

**Okanogan County Board of County Commissioners
Public Hearing on Interim Control Ordinance,] 2019-11
1/29/2020
Winthrop, Washington**

Present:

Jim DeTro: District 3; Chair, BOCC

Chris Branch: District 1, Vice-Chair, BOCC

Andy Hover - District 2

Dave Gecas - Civil Deputy Attorney, Okanogan County

Angela Hubbard - Interim Director, Planning Department

Lalena Johns - Clerk of the Board

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Commissioners' Opening Comments to the Public:

Chris Branch - If you read the recitals on the hand-out, you will get an idea of why we are here today. I want to be sure that's understood. It has to do with the interpretation of the Methow Rule. "Interim" means it does not last forever, but it is a pause. A stop at the station. I think the BOCC is wise to stop and hold rather than putting landowners in jeopardy.

Andy Hover - I see people here who have worked on these issues for years and years. We will need to come to the conclusion that it's going to be a group effort to see what we will do in the future. At some point, we'll have to come together to determine what it is that we want to see for the future. These are extremely difficult decisions to make some times. We need to see what we'll do, moving on.

Jim DeTro: Opens public testimony to 3 minutes apiece with warning flag at 2 minutes.

Public Testimony:

Maggie Coon

Speaking as President of Board of Methow Valley Citizens' council: Importance of the recent Headwaters campaign: We all share a visceral understanding of importance of water. One of the most important voices at a recent hearing was that of Mark Miller. He said it was important to stop and look at generations of impact on decisions that are made today. The future of water shapes what we are in the future. The best path is to speak up together around the most important issues. This is about the most important resource we all treasure. Most importantly, we need to understand how that water availability will change in the future. Stop and consider the generational impacts of the decisions we are making today.

Phil Millam

Speaking for self. Member of MVCC. I live in Rendezvous area, where I see structures popping up all the time. Many new dwellings - 104 in the Methow. 15 above Twisp, 85 below Twisp (*Goes through a list of where new homes are; note taker lost track.*). We do not know how many of these homes are for permanent residents or for part-timers. How many families can this valley accommodate? Can the infrastructure support the population? Can it protect minimum flows in the river? The future: will the towns of Winthrop and Twisp have water for the future? Do we want to look like Aspen or Leavenworth? Or do we want to maintain agriculture? This ordinance, as far as it goes, is an important step rather than facing litigation and court. It's a necessary kick in the pants. We can do this

Ron Perrow

Thank you. Been in the Methow since 1965, involved in water planning, etc. The moratorium you have established - you have a laudable reason, but I disagree with it. Quantity of water - we have 3 million acre feet. 977 billion gallons of water (*goes through many figures showing a great amount of water. Hard to keep up with figures accurately*). Domestic use on the plan: the expected consumptive use is about 10 % of water extracted from the ground. That puts it up to 225,000 gal per day. Left is (*2.8 billion gallons of water?*) The consumptive use is a miniscule amount. I'm talking about domestic consumption. This could be planned for. It should be easy to separate that which goes into/out of septic and should be easily separated out.

Jerry Smith (Representing Mark E Hill?)

Has estate of 231 acres. We are looking at a development of 20 acre tracts. The moratorium has stopped us. Lived here since 1950. More water on our property than what we can deal with. The streams and hills are full of water I am concerned that with the developments that are coming into this, what can we do with this land? The value will be dropped in half. Not right for a landowner to have that done to them. . People who have lived here this long shouldn't have to lose the value of their land. I hope this will allow us to do the developments we are planning on doing.

Larry Smith

As my bother just said, we've been here since 1953. My folk bought the ranch. I've been farming for the last 52 years. Our mother passed away 3 years ago, and we have to deal with the land that we were left among brothers and sisters that I've lived in on the river my whole life. You will not convince me that there is a shortage of water. We can dig anywhere and find it. This is more of a control issue. I've been chairman of fire district for 25 (?) years. I've seen a lot of things. The assessed value of the school district will shock you. People from Puget Sound "discovered" the Methow. Sometimes I don't like the growth so much, but people are people and that's the way I is. My suggestion: start putting dams on the reaches and store the water, and then regulate it. And let it flow down.

