

Okanogan County Planning Commission
October 25, 2021

Present:

Pete Palmer (PP) -Director of Planning
Angela Hubbard (Hu) - Senior Planner
Albert Roberts (AR) - Chair, District 1
Phil Dart (PD) - Vice Chair , District 3
Dave Schulz (DS) - District 2
Verlene Hughes (VS) - District 1
Salley Bull (SB) - District 3
George Thornton (GT) - At large
Morgan Allen (MA) - Planning Commission secretary

Absent:

Gina McCoy (GM) - District 2, recently resigned.

These notes were taken by a County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized. Note taker comments or clarifications are in italics. These notes are published at <https://countywatch.org> and are not the official county record of the meeting. Officially approved minutes of the Planning Commission, are normally published on the Okanogan County Planning website at https://okanogancounty.org/departments/planning_commission_.php. However, there are no minutes available there at this time. The county does keep a record of Planning Commission meetings on AV Capture videos at https://okanogancounty.org/departments/boards/live_streaming_of_meeting-s.php

Summary of Significant Discussions and Decisions

Preliminary Discussion: Schulz objects to Agenda calling this meeting a “workshop,” saying it’s just an update by the Director as to changes in Comp Plan made by attorneys, and that appropriate documentation of changes was not available for PC review before the meeting. Thornton calls attention to inequities during PC meetings due to seating arrangement.

Draft Comp Plan Review: Planning staff quickly reviews on screen the most recent Draft Comp Plan without highlighted changes by attorneys. Commission questions which small WRIAs are in Okanogan County, requesting info on what waters flow into Canada and agreements regarding those waters. Dart objects to having had no access to highlighted revisions before the meeting and states that resignation of member McCoy could have been prevented had it been done differently. Palmer states that documentation of the changes were attorney/client privileged. Dart introduces discussion on Comp Plan support for relinquished water rights being returned and to whom. Members question definition of Critical Aquifer Recharge Areas and whether they have ever been mapped in the county. Appreciation expressed for better organization of the document by attorneys

Comp Plan Approval Process: Director reviews whole timeline for Comp Plan Adoption,

adding a date of 12/27/2021 for PC review of public comments during hearing scheduled for 11/22/2021. Members question this process, in which they are required to have hearings for public comments and then meet to deliberate upon the comments - but without the ability to change anything in the document pursuant to the public comments received. Members question whether a quorum can be achieved for a newly scheduled meeting over the Christmas holidays (December 27th) Hughes suggests that Commissioners hold the public hearing on Draft Comp Plan instead of PC, with legal counsel present to make changes recommended by PC and the public at that time.

NOTES (AV Capture video time stamps precede sections)

7:00 PM : Meeting called to order.

A) Debate over Approval of Agenda - Objection to calling this meeting a "workshop."

PD - Moves to approve agenda as written

DS - Would like to oppose the motion. This was to be a workshop. I don't think it's a workshop. It's a summary of the Comp Plan. This is not a workshop. In a workshop, you bring pencils and paper, etc.

PP - Trying to follow you. It was called a workshop because there is no public participation. No actions taken. Basically, that's what will happen. I will go over the summary. We will talk about the timeline between now and the end of the year, when the BOCC is to approve or remand. According to the court, we are to adopt by the 31st. In a public meeting, you would be required to take public comments. PC members question why they are meeting if they can make no changes/adjustments to draft Comp Plan. Palmer replies the dates are set in stone.

DS - It would have helped me if you had said what the issues were from the attorneys so we could prepare by cross-referencing. You are going to lecture us on what has happened the past 4 months, and it's cold turkey for us.

PP - It's cold turkey for all of us. It wasn't like when we made the changes together. We passed it to the attorneys along with the DEIS draft. A lot of the changes were grammatical or re-organized. Some things that...I'll get to that. I'll go through the sections of the plan and bring you up to speed, the way we were brought up to speed. We went through the draft along with the attorneys. What the intent of certain things were, and so they made those amendments, and we hope to have that by Friday.

DS - In the past, we've had the attorneys with us, so when public came, we had already had attorney input. I'm not comfortable with this. I have spoken.

PD - I agree 100%. I don't care what it's called, it doesn't matter.

DS -That's what I mean.....(?)

VH - My question - are there additional notes, and will we get a copy ?

PP - I think I can give you a copy. A lot of it is being held by attorney-client privilege. That's why we were all involved in that last draft.

VH - I would like to have a copy

AR - Any more comments on the agenda?

AR- Minutes approved.

SB - I want to make an addition to this. (????can't hear) a lot of laughter. Something about her name.

DS - Agree to the correction.

