

# Board of Okanogan County Commissioners

## Monday, Dec. 23 2024 AM

JN—Jon Neal, BOCC, Chair, District 3  
AH—Andy Hover, BOCC, District 1  
CB—Chris Branch, BOCC, District 2  
LJ—Lanie Johns, Clerk of the Board  
MT—Margo Thompson, Public commenter  
NB—Nick Bates, Fairgrounds Manager  
MG—Maurice Goodall, Emergency Management  
PP—Pete Palmer, Director of Planning  
TM—Tim Meadows, Maintenance Supervisor  
RH—Rod Haeberle, questioner in the audience  
SD—Sheilah Delfeld, questioner in the audience  
CJ—Chris Johnson  
NL—Nick Legg, Lichen Land and Water, Inc.

These notes were taken by an Okanogan County Watch volunteer. Every attempt is made to be accurate. Notes are verbatim when possible, and otherwise summarized or paraphrased. Note takers comments or clarifications are in italics. These notes are published at <https://www.countywatch.org/> and are not the official county record of the meeting. For officially approved minutes, which are normally published at a later time, see [https://okanogancounty.org/offices/commissioners/commissioners\\_proceedings.php](https://okanogancounty.org/offices/commissioners/commissioners_proceedings.php)

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### Summary of significant discussions:

- Margo Thompson comments about the conditional use permit requirement for churches in the zone code. The commissioners note that that requirement has been in the zone code for years and no one has ever been concerned about it. The commissioners also have included the issue in their list of topics to take up in future zone code revisions.
- The commissioners adopt [Ordinance 2024-5](#), which adopts revisions to Okanogan County Code 17A, zoning mandated by the 2017 Stipulation Order brought by the Yakama Nation.
- The commissioners also approve [Resolution 192-2024](#), a resolution affirming the Commissioners' commitment to revisit possible future changes to Okanogan County Code Chapter 17 Zoning. Afterwards, the commissioners answer questions and hear comments from people attending the meeting.
- The commissioners hear a presentation from Chris Johnson and Nick Legg about a grant opportunity to update the county's Channel Migration Zone map. They are interested in the project and Johnson and Legg will further research the grant and report back. The grant application is due at the end of February.
- Recess for lunch at 12:12

**-5:06:51**—Pledge of allegiance.

Commissioners discuss renting space in the new Justice Center for the Public Defenders' Office.

**-4:51:33**—Public comments.

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MT—I'm Margo Thompson. You've heard from me before. First, I want to talk about a comment CB made at a meeting. I know this isn't interactive, but I wanted to say that the information I got was not misinformation or disinformation from the internet. In fact, that's how I first learned there were problems with the zoning code. I went straight to the source and was horrified.

CB—I wasn't speaking specifically of anyone.

MT—Looking at the draft and comparing it to the laws, to me, is the first thing when working on a draft that we know it's not the complete paperwork. There will be changes, but so far, we haven't seen enough changes. We want to follow the laws—the constitution (about the churches and the other places of worship) down to the state laws and acts of Congress. The Religious Land Use and Institutionalized Persons Act purposely passed because there were too many people trying to stop churches getting approved by local governments. The law was passed so that only major concerns about that need to have a Conditional Use Permit (CUP) is because they're infringing on neighbors (and the neighbors have to prove it) otherwise it's not legal for you guys to require everybody have a CUP.

AH—Can I ask a question? Margo, you are aware that the church provision has been a CUP has been in effect for years?

Margo—Yes, but can you explain why that doesn't matter?

AH—Because it wasn't part of the change we asked people to look at. Your concern came to us during the comment period. During the last workshops since the public hearing, we've discussed churches and CUPs. If somebody says they want to build a new church on Barnhard Loop Road, for example, and we want 180 parking spaces. I understand your concern. I don't need a CUP to have a church service at my house. If there's a complaint about too many cars, I thought, well, what if I have a Super Bowl party and have a ton of people? What conditions would you set on a church? It's the access portion of the church. We need to put more thought into that. It wasn't even on our radar until you brought it up in comments. Now it is on our radar.

CB—I have a question, too. Were you the one who sent us the publication, Liberty? I just read it.

MT—No.

