

# **SPOKANE COUNTY WATER AVAILABILITY ADVISORY GROUP**

**Thursday, January 24, 2013**

**1:30 – 4:00 p.m.**

**Spokane County Water Resources Center**

**1004 N. Freya St.**

**Spokane, WA 99202**

## **MEETING SUMMARY**

**Attending:** *(This list includes only those who signed the sign-in sheet)*

<b>Advisory Group Members</b>	
Rob Lindsay, <i>Spokane County</i>	Mike Hermanson, <i>Spokane County</i>
Doug Greenland, <i>City of Spokane</i>	Jeanne Barnes, <i>Spokane Assoc. of Realtors</i>
Rusty Post, <i>Dept. of Ecology</i>	Susan McGeorge, <i>Whitworth Water District #2</i>
Kitty Klitzke, <i>Futurewise</i>	Steve Davenport, <i>Spokane County</i>
Steven Holderby, <i>Spokane Regional Health District</i>	Alene Lindstrand, <i>Realtor</i>
Charisse Willis, <i>Stevens Co. PUD</i>	Steve Skipworth, <i>Liberty Lake Sewer &amp; Water District</i>
Rachael Osborn, <i>CELP</i>	Katherine Rowden, <i>NOAA</i>
Susan Gulick, <i>Sound Resolutions (Facilitator)</i>	
<b>Public</b>	
Cindy Zapotocky	Jim Melik
Connie Cooper Smith	Karen Skoog
Chris Schettle	Wes McCart, <i>Stevens County Commissioner</i>

### **1. Overlay Zones/Geographic Problem Areas**

- ❑ The Advisory Group discussed three options for moving forward on the issue of geographic “problem areas” and the creation of Overlay Zones. One option was to not finalize a recommendation; the other two options were variations on how to phrase a recommendation.
- ❑ The Advisory Group discussed the pros and cons of establishing overlay zones. Alene stated that she opposed the regulations, although she supports mapping efforts.
- ❑ Members noted that Spokane County is not precluded from considering other options in addition to overlay zones for problem areas.
- ❑ The Advisory Group voted to recommend that Spokane County establish overlay zones. All members present voted in favor of this option except for Alene, who abstained.

### **2. Impairment to Senior Water Rights**

- ❑ The draft report asks Spokane County to continue working on the issue of evaluation potential impacts to senior water rights at the time of property division.
- ❑ The Advisory Group discussed the option of changing this to “evaluation of legal water availability”.

*If you have questions or comments, please contact Susan Gulick of Sound Resolutions at (206) 548-0469 or by e-mail at [Susan@Soundresolutions.com](mailto:Susan@Soundresolutions.com).*

- ❑ It was noted that the original objective of the Advisory Group was to focus on physical water availability.
- ❑ Many Advisory Group members felt that it was important to consider legal water availability, and noted that impact to senior water rights is one of the aspects of legal water availability.
- ❑ The Advisory Group voted to amend the report to encourage the evaluation of both impacts on senior water rights and legal availability of water. All members present voted in favor of this except for Alene, who abstained.

### **3. Best Available Science**

- ❑ Steve Davenport asked the Advisory Group to add a discussion of Best Available Science (BAS) to the agenda because he felt that the term was being used differently by different members and there was not a common understanding of the term.
- ❑ The chapter of the Washington Administrative Code regarding BAS and the Growth Management Act (Chapter 365-195 WAC) was distributed to the Advisory Group. This was the only definition/explanation of BAS that Susan was able to find in the RCW or WAC.
- ❑ Steve noted that section 365-195-920 states that in the absence of valid scientific information or incomplete scientific information, counties and cities should use a “precautionary or a no risk approach” in which development and land use activities are strictly limited until the uncertainty is sufficiently resolved, combined with an adaptive management program.
- ❑ Susan noted that no one is advocating that Spokane County not use BAS; the difference in opinions is what to do when there are gaps in scientific information. Alene and others believe that the County should not impinge on private property rights until rigorous scientific studies—using the best scientific methodologies—are completed. Alene also believes that there is not good science that proves that there is a water problem in Spokane County. Others believe that while the available scientific data may not be as comprehensive as desirable, the County is obligated to make water decisions based on the best science currently available.

### **4. Public Comment**

- ❑ Connie Cooper Smith expressed concerns about the use of BAS and her civil rights. She said the report does not rely on geophysical, microgravity, seismic, or other studies. Without such information, the County should not impose new regulations and impose on citizens’ civil rights. The County will be sued, which will be costly.
- ❑ Cindy Zapotocky, Vice President of Citizens Alliance for Property Rights, read a letter to the Advisory Group which is attached to this meeting summary.
- ❑ Chris Schettle commented that the County needs to allow property owners to take personal responsibility for their property and their water. If they are having water difficulties, the property owner should address it; there is no need for additional regulations. There is nothing in the report from the Advisory Group that describes water availability issues in specific parts of the County. It is unfair to change zoning or other regulations on people who have owned their property for a long time. The Advisory Group needs to hear more from the people who will actually be affected by the recommendations.

