

Okanogon County Planning Commission
12/27/2021 Special Meeting
6:00 PM

Present:

Albert Roberts, AR - District 1 (Chair)
Phil Dart, District 3 PD- (Vice Chair)
Dave Schulz, DS - District 2
John Crandall, JC - District 2
Salley Bull, SB - District 3 (via Webex)

Absent:

Verlene Hughes, District 1
George Thornton, (At large)

Citizens known in attendance by phone or AV Capture (*Webex link on Planning website didn't work.*)

Marcy Stamper, Methow Valley News - via Phone
Lorah Super, Methow Valley Citizens' Council -via Phone
Isabelle Spohn, Okanogon County Watch - via AVC

These notes were taken by a County Watch volunteer. 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 Okanogon 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 county does keep a record of Planning Commission meetings on AV Capture videos at https://okanogancounty.org/departments/boards/live_streaming_of_meetings.php. The time stamps in these notes are intended to help the viewer find the relevant section of the AVC video that corresponds to these notes.

Summary: Comprehensive Plan review, 12/27/2021

Minutes of previous PC meeting ((11/29/2021) are approved under protest, due to confusion over the motion in the 11/29/2021 minutes adopting the preferred Alternative (#3) and lack of a description of the PC's recommended changes to Alt #3. Chair, not present at 11/29/2021 meeting, casts deciding vote to approve minutes with no changes or explanatory attachments. Objections made to lack of page numbers on contracted attorneys' revision of Comp Plan. Procedure in review of public comments is questioned and reviewed, along with objections to no map of Alternative 3 with agreed-upon modifications and lack of availability to the public. 72 recitals read aloud

by Director, approved by PC members, are to be delivered to Commissioners for approval of Comp Plan in 2 days (12/29/2021.) The recommendations are subject to verbal promises of certain revisions to be added later. Objections by PC members to using outside contracted attorneys (rather than local Planning Commission wording) on this and the expected upcoming Zoning revisions. Next PC meeting scheduled for January 24, 2021.

NOTES: Significant discussions during the meeting.

An integral part of these notes is the 72 recitals, which has been sent to County Watch in a format not suitable for inclusion here. We hope for a re-formatted copy for posting later on the county watch website.

6:02 - AR: Meeting called to order. Difficulties with technology. Citizens unable to connect to the link given on Planning website. Eventually, some listen over telephone or AV Capture.

08:10: MINUTES CONTESTED BUT APPROVED BY DECIDING VOTE OF CHAIR, WHO WAS NOT PRESENT AT THAT MEETING:

DS - Objects to minutes. Says wrote it in such a way should say “see copy of attached” choice of Alternatives to minutes. Lines 127,128,129. “Salley Bull moved to approve comp Plan as is. Moved to include the Alternative Choices. I understand, but what about the public when we do not say what Alternative we are supporting? I move that we amend her motion to include the #3 choice, “See Copy Attached.”

PP - That’s kind of the reason we are meeting. Specific things have to be in the recorded motion. So included that to include the meeting that is being spoke of.

Marcy Stamper of MV News has been trying to log in, but does not hear anything.

PP - She (Marcy) left.

Can Salley (Bull) hear us?

PP - My guess is not, because she’s not answering.

DS - I voted no last time.

PP - We have to go through the Recitals.

DS - This supersedes my motion?

PP - NO, you will solidify it later and provide more detail.

0:13:21 - What was agreed upon at last meeting? (October 25)

PD _ They cleaned it up really well I didn’t like it, either. This thing she just handed out is Alt 3 that we did way back when, and what we already voted on, when we sent it to Commissioners the first time. That’s what we are going through tonight, to clean everything up.

AR -(Who was not present at the 10/25/2021 meeting) Asks: The wording Salley made - was this the wording as to the Alternative which we chose/ agreed upon? Was it referred to in the motion as the Alternative we chose “earlier in this year?” (*Without any designation as to what Alternative....*)

0:14:22 - DS - That's not what's printed.