CB—It's timely. It's about the law you're talking about. There were several well thought out articles about zoning and its issues. A bunch of years ago I went to a workshop for planners, and they talked about this. Hearings Examiners have to know that law, and now we have an Examiner who's an attorney and knows that law. I doubt that our Hearings Examiner would put any conditions on a church that would violate that law. Some of the things I see using that law, especially, in cities, have to do with housing the homeless.

MT—There are issues going on right now about that.

CB—For a lot of religious groups, that's what they do. So they're interfering with what they do. But the location, parking, is sometimes looked at. Some people didn't want them nearby at all. But if they're treated as places of assembly, that may or may not address the issue.

CB—As AH says, it takes a lot of discussion. You want to make sure that if you risk the Hearings Examiner putting on a condition that would not be favorable for the county, we would expect they'd pay close attention. But I understand what you're saying. What's a church? My family used to assemble, a *big* family, to say the rosary. Would that be a church? It's not a place of worship, it's a home.

AH—Anywhere where two or more people gather would be a church in my book. But it's not the conditions we're looking at. Have you every watched how much water runs out of a paved parking lot during a heavy rain? We can put conditions for drainage with big parking lots. So it needs discussion—what's a place of worship? None of us would every direct anyone to go bust some people because they're having a church service in a home. I can't speak for commissioners beyond us.

MT—Remember that missionary from China? She's seen how it goes.

AH—I understand. We're going to look at it in the future, but for right now, it was never on our radar. The conditions are placed on the churches so they building will fit in that spot.

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MT—The burden of proof is on you. The parking lot could be OK and legal. But I don't understand why the draft can't be changed now. Why do we have to wait?

AH—That's not the legal way things work. We put out things for comment and you commented on something that hadn't changed. To change it from a conditional use to a permitted use is reducing the amount of environmental regulation. When we do that, we have to go all the way back out for comment. That's just the process for land use we have to follow.

MT—I think a lot of people are confused about how this all works. And watching all the meetings on video, you guys have a lot more on your plate with this. But for a lot of us, this is a big thing.

AH—Maybe we should see if others have a comment.

JN—Are you done?

MT—Well, you were talking about the enforcement section and being creative. I thought why can't we do the same thing with the churches.

JN—All of these are on our list of things to address after we get this section done.

No other comments.

AH—There was another one I thought of—a mega-church or a church with a giant spire, there are places around airports where heights are limited.

**-4:34:45**—Good morning. I'm Pete Palmer, Director of Planning. Most of my stuff will be on the agenda for later today, but I wanted people to know that the Planning Department will be open through the Christmas Holiday season except for Christmas Day. PP leaves.

MG—I'm Maurice Goodall, Emergency Management. Discusses a problem with a failed 8" water main in Okanogan. We'll send out a message pretty soon from the Health Department about drinking water.

JN—We've talked before about sending out too many messages on your system. When the schools have delayed opening, is that worth sending a message?

MG—I don't think so. I get all the messages, and the parents are signed up with the schools. So I'm aware, but it's the schools that send the message.

MG—One thing about schools—when they have a lockdown, I think they should send information to the community. People would be coming and going.

AH—You opened Pandora's box. I think you should get with them and say this is what we should do doing.

MG—I can say that, but they're their own entity. I can't make them. I can only encourage.

AH—That doesn't matter. The school is interlinked with the safety of the community around them. If there was an active shooter, Emergency Management better be sending out a notice.

MG—We should, but we have to get them to ...

AH—I think it's our role, because we're the county, it's our role to tell them—You *will* do this. That's how it's going to be.

MG—I hear that. But to get them to share the information, I'll speak with the sheriff and encourage them. I don't want to wait until it happens to see what we're going to do.

AH—The School District has no right to keep that information from Emergency Management.

CB—In our Emergency Management Plan, are the schools mentioned?

MG—In places. The plans are generic. They're listed as partners.

CB—You want to make sure they're in the plan because all kinds of things can happen.

MG—They have their own plans.

CB—If the cities and towns don't have a plan, then they're part of ours. Maybe the School Districts are that way, too. But it would be good for the commissioners and Emergency Management to be part of the plan. Don't we use schools for emergency shelters?

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MG—At times. I'm in touch with them, and the law enforcement is, too.

