

Okanogan County Planning Commission 1/24/2022 - Special Meeting, 6 PM

Present:

Phil Dart (PD) - VP, Acting Chair, District 3
Verlene Hughes (VH) - District 1
John Crandall (JC) - District 2
Dave Schulz (DS) - District 2
George Thornton (GT) - At Large
Salley Bull (SB) - District 3

Absent:

Albert Roberts - Chair, District 1

*These notes were taken by a County Watch volunteer. Notes are verbatim when possible, otherwise paraphrased or 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 later on the Okanogan County Planning website at https://okanogancounty.org/departments/planning_commission_.php. However, there have been no minutes available there for a very long time. **The time stamps in these notes are intended to help the viewer find the relevant section of the AV Capture video that corresponds to these notes. Click here: <https://media.avcaptureall.cloud/meeting/55d6337f-12e1-4808-b5d0-2c351a3966fb>***

Summary of Meeting: Revision of minutes; "Riverbank" software almost ready to go live, tracking water usage, especially in Methow; questions as to input to this software; online permitting and data for individual parcels with "SmartGov" tying together info from Planning, Building, maybe Public Health expected by end of March,; Timeline discussed, including Zone code (top priority, on the fast track) dependent upon whether Comp Plan legal challenge is filed this week, Critical Areas, Advisory Committees, Clearing and Grading Ordinance, Tunk Basin, Cannabis Code and Update, Planning Department team building; long-time PC members concerned over loss of expensive studies done in the past and need to see them before moving ahead on these issues; Cannabis Moratorium discussed, lawsuit underway; Zoning Code discussed including lack of useable maps on website, extended deadline for public survey on Survey Monkey; no \$\$ in new budget for needed change in enforcement language; Open Space Timber briefly discussed; timeline for Zoning is non-negotiable due to stipulation.

0:06:28 - Approval of Agenda, Revision of Minutes:

Revision and passage of Minutes -Schulz calls attention that minutes do not agree with agenda in regards to "special" vs "Regular meeting," Striking "Special Meeting." Dispute over the regular time, 6PM vs 7PM. L 39. Much confusion. Minutes amended to "special meeting" rather than regular minutes. Schulz states that motions need to be exactly recorded, Palmer agrees, using Bull's motion to approve Comprehensive Plan and need for additional meeting as an example.

0:13:00 OVERVIEW: WHAT'S NEXT FOR PLANNING COMMISSION (By Director Palmer) (PC members have a "matrix" on hand.)

1) "RIVERBANK" SOFTWARE (PC members have a "matrix" on hand.)

1) 0:13:00 "RIVERBANK" SOFTWARE, WRIA 48 & 49

Riverbank software gives idea of what is left in the river basins. Almost ready to go live. Especially 2 cfs in the Methow. So we don't over allocate.

Thornton gives overview of what was done in WRIA 49, much input from folks from WRIA 48, which he thought was odd because it's a different basin with different rules. Crandall would like more background. Palmer reviews history of creation of software.

PP : Discussion/Questions: Details: give me a call tomorrow. I will jot down your questions & put people in contact with Aspect re formulas and technicalities. Crandall would like contact and the result. The result you get is only as good as the input to the model. He would like the information on WRIA 49 also; Thornton will share info on that.

New contract with WRIA 48, which includes the whole county. Colville tribe has contributed.

DS - Reviews irrigation history, gives info on how CFS is treated. Says water data needs to be updated.

PP - It will be done later. Water banking will relate to this.

2) 0:25:32 - PERMIT DATA BASE AGREEMENT

PP - "SmartGov" (?) We are implementing info into their software. Hoping to go live end of March, which means permitting can be done online. Will create an interactive zoning map so a person can click on a property and it will bring up info, whether any building permits have been issued, restrictions, etc. It will field simple zoning questions. Public works not involved because they do not give permits, just comment on them. Mostly building Dept, Planning, hopefully Public Health.