AH - Anyone else? All approve as amended.

B) Thornton objection to inequity on PC In regards to current seating “A Motion of Personal Privilege “

0:10:12

GT - I have a motion of 'Personal Privilege.

Would like more equity in the room. Women and me are on the floor. A little prejudicial. Would like future meetings to be more equitable. Makes a difference in how people interact. (*Referring to seating, with some members at mics on the dais, others at table below. Notetaker observation: at the table below, only 2 mics available for several people to share.*)

AR - Come on up (*to Commissioners dais, above.*). I don't care.

VH — I used to sit between Dave and Phil. Never thought of it.

GT - It's a tiny thing. But important. If in closer proximity , can

PD - I'm not.....

VH - Would t help you if everyone sits around the table?

Someone says yes.

VH - Then we get into Covid rules (*social distancing, etc.*)

GT - There is another table back there where we could physical distance.

AR - A legal/technical challenge...this ***. Like lawyers, etc. Like it or not, this is the way it was set up before we got here.

GT - Not arguing about how it should be . That's not the point.

AR - I appreciate your feelings, but we have to get this stuff done. This is what we have to work with.

GT - You are not understanding me. Equity is the issue. Who's up, who's down.

VH - I respect your feelings. If we want to try numbers of where we sit...doesn't matter to me.I can look people in the eye this way. If you want to sit up there, the chair invites you to be there. I don't think they think they have anything over me as a member, so I'm cool with it. Whatever works so we can get things going.....

GT - It comes from many, many years as a teacher. First-hand experience. I understand what you are saying. I'm not going to press the issue, but wanted you to understand.....thank you for your time.

C) "Workshop" for draft Comp Plan : Review by Planning Director of changes in wording made by attorneys (NOTE: Notes are sometimes incomplete in this section, due to rapid pace , sometimes lack of microphones, and no highlighted copy of changes to Comp Plan draft.)

0:17:07

PP - Angie will show you (on screen) what we sent to you. I will go down the pages.(*Text of the new draft is projected on the wall. Members were sent a copy of the draft ahead of time. Changes made by the attorneys for this draft are not marked or highlighted on this copy. . Organization of the draft is different from the last draft. The process goes fairly quickly and is difficult for note taker to follow. PP appears to focus on the changes that were made.*)

Section 1.3.2 -

COMMUNITY, CITY PLANNING AREAS P. 7

PP - They (attorneys?) recommend the MCPA's not be updated here but say it will be ??? Rather than trying to create the sub unit areas, it's still up for question whether there would be two more created and how those advisory committees will be appointed by the board. BOCC have the draft advertisement I've given them, with summaries. They are choosing to get through the comp Plan so we can send more time within these communities. So that was one of the revisions included here. That was feedback on the comments that we received. First, comp plan, then Advisory Committees.

0:19: 57:

Sec 2.3 G-2: Participation of the Tribes.

G-5 - To reflect the county's commitment to revisit the Methow's MCPA's. (Added)

p. 14, 421- Economic development element.

P. 18 - AR - Qu: p. 12 has projected growth patterns. That was before Covid. Has the county revised those since Covid, and (??) Broad Band.

PP - Does not think there has been a revision. There were some population numbers in the charts that were updated.

Water Resources

0:22:16

WATER RESOURCES - WRIA locations, jurisdictions

p. 18 - WR 5.3: WRIA WR 1.6- deleted" text utilizing zoning provisions to guide growth where appropriate, avoiding areas for higher density subdivisions where water is scarce.,, etc. where senior water rights might be affected. After discussion with staff, this was deleted because it is unnecessary given requirement for water availability for land use processes. .

0.23.11, p. 20 - WR 5.3: bottom on page - something about adding WRIA 49. Appears to be relevant to WRIA 49 also. Both WRIS's have in stream flow rooms.

Before, it just said WRIA 49. One WRIA on Reservation, so tribe handles most around that WRIA.

All the ones involved with the Reservation are being planned by the Reservation . Some others partially in Ferry and Chelan Counties. Chelan county is in WRIA 47. Small portion in Ok County.

GT - I was chair of 49 process, but it was noted that WRIA 60 - it's showing population growth. Basically Torroda and Myers Ck, both flowing north. There was no information about what Ferry County was doing . Wondering if the classes on pl . 20 exclude them from future consideration.

DS - Anecdote about working in Antoine Creek after the earthquake. Assuming there are agreements with other counties. We worked with them, they worked with us.

GT - But is there flexibility in this terminology to include drainages we don't know about

PP - Will find out, but guessing they are regulated by another county and we are partners in drafting those plans.