AH—If a School District didn't inform you on what's going on, that would be pretty bad on their part.

MG—We had the water problem in Winthrop and here. The Public Works people know to contact us. We need to figure out the wording we'll use. I can't force them to use us, and I'm not going to send out something without their blessing. We have to be unified. We don't want law enforcement and the school sending out different information. We want them to say the same thing.

AH—CB is right that law enforcement has to have the final say in what you're putting out, so it doesn't hurt their operation.

MG—I know to ask if they really want to include something or is this the way they want to say it.

MG—That's all. MG leaves.

**-4:24:25**—TM—I'm Tim Meadows, Maintenance Supervisor.

TM—the only thing in the document I just gave you is that Tonasket Interior's bid went up \$270. They have prevailing wage.

AH—I move to accept the quote from Tonasket Interiors for \$45,013.10 for carpet replacement in the Prosecutor's Office. Motion passes 3-0.

TM and commissioners discuss the plumbing in the jail and how the broken water main affected the jail. Lots of sediments in the water and flow restrictors are all getting plugged up. The jail bought a lot of water at Wal Mart for people to drink.

TM—All of the new windows are in at the Court House, but there are drafts with some. Turns out not all the windows are square. It'll be hard for the people who have to replace them.

TM—That's all I've got. TM leaves.

**-4:18:05**—NB—I'm Nick Bates, Fairgrounds Manager.

NB and the commissioners discuss several groups asking for a fee waiver to rent fairgrounds buildings.

- The Okanogan County Community Action Council will host an information fair for veterans and people who work with veterans.
- The Booster Club for FFA at Okanogan High School. AH points out that they won't need the 50% waiver because the standard rental price for them is already 50% less than for non-school groups. NB says the State Auditor wants a notice from the commissioners that the fee has been partially waived.
- Good Fix wants to host a week-long free spay and neuter clinic in June. The commissioners are reluctant to grant the waiver request because they can easily rent the Agriplex for the full price on the Saturday in June.

**-4:07:18**—NB leaves.

**-3:26:50**—JN—It's 10:30 and time for the Public Meeting to consider the zone code revision.

PP—I'm Pete Palmer, Director of Planning. What would you like me to do?

AH—Why don't we tell the people in attendance what we've talked about during the last three work sessions?

AH—We talked about the water availability portion of the code. When we put this into the code, we were codifying what we were doing under the law. Under [RCW 90.44.050](#), [WAC 173.548](#), and [WAC 173.549](#), the Whatcom-Hirst legal decision and the Rawson decision in Okanogan County vs. Department of Ecology, based on all of those federal and state laws and judicial actions, we were codifying what we actually had to do to make sure a person could get a building permit.

PP—That showed legally available water.

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AH—In the Methow, legally available water is unfortunately defined under WAC 173.548, and with the Rawson decision we have to look at things in the Methow Valley differently than in the Okanogan Valley. [RCW 90.94.020](#) was the new portion of the RCW that we actually went and re-evaluated the in-stream flow rule in the Okanogan Valley. Many people in the room now were participants. By a vote, that work group said they would maintain the \$500 fee for new wells and most of that \$500 goes to Ecology for the grant program to pay for the projects in the Okanogan Valley and other places to offset the used water.

AH—That’s kind of a breakdown about the water portion.

CB—I’m OK with that.

AH—The next thing we discussed was the basic changes to the misspelled words, things that were inconsequential to people in the county because they were just ministerial changes.

AH—We discussed the special use portion of this. We didn’t have good definitions of solar energy, wind energy, and a few other things in that. There’s nothing that creates an undue hardship for residents.

AH—The we discussed the ridgetop construction ban and dark skies. Basically, we said that with what we saw before us, we couldn’t put it into code because there were too many outstanding issues—like what’s a ridge top.

AH—And at this point, these are misdemeanors, and we disagree with this. We didn’t put that in the code. Misdemeanors have been in the code for multiple sets of commissioners.

PP—I found them as far back as 1979.

AH—So with dark skies and ridgetop development, to impose a misdemeanor on someone without a clear definition, we all thought that’s incorrect. This was over in my district, and I completely disagree with it. But I represent everyone over there, and also everyone in the county. However, people should get together to make a case for them. In our discussion, we decided to move those things out of this code change.

