

Regulatory Framework Working Group

Charge from Groundwater Management Area Advisory Committee

[Insert Charge]

Working Group Members

Jean Mendoza, Chair (Friends of Toppenish Creek), Andres Cervantes (Department of Health), Charlie McKinney (Department of Ecology), Chelsea Durfey (Turner and Co.), Dan DeGroot (Yakima Dairy Federation), David Newhouse (interested party), Ginny Prest (WSDA), Jason Sheehan (Yakima Dairy Federation), Jim Dyjak (Concerned Citizen of Yakama Reservation), Larry Fendell (interested party), Laurie Crowe (South Yakima Conservation District), Nick Peak (EPA), Patricia Newhouse (Lower Valley Community Representative), Steve George (Yakima County Farm Bureau), Stuart Crane (Yakama Nation), Sue Wedam (Lower Valley Community Representative), Vern Redifer (Yakima County Public Services), Jim Davenport (Yakima County Public Services)

Meetings/Calls Dates

Meeting: October 14, 2015 2:00pm – 4:30pm

Call Number: 509-574-2353 PIN #2353

Participants

Present: Jean Mendoza (Chair), Virginia “Ginny” Prest, Patricia Newhouse, Larry Fendell, Jim Dyjak, Vern Redifer, Jim Davenport, Tommy Carroll, Jason Earles, Lynn Deitrick, Stuart Crane, Charlie McKinney, Steve George, Lee Murdock, and Erica Naasz (Yakima County Support)

*via phone

Key Discussion Points

Goals and Objectives

Jean discussed a few goals and objectives that potentially need to be studied by the Regulatory group before completing an analysis. It was determined that the group would wait to discuss the EPA’s directions to Washington State regarding the new Human Health Criterion rule for toxics until the state finishes development of the law. The group will, however, consider studying Environmental Justice, Regulations, and policies from other states. A few members expressed confusion over the definition of Environmental Justice. EPA’s website states the definition as, Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, income, and educational levels with respect to the development, implementation, and enforcement of protective environmental laws, regulations, and policies.

The members were asked to start thinking about how they would prefer to start the analyzing process and bring those ideas to the November Regulatory meeting.

Planning for Future Analysis/Yakima County Ordinances – Yakima County Staff – Lynn Deitrick, Tommy Carroll, and Jason Earles

Growth Management Act 36.70A

By the 1980's the Washington State legislature found that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. As a result, the legislature in 1990 adopted the Growth Management Act (GMA) which established state goals, set deadlines for compliance, and offered direction on how Yakima County must prepare its comprehensive plan and development regulations and requirements for early and continuous public participation. The GMA requires Yakima County to manage the County's growth by identifying and protecting critical areas and natural resource lands, designating urban growth areas, rural areas, preparing comprehensive plans and implementing them through capital investments and development regulations. Comprehensive Plans must comply with the goals and requirements for the elements that must be included and the process used to prepare and adopt comprehensive plans.

Comprehensive Plan Development

The goals of this plan are to maintain and enhance productive agricultural lands and discourage uses that are incompatible with farming activities. One example, Natural resource industries, requires Yakima County to maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

Part of this plan involves, Map Development. The process is as follows; 1) to generally meet the criteria for agricultural resource lands of long-term commercial significance as defined by state laws and regulations. 2) Lands historically zoned Exclusive Agricultural or General Agricultural (Pre-GMA Zoning). 3) Lands located within an irrigation district and receiving water, or 4) Lands where dryland farming, pasture or grazing outside of irrigation districts is predominant. 5) Lands enrolled in one of the current use assessment programs. 6) Lands located outside established Urban Growth Areas.

Yakima County Development Regulations

Title 19.11.010 – Resource and Rural Districts provides the following development regulations regarding Agriculture: Official Zoning Map, Allowable Land Use Table, Lot Size Requirements, Setbacks, Lot Coverage, Building Heights, Special Provisions, Special Land Use Standards, and General and Specific Land Use Standards.

Title 16A & 16C – Critical Areas Ordinance (CAO) only applies to Agricultural Uses and Activities. Title 16A addresses Stream Corridors, Flood Hazard Areas, and Wetlands. Title 16C addresses

Stream Corridors, Flood Hazard Areas, Wetlands, Fish and Wildlife Habitat, Geologic Hazardous Areas, Critical Aquifer Recharge Areas (CARAS), and Upland Wildlife Habitat Conservation Areas.

Due to the Voluntary Stewardship Program (VSP), Yakima County has two CAO's. The VSP is a new approach for counties to participate in a watershed-based, collaborative stewardship planning process. VSP uses incentives to promote agricultural and environmental stewardship. The program passed into Washington law in 2011 as the result of an ongoing effort to advance common goals for environmental protection and agricultural viability using regulation as a last resort.

Title 16A - This CAO would apply (if critical areas are present) to new or existing Agricultural developments applying for land use approval in Yakima County.

Title 16C – This CAO would not apply (if critical areas are present) to new or existing Agricultural developments applying for land use approval in Yakima County.

The intent of the Critical Aquifer Recharge Areas Chapter is to preserve, protect and conserve Yakima County's CARAs from contamination, to establish a protection approach that emphasizes the use of existing laws and regulations, and minimizes the use of new regulations.

State Environmental Policy Act (SEPA); the State Environmental Policy Act provides a way to identify possible environmental impacts that may result from governmental decisions on both public and private projects. These decisions may be related to issuing permits for private projects, constructing public facilities, or adopting regulations, policies, or plans. SEPA environmental review is required for any state or local agency decision that meets the definition of an "action" and is not categorically exempt. Actions are divided into two categories, "project actions" and "non-project actions".

When the presenters were asked, "which regulation impacts the protection of groundwater the most?" They answered with, SEPA. SEPA fills the voids in regulations and gives opportunity to draw in other agencies with special expertise.

Aquifer Protection Area

Vern stated that in RCW 36.36 this provides the County Commissioners to attempt to create an Aquifer Protection Area. This would allow the Aquifer Protection Area to finance the protection of groundwater areas. You could be charged fees if your well is withdrawing water from an aquifer or if your septic is discharging to an aquifer. However, the County can only create the Aquifer Protection Area by a vote from the people in such areas.

Resources Requested

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Recommendations for GWAC

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Deliverables/Products Status

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Proposed Next Steps

- Next meeting: November 18, 2015. Time and place to be determined.