

## **APPROVED DRMT Meeting Notes, January 11, 2017**

Prepared by Chad Theismann, Clallam County

**DRMT Members Present:** Mary Ellen Winborn/Clallam County (alt), Scott Chitwood/Jamestown S'Klallam Tribe, Shawn Hines/Jamestown S'Klallam Tribe (alt), Hansi Hals/Jamestown S'Klallam Tribe (alt), James Beebe/Riverside Property Owners (alt), Robert Phreaner/Olympic Peninsula Audubon Society Conservation Committee, Pete Walker/Olympic Peninsula Audubon Society Conservation Committee (alt), Michele Canale/North Olympic Land Trust, Joe Holtrop/Clallam Conservation District, Judy Larson/Protect the Peninsula's Future, Marc McHenry/USFS, Ben Smith/Water Users Association, Mike Gallagher/Washington Department of Ecology, Ann Soule/City of Sequim, Tom Martin/Clallam County PUD #1

**Others Present:** Carol Creasey/Clallam County, Kevin LoPiccolo/Clallam County, Jocelyn Gray/DOH Southwest Regional Office Staff, Bill Strehle/Resident, Phil Martin, Marguerite Glover/Sequim Association of Realtors

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### **I. Introductions/Review Agenda/Review and Approve November 16<sup>th</sup> DRMT Draft Meeting Notes**

Scott Chitwood called meeting to order. Introductions were made, sign in sheets circulated. Tom Martin wished to clarify his statement in the December meeting notes. Judy Larson moved to approve the notes with Tom's clarification, and James Beebe seconded the motion to approve the December meeting notes. None opposed, motion carried.

#### *Public Comment:*

- Judy Larson mentioned the "Board of County Commissioners" (BOCC) approved an Ordinance creating a Chapter titled "Integrated Weed Management" located within Clallam County Code, Title 27- Environment. She stated the BOCC approved the Ordinance even though they received approximately 400 pieces of testimony in opposition of the Ordinance. Her concerns are the long-term impact of spraying on humans and animals and the changing nature of chemicals.
- Jocelyn Gray mentioned DOH has a job opening for a Planner, based out of Tumwater, but primary work area would be Clallam County. She also noted the State's Drinking Water Revolving Funds are now open to Tribes. Tribes can now apply for loan, if not getting Fed. Funding. Contact Jocelyn for further info.

### **II. Off-Channel Reservoir Project Support: using 4-second video clip of DRMT for promotional video for the project, Ann Soule**

- Project partners are creating a video for legislature, stakeholders, and interested citizens that provides information and a visualization of the proposed off channel reservoir.
- Ann is requesting DRMT approval to take a ~4 second video of the DRMT that would show stakeholders collaborating.
- Background; ~80 acre off channel reservoir on DNR property that would store Dungeness River water during winter and spring runoff. The stored water in the reservoir would be used to augment in-stream flows, supplement irrigation, and provide aquifer recharge.
- She would like to say the DRMT is in favor of the proposal and list them in the video credits.
- Michele asked how this project scored in the DRMT scoring. Joe stated this was top ranked by DRMT.
- Scott said this would be huge benefit for water users as it would store excess water in times when there wasn't a high demand and release when there is a high demand.
- Michele made a motion that the DRMT is in support of this project and it would be OK to list DRMT in the credits of the video. Bob Phreaner seconded the motion. James Beebe abstained. Motion carried.

### **III. Hirst Supreme Court Decision, Update, Mike Gallagher, Dept. of Ecology**

- Whatcom County v. Hirst, Futurewise, et al. decision has changed how counties review permit-exempt, e.g. household wells, applications. That decision, along with other recent court decisions, determined that counties cannot approve new building permits that use a permit-exempt well (i.e. household use) if there would be an impairment to in-stream flows. Furthermore, counties have to make their own decisions about whether there is enough water, physically and legally, to approve a building permit that would rely on a well.
- Hydraulic connectivity is the interconnection between ground water and surface water; for example, withdrawal from one will have some effect on the other.
- Prior to 1990's, in-stream flow rules regulated Ecology's permitting of surface water and groundwater that has direct or significant hydraulic connectivity. That changed following Postema v. Pollution Control Hearings Board which found the law does not allow for "de minimus" impairment of existing water rights.

- Highlighted Dungeness River due to fact that Dungeness watershed was proactive in determining in-stream flows and developed a water trust (“Dungeness Water Exchange”) that included a reservation of water for future use, which must be mitigated, aka a mitigation bank.
- Mike spoke of the need for legislative engagement to reconcile and balance competing interests for this limited resource.

Handouts:

1. “Finding Rural Domestic Water Solutions While Protecting Instream Resources”, Dept. of Ecology Publication no. 15-11-007, August 2016.
2. “Building Permits and Wells: Changes sue to a recent court case”, Dept. of Ecology Publication no. 17-11-001 , 2017, January 2017.
3. “Understanding the Whatcom County vs. Hirst, Futurewise, et al. decision”, [www.ecy.wa.gov/programs/wr/nwro/hirst.html](http://www.ecy.wa.gov/programs/wr/nwro/hirst.html), January 2017.
4. “Counties with Instream Flow Rules” map, Dept. of Ecology, December 2016
5. “An Overview of Hydraulic Continuity and Hirst v. Whatcom County Supreme Court Decision”, PowerPoint presentation, Mike Gallagher, Dept. of Ecology.

