

**KITTITAS COUNTY
BOARD OF COMMISSIONERS
COMMISSIONERS AUDITORIUM
SPECIAL MEETING**

TUESDAY

3:00 P.M.

MARCH 4, 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; Erin Moore, Permit Tech.; Holly Duncan, Environmental Health Specialist; Neil Caulkins, Deputy Prosecutor; Dr. Mark Larsen, Public Health Official; Doc Hansen, Planning Official; Robin Read, Public Health Administrator and approximately 15 members of the public.

PUBLIC HEARING

COMPLIANCE EFFORTS

CDS

At 3:00 p.m. **CHAIRMAN PAUL JEWELL** opened a Public Hearing continued from February 26, 2014 to consider Comprehensive Plan Compliance Efforts.

DOC HANSEN, PLANNING OFFICIAL reviewed comments that had been received within the written comment deadline of Monday March 3, 2014 at 5:00 p.m. He indicated how there would be no change in Upper County for the interim period and the only option for water availability would be to continue the way the County has been processing it. He said the proposal was based on legal opinions and there were arguments on both sides. He said although it could be considered as "temporary" he believed it was defensible.

CHAIRMAN JEWELL felt there may have been some confusion expressed by some members of the public and said there would be no difference in the standard mitigation between the Upper and Lower County, once the long term measures were put in place. He said the proposed Settlement Agreement's strategy was to have the County easily transition into a permanent solution.

COMMISSIONER BERNDT felt whatever was to happen it needed to be consistent across the County and the rules should be the same for everyone. **COMMISSIONER O'BRIEN** noted the County was not looking to impact anyone's senior water rights in any way.

NEIL CAULKINS, DEPUTY PROSECUTOR explained how the permanent measures would be the County rules which would be equivalent to the Upper County Rule and be its replacement.

COMMISSIONER O'BRIEN felt they have been working hard and diligently on all issues while doing what's in the best interest of the County and noting it may be a model for other Counties. He felt it protects rural character and in compliance with Supreme Court requirements and Department of Ecology. Some people think the County shouldn't be in the water business, but water is a public trust and all parties involved are trying to set it up for success and stay out

APPROVED
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of constant litigation. He felt the proposed Settlement Agreement was the best option available. **COMMISSIONER BERNDT** felt it was the role of government to look at predictability, durability and responsibility and look for the greater good on behalf of the County. He believed there may be no better option than what's in front of them.

CHAIRMAN JEWELL said while he couldn't disagree with the comments from Commissioner O'Brien and Commissioner Berndt he was interested in doing a little more work due to the substantial nature of the additional written and public comments received. He thought there may need more policy analysis and evaluation and possibly more legal analysis. He said there were quite a few comments to not move too fast. He thought the land use issue comments need to be discussed openly and would require a process with everyone at the table.

MR. HANSEN said they haven't discussed items that have been brought out in letters and legal issues and may want to have further discussion before taking any action. He said he wanted to be sure it's done right and the language is correct and suggested postponing action until Thursday. **CHAIRMAN JEWELL** didn't feel it would be done in a couple of days and he was concerned with bumping up against the deadline. **COMMISSIONER BERNDT** questioned what the consequence would be if the issue was not resolved by March 14th. **MR. HANSEN** commented on requesting an extension and how the State wants it resolved, but they also want it done correctly. He felt in order to have a better document and decision they should grant an extension, especially if the parties would agree to the request for an extension as well.

COMMISSIONER O'BRIEN said at some point you have to pull the trigger and they have been at it for 8 years and the parties agree with what is being proposed. He asked how long of an extension would they be requesting and how would it fit into everyone's schedules.

CHAIRMAN JEWELL said there was a lot of uncertainty and case law that adds to the difficulty of the situation. He understands Commissioner O'Brien's concerns but they are going into unknown territory and many of the comments they received were germane to the issue, on point and deserve more consideration. The Board directed Staff to get information on obtaining a 60 day extension.

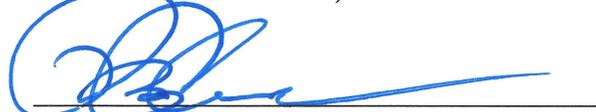
COMMISSIONER BERNDT moved to continue the Public Hearing to Thursday March 6, 2014 at 5:00 p.m. for further deliberation, noting the record was closed. **COMMISSIONER O'BRIEN** seconded. Motion carried 3-0.

Meeting adjourned at 4:08 p.m.

CLERK OF THE BOARD


Julie Kjorsvik

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**


Paul Jewell, Chairman