Lori Triplett

I live Twin Lakes. Have been with the aquifer coalition for 15 years. We have a well on an additional 5 acres. Due to hydrology studies, our property lies above 2 different aquifers. I'd like to express the loss of property value. We also have property in South Fork of Gold Creek, where we can no longer use the well there. It's been determined I will never be able to use that well nor drill another well. So, I applied to the assessor's office and have a new valuation of the land, which is much less.

Donna Woodward

Representing interests of Jim and Dick Woodward. We own 200 acres on Highway 20. We are 3rd generation ranchers. We have been in Okanogan valley since late 1800's. We purchased in the Methow for 52 years. We have supported stream studies, etc. We have worked with Methow Conservancy. Had we not been interest in these protections, we wouldn't have worked with Methow Conservancy. Our ranching operators are aging. The purchase and sales agreement was a step in the process of planning for retirement (etc.) This ordinance significantly and negatively affect us though ...we have invested hundreds or thousands of hours into this implementation plan. We believe this ordinance unfairly discriminates against us. We are trying to do the right thing. We do not know the complete..(?) We do not know the timeline. We know time is of the essence. We request approval of the (?) application, also of 80 acres?), and request meetings with the DOE and other officials to plan something else. Time is of the essence.

Craig Tissel

I do agree with those who shared, other than the first two. I'd like to bring up how much water the USFS uses. There are more stems per acre...a lot of trees take a lot of water, and they are not putting them to beneficial use. If we follow the lines of reasoning of the MVCC, should we put a limit on the number of visitors to the valley at one time? Of my kids and those who stay in the valley, they want to stay in the building trades and would like to live here. Very unjust to say it's filled up now, but only so many thousand people can live here, and no more. Specifically, I had acreage myself. We sold some because I assumed, I could build on the 40 acres. Now we are in a closed basin. We were told we could always drill a deep well; now we have learned we can't. We have an artesian well . All these complications are really hard to understand. Can't find out what we can and can't do. I think of my kids. These rules are overwhelming and hard to understand.

Steve Kern

Lives outside Twisp. My purpose in speaking tonight is to express how important it is, I think, to face this very, very contentious issue as a community. We are all residents of the Methow Valley. We all have a stake in this in one way or another. It's difficult, complicated. There are competing interests. I support the moratorium because it gives us a chance to stop and make a good decision that will benefit all of us. I hope we can as a community work on this very difficult problem. I discovered the Methow in 1982 and remember a plaque that Okanogan County put up at Leader Lake - Water Is King. Again, I hope we can work together.

Lorah Super

Program Director of MVCC. This valley prides itself on being an intentional place....figure out an unpredictable situation under development pressure (?) The community expects it. I know one vision places value on habitat, small farms, etc. Some may be surprised to find out the way the county has been using water has been against state law. It's increasing the practice of illegal permitting. It's gone unaddressed for many years. What is the solution? Wisdom is when you find yourself in a hole.... *(got behind in typing.)*

The county's first step is short-term limitations, i.e., creating limitations until solutions are found.

There are examples of other counties that have similar issues. I.e., - There was a moratorium, solutions have been found. Other counties like Yakima *(got behind in typing.)* In this situation, information will be all of our best friend. We have two years or less to get under this ordinance:

First, understand the problem

Then, develop criteria for solutions

Finally, Develop solutions

We now lack the necessary information.

Melanie Rowland

On board of MVCC, a lawyer. I am going to comment on the legal situation here. The law that the county has now adopted as its ordinance has (*already*) been the law. The law at the state level and the DOE governing water allocation now has been there since 2002. The people who are complaining - they never could have legally done what they wanted. The buyer of any of these parcels could have been sued because they would have no legal water source. This is not a new situation. It has been created because that is what the law has been.

Now the county is complying with the law. I am a resident of the valley on the Carlton Road. Like many people who have been here for many decades, I'm here because I love what the Methow Valley is. Anyone who has flown over the U.S. in a plane..... I don't have to tell you how much our land is being covered over with house after house, and road after road. We all know what is happening in Seattle, and that is going to spill over into the Methow. With the water that is here and available in the futurethe timing will be different when we have a lot more water when we don't want it or less water when we want it. We are in a time of uncertainty with regard to water and many factors. And pressure of living in the valley will increase. Thank you for planning for the future.

Dick Ewing

I am testifying for myself and the Okanogan County Farm Bureau. This situation was developed as a political situation on the Comprehensive Plan. The Comp Plan is intended to be a visionary document, not a regulatory document. I am also on Water 2066, which is deciding what we want to do with the water we have. It is on a different track from this ordinance. It is a technical point that is being used to put out this ordinance. I am submitting materials that show this is not a good decision and should be rescinded.