AR - Just referring to what was chosen earlier in the year. But is that what she said?

SB - That's really what I said. I said, Let's see - how was it - I move to use the Alternative that we chose in May.

DS - No, it said "earlier this year." And we discussed several alternatives.

AR - But this is reflective of what she said?

15:08 - DS - Not sure I agree with that. We discussed a number of alternatives and blended them.

AR - But the minutes are reflective of what she (Salley) said.

DS - If we go to court, they will ask what does the document show. I'd like see these attachments so there is no question to show the alternative that we chose. to show exactly what we chose.

AR - That's true, as far as Comp Plan goes. But if you go through an audit and you change the minutes f what we said, we will be knee deep.

DS - We are knee deep anyway. We get this packetI interpreted it differently, which is why I voted "no."

AR - So - We have a motion about what was stated and recorded. Regardless of specifics that weren't there, If it was accurate and what we said, then, the minutes should stand as written.

0:16:59 DS - *(In court?)* everything is in writing, and the documentation in court goes back to what is in writing on the paper.

PD - Affirms his positive vote on approving minutes without changes.

AR - Is there a second on approving minutes? ? Any further discussion?

SB - Seconds.

AR - Discussion?

DS - Yes.

0:17:43 Objection to lack of Page numbers on the document provided by attorneys, preventing PC members from following along effectively.

There are sometimes a bunch of loose papers when you print. A legal document needs to say page 1 of 10, p . 3 of 12, etc.

DS - All the different agencies when we get different packets - why is it one organization that one organization refers to comp plan by pages - a legal firm. A legal document needs numbered pages. I want to go back to that page. Otherwise, I have to make notes online and

do my own page numbers. I'd like to propose that the page number be on one corner. We need some standardized form as to where the pages are. Then I can look at it. These organizations don't realize what we do with our time.

PP - I have the same problem. It's very trying for all of us.

DS - Can we have some kind of standardized form that requires them to cite the page numbers. We are talking about attorneys that know better, because they have prepared legal documents.

PP - I'd recognize by saying let's move forward after this Comp Plan and I'd like to have you repeat that on the following documents to whatever consultants will do the zoning code amendments.

PD - Would strongly second that. Whenever something is printed out, it definitely needs to have page numbers on it.

DS - The motion would be that when we get through the Comp Plan, we address this issue?

AR - There is a motion and 2nd on floor sat this point.

AR - Yes, after we take care of the other motion. (Schulz's motion is never returned to.)

22:12 - Minutes of last meeting are approved over objections. Schulz votes no, Crandall abstains because not present at last meeting, having not yet been appointed. Deciding vote for approval is from chair, who was not in attendance at that meeting. 3 in favor, with 5 members of 7 present and voting.

Voting:

DS - I vote no. You see how confusing this is.

JC - I am abstaining. I was not present at the meeting.

AR - Salley, what are you saying?: I vote yes.

PD - Yes

22:50 AR - I wasn't here, but I am going to support the staff . The maker of the motion affirms that's what was said, so.... We have 3 in favor, 1 against, one abstaining. Minutes approved as written. *(It is unclear whether a majority of the Commission or a majority of those present is required in this case.)*

0:24:25 New Business

PP - What I have in front of PC is 36.70.400 - It's a required vote of record on the approval of the Comp Plan.

PP: (To PC) You got the draft and recitals. You are solidifying what the county did during development of the Comp Plan. It should explain the reasons what the PC decided and objectives, etc. There have been some changes made to the FEIS to reflect the comments received on that document. We will talk about those later as we go through Recitals. Will need to align table 4 on (map?) With Alternative 3. We will align Comprehensive Plan Table with Land Use designations for Alternative 3.