AH—Then we discussed the changing in the Methow Review District (MRD) of non-permitted uses to conditionally permitted uses for a lot of industrial-type operations. We all agreed that would be going backwards in what the MRD has been planning for. There were also several comments from people in the Okanogan Valley side of the county about multi-family dwellings, churches and other changes within the District Use Chart (DUC). We decided there were so many discrepancies, we should just omit the changes to the DUC.

JN—Yes. That’s what we agreed.

CB—And it’s such a comprehensive amendment process, people are having trouble understanding what is actually being changed. Some things have been in effect for many years, so when the BOCC takes on the zone code, it might be a good idea to take it one portion at a time. Maybe looking at it by tributaries because they can be different for the others.

AH—One problem I saw—the R1s on the zoning map is giant—from Pateros all the way up the valley floor and to some of the tributaries. A change would affect a huge amount of people. We talked about if the land is within the city expansion area, maybe it could be less than 1 acre. Then we looked at R5s and R20s. There are some other little, tiny zone areas, but mostly those three are in the Okanogan Valley. In the Methow, there are basically four—MRD5s, MRD20s, R5s and R20s. When you start making changes in uses, it affects so much property. We can see maybe conditional use may be OK in some places but not others.

AH—So we boiled it down to—The water use portion, we’re codifying it right now. We’ve got clear definitions of what legal water is based on the law and court decisions. We had special uses we had to discuss because we’d never thought of them before—wind and solar.

PP—And I wanted to mention that we removed the changes for the DUC, there will still be the special uses that we were required to all to the DUC, along with parking facilities. There’s a new definition now for parking facilities.

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PP—The other thing we visited was the Rule 1 to Rule 2 change, but that was taken out of this revision. There were some Health Department provisions added to Rule 1 to satisfy the infrastructure requirements under Public Health.

AH—Basically, it said that you could subdivide down to 1 acre if you could provide enough area for well heads and septic systems under the state’s Health Department rules.

CB—I came across one question—under sawmills, portable. Personal use sawmills are not for commercial use.

Discussion of commercial portable sawmills, and personal use portable sawmills.

AH—The bulk of the change is in the water available portion which were codifying for things we already do.

**-3:13:50**—AH—Do we have an ordinance number?

PP—We do. It’s [Ordinance 2024-005](#), and [Resolution 192-2024](#).

AH—Let’s talk about the resolution. When we decided there were things that needed attention, but we didn’t want to decide them in this code update, we made a list of things we’re committed to revisit for possible changes:

- a) Full zone reform using Smart Growth America (technical assistance). This was brought up to use grant money from Ecology or Commerce to meet guidelines in House Bill 1241.
- b) Ridgetop development
- c) Lighting/glare
- d) Removal of CUP requirements for Churches
- e) Penalties—Misdemeanors
- f) Rezone MRD, including the lower valley
- g) Revisit Subunit Boundary Map in the MRD, possibly include the whole MRD in one subunit rather than three. (CB adds that this would require a change in the Comprehensive Plan.)
- h) Conditional uses—which uses should require a CUP and agency review
- i) Multi-family Dwellings—better definition, too many limitations, duplex vs apartment complex in rural areas.
- j) R160—(or other zones, too) allowance of a one-time division of property (5-acre parcel).
- k) Areas zoned as buildable but now are not. Example—Now included in a FEMA floodplain map.
- l) Incentives for people to consolidate parcels that were previously subdivided.
- m) Create zoning districts for city expansion areas and explore water and other plans in service areas including floodplain maps. More coordination with the incorporated cities.

**-3:02:42**—AH—I move to adopt [Ordinance 2024-5](#), revisions to Okanogan County Code 17A, zoning mandated by the 2017 Stipulation Order brought by the Yakama Nation, subject to the change in definition and subject to spelling review. Motion approved 3-0.

AH—And I move to approve [Resolution 192-2024](#), a resolution affirming the Okanogan County Board of Commissioners commitment to revisit possible future changes to Okanogan County Code Chapter 17 Zoning. Resolution approved 3-0.

PP—As soon as we get the signed documents, we’ll issue the notice of adoption in the newspaper and post them on the website.

