

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION

NO. 2010-39

**RESOLUTION AUTHORIZING THE RECONVENING OF THE WATER UTILITY
COORDINATING COMMITTEE (WUCC) FOR THE UPPER KITTITAS COUNTY
CRITICAL WATER SUPPLY SERVICE AREA**

WHEREAS, the Kittitas County Board of Commissioners adopted Resolution No. 90-111 on November 13, 1990, formally initiating the Public Water System Coordination Act of 1977 (RCW 70.116) and declaring portions of Upper Kittitas County a Critical Water Supply Service Area; and

WHEREAS, the Kittitas County Board of Commissioners adopted Resolution No. 91-22 on February 4, 1991, which established hearings for the review of proposed external boundaries for the Critical Water Supply Service Area in Kittitas County and adopted those boundaries on March 5, 1991 as indicated in Exhibit A attached thereto; and

WHEREAS, following review and approval by the then-existing Water Utility Coordinating Committee (WUCC), the Kittitas County Planning Department and the Kittitas County Environmental Health Department, by Resolution No. 94-101 the Kittitas County Board of Commissioners approved the Roslyn-Cle Elum Area Coordinated Water System Plan dated May 1993, which Plan was prepared using then-existing land use plans based on population and growth projections to estimate future water needs; and

WHEREAS, the Upper Kittitas County communities of Cle Elum, South Cle Elum, Roslyn and the community of Ronald (Kittitas County Water District No. 2) subsequently elected not to construct a regional water treatment facility as provided in the Plan approved by Resolution No. 94-101 above referenced; and

WHEREAS, the Upper Kittitas County communities' election not to construct a regional water treatment facility does not eliminate the communities' obligations under RCW 70.116 including, *inter alia*, the duty to maintain current boundaries for a Critical Water Supply Service Area; and

WHEREAS, pursuant to a written request of the Mayors of Cle Elum, Roslyn and South Cle Elum, on October 8, 2002 the Kittitas County Board of Commissioners adopted Resolution No. 2002-98, to formally reconvene the Water Utility Coordinating Committee (WUCC) to review the critical water service area

boundaries and to recommend revisions to the County consistent with water rights and land use decisions made after adoption of the original boundaries; and

WHEREAS, following public hearings, by Resolution No. 2004-112 adopted on October 5, 2004 the Kittitas County Board of Commissioners modified the external boundaries of the Upper Kittitas County communities' water service area boundaries provided in the Coordinated Water System to reflect changes in corporate boundaries or desired future water service areas; and

WHEREAS, the proposed regional water treatment facility still not having been constructed by the Upper Kittitas County communities of Cle Elum, South Cle Elum, Roslyn and the community of Ronald, the boundaries of the Upper Kittitas County communities' water service area boundaries reflected in the Coordinated Water System Plan for the Roslyn-Cle Elum Area are no longer consistent with the parties' corporate boundaries, urban growth boundaries or desired future water service areas, as modified pursuant to Resolution 2004-112; and

WHEREAS, the Mayors of Cle Elum, South Cle Elum and Roslyn have jointly requested in writing that the Kittitas County Board of Commissioners again formally reconvene the WUCC in order to: (1) review the critical water service area boundaries, and (2) make recommendations to Kittitas County for further revision consistent with water rights and land use decisions made after the original boundaries were adopted and modified; and

NOW, THEREFORE, BE IT RESOLVED: The Kittitas County Board of Commissioners finds it necessary to reconvene the WUCC serving the Upper Kittitas County Communities comprising the Critical Water Supply Service Area, as established in 1990, said Water Utility Coordinating Committee to be comprised of the following:

