

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

THURSDAY

10:00 A.M.

MARCH 26, 2009

Board Members Present: Chairman Alan Crankovich, Vice-Chairman Paul Jewell; Commissioner Mark McClain

Others Present: Candi Blackford, Clerk of the Board of Health; Cathy Bambrick, Public Health Administrator; Brent Bottoms, Deputy Prosecutor; Dan Valoff, Planner II

Also Present: Tom Tebb, Regional Director, DOE; Mark Schuppe, Brian Fowler, Department of Ecology (Via Phone)

SPECIAL MEETING

EXEMPT WELL MOU

PUBLIC HEALTH

Chairman Alan Crankovich opened the meeting at 10:00 a.m. noting that this was a discussion between staff and the staff of the Department of Ecology and not a public hearing therefore no public input would be allowed and at some point during the meeting, if necessary, the board may enter executive session for discussion with legal counsel. At this time Commissioner Mark McClain called Brian Fowler on the phone as he participated via phone conference. Tom Tebb started the meeting by thanking the commissioners for meeting on this issue. Tom Tebb discussed the making of the Emergency Rule that was created and that the DOE is at this meeting to discuss each other's issues and try to move forward. Brent Bottoms added that by the end of the meeting each side should have communicated what they wanted.

The first extensive discussion was on using SEPA vs. some other type of review to regulate and mitigate exempt wells. Using SEPA would require the county to use codes 5817 and 1927 and use some authority under these codes to protect the quantity and quality of water to reduce the counties legal risk.

The next issue was relating language on short plats. Language needs to be consistent for how much water each lot will be able to use for immediate and future use as well as putting termination dates on these. It was agreed upon to let Brian Fowler and Brent Bottoms get together to try to come up with language to bring back and present at a later date.

The next discussion was about the 5000 cap for indoor and outdoor lawn/garden use. This was one feature in the MOA that tightens the exemption. Tom Tebb noted that it was by design to limit the exemption use around residential development which include the ½ acre. The Department of Ecology noted again in the conversation that they do have the authority to stop the usage completely and at this point would rather limit the use.

Commissioner Mark McClain had some questions on how to create lots and implement this in previous years and in the future depending on the phase of development. Again in this meeting there was discussion on Campbell- Gwinn and the effective date of July 1, 2008 for the emergency rule and the county doing parcel searches. It was decided that Campbell-Gwinn will have the attorneys review dates and stream line ways to do analysis and establish restrictions. Commissioner McClain would also like to figure out a way to deal with SEPA concept and how to get through the SEPA threshold issues that are category exempt.

Tom Tebb also updated at this time that this is still in governor's budget for both the study and operating funds as well as the DOE water master. All had some questions on budget issues and funding. There was also discussion on metering in regards to where the meters will go and who will be reading the meter or reporting the information into the DOE.

Next step is for legal counsel to get together to discuss new language that may address concerns on both sides with the existing approach and get together again in the future to see what they can come up with.

At 11:35am Chairman Alan Crankovich announced the Board would go into an Executive Session at 11:45 for approximately 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.

At 12:00pm the Board reconvened out of Executive Session and gave direction to staff to work with Department of Ecology to resolve differences.

Meeting adjourned at 12:00pm

03-26-2009 MINUTES

CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Candi Blackford

Alan Crankovich, Chairman