0:25:37 - Growth Management Act Allows for Changes in the Comp Plan:

Under the GMA, although we are a partial GMA County, it allows additional modifications to the Comp Plan without another public hearing. And so the revisions in order to correct typographical errors are within the scope of the alternatives in the DEIS or to clarify the document without substantial change.

PP - They will move with the Record of Decision to BOCC. They are findings of facts. They tell the history of how we got where we are today. Are you OK with me just reading them? (PC doesn't object.)

26:23 - Palmer reads through the 72 recitals, which state that all public comments have been considered, among other things.

0:27:06 JC - Where do the recitals end up? (With Commissioners.)

Miscellaneous Comments/Questions by PC:

0:29:00. DS: Maps of Habitats, Critical Areas missing, Loss of continuity

We as a county are falling short. 10-212 areas, we had all sorts of maps of key and critical areas, showing habitats, critical areas, etc. And we had other stuff too, and it's fallen somehow when the public applies it doesn't carry into that. We've lost track of all this. If falls through the crack. Not all your fault, Pete. BOCC changes this, new commissioners,, Planning changes - we loose continuity with the whole thing. We learn from history - we don't learn anything. That's my comment.

Thank you for sharing.

#15 - 0:32:05 Dates for comment on DEIS? - JC -Can we go back and talk about any of these?? #15 - Was this just public confusion, or was it that there were 2 different dates stated for comments on the DEIS? Seems it wasn't public confusion, but that there were 2 dates put out there.

PP - People were not understanding they were not together in one hearing. There were 2 different statements. Claims people were not understanding they were not together.

0:39:50 - Air Quality - Comment (Under "Natural Resources.")

DS - somewhere along this line we discussed, at least in the Methow Valley, and Air Quality ordinance. I don't believe it was for the Okanogan.

PD - yes, it was just in that area (Methow Valley.)

DS - I wound up buying a certified woods stove because of it. We haven't re-discussed the smoke issue for exterior and interior, and I'd like to see it addressed in agriculture. If you have no sunshine you don't get growth on gardens, apples, etc. PD - makes a joke about it (outlaw forest fires and we'll be fine.)

0:43:13 #34 - Shultz comment on WDFW not asking permission to come onto people's land. Do any WAC's address trespassing? They need to ask, or at least let you know what they are doing .

0:44:00 - No Net Loss

#35 - PC recommends CA 1.4 be modified to show the standards..... to achieve no net loss. To minimize ,, etc with wetland banking, clustered development, Planned Units. Schulz - brings up the waterfall at Cub Creek. WDFW claimed to have walked every inch of Cub Creek. Expense to county about a million dollars. He told them about a waterfall and they apologized. Talk about WDFW not playing "above board."

JC - some of that stuff is inexact and difficult to figure out. Not always perfect. Intermittent Streams that sometimes go dry can be fish-bearing. It is a challenge to get all that stuff right.

0:46:56 - PC recommends #36 = CA 2.1 be modified as follows - while maintaining populations of species in suitable ...habitats,,,,,within their natural distribution, so that the population..... avoid creating isolated sub populations, etc. ...balance with other existing resource activities. (Agriculture, Forestry, and Mining)

DS - Anecdote showing that some people were given water rights by federal government. It's still an issue. It's a pass the buck situation. Just identifying this to the group.

0:49:03 - Timeline and consideration of all comments?

JC - Can I ask a question? I'm sorry some of these may be pretty naive as I get up to speed. I'm trying to get the timeline right in terms of when comments came in, and I've been hearing a lot about how some of those comments haven't been able to necessarily affect the document itself.

But it seems that this is a case where if this is the same letter as the December 6th letter from WDFW(PP - Correct.) So this comment on the 6th of December - Is this the letter that resulted in that? (PP - correct.) So any of the comments received from the various citizens and groups have the ability to change the language?

PP - All the comments were considered and all of the appropriate edits were made as needed. And that's where the recitals are reflecting.....

JC - So this is getting to all the comments that were accepted? So how did that acceptance go? Was that the Planning Commission that accepted comment by comment? Or was that your work....

