaimer* (“...does not make any warranties regarding water rights...”) on permits it issues.

The Area Council has discussed the *Hirst* decision with both King County and DOE. So far, King County has not talked to the State Department of Ecology (DOE) about possible hydrogeological analyses of each water basin to satisfy *Hirst*.

### On-Site Septic Systems

Betsy Howe of *Citizens Opposed to Onsite Septic System Management Washington* (COOMWA) discussed both the *Hirst* decision and On-Site Septic Systems (OSSs).

On *Hirst*, Ms. Howe said the State Legislature's attempts to address it in the 2017 session had failed. She surmised proposed State *Senate Bill 5239* would have pushed responsibilities back to the state, rather than the counties, as the *Hirst* had required. However, an agreement with the State House was not reached, so currently there is no state response.

Ms. Howe also discussed OSSs. Each county board of health is required by the state to develop management plans for OSSs. In King County the Seattle-King County Department of Public Health is responsible. It does calculations, not testing, to estimate pollution levels and potential impacts. COOMWA believes this overestimates the impacts from OSSs. She stated COOMWA's requests of the responsible government agencies: (1) no easements allowed onto

private property; (2) any monitoring contracts made property owner, not the County; and (3) existing systems to be *grandfathered* so (i.e., not have to keep up with every incremental technology improvement).

### **Reserve Silica**

Members of the Area Council met with DOE to better understand the proposal by Reserve Silica's to set up a Water Bank to preserve its 1967 Industrial Water Right to withdraw from Ravensdale Lake (see our June and July articles on our web site's *Newspaper Articles* page).

DOE has not approved the proposed Water Bank. DOE has told Reserve Silica it cannot apply for any Water Right conversion until it has ceased using the water (in ~12 – 18 mo). DOE stated it must have a clearly "*defined project*" before it will consider any such proposal. DOE stated that once Reserve Silica's current use of its Water Right is concluded, it then can put it indefinitely into the State Water Trust.

### **Townhouses**

An application for a Commercial Site Development Permit (CSDP) has been submitted to King County Department of Permitting and Environmental Review (DPER) to develop a parcel of land zoned Neighborhood Business (NB) on Cedar Grove Rd just west of Issaquah-Hobart Rd and adjacent to the existing Office Building on the corner and abutting Tiger Mountain Store. Although this is just outside the Area Council's territory, it could be of importance to Rural Area residents.

The application calls for five buildings: one mixed-use (i.e., commercial/residential), three offices, and one residential (comprised of two townhouses). King County Code defines the NB zone as allowing *both* mixed use and townhouses. For the Rural Area **KCC 21A.04.090 Neighborhood business zone.B.** states: "*Use of this zone is appropriate in ... rural neighborhood centers..., on sites which are served at the time of development by ... adequate on-site sewage disposal ..., water supply, roads and other needed public facilities and services.*" The proposed site is in a designated "*rural neighborhood center.*"

Public Comments are due September 30 to DPER Project Manager Sherie Sabour (sherie.sabour@kingcounty.gov).

### **Regional Economic Strategies**

The Puget Sound Regional Council's (PSRC's) Economic Development Board approved a Regional Economic Strategies (RES) plan. The Area Council provided detailed comments earlier this year (see our web site's *Correspondence* page) on the rural aspects with many being accepted. The Area Council plans to work with PSRC Staff who are tasked with both finalizing and implementing the plan. The Area Council is planning an all-UAC meeting, possibly in Issaquah, with PSRC to discuss the RES and its implementation. It will be announced in this newspaper and on our web site.

### **Upcoming Events**

**Growth Management Committee Meeting**—Thursday, September 21, 7 - 9 PM, at the Hobart Church (NW corner of Iss-Hob Rd & SE 200th St). *Topic: Reserve Silica's Proposed Rezoning of 122 ac.*

**Monthly Meeting**—Monday, October 2, from 7 - 9 PM, at the Fire Station located at the SE corner of SE 231st St & SR-169 intersection across from the Police Precinct. All members of the Public are welcome to attend. Each meeting begins with an open Public Comment period.

**Annual Train Show**—Weekend of October 21-22, Saturday 10 AM - 5 PM and Sunday 10 AM - 4 PM, at Gracie Hansen Community Center, 27132 SE Ravensdale Way, Ravensdale. Operating Model Trains, Trains and more Trains Featuring creative operating layouts in most gauges! Bring your own trains (Lionel/HO/other) to run on our tracks. It is in a very relaxed atmosphere where people can wander about and enjoy the trains at their own pace. There will be a variety of trains of most gauges shown operating at the show. There also will be trains with live steam engines. There will be historic displays from the Black Diamond Museum.

**New Web Site**—This Fall the Area Council will launch a new more interactive web site which will allow members of the public to better interact with our members.

Your Area Council serves as an all-volunteer, locally elected advisory body to King County on behalf of all rural unincorporated area residents living in the Tahoma School District. For more information, please visit: [www.greatermaplevalleyareacouncil.org](http://www.greatermaplevalleyareacouncil.org).

**\*\*\* NOTE: *Five positions are open on the 16-member Area Council. If you live in the Tahoma School District outside the City of Maple Valley (see Service Area Map on our web site), you are invited to apply to become a member by sending a letter of interest to GMVUAC, P. O. Box 111, Maple Valley, WA 98038 or attend our next monthly meeting.* \*\*\***