**-2:59:25**—Person in the audience—Can I ask a question? When can we see the documents?

AH—It’ll be posted on the Planning website and the Commissioners’ website probably by the end of today.

Audience—Most of us are unclear as to what you adopted. What changes are made, or did you only make changes to certain small portions?

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AH—All of the changes that were proposed under the DUC, they're exactly the way they've been since about 2014, except for the special uses like solar and wind power and parking lots. The main change was the water availability section. All the previous water portions of the zone code didn't spell out in black and white that we had to follow certain laws—the two instream flow rules and the new RCW created to better assist counties in allowing uses—[RCW 90.94.020](#) is the specific subsection for Okanogan county. We went through that planning phase. Rod was there. So, all of the things we've done including Judge Rawson's decision when we sued Ecology—basically when we can allow water use in the Methow—all of those things we put into the zoning.

PP—I'd like to add to that for the people not in the room that the documents online are the same that were just adopted except for the district use changes—the removal of all those changes, the removal of the ridgetop portion and the removal of the light/glare portion in the MRD.

AH—To encapsulate how that changes anything in the county—If you want to build a windfarm, there will be some new regulations. If you want to build a house over here (Okanogan Valley) it's fairly easy. You pay the \$500 fee the state legislation imposed in WRIA 49, and you get to drill a well. Over in the Methow, there are a lot more stipulations and criteria we have to go through a legal battle all the time to figure out. When the update to the instream flow rule was done, there was a 20-year window of what they thought the use would be. Probably 200 houses being built here in the 20-year time span. We keep track of how many houses are being built. We're supposed to go back and review the document to see if we're on track.

Audience—You're promising to revisit the Tunk, so it's possible we could subdivide?

AH—We three commissioners are also commissioners for Public Health along with several other people. The other day in a meeting, I asked the Public Health Board if the Environmental Director could look into the use of cisterns for use in houses. He's going to do that. And we put in the resolution we just passed to look at the one-time subdivision for 5-acre lots. And we really need to do a water study in the Tunk. If we ask everyone affected needs to come to a meeting that we'll hold. We have a company that can monitor your well heights. That's what it boils down to. There were several complaints in that about wells going down and going dry. We got an email again this summer about four other people's wells going dry. It's incumbent on us to ask to study your well to see what's going on.

JN—Rod (Haeberle)?

RH—*(hard to hear. He asks about newly dug wells vs wells dug 50 years ago. Can you shut the new wells off if the old wells are going dry?)*

AH—Technically, you can.

CB—I don't know if you'd find them turning off domestic water in a building. That's the challenge.

AH—But *technically*, a permit-exempt well still has the same “first in time, first in right” qualifications that a water right would have. Suppose I have a house and well built 50 years ago. Suppose someone above me subdivides and four more houses go it, and my well goes dry. This happened in Okanogan County before I took office. The burden of proof is on me to hire a hydrologist to say that the new wells caused mine to go dry. What's next? If you keep allowing people to subdivide, and there are physical water limitations (or people tell you there are physical water limitations) you're creating problems for people who have an established right. You've got an agricultural water right. If Ecology kept handing out water rights above you and your creek went dry, you'd have to hire an attorney. All the burden is on you.

RH—So either way, I wind up broke.

AH—So, when we did the 160-acre minimum, we said that's enough of a buffer for everyone who has a lot up there to punch a well and not impede on anyone else. What CB has suggested is if you've got several parcels adding up to 160 acres and you consolidate them, maybe you could create another parcel less than 160 acres. Something like that.

AH—I have an email from a lady saying her well went dry. She and several other people have had problems with wells that went dry.



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RH—Was the person making that complaint someone who'd been there 50 years, or only 2 day, or two months or 2 years?

AH—I don't know the family names over here.

CB—People bring up the Growth Management Act and whether the Hirst affected non-GMA counties. [RCW 58.17](#) is the subdivision law in the state, and it says we have to determine water adequacy before we approve a subdivision. That's what happened in the Methow. The argument we made is that people were vested. The BOCC made a decision to allow those subdivisions to occur and nobody challenged them. If you go any place and allow subdivisions, and also exempt wells are being drilled. You look at the first in, first right, and that applied to domestic exempts. How do you shut off a domestic exempt. You're running them out of the house. The Hirst case put the responsibility on the county commissioners when they did the subdivisions themselves. So, we have to ask if we've got adequate domestic water for this subdivision to occur. That's pretty tough to know. When we get to a certain point, how do we manage it? It was a big deal when Hirst was determined to affect. Would we make everybody get a hydrologist just to put in a domestic well?

