

BOARD OF OKANOGAN COUNTY COMMISSIONERS
OCC 17A.400 Water Availability Study Areas Public Hearing
05/08/2018

In Attendance at Meeting:

Jim DeTro – JD (BOCC)

Andy Hover - AH (BOCC)

Chris Branch – CB (BOCC)

Lanie Johns – LJ (Clerk of the Board)

Perry Huston – PH (Planning Department Director)

Angie Hubbard – Ahu (Planning Department)

2 members of the public attending to testify:

Gina McCoy

Harry (?) Burkholder

1 member of the public, observing

These notes have been taken by one of several volunteer citizen note takers and published on the website of Represent Okanogan County (ROC.) The notes have been taken as close to verbatim as possible, with any writer's comments or explanations in italics. For officially approved minutes of Board of Commissioner meetings, normally published at a later date, see www.okanogancounty.org.

Summary

PH summarizes the proposed ordinance. Within water availability study areas, which will be designated by the BOCC, building permits will not be issued and subdivision applications will not be accepted while water availability is being studied. Two members of the public commented on the proposed ordinance, one in favor and one in opposition. AH asked about the Planning Commission's recommendation and was informed that the full commission had voted unanimously in favor. AH expressed concern about studies being conducted in a timely fashion and the potential for 'rolling' moratoria exceeding the 2-year period specified in the ordinance. Due to an error in the title of the ordinance published in the agenda, along with AH's concerns, the commissioners voted unanimously to continue the public hearing at the May 29th meeting.

6:00 JD opens the meeting, beginning with discussions with staff.

PH – The proposed ordinance is part of the Zone Code to allow it to be an additional overlay; it could have gone into other parts of the code. There was a scribner's error in the title published in the agenda (i.e., OCC 17.84 instead of OCC 17A.400), causing some confusion. The public notices published in the

newspapers were correct, so you are probably okay (*legally*). You could continue the meeting (*at a later date*) if you feel that it would be appropriate.

AHu brings up the text of the proposed ordinance and PH goes through it. Generally, within water study areas, building permits that rely on new exempt wells and subdivisions that have no other legal source of water (such as water rights or access to a water system) will not be allowed during the study period.

PH – We have three alternatives for conducting these studies:

1. Available lands analysis (*i.e., the number of existing lots within the study area vs. the potential number of lots under the Zone Code, and how that difference relates to existing and potential water withdrawals from exempt wells*);
2. Hydrologic studies. The County does not have that expertise in-house;
3. Well logs.

CB – I would want to look at entire sub-basins. The watershed planning effort may identify areas of concern.

PH – The Department of Ecology (ECY) has the power to close basins where water is limited.

JD ends discussions with staff and opens the meeting to public comment.

Gina McCoy provides comments in favor of the ordinance, noting the exempt well moratorium imposed by ECY in Upper Kittitas County in 2009, protecting senior water rights holders but harming owners of undeveloped lots. She referred to the potential for a similar scenario in Okanogan County if water availability is not adequate, and the harm to senior water rights holders and irrigated agriculture caused by over-drafting groundwater.

Harry Burkholder supports County involvement in water management but expressed concern over how that is accomplished. He opposed the proposed ordinance on the grounds that it would limit development prior to proof of inadequate water availability. Further, he claimed that its application would inevitably be arbitrary and discriminatory and that its adoption would probably lead to litigation by landowners like himself.

JD ends the public comment period and resumes discussion among the commissioners.

PH – Note that this ordinance establishes a process. The commissioners have wide latitude in land use regulation.

AH – A two year period that can be renewed by ordinance?

PH – Yes. Renewal would involve a public process: public comment and review by the Planning Commission.

CB – Uncertainty about water availability in a sub-basin leads to denial of subdivision under (*cites code number*). It would be a benefit to study it and find out.

PH – We will do the work anyway, under the Comprehensive Plan (*directed by ESSB 6091*).

AH asks about the recommendation returned by the Planning Commission. AHu finds the Planning Commission meeting minutes. The full commission voted unanimously to support the proposed ordinance.

AH – We have a well-balanced Planning Commission. I am concerned about the potential for a rolling two-year moratorium. If we amend the ordinance, does it go back to the Planning Commission.

PH – There is no requirement for that. I suggest you consider it if you make major changes.

AH – I am concerned about not being able to finish the work in two years. We may need to add pressure *(to reach a conclusion within the two-year period)*. I move to continue this to another session.

JD – Mr. Burkholder – your comments are well taken. ESSB 6091 was the best we had at the time. I believe it will come up again and again. I agree we should continue at another session, but that the Planning Commission came to a unanimous decision carries a lot of weight.

CB – I agree with continuing. We need evidence, not opinion, to identify study areas.

The commissioners unanimously vote to continue the public hearing at 2 pm on May 25th and adjourn.