

**KITTITAS COUNTY
BOARD OF COMMISSIONERS
KITTITAS VALLEY EVENT CENTER
HERITAGE CENTER
512 NORTH POPLAR STREET
ELLENSBURG, WA**

WEDNESDAY

6:00 P.M.

FEBRUARY 26, 2014

Board members present: Chairman Paul Jewell; Vice-Chairman Gary Berndt and Commissioner Obie O'Brien.

Others: Julie Kjorsvik, Clerk of the Board; Jeff Watson, Staff Planner; Lindsey Ozbolt, Staff Planner; Candi Blackford, Administrative Assistant II; Holly Myers, Environmental Health Supervisor; Neil Caulkins, Deputy Prosecutor; Doc Hansen, Planning Official; Holly Duncan, Environmental Health Specialist II; Dr. Mark Larsen, Public Health Official; Erin Moore, Public Health Permit Tech.; Robin Read, Public Health Administrator and approximately 60 members of the public.

PUBLIC HEARING

COMPLIANCE EFFORTS

CDS

At 6:00 p.m. **CHAIRMAN PAUL JEWELL** opened a Public Hearing to consider Comprehensive Plan Compliance Efforts. He reviewed the hearing process and noted that all information had been posted on the County website for a couple of weeks.

DOC HANSEN, PLANNING OFFICIAL reviewed a Staff Report including the background of issues that the Washington State Supreme Court supported which had been identified in an Order by the Eastern Washington Growth Management Hearings Board. The information included Exhibit A - Proposed Revisions to Chapter 8 of the Kittitas County Comprehensive Plan; Exhibit B - Proposed Revisions to Kittitas County Code 17.15.050 and 17.15.060; Exhibit C - Proposed Revisions to Kittitas County Code, 17.15.070 LAMIRD Land Use Tables; Exhibit D - Proposed Revisions to Kittitas County Code LAMIRD Maps; Exhibit E - Proposed Revisions to Kittitas County Comprehensive Plan and Code, Water; Exhibit F - Kittitas County Draft Settlement Agreement; GMA Water Compliance Fact Sheet; and GMA Water Compliance Frequently Asked Questions.

ROBIN READ, PUBLIC HEALTH ADMINISTRATOR reviewed a power-point presentation including the Public Health's current measures, proposed interim (18 month period) and permanent measures for Adequate Water Supply Determination for Lower Kittitas County; a proposed Leased Water Mitigation Program; Changes to Well Flow Requirements for Individual Water System and Changes to Well Flow Requirements for Shared Water System.

The Board recessed for a break at 7:12 p.m. and reconvened at 7:25 p.m.

