

**COMMISSIONERS' MINUTES
KITITITAS COUNTY, WASHINGTON
PUBLIC HEARING**

TUESDAY

4:00 P.M.

MARCH 16, 2004

Board members present: Chairman Perry D. Huston, Vice-Chairman Bruce Coe and Commissioner Max A. Golladay.

Others: Julie Kjorsvik, Clerk of the Board; James Hurson, Civil Deputy Prosecutor; Allison Kimball, Community Development Services Operations Supervisor; Shannon Carlson, Deputy Clerk of the Board; David Taylor, Community Development Services Director, and approximately 10 members of the public.

PUBLIC HEARING

OPEN SPACE TIMBER-NELSEN

COMMISSIONERS

At approximately 4:35 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider an Application for Classification or Reclassification as Open Space Land or Timber Land for Current Use Assessment under Chapter 84.34 RCW.

SHANNON CARLSON, DEPUTY CLERK OF THE BOARD explained that the Board of County Commissioners office received an application from Mr. James Nelsen, requesting reclassification of Open Space for Parcel #20-17-31052-0001. She said along with Mr. Nelsen's application, he provided the appropriate filing fee and Forest Management Plan, which had been prepared by Phil Hess, Consulting Forester. **CHAIRMAN HUSTON** acknowledged a letter from Phil Hess dated March 11, 2004, supporting Mr. Nelsen's application.

THERE BEING NO PUBLIC IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER GOLLADAY felt all the appropriate information had been submitted, which supported Mr. Nelsen's request.

COMMISSIONER GOLLADAY moved to approve and authorize the Chair to sign an Open Space Timber Taxation Agreement, with James Nelsen, for Parcel Number 20-17-31052-0001. **COMMISSIONER COE** seconded. Motion carried 3-0.

PUBLIC HEARING

VACATION OF OLD SUNSET HIGHWAY

PUBLIC WORKS

At approximately 4:37 p.m. **CHAIRMAN HUSTON** opened the public hearing continued from January 20, 2004, to consider the vacation of a portion of Old Sunset Highway.

CHAIRMAN HUSTON recognized a letter from Attorney F. Steven Lathrop, requesting a continuance of the public hearing. The Board's consensus was to grant the continuance, but said they may not be inclined to do it another time.

COMMISSIONER GOLLADAY moved to continue the public hearing to consider the request to vacate a portion of Old Sunset Highway, to April 6, 2004 at 4:00 p.m. in the Commissioner's Auditorium, Room 109, County Courthouse. **COMMISSIONER COE** seconded. Motion carried 3-0.

PUBLIC HEARING

CAPITAL FACILITIES PLAN

MAINTENANCE

At approximately 4:40 p.m., **CHAIRMAN HUSTON** opened the public hearing continued from February 17, 2004, to consider amending the Six-Year Capital Facilities Plan.

WARREN BEED, BUILDING FACILITIES DIRECTOR presented an Ordinance for the Board's consideration, which would adopt the Six-Year Capital Facilities Plan. The projects included a new jail, Solid Waste Building, Fair Parking Lot, Trail Head Facilities, Smoking Shed, Misdemeanant Remodel, and Esco.

THERE BEING NO PUBLIC REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

ORDINANCE 2004-09

6-YR. CAPITAL FACILITIES PLAN

MAINTENANCE

COMMISSIONER COE moved to approve Ordinance No. 2004-09, In the Matter of Adopting the Kittitas County Six-Year Capital Facilities Plan. **COMMISSIONER GOLLADAY** seconded. Motion carried 3-0.

PUBLIC HEARING

ADMINISTRATIVE POLICY-POTABLE WATER

CDS

At approximately 4:43 p.m., **CHAIRMAN HUSTON** opened the public hearing continued from March 2, 2004, to consider an administrative policy relating to potable water supply for subdivisions.

DAVID TAYLOR, COMMUNITY DEVELOPMENT SERVICES DIRECTOR presented a revised policy for Potable Water for Subdivisions. He explained that all applications would have a note placed on the face of the final mylars stating, "Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land

includes no guarantee or assurance that there is a legal right to withdraw groundwater within this land division". He requested the Board accept the revised policy and to direct staff to prepare a Resolution, which would officially adopt the policy.

JAMES HURSON, CHIEF CIVIL DEPUTY PROSECUTOR distributed a copy of draft language. He said he had discussed the policy with other counties, and proposed having a note placed on the final mylars, which states, "The approval of this plat includes no guarantee or assurance that there is a legal right to withdraw ground water in this plat. Prior to the County granting a residential building permit or manufactured housing permit for any lot, the applicant for the permit must demonstrate that potable water is legally available by presenting a water well report filed and received by Washington State Department of Ecology for an exempted well that complies with the 5,000 gallon per day exemption described in RCW 90.44.050".