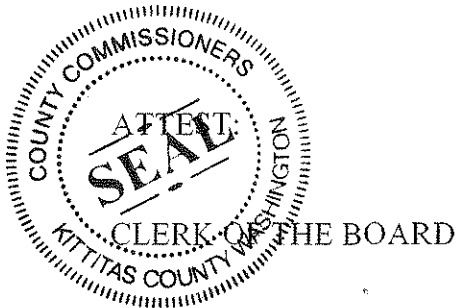
- one (1) City of Cle Elum representative, to be appointed by the City of Cle Elum;
- one (1) Roslyn representative, to be appointed by the City of Roslyn;
- one (1) South Cle Elum representative, to be appointed by the Town of South Cle Elum;
- one (1) Kittitas County Water District No. 2 representative (for the community of Ronald), to be appointed by the District; and
- one (1) Representative of the Kittitas County Community Development Services Department, Division of Environmental Health, to be appointed by the Department; and
- one (1) Kittitas County Legislative body representative, to be appointed by the Kittitas County Board of Commissioners; and

BE IT FURTHER RESOLVED: That the WUCC shall prepare a map and narrative description of the recommended boundary and also prepare a report to the Kittitas County Board of Commissioners documenting the need for boundary alterations and the criteria used and relative importance of each in establishing the boundary. Any boundaries to be proposed to the Board of County Commissioners for legislative approval shall be documented by a written report prepared in compliance with the procedures and criteria identified in WAC 246-293-170, WAC 246-293-180 and other applicable law. The Water Utility Coordinating Committee will deliver this written report to the Board of County Commissioners no later than June 30, 2010; and

BE IT FURTHER RESOLVED: That this Resolution shall serve as the Kittitas County Board of Commissioners' brief report documenting the need for alteration to the boundaries and the instruction to the committee as required by WAC 246-293-200(2).

DATED this 10th day of April, 2010, at Ellensburg, Washington.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



Mark McClain
Mark McClain, Chair

Paul Jewell
Paul Jewell, Vice Chair

Julie A. Kjorsvik
Julie A. Kjorsvik

Alan Crankovich
Alan Crankovich, Commissioner

Approved as to form:

Deputy Prosecutor

Kittitas County Prosecutor

February 16, 2010

MAR 15 2010

VIA FIRST CLASS MAIL

Civil Division

Mark McClain
Chairman, Kittitas County Board of Commissioners
205 W 5th AVE Suite 108
Ellensburg WA 98926

Re: Request by Upper Kittitas County municipalities to reconvene the Water Utility Coordinating Committee

Dear Chairman McClain:

The Mayors of Cle Elum, Roslyn, and South Cle Elum (the "Upper County municipalities"), write to formally request that the Kittitas County Board of Commissioners (the "Board") pass a resolution reconvening the Water Utility Coordinating Committee for the purpose of proposing revisions to the external boundaries of the existing Roslyn/Cle Elum/South Cle Elum Area Critical Water Supply Service Area.

By way of background, the Upper County municipalities developed a Coordinated Water System Plan in the early 1990's under the authority of Ch. 70.116 RCW in anticipation of constructing a single water treatment facility to serve the municipalities. The Board approved that plan in 1994 by passing Resolution No. 94-101. That plan, in turn, includes a Critical Water Service Area ("CWSA"). Within the external boundary of the CWSA, each municipality has its own designated service area. A municipality may provide potable water inside its service area within the external boundary of the CWSA, but it may not provide potable water outside that external boundary, even if those areas are within the urban growth area. This boundary can only be changed by resolution of the Board on the recommendations of the WUCC for changes to the CWSA.¹

The Board has previously reconvened the WUCC and altered the CWSA external boundary in response to changed circumstances. In 2002, at the request of the Upper County municipalities, the Board passed Resolution No. 2002-98, effectively reconvening the WUCC. The WUCC met, discussed its current and future land and water service area projections and based thereon, reported to the Board its recommended changes to the CWSA external boundary. The City of Cle Elum acted as the SEPA lead agency for that process. The Board then adopted those recommendations in 2004 by passing Resolution No. 2004-112.

¹ The single water treatment facility contemplated by the plan was never constructed, and instead each of the Upper County municipalities elected to develop their own independent water treatment facilities. Nevertheless, the Coordinated Water System Plan and its associated CWSA boundary remain in effect, and indeed RCW 70.116 provides no provision for opting out of this process.