APPROVED

3/18/14

THOSE PRESENT & TESTIFYING: **JAN SHARAR** read a letter into the record thanking the Board and County Staff for the negotiation process. She felt it had been productive and held in a way that all who participated felt their input was respected. She felt the policies contained in the documents addressed the legal and scientific basis for the use of wells in rural development. **ROGER OLSEN** supported the Settlement Agreement and thanked Commissioner Jewell for his hard work. **MARGE BRANDSRUD, CHAIR OF THE KITTITAS COUNTY CONSERVATION COALITION** thanked Commissioner Jewell, County Staff as well as other State agencies for the proposed Settlement Agreement. She said they were all in support of the proposal. **TOM TEBB, CENTRAL REGIONAL DIRECTOR OF THE DEPARTMENT OF ECOLOGY** explained how water resources in the Yakima Basin were over appropriated. He said if the Board chooses to approve the proposal the Department of Ecology would fully support the implementation of the Settlement Agreement and Ordinance. They supported the phased in approach to the mitigation. **TIM TROHIMOVICH, REPRESENTING FUTUREWISE** spoke in favor of the proposed Settlement Agreement and thanked Commissioner Jewell and County Staff for their hard work through the process. **DOUG KILGORE, PRESIDENT OF RIDGE** spoke in favor of the amended regulations, policies and Settlement Agreement. He felt it offered leadership to other Counties in the State. **JEREMY BACH, REPRESENTING HIMSELF AND BACH WELL DRILLING** expressed support of the proposal stating it brings an end to the moratorium in the Upper County and would allow the County to have a mitigation bank. He felt it would also stabilize the market place. **GLEN SMITH, WASHINGTON STATE GROUNDWATER ASSOCIATION** acknowledged the large amount of work and energy it took from the various State Agencies, County Commissioners and other parties who were involved for putting together a program which will be used by other Counties in the future. **DALE LOVELAND** expressed support of the efforts that had been made in the proposed Settlement Agreement and felt everyone involved were satisfied. **KAREN POULSEN** questioned why she would need a water right when she is already a senior water right holder and they return much of the water and they have a right to utilize their water. **MARK CHARLTON, REPRESENTING THE KITTITAS COUNTY FARM BUREAU** wanted to ensure their written comments were a part of the record. He asked the County to recognize the agricultural community, who have been stewards of the agricultural lands and community and employ a significant part of the community. **ROGER BECK, SUNCADIA RESORT** said they were required to obtain their own water rights for off site development and they spent an enormous amount of money doing that and now the County and State are being forced to go into the business and sell water rights at a reasonable price. He questioned what the County would do for their investment which they had been required to do? **PAUL EISENBERG, SENIOR VICE-PRESIDENT OF SUNCADIA** supported the idea of land use regulation improvements and compliance with GMA and how all new building permits are to be mitigated however, they were against how it was being proposed and did not believe the County should get into the water banking business. He referenced 4 RCW's that they claim were being ignored in the Settlement Agreement and submitted information into the record. **STEVE LATHROP** felt the proposal was a hoax and how it was proposing to satisfy the over appropriation of water. He said it doesn't address who is not directly adjacent to the main stem that and senior water rights would continue to be impaired. He said the County shouldn't get into the water baking business because it is expensive, complicated and they don't have staff to take it on. **JOE MENTOR, A WATER RIGHTS ATTORNEY REPRESENTING SUNCADIA AND J.P. ROAN** objected to the proposed Settlement Agreement and outlined various reasons

why there were against it. He said it doesn't say how the interim measures would be applied in the Lower County and asked what the DOE's position was on whether a person using a leased water right would be protected by local senior water users. He said they've successfully transferred 400 mitigation credits in the Upper County and 9 water banks are in operation. They wondered how the County plans to pay for the subsidy if they were going to offer mitigation credits and felt there were other ways to achieve GMA compliance. He asked the County to reconsider their role in the water banking program. **MELISSA BATES** said she appreciated all the efforts that went into the proposal and the Settlement Agreement provides coverage for existing users which some of them may not even realize they were at risk. She said water is part of the public trust and therefore needs to be managed. **GLENN HUFFMAN** proposed questions to the County Commissioners and asked how mitigating water rights and money fix the water availability. He asked the County to inform citizens what they were basing their decisions on and felt there were many unanswered questions. **GEORGE ANDERSON** expressed concerns with the new regulations relating to a water bank and how it would cost a lot of money to apply for a well in the water banks. He felt it would slow down growth in the County and only hurt new people coming into the area. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

COMMISSIONER O'BRIEN no one has asked what it would cost the County if they do not make the settlement work. He said land owners would end up losing if it's extended into the Lower County and not just limited to the Upper County. He said he would be supporting all of the proposed amendments and Settlement Agreement and felt there was no other option. **COMMISSIONER BERNDT** said he lived in the area where there is a moratorium and he agreed with Commissioner O'Brien's statements. He said it would be one thing to slow down the economy, but another to completely stop it. He felt it may not be the perfect solution, but it is very much improved. **COMMISSIONER JEWELL** explained how the proposal would bring an end to over 8 years of litigation and the proposal was an opportunity to finally end it. He said the County has already spent millions of dollars over the years trying to come into compliance and if they do not come to an agreement and are found invalid, all building permits, etc. would come to a complete stop until things were settled. He explained how the County would use a cost recovery model with no profit and all cost based pricing.

COMMISSIONER O'BRIEN moved to continue the Public Hearing to Tuesday March 4, 2014 at 3:00 p.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue Ellensburg and leave the written comment record open until 5:00 p.m. on Monday March 3, 2014 at 5:00 p.m. **COMMISSIONER BERNDT** seconded. Motion carried 3-0.

Meeting adjourned at 8:45 p.m.

CLERK OF THE BOARD


Julie Kjorsvik

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Paul Jewell, Chairman