

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

TUESDAY

2:00 P.M.

JULY 1, 2025

Board members present: Chairman Laura Osiadacz; Vice-Chairman Cory Wright & Commissioner Brett Wachsmith.

Others: Mandy Buchholz, Office Administrator; Stephanie Hartung, Chief Civil Deputy Prosecutor; Josh Fredrickson, Public Works Director; Jamey Ayling, Planning Manager; Cameron Curtis, Engineer; and three members of the public.

Chairman Osiadacz noted that the Hearings would be taken out of order from what the Agenda published reflected.

PUBLIC HEARING

LEASE HAY COVER STORAGE

PUBLIC WORKS

At 2:00 p.m. **CHAIRMAN OSIADACZ** opened a Public Hearing to consider a Lease with Paul Hutchinson for Hay Cover Storage Buildings located on Goodwin Road.

ARDEN THOMAS, WATER RESOURCE MANAGER, reviewed a Staff Report and stated that the County recently acquired property with hay cover storage not utilized by the current agricultural tenant and has received inquiries from parties interested in leasing the facilities. These storage facilities are located at Parcel No. 505933. She noted that Public Works advertised a Notice of Call for Sealed Bids on May 22 and May 29, 2025, in the newspaper of record, with sealed bids due on June 6, 2025 at 9:00 a.m. and one bid was received and deemed responsive. She stated that it was Public Works recommendation to enter into a lease for the property with the single bidder.

THERE BEING NO PUBLIC IN ATTENDANCE REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

RESOLUTION 2025-130

LEASE - HUTCHINSON

PUBLIC WORKS

VICE-CHAIRMAN WRIGHT moved to approve Resolution No. 2025-130, Resolution Authorizing a Lease Agreement between Kittitas County and Paul Hutchinson for Goodwin Road Hay Cover Storage. **COMMISSIONER WACHSMITH** seconded. Motion carried 3-0.

PUBLIC HEARING

CRITICAL AREAS ORDINANCE

CDS

APPROVED

8/5/2025

At 2:03 p.m. **CHAIRMAN OSIADACZ** opened a Public Hearing to consider amendments to the Kittitas County Code Title 17A, Critical Areas Ordinance (CAO).

JAMEY AYLING, PLANNING MANAGER, reviewed a Staff Report and explained that in December of 2021, Kittitas County adopted Ordinance No. 2021-016, the Kittitas County Critical Areas Ordinance (CAO). The Yakama Nation (Petitioner) filed a petition for review with the Eastern Washington Growth Hearings Board (GMHB) on February 11, 2022, Case No. 22-1-0002 and on July 28th, 2022, a hearing on the merits was held. On September 7th, 2022, the GMHB issued a final decision and order in favor of Kittitas County on each issue and the Petitioner filed an appeal of the GMHB's decision to Superior Court in Thurston County. On March 20, 2023, the Thurston County Superior Court certified direct review to the Division II Court of Appeals, where the Division II Court of Appeals transferred review to the Division III Court under Case No. 396711. In July of 2024, Kittitas County and the Petitioner entered into a settlement discussions over the next eleven months, which included numerous meetings and correspondence from July 2024 through May of 2025. On June 9, 2025 at a regularly scheduled Community Development Services (CDS) Study Session Meeting, the Kittitas County Board of County Commissioners (BoCC) approved Resolution No. 2025-118, concerning the settlement with the Yakama Nation pertaining to the Kittitas County Code Title 17A, Critical Areas Ordinance.

On June 9, 2025, at a regularly scheduled CDS Study Session Meeting, the Kittitas County BoCC adopted Resolution 2025-118, acknowledging the settlement with the Yakama Nation pertaining to the Kittitas County Code Title 17A, Critical Areas Ordinance (CAO) and directed CDS to initiate the next steps for formal approval of the Ordinance. On June 17, 2025, at a regularly scheduled BoCC Meeting, the Kittitas County BoCC set a Public Hearing for July 1st at 2:00 p.m. to consider approval of the Amendments to the Kittitas County Critical Areas Ordinance.

VICE-CHAIRMAN WRIGHT reviewed questions he had for Legal. He questioned how this process worked from a legal perspective and asked Chief Deputy Hartung to explain the process. **STEPHANIE HARTUNG, CHIEF DEPUTY PROSECUTOR**, explained the process of how they got it to the correct Court and explained that originally it was in the Court of Appeals Division #2 and it needed to be in the Court of Appeals Division #3. She reviewed the negotiations process with Yakama Nation and the review of the best available science. She noted that our record on this in Court is over 6,000 pages. She explained that before they went to Court, the Yakama Nation asked if they could meet and the County agreed to, however, the County kept their pre-arranged day in Court. She stated that what they found out and realized after meeting with the Nation was that both parties were not as far apart as they originally thought, which led them to

11 months of meeting and negotiating and in the end only about a quarter of the Ordinance was changed and had it went to Court that most likely would have been a drastically different outcome. She stated that she felt the County was able to keep what was important while making it user-friendly, as well as complying with the Growth Management Act (GMA). She stated it's a really good product and will be practically applicable by CDS. She noted that we did prevail at the Growth Management Hearings Board. **VICE-CHAIRMAN WRIGHT** stated he had additional questions of Planning Manager Ayling. He asked him to clarify & define the use of degradation and how that will be applied. He additionally asked Mr. Ayling to define Channel Migration Zone. **JAMEY AYLING, PLANNING MANAGER** explained that the maps are on Compass that show the channel migration zone and what that will look like over time. They are able to see evidence of channels that used to exist that they see over time no longer exist. He shared that they have a team of experts that evaluate the channels as well, additionally, he reviewed how they identify over the course of a 100-year period and what those mechanisms look like that are in place, noting that this is done at no cost to the applicant.

CHAIRMAN OSIADACZ noted for the record that the office had received written comment from Pat Kelleher that would be included in the record.

THOSE PRESENT & TESTIFYING: PAT KELLEHER felt that the document is ridiculous and does nothing to protect our environment. He stated that it's written for the consumer and not the Nation. He stated that the County needed to take a holistic approach on how to protect the environment. **THERE BEING NO OTHERS REQUESTING TO TESTIFY, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.**

ORDINANCE 2025-006

CRITICAL AREAS ORDINANCE

CDS

VICE-CHAIRMAN WRIGHT moved to approve Ordinance No. 2025-006, An Ordinance Amending Kittitas County Code Title 17A, Critical Areas Ordinance. **COMMISSIONER WACHSMITH** seconded. **VICE-CHAIRMAN WRIGHT** stated that this is the 3rd time ever that we have done a change under the Growth Management Act for Critical Areas. He expressed his thanks to Legal and CDS for the work, as it was very in-depth, and expressed his understanding with regard to what a difficult topic this is to manage. He referenced California's overhaul of their 1970 Environmental Act, which was just revised, and the outcome of that could be felt in other areas. Motion carried 3-0.

The meeting was concluded at 2:31 p.m.

OFFICE ADMINISTRATOR


Mandy Buchholz

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Laura Osiadacz, Chairman