3) 0:28:23 - ITEMS ON TIMELINE

* **SHORELINES PERIODIC REVIEW - DEADLINE JUNE, 2023.** Will hire a consultant to go through periodic review and make necessary updates.

* **ZONE CODE UPDATE -** Under the stipulation order. Requesting funding. On the fast track. Will hire a consultant to lead us through that. TOP OF PRIORITY LIST.

***CRITICAL AREAS ORDINANCE** - will contract consultant.

***ADVISORY COMMITTEES** - Big push for the Methow especially. I'm hoping BOCC will give it priority. That will be in-house with Planning Department.

***CLEARING AND GRADING ORDINANCE** - We have a draft Clearing and Grading Ordinance worked out

***TUNK BASIN** - High on priority list.

***CANNABIS CODE AND UPDATE** - in the middle of this right now. In-house: one permit for the building and other buildings with things going on.

***PLANNING DEPARTMENT** - team building, keep moving in positive motion with everything going on with small staff. Morale needs to be kept up.

0:31:33 - WHERE ARE ALL THE STUDIES WE SPENT \$\$ AND TIME ON?

Long-time members object to loss of documents and work product over time, need them for reference to move ahead.

DS - Have been on PC for over 50 years. All the things we' had in the past - it will be a waste of money to have all these studies if we can't look at them and learn from them.

PP - Priorities are above me. I do have a directive on something I was directed to pull on the Tunk basin, that will be included.

DS - CAO, Clearing and grading - All these are things we have had studies on, have beaten them to death. Here we go again, getting \$\$ again - we've already had studies, and some have already been lost. Poor use of \$\$.

PD - Studies from 20 years ago, might not still be current, but there is a lot of historical info in those studies which will be lost. Things we needed to change. It's been almost 2 years since we have been doing zone codes during 2014. We had it 2/3 of the way done. It was separated, and all that work went out the window.

PP - We have it all, and all of it will be brought forward again.

PD This (Comp) plan isn't that different from the 2014 plan. So some of the work should still relate. All the work we did on zone code, etc... We spend a lot of time on that. Some I'd like to be able to look at it before we say we are going to do something different. We need a basis to start on.

DS - Didn't I hear about airports again? We've done studies, I've been to all the airports.....

.

PP - But only 1 of the airports had overlays with complete zones and were adopted.

GT - Want to point out all the info is good, undeniable. The idea we don't review things - sounds like the conversation is going in that direction. You also need to know that every time you review it, you are in a different reality. The review is important and mandatory.

PD - I agree, but my concern is that we won't have all that work to see before we move forward.

VH - You covered what I was going to say.

4) 0:36:50 - CANNABIS MORATORIUM

PD - Will we see the Marijuana moratorium? Or is that later on the agenda?

PP - Can give it now. It will run out on the 24th of this month. Did a draft to extend it for 6 months, but we were served with a lawsuit this AM, so it's going back to the table. We will meet with all the grows. There has never been good record-keeping. Some were vested and the people never came back, some started from subletting. County and state lost track. We have permits for 86 that we know of, compared with about 124 that the state lists. Tried to reach out to every grow in the county - come in and share. Some have 20 or 30 buildings that were not permitted on their site. We are allowing them to put all the buildings on one site analysis and then follow through with inspections. From this time forward, we will know all grows are compliant. We are "kicking up" those that were never permitted, those that have greatly expanded with no permission, we are seeing those who have vesting papers but no permit. We want to help them protect their investments, giving an opportunity to come into compliance before the next round of enforcement. Have met with 35 of them. Meet with 5-8 farmers each Wednesday. One to two have been bought out in order to phase them out. They need to do it properly, clean-up and site control. Still have close to 50 to meet with.

VH - Zoning Code?

PP - BOCC are wanting to do that section by section.

Further detailed discussion on Cannabis on structures, plastic structures, etc. , etc.