**IV. North Olympic Peninsula Lead Entity (NOPLE) Update, Cheryl Baumann**

- NOPLE is a consortium government agencies, tribes, non-profits, and citizens working to advance salmon restoration across the North Olympic Peninsula.
- Out of 9 projects up for funding, 4 projects got funded. Wood project on the Little River

Handouts:

1. “Floodplains by Design”, Washington Dept. of Ecology, printed from website 1-11-2017.
2. “Puget Sound Acquisition and Restoration” (PSAR), Puget Sound Partnership and Washington State Recreation and Conservation Office.
3. “Fish Barrier Removal Board, 2017-2019 Funding Proposal”, Draft Priority 1 and 2 Barriers, 9-20-2016.

**V. Carlsborg Re-zone Project, Kevin LoPiccolo, Clallam County Senior Planner**

- The purpose of Kevin’s presentation was to provide a summary of the recently adopted Carlsborg zoning.
- The project started with recommendations from “Carlsborg Community Advisory Council” (CCAC), which was formed by the “Board of County Commissioners” (BOCC) to represent the growth and development interests of the Carlsborg community and act as a liaison between citizens and BOCC.
- Kevin reviewed a map showing the Carlsborg “Urban Growth Area” (UGA) zoning. This map displayed areas that were re-zoned and the areas that remained the same within the Carlsborg UGA.
- There were minor updates to the Comprehensive Plan policies, but the main updates were to the zoning code and map.
- Summary of changes that the CCAC recommended and were adopted include eliminating building size standards and reducing setbacks within the commercial/industrial zones (except when abutting residential zones), and increased density in residential zones. Minimum residential densities that were adopted within Carlsborg are 4 dwelling units per acre; maximum residential density is 10 dwelling units per acre.
- An audience member inquired whether impervious surfaces were considered when recommending 0 setbacks and how they were/are addressed in the code amendments. Kevin responded that is addressed through the permitting process (e.g. building permits, engineered stormwater requirements, etc).
- Judy inquired about total maximum buildout. Kevin responded that the buildout was analyzed but he doesn’t have the analysis with him. Judy was concerned that zoning may allow some uses that lack of water would preclude. Kevin responded that this is true for all the County zones; water has to be available to support the proposed development.
- Judy inquired about a map that shows the location of sewer infrastructure. Kevin responded that he doesn’t have it with him, all the decision making bodies reviewed this information prior to making their decision, and that it is available on the County’s website.

- Tom addressed some points that Judy and Kevin brought up:
  - Regarding buildout- the adopted residential densities are less than the densities put forward in the Sewer Facilities Plan.
  - Regarding water availability- the PUD does not currently serve entire UGA, however, they would like to. Their policy is PUD will not expand their service area until additional water rights are obtained. In the Sewer Facilities Plan, there was a conceptual hydrologic model that showed a net increase to in-stream flow by using reclaimed water to replenish the shallow aquifer. Judy questioned whether the reclaimed water gets pumped back into the aquifer from which it was taken. Tom stated this has not been implemented; it is only conceptual at this point. This is the first step towards mitigating for and obtaining new water rights in this complex hydrologic and legal framework.
- Carol Creasey, Clallam County, also mentioned the BOCC has allocated \$500,000 to fund additional work to develop a record of examination to move forward with a mitigation plan to obtain new water rights and to move this project forward.
- Judy questioned where the \$500,000 was coming from. Mary Ellen Winborn, Clallam County, responded that this is a line item to hire consultants to prepare a record of examination and to study options for ensuring water is available for future development. Mary Ellen also announced that Carol has been hired by the Clallam County Dept. of Community Development to address these complex water issues.
- Ben stated that additional water rights could just be purchased with the \$500,000, instead of spending the money on additional studies. Mary Ellen responded that \$15,000 of the \$500,000 will be used to hire a consultant to prepare the record of examination and that will determine the next steps. And purchasing water rights may be one of the recommendations following preparation of the record of examination.

#### VI. Other Business/Announcements/Follow-ups

- Comments on Strait Ecosystem Protection and Recovery Plan goal statements: Shawn sent out an email with more details about John Cambalik's request for collective comment on the goal statements John presented at December DRMT meeting. John also requested via email comments on the Gaps/Barriers document. Team needs to decide whether it will provide collective comments to John. Joe Holtrop thought the goals seemed too technical for DRMT to provide comments. Judy Larson noted that not all of the goals apply to DRMT. Ben Smith suggested that folks review the docs on their own, and send comments to Shawn if they have any prior to next meeting. ***[Note, as of 2/3/17, Shawn has received no related comments].***
- Joe Holtrop asked if there was any information on who was taking over PIC program. Mary Ellen responded that the new hire is Lindsey Asplund. Her title will be similar to Surface Water Specialist.
- Ben inquired on the DRMT County Representative- Mary Ellen replied Cathy Lear will be, and she will attend as much as her schedule allows (as the County's alternate representative).