PP - That was the Department and the (contracted) Land Use attorney.

JC - And so what was that decision-making process like? Was that based on..... With the vast amount....there was a lot of comments that came in. How did you sift through and determine which ones would be incorporated into the revision?

PP - The ones that were supported by law were obviously incorporated. A lot of that decision-making was above us in the Executive Sessions between the attorneys and the Commission.

JC - The Board of Commissioners? (Yes)

JC - OK. Thank you.

DS - I was talking with WDFW about that today.

PP - And there was some weight to that because we also had a Critical Areas ordinance, which was kinda back-burnered so we could concentrate on the Comprehensive Plan and all of that - but we did put the CAO out for public comment, and then WDFW and Dept of Commerce came back at us with some pretty serious Critical Habitat protection issues and Best Available Science

0:51:56 - Best Available Science (BAS)

PP - (.....*The CAO* was “back-burnered”..... WDFW and Commerce came back with critical comments on BAS, through WDFW’s guidance.)

DS - My concern: Is BAS - We don’t always get it. WDFW tells county what to do. They don’t understand the habitat - you need this or that for the species to survive. for this or that.

PP - That’s right. BAS is an important part of that, and ground truthing often isn’t done. It’s just from the map.

JC _ That gets to Phil’s comment. That’s exactly true. No one looked at it. And obviously, it’s a fish-bearing stream.

Puget Sound - #39 (Short discussion as to whether Okanogan County waters really flow into Puget Sound. _

MCPA’s: #42 - Unincorporated plans as overlays to existing MCPA’s and mentions Sub Unit A being adopted. Prior to re-adoption, they will be readopted to be sure the MVMCPA and MAC are compatible with goals and policies.

Objection to lost County documents:

PP - FEIS is a tool to help guide our decision, to do what we are doin’, You guys can add additional dates or comments. A lot of this info we pulled out of other documents to get this far. The historical records were not kept that organized.

DS. That is my concern. I know where those documents were back whenhelped to build shelves....in the archive, they cannot be found now.

The map needs to be adjusted to show the preferred alternative.

PD - I know we voted on Alt 3, but we modified it from the way it was printed. So is this Alt 3 the one that we modified? Alts, 1,2,3 and added a 4th. It was printed, and this is not the one that was originally printed. Should that be noted here? Is it adjusted Map 3? Not the original map?

PP - The map was not adjusted. Just the wording. We didn't change the map.

DS - I agree. If you modified, the public needs to be aware that we modified that and changed the map.

PD _ There should be something in there that we modified Alternative 3 to say what we wanted it to say. Somewhere it should say this is a modified alternative.

PP - I will get that added into the recitals.

PD - Alt 3 is not the sameit's a modified Alt 3: "Alt 3.2.0' (laughter.)

The map for Alternative 3 does not seem to include the Sub Area planning units in the Methow

JC _ Does the map for alt 3 with the Planing units in the Methow...some concerns in the comments...if they would be retained or if there are gray areas I'm trying to figure out whether it will be revised to come into compliance? /So is it in the map of Alternative 3?

PD - There was concern they would go away and be readopted? That wasn't the case.*(Does not answer question.)*

PD - nothing in the plan will change their status.

JC - A good thing. A lot of thought went into these.

DS - I have a lot of concern about Sub Unit A. We are ok there, but don't want to lose it.

PD - No intentions of messing with it.

Questions about recommendations

JC - In recommendations, I look at 1,2 and 3. Those are directly the answers to Fish and Qildlife? So no other comments were accepted?

PP - Some other comments were before that - there were changes made.

JC - I think the Yakama nation had a substantial comment. WDFW was at the end.

PD - A lot of the comments we received were the same as we got before. They were addressed. Some of them we didn't agree with, so we did nothing. There were vocal people - we didn't agree with their comments. They say we had to do it, but we didn't agree.