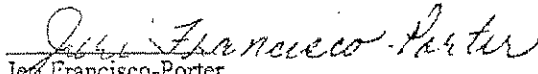
The Mayors of the Upper County municipalities are again asking the Board to reconvene the WUCC because the current CWSA boundaries are no longer consistent with corporate boundaries, urban growth boundaries, and potential future water service areas. The WUCC will, again, study the need for appropriate changes to the CWSA and prepare a written report and recommendations to the Board. The City of Cle Elum is again willing to serve as SEPA lead agency.

Thank you for your prompt attention to this matter. For your convenience, a proposed resolution reconvening the WUCC is attached to this letter.

Sincerely,

Charles Glondo
Mayor of Cle Elum

James DeVere
Mayor of South Cle Elum


Jeff Francisco-Porter
Mayor of Roslyn

cc: Brent Bottoms, Kittitas County Prosecutor's Office

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Sincerely,



Charles Glondo
Mayor of Cle Elum

Kittitas County Prosecutor

MAR 15 2010

Civil Division

James DeVere
Mayor of South Cle Elum

Jeri Francisco-Porter
Mayor of Roslyn

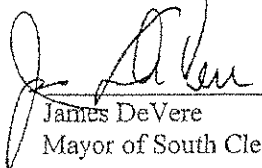
cc: ~~Brent Bottoms~~ Kittitas County Prosecutor's Office

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Sincerely,

Charles Glondo
Mayor of Cle Elum


James De Vere
Mayor of South Cle Elum

Jeri Francisco-Porter
Mayor of Roslyn

cc: Brent Bottoms, Kittitas County Prosecutor's Office

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION

NO. 2004-112

**RESOLUTION MODIFYING EXTERNAL BOUNDARIES OF THE
UPPER KITTITAS COUNTY
CRITICAL WATER SUPPLY SERVICE AREA**

- WHEREAS,** the Kittitas County Board of Commissioners adopted Resolution No. 90-111 on November 13, 1990, formally initiating the Public Water System Coordination Act of 1977 (RCW 70.116) and declaring portions of Upper Kittitas County a Critical Water Supply Service Area; and
- WHEREAS,** the Board of County Commissioners adopted Resolution No. 91-22 on February 4, 1991, which established hearings for the review of proposed external boundaries for the Critical Water Supply Service Area in Kittitas County and adopted those boundaries on March 5, 1991; and
- WHEREAS,** the Board of County Commissioners by Resolution No. 94-101 approved the Roslyn-Cle Elum Area Coordinated Water System Plan dated May, 1993;
- WHEREAS,** the boundaries of the four Upper Kittitas County communities' water service area boundaries reflected in the Coordinated Water System Plan for the Roslyn-Cle Elum Area are no longer consistent with the parties' corporate boundaries or desired water service areas; and
- WHEREAS,** the Kittitas County Board of Commissioners reconvened the Water Utility Coordinating Committee by Resolution 2002-98 for the purposes of reviewing the critical water service area boundaries and making recommendations to Kittitas County for revision thereof consistent with water rights and land use decisions made subsequent to adoption of the original boundaries; and
- WHEREAS,** the WUCC committee submitted its Report of Proceedings and Recommendation to the BOCC on July 29, 2004; and
- WHEREAS,** the Board of County Commissioners conducted public hearings and received testimony on the Report of Proceedings and Recommendation on August 17, 2004 and on September 14, 2004; and

WHEREAS, the Board having considered the report, the testimony and documents received in support of a modified Critical Water Supply Service Area,

NOW, THEREFORE, BE IT RESOLVED: the Board of County Commissioners find the external boundary of the Upper Kittitas County Critical Water Supply Service Area shall be and is hereby modified by this resolution to reflect those external boundaries as identified in the CWSSA Map attached hereto and incorporated both herein and into the Coordinated Water System Plan by this reference.

BOARD OF COUNTY COMMISSIONERS
KITITAS COUNTY, WASHINGTON



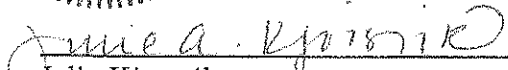
Perry Huston, Chairman

"ABSENT"


Max Golladay

Bruce Coe




Julie Kjorsvik

APPROVED AS TO FORM:

Gregory Zempel, Prosecuting Attorney
By James Hurson, Deputy

Critical Water Supply Service Area