AH—Sheilah?

SD—I have one comment. To gather the facts before decisions are made—it sounds like you're trying to backtrack with the parcel consolidation idea.

AH—I agree 100%.

CB—We had a moratorium on subdivision at the time. It required a lot more study than we had resources and time to do. If you want to come up here and make those decisions, you'll find how difficult it is.

SD—I've been there.

CB—I know that. And some of the things that were created were inherited from your own...

SD—I support doing those studies to get the facts. The other thing is—I wanted to bring to your attention, there's a 2023 House Bill 1717 and SB 5258. They also address short subdivisions.

AH—The thing that scares me when the legislature passes a law—any law they pass will be filled with fraught for some counties. When they talk about zoning reform, I get worried. FEMA just started redoing flood maps. They gave us a long list of people who were not in compliance with “no construction in the flood zone”. We looked at them and some were really old, and we decided not to deal with that. But if FEMA says you've got too many things built in the flood zone, we're not going to allow you to buy flood insurance. When a lot of things get tied together. We're not going to be saved by that bill.

?—Is this an issue that would be like a Chevron deference?

AH—Probably not. Because the legislature actually passed that law. It wasn't a regulation interpreting the law. In my opinion, anyway.

?—Could you repeat what you passes in the ordinance? Summarize it?

AH—It changed the zone code to include water availability, and added definitions for special uses, cleaned up. By the end of the day, they'll be online. Is that OK?

?—That'll be fine.

-2:35:45—JN—We have a public hearing that we have to do on time. It'll take just about five minutes.

JN—We have a public hearing to authorize a budget supplemental within the Mazama WQPS for \$2,550.

PP—The invoice was budgeted in 2023 but spent in 2024. We'll probably have to go through the same thing next year.

No comments from the public.

CB—I move to pass Resolution 193-2024. Motion approved 3-0.

?—My concern about the standard keeping on water, but when we're using instream flows to tell us about groundwater, I think that's a huge problem.



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AH—Take that to the state legislature. They're said groundwater is tied to surface water back in 1991 or 1992.

?—But here in Okanogan County we could make an example. Until we have some evidence that the wells didn't go dry because of the other wells, maybe it was the ground shifting and changing the underground flow of water. There are issues where we can take the high road.

JN—I've been researching some funding to do just that.

?—Has there been a study done about the fires and what affect they had on water. After the big fires, some places had surface water that never had it before. And some places that usually have surface water didn't have any. Where does the surface water go?

AH—Unfortunately, it goes down the creek.

?—That's my point. The water is gone.

AH—CB has been on the Forest Health Collaborative for all eight years and they're trying to increase the logging on the Okanogan-Wenatchee National Forest. There's recognition that when something burns, all the water and silt goes down the creeks. And if you don't have a fire, all the canopy cover is using water so the water in the creeks is going down anyway.

RH—That's huge. The county used to be economically viable from timber and agriculture. It's not true today. Now we burn our timber.

AH—Plus we can't haul it to Twisp or Okanogan to mill. I talked to a guy the other day and they have to haul to Hampton on the west side. Think about all the money it takes to get timber from the Loup to Darrington.

RH—And since they don't manage the forest anymore and just burn them.

AH—Matt Marsh, the Ranger on the Tonasket, said the Colville National Forest was the highest producing forest in the nation for timber output.

RH—They have a whole different philosophy.

AH—And a whole different set of rules—the LSRs (Landscape Scale Restorations)

CB—Different people living near the forests, too, so fewer lawsuits. The Forest Health Collaborative did amicus briefs on them. And the collaborative has most of the environmental groups at the table.

AH—Like MVCC, Nature Conservancy, Conservation Northwest. When the USFS was challenged in Montana, it went through because all those conservation groups submitted the amicus brief.