AR - Wouldn't be surprised.

PD - Around, Molson, two go into Canada. If they are not mentioned, and we don't acknowledge they exist, how ill anyone know we have an interest in them?

0:29:09

PD - Recites various drainages that are partially in Okanogan County. If we don't even mention them, especially if no one knows they exist, how will anyone know we have an interest in them?

PP - It's completely different. (Canada) Water rights go from bottom up, so our roles are completely reversed. Our rules don't apply much up there. That's why it needs to be in there.

VH - If we mention all the different WRIAs and they are developing, we should list them all there. That way they are in the Comp Plan.

0:32:28

DS - Everything from Harts pass on flows into Canada. If I'm not here and Verlene isn't here, who is going to remember that's where that water comes from?

VH - If we have all 7 under 5.4, it is also mentioned in our document.

GT - The original point is that we need to provide the flexibility to deal with it.

0:33:55.

AR - requests that PP make one a reference to any WRIAs that flow into the county, make sure we have agreements with all the other counties, and make sure there are treaties with Canada - are at least referenced in the copy that goes to Commissioners or for another meeting we might have?

DS - I'm still very concerned about all the WRIA's. *(Anecdote) - Chatter.*

PD - I'm sure there are water rights involved. It's not like it's no big deal.

WT-1.1, d. Where water rights have been lost through. (Now reads - where lost thru relinquishments, support the re-appropriation of such water by third party for use within Okanogan County. *(Restoration of relinquished water rights.....)*)

0:37:31

PD - wants you to get it back to the farmer they took it from, with no compensation. Not give it to me or a third party, but from the farmer they took it from. My father. A lot of ranches. Any time someone wanted to do something with the water right, before the use it or lose it, they didn't give you an opportunity to do anything with them, just took them.

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0:35:38

WATER RIGHTS - Water Banking

Objective WT 1.1 (C) - **Water Banking, Seeking funding for:** Revised as to acquisition of water rights for water banking purposes. (D) Where water rights were lost in the through relinquishment support re-appropriation for use in Okanogan County by third parties for use in Okanogan County.

PD - What was intended when we did this was to get it back to the original owner, but if not possible, not opposed to a third party buying them back. Discussion as to what it means, who it would go to.....

PD - There were several million \$\$ taken from farmers in that 20 year period. Not insignificant.

DS - We have farmers up and down the Methow that were not granted water rights by DOE, but by the US Government before statehood. Had the US Gove in , and the Dept of Ecology - and they couldn't agree. It's not a closed deal. Both governments say those water rights were given by us.

VH - IN several meetings, we said we'd prefer they were kept here.

PD - The verbiage restores the water rights to original owners. Shouldn't be shipped out of the county. A lot of those went to Yakima. If they could buy them back, it would be wonderful.

AR - If they have records of it.

Discussion as to who could purchase it....but have it used within Okanogan County. They want it to be used in Okanogan County by the person they had been taken from, but could be bought by a third party.

PD - I want them given back to the original owners if possible. A lot of them went to Yakima. If they could buy them back down there and bring them back up, that would be wonderful.

0.44.33

D) OBJECTIONS BY PC MEMBERS TO MEETING WITHOUT OPPORTUNITY TO MAKE CHANGES IN THE DRAFT COMP PLAN

0:44:55 PP - So I can take the suggestions as we go along, but I'm saying right now that the way it was told to me was that there was no room now for wordsmithing and changing the document at this point. I was informed we were having this workshop to bring you up to speed for public hearing on the 22nd. **The dates are before you in the timeline, those dates are set in stone. There is no wiggle room in those dates.** In order to meet public comment and public notice requirements and have it adopted by the 31st, those timelines are set. In fact, there is gonna be one addition to that timeline, umm, for you guys at the end of December, right after Christ-

mas. And that's for you guys to consider the comments that come in on the Comprehensive Plan... Excuse me, I mean the DEIS. (*Confusing - in other places, it's referred to public comments on Nov. 22nd, which included Comp Plan.*)

PD - If we can't change wording, or anything that's happening here, why are we even bothering with tonight?

PP - So you guys are up to speed on all the changes that were made to the Comprehensive Plan... Basically this plan is what you have wordsmithed for the past 2-3 years. I don't know how long it was going on before I came onboard. When I came on, I changed it around a bit, we went over it page by page again. We got a lot of feedback that wasn't positive on it, so the BOCC pulled it out of the public process sent it back for revision by the attorneys, so that's what we are looking at right now. So this is what you had already approved, but just organized differently. I am going over some of the clarifications and language changes in a few of the sections that were made, based on the comments that were made during that process. And during the scoping periods when it was challenged.