SB - I really liked the recitals. You have gone through everything. It explains why we have done things according to RCW's. People want to argue because they got ether panties in a bind. It's for the whole county, not just the Methow.

DS - I do have a comment. There are 3 commissioners. John, you and I are the only ones representing the Methow. There are times when the Okanogan overrides the Methow. And there is a time when there are 2 votes in force and it overrides. Many of your comments came from the Methow.

SB - Sure.

PP - **We just traded this to ease Admin's burden. It's just a starting point for you.**

Changes to be made:

*Check #55 if that is natural "resources" or "reservations."

*Add "requisite" (?) there between 8 and 9.

Again, if there's no other changes or other things you want to add to what has been drafted, is there a motion that includes the finding of facts, reason for your action, reference to the map or other things that show the plan, and approval of the Chair and Secretary?

I have these here: Alt 3 and Alt 3 maps. What would happen if you approve? That will solidify the recommendation that was made at the public hearing and the alternative wording under the RCW's.

Lost Documents, Again:

DS - I have a concern. The documentation that has been lost from the archives that may or may not affect the recitals there. I don't know how we can cover that. Suggestions?

PP - Several of those documents were referenced in the plan, and we took the more updated versions.

DS - If we find one that should be kicked forward, how do we handle that?

Any Changes Discouraged Again:

PP - If you guys see it fit, we could go through this process again. It's a working document, so we could add things as the public sees fit.

(????) I could see some minor changes.

PD - I can see Commissioners doing that (*Rather than PC*) If something comes to light, they can do minor changes without having to come back to us.

DS - However, you have the public out there. They have been involved all along. It's their document too..

PD _ I agree 100%. If we have missed something here - I don't see anything missing.

PP - Yes, Clarification is always good.

AR - Entertains motion to approve the October plan with findings of facts, reasons, conclusions, maps, etc. etc. (*Comment re minor changes being needed left dangling.*)

PD? (Unknown) - I would make that motion.

SB - I second.

PD - Want to express my appreciation for these recitals. I imagine a few hundred hours.

PP - I was talking with Branch today, and coming into this in the middle of this and WRIa 49, and EIS. To try to get caught up on all the history, and missing Angie, I found myself around 4:00 spinning around to see if I covered everything.

PD. I've been wracking my brain to see if you missed anything.

DS - They did a remarkable job.

PP - I'm excited to get the Sub Units going.

VOTE:

DS - Yes, but minor things need adjustment.

PD- yes.

SB - Yes

JC - Yes, and a nod to your previous work.

INTRODUCTIONS: Randall (new planner working on marijuana issues), John Crandall recognized.

DISCUSSION OF NEXT STEPS: UPDATING ZONING REGULATIONS. PLAN TO USE CONSULTANTS FOR ZONING, AND OBJECTIONS TO THAT FROM SOME MEMBERS OF PLANNING COMMISSION.

PP - Will take that (Zoning) little pieces at a time. In fact, BOCC have been so kind that they support a professional consultant rather than putting it on staff. A lot of things are getting back burnered .

DS -This is the reason (*work done by consulting attorneys*) I voted no last time. We worked on wording, and to have a group that's outside of Okanogan county is somewhat offensive to me...I understand the WAC's etc., but it's our county, our comp plan.....our goals and objectives.

PP - Their (*lawyers?*) scope was not to rewrite it, but to see that it addresses the minimum laws that are required. In re some of the lawsuits, etc. that were being thrown at us.

PD - But some of us didn't care that we got sued. Right is right!

PP - But it had a snowball effect especially for folks in the Methow, where they have to do all this stuff and it's causing a lot of hardships for everyone. (*Apparently referring to current or past moratoriums on wells, building, subdivision, etc.*)

PD _ And it changed the flavor of what we wanted. From what we wanted to what they (*lawyers* - or *Methow Valley?*) wanted, and that's not always good.

PP: Next regular meeting is on January 24.