PP - SEPA - One mitigation: that anyone on a permit-exempt well is metering and reporting on a monthly basis.

DS - Not accurate at all. If meters get sand in them, they don't work..

PP - We are not dictating what kind of meters have to be used.

PD - New meters don't have a problem with that - nothing but a battery in the back. As long as you keep batteries in that can go bad.

5) 0:47:38 PP - SURVEY MONKEY ZONING SURVEY for the public, originally planned for Feb. 4th - deadline will be extended until at least March by BOCC

PP - Asking community assistance in updating zoning. Asking people to pick the top 3 sections of the zoning code they would like to see updated first. About 30 things from general provisions, District Use chart, etc. etc. to overlays and enforcement.

Survey link is on our webpage. Sent to new papers. Sent to those who commented on Comp Plan and EIS, all interested agencies & interest groups. Only have 16 back. Talked over AVC about it. Hoping you will go back to your communities and share that with people and ask them to go online and take the survey.

JC - Initial e-mail didn't include everyone who had commented. The more responses, the better it will be.

PP - Can verify that everyone on the comment sheet was contacted - I did that myself.

6:49 - Where do we go from here?

PP - BOCC still thinking about this list. Hope within next week or two, they will outline the priorities.

6) 0:51:22 - ZONING CODE

PD - Wants to see what the Zone Code is right now, and what the work was that we did, so we can see where we need to be and go from there. Would help tremendously. Is that too much to ask?

PP Want you to understand Comp Plan directs the Zone Code . With all changes in Comp Plan, a lot of the work you did on zone code it might not carry forward. With moratorium, some changes in uses were codified already. Where they changed zoning in Methow - that was all codified. Those should never had been done at the same time. You don't write a Comp Plan and a regulation at the same time. I don't want to confuse it any more.

*PD - Wants to look what we got, and the direction we are pointed. That would help us so we don't need to reinvent the wheel. **Will we have the last update on Zoning Code and bring this forward?***

PP - Will have last update on Zoning Code and bring that forward. You won't be getting a full zone code. Will get it in sections. The survey will drive that. Out of the 16 responses I have, what I'm seeing pop up a lot, what I'm seeing the WRIA section, the Methow section specific on Methow, and the Cannabis, nightly rentals, enforcement mentioned. Those are the 5 things right now that people are chatting about that are priorities in the community. That will drive us as to hat sections you get first - on top of the consultants that come in and direct that process

VH - How long will that be out for comment? (Survey Monkey) We have things already to address by end of March.

PD - BOCC wants it extended, I will probably extend until at least March (rather than Feb. 4)

VH - We already have 2 things to be addressed by end of March. Maybe it should be end of April so we can address those other concerns first?

PP - OK. Priorities are out of my hands, above me. When they give it to me, I will get it to you. The Zone Code is driven by the stipulation order. It is not negotiable. Part of the stipulation order stated that as soon as the Comp Plan was approved, would start on Zone Code. What sections will be done first will be given to me.

7) 0:57:10 MAPS FOR ZONING CODE COMMENTS & PROBLEMS

JD - Are the maps of existing zone easily accessible on website?

PP - Yes, on website but tucked away behind a bunch of links. PP will put map out and put it in an easier to find place on website, maybe even with its own link. The problem with our zoning map is there are so many layers on itclose to 24 designations. So When you shrink it down to printable size, you can't tell where you are on the map. Also doesn't show Section, Township, and Range, and you also can't blow it up big enough to show section blocks. Will see if we can break it out into separate areas. But when we have our interactive software available, Also you will be able to bring it up and see every designation and print out a map which shows where in the county those zones are. Not readily available yet.

JC - Have had comments from constituents on finding existing maps. Good there will be a link developed.

0:59:28 - PD - For tonight, there's nothing else we can do except say we are ready to go?

