**COMMUNITY DEVELOPMENT SERVICES**
**STUDY SESSION MINUTES**

**DATE:** March 22, 2004

**COMMISSIONERS PRESENT:** Perry Huston, Max Golladay

**DEPARTMENT HEAD:** David Taylor

**OTHERS PRESENT:** Allison Kimball, Mary Burke, Ana Lael, Mark Charlton, Jim Schnebly, Kevin Eslinger, Urban Eberhart, David Gerth

<table>
<thead>
<tr>
<th>TOPIC:</th>
<th>1. Watershed Planning</th>
</tr>
</thead>
</table>

**DISCUSSION:**

1. Max stated the Board had asked David to look at the watershed plan and update his analysis. Max & Perry brought up the exempt well/groundwater study and David commented that DOE is not writing rules to implement the memo of agreement; DOE, the Tribe and Bureau of Reclamation are still doing the study. Mary Burke requested a copy of the testimony Perry delivered at the Capitol Theatre.

Perry suggested sending David’s historical analysis (verbatim) back to the Planning Unit. David stated that the instream flow section needs to be removed and that the monitoring issues keep popping up throughout the plan. Max said that they should determine the best plan of attack and asked what we do with it to send it back. David stated that the plan is like Swiss cheese and it should be viewed as the pre-emption to regulations. Max added that it’s an extraction.

Perry stated the obligations section needs to be examined, particularly exempt wells. Max stated that the DOE and Nation will write rules for the management of groundwater and it will become the bible. Perry said that the plan proposed to phase out all exempt wells. The rule wiring to implement the phase out is contrary to Kittitas County desires. David added that the watershed plan will become the best available science. Mark Charlton asked if there is a draft of the study available. David replied that the study will be used to write regulations.

Mary Burke discussed the Executive Summary saying that is suggest a water advisory committee be formed which is the problem with 1336; it gives a basis to write rules for anything. Mary paraphrased “...if they agree to do so”. She stated that we don’t need a committee to tell us
what to do now that we're almost done with aquavella. It's in absolute opposition to aquavella and will raise hell with the water conservancy board. She asked what the interface will be with the water conservancy board, aquavella and the monitoring oversight committee. She suggested that the County not adopt until this information is known. Perry added that the document is conversational and it is hideous to use it to write rules; adding that the legislative intent was not preserved. Mary added that the WAC states the water conservancy board “thou shalt review the document”. David echoed Mary's comments. With regard to page 12 of the Executive Summary, the first sentence is misleading; adding that the State & County obligations are binding.

Perry state that the section dealing with surface Water Quality ties back to zoning, shorelines, critical areas & subdivision code. Discussion on the prioritization of the tributaries raises due process issues. He added that 1336 changed everything from advisory to regulatory. Max stated that they need to figure out the best plan of attack and how to deal with the agencies involved. Mark Charlton stated that when the planning unit was going through the process, they didn’t intend the prioritization to be included; then later it was. Max Golladay said that section 8-7 deals with implementation and that the planning unit is the coordinator under 1336.

Kevin Eslinger asked what the process is if the plan is turned back to the planning unit. Perry responded that the Board has three options; 1) adopt it; 2) don’t adopt it; 3) send it back. To send it back, the joint boards of county commissioners have to agree to send it back to the planning unit. Then it would come back before the Kittitas County Board of Commissioners. Max said if all 4 counties don’t agree...David said then the process is over. Perry said at that point if we don’t withdraw from the process, then no one can proceed independently unless they withdraw and then deal directly with DOE.

Mary Burke asked someone to explain if the plan is specific to WIRA’s. David answered yes. Mary stated that it needs legal scrutiny, but not by Kittitas County. She added that the commissioners need to ask the right questions of their counterparts in other counties. Max said that we are a victim of bad legislation and that he supports the idea of watershed planning, but doesn’t know how we will get there. Mark Charlton added that the governor’s veto didn’t help the situation. Max said that Kittitas County needs a strategy to get where we want to go with the watershed plan. Perry added that the legislature’s argument was that there weren’t enough teeth in 2514, so 1336 was passed. Mark Charlton added that the instream flow discussion should have been a clear indicator.

Mary Burke asked Perry if he was in favor of the plan. Perry replied that he is in favor of having a resource document. Mary suggested that everyone attending the study session should make a list of things they’re in favor of from the plan, things about it that are useful. There is no mention in the plan of existing water rights. Kevin Eslinger stated that he originally testified wanting the plan to be adopted. He added that it may
not be useful to critique it and send it back, rather that we could work with it. He asked if funding was available to finish the plan. Perry & Max replied no, that the funds were already expended.

Perry said that if Kittitas County withdrew from the process and took this plan as the platform for our own plan, then we would adopt our own plan. Yakima would have to be part of it and DOE would have to agree.

Mark Charlton asked if the BOCC has fished any ideas to other BOCC’s about sending the plan back to the planning unit. Max replied yes and no. Max asked the question, in order to send it back to the planning unit, do we need a 7 of 12 majority from the joint BOCC or 2 of 3 majority from each individual board at a joint meeting? Perry confirmed the latter of the two.

David said that COG is facilitating DFW & the Tribe in sub basin planning. Perry said that we’re under no obligation for sub basin planning, although the perspective in Yakima County is different. Kevin Eslinger added that there’s the sub basin plan and then there’s this plan. Mary Burke reiterated her earlier comments and told the BOCC that it’s more serious than your compadres in other counties think. Max said that in Yakima County the commissioners wanted to hurry to get the funding available and then adopt. Kevin Eslinger added that the downfalls of this are lack of funding. Perry stated that if we withdraw, it will be on the assumption that we can come up with something better otherwise DOE will plan for us. The downfall is that we might not get to write our own plan.

Jim Schnebly stated that the Board should send it back to the planning unit and that they can structure the meetings to start in the fall of 2004 or 2005. He suggested that the Board vote unanimously to send it back. Urban Eberhart added that they knew it was not regulatory, that is was just a planning document, then the rules changed.

Max said that David’s staff report should be attached to the plan and it would be sent to other counties to vote on sending it back. Perry stated that on March 29th, 2004 there will be another study session in the BOCC Auditorium at 2:30pm and the discussion will be how the plan relates to critical areas, subdivision code, etc. Kevin Eslinger added that the plan was a good foundation in the beginning. Jim Schnebly said that as we continue doing this, the good projects will continue to be funded. David Taylor and Perry Huston will work independently to create a discussion document for the next study session.

**ACTION:**