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## 5. Adopt Final Report

- The Advisory Group asked that all the handouts that have been presented at meetings be included as attachments to the final report. The following attachments will be added:
  - Real Estate Disclosure Statements
  - Chapter 365-195 WAC: Growth Management Act—Best Available Science
  - Plats Outside Water Service Areas Since 2003
  - Subdivision Options Flowchart
- Rachael and Kitty both clarified that their vote in favor of adopting the final report did not mean that they agreed that the final recommendations of the report are all the County should be doing to address water availability. While they agree with the recommendations in the report, they feel they are only a small step forward in what the County needs to do to meet its legal obligations regarding water availability. In particular, they feel the County must do much more to address the legal availability of water.
- The Advisory Group voted to adopt the final report with the changes made earlier in the meeting regarding Overlay Zones and legal water availability. By voting yes, members agreed the report is an accurate summation of the issues discussed by Advisory Group, and agreed with the three recommendations in the report. All members present voted for adoption except for Alene, who voted no.

## 6. Other Issues/Closing

- During the discussion of the first agenda item, Alene interrupted Susan and distributed a statement to Advisory Group that criticized Susan for a number of items, including forwarding links to the Advisory Group regarding recent articles in the local newspaper without saying that the articles were misleading. Susan repeatedly informed Alene that she was out of order with respect to the established agenda and that her statement could be addressed later in the meeting. Alene pressed for immediate discussion of her statement. An informal poll of the Advisory Group was taken and the group affirmed that the agenda should be followed. Alene accepted this decision.
- Later in the agenda, Susan addressed Alene's concerns and explained that she forwarded the articles so that Advisory Group members would be aware of the articles, as she does with any group she facilitates that receives publicity. Susan never comments on whether articles are good or bad—she merely distributes them to allow members to draw their own conclusions. Regarding another topic in Alene's statement (that the letters submitted by some Advisory Group members were not accurately described in the body of the report) Susan explained that her condensed summaries of Advisory Group members' comment letters were forwarded to each letter-writer for review and approval, and changes were made to the summations when requested. Finally, responding to Alene's criticism regarding the process of preparing the draft report, Susan explained that she wrote the original draft based on meeting summaries and materials presented. All members of the Advisory Group had three opportunities to provide comments and edits to the report. Susan did not receive any edits from Alene, but did receive a comment letter which is included in the report. Alene withdrew her statement and apologized to Susan.

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- The Advisory Group commended Susan on her facilitation of the group and her knowledge of the topics discussed.
- Susan thanked the Advisory Group for its hard work and intelligent deliberation of complex issues.
- The final report and appendices will be distributed to the Advisory Group and will be available to the public.

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January 24, 2013

From: Cindy Zapotocky  
Spokane CAPR Vice President  
1728 E. Rockwood Blvd.  
Spokane, WA 99203  
Phone: 509-534-5707

Dear Ms. Gulick and Committee:

As a citizen of Spokane County, I understand the good intentions and appreciate the hours of discussion and work of your Spokane Water Availability Advisory Committee. However, reviewing what I can of the goals of the mandate your group received from Spokane County, I am not satisfied that you met those criteria, and this is not a good thing for our citizens. The recommendations that you are making will have a very profound effect on our families and our businesses and general economy and we must require that the very best job be done. I do not believe that this is the case.

The most alarming defect in your efforts in my view is the lack of BEST AVAILABLE SCIENCE to determine water availability. I would have liked to see a very high level hydrogeologist like the very well known and respected Steve Neugebauer called in to submit a report. This did not happen. For future reference, he can be reached as follows:

Steve Neugebauer --SNR Company

Principal Hydrogeologist

15211 3rd Place NE Duvall, WA 98019

425-788-3015 425-788-6873 (FAX) 206-291-5556 (CELL)

<http://www.snrcompany.com>

Further, I am appalled that you are recommending that building permits be qualified by an entity titled Spokane Regional Health District. To my knowledge, there is no such thing in America nor in our state as REGIONAL GOVERNMENT. I can't imagine how such an entity is set up or how it is over sighted on behalf of our citizens. We citizens have put in place City and County governments, and these are complex systems developed over a long period of time by people who lived and worked here as part of generations of farmers and inhabitants of our area. We prefer the County Planning Department be the qualifier of who will build and what can be built in our county. This report is at best incomplete, and falls short of what I as a citizen deem to be adequate for major water policy changes. More regulations is NOT what our citizens want to see.

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