

**COMMISSIONERS' MINUTES
KITITITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING**

WEDNESDAY

3:00 P.M.

JULY 7, 2010

Board members present: Chairman Mark McClain; Vice-Chairman Paul Jewell and Commissioner Alan Crankovich.

Others: Mandy Robinson, Deputy Clerk of the Board; Greg Zempel, Prosecutor, Neil Caulkins, Deputy Prosecutor; James Rivard, Environmental Health Supervisor; Suzanne Becker; Deputy Prosecutor; Cathy Bambrick, Public Health Administrator; Tom Tebb, Director of Central Regional Office-Department Of Ecology (DOE); Mary-Sue Wilson, DOE Attorney (by phone), and six members of the public.

SPECIAL MEETING

DEPARTMENT OF ECOLOGY

COMMISSIONERS

At 3:00 p.m. **Chairman McClain** opened a special meeting to receive an update from Department Of Ecology.

Commissioner McClain indicated that an e-mail was sent to Mr. Tebb because the County is still struggling with the concepts to process building permits. He indicated that his hope is the e-mail will provide an outline for today's discussion.

Mr. Tebb expressed his appreciation regarding the letter. He explained that he feared the past few correspondences exchanged between the County and DOE were the beginnings of the two agencies drifting apart instead of coming together. He thanked the Board for the opportunity to speak and be present today. He indicated that they have been working hard to keep their website updated with the most recent information and changes. He reviewed that at the present time DOE has approximately 54 applications they are reviewing and 29 of them have been approved, those being from the Suncadia water bank. Mr. Tebb reviewed the timeline for approval on the applications and indicated that it's not quite where they would like to be yet, but it's getting there.

Mary Sue Wilson, DOE Attorney reviewed the question pertaining to legal authority, and the chain of command. She explained that DOE would be on top, then the Superior Courts and Local Government. She gave an outline of what each of those entities have the authority to consider.

2010-07-07 MINUTES

APPROVED
9/7/2010

Commissioner McClain questioned if this is the Legislative intent and read RCW 58.17.10 pertaining to Subdivisions- potable water supply. Commissioner McClain questioned how that will impact the Lower County and how they should explain to their constituents when they have water, but not a water permit.

Ms. Wilson, explained that if you have no rule and no requirement to get a permit, if greater than 5000 gallons per day, you're not going to need permitting. She explained that if you have 350 gallons for one house it will be fine, but 32 houses would go over that and they would need to be considered at the 5000 gallon per day rule. She referred to the Campbell & Gwinn case. She explained that there is a technical and non technical process and history in decision making but that the Board should consult legal and DOE and look at the history of the applicant. She extended DOE's assistance whenever needed. She also indicated that they find some assistance in RCW 19.27.07.

Commissioner McClain requested an outline for what DOE wants the County's forms to look like. County staff gave a verbal description of what the County's current forms look like. Staff expressed concern about having to do multiple types of forms pending the type of permit being applied for. Ms. Bambrick reviewed current process at the County for the permit process.

Mr. Tebb and Ms. Wilson felt that a lot of the current questions will be answered in the next 8-10 months since DOE is currently working on streamlining a process. Ms. Wilson also indicated that she would be more than happy to meet with Public Health staff in the mean time to try and walk them through any issues. She reminded staff that their goal as much as the County's, is to get to a water budget neutral situation.

At 4:10 p.m. **Chairman McClain** opened a special meeting and announced the Board would retire into Executive Session for 15 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. No anticipated action


At 4:25 p.m. the Board reconvened from Executive Session. No action was taken. **Chairman McClain** announced the Board would retire into Executive Session for 15 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the

governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. No anticipated action.

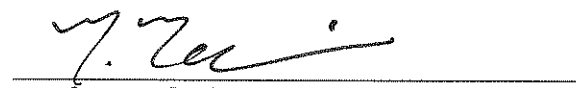
At 4:40 p.m. the Board reconvened from Executive Session. No action taken. The Board went back into open session and asked the Prosecutor if they needed any additional legal assistance. Mr. Zempel indicated that if he did, he would let the Board know.

The meeting was adjourned at 4:45 p.m.

DEPUTY CLERK OF THE BOARD


Mandy Robinson

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Mark McClain, Chairman