**-2:25:56**—PP—Can I just say one more thing about the Tunk rezone? There were studies that supported the rezone. Three to five studies, I think. Those are still available on our website, I think. When we get done here, I'll make sure that they're still available.

JN—One more question. Stacy?

Stacy—In your resolution you said you'd revisit some aspects in the zone code, and I've got three questions. Is there a timeline? Is the review limited to the areas mentioned in the resolution? What process will you use to do the review?

JN—They weren't listed in any particular order. We're going to try to do it in a timely manner, but our time is limited. We're not limiting it to those issues. They're just the ones that stood out.

AH—I think I'd answer: No. No. And a way better process. Simplifying it for the Planning Commission—asked them to look at just one aspect.

RH—Can I make one more comment? When I started hearing about this, I got concerned about the future of landowners. I want to say this, and I respect what you guys do. Those 20 acres parcels that got subdivided were sold for \$10,000/acre, so \$200,000. Is that true?

AH—Don't know.

RH—Then I heard the subdivisions will be limited to 160 acres. That land up there, if you sold 20 acres, you might get \$2,000/acre. And now I can't sell timber anymore because it costs so much to haul. Like my grandfather told me—how the government can rob you with the stroke of an ink pen. Our whole

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county has been used for the last 30 years as a recreational playhouse for the west side. I see the power in the government is on the west side. In my lifetime, almost every one of the major cattle ranches is gone, most gone to the game department. If you can stand up to the federal government burning our timber because the USFS doesn't manage it, if you can ever say one thing to stop this county from being destroyed. Agriculture and timber used to supply 80% of the revenue in the county. (*Several sentences inaudible.*) It's pitiful.

AH—My family hasn't been farming as long as yours, but I've been on a big acreage for a long time. The only way we could maintain is by having ultra-rich people buy it and have us run it for them.

RH—Conservation easements.

AH—They bought it to run it and also bought a conservation easement. When I look at the regulations we're looking at, we're getting eaten up by people who didn't grow up here and maybe never lived in a rural area. How many of the ranches you say you saw as a kid were bought by a developer and subdivided into 20 acres lots and now you see houses on them. That was his right to do that. But now, your 10,000 acres have maybe 2 vote on it, and the two-acres parcels next to you now have 40 votes. That's what I always say. I know we try not to regulate based on influence. But as a farmer, it's getting so hard to make a living. When Trump took office, the Canadian dollar crashed. Canadians aren't buying any hay.

RH—It's going to be our 51<sup>st</sup> state. (Everyone laughs.)

AH—It's hard right now to sell hay to Canada. All of these things add up to —Oh my God, I need to sell some land now. I need more capital to keep what I'm doing.

RH—I don't know the answer, but I do know what the problem is.

CB—Maybe plenty of those lots were bought by people on the west side as an investment. They bought the lot hoping to subdivide it later. What do you have for grazing your cattle then?

CB—One more thing I want to mention. This whole water thing, when someone wants a building permit, we're required to verify adequate water every time. There are a lot of lots that people built on but never did get a building permit. My concern is that when it comes up and people talk about first in, first right, if they didn't get the adequacy, they might not have proof of water. Would they be run out of their house because they never got a building permit? I don't know. That's just one of those things that's a complication.

RH—As we go through time, it's not going to be any less complicated.

JN—OK. Thank you all.

-2:13:40—PP—I'm Director Palmer. We have Chris Johnson and Nick Legg via zoom. They've proposed working with Okanogan County to get a grant from the Department of Ecology to remap our Channel Migration Zones (CMZs). I'll turn it over to them for them to explain.

CJ—(*CJ is difficult to hear over the chatter of people leaving room.*) The county adopted the Channel Migration Zones as part of the Shoreline Management Plan (SMP) a couple of years back. The underpinning of the project was completed by Golder and the rivers have changed considerably in a number of ways. We've been working with Winthrop about river migration. Having accurate information is important.

CJ—Nick and I were on a phone call with the DOE and the DNR talking about the state's efforts to get the CMZs updated with the most recent data, and they wondered if Okanogan County would be interested in working with grants to update the SMP. Nick knows a lot more about the science than I do, so I'll turn it over to him. But I know that regulation using old information is less than helpful and I was intrigued by the proposal.