PC goes on to suggest changes anyway.

GT - p. 29 : using a wrong header "Should not say "UN" should say "LU" - means unincorporated later on.

0:49:10

CITY EXPANSION AREAS, MCPA'S, CIRCULATION ELEMENT

P. 35 - 6.7 - **Cit Expansion areas.** Designation criteria - why the boundaries may only be proposed by municipalities.

6.8 - **MCPA's** - 6.8.1 - p. 36 (Purpose) - Revised by revising MCPA's . Following comp plan adoption, THEY WILL GO INTO THEIR PLANS AS SOON AS THE COMP PLAN IS ADOPTED, THEN THE COMP PLAN WILL REFER TO THESE PLANS.

Comments on Section 1.1.2 Above.

p. 39, 7.2.1 - **Purpose:** Intent to keep Ag lands in Ag use. (Clustering) Re-worded.

P. 51 - **Circulation Element:** This element has been re-oriented toward transportation, including transportation systems, point to the 20-year trans plan, 2017

9.1 - **Intro** changed.

9.2.21 - Background - Points to the **Regional Transportation Plan 2017** Covers Okanogan County alone, but there are other areas. Recommend incorporating the RTP by reference, similar

to Recreational Plan. Incorporation of RTP by reference. **Implementation** - revised to “as needed” Not 5-year.

(Comment by member.... We have to keep up with (projected) pages - the person is scrolling through the projected pages slower than Pete is reading.)

(PP) All I have.

0.54.22

E) CRITICAL AQUIFER RECHARGE AREAS

6 1.2 Exec Summary , p. 28 - Land Use element. Detailed discussion regarding Critical Aquifer Recharge Areas

One sentence that should be ahead of the other. In the paragraph the says less than 23% of the land mass, 5% not suitable..... Should read “This land should support the land use and natural resource activities....etc and THEN “remaining land mass must ...both in and out of....I think Ag lands should have “dibs” and other lands secondary.

P, 23 - Critical Aquifer recharge areas says it should be

PP - These are out of the WAC

AH - So all irrigated land is an aquifer recharge area.

PP - This is quoted right out of the WAC. 3650 90.(?????) Definition of Critical Aquifer Recharge Area. WAC is at the end of the page.

0:58:55. PD - Has anybody ever mapped any Critical Aquifer Recharge Areas in the county? HAs anyone seen any maps or studies showing any? I’m not aware of any. *(Note taker: It seems these were done by Okanogan County Watershed group in the 1980’s or 90’s?)*

AR - We have to update the CAO .

DS - When the ski development went, in, they mapped it. I had to go and check the wells every month. There were maps at that time. It might be well to check that out.

VH - Do you have copies of the maps for review?

PP - Wanted to point out that it is referring to potable waster, and irrigation water is not used for drinking water...

AH - That’s not the point. The point is that wherever the water comes out for irrigation, a portion of that water goes into ground water and recharges the aquifer. Whether it comes from the river, a diversion,,, etc. That is an aquifer recharge. Whether you pull it out later for your kitchen is irrelevant.

PP - Reads something from the regulation. Your irrigation may be in in one f those definitions rather than the potable water. They are talking about drinking water in a critical recharge area.

AH. The point is that the land that is irrigated recharges the aquifer. How it is used afterwards does not make a difference. I need to look at irrigated lands as a recharge area.

PD _ DOE historically has not given any credit for recharge of groundwater. In the Similkameen, when we shut off Junior Water rights, it goes down. They when they use it, there are ducks swimming in it. They give no credit for what we put back into the river. A big fight. AH is trying to get that argument into our plan so we can say we want to see this happen.

AR- If you shut of water on Pogue Flats, all the water coming down will dry up.

GT - I remember talking to BOCC about that.

AR- George - do you have anything? (Can't hear.)

SB - No comments. Likes the organization.

GT Before you came on, Pete, a long time ago, we asked for professional help. And here it is, at the last minute.

PP - This firm went through the comments with a fine toothed comb, and any concerns have been addressed. Talks about the people who did the work. (VNF) Taddis and Jenna Mandell Rice especially.

1:07:43

F) MEMBERS VOICE COMPLAINTS ABOUT THE COMP PLAN TIMELINE AND NO OPPORTUNITY TO MAKE CHANGES TO THE DOCUMENT AFTER REVIEWING PUBLIC COMMENT AND THE LAWYERS' CHANGES.

