

MEMO OF UNDERSTANDING
PUBLIC UTILITY DISTRICT NO. 1 OF KITSAP COUNTY
AND
KITSAP COUNTY

WHEREAS, the 1990 Growth Management Act (GMA) requires Kitsap County (County) to inventory wetlands, aquifer recharge areas and other natural resources which will place constraints on development of new sources of water; and

WHEREAS, the GMA includes provisions requiring the certification of adequacy of individual and community water systems and the preparation of appropriate utility capital improvement plans; and

WHEREAS, under the GMA the County is coordinating planning processes with all jurisdictions, including plans prepared and adopted by local general purpose government pursuant to WSDCD guidelines which 1) designate the distribution, extent and location of various land uses, including public utilities, 2) include a capital facilities element which forecasts future needs including regional water resource requirements/supply, proposed locations of such regional and local facilities, and 3) identify a six-year financing plan for funding future facilities; and

WHEREAS, the Kitsap County Commissioners recognize and support the need to provide water supply and regional resource planning for the benefit of the citizens throughout the County; and

WHEREAS, Kitsap County does not provide public water service; and

WHEREAS, pursuant to Chapter 54.04 RCW, the purpose of Public Utility District No. 1 of Kitsap County (District) is to conserve the water resources of the county for the benefit of the people thereof, and to supply public utility service, including water for all uses; and

WHEREAS, pursuant to Chapter 54.16 RCW, the District may make surveys, plans, investigations or studies for domestic and industrial water supply, and for matters and purposes reasonably incidental thereto, within and without the District (county), and compile comprehensive maps and plans showing the territory that can be most economically served by the various resources and utilities, the natural order in which they should be developed, and how they may be joined and coordinated to make a complete and systematic whole; and

WHEREAS, the District may construct, purchase, condemn and purchase, acquire, add to, maintain, conduct, and operate water systems, within or without its limits, for the purpose of furnishing the District, and the inhabitants thereof, and any other persons including public and private corporations within or without its limits, with an ample supply of water for all purposes, public and private, with full and exclusive authority to sell and regulate and control the use, distribution, and price thereof; and

WHEREAS, the County and the District desire to work cooperatively because the County is the governmental agency responsible for planning and regulation of land use and the District is recognized by the County as having County-wide (regional) responsibility for technical, managerial, financial, operational, and support services needed to provide satisfactory water resource development, protection, and utility service.

NOW THEREFORE, BE IT AGREED AS FOLLOWS:

Section 1. Goals: The goals of this agreement are to:

A. Define urban, rural, and regional service areas and level of service regarding water resource management.

B. Define areas of authority and responsibility regarding rural and regional water resource services in support of adopted land use plans and the goals of the GMA

C. Designate and delegate areas of responsibility regarding rural and regional water resource services in support of adopted land use plans and the goals of the GMA

Section 2. Principles and Procedures: In order to achieve the goals and objective of this agreement, the County and the District agree:

A. The GMA requires distinctly defined urban and rural areas to be planned for and identified through the designation of Urban Growth Boundaries. Urban growth and increased population densities will be located in existing-and planned urban growth areas. Public facilities, including water system infrastructure, either exist or will be in place to serve these areas at an urban level of service.

Water utility service in rural areas can be provided in order to ensure public health and safety - but not necessarily to urban or urbanizing development standards and levels of service. Rural systems designed to urban service standards shall be limited in connections to densities consistent with the County Comprehensive Plan.

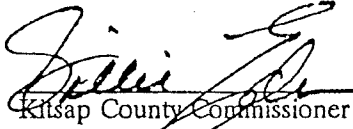
Under the GMA, the County is charged with the goal of ensuring that key public facilities and services necessary to support planned growth are adequate to serve such growth at the time it occurs, without decreasing current service standards below locally established minimum standards. Domestic water supply systems are included within the GMA's definition of "Public Facilities" as is the protection of public health/water supply provided for within the definition of "Public Services." The County has determined within its regional policies and Comprehensive Plan development, that it can best ensure water system development is effectively coordinated with land use planning by declaring water supply management as a regional service. This approach is consistent with state water resource policy which holds that water resources are to be considered regional resources, to be developed and supplied for regional benefit. The level of regional supply and service to be provided shall be determined according to system size, land use density, and consistency with local comprehensive land use and the Kitsap County Coordinated Water System Plan.


B. Kitsap County is the regional legislative authority for County-wide matters and services and the general purpose government responsible for planning and regulating land use within unincorporated areas. The County is also responsible for ensuring that rural services are adequately provided. The District is a county wide special purpose district with elected representation from throughout the county. It has broad authority and responsibility under Chapter 54 RCW, which is recognized by the County through other adopted interlocal agreements and contracts. The District is responsible for exercising its powers for the public good with a regional view of the entire county regarding water resource management. The District is authorized to provide water utility service to all classes of users throughout the county, at appropriate levels of service, except in those areas within incorporated boundaries of municipal providers who are already providing the same utility service and within the direct service areas of private or non-profit potable water utility systems, as well as approved service areas of these same providers; unless otherwise determined by contract or legal agreement.

C. Per this agreement and in conjunction with other adopted agreements between the County and the District, the County recognizes that the District is responsible for technical, managerial, financial, operational, and support services which are needed to provide satisfactory regional water resource management including development, protection, supply, and utility service.


The County designates that the District will serve as the technical lead agency for the County in proposing, planning, coordinating, and providing regional water resource management and supply service. Further, the District will be responsible for planning and providing service in rural areas of the county outside of designated service areas. The District may provide service directly or in coordination with others. Service will be in a manner that meets the needs of the customers/citizens and is consistent with adopted comprehensive plans.

Dated this 11th day of April, 1994


Kitsap County Commissioner


Chairman, Board of Commissioners Kitsap County

(Not Present)
Kitsap County Commissioner

 4/15/94
President, Board of Commissioners
Public Utility District No. 1 of Kitsap County