NL—Thanks for having us. I'm a geologist. I've worked in the Methow for 7 or so years, mostly with CJ. I've got a few slides I'll show you now. (*Notetaker has added some verbiage to the text of the slides.*)

Slide #1—Remapping the CMZ: Why now?

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- Things have changed. (Both in the river and in the technology of mapping)
- Benefit the community—Enhanced understanding of risk reduction and river health opportunities
- Available funding—statewide emphasis on “Integrated Floodplain Management”.

Slide #2—Key Project Elements:

- Update maps to reflect new data, methods and landscape changes since the Golder study (in 2005)
- More explicitly map infrastructure that restricts channel migration, which would result in an updated map of Disconnected Migration Areas (DMAs)
- Opportunity to create more comprehensive strategies around river processes, habitat and risks
- Potential funders: [FCAAP](#) (Flood Control Assistance Account Program) in the DOE, and SRFBBoard (Salmon Recovery Funding Board)

Slide #3—Channel migration in the Methow—two types of movements in the river

- Photo of “regular” channel migration and bank erosion
- Photo of big flood=widespread erosion

Slide #4—Disconnected Migration Areas and Infrastructure

- Golder used a simplistic approach to mapping DMAs, only considered Hwy 20
- Opportunity to more explicitly inventory erosion barriers and map DMAs.

NL—Channel is a process and CMZ is a tool that really integrates the risk components. A study would allow the county to consider the impacts to landowners.

NL—Any questions?

AH—This will change the Channel migration map?

NL—Most likely.

AH—Looking at the regulations in the Critical Areas Ordinance. There are setbacks, and a limit on what can be allowed in the area. My worry is that right now we’ve got a set of regulations written back when Golder did the study. If we update the CMZ, before we go and plop it down (and I’m not saying we shouldn’t do it) but before we plop it down—what is going to happen to properties that will be affected by the changes in the maps.

CJ—That’s a great question. In the two cases we’re looking at, Golder is a coarse enough study that it bases restrictions on properties that may not be necessary. (AH—Well that’s good.) As a result, it puts a financial burden on the property owner to (*inaudible*) the CMZ on a case-by-case basis. Using the updated information, the county would be in a good position to see if it’s a benefit to owners. From a risk standpoint, it’ll benefit you. You get more defensible, more accurate information that doesn’t have to be challenged by landowners. Do you agree, Nick?

NL—I agree that in some cases the existing CMZ over-predicts the severe zone. I agree with what you said.

AH—So what’s the main purpose for you to get it done.

CJ—I prefer to be working on regulation based on accurate data rather than go on a case-by-case basis with individual landowners, than spend the resources to challenge the study. Having the best science makes environmental restoration easier. And it also makes it easier for my clients to identify what they can and can’t do with their properties. 20-year-old data is 20-year-old data. If the state wants to underwrite the cost to the county to update the data, I’d like to be involved in helping the county do that. It seems like a good opportunity for a partnership.

JN—Is it a full grant? Match grant?

CB—Do we have to come up with any money?

NL—I’m not sure.

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CJ—I'll check and get back to you. We're not asking you guys to make a commitment today. We'd like you to be supportive of the grant. We can work to see how to satisfy the interlocal agreements, but I think we'll be able to bring in a product for several reviews where you can say "stop" or "continue", instead of bringing a report where we say—"You bought it. It's yours."

CB—This might be a parting remark from me. It makes all the sense in the world to do this. I've looked at the previous study when I worked for Oroville and there were questions about where the CMZ really was. And trying to decide what you were going to do: regulations, because you didn't really trust it very much. Science tells us where the river is likely to move. It's more dynamic in the Methow but we invest in bridges which are often affected by migrating channels. It makes sense to update the data.

CJ—So, I propose NL and I will look harder at the grant and learn the match & management requirements and bring it back to you. The grant's due date is at late February. I just wanted to introduce it today. Thanks for putting it on the agenda.

CJ—A new study would be an opportunity to look at all the levees on the Methow instead of just the ones fully certified.

JN—Personally, I'd be supportive of moving forward but not obligate the county at this point.

CJ—We'll bring back more information. Thanks everyone.

CJ and NL leave the meeting.

**-1: 54:09** Recess for lunch at 12:12.