Melissa Jumars

I have a 10 acre organic farm in Carlton. I believe this was to postpone development until water is decided. But there are also many parcels that can still be developed, so it will not help with that. Farmers are often money poor and land rich, but the ordinance takes away the value of this land and the ability to liquidate the land when they may need the money. I just don't understand as a community why we would want to do this to a farmer. How can we expect them to be resilient? It is not equitable to use this as a way to slow development. It has a huge impact upon large landowners. If MVCC is successful in (*lost track.*) On a personal note, if my farm loses \$150,000 in value.... My safety net is my land. I don't want to lose it. I don't know (*lost track.*)

Ed Alkire

This is obviously a complex ordinance. I don't think people have had adequate time because of the holidays to respond in writing. I would encourage you to give additional time for written comments. The fact that we have an impact on all the large landowners in our valley that have owned property for multiple generations and wanted to keep farming and have not subdivided..... They always thought they would have the chance to subdivide if they needed to. We live next to the Woodwards, with the help of the Conservancy, to minimize development on that property and to cash out. Now that is being taken away, at least temporarily. It doesn't seem fair that all the people who value open space are going to penalize the people who formed that open space that we all value.

Mark Edson

Representing the irrigation district. We want the commissioners to know that our water is an irrigation-only water. We've had people who have tried to convert irrigation into domestic rights. This is not an option for us or for the district. When you come to this question of water, we supply water to our customers for irrigation, and not for domestic use.

Dave Thomson - Involved with property development issues for 18 years in our valley. I love this place, the people, and the land - and work hard to respect it. When I came to the valley, the voluntary zoning that was done as 5 and 20 acres was complexing to me. That already is a tremendous area shows how much development can be done. It's achievable ...so much water for has already been created or discovered. There seems to be one (*issue?*) in what needs to be studied. It's a mathematical issue. One of the commissioners here has spoken that we have plenty of water from Twisp to Mazama. We have the main problem in the Lower Methow. Why does the upper Methow have to have a moratorium too? I am concerned about the honesty of this situation. This needs to be made public. We can figure out the water. If concessions have to be made to Lower Valley, let's do it. Not fair to take away development right for property owners who have land. The Methow Valley headwaters was to stop money. It wasn't really about water. But tonight, this is about water. I urge you to be clear and open about the process that is really going on, so we can be part.

Harry Burkholder - Describes his proposed development outside Winthrop. My belief is that since those short plats were vested before this ordinance, that the new ordinance doesn't affect us. If it turns out I'm wrong, someone will tell me. I've been attempting to develop the 3 short plats that are in the closed basin. I even have a document saying that I can drill by March 23, 2018. I still don't have the ability to get the promise fulfilled. I have been stunned by the lack of interest of the WDOE to make these decisions on a sound basis. There is a sound resistance on the part of WDOE to let people do testing - and a resistance to using this to make decisions.

Char Alkire - Neighbor of the Woodwards. I came to learn more about this ordinance. A lot of info in the paper, but a lot of info that there is to be learned. It seems there are a lot of unforeseen consequences here. Does it really move the dial in the direction we want to go? The Woodwards are doing all the things they should do to defend the valley ...water, agriculture, etc. We put in.. (?) Asks for an extension of the hearing.

Jasmine Minbashian

Exec. Director of MVCC. Also a homeowner. She and her husband own 40 acres up Texas Creek. If the county doesn't pause and evaluate, agriculture doesn't stand a chance in 30 years. Dr. Amy Snover, who has spoken in the Valley, has been working with agencies all over the state to assess our situation in regards to the changing climate. Overwhelmingly, water availability has been the top issue that people are concerned about ...our snow pack has been reduced by 25%. Snowmelt is 20-30 days earlier now in the Northwest. (*Cites data on temperature changes.*) We will have more water than we want at certain times and less when we need it in the future. Drought will be a part of our lives. Supports the Interim Ordinance.