COMMISSIONER COE said the County did not issue a building permits without proof of water. **MR. TAYLOR** mentioned the County still allowed dry cabins, but those requirements are set forth by statute, and there were also residences that rely on spring water, as well.

CHAIRMAN HUSTON did not want to go beyond what the intent was meant to be, and was in favor of having the brief language included by Mr. Taylor. He said the issue could be reexamined in the subdivision code at a later date.

COMMISSIONER GOLLADAY moved to direct staff to prepare a Resolution for the Tuesday April 6, 2004 Commissioner Agenda, implementing an administrative policy relating to potable water supply in subdivisions, as proposed by the Community Development Services Director. **COMMISSIONER COE** seconded. Motion carried 3-0. (Record closed).

PUBLIC HEARING ENERGY WEST-LEASE OF MINERAL RIGHTS COMMISSIONERS

At approximately 5:06 p.m. **CHAIRMAN HUSTON** opened the public hearing to consider a request from Energy West Corporation for County mineral rights.

THOSE PRESENT & TESTIFYING: DICK PADON, REPRESENTING ENERGY WEST CORPORATION explained how their corporation was interested in entering into a lease agreement with Kittitas County, for oil and gas on property located in Section 18, Township 15N, Range 20E, W.M. (approximately 322.82 acres). They proposed payment in the amount of \$10.00 per net mineral acre for apparent mineral interest, for a five-year term, including a royalty payment of 12.50% in the event oil and/or gas is discovered. **JACK EATON** said he owned land next to

the property that Energy West was interested in leasing, and spoke in favor of the request. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER GOLLADAY questioned what the prevailing rate was for leasing that type of property. **MR. PADON** said 12% was the prevailing rate, and said they have identical lease agreements in place with other counties in the area (Grant, Yakima, Benton). He explained that their primary target was natural gas, and said they would be spending approximately 12-14 million dollars in exploration.

COMMISSIONER COE moved continue the public hearing until Tuesday April 6, 2004 at 3:00 p.m., to consider a lease with Energy West Corporation, and to direct legal staff to review the lease agreement. **COMMISSIONER GOLLADAY** seconded. Motion carried 3-0. (It was noted the record was closed, with the exception of legal review and comment).

PUBLIC HEARING

WATERSHED PLAN

CDS

At approximately 5:16 p.m. **CHAIRMAN HUSTON** opened the public hearing continued from March 2, 2004, to consider the Planning Units recommendation for adoption of the Yakima River Watershed Plan.

DAVID TAYLOR, COMMUNITY DEVELOPMENT SERVICES DIRECTOR, gave an update of the recent legislative session. He recommended scheduling study sessions with the local planning unit members for their review of the document.

CHAIRMAN HUSTON explained he had no desire to not adopt a watershed plan. However, he wanted a chance to review the document page by page, to ensure there was no platform for the Department of Ecology, and then to return those sections to the Planning Unit that are troublesome. **COMMISSIONER GOLLADAY** said he did not know what the Planning Unit really was, and was unsure of its make up. He felt it was a moving target, and was worried the Plan would become regulation, and not an actual "plan".

THOSE PRESENT & TESTIFYING: **KEVIN ESLINGER** said he had an active role in the watershed planning, and was still confused regarding the process. He spoke in favor of having the document reviewed again locally. **MARY BURKE** listed several problems she had with adopting the document as it currently stands, and spoke in favor of reviewing it locally. She also explained concerns she had relating to the Water Conservancy Boards, and their requirements. She did not understand why the Planning Units should comment on each Water Conservancy Board application. **URBAN EBERHART** said he supported

getting together locally for review and recommendations. **STEVE ROSSBECK** agreed with reviewing the document and keeping track of the revisions. He was concerned that the County may miss an opportunity that may benefit them, if they did not adopt a Plan. **THERE BEING NO ADDITIONAL TESTIMONY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

CHAIRMAN HUSTON suggested referring the document back to the local planning unit for their review and recommendations; creating a work product for submission; and forwarding on their recommendations to the Planning Unit. **COMMISSIONER GOLLADAY** said he was not interested in having anyone outside the local planning unit being involved with the review. **COMMISSIONER COE** said he wanted concrete suggestions from the members.

COMMISSIONER GOLLADAY moved to close the public hearing, refer the document back to the local planning unit for study sessions and recommendations, and to coordinate a meeting with the four initiating counties. **COMMISSIONER COE** seconded. Motion carried 3-0. It was noted the study sessions would be held on March 22 and March 29, 2004 at 2:30 p.m. in the Commissioner's Auditorium. **DAVID TAYLOR** was directed to notify the local planning unit members.

Meeting adjourned at 5:55 p.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie A. Kjorsvik

Perry D. Huston, Chairman