DS - Being very honest with you. You have a bunch of bureaucrats and we have to comply with RCW's and WACS. There is a sprinkling here that I don't like . Has nothing to do with WAC's. I've been in Oly too many times, and haven't lost too many battles. There have been times I find't get along with (?) but I stood firm. What happened when we got caught in a lawsuit? Barnett ended up on the other side, and said Dave I want your testimony. Was French Ck ever closed down. I said Yes. You can't document, it so you can't put this testimony on record. I told him I will see. I changed everything. It rubs me the wrong way that the bureaucrats Use the RCW's and WACS. (*Anecdote*) Uses the Cub Creek example. Pointed to the waterfall that WDFW had missed in their survey. WDFW hadn't found the waterfall. Nothing but apologies. You can't believe everything the gov' says. Local farmers know more about these things.....

PD _ I have a problem with....how long have the lawyers been working on this?

PP - Maybe 30-45 days?

PD - We sent this to the Commissioners. There hasn't been anything letting us know what's going on. And then we get this thing that is changed in format completely. We didn't have any reference points to work with when we got this in the mail. I feel we got let down with

information we needed. There's short summary in this packet.....when we got it in the mail, it would have saved a whole lot of heartburn to have had the information. I had no idea what I was supposed to be doing in the last 10 days.

PP - We gave it to you 4 days after we got it.

PD - But a little direction from you....this was a waste of our time. You guys let us down by not telling us we aren't going to change anything.....we will just discuss why it was changed. (*More information*) Would have made this a lot less heartburn.

And probably would have meant Gina wouldn't have been left off the board. Just having this then we come here tonight and the lawyers re-wrote it. A 2-paragraph deal in the packet would have saved a whole lot of grief.

PP - I will take full responsibility for that because we shared as much as we could . Were told it was attorney -client privileged.

PD - That explanation would have saved a whole lot of time and heartburn. We were let down.

PP - Complains about being overloaded, understaffed.

PD - But you had time to put a notice in the paper.

VH - What bothers me - the lawyers wrote this. But if there is public comment, and we have to have a hearing, why doesn't the BOCC do it and have the legal counsel here and have them write the legal document? We continue to run in a circle. We have really tried our darnedest to put this together, (*and get it to BOCC?*) , but we get this back now....The BOCC should have their attorney there (*at the hearing*) and re-write it and approve it.

PD - We can't change it, but we have to have a public hearing. Why bother? I know there is a law that says it has to come back to us, we have to have a meeting, and then another one over Christmas,.....

PP - The process is under law in the Panning Enabling Act. Says how you are appointed, rely on technical staff, etc. etc. Lays out the process that goes through these documents.....(*goes on and on*) etc. etc, BOCC has the option of holding a public meeting, but the deadline doesn't allow for it. At that point, they still have the option to send it back. If there are changes, you will hold another public hearing, more public comments, we will go back to them. (*Confusing, since the deadline she gave was December 31.*)

Laughter.

AR - From tonight on, what is the schedule?

Oct 19th - This Friday. DEIS back to us.

Newspaper on Friday for publication on Nov 3 and Nov. 10.

Nov 8th Comp plan comments open.

Public hearing on Nov. 22nd.

AR- That's not even a 30-day comment period.

PP _ DEIS and Plan have different requirements for comments. Comp Plan itself - you will take comments. That will close comments on the Plan itself. DEIS (*comments will end on December 8th.*)

PP - I will retype this, because they re-did it.

Dec 8th public closes?????

December 29th - last Wed of the year,. (*Meaning they don't have to announce a "special meeting of BOCC.*)

BOCC WILL ADOPT THE COMP PLAN. We are asking a special Planning Commission meeting December 27th to look at the comments that come in .

AR - What happens if we have public comment that triggers significant changes to Comp plan?

PP - I would be very surprised because we should have already received those comments on the drafts before, and they should be on this draft now.

AR- If so, we will send to BOCC with the plan.

PP - At this time, we are just trying to stay out of trouble to keep us from a (*low risk???*)

VH - Mail us a copy of what you have there. Holiday plans????

AR- Will there be a quorum for those meetings? It's Christmas. Who will be gone?
If no quorum, hard to do business. We have to have at least 4 people.

PP - Also, there will be advertisements for new position on the (PC) board.

VH - Would like to meet before 7PM because it's winter.

PP - Would need to be listed as a special meeting in the paper, due to time and location. 27th is the regular meeting. We could.....the agenda is public hearing for the Comp Plan. Dec. 27th would be your normal meeting date, held an hour early (6PM) to look at comments on Comp Plan.)

PP - Asks DS if he could make it by 6PM? **December 27th meeting will be here at 6PM.**

AR - Next meeting Nov 22 6PM.

Adjourned 8:27.