Isabelle Spohn

Speaking as citizen involved since 2007 with development of a County Comprehensive Plan that adequately addresses water and related fire issues. Currently volunteers taking notes at Commissioners' meetings. The County hasn't given Comp Plan development the level of priority it needs. Deadlines of June 21, 2017 and December 31, 2019 set forth in a ruling by Judge Christopher Culp for implementation of a new Comprehensive Plan have been missed by the

County. Now we've been pushed into an emergency legal situation. An Interim Control is necessary to give time for additional research and get a Comprehensive Plan and Zoning in place. This ordinance could buy the Planning Department needed time to get the ball seriously rolling under the new Planning Director without numerous subdivision applications being filed and distracting them from the task. Additional information as to water use and regulation is essential. Watershed councils, the County Planning Commission, and other entities could develop a working relationship, sharing these tasks as appropriate during this time. Three revisions are needed to the Interim Ordinance as written, also brought up in the Futurewise submission.

Rocklynn. Culp - Town Planner of Winthrop. Winthrop is facing the limit of our water rights. Twisp has problems too. Please keep in your mind that both towns will need water to develop. In the scheme of doing good planning we want to (*involve all parties?*) Please be sure to keep in mind that your decision to face development is a symbiotic relationship.

Celeste Roberts - Have property up the East Chewuch. We are all concerned about water. How do we continue to maintain water quality? Our water has a history of use of arsenic and pesticides. Maybe a longer comment time could be arranged at a later time. I am glad this moratorium was put on. There are many, many components. I am in favor of keeping the moratorium at this time. We all want good water quality, for the sake of our grandchildren, etc. I really appreciate the opportunity to speak.

Cmr. Detro - Is there anyone else who wishes to testify?

Phyllis Daniels - Lives in Twisp. I want us to all think a little boarder than just our own personal interests - and recognize that when those people moved in the 1950's into the valley (...?) This is an era in which we are killing ourselves - very soon, things will become more extinct and we will die out. If we don't do something now, we will have a very difficult time. Don't think only like capitalists, and that we are more important than the state of all beings on this planet. We need to think bigger than just our own humanity.

Dave Ebbenger - Here since the mid-1970's. The rate of growth here in the valley over the time I've been here has been sustainable - we maintain a sense of community, know who our neighbors are, etc. The test for the moratorium should be how long it is and what the result of the moratorium is. I agree with Rocklynn that as far as water is concerned, we should allow the towns water for development. Many people moving here now don't need a large acreage. They like to walk to the restaurants and so forth. There has been a real change in the type of people who move here. I hope the planning takes a good look at what we want to do with water and looks at sustainable rate of development.

Conclusion of public testimony: 6:20 PM.

Jim DeTro: We have had 3 requests to keep the written comment open. We will close public testimony now and leave open the written comment periods. You may turn it in now to the clerk or e-mail it.

Commissioner discussion:

Chris Branch: The interim ordinance is to hold the subdivision applications. In that case, if you make an application, people tend to be vested. They go into the record under the current rules.

That's why we have an interim ordinance. We are throwing this out. If we decide to go forward with the Interim Control, if we make a commitment to solve the problem - we will be working with the public to solve the issue. There is nothing I'd like to do more than to make people *(happy???)* This will take a lot of conversation. We are being very cautious about that. If we are not cautious, stopping the subdivision at this point, we will go forward with a lot of uncertainty. We need to address how we will face the rules we are required to implement according to the law. If we do not figure it out, we will be in court. The laws change all the time.....

Andy Hover: - We received a lot of comments that say we didn't go far enough or too far. It would be good for us to digest these comments, look them over and see if the ordinance - as it's written - is the way we want to have it written. I move that we continue this public hearing. We needed to hold the hearing within 60 days....we do not need to render a decision within 60 days. I'd like to continue to Feb 25th at 2PM. Until that time, we will leave it open to written comments.

Jim DeTro: It is a very complicated issue. It seems to me that we rarely get to see the light of day before someone over there files a lawsuit, and we have to back up and start over again. I heard a famous, in my opinion, old county commissioner say, "These decisions are complicated...that's why I liked Okanogan County more when there were more cows than people." It was our pleasure to come over here. We did this in the Lake Management District also. However, the 25th meeting will be short meeting and probably held in chambers. In the discussion, I appreciate comments on however to modify the ordinance. I have to say that while we extend the hearing, the Interim Control is still in place. The only thing that would stop it is if we open it up to subdivision again.

Meeting adjourned at 6:28.

Next hearing: 2PM in the afternoon on the 25th of February at the Commissioners' Hearing Room in Okanogan.