

Okanogan Board of County Commissioners
09/28/2020

JD—Jim DeTro, BOCC chair, District 3
AH—Andy Hover, BOCC vice-chair, District 1
CB—Chris Branch, BOCC, District 2
LJ—Lalena Johns-clerk to the Commissioners
PP—Pete Palmer, Director of Planning and Development

These notes were taken by an Okanogan County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. Note takers comments or clarifications are in italics. These notes are published at <https://www.countywatch.org/> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, see

<https://www.okanogancounty.org/Commissioners/Minutes%202020/2020%20Minutespage.html>

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Summary of significant discussions:

Commissioners held a public hearing on Interim Land Use Controls in WRIA 48. PP received one written comment and two citizens make comments about their concerns with exceptions and loopholes allowed in Ordinance 2020-6. After the comments, the Commissioners discuss how to address the comments. Eventually, after discussing scenarios involving condominiums and trailer parks in order to test whether subdivision of land would be allowed by the Ordinance, the Commissioners, by a vote of 3-0, approved the extension of the ordinance for one year.

3:00:00—AH says PP won't be doing the Planning Department update today, but has requested an hour on next Monday for her update.

3:01:10—CB begins to discuss the "adoption" process (*presumably the adoption of the Shoreline Management Program*). He discussed the subject with the initiating governments. They may send a joint resolution to the DOE and they would like to take a draft resolution to their boards. CB would like to get something to Jay O'Brien by Friday. AH and CB ask LJ when the Watershed Plan was adopted. CB mentions that Kurt Danison told him the Shoreline Management Program (SMP) was an update to the Program in 1987, which was an update of the program in the 1970s. The updating was due to USFS boundary issues in the Methow.

3:09:45—AH says the county adopted a SMP July 7, 1987 but that's not the document LJ is looking for. He reads from an amended version from 1996.

3:24:10—LJ reads from BOCC minutes from May, 2009, about the plan. Planning Unit presented the plan. The commissioners and Perry Huston, Planning Director at the time, discusses the procedures going forward.

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3:28:15—Public Hearing—Interim Land Use Controls in WRIA 48. PP gives the introduction. She has received one written comment from Tim Trohimovich of Futurewise, on behalf of MVCC. She references Okanogan County Code (OCC) Title 16, Subdivisions, <https://www.codepublishing.com/WA/OkanoganCounty/#!/OkanoganCounty16/OkanoganCounty16.html> and RCW 58.17 <https://app.leg.wa.gov/rcw/default.aspx?cite=58.17> , Ordinance 2020-6, adopted September 9, 2020.

3:31:30—Public comment by Jasmine Minbashin, Executive Director of MVCC. She appreciates the Commissioners’ efforts but is concerned with the exemptions. She doesn’t think they comply with state law. In addition, wells all over the county are going dry. She thinks the exemptions put the county at risk until we get clarity with regard to state law and single domestic use.

3:34:45—Public comment by Isabelle Spohn. She agrees with the intent of 2020-6 but is concerned with the loopholes and exemptions in paragraphs 2 and 3. She agrees with Jasmine about the wells going dry. Domestic wells continue to use streamflow, and so agriculture takes a hit. Agriculture and recreation are both dependent on stream flow. She is concerned that wells could be vested. She believes that paragraphs 2 and 3 should be deleted. She will send a copy of her letter to LJ.

3:40:10—Public comment is closed. Commissioners have a long discussion concerning exemptions mentioned in RCW 58.17.040 and what would and would not be allowed.

3:49:40—PP says that reading through the comments an issue that keeps coming up is that large lot segregation and exempt segregations don’t require you to provide water adequacy. Commissioners discuss examples of lots where builders don’t have to provide water adequacy. CB suggests that 2020-06 be revised so there’s control over exemptions to providing water adequacy. Commissioners and PP discuss procedures to changing 2020-6. Commissioners discuss condos and trailer parks to determine if they’re required to provide water adequacy.

4:05:15—AH confirms with PP that 2020-6 has been through legal review and was approved. He asks CB if he is confident in the legal review and CB says he is. JD points out that the Commissioners don’t know what will be the issues 5 years from now. They agree that it’s good to make sure that all the loopholes are plugged, and they want to be sure they’re responding to the comments they’ve received.

4:09:50—CB brings up Veranda Beach, which isn’t in WRIA 48, but it’s a planned development with a subdivision inside of it. This leads to what’s seen as one of the loopholes—adding lots to subdivisions.

4:18:20—CB says the County’s legal risk was greater before 2020-6 than with it as it’s now written. As we go forward with these exemptions, we’ve stopped a lot of real problems, both legally and physically. We look into the future and allow these exemptions with a certain amount of risk, (both legally and not having enough water) because we’ve got studies but not everyone agrees with the studies.

4:21:10—AH notes we can repeal 2020-6, amend it or keep it in place. He moves to keep it in place for 1 year subject to the work plan in the ordinance. Motion passes 3-0.

4:23:10—JD closes the hearing. Commissioners discuss loopholes in general. Also the county’s growth rate, which may be exacerbated by Covid.