0:59:37 - COMP PLAN LAWSUIT: PP - This was kinda just information, preview, show workload, and take a breath after Comp Plan. AND WE STILL GOT I think through this week, I believe, to see anyone is going to file a lawsuit with us on that. FINGERS CROSSED THAT WE GET THROUGH The comp plan AND CAN GET STARTED ON THE ZONING CODE, BECAUSE IF we get a lawsuit on that, we are kinda stopped again, and treadin' backwards.

8) 1:00:18 - ENFORCEMENT OF ZONING CODE/ LACK OF FUNDING IN NEW BUDGET, OTHER VIOLATIONS

DS - Did you (*Planning Dept*) get enough \$\$ for enforcement in the budget?

PP - I did not . In fact, it is so weak as far as enforcement goes that...(pause) it "needs work." (wording supplied by VH.)We have been working towards wording toward whether to do a new .)enforcement section or go with what we have. I am pushing for when we try to do enforcement, we don't just write a letter - need fusion and leeway - send them a letter, let them know we have taken enforcement or come up with a plan. Then we issue a fine, say \$100 per day....every 20 junked car would be another \$100 per day. They can either chose to appeal, pay the fine, or.....Beardslee will either uphold or reverse. From there, would go to the prosecutors for prosecution, who are too busy to deal with it because they are dealing with homicides, etc. more important

PD - When we were looking, a big sledge hammer was the first thing you could do. Hopefully, Bocc will follow through and get it in. You can make all the codes you want, and if someone says they don't want to do it, there's nothing you can do about it. It's tough. Unless it's a public danger, prosecutor won't back us up. There needs to be some teeth in it, at least a little bit, to make people follow the rules.

PP - Exactly.

PP - The other thing I want changed; Right now a problem is that there must be a complaint in writing. Unless someone wants to write a complaint, we can drive past all these non-complying properties all we want, and if no one complains, we can't do any enforcement. I don't agree with that.

PD - Last time they tried to get enforcement, and the public objections were an uproar.

PP - That's a problem. It never comes forward until you are reallyuntil it affects someone personally, they don't want to complain.

PD - Marijuana needs to be controlled. Gives examples of things that are really egregious that might be enforced, but only the ones that are really blatant.

PP- It's not just cannabis. People want to quick get their permit on a home so they can get insurance. Pretty hard to inspect after it's built.....or when the house is washing down the river. We are here to protect their investment, fulfill their dreams, and be still compliant with regulations.

JC - Comment: I appreciate, and am with some of the important things that should be enforced, but with all these things, Shorelines, CAOthey are what they are. If you are not in compliance, you are not compliance. It's a compliance situation. And where is it stated that any enforcement would only begin by a complaint?

PP - 17.A, Section 360 - Enforcement.

JC - Could it be updated in the zone code update?

PP - Yes.

PD - This is something we've been trying to get changed. FOREVER.

9) 1:08:50 TIMBER OPEN SPACE

DS - We (PC) used to recommend on timber open space, etc. That's kind of fallen by , in my opinion. There are some violations in that. Needs to be corrected. But we have a hearing officer who deals with that. What do we do, when we know there is a violation. Ingress and egress might go through someone else's property. A common one.

PP _ Unless someone complains, we wouldn't know. Not one open space timber has been processed in last 6 years. On last page of your report - open space/open space. Only 3 in last 10 years. Not really up on that process. Just know that we don't get very many of them.

Palmer request to BOCC in re exemptions/water availability She has asked for a requirement to show on survey or mylar that they show the water availability and adequacy so they know they are making the person who buys that lot to be responsible for it.

NEXT MEETING SET: Feb 28th, 6 PM, in person, masked up, with others attending virtually if necessary.

*Regular meeting times adjusted to this: October - March: 6PM. April - September: 7PM.

* It is decided that meetings will be in person, with virtual attendance by those who cannot come in person. If members attend in person, they will mask up out of respect for staff and each other (per suggestion by Crandall.